

APPLICATIONS FOR DEVELOPMENT

APPLICATIONS FOR DETERMINATION BY COMMITTEE

Major Proposals/Site Inspections:

10/01579/OUT – BROUGHTON
ASTLEY

Mr I P Crane

Erection of fifty dwellings including scout hall, land for new pre-school or other school use, provision of allotments, public open space, access and associated landscaping (all matters reserved) Land off Crowfoot Way.

Target Date: 15/02/11

Recommendation

APPROVE for the following reasons and subject to receipt of satisfactory comments from Leicestershire County Council Archaeology Department, the appended conditions and the completion of a satisfactory S106 Agreement or similar undertaking to secure contributions set out in this report:

The proposal does not accord with saved LP Policy EV/5 or PPS7 in that it would lead to residential development within open countryside that would compromise the rural character and appearance of the local area. However, the Council are not in a position to ensure a 5-year supply of deliverable housing land based on the requirements of the adopted EMRP and the current rate of delivery of affordable housing is below the Council's target. This proposal would deliver 30% of the dwellings as affordable housing. Furthermore the proposal is considered to accord with the aims and objectives of the Council's emerging Core Strategy and these important material considerations are considered to outweigh the identified harm through non-compliance with HDLP EV/5 and PPS7.

Site Context

The application site is located adjacent to the Southern boundary of Broughton Astley, South East of the village centre. The site comprises an area of approximately 5.56 hectares of agricultural set-aside land with hedgerow/trees to field boundaries. The site lies immediately to the South of an existing residential housing estate, which is characterised by cul-de-sacs of predominantly detached and semi-detached housing leading off main estate access routes. The housing is relatively recent having gained planning consent in the 1980's/early 1990's.

To the East, the site is bordered by a dismantled railway and to the West by Hallbrook Primary School. To the South of the site lies open countryside.

Public Footpath W55 runs adjacent to a section of the Northern site boundary and leads into the residential estate to the North. In the other direction it leads to Valley View Farm (Leire) and connects with other rights of way.

The topography of the site varies, with land rising towards a hill located towards the centre of the field. The North Eastern corner of the site lies at 100m AOD and levels fall away to the South. The North Western corner of the site is lower at 89m AOD and here levels rise up towards the hill.

The application site lies outside the defined limits to development, in open countryside.

The Proposal

The application seeks outline planning permission for 50 dwellings, a scout hall, land for new pre-school or other school use, provision of allotments, public open space, access and associated landscaping. All matters are reserved for subsequent approval.

This application has been amended during its course and a number of additional/amended documents have been submitted. The original proposal was for the erection of 50 dwellings, healthcare facility, convenience store, extension to School playing field, provision of public open space, access and landscaping (all matters reserved). Amendment A proposed changes to the indicative layout and the addition of a scout hut. Amendment B comprises a revised Flood Risk Assessment proposing a balancing pond for drainage, to be located on land outside the site area, but within the applicant's ownership. Amendment C (the most recent amendment) omits the healthcare facility and convenience store and relocates the proposed scout hall.

Formal re-consultation of the public, parish and relevant statutory and non-statutory consultees has taken place for amendments A and C.

The application as amended is accompanied by the following documents:

- Application Form
- Site Plan (Revision C)
- Proposed Masterplan (Revision C)
- Proposed Building Heights Plan (Revision C)
- Proposed Movement Plan (Revision C)
- Level Survey Plan
- Section Detail Plan
- Design and Access and Supporting Statement
- Transport Assessment
- Flood Risk Assessment (Revision A - 25th January 2011)
- Ecological Survey and Assessment (May 2009)
- Badger Survey (December 2010)
- Assessment of Waterbodies for Great Crested Newts (January 2011)
- Phase 1 Environmental Survey
- Historic Environment Desk Based Assessment and Geophysical Survey
- Landscape and Visual Assessment Scoping Report
- Landscape and Visual Assessment
- Statement of Community Involvement
- New Facility Justification and Planning Support Letter (ref. Scout Hall)

- Section 106 Draft Heads of Terms

Policy

National Planning Guidance

National planning policy statements of particular relevance include:

PPS 1 - Delivering Sustainable Development

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

PPS3 – Housing

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

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

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

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

PPS4 – Planning for Sustainable Economic Growth

PPS4 sets out the Government's objectives for planning to help achieve sustainable economic growth. The policies of the PPS apply to development which provides employment opportunities, generates wealth or produces or generates an economic output or product. The policies do not apply to housing development, but do apply to public and community uses.

PPS5 – Planning for Historic Environment

PPS5 sets out planning policies on the conservation of the historic environment. It

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

PPS7 - Sustainable Development in Rural Areas

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

PPS 9 - Biodiversity and Geological Conservation

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

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

PPG 13 - Transport

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

PPG 17 - Open Space, Sport and Recreation

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

PPS25 - Development and Flood Risk

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

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

This includes paragraphs 98&99: 'The presence of a protected species is a material consideration...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision... The need to ensure ecological surveys are carried out should therefore only be left to coverage

under planning conditions in exceptional circumstances... However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected ...'

Circular 05/2005 – Planning Obligations

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

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

Community Infrastructure Levy Regulations 2010

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

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

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

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

Safer Places (DCLG 2004)

This document aims to help deliver well-designed sustainable places that do not fail people and stand the test of time. It focuses on seven attributes of sustainability that are particularly relevant to crime prevention.

Regional Spatial Strategy

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

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

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

The Development Plan

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

East Midlands Regional Plan

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

Policy 3 (Distribution of development) in relation to Broughton Astley, seeks that development needs are provided for and should contribute to: Maintaining the distinctive character and vitality of rural communities, shortening journeys and facilitating access to jobs and services, strengthening rural enterprise and linkages between settlements and their hinterlands and respecting the quality of tranquillity where this is recognised in planning documents.

Policy 13a sets out the required housing provision for each district over the period 2006-2026. For Harborough District, 350 dwellings a year need to be provided, a total of 7,000 dwellings over the plan period to 2026. Policy Three Cities SRS 3 requires that at least 40 dwellings per annum are provided within or adjoining the Leicester Principle Urban Area (the application site does not fall within this). The policy goes on to state that the remaining development will be located mainly at Market Harborough, including sustainable urban extensions as necessary.

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

Policy 14 sets out the regional priorities for affordable housing. The policy outlines a total amount of affordable housing for each Housing Market Area (HMA) for monitoring purposes. For the Leicester and Leicestershire HMA the target is 26,500 affordable homes. The Policy confirms that local planning authorities should adopt affordable housing targets in line with the conclusions of the most up-to-date Housing Market Area assessments for their area. Policy 15 requires that in rural areas new

housing should contribute to: addressing affordability issues by providing appropriate levels of housing in suitable locations and creating sustainable rural communities through a choice of well designed homes.

Harborough District Local Plan

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

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

Policy IN/1 Standards of Development

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

Policy RM/2 Land Liable to Flood

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

Policy RM/8: Sites of Local Ecological or Geological Interest

This policy seeks to protect sites of ecological and geological interest in the district, particularly those of County or District level significance.

Policy RM/10 Maintenance and Protection of Habitats

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

Policy EV/5 Development in the Countryside

This policy applies to all land outside of the Limits to Development as defined in Policy HS/8 and on the Proposals Map. Development in the countryside will be strictly controlled. The Policy states the Council will refuse planning permission for development proposals in the countryside unless it complies with 11 criteria.

Policy EV/19 Protection of Trees

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

Policy EV/20 Landscaping

Detailed planning applications for new development should be accompanied by a landscape scheme where appropriate. In addition, where a proposed development is

likely to have a considerable impact on its surroundings, a landscape appraisal or definition of landscape design principles should be carried out as part of the design process and should be submitted at the time of the outline application

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

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

Policy HS/4 Affordable Housing

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

Policy HS/7 Settlement Character

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

Policy RM/16 Derelict Land – Former Railway Lines

The Council will not grant planning permission for the development or severance of former railway lines where this would prevent or impair its future use as a recreational or transport route.

Policy TR/3 Development Impacts on the Existing Road Network

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

Policy LR/5 Recreation Requirements in Residential Development

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

Policy ALT/3: Density

This Policy states planning permission will not be granted for the development of housing sites of a minimum of 0.3 ha unless the minimum densities are achieved. For Broughton Astley the requirement is a minimum of 30 dwellings per hectare. At paragraph 2.2 of Policy ALT/3, it is recognised that density must be balanced against the need for new development to achieve a high standard of design, layout, landscaping and open space provision. The more recent changes to PPS3 (June 2010), have removed the need to achieve a minimum density of development and instead emphasise the need to achieve high quality design that reflects the character of the local area.

The following policies are also considered relevant and would be considered in more detail at reserved matters stage: TR/10 Parking, TR/8 Access to Public Buildings for People with Disabilities, LR/4 Development of Land in Educational Use.

Supplementary Planning Guidance

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

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

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

SPG Note 2: Residential Development – Major Housing Sites

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

SPG Note 9: Landscape & New Development

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

SPG Note 10: Trees & Development

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

SPG Note 11: Hedges & Development

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

SPG Note 13: Crime Prevention & Reduction

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

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

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

Affordable Housing SPD (February 2006)

This adopted Supplementary Planning Document is a material consideration in the determination of planning applications. The SPD establishes a site threshold of developments of 5 or more dwellings and requires that 30% of the dwellings are affordable.

Planning Obligations Developer Guidance Note (September 2009)

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

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

This assessment considers ‘community facilities’ that are not already covered by other elements of the Council’s Developer Contributions Guidance. In particular it assesses indoor community facilities including village halls and indoor sports provision. In respect to Broughton Astley the assessment concludes:

“The Village Hall is well used and any growth of the settlement is likely to require the provision of additional space for indoor community use. The Hall is currently at capacity and not always able to meet the requirements of local groups. This key rural centre of this immense size has no existing sports facilities, and this gap has been indentified as a key priority for future delivery from all stakeholders. The overall recommendation is to provide a four court hall that will serve existing and new growth proposed at Broughton Astley and free up some space at the village hall.”

Local Development Framework

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

Core Strategy

On 28th February 2011 the Council decided to submit its Core Strategy for independent examination, which could take place in summer 2011.

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

- Enable the development of 7,000 dwellings across the District during the period 2006- 2026;
- Develop Lutterworth and Broughton Astley as Key Centres, to provide additional employment, retail, leisure and community facilities to serve each settlement and its catchment area.
- Safeguard the individual character of settlements, by maintaining the separation between; Sutton in the Elms and Broughton Astley.
- Develop the Green Infrastructure asset of the District as a resource for biodiversity conservation and enhancement, habitat restoration, low key recreation, tree and woodland creation and flood mitigation

Policy 2 deals with delivering new housing and advises the District’s total housing requirement of 7,000 dwellings will be provided in sustainable locations. A figure of 300 houses is proposed to be provided at Broughton Astley over the plan period. The policy specifies that for sites of 0.3 hectares or above a minimum net density of 30 dwellings per hectare should be provided, however it goes on to state that in circumstances where individual site characteristics dictate and are justified, a lower density may be appropriate. The Policy also states that the mix of housing types provided as part of any new development should be informed by the most up to date Strategic Housing Market Assessment (SHMA) or other local evidence.

Policy 3 deals with delivering housing choice and affordability and sets out a requirement that all residential developments within the District will be required to contribute towards meeting affordable housing needs. For Broughton Astley the requirement is set at 30% affordable housing.

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

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

Policy 16 relates specifically to Broughton Astley and aims to develop its role as a key centre, offering an improved range of services, facilities, shops and employment opportunities. The policy states the 300 houses required will be provided in the following broad locations:

- Land within the existing limits to development for Broughton Astley.
- Development of limited Greenfield land which: i) has safe and easy access to existing shops and services within the Principal Shopping and Business Area and ii) respects the distinctiveness of Sutton in the Elms and Broughton Astley.

The policy states opportunities to enhance retail and service provision will be encouraged and proposals outside the existing Principal Shopping and Business Area considered favourably where they are easily accessible to residents in the Centre and its wider catchment area.

Local Development Framework – Evidence Base

Harborough District Landscape Character Assessment

Harborough District Council has produced its own Landscape Character Assessment (September 2007). This indicates that Broughton Astley is located towards the North Eastern edge of the Upper Soar Landscape Character Area; an area generally characterised as an open landscape predominantly under pasture. The assessment states that overall Broughton Astley is capable of accommodating an amount of development around its edges, where topography allows the new development to connect with the existing settlement edge without exposure to open views or impact on the character of the Upper Soar Countryside. The assessment identifies the parcel of land containing the application site as land considered unsuitable for development in landscape terms.

Leicester & Leicestershire Strategic Housing Market Assessment (SHMA)

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

Strategic Housing Land Availability Assessment (SHLAA)

The Strategic Housing Land Availability Assessment (SHLAA) was published in

September 2010 and updated an earlier report prepared in March 2009. The report is intended to identify sites with potential for housing development, assess their potential and assess whether they are likely to be developed. This helps the Council to develop an accurate picture of the housing land supply situation in the District. The 2010 SHLAA includes an assessment of the parcel of land South of Crowfoot Way (containing the application site) and concludes the land is not currently developable for housing. The report comments that the site was considered unsuitable for development by the Landscape Character Assessment.

Housing Land Supply Position

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

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

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

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

Prematurity

Guidance on prematurity is contained in PPS3. Paragraph 72 of PPS3 advises that planning authorities should not refuse applications solely on the grounds of prematurity.

Consultations / Representations:¹

Environment Agency

Original Comments and revised comments (12/01/11):

In the absence of an acceptable Flood Risk Assessment (FRA) we OBJECT to the grant of planning permission and recommend refusal on this basis.

Revised comment following receipt of Flood Risk Assessment (Revision A - 25th January) (09/02/11):

The Environment Agency finds the Flood Risk Assessment acceptable and withdraws its objection to the proposal, subject to conditions relating to drainage details.

As part of the Agency's objective to further the sustainable use of our water resources we are promoting the adoption of water conservation measures in new

¹ Consultation responses/representation have been summarised, full copies of all correspondence can be viewed on the file.

developments. Such measures can make a major contribution to conserving existing water supplies.

Further comment following consultation on amendment C plans (22/02/11)

No objections to the amendments

Leicestershire Constabulary

The beat within which the site is located has experienced an increase in crime over the last year mainly due to increased incidents of anti social behaviour and burglary. Even so the level of crime in the area is at the average for the Police district. Locally crime incidents are spread across the area with about 25 incidents up to 100 yards into the residential areas adjoining the site. In the main these incidents are of anti social behaviour. There is a concentration on Devitt Way at the play area there.

The site consists of part of a large field adjoining and at the rear of houses on several housing estate roads to the north. The site is bounded mainly by hedges to the housing and primary school and appears used for the growing of crops. There is a continuous 1.8m domestic fence to the existing housing broken only by access from Crowfoot way. The school has 2.4m high hedge and fence. The applicant owns the larger field of which the application site forms part. This is traversed by a number of informal paths one of which is heavily used and runs south east of the site across the railway line. There was a desire line which has been fenced off following vandalism at this point on Geveze Way. The scheme proposes replacing this with a road leading into the proposed housing estate.

There is a Design and Access Statement and Planning Statement however all matters are reserved save points of access. There is no consideration of crime nor community Safety issues in these documents and as a result the illustrative design pays no heed to the local crime situation nor Government Guidance which accompanies PPS1 - Safer Places. You need to consider whether you have sufficient information to weigh this important planning consideration.

Looking at the suggested layout the main issue is the un-necessarily high level of permeability proposed represented by duplicate pedestrian and vehicle routes through the site. I appreciate that the applicant is attempting to replicate the existing layout but this has many difficulties evidenced by local crime incidents. I therefore suggest.

- Deletion of the east west footpath which will run to the rear of a large number of existing and proposed houses. 80% of domestic burglaries are committed from the side or rear of houses. I assume that part of this functioned as a perimeter recreation route as local residents have walked around the edge of the settlement. This is not a reason to promote it as a desirable route through new development. Ironically the proposed removal of what was a desire path in favour of road access at Geveze Way is preferable from a community safety standpoint.
- Removal of the vehicle entrance proposed at the centre of the site and the proposed through route in favour of a cul-de-sac layout. There is overwhelming evidence that crime levels are lower in the latter than the former. Detection and apprehension are certainly easier in the latter. The existing cul-de-sac at the centre should remain. The edge of this part of the

town does not need to be in the form of an estate road again with permeability implications. There is an existing 1.8m palisade gate onto Crowfoot way which appears to be used for agricultural access and maintenance of the school. Houses front this and this is the better candidate to serve the new housing. I note that no new access is proposed for farming or school field maintenance.

- The use of front garden fences to clearly delineate private garden space and flank wall windows in ground floor living rooms to oversee the street and off road parking spaces.

Elsewhere in our sub region it has proved expensive to remove such routes after development has taken place and in the face of an increase in crime. To conclude on design the developer should be challenged to build the development to Secured by Design standard incorporating the changes I have suggested and following the New Homes guide referenced below. This can be required by specific condition or by adding crime and community safety submissions to an outline condition on layout and design.

An index linked contribution is requested (full justification available on the application file)

A developer contribution is necessary and reasonable from this development and without it the scheme will be unacceptable in Planning terms. Because of this Leicestershire Police will raise a formal objection should an appropriate commitment not be forthcoming from the developer.

Revised comments following re-consultation on amendment C (comments received 15/02/11):

Looking at the email of the 6/1 from Rachel Padfield I have the following comments. I am not at all persuaded about leaving the proposed footpath between the rear of existing and proposed houses. This duplicates the route of the footpath on the loop road and use will be dissipated therefore. There is plenty of public space around the south of the scheme which will provide far less ready access to the rear of so many houses. Have a look at Para 4.2 of the 2010 new homes guide. I am also not convinced about the degree to which this link will be overlooked despite what is suggested in the email. The footpath alongside the road will be overlooked by all the houses.

There are some planting and lighting measures that could be incorporated into a wider footpath but I am afraid these will not overcome the safety and security issues that I have raised and I have to say there is a lot of material on this including views of residents who have moved into housing alongside such routes. I am not saying that a crime hot spot is being proposed however in my original comments I did refer to measures that were taken locally when incidents happened close to houses on a former rear access at the site entrance. Rather my stance is that given the opportunity to design, doing what we can to ensure privacy and security is worthwhile, it's also what national planning guidance says we should be doing.

In my initial comments I noted use of this unofficial route by local residents but have to suggest that overtly planning for such proximity is a little different.

If there has to be an ecological buffer strip here I suggest that it is reserved for this purpose rather than public access and that the ends are fenced and planted as a thicket to prevent public use. This will be an effective deterrent to access the rear and side of houses where most burglaries originate. It will also afford a better level of privacy to both existing and proposed houses. I appreciate that the play area will now be more readily overlooked.

The other issue I have raised is the duplication of access roads into the site and I am sorry that this doesn't appear to have been considered at all.

I would urge you as the Planning Authority to revisit both of these layout issues in the interests of resident security and community safety. Can I also remind you of my suggestions re front garden fencing and ground floor flank windows to overlook plot car parking and the street scene. I have also suggested that the developer should be challenged to meet the Secured by Design standard and the use of an appropriate condition to promote this.

HDC Waste Management

Possible section 106 funding for recycling facilities. No obvious problems, consider:

- All access roads to be highway standard (width and weight).
- The vehicle should not be required to reverse out on the highway when accessing the development.
- Room for the vehicles to turn and manoeuvre.
- Residents aware to present at the end of shared and/or private drives - can these areas be clearly defined on the plans? Also any speed bumps etc.
- Bin stores to be large enough to contain all containers required for the service.
- Bin stores gates/doors to be wide enough to accommodate communal containers, dropped kerbs and suitable firm services (no gravel) on access.
- Opportunities for recycling bring sites and/or on street recycling.

HDC Planning Policy

Original comments

The application is for a level of housing that is generally compatible with the Core Strategy although the applicant should demonstrate there is opportunity to easily access local shopping areas including the main centre at Primethorpe by foot or cycle.

Question the need for a shopping facility given the availability of local shopping and provision within the designated shopping area.

It is important that any decision on this application does not prejudice opportunities for wider development of the settlement to meet Core Strategy objectives and allocation options which are due to be examined in early 2012.

Given the location of the proposal to the former railway line I would like to explore opportunities to fund the improvement of the corridor for public amenity/wildlife conservation.

Further comments following amendment C (01/03/11)

The LDF Core Strategy has now been approved by Council for submission and examination, following the close of period for any representations. I consider this has increased the weight afforded to it in decision making.

The site appears relatively remote from the centre compared with other potential development land in the vicinity of Broughton Astley (e.g. land off the Frolesworth Road

Without proposals or contribution towards future links - I do not believe development of the site to be appropriate and I would ask that you forward my concerns to Leicestershire CC as Highway Authority to consider if they wish to revise their advice.

Following receipt of additional information from the applicant (02/03/11):

Development should have safe and easy access to the main shopping and service area as well as helping to improve links within the existing built up area for walking cycling and bus provision.

I have used a mapping website to check distances and timing and have measured at least 600 metres or 8 minute walk from the site to the nearest bus stop at the Byre Crescent shops and around 1.25 miles or a 25 minute walk to the main shopping centre. This distance would be slightly improved if the footpaths at the end of Stiles Close linking to Old Mill Road and then linking to Church Close are used.

I accept my comments did not refer to the proximity of the bus service and the frequency of service but it does appear to be in excess of the "standard" 400 metre or 5 minute distance.

To make cycling more direct and safer, between the site and the Centre – converting the paths described above to shared cycle/footpaths and introducing signposting should be considered.

HDC Environmental Services

With regards to this development, it is currently for 50 dwellings, health centre, pre-school, scout hall and convenience store with 3 accesses to the proposed. Whilst I appreciate that there will be an increase in traffic, it is unlikely that it will all occur at the same time. The traffic from the dwellings is likely to peak between 8:00 – 9:00 and 17:00 – 18:00. People visiting the health centre are likely to be between these peak hours, as will the scout hall which is likely to be used at night. I would imagine that the convenience store will create little traffic as residents within the vicinity are likely to walk there and the same with the pre-school. Furthermore, there will be a speed restriction of 30mph. As such, I feel that the conclusions from any noise assessment are unlikely to suggest any mitigation from the developer.

However, the documents online suggest 175 properties will be built [*Officer Comment: This is with reference to number of dwellings considered in submitted Transport Assessment. 50 are proposed in this planning application*]. Should this be the case and the proposed development be staggered in stages, I would advise a noise assessment on the predicted increase in traffic on the existing properties to protect the current residents' level of amenity.

Informatives/conditions recommended in relation to the burning of waste and restriction to hours/days permitted for building works/deliveries/clearance or other works in connection with the development.

LCC Arboricultural Officer

From the ecological assessment document the individual old ash, a remnant of a removed hedgerow is clearly decrepit and would not be appropriate to retain. The brookside willow may have some value and retention may be possible, although I can't quite see where this is on the plans supplied. It seems from this superficial glance that there is very little of ecological or visual significance to be removed, and there is scope in the new tree belts to the south for a definite net 'landscape gain'. We should check how they intend to plant this - the trees should be long-lived and large-growing species to provide the maximum visual and ecological effects over the longest period, rather than twee lollipop trees more suited to small gardens.

LCC Archaeology

Original comments

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

Revised comments following submission of Desk Based Assessment and Geophysical Survey (17/02/11):

Given the extent of the area where the identification of below-ground archaeology has been potentially masked by surface debris, and the need to assess the effectiveness of the geophysical survey, it would be appropriate for an archaeological trial trench evaluation to be undertaken prior to determination of this application. This would enable the area of disturbance to be evaluated for the presence of potentially significant archaeological remains, in addition to identifying the origins of a number of possible archaeological responses, and confirming the interpretation of the remains of ridge and furrow cultivation to the west.

The assessment will enable the preparation of a suitable mitigation strategy to avoid or minimise damage to significant remains as a result of the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.

Further comments following inspection of trial trenching (02/03/11)

I went to visit the site yesterday afternoon to have a look at the archaeological trial trenches. Limited archaeological remains are present on the site and the archaeologists still have a small amount of investigation to complete. There also appears to be a large area towards the centre of the site where debris (presumably from the former pig farming activities) has been dug into the ground causing extensive disturbance.

The archaeological contractor will be providing me with a summary and spot-dating for pottery sherds retrieved from the features within the next few days. However, I am reasonably confident that the results will be such that the archaeology can be dealt with by condition. I will let you know as soon as I have the necessary information to provide recommendations.

Severn Trent Water

Original comments and revised comments following amendment A indicate no objection to the proposal subject to the inclusion of a condition relating to the submission of surface water and foul sewerage details.

LCC Highway Authority

Original comments:

The proposal as submitted would ordinarily have required the submission of a supporting transport statement. A more detailed Transport Assessment (T.A) was submitted however which was compiled in June 2009 and could now be considered out of date. The submitted T.A relates to an application for a total of 175 dwellings. Whilst obviously robust, the assessment does not provide an accurate transport impact scenario for that which is applied for. The document also doesn't mention the proposed health centre and convenience store which would obviously generate traffic in their own right. In addition, things like car parking would also have to be discussed for these intended uses.

When considering the robust assessment for 175 dwellings it is clear that this proposal for 50 dwellings (plus health facility and shop) would not lead to any material increase in traffic using nearby roads nor lead to any junction capacity problems. The assessment shows that in 2009 there were no relevant accident clusters that the development traffic would impact upon. The existing estate road complex within this part of the village eventually leading and connecting to the B581 Station Road is suitable in its design and construction to satisfactorily cater for the likely additional vehicular trips that the proposal if permitted would generate.

I note comments from the Planning Case Officer made in an email to L.C.C Highways Development Control and via a verbal discussion that highlighted local concerns about the means of access(es) to the site. The proposal as submitted provides 3 alternative routes to the proposed dwellings each of which is satisfactory in width, design and capacity from a highways development control point of view. Specifically, the question of the potential for a sole means of access from Geveze Way was discussed. The Highway Authority would have no objection to this.

A travel plan also needs to be submitted covering all elements of the proposed development.

The Rights of Way Inspector for the area, Harry Bartlett has requested that an item be entered into the S106 to improve the condition of public footpath W55, which runs adjacent to the site, in particular for the adjacent dismantled railway bridge to be repaired and the surface of the route improved.

The public footpath links Coltsfoot Way/ Speedwell Drive to Geveze Way and is currently used in the summer months as a safe route to school and as a walking route to the shops in Devitt Way. As well as utilitarian journeys, this section of the public footpath also links to the recreation public rights of way network to the south of Broughton Astley. The dismantled railway crossing is currently in poor condition and the surface of the footpath becomes muddy and unusable as a travelling route to school during the wetter winter months.

The proposed development will increase use of this section of the public footpath and place additional pressure on the already damaged bridge and surface of the footpath by both utilitarian users and residents using the routes to the south of Broughton Astley for recreation especially dog walking.

The bridge is owned by the applicant Ivan Crane and we would therefore ask that a request be made for the bridge to be repaired and footpath surface improved as part of the development ensuring that the public footpath will be able to be enjoyed by the residents of the new development for recreation, a safe route to school, and commuting.

Revised comments following re-consultation (amendment A 14/02/11)

Condition and note to applicant required to ensure all details of the proposed development comply with the design standards of the Leicestershire County Council as contained in its current design standards document.

Revised comments following re-consultation (amendment C 21/02/11):

Condition and note to applicant required to ensure all details of the proposed development comply with the design standards of the Leicestershire County Council as contained in its current design standards document.

Notes to Planning Officer:

These revised comments are made on the basis of the amended plan numbered 209032DWG009 (REV C) & 209032DWG012 (REV C).

When considering the submitted and robust traffic assessment for 175 dwellings it is clear that this proposal for 50 dwellings (plus land for new pre-school or other school use and scout hall, allotments and public open space) would not lead to any material increase in traffic using nearby roads nor lead to any junction capacity problems. The assessment shows that in 2009 there were no relevant accident clusters that the development traffic would impact upon. The existing estate road complex within this part of the village eventually leading and connecting to the B581 Station Road is suitable in its design and construction to satisfactorily cater for the likely additional vehicular trips that the proposal if permitted would generate.

Previous comments regarding alternative access options, travel plan and footpath contributions repeated.

Additional comment in response to neighbour concerns 21/02/11:

The Geveze Way point is really not a highway authority concern in relation to an impact on the open space or the slight infringement on the terminus point of the footpath. What the point has done however is draw my attention to the red line area within the vicinity. It does not appear that the application site has sufficient frontage (if any) to the highway on Geveze Way to create a proper and appropriately designed road junction. Admittedly due to the outline status of the application this is not something I had previously picked up or studied in any detail. This could have been dealt with at the reserved matters stage, but on reflection this point should be clarified by the applicant now. If an appropriate junction can not be delivered then this route would have to be shelved.

On street parking issues relating to schools can always cause local concern and parking / congestion issues at school times. This however is an existing situation and this proposal if permitted would be unlikely to exacerbate the situation. If any thing, it may serve to ease the situation by providing extra street frontage to allow parking. Alternatively, if the L.P.A considered it justifiable then the developer could be asked to consider / explore the possibility of providing improved off street parking for the school by allowing / combining some school parking at the site of the scout hall car park.

Table DG1 of the Leicestershire Design Guide discusses development access roads and gives examples of the number of dwellings that can be served etc. For instance, a usual maximum of 150 dwellings will be permitted from a single point of access. The proposed layout whether seeking 1 or 3 points of access to the existing residential access road network would be acceptable.

LCC Ecology

Original comments:

We note from the ecological report that the site had a low botanical interest. However, our records indicate that the Dismantled Railway, immediately to the East of the site has previously been evaluated as being of Parish level ecological significance. We would therefore recommend that the applicant's ecologist is asked to comment on this and the potential impact of the development on the site.

We note from the ecological report that no protected species were recorded on the actual development site, but that a badger sett was recorded within the survey area but outside of the application boundary. However, our records indicate that a badger sett was recorded in 2009 (after the date of the submitted survey), on the actual application site. We would therefore recommend that a repeat badger survey of the site is completed, by a suitably experienced ecologist, prior to the determination of the application. If badgers are still present on the site, it is essential that they are recorded at this stage, so they can be considered at the determination stage of the application. Whilst we appreciate that this is only an outline application, it is essential that any protected species on site are known about, so it can be determined if the necessary mitigation/compensation can be incorporated into the development.

We are pleased to see the proposed masterplan does not incorporate the existing natural features (dismantled railway and hedgerows) into private back gardens. By keeping them in publicly accessible areas, there is more chance of their long term retention and we welcome this approach. In addition, we note that there is potential for a new tree belt to be planted to the south of the site. We would strongly recommend that a condition be forwarded with any permission granted, requesting that this area of landscaping uses native species and creates a natural woodland.

Revised comments following receipt of Badger survey (23/12/11):

The badger survey (December 2010, Philip Irving) submitted in support of the application indicates that a badger sett has been recorded very close to the application site and that it was considered to be an 'active' sett. It is therefore essential that this is protected throughout the development. We would therefore strongly recommend that a condition is forwarded with any permission

granted indicating that 'An updated badger survey must be submitted with the reserved matters application for this development'. This will enable us to establish if the badger sett has extended into the development area and also agree on any necessary mitigation as appropriate when the final layout of the site is decided.

We are pleased to see that the proposed masterplan does not incorporate the existing natural features (dismantled railway and hedgerows) into private back gardens. By keeping them in publicly accessible areas, there is more chance of their long term retention and we welcome this approach. In addition, we note that there is potential for a new tree belt to be planted to the south of the site. We would strongly recommend that a Condition be forwarded with any permission granted, requesting that this area of landscaping uses native species and creates a natural woodland. We understand that the development will not impact on the existing dismantled railway line on site. However, care should be taken when designing the layout of the site that development is away from this feature and no external lighting is positioned to illuminate it. I would be happy to comment further on this when the final layout is agreed.

I understand that you have reports of bats within the application site. The original survey (May 2009) indicates that none of the trees within the site had any obvious evidence of bat roosts. We are, however, unsure of if any of these trees are to be removed, as they appear to be outside of the application site boundary. We would appreciate clarification of this.

Further comments following confirmation from the applicant (12/01/11):

As no mature trees are to be removed it is unlikely that any bat roosts will be destroyed as a result of this application. It is possible that there may be a minor temporary disturbance to bat foraging routes, but the planting of a good boundary to the south of the site will compensate for this.

To summarise our recommendations for this application, we would request a condition for further badger survey and any necessary mitigation and also for the use of native planting.

Further Comments following re-consultation on amendment C (24/01/11):

We note that the proposed allotments are adjacent to the dismantled railway to the east of the site. As previously highlighted, the railway was previously identified of being of Parish level ecological significance. It should therefore be ensured that there is a firm boundary between the allotments and railway and measures should be in place to minimise the 'dumping' of any green waste outside of the allotment boundary.

Following receipt of Habitat Suitability Assessment (Great Crested Newts 15/02/11):

We note that the pond was deemed to be suitable for great crested newts and that mitigation was suggested which the agent is happy to accept as conditions.

However, we feel that consideration should also be given to commissioning a full set of great crested newt surveys this spring, as if no great crested newts are present, this mitigation would be unnecessary. Similarly, if great crested newts are present, more detailed mitigation can be proposed.

Local Badger Group

The Leicestershire Badger Group objects to the application on the grounds that the badgers from two setts adjacent to the site will lose a substantial part of their foraging grounds. There is no mitigation proposed for this loss of habitat in the badger survey report. Nor is any specific mitigation proposed to prevent disturbance to the badgers either during the development or afterwards.

The ecologist does not appear to us to have sufficient experience of dealing with badgers on a development site. In his initial report he failed to mention the presence of one of the badger setts although it was well known to concerned residents and to both the Environmental Resources Centre and the Leicestershire Badger Group. The Natural England guidelines on licensing he quotes are no longer current. New ones were issued in June 2009.

Conditions requiring mitigation measures suggested.

Natural England

Original comments

The ecological survey appears to be inadequate to fully assess the impact of the proposal on the ecological interest of the area. Natural England therefore wishes to register a holding objection on this basis.

Further comments received in response to Habitat Suitability Assessment (Great Crested Newts) (16/02/11):

Natural England considers the GCN assessment and proposed mitigation measures to be satisfactory. However, we still have outstanding queries regarding other protected species as per my letter dated 18 January 2011. Therefore our holding objection still stands.

In response to further information from the applicant (17/02/11):

With regard to the bat mitigation measures, Natural England notes that

- No mature trees will be disturbed or removed as part of this development
- No hedgerows will be removed
- In order to avoid light spill on habitat likely to be used by roosting and foraging bats, i.e. mature trees and hedgerows - the lighting scheme will be submitted to and approved by Harborough District Council prior to the application being determined
- No development will take place close to the hedgerows. NB In the absence of a bat survey on this site, Harborough District Council should consider the proximity of development to the hedgerows.

Unless you are able to confirm following bat survey work, that the hedgerows are not important foraging routes, Natural England recommends that the hedgerows are maintained in their current state.

The lighting scheme in the children's play area will need considerable care if light spill on the mature ash is to be avoided.

HDC Drainage

In accordance with Building Regulations part H new applicants can no longer simply choose to discharge rainwater to a sewer, if it is reasonably practical to do so then they must use alternative methods.

Consideration should be given to existing ditches/watercourses surrounding the site.

A drainage Condition should be applied to this application.

Further comments relating to Environment Agency Consultation Response (25/01/11):

Use of oversized pipes [as suggested in 17th January FRA] is not normally considered a suitable solution for Suds techniques; however it could be argued that there are other means of acceptable techniques such as soakaways and filter drains that also do not give amenity benefits.

Having said that the application initially indicated that surface water would be disposed of by balancing pond to an existing watercourse and Soakaway use looked hopeful and would be explored with site testing. Comments were made 6th December 2010 with this in mind. [FRA now amended to incorporate a balancing pond].

HDC Contaminated Land

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

Further comments regarding contamination concerns raised by neighbour representations (20/01/11)

The condition can stay the same however I would add to the reason for the condition that local knowledge suggests the presence of animal remains buried during a swine flu epidemic.

Broughton Astley Parish Council

The Parish Council Objects to this application due to the following:

1. That the access into the new housing area would be created by extending through two currently quiet cul-de-sacs areas and one off a bend on Geveze Way. The safety of the existing residents will be compromised by all access points
2. That although a healthcare facility and convenience store are proposed for this development, the village as a whole requires further infrastructure to support more housing, for example by the way of leisure facilities which are greatly lacking.
3. That an increase in volume of vehicles on this busy estate will impact greatly on the existing residents, especially during the construction with heavy vehicles and noise being created.
4. Concerns are raised that the land beyond this proposed site will be later developed causing a further strain on the infrastructure, traffic and schools in the village and also create an extremely large area of housing with minimal facilities.

Revised comments following re-consultation on amended plans (28/02/11)

Object on the same grounds as before and add: Village requires further infrastructure to support housing and is even more prevalent now the convenience store and health centre have been removed. To have a gap left in the trees will encourage anti-social behaviour with the possibility of local youths taking motor bikes onto the adjacent land to ride on. Clarification is required on the number of allotment plots, who will be responsible for managing them, what emergency access is available and what security arrangements will there be? Concerns were raised that as the position of the allotments is within a corner this could provide a secluded meeting ground for groups of youths.

Section 106 Requirements:

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

Affordable Housing

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

Application Specifics	30% Requirement =	Rent – 60%	Intermediate Housing – 40%	TOTAL
Proposed site yield= 50	15			
		Total 9	Total 6	Total 15

We can provide more specific guidance related to unit types and more exacting requirements once more detailed information on the proposed development is provided.

HDC Waste

Confirmed intention to submit Section 106 request for mini bring site.

Community Facilities

POS requirements including commuted sums for new provision are provided (see file). On site provision is preferred, but if any type of provision cannot be on site then an off site contribution should be sought (calculations available on file):

Comments (17/12/10):

Any open space must be publicly accessible. The front gardens will not be accessible to the public and therefore cannot form part of the provision.

However, the developer is offering more of other typologies to provide open space for the development, so I would be happy to see these proposals included in the master

plan for further comment. Allotments are the typology that may be criticised for being omitted from the plans. The trend in the District is for more allotments and community gardens to be required, and we would not want to miss the opportunity for an area to be put aside for this purpose.

Any POS provided would need to have the requisite commuted sum if conveyed to the Authority for maintenance in perpetuity. If the developer plans to not ask the Authority to maintain the open space then we should satisfy ourselves that the maintenance regime proposed, and the contractor that will undertake the maintenance has sufficient stability to ensure continuity and quality.

Comments (02/02/11):

The Scout Hut is unlikely to meet the requirements for community sports provision unless it had an indoor court for example. We should also consider the availability of the facilities for public use when assessing whether the requirements are met.

This issue also falls outside the remit of Public Open Space and it has not yet been made clear who is taking a lead on the community provision as identified in last years report from Roger Tym and Partners.

LCC:

Waste

There will be no request for contributions for this application as the nearest CA site at Whetstone has sufficient capacity for a development of this size. This request is currently valid however subject to at least annual review and Indexation.

Rights of Way

The Rights of Way Inspector for the area, Harry Bartlett has requested that an item be entered into the S106 to improve the condition of public footpath W55, which runs adjacent to the site, in particular for the adjacent dismantled railway bridge to be repaired and the surface of the route improved (see file for justification).

Ecology

Any requirements we have for this application will be dealt with via Harborough Planning Authority, either as requests for pre-application information or by planning conditions.

Library Services

The library facilities contribution is outlined in the *Statement of Requirements for Developer Contributions in Leicestershire (December 2007)*. The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area. An index linked contribution is sought (full justification on file).

Education

I would advise that the above proposal would result in the following service requirements, for which contributions should be sought from the developer.

The County Council are interested in pursuing the offer of the land shown on the indicative masterplan of 0.75 hectares for the use by the local school namely Hallbrook Primary School and the County Council wish to pursue the opportunity to meet and discuss with the developer the donation of the land and seek your assistance in supporting this idea whether through the Section 106 planning agreement process or through any other suitable alternative.

I have been advised by our legal service that should an offer of land be provided by the developer this could be dealt with by either a section 106 planning agreement between the developer and the County Council or by a unilateral undertaking

Primary School Sector Requirement:

The site falls within the catchment area of Broughton Astley Hallbrook Primary School. The School has a net capacity of 266 and 263 pupils are projected on roll should this development proceed; a surplus of 3 places after taking into account the 12 pupils generated by this development. An education contribution will therefore not be requested for this sector.

High School Sector Requirement:

The site falls within the catchment area of Broughton Astley Thomas Estley Community College. The College has a net capacity of 760 and 740 pupils are projected on roll should this development proceed; a surplus of 20 places after taking into account the 5 pupils created by this development. An education contribution will therefore not be requested for this sector.

Upper School Sector Requirement:

The site falls within the catchment area of Countesthorpe College. The College has a net capacity of 1116 and 1081 pupils are projected on roll should this development proceed; a surplus of 35 places after taking into account the 5 pupils generated by this development. An education contribution will therefore not be requested for this sector.

Healthcare (Primary Care Trust)

Original comments:

The proposed planning application of fifty dwellings will have a modest impact on local health services. However by applying for a proportionate contribution the Trust seek to gain contributions from both large and small developments. Assuming 2.57 people per dwelling this would mean a probable increase in population of approximately 129 people. Increases in local population will bring more patients into the local GP surgery which will cause pressure on the existing services and infrastructure.

The closest GP practice to the development would be the Orchard Medical Practice on Orchard Road, Broughton Astley. Currently this practice is classed as 'Deep Amber' by this Trust indicating some moderate issues in healthcare capacity. The Load/Capacity Survey identified a small deficit of twenty six square metres. It is likely that residents of this development will seek to register at this practice which will exacerbate any local healthcare delivery problems. The Trust does not seek to

address current problems, merely to prove the increase in population will make an existing problem worse.

Normally the Trust would seek to secure a capital contribution from this development and ensure the money is directed towards the above practice as appropriate. However in this case the applicant has indicated that a healthcare facility will be provided. The Trust has had no discussions with the developer with regard to the requirements of, or potential Trust support for, a healthcare facility in the proposed location. It is likely that this would not be the best solution to address the capacity issues of the GP practice serving Broughton Astley. It should therefore not be assumed that the inclusion of a healthcare facility as part of this planning application is supported by the Trust and we would expect further discussions to take place with respect to this development.

Revised comments following re-consultation on amendment A (25th January):

I reiterate the Trust and Practice would not want a new healthcare facility on the proposed development as this would only fragment the service and is not a cost efficient way of managing local primary care in this circumstance. An index linked contribution is sought (full justification on file).

Leicestershire Constabulary

Index linked contribution requested (full justification on file)

LCC Highways

Footpath upgrade (see consultation)

Representations

Following the initial consultation, representations were received on behalf of 126 households (125 objecting to the proposal, 1 neutral). All representations received can be inspected in full on the application file and include the following points which have been grouped into subject areas:

Facilities

1) Infrastructure and facilities cannot support additional houses. Other applications in the area have been refused due to lack of facilities. 2) Proposed facilities are not those required. Already a convenience store and play area nearby. Shop would adversely affect sustainability of the existing shop. Proposed location on the edge of development not viable. Shop facility needs to be of a sufficient size to allow residents not to travel to village centre to shop. 3) Required facilities include: Leisure facilities, an upper secondary School, petrol station and outlet for the 'weekly shop'. 4) Schools and Pre-schools in the village can only just cope with the current number of children. Could result in siblings going to separate schools causing problems for whole village. 5) Existing medical practice sufficient. Healthcare facility not supported by PCT, not easily accessible by the larger community, or by public transport, would increase traffic within whole village. Essential services should remain in the heart of the village 6) Proposal would strain existing sewage and water supply. 7) Employment space should be a requirement if further housing is considered. 8) HDC should provide funds to allow local community to plan the long term future of their settlement rather than respond reactively to new and opportunistic applications such

as this. 9) Will generate only a low section 106 sum which will go nowhere to tackle some of the wider problems facing Broughton Astley. Money should be used to upgrade existing facilities not provide new ones which would only be used by a small proportion of the village. 10) Health centre much needed, however suggest another location (land adj. Byre Crescent). 11) School could do with new grounds, however will need to have more classrooms and a bigger hall to cater for extra pupils. Extension to playing field would further stretch budget. 12) Loss of dog walking area.

Safety/Crime/Disturbance

1) Concern over safety, crime and anti social behaviour due to more housing and location of POS and footpath at the rear of properties. Concern that existing crime/anti-social behaviour may be exacerbated. 2) Convenience shop will bring noise and nuisance to quite residential area (this is evident from existing shops). 3) Policing in the village already overstretched. Strain on emergency services at a time when many are already being cut in line with government spending targets. 4) Enclosed nature of play area will encourage anti-social behaviour. Previous play areas and tree lines in similar location have been removed for security reasons. 5) Fencing along countryside boundary allows access to rear gardens unobserved.

Ecology

1) Concern over impact on Badgers as field contains live set. Attempts to move Badgers have failed. Development would be against the law. 2) Concern that trees and hedges will be disturbed/damaged/removed. 3) Loss of habitat (including a natural spring which draws wildlife) adversely affecting established wildlife and protected species including: Owls, Badgers, Bats, Field Mice, Hedgehogs, Kestrels, Skylarks, Yellow Hammers, Green Woodpeckers, and Invertebrates. 4) Site home to amber and red listed birds. 5) Concern over blanked out sections of Ecological survey. 6) Hedgerow and Oak tree remaining along the footpath would be isolated from field habitat and would therefore not support the current range of species. Footpath would also do nothing to promote an environment where existing wildlife will flourish. 7) Open space will allow humans and dogs unrestricted access to surrounding area and interfere negatively with the environment.

Highway Safety, Parking Issues and Accessibility

1) Parking, speeding and congestion which are currently a problem would be exacerbated with concerns for safety and pollution. Change in the nature, the large increase in volume and frequency of traffic will put the safety of residents at risk. Children walking to school, playing, the elderly and infirm will be particularly at risk. 2) Parking survey conducted between 9am-10am and does not give accurate picture of on-street parking. Roads very busy in the mornings with the School run and residents parking. Was survey conducted during School holidays? 3) No mention of bus usage or identification of bus stop locations. 4) Question the need for 3 accesses. 5) Increased congestion and impact on noise and safety in Cosby. 6) Children at Hallbrook School use Murray Close to practice cycling skills as this is the quietest, safest road close to the School. This practice would be lost with the opening up of the cul-de-sac and with it a vital road safety skill. 7) Congestion would prevent emergency vehicles getting through. 8) Traffic using the proposed entry points will utilise junctions on the main walking route of Devitt Way/Pickering Road. If parents feel it is unsafe to allow their children to walk then we will see even more cars delivering children to School. 9) Access at Geveze way will be a danger and a hazard

as adjacent a footpath and green where children play. Crossing the road will become more hazardous and visibility is poor, particularly as this is already used for parking. Cars would be forced to park further down affecting visibility. Geveze Way is narrow and widening of road would encroach on footpath and open space and result in removal of traffic calming measures previously considered necessary. Visibility turning left could be obstructed if a large vehicle was parked on the adjacent driveway. 10) There is little/no provision at the proposed health centre/shop for parking which will result in congestion. 11) Roads not gritted in bad weather, proposal will exacerbate dangers. 12) Proposed facilities not on public transport route, resulting in cars being primary method of access. 13) The proposed access roads do not have the capacity for the additional traffic and are too narrow. 14) The dismantled railway line is not a viable option to open up as a public right of way as it is blocked at Station Rd by the Speedwell Drive development. 15) Transport Assessment does not account for traffic (including larger goods vehicles) going to the Convenience Store and Health Centre. 16) Transport Assessment champions the network of footpaths and cycle ways to reduce car journeys, however this is unrealistic as most already drive to the local school or shop on the estate. Cycle path fruitless as does not lead to anywhere else in the village. Broughton Astley lacks a secondary School, leisure, supermarket facilities and employment therefore new residents will be likely to rely on motorised transport for daily journeys. Bus service insufficient to provide viable alternative to the car. 17) Footpath will encourage parking around its junction with narrow roads. Shouldn't footpath join with existing footpath on Geveze Way and link directly to Hallbrook School? Footpath would not provide any form of a sensible walking/cycling route. 18) Where are distances to public transport facilities measured from? Those with disabilities and the elder generation without transport will be more isolated and disadvantaged than the rest of the village. 19) If application is approved suggest closing footpath in Benford Gardens and relocate it at the other side of the playing fields in the School area. 20) Proposal for development off Frolesworth Road already turned down due to poor access roads. 21) Surely it would be better to have a relief road built now around the existing rather than later.

Residential Amenity

1) Noise and disturbance for existing properties close to the proposed accesses and from construction and School playing field. 2) Loss of privacy, particularly due to elevated position and position of footpath/cycleway. 3) Dust from construction. 4) Loss of view. 5) Increased litter and dog fouling adjacent to properties and on proposed footpath/cycle way. 6) Loss of security, children will be unable to play outside as they currently do in the cul-de-sacs. 7) Loss of light to neighbouring properties. 8) Dominant and oppressive environment. 9) Visual intrusiveness. 10) Possible light pollution if path is lit. 11) Concerned about removal of fencing at the rear of Benford Gardens due to privacy and security. Footpath not shown on layout plan. 12) Photographic evidence from selected viewpoints and does not show full extent of proposal on surrounding residents.

Character of the Area and Impact on Countryside

1) Site is elevated and will be visually intrusive and dominant, restricting current outlook and intruding into the countryside. Adjacent footpath used by many people. Existing development already visible from road out of Leire, proposed development would have bigger impact. 2) Location of shop and Healthcare facility in residential

area out of character. 3) Fabric and character of Broughton Astley will be lost with continual development. Development would be uncharacteristically large for Broughton Astley. 4) Development should be on Brownfield sites, not green areas to protect the countryside for all and retain land for food production. 5) Adverse impact on character of proposed access roads. Proposed loop road layout out of character with existing estate. Residents have chosen houses on existing cul-de-sacs and this character would be changed.

Design Issues

1) Question whether POS is positioned to be an integral part of development. 2) Play area very enclosed with only one property actively facing it. No evidence of category of spaces as defined with the 'Six Acre Standard' guidelines. 3) Little consideration to impact on locals. 4) Poor design and layout. Fences back onto countryside; poor development edge to the village.

Flood Risk

1) Proposal would increase the risk of flooding to houses that have already been built on a flood plain, nearby houses and a Primary School. 2) Proposal would exacerbate existing poor drainage. 3) No attempt to deal with drainage by SUDs.

Policy

1) Outside the defined Limits to Development. Prior to agreement of LDF development outside the boundary should be rejected. 2) SHLAA identifies sufficient land which is both potentially suitable and available to meet 300 houses required by Core Strategy. More suitable sites are available and should be developed first. 3) SHLAA, 2010 rejected the site on the grounds of the impact on the area. Also identified land as not achievable. 4) Area not outlined in Harborough District Development Scheme 2009-2012. 5) Reference to HDC Local Development Plan Chapter 16 Para 16.4 states: HDC have said in response to previous enquires that as long as Broughton Astley retains village status there are not enough funds available to develop any increase in population support facilities as required by the (then) building regulation requirements.

Other Issues

1) Most residents voted to keep the village status, development would go against this. Broughton Astley is the largest village in England and cannot keep sustaining continued housing development. With continued growth, loss of green belt and urban creep could result in the merging of Broughton Astley with Dunton Bassett or Leire. 2) Concern that a series of small applications will be submitted in an attempt to not rouse too much objection. Application of this size cannot offer any real or meaningful benefit of gain for the community. 3) Concern that if approved a revised scheme would be submitted to double the housing numbers or develop further areas (supporting documents show intention to develop 175 houses, gap in tree belt supports this). 4) Supporting information contains inaccuracies: It is stated in Landscape survey that there is a right of way with access from all 3 roads. There is no right of way or access from Murray Close. Traffic survey states a 40mph speed limit for Broughton Way, however at the points of exit from Byre Crescent it is only 30mph. 5) No requirement/need for development/social housing. Other outline

consents have not yet been developed. Development would encourage further people to put properties on the market. 6) Question professionalism of archaeological team and client's commitment to development. 7) Opportunistic development as applicant does not want to invest money in a full application. 8) Land has been used for disposal of 6000+ pig carcasses following a swine flu outbreak in the eighties: Possible health hazard, land contaminated. 9) Local home owners have bought their houses in good faith based upon local searches provided by HDC. 10) Statement for community involvement fails to state that the public (i.e. the local community) were consulted. 11) Application of this size should be considered by the local community by means of a public event and not slipped into the planning system. 12) Design and Access Statement poorly represented and seeks to focus on the lack of a 5 year housing land supply. 13) Concerns raised over notification procedure/site notices. Difficulty accessing documents/online system. 14) Hallbrook School enjoys being on the edge of the countryside and this will be taken away when it is engulfed in housing. This will be detrimental to the future children of the School. 15) Loss of 'Close' status would lead to reduction in house values. 16) How can decision be made when there is no decision with regard to the area originally marked Healthcare facility; object to any commercial use of site. 17) Deeper survey of traffic generation by Scout hut required. 18) Tree belt should be moved further from rear of houses. 19) Land could be extended further into field to create mini nature reserve to enhance area, provide habitat for wildlife, educational site for School and provide comfort that remainder of field will not be developed at later date. 19) Covenant may be required to prevent allotments falling into disused wilderness. 20) Details of design and type of housing should be submitted.

In addition to the above, a representation has been received from Hallbrook Primary School. The following are a summary of points raised:

- Offer of additional playing field appreciated.
- School numbers not currently at capacity, space for a maximum of 16 students across the School.
- Some year groups already over capacity.
- Space in class areas already limited.
- No additional teaching space anywhere in School.
- School hall already too small for current numbers.
- Indoor P.E. times and lunchtime dinner sittings already fill the existing hall timetable space.
- Lack of nearby pre-school/nursery should be considered. There is no space for this at Hallbrook Primary School; however it might be a perfect time to create such a unit in this part of the village, either at the school or as part of the new development.

Following re-consultation on amendment A plans, further objections have been received on behalf of 21 households (6 of whom had not previously commented). Representations can be viewed in full on the application file and new points raised include:

- 1) Devitt Way estate is large enough already.
- 2) Medical and Social facilities are needed but this is not the right place.
- 3) Social facilities would mean traffic coming on

and off the estate until late into the evening. 4) Location of Scout hut inappropriate, will result in many hundreds of journeys on and off the estate to drop off and collect children. All of these journeys will make use of the looping road system and indicate how the development is designed solely to support car use. 5) It is suggested the Scout Leader has subsequently objected to the development having visited the site. 6) Contrary to Policy 5 of Core Strategy which looks to a lower carbon future. 7) Contrary to the objectives of LTP3 for which HDC is supporting and its aims of making the people...more active, healthier, safer and securer. Location of Scout hut on edge of village will encourage car use including from those who are within walking distance of the existing facility. 8) No need for any further allotments. 9) Question experience of ecological surveyor as no reference to 2009 guidelines. 10) Amended plans raise concerns as it gives the impression a whole other village is sought to be built not only 50 houses. 11) Safety risk for pets. 12) Footpath and open space not overlooked by new properties; will attract anti-social behaviour. 13) Highway and parking provision for convenience store, healthcare centre and scout hall are not indicated. 14) Convenience store and surgery should be recognisable as public buildings and not convertible to dwellings in either design or policy terms. 15) Facilities should be secured through the section 106 to ensure they are built. 16) Opportunistic time for Broughton Astley Parish Council assisted by HDC to produce neighbourhood plan. At present no coherent plan for the village or agreement on how it should grow. 17) Broughton Astley already has amenities and doesn't need anything extra. 18) Development has led to dangerous levels of stagnant water in railway cutting. Further residential development can only have a detrimental impact on this situation with the possibility that the boundaries of the cutting may be breached in due course. 19) Provision of shop, health centre and possible pre-school would bring further traffic to the estate whilst attempting to mitigate this. 20) Existing pre-schools, day nursery and child minders concerned about sustainability and many parents opt for childcare on their way to work not in the village. 21) There is already a scout hut in the village and it is understood this is not fully used due to staffing issues. 22) Allotments whilst a good green initiative would put pressure on the Council in terms of administration and upkeep. 23) No mention of affordable or social housing. 24) Pre-school will coincide with School start/end times. This will lead to further Highway safety/parking/congestion problems. School has recently highlighted instances where children have nearly been injured and the Pre-School would exacerbate this. 25) Village already had numerous Pre-Schools which are not oversubscribed. 26) Allotments poorly located away from main roads and will only add to traffic. Allotments will not alleviate damage to environment. 27) Changes to play area and pathway do not overcome concerns as these attract anti social behaviour regardless of design/layout. 28) Village centre needs money spending before houses are added. 29) Would still like the applicant to confirm dates traffic survey was taken to ensure this was not School holiday. 30) Scout hut would be an eyesore. Lottery funded village hall has recently been built surely this could be put to good use with the scout group. 31) Concern with access on Geveze Way not addressed. 32) Object to housing on a green belt area. Why not make use of unused land on the main bypass? It is a larger area and surely there would be enough land to erect some form of community building, which is lacking in Broughton Astley. 33) Is there funding in the NHS and Education budgets to fund a health centre or another School? 34) Widening path will not reduce the chance of criminal activity. Footpath easily accessible and runs to roads where vehicle access is available making escape for criminals and trouble causing youths very easy and unnoticeable. 35) Parish

Council should think about hire costs for self sufficient groups to be able to use the Village Hall facilities more regularly. This will create an even larger facility than the proposed new hut. 39) No parking provision for proposed allotments, leading to congestion. 40) Scout hall ok for younger ones, but not older ones that already hang around the existing convenience store.

In addition to the above, a letter of support has been received from Broughton Astley Scout Group and a letter of comment from the Girl Guiding Lutterworth Division (comments summarised below):

Broughton Astley Scout Group:

Scout hall would help to address the lack of facilities available for young people. This imbalance has been demonstrated by the Broughton Astley Improvement Team (BAIT) which was itself initiated by HDC. The Broughton Astley Scout Group currently has over 140 girls and boys aged between 6 and 14 years old, these young people are supported by over 30 volunteer adults. By the end of the year membership will increase to over 160. If the needs of the Guiding sections and Explorer Scouts are taken into account then nearer 300 young people between 5 and 18 years will directly benefit. These groups would mainly use the facility during evenings, leaving it available for Hallbrook School or other community groups during the week days, weekends and holidays.

Girl Guiding Lutterworth Division:

Girl Guiding Lutterworth Division currently use a variety of venues around the village and lack central storage provision. We would support a community facility with appropriate storage which could be jointly used by Girl Guiding Lutterworth and the Scout Association dependent on lease and rent details. (Girl Guiding Lutterworth make no comment on whether the development of the new houses is supported).

Following re-consultation on amendment C plans, objections have been received on behalf of 15 households (to date), one of these households has not previously commented. The following new points are raised:

1) Concern over crime and security in relation to allotments. 2) Question desirability of housing adjacent to a scout hut. 3) May be preferable to site play area adjacent to Scout hut. 4) Are there to be any traffic calming measures installed on Crowfoot Way? Would junction improvements referred to in Transport Assessment be required for 50 dwellings? 5) Can additional information be made available on type of play area proposed? 6) Questions regarding design and layout details 7) Increasing estate size will disrupt community feel/spirit. 8) If the building work does go ahead each school in the village will receive money from the Local Authority to prepare for any extra children. 9) What is really needed is a leisure centre and/or swimming pool central to the village e.g. Thomas Estley Community College's Playing Field.

A representation of support has also been received on behalf of one household from which no previous comments have been received. The representation comments that objectors need to think where their houses came from and suggests objectors were happy to move into their houses that other people objected to.

Other Information

Application Site History:

No previous planning history.

Planning Considerations:

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

Principle of Residential Development in this Location

This application relates to the release of Greenfield land for residential development outside the defined Limits to Development as indicated on the Proposals Map of the Harborough District Local Plan (HDLP) 2001, as such, the principle of development should be assessed against saved policy EV/5 (Development in the Countryside). Policy EV/5 states; consent should be refused for development in the countryside unless all eleven criteria set out in the policy are met.

Taking each of the criteria separately, it is considered that the following conclusions can be drawn (the majority of points are discussed in more detail later in the report):-

- (1) The development whilst having the potential for economic benefit in relation to the scout hut, would not be considered to sustain or improve the rural economy - since development of the site would be, in effect, an urban development and not related to rural enterprise.
- (2) The development would be considered to adversely affect the character and appearance of the site by introducing a housing estate into countryside, however as discussed in the landscape section later in the report, the proposal would not be considered to have a significant adverse impact on the wider character and appearance of the countryside.
- (3) Although the current application is in outline form, the Indicative Layout and supporting information demonstrate that a layout could be achieved which would not be considered to adversely affect residential amenity.
- (4) It is considered that the buildings could be sited such as to minimise their impact on the landscape and important views into and out of the village. This issue would be further considered at reserved matters stage.
- (5) The development could be designed to reflect the distinctive local character of the landscape and the built environment, as indicated on the Indicative Layout Plan and from the information contained within the Design and Access Statement.
- (6) Landscaping is a matter reserved for subsequent approval. Notwithstanding this, the submitted plans illustrate how the site could be landscaped, including retention of existing trees/hedges and the inclusion of a tree belt.
- (7) Conditions can ensure areas of ecological and archaeological significance are not adversely affected by the proposed development.
- (8) It is considered that a satisfactory access could be provided without adversely affecting the character and appearance of the area as indicated on the Indicative Layout Plan and supporting information.

- (9) There is capacity in the local road network to accommodate the traffic likely to be generated by the development.
- (10) The Indicative Layout and supporting information illustrate that adequate provision could be made for car parking and servicing within the site.
- (11) The development would not contribute to the coalescence of two close settlements.

Whilst it is considered that the proposal is capable of complying with the majority of EV/5s criteria, the development would not be considered to sustain or improve the rural economy and would adversely affect the character and appearance of the countryside, therefore the proposal is not considered to fully comply with Policy EV/5 and as this is consistent with the objectives outlined in PPS7, the proposed development would also be considered contrary to this.

Material Considerations

Housing Land Supply

Where a proposal does not accord with the development plan, the LPA must consider whether there are material considerations which sufficiently outweigh the harm which would result from the proposal.

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

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

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

Points 1 and 2 would be considered further at reserved matters stage, however the supporting information submitted with the application is considered to demonstrate that these points could be achieved.

Points 3 and 4: The SHLAA 2010 indicates the application site has been considered unsuitable for development in relation to landscape issues, however the more detailed assessment provided by the Landscape Partnership in response to this planning application confirms that the site has a high capacity to accommodate the proposed development. The Transport assessment submitted with the application indicates that opportunities to access the site by sustainable transport modes are

good, with regular bus services which stop within or around 400 metres from the site and a comprehensive network of footpaths with the majority of the village within a reasonable walking distance.

PPS3 advocates the use of previously developed land (PDL), however whilst this site is Greenfield land (land which is or has been previously occupied by agricultural buildings is excluded from the definition of PDL), the Harborough District Proposed Core Strategy indicates that Broughton Astley has only limited capacity for development of PDL (only 5 dwellings) and given this, the use of Greenfield land for a housing development of this size is not considered to be an ineffective use of land.

It is noted that the proposed housing density of the site falls short of the 30 dwellings per hectare required by the HDLP. The density of the site is approximately 9 dwellings per hectare; however the application proposes other uses in addition to housing, including land for a new pre-school or other school use and a scout hall.

Considering both the proposed additional uses on the application site and its location outside of the limits to development, the density is considered appropriate and would act as a transition between the existing higher density housing and the countryside beyond. The proposed density is therefore considered to represent an efficient use of land considering the circumstances of the site and its surroundings.

In relation to the final point of Paragraph 69, the proposal is considered to accord with planning housing objectives, including the emerging Core Strategy and the supporting information indicates that housing type appropriate to local need can be accommodated. The proposal is not considered to undermine wider policy including the developing core strategy, as it would not be considered to compromise other housing sites identified in the SHLAA.

Affordable Housing

Affordable Housing Provision:

One of the key aims of the Government's housing policy is to deliver affordable homes. The provision of affordable housing is also a key element of the development plan. The Affordable Housing SPD was adopted in February 2006 and is a material consideration in the determination of planning applications. The SPD establishes a site threshold of developments of 5 dwellings or more and requires that 30% of the dwellings are affordable.

The applicant has indicated the proposal would meet the 30% requirement offering 15 affordable units. This figure also complies with the requirement set out in Policy 3 of the Draft Core Strategy. This would be considered to make an important contribution towards the Council's affordable housing target.

In considering this application, members must decide whether the contribution of the application towards the identified shortfall in housing land supply and affordable housing sufficiently outweighs any harm which would arise from the identified conflict with HDLP EV/5 and PPS7. It should also be noted that the applicant has confirmed they would be prepared to accept a 2 year implementation condition as they intend to deliver the scheme within the shortest possible timescales and within one phase. The

applicant envisages the first dwellings would be completed in line with the time horizons envisaged in the Core Strategy (i.e. by 2015).

Officers would draw member's attention to the recently upheld appeal for up to 50 dwellings at Clack Hill, Market Harborough. The Planning Inspector despite concluding that the proposal would conflict with Policy EV/5 and PPS7 in terms of its impact on the landscape, considered that the contribution towards housing land supply and 30% affordable housing (as also proposed in this application) should be given substantial weight and allowed the proposal notwithstanding the conflict with EV/5.

The Clack Hill Planning Inspector stated that he gave little weight to the Council's emerging Core Strategy (which is a material consideration) as the results of public consultation had yet to be considered by the Council. Subsequent to that, the Council has now considered the results of public consultation and taken the decision to submit the Core Strategy for examination. Given the Inspector's comments and those of the Planning Policy Team, it is considered that the weight which should be given to the Core Strategy has increased following the Council's decision to proceed with the examination.

The Draft Core Strategy

Policy 16 of the Draft Core Strategy states that 300 dwellings will be provided at Broughton Astley, the policy allows development of limited Greenfield land which has safe and easy access to existing shops and services within the Principal Shopping and Business Area and respects the distinctiveness of Sutton in the Elms and Broughton Astley. The proposed site would not be considered to cause a coalescence of Sutton in the Elms and Broughton Astley due to its location and is considered to have safe and easy access to existing shops and services within the Principal Shopping and Business Area (this issue is discussed in more detail in the Transport/Accessibility section of the report). The proposal of 50 dwellings would not be considered to undermine the provision of the majority of the required 300 dwellings at other sites closer to the village centre such as land off the Frolesworth Road.

Landscape Character & Landscape Capacity

The Harborough District Landscape Character Assessment (2007) identified the application site as unsuitable for development; however the applicant has submitted both a Landscape and Visual Assessment Scoping Report and a Landscape and Visual Assessment. The latter concludes that any landscape or visual impacts will be highly localised to the development site or to the wider Arkwright Farm site boundary and any affects beyond this extent will be low and negligible.

It is noted that the application site consists of only part of the parcel of land assessed for the Landscape Character Assessment. Notably the land within this part of the field rises up towards a hill in the centre of the field (except for at the Eastern side of the site where land levels falls to the South) and is therefore somewhat shielded from views to the South. In addition the site area is bounded by Hallbrook School to the West and a disused railway to the East which would further act to screen the application site.

In response to the application, Harborough District Council has commissioned the Landscape Partnership to consider the application in terms of its impact on the landscape. It is noted that the report by the Landscape Partnership studies the submitted Scoping Report and recommends that a full Landscape and Visual Assessment be submitted. This has been submitted and whilst this has not been subject to the assessment by the Landscape Partnership, the conclusions of the report are considered to accord with the conclusions of the Scoping report and the study by the Landscape Partnership which concludes that the site has a high capacity for the development. The Landscape Partnership make the following points in relation to the indicative layout:

- The proposed development layout would be accessed from three different points along the southern edge of Broughton Astley. Two of these are existing cul-de-sacs and the third is currently a fenced field access point off Geveze Way
- The existing mature vegetation along the southern edge of Broughton Astley and along the disused railway line would be retained as part of the proposals
- The proposed planting around the edges of the application site would help to soften the edges of the proposed development to both existing residential area and from the wider countryside
- The proposed development would in part be visible in middle distance views from the east, south and west but largely in the context of some development on the edge of Broughton Astley. The visibility would reduce in time and the landscape proposals mature
- Existing footpath routes close to the site would be retained and it is indicated that enhanced links to them would be provided

The report suggests further information would be beneficial to assess the implications of the detailed layout, including details of the tree belt and a tree/hedgerow survey. Given that this application is for outline consent with all matters reserved, it is considered that these details can be satisfactorily considered at reserved matters stage or by condition as appropriate.

Based on the submitted information and the detailed assessment of the application by the Landscape Partnership, it is considered that the original classification of the site as defined in the Landscape Character Assessment is overly restrictive and whilst the proposal would clearly alter the character and appearance of the site and localised views, the proposal would not be considered to have a significant adverse impact on the character and appearance of the wider countryside. Although the site would be partly visible from middle distance views this would be in the context of the existing development. The proposed low density of the scheme is considered to allow flexibility at reserved matters stage to ensure that individual buildings are sited so as to minimise their impact on the landscape and the inclusion of the suggested tree belt would in time, provide a soft edge to the development which would reduce its impact on the landscape.

Accessibility Issues

Concern has been raised over the accessibility of the application site, however whilst it is noted that there appear to be other Greenfield sites closer to the Principal Shopping and Business Area of Broughton Astley, detailed feasibility studies have yet to be carried out to establish whether these areas could provide the full 300 houses the Core Strategy requires. Residents have commented that the bus service is inadequate to provide a suitable alternative to the car, however despite this; the Draft Core Strategy does recognise a need for 300 dwellings in the village. In response to concerns over accessibility the agent has confirmed:

'It is generally accepted that sites are considered sustainable where they are within 10 minutes walking distance, or, within 5 minutes walking distance of a frequent bus stop or train station. Frequent is generally accepted to be three services an hour at peak times and two an hour off-peak. The Institute of Highways and Transportation [IHT] Guidelines for Providing for Journeys on Foot suggest 400 metres is the standard acceptable walking distance which equates to a 5 minute walking distances.

The local shops at Byre Crescent/Devitt Way are less than 400 metres from our site. The access is particularly safe and easy since a paved public footpath links directly from the north eastern corner of our site to the Devitt Way shops and the 84 bus stop opposite the shops. It is then a 5 minute bus journey to the Orchard Road/Main Street bus stop and shopping and business area where the Orchard Medical Practice is also located. Services run from 05.50 until 23.53 on Monday to Fridays with a five minute journey time between Broughton Astley Shops (opp) (opposite the Devitt Way shops) and Broughton Astley Main Street (opp) (the Orchard Road shops). There are up to five buses an hour at peak times. The service also runs a slightly more limited service on Saturdays although buses still run approximately every half hour between 06.34 and 18.47'

The Planning Policy Team have questioned the agents measurements suggesting the site is nearer 600metres (or approximately 8 minutes walk) from the nearest bus stop, however if footpath W55 is taken from the site to the local shops/nearest bus stop, the distance measures approximately 450 metres and in addition the agent considers that the IHT guidance uses straight line distances, which would mean the site is just under 400 metres from the bus stop. The Highways Authority have been asked to comment regarding this and if necessary further comments will be reported in the Supplementary List, however the Highways Authority have raised no concerns over the accessibility of the site. In any case, the IHT Guidelines whilst suggesting a standard walking distance of 400metres to town centres, also state that a maximum of 800metres is acceptable and therefore the site is considered to have safe and easy access to the local shops and the bus route which connect to the village centre. Furthermore guidance in PPG13 states that cycling has the potential to replace short car trips under 5km and walking under 2km and therefore the village centre is considered accessible from the site by both these means.

Whilst sequentially there may be closer sites to the Principal Shopping and Business Area, the proposal is considered to comply with the requirement of Draft Core Strategy Policy 16 a and is not considered to conflict with Policy 5 of the proposed Core Strategy (Providing Sustainable Transport). The Planning Policy Team have also commented that in accordance with Policy 16 b they consider the application should include improvements to walking/cycling routes between the site and village

centre, however it is noted that the Highways Authority Section 106 request already includes an improvement to the adjacent footpath and whilst the Core Strategy is an important material consideration, it has not been the subject of examination in public and therefore it is not considered that further requests could be substantiated.

The local primary School (Hallbrook Primary School) is located adjoining the site and therefore the proposed scheme would be easily accessible to this facility on foot, indeed the proposed footpath would be considered to offer improved access to the School for existing properties to the North. The siting of a pre-school would be considered appropriate adjacent to the existing primary School and whilst it is noted that this would not be a centrally located facility, due to its nature it would be considered most likely to serve the surrounding estate and in many cases could reduce the number of journeys as parents with multiple children may need to travel both to the primary School and to a pre-school.

Concerns have also been raised by neighbours over the location of the proposed scout hall, however this facility (which it is proposed could be used by other community groups in addition to the Scouts and Guides) is considered easily accessible on foot or cycle to the surrounding estate and within a five minute walking distance of the bus route (as discussed above), making it accessible to people living in the centre and wider areas of Broughton Astley. It is suggested that if the application is approved, a green travel plan should be required by condition to ensure that users of the Scout hall maximise the use of sustainable transport modes.

Neighbours are concerned that the indicative layout and in particular the proposed through route and multiple accesses would encourage car use. This has been raised with the applicant who considers that a cul-de-sac would not be a suitable option due to concerns for emergency vehicle access if the road was blocked. Whilst the detailed layout and access arrangements are a reserved matter, it is considered that the proposed through route and multiple accesses would be likely to reduce the impact of through traffic on existing adjoining residents as if drivers take a circular route they would not need to pass a property twice. In addition it is considered that the proposed footpath is likely to encourage those to the North East of the site to use the proposed footpath as a walking/cycling route to the nearby School.

Highway Safety

Highway Safety issues have been raised as a key concern by local residents, however the Highways Authority are satisfied that the proposal would not lead to any material increase in traffic using nearby roads, nor lead to any junction capacity problems. They comment that in 2009 there were no relevant accident clusters that the development traffic would impact upon and that the existing estate roads are suitable in both design and construction to satisfactorily cater for the likely additional vehicular trips that the proposal if permitted would generate (they note that 150 dwellings would normally be considered acceptable from one access point). For this reason it is considered that a refusal on highways grounds could not be substantiated. It is noted concerns are raised over the impact of the proposal on the existing congestion particularly that resulting from the School run. Residents have commented that parking surveys in the submitted Transport Assessment do not take account of this traffic, however the Highways Officer considers that: On street parking issues relating to schools can always cause local concern and parking / congestion

issues at school times. This however is an existing situation and this proposal if permitted would be unlikely to exacerbate the situation. If anything, it may serve to ease the situation by providing extra street frontage to allow parking. It is considered that future residents of the proposed housing would be most likely to walk/cycle to the School due to its proximity and therefore would not add to an existing problem. In addition, the use of the Scout hall would be unlikely to clash with the School run as the Scouts have indicated it would be likely to be used during evenings and weekends for their purpose (this could be further controlled/explored through the submission of a travel plan at reserved matters stage). Whilst residents clearly have safety concerns for children on the School walking route, the Highways Authority are satisfied that the proposal would not result in Highway safety issues and it is considered that the proposed footpath would offer a new safe route to school for existing dwellings in addition to those proposed. During discussions, the Highways officer has indicated that appropriate traffic calming and crossings would be fully explored at reserved matters stage when a detailed layout and access details would be considered.

Concerns have been raised by residents over the safety of the suggested Geveze Way access and whilst access is not expressly considered in this application (which reserves all matters), the Highways Officer has commented that the site area as shown on the plan does not have sufficient frontage with the Highway to provide the required visibility. In response, the agent has confirmed that the applicant has suitable control over the access through a covenant and therefore it is considered that a suitable access could be secured.

Representations received show concern over a lack of parking shown on the indicative plans. The travel plan requested at reserved matters stage by the Highways Authority would be considered to ensure suitable levels of parking are incorporated into the development.

Flood Risk, Drainage and Water

Residents have raised concerns that the proposal will exacerbate existing drainage problems and may lead to flooding, however following an initial objection, the Environment Agency are satisfied that the proposed attenuation including a balancing pond which could be secured by condition will ensure the proposed development is satisfactory in terms of flood risk and drainage.

Representations have suggested that the proposal would strain existing sewage and water supplies; however the relevant Water Authority has no objection to the proposal subject to a condition to agree drainage details.

Archaeology

The applicant is undertaking Trial Trenching to determine whether the area is likely to have significant archaeological remains. Based on the desk based assessment submitted, the agent considers this unlikely and subject to the receipt of satisfactory comments from Leicestershire County Council Archaeology Team who have recently inspected the trenches, the proposal would not be considered to adversely affect areas of archaeological significance.

Ecology

Further to the receipt of a Badger survey and Habitat Suitability Assessment for Great Crested Newts, both Natural England and Leicestershire Ecology Team are satisfied that the proposal would not adversely affect protected species or areas of ecological importance (subject to the imposition of suitable conditions and additional surveys at reserved matters stage). It is noted that the Local Badger Group object to the proposal however it is considered that a further Badger survey at reserved matters stage and mitigation measures if deemed necessary would ensure the proposal does not adversely affect this protected species.

The submitted Habitat Suitability Assessment concludes that nearby ponds would provide a suitable habitat for Great Crested Newts and as such Newt mitigation measures are suggested which could be enforced by condition. Whilst it is noted that residents are concerned over the loss of habitat for animals including birds and Bats, the agent has confirmed that no trees or hedges are to be removed and in line with comments from Natural England and LCC Ecology Team, a condition is recommended to require tree/hedgerow surveys for any trees or hedgerow which it is proposed to remove at reserved matters stage. The Ecology Team at LCC consider that any temporary disturbance to Bat habitat will be satisfactorily compensated for by the proposed tree belt and that impact on the adjacent dismantled railway (which is of Parish level ecological significance) can be controlled through conditions requiring suitable boundary treatment and preventing light spill and the dumping of allotment waste. Whilst layout is a reserved matter the Ecologist is supportive of the proposal to retain the ecological buffer and dismantled railway in publicly accessible areas, commenting that there is more chance of their long term retention.

It is noted that concerns have been raised over blanked out sections of the Ecological Surveys. To clarify, these sections contained reference to Badger Sets and were blanked out by the LPA to protect the location of the Badgers. The Council's Ecological advisors are in receipt of the complete surveys.

Trees & Hedges

The agent has confirmed the proposal will not involve the removal of trees and hedges; however it is recommended that if members decide to approve the application, conditions be attached to ensure their retention. The Arboriculturalist at Leicestershire County Council considers there is very little of ecological or visual significance to be removed, and there is scope in the new tree belts to the south for a definite net 'landscape gain'. In line with the comments from LCC Arboricultural and Ecological advisors, conditions are recommended to ensure appropriate long-lived and large-growing native species for the proposed tree belt.

Public Right of Way

A public right of way runs adjacent to part of the Northern site boundary, Leicestershire County Council have requested improvements to this footpath through a section 106 agreement and as such the proposal would be considered to maintain and improve this footpath.

Residential Amenity

The application is in outline form with all matters reserved and as such, the intricacies of residential amenity can not be fully investigated. However, it is considered that the development could be accommodated without having a

detrimental impact upon the residential amenity of the neighbouring properties. Whilst it is noted that land levels rise up to the rear of the existing housing backing on to the field, the proposed density and the inclusion of the ecological buffer demonstrate that despite the rising levels (which is not uncharacteristic of some parts of the adjoining estate), the proposed new dwellings could be sited so as to exceed the required separation distances to existing dwellings such that loss of light, loss of privacy nor overbearing impact would be considered to be caused. Details of specific housing designs and finished floor levels would be considered at reserved matters stage.

Residents are concerned that the alteration of two existing cul-de-sacs to through roads will alter the character of these roads and as a consequence of additional traffic, noise, pollution, litter etc. adversely affect residential amenity for existing properties. Whilst it is accepted that the proposal would alter the character of Murray Close and Crowfoot Way in respect to making them through routes, Officer's would not consider this to adversely affect neighbouring amenity to an unacceptable level, given that this type of layout is not out of keeping with the wider residential estate and housing areas generally. With respect to resident's concerns over noise and disturbance the Council's Environmental Health Officer has been consulted and considers that given the scale of the proposed development, a noise assessment would not be required as the conclusions would be unlikely to suggest any mitigation from the developer. Although there will be an increase in traffic, it is unlikely that it will all occur at the same time. The traffic from the dwellings is likely to peak between 8:00 – 9:00 and 17:00 – 18:00, whereas people visiting the Scout hall are likely to do so between these peak hours, or at night. Furthermore, there will be a speed restriction of 30mph.

Members are reminded that this is an application in outline form only and therefore the detailed layout and access are not being considered. Therefore even if Members consider the creation of through roads to Murray Close and Crowfoot Way would adversely affect residential amenity to an unacceptable level, the opportunity would exist to serve the proposed development solely from the suggested Geveze Way access. This road is already a through route and the Highways Authority has confirmed that access via this one point would be acceptable from a Highway Safety perspective. Notwithstanding this, the proposal for three accesses is considered to reduce the impact on any particular adjoining property as drivers would have a choice of which route to use depending on their destination.

It is considered that concerns over light pollution from the proposed footpath could be dealt with satisfactorily at reserved matters stage through suitable conditions.

Design, Scale & Layout

As previously stated, the application is in outline with all matters reserved. However, the Indicative Layout and Design and Access and Supporting Statement illustrate how the site could be developed.

The development will deliver a mix of single and two storey dwellings in addition to a scout hall. The Design and Access and Supporting Statement indicates the dwellings would be typical of those in the settlement, being predominantly of traditional red and yellow brick, natural render and wood panelling. It is noted that some residents have

raised concern over the indicative layout, for example with the proposed loop road (as previously discussed), the enclosed nature of open space or concern over a boundary of fencing adjacent to the countryside. Leicestershire Police are also critical of the indicative layout (discussed later under Crime/Security heading). Whilst these concerns are noted, it should be pointed out that the existing estate boundary is fencing and the proposed tree belt to the Southern site boundary would be considered to provide (in time) a softer, screening boundary to the development, more appropriate than the existing estate boundary. Whilst there is open space to the South of the site situated at the rear of houses, it is considered that this would help minimise the impact of the proposal on the landscape through retaining those more visible locations as open/landscaped land. Notwithstanding this, the site is of sufficient size such that a variety of layouts could be accommodated and at reserved matters stage when detailed layout and design would be considered, specific concerns could be addressed. Given that this application is for outline consent with all matters reserved and the site is clearly large enough for alternative layout options to be explored, it would be considered unreasonable to refuse the application on the grounds of design/layout.

Enhancements/Landscaping

Although, landscaping is a reserved matter, the submitted plans and supporting information include details of:

- A children's play area
- Allotments
- Public open space
- An ecological buffer and adjacent footpath
- A tree belt

The landscape strategy could be secured through conditions attached to any planning permission or by way of an appropriate legal agreement. The Harborough District Council Open Space Manager has confirmed that the development would require a LEAP and this would be secured through the Legal Agreement with details to be approved by Officers. It has been commented by the public that there is no need for additional allotments, however these have been requested by the Council's open space manager and would be maintained either through commuted sums or by an agreed management plan secured by condition/legal agreement.

Crime and Security

Concerns have been raised by residents and Leicestershire Police over the indicative layout, particularly with regards to the proposed footpath at the rear of houses, the proposed tree belt, fencing onto the countryside and the open space/play area which representations consider are not well overlooked. It is suggested that these areas are likely to exacerbate anti-social behaviour and encourage crime. The applicant has attempted to overcome concerns through widening the footpath and repositioning dwellings on the indicative layout, however concerns have still been raised over the latest plans. Considering the application is in outline with all matters reserved and the site could accommodate a variety of layouts Officers consider it would be unreasonable to refuse the application at this stage on the proposed layout. Should Members be minded to approve the application, a condition is recommended to ensure consideration of crime/security issues at reserved matters stage.

Facilities

Residents have raised concerns over the lack of facilities in Broughton Astley and feel that the proposed housing would add further strain to these, however the Core Strategy states 300 dwellings are required for Broughton Astley and the contributions secured through an appropriate legal agreement would be considered to support facilities where it has been proven there is a justifiable need as a result of the proposed development. This was identified in a report by Roger Tym and Partners for Harborough District Council in October 2010. The provision of a Scout hall (itself a departure from planning policy as development in countryside) is supported by justification provided by the applicant. It has been suggested that the facility would be available to other community groups when not being used by the Scouts. This could be secured through a suitable legal agreement. Some residents have commented that the Scout hall whilst providing for younger children, would not provide for teenagers, however the comments received from the Scout group indicate that it could provide for children up to the age up 18, in addition to other community groups which could represent all ages.

Concern has been raised over the impact of a pre-school on existing pre-schools and childminders, however through a suitable legal agreement the land could be provided for education purposes (eg to Leicestershire County Council) for the most appropriate use. Any detailed proposal would be subject to a further planning application at reserved matters stage, however the proposed site is not considered unsuitable for a pre-school given the location adjacent to a primary school and it is noted that other representations have stated that there is a shortfall in pre-school provision.

A representation has suggested that employment space should be provided in conjunction with the application, however whilst there is no requirement for this in policy, the provision of the Scout hall is considered to support the local economy.

Dismantled Railway

The route of a dismantled railway line runs adjacent to the Eastern site boundary. The proposal would not prevent or impair the future use of the dismantled railway line as a recreational or transport route.

Settlement Character

Although objections regarding the proposed loop road are noted, the proposal would not be considered to be out of character with the adjoining residential estate. Whilst the proposed site is of a lower density than the surrounding estate, this would be considered appropriate for the edge of countryside location. The proposal would affect individual views from existing properties bounding the site, however it would not be considered to develop areas of land important to the form and setting of Broughton Astley and as discussed in the landscape capacity section of the report would be viewed from middle distance views in the context of some development on the edge of Broughton Astley. Given the nature of the cul-de-sac layout for Murray Close and Crowfoot Way and the existing boundary treatment at the proposed access point at Geveze Way the proposal would not be considered to adversely affect breaks in the street frontage which afford views of the countryside which are significant to the settlement.

Agricultural Land Quality

The site is agricultural land and is considered to be grade 3 (good to moderate quality agricultural land). Consequently the development would not result in the loss of the best and most versatile agricultural land.

S106 Agreement

Representations received and existing Council guidance make various s106 requests including contributions towards affordable housing, open space provision, recycling, community facilities, libraries, police, health and civic amenities. These representations are available for inspection as background papers. The suggested contributions have a detailed justification related to the proposal consistent with the Council's *Planning Obligations, Developers Guidance Note*, 2009, the recommendations of Circular 05/2005 and CIL Regulations. Other elements, such as proposed Scout Hut and land for new pre-school or other school use, do not solely arise from the proposal. Their delivery currently seems reliant on the site coming forward as a departure from policy. Their provision (and securing by obligation if appropriate) is a material consideration as part of the proposals and the overall consideration of the departure from planning policy. Any approval could be subject to obligations to secure these contributions

Other Issues Raised

A concern has been raised that the creation of a through route would prevent children from the local school using the road to practice cycling proficiency. It is noted that Hallbrook School has not raised this concern and little weight is given to it as it is considered that there are other areas nearby which could be used. A concern is also raised by residents that Hallbrook School will be engulfed in development and that this loss of adjacent countryside will be to the detriment to future pupils. It should be noted that the land adjacent to the school is proposed to be retained for a new pre-school or other school use and land to the South of the school would be unaffected. In any case, development adjacent to the school would not be considered to adversely impact on pupils at the school and the School has not objected to the proposal.

Many residents consider that further development in Broughton Astley would go against resident's views that it should remain a village, however the need for housing and facilities are recognised in the Draft Core Strategy (which has been the subject of public consultation).

Residents appear to show concern over potential future developments and the extent to which Broughton Astley may grow, however it should be remembered that the proposal should be considered on its own merits and that any future proposals would be subject to the planning process.

It has been commented that the submitted statement for community involvement fails to state that the local community were consulted and that a development of this size should be considered at a public meeting rather than 'slipped' into the planning system. There have also been concerns raised over the extent of public consultation by the LPA. To clarify; the LPA has exceeded both its own and government's requirements with regards to public consultation for this planning application and there is no requirement for the applicant to have consulted the public.

One representation has raised a concern that if the estate is further enlarged community spirit/feel will be adversely affected, given the proposed Scout hall, allotments and play area which would provide meeting places for local residents, the proposal would not be considered to adversely affect community spirit and indeed is likely to contribute to improving this.

One representation questions the desirability of the proposed housing adjacent to the Scout hut, however the Scout hut would not be considered to adversely affect neighbouring residential amenity and any buyer of the proposed adjacent properties would be fully aware of the proximity to the Scout hut.

A number of other non-planning matters (which cannot be considered) are also raised in representations such as devaluation of property.

Conclusion:

The development will adversely affect the character and appearance of the countryside at and around the application site and this is considered contrary to HDLP EV/5 and PPS 7, however the site has significant potential to provide housing including the required level of affordable housing. This can make an important contribution to addressing the Council's 5 year shortfall in housing land supply and within the context of Planning Policy Statement 3 should be favourably considered. In addition, the Council's emerging policy in its Core Spatial Strategy identifies potential for housing development at Broughton Astley and the site is considered suitably accessible in order to meet the requirements set out in the relevant Core Strategy policies. Furthermore landscape information in support of this proposal identifies the site has high capacity in landscape terms to accommodate the proposed development. In light of these considerations, a departure from planning policy is warranted. There is no evidence to suggest there will be an adverse impact on highway safety. Any effect towards residential amenity or other interests can be dealt with by conditions on any approval and subsequent consideration.

Conditions

1) Details of the appearance, access, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved. Reason: To comply with the Town and Country Planning (General Development Procedure) Order 1995 as this is a planning permission in outline only.

2) The reserved matters shall be submitted within 1 year of the date of this permission and the approved development shall have been begun within 1 year of the final approval of such details. Reason:- To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.

3) The development hereby permitted shall generally be in accordance with the submitted plans and drawing reference; 209032DWG013 revision C, 209032DWG009 revision C, 209032DWG011 revision C, 209032DWG012 revision C, SRL.68.09a and SRL.04.11. Reason:- For the avoidance of doubt.

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

- BS10175 Year 2001 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

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

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

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. *Reason:- To ensure the land is fit for purpose and as local knowledge suggests the presence of animal remains buried during a swine flu epidemic to accord with the aims and objectives of PPS23*

5) Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. Prior to occupation of any part of the completed development, a report showing the findings of the Verification Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;

- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason:- To ensure the land is fit for purpose and as local knowledge suggests the presence of animal remains buried during a swine flu epidemic to accord with the aims and objectives of PPS23

6) No development shall commence on site until details of the existing and proposed ground levels and finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure a satisfactory form of development which is compatible with the character of the surrounding locality and to accord with Policy IN/1 of the Harborough District Local Plan.

7) No development shall commence on site until representative samples of the materials to be used externally in the construction of the approved building have been deposited with and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In the interests of visual amenity and to ensure that the development will harmonise with its surroundings and to accord with Policy IN/1 of the Harborough District Local Plan.

8) Before development commences, a scheme of improvements to Public Footpath W55 shall be submitted to and agreed in writing by the LPA. The scheme shall include details of the repair of the dismantled railway bridge and improvements to the surface of the route. The scheme so approved shall be completed prior to first occupation of any dwelling and shall be retained in perpetuity. *Reason: To improve pedestrian links to the site as the proposed development will increase use of this public footpath and place additional pressure on the already damaged bridge and surface of the footpath to accord with the aims and objectives of PPS1.*

9) The existing trees and hedges on site shall be securely fenced off. Details of the protective fencing to be used and its position around the trees and hedges should be submitted to and approved in writing by the Local Planning Authority prior to development commencing and should comply with British Standard 5837:2005 'Trees in Relation to Construction' and in accordance with BS3998:1989 and all subsequent arboricultural best practice guidance. The details as approved shall be maintained during the course of construction. *Reason:- To ensure that trees and other vegetation to be retained are not damaged during construction works and to accord with Policies IN/1 and EV/19 of the Harborough District Local Plan.*

10) Development shall not begin until a surface water drainage limitation scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall

subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- details of how the scheme shall be maintained and managed after completion
- sustainable drainage techniques or SuDS incorporated into the design.
- details to show the outflow from the site is limited to the maximum allowable rate, i.e. greenfield site run-off
- that the surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including a allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. MicroDrainage or similar sewer modelling package calculations which include the necessary attenuation volume)
- Detailed design details of the proposed balancing pond, including cross-sections and plans. *Reason:- To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the drainage system to accord with HDLP IN/1 and PPS25.*

11) Prior to the commencement of development a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

detail extent and type of new planting (NB planting to be of native species)

- details of maintenance regimes
- details of any new habitat created on site
- measures to minimise the dumping of any green waste outside of the allotment boundary
- details of treatment of site boundaries and/or buffers around water bodies

Reason:- To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with HDLP RM10 and PPS9

12) The development hereby permitted shall not be commenced until such time as a scheme to install trapped gullies has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason:- To protect the water environment and to accord with HDLP IN/1.

13) Details of crime prevention and security measures to be incorporated into the development shall be submitted to and approved by the LPA before the development commences. Such details shall be installed prior to any occupation of any part of the development and shall be retained in perpetuity. *Reason: To ensure the safety and security of future residents of the development and the surrounding community and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS1.*

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

accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. *Reason:- To ensure the satisfactory drainage of the site and to require, where possible, sustainable drainage methods to be employed and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS25.*

15) Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the LPA. *Reason: To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site and to ensure compliance with policies IN/1 and TR/3 of the Harborough District Local Plan.*

16) No development shall commence on site until a further ecological survey for Badgers has been carried out and the results and mitigation measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. *Reason:- In the interests of wildlife and nature conservation and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS9.*

17) No development shall commence on site until full details of all external lighting have been submitted to and approved in writing by the Local Planning Authority. Once approved the lighting shall be implemented in accordance with the approved details and maintained as such in perpetuity. *Reason:- To ensure light spill does not adversely affect local wildlife or the residential amenity of existing residents to accord with Policies IN/1, EV/5 and RM/10 of the Harborough District Local Plan.*

18) No development shall commence on site until the applicant has secured the implementation of a programme of archaeological recording; in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. The archaeological works shall be carried out by a suitably qualified body acceptable to the Local Planning Authority. *Reason:- To ensure satisfactory archaeological investigation and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPG15 and PPG16.*

19) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and

- facilities for public viewing, where appropriate
- v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii. hours of work on the site to construct the approved development.

***Reason:-** In the interest of the amenity of the area and highway safety to comply with Local Plan Policy IN1.*

20) A Travel Plan covering all aspects of the development shall be submitted with the reserved matters. Note: The plan shall include proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from the Scout hall. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site. ***Reason:-** To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site and to ensure compliance with policies IN/1 and TR/3 of the Harborough District Local Plan.*

21) All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences. Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development. ***Reason:-** To ensure a satisfactory form of development and in the interests of Highway safety.*

22) The landscape details referred to in Condition 1 shall include full details of the position, design, materials, height and type of boundary treatment and open space to be provided. The details shall include a firm boundary between the allotments and disused railway. The boundary treatment shall be provided to the allotments prior to the first use and to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Development shall be carried out in accordance with the approved details. ***Reason:-** In the interest of visual amenity and to accord with Policy IN/1, EV/5 and RM/10 of the Harborough District Local Plan*

23) The landscape details referred to in Condition 1 shall include full details of a tree belt of large-growing, native trees to form a natural woodland along the southern site boundary. ***Reason:-** In the interests of visual amenity, to minimise the impact of the development on the landscape and to provide a habitat for wildlife to accord with Policy IN/1, EV/5 and RM/10 of the Harborough District Local Plan.*

24) The existing hedges together with the trees on the site shall be retained and in no way disturbed. Any proposed alterations to the hedges or trees, including any pruning or selective removal and/or replacement, shall be submitted in the form of a

detailed scheme to the Local Planning Authority and be approved in writing. The detailed scheme shall be carried out as approved and maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. *Reason:- To ensure that the existing trees and/or hedges on the site can be retained, to enhance the development and to safeguard the appearance of the area and to accord with Policies IN/1 and EV/19 of the Harborough District Local Plan.*

25) The development shall be in accordance with the recommendations of the submitted 'Assessment of Waterbodies for Great Crested Newt Near Land at Arkwright Farm, Broughton Astley, Leicestershire' January 2011 by Philip Irving. *Reason:- In the interests of wildlife and nature conservation and to accord with HDLP IN/1 and PPS9.*

26) Prior to first occupation, details of provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be provided for each dwelling prior to occupation of that dwelling. Development shall be carried out in accordance with the approved details and thereafter retained. *Reason:- To ensure the adequate provision of facilities and in the interests of visual/general amenity and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS10*

Notes to Applicant

1) The Environment Agency recommends the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home.

2) It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of Dark Smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above, the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.

3) In preparing submissions to comply with condition 13 the applicant should follow the guidance in the ACPO Secured by Design initiative.

4) The applicant is reminded that bats, owls and other protected species may be using the site as a nesting place. Both species are protected under the Wildlife and Countryside Act 1981. Should bats or owls, or other protected species be present or be suspected on site the applicant should contact Natural England.

10/01669/OUT-MARKET
HARBOROUGH
Langtree Group plc

Erection of 47 dwellings (means of access to be considered), Tungstone Batteries Ltd., Sovereign Park.

Target Date: 10/3/11

Recommendation

APPROVE for following reason subject to the appended conditions and securing obligations as set out in this report by Section 106 or other undertaking.

The development hereby approved would be in keeping with the form and character of the surrounding settlement, would not have an adverse affect on the amenity of adjoining residents subject to reserve matters approval, and would not result in additional traffic which would give rise to a road safety hazard. The proposal is therefore considered to comply with policies IN/1, TR/3 and HS/8 of the Harborough District Local Plan and Supplementary Planning Guidance Notes 1 and 2 and no other material considerations including development of land with employment consent indicate that the policies of the development plan should not prevail.

Site:

The application site is located to the south of the town centre, off Northampton Road. The site is currently a vacant relatively flat piece of land bounded by a high close boarded fenced. There is an existing access point and spur off Lathkill Street.

The site was previously occupied by Tungstone Batteries Factory which closed in 2002. Most of the site was subsequently developed for housing leaving this part of the site as potential employment use (approved by 03/01539/OUT)

The site is to the west of Lathkill Street (towards Bath Street). The northern boundary abuts Industrial Units to Bath Street and to the west and south are houses and gardens of new housing development on Tungstone Way and Hurlington Road.

The Proposal:

The application relates to the erection of 47 dwellings with only means of access to be considered at this stage. The site area is 1.29 hectares. The access to the site is proposed where Tungstone Way meets Lathkill Street where there is an existing access spur. A 3.6m high acoustic barrier and landscape buffer is proposed along the northern boundary adjacent industrial units.

The application was supported by the following documents:

- Planning Supporting statement;
- Design and Access statement;
- Employment Land Study;

- Noise Assessment;
- Phase 1 Environmental Assessment Report;
- Extended phase 1 Habitat survey;
- Transport Assessment; and
- Travel Plan.

Revised plans:

- Address Plot 26 and close proximity to existing flat;
- Driveways off Lathkill Street
- Plot 18/19/22/25 reduce to 2 storey

Policy

National:

- PPS1 – Delivering sustainable Development
- PPS3 – Housing
- PPS4 – Sustainable Economic Development.
- PPG13 – Transport
- PPG24 – Planning & Noise
- PPS25 – Development and Flood Risk

East Midlands Regional Plan:

- Policy 3 - Distribution of new development
- Policy 13a – Districts allocation
- Policy14 – Regional priorities for affordable housing

Harborough District Local Plan:

- IN/1 – Standards of Development
- EM/2 – Control of new employment sites on existing and proposed employment sites
- HS/1 – Provision of Housing to meet a range of needs
- HS/4 – Affordable Housing
- HS/8 – New housing in settlements with defined limits to development

Local Guidance:

- SPG1 – Design principles
- SPG2 – Residential Development – Major Housing sites
- SPG9 – Landscape and new development
- SPG13 – Crime prevention and reduction
- SPG16 – Requirement for the provision of land for outdoor play space in new residential developments
- Affordable Housing SPD (February 2006)

Affordable Housing SPD (February 2006)

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

Planning Obligations Developers Guidance Note (adopted September 2009)

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

This assessment considers 'community facilities' that are not already covered by other elements of the Councils Developers contributions Guidance such as libraries, education, outdoor recreation, play areas etc.

HDC: Local Development Framework (LDF)

Harborough district council has commenced work on the Local Development framework. The Core Strategy is an important element of the LDF and will guide future development in the district to 2026.

HDC: Core Strategy:

On 28th February 2011 the Council decided to submit the Core Strategy for independent examination, which is expected to take place in summer 2011. It is anticipated that the Strategy will be adopted towards the end of 2011.

Policy 1 – Harborough Spatial strategy

Policy 2 – New Housing in the district

Policy 3 – Delivering housing choice and affordability

Policy: - Location of future development

Policy12 – Delivering development and infrastructure contributions

Leicester and Leicestershire Strategic Housing market Assessment (SHMA)

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

Strategic Housing land Availability Assessment (SHLAA)

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

Consultations / Representations:

Highway Authority:

No objection subject to conditions relating to waiting restrictions on Lathkill Street; all details to comply with design standards of LCC current design standards document; garage doors, vehicle wheel cleaning during construction; parking within the site during construction off street parking provision; surfacing; shared private driveways width; existing footway width; details of shared cycleways/footways within the site. Note to applicant: the layout and highway layout geometry does not comply with current design guide and adoptable standards.

This reply was supplemented by email 15th February 2011 when Highways confirmed observations made during site visits of the existing on street car parking situation on

Lathkill Street. Highways recommend a condition that double yellow lines should be introduced as part of the development on the spur of Lathkill street west towards its junction with Haddonian Road (within the highway to the front of 32 – 36 Lathkill Street.) Highways confirmed with reference to councillors concerns, the likely traffic impact of the proposal and the existing outline approval it is not considered there will be a significant unacceptable impact on queuing and congestion on the local road network.

HDC Planning Policy Manager

The site is a cleared but previously used employment site (Tungstone Batteries) and EM/2 was the basis against which application 03/01540/FUL was originally considered. Assessment against this policy, as a saved LP policy, remains valid.

The 1.22ha site was originally granted permission for employment use to balance / offset the significant loss of employment caused by the closure of Tungstone's, thereby meeting the requirements of EM/2 whilst allowing the larger portion (6.5ha) of the site to be developed for residential use

The proximity of employment and residential uses were deemed to be compatible (aided by the restriction to employment to B1) and the mixed use nature of the total site acceptable.

The site is currently vacant / un-used and has remained so since its previous general industrial use ceased (approx 2003). The fact that it has remained vacant must not be regarded as a significant factor since the market for offices and B1 units in Market Harborough is quite small– the Northampton Road office site has been laid out with similar levels of demand during this period resulting in very limited office and warehouse development completed.

I concur that the site is in principle suitable for development and that development would be preferable to the current vacant state.

The consent for the site is for offices/workshops and would cover the full range of uses within Use Class B1. The marketing information and employment land study accompanying the application refer principally to the lack of suitability and demand for office uses. The site has much more potential than for office development. The period under which the marketing has been carried out has included the most severe economic downturn for decades.

I agree that the most suitable location for further B1 office development should be in the town centre but Market Harborough is constrained in terms of land availability for business development. A site such as the application site at Lathkill Street which is well located to surrounding residential areas is one of the only employment sites currently available within a kilometre of the town centre and suitable for a wide range of B1 uses.

The site is to be assessed alongside other employment sites as part of an employment sites assessment which will accompany the strategic housing land availability assessment in the Spring 2011 to determine its appropriateness. This will take into account such factors as the market attractiveness over the period to 2026

and its accessibility This will enable the forthcoming Allocations DPD to confirm a broad portfolio sites / premises for employment use to 2026 in Market Harborough. Completion of this work will allow a relative assessment of this site against other potential sites and at the present time it is not possible to provide this.

The District is however currently not able to demonstrate a five year supply of housing and the presumption in favour of housing development should be weighed against the factors described above.

In terms of housing development, the site is well located to surrounding services and adjoining residential use, will make effective use of a previously used site and contribute to the emerging Core Strategy policy of achieving 1200 additional dwellings in Market Harborough by 2026. If permitted the tenure and dwelling type should accord with the advice of housing officers with a minimum of 30% provided at affordable tenures and the development should provide the range of obligations set out in the document Planning Obligations Developer Guidance Note – September 2009.

Leicestershire County Council (Ecology):

No comment.

Environment Agency:

No objection following receipt of a Flood risk Assessment (February 2011). Suggest conditions.

Anglian Water

No objection subject to conditions to require a drainage strategy.

Environmental Health (HDC):

No objection subject to condition relating to risk based land contamination assessment and noise mitigation.

Drainage (HDC):

No objection, subject to condition relating to foul and surface water drainage.

Police:

Concern for the level of pedestrian access through Lathkill Street frontage – should have a function, this is not the case for the southern pedestrian link; adequate front boundary treatment; insertion of flank windows in ground floor rooms to ensure casual oversight of the public realm and parking areas. *Officer comment: if approved attention to these details could be addressed through reserved matters.*

Civic Society:

Objects raising the following points: (1) six years ago this land was considered unsuitable for residential development due to land contamination

Section 106 Contributions:

Affordable Housing:

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

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

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

The affordable housing will be transferred to a partner RSL at Open Market Values to be agreed between the developer and RSL partner and approved by Harborough District Council. The transfer values will be built into the Section 106 Agreement if details are available at the time the Agreement is drafted. Therefore 14 dwellings will be affordable, 8 rented and 6 Intermediate Housing.

County Council

Advises contributions required to primary school, high School, Upper School, Library and Waste Management.

LCC Police

Contribution sought as the development will represent about 4% of the growth proposed for the town and based on the matrix will generate staffing need of about 0.5 additional FTE across the force establishment. The local police Police Station at Harborough are at capacity and will need to be extended, potentially with other premises serving the Borough, to accommodate additional staffing. We will also need to buy additional personal and communication equipment to support growth planned for the District.

HDC Community Facilities:

Provision via contribution required for parks and gardens, children and young people, greenspace and other typologies (see file for justification). *Officer comment:: the site is close to existing facilities within the adjacent Bellway development and open space near Harborough Leisure Centre and elsewhere which could be enhanced to accommodate requirement of this proposal rather than provide on site.*

NHS

£47,000 contribution, workload increase of 0.07 GP plus associated nursing and administrative support. The surgery on Coventry road has the greatest capacity issues, therefore is likely to feel the impact of an increased population. The practice has no space capacity the PCT's load/capacity model (the size of the building should be for a given population and compares this to the actual size of the building. The Coventry Road practise there is a 182 sq.m. deficit and a population increase would add to this. Since the practise was completed 18years ago the town has grown dramatically and will continue to, changes to medical practises (increasing transfer of

secondary care means more visits to the practise. To accommodate these pressures the staff has increased and as a result the practise is seriously short of room, despite re-scheduling clinic in the lunchtime and evening, also the car park is now far too small. The PCT is currently working on establishing an integrated Primary Care and Community Hospital hub in Market Harborough.

Highways:

Travel Packs to inform new residents of sustainable travel choices (£48.85 per pack), 6 month bus passes, 2 per dwelling (2 application forms to be included in pack and funded by the developer - £264.50 per pass), Improvements to the 2 nearest bus stops (including raised and dropped kerbs to allow level access) at £3,210.00 per stop and Information display cases at the 2 nearest bus stops at £95.00 per display.

Representations:

6 letters of objection/comment have been received raising the following points: (1) 2.5 storey property would block view from my property, visually intrusive and cause overlooking (2) no local play facilities around here (3) welfare of residents as social housing on Hurlington has already caused problems, important that the social housing is not clustered near the existing ones (4) increase traffic and parking (5) take away daylight. (6) welcome the development of the site for residential development (7) intensification of inadequate access of Lathkill Street, dangerous due to parking by nearby workers, (8) poor visibility worsened by significant increase in traffic from the new development (9) parking etc. issues need to be addressed by adequate traffic mitigation measures (10) lack of pedestrian/cycle crossings – safe routes to schools should be considered (11) trust there will be adequate on-site parking for construction vehicles and pedestrian links within the site out onto Lathkill Street (12) presently cars park on both sides between Haddonian Way Lathkill Street as it turns north to Bath Street unsafe for pedestrian and drivers as they can't see to cross (13) dangerous spots from Tungstone estate turning right onto Lathkill Street- can't see car approaching and driving down Lathkill Street can't see cars approaching from Haddonian Way. (14) Parking and traffic difficulties on Lathkill street.

Cllrs Simpson Davis and Dunton consider carefully the issue of current congestion the area suffers and bear in mind LCC Transport plan LTP3 which talk about the quality of the streets and the role the highway Authority in seeking to ensure the reduction of the traffic impact on peoples lives and the environment in this case we are concerned at the blind junction that exists and will be further compromised given the development of the site. We would urge the Highway Authority to carefully consider the multiple issues that affect the flow of the traffic in this area

Additional information submitted by Agents

The agents for the application carried out a public consultation exercise on 19th October 2010.

Other Information

History:

03/01539/OUT Erection of up to 250 dwellings and a mixed office and workshop development Approved 21/5/04

03/015340/FUL Erection of offices and workshops. Approved 10/03/04.
04/02050/REM Erection of 208 dwellings and associated works Approved 06/12/05

Planning Considerations:

Policy Assessment:

As this application is for the erection of 47 dwellings with means of access only to be considered at this stage, Policy HS/8 is considered most relevant. This policy requires a number of criteria to be met, such as the proposal must not have a detrimental impact on the residential amenity of neighbouring properties, it should not have a detrimental effect on the visual amenities of the surrounding area, and it must not result in a sub-standard level of on-site parking. Local Plan policy EM/2 is also relevant as it seeks to retain potential employment opportunities.

Principle of the Development

The brownfield site is in a sustainable location accessible to the town centre. The site has been advertised for employment use over the last 6 years without success. As the site benefits from employment consent its development for housing conflicts with local plan policy EM/2 which generally seeks to resist the potential loss of local employment opportunities. Whilst the site has potential employment use it is obviously constrained by the recent adjacent housing development and apparent lack of commercial interest probably indicative of its suitability for employment (see also Policy comments). In these circumstances and given the potential benefit to housing land supply a departure from EM/2 is warranted.

Housing Land Supply Position

In October 2010 the Council published a 6 month update of their Supply of Deliverable Housing Sites. This gave a 4.4 year supply of housing land, a shortfall of 186 dwellings. As the Council do not currently have a five year supply of deliverable housing land, planning applications for housing should be considered favourably having regard to para 69 of PPS3. This is a very strong consideration in favour of the proposal emphasized by its status as previously developed land.

Impact upon Character of the Area (Design, scale and layout):

As stated above, the application is in outline with all matters reserved. However the Indicative layout (as amended) and design and access statement illustrate how the site could be developed. If approved details matters such as appearance and any effect on neighbouring property will be subject to assessment though reserved matters.

The development will deliver a mix of terrace, semi-detached and detached dwellings ranging from 3-4 bedrooms. The dwellings will be 2 or 2.5 storeys, reflecting the local area. The overall density is 36.4 DPH. The illustrative layout provides housings consistent with existing development. If outline consent is granted some layout changes to achieve an appropriate detail highway layout, Police representations and appearance to Lathkill Street may be required. The application is therefore considered to be in accordance with Policy HS/8 of the Harborough District Local Plan.

Residential Amenity:

As stated above, the application is in outline with all matters reserved and as such the details of residential amenity can not be fully investigated. However it is considered that the development could be accommodated without having a detrimental impact upon existing resident's amenity. Issues surrounding resident's amenity can be considered in more detail at reserved matters stage. The application is therefore considered to be in accordance with Policy HS/8 of the Harborough District Local Plan.

Highways and Parking Considerations:

Leicestershire highways has not objected. It confirms it has taken account of the existing on street car parking concerns have been raised. Highways recommend a number of conditions to address this and an appropriate highway layout. The application is therefore considered to be in accordance with Policies IN/1 and TR/3 of the Harborough District Local Plan.

Other Issues:

There are no notable habitats on site and the site will have negligible importance for nature conservation. Leicestershire County Ecology has no objection to the scheme. The site has the potential for contamination from on site past use and adjacent operations that may have impinged on the site, this investigation can be conditioned. Environment Health officer has suggested a detailed a risk based land contamination assessment and completion/verification Investigation report condition.

Section 106 Agreement

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

Conclusion:

The site has significant potential to provide housing including affordable housing. This can make an important contribution to addressing the Council's 5 year shortfall in housing land supply and within the context of Planning Policy Statement 3 should be favourably considered. The loss of potential employment land is not a substantial reason to resist the proposal. There is no evidence to suggest there will be an impact on highway safety. Any effect towards residential amenity or other interests can be dealt with by conditions on any approval and subsequent consideration. The proposal therefore accords with development plan policy, other than EM/2, and is recommended for approval.

Conditions / Reason:

1. No development shall commence on site until detailed plans showing the layout, scale, appearance and the landscaping of the site (the reserved matters) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the

approved reserved matters, unless otherwise agreed in writing by the Local Planning Authority. Reason:- To comply with the Town and Country Planning (General Development Procedure) Order 1995 as this is a planning permission in outline only.

2. The reserved matters shall be submitted within 3 years of the date of this permission and the approved development shall have been begun within 2 years of the final approval of such details. Reason:- To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.
3. No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved building has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- In the interests of visual amenity and to ensure that the development will harmonise with its surroundings and to accord with Policy IN/1 of the Harborough District Local Plan.
4. No development shall commence on site until full details of the means of foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- To ensure the satisfactory drainage of the site and to require, where possible, sustainable drainage methods to be employed and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS25.
5. No development shall commence on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, (other than small, privately owned, domestic gardens), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- In the interests of the establishment and management of the landscaped areas and to accord with Policy IN/1 of Harborough District Local Plan.
6. No development shall commence on site until a schedule of all screen walls and fences, indicating their position, height, detailed design and the materials to be used in their construction, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- In the interest of visual amenity and to accord with Policy IN/1 of Harborough District Local Plan.
7. Before occupation of any part of the completed development, a completion/validation report relevant to the whole development or that part of

the development shall be submitted to and approved in writing by the Local Planning Authority. The completion report shall contain:

(i) A full description of the works undertaken in accordance with the Remediation Proposals.

(ii) Results of any additional monitoring or testing carried out between the submission of the Remediation Proposals and the completion of remediation works.

(iii) Movement permits of all materials taken to and from the site

(iv) A statement signed by the developer or the approved agent, confirming that all the works specified in the Remediation Proposals have been completed.

Reason:- To ensure the land is fit for purpose and to accord with the aims and objectives of PPS23.

8. No development shall commence until a scheme, with programme for implementation, for off site highway works to include waiting restrictions complete with associated road markings and signage to serve the spur of Lathkill street west towards its junction with Haddonian Road (within the highway to the front of between 32 and 36 Lathkill Street and measures to address priority at Lathkill Street and Haddonian Road has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed only in accordance with approved details. Reason: In the interest of highway safety.
9. No development shall commence on site until details of all roads, footpaths and verges, together with all drainage works have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details and shall be retained as approved in perpetuity unless otherwise agreed in writing by the Local Planning Authority. Reason:- To secure a satisfactory form of development and in the interests of the free flow of traffic and highway safety and to accord with Policies IN/1, TR/3 and TR/10 of the Harborough District Local Plan.
10. Before first use of a dwelling hereby approved, the access drive (and/or forecourt area) and any turning space to that dwelling shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least five metres behind the highway boundary and shall be so maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority. Reason:- In the interests of highway safety and to accord with Policy IN/1 of the Harborough District Local Plan.
11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors

- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works hours of work on the site to construct the approved development.

Reason:- In the interest of the amenity of the area and highway safety to comply with Local Plan Policy IN1.

12. No development shall commence on site until a risk based contaminated land assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment should be carried out in accordance with BS10175 Year 2001 Investigation Of Potentially Contaminated Sites Code of Practice and CLR 11 Model Procedures For The Management Of Land Contamination issued by the Environment Agency. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.
Reason:- To ensure the land is fit for purpose and to accord with the aims and objectives of PPS23.

13. No development shall commence until a scheme for noise attenuation mitigation measures consistent with the recommendations of the Wardell Armstrong Noise Assessment (Nov.2010) has been submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented as approved.
Reason: In the interest of residential amenity of future occupiers.

10/01740/FUL – GREAT GLEN
Silverdale Developments Ltd and
Riverside Housing Group

Erection of 24 affordable dwellings with associated access and vehicle parking at Brentwood, Glen Rise, OADBY.

Target Date: 22.03.2011

Recommendation:

REFUSE

This housing proposal is contrary to Harborough Local Plan Policy EV/5 as it represents residential development in countryside. This policy conflict is not outweighed by important benefits of the proposal including its contribution to addressing the current 5 year land supply shortfall, as well as providing affordable housing, notwithstanding that the scheme has been shown not to be sufficiently viable to contribute to infrastructure contributions that would enhance the proposals sustainability credentials.

Site:

The application site is located outside the settlement boundaries for both Great Glen (by approximately 800m) and Oadby, a town within the adjacent administrative area, (by approximately 600m). The site is situated to the rear of two residential properties, namely Brentwood and Glendyfi both of which front onto Glen Rise (the old A6) linking Great Glen to Oadby and form a cluster of buildings that are of mixed character.

The original buildings fronting onto Glen Rise (which include Brentwood and Glendyfi) are individually designed properties, 1 and 2 storeys in height, generally set back from the highway affording them spacious front gardens and/or parking areas. Interspersed between these older properties there have been a number of more recent infill developments, utilising the large gardens of properties to create denser developed schemes. These newer developments include a mixture of detached, semi-detached and short terraces of 2 and 3 storey properties. There is also a modern, purpose built public house and a hotel built at the south-eastern end of the development cluster.

The site consists of approximately 0.85ha of land predominantly previously used in connection with agriculture however it does also include part of the garden of Brentwood. The site is adjoined by dwelling houses to the north-west, north-east and partially along the south-eastern boundary. The remainder of the south-eastern boundary forms a field, whilst there is also a bund to the south-west of the site affording screening to the new A6 bypass.

The agricultural land has been unused for some time, with the majority of the site laid to grass. At the centre of the site there were a number of connected dilapidated barns. These agricultural structures were sizable and extend across the entire width of the site and are constructed from a mixture of brick, timber and corrugated metal sheeting. There are also a couple of smaller structures located on the northern part of the site, both of which are also in a poor state of repair. These agricultural buildings have subsequently been demolished.

The site is currently accessed via a narrow, single width track that leads to the site from Glen Rise between the properties of Brentwood and Glendyfi. The site is bounded by rows of established trees. Along the south-eastern side of the site, these trees are within the site, to the north-west the trees are within the curtilage of Brentwood. To the south of Brentwood, the properties in Erringtons Close (one of the newer in fill developments) that adjoin the site provide simple close boarded fencing to the site.

The Proposal:

The application seeks planning permission to develop the site for residential development, following the demolition of the remaining agricultural buildings on the site. The development would comprise 24 affordable dwellings, (16 shared ownership units and 8 rented units), with associated access onto Erringtons Close and vehicle parking within the newly created development.

The proposed dwellings are as follows:

8 no. x 2 bed properties at 70m² each
 16 no. x 3 bed properties at 105m² each

House Type	Plot Number(s)	Height to Ridge	Height to Eaves	Number of Stories
A1	1, 21 & 24	8.2m	5.02m	2
A2	8, 12 & 13	8.2m	5.02m	2
A3	5	8.2m	5.02m	2
A3	16	8.2m	5.02m	2
B1	6, 7, 9, 10, 11, 14, 15 & 20	9.02m	5.7m	3
B2	2, 3, 4, 22 & 23	9.02m	5.7m	3
B3	17, 18 & 19	9.02m	5.7m	3

A series of amended plans have been received during the process of the application taking into account comments made by the various consultees including Highways and the Police.

This application is being reported to the Planning Committee as it is a departure from the Local Plan.

The application is accompanied by a design and access statement and a viability appraisal.

Policy:

National Policy:

- Planning Policy Statement (PPS 1) – “Delivering Sustainable Development”
- Planning Policy Statement 3 (PPS3) – “Housing”
- Planning Policy Statement 7 (PPS7) – “Sustainable Development in Rural Areas”
- Planning Policy Statement (PPS 9) – Biodiversity and Geological Conservation
- Planning Policy Statement (PPG 13) – Transport
- Planning Policy Statement (PPG 17) – Open Space, Sport and Recreation

Circular 11/95 Use of conditions in planning permission

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

Circular 05/2005 – Planning Obligations – This Circular requires planning obligations to be sought only if the obligation is:

- relevant to planning;
- necessary to make the proposed development acceptable in planning terms;

- directly related to the proposed development;
- fairly and reasonably related in scale and kind to the proposed development; and
- reasonable in all other respects

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

Community Infrastructure Regulations 2010

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

Safer Places: The Planning System and Crime Prevention

Regional Spatial Strategy

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

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

In light of the recent High Court decision which confirmed that the Regional Plan will remain part of the statutory development plan until it is abolished by primary legislation, HDC asked East Midlands Council (EMC) to assess the conformity of the 'Publication Version' of the Core Strategy against the requirements of the Regional Plan. EMC replied 21 December 2010 concluding "the Core Strategy taken as whole would appear to be in 'general conformity' with the Regional Plan".

Harborough District Local Plan:

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

- Policy IN/1 – Standards of Development
- Policy EV/5 – Development in the Open Countryside
- Policy HS/4 – Affordable Housing
- Policy HS/5 – Rural Exception Sites

Policy TR/3 – Development Impacts on the Existing Road Network
Policy TR/10 – Parking
Policy LR/5 – Recreation Requirements in Residential Development
Policy ALT/3 – Density

Local Development Framework

Harborough District Council has commenced work on its Local Development Framework (LDF). The Core Strategy is an important element of the LDF and will guide future development in the District to 2026. The Council agreed to submit the Core Strategy to the Secretary of State on 28th February 2011. This represents a material consideration as emerging policy.

Core Strategy Publication Version (October 2010):

Policy 1 – Spatial Strategy
Policy 2 – Delivering New Housing
Policy 17 – Countryside, Rural Centres and Rural Villages

Supplementary Planning Guidance Notes:

- Note 2 Residential Developments – Major Housing Sites.
- Note 13: Crime Prevention & Reduction
- Note 16: Requirements for the provision of land for outdoor play space in new residential developments
- Affordable Housing Supplementary Planning Document (SPD) (adopted February 2006). This adopted Supplementary Planning Document is a material consideration in the determination of planning applications. The SPD establishes a site threshold of developments of 5 or more dwellings and requires that 30% of the dwellings are affordable. Affordable housing requirements are increased from 30% to 40% in the emerging Core Strategy (CS). Although not yet adopted, the CS is a material consideration. Reflecting emerging policy from the Local Development Framework evidence base.
- Planning Obligations Developer Guidance Note (September 2009) - This adopted document sets out the Council policy for securing Section 106 contributions.
- Assessment of Local Community Provision and Developer Contribution (October 2010) - This assessment considers 'community facilities' that are not already covered by other elements of the Council's Developer Contributions Guidance such as libraries, education, outdoor recreation, play areas etc'. In particular it assesses indoor community facilities including village halls and indoor sports provision.
- Great Glen Village Design Statement.

Consultations / Representations:

Police:

Object on sustainability grounds due to the lack of S106 contribution and also raises issues with the layout and design of certain elements of the proposal.

Severn Trent Water:

No objections subject to a condition being attached to any grant of consent.

LCC Ecology:

Request that additional surveys (as suggested in the submitted ecological report) are submitted prior to determination. The Developer has requested that to secure grant funding for the proposal they need to be on site by the 31st March and therefore inline with Paragraph 99 of Circular 06/2005 they request that the Local Planning Authority treat this as an exceptional circumstance and attach a condition allowing the surveys to be undertaken at a more appropriate time of year (March onwards). The ecologists have advised that ultimately the Local Planning Authority must determine if these are “exceptional circumstances”. The ecology department also point out that a full survey could have been completed earlier this year thus avoiding the problem.

LCC Highways:

Raises concerns regarding the layout of the proposal and requests additional plans to address the concerns. Amended plans have been received and further advice received states that there are no highway objections to the revised plans subject to conditions and S106 contributions being received.

LCC Tree Officer:

No objections and agrees with the findings in the tree survey submitted as part of the proposal.

LCC Education:

Request s106 contributions towards Primary and Upper School Provision (no High school contributions sought).

LCC Waste Management:

Request s106 contributions

LCC Libraries

Request s106 contributions

HDC Waste and Recycling Department:

No objections subject to the highways being built to an adoptable Highways standard.

HDC Policy and Housing:

Object to the proposal on the grounds that the application does not meet the defined need of affordable housing type – preference is for a majority of rented units and not the shared ownership sale properties proposed. Furthermore there is no identifiable need for affordable housing given the recent approval of units as part of the Pearl City and GG2 developments in the area. Given the lack of a case for the affordable housing provision in this locality there is no justification to consider waiving any S106 contributions from the development.

HDC Landscape Officer:

Request s106 contributions towards either the maintenance of parks and gardens, sports facilities, green spaces, allotments, cemeteries and closed churchyards that will be directly affected by the proposal whether they be on or off site.

Contaminated Land Officer:

No objections to the proposal and no comments to make.

HDC Drainage:

No objections subject to a condition being attached to any grant of consent.

HDC Waste and Recycling Department:

No objections subject to the highways being built to an adoptable Highways standard.

Parish:

No comments to make on the proposal.

Representation:

17 letters of objection received from 14 different addresses received at time of writing report citing: 1) the area cannot accommodate any more houses due to their impacts on the local roads, shops and parking that are already stretched to capacity, 2) highway safety, particularly on Erringtons Close, 3) impact on parking provision, particularly on Erringtons Close, 4) increase in traffic noise and pollution, 5) loss of privacy and daylight, 6) loss of the rural character of the area, 7) design of the dwellings are not in keeping with their surroundings, 8) poor access to local shops and amenities, 9) flooding of gardens on Erringtons Close, 10) is there any need for this garden grabbing when 900 dwellings are proposed in the area?, 11) loss of green belt land, 12) overbearing development having a negative impact on the area, 13) Is there a need for all these affordable houses?, 14) impact on wildlife and ecology, 15) loss of trees on site as a result of the development, 16) density of the development, 17) increase in crime levels, 18) Erringtons Close already suffers from vehicle congestion and the proposal will further increase the issue, 19) loss of views of the open countryside.

In addition to this a petition of 28 signatures objecting to the proposal (some of which have also sent individual objection letters) has also been received.

Planning Considerations:

Background History:

09/01470/FUL – Erection of 29 affordable dwellings with associated access, vehicle parking and public open space – REFUSED for the following reasons:

- 1. The proposal by virtue of its layout and design and especially relative dominance and concentration of car parking and prevalence of regimented, continuous blocks of housing is uninteresting and will adversely affect the existing character of the area failing to maximise potential of the site to improve the locality. For these reasons it is inappropriate development in the countryside and contrary to Harborough District Local Plan Policies IN/1 and EV/5 and Regional Plan Policy 2 and other material consideration such as possible delivery of housing, especially affordable housing, do not outweigh this conflict.*

2. *The proposal will have an adverse impact on neighbouring residential amenity by way of an overbearing and overlooking effect and is therefore contrary to Harborough Local Plan Policy IN/1(j)*

Other Issues:

Section 106 Agreement:

A Section 106 (S106) Agreement (or similar) would be required to be completed to secure affordable housing on the site and contributions if sought towards Education, Libraries, Civic Amenities, Public Open Space, Community Facilities and the Police.

However the Developers state that they cannot afford to provide any S106 contributions due to the fact that they will not make any profit from the proposal. To substantiate this statement the applicants have provided an Economical Viability Report prepared by Intali Property Strategy (July 2010). The Local Authority has had this report independently assessed and the findings of the independent assessment are as follows:

Following our detailed examination of the Intali Report and having considered the proposed development, for which Planning Permission is now sought, we have concluded that in normal circumstances we would recommend that the Council relax its requirements for contributions as the scheme is clearly not viable. However, we have drawn to the Council's attention that neither the developer nor the Housing Association has made a legal commitment to acquire the development site but has secured its purchase by way of Option Agreements both in respect of the development land itself and to acquire two "ransom strips" which are in separate ownership.

It would follow that it might be possible for the developer to renegotiate the terms of the land purchase in the knowledge that their current offer price renders the development unviable given the level of contribution sought.

Against this position the developers argue that further negotiation of the purchase price would not be possible and any revised offer terms would result in the transaction failing. Since the proposed development is to deliver 100% affordable housing the Council will need to take a view as to whether or not to enforce contributions in this case and thereby risking the loss of affordable housing.

In light of the above, it would appear that the Developer could afford to pay S106 contributions if they negotiated on the purchase price of the land with the land owner. However, the developer has advised the LPA that the land owner is not willing to negotiate on the price of the land and is prepared to wait until the housing market improves and land values increase rather than sell at a lower figure now.

Policy:

As this application is for residential development, in the form of affordable housing, in the open countryside, Policies HS/4, EV/5, IN/1, TR/3, TR/10, LR/5 and ALT/3 are considered to be most relevant. Policy HS/4 states that the Council has identified a need for affordable housing across the district and should use its powers of negotiation to achieve new units of affordable housing by negotiating for an element of affordable on committed or windfall sites that receive planning permission.

Policy EV/5 seeks to protect countryside from unnecessary development and there is a general presumption against development unless it is essential for the needs of agriculture or would sustain the rural economy. Harborough District Council Planning Policy confirms that although the proposal is unlikely to conform to Policy EV/5, the neighbouring developments are material planning considerations that need to be taken into account.

Principle of Development:

There is a presumption against residential development as the site is within the countryside. However, there are a number of material considerations that need to be taken into consideration to help assess the impact. The site is mostly agricultural land that is bounded by residential development on either side, albeit only partially on the south-eastern boundary of the site.

The principle of residential development has previously been established nearby in the granting of several other new developments along Glen Rise, namely the developments now known as Erringtons Close, Foxpond Lane Spion Kopje as well as the development more recently at the former Pearl City site.

Planning Policy and Affordable Housing Response:

“Local Planning

Contrary to LP policy HS/5

Contrary to Policy 1, 2 and 17 Core Strategy Publication Version

The existing issue of housing supply shortage (currently 4.4 yrs) which means that applications must be considered favourably can be resolved through approval of other outstanding applications scheduled to shortly determine in March (DC Manager comments that other decisions are not pre-determined) and which may conform with the principles of the emerging Core Strategy.

Housing Choice and Affordability

This scheme is being presented as a mix tenure proposal, yet it is heavily weighted towards Shared ownership with 20 units for Shared ownership sale and 4 as rented (now amended to 16 Shared Ownership and 8 rented properties). This does not meet with the needs defined in Harborough where the affordable housing requirement is for a majority of rented units.

If this scheme is delivered, shared ownership units may prove very difficult to sell in an already depressed housing market with no improvement in market conditions being predicted in the short term and possible a lot longer. Shared ownership schemes have been seen as risky for lenders who have been, historically reluctant to lend and potential customers have experienced difficulties in normal market conditions. Over the past two

years, developed shared ownership projects have had to converted to other tenures i.e. intermediate rent in Harborough as a result. The Pearl City site which is in very close proximity to Erringtons Close has already provided an all affordable housing project of 24 units recently. Therefore any immediate need may have been met in this locality.

Further future need is expected to be met through the proposed development at Stretton Road (the GG2 site) which will deliver Harborough's 30% affordable housing requirement of approximately 80 units.

The proposed tenure type does not meet with Harborough's housing needs and expectations and the need for affordable homes in this part of the District can be met in existing approved development

Community Infrastructure

It is understand that the scheme is not willing or able to consider any planning contributions towards community infrastructure.

If the S106 contributions are not made which contribute to developing and or expanding local infrastructure to meet the impact of housing developments on local resources, the pressures on existing services and infrastructure will increase.

There is no overriding case for affordable housing provision in this locality which might suggest contributions towards the impact of this development should be waived."

Therefore the advice received is that the proposal is contrary to Policy HS/5 of the Local Plan and also contrary to Policies 1, 2 and 17 of the Core Strategy Publication Version. Furthermore the advice is that the provision of 100% affordable housing on the site may not be necessary (or an acceptable justification for the lack of S106 contributions from the development).

Residential Amenity:

The application is flanked by residential properties on several of the common boundaries of the site, principally to the north-east and south-west and partially to the south-east. The proposed new dwellings have private rear gardens of comparable sizes to the respective house designs in Erringtons Close. Furthermore the proposed dwellings alongside the existing dwellings have been designed with no windows serving habitable rooms in their side elevations, and orientated so that the buildings either have their blank gable elevations facing the neighbouring properties to prevent any overlooking from occurring or, so that they are predominantly in accordance with the guidance on separation distances between buildings contained within Supplementary Planning Guidance Note 2. The separation distances between the properties proposed to be built within the site also comply with this guidance. Therefore, despite the objections from residents in Erringtons Close, any impact arising from overlooking is not demonstrably harmful enough to warrant refusal. In addition to this, the siting of the proposed dwellings is such that there would not be

significantly harmful levels of overshadowing or other effect to amenity occurring from the proposed new dwellings.

Highway:

The Highways Officer initially raised concerns with the layout; however the applicants have submitted amended plans to address these concerns. Further Highways advice has been received based on the amended plans stating that there are no Highway Objections to the revised layout subject to a number of conditions being attached to the grant of any permission, and also subject s106 contributions towards travel packs and bus passes for the new residents. For clarity the Highway Officer addresses a number of the objectors concerns stating the following:

“...It is proposed to access the site via Erringtons Close which forms a simple priority junction with Glen Rise. This junction also has the benefit of a ghost island for right turners into Erringtons Close. In the vicinity of the site, Glen Rise is lit and subject to a 40mph speed limit. The site itself would be served by a new residential accessway from Erringtons Close, a new cul-de-sac which serves in the region of 30 dwellings (Officer note, the application is only for 24 dwellings).

I am aware there has been a significant level of objection to this development from local residents who are unhappy that the access is to be taken from Erringtons Close. I understand that the option of accessing the site direct from Glen Rise was put forward at the pre-application stage, however this was discounted due to there being insufficient distance between any new junction and the existing Erringtons Close/Glen Rise junction. As such, it would not have been possible to meet requisite standards set out in 'The 6Cs Design guide' regarding junction spacing.

Further objections were made on the grounds that Erringtons Close is unsuitable to cater for the additional traffic which would be generated by the development. However, the Highway Authority is not in agreement with this point of view.

Erringtons Close has been constructed to an adoptable standard with a carriageway width of 5.5m and therefore is capable of accommodating the additional traffic. It should be noted that in accordance with Table DG1 of Htd, roads such as Erringtons Close could serve anything between 50-400 dwellings, although this would be limited to 150 from one point of access. As long as the junction of the new road into the new development from Erringtons Close is also built to an appropriate standard, (which the Highway Authority will insist on anyway) there is nothing to suggest that it would constitute unacceptable form of development in highway safety terms.”

Design & Impact on Character and Appearance of the Countryside:

The proposal is set around an access road that winds through the site curving towards the north-western boundary of the site at roughly its mid point with a turning head towards the end to facilitate turning incorporated as part of the road layout. The

proposed dwellings are a mix of two and three storey dwellings, with the three storey dwelling accommodating the third floor within the roof spaces requiring either dormer windows on the front elevations, or if velux windows are proposed, these are only on the rear elevations so as to respect the privacy of the adjoining residential properties. Whilst the applicant has attempted to introduce a variation of design features within the scheme, namely through variation in ridge heights and different porch designs along with subtle changes to fenestration, this is of limited effect

The proposal will be visible when travelling along Glen Rise, especially towards Oadby, and from the A6. Whilst it is not considered that the proposal would be particularly prominent it will be subject to glimpsed views and generally increase a perception of built-up suburban development at Glen Rise. Whilst this is out of keeping with the existing countryside appearance of the site its impact is mitigated by the proposal scheme being set back behind the original properties on the frontage of the site, and being seen against a backdrop of the existing dwellings in Erringtons Close the site. Potential landscaping could also mitigate impact. The proposal nevertheless conflicts with Local Plan policy EV/5.

It is also acknowledged the layout of the site is not ideal as whilst there are terraced properties elsewhere on the modern developments along Glen Rise, they tend to be for a shorter run of properties (generally runs of no more than 3 terraced dwellings) and are interspersed between other building types on their respective developments. However it is accepted that the site is constrained by a number of factors including its width, and the requirement to access the site from Erringtons Close rather than directly onto Glen Rise to comply with Highway advice. Furthermore it must also be pointed out the current proposal is for fewer units than 09/01470/FUL and represents a significant improvement in design to that refused scheme.

Ecology:

County ecologists have indicated that there are highly likely to be a number of protected species in the vicinity of the area as a result of their existing data on the area. Some surveying of the site has already been undertaken and based on the advice received from the Ecologist conditions requiring further survey works to take place prior to any development commencing on site are considered appropriate.

Landscaping:

Any favourable recommendation would be subject to, amongst other things, a landscaping scheme being submitted which can control the retention and incorporation of any existing hedgerows to the rear of the site. The landscaping survey submitted states that not all of the trees and shrubs on the site are suitable for retention and therefore are likely to be removed with new planting proposed as part of the landscaping scheme of the site as a whole. The tree assessment for the removal of the existing landscaping on the site has been checked by the County Council Tree Officer who has confirmed that the report is sound and accurate and there are no significant trees of merit on the site due to their inherent defects or short life expectancy.

Housing Land Supply:

PPS3 requires local planning authorities to ensure that there is a continuous five year supply of deliverable sites within their District. To be deliverable sites need to be

available, i.e. available now, suitable i.e. the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities; and achievable i.e. there is a reasonable prospect that housing will be delivered on the site within five years

In June 2010 the Council produced a paper entitled 'The Supply of Deliverable Housing Sites 2010-2015. This gave a 4.7 year supply of housing land at April 2010 with a shortfall of 98 dwellings over the five year period. In October 2010 the Council published a 6 month update of their Supply of Deliverable Housing Sites. This gave a 4.4 year supply of housing land, a shortfall of 186 dwellings.

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

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

Achieving high quality housing;

The proposal is an improvement on previous schemes on will provide a range of house types.

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

The Proposal will provide a variety of house types, sizes and affordable tenures.

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

The proposal will adversely affect the countryside appearance of the site. Its environmental sustainability credentials are less than would normally be expected as the proposal cannot contribute to infrastructure such as education that would normally be expected in accordance with relevant policy.

Using land effectively and efficiently;

The density of 44dph is higher than that set out Policy ALT/3. However, the density is similar to recent developments

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

The Council's Housing strategy officer queries the particular affordable housing needs in this locality. However, a broad district need is not disputed. Conflict with the emerging Core Strategy is identified (see Planning Policy response)

Conclusion:

The proposal merits favourable consideration as it potentially contributes to addressing the council's 5 year land supply shortfall and provides affordable housing. This important favourable consideration must be balanced against other policy objectives including that to strictly control new housing in the countryside. For the reasons outlined in this report the benefits of the proposal do not outweigh policy conflict and permission should therefore be refused.

Other Applications – Residential

11/00016/ETF – BROUGHTON ASTLEY
Mr M Snutch and Mr John Lowe

Erection of three detached dwellings and formation of access and associated garages, hardstanding and landscaping (Extension of time to 08/00192/FUL), at Land at Church Close.

Target Date: 03.03.2011

Recommendation

APPROVE subject to the appended conditions and for the following reason:

The development hereby approved would be in keeping with the form and character of the surrounding settlement, would not have an adverse affect on the amenity of neighbouring or nearby residents, would not result in additional traffic which would give rise to a road safety hazard, and would not result in a sub-standard level of off street parking or have an adverse impact on highway safety. The proposal is therefore considered to comply with Policies IN/1, RM/10, TR/3, HS/7 and HS/8 of the Harborough District Local Plan and no other material considerations indicate that the policies of the development plan should not prevail.

Site:

The application site is located to the rear of the White Horse public house, and is currently open land. It is located within the defined Limits to Development of Broughton Astley, and close to Broughton Astley Brook which is shown as Essential Washland on the Local Plan proposals map. The site is bounded by Church Close to the west, Park View Close to the east, and existing residential development to the south. The application site is not within a Conservation Area.

Planning permission for four detached dwellings on this site was originally refused (02/01899/FUL) on the grounds of the impact to the flood flow conveyance and flood water storage capacity of the flood plain. Discussions took place between applicants/agents and the Environment Agency over the extent to which development might be permissible. A subsequent planning application for three dwellings (ref. 08/00192/FUL) was then granted, with conditions, at Planning Committee. The positions of the access and one of the garages were then revised (ref. 09/00269/FUL) – under the provisions for Extensions of Time applications, these latter amendments are not part of the current planning application.

The Proposal:

The current application is for an Extension of the Time Limit for the implementation of the full planning permission granted in 10th April 2008 under application 08/00192/FUL, for the erection three detached dwellings and associated garages, and the formation of access plus hardstanding and

landscaping. The dwellings would be accessed from Church Close via a proposed new access.

The plans submitted for 08/00192/FUL did contain reference to a 'new access' from Park View Close and although no amended plans were received to delete these two words, the agent confirmed he was content with a condition being imposed to state that no new access was to be formed from Park View Close. It is noted that overall the plans clearly indicate that no new access is proposed from Park View Close.

The government introduced legislation in October 2009 which enables an Extension of the Time Limit to be agreed, provided they are extant at the date of application and have not yet commenced.

Policy

National:

PPS1 – Delivering sustainable development

PPS3 (as amended June 2010) – Housing

PPG13 – Transport

East Midlands Regional Plan:

Policy 2 – Promoting better design

Policy 13a – Regional Housing Provision (excluding Northamptonshire)

Policy 29 – Priorities for Enhancing the Region's Biodiversity

Policy 35 – A Regional Approach to Managing Flood Risk

Policy 43 – Regional Transport Objectives

Policy 45 – Regional Approach to Traffic Growth Reduction

Policy SRS 3 – Housing Provision

Harborough District Local Plan:

IN/1 – Standards of development

RM/2 – Land liable to flood

RM/10 – Maintenance/protection of habitats

HS/7 – Settlement character

HS/8 – Design, layout and amenity

HS/9 – Important open land

TR/3 – Impact to road network

TR/10 & TR/11 – Parking requirements

Local Guidance:

SPG Note 1 – Design principles

SPG Note 2 – Residential development

SPG Note 3 – Single plot and small group developments

Consultations / Representations:

LCC Highway authority:

In light of previous permissions granted on the site, the County Highway Authority has no comment on this proposal

Environment Agency:

No objections to the Extension of Time application

Water Authority (Severn Trent Water):

No objections subject to condition requiring detailed proposals for the disposal of surface water and foul sewerage. *[Officer comment: HDC's Drainage Engineer approved a drainage plan 17.11.08 which had been required by a condition attached to the 2008 permission. A condition may be imposed requiring the current proposal to be implemented in accordance with that plan.]*

HDC Environmental Health:

"No further comments"

Public Rights of Way:

None affected

LCC Ecology:

No comments received

Parish:

Comments received 31.01.11:

"Parish Council objected previously (25-02-08) and continues to object due to the following:

The access road from Church Close is extremely narrow and there are concerns regarding traffic flow. The plans have further reduced the access by providing a footpath part of the way along the lane and by doing so has removed the only passing place.

The proposed properties are sited on a piece of land which regularly floods.

The proposal will lead to the felling of a number of mature trees.

There is potential for further development on the site in the future, and if permission were to be sought at a later date, this would prevent affordable housing being built and S106 payment avoided.

Representations:

5 letters of objection have been received, raising the following points:

- (1) Loss of privacy; impact to living conditions of neighbours;
- (2) Current proposal constitutes overdevelopment of the site; contrived nature of the siting of Plot 1 [ed. Bungalow]; consequently out of character with surrounding development; the current density of existing development should be considered – it is "very close to that limit"
- (3) Flood risk – Suitability of this site for additional development, in light of local flooding issues/risks; the site lies in a flood plain; the proposed new dwellings would push the water table higher and move the water downstream
- (4) Impact to existing drainage system – implications for run-off; pressure would be placed on the local sewage pipes
- (5) Access – Unsuitability of Church Close for accommodating additional traffic flows proposed; access would not be 'safe, accessible and user friendly'; an

access is also proposed from Park View Close [Officer comment: this is not the case]

(6) Impact on natural wildlife of locality, including water voles, kingfisher, wagtails, heron and a little egret, plus many other birds

(7) Changes to PPS3 – Proposal amounts to ‘garden grabbing’; objectors understand that new powers introduced June 2010 are able to prevent overdevelopment of neighbourhoods; the Council’s decision should be reconsidered in light of the changes to PPS3; “I strongly recommend that the LPA carefully review and document their consideration of this proposal in detail as subject to the outcome of a detailed investigation / report will be requested by my legal representatives on how the proposal was considered against these new and existing guidelines”

Other Information

Relevant planning history

09/00279/FUL – Repositioning of access and detached garage (as approved under 08/00192/FUL) – granted, conditions, 30.04.2009

08/00192/FUL – Erection of three dwellings with associated garaging and parking (resubmission of 07/01686/FUL) – granted, conditions, 10.04.08

07/01686/FUL – Erection of three dwellings and associated garaging and parking – withdrawn 04.01.08

02/01899/FUL – Erection of four detached dwellings and garages – refused 12.03.03

Planning Considerations:

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the relevant policies contained within the Development Plan unless material considerations indicate otherwise. At the present time the Development Plan for the site comprises the East Midlands Regional Plan (EMRP) and the ‘saved’ policies of the Harborough District Local Plan (HDLP).

As this application is for the erection of new dwellings within the defined Limits to Development, Policies IN/1, HS/7 and HS/8 are considered most relevant. Policy HS/8 requires a number of criteria to be met, such as the design and layout of the development must be in keeping with the scale, form, character and surroundings of the settlement, the proposal must not adversely affect areas of important open land and not result in a sub-standard level of on-site parking, and the development must not have a detrimental impact on the amenities of residents in the area.

The original application was granted (with conditions) in April 2008 and is thus extant. The main consideration therefore is whether there have been any changes in the Development Plan or other planning policies or any other material considerations which would affect the assessment of the proposal.

The Council decided 28th February 2011 to submit its draft Core Strategy (CS) for examination having considered the outcome of public consultation. Policy 16 of the CS says 300 dwellings will be provided at Broughton Astley. This is a material consideration in favour of the proposal not previously in place.

PPS3 changes

The proposed dwellings are located within the defined Limits to Development of Broughton Astley. The site is an undeveloped area of land, and although it is not comprised of residential gardens or public open space, it is caught by implication in the changes in Annex B to Planning Policy Statement 3: Housing (PPS3) (June 2010) to the definition of 'previously developed land', i.e. it is land "which... has not been previously developed".

The Government Chief Planner wrote to local planning authorities on 15th June 2010 advising on *New Powers for Local Authorities to stop 'Garden grabbing'*, confirming that the government has amended PPS3. In addition to the aforementioned change, the national indicative minimum density of 30 dwellings per hectare has been deleted from paragraph 47. Local Planning Authorities (LPAs) and the Planning Inspectorate are expected to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications.

However, a central thrust of PPS3 is the need to make effective and efficient use of land (ref. paragraphs 68-71). PPS3 states: "A key objective is that LPAs should continue to make effective use of land by re-using land that has been previously developed." Although the application site as 'green' land is now excluded from this, the alteration to PPS3 does not *preclude* development of sites such as this. It simply implies that it is not a priority and as such, proposals must be considered on a case by case basis to ensure that they are appropriate in terms of the impact on their surroundings. A number of appeals across England for similar development have been considered by the Planning Inspectorate but, to officers' knowledge, there has been no case yet has an appeal been dismissed directly because of this change to PPS3.

The omission of the national indicative minimum density of 30 dwellings per hectare lends more weight to ensuring that development is of a density in keeping with the area in which it is situated. The density of the proposed development is approx. 19.2 dwellings per hectare.

PPS3 also directs LPAs to make an efficient use of land, and promotes the creation of sustainable communities, locations which offer a range of community facilities with good access to jobs, key services and infrastructure. As a site within the built settlement, it is considered that the application site might represent a better location for new housing than encroachment into the countryside. In addition, it is neither private garden land nor public open space. If one was to object *per se* to the principle of development on undeveloped land within the defined Limits to Development, one would be placing further pressure on locating new housing development in less sustainable locations on the edge of settlements.

The change to the definition of ‘previously developed land’ would seem to give greater help to an LPA protecting the character of its settlements from inappropriate development. The two key questions are therefore: (1) *Would the current proposal be out of character, and therefore inappropriate, in this location?* (2) *Do the changes to PPS3 affect the application site so much as to justify refusal of this Extension of Time application?*

Principle

With regard to this site, discussions took place in 2007 between the applicant/agent and the Environment Agency (EA) regarding the extent of the flood plain. The impact to the flood plain had been the major issue (and formed the reason for refusal) at the time of the previous application for residential development on this site. Prior to the 2008 application, the EA had confirmed to the applicant’s agent the precise extent of the flood plain, and subsequently confirmed that it had no objections to the current application.

The Parish Council commented (in 2008) that there is potential for a much larger development on the site and that a later application for development on the land “would mean the avoidance of having to provide affordable housing and possibly a [Section] 106 agreement.” However, having regard to the comments from the Environment Agency, it is highly unlikely that any further development of the site would ever be proposed (or approved), and thus there is considered to be no issue regarding comprehensive development or affordable housing.

Impact to Character of Local Area

Broughton Astley has been the subject of significant infill development, some comprehensive and some piecemeal, over recent decades, and many examples are to be found locally, including Orchid Place, Thorneycroft Close, Rear of 39-45 Dunton Road, and Station Road post office, as well as Croft Way and Speedwell Drive. The character of Broughton Astley has changed from a linear settlement to one that is a mixture of planned and nucleated – its linear core has been extended by a series of estates and closes, particularly dating to the 1960s, 70s and 80s, and the result is a settlement which might be said to lack a defining sense of place.

In this context the current proposal is considered not to result in any significant change to the settlement’s character.

Design

The proposed development comprises two detached, two-storey dwellings in the main part of the site, and one detached, single storey dwelling to the north-eastern corner of the site. The two, two-storey dwellings (hereafter referred to as Plots 2 and 3) would have an eaves height of 5.0m and an overall ridge height of 9.5m. They would have hipped roofs, with a central ridge and cropped gable ends and each would have one chimney. Plots 2 and 3 would benefit from five bedrooms, the fifth in the roof space and with an en suite, and a total of 10 habitable rooms.

Plot 1, to the northern end of the site, is proposed to be a dormer bungalow, with attached single garage, living room, kitchen, bathroom and two bedrooms on the ground floor, and a master bedroom with en suite at first floor level, a total of 5 habitable rooms. The proposed dwelling would have an eaves height of 2.4m and an overall ridge height of 6.1m. The dwelling would have a hipped roof, with a central ridge that drops down for the garage, and a cropped gable end to the other end that is bounded by Park View Close.

Visual Amenity

Park View Close to the east and south of the site, as well as Church Close to the south and south-west of the site, is characterised by large, detached two-storey dwellings, and the proposed development would therefore sit well in this locality. For example, the proposed dwellings would be of a similar height and scale to No. 2 Park View Close to the east of the site and to No. 7 Park View Close to the south of the site. In addition, the land slopes down from east to west, i.e. sloping away from Park View Close towards Church Close, and thus the scale of the two-storey dwellings would be somewhat disguised.

The two dwellings Plots 2 and 3 would be set well back from Church Close, in the same way as Nos. 8, 10 and 12 to the south-west of the application site, and although the proposal would involve the removal of a large tree (not subject to Tree Preservation Order) and other existing planting along the southern boundary of the site, the proposed dwellings are considered not to adversely affect the street scene or amenity either of Church Close or Park View Close.

The proposed dormer bungalow Plot 1 is likely to be more prominent in the Park View street scene, but its ridge height would project only 0.08m higher than the eaves of 1 and 2 Park View Close and the cropping of the gable end to Park View Close would further limit its visual impact to the locality. Some objectors have expressed the view that Plot 1 represents a contrived form of development, but it may also be argued that the current proposal makes good (or best) use of the site, and that the density for the overall scheme is in keeping with the locality and, at 19 dwellings per hectare, still well below the density of developed previously encouraged by PPS3. Notwithstanding the above, there is not considered to be a sufficiently uniform character in the locality to warrant refusal of the current application on account of the single storey nature of Plot 1.

Overall, the proposed development is considered to sit well with the existing pattern of development in the locality, and not to adversely affect the character or visual amenity of the surrounding area. It is thus considered that the application accords with Policies HS/8 and HS/9 of the Harborough District Local Plan, Supplementary Planning Guidance Note 3, and PPS3 Housing (as amended June 2010).

Residential Amenity

The proposed dwellings Plots 2 and 3 would be situated at a distance of 26 metres at the very closest point from the existing dwellings to the east on Park View Close, and thus would have no material impact on the living conditions of the aforementioned properties, especially given the drop in land away from Park View Close westwards. Plot 3 may have some impact to the amenities of 7 Park View Close immediately to the south of the site, but would be situated at a

distance of some 9 metres from the latter and, with side elevation facing side elevation, would comply with supplementary planning guidance relating to separation distances between dwellings. In addition, the proposed Plot 3 would be set down from the neighbour by approx. 0.6m at eaves height and 1.1m at ridge.

The proposed dormer bungalow Plot 1 may arguably have a limited impact on the amenities both of 1 Park View Close to the east and 8 Park View Close to the north. However, the proposed dwelling would be sited some 33 metres at the closest point to No. 8, which complies with SPG 2/3/5. It is also noted from the plans that existing trees to the northern boundary of the site are proposed to be retained. The proposed dwelling would be situated 13.5m from the closest point of 1 Park View Close, and 14.5m from the mid-point of the nearest window. This separation distance broadly complies with SPG 2 & 5 and, having regard to the relative heights of the two properties and the drop in levels, the proposed dwelling is considered not to adversely affect the living conditions of any neighbouring occupier such as to warrant refusal of the application. It is also noted that no windows are proposed to this side elevation. The application is therefore considered to be in accordance with Policies IN/1 and HS/8 of the Harborough District Local Plan.

Access and Parking

Single storey, detached, double garages are proposed to serve Plots 2 and 3, the garage serving plot 2 to be sited close to the boundary of the site and the single storey part of the public house to the north of the site, while the garage serving plot 3 would be sited to the west of the proposed dwelling close to the entrance to the development on Church Close. The Highway Authority had originally objected (to app 07/01686/FUL) on the grounds of lack of separate footway facilities (to cater for the additional vehicular traffic which would be generated by the proposal). This has been addressed in the current proposal, with the provision of a 1.2m-wide public footpath extending from Church Close level with the end of the car park serving the public house, around to the entrance to the proposed development. The Highway Authority has no objections to the current proposal, and recommends conditions. The application is therefore considered to be in accordance with Policies TR/3 and TR/10 of the Harborough District Local Plan.

Trees:

It is noted that one large tree is proposed to be removed, as well as other existing hedging and planting to the southern boundary of the site. Neither the aforementioned tree nor the site is protected by a Tree Preservation Order and their loss would not require the submission of formal planning permission or other consent. Landscaping is proposed, and may be conditioned, as part of the proposed development.

Other Issues:

Concerns expressed by LCC Archaeology were another of the reasons that HDC objected to the 07/01686/FUL proposal. An archaeological report has been submitted and in response the County Archaeologist now has no objections to

the proposal and recommends a condition be imposed to secure the final phase of archaeological evaluation.

Housing Land Supply

The Council's Housing supply calculation for the period 2010-2015, updated October 2010, establishes that Harborough District is 4.4 yrs (1447/326) or 88.8% (1447/1630) of regionally-set housing targets (which HDC has agreed to continue with). Subsequent permissions (for approx. 75 dwellings, including 50 allowed at appeal on Land at Clack Hill) may give a 4.7 year supply (93%).

This is an important material consideration with regard to PPS3. This proposal, while modest, would make an important contribution to housing supply and merits favourable consideration as required by PPS3.

Conclusion:

The proposed dwellings would constitute an appropriate form of development, would have a scale, massing, form and character that is in keeping with the locality, would not result in the loss of important open or undeveloped land, and would not adversely affect residential amenity as there are no issues of overlooking created and will not be overbearing, and there is satisfactory parking provision; and thus the proposal would comply with Policies IN/1, HS/7, HS/8, RM/10, TR/3 and TR/10 of the Local Plan and SPG3 Single plot and small group developments.

Conditions / Reason:

1. The development hereby permitted shall be begun within three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: "5981P-03D" (except in the case of landscaping), "5981P-02A", "5981P-01A", and "MML/CO51/01-B" (in respect of soft landscaping only), and the Location Plan. Reason: In the interests of good planning, and for the avoidance of doubt.
3. No development shall commence on site until full details of all materials to be used on all external elevations of the approved buildings, including windows, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity. Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings and to accord with Policies IN/1, HS/7 and HS/8 of the Harborough District Local Plan.
4. The development hereby approved shall be implemented in accordance with the ground and finished floor levels shown on drawing "MRM/001/002-00B". The development shall thereafter be retained as such in perpetuity. Reason: To ensure a satisfactory form of development, which is compatible with the character of the surrounding locality and which safeguards the

- living conditions of neighbouring occupiers, and to accord with Policies IN/1, HS/7 and HS/8 of the Harborough District Local Plan.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no additional windows, dormer windows or other openings serving habitable rooms shall be formed in the rear (eastern) elevation of the dwelling 'Plot 2' hereby permitted or the side (western and eastern) elevations of the dwelling 'Plot 1' hereby permitted, including their roofs. Reason: To safeguard the privacy and living conditions of adjoining residents and to ensure compliance with Policies IN/1 and HS/8 of the Harborough District Local Plan.
 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or other form of enlargement or alteration to the residential development hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks or gates, fences, walls or other means of enclosure, but excluding development permitted under Schedule 2 Part 40 and Classes G and H of Schedule 2 Part 1, shall take place. Reason: To safeguard the character and appearance of the locality and the living conditions of neighbouring occupiers, and to accord with Policies IN/1 and HS/8 of the Harborough District Local Plan.
 7. The development hereby approved shall be implemented in accordance with the scheme for the disposal of surface water and foul sewage shown on drawings "MRM/001/008-00B", "MRM/001/009-00B" and "MRM/001/009-01A", before the development is first brought into use or in accordance with a timetable to be agreed in writing with the local planning authority. Reason: To ensure the satisfactory drainage of the site and to require, where possible, sustainable drainage methods to be employed, and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS25.
 8. Prior to any dwelling being occupied the footway and vehicular passing place as shown on drawings "MRM/001/015-00B" and "MRM/001/016-00B" shall be provided, and shall be retained as such thereafter and in perpetuity. Reason: In the interests of pedestrian safety and to ensure compliance with Policies IN/1 and TR/3 of the Harborough District Local Plan.
 9. No gates, barriers, bollards, chains or other such obstructions shall be permitted within 7 metres of the highway boundary, unless opening inwards. Reason: In the interests of highway safety and the free flow of traffic and in accordance with Policy IN/1 of the Harborough District Local Plan.
 10. All details of the proposed development shall comply with Leicestershire County Council design standards. No dwelling hereby approved shall be occupied unless the access, car parking (including garage) spaces and turning facilities shown on drawing "5981P-03D" have been constructed. The approved parking spaces, garages and turning areas shall be retained in perpetuity for this use, unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of highway safety and to accord with Policies IN/1 and TR/3 of the Harborough District Local Plan.
 11. Before first occupation of the development hereby approved, visibility splays of 2.4 metres by 23 metres in a westerly direction shall be provided at the

- junction of the shared private access with Church Close. These shall be in accordance with the current Leicestershire County Council design standards and shall be so maintained in perpetuity. Nothing shall be allowed to grow within the visibility splays above a height of 0.9 metres above the adjacent carriageway level. Reason: To ensure that an adequate line of vision is provided in the interests of highway safety and to accord with Policy IN/1 of the Harborough District Local Plan.
12. Prior to the first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level. These shall be in accordance with the current Leicestershire County Council design standards and shall be so maintained in perpetuity. Reason: In the interests of highway and pedestrian safety and in accordance with Policies IN/1, TR/3 and TR/10 of the Harborough District Local Plan.
 13. Notwithstanding the details shown on the plans hereby approved, before any development is commenced on site a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate the treatment proposed for all ground surfaces, together with the species and materials proposed and their disposition, existing trees and hedges to be retained, and fences and walls to be erected. Reason: To enhance the development, safeguard the appearance of the area, and in the interests of highway safety and to ensure compliance with Policies IN/1, EV/20 and TR/3 of the Harborough District Local Plan.
 14. The approved landscape scheme shall be carried out during the first appropriate planting season following the date when the development hereby approved has commenced and all planted material shall be maintained and replaced as necessary by the applicant(s) and/or owner(s) of the said land at the time for a period of not less than 5 years from the date of planting. Reason: To ensure that the work is carried out within a reasonable period and is properly maintained and to ensure compliance with Policies IN/1 and EV/20 of the Harborough District Local Plan.
 15. All on site working, including demolition and deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday to Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays. Reason: To ensure that as far as possible the proposed use does not become a source of annoyance to the nearby residents and to ensure compliance with Policy IN/1 of the Harborough District Local Plan.
 16. For the period of the construction of the development, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, before entering the highway. The wheel washing facilities provided shall be so maintained for the operational construction period of the development hereby approved. Reason: In the interests of highway safety and to accord with Policy IN/1 of the Harborough District Local Plan.
 17. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site. Reason: To ensure that adequate parking facilities are provided throughout the construction of the

- development, in the interests of highway safety and in accordance with IN/1 of the Harborough District Local Plan.
18. The development hereby approved shall only take place in accordance with the detailed written scheme of investigation submitted with application 08/00192/FUL (Report 08/19, Northamptonshire Archaeology, January 2008) and shall be retained as such in perpetuity. The archaeological works shall be carried out by a suitably qualified body acceptable to the Local Planning Authority. Reason: To ensure satisfactory archaeological investigation and recording, and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS5 Planning for the Historic Environment.
 19. The development hereby approved shall only take place in accordance with the desktop based contamination assessment and Phase 2 Intrusive Investigation submitted by Mr Christopher Barker of Merrimans 17th June 2008, and shall be retained as such in perpetuity. Reason: To ensure the land is fit for purpose and to accord with the aims and objectives of PPS23.
 20. Notwithstanding the details shown on the submitted plans, no new access shall be formed to the proposed development from Park View Close. Reason: In the interests of highway safety in accordance with Policies IN/1 of the Harborough District Local Plan.

Notes to Applicant:

You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 828282). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.

The applicant is advised that certain species of bats, barn owls and great crested newts have been recorded in the vicinity of the application site, all of which are protected by law under the Wildlife and Countryside Act 1981. A watching brief for all such protected species should be maintained throughout the development. In the event of any protected species being discovered, works should cease immediately whilst expert advice is sought.

All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 0116 3052202).

It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of Dark Smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above, the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.

Other Applications:

11/00027/FUL – SCRAPTOFT
Disabled Children's Services

Erection of two eco-pods to provide disabled holiday accommodation, Scraptoft Hill Farm, Covert Lane.

Recommendation

REFUSE for the following reasons:

1) Covert Lane is substandard with regard to its width, lighting and pedestrian footway facilities and as such is considered inadequate to cater for the additional traffic which would be generated by the proposal and therefore to permit the proposal would not be in the best interests of highway safety and is contrary to Harborough Local Plan policy IN/1.

2) This proposal will adversely affect the appearance of the countryside and is contrary to Harborough Local plan policy EV/5. This policy conflict is not outweighed by other material considerations including tourism development and provision of respite care.

Site Context

The site is situated to the north east of Scraptoft Hill Farm, which consists of a Grade II Listed Farmhouse, several outbuildings and a large agricultural shed. The site consists of a small part of a relatively flat agricultural field situated on top of a hill (approximately 139m above sea level). There is a wooded area to the north (known as Scraptoft Gorse), north east (known as Square Spinney) and directly to the east of the site, with hedges surrounding the remaining edges. An existing agricultural track is situated on the northern edge of the field. Bridleway D23 is located to the east (beyond the wooded area) and south (beyond the hedge) of the site Footpath D50 is located to the south of the site (beyond the hedge) and Footpath D20 is located to the west of the site (beyond Scraptoft Hill Farm)

The Proposal

The application seeks planning permission to erect two self-catering holiday units ('eco-pods') to provide disabled holiday accommodation.

The application is accompanied by the following documents (please see planning file for full details):

- Site Location Plan
- Proposed Site Plan
- Elevations & Floor Plans
- Design and Access Statement
- Business Case
- Aiming High for Disabled Children in Leicester City (Delivery Plan March 2009-2011)
- Letter from the Chair of Leicester City Parent and Career's Forum

Additional Information

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

- Letter dated 16th February 2010 from applicant's agent clarifying the position in relation to the free standing toilet unit; the financial viability of the proposal and the anticipated usage by disabled children.

Background

The Disabled Children and Young People's Programme Board (DCYPPB) is a multiagency commissioning group that looks at all issues affecting disabled children, young people, their parent/carers. The DCYPPB has achieved funding* to provide respite accommodation for disabled children and their families. Given the complex needs of some of the children, it is vital that the accommodation is provided in close proximity to their homes and has the necessary equipment and resources available.

In support of the application, the DCYPPB considers the chosen location offers the young people and their families an opportunity to experience the countryside in a safe way, it provides quiet and tranquil surroundings while having good access to local services if they are required.

It is however the core belief of DCYPPB that an inclusive environment is offered to the young people and their families, as such it is proposed that the pods are open to all, this will encourage integration and inclusivity.

* Funding will be lost if not implemented by 31st March 2011

Policy

National planning guidance

PPS1 – Delivering sustainable development

PPS4 - Planning for Sustainable Economic Growth

PPS5 – Planning for the Historic Environment

PPS7 – Sustainable development in rural areas

PPS9 – Biodiversity and geological conservation

PPG13 – Transport

PPS25 – Development and Flood Risk

Good Practice Guide on Planning for Tourism (May 2006, and replaced PPG21 'Tourism' on 1st September 2006)

East Midlands Regional Plan

Policy 1: Regional Core Objectives

Policy 2: Promoting Better Design

Policy 24: Regional priorities for Rural Diversification

Policy 29: Priorities for Enhancing the Region's Biodiversity

Policy 42: Regional priorities for Tourism

Policy 43: Regional Transport Objectives

Policy 45: Regional Approach to Traffic Growth Reduction

Policy 52: Regional Priorities for Integrating Public Transport

Other regional guidance

East Midlands Tourism 'Building the Visitor Economy', Strategic Plan (2008-2011)

Harborough Local Plan

IN/1 – Standards of Development

RM/10 – Maintenance and Protection of Habitats – Ecological and Geological Diversity

EV/5 – Development in the countryside

EV/16 – Historic buildings - setting

EV/20 – Landscaping

LR/14 – Self-catering accommodation

TR/3 – Development impacts on the existing road network

TR/10 – Parking

SPG Note 6 – Development for sport and recreation in the countryside

Emerging Local Development Framework

Policy 8 - Protecting and Enhancing Green Infrastructure

Policy 17 - Countryside, Rural Centres and Rural Villages

Consultations

Severn Trent Water

No objection to the proposal and have no comments to make.

LCC Highway Authority

Objects to the application and recommends two reasons for refusal. In addition the following comments are made

Covert Lane is generally narrow, it is an unlit rural lane (average width of 2.7m) with no passing places constructed, despite the wide grass verges. The width of the Lane is less than the recommended standard to cater for two-way traffic and is still very narrow for a single-track system. As a result, conflict between vehicles and other more vulnerable road users would be likely to occur to the detriment of highway safety. The traffic likely to be generated from the holiday accommodation could be significant in the context of this rural lane. Evidence suggests that Covert Lane is a popular route for walkers and cyclists. Given that the Lane serves an agricultural hinterland, the movement of agricultural and service vehicles is likely to be a common feature along its length also.

The proposal would result in a material increase in vehicular trips to and from the application site which is in a remote, rural and unsustainable location. Such development runs counter to both local and national planning policies which aim to promote sustainable patterns of development which are accessible by a range of transport modes.

LCC Ecology

We note from the plans that the development is to be situated slightly away from the woodland boundary. Providing no works are to take place to the woodland, no protected species surveys would be required. In addition, this woodland has previously been evaluated as being of Parish level significance and care should be taken to ensure that it is not to be impacted as a result of this development.

In my pre-application advice to the agent I commented on the use of external lighting. I understand that the development is not to be externally lit at this stage. If,

however, lighting is proposed at any time in the future, we would recommend that a bat survey be required prior to the installation of the lighting.

HDC Drainage

The application states that the surface water from the site will discharge to a soak away and Suds. A drainage condition should be applied to this application

HDC Contaminated Land

No objection to the proposal and have no comments to make.

HDC Conservation

By virtue of the location of the proposed development in my opinion it is not considered to have an impact on the setting of the Listed Building.

Scraptoft Parish Council

Neither support or object to the development but to leave the decision to the DC Team but would like to make the following observations:

- Object to the statement at Page 14, point 5.7 of the Design and Access Statement that *'the proposed scheme has been informally presented to Scraptoft Parish Council. It received unanimous support and was thought to benefit the local area'*. Parish Council did not agree nor at any stage give their unanimous support, they first considered this application at their meeting held on 2nd February 2011. Council request that this wording is removed from the document *
- Council are of the opinion that it is apparent from the figures that the venture cannot succeed primarily as a resource for the disabled but is in reality a commercial venture
- Council have concerns about the proposed infrastructure i.e. sanitation etc. The applicant has verbally indicated the need for a caravan to provide washing and toilet facilities

* Document has been amended (16/02/11)

Representations

6 letters of support have been received; 3 from residents residing in Covert Lane, Market Harborough & Leicester, 1 from Leicester City Parent and Carers Forum, 1 from the Chief Executive of the Leicestershire Centre for Integrated Living and 1 from the land owner (please note the following points are a summary of the comments received, to view the comments in full, please refer to the letters on file):

(1) Being a parent of a special needs child, it would be wonderful to have somewhere in the country to be able to take her (2) It also gives young people the experience of being in the countryside aware of different noises (4) It will be a huge advantage to the families of disabled children because it is close to a local hospital, their homes and their family support network (5) I have seen first hand in my role as a disability sports development officer the importance of ensuring children with disabilities have the chance to mix with a variety of other people. If the pods were only for disabled children and their families, this would be exclusive and a barrier to integration (7) What a fabulous idea! Allowing young disabled people access to the countryside can only be a good thing (8) I regularly use Covert Lane, and the amount of traffic along it

is miniscule (9) This proposal is the culmination of 3 years of ideas and suggestions by parents, carers and service providers for disabled children from Leicester City and County and wherever possible taking on board the ideas of the children themselves to offer something we have never been able to provide for disabled children in this area, that of a recreational and educational short break in the countryside together with the opportunity for the essential respite from the day to day care of their disabled children for parents and carers that is impracticable or impossible in a traditional setting (10) This development could be an exemplar in joined up thinking as such a ground breaking initiative (11) The eco pods and their ancillaries will be easily removable. If they cannot be made to work commercially they will be removed. Not a trace of their existence need remain (12) The countryside is a people asset. There is little motivation in fostering its beauty and then stopping people from benefiting from it (13) The combination of low impact (eco) tourism helping to provide respite care for those that badly need it , and being able to self sustain by being commercially viable, is exciting (14) Minimal impact on the environment both visual and noise (15) Car movements generated by this insignificant compared to the large number of vehicles generated by the David Wilson estate and both rugby clubs (16) Environmentally-friendly development

2 letters of objection have been received from local residents living in Covert Lane (please note the following points are a summary of the comments received, to view the comments in full please refer to the letters on file):

(1) This would not be in the interests of the surrounding area (2) Scraftoft Gorse needs to be protected not developed (3)The two eco-pods are ugly in appearance and are intended to be erected on a hill, which means they will be in full view from the footpath/bridleway and A47 (4) To erect them would cause much disruption (4) The car park would add more tarmac in an agricultural area (5) Once this application is allowed, then more will follow until there is another Centre Parcs (6) This development will add to the traffic already on a narrow country lane (7) The eco-pods will never really be fit for purpose, so will re-apply to have them built in brick.

Other Information

History

There has been no previous history within the site itself. The following recent planning history therefore relates to Scraftoft Hill Farm/Scraftoft Gorse

03/00499/FUL – Refurbishment and erection of single storey extension (Approved, 23.05.2003)

05/01368/FUL - Conversion of part of grainstore and garage to form one residential dwelling (Refused, 28.10.2005)

06/00753/FUL – Conversion of part of grainstore to form one residential dwelling and a garage (resubmission of 05/01368/FUL) Approved, 23.08.2006

09/01022/CLU - Certificate of lawful development for an existing dwelling (YURT) (Approved, 14.10.2009)

Environmental Impact Assessment:

Under Regulation 7 (1) of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999, this application did not require an Environmental Impact Assessment.

Reason for Committee Decision

This application is being reported to the Planning Committee for determination because 5 or more letters of support has been received.

Planning Considerations

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

Policy Assessment:

PPS 7: Sustainable Development in Rural Areas highlights that accessibility and sustainability should be the key principles underpinning development in the countryside; that new development should be strictly controlled; and that all development in rural areas should be in keeping and in scale with its location and sensitive to the character of the countryside.

At a regional level, Policy 24 of the Regional Plan states that Local Authorities should promote the continued diversification and further development of the rural economy, where it is consistent with a sustainable pattern of development and the environmentally sound management of the countryside. Policy 42 suggests Local Authorities should seek to identify areas of potential tourism growth which maximise economic benefits whilst minimising adverse impact on the environment and local amenity; i.e. the provision of additional tourism facilities including accommodation close to popular destinations that have adequate environmental and infrastructure capacity.

The Good Practice Guide on Planning for Tourism, although not a Planning Policy Statement, provides national guidance to ensure that planners and the tourism industry work together effectively to facilitate, promote and deliver new tourism developments in a sustainable way. It states that Local Planning Authorities should have regard to its contents when preparing development plans and that it may be material to individual planning applications. It advises that developments need to be located where they are accessible to visitors (and for many, but not all developments, by means other than just the private car) and where they do not have an adverse impact upon sensitive environments; they need to be attractive to users, to work well in functional terms, to use natural resources in an efficient manner; and to respect their environments and complement them rather than detract from them. They should be designed to have a positive impact upon the landscape.

Policies EV/5 and LR/14 of the Harborough District Local Plan are considered most relevant in determining this application. Policy EV/5 is a criteria-based policy and is central to the assessment of the proposal. This policy states that development in the countryside will be strictly controlled and that planning permission for development unless, among other things, it is likely to sustain or improve the rural economy and cannot reasonably be provided within or adjacent to an existing

settlement. The second criterion is that the development must not adversely affect the character and appearance of the countryside. Policy LR/14 states conditions will be imposed to control occupancy of self-catering holiday accommodation.

Given the scope and siting of the development, a number of other local plan policies are relevant, as listed above. Particularly relevant to the proposal are policies EV/16 and TR/3.

Principle: Location and Sustainability:

PPS7 and the Good Practice Guide on Planning for Tourism sets out that the majority of tourist development with new buildings should be directed to locations in or adjacent to, existing towns or villages as these locations are the most sustainable. PPG13 includes objectives which seek to promote more sustainable transport choices, promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reduce the need to travel, especially by car. The Good Practice Guide reinforces the above by stating that new sites close to existing settlements and other services will generally be more sustainable as some services may be accessed by other means than by car. This theme is reflected in Policy 42 of the Regional Plan, which states that the provision of additional tourism facilities including accommodation should be close to popular destinations that have adequate environmental and infrastructure capacity.

The application site is relatively remote, and is not practically accessible by public transport. Visitors would be unlikely to arrive by means other than private car. Whilst holiday makers using the site would be able to walk or cycle in the vicinity, they would be very likely to use their car for more practical pursuits e.g. shopping or visits to other attractions in the locality.

In this context, the proposal represents an unsustainable form of development that would encourage the use of the private car. The recommended walking distance from a development site to the nearest bus stop is 400m, based on the Institute of Highways and Transportation's Guidelines for Planning for Public Transport in Developments (IHT 1999). The nearest public transport service is located approx. 1.5 km away from the application site. PPG Note 13 indicates that development should be in sustainable locations and should promote a reduction in the need to travel by car.

Given the above, it is considered that the proposed development would fail to comply with the aims and objectives of Regional Plan Policies 24, 43 and 45, and national planning policy, notably PPS7, PPG13 and the Good Practice Guide on Planning for Tourism, in terms of location of development and sustainability.

Design, Scale & Layout

The eco-pods have been specifically designed to ensure disabled access to the countryside and provide respite accommodation for parents and children associated with the Disabled Children's Services for Leicester.

Two self-catering eco-pods units are proposed. Each unit will consist of two pods, the larger of the pods will have a 6m radius, this pod will house the adults bedroom, sitting /dining area, kitchen and bathroom. The second pod will be linked via a small

corridor and will be 4m in radius. This pod will accommodate a bunk bed and storage facilities. The maximum height of the pods is approximately 3.7m in height, although given the domed shape of the pods, the majority of the proposed development will be much lower than this.

The pods are prefabricated with only the final phase of construction on site. It is proposed that the surface of the pods will be Glass Reinforced Concrete (GRC). This will allow for moss and ivy to grow over the surface of the pods, which will ensure they blend into the background, and further reducing their visual impact.

The pods will be located in close proximity to each other, in close proximity to the woodland. The areas of hard standing, including pathways, car parking and patio area will be constructed from a semi-permeable surface, which will allow rainwater to soakaway and allow grass to grow through it.

On occasion it will be necessary to have a free standing washroom and toilet on site; this will only be required for those with severe physical disabilities and as such it will not be stored on site as it will be used infrequently and is therefore not included in the planning application.

Usage

It is anticipated that the pods will be used for short holidays during the week and at the weekend. It is assumed that there will be a higher level of occupancy in the school holidays. Preferential booking will be given to members of the Disabled Children's Services, however it is a key aim of DCYPPB that they are inclusive, and as such, anyone will be able to stay in the pods.

Although the eco-pods will be rented independently, it will be possible for them to be rented out together depending on group size. The pods are designed to accommodate four people, with a double bed and two single beds in each unit. They have a kitchen and bathroom, and therefore they are fully self contained.

Impact upon the Character and Appearance of the Countryside:

PPS7 and the Good Practice Guide on Planning for Tourism state that in considering development proposals for holiday development local planning authorities should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites; and ensure that new sites are not prominent in the landscape and any visual intrusion is minimised by effective, high quality screening.

EMRP Policy 42 looks to provide areas for tourist growth in locations where the impact on environment and amenity would be minimal. Local Plan Policy EV/5 states that development in the countryside will be strictly controlled and those developments that are likely to improve the rural economy and cannot reasonably be provided within or adjacent to existing settlements will be looked on more favourably.

The application site is remote, surrounded by countryside, and has a very much rural character. The proposed eco-pods would be situated adjacent to a wooded area and north of a hedgerow. However, although the site itself is relatively flat, the

site is situated on top of a hill. The eco-pods would therefore be visible from the two footpaths to the south (D23 & D50). Furthermore, given the design of the eco-pods they would appear as an alien incursion into an undeveloped area of countryside. In light of the above the proposal would fail to comply with the aims and objectives of Policy EV/5 (2) of the HDLP.

Impact on the Setting of the Listed Building

Although the Farm House at Scraptoft Hill Farm is Grade II Listed, the surrounding barns and buildings are not. The proposed site is therefore not considered to be within the curtilage of a listed building. Notwithstanding this, the pods will not be visible from the listed building and are therefore considered to have no detrimental affect upon its setting. This view is confirmed by the Council's Conservation Officer. The proposed development is therefore considered to comply with policy EV/16 and PPS5.

Enhancements/Landscaping

The boundary of the site will be formed from a 1.5m high post and rail fence. Wild flowers will be encouraged on the site rather than a manicured garden. Extensive landscaping is proposed along the southern boundary of the site to ensure the pods are not visible from the footpath.

Whilst the proposed landscaping is welcomed, landscaping should not be seen as a means of making otherwise unacceptable developments acceptable especially with a long lead in period to achieve any degree of maturity and substantial screening

Highways, Access and Parking Considerations:

Vehicular access to the site will be gained from an existing farm track, which is accessed from Covert Lane. It is proposed that each pod will have one parking space. This will be located within the boundary of the site area. Additional parking is available on the farm if it is required.

The Highway Authority has assessed the application and have recommended that the application is refused. They made the following comments:

Covert Lane is generally narrow, it is an unlit rural lane (average width of 2.7m) with no passing places constructed, despite the wide grass verges. The width of the Lane is less than the recommended standard to cater for two-way traffic and is still very narrow for a single-track system. As a result, conflict between vehicles and other more vulnerable road users would be likely to occur to the detriment of highway safety. The traffic likely to be generated from the holiday accommodation could be significant in the context of this rural lane. Evidence suggests that Covert Lane is a popular route for walkers and cyclists. Given that the Lane serves an agricultural hinterland, the movement of agricultural and service vehicles is likely to be a common feature along its length also.

The proposal would result in a material increase in vehicular trips to and from the application site which is in a remote, rural and unsustainable location. Such development runs counter to both local and national planning policies which aim to promote sustainable patterns of development which are accessible by a range of transport modes.

The applicant's agent made the following response to the above comments (received 25/02/11)

The proposed development seeks only two pods, and any further development would be controlled by Harborough District Council. The proposed development has resulted from a specific need for respite accommodation from the Disabled Children's Forum. It is not our clients intention to expand the facility.

In terms of the use and safety of Covert Lane, clearly the section of Covert Lane up to the two rugby clubs experiences a significant amount of traffic, and is considered suitable. Past this section, the road has good visibility and there are ample places to pass, as such it is felt that the road could easily accommodate the additional trips that the scheme would generate. The pods would therefore account for a fraction of the traffic that currently uses the road to access the existing dwellings, farmland and countryside.

The Highway Authority responded (28/02/11)

The Highway Authority's formal recommendation has been made to your Council. The agent's email puts a view across to you. I do not consider any further response is necessary at this stage, arguments and counter arguments could go on and on. The Highway Authority's reasoned recommendation was well thought out and partly based on a previous appeal decision in the local vicinity. The H.A will not be amending its recommendation for refusal.

From the information provided by the Highway authority, the proposed development is considered contrary to PPS1: Delivering Sustainable Development, PPG13: Transport and PPS7: Sustainable Development in Rural Areas, EMRP Policy 24: Regional priorities for Rural Diversification, and Policy 45: Regional Approach to Traffic Growth Reduction, and Policies IN/1, EV/5 (8) and TR/3 of the HDLP.

Flood Risk & Drainage

The flood zone maps show that the site lies within Flood Zone 1, which means the site is at little or no risk of flooding with an estimated annual probability of river flooding of less than 1 in 1000 years.

Ecological Issues

Scraptoft Gorse, Square Spinney and the woodland immediately to the east of the application site have previously been evaluated as being of Parish level significance. The meadow between Scraptoft Gorse & Square Spinney is a Local Wildlife Site. These areas will not be affected by the proposed development and LCC Ecology has raised no objections to the application.

The proposal is therefore compliant with local plan policy and PPS9 'Biodiversity and Geological Conservation'.

Residential Amenity:

Due to the sites location the eco-pods are considered not to materially affect the living conditions of residential occupiers along Covert Lane, and the application thus complies with Policy EV/5 (3) of the HDLP.

Other Information

While the Local Planning Authority sympathises with the desire for Leicester City Disabled Services to provide short break respite care within the countryside, it does not outweigh other policy objections.

Conclusion:

The proposal, by virtue of the type and location and design of development proposed, would represent an unsustainable form of development, with little or no accessibility to local services or public transport, and visitors to the development would thus be overly reliant on the use of their cars. Also, by virtue of the type and design of development proposed, would represent an alien incursion into an undeveloped area of countryside that would detrimentally affect the character and appearance of the area. In addition, Covert Lane is inadequate to cater for the additional traffic which would be generated by the proposal. For these reasons the application is recommended for refusal.

RECOMMENDATION: Refuse

