

PLANNING COMMITTEE: 21st July 2020
SUPPLEMENTARY INFORMATION

The “Supplementary Information” report supplements the main Planning Agenda. It is produced on the day of the Committee and is circulated at the Committee meeting. It is used as a means of reporting matters that have arisen after the Agenda has been completed/circulated, which the Committee should be aware of before considering any application reported for determination.

Correspondence received is available for inspection.

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19/01645/FUL	Change of use from agricultural grazing land to dog walking field, with associated hardstanding and erection of timber and mesh perimeter fencing. Land at Queen St, Market Harborough
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This application was WITHDRAWN by the applicants on Monday 20th July.

20/00293/REM	Erection of 104 dwellings (reserved matters of 15/01665/OUT including appearance, landscaping, layout and scale Phase 3). Land At Coventry Road,Lutterworth
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20/00491/FUL	Change of Use from A1 (Retail) to D2 (Assembly and Leisure) use B&M House, The Commons, Market Harborough
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20/00632/PCD	Discharge of Conditions 4 (written scheme of investigation) and 5 (ecology construction management plan) of 19/01679/FUL at Nether Hall, 5 Church Street, North Kilworth
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20/00567/VAC	Variation of Condition 3 (approved plans) of 19/01679/FUL to amend the line of the underground extensions at Nether Hall, 5 Church Street, North Kilworth
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County Archaeologist Representation (20th July)

Additional archaeological comments: Nether Hall, 5 Church Street, North Kilworth, Leicestershire (2020/00567/VAC)

Thank you for the opportunity to comment further on the above application.

I am disappointed that the applicant has rejected the proposed conditioned archaeological investigation, as such we recommend that the application is refused owing to the failure to adequately comply with local and national planning policy, HDC Local Plan Policy HC1 (1b, 4) and Framework policies 197 and 198.

As I understand the situation, consistent advice has been offered on both the previous scheme (19/01679/FUL) and the current application (20/00567/VAC), recommending a need for a programme of archaeological investigation to address the impact of development upon both known and potential heritage assets. A suitable archaeological programme was secured by condition (4) on the former application. Please note there are multiple elements to the condition, initially requiring the preparation of a suitable Written Scheme of Investigation (WSI), to be *submitted to and approved by the local planning authority*, secondly, the development works must then be implemented in accordance with the agreed WSI, and finally the analysis, reporting and archiving of the archaeological works must be specifically discharged on their completion.

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

- o The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works*
- o The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI*

REASON: To ensure satisfactory archaeological investigation and recording given the location of the site and the underground works proposed and to accord with Harborough District Local Plan policy HC1 and the National Planning Policy Framework.

In response the applicant commissioned their archaeological contractor, University of Leicester Archaeological Services (ULAS) to prepare a written scheme of investigation (WSI) for the necessary work, which was issued in draft form to the Historic & Natural Environment Team (HNET), Leicestershire County Council (archaeological advisors to HDC) on the 24th March 2020. This is common practice and is intended to ensure that a satisfactory WSI has been prepared that can then be

issued by the applicant in response to the outstanding planning condition (Condition 4, main text). A copy of the approved WSI is attached for you information. Paragraph 2.2 of the WSI outlines the required programme, which entails two stages of archaeological fieldwork commencing with trial trenching to determine the impact of the proposed scheme on any buried archaeology and produce a mitigation strategy for the site. The initial phase of trial trenching in this case was to commence with the excavation of a single 25m long trench, based upon the results of this work a suitable mitigation strategy would be implemented.

Following commencement of works on site, ULAS were unable to implement the full length of agreed trenching (17.2m rather than the initially specified 25m), this was due to obstructions on site at either end of the proposed trench. Despite the reduced scale of the investigation, a single, undated archaeological feature, a probable ditch was identified. The fill character strongly implies a pre-modern, medieval or earlier date for the feature – the site archaeologist noting to HNET ‘...looks like we have a gully or remains of ditch. No dating material unfortunately, but looks real.’ Analysis of the deposit character suggests the site had been heavily disturbed in recent times, with the depth of overburden built-up sealing features cut into the natural substrata surviving. This implies some truncation of deposits, but that the preservation of archaeological remains, sealed below a built-up overburden, is likely as evidenced by the ditch/gully.

As a single undated feature the archaeological significance of the detected remains, in my estimation constitutes a non-designated heritage asset of limited local interest. This in itself warrants at most a follow-up programme of archaeological attendance (a watching brief), this work to be undertaken during the soil stripping of the intended development and would require an archaeologist to be in attendance during the initial soil strip, to observe and record an archaeological remains exposed by the groundworks for the development. This requirement is defined within Paragraph 2.2 of the approved WSI. However in the intervening period between commenting upon the application and implementing the fieldwork, an Iron Age features containing pottery. a loom weight and other evidence of occupation was identified to the south of the chancel, during the monitoring of drainage features constructed around the parish church, approximately 45m to the south of the current application site. This offers a reasonable context for the feature detected at Nether Hall, and raises a significant possibility that the features relate to a previously unrecorded Iron Age occupation site located in the immediate vicinity of the church, spreading north toward Nether Hall. In the latter context, the significance of the undated feature is raised to the extent that it is recommend that applicant be required to undertake an archaeologically controlled strip of the development area. Where archaeological remains are identified they should be fully investigated and recorded prior to the impact of development. This work should be secured by condition on the current application site, as advised in our emails of the 3rd June 2020. The following wording has been suggested:

1. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and;
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

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

Reason: To ensure satisfactory archaeological investigation and recording.

In the absence of the above condition, it is recommended the application is refused, on the grounds that the applicant has failed to comply with the requirements of national (NPPF 197-198) and local planning policy (HC1 (1b, 4)), which are intended to secure satisfactory mitigation of the archaeological impact of the proposed development, the planning authority must give regard to the scale of any harm or loss and the significance of the heritage asset (NPPF paragraph 197). The planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (NPPF paragraph 198).

Richard Clark, Team Manager (Heritage), Historic & Natural Environment Team
Leicestershire County Council

Previously suggested archaeology condition (cf paras 4.15 and 6.9 of the Committee report):

No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

REASON: To ensure satisfactory archaeological investigation and recording given the location of the site and the underground works proposed and to accord with Harborough District Local Plan policy HC1 and the National Planning Policy Framework

Officer comment

Notification of the suggested condition was given to the applicant's agent on 23rd June 2020, in accordance with the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018. The agent replied 30th June stating that he did not accept the condition. As stated within paragraph 6.10 of the report, officers recommend on balance that the condition is not applied.

20/00767/ADV	Installation of 2 x internally illuminated fascia signs (1 front and 1 rear elevation) and installation of 1 x internally illuminated totem entrance sign. Grow on space, Harborough Grow On Centre, 34 Compass Point, Market Harborough
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Additional condition to tie the approval to the amended plans submitted.

Planning Committee Speakers List – 21st July 2020

Speakers please note that the Council's constitution requires evening meetings to end after three hours, unless the Committee votes to continue the meeting. If a meeting does adjourn, remaining business will be considered at a time and date fixed by the Chairman or at the next ordinary meeting of the Committee and the existing speakers list will be carried forward.

Application	Parish	Speaker	Type	Time (mins)
19/01645/FUL	Market Harborough	Application withdrawn		
20/00293/REM	Lutterworth			
20/00491/FUL	Market Harborough			
20/00632/PCD	North Kilworth	Sir John Dunford	O	3
		Graham Fish	O	3
		Stephen Rickhards	AG	6
20/00567/VAC	North Kilworth	Sir John Dunford	O	3
		Graham Fish	O	3
		Stephen Rickhards	AG	6
20/00767/ADV	Market Harborough			

Key to Speaker Type: O = Objector, S = Supporter, PC = Parish Council, A = Applicant/to speak on behalf of applicant, AG = Agent, STC = subject to confirmation, WM = Ward Member

PLANNING COMMITTEE MEMBERSHIP 2020/21

Councillors Mrs Ackerley, Mrs Burrell, Champion, Frenchman, Galton, James, Liquorish, Modha and Nunn.

Please note – any Councillor unable to attend a meeting can be substituted with prior notice being given. Any substitutions will be announced at the start of each meeting.