



Planning

To: All Members of the Planning Committee on Monday, 04 October 2021

Date of meeting: Tuesday, 12 October 2021

Time: 18:30

Venue: The Council Chamber

The Symington Building, Adam and Eve Street, LE16 7AG

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democratic.services@harborough.gov.uk after 12 noon on:
Friday 8th October 2021.

Agenda

- 1 Introductions.**
- 2 Apologies for Absence and Notification of Substitution(s).**
- 3 To receive any Declarations of Members' Interests**
- 4 Minutes**
To approve as a correct record the Minutes of the meeting of the Planning Committee held on 7th September 2021.

Planning 7.9.21 - Minutes

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- 5 Referral up to Council by the Planning Committee.**
To consider any referrals under Part 3 Section B1.4 of the Council's Constitution.
- 6 To answer Written Questions or Receive Petitions Submitted by the Public.**
- 7 To Consider Applications for Development Permission.**

Application Reports 12th October 2021

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- 8 To consider any Urgent Matters (to be decided by the Chairman).**

NORMAN PROUDFOOT
CHIEF EXECUTIVE AND HEAD OF PAID SERVICE
HARBOROUGH DISTRICT COUNCIL

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Circulate to: Janette Ackerley - Member, Amanda Burrell - Member, Barry Champion - Chair, Barry Frenchman - Member, Simon Galton - Member, Peter James - Member, Bill Liquorish - Member, Sindy Modha - Vice-Chair, Amanda Nunn - Member

HARBOROUGH DISTRICT COUNCIL
MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

Held at the Council Chamber
The Symington Building, Adam & Eve Street,
Market Harborough, LE16 7AG
on Tuesday 7th September 2021
commencing at 6.30pm.

Present:

Councillors: Dr Bremner, Mrs. Burrell, Frenchman, Galton, James, Liquorish, Modha (Chairman) and Mrs Nunn.

Officers: A. Eastwood, J. Felton, S. Green, N. Kwasa, and M. Patterson.

Apologies:

Councillors: Mrs Ackerley and Champion.

1. INTRODUCTIONS

The Chairman welcomed everyone to the meeting, introduced the officers present and highlighted the procedures for the smooth running of the meeting.

2. APOLOGIES FOR ABSENCE AND NOTIFICATIONS OF SUBSTITUTIONS

Apologies were received from Councillor Mrs Janette Ackerley and Councillor Barry Champion who was substituted by Councillor Dr Bremner.

3. DECLARATIONS OF MEMBERS' INTERESTS

Councillor Frenchman declared an interest in application 21/00974/FUL in that the Applicant is his friend. He noted that he would withdraw from the meeting at the appropriate time and would not take part in the discussion or vote.

Councillor Modha declared an interest in application 21/01353/FUL in that she is the Applicant. She noted that she would withdraw from the meeting at the appropriate time and would not take part in the discussion or vote.

4. MINUTES

RESOLVED that the minutes of the Planning Committee meeting held on 20th July 2021 be approved and signed by the Chairman as a true record.

5. REFERRALS UP TO COUNCIL BY THE PLANNING COMMITTEE

There were none.

6. QUESTIONS AND PETITIONS SUBMITTED BY THE PUBLIC

There were none.

7. APPLICATIONS FOR DETERMINATION

- i. Having declared an interest in the application, Councillor Frenchman left the meeting room.

The Development Planning Manager introduced the report in respect of application 21/00974/FUL - Land Adjacent to 1 Montrose Close, Market Harborough, Leicestershire - *Erection of a single storey dwelling (revised scheme of 20/01910/FUL)*.

A representation was heard in objection to the application from Lorraine Green. Members had the opportunity to question the speaker and Officers. Following the discussion, it was;

RESOLVED that Planning Permission is REFUSED, for the following reasons;

The subdivision of the host property garden, and the creation of a new residential plot in such a confined area, will result in a cramped and contrived form of development which fails to enhance the character of the area.

For these reasons, it is considered that the proposed development would fail to enhance its immediate setting and would cause unacceptable harm to the character and appearance of the area and constitute poor design. The scheme would therefore conflict with policies GD2 and GD8 of the Harborough Local Plan and the NPPF (particularly chapter 12 which refers to "Achieving well-designed places"), and Para 127, which states, decisions should ensure that development functions well and adds to the overall quality of the area.

Further, the proximity to adjoining properties, means that the residential amenity of both the host property and the adjoining property, 1 Montrose Close, which has principal windows facing onto the drive, will be compromised. The new property would also have very restricted private amenity space. As such, it is considered to be an un-neighbourly form of development, contrary to GD8 of the Harborough Local Plan.

Thus, whilst the proposal would boost the supply of housing and the economy by a very small amount and, is in an accessible location, due to the harm it would cause, it would not be a suitable windfall site within the meaning of paragraph 68c of the Framework.

Councillor Frenchman re-entered the meeting room.

- ii. The Strategic Growth Team Leader introduced the report in respect of application 21/001039/REM - Land Adj Glebe Farm, Coventry Road, Lutterworth - *Application for approval of appearance, landscape, layout and scale of Plots C and E at Magna Park Lutterworth South (ref. 15/00865/OUT) including two buildings ranging from 17,814 sqm GEA to 19,933 sqm GEA and at 18m height, internal roads, footways/cycleway, maintenance strips, foul and surface water drainage, landscaping, associated utilities and land reprofiling.*

A representation was heard in support of the application from the Agent, Louise Steele. Members had the opportunity to question the speaker and Officers. Following the discussion, it was;

RESOLVED that Planning Permission is APPROVED, for the reasons set out in the report and subject to the recommended conditions set out in Section 8 of this report.

- iii. The Strategic Growth Team Leader introduced the report in respect of application 21/01247/REM - Land at Mere Lane, Bittesby - *Application for approval of appearance, landscape, layout, scale and access (internal only), of Plot J at Magna Park, Lutterworth North (ref. 15/01531/OUT) including one building within Class B8 with ancillary office, with associated internal roads, footways/cycleway, bunding, maintenance strips, foul and surface water drainage, landscaping, associated utilities and land reprofiling.*

A representation was heard in support of the application from the Agent, Louise Steele. Members had the opportunity to question the speaker and Officers. Following the discussion, it was;

RESOLVED that Planning Permission is APPROVED, for the reasons set out in the report and subject to the recommended conditions set out in Section 8 of this report.

- iv. Having declared an interest in application 21/01353/FUL, Councillor Modha MOVED a motion to elect Councillor Mrs Burrell as Chairman to preside over the application. This was seconded by Councillor Nunn and RESOLVED unanimously. Councillor Modha left the meeting room.

The Development Planning Manager introduced the report in respect of application 21/01353/FUL - Firs Farm, Main Street, Illston On The Hill - *Erection of a detached garage.*

Members had the opportunity to question the Officers. Following the discussion, it was;

RESOLVED that the application be APPROVED for the reasons set out in the report.

8. URGENT MATTERS

There were no urgent matters to consider.

The meeting finished at 19:27

PLANNING COMMITTEE

12th October 2021

APPLICATIONS FOR DETERMINATION

Index of Applications for Determination

Meeting of the Planning Committee, 12th October 2021

Application Ref	Parish / Ward	Applicant	Page Number
20/01470/FUL	Medbourne / Nevil	WellValley Homes Limited	8
21/01063/FUL	Lubenham / Lubenham	Alec And Stella Welton	36
21/01222/REM	Fleckney / Fleckney	Davidsons Homes	75
21/01344/FUL	Medbourne / Nevil	Mr Karl Morgan	109

Planning Committee Report

Applicant: WellValley Homes Limited

Application Ref: 20/01470/FUL

Location: Land north of, Ashley Road, Medbourne

Proposal: Erection of 6 dwellings with associated access, car parking and landscaping (revised scheme of 20/00614/FUL)

Application Validated: 22.09.20

Target Date: 17.11.20 **Extn. of time agreed**

Consultation Expiry Date: 30.11.20 & 18.05.2021

Site Visit Date: 04.06.20 (for previous application) & 10.06.2021

Case Officer: Naomi Rose

Reason for Committee decision: The application has been 'called-in' by Cllr Rickman (see Section 4.14).

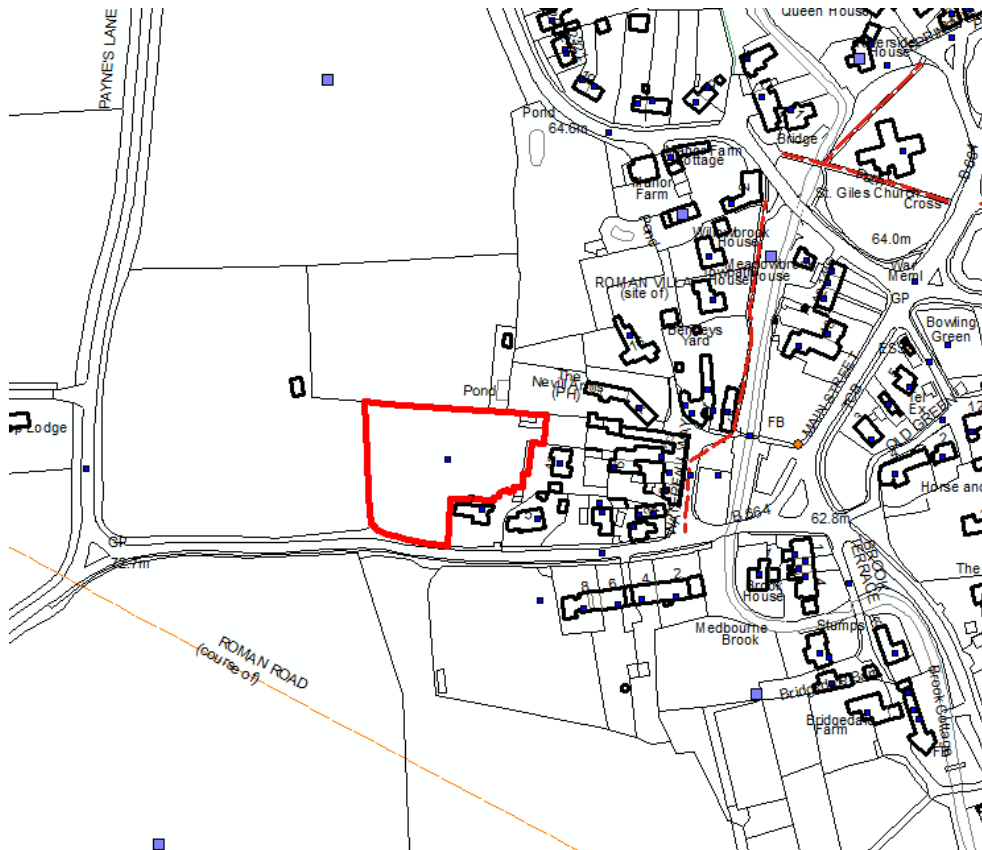
Recommendation

Planning Permission is to Approved subject to conditions:

1. Site & Surroundings

- 1.1 The site is at the entrance to the village on the north side of Ashley Road, the site is considerably higher than the road, with a steep bank immediately behind the mature roadside hedge. The land is down to grass and used as a paddock for the grazing of small livestock. There is a collection of timber animal shelters in the north-eastern corner currently access at the top of No.7 driveway via a timber field gate. To the western boundary is a scrappy hedgerow with gaps, to the north is a mature high hedgerow. Along the eastern boundary is a high close boarded fence. Along the southern boundary with 7 Ashley Road is a wire fence and high mature hedgerow.
- 1.2 Beyond the application site are fields to the west and south (opposite), to the north is a field and the garden of 14 Waterfall Way. Along the eastern boundary is the Nevill Arms Public House and garden and the chalet bungalow and back garden of 4A Waterfall Way. Along the southern boundary is the road, No.7 Ashley Road a bungalow and 5 Ashley Road a chalet bungalow, these dwelling are higher than the main road. There is a grass verge to the road outside the application site, and the pavement stops outside No.5 Ashley Road.
- 1.3 The site is within the village boundary of Medbourne, and outside the conservation area, the north-east corner of the site abuts the conservation area boundary.

Site location plan



2. Site History

2.1 The Site has the following recent planning history.

20/00614/FUL Erection of 6 dwellings with associated access, car parking and landscaping Withdrawn due to Ecology, highways, Archaeology, Neighbourhood plan site specific policy, layout, design and residential amenity concerns

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal is a detailed application for 6 market dwellings consisting of 3 three-bedroom, and 3 four-bedrooms (plots 4-6). The access is directly off Ashley Road AOB 66.04 and rises up from the road to 71.5AOB (approx..) an increase in levels of approximately 5.5metres. Plots 1-3 along the western boundary are single storey in height. Plots 4, 5 and 6 (as revised) are two storey and tucked around the corner, behind No.7 Ashley Road.
- 3.2 Along both sides of the access are proposed gabions with planting to act as retaining walls. The existing hedgerow to the north and west are to be infilled with hawthorn and a buffer zone created within the site along these boundaries.
- 3.3 The pavement (2m wide) is proposed to be extended in front of No.7 Ashley Road to the site access. The sites highway infrastructure will not be adopted by the Local Highway Authority. The 30mph sign will be located further out of the village.

- 3.4 Amendment A (April 2021):
- Relocation and reduction in the massing and heights of plots 4, 5 and 6;
 - reduction in site levels;
 - garage block roof hipped;
 - plot 6 strong dual-frontage;
 - Council separation distances maintained to adjacent neighbouring properties;
 - 2 visitor spaces maintained;
 - Wildlife buffer zone increased to northern and western boundaries; and
 - Definitive barrier to head of access road to prevent any access to field.

- Amendment B (July 2021):
- Additional ramped access to plot 1;
 - Additional section plans with levels, existing building and FFL details, plus separation distance information;
 - Existing building shown in section with ridge heights
 - Plot 4 under 8m high; and
 - Archaeological trial trenching.

- Amendment C (Sept. 2021):
- plot 2 study omitted; and
 - bin collection point added.

Site layout plan (as revised):



Street View image: (google May 2017) View of the site coming into the village



View of the site coming out of the village



Photographs of the site:

Views of the site from north-west corner of the site



View of the site (taken from s/e corner) of sloping grassy site down to the roadside hedgerow on the southern boundary.



View of the site (taken from s/e corner) of western boundary of application site and field beyond to Paynes Lane hedgerow.



View of the site (taken from s/e corner) of No.7 Ashley Road (bungalow) and northern section of application site.



b) Documents submitted

- 3.5
- Arboricultural survey and constraints plan 01 RJ Tree Services Ltd. Dated May 2018
 - Archaeological desk based assessment ULAS
 - Ecological Appraisal fpcr Sept. 2020
 - Drainage Strategy report ADC infrastructure dated 10.08.20;
 - Heritage Impact Assessment Grover Lewis Associates Sept. 2020
 - Phase 1 land contamination assessment GRM March 2019
 - Highways report ADSC dated 11.09.20

Additional documents:

Archaeological report Cotswold Archaeology Aug. 2021

c) Pre-application Engagement

- 3.6 After the previous application was withdrawn the agent engaged in pre-application discussions relating to the reasons it was withdrawn (see site history section)

d) Environmental Impact Assessment

- 3.7 The site area is 0.45ha and up to the erection of 6 dwellings does not trigger EIA screening opinion under Schedule 2 of EIA regulations as amended 2015.

4. Consultations and Representations

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

a) Statutory & Non-Statutory Consultees

- 4.2 *Highways* 9.11.20 no objection subject to conditions relating to Construction Management Plan, access and off-site arrangements, access driveway surfacing, visibility splays (vehicular and pedestrian), drainage, parking and turning

Holding objection 3.2.20 is 2m footway achievable? Resolve the relocation of the 30mph issues

- 4.3 *Environmental Health*: no objection, subject to condition relating to Construction management Statement
- 4.4 *LCC Ecology*: no objection, subject to conditions relating to hedgerow management plan and implementation
- 4.5 *Anglian water*: no objection subject to informatives
- 4.6 *Lead Local Flood Authority*: no objection.
- 4.7 *LCC Archaeology*: no objection, subject to a WSI
Holding objection 20.10.20 field evaluation required prior to determination
- 4.8 Environment Agency: no comment received (*under 10 dwelling and not in a flood zone*)
- 4.9 *HDC Conservation officer*: no objection, subject to materials
- 4.10 Historic England: no comment

b) Local Community

- 4.11 **8 letters** (including emails) of support were received in response to the initial consultation process. A summary of the representations received is outlined below:
- Great to see quality building going up from local developers that will want to enhance the area, all seems nicely spaced out.
 - A well considered development, will sit well at the entrance to our beautiful village;
 - Complies with village plan guidance
 - 3 bungalows and 3 houses is a good split, and houses can be modified for elderly people's needs;
 - Serves the community;
 - House designed appropriately, welcome addition to a sustainable village;
 - Non intrusive to fellow residents as on the outskirts and single storey;
 - Helps towards government quota;
 - Land has no history of flooding and only 6 dwellings built;
 - Well designed and fit with the current aesthetic;
 - The Community of Medbourne embarked in 2017 to develop and implement as Neighbourhood Plan and is a credit to all involved. The plan established clear preferences, it ranked 4th out of 15 identified sites, therefore the Council has a legal duty to consider the application favourably.
 - Suitable materials to ensure sympathetic development;
 - Neighbourhood plan group established its suitability in terms of the practicalities of building on the site and satisfying the needs and desires of the local community.
 - Scheme provides new homes for a range of families and individuals;
 - Delivers a diversity of house types which is desirable in a village setting;
- 4.12 **5 letters** (including emails) of objects/neutral were received in response to the initial consultation process. A summary of the representations received is outlined below:
- Plot 5 & 6 residential amenity concerns;
 - sewage capacity issues, foul sewage discharges into Brook during heavy rainfall, the development will increase this amount;

- dangerous access, a lot of traffic coming round concealed bend into village, the road is used by big lorries and farm vehicles;
- flooding water for the rest of the village;
- height of two largest properties and how this will affect other views.

4.13 Parish 27/10/20: Concerned:

1. steps up to all three of the bungalow. The whole point of bungalows is that the occupants do not have to go up or down stairs;
2. More than half the wildlife buffer zone is on someone else's land, over which the site owner has no control. The buffer zones should be included within the site. *Officer comment: the land to the west is owned by Mr and Mrs Driver of 7 Ashley Road (notice has been served on them)*
3. Condition to replace tree and hedge likely to be impacted by the cut away of land to form a new pavement
- 4.. No work should be started on the site until the 30mph limit has been moved.
5. Important location at the entrance to a Conservation village. The scale and design of the houses on this elevated site should reflect this.
6. Surface Water drainage: ADC's report states ... the preferential option is to look to make a connection into the Medbourne Brook, but it is clear that further investigation and consultation is required to explore this option further. This should be required before planning permission is considered. No details have been included to deal with surface water run off during construction.
7. Foul Drainage: The developers have indicated that the foul drainage from the 6 new dwellings on this site will join the existing foul drain in front of 6 Ashley Rd, which then flows to the manhole adjacent to the bridge on Ashley Rd. During periods of heavy rain/flooding, the cover on this manhole frequently lifts, and sewage/toilet paper can be seen floating in the Brook, which is not acceptable. This scheme will only make the situation worse. Anglian Water has stated, as part of their response to this planning application that Medbourne Water Recycling Centre currently does not have enough capacity to treat the foul water drainage from 6 extra houses. There may also be foul drainage joining the same sewer from 15 extra houses from the Hallaton Rd site Planning application ref 19/01274/OUT. An Anglian Water or independent study is needed to show how this is to be achieved for an additional 21 dwellings and Planning Permission should not be granted until it has been shown how this can be achieved. Recommend a Condition stating that none of these 6 houses is occupied until there is sufficient capacity in the foul drains and at the treatment works. *Officer note: there is sufficient capacity in the foul drains (see Anglian Water comments)*

Parish 3.06.21 revised plans

- The redesign is better in terms of positioning on the site of plots 4-6, much more open layout with better views for the houses.
- We asked that scale & design of dwellings on elevated site should reflect conservation village, and they have reduced the heights by 1.2m and altered the design of the houses to include hipped roofs.

However we feel that some issues in our previous comments have not been addressed:

-

1. Bungalow have more than 6-10 steps up to access each.
2. More than half wildlife buffer is on someone else's land
3. Cutting away land to form new pavement
4. Request a Condition that no work will start on site until 30mph sign moved to include the site (covered by a S278).
5. request a condition that none of the houses could be occupied until there is sufficient capacity in the local foul treatment works (see Informative).

6. Request a condition also includes detail *for dealing with surface water run off during construction* (see Condition 4k).

7. Access Road now goes up-to field beyond.

8. In terms of the Medbourne Neighbourhood Plan see paragraph below on Housing mix - 4 bedroom houses should be in the minority, yet half of the houses on this scheme are 4 bed.

One of the 3 bed bungalows also has a large study. Another of the 3 bed has a self-contained flat within the unit. So the MPC does not consider that this scheme meets the criteria laid down within the MNP.

- 4.14 Cllr Rickman 18/10/20-concern relating to the buffer zone appear to be on someone else's land; 6 steps up to a bungalow usually intended for elderly residents, 2 exits on the road in 60mph speed limit and on a bend and lack of up-to-date highway data, this is a cut through and speeds are excessive (*officer comment- the 30mph sign is to be re-located*); site is entrance to a preservation village therefore extra care need to be taken so that the development is in harmony and preserves its ambience.

5. Planning Policy Considerations

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

a) Development Plan and material planning considerations

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

- *The Framework Nov. 2021 Sections:*
2 Achieving Sustainable Development
5 Delivering a sufficient supply of homes
9 Promoting sustainable transport
11 Making effective use of land
12 Achieving well-designed places
15 Conserving and enhancing the natural environment
16 Conserving and enhancing the historic environment.
- *Harborough Local Plan adopted 30th April 2019 Sections:*
SS1 Spatial Strategy
GD1 Achieving Sustainable Development
GD5 Landscape Character
GD8 Good design in Development
H1 Provision of new Housing
H2 Affordable Housing
H5 Housing density, mix and standards
HC1 Built heritage
GI5 Biodiversity and geodiversity
CC3 Managing flood risk
IN2 Sustainable Transport
IN4 Water resources and services.
- *Supplementary Planning Guidance Notes*
2/3 – Residential Development
- *Medbourne Neighbourhood Plan (MNP) Made 2018 policies:*

H1 Residential site allocations
H2 The Limits of Development
H3 Housing mix
H5 Building design principles

6. Assessment

a. Principle of Development

- 6.1 The National Planning Policy Framework (NPPF) in paragraph 12 states that the development plan is the starting point for decision making. The application site is within the settlement of Medbourne which is defined as one of the selected rural villages in the Harborough Local Plan, see Appendix F Settlement hierarchy. Medbourne is a Selected Rural Village, within 1 km walking distance there is a variety of local services including a school, food store and public house, plus a church and village hall.
- 6.2 Paragraph 12 of the NPPF also emphasises that where an up-to-date Neighbourhood Plan is in force, it shall also be used as the starting point for decision making. Medbourne has a Neighbourhood Plan that has been through referendum and was Made on 29th August 2018. The Neighbourhood Plan is now out of date as three years has passed since it was made, therefore the Local Plan takes precedence. However, the application was submitted in September 2020 when the Neighbourhood Plan was in date and the Neighbourhood Plan is still important in the decision making process.
- 6.3 The site is located within the village boundary of Medbourne as defined in the Made Medbourne Neighbourhood Plan. The main policy relevant to the proposed development is the site-specific policy H1 relating to five housing sites allocated over the period of the Neighbourhood Plan. The plan makes provision for 39 new dwellings in Medbourne between 2017-2031. This aligns with Policy H1 'Provision of new housing' in the Harborough Local Plan which seeks 30 dwellings. Site 5 relates to the proposed development, therefore the principle of the development is acceptable subject to details set out in this part of the policy and other material planning considerations in the rest of the Neighbourhood Plan, Harborough Local Plan and The Framework (2021).
- 6.4 On the other 4 sites in the policy, there has been approval for 6 dwellings on Site 2 ref: 18/00399/FUL. Sites 1 and 3 have not had applications submitted yet. Site 4 was approved for 15 dwellings subject to S106 ref: 19/01274/OUT.
- 6.5 In relation to the supply of housing, the NPPF requires councils to identify and update on an annual basis, a supply of specific deliverable housing sites sufficient to provide a five years' worth of housing provision (para 74 and 75). The Council can currently demonstrate a 7.74 years' worth of housing, and as such a deliverable 5 year supply of housing can be achieved.
- 6.6 Policy H1 residential site allocations states:

POLICY H1: RESIDENTIAL SITE ALLOCATIONS - The plan makes provision for about 39 new dwellings in Medbourne between 2017 to 2031. This is met by land being allocated for five residential development sites at the following locations as shown in figures 2.1/2.2.

Site 5. Rear of 7 Ashley Road

Development will be supported subject to the following criteria:

- a) The development will provide for about 5 dwellings;
- b) At least three dwellings shall be single storey housing to reduce visual impact including any building abutting the road;
- c) At least three dwellings are three-bed or smaller



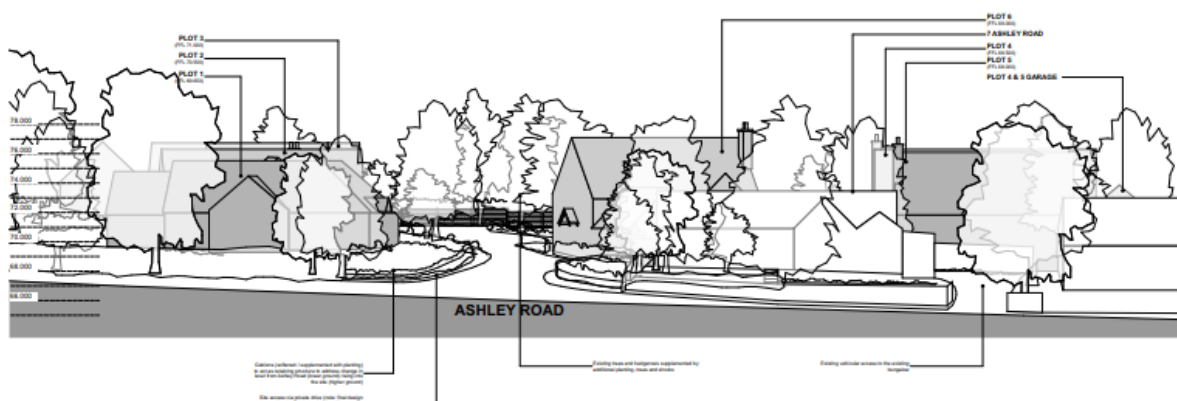
- 6.7 Under Policy H1 Residential Site Allocations - Site 5 Rear of 7 Ashley Road, there are 3 criteria for development.
- a) has been complied with; as six dwellings are proposed;
 - b) has been complied with; as 3 out of 6 dwelling are single storey, including the building abutting the road;
 - c) has been complied with; as there are three 3 bedroom dwellings (as revised).
- 6.8 Policy H2 requires that all residential developments 11 or above dwellings or over 1000sq.m floor area to contribute to meet affordable housing needs. The combined maximum combined gross internal floor space of the proposal is 970.9sq.m. (detached garages are excluded from the calculation) therefore no affordable housing is required on site.

b. Design and layout

- 6.9 The application is a Full application, this section deals with layout, housing numbers, density, building heights and housing mix. Policies GD8 Good design in development, H5 Housing, density, mix and standards of the Local Plan are relevant.
- 6.10 Policy H1 of the MNP Site 5 criteria a) *the development will provide for about 5 dwellings* 6 dwellings have been applied for, this is considered not far off the requested amount of 5 dwellings. Also, the number of dwellings are considered proportionate and in keeping with the scale of the existing settlement, therefore the proposal complies with part a of the policy.
- 6.11 The site is 0.45ha therefore the site density is 13 dwelling per hectare (DPH) whilst this is significantly below 30DPH often quoted, the site is on the edge of a rural conservation village settlement on a partially steeply sloping site, therefore this reduction in density is justified.

- 6.12 The Neighbourhood Plan policy H1, site 4 criteria (b) goes on to say that *'at least 3 dwellings shall be single storey housing to reduce visual impact including any building abutting the road'* plots 1, 2 and 3 are all single storey dwellings, therefore the proposal complies with part b of the policy. Criteria c states that *at least 3 dwellings are 3 bedroom or smaller*. Plot 1 has 3 bedrooms, plot 2 has been revised to omit the study which potentially could be used as a bedroom, it now has 3 bedrooms and Plot 3 has 3 bedrooms including a bedroom within an integral annex and a very small study that can't be used as a bedroom.
- 6.13 It is a small site therefore adding interest into the site is limited, however the architect has successfully designed a site with character that is sympathetic to the area. The road into the site curves, Plot 1 design has been improved, providing an interesting side elevation facing the road and plot 6 is double fronted so the side elevation that faces the road appears like the front of the house. The houses also have chimneys, decorative porches, elevational detailing such as exposed rafters, projecting and recessed brickwork to feature gables and brick or stone headers and cills. The bungalows are constructed of ironstone and brick with timber additions to add interest to the elevations. The design of houses is sympathetic to this historic village, with Northamptonshire Ironstone, red brick, natural slate and plain tiles part of the material palette. The garages are proposed to be constructed of timber boarding a material often used in secondary structures to the main dwelling.

Proposed Street scene from Ashley Road



Plot 1- Front and side elevation



Plot 4-Front elevation



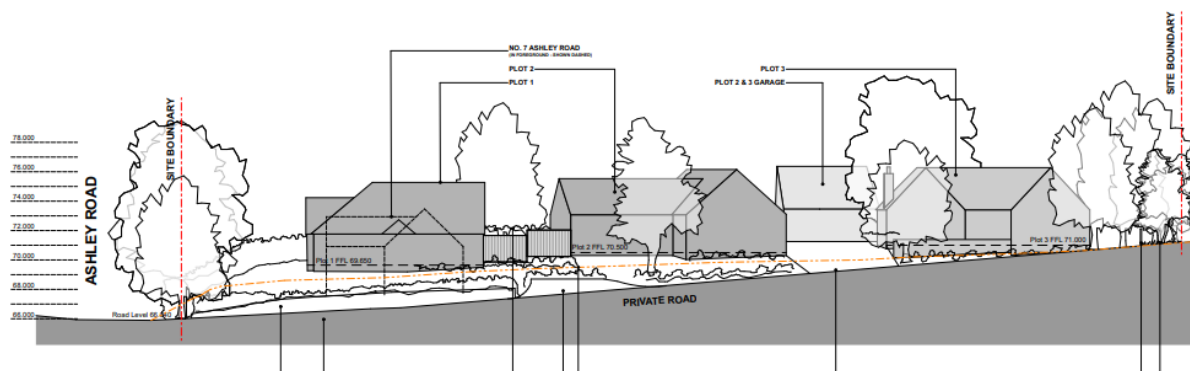
Plot 6



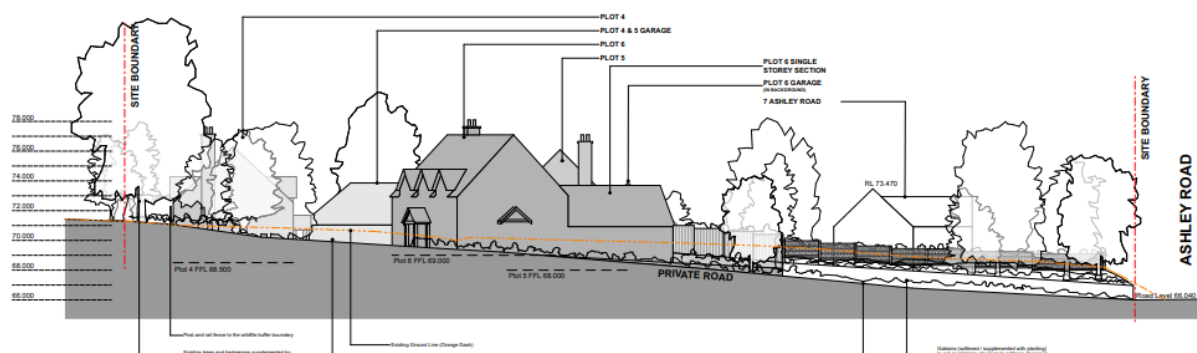
- 6.14 The bungalows are by their very nature low in height for a dwelling, plots 1 and 2 are maximum height of 4.9metres, plot 3 is 5.2m max, this ensures as per the criteria in the Neighbourhood plan policy that there is limited impact upon the edge of the settlement, in particular at the road frontage, as the built form is significantly reduced by the stipulation in the Neighbourhood Plan. The proposed houses have a maximum height of 8.1m, with plot 4 being only 7.8metres high, this is generally lower than the standard two storey house-type and is also exhibited in Medbourne by small scale cottage type dwellings. Bin storage can adequately be provided within each plot with all plots having rear gardens with access to the road, there is also a separate bin collection within 25m of the main road should waste providers not wish to enter the site.
- 6.15 The layout plan shows that the plots will be set into the landform creating retaining walls either side of the new road. It is noted that plot 4 at the back of the site is set lower into the site, with the FFL approx. 3m lower than the ground levels at the boundary with the adjacent field. Retaining structures are unfortunately inevitable on a sloping site such as this, which has been designated in the Neighbourhood Plan. The heights of the retaining walls are determined by compliance with the road gradient into the site and

the levelling of the site to construct the dwellings. The retaining structures will take the form of gabions with supplemental planting, this will soften the feature over time. Detailed landscaping across the site is secured by Condition 13.

6.16 Site section plan through the road with a view to the west of the bungalows
(orange dotted line is existing land levels)



6.17 Site section plan through the road with a view to the east of the houses



6.18 The revised layout provides an open view of the countryside from the entrance to the site, which is appropriate for an edge of settlement location. It also means the development has the feeling of being spacious as you enter the site. The Parish were concerned about providing access to the next development opportunity; however, the proposal shows post and rail fence to the wildlife buffer and enhanced hedgerow along the northern boundary, and if an application was submitted in the future to the Council that would be assessed on its own merits at the time.

6.19 Level access to the bungalows was raised as a concern by the Parish Council, recent revised plans show either level access to the rear or a ramp up-to the front door (plot 1 has both).

c. Landscape and visual Impact

6.20 Policy GD5 in the Local Plan on Landscape Character explains that development should be located and designed in such a way that it is sensitive to its landscape setting and character area and will be permitted where it respects and where possible enhances local landscape setting of settlements, avoids the loss of or substantial harm to important landscape features; safeguards important public views and provides mitigation where appropriate.

- 6.21 The site and Medbourne are identified within Harborough District Council Landscape Character Assessment HDC LCA (2007) as the Welland Valley LCA. The Welland Valley Landscape Character area key characteristics are little tree cover; pasture on floodplains; and arable farming on the valley sides. The area has a medium capacity to accept small scale development and the general lack of woodland cover across the landscape area means that new development must be well mitigated to minimise impacts. The site does not feature in any important views noted in the Neighbourhood Plan or have any other local environmental designations.
- 6.22 All the hedgerows are to be retained and enhanced, except a section of hedgerow is to be removed to create the access point at the front of the site onto Ashley Road, and the new footpath. The access is necessary in order to develop the site and the footpath is an important link and benefit to future residents. Given the retention and enhancement of the existing hedgerow, the loss of a small section of hedgerow and one tree is acceptable.
- 6.23 Section plans show that plot 4 on the northern boundary is set well below the adjacent field boundary height of 71.5AoB and the bungalows along the western boundary are set at a similar level to the existing field, therefore with the supplementary planting of the hedgerows along the northern and western boundary these dwellings will not be unduly visible from short-medium distance views. In addition, this additional planting will help screen the development when entering the village from the west along Ashley Road.
- 6.24 The massing and siting of plot 4 was carefully considered and re-designed several times, as it was adjacent to the field, a high point in the site. Plot 4 which is on the edge of the northern boundary has a finished floor level FFL of 68.5 and an overall height of 7.8m high. It is also set approx. 3m below the site boundary height to the north of 71.5AOB, so the proposed dwelling on plot 4 will only protrude above ground level by approx. 4.8metres over the ground level of the adjacent field edge, therefore it will appear single storey in height. These factors ensure that plot 4 is acceptable in terms of the impact upon the surrounding rural area and views of the village.
- 6.25 The site is not visible within the village, as it will be obscured by the imposing Nevill Arms Public House. It will be visible from Paynes Lane, however there is a mature hedgerow along the roadside with only one field gate where there are views of the site, views from other field gates of the site are primarily obscured by existing hedgerows. As there is no footpath along Paynes Lane only passengers in cars will have a fleeting view of the site. The proposed landscape mitigation measures, reduction in levels and massing of the houses helps to mitigate the scheme. Therefore, the impact of the proposal on public short and long distance views is minimal.

View from the village centre and the Nevill Arms towards the site



View from Paynes Lane field gate:



d. Residential amenity

- 6.26 Policies GD8 states that development will be permitted where it is designed to minimise impact on the amenity of existing and future residents.
- 6.27 The closest neighbouring properties are 4A Waterfall Way, No.5 and 7 Ashley Road. No.7 Ashley Road is a bungalow on higher land than the road with the garden to the front and the owners of the application site and adjacent field. Along the northern elevation to the bungalow is several habitable room windows (kitchen and bedroom) that are the only windows to those rooms, therefore any development behind needs to be carefully considered. After several changes an acceptable scheme has come forward. The position of plot 6 whilst on slightly higher ground is angled away from the back of the existing bungalow at 21metres away, with single storey elements closer at 10.5m and 11.5m, the garage has a fully hipped roof thereby reducing the impact. Also plot 5 is set away from the rear of No.7 Ashley Road, positioned in between No.5 and 7 Ashley Road. Therefore, the Council separation standards are complied with and as such the proposal does not adversely affect existing neighbours amenity.

- 6.28 No.5 Ashley Road is a chalet bungalow positioned on significantly lower land than the application site (see photos). No 5 has a garage abutting the site and there are no first floor windows in the rear elevation, only ground floor windows that have a view of the high garden retaining wall. Plot 5 whilst on significantly higher land is 18.5metres away and given the existing situation at No.5 will not adversely affect existing neighbours' amenity.

Photo rear of No.5 Ashley Road



6. 29 4A Waterfall Way is close to the eastern boundary of the site, it is a bungalow with rooms in the roof. Again, the impact of the scheme upon these residents has been carefully considered with a number of revisions to the site layout and houses considered by the Council following the last application and during this application. The revised scheme has orientated both plots 4 and 5 so the side walls face the back of this property at a distance of 22.5m/21m, this results in reducing the massing of the dwellings when viewed from the garden of No.4A, at an acceptable distance. Also, the garage structure is designed with hips at all angles, thereby reducing the massing of the structure, it is also 14metres away, therefore the proposal accords with Council's separation standards. There is one first floor side bedroom window in both plots 4 & 5 that face 4A, these can be conditioned to be obscure glazed (condition 16). The proposal therefore does not adversely affect the amenity of existing residents at 4A Waterfall Way.

Photo- rear of 4A Waterfall Way



- 6.30 **View from 4A Waterfall Way's rear garden** The Architects have specifically drawn this view, showing the side of Plot 5 and the garages of plot 4 & 5.



- 6.31 The Nevill Arms and No.14 Waterfall Way are on lower ground and a considerable distance away from the proposal such that they are not adversely affected by the development.

Photo-View of the back of Nevill Arms Public House



- 6.32 The future residents of the development have sufficient garden area and the layout does not result in any adverse amenity concerns. Intervisibility between plots is acceptable, and whilst the front to front distance between plots 4 and 5 is 14metres, significantly below the Councils SPG guidance of 21m, this will be buyer beware and this situation is commonly found in old parts of town and villages.
- 6.33 The revised proposal therefore does not adversely affect existing and future neighbour's amenity and as such accords with Policy H5 of the Neighbourhood Plan and Policy GD8 of the Harborough Local Plan.

g. Highways:

- 6.34 Section 9 of the NPPF relates to sustainable transport, and paragraph 108 of the NPPF promotes sustainable transport modes and the safe and suitable access to the site. Policy GD8 ensures a safe access, adequate parking and service area including for refuse vehicles.
- 6.35 The vehicular and pedestrian access to the site is proposed off Ashley Road, which is a B classified road. The access width is 4.8m with a 6m kerb radii, 2m/1m footway and visibility splay 2.4m x 53m (east) and 59m (west). The 30mph sign is to be moved further out of the village beyond the access. The road is to be private drive, due to levels constraints of the site in relation to the highway (1:20 gradient for first 10m) therefore it is not considered for adoption. The Applicant carried out a speed survey in May 2017 and an up-to date Stage 1 Road safety Audit June 2020 which resulted in the visibility splays increasing from previously proposed. The Highways Officer explains that the application site is approximately 250m east of two bus stops which are located at the junction of Drayton Road / Main Street and is a short walk from the centre of Medbourne with the site being connected by existing and proposed footways.
- 6.36 The speed limit fronting the site is 60mph, however this reduces to 30mph to the east of the access. In order to demonstrate appropriate visibility splays fronting the site, the Applicant has undertaken a speed survey in the vicinity of the site access. Taking

into account there are no recorded personal injury collisions on Ashley Road the Highways Authority found the visibility splays acceptable.

- 6.37 The Applicant, is proposing to extend the 30mph zone on Ashley Road and relocate all the traffic signs to incorporate the change in speed limit on this section of the road (dealt with under s.278 highways agreement). The Applicant submitted a Stage 1 Road Safety Audit (RSA) of the site access. The Highways Authority required further clarification on the details of the relocation of the signage so that it doesn't affect pedestrian safety, this was provided and is now acceptable to the Highways officer. The officer also questioned whether the 2m wide footway is achievable, this was confirmed therefore can be secured by condition 5.
- 6.38 There will be 17 parking spaces (including garages) plus 2 visitor spaces (as per the parish Councils request) for the 3 x 3 bed and 3 x 4 bed dwellings. This is consistent with the guidelines contained in the Leicestershire Highway Design Guide (LHDG) which would advise the Applicant to provide two spaces for 3 bed and three spaces for 4 bed dwellings, see Condition 9. The turning head space, this is sized to accord with LCC Highways design guidance, therefore should be able to accommodate refuse vehicles or other large vehicles. The Highways Officer has no objection to the scheme subject to conditions relating to construction management plan, parking, visibility splays, pedestrian visibility splays, drainage and surfacing. The proposal therefore conforms with Policy GD8 of the Local Plan.

h. Ecology and Trees:

- 6.39 Section 15 Conserving and enhancing the natural environment of The Framework states the LPA should aim to conserve and enhance biodiversity by applying certain principles: such as opportunities to incorporate biodiversity in and around developments should be encouraged (para.180). Policy GI5 'Biodiversity and geodiversity' in the Local Plan is relevant.
- 6.40 Policy ENV4 Biodiversity and wildlife corridors in the Neighbourhood Plan explains that development should safeguard locally significant habitats and species and not harm the integrity and effectiveness of wildlife corridors see fig. 8 in MNP, there are none on site. Policy ENV5 of the Neighbourhood Plan identifies local non-designated heritage assets of which there are none on the application site. There is also no ridge and furrow on site and as designated in Policy ENV 6 Ridge and Furrow in the Neighbourhood Plan.
- 6.41 The application was accompanied by an Ecological Appraisal; it states that the site is not designated a statutory or non-statutory site of nature conservation interest.
- 6.42 The site comprises of improved grassland habitat, this minor biodiversity loss can be mitigated by native species grassland, shrub and tree planting within areas of soft landscaping, this is shown on the plan at the top of the road and within the buffer zones. The hedgerows is to be retained are more than 80% native, areas for replacement hedgerow planting and gapping-up are now shown on the plan.
- 6.43 Great Crested Newt eDNA surveys of two ponds were carried; the surveys were negative, and no further surveys are needed. No evidence of other protected species were found on the application site or elsewhere.
- 6.44 A biodiversity net-gain calculation has been made, showing that the site is in net gain as far as hedges are concerned, and net loss as far as habitat is concerned. The County Ecologist explains that the gains and losses are small, therefore, overall, this development should not be in net loss, as long as the retained, enhanced and

replacement hedges are managed to conserve their wildlife value into the future; the biodiversity net-gain proposals refer to 30 years maintenance. This will require periodic trimming, laying and maintenance of the wildflower strip along the hedge bases (see Condition 11).

- 6.45 A 3-4m buffer zone along the hedges is shown on the site plan, outside the back gardens of plots 1-4, is acceptable to the County Ecologist for this scale of development. Third parties raise the issue that some of the buffer is outside the application site/ownership, it is noted that within the redline of the development the buffer is less than 3m in places, and more than 4metres in other places, this is adequate for a minor development clarified by the County Ecologist. A post and rail fence between the gardens and the wildlife buffer is proposed. The 5m buffer often quoted is considered a guide. The proposal therefore accords with Policy GI5 of the Local Plan.

i. Archaeology and Conservation:

- 6.46 Policy HC1 Built heritage (4) explains that development affecting the significance of a non-designated heritage asset will have regard to the scale of the harm or loss and the significance of the asset. Paragraph 197 of The Framework states that with regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the heritage asset.
- 6.47 The County Archaeologist informs the Council that the application site is close to the Roman Villa site (MLE2001) and close to the known area of the Roman town (MLE2005). It is possible that the town continues into the site. Test pitting was undertaken in 1993, on the site and areas around it which found large quantity of Roman pottery as well as medieval and post-medieval pottery, and bone. The supplied archaeological desk-based assessment states there is a moderate to high potential for Roman Archaeology within the application area.
- 6.48 A field evaluation including trial trenching is required. After a delay and some discussions with the County Council, this was undertaken in August 2021. Archaeological remains were located in every trench dating mostly to the Iron Age and Roman period with some post-medieval evidence, this suggests that the remains are associated with the Roman Town of Medbourne or the nearby Roman Villa. The County Archaeologist advises that the development is acceptable subject to condition relating to a programme of archaeological investigation.
- 6.49 Policy HC1 'Built Heritage' states that development affecting heritage assets and their setting will be permitted where it protects, conserves and enhances the significance, character and setting of the asset. Development within or affecting a conservation area will be permitted where it preserves and enhances the character and appearance of the conservation area.
- 6.50 The site is not within the designated Conservation area of Medbourne, the conservation area abuts the site. In the centre of the village is St Giles Church a Grade2* listed building, Nevil Arms and 14 Waterfall Way are Grade 2. A detailed Heritage Impact Assessment was submitted, it explains that *'there is minimal inter-visibility between the application site and the nearest of Medbourne's listed buildings described in section above. The application site is not currently visible from any of these listed buildings, due to intervening development, mature planting of boundary fencing, and therefore does not fall within their settings. Conversely, there is only limited visibility of the listed buildings from within the application site.'* Therefore, the proposal will not materially harm the setting of the listed buildings or the adjacent conservation area

- 6.51 The Conservation Officer has no objection, subject to a materials condition (see Condition 4) to ensure it fits in with the overall character of the village.

j. Drainage

- 6.52 Policy CC3 managing flood risk point 1. states that new development should take place in the areas of lowest risk of flooding, including the potential risk due to climate change. Point 2 states that development should take place in flood zone 1, wherever possible. The application site is within Flood Zone 1.
- 6.53 The proposed drainage strategy shows permeable paving and a series of below ground storage tanks under the road plus a flow control chamber for the surface water which will either connect to the existing drains in Ashley Road or a new sewer constructed in Ashley Road to discharge to Medbourne Brook in the east. The foul is to be connected to the existing drains in Ashby Road.
- 6.54 The Lead Local Flood Authority LLFA explain that the site is a minor application within Flood Zone 1 (low risk of fluvial flooding) and at low risk of surface water flooding. The surface water proposals seeks to discharge to an onsite attenuation basin before being discharged at a QBar discharge rate of 1.7l/s into the Medbourne Brook.
- 6.55 Given the sites status as Flood zone 1 and site area less than 1 ha. the NPPF explains that a site-specific flood risk assessment is not required. The LLFA adds that the proposal is supported by Drainage Strategy Report which provides a detailed and robust drainage strategy for the site.
- 6.56 Anglian Water states that the foul water treatment from this development is in the catchment of Medbourne Water recycling centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
- 6.57 In terms of foul water discharge from the site, the sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network, they should serve notice on Anglia Water under Section 106 of the Water Industry Act 1991, and they will then advise them of the most suitable point of connection.
- 6.58 Therefore, both surface water and foul water discharge from the site is acceptable and a reason for refusal based on this issue would not be sustained at appeal. The proposal therefore conforms with Policy CC3 of the Local Plan. As per the other site in Medbourne 19/01274/OUT an informative encouraging the developer to engage with Anglian Water on the up-grade of the treatment works prior to the development being occupied is the only reasonable step the Planning Authority can take.

k. Sustainable Development

- 6.59 The Framework identifies three dimensions to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached.
- Economic: new construction brings employment, new households will re-in-force existing custom to services and facilities in the village.
 - Social: the site is in an accessible location, provision of market housing, layout of courtyard increases social interaction.
 - Environmental: The site is not subject to a national or local landscape, the existing hedgerow is to be retained and re-enforced (except the point of access), there is no net

loss of biodiversity. The proposal is not considered to demonstrably harm the character and appearance of the countryside.

7. Conclusion

- 7.1 In conclusion, the revised full application for 6 dwellings with access, car parking and landscaping is a designated housing site within the Neighbourhood Plan. The village is a sustainable rural village (SRV) where limited residential development is acceptable, therefore the proposal is acceptable in principle, subject to the various site-specific criteria being met and other material planning considerations.
- 7.2 The proposal is found to propose acceptable number and mix of houses in accordance with Policy H1 of the Neighbourhood Plan.
- 7.3 The layout of the development and its relationship with existing resident's meets local guidance and Neighbourhood Plan criteria, therefore existing and future resident's amenity are not adversely affected.
- 7.4 The proposed landscaping mitigates its impact upon the rural area and enhances the views of the site when entering the village. The views of the site from within and outside of the village are limited, as such the proposal does not adversely affect heritage assets.
- 7.5 Technical issues such as surface and foul water drainage, highway safety, archaeology and ecology have been resolved, subject to conditions.
- 7.6 In conclusion it is considered that this revised scheme accords with Policy H1 (site 4), ENV6 and CF3 of Neighbourhood Plan for Medbourne, Policy H1, HC1, GD5, GD8 G15 and CC3 Local plan policies and the National Planning Policy Framework.

8. Conditions

Condition 1- 3 years

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

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

Condition 2 – Approved plans:

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

Location plan ref: P208-BRP-00-00-DR-A-0120-P01

Proposed site plan ref: P208-BRP-00-00-DR-A-0122-P07

Proposed plot 1 plan ref: P208-BRP-00-GF-DR-A-0220-P02;

Proposed plot 2 plan ref: P208-BRP-00-GF-DR-A-0221-P04;

Proposed plot 3 plan ref: P208-BRP-00-GF-DR-A-0222-P02;

Proposed Plot 4 plans ref: P208 BRP-00-ZZ-DR-A-0230-P02 and P208 BRP-00-ZZ-DR-A-0231-P02;

Proposed plot 5 plan ref: P208 BRP-00-GR-DR-A-0232-P02;

Proposed plot 6 plans ref: P208-BRP-00-GR-DR-A-0234-P02 and P208-BRP-00-GF-DR-A-0233-P01;

Proposed 2 and 3 garage plan ref: 208-BRP-00-ZZ-DR-A-0228-P02;

Proposed plots 4 and 5 garage plan ref: P208-BRP-00-ZZ-DR-A-0235-P01;

Proposed plot 6 garage plan ref: P208-BRP-00-ZZ-DR-A-0236-P01;

Proposed street elevation plans ref: P208_BRP-00-ZZ-DR-A-0123-P04

Proposed cross section plan ref: P208-BRP-00-ZZ-DR-A-0124-P04

Site cross section plan ref: P208-BRP-00-ZZ-DR-A-0127-P03

Site cross section plan ref: P208_BRP-00-ZZ-DR-A-0130-P01

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

Condition 3 – Materials:

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

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

Condition 4 - Construction method Statement

No development (including any site clearance/preparation works) shall be carried out until a Plan has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development:

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of construction materials;
- c) a detailed reactive and proactive road cleaning schedule, incorporating the use of road sweepers, on-site wheel wash facilities and the use of hand brooms on wheels and roads where necessary;
- d) measures to control the emission of dust and noise during construction;
- e) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- f) hours of construction work, site opening times, hours of deliveries and removal of materials;
- g) full details of any piling technique to be employed, and the control of hours of use if relevant;
- h) location of temporary buildings and associated generators, compounds, structures and enclosures;
- i) routing of construction traffic and indication of signage locations to assist those delivering to the site;
- j) Contact details for site manager, including how these details will be displayed on site; and
- k) full details of preventative measures to avoid surface water run-off during construction.

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

Condition 5 - Access and off-site works

No part of the development hereby permitted shall be occupied until such time as the access arrangements and offsite highway works (footway improvements) shown on ADC Infrastructure Drawing Number ADC1639-DR-005 Rev P7 have been implemented in full.

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

Condition 6 – Surfacing

Prior to the first occupation or use of the development hereby permitted the access drive (and/or forecourt area) and any turning space shall be surfaced in a permeable bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

Condition 7 -visibility splay

Prior to the first occupation visibility splays of 2.4 metres by x 59m (east) and (53m (west) at the junction of the access with the adjoining road shall provided in accordance with the standards contained in the current County Council design guide. Once provided they shall thereafter be permanently so maintained, with nothing placed or allowed to grow or remain forward of the said splays above a height 0.6 metres above ground level.

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

Condition 8 – Pedestrian splays

Prior to the first occupation/use of the development, pedestrian visibility splays of 1m x 1m shall be provided and permanently maintained on both sides of the access to the development. There shall be no obstruction to visibility higher than 0.6m above carriageway level.

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

Condition 9 – parking

The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with BRP Architects Drawing Number P208-BRP-00-00-DR-A-0122-P04. Thereafter the onsite parking provision shall be so maintained in perpetuity.

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

Condition 10- drainage

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

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

Condition 11 – Hedgerow management plan.

Prior to the first occupation of any of the dwellings hereby permitted a Hedgerow Management Plan including management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority and implemented in perpetuity as approved.

REASON: To ensure that the hedgerow and wildlife is safeguarded for the future having regard to Policies GD8 and GI5 of the Harborough Local Plan and the National Planning Policy Framework.

Condition 12 – Levels

No development shall commence on site until details of existing and proposed levels, including any regrading, contouring and mounding, plus finished floor ground levels of all buildings in relation to existing and proposed site levels, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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

Condition 13 – Landscaping condition

Prior to the first occupation of the dwelling(s) a Landscape Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall include full details of proposed hard and soft landscape works, including:

- a) access, driveway, parking, turning and all other surfacing materials;
- b) boundary treatments, including to the buffer zone;
- c) retained planting/hedges/trees and new planting/hedges/trees;
- d) screened bin store area;
- e) retaining walls; and
- f) a timetable of implementation.

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

REASON: To ensure that the development includes landscaping, planting, boundary treatments and surfacing materials which are appropriate to the character and appearance of the development and the surrounding area to protect drainage interests promote sustainable drainage and highway interests (prevent deleterious material and surface water entering the highway) having regard Harborough Local Plan Policies GD2, GD8 and the National Planning Policy Framework.

Condition 14 – Remove PD rights A-E for plots 4, 5 and 6.

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, Classes A-E inclusive of that Order, shall be erected or undertaken on Plots 4, 5 and 6.

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

Condition 15 – WSI

No demolition/development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions:

- o the programme and methodology of site investigation and recording;
- o the programme for post investigation assessment;
- o the provision to be made for analysis of the site investigation and recording;
- o the provision to be made for publication and dissemination of the analysis and records of the site investigation;
- o the provision to be made for archive deposition of the analysis and records of the site investigation;
- o the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

Any demolition/development shall only take place in accordance with the approved Written Scheme of Investigation.

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

Condition 16 obscure glazed side bedroom windows plots 4 &5.

Prior to the first occupation of the development hereby permitted the first floor windows serving the bedrooms in the East elevation of plots 4 and 5 shall be permanently fixed shut (non-opening) and glazed with obscure glass (at a minimum of Level 3) only and the windows shall be permanently maintained as non-opening with obscure glazing at all times thereafter.

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

Informatives:

Building regulations

Highways

Anglian Water treatment plant

Anglian Water

Local Lead Flood Authority

Planning Committee Report

Applicant: Alec and Stella Welton

Application Ref: 21/01063/FUL

Location: Archway House, Harborough Road, Lubenham

Proposal: Erection of 8 dwellings, office, 4 health and leisure facilities and solar PV canopy

Application Validated: 08.06.2021

Target Date: 07.09.2021 (EoT Not Agreed)

Overall Consultation Expiry Date: 09.08.2021

Site Visit: 01.07.2021

Reason for Committee decision: At the discretion of the DM Manager due to the level of public interest.

RECOMMENDATION: REFUSE

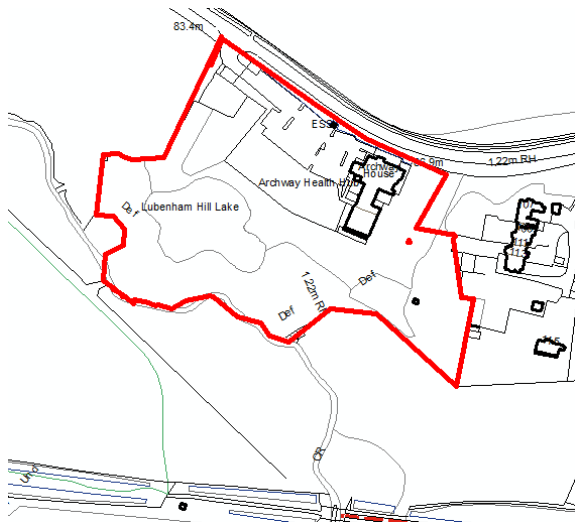
- 1) The site does not adjoin the existing or committed built up area of either Market Harborough or Lubenham and therefore fails policy GD2:2. The site is therefore within the countryside, where Local Plan policies GD3 and GD4 applies. The proposal for residential development does not meet any of the exceptions listed within GD4 and therefore also fails to satisfy this policy. The proposed development would not therefore constitute sustainable development, contrary to both the Development Plan and The Framework.
- 2) The site due to its remote location from services and facilities and walking distance in excess of 1km along a partially unlit busy high-speed Class A road to the nearest facilities (e.g. Lubenham pub and school and Market Harborough convenience shop) would result in a high likelihood of reliance on the private motor vehicle. The proposed development would not therefore constitute sustainable development, contrary to both the Development Plan GD1 and The Framework.
- 3) The proposed development, with its tall buildings (maximum ridge height of 11.15m) and uniformly designed dwellings, would encroach into, and jar with, the rural context of the site and its immediate surroundings, creating an anomalous form of built development which would be disjointed from the existing settlement and would stand out as an incongruous feature on this important rural approach into Market Harborough to the detriment of the character and appearance of the countryside. As such, the development would not be appropriate in this location, would not respect the character and distinctiveness of the existing landscape or the currently well-screened settlement of Market Harborough and, consequently, would not constitute a high standard of design. The proposed development would be contrary to both the Development Plan Policies GD3, GD5 and GD8 and The Framework.
- 4) This proposal, if permitted, would lead to an increase in turning manoeuvres onto Harborough Road (A4304), which is a busy high-speed Class A road with recorded 85th

percentile speeds in excess of the posted speed limit, where the turning manoeuvres could be an additional source of danger to road users, which is not in the interests of highway safety, and is contrary to Harborough Local Plan policies GD8 and IN2, Policy IN5 of the Leicestershire Highway Design Guide and The Framework.

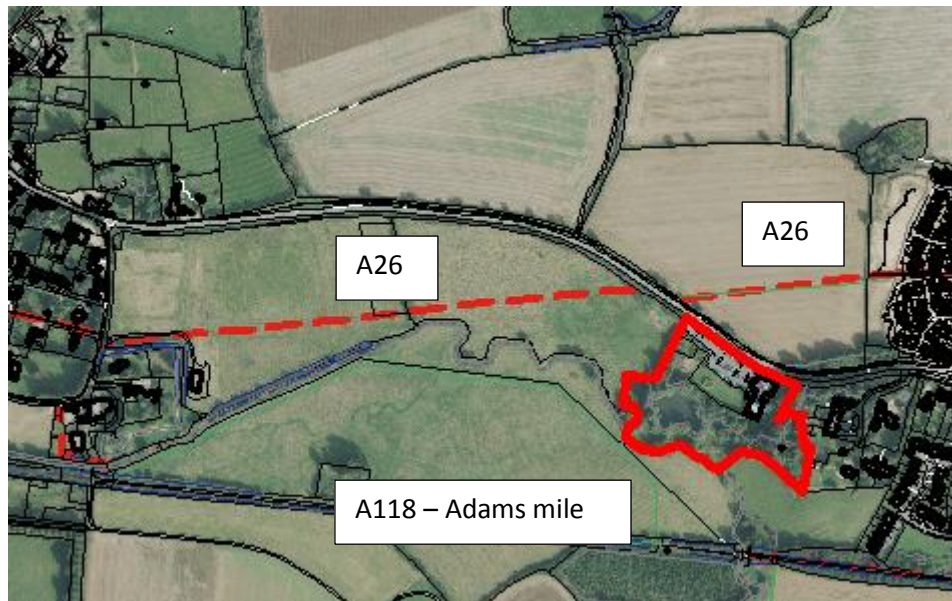
- 5) The Flood Risk Assessment (FRA) does not adequately assess the flood risks posed by the development. In particular, the FRA proposed flood risk mitigation measures are inadequate because they will not make the development resilient to the flood levels for the 1% plus 35% climate change level. Consequently the development proposes inadequate flood storage compensation, and has not demonstrated that the proposal would satisfy with Harborough Local Plan Policy CC3.

1. Site and Surroundings

- 1.1 The site is located to the west of Market Harborough and to the east of and within the Parish boundary of the village of Lubenham. The site is bounded to the north by the Harborough Road / A4304 - a key route into Market Harborough. The site (2.9ha) is occupied by Archway Health Hub (complementary multi-disciplinary health and therapy centre), a two storey brick and rendered property with a tiled roof. Directly to the south of this building is a two-storey wooden cladded building used as offices leased by Archway Health Hub.
- 1.2 The eastern boundary is bounded by a wooded hillside which form part of the grounds of The Hill, a large two storey property, that is Grade II listed and has been subdivided into three dwellings (No.s109, 111 and 113 Lubenham Hill) To the south of the car park there is amenity grassland and an old fishing pond, with trees forming the ponds perimeter. The River Welland forms part of the site's southern boundary with fields beyond. The western boundary is formed by a hedgerow and trees, with fields beyond.



Site Location



Site Location in Context (Public Rights of Way labelled)

Site Photos:



View from Hall Lane, Lubenham



View of site from the existing vehicular access



View towards the site from the bottom of PRoW



View from footpath A26



View from footpath A26



Looking north from the southern portion of the site towards the existing office building



Looking east from western boundary

View from A118 (Adam's Mile)

2. Site History

2.1 The site has the following planning history

- 80/01301/3P - Erection of greenhouse type shop(Approved)
- 80/01236/3P - Construction of a car park and formation of access(Approved)
- 81/02090/3P - Use of land for display and sale of greenhouses summer houses and sheds land fronting existing nurseries and land adjoining to west(Approved)
- 85/00953/3P - Erection of horticultural glasshouse (Withdrawn)
- 85/01173/3O - Extension and conversion of existing dwelling to form 2 dwellings(Approved)
- 89/00295/3P - Construction of water garden picnic area and play area and extension to car park(Approved)
- 89/00296/3P - Change of use of existing tea room to restaurant and parking of bistro bus(Approved)
- 89/00767/3M - Extension to restaurant and erection of greenhouse for sale and display of plants and construction of access(Approved)

- 92/00811/3P - Change of use of part of garden centre to licenced bar and grill with beer garden(Approved)
- 95/01559/3P - Extensions to existing house, restaurant and bar, removal of existing garden centre and use of premises as public house/ restaurant(Approved)
- 1996 – 2004 – Various Advertisement Consent applications relating to Welland Lodge (a Public House, encompassing both a restaurant and a play barn). The business closed in 2009. Welland Lodge also had a residential use in the form of an apartment at first floor level.
- 10/00087/FUL - Change of use from public house to natural health centre and three B1 business units and erection of first floor extension to flat (Approved)
- Change of use of B1 element of approval ref 10/00087/FUL to D1 health centre use (Withdrawn)
- 10/01385/FUL - Change of use of B1 element of previous approval 10/00087/FUL to D1 use class for private health centre use (Approved)
- 11/00005/FUL - Erection of a two storey extension to side (Approved)
- 14/01583/FUL - Erection of single storey front extension (Approved)

3. Proposal

- 3.1 The proposals for the site include a mix use development, with both commercial and residential areas. The residential proposal includes the erection of seven 'zero bills homes' along the southern edge of the existing carpark and a single house for the Applicant to the east.
- 3.2 The commercial development proposes an office building (24 desk spaces) (310sqm) and a leisure and health building providing a coffee shop /multifunction community space (210 sqm), health centre comprising reception, physiotherapy pool (which takes one) and 10 consulting rooms (530sqm), two large studios for pilates, yoga etc (215 sqm); 10 overnight rooms (350sqm)
- 3.3 In addition, solar panel canopy will be erected in the existing car park with room for parking bays underneath.
- 3.4 The existing access road will be utilised; however, the area of hardstanding will be extended to the south to facilitate entry to the new buildings.
- 3.5 The site masterplan is shown below.

Site Masterplan

Comprising

1. A solar canopy covering part of the existing car park
2. Seven energy efficient, super-insulated self-build/custom built dwellings built to the highest level of sustainability
3. Health & leisure building: coffee shop/multifunction community space and 6 well sized guestrooms with ensuite bathrooms all in an energy efficient, super-insulated building, built to the highest level of sustainability
4. Health & leisure building: health centre reception and 4 well-sized guestrooms with ensuite bathrooms all in an energy efficient, super-insulated building, built to the highest level of sustainability
5. Health & leisure building: spa and 8 consulting rooms all in an energy efficient, super-insulated building, built to the highest level of sustainability
6. Health & leisure building: two large studios for Yoga and Pilates in an energy efficient, super-insulated building, built to the highest level of sustainability
7. New office, in an energy efficient, super-insulated building, built to the highest level of sustainability
8. A new an energy efficient, super-insulated family home, built to the highest level of sustainability for the current business owners Alec and Stella Welton.



Amount

The site has an area of 2.9 ha. and the relevant Gross Floor Area (GFA) is:
 Health centre, reception, physiotherapy, consulting rooms – 530 m²
 Cafe – 210 m² Overnight accommodations – 10 rooms - 350 m²
 Classes studios – 215 m² Offices – 310m² Dwellings – 8

Market Harborough Solar Rise

Site Masterplan



Proposed Aerial View

Supporting Documentation

3.7 The application has been supported by the following documentation

- Design and Access Statement
- Transport Assessment
- Travel Plan
- Tree Survey Report
- Flood Displacement Plan
- Flood Risk Assessment
- Technical Drainage
- Preliminary Ecological Appraisal
- Technical Report
- Flood Risk Assessment (FRA)
- Accessibility Plan
- Landscape Diagram
- Masterplan
- Waste Management Plan
- Site Elevations
- Health and Leisure Buildings 1-4 Plans
- Zero Bills Home Plans
- New Office Plans
- Family Home Plans
- Location Plan

3.8 The Applicant has named this development “Market Harborough Solar Rise” and has created a website (<https://harboroughsolar.co.uk/>).

3.9 During the course of the application, the following additional supporting information has been submitted

04/07/2021 – OPUN report dated 18th March 2018

05/07/2021 – Views from footpaths

07/07/2021 – Waste Management Plan showing bin location and large refuse vehicle tracking;

19/07/2021 – Flood Risk Assessment; Flood Displacement Plan; Site Floor Plans & Elevations (nb: only one change – all of the buildings having foundations 30cm higher as part of the 100 year flood protection)

21/07/2021-- Technical Note: Drainage Strategy Calculations July 2021

26/07/2021 -- Views from footpaths with proposed buildings

28/07/2021 – Response to Lubenham Parish Council Objection

03/08/2021 – Lubenham Parish Newsletter August 2021

19/08/2021 – Limited Visual Impact document

13/09/2021 – Response to Highway Concerns

28/09/2021 – Zero Bills Home Floor Plans Rev B (reducing floor area) and Flood Risk Assessment

29/09/2021 – Masterplan Rev A (showing the revised floor area of the residential properties)

3.10 Members should be aware that the Case Officer sought an Extension of Time from the Applicant in mid-August 2021, to allow time to discuss potential solutions and in order to take the application to a future planning committee, but the Applicant declined and advised they intended to appeal against non-determination after the 13 week period had expired (after 7th September). To date an appeal has not been submitted. However, the Applicant has submitted additional information leading up to the preparation of finalising this report including an amended Flood Risk Assessment (28.09.2021) and an email (29.09.2021) saying “*We shall also get a revised traffic*

plan and some drawings to you in the next couple of days as we are making an amendment and removing the café and replacing it with office space. That brings the number of trips down considerably and while it won't satisfy Highways it is what we have been advised to do."

- 3.11 Whilst the EA have been re-consulted on the revised FRA, it is possible that their revised comments may not be received in time before the 12th October Committee. It will also be impossible for the Local Highway Authority to re-consider a revised traffic plan and drawings before the 12th October (which has yet been received in any event). In such circumstances a deferral of the application is an option but given the Applicant has declined an Extension of Time on the application and threatened non-determination, the LPA must consider the application as currently proposed. In any event a deferral to address the suggested LHA and EA objection would not address the other refusal reasons outlined.

Pre-application Discussions

- 3.12 In February 2016, a pre-application enquiry (ref: PREAPP/16/00011) was submitted with a proposal to *"erect 30 retirement flats to the highest green standard of eco-home"*. This pre-application enquiry was then put on hold at the request of the Applicant. Pre-application discussions resumed during 2017 (not with the current Case Officer) with the Planning Officer advising on 22nd December 2017 that *"the site is considered to be in an unsustainable location for a major residential development and that blocks of flatted accommodation were not appropriate for a proposed edge of countryside location"*.
- 3.13 *The advice provided by the Planning Officer crossed over with the Applicant submitting a planning application on the 19th December 2017 for the "erection of 15 apartments for over 55s using passive house principles to deliver homes with the potential to be operated without any power or heating bills"*. However, in light of the Planning Officer's email, the Applicant requested the application be withdrawn and a full fee refund given.
- 3.14 In March 2018, the Applicant took his proposed scheme, based on the withdrawn planning application, to Opun Design Review. In summary the Opun Design Review Panel *"admired the ambition for the project, although concerns were expressed with the scheme considered to be too urban and not sensitive to the rural character of the site, or meeting the owners' ambitions for the provision of a new sustainable typology for the over 55s."*

The Design Team was urged to take a step back and provide a stronger justification for the project by undertaking additional work, including a more robust design approach based on a thorough site analysis, to demonstrate an in-depth understanding of site context. The engagement of a landscape architect is recommended as part of the Design Team, in order to develop a comprehensive landscape strategy for the wider site. On addition, opportunities should be sought to consider a range of flexible accommodation to cater for different needs, with scope to 'design-in' opportunities for social interaction, as well as strengthening the sense of arrival at the site, with consideration of key routes both within and out of the site."

- 3.15 In October 2018, a further pre-application was submitted (ref: PREAPP/18/00236) for a "mixed use development made up of 21 two and three storey residential units and a new one storey business hub, built over an existing parking lot."
- 3.16 In November 2018, following a meeting, the Planning Officer (not the current Case Officer) advised the Applicant *"The fundamental issue with this has always been of national and local planning policy being generally unsupportive of residential*

development in areas classed as countryside locations, due to the unsustainable nature of such locations and the potential reliance on car use... I think it was clear yesterday that we are broadly supportive of the concept and vision behind the proposal, but that the proposal is constrained due to the location of the site and not according with planning policy."

- 3.17 In April 2021, a further pre-application enquiry was submitted for "a mixed development of health, leisure and residential space". The Applicant emailed the Case Officer on 25th April (extract below)

"We have been down the pre-app route twice already with our project, we have spoken to the [Planning Officer] at length over the last couple of years concerning all aspects of our project the potential issues and resolutions, have had several meetings, and have also had two meetings with [Senior Planning Officer] present. With the benefit of these conversations and input from a range of other local people we have subsequently adapted our plans and designs quite considerably and we now feel they are the best we are going to get them.

Our big dilemma now though is timing. We have been working towards submitting our planning application the week commencing 31st May, so we can issue a press release for World Environment Day on 5th June.

In essence our biggest interest with this final pre-app boils down to a single question which I have already tried to ask and that is how you view our site, and particularly whether they view us as a brownfield site.... So it would be worth doing the pre-app even if there is only time to discuss this one aspect so I would appreciate your guidance on timing if you wouldn't mind.

- 3.18 A TEAMS meeting was held on the 11th May 2021, with the Applicant, Case Officer and Principal Planning Policy Officer.

Officers explained that the housing element of the proposal would not satisfy GD3/GD4, but if the scheme was presented as self build/custom building this could be a material planning consideration in favour of the scheme. Officers also explained that there was an increasing emphasis at national level on health and wellbeing and this part of the proposal could be considered favourably. Officers advised that in addition to the principle of development other matters such as design and landscape would be important considerations and would be considered in detail as part of the application submission. Officers also advised that as part of the pre-app, technical consultees are not consulted, but would be as part of any future application. The Applicant was advised to make contact with the Council's Conservation Officer and Environmental Co-ordinator.

- 3.19 The Applicant sent several follow-up emails following the meeting to which the Case Officer responded to. A Full Planning Application was then submitted 7th June 2021, to which this Committee Report relates.

4. Consultations and Representations

Cadent

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application. If the application is refused for any other reason than the presence of apparatus, we will not take any further action.

Case Officer Note – Cadent informed 3rd September application is recommended for refusal. No further comment received.

Environment Agency (EA)

1st Response (8th July 2021)

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

Provide information on all aspects of the development. Whilst the FRA identifies the residential properties within the scheme, it does not refer to any of the other development such as the guestrooms, office buildings etc;

Adequately consider the impacts of climate change. In particular, the FRA has used climate change allowances which are different to those required in 'Flood risk assessments: climate change allowances', without adequate justification. The FRA has considered the allowances for the 'Humber' basin which is not correct; for this particular location the FRA should consider the allowances for the 'Anglian' basin;

Identify the extent of flood zone 3 on the topographic survey with the proposed layout projected. This is required in order to determine if any of the properties, gardens, fencing etc. will be located within FZ3 and if floodplain compensation would be required. In addition, there should be no raising of ground levels within flood zone 3 for any infrastructure such as paths or roads, without the appropriate mitigation being provided. For clarity, floodplain compensation would need to be provided on a level for level, like for like basis.

2nd Response (16th August 2021)

In the absence of an acceptable Flood Risk Assessment (FRA) we maintain our objection to this application as currently submitted.

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development.

In particular, the FRA proposed flood risk mitigation measures which are inadequate because they will not make the development resilient to the flood levels for the 1% plus 35% climate change level. Consequently the development proposes inadequate flood storage compensation.

Whilst the revised FRA sets out floodplain compensation for the residential unit and the 2 less vulnerable properties, there are still issues with the proposals. In particular, the proposed floodplain compensation does not appear to be 'level for level' which is a standard requirement from the EA.

The volume must apply at all levels between the lowest point on the site and the design flood level. Normally, this is calculated by comparing volumes taken by the development and the volume offered by the compensatory storage for a number of horizontal 'slices' through the range defined above.

The thickness of a vertical slice should typically be 0.2 metres. In the case of large flat sites, or very steep sites, this may be varied. For example, it can be varied to 0.1m or even 0.05m for flat sites. The slice thickness should be set to provide between ten and fifteen slices for such unusual sites.

We must insist that excavation of the compensation area is complete before development/infilling commences to ensure that floodplain capacity is maintained during construction of the development.

Alternatively, the site could be rearranged so that the development is located outside of flood zone 3 and as such would be more resilient.

Please note that the Climate Change Allowances have recently changed, We would be willing to accept the revised allowances for this application (the levels in this location have decreased) which may help with achieving a proposal that satisfies our requirements.

The applicant can overcome our objection by submitting a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection.

Lead Local Flood Authority (LLFA)

1st Response (16th June 2021)

The application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, a surface water drainage strategy should be provided.

2nd Response (30th July 2021)

A Flood Risk Assessment (FRA) and drainage strategy have now been provided. The site is 2.9 ha in size with 1.01 ha (35 %) of the site being impermeable. Surface water will drain to the existing on-site pond. Water from the pond discharges via a 100mm outlet pipe to the River Welland located immediately to the south of the site. An additional 275 m³ of storage within the pond will be created by enlarging the pond to accommodate the additional flows.

The FRA states that there are opportunities for SuDS to be utilised on the site and permeable paving is proposed.

Since the development will displace flood water, 267 m³ of compensatory flood storage will be created by lowering an area hydraulically connected to the floodplain.

The proposals are considered acceptable to the LLFA subject to planning conditions.

3rd Response (following 2nd EA Response)

It looks as though the developer will have to revise the surface water details in order to overcome the EA objection and this will likely change the previously submitted surface water drainage details on which the LLFA have commented.

There is currently no change to the LLFA response, but the LLFA will need to be reconsulted if changes to meeting the EA requirements impact on the proposed surface water strategy.

Local Highway Authority (LHA)

1st Response (1st July 2021)

The LHA would advise the LPA that whilst the analysis has commenced formal observations are still forthcoming. As a result the LHA would request the application is not determined before the LHA has had the opportunity to establish whether the residual cumulative impact of development can be mitigated in accordance with paragraph 109 of the NPPF (2019). Additionally the LHA request the applicant to submit the following information for review

1. PICADY modelling files and site access geometry for the site access junction with Harborough Road.
2. Vehicle swept path analysis demonstrating tracking for the largest vehicle type, enter and exiting the site.

2nd Response (22nd August 2021)

The development proposals more than double the number of turning movements at an existing site access onto a high-speed A road, which is fundamentally contrary to Section IN5 of the LHDG. This increase would occur in a location where 85th percentile speeds are in excess of the posted speed limit and traffic flows are high. Therefore, in prioritising and maintaining traffic flow and safety on this classified A road the LHA would advise against permitting an increased use of the site access. As such, the LHA advises refusal of this planning application.

3rd Response (22nd September 2021) (following letter from Applicant's transport consultant)

The proposals still present a significant intensification in turning movements onto a high speed Class A road, and would therefore remain fundamentally contrary to Policy IN5 of the Leicestershire Highway Design Guide (LHDG). The LHA would not support any increase in turning manoeuvres and are likely to resist anything which is an increase over its previously permitted land use.

County Ecology (28th June 2021)

The Preliminary Ecological Appraisal report (Pioneer Environment, September 2020) is satisfactory. The recommendations in the report should be followed and made a condition of any planning permission granted.

County Archaeology (5th July 2021)

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 189-190).

Lubenham Parish Council

Lubenham Parish Council Objects to this application. In summary on the following grounds:

1. Contrary to Harborough Local Plan
2. Contrary to Lubenham Neighbourhood Plan
3. Unsustainable Location
4. Development in the Open Countryside
5. Highways issues
6. Biodiversity
7. Waste water/Grey water
8. Flooding
9. Sewerage

10. Self Build
11. Views towards the site
12. Affordable Housing and community contributions
13. Use of existing buildings
14. Letters of support

Case Officer Note: The Applicant has submitted a rebuttal to this objection which can be viewed on-line in full. The Applicant's "summary of response"

"We have always been open about our ideas and plans and have engaged with the local community and get their input and so we have been talking to Lubenham Parish Council at every stage over the last few years. Indeed, before we had any drawings, as we first started talking to architects and considering how we would like to grow we met with Lubenham Parish Council and at that initial meeting they were clear that they would object to our project whatever form it took. They explained that while they supported a sustainable build, they would object to any plans we put in because we were not in the Lubenham Neighbourhood Plan. Those comments did not diminish our enthusiasm to grow, to develop a sustainable project or our keenness to keep them informed and to make them a part of the process. Since that initial meeting we have met with the Parish Council on a further four occasions over the last 3 years. We have openly shared our plans and goals, listened to their concerns and answered their questions. It therefore seems quite remarkable that one could read this objection and assume that we had never spoken to them, never consulted with them and never answered any of their questions. The objection does not acknowledge any of our responses to any questions when raised with us directly and while it accuses our supporters of not fully understanding the plans it bases much of the objection on the bizarre idea that our project is twice the size that it actually is. We presume it is because their minds were already made up that it appears that the time has not been taken to properly read our submissions, while ignoring the we have spent answering their questions and discussing our project in person."

Neighbours

During the course of the application, 43 letters of support have been received. It is not practical to copy these comments verbatim, so a summary is provided below. Please see the website to read the comments in full:

It is wonderful to see a project that encompasses the welfare of our environment, the sustainability and at the heart focuses on the health and wellbeing of our surrounding and wider community.

This is exactly the type of development that should be taking place across the country and will be an excellent example of what can be done here in Harborough district.

This is no standard development trying to squeeze maximum commercial gain out of a piece of land. Instead it is one that is sensitive to the environment and will create a sustainable development which will improve a pleasant site that has become tired and outdated. It will create employment, leisure and community facilities in a way that enhances site and the environment.

I have been looking to move to the area for some time, and this would provide a unique opportunity for me to relocate not only my home, but my business as well being able to make use of the facilities on site and allowing me to expand into new ways.

We support this application as it is a wonderful showcase of sustainable living as well as contributing to a socially responsible business. We are interested in one of the dwellings given the eco credentials which are remarkably difficult to find on other new developments in the area. More projects of this type need to be supported to help combat the adverse impacts of climate change.

Not only do I believe that Archway House and the services offered are a great asset to the whole area, but also, knowing the owners, I firmly believe in their ability to deliver the project to an extremely high standard, resulting in be a regional and indeed national landmark in terms of sustainable development projects with a holistic health and wellbeing aspect

What a brilliant opportunity for the town. With thousands of other homes being built every year it's great to see someone local showing how it should be done. It looks like a carefully considered, sustainable development that has lots to offer as well as the housing I think the health hub has contributed much to the wellbeing services that Harborough is able to offer - which are increasingly being recognised as an important part of people's general health and wellbeing.

The idea of self-build/custom built houses is forward-thinking and makes a welcome change to the identikit style estates that now litter the area.

Since the pandemic hit us, there has been an increasing need for health and wellbeing services; particularly in mental health, exercise, and helping with isolation

The proposed extensions are sympathetic to the lie of the landscape and will not create a substantial negative visual impact

Employment benefits will flow from the support demonstrated to a local business involved in delivering commitments to the "improving fitness agenda" for the local community.

Now more than ever these services are needed in the local community as health care is stretched beyond capacity. This expansion will be a fabulous addition to an already much needed and utilised practice

5. Planning Policy Considerations

- The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
- National Planning Policy Framework
- National Planning Policy Guidance

The Development Plan:

Harborough Local Plan 2011 to 2031

- SS1 – The Spatial strategy
- SD1 – Achieving sustainable development
- GD2 – Settlement development
- GD3- Development in the countryside
- GD4 – Housing in the countryside
- GD5- Landscape
- GD8- Good design in development

- H5 – housing density, mix and standards
- H2 – affordable housing
- CC1 – mitigating climate change
- CC3 – managing flood risk
- IN1 – Infrastructure provision
- IN4 – electronic connectivity
- IN4 – Water resources and services
- GI5 – Biodiversity and geodiversity
- GI1 – Green infrastructure networks
- HC1 Built heritage
- IN2 Sustainable transport

Lubenham Neighbourhood Development Plan (Referendum Version incorporating examiners changes 2016-2031)

- Policy LNP03 – Design
- Policy LNP08 – Affordable Housing
- Policy LNP0 – Speed reducing design measures
- Policy LNP12 – Travel Plans
- Policy LNP13 – Electric Vehicle Charging Points

Material considerations

- Leicestershire Highway Design Guide with associated Standing Advice
- National Design Guide
- National Model Design Code
- HDC Climate Local Action Plan 2015
- HDC Declaration of Climate Emergency
- Environment Bill/Law
- Climate Change Act 2008
- Manual for Streets
- Self build Act
- Self Build and Custom Housebuilding Register
- Planning Obligations SPD
- HDC 5 YLS Position Statement

6. Assessment

Principle of Development

a) Housing

- 6.1 The Council has an up-to-date Local Plan (adopted April 2019) which makes provision for sufficient land for housing to 2031 and full weight should be afforded to its policies. The Council's 5 Year Housing Land Supply Position Statement 19/20 shows that as of 31st March 2020 the Council has 7.74 years housing supply. Therefore, the Council is not currently seeking additional sites for housing as a sufficient supply of housing exists and is planned for in the development plan.
- 6.2 Although the site is within Lubenham parish boundary, the site is closer to Market Harborough.
- 6.3 The Lubenham Neighbourhood Plan (LNP) does not allocate the site for future housing development. The site is outside of the Area of Separation as identified within the LNP.
- 6.4 Policy GD2 "Settlement development" allows for additional development within or adjoining the existing or committed built up area of the District's most sustainable settlements, which would include both Lubenham and Market Harborough.
- 6.5 Whilst on a map, the site appears to be adjoining the built up area of Market Harborough, on the ground this is not the case, with agricultural fields adjoining the site to the south and west and also to the north on the other side of Harborough Road and then an area of woodland to the east. When approaching from the west (from Lubenham) it is not evident one has reached Market Harborough until the summit of Lubenham Hill.
- 6.6 If members took a different view and did consider the site 'adjoins', it is considered the development would "not disproportionately exceed the settlement's minimum housing requirement" thereby satisfying GD2 (2) part a); it would meet the local housing need of the village (which is to provide a minimum of 30 dwellings over the plan period) thereby satisfying part b; part c is not relevant to this proposal; its scale would reflect the size of the settlement concerned and the level of service provision within that settlement thereby satisfying part d; it is not physically and visually connected to or respects the form and character of the existing settlement and landscape and would therefore fail to satisfy part e), it would retain some but not all of existing natural boundaries within and around the site. Part g) is not relevant to this proposal.
- 6.7 As the proposed development is not considered to satisfy LP Policy GD2 (2), it is necessary to assess the proposal under GD4 New housing in the countryside. The proposed housing does not satisfy any of the criteria listed:
- a) The development is for more than 4 dwellings
 - b) The housing will not meet the needs of a rural worker
 - c) The housing will not re-use redundant or disused buildings
 - d) The housing does not involve the subdivision of an existing dwelling
 - e) The housing is not of exceptional quality and would not enhance its immediate setting (see remaining sections of the report for further information on this aspect)
 - f) The housing does not involve the re-building or replacement of an existing dwelling
- 6.8 Within his Design and Access Statement, the applicant states that the proposed dwellings "all will be self-build/custom built homes":

"The residential plots have been design coded to fit the masterplan and meet the Market Harborough Solar Rise environmental performance targets. The House designs are

indicative, and both whilst some construction components such as the superinsulated and airtight timber frame construction and the BIPV roofing system are required by the Design Code, the cladding materials, window positions, floor layouts and number of bedrooms can be varied by each purchaser.

Market Harborough Solar Rise will promote as much variety and self expression as possible in the finished street elevations. We suggest that elevational materials, windows and doors, and floor layouts are conditioned in the planning approval, which will result in a plot specific submission from each purchaser discharging all outstanding conditions set by the Council. This will include national space standards compliance and lifetimes homes compliance.”

- 6.9 There is a demand for self-build and custom housebuilding plots within the District and evidence of this is contained within the Self-build and Custom Housebuilding Register, which shows 117 plots are required
- 6.10 The Government attaches great importance to the provision of self build/custom build. Notably, paragraph 61 of the Framework identifies that planning policies should reflect the housing needs of different sectors of the community including, but not limited to people wishing to commission or build their own homes. Footnote 26 gives further explanation with reference to the requirements of the Self Build and Custom Housebuilding Act 2015 (as amended). The Planning Practice Guidance advises that local authorities should use the demand data from registers, supported by additional data from secondary sources, to understand and consider future need for this type of housing in their area. Furthermore, it goes on to note that the registers are likely to be a material consideration in decisions involving proposals for self and custom housebuilding.
- 6.11 Local Plan policy H5 supports self-build and custom build housing, however this is only for specific sustainable locations: “allocated sites, committed sites, windfall sites and sites which are in accordance with Policy GD2”. For the reasons previously advised, the site fails Policy GD2:2 and thus fails Policy H5 in principle.
- 6.12 Furthermore, the PPG is clear that when “considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing.”
- 6.13 The Case Officer advised the Applicant to withdraw the dwelling element from the current scheme (except the Applicant’s own dwelling) and submit an outline application, for 7 self build plots, but the Applicant declined.
- 6.14 The Applicant’s dwelling would replace the existing flat within the existing Archway Health Hub building, currently lived in by the Applicants. Subject to a legal agreement preventing the continued use of the existing flat once the new house was constructed/occupied to prevent two residences on site this would be acceptable in principle.
- 6.15 The site is not within or adjacent to the built up area of Market Harborough and thus fails GD2 and H5 (specifically relating to self-build and custom build housing). The site is within the countryside however none of the exceptional circumstances listed as

criteria to satisfy GD4 and allow new dwellings in the countryside are met. The proposal for housing is unacceptable in principle.

b) Office & Health/Leisure Buildings

- 6.16 A new office building is proposed to help to accommodate the expanding business's on site and in order to meet the increasing demands in healthcare and to expand the existing Archway House services, it is proposed to build 4 health and leisure blocks connected by circulation areas with lifts and staircase.
- 6.17 The Framework's social objective is to "*support communities health, social and cultural well-being*". Further, Paragraph 84 advises planning policies and decisions should enable *a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings... and c) sustainable rural tourism and leisure developments which respect the character of the countryside;*
- 6.18 Local Plan Policy GD3 "Development in the countryside" permits development outside identified settlements and land adjoining them where it is required for certain purposes. The 8 consulting rooms, physiotherapy unit, studio space, coffee shop are judged to satisfy criterion e, given the existing services offered by Archway Health Hub. The expansion would safeguard existing jobs and create new employment opportunities and provide additional facilities for the local community which are compatible with the existing use, therefore subject to satisfying other policy criteria such as design, this part of the proposal is acceptable in principle.
- 6.19 The proposed tourism staycations accommodation needs to satisfy Local Plan Policy RT4. Policy RT4 seeks to increase tourism and leisure opportunities in the District. In terms of new tourist accommodation, criterion 2 advises it should be directed to Market Harborough town centre, Key centres and Rural Centres, except where a) "an initiative requires a countryside location or setting...".
- 6.20 The guest accommodation would overlook the existing pond/lake and proposed soft landscaping grounds with agricultural fields beyond the site and would therefore offer a tranquil setting for those seeking quiet rehabilitation and/or wellbeing time and would satisfy part a) of Policy RT4, however as will be explained further within this report it would not satisfy point c and d.

Affordable Housing

- 6.21 LP Policy H2 seeks 40% affordable housing on schemes of 10 or more dwellings or more than 1,000sqm of floor area. The total floor of the 8 dwellings (as originally submitted) exceeded the 1,000sqm threshold.
- 6.22 The Council's Strategic Housing and Enabling Officer advised that the 3 of the 8 dwellings will need to be affordable (2 x social rent and 1 x shared ownership) in line with Local Plan Policy requirement.
- 6.23 LNP08 Policy advises all affordable housing provided from new residential development within the Neighbourhood Area shall be subject to a planning obligation which ensures first priority is given to those with a familial or work connection to Lubenham Parish, second priority is given to those with connections to immediately adjoining surrounding Parishes and third priority to all other qualifying candidates.

- 6.24 The Applicant was asked to confirm whether they agreed with the affordable housing request but advised that they would look to reduce the floor area of the dwellings by removing the integral garages from the Zero Bills homes. An amended Masterplan and floor plan was submitted 28/09/2021, showing the total gross internal floor area of the dwellings of 988m² (below the 1,000sqm threshold). No affordable housing would therefore be sought on the scheme.

Locational Sustainability

- 6.25 The Framework states that “walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly those under 2 kilometres”. The distances in the IHT ‘Guidelines for Providing for Journeys on Foot’ document describe acceptable walking distances for pedestrians without mobility impairment. They suggest that, for commuting, up to 500 metres is the desirable walking distance, up to 1000 metres is an acceptable walking distance, and up to 1500 metres is the preferred maximum walking distance while 2000 metres is the threshold distance. The Manual for Streets (MfS) states that “walkable neighbourhoods” have a range of facilities within 800m.
- 6.26 The nearest convenience store to the site is the “Spar”, on Coventry Road, which is located more than 1.2km away. In order to reach the “Spar” on foot, it will be necessary to cross Harborough Road (which at the site frontage is subject to a 40mph speed limit) where a footway is provided on its north side and then walk up a steep hill (non lit) and then descend down Lubenham Hill (and on your return walk back up Lubenham Hill) and down Harborough Road (unlit) and cross back over to the site. Not only is the Spar more than both the desirable and acceptable walking distance it is not an easy (up hill) or safe (partially unlit and involved crossing a 40mph road)) route. To access Lubenham Primary School (which is more than 1km away from the site entrance) it will again be necessary to cross over Harborough Road and walk west, where Harborough Road is then subject to national speed limit (approximately 80m west the site entrance), again unlit, before having to cross over Harborough Road where a 30mph speed limit is introduced to join Old Hall Lane. This is also not considered a safe or desirable route for young children.
- 6.27 The Framework identifies cycling as having a “...potential to substitute for short car trips, particularly those under 5.0 kilometres, and to form part of a longer journey by public transport.”. Based on 5km, both the facilities within Lubenham and Market Harborough are reached but again they involve crossing over and using Harborough Road for part of the journey.
- 6.28 No.58 Centrebus stops adj/opp The Green in Lubenham (approx 1.1km away) and adj/opp Farndale View (approx. 600m away) in Market Harborough providing a link to Market Harborough town centre and Lutterworth (to the west) via various villages. Bus stops will also be provided within the Strategic Development Area (SDA) at the top of Lubenham Hill, which will be closer to the site than the current bus stop. However, in order to access the current and future bus stop you need to cross and use Harborough Road. The Applicant advises within their Travel Plan that they have spoken to Centrebus whom have advised “*they would consider pulling would consider pulling in and dropping people off on the way in or out of Market Harborough if a person themselves known to the driver when getting on... They have also agreed to ask LCC Highways to investigate whether they could add a permanent bus stop on the road by our entrance*”. Although this would offer residents of the new dwellings and employees and customers of the health/leisure and office buildings an alternative choice to the car, no evidence has been submitted directly from Centrebus themselves confirming the above. The Case Officer is also unaware that Centrebus

have contacted LCC Highways to have a bus stop at the site entrance. So whilst the intention is there, the Case Officer can not rely upon it.

- 6.29 Overall, in locational sustainability terms the site would not provide future occupiers with a realistic option to choose walking and cycling as an alternative to private vehicle trips in order to access facilities and services in either Lubenham or Market Harborough. The location of the site is judged to not accord with local and national locational sustainability principles and weighs against the scheme.

Impact of the development upon the character and appearance of the rural area

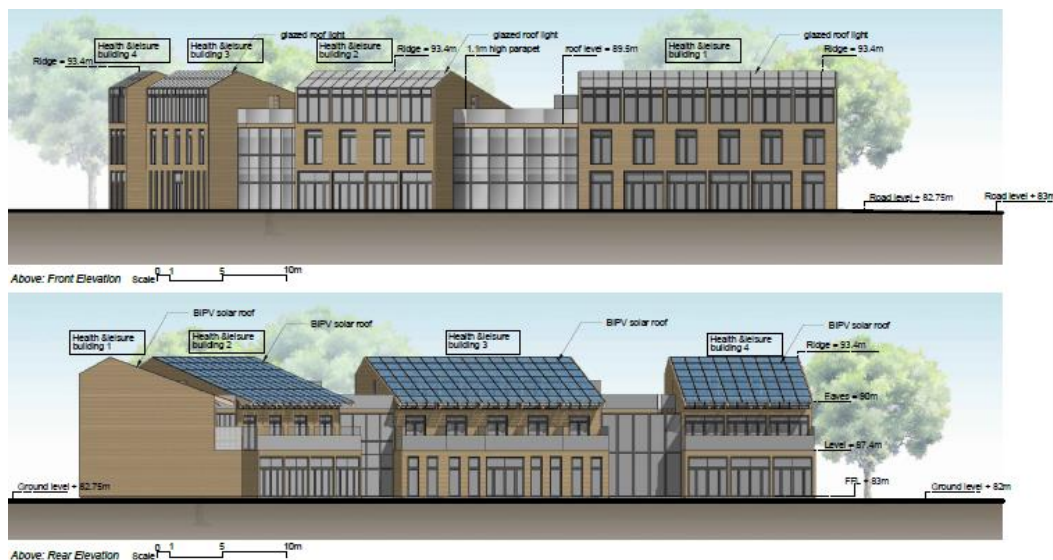
- 6.30 Section 12 of The Framework provides advice on ‘Achieving well-designed places’ advises. Para 130 says decisions should ensure that developments are (amongst others) “visually attractive as a result of good architecture, layout and appropriate and effective landscaping and “are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change”.
- 6.31 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Conversely significant weight should be given to...b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 6.32 GD8 requires a similarly high standard of design. Proposals should respect the context in which they are sited, being well-integrated, respecting and enhancing local character and being sympathetic to the local vernacular. GD5 relates to the landscape impact of proposals, requiring proposals to safeguard important public views, to respect and enhance the landscape and the landscape setting of settlements.
- 6.33 LNP03 required all new residential developments to be of a high standard of design and layout which respects heights, scale and massing of existing neighbouring buildings; reflects the quality of material finishes found in the vicinity; utilise features of more common local vernacular architecture, and incorporating measures to avoid or mitigate adverse impact upon landscape character, natural habitats and biodiversity both within and around the site.
- 6.34 As these policies and National Design guidance makes clear, it is not just how a building looks that is good design; rather an holistic approach is required, seeing the proposal within its setting and context, and responding well to these elements.
- 6.35 The Applicant was asked to consider submitting the scheme for a design review with Opun (now known as design:midlands) (as the Applicant had done previously with the 2018 pre-app), but the Case Officer was advised *“With regards to OPUN I have discussed this at length with our architects. We really took on board the comments in their review, we changed our architects on the back of it, and those architects started our plans with the design review report fully in their consciousness. At all stages of our design process we have been incredibly consultative and both sought out and listened to input from Harborough Planning Department, Lubenham Parish Council, Harborough Civic Society and lots of individuals and interested parties and continually taken their comments on board and adapted our plans accordingly. I am now convinced we have already sought enough outside input and that this is the right*

scheme for us so I'm ready to follow it through until we get planning permission and so I hope you can understand why we're not going to seek another OPUN review.

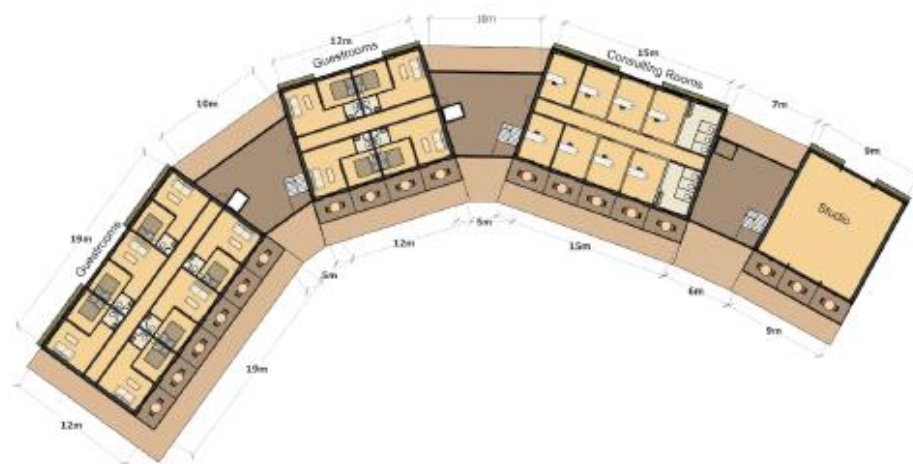
- 6.36 It is unfortunate the Applicant chose not to re-engage with a design review, particularly as Para 130 of The Framework advises *"in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels"*.
- 6.37 Whilst it is noted, OPUN considered a different proposal in 2018, is noted OPUN expressed concerns with the scheme advising it *"to be too urban and not sensitive to the rural character of the site"*.
- 6.38 The Case Officer considers this still to be the case with the current proposal, particular with regard to the health and leisure buildings the 7 zero bills dwellings.

Health and Leisure buildings

- 6.39 The proposed health and leisure buildings, as can be seen in the plans below are four separate but interconnected buildings.



Proposed Elevations

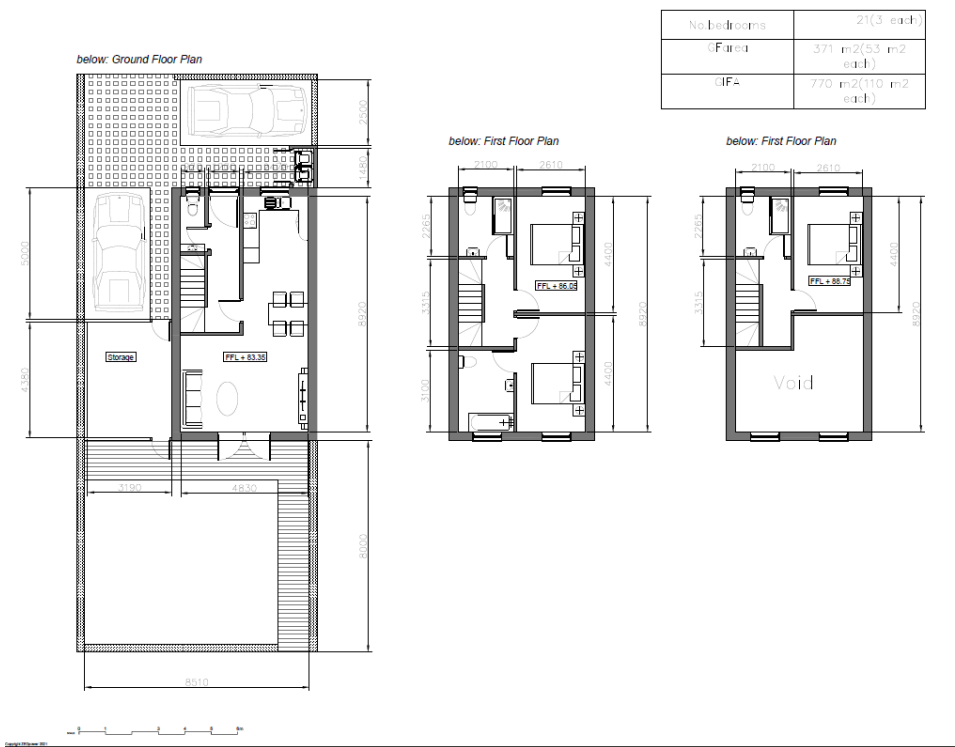


6.40 The ridge height of the top of the mono pitched roofs is 11.15m. The interconnecting sections have a flat 'green' roof with a 1.8m high parapet on top. The green roof will

help in the reduction of rainwater run off and encourage biodiversity. Although the floor plans show no use at the second storey level, the spaces are accessible and could be used. The south facing roofs will have a BIPV solar roof, whilst the north facing contain glazed roof lights.

7 Zero-Bills Homes

6.41 The proposed 7 “zero-bills” homes are illustrated in the plans below.



Amended Floorplan



Proposed Streetscene

- 6.42 The dwellings will have an energy efficient modular frame structure, sourced from the UK, with an integrated solar PV panel roof. The Design and Access statement explains “electricity generated from the PV roof panels earns revenues from the Feed in Tariff scheme which, when combined with the free use of the electricity stored in the batteries, leads to incomes and savings exceeding the residual cost of electricity - a Zero energy bills home. This will protect households against ever rising energy bills and help to reduce fuel poverty.
- 6.43 The dwellings have been designed with a mono-pitched roof. Based on the ground level of the proposed dwellings, the maximum ridge height of the dwellings will be just 10.5m. The depth of the properties will be 9m. Each dwelling will contain 3 bedrooms, 2 at first floor level and 1 on the second floor level. The dwellings will be identical in terms of size and construction, with the exception of external materials, which the Applicant advises within the Design and Access Statement will be decided by the purchaser of each dwelling.
- 6.44 Both collectively and individually the health and leisure buildings and 7 zero bills dwellings by virtue of their height and appearance would in the opinion of the Case Officer encroach into, and jar with, the rural context of the site and its immediate surroundings, creating an anomalous form of built development.

Applicant's dwelling

- 6.45 The Applicant has designed a dwelling for themselves and their family as can be seen from the plan below. The dwelling will provide 6 bedrooms and have two mono-pitched roofs with a flat roof central section, at first floor on the rear elevation the roof will contain a large overhang allowing outdoor space to the rear elevation first floor rooms, whilst also providing some shade. The maximum ridge height of the dwelling would be 7.25m.

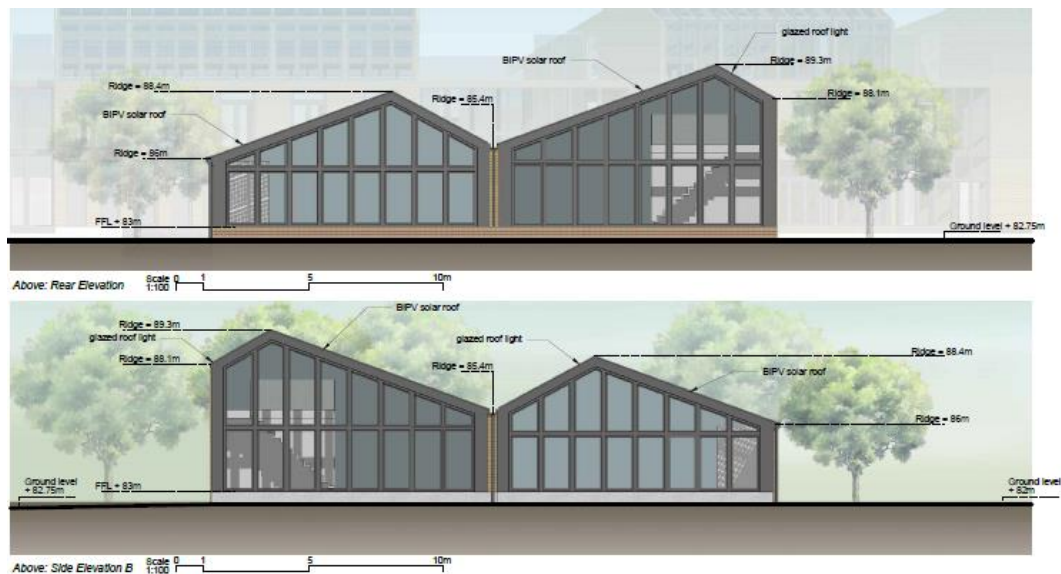


Proposed Dwelling for Applicant

- 6.46 The dwelling, like all the other buildings proposed within this scheme, will have a BIPV roof (building-integrated photovoltaics) on the south facing roof slopes. BIPV are photovoltaic materials that are used to replace conventional building materials in parts of the building envelope such as the roof and are used as the principal or ancillary source of electrical power. On the north facing roofs, the dwelling will have a zinc roof. Although the precise palette of materials has not been detailed within the application submission (the Design and Access Statement just provides some options) the plans indicate cladding at ground floor and white render at first floor and grey/black frame fenestration, which are contemporary in nature. A condition requiring details of materials to be used on all of the buildings would be suggested if the application was recommended for approval.
- 6.47 The Case Officer raised concerns with the Applicant over the footprint of the dwelling and the use of render at first floor given it would draw your eye to it when viewed from the A118 (Adam's Mile) footpath to the south. The Applicant advised the size of the property is to allow elderly parents to move in and have their own bedroom and separate living room space. Given the proposed dwelling will be nestled close to the woodland to the east, combined with mono-pitched roofs, which have a maximum height of 7.25m and as the Applicant has agreed to clad the first floor of the dwelling, on balance the proposed home for the applicant, is considered to be acceptable in design terms.

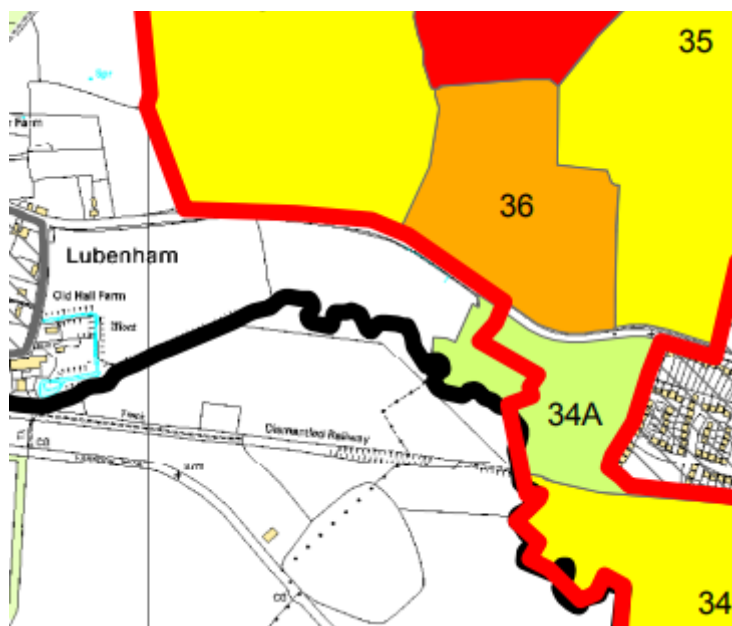
Office building

- 6.48 The proposed office building, as can be seen in the plan below, although one building, has been designed visually as two separate but linked buildings which help to reduce the overall mass. The ridge height of the smaller of the two buildings will be 6.35m and the ridge height of the larger building will be 7.35m. The front and rear elevations of both buildings will contain floor to ceiling glazing, whilst the side elevations contain high level windows. The south facing roofs will have a BIPV solar roof, whilst the north facing contain glazed roof lights.



Proposed Office Building

- 6.49 The office building will be sited in between the existing office building and the proposed dwelling and against the backdrop of the woodland. Given the mono-pitched roofs, which have a maximum height of 7.35m, combined with the proposed glazing and cladding, the design of the office building is considered to be acceptable.
- 6.50 During pre-application discussions the Case Officer advised the Applicant that the visual impact of the proposal would be an important consideration and would be assessed during the application process and advised the Applicant to submit a Landscape Visual Impact Assessment (LVIA) in support of the application.
- 6.51 The Council's Landscape Character and Capacity Assessment identifies the parcel of land (numbered 34A) (excerpt drawing below)



LCA Extract

- 6.52 The green colouring in which most of the site lies as within an area of moderate/high sensitivity and Medium High capacity to accommodate development, however this is subject to the following recommendations:
- Mature vegetation within the Parcel should be retained as far as possible, particularly along the River Welland and the disused railway line, which are considered to be wildlife corridors within the Harborough District Phase 1 habitat survey, and the structure belts adjacent to A4404 and on the higher ground.
 - Important views to be retained
 - Existing enclosure of the Land Parcel is extensive, so there are no views into the site that need to be retained. The setting of 'The Hill' would need to be carefully protected.
 - Additional planting, with locally native species, could be used to enhance the wildlife corridors already identified.
 - Existing residential and commercial properties within the vicinity of this Land Parcel are 2 storeys high. Any development within this Parcel should reflect these heights.
 - Development in this location would need to be accessed from Lubenham Hill or Farndale View. Any proposed development would need to reflect the pattern of development exhibited along Lubenham Hill and particularly in relation to the Listed Building 'The Hill'. The most suitable area for a modest development lies to the south of the Parcel and could be accessed from Farndale View.
 - Materials should be appropriate to the context of the Land Parcel and housing development should reflect the vernacular style of houses along Lubenham Hill.
 - Open space provision and green infrastructure
 - The identified wildlife corridors and mature tree belts could be the basis for a network of linked open spaces associated with any development.
- 6.53 Comments regarding the adjacent parcel of land to the north (across which Right of Way A26 runs, and number 36 on the plan) are also relevant: *"Development within this Land Parcel would also compromise the separation between Market Harborough and Lubenham, as well as allow Market Harborough to visually encroach into locations where it is not currently visible"*.
- 6.54 In summary, the Capacity study seems to suggest development on the land at the south of the land parcel is possible, but resists development which will cause visual encroachment of Market Harborough "into locations where it is not currently visible".
- 6.55 Whilst public views from the south and east of the site are currently limited given the existing tree cover, the northern boundary of the site is much more open, and views into the site are possible both from the west (Lubenham, and the approach to Market Harborough) and from the north (A26). The existing built form (which is two storey) is tucked under the lee of Lubenham Hill and thus these important views remain rural. The proposed buildings are in the most sensitive and exposed central and northern parts of the site and are up to 11m high. The proposal will introduce substantial built form into these views.



Applicant's Wireframe showing proposed development from Public Right of Way A26



Proposed View from Site Entrance

- 6.56 Officers expressed concerns about the visual impact of the proposal to the Applicant, and it was suggested again (as at pre-app) that he carry out a full Landscape and Visual Impact Assessment. He has declined to do this however officers have been able to satisfactorily assess the impact of the proposal with the information provided.
- 6.57 The Applicant advised the Case Officer he has walked the footpaths concerned and assessed the visual impact by measuring existing footpaths and looking at existing views and concludes the development will have a 'limited visual impact'. The Case Officer strongly disagrees as the existing views do not take into account what the views from these footpaths would be like during non-leaf bearing months, nor do they take into account the recommendations within the tree survey, which advises a total of 20no. individual trees, 5no. groups of trees and 1no. hedgerow, will all need to be removed. In addition, part of another group (G8) will need to be removed, as will two poor quality trees (T5 and T8) (for health & safety reasons) and all of the Willow trees around the perimeter of the pond/lake will need to be reduced in height to 5m and maintained as pollards. The Applicant was asked to reduce the height of the proposed buildings/dwellings in order to reduce the visual impact of the development but declined and said the height was required for the solar panels which form an integral part of the structure.

Summary

- 6.58 The Case Officer considers that the Applicant's dwelling and Office building have been appropriately designed and sited. However, by virtue of the proposed design, scale and siting of the health and leisure buildings and 7 zero bills would encroach into, and jar with, the rural context of the site and its immediate surroundings, creating an anomalous form of built development. which would be disjointed from the existing settlement and would stand out as an incongruous feature on this important rural approach into Market Harborough to the detriment of the character and appearance of the countryside.

Climate Change

- 6.59 Harborough District currently has a 6.9 tonne carbon footprint per person, higher than the England, County and Regional per capita amount and primarily due to the rural nature of the District and the dependency on motorised transport. A projection of our emissions shows that we will only reach carbon neutrality by 2042. Harborough District Council has declared a Climate Emergency (June 2019, post-adoption of the Local Plan) with the aim that all council functions and decision-making should lead to the Council being carbon neutral by 2030. Other material considerations are the Climate Change Act 2008, the Harborough District Council Climate Local Action Plan 2015, Greenhouse Gas (GHG), and not least the National Planning Policy Framework (paragraphs 153ff).
- 6.60 Local Plan policy CC1 requires all major development in the District to demonstrate evidence of reduction in carbon emissions according to the energy hierarchy (paragraph 10.1.3 of the supporting text), renewable energy technology, energy efficiencies, minimal carbon emissions during construction, justification for any demolition, and carbon-neutral building cooling if appropriate. Policies CC3 and CC4 require Sustainable Urban Drainage systems for major development, and the siting of all development in areas of lowest risk of flooding, taking into account the potential future risk due to climate change.
- 6.61 Para 154 of The Framework advises new development should be planned for in ways that...b) can help can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Policy CC1...
- 6.62 The Design and Access Statement submitted in support of the application advises
- Each of the 8 proposed homes will generate enough electricity to power itself with a surplus, and each building will be constructed to be highly energy efficient and super insulated. The designs include an energy efficient modular frame with integrated solar PV roofing, with materials sourced as sustainably as possible.
 - The health/leisure and office building will be both energy efficient, super-insulated building, built to the highest level of sustainability.
 - The site will include electric car and bicycle charging points for visitors and residents. The applicants will also be encouraging sustainable modes of transport, suggesting that visitors cycle to the site via Adam's Mile cycle route.*
 - The applicant intends to enhance the natural landscape of the site, through the planting of additional trees and hedgerows and retention and upkeep of the lake. The intention has been to utilise the brownfield element of the site as much as possible, thus preserving the majority of the undeveloped parts of the site.
 - The average UK home generates 3.86 tonnes of CO2 each year. Each proposed home is carbon neutral, thus saving approximately 35 tonnes of CO2 generation per annum.
 - The construction of the site will have offset its embodied CO2 (CO2 used in the production and transportation of the building materials) generation within 40 years.

- A solar pv canopy is proposed and covers part of the existing car park, providing shelter for the site users, whilst generating additional electricity for the rest of the site, as well as powering electric vehicles.

*Case Officer note: between the site and Adam's Mile is an arable field (as well as the River Welland), it is not within the ownership of the Applicant and as such it is not possible to secure a link as suggested.

- 6.63 A development which considers the need to reduce our impact on climate change is welcome and whilst the design and access statement (DAS) mentions reducing carbon emissions and energy efficient design, it does lack substance which can be conditioned to ensure the good intentions are realised and for officers to say with confidence that it complies with CC1. The supporting text to CC1 (para 10.1.3) says that DAS should address climate change in a specific way guided by the energy hierarchy but the submitted DAS does not do this.
- 6.64 The DAS does not advise whether the buildings will be assessed against BREEAM or similar to provide a benchmark; it is also not clear from the DAS how the properties will be heated and given that the PV are least useful in winter. Also given the level of glazing, it is not clear how the buildings will avoid overheating in the summer, particularly as the summers become hotter – will mechanical means of cooling be used which might increase carbon emissions? CC1 also requires details of how existing buildings “to be retained as part of the development are to be made energy efficient”: although the existing buildings are within the red line denoting the site, no information has been provided about improving the sustainability of these.
- 6.65 In summary, whilst the climate change credentials of the scheme are noted, they lack substance and thus could not be conditioned and carried through to delivery. The proposal does not fully meet the requirements of CC1.

Traffic/Highway Implications

- 6.66 A Transport Statement has been submitted in support of the application which has been reviewed by the Local Highway Authority (LHA)
- 6.67 In observations provided to the LPA (dated 1st July), the LHA provided an initial response and requested further information. Subsequently the applicant has submitted additional information and the LHA have advised the LPA that the development will lead to a significant intensification of turning movements on Harborough Road, a busy high-speed Class A road with recorded 85th percentile speeds in excess of the posted speed limit.
- 6.68 The LHA have undertaken an analysis using the TRICS database for the former use (public house), current and proposed development. Their findings are below

For the previous land use, information has been obtained from Application 10/00087/FUL, which was first submitted seeking the change of use from a public house to the development currently located on site. The results from the TRICS analysis are shown below.

Former Land Use			
Land Use	Two-Way AM Peak (8:00-9:00)	Two-Way PM Peak (5:00-6:00)	Total Two-Way Trips Per Day
Public House 680 sq.m	6	44	420

The results of the TRICS analysis show over an average weekday period, the former development (public house) generated on average 6 two-way vehicle movements during the AM peak period and 44 two-way vehicle movements during the PM peak period. More importantly the public house generated on average 420 two-way movements at the site access during a typical weekday.

Given the applicant has only provided AM/PM Peak trip generation figures for the existing site the LHA have undertaken a TRICS analysis to determine the trip generation for the current site. The results from the TRICS analysis below show on average the current site is likely to generate 388 two-way movements during a typical weekday.

Existing Trip Generation			
Land Use	Two-Way AM Peak (8:00-9:00)	Two-Way PM Peak (5:00-6:00)	Total Two-Way Per Day
B1 (a) – Office 511sq.m	7	6	44
Health Centre (D2) 465sq.m	22	24	344
Total	29	30	388

To determine the additional trips generated by the proposed development the LHA has utilised the applicants TRICS outputs in Appendix E and calculations in Appendix F of the TS. The results are shown below and mirror the extract from the TS titled 'Figure 1' shown above.

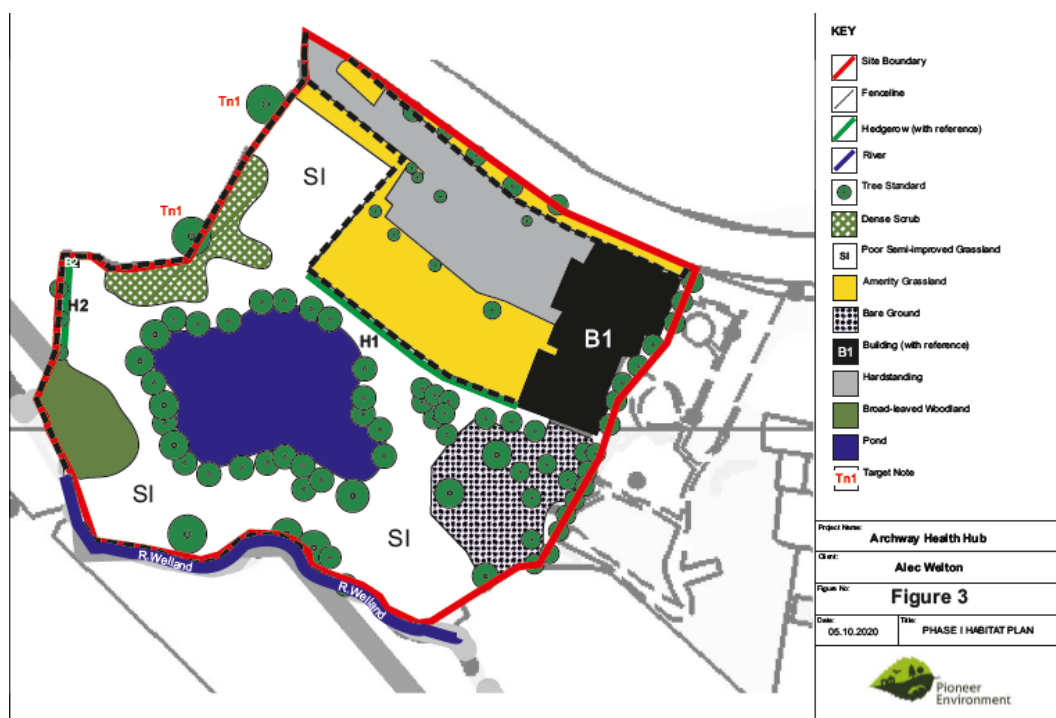
Proposed Trip Generation			
Land Use	Two-Way AM Peak (8:00-9:00)	Two-Way PM Peak (5:00-6:00)	Total Two-Way Per Day
Café – 210sq.m	11.9	15.9	241
Overnight accommodation – 350sq.m. (10 rooms)	3.7	3.3	40
Health Centre comprising reception, physiotherapy pool, consulting rooms – 530sq.m	4.4	5.3	83
Classes studios (Pilates, yoga, etc.) – 215sq.m.	2.1	5.6	49
Offices – 310sq.m.	4.6	6.5	32
Dwellings – 8no.	4.4	3.6	37
Total	31	40	482

Subsequently the development proposals on average would lead to the generation of 870 two-way vehicle movements at the site access per day, an increase of 482 two-way vehicle movements; and when compared to the sites former use an increase of 450 two-way vehicle movements. Therefore, the development proposals more than double the number of trips, which is a significant intensification and contrary to Section IN5 of the LHDG.

- 6.69 In terms of the internal layout, the LHA has advised that no evidence has been submitted demonstrating the illustrated parking provision is in accordance with the Leicestershire Highway Design Guide (LHDG). A total 135 car parking spaces are proposed inclusive of disability and electric car charging spaces. Given the absence of details such as no. of staff, expected usage of facilities; the LHA is unable to accurately determine the required level of parking provision. Nevertheless, an initial review suggests there is a shortfall of at least 40 car parking spaces, which could lead to parking over spilling on to the public highway. This is unacceptable and could be of a severe detriment to highway safety.
- 6.70 The Applicant's Transport consultant submitted additional information (13.09.2021) to the LHA in order to address their reason for refusal. The Applicant proposed a condition which would prohibit members of the general public from using the Café thereby reducing traffic generation. In addition, in order to reduce traffic speeds on A4304 Harborough Road, the Applicant is willing to fund the provision of a vehicle-activated junction warning sign with 'SLOW DOWN' on the eastbound approach to the site access junction. The LHA have considered this additional information and advised *"the proposals still present a significant intensification in turning movements onto a high speed Class A road"*
- 6.71 The application provides insufficient parking provision for the proposed development and represents a significant intensification of use of the existing access. If permitted, the proposal would have an unacceptable impact on highway safety. The proposal does not have a safe access and thus fails to satisfy Local Plan policies GD8, IN2, Policy IN5 of the Leicestershire Highway Design Guide and The Framework.

Ecological Impacts

- 6.72 A Preliminary Ecological Appraisal has been submitted in support of the application.
- 6.73 The Phase 1 Habitat Plan indicates the location of the various habitats on site



Phase 1 Habitat Plan

6.74 The Appraisal advises the habitat to be impacted by the development include young tree standards, amenity grassland, poor semi-improved grassland, and a single hedgerow (H1) (unmanaged hawthorn approx. 2-3m wide, 85m long).

6.75 In terms of Fauna, the survey identifies the following:

Bats

6.76 All habitats within the site provided foraging habitat for bats within the local area. The two mature/over mature oak trees (TN1) found on the site's western boundary were identified as providing 'moderate' potential to support roosting bats due to suitable crevices and dense ivy cover. These trees will not be affected by the proposal.

Breeding Birds

6.77 Habitats within the site provide potential nesting and feeding opportunities for a range of birds.

Badger

6.78 No evidence of badger were observed at the time of the survey or when the update was carried out, however the site was considered to provide foraging habitat for badger.

Great Crested Newts

6.79 The on site pond was assessed against the Habitat Suitability Index methodology. All three results tested negative for the presence of Great Crested Newts.

Reptiles

6.80 No evidence of reptiles were observed at the time of the survey or when the update was carried out, however the grassland habitats offers optimal habitat for reptile species.

Water voles/otters

6.81 No evidence of water voles or otters were identified during the original or the updated survey. However, the site may be used by otters for foraging and commuting.

6.82 Chapter 6 of the Appraisal suggests several recommendations if the development proceeds in order to safeguard protected and/or notable species. In summary, the recommendations include a lighting scheme designed with regard to the Bat Conservation Trust (BCT, 2009) Statement; vegetation clearance avoiding the bird nesting season; installation of bird boxes on existing and retained mature trees; a habitat method statement (great crested newts) and working method statement (reptiles) followed to maintain good practice; erosion control/sediment control measures and the creation of log piles, brash piles and hibernacula within the semi-improved grassland habitat around the pond and adjacent to the River Welland to further enhance the site to otters, reptiles and amphibians.

- 6.83 County Ecology have reviewed the Ecological Appraisal and advised it is satisfactory and to condition the recommendations in the report.

Arboricultural Impacts

- 6.84 A Tree Survey Report has been submitted in support of the application.
- 6.85 A total of 34no. individual trees, 9no. groups of trees and 1no. hedgerow have been surveyed. 3 individual trees were classified as High Quality (A); 9 were classified as Moderate Quality (B); 20 as Low Quality (C) and 2 as unsuitable for retention. 4 groups of trees were as Moderate Quality (B); 5 as Low Quality (C). 1 hedgerow was classified as Low Quality (C).
- 6.86 In order to facilitate the development a total of 20no. individual trees, 5no. groups of trees and 1no. hedgerow, will all need to be removed. In addition, part of another group (G8) will need to be removed, as will two poor quality trees (T5 and T8) (for health & safety reasons).
- 6.87 The report advises *“the loss of trees from the site, whilst considerable in extent and number, will represent a minimal impact upon the wider visual amenity; the majority of trees requiring removal are low quality individuals or groups, which are primarily located to the rear of the site.*
- 6.88 The Case Officer disagrees with the above statement. T5 and T8 which are 18m and 20m high respectively and which are to be removed for health and safety reasons are currently located at the site frontage. The trees which are located to the rear of the site form a sylvan setting when viewed from the footpath to north and south, a setting which will be significantly diminished with the removal of tree groups G1; G2; G5 G6 and G9; the partial removal of G8 and the reduction in height of all the Willow species around the lake/pond to 5m and maintained thereafter as pollards.
- 6.89 Furthermore, the two English oak trees on the western boundary (T1, 23m and T2, 16m) are veteran trees and have only a ‘fair’ condition, rather than ‘good’ condition, so can not be relied upon in the long term in assisting with ‘screening’ the development.
- 6.90 Whilst mitigation planting is proposed, this will take a significant time to establish and should not be used to screen an otherwise unacceptable development.

Flood Risk, Water and Drainage

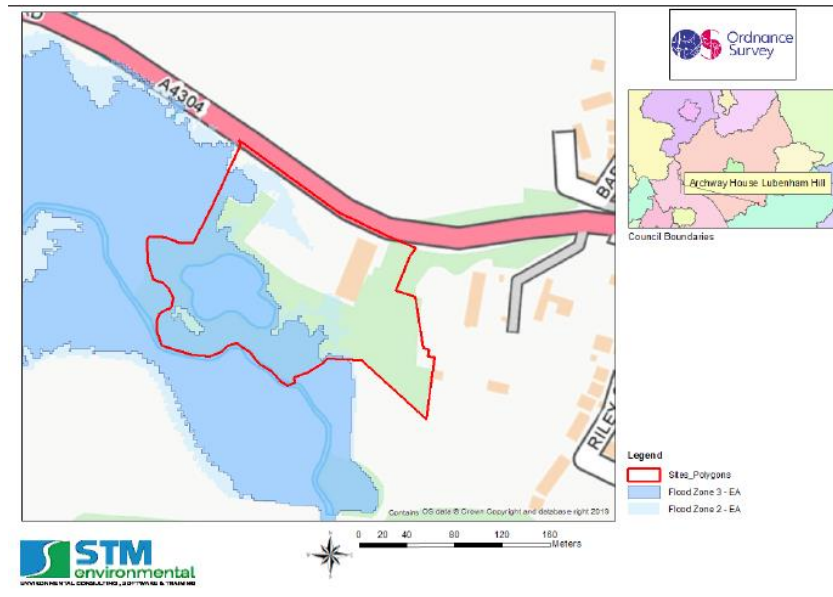
- 6.91 Local Plan Policy CC3 directs new sustainable development to flood Zone 1. Policy IN4 protects water resources and services including requiring a grey water and rainwater harvesting system for major development such as this. CC4 states that all major development must incorporate sustainable drainage systems (SuDS), use water as a resource and demonstrate that flooding would not occur to property in and adjacent to the development.
- 6.92 A Flood Risk Assessment has been submitted in support of the application.

Fluvial Flood Risk

- 6.93 The nearest main watercourse is the River Welland which is located 5m south of the site and runs east to west along the southern boundary of the site. The site slopes

southwards towards the River Welland. The general ground levels across the site range from approximately 80.2m AOD at the southern boundary of the site to 85.6m AOD at the northern boundary.

- 6.94 The nearest potential source of flooding the site is the River Welland.
- 6.95 Approximately one third of the site (southwestern part) is located within flood zone 3a indicating that it has a greater than 1 in 100 annual probability of fluvial flooding. The remainder of the site is located within flood one 1 with a small area to the north west being within flood zone 2.

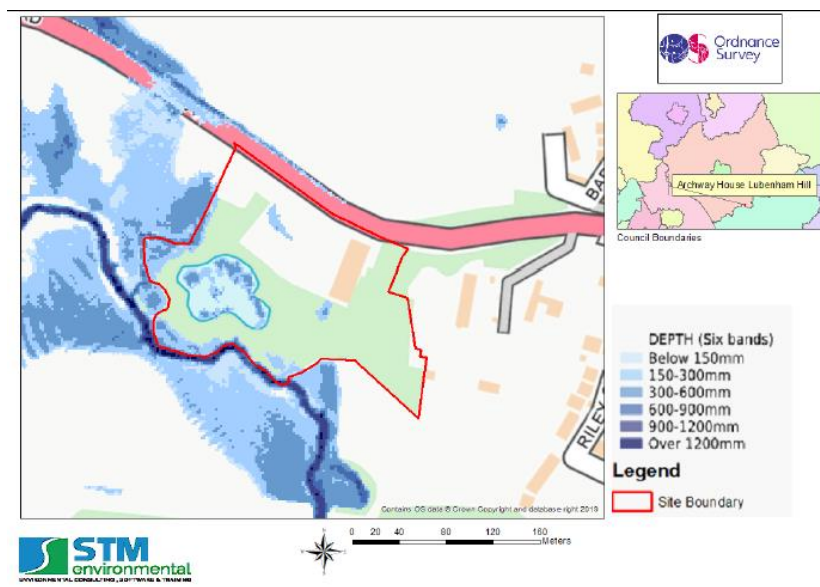


EA Flood Zone Map

- 6.96 As the ground levels at the proposed location of the dwellings range from approximately 82.8m AOD to 84AOD, the proposal will remain dry during both the 1 in 100-year event and the 1 in 100-year event plus 20% climate change. As the development is classified as more vulnerable within flood zone 2 and 3, the higher central allowance should be considered. The flood level during the 1 in 100 plus 30% climate change is predicated to reach approximately 82.72mAOD, thus indicating that the proposal will remain dry during this scenario as well.

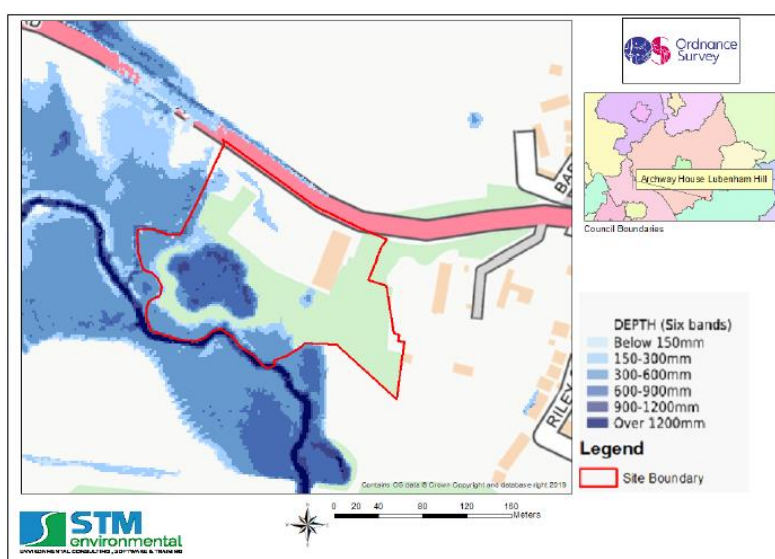
Surface Water Flood Risk

- 6.97 Mapping of the predicated surface water flood depth for the 1 in 30 year event show the southern and western boundary will be flooded together with a small area to the north west which will witness shallow depths up to 300mm.



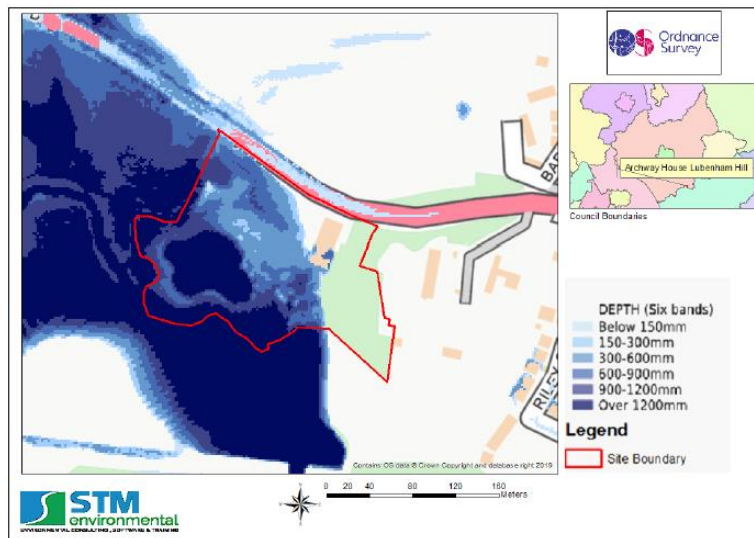
Predicated surface water flood depth for the 1 in 30 year event

- 6.98 The maps indicate that land along the southern and western boundaries of the site would be flooded as well during the 1 in 100 year event. With the exception of a small pool, the area to the north of the site, that is currently used as car park and is where the intended dwellings will be placed, would not experience any flooding.



Predicated surface water flood depth for the 1 in 100 year event

- 6.99 Approximately three quarters of the site would be flooded (including more than half of the car park) in the 1 in 1000-year event



Predicated surface water flood depth for the 1 in 1000 year event

- 6.100 The depth of flooding along the boundaries of the site would be approximately 300-900mm in the 1 in 100-year event. The pools that would form in the car park area would be approximately 150-3000mm in depth.
- 6.101 The FRA advises that given the nature of the development and the size of the site, there are good opportunities for implementing SuD mitigation measures. However, no SuDs strategy has been provided. The LLFA however accept the revised Flood Risk Assessment, and subject to conditions regarding a surface water drainage scheme including long-term management & maintenance, infiltration tests and management of surface water during construction, it is considered that the proposal can provide suitable SuDS, in accordance with CC4.

Flood Resilience features

- 6.102 To minimise the flood risk and potential impacts the report proposes setting finished floor levels 300mm above the highest flood level in the River Welland during the 1 in 100 plus 30% climate change scenario and therefore to a minimum of 83.02AOD as well as design construction measures relating to floor and wall construction; door specification and underground drainage.
- 6.103 In addition, occupants will subscribe to the EA Flood Warnings Direct Service which is a free service offered by the EA providing flood warnings, to allow timely evacuation of the site. As the north eastern part of the site is in Flood Zone 1, safe egress to an area of low risk is available within the site boundary. In the event of an extreme flood event, the dwellings will have internal connections to upper floors which will act to provide sufficient safe refuge.
- 6.104 The FRA concludes that the overall flood risk to the proposed development is considered to be low.
- 6.105 The LLFA have raised no objections to the application following additional information provided by the Applicant but have suggested several pre-commencement conditions if the application was to be approved. The EA however have maintained their objection on the grounds of an unacceptable Flood Risk Assessment as it does not adequately assess the flood risks posed by the development. In particular, the FRA proposed flood risk mitigation measures are inadequate because they will not make the development resilient to the flood levels for the 1% plus 35% climate change level. Consequently the

development proposes inadequate flood storage compensation, and has not demonstrated that the proposal would satisfy with Harborough Local Plan Policy CC3.

Heritage Impacts

- 6.106 The site is located to the west of The Hill, a grade II listed property which has been subdivided into 3 dwellings (No.109, 111 and 113 Lubenham Hill). Given the extensive woodland belt and significant difference in levels between the site and this building, no harm to the setting of the listed building has been identified.

Electronic connectivity

- 6.107 The Local Plan also addresses electronic infrastructure, requiring major developments to have a bespoke duct network and facilities to support mobile broadband and wi-fi. The proposal does not include any such measures, although it does seem likely that connections could be made given the proximity to existing offices. Subject to condition requiring details of any external buildings required for broadband, the proposal is considered to comply with IN3.

Conclusion and Planning Balance

- 6.108 The proposal must be assessed against the policies of the development plan with all other material considerations taken into account. The Local Plan, Neighbourhood Plan and The Framework seek sustainable development and, as The Framework makes clear, all three strands of sustainability must be met in order to achieve this.

Economic benefits

- 6.109 The development would create employment during the construction process and following the completion of the development. The development would also safeguard existing jobs.

Social benefits

- 6.110 The development would bring forward additional residential development and contribute towards the Council's Housing Land Supply.
- 6.11 The development would offer the community an enhanced choice of alternative health and leisure provision within a semi-rural location.

Environmental benefits

- 6.112 The development would utilise previously developed land and retain the majority of the soft landscaping around the site boundaries.
- 6.113 Throughout the processing of the application, the applicant has relied heavily on his proposed measures to mitigate the impact of climate change as a material consideration which in his opinion outweigh identified conflict with the development plan. The Applicant's intentions and desire to create a sustainable mixed use development are acknowledged, the supporting information lacks substance and is insufficient to overcome the clear policy objections to the scheme as presented within this report and the application should be **REFUSED**

Planning Committee Report

Applicant: Davidsons Homes

Application Reference: 21/01222/REM

Location: Land off Arnesby Road, Fleckney

Proposal: Erection of 150 dwellings and associated works (Reserved Matters of 18/00579/OUT, including details of appearance, landscaping, layout and scale)

Application Validated: 05.07.2021

Target Date: 04.10.2021 EOT AGREED

Reason for Committee Decision: Major Development

RECOMMENDATION: APPROVE subject to the suggested conditions outlined in Section 8 of the report and the signing of a Deed of Variation

1. Site & Surroundings

- 1.1 The application site relates to a parcel of 10.15ha of undeveloped agricultural land off Arnesby Road on the western side of the settlement of Fleckney. The site lies directly adjacent to the built up extent of the village and is made up of a patchwork of agricultural fields of various sizes.
- 1.2 A hedgerow with several mature trees defines the southern boundary, with the recreation ground beyond. Residential properties are situated immediately adjacent to the sites eastern boundary. A children's play area by Edward Road is also located by the sites eastern boundary. A public right of way runs along the eastern boundary to the rear of the existing residential properties and by the children's play area and through the north eastern part of the site.
- 1.3 Fleckney Brook forms the northern site boundary. Beyond the watercourse are rear gardens to residential properties situated along Arnesby Road / Main Street. A tributary to Fleckney Brook is situated adjacent to the western boundary
- 1.4 Bird Cage Cottage situated adjacent to the north western site boundary includes a 2 storey property, extension, barns and workshop buildings.



Site Location

Site Photo's



Looking north from the Playing Field.



Looking west from the PRow



Looking north-west from the PRow



Looking south from the north-eastern part of the site



Looking west from the north-eastern part of the site



Looking south from Arnesby Road

2. Site History

- 2.1 Outline permission was granted for the erection of up to 150 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Arnesby Road including the demolition of Birdcage Cottage (all matters reserved except for means of access) on 23rd May 2019 (REF: 18/00579/OUT), following the signing of a S106 Agreement.
- 2.2 The Applicant submitted a separate application (Ref: 21/01584/FUL) to seek full approval for the 'installation of part of the internal road layout' to run alongside this current application just in case the reserved matter application was delayed, which would have enabled the Applicant to commence works on the internal access. However, the reserved matters have been dealt with swiftly by the Case Officer enabling this application to be considered before the full application. It is likely the full application will be withdrawn if a positive resolution is achieved on this current application.
- 2.3 During the course of the current application, it has become apparent that additional information is likely to be required to discharge some of the outline conditions. Rather than delay the outcome of the reserved matters, the Case Officer advised the Applicant to submit a Discharge of Condition application (PCD) to run alongside the reserved matters.

3. The Application Submission

a) Summary of Proposals

- 3.1 This reserved matters application seeks to secure approval of details relating to appearance, landscaping, layout and scale. The principle of residential development on the site has therefore been established.
- 3.2 The means of access into the site was considered and approved as part of the outline application. The approved access will be taken directly off Arnesby Road and to facilitate this, an existing property known as Birdcage Cottage is to be demolished.

- 3.3 It is also proposed to widen Arnesby Road and improve the links from the site via public footpath A14 which runs along the edge of the site through to Gladstone Street and Main Street to the village centre where a more direct walking route would be provided to access the existing local bus service. In addition the 30mph speed limit to the south of the access point is proposed to be moved and a financial contribution towards upgrading local junctions will be provided as mitigation.



Proposed Site Access



Birdcage Cottage (to be demolished) and Arnesby Road looking west



Arnesby Road, looking east

3.4 As well as seeking approval of the reserved matters, the proposal also seeks to discharge outline conditions 6-12 and 18-20.

3.5 The Applicant submitted an amended package of information (10/09/2021) in response to discussions with the case officer and following receipt of consultee responses. The information included:

- Highway Response
- LLFA Response
- Footpath Response
- Separation distances added to the plan
- Trees added to the end of road turning heads.
- Landscaping enhanced in certain areas.
- Red roof tiles reduced to the edge of the development.
- Added footpath links

3.6 Since the 10.09.2021, the following additional information has also been received

- Archaeology Response (16/09/2021);
- A report summarising the suite of ecological survey work carried out this year, as well as report on 2020 surveys 22/09/2021
- A Deed of Variation to s106 dated 22nd May 2019 was submitted 22/09/2021
- Layout Amendments to show the footpath links requested by LCC Rights of Way Officer and changes to the mix following a further discussion with the Case Officer
- Site sections, CGIs and a coloured layout was submitted 30/09/2021

3.7 The amended layout (P05) is shown below



Proposed Site Layout (Amended P05)

c) Pre-application Engagement

- 3.7 Pre-application advice was provided by the Case Officer to the Applicant via a TEAMS meeting in November 2020. Advice was given in relation to housing mix, landscaping, S106 matters and the Fleckney Neighbourhood Plan.

4. Consultations and Representations

- 4.1 Consultation with the technical consultees and local community has been carried out on the application submission.
- 4.2 Site Notices were placed along the public right of way and at the approved site access on 26/08/2021. The Press Notice (Harborough Mail) was published on 12/08/2021.
- 4.3 A summary of the technical consultee responses which have been received are set out below. If you wish to view comments in full, please request sight or go to www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

Environment Agency

The EA did not request any conditions on the outline application as the proposed development falls outside our remit. We therefore have no comment to make on the request for approval of reserved matters

Natural England

Natural England has no comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development

Leicestershire Police

Leicestershire Police have no formal objections in principle to the application however make some suggestions around consideration of the use of CCTV coverage; natural surveillance, lighting, secured by design measures etc.

LCC Highways

1st Response (27/07/2021)

The site access arrangements were approved under outline application 18/00579/OUT, therefore no further details of the access arrangements are provided as part of these formal observations.

In order for the site to be suitable for adoption, the internal layout must be designed fully in accordance with the Leicestershire Highway Design Guide (LHDG). In its present format the road layout is not considered suitable for adoption and would remain private.

2nd Response (29/09/2021) (following 10.09.21 amendments)

Internal Layout

The LHA has reviewed the internal layout of the site and associated plans and it does accord with the Leicestershire Highway Design Guide (LHDG) and is considered suitable for adoption subject to amendments at the Section 38 stage.

Condition 11 - CEMP

Overall the LHA is satisfied with the approach to manage the construction works and would not object to the discharge of condition 11

Condition 12 and 13

The LHA has reviewed the public footpaths plan and covering letter and based on the information submitted the LHA would not object to the discharge of conditions 12 and 13. However the applicant should discuss the timescale for the works when they contact the LHA at footpaths@leics.gov.uk to discuss the temporary closure.

LCC LLFA

1st Response (23/07/2021)

The current layout does not affect the engineering deliverability of the proposed detention basins however the FRA submitted as part of Outline application 18/00579/OUT indicated other SuDS features (swales, permeable paving and water butts) would be considered further at detailed design, when a detailed layout has been produced. Upon review of the current layout it is unclear if any other SuDS features have been considered and incorporated within the layout.

2nd Response (15/09/2021)

Further to the LLFA's previous comments additional details have been provided demonstrating a range of SuDS features (swales, permanent wetlands in detention basins and filter strips) will be incorporate into the layout as well as 'daylighting' * of a culverted ordinary watercourse. The LLFA would also welcome the applicant to incorporate water butts as an additional measure as per the FRA submitted as part of Outline application 18/00579/OUT

NOTE: Reserved matters applications are reviewed by the LLFA in relation to details such as 'access', 'appearance', 'landscaping', 'layout' and 'scale' only, in line with article 2 of the Town and Country Planning Order 2015. This response does not consider any surface water specific conditions which must be consulted on separately once the reserved matters are approved by the LPA.

Case Officer Note: The LLFA were advised that the Applicant had submitted information as part of the Reserved Matters to discharge conditions 7/8/9 of the outline which deal with surface water and asked whether this information was acceptable. A response is awaited and members will be updated accordingly.

*'daylighting' is where the stream channel will be restored to its natural state

LCC Archaeology

We previously advised for the outline application (18/00579/OUT) that prior to determination of the application 'a field evaluation, by appropriate techniques including trial trenching' should be undertaken. Subsequently a geophysical survey was undertaken however no trial trenching was undertaken, with the application being approved with no archaeological condition despite our request for further information.

We therefore recommend that the trial trenching is undertaken at a 2% sample with 1% contingency to inform if necessary any archaeological mitigation and should be conditioned accordingly.

Case Officer Note: The Applicant does not agree with the suggested pre-commencement condition given there is no condition on the outline planning permission which requires any archaeological work to be undertaken. The Case Officer agrees with the Applicant that it would be unlawful to add such a condition as it is not within the scope of the matters reserved for subsequent approval. Clearly a reserved matters application cannot be used as a second opportunity to impose conditions of principle that have not been addressed at outline stage. LCC Archaeology advised the LPA (28/09/202) *"the site has potential for archaeology...We usually require on large sites such as these at least a follow up trial trenching to assess the impact and confirm mitigation if needed. I understand that, however without a condition on the previous application it would be difficult to go forward with further archaeological works"*

LCC Developer Contributions

As this application is for a reserved matters the county council will not be providing a consultation response as our original responses provided for the outline application will still stand.

HDC Environment Coordinator

The provision of electric vehicle charging points is very welcome, particularly for the smaller properties...I note that provision for renewables at house level has been included in the design, as mentioned in the design and access statement.

HDC Affordable Housing Officer

S106 in place stipulates our Affordable Housing requirement at 30% = 45 units.

The mix proposed by Davidsons as part of this REM proposes the following AH scheme: 6 x 1 bed units, 5 x 2 bed bungalows, 18 x 2 bed units, 8 x 3 bed units and 3 x 4 bed units. = 40 units (inc 5 bungalows on a 1 for 2 basis)

This proposed mix provides for a good balance of Affordable Homes. Shame they did not provide a 5 bed but the increase of the 4 bed houses to 3 is welcome. The Affordable Housing scheme is accepted but please note and advise Davidsons the bungalows should be built to life time homes standards with no age restriction to allow younger less mobile / wheel chair requirement clients as well.

Case Officer Note: The Applicant has confirmed the bungalows will be to those standards anyway, but for the avoidance of doubt a note has been added to the planning layout accordingly.

HDC Environmental Health

The report submitted is sufficient to discharge condition 22 of 18/00579/OUT

HDC Neighbourhoods and Greenspace Officer

The planning layout indicates that a buffer has been proposed between the new site and existing houses with wooden bollards to prevent parking on the grass areas. The wooden bollards are repeated throughout the site.

The existing PROWs have been retained with a network of informal grass pathways to allow access around the site for exercise/dog walking etc.

The NEAP is situated to the west of the site and is formed by three overlapping circles.

The north of the site provides flood attenuation basins in association with the watercourse. These flood attenuation basins should be planted for biodiversity and habitat with sloping sides that are not too steep.

The plant species used are suitable for their locations and do not appear to be planted so close to buildings as to cause a long term problem for residents. Existing trees and hedges should be properly protected throughout construction.

The specifications for sourcing plant material, planting and aftercare are dealt with in the specification and landscape management plan. If adhered to the landscape management plan gives assurance that the soft landscaping will be adequately maintained.

Please note that the developer will need to seek a completion certificate from the LPA for the open space works prior to the open space being placed on the 12 month maintenance

period. The developer is responsible for maintenance including replacement trees and shrubs during the maintenance period.

On completion of the 12 month maintenance period the developer should seek the final certificate for completion of the open space works.

The developer must submit the Management Company Scheme to the LPA for approval prior to commencement of development to ensure that the open space will be satisfactorily maintained in perpetuity.

LCC Public Footpaths

No objection to the paths within the site, linking in to the public footpath. However, they should be provided with a durable all-weather surface so that they provide adequate all-year round pedestrian access to the rest of the village of Fleckney. It would not be necessary to surface all of the routes concerned but at least if some of the routes were surfaced these would provide the desired results.

In relation to the temporary diversion of the public footpath, request a planning condition to ensure that an adequate and safe alternative route for pedestrians, provided with an adequate width, surfaced, fenced and signed to the satisfaction of the Highway Authority and maintained as such during the full extent of any temporary closure of the footpath

In terms of the landscape management plan, requested that it be amended to include the removal of the scrub hedge that separates the public right of way A14 from the open space to be provided on the north eastern side of the housing area. Currently the public footpath is narrow and suffers from poor surveillance.

Case Officer Note: The Applicant has added a footpath link that is tarmac to outside of plot 32 and 82. With regards to the removal of the scrub hedge, the Applicant is reluctant to do so, given it forms part of the ecological mitigation (retaining hedgerows) and because beyond the hedgerow which forms the boundary to the site there are a number of existing gardens that are semi open. The Case Officer concurs with the reasons given by the Applicant. The landscaping plans have been updated with a note added to the drawing along the eastern boundary regarding the pruning and management of the existing hedgerow.

LCC Ecology

Whilst I have no objections to this in principle - it appears to be in accordance with the outline application - some essential documents are missing, and I have a holding objection pending submission of these.

The site has water vole, bats, otters, great crested newts and badger. Part of the retained habitat in the north of the site is of Local Wildlife Site quality as species-rich grassland. Mitigation, enhancement and management agreements for impacts on protected species and habitats are needed. The last surveys were done in 2015/2018, so are well out of date; they will need to be updated before mitigation can be agreed and conditioned.

Case Officer Note: A report summarising the suite of ecological survey work carried out this year, as well as report on 2020 surveys was submitted by the Applicant in 22/09/2021. County Ecology have been consulted and a response is awaited. Members will be updated accordingly.

1. The outline planning application decision notice referred to the development being substantially in accordance with the Development Framework Plan reference number 6890-L-03. However the proposed developed area for the dwellings is much smaller resulting in an increased density. The development should be either in accordance with the Development Framework Plan or the number of dwellings should be reduced pro-rata to accord with the reduced site area to avoid the high density that is now proposed. This has also meant that some of the dwellings have no rear garden space with the consequential loss of amenity.

The overall site density is 14.8 dph, which is a loose development scheme. The main area of development is broken up with areas of green space and grass verges to enhance the scheme. Views the within the main area of development look down road vistas to the green space beyond. Due to the levels of the entrance/ flooding issues, no houses have ben proposed within the first field which means the development is set back far from Arnesby Road, thus creating a country park feel to the scheme as you drive in and protecting the amenity space to those houses on Arnesby that overlook this area with little screening. All garden size design is done to Harborough Council design standards and no issues have been raised from the planning officer. The site has a high proportion of public amenity space along with a NEAP.

2. The Development Framework Plan provided for the existing trees and hedgerows in the centre of the site that run NE to SW to be retained but now appear to have been removed to either provide access to some of the dwellings or to be incorporated within plots.

This small area of hedgerow has been removed to allow for a comprehensive development. The hedge has been proposed to be removed, and other native hedgerows have been planted within the site to compensate for this. This land area of the hedge that has been lost has been put back into the surrounding edges of the built area.

3. There is still concern about the impact of the increased volume of traffic on Main Street and with this in mind a further traffic study should be undertaken to assess the impact particularly having regard to the additional development that has taken place on Main Street since outline approval was granted.

The access and development has been agreed at outline already.

4. The circular walk around the perimeter of the development that links with footpath A14 is indicated as being "mown". However, having regard to the nature of this land these paths need to be hard surfaced and of a sufficient width to allow pedestrians and cyclist to use them safely.

The circular walk is hard surfaced in certain areas to allow access from the public footpath through the development and into the NEAP. There are a variety of hard surfaced routes through the scheme, the PROW within DDL ownership will be hard surfaced. Mown footpaths are used to allow the POS a more natural environment through the edges of the scheme.

Kilby Parish Council

1st Response (17.09.2021)

We would wish to remind Harborough DC, that Condition 11 on the Decision Notice for the original application for Outline Planning Approval ref. 18/00579/OUT, states that a Construction Environmental Management Plan (including (h) routeing of construction traffic) is to be submitted concurrently with the Reserved Matters scheme.

As far as the Construction Environmental Management Plan, item (h), is concerned, we would strongly urge that approval is not given to construction traffic routeing(s) which cause further air & noise pollution and vibration, as well as road safety risks to Kilby village residents and pupils of the village school. Other practical routes, which do not pass through local villages, are available, e.g. from the A5199 (Welford Road) at Arnesby or Shearsby, avoiding both Kilby and the centre of Fleckney. We would remind HDC that there is an Environmental Weight Limit on the roads from the A5199 through Kilby and onwards to Fleckney and there is no need for HGV drivers servicing this new development to take that route, causing much distress to local residents and parents, as well as further damage to the road surface, kerbs, etc.

2nd Response (24.09.2021)– following email from Case Officer advising CEMP had been submitted.

We have now located this on the Harborough DC web site, on the list of documents submitted with Planning Application ref. 21/0122/REM. Having read paragraph (h) of this document, we are satisfied that the prescribed routes for construction traffic avoid Kilby village and the centre of Fleckney.

Case Officer Note:

1) Drawing no 1222_601 CTMP shows all construction traffic coming from A5199 (Welford Road) will turn off at Saddington Road and then turn on Arnesby Road. Construction vehicles will then enter the site from the south/west. As an alternative, vehicles can also access the site from the A6 Kibworth Road then via Saddington Road and finally Arnesby Road. All construction traffic is to turn right when entering the site. Upon exit all construction traffic is to turn left towards the A5199 (Welford Road) which will then go north and south directions or via Kibworth Road leading to the A6. The Local Highway Authority (LHA) have advised this route is not ideal as it is rather narrow and could cause issues for passing vehicles, however the LHA cannot see any other alternatives in this instance. The applicant has confirmed that under no circumstances is construction traffic allowed to go through Fleckney village.

Local Community

27 letters of objection have been received from 18 separate households raising the following points:

- Building in the open countryside

- Village has 4 active developments, way over our quota for housing and already causing disruption
- The village cannot support further housing
- Main Street and Arnesby road are narrow roads where two cars struggle to pass in places.
- Neither roads can cope with large vehicles, let alone the 200 plus extra cars that the new housing
- development will bring if all sold
- There has been little mitigation in terms of impact on local wildlife
- No new build dwellings appear to be low carbon or even carbon neutral.
- Local schools (Kibworth and Wigston Academy) are almost full and also have a lot of development within the area. Beachump College will not accept students as a result of being oversubscribed. It is not fair for local children to have to travel far for their schooling because there is nowhere for them to attend.
- It is clear that local housing is not an issue within the area as there are many new build houses that have not sold despite being up for sale for weeks on end
- Are they going to build a new doctors? As it takes a week to get through on the telephone let alone
- get an appointment
- We already have four houses and gardens running along the side of our house. New houses so close to the rear boundary will be very invasive. We need a decent sized green buffer between the footpath boundary and our garden boundary
- More light and noise pollution from barking dogs, loud music and traffic
- Building on perfectly good arable farmland can't be a good idea, either for the village or the economy.
- Do the proposed building and heating materials take into account the need to meet eco standards for the future.
- It will completely rob us of our privacy.
- Impact on mental health
- Highways need to conduct a thorough survey at peak times before any plans are considered for approval.
- We need to save our green space and retain Fleckney as a village before it becomes a town!
- Scout & Guide groups are oversubscribed and have limited space.
- If the village and road network was "over capacity" in 2018, then 2021 finds us in a worse state. The constant development of the Fleckney and Kibworth area must be suspended until a resolution to the findings of the "A6 Cumulative Development Traffic Impact Study" are agreed upon.
- Arnesby Road/Main Street is one of 4 routes out of the village, its poor condition and narrowness in places make it by far the most dangerous route and each of three exists from the road are hazardous
- The Neighbourhood Plan demonstrated a wish for larger bungalows. People can need single storey living for mobility reasons, they do not necessarily want a very small bungalow, There appears to be a large number of very small houses. Fleckney has a surfeit of these,
- Whilst surveys indicate 'minimal risk' of flooding in recent years new developments have certainly caused it.
- Live in a bungalow so my property is at a lower level than this development and there will be a noticeable impact on my privacy and the light my property can receive
- The development is encroaching further into the countryside and will affect wildlife and habitats
- Anthrax will still be prevalent on this land
- The effects of climate change , population and urbanisation are placing significant

pressure on the management of surface water, Conventional drainage systems constructed from constrained networks of underground pipes and tanks are struggling to cope with overwhelming quantities of water are resulting in the flooding and pollution that we are experiencing.

- The area of the proposed site is home to wildlife
- The green space there is the only green
- space left within the village and is used regularly for people to take there dogs for a walk . Or just enjoy a safe walk .
- The proposal notes the provision of pedestrian access points from Gladstone Street to Main Street via public footpath A14 which as existing runs along the edge of the site. The most dangerous part of the village , in my opinion is the blind corner on Main street previously mentioned re: visibility splay. The is the exact point in which the aforementioned footpath exits onto main street , therefore it appears that this proposal is recommending that the new dwelling families will use this footpath, which not only exits out onto a blind bend, where there is single lane vehicle access, but to make matters worse , this stretch of road does not have any footpath on the left hand side.
- The Local Plan also makes clear that if there is any need for additional housing in the village, it is for affordable or specialist housing (such as bungalows or housing adapted for older residents). It is not surprising, considering the desire to maximise profits, that this development is for predominantly larger, more expensive homes. There is no need in Fleckney for such dwellings; as the earlier developments have also been predominantly of larger, detached houses. Where is the provision in this scheme for the younger, poorer residents of the village for whom the village plan proposes a priority (Policy F11)? There is no mention in the village plan of a need for an influx of wealthy, multi-car owning households.
- This project proposes to create an area of tarmac and concrete where the village now has a natural sink for excess rain water. To shift the problem of drainage downstream, as it were, simply creates a problem elsewhere - instead of the current, natural solution.

5. Planning Policy Considerations

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 instructs that planning applications must be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

5.2 The Development Plan consists of the Harborough Local Plan and Fleckney Neighbourhood Plan. As the outline application has been approved, the policies which are most pertinent to the determination of this reserved matters application are as set out below:

- Policy GD5 (Landscape Character)
- Policy GD8 (Good Design in Development)
- Policy H2 (Affordable Housing)
- Policy H5 (Housing density, mix and standards)
- Policy GI2 (Open space, sport and recreation)
- Policy GI5 (Biodiversity and Geodiversity)
- Policy CC1 (Mitigating Climate Change)
- Policy CC3 (Managing flood risk)
- Policy CC4 (Sustainable Drainage)
- Policy IN2 (Sustainable Transport)
- Policy IN3 (Electronic Connectivity)
- Policy IN4 (Water Resources and Services)

FLECKNEY NEIGHBOURHOOD PLAN (FNP)

- F2 Public Rights of Way
- F3 Ecology and Biodiversity
- F4 Trees and Hedgerows
- F6 Design
- F8 Housing Provision
- F10 Housing Mix
- F11 Affordable Housing
- F13 Car Parking and New Housing Development
- F15 Infrastructure

5.3 SPG3: Residential Development; Major Housing sites is also relevant.

6. Assessment

a) Principle of Development

- 6.1 The principle of residential development on the application site has been established by virtue of the outline consent for up to 150 dwellings granted.
- 6.2 As previously advised access was agreed at the outline stage.
- 6.3 As such the report below does not cover 'principle' issues, such as highway impact, flooding/drainage impact or landscape impact etc. For further information on these matters, please see the Committee Report relating to 18/00579/OUT.

b) Planning Layout

Site Layout

- 6.4 Condition 5 of the outline consent states

The development hereby approved shall be laid out at reserved matters stage substantially in compliance with the Development Framework Plan reference number 6890-L-03 Revision H received on 29 March 2018. REASON: To ensure that the scheme is satisfactorily laid out in accordance with the requirements of Harborough Local Plan GD8.

- 6.5 The outline illustrative layout is shown below



Development Framework Plan 18/00579/OUT

6.6 The proposed site layout is shown below



Proposed Site Layout P05

6.7 As can be seen from the proposed layout, the development comprises:

- A residential development of 150 dwellings (110 open market units and 40 affordable units) at a density of 14.8 dwellings per hectare which makes efficient use of the land useable land whilst respecting the sites edge of village location/ typography/drainage strategy/ public open space.
- Access taken via a new junction on Arnesby Road (agreed at outline)
- Two principal areas of POS, one to the south and the other to the west.
- Secondary roads accessed off the main spine road
- Green buffer with tree planting between the development and the eastern boundary hedgerow
- Retention of existing boundary vegetation, except where required to facilitate access
- Three pedestrian links on the existing Public Right of Way
- A mown path around the perimeter of the built development connecting the Public Rights of Way and proposed Public Open Space.
- Surface water attenuation basin in the south eastern part of the site
- The retention of existing trees and hedgerows except where required to be removed to facilitate access
- Provision of a children's play area

6.8 The main notable differences between the Development Framework Plan (at outline) and the Planning Layout is the exclusion of a small area of housing within the southern portion of the site due to drainage and level considerations and the partial removal of the hedgerow in the centre of the site that run NE to SW, whilst this is regrettable, the landscape proposals include replacement hedges and trees.

Housing Mix

- 6.9 Policy H5 (Housing density, mix and standards) permits new housing development amongst other criteria, where it makes efficient use of land, while respecting the character of the surrounding area. Policy H5 advises major housing developments should provide a mix of housing that is informed by up to date evidence of housing need. FNP Policy F10 (Housing Mix) requires new housing developments to provide for a mix of housing types informed by the most up to date evidence of housing need. Applicants for development of 10 or more dwellings will need to demonstrate how their proposals will meet the housing needs of older households (e.g. bungalows) and the need for smaller, low-cost homes.
- 6.10 The most up to date evidence of housing need is the 2017 Leicester and Leicestershire Housing and Economic Development Need Assessment (HEDNA). For Harborough, it suggests the following mix

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Market Housing	0-10%	25-35%	35-45%	15-25%
Affordable Housing	35-40%	30-35%	20-25%	5-10%

- 6.11 The planning layout provides for a 110 open market units, consisting of the following mix:
- 2 beds – 24 units (22%)
 - 3beds – 56 units (51%)
 - 4+ beds – 30 units (27%)
- 6.12 Whilst the mix put forward is slightly different to that of HEDNA, particularly in terms of the percentage of 3 bedrooms, it should be noted HEDNA is guidance only. The Case Officer considers the accommodation proposed provides for a good mix for different consumers, including first time buyers, smaller families, those wanting to downsize, elderly / disabled person and larger families.
- 6.13 FNP Policy F11 (Affordable Housing) requires all affordable housing to be subject to a local connection policy. Unfortunately, it is not possible to secure this on this site, as the outline application has been approved and the related S106 Agreement has already been signed. Notwithstanding this, the planning layout provides for 40 affordable units, consisting of the following mix:

Affordable Schedule:

<u>Housetype</u>	<u>No. of Bedrooms</u>	<u>No.</u>
AH16B-4	1 Bedroom Maisonette	6
AB21BE-4	2 Bedroom Bungalow	5
AH21BE-4	2 Bedroom Semi/Terraced	10
AH21BI-4	2 Bedroom Mid Terrace	2
AH21BE-4 (M42)	2 Bedroom Semi/Terraced	6
AH31BE-4	3 Bedroom Semi/Terraced	6
AH32BE-4	3 Bedroom Semi/Terraced	2
AH41GE-4	4 Bedroom Semi Detached	3
Sub Total		40

6.14 The Council's Housing Enabling and Community Infrastructure Officer is satisfied with the affordable mix proposed.

○ *House Types and Materials*

6.15 FNP Policy F6 advises development that reflects the distinctive and traditional character of Fleckney will be supported. Development must also (amongst other criteria) "be in keeping with the scale, form and character of its surroundings". LP Policy GD8

6.16 The proposed development would comprise predominantly of 2 storey detached, semi detached and terraced dwellings, although the housetypes also include 1.5 storey (max 6.9m high), 2.5 storey (max 9.35m) and bungalows (max 5.5m high), which adds variety and visual interest into the development. The footprint sizes, eaves and ridge heights (and the concomitant massing of properties) are all judged to be in keeping with the locality. The proportions used in dwellings are judged to be harmonious (for example, fenestration dimensions and roof mass relative to the size of elevations).

6.17 There are a number of dual aspect house types in prominent locations which have been designed to avoid the presentation of a blank wall. These dwellings help the dwellings respond to different street alignments as well as natural surveillance. The house types proposed also include architectural detailing for example corbel and dentil brickwork, plinths, feature sills and lintels, bay windows, porches, canopies and chimneys.

6.18 Below are selection of the housetypes proposed:





Front Elevation



Front Elevation



Front Elevation



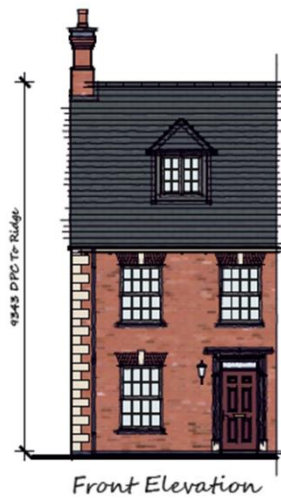
Front Elevation



Front Elevation



Front Elevation






- 6.19 In terms of materials, it is proposed to use the following which are considered appropriate:





FACING BRICKS / STONE -

	Wienerberger - Oast Russet Red
	Wienerberger - Colorado Red Multi
	Ibstock - New Cavendish Stock
	Ibstock - Grosvenor Country Mix
	Ibstock - Hardwick Welbeck Red Mix




CONTRAST BRICKS -

	Forterra - Village Harvest Multi
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RENDER

	Fassa Bortolo Fassacouche - 1103E Ivoire
	Fassa Bortolo Fassacouche - 1101E Bianchissimo
	Fassa Bortolo Fassacouche - 1104E Manhattan
	Weber Weberpral M - Brick Red

SURFACE TREATMENTS / BLOCK PAVING

	Marshall Keyblok - Burnt Ochre
	Marshall Tegula - Vintage Charcoal
	Resin bonded Gravel

ROOF TILES

A	Forticrete Gemini - Slate Grey
B	Forticrete SL8 - Slate Grey
C	Forticrete Gemini - Mixed Russet
D	Forticrete SL8 - Red

- 6.20 In terms of boundary treatments, 1.8m brick screen wall, 1.8m close boarded fence, 1.2m post and rail fence, 0.9m ball top metal railing and 0.45 timber posts are proposed.
- 6.21 All of the dwellings will be served by private residential amenity space, dedicated car parking spaces and space for waste and recycling storage. Those dwellings served by private drives will have dedicated bin collection points, allowing people to place their bins for easy refuse collection.
- 6.22 The Applicant has advised that all of the dwellings will be built to the latest building regulations at the time of construction and that where possible they will use local trades/

materials to reduce c02 emissions. The applicant is also proposing the use of EV charging points to all plots as shown on drawing 1222_104.

- 6.23 Overall, the design, scale and appearance of the proposed house types are judged to be in keeping with and will complement the surrounding area.

- Public Open Space

- 6.24 The S106 provides details of the Public Open Space (PoS) requirements, one of which is to accommodate a sports pitch on site (Outdoor sports). However, due to some constraints including ecological matters which influence the residential parcel provision and general site layout, the Applicant asked during pre-application discussions whether it would be possible to offer an off site financial contribution (of £244,995.00). The Council's Open Space Officer, having discussed with Fleckney PC, agreed in principle to this request as the contribution would be used for to improve, replace or provide new facilities at Leicester Road Recreation Ground, Fleckney or Lodge Road Recreation Ground, Fleckney to serve the development and in accordance with locally identified priorities. As such if Members are minded to approve the application it will be subject to signing of a Deed of Variation to the original S106 to cover this matter. The Council's Open Spaces Officer is satisfied the proposed layout provides for the other on-site requirements including a children's play area (1000m2).

- 6.25 The Applicant has submitted detailed landscape proposals (GL 1598 901-905 Rev B). The Council's Open Space Officer and County Ecologist are satisfied with the landscaping proposed. The public open space to the north will create an attractive entrance feature to the development and the large area of open space to the west will allow for sufficient tree planting and act as a buffer to soften the approach to the village from Arnesby Road, especially the transition from countryside to the new and existing built form of the village.

- *Internal Highways Layout*

- 6.26 As previously advised, access was agreed at outline. Following the submission of amended plans, the Local Highway Authority (LHA) have advised the layout would be suitable for adoption. The LHA have suggested several conditions which are outlined within Section 8 of this report.

c) Residential Amenity

- 6.27 Policy GD8 requires development to minimise its impact on the amenity of existing and future residents

- 6.28 Properties around the proposed Public Open Space / Drainage Ponds (see plan and photos below) may notice more people using the existing public right of way, but no significant harm to these properties can be identified.



Planning Layout Extract – North-eastern corner



Properties surrounding the POS and Drainage Ponds

- 6.29 The erection of new dwellings to the west of the existing properties on Edward Road, Gladstone Street and Elizabeth Road will alter the outlook enjoyed by these residents, but this would always be a consequence when developing on a greenfield site. The impact of the development upon these properties has been minimised given the retention of the eastern boundary hedgerow/trees, the proposed green buffer between this hedgerow and the proposed dwellings and the separation distances – discussed further below.
- 6.30 SPG Note 3 advises, there should be a minimum separation distance between principal windows of 21m and 14m between a principal window and a blank elevation. The Applicant has submitted an annotated plan and cross sections which demonstrate these distances are met and in most instances exceeded.

- 6.31 The Case Officer has considered whether it would be appropriate to use conditions to restrict future use of permitted development rights and note the National Planning Practice Guidance which states:

“Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances.”

“Area wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.”

(Paragraph: 017 Reference ID: 21a-017-20140306)

- 6.32 Mindful of this guidance, permitted development right restrictions are not recommended.
- 6.33 The Case Officer acknowledges and sympathises with the concerns raised by those residents who back onto the site. However, the Applicant has demonstrated that the proposed development will not result in significant harm to existing residential amenity in term of loss of privacy, loss of light or loss of outlook, such to warrant refusal. Furthermore, issues raised relating to noise, smell, pollution and other construction impacts are satisfactorily controlled by the Construction Environmental Management Plan (Condition 11 of outline) and other noise impacts following completion of the development can be controlled by Environmental Health legislation e.g. Statutory Noise Nuisance.

d) Discharge of Conditions

- 6.34 As previously advised, the application also seeks to discharge the following outline conditions

CONDITION 6

Concurrently with the submission of the reserved matters scheme for the site, a plan detailing the conservation and mitigation measures that are required to address the impact of the scheme on the protected species that have been identified in the approved Ecological Appraisal report for this site shall be submitted to the Local Planning Authority for approval. The development hereby approved shall be implemented in accordance with the approved mitigation measures.

- 6.39 The Applicant has submitted a Conservation and Mitigation Plan (RSE_4297). Comments are awaited from LCC Ecology. Members will be updated accordingly

CONDITION 7

Concurrently with the submission of the reserved matters scheme for the site, a surface water drainage scheme shall be submitted to the Local Planning Authority for approval together with a phasing plan showing how it is to be installed and implemented on site. The development hereby approved shall be built fully in accordance with the approved scheme and in line with the milestones/timescales identified in the approved phasing plan.

CONDITION 8

Concurrently with the submission of the reserved matters scheme for the site, details in relation to the management of surface water on site during construction of the development shall be submitted to the Local Planning Authority for approval. The development hereby approved shall be built fully in accordance with the approved

scheme.

CONDITION 9

Concurrently with the submission of the reserved matters scheme for the site, details of the long term maintenance of the sustainable surface water drainage system shall be submitted to the Local Planning Authority for approval. The development hereby approved shall be maintained in accordance with the approved scheme.

- 6.40 The Applicant has submitted a Surface Water Drainage Scheme in order to satisfy Conditions 7-9. Comments are awaited from the LLFA. Members will be updated accordingly

CONDITION 11

Concurrently with the submission of the reserved matters scheme for the site, a Construction Environmental Management Plan, which shall include the following and adhered to throughout the construction period:

- b) loading/unloading and storage of plant, materials, oils, fuels, and chemicals in constructing the development
- c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- d) wheel washing facilities and road cleaning arrangements;
- e) measures to control the emission of dust during construction;
- f) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- g) measures for the protection of the natural environment;
- e) hours of construction work, including deliveries and removal of materials;
- f) full details of any piling technique to be employed, if relevant;
- g) location of temporary buildings and associated generators, compounds, structures and enclosures
- h) routing of construction traffic
- i) full details of any floodlighting to be installed associated with the construction of the development
- j) measures to control and minimise noise from plant and machinery

- 6.41 The Applicant has submitted a Construction Environmental Management Plan. LCC Highways are satisfied with the details supplied. HDC Planning Compliance have requested an amendment to hours of work and HDC Environmental Health have asked for further information in relation to dust control, piling and noise control. To avoid delaying the Reserved Matters Decision, the Applicant has submitted a separate 'Discharge of Condition application (21/01726/PCD) to deal with the EHO comments in relation to the CEMP.

CONDITION 12

Concurrently with the submission of the reserved matters scheme for the site, a footpath management plan detailing the temporary diversion, fencing, surfacing, signing and a time table for provision of public footpath 14 shall be submitted to the Local Planning Authority for approval. The development hereby approved shall be carried out in accordance with the approved plan.

CONDITION 13

Concurrently with the submission of the reserved matters scheme for the site, a signing and waymarking scheme in respect of the Public Right of Way, shall be formulated by the developer and submitted to the Local Planning Authority for approval. The development hereby approved shall be carried out in accordance with the approved plan.

- 6.42 LCC Highways have reviewed the public footpaths plan 1227_107 and covering letter and based on the information submitted the LHA would not object to the discharge of conditions 12 and 13. However the applicant should discuss the timescale for the works when they contact the LHA to discuss the temporary closure. Conditions 12 and 13 can therefore be discharged.

CONDITION 18

Concurrently with the submission of the reserved matters scheme for the site, details of the storage and the pick up/drop off points for the domestic waste and recycling bins for the dwellings shall be submitted to the Local Planning Authority for approval. The site shall be developed in full accordance with the approved scheme with the bin and recycling facilities provided prior to the occupation of each of the individual dwellings.

- 6.43 The Applicant has submitted a waste plan (dwg: 1222_100). This shows adequate space within the plots for waste and recycling storage. Those dwellings served by private drives will have dedicated bin collection points, allowing people to place their bins for easy refuse collection. Condition 18 can therefore be discharged.

CONDITION 19

Concurrently with the submission of the reserved matters scheme for this site a site wide electric vehicle charging infrastructure strategy and a site implementation plan shall be submitted to the local planning authority for approval. The electric vehicle charging points shall be implemented fully in line with the approved strategy/plan and details.

- 6.44 The Planning Layout shows every house will be provided with an electric vehicle charging point. Condition 19 can therefore be discharged.

CONDITION 20

Concurrently with the submission of the reserved matters scheme for this site, 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, shall be submitted to the Local Planning Authority for approval. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

- 6.45 A Landscape Management Plan has been submitted (Golby and Luck, GL 1598). The Council's Public Open Space Officer has confirmed the details contained within are sufficient to discharge Condition 20.
- 6.46 Members should note the Applicant intends to use an external management company to maintain and manage the Public Open Space on behalf of the residents. The residents would not own the Management Company, but merely have it set out in their Deeds that they are required to contribute financially for the up keep of the open space. For clarity, the District Council will not be responsible for monitoring the landscaping and open space on site. If residents experience problems of poor landscape management after the open space has been transferred to the Management Company, this should be taken up with the Management Company in the first instance.

Condition 22

Concurrently with the submission of the reserved matters for this scheme, a Risk Based Land Contamination Assessment shall be submitted to the Local Planning Authority for approval, in order to ensure that the land is fit for use as the development proposes.

- 6.47 A Geo-Environmental Assessment Report (Brownfield Solutions Ref:8102) has been submitted. The Council's Contaminated Land Officer has confirmed the details are sufficient to discharge Condition 22.

e) Other Matters

Infrastructure

- 6.48 It is acknowledged the proposed development would generate an increased burden on local services and facilities. A Section 106 was signed (22nd May 2019) as part of the outline consent which makes provision for a range of financial contributions, including
- £110,250 to improve local community facilities
 - £4530 to improve provision at the Fleckney Library
 - £133,089.11 to provide additional primary school space at the Fleckney Church of England Primary School
 - £447,798.06 to provide additional secondary school space at the Kibworth School.
 - £95,673.11 to create additional post 16 education space at the Beauchamp College.
 - towards highway infrastructure works/junction improvements
 - travel packs to include free bus passes to encourage non car modes of travel.
 - AND as discussed earlier within this report £244,955.00 towards sport and recreation facilities.
- 6.49 These contributions would ensure that the impact or additional strain on the existing infrastructure of the village, as well as beyond, are suitably mitigated.

Electric Sub-Station

- 6.50 The Proposed layout has an annotated note advising the location of an electric substation. The substation will be positioned approximately 10m from front elevations of Plots 33 and 34; adjacent to the eastern boundary hedgerow and footpath, with the existing play area on Edward Road behind. Whilst no plans have been provided as to its appearance (suggested condition), they are usually a similar size of a detached garage. Also depending on its size, it may even be permitted development. Furthermore, because the modern substations tend to be quite quiet (as advised verbally by EHO) it is unlikely that it will not cause a noise nuisance to existing or future occupiers.

7. Conclusion

- 7.1 Significant weight should be attached to the outline consent as detailed above. The proposed development is considered to accord with the requirements of the outline decision and relevant policies in respect of its design and layout and very much respects and improves upon the Illustrative Layout that formed part of the Outline Application.
- 7.2 The proposed development by virtue of its scale, design, form and massing and substantial landscape mitigation would safeguard the living conditions of neighbouring residents, would not adversely affect local highway safety or give rise to a road safety

hazard. It would respond appropriately to the site's characteristics. In addition, the proposal would not adversely affect ecological, archaeological or arboricultural interests or lead to an unacceptable flood risk.

7.3 Furthermore, the proposal would bring forward additional residential development and contribute towards the Council's Housing Land Supply, including affordable provision.

7.4 The proposed development complies with the Development Plan as a whole and The Framework and should be **APPROVED**.

8. Conditions

8.1 If Members are minded to approved the application, a list of suggested planning conditions is attached below.

8.2 As this is a Reserved Matters application, the undischarged conditions relating to the outline permission still apply to that permission, and do not therefore need to be repeated as part of a permission in relation to the Reserved Matters application.

1. Plans

The development hereby permitted shall be in accordance with plans as listed in the amended drawing register P06 (submitted 30.09.2021)

REASON: For the avoidance of doubt and to ensure the development is implemented as agreed.

2. Electric Substation

Prior to above ground works, details (siting, scale, appearance) of the proposed electric substation shall be submitted to and approved in writing by the Local Planning Authority

REASON: To ensure the substation is of a satisfactory size and appearance having regard to Harborough Local Plan Policy GD8.

3. Parking and Turning Facilities

No residential unit shall be occupied until the parking and turning facilities associated with that unit have been implemented in accordance Davidsons drawing number: 1222_100, 'Planning Layout', Revision P04, dated 3 September 2021. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

4. Private access drives

Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material

(not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

5. No gates etc

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

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).

6. Pedestrian Visibility Splays

No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of all private accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2021).

7. CEMP

Notwithstanding the details submitted with the reserved matters, no development (inc any demolition or site clearance) shall commence on site a Construction Environmental Management Plan, which shall include the following and adhered to throughout the construction period:

- b) loading/unloading and storage of plant, materials, oils, fuels, and chemicals in constructing the development
- c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- d) wheel washing facilities and road cleaning arrangements;
- e) measures to control the emission of dust during construction;
- f) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- g) measures for the protection of the natural environment;
- e) hours of construction work, including deliveries and removal of materials;
- f) full details of any piling technique to be employed, if relevant;
- g) location of temporary buildings and associated generators, compounds, structures and enclosures
- h) routeing of construction traffic
- i) full details of any floodlighting to be installed associated with the construction of the development
- j) measures to control and minimise noise from plant and machinery

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and to accord with Harborough Local Plan GD8.

Notes to Applicant

- 1) The applicant/developer is advised to consider the comments made by Leicestershire Police comments dated 21.07.2021
- 2) The applicant/developer is advised that you will need to seek a completion certificate from the LPA for the open space works prior to the open space being placed on the 12 month maintenance period is required. The applicant/developer is responsible for maintenance including replacement trees and shrubs during the maintenance period. On completion of the 12 month maintenance period the applicant/developer should seek the final certificate for completion of the open space works. The applicant/developer must submit the Management Company Scheme to the LPA for approval prior to commencement of development to ensure that the open space will be satisfactorily maintained in perpetuity.
- 3) The applicant/developer is reminded that the 5x2bed bungalows should be built to life time homes standards with no age restriction
- 4) The applicant/developer is reminded to discuss the timescale for the works when they contact the LHA at footpaths@leics.gov.uk to discuss the temporary closure.
- 5) If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>. If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
- 6) To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

Planning Committee Report

Applicant: Mr Karl Morgan

Application Ref: 21/01344/FUL

Location: 6 Old Holt Road Medbourne

Proposal: Demolition of conservatory and rebuilding to form sunroom, raising roof to side of property to enable staircase for access to convert roof space to include dormer to the rear elevation and two rooflights to the front elevation (revised scheme of 21/00933/FUL)

Application Validated: 22/7/2021

Target Date: 16/09/2021

Consultation Expiry Date: 27/8/2021

Site Visit Date: 29/7/21

Case Officer: Naomi Rose

Reason for Committee decision: The application has been 'called-in' by Cllr Rickman, it is contested it is not detrimental to the conservation area and improves the current structure.

Recommendation

Planning Permission is to Refuse:

The proposed single storey rear extension (sunroom) due to its design, massing and siting results in a significantly overbearing and overshadowing impact upon the adjoining neighbour's amenity. As such the proposal is contrary to Policy GD8 of the Harborough Local Plan and Section 12 para.130 of the Framework.

1. Site & Surroundings

- 1.1 The site is to the north of the village centre off the Main Street, on the north side of Old Holt Road. The site is an old semi-detached two bedroom house with modest rear garden enclosed by a high close boarded fence with a driveway to the side. There is an existing deep conservatory to the rear, built to the side of the original outbuilding attached to the house.

Location plan



- 1.2 The site is surrounded by residential dwellings and is within the village and conservation area of Medbourne

2. Site History

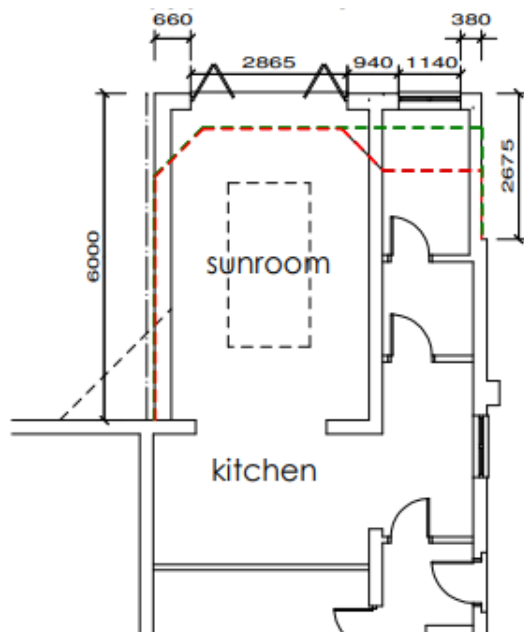
- 2.1 21/00933/FUL Demolition of conservatory and rebuilding to form sunroom, raising roof to side of property to enable staircase for access to convert roof space to include dormer to the rear elevation and two rooflights to the front elevation. Approved

3. The Application Submission

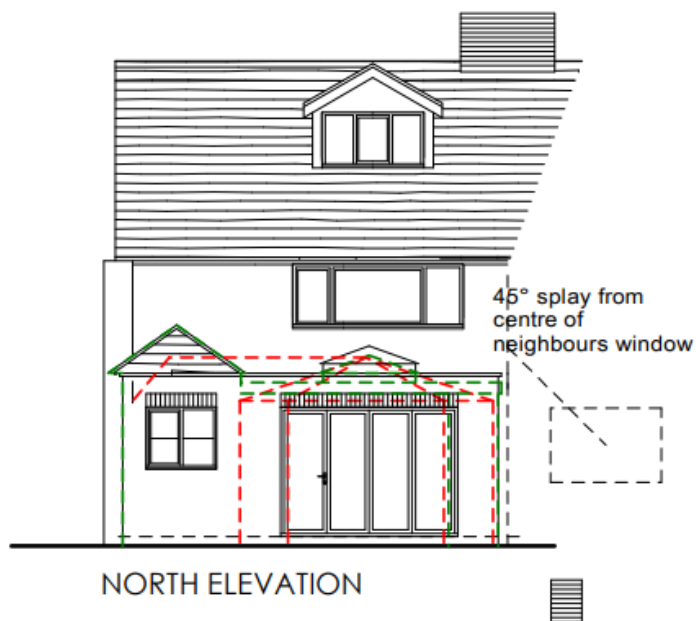
a) Summary of Proposals

- 3.1 The proposal is the same as previously approved:
- Demolish the existing rear conservatory and rear access/hall.
 - Erect a flat roof sunroom, plus an extra small room.
 - Raise the height of the two storey lower section of the house to gain access to the loft to create a bedroom with a rear dormer and rooflights.
- 3.2 Except:
- The proposed rear extension now projects 6.0 metres from rear of property
 - Splay in-line with the existing conservatory has been removed.
 - The height of the sunroom has been increased

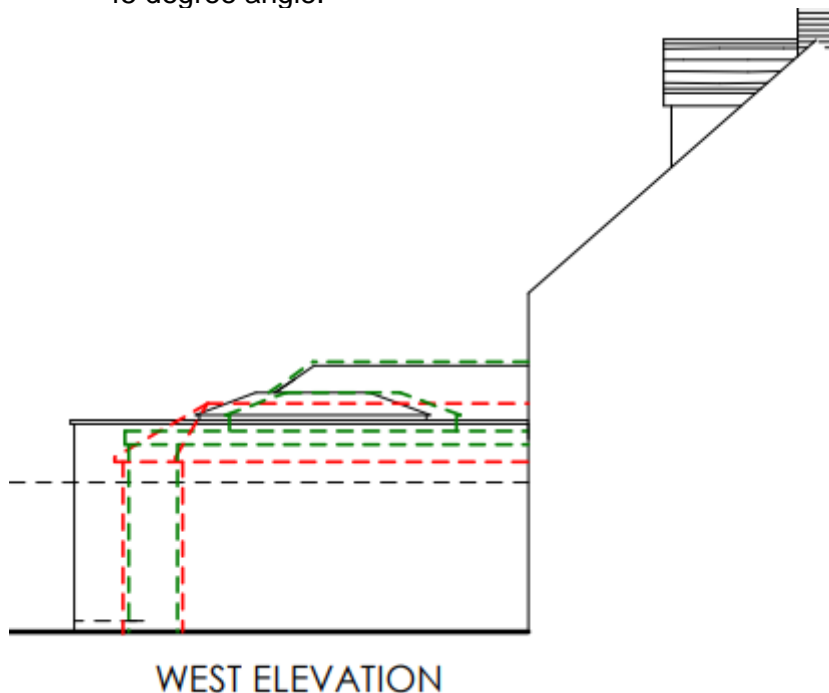
- 3.3 **Proposed floor plan** (green dotted line is previous approval, red dotted line is the existing conservatory *nb colour plans available online and committee PowerPoint*). The centre of the neighbour's habitable room window has also been marked on the plan, please also note that the existing conservatory diverts away from the boundary at 45degrees at a point 4.5m along the boundary.



- 3.4 **Proposed rear elevation** (please ignore the 45 degree line on the north elevation, this is not how the line is applied in the SPG)



- 3.5 **Proposed west (side) elevation** (facing No.4) It can be seen on this plan that the point at which the conservatory and previous approval divert away from the boundary at an 45 degree angle.



c) Pre-application Engagement

3.6 none

4. Consultations and Representations

4.1 none

a) Statutory & Non-Statutory Consultees

4.2 none

b) Local Community

4.3 none

5. Planning Policy Considerations

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

a) Development Plan and material planning considerations

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

- *The Framework* Sections:
Section 7: Requiring good design

- *Harborough Local Plan*
GD8 Good design in development
HC1 Built heritage
- *Supplementary Planning Guidance*
5 – Residential extension
- Medbourne Neighbourhood Plan May 2018 Made
Policy H5 Building design principles
- LCC Highway Authority Standing Advice (September 2011).
- Conservation Areas - Planning (Listed Buildings & Conservation Areas) Act 1990, Section 72(1)

6. Assessment

a. Impact upon the street scene and conservation area

- 6.0 As this application is for the erection of a extensions to a dwelling-house within the village and conservation boundary. Policies GD8 and HC1 of the Harborough Local Plan are relevant in the consideration of the above proposal.
- 6.1 Policy GD8 states that development will be permitted where it achieves a high standard of design, by ensuring development is inspired by, respects and enhances the local character and distinctiveness of the settlement, is sympathetic to local vernacular, and respects the context and characteristics of the individual site, street scene and wider local environment. In addition, the policy seeks to minimises the impact upon the amenity of future and existing residents and provide safe access and adequate parking.
- 6.2 HC1 Built Heritage states that development affecting heritage assets and their setting will be permitted where it protects, conserves and enhances the significance, character and setting of the asset. Development within or affecting a conservation area will be permitted where is preserves and enhances the character and appearance of the conservation area.
- 6.3 SPG Note 5 states that extensions should be in keeping with and subservient to the original building in terms of scale, mass and design. Extensions should also not result in an adverse loss of privacy or have an adverse overbearing or overshadowing impact.
- 6.4 The raising of the side two storey section so the eaves are higher than the existing eaves, does appear odd, but 10 Old Holt Road has the same extension (00/00881/FUL), therefore it is acceptable in the street scene.

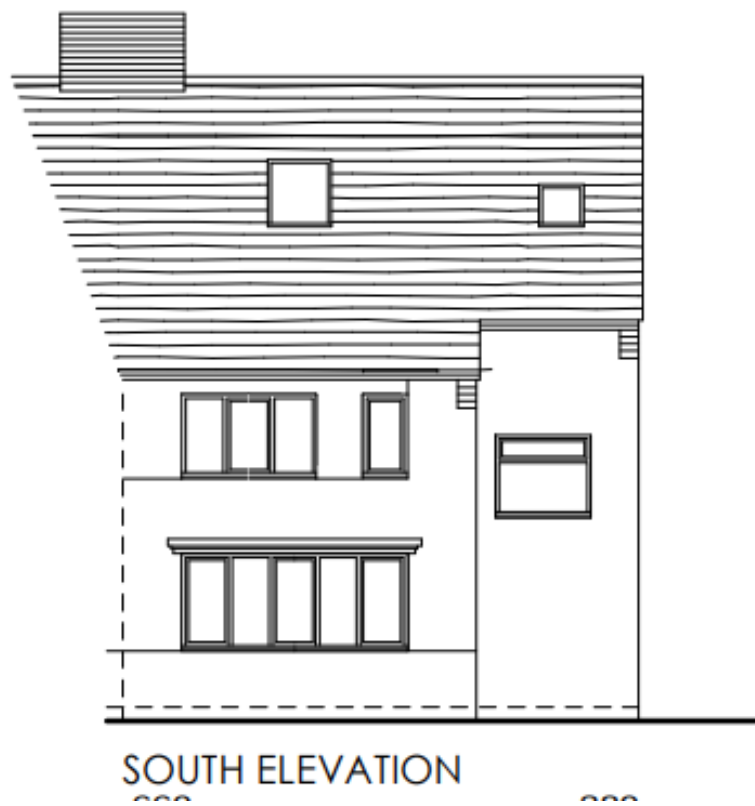


Photo of the front of the house (No.4, 6 and 8)



- 6.5 Two rooflight are proposed in the front elevation, this is acceptable, subject to conservation type rooflight (condition). The single storey extension to the back is only partially visible from the street therefore it does not adversely affect the conservation area.
- 6.6 Overall the proposals do not adversely affect the character and appearance of the conservation area. The application is therefore considered to be in accordance with Policies HC1 and GD8 of the Harborough Local Plan.

b. Residential amenity

- 6.7 Policies GD8 states that development will be permitted where it is designed to minimise impact on the amenity of existing and future residents. Section 12 para 130 (f) states that developments shall create places with a high standard of amenity for existing and future users.
- 6.8 No.8 Old Holt Road is the dwelling that is not attached to No.6 on the east side of the application site on higher ground (1m). On the side elevation is the front door, small hall/stairs window and a kitchen window. Given the single storey height of the proposal, separation distances, position of the kitchen window and height difference between sites, the proposal does not adversely affect existing resident's amenity at No.8 Old Holt Road.
- 6.9 The adjacent attached property (No.4) has a habitable room window in the original rear elevation of the dwelling adjacent to the joint boundary. The revised proposal is similar to the original scheme submitted under 21/00933/FUL (see Appendix A), prior to it being amended. The proposal has a significant depth of 6m immediately abutting the joint rear/side boundary with No.4, also the height of the wall at 2.8m, 1 metre above the high close boarded fence, means that the rear extension would be significantly overbearing upon the amenity of the neighbouring residents both outside and inside the dwelling.
- 6.10 The proposal is to the east, therefore due to its excessive length and height will result in an overshadowing structure, detrimental to the amenity of existing residents. It also breaks the 45-degree line as quoted in the Supplementary Planning Guidance (see proposed floor plan).



6.11 In reaching the conclusion above the existing conservatory to the rear of No.6, has been considered (see dotted red line on the floor and east elevation plans). It only has a 4.5m deep wall on the boundary before angled away at 45 degrees, a glazed structure which angles away extending to a total depth of 5.3metres. The eaves height is 2.3m, with a glazed pitched roof above. This is considered given the situation at No.4 to be the maximum acceptable arrangement.

6.12 Previously, with the existing situation in mind, a revised scheme was negotiated whereby a similar footprint with a slight increase in height of the flat roof (between the existing eaves and ridge) to 2.5metres was acceptable and approved under 21/00933/FUL. Again, this up-dated proposal is the maximum acceptable arrangement. It is considered that this proposal due to the additional length, height and solidity of the proposal on the boundary relative to the conservatory creates tangible extra harm.

6.13 **Summary of measurements**

	Height	Depth
Existing conservatory	2.3m (eaves, fully hipped glazed roof)	4.5m/5.3m (cuts away from the boundary at 45 degrees)
Approved scheme 21/00933/FUL	2.5m (flat roof)	4.5m/5.3m (cuts away from the boundary at 45 degrees)
Proposal	2.8 (flat roof)	6m

6.14 Residents to the rear and front are not adversely affected by the proposal due to the existing situation and long separation distance.

6.15 The proposal therefore adversely affects neighbour's amenity. The application is therefore considered to be contrary to Policy GD8 of the Harborough Local Plan and Section 12 para (f) of the national Planning Policy Framework.

c. Highways:

6.16 The proposal results in an increase from a two bedroom property to a three bedroom property, there is sufficient off-street parking for two cars plus landscaping, therefore there are no highways safety issues. The application is therefore considered to be in accordance with Policy GD8 of the Harborough Local Plan.

7. Conclusion

7.1 The proposal, whilst it does not adversely affect the character and appearance of the conservation area and highway safety, it does however, adversely affect the amenity of adjoining neighbours. The proposal is therefore contrary with Policy GD8 of the Harborough Local Plan and Section 12 of the Framework.

Appendix A

Town and Country Planning Act 1990 PLANNING PERMISSION

Date: 5th July 2021

Name and address of applicant:	Name and address of agent (if any):
Mr Karl Morgan 44 Drayton Road Medbourne Market Harborough LE16 8DW	Martyn Jones And Associates Limited The Reading Room 33 Main Street Medbourne Market Harborough LE16 8DT

Part I - Particulars of application

Date of application: 18th May 2021 Application number: 21/00933/FUL

Particulars and location of development:

Demolition of conservatory and rebuilding to form sunroom, raising roof to side of property to enable staircase for access to convert roofspace to include dormer to the rear elevation and two rooflights to the front elevation., 6 Old Holt Road, Medbourne, Leicestershire, LE16 8DY.

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, the Harborough District Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

Conditions and Reasons

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

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

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

Location plan ref: 21/001.1
Proposed floor & elevation plans ref: 21/001.3D

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

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

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

21/00933/FUL - Demolition of conservatory and rebuilding to form sunroom, raising roof to side of property to enable staircase for access to convert roofspace to include dormer to the rear elevation and two rooflights to the front elevation., 6 Old Holt Road, Medbourne, Leicestershire.

4. Before the first occupation of the proposal (loft conversion), parking provision for two car parking spaces shall be provided and retained thereafter for this purpose on a permanent basis.

REASON: To ensure that adequate parking facilities are provided to prevent on-road parking in the locality having regard to Harborough Local Plan Policies GD8 and IN2, and the National Planning Policy Framework.

5. The rooflights hereby approved shall all be of a 'conservation' style, without an externally visible blind box, and installed to be flush with the roof plane and thereafter not replaced with any alternative type without the prior permission in writing of the Local Planning Authority.

REASON: To safeguard the historic fabric and the architectural character and appearance of the heritage asset having regard to Harborough Local Plan Policy HC1 and the National Planning Policy Framework.

Notes to Applicant

1. 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 821090). 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.
2. If the plans deposited involve the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.

Proposed plans

