

APPLICATIONS FOR DEVELOPMENT

APPLICATIONS FOR DETERMINATION BY COMMITTEE

Major Proposals/Site Inspections:

10/01756/FUL – LEIRE
Mr & Mrs S Harvey

Erection of 2 dwellings and 2 detached garages and erection of garages attached to the rear of "The Hatchery" to serve "The Gables", The Gables, Main Street.

Target Date: 03.03.2011

Recommendation:

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

The development hereby approved, by virtue of its form, mass, scale, proportions and style, would not be harmful to visual amenity in the surrounding area, would not adversely affect views or undeveloped areas of land important to the form and setting of the settlement, would not have an adverse effect on the amenities of neighbouring sites, would not adversely affect ecological or archaeological interests, or on-site and neighbouring trees and foliage worthy of retention, and would not be detrimental to highway safety. Furthermore, the development preserves the character and appearance of Leire Conservation Area. The proposal, therefore, complies with Policies IN/1, RM/10, EV/11, EV/15, EV/16, EV/19, EV/20, EV/23, HS/7, HS/8, HS/12 and TR/10 of the Harborough District Local Plan and Supplementary Planning Guidance Notes 1, 2, 3, 5, 9, 10 and 19 and no other material considerations indicate that the policies of the development plan should not prevail. The proposal also complies with national planning documents PPS1, PPS3, PPS5, PPS9, PPG13, PPS23 and PPS25.

Committee Decision Requirement:

This application is being reported to the Planning Committee for determination because of the level of local opposition (a significant number of objection letters have been received).

Site:

The application site lies within the Limits to Development and Conservation Area of Leire and, currently, mainly consists of the large rear garden to the application dwelling ("The Gables"). The eastern edge of the site connects to Main Street (with dwellings opposite) and the western edge of the site runs along Back Lane for approximately 22m (with countryside beyond). The east to west site length/depth is approximately 85m. Back Lane is a boundary edge of the Conservation Area and the Limits also run along this part of the Lane. There are no Listed Buildings within close visual proximity of the site, although the street frontage building known as "The Hatchery" (which is affected by this proposal) is judged to represent a Character Building in the Conservation Area. The development does not affect Important Open Land (Local Plan Policy HS/9).

The proposed northern site boundary is formed by the remaining/retained rear garden area of The Gables, as well as part of the garden area of the neighbouring dwelling "Ash House". An extant planning permission for the erection of one detached dwelling exists on part of the Ash House site, immediately to the north of this application's Plot 1 (08/01543/FUL – "Erection of detached dwelling and double garage" – Approved 15/05/09 – Expires 13/05/12). The southern site boundary adjoins 5 separate properties – "The White Horse Inn" public house and 4 dwellings (No.s 1-4 Back Lane).

The site is to be accessed from Main Street, through the existing vehicular access which serves The Gables. To achieve the requisite improved access width and visibility splays, the proposal necessitates demolition of the end gable and truncation of The Hatchery (and historical street frontage building owned by the applicants which is in active use as offices).

An assortment of timber, brick and corrugated metal sheet, partially dilapidated, outbuildings are proposed to be demolished to make way for new garages to serve The Gables (note live application 11/00288/CON). A private access drive is proposed to run west, through the site, to reach turning/parking/garage provisions situated to the rear of the 2 proposed dwellings. The dwellings are designed with their front elevations facing Back Lane, although there is no proposed vehicular access into the site from Back Lane (pedestrian access only).

The application site contains a wide range of mature and semi-mature trees, shrubs and foliage, the majority of which are proposed to be retained. In the vicinity of the site, Back Lane possesses a very green and rural feel, with a covering canopy of foliage. Across Back Lane to the west are a number of mature trees which contribute to this canopy and green aesthetic and screen this part of the settlement from the open countryside.

Land levels slope uphill from east to west – from Main Street to Back Lane. The 2 proposed dwellings are situated on the highest part of the site, slightly elevated above Back Lane. The highest section of Back Lane runs in front of the site and the Lane slopes downhill both to the north and the south from this point.

The Proposal:

The proposal has been substantially amended compared to the original submission. The original proposal for 3 dwellings has been reduced to 2 dwellings. The former Plot 1 dwelling has been removed during the application process – it was identified to require the unacceptable removal, or likely compromise, of significant trees; specifically a large Eucalyptus (T40), an Arizona Cypress (T38) and a Mulberry (T44). A Nootka Cypress (T50) has also been identified as a Category A1 tree which is worthy of retention and under potential pressure/conflict from the development of the access drive. Tree Preservation Orders are now being initiated on these 4 trees (T38/T40/T44/T50).

Garages attached to the rear of The Hatchery remain as part of the proposal. A single detached garage to serve Plot 2 is proposed and a double detached garage to serve the new Plot 1 (formerly Plot 3) is proposed.

A list of the changes in Amended Plans A follows:

- The dwelling formerly known as Plot 1 has been omitted from the scheme with the garaging previously associated with that part of the application retained for determination at this stage;
- Plot 3 has been renumbered Plot 1 accordingly;
- Plot 2 has been moved 2.5m further to the east;
- Plot 1 has been moved 1.5m further to the east;
- The dimensions from the southern boundary to the side elevation of No.4 Back Lane have been measured electronically and this dwelling has been indicated more accurately on the site layout plan than could previously be determined from the Ordnance Survey plan;
- Distances from Plot 2 to No.4 Back Lane have been indicated;
- The eaves level of Plot 2 has been reduced to lessen impact on No.4 Back Lane;
- A gap above 4m high in the boundary vegetation between Plot 2 and No.4 Back Lane is proposed to be reinforced with native tree planting to minimise impact on No.4 Back Lane;
- Plots 1 & 2 have been indicated to be sunk into the ground by around 0.5m and finished ground floor levels indicated;
- The car-barn details for Plots 1 & 2 have been confirmed and it will be noted that the footprint of the car-barn for Plot 2 has been reduced to a “single” size;
- Further minor changes have been made to the elevation details of Plots 1 & 2 including the location of obscure glazing to windows and cant brick sill details;
- The red and blue lines of the application site boundaries have been retained to avoid technical issues but the land formerly associated with the original Plot 1 will remain part of the site of The Gables.

Policy:

National:

PPS1 – *Delivering Sustainable Development*
 PPS3 – *Housing (as amended)*
 PPS5 – *Planning for the Historic Environment*
 PPS9 – *Biodiversity and Geological Conservation*
 PPG13 – *Transport*
 PPS23 – *Planning and Pollution Control*
 PPS25 – *Development and Flood Risk*

East Midlands Regional Plan:

Policy 2 – Promoting better design
 Policy 13a – Regional Housing Provision (excluding Northamptonshire)
 Policy 29 – Priorities for Enhancing the Region’s Biodiversity
 Policy 35 – A Regional Approach to Managing Flood Risk
 Policy 43 – Regional Transport Objectives
 Policy 45 – Regional Approach to Traffic Growth Reduction
 Policy SRS 3 – Housing Provision

Harborough District Local Plan:

IN/1 – *Standards of Development*
 RM/10 – *Maintenance and Protection of Habitats – Ecological and Geological Diversity*
 EV/11 – *Conservation Areas – Character and Appearance*
 EV/15 – *Historic Buildings – Extensions and Alterations*

EV/16 – *Historic Buildings – Setting*
EV/19 – *Protection of Trees*
EV/20 – *Landscaping*
EV/23 – *Control of Pollution and Nuisance*
HS/7 – *Settlement Character*
HS/8 – *Limits to Development*
HS/12 – *Domestic Extensions, Outbuildings and Garages*
TR/10 – *Parking Requirements*

Local Guidance (Supplementary Planning Guidance):

SPG Note 1 – *Design Principles to be applied in the Harborough District*
SPG Note 2 – *Residential Development*
SPG Note 3 – *Single Plot Development and Development of Small Groups of Dwellings, including Development within Conservation Areas*
SPG Note 9 – *Landscape and New Development*
SPG Note 10 – *Trees and Development*
SPG Note 19 – *Development and Flood Risk*

“*Highways, Transportation and Development*” SPG

Emerging Core Spatial Strategy (CSS)

Consultations / Representations:

Leicestershire County Council Highway Authority (Matt Lennon):

Comments received 02/02/11 and 15/03/11. No objections: Conditions and Informative Notes are recommended.

Planning Officer comments – One of the Highway Officer recommended Conditions (construction vehicle parking facilities to be provided within the site) is part of an alternative, Planning Officer recommended, “Construction Method Statement” Condition.

It is noted that a Condition restricting vehicle access from Back Lane is Highway Officer recommended. While the submitted plans propose vehicle access only from Main Street, without this Planning Condition the dwelling occupiers could create new vehicular access/es onto Back Lane without requiring Planning Permission (Back Lane is not a Classified Road). Pedestrian accesses of no more than 1m in breadth are judged to be acceptable.

Leicestershire County Council Forestry and Arboricultural Officer (Peter Kenyon):

Comments received 17/02/11 on **original** plans. Objections raised:

“The indicative layout conflicts with some of the existing higher category trees, particularly T14 larch, T23 cherry, T38 cypress, T40 eucalyptus and T44 mulberry. Of these T40 is the largest and most prominent, and this tree is likely to be the most contentious in my opinion because it can be seen between and over the houses on Main Street, and from Wales Orchard over the pub car park. The tree is in good condition and is a fine example. Although the trunk stem divides into a number of main upright limbs, the branch unions appear sound and with no apparent defects.”

The conflict here is with the westward extension of the proposed house on plot 1, separated from The Hatchery by covered car parking. This layout would require the removal of T40, and probably T38 and T44, along with a number of category C trees.

The construction of a house on plot 2 would require the removal of cat B trees T14 and T23 but these trees are well to the rear of the plot and clearly not as locally conspicuous. The layout of plots 2 and 3 are set back from Back Lane and existing trees are shown as retained, which should preserve the very rural 'feel' of this lane.

The cat A/B trees T1/T4/T7/T31/T50 would not be affected by the proposal.

Conclusion

- 1. Many of the trees on the site are small and not publicly visible, although they have a screening effect for neighbouring properties and contribute considerably to the garden treescape.*
- 2. It would be unreasonable to refuse an otherwise acceptable development for most of the cat C trees, and such a refusal could be challenged at appeal.*
- 3. The application as submitted requires the removal of the largest and most prominent tree on the site, categorised highly by the applicant's own survey; a revised layout of plot 1 would be the only way to retain this tree."*

The proposal has been significantly amended (Amended Plans A) to reflect the above comments. Most notably, T40 (eucalyptus) is now retained and there will be no development pressure on T38 and T44 (as previously existed). However, the Proposed Site Layout Plan, both before amendment and post amendment, indicates the removal of T7 (a Category B2 tree) (to make way for the, now renamed, Plot 1's double garage) and the likely removal of T4 (a Category B2 tree) (turning/parking area) and T50 (a Category A1 tree) (access drive). There is scope to slightly amend the access drive by way of Landscape Scheme Condition in order to retain/protect T50. T1 and T31 are not affected by the original and the amended proposal.

The proposal shows the retention of T23 (cherry) but removal of T14 (larch).

An Arboricultural Method Statement Condition is Planning Officer recommended to enable the applicant to submit details of the trees to be removed/altered/retained and how they will be appropriately protected during construction (in accordance with BS5837:2005 "Trees in Relation to Construction" and other best practice guidance).

Harborough District Council Contaminated Land Officer (Gareth Rees):

Two Conditions are recommended based upon the **original** plans and have been recommended for retention based upon the **amended plans A** – 1.) Risk Based Land Contamination Assessment & 2.) Completion/Verification Investigation Report.

Two Informative Notes are recommended by the CL Officer – no burning of waste on site and construction work hours. It is recommended that a "Construction Method Statement" Planning Condition is added – amongst other issues, this would address these two points (see recommended Conditions/Informative Notes at end of report).

LCC Ecology:

Comments received 24/01/11. No objections:

“The Ecology report submitted with this application [Ecolocation, December 2010] is satisfactory. Evidence of minor use by two species of bats [Pipistrelle and Brown Long-Eared] for feeding was found in the outbuilding to be demolished.

No further action is needed at this stage, but we would recommend that the applicants’ attention is drawn to the recommendations in the report.”

It is proposed to add “Protected Species Watching Brief” and “Trees – Protected Species” Informative Notes to remind the applicants of the above issues.

LCC Archaeology:

Comments received 25/02/11 and 25/03/11:

“The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies in an area of archaeological interest. It is situated within the historic settlement core of the village of Leire (HER Ref: MLE 9316), where remains of medieval settlement have been uncovered (MLE 1850). Additionally, material dating to the prehistoric and Roman periods has been discovered in Leire (MLE 9178; 9181). The building now known as ‘The Hatchery’ appears to date from the early 19th century and contains re-used timbers that may be much earlier. The structure lies on a major street frontage towards the heart of the historic settlement core of Leire where there is a high potential for the presence of medieval or post-medieval structural remains or evidence related to domestic occupation. These remains could have been disturbed by construction of the current building, but may survive intact outside of the areas of immediate impact from deep excavations, such as below the current floor surfaces. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.... This structure appears to be of local historic interest and should be considered an undesignated heritage asset.”

Two Conditions and one Informative Note are recommended by LCC Archaeology to ensure satisfactory archaeological investigation and recording. A third Condition relating to the identical rebuilding of the gable in truncated form is endorsed by LCC Archaeology and the HDC Conservation Officer.

Harborough District Council Conservation Officer:

Comments received on amended plans A (25/03/11):

“The proposed dwellings due to their position and design are considered not to have a detrimental impact on the character and appearance of the Conservation Area and therefore will not be harmful to the significance of the heritage asset in this location.

The demolition of a section of the historic outbuilding known as The Hatchery is regrettable as this building is prominent within the street scene. However as the building in my opinion is not so significant as to be worthy of listing and as the proposal involves demolition of a less than a significant proportion of the building the planning authority has limited powers to controls this. Furthermore the building will retain its linear form on the street frontage and provided that the gable and parapet are rebuilt on a like for like basis it is considered that the demolition will not result in significant detrimental affects on the street scene or significant harm to the character of the Conservation Area, therefore complying with PPS5.”

Parish Council:

Comments received:

- No access onto Back Lane by vehicles or pedestrians;
- Access off Main Street and parking on Main Street gives us great concern;
- Height and layout of development;
- No landscaping scheme provided with planning application;
- Not enough consultation with adjoining property owners. Feel this should be done prior to any decision being made;
- In the event this application being successful no materials to be taken or removed from site via Back Lane.

Representations:

Based upon the **original plans**, letters of objection/comment have been received from 18 different addresses, raising the following points:

- 1.) The houses should be screened to maintain the rural nature of Back Lane;
- 2.) The proposal will have a harmful impact on the character of Back Lane – the two houses immediately adjacent to Back Lane will be visually intrusive, because of their size and proximity to the site boundary, and the rural aspect of the Lane will be overpowered;
- 3.) The Back Lane dwellings are out of keeping with the pattern of development in the area, exacerbated by their modern two storey form and design;
- 4.) The plot of land will be overdeveloped if three new properties are put into this rural garden;
- 5.) The dwellings should be 2/3 bedroom houses rather than 4 bedroom;
- 6.) The Back Lane dwellings lack sufficient outdoor amenity space/gardens;
- 7.) Tree numbers T40, T41 and T38 are of great amenity value and should be made the subject of TPOs. The removal of these trees would be a significant amenity loss to the village;
- 8.) The loss of mature trees and shrubs will have significant ecological implications;
- 9.) The closeness of retained trees means many of them will be adversely affected by the building process, leading to possible further losses and pressure from new residents to lop/fell them to improve their overshadowed outlook;
- 10.) The road layout of Main Street in the vicinity of the development is very hazardous and the proposed new access is a serious safety issue, particularly when mindful of the proximity of the public house and village hall (which has no off road parking);
- 11.) The proposal will lead to on street parking and traffic problems;
- 12.) Traffic during construction needs to be considered and I am not aware of any proposals from the applicant in this regard. Traffic should not access the site via Back Lane;
- 13.) Should the application succeed, a wall or other permanent barrier should be erected on the site adjoining Back Lane to prevent vehicular access;
- 14.) The Hatchery is an old building dating to at least the 1700s (1800 as reported by another neighbour) and must surely be retained as an historic part of the architectural vernacular of Main Street. Its partial demolition will adversely affect the character and appearance of the Conservation Area;

- 15.) The building of 2 houses will come right up to the border of my garden taking both light and privacy (Kimber Bank, No.4 Back Lane). They will be overpowering in their design, intrusive and not in keeping with other properties;
- 16.) Plot 1 [*ed. now removed from the proposal*] will dominate our property and garden and cause loss-of-light and loss-of-privacy;
- 17.) Plot 1 [*ed. now removed from the proposal*] is insubordinate to The Hatchery;
- 18.) The current proposal is not sufficiently detailed. It lacks high quality landscaping and details in relation to boundary treatments;
- 19.) "Back Garden" development is unacceptable in principle and I object;
- 20.) The proposed demolition of The Hatchery will lead to the loss of small business premises in the village.

Based upon the **amended plans A**, letters of objection/comment have been received from 11 addresses, stating the issues listed above and raising the following points:

- 1.) The planned houses have 4 bedrooms. There are few 1 and 2 bedroom houses in Leire. It would be benefit the village community to have smaller houses built;
- 2.) No.3 Back Lane reports garden and dwelling privacy/overshadowing concerns resulting from the now set-back siting of Plot 2;
- 3.) The two dwellings will have inadequate private open space and what there is will be dominated and overshadowed by trees;
- 4.) T14 (Larch) and T23 (Cherry) should also be retained [*ed. T23 is shown to be retained on the plans.*]

Site Planning History:

11/00288/CON – Demolition of former chicken sheds – Pending consideration.

No other planning history for The Gables' rear garden which forms part of this application.

Multifarious history for "The Hatchery", the most recent being:

08/00198//FUL – Change of use from beauty spa (A1) to offices – Approved 11/04/08.

Policy Assessment:

As this application, in Amended Plan A format, is for the erection of two dwellings, associated garages and a new garage block for The Gables, on a site which lies within Leire's Limits To Development and Conservation Area (with impacts on a Character Building – The Hatchery), Policies IN/1, RM/10, EV/11, EV/15, EV/16, EV/19, EV/20, EV/23, HS/7, HS/8, HS/12 and TR/10 of the Harborough District Local Plan are considered to be most relevant, in conjunction with Supplementary Planning Guidance (March 2003) Notes 1, 2, 3, 9, 10 and 19.

PPS1, PPS3, PPS5, PPS9, PPG13, PPS23 and PPS25 are also considered to be relevant.

Emerging Core Spatial Strategy (& sustainable settlement issues) – Principle of Development:

During recent years, a significant amount of residential development has taken place along Back Lane. For highway safety reasons, it has been a consistent policy of LCC Highways to resist the creation of new dwellings with accesses on to Back Lane, particularly higher up the Lane in the proximity of this application site. Therefore, permitted dwellings in this locality have only been allowed on the basis that they are accessed from Main Street. For design, form and visual amenity reasons, such dwellings present their front elevations to Back Lane.

Most potential plots along Back Lane are now built upon, or possess extant planning permission. The Ash House site, immediately to the north of the application site, possesses planning permission for the erection of one detached dwelling (08/01543/FUL). "Joiners House", to the north of Ash House, is one remaining site with a boundary along Back Lane in this locality which has not been developed, nor has permission for development been sought.

The Core Spatial Strategy (CSS) Pre Submission Consultation Draft has now been through the public consultation stage. It has been considered by Full Council and is expected to be submitted for government inspection in mid-2011. Therefore, some weight can be attached to the CSS when considering proposals. In the District-wide spatial vision set out in the CSS (specifically Policy 17), Leire would presently not be classed as a "Rural Centre" or "Selected Rural Village". Policy 17 states: "*Outside these rural settlements, new development in the Countryside and other settlements not identified as selected rural villages will be strictly controlled.*" It goes on to state: "*Villages not identified, but which have identified Limits to Development may be suitable to receive very limited small scale infill development.*"

The current application site lies within the Limits to Development of Leire. Development of this site is considered to represent infill development along Back Lane – between No.4 Back Lane (to the south) and the permitted detached dwelling in the Ash House plot (to the north). At this stage of the CSS process, it is not judged that the proposal conflicts with emerging policies such as to be unacceptable in principle.

5 Year Housing Supply:

The Council cannot demonstrate a 5 year housing land supply based on targets in the Regional Spatial Strategy (RSS). Since the Council supports the levels of District housing provision set out in the RSS, this shortfall is an important material consideration and the proposal (albeit only for two dwellings) will help to address this. This carries considerable weight, within the terms of Planning Policy Statement 3 (particularly paragraphs 68-71), in favour of the proposal.

Partial Demolition of The Hatchery – Impact on the Character and Appearance of the Conservation Area:

To achieve requisite vehicular access widths and visibility splay improvements to the site, the proposal requires the partial demolition of the north end-gable of the building known as The Hatchery. It is proposed to truncate the building by 2.6m and rebuild the gable to match its current appearance. This will result in the building being reduced in streetscene breadth from its present 14m down to 11.4m.

An Historic Building Assessment (HBA) for the building has been commissioned and submitted by the applicant to enable a full assessment to be made of the proposed demolition work.

The building fronts immediately onto Main Street and is an historical and integral part of the Conservation Area streetscene. The HBA reports that "*The Hatchery is a stable or ancillary outbuilding of common form thought to date from the early 19th century.*" (p.17; para 9.1).

The proposed demolition works are judged to cause some harm to the historical character and appearance of the building and the Conservation Area. However, The Hatchery will retain its defining street frontage linear form. The building does not have any symmetrical features which will be adversely affected. The HBA concludes that "*the building is considered to be of moderate to low significance*" (p.17; para 9.3) and "*it is not considered that the building possesses the special architectural or historic interest required to fulfil the criteria for addition to the Secretary of State's list.*" (p.17; para 9.2) (i.e., it does not warrant designation as a Listed Building).

It should be noted that Conservation Area Consent (CAC) is not required for the demolition of the end gable of The Hatchery as currently proposed. However, the visual impact of the proposed site access (and the inherent demolition requirements) upon the character and appearance of the Conservation Area is a material planning consideration (this would require permission in its own right as it represents the laying out and construction of a significantly altered access on to a Classified Road). The applicant's fall-back position, should the application be refused on grounds of harmful demolition, would be to demolish the end gable of The Hatchery and then resubmit the application. They could not, however, lay out and construct the new access without permission, whether applied for as part of the current application or independently. Owing to the nature of the proposal – an opportunity to secure 2 new dwellings with The Hatchery demolition element potentially being the only obstacle to obtaining planning permission – it is considered to be a reasonable assumption that the applicant would pursue this course of action.

LCC Archaeology does not object to the proposed partial demolition work, subject to the addition of two Planning Conditions (should approval be granted). The submitted "Site Layout" plan states "*gable end of The Hatchery reconstructed to replicate existing arrangement/appearance.*" Both the LCC Archaeology Officer and Harborough District Council Conservation Officer have advised that the gable and parapet should be rebuilt on a like for like basis. A further Planning Condition is recommended to ensure this.

On balance, it is considered that the visual impacts of the proposed site access (whilst harmful owing to the requisite partial demolition of an historical character building) are not sufficiently detrimental to the character and appearance of the site and the wider Conservation Area such as to warrant refusal of planning permission.

Design and Visual Amenity, including Impact on the Character and Appearance of the Conservation Area:

The proposal has been significantly amended in order to protect the character and appearance of the Conservation Area locality. Significant mature trees are now proposed

to be retained and an Arboricultural Method Statement Condition is recommended to clarify and safeguard the protection of trees if this development is permitted. A temporary Tree Preservation Order (TPO 203; pending permanent confirmation) has been placed on four trees on the site that are judged to be worthy of retention and affected by the development proposals (T38, T40, T44 and T50). The requirement to retain T38, T40 and T44 has necessitated an amended proposal which includes the removal of the Plot 1 dwelling. The proposal depicts the retention of T23 (cherry), which lies between No.4 Back Lane and the proposed side elevation of Plot 2.

A number of other changes have been made to the proposal as part of the Amended Plan A submission. Plots 1 (formerly 3) and 2 have been moved farther back within their plots – farther away from Back Lane – in order to mitigate pressure on Back Lane foliage and make the two side-by-side dwellings less conspicuous within their rural/green surroundings. They now have a slightly staggered form of development which is considered to harmoniously relate to No.4 Back Lane to the south and the approved new dwelling on the Ash House site to the north. No harm to warrant refusal of planning permission has been identified with regard to neighbour concerns that the proposed form of development is out of keeping with the surrounding pattern of development – it is judged to be satisfactorily in keeping.

Land levels on this part of the site (which is a high point along Back Lane) are proposed to be reduced by approximately 0.5m to reduce the visual impact of the dwellings. This will give the dwellings slightly stepped FGFLs which are similar in level to the Back Lane carriageway and respect the gradient of Back Lane. A prescriptive Condition is proposed in this respect. The eaves of Plot 2 have been reduced and further beneficial design and landscaping details have been added to the plans.

The two dwellings are both 8.3m in front elevation breadth (facing Back Lane), and 7.8m to main ridge height. The form, mass, scale, proportions and style of the two dwellings are judged to be acceptable. Design features have been incorporated into the dwellings to improve their visual amenity and ensure they are satisfactorily in keeping with their Conservation Area surroundings. For example, bricked up window openings at both ground and first floor have been included in the side elevations near the front of the dwellings, which will break up and add interest to the side elevations. Chimneys are included to break up the side elevations. Segmental arched lintels are proposed, with simple fenestration treatment to all conspicuous elevations. Single cant brick lintels are additionally proposed in the Amended Plans A, to enhance the rural aesthetic of the dwellings.

Conditions are judged to be crucial to the successful integration of the dwellings into their Back Lane Conservation Area setting. Materials will be very important and would be resolved by Condition. The Application Form proposes slate or clay tiles: Plot 1 in clay and Plot 2 in slate may be a suitable arrangement, with added interest through differentiation (as introduced in Amended Plans A by different eaves/roof pitches). Fenestration is proposed to be timber.

The two detached garages to serve Plots 1 (double garage) and 2 (single garage) will be relatively inconspicuous from the public realm. Their form, mass, scale, proportions and style are judged to be satisfactory. The new garages to serve The Gables, which are attached to the rear of The Hatchery, are judged to be a subordinate addition of

acceptable form, mass, scale, proportions and style. They will be largely hidden within the streetscene behind The Hatchery. Access and turning/parking surfacing materials will have an effect on the character and appearance of the area, particularly with regard to views into the site from Main Street where there is a large area proposed to be surfaced. It is recommended that these are controlled by way of Landscape Scheme Condition.

The plans contain a range of annotations relating to the landscaping of the site and proposed boundary treatments. Notwithstanding these details, further information by way of Landscape Scheme Condition is judged to be necessary. For example, the Back Lane site frontage is judged to be a particularly important area, with further details required to ensure the rural character of the Lane is best preserved.

The proposed demolition of the range of brick/timber/metal clad outbuildings to the rear of The Hatchery – referred to as “former chicken sheds” – is judged to benefit the character and appearance of the site and Conservation Area. CAC application 11/00288/CON is currently in hand (List Release date of 12/04/11) and it is anticipated that it will be recommended for approval.

With regard to design and visual amenity, it is considered that the proposal is acceptable and that it would not harm the Conservation Area. For the above reasons, the application is considered to comply with Policies IN/1, EV/11, EV/15, EV/16, EV/19, EV/20, HS/7, HS/8 and HS/12 of the Harborough District Local Plan and Supplementary Planning Guidance (March 2003) Notes 1, 3, 9 & 10 in these respects.

Residential and General Amenity:

Based upon Amended Plans A: taking into account the topography of the site (land gradients/levels), existing buildings, trees and foliage, angles of overlooking, window functions and positioning, and form/siting in relation to the passage of the sun, all amenity relationships with properties (buildings and gardens) surrounding the site are judged to be acceptable.

The proposal has been amended to mitigate concerns over amenity impacts to the north side elevation of No.4 Back Lane, specifically a ground floor kitchen window (other ground and first floor windows in No.4's north elevation are secondary windows / serve rooms which possess further openings in either the east or west elevations of No.4). The amended Site Plan now indicates a 13.15m separation distance between the north elevation kitchen window of No.4 and the side elevation of the Plot 2 dwelling. Measurements have been Planning Officer checked on site and appear accurate. Supplementary Planning Guidance (Notes 2 and 5) advises that 14m should be the minimum distance between dwellings where a blank elevation (as represented by the south side elevation of Plot 2) faces an elevation containing a principal window (as represented by the north elevation of No.4 containing the kitchen window). The significance of the impact (degree of potential material harm) is related to the relationship between the existing window/s and the proposed development, e.g., compass orientation, degree/amount of overlap created by the proposal's form and the scale/mass of the proposal compared to existing buildings, land levels, as well as boundary treatments and foliage (deciduous or evergreen).

The impact of the proposal on No.4's kitchen window is mitigated by certain factors: viewing from a centre point in No.4's window out toward the proposed Plot 2 dwelling requires only an approximate 13degree angle of sight to be taken, to the left, to see beyond the front corner of the Plot 2 dwelling. This limits the impact of the proposal. The south elevation of Plot 2 also runs at an angle to No.4's side elevation, meaning that the front of Plot 2 is farther away from No.4's window – the front corner of Plot 2 is approximately 14.5m away. The eaves height of Plot 2 has been reduced in Amended Plans A and the FGFL is to be reduced by approximately 0.5m compared to existing plot levels, both of which are measures which will reduce overbearing impacts to No.4. The orientation of Plot 2, being sited due north of No.4, limits the degree of direct loss-of-light to what is considered to be an acceptable level. The existence of quite dense boundary foliage/trees, particularly at levels above 3m, means that No.4 already experiences quite a relatively enclosed and shadowy environment on its north elevation. Plot 2 is set approximately 4m off the shared boundary with No.4 and the proposal is to retain and supplement the existing boundary foliage/trees (which includes a significant cherry tree – T23) to screen the development from No.4 and mitigate visual impacts/potential overbearing. Mindful of the above factors, the proposal is, on balance, not judged to cause overbearing/loss-of-light to the amenities of No.4 Back Lane which would warrant refusal of planning permission.

First floor side elevation openings in both Plots 1 and 2 (serving bathrooms and landings) are now indicated on the amended plans to be obscure glazed, which will prevent any direct overlooking issues and negate loss-of-privacy impacts, both to existing neighbours and between the 2 new dwellings. The proposal is not judged to cause unacceptable direct overlooking of No.3 Back Lane or other dwellings/private gardens in the locality.

The new detached garages and garages attached to the rear of The Hatchery are not judged to be detrimental to neighbouring amenities.

With regard to neighbouring amenity impacts, the application is considered to be in accordance with Policies IN/1, EV/23, HS/8 and HS/12 of the Harborough District Local Plan and Supplementary Planning Guidance.

Highways Safety, Access, Turning and Parking:

LCC Highways have reviewed the original proposal for 3 dwellings and considered it to be acceptable. The Amended Plan A proposal, now reduced to 2 dwellings, with commensurately reduced highway impacts, is therefore judged to be acceptable.

Subject to appropriate Conditions (including no vehicular access from Back Lane and improved access width & visibility splay provision), the application is considered to be in accordance with Policies IN/1, EV/11, EV/23, HS/12 and TR/10 of the Harborough District Local Plan with regard to highways safety, traffic generation (including construction traffic), access, turning, and parking.

Conclusion:

The proposal is judged to comply with local, regional and national planning policies and guidance.

The proposal, if developed, would make a contribution to the delivery of housing within the District, where a 5 year supply shortfall exists. The proposal, by virtue of its design, form, massing, scale, proportions and style, will not adversely affect visual or residential amenities in the locality, or ecological and archaeological interests, and will not be detrimental to highway safety. Furthermore, it is considered that the development will satisfactorily preserve the character and appearance of the Conservation Area heritage asset.

CONDITIONS

1. The development hereby approved shall be begun within 3 years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: "Block Plans As Existing & As Proposed" (Drawing Ref 3978/01, Rev A); "Site Layout" (Drawing Ref 3978/03, Rev A); "Plot 1 General Arrangement" (Drawing Ref 3978/301, Rev A); "Plot 2 General Arrangement" (Drawing Ref 3978/201, Rev A); and "Proposed Car Barn Types – General Arrangement" (Drawing Ref 3978/10). Reason: For the avoidance of doubt.
3. No development shall commence on site until representative samples and details of the materials to be used externally in the construction of the approved dwellings and garages have been deposited with and approved in writing by the Local Planning Authority (all bricks, tiles, date stones, garage door and other doors, windows and rooflights, sills and lintels, corbel/dentil brickwork, rainwater goods, and porch canopies). Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity. Reason: In the interests of visual amenity, to ensure that the development will harmonise with its Conservation Area surroundings and to accord with Policies IN/1, EV/11, EV/15, HS/8 and HS/12 of the Harborough District Local Plan.
4. The Finished Ground Floor Level (FGFL) for the Plot 1 dwelling shall be 14.80m and the FGFL for the Plot 2 dwelling shall be 14.90m, as shown on the approved plan "Site Layout" (Drawing Ref 3978/03, Rev A). Reason: In the interests of visual and residential amenities, to ensure that the development will harmonise with its Conservation Area surroundings and to accord with Policies IN/1, EV/11 and HS/8 of the Harborough District Local Plan.
5. Notwithstanding the details shown on the approved plans, no development shall commence on site until full details of both hard and soft landscape works (including all boundary treatments and access driveway, parking and turning area surfacing materials) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape works shall be implemented in accordance with the approved details prior to first occupation of either dwelling and shall be retained as such in perpetuity (including the approved Back Lane boundary treatment/s, which shall be retained as such in perpetuity.) All planted material shall be maintained and replaced as necessary by the applicant(s) and/or owner(s) of the land at the time for a period of not less than 5 years from the date of planting. Reason: For the avoidance of doubt, to ensure that the proposed development includes landscaping, planting, boundary treatments and surfacing materials which are appropriately designed and suitable to their surroundings, that the work is carried out within a reasonable period and is properly maintained, in the interests of

residential amenity, visual amenity in the Conservation Area and ecological concerns and to accord with Policies IN/1, RM/10, EV/11, EV/16, EV/19, EV/20, HS/8 and HS/12 of Harborough District Local Plan.

6. No development shall commence on site until full details of the means of foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity. Reason: To ensure the satisfactory drainage of the site and to require, where possible, sustainable drainage methods to be employed and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS25.
7. No development shall take place, including any site works/demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Method Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking within the site of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage within the site of plant and materials used in constructing the development;
 - iv. construction traffic wheel washing facilities within the site;
 - v. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vi. hours of work on the site for the approved development.Reason: In the interests of the amenity of the area, the protection of trees, highway safety and to accord with Policies IN/1, EV/19, EV/23 and HS/8 of the Harborough District Local Plan.
8. There shall be no vehicular access from Back Lane to the site and from the site to Back Lane during the construction period, or to the dwellings in perpetuity. Pedestrian accesses of no more than 1 metre in breadth are acceptable. Reason: For the avoidance of doubt, because Back Lane is unsuitable for this purpose, in the interests of highway safety, visual amenity and the protection of trees in the Conservation Area and to accord with Policies IN/1, EV/11, EV/19, HS/8 and TR/10 of the Harborough District Local Plan.
9. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only. Reason: In the interests of highway safety, to enable a vehicle to stand clear of the highway whilst the gates/obstructions are opened/closed, to protect the free and safe passage of traffic, including pedestrians, in the public highway and to accord with Policy IN/1 of the Harborough District Local Plan.
10. Prior to the first occupation of either dwelling hereby approved, turning facilities shall be provided within the site in order to allow vehicles to enter and leave the site in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times. Reason: To enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and to accord with Policy IN/1 of the Harborough District Local Plan.
11. Prior to the first occupation of each dwelling hereby approved, car parking provision shall be made within the curtilage of each dwelling/the development site on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. Thereafter, the car parking spaces so provided shall

not be otherwise obstructed and shall permanently remain available for car parking. Reason: To ensure that adequate off-street parking facilities are provided and retained, to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to accord with Policies IN/1 and TR/10 of the Harborough District Local Plan.

12. Before first use of the development hereby approved, the vehicular access to the site shall be surfaced with a hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Main Street highway boundary and shall be maintained as such in perpetuity. Either the hard surface/s shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous area or surface within the curtilage of the site. Reason: In the interests of highway safety (to reduce the possibility of deleterious material and surface water run-off being deposited in the highway), development and flood risk and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of Planning Policy Statement 25 (Development And Flood Risk).
13. Before first use of the development hereby approved, the vehicular access to the site between The Gables and The Hatchery shall be widened to an effective width of 6.5 metres over a distance of at least 5 metres behind the highway boundary. The access drive, once widened, shall be maintained as such in perpetuity and kept clear of obstructions. Reason: In the interests of highway safety, to ensure that vehicles entering and leaving the site may pass each other clear of the highway, to protect the free and safe passage of traffic, including pedestrians, in the public highway, to achieve satisfactory visibility splay improvements and to accord with Policies IN/1 and TR/10 of the Harborough District Local Plan.
14. In accordance with the details shown on the approved plans "Plot 1 General Arrangement" (Drawing Ref 3978/301, Rev A) and "Plot 2 General Arrangement" (Drawing Ref 3978/201, Rev A), the first floor side elevation openings serving the "landing" and "bathroom" in both dwellings shall be fitted with obscure glass and retained as such in perpetuity. Reason: To safeguard the privacy and living conditions of adjoining residents and to accord with Policies IN/1 and HS/8 of the Harborough District Local Plan.
15. Notwithstanding the details shown on the approved plans, no development shall commence on site until an Arboricultural Method Statement (as set out in British Standard 5837: 2005 "Trees in Relation to Construction", British Standard 3998: 2010 "Recommendations for Tree Work" and all subsequent arboricultural best practice guidance) has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall contain all proposed alterations to trees/foliage, including any pruning or selective removal and/or replacement work. The Statement shall contain details of the type of protective fencing to be used during construction works and its position around the trees to be retained. Thereafter, the Arboricultural Method Statement shall be carried out as approved and protective fencing shall be appropriately maintained during the full course of construction. Reason: To enable the Local Planning Authority to assess the effect of the proposed development on existing trees, to ensure the long-term survival of trees/foliage to be retained, to enhance the development and safeguard the appearance of the area, and to accord with Policies IN/1, EV/11, EV/19 and EV/20 of the Harborough District Local Plan.
16. No development shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes.

The Risk Based Land Contamination Assessment shall be carried out in accordance with:

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

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

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

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

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

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of PPS23 (Planning and Pollution Control).

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

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of PPS23 (Planning and Pollution Control).

18. No development shall commence on site until the applicant, or their successor in title, has secured the implementation of an appropriate programme of archaeological work (in this instance, historic building inspection and recording and archaeological attendance during all ground disturbance) in accordance with a Written Scheme of Investigation, which has first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken only in full accordance with the approved Written Scheme of Investigation. No variation shall take place without the prior written consent of the Local Planning Authority. Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation, as the site may contain important archaeological remains, and to accord with Policies IN/1 and EV/15 of the Harborough District Local Plan and the aims and objectives of PPS5 (Planning for the Historic Environment).
19. The applicant, or their successor in title, shall notify the Local Planning Authority in writing of their intention to commence works (including site works of any kind) at least one week before such commencement. Thereafter, the programme of archaeological work shall be completed in accordance with the approved Written Scheme of Investigation, including any necessary fieldwork, post-excavation analysis, report writing and archive deposition, as detailed in the approved Scheme. The report and archive shall be prepared and deposited no later than six months after the commencement of fieldwork. No variation shall take place without the prior written consent of the Local Planning Authority. Reason: To ensure satisfactory archaeological investigation and recording, as the site may contain important archaeological remains, and to accord with Policies IN/1 and EV/15 of the Harborough District Local Plan and the aims and objectives of PPS5 (Planning for the Historic Environment).
20. The north gable of the Main Street frontage building known as The Hatchery (which is to be demolished) shall be rebuilt as shown on plan "Site Layout" (Drawing Ref 3978/03, Rev A). The north gable shall be reconstructed to replicate the existing appearance. The existing parapet wall shall be reinstated using all of the existing coping materials. The existing gable end bricks shall be reused (wherever possible) in the new gable end and shall be laid in a matching bond using a historically sympathetic mortar. Reason: In the interests of visual amenity, historic material retention and integrity, to ensure that the development will harmonise with the existing character building and its Conservation Area surroundings and to accord with Policies IN/1, EV/11 and EV/15 of the Harborough District Local Plan and the aims and objectives of PPS5 (Planning for the Historic Environment).

Informative 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. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (Tel:- 0116 3052202).
3. The proposal is situated in excess of 45 metres from the Highway. In order to cater for emergency vehicles, the drive and any turning areas shall be constructed so as

- to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.
4. If the permitted plans 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.
 5. The Applicants' attention is drawn to the recommendations in the Bat Assessment Report (Ecolocation, 23 December 2010) submitted with this application. Protected wildlife species may be using, or may begin to use, the buildings/site as a nesting place/habitat. All such species are protected under the Wildlife and Countryside Act 1981. Should any protected species, or evidence of them, be present or be suspected in the buildings/site (and potentially affected by the development) the applicant should cease development immediately and contact Natural England, The Maltings, Wharf Road, Grantham, Lincs., NG31 6BH. All workers on the site should be made aware of the above.
 6. Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981. Therefore, should birds or bats be present in the trees affected by this application, any felling/surgery should be deferred until late summer/autumn.
 7. It is recommended that no burning of waste is undertaken on site unless an exemption is obtained from the Environment Agency. The production of Dark Smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above, the production of any smoke on site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990. The Construction Method Statement Condition above will be expected to clarify all waste disposal methods.
 8. Building works, deliveries, or any site works in connection with the development shall only take place between the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday and at no time on Sunday or Public/Bank Holidays. The Construction Method Statement Condition above will be expected to clarify construction work hours.
 9. The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Local Planning Authority. To demonstrate that the implementation of the WSI has been secured, the applicant must provide the Local Planning Authority with a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
 10. Please note that the Local Planning Authority now charge to discharge pre-commencement conditions (£25 per application for householder and £85 per application for non-householder). Application forms for this can be downloaded from www.harborough.gov.uk/planning
 11. Prior to submitting material samples, please contact your case officer as the LPA are establishing a material library and, as such, a material may not be required. If a sample is required please ensure that it is packaged safely.
 12. This Planning Permission only grants consent for the felling of trees indicated to be removed by dashed line on the approved plan "Site Layout" (Drawing Ref 3978/03, Rev A). No other trees on the site are to be felled, pruned or otherwise altered unless agreed by the above Arboricultural Method Statement Condition.

11/00053/FUL – KIBWORTH BEAUCHAMP Erection of a dormer bungalow,
Mrs B Bromley Springfield Crescent.

Target Date: 10/3/11

Recommendation

APPROVE subject to the appended conditions

Site:

The application site is located to the south-east of Kibworth Beauchamp village centre, on the east side of Springfield Crescent and to the north-east side of Wentworth Close. The site is part of the long rear garden of No.56 Springfield Crescent a semi-detached bungalow. There is a 1.8m brick wall to the road side boundary with mature shrubs adjacent to the footpath. There is an existing side gate and dropped kerb off Wentworth Close. To No.1 Wentworth Close there is a 1.85m fence and a line of approximately 7 conifers. To No.54 there is a hedge and tall trees. The site is surrounded by residential properties.

The Proposal:

The application relates to the erection of a chalet bungalow. The proposal measures 9.7 metres in width, 7.3 metres in depth and will be 6.8 metres in height. The proposal will provide three bedroom chalet bungalow with two parking spaces and a front turning area, plus a side garden area 5.5m x 15metres.

Revised plans:

- Omit two first floor rear dormer windows and replace with rooflights;
- Side ground floor bedroom window.

Policy

PPS3: Housing:

East Midlands Regional Plan:

Policy 2 – Promoting better design

Core Strategy: Consultation Publication October 2010:

Policy 1 – Harborough Spatial strategy

Policy 2 – New Housing in the district

Harborough District Local Plan:

IN/1 Standards of Development

HS/8 – New Housing with the settlement

Local Guidance:

2 – Residential development

3 – Single plot development

Consultations / Representations:

Highway Authority:

No objection subject to conditions relating to parking and visibility.

Leicestershire County Council (Arboriculturalists):

No objection, there are no trees within the site of sufficient merit to constrain the proposal, There are 3 mature silver birch and 1 spruce in the rear garden of NO54 Springfield Street and maturing pine in 1 Wentworth Close which might be affected. The applicant has a duty of care to those trees. Where the proposal affects the Root protection zones the design of the foundations can be adapted.

Environmental Health (HDC):

No comment.

Drainage (HDC):

No comments.

Parish:

Supports.

Representations:

5 letters of objection/comment have been received raising the following points: (1) overlooking (2) spoil outlook (3) did not expect houses would be jammed in between plots (4) similar application was refused at 60 Springfield Crescent 99/00316/OUT (5) open flood gates to other similar applications/precedent (6) turning area tight (7) cause waiting and congestion on Wentworth close (8) access cause problems for pedestrians, cyclists and motorists (9) land slopes therefore drainage problems (10) detrimental to the character and appearance of the area (11) does not provide sufficient amenity standards for future occupiers.

Other Information

Public Rights of Way:

n/a.

History:

None.

Planning Considerations:

Policy Assessment:

As this application is for the erection of a dwelling within the village boundary, Policy HS/8 is considered most relevant. This policy requires a number of criteria to be met, such as the proposal must not have a detrimental impact on the residential amenity of neighbouring properties, it should not have a detrimental effect on the visual amenities of the surrounding area and it must not result in a sub-standard level of on-site parking.

Housing Land Supply:

In October 2010 the Council published a 6month up-date of their supply of deliverable housing sites. This gave a 4.4 year supply of housing land, a shortfall of 186 dwellings. As the Council do not currently have a five year supply of deliverable housing land,

planning applications for housing should be considered favourably having regard to para.69 of PPS3. This is a very strong consideration in favour of the proposal.

Impact upon Character of the Area:

Whilst the proposal occupies the back garden area of 56 Springfield Crescent, it has a frontage to Wentworth Close, where there is another house (22 Wentworth Close) that fronts onto the same stretch of road. The principle of the development is therefore considered acceptable. The area has a mixture of dwelling types of different ages since 1960's therefore a chalet bungalow design is considered acceptable. Whilst the proposal has a side garden area depth of 5.5metres the size is considered acceptable. Also it's siting 3metres from the side boundary with 54 Springfield Crescent and the separation distances of 21metres to the rear of No.56 and 18metres to No.1 Wentworth Close ensures the development is not too cramped. Whilst there is no longer a presumption in favour of the development of garden areas (as stated in PPS3), for the above reasons the proposal is considered acceptable.

In 1999 an application for a house in the rear garden of No.60 Springfield Crescent opposite was refused on the ground that it would form a cramped form of development; cause overlooking and unsatisfactory plot size and shape. These issues have been addressed in the previous paragraph. The proposal is therefore not considered out of keeping with the character and appearance of the area. The application is therefore considered to be in accordance with Policy HS/8 of the Harborough District Local Plan.

Residential Amenity:

The proposed dwelling is 21 metres from the main rear elevation of 56 Springfield Crescent and 18metres from the rear elevation of No.1 Wentworth Close, these are acceptable separation distances (guidance = 14m), therefore the proposal is not considered to be overbearing or overshadowing to those properties. There are no side windows at first floor facing No.1 Wentworth Close; therefore there is not loss of privacy. The revised plan have addressed concerns regarding overlooking of No. 54 Springfield Crescent and No.2 Wentworth Close rear garden areas, high level roof lights are proposed instead. The application is therefore considered to be in accordance with Policy HS/8 of the Harborough District Local Plan.

Highways and Parking Considerations:

The proposal provides two parking spaces this is acceptable provision and the Highways Officer has no objection to the proposal. The proposal therefore does not adversely affect highway safety. The application is therefore considered to be in accordance with Policy HS/8 of the Harborough District Local Plan.

Trees:

There are no trees within the garden of sufficient merit to constrain the development. The trees and root protection zones of the trees in No.54 Springfield Crescent are marked on the plans. There are 3 mature Silver Birch trees and a spruce tree at the bottom of the garden of No.54 Springfield Crescent and maturing pine in the rear garden at No.1 Wentworth Close, close to the boundary with the application site. The tree officer has stated that the applicant has a duty of care to the neighbour's trees. The proposal encroaches onto the root protection zone of the spruce tree; therefore a condition regarding the house foundations is applied. The application is therefore considered to be in accordance with Policy IN/1 of the Harborough District Local Plan.

Conclusion:

The proposal does not adversely affect the visual amenities of the street scene, neighbours amenity and highway safety. The proposal therefore accord with Harborough district Local Plan policy.

Conditions / Reason:

17. CRA1 3 years
18. CRD2 Material sample
19. CRC9 Rooflights insert 'high level'
20. CRF1 Amended plans
21. CRG2 No opening (south-east side elevation)
22. CRH4 Ped. Splay 2m x 2m
23. CRH5 Vis. Splay 2m x 25m
24. Before the occupation of the dwelling, 2 car parking spaces shall be provided within the application site; the parking space provided shall not be obstructed and shall thereafter permanently remain available for car parking. Reason: to ensure adequate off-street parking provision is made available.
25. CRL8 Walls and fences
26. Before development commences details of the foundations (pile and beam foundations in the RPA of the trees) to be used in the construction of the dwelling shall be submitted to and approved in writing to the district Planning Authority. Reason: In the interests of protecting the trees in the locality.

11/00317/FUL HARCOURT David Wilson Homes East Midlands	– KIBWORTH	Proposed substitution of house types on plots 97-107 inclusive on parcel one with addition of four plots 206 – 209 inclusive and substitution of house types to plots 256–282, 301–314 and 363–365 inclusive with plots 366–379 inclusive omitted on parcel two. Reduction of 10 plots overall on approved application 06/01209/REM, land off Warwick Road, Kibworth Beauchamp.
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Target Date – 9th June 2011

Recommendation 1

APPROVE for following reason and subject to;

- the appended conditions
- a S106 legal agreement or similar to secure items as set out in this report.

The development hereby approved would preserve the surrounding form and character of the settlement, would not have an adverse affect on the amenity of adjoining residents, and would not result in additional traffic which would give rise to a road safety hazard. The proposal is therefore considered to comply with Policies including IN/1, KB/1, HS/2, HS/8

and TR/3 of the Harborough District Local Plan and no other material considerations indicate that the policies of the development plan should not prevail.

Recommendation 2

Delegated authority to DC Manager to refuse consent should the required S106 agreement/variation referred in recommendation 1 not be completed by 9th June 2011.

Site

The application includes two different parcels but within the same development. The development relates to land off Warwick Road, Kibworth, and is currently being developed as a residential housing estate by David Wilson Homes. The first parcel relates to Phase 1 of the previously approved plan 06/01209/REM and the second parcel relates to Phase 2 of the same consent.

Proposal

This application seeks consent to amend house types previously granted consent under 06/01209/REM. The amended designs have resulted in a reduction of the overall scheme by 10 units. This scheme relates to a total of 59 dwellings.

An addendum to the August 2006 Design & Access statement has been submitted in support of the current application. Table 1 below details the specific changes:

KEY: 3s – 3 storey; 2.5s – 2.5 storey; 2s – 2 storey

Plot	Change – Parcel One	
	Approved	Proposed Change
97	T382 (3 bed Town house) 2.5s	Dwelling moved to north
98	R341 (3 bed Semi Detached) 2s	Dwelling moved to north
99	R373 (3 bed Town house) 3s	P232 (2 bed Maisonette Ground F Apartment) 2s
100	R358 (3 bed Town house) 3s	R233 (2 bed Maisonette Ground F Apartment) 2s
101	R364 (3 bed Town house) 3s	N300 (3 bed Terrace) 2s
102	R364 (3 bed Town house) 3s	N300 (3 bed Terrace) 2s
103	R306 (3 bed Town house) 2.5s	N300 (3 bed Terrace) 2s
104	R306 (3 bed Town house) 2.5s	P383 (3 bed End Terrace) 2s
105	R231 (2 bed Coach House) 2s	P383 (3 bed Mid Terrace) 2s
106	P232 (2 bed Maisonette Ground F	P383 (3 bed End Terrace) 2s

	Apartment) 2s	
107	R233 (2 bed Maisonette Ground F Apartment) 2s	P382 (3 bed End Terrace) 2s
206	New Dwelling	P382 (3 bed Mid Terrace) 2s
207	New Dwelling	P382 (3 bed End Terrace) 2s
208	New Dwelling	P232 (2 bed Maisonette Ground F Apartment) 2s
209	New Dwelling	R233 (2 bed Maisonette Ground F Apartment) 2s

Plot	Change – Parcel Two	
	Approved	Proposed Change
256	R406 (4 bed Detached house) 2.5s	Plot moved to north
257	P232 (2 bed Maisonette Ground F Apartment) 2s	R341 (3 bed Detached house) 2s
258	R233 (2 bed Maisonette Ground F Apartment) 2s	H414 (4 bed Detached house) 2s
259	R373 (3 bed Town house) 3s	R421 (4 bed Detached house) 2s
260	R373(3 bed Town house) 3s	R533 (5 bed Detached house) 2.5s
261	R451 (4 bed Detached house) 2s	R421 (4 bed Detached house) 2s
262	R533 (5 bed Detached house) 2.5s	R408 (4 bed Detached house) 2s
263	R444 (4 bed Detached house) 3s	H411 (4 bed Detached house) 2s
264	R451 (4 bed Detached house) 2s	H411 (4 bed Detached house) 2s
265	R408 (4 bed Detached house) 2s	R408 (4 bed Detached house) 2s
266	H497 (4 bed Detached house) 2s	H411 (4 bed Detached house) 2s
267	R400 (4 bed Detached house) 2.5s	H414 (4 bed Detached house) 2s
268	R406 (4 bed Detached house) 2.5s	R341 (3 bed Semi Detached) 2s
269	T382 (3 bed Town House) 2.5s	T307 (3 bed Town house) 2.5s
270	R364 (3 bed Town house) 3s	R341 (3 bed Semi Detached) 2s
271	R364 (3 bed Town house) 3s	R455 (4 bed Detached house) 2s
272	R234 (2 bed Coach house) 3s	R436 (4 bed Detached house) 2s
273	R364 (3 bed Town house) 3s	R533 (5 bed Detached house) 2.5s
274	P232 (2 bed Maisonette Ground F Apartment) 2s	R533 (5 bed Detached house) 2.5s
275	R233 (2 bed Maisonette Ground F Apartment) 2s	R455 (4 bed Detached house) 2s
276	T382 (3 bed Town House) 2.5s	R406 (4 bed Detached house) 2.5s
277	R364 (3 bed Town house) 3s	R341 (3 bed Detached house) 2s

278	R364 (3 bed Town house) 3s	R341 (3 bed Semi Detached) 2s
279	R306 (3 bed Town house) 2.5s	T307 (3 bed Town house) 2.5s
280	R306 (3 bed Town house) 2.5s	T307 (3 bed Town house) 2.5s
281	R341 (3 bed Semi Detached) 2s	T307 (3 bed Town house) 2.5s
282	T382 (3 bed Town house) 2.5s	R231 (2 bed Coach House) 2s
301	R306 (3 bed Town house) 2.5s	R341 (3 bed Semi Detached) 2s
302	R306 (3 bed Town house) 2.5s	T307 (3 bed Town house) 2.5s
303	R306 (3 bed Town house) 2.5s	T307 (3 bed Town house) 2.5s
304	P230 (2 bed Coach house) 2s	R341 (3 bed Semi Detached) 2s
305	SB8 (2 bed Ground Floor Apartment) 3s	R455 (4 bed Detached house) 2s
306	SB8 (2 bed Ground Floor Apartment) 3s	R455 (4 bed Detached house) 2s
307	SB8 (2 bed First Floor Apartment) 3s	H414 (4 bed Detached house) 2s
308	SB8 (2 bed First Floor Apartment) 3s	R406 (4 bed Detached house) 2.5s
309	SB8 (2 bed Second Floor Apartment) 3s	P331 (3 bed Semi Detached house) 2s
310	SB8 (2 bed Second Floor Apartment) 3s	P331 (3 bed Semi Detached house) 2s
311	P232 (2 bed Maisonette Ground Floor Apartment) 2s	P331 (3 bed Link Detached house) 2s
312	R233 (2 bed Maisonette Ground Floor Apartment) 2s	R451 (4 bed Detached house) 2s
313	R406 (4 bed Detached house) 2.5s	Plot moved to east
314	R533 (5 bed Detached house) 2.5s	Plot moved to east
363	R341 (3 bed Semi Detached) 2s	P331 (3 bed Detached house) 2s
364	T382 (3 bed Town house) 2.5s	T307 (3 bed Town house) 2.5s
365	T382 (3 bed Town house) 2.5s	R341 (3 bed Semi Detached) 2s
366	R341 (3 bed Semi Detached) 2s	Plot Number Omitted
367	R341 (3 bed Semi Detached) 2s	Plot Number Omitted

368	T382 (3 bed Town house) 2.5s	Plot Number Omitted
369	R451 (4 bed Detached house) 2s	Plot Number Omitted
370	R406 (4 bed Detached house) 2.5s	Plot Number Omitted
371	P232 (2 bed Maisonette Ground Floor Apartment) 2s	Plot Number Omitted
372	R233 (2 bed Maisonette Ground Floor Apartment) 2s	Plot Number Omitted
373	T382 (3 bed Town house) 2.5s	Plot Number Omitted
374	R341 (3 bed Semi Detached) 2s	Plot Number Omitted
375	R358 (3 bed Town house) 3s	Plot Number Omitted
376	R373 (3 bed Town house) 3s	Plot Number Omitted
377	R234 (2 bed Coach house) 3s	Plot Number Omitted
378	R373 (3 bed Town house) 3s	Plot Number Omitted
379	T382 (3 bed Town house) 2.5s	Plot Number Omitted

Consultations / Representations

Highways:

No objection subject to condition.

Kibworth Harcourt Parish Council:

Whilst this Council is pleased to see the deletion of three storey accommodation, grave concerns were raised regarding the continuing trend of deleting chimneys from approved plans and the lack of provision of garaging which could culminate in a multitude of bins being stored at the front of properties, as is currently happening on Dairy Way*

* The agent has stated that the removal of chimneys has not been intentional and they are still using the village range product as previously built on parcel one and two. However, they have introduced some new house type ranges which do not include chimneys. The agent has confirmed that of the 51 chimneys originally proposed on parcels 1 and 2, this has been reduced to 36, a difference of 15. However, with 10 units being removed from the original scheme it reduces this difference. Also the house type R444 which has been proposed to be removed has two chimneys on it, which reduces the difference further.

The agent also confirmed that the total difference in parking spaces between the original and proposed scheme is 4 spaces. Therefore with the reduction of 10 units they have actually improved the amount parking spaces amount.

Policy

National:
PPS 1
PPS3
PPS7

Regional Spatial Strategy for the East Midlands (RSS8):

Policy 3 – Sustainability Criteria
Policy 4 - Promoting Better Design

Harborough District Local Plan:

IN/1 – Standards of Development
HS/2 – Housing Allocations
KB/1 – Housing off Wistow Road
Policy HS/8- New Housing in Settlements with Defined Limits to Development
Policy TR/3 – Development Impacts on the Existing Road Network
Policy LR/2 – Sports Pitches and Playing Fields
Policy LR/5 – Recreation Requirements in New Residential Development
Policy ALT/3 – Density

Local Guidance:

Supplementary Planning Guidance Note;
1 - Design Principles
2 – Residential Development – Major housing Sites.

S106 Guidance:

There is clear Government advice set out in Government Circular 2005/05 concerning Section 106 Agreements with strict tests imposed on planning obligations. Section 106 Agreements and contributions from developers must be necessary in relation to local and national planning policy and directly and fairly related in scale and kind to the proposed development. In particular any Section 106 Agreements impose obligations on both the Developer and the Council. The District Council's policy for securing Section 106 contributions is currently being compiled; the Planning Obligations Developer Guidance Note and supporting document Provision for Open Space Sport and Recreation were adopted by the Council's Executive on the 21st September 2009.

History:

04/00319/OUT – Use of land for residential development (all matters reserved)
06/01209/REM – Reserved matters approval for 660 dwellings

Reason for Report to Committee

This application is being reported to the Planning Committee for determination as the application proposes more than ten dwellings.

Planning Considerations:

The principle of residential development on the site is clearly established by the granting of outline consent and reserved matters approval. The issues for consideration therefore relate principally to the how the character and appearance of the dwellings as built and to be retained differs from approval 06/01209/REM. An important material consideration is

how the proposal differs from the previously approved proposal which represents a 'fall-back' position.

Policy Assessment:

Policies HS/8 & KB/1 of the Harborough Local Plan advises that planning permission will be granted for new residential development in villages with Defined Limits, such as Kibworth, provided the design and layout of the proposed dwellings is in keeping with the scale, form, character and surroundings of the settlement.

Layout & Design:

The proposed layout does not differ significantly from approval 06/01209/REM. Furthermore, the proposed house-type designs, which are mostly two storey are considered more appropriate for this edge of village / countryside location. The cumulative effect of the changes is not considered harmful at this scale to the overall development.

Residential Amenity:

The distances between properties within the development and neighbouring properties outside of the development are generally maintained as previously approved.

Highways and Parking Considerations:

The proposal represents no significant change from approved access and parking layout and is therefore acceptable.

Section 106 Agreement:

The previous planning permission was subject to legal obligations which provided for various matters including for example open space and community contribution. An amended S106 has been requested which will effectively continue the agreed contributions.

Conclusion:

The proposal represents an appropriate form of development that does not significantly differ from the anticipated form and character of development established by the existing approval and is therefore recommended for approval.

Conditions/Reasons:

1. The development hereby approved shall be begun within 3 years from the date of this permission. Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.
2. No development shall commence on site until representative samples of the materials to be used externally in the construction of the approved building(s) have been deposited with and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- In the interests of visual amenity and to ensure that the development will harmonise with its surroundings and to accord with Policy IN/1 of the Harborough District Local Plan.

3. No dwelling shall be occupied or open space brought into use unless the treatment of the boundary to that dwelling or open space has previously been submitted to and agreed in writing by the Local Planning Authority and boundary works have been carried out in accordance with approved details. Reason:- For the avoidance of doubt.
4. No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway. Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
5. Any garage doors shall be set back from the Highway boundary a minimum distance of 5 metres for sliding or roller/shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained. Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
6. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does 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.
7. The gradient(s) of the access drive(s) shall not exceed 1:12. Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
8. The car parking shown for each dwelling shall be provided before the dwelling is occupied and shall thereafter permanently remain available for such use. Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
9. Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmac, concrete or similar hard 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. Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
10. Notwithstanding the submitted details, before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity. Reason: In the interests of pedestrian safety.
11. Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the Highway boundary and have 2 metres control radii at its junction with the adopted road

carriageway. The access drive once provided shall be so maintained at all times. Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

12. Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the Highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times. Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.
13. No development shall commence on site until full details of the means of foul and surface water drainage for the site have been submitted and agreed in writing by the Local Planning Authority. Reason:-To ensure the satisfactory drainage of the site and to require, where possible, sustainable drainage methods to be employed and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS25.
14. For the period of the construction of the development, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, before entering the highway. The wheel washing facilities provided shall be so maintained for the operational construction period of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. Reason:- In the interests of highway safety and to accord with Policy IN/1 of the Harborough District Local Plan.
15. Before the development commences, details of the routeing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the LPA. Reason:- To ensure as far as possible the proposed use does not become a source of annoyance to the nearby residents and to ensure compliance with Policy IN/1 of the Harborough District Local Plan.
16. Construction work in connection with the development hereby approved shall only take place between the hours of 08.00am to 18.00pm Monday to Friday and 08-00am -13.00pm on Saturday and at no time on Sunday, Bank or Public Holidays unless the Local Planning Authority in consultation with Kibworth Parish Councils, have given prior approval in writing to any variation. Reason:- To ensure that as far as possible the proposed use does not become a source of annoyance to the nearby residents and to ensure compliance with Policy IN/1 of the Harborough District Local Plan.
17. There shall be no burning of waste on site. Reason:- To ensure as far as possible the proposed use does not become a source of annoyance to the nearby residents and to ensure compliance with Policy IN/1 of the Harborough District Local Plan.
18. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the construction. These sites shall not include parking on any Public Open Spaces or LEAP areas approved

Reason:- To ensure the Open Spaces and LEAP areas become available for use as soon as possible.

19. No development shall commence on site until details of the provision for the storage of refuse and materials for recycling has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- To ensure the adequate provision of facilities and in the interests of visual/general amenity and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS10.
20. No development shall commence on site until details of the existing and proposed ground levels and finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. Reason:- To ensure a satisfactory form of development which is compatible with the character of the surrounding locality and to accord with Policy IN/1 of the Harborough District Local Plan.
21. No development shall commence on site until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented prior to occupation and in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- To ensure that the proposed development includes a properly designed and suitably landscaped amenity area in the interests of visual amenity and to accord with Policy IN/1 of Harborough District Local Plan.
22. No development shall commence on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, (other than small, privately owned, domestic gardens), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- In the interests of the establishment and management of the landscaped areas and to accord with Policy IN/1 of Harborough District Local Plan.
23. The development hereby permitted shall be in accordance with the submitted plans and drawing reference:

S2119-2330/100/01 (PROPOSED LAYOUT)
R231ANE/04 (2 BED DETACHED HOUSE TYPE)
R231ANE/03 (2 BED DETACHED HOUSE TYPE)
R231ANE/02 (2 BED DETACHED HOUSE TYPE)
R231ANE/01 (2 BED DETACHED HOUSE TYPE)
R232/R233.04 (2 BED HOUSE TYPE)
R232/R233.03 (2 BED HOUSE TYPE)

R232/R233.02 (2 BED HOUSE TYPE)
R232/R233.01 (2 BED HOUSE TYPE)
N300.08 (3 BED 'I' LIFE HOUSE TYPE)
N300.07 (3 BED 'I' LIFE HOUSE TYPE)
N300.06 (3 BED 'I' LIFE HOUSE TYPE)
N300.05 (3 BED 'I' LIFE HOUSE TYPE)
N300.04 (3 BED 'I' LIFE HOUSE TYPE)
N300.03 (3 BED 'I' LIFE HOUSE TYPE)
N300.02 (3 BED 'I' LIFE HOUSE TYPE)
N300.01 (3 BED 'I' LIFE HOUSE TYPE)
N300.01 (3 BED 'I' LIFE HOUSE TYPE)
T307.03 (3 BED SEMI DETACHED HOUSE TYPE)
T307.02 (3 BED SEMI DETACHED HOUSE TYPE)
T307.01 (3 BED TERRACED HOUSE TYPE)
T307.04 (3 BED TERRACED HOUSE TYPE)
T307.03 (3 BED TERRACED HOUSE TYPE)
T307.02 (3 BED TERRACED HOUSE TYPE)
T307.01 (3 BED TERRACED HOUSE TYPE)
P331.04 (3 BED DETACHED HOUSE TYPE)
P331.03 (3 BED DETACHED HOUSE TYPE)
P331.02 (3 BED DETACHED HOUSE TYPE)
P331.01 (3 BED DETACHED HOUSE TYPE)
R341ANA/04 (3 BED DETACHED HOUSE TYPE)
R341ANA/03 (3 BED DETACHED HOUSE TYPE)
R341ANA/02 (3 BED DETACHED HOUSE TYPE)
R341ANA/01 (3 BED DETACHED HOUSE TYPE)
R341.04 (3 BED SEMI DETACHED HOUSE TYPE)
R341.03 (3 BED SEMI DETACHED HOUSE TYPE)
R341.02 (3 BED SEMI DETACHED HOUSE TYPE)
R341.01 (3 BED SEMI DETACHED HOUSE TYPE)
P382.04 (3 BED HOUSE TYPE)
P382.03 (3 BED HOUSE TYPE)
P382.02 (3 BED HOUSE TYPE)
P382.01 (3 BED HOUSE TYPE)
P382.04 (3 BED HOUSE TYPE)
P382.03 (3 BED HOUSE TYPE)
P382.02 (3 BED HOUSE TYPE)
P382.01 (3 BED HOUSE TYPE)
T382.04 (3 BED TOWN HOUSE TYPE)
T382.03 (3 BED TOWN HOUSE TYPE)
T382.02 (3 BED TOWN HOUSE TYPE)
T382.01 (3 BED HOUSE TYPE)
P383.04 (3 BED HOUSE TYPE)
P383.03 (3 BED HOUSE TYPE)
P383.02 (3 BED HOUSE TYPE)
P383.01 (3 BED HOUSE TYPE)
P383.08 (3 BED HOUSE TYPE)
P383.07 (3 BED HOUSE TYPE)
P383.06 (3 BED HOUSE TYPE)
P383.05 (3 BED HOUSE TYPE)

R406.04 (4 BED DETACHED HOUSE TYPE)
R406.03 (4 BED DETACHED HOUSE TYPE)
R406.02 (4 BED DETACHED HOUSE TYPE)
R406.01 (4 BED DETACHED HOUSE TYPE)
R408AN/04 (4 BED DETACHED HOUSE TYPE)
R408AN/03 (4 BED DETACHED HOUSE TYPE)
R408AN/02 (4 BED DETACHED HOUSE TYPE)
R408AN/01 (4 BED DETACHED HOUSE TYPE)
H411.04 (4 BED DETACHED HOUSE TYPE)
H411.03 (4 BED DETACHED HOUSE TYPE)
H411.02 (4 BED DETACHED HOUSE TYPE)
H411.01 (4 BED DETACHED HOUSE TYPE)
H414.04 (4 BED DETACHED HOUSE TYPE)
H414.03 (4 BED DETACHED HOUSE TYPE)
H414.02 (4 BED DETACHED HOUSE TYPE)
H414.01 (4 BED DETACHED HOUSE TYPE)
R421ANA/04 (4 BED DETACHED HOUSE TYPE)
R421ANA/03 (4 BED DETACHED HOUSE TYPE)
R421ANA/02 (4 BED DETACHED HOUSE TYPE)
R421ANA/01 (4 BED DETACHED HOUSE TYPE)
R436AN/04 (4 BED DETACHED HOUSE TYPE)
R436AN/03 (4 BED DETACHED HOUSE TYPE)
R436AN/02 (4 BED DETACHED HOUSE TYPE)
R436AN/01 (4 BED DETACHED HOUSE TYPE)
R451.04 (4 BED DETACHED HOUSE TYPE)
R451.03 (4 BED DETACHED HOUSE TYPE)
R451.02 (4 BED DETACHED HOUSE TYPE)
R451.01 (4 BED DETACHED HOUSE TYPE)
R455ANB/04 (4 BED DETACHED HOUSE TYPE)
R455ANB/03 (4 BED DETACHED HOUSE TYPE)
R455ANB/02 (4 BED DETACHED HOUSE TYPE)
R455ANB/01 (4 BED DETACHED HOUSE TYPE)
R533.04 (5 BED DETACHED HOUSE TYPE)
R533.03 (5 BED DETACHED HOUSE TYPE)
R533.02 (5 BED DETACHED HOUSE TYPE)
R533.01 (5 BED DETACHED HOUSE TYPE)
E01, E06, E11, E15 AND E27 (GARAGES)

Reason: For the avoidance of doubt.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or other form of enlargement to the residential development hereby permitted, nor erection of porches, outbuildings, hardstandings, or storage tanks, shall take place unless otherwise agreed in writing by the Local Planning Authority. {ul Reason:-} To safeguard the appearance of the development and to accord with Policy IN/1 of the Harborough District Local Plan.

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. A watching brief for protected species must be maintained at all times throughout the development. In the event of any protected species being discovered works shall cease, whilst expert advice is sought from Natural England.

Other Applications – Residential:

11/00221/FUL – HUSBANDS Erection of porch to the front, 35
BOSWORTH Berridges Lane.
Mr C Meddows-Smith

Target Date: 14/04/11

Recommendation

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

The development hereby approved, by virtue of its design, size and positioning, would not adversely affect the amenity of local residents, nor result in a sub-standard level of off street parking, nor an unacceptable reduction in open space around the dwelling and would be subordinate to the main dwelling and of harmonious design, form and materials. Furthermore, it is considered that the development would not have an adverse effect upon the character and appearance of the Conservation Area, develop any open spaces or vistas important to the Conservation Area, and it enhances the Conservation Area. The proposal is therefore considered to comply with policies IN/1, HS/12 and EV/11 of the Harborough District Local Plan and Supplementary Planning Guidance Note 5, no other material considerations indicate that the policies of the development plan should not prevail.

Site:

35 Berridges Lane is a semi-detached Victorian dwelling located North East of the centre of Husbands Bosworth. The dwelling is situated on the Western side of Berridges Lane, which is a one way street. The site lies within the Conservation Area and the defined limits to development. Surrounding properties are a mix of ages and design.

The Proposal:

This application proposes the erection of a porch to the front of the dwelling. The proposed porch would have a dual pitched roof and would be approximately 2 metres by 1.9 metre with a height of 3.8 metres (2.3 metres to the eaves). The porch would be constructed of brick with clay tile roof to match the existing dwelling.

To facilitate the proposal, an existing canopy would be removed.

Policy

National Policy

PPS 1
PPS 5

Regional Policy

East Midlands Regional Plan (RSS8)

Harborough District Local Plan

IN/1 Standards of Development
HS/12 Domestic Extensions, Outbuildings and Garages

EV/11 Conservation Areas – Character and Appearance
EV/13 Conservation Areas – Demolition

Supplementary Planning Guidance Note 5

Consultations / Representations:

Parish Council:

Council would have liked to have seen an accurately-scaled plan of the site with the proposed porch to show that the structure would not compromise car parking/turning. We hope that planners have taken this aspect of the proposal into consideration.

HDC Conservation Officer:

None received.

Representations:

None received.

Information

This application is being reported to the Planning Committee as the applicant is related to a member of HDC staff.

Planning Considerations:

Policy Assessment:

This section of the report summarises relevant Development Plan policies. Those considered of particular importance to this proposal are Policies IN/1, HS/12 and EV/11.

- IN/1 – Standards of Development – is an overarching Policy which ensures that development achieves a good standard of layout and design, is in keeping with the scale and character of its surroundings and does not harm the amenities of neighbouring occupiers or create highways dangers.
- HS/12 – Domestic Extensions, Outbuildings and Garages – requires that extensions are subordinate to the main building and are of a harmonious design, form and materials. Extensions should not have a detrimental effect on the visual amenities of the area or neighbouring residential amenity and should not result in an unacceptable reduction in open space or on-site parking.
- EV/11 - Conservation Areas; Character and Appearance – This policy requires that developments in the Conservation Area are of an appropriate scale, design and detailing do not have an adverse affect on the character and appearance of the area and do not develop important open spaces or vistas.

Planning Considerations:

Design, Layout and Impact on the Conservation Area:

The proposed porch is subordinate to the existing dwelling and of a harmonious design and materials. The porch would match the design of the porch at the adjoining property, thereby improving the symmetry of the dwellings.

The proposed porch by virtue of its sympathetic design and the replacement of the existing canopy would be considered to enhance the appearance of the Conservation Area.

Residential Amenity:

The proposed porch would not be considered to adversely affect residential amenity at any property. The porch would not protrude far enough to the front of either neighbouring property (33 or Fitzroy 35A Berridges Lane to trigger the 45 degree rule as outlined in SPG 5) and would not be considered to cause loss of light nor be overbearing to either property.

The proposed plans show small windows to the side elevations of the porch, however these would not be considered to cause loss of privacy to either property, due to their nature. The window to the North elevation would face a blank section of the side wall of the neighbouring property and the window to the South elevation would be screened from the neighbouring property by the existing boundary hedge.

The proposed porch would have no impact on 24 Berridges Lane opposite the site, being over 21 metres from the property.

Highways and Parking Considerations:

The Parish Council have commented that they would have liked to have seen an accurately-scaled plan of the site with the proposed porch to show that the structure would not compromise car parking/turning. The property has a car port and space for a further two vehicles on the driveway and the proposed porch would not be considered to compromise the level of parking available. The proposed porch and steps would extend by only 1 metre further into the driveway, than the existing canopy and space for three vehicles could still be accommodated. This is considered to exceed the maximum requirement for the dwelling which has two bedrooms. In any case a porch of a similar projection could be constructed under permitted development.

Conclusion:

In the opinion of the District Planning Authority, the proposed porch is subordinate to and in keeping with the existing dwelling and would enhance the Conservation Area. The porch would not develop important open spaces or vistas, would not have an adverse affect on the amenity of adjoining residents, and would not reduce on-site parking, or amenity space to a substandard level. The proposal is therefore considered to comply with Policies IN/1, HS/12 and EV/11 of the Harborough District Local Plan and no other material considerations indicate that the policies of the development plan should not prevail.

Conditions / Reason:

1. The development hereby approved shall be begun within 3 years from the date of this permission. Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.

2. The development hereby permitted shall be in accordance with the submitted plans and drawing reference 'Sheet No: 1' dated 14.02.2011; Reason:- For the avoidance of doubt.

3. The materials to be used in constructing the external surfaces of the extension hereby approved shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority. Reason:- In the interests of visual amenity and to ensure that the development will harmonise with its surroundings and to accord with Policy IN/1 of the Harborough District Local Plan.

Note 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.

Other Applications – Others:

11/00060/FUL – FOXTON
Harborough District Council

Change of use of land to form
extension to cemetery, Cemetery CE3,
Main Street.

Target Date: 28/03/11

Recommendation

APPROVE - The development hereby approved, by virtue of its nature, siting and use would not adversely affect the character and appearance of the landscape within this Area of Particularly Attractive Countryside, residential amenity, ecological or archaeological interests or give rise to additional traffic which would lead to a road safety hazard. The proposal is therefore considered to comply with policies EV/4, EV/5, IN/1 and TR/3 of the Harborough District Local Plan. It is not considered that there are any material considerations which would outweigh the policies of the development plan or indicate that the proposal would result in demonstrable harm to interests of acknowledged importance.

Site:

The application site is located on the southern edge of Foxton, adjacent to the existing cemetery, comprising a strip of land approximately 5m in depth. The site is currently agricultural pastureland, the site is surrounded by open countryside with the nearest residential property approximately 50m to the north. The site is not located within a conservation area

The Proposal:

The application relates to the change of use of land to form an extension to the existing cemetery by 5m in depth and the erection of a new post and rail fence to the field boundary.

Policy

Harborough District Local Plan:

Policy IN/1 – Standards of development

Policy EV/4 – Countryside Character

Policy EV/5 – Development in the Countryside

Consultations / Representations:

Highway Authority:

No comments.

Leicestershire County Council (Ecology):

None received.

Leicestershire County Council (Archaeology)

None received.

Parish:

No comments.

Representations:

None received.

Other Information

Public Rights of Way:

None affected.

History:

None relevant.

Information:

This application is being reported to the Planning and Regulatory Committee as the applicant is Harborough District Council.

Planning Considerations:

Policy Assessment:

As this application is for changing the use of land in the countryside, Policies IN/1, EV/4 and EV/5 are considered to be most relevant. These policies require that the proposal should not have a detrimental impact on the amenities of the neighbouring residents, the proposal should not have a detrimental impact on highway safety and the proposal should not have an adverse effect upon the character and appearance of the countryside.

Residential Amenity:

As the proposal is to extend an existing cemetery it is considered to have no detrimental impact on the residential amenity of the neighbouring residents, therefore the application is considered to be in accordance with Policies IN/1 and EV/5 of the Harborough District Local Plan.

Highways and Parking Considerations:

The proposal does not have an affect on highway safety and is therefore in accordance with Policy IN/1 of the Harborough District Local Plan.

Design and Impact on the Countryside:

As the proposal consists of a change of use of land and an extension to an existing cemetery and as the fencing to be erected is in keeping with the character of the area and is what would be expected in a countryside location the appearance of the land will not be considerably altered or affected and therefore the important features and character of the open countryside will be retained. The proposal is therefore considered not to adversely affect the character and appearance of the countryside and will have a minimal impact on the landscape, particularly given its close relationship with the existing cemetery. The proposal therefore complies with Policy EV/5 of the Harborough Local Plan.

Ecology and Archaeology:

Leicestershire County Council Ecology and Archaeology have not commented on the application.

Conclusion:

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

Conditions / Reason:

1. The development hereby permitted shall be begun within 3 years from the date of this permission. Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.

11/00188/FUL – BRUNTINGTHORPE C Walton Ltd	Erection of a track monitor building, Bruntingthorpe Proving Ground, Bath Lane.
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Target Date: 04.08.2011

Recommendation

APPROVE subject to the appended conditions.

The proposal is an appropriate use within the site context and contributes to the rural economy. Access to the site is adequate, and the use of the unit will not have a detrimental effect upon residential amenity. The proposal is in accordance with Policies IN/1, EV/5, TR/3, EM/16 and EM/17 by virtue of the fact that it is not harmful to the character of the surrounding area or other material interest, and the special circumstances of the proposal mitigate the fact the site is within a non-sustainable location.

Site

Bruntingthorpe Proving Ground (BPG) is in the open countryside to the east of Lutterworth. It has a fenced perimeter surrounding some 250ha. Its entrance, with a security gate is off Bath Lane close to Bruntingthorpe, which is one of 6 villages and settlements within about a mile of the perimeter. The others are Upper Bruntingthorpe, Peatling Parva, Gilmorton, Walton and Kimcote.

BPG contains several buildings in various uses, including an aircraft museum, storage/warehousing, but its principal feature is a wide runway, some 2 miles long, running north-east to south-west. Other surfaced roadways on either side have several surfaced aprons off them, and provide a circuit of about 4 miles. Several areas to the east of the main runway are laid out for use by go-karts, 4 x 4 and other vehicles. There are

extensive areas of open storage, including containers, lorry tractor units and cars, mainly in the northern part of the site. A separate area near the north-western boundary is used by Caterpillar UK Ltd for testing vehicles and plant.

The site also benefits from permitted development rights and the use of the BPG site for those activities which benefit from these rights are recorded within a track diary kept by the Applicant which is regularly sent to the LPA. A significant amount of activity associated with the site relates to the proving and testing of motor vehicles which takes place on the main 4 mile long circuit; the principal feature of which is a 2mile long 60m wide straight former US army run-way.

The Proposal

This is an application for the erection of a single trackside building (*sui generis*) proposed to accommodate track users in addition to a monitoring office at Bruntingthorpe Proving Ground.

The use of the building will be to provide a suitable, central location for everyday track monitoring and management (including a centre for the operation of 'Noisehub'), and in addition provide a modern central facility to cater for all existing track users.

The building would cover a footprint of 374.4msq and be located to the south eastern side of the Proving Ground.

The building is a two storey low pitched roofed former Garage show room with glazed sides and frontage which would face north west for maximum visibility across the full extent of the track. The dimensions of the building are as follows:

- *Height to eaves 7m*
- *Height to ridge 5.5m*
- *Width 14m*
- *Breadth 25.8m*

The Proving Ground facility would continue to be accessed from the main site secure entrance (along Bruntingthorpe Lane/Bath Lane to the A5199). The building would be located approximately 300m west of the curtain track at which a further secure access barrier would be provided towards the track yard at the front of the proposed building.

As stated, the extent of the track use is well documented. The applicants have stated that there would be no increase in the anticipated number of vehicles to and from the site as a result of the proposed building (which indirectly varies annually as a result of macro-economic circumstances in the automotive industry).

The building has been designed to accommodate existing clients who use the track and help manage the use of the Proving Ground. The proposal aims to raise the standards of track management and client care commensurate with the facilities provided by BPG competitors such as MIRA and Millbrook.

Policy

National:

PPS1 – Delivering Sustainable Development

PPS4 – Planning for Sustainable Economic Growth including...

- POLICY EC6: Planning for Economic Development in Rural Areas
- POLICY EC12: Determining Planning Applications for Economic Development in Rural Areas

PPS7 – Sustainable Development in Rural Areas

Greg Clarke MP, Minister for Decentralisation – “Planning for Growth” speech – 23rd March 2011

Harborough District Local Plan:

IN/1 – Standards of Development

EV/5 – Development in the Countryside

EM16 – The Proving Ground Use

EM/17 – Bruntingthorpe Proving Ground – Other uses

Consultations / Representations:

Highway Authority:

No comments.

HDC Environmental Health:

No comments.

Bruntingthorpe Parish:

Consulted 14/02/2011 – any comments will be reported through the Supplementary Information List

Peatling Parva Parish:

Consulted 14/02/2011 – any comments will be reported through the Supplementary Information List

Gilmorton Parish:

Consulted 14/02/2011 – any comments will be reported through the Supplementary Information List

Kimcote & Walton Parish:

Consulted 14/02/2011 – any comments will be reported through the Supplementary Information List

Abandon (Against Bruntingthorpe Airfield Noise Disturbance or Nuisance) Group:

Any comments received will be reported through the Supplementary Information List

Representations:

2 letter of objection (Cedar House and Highbank House, Peatling Parva) raising the following comments: 1) The proposed building is substantial in comparison to existing floor space used for this purpose and will inevitably lead to an increase in frequency and type of uses which already cause harm locally. 2) This is proven in relation to proving and testing uses and PD days which account for noisy use of the airfield on most days in the year. 3) Indeed Officers are aware of local concern about some of the uses permitted in 2009 eg Driver tuition which in reality is tuition for motor racing and therefore practice. 4) This is not what was expected in the 2009 permission and needs to be considered further

however allowing a large new building to support such uses would not only allow this particular activity to be substantiated towards motor racing but other permitted uses to drift in this direction also. 5) I note that the Council have not monitored compliance with Planning conditions in this regard. In my view this is a first reason for refusal. 6) In considering this situation in 2009 an external Planning Inspector found “the level of complaints is high demonstrating a real problem being caused at BPG to nearby residents. Noise from activities was intrusive, invasive, and residents would be significantly harmed in and outside their houses. Noise from BPG can be very disturbing. Genuine annoyance experienced is not negligible. **There is a cumulative impact of the total noise regime at BPG causing significant annoyance and harm to local living conditions.** Amenity considerations are not the same as noise nuisance considerations and when the latter was considered by a judge, at the time, there was insufficient evidence. Uses at BPG increase noise levels above a generally quiet noise climate and there is harm to residents living conditions”. This context would suggest that any development which is likely to allow this situation to be exacerbated should be resisted and the Council have a second reason for refusal here. 7) A third reason revolves around the temporary and unauthorized nature of many uses at the airfield most of which have caused harm. These range those in the 2009 permission, PD uses, proving and testing outside of the 1973 consent, aviation and so on. Because of the nature of these uses a permanent building is not justified. Indeed as I have suggested it can only lead to expansion of such uses. 8) As significant as any of the preceding is the prevailing Policy position of the Council vis a vis saved Local Plan Policies which specifically relate to this site and which were agreed through public consultation and external examination to redress the well known harm that motor racing and motor sport cause locally. Policy EM 16 seeks to allow test facilities and workshops in a very small part of the airfield only and even then subject to strict controls and pre conditions. This area is the farthest from surrounding villages. The proposed building will extend this restricted area spreading and increasing the activity and inevitable harm even if pre conditions could be met. There is an immediate breach of Planning Policy here. 9) The proposal fails to meet any of these Policy tests and is fundamentally flawed therefore. It should be refused on Policy as well as the other grounds I have outlined. 10) It follows that permitting this application will draw a red line through the Councils Planning policy for the airfield and if the Council did this it would be complicit in the chaos and harm airfield uses cause in the locality. 11) I object to this development on the grounds that the result will only be an increase in the noise harm to we are subjected. 12) The applicants state that the intention is to provide facilities to the standard of those at their competitors eg MIRA and Millbrook. This indicates to me, along with the employment by C Walton of a manager with previous experience at MIRA, that this is a key area for development and expansion at BPG. 13) MIRA and Millbrook are professionally managed facilities with a proven history of significant involvement with the mass production motor industry that may benefit the economy of the nation. BPG seems to be more involved with the fringe elements particularly those that cater for performance and racing developments. These are as a result of the type of vehicles and style of driving and testing involved noisy activities. 14) BPG is used regularly for high speed testing of performance motorcycles, a very noisy and disturbing activity, even if it just one bike circuiting time and time again. Of the testing sites they wish to compete with only BPG is fringed by 6 villages that are all affected by activities on site whether through noise or increased traffic. 15) BPG also benefits from a quirk in planning permission in that it can operate under permissions specifically created to allow Chrysler in 1973, a major car manufacturer, to test it’s production vehicles, Hillman Avengers etc. subject to specific conditions designed to protect the neighbouring

villages from noise. These conditions are now flouted, eg speed restrictions at weekends, style of driving etc. These must be enforced before approving developments that will lead to an expansion of testing. 16) In addition the applicant refers to 2009 temporary permissions for use for purposes such as driver training and media events and product launches. 17) These are noise generating events that cause harm to local residents. 18) I do not consider that provision of this new facility will do anything other than to increase the negative impact of BPG on the locality, already the Mannheim auction creates significant extra traffic flow on local roads, events taking place under the 2009 temporary permissions create additional traffic, improving the accommodation for media launches will increase the numbers that can be involved so that will inevitably impact on local roads. 19) This facility will presumably also see use to enhance provision for harmful activities such as Drivers Dream Day that it operates during weekends under Permitted Development rights when high performance vehicles are driven recreationally. 20) Increasing the view of the track will only encourage more spectator based activity leading to more noise and more traffic.

Other Information

The application has been brought before Members of the Planning Committee because it has been "Called-in" by Cllr Hart.

Public Rights of Way:

None affected.

History:

BPG has a very complicated and vast planning history, however, few of these applications are relevant to this particular application. The relevant history of the proving ground (Vehicular uses) is set out below.

Date Received / Date Enforcement Notice Served	Decision & Decision Date / Outcome of Appeal	Plan No. / Enforcement Notice Number	Name of Applicant	Nature of Development / Requirements of Enforcement Notice
13.12.71	Application called in for determination by the Secretary of State following a public local inquiry 12-15 & 20 th December 1972, Conditional Consent granted 19.04.73	71/00428P/LR DC	Chrysler UK	Change of use of disused airfield to proving ground for the testing of cars and commercial vehicles
06.02.84	Approved 20.07.84	84/00173/3C	Leicestershire County Council	Use of main hangar for police training purposes
13.02.86	Appeal withdrawn. In allowing the appeals and quashing the convictions, the Crown Court held the view that as illegal use can be continuous or intermittent and therefore a single offence had been committed in 27 th June 1987	EN102		To cease using the land for vehicle racing competitions, club events, invitation rallies and meetings; all involving vehicles; and for flying, gliding and fun days and other such entertainments as are ancillary to those functions
13.02.86	Appeal withdrawn. In allowing the appeals and quashing the convictions, the Crown Court held the view that as illegal use can be continuous or intermittent and therefore a single offence had been committed in 27 th June 1987.	EN103		To cease using the land for recreational purposes involving vehicles and aircraft

13.02.86	In allowing the appeals and quashing the convictions, the Crown Court held the view that as Schedule 3 referred to the 1978 Construction Use and Regulations had been superseded in August 1986 no offence was committed. The wording of the Notice had therefore restricted itself and made it vulnerable to changes in law.	EN104			That noise from any vehicle being proved and / or tested on the land is such that if the land were a highway it would not involve the commission of an offence by the user of the vehicle under the provisions of the Motor Vehicles (Construction and Use) Regulations 1978 in accordance with the provisions of condition 2 of the planning consent dated 19.04.73
13.02.86	Appeal withdrawn. In not proceeding with four of the above prosecutions the Council realised that it had insufficient evidence to prove that the condition had been contrived.	EN105			That any vehicle being tested and / or proved between the hours of 18:00 on any Friday and 08:00 on the following Monday, comply with condition 3 of the planning consent dated 19.04.73 as follows: a: the speed of the vehicles being tested and / or proved not to exceed 70mph b: any vehicle being tested and / or proved are driven in such a manner as to permit only normal stopping and starting.
01.05.86	Refused 01.07.86	86/00707/3P	C Walton LTD		Relaxation Of Condition No 3 On Planning Permission No 428/P/71 To Remove 70 MPH Restriction
01.05.86	Refused 01.07.86	86/00710/3P	C Walton Ltd		Additional use of land for driver instruction/education/recreation etc
01.05.86	Refused 01.07.86	86/00706/3P	C Walton Ltd		Additional use of land for motor vehicle rallies, trials, sprints, etc
25.11.86	Refused 10.02.87	86/02042/3P	D Hardcastle	R	Use of 5.5 acres of land and part of the control tower for specialised driving tuition
20.08.87	Notice was quashed as Section 36 appeals were dismissed 29.06.89	EN131			To ensure that in future the land is not used for flying events involving motor vehicles without the prior approval in writing of the District Planning Authority in accordance with condition 12 of 86/01667/3P

20.08.87	Appeal dismissed 29.06.89. Notice varied and period extended from two months to four months.	EN132			The land and building ceases to be used for specialist driving tuition (ie Rally School) and remove from site all vehicles, materials and equipment associated therewith.
23.11.87	Approved 29.03.90	87/02174/3P	C. Walton Ltd.		Use of 6 former aircraft parking bays for storage of motor vehicles
11.12.90	Approved 18.02.91	90/02420/3P	Early Motoring		Use of part of proving ground for driving tuition
01.11.96	Approved 19.05.98	96/01770/3P	Jonathan Palmer		Use of parts of proving ground for corporate motor events involving demonstration and testing of motor vehicles and related drive instruction vehicle maintenance and repair
03.12.97	Appeal Dismissed 15.01.99 Notice was varied to tighten the control of use of the site in relation to driving to that which is considered to be proving and testing. Decision was upheld by the Court of Appeal, 23.09.99	EN282			i) To cease using the site shown edged red on the attached plan for the driving of motor vehicles (including their associated parking and storage) for purposes other than the proving and testing of motor vehicles or pursuant to any other planning permissions granted in respect of the site, including any such permissions which were extant at the date of issue of this notice; and ii) to remove from the site edged red on the attached plan all motor vehicles as are not on site for proving and testing purposes, or pursuant to any other planning permission granted in respect of the site, including any such permissions which were extant at the date of issue of this notice
23.02.99	Approved 15.06.00	99/00208/VAC	Mr J Palmer		Variation of condition no. 2 of planning permission 96/1770/3P to extend the expiry date until 18th May 2002
23.02.99	Withdrawn 07.07.00	99/00209/VAC	Mr J Palmer		Variation of condition 3 of permission ref. 96/1770/3P to enable corporate driving events to be held on six Saturdays per year

24.05.99	Refused 13.10.99	99/00537/FUL	Caterpillar Technical Services Europe Ltd	Use of land for endurance vehicle testing for caterpillar vehicles (24 hours Monday to Saturday inclusive)
20.12.01	Approved 14.08.02	01/01725/VAC	C Walton Ltd	Variation of conditions 1 and 2 of planning approval 96/1770/3P (Palmer Sports) to allow for an extension of the time period until 18 May 2003 and for the benefit of the named applicant
19.03.02	Approved 13.05.02	02/00442/FUL	Leicestershire Fire And Rescue Service	Renewal of temporary permission for the use of land in connection with the training and testing of emergency service vehicles
29.07.02	Withdrawn 08.12.04	02/01166/FUL	Caterpillar Technical Services Europe Ltd	Vehicle endurance testing
05.02.03	Approved 02.04.03	03/00134/VAC	C Walton Ltd	Variation of condition 2 of planning approval 01/01725/VAC (corporate motor days) to allow for an extension of the time period until 18th May 2004
16.04.03	Approved 04.06.03	03/00555/FUL	Caterpillar Technical Services Europe Ltd	Vehicle endurance testing (resubmission of 02/01166/FUL)
29.03.04	Approved 25.06.04	04/00526/VAC	C Walton	Variation of condition 2 of approved planning application 96/01770/3P to allow further 12 months of operation
02.06.06	Appeal allowed and Noise Abatement Notice quashed 27.04.07	Noise Abatement Notice		(a)You are required to abate the Statutory Nuisance within 4 Calendar Months from the date upon which this notice is served upon you. (b)the recurrence of the Statutory Nuisance is prohibited
04.07.08	Appealed against non- determination – Appeal Withdrawn following appeal decision	08/00951/FUL	C Walton Ltd	Corporate hospitality involving the use of motor vehicles in addition to existing uses

22.12.08	Appeal subject to conditions – 08.12.09	Allowed	EN 452	C Walton Ltd	(i) to cease using the site shown edged red on the attached plan (see Appendix A) for the driving of motor vehicles (including their associated parking and storage) for purposes other than the proving and testing of motor vehicles or pursuant to any other express planning permissions granted in respect of the site, including any such permissions which were extant at the date of issue of this notice; and (ii) to remove from the site edged red on the attached plan all motor vehicles as are not on site for proving and testing purposes, or pursuant to any other planning permission granted in respect of the site, including any such permissions which were extant at the date of issue of this notice. Creation of a noise attenuation bund
12.06.09	Approved – 27.01.10		09/00680/FUL	C Walton Ltd	

Planning Considerations

Policy Assessment:

As this application is for the erection of a building to be used as a track monitoring building and a house for the “Noise-hub” system required as part of the planning approval under EN452, Policies IN/1, EV/5, EM/16 and EM/17 are considered most relevant. Policy IN/1 requires a number of criteria to be met, such as the proposal should not have a detrimental effect on the visual amenities of the surrounding area, and it must not result in a sub-standard level of on-site parking. Although the application site is not strictly within the confines of BPG, it is intrinsically linked to a lawful use of the Proving Ground, and access to the site is being gained through the Proving Ground. As such it is also considered that Policy EM/17 is relevant to the proposal.

Policy EV/5 relates to development in the countryside and states that development in the countryside will be strictly controlled. The district council will refuse planning permission for development proposals in the countryside unless:-

1. The development is likely to sustain or improve the rural economy and cannot reasonably be provided within or adjacent to an existing settlement;
2. The development does not adversely affect the character and appearance of the countryside;

3. The development does not adversely affect the amenities of residents in the area;
8. Satisfactory access can be provided without adversely affecting the character and appearance of the area;
9. There is capacity in the local road network to accommodate the traffic likely to be generated by the development;

Policy EM/16 related to Proving Ground uses at BPG and states that within the area of Bruntingthorpe Proving Ground / Airfield, as defined on proposals map inset 6, the District Council will not grant planning permission for proposals to extend the test facilities and to erect ancillary workshops on site a on the plan until it is demonstrated to the satisfaction of the District Council that the following requirements can be met:-

- 1a. The clarification and definition of the extent of the uses that can be carried on under the terms of the 1973 permission for the proving and testing of motor vehicles;
- 1b. The definition of noise limits and systems of operation that will not cause unacceptable disturbance to the amenities of residents in the area;
- 1c. The specification of systems for monitoring noise and securing compliance with noise limits; and
- 1d. Subjecting to the same controls any temporary uses that may be operated under the Town and Country Planning (General Permitted Development) Order 1995 - Schedule 2 Part 4;

The District Council will seek a planning obligation to secure the above requirements and subject to the following criteria:-

2. The design, materials, massing and bulk of the buildings and test surfaces should combine to minimise their impact on the character and appearance of the area;
3. The combined gross floor space of the buildings shall contribute to the site's cumulative ground floorspace limit of 16,700m² and in any event shall not exceed 2,200m² and the use shall be ancillary to the proving and testing of motor vehicles being tested on the proving ground;
4. The existing perimeter tree planting is retained and new planting and landscaping shall be carried out to assimilate buildings into the landscape;
5. It can be demonstrated through a traffic impact assessment that:
 - a. Traffic generated by the development and other acceptable development can be accommodated on the highway network;
 - b. The number and type of vehicles do not cause an unacceptable loss of amenity to residents and users of the highway;
6. Any necessary off-site highway works must be undertaken at the developer's expense before the buildings are brought into use and new uses are implemented;
7. All access is taken via the main gate to the Shearsby Bath Road;
8. Agreements are entered into to control routing of commercial vehicles;
9. Adequate provision shall be made for the disposal of foul and surface water drainage;
10. Agreement of a lighting scheme to minimise light pollution from any proposed lighting installations.

Policy EM/17 states that within the area of Bruntingthorpe Proving Ground/airfield, the District Council will grant planning permission for proposals to use the existing hard

surfaces and buildings on the site for employment, recreation and tourism development where the following criteria are met:-

1. The agreement of noise limits to ensure that the proposed uses shall not cause unacceptable disturbance to the amenities of residents in the area;
2. The uses do not consist of the flying, display, operation, storage, maintenance repair, refurbishment and reconstruction of aircraft except as indicated in Policies EM/18 to EM/21;
3. The existing perimeter tree planting is retained and new planting and landscaping carried out where appropriate;
4. It can be demonstrated through a traffic impact assessment that:
 - a. Traffic generated by the development and other acceptable development can be accommodated on the highway network;
 - b. The number and type of vehicles do not cause an unacceptable loss of amenity to residents and users of the highway;
5. Any necessary off-site highway works must be undertaken at the developer's expense before the new uses are implemented;
6. All access is taken via the main gate to the Shearsby Bath Road;
7. Agreements are entered into to control the routing of commercial vehicles;
8. Any building or extension to be erected is ancillary to the main use, modest in scale, and has no material visual impact outside the site; the district council will seek an obligation to limit the additional amount of floorspace on the site;
9. An agreement is drawn up to bring under control any temporary uses that may be operated under the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2 Part 4;
10. Adequate provision shall be made for the disposal of foul and surface water drainage;
11. Agreement of a lighting scheme to minimise light pollution from any proposed lighting installations.

Policy EC/6 of PPS4 states that Local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all.

Greg Clarke MP, in his speech on the 23rd March 2011, stated that The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions. The Secretary of State for Communities and Local Government will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment.

Principle of the Development:

The application proposes the erection of a new building to support existing uses on the Proving Ground. It is proposed that this building would house all track monitoring operations, as well as providing a new base for the Corporate Events which are currently housed in the former control tower. The proposal does propose a new building, which is considered to be in keeping with Policies EM/16 and EM/17. Access to the site is proposed via the main Proving Ground access, and as such complies with Policies EM/16 & EM/17. As previously stated, the new building will re-house existing uses, and as such, in its own right will not cause any increase in traffic in its own right and as such the proposal is compliant with Policy EM/17.

Residential Amenity:

There are no neighbouring properties adjacent to the site for there to be any impact upon the residential amenity of neighbouring properties. The application is therefore considered to be in accordance with Policy IN/1 of the Harborough District Local Plan.

Highways and Parking Considerations:

The application site is proposed to be solely accessed via the main access to BPG at the eastern end of the site where it meets Bath Lane from Bruntingthorpe village to the A5199. There are adequate parking facilities within the site for users of the facility, and the access to the site is of an adequate design for the type of traffic the proposal would attract. As stated above, the building itself will not increase the number of vehicles using the site as it will re-house existing uses on the Proving Ground. It is therefore considered that the proposal would be in accordance with Policies IN/1 and TR/3 of the Harborough District Local Plan.

Impact upon Character of the Area:

Whilst the proposed building is relatively large in its own rights at 14m by almost 26m and 7m to the ridge, when seen in the context of the site as a whole, it is considered that the building is relatively small scale and is of a design so as not to appear visually obtrusive. Policy EM/17 states that any building or extension to be erected is ancillary to the main use, modest in scale, and has no material visual impact outside the site. It is considered that the proposed building complies with this element of the Policy, and as such, the application is therefore considered to be in accordance with Policy EM/17 of the Harborough District Local Plan in terms of its impact upon the character of the countryside.

Other Issues:

A number of issues have been raised by local residents. The first of these relates to the enforcement and monitoring of the site. This is not an issue which should have any bearing upon the consideration of this application, however, Officers have asked for a response to these claims, and this will be reported as part of the Supplementary Information List.

Another concern which has been raised is the “substantial” increase in floorspace compared to existing used for this purpose. As stated above, the proposal will consolidate existing dispersed floorspace into one building, and as such it is not considered that the proposal would be a substantial increase in floorspace.

Concerns have also been raised over the harm caused to local residents, as identified by the Inspector at the 2009 Public Inquiry. The use of the building currently being

considered will not create any noise audible outside the site due to the fact that there are no additional vehicular uses proposed as part of the proposal. It is therefore considered that the proposal will not increase any harm caused to the residents of the surrounding villages.

Another issue relates to the granting of a permanent consent in relation to uses permitted by a temporary consent. The uses covered by the temporary consent arising from the Appeal into EN452 are only some of the uses which will be monitored by, and benefit from the building. Others include Proving and Testing under the 1973 consent and Permitted Development. It is therefore considered to be unreasonable to refuse the application due to the temporary nature of permission of some of the uses of the track.

A further concern relates to Policy EM/16 and its provision for allowing test facilities and workshops, in a limited area which is least likely to cause harm. The concern is that this building is not within this area, however, Officers do not consider the building to be either a test facility or workshop, rather more of an office facility, the use of which is unlikely to create an unreasonable level of noise.

Conclusion

The proposal is an appropriate use within the site context and contributes to the rural economy. Access to the site is adequate, and the use of the unit will not have a detrimental effect upon residential amenity. The proposal is in accordance with Policies EV/5, EM/16 and EM/17 by virtue of the fact that it is not harmful to the character of the surrounding area or other material interest, and the special circumstances of the proposal mitigate the fact the site is within a non-sustainable location.

Conditions / Reason

- 1) The development hereby permitted shall be begun within 3 years from the date of this permission. *Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.*
- 2) No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved building has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. *Reason:- In the interests of visual amenity and to ensure that the development will harmonise with its surroundings and to accord with Policy IN/1 of the Harborough District Local Plan.*

