

APPLICATIONS FOR DEVELOPMENT

APPLICATIONS FOR DETERMINATION BY COMMITTEE

11/00734/FUL

Erection of a dwelling

NEWTON HARCOURT

The Manor House, Wistow Road

Target: 19.08.11

**Recommendation:**

**APPROVE** for the following reason and the appended conditions.

The proposed dwelling is considered to reflect the highest standards in contemporary architecture. The proposed dwelling would integrate well with its surroundings, by virtue of its location within a woodland setting, its innovative design and choice of materials. The dwelling will be visible in glimpses, but as a whole the development is considered to have little or no adverse visual impact. Whilst there are clear inconsistencies with national, regional and local planning policy objectives, it is considered that the proposal is aesthetically attractive in terms of its contemporary design to be worthy of support as an exception to policy. The proposal is therefore considered to comply with Paragraph 11 of PPS7.

Furthermore, by virtue of the siting, design and scale of the proposed dwelling, together with the written evidence provided, it has been demonstrated that the development, will not increase flood risk, nor will it significantly affect adjacent heritage assets; the woodland; protected species or highway safety. The proposal is therefore considered to comply with PPS1, PPS5, PPS9, PPG13 and PPS25.

**Site:**

The application site relates to the 'North Wood' within Manor House Spinney, which is within the grounds of, and to the south east of, The Manor House, a small country house, Grade II Listed, built in the early 17<sup>th</sup> century with 19<sup>th</sup> century alterations.

The Manor House is located outside of, and to the south of, the village of Newton Harcourt. It is immediately south of a railway line (running between Leicester and Market Harborough) and the Grand Union Canal, a Conservation Area and Site of Special Scientific Interest (SSSI).

The River Sence divides the North and South Wood. To the west of the site is further woodland known as 'Manor Wood'. The southern and eastern boundaries of the site are bound by Wistow Lane, beyond which are open fields.

The site and surrounding area is rich in heritage assets, including the Grand Union Canal; St Luke's and St Wistan's Church; High Bridge; Newton Shrunken Medieval Village (SMV) and Wistow Deserted Medieval Village (DMV)

### **The Proposal:**

The application, seeks full planning permission for the construction of a new dwelling within a clearing of the woodland on the northern bank of the River Sence in accordance with the policy exceptions afforded by Paragraph 11 of Planning Policy Statement 7.

The application has been accompanied by the following supporting documents:

- Design & Access Statement, prepared by A J Goddard Architect, May 2011
- Planning Statement, prepared by A J Goddard Architect, May 2011
- Context Drawings; Plans & Elevations; Sections and 3D visualisations prepared by A J Goddard Architect, May 2011
- Ecology Report, prepared by Lockhart Garratt, April 2010
- Arboricultural Implications Assessment, June 2011
- Flood Risk Assessment, prepared by Morgan Tucker Consulting Engineers September 2011
- Archaeological Desk-Based Assessment and Heritage Statement, prepared by ULAS September 2011.
- Landscape & Visual Impact Assessment, prepared by Moore Environment January 2012

### **Amended Plans**

One set of amended plans have been received since the original submission, amending the red line and omitting the pedestrian footbridge over the River Sence

### **Policy:**

#### **The Development Plan**

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

#### **Regional Spatial Strategy**

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

In light of these recent judgements, the Development Plan for the purpose of these applications consists of the Regional Spatial Strategy for the East Midlands, adopted in 2009; the 'retained' policies of the Harborough District Local Plan, adopted in 2001, and the Harborough District Council Core Strategy adopted in November 2011.

#### **East Midlands Regional Plan, adopted March 2009**

Regional Policy of relevance include:

Policy 2 – Promoting Better Design

Policy 3 - Distribution of New Development

Policy 27 – Regional Priorities for the Historic Environment

Policy 35 – A Regional Approach to Managing Flood Risk

#### **Harborough District Local Plan, adopted April 2001**

The retained policy of relevance is:

## Policy HS/8: Limits to Development

### Supplementary Planning Guidance

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

SPG Note 1 – Design Principles to be applied in Harborough District  
SPG Note 9: Landscape & New Development  
SPG Note 10: Trees & Development

\*Until replaced by a new SPD, the Council has agreed to continue to treat specified guidance or parts of it (some will be out of date and can be completely set aside) as a material consideration in the determination of planning applications. Whilst this guidance relates to policies which no longer exist, it has been subject to public consultation, been agreed by Council and been in operation for many years. To suddenly completely ignore the guidance would leave a policy vacuum that would not be in the public interest and could be harmful to interests of local importance. However planning decisions would have to relate to Core Strategy and could only make reference to the Guidance if it related to a policy in the Local Plan which has not been replaced.

### Core Strategy, adopted November 2011

The Core Strategy policies of relevance are:

Policy CS1: Spatial Strategy  
Policy CS2: Delivering New Housing  
Policy CS3: Delivering Housing Choice & Affordability  
Policy CS5: Providing Sustainable Transport  
Policy CS9: Addressing Climate Change  
Policy CS10 – Addressing Flood Risk  
Policy CS11: Promoting Design & Built Heritage  
Policy CS17: Countryside, Rural Centres and Rural Villages

### National Planning Guidance

National planning policy statements of relevance include:

PPS1 – Delivering Sustainable Development  
PPS3 – Housing  
PPS4 – Economic Development  
PPS5 – Planning for the Historic Environment  
PPS7 – Sustainable Development in Rural Areas  
PPS9 – Biodiversity  
PPG13 – Transport  
PPG24 – Planning and Noise  
PPS25 – Development and Flood Risk

Circular 11/95 – Use of conditions in planning permission  
Circular 06/05 – Biodiversity including statutory obligations within the planning system  
Circular 05/2005 – Planning Obligations  
Community Infrastructure Regulations 2010  
Circular 01/2006 – Guidance on changes to the Development Control System  
Planning for Growth (March 2011)  
Consultation draft of the National Planning Policy Framework (NPPF) July 2011)  
Safer Places – ODPM - (April 2004)

## **Consultations:**

### English Heritage

Thank you for the visualisations and the accompanying report. There are clearly some impacts upon the significance of designated and undesignated historic assets through the introduction of the proposed building into their setting but from a review of the visualisations and report we do not think they are sufficiently severe to justify English Heritage's further involvement from here on in, now that the main issues of direct and indirect harm have been explored through archaeological investigation and visual assessment. From here on we would refer you to consider the detailed advice from the County Council (as per the advice letter from Teresa Hawtin dated yesterday). In particular we would draw your attention to the crucial need to secure the extent and the future maintenance and care of the woodland screening in the long term through condition to a management plan (the influence of this is clear in the visualisations). With regard to the architectural merits of the proposed building in the context of PPS7 (the 'Gummer clause') we advise that you seek expert independent architectural advice as suggested in our previous correspondence.

### Severn Trent Water

No objection and no comments to make on the proposal.

### Environment Agency

The Local Planning Authority should be satisfied that the application site is sequentially appropriate from a flood risk perspective as required by Planning Policy Statement 25: Development and Flood Risk (PPS 25).

The proposed development will only be acceptable if the measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition.

### LCC Highways

The Highway Authorities recommendation for refusal still stands in terms this being an unsustainable location to place further housing.

The applicant has now addressed the second issue in relation to the vehicular access to the application site and the Highway Authority is content that a suitable form of access can be provided to serve the dwelling. If your Council is minded to permit the development then conditions should be imposed in the interests of highway safety.

### LCC Ecology

We are very disappointed that areas of this woodland have been removed as this will have had a significant impact on the area designated as being of Parish level ecological importance. However, we do appreciate that the damage has been completed prior to this application and outside of the Planning system and it is not necessarily appropriate to discuss this further in this situation. However, it is important that the remaining woodland is not significantly impacted from the development and further trees are not lost.

We note from the ecological report submitted with the application (Lockhart Garratt, April 2010) that there was evidence of otter, identified from prints, on the banks of the River. Otters are a protected species and care must therefore be given to their protection throughout the development. We are therefore in agreement with the recommendations in the ecological report and would request that they are forwarded to the applicant as a condition of the development.

In addition to the above, we are concerned with any lighting associated with the new dwelling. Woodlands and Rivers provide good foraging habitats for bats and it is essential that the increase in lighting is not going to impact on these habitats. We would be pleased to view and comment on lighting proposals should they become available.

#### LCC Archaeology

Both the report and photomontages submitted have proved very useful in ascertaining the visibility of the proposed dwelling from key heritage assets in the vicinity, which assists with the assessment of the visual impact and effect on setting that the proposals will have on these assets

Viewpoint 1 illustrates that there will be a distant view of the proposed dwelling from the Church of St Wistan at Wistow. However, this appears to be a minor impact and is considered acceptable. Viewpoint 7 illustrates that there would be a significant visual impact on the Manor House if the woodland surrounding the new dwelling was not present. However, with the woodland screening in place the impact appears to be minor and therefore the long-term management of this woodland should be secured.

As stated in the report (paragraphs 1.16, 3.5.25, 3.5.27) there are locations where views of the proposed dwelling and one or both of the Grade II\* Churches (St. Luke's and St Wistan's), as well as the adjacent medieval earthworks (in the case of Wistow the Scheduled Monument), are obtained. The proposals therefore affect the setting of these heritage assets, which does not appear to have been given full consideration in the relevant impact tables. Viewpoints 2 and 4 demonstrate that the proposed dwelling will be clearly visible from the earthwork remains of the shrunken medieval village on the eastern side of Wistow Road, and therefore the proposals should be considered to have a higher visual impact than 'minor to no change' as stated in Table 5.1.

Paragraph 2.7.5 states that, to accord with PPS7, the proposal must have 'an overall positive relationship with its landscape setting and this assessment will need to demonstrate that this has been achieved and that any potential negative impacts are not significant'. The modern design of the proposed building, with a high proportion of reflective material (both glass and metal), will sit in stark contrast to the historic landscape in which it is to be located. It does not appear to 'form a harmonious group' (paragraph 2.7.7) with the historic structures and other heritage assets in the vicinity, such as the medieval churches and 17<sup>th</sup> century Manor complex. In contrast to mitigating the effects of the visual impact of this structure through the sensitive use of additional planting, it is proposed to cut back trees and vegetation to deliberately open up views further (paragraphs 3.1.5, 4.2.6, Table 3.1).

The submitted report has shown that the proposed development will have both a visual impact on heritage assets in the vicinity and an impact to their setting, including the Grade II\* Listed churches of St Luke and St Wistan and the Scheduled Monument at Wistow. The modern design of the proposed dwelling is in contrast to the historic landscape and does not appear to be in keeping with the character of the area. I would therefore recommend that additional planting is proposed to minimise the visual impacts of the development from the Grade II Listed High Bridge and from the earthwork remains of the shrunken medieval village to the east of Wistow Road. Consideration should be given to varying the entrance point from the road, for example by angling it through the woodland, so that the view of the proposed dwelling is less direct and additional tree planting can be utilised as screening at the current access point. I would also recommend that the long-term management of the woodland screening is secured through the use of appropriate conditions.

#### Moore Environment (on behalf of Applicant) Response

In general no significant objection is being raised to the proposals and it is considered that appropriate mitigation in the form of planting can be applied as a condition. In particular impacts upon St Wistan's Church and upon the setting of the Manor House are accepted as 'minor'.

Some concerns have been raised with regard to the Grand Union Canal, the shrunken medieval village at Newton Harcourt and the contrast between the contemporary design of the new house and the surrounding heritage features.

In response to these concerns:-

- The 'low' valuation of the medieval landscape at Newton has been assessed by the heritage experts at the University of Leicester Archaeological Services( ULAS) who consider that the existing landscape is very much post enclosure and has been considerably compromised.
- Views of the house will not be prominent from the medieval landscape and permissive access area in general. The view illustrated from Photomontage Viewpoint 4 will be limited to a very narrow axis directly in line with the house entrance. From any other point the woodland will provide screening, resulting in the overall 'minor' to 'no change' visual impact recorded for this area.
- The valuation criteria set out in Table 2.1 are those published by Government in their Design Manual for Roads and Bridges, which is one of the most authoritative guides available for any aspect of environmental assessment work. The criteria were developed in close liaison with English Heritage and agreed with them at national level. This confirms the valuation of Grade II listed buildings and Conservation Areas, unless they contain very important buildings, as 'medium'.
- We consider the setting of the heritage assets has been given very full consideration in the LVIA report
- The term 'stark contrast' presupposes a negative impact for the house because of its contemporary design. Our view is that the building makes a positive contribution to its landscape setting. As described in Section 4.3 considerable care has been given to the design of the building to ensure that it respects its landscape setting and reflects the form and scale of the two church towers. The contrast between ancient and modern is a positive asset and as stated in the report adds a contemporary element to the existing historical narrative. PPS 7 places an appropriate stress on contemporary and innovative design and PPS 5 confirms that the protection of the setting of heritage assets need not inhibit change.
- The proposed removal of trees to keep narrow vistas open is very minor and is restricted to scrub and self-sown saplings, not mature trees.

In terms of the landscape conditions, the need for positive management of the woodland is set out in the report. This includes new planting, to ensure its sustainability and screening of the new house, save for the narrow axes deliberately left open. New planting includes a new hedgerow along the frontage and screen planting to provide a positive division between the existing Manor House and new dwelling.

The comments received seek to extend these proposals to screen off Axis B to High Bridge and Axis C across the shrunken medieval village. We do not consider this is necessary given the minor impacts involved. We also consider it is inappropriate because:-

- The vistas proposed create a direct and positive relationship with the other features. These deliberate, but discreet, views make a positive contribution to the landscape setting and do not diminish it.

- Varying the entrance point from the existing would result in the loss of mature trees and may make the house relatively more visible from other parts of the shrunken medieval village.

### LCC Forestry

The largest category B trees proposed for removal are T21 horse chestnut and five mature hybrid poplars from G26. T21 is visible from the main access gate, but is not individually prominent, standing against a backdrop of larger trees. The tall poplars in G26 were originally planted some 40 years ago as a timber crash crop. Although these trees are some 25m tall, they are again not especially conspicuous because of their position within the wooded area, and only their very tops are visible from outside the site. A number of small category B and C trees would also be removed to undertake the development, but these are even less conspicuous and should not be considered as constraints.

In conclusion, my opinion is that there is no significant arboricultural reason to refuse the application if otherwise acceptable, on the grounds that any tree removal would not be apparent outside the site. The detailed Lockhart Garratt arboricultural implications appraisal provides all the necessary information and advice to protect retained trees, and ensure that the elements of the development are compatible with minimum disturbance.

### OPUN Design Review Panel

#### *Conclusion*

Clause 11 of PPS7 states that designs of 'exceptional quality and innovative nature may provide special justification.' Such a design should be 'truly outstanding and groundbreaking, e.g. in its materials, method of construction or enhancing its setting, and its sensitivity to the defining characteristics of the local area.'

Judged against these criteria, whilst the proposed house has an interesting (if mannered) play of plan and elevational geometry coupled with an unorthodox design, it cannot be said to satisfy the exceptional requirements of PPS7 stated above. Its materials and method of construction are relatively conventional, and in terms of sustainability whilst an environmental approach has been carefully considered, it cannot be said to be particularly integrated within the design aspirations.

The applicant aims for a 'musical harmony' between the design and its setting, and clearly enjoys a playful and unconventional approach to composition. At its current stage of development, however, it lacks a strong enough design concept underlying its 'mould-breaking' form and appearance to justify such a departure from the 'defining characteristics of the area', and the harmony sought still strikes some notes of discord in this setting.

#### *Applicant's Response to OPUN's comments*

It is correct to say that I am not seeking 'to develop the traditional English house in the landscape idiom', nor to treat it as an ancillary building to the Manor. The woodland setting is the main informant for the design approach, and I have deliberately avoided the 'pastiche' approach which would be the expected route. I have developed a design which is clearly domestic in scale, and responding to the woods and to the open countryside beyond, especially the two church towers.

The conclusion is very much a personal view by the author (unknown) of the report. I accept that the design is 'unorthodox', and I believe this is where opinions diverge, as the author

frequently refers to historical aspirations, which I have preferred to ignore. Materials are conventional, and have proven track record, whilst the construction is generally straightforward, buildable, and affordable; this is not a building for the international wealthy, but a house where my family and I can live whilst staying close to the village that we know and love.

The technology of the building is deeply embedded into the structure. The Earth Energy Bank (see information in Section 3G, Appendix 3 of Application documents) is part of the ground floor structure and foundations of the house, with a depth of some 1.5 metres, and could not therefore be introduced later on as a retro-fit. Other systems, heat collection, heat recovery etc., are carefully integrated into the interior design. The four masts to the top of each tower will each support an array of six combined photo voltaic/solar panels, motorised to track the sun. This collection system will be visible and clearly demonstrate the energy credentials of the building.

The author of the OPUN letter is unknown, has not spoken to me, and to the best of my knowledge has not visited the site.

#### Leicester City Design Review Panel

This is a one-off proposal seeking planning permission in accordance with the requirements of PPS7. The question is whether the proposal is exceptional in terms of its technological advancements and architectural design quality. Further clarification is required in terms of its technological credentials, but in terms of its architectural quality there can be no doubt that the proposal is unique. Furthermore the applicant is the designer, landowner and a member of a highly successful dynasty of architects stretching back 6 generations.

The design of the house and its location are so unique that the proposal cannot be realistically compared to other developments. However, the supporting information contained within Appendix 1 demonstrates a carefully considered design process that explains how the design evolved in relation to the Manor House and its local context. The final outcome is a scheme that is well designed, proportioned and that sits well within the woodland landscape.

#### Parish Council

Supports the application

#### Representation

1 letter of objection received from Sycamore House, The Square, Newton Harcourt raising the following points (please refer to planning file to view comments in full):

- (1) This house, four storeys high is out of keeping with the environment of Newton Harcourt
- (2) It is to be built within a woodland that is full of wild flowers and native trees which will not be enhanced by the building of a large modern four storey house
- (3) The entrance proposed will be obscured by the bend making it dangerous to vehicles and walkers
- (3) This new house next to a listed manor house in a significant woodland needs careful consideration.

#### Reason for Committee Decision

This application is being reported to the Planning Committee for determination as the because the dwelling is contrary to the Development Plan.

#### Other Information

A study model of the proposed design of the dwelling is available for Members to view within the planning department in advance of the committee meeting.

#### Planning Considerations

##### Principle of Development



The application site is located outside of the Limits to Development of Newton Harcourt village and as such is within the countryside. The dwelling is not claimed to be essential for agriculture, forestry or other rural based enterprise and does not constitute affordable housing to meet an identified local need. The site is not conveniently served by public transport facilities and the development would be entirely reliant upon access by private car. The development proposal, therefore, fundamentally conflicts with RSS8 Policies 1, 2 and 3 and Policies 2, 3 & 17 of the Harborough District Core Strategy

The proposal is advanced exclusively as an exception to policy in the context of national planning advice contained at Paragraph 11 of PPS7. It is therefore necessary to consider the merits of the proposal and determine whether the design would be of such an exceptional quality and innovative nature as to provide special justification for granting planning permission for an isolated new dwelling in the countryside as set out at Paragraph 11 of PPS7

### PPS7

Any development in open countryside locations will generally be strictly controlled having regard to national, regional and local planning policies, with new dwellings requiring special justification to be built in the open countryside. Paragraph 11 of PPS 7 provides a framework for seeking to demonstrate such a justification based upon the exceptional quality and innovative nature of the design of a new dwelling:

*“Very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in rural areas. The value of such a building will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area”.*

Therefore whilst there is normally a presumption against the development of new housing in the countryside, PPS 7 does allow for development if it is considered to meet the requirements of Paragraph 11. However, this would not preclude the Council from assessing other more detailed matters, such as access, ecology; trees, flood risk and impact upon setting of heritage assets.

### Design Quality & Innovation

Advice contained in PPS1 seeks to encourage innovation and originality in all development. To merit special justification under Paragraph 11 of PPS7, there must be a degree of originality which goes well beyond the ordinary and must represent ‘cutting edge’ design. To justify an exception from normal controls, a proposal must represent the very best in design. Proposals that do not reach the pinnacle of design quality will not meet the criteria of Paragraph 11 of PPS7.

The layout has developed in part from the plan form of the Manor House, the traditional ‘H’ form of the Elizabethan house, with a central hall surrounded by four rooms. The new design simplifies this arrangement, removing the historic circulation and staff areas, and reducing the geometry to a simple and legible regime of 5m by 5m grids, which organises the building through all levels, and forms four rooms (towers) separated by the entrance hall. The two rooms which require additional floorspace, the drawing room and the kitchen/dining room, are both extended from the 5m grid regime to form two large circular spaces, with accesses onto external terraces. The third room is glazed in the nature of a conservatory and will be a study and work room; the fourth room includes entrance lobby, cloak room and lift. These spaces

surround the central entrance hall, which is double height with a roof light at second floor level, and serves as both circulation and an entertaining area.

Above the ground floor, the accommodation extends vertically in a stepped pattern in the nature of a spiral, ascending to four stories respectively, with a turret and terrace at the top level of each tower. The four turrets are set to the points of the compass in the tradition of a Calendar House, fashionable in the 16th and 17th Centuries, described anti clockwise:-

**The Summer Turret:** facing south is the lowest at a height of 8.5 metres above the ground floor, this overlooks the open parts of the site including the River Sence and South Wood.

**The Autumn Turret:** 12 metres high, looks east towards the woodland, including a view towards High Bridge.

**The Winter Turret:** 15.5 metres high overlooks the woods.

**The Spring Turret:** looking west is the tallest part of the house at a 4<sup>th</sup> storey, 19 metres above ground floor level, with views towards the river and through the woodland to the paddock south of the manor house.

The above heights are to the top of each turret excluding the masts or finials placed on top. At a maximum height of 19 metres plus the finial, the tallest part of the building will remain below the woodland canopy which is at a height of 25 to 30 metres. This is confirmed by all the photomontages.

Three vistas or axes, linking the dwelling to the wider landscape are proposed as follows:-

**Axis A** aligns with St Wistan's Church at a range of 670 metres.

**Axis B** aligns with High Bridge some 250 metres across the open field.

**Axis C** is formed by the house entrance onto Wistow Road. Unlike the two previous vistas this does not align with a specific focal point, but enables the front entrance of the house to be visually linked to the landscape and to Wistow Road.

The new house would be approximately 120 metres away from the existing Manor House and its ground floor would be some eight metres lower. The design intention is that both houses should be visually separate. No vista is planned between the two buildings and where necessary, additional planting would be carried out to strengthen the separation.

The choice of materials reflect the woodland setting (treated timber boarding, for the main elevations maturing with time to a 'silver' finish); the adjacent Manor House and Churches (random stone base) and its contemporary nature (metal tops to turrets)

From an energy-efficiency perspective it is proposed to utilise a mixture of the following: geo-thermal heating; photo voltaic panels; a log boiler (utilising the Poplar trees on site); air to water heat pump; self contained generator for electricity; grey and rain water harvesting and a Biodisc sewerage treatment plant.

Adjacent to the entrance and addressing the parking court, will be an open sided car port sufficient for 3 cars, together with a refuse chamber and a services room for heating and other control systems. The entrance drive and parking area to the new dwelling will have a gravel finish. Access to the dwelling from the parking court will be via a bridge, which will cross over the rainwater collecting pond serving the grey water and land irrigation systems.

The grounds around the dwelling are proposed to be landscaped on an informal basis, retaining many of the existing trees and vegetation.

The proposed development is designed as a family home but it will also be used as an educational tool for local schools and other interested parties from both a design and technical standpoint, during the construction period and as a finished building. The design is intended to be an exemplar for a residential proposal which aims to achieve Code for Sustainable Homes Level 6. Reaching Code 6 is equivalent to 'zero-carbon (i.e. zero net emissions of carbon dioxide (CO<sub>2</sub>) from all energy use in the home).

Although the design of the dwelling is considered to reflect the highest standards in contemporary architecture it is also necessary to assess whether the dwelling demonstrates 'significant enhancement of its immediate setting' and 'sensitivity to the 'defining characteristics of the local area'. However, before the dwelling in its setting can be assessed, it is necessary to understand the landscape character in which the dwelling is to be sited.

### Landscape Character

The landscape lies within the shallow valley of the River Sence and the proposed house lies on the northern bank of the River at a level of 85m AOD. To the north, the existing manor house lies on slightly higher ground within a complex of buildings including St Lukes Church. Levels continue to rise to the north, over the canal and railway line to Newton Harcourt Village, which is sited just above the 100 metre contour.

Wistow Hall, Wistow and Home Farm lie on the opposite side of the valley with land, including the ornamental parkland around Wistow Hall, rising to the south. The Church of St Wistan lies in the valley close to the river.

Most of the valley is grazed, with arable cultivation on the higher ground to the north and south. The pastures include medieval earthworks, both ridge and furrow cultivation and the remains of Wistow deserted medieval village (DMV) and Newton Harcourt shrunken medieval village (SMV).

There are woodland belts along the line of the Grand Union Canal and to the east and south of Newton Harcourt Manor House. The new house is proposed within the woodland, Manor House Spinney, to the south east of the existing manor.

Except for the woodland belts, the farmed landscape is open. Hedges are well managed and kept low, which ensures there are clear views across the valley from both sides, with the woodlands as dominant features. There are also long views along the valley to the west including a wind farm on a distant skyline (Low Spinney, Ashby Magna – 09/00174/FUL)

Newton Harcourt is the only main settlement in the immediate area. It includes a historic settlement core, with modern extensions. Much of the village is screened from the immediate surroundings of the Manor House and from Wistow by woodland belts along the Grand Union Canal. A small number of houses at the eastern end of the village on the skyline overlooking the valley are clearly visible from the south, including a large house called The Coppice.

The fields between Newton Harcourt and Wistow on either side of the River Sence, are open to public access by permission of the landowner. There are also two public footpaths that cross the area. The open access area includes areas of wildlife interest in terms of the pastures hedges and river. It also includes heritage features including parts of the Newton Harcourt SMV and Wistow DMV, as well as extensive medieval ridge and furrow.

The openness of the valley creates many opportunities of views between Newton Harcourt and Wistow and their surrounding tree belts. St Wistan's Church provides a focal point being

clearly visible from much of the area. St Luke's Church is less visible but can be seen from the northern part of the access area. The buildings most clearly visible from this area are modern houses at the eastern end of Newton Harcourt.

As mentioned above, heritage assets form an important part of the landscape character. These assets and the visual impact of the proposed development upon their setting described in more detail below.

#### Visual Impact upon the Setting of Heritage Assets

To overcome initial concerns from English Heritage & County Archaeology regarding the visual impact of the proposal on its surroundings and in particular the setting of nearby heritage assets including:

- Grade II\* listed Church of St Luke, Newton Harcourt
- Newton Harcourt Manor and associated buildings (all Grade II Listed)
- Earthworks of the Shrunken Medieval Village at Newton Harcourt
- Grade II\* listed Church of St Wistan at Wistow
- the Grand Union Canal and Grade II listed High Bridge (Bridge No.79)

a Landscape and Visual Impact Assessment (LVIA) (Moore Environment, Jan 2012) has been submitted in support of the application.

English Heritage (October 2011) confirmed when recommending that a LVIA should be carried out to assess the visual impact of the proposal upon the setting of nearby heritage assets, that visibility and harm are not the same thing.

*"Whilst the proposed development is situated in woodland (Manor House Spinney) it is clear that some views of the proposed building will occur through the trees. Visibility is however not the same as harm and it is necessary to establish the visual impact of the proposed development to assess the nature and extent of harmful impacts on the significance of historic environment features".*

The Historic Environment Planning Practice Guide supporting PPS5 confirms that the protection of the setting of heritage assets need not inhibit change.

A series of photomontages which have been agreed in consultation with the LPA, County Archaeology and English Heritage form part of the LVIA. The photomontage locations are:

1. Church of St Wistan at Wistow
2. High Bridge Grand Union Canal
3. Newton Harcourt SMV
4. Newton Harcourt Manor House
5. Wistow Road Bridge over River Sence

As demonstrated by Photomontage **Viewpoint 1** from the footpath immediately adjacent to the Church of St Wistan, the view is open and aligned on Axis A but as illustrated at this range (670m), the house seen within the trees is barely perceptible and an enlarged image has been included to help interpret the photomontage.

As demonstrated by the two medium range photomontages, **Viewpoint 2** from High Bridge (255 metres) and Grand Union Canal (185m min) and **Viewpoint 4** from the Newton Harcourt SMV (133 metres), the house would be seen as a vertical form through relatively narrow gaps in the woodland, reflecting the scale and form of the trees.

By contrast **Viewpoint 8** shows the house at a close range of 59 metres as seen through the same vista towards St Wistan's Church. Clearly from such close range the house has more impact in the view, but it remains relatively discreet, with the surrounding trees remaining the dominant element.

The wireframe photomontage **Viewpoints 5 and 7** demonstrate that the existing woodland effectively conceals the new house from the south façade of the Manor House (111 -185m) and the most exposed south east corner of St Luke's Church (153m). There would be minor glimpses initially but proposed planting would provide complete separation.

The LVIA concludes that *'aside from the deliberate views [axes], the house would only be glimpsed within its woodland setting. The assessment for heritage assets and other receptors confirms that most visual effects would be Neutral or Slight'*.

### The Dwelling in its Setting

From the outset, the applicant has sought to achieve two complementary design objectives:

- To develop a design that respects its surroundings and is thus recessive in terms of scale and materials and discreet.
- To develop a design that nevertheless influences its surroundings beyond the immediate confines of the site and thus is selectively visible.

These objectives have been met:

#### *To respect its surroundings*

The building respects its immediate landscape setting in several ways and in particular the setting within a woodland clearing has had the greatest influence on the design and scale of the building :-

- The confined footprint, 180 sq metres, compared with 250 metres for a conventional two storey house, minimises the loss of woodland floor.
- The vertical form reflects the height of the trees, with windows and balconies, which form visual connections with the canopy at various heights.
- Although 19 metres high the building nevertheless remains below the taller tree canopy, allowing the woodland to remain dominant.
- Parts of the building are transparent, allowing a contrast of void and solid light and shade, like the woodland.
- The avoidance of formal landscaping both minimises the loss of woodland flora but also maintains a simple contrast between the building and the woodland environment.
- The timber boarding finish, which will be allowed to weather naturally provides an appropriate recessive appearance, neither too light nor dark
- The Calendar House tradition described above ensures that the internal spaces have a positive relationship with the setting at different seasons
- A management plan will be implemented including the thinning of poor trees, new structure planting and the provision of a boundary, hedge along Wistow Road, which will provide positive landscape enhancement. Such ongoing management of the woodland will also ensure its longevity in providing both screening and selective visibility of the house.

#### *To influence its surroundings*

To have a positive influence on its surroundings the house must relate to places beyond the immediate site and be appropriately visible from the outside world:

- The existing houses at the Manor and Wistow Hall are glimpsed through woodland, particularly at closer range. The same will be true from many viewpoints for the new house, outside the deliberate vistas described.

- At present the built focal points, the two churches and high bridge can be seen in different combinations as an observer moves through the open landscape of the valley, sometimes moving in and out of view, depending on woodland cover. This adds interest to the landscape and is a key contributor to the local character. The narrow views of the house through the vistas described above and illustrated by the photomontages will add a further eye catcher, contrasting with the others in terms of materials and contemporary style, but with the tallest turret reflecting the form and scale of the two church towers.
- Other visible features represent the various layers of history in the changing landscape. The new house will add an appropriate contemporary layer to add to the experience of the landscape.

### Access

At present, vehicular access to the upper part of the North Wood is available via the existing gate adjacent to the walled garden, with a second gate further down Wistow Road giving access to the lower part of the wood. This access is in the approximate location of the new access to the proposed dwelling. Access to the South Wood is via an existing gate from Wistow Road.

From the site visit, Wistow Road can be described as a quiet, lightly trafficked lane. Although there will be no view of the proposed dwelling from Wistow Road between Newton Harcourt and the Manor House there would be two close range views, through the main entrance and from the bridge over the River Sence as illustrated by photomontage **Viewpoint 8**. Between these two points the house would be screened by woodland with only minor glimpses. A new hedge is also proposed on the highway boundary.

The Highway Authority is content that a suitable form of access can be provided to serve the dwelling, subject to condition. Conditions suggested relate to access gates; drainage; construction parking; turning space and visibility splays.

The Highway Authority objects to the proposal on the grounds that the site is an unsuitable location, however, for the reasons given earlier in the report, the proposed dwelling is an exception to policy in the context of national planning advice contained at Paragraph 11 of PPS7, furthermore there are no highway safety objections from the Highway Authority subject to condition.

### Public Footpaths

There are two public footpaths to the southeast of the site. Footpath C36 generally follows the course of the river between St Wistan's Church and Wistow Road, adjacent to the site and Footpath C30 which runs between St Wistan's Church and Aqueduct Spinney.

#### *Footpath C36*

From the south east for the first 200 metres its alignment is similar to Axis A and part of the building would be visible through a gap in the trees, narrower than as seen from the church and at long range. As illustrated by photomontage **Viewpoint 1** the building would be barely perceptible at this range. As the path progresses north west any views of the building would be through the denser tree screen in the south east corner of Manor House spinney and with greater proximity glimpses through the trees may become discernible. At the north western end, the path is only 65metres from the house, but tree cover would prevent any clear views.

#### *Footpath C30*

It remains at a long range from the proposed house, a minimum of 638metres. Photomontage **Viewpoint 1** represents the view from the south western end, coinciding with the open view along Axis A. As it progresses to the north east, views of the gap would be lost

and replaced by the denser screening woodland in the south east corner of manor House Spinney.

There is also the canal towpath. Much of the canal towpath is screened by woodland apart from two gaps – a short section west of High Bridge to the north of the proposed house and a longer section between High Bridge and Aqueduct Spinney. Views from the north to the house would be through a considerable depth of woodland and it is anticipated that from this direction the building would be barely perceptible. For the longer section photomontage **Viewpoint 2** would indicate the view close to High Bridge, coinciding with Axis B. However from viewpoints further to the south east, the woodland edge would close the vista. From site observations the south east corner of Manor House Spinney is relatively dense and it is anticipated that the house would be barely perceptible.

### Trees

Manor House Spinney is largely deciduous, including oak, ash, sycamore, horse chestnut and poplar, with occasional evergreens such as yew.

Until the mid 1990s the woodlands had received little maintenance, with the result that the trees had become overgrown, crowded and difficult to access. The trees had grown to a considerable height stretched by the lack of light at lower levels. The applicant over the past 12 years has carried out a programme of clearance removing dead trees; poplar trees (planted by the applicant's father in the 1960s as a crop for Bryant & May (for matchwood) and for which a demand no longer exists) and mowing open clearings to remove nettles and undergrowth.

Although the building will occupy an area of clearing in the woodland and the footprint has been kept to a minimum, construction of the house would have some direct impact upon the woodland. It is anticipated that 11 individual trees and one group of trees will require removal along with three groups of trees that will require part removal to implement the current proposal.

An Arboricultural Implications Assessment (Lockhart Garratt June 2011) has been submitted with the application. The survey has been the subject of consultation with County Forestry whom has confirmed that there is no significant arboricultural reason to refuse the application if otherwise acceptable, on the grounds that any tree removal would not be apparent outside the site. To ensure the trees are protected during the construction stage, a full Arboricultural Method Statement, which would include the methodology, specification and location of 'no dig' constructions and tree protection will be secured by way of condition.

### Habitats/Species

An Extended Phase 1 Habitat Survey (Lockhart Garratt, April 2010) has been submitted with the application. The survey has been the subject of consultation with County Ecology who concur with the conclusions that the development would have a low impact on the ecological features identified and are in agreement with the recommendations made with regard to ecological supervision during site preparation; tree/scrub removal and lighting. These recommendations will be secured by way of condition. The proposal is therefore considered to comply with PPS9.

### Landscaping

As the woodland has been a significant feature in the design of the dwelling and because the woodland will help safeguard and mitigate the visual impact of the dwelling, it is considered appropriate to suggest a condition which protects the trees on site (except those agreed for removal), so that no tree can be felled or works carried out on them without the prior consent of the LPA.

The applicant intends to plant along the new boundary between the site and the grounds of the Manor House, to maintain a visual separation between the two properties. A landscaping condition is therefore suggested.

#### Flood Risk

A Flood Risk Assessment (Morgan Tucker, September 2011) has been submitted with the application. The assessment concludes that with the mitigation measures proposed the development of the site is considered appropriate and will not affect the existing natural flood characteristics, or efficient operation of the watercourse.

The application site is not sequentially appropriate from a flood risk perspective, however, for the reasons given earlier in the report, the proposed dwelling is an exception to policy in the context of national planning advice contained at Paragraph 11 of PPS7, furthermore there are no technical objections from the EA subject to conditions. The proposal therefore is therefore considered to comply with PPS25.

#### Residential Amenity

The proposal will have no discernable impact upon the properties on the south side of Glen Road in Newton Harcourt due to the combination of the design & scale of the proposed dwelling; its woodland setting; the intervening vegetation and distance (435-445m) from these properties to the site.

#### Housing Land Supply

In October 2011 the Council demonstrated a 3.98 year supply of housing land with a shortfall of 338 dwellings over the five year period. This is an important material consideration with regard to PPS3. This proposal, while modest, would make an contribution to housing supply and merits favourable consideration as required by PPS3.

#### Conclusion

The proposed dwelling is considered to represent groundbreaking design, which combines contemporary architecture with sustainable construction methods and energy-saving measures which satisfy modern living requirements. The proposed dwelling would integrate well with its surroundings, by virtue of its location within a woodland setting and its innovative design and choice of materials. The dwelling will be visible in glimpses, but as a whole the development is considered to have little or no adverse visual impact. Whilst there are clear inconsistencies with national, regional and local planning policy objectives, it is considered that the proposal is aesthetically attractive in terms of its contemporary design to be worthy of support as an exception to policy. The proposal is therefore considered to comply with Paragraph 11 of PPS7.

Furthermore, by virtue of the siting and design of the proposed dwelling, together with the written evidence provided, it has been demonstrated that the development, will not significantly affect surrounding heritage assets; the woodland; protected species; highway safety or flooding. The proposal is therefore considered to comply with PPS1, PPS5, PPS9, PPG13 and PPS25.

#### Conditions/Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. **REASON:** To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be in accordance with the submitted plans and drawing reference Site Plan 1J (a): Vehicular Entrance 1L; Ground Floor Plan 2A; First Floor Plan 2B; Second Floor Plan 2C; Third Floor Plan 2D; Roof Plan 2E; South West Elevation 2F;



South East Elevation 2G; North East Elevation 2H; North West Elevation 2J; Section AA 2K; Section BB 2L **REASON:** For the avoidance of doubt.

3. The development hereby approved shall be implemented in accordance with the approved mitigation measures outlined in the Ecological Report undertaken by Lockhart Garratt, April 2010. **REASON:** In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy Policy CS11.

4. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated September 2011, reference number JN1142/NWK, compiled from Morgan Tucker Consulting Engineers and the following mitigation measures detailed within the FRA:

1. The provision and implementation of 180m<sup>3</sup> compensatory flood storage within a landscaping scheme;
2. The incorporation of an 8m easement to the top of the bank of the River Sence;
3. The incorporation of flood-proofing measures;
4. Finished floor levels are set no lower than 85m above Ordnance Datum (AOD).

**REASON:** To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To ensure the efficient workings of the floodplain and to ensure future access, thereby reducing the risk of flooding. To ensure safe access and egress from and to the site. To reduce the impact of flooding on the proposed development and future occupants. To reduce the risk of flooding to the proposed development and future occupants.

5. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of the same size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority. **REASON:** To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity accord with Harborough District Core Strategy Policy CS11

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse(s) hereby permitted or within their curtilage. **REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements and to accord with Harborough District Core Strategy Policy CS11

7. No development shall commence on site until full details and samples of the materials to be used for the external walls and roofs of the approved dwelling have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details. **REASON:** In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11.

8. No development shall commence on site until details of the existing and proposed ground levels and finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity. **REASON:** To ensure a satisfactory form of development which is compatible with the character of the surrounding locality and to accord with Harborough District Core Strategy Policy CS11.

9. No development shall commence on site until full details of all new external windows and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:50 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:10. The works shall be carried out in accordance with the approved details and retained as such in perpetuity. **REASON:** In the interests of preserving the character and appearance of the heritage asset and to accord with Harborough District Core Strategy Policy CS11.

10. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (b) finished levels and contours;
- (c) means of enclosure;
- (d) hard surfacing materials;
- (e) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (f) programme of implementation

Thereafter the development shall be implemented fully in accordance with the approved details and retained in perpetuity. **REASON:** To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with Harborough District Core Strategy Policy CS11

11. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from the date of first occupation of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. **REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to accord with Harborough District Core Strategy Policy CS11

12. 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 shall be retained as such in perpetuity. **REASON:** In the interests of the establishment and management of the landscaped areas and to accord with Harborough District Core Strategy Policy 11

13. No development shall commence on site until an Arboricultural Method Statement (as set out in BS5837:2010) has been submitted to and approved by the Local Planning Authority. The method statement shall be carried out as approved and shall be maintained as such in perpetuity. **REASON:** To enable the Local Planning Authority to assess the effect of the proposed development on the existing trees and to ensure the long-term survival of those to be retained and to accord with Harborough District Core Strategy Policy CS11

14. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment;
- i) hours of construction work, including deliveries; and
- j) measures to control the hours of use and piling technique to be employed

has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. **REASON:** To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and to accord with Harborough District Core Strategy Policy CS11

15. No development shall commence on site, until details of and the location of renewable energy and details of the internal construction methods and materials has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. **REASON:** To ensure the dwelling is constructed in the spirit of Paragraph 11 to PPS7

16. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details. **REASON:** To control the light at the site in the interests of visual and general amenity of the locality and to protect protected species, particularly bats and to accord with Harborough District Core Strategy Policy CS11 and the aims and objectives of PPS9 & PPG23.

17. 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:** To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

18. 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.

19. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site. **REASON:** To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.

20. Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, 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.)

21. Before first use of the development hereby permitted, visibility splays of 2.0 metres by 60 metres shall be provided at the junction of the access with Wistow Road. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays. **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.

22. The development hereby permitted shall not be commenced until such time as a scheme for the provision of surface water drainage works, based on SuDS principles, has been submitted to and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. **REASON:** To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water from the site.

#### **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. As such please be aware that according with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.

2. The building shall be designed and constructed in accordance with Building Regulations Approved Document 'Fire Safety', to assist firefighters and enable fire appliances to gain access to the building.

3. 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

4. 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.

5. All tree surgery hereby approved shall accord with BS3998:2010: Tree work. Recommendations

Please note the Local Planning Authority currently charge to discharge pre commencement conditions (£25 per application for householder and £85 per application on non householder). Application forms for this can be downloaded from [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

6. The applicant's attention is drawn to the comments/advice made by the EA in their letter dated 21<sup>st</sup> September 2011

11/01228/FUL

Erection of a dwelling

GREAT GLEN

Stackley House, Great Glen, Leicestershire, LE8 9GP.

Target: 31.10.11

**Recommendation:**

REFUSE for the following reason.

1. The proposed dwelling will detract from the character and appearance of the countryside and is contrary to Harborough Core Strategy Policy 17 and there are no material considerations including that this is not an occasion where the innovative nature of a proposal warrants special justification for an isolated house in the countryside within terms of PPS7 paragraphs 10-11

**Site:**

The application site is located approximately 1 mile north of Great Glen, within the grounds of the Stackley House Estate. The proposal site is on the eastern side of Stretton Road and occupies a small area of existing rough grazing land that is set within parkland of a 42 acre estate. The site contains a number of native hedges and mature trees of mixed quality to its western boundary. The site has a slight fall in level from east to west of around 1m. Further mature trees and hedges exist just beyond the site to the north screening the site wholly from this direction. Adjacent to the site along Stretton Road there are a number of mainly detached properties predominantly built from brick with slate roofs. A number of farmsteads also exist along Stretton Road.

**The Proposal:**

The application, seeks full planning permission for the construction of a new dwelling in accordance with the policy exceptions afforded by Paragraphs 10 and 11 of Planning Policy Statement 7.

The applicants clarify that the application is for a "house which will incorporate additional technologies which will capture and store solar energy on a short term basis (diurnal) and a long term basis (seasonal) which will enable the house to use solar power as its primary energy source; something which has not, as far as is known, been done before.

The concept of this "SOLAR HOUSE" uses no new technology. Rather it uses several existing technologies in a novel combination. This is the subject of two patent applications now receiving accelerated processing by the Intellectual Property Office under the "green channel" scheme for environmental innovation."

The application has been accompanied by the following documents:

- Design & Access Statement
- Planning Statement
- Ecology Report
- Plans & Elevations
- Sections
- 3D visualisations

The applicant has also suggested a legal obligation could accompany any grant of consent to the effect:

*"That the [Owner of the Site and / or its developer if that developer has an interest in the Site] will prior to the Commencement of the Development supply to and obtain the agreement of (such agreement not to be unreasonably*

*delayed or refused) the Council to a written programme and timescale for (i) the carrying out and completion of the Development (ii) upon Completion of the Development the Occupation of the Development (iii) following such Occupation the monitoring of the Technology and its efficacy and (iv) the dissemination to the Council and other interested parties of technical and other information obtained from such monitoring...*

**Policy:**

**National**

PPS1 - Delivering Sustainable Development  
PPS4 – Planning for Sustainable Economic Growth  
PPS3 – Housing  
PPS7 – Sustainable Development in Rural Areas  
PPS9 – Biodiversity & Geological Conservation  
PPG13 - Transport

Circular 11/95 – Use of conditions in planning permission  
Circular 06/05 – Biodiversity including statutory obligations within the planning system  
Ministerial Statement: Planning for Growth (March 2011)  
Draft National Planning Policy Framework (August 2011)

**East Midlands Regional Plan (March 2009)**

Policy 2 – Promoting Better Design  
Policy 3 – Distribution of New Development  
Policy 27 – Regional Priorities for the Historic Environment  
Policy 35 – A Regional Approach to Managing Flood Risk

**Supplementary Planning Guidance (March 2003)**

Note 1 – Design Principles to be applied in Harborough District  
Note 3 – Development of single plots, small groups of dwellings and residential development within conservation areas  
Note 9 - Landscape & New Development  
Note 10 – Trees & Development  
Note 19 – Development & Flood Risk

**Core Strategy (November 2010)**

Policy 1 – Spatial Strategy  
Policy 2 – Delivering New Housing  
Policy 5 – Providing Sustainable Transport  
Policy 9 – Addressing Climate Change  
Policy 10 – Addressing Flood Risk  
Policy 11 – Promoting Design & Built Heritage  
Policy 17 – Countryside, Rural Centres & Rural Villages

**Consultations:**

**Severn Trent Water**

No objection and no comments to make

**LCC Highways**

1st set of comments

On the basis of the submitted planning application, the Applicant has failed to demonstrate that visibility splays appropriate to the measured speeds of vehicles on Stretton Road will be provided. Taking into consideration Leicestershire County Council traffic speed surveys, measured 85th percentile vehicle speeds on Stretton Road in the vicinity of the development site are in excess of the 40 mph speed limit. No information in connection with the blue boundary of additional land under the control of the Applicant has been submitted as part of

the planning application. In order to provide appropriate visibility splays, the impact on the existing roadside hedge on Stretton Road may be significant/unacceptable in planning terms.

In addition to vehicular traffic, the proposal would generate pedestrian movements. Pedestrians are the most vulnerable type of road user. Stretton Road in the vicinity of the site lacks footway facilities and so any pedestrians would have to share the carriageway with vehicles. This is not good practice and therefore to permit the proposal could introduce further dangers to road users.

#### 2nd set of comments

The attached 'Response to Highways Consultation' makes reference to "Drawing 14 Rev. A appended". However, this drawing wasn't attached to the email I received from Matt and it's not published on your website. Is this drawing with an amended access now the relevant drawing to consider as part of the planning application and, if so, could you please provide me with a copy?

The attached response doesn't provide any further details of whether or not there is any additional land available/under the control of the Applicant, as requested in my response dated 2/11/11.

Initially, it appears that visibility may be equally substandard, if not worse, from the existing access point to the north of the site, and the Highway Authority response will continue to apply in full. However, I will need answers to my questions, above, in order to make a fully considered, revised response.

The Highway Authorities recommendation for refusal still stands in terms this being an unsustainable location to place further housing and that there is insufficient visibility at the proposed access to the site.

#### LCC Ecology

This proposed development is situated in 'parkland'. Whilst we have no objection to the development we would request that the Local Planning Authority ensure that a specific area is allocated for residential curtilage to ensure that the whole area does not become garden.

Any works to trees and hedgerows should be completed outside of the bird-breeding season (March to end August) to ensure that nesting birds are protected. Compensatory planting (comprising of locally native species) should be included in the development to mitigate for the loss of existing habitat.

#### OPUN Design Review Panel

This is a one-off proposal seeking planning permission in accordance with the requirements of PPS7. The question is whether the proposal is exceptional in terms of its technological advancements and architectural design quality. A detailed response has been received from the Design Review Panel (please refer to planning file to view comments in full): however the response concludes "*...whilst the technical elements of the proposal may be considered to be ground breaking and worthy of development for trial and dissemination. Further work needs to be undertaken on the combination of architectural, landscaping, technical and contextual design to provide a scheme that integrates and is of a sensitive nature to be able to be judged as of the highest standards of contemporary architecture.*"

#### Parish Council

Objects to the proposal stating "*The Council believe this to be green belt land with no previous property on it.*"

#### Representation

One letter of objection received from 26 Fox Pond Lane, Great Glen raising the following points (please refer to planning file to view comments in full):

- (1) The proposed building would be detrimental to the area
- (2) The construction of this building would contribute to turning a leafy lane into a series of large properties that erodes the character of the area
- (3) The design is not fitting the area.

One letter of comment received from Stackley Lodge, Stretton Road, Great Glen raising the following points (please refer to planning file to view comments in full):

- (1) The application would involve removing a section of established hedgerow, which is of landscape value, to create the new access
- (2) Any approval should not set a precedent for further development of Greenfield sites along Stretton Road.

No letters of support received.

**Relevant Site History:**

None

**Reason for Committee Decision**

This application is being reported to the Planning Committee for determination as the proposal relates to a PPS7 dwelling in countryside contrary to Core Strategy Policy CS17.

**Planning Considerations:**

As this application seeks consent for a dwelling in the open countryside, on a Greenfield site national planning policies PPS1, PPS7 and PPS9 are of most relevance, together with Core Strategy Policies 2, 9, 10 and 17.

**Development Plan Policy**

The proposed dwelling is located in an area of open countryside. The dwelling is not claimed to be essential for agriculture, forestry or other rural based enterprise and does not constitute affordable housing to meet an identified local need. The site is not conveniently served by public transport facilities and the development would be entirely reliant upon access by private car. The development proposal, therefore, fundamentally conflicts with RSS8 Policies 1, 2 and 3, and Policy 2 & 17 of the Core Strategy

The proposal is advanced exclusively as an exception to policy in the context of national planning advice contained at Paragraph 11 of PPS7. It is therefore necessary to consider the merits of the proposal and determine whether the design would be of such an exceptional quality and innovative nature as to provide special justification for granting planning permission for an isolated new dwelling in the countryside as set out at Paragraph 11 of PPS7.

**Principle of Development**

The application site is located in an isolated location within the open countryside. Any development in open countryside locations will generally be strictly controlled having regard to national, regional and local planning policies, with new dwellings requiring special justification to be built in the open countryside.

Paragraphs 10 & 11 of PPS 7 provides a framework for seeking to demonstrate such a justification based upon the exceptional quality and innovative nature of the design of a new dwelling:



*'Isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in Annex A to this PPS.'*

*"Very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in rural areas. The value of such a building will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area."*

Therefore whilst there is normally a presumption against the development of new housing in the countryside, PPS 7 very occasionally does allow for development if it is considered to meet the requirements of paragraphs 10 or 11. However, this would not preclude the Council from assessing other more detailed matters (i.e. access, wildlife, trees etc) against the development plan.

#### Design Quality & Innovation

It should be noted that the applicants proposal is seeking to demonstrate that their design is "truly outstanding and ground breaking" through its "contribution to protecting and enhancing the environment", which is one of the examples contained within the limited guidance of Para 11 of PPS7. The applicants Design and Access Statement states:

*"It (the proposal) is outstanding in that it introduces new technologies in capturing the energy of the sun and storing it for use throughout the year. This we believe will be the first project using solely the suns energy to provide space and water heating in a domestic project as well as generating significant amount of electrical energy, all from the same PV-T (photo voltaic thermal) solar energy arrays.*

*The approach is innovative not because it employs any single new material or technique but because it introduces a complementary set of technologies and approaches each contributing to the whole so that acting together they produce an integrated whole which is more than the sum of its parts. The result is a building and a site that over its lifetime will save much more carbon than it uses".*

The Design Review Panel (OPUN) were asked to critique the proposal from a design perspective, and provided a detailed response (a copy of which can be viewed on the application file). OPUN describe the design and siting of the proposal as follows:

*"The built form is placed in the middle, but towards the rear of the site and uses the tree/hedge belt along Stretton Road as a windbreak from the prevailing southwest winds. ...The building form is a 'v' shape with the open arms facing due south and a separate garage is provided to the northwest.*

*The house is a two storey structure of 364m<sup>2</sup> with buffered spaces set to the north. Most living spaces have large windows facing between southeast and southwest and smaller bathrooms and utility spaces face north with small windows as would be expected in a solar house. This approach isn't entirely consistent, however, with some bedrooms and*

*the home office facing northeast or northwest with larger windows. The windows on the southern orientations are shaded with brise soleil and an upper terrace structure to allow the low winter sun in and keep the high summer sun out. Some large windows also face southeast and southwest and are un-shaded...Within the centre of the 'v' is a large, partially double height, circulation space which is lobbied to the north on the ground floor and fully glazed, but shaded to the south...The layout is spacious and it is stated that the development as a whole has been planned to comply with Lifetime Homes standards."*

Within there assessment of the proposal OPUN comments that:

*"It should be noted that although a very high level of environmental sustainability has been a feature of a number of schemes that have received approval under these clauses, this criteria is not mentioned specifically, and it is the quality of the overall approach combined with the need for any new development in the countryside to be sensitive to its setting and have a light touch from a general sustainability standpoint that has generally invoked the exception.*

*The applicant has asked for a validation of the technology in relation to a PPS7 Application.*

The applicants have stated from the outset that it has been their intention to demonstrate that the build costs for an energy efficient, zero carbon new build house are capable of not being significantly greater than the build costs of a conventional new build property. Within the Design and Access Statement the applicants state:

*"The team believe that the new thinking about carbon reduction employed in this house has the potential to bring about significant change to established building practices. We consider that the best way to promote the delivery of this cost optimised, low energy housing is to demonstrate it. This has been the team's objectives from the outset. Heads of terms have been agreed with De Montfort University's Institute for Energy and Sustainable Development which will give them a role in the management of the project and in the analysis of energy flows within the building over its first full year of operation. From this work a model will be developed which will calibrate the elements of the technology and enable them to be applied predictively to a wide variety of building types and configurations.*

*The next stage will then be to educate and empower people involved in the industry to roll out successful applications of these strategies. This project will facilitate the demonstration of sustainability through design, materials, methodologies and whole system thinking with regards to carbon free energy generation.*

*The Solar House will be the first home in the country solely heated by the sun's energy all year round. The innovative systems, materials and controls are being brought together to provide a truly groundbreaking opportunity and one that clearly demonstrates sustainability.*

*The building will exceed both current and known future requirements of Part L1 of the building regulations and aims to considerably exceed the Code for Sustainable Homes Level through creating a carbon neutral home."*

The applicants have supplied clarification to officers on a number of points raised in the OPUN review and rebutted a number of the comments made in the assessment of the application (these are available to view in full on the application file).

The applicants seek to stress the point that one of the constraints they've have had in designing a building in which to accommodate the technology is that it must relate to the kinds of housing in which it will subsequently be deployed as they will have to build a model using data from their first year of experience which they can use as a design tool for other buildings. This would not be possible if the building design was exotic or unrepresentative of normal practice.

The applicants have also stressed the point that they have done their best to make the proposed building interesting and of merit architecturally, though, for reasons stated above, there is little they can do about conforming to the style and scale of a country mansion in the context of there mission.

The applicants concluding to their response to the OPUN comments state:

*“Without wishing to indulge in hubris, we are confident that we will be able to demonstrate zero carbon living in houses that are commercially attractive to build. This should be of national significance and could even inform the drafting of future standards for carbon reduction in new housing. Such drafting can only reflect what is practical rather than what is possible.”*

Nevertheless as a result of the proposed design, there are concerns that the proposed dwelling would not integrate well with its surroundings, by virtue of its location, its design and choice of materials. The dwelling will be visible from the public realm and the development is considered to have an adverse visual impact.

Therefore the proposal is considered to unacceptable as there are clear inconsistencies with national, regional and local planning policy objectives, it is considered that the proposal is not justified to be considered as an exception to policy.

#### Habitats/Species

An Extended Phase 1 Habitat Survey (Middlemarch Environmental Ltd, June 2011) has been submitted with the application. The survey has been the subject of consultation with LCC Ecology who concur with the conclusions that the development would have a low impact on the ecological features identified and are in agreement with the recommendations made with regard to ecological supervision during site preparation.

#### Access

At present, vehicular access to site is possible via a historic farm access off of the Stretton Road. This access is in the approximate location of the new access to the proposed dwelling.

The Highway Authority has raised objections regarding the visibility splays at the proposed new access to the site, however the applicants have submitted revisions that are currently being assessed by the Highways Officer at the time of drafting this report. It seems probbale that this concern could be overcome by conditon on any approval or subsequently at appeal and is therefore not included as a refusal reason.

The Highway Authority objects to the proposal on the grounds that the site is an unsuitable location. Given that there are also concerns regarding the design of the proposal, the fact that the proposed dwelling is located in an area of open countryside, that is not conveniently served by public transport facilities and would be entirely reliant upon access by private car, may be considered acceptable as an exception to policy in the context of national planning advice contained at Paragraph 11 of PPS7 if the proposal were acceptable in terms of its Para 11 of PPS7 credentials. Planning officers consider that the proposal if occupied is likely to rely on access by private motor vehicle which militates against its innovative credentials in

PPS7 terms. However, as the proposal is otherwise unacceptable it is not necessary to include this as a refusal reason.

#### Housing Land Supply

In March 2011 the Council demonstrated a 4.49 year supply of housing land with a shortfall of 165 dwellings over the five year period. This is an important material consideration with regard to PPS3. This proposal, while modest, would make an contribution to housing supply and merits favourable consideration as required by PPS3.

#### **Conclusion**

Whilst the innovative technologies proposed are not disputed, nor are the potential benefits to the environment on balance, the proposal is unacceptable in the location and its impact on the character and appearance of the countryside. The proposal is not considered to represent a very occasional, special justification that PPS7 suggest may support an isolated new dwelling in the countryside

11/01446/FUL  
KIBWORTH BEAUCHAMP  
Clark, Churchill & Self Unlimited

Erection of 13 dwellings & 9 (1 Bedroom) flats

Target Date: 27/01/11

### **Recommendation**

**APPROVE** for the following reason and subject to the appended conditions and reasons and a S106 Agreement.

This infill development will provide a good mix of housing, including special needs housing, which is accessible to public transport, community facilities and services. The development by virtue of its scale, design and appearance is considered to reflect the surrounding built form without adversely affecting neighbouring amenity or the setting of adjacent heritage assets. The development therefore complies with policy CS3, CS11 and CS17 of the Harborough District Core Strategy and policies HE9 and HE10 of PPS5.

### **Site & Surroundings**

The site extends to approximately 0.52 hectares and comprises the rear gardens of Cross Bank House (14), 22 and 26 High Street, and a disused office and associated surrounding hard surface at 9 Weir Road. Vehicular access to the site is currently gained from a dropped kerb footway crossing directly off Weir Road serving the disused office building. There are residential properties on the southern, northern and eastern boundaries. The site is within the Limits to Development and Conservation Area of Kibworth.

### **Proposal**

The application seeks planning permission to erect 13 dwellings & 9 (1 Bedroom) flats. Of the 13 dwellings there are six house types, 11 of which will be 2 storey, one, 1 ½ storey and one bungalow. The proposal includes the demolition of the office block on 9 Weir Road. Access to the site will be obtained from Weir Road and the road will run along the northern side of the application site, separated from the remaining properties/gardens on High Street by a 1.8m brick wall.

The application has been accompanied by the following supporting documents:

- Planning Statement undertaken by Staniforth Architects Ltd
- Design & Access Statement undertaken by Staniforth Architects Ltd
- Heritage Statement undertaken by Staniforth Architects Ltd
- Tree Survey undertaken by The Tree & Woodland Company February 2011
- Ecological Survey undertaken by RSK Carter Ecological Ltd February 2011
- Phase 2 Surveys undertaken by RSK Carter Ecological Ltd July 2011
- Archaeological Desk Based Assessment undertaken by CgMs Consulting June 2011
- Transport Statement undertaken by Farrow Walsh Consulting July 2011

### **Amended Plans**

Two sets of amended plans have been received during the course of this application. Amendment A (received 21<sup>st</sup> December 2011) reduced the number of dwellings from 14 to 13; amended the site layout, reduced the height of the flats and dwellings and changed the design of the house types. Amendment B (received 27<sup>th</sup> January 2012) has slightly changed the position and design of Plots 12 & 13 to reflect comments from the County Arboricultural Officer with regard to the Walnut Tree. Amendment B has not been consulted upon, as it does materially alter the scheme and does not address previous concerns raised.

## **Consultations**

*Please note the following responses are a summary of the comments received, to view the comments in full, please refer to planning file.*

### **Environment Agency**

We have recently reviewed the planning application and do not wish to comment further.

### **Leicestershire Constabulary**

A primary issue for Leicestershire Police is to ensure that the development makes adequate provision for the future Policing needs that it will generate. Faced with unprecedented levels of growth being proposed across our sub region Leicestershire Police have adopted a policy to seek developer contributions to ensure that existing levels of service can be maintained as this growth takes place.

### **Leicester, Leicestershire & Rutland Primary Care Trust**

The development is proposing 13 dwellings which based on the average household size in Harborough District Council area of 2.44 per dwelling (2001 Census) could result in an increased patient population of 32 plus an estimated 9 residents occupying the one bedroom flats. Total 41

The PCT has undertaken an exercise to rate all of the GP premises based on standards, capacity and workload. This has produced a traffic light system where Red indicates 'in greatest need of development' and GREEN 'in 'least need of development'. There are two GP practices in Kibworth Beauchamp. Kibworth Health Centre is RED rated and the Old School Surgery is DEEP AMBER.

Kibworth Health centre has been identified as a priority for investment by the PCT and the PCT is looking to support a development to meet the existing premises issues for this practice.

The Practice has identified that the current quality and size of Kibworth Health Centre is insufficient to meet the needs of their patients in terms of the number and range of clinical rooms available, plus administrative and staff space. The practice is exploring options for addressing this either within the existing building or via a new build. A contribution is therefore requested.

### **Leicestershire County Council Highway Authority**

The Highway Authority are aware of local concerns in relation to traffic generation associated with the proposal and existing and future concerns about on street parking along Weir Road.

Notwithstanding the aforementioned, the submitted transport statement indicated that the proposal if permitted will be unlikely to result in any significant increase in turning traffic at the access and therefore using Weir Road. The TRICS database informed the before and after traffic generation analysis and showed that there would be a likely decrease in Am peak traffic movements and a likely small increase in the PM Peak. Overall traffic generation would be likely to increase by 4.5% on an average day.

The vehicular access is to be substantially improved in terms of radii and on balance this should mitigate against the additional use of the access. The transport statement acknowledges that the existing visibility to the south of the access can be obstructed at times by parked vehicles. This was also witnessed on my site visit and is also displayed on google earth. The Highway Authority recommend and if the L.P.A are so minded then an obligation requiring the applicant to endeavour to secure a traffic regulation order to restrict on street

parking across the sites frontage (which will in turn protect visibility to the south of the access) should be introduced into any S106 agreement.

On balance, as the access is being improved and as the proposal if permitted should only give rise to a small increase in vehicular movements, then the H.A considers it is not in a position to seek to resist this proposal.

In order to mitigate the impacts of the development on the highway network, a traffic regulation order should be sought to the south of the sites vehicular access to control on street car parking. A scheme will need identifying and submitting for approval prior to development commencing. All costs with regards to the design and implementation of the T.R.O shall be entirely at the applicants expense.

#### Leicestershire County Council Archaeology

The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies within an area of archaeological interest. As confirmed by the submitted Archaeological Desk-Based Assessment, the site is situated within the medieval and post-medieval settlement core of Kibworth Beauchamp, close to a number of early buildings including the Grade II Listed Manor House, which dates to the 16<sup>th</sup>-17<sup>th</sup> century. The site of the medieval market is thought to have been The Bank, c.60m to the north of the application site, which would have been a focus for activity, and finds of prehistoric, Roman, Anglo-Saxon, medieval and post-medieval date have been recorded in the vicinity. Consequently, there is a likelihood that buried archaeological remains will be affected by the development. However, the nature and significance of any archaeological remains present on the site is not currently fully understood.

Proposals set out in the submitted Heritage Statement to retain the traditional brick walls within the site and the mud wall forming the western boundary are welcomed. However, we would recommend that the Conservation Officer is consulted on the visual impact of the proposals on the nearby Listed Buildings as well as undesignated heritage assets such as the former hosiery buildings to the rear of 22 High Street.

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

This will require provision by the applicant for a field evaluation by appropriate techniques including trial trenching. This will identify and locate any archaeological remains of significance and enable the preparation of a suitable mitigation strategy to avoid or minimise damage to those remains as a result of the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.

This information should be submitted to the planning authority before any decision on the planning application is taken, so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate. Without the information that such an evaluation would provide, it would be difficult in our view for the planning authority to assess the archaeological impact of the proposals.

#### Leicestershire County Council Ecology

We are pleased to see that ecological survey reports have been submitted with this application (RSK Carter, February and July 2011). We note from the reports that no

protected species were discovered, but that the site was considered to have potential to support common species. We would therefore recommend that consideration is given to planting the area to the north of the access road with native species, to ensure that there is some continuation of the habitats impacted. In addition we would recommend that the applicant's attention is drawn to the recommendations in the ecological reports.

#### Leicestershire County Council Education

##### *Primary School Sector Requirement*

This site falls within the catchment area of Kibworth Church of England Primary School. The School has a net capacity of 420 and 541 pupils are projected on roll should this development proceed; a deficit of 121 pupil places (of which 117 are existing and 4 are created by this development).

There are no other primary schools within a two mile walking distance of this development. The 4 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 3.36 pupil places in the primary school sector is justified.

In order to provide the additional primary school places anticipated by the proposed development, the County Council requests a contribution for the primary school sector. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Kibworth Church of England Primary School.

##### *High School Requirement*

The site falls within the catchment area of Kibworth High School. The School has a net capacity of 750 and 730 pupils are projected on roll should this development proceed; a surplus of 20 places after taking into account the 2 pupils generated by this development. An education contribution will therefore not be requested for this sector.

##### *Upper School Sector Requirement*

This site falls within the catchment area of The Robert Smyth School. The School has a net capacity of 1351 and 1538 pupils are projected on roll should this development proceed; a deficit of 187 pupil places (of which 185 are existing and 2 are created by this development). There are no other upper schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified.

In order to provide the additional upper school places anticipated by the proposed development, the County Council requests a contribution for the upper school sector.

#### Leicestershire County Council Libraries

The proposed development on Weir Rd, Kibworth Beauchamp is within 0.1km of Kibworth Library on Paget St being the nearest local library facility which would serve the development site. The proposed development at Weir Rd is likely to generate an additional 30 plus users and would require an additional 70 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service

#### Leicestershire County Council Waste Management

There will be no request for developer contributions for this application as the nearest CA site at Kibworth has sufficient capacity for a development of this size.

#### Leicestershire County Council Environmental Action Team

The recommendations of section 5.0 of the Tree Survey should be followed with regard to remedial works and tree protection. Effective protection of retained trees is critical for their



continued amenity value and long-term survival. The recommended site-specific Arboricultural Method Statement should include protective measures for the retained Cherry (Tree Survey ref 1155) at the north-west corner of the site where the foundations for a new 1800mm high wall are shown cutting through the tree's RPA

#### Harborough District Council Housing Enabling Manager

Harborough District's Housing Strategy has identified a need and demand for supported housing for a variety of specific needs groups and people with learning disabilities is one of them. With significant cuts in public spending and dramatically reduced subsidy levels, it is clear schemes will need to be delivered without grant. The HCA is asking delivery partners to exploit other funding streams such as private finance and employ other innovative models to deliver affordable housing projects to meet housing need.

This proposal is innovative because the supported housing project can potentially be achieved through acceptance by HDC as its percentage planning policy gain requirement. The 9 x 1 bedroom flats are provided as the 'affordable' housing element of the scheme on a site adjacent to the main proposed development although they will not be available through choice based lettings (Harborough Home Search (HHS)). Despite the fact that these properties will not be available through HHS this project is meeting a specific need identified in the District's Housing Strategy.

This project will provide housing for Harborough residents who have learning disabilities and are currently housed at the Care Village facility in Shangton (which is due for closure). The options for people with learning difficulties in Harborough District is primarily limited to the facility at Shangton and alternative supported accommodation has to be accessed in larger urban areas, such as Leicester.

The project will integrate this client group into the neighbourhood as it enables the residents to lead full and productive lives by engaging with existing local networks of support. The project provides a resource for the neighbourhood and through time will provide a focus for this special needs group within the community. This project provides one opportunity in terms of the relocation of existing Care Village residents and further schemes will need to be planned in partnerships to accommodate all the residents (the majority of whom are now registered on HHS choice based lettings scheme).

The nine one bedroom flats will be let to home seekers currently supported by Self Unlimited, and who are waiting for suitable social/affordable housing to become available through HHS, the Council's Housing Register.

Community support is critical and will only be achieved if this project is delivered as part of this overall development. In principle this application should be supported with safeguards to ensure the supported housing project is built and completed prior to completion of the private housing. This can be achieved by building in specific triggers in the Section 106 Agreement to make certain this scheme is delivered.

#### Harborough District Council Conservation

The proposed location of the dwellings is currently part of the long gardens that stretch back from the properties on High Street. From the historic maps it appears that these plots were historically potentially much smaller with possibly an area of open land to the rear. Consequently when assessing the impact of the proposed development on the setting of the Listed Buildings located along High Street it is considered that no harm will be caused to the significance of the historic setting and character of these buildings. There is however a historic mud wall that is on the boundary of the site and conditions should be imposed on any permission to ensure this wall's retention and protection.

Furthermore due to the location of the site I consider that the development will not be unduly dominant and the dwellings are to be designed to be sympathetic to the character of the locality. Therefore the proposed development will be consistent with the special character of the Conservation Area.

The proposals are therefore considered to comply with policy CS11 of the Harborough District Core Strategy and policies HE9 and HE10 of PPS5.

#### Harborough District Council Public Spaces Manager

The assumed population based on the number of dwellings is 46. Based on this an on-site POS is requested. If on site provision cannot be achieved an off site contribution can be considered. A contribution towards burial grounds is also sought

#### Harborough District Council Drainage

The application states that the surface water from the site will connect to the mains.

In accordance with Building Regulations part H new applicants can no longer simply choose to discharge rainwater to a sewer, if it is reasonably practical to do so then they must use alternative methods. As such the developer/builder must submit to the council alternative proposals for the discharge of surface water from the site.

Any drainage system proposed by the developer /builder must be supported by test results, construction details and calculations and must be submitted to the council for approval. All of the appropriate guidelines set by the council must be met before any approval is given. It must be demonstrated that the site can be adequately drained of surface water with no environmental impact.

A drainage Condition should be applied to this application

#### Harborough District Council Contaminated Land Officer

No comments to make on the application

#### Kibworth Beauchamp Parish Council

Objects to the proposal:

- Proposal constitutes an unsatisfactory highway situation in a conservation area
- Proposal does not enhance the village
- Proposal has not responded to comments made by the Parish Council for similar schemes in the past
- Proposal lacks detail – at least half of the potential development land is not listed
- Proposal represents a loss of potential community amenity

#### **Representations**

*Please note the following representations are a summary of the comments received, to view the comments in full, please refer to planning file.*

49 letters of objection have been received from 34 individual households (41 households if you include the one letter signed by 7 households on Morrison Court):

(1) There is a lack of parking on Weir Road and visibility from the proposed entrance will be severely limited (2) Assuming everyone who lives in the proposed houses has 1 car per person/bedroom it will be 54 cars and that is without visitors. The allocated parking areas fall short of this by about 15 cars which would mean cars parked on Weir Road (3) There is no provision for a footpath for residents to cut across to High Street (4) Loss of older trees (5) The government was keen to stop building on the bottom of gardens, this is a prime example (6) There are newts in the area and these should be investigated (7) The new building (flats)

will have a roof height much higher than the existing houses (8) Weir Road has already considerable traffic and parking problems. When new residents cars are added to this situation, even ignoring initial construction traffic, this situation can only be worsened (9) Before this plan is accepted consideration should be given to either, or both, road widening or provision of additional parking for existing residents (10) The terrace of 2 bedroom houses will dominate the gardens and rear aspects of the existing terrace of 4 houses (11) The proposed 9 unit residential block will have a considerable visual impact on the existing road frontage (12) As the ground where plot 14 and the associated garages is considerably higher than the existing bungalows, it would make the backs of some of the bungalows very dark and we would not be able to see the sky (13) There would be considerable noise and pollution from the vehicles which could be detrimental to our health and the environment (14) The close proximity of plot 14 to the boundary fence of the existing bungalows will create an overbearing situation for bungalow no.59 as the gardens are much lower on this side than the proposed development (15) Due to the extensive block paving areas shown on the plans could this have an impact on the bungalows gardens by affecting the drainage and altering the water table? (16) I do think Weir Road is in need of additional housing. Utilise Kibworth Meadows, and then decide whether Kibworth needs another housing development! (17) Has there been any pre-application meetings and an indication given that the proposal is likely to be forthcoming? (18) I am most concerned that the 'run off' of rain from the new building will cause flooding in the cellar at No.11 Weir Road (19) I have serious concerns as to how the increase in traffic will affect what is already a busy junction. The extra traffic will cause problems to traffic entering and exiting Weir Road endangering road users and pedestrians (20) Impact on listed buildings in a conservation area with mature trees (21) Overlooking and loss of privacy (22) Some action must be taken to accommodate the extra traffic and avoid serious accidents (23) The sheer size of this development is unacceptable (24) The prevailing winds in the area are westerly which would mean that any sparks generated by the demolition/construction of the development would fly directly towards our thatched roof (25) This development is completely out of keeping with adjoining buildings and will increase traffic in the area and put additional pressure on infrastructure facilities in the area (26) Inadequacy of space in centre of village – it is no longer easy or pleasant to shop in the village (27) Destruction of mature trees (28) An additional new road new the junction of Weir Road and New Road will further to add to the difficulties of access for the residents of Weir Road (29) There is still insufficient parking for the 1 bed flats and therefore those residents and visitors will be obliged to park on Weir Road which already has insufficient parking for existing residents (30) There appears to be only minor amendments in the re-submission of this application

1 letter of objection received from County Cllr Kevin Feltham:

(1) Kibworth, as a Rural Centre, is expected to take "small scale developments" the proposed development for 23 dwellings is not "small scale". (2) The Kibworth community is still trying to absorb the large scale KB/1 development off Warwick Road, where only about 1/3rd of the planned dwellings have so far been completed. (3) This proposed infill development off Weir Road is garden-grabbing, and granting permission is not necessary for HDC to meet either the 5 year supply or 2006-2028 housing targets. It is also counter to the amended PPS3 (June 2010) which removed gardens from the "previously developed land" definition (4) The proposed development does not "enhance the rural character of Kibworth" – rather it removes green infrastructure (i.e. gardens) and replaces them with infill dwellings in a Conservation Area (5) The lack of an independent consultation with English Heritage is an omission and contrary to national planning policy \* (6) The northern end of Weir Road, especially by the proposed entrance to this development, is narrow and this is exacerbated by vehicles parked, at times of the day, on both sides of the road – particularly overnight and at weekends. (7) Highways consultation proposes a consultation on a Traffic Regulation Order for parking restrictions across the access frontage of the proposed development. However, any parking restrictions would have a major impact on the amenity of residents (8)

A number of mature trees would be felled if this development was given planning permission (9) The proposed development is contrary to the Local Plan and Core Strategy policies (10) As was so clearly demonstrated in the Michael Wood "Story of England" BBC TV series about the heritage of Kibworth from Roman times it is highly likely that there is considerable heritage value beneath the gardens and land being used for the proposed development. (11) Approving this proposed development will create an eye-sore in the middle of the Kibworth Beauchamp Conservation Area

*\*Case Officer Note – English Heritage are only consulted on applications where the development would have an impact (either direct or indirect) of Grade II\* and Grade I Listed Buildings. The listed buildings adjacent to this development are all Grade II listed.*

1 letter of objection received from Ward Councillor Phil King:

Having looked at the applicants plans and reflected upon those and our recently adopted core strategy, I am not supportive of this scheme for a number of important reasons:-

The area being considered is essentially established back gardens, and within which are set 2 listed houses, along with several historically important sites dating back to potentially pre-historic era.

The area in question has been long recognised as being part of the historic area of Kibworth Beauchamp, with it's inclusion in the central Conservation area of the village. The area also includes a number of mature and large trees, several of which are being proposed to be removed to make way for these plans.

Overall I do not consider that this application meets the HDC Core Strategy policy requirements under:- CS17 Countryside, Rural Centres and Rural Villages para c)- all sections CS11 Promoting Design and Built Heritage- sections a), b), c) and d)with an emphasis on para d) development within a conservation area.

In addition residents that surround the property; the development as proposed would have a significant and wide ranging impact upon the existing residential community and the quality of their environment.

In particular due to the fact that site is significantly higher than the surrounding area, will mean that any development here will dominate and likely be overlooking other residents in a manner which could only be described as being invasive.

Lastly the access. Whilst highways appear not to unduly concerned and believe that conditioning TROs for no-parking around the proposed access onto Weir Rd would solve the issue, I do not agree the sight lines are practical or that the suggested TROs would be achievable.

It is well known that Weir Rd, especially at this juncture has many residents who park on the road, since they don't have any off-road parking facilities. It is a busy and difficult area of road. There is also the Dental practise next door to the proposed access, which utilises the fact that there is presently a stretch of on road parking outside his premises. Patients park both sides of the road.

In addition there is a pending application for 5/5a Weir Road\* to be converted to residences from offices, which has no off road parking. This will only compound the inroad parking and access issues.

For these reasons this application should be refused, as they will have a detrimental and adverse impact upon the local community, they are not in keeping with the heritage and

environmental settings and they will add to congestion and on street parking problems on Weir Road

\*11/01620/FUL - Partial demolition and change of use from B1 office to two dwellings (C3) (Pending Consideration)

### **Section 106 Requirements:**

Given the size of the proposed residential development the application triggers a requirement for Section 106 obligations. Should Members be minded to grant permission for the development, the following requests have been made for Section 106 contributions.

#### Affordable Housing

The 9 x 1 bedroom flats to be provided as the 'affordable' housing element. Despite the fact that these properties will not be available through HHS this project is meeting a specific need identified in the District's Housing Strategy.

#### Public Open Space

On-site POS sought. If on-site provision not available commuted sums for the following typologies will be sought: parks and gardens; amenity greenspace; children and young people; natural and semi-natural greenspace; allotments; and burial.

#### Education

In order to provide the additional primary & upper school places anticipated by the proposed development, the County Council requests a contribution for both sectors

#### Libraries

In order to meet the additional demands on the library facilities, the County Council requests a contribution for additional library material i.e. lending stock plus reference, audio visual and homework support material.

#### Highways

In order to mitigate the impacts of the development on the highway network, a traffic regulation order is sought to the south of the sites vehicular access to control on street car parking. A scheme will need identifying and submitting for approval prior to development commencing. All costs with regards to the design and implementation of the T.R.O shall be entirely at the applicants expense.

#### PCT

In order to meet the needs of the new patients in terms of the number and range of clinical rooms available, plus administrative and staff space, a contribution is requested

#### Police

In order to ensure that existing levels of service can be maintained, the Police have requested a contribution.

### **Policy**

#### The Development Plan

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

#### Regional Spatial Strategy

Regional Strategies were revoked on 6 July 2010 but were re-established on 10 November

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

In light of these recent judgements, the Development Plan for the purpose of these applications consists of the Regional Spatial Strategy for the East Midlands, adopted in 2009; the 'retained' policies of the Harborough District Local Plan, adopted in 2001, and the Harborough District Council Core Strategy adopted in November 2011.

#### East Midlands Regional Plan, adopted March 2009

Regional Policy of relevance include:

Policy 1: Regional Core Objectives

Policy 2: Promoting Better Design

Policy 3: Distribution of New Development

Policy 13a: Regional Housing Provision (excluding Northamptonshire)

Policy 14: Regional Priorities for Affordable Housing

Policy 17: Regional Priorities for Managing the Release of Land for Housing

Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage

Policy 29: Priorities for Enhancing the Region's Biodiversity

Policy 32: A Regional Approach to Water Resources and Water Quality

Policy 35: A Regional Approach to Managing Flood Risk

Policy 43: Regional Transport Objectives

Policy 45: Regional Approach to Traffic Growth Reduction

Policy 52: Regional Priorities for Integrating Public Transport

Policy SRS 3: Housing Provision

#### Harborough District Local Plan, adopted April 2001

The retained policy of relevance is:

Policy HS/8: Limits to Development

#### Supplementary Planning Guidance

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

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

SPG Note 2: Residential Development – Major Housing Sites

SPG Note 9: Landscape & New Development

SPG Note 10: Trees & Development

SPG Note 11: Hedges & Development

SPG Note 13: Crime Prevention & Reduction

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

SPG Note 20: Monitoring of Housing Land

SPD Affordable Housing (adopted February 2006).

\*Until replaced by a new SPD, the Council has agreed to continue to treat specified guidance or parts of it (some will be out of date and can be completely set aside) as a material consideration in the determination of planning applications. Whilst this guidance relates to policies which no longer exist, it has been subject to public consultation, been agreed by

Council and been in operation for many years. To suddenly completely ignore the guidance would leave a policy vacuum that would not be in the public interest and could be harmful to interests of local importance. However planning decisions would have to relate to Core Strategy and could only make reference to the Guidance if it related to a policy in the Local Plan which has not been replaced.

#### Planning Obligations Developer Guidance Note (September 2009)

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

#### Core Strategy, adopted November 2011

The Core Strategy policies of relevance are:

Policy CS1: Spatial Strategy  
Policy CS2: Delivering New Housing  
Policy CS3: Delivering Housing Choice & Affordability  
Policy CS5: Providing Sustainable Transport  
Policy CS11: Promoting Design & Built Heritage  
Policy CS12: Delivering Development & Supporting Infrastructure  
Policy CS17: Countryside, Rural centres and Rural Villages

#### Allocations DPD

Following its Core Strategy adoption the Council is committed to producing an Allocations Development Plan Document. It anticipates an Allocation Options document being approved by Executive in April 2012 for a period of public consultation with the Allocations Plan finalised later in 2012 for formal publication and adoption scheduled for Spring 2013.

#### Local Development Framework Documents

Harborough District Landscape Character Assessment (September 2007).  
Leicester PUA Landscape Character Assessment and Landscape Capacity Study (Landscape Partnership, July 2009).  
Leicester & Leicestershire Strategic Housing Market Assessment (SHMA)  
Strategic Housing Land Availability Assessment (SHLAA)

#### Parish Plan

Kibworth Parish Plan 2004

#### National Planning Guidance

National planning policy statements of relevance include:

PPS1 – Delivering Sustainable Development  
PPS3 – Housing  
PPS4 – Economic Development  
PPS5 – Planning for the Historic Environment  
PPS7 – Sustainable Development in Rural Areas  
PPS9 – Biodiversity  
PPG13 – Transport  
PPG24 – Planning and Noise  
PPS25 – Development and Flood Risk

Circular 11/95 – Use of conditions in planning permission  
Circular 06/05 – Biodiversity including statutory obligations within the planning system  
Circular 05/2005 – Planning Obligations  
Community Infrastructure Regulations 2010  
Circular 01/2006 – Guidance on changes to the Development Control System

Planning for Growth (March 2011)  
Consultation draft of the National Planning Policy Framework (NPPF) July 2011)  
Safer Places – ODPM - (April 2004)

### **Other Information**

#### **Recent Planning History**

##### *9 Weir Road*

(09/00346/FUL) – Demolition of existing and erection of new building for residential accommodation for up to 7 people with learning difficulties (C2 Use) (Approved 09.07.09)

##### *22 High Street*

01/01633/FUL – Erection of single storey extension to side of house (Approved 22/05/02)

#### **EIA Development**

This application is not an EIA development in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

#### **Reason for Planning Committee Meeting**

This application is being reported to the Planning Committee for determination because the application proposes more than ten dwellings and due to the level of counter representation received.

#### **District-wide Housing Requirement**

The Council has decided to keep the housing figures proposed in the East Midlands Regional Plan (EMRP). This specified 350 dwellings a year should be provided in the District (7,000 over the plan period 2006-2026). In order to ensure that the Core Strategy enables continuous delivery of housing for at least 15 years from the date of adoption, the plan period has been extended beyond that of the of EMRP to 2028. Housing figures for 2027-2028 have been derived by rolling forward the 350 dwelling annual requirement set out in the EMRP (7,700).

#### **Housing Requirement within Rural Centres and selected rural villages**

Of the 7,700 dwellings required within the Harborough District between 2006-2028, at least 2,420 dwellings will be provided within Rural Centres and selected rural villages. Since 2006, 855 of the 2,420 have been built and 1032 have been committed (i.e. sites with planning permission). This leaves a requirement of 533 dwellings (as of March 2011) over the plan period.

#### **Housing Land Supply**

In considering a 5-year supply of housing, sites should be available i.e. available now; suitable, i.e. the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities; and achievable, i.e. there is a reasonable prospect that housing will be delivered on the site within five years.

The Council has calculated its current five year land supply position (October 2011)\*, establishing that Harborough District has 3.98 years or 80% supply for the period 2010-2015, a shortfall of 338 dwellings over the five year period.

\*Since the publication the Council's 5 year supply Mid -Year Position, the Council has granted planning consent for major residential development of 47 houses at Lathkill Street, Market Harborough (10/01669/OUT 2<sup>nd</sup> November 2011); 50 dwellings off Crowfoot Way, Brought Astley (10/01579/OUT 24<sup>th</sup> November 2011) and 120 dwellings on Land North of Bill Crane Way, Lutterworth (11/00117/OUT 18<sup>th</sup> January 2012). The Council also resolved to grant planning permission subject to s106 for up to 150 dwellings on land off Covert Lane,



Scraptoft (11/00895/OUT, 13<sup>th</sup> September 2011).The Council accepts it is unable to demonstrate a 5 year supply but believes these decisions, its core strategy adoption and on-going commitment to consistently monitor land supply on an efficient twice yearly basis, demonstrates positive action to plan for and approve appropriate development in response.

Notwithstanding the aforementioned, the Council can not demonstrate a 5 year land supply and in accordance with Para 71 of PPS3 the LPA should consider favorably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69:

*In general, in deciding planning applications, LPAs should have regard to:*

- Achieving high quality housing.*
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.*
- The suitability of a site for housing, including its environmental sustainability.*
- Using land effectively and efficiently.*
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues. (Para 69 of PPS3)*

#### Previously Developed Land

PPS3 encourages the effective use of land by re-using land that has been previously developed\*. The national target is for 60% of new dwellings to be constructed on previously developed land (PDL). One of the aims of the spatial strategy (CS1 (i)) is to give priority to the use of previously developed land.

*\* “Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.*

*The definition includes defence buildings, but excludes:*

- Land that is or has been occupied by agricultural or forestry buildings.*
- Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.*
- **Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.***
- Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).*

*There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed”.*

#### Planning Considerations:

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

#### Principle of Development

Policy CS17 states:

*Beyond Market Harborough, Lutterworth, Broughton Astley and Leicester PUA, development over the plan period will be focussed on Billesdon, Fleckney, Great Glen, Husbands Bosworth, **Kibworth** and Ullesthorpe. As Rural Centres they will be the focus for rural*

*affordable and market housing, additional employment, retail and community uses to serve the settlement and its rural catchment area.*

*Rural development will be delivered as follows:*

*a) Billesdon, Fleckney, Husbands Bosworth and Ullesthorpe will be the focus for additional housing beyond that already built or committed. Housing in selected rural villages will be on a lesser scale reflecting their size, character and service provision. Villages not identified, but which have identified Limits to Development, may be suitable to receive very limited small scale infill development.*

The explanation to Policy CS17 explains that the Rural Centres of **Kibworth** and Great Glen are excluded from the lists of settlements in the above policy where additional housing is planned because of the outstanding commitments from the Local Plan allocations. However, it does go on further to say that *'this does not preclude limited infill development within currently defined limits to development'*

The application site is within the defined limits to development of Kibworth and is considered to be infill development. As such the development is considered to comply with Policy CS17 (a).

#### Five Year Land Supply

As set out earlier in this report, the Local Planning Authority (LPA) cannot demonstrate an up-to-date five year supply of deliverable sites. As such, paragraph 71 of PPS3 should be applied. This advises that housing proposals should be considered favourably having regard to the requirements set out in paragraph 69. These matters are considered below:

- Achieving high quality housing;

The development will integrate with, and complement, the neighbouring buildings and the local area in terms of scale, density, layout and access. Furthermore, the development will be accessible and well connected to public transport and community facilities and services.

- Ensuring developments achieve a good mix of housing

The development will deliver an appropriate mix of housing in line with national and local policy. There will be 9 x 1 bedroom flats; 4x 2 bedroom terraced houses; 5 x 4 bedroom and 3 x 3 bedroom detached houses and 1 x 3 bedroom bungalow.

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

The site is not previously developed land, but it is within the limits to development of Kibworth and considered to be infill development. Furthermore the site is in close proximity to public transport and community facilities and services.

- Using land effectively and efficiently;

A key Government objective is that LPAs should continue to make effective use of land by re-using land has been previously developed. This site is not PDL, but as mentioned earlier in this report, the application site is within the defined limits to development of Kibworth and is considered to be an 'infill development'

Using land efficiently is a key consideration in planning for housing. Although it is acknowledged that the Government has removed minimum density standards from PPS3 it does permit LPAs to develop their own housing density policies. Policy CS3 requires a

minimum density of at least 30dph on sites of 0.3ha or above. The entire site is 0.52ha. Including the block of 9 flats, the density is 44dph. The development would therefore represent efficient development in line with Policy CS3.

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

Kibworth, although a Rural Centre will not be the focus for additional housing over the plan period. However, as Policy CS17 explains, *'this does not preclude limited infill development within currently defined limits to development'* as is the case here. Furthermore, given the scale of the development (23 units) it is considered the development would not undermine wider policy objectives.

### Impact on Heritage Assets

The site lies within a Conservation Area and is adjacent to several listed buildings. Furthermore, the site is close the historic core of the village, where archaeological Remains may be present. As such it will be necessary to assess the impact of the development on these designated heritage assets in line with policies HE9 and HE10 of PPS5.

#### *Conservation Area*

The application site falls within the Conservation Area of Kibworth Beauchamp (designated in 1982). However, the site is not publically available and views into the site are restricted. Furthermore there is built development on three sides of the site, the site can not therefore be considered as contributing significantly to the form and character of the village. In addition the properties on High Street will still be provided with ample garden space to serve each dwelling.

#### *Listed Buildings*

There are five Grade II Listed Buildings bordering the application site. 4 High Street, Cross Bank House and 22 High Street are situated to the north of the site; and parts of the site fall within the grounds to the rear of the latter two properties. The Manor House falls to the west and upon its most easterly extent the 2 cottages of 10 Weir Road sit opposite the site.

The distance from the development to these listed buildings is as follows:

4 High Street – 32m  
Cross Bank House – 49m  
22 High Street – 35m  
Manor House – 34m  
10 Weir Road – 18m

The properties to the north of the site are still positioned within substantial grounds suitable to their setting. The setting of the cottages at 10 Weir Road would not be affected by the development and would instead offer an improvement to the current street scene.

The traditional brick walls that border and run through the site have where possible been retained and incorporated into the design of the site. The boundary between 26 High Street and The Manor House (to the west) is a mud wall with modern capping and will unaffected by the development.

The demolition of the 1970s two storey detached building, formerly in use as offices is considered a negative contributor to the designated Conservation Area in which it is situated. Its redevelopment is considered to benefit the Conservation Area.

The development if permitted *may* facilitate the future restoration and conversion of the disused, former hosiery factory buildings to the rear of 22 High Street, although this will be subject to a separate application and assessed on its individual merits at the time of determination.

The Conservation Officer has confirmed that the proposals comply with policy CS11 of the Harborough District Core Strategy and policies HE9 and HE10 of PPS5.

#### *Archaeology*

As confirmed by the submitted Archaeological Desk-Based Assessment, the site is situated within the medieval and post-medieval settlement core of Kibworth Beauchamp, close to a number of early buildings including the Grade II Listed Manor House, which dates to the 16<sup>th</sup>-17<sup>th</sup> century. The Assessment concludes that *'any archaeological remains anticipated to be present within the site are not sufficiently important to prevent development or to constrain new building work'*

The County Archaeologist has requested an Archaeological Impact Assessment which would include a geophysical survey and/or trial trenching prior to determination of the application. However taking into account comments from CgMs:

- 1) *The suggestion re Geophysical survey is not sensible– the site is too small and too fragmented by the existing property walls to allow any meaningful survey; the planting in the gardens of each property and the glasshouses r/o 26 High Street further reduce the areas available.*
- 2) *Trial trenching would be technically feasible in the Weir Road plot, and possibly in the gardens r/o 22 & 26 High Street areas, but access to the Cross Bank House part is impossible (unless she wants to justify excavation of hand-dug trial trenches, or require removal of the fence between this area & Weir Lane part)*

together with the advice outlined in PPS5, it is considered appropriate for this Assessment to be dealt with by way of condition.

#### Affordable Housing

Policy CS3 explains how the Council will secure the delivery of affordable housing in all residential developments. The application site falls within the sub-market area Harborough Rural North and Central. As such the Council will seek a minimum of 40% of the total number of dwellings to be affordable.

It is proposed that the 9, 1 bedroom flats to be constructed are provided as the affordable housing element of the scheme. The scheme comprises 22 units, so the 9 units represent 40% of the overall development.

The 9 units will be designed to offer supported living accommodation for people with a range of special needs, and will be provided by CARE Fund Limited. CARE is a specialist provider of housing and accommodation for people with learning difficulties working in close association with its sister charity Self Unlimited who provide the support services for the people housed by CARE Fund.

One of the joint applicants is a charity known as Forbes Charitable Foundation which owns the land fronting to Weir Road through which access to the scheme will be gained. Forbes is a grant making charity which provides support through grants to charities which deliver direct support to people with learning disabilities. Over the years it has provided grants to Self Unlimited and CARE Fund to enable these charities to carry out their charitable objectives.

It is proposed that the nine flats will be built on the frontage land remaining in Forbes ownership after constructing the new access road. Following a request by CARE Fund, the trustees of Forbes Foundation have agreed to grant a long lease at a nominal rent of this land to CARE Fund on condition that it builds the nine one bedroom flats and makes these available to people supported by Self Unlimited. This agreement is based on the assumption that the nine flats would meet the Affordable Housing contribution required from the overall scheme.

The nine one bedroom flats will be made available by CARE Fund on assured short hold tenancies to home seekers currently supported by Self Unlimited who are waiting for suitable accommodation to become available on the Council's Housing Register.

Special needs housing is included in the definition of 'affordable housing' in the Harborough District (Affordable Housing SPD, 2006 para. 14.1). Although the flats will not be available through choice based lettings (Harborough Home Search (HHS)), the project is meeting a specific need identified in the District's Housing Strategy and should be supported providing the housing project is built and completed prior to completion of the private housing. This can be achieved by building in specific triggers in the Section 106 Agreement to make certain this scheme is delivered. The proposal does therefore accord with Policy CS3

### Layout/Scale/Appearance

#### *Flats*

The 9 x 1 bedroom flats will be located on Weir Road and will replace the 1970s two-storey detached former office building. Each flat will contain, a bedroom, bathroom, kitchen and lounge. The block of flats will have a minimum ridge height of 8.2m and a maximum ridge height of 9.3m. In addition to the 9 flats the building will also include a reception and an office.

#### *Terraced Houses: House Type A (Plots 1-4)*

Each terrace will measure 4.45m and 8.82m with an eaves height of 5.2m and a ridge height of 8.3m. Each terrace will provide a kitchen, WC and Lounge/Dining area on the ground floor and 2 bedrooms and a bathroom at first floor. Each terrace will have a rear garden area of approx 34m<sup>2</sup>, which is considered commensurate with the size of the property. There are two Sycamore and three Hawthorn trees along the eastern boundaries which are to be retained. The terrace proposed is considered to reflect the scale and appearance of those terraces along Weir Road

#### *Detached Houses*

There are three detached house types:

#### *Type B (Plots 5-9)*

Each house will provide open plan living on the ground floor with a lounge, kitchen/dining area and four bedrooms, one with en-suite and a bathroom at first floor. Each house will measure 8.8m by 10m, with an eaves height of 5.2m and a ridge height of 9m. The houses will have a two storey gable element on the front elevation (3m by 0.7m) offset to the LHS on Plots 5 & 9 and offset to the RHS on Plots 6-8. Each gable will have a different colour render to add variety and interest to the development. The use of colour render is evident on the buildings at Isabel Lane (off Station Lane) and as such this design feature is considered to be acceptable.

Each house incorporates a chimney; with traditional eaves detailing. Windows will be painted hardwood and will have traditional cills and headers. Each house will have a minimum rear garden area of approximately 140m<sup>2</sup>, which is considered commensurate with the size of the

property. Two Sycamore trees and one Norway Maple to be retained will be within the rear gardens of Plot 5 & 9. The plots have been sited outside of the trees RPA. All of the Type B house-types have been staggered slightly to reduce the visual mass of these five houses.

#### *Type C (Plots 10-11)*

Both properties will provide open plan living on the ground floor with a lounge, kitchen/dining area and three bedrooms, one with en-suite and a bathroom at first floor. The properties will measure 6.1m by 10.3m with an eaves height of 5.2m and a ridge height of 8.5m. The properties will incorporate with traditional eaves detailing. Windows will be painted hardwood and will have traditional cills and headers. Both properties will have a porch. Each house will have a minimum rear garden area of approximately 62m<sup>2</sup>, which is considered commensurate with the size of the property. A Sycamore tree will be retained within the rear garden of Plot 10.

#### *Type E (Plot 12)*

This is a one and a half storey property and will provide, a study, cloakroom, utility, kitchen, dining and lounge at ground floor and four bedrooms, one with en-suite and a bathroom at 1<sup>st</sup> floor. The property will have an eaves height of 3.7m and a ridge height of 7.8m. In order to provide the necessary head height at first floor, dormer windows are proposed on the front and rear elevations

#### *Bungalow (Plot 13)*

The bungalow will be 'T' shaped and will provide three bedrooms, one with en-suite, a utility, cloakroom and an open plan kitchen/dining and lounge area. The bungalow will have an eaves height of 2.5m and a ridge height of 5m. The bungalow will have a useable (i.e. no retained trees within) garden area of approximately 136m<sup>2</sup>.

The whole development will be constructed from a mix of locally sourced red brick along with the occasional use of light render in key locations. Roofs will generally be grey concrete tiled/slate reflecting the traditional vernacular of materials in the area. The development is considered to reflect the scale and appearance of surrounding properties.

#### Access & Parking

The proposed site access is illustrated on drawing number 1153 P(2)14. The access road will run along the northern side of the application site, accessed from Weir Road. The development will provide 6 parking spaces to serve the block of flats and a minimum of two parking spaces for each dwelling. The site is highly accessible to pedestrian and cycle based travel and public transport provision is good with a high frequency bus service running close to the site.

The Highway Authority are aware of local concerns in relation to traffic generation associated with the proposal and existing and future concerns about on street parking along Weir Road. Notwithstanding the aforementioned, the Highway Authority agree with the conclusions of the submitted transport statement (Farrow Walsh Consulting, July 2011) which indicate that the proposal if permitted will be unlikely to result in any significant increase in turning traffic at the access and therefore using Weir Road (overall increase). Furthermore, the vehicular access is to be substantially improved in terms of radii and on balance this should mitigate against the additional use of the access.

As witnessed on site and as the transport statement acknowledges, the existing visibility to the south of the access can be obstructed at times by parked vehicles. As such the Highway Authority have recommended that if the LPA are so minded an obligation (via a S106 Agreement) requiring the applicant to endeavour to secure a traffic regulation order to restrict

on street parking across the sites frontage (which will in turn protect visibility to the south of the access) is suggested.

#### Residential Amenity

The development would undeniably have an impact on the outlook from the rear elevations of properties on Weir Road and Morrison Court.

As the cross sections submitted indicate, the application site is located on higher land than those properties to the east and south, which given the proximity of development to adjoining properties could be perceived by neighbours to result in overlooking and loss of privacy. However, the development complies with Council's adopted supplementary planning guidance on separation distances and as such it is not considered that existing residents will be adversely affected by the development proposals in terms of overlooking, loss of privacy or loss of daylight.

Plot 13 is a bungalow. Morrison Court to the south is a small estate of bungalows. There is a 1.8m close boarded fence separating Plot 13 from Morrison Court. Plot 13 is located on higher ground than Morrison Court. Plot 13 at its closest will be 12.2m from bungalows 57 – 59 Morrison Court. Whilst this is less than the 14m specified in the Council's SPG, it is not considered that the occupiers of 57 – 59 Morrison Court will be adversely affected, as Plot 13 is a bungalow and because of the existing boundary treatment (1.8m high close boarded fence).

Plot 11 is 26m from No.60 Morrison Court and Plot 10, 37m from 65 Morrison Court. These distances are well in excess of the Council's separation distances between principle windows (21m).

Plots 8 and 9 are 46m from the block of flats on Home Close. To the rear of Plots 5-7 is a single storey garage block and car parking area, beyond which is a three storey block of flats. Plots 1 to 4 are 32m from the rear elevations of 11-17 Weir Road. There is an existing 1.8m close boarded fence and a row of trees (Norway Maple & Hawthorn) separating the plots from these properties. These distances are also well in excess of the Council's separation distances.

Plot 4 is located to the north of No.21 Weir Road (aka Hidden Cottage). There are no windows in the north and west elevation of this property and as such no adverse impact is envisaged upon this property.

The flats protrude no further forward than the front building of adjacent properties to the south. A rear wing is located 6m from the boundary fence with No. 11 Weir Road. With the exception of a small bathroom window at ground floor and first floor (which will be conditioned to be obscurely glazed), no windows directly overlook the gardens of adjacent properties to the south from the south elevation of the rear wing.

It is not considered that the block of flats will result in an overbearing structure on adjacent properties to the south, as the main three storey section does not protrude further back beyond the existing rear building lines of adjacent properties. Furthermore, the two storey rear wing element is 6m from the boundary fence of the nearest adjacent property to the south. In addition, the block of flats are to the north of adjacent properties and as such will not result in a loss of light.

The property to the north of the flats is a commercial property (Dentist) and as such there are no issues of residential amenity that need to be addressed.

The proposed flats will directly face the side elevation of 10 Weir Lane, a listed building and 12 Weir Lane. There will be 18m between the flats and these properties. Whilst this is less than the 21m specified in the Council's SPG, it is not considered that these occupiers will be adversely affected. Firstly because there are no windows in the side elevation of 10 Weir Lane; secondly there is a main road between the proposed flats and these properties; thirdly there are similar examples of this relationship within Weir Lane (i.e. 30-32 Weir Road are three storey properties opposite 47-47B, a two storey property and bungalow respectively).

### Trees & Hedges

As the site comprises the rear gardens of three properties, there are a significant number of specimen trees, as well as several areas of shrubbery and fruit trees. A total of 33 individual trees and 12 (no.) group trees have been surveyed (The Tree & Woodland Company, February 2011). The County Arboricultural Officer visited the site (17<sup>th</sup> February 2012) and in descriptive terms agrees with most of the tree survey.

Of the 33 trees surveyed, 10 are on land where no development is proposed. Of the remaining 23 trees, one tree has been assessed as a category 'A' tree (high quality and value) (Walnut -1149); six trees have been assessed as category 'B' trees (moderate quality and value) with the remaining trees being assessed as either category 'C' (low quality and value) or 'R' (remove) trees.

The Walnut tree is to be retained. An Amended Plan (Amendment B) has been received, changing the layout of the drives (and as a result slight position and elevation changes to these plots) to further protect it. Of the six B trees identified, one (1125 – Pine) is to be removed to provide access to the site.

The Horse Chestnut (1132) is the most prominent tree on the site and can be seen from both Weir Road and Morrison Court/Home Close. The survey categorised this tree as this a 'C' tree as it is suffering from bleeding canker, however the Arboricultural Officer has confirmed that the tree *'shows minor symptoms of bleeding canker...but currently by no means particularly significant, although the disease may progress further'*. The Officer *"would categorise the tree as a 'B' rather than a 'C' on the grounds of its prominence and visual contribution, but its life expectancy (max.20years) barely merits this"*. The Officer concludes *'that retention of the tree with a relatively short future contribution, albeit a large and prominent specimen, would not be reasonable under the circumstances'*.

To protect the retained trees, a condition requiring protective fencing during development and a condition retaining the trees proposed is suggested. Furthermore, to compensate for the loss of the trees and to soften the appearance of the development a landscaping condition is proposed. A condition is also proposed to ensure that any new planting to the rear of the Plot 13 is not to grow any higher than the existing 1.8m close boarded fence, to prevent the vegetation becoming overbearing on the residents of Morrison Court.

### Ecology

RSK Carter Ecological Ltd undertook a Phase 1 Habitat and Animal Walkover Survey in February 2011, which found no evidence that Badgers are using the site; a large Horse Chestnut tree that has features suitable for roosting bats; three ponds that could support breeding GCN and habitat suitable for foraging and hibernating reptiles. Based on these findings, presence/absence surveys (Phase 2 Surveys) were then undertaken in June 2011.

No GCN were recorded in any of the ponds considered suitable for this species. Although no evidence of roosting bats was found during the survey, the Horse Chestnut tree does provide a suitable bat roosting site. As such the report recommends that the tree is re-inspected immediately prior to felling.



LCC Ecology has raised no objections to the application on the basis of the information supplied, subject to a condition requiring the applicant to adhere to the recommendations of the report.

#### S106 Agreement

Policy CS12 states that new development will require the provision of infrastructure, as set out in the Local Infrastructure Schedule contained in Appendix 2. The infrastructure listed includes schools, community facilities, healthcare, highways and transportation, libraries, policing, recycling and waste management, and sewerage. The requested S106 contributions as outlined earlier in the report and monitoring fees satisfy national policy and Development Plan policy, and meet the tests in Circular 05/2005 and the requirements of paragraph 122 of the 2010 CIL Regulations. Any approval should therefore be subject to obligations to secure these contributions, including a trigger to provide the special needs accommodation by Self Unlimited prior to the occupation of the open market dwellings.

#### Conclusions

The development is not previously developed land, but it is within the limits to development of Kibworth, whereby Policy CS17 permits infill development, which this development is considered to be. The development will provide a good mix of housing, including special needs housing, which is accessible to public transport, community facilities and services.

The development by virtue of its scale, design and appearance is considered to reflect the surrounding built form without adversely affecting neighbouring amenity or the setting of adjacent heritage assets. It is considered to preserve and enhance the Conservation Area.

Furthermore, the development can be mitigated via appropriate conditions and a S106 Agreement. For the aforementioned reasons this application is recommended for approval.

#### Conditions/Reasons

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. **REASON:** To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2) The development shall be implemented in accordance with the following approved plans:

1153 Loc & P(2)01– SITE LOCATION  
1153 P(2)02 – SITE SURVEY  
P(2)05 – PROPSOED ASSISTED LIVING ACCOMMODATION  
P(2)06 – PROPSOED ELEVATIONS & VIEWS  
P(2) 07 – PROPSOED HOUSE TYPE A  
P(2) 08 – PROPSOED HOUSE TYPE B  
P(2) 09 - PROPOSED HOUSE TYPE C  
P(2)10a - PROPOSED HOUSE TYPE D  
P(2)11 - PROPOSED HOUSE TYPE E  
P(2)14 – ACCESS ROAD DETAILS  
P(2)15a – SITE SECTIONS

**REASON:** For the avoidance of doubt

3) No development shall commence on site until full details (including colour and finish) and samples of the materials to be used for the external walls and roofs of the approved 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. **REASON:** In the interests of visual amenity and the character and appearance of the

area and to accord with the Harborough District Council Core Strategy Policy CS11.

4) No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, dormers, rooflights, rainwater goods, chimneys and canopies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details. **REASON:** In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11.

5) No development shall commence on site until details of the existing and proposed ground levels and finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained a The external brickwork for the 1.8m high wall hereby permitted shall be constructed to match that of the existing brick wall in terms of its colour, texture, face bond, size, jointing and pointing. **REASON:** In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11.

6) No development shall commence on site until details showing the protection and support to the mud wall has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented as approved throughout the duration of the development unless otherwise agreed in writing by the Local Planning Authority. **REASON:** To ensure that no damage is incurred to the historic fabric of the wall and to accord with Harborough District Core Strategy Policy CS11.

7) No development shall commence on site until full details of the means of foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity. **REASON:** To ensure the satisfactory drainage of the site and to accord with Harborough District Core Strategy Policy CS10

8) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any trees and hedgerows to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) hard surfacing materials;
- (g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (h) retained historic landscape features and proposed restoration, where relevant.
- (i) programme of implementation

Thereafter the development shall be implemented fully in accordance with the approved details and retained in perpetuity. **REASON:** To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with Harborough District Core Strategy Policy CS11

9) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; All shrubs, trees and hedge planting

shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from the date of first occupation of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. **REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to accord with Harborough District Core Strategy Policy CS11

10) 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 shall be retained as such in perpetuity. **REASON:** In the interests of the establishment and management of the landscaped areas and to accord with Harborough District Core Strategy Policy 11

11) No development shall commence on site until the trees on the site have been enclosed by protective fencing, in accordance with British Standard 5837 (2010): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved by the Local Planning Authority, and after it has been erected it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s). **REASON:** To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity and to accord with Harborough District Core Strategy Policy CS11

12) No development shall commence on site until an Arboricultural Method Statement (as set out in BS5837:2010) has been submitted to and approved by the Local Planning Authority. The method statement shall be carried out as approved and shall be maintained as such in perpetuity. **REASON:** To enable the Local Planning Authority to assess the effect of the proposed development on the existing trees and to ensure the long-term survival of those to be retained and to accord with Harborough District Core Strategy Policy CS11

13) No development shall commence on site until full details indicating the method and nature of construction of the drive/parking area has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such in perpetuity. **REASON:** To ensure that proper steps are taken to safeguard the trees during the course of development and to accord with Harborough District Core Strategy Policy CS11

14) No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment;
- i) hours of construction work, including deliveries; and
- j) measures to control the hours of use and piling technique to be employed

has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

**REASON:** To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and to accord with Harborough District Core Strategy Policy CS11

15) No development shall commence on site until a detailed design and method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include existing and proposed ground levels, layout and depths of all foundations, service trenches, drains, landscaping and other groundwork's, and all revisions of such. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity. **REASON:** The site is likely to contain important archaeological remains and to accord with the Harborough District Council Core Strategy Policy CS11.

16) No development shall commence on site until the applicant has secured the implementation of a programme of **trial trenching** in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition and shall be retained as such in perpetuity. The archaeological works shall be carried out by a suitably qualified body acceptable to the Local Planning Authority. **REASON:** To ensure satisfactory archaeological investigation and to accord with the Harborough District Council Core Strategy Policy CS11.

17) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (3) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. **REASON:** To ensure satisfactory archaeological investigation and to accord with the Harborough District Council Core Strategy Policy CS11.

18) The gradient(s) of the access drive(s) shall not exceed 1:12 for the first metres behind the highway boundary. **REASON:** *To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.*

19) 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.*

20) 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.)*

21) The existing close boarded fence (except at the point of access) separating the site from properties on Weir Road and Morrison Court shall be retained in perpetuity. **REASON:** To safeguard residential amenity

22) The mud wall separating the site from The Manor House shall be retained in perpetuity. **REASON:** In the interests of preserving the character and appearance of the heritage asset and to accord with Harborough District Core Strategy Policy CS11.

23) The development hereby approved shall be implemented in accordance with the approved mitigation measures detailed in the Ecological Survey (RSK, February & July 2011). **REASON:** In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy Policy CS11.

24) The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained. **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 and to accord with Harborough District Core Strategy Policy CS11

25) No soft landscaping (i.e. plants, trees, hedgerows) shall be allowed to grow above the retained 1.8m fence separating Plot 13 from the properties in Morrison Court (No.s 56 to 59). **REASON:** To safeguard the living conditions of adjacent occupiers.

26) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of the same size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority. **REASON:** To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity accord with Harborough District Core Strategy Policy CS11

27) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse(s) hereby permitted or within their curtilage. **REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements and to accord with Harborough District Core Strategy Policy CS11

28) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows (including dormer windows and rooflights) doors or other form of openings other than those shown on the approved plans, shall be inserted. **REASON:** In the interests of residential amenity and privacy and to accord with Harborough District Core Strategy Policy CS11

### **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. As such please be aware that according with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.

2) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the X

3) 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

4) Please note the Local Planning Authority currently charge to discharge pre commencement conditions (£25 per application for householder and £85 per application on non householder). Application forms for this can be downloaded from [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

5) 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

11/01505/TPO –Kibworth Beauchamp Felling of Ash Tree (HDC TPO ref 141)

Mr E Wilde

17 Elliot Close, Kibworth Beauchamp,  
Leicestershire

Target Date: 15/12/11

## **Recommendation**

### **APPROVE**

#### **Site:**

The application site is located in the central area of Kibworth Beauchamp within a residential area of 1990's dwellings. The application site contains a detached two storey dwelling and the tree with the TPO attached is located to the front of the dwelling. The site is not located within a Conservation Area.

#### **The Proposal:**

The proposal is to fell an ash tree which has a HDC Tree Preservation Order (141) attached to it.

#### **Consultations / Representations:**

##### **LCC Arboricultural Officer**

18.01.2012

The tree is a large mature ash, with a short trunk which divides into about 4 main upright stems at about 2.5m. The main unions seem sound and well formed. On the lower trunk are two obvious vertically-aligned wounds in the bark and cambium (the conductive tissues around the outer circumference of the stem), both with noticeable regrowth of woundwood around their edges since the incident which caused them. This is referred to in the Ace report as 'cambium which is brown and not very healthy', which in my view is not correct - the thickness of the woundwood is evidence of locally vigorous wound occlusion. The longer wound towards the main branch union is quite narrow and nearing closure, but it is impossible to assess whether the structural wood inside has been split. The wound close to ground level could have been interpreted as perhaps site or vehicle damage were it not for the strong anecdotal evidence of the lightning strike. Several residents witnessed the event. Lightning strikes are frequently evidenced by a lesion of damaged tissue from the point of contact in the upper crown down to earth at ground level, but not in this case. The superheating of the tissues often causes a localised 'explosion' in the tree, shattering the wood, but not always. It may well be that in this case the charge earthed out in a couple of locations as shown by the wounds, which is where tissues were damaged in a localised area. The tree has considerable deadwood in the crown, with debris all around after the high winds of a couple of weeks ago, obviously a concern to the resident. Some of this is consistent with the age and maturity of the tree, and has never been pruned out, but it certainly could be an effect of a lightning strike damaging the tissues of smaller diameter branches.

The house has been constructed only about 6m from the tree; its trunk diameter of 900mm (estimated) gives a recommended root protection area of 10.8m, which would be the guidance under BS5837:2005 'Trees in Relation to Construction'. That is not to say that the foundations are at risk - they would have been constructed sufficiently deep in accordance with NHBC regulations to accommodate a large tree close by. However, I would not have advised such a close construction today from the arboricultural perspective - root severance, potential for decline, etc. Above all is the rather overbearing sensation of having such a large tree so close, when in leaf and particularly with the problems described.

For the above reasons I think it would be difficult to sustain refusal of an application to fell, at any future appeal. The tree could of course be crown reduced and 'cleaned out' of deadwood, to retain it safely, but I do not think the resulting appearance would be acceptable and there would be an ongoing maintenance requirement. Perhaps the best outcome would be to permit its removal and condition a more suitable replacement, rather further from the house.

23.01.2012

My first thought was that there seems space between the existing tree and the edge of the car park bay/access road for a smaller growing upright-crown tree.

As for the rear garden, there might be scope close to the fence with the car park, but something not too large and with light foliage - I'm sure the resident would not wish too much shade in the garden and over the rear elevation of the house.

24.01.2012

As I stated in my report, the tree crown could be reduced but perhaps its shape and appearance would be compromised. If the resident is happy for this to be done, all well and good if reduced to a smaller outline in proportion to the existing. A decent qualified and experienced arborist might be able to produce a reasonable crown reduction, which could then be monitored over the next few years.

Parish:

No comments

Ward Member:

20.11.2011

This tree borders on the front of my property, 19 Elliot Close. I am aware that about two years ago it was hit by lightning, that I do recall very vividly... any comments I make will be informal...

This is as you know is a large tree, which has significant impact on the tree-line scene of the local and wider village. There are also a wide range of animal and plant habitats supported by it. In particular, birds nest/roost in it, and bats routinely fly around it in the summer, whether they roost there remains to be seen.

In so far as I am aware, this tree was pruned over 5 years perhaps 10 yrs ago, and is now overdue for a further trim. The tree contractor/agent Mr and Mrs Wilde have brought in has suggested having it taken down.



Whilst there is a crack in the bark, I am not a professional tree assessor, but I do suggest that an independent report is obtained prior to any decision being made. As far as my untrained eye can tell it is vigorous and in good health.

I am concerned that if consent was given to have it taken down, then will it be conditioned as to what must replace it and will that also be subject to a TPO?

### **Other Information**

#### **History:**

11/00548/TPO – Felling a TPO tree (141T1) – Refused 03.08.11

*“No adequate justification has been put forward (i.e. no arboricultural report has been submitted) to demonstrate that the works proposed to the Ash Tree are necessary/acceptable. The application is therefore contrary to Policy EV/19 of the Harborough District Local Plan*

#### **Information:**

This application is being reported to the Planning Committee at the request of the ward member for reasons of transparency.

### **Background Information:**

The tree is a mature Ash Tree that is to the front of the property. The tree has been struck by lightning and has a split near the base of the tree. The Cambium layer is brown and not very healthy.

### **Summary of Reasons for the Recommendation:**

The removal of the tree is considered to be acceptable for the following reasons: The tree is damaged from the recent lightning strike and also has considerable deadwood in the crown (please see the Tree Report from Ace Tree Services and comments from LCC Arboricultural Officer on the file). Furthermore the tree is located 6m from the house and this falls short of the recommended 10.8m for a tree protection zone for a tree of this size. Therefore it is considered that there is potential for further decline and although a crown reduction may solve the current problems this would not be suitable in the long term.

It is usual that when a TPO tree is removed a replacement tree is sought however in this instance it is considered that there is not a suitable location for such a tree (eg a small rear garden tree would have no comparable benefit) and therefore a replacement should not be requested.

### **Notes to applicant:**

IN28

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

IN29

All tree surgery hereby approved shall accord with BS3998:2010: Tree work.

Recommendations

11/01642/OUT  
THURNBY AND BUSHBY

Erection of up to 175 dwellings (means of access to be considered), J Coles Nursery, 624 Uppingham Road ,Thurnby Leicestershire

James Coles And Sons (Nurseries) Ltd

Target Date: 28/02/12

### Recommendation

**REFUSE** for the following reasons:

1. The proposed development would have an adverse impact on the open and undeveloped character and appearance of the Green Wedge and countryside within which it will be situated. Accordingly the proposal would be contrary to Policies CS8, CS15 and CS17 of the Harborough District Core Strategy, retained HDLP policy EV/2.
2. The proposal would result in an under provision of affordable housing within the Harborough Rural North and Central sub-market area. The application proposes a 30% on-site affordable housing provision, whilst Core Strategy Policy CS3 seeks a 40% on-site affordable housing provision within this area. It is therefore considered that the proposal is contrary to Policy CS3 of the Harborough District Core Strategy.

### Site & Surroundings

The 8.0ha site is in a variety of uses under the operation of Coles Nurseries. This includes retail sales, offices, distribution, parking and growing space. Two communication masts are on site (see land use analysis within design and Access (DAS) statement). The A47 Uppingham Road provides the south boundary other than where the site 'wraps around' a linear housing 576-596 Uppingham Road. Residential development of Wintersdale Road, Telford Way/Fern Close and Station Lane lie to the west, north and east. The Swallow PH (vacant) lies to the north east. Access is currently from Uppingham road about 85m west of the Uppingham Road / Station Road junction.

The site lies outside the Limits to Development of Thurnby & Bushby Parish and is within the countryside. It is also situated within a Green wedge.

### Proposal

Outline application for 175 dwellings with all matters reserved for approval other than access.

DAS states proposed housing shall be 44x2 bed, 70x3 bed, 61x4 bed houses predicated on two stories with maximum 9.2 metres height. An indicative layout is included within the DAS showing homes around open space suggested as a functional play and open space area. A second open space area to the western part of the site suggested as being open grassland with trees and shrubs.

Proposed access arrangements are closing the existing access and creation of two new access points.

- An Uppingham Road T-junction access is proposed approximately 60 metres west of the existing access. This will include a ghost island right turn lane. The access realignment will enable the same proposals to Grange Lane with both including a central refuge.
- A T-junction is proposed to Station Road 23 metres from the northern extent of the sites highway frontage.

The application is accompanied supporting document including:

- Design and Access by Landmark Planning
- Archaeological Desk Based Assessment by Allen Archaeology
- Statement of Community Involvement by Landmark planning
- Affordable housing statement by Landmark planning
- Habitat survey by clear Environmental
- Services Report by M-EC
- Phase 1 Environmental risk Assessment M-EC
- Landscape and visual assessment and green wedge analysis by Keary-Coles-Design Ltd.
- Flood Risk Assessment by M-EC
- Transport Assessment by Bancroft Consulting
- Arboricultural assessment by Keary-Coles
- Renewable Energy report by Landmark Planning Ltd

### Consultations

*Please note the following responses from consultees are a summary of the comments received, to view the comments in full, please refer to planning file.*

### Severn Trent Water

No Comments received at date of drafting report

### Environment Agency

The site lies within Flood Zone 1, categorised in Planning Policy Statement 25: Development and Flood Risk (PPS25) as low risk. In principle, the Environment Agency has no objection to the development. However, relatively little information has been presented in relation to how surface water drainage associated with the development is to be dealt with.

### Natural England

No Comments received at date of drafting report

### Leicester City Council

Although we do not object to the principle of the proposal, we wish to raise the following concerns, in particular with regard to flood risk.

The City Council are concerned that the development could pose a flood risk to residents of the city through discharge into the Brook or if on-site systems aren't adequate, leading to flooding of residents downhill of the site in the local area. We would request that you require a reduction in rates and volumes of run off from the site, in line with PPS25, and request details of construction of the swale at the appropriate stage in the process.

The site currently forms part of the green wedge and is not allocated for housing development. The City Council would expect the need for new housing, the current supply of housing land and the loss of green wedge to be fully considered as part of the proposal. It is noted that the recent Harborough Green Wedge Review (Dec 2011) recommends the Coles Nursery site be fully removed from the green wedge. We would also expect the development to provide the necessary supporting infrastructure so that additional demand for resources does not fall on the City Council.

It is understood County Highways are still assessing the highway implications of the proposal and have requested an extension to the deadline to make comments. The City Council is liaising with the County Council on this matter and, dependent on the outcome of that, may wish to make further comments.

Leicestershire Constabulary

There has been no pre-application discussion on this scheme, however, I note that the D & A statement mentions necessary contributions determined as a result of stakeholder consultation. Policing seems to be excluded from this. I see no reference to viability issues and the site is not intensively developed. The proposal will introduce a substantial new overnight population to the area. As the application stands, there is no provision to mitigate policing impacts and I therefore raise a formal objection at this stage.

Leicestershire & Rutland Primary Care Trust

No Comments received at date of drafting report

Leicestershire County Council Highway Authority

I will not be in a position to let you have the Highway Authority formal comments on the proposal within the consultation period. Because the application will require detailed consideration of the likely highway impact, it will take some time to formulate our formal response. I anticipate I will be able to forward to you a detailed, reasoned report on the matter by 2 February 2012 and shall be pleased if you will arrange for your Council not to determine the application before having the opportunity to consider that report.

The submitted documents do not include a Travel Plan. As the application is for up to 175 dwellings a Travel Plan should be submitted. The Planning Authority should request a Travel Plan from the applicants. A Travel Plan will inform whether S106 contributions will become necessary.

Leicestershire County Council Access Officer

The above planning application has recently been brought to my attention as Public Footpath D17 runs adjacent to the proposed development site.

Public Footpath D17 runs along the western boundary of the site and has a width of approximately 1.5 metres. I have no objection to the application as long as the following points area adhered to:

- (1) The footpath must not be further enclosed in anyway without further discussions with the County Council's Rights of Way team (0116 305 0001)
- (2) The footpath must not be re-routed, encroached upon, or obstructed in anyway. To do so may constitute an offence under the Highways Act 1980.
- (3) If work is proposed to be undertaken on the surface of the path, prior consultation with the County Council's Southern Area Rights of Way Inspector, Harry Bartlett must be undertaken he can be contacted on 0116 305 0001.
- (4) No new gates or other structures affecting the footpath should be constructed without prior approval of the County Council's Rights of Way Team.

In addition the County Council would like the developer to consider diverting Public Footpath D17 onto the path which crosses the Public Open Space on the western side of the development. Diverting the path onto this route will be for the benefit of the public and the County Council may consider paying a proportion of the costs associated with the diversion.

Leicestershire County Council Landscape Officer:

Existing trees and hedges should be incorporated into the design layout wherever possible and protected during construction, all in accordance with BS5837:2005.

I would like to see a stronger landscape treatment to the Uppingham Road frontage to the site, incorporating more individual trees.

There is an opportunity to achieve a green infrastructure link between the open space at the north-western corner of the site and the recreational areas on the opposite side of the disused railway line and every effort should be made to pursue this.

The layout plan appears to show a belt of tree planting to the northern boundary of the existing properties on Uppingham Road - this will ultimately create heavy shade for the relatively small gardens of the proposed new properties to the north of the tree belt, and should be reconsidered.

Leicestershire County Council Stepping Stones Project Manager:

Further to the comments submitted by LCC Landscape Officer I would like to add on behalf of the Stepping Stones project the following comments:

- This site lies within the Stoughton, Thurnby and Oadby Green Wedge and therefore it is usual for the Stepping Stones project to object to Development of this kind in any Green Wedge area. However it is appreciated that this site is separated from the rest of the Green Wedge area by the A47 and so strategically it is probably not that important to be maintained as part of the existing Green Wedge. It is also accepted that in a wider strategic sense this site does not act as a key green buffer between two settlements as the residential areas surrounding this parcel of land are all within the same Parish of Thurnby.
- The site does lie within the Thurnby Fields Local Landscape character area as determined by the Landscape Character Assessment and subsequently outlined in the Stoughton, Thurnby and Oadby Green Wedge Management Plan, 14th December 2005. The bottom left hand corner of the site does contain a semi improved neutral grassland. However at the time of preparing the Green Wedge Plan, this is not a significant grassland and is not one of the Sites for Nature Conservation Importance identified in the Green Wedge Management Plan. It is encouraging to see from the layout that this corner appears as though it will be retained for open space.
- The project would like to see the existing hedges and trees incorporated into the new design not only to reflect the fact this site lies adjacent to the rest of the Green Wedge, but because trees and hedges will improve the visual impact of the site and create a more leafy environment for the benefit of people and wildlife.
- The Green Wedge Management plan does identify the need for utilising the Stoughton Road to provide a link between Uppingham road (A47) and existing bridleway and cycle paths mid way between Thurnby and Stoughton. It is strongly recommended that any developer contributions are used towards investigating and implementing this as a community access project.

Leicestershire County Council Archaeology

The submission of the Archaeological Desk-Based Assessment is welcomed. The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies within an area of potential archaeological interest. Finds of prehistoric date (MLE18611, MLE6338, MLE2538, MLE2539) and sites indicative of Romano-British occupation (MLE2538, MLE2539, MLE7914) are recorded in the vicinity. Although no archaeological remains are known within the application site itself, this may reflect the paucity of previous systematic archaeological investigation in the area rather than a true absence of archaeological remains. Consequently, there is a possibility that buried archaeological remains will be affected by the development.

The site's more recent use as a nursery and the associated landscaping and terracing is likely to have caused some disturbance to any buried archaeological remains. However, there is a likelihood that any remains present will survive *in situ* within areas where less ground disturbance has occurred, or in a truncated form below areas of moderate disturbance. As such we are satisfied that archaeological evaluation of the site and any subsequent appropriate mitigation measures can be dealt with by condition.

#### Leicestershire County Council Ecology

The submitted Ecology report is satisfactory. Although no protected species were recorded, we notice that building 2 has potential to support roosting bats. We therefore agree that the building should be demolished with a precautionary approach.

An opportunity exists to enhance the biodiversity of the site. We would advise that consideration is given to this when the design for the landscaping is considered.

#### Leicestershire County Council Forestry

No Comments received at date of drafting report

#### Leicestershire County Council Education

##### **Primary School Sector Requirement**

The site falls within the catchment area of St. Luke's Church of England Primary School. The School has a net capacity of 216 and 248 pupils are projected on the roll should this development proceed; a deficit of 32 places (a surplus of 5 is existing and a deficit of 32 is created by this development).

There is one other primary schools within a two mile walking distance of the development, Fernvale Primary School. The school has a forecast deficit of 24 places and is therefore unable to accommodate any pupils from the development.

The overall deficit including all schools within a two mile walking distance of the development is 56 places. The 32 deficit places created by this development can not be accommodated at nearby schools and a claim for an education contribution of 31.05 pupil places in the primary sector is justified.

In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at St Luke's Church of England Primary School.

##### **High School Sector Requirement**

The site falls within the catchment area of Gartree High School. The School has a net capacity of 793 and 777 pupils are projected on roll should this development proceed; a surplus of 16 places after taking into account the 24 pupils generated by this development. An education contribution will therefore not be requested for this sector.

##### **Upper School Sector Requirement**

This site falls within the catchment area of Beauchamp College. The College has a net capacity of 2058 and 2124 pupils are projected on roll should this development proceed; a deficit of 66 pupil places (of which 48 are existing and 18 are created by this development). There are no other upper schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified.

In order to provide the additional upper school places anticipated by the proposed development, the County Council requests a contribution for the upper school sector.

Leicestershire County Council Libraries

No claim from Library Services. No natural links from the development site to libraries within the county

Leicestershire County Council Waste Management

There will be no request for developer contributions for this application as the nearest CA site at Oadby has sufficient capacity for a development of this size.

Harborough District Council Drainage

No Comments received at date of drafting report

Harborough District Council Contaminated Land Officer

Recommend conditions on any approval

Harborough District Council Public Spaces Manager

No Comments received at date of drafting report

Harborough District Council Housing Enabling Manager

Affordable Housing should be 40% on site provision

Thurnby and Bushby Parish Council

The Thurnby and Bushby Parish Council OBJECTS to the application on the grounds that the proposed development is:

- sited on a Green Wedge and therefore contrary to Policy EV/2;
- outside the current area for development for Thurnby and Bushby;
- excessive in the number and density of dwellings proposed;
- lacking in sufficient open space.

Issues relating to flood risk and impact on traffic were noted. It was agreed not to comment on these issues as they would be addressed via statutory consultation with the Environmental Agency and LCC Highways.

Thurnby and Bushby Parish Society

- 1) Site is within the Green Wedge.
- 2) Traffic congestion
- 3) Due to the number of the existing buildings at the eastern end of site, this section may now be considered to be Previously Developed Land. We suggest that a reduced application on the eastern end might be acceptable.

Representations

Please note the following representations are a summary of the comments received, to view the comments in full, please refer to planning file.

At the time of writing, 35 letters of objection have been received from 27 properties (Station Lane (17 x2, 25, 76), Trevoze Gardens (8 x4), Main Street (21-23), Wintersdale Road (186, 204), Uppingham Road (576, 578, 580, 582, 584, 588, 590, 592, 594x2, 596, 740x2, 911x2), Fern Close (10, 24, 25, 26, 34x2), Antony Drive (20), Fiona Drive (2, 3), raising the following issues: 1) Loss of green wedge. 2) Loss of open countryside. 3) increased flood risk to properties in Wintersdale Road. 4) Overlooking and loss of privacy. 5) Overbearing due to change in levels between site and surrounding properties. 6) Increased traffic onto A47 and Station Lane. 7) impact on facilities and amenities. 8) This is not previously developed land. 9) Grange Lane will be used as a cut through even more than it is now. 10) Proposal will effectively link Thurnby and Bushby to Leicester. 11) There were bats on site in 2001 / 2002.



12) Impact on property prices, will our Council Tax be lowered to reflect this? 13) When Thurnby / Bushby join with Leicester, will we have a choice of who we pay our Council Tax to? 14) Increase in noise due to additional people in the area. 15) Potential for crime in the areas to the rear of properties on Uppingham Road. 16) Density of proposal.

## **Policy**

### **The Development Plan**

The Development Plan for the purpose of these applications consists of the Regional Spatial Strategy for the East Midlands, adopted in 2009; the 'retained' policies of the Harborough District Local Plan, adopted in 2001, and the Harborough District Council Core Strategy adopted in November 2011.

### **East Midlands Regional Plan, adopted March 2009**

Regional Policy of relevance include:

Policy 1: Regional Core Objectives  
Policy 2: Promoting Better Design  
Policy 3: Distribution of New Development  
Policy 13a: Regional Housing Provision (excluding Northamptonshire)  
Policy 14: Regional Priorities for Affordable Housing  
Policy 17: Regional Priorities for Managing the Release of Land for Housing  
Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage  
Policy 29: Priorities for Enhancing the Region's Biodiversity  
Policy 32: A Regional Approach to Water Resources and Water Quality  
Policy 35: A Regional Approach to Managing Flood Risk  
Policy 43: Regional Transport Objectives  
Policy 45: Regional Approach to Traffic Growth Reduction  
Policy 52: Regional Priorities for Integrating Public Transport  
Policy SRS 1: Definition of PUAs  
Policy SRS 3: Housing Provision

### **Harborough District Local Plan, adopted April 2001**

The retained policies of relevance are:

Policy EV/2: Green Wedges  
Policy EM2: control of development on employment sites.  
Policy HS/8: Limits to Development

### **Supplementary Planning Guidance**

Supplementary Planning Guidance (SPG) supplements the policies of the Local Plan. These are material consideration but do not form Development Plan policy.

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

SPG Note 2: Residential Development – Major Housing Sites

SPG Note 9: Landscape & New Development

SPG Note 10: Trees & Development

SPG Note 11: Hedges & Development

SPG Note 13: Crime Prevention & Reduction

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

SPG Note 20: Monitoring of Housing Land

### **SPD Affordable Housing (adopted February 2006)**

### **Planning Obligations Developer Guidance Note (September 2009)**

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

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

This assessment considers 'community facilities' that are not already covered by other elements of the Council's Developer Contributions Guidance such as libraries, education, outdoor recreation, play areas etc. The assessment makes the following conclusions for the Leicester Urban Fringe (i.e. Thurnby, Bushby and Scraftoft):

*"The Leicester Fringe settlements are served by three venues that provide indoor community facilities. Across the three venues there is limited capacity to meet growth requirements and the area, being on the fringe of Leicester, is sometimes in danger of being treated as being 'served by provision in Leicester'. Our consultation and research has identified a need to provide carefully located indoor sports facility that can serve as a local hub to meet the needs of the northern rural areas, the Fringe settlements and the proposed growth. New growth will contribute towards the funding of indoor sports provision to service this 'often forgotten area'.*

### Core Strategy, adopted November 2011

The Core Strategy policies of relevance are:

Policy CS1: Spatial Strategy

Policy CS2: Delivering New Housing

Policy CS3: Delivering Housing Choice & Affordability

Policy CS5: Providing Sustainable Transport

Policy CS5: Protecting and enhancing Green infrastructure.

Policy CS11: Promoting Design & Built Heritage

Policy CS12: Delivering Development & Supporting Infrastructure

Policy CS15: Leicester Urban Fringe

### Allocations DPD

Following its Core Strategy adoption the Council is committed to producing an Allocations Development Plan Document. It anticipates an Allocation Options document being approved by Executive in April 2012 for a period of public consultation with the Allocations Plan finalised later in 2012 for formal publication and adoption scheduled for Spring 2013.

### Local Development Framework Documents

Harborough District Landscape Character Assessment (September 2007).

Leicester PUA Landscape Character Assessment and Landscape Capacity Study (Landscape Partnership, July 2009).

Leicester & Leicestershire Strategic Housing Market Assessment (SHMA)

Strategic Housing Land Availability Assessment (SHLAA)

### Parish Plans

Thurnby & Bushby Parish Plan 'Guarding the Past: Forging the Future' (January 2007)

### National Planning Guidance

National planning policy statements of relevance include:

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS4 – Economic Development

PPS5 – Planning for the Historic Environment

PPS7 – Sustainable Development in Rural Areas

PPS9 – Biodiversity

PPG13 – Transport

PPG24 – Planning and Noise

## PPS25 – Development and Flood Risk

Circular 11/95 – Use of conditions in planning permission

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

Circular 05/2005 – Planning Obligations

Community Infrastructure Regulations 2010

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

Planning for Growth (March 2011)

Consultation draft of the National Planning Policy Framework (NPPF) July 2011)

Safer Places – ODPM - (April 2004)

### **Other Information**

#### History

Various applications relating to development of the Garden Centre. There is no history relevant to the current proposal.

#### Reason for Planning Committee Meeting

This application is being reported to the Planning Committee for determination because the application proposes more than ten dwellings, represents a departure from the Development Plan; and due to the level of public interest.

#### District-wide Housing Requirement

The Council has decided to keep the housing figures proposed in the East Midlands Regional Plan (EMRP). This specified 350 dwellings a year should be provided in the District Between 2006 and 2026 (7,000 over the plan period). In order to ensure that the Core Strategy enables continuous delivery of housing for at least 15 years from the date of adoption, the plan period has been extended beyond that of the of EMRP to 2028. Housing figures for 2027-2028 have been derived by rolling forward the 350 dwelling annual requirement set out in the EMRP (7,700).

#### Housing Requirement within the Leicester PUA

EMRP identifies the need for a minimum of 40 dwellings per annum to be built within the Leicester PUA of Harborough District. This includes Thurnby, Scraftoft and Bushby.

Of the 7,700 dwellings required within the Harborough District between 2006-2028, at least 880 dwellings will be provided within the PUA. Since 2006, 254 of the 880 have been built and 153 have been committed (i.e. sites with planning permission). This leaves a requirement of 473 dwellings (as of March 2011) over the plan period.

#### Housing Land Supply

In considering a 5-year supply of housing, sites should be available i.e. available now; suitable, i.e. the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities; and achievable, i.e. there is a reasonable prospect that housing will be delivered on the site within five years.

The Council has calculated its current five year land supply position (October 2011)\*, establishing that Harborough District has 3.98 years or 80% supply for the period 2010-2015, a shortfall of 338 dwellings over the five year period.

\*Since the publication the Council's 5 year supply Mid -Year Position, the Council has granted planning consent for major residential development of 47 houses at Lathkill Street, Market Harborough (10/01669/OUT 2<sup>nd</sup> November 2011), 50 dwellings off Crowfoot Way, Brought Astley (10/01579/OUT 24<sup>th</sup> November 2011) and 120 dwellings on Land North Of Bill

Crane Way, Lutterworth (11/00117/OUT 23<sup>rd</sup> January 2012). The Council also resolved to grant planning permission subject to s106 for up to 150 dwellings on land off Beeby Road, Scraftoft (11/00895/OUT, 13<sup>th</sup> September 2011). The Council maintains a commitment to consistently monitor land supply on an efficient twice yearly basis and anticipates a March 2012 assessment.

As the Council can not demonstrate a 5 year land supply and in accordance with Para 71 of PPS3 the LPA should consider favorably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69:

*In general, in deciding planning applications, LPAs should have regard to:*

- Achieving high quality housing.*
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.*
- The suitability of a site for housing, including its environmental sustainability.*
- Using land effectively and efficiently.*
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues. (Para 69 of PPS3)*

#### Previously Developed Land

Core Strategy CS1(i) and PPS3\* encourages the effective use of land by re-using land that has been previously developed. (PDL.

*\*Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.*

*The definition includes defence buildings, but excludes:*

- Land that is or has been occupied by agricultural or forestry buildings.*
- Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.*
- Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.*
- Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings). There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed*

#### Green Wedge Review

A review of the boundaries of the District's two Green Wedge designations has been carried out by the Council's planning policy team in line with the methodology developed in association with other local authorities surrounding Leicester. Detailed boundaries of the Leicester/Scraftoft and the Thurnby/Leicester/Oadby Green Wedges have been assessed in relation to the criteria as set out in the Core Strategy and the case for amending boundaries considered.

Whilst the Green Wedge Review provides technical evidence that will be taken into account in the preparation of the Allocations Plan, the document itself does not represent Council policy. Its findings will be consulted upon as part of the Issues and Options stage of the Allocations Plan later in 2012. The Review document is available on the Council's website on the Planning (Planning Policy) pages.

#### Other Planning Applications/Appeals within the PUA

The Council over the past 18 months have received several applications for residential development on Greenfield sites to fulfil the housing requirement for the Leicester PUA within the Harborough District.

Table 2 below identifies the site, the applicant, the scale of the proposal and the outcome

<b>Site Location</b>	<b>Applicant</b>	<b>Dwelling Numbers Original Scheme</b>	<b>Outcome</b>	<b>Dwelling Numbers Revised Scheme</b>	<b>Outcome</b>
<b>Pulford Drive, Thurnby / Scraftoft</b>	Jelsons	250 (10/00620/OUT)	Refused (08.03.11)	128 (11/01080/OUT)	Refused, Appeal Pending (08/11/11)
<b>Station Lane, Scraftoft</b>	Davidsons	100 (10/01045/OUT)	Refused, Appeal Pending (08.03.11)	41 11/00853/OUT)	Refused, Appeal Pending (11/10/11)
<b>Land off Beeby Road, Scraftoft</b>	De Montfort University	215 (10/01306/OUT)	Refused (08.03.11)	150 (11/00895/OUT)	Approved, subject to S106 (13.09.11)
<b>South of Uppingham Road, Bushby</b>	Trustees of Bushby	90 (10/01660/OUT)	Withdrawn (25.02.11)	50 (11/01334/OUT)	Refused. Appeal pending (10/01/12)
<b>North of Uppingham Road, Bushby</b>	Sugar Hill Homes	150 (11/00003/OUT)	Refused (08.03.11)	-	

The approval (subject to S106) of the De Montfort University application leaves a requirement of 323 dwellings to be built within the Leicester PUA to 2028.

#### Recent Appeal Decisions

It is acknowledged that every proposal must be considered on individual merit. Nevertheless the following decisions are helpful in demonstrating the weight to be applied to material considerations including strategic housing assessments, 5 year supply, Development Plan policy including saved policies and landscape character assessments.

APP/T2405/A/10/2135068 - Countesthorpe, Leicestershire including (para.17)

“ landscaping is important to provide a green structure and setting for development and to enable integration into the landscape, but is not a means of making otherwise unacceptable developments acceptable, especially with a long lead in period to achieve any degree of maturity and substantial screening”

APP/F2415/A/10/2128267 - Berry Close, Great Bowden, Leicestershire (para.15).

“The SHLAA and LCS recognise the ability of the site to accommodate housing, but this must be seen in the context of the status of the land as open countryside and the conclusions of these reports do not outweigh the aims of the Local Plan policies in this regard”

APP/F2415/A/09/2114425 - Glebe Road, Market Harborough, Leicestershire including (para.42 )

'I consider that the contribution that the site would make to meet the requirement for a deliverable 5-year land supply and the need for affordable housing are material considerations of sufficient weight to outweigh the policy objection through noncompliance with saved LP Policy EV/5. I therefore conclude that the proposal should be allowed notwithstanding the conflict with saved LP policy'.

APP/F2415/A/10/2134083 - Clack Hill, Market Harborough, Leicestershire (para.38):'

The site is in a sustainable location and the relative lack of impact on the landscape is supported by the landscape impact assessment...contribution to 5-year housing land supply...outweigh the policy objection (ie EV/5 and PPS7)...

In addition, to the above appeals at Uppingham Road, Oakham which related to a site in an Area of Particularly Attractive Countryside (APP/T2405/A/11/2154502) and at St John's in Enderby, which dealt with Green Wedge (APP/A2470/A/10/2143475) have been previously brought to the Council's attention.

### Prematurity

Guidance on prematurity is contained in PPS3 and 'The Planning System: General Principles'. Paragraph 72 of PPS3 advises that planning authorities should not refuse applications solely on the grounds of prematurity. Guidance in paragraph 17 of the General Principles document comments that:

*"In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect."*

### Planning Considerations:

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

### Main Issues

The fundamental issues in this case relate to the release of countryside / green wedge land for residential development and the resultant impact to (i) the character and appearance of the countryside and landscape and (ii) and the provision for strategic housing requirements in the District, including the required five-year supply of deliverable housing land.

### Delivering New Housing

Between 2006 and 2028, Harborough District needs to provide 7,700 dwellings. Of those 7,700 dwellings, 880 dwellings will be distributed within the Leicester PUA. Since 2006, the 254 of the 880 dwellings have been built and 153 have been committed (i.e. sites with planning permission). This therefore leaves a requirement of 473 dwellings (as of March 2011) over the plan period (note the 11/00895/OUT DMU campus resolution to approve 150 dwelling subject to s106)

It is acknowledged that in order to meet this requirement, the majority of housing development will have to take place on Greenfield land which is beyond existing Limits to

Development (which this Site is). However, suitable future housing development should preferably be identified through the Allocations DPD and not by ad hoc planning applications.

Furthermore, housing development should comply with other policies contained within the Core Strategy and retained Local Plan policy. In this case, Policy CS2, CS3 CS11, Policy CS15, Policy CS17 and EV2 are relevant. Local Plan paragraph 4.3 comments on retained policy EV2 that green wedges lie outside the area covered by countryside policies. For the reasons explained below, this development fails to satisfy these policies and as such the principle of development in this location is not acceptable.

#### Landscape Character & Landscape Capacity

There have been two landscape led studies in respect of the development potential of sites adjacent or close to the urban edge, prepared to assist in decision making in respect of accommodating new development. These are: firstly, Harborough District Council Landscape Character Assessment (2007); and secondly, Leicester PUA Landscape Character Assessment and Landscape Capacity Study (for Harborough District Council, September 2009).

#### Leicester PUA Landscape Character Assessment (for Harborough District Council, September 2009)

The site is identified as parcel 18 with medium high capacity to accommodate development. This study comments:

*'Land Parcel 18 is the main retail site of James Coles and Sons Nurseries. It occupies a relatively gently sloping site within Leicester. It is within the Leicester Fringes Landscape Character Area and falls within an area designated as "Green Wedge". The southern boundary of the Parcel is formed by Thurnby Hill (the A47) and the rear garden fences of a row of properties that front onto Thurnby Hill. There is a tall managed hedgerow along this boundary. The western boundary of the Parcel is formed by a tall tree belt, which acts as a windbreak for the nursery. The northern boundary of the site is formed by a hedgerow with some trees within and beyond it. Beyond this northern boundary are residential properties of varying ages and a public house. The eastern boundary of the Parcel is along Station Lane, with a tall managed hedgerow between the two.*

- *There are several buildings and glasshouses within the Parcel, associated with the retail aspects of the nursery. The remainder of the Parcel is generally hardstanding for storing plants or used as a car park. There are small areas of ornamental planting around the buildings and adjacent to the southern boundary.*
- *Views into the Land Parcel are relatively limited. There are no public rights of way through or close to the parcel, but there are footpaths along the side of Thurnby Road and Station Lane. There are some views into the Parcel from the adjacent residential properties, particularly the row of houses on Thurnby Hill.*
- *The Land Parcel would relate well to the existing residential development surrounding it. Although development of this Parcel would be within a "Green Wedge", any development would infill a site between existing residential properties and one where there are already several built forms.*

*Comments on suitability for development and mitigation measures:*

- *This Land Parcel is considered to have a medium high capacity to accommodate development. Given the general residential context of the parcel, and the nature of the roads in the surrounding area, continued commercial development would be less suitable in this Land Parcel. Residential development is felt to be potentially appropriate in this location, subject to the following mitigation measures:*
- *Retention of existing landscape features and vegetation: the tall tree belts along some of the boundaries of the Parcel should be retained as screening for any development proposals. The tall hedgerows could also be retained but they could be replaced if required.*

- *Existing enclosure of the Land Parcel is relatively extensive, and there are no important views into the Parcel that need to be retained.*
- *Additional planting is likely to be necessary to create some separation between Leicester and Thurnby, particularly in the south east corner of the Parcel.*
- *Existing buildings in this locality are generally 2 storeys high. Proposals in this Land Parcel should be of a similar height.*
- *Any development within this Parcel could be accessed from either Thurnby Hill or Station Lane. Many properties along Thurnby Road front onto the road and this theme could be continued within this Parcel. The layout could leave the south east corner of the Parcel undeveloped to enhance the entrance to Thurnby. Alternatively by retaining the existing hedgerow and providing a stronger tree belt to the south and east the sense of separation between Thurnby and Leicester could be retained. The residential layout could then be more internally facing.*
- *Open space provision and green infrastructure*
- *The south east corner of the Parcel could become open space, in order to provide some separation between Leicester and Thurnby and to act as a gateway to Leicester.'*

#### Applicant's Landscape Character and Capacity Study

The submitted Landscape and Visual Appraisal (LVA) is a combined Landscape and Visual Assessment (LVA) and a Green Wedge study as, for these purposes, the issues are inextricably linked. The methodology in this case have been based on-'Guidelines for Landscape and Visual Assessment (Second edition 2002) by the Landscape Institute and Institute of Environmental Management and Assessment', and 'The Design Manual for Road and Bridges' by the Highways Agency. The LVA has a bearing on the relationship between the site and its status within the Green Wedge. The four typical characteristics of Green Wedge are examined using methods of the LVA.

The site is approximately rectangular measuring about 400m by 200m. The western half of the site slopes more significantly than the eastern half. The slope in the western half falls to the north and west at a gradient between 1:12 and 1:20. This increases the visibility of the site from the west, however views in are partly screened by a line of Alders on the western boundary.

The slopes to the eastern part of the site are at a shallower gradient of between 1:35 and 1:45 in a north to south direction and almost flat east to west. This flatter portion of the site currently accommodates the buildings, polytunnels and glasshouses. Most of the site sits between the 89m and 101m contour.

The applicants have carried out a visual assessment of the impact of the development from a number of viewpoints in the surrounding area. Set out below is an assessment of the impact of the development from the viewpoints, partly informed by the submitted LVA but also by site visits carried out by Officers.

#### **View 1 - from the West**

- The first view of the site from the west appears when travelling east along Uppingham road shortly after passing the Spencefield Lane junction. The most notable elements of the site visible from this point are the polytunnels and a telecommunications mast on the more elevated eastern most section of the site. Parts of the growing areas on the western section are obscured by the line of Alders planted on the boundary. This is partly a function of the sloping terrain of the site which helps to conceal much of the site in the foreground. However, whilst it is accepted that the existing use is partly obscured by the existing vegetation, it is not considered that this feature would have the same mitigating impact upon a residential development. It is considered that any development on the western section of the site would be highly visible from this viewpoint, which in turn, would have a



detrimental impact upon the open nature of the Green Wedge and would aid the sense of coalescence of Thurnby with Leicester in this area.

- Views closer to the site are mitigated by the boundary hedge, along Uppingham Road. There are also restricted views into the site from the public footpath which run just outside the boundary which stretches from Uppingham Road to Wintersdale Road.

**View 2 - from the Rear of the properties fronting Uppingham Road.**

- The upstairs floors of these houses are likely to have views over the proposed development, however the views from these properties are from a private domain and the applicants have submitted that therefore they are of less significance and that the proposed boundary tree planting and the general landscape planting should more than compensate for the loss of the existing view. Officers recognise that these views are of importance to local residents, however, in planning law, there is no right to a view.

**View 3 - from Bradgate Close (Off Grange Lane)**

- There is a limited view of the site from four or five properties in Bradgate Close. This view is also from the private domain and in the applicants view, also of less significance. The view is restricted by existing tree and shrub planting along the boundary of Uppingham Road which will be further supplemented by the proposed boundary landscape treatment to the proposed development.

**View 4 - from the junction of Grange Lane and Uppingham Road.**

- The view is of the Garden Centre frontage which comprises a timber building, signage, banners some metal fencing and low hedges. A large proportion of this part of the boundary is taken up by the main gated entrance which is the only access to the existing site. The entrance has to be wide enough to take articulated Lorries, as well as the retail customers. The gates therefore are an imposing presence.

**View 5 - from the Play Area off Grange Lane.**

- The view of the site from the play area is almost totally obscured by existing vegetation. The applicant states that there would be no change of impact from the site if it was developed as it is not visible through the trees.

**View 6 - from the Properties on Station Road.**

- The current view of the site from Station Road is relatively austere and harsh. Many of the site's industrial elements are on show from the vantage points along Station Road. There are opportunities to improve the outlook from properties along this boundary, (which represent private views) with the implementation of the proposed landscape including the screening vegetation.

**View 7 - from Fern Close**

- The relationship between the dispatch area of the nursery and the rear gardens of Fern Close is probably one of the closest. The gardens abut the site boundary and therefore views into the site are either of the despatch activity or the tree screen planted to separate the two. The view of the dispatch area is of stored pallets, loading equipment, tractors, trailers and articulated lorries. The applicants state that the proposed landscaping will seek to soften this boundary and manage the light availability in a much better way. The view from the gardens and rear of the properties are private views and therefore, in the applicants opinion, less significant.
- The applicants state that the impact of the development upon this viewpoint would be minor / beneficial. However, Officers are of the opinion that this viewpoint is one which must be seriously considered, particularly from a residential amenity aspect. The site is on elevated ground and proposed dwellings could potentially have an overbearing impact upon the

residential amenity of the neighbouring properties. However, as this application is in outline form only, this detail is not for consideration as part of this application.

#### **View 8 from Telford Way**

- The residences on Telford Way are positioned on the top of the former railway embankment. There are few windows facing the site due to the orientation of the buildings, and those which do face the site are a private view and, in the applicants opinion, not as significant. There are occasional views into the site from gardens and the adjacent public areas; however they are often restricted due to the natural vegetation growing on the southern face of the embankment.

#### **View 9 from Wintersdale Road**

- Six properties in Wintersdale Close have rear gardens which back onto the site. The rear boundaries of the gardens are secured with close board fence and/or substantial tree planting including Cypress, ocyparis, leylandii, Castlwellan Gold and mixed shrub species.

#### **View 10 from Wintersdale Road Adjacent to the Paddock**

- Properties further along Wintersdale Road face the site looking over a grass paddock. Due to the slope of the land and the Alder trees on the boundary, in the applicants opinion, there is only a limited view of the site. The development would lead to no change of impact.

The submitted landscape and visual assessment shows that the site is of low sensitivity. The conclusion is that the development would result in a minor to moderate beneficial impact. The applicants attribute this to the transition from a site which has a predominantly hard industrial landscape to a residential one with a much higher proportion of soft landscape and open green areas than normal. Officers are concerned that, whilst the site does, particularly in the eastern section, currently have a semi industrial feel, the western part of the site does have an open, relatively undeveloped feel which contributes to the character of the landscape. The planting proposals to the west of the site would substantially screen the site in its current form from its most prominent view, however, it is not considered that the proposed planting would mitigate the presence of the proposed development on the western section of the site.

The applicants state that the essential function of the Green Wedge will not be compromised as the site is not a core part of it. However, whilst the application site only represents a small part of the overall designated area, the site is at the extent of the designated area which is probably especially sensitive to threat of coalescence due to proximity of built up parts of Leicester and Thurnby. Representations received to this proposal suggest the Green Wedge here is valued by the local community.

The Green Wedge Review states that the majority of the Coles Nursery site north of the A47 is not open and undeveloped since it is occupied by garden centre buildings, glass houses and large horticultural polytunnels which appear to be a permanent built feature. There is no justification for continued allocation as Green Wedge.

The north west corner of the site however directly adjoins the Leicester City boundary and residential properties at Wintersdale Road Leicester City. To the north of the site are properties at Telford Way Thurnby which have the railway corridor and the Willowbrook playing fields separating them from Leicester. Any development of the Coles Nursery site may therefore prejudice the current function of the Green Wedge in preventing the merging of settlements at the corner of the site with Wintersdale Road.

There is an amendment that could be made to detailed boundaries in this particular part of the Green Wedge to strengthen the designation and ensure consistency:

Remove Coles Nursery and the Uppingham Road properties from the Green Wedge as the area is not open and undeveloped. Should the site be allocated for development, however, provision should be made within the development to retain the existing separation between Leicester City and Thurnby in the north west of the site. This would be best achieved through the maintenance of an area of Green Wedge on the site, allowing for better public access and recreational opportunities which are at present lacking in this part of the Green Wedge;

Based upon this, the recommendation of the review is as follows:

*“The boundary of the Green Wedge site allocation north of the A47 is recommended in general to exclude land occupied by Coles Nursery and Uppingham Road properties as the site includes significant areas of built development. If on reviewing other site allocations it is considered that land at Coles Nursery/Uppingham Road should be identified for residential development, then there is a case for maintaining Green Wedge allocation across the western/north western part of the site in order to ensure separation between any new development at Thurnby and properties on the edge of Leicester City. This will maximise the open character of the remaining Green Wedge allocation north of the A47 and allow potential for improved public access across this area.”*

As stated earlier in the report, the review is not yet adopted Policy, and as such, whilst it is a material consideration, more weight should be given to the current Green Wedge designation contained within Policy EV/2 of the Harborough District Local Plan.

Whether the LPA agree with the conclusions of the LVA or not does not outweigh the policy conflict identified. It remains the case that the introduction of a large scale residential development on an green wedge site would affect and detract from its character and appearance, contrary to Core Strategy policies CS11 and CS17, as well as the aims and objectives of PPS1, PPS3 and PPS7.

#### Impact on the Character of the Area

The application Site is located beyond the Limits to Development of Thurnby & Bushby. Whilst Policy CS17 states that new development in the countryside will be strictly controlled EV/2 suggests it lies outside this policy. In any event text to EV2 and ES17 suggest development should be controlled and avoided where it would have an adverse effect on the open, undeveloped character and appearance of the area. An adverse impact and loss of undeveloped character would result through the introduction of a built-up urban form of development on what is primarily an undeveloped and open – albeit with a greater concentration of development to its east.

The development would extend the built envelope of Thurnby & Bushby, which is a long established settlement limit, encroaching into a prominent, open and mostly undeveloped green wedge area.

Whilst the proposal responds in many parts to Leicester PUA Landscape Character Assessment its amount and layout will invariably reduce perceived and actual openness affecting the sense of separation currently provided by the site between Thurnby and Leicester. Satisfying parts of Leicester PUA Landscape Character Assessment does not make the proposal compliant with Development Plan policy.

170 two storey houses possibly up to 9m in height, accompanied by roads, street lighting, domestic lighting, new entrance and open space would have a considerable effect on the green wedge. It will not be well integrated into existing built form nor safeguard the separate identity of Thurnby & Bushby from Leicester. The development is therefore be contrary to Core Strategy Policies EV2, CS8, CS11 and CS15.

### Loss of employment land

Retained Local plan policy EM2 presumes against loss of existing or potential employment sites. The site appears a well used commercial operation. There is no detail on re-provision of this use. However, the operator has other Leicestershire sites and the likelihood that scope to maintain and develop the business at those or similar will remain. Business development is a matter for the operator and there is no evidence to resist the proposal on economic development / employment loss grounds.

### Five Year Land Supply

As set out earlier in this report, the Local Planning Authority (LPA) cannot demonstrate an up-to-date five year supply of deliverable sites. As such, paragraph 71 of PPS3 should be applied. This advises that housing proposals should be considered favourably having regard to the requirements set out in paragraph 69. These matters are considered below:

- Achieving high quality housing;

*(In achieving high quality housing, developments should (amongst others) be easily accessible and well connected to public transport and community facilities and services and integrate with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access)*

Although this is an outline application with all matters other than access reserved, the Design and Access Statement and illustrative plans demonstrate how the site could be developed and it is considered that, with appropriate materials that the proposal has potential to provide high quality housing. However, it will affect the openness of the green wedge which is an important local characteristic.

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

The Design and Access Statement confirms that a variety of house types, sizes and tenures will be provided to meet the needs of all sectors of the community.

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

The site, subject to the highway improvements identified, would be accessible to public transport and community facilities services. Its proximity to the A47 and centre of Thurnby & Bushby makes for a relatively sustainable location. However, it remains the case that the development would affect the character and appearance of the green wedge.

- Using land effectively and efficiently;

A key Government objective is that LPAs should continue to make effective use of land by re-using land has been previously developed. It would be disingenuous to suggest the entire site is PDL but a reasonable proportion of it is PDL.

Using land efficiently is a key consideration in planning for housing. Although it is acknowledged that the Government has removed minimum density standards from PPS3 it does permit LPAs to develop their own housing density policies. The proposed density of the overall site, including the areas of open space, is approximately 18.5 dwellings per hectare, which is lower than the required minimum of 30dph in Policy CS3. A relaxation of this policy could be appropriate in order to mitigate the site's location outside of the village limits to development. However, it would not represent efficient development as conflicting with Policy CS3.

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

In light of the Council's Allocations DPD commitment and recent Secretary of State decisions concerning prematurity and effect on local democracy including APP/R0660/A/10/2141564 (Cheshire East), APP/F1610/A/2130320 (Moreton in the Marsh), APP/L1765/A/10/2126522 (Barton farm CALA Homes, Winchester) every opportunity should be afforded for the effective community engagement and completion of the DPD. Allowing this application has the potential to undermine and pre-determine the Allocations DPD process. Consent for this development cannot at this time be said to reflect the spatial vision for the area. Core Strategy Policy CS2 commits to review limits to development and CS8(b) to carry out a detailed Green Wedge review, both through the Allocations DPD. In addition to this proposal there are also locally two pending appeals for residential development at Station Lane, Scraftoft (41 dwellings) (APP/F2415/A/11/2160313) and Pulford Drive, Thurnby (128 dwellings) (APP/F2415/A/11/2165170) respectively. The Secretary of State has made clear (APP/F1610/A/2130320) that decisions about the scale and location of new development ought properly to be addressed in emerging Development Plan Documents. The proposal conflicts with the criteria of Paragraph 69 of PPS3 as it is not in line with the spatial vision expressed in the Core Strategy.

#### Affordable Housing

Policy CS3 explains how the Council will secure the delivery of affordable housing in all residential developments. The application site falls within the sub-market area Harborough Rural North and Central. As such the Council will seek a minimum of 40% of the total number of dwellings to be affordable.

Based on 40%, the development would provide 70 affordable units and this is a material consideration in favour of the application. However, it is not such a significant contribution that it would outweigh the harm the development would have on the character and appearance of the countryside.

The submitted Affordable Housing Statement proposes 53 units at a 30.3. Its conclusion at 5.2 states this should be acceptable given Thurnby's lower house values compared to much of the rest of the Harborough Rural North and Central. No evidence is submitted to support this contention. In any event the proposal conflicts with Core Strategy policy CS3.

#### Landscaping

Landscaping is a matter reserved for subsequent approval. Notwithstanding this, the Design and Access Statement and Illustrative Plan demonstrate how the site could be landscaped and the LVA provides more detail. The DAS confirms 1.35 ha of open space is proposed. This includes retention of existing trees and hedgerows. The western boundary is to be strengthened to reinforce green screen created for views from the west on the A47. An 8-10 m landscaping belt is proposed to neighbouring properties.

These suggested provisions (landscaping is a reserved matter) show some scope for mitigating impact. However, the development would still be visible from several viewpoints and the actual and perceived impact on reduction of openness of the green wedge would remain significant. Furthermore, new planting may take many years to be effective and it is not known how adequate it would be maintained. Future management could be very important, for example, for future planting, including the 8-10m buffer, and whilst a condition could attempt to secure this it seems appropriate and not unreasonable, as the proposal places significant emphasis on the matter, to take judgement on the submitted details which do not show how the mitigation will be effectively implemented or secured in the long term.

In addition, whilst proposed landscaping is welcomed, landscaping “is *not a means of making otherwise unacceptable developments acceptable, especially with a long lead in period to achieve any degree of maturity and substantial screening*” (APP/T2405/A/10/2135068). If the landscaping is to mitigate views of the development this is also likely to effect the sense of openness of the site through its enclosure.

#### Highway proposals

The proposed site access is illustrated on Phil Jones Associates Ltd drawing numbered 747-06 This drawing shows a right turning lane, 3.0 metre wide footway along Uppingham Road on the frontage of the development west of the access and a 2.0 metre wide footway to the east of the access up to the bus lay-by. Refuge islands (measuring about 2.0m in width) are also shown to the east and west of the access. 3.0 metre wide through lanes are shown. The plan also indicates a visibility splay of 2.4 metres x 120 metres which is based on a proposed change of speed limit from 60mph to 40mph.

The Transport Assessment (TA) confirms (2.9 & 2.21) speed and traffic flow surveys have been carried out. The TA also includes detail on pedestrian, cycle, public transport, traffic flows and an accident study. The TA extrapolates trip rates on TRICS based data from a Station Lane planning application (currently at appeal). The TA identifies a +82 total traffic movement increase at both morning and evening peak. At 6.2.3 the TA confirms capacity assessments of both access proposal is required to confirm they will operate satisfactorily and at (6.2.8) that this has been done to show no concerns exist.

The TA (7.11 – 7 15) provides travel plan objectives, benefits, measures and monitoring and suggest conditions can secure a residential Travel Plan as part of any approval decision.

Representations received show significant local concern over highway matters. The TA (6.2.4) acknowledges Highway Authority concerns at congestion of the A47 / Station Road junction. The TA (2.3) confirmation that the site visit was carried out on a Thursday 30 June between 1200 and 1530 instead of peak hour use does not appear a good response to these concerns. The overall proposals and TA conclusion, however, appear soundly put and are not disputed. Leicesterhire Highways request for a Travel Plan does not appear necessary in the context of the TA and there seems no reason to delay a decision for highway issues.

#### Public Transport

There are bus stops on both Uppingham Road and Station Road within 400m walking distance. There is a regular (but infrequent) daytime bus service (Centrebus 747) to Leicester, Uppingham and local destinations.

#### Residential Amenity

The development would undeniably have an impact on the outlook from neighbouring properties including, for example, Uppingham Road, Wintersdale. Significant local concerns have been raised including over matters of level differences. However, the illustrative plans submitted demonstrate that the development could be sited without adversely affecting neighbouring amenity. For example, separation from Uppingham Road should be achievable to comply with the Council's supplementary planning guidance. Furthermore, issues relating to residential amenity including detailed siting and relationships between properties can be assessed at the reserved matters stage.

#### Flood Risk & Drainage

A Flood Risk Assessment (FRA) has been carried out in accordance with the requirements of PPS25. The flood zone maps show that the site lies within Flood Zone 1, which means the site is at little or no risk of flooding with an estimated annual probability of river flooding of less than 1 in 1000 years (i.e. a less than 0.1% chance in any given year).

The FRA confirms that the ground is unsuitable for infiltration and that the site (7.3) currently has an equivalent discharge rate of 40.5 l/s and, for a 100 year storm event plus 30% climate change, Greenfield discharge rate is 104 l/s. The proposal is to drain with a piped system to Thurnby Brook via a re-profiled ditch / swale to the north and west of the site. The FRA says capacity of this swale will be further increased by raising levels along its banks by up to one metre. Flow rates are to be restricted by use of Hydrobrake or similar. The FRA states these proposals for a 100 year storm event plus 30% climate change will be less than 40.5 l/s and that the proposal represents betterment over existing greenfield situation by 61% peak discharge reduction.

Foul sewage is proposed to an existing 225mm diameter foul sewer located in Uppingham Road which Severn Trent indicates can be accommodated.

The submitted strategy suggest a detailed drainage scheme can be provided and neither Severn Trent nor EA have raised objection.

#### Ecology

Local residents have raised some concerns including about bats. The submitted assessment conclusions are that the site has low ecological value. Negligible potential for bat roosts was identified in one building with a precautionary approach to work on another (officer comment: this could be dealt with by planning condition). County Ecology has no objection.

#### Archaeology

The submitted assessment (10.5) indicates negligible potential for deposits. LCC Archaeology has no objections subject to appropriate conditions on any approval.

#### Planning Obligations 106 Agreement

Policy CS12 states that new development will require the provision of infrastructure, as set out in the Local Infrastructure Schedule contained in Appendix 2. The infrastructure listed includes schools, community facilities, fire and rescue, healthcare, highways and transportation, libraries, policing, recycling and waste management, and sewerage. The requested S106 contributions and those set out in HDC guidance note towards affordable housing, open space provision, education, police and monitoring fees satisfy national policy and Development Plan policy, and meet the tests in Circular 05/2005 and the requirements of paragraph 122 of the 2010 CIL Regulations. Any approval should therefore be subject to obligations to secure these contributions

#### Conclusions

Notwithstanding the potential benefits of the scheme, including the contribution towards meeting market and affordable housing need, the proposed development would be contrary to retained Local Plan Policy EV2 and Core Strategy Policies CS2, CS11, CS15 and CS17 and the aims and objectives of PPS1, PPS3 and PPS7. The development would have an adverse impact on open character and appearance of the green wedge and would result in visually intrusive development that fails to integrate well with the village or the surrounding area. Furthermore, in light of the recent Core Strategy adoption, Council commitments to an Allocations DPD and SoS decisions the proposal does not reflect the spatial vision for the area and conflicts with PPS3 in this regard





11/01668/FUL – MARKET  
HARBOROUGH

Residential development of 59 dwellings,  
associated garaging, construction of access  
and parking -Land west of Farndon Road

Ben Bailey Homes

Target Date: 27/02/12

**Recommendation :**

APPROVE subject to the submitted legal agreement, conditions and reasons with following justification:

In the opinion of the District Planning Authority, 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. Furthermore the proposal and its supporting environmental information including that considered at outline stage indicates no adverse environmental impact will arise that has not been assessed and shown to have no adverse impact. The proposal is therefore considered to comply with PPS1, PPS3, PPG13, PPS25 and Policies MH/3 and HS/8 of the Harborough District Local Plan and no other material considerations indicate that the policies of the development plan should not prevail.

**Abbreviations used within report:**

BBH (Ben Bailey Homes) 'the applicant'.

EA: The Environment Agency

FRA: Flood Risk Assessment.

Outline: Outline planning permission 01/00181/OUT 29<sup>th</sup> March 2006.

Highways: Leicestershire Highways

HDC: Harborough District Council.

S106: s106 Legal Agreement dated 10/08/10

TA: Transportation Assessment

UCADS: Urban Character Assessment and Design Statement (submitted at outline stage)

**Introduction:**

This application relates to a long established residential site located on the south western fringe of Market Harborough, on previous agricultural land to the south of the Farndon Farm shop. The site is the subject of an extant reserved matters application for 629 dwellings and full planning permission for 194 dwellings some of which have been built and occupied. Work in regard to the access road/roundabout and sewers/drainage has also been undertaken.

The site is being developed by a number of different house-builders, hence the requirement to substitute the approved housing to meet the specific builder and alter the layout accordingly.

**Overall Site:**

The 25.1 hectare site is relatively flat agricultural land to west of Market Harborough. Its northern boundary is formed by the river Welland and an embankment separating from Willow Close. Open countryside lies to the west and south. The eastern boundary includes a small industrial estate, farm shop with dwelling and residential caravan park. A number of fields, footpaths, hedgerows and trees occupy the site predominantly to its boundaries. This proposal relates specifically to the north eastern corner of the overall site (fronting onto the Farndon Road).

Public footpath (A58) crosses the site north-east / south-west. Bridleway (CP1) crosses the site east/ west.

### **The Proposal:**

This application seeks revisions to the house types on plots 1-29, 56-86, 67-84 of the original consent. The revisions are to suit the current market requirements of the Applicant in terms of style and size. The overall number and broad layout of the site will remain as approved. The proposals include broadly the same proportion of one and two bedroom units, whilst the number of four and five bedroom units has been increased with a commensurate reduction in three bed units. The housing mix retains a relatively even distribution of unit sizes which is appropriate to the size and location of development.

In terms of building heights, the numbers of three-storey and two-and-a-half storey units have been reduced. The number of two-storey units has increased. Some buildings of scale have been retained in prominent locations and the changes will have little effect on the overall appearance of the development.

Mixture of private garaging and central parking courtyard.

Significant landscaping strip to Farndon Road and to north of site, includes footpath (outside of site) which links in to existing footpath.

### **Policy:**

#### **National**

PPS1 - Circular 11/95 – Use of conditions in planning permission

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

Circular 05/2005 – Planning Obligations

Community Infrastructure Regulations 2010

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

Planning for Growth (March 2011)

Consultation draft of the National Planning Policy Framework (NPPF) July 2011)

Safer Places – ODPM - (April 2004)

PPS3 – Housing

PPS25 – Development and Flood Risk

#### **Regional Spatial Strategy**

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

In light of these recent judgements, the Development Plan for the purpose of these applications consists of the Regional Spatial Strategy for the East Midlands, adopted in 2009; the 'retained' policies of the Harborough District Local Plan, adopted in 2001, and the Harborough District Council Core Strategy adopted in November 2011.

East Midlands Regional Plan, adopted March 2009

Regional Policy of relevance include:

Policy 1: Regional Core Objectives

Policy 2: Promoting Better Design

Policy 3: Distribution of New Development

Policy 13a: Regional Housing Provision (excluding Northamptonshire)

Policy 14: Regional Priorities for Affordable Housing

Policy 17: Regional Priorities for Managing the Release of Land for Housing

Harborough District Local Plan(retained policies):

Policy MH/3 – Allocated housing site land East Farndon Road.

Policy HS/8- New Housing in Settlements with Defined Limits to Development

Core Strategy, adopted November 2011

The Core Strategy polices of relevance are:

Policy CS1: Spatial Strategy

Policy CS2: Delivering New Housing

Policy CS3: Delivering Hosing Choice & Affordability

Policy CS5: Providing Sustainable Transport

Policy CS7: Enabling Employment and Business development.

Policy CS11: Promoting Design & Built Heritage

Policy CS12: Delivering Development & Supporting Infrastructure

Policy CS13: Market Harborough

Supplementary Planning Guidance Notes:

Note 1- Design Principles

Note 2- Residential Development

Land West of Farndon Road Planning and Development Brief.

**Consultations / Representation:**

Local Residents:

None received

Leicestershire Highways:

No highway objections to this amended layout subject to any permission being tied to the original s106 and s278 agreements.

Police Architectural Liaison Officer:

No comments received

Environment Agency:

None received (site is not within the flood plane, has previous consent and the whole site was the subject of a FRA)

Market Harborough Civic Society:

Comments: Prefer to see chimneys all over and insufficient parking for residents and visitors.

Anglian Water:

No objections and no comment to make.

HDC Environmental Health:

Recommends contaminated land conditions.

LCC (Ecology):

None received

LCC (Archaeology):

Recommends conditions.

**Other Information:**

History:

01/00181/OUT – Outline permission for residential development of 25.1 hectares was granted by First Secretary of State as a recovered decision March 2006 following public inquiry 4&5 October 2005. Copy of conditions attached as Appendix A to this report.

05/00853/OUT- as above but amounted only to 6.15ha of the south east corner of the larger (01/00181) site.

01/00181/OUT is subject to a 10/08/10 s106. This includes

- New roundabout junction and right turn lane junction as site access and 2.5m wide footpath/cycleway as far as Western Avenue.
- Signalisation of Farndon Road/ Coventry Road junction (including replacement Toucan crossing).
- Construct remainder of 2.5m wide footpath/cycleway adjacent to Farndon road from site to Coventry Road, connecting to existing at Welland Park Road.
- Toucan crossing over Farndon Road in the vicinity of Western Avenue.
- Traffic Calming Contribution towards Traffic Calming Scheme on southern estates subject to written notification of its requirement by the County between 1<sup>st</sup> and 185<sup>th</sup> occupations.
- Provision of school land, open space, education contribution, community facilities contribution and 30% affordable housing.

07/00360/REM-Erection of 629 dwellings and associated garaging, roads, parking, etc (approved Dec 08)

10/01141/FUL Erection of 99 dwellings (approved)

10/01145/FUL Erection of 8 dwellings (approved)

10/01171/FUL Erection of 87 dwellings and associated works (approved)

**Planning Considerations:**

Planning Policy Summary:

The Policy section of this report summarises relevant Development Plan policies. These include policies HS/8 of the Harborough Local Plan which advises that planning permission will be granted for new residential development within Defined Limits, provided the design and layout of the proposed dwellings is in keeping with the scale, form, character and surroundings of the settlement.

Policy MH/3 of the Harborough Local Plan states permission will be granted for residential development of this site subject to the meeting of eleven separate criteria governing issues such as linked access points to Farndon Road, Traffic Impact Assessment, 2.4 hectares recreation land, affordable housing, flood storage, landscaping and providing a masterplan. DWH contend in its Design statement that these matters were resolved through the outline consent other than but that: (1) two linked access points onto Farndon Road; (3) recreation land; (6) surface water balancing; (7) exclusion of buildings/raised land from floodplain; (8) Landscaping; (10) pedestrian / cycle access; (11) layout to accommodate public transport.

### Principle of Development:

The principle of residential development on the site is clearly established by the appeal decision granting outline consent and the subsequent detailed reserved matters scheme. The issues for consideration thus relate to the changes which have taken place in respect of:

- proposed form, layout and appearance of the proposal including highway safety.
- relationship to existing residential and commercial properties.
- relationship to the conditions of the outline consent/reserved matters including landscaping and open space provision.

Comments on the proposal follow with an emphasis on how the above points are addressed and on issues raised as representations to this proposal.

### Layout and changes to previous consent

Proposes 59 units as detailed above to include use of existing entrance to site from Farndon Road..

Distances between proposed units achieve SPG 2 guidelines.

Fewer one and two bed properties, larger number of 2-5bed dwellings with the majority 3-4 bed family accommodation.

Reduction in taller buildings with majority 2 storey. Larger, 2 and a half/3 storey dwellings positioned at key layout points.

Mixed materials, primarily red brick but also including facings of buff brick, render and cast stone with selected detailing to eaves, windows, etc.

Chimneys to key plots such as plots 1-5 fronting Farndon Road and focal point 50 (within site).

Increased levels of on plot curtilage parking.

Plots 25-31 (3 and 2.5 storey units) used to create engaging frontage to public open space to northern boundary.

### General House Design Observations:

The dwellings proposed are generally traditional in their elevational treatment and of interesting appearance. Steep pitch roofs, well proportioned and detailed fenestration, eaves brick detailing, bay windows, porches, are all proposed features that contribute towards this traditional appearance. Materials are generally brick, stone and render with some combination and individually rendered properties. Size and heights vary with 2.5 town houses up to 11.2 metre high (facing onto Farndon Road) and the more traditional detached dwellings approximately 8.6m-9.4m.

Chimneys are proposed fronting the Farndon Road and these will serve to create a more sympathetic roof scape.

### Layout – Overall:

The Design statement refers to the appeal background submitted Urban Character Assessment and Design Statement (UCADS). This UCADS confirmed main architectural influences should be drawn from traditional building forms rather than a new approach. The design statements goes on to say that the proposed generic DWH dwellings have an affinity with local vernacular including strong representation of 2½ and 3 storey development. The proposed house types viewed individually do generally have traditional characteristics. Elevations are relatively simple, building size and scale proportions appropriate and detailing giving character but not overly fussy. Themes picked up by the Design statement, such as positive and outward facing urban character aspect to Farndon Road mirroring in some ways routes into town such as Lubenham Hill and Northampton Road, bear out critical examination.

#### Layout Differences from reserved matters

Minor changes to parking layout and house details not considered significant in overall site context and serve to re-enforce the design ethos such as the large properties planned for the frontage of the development (3 storey town house).

#### Open Space Issues:

Not affected by this scheme but the approved area will be brought forward by way of the Section 106 agreement (as amended)

#### Landscaping:

The Landscape Strategy Plan for the whole site shows a range of open space and planting across the entire site in a variety of formal and informal arrangements. Formal tree lined avenues, for example, run diagonally to intersect at the 'Town Green & LEAP'. In contrast edge of site planting proposed to south and east is less formal clusters of planting and there are landscape buffers to site boundaries softening impact on Farndon Road.

#### Amenity:

Given the proposed boundary buffers created as part of the overall landscaping, it is not considered that the current scheme would result in any additional adverse impact on neighbours. The only directly adjacent property is the bungalow at Farndon Fields bungalow which has significant conifer screening to its boundary, with further planting proposed and covered by landscaping condition.

#### S106 Legal Agreement, and Outline Consent 01/00181/OUT:

An additional legal agreement has been drawn up to ensure the delivery of the Section 106 requirements in accordance with the outline consent. This should ensure delivery whilst enabling a number of different developers to build different parts of the site, serving to deliver the scheme and its associated benefits

#### **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. It complies with Development Plan policy and would serve to bring forward a variety of dwellings, serving to meet the identified housing shortage in the District 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. This consent relates to the application as amended by plans BB.204711.PBA, BB.204711.101D, BB204711.102B, BB204711.110-BB204711.145, BB204711.V1-BB.204711.V13 attached to and forming part of this consent.  
Reason: For the avoidance of doubt.
3. Prior to commencement of construction of each of the dwellings hereby approved detailed plans for the relevant dwelling shall be submitted to and approved by the Local Planning Authority showing both the existing and proposed levels of that part of the site and the proposed floor levels of the dwelling to be erected. The relevant dwelling shall thereafter only be constructed in accordance with the approved details.

Reason: For the avoidance to result in a satisfactory form of development which is compatible with the character of the surrounding locality and to ensure compliance with Policies IN/1 of the Harborough District Local Plan.

4. 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: To ensure a satisfactory form of development which is compatible with the character of the surrounding locality and to safeguard the privacy and living conditions of the adjoining residents ensure compliance with Policies IN/1 of the Harborough District Local Plan
5. Any garage doors or undercroft gates 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.
6. The gradient(s) of the private 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.
7. 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.
8. For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway. Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.
9. Development shall only take place in accordance with a scheme previously approved in writing by the Local Planning Authority to provide 10% of total number of properties with solar hot water unless some variation of such is agreed with the Local Planning Authority in writing. Reason: To accord with the submitted Sustainability Strategy.
10. Construction work in connection with the development hereby approved shall only take place between the hours of 7.30am to 5.30pm Monday to Friday and 08.00am to 13.00pm Saturday and at no time on Sunday, Bank or Public Holidays unless the Local Planning Authority has given prior approval in writing to any variation. Reason: To ensure that as far as possible the approved works do not become a source of annoyance to the nearby residents and to ensure compliance with Policy IN/1 of the Harborough District Local Plan.
11. 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 and to accord with Policy IN/1 of Harborough District Local Plan.
12. No development of an individual dwelling shall commence until external material details (samples) have been submitted to and approved by the Local Planning Authority for

that particular dwelling which shall then be built in accordance with approved details.  
Reason; In the interest of visual amenity.

13. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site. Reason;To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.
14. Before first occupation of any dwelling, its car parking provision (including garage space(s) and visitor spaces) as shown on the submitted plan shall be made. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking. 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.
15. The garage(s)/carport, once provided, shall thereafter permanently remain available for car parking. 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.
16. Before first occupation of any dwelling, its access drive and any turning space shall be surfaced with tarmacadam, 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.)
17. 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 (unless otherwise agreed in writing by LPA) 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;To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
18. Upon occupation of any unit, a travel pack, details of which shall be first agreed in writing by LPA shall be provided. Reason;In the interests of the sustainability of the development and to encourage alternative transport choice.
19. Upon occupation of any unit, two bus passes shall be provided. Reason;In the interests of the sustainability of the development and to encourage alternative transport choice.
20. No development shall commence on site until full details of the means of 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.
21. No development shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes.



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

BS10175 Year 2001 Investigation Of Potentially Contaminated Sites Code of Practice;

BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and

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

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

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

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

Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;

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

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

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

22. 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).

23. 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.

Notes to Applicant:

1. Conditions of the outline approval 01/00181/OUT and accompanying s106 legal agreement and unilateral undertaking continue to apply including outline condition numbers 1 (landscaping) 6 (surface water drainage), 9 (lorry routes) still apply and remain to be complied with.
2. 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.
3. Your attention is drawn to the fact that this permission does not entitle you to obstruct the public right of way (and/or) bridleway which crosses the land to which this application relates. If it is intended to divert or stop up the right of way, the appropriate legal steps must be taken before development commences.
4. It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of Dark Smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above, the emission of any

smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.

5. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Area Manager. For further information, including contact details, you are advised to visit the County Council website as follows: -

For 'major' accesses - see Part 6 of the "6Cs Guide" (Htd) at [www.leics.gov.uk/Htd](http://www.leics.gov.uk/Htd).  
For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.

6. If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
7. ) The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the Highway works are commenced.
8. 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 3052104/ 0116 3052202).

11/01704/FUL – Saddington  
Mr J F Briggs

Erection of one 27m wind turbine, at  
Lodge Farm, Shearsby Road,  
Saddington

Target Date: 30.01.2012

**Recommendation:**

**APPROVE** for the following reason and subject to the appended conditions.

The development hereby approved would provide energy from a renewable source contributing towards general objectives to achieve this as outlined in documents such as PPS1 - Planning and Climate Change, PPS22 - Renewable Energy and the East Midlands Regional Plan. The proposal would not adversely affect ecological or archaeological interests, residential amenity, or give rise to additional traffic which would lead to a road safety hazard. Furthermore, notwithstanding the size and scale of the proposal and its significant impact on the character and appearance of the surrounding landscape, it is not considered that, within the context of benefits towards addressing climate change, this harm justifies a refusal of planning permission. The proposal is therefore considered to comply with the aims and objectives of PPS1 and PPS22, Policies 39 and 40 of the East Midlands Regional Plan and Policies CS5, CS9, CS11 and CS17 of the Harborough District Core Strategy. 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 / Context:**

The site is located in countryside approximately half way between Saddington and Shearsby. The site comprises open fields owned by the applicant, Mr Briggs and is designated agricultural land. Mill Lane passes approx. 370m to the north west of the site.

Lodge Farm is an agricultural holding situated to the west of Saddington. The main complex of farm buildings is accessed from the main highway by a track, virtually straight, that runs on a north-south axis; the site of the wind turbine is to the west of this main complex of farm buildings, beyond a spinney of trees.

The site is well away from any other built form, is bounded on all sides by open countryside, and is outside any village boundary or defined Limits to Development. The closest major road is the B5199 approx. 1.5km to the west; the nearest airport is Coventry Airport, and Bruntingthorpe Proving Ground lies approx. 4.25km to the west.

The site is generally flat but slopes down from north to south the site of the turbine is approx. 140m above mean sea level. The turbine would be sited within a large arable field. The site is approximately 10m lower than Shearsby Road at its closest point to the site, with slightly higher ground in the intervening area.

The landscape surrounding the site consists of gently undulating farmland with the area's highest point (approx. 151m AOD) lying north west of the site adjacent to Shearsby Road. As a comparison, the Low Spinney site to the west ranges from 125m AOD (close to M1) to 150m AOD (south-east corner closest to the application site).

### **The Proposal:**

The proposal comprises one horizontal-axis turbine, with an installed maximum generating capacity of 20 kW. The turbine will have a total height to tip of no more than 27.2 metres with a hub height of 20.6 metres and a blade length of 6.5 metres. The rotor will consist of three blades connected to a hub supported by a steel tower. There would be no switch house or transformer, and no permanent access tracks are required.

The energy created by the turbine would be used on site, both at the farm and also at the house, to help meet its energy requirements. The turbine would operate on a 24 hour basis and all excess electricity would be transported into the grid for local supply.

Under The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 the proposed development is not EIA development, i.e. it does not meet the thresholds therein (relating to number of turbines, generating capacity and the proposal's relative strategic importance), and so an Environmental Statement has not been required or submitted.

### **Policy:**

#### **National Policy:**

PPS1: Delivering Sustainable Development  
(Supplementary) PPS1: Planning and Climate Change  
PPS4: Planning for Sustainable Economic Growth  
PPS5: Planning for the Historic Environment  
PPS7: Sustainable development in rural areas  
PPG8: Telecommunications  
PPS9: Biodiversity and Geological Conservation  
PPG13: Transport  
PPS22: Renewable Energy  
Planning for Renewable Energy: A Companion Guide to PPS22  
PPG24: Planning and Noise  
Draft National Planning Policy Framework (July 2011)  
Ministerial Statement – 'Planning for Growth' (23.03.11)

#### **Regional Policy (East Midlands Regional Plan):**

Policy 1 – Regional Core Objectives  
Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage  
Policy 27 – Regional Priorities for the Historic Environment  
Policy 29 – Priorities for Enhancing the Region's Biodiversity  
Policy 31 – Priorities for the Management & Enhancement of Region's Landscapes  
Policy 39 – Regional Priorities for Energy Reduction and Efficiency  
Policy 40 – Regional Priorities for Low Carbon Energy Generation  
Policy Three Cities SRS 3 – Housing Provision  
Appendix 5 – Renewable Energy Targets

#### **Local Policy:**

Harborough District Core Strategy:

- CS5 – Providing Sustainable Transport
- CS8 – Protecting and Enhancing Green Infrastructure
- CS9 – Addressing Climate Change
- CS10 – Addressing Flood Risk
- CS11 – Promoting Design and Built Heritage
- CS17 – Countryside, Rural Centres and Rural Villages

Local Guidance:

Wind Turbines – A Developer Guidance Note (HDC) – July 2009

Other

- UK Renewable Energy Strategy* (DECC, 2009)
- Wind Energy and the Historic Environment* (English Heritage, 2005)
- Climate Change Programme* (DCLG, 2006)
- Meeting the Energy Challenge – a White Paper* (HMSO, 2008)
- Harborough District Landscape Character Assessment* (2007)
- Planning for a Sustainable Future: White Paper* (DCLG, 2007)
- The Planning for Climate Change Report* (IT, 2008)
- Market Harborough Landscape Character Assessment and Landscape Capacity Study* (2009)
- Harborough District Strategic Housing Land Availability Assessment* (March 2009)
- Harborough Core Spatial Strategy “Towards a Final Draft”* (October 2009)

**Consultations:**

**National Bodies:**

Natural England:

No comments received

Environment Agency:

No comments received

Highways Agency:

No comments received

English Heritage:

No comments received

Civil Aviation Authority:

No observations to make; directs HDC to consider government Circular 02/2003.

National Air Traffic Service (NATS):

No safeguarding objections to the proposal.

**Leicestershire County Council:**

LCC Ecology:

We are satisfied with the detail in the ecological report (Curious Ecologists, November 2011). However, we would recommend that the turbine is sited as proposed and not sited within 60 meters of hedgerows or plantations nearby (this distance should be retained even if the turbine is micro-sited).

We would however, request that the following conditions be added to any permission granted:

- Prior to the decommissioning of the wind turbines, a further protected species survey must be completed. This will ensure that no protected species are harmed during the removal of the turbines
- Throughout the active phase of the wind turbines, any incidental records of bat and bird strike must be reported to the LPA. This will enable a broader picture of the impact of turbines on bats and birds to be gained.

LCC Highway Authority (LHA):

No Comments

LCC Archaeology:

No Comments

**Harborough District Council:**

HDC Environmental Services:

I can see that the nearest residential property has been calculated as being 602m from the turbine, to the NNE (Location 1 shown on the photo montage).

The acoustic assessment in Figure 4 predicts the A-weighted sound pressure level (SPL) of the turbine, as a function of wind velocity, up to a distance of 100m. The SPL at 100m (10 m/s wind velocity) is 46dB(A).

It is unlikely that the noise level at 602m will be problematic however for the avoidance of any doubt; I would ask that the applicant predicts this resultant noise level.

**Parish Councils:**

Saddington:

SPC does not endorse large scale development, and acknowledge that this proposal is not a large scale commercial wind farm. SPC does not believe that noise from this turbine will be a problem to the village. SPC is concerned about visibility of the turbine, and the potential for shadow flicker. SPC request that green or grey matt colours are used on the mast. SPC is against a proliferation of such turbines in the local area.

Shearsby:

No comments received at time of writing report

Fleckney:

No comments

Arnesby:

APC have concerns over the size and impact of the proposal upon the open countryside. Having endured the construction of the turbine at Gilmorton, which now dominate the landscape when approaching Arnesby to the west, it is apparent that the true visual affect of this type of development has a significant impact upon the horizon and the rural landscape. This proposal creates a turbine of unacceptable proportion in open countryside which will result in a gradual creep towards Arnseby. This is a dangerous precedent which could lead to further applications closer to the village. The size of the turbine does not fit comfortably with the surrounding countryside.

**Local Bodies and Other Consultees:**

Coventry Airport:

We have assessed the possible impact from this development and have no objection to the proposal as described.

East Midlands Air Support Unit:

No comments received

**Representations:**

3 letters of objection received from the following properties (6 Welford Road, Shearsby; Newstead, Fenny Lane; Laughton Manor Farm), issues raised include:

(1) Visual impact. (2) Precedent. (3) Need. (4) Accuracy of photo-montages. (5) Accuracy of application. (6) Cumulative Impact. (7) Inefficient source of energy. (8) No wind tests have been carried out.

**Other Information:**

Public Rights of Way:

There are no public rights of way physically affected by the proposed turbine, however there are 2 footpaths within relatively close proximity to the site, Footpaths Y3 and Y4

History:

None relevant

Information:

The application is being reported to the Planning Committee because five or more letters of representation have been received

Supporting Information:

The applicant's Planning Statement considers the following issues:

- Design and Access Statement
- Planning Statement
- Photomontages
- Acoustic Details
- Ecology Report

**Policy Overview:**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the relevant policies contained within the Development Plan unless material considerations indicate otherwise. At the present time the Development Plan for the site comprises the East Midlands Regional Plan (EMRP), the adopted Harborough District Core Strategy, and the 'saved' policies of the Harborough District Local Plan (HDLP). National guidance in the form of Planning Policy Statements (PPS) and Planning Policy Guidance (PPG) together with Government White Papers and Reviews are also relevant.

Climate Change:

Change in global and regional temperatures and precipitation patterns is a natural phenomenon and there have been a number of cooling and warming periods over the last millennium. However, in the late 1980s, a growing concern emerged that the climate was being influenced by man beyond these normal fluctuations.

The Intergovernmental Panel on Climate Change (IPCC) in 2007 stated that it is unequivocal that climate change is happening and it strengthened its conclusions as to the causes of the temperature rises. Evidence of climate change is all around us. On average summers are getting warmer and winters milder. This reflects the global rise in temperature identified by the IPCC:



*“Eleven of the twelve years (1995 – 2006) rank among the 12 warmest years in the instrumental record of global surface temperatures (since 1850)”*

These increases in temperature are having effects upon the many and varied environments of the world.

In tandem with the increased recognition of the threats arising from climate change the decline in the UK's natural oil and gas reserves, the increasing age of its nuclear power stations and forthcoming environmental restrictions on coal fired electricity generation all conspire to raise the prospect of an energy deficit and security of supply, the latter resulting from a greater dependence upon imported fuels.

The Stern Review on the Economics of Climate Change, while not in itself policy, looked into the economic and financial costs of climate change. It puts the case for intervention very strongly inasmuch as a “business as usual” scenario will have a significant effect on human welfare; and concludes that, the earlier we act, the more effective and cheaper that intervention will be.

Government issued the Meeting the Energy Challenge White Paper in 2007. The document retains the overall objectives of previous White Papers and it builds upon previous national policy initiatives. In addition, the document provides a re-statement of the national need for renewable energy which was previously issued as Annex D in The Energy Challenge 2006.

The UK Renewable Energy Strategy (published July 2009) suggests ways in which the tensions caused by high levels of renewable energy production can be eased. These were stronger national planning policy statements, developing a clear deployment strategy at a regional level and resolving potential conflict with other national Government policies through the development of memoranda understandings to provide clarity on the scope and applicability of UK and EU environmental regulation.

#### National Guidance:

The Energy White Papers of 2003 and 2007 provide the broad context for planning policies concerned with renewable energy. These state that renewable energy is key to the Government's strategy for tackling climate change and deploying cleaner sources of energy. It has a target that aims to see renewables grow as a proportion of the UK's electricity supplies to 10% by 2010, with an aspiration for this level to double by 2020.

In addition, key principle (ii) in **PPS1: Delivering Sustainable Development** states:

*“Regional Planning Bodies and local planning authorities should contribute to global sustainability by addressing the causes and potential impacts of climate change – through policies that reduce energy use and emissions and promote the development of renewable energy.”*

**PPS22: Renewable Energy** (published in August 2004) and its companion guide - **Planning for Renewable Energy: A Companion Guide to PPS22** (published in December 2004) – provide guidance to be used in the determination of renewable energy proposals.

PPS22 outlines the potential role of renewable energy in reducing greenhouse gas emissions and encourages local planning authorities to include renewable energy policies in their Development Plans. It highlights issues that should be considered when assessing the merits of a renewable energy project. The guidance notes that (para 1(iv)):

*“The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.”*

It recognises such development will almost always have some local environmental effects. The importance of minimising any impacts is stressed. The PPS notes that (para 20):

*“Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines.”*

In respect of the historic environment the statutory requirements of Sections 66(1) and 72(1) of the **Planning (Listed Buildings and Conservation Areas) Act 1990** are of particular relevance. The first requires that special regard shall be paid to the desirability of preserving Listed Buildings or their settings or any other features of special architectural or historic interest which they possess. The second requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The latter is extended by **PPS5: Planning for the Historic Environment** to include, as a material consideration, the handling of development proposals that are outside Conservation Areas but which would affect the setting or views into or out of the Area.

**PPG24: Planning and Noise** guards against harm upon residential amenity which stems from noise. Para 10 of the PPG states:

*“Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise... Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance ...they may wish to consider the use of appropriate conditions.”*

Although there is no specific guidance within PPG24 with regards to Wind Turbines, the general principles of the guidance still apply. For detailed guidance in relation to Noise and Wind Turbines, EHOs are pointed towards ETSU – R – 97, and it is upon this document that the advice set out in the relevant section earlier in this report has been given by HDC's Environmental Services department.

**PPG8: Telecommunications** guards against interference of signals caused by wind turbines and states:

*“In any development, significant and irremediable interference with other electrical equipment of any kind can be a material planning consideration... The Radiocommunications Agency has statutory powers for dealing with this type of interference.... Only if there is clear evidence that significant electromagnetic interference will arise, or will probably arise, and that no practicable remedy is available, will there generally be any justification for taking it into account in determining a planning application...”*

Regional Policy (East Midlands Regional Plan (EMRP)):

There are six main policies within the EMRP which relate to Renewable Energy and Biodiversity within the Region (Policy 1, Policy 26, Policy 27, Policy 31, Policy 39 and Policy 40). Renewable Energy targets for the Region which are set out in Appendix 5 of EMRP.

*Appendix 5 - Renewable Energy Targets (Policy 39 is referred to in the table, which is taken from the Regional Plan – the relevant policy is now Policy 40) see below*

Renewable Energy Targets (Policy 39) Note that all targets are indicative

Renewable energy Technology	Current Capacity (2006) GWh/y	Current Capacity (2006) MWe	Target for 2010 GWh/y	Target for 2010 MWe	Target for 2020 GWh/y	Target for 2020 MWe	Indicative Target for 2026 GWh/y	Indicative Target for 2026 MWe
On shore Wind	142	54 <sup>1)</sup>	319	122	460	175	460	175
Biomass Wet agricultural waste	0	0	42	5	42	5	77	10
Biomass Poultry Litter	0	0	118	15	210	27	210	27
Biomass Energy Crop	38	5	344	46	1,012	136	1,114	150
Hydro	14	3	39	9	62	14	73	16
Micro-generation Wind	0 (negligible)	0 (negligible)	9	10 <sup>2)</sup>	1,832	2,091	1,832	2,091
Micro-generation PV	0 (negligible)	0	52	59 <sup>3)</sup>	1,018	1,162	1,018	1,162
Landfill Gas <sup>4)</sup>	438	53	438	53	438	53	358	43
Anaerobic Digestion	11	1	39	5	64	8	72	9
Total <sup>5)</sup> (%)	3%		6%		20%		20%	

1. Includes 2 wind farms in construction in 2006 (now in operation).
2. Micro wind corresponds to 2000 installations of 5kw turbines
3. PV corresponds to approximately 2kw PV on half of the new properties to 2010
4. Landfill gas is not a natural renewable resource but it is eligible for renewable obligations certificates. Note that landfill gas contribution will begin to tail off after 2020 due to reduced organic waste going to landfill.
5. In addition to the Regional onshore targets offshore generation targets are 1,315GWh/y for 2010; 3,000GWh/y for 2020; and 3,483GWh/y by 2026. Percentages are electricity generation as a % of regional electricity consumption.

Renewable targets based on modified scenario 4d of RFF report, with reduced 2010 targets to be more realistic.

### Local Policy (Harborough District Core Strategy):

Policy CS9 states that development which adapts to climate change and helps to reduce the District's carbon emissions will be supported. Development will be directed towards the most sustainable locations and mitigate against any potential impacts on the environment, and the use of renewable and low carbon energy sources are promoted. Policy CS9 also states that energy generation will be supported, where the proposal:

- Ensures that the most appropriate technology is selected for the site;
- Ensures that the siting of development avoids harm to the significance of a heritage asset, whether designated or not, and its setting;
- Ensures that the impact of the development on local landscape character and historic landscape character is minimised;
- Ensures that the siting of development does not create a significant noise intrusion for existing residential dwellings;
- Includes measures to mitigate against any adverse impacts on the built and natural environment resulting from the construction, operation and decommissioning of any equipment/infrastructure;
- Does not create an overbearing cumulative noise or visual impact from renewable energy developments when considered in conjunction with similar developments and permitted proposals within the District and within adjoining Local Authority Areas.

Policy CS11, among other things, requires development to be of a scale, density and design that would not damage quality and character of areas in which they are situated, and which respects the context in which it is taking place. It also states that new development affecting Conservation Areas (CAs) should be sympathetic to those characteristics that make CAs special.

Policy CS5 states that the majority of future development will be located in areas well served by local services to reduce the need to travel, where people can gain convenient access to public transport services for longer journeys and where local journeys may be undertaken on foot or by bicycle

Policy CS10 states that new development will be directed towards areas at the lowest risk of flooding within the District.

Policy CS8 (d) states that the Council will protect, manage and enhance the District's biodiversity, and avoid demonstrable harm to habitats or species which are protected or which are of importance to biodiversity.

CS17 lists development required for renewable energy production alongside agriculture, woodland management, sport and recreation and local food initiatives as being appropriate development in the Countryside. CS17(c.) states that rural development must be located and designed in a way that is sensitive to its landscape setting, safeguards important views, and protects the landscape setting of individual settlements.

#### Harborough District Local Plan (HDLP)

The only retained policy of particular relevance to this application is RM/8 (Sites of local ecological or geological interest).

#### **Planning Considerations:**

The government supports the generation of electricity by renewable energy sources. The supplement to PPS1 'Planning and Climate Change' places spatial planning in a key position to create a successful response to climate change. It has key planning objectives which include a role for planning authorities to prepare and deliver spatial strategies that make a full contribution to delivering the Government's climate change programme and energy policies.

Current national policy and regional policy is clearly very supportive of the principle of renewable energy development. Each proposed development will present material considerations which must be assessed individually and then balanced together before making a final judgement on the merits of the detailed proposal in question. Each of the principal land-use planning considerations is assessed in turn under the following section headings:

- Contribution to Renewable Energy Generation
- Alternatives
- Landscape and Visual Impact
- Cumulative Impact
- Visual Intrusiveness and Impact to Residential amenity
- Historic Environment
- Ecology & Ornithology
- Hydrology and flood risk
- Highway safety
- Noise
- Shadow flicker & TV signal interference

#### Contribution to Renewable Energy Generation

Paragraph 2 of PPS22 says that Regional Spatial Strategies should include the target for renewable energy capacity in the region, derived from assessments of the region's renewable energy resource potential, and taking into account the regional environmental,

economic and social impacts that may result from exploitation of that resource potential. The most relevant capacity target is that for 2010-2020 as contained in Regional Plan Policy 40. This suggests a cumulative target of 175MW for onshore wind by 2020. It is noted that this is a minimum target.

When determining planning applications for development of the type proposed it is reasonable and proper to attach weight to the contribution they would make to the region's renewable energy generation. The proposal would make a considerably smaller contribution than the Low Spinney and Swinford wind farms, but nonetheless this is a material consideration which weighs in favour of the proposal.

#### Alternatives

The proposed turbine would produce energy for the farm enterprise and the family house, and while it would be connected to the grid, its primary purpose would be to meet the energy needs of Lodge Farm. In light of this, and given the relative scale of the proposal, officers consider that to explore alternative locations, designs, etc. is not an important consideration.

#### Landscape:

The application is for the erection of a wind turbine with a maximum overall height of 27 metres to the tips of the blades (20metres in height to the hub of the turbine). The proposal would be alien to this, and any other environment, however the sensitive siting of the turbine in a relatively well screened area adjacent to existing vegetation, foliage and farm buildings will help to minimise any visual harm to the surrounding area from any public vantage points. Grey and metal colours blend in better than green, brown and black against a rural background (trees, hedges, leaves etc) and also against the skyline (generally Grey in this country). This is the reason why most items like this from previous history are grey and metal coloured such as lampposts, pylons, aerials, masts and signage posts. Therefore, despite the fact that the proposal will undoubtedly introduce an alien feature to the surrounding landscape, the benefits of renewable energies are, in this particular instance, felt to outweigh any significant harm and therefore although the proposal does not completely comply with Policy CS9 of the Harborough District Core Strategy, the design is considered to be acceptable.

#### Cumulative Impact:

A cumulative view (or inter-visibility) is one where more than one wind turbine development including the proposed can be seen either simultaneously or sequentially. At present the closest commercial wind turbine of a similar or larger scale than the proposed structure within the study area is at Flat House Farm, Gilmorton, a development which gained planning approval in December 2011, approximately 6.5km to the west south west of the site. It is considered that, given the distance between the sites and the relative scales of the proposals, there will be no cumulative impact as a result of the current proposal.

#### Visual Intrusiveness and Impact to Residential Amenity:

It is a well held planning principle that there is no "right to a view" such that an attractive or cherished outlook from a private property can be protected from development that would adversely affect it. The fact that the proposed wind turbine may be seen from a number of dwellings and viewpoints in the surrounding area, and in some cases could be prominent and would significantly change views of the countryside, is not determinative in itself. A change in the view is simply that and how it is perceived depends in part on how the viewer is disposed to the development in question.

However, private and public interests may coincide where a proposal would have such a severe adverse impact on the outlook from a property that it would make it a significantly less attractive place to live, as perceived by a reasonable observer without strong views for or

against the type of development in question. In such a situation, protecting the amenities of a dwelling may be a legitimate and material planning consideration.

The Inspector's comments at South Cambs are helpful in this regard:

*12.34 "...the outlook from private property is a private interest, not a public one, and the public at large may attach very different value judgements to the visual and other qualities of wind turbines than those who face the prospect of having to live close to them. Equally, however, people pass through a diverse variety of environments when going about their daily lives, whether by car or when using the local rights of way network, and I find nothing generally objectionable in turbines being part of that broad experience" (South Cambs)*

Thus the size and scale of the proposal and its relationship to nearby amenities must be considered in order to assess, for example, any overbearing or oppressive effect. In this instance, the residential property most likely to be affected is Lodge Farm (applicant's).

The majority of the windows at Lodge Farm do not look out in the direction of the wind turbine, furthermore, there are large agricultural buildings adjacent to the property in the direction of the turbine and as such it is not considered that the proposal will have an impact upon the residential amenity of these properties. This is because the size, scale, proximity and design of the proposal to these properties is unlikely to be an intrusive presence.

#### Hydrology and Flood Risk:

The site is not within an area of Flood Risk and the Environment Agency has raised no objection to the application. The proposed development therefore complies with the advice contained within PPS25.

#### Highway Safety:

The local Highway Authority have been consulted regarding the proposed development. Neither has raised any objections to the proposal.

#### Access and Parking:

The application does not propose the loss of any parking, and the highways officers comments have not been sought given the type of application. However it is officers opinion that the application would not be significantly detrimental to the highway safety and the application is therefore considered to be in accordance with the Harborough District Core Strategy.

#### Visual Distraction to Road Users:

PPS22 Companion Guide discusses this matter: *"Concern is often expressed over the effects of wind turbines on car drivers, who may be distracted by the turbines and the movement of the blades. Drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attention. At all times drivers are required to take reasonable care to ensure their own and others safety. Wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous. There are now large numbers of wind energy developments adjoining or close to road networks and there has been no history of accidents at any of them".*

Notwithstanding the proximity of the proposed development to the B6047, in light of the above matters it is not considered that the proposal would cause any significant distraction to drivers that could justify refusal on these grounds. The application is therefore considered to be acceptable from a highway safety perspective.

### Noise:

The Companion Guide to Planning Policy Statement 22: Renewable Energy (PPS22), issued in December 2004, states that the 1997 report by ETSU for the Department of Trade and Industry (DTI), "*The Assessment and Rating of Noise from Wind Farms*" (ETSU, 1997), should be used to assess and rate noise from wind energy developments.

Since the release of the ETSU guidance there has been further work undertaken into the effects of noise from wind farms commissioned by both the DTI and DEFRA. Following the release of reports into wind turbine noise undertaken by Hayes McKenzie and Salford University the Government issued a robust advice note in 2007 stating that ETSU-R-97 should continue to be followed for the assessment of noise from wind farms. Paragraph 10 of Planning Policy Guidance Note 24 "*Planning and Noise*" (PPG24) also gives guidance.

Noise from turbines is measured in accordance with a specific methodology in ETSU. The recommendations of this report established accepted background noise levels and the extent to which they may be reasonably exceeded, i.e. by setting a 5 dB (A) level above background levels (at both day and night) at the nearest noise sensitive properties. The applicants submitted a report with the application which states that the A-weighted sound pressure level (SPL) of the turbine, as a function of wind velocity, up to a distance of 100m. The SPL at 100m (10 m/s wind velocity) is 46dB(A). It is therefore unlikely that the noise level at 602m (the distance to the nearest non-financially involved dwelling) will be problematic however for the avoidance of any doubt the applicant has been asked to model and predict this resultant noise level.

### Conservation Issues:

The closest Listed Building to the application site is Saddington Hall which is approximately 1670m from the proposal. The closest conservation area to the site is Saddington, some 1590m from the site. Given the distances between the proposal and heritage assets, combined with the scale of the proposal, it is considered that the proposed wind turbine will not have any detrimental impact upon the setting of any heritage assets and as such the proposal would comply with Policy CS9 of the Harborough District Core Strategy and the aims and objectives of PPS22 and PPS5.

### Ecology:

The proposed turbine is located adjacent to existing hedgerows which can often be used as forage routes for both bats and birds. LCC Ecology are content that, provided the turbine is in excess of 60m from the hedgerow, they would have no objection to the proposal.

### Interference and Shadow Flicker:

If a reduction in television reception quality occurs in the surrounding area, it is most likely to be noticed when the wind energy development becomes operational. To mitigate this, a planning condition might be imposed, requiring the applicant to assess current television signals in advance of development and take measures necessary to mitigate post-development where effects are attributable to the wind energy development. However, there is no evidence that this is required and therefore a commensurate approach to this proposal. Such a condition might require the applicant to meet the cost of investigating and rectifying any problems should they arise.

Shadow flicker occurs when turbine blades intersect the line of sight between a window of a building and the sun, causing a flickering effect in the affected room. The probability of this happening and its severity depends on a number of factors including: the relationship between the turbine, the dwelling and the path of the sun; the height of the turbine, rotor diameter and its distance from the dwelling; the time of year; and the proportion of daylight hours when the turbine is operating.

In the UK, only properties within 130 degrees either side of north, relative to the turbines, can be affected. Generally the residential property must also be within a distance of 10 times the rotor diameter of the turbine, i.e. within 70 metres in this instance. As there are no residential dwellings within 70m radius of the proposed wind turbine, it is considered that the application is in accordance with the guidance contained in PPS22 in terms of shadow flicker.

**Disturbance During Construction:**

The degree of disturbance caused by the construction phase of a wind energy development would depend on the number of turbines and the length of the construction period. Public perception of the construction phase would derive mainly from physical impact and traffic movements. This proposal is relatively modest and is not expected to generate any special traffic or other working arrangements.

**Conclusion:**

Local (CS policy CS9) and national (PPS1, PPS22) planning policies establish a welcoming stance to renewable projects in general where environmental, economic and social impacts can be addressed satisfactorily.

The renewable energy benefits offered by this proposal are relatively small but still carry significant weight. The proposal would not cause demonstrable harm to heritage assets, would not detrimentally affect ecological or archaeological interests, and would not have an adverse effect in terms of noise or shadow flicker, and thus complies with PPS1, PPS5 and PPS9 among others. The proposed turbines would have a significant visual impact, albeit within a localised landscape area, and would not fully comply with Policies CS11 and CS17 of the Harborough District Core Strategy. Overall, it is considered that the planning balance weighs in favour of recommending that the application should be approved, subject to the conditions set out below.

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**Conditions / Reason:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990.
2. The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of first export to the grid of the development. Written confirmation of the date of first export to the grid of the Development shall be provided to the Planning Authority no later than 1 calendar month after that event.  
**Reason:** To ensure that the turbine is removed from the site at the end of its operational life in the interests of protecting the character of the countryside from derelict and unkempt structures and to meet the aims and objectives of with PPS22.
3. No development approved by this permission shall commence until full details of the turbine including their colour, finish, precise location (no closer to any hedgerow than 60m), air safety lighting and the warranted sound power level and full details of any control cabinet or similar ancillary infrastructure (including appearance, materials and siting) have been submitted to and approved by the Local Planning Authority.  
**Reason:** In the interests of protecting the character of the area and to ensure that local environmental and natural heritage assets are protected, and to accord with Core Strategy Policies CS9 and CS17, and meet the aims and objectives of PPS22.



4. Noise levels at the boundaries of the closest residential properties shall not exceed an  $L_{A90}$  level of 43dB(A) up to wind speeds of 10m/s at 10m height.  
Reason: To ensure that the residential amenity of surrounding properties is not adversely affected by the Wind Turbine by means of unacceptable noise and to accord with Core Strategy Policies CS9 and CS17, and the aims and objectives of PPS22, its companion guide and ETSU-R-97.
5. Within 28 days from the receipt of a written request from the Local Planning Authority following a complaint to it, the turbine operator shall, at its own expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainants property following the procedure described in the attached Guidance Notes. The results of the assessment as to whether a breach of the noise limits in Condition 6 has been established shall be reported to the Local Planning Authority.  
Reason: In the interest of protecting local amenity, and to accord with Core Strategy Policies CS9 and CS17, and PPS1, PPS22 and PPG24.
6. Upon notification in writing from the Local Planning Authority of an established breach of the noise limits in Condition 4 the turbine operator shall, within 28 days propose a scheme to the Local Planning Authority to mitigate the breach to prevent its future occurrence, including a timetable for its implementation. Following the written approval of the scheme by the Local Planning Authority it shall be activated forthwith.  
Reason: In the interest of protecting local amenity, and to accord with Core Strategy Policies CS9 and CS17, and PPS1, PPS22 and PPG24.
7. No lighting, symbols, signs or logos or other lettering, other than those required for health and safety, traffic management and aviation safety, shall be displayed on any part of the turbine or any other building or structures without the written consent of the Planning Authority.  
Reason: In the interests of the amenity of the area, and to accord with Core Strategy Policies CS9 and CS17, and PPS1 and PPS22.
8. Throughout the active phase of the wind turbine, any incidental records of bat and bird strike must be reported to the LPA. Furthermore, prior to the decommissioning of the wind turbine, a further protected species survey must be completed. The results of both surveys shall be submitted to the LPA a minimum of 2 months prior to the decommissioning of the turbine, and decommissioning of the turbine shall not commence until such time that the details of the reports have been agreed by the LPA.  
Reason: To ensure that no protected species are harmed during the removal of the turbines and to enable a broader picture of the impact of turbines on bats and birds to be gained, and to accord with the aims and objectives of PPS9.
9. Prior to the decommissioning of the wind turbine, a survey of protected species of wildlife shall be carried out. The wind turbines shall not be decommissioned until the results and mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The decommissioning work shall be carried out in accordance with the approved details.  
Reason: To ensure that no protected species are harmed during the removal of the turbines, in the interests of wildlife conservation, and to accord with the aims and objectives of PPS9.

## **Major Proposals/Site Inspections:**

11/01709/OUT – MARKET Erection of up to 110 dwellings (means of access to be  
HARBOROUGH considered, all other matters reserved) Land East Of  
Northampton Road, Market Harborough.  
Persimmon Homes (North  
Midlands) Ltd

Target Date: 05.03.2012

## **Recommendation**

Approve subject to a section 106 or similar obligation for items set out in this report and for the following reasons:

Whilst residential development is contrary to retained Local Plan policies EM2, MH/5 and Core strategy Policy CS13e)ii) it will make an important contribution to the delivery of housing, including affordable housing for Harborough District, which cannot demonstrate a 5 year supply for housing land, without having an adverse impact on interests such as highway safety, character and appearance of the area or residential amenity. The proposal generally satisfies the aims and objectives of PPS1 and PPS3, and the grant of permission will not seriously undermine the likely achievement of policy objectives. For these reasons, an exception to prevailing spatial planning policy departure from to Policies of the Harborough District Local Plan is justified

## **Site & Surroundings**

The 4.5 hectare site is grazing land within retained local plan policy HS8 defined limits to development of Market Harborough to the south of the town. The land slopes slightly upwards to the south west. Market Harborough leisure centre / MHRFU and cemetery lie to the west. The Brampton Valley Way / national cycle route 6 forms the northern boundary. Countryside is situated to the east. The part developed Compass Point Business Park is immediately south.

## **Proposal**

The application seeks outline planning permission for residential development of up to 110 dwellings with access, appearance, landscaping, layout and scale all reserved for subsequent approval.

The illustrative layout suggests four residential blocks of 2 – 2½ stories occupying 60% (3.6ha) of the 4.5ha site at a density of 30 dwellings per hectare. 33 of the proposed 110 units are suggested as affordable housing (ie 30%). Linear open space proposed to Northampton Road and northern portion of the site occupies 0.7ha. Landscaping is proposed to the east boundary and existing landscaping retention, focal buildings and storm water features are shown. Vehicular access is shown from the existing roundabout serving the Compass Point Business Park. A pedestrian/cycle link is shown connecting into Brampton Valley Way and there would be a further footpath link onto the Northampton Road.

The application is accompanied by supporting documents including:

- Design and Access Statement including illustrative masterplan (by Pegasus Urban Design)
- Planning Statement

- Cross section through Brampton Valley Way.
- Regeneris Consulting report reviewing employment land situation in Harborough District.
- Desk study and ground investigation by Hydrock.
- Flood Risk Assessment by Preece Consultants Ltd.
- Archaeological desk based assessment by ULAS.
- Ecology report.
- Transport Statement by Phil Jones Associates.
- Noise assessment by ANV

#### Consultations

*Please note the following responses from consultees are a summary of the comments received, to view the comments in full, please refer to planning file.*

#### Severn Trent Water

None received.

#### Environment Agency

None received

#### Natural England

None received.

#### LCC Rights of Way.

Public footpath A62 is affected. A62 runs SE from Northampton Road through the site. No objection subject to adherence to points: 2m width, trees set back 3m, waymark installed, no gates or enclosures etc..., no re-routing. *Officer comment: the illustrative masterplan shows A62 retained and no likely conflict with this advice. Two additional possible footpath links are also shown.*

#### Leicestershire Constabulary

None received.

#### Leicestershire & Rutland Primary Care Trust

Evidence of capacity issues by the GP practice and mitigation proposals via financial contribution sought.

#### Leicestershire County Council Highway Authority

In view of the previous consent for B1 Business use and Hotel, the Highway Authority has no objections to the principle of residential development on this site. The applicant's consultants Phil Jones Associates have submitted a Transport Statement and an interim Travel Plan in support of the application.

Traffic generation in respect of the proposed development is predicted to be less than the permitted use of the site and the highway infrastructure to serve the site is already in place.

It is proposed to access the site via the existing internal roundabout which will require some minor alterations in the central island with respect to signing.

As it is an Interim Travel Plan a full Travel Plan will be required at the reserved matters stage.

Public Footpath A62 runs in a south south-easterly direction from Northampton Road, through the proposed development site and across a further field to Northamptonshire

County boundary. I have no objection to the proposed development with the Public Footpath remaining on its definitive line as long as the following points are adhered to:

The Public Footpath through the development site must consist of a 2m wide surfaced path with 1m verges on either side. The proposed surface of the footpath must be agreed with the County Council's Southern Area Rights of Way Inspector, Harry Bartlett before work is undertaken. He can be contacted on 0116 305 0001.

Any trees or shrubs which are proposed to be planted adjacent to the Public Footpath should be set back by a minimum of 3 metres and be of species which do not spread.

Waymark posts should be installed at locations agreed with the County Council.

No new gates or other structures affecting the Public Footpath should be constructed without prior approval of the County Council's Rights of Way Team (0116 305 7088)

The Public Footpath must not be enclosed in anyway without further discussions with the County Council's Rights of Way Team.

The Public Footpath must not be re-routed, encroached upon, or obstructed in anyway. To do so may constitute an offence under the Highways Act 1980.

"4.2 - any footpath links need to be 'perceived safe' i.e. naturally overlooked and well lit for safety reasons and to encourage usage.

4.6 - the two nearest bus stops would benefit from improvement - see financial section below.

Public Transport requests:-

To comply with Government guidance in PPG13, PPS1 and circular 05/05 the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use :

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £50.18 per pack).
- 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £331.20 per pass – NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
- Improvements to 2 nearest bus stops to include;
- Information display cases to inform new residents of the nearest bus services in the area. At £138.00 per display.
- Bus shelters to provide high quality and attractive public transport facilities to encourage modal shift. At £4,674.00 per shelter."

Leicestershire County Council Archaeology

None received.

Leicestershire County Council Ecology

No further requirements on the basis of the report submitted.

Leicestershire County Council Education

Evidence of capacity issues in Primary, High and Upper schools and mitigation proposals via financial contribution sought.

#### Leicestershire County Council Libraries

Evidence of additional pressure on facilities and mitigation proposals via financial contribution sought.

#### Leicestershire County Council Waste Management

Evidence of additional pressure on facilities and mitigation proposals via financial contribution sought.

#### Harborough District Council Drainage

None received.

#### Harborough District Council Public Spaces Manager

None received.

#### Harborough District Council Housing Enabling Manager

Requirement is 30% of the overall site yield as affordable. The Specifics i.e numbers, unit and tenure type requirements can be agreed at reserved/full planning stage.

#### Civic Society

##### Objects:

- 1) Strongly urges the District Council to reject proposal for more housing.
- 2) The site is allocated for business purposes and should be retained for this purpose in accordance with Core Strategy which runs to 2028. Some flexibility could be shown to other commercial development if deemed suitable.
- 3) Development of allocated land for business, housing and other purposes is virtually at standstill-premature to start changing allocations.
- 4) The arguments in favour of a 5 year housing land supply are being used all over town to promote more housing land without regard to economic climate. Proposal should be resisted until we see action to build houses already permitted.
- 5) The building of housing on this site, which is isolated from other housing is not sustainable. Remote from necessary infrastructure and will lead to an unnecessary increase in car usage.

##### Representations

Please note the following representations are a summary of the comments received, to view the comments in full, please refer to planning file.

One letter of observation:

- 1) The Planning Statement suggests that the River Jordan forms the northern boundary of the site but this is not the case as it is some distance away.
- 2) Report by "Regeneris" refers to land west of Northampton Road but the site is east.
- 3) The Core Strategy identifies land to north west of the town for a minimum of 1000 dwellings so this site may be unnecessary.
- 4) The existing access road to Compass Point has has vehicles parked on both sides during the day. Perhaps some of the land should be to relieve parking congestion.

##### Policy

##### The Development Plan

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

unless material considerations indicate otherwise.

### Regional Spatial Strategy

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

In light of these recent judgements, the Development Plan for the purpose of these applications consists of the Regional Spatial Strategy for the East Midlands, adopted in 2009; the 'retained' policies of the Harborough District Local Plan, adopted in 2001, and the Harborough District Council Core Strategy adopted in November 2011.

### East Midlands Regional Plan, adopted March 2009

Regional Policy of relevance include:

Policy 1: Regional Core Objectives  
Policy 2: Promoting Better Design  
Policy 3: Distribution of New Development  
Policy 13a: Regional Housing Provision (excluding Northamptonshire)  
Policy 14: Regional Priorities for Affordable Housing  
Policy 17: Regional Priorities for Managing the Release of Land for Housing  
Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage  
Policy 29: Priorities for Enhancing the Region's Biodiversity  
Policy 32: A Regional Approach to Water Resources and Water Quality  
Policy 35: A Regional Approach to Managing Flood Risk  
Policy 43: Regional Transport Objectives  
Policy 45: Regional Approach to Traffic Growth Reduction  
Policy 52: Regional Priorities for Integrating Public Transport  
Policy SRS 3: Housing Provision

### Harborough District Local Plan, adopted April 2001

The retained policy of relevance is:

Policy HS/8: Limits to Development  
Policy EM2: Control of development on employment sites  
Policy MH5: Land East of Northampton Road.

### Supplementary Planning Guidance

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

SPG Note 1 – Design Principles to be applied in Harborough District  
SPG Note 2: Residential Development – Major Housing Sites  
SPG Note 9: Landscape & New Development  
SPG Note 10: Trees & Development  
SPG Note 11: Hedges & Development  
SPG Note 13: Crime Prevention & Reduction  
SPG Note 16: Requirements for the provision of land for outdoor play space in new residential developments  
SPG Note 20: Monitoring of Housing Land

SPD Affordable Housing (adopted February 2006)

\*Until replaced by a new SPD, the Council expects to continue to treat specified guidance or parts of it (some will be out of date and can be completely set aside) as a material consideration in the determination of planning applications. Whilst this guidance relates to policies which no longer exist, it has been subject to public consultation, been agreed by Council and been in operation for many years. .

#### Planning Obligations Developer Guidance Note (September 2009)

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

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

At 4.9 – 4.10 (including Table 2) this assessment considers

Community Infrastructure Growth Requirements and states:

*'4.9 To help inform future growth requirement, we have already determined that the existing community infrastructure in the proposed directions of growth areas is already at capacity. however, to determine the level of contribution per dwelling stemming from the growth, it is helpful to use the standards set out earlier to inform new infrastructure requirements.'*

*4.10 We used the assessment undertaken to date to develop a range of requirement<sup>25</sup>. These were further refined at a working session with lead members and client team<sup>26</sup> to reflect local need, access and delivery issues.*

*Table 4.1 Community Infrastructure Requirements*

*Sub Regional Centre*

*Requirement: various additions to main facilities and stand alone provision*

- Market Harborough – North West SDA – minimum two court size village hall as part of wider community hub and land*
- Market Harborough – 'other' – contribute to upgrade existing indoor sports facilities.'*

#### Core Strategy, adopted November 2011

The Core Strategy policies of relevance are:

Policy CS1: Spatial Strategy

Policy CS2: Delivering New Housing

Policy CS3: Delivering Housing Choice & Affordability

Policy CS5: Providing Sustainable Transport

Policy CS7: Enabling Employment and Business development.

Policy CS11: Promoting Design & Built Heritage

Policy CS12: Delivering Development & Supporting Infrastructure

Policy CS13: Market Harborough

#### Allocations DPD

Following its Core Strategy adoption the Council is committed to producing an allocations Development Plan Document. It anticipates an Allocation Options document being approved by Executive in April 2012 for a period of public consultation with the Allocations Plan finalised later in 2012 for formal publication and adoption scheduled for Spring 2013.

#### Local Development Framework Documents

Harborough District Landscape Character Assessment (September 2007).

Leicester & Leicestershire Strategic Housing Market Assessment (SHMA)

Strategic Housing Land Availability Assessment (SHLAA)

#### National Planning Guidance

National planning policy statements of relevance include:

PPS1 – Delivering Sustainable Development  
PPS3 – Housing  
PPS4 – Economic Development  
PPS5 – Planning for the Historic Environment  
PPS7 – Sustainable Development in Rural Areas  
PPS9 – Biodiversity  
PPG13 – Transport  
PPG24 – Planning and Noise  
PPS25 – Development and Flood Risk

Circular 11/95 – Use of conditions in planning permission  
Circular 06/05 – Biodiversity including statutory obligations within the planning system  
Circular 05/2005 – Planning Obligations  
Community Infrastructure Regulations 2010  
Circular 01/2006 – Guidance on changes to the Development Control System

Planning for Growth (March 2011)  
Consultation draft of the National Planning Policy Framework (NPPF) July 2011  
Safer Places – ODPM - (April 2004)

### History

97/01166/OUT: granted for B1 business and C1 hotel use (consent extended in 2002 & 2005)

The land to the south has had two consents granted for three buildings. Two of these have been built and occupied.

### Reason for Planning Committee Meeting

This application is being reported to the Planning Committee for determination because the application proposes more than ten dwellings and represents a departure from the Development Plan.

### District-wide Housing Requirement

The Council has decided to keep the housing figures proposed in the East Midlands Regional Plan (EMRP). This specified 350 dwellings a year should be provided in the District Between 2006 and 2026 (7,000 over the plan period). In order to ensure that the Core Strategy enables continuous delivery of housing for at least 15 years from the date of adoption, the plan period has been extended beyond that of the of EMRP to 2028. Housing figures for 2027-2028 have been derived by rolling forward the 350 dwelling annual requirement set out in the EMRP (7,700).

### Housing Land Supply

In considering a 5-year supply of housing, sites should be available i.e. available now; suitable, i.e. the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities; and achievable, i.e. there is a reasonable prospect that housing will be delivered on the site within five years.

The Council has calculated its current five year land supply position (October 2011)\*, establishing that Harborough District has 3.98 years or 80% supply for the period 2010-2015, a shortfall of 338 dwellings over the five year period.

\*Since the publication the Council's 5 year supply Mid -Year Position, the Council has granted planning consent for major residential development of 47 houses at Lathkill Street,



Market Harborough (10/01669/OUT 2<sup>nd</sup> November 2011) and 50 dwellings off Crowfoot Way, Brought Astley (10/01579/OUT 24<sup>th</sup> November 2011). The Council also resolved to grant planning permission subject to s106 for up to 150 dwellings on land off Covert Lane, Scraftoft (11/00895/OUT, 13<sup>th</sup> September 2011) and 120 dwellings subject to s106 on Land North Of Bill Crane Way, Lutterworth (11/00117/OUT 8<sup>th</sup> November 2011).

As the Council cannot demonstrate a 5 year land supply and in accordance with Para 71 of PPS3 the LPA should consider favorably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69:

*In general, in deciding planning applications, LPAs should have regard to:*

- Achieving high quality housing.*
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.*
- The suitability of a site for housing, including its environmental sustainability.*
- Using land effectively and efficiently.*
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues. (Para 69 of PPS3)*

#### Prematurity

Guidance on prematurity is contained in PPS3 and 'The Planning System: General Principles'. Paragraph 72 of PPS3 advises that planning authorities should not refuse applications solely on the grounds of prematurity. Guidance in paragraph 17 of the General Principles document comments that:

*"In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect."*

#### Main Issues

The two fundamental issues in this case relate to the release of allocated employment land for residential development and (ii) the provision for strategic housing and employment requirements in the District, including the required five-year supply of deliverable housing land.

#### Delivering New Housing

Between 2006 and 2028, Harborough District needs to provide at least 7,700 dwellings. Of those 7,700 dwellings 3,300 will be distributed at Market Harborough including 1,000 at a North West Strategic Development Area. Table 2 of the core strategy confirms 1,446 additional dwellings to be planned for as of March 2011 for Market Harborough.

#### Impact on the Character of the Area

The application Site is located within the defined limits to development. The principle of employment development is firmly established.

The submitted DAS is comprehensive. It is a thorough and detailed document including site assessment, evaluation, concept and building for life assessment. It contains a

neighbourhood character assessment including local photographs' and analysis. Its social and economic context reviews service and facilities including public transport confirming the X7 stagecoach service passes the site.

Up to 110 houses of 2 and 2½ stories accompanied by roads, street lighting, domestic lighting, new entrance and signage would have a considerable effect on the street scene. However, the potential impact particularly taking account of the DAS details has great potential to be in keeping with the character and appearance of the area and provide a quality residential development. The previously approved business/hotel development would be no less intrusive or significant.

#### Five Year Land Supply

As set out earlier in this report, the Local Planning Authority (LPA) cannot demonstrate an up-to-date five year supply of deliverable sites. As such, paragraph 71 of PPS3 should be applied. This advises that housing proposals should be considered favourably having regard to the requirements set out in paragraph 69. These matters are considered below:

- Achieving high quality housing;

*(In achieving high quality housing, developments should (amongst others) be easily accessible and well connected to public transport and community facilities and services and integrate with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access)*

Although this is an outline application with all matters reserved, the Design and Access Statement and illustrate plans demonstrate how the site could be developed and it is considered that, with appropriate design and materials that reflect the positive elements of the local area's character, the proposal would at least partially reflect the area's existing character and appearance and potentially contribute its own local distinctiveness.

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

The Design and Access Statement confirms that a variety of house types, sizes and tenures can be provided to meet the needs of all sectors of the community.

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

The site would be accessible to public transport and community facilities services. Its proximity to Market Harborough and national cycle route makes for a very sustainable location. .

- Using land effectively and efficiently;

Using land efficiently is a key consideration in planning for housing. Although it is acknowledged that the Government has removed minimum density standards from PPS3 it does permit LPAs to develop their own housing density policies. The proposed density of 30dph equals that required in Policy CS3.

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

The proposal is contrary to retained Local Plan policies EM2, MH/5 and Core Strategy Policy CS13e)ii) as it involves loss of allocated employment land. It would be preferable prior to any decision for the Local Planning Authority to complete its anticipated Allocations DPD commitment for housing and employment land. Recent Secretary of State decisions concerning prematurity and effect on local democracy including APP/R0660/A/10/2141564 (Cheshire East), APP/F1610/A/2130320 (Moreton in the Marsh), APP/L1765/A/10/2126522 (Barton farm CALA Homes, Winchester) suggest every opportunity should be afforded for the effective community engagement and completion of DPD's. Allowing this application has the potential to undermine and pre-determine the Allocations DPD process and consent development that cannot at this time be said to reflect the spatial vision for the area. The proposal therefore conflicts with the criteria of Paragraph 69 of PPS3 as it is not in line with the spatial vision expressed in the Core Strategy. However, this has to be balanced against the other considerations outlined in this report.

#### Affordable Housing

Policy CS3 explains how the Council will secure the delivery of affordable housing in all residential developments. The application site falls within the sub-market area Harborough. As such the Council will seek a minimum of 30% of the total number of dwellings to be affordable.

The submitted Heads of Terms within the DAS proposes a minimum of 30% affordable housing.

#### Highway matters

The submitted Transport Assessment (TA) concludes the proposal will reduce vehicle trips compared to approved uses and is well related to facilities for walking, cycling, bus stops and that the railway station is available close to the town centre. The TA also states it is important that both roundabouts that would accommodate traffic are appropriate in design and operating capacity. Leicestershire Highways does not object and suggests conditions most of which are generally secured by the recommendation to obtain reserved matters approval and condition 8 (construction method including wheel cleaning). Highways suggest a routing agreement but this does not appear obviously necessary. Similarly a condition relating to standard of roundabout junction work is unnecessary as access is a reserved matter. It is reasonable from the submitted details to anticipate access from the roundabout but the detail can be controlled through reserved matters. Finally a further Travel Plan (TP) requirement is unnecessary as Highways has suggested measures which can be included in a legal obligation which a TP will not particularly enhance.

#### Residential Amenity

The outlook from Cemetery Lodge, Northampton Road opposite the site will change. However, the separation and distance mitigates any adverse impact towards amenity of that house. Similarly dwellings to the north, including Compton Court and others off Rookwell Drive, will not be adversely affected.

#### Flood Risk & Drainage

A Flood Risk Assessment has been carried out in accordance with the requirements of PPS25. It confirms the site lies within Flood Zone 1, which means the site is at little or no risk of flooding with an estimated annual probability of river flooding of less than 1 in 1000 years (i.e. a less than 0.1% chance in any given year). Sustainable Urban Drainage is proposed as a mitigation measure (0.19 storm water pond is shown on illustrative plans as are existing routes for watercourse, foul water and surface water sewer).

The EA has raised no objection to the application on the grounds of flood risk and/or drainage and as such the proposal is therefore considered to comply with the aims and objectives of PPS25.

#### Ecology

An ecological assessment submitted with the application. This concludes that there is no evidence to suggest that any ecological habitats or species will be adversely affected and the proposals represent an opportunity to provide ecological enhancements.

#### Noise

The submitted acoustic assessment suggests acceptable noise limits within dwellings closet to Northampton Road can be achieved by standard thermal glazing and appropriate ventilation. Gardens of similar properties may require 1.8m close boarded fencing. If development were to proceed these measures are likely to be achievable and desirable without the onerous imposition of planning conditions.

#### Archaeology

The ULAS report concludes some potential exists for archaeological remains and identifies well preserved ridge and furrow. Some parts of the site are also identified as having probably been subject to disturbance from previous construction. The ULAS report confirms work is likely to have a detrimental impact on ridge and furrow. That impact can arise in any event from previous consent. To mitigate this impact a condition is recommended to secure further archaeological work on site to supplement the ULAS report which is a desk based assessment (albeit a site walkover was undertaken).

#### Loss of employment land

The site forms part of an allocated employment site totalling 14.1ha. The area of proposal site represents more than 1/3 of the total area of the allocated site, approx. 3ha of which is currently in employment use (predominantly for B1 uses) constructed since 2006/7. The whole site is subject of planning consent 97/01166/OUT for restricted B1 use / C1 Hotel.

The proposal clearly conflicts with retained Local Plan Policies EM/2 and MH/5 presume against non employment uses on the site.

Policy 7 of the Core Strategy seeks to broadly maintain the existing level of employment provision within the district to 2028, of which site MH/5 forms part. Part 7d) and 7e) of the policy make a commitment to review existing employment sites and allocations for 'fitness for purpose' and to assess & designate 'Key Employment Areas' for particular protection via the Allocation DPD. Only once this further review / assessment work has been completed (as part of the evidence base for the Allocations) will the scale of any shortfall in provision and need for replacement provision be known.

Core strategy Policy 7 is based on the evidence of ([Harborough Employment Land Study](#)) and ([Leicester & Leicestershire HMA Employment Land Study](#)). Policy 7 seeks to allocate additional employment land and review existing sites and allocations.

The HDC planning policy team have carried out an "Existing Employment Area Review". This is expected to be considered by an HDC LDF Member Task Panel on 26 January. It has recently been published as part of the technical evidence base leading to decisions on future land allocations. The report recommends Compass Point Business Park as a Category A - Key (Flagship) Employment Area which is a site to be retained & protected for employment uses falling in Class B1, B2, B8 uses. This is owing to its relative merits as a location for business uses. There are around 12 Category A sites in the District out of 48. There are around 10 sites which have been identified as Category C and the report

recommends these should be released for other uses. From a planning policy perspective, the evidence is that the site should be retained for business purposes.

The submitted Regeneris report considers

- Compass Point Vision & Progress.

Overview: low level of take up due to both (i) size of B1 market in Harborough district and (ii) competition from alternative sites.

- Past Performance

Sluggish take up at Compass Point is explained by reference to a range of information including employment survey, business inquiry, business register, employment take up and completions, valuation office data, other sites take up.

- The release of 4.5 ha's of B1 employment land at the application site would have no negative impact on the ability of the district to meet its full economic potential in the CS period. The remaining 8.5 ha's of the site plus the considerable potential of Airfield Business Park plus other locations will provide an excess of B1 employment land supply over likely demand.
- Future Demand and supply issues.
- Conclusions.

However, the current lack of a '5yr supply' of housing is a relevant consideration and the proposal merits favourable consideration as required by PPS3. There are also numerous residential proposals at different stages across the district which may make up this shortfall.

#### S106 Agreement

Policy CS12 states that new development will require the provision of infrastructure, as set out in the Local Infrastructure Schedule contained in Appendix 2. Requested S106 contributions, and those arising from HDC guidance, towards affordable housing, open space provision, highways, education, health, community facilities, police and monitoring fees are reasonably related to the proposal and satisfy national policy and Development Plan policy, and meet the tests in Circular 05/2005 and the requirements of paragraph 122 of the 2010 CIL Regulations. Any approval should therefore be subject to obligations to secure these contributions

#### Conclusions

Notwithstanding the conflict with Development Plan policy the potential benefits of the scheme, including the contribution towards meeting market and affordable housing need, are very significant. Furthermore the proposal has merit in potentially providing a range of housing in keeping with the character and appearance of the area, as evidenced by the submitted Building for Life assessment. There is also evidence in the submitted Planning Statement that little development has occurred at the site despite its length of time allocated for development, and granted outline consent. This is supplemented by Regeneris including that the conflict with employment policy for this specific site is mitigated by the slow take up of the Compass Business Park and, importantly, that if allowed a far greater 8.5ha part of the site remains available for employment. It is a concern that this site has not come forward through the anticipated Allocations DPD and has some scope to affect that process. However, this is to be balanced against other considerations especially paragraph 71 of PPS3 and approval is recommended subject to following conditions.

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

Authority. Reason:- To comply with the Town and Country Planning (General Development Procedure) Order 1995 as this is a planning permission in outline only.

2. The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later. **REASON:** To accord with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
3. No development shall commence on site until a detailed design and archaeology method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include existing and proposed ground levels, layout and depths of all foundations, service trenches, drains, landscaping and other groundwork's, and all revisions of such. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity. **REASON:** The site is likely to contain important archaeological remains and to accord with the Harborough District Council Core Strategy Policy CS11.
4. No development shall commence on site until details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity. **REASON:** To ensure the adequate provision of facilities and in the interests of visual/general amenity and to accord with Harborough District Core Strategy Policy CS11
5. The development hereby approved shall be implemented in accordance with the approved mitigation measures detailed in the Ecological Survey. **REASON:** In the interests of flood prevention and to accord with Harborough District Core Strategy Policy CS11
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 in perpetuity. **REASON:** To ensure the satisfactory drainage of the site and to accord with Harborough District Core Strategy Policy CS10
7. All soft landscaping comprised in the approved details of landscaping through condition 1 shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from the date of first occupation of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. **REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to accord with Harborough District Core Strategy Policy CS11

8. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
- a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - h) measures for the protection of the natural environment;
  - i) hours of construction work, including deliveries; and
  - j) measures to control the hours of use and piling technique to be employed

has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and to accord with Harborough District Core Strategy Policy CS11

11/001733/FUL – East Langton  
Mr Tom Granger

Erection of one and a half storey side/front extension at The Barn (aka The Byre), Back Lane, East Langton, Leicestershire, LE16 7TB.

Target Date: 13.02.2010

### **Recommendation**

**REFUSE** for the reason(s) appended to the end of this report:

The proposed extension by virtue of its design and position would contrast with the simple form and design of the original agricultural barn conversion, such that it fails to respect the character and appearance of the original building and thereby harming the visual amenities of the area. The proposal is therefore contrary to Harborough District Core Strategy Policy CS11 and SPG Note 8.

### **Site:**

The site is within the residential curtilage of a detached, single storey dwelling (with a first floor in the roof space), built in the style of a barn conversion on the edge of a series of other dwellings built in the style of converted agricultural buildings located to the south of East Langton. The site itself is in the open countryside and is also noteworthy that the village of East Langton itself has no defined settlement limits. The site is surrounded to the north, east and south by open countryside, with the development of “barn conversions” being sited to the immediate west of the application site being separated by a timber post and rail fence and a brick wall.

### **The Proposal:**

The proposal is for a two storey extension to the north-western corner of the existing linear built form to create an “L shaped” dwelling to provide additional living accommodation to the dwelling.

### **Policy**

#### **National Planning Policy:**

Planning Policy Statement 3 – “Housing”

Circular 11/95 – Use of conditions in planning permission

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

Ministerial Statement: Planning for Growth (March 2011)

Draft National Planning Policy Framework (August 2011)

#### **Core Strategy (November 2010)**

Policy 11 – Promoting Design & Built Heritage

Policy 17 – Countryside, Rural Centres & Rural Villages

#### **Supplementary Planning Guidance Notes:**

SPG5 – Extensions to Dwellings

SPG8 – New Uses for Old Buildings – A Guide to their Conversion

### **Consultations / Representations:**

Parish Council: Objects to the proposal citing the following:

- 1) The application appears to be another attempt at manipulating the planning system,
- 2) 14 applications have been submitted since the original conversion in October 2003.



- 3) The applications have very considerably increased the size of the footprint far in excess of the original barn conversion,
- 4) The site is exposed and readily visible from Back Lane and public footpaths.
- 5) The proposal is detrimental to the open character and appearance of the surrounding Countryside.
- 6) The design, materials and position of the proposed extension will have a detrimental impact and effect upon the attractive character and appearance of the buildings in the immediate vicinity.
- 7) The objections also refer to several Local Plan Policies that have not been saved as part of the recently adopted (November 2011) Harborough District Core Strategy.

A further letter has also been received from Parish Council stating that the applicants letter submitted as part of the application that states they are an integral part of the village community and that the applicant employed a lot of his workforce from the village are irrelevant to the application and the assertions made in the letter should carry no influence in the determination of the application.

No other consultee responses received at time of preparing Committee Report, or are expected given the limited number of consultees on the proposal. However, Members will be notified if any additional comments are received via the Supplementary Information List.

**Representation:**

Four letters of support received (three from neighbours on the same development, the fourth from the village pub's landlord, stating:

- 1), As the closest neighbours to the development we feel the extension is in keeping with the property and surrounding area and have no objections to it,
- 2) The proposal seemingly has no negative effects on any of the neighbouring properties including our own,
- 3) The applicants have both been integral part of the community supporting the local facilities like the cricket club and the pub; in addition the applicants business has provided employment for local tradesmen both in East Langton and the surrounding villages for many years,
- 4) It is understood that the applicants are expecting another baby and therefore need more room to accommodate their children. We certainly would not wish to see them move away.

No letters of objection received.

**Other Information**

This application is being reported to the Planning Committee at the request of Councillor Knowles.

Footpath A44 is located approximately 80m to the East of the site.

**Planning Considerations:**

**Background History:**

Extensive history relating to the site (see file for full details):

11/01410/FUL – Erection of detached carport and kennels (revised schedule of 08/00295/FUL) – Approved 12.12.2011

11/00737/FUL – Single storey extension to include store, kennel and glazed lobby link (resubmission of 11/00074/FUL) Withdrawn 21.07.2011

11/00074/FUL – Single storey extension to include store, kennel and glazed lobby link to existing house (alternative to approved scheme) (revisions to 10/0713/FUL) – Refused 29.03.2011

10/00713/FUL – Erection of one and a half storey extension – Refused 08.09.2010

10/00353/FUL – erection of a storage shed (re-submission of 09/00288/FUL) – Approved 06.05.2010

09/01344/FUL – Erection of storage shed (retrospective) (revised scheme of 09/00882/FUL) – Refused 28.01.2010

09/00882/FUL – Erection of storage shed (retrospective) (revised scheme of 09/00288/FUL) – Refused 24.09.2009

09/00288/FUL – Erection of storage shed (retrospective) – Refused 20.05.2009

08/00295/FUL – Erection of detached car port and kennels (resubmission of 07/01239/FUL) – Approved 25.04.2008

07/01239/FUL – Erection of a car port – Refused 03.10.2007

06/01159/FUL – Erection of car port with office above – Withdrawn 16.10.2006

05/01782/FUL – Erection of single storey extension to and conversion of barn to form dwelling (revision of 05/00651/FUL) – Approved 20.01.2006

05/00651/FUL – Erection of single storey extension to and conversion of barn to form dwelling (revision of scheme 03/01512/FUL) – Withdrawn 16.06.2005

### Planning Considerations

As this application is proposing an alteration and extension to a dwelling, Policy CS11 of the Harborough District Core Strategy is considered to be most relevant.

Policy CS11 (a, b and c) require a number of criteria to be met, such as the development should respect and enhance the local area, should respect the context in which it is taking place, should be of a scale, density and design that would not cause damage to the qualities, character and amenity of the areas in which they are situated and ensure that the amenities of the existing and future neighbouring occupiers are safeguarded.

Design (part c) iii) of Policy CS11) says “Development should be well planned to be of a scale, density and design that would not cause damage to the qualities, character and amenity of the areas in which they are situated.”

In addition to Policy CS11, the extant consent (11/01410/FUL) and refusal (10/00713/FUL) are material considerations.

### Design

As per the approved consent (11/01410/FUL) the current proposal has a ridge height of 5.2m and an identical depth of 5.5m at its widest point. However as a result of the proposed link to the main dwelling (the 11/01410/FUL application was a detached structure) and a marginal increase in the width of the log store (approximately 30cm) on the end of the proposed structure the current proposal is approximately 2m longer in length (13.8m vs. 11.8m). The proposed materials are slate, masonry plinths and walls and timber boarding as per the main dwelling and the 11/01410/FUL application.

The position of the current proposal is similar to the previously refused proposal (10/00713/FUL). Furthermore, as with the previously refused proposal, the current application proposes a dormer window facing into the site (looking east), i.e. not visible from elsewhere in the existing development. Dormer windows and dormer style projections do exist elsewhere in the development, most noticeably on Bream Cottage which has two dormer windows facing towards the application site looking in the same direction as the proposed dormer window in the current application. Therefore, whilst these features are not considered to be unrepresentative of the design feel and character of the development and are not considered to result in any loss of privacy, there is a concern that they are not a feature commonly found on a barn conversion and in this instance the dormer is not considered to reflect the design and appearance of the host property.

Whilst it is accepted that the current proposal is comparable in scale and materials to 11/01410/FUL, the position and design of the current proposal is not considered to reflect the character and appearance of the original property and therefore is considered to be contrary to Policy CS11 Harborough District Core Strategy.

#### Visual Impact

The site is visible in glimpsed medium to long distance views from the south from the B6047 and A6. The site is most visible from Public Footpath A44 to the East. The extension contrasts with the simple form and design of the original agricultural barn conversion, such that it fails to respect the character and appearance of the original building and thereby harming the visual amenities of the area. The proposal is therefore contrary to Harborough District Core Strategy Policy CS11 and SPG Note 8.

#### Residential Amenity:

The two main neighbours to be affected by the proposal are Bream Cottage & The Hatchery to the west. Given the separation distances between the proposed extension and these neighbours both in excess of 21m and the scale of the extension it is not considered to result in any adverse amenity issues. .

#### Highways:

The Highways Officers comments have not been sought of the proposal but it is your officer's opinion that there is sufficient parking and turning available within the residential curtilage of the property and this would not be compromised as a result of this development. The proposal is considered to be in accordance with Policy CS11 of the Harborough District Core Strategy.

#### Conclusion:

The development would comprise a domestic extension to the existing dwelling within the residential curtilage of a rural dwelling surrounded by open countryside. The principle of a building (albeit detached) has already been established by application 11/01410/FUL, however the current application is closer related in design, position and built form to the domestic extension refused permission in 2010. The proposal is considered to be demonstrably more harmful than the extant consent for the car port and kennel building and to fail to address the reason for refusal cited under application 10/00713/FUL. The proposal is therefore considered to be contrary to policy and to be demonstrably harmful enough to warrant refusal. Therefore the application is recommended for refusal.

11/01773/FUL – GREAT BOWDEN  
Mr and Mrs Hayes

Erection of two storey rear extension, 22 Main  
Street, Great Bowden

Target Date: 13/02/12

### **Recommendation**

REFUSE for the following reasons:

1. The proposed development, by virtue of its size and siting would result in the loss of an important area of open space within the conservation area and would obstruct the view of the arched chapel windows which form a significant feature within the conservation area. The proposal is therefore detrimental to the character and appearance of the conservation area and as such is contrary to policy CS111 of the Harborough District Core Strategy.
2. The proposal due to its position and size would result in an un-neighbourly form of development, having an overbearing impact and loss of light to neighbouring residents, which would be detrimental to the amenities of neighbouring residents. The proposal is therefore contrary to Policy CS11 of the Harborough District Core Strategy.

### **Site:**

The site is in the centre of Great Bowden on the north side of Main Street on the corner with Manor Road. The site consists of a 1990's two bedroom detached dwelling with off street parking area to the rear of the modest rear garden area. There is a dirt track to the rear serving other dwellings and No. 2 Manor Road. To the east is converted Congregational Church into flats. Opposite to the south and west are dwelling-houses.

### **The Proposal:**

Is to erect a two storey rear extension to form a dining room and bedroom above, dimensions are 3metres deep.

The ground floor section is the same footprint as the previously approved (by committee) scheme ref: 11/01110/FUL.

The application is reported to committee following 'call-in' by Councillor Johnson.

### **Policy**

Harborough District Core Strategy:

CS11 – Promoting design and the built heritage

### **Local Guidance:**

5 – Residential extensions

Great Bowden village design statement

### **Consultations / Representations:**

#### **Parish:**

Object. Refer to previous refusal recommendation 11/01110/FUL). Parish objects whether 1 or 2 storey. Additional safety implication compounded by reducing 2 off road spaces to one (which isn't used).

### Representations:

2 letters of objection have been received raising the following points: (1) overdevelopment of the site (2) there were substantial objections to the original application to build on this site (3) further obscure views of the Chapel which is a key feature of the area (4) it will not be screened by the Birch tree as it has been severely pollarded (5) exacerbate the parking situation, two spaces required by original consent has been reduced to one as the garden was too small (6) more on-street parking will increase dangers for pensioners and children at the junction.

### Other Information

#### Public Rights of Way:

n/a

#### History:

11/01110/FUL Erection of single storey rear extension Approved 11/11/11  
00/00416/FUL Single storey rear extn. Refused 27/06/00 Appeal allowed 14/12/00  
00/00415/FUL Erection of loggia and fencing to the rear Refused 27/06/00  
99/01298/FUL Erection of rear conservatory and loggia Refused 8/3/00 Appeal dismissed  
20/6/00  
97/01221/FUL Erection of a dwelling Refused 11/02/98  
Appeal allowed 10/08/98

### Planning Considerations:

#### Policy Assessment:

As this application is for the erection of an extension to a dwelling in the conservation area, Policy CS11 considered the most relevant. The policy requires a number of criteria to be met, such as the proposal should not have a detrimental impact on the residential amenity of neighbouring properties, the proposal should be subordinate in scale, form and design to the main building, it does not have a detrimental effect on the character and appearance of the conservation area and it does not result in a sub-standard level of on-site parking.

#### Affect on the character and appearance of the Conservation Area:

The two storey proposal is on balance considered subordinate to the main dwelling as the roof ridge and eaves are lower than the original ridge and eaves, it is inset from the main side wall of the house and 3metres deep, which is just over half the width of the existing house. The design of the extension is in keeping with the existing dwelling.

The two storey extension further reduces the openness of the conservation area and reduces views of the Congregational Church.

The Appeal Inspector for 00/00416/FUL Single storey rear extension (built) stated (para 4) *'I do not consider that the small interruption of the view of the side of the building would have an unacceptable impact upon the appearance of the Congregational Church or on the conservation area generally.'* Also (para.5) The Inspector states *'that I accept that the extension would affect openness. However, the small size and positioning of the proposed extension away from Manor Road and adjacent to the east boundary of the appeal site, would not in my view result in an unacceptable impact upon the openness of the immediate surroundings or the conservation area as a whole'.*

The two storey proposal would due to its length, height and siting close to Manor Road would result in views of the Church and the arched windows being obscured when in the vicinity of the cross roads. Also the openness of the conservation area in an important part of the village, where 2 main roads meet would appear significantly reduced when viewed from the

crossroad area. These points are further exacerbated as this proposal is two storey where the wall plate and roof are higher than previously proposed. The previous single storey extension had a very shallow mono-pitched roof at 12degrees.

The proposal taking into account the Inspectors comments and the position, height and size of the proposal would adversely affect the views of the Church and the appearance of the conservation area. The proposal therefore adversely affects the character and appearance of the conservation area. The application is therefore considered contrary to Policy CS11 of the Harborough District Core Strategy.

**Residential amenity:**

The two storey proposal is 18m from the front of No.2 Manor Road which is to the north of the application site, therefore it is not considered to be overbearing or result in a loss of daylight. There is no first floor rear elevation windows proposed therefore there is no loss of privacy concerns.

The properties opposite over the road are 35metres away; therefore there are no residential amenity concerns.

The two storey extension is to the west and 6metres from the converted Church arched windows to the front Flat which serves two bedrooms and 3metres from the amenity space to the flat. The proposal due to the height and close proximity of habitable room (bedroom) windows and small amenity space will be significantly overbearing and result in an unacceptable loss of light to residents amenity. The application is therefore considered to be contrary to Policy CS11 of the Harborough District Core Strategy.

**Highways and parking considerations:**

The proposal results in an additional bedroom (3), two off-street spaces can be accommodated on-site; whilst this will form a small garden area (5 x 7.5m) this is acceptable, therefore there are no highway safety concerns.

**Conclusion:**

The proposal due to the siting and size will adversely affect resident's amenity and character and appearance of the conservation area. The proposal is therefore contrary to Policy CS11 of the Harborough District Local Plan.

11/01788/FUL – Market Harborough  
Harborough District Council

Erection of twelve floodlights  
at the Tennis Court, Welland Park,  
Market Harborough

Target Date: 1<sup>st</sup> March 2012

### **Recommendation**

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

The development hereby approved would be in keeping with the form, character and appearance of the surrounding area, would not have an adverse affect on the amenity of adjoining residents and would not result in a road safety hazard. The proposal is therefore considered to accord with Harborough District Core Strategy Policy CS11 and Supplementary Planning Guidance note 12 and no other material considerations indicate that the policies of the development plan should not prevail.

### **Site:**

The tennis courts are sited towards the south of Welland Park, approximately 14.5m from the south boundary with Welland Park Road. Mature deciduous and evergreen trees give some screening to the courts from this road. To the south and west of the tennis courts are grassed areas, including a dog-walking area. To the north is a footpath, with flower beds and a café building beyond. To the east is the plant nursery building, the car park, other footpaths, a residential house (Welland Lodge), and the buildings and playing field of Welland College. The site is not within a Conservation Area.

### **The Proposal:**

The application is to erect twelve columns of 8m in height, with a total of twenty light fittings. The floodlights will illuminate five tennis courts and will be constructed of metal. They will be operated on an hourly basis and no later than 10pm.

### **Reason for reporting to Planning Committee:**

The application is reported to the Planning Committee as the applicant is Harborough District Council.

### **Policy**

#### **National Guidance:**

PPG17 – Planning for Open Space, Sport and Recreation

#### **Harborough District Core Strategy:**

CS:11 – Promoting Design and Built Heritage

Local Guidance:

Supplementary Planning Guidance note 12 – Lighting in Town and Country

**Consultations / Representations:**

Environmental Health: (full correspondence available on file):

Concerned about light intrusion and glare potentially affecting neighbouring residential properties along Welland Park Road. Further information requested regarding luminance levels and direct glare at the distance from the pitch towards this road. (12<sup>th</sup> Jan 2012).

Following receipt of further information, raise no objection subject to condition (13<sup>th</sup> Jan 2012)

Ecology: No objections to this application provided that light-spill from the floodlights is minimised. Particular attention should be given to ensure that the River Welland is not subject to an increased level of light. Additionally, the lights should only be turned on when needed (not set on a timer). It is likely that bats use the River corridor and the park are used as bat foraging grounds. Bats can be sensitive to increased light levels and it is therefore essential that the area lit is kept to a minimum. (17<sup>th</sup> Jan 2012)

Highways:

Comments still to come

Market Harborough Civic Society:

Support the proposal with no comments to make (18<sup>th</sup> Jan 2012)

Representations:

One letter of objection received: "I already suffer from the flood lights from the all weather pitch at Welland Park so I know twelve more lights will make *[it]* unbearable", concerned about illumination into house.

History:

None relevant.

**Planning Considerations:**

Policy Assessment:

As this application is for the erection of floodlights, policy CS:11 is considered most relevant. This policy requires a number of criteria to be met, such as the proposal should inspire, respect and enhance local character, being integrated into the existing built form of the District; be of a scale, density and design which does not damage the character and amenity of the area; reflect the local landscape/streetscape; should safeguard the amenity of neighbouring occupiers; should have a safe and inclusive design which enables adaption for future users; and where appropriate, should encourage travel by a variety of modes of transport.



National Guidance in PPG17 part 19 requires Local Planning Authorities to ensure that local amenity is protected. The impact on the openness of the Green Belt, or on the character of the countryside, of floodlight towers or pylons should be a key factor in determining whether planning permission should be granted. Local Guidance in SPG12 raises awareness of the harm excessive lighting and lighting spill/trespass can cause, and requires that a lighting assessment is submitted with any proposal.

#### Residential amenity:

Residential dwellings lie 52 – 76m to the south, on Welland Park Road, with principal windows facing the park. Welland Lodge is 50m to the south east, at an oblique angle to the tennis courts. Despite the distance, and mature trees offering some screening, the amenity of these neighbours could be affected by direct glare, light spillage or unacceptable levels of light, indeed, a neighbour has objected on these grounds. It is noted that Welland College was granted Planning Permission in 1988 for 8 floodlight columns, each of 16m height, with a total of 16 lights each of 1500 watts. Although these are further from the residential properties, the columns are twice the height, and the lights have a stronger wattage, although there are fewer than this proposal. Environmental Health have considered the submitted Lighting Assessment, and the further information provided by the applicant and raise no objection subject to a condition that the information is verified prior to first use of the floodlights. The floodlights will be on a meter system, with individuals paying per hour for floodlights. When the time paid for has elapsed, the floodlights will turn off automatically. Beyond 2200, the floodlights will cease operating, regardless if there is still money left to run on the meter. The applicant has stated they will be used 'from dusk': in the interests of clarity this has been agreed to be 1500 to 2200 and a condition of approval will be these hours of operation. The proposal will not cause a detrimental affect to neighbour amenity such as to warrant refusal on these grounds and complies with CS:11.

#### Impact upon character of the area:

The columns and their floodlight fixtures are not considered to be attractive structures and would not benefit visual amenity in the locality. However, they are in keeping with the existing use and character of the site and have slender columns and, given the need to support local recreation facilities, the proposal is not judged sufficiently harmful to the character and appearance of the area to warrant refusal on these grounds. The proposal thus complies with CS:1.

#### Highways and parking considerations:

No alterations to parking or access are proposed; Highways have made no comments

#### **Conclusion:**

It is considered that the proposal complies with Policy CS:11 and SPG note 12, is in keeping with the form, character and appearance of the surrounding 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.

**Conditions / Reason:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. **REASON:** To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be implemented fully in accordance with the submitted plans drawing reference KL 3177 issue B, TamLite Lighting Product Data Sheet, TamLite Market Harborough Tennis Court Lighting report, location plan 1:1250, block plan 1:500, A4 plan showing tennis courts. Reason: For the avoidance of doubt.
3. Before first use of the floodlights hereby permitted, verification of light levels in accordance with the approved lighting assessment "TamLite Market Harborough Tennis Court Lighting", and the email of 12<sup>th</sup> Jan 2012 from Kim Prestwood to Dave Turner DT Leisure, and in accordance with Institute of Lighting Engineers' standards, shall be submitted to and approved in writing to the LPA. Any additional measures required as a result of the verification shall be carried out prior to the first use of the floodlights. The floodlighting and any measures approved shall be maintained in accordance with the approved details. **REASON:** To minimise light pollution and in the interests of the amenities of the area and to accord with Harborough District Core Strategy Policy CS:11
4. The floodlights hereby approved shall not be illuminated outside the hours of 1500 and 2200 from Mondays to Fridays and between 1500 and 2200 on Saturdays, Sundays and Bank or Public Holidays. **REASON:** To minimise the impact of the floodlights and in the interests of the amenity of the area and to accord with Harborough District Core Strategy Policy CS:11.

**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.

11/01790/FUL – MARKET Change of use from hostel to single  
HARBOROUGH dwelling, 104 Northampton Road,  
Mrs D Davies Market Harbourough

Target Date: 10/02/12

### **Recommendation**

Approve for the following reason and appended conditions:

The use hereby permitted is compatible with the surrounding area and would not adversely affect the character and appearance of the existing building or the visual amenities of the area. Furthermore, the proposal would not adversely affect the amenities of adjoining residents, nor give rise to an unsafe highway situation. The proposal is therefore considered to accord with Harbourough District Core Strategy Policy CS11.

### **Site**

The application relates to a former hostel owned by Harbourough District Council. The property was constructed in the late 1800's and is semi-detached (adjoining a residential dwelling). The site is located on the corner of Northampton Road and Gladstone Street. There is a small garden to the front of the building and a gravelled parking area, with dropped kerb access from Gladstone Street at the rear. To the West of the site are a row of garages. To other sides, surrounding properties appear to be residential, with the exception of a dental surgery to the South.

### **The Proposal**

The application proposes the change of use from a hostel (providing 5 bedsits) to a single residential dwelling. No external changes are proposed.

The property is currently owned by the council and the application is therefore reported to committee.

### **Policy**

#### **National:**

PPS1 – Delivering Sustainable Development

PPS3 – Housing

Planning for Growth (23<sup>rd</sup> March Ministerial Statement)

#### **East Midlands Regional Plan**

#### **Harbourough District Core Strategy**

CS2 Delivering New Housing

CS3 Delivering Housing Choice and Affordability

CS5 Providing Sustainable Transport

CS8 Protecting and Enhancing Green Infrastructure  
CS9 Addressing Climate Change  
CS11 Promoting Design and Built Heritage  
CS12 Delivering Development and Supporting Infrastructure  
CS13 Market Harborough

### **Consultations / Representations (summary, full details on file)**

#### Highways Authority:

On the basis of the existing use of the premises as a hostel and the existing off street car parking facilities, the proposal will be acceptable to the Highway Authority. No observations.

#### Market Harborough Civic Society:

Supports the proposal, no comments to make

#### Representations Received

A representation has been received on behalf of the occupants of 1 and 2 Albany Mews, which supports the proposal as the only acceptable status, given the existing dental practice adjacent and the resultant increase in traffic and parking as a result.

#### Relevant History

92/02026/3D - Conversion of building to form 5 no bedsitting units with communal kitchen, dining and toilet facilities 104 Northampton Road Market Harborough (permitted)

#### Reason for Report to Committee

This application is being reported to the Planning Committee for determination as the property is owned by Harborough District Council.

### **Planning Considerations**

#### Policy Assessment:

As this application is for the change of use of a former hostel to a dwelling, Core Strategy Policy CS 11 is considered most relevant to the proposal.

#### Impact on the Character of the Area

The proposed use is considered compatible with the surrounding area and would not result in an adverse impact on the character or visual amenity of the area.

#### Residential Amenity

The proposal would not be considered to adversely affect residential amenity at neighbouring properties. The reduction in the potential number of households using the property would be considered to reduce the level of disturbance to surrounding properties.

#### Access and Parking

The site provides sufficient off-road parking for three vehicles and is therefore considered to comply with current parking standards. In any case, given the existing

lawful use (the consent for which does not stipulate the retention of off-street parking facilities), the proposal would be considered to reduce the potential for indiscriminate parking in the Highway.

#### Affordable Housing and Planning Obligations

The application does not propose an affordable housing contribution as it would theoretically result in a net reduction in housing given the existing consent as a 5 bedsit hostel.

#### Biodiversity

The proposal does not include external changes and therefore would not be considered to adversely affect levels of biodiversity or protected species.

#### Climate Change and Sustainable Transport:

The application site is considered a sustainable location, being situated in Market Harborough and within a reasonable walking distance of the Town centre. Notwithstanding this, the proposal would theoretically reduce the number of households residing at the premises.

#### Housing Supply

The Council's Housing supply calculation indicates that there is a shortfall in housing supply. This proposal would effectively result in a reduction of residential units, however the original consent for the use as a hostel is for the benefit of the applicant (the Council) only and as the hostel is no longer required by the Council, the premises is not being used.

#### **Conclusion**

The proposed use is compatible with the surrounding area and would not adversely affect the character and appearance of the existing building or the visual amenities of the area. Furthermore, the proposal would not adversely affect the amenities of adjoining residents, nor give rise to an unsafe highway situation. The proposal is therefore considered to accord with Harborough District Core Strategy Policy CS11.

#### Conditions

1. The use hereby permitted shall commence before the expiration of three years from the date of this permission. REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

#### 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.