

PLANNING COMMITTEE

19th July 2022

APPLICATIONS FOR DETERMINATION

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Meeting of the Planning Committee, 19th July 2022

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Planning Committee Report

Applicants: Parker Strategic Land and Scraftoft Golf (Holdings) Ltd

Application Ref: 19/001850/OUT

Location: Land at Gaulby Lane, Houghton on the Hill

Proposal: Hybrid planning application comprising:

Detailed application for development of an 18-hole golf course, practice areas, a golf academy with 9-hole course, driving range and reception building and a grounds maintenance facility and associated access works (including a new junction with the A47 and a new road to join Gaulby Lane (with the existing junction closed off), and access design details to a grounds maintenance compound off Gaulby Lane) and the demolition of existing buildings on site; and

Outline application for the development of associated buildings (including clubhouse, driving range, reception building and grounds maintenance facility) car parking areas, enclosures, bridges and lighting

Application Validated: 12th November 2019

Application Target Date: 21st February 2020 (Extension of Time agreed)

Site Visit Dates: 31st October 2019, 19th November 2019, 8th January 2020, 22nd January 2020, 19th March 2020, 12th August 2020 , 4th April 2022, 10th June 2022

Reason for Committee Decision: The application is to be determined by Planning Committee because of the scale and nature of the proposed development.

Parish / Ward: Houghton on the Hill / Thurnby and Houghton

Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report, subject to:-

- (i) The proposed conditions set out in **Appendix A (with delegation to the Development Planning Manager to agree the final wording of these)**; and
- (ii) The Applicant's entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (and S38/S278 of the Highways Act 1980) to provide for the obligations set out in **Appendix B** and justified in **Section 6c** of this report (with delegation to the Development Planning Manager to agree the final wording and trigger points of the obligations)

1. Introduction

- 1.1 As will be discussed later in this report, the Proposed Development is intrinsically linked with the Scraftoft North SDA proposals (19/00700/OUT). This link has a number of implications which will be discussed throughout the report in the relevant Sections.

2. Site & Surroundings (including site history)

- 2.1 The site is located to the east of the settlement of Houghton-on-the-Hill to the south of the A47 (see **Figures 1 and 2**). The site is located approximately 7 miles (11 Km) east

of Leicester City Centre, and 11 miles (18 Km) from Junction 21 of the M1 Motorway. Market Harborough, the largest settlement in Harborough District, is some 15 miles (24Km) to the south of the site. The nearest rail station is at either Leicester or Market Harborough.

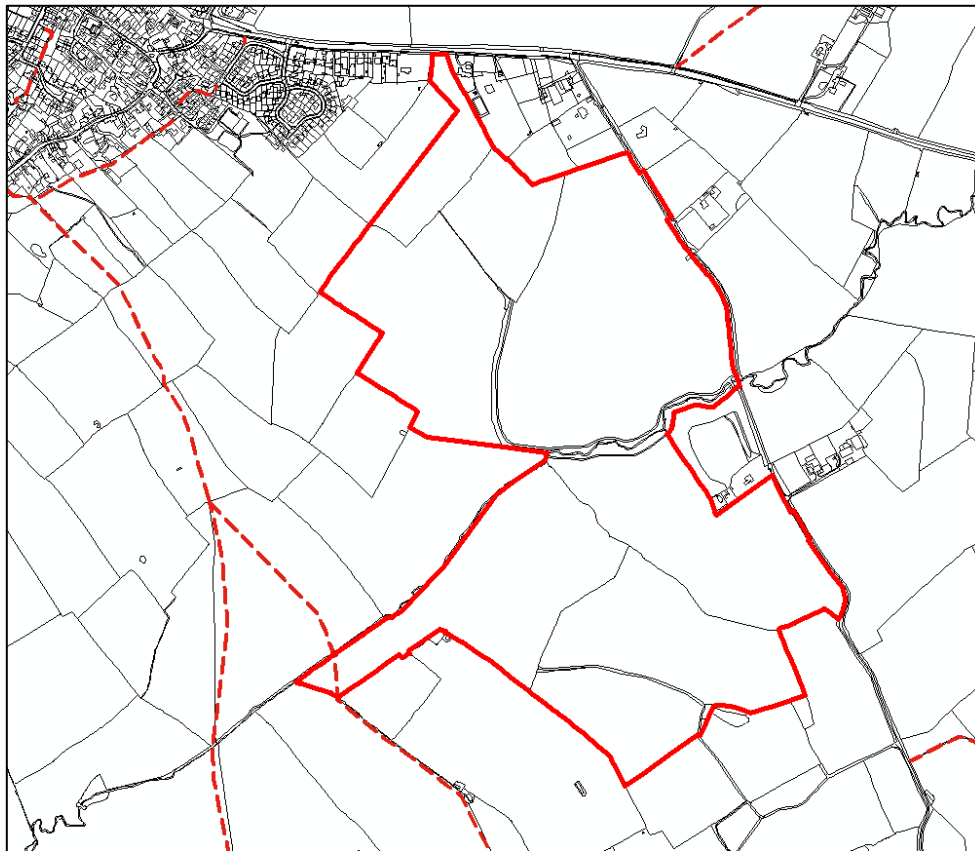


Figure 1: Site Location Plan

2.2 There are no occupied buildings on the site. There is one redundant building on the site and several occupied residential and farm buildings adjacent to the site, and these are described below.

- Derelict Barn - There is a derelict barn building within the site on Gaulby Lane approximately 510m from the existing junction with the A47. This has been unused for several years and is now dilapidated;
- Houses on Palace Hill / Gaulby Lane – there are three individual houses on the northern part of Gaulby Lane off the A47. Two of these properties are accessed from Gaulby Lane and surrounded by a wooded hedgerow. There are two further gated residential properties to the east side of Gaulby Lane, again screened by generous garden trees and hedges;
- Glebe Farm – is an individual house south of the River Sence alongside a large treelined paddock field; and
- Frisby Grange Farm – is opposite on the eastern side of Gaulby Lane approximately 250m south of the River Sence

The nearest properties within Houghton-on-the-Hill village are approximately 100m from the proposed new access, but generally properties are at least 230m from the proposed course site boundary.

2.3 The site measures 87.62 hectares in total, including the land required to form the new junction to the A47 and the new access off Gaulby Lane for the grounds maintenance compound. The site is 1,540m from north to south, and 1,150m from east to west at its

longest. The site narrows in the middle as it spans the River Sence, where the site has a 470m long frontage to the River Sence on the north and south sides. The frontage to the A47 is 75m and there is 950m of frontage to the existing Gaulby Lane, which forms the eastern site boundary along most of its length. The site forms both sides of the upper River Sence valley sloping down to the river from higher ground to the north along the A47 and the high ground at Billesdon Coplow, which forms a distinctive local hill to the east, and from Frisby Hill to the south. The valley floor is relatively flat with the river itself in a steep-sided ditch through the site. The landform creates a natural bowl with higher ground looking into the valley and serving to contain the site in wider views from the surrounding landscape.



Figure 2: Aerial Photo of site

- 2.4 The site is characterised by large arable fields with trees mainly confined to the field boundaries and along the River Sence corridor. The hedgerows on the site are of variable quality. Most of the 'important' hedges are boundary hedges and will be retained and are unaffected by the proposals.

3. The Application Submission

a) Summary of Proposals

- 3.1 The application is a hybrid application, the majority of the proposal is in Detailed form, with detail being reserved for later consideration for the built facilities on the course such as the Clubhouse, and Grounds Maintenance Compound (see **Figure 3**).
- 3.2 In summary, the matters for approval in detail are:
- The main course – an 18-hole, 7,054-yard (6,450m) golf course located to the north and south of the River Sence including tees and greens, sand bunkers,

ponds and swales, fairways and rough areas, a putting green, chipping green and short game practice area;

- The driving range (the buildings, car parking and lighting are reserved)
- Landscape planting including strengthened hedgerows and new woodlands and individual tree planting, with some selective tree and hedgerow removal;
- Landform re-modeling to create the course including cut and fill across the course including creation of the platform for the proposed new buildings and car parking areas;
- A water management system including drainage and irrigation systems, including attenuation ponds for the proposed new Gaulby Lane, feature attenuation ponds within the course, swales leading from the ponds to the River Sence, new wetland ecological areas, an irrigation lake and irrigation pipe network and pumping stations and associated drainage infrastructure;
- A network of paths across the course to access the course and infrastructure including the attenuation ponds and irrigation lake;
- New Gaulby Lane replacing the northern part of the existing Gaulby Lane with a new 660m stretch of road and a new junction with the A47, new footway to the south side and drainage verge to the north, and access points to the main facilities off the lane;
- Access to the Grounds Maintenance Compound facility off the existing Gaulby Lane.

3.3 The matters reserved for future approval are:

- The Clubhouse on two floors with a main car park alongside and to the south of the New Gaulby Lane, and an overspill car park to the north of the New Gaulby Lane;
- The Driving Range building and related dedicated car parking accessed from the New Gaulby Lane, connected to the clubhouse by a bridge structure;
- Drainage system for the buildings and car parking areas, including swales and ponds;
- The Grounds Maintenance Compound facility (GMC) located off Gaulby Lane with a new access formed (details unreserved) including workshop and storage buildings, water tanks, glass/green houses and plant/tree nursery;
- A variety of other structures and buildings including a 'Half-Way House' and other shelters set within the course to provide facilities/amenities such as toilets / wash rooms and refreshments and weather protection; the roadside and irrigation lake fencing; and
- Lighting, including external building lighting, driving range operational lighting and other lighting within the public realm.



Figure 3: Parameters Plan

b) Documents submitted in November 2019

i) Plans

- 3.4 Plans have been submitted showing the extent of the site, the proposed layout and details of the proposed works including parameters for the built development.

ii) The Design & Access Statement

- 3.5 The Design and Access Statement (hereafter referred to as DAS) provides information to explain and understand the proposals, to demonstrate the decision making process used to help develop them and the reasoning behind key decisions that have shaped the proposed development.

iii) Environmental Statement including non-technical summary

- 3.6 The proposal is Environmental Impact Assessment development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Statement (hereafter referred to as 'ES') has been produced to examine and evaluate the likely significant environmental effects of the development as required

by Schedule 2 (12f – Golf Course and associated development exceeding 1Ha in size) of the Regulations. The ES contains the information necessary to enable the assessment of the likely significant environmental effects of the development.

3.7 For each issue identified the ES sets out the methodology used to analyse the impact of the development, including details of the baseline situation and impacts likely to result from the proposed development. All effects direct, indirect, secondary, cumulative, short, medium, long term, permanent, temporary, positive and negative have been analysed within the ES and measures considered such as to mitigate any identified impacts.

3.8 The non-technical summary document comprises a summary of the findings which the general public and non-technical experts can understand.

iv. Supporting Statements

○ *Planning Statement (prepared by Andrew Hiorns Town Planning Limited, November 2019)*

3.9 This Statement sets out the planning policies and guidance of particular relevance to the development proposals. It identifies the extent to which the proposed development complies or conflicts with each of the policies and, where relevant, refers to other documents in the application submission that further explore the consistency of the proposal with the intent of policy.

○ *Design and Access Statement (prepared by Andrew Hiorns Town Planning Limited, November 2019)*

3.10 The Design and Access Statement describes the background to the proposals and presents the design proposals. The application is in Outline, that is, it seeks permission for the principle of the development but also 'un-reserves' details to enable them to be approved in full.

○ *Transport Assessment and Travel Plan (prepared by RPS, June 2019)*

3.11 The TA and TP have been prepared by RPS. The TA provides details of the proposed sites location and surrounding highway network, together with the opportunities for travel by modes of transport other than the private car, whilst the purpose of the TP is to provide a framework from which staff and visitors/members can make informed decisions about their method of travel, whilst minimising the impacts their travel has on the surrounding environment.

c) Amended / Additional Plans / Drawings and Supporting Documents

○ *April 2021 – Archaeological Evaluation Report*

3.12 This document forms the report for an archaeological trial trench evaluation of the proposed development area that was requested by the Harborough District Council, following advice from the Leicestershire Planning Archaeologist and in accordance with the National Planning Policy Framework (NPPF) Section 16 Conserving and Enhancing the Historic Environment (MHCLG 2019). It follows an archaeological desk-based assessment (Hunt and Speed 2018) and subsequent geophysical survey of the area (Fradgley 2020) that concluded that the site had archaeological potential. It was anticipated that the evaluation would provide preliminary information regarding the character and extent of any buried archaeological remains which may exist on the site, to form a mitigation strategy for the development. University of Leicester Archaeological Services (ULAS) were commissioned by Parker Strategic Land to undertake the evaluation comprising 120 x 50m long trenches with an additional 15 x 30m long contingency trenches, between 19th October – 1st December 2020.

- *February 2022 – Highways Technical Note*
- 3.13 Additional reasoning and justification for Highway design of new element of Gaulby Lane and its proposed junction with the A47
- *February 2022 – Response to LLFA*
- 3.14 Additional reasoning for proposed culverting provided to address LLFA comments

d) Pre-application Engagement

- *LPA Engagement*
- 3.15 Prior to submitting the planning application, the Applicants held pre-application discussions with officers of the Council. The Applicant's have also engaged in Community Partnerships Groups meetings with local representatives, established by the LPA

4. Consultations and Representations

- 4.1 The Council has undertaken extensive consultation in respect of this planning application. Technical consultees and the local community were consulted at the initial consultation stage (November 2019) with relevant consultees being consulted again following the receipt of additional technical information in April 2021 and February 2022. The application was also advertised in the local press (Leicester Mercury) and through the posting of Site notices.
- 4.2 A summary of the technical consultee's responses received is set out below. Where appropriate the responses will be discussed in more detail within the main body of the report. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

1. National Bodies

- 4.1.1 *Natural England (16/12/19)*
No objection - subject to appropriate mitigation being secured.
- 4.1.2 We consider that without appropriate mitigation the application would:
 - have an adverse effect on the integrity of Kilby - Foxton Canal Site of Special Scientific Interest (SSSI);
 - damage or destroy the interest features for which SSSI has been notified
 In order to mitigate these adverse effects and make the development acceptable, the following mitigation measure is required / or the following mitigation option should be secured:
 - A surface water drainage scheme which disposes of all surface water harmlessly on the site in a sustainable way by means of Sustainable Urban Drainage Systems (SuDs) which incorporates systems to clean the water. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the CIRIA SuDS Manual (2015) C753 guidance and will include at least one water quality treatment train. We advise that appropriate planning conditions or obligations are attached to any planning permission to secure this measure.
- 4.1.3 The application site is within the Site of Special Scientific Interest Impact Risk Zone and Catchments Risk Zone of Kilby - Foxton Canal Site of Special Scientific Interest (SSSI). The plant and animal communities of the site represent excellent examples of those characteristically associated with slow-flowing lowland rivers in eastern and central England. Within Leicestershire this type of habitat is under increasing threat due to hydrological modification of many of the County's natural catchment systems.

Impact Risk Zones are a GIS tool developed by Natural England to make a rapid initial assessment of the potential risks posed by development proposals to protected sites. They define zones around each site which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts. Any further planning application should include sufficient information to demonstrate that any potential impacts to the SSSI have been adequately avoided or mitigated using appropriate measures and safeguards.

- 4.1.4 The proposed development has the potential to effect the SSSI due to interference with water supply mechanisms and drainage arrangements. Natural England welcomes the intention of the applicant to produce a water management system including drainage and irrigation systems and to control surface water run-off as near to its source as possible through a Sustainable Drainage System (SuDS) approach to surface water management. Where SuDS are used, it will be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. The 'Construction Environment Management Plan' is also an important tool to reduce risk to the SSSI. Further information on the SSSIs and their special features can be found at www.natureonthemap.naturalengland.org.uk
- 4.1.5 We note that supporting reports, 'Landscape and Biodiversity Management Plan' and 'Soil Management Plan' are to be produced and would expect them to be submitted as part of any further application.
- 4.1.6 Natural England welcomes the proposal to carry out ecological enhancements on site and recommends adopting the 'net gain' approach. Biodiversity net gain is a demonstrable gain in biodiversity assets as a result of a development project that may or may not cause biodiversity loss, but where the final output is an overall net gain. Net gain outcomes can be achieved both on and/or off the development site and should be embedded into the development process at the earliest stages. The government has recently announced that it will mandate net gains for biodiversity on new developments in England to deliver an overall increase in biodiversity. Furthermore net gain is referenced in the National Planning Policy Framework (NPPF), and is included within the government's 25 year plan "A Green Future". Natural England therefore recommends that the applicants follow the net gain approach and take the opportunity within this proposal to be an exemplar development which can demonstrate a net gain in biodiversity. Metrics exist for calculating the amount of biodiversity required to achieve net gain. The 'Biodiversity Metric 2.0' provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change. A beta version is now available for comment and review to inform design of a final version which will underpin the proposed mandatory requirement for net gain in the planning system. The advantage of using a recognised metric to deliver net gain is that it provides a clear, transparent and evidence-based approach to assessing a project's biodiversity impacts that can assist with "de-risking" a development through the planning process and contribute to wider placemaking.
- 4.1.7 *Environment Agency (10/12/19)*
We have no objections to this application and no further requirements from a protection of controlled waters point of view. In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.
- 4.1.8 The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately

assess the flood risks posed by the development. In particular, the FRA fails to adequately consider flood storage compensation

- 4.1.9 The site proposes a number of areas of ground raising and lowering. While the FRA states that modelling has been undertaken and shows that there will be no impact to third parties the submitted documentation does not appear to consider the possibility of level for level floodplain compensation.
- 4.1.10 The majority of the site falls within flood zone 1 and therefore this land would be an ideal place to site level for level floodplain compensation.
- 4.1.11 To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. Where the proposal includes raising land levels within the flood plain of the River Sense, the FRA should provide details of adequate compensatory flood storage areas on a level-by-level basis.

4.1.12 *Sport England (16/12/19)*

The site is not considered to form part of, or constitute a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No.595), therefore Sport England has considered this a non-statutory consultation. The proposal; seeks to create a new Golf Course and implement a local plan policy which is required as part of the development of the existing Scraftoft Golf Course as a residential development area. Sport England does not wish to make any comments on the design of the proposed Golf Course, particularly as the suite is allocated in the local plan. We support the development of the golf course in principle, which mitigates for the loss of the existing course, but this should not be taken as resolving any other issues raised, as part of our consultation response, on the Scraftoft residential development proposals (your ref 19/00700/OUT)

2. Regional / Local Bodies

4.2.1 *Severn Trent Water (18/12/19)*

Recommend conditions on any approval

3. Leicestershire County Council

4.3.1 *Leicestershire County Council Highways (16/12/19)*

The LHA has engaged in pre-application discussions with the applicant and the scope of assessment of impact has been agreed to understand the potential highway implications of the proposed development on the local highway network. This scope includes both detailed impact analysis as well as a review of road/junction layouts, design and Personal Injury Collision data.

- 4.3.2 To support the planning application the applicant has submitted the following documents / plans to assess the impact of the development on the local highway network:

- Transport Assessment (TA) - prepared by RPS
- Travel Plan (TP) - prepared by RPS
- Drawing No. JNY8959-10 Rev A, 'Proposed Highway Access', prepared by RPS
- Drawing No. JNY8959-02 Rev K, 'Existing and Proposed Carriageway Levels', prepared by RPS
- Drawing No. JNY8959-04 Rev A, 'Gaulby Lane Maintenance Compound Proposed Site Access', prepared by RPS;
- Drawing No. HGC01/104, 'Parameters Plan', prepared by Creative Golf Design

- 4.3.3 Given the scale of development and due to the volume and complexity of technical evidence submitted the LHA would advise the LPA that it will require additional time to fully review the application. As a result, the LHA would request the LPA not to determine the application until the LHA has had the opportunity to provide a substantive response.
- 4.3.4 *Leicestershire County Council Highways (25/03/20)*
As part of the development proposal, a new road will be provided to the east of the village off the A47. This road will divert part of Gaulby Lane past the new golf course and result in the closure of the existing Gaulby Lane/ A47 junction. The new road as shown on drawing ref: JNY8959-02 Rev K is proposed to join the A47 via a new priority junction arrangement with a ghost right turn. The Swept Path Analysis has been undertaken on the new access road and access onto the A47 and is shown in drawing ref: JNY8959-07 Rev A.
- 4.3.5 The Applicant has obtained speed data which shows recorded speeds of 52.7mph eastbound and 50.3mph westbound as collected by an automatic traffic survey in March 2017. More information on the site access proposals can be found in Section 5 and Appendix G of the TA.
- 4.3.6 The LHA has reviewed the proposal for the site access and new road, along with the Stage 1 Road Safety Audit and Designer's Response, and would offer the following comments for the Applicant to consider/address:
- Carriageway width and lane widths are acceptable;
 - The footway width of 2m is acceptable;
 - Direct taper length, deceleration length and turning length of the proposed right hand turn lane are all acceptable and within the design speed of the road; however
 - Given the nature of the road and the number of existing accesses/junctions the LHA does not consider it reasonable to reduce the speed limit to 40mph as proposed. The Applicant should provide visibility splays for the new junction with the A47 in line with the guidance set out in the Leicestershire Highway Design Guide (LHDG)
- 4.3.7 The Applicant has failed to provide any information regarding highway drainage. The Applicant and LHA has previously had discussions on this issue as part of the pre-application advice to ensure the LHA will adopt the new road as publicly maintainable highway. Therefore the LHA will require details of the Applicant's intentions and a highway drainage design drawing. This will ensure the LHA can mitigate any issues at this early stage.
- 4.3.8 Until the above information has been submitted by the Applicant, the LHA cannot be certain that a safe and suitable access can be achieved for all users in accordance with paragraph 108 of the National Planning Policy Framework (NPPF).
- 4.3.9 The TA sets out a review of five years of Personal Injury Collision (PIC) data for the period from 1 January 2013 to 7 April 2018. According to the Applicant there have been three PICs in their study area (Appendix C of TA) all of which were classified as slight. The Applicant concluded that there are no patterns or trends which would need further investigation. To ensure the most up-to-date the PIC data has been analysed, the LHA has looked at the same study area for the most recent data available i.e. 8 April 2018 to 30 November 2019. This shows that there were no additional PICs during period under consideration. The LHA is satisfied with the Applicant's conclusion that

no further road safety measures are required in connection with the proposed development based on the evidence available.

- 4.3.10 The Applicant has interrogated the TRICS database to establish the number of trips. Notwithstanding the information submitted so far the LHA would advise the Applicant that a sensitivity test be undertaken and the TRICS data be supplemented by data from the existing golf club (whilst it was fully operational) along with an indication of the likely number of trips based on the conference facilities (from TRICS) the proposed development will provide.
- 4.3.11 The Applicant has distributed trips to and from the site on the existing highway splits. This is shown on the flow diagrams included in Appendix J. The LHA would advise the Applicant to obtain data from the golf club to identify which postcode/area existing golf club members are travelling from. This could then be used along with catchment areas for future golf club members to establish their likely routes. Once this information is submitted the LHA will be in a position to advise the LPA of the impact of the development on the highway and if any mitigation is required.
- 4.3.12 This is an Outline application with access to be determined. The internal layout is not being determined as part of this application however the LHA would advise the Applicant to consider the standards contained in the LHDG for the size/number of car parking spaces and the level of cycle parking the Applicant provides.
- 4.3.13 The nearest bus stops to the proposed development are located on the A47. The No.747 service between Leicester and Uppingham provides one bus an hour including in the AM and PM peak hours. Given the nature of the development the LHA accepts that the possibility of visitors using the bus/walking/cycling is likely to be low. However there are opportunities for the use of sustainable modes of travel and car sharing for staff which the Applicant has advised will be promoted as part of the Travel Plan.
- 4.3.14 The observations above represent the LHA's second formal observations on the planning application. Prior to any further review of the transport evidence the LHA would advise the Applicant to submit the following information:
- Appropriate visibility splays for the A47 / new road on a revised drawing
 - Highway drainage details and plan(s) for the new road
 - Revised Trip Generation / Distribution to take into account existing golf club data
- Once the trip generation and distribution is acceptable the LHA will review the impact of the development on the highway and identify if any mitigation is required.
- 4.3.15 *Leicestershire County Council Highways (following submission of additional information (27/06/22))* (Full comments can be seen at **Appendix C**)
The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.
- 4.3.16 *Leicestershire County Council Planning Ecologist (12/10/19)*
I have no objections to this development - it will bring about improvements in biodiversity through creation of wetlands, wildflower grassland and native tree, shrub and hedge planting. I have one minor comment on the landscape plans: *Prunus padus* (Bird Cherry) and *Menyanthes trifoliata* (Bog-bean) are not native to Leicestershire. I

recommend replacement with Wild Cherry (*Prunus avium*) and Floating pondweed (*Potamogeton natans*). Although Scots Pine isn't locally native, it is a good tree for wildlife and I've no objections to its inclusion in the woodland blocks at a low percentage, as shown on the plans.

- 4.3.17 The current land-use is arable, of minor ecological value apart from the R Sence, some veteran trees and species-rich hedges. The majority of important hedges are retained within the golf course layout with only minor impacts. Some of the veteran trees meet Local Wildlife Site criteria; I have listed these below they are all assessed as condition B or A in Wardell Armstrong's tree survey apart from one assessed as U (T34), which may require removal. Apart from this, all veteran meeting LWS criteria are retained in the layout.
- 4.3.18 I have identified the veteran trees meeting LWS criteria from WAs tree report using a combination of tree description and diameter; all ash over 3m girth and Oak over or near 3.7m girth, with dead wood habitats, are identified. My list is very different to WAs they also identify some veterans, but the criteria they use are not clear to me; only one tree of any size (T103) is identified as a veteran by WA, and they have omitted several trees of significant girth and importance. Apart from T103, none of the trees they have identified as veterans meet LWS criteria for this habitat.
- 4.3.19 The ecology surveys by Middlemarch are excellent, and comprehensive; I have no comments on them. No further ecology surveys are needed apart from the following:
1. an update otter survey of the Sence prior to removal of vegetation/creation of bridge crossings over the Sence - evidence of otter use was found along the river, although not of breeding or resting up on site; however this may change in future.
 2. A badger survey prior to ground disturbance, in case badger activity changes. A main sett is present on site, but should not be harmed as long as mitigation proposed by Middlemarch is followed.
- 4.3.20 The area exhibits a moderate amount of bat activity, which should not be adversely affected by the development as long as the lighting strategy reduces lighting to a minimum and directs it away from bat foraging corridors and potential bat-roost trees. Middlemarch did not find any bat roosts in trees, but as far as I can tell, all trees of moderate to high bat roost potential are being retained.
- 4.3.21 Bird activity was also moderate and typical of intensive arable farmed landscape in Leicestershire; farmland birds will be displaced to neighbouring farmland, but this habitat is abundant in Leicestershire, and the loss of it is negligible. It will be replaced by a different habitat of young trees, hedges, rough grassland and wetlands, which will be of value for woodland and scrubland birds. There were no predicted impacts to reptiles and amphibians.
- 4.3.22 I recommend conditions be imposed on any approval
- 4.3.23 *Leicestershire County Council Lead Local Flood Authority (20/12/19)*
The site is located within Flood Zone 1 being at low risk of fluvial flooding. The detailed Flood Risk Assessment covers the majority of the information required. However the detail in Drawing: H10/P/005A (Drainage & Water New ditches Management Plan: Page 48 FRA), raises concerns to the LLFA. Namely the use of four sections of culvert in what was previously open watercourse.

4.3.24 The LLFA's culverting policy is as follows:

"The council opposes the culverting of watercourses; however we recognise there are situations where culverting may be desirable. In these cases open span bridges should be considered first as alternatives to culverts. Any applicants will be required to prove why a culvert is the only practicable option, and provide information to show that it will not have a detrimental effect on flood risk, water quality or wildlife".

This above statement was provided to the applicant within the pre-application advice provided by the LLFA. Although we grant that culverting is required in some cases, the length of culverting should be minimised and any proposed culverts to existing watercourses full substantiated by the applicant.

4.3.25 Furthermore, the same drawing does not demonstrate how the proposed ponds discharge or overflow to the downstream watercourses, or how the flows will be restricted to existing rates (where relevant). However it is noted as the proposals are for outline approval and as such these elements may be dealt with as part of a condition set against any approval given by the LPA.

4.3.26 Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following information is required in relation to the proposed culverting of watercourses:

- Full consideration given to minimising the length of proposed culverted watercourses.
- Provide evidence that the proposed culverted watercourse sections are unavoidable and required for the function of the proposals.
- Provision of overland flow routing plans indicating the direction of flow to final receptor in a blockage scenario for each of the proposed culverted watercourses.

4.3.27 *Leicestershire County Council Lead Local Flood Authority (Following submission of additional technical information) (10/03/22)*

The site is located within Flood Zone 1 being at low risk of fluvial flooding. The detailed Flood Risk Assessment covers the majority of the information required. In the previous response, the LLFA raised concerns on the detail in Drawing: H10/P/005A (Drainage & Water New ditches Management Plan: Page 48 FRA). Namely the use of four sections of culvert in what was previously open watercourse. The applicant has provided amended proposals to redirect one of the four watercourses and has provided reasoning as to why the other culverts are required. As these culverts are essential for the function of the golf course the remaining culvert lengths are deemed reasonable. However the LLFA maintains its standpoint that these culvert lengths should be kept to a minimum and should be replaced if more suitable viable alternatives be found.

4.3.28 The LLFA notes the reference to H10/P/010A and additional comments made in the LLFA Response document in relation to the culvert exceedance, connectivity and maintenance. As such the LLFA considers the proposals be acceptable and recommend including the recommended conditions.

4.3.29 *Leicestershire County Council Archaeologist (02/12/19)*

Following appraisal of the above development scheme, we recommend that you advise the applicant of the following archaeological requirements.

- 4.3.30 The Leicestershire and Rutland Historic Environment Record (HER) notes the development site is situated within a larger area of archaeological interest. To the north-west of the development area is the historic settlement core of Houghton on the Hill (HER ref: MLE16325) which is thought to have been established in the medieval period. Just outside of Houghton on the Hill is a site which has evidence of Roman activity (HER ref: MLE1660) in the form of pottery and prehistoric activity (HER ref: MLE16941) in the form of knapped flint found via field walking. Close to the north of the development area there was a probable 12th century mill mound (HER ref: MLE1656). An undated pillow mound (HER ref: MLE1659) is located just outside of the development area. To the south of the development area potential undated ring ditches (HER ref: MLE1515) are recorded as well as other earthworks (HER ref: MLE1513). A Saxon burial (HER ref: MLE24171) with various brooches, silver pendant and 13 beads, were also found south of the site which had been disturbed by ploughing. To the west of the site evidence of Roman activity (HER ref: MLE1663 & MLE8940) has been found.
- 4.3.31 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.
- 4.3.32 This will require provision by the applicant for:
1. A geophysical survey
 2. A field evaluation, by appropriate techniques including trial trenching, if identified necessary in the assessment, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by 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 Assessment would provide, it would be difficult in our view for the planning authority to assess the archaeological impact of the proposals.
- 4.3.33 Should the applicant be unwilling to supply this information as part of the application, it may be appropriate to consider directing the applicant to supply the information under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, or to refuse the application. These recommendations conform to the advice provided in DCLG National Planning Policy Framework (NPPF) Section 16, paras. 189 & 190).
- 4.3.34 Should you be minded to refuse this application on other grounds, the lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential is given future consideration.
- 4.3.35 The Historic & Natural Environment Team (HNET), Leicestershire County Council, as advisors to the planning authority, will provide a formal Brief for the work and approve a Specification for the Assessment at the request of the applicant. This will ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority, in a cost-effective manner and with minimum disturbance to the archaeological resource. The Specification should comply with relevant Chartered Institute for Archaeologists “Standards” and “Code of Practice”, and should include a

suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable.

4.3.36 *Leicestershire County Council Archaeologist (17/06/21)*

We have reviewed the archaeological information regarding the site and while both the trenching report and the geophysical survey has enough information for us to be able to determine the application, we do not think there is enough information to fully inform a mitigation plan. Therefore we think further exploratory investigations are needed to focus in and refine the areas of mitigation before a mitigation plan can be produced.

4.3.37 The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains. In consequence, the local planning authority should require the developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 199). In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 190, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 199, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

4.3.38 In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicants request.

4.3.39 If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Departments Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland and with relevant Institute for Archaeologists Standards and Code of Practice. It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

4.3.40 We therefore recommend that any planning permission be granted subject to the recommended planning conditions (informed by paragraph 37 of Historic Englands Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present.

4. *Harborough District Council*

4.4.1 *Harborough District Council Neighbourhood Green Spaces Officer (10/12/19)*

The golf course is part of Local Plan policy SC1 part 4, and is therefore supported in policy terms. I have no specific comments to make concerning the design of the proposal. Provision must be made to ensure that habitat is retained as far as possible on site, existing habitat should where possible be enhanced and water courses should be protected from polluted run-off or spillage from golf course operations.

- 4.4.2 I note the proposed tree planting (Oak woodland, riverside woodland, hedgerow and aquatic planting) which is welcomed. The grass seeding schedule using Emorsgate seed mixes is appropriate. Consideration should be given to the preparation of the seed beds for low nutrient grassland to ensure that lush grass species do not become dominant.
- 4.4.3 The design of the club house will be important within the countryside and careful consideration should be given as to how this can be successfully and sympathetically integrated into the proposal. (See SC1 4.d) I note the proposals but have no specific comments to make except could a living roof be considered?
- 4.4.4 The Houghton Neighbourhood Plan does not specifically consider the golf course, as it is part of a strategic requirement from the Local Plan and part of the golf course area sits outside the neighbourhood area for Houghton and therefore outside the remit of Houghton NDP policy.

5. Members of Parliament, Councillors, Neighbouring Local Authorities and Parish Councils

4.5.1 *Houghton Parish Council (13/12/19)*

The Parish Council had been advised that the District Council was some months from determining the application and, if the Parish Council needed more time to consider the application, that would not present a problem. It was expected that there would be another round of consultation when statutory consultees had made their comments and asked for additional information.

- 4.5.2 This was a major application affecting a large area of Houghton Parish, and also a considerable area of Gaulby Parish. The development was included as a feature of the HDC Local Plan. It was considered as outside the scope of the Houghton Neighbourhood Plan (NP) since it extends beyond the NP designated area. The proposal arose after the primary community consultation for the NP and hence was not considered in that consultation, though was included in later community consultations on drafts of the NP.

- 4.5.3 At this short notice, it was resolved that Houghton Parish Council wished to reserve its detailed comments on the proposal pending its consultation with, and analysis of comments and other feedback from its residents, although in the interim it would present the following general comments:

- 1) There had been no public consultations between the proponents of the plan (either Parkers Strategic Land (PSL) or Scraftoft Golf Club (SGC)) and the Houghton Community to date, which was unusual for such a large application. The Parish Council requested meetings with SGC in early 2019 and monthly meetings were held between representatives of the Parish Council and SGC in February, March and April. Subsequent meetings were postponed and cancelled by SGC due to its delays in preparing the planning application.
- 2) Houghton Parish Council was a member of the Scraftoft North Strategic Development Area (SDA) Community Partnership Group, and presented a briefing note to the Group meeting in March 2019 which summarised the Parish Council's view (*copy attached as Annex 1 - see **Appendix D***). This Group had not met since then, awaiting the submission of the planning applications for both the SDA development and the Golf Course.

4.5.4 *Gaulby Parish Meeting (24/12/19)*

The view of the meeting was that whilst it was not believed that there was actually a demand or need for a new Golf Course in Houghton on the Hill, or in the area generally, that no objection would be raised to the Development provided that major concerns in

connection with traffic issues within Gaulby were achieved through the imposition of the following conditions to any planning consent that may be granted:

- No construction traffic in connection with the development to be allowed through Gaulby
 - REASONS – There are no footpaths along the roadsides in the village; there are no streetlights in the village; the roads through the village are narrow and inadequate to carry construction traffic; experience with tractors and other large agricultural vehicles is such that vehicles mount highway verges and represent a hazard to pedestrians
- A suitable weight restriction is applied to any traffic entering / exiting Gaulby Lane
 - REASONS – Gaulby Lane is a narrow single track road with the verges falling away on each side of the road; there are no footways along the roadside along Gaulby Lane; there are no streetlights along Gaulby Lane; there are few passing spaces
- No directional signs to the Development via Gaulby
 - REASONS – to discourage motor cars and light vans and similar vehicles from passing through Gaulby to and from the Development
- Chicanes to be formed on the roads accessing Gaulby with priority signage
 - REASONS – There are no footways along the roadsides in the village; there are no streetlights in the village; the roads through the village are narrow; to slow traffic entering and exiting the village
- Electronic speed signage to show vehicles speed and requesting speed reduction where necessary
 - REASONS – There are no footways along the roadsides in the village; there are no streetlights in the village; the roads through the village are narrow; to slow traffic entering and exiting the village
- Change the angle of the turn from Stoughton Lane into Main Street
 - REASONS – Vehicles regularly turn into Main Street at excessive speeds. If the angle of the turn was at 90° this would necessarily require any turn by any vehicle to be taken more slowly and carefully
- “Fake Gates” on access points to the village
 - REASONS – To emphasise the need for care to be taken when driving within the village; to remind drivers of the need not to drive in excess of 30mph; there are no footways along the roadsides in the village; there are no streetlights in the village; the roads through the village are narrow; to slow traffic entering and exiting the village

As you will note from the points made in this letter, there is great concern for pedestrian and vehicular safety within the village. Increased traffic to the Development will lead to greater danger and the likelihood of serious injury

b) Local Community Comments in relation to initial consultation

1. Objections
- 4.3 32 letters were distributed to individual properties adjoining and adjacent to the application site. The application was also advertised in the local press (Leicester Mercury) and through the posting of 8 site notices in the vicinity of the application site. Officers note that several of the representations are very detailed and whilst regard has been had to these in assessing this application, it is impractical to copy these verbatim and therefore a summary of the key points is provided below.
- 4.4 8 objections have been received from 6 properties within Houghton on the Hill and along Gaulby Lane raising the issues set out in **Figure 4**.

<i>Issues of Principle raised through representations</i>	<ul style="list-style-type: none"> • This will almost completely surround our property and permanently adversely affect this beautiful location. • It will introduce large numbers of visitors to this otherwise peaceful and tranquil location that will be a totally unwelcome intrusion • Large modern buildings and a sea of car parking can in no way be acceptable in this prominent position.
<i>Traffic issues raised through representations</i>	<ul style="list-style-type: none"> • The proposed exit onto the A47 includes a new slip lane to enable the users of the golf course to gain speed onto the A47 as they turn left. The proposed slip road ends around the same location of the existing immediate houses on the A47. The issue with this is that the cars entering the A47 From the golf course will be doing so at speed and at close proximity to the existing drives of the existing houses. • What assessment has been done as a consequence of the additional journeys for the proposed exit, or using the alternative of Gaulby lane. • Why can't the exit be onto Gaulby Lane? • Gaulby Lane is not suitable for increased traffic due to width and construction • Gaulby Lane is a regularly used leisure activity route for walkers, cyclists and horse riders. The introduction of industrial premises into the countryside would involve the introduction of industrial vehicles to this single track 7.5ton weight restricted lane. It seems completely inappropriate to introduce additional traffic, including inevitably large vehicles when the design could include a maintenance depot close to the major routes (A47) and the proposed new access roads near the proposed club house and driving range. • Is there a plan, yet to be revealed, that includes upgrading Gaulby Lane in order to facilitate this additional heavy traffic, if so again this would have the effect of destroying the nature of this fairly unique lane? • The proposed entrance from the golf course will create high levels of additional traffic onto the A47 - into an existing 60MPH zone. • The additional traffic from the golf course will create hundreds of daily additional trips, it is difficult to see how such a scheme will also not be too dangerous. • Egress of traffic onto A47, road is already extremely busy and not very wide • Increased traffic along Main Street, Houghton on the Hill which is already overcrowded
<i>Design / Masterplan issues raised through representations</i>	<ul style="list-style-type: none"> • Gaulby Lane itself has around 6 properties that are of traditional style and design, with the exception of a very modern new build that has been permitted. The very large modern style buildings that are alluded to in the designs suggested appear to be completely at odds with everything in the vicinity. • The club house and driving range would be dominating the skyline at this point no doubt to facilitate beautiful views from its location to the detriment of those that look towards it.
<i>Visual Impact issues raised through representations</i>	<ul style="list-style-type: none"> • Traditional countryside to be impacted and irreversibly adversely affected. • There can be no denying that the proposed location for the maintenance depot is in beautiful open countryside. • Surely a depot should be included amongst the other proposed buildings near the A47 where access to both the major highway and to the proposed course are available without the massive intrusion into the open countryside that a depot would be. • How can a depot, that would require large vehicles to regularly access it, be purposely located along a single track weight-restricted country lane?
<i>Residential Amenity issues raised through representations</i>	<ul style="list-style-type: none"> • The proposed internal access way from the depot to the course is shown proposed immediately adjacent to our boundary and consequently at times when we would most likely want to enjoy the tranquillity of our garden, there will be constant noise from maintenance equipment and vehicles moving to and from the depot.

	<ul style="list-style-type: none"> • Whilst the golf course, if permitted, itself will dramatically impact on the privacy of our premises we hope that all due consideration will be given to reducing the impact of this by way of the planting of screening. • We are very concerned however about the effect of the proposed maintenance depot adjacent to Glebe Farm and opposite Frisby Grange Farm by the introduction of personnel and activity into an otherwise quiet and peaceful location. • Activity are likely to be significant and noisy. Jet washing machinery, maintenance of machinery, vehicles delivering materials/equipment, and vehicles constantly to and from the course. All this would be little noticed if this were located amongst the activities around the 'hub' of the course near the A47. • An industrial depot at the proposed location will introduce numerous unknown people into this area and the security of Glebe Farm and Frisby Grange Farm will be seriously affected as miscreants will not be noticeable or identifiable amongst the many that would be accessing the depot. • The proposed depot would make the area a target for thieves who constantly operate on the countryside and their activities would be far less noticeable amongst the activities around the depot. • The fact that the maintenance depot is intended for the carrying out of equipment maintenance and no doubt cleaning along with inevitable regular movement of vehicles and equipment there would be an introduction of noise into this otherwise virtually silent location. • Would the depot be constantly lit for security, if so it would therefore be a glaring unit in the otherwise dark countryside at night, again destroying the nature of the area and causing light pollution. • Lighting of a depot again would be insignificant if positioned in the proximity of the other buildings, not in the open unspoilt countryside.
<i>Footpath issues raised through representations</i>	<ul style="list-style-type: none"> • There are no public footpaths on the plans. • Recreational walkers have used the headland footpaths on the site for many years and it is disappointing that the applicant has not made allowances for that access to continue. • I would like to make the planning officer aware that following the unsuccessful meetings an evidence based Definitive Map Modification Order co-ordinated by the Parish Council has been submitted to Leicestershire County Council • Many people have walked over this land for many years. Whilst I do not object to this development in principle I would do so if there was no opportunity for local residents to be able to walk safely around the perimeter of the proposed site. • There should be a figure of 8 path around the whole site and with a link at the narrow part in the middle, to allow for long or short walks or runs. My understanding is that the link in the middle would not cross the path of any golf balls. • I urge HDC to reject this development unless and until there are safe a extensive facilities for members of the public to walk around the perimeter of the whole site • During the Government Covid-19 restrictions the fields and open spaces have been a lifeline for local residents to exercise and /or walk their dogs. If these fields were not accessible there would be a very limited number of alternatives within walking distance of the village. • If this access were to disappear, even after the restrictions are lifted, there will be a huge outcry from the local population, many of whom are quite ignorant of the lack of accommodation made by Parkers, for them, in this application.
<i>General issues raised through representations</i>	<ul style="list-style-type: none"> • The planning portal contains many documents relating to this application. Most of the documents only describe the governing legislation associated with a wide range of factors. The consultation documents do not bring out

	<p>in a clear way how the proposal performs against the relevant legislation or criteria. For example, there is no clear indicator on impacts</p> <ul style="list-style-type: none"> • Consideration should be given to funding an average speed camera system through the village to help mitigate the risk. • I'm not opposed to the proposal, subject to appropriate consideration of the relevant factors being shared as a part of the consultation and traffic risks being managed appropriately. • The importance to health of walking is well-recognised, and the damage to the environment of driving to get to a walk is known. • Limited access for the public, therefore depriving others the benefits of space and wildlife
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Figure 4: Objection Issues raised through consultation with local residents

- 4.5 One neutral letter of comment has been received from a property in Gaulby raising the following points:

While we do not object to the proposal in principle, we would question the need for another golf course when golf membership has been declining for several years.

Our concerns mainly relate to problems caused by construction traffic and the inevitable increased flow of traffic through the village when the course is functioning.

We feel that our support of the plans would be conditional on the installation of traffic calming measures in the village.

Houghton lane has a weight restriction but the signs are missing and need to be replaced. It is essential that construction traffic is banned from this narrow lane.

The traffic calming measures we feel should be considered are;

1. Speed indicators at entrance to the village from the Billesdon and Stoughton directions and speed limit of 20mph through the village.
2. Chicanes to slow traffic.
3. Main Street to Stoughton Road junction to be changed from a curve to a right angle with a kerb to reduce speed around the corner.
4. Give way sign to be change to Stop from Main Street direction.
5. No signage indicating Golf Club access from Gaulby via Houghton Lane and no indication in Golf Club literature or website that this is a possible access point

5. Planning Policy Considerations

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

a) Development Plan

- 5.2 Section 38(3) (b) of the 2004 Act defines the DP as the DP documents (taken as a whole) that have been adopted or approved in that area.
- 5.3 The DP for Harborough comprises:
- The Harborough District Local Plan adopted April 2019
 - Made Neighbourhood Plans.
- 5.4 Material considerations include any consideration relevant in the circumstances which has a bearing on the use or development of land. The other material considerations to be taken into account in considering the merits of these applications include the National Planning Policy Framework and the National Planning Policy Guidance,

together with responses from consultees and representations received from all other interested parties in relation to material planning matters.

○ *Harborough Local Plan*

- 5.5 The Local Plan (hereafter referred to as the 'HLP') was adopted on April 30th 2019 and covers the period from 2011 to 2031. The Local Plan identifies 14 objectives as being central to the delivery of the vision for the District and are the guiding principles for the policies set out in the Local Plan. The 14 objectives set out below are intended to address the strategic priorities, deliver the Local Plan Vision and deal with the key issues. Of the 14 objectives, the majority are relevant to the consideration of this application to varying extents

Objective 1. Housing: Meet the housing requirements of the District in full by providing a range of market and affordable housing types, tenures and sizes in appropriate and sustainable locations to meet local needs. Recognise the specific accommodation requirements of the young and the elderly populations, including starter homes to help first time buyers, shared ownership and rented housing to help those who cannot afford to buy, and specialist housing such as sheltered and extra care accommodation.

Objective 2. Employment: Promote sustainable economic growth by facilitating the sustainable growth of businesses, fostering new local enterprise and helping to create more jobs that meet local employment needs. Contribute to reducing the need for out commuting and thereby help to increase the sustainability and self-containment of communities, while encouraging the development of a vibrant, diverse and sustainable business community.

Objective 3. Location of development: Locate new development in sustainable locations that respect the environmental capacity of the local area. Encourage the appropriate and efficient re-use of previously developed land and buildings where such re-use achieves the objectives of sustainable development.

Objective 4. Infrastructure: Support local communities and maintain a high quality of life by ensuring that new development delivers the necessary infrastructure including that relating to health, education, security, culture, transport, open space, recreation, water supply and treatment, power, waste and telecommunications (incorporating high speed broadband connectivity).

Objective 5. Protection of local services: Protect, enhance and, where appropriate, secure the provision of additional accessible community services and local facilities, supporting innovation in their delivery across the District.

Objective 6. Natural environment: Protect, maintain, restore and enhance the quality, diversity, character, local distinctiveness, biodiversity and geodiversity of the natural environment, creating links between wildlife sites ensuring that open countryside is protected against insensitive and sporadic development, the characteristics of the local landscape are respected and the unnecessary loss or sterilisation of natural resources is prevented.

Objective 7. Historic environment: Protect and enhance the character, distinctiveness and historic significance of settlements and their wider landscape and townscape settings, thereby recognising the important contribution that heritage assets and their settings make to securing a high quality public realm and supporting tourism and the economy.

Objective 8. Town/village centres: Support and enhance the vitality and viability of market town and larger village centres as places for shopping, leisure, cultural, commercial and community activities, thereby recognising and embracing their valued role as the hearts of their communities. This will be achieved by encouraging retail, leisure and commercial development in appropriate locations and at appropriate scales.

Objective 9. Design: Ensure that new development is of high quality and sustainable design which reflects local character and distinctiveness, provides

attractive, healthy and safe environments, respects residential amenity and promotes sustainable behaviours including renewable energy technologies, and waste reduction.

Objective 10. Transport: Provide greater opportunities to reduce car use, thereby reducing the impacts of road traffic on local communities, the environment and air quality, by locating development where there is good access to jobs, services and facilities, and by supporting improvements in public transport, walking and cycling networks and facilities.

Objective 11. Flood risk: Locate new development in areas which will not put life or property at risk of flooding and build associated resilience by requiring the use of appropriate sustainable drainage systems in new developments and allowing for the provision of infrastructure associated with minimising flood risk, including in relation to future risk from climate change.

Objective 12. Environmental impact: Minimise the environmental impact of development and its vulnerability to the impacts of climate change, by reducing pollution and waste as much as possible, maximising water and energy efficiency, and promoting the use of low carbon, renewable energy, and other alternative technologies, with sustainable construction methods.

Objective 13. Tourism and Culture: Promote the sustainable growth of tourism, cultural activities and access to the countryside for the benefit of both residents and visitors. Enable the interpretation of the cultural assets of the District in order to enrich people's experiences.

Objective 14. Neighbourhood Planning: Encourage and support communities to make decisions at the local level through the preparation of neighbourhood plans and facilitate this process by setting out a clear strategic framework.

- 5.6 Policy SS1 sets out the spatial strategy for Harborough which is to manage planned growth to direct development to appropriate locations, in accordance with the settlement hierarchy.
- 5.7 Local Plan Policies GD1 to GD9 are general development policies.
- GD1 reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).
 - GD2 sets out where in addition to sites allocated by the Local Plan and neighbourhood plans, development will be permitted within and adjoining the existing or committed built up area of Market Harborough, Key Centres, the Leicester Principal Urban Area (PUA), Rural Centres and Selected Rural Villages.
 - GD5 states that development should be located and designed in such a way that it is sensitive to its landscape setting and landscape character.
 - GD8 Good design in development sets out that Development will be permitted where it achieves a high standard of design, including meeting criteria set out.
 - GD9 sets out Minerals Safeguarding Areas
- 5.8 Local Plan Policies H1 – H6 relate to Housing:
- H1 sets out that:
“In addition to delivery of existing commitments and completions and the allowance for windfalls, land for a minimum of 3,975 new homes will be provided during the plan period to 2031 in the following locations:
1. at Scraftoft about 1,200 dwellings in a Strategic Development Area on land north of Scraftoft, in accordance with Policy SC1;”
- 5.9 Local Plan Policies HC1 – HC3 relates to Heritage and community assets.

- HC1 sets out that Development affecting heritage assets and their settings will
 - a. be appraised in accordance with national policy; and be permitted where it protects, conserves or enhances the significance, character, appearance and setting of the asset, including where possible better revealing the significance of the asset and enabling its interpretation. It includes that where proposed development would lead to less than substantial harm to the significance of a designated heritage asset and/or its setting, this harm will be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In addition, it includes that development within or affecting a Conservation Area will be permitted where it preserves or enhances the character or appearance of the Conservation Area, including local design and materials
 - HC2 sets where development will be permitted at existing community facilities; for new facilities and which would result in the loss of existing community facilities.
- 5.10 Local Plan Policies GI1 – GI5 sets out Green infrastructure policy. GI1 provides for Green infrastructure networks.
- GI2 sets out the District's open space, sport and recreation facilities and any future additional facilities provided as part of new development will be safeguarded and enhanced through improvements to their quality and use.
 - GI5 Biodiversity and geodiversity includes for nationally and locally designated biodiversity sites to be safeguarded.
- 5.11 Local Plan Policies CC1 – CC4 relate to climate change.
- CC1 relates to Major development and Strategic Development Areas.
 - CC3 manages flood risk
 - CC4 provides for major development sustainable drainage.
- 5.12 Local Plan Policies IN1 – IN4 relate to Infrastructure.
- IN1 includes that major development will be permitted where there is, or will be when needed, sufficient infrastructure capacity to support and meet all the requirements arising from it.
 - IN2 provides for sustainable transport.
- 5.13 Part C of the Local Plan “Places and Sites” contains Policy SC1 which is relevant to this application. Policy SC1-4 states:
4. *Land to the east of Houghton on the Hill, as shown on the Policies Map, is allocated for a replacement golf course subject to the following criteria:*
 - a. *the layout does not sever or severely disrupt the public right of way network;*
 - b. *a satisfactory access is provided and there is capacity in the local road network to accommodate traffic generated by the development;*
 - c. *the location and design of the buildings and the landscaping of the course minimise visual impact upon the surrounding open countryside;*
 - d. *all built facilities proposed are related to the use of the land for the proposed golf activities in nature and scale;*
 - e. *details of the course construction are submitted with the planning application; and*
 - f. *light spillage from any proposed lighting installations is minimised.*
- *Neighbourhood Plans*
- 5.14 Made Neighbourhood Plans are part of the Development Plan (see above). The District currently has 27 'made' Neighbourhood Plans (April 2022). Houghton on the

Hill Neighbourhood Plan and Village Design Statement (HNP) is relevant to this proposal.

- 5.15 To promote positive planning the defined Neighbourhood Area includes land within both Houghton and Hungarton parishes, with the Plan Area being as shown in **Figure 5**. Following the Annual Parish Council meetings of Hungarton on 13th May 2015 and Houghton on the 14th May 2015, both Parish Councils confirmed the agreed boundary. The Neighbourhood Area was approved by Harborough District Council (HDC) on 31st July 2015. Since the Neighbourhood Area includes part of Hungarton Parish, there is a necessity for the two Parish Councils to work together in consultation. The HNP was made in 2017 following a positive referendum.

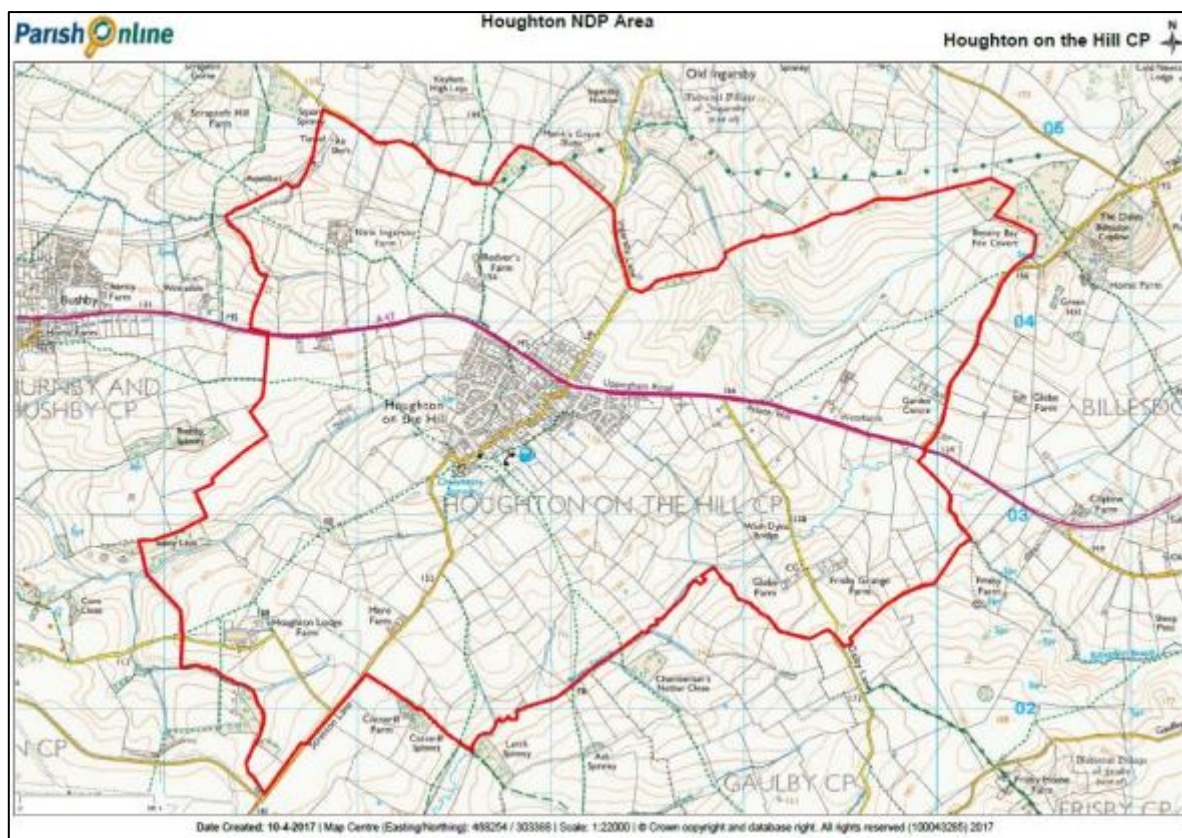


Figure 5: Houghton on the Hill Neighbourhood Plan Area

- 5.16 Policy E1: Conservation of habitats and biodiversity states:
"The Neighbourhood Area supports a range of protected and vulnerable species and development proposals should address, with mitigation where appropriate, their impact on these and related habitats. Positive measures to sustain wildlife in Houghton would include the provision or alignment of interconnected open spaces in the form of corridors that would allow unrestricted wildlife movement into and within the settlement."
- 5.17 Appendix 4 of the HNP – details community projects to be considered. These projects do not fall within the remit of the HNP policies but have emerged during the consultations and discussions and are regarded as having merit for further investigation. The Proposed Development is included as part of this list:
"The construction of a golf course to the east of Houghton on the Hill The proposal to relocate the Scraftoft Golf Club to a new course to be built east of Houghton is included in the HDC Local Plan. Part of the proposed Golf Club area is not in the NP designated area and hence the planning of the course itself is not a matter for

the NP. A plan of the proposed course and a summary of comments from the Neighbourhood Plan Pre-Submission Consultation are available from the Parish Council website.”

b) Statutory Duties and Material Planning Considerations

- *Planning (Listed Buildings and Conservation Areas) Act 1990*
- 5.18 Sections 66 & 72 impose a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings/ heritage assets and Conservation Areas, including setting, when considering whether to grant planning permission for development. For Listed Buildings/assets, the Local Planning Authority shall “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” (Section 66) and for Conservation Areas “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” (Section 72).
- *Public Sector Equality Duty*
- 5.19 Section 149 of the Public Sector Equality Act 2010, introduced a public sector equality duty that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- *The National Planning Policy Framework*
- 5.20 The National Planning Policy Framework (hereafter referred to as ‘The Framework’) was most recently published in July 2021. What are considered to be the relevant sections are set out below in the order they appear in the document
- 5.21 The overarching policy objective of the Framework is the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: economic, social and environmental (paragraph 8). These are mutually dependent and in order to achieve sustainable development economic, environmental and social gains should be sought jointly and simultaneously through the planning system (paragraph 10). The presumption in favour of sustainable development is at the heart of the Framework.
- 5.22 The Framework indicates that where development accords with an up to date DP it should be approved (paragraph 11). The weight to be accorded to development plans depends on whether they are up to date. The ability of the Local Planning Authority (hereafter referred to as the ‘LPA’) to demonstrate a 5 year housing land supply is relevant to this issue and this is discussed in more detail below.
- 5.23 Paragraph 11 of the Framework states Plans and decisions should apply a presumption in favour of sustainable development. For **decision-taking** this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 states: This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

- 5.24 The Framework advises LPAs to approach decision-taking in a positive way to foster the delivery of sustainable development (paragraph 38) and seek to approve applications for sustainable development where possible.
- 5.25 Paragraph 47 reiterates Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which requires all applications to be determined in accordance with the DP unless there are material considerations which indicate otherwise and advises the Framework is a material consideration in planning decisions.
- 5.26 Paragraph 56 advises planning conditions should be kept to a minimum and imposed only where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects
- 5.27 In respect of planning obligations, the Framework (57) advises that these should only be used where it is not possible to address unacceptable impacts through a planning condition. They should, in addition, meet all of the following tests, which mirror those in the Community Infrastructure Levy Regulations 2010:
 - 1. necessary to make the development acceptable in planning terms;
 - 2. directly related to the development; and
 - 3. fairly and reasonably related in scale and kind to the development.
- 5.28 Paragraph 58 makes reference to viability and states:

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'
- 5.29 Paragraph 93 sets out the Government's aim to provide the social, recreational and cultural facilities and services the community needs, and states that to achieve this, planning policies and decisions should:
 - a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 5.30 Paragraph 110 sets out how LPAs should achieve sustainable forms of transport.
- 5.31 Paragraph 111 states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
- 5.32 Paragraph 113 requires the submission of a Travel Plan with all development that will generate significant amounts of traffic movements
- 5.33 Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by:
 - a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 5.34 Paragraph 179-182 address the protection and enhancement of the natural and local environment and advises LPAs when determining planning “to conserve and enhance biodiversity”.
- 5.35 Paragraph 197 in determining applications, LPA’s should take account of:
 - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness
- 5.36 Paragraph 199 advises that great weight should be given to the asset’s conservation when considering the impact of a proposed development on the significance of a designated heritage asset. The more important the designated asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance..

- 5.37 Paragraph 200 states any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Substantial harm to grade II listed buildings should be exceptional and to grade I listed buildings should be wholly exceptional.
- 5.38 Paragraph 201 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 5.39 Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
- *Planning Practice Guidance*
- 5.40 The Planning Practice Guidance (hereafter referred to as the PPG) complements The Framework.
- 5.41 Set out below are the topic areas contained within the PPG that are of most relevance to the consideration of the proposal:
- Design
 - Design and Climate Change
 - Natural Environment
 - Heritage
 - Renewable and Low Carbon Energy
- *National Design Guide*
- 5.42 This guide (published in October 2019) illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. The Design Guide states that the long-standing, fundamental principles for good design are that it is: fit for purpose; durable; and brings delight. It is relatively straightforward to define and assess these qualities for a building.
- 5.43 The Framework sets out that achieving high quality places and buildings is fundamental to the planning and development process. It also leads to improvements in the quality of existing environments. The National Planning Policy Framework expands upon the fundamental principles of good design to define what is expected for well-designed places and explain how planning policies and decisions should support this.
- 5.44 The Framework is supported by a suite of planning practice guidance that is relevant to both design quality and quality in delivery. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities. It also includes people at different stages of life and with different abilities – children, young people, adults, families and older people, both able-bodied and disabled.

- 5.45 The National Design Guide addresses the question of how we recognise well-designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. It is based on national planning policy, practice guidance and objectives for good design as set out in the National Planning Policy Framework. Specific, detailed and measurable criteria for good design are most appropriately set out at the local level. They may take the form of local authority design guides, or design guidance or design codes prepared by applicants to accompany planning applications.

c) Other Relevant Documents

- *Community Infrastructure Levy Regulations*
- 5.46 The Community Infrastructure Levy (hereafter referred to as 'CIL') is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities to help deliver infrastructure to support the development of their area.
- 5.47 Regulation 122 of the CIL Regulations 2010 provides that to be capable of being a material consideration in the determination of a planning application obligations should be:-
 - necessary to make the development acceptable in planning terms
 - directly related to the development
 - fairly and reasonably related in scale and kind to the development
- *Circular 11/95 Annex A - Use of Conditions in Planning Permission*
- 5.48 Although publication of the PPG cancelled Circular 11/95, Appendix A on model conditions has been retained. These conditions are not exhaustive and do not cover every situation where a condition may be imposed. Their applicability will need to be considered in each case against the tests in paragraph 206 of the Framework and the guidance on the use of planning conditions in the PPG.
- *Active Design: Planning for health and wellbeing through sport and physical activity (Sport England and Public Health England, October 2015)*
- 5.49 Active Design has been commissioned by Sport England to take a fresh look at the opportunities to encourage and promote sport and physical activity through the design and layout of our built environment, supporting a step change towards healthier and more active lifestyles. Building upon the foundations set by the original guidance, published by Sport England in March 2007, Active Design provides up to date guidance to assist all parties engaged in shaping our existing and future built environments to maximise opportunities for communities to be naturally active as part of their daily life. Active Design is Sport England's contribution to the wider debate on developing healthy communities.
- 5.50 Active Design is rooted in Sport England's aims and objectives to promote the role of sport and physical activity in creating healthy and sustainable communities. Clear linkages are made to other sources of guidance from partners promoting this agenda across a broad spectrum of interests including planning, design, health, transport and sport. Active Design is a key guidance document for Sport England intended to unify health, design and planning agendas by providing guidance to create the right conditions and environments for individuals and communities to lead active and healthy lifestyles.
- 5.51 Drawing from the three key Active Design objectives of Accessibility, Amenity and Awareness, Ten Active Design Principles have been identified. These focus on those ingredients of cities, towns and villages that offer neighbourhoods and communities

the widest opportunities to promote participation of all members of society in sport and physical activity. Practical case studies and pointers to best practice are set out to inspire and encourage those engaged in preparing plans and development proposals (e.g. town planners, transport planners, developers, neighbourhood plan-making bodies), along with others who can influence this agenda, including health professionals. These are also to help facilitate collaborative working between planning and health to provide more active and healthier environments. The development of Active Design has been subject to consultation with a group of key stakeholders, and is formally supported by Public Health England.

- *Leicestershire Planning Obligations Policy (July 2019)*
- 5.52 The purpose of the planning system is to contribute to the achievement of sustainable development. The County Council has an important role in this process, not only as a planning authority, but as a provider of physical and social infrastructure that contributes to economic and social wellbeing that helps make development sustainable. The purpose of this planning obligations policy document is to explain the requirements for, and the approach to, the type and level of infrastructure the County Council will seek through planning obligations given by applicants (usually developers) applying to Leicestershire district councils as Local Planning Authorities (LPAs) or to the County Council for planning permission to make it acceptable in planning terms. This builds upon the policy requirement set out within each individual LPAs development plans. The main types of infrastructure required by the County Council typically include Schools, Roads and transportation, Social care, Libraries, Waste management facilities.
- *Leicestershire Local Transport Plan*
- 5.53 The 3rd Leicestershire Local Transport Plan (LTP3) covers the period 2011-2026. It sets out the transport vision and longer term strategy for the County and identifies priorities and objectives to help deliver the vision. Objectives include tackling congestion, improving access to facilities for all, reducing the impact of transport on the environment, and improving road safety.
- 5.54 The LTP3 focuses, in particular, on the need to tackle congestion by increasing the use of public transport, walking and cycling with less growth in car mileage. This would be achieved by improving access to facilities including employment, education, health care and food shops.
- *Leicestershire County Council Highways Design Guide*
- 5.55 The Leicestershire Highway Design Guide deals with highways and transportation infrastructure for new developments
- *Highway Works and Adoption*
- 5.56 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.
- *Strategic Housing Land Availability Assessment*
- 5.57 The Strategic Housing Land Availability Assessment (hereafter referred to as the 'SHLAA') identifies Sites within the District with potential for housing; assesses their housing potential in terms of suitability, availability and achievability and assesses when they are likely to be delivered

- *Housing Land Supply Statement*
- 5.58 Due to the fact that The Council now has a Local Plan, it now produces annual (rather than bi-annual) monitoring reports on the level of housing supply within the District. These reports include a five year housing land supply calculation and a housing trajectory for the remainder of the DP period. The latest report of 26th June 2019 covers the period from 1st April 2019 to 31st March 2024 and demonstrates a housing supply of 7.04 years.
- *Harborough Playing Pitch Strategy 2018*
- 5.59 Harborough District Council has prepared the Playing Pitch Strategy (HDPPS) for the period up to 2031. This means the lifespan of the Strategy fits with that of the emerging Local Plan. Sport England recommends that the Playing Pitch Strategy is reviewed and updated every 3 to 5 years to ensure it is still relevant.
- 5.60 The HDPPS follows the Sport England methodology set out in their Playing Pitch Strategy Guidance 2013. Its production has involved:
- The local clubs and leagues;
 - Sport England;
 - The Football Association at both regional and county level (Leicestershire and Rutland County FA);
 - The England and Wales Cricket Board;
 - Leicestershire County Cricket Community team;
 - The Rugby Football Union;
 - England Hockey;
 - Rounders England; and
 - Harborough District Council.
- Additionally, the sports of outdoor tennis, bowls and netball have been assessed in the report as these are considered to be active sports in the District. However, these are separate from the main HDPPS as they are not covered by Sport England Guidance.
- 5.61 A key driver for the production of the Strategy is to deliver an evidence base which can support the application of planning policy set out in the adopted Harborough Local Plan. The Strategy will help the Council and its partners to:
- Understand provision needs now and in the future;
 - Determine planning applications;
 - Ensure that the management and maintenance of sports facilities is appropriate and sustainable;
 - Prioritise local authority capital and revenue investment, including S106 and any future Community Infrastructure Levy (CIL);
 - Prioritise and support bids for external funding to assist in the delivery of sporting infrastructure;
 - Identify the role of the education sector in supporting the delivery of community sporting facilities; and
 - Contribute to the aims and objectives of improving health and well-being, and increasing participation in sport.
- 5.62 The Strategy has two key objectives:
- Objective 1 - To protect the existing supply of playing pitch facilities, outdoor tennis courts and bowls greens, where they are needed for meeting current or future needs.
 - Objective 2 - Secure tenure and access to sites for clubs through a range of solutions and partnership agreements and maximise community use of education sites where there is demand.

- *Harborough District Landscape Character Assessment and Landscape Capacity Study (Sept 2007)*
- 5.63 This Assessment included an identification of Landscape Character Areas across the District. The detail of the report is considered further in **Section 6** of this report.
- *Development Management Supplementary Planning Document (Dec 2021)*
- 5.64 This Supplementary Planning Document (SPD) provides additional guidance to assist with the interpretation and implementation of Harborough Local Plan Policies particularly:
 - GD1: Achieving sustainable development;
 - GD3: Development in the countryside;
 - GD8: Good design in development;
 - BE1: Provision of new business development;
 - CC1 to CC3: Climate change;
 - HC1: Built heritage;
 - H4 & H5: Specialist Housing, self build and custom housing;
 - RT3: Shop fronts and advertisements.

This SPD will be taken into account as a material consideration when appropriate as the Council makes decisions on planning applications. The National Design Guide (October 2019) and National Design Code (July 2021) is taken into account and similarly applies as a consideration.
- *Planning Obligations Developer Guidance Note*
- 5.65 The Planning Obligations Supplementary Planning Document (SPD) was adopted September 2016 and published January 2017. It sets out the range of infrastructure, services and facilities that the Council will normally seek to secure via planning obligations in relation to development proposals within the District.
- 5.66 The SPD advises if the requirement for developer contributions or for the provision of infrastructure result in viability concerns being raised it will be the responsibility of the applicant to provide an independent financial viability assessment to substantiate the situation. If the assessment is accepted as reasonable the Council may request lower contributions for a particular Site provided that the benefits of developing the Site outweigh the loss of the developer contribution.
- 5.67 There are two supporting documents associated with this SPD:
 - Provision for Open Space, Sport and Recreation 2015 which provides details of the arrangements for assessing contributions to open space; and
 - Assessment of Local Community Provision and Developer Contributions (October 2010) which provides additional evidence to support the case for developer contributions to local indoor community and sports facilities.

d) Additional Information

- *Appeal Decisions*
- 5.68 Within the main body of the report reference may be made to appeal decisions and to High Court judgements and recovered secretary of state decisions. Whilst every application is considered on individual merit, appeal decisions and judgements are helpful in demonstrating the weight to be applied to material considerations and the correct interpretation of planning policy.
- *Vision and Priorities for the District of Harborough*
- 5.69 The Council adopted a vision and four priorities in February 2014. Approving sustainable developments is one way in which the vision and priorities can be achieved.

6. Officer Assessment

a) Principle of Development

- 6.1 The application site is located outside the existing built up area of Houghton on the Hill and as such, is currently a 'greenfield' site, however, it does form the area covered by Policy SC1 in the Local HLP (See **Figure 6**). Policy SC1 is predominantly a housing allocation policy and is derived from Policy SS1 which (in terms of housing provision) states that:

"The spatial strategy for Harborough District to 2031 is to:

1. manage planned growth to direct development to appropriate locations, in accordance with the following settlement hierarchy:

- a. (part of) the Leicester Principal Urban Area: Scraftoft, Thurnby and Bushby;

- b. Sub-regional Centre: Market Harborough;

- c. Key Centres: Lutterworth, Broughton Astley;.....

2. enable housing and commercial development, during the period 2011- 2031, including:

- a. Housing: provision of land for a minimum of 12,800 dwellings (Use Class C3), including:

- i. about 8,792 dwellings already completed or committed, including through planning permissions, resolutions to grant permission and allocations in made neighbourhood plans;

- iii. about 1,200 dwellings in a SDA at Scraftoft North;

Additionally, Policy H1 states:

"In addition to delivery of existing commitments and completions and the allowance for windfalls, land for a minimum of 3,975 new homes will be provided during the plan period to 2031 in the following locations:

1. at Scraftoft about 1,200 dwellings in a Strategic Development Area on land north of Scraftoft, in accordance with Policy SC1."

- 6.2 As stated above, Policy SC1 reflects Policy SS1 in terms of the provision of housing land, however, the pertinent element of Policy SC1 to this particular application is point 4 which states that:

"4. Land to the east of Houghton on the Hill, as shown on the Policies Map, is allocated for a replacement golf course subject to the following criteria:

- a. *the layout does not sever or severely disrupt the public right of way network;*
 - b. *a satisfactory access is provided and there is capacity in the local road network to accommodate traffic generated by the development;*
 - c. *the location and design of the buildings and the landscaping of the course minimise visual impact upon the surrounding open countryside;*
 - d. *all built facilities proposed are related to the use of the land for the proposed golf activities in nature and scale;*
 - e. *details of the course construction are submitted with the planning application; and*

- f. *light spillage from any proposed lighting installations is minimised."*

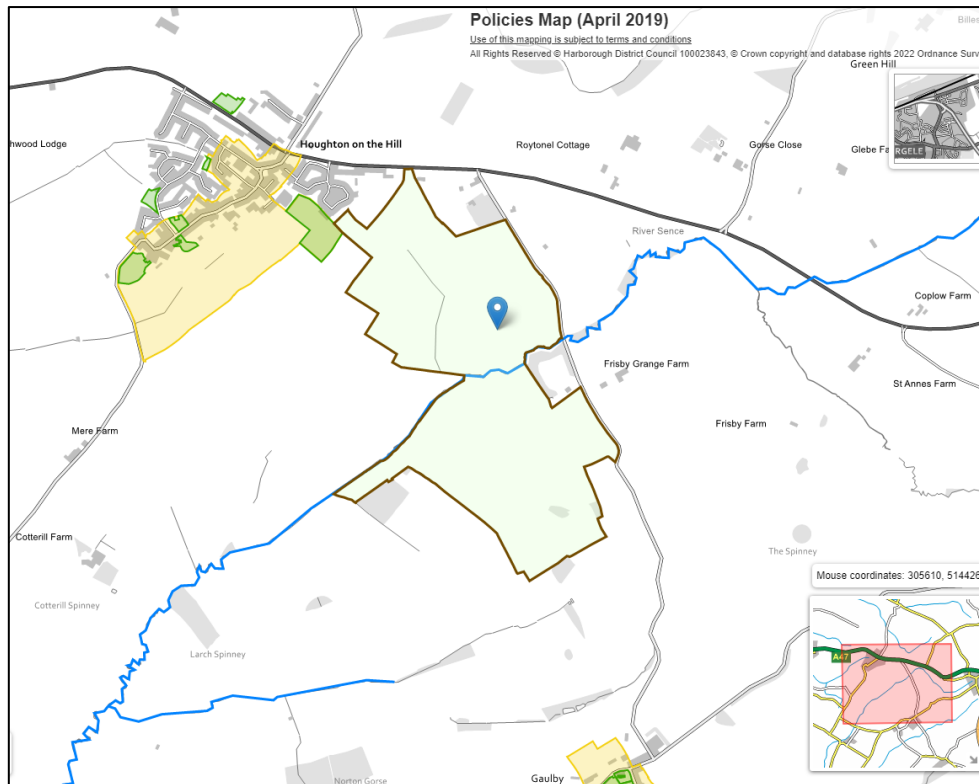


Figure 6: Local Plan Proposals map of site

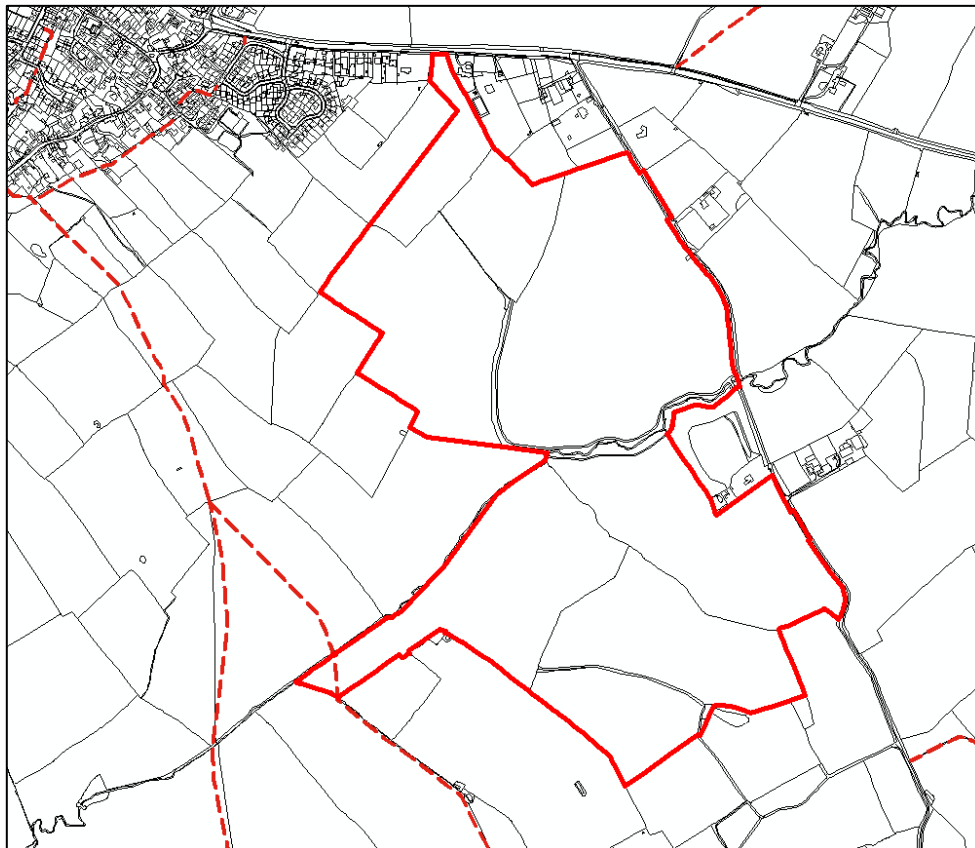


Figure 7: Site Location Plan

6.3 As can be seen above, the application site (see **Figure 7**) is broadly the same as the site allocation area (see **Figure 6**) in so far as the application site does not include any

land not within the allocation, however, not all of the allocated site is included within the application site. As such it is considered that the proposal is in accordance with Criterion 4 of Policy SC1 in terms of the principle of the proposed development. Policy SC1:4 then sets a series of criteria under which any application needs to be considered. The application submission has been accompanied by a comprehensive set of supporting information which has been through a rigorous process of assessment by consultees. **part 1 through to part 13 of this section** of this report provide an assessment of the application against these and other criteria.

- 6.4 As set out in **Section 5** of this report, the Houghton Neighbourhood Plan includes part of the Site within its defined area, and as such, is part of the Development Plan for the area. The HNP does not include any Policies within it which are specific to the Proposed Development. Notwithstanding this, “Policy E1 – Conservation of habitats and biodiversity” is relevant to the consideration of the application and the Proposed Development will be assessed against it in the **Section 6:2** of this report.
- 6.5 On the basis of the above, it is considered that the proposals will have a major beneficial impact upon housing delivery for the District by virtue of the fact that this development enables the development of the Scraftoft North SDA and would therefore accord with Policies SS1, H1 and SC1 of the Harborough District Local Plan in this respect.

b) Sustainability Considerations

- 6.6 The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and LPA’s are encouraged to approach decision taking in a sustainable way to foster sustainable development.
- 6.7 The Framework requires LPAs to grant planning permission for sustainable development. Para.8 of the NPPF states: “Achieving sustainable development means that the planning system has three overarching objectives”.
- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
 - **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.8 The conformity of the proposed development to the criteria for sustainability is considered throughout the remainder of this report.
- 6.9 On the basis of the above, Officers conclude that maximum weight should be accorded to the up to date policies contained within the HLP.

b) Planning Considerations

6.10 The detail of the proposed development will be considered under the following headings:

1. Heritage and Archaeology
2. Ecology and Biodiversity
3. Highways
4. Landscape and Visual Impact
5. Noise
6. Drainage and Hydrology
7. Air Quality
8. Residential Amenity
9. Design
10. Footpaths
11. Agriculture and Soils
12. Contamination
13. Other matters

1. Heritage and Archaeology

6.1.1 The ES contains a chapter on Archaeology and Cultural Heritage (Chapter 7) which was prepared by the University of Leicester Archaeological Services (ULAS)

o Heritage Legislation / Policy

6.1.2 Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 places a duty on a local planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses (sections 16 and 66). Likewise, Section 72 of the same Act places a requirement on a local planning authority in relation to development in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

6.1.3 The Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC* 2014 made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.

6.1.4 The Ancient Monuments and Archaeological Areas Act 1979 provides for a consenting regime in respect of works to SAMs but it does not provide any statutory protection for their setting. SAM's are however designated heritage assets for the purposes of the NPPF and the protection of their significance is governed by its policies. There is a strong presumption in favour of the preservation of all designated heritage assets.

6.1.5 Local plan policy HC1 "Built Heritage" and Houghton Neighbourhood Plan Policy D2 are the relevant DP policies. Protecting and enhancing the historic environment is an important component of the Framework's drive to achieve sustainable development. The policy for the conservation of heritage assets in a manner appropriate to their significance is set out in Paragraphs 185-199 of the Framework.

6.1.6 Chapter 16 of the NPPF outlines how LPA's should determine applications that affect the historic environment. Paragraphs 190 and 197 state that LPAs should take account of the desirability of new development making a positive contribution to local character and distinctiveness, as well as opportunities to draw on the contribution made by the historic environment to the character of a place. The positive contribution

that conservation of heritage assets can make to sustainable communities, including their economic vitality, should be taken into account in decision taking.

- 6.1.7 Paragraph 189 states that LPAs should require applicants for planning permission to describe the significance of any affected assets (including their setting), providing a level of detail appropriate to their significance, using appropriate expertise to do so where necessary.
- 6.1.8 Para 194 states that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.1.9 Paragraph 196 states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.1.10 Paragraph 199 advises that great weight should be given to the asset's conservation when considering the impact of a proposed development on the significance of a designated heritage asset. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The more important the designated asset, the greater the weight should be. Paragraph 200 recognises that significance can be harmed or lost through alteration or destruction of the designated heritage asset or development within its setting and as heritage assets are irreplaceable, it advises that any harm or loss should require clear and convincing justification
- 6.1.11 Paragraph 201 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.1.12 Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.1.13 Paragraph 203 refers specifically to non-designated heritage and requires a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 204 provides that local planning authorities should not permit the loss of the whole or part of a heritage asset without

taking reasonable steps to ensure that the new development will proceed after the loss has occurred.

6.1.14 Paragraph 205 states that Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

6.1.15 Paragraph 206 states that LPAs should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets “to enhance or better reveal their significance”; and states that proposals that “preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably”.

6.1.16 The PPG states:

- the significance of a heritage asset derives not only from the asset’s physical presence, but also from its setting.
- the harm to a heritage asset’s significance may arise from development within its setting.
- that public benefits could be anything that delivers economic, social or environmental progress and they may include heritage benefits, such as: sustaining or enhancing the significance of a heritage asset and the contribution of its setting.

6.1.17 Policy HC1 of the Harborough District Local Plan contains specific criteria relating to the protection of the historic environment.

1. *Development affecting heritage assets and their settings will:*
 - a. *be appraised in accordance with national policy; and*
 - b. *be permitted where it protects, conserves or enhances the significance, character, appearance and setting of the asset, including where possible better revealing the significance of the asset and enabling its interpretation.*
2. *Where the proposed development would lead to substantial harm to (or total loss of significance of) a designated heritage asset and/or its setting, planning permission will not be granted unless:*
 - a. *The proposed development demonstrates that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss; or*
 - b. *The nature of the heritage asset prevents all reasonable uses of the site; and*
 - c. *No viable use of the heritage asset can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - d. *Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
 - e. *The harm or loss is outweighed by the public benefits of bringing the site back into use.*

Where the proposed development would lead to less than substantial harm to the significance of a designated heritage asset and/or its setting, this harm will be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3. *Development within or affecting a Conservation Area will be permitted where it preserves or enhances the character or appearance of the Conservation Area, including local design and materials.*
 4. *Development affecting the significance of a non-designated heritage asset and/or its setting will have regard to the scale of any harm or loss and the significance of the non-designated heritage asset.*
- 6.1.18 Policies D1 and D2 of the Houghton Neighbourhood Plan contains specific criteria relating to sustaining the character of Houghton, both inside and outside the Conservation Area:
- “POLICY D1: SUSTAINING THE CHARACTER OF THE CONSERVATION AREA
Any proposed developments or changes to existing buildings within the Conservation Area must have appropriate regard for the VDS, in particular the section ‘Building in the Conservation Area’.”*
- “POLICY D2: SUSTAINING THE CHARACTER OF HOUGHTON OUTSIDE THE CONSERVATION AREA
Even with its diverse more modern developments Houghton has maintained a pleasant and particularly non-urban aspect. This is due to the spaciousness and non-uniformity of layouts within the individual developments. Development proposals must have appropriate regard for the content of the VDS so as to sustain the essential character and avoid the urbanisation of Houghton.*
- New additions to or alterations of farmsteads and agricultural buildings beyond the village should respect their rural setting and must have appropriate regard for the content of the VDS, in particular the section relating to new construction or alterations of existing buildings beyond the village”*
- *Assessment of Impacts upon Designated Heritage Assets*
- 6.1.19 The submitted Heritage Statement assesses the effects of the development on built heritage receptors. The receptors are defined as buildings or structures and or above ground structures that can be described as heritage assets. The sensitivity of these assets is defined as set out in **Figure 8**.
- 6.1.20 The assessment has been carried out in accordance with the principles set out in Historic England’s Good Advice in Planning Note 3 which gives guidance on the assessment of setting and expands upon the approach set out in the NPPF referred to in **Paragraph 6.1.10 of this report**. This first part of the chapter gives detailed consideration to the advice contained in the aforementioned HE publication.
- 6.1.21 Consideration of setting will most usually include consideration of views. The guidance draws a distinction between views that contribute to heritage significance and those which are valued for other reasons. The guidance makes it clear that setting is not a heritage asset; its importance lies in the extent that it contributes to the significance of the heritage asset or the ability to appreciate that significance. It is recognised that setting can change over time.
- 6.1.22 The Heritage Statement sets out all the heritage assets in the study area of 2km from the centre of the site including listed buildings, scheduled ancient monuments and conservation areas. There are no Listed Buildings or Scheduled Ancient Monuments within the site. However, there are 53 Listed Buildings within the study area (see **Figure 9**). Most of the listed buildings in the study area in the surrounding villages of Houghton on the Hill, Kings Norton, Gaulby, and Frisby to the south, Billesdon to the west, and Ingarsby to the north. All are a considerable distance away from the Site, the closest being a milestone on Uppingham Road, 280m north (MLE13623). The Site

lies immediately to the south-east of the Houghton on the Hill conservation area, 1.1 km north of Gaulby and Kings Norton conservation areas and 1.9km west of Billesdon conservation area (see **Figure 10**).

Sensitivity Criteria Guide	
High	Built heritage assets of the highest significance (NPPF 194(b)): scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites.
Medium	Other designated built heritage assets (i.e. excluding those listed above): grade II listed buildings, grade II registered parks and gardens, and conservation areas.
Low	Non-designated built heritage assets, such as locally listed buildings.

Figure 8: Sensitivity appraisal of Heritage Assets

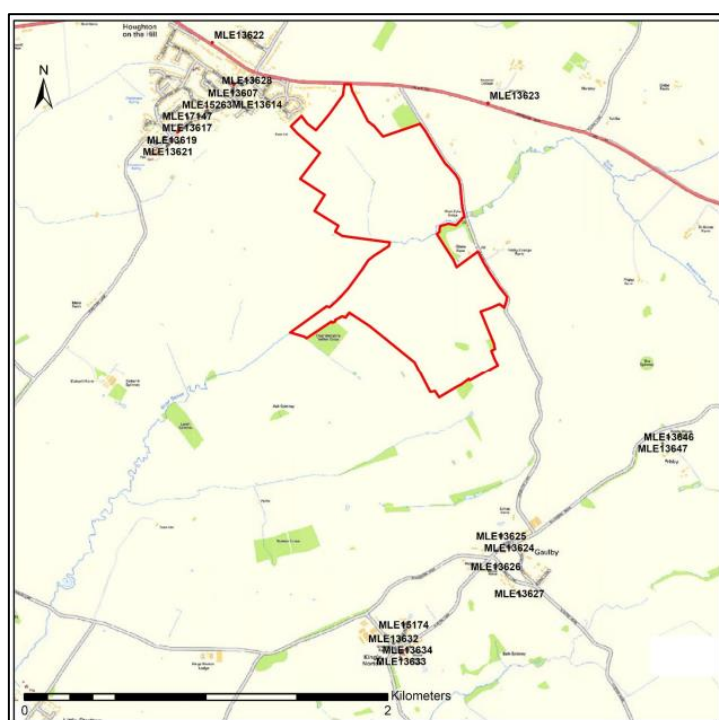


Figure 9: Listed Buildings within a 2km radius

6.1.23 As stated above, there are a number of listed buildings recorded in the surrounding villages of Great Stretton, Little Stretton, Kings Norton, Gaulby, and Frisby to the south, Billesdon to the east, and Ingarsby to the north with Houghton on the Hill immediately to the north-west. King's Norton, Gaulby and Billesdson also contain Conservation Areas. Most of the buildings in the villages, lie outside the Zone of Theoretical Visibility (ZTV) (see **Figure 11**) of the Proposed Development and are a considerable distance away from the Site and will be protected from views, dust and noise by intervening development and vegetation. Therefore, neither the buildings nor their settings will be affected by the proposed development and are not assessed any further.

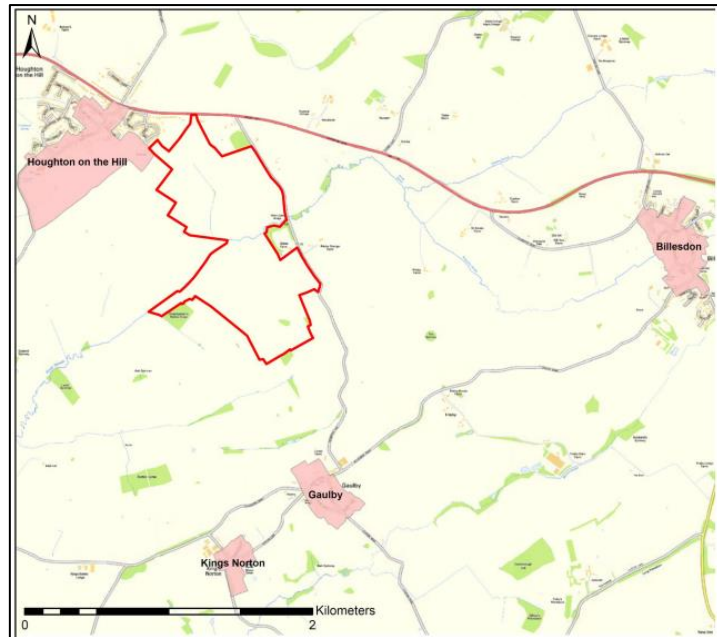


Figure 10: Conservation Areas within a 2km radius

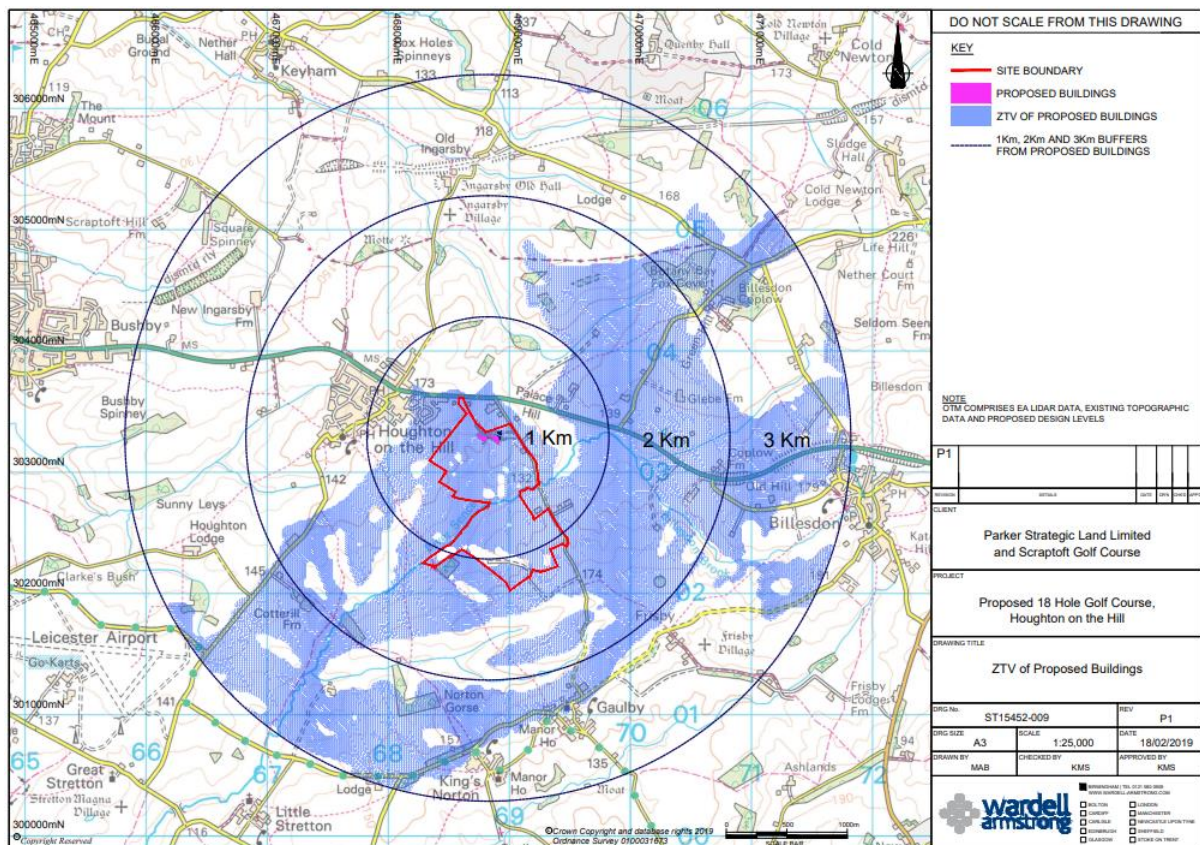


Figure 11: Zone of Theoretical Visibility of the proposed development

6.1.24 There are no historic buildings within the Site. The closest Listed Building is a milestone on Uppingham Road, 280m to the north. This is one of several milestones on the Uppingham Road. There are 20 Listed Buildings within Houghton on the Hill Conservation Area, mostly Grade II and with their aspect onto Main Street. St Catherine's Church at the western end of the village is Grade II* and is set back off Main Street. The site lies immediately to the south-east of the Houghton on the Hill Conservation Area, which contains a number of Listed Buildings as well as fields to

the south of the village. Most of the historic buildings front onto Main Street, including the Grade II* Church of St Catherine.

6.1.25 Whilst it is acknowledged that the Church of St Catherine (see **Figure 12**) lies outside of the ZTV, due to the nature of the building, it is logical that the impact of the proposal upon the building is assessed:

- C14-C15, restored 1861, chancel partly rebuilt 1857, and N porch of 1874. Constructed of ashlar, coursed squared stone and rubble stone with stone dressings and plain tile roofs, part parapetted. Stone coped gables with finials and angle and diagonal buttresses with set-offs. W tower and spire, nave, aisles, chancel and N and S porches. C14 tower of 3 stages with plinth, moulded bands and angle buttresses with set-offs. C19 4 bay roof. C14 N aisle. Double chamfered chancel arch. C14 chancel, partly rebuilt 1857. Welsh slate roof. Marble wall monument to Mrs. A. Bent, died 1677. Cartouche with angel heads, the inscription in place of arms.



Figure 12: View of the Church of St Catherine

Assessment of Significance and Contribution of Setting to that significance (Listed Buildings)

6.1.26 Church of St Catherine – The immediate setting of this heritage asset (ie the Churchyard) has remained relatively unaltered. However, the wider landscape – predominantly that found from the west through to north east – has been subject to extensive redevelopment in the expansion of Houghton on the Hill. The building lies outside the site and within the Houghton Conservation Area. The building dates to Mid C14. The development would not have any direct effect on the physical fabric of the building. Likewise, due to the nature of the development, it will not affect its setting. The significance of the property is assessed against the NPPF glossary definition of significance with reference to heritage assets and the guidance on “significance” contained in the Planning Practice Guidance. Regard has also been had to Historic England’s Good Practice Advice notes.

- Archaeological; the fabric of the Church and its surroundings will contain evidence of its use and changes to the building over time.
- Artistic / Architectural interest resides with the design, construction and craftsmanship of this property, including its “C14 tower of 3 stages with plinth, moulded bands and angle buttresses with set-offs” and “Stone coped gables with finials and angle and diagonal buttresses with set-offs”.
- Historic interest resides in the buildings mid-14th century origins and subsequent restorations and its marble wall monument to Mrs. A. Bent

Impacts of development upon Significance of Setting (Listed Buildings)

- 6.1.27 Church of St Catherine – No impact upon significance would result following the implementation of the proposals. The proposed new built form is a significant distance from this heritage asset and will form a relatively minor component of a much wider vista. Proposed built form will therefore be seen in conjunction with other structures already present in the area.

Analysis – Listed Buildings

- 6.1.28 There are no historic buildings located within the Site. Most of the historic buildings within the CA are based around Main Street and face into the village. There are unlikely to be any views of the Proposed Development and the CA contains several fields at its southern edge creating an agricultural buffer. It is possible that there could be some views from the tower of the church, but any such views would be oblique. There could be some disturbance to the setting of the CA and historic buildings during construction with increased traffic, noise and dust although this would be temporary. The current agricultural setting of the proposed development does add value to the setting of the conservation area and a change to that (i.e. from agricultural to recreational) will have an impact on the historic setting albeit very slight. Therefore, the impact will be *Negligible*.
- 6.1.29 With respect to the relevant tests of the NPPF, 2021 (paragraph 199 etc.) it is not considered that any harm would accrue via the implementation of proposals. However, it is considered that there would be public benefits - in both the short and long term. Economic benefit would clearly result from the construction phase – principally due to the provision of employment – of both the Proposed Development, and also that of the proposed Scraftoft North SDA which this development would – in part – facilitate, whilst long term social benefit would arise via the provision of much needed housing in the form of proposed Scraftoft North SDA.
- 6.1.30 The proposal complies with the requirements of the adopted policy. The public benefits of the development (and associated developments) are the delivery of much needed new housing and the economic advantages arising from the proposal (and associated proposals).

Analysis – The Houghton on the Hill Conservation Area

- 6.1.31 The Houghton conservation area was originally designated in 1973 its boundary was revised in 2005, see **Figure 13**. The conservation area lies approximately 155m to the west of the application site.
- 6.1.32 No development is proposed within the conservation area boundary. The matters for consideration are concerned with the impact of the development on the setting of the conservation area. Within the Character Statement for Houghton Conservation Area it is noted that *“Houghton on the Hill Conservation Area embraces the older core of the village which falls gently southwards from the main Leicester - Uppingham A47 road. It consists of a long, very sinuous, Main Street some 0.8km long with Scotland Road*

an elongated side loop.” Despite significant areas outside of the built form of the village being within the Conservation Area, these are not described in the character statement for the Conservation Area, and as such, it is difficult to ascribe any significance to these parts of the Conservation Area. The character and appearance of the conservation area is therefore derived from the “variety of the streets walls and buildings, their size, age, materials and placement and for the continually changing street scene around the curves that gives Houghton its special character.”

6.1.33 Inter-visibility and thus the interrelationship between the heritage asset and application site is not considered relevant with respect to proposals and their potential to impact upon significance. The area of the Conservation Area closest to the proposed development is the village recreation ground, and as such, views from a recreation area to another recreation area are not considered to in any way change the way in which this heritage asset is appreciated following their implementation. Neither would the ability to appreciate this heritage asset be affected following the implementation of proposals.

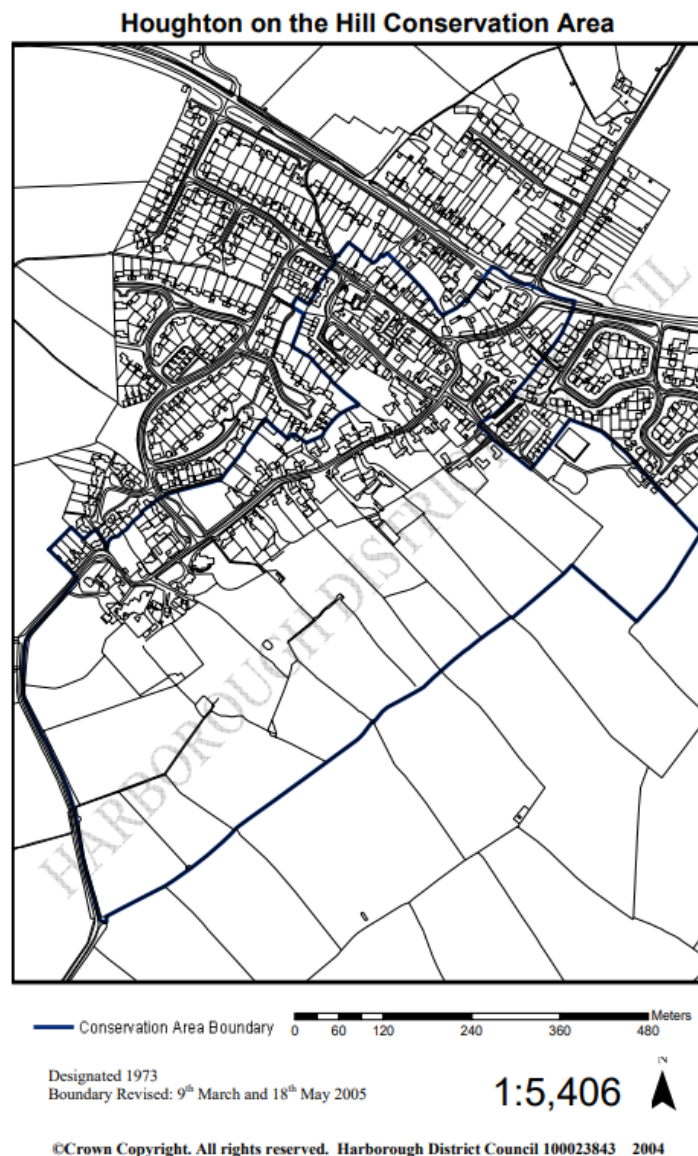


Figure 13: Houghton on the Hill Conservation Area

6.1.34 Analysis – The Gaulby Conservation Area

The Gaulby conservation area was originally designated in 1994, see **Figure 14**. The conservation area lies approximately 1km to the south of the application site.

6.1.35 Within the Character Statement for Gaulby Conservation Area it is stated that “*Gaulby is a small farming village set in attractive open rural upland to the north east of Great Glen. The Conservation Area has a strong agricultural character and appearance which is reinforced by the substantial open areas within the settlement.*” As can be seen in **Figure 14**, the northern edge of Gaulby is within the ZTV of the proposed development. This northern edge predominantly consists of relatively modern development, with the historic core of the village to the south of Main Street. The wider landscape to the north of this conservation area remains in agricultural use, and a reasonably large area will remain if consent is granted for the development, therefore retaining the setting of the Conservation Area. The character of Gaulby derives from the positioning of the low density buildings and gardens circling the central area, which contains the church.

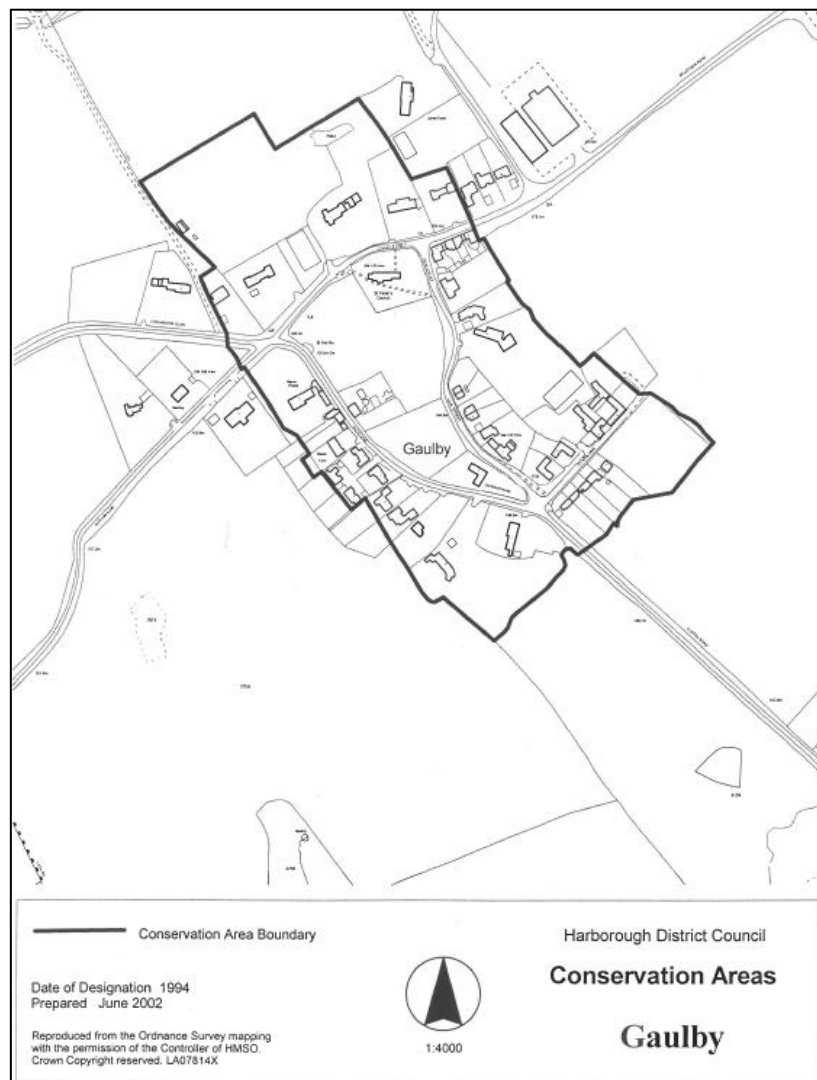


Figure 14: Gaulby Conservation Area

6.1.36 No impact upon significance would result following the implementation of proposals. New built form is at a significant distance from this heritage asset, on the opposing

valley slope, and will form a relatively minor component of a much wider vista. Proposed built form will therefore be seen as a part of the wider landscape.

Analysis – Scheduled Monument's

- 6.1.37 There are no scheduled ancient monuments within the site. A desk based assessment was carried out to establish known features within a 2km radius of the site. The nearest scheduled monument is the moated site and deserted medieval village (DMV) at Old Ingarsby (DLE306 and DLE307) which is approx. 1.2km to the north of the application site with Frisby medieval village (DLE397) approximately 1.2km to the south east of the site (see **Figure 15**). Due to the intervening topography between the proposed development and the monuments, it is considered that there would be no harm to the significance of these assets.

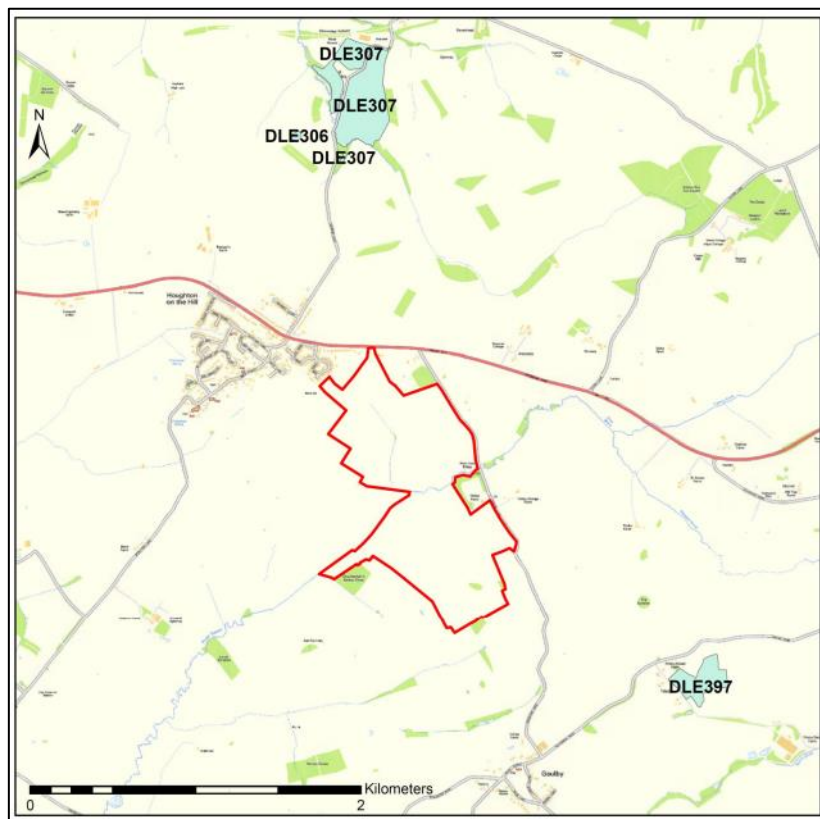


Figure 15: Scheduled monuments within a 2km radius of the assessment area

- *Non-Designated Heritage Assets (Built Heritage)*
- 6.1.38 Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. HDC have recently initiated their "Local List" of non-designated heritage assets, which has been initially populated with 16 buildings and structures, none of which are in the vicinity of the application site. Neighbourhood Plans are also a forum for identifying Non-Designated Heritage Assets, however, Houghton Neighbourhood Plan does not identify any "locally listed" buildings.

Assessment of impact on non-designated buried heritage assets (Archaeology)

- 6.1.39 The application contains an assessment of the impact of the development on archaeology. Following consultation with the Leicestershire County Council Archaeologist a programme of trial trenching was carried out. The sensitivity of different forms of archaeology to development are set out in the table at **Figure 16**.

6.1.40 Archaeological evaluation of the Site successfully identified archaeological deposits within various parts of the application area. Most of the deposits correlated with plotted geophysical survey anomalies. However, some of the geophysical anomalies have now been established to be either geological in origin or relating to more recent agricultural activities. Other archaeological deposits were also recorded that had not been previously detected as geophysical anomalies. A low density and generally low complexity of archaeological remains has been recorded. These comprise ditches, pits, and surface structures primarily dating to the late prehistoric, and possibly medieval periods. The features are sparsely spread across the site and primarily relate to elements of wider land division and agricultural use, with only hints of actual occupational activity within the application area itself.

High	<ul style="list-style-type: none"> Nationally designated archaeological areas including scheduled monuments. Nationally designated historic landscapes, including and designated areas associated with globally important activities, innovations or people. World Heritage Sites
Medium	<ul style="list-style-type: none"> Designated or non-designated historic assets that have exceptional qualities or associations. Designated special historic landscapes and areas on local registers for their regional or local significance. Archaeological remains and areas on local registers for their regional or local significance.
Low	<ul style="list-style-type: none"> Designated or undesignated assets of local importance poorly preserved with limited value. Unlisted buildings of modest quality in their fabric, townscape of limited historic integrity, and robust undesignated historic landscapes that have intangible cultural heritage associations of local significance.

Figure 16: Sensitivity of Archaeology

6.1.41 LCC Archaeology have reviewed the archaeological information regarding the site and while both the trenching report and the geophysical survey has enough information for them to be able to determine the application, they do not believe there is enough information to fully inform a mitigation plan. Therefore it is considered that further exploratory investigations are needed to focus in and refine the areas of mitigation before a mitigation plan can be produced. The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains. In consequence, the LPA should require the developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance. In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 190, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 199, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible. This work can be secured by condition (see **Appendix A – Condition 34**).

○ *Summary*

6.1.42 On the basis of the above, Officers consider that the outline planning application has demonstrated that the proposed development will protect the importance of heritage assets in the vicinity of the site. It is therefore considered that the proposals will have a neutral impact upon Heritage and Archaeology and would therefore accord with the Policy HC1 of the Harborough District Local Plan in this respect.

2. Ecology (Flora & Fauna) and Biodiversity

6.2.1 The ES includes a chapter on Ecology (Chapter 6), which has been informed by a detailed Ecological Appraisal. Middlemarch Environmental Ltd was commissioned by the applicants to undertake an Ecological Assessment of the Proposed Development. Chapter 6 of the Environmental Statement (ES) addresses the potential effects of the Proposed Development on Ecology and Nature Conservation, having due regard to both the physical proposals, recommended mitigation measures and ecological features included within the scheme design proposals.

○ Ecology and Biodiversity Legislation / Policy

6.2.2 Policy GI5 – Biodiversity and Geodiversity – of the Harborough Local Plan states:

1. *Nationally and locally designated biodiversity and geodiversity sites, as shown on the Policies Map, will be safeguarded.*
2. *Development will be permitted where:*
 - a. *there is no adverse impact on:*
 - i. *the conservation of priority species;*
 - ii. *irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;*
 - iii. *nationally designated sites;*
 - iv. *locally designated sites;*
unless, in all cases, the need for, and benefits of, the development in that location clearly outweigh the impact.
 - b. *there is no loss of any 'best and most versatile agricultural land' unless this is demonstrably necessary to facilitate the delivery of sustainable development;*
 - c. *there is no net loss or sterilisation of natural resources;*
 - d. *opportunities for improving habitats and for improving the water quality of local water courses to improve the aquatic habitat are incorporated;*
 - e. *unavoidable loss or damage to habitats, sites or features is addressed through mitigation, relocation, or as a last resort compensation to ensure there is no net loss of environmental value.*
3. *Development should contribute towards protecting and improving biodiversity and geodiversity through, as relevant:*
 - a. *protecting and enhancing habitats and populations of priority species;*
 - b. *protecting and enhancing the strategic biodiversity network and wildlife corridors, particularly river and canal corridors, disused railways and all watercourses;*
 - c. *maintaining biodiversity during construction;*
 - d. *providing contributions to wider biodiversity improvements in the vicinity of the development;*
 - e. *including measures aimed at allowing the District's flora and fauna to adapt to climate change;*
 - f. *including measures to improve the water quality of any water body as required by the Water Framework Directive; and*
 - g. *protecting features and areas of geodiversity value and enhancing them to improve connectivity of habitats, amenity use, education and interpretation.*

6.2.3 Policy E1: Conservation of habitats and biodiversity of the Houghton Neighbourhood Plan states:

"The Neighbourhood Area supports a range of protected and vulnerable species and development proposals should address, with mitigation where appropriate, their impact on these and related habitats. Positive measures to sustain wildlife in

Houghton would include the provision or alignment of interconnected open spaces in the form of corridors that would allow unrestricted wildlife movement into and within the settlement.”

6.2.4 Chapter 15 of The Framework is concerned with “Conserving and enhancing the natural environment”. Paragraph 170 establishes some general principles of particular note are the following sub-sections;

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

6.2.5 Paragraph 175 sets out the principles to be applied when making planning decisions. Of particular relevance is sub-section b:

- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

6.2.6 The NPPG offers guidance on the natural environment with reference to inter alia “Biodiversity, geodiversity and ecosystems”. The guidance states

“Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its 25 Year Environment Plan. Guidance on the law concerning designated sites and protected species is published separately because its application is wider than planning. In applying this, the aim should be to fulfil statutory obligations in a way that minimises delays and burdens.

6.2.7 The guidance makes reference to specific questions to be considered when applying the NPPF. The questions relate to the following areas:

- Information, including ES and its contents;
- Avoidance, avoiding significant harm;
- Mitigation, the minimisation of significant harm; and
- Compensation, where significant harm cannot be avoided can it be minimised.

The NPPG goes on to make reference to net gain which refers to measurable improvements.

- *Assessment of Impacts*

6.2.8 There are no designated statutory nature conservation areas on the site or within 2km of the site. There are some non-statutory sites located close to the site including boundary hedgerows and woodlands. The site has several habitats and supports a variety of species typical of the countryside location, most of which are of local or district significance. None are of county, regional, national or international

significance. Specific surveys have been undertaken of protected species including Great Crested Newts, bats, birds, badgers, otter and water vole, and reptiles. There is evidence of a variety of bats, birds (including specifically those associated with arable farmland), an active badger sett on the edge of the site, and use of the River Sence by otter(s), although no voles were identified, and no reptiles or Great Crested Newts.

6.2.9 During construction of the Proposed Development there could potentially be adverse effects on adjacent nature conservation sites; habitats within the Site; and species which use the Site. The construction phase of the development will be controlled by the Construction Ecological Management Plan (CEMP), which will include best practice methods to avoid any significant ecological effects (e.g. pollution prevention measures). Further surveys will be completed and Natural England Licence applications relating to bat roosts and badger setts will be obtained where necessary prior to any relevant construction activities commencing; thereby ensuring no harm to protected species and no contravention of the governing wildlife legislation. A condition is recommended to ensure this is completed (see **Appendix A - Condition 12**).

6.2.10 Once constructed, the Proposed Development could result in:

- A decline in the conservation status of a nearby nature conservation site, and retained and created habitats, due to inappropriate management;
- Killing or injury of breeding birds (including damage/loss of eggs and nests) during habitat management; and
- Disturbance to species from noise, movement and lighting.

The design of the Proposed Development will allow important ecological features (including the River Sence corridor and many of the hedgerows and mature trees) across the Site to be maintained and protected, thereby ensuring ecological connectivity around the Site remains intact.

6.2.11 Mitigation measures for the operational phase of the Proposed Development will comprise the following:

- The production of the Landscape and Ecological Management Plan (LEMP) to ensure the long-term ecological value of retained and created habitats is maintained and that the drainage features are monitored and managed to ensure they remain functional throughout the life of the Proposed Development; and
- The production of a Lighting Strategy with ecological input to ensure impacts on nocturnal species (most notably bats and otter) are minimised.

In order to provide compensation for the loss of habitats within the Site, new areas of wildflower grassland, ditch corridors, native woodland, and waterbodies will be created. Roosting boxes for bats and nesting boxes for birds will be provided as direct compensation for any loss of existing roosting and breeding sites. Existing hedgerows will be enhanced to strengthen ecological connectivity throughout the Site, with a series of additional bat and bird boxes installed to enhance the Site for these species groups.

6.2.12 Provided that all recommended mitigation, compensation and enhancement measures are implemented, most predicted ecological effects can either be avoided entirely or reduced to Negligible (Not Significant) Levels.

6.2.13 The only exception will be during the construction phase where the loss of habitat for declining farmland bird species, which will have a Residual Adverse Effect. However, the creation of suitable wildflower meadow and rough grassland habitats as part of the Proposed Development, and the potential for the re-colonisation of the Site by some declining farmland bird species, is considered to reduce this adverse effect.

6.2.14 While there would be some inevitable loss of habitats during construction and through the built development, this is considered not to be significant or of local significance other than for birds and otter, where it is assessed as being of district significance, before mitigation. The habitats are typical of the general location, so the loss is generally only a small proportion of the available habitat.

○ *Summary*

6.2.15 The proposals seek to protect the existing important habitats where they can, and to enhance the biodiversity of the site through new and enhanced habitat creation including reinforced hedgerows, new native woodland and hedgerow planting, new wetlands and wildflower grasslands and introducing permanent water areas, along with measures such as hibernacula, bat and bird boxes to further encourage wildlife. A significant proportion of the site will be managed for its wildlife value (estimated at 35%) and management measures generally across the development are to be designed to enhance the biodiversity potential through a Landscape and Biodiversity Management Plan (LBMP). The overall effect is generally not significant, after mitigation, other than the loss of arable farmland habitat, which provides habitat for birds

6.2.16 On the basis of the above, Officers consider that the outline planning application has demonstrated that the development can be designed to minimise the impact on ecology and biodiversity and the mitigation proposed would have long term benefits through habitat creation, improvement and appropriate management of the green infrastructure. It is therefore considered that the proposals will have a minor beneficial impact upon ecology and biodiversity and would therefore accord with Policies GI5 and L1 of the Harborough District Local Plan and Policy E1 of the Houghton Neighbourhood Plan in this respect.

3. Highways

6.3.1 The ES includes a chapter on Transport and Access (Chapter 14), which was informed by a Transport Assessment (hereafter referred to as a 'TA') and a Travel Plan (hereafter referred to as 'TP') both undertaken by RPS.

○ *Highways Policy*

6.3.2 Policy SC1 of the Harborough District Local Plan contains specific criteria with regards to securing satisfactory access and the protection of the highway network. Criterion 4a and 4b state:

4. *Land to the east of Houghton on the Hill, as shown on the Policies Map, is allocated for a replacement golf course subject to the following criteria:*
 - a. *the layout does not sever or severely disrupt the public right of way network;*
 - b. *a satisfactory access is provided and there is capacity in the local road network to accommodate traffic generated by the development;*

6.3.3 Policy LTP3 of the Leicestershire County Council Local transport Plan sets out how the Highway Authority will manage and improve the transport network over the next 15 years (2011 to 2026). The document also has a short term implementation plan on a rolling 3 year period. The key aims of the plan include the following:

- *'Efficient, easy and affordable access to key services, particularly by walking, cycling and public transport*
- *More consistent, predictable and reliable journey times for people and goods*
- *Improved satisfaction with our transport system*
- *More people walking, cycling and using public transport as part of their daily journeys*
- *A reduction in the number of road casualties*

- *An effectively managed and well maintained transport system and assets*
 - *Improved resilience of our transport system to the effects of climate change*
 - *Reduced impact from the transport system on the environment and individuals'*
- Other relevant Highways Policy and Guidance is set out in **Section 5** of this report.

○ *Access proposals*

- 6.3.4 The proposed development will include a new road which will divert Gaulby Lane past the new golf course and join the A47 via a new priority junction arrangement 295m west of the existing Gaulby Lane junction. The proposed road will be a minimum of 5.5m wide, with a 2m grass verge on the eastern/northern side and a 2m footway on the western/southern side. The road width at the junction with the A47 will be 6m wide to allow sufficient room for larger vehicles to manoeuvre easily (see **Figure 17**).

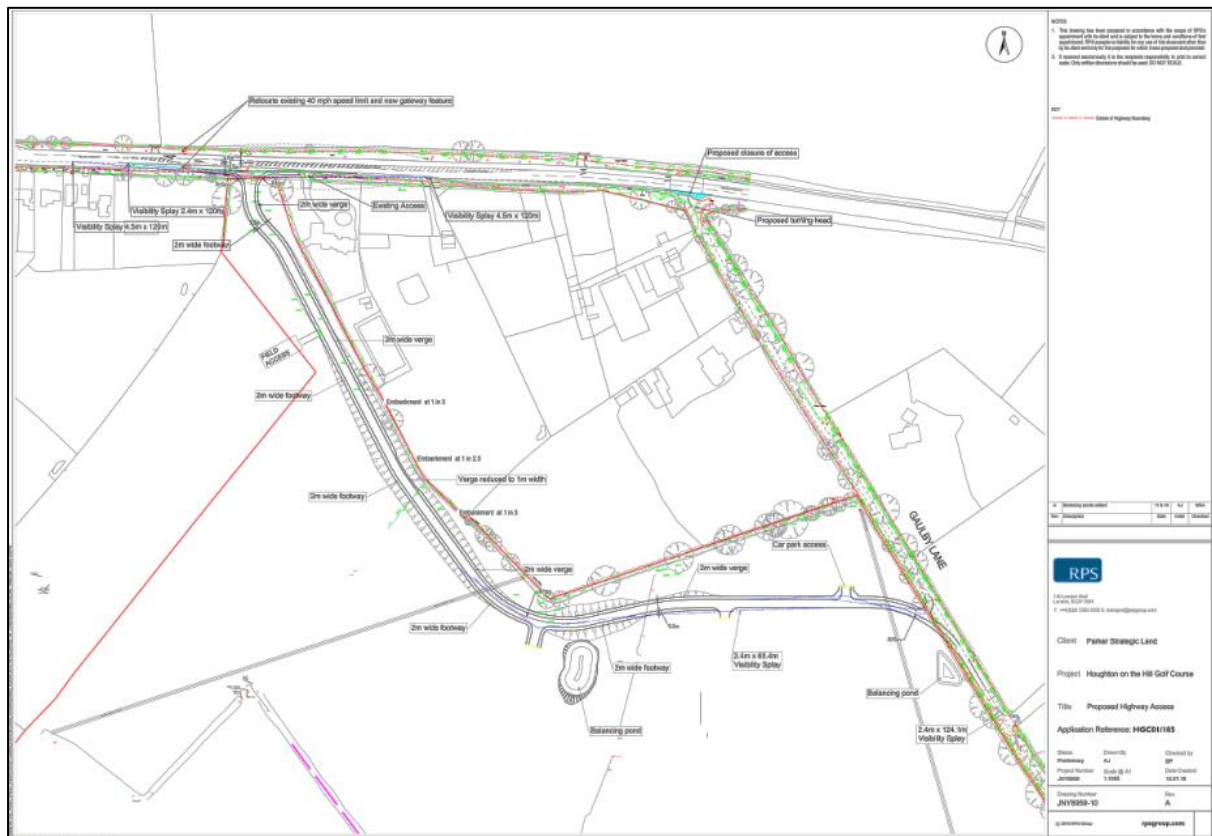


Figure 17: Proposed Access arrangements

- 6.3.5 Access into the proposed golf club will be taken from the new road and be in the form of priority junction arrangements which in turn will lead into the various parking areas (see **Figure 17**). As part of these proposals the existing Gaulby Lane junction with the A47 will be closed and as a result access to the existing residential properties located close to the A47 will be required via a new priority junction arrangement which will be provided off the new road. As the road width on Gaulby Lane is narrow, a turning head will be provided at the closed end of Gaulby Lane to allow vehicles to turnaround (see **Figure 17**).
- 6.3.6 The new junction on the A47 be in the form of a priority junction arrangement with a ghost island right turn lane(see **Figure 17**). The access will be located just within the national speed limit as currently set out; as such the applicants are proposing to extend the existing 40 mph speed limit for a distance of 160m eastward to ensure that the proposed access and its visibility splays are within the 40mph speed limit. The new road will be subject to a 40mph speed limit which will extend along the new road to the

point where it joins back onto Gaulby Lane, at this point the speed limit will change to the national speed limit.

- 6.3.7 The Swept Path Analysis has been undertaken on the new access road and access onto the A47, using the largest design vehicle that is likely to access the site on a regular basis which is considered to be a refuse vehicle and also a large tipper lorry which will deliver materials to the site such as sand. In addition, swept path analysis has been carried out for the proposed turning head provided at the northern end of Gaulby Lane to ensure that a large vehicle such as a refuse vehicle is able to manoeuvre easily.
- *Proposed Off-site Highways works*
- 6.3.8 Other than amendments to the A47 to provide the ghost island right turn lane as set out above, there are no off site Highways works proposed as part of the Proposed Development.
- *Existing Highways Network*
- 6.3.9 Access to the site will be taken from the A47 which is to the north of the site. The A47 within close proximity to the site is a single lane carriageway with a short overtaking (2 lane) section on the westbound approach to Houghton on the Hill, east of Gaulby Lane. This reduces back to a single lane carriageway some 100m west of Gaulby Lane. East of Houghton on the Hill, the A47 is subject to a 60mph speed limit which reduces to 40mph upon entering Houghton on the Hill village, approximately 430m west of Gaulby Lane.
- 6.3.10 Gaulby Lane is a minor rural road with no lane markings and is approximately 4 metres wide with passing areas and grass verges. Gaulby Lane is subject to the national speed limit (60mph) and has a 7.5t weight restriction except for access.
- *Assessment of Impact on the Local Highway Network*
- 6.3.11 The Highways Authority have provided a substantive response to this application and a copy of their full comments is attached at **Appendix C** which have been accepted in informing the recommendation in this report. However, a summary of their comments is provided below.
- 6.3.12 A key piece of infrastructure for the proposed development is a new access road which would provide a new link between the A47 Uppingham Road and Gaulby Lane. The access road is proposed to have a 40mph speed limit, with a 5.5m carriageway width and 2m wide footways adjacent to both sides of the carriageway. The new site access from the A47 and access road would also result in the existing Gaulby Lane / A47 Uppingham Road junction being closed.
- 6.3.13 Following comments from the LHA the applicants have made some minor amendments to the layout of the road to ensure it meets Leicestershire County Council's requirements to be adopted as public highway (extent shown on drawing number: JNY8959-11 Rev M) and is suitable to replace the existing Gaulby Lane / A47 Uppingham Road junction.
- 6.3.14 The Lead Local Flooding Agency (LLFA) responded to the planning application in March 2022 and advised approval subject to conditions including details of a surface water drainage scheme to be submitted and approved. Therefore, the LHA is satisfied that any highway drainage concerns can be addressed at once a discharge of condition application comes in (see **Appendix A – Conditions 9 & 16-18**).

- 6.3.15 The applicant has tested the site access design with the predicted flows in the 2022 Design Year with proposed development and 2031 Design Year with development scenarios. This predicts that the site access would operate within capacity in both the AM and PM peak hours for both scenarios.
- 6.3.16 In the previous highway observations the LHA was satisfied with the applicant's conclusion that no further road safety measures were required to mitigate the impact of the proposed development. This conclusion followed a review of the Personal Injury Collision (PIC) data in the study area identified by the applicant in Appendix C of the Transport Assessment. The study area is reproduced in **Appendix C – Figure 2**. Given the period of time since the last highway observations the Highways Authority has checked its own database again. The PIC data from 1 April 2017 - 31 March 2022 shows that there was one PIC based on the study area included in the initial Transport Assessment (dated June 2019). This occurred in March 2021 and was classified as slight. Following the review the LHA is satisfied that there are no emerging patterns / trends that require further investigation so the LHA would not seek to refuse the planning application based on the collision data.
- 6.3.17 In the previous highway observations the Highway Authority advised the applicant to review the predicted trip rates for the golf club and undertake a sensitivity test to understand the potential impact of any other trips as a result of additional services at the site, e.g. conferences or weddings. The applicant has justified the trip rates in revised TN-03 and confirmed that the existing golf club does not have any conference facilities so any current trip rates would not be representative of the proposed development, hence the use of the TRICS database. The LHA accept the applicant's approach and therefore the approved trip rates for the development result in nine (two-way) and 30 (two-way) trips in the peak hours. For the sensitivity test the trip rates result in 31 (two-way) and 54 (two-way) trips.
- 6.3.18 As referred to above there are no capacity issues with the site access / A47 Uppingham Road junction (see **Appendix C – Figure 5**). Furthermore based on the low level of trips in the AM and PM peak trips and the distribution of those trips across the local highway network the LHA does not require any more junction capacity assessments.
- 6.3.19 The applicant has provided details on the number of car parking spaces, accessible parking spaces, electric parking spaces and cycle parking. However the internal layout of the development is not being considered as part of this planning application so the Highways Authority has not considered this element of the submission in detail as it will be determined as part of a future Reserved Matters application.
- 6.3.20 There is a short section of public footpath C51 which runs through the proposed development in the south western corner of the site (extract based upon the Definitive Map of Public Rights of Way in **Appendix C – Figure 6** for information). The legal line of public footpath C51, as demonstrated on the map, should be respected. However, if any changes are required to footpath C51, an application for a diversion order under the Town and Country Planning Act 1990, would need to be made to the Local Planning Authority. Leicestershire County Council would also like HDC and the applicant to note the outstanding claim by the Parish Council for the alleged public footpaths shown on plan no. M1180-P01-Rev (See **Appendix C – Figure 7**) to be added to the Definitive Map.
- *Summary*
- 6.3.21 Based on the additional information submitted the applicant has demonstrated that a safe and suitable access to serve the proposed development could be delivered in line with Paragraph 110 of the National Planning Policy Framework. The applicant has also

tested the impact of the proposed development on the local highway network and the Highways Authority considers that the residual cumulative impacts of development can be mitigated subject to the inclusion of the recommended conditions and contributions. It is therefore considered that the proposals will have a moderate beneficial impact upon the highway network and would therefore accord with Policies GD8, IN2 and SC1 of the Harborough District Local Plan in this respect.

4. Landscape and Visual Impact

- 6.4.1 The ES contains a chapter (Chapter 8) on Landscape and Visual Impact which was prepared by Wardell Armstrong.
- 6.4.2 The ES confirms that the Site does not lie within any nationally designated landscapes (e.g. Area of Outstanding Natural Beauty or National Park).
- *Landscape Policy*
- 6.4.3 Policy SC1 of the Harborough District Local Plan contains a specific criterion with regards to the protection of the landscape in the surrounding area. Criteria 4c states:
- “4. Land to the east of Houghton on the Hill, as shown on the Policies Map, is allocated for a replacement golf course subject to the following criteria:
- c. the location and design of the buildings and the landscaping of the course minimise visual impact upon the surrounding open countryside;”
- 6.4.4 Other relevant Landscape Policy and Guidance is set out in **Section 5** of this report.
- *Landscape Character*
- 6.4.5 The ES highlights the majority of the Site as falling within the “High Leicestershire” landscape character area as identified by the Council’s Landscape Character Assessment (prepared by The Landscape Partnership (hereafter referred to as ‘TLP’, 2007) (see **Figures 18 and 19**).

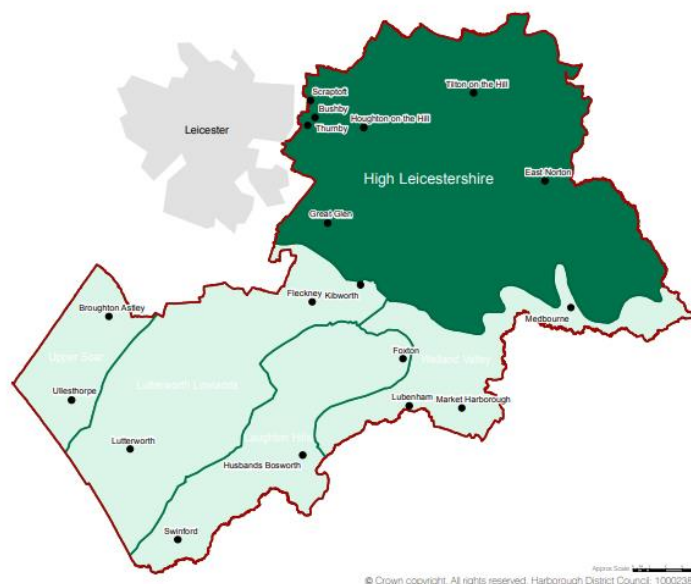


Figure 18: Landscape Character Assessment Map (District Wide)

- 6.4.6 High Leicestershire is the largest of the character areas and covers north of the District. It has defined features of steep valleys and broad ridges containing many woodlands and a network of small villages connected by winding country lanes and gated roads. The western edge of the High Leicestershire Landscape Character Area borders on the urban fringes of Leicester city.

6.4.7 The predominantly rural character area comprises undulating fields with a mix of pasture on the higher sloping land and arable farming on the lower, flatter land. Fields are divided by well established hedgerows, with occasional mature hedgerow trees. A network of narrow country lanes, tracks and footpaths connect across the landscape interspersed by small thickets, copses and woodlands. Gated roads are a particular feature towards the northern areas around Lowesby, Baggrave and Quenby. Extensive views from the higher ground reveal a pattern of small attractive villages, hamlets and farm buildings set within an agricultural landscape with traditional churches acting as distinctive features of the settlements.

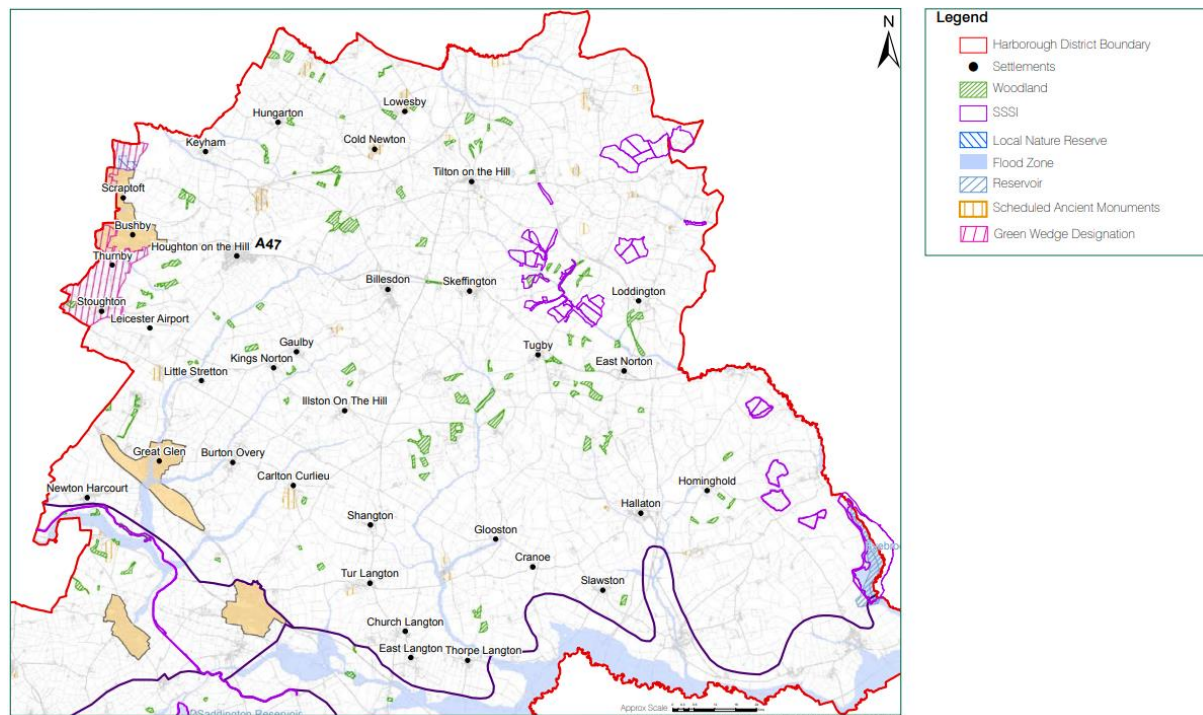


Figure 19: Landscape Character Assessment Map (High Leicestershire)

6.4.8 High Leicestershire is a predominantly rural area that is used for agriculture, with a mix of arable farming in the lowlands and pasture on higher ground. The undulating topography and Area of Particular Attractive Countryside (APAC) designation have prevented encroachment of development in the past leaving only small settlements scattered throughout the area with some more suburban developments to the west of the region, closer to Leicester city.

6.4.9 Throughout High Leicestershire there is a network of small villages, hamlets and farm buildings connected by narrow country lanes that are enclosed by mature hedgerows. A common feature within villages is the church tower which acts as a landmark on the approach to each village. Country lanes tend to run through the centre of the linear village settlements with small roads and tracks branching off to either side. Some of the smaller hamlets and farms are connected by the narrow gated roads that run through the open parkland areas to the north of the character area. Two major roads run through the centre of High Leicestershire character area, the A47 east to west from Leicester towards Peterborough and the B6047 north to south, from Melton Mowbray to Market Harborough. Along the western edge of High Leicestershire the urban influence of Leicester city becomes far more apparent. Larger suburban centres that are more readily associated with Leicester city than the rural character of High Leicestershire are located in this area including Scraptoft, Bushby, Thurnby and Great

Glen. Green wedge designations and the proposed community woodland greenspace project aim to separate Leicester fringes from these villages

6.4.10 The key characteristics of the High Leicestershire LLCA are:

- Steep undulating hills
- High concentration of woodland
- Parkland areas with narrow gated roads
- Rural area with a mix of arable farming on lowlands and pasture on hillsides
- Scattering of traditional villages and hamlets through the area
- Encroachment of Leicester to the west of the area

6.4.11 High Leicestershire is generally an attractive rural character area with small settlements, agriculture and woodland as its major features. The area would have a low capacity to accept any major developments in all but the western suburban areas, where the urban influence of Leicester city is exerted. In general, development should be avoided or minimised in High Leicestershire in all but its most western regions. High Leicestershire's character would be adversely affected by the influence of any development, other than small scale developments, across the majority of the character area. Any development would need sensitive integration to prevent encroachment on the highly sensitive rural areas of the rest of High Leicestershire. The western edge of High Leicestershire could accommodate development around the towns of Scraptoft, Bushby, Thurnby and Great Glen closer to the urban fringes of Leicester. In general the smaller settlements throughout High Leicestershire could accommodate little new development. These areas to the west have the capacity to accommodate some residential and other development which is contiguous and connected to the existing urban area as long as the towns' natural and visual envelopes are maintained and it does not exert built influence over the rest of rural High Leicestershire. On the basis of this, the general landscape capacity of the area is considered to be Low to Medium

6.4.12 The LCA identified a series of Key Issues facing High Leicestershire:

- Development may have an adverse impact on topography and landform which are key defining features of the landscape character of this area. The landscape is particularly vulnerable to negative landscape and visual impacts.
- Traditional features and form of smaller more rural and isolated villages may be particularly vulnerable to development pressure, even on a small scale.
- Inappropriate development may erode the defining characteristics of the landscape setting for smaller scattered villages across the landscape character area.
- Distinctive historic features and elements, which remain within the relatively intact landscape, may suffer adverse and irreversible impacts from inappropriate development.
- Important features and elements of the historic landscape, including parks and gardens, estates and mature hedgerows and woodlands may be threatened by development and prove impossible to replace or replicate once lost.
- Particular development pressures in the urban fringe and setting of the western edge of Leicester may impact on local landscape characteristics if design and mitigation measures are not integral to development planning.

○ *Landscape Capacity*

6.4.13 With respect to the capacity of the landscape to accommodate development, the 2007 LCA states that the area as a whole has a Low to Medium capacity for development. The High Leicestershire character area represents a changing landscape with many recent developments around the fringes of existing settlements.

6.4.14 Whilst the application site covers a large area, the level of built development proposed within the site is relatively small. This consists mainly of the clubhouse and academy facilities at the northern - more elevated - end of the site, and the maintenance depot at the low point of the site. The majority of the site will remain unaltered in so far as the topography of the site is concerned. This is an important consideration given that topography and landform which are key defining features of the landscape character of this area. All built elements of the Proposed Development are reserved for future consideration, and as such, the full impact of these elements will be considered at a later date. The maintenance depot buildings have the potential to be the more substantial, utilitarian buildings, potentially of an agricultural style design. Given that these buildings are located in the lower, more visually contained part of the site, it is considered that the landscape has the capacity to accommodate such buildings. Conversely, the proposed clubhouse is in a more elevated and exposed location, and has the potential to command views across the valley. For this reason, the design, scale and massing of these buildings will need very close scrutiny at Reserved Matters stage. Notwithstanding this, in terms of Landscape Capacity, it is considered that the proposals will not have a detrimental impact

- *Landscape and Visual Impact*

6.4.15 A Landscape and Visual Impact Assessment (LVIA) formed part of the ES. The LVIA includes a methodology section, a description of the baseline, definitions for sensitivity, magnitude and then makes judgements of significance for impacts on both landscape and visual receptors arising from the proposals. It also includes measures to assess the nature of the effects i.e. whether they are positive or adverse.

6.4.16 The LPA commissioned TLP to review the LVIA undertaken by FPCR on behalf of the Applicant and submitted in support of the application. TLP's review of the LVIA and application was submitted in May 2020.

- *Assessment of Landscape Effects*

6.4.17 The landscape and visual assessment of the proposals considers the likely impacts on views from the Public Rights of Way, surrounding roads and residential properties, on other sensitive receptors, and generally on the landscape character. The site is not subject to any landscape or conservation designations, although the Houghton-on-the-Hill Conservation Area is close to the north-western edge of the site. The landscape character is generally defined as 'High Leicestershire' and as 'Undulating Mixed Farmlands', and the site is typical of these characteristics with a varied landform, well-treed with mixed farming, and long sweeping views and more contained valleys. The landscape character is generally considered to be of a 'high sensitivity' and 'medium to high' within the study area. In terms of the landscape effects of the proposals, at a regional level, the effects are 'minor adverse', and in terms of local landscape character are assessed as 'minor to moderate adverse'. For the site and setting, the effects are again 'minor to moderate adverse'.

6.4.18 A desktop survey was undertaken to identify residential properties, footpaths and roads from which the proposed development would be visible from, and a site survey was then undertaken to confirm these locations. In addition, the relevant landscape character types were reviewed during the desk study. Both the Site and Houghton on the Hill are located within the High Leicester Landscape Type, which is described as elevated landscape which consists of farmland, sparse settlements and quiet rural lanes. The landscape type notes that the A47 is a detracting feature within the landscape. The Site is also located within the Undulating Mixed Farmland Character Type, which describes the landscape as varied, well treed and remote in character with

mixed farming. The varied landscape is said to offer long sweeping views from more elevated ridges and more contained views in wooded valleys.

- 6.4.19 The Site is fairly typical of these descriptions, comprising a number of medium to large fields divided by hedgerows and hedgerow trees. It sits within a landscape of rolling ridges and valleys, and slopes from the north and south into a valley across the centre of the Site through which the River Sence runs.
- 6.4.20 Due to change of land use from agricultural to recreational there is to be an impact on the landscape within the study area. In addition to this there will be changes to field patterns, the introduction of landscaping and waterbodies on Site, and the introduction of some new buildings. The effect that these elements are to have on the landscape will not be significant and with the establishment of hedgerows and trees within the Site any effects are likely to reduce further over time.
- 6.4.21 Whilst TLP have identified a number of differences of judgement from those recorded in the LVIA in the assessed effects of the proposed development, TLP do not fundamentally differ in terms of judgement with the Applicant. Whilst it is acknowledged that there will be a level of harm to the character of the landscape caused by the development, this would predominantly be Minor to Moderate. This would be significant locally, however, the magnitude of harm would reduce over time as the landscape mitigation works establish. On the basis of this, it is considered that the proposal accords with Policy GD5.
- *Assessment of Visual Effects*
- 6.4.22 The LVIA has modelled the 'Zone of Theoretical Visibility' (ZTV) of the development (see **Figure 20**). The visibility of the site is contained visually by the valley topography and the frequently dispersed woodlands, tree lines and hedges. Most views are therefore restricted to short and medium distances from the site from the footpaths, roads and from a selected number of houses, and generally through local and site screening provided by trees, hedges and woodlands. The ZTV has consequently been used to identify a range of photo viewpoints (see **Figure 21**) which have subsequently been agreed with HDC Officers and TLP.
- 6.4.23 The visual effects vary between 'negligible' and 'moderate adverse'; none are 'significant'. The impact of views from the A47 and from Gaulby Lane (see **Figures 22 and 23**) are 'moderate adverse', and from much of Gaulby Lane alongside the site. Views from footpaths C51 (see **Figures 24, 25, & 26**) and C50 are again assessed as 'moderate adverse' and from footpath C46 as 'negligible', and 'moderate adverse' from footpath C47, with no effect from footpaths D13 and D46. The impacts on residential properties around the site is generally 'negligible adverse', although the impact on Glebe Farm is considered 'moderate adverse'.

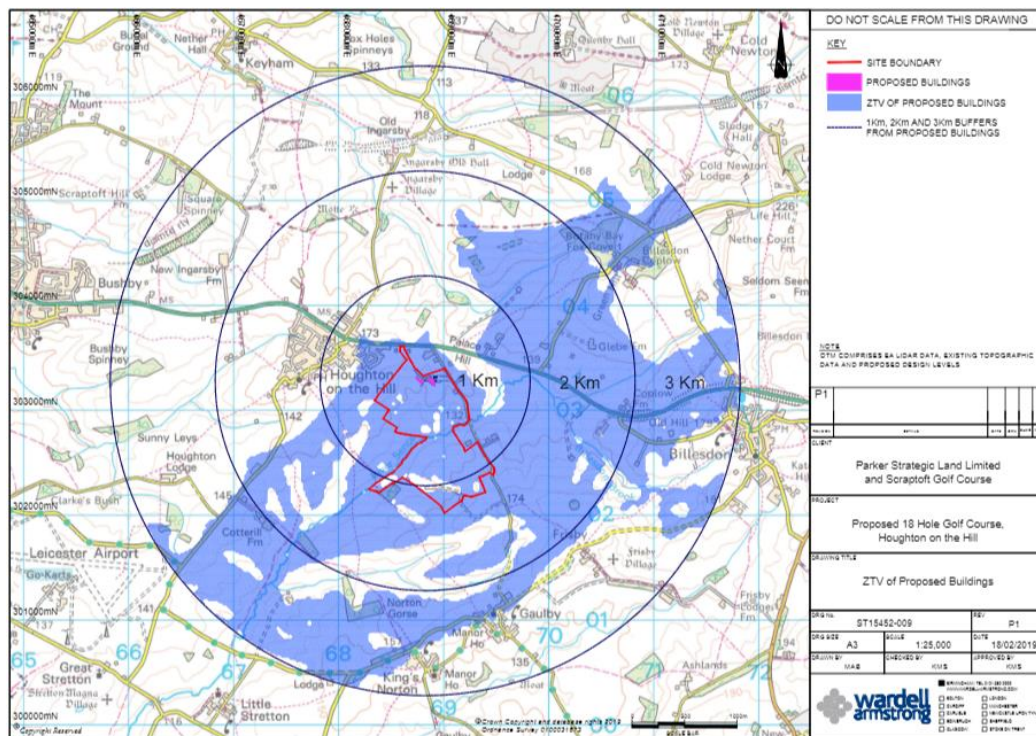


Figure 20: Zone of Theoretical Visibility for Proposed Development

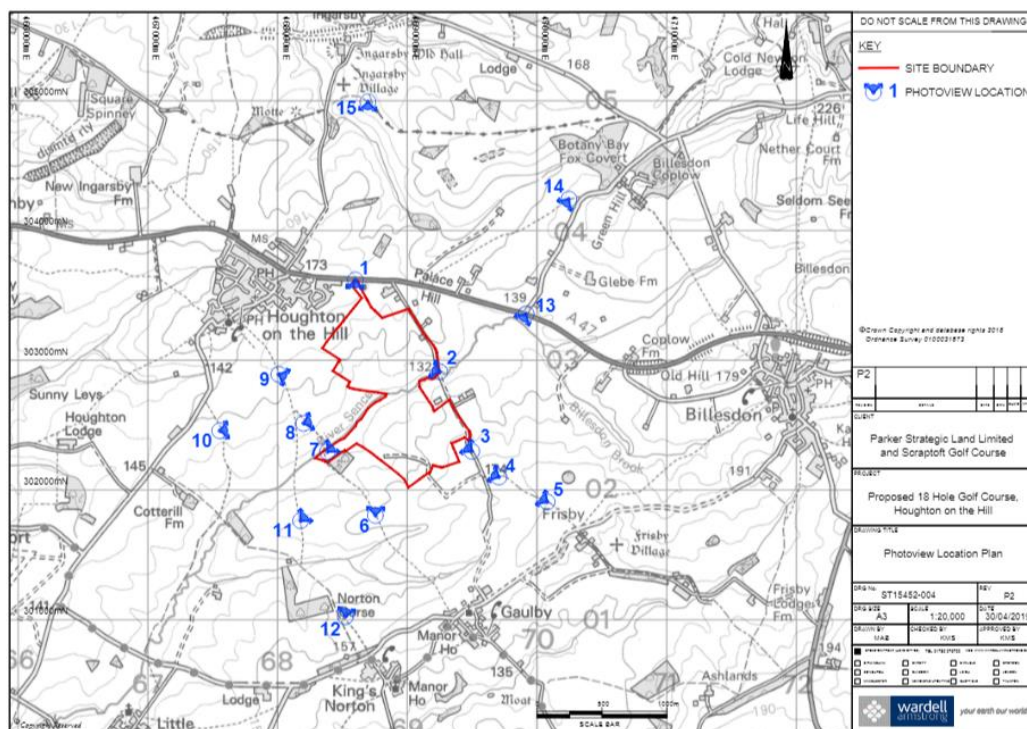


Figure 21: Viewpoint Locations



Figure 22: View of site from Viewpoint 2 (see Figure 21)



Figure 23: Zoomed in view of site from Viewpoint 2 (see Figure 21)

6.4.24 The visibility of the Site in the local area is principally constrained by the rolling nature of topography of the landscape and consequently by the valley formation in which the site is situated, together with the frequently dispersed woodland, tree lines and hedgerows. Owing to the nature of the Proposed Development and the screening effect provided by existing vegetation and development with Houghton on the Hill, the majority of visual impacts would not exceed moderate adverse for receptors within the study area; therefore, not significant.



Figure 24: View of site from Viewpoint 6 – Footpath C51 (see Figure 21)



Figure 25: Zoomed in view of site from Viewpoint 6 – Footpath C51 (see Figure 21)



Figure 26: Zoomed in view of site from Viewpoint 6 – Footpath C51 (see Figure 21)

6.4.25 However, users of Footpath C51, which passes through the Site (see **Figures 24, 25 & 26**), will have direct views of construction and the new irrigation lake upon completion. Therefore, these users would experience a significant effect during these periods. In the longer term however, after the landscape corridor has been allowed to grow, additional screening will be provided, reducing the visual effect to one that could be beneficial.

6.4.26 As part of the consideration of the application, HDC appointed The Landscape Partnership to carry out a review of the submitted LVIA. TLP have made a series of recommendations, the most pertinent being:

- *the ES advises that the construction phase could extend between 2020-2023. There is no indication how this would be progressed across the site, and therefore how much change would be experienced in the landscape during this period. The most extensive changes would occur in relation to the earthworks required to construct the golf course. If this was done for the whole of the site, this would result in a large area of the landscape being affected for a fairly extensive period of time. It is noted that the DAS indicates that this would occur over a period of a year, thereby limiting the time of change. The Applicant should advise how this could be organised and planned in such a way as to minimise the visual effects. (This can be addressed through the inclusion of a construction phasing plan condition on any subsequent approval (see **Appendix A – Conditions 6 & 7**));*
- *paragraph 8.6.2 (of the submitted LVIA) advises that ‘hoarding will be erected around the active work area to restrict views into the construction works’. The use of hoardings during the construction phase could be an evidently detractive feature in a rural context, particularly if used on a large scale. It is not clear how extensive this would be and where it would be located. As the construction works will cover the whole site, it would be excessive, unnecessary and very visually intrusive if it was used along all site boundaries. It is therefore recommended that this is conditioned (see **Appendix A - Conditions 6 & 7**);*
- *provision of additional hedges to extend existing hedges which need to be reduced in length, specifically in two locations: between first and eighteenth hole; and between the fifth and thirteenth hole. A further hedge is also recommended along the southern edge of the maintenance compound to provide visual containment (This can be addressed through the inclusion of a landscaping plan condition on any subsequent approval (see **Appendix A - Conditions 3 & 10**));*
- *some moderate increase in the extent of wet woodland to provide a more varied range of habitat types along the river. In particular this could be provided within the south-western corner of the site, where Public Footpath C51 passes through the site, on either side of the footpath, which would also help visually integrate the irrigation lake. A chain link fence is also proposed along the boundary with*

*the footpath, which would be inappropriate in this location. A more appropriate alternative solution should be provided, such as a native hedge and post and barbed wire fence (This can be addressed through the inclusion of a landscaping plan condition on any subsequent approval (see **Appendix A - Condition 11**));*

- *extend woodland planting along the eastern boundary between the tree belt around the northern edge of the maintenance compound and the area of existing woodland and proposed woodland to the north, to improve connectivity and create a more visually cohesive landscape feature. It is also recommended that a copse is provided further to the south, in the south-eastern corner of the site, adjacent to Gaulby Lane (This can be addressed through the inclusion of a landscaping plan condition on any subsequent approval (see **Appendix A - Conditions 3 & 10**));*
- *much greater use of individual trees and small groups of individual trees throughout the golf course, beyond the proposed woodlands, using large long-lived native species (This can be addressed through the inclusion of a landscaping plan condition on any subsequent approval (see **Appendix A – Conditions 3 & 10**));*
- *extend the shelving and aquatic planting along sections of the irrigation lake to improve the ecological value of the lake. Section I-I (Dwg No. HGC01/116) shows this on the south-eastern edge but this is not shown on the Planting, Seeding and Management Plan (Dwg No. HGC01/118). (This goes above and beyond the scope of advice from TLP and has not been recommended by LCC Ecology, and as such, no further action is recommended by Officers on this matter);*
- *changes to the 'Oak Woodland' and 'Riverside Woodland' mixes to provide a more species diverse mixture, and replace species that are not locally characteristic. The following changes are advised. 'Oak Woodland' to exclude *Pinus sylvestris* and *Prunus padus* and addition of the following species: *Acer campestre*; *Betula pendula*; *Cornus sanguinea*; *Corylus avellana*; *Crataegus monogyna*; *Ilex aquifolium*; *Populus tremula*; and *Prunus avium*. 'Riverside Woodland' to exclude *Prunus padus* and include: *Betula pubescens*; *Cornus sanguinea*; *Corylus avellana*; and *Salix cinerea* (This goes above and beyond the scope of advice from TLP and has not been recommended by LCC Ecology, and as such, no further action is recommended by Officers on this matter); and*
- *it would be desirable to provide a new public footpath between Public Footpath C51 and Gaulby Lane to improve connectivity, as there is currently no west to east access within this part of the River Sence valley (This goes above and beyond the scope of advice from TLP and has not been recommended by LCC Highways, and as such, no further action is recommended by Officers on this matter).*

6.4.27 Whilst TLP have identified a number of differences of judgement from those recorded in the LVIA in the assessed effects of the proposed development, TLP do not fundamentally differ in terms of judgement with the Applicant. TLP have highlighted a number of judgements where they consider the effect has been underestimated during the construction phase and Year 0 operational phase, but they also consider that there are several assessed effects in Year 15 where there would be a neutral effect rather than an adverse effect. Whilst it is acknowledged that there will be a level of visual harm to the landscape caused by the development, this would predominantly be Moderate. This would be significant locally, however, the magnitude of harm would reduce over time as the landscape mitigation works establish. On the basis of this, it is considered that the proposal accords with Policy SC1.

- *Summary*
- 6.4.28 In principle, it is considered that the proposals are appropriate to the allocated site, with the proposals being well designed incorporating new habitats and landscape features that would provide a benefit to the landscape. The proposals would inevitably result in a change to landscape character, but once the planting has established, the proposals could provide a golf course that incorporates a mixture of new landscape features that are both characteristic and less characteristic of the surrounding landscape. The approach and objectives to the design of the golf course could create a sympathetic and holistic design that would largely relate well to the local landscape context. It is recommended that the additional measures set out above are included as part of recommended conditions to be imposed on any subsequent approval so as to ensure that this is successfully achieved.
- 6.4.29 The indicative proposals for the clubhouse, academy and maintenance compound provide an appropriate approach, which needs to be appropriately followed through as part of any future reserved matters application, as the design will have an important influence on the effect to landscape character and views. The conceptual approach and vision for the clubhouse and academy is supported by both TLP and Officers, and that these should 'fit' the site setting well and the buildings rising from the ground and being part of it. Care will need to be taken with the construction materials, so as to ensure that sunlight reflection does not draw too much attention to the buildings in longer distance views, but rather the buildings organically blend in with the landscape and visually form part of the landscape. Consequently, primary use should be made of green roofs and that glazing, copper and timber cladding are largely used on the main elevations visible from the wider countryside. Stone and white render would be appropriate on the northern elevations. The driving range needs careful consideration, in particular regarding any proposed lighting, to ensure that this does not have an intrusive effect on the surrounding rural context. The proposals indicate that a Landscape and Biodiversity Management Plan will be prepared and we would advise that this forms a condition of any future planning consent (see **Appendix A - Condition 5**).
- 6.4.30 Overall there would be a number of adverse effects arising from the proposals on both landscape character and visual receptors within the surrounding area. Bearing in mind the substantive scale of the overall development this significant effect is relatively localised and is likely to be expected in most greenfield locations. The adverse effects would reduce over time with the delivery of the landscape planting scheme. The adverse effects on landscape character and visual receptors will need to be balanced against all the benefits of the proposal by the decision makers. However, in landscape and visual terms the scheme as proposed is not considered to be unacceptable.
- 6.4.31 It is therefore considered that the proposals assessed overall will have a moderate adverse impact upon the landscape of the surrounding area, but would accord with Policies GD5 and SC1 of the Harborough District Local Plan in this respect.

5. Noise and Vibration

- 6.5.1 The ES includes a chapter (Chapter 13) on Noise and Vibration. A Noise Assessment (NA) has been undertaken to survey existing noise levels at the Site and neighbouring, noise sensitive, locations. The Noise Assessment was prepared by Wardell Armstrong. The NA considered the effect of operational activity noise, road traffic noise, and construction noise upon existing residential receivers due to the proposed development.

- *Noise Policy*

- 6.5.2 Relevant noise Policy and guidance is set out in **Section 5** of this report.

- *Existing Noise Environment*
- 6.5.3 This submitted assessment considers construction phase noise and the change in noise due to development-led road traffic at Sensitive Receptors as set out in **Figure 27**. As construction activity will be limited to daytimes, only noise monitoring at locations representative of receptors during the daytime was undertaken. Wardell Armstrong carried out attended and unattended noise monitoring in order to assess the existing ambient noise levels at receptors, with baseline noise monitoring carried out on the 25th August 2018.
- 6.5.4 The monitoring locations are shown on the Noise Monitoring Location Plan at **Figure 28** and the baseline conditions. Attended noise monitoring allows observations and detailed notes to be made of the notable noise sources that contribute to each of the measured levels. These observations identified notable noise sources at the site, including:
- Road Traffic Noise: Noise from the A47 was audible at the Site and at the receptor. Noise from road traffic on other local roads was also audible to a lesser extent.
 - Aircraft Noise: Distant noise from overflying aircraft was occasionally audible at all monitoring locations, and the noise is included into this assessment.
 - Birdsong: Noise from birdsong was occasionally audible at all monitoring locations.

Table 1: Existing Noise Sensitive Receptor Locations				
Receptor		Grid Co-ordinates		Bearing from Site
Existing Sensitive Receptor	Address	Easting	Northing	
ESR1	Glebe Farm, Gaulby Lane, Houghton-on-the-Hill	469275	302677	South-east
ESR2	2 Gaulby Lane, Houghton-on-the-Hill	469033	303432	East
ESR3	101 Uppingham Road, Houghton-on-the-Hill	468650	303579	North
ESR4	99 Uppingham Road, Houghton-on-the-Hill	468530	303577	North
ESR5	3 Ingersby Road, Houghton-on-the-Hill	468137	303700	North-west
ESR6	3a Main Street, Houghton-on-the-Hill	468054	303641	North-west

Figure 27: Sensitive Noise Receptors

- 6.5.5 The measured levels have been arithmetically averaged and then rounded-up to give a single daytime level for each location. The results for each of the monitoring locations are presented at **Figure 29**, with full details of the measured noise levels included within the ES.

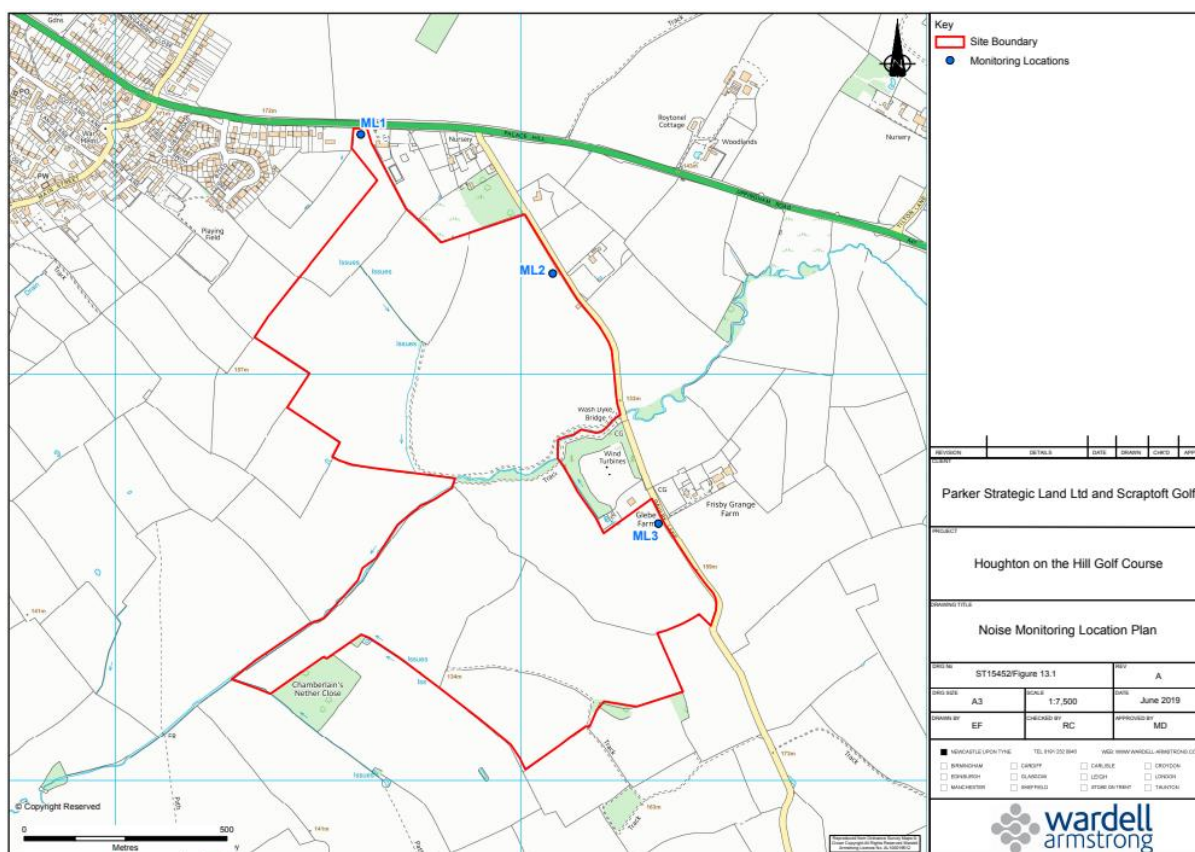


Figure 28: Sensitive Noise Receptor locations

Monitoring Location	Time	Average Measured L_{eq}	Average Measured Background Noise Level, L_{90}
1	Daytime	65	45
2	Daytime	45	35
3	Daytime	45	35

Figure 29: Average Daytime Noise Levels

- *Assessment of Impact of Construction Phase*

6.5.6 The activities associated with the earthworks and construction phase of the Proposed Development have the potential to generate noise and result impact on the surrounding area; construction noise can affect the surrounding neighbourhood. The impacts are varied and are complicated further by the nature of the site works, which will be characterised by mobile noise sources that will change location throughout the construction period. The duration of construction works is also an important consideration, as higher noise levels may be acceptable if it is known that the levels will occur for a limited period. During the earthworks and construction phase, any work carried out at the Site is likely to generate noise that may be heard beyond the boundary of the Site. The 'assumed' likely construction activities on the Site that could give rise to construction-related noise impacts include (but are not limited to) the following:

- Site preparation (e.g. ground excavation, levelling of ground, trenching, trench filling, unloading and levelling of hardcore, and compacting filling); and

- Construction of the Proposed Development, including piling, the creation of access roads, fabrication processes (e.g. planing, sanding, routing, cutting, drilling and laying foundations).

6.5.7 For the purposes of the ES, it was assumed that the enabling and construction works will be restricted to daytime hours (i.e. between 08:00 and 18:00 hours Monday to Friday and 08:00 to 13:00 hours on a Saturday, with no work on Sunday and Bank Holidays), this can be controlled by condition (see **Appendix A – Conditions 6 & 7**). The earthworks and construction phase activities have the potential to generate short-term increases in noise levels, above those recommended in BS5228-1. The levels of noise received at the receptors closest to the Proposed Development will depend on the sound power levels of the machines/plant used, the distance to the properties, the presence of screening or reflecting surfaces and the ability of the intervening ground to absorb the propagating noise. The nearest existing noise sensitive receptors to the Proposed Development, as detailed in the ES, will vary depending on the phase of the Proposed Development under construction. Noise levels at receptors may very occasionally occur above those detailed in the Noise Assessment, where construction activities occur close to the site boundaries.

6.5.8 Mitigation measures will be required to reduce the potential impact of noise levels generated by the construction phase of the Proposed Development at existing receptor locations within the immediate vicinity of the Site. This will include the adoption of best working practice, which will be implemented during each phase of the earthworks and construction works at the Site. this can be controlled by condition (see **Appendix A – Conditions 6 & 7**).

6.5.9 Once the impacts set out above have been mitigated as described, any remaining impacts are considered to be residual impacts. The activities carried out during the earthworks and construction phase of the Proposed Development will have the potential to generate short-term increases in noise levels above the recommended noise limits (set in accordance with current guidance) at receptors surrounding the Site. The use of heavy plant machinery associated with the earthworks and construction works also has the potential to give rise to ground borne vibration. In order to minimise the potential impact of construction works, appropriate mitigation measures (including restrictions on working hours, the implementation of temporary screening (where possible) and best working practices as set out above) will be put in to place. In addition to earthworks and construction, it is possible that piling will be required. At this stage, detailed information regarding the type of piling has not been confirmed. In order to minimise the potential for vibration to be generated by piling, it is recommended that careful consideration be given to the type of piling used.

6.5.10 The sensitivity of the receptors is 'Moderate' and the magnitude of change with mitigation in place is 'Negligible'. Therefore, following the implementation of mitigation measures, there is likely to be a short-term residual effect on receptors of Negligible (Not Significant). Any moderate effects that may occur are likely to be brief and localised.

○ *Assessment of Impact of Operational Phase*

6.5.11 Additional road traffic associated with the Proposed Development has the potential to increase noise at existing receptors. Therefore, predictions have been carried out to assess any potential changes in road traffic noise at existing receptor locations due to the operational phase of the Proposed Development. The Proposed Development includes additional road traffic flows on existing roads, as well as the development of new roads associated with the Site. The Proposed Development includes the closure

of the end of Gaulby Lane at the junction with the A47. Access to Gaulby Lane will be via the new road through the Proposed Development site.

- 6.5.12 The results of the road traffic assessment at each receptor, for each of the three future year scenarios (i.e. 2022 without, 2022 with and 2031 with), are shown for the façade of each receptor that is likely to be affected the most. The results of the assessment are detailed in the ES and include the noise impact for each receptor. The results show that the highest increase will be +1dB(A). The lowest change is +0dB(A).
- 6.5.13 The sensitivity of the receptors is 'Moderate' and the magnitude of change is 'Negligible'. Therefore, there is likely to be a direct, permanent, long-term residual effect on the receptors of Negligible (i.e. Not Significant). There are no noise sensitive areas of the Proposed Development and, as such, existing and future noise has not been considered at the Site as there will not be an impact. As the design proposals propose the redevelopment of the Site as a golf-course, commercial-related noise from the Proposed Development affecting any receptor is considered to be very unlikely. As such, relating impacts have not been considered further. Due to the negligible impact of the Operational Phase of the development, no mitigation has been proposed to reduce any development-led road traffic noise at the receptors, therefore, the residual impacts of the Operational Phase remain as set out above

- *Summary*

- 6.5.14 The noise generating elements of the scheme are currently in Outline form, and as such, the finer detail of noise impact upon surrounding properties falls to be fully assessed as part of the consideration of any future Reserved Matters application. There is also scope for screening along the noise sensitive boundaries of the site as set out above and the recommended conditions address this (see **Appendix A – Condition 30 & 31**). Given the distances involved, whilst it is inevitable that any development of the scale proposed would result in an increase in the background noise levels, the living conditions of existing residents would not be unduly affected by the development. The NA concludes that the impact of noise and vibration on future residents will be negligible. On the basis of this, Officers consider that the noise environment for existing residents will be acceptable and that the development would have a neutral impact upon the noise environment and as such would accord with Policies GD8 and SC1 of the Harborough District Local Plan in this respect, for the reasons set out above.

6. Drainage and Hydrology

- 6.6.1 The ES includes a chapter on flood risk and drainage (Chapter 11), which was prepared by WSP and was informed by a detailed Flood Risk Assessment (FRA).

- *Drainage Policy*

- 6.6.2 Policy CC3 of the Harborough District Local Plan requires that development should take place in the areas of lowest risk of flooding;
1. *New development should take place in the areas of lowest risk of flooding, including the potential future risk due to climate change. The Sequential Test, and, where necessary, the Exceptions Test should be used to assess the suitability of proposed development. Site-specific flood risk assessments of all sources of flood risk on the site and downstream of the site will be required as appropriate.*
 2. *Development should take place within Flood Zone 1, wherever possible. Within Flood Zone 1 a site-specific flood risk assessment will be required for proposals relating to:*
 - a. *major development;*

- b. *land with critical drainage problems;*
 - c. *land at increased flood risk in the future; or*
 - d. *a more vulnerable use on land subject to other sources of flooding.*
 - 3. *All development proposals in Flood Zones 2 or 3 will require a site-specific flood risk assessment.*
 - 4. *Development proposals subject to a site-specific flood risk assessment will only be permitted where:*
 - a. *the mitigation, flood management, flood resilience measures, and design requirements identified are satisfactorily addressed; and*
 - b. *the design incorporates flood resilience measures to allow for increased risk due to climate change.*
 - 5. *Development in Flood Zone 3, unless meeting the Exceptions Test, will only be permitted as follows:*
 - a. *Flood Zone 3a: 'less vulnerable' uses, including retail and business uses (A and B Use Classes), agriculture and some non-residential institutions (Use Class D1) other than for health services, nurseries and education; and water compatible development;*
 - b. *Flood Zone 3b: water compatible development where appropriate; this zone will be safeguarded to ensure protection of the functional floodplain.*
- 6.6.3 Policy CC4 of the Harborough District Local Plan requires that development provides sustainable drainage systems (SuDS)
- 1. *All major development must incorporate sustainable drainage systems (SuDS).*
 - 2. *Prior to the commencement of development, the responsibilities for management and maintenance in perpetuity of the SuDS must be agreed.*
 - 3. *The design and layout of the SuDS, taking account of the hydrology of the site, will:*
 - a. *manage surface water close to its source and on the surface where reasonably practicable to do so;*
 - b. *use water as a resource, re-using it where practicable, and ensuring that any run-off does not negatively impact on the water quality of a nearby water body;*
 - c. *use features that enhance the site design and make an active contribution to making places for people;*
 - d. *incorporate surface water management features as multi-functional greenspace wherever possible;*
 - e. *provide for the re-naturalisation of modified water courses where practical;*
 - f. *be located away from land affected by contamination that may pose an additional risk to groundwater or other waterbodies;*
 - g. *demonstrate that the peak rate of run-off over the lifetime of the development, allowing for climate change, is no greater for the developed site than it was for the undeveloped site and reduced wherever possible; and*
 - h. *ensure that flooding would not occur to property in and adjacent to the development, in the event of an occurrence of a 1 in 100 year rainfall event (including an allowance for climate change) or in the event of local drainage system failure*
- 6.6.4 Other relevant Drainage and Flood Risk Policy and Guidance is set out in **Section 5** of this report.
- 6.6.5 The ES and FRA confirm that the development platform containing the proposed clubhouse and other facilities lies within Flood Zone 1 (low risk of flooding) as defined by the Environment Agency's (hereafter referred to as 'EA') flood maps, however,

some of the golf course will lie within Flood Zone 3 (High probability of flooding) and 2. The extent of land classed as Flood Zone 3 and 2 is shown at **Figure 30**. The only built development which would be located in Zones 2 or 3 are the maintenance buildings, cart tracks and shelters. These types of development are classified as ‘Less Vulnerable.’

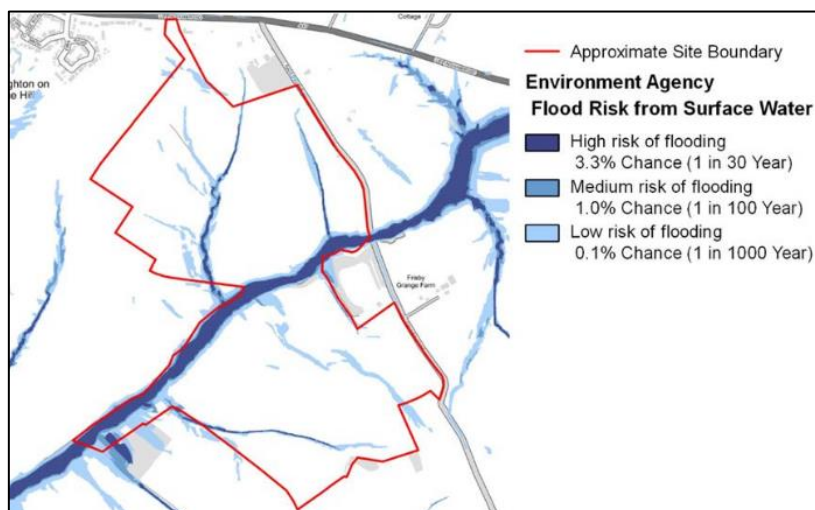


Figure 30: Environment Agency Flood Map for site

- *Assessment of Impacts*
- 6.6.6 The site is located either side of the River Sence and drains naturally along ditches and across the land to the River, with an existing surface water drain (partly in culvert) entering the site from Houghton to the north west. **Figure 31** is a map showing the location of the watercourses described above. The proposals include attenuation ponds and swales, permanent open water bodies including ponds and the irrigation lake, and a series of wetlands. The development is largely within Flood Zone 1 although there are works to the golf course within the river corridor within Zones 2 and 3. Due to this, and the nature of the proposed development, the site is not identified as being of significance for flooding.

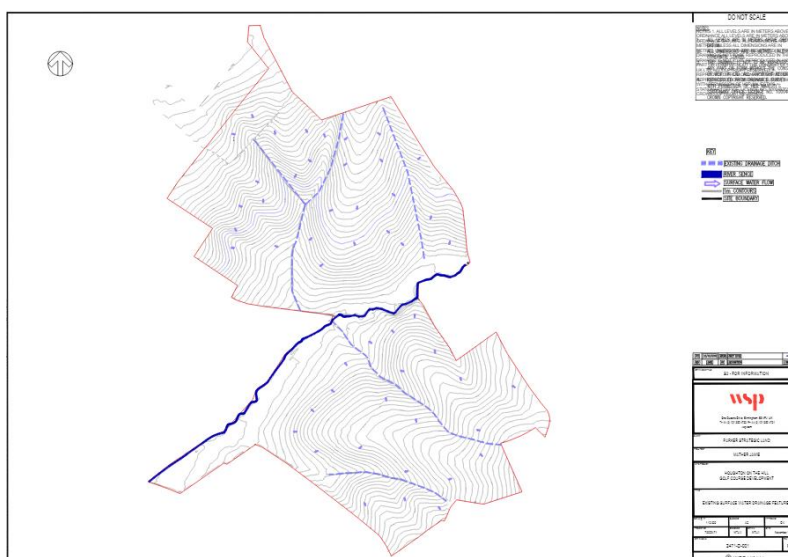


Figure 31: Watercourses plan of site

- 6.6.7 During construction of the Proposed Development potential impacts include impacts on flood risk (including works within the flood plain), surface water drainage (including

increased runoff, potentially impacting on site workers and surrounding people and properties), water quality (including increased sediment movement and the potential for increased contaminants entering the water environment), geomorphology (including increased movement and removal of sediment from the floodplain to the river channel impacting water quality).

- 6.6.8 The mitigation for the construction phase includes the preparation of a CEMP (see **Appendix A – Conditions 6 & 7**) to ensure that best practice is employed, and the environment safeguarded. The CEMP would include method statements for the proposed works, details of materials to be taken from and to the Proposed Site, and a pollution control and contingency plan. The CEMP will also include measures ensuring marked effects on flood risk and surface water drainage do not arise.
- 6.6.9 In addition to the CEMP the phasing of the development would be designed to ensure that the sustainable drainage features are constructed prior to the development of the relevant phase thereby minimising the potential risk of flooding during construction. Temporary drainage facilities will be provided during the construction phase to ensure that run-off is controlled, and that the build-up of standing water is restricted.
- 6.6.10 Following completion of the Proposed Development potential impacts include impacts on flood risk (the introduction of a clubhouse, driving range and car park facilities potentially increase the risk of flooding), surface water drainage (including altered response to rainfall events such as changes in run off rates from the altered land use and changes to drainage routes) water quality (including the potential for increased contaminants entering the water environment as a result of vehicle spillage and the initial runoff from a rainstorm) and groundwater (including potential for increased and altered interaction between the surface and groundwater). During the operation of the site, the flood risk would be carefully managed through a sequence of attenuation basins, swales and outfalls to the River Sence, controlling run-off for 1 in 100-year events to existing greenfield rates plus an allowance for climate change. There is no anticipated impact on river geomorphology from the works, and water quality will be controlled through a series of interceptors and natural swales, and groundwater would be unaffected, with potential to collect water to ensure potable water use is limited and conserved where possible. The effects after mitigation during construction and operation are 'low/negligible' with 'medium' for water quality.
- 6.6.11 A surface water strategy has been designed into the Proposed Development, including attenuation ponds, permeable paving (where appropriate) and other sustainable drainage features, to manage surface water, thereby providing a positive impact in terms of ecology, landscape, and surface water run-off. The inclusion of SuDS will gradually improve water quality by reducing containment levels within run-off to levels that are acceptable. Measures to promote the re-use and recycling of water within the Proposed Development will be encouraged so as to reduce overall demand.
- 6.6.12 Following the adoption of the proposed mitigation measures, potential effects are considered to not be significant.
- *Summary*
- 6.6.13 On the basis of the above, it is considered that the proposals will have a neutral impact upon hydrology and flood risk and would therefore accord with Policies CC3 and CC4 of the Harborough District Local Plan in this respect.

7. Air Quality

6.7.1 The ES includes a Chapter on Air Quality (Chapter 12) which was informed by an Air Quality Assessment which established existing air quality conditions at the Site, which were found to be good.

○ Air Quality Policy

6.7.2 Chapter 15 'conserving and enhancing the natural environment' of The Framework at Para181 makes reference to planning policies and decisions should:

"sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan"

At Para183 it goes on to state:

"The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively."

6.7.3 The NPPG identifies a number of matters to be taken into account including consideration whether a development is likely to have an air quality impact in an area where air quality is known to be poor or where development is likely to impact on the implementation of air quality strategies. A number of particular matters are identified; a significant impact on traffic in terms of volume, congestion, or altering traffic composition.

6.7.4 A number of other factors including the creation of new sources of air pollution are also referred to, however, this is not considered relevant to this application. The guidance then sets out the need for and scope of an air quality assessment to accompany an application. The NPPG then goes on to consider how adverse impacts on air quality can be mitigated in the case of the current proposal of particular relevance are;

"promoting infrastructure to promote modes of transport with low impact on air quality;"

and

"contributing funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development."

○ Assessment of Impacts

6.7.5 The Proposed Development could result in impacts on air quality, including dust and other pollutants, during its construction and as a result of additional traffic associated with the golf course following completion. The closest existing sensitive receptors to the Proposed Development are houses located along Uppingham Road (A47), Firs Road and Gaulby Lane.

6.7.6 Areas that are known to have concerns with regards to poor air quality are designated as Air Quality Management Areas (AQMA). The Proposed Development is situated in a rural location and is not located within or adjacent to an AQMA. Notwithstanding this, the Leicester AQMA incorporates part of the A47 Uppingham Road, and is

approximately 4.7 km west of the site boundary at the closest point. No long-term air quality monitoring currently takes place in close proximity to the Site, but background concentrations from Defra mapping confirm that pollutant concentrations in the local area are well within acceptable limits.

- 6.7.7 During the construction phase, the implementation of site-specific mitigation measures will substantially reduce the potential for nuisance dust. A best practice Dust Management Plan will be in place for the duration of the earthworks and construction phase works, which will set out the practical measures to be implemented at the site to limit the generation of dust. This will include mitigation measures to reduce the possibility of dust being generated through mud and dirt on the public highway.
- 6.7.8 Air Dispersion Modeling has been used to predict the pollutants, against 6 representative locations for the various scenarios from the base-year to 2031 future-year with development in place. The baseline conditions show the locations are far below the various thresholds for NO₂, PM₁₀ and PM_{2.5} molecules. With the addition of the development, the overall effect is 'negligible' at all receptors with less than a 0.5% change and therefore 'not significant'. An agreed CEMP (see **Appendix A – Conditions 6 & 7**) can control air quality during construction to limit the short-term effects.
- 6.7.9 During operation, the effect of road traffic on air quality at identified receptors will not be significant. This effect may be reduced further via the implementation of mitigation strategies.
- *Summary*
- 6.7.10 In light of the above, it is considered that – subject to the mitigation set out – no significant Air Quality issues will occur as a result of the proposed development. Furthermore, the proposed development would not make a material difference to local air quality near to the proposed development, which would remain at a good standard. It is therefore considered that the proposals will have a neutral impact upon air quality and would therefore accord with Policies GD8 of the Harborough District Local Plan in this respect.

8. Residential Amenity

- 6.8.1 Paragraph 127 of the Framework seeks to ensure a high standard of amenity for all existing and future users and this is also reflected in LP Policy GD8.

- *Assessment of Impacts*
- 6.8.2 Notwithstanding the detailed design of the Golf Course, the detail has been reserved for later consideration for the built facilities on the course such as the Clubhouse, and Grounds Maintenance Compound. In summary, the matters for approval in detail are:
- The main course
 - The driving range
 - Landscape planting
 - Landform re-modeling
 - A water management system
 - A network of paths
 - New Gaulby Lane and a new junction with the A47
 - Access to the Grounds Maintenance Compound
- The matters reserved for future approval are:
- The Clubhouse
 - The Driving Range building
 - Drainage system for the buildings and car parking areas

- The Grounds Maintenance Compound
- A variety of other structures and buildings
- Lighting

These details are discussed in more details in **Para's 3.2 and 3.3** and **Section 6:9** of this report.

6.8.3 Notwithstanding the above, from the information provided it is possible to provide general observations on whether or not the amenity of existing residential areas/properties located adjacent to or within close proximity will be affected. The properties mainly affected by the proposals are as follows:

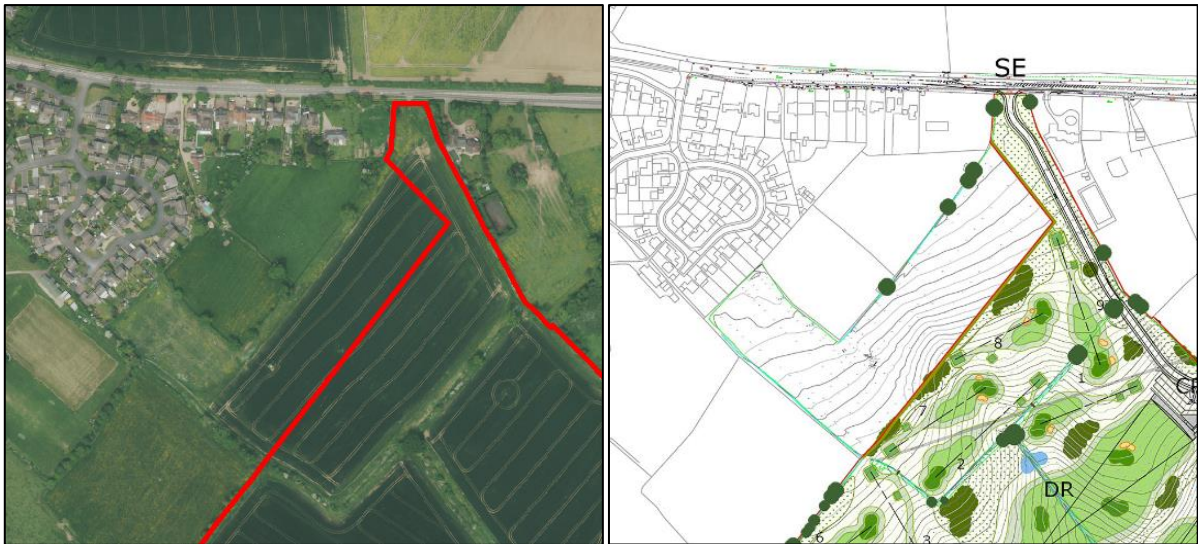
- Houghton on the Hill "eastern fringe properties" (Firs Road and Uppingham Road)
- Gaulby Lane (north) properties (1 – 4 Gaulby Lane)
- Gaulby Lane properties (Glebe Farm and Frisby Grange Farm)
- Gaulby properties (Limes Farm, Houghton Lane; 1a, 3, 5, 7, 7a, 9, 11, 13, The Paddock Main Street; 1, 2 Stoughton Road)

The impacts of the proposals on the above properties are assessed in detail below.

"Eastern fringe properties"

6.8.4 In the main (other than 99 and 101 Uppingham Road), these properties (see **Figures 32 and 33**) do not share a boundary with the application site, with the majority of the properties (in particular those on Firs Road) being located between approximately 200 and 215m boundary to boundary from the application site. The part of the Proposed Development which is located on this boundary is the Par 3 "Academy Course" which is not considered to be a significant noise source. The closest element of the development to these properties which could result in an impact upon residential amenity is the driving range and its associated floodlighting. The proposed driving range building is located approximately 400m from the boundaries of these properties, and whilst it is accepted that floodlighting at this distance may be visible, with careful design of the facility at Reserved Matters stage, it should be possible to minimise any potential impact upon residential amenity from this light source.

6.8.5 In terms of 99 and 101 Uppingham Road, the likely main impact on residential amenity is likely to be the new alignment of Gaulby Lane which passes between the properties and adjacent to the boundary of 101 Uppingham Road. As set out in **Section 6:3** of this report, the intensity of use of (and therefore level of noise created by) this new highway will not be significant, particularly in light of the adjacent A47 which is a significant noise source in the locality.



Figures 32 and 33: Aerial photo and plan extract showing the “eastern fringe properties” in relation to the Proposed Development

“Gaulby Lane (north) properties”

- 6.8.6 In terms of the Gaulby Lane (north) properties (see **Figures 34 and 35**), the likely main impact on residential amenity is likely to be the overflow car park (to the north of Gaulby Lane) and the new alignment of Gaulby Lane which passes to the south and west of the properties. As set out in **Section 6:3** of this report, the intensity of use of (and therefore level of noise created by) this new highway will not be significant, particularly in light of the adjacent A47 which is a significant noise source in the locality. In terms of overflow carpark, this is located approximately 60m to the south of the new residential boundary of 3 Gaulby Lane (see **Figure 36**), with the intervening land featuring extensive woodland planting and a strongly landscaped southern boundary. With this in mind, and given the “overflow” nature of the proposed parking area, it is not anticipated that this element of the Proposed Development will result in any detrimental impact upon the residential amenity of these properties.
- 6.8.7 An additional source of noise which could cause disturbance to these properties is the presence of the Club House. Whilst this facility is currently in outline form, and as such, there can be no certainty that it will have the capacity to host events which could be detrimental to the residential amenity of the neighbouring properties, the indicative floorplans (see **Figure 37**) do indicate the provision of function rooms as part of the clubhouse offering. It is considered that any potential impact from this facility should be fully addressed at any subsequent Reserved Matters submission, however, Officers would take this opportunity to put the Applicants “on notice” that any such submission should include a noise impact assessment, including proposed mitigation if required in order to minimise any impact from this facility and a condition is recommended to ensure this (see **Appendix A – Condition 30**).



Figures 34 & 35: Aerial photo and plan extract showing the “Gaulby Lane (north) properties” in relation to the Proposed Development



Figure 36: “Google” aerial photo showing redeveloped plot at 3 Gaulby Lane



Figure 37: Indicative Clubhouse Floor Plans

- “Gaulby Lane properties”
- 6.8.8 In terms of the Gaulby Lane properties (see **Figures 38 and 39**), the main impact on residential amenity is likely to be from the proposed Maintenance Compound and Plant Nursery which is located adjacent to the southern boundary of Glebe Farm. The compound provides the support for the green keepers and grounds maintenance staff and their equipment, and includes workshop ‘barns’, materials hoppers, water tanks

and an office. The complex may also include a glasshouse and plant/tree nursery for growing up stock for planting within the course.



Figures 38 & 39: Aerial photo and plan extract showing the “Gaulby Lane properties” in relation to the Proposed Development

- 6.8.9 Part Three of the submitted Design and Access Statement (which will be condition to ensure that any subsequent Reserved Matters application must comply with it (see **Appendix A – Condition 3**)) sets the maximum height of any building in this area as being 12m above ground level. Part Six of the DAS illustrates how this compound area could be developed (see **Figures 40 and 41**). Despite the compound and nursery area being quite extensive, the compound itself only forms a relatively small section of this, with the two largest buildings being 300sqm and 600sqm. The buildings would be simple barn-like structures in timber and concrete or sheet metal, and in natural colours and tones with natural finishes. The yard would be aggregate/crushed stone finish, and the compound would be gated and fenced, with a hedge and tree planting along the course edge boundary.
- 6.8.10 The buildings are indicatively organised to form a courtyard with vehicles entering from Gaulby Lane. The compound is also screened to the north with planting and an acoustic earth mound, details of which can be secured by condition (see **Appendix A – Conditions 3 & 31**). The buildings also serve to screen the noise from the compound. The compound is connected to the course via a path, which would be used, by grounds maintenance vehicles such as grass mowers and other service vehicles. Buggy repairs would also be undertaken at the compound along with some buggy storage.
- 6.8.11 Concerns have been raised through representations regarding the potential impact of this element of the Proposed Development upon the residential amenity of neighbouring properties. As set out above, the proposed buildings would be of an agricultural nature and massing. As a point of reference, under Agricultural Permitted Development, a barn of 1,000sqm and up to 12m in height could be erected on this site. In terms of the potential for the site to become a noise source which could be to the detriment of residential amenity a condition could be imposed to restrict the hours of operation of the facility (see **Appendix A – Condition 31**), likewise, as set out above, the indicative plans allow for the creation of a bund as an acoustic barrier, which in turn could also be landscaped, further adding to the acoustic qualities of the feature, again, details of this can be conditioned for subsequent approval as part of any Reserved Matters approval (see **Appendix A – Conditions 3 & 31**). Concerns have also been raised regarding the security of the site, and the potential for it to become a

source of anti-social behaviour. This too is a concern of the applicants, and, as set out in the DAS, the site will be gated and fenced, and again, conditions can be imposed regarding the detail of these features (see **Appendix A – Condition 3**). Any increase in size of the Maintenance Depot at any stage in the future will require further consent, and the impacts of such an increase will be assessed at that time.



Figure 40: Indicative layout of Maintenance Compound



Figure 41: Indicative appearance of Maintenance Compound

“Gaulby properties”

- 6.8.12 In terms of the Gaulby properties (see **Figure 42**) the main potential for any detrimental impact to residential amenity is the driving range and its associated floodlighting. The proposed driving range building is located in excess of 2km from the boundaries of these properties, however, it is acknowledged that the topography of the area results in the two elements being on opposing faces of a shallow valley. Whilst it is accepted that floodlighting at this distance may be visible, with careful design of the facility at Reserved Matters stage, it should be possible to minimise any potential impact upon residential amenity from this light source.

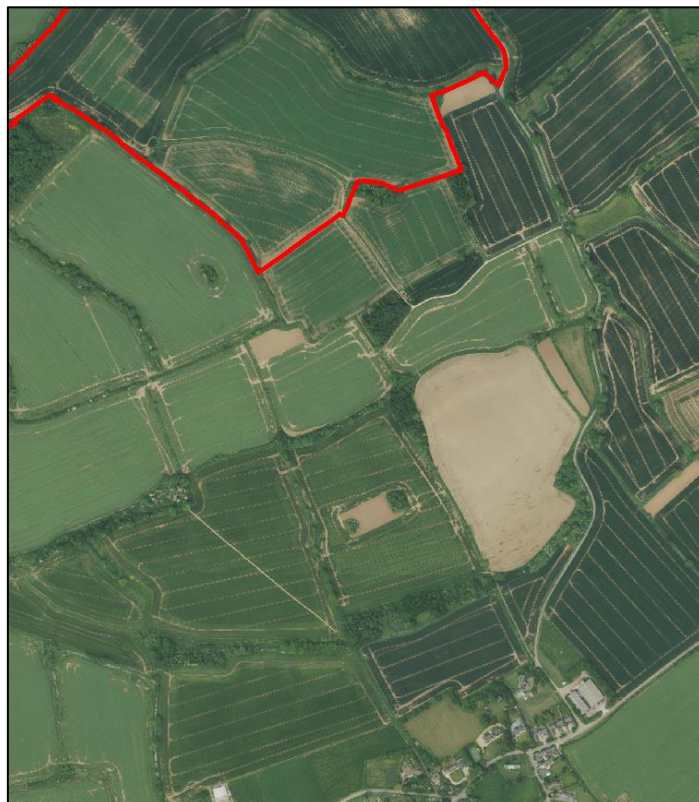


Figure 42: Aerial photo showing the “Gaulby properties” in relation to the application site

○ *Summary*

- 6.8.13 On the basis of the above, Officers consider that in so far as the scheme can be assessed at this stage, there will be no significant adverse effect on the residential amenity of the neighbouring properties. It is therefore considered that the proposals will have a neutral impact upon residential amenity at this stage and that, subject to the satisfactory consideration of Reserved Matters and inclusion of relevant conditions, the proposals would accord with Policy GD8 of the Harborough District Local Plan.

9. Design

- 6.9.1 The application has been supported by a Design and Access Statement (DAS) which was prepared by Andrew Hiorns Town Planning Ltd. The DAS sets out the context of the site and the evolution of the proposals. Notwithstanding the fact that the layout and appearance of the buildings within the proposed development is a Reserved Matter, the Golf Course layout is for consideration at this stage (see **Figure 43**). Parameters have also been set out within the DAS for the built form, these are set out later in this Section of the report.



Figure 43: Proposed site layout

- *Design Policy*
- 6.9.2 Policy L1 of the Harborough District Local Plan contains specific criteria with regards to the provision high quality design within the development. Criteria 4c, 4d and 4e state:
 - “4. Land to the east of Houghton on the Hill, as shown on the Policies Map, is allocated for a replacement golf course subject to the following criteria:
 - c. the location and design of the buildings and the landscaping of the course minimise visual impact upon the surrounding open countryside;
 - d. all built facilities proposed are related to the use of the land for the proposed golf activities in nature and scale;
 - e. details of the course construction are submitted with the planning application;”
- *Design Concept*
- 6.9.3 As part of the DAS submitted by the applicant in support of the application, there is a Design Concept, which sets out how the applicants envisage that the development will embed itself into the surrounding area. It states:
 - “The proposals are also guided by a number of simple design concepts, which provide a conceptual framework of ideas and references for developing the

detailed design proposals for the site. The key concept is that of a contemporary interpretation of the 18th Century 'English parkland landscape' which carefully integrates the course and its buildings and facilities into the landscape.

The key features of the concept include:

- *The clubhouse as a visual focus, with a sense of arrival and anticipation with extensive views revealed across the landscape from the high ground but set comfortably within the landscape and landform; rising 'naturally' from the ground;*
- *A landscape hierarchy with a more formal and intimate scale, colourful and 'gardenesque' quality close to the clubhouse facilities, with a more organic, natural and simpler, larger and informal character beyond and within the course, integrating into the wider landscape;*
- *Wooded high ground with new woodlands and surrounding hedgerows to contain the 'grounds';*
- *The lower valley waterscape of the River Sence with ponds, wetlands and swale corridors winding their way down the shallow valley folds to the river; with bridges and routes across the water;*
- *Structured views within the site and to key external landmarks;*
- *Smaller buildings and structures as 'eye-catchers' within the landscape designed to reflect a subtle prominence in the landscape and following the overall design principles in terms of form and materials; and*
- *Screening of the purely functional behind woodland and earth embankments with a separate access to ensure the main composition is unaffected."*

- *Development Proposals (Applied for)*

6.9.4 Course Design

The main elements where details are provided for approval are:

- The main course - an 18-hole, 7,054-yard golf course located to the north and south of the River Sence including tees and greens, sand bunkers, fairways and rough areas, a practice putting green, chipping green and short game practice area;
- Landscape planting including strengthened hedgerows and new woodlands and individual tree planting, with some selective tree and hedgerow removal;
- Landform remodelling to create the course, cut and fill across the course including creation of a platform for the new buildings and car parking areas;
- A water management system including drainage and irrigation systems, including attenuation ponds for the proposed new Gaulby Lane, attenuation for the buildings area, feature attenuation ponds within the course, swales leading from the ponds to the River Sence, new wetland ecological areas, the irrigation lake and irrigation pipe network and pumping station;
- New Gaulby Lane replacing the existing Gaulby Lane with a new 660m length of road and new junction with the A47, new footway to the south side and drainage verge to the north, and access points to the facilities off the new lane;
- A system of paths across the course to access the course and infrastructure including the attenuation ponds and irrigation lake, with bridges crossing the watercourses and swales;
- A Grounds Maintenance Compound facility (GMC) located off (old) Gaulby Lane with a new access formed including workshop and storage buildings, water tanks, glass/green house and plant/tree nursery on a 4-hectare site; and
- A variety of other structures including a 'Half-Way House' and other shelters set within the course to provide facilities and weather protection.

6.9.5 Drainage and Water Management

The General Drainage and Water Management Strategy comprises drainage of the course and the course irrigation including drainage of the new Gaulby Lane, buildings and car parking areas, attenuation basins to control the outfall of flood water to the River Sence, amenity water areas, a wetland system along the River Sence valley, irrigation lake and irrigation distribution network.

6.9.6 Course

The course drainage will be via a system of buried drainage pipes, that would outfall into the swales, wetlands and pond system, which then outfall to the River Sence. The proposed network is shown in **Figure 44**.

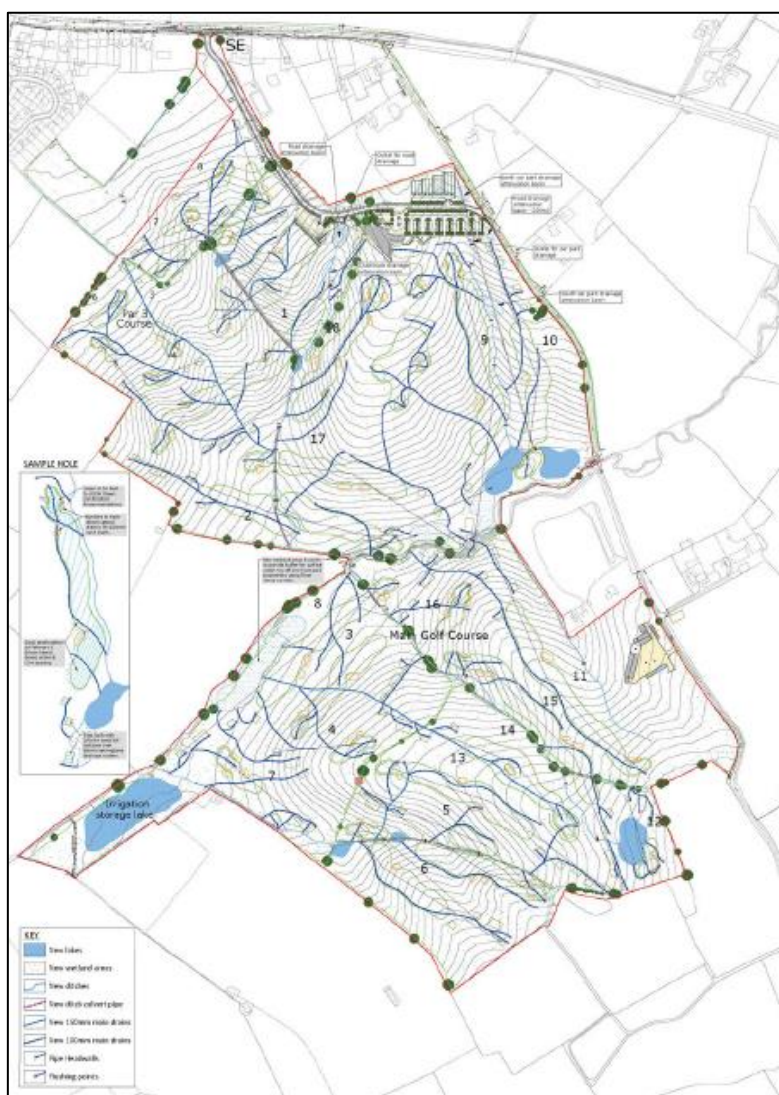


Figure 44: Drainage Strategy

6.9.7 Buildings

Drainage design of the buildings and parking areas is reserved for later approval. The buildings and car park areas will drain to two attenuation areas. The first located in the main valley below the Clubhouse (pond 4) and the second (pond 7) to the east in the second valley between Holes 9 and 10. These attenuation areas will be wet and dry, and outfall into the valley swales. The western swale will lead to the River Sence outfall. The eastern swale leads to the ponds 8 and 9 alongside the 10th green, and

then outfalls to the wetland area and the River Sence. The overspill car park drains to pond 5 to the east of the car park and then to the ditch alongside the existing Gaulby Lane. The existing drainage ditch across the proposed driving range is proposed to be put into a culvert with ponds 1 and 2 at each end.

6.9.8 Irrigation lake

The Irrigation Lake (pond 13) is proposed to the west of the site. The lake will be fed from abstraction from the River Sence under licence and a small below ground pumping station is located at the eastern end of the lake. A second pumping station conveys the water to the course and is partly above ground. The details of the irrigation lake is shown in **Figure 45**. The details of the pumping stations are shown in Figures 30 and 31. It may be necessary to fence the lake as the public footpath runs to the south west of the lake. Lifesaving equipment would be provided alongside the lake for additional safety.

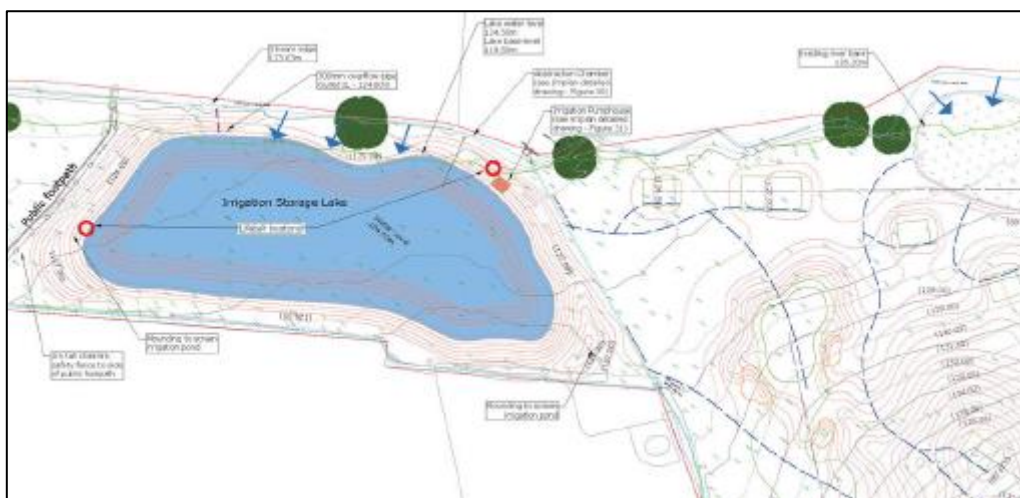


Figure 45: Irrigation Lake details

6.9.9 River Sence Wetland System

The wetland system includes a sequence of shallow wetland basins that will collect surface water run-off and provide new wetland habitats along the River Sence. Three main wetland areas are proposed; the first connects to ponds 8 and 9 at the 10th green, with a smaller pond to the west (pond 14) and a larger wetland zone to the west of the site, alongside the 8th fairway (pond 16). These wetlands would not outfall to the River, although in flood conditions the River may overtop into the wetland basins. The basins are set partially within the existing floodplain, although they extend beyond the floodplain and provide additional flood storage in compensation, so there is no loss of capacity.

6.9.10 Landform and Earthworks

In order to create the course, the proposals include for the re-shaping of parts of the existing landform. This is to create the level tees and greens and to form the sunken bunkers and to shape the profile of the holes, including creating the pond features, and the creation of more level ground for the driving range. In addition, the New Gaulby Lane includes cutting and embankments to achieve adoptable design standards in terms of the gradients / elevation of the carriageway. Some re-profiling is also required to create the platforms for the buildings. The amount of re-profiling has been limited to the minimum necessary and the gradients carefully considered, ensuring the proposed landform fits comfortably within the existing broad landform setting. The amounts of cut and fill are balanced in the proposals, with no need to export or import subsoil material to the site.

6.9.11 New Paths and Bridges

The proposals provide a new network of paths and bridges to access the course. The paths are of two types; the path alongside the Clubhouse area is proposed as a enviro-paved bound rubber and aggregate surface and serves to connect the Clubhouse area with the 1st Tee and 9th and 10th Greens; the second type are crushed stone paths, these run alongside the 10th fairway, cross the western valley swale and connect to the Grounds Maintenance Compound with the irrigation reservoir, allowing vehicles across the course. The location of the paths is shown in **Figure 46**. In addition, some 18 timber bridges are proposed to cross the swales, and the River Sence. Three types of bridges are proposed and each is a simple timber deck construction with a rail. The location by types are also shown in **Figure 46**. The bridge design is reserved for later approval. Examples of the proposed paths and bridges are shown in the photos.



Figure 46: Path details

6.9.12 Access

The proposals provide a 660m length of new lane from a proposed new junction formed on the A47 to join with the existing Gaulby Lane. The route has been designed to adoptable standards and would become a public road. The existing junction with the A47, which is in an unsafe location and unsuitable to serve the development, would be closed off. The junction with the A47 is proposed as a protected right turn priority junction. The stretch of road from the point of connection with the new road would remain open to serve the existing houses along this stretch, but would become a no-through road. The new lane includes a footway on the south side only (as far as the golf club entrance), and a verge and swale on the north side, which would drain to the highways attenuation ponds. The route is in cutting in the north with embankments generally at 1 in 3 gradient, and embanked across the small valley and then runs at the new grade alongside the building and car parking, and would have embankments along the northern edge. Four access points are proposed off the new lane comprising:

- Farm access south
- Access to the Academy and car parking
- Access to the Clubhouse and car parking
- Access to the overflow car park north

The new lane would be fenced along most of its length with a timber rail fence and hedge. The existing length of Gaulby Lane would remain unchanged from the connection to the new Gaulby Lane except for the new proposed access to the Grounds Maintenance Facility.

○ *Development Proposals (Reserved)*

6.9.13 It must be noted that whilst the application is an Outline application with the main element of the Proposed Development being applied for in full, it is important to remember that part of the application is being reserved for future consideration. The main elements where the design is reserved for later approval comprise:

- A Clubhouse at approximately 1,627sq.m of floor space on two floors with an adjacent store of 40sq.m, a main car park south of New Gaulby Lane and an overspill car park to the north of the New Gaulby Lane;
- Golf Academy facility approximately 670sq.m comprising an 18-bay driving range building and range with a reception building and car parking accessed from the new Gaulby Lane, connected to the clubhouse by a bridge structure at 155m AOD deck level (maximum) above ground;

6.9.14 The submitted parameters set the key limits to the proposals which are reserved for future consideration and set an external 'envelope' for the development of these proposals. These inform the Environmental Assessment of the proposals. The parameters comprise the following:

- clubhouse and car parking area maximum height for the clubhouse of 169.0m AOD.
- Driving range buildings and car parking with a maximum height for the driving range building of 161.60m AOD.
- New attenuation ponds (1-6) and irrigation lake (7) and drainage swales as shown.
- Grounds maintenance compound with access from Gaulby Lane and maximum building height of 12m above ground.
- Landform alterations with increases to maximum height of 3m and cut to 5m as shown in the Parameter Plan, with cut and fill proportions balanced across the site, with landform alteration to create the building and car parking platforms.
- New Gaulby Lane and junction with the A47 and connecting to the existing Gaulby Lane, extending to 660m in length.

The parameters are shown in **Figure 47**.



Figure 47: Parameters Plan

6.9.15 This section provides a description of the proposed buildings, including the Clubhouse, Academy and Driving Range buildings, Grounds Maintenance Facility and other ancillary buildings. All building designs are reserved for later approval. The parameters set out above provide the limits of the buildings. The following descriptions of the proposals is illustrative at this stage, although it is anticipated that the buildings will only change in detail for the final designs.

6.9.16 Clubhouse and Academy Design

The Clubhouse is proposed to be located on the promontory at the head of the small western valley, and would sit on the side of the valley with extensive views across the site and down the River Sence valley. This is a commanding position and the Clubhouse would be seen from large areas of the course and provides a visual focus for the designs but would also be set down into the landscape.

6.9.17 The brief is to develop a contemporary design, consistent with the overall objectives as set out above. A number of potential existing precedents were considered drawn from around the World. Some of the examples studied are shown in **Figure 48**. A key objective was that the building should be 'of its place and of its time', and therefore 'fit' the site and setting well, and respond to the opportunity presented by the elevated site. The aim is for the building to rise from the ground and be part of it.



Figure 48: Clubhouse Design Inspiration

6.9.18 Floorplans – Club House

The Clubhouse draft floor plans are shown in **Figure 49** for the ground and lower ground floors. The floor space is organised into three main parts around the common reception/foyer area. These comprise the Pro-shop and simulator area to the left of the reception, the function rooms to the north and the bar, spike bar and restaurant to the south. The ground level has an extensive south-west facing open and part covered terrace/balcony affording wide views across the course and down the River Sence valley. The central stairwell (or via the lift) provides access to the Lower Ground floor, which contains the lower level foyer leading to the male and female changing areas, stores and trolley store. The lower terrace then leads directly out to the course.

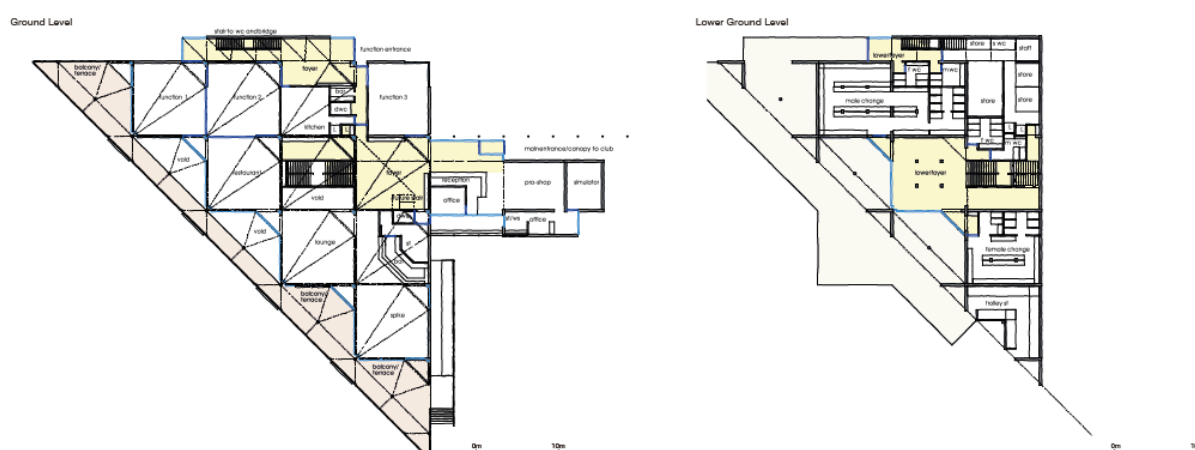


Figure 49: Indicative Clubhouse Floor Plans

6.9.19 Floorplans - Academy

The Academy buildings comprise the driving range covered bays and reception building and are proposed to be located to the west of the Clubhouse and on the western side of the small valley. Again, this provides the potential to create an upper ground level and a lower ground level. The floor plans at upper and lower ground are shown in **Figure 50**. The upper ground provides the driving bays and two teaching

bays, the reception, refreshments area (with vending machines) and office, with toilets and disabled toilets. The upper ground level is connected by the bridge link across the valley to the main clubhouse at the 155mAOD level. The driving bay building is set into the existing landform so that the western end is at 158.5mAOD, which means the roof level is at the ground level. This may allow an upper level of bays to be added in future. The lower ground level is at 152mAOD and provides for storage and ball cleaning equipment and machine store. The ground then slopes down to the attenuation pond area at approximately 151m-150m AOD. Again, the proposed materials are yet to be determined in detail but should be the same as the Clubhouse and in a similar way reflect the base, middle and top architectural theme and the materials should reflect those that predominate in the local area, while also reflecting the modern aesthetic of the building.



Figure 50: Indicative Academy Floor Plans

6.9.20 Sections

These illustrate how the clubhouse building sits across the existing natural slope and is partly excavated into the slope to set the building into the small valley slope. This allows the building to be a single floor above ground at the upper, car park level and be two floors facing the course. The large span sloping roof profile also attenuates this and would add height to the internal spaces within the building too (see **Figure 51**).

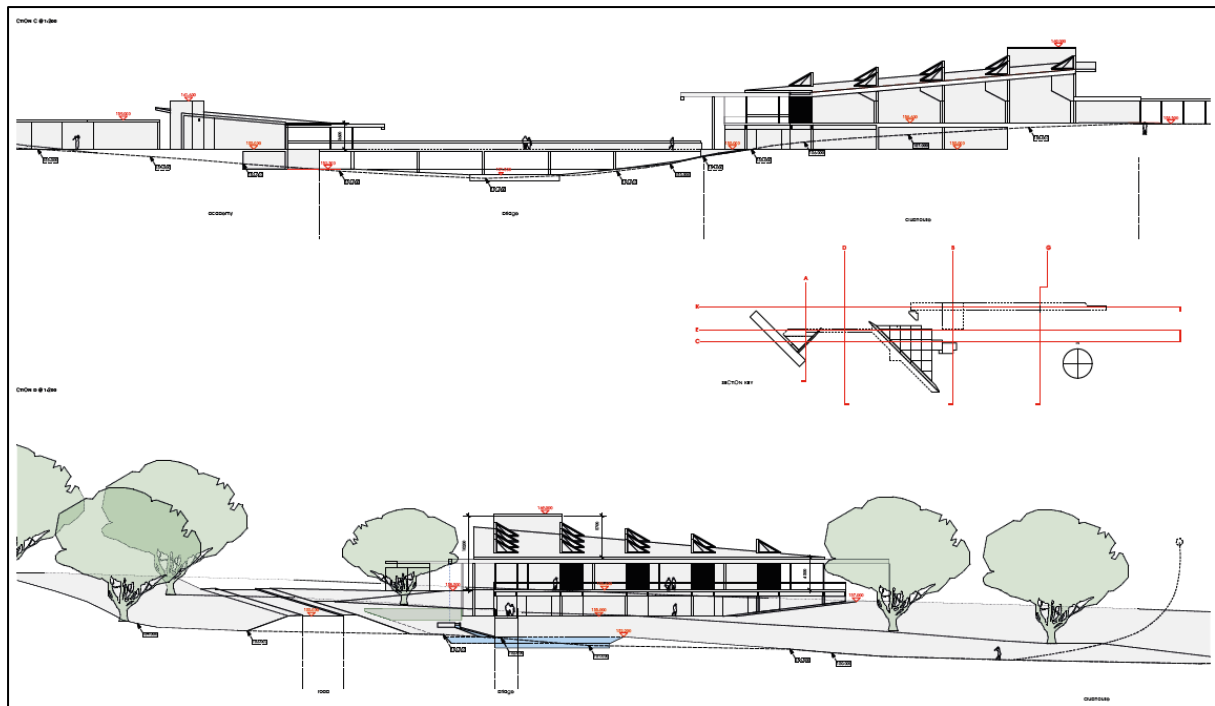


Figure 51: Indicative Section

6.9.21 Materials

The materials for the building are not yet determined although some possible materials are shown in **Figure 52**. The building design expresses a base, middle and top to the building and the materials can help define and reflect that sequence. The materials can also reflect the contemporary design and the local setting, with natural materials such as stone and modern industrial materials such as zinc and steel.

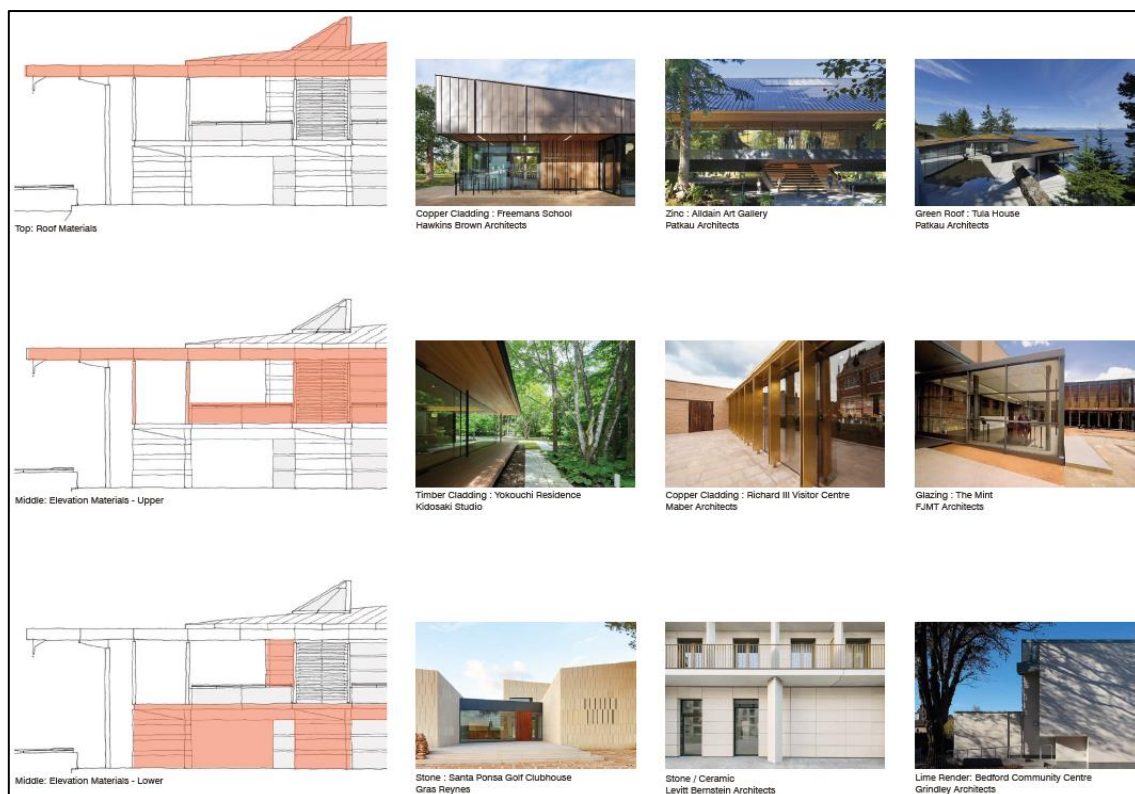


Figure 52: Indicative Material palette

6.9.22 Grounds Maintenance facility and plant nursery

The Grounds Maintenance Facility details are reserved for later approval, excepting the access, which is applied for in detail at this stage. The compound provides the support for the green keepers and grounds maintenance staff and their equipment, and includes workshop 'barns', materials hoppers, water tanks and an office. The complex may also include a glasshouse and plant/tree nursery for growing up stock for planting within the course.

6.9.23 The general arrangement of the compound is shown in **Figures 53 & 54**. The buildings are organised to form a courtyard with vehicles entering from Gaulby Lane. The compound is also screened to the north with planting and an acoustic earth mound. The buildings also serve to screen the noise from the compound. The compound is connected to the course via a path, which would be used, by grounds maintenance vehicles such as grass mowers and other service vehicles. Buggy repairs would also be undertaken at the compound along with some buggy storage. The plant nursery occupies the rising ground to the south, with buildings grouped on the lower ground to screen their impact as much as possible. The buildings would be simple barn-like structures in timber and concrete or sheet metal, and in natural colours and tones with natural finishes, in greens and greys to reduce their impact against the wider landscape setting, and could take their cue from nearby agricultural farm buildings. The yard would be aggregate/crushed stone finish, and the compound would be gated and fenced, with a hedge and tree planting along the course edge boundary.

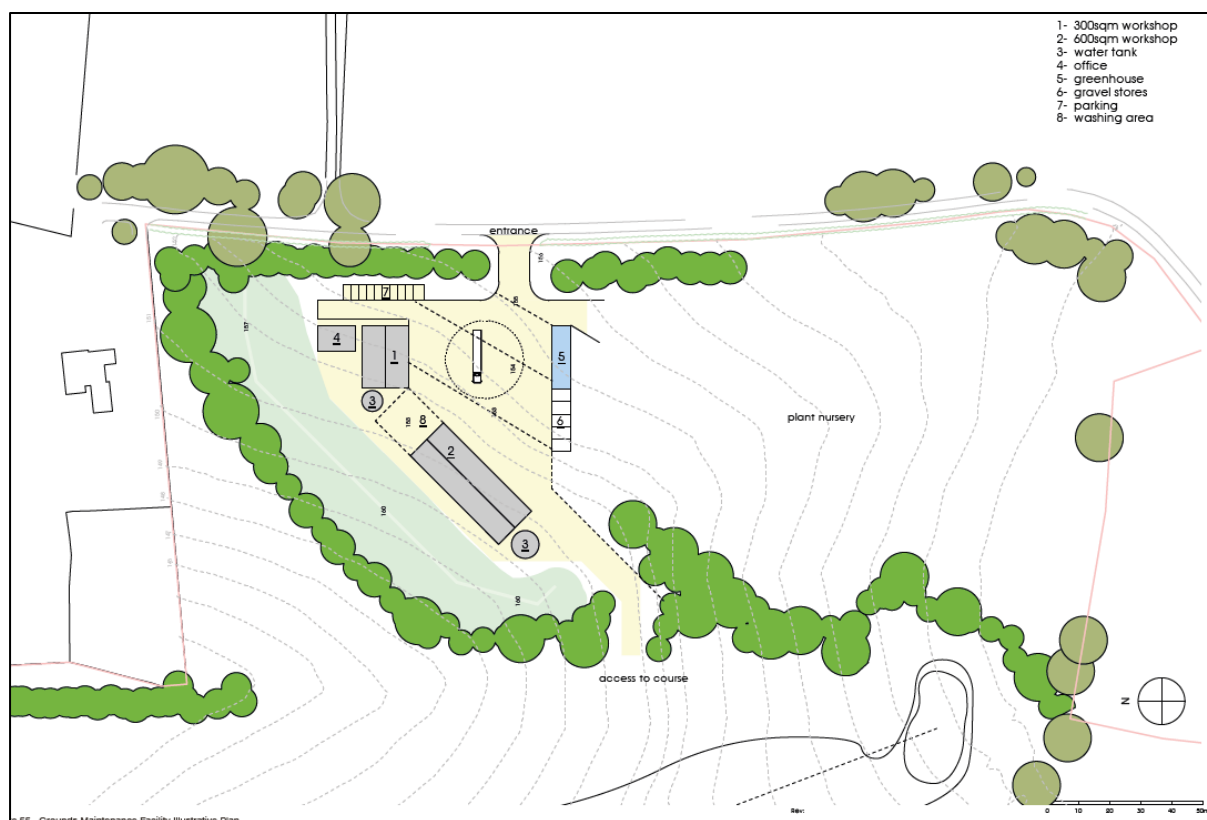


Figure 53: Indicative Maintenance Compound layout



Figure 54: Indicative Maintenance Compound 3D render

6.9.24 Other Buildings

A number of other buildings and structures are proposed across the course and are reserved for later approval (see **Figure 55**). The aim is that the buildings share the same design characteristics in terms of their modern aesthetic, forms and materials, and are of the same 'design family', which helps reinforce the 'parkland' concept and coherence of the overall design. These include the following:

- Bridge between Clubhouse and Academy – this structure would cross the small western valley and has an important role in connecting the Clubhouse and Academy facilities. The bridge would be a simple beam structure and could be a concrete structure or be a light timber and metal structure, and should be designed to be an extension of the buildings it serves and reflect their aesthetic. The bridge is primarily for pedestrians but may be designed to take golf buggies. The piers to the bridge may be set within the attenuation pond, which the bridge crosses, and this would need to be detailed with care. The bridge deck would cross the valley at 155mAOD;
- Half-Way House – this provides facilities within the course such as shelter, toilets/washroom and possibly a kitchen and/or vending machines for snacks and refreshments. The building is likely to be located alongside the 5th Tee and 13th Green, and would be single storey;
- Store – the store is located alongside the Clubhouse and would accommodate refuse and or other external storage. The building would be designed to match the main Clubhouse building and be single storey; and
- Other shelters – other shelters may be developed on the course to provide protection from the weather and would again be designed to reflect the overall design approach in terms of form and materials.



Figure 55: Location of “Other Buildings”

6.9.25 Lighting

The lighting would include lighting of the buildings and car parking areas and the lighting of the driving range. The aim is to minimise the glare, sky-glow and overspill of light from the course and infrastructure. The lighting of the buildings is for safety and amenity purposes and could include low level lights, bulkhead lights to buildings and low level bollard lights or directional lighting in the car parking areas. The driving range would require lighting to enable its use at night and in dark conditions. The proposed lighting of the range is berm lighting with luminaires located at ground level with a berm or earth mound behind to screen the light. These should not cause a distraction to the user and also should not be seen from outside the course. Foreground lighting is also necessary mounted at the edge of the driving range booths.

6.9.26 Parking

Separate car parks are proposed for the Clubhouse and Academy to the south of the New Gaulby Lane and provided alongside those facilities, with an overspill car park proposed to the north of the New Gaulby Lane (see **Figure 56**). The Academy car park would provide some 35-spaces including disabled spaces. The main Clubhouse car

park proposes some 140-car parking spaces, with disabled spaces close to the clubhouse itself. The Academy and main car parks would provide hard surfaced marked parking bays with landscaping. The overspill car park would provide in the order of 60-additional car parking spaces on 'grasscrete' or grass mesh type surfacing and may not be marked bays. The requirement for parking is described in the Transport Assessment and is based on operational requirements and a comparison with similar-scaled facilities elsewhere.

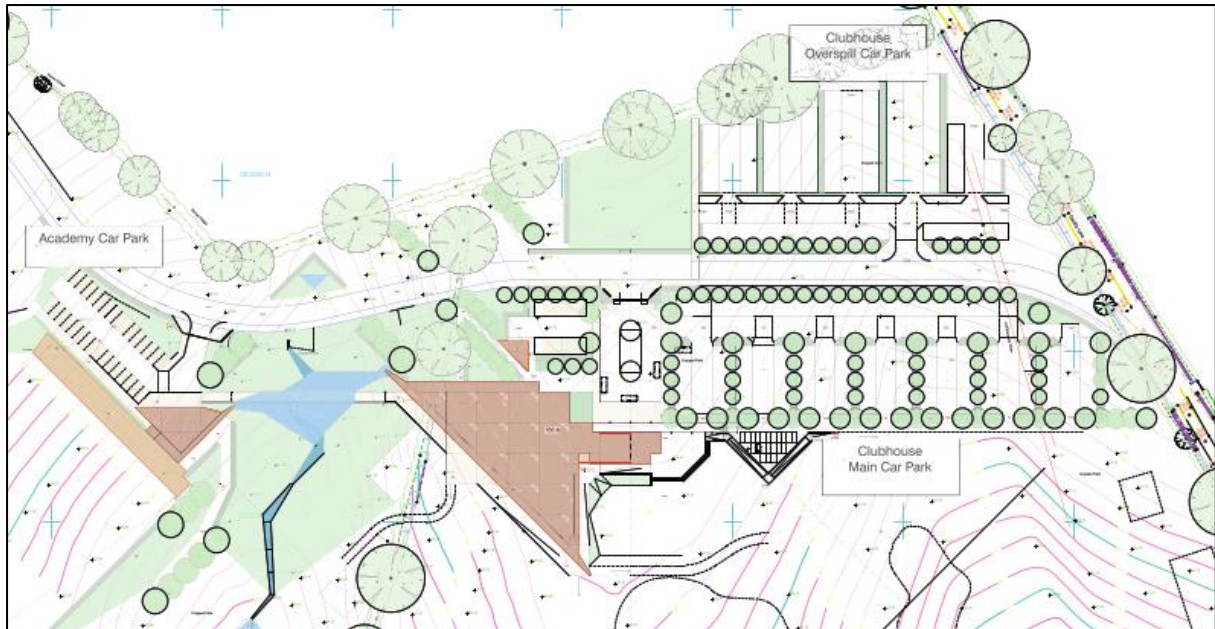


Figure 56: Indicative Parking Arrangements

- *Other Design Matters*

6.9.27 Matters relating to refuse & recycling facilities, cycle storage facilities; extraction / ventilation equipment and renewable energy provision can all be controlled by way of condition (see **Appendix A - Conditions 21-24**) or considered as part of the Reserved Matters submission for each element of the proposal.

- *Summary*

6.9.28 The planning application is in outline with details of the access unreserved, and details of the course and academy course design also unreserved. The design of the buildings is reserved for later approval along with the car parking and lighting proposals. Parameters have been given for those elements to enable the Environmental Statement to assess their potential impacts. The concept of the master plan and design draws from the 18th Century English landscape tradition with contemporary buildings and structures set carefully into the landform.

6.9.29 The course design is unreserved. The golf course includes earth reshaping across the site to form the tees, greens and bunkers. Overall the cut and fill proportions are balanced with no need to import or export material to or from the site. The design of the holes exploits the key landmark views and views across the course and back to the Clubhouse. The proposals include construction of attenuation drainage ponds and swales, and construction of an irrigation lake and irrigation system. New wetlands are created along the course of the River Sence. While there is some loss of existing hedgerows, extensive new planting is proposed including oak woodlands, riverside woodlands, hedgerow and aquatic planting.

6.9.30 The proposals include a new system of paths and bridges across the course. The proposals for the buildings, parking and other structures are reserved for later approval. The Clubhouse is proposed to be developed on the northern valley side on a promontory and set into a small valley, with the building stepping down the slope, which allows for a ground and lower ground levels. A bridge across the valley connects to the Academy, which includes a driving range, and a reception building, again set into the (opposite) valley side with an upper and lower ground level. The Grounds Maintenance Facility includes servicing buildings and materials storage along with a plant and tree nursery, and would be accessed off Gaulby Lane, with the access design unreserved. Other proposed buildings and structures include the Half-Way House and other shelters across the course.

6.9.31 The design of the proposal has been fully considered as part of the formulation of the recommendation by Officers in so far as it can be at this stage. It is therefore considered that the proposals will have a neutral impact upon design quality in the District at this stage and that, subject to the satisfactory consideration of Reserved Matters and inclusion of relevant conditions, the proposals would accord with Policies GD8 and SC1 of the Harborough District Local Plan in this respect.

10. Footpaths

6.10.1 There are a number of public footpaths, bridleways and permissive footpaths which cross the site, the routes of these are shown on the plan (see **Figure 57**).

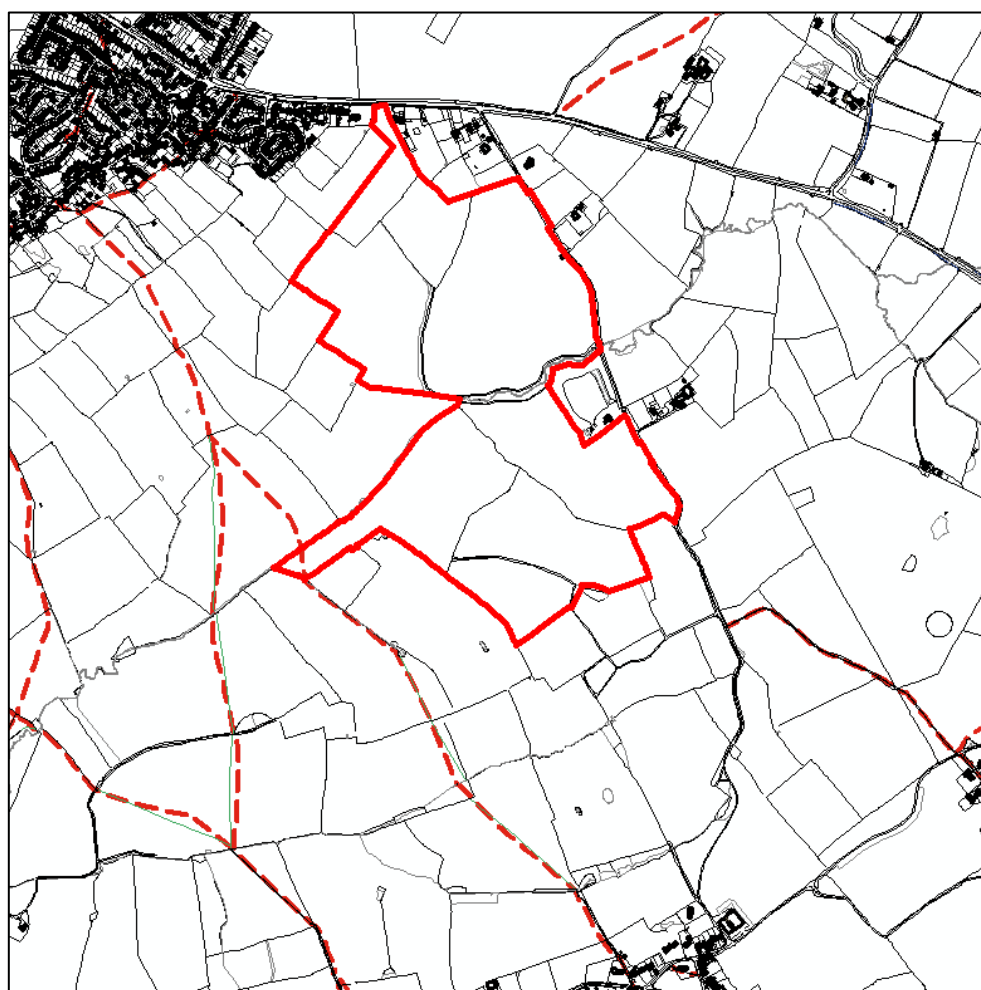


Figure 57: Existing Rights of Way around the site

- *Footpath and connectivity Policy*
- 6.10.2 Policy SC1 of the Harborough District Local Plan contains a specific criterion with regards to the provision of linkages into Lutterworth. Criterion 4a states:
- “4. Land to the east of Houghton on the Hill, as shown on the Policies Map, is allocated for a replacement golf course subject to the following criteria:*
- a. the layout does not sever or severely disrupt the public right of way network;”*
- 6.10.3 Other relevant Footpath Policy and Guidance is set out in **Section 5** of this report.
- *Assessment of Impacts*
- 6.10.4 As can be seen at **Figures 57 & 58**, despite the area generally being well served by Public Rights of way, the site itself has very little interaction with them. Footpath C51 crosses the south-western limb of the site for a distance of 90m. This particular part of the site – as can be seen at **Figure 59** – is proposed to be the location of the irrigation lake, a non active element of the golf course. As such, users of the right of way should not be impacted by the playing of golf on the site.
- 6.10.5 Concerns have been raised through representations regarding the loss of public access around the site. This is discussed in more detail later in this report.



Figure 58: Public Rights of way in relation to Application Site

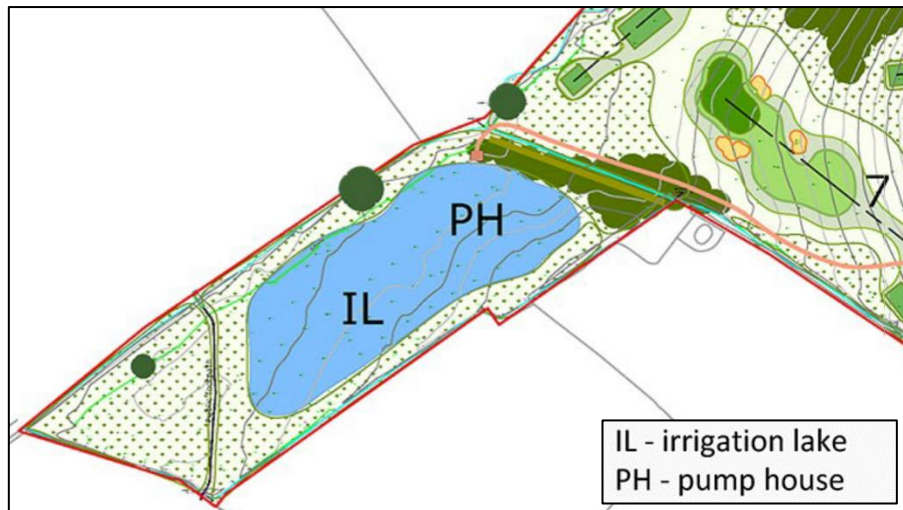


Figure 59: Extract of Proposed Site Layout indicating relationship with Footpath C51

○ *Summary*

- 6.10.6 On the basis of the above, it is considered that the proposals will have a neutral impact upon public rights of way and would therefore accord with Policies G11 and SC1 of the Harborough District Local Plan in this respect.

11. Agriculture and Soils

- 6.11.1 The ES includes a section on the agriculture and soil quality of the Site (Chapter 9).

○ *Agricultural Land Policy*

- 6.11.2 Chapter 15 of The Framework at paragraph 170 a) refers to planning decisions protecting and enhancing the local environment reference is made inter alia to landscape, biodiversity and soil.

- 6.11.3 The NPPG makes reference to the five grades of agricultural land. The best and most versatile land falls within grades 1 to 3A, the grading depends on the following factors;

- The range of crops that can be grown;
- The level of yield;
- The consistency of yield; and
- The cost of obtaining the crop.

The guidance recognises the value of soil for a variety of purposes including growing food and crops. The guidance also makes reference to the management of soil on development sites and the use of conditions for its protection, movement and management. Natural England are a statutory consultee which in this case was carried out as part of the Local Plan process.

- 6.11.4 Local Plan Policy G15 “Biodiversity and Geodiversity” at paragraph 2b refers to development being permitted where there is *no loss of any “best and most versatile agricultural land”* unless this is demonstrably necessary to facilitate the delivery of sustainable development.

- 6.11.5 Other relevant Agricultural Land Policy and Guidance is set out in **Section 5** of this report.

○ *Assessment of Impacts*

- 6.11.6 The Environmental Statement (ES) assesses the impact of the development on three areas agricultural business, agricultural land and soil resources.

Table 9.5: Area Occupied by the Land Grade		
Grade/Subgrade	Area (ha)	% of the Land
Subgrade 3b	94.8	97
Non-agricultural	3	3
Total	97.8	100

Figure 60: Agricultural Land Classification of the site



Figure 61: Agricultural Land Classification map of site

- 6.11.7 Agricultural land is classified as under the Agricultural Land Classification (ALC) system. Information on the composition of the agricultural landscape is provided in the Agricultural Land Quality Report. The ALC system divides land into five grades according to the extent to which inherent characteristics can be exploited for agricultural production. Grade 1 is described as being of 'excellent' quality and Grade 5, at the other end of the scale, is described as being of 'very poor' quality. ALC is based upon an assessment of limiting factors, including soils, climate and other physical limitations and the way in which these factors interact.
- 6.11.8 The site extends to 97.8ha, with only 3ha being non-agricultural. Of the remaining 94.8ha, 100% of this is Grade 3b land, which means that 97% of the overall site is Grade 3b (see **Figures 60 & 61**). As such, it is not considered that there would be any loss of Best and Most Versatile land as a result of this Proposed Development.
- *Summary*
- 6.11.9 The proposed development will remove the existing agricultural use of the Site, however, none of this land is classified as Best and Most Versatile Land. It is therefore considered that the proposals will have a neutral impact upon the best and most

versatile agricultural land in the District, and the proposals are therefore considered to accord with Policy GI5 of the Harborough District Local Plan in this respect.

12. Contamination

6.12.1 The ES includes a standalone report on Contaminated Land which has been informed by a detailed Phase 1 Preliminary Environmental Risk Assessment to determine whether the ground conditions are suitable for construction and whether any contamination present from historic uses could cause adverse impacts during construction or to future residents and users of the Site.

6.12.2 The relevant Contaminated Land Policy and Guidance is set out in **Section 5** of this report.

○ *Assessment of Land Contamination Impacts*

6.12.3 The ground conditions assessment considers the existing known potential for contamination on the site. No site investigation has been undertaken at the site. The historical records show the site as remaining in agricultural use since 1885. There is only one small barn-like building on Gaulby Lane within the site and this will need to be assessed further. The site otherwise represents a low risk, with the main potential for contamination associated with adjacent residential uses, although given the ground conditions, migration of contaminants is likely to be negligible. The impacts post-construction on human health, controlled waters, waste supply pipes and ground gas is assessed as being 'minor adverse' and not significant, with negligible residual effects. A Site Investigation prior to construction can confirm these conclusions and propose a detailed Remediation Strategy, as necessary, these can be secured by condition (see **Appendix A – Conditions 28 & 29**).

○ *Summary*

6.12.4 On the basis of the information reviewed as part of the ES, it is considered that the current and historical use of the Site do not represent a risk to the environment/receptors and would be suitable for the proposed end use. In addition, it is also considered that the proposed use of the Site as a golf course with associated infrastructure and buildings would not present a risk to the ground conditions beneath the Site. It is therefore considered that the proposals will have a neutral impact upon ground contamination and would therefore accord with Policy GD8 of the Harborough District Local Plan in this respect.

13. Other Matters

○ *Loss of Golf Course*

6.13.1 As set out in Section 6a of this Report, the current Scraftoft Golf Club forms part of the larger Strategic Development Area at Scraftoft North, allocated by policy SC1 for the development of some 1,200 houses.

6.13.2 Policy GI2:2b of the Harborough Local Plan states:

2. *Development resulting in the loss of or reduction in defined open space, sport and recreation facilities will not be permitted unless it can be clearly demonstrated that:*

- b. replacement areas will be at least equivalent in terms of quality, quantity and accessibility, and there will be no overall negative impact on the provision of open space in accordance with local standards; or*
- c. the proposal is for alternative recreational provision which meets evidence of local need in such a way as to outweigh the loss.*

Furthermore, Policy SC1:4e states:

4. *Land to the east of Houghton on the Hill, as shown on the Policies Map, is allocated for a replacement golf course subject to the following criteria:*
 - e. *details of the course construction are submitted with the planning application;*
- 6.13.3 Whilst it is acknowledged the existing Golf Club is not identified in the Local Plan as a defined sport and recreation facility, it is still considered reasonable to expect that the loss of such a facility not to be to the detriment of its users. Furthermore, as identified above, the Proposed Development does result in some harm, and such harm needs to be justified in Planning terms. The loss of the existing facility is outweighed by the gain of the new, enhanced facility. Likewise, the impact of the new facility is outweighed by the provision of much needed housing on the Scraftoft site which is facilitated by the Proposed Development.
- 6.13.4 Ideally, a decision on the Proposed Development would not be taken until such time that a resolution has been made on the SDA site, therefore enabling controls to be put in place so as to ensure that development of the new golf course does not commence until such time that the development on the existing course has been approved. Unfortunately, in this circumstance, this is not possible. Due to unforeseen circumstances which have arisen as part of the SDA application, it has become necessary for the phasing of that development to be amended, meaning that the part of the golf course site would now be delivered as Phase One, instead of one of the later Phases. In order to bring forward the Scraftoft North development in order to maintain the District's 5 Year Housing Land Supply, it is necessary to start work on the replacement golf facility as soon as possible. Commencing development on the replacement golf facility in Q1 of a calendar year means that the new course should be ready to play within 2 years, meaning that development on the SDA site could also commence after 2 years, whereas commencing work on the new facility after Q1 means that the site will take 3 years to reach suitable maturity to allow it to be played, meaning that Scraftoft Golf Course would not be able to vacate the existing course until 3 years after the new site was started. In order to ensure that the impacts of the replacement course remain justified, a condition is recommended so as to ensure that the Proposed Development does not progress significantly until the SDA development (19/00700/OUT) has received a positive resolution from HDC's Planning Committee (see **Appendix A – Condition 32**).
- *Loss of Public Access*
- 6.13.5 Concerns have been raised locally – through both representations and from Houghton Parish Council – regarding the loss of informal public access across the application site. The site has previously been available for walkers to walk the fringes of the fields in an informal manner (ie these are not Public Rights of Way), however, as is the right of the land owner, there is no requirement to maintain this access. Officers acknowledge that the provision of a footpath across the site brings with it issues of safety (particularly of the users of the public right of way), and also potentially increased liability for the Golf Club, and as such, can understand why no such route has been included along the river valley at the narrow point of the site as suggested in representations. Through separate channels, Houghton PC have been in discussion with Scraftoft Golf Course regarding the potential to provide some form of public access around the south-western boundary of the site. Whilst this does not form part of the application process and is not included on the plans (see **Figure 62**), there is certainly potential for a route to be included around the perimeter of the site, linking footpath C51 to Gaulby Lane, adjacent to where footpath C54A travels from Gaulby Lane across fields towards Frisby (see **Figure 57**). Officers do not consider that a condition requiring such provision would be reasonable as it is not known whether or not such a route can be achieved, however, the Applicants are strongly advised to

explore all potential options for such provision (including off site if landownership allows), and Members could include a condition – if it is considered to be necessary – requiring the submission of a report identifying what options have been assessed, and for a scheme to be implemented if possible.



Figure 62: Extract of course layout showing southern section of site

○ *Benefits of scheme*

6.13.6 The Proposed Development brings with it a range of both Social and Economic benefits. As part of the submitted Planning Statement, the applicants have set these out. In summary the key benefits of the proposed development include:

- The new facility will ensure Scraftoft Golf Club and its membership of around 500 local people remains and that they can continue to play golf and benefit from the enjoyment this brings;
- Provision of a major new high quality golf facility, enhancing the quality and range of leisure and recreation facilities available locally, and providing a prestigious new facility that can potentially attract county and regional scale golfing events;
- The new facility includes a golf academy including a new 9-hole par-3 course and driving range facility, which is designed to encourage new players and others wishing to practice and specifically to help develop junior players by having a dedicated teaching and practice facility;
- The new facilities offer function rooms which potentially widens the income stream, and therefore the financial stability of the Club;
- Improvement of the access off the A47 where a new junction will replace the existing Gaulby Lane/A47 junction, with the existing junction closed. The proposed development and the existing properties and users of Gaulby Lane will benefit from the improved access;
- The design also aims to significantly enhance the biodiversity of the site, converting it from large and relatively poor value arable fields to a rich and biodiverse series of habitats including native woodlands, grasslands, wetlands and open water areas, while also conserving the existing valued habitats and extending the network across the site. Large parts of the site would be managed for their biodiversity value;
- New jobs would be created both through the construction of the new facility and through its operation. The new facility is larger than the existing facility it replaces, so it is likely that additional staff will be employed at the new site, and the jobs of existing staff will be secured through the new facility; the new facility is expected to employ about 40 people; and
- The facility represents an investment of some £20m in the district, which through its construction, can generate benefits to local businesses in terms of supply of materials and employment. Furthermore, on an ongoing operational basis, there

is potential for increased expenditure in the local economy on goods and services supplying the facility, and generally in the local economy as a result of the operation and activities at the new facility

On the basis of the above, it is considered that the proposals will have a minor beneficial impact upon the socio-economic profile of the District and would therefore accord with Policies GI2 and SC1 of the Harborough District Local Plan in this respect.

○ *Renewable Energy*

6.13.7 The proposed development would be required to meet the statutory minimum contained in the Building Regulations on sustainable build standards in accordance with Policy CC1 with regard to renewable energy. Additionally, Criteria 3x of Policy L1 states:

x. consideration of the feasibility of providing decentralised renewable energy in accordance with Policy CC2;

6.13.8 The most sustainable form of energy is that which is not required in the first place. Consequently the energy demand reduction achieved by energy efficiency measures and good design standards is considered more sustainable than renewable energy. The energy efficiency measures should be incorporated where they are cost effective as this then reduces the burden of the absolute energy supplied by renewable sources. A Condition seeking details of such measures is recommended at **Appendix A - Condition 21**. The fact that the proposal has the potential to provide forms of sustainable energy production and a low carbon built form are both issues which mean that it is considered that the proposals will have a minor beneficial impact upon climate change and would therefore accord with Policies CC1, CC2 and SC1 of the Harborough District Local Plan in this respect.

○ *Equality Act 2010*

6.13.9 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act, 2010, in the determination of this application.

c) Section 106 Obligations & Viability

○ *Developer Contributions Legislation / Policy*

6.11 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism for securing benefits to mitigate against the impacts of development.

6.12 Those benefits can comprise, for example, monetary contributions (towards public open space or education, amongst others), the provision of affordable housing, on site provision of public open space / play area and other works or benefit's that meet the three legal tests under Regulation 122 of the CIL Regulations.

- 6.13 These legal tests are also set out as policy tests in paragraph 56 of the Framework whereby Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 6.14 Policy IN1 of the Harborough District Local Plan provides that new development will be required to provide the necessary infrastructure which will arise as a result of the proposal. More detailed guidance on the level of contributions is set out in The Planning Obligations Supplementary Planning Document, January 2017.
- *Assessment of Developer Contributions*
- 6.15 **Appendix B** identifies the CIL compliant developer contributions sought by consultees, a summary of the CIL compliance of the requests and a suggested trigger point to indicate when the contribution should be made. With regards to the trigger points they should not necessarily be seen as the actual or final triggers points for the S106 agreement but treated as illustrative of the types of trigger points which may be appropriate. It is recommended that the determination of the trigger points in the Section 106 Agreement be delegated to the Development Services Manager. The assessment carried out by Officers concludes that the LCC Highways request is CIL compliant.

d) Assessment of Alternatives

- 6.16 As set out in **Section 5 of this Report**, there is an identified need additional housing delivery both nationally and also within the District, and as part of the Local Plan preparation process, evidence has been gathered which demonstrates that Harborough District has an OAN of 532 dpa, and a housing requirement of 557 dpa. **Para 6.1** of the report sets out that, at Scraftoft, about 1,200 dwellings will be delivered in a Strategic Development Area on land north of Scraftoft (part of which is occupied by Scraftoft Golf Club), in accordance with Policy SC1. This site allocation is identified as part of Policy SC1, which, at Part 4, also allocates this Site for a replacement Golf Course.
- 6.17 HDC have assessed whether or not there are any available alternatives to provide the quantum of development which has been identified as being needed as part of the local Plan preparation. The distribution of development, particularly in relation to housing, was selected from a wide range of reasonable alternatives. The Options Consultation Document, 2015 contained 9 different options and combinations of options, although even these were actually greater since there were two different options for a Strategic Development Area (SDA) at The Kibworths while the site for a proposed Strategic Development Area in Scraftoft/Thurnby was amended after the Options Consultation by a further proposal for an SDA at Scraftoft North. Following consultation on the original 9 options, a comprehensive analysis of the latest proposals, including the proposed Scraftoft North SDA was undertaken looking at the available evidence relating to the following factors:
- Consultation – assessing the key issues raised during the Options Consultation in relation to each of the 9 Options;
 - Deliverability - comprising evidence on Land Availability, Infrastructure, and Viability; and
 - Planning Principles - comprising an assessment against Sustainability (using evidence from the Sustainability Appraisal (SA) Interim Report, September 2015), NPPF (2012) Core Principles and Local Plan Objectives.

- 6.18 This resulted in the identification of four Selected Options which were subject to the collection of further more detailed evidence and to a further assessment based on that evidence, looking at the following factors:
- **Transport** - including peak hour traffic impacts, network stresses in south-east Leicester, accessibility by sustainable transport, and transport benefits.
 - **Deliverability** - covering housing land availability, marketability, infrastructure constraints and costs, viability, ownership issues and longer term potential.
 - **Environmental factors** - flood risk; landscape capacity; Sustainability Appraisal of built heritage, natural environment, and resource use; and climate change mitigation.
 - **Socio-economic factors** - location in relation to housing need; proximity to and provision of employment, retail, education and community facilities; Sustainability Appraisal of effects on housing, economy, health and well-being; open space provision; Gypsy and Traveller provision; and air quality impacts.
 - **Planning principles** - re-assessment against NPPF (2012) Core Principles.
- 6.19 The outcome of this was to identify a hybrid option including the East of Lutterworth SDA and the SDA at Scraftoft North. As such, it is considered that there are no reasonable alternatives for the delivery of the quantum of housing development proposed by this application. Through the Local Plan process, it was identified that the Site is the only area of land available, within the administrative boundaries of Harborough District Council, that offered a site large enough to accommodate an 18-hole golf course and is located close enough to the existing Scraftoft Golf Course to be practically feasible for existing users to use, and as such, no alternative site locations have been considered. The environmental constraints within the proposed Site are limited and the potential environmental impacts that could occur have been mitigated as part of this EIA. In addition, the location of the golf course has been examined and found to be sound as part of the Harborough Local Plan. On the basis of the above, it is considered that the Site is located in a sustainable and environmentally suitable location and as such, the site was allocated for the replacement Golf Course as part of Policy SC1.
- 6.20 Notwithstanding this, the EIA Regulations require an ES to include an outline of the main alternatives considered by the applicant, indicating the main reasons for the choice made, taking into account the environmental effects. This legal requirement is expressed in very general and high-level terms, requiring only the inclusion of an "outline" of "main" alternatives and an "indication" of "main" reasons. Although a full description of alternatives and a full assessment of their likely environmental effects is not required, sufficient detail should be provided to allow for a meaningful comparison between the alternatives and the proposed development.
- 6.21 It is a matter for the applicant to decide which alternatives it intends to consider. The EIA Regulations do not expressly require that an applicant considers alternatives, although it is widely encouraged at the policy level, both European and domestic, and is a feature of EIA best practice. The consideration of alternatives in this ES complies with that requirement and has regard to the guidance in the Planning Practice Guidance (PPG) on Environmental Impact Assessment (which replaced paragraph 83 of the withdrawn Circular 02/99). The PPG states "Where alternative approaches to development have been considered, the Environmental Statement should include an outline of the main alternatives studied and the main reasons for the choice made, taking into account the environmental effects."
- 6.22 Alternatives should only be considered where they are feasible, realistic and genuine. This may depend on various factors, including planning policy, land ownership,

financial viability, technical feasibility and design quality. Options which are unlikely to be acceptable or deliverable are not realistic alternatives and so do not need to be considered. Whilst environmental effects are relevant when choosing between alternatives, other factors are also relevant. The main selection criteria which the applicant has used when choosing between the alternatives which it has considered include: planning policy, viability, design quality, market requirements, site constraints and opportunities and environmental effects.

- 6.23 As the site is an allocated site, and as set out above, the LPA consider that there are no reasonable alternatives to the site, the main area for the consideration is in relation to the detail proposed as part of the application. In terms of alternative Site Designs, the design proposals have been through an iterative design process that has resulted in various design alternatives evolving, being proposed and considered. The original proposals have been amended and improved through various iterations to reflect information pertaining to Site constraints that were identified during the EIA process. As far as possible, potential significant adverse environmental impacts have been 'designed out' of the Proposed Development. Therefore, the proposals are considered to be the development alternative that could result in the fewest adverse environmental impacts. In addition, mitigation measures have been identified and incorporated into the proposals in order to avoid, remove or reduce any adverse effects that cannot be adequately addressed through design. A crucial part of the EIA process is to assess the significance of the effects following the implementation of the mitigation measures (i.e. the 'residual effects'). Residual effects are considered within each technical chapter of the ES.

e) Phasing, implementation and delivery

- 6.24 Housing delivery across the District is a fundamental component of the success of the Local Plan. Table D24 of the Local Plan (see **Figure 63**) provides an indicative housing trajectory for delivery across the District. This trajectory was developed in conjunction and consultation with developers and site promoters at the time, including the applicants for this application. The trajectory was based on normal speed of delivery; this is the average rate of sales of houses from each sale point within a development, locally about 50 dwellings a year, without consideration of external influences. As can be seen, Housing Delivery for the Local Plan was predicated on first completions on the site occurring in 2021/22 with a maximum annual delivery of 140 dwellings. It is anticipated that to achieve such an annual delivery rate, the development would have to feature 3 or 4 separate sales outlets. This rate of delivery would provide for approximately 1200 dwellings during the plan period.
- 6.25 It is acknowledged that housing delivery on the Scraftoft North SDA is significantly behind schedule due to unforeseen delays during the preparation and consideration of the Planning Application. Notwithstanding this, the Applicants are working with HDC Officers to overcome these issues, and also to identify ways in which delivery can be bought forward on the site as soon as possible. As can be seen from the Phasing Plan submitted as part of the SDA application submission (see **Figure 64**), the existing Golf Course was not due to be released for development until Phase 4, with the Practice Ground being released for development as part of Phase 3. Such a programme allowed for the SDA application to be approved in advance of the Golf Course application and for delivery of housing in advance of the replacement golf course being available for use. As such, any impacts as a result of the new Golf Course could be justified on the basis that they were necessary to enable the completion of the allocated housing site, and it could be approved at the same time without leading to any delay in the delivery of housing.

Table D.26 Housing trajectory																					
	2011/ 2012	2012/ 2013	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023	2023/ 2024	2024/ 2025	2025/ 2026	2026/ 2027	2027/ 2028	2028/ 2029	2029/ 2030	2030/ 2031	Total in Plan Period
Years remaining in plan period	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	
Completions	240	284	334	496	640	468	580														3042
MH SDA								36	46	74	145	145	170	170	170	170	110	110	64	50	1460
Large Sites with PP								465	476	524	442	382	361	236	142						3028
Neighbourhood Plan Allocations								189	145	108	123	92	44	36	22	11					768
Large sites awaiting S106								12	49	64	10	22	10								167
Small sites with PP								65	65	65	66	66									327
Windfall allowance												25	25	25	25	25	25	25	25	25	225
Total Completions, Commitments and Windfalls	240	284	334	496	640	468	580	767	781	833	786	732	610	467	359	206	135	135	89	75	9017
Lutterworth East SDA													25	95	170	170	190	210	200	200	1260
Scraptoft North SDA										94	108	120	120	120	140	140	140	118	100	1200	
Overstone Park, Market Harborough												50	50	100	100	100	100	50	50		600
East of Blackberry Grange, Northampton Rd															14	67	67	67	67	67	350
Bummill Farm, Market Harborough									34	34	34	26									128
South of Amesby Rd, Fleckney												15	35	35	35	10					130
Total Allocations										34	128	207	256	350	439	487	497	467	435	367	3668
Total Provision on non-Allocated sites										10		23	82	102	80	9					307
Projected Annual Total	240	284	334	496	640	468	580	767	781	877	914	962	948	919	878	702	632	602	524	442	12992
Annual Requirement Provision	557	557	557	557	557	557	557	557	557	557	557	557	557	557	557	557	557	557	557	557	11140
Annual shortfall/ surplus	-317	-273	-223	-61	83	-89	23	210	224	320	357	405	391	362	321	145	75	45	-33	-115	

Figure 63: Local Plan Housing trajectory

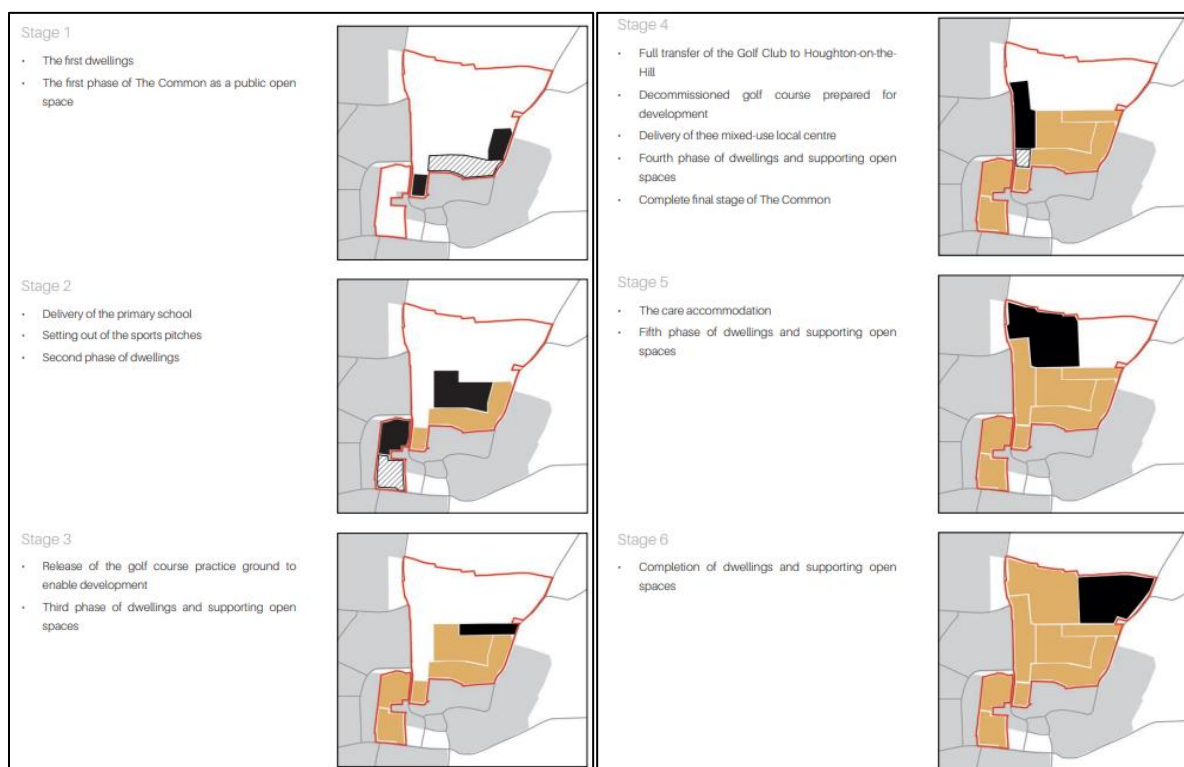


Figure 64: Scraptoft North SDA Phasing Plan

6.26 Unfortunately, in this circumstance, this is not possible. Due to unforeseen circumstances which have arisen as part of the SDA application, it has become necessary for the phasing of that development to be amended in order to not unnecessarily delay any further the delivery of housing on the site, meaning that part of the golf course site must now be delivered as Phase One. Commencing

development on the new golf course *during* Q1 of a calendar year means that the new course should be ready to play within 2 years, meaning that development on the SDA site could also commence 2 years after the start of works on the new golf course, whereas commencing work on the new facility *after* Q1 means that the site will take 3 years to reach suitable maturity to allow it to be played, meaning that Scraftoft Golf Course would not be able to vacate the existing course until 3 years after the new site was started, and therefore development on the SDA site would not be able to commence until 3 years after the start of works on the new golf course .

- 6.27 In order to ensure that the impacts of the new course remain justified, a condition is recommended so as to ensure that the Proposed Development does not significantly progress prior to the SDA development (19/00700/OUT) having received a positive resolution from HDC's Planning Committee. Both HDC Officers and the applicants take the view that it would be necessary, reasonable and proportionate, in line with the 'tests' set by NPPF Para 56 and with regard to the delivery of housing and the justification for the impacts identified throughout this report, to impose a condition tying 18/01850/OUT to 19/00700OUT (see **Appendix A – Condition 32**) should planning permission be granted. The enforceability of the proposed phasing would be tied to the undertakings on funding and delivery in the S106 agreement (see **Appendix B.**)

f) Article 2(3) Development Management Procedure (Amendment) Order 2012

- 6.28 In assessing this application, the Case Officer has worked with the Applicant's in a positive and proactive manner consistent with the requirements of paragraph 38 of the NPPF. This included the following:-
- Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
 - Have encouraged amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
 - Have proactively communicated with the Applicant's through the process to advise progress, timescales or recommendation.

7. Conclusion – The Planning Balance

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications are determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan for the district is The Harborough Local Plan 2011-2031. **Section 5a** of this report sets out the relevant local plan policies.
- 7.2 The Local Plan allocates the application site for development as a replacement Golf Course for Scraftoft Golf Club and the submitted application needs to be measured against the terms of the policies with particular reference to Policy SC1 of the Harborough Local Plan.
- 7.3 A master plan has been produced to guide development of the site, the submitted master plan meets the terms of the policy.
- 7.4 The submitted application satisfies the provision of facilities which are related to the use of the land for the proposed golf activities in nature and scale.
- 7.5 Access to the site and details of the new road are the subject of a full planning application. The LHA have confirmed that the submitted proposals are acceptable and therefore satisfy the requirements of the policy. Other matters will be secured through

the recommended conditions and legal agreements. For these reasons it is considered the requirements of the policy are met.

- 7.6 The proposals in the submitted application including the layout plan provide for the protection of the statutorily protected natural environment and heritage asset. The environment of the neighbouring residents is protected by the conditions recommended in Appendix A to this report.
- 7.7 It is acknowledged that the proposal has caused some concern within the local community, and this is evidenced by the content of the objections which have been received. Notwithstanding this, the need for and benefits of the proposed development – and the associated development which this facilitates – are substantial, and Officers are satisfied that these benefits outweigh the harms caused by the Proposed Development.
- 7.8 The proposals accord with the Development Plan when read as a whole, and as set out throughout this report, there are no material considerations which indicate otherwise. As such Members are asked to endorse the officer recommendation that planning approval should be granted (subject to the suggested conditions and the signing of the S106 agreement / S38 / S278 agreement)
- 7.9 In reaching this recommendation, Officers has taken into account the adopted Harborough District Local Plan 2011 to 2031, the NPPF and the PPG and the ES which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 and the further clarification and technical statements. Officers are satisfied that the ES and the further information provided complies with the above Regulations and that sufficient information has been provided to assess the environmental impact of the proposals.

INDEX OF APPENDICES

APPENDIX NUMBER	APPENDIX TITLE
Appendix A	Recommended Conditions and Informative Notes
Appendix B	S106 Obligations
Appendix C	LCC Highways substantive comments
Appendix D	Appendix D – Houghton Parish Council Annex 1

Appendix A – Recommended Conditions and Informative Notes

1 Detailed Commencement

The development being the detailed element of this permission (construction of the Golf Course, associated access road and junctions, landscaping, earthworks and paths) hereby permitted shall be begun within five years of the date of this permission.

REASON: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2 Reserved Matters submission

The first application for approval of reserved matters shall be submitted no later than three years from the date of this permission and all subsequent reserved matters applications shall be submitted by no later than five years from the date of this permission.

REASON: To encourage the early development of the site and to give the applicant sufficient time to submit reserved matters applications because of the scale of the development it will take a number of years for it to be fully implemented and to accord with Policy SC1 of the Harborough Local Plan

3 Reserved Matters

Details of the appearance, landscaping, layout, access and scale of the relevant phase of development (hereinafter called "the reserved matters") shall be agreed in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory form of development as these details are reserved for later approval and to accord with Policy SC1 of the Harborough Local Plan.

4 Reserved Matters details

The development (including applications for the approval of the reserved matters to be submitted in accordance with Condition 2) shall be in complete accordance with the principles and parameters described and shown in the following plans and documents:

•

REASON: For the avoidance of doubt and to ensure high standards of design and comprehensively planned development; to ensure a coordinated and acceptable integration between different land uses and to ensure that the submitted reserved matters applications are in accordance with the scale and nature of development assessed in the submitted Environmental Statement and accompanying Design and Access Statement and to accord with Policy SC1 of the Harborough Local Plan.

5 Green Infrastructure and Biodiversity Management Plan

No development shall commence on any phase of the development until there has been submitted to and approved by the District Planning Authority a Green Infrastructure and Biodiversity Management Plan for that Phase to include:

- a) details of all protected species on that part of the development including up to date surveys and details of survey methodology
- b) full details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity both during construction and post development
- c) details of all ponds and water courses within that part of the development

- d) details of all trees and hedgerows to be removed and those to be retained together with a scheme for the protection of retained trees and hedgerows during development. These details shall include the retention of important hedgerows identified in MMs Hedgerow Regulations Assessment (2019): H3, H6, H7, H10, H12, H17, H22, H25 and H26.
- e) an arboricultural management plan (if that part of the development includes any existing trees or hedgerows) to be informed by up-to-date surveys of the trees and hedgerows including understorey ground flora and biodiversity
- f) principles of strategic earth modelling, mounding, re-grading and/or embankment areas
- g) Principles of planting and landscaping details and plans, including any strategic planting
- h) Principles of provision of structures within the Green Infrastructure (including hard landscaped areas, lighting, floodlighting, bins and boundary treatments)
- i) the timescale for the implementation of each aspect of the Green Infrastructure and Biodiversity Management Plan within that Sub-Phase of development
- j) principles of management and maintenance regimes and provision of access for maintenance

The development shall thereafter be carried out in accordance with the approved plan.

REASON: The development will take place over a number of years and detailed measures for the protection and enhancements to habitats for protected species need to be made on the basis of up-to-date information and to accord with Policies GD8 and GI5 of the Harborough Local Plan.

6 Construction Management Plan (Courses)

No development shall commence on any phase of the Golf Course elements of the hereby approved development until there has been submitted to and approved by the District Planning Authority a Construction Environmental Management Plan (CEMP) for that phase of the development. The CEMP shall set out the methodologies for, plans for their implementation and a timetable for their delivery:

- a) The provision of haul routes to ensure that construction traffic using Gaulby Lane is minimised as far as possible.
- b) The parking of vehicles of site operatives and visitors
- c) Loading and unloading of plant and materials
- d) Storage of plant and materials used in constructing the development
- e) Location of Contractor compound(s)
- f) Screening and hoarding details
- g) a detailed reactive and proactive road cleaning schedule, incorporating the use of road sweepers, on-site wheel wash facilities and the use of hand brooms on wheels and roads where necessary.
- h) Measures to control the emission of dust and dirt during construction
- i) Hours of operation - the details shall include the hours of construction and the hours for the loading/unloading of materials.
- j) Construction noise and vibration strategy
- k) Earthworks and soil management strategy
- l) Sustainable site waste management plan
- m) The means of access and routing for demolition and construction traffic and indication of signage locations to assist those delivering to the site
- n) A construction travel plan
- o) Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction
- p) The storage of fuel and chemicals
- q) The control of lighting

- r) Any temporary footpath diversions which may be required
 - s) Proposed mitigation schemes on the highway network
- The development shall be carried out in accordance with the approved CEMP

REASON: To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with Policies GD8 and SC1 of the Harborough Local Plan.

7 Construction Management Plan (Buildings)

No development shall commence on any phase of the clubhouse, driving range, academy or maintenance compound elements of the hereby approved development until there has been submitted to and approved by the District Planning Authority a Construction Environmental Management Plan (CEMP) for that phase of the development. The CEMP shall set out the methodologies for, plans for their implementation and a timetable for their delivery:

- 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) Location of Contractor compound(s)
- e) Screening and hoarding details
- f) a detailed reactive and proactive road cleaning schedule, incorporating the use of road sweepers, on-site wheel wash facilities and the use of hand brooms on wheels and roads where necessary.
- g) Measures to control the emission of dust and dirt during construction
- h) Hours of operation - the details shall include the hours of construction and the hours for the loading/unloading of materials.
- i) Construction noise and vibration strategy
- j) Earthworks and soil management strategy
- k) Sustainable site waste management plan
- l) The means of access and routing for demolition and construction traffic and indication of signage locations to assist those delivering to the site
- m) A construction travel plan
- n) Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction
- o) The storage of fuel and chemicals
- p) The control of lighting
- q) Proposed mitigation schemes on the highway network

The development shall be carried out in accordance with the approved CEMP

REASON: To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with Policies GD8 and SC1 of the Harborough Local Plan.

8 Foul Drainage

No development shall commence on the clubhouse, driving range, academy or maintenance compound until drainage plans for the disposal of foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and

to minimise the risk of pollution and to ensure compliance with Policy IN4 of the Harborough District Local Plan.

9 Surface Water drainage

A surface water drainage scheme which disposes of all surface water harmlessly on the site in a sustainable way by means of Sustainable Urban Drainage Systems (SuDs) which incorporates systems to clean the water. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the CIRIA SuDS Manual (2015) C753 guidance and will include at least one water quality treatment train.

REASON: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to ensure compliance with Policy IN4 of the Harborough District Local Plan.

10 Landscaping

The Development hereby approved shall be completed in accordance with the submitted landscape plans (or as amended on agreement with the LPA); the amount of wetland, low nutrient (i.e. wildflower grassland from EM1 seed source) and rough grassland should be the same as that on the approved plans.

REASON: To ensure the provision of suitable landscaping in the interests of amenity and the character and appearance of the area and to accord with Policy SC1 of the Harborough District Local Plan

11 PRow boundary treatment

Prior to the planting of the hereby approved Golf Course, details of an enhanced boundary treatment between the proposed development and PRow C51 shall be submitted to and approved by the LPA. The approved scheme shall be implemented prior to the first use of the Golf Course and shall be retained as such in perpetuity

REASON: To ensure the provision of suitable landscaping in the interests of amenity and the character and appearance of the area and to accord with Policy SC1 of the Harborough District Local Plan

12 Updated Surveys

Prior to the commencement of any ground disturbance, removal of vegetation or creation of River Sence crossings, updated otter and badger surveys shall be submitted to and approved in writing by the LPA. The development shall thereafter be carried out in accordance with the approved reports

REASON: The development will take place over a number of years and detailed measures for the protection and enhancements to habitats for protected species need to be made on the basis of up-to-date information and to accord with Policies GD8 and GI5 of the Harborough Local Plan.

13 Native Species

All species of trees, shrubs, wildflowers and aquatic plants outside the immediate environs of the clubhouse to be locally native species only or as agreed by the LPA

REASON: To ensure that the development is suitably landscaped and to accord with Policies GD8 and GI5 of the Harborough Local Plan.

14 Tree Retention

Prior to the commencement of development, a scheme for the protection of retained trees during development shall be submitted to and approved by the LPA. This scheme shall identify those trees to be retained, and shall include the retention of all veteran trees meeting Local Wildlife Site criteria: (ref numbers as in Tree survey by Wardell Armstrong 2019): T12 (Ash), T14 (Ash), T16 (Ash), T27 (Ash), T45 (Oak), T89 (Crack Willow), T96 (Ash), T98 (Oak), T103 (Ash), T 104 (Ash), T116 (Ash), T123 (Oak), T127 (Ash), T130 (Ash), T140 (Ash), T143 (Ash). The development shall thereafter be carried out in accordance with the approved scheme

REASON: To ensure that the development is suitably landscaped and to accord with Policies GD8 and GI5 of the Harborough Local Plan.

15 Ecological Mitigation

The development shall be carried out in perpetuity in accordance with the Ecological Mitigation set out within Middlemarch's Framework Ecological Mitigation Strategy, unless otherwise agreed in writing with the local planning authority (FEMP, 2019).

REASON: To ensure the adequate protection of protected species and to accords with Policy GI5 of the Harborough District Local Plan

16 Surface Water Drainage scheme

No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to accord with Policy IN4 of the Harborough District Local Plan.

17 Surface Water drainage management

No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase and to accord with Policy IN4 of the Harborough District Local Plan.

18 Surface Water drainage maintenance

No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development and to accord with Policy IN4 of the Harborough District Local Plan.

19 Materials

The appearance details required in Condition 2 shall include details of all external materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be carried out in accordance with the approved details.

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

20 EV Charging points

As part of the Reserved Matters submission for the Clubhouse, details indicating the provision of Electric Vehicle Charging Points at a minimum of 10% of all car parking spaces shall be submitted .

REASON: To ensure adequate provision of EV Charging Points and to accord with Policy IN2 of the Harborough District Local Plan

21 Renewable Energy

The appearance details required in Condition 2 shall include details of renewable and low carbon technologies to be used in the development shall be submitted to and approved in writing by the District Planning Authority. If it is not proposed to install such measures, details of why it is not appropriate to do so shall be submitted in writing.

REASON: To ensure that the development is sustainable as possible and appropriate technologies are employed and to accord with Policy CC1 of the Harborough Local Plan

22 Refuse and Recycling

The appearance details required in Condition 2 shall include details of the provision for the storage of refuse and materials for recycling have been submitted and approved in writing by the Local Planning Authority. The details shall be implemented as approved.

REASON: To ensure the adequate provision of facilities and in the interests of visual amenity and to accord with Policy GD8 of the Harborough Local Plan

23 Cycle Storage

The appearance details required in Condition 2 shall include details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to accord with Policy GD8 of the Harborough Local Plan

24 Extraction Equipment and Air Conditioning Units

The appearance details required in Condition 2 shall include details showing ventilation and extraction equipment for the individual buildings.

REASON: To protect the amenities of existing and future residents and to accord with Policy GD8 of the Harborough Local Plan

25 External Lighting

The appearance details required in Condition 2 shall include a scheme for the external lighting of that element of the hereby approved development (including details of permanent external lighting including layout plan, contour plan, a virtual plan, lighting type, luminaire type, intensity, mounting height, aiming angles and luminaire profiles). The scheme shall be implemented as approved and retained as such in perpetuity.

REASON: In the interests of the visual amenity of the area and to accord with Policies SC1 and GD8 of the Harborough Local Plan

26 Levels

The layout and landscape details required in the reserved matters applications (condition 2) shall include details of existing and proposed site levels, including finished floor levels of any buildings. The development shall thereafter be implemented in accordance with the approved details.

REASON: To ensure that the work is carried out at suitable levels in relation to adjoining properties and the wider surroundings, having regard to amenity, landscape, biodiversity, access, highway and drainage requirements and to accord with Policy GD8 of the Harborough Local Plan.

27 Nest Seasons

Demolition of buildings/structures, felling of trees and removal of shrub and scrub and commencement of other enabling works shall not be carried out during the nesting season. If any works are required during the nesting season, this shall be carried out following the all clear from a nest check carried out by a suitably qualified ecologist. Any active nests must be safeguarded with a 5m stand off using road pins and hazard tape or fencing.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Harborough Local Plan Policy GI5, and the National Planning Policy Framework.

28 Risk Based Land Contamination Assessment

No development (except any demolition permitted by this permission) shall commence on site, or part thereof, until 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.
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- Or any documents which supersede these.

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.
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases"
- CIRIA, 2014
- Or any documents which supersede these.

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.

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

- BS10175:2011+A2:2017 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8576:2013 Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs) and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- Or any documents which supersede these.

Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 170, 178 and 179 of the NPPF

29 Completion/Verification Investigation Report

Prior to occupation of the completed development, or part thereof, A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to the whole development, or part thereof, 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 Paragraph 170, 178 and 179 of the NPPF

30 Noise (Clubhouse)

Concurrent to the submission of the Reserved Matters for the Clubhouse, a noise survey shall be submitted to the LPA for approval. This survey should take account of the potential uses of the facility in light of the proposed floorplans and the potential for elements of the facility to be used for purposes that are not ancillary to the use of the site as a whole for the playing of Golf.

REASON: To ensure adequate protection of the residential amenity of surrounding properties, and to accord with Policy GD8 of the Harborough Local Plan

31 Noise (Grounds Maintenance Compound)

Concurrent to the submission of the Reserved Matters for the Grounds Maintenance Compound, a noise survey shall be submitted to the LPA for approval. This survey should take account of structure of the buildings and the likely operations which will be carried out on the site, and should also identify the requirements of any acoustic bund in order to minimise the noise impact on adjacent residential properties. Details of any proposed Acoustic Bund shall be included within the appearance and landscaping details required in Condition 2.

REASON: To ensure adequate protection of the residential amenity of surrounding properties, and to accord with Policy GD8 of the Harborough Local Plan

32 Tie to 19/00700/OUT

No earthworks shall commence on site until such time that Harborough District Council Planning Application reference 19/00700/OUT has received a positive Committee resolution to grant Planning Permission, or 1st March 2023, whichever is the earliest.

REASON: To ensure that the development is bought forward in relation to the development of the current Scraftoft Golf Club, therefore enabling the delivery of housing on that site, and to accord with Policy SC1 of the Harborough Local Plan.

33 Phasing

Prior to the commencement of the hereby approved development, a Site Wide Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority (LPA). This Plan shall include the sequence of providing the following elements:

- a) Main 18 hole Golf Course;
- b) 9 hole Golf Course;
- c) Driving Range and associated buildings;
- d) site wide foul surface water features and SUDS;
- e) Clubhouse and associated parking; and
- f) Grounds Maintenance compound;

No development shall commence apart from enabling works agreed in writing by the LPA until such time as the Site Wide Phasing Plan has been approved in writing by the LPA. The development shall be carried out in accordance with the approved phasing contained within the Site Wide Phasing Plan.

REASON: To enable to consideration of the details holistically and to accord with Policy SC1 of the Harborough Local Plan

34 Archaeological Works

No development shall commence on any phase of the development until a staged programme of archaeological work has been undertaken for that phase. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

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

REASON: To ensure satisfactory archaeological investigation and recording and to accord with Policy HC1 of the Harborough Local Plan

35 Infiltration testing

No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy and to accord with Policy IN4 of the Harborough Local Plan.

36 Access Plans

No part of the development hereby permitted shall be occupied until such time as the access arrangements generally shown on RPS drawing number: JNY8959-01 Revision M have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021) and to accord with Policy SC1 of the Harborough Local Plan.

37 Access Closure

The new vehicular accesses hereby permitted shall not be brought into use other than for construction traffic associated with the hereby approved development until the existing junction on A47 Uppingham Road / Gaulby Lane that becomes redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2021) and to accord with Policies GD8 and SC1 of the Harborough Local Plan.

38 Highway Drainage

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

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021) and to accord with Policies GD8 and SC1 of the Harborough Local Plan.

Informative Notes

1. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of

drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

2. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
3. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual property ownership. For commercial properties (where relevant), this should also include procedures that must be implemented in the event of pollution incidents.
4. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach. Where infiltration is deemed viable, proposed infiltration structures must be designed in accordance with CIRIA C753 "The SuDS Manual" or any superseding version of this guidance.
5. Standing Advice – National Planning Policy Framework When determining planning applications, the local planning authority should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific Flood Risk Assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework and accompanying Planning Practice Guidance.
6. Standing Advice – Consent Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management> Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.
7. Standing Advice – Maintenance Note that it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.
8. Standing Advice – Overland flow routes Overland flow routes as shown on the update map for surface water should be considered such that buildings are not placed directly at risk of surface water flooding. Such flow routes should be utilised for roads and green infrastructure
9. Standing Advice – Watercourse (including ditches) Where a watercourse adjoins or flows through a development, provision should be made such that the watercourse can be accessed throughout the life of the development through provision of a suitable

easement. The ownership and responsibility for maintenance of the watercourse should also be clearly identified and conveyed to the relevant parties.

10. Standing Advice – External surfaces To prevent an increase in the discharge rate or volume due to development of external surfaces, permeable surface material should be utilised where possible, without an impermeable lining unless required to prevent mobilisation of contaminants or groundwater flooding.
11. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
12. The surface water drainage scheme required in Condition 10 shall dispose of all surface water harmlessly on the site in a sustainable way by means of Sustainable Urban Drainage Systems (SuDs) which incorporates systems to clean the water. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the CIRIA SuDS Manual (2015) C753 guidance and will include at least one water quality treatment train.
13. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-andplanning/planning/leicestershire-highway-design-guide>
14. The applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk
15. Prior to construction, measures should be taken to ensure that users of the Public Footpath are not exposed to any elements of danger associated with construction works.
16. The Public Footpath must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
17. The Public Footpath must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
18. If the applicant requires a footpath to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

- 19 Any damage caused to the surface of a Public Footpath, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- 20 Planning permission does not give you approval to work on the public highway. If the proposal requires the permanent removal ("stopping up") or diversion of highway to enable the development to take place, then you must complete the legal processes required before commencing works. Further information is available at: - <https://www.leicestershire.gov.uk/roads-and-travel/local-authority-searches/highway-extinguishments>
If you are unsure whether your proposal affects public highway, you can establish the Highway Authority's formal opinion of the adopted highway extent in relation to the proposal. Further information is available at <https://www.leicestershire.gov.uk/hre>

Appendix B – S106 Obligations

Request by LLC	Obligation for Highways		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£7,500 towards the cost of the consultation process to implement a traffic Regulation Order for the Gaulby Road weight restriction	Prior to commencement of development	To ensure that the development does not detrimentally impact the condition of the highway network and in the interest of Highway safety.	<p>Planning Obligations SPG (Jan 2017)</p> <p>Leicestershire Planning Obligations Policy Adopted 10 July 2019</p> <p>The Framework paragraphs 34, 54-57 and 102,103 104, 110, 111.</p>

Appendix C – LCC Highways substantive comments

Substantive response of the Local Highway Authority to a planning consultation received under The Development Management Order.



Response provided under the delegated authority of the Director of Environment & Transport.

APPLICATION DETAILS:

Planning Application Number: 19/01850/OUT

Highway Reference Number: 2019/1850/03/H/R3

Application Address: Land At Gaulby Lane Houghton On The Hill Leicestershire

Application Type: Outline (with access)

Description of Application:

Re-consultation. Further observations. 18-hole golf course, clubhouse, car parks, practice areas, a golf academy with 9-hole course, driving range & reception building & a grounds maintenance facility. Detailed design proposals submitted (unreserved) for landscaping, incl. planting, pathways, ponds/drainage, irrigation & earthworks, with access details (unreserved) for a new junction with the A47 & a new road to join Gaulby Lane (the existing junction closed off), & access design details (unreserved) to a grounds maintenance compound off Gaulby Lane. Details of the appearance & scale of all building, car parking areas, enclosures, bridges, lighting reserved for later approval.

GENERAL DETAILS

Planning Case Officer: Mark Patterson

Applicant: Parker Strategic Land Ltd & Scraftoft Golf (Holdings) Ltd

County Councillor: Cllr Simon Galton

Parish: Gaulby

Road Classification: Class A

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) provided its second highway observations on the proposed development to the Local Planning Authority (LPA) in March 2020. The LHA sought confirmation / clarification on the following matters:

- Safe and appropriate access to the site for all users including visibility splays at the A47 / new access road;
- Highway Drainage details; and
- Revised Trip Generation / Distribution to take into account existing golf club data.

The applicant has subsequently submitted the following documents to address the LHA's concerns:

- RPS Technical Note (TN-03) document ref: JNY8959-03 submitted to LPA 23 February 2022; and
- RPS Technical Note (TN-04) document ref: JNY8959-04 dated 14 June 2022.

The LHA has also met with the applicant (virtually) prior to preparing this response to discuss the outstanding issues and can now provide further comments below.

Harborough Local Plan

Harborough District Council's Local Plan, which covers 2011 - 2031, was adopted in April 2019. The Local Plan identified in Policy SC1 Scraftoft North Strategic Development Area that 1,200 dwellings could be delivered at Scraftoft Golf Course. However as set out in section 4 of Policy SC1 a replacement golf course would need to be delivered on land to the east of Houghton on the Hill, subject to the following criteria:

- The layout does not sever or severely disrupt the public right of way network;
- A satisfactory access is provided and there is capacity in the local road network to accommodate traffic generated by the development;
- The location and design of the buildings and the landscaping of the course minimise visual impact upon the surrounding open countryside;
- All built facilities proposed are related to the use of the land for the proposed golf activities in nature and scale;
- Details of the course construction are submitted with the planning application; and
- Light spillage from any proposed lighting installations is minimised.

The proposed development is linked to the delivery of the Scraftoft SDA which is being determined under planning application 19/00700/OUT. All highway observations associated with that development can be seen on the LPA's planning website.

Site Access

The LHA provided initial comments on the proposed site access arrangements in its response to the application in March 2020. The applicant has now submitted revised site access proposals, and responded to the concerns raised by the LHA, in TN-04 dated June 2022.

The revised proposal still includes a single point of access in the form of a priority junction from the A47 Uppingham Road. The proposed site access arrangements and new access road have been subject to a satisfactory Stage 1 Road Safety Audit (RSA) and Designers Response and are shown on RPS drawing number JNY8959-01 Rev L.

New Access Road

A key piece of infrastructure for the proposed development is a new access road which would provide a new link between the A47 Uppingham Road and Gaulby Lane. The access road is proposed to have a 40mph speed limit, with a 5.5m carriageway width and 2m wide footways adjacent to both sides of the carriageway. The new site access from the A47 and access road would also result in the existing Gaulby Lane / A47 Uppingham Road junction being closed.

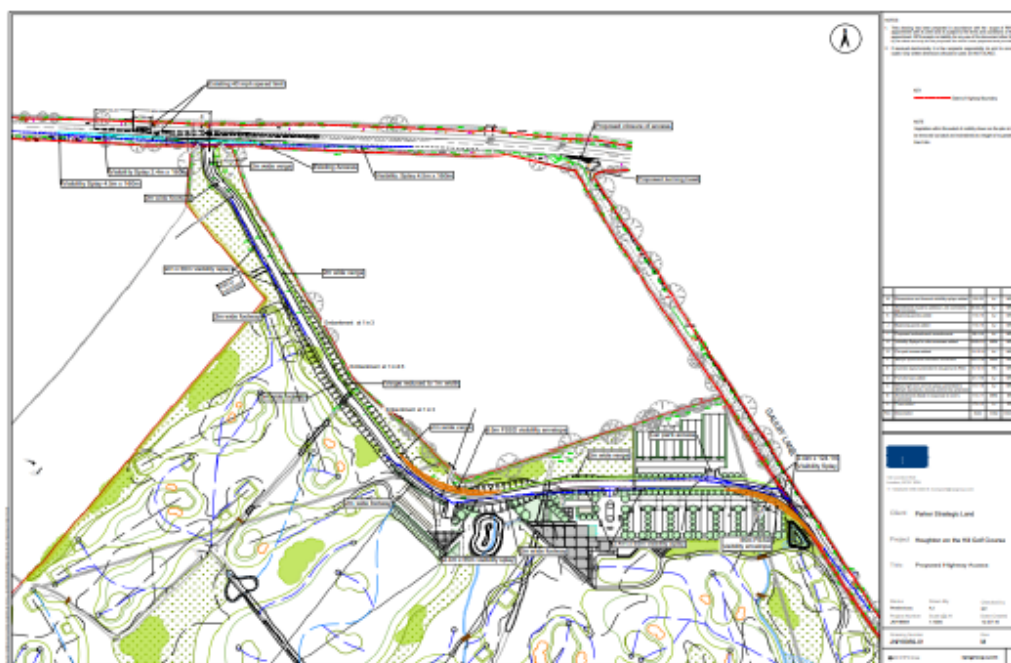
Following comments from the LHA the applicant has made some amendments to the layout of the road to ensure it meets Leicestershire County Council's requirements to be adopted as public highway (extent shown on drawing number: JNY8959-11 Rev M) and is suitable to replace the existing Gaulby Lane / A47 Uppingham Road junction.

The applicant should be aware that Gaulby Lane currently has a 7.5t weight restriction and this will need to be transferred to the new access road. The LHA would advise the applicant that a minimum of six months is required to process a Traffic Regulation Order (TRO), therefore should the Local Planning Authority be mindful to permit the application, the applicant should progress the scheme at the earliest opportunity. Furthermore the LHA will require a £7,500 contribution in order to process the TRO.

Drainage

The Lead Local Flooding Agency (LLFA) responded to the planing application in March 2022 and advised approval subject to conditions including details of a surface water drainage scheme to be submitted and approved. Therefore, the LHA is satisfied that any highway drainage concerns can be addressed at once a discharge of condition application comes in.

The details of the site access and new access road are reproduced in Figure 1 below:



The applicant has also provided tracking for all movements of an 11.6m refuse vehicle at the A47 Uppingham Road / Access Road junction.

Overall the LHA considers the design of the site accesses and access road to be acceptable for the purposes of the planning application. A suitably worded condition is included towards the end of these observations to ensure an appropriate design and delivery of the access road. This should also include key information and amendments required as part of the Section 278 (technical approval) process.

Extinguishment of Highway Rights

It is noted that the applicant wishes to 'Stop Up' the existing Gaulby Lane access, however to authorise the stopping up (extinguishment of highway rights) or diversion of highways, applications for Sections 247 and 248 orders of the Town and Country Planning Act (1990) must be submitted to the Department for Transport (DfT).

Applications for these orders can be submitted in advance of planning decisions being made or when the planning permission has been granted. Further information, including details on the process can be found at:

<https://www.leicestershire.gov.uk/roads-and-travel/local-authority-searches/highway-extinguishmen>

ts.

In cases where planning permission decisions have not yet been made, any draft stopping up Order published cannot be confirmed until planning permission has been granted. It is also important to note that a successful application for the extinguishment of highway rights under Section 247 does not pass the freehold interest in the land to the applicant. The ownership of the land will remain with the owner as at the time of the extinguishment. Similarly, any private rights and covenants on the land will remain upon any extinguishment of the highway.

Statutory undertaker (i.e. including water and gas mains) may be present under the development site. Any underground services which may require diversion as part of the application would need to be undertaken to the satisfaction of the relevant utility company and Leicestershire County Council at the full expense of the applicant, the cost of which could be significant.

For the avoidance of doubt, the applicant should note that Leicestershire County Council will be consulted on any draft Section 247 order application received from the Department for Transport however at this stage there appears to be no reason why the LHA would have any objection to the stopping up and diversion of the highway. However, this would be subject to separate consultation and there is the possibility that objections will be raised by other parties.

Junction Operation

The applicant has tested the site access design with the predicted flows in the 2022 Design Year with proposed development and 2031 Design Year with development scenarios. This predicts that the site access would operate within capacity in both the AM and PM peak hours for both scenarios (see further details below in Trip Distribution).

Highway Safety

In the previous highway observations the LHA was satisfied with the applicant's conclusion that no further road safety measures were required to mitigate the impact of the proposed development. This conclusion followed a review of the Personal Injury Collision (PIC) data in the study area identified by the applicant in Appendix C of the Transport Assessment. The study area is reproduced overleaf in Figure 2.

Given the period of time since the last highway observations the LHA has checked its own database again. The PIC data from 1 April 2017 - 31 March 2022 shows that there was one PIC based on the study area included in the initial Transport Assessment (dated June 2019). This occurred in March 2021 and was classified as slight.

Following the review the LHA is satisfied that there are no emerging patterns / trends that require further investigation so the LHA would not seek to refuse the planning application based on the collision data.



Figure 2: PIC study area reproduced from RPS Transport Assessment Appendix C (June 2019)

Trip Generation

In the previous highway observations the LHA advised the applicant to review the predicted trip rates for the golf club and undertake a sensitivity test to understand the potential impact of any other trips as a result of additional services at the site, e.g. conferences or weddings. The applicant has justified the trip rates in revised TN-03 and confirmed that the existing golf club does not have any conference facilities so any current trip rates would not be representative of the proposed development, hence the use of the TRICS database.

The LHA accept the applicant's approach and therefore the approved trip rates for the development result in nine (two-way) and 30 (two-way) trips in the peak hours. For the sensitivity test the trip rates result in 31 (two-way) and 54 (two-way) trips. These are presented in Tables 1.1 and 1.2 of the updated TN and reproduced in Figures 3 and 4 overleaf.

Table 1.1 – Predicted Vehicular Trip Generation – Golf Course Use (18 Holes)

	Arrivals		Departures		Two-way	
	Trip rate	No. Trips	Trip rate	No. Trips	Trip rate	No. Trips
Weekday AM Peak	14.909	15	3.800	4	18.700	19
Weekday PM Peak	14.800	15	15.400	15	30.200	30
Daily Movements 24hr	227.799	228	226.330	226	454.129	454

Figure 3: Predicted Vehicular Trip Rates for proposed Golf Course reproduced from Table 1.1 of RPS Technical Note

Table 1.2 – Sensitivity Test Trip Rates – Golf Course Use (322 Parking spaces)

	Arrivals		Departures		Two-way	
	Trip rate	No. Trips	Trip rate	No. Trips	Trip rate	No. Trips
Weekday AM Peak	0.081	26	0.016	5	0.097	31
Weekday PM Peak	0.114	37	0.054	17	0.168	54
Daily Movements 24hr (Weekday)	0.789	254	0.813	262	1.602	516
Weekend Mid Peak (13:00 – 14:00)	0.164	52	0.193	62	0.357	115

Figure 4: Predicted Vehicular Trip Rates for proposed Golf Course reproduced from Table 1.2 of RPS Technical Note

Trip Distribution

The applicant has obtained postcode data for existing members of the golf club. This information is shown in paragraph 1.22 of the TN and the key findings can be summarised as follows:

- 72% of trips originated from Leicester City;
- 6% from Wigston;
- Small number of trips from other villages in Leicestershire; and
- 2% from outside Leicestershire.

The applicant indicated in their initial assessment that 78% of the predicted trips would be travelling to / from areas to the west of the site. This revised information suggests this is more likely to be in the region of 92% who travel to / from the west of the site and 8% to / from the east of the site. Based on these revised percentages the applicant has tested the impact of the

proposed development in the AM / PM peak hour at the Site Access / A47 Uppingham Road junction.

Junction Capacity Assessments

As referred to above there are no capacity issues with the site access / A47 Uppingham Road junction (Figure 5 below). Furthermore based on the low level of trips in the AM and PM peak trips and the distribution of those trips across the local highway network the LHA does not require any more junction capacity assessments.

	Site Access		A47	
	RFC	Q	RFC	Q
AM Peak				
2022 Base + Committed + Development	0.04	0	0.07	0
2031 Base + Committed + Development	0.05	0	0.07	0
PM Peak				
2022 Base + Committed + Development	0.07	0	0.10	0
2031 Base + Committed + Development	0.08	0	0.11	0
Weekend MID Peak				
2022 Base + Committed + Development	0.17	0	0.12	0
2031 Base + Committed + Development	0.18	0	0.13	0

Figure 5: Junction analysis of Site Access / A47 Uppingham Road

Internal Layout

The applicant has provided details on the number of car parking spaces, accessible parking spaces, electric parking spaces and cycle parking. However the internal layout of the development is not being considered as part of this planning application so the LHA has not considered this element of the submission in detail as it will be determined as part of a future Reserved Matters application.

The LHA would advise the applicant that they should submit their justification for the parking provision across the site as part of any future Reserved Matters application. The design and size of the spaces should be in line with guidance contained in the LHDG.

Public Right of Way

There is a short section of public footpath C51 which runs through the proposed development in the south western corner of the site (extract based upon the Definitive Map of Public Rights of Way below in Figure 6 for information).

The legal line of public footpath C51, as demonstrated on the map, should be respected. However, if any changes are required to footpath C51, an application for a diversion order under the Town and Country Planning Act 1990, would need to be made to the Local Planning Authority.

Leicestershire County Council would also like the LPA and the applicant to note the outstanding claim by the Parish Council for the alleged public footpaths shown on plan no. M1180-P01-Rev (Figure 7) to be added to the Definitive Map.

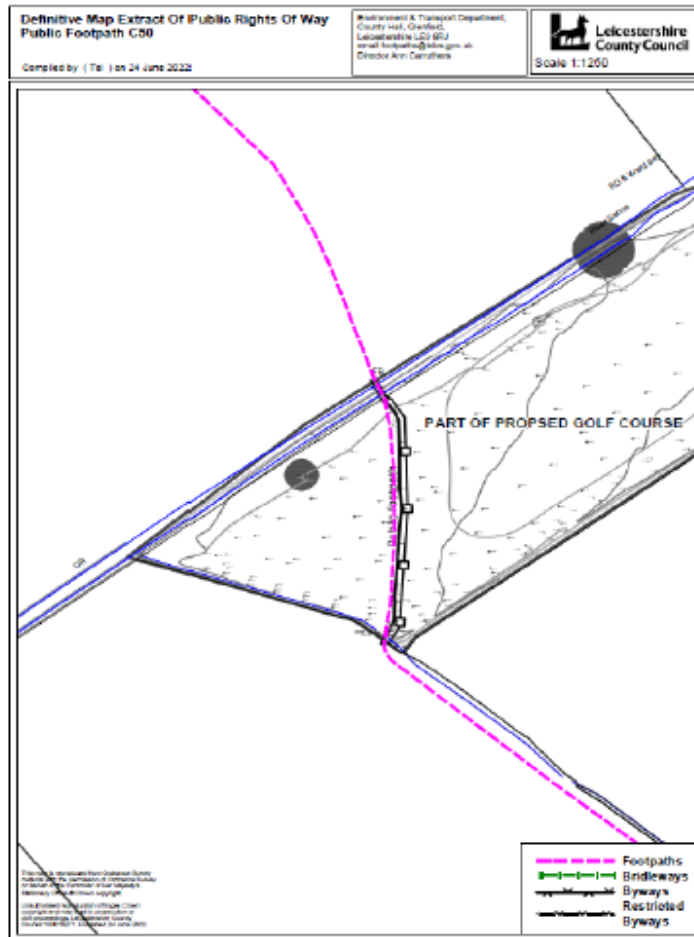


Figure 6: Definitive Map of Public Footpath C51

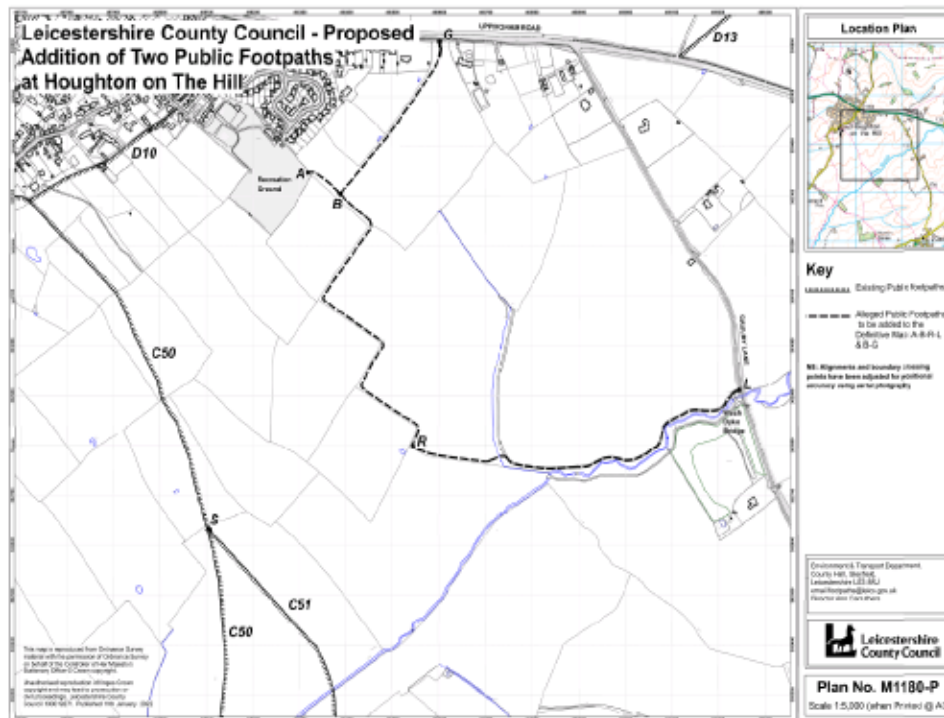


Figure 7: Outstanding claim by Parish Council for the potential public footpaths

Closing

Based on the additional information submitted the applicant has demonstrated that a safe and suitable access to serve the proposed development could be delivered in line with Paragraph 110 of the National Planning Policy Framework. The applicant has also tested the impact of the proposed development on the local highway network and the LHA considers that the residual cumulative impacts of development can be mitigated subject to the inclusion of the following conditions and contributions.

Conditions

1. No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period.
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading/unloading and storage of plant, materials, oils, fuels, and chemicals;
 - c) the erection and maintenance of security hoarding including decorative displays and facilities

for public viewing;
 d) wheel washing facilities and road cleaning arrangements;
 e) measures to control the emission of dust during construction;
 f) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
 g) measures for the protection of the natural environment;
 h) hours of construction work, including deliveries and removal of materials;
 i) full details of any piling technique to be employed, if relevant;
 j) location of temporary buildings and associated generators, compounds, structures and enclosures;
 k) routing of construction traffic; and
 l) full details of any floodlighting to be installed associated with the construction of the development

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.

2. No part of the development hereby permitted shall be occupied until such time as the access arrangements generally shown on RPS drawing number: JNY8959-01 Revision M have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

3. The new vehicular accesses hereby permitted shall not be brought into use until the existing junction on A47 Uppingham Road / Gaulby Lane that becomes redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

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

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

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021).

Contribution

To comply with Government guidance in NPPF and commensurate with Leicestershire County Council Planning Obligations Policy the following contribution would be required:

1. Prior to commencement of any development on the site a contribution of £7,500 towards the consultation process to implement a Traffic Regulation Order for a 7.5t weight restriction on Gaulby Road.

Justification: In the interests of highway safety.

Informative

- Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>
- The applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk
- Prior to construction, measures should be taken to ensure that users of the Public Footpath are not exposed to any elements of danger associated with construction works.
- The Public Footpath must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- The Public Footpath must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- If the applicant requires a footpath to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
- Any damage caused to the surface of a Public Footpath, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

- Planning permission does not give you approval to work on the public highway. If the proposal requires the permanent removal ("stopping up") or diversion of highway to enable the development to take place, then you must complete the legal processes required before commencing works.

Further information is available at: -

<https://www.leicestershire.gov.uk/roads-and-travel/local-authority-searches/highway-extinguishments> If you are unsure whether your proposal affects public highway, you can establish the Highway Authority's formal opinion of the adopted highway extent in relation to the proposal.

Further information is available at <https://www.leicestershire.gov.uk/hre>

Date Received
24 February 2022

Case Officer
David Hunt

Reviewer
AW

Date issued
27 June 2022

Houghton on the Hill Parish Council

Progress since the Making of the NP (March 2018)

Houghton PC has been monitoring progress with the development of the planning for the Golf Course. We have approached Scraptoft Golf Club and requested meetings with representatives of the Golf Club. Our approach was welcomed and since new year 2019 we have initiated a series of regular meetings between PC councillors and Colin Griffiths of SGC. So far we have held 2 meetings which have been both congenial and productive. In each we have been updated by SGC on their current position with respect of design and planning, and we have expressed our opinions about various aspects of the development, based on the criteria stated in the statement arising from the NP (Page 1).

Currently our two highest priority issues of concern are:

Recreational walking access to the east of Houghton

The area lying within Houghton Parish on which the Golf Course is due to be constructed (Golf A on the figure on page 1), is extensively used by recreational walkers, and has been for many decades. Following the protocol of the LCC Local Access Forum we have been collecting evidence forms from these walkers and now have a solid body of evidence for the amount and locations of use. Footpaths passing freely through the golf course would pose a significant risk of injury and hence be very problematic. We are seeking a compromise solution in discussion with SGC. *Currently SGC have instructed their course architect to investigate providing a footpath around the south western boundary of the golf course. This is a compromise solution which Houghton PC will be very keen to secure.*

A holistic assessment of traffic management along the A47 through the village.

Traffic flow through the village along the A47 is potentially affected by a number of separate effects of the currently planned developments, listed below and marked on the map on page 3:

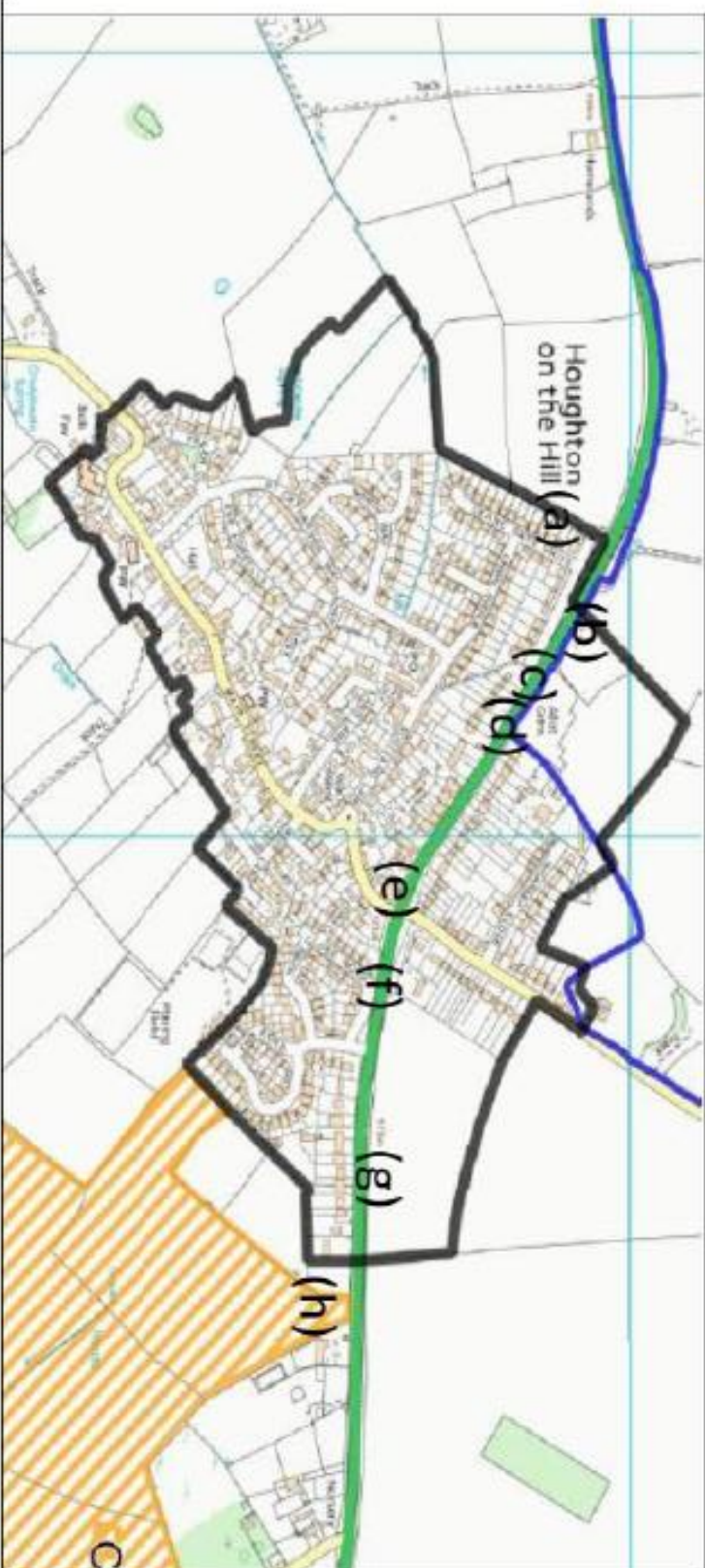
- a) Increased traffic along Deane Gate Drive to new development (48 dwellings)
- b) New Junction with Ghost lane, and light controlled pedestrian crossing. (70 houses)
- c) New junction for housing development (16 houses)
- d) Increased pedestrian activity from the new developments (86 dwellings) crossing A47 to village facilities.
- e) Increased traffic flow at A47/Main street cross roads due to both new housing and golf course users
- f) Light-controlled pedestrian crossing allowing access from NP reserve site to village.
- g) New junction for NP reserve housing development (up to 70 dwellings)
- h) New junction for Gaulby Lane giving access to Golf Course.

The Houghton NP highlighted the need for such a holistic assessment of the traffic management on the A47 through the village, and Houghton PC has requested this from LCC highways, but with no response to date. *Each separate change is being considered in isolation by LCC highways, and the cumulative effect has not been assessed. The PC is committed to having such an assessment including an assessment of the requirement for a 30 mph speed limit along the A47 through the village.*

Houghton on the Hill Parish Council

March 2019

ParishOnline



1. Location of new traffic management issues (a to h) as listed on previous page

Committee Report

Applicant: ATE Farms Ltd

Application Ref: 20/01203/FUL

Location: Land at Former Quarry, Dunton Road, Dunton Bassett

Proposal: Provision of an equestrian, angling and leisure facility including stables, horse walker and manège, change of use of land from agricultural to horse paddocks, retention of existing angling lake, erection of 8 chalets and 4 camping pods with associated driveways and parking, a proposed outdoor trail facility, erection of a workers' office, parking provision and internal access roads and improvements to existing access (resubmission of 19/00394/FUL)

Application Validated: 02/10/20

Target Date: 01/01/21 (extension of time agreed)

Consultation Expiry Date: 19/05/2022, last consultation response received 26th May 2022

Site Visit Dates: November 2020 (previous case officer) two in November 2021 (current case officer)

Reason for Committee decision: Call in by Cllr Graves for landscape and highway impacts (see paragraph 3.6 below)

Parish & Ward: Dunton Bassett, Dunton Ward; Leire, Broughton Astley Ward

Recommendation

It is recommended that the application is **APPROVED** for the reasons set out in this report and subject to the conditions at Appendix A.

1. Site & Surroundings

- 1.1 The application site is located to the south side of Dunton Road/Leire Lane as it runs south and west from Dunton Bassett to Leire (note: the name of the highway changes along its length: closer to Leire towards the west of the site it is Dunton Road; towards Dunton Bassett, the northeast of the site, it is Leire Lane). It is accessed from this road, primarily through an existing access towards the western end of the site of the site, although there is an existing wider access laid out towards the middle of the site's north boundary onto Dunton Road which does not appear to be used. The land was previously used as a quarry for mineral extraction (sand and gravel), with this appearing to take place mainly towards the western end of the site, with the eastern end used for waste/spoil after extraction. Since this use ceased and the land was restored, a local angling club use the lake within the site for fishing. Otherwise the land is just overgrown 'scrub' land and does not have any crops or pasture. There is an electricity source with pylons transversing the middle of the site.
- 1.2 Land levels within the site are very varied, in part due to the previous use. Generally, levels fall from 128 AOD at the eastern top end of the site to 103 AOD at the western end. There is a large mound towards the south of the site where levels rise sharply

from 108 AOD near to the fishing lake to 117 AOD. This mound largely encompasses a bowl like depression in the topography. Similar but less steep hills/mounds and depressions in the landscape characterise the central southern portion of the site. The site is bounded by mature trees, shrubs and bushes. Some areas of metal fencing are found, most notably at the existing wider access in the middle of the northern boundary, where it bounds the principal former quarry access.

- 1.3 Footpath Y108 is within the site and links Leire Lane/Dunton Road to the north to Ashby Parva Road/Little Lunnon running past part of the site's southern boundary. The footpath within the site appears extremely lightly used, although there are way-markers where it joins the adjacent highways. The route of the footpath mainly lies along the site's eastern and southern boundaries, avoiding most of the pits, mounds and lake of the former quarry use.
- 1.4 The nearest residential properties to the site are those on the southern edge of Dunton Bassett, and a handful of dwellings along Ashby Parva Road. The middle southern part of the site has a number of wildlife designations: Great Crested Newt breeding pond, Badger setts, a local Wildlife site (wet woodland) and falls within an Impact Risk Zone of a SSSI. The site is in flood zone one with land at low risk of flooding, although the pits and depressions within the site are prone to surface water flooding.

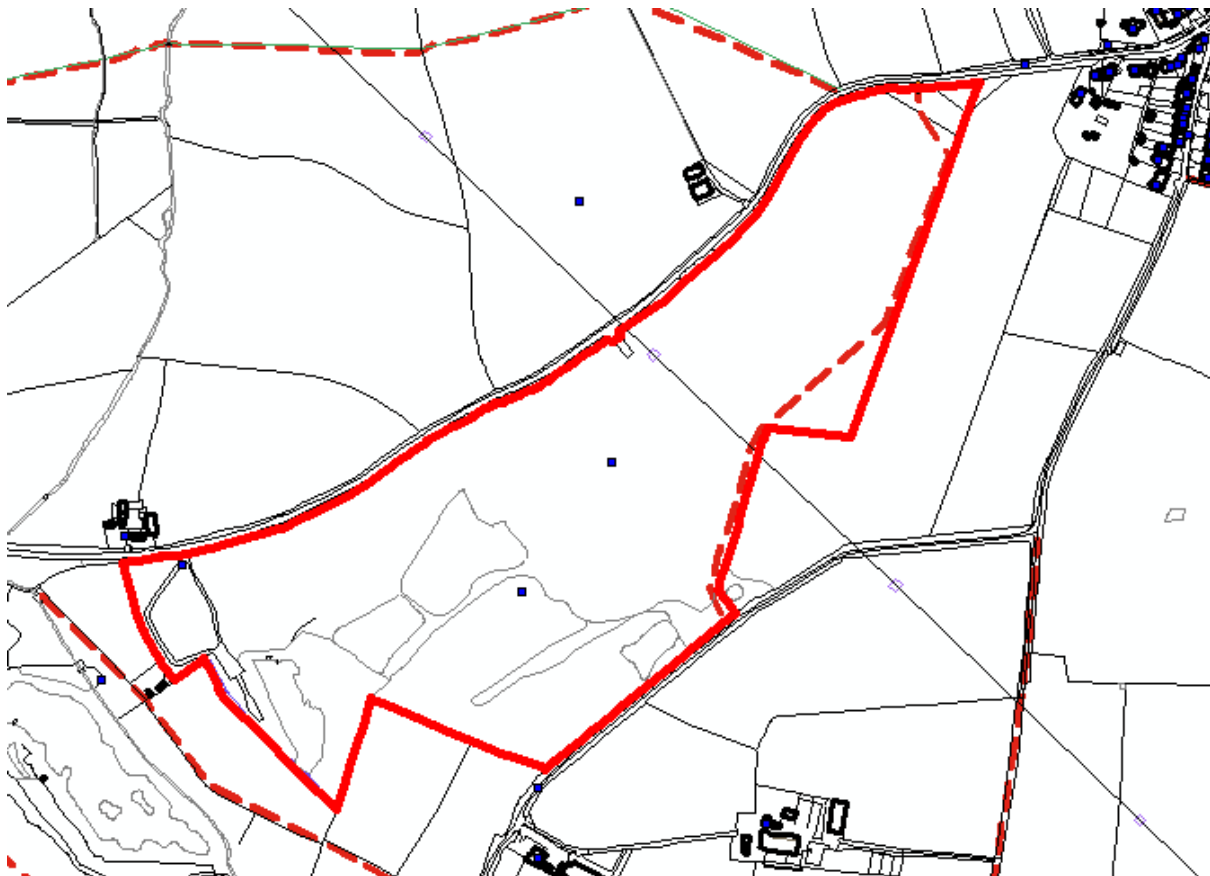


Figure 1: Site Location (Right of Way indicated by a hatched red line)



Figure 2: Aerial photograph (2018)

2. Site History

- 2.1 The site was previously used for mineral extraction and inert landfill but was restored to fields and lakes by 1999. Recent planning history is:

19/00394/FUL – Provision of an equestrian, angling and leisure facility including 6 stables, tack room, livery yard, manège, bridledways, horse paddocks and pasture, retention of existing angling lake, erection of 6 chalets and 4 camping pods with associated driveways and parking, a proposed outdoor trail facility, erection of a workers dwelling and office, parking provision and internal access roads and improvements to existing access – withdrawn

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal is for a new leisure use in the countryside and comprises a number of elements:

Equestrian

- Change of use of land from agricultural to horse paddocks (4.47 hectares)
- Erection of stables (25 x 11.2m, eaves height of 3.5m, dual-pitched roof, ridge height of 4.7m. Concrete blocks and vertical timber cladding to walls, green insulated cladding to roof. Provides 12 stables and tack room)

- Erection of horse walker (14m diameter, fully hipped and pitched roof with eaves of 2.8m, ridge of 4.97m. Walls of timber cladding with metal railings; roof of green painted metal cladding)
- Creation of a manege (20x40m)

Angling

- Existing angling lake in south-west corner of the site retained; 8 fishing pegs relocated around the edges of this lake
- Creation of 10 parking spaces adjacent to lake for use by anglers

Accommodation

- Erection of 8 chalets (3x3-bed each 96.2sq m internal floor area), (3x2-bed each 71.9sq m internal floor area), (2x1bed each 67.8sq m internal floor area). Walls of hardwood logs, pitched roofs of blue/black roof tiles. External decking. Black coloured metal flue (log burner). Outside hot tub for the 1bed chalet.
- Installation of 4 camping pods, each 1 bed. Half-cylindrical design with 38.2sq m internal floor area, ridge height of 3.4m. Timber clad.
- Erection of a facilities' building. 15.9x6.3m, eaves of 2.3m, dual-pitched roof of 4.3m. Walls of hardwood logs, roof of blue/black roof tiles. Provides office, WCs, one shower and meeting/communal room with kitchenette

Highways and footpaths

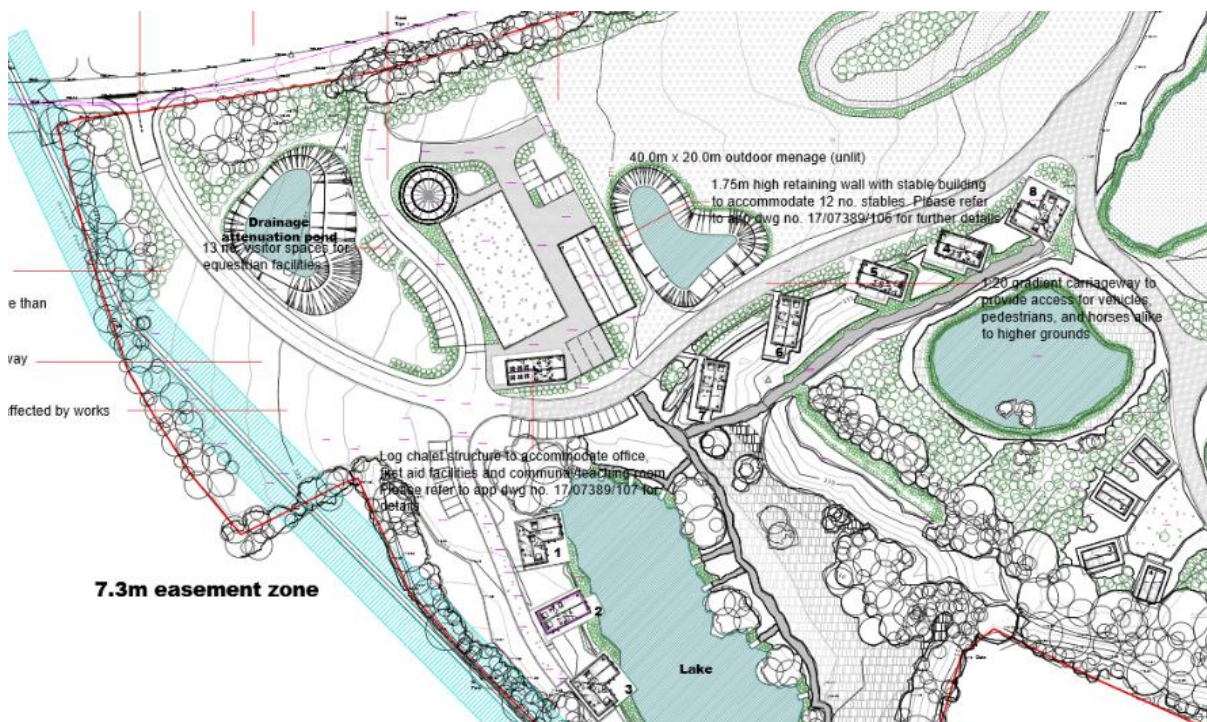
- Creation of new vehicular access to western end of site onto Dunton Road. Existing access to be closed; previous quarry access to be locked and for users of the site only.
- Works/alterations to existing footpaths
- Internal access tracks/roads including horse gallop/bridleway
- Provision of 41 parking spaces (including 10 for use by anglers)
- Creation of 'woodland trail'

Landscaping

- Two areas of 'fen' land allowed to regenerate naturally
- Two surface water attenuation basins (irregular-shaped, to western end of site)
- Additional lake (approximately 55m diameter)
- Areas of low-growing flowering lawn and general purpose wildflower seeding
- Native trees forming additional woodland
- Trees to form wet woodland areas
- Land retained in agricultural use (hay meadow)
- Hedging (hornbeam and mixed native species)

- 3.2 The proposed masterplan shows the majority of the operational development sited towards the southwestern end of the site. The equestrian facilities are grouped together on ground close to the existing and proposed access, with the holiday lodges and camping pods in groups near to the existing lake. A new lake is proposed, and areas of land set aside for the creation of fen land, left naturally to grow as ecological enhancement. The remainder of the site will be planted with grass seed to form a hay meadow and divided into three horse paddocks. Trackways will be created to enhance the public Right of Way, to create a horse gallop/bridleway and to allow for access to the land for haylage/maintenance.

Figure 3: Proposed site plan and extract



b) Documents submitted

i. Plans

3.3 The application as finally amended is accompanied by the following proposed plans:

Location plan (drawing number 01, AECOM; appended to the Planning Statement)
Proposed masterplan (drawing number 17/07389/102 rev L)
Proposed site layout – equestrian facilities (drawing number 17/07389/104 rev E)
Proposed site layout – tourism facilities (drawing 17/07389/103 rev F)
Proposed plans and elevations – stables (drawing 17/07389/106 rev A)
Proposed plans and elevations – Chalet 8 (drawing number 17/07389/105 rev C)
Proposed plans and elevations – 2-person chalet (drawing number 17/07389/108 rev B)
Proposed plans and elevations – horsewalker and administrative (facilities) building (drawing 17/07389/107 rev A)
Proposed plans and elevations – 4-person chalet (drawing number 17/07389/109 rev A)
Proposed plans and elevations – 4-person chalet (drawing number 17/07389/110 rev A)
Proposed plans & elevations – 2-4 person camping pod (drawing number 17/07389/111 rev A)
Site Access Highway General Arrangement North Access (drawing number DBQ-ACM-XX-XX-DR-HW-000001 rev P4)
Site Access Highway General Arrangement South Access (drawing number DBQ-ACM-XX-XX-DR-HW-000002 rev P2)
Planting Plan (drawing number 60563224-P-DR-0003)
Drainage strategy (M-EC drawing number 26617_01_230_01)

ii. Supporting Information

3.4 The application as amended has the following supporting information:

Agricultural Land Classification (Shouler & Son, March 2022)
Sustainability Initiatives (Lion Planning, February 2022)
Drainage Technical Note (M-EC, September 2021)
Landscape Planting Specification and Schedules (AECOM, July 2020)
Ecological Appraisal (ESL (Ecological Services), July 2020)

c) Pre-application Engagement

3.5 No pre-application advice was sought or given for this application. Advice was given prior to the submission of the previous (withdrawn) scheme, this was that officers judged the proposal to be acceptable in principle, subject to details, and forwarding Highways advice which again did not have any objections to the proposal.

d) Other Relevant Information

3.6 The application has been called-in to Planning Committee at the request of Cllr Graves for the following reasons:

1. It appears to have significant landscape character affects
2. The road access is from a very narrow, inferior unclassified road and I would like to see formal reports on road safety considerations

3.7 Cllr Bannister has also supported the call-in for the following reasons:

“I am not entirely convinced by the Highways Authority comments. They estimate a worse case scenario of 75 vehicle movements a day (arriving and departing). There is no comment whether the fact of no shop on site is part of these movements or on those that leave the site to visit local pubs, restaurants or local attractions. In addition there doesn’t appear to be an impact study on the main streets of the nearby villages, particularly Dunton Bassett and Leire where residents parking on both sides of the highway make for difficulties for passing traffic to negotiate at the moment let alone when a number of additional traffic movements are to come with this development.

The 8 chalets and 4 camping pods can only be described as tourist accommodation. Under Local Plan policy GD3 the accommodation needs to be of a scale that is proportionate to the identified tourism need. I have not seen a study that evidences the tourism need for this scale of accommodation at this site.”

- 3.8 A Screening Opinion was issued under the Environmental Impact Assessment (EIA) Regulations 2017 for the previous scheme, stating that the proposal was not EIA development and that a full Environmental Statement was not required. The proposal does not significantly differ from the previous scheme and officers again find that the proposal is not EIA development and that a full Environmental Statement is not required.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 3rd November 2020 and included three site notices put up on 12th November 2020. Additional consultation was carried out with National Grid and LCC Minerals and Waste in 2021.
- 4.2 Reconsultation has been carried out on amended plans with relevant consultees as and when the amended information has been submitted, this being chiefly with Highways. The last consultation expired 19th May 2022.
- 4.3 A summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

Dunton Bassett Parish Council

- 4.4 Object: land, woodland and wildlife has already been destroyed, oil dumped in the lake, also possibly asbestos. Applicant is “not known for following planning rules”. Silt beds unsuitable for building, flooding is an issue. No requirement or facilities for tourists in the village.

Lead Local Flood Authority

- 4.5 More information required; upon receipt of further information advise that the proposals are considered acceptable to the LLFA and recommend conditions.

Leire Parish Council

- 4.6 Object: destruction of natural habitat; highway safety; residential is contrary to [emerging] Neighbourhood Plan; scale of development in the open countryside; noise on rising land; contamination to water supply (horses)

HDC Environmental Health

- 4.7 Due to the former use of the site as a quarry, contaminated land surveys (including Unexploded Ordnance surveys) are required prior to the commencement of development (pre-commencement conditions recommended). Also, note to applicant regarding licence requirement for specific equine uses.

LCC Highways

- 4.8 Further information required.
- 4.9 Subsequent observations made 25/02-2021, 30/03-2021, 29/10-2021, 25/11-2021, 05/01-2022 and 21/04-2022.
- 4.10 Final comments state that they are happy with the layout shown on revision L of the proposed masterplan and all other highways matters as stated in previous observations. Recommend 9 conditions.

Sanham Agricultural Planning

- 4.11 Advise that a permanent worker's dwelling is not supported/justified. (*officer note: this element was subsequently withdrawn from the proposal*)

National Grid/Cadent Gas

- 4.12 Initially object as easement to overhead lines and apparatus not shown on plans. Following receipt of amended plans, withdraw their objection.

LCC Archaeology

- 4.13 No objection and no archaeological work required.

LCC Ecology

- 4.14 No objection providing two pre-commencement conditions are applied: 1 – landscape and biodiversity management plan; 2 – detailed mitigation and conservation plans including further protected species surveys. Biodiversity net gain (BNG) calculation has not been provided but not helpful in this instance as baseline cannot be established due to the previous woodland clearance. However, consider that BNG can be achieved and that the woodland clearance can be compensated for with the measures required by condition.

HDC Waste Management

- 4.15 No comments to make

Severn Trent Water

- 4.16 No response received

b) Local Community

- 4.17 18 letters of objection received from 17 households, expressing the following concerns:
- Highway safety
 - Unsuitable development in the countryside
 - Contaminated land including methane gas
 - Unstable land including silt beds
 - Absent or poor connectivity with existing settlements
 - Lack of facilities nearby

- No local requirement for either equine or tourist accommodation
 - Lack of existing water supply
 - Water pollution from surface water runoff
 - Unsympathetic woodland clearance and “destruction” of habitat already occurred
 - Conditions should be applied in the event of an approval to minimise noise and light pollution, and ensure that development does not become permanent residential accommodation (dwellings)
 - Inaccurate/incomplete submission
 - Definitive Right of Way has been ploughed over by the applicant
 - Bridleways are insufficient to attract tourists
 - Reduction in green space between Dunton Bassett and Leire
- 4.18 Other matters raised are not planning considerations. One letter of objection was anonymous with no address so has not been included.

5. Planning Policy Considerations

- 5.1 Please see above for planning policy considerations that apply to all agenda items.

a) Development Plan

- *Harborough Local Plan*
- 5.2 The following policies of the adopted Local Plan are considered most relevant in consideration of the application:
- SS1 – Spatial Strategy
 - GD3 – Development in the countryside
 - GD5 – Landscape Character
 - GD8 – Good design in development
 - GD9 – Minerals Safeguarding
 - RT4 – Tourism and Leisure
 - HC1 – Built Heritage
 - GI5 – Biodiversity and Geodiversity
 - CC1 – Mitigating Climate Change
 - CC3 – Managing Flood Risk
 - CC4 – Sustainable Drainage
 - IN2 – Sustainable Transport
 - IN4 – Water resources and services
- *Leire Neighbourhood Plan (adopted 16th May 2022)*
- 5.3 As the western third of the site falls within the Plan Area of Leire Neighbourhood Plan, the following policies of that plan are considered most relevant:
- H5: Design Standards
 - ENV3: Protection of sites and features of natural environment significance (the site is designated a regionally important geological site and a Local Wildlife site)
 - ENV4: Biodiversity and habitat connectivity (falls within the designated Stemborough valley corridor)

- ENV7: Tracks, Roads and hedges of historical significance (part of site is part of a 1780 Enclosure road and the hedge associated with this is identified as a non-designated heritage asset)
- ENV9: Protection of important views (view 2 from Dunton Bassett to Leire identified)
- ENV11: biodiversity protection in new development
- ENV13: managing and providing resilience to flood risk



Figure 4: extract from map showing designated area of the Leire Neighbourhood Plan

b) Material Planning Considerations

5.4 The following are considered material planning considerations:

- *National Planning Policy Framework*
- *National Planning Practice Guidance*
- *Development Management Supplementary Planning Guidance*
- *Leicestershire County Council Highway Design Guide*
- *The Environment Act*
- *Leicester & Leicestershire Economic Growth Strategy 2021-2030 (Leicester and Leicestershire Enterprise Partnership Limited, November 2021)*

5.5 The approved Dunton Bassett Neighbourhood Plan area includes a large part of the site. Drafting of the Neighbourhood Plan has commenced, a regulation 16 consultation carried out and an Examiner appointed.



Figure 5: Extract from the designated Plan area of the Dunton Bassett Neighbourhood Plan

6. Assessment

a) Principle of Development

- 6.1 The Local Plan seeks to support and promote sustainable development throughout the District. The primary means to achieve this is through policy SS1, the Spatial Strategy, setting out the most sustainable locations for development, down to the least sustainable. By directing development towards the most sustainable locations, the Plan seeks to reduce reliance on the private motorvehicle and to support local communities and settlements. The application site is not adjacent to the committed or built-up area of an identified sustainable settlement (Dunton Bassett is a Selected Rural Village) and is thus in the open countryside, where SS1 says development shall be 'strictly controlled'. GD3 (development in the countryside) however recognises the importance of tourism to the District, supporting proposals for: "tourist accommodation, if it is of a scale that is proportionate to the identified tourism need and subject to policies RT2 and RT4." (GD3.1.a.iii). This policy also allows for equestrian uses, outdoor sport and recreation uses and associated buildings in the countryside.
- 6.2 The proposed equestrian and angling facilities are considered to comply in principle with GD3, noting that there is already an angling use on the site. GD3 1.a supports farm diversification and gives tourist accommodation as an example of this. With regard to the need for new tourist accommodation, the Tourism Action Plan for Leicester and Leicestershire advises that tourism is the fastest growing sector in the local economy since 2010 with the Leicester & Leicestershire Economic Growth Strategy 2021-2030 also seeking to build tourism and the visitor economy:

"We will continue to support the Leicester and Leicestershire Tourism Growth Plan and Tourism Advisory Board which sets out actions for the sector's recovery while strengthening and differentiating it in the long-term. This includes developing the potential of the region's tourism assets to welcome

more visitors, increase tourist spending, enable profitable businesses, create jobs and deliver positive economic impact” (p 23, *LLEP Economic Growth Strategy 2021 -2030*)

- 6.3 Policy RT4 of the Local Plan supports the development of tourism and leisure attractions “that are well connected to other leisure destinations and amenities, particularly by public transport, walking and cycling” (RT4.1 b). The policy also allows for new tourist accommodation outside of sustainable settlements, subject to compliance with certain criteria:

“a. an initiative requires a countryside location or setting or it is directly related to a specific tourist destination and, where possible, it re-uses previously developed land and existing buildings; or

b. it involves the diversification of agricultural uses or otherwise benefits rural businesses and communities; and

c. its scale and appearance respects the character of the countryside, the local landscape and the surrounding environment; and

d. it does not adversely affect the local transport infrastructure” (RT4.2)

It is also noted that the proposed tourist accommodation is low-key and not considered disproportionate to the leisure activities of the site.

- 6.4 The holiday lodges, camping pods and overall leisure/tourism use including stables and other equine development is considered appropriate in the countryside. The proposal is directly related to a specific tourist destination (the existing angling provision) albeit that this is low key, and will provide an additional tourist attraction with the proposed equine development. The site is former quarry land and engineering operations have been carried out on it such that it could be said to be previously developed. Officers consider that the proposal is a good use of this land: the submitted Agricultural Land Assessment together with evidence on the officer’s site visit show that the site is not currently used for agriculture and is not of good quality to make it desirable to do so. It is further noted that the applicant is a farming business: if the land was profitable/useful for agriculture then it would surely have been used so. The proposal will diversify the applicant’s existing agricultural use. Matters of visual impact and transport infrastructure are addressed below.
- 6.5 The site contains footpath Y108 leading north-east and south-west to Little Lunnon (Ashby Parva Road) and Leire Lane (Dunton Road), both connecting northwards to the village of Dunton Bassett. The footpath seems little-used and inaccessible in places, particularly where it joins Leire Lane to the north where no ready access is seen or available. The proposal seeks to enhance this footpath connection, and create a new (private) bridleway connection alongside the route of the footpath. There are no bus connections nearby and both Ashby Parva Road and Leire Lane are unlit roads with no footways.
- 6.6 In the opinion of officers, users of the campsite would seem more likely to drive to other villages and to other leisure destinations, given the lack of bus service past the site and the lack of attractive, easily-accessible routes to local shops and services. Nonetheless, the proposed enhancement of the footpath together with the trails internally on site will provide a good connection to Dunton Bassett with its pub and enhance public access to nature as required by paragraph 180 of the NPPF. The proposal is designed to be attractive to horseriders and the proposal will enhance safe bridleway provision for users of the development.

- 6.7 Paragraph 85 of the NPPF recognises that proposals to serve local businesses (and officers consider this includes the proposed tourism use by way of farm diversification) may have to be in areas that are not well-served by public transport or within an existing settlement. In these instances however, proposals are expected to be sensitive to their surroundings, “exploit” opportunities to increase the environmental sustainability of the site, and not have an unacceptable impact on local roads. These matters are further addressed below.
- 6.8 In the opinion of officers, the proposal finds support from Local Plan policies RT4 2 b) and GD3 and paragraph 85 of the NPPF and is considered an acceptable use in principle of the site.

b) Technical Considerations

1. Design, Layout and Landscaping
- 6.9 The proposed layout respects the existing contours of the land and retains these, placing built form on areas where it is very unlikely to be seen within the wider countryside. The proposed buildings have an acceptable low-key design with suitable materials for the countryside location. Noting the existing topography of the site, the buildings are set into the existing ground and are well-related to each other and the access to the site. The siting of the equestrian development, fishing, lodges and camping pods towards one end of the site will keep activity and development associated with the change of use to a modest area, minimising any adverse impact. Additional planting is not required for screening given the design and siting of the buildings, but will help to improve the biodiversity and green nature of the site. Areas of hard landscaping (tracks, car parking etc) have been kept to a minimum and sensitive materials proposed. It will be necessary to control any proposed signage by condition in order to protect the character and appearance of the countryside, particularly as the site is so well screened from the public highway that signage is likely to be needed for access.
- 6.10 Officers consider that the proposal has a layout, design and landscaping which respects the context in which the development is sited and has an harmonious appearance, in accordance with Local Plan policy GD8 and Leire Neighbourhood Plan policy H5.



Figure 6: fishing lake with mound beyond, looking east

2. Impact upon the character and appearance of the area and the countryside
-
- 6.11 Due to existing land levels which are not proposed to change, the proposed development is unlikely to be visible from public view, even from the Right of Way running through the site. Any glimpses of the proposed buildings will not be viewed as unsympathetic however, given the good design and materials. Officers note the concerns of the Ward Member and those making representation regarding the impact on the character and appearance of the countryside, including from previous tree removal. It is noted however that the proposal retains all existing trees and proposes substantial areas of new planting. This can be controlled by condition and can be enforced if necessary. The trees already on site are not protected under the Planning system and their protection by way of this consent (if granted) is considered a benefit of the proposal, particularly given the sensitivity of the site in ecological terms.
 - 6.12 Again, due to the topography of the site and the planting (both existing and proposed), wider landscape impacts will be minimised. The development will not harm any important views (including that identified in policy ENV9 of the Leire Neighbourhood Plan) or vistas or be seen against the skyline. Recognising that the former quarry use has already had a major impact on the landscape of the site, the proposal is considered to preserve the wider landscape character area of the Lutterworth Lowlands.
 - 6.13 Officers consider that the proposal preserves the character and appearance of the countryside and landscape, in accordance with GD8 and GD5 of the Harborough Local Plan and policies H5 and ENV9 of the Leire Neighbourhood Plan.



Figure 7: from Public Right of Way within the site looking towards Leire. Proposed buildings would be sited on the lower ground beyond the brown area of field and the trees.

3. Heritage

- 6.14 Under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'), a Local Planning Authority must have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. Similar applies to Conservation Areas. Preservation in this context means not harming the interest in the building/asset, as opposed to keeping it utterly unchanged.
- 6.15 The NPPF and policy HC1 of the Local Plan require great weight to be given to a heritage asset's conservation. If 'less than substantial' harm to the asset or its setting is identified, then the decision-maker is to weigh up the public benefits of the proposal against this harm. Assets which do not currently have any statutory protection can be considered 'non-designated heritage assets' and these too are protected under the policies.
- 6.16 Designated Heritage Assets on or close to this site are solely Lodge Farm, Ashby Parva Road (grade II Listed, approximately 86m from the site's southern boundary). No built form is proposed close to the Listed Building. Due to the distance of the proposal from the building, and the intervening topography, the proposal is considered to satisfactorily safeguard the setting of this Listed Building.
- 6.17 Non-designated heritage assets are firstly any below-ground archaeology. However, this is likely to be very limited or of little value given the former quarrying use and the subsequent disturbance of land that this caused. County Archaeology have no objection to the proposal and do not request any archaeological work.
- 6.18 Under policy ENV7 of the Leire Neighbourhood Plan, a small part of the site is part of a 1780 Enclosure road and the hedge associated with this is identified as a non-designated heritage asset.



Figure 8: map with ENV7 showing hedgerow identified in blue thick line and site boundary roughly outlined in red thin line; and OS1887 map showing route of highway at that time.

- 6.19 NPPF paragraph 189 states that heritage assets are an “irreplaceable resource” whilst paragraph 203 sets out how proposals affecting non-designated heritage assets should be considered in planning decisions. A balanced judgement is required, having regard to the scale of any harm or loss and the significance of the heritage asset. The proposed masterplan shows the loss of a small part of the hedgerow to make way for the proposed access; however officers consider that the asset is of low historical significance, with scant evidence in the plan to demonstrate that it has any historical significance, and that in any event, only a small portion of the hedge will be lost. On balance, officers consider that the loss of part of the hedge is acceptable.
- 6.20 The proposal is judged to have no harmful impact on designated or non-designated heritage assets, to preserve the setting of Listed Buildings and Conservation Areas. It thus accords with HC1, the NPPF and the Act. Under the balance required by NPPF paragraph 203, the loss of a small part of the hedgerow protected under Leire Neighbourhood Plan policy ENV7 is considered acceptable.

4. Highways

○ Highway impacts

- 6.21 The main entrance to the proposal is from a new access towards the west of the site, onto Dunton Road. Of the two existing accesses onto this road, one will be closed (that currently used as the access to the site) and the other, the former main quarry entrance retained with locked gates, for use only by those using the site. Due to the distance of this access from the accommodation and facilities, most traffic will use the new main access to the west of the site. This access will be laid out as follows:
- Visibility splays of 2.4 x 160m in both directions from the access, with kerb radii of 10m each
 - Access width of 6m, sufficient for 4x4 vehicle towing a horsebox
 - Pedestrian footway one side of the access of 2m width
 - New signage to warn of access and equine traffic
 - Tree/vegetation canopies cut back to allow for visibility

- 6.22 The applicant has calculated the number of vehicle trips using the proposed access generated as a result of the proposal. The assessment assumes that all the occupiers of the chalet and camping pods, and 9 vehicles with anglers and 13/18 users of the equine facilities and 4 staff members will all arrive in the same hour. This “worst-case” scenario is estimated to generate 77 trips (both arriving and departing) during the busiest hour in any day.

Element	Busiest potential single hour	
	Arrivals	Departures
Holiday Lets	12	12
Stables	13	18
Angling Pegs	9	9
Staff	4	0
TOTAL	38	39

- 6.23 Officers consider that this “worst-case” scenario is extremely unlikely to occur in practice. Trips are much more likely to be staggered throughout the day, and are unlikely to occur at peak hours when the road is busiest (weekdays 8-9am, 5-6pm) due to the nature of the uses. The trips are also likely to vary according to season and in the winter months for example there may be very few vehicle movements associated with the proposal. The tourist use is likely to only reach its peak in the summer months, when (for example) school traffic to and from Dunton Bassett will not occur and, with twelve units of accommodation, would average around 6 movements per unit per day. With the different leisure activities available on the site, the accommodation is likely to be attractive to those who wish participate in equine/angling sport whilst on holiday, also reducing the number of trips in and out of the site. The sustainability statement also indicates measures which would reduce the number of vehicle movements. Although officers do not have the data available, the previous use as a quarry would have generated a number of HGVs accessing and exiting the site: the proposal is certainly not considered to be worse than this.
- 6.24 County Highways consider that the assessment is both robust and a worst-case scenario, acknowledging that in practice, the number of trips is likely to be lower, even half this number in a single hour. Having considered all the evidence, including concerns raised by Members and residents, County Highways are satisfied with the proposal and consider that that it will not lead to severe highway harm, including from cumulative impacts on the wider highway network. Giving weight to the response of this statutory consultee, and also bearing in mind the use and layout of the existing access, Officers consider that the applicant has satisfactorily demonstrated a safe and suitable access and that the use would not generate levels of traffic which would be harmful to highway safety.
- 6.25 For these reasons, the proposal is considered to comply with GD8 and IN2, and paragraphs 85 and 101 of the NPPF, together with the Leicestershire Highway Design Guide.
- *Right of Way impacts*
- 6.26 The existing Public Right of Way which runs through the site appears little used, with its exit/entrance onto Leire Lane/Dunton Road nigh-on inaccessible due to overgrown vegetation. The proposal retains this Right of Way and will significantly enhance it, delivering a useable and clearly identifiable route linking Ashby Parva Road/Little Lunnon with Leire Lane and the western side of Dunton Bassett. Enhancements include a signing and way marking scheme, a clearly-defined route on the ground

(marked by a new hedgerow) and clearly defined points of access at each end, and can be controlled by condition.



Figure 9: Right of Way entrance from Leire Lane (existing waymarker not shown)

5. Residential Amenity

- 6.27 Letters of objection and the Parish objections are summarised above. The nearest residential properties to the site are The Paddocks on Leire Lane (approximately 98m to the east of the northern boundary of the site), Leire Mill (approximately 187m from the southwest boundary) and Lunnon House on Ashby Parva Road (approximately 79m from the southern boundary of the site). The proposal is considered to be sufficient distance from these properties to safeguard the amenity of occupiers in terms of overbearing impact, loss of privacy, loss of light or odour.
- 6.28 The amended plans show sufficient buffer to the overhead power lines and Cadent Gas/National Grid do not object to the proposal. No buildings or accommodation are proposed within this buffer.
- 6.29 The representation has raised concerns about noise, from motorised vehicles using the internal tracks and/or from users of the site, particularly in the late evenings. Although noise from parties etc is unlikely to be harmful to neighbouring properties given the distance of these from the site (and in any case may be dealt with under separate legislation), officers recognise that noise from motorised leisure vehicles (eg

quad bikes or motocross) could carry some distance. The description of the proposal does not necessarily exclude such uses, so officers consider that it is necessary to restrict these by condition. Subject to condition, Officers consider that the proposal will safeguard residential amenity, in accordance with GD8.

6. Ecology, biodiversity, trees and soils

- 6.30 Recognising that Harborough District is relatively poor in biodiversity terms, policy GI5 of the Local Plan seeks not only to safeguard and conserve protected species, their habitats and designated sites of biodiversity and geodiversity, but mitigate, relocate or compensate against unavoidable loss or damage to habitats, and to positively enhance biodiversity and geodiversity.
- 6.31 National policy within the NPPF takes a similar approach, and also promotes biodiversity net gain, stating in paragraph 180 (d) that, “opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”
- 6.32 The site includes a designated Local Wildlife site, first notified in 2002. As County Ecology state in their comments, “it is a species-rich mosaic of wetland, woodland and species-rich grassland, and supports several locally rare species in the main area of swamp and grassland near the fishing lake.” As noted in the representation and by County Ecology, significant tree removal and vegetation clearance took place in early summer 2019 (or thereabouts) and this resulted in the significant destruction and loss of habitat, with County Ecology noting that the site “appeared devastated” when they visited in July 2019. However, the site still met criteria to be a Local Wildlife site and the signs were that the land would regenerate.
- 6.33 The applicant has submitted an ecology survey which County Ecology consider to be excellent. It finds evidence of regeneration of woodland and that protected species are still present on site. The proposals will support and encourage the regeneration of the site, providing biodiversity and ecological enhancements. Significant replacement woodland (tree) planting is proposed, protection of the species-rich grassland, wildflower meadows, a hay meadow with native wildflower/grass seed and two horse paddocks with an “old fashioned grazing mixture”, rather than the existing scrubland. County Ecology do not object to the proposals, and recommend that the enhancements are provided and controlled by conditions.
- 6.34 Due to the previous clearance of the site, it has been impossible to establish a baseline from which biodiversity net gain can be calculated. However, given the amount of enhancements/planting proposed, County Ecology consider that net gain will be achieved, subject to a condition to ensure the enhancements/planting are carried out.
- 6.35 Protected species are using the site and precautionary working is recommended. Mitigation and conservation measures are proposed to avoid impacts on the protected species and County Ecology are satisfied with these, although full details will be required by condition.
- 6.36 The representation extensively refers to contaminated land within the site, and the presence of methane gas. The Council’s Contaminated Land and Air Quality officer has been consulted and has no objection to the proposal, subject to pre-commencement condition requiring a full contaminated land survey. This is considered necessary to accord with paragraph 183 of the NPPF which requires that planning decisions should ensure that a site is suitable for its proposed use and, after

any necessary remediation, should not be capable of being determined as contaminated land.

- 6.37 Policy GI5.2 b, and NPPF paragraph 170 seek to protect sites of geological value and soils, and recognise the wider benefits of best and most versatile agricultural land, including its economic benefits. The applicant has submitted an assessment of the Agricultural Land Quality of the site, to identify 'best and most versatile agricultural land'. This does not include any findings from on-site investigations, rather an assessment using available databases. For example, the MAGIC database findings are from prior to the site's landfill use. Nonetheless, the assessment indicates that the land is Grade 3 (with grade 1 being the highest quality, grade 5 being very poor agricultural quality). The officer's site visit and photographs within this report indicate that the site is not currently used for agriculture and is not of good quality to make it desirable to do so. It is further noted that the applicant is a farming business: if the land was profitable/useful for agriculture then it would surely have been used so. On balance, officers consider that the proposal will not lead to the loss of the best and most versatile agricultural land, in accordance with GI5. It is also noted that part of the site will retain its agricultural use as haylage.
- 6.38 The site is of mineral interest with the soil in an area of sand and gravel value. However, this will have been substantially (if not entirely) mined out when the land was a quarry, and the County Council Minerals Planning team have no objection to the proposal. Local Plan policy GI5 supports the enhancement of areas of geodiversity, where this includes connectivity of habitat and amenity use (*inter alia*) and the proposal is considered to comply with this.
- 6.39 No tree survey has been submitted, however from the evidence of the officer's site visit the proposal as amended will not harm veteran, aged or good-quality trees, retaining the existing trees and planting numerous more.
- 6.40 For these reasons and subject to conditions, the proposal is considered to protect and enhance biodiversity on the site, to not result in the loss of the best and most versatile agricultural land, to protect aged and good-quality trees, to provide biodiversity net gain, to enhance public access to nature, to not lead to the loss of minerals and to ensure that the land is not contaminated, in accordance with Local Plan policies GI5 and GD9, policies H5, ENV3, ENV4 and ENV11 of the Leire Neighbourhood Plan and paragraphs 174, 180 and 183 of the NPPF.

7. Flooding, Drainage and Water

- 6.41 The site is in flood zone 1, with the land at the lowest probability of flooding. There are some areas prone to surface water flooding, as indicated by the Environment Agency and Council's mapping. With the exception of the hills, holes and mounds created by the former quarry use, the site generally slopes downwards from east to west with at least some of the land draining into the existing fishing lake.
- 6.42 With regard to surface water drainage, the proposal includes minimal hardstanding with much of it porous. It uses the natural topography of the site, with surface water runoff being collected within two attenuation basins created towards the north boundary (western end), before discharging at a suitable rate into an outfall drain running beneath the access road and connecting into the main sewer under Dunton Road/Leire Lane. Although the drainage hierarchy only allows sewer connections for surface water as a last resort, the applicant has demonstrated that infiltration is not a suitable method and there are no nearby watercourses available into which the water could drain. The surface water drainage strategy is acceptable to the LLFA, subject to conditions requiring details.

- 6.43 The nearest main sewers are in Dunton Bassett (running along Little Lunnon, Leire Lane). No details have been provided regarding foul sewage disposal but the applicant has indicated that self-contained packaged treatment plant (eg Klargesters) would be used. These are likely to require separate consent from third parties (eg Severn Trent, Environment Agency) and details are not considered necessary for the purposes of determining this planning application. It is noted that Severn Trent have not responded to the Planning department's consultation request.
- 6.44 There is a water main running past the site which can be used for the proposed development and the applicant's discussions with Severn Trent demonstrate that a connection can be made to this to serve the proposed development. Concerns raised regarding contaminated land are addressed above in paragraph 6.36 and officers are satisfied that, subject to condition, any land contamination can be safely removed without adversely affecting any watercourse. The proposed planting will increase the biodiversity of the site and is likely to make a positive contribution to an enhanced water environment. This includes rare and protected species found within the existing (fishing) lake. The applicant has indicated their willingness to provide rainwater harvesting for the scheme and details can be provided by condition.
- 6.45 The site is in Flood Zone 1 and provides satisfactory SUDs. Foul sewage drainage can be provided and an adequate water supply is accessible. Any contamination can be satisfactorily controlled by condition, as can a scheme for rainwater harvesting. For these reasons, officers consider that the proposal complies with CC3, CC4 and IN4 of the Local Plan and policies H5 and ENV13 of the Leire Neighbourhood Plan.
8. Climate Change and electronic connectivity
- 6.46 Harborough District currently has a 6.9 tonne carbon footprint per person, higher than the England, County and Regional per capita amount and primarily due to the rural nature of the District and the dependency on motorised transport. A projection of the District's emissions shows that we will only reach carbon neutrality by 2042. In June 2019 the Council declared a Climate Emergency with the aim that all council functions and decision-making should lead to the Council being carbon neutral by 2030.
- 6.47 Local Plan policy CC1 relates to major development (the site area means this proposal is for major development) requiring proposals to demonstrate passive design, best-practice accreditation, renewable energy technology and minimised carbon emissions during construction (*inter alia*).
- 6.48 Section 13 of the applicant's Design and Access Statement sets out how climate change has been addressed in the submission, including passive solar design, rainwater harvesting and a solar thermal system (to provide hot water). The applicant's Sustainability Statement also sets out measures to improve the sustainability of the site, encouraging access by methods other than the private motorvehicle and seeking to support local shops and businesses (including selling basic supplies [ideally provided from local farm shops etc] at the facilities building on the site). Details have not been provided so a suitably-worded condition is necessary. Officers also note the improved accessibility of the site to pedestrians provided by enhancements to the Right of Way. Noting paragraph 85 of the NPPF and the requirements of policy CC1, and subject to condition, officers consider that the proposal does exploit opportunities to increase the sustainability of the site and satisfactorily addresses the impact of climate change, in accordance with Local Plan policy CC1 and Leire Neighbourhood Plan policy H5.

- 6.49 Local Plan policy IN3 states that “Major development will only be permitted where adequate broadband infrastructure is to be made available to all residents and/or users of the development”. The policy also requires “other forms of infrastructure, such as facilities supporting mobile broadband and Wi-Fi” to be included. Although no details have been submitted which would demonstrate that the proposal complies with this policy, in this instance bearing in mind the proposed leisure/tourism use, officers consider that it is unreasonable to require these details. It is also noted that a 5G mobile phone mast was recently approved on Frolesworth Road in Broughton Astley which is likely to provide adequate coverage.

7. The Planning Balance / Conclusion

- 7.1 The application is to be assessed against the policies of the development plan together with all material considerations.
- *Development plan*
- 7.2 The above assessment concludes that the proposal complies with policies GD3, GD5, GD8, GD9, HC1, RT4, GI5, IN2, IN4, CC1, CC3 and CC4 of the Harborough District Local Plan, and policies H5, ENV3, ENV4, ENV9, ENV11 and ENV13 of the Leire Neighbourhood Plan.
- *Material considerations*
- 7.3 Section 149 of the Equality Act 2010 created the public sector equality duty. It states:-
“A public authority must, in the exercise of its functions, have due regard to the need to:
- *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
 - *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*
- Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act, 2010, in the determination of this application.
- 7.4 Dunton Bassett Neighbourhood Plan is a material consideration. Consultation has taken place on the draft plan and it is awaiting Examination and then to proceed to Referendum. As paragraph 48 of the NPPF sets out, weight can be accorded to the draft plan according to its stage of preparation (*inter alia*). Officers consider that limited weight should be accorded to the draft Dunton Bassett Neighbourhood Plan due to it not having yet passed through Examination or Referendum. The site is outside the defined settlement boundary of policy H3 of the draft plan with the policy stating that such land will be treated as countryside where local and national strategic planning policies will apply. Policy E2 allows for small scale leisure or tourism activities with policy E5 also providing support. The plan also highlights the ecological significance of parts of the site, and locally important views from a part of the public Right of Way running through the site as well as the Right of Way itself. Officers find no conflict between the proposal and the draft plan, noting the limited weight accorded to it.
- 7.5 The NPPF is a material consideration. Running as a “golden thread” through this is the principle of sustainable development, and the Framework recognises three strands to this, economic, social and environmental.

- 7.6 The proposal will create economic benefits for the applicant (farm diversification) and for the wider area, as it is for tourist accommodation for visitors to the District. There may be some benefits from Business Rates. The proposal will create some limited employment and this is likely to be both permanent and seasonal jobs. Officers consider that the economic benefits are modest however they should be afforded some positive weight.
- 7.7 Social benefits are also modest and include short-term health and well-being benefits for the users, including from improved public access to the countryside (the improved right of way). Officers consider that social benefits should be given limited positive weight.
- 7.8 The proposals will create environmental benefits, chiefly by the restoration and improvement of a Local Wildlife site and the good use of what appears to be otherwise redundant land. The clearance of any contaminated land would also be a benefit. Matters of design, sustainability measures, SUDs, and visual impact are considered as neutral rather than positive benefits. Officers recognise that the site currently has weak connectivity and locational sustainability but note both enhancements to the Right of Way and the provision within GD3, RT4 and NPPF paragraph 85 which allow for this type of development in such locations.
- 7.9 The proposal is considered to meet all three strands of sustainable development, and complies specifically with paragraphs 85, 101, 174, 180 and 183 of the NPPF.
- 7.10 The proposal is considered to comply with the policies of the Harborough District Local Plan and is considered sustainable development. There are no material considerations which are judged to outweigh the policies of the development plan and thus the proposal is recommended for approval.

Appendix A – conditions

1 Commencement

The development hereby permitted shall begin within 3 years from the date of this decision.
REASON: To meet the requirements of the Town and Country Planning Act 1990 (as amended).

2 Permitted plans

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

Location plan (drawing number 01, AECOM; appended to the Planning Statement)
Proposed masterplan (drawing number 17/07389/102 rev L)
Proposed site layout – equestrian facilities (drawing number 17/07389/104 rev E)
Proposed site layout – tourism facilities (drawing 17/07389/103 rev F)
Proposed plans and elevations – stables (drawing 17/07389/106 rev A)
Proposed plans and elevations – Chalet 8 (drawing number 17/07389/105 rev C)
Proposed plans and elevations – 2-person chalet (drawing number 17/07389/108 rev B)
Proposed plans and elevations – horsewalker and administrative (facilities) building (drawing 17/07389/107 rev A)
Proposed plans and elevations – 4-person chalet (drawing number 17/07389/109 rev A)
Proposed plans and elevations – 4-person chalet (drawing number 17/07389/110 rev A)

Proposed plans & elevations – 2-4 person camping pod (drawing number 17/07389/111 rev A)
Site Access Highway General Arrangement North Access (drawing number DBQ-ACM-XX-XX-DR-HW-000001 rev P4)
Site Access Highway General Arrangement South Access (drawing number DBQ-ACM-XX-XX-DR-HW-000002 rev P2)
Planting Plan (drawing number 60563224-P-DR-0003)
Drainage strategy (M-EC drawing number 26617_01_230_01)

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

3 Materials

With the exception of those details specified in condition 4, the external materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained in perpetuity, unless prior written consent is obtained from the Local Planning Authority.

REASON: To safeguard the appearance of the development and the character and appearance of the area, having regard to Harborough Local Plan Policies GD5 and GD8, Leire Neighbourhood Plan policy H5 and the National Planning Policy Framework.

4 Materials – Stables

Notwithstanding the details shown on drawing number 17/07389/106A, the front and side (south west) elevations of the approved stable building shall be constructed of blockwork to a height of no more than 2m above ground level, with vertical unstained timber cladding above to eaves height, and the roof of the building shall be clad with dark green or dark brown sheeting.

REASON: For the avoidance of doubt and to safeguard the appearance of the development and the character and appearance of the area, having regard to Harborough Local Plan Policies GD5 and GD8, Leire Neighbourhood Plan policy H5 and the National Planning Policy Framework.

5 Ecology surveys and mitigation

Prior any ground clearance or ground works, ecology surveys for badgers across the whole site and for Great Crested Newts within pond 5 (swamp), together with detailed mitigation and conservation plans (including a timetable for implementation) for avoidance of harm to protected species on site (Great Crested Newts, bats, badger and nesting birds) shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the mitigation and conservation methods shall be implemented in accordance with the approved details and shall be retained in perpetuity.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Harborough Local Plan Policy GI5, Leire Neighbourhood Plan policies ENV3, ENV4 and ENV11 and the National Planning Policy Framework.

6 Ecology landscape and biodiversity management plan

Prior to any ground clearance or ground works, a landscape and biodiversity management plan for the whole site and for the lifetime of the development shall be submitted to and approved in writing. This shall include details for retained and created habitats, and should cover grassland management (including that near the lake) and management of regenerating wet woodland and scrub, and a timetable for implementation. The approved plan shall be implemented in accordance with the approved timetable and adhered to throughout the lifetime of the development.

REASON: To ensure the restoration, retention and management of habitat and the Local Wildlife Site, in the interests of safeguarding and enhancing native wildlife species and their habitats and to enhance the biodiversity of the site, having regard to Harborough Local Plan Policy GI5, Leire Neighbourhood Plan policies ENV3, ENV11 and ENV4 and the National Planning Policy Framework.

7 Construction Traffic

Prior to any ground clearance or ground works a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities and a timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable and adhered to throughout the construction period.

REASON: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area, in the interests of highway safety and to accord with Harborough District Local Plan policies GD8 and IN2 and the National Planning Policy Framework

8 Contaminated Land survey

No development (except any demolition permitted by this permission) shall commence on site, or part thereof, 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:

- o BS10175:2011+A2:2017 Investigation Of Potentially Contaminated Sites Code of Practice;
- o BS8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs) and
- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- o Or any documents which supersede these.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan shall 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:

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

- o BS 8485:2015+A1: Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.
- o Or any documents which supersede these.

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

- o Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010.
- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- o BS 8485:2015+A1: Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- o CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014
- o Or any documents which supersede these.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it shall 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) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

REASON: To ensure the land is fit for purpose and having regard to Local Plan policy IN4 and the National Planning Policy Framework.

9 Contaminated Land Verification

Prior to occupation of the completed development, or part thereof, either

1) If no remediation was required by Condition 8 a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Planning Authority, or

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

- o Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- o Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- o 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;
- o Contain Test Certificates of imported material to show that it is suitable for its proposed use
- o Demonstrate the effectiveness of the approved Remedial Scheme; and
- o 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 having regard to Local Plan Policy IN4 and the National Planning Policy Framework.

10 Surface water drainage scheme

No development approved by this planning permission shall take place until such a time as a surface water drainage scheme 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 in perpetuity.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water drainage and to accord with Harborough District Local Plan policies CC3 and CC4, Leire Neighbourhood Plan policy ENV13 and the National Planning Policy Framework.

11 Surface water management during construction

No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to throughout all construction works prior to first use of the development hereby permitted.

REASON: to prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase and to accord with Harborough District Local Plan policies CC3 and CC4, Leire Neighbourhood Plan policy ENV13 and the National Planning Policy Framework.

12 SUDs management

No use of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The approved maintenance scheme shall be adhered to throughout the lifetime of the development.

REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the approved development and to accord with Harborough District Local Plan policies CC3 and CC4 Leire Neighbourhood Plan policy ENV13 and the National Planning Policy Framework.

13 Sustainability measures and rainwater harvesting

Within two months of the commencement of development, full details of the sustainability improvement measures outlined in the sustainability statement and section 13 of the Design & Access Statement and including rainwater harvesting, shall be submitted to the Local Planning Authority. The approved details shall be implemented prior to first use of the holiday lodges/camping pods and retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

REASON: to increase the sustainability of the site in the interests of climate change and to accord with Local Plan policies IN4 and CC1 and the National Planning Policy Framework.

14 Hard surfacing areas and walls/fences

Prior to the erection of any building approved by this permission on the site, details of all areas of hard surfacing, parking, trails, turning, internal roads and tracks, and manege surfacing and all boundary walls and fences shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first use of the site and retained in perpetuity.

REASON: To ensure a satisfactory form of development in the interests of the character and appearance of the countryside having regard to Harborough District Local Plan policies GD8 and GD5, and the National Planning Policy Framework.

15 Public Right Of Way enhancements

Prior to the erection of any building approved by this permission on the site, detailed plans showing the junction of Leire Lane with the public right of way through the site and the approved bridlepath, and showing details of hedge planting alongside the public right of way through the site shall be submitted to and approved in writing by the Local Planning Authority. No trees or shrubs should be planted within one metre of the edge of the public right of way. The approved details shall be carried out prior to first use of the development and retained in perpetuity.

REASON: To protect and enhance the public right of way in the interests of enhanced connectivity of the site and to accord with Harborough District Local Plan policies GD8, RT4 and IN2 and the National Planning Policy Framework.

16 Signage

Prior to the erection of any buildings of site a signage scheme for off-site highway signage improvements on Dunton Road and Little Lunnon and details of all signage for the site, both internal, public Right of Way signage, directional and external boundary signs shall be submitted to and approved in writing by the Local Planning Authority. Signage shall be installed only in accordance with the approved details prior to first use of the site and retained in perpetuity.

REASON: to enhance the public right of way in the interests of connectivity of the site, to ensure that the development includes signage which is appropriate to the character and appearance of the countryside and in the interests of highway safety, and to accord with Harborough District Local Plan policies GD8, RT4 and IN2 and the National Planning Policy Framework.

17 Access

No part of the development hereby permitted shall be brought into use until such time as the access arrangements shown on the following drawings have been implemented in full:

- Site Access Highway General Arrangement North Access (drawing number DBQ-ACM-XX-XX-DR-HW-000001 rev P4)
- Site Access Highway General Arrangement South Access (drawing number DBQ-ACM-XX-XX-DR-HW-000002 rev P2)

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and to accord with Harborough District Local Plan policies GD8 and IN2 and the National Planning Policy Framework

18 Visibility splays

No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays shown on the following drawings have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent verge/highway

- Site Access Highway General Arrangement North Access (drawing number DBQ-ACM-XX-XX-DR-HW-000001 rev P4)
- Site Access Highway General Arrangement South Access (drawing number DBQ-ACM-XX-XX-DR-HW-000002 rev P2)

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety and to accord with Harborough District Local Plan policies GD8 and IN2 and the National Planning Policy Framework

19 Parking/turning

The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Proposed site layout – equestrian facilities (drawing number 17/07389/104 rev E) and the Proposed site layout – tourism facilities (drawing 17/07389/103 rev F). Thereafter the onsite parking and turning provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally, and to enable vehicles to enter and leave the site in a forward direction, in the interests of highway safety and to accord with Harborough District Local Plan policies GD8 and IN2 and the National Planning Policy Framework

20 Landscape implementation

The landscaping and planting shown on the approved Planting Plan (AECOM drawing number 60563224-P-DR-0003) shall be implemented prior to first use of the site or within the first planting and seeding scheme following completion of the development, whichever is sooner unless otherwise agreed in writing with the Local Planning Authority. Thereafter the planting shall be retained in perpetuity in accordance with the landscape and biodiversity management scheme (condition 6) unless for any necessary pruning or haymaking.

REASON: To ensure that the development includes landscaping and planting which are appropriate to the character and appearance of the development and the surrounding area, to ensure the restoration, retention and management of habitat and the Local Wildlife Site, in the interests of safeguarding and enhancing native wildlife species and their habitats and to enhance the biodiversity of the site having regard to Harborough District Local Plan Policies GD5, GD8 and GI5, Leire Neighbourhood Plan policies ENV3, ENV4 and ENV11 and the National Planning Policy Framework.

21 Holiday let occupation

The tourist accommodation (holiday lodges and camping pods) hereby approved shall only be occupied for holiday purposes, in accordance with the following terms:

- a) The tourist accommodation shall be used for no other purpose (including any other purpose within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order, with or without modification).
- b) Occupation of the tourist accommodation shall not exceed a continuous period of 30 days.
- c) The tourist accommodation shall not be occupied as a person's or persons' sole or main place of residence.
- d) The site/premises owners or operators shall maintain an up-to-date register of the names of all occupiers of the tourist accommodation, their main home address/es and telephone and/or email contact details, the purpose of their stay, and the dates of their stay, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON: To prevent unrestricted residential development in the open countryside, to support local tourism development and its associated economic benefits, to ensure that the holiday let unit remains available for tourist accommodation and to accord with Harborough Local Plan Policies GD3 and RT4 and the National Planning Policy Framework.

22 External Lighting

No external lighting shall be installed on the site until details (including luminance levels and measures to minimise light spillage) have been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without the prior permission in writing of the Local Planning Authority.

REASON: To safeguard the rural amenities of the locality and in the interests of protected species (bats) having regard to Harborough Local Plan Policies GD8 and GI5, Leire Neighbourhood Plan policies ENV3, ENV4 and ENV11 and the National Planning Policy Framework.

23 Existing access closure

The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular accesses on Dunton Road/Leire Lane that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing with by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety and to accord with Harborough District Local Plan policies GD8 and IN2 and the National Planning Policy Framework

24 Motorised vehicles

Notwithstanding the provisions of Schedule 2, Part 4 Class B (b) and Class BA (b) of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order) no motorcar, cross-bike, moto-cross vehicle, quad-bike or motorcycle racing or trials of speed or practicing for these activities shall take place on or within any part of the site.

REASON: In the interests of residential amenity and the character of the countryside having regard to Harborough Local Plan Policy GD8, and the National Planning Policy Framework.

25 Caravans

Notwithstanding the provisions of Part 5 to Schedule 2 of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order) no caravans shall be brought onto the site.

REASON: To safeguard the character and appearance of the area and to ensure the use is as approved having regard to Harborough Local Plan Policy GD8, and the National Planning Policy Framework.

Planning Committee Report

Applicant: Mr and Mrs Gray

Application Ref: 22/00098/FUL

Location: 41 Main Street, Great Bowden

Parish/Ward: Great Bowden/Market Harborough and Great Bowden and Arden

Proposal: Erection of a dwelling (Revised Scheme 19/01211/FUL)

Application Validated: 24.03.2022

Target Date: 19.05.2022 – EOT agreed to 22.07.2022

Consultation Expiry Date: 04.07.2022

Reason for Committee Decision: The application has been ‘called-in’ by Cllr Champion for the following reasons:

“it contravenes para 70 of the NPPF in that plan should ‘resist inappropriate development of residential gardens, for example where development would cause harm to the local area’.”

Recommendation

Planning permission is **APPROVED** for the reasons as detailed within the report together with planning conditions set out in Appendix A to this report

1. Site & Surroundings

- 1.1 The application site relates to 41 Main Street, specifically its rear garden, within the village of Great Bowden.
- 1.2 41 Main Street is accessed via private drive leading off of Main Street. The private drive serves three other properties.
- 1.3 To the north of 41 Main Street is the private drive, grass verge and railway bridge; to the south is open countryside; to the east is the railway line and to the west are residential properties.
- 1.4 Land levels rise from 41 Main Street towards the rear garden.



Site Location/Aerial Image (Uniform Mapping)



Looking towards the southern boundary



Looking towards the western boundary



Looking south from the lower garden of No.41 Main Street

2. Planning History

2.1 The site has the following planning history:

- 76/00692/3M - New garage and porch to existing house
- 17/02084/FUL - Erection of two dwellings WITHDRAWN
- 19/01211/FUL - Erection of 2 dwellings (Revised Scheme of 17/02084/FUL) WITHDRAWN
- 20/00381/FUL - Erection of a dwelling (Revised Scheme of 20/00381/FUL) INVALIDATED*

*During the course of dealing with 20/00381/FUL application it transpired it should not been validated as the 'red line' had not been drawn correctly as it did not include the private drive upto the public highway and the correct certificate of ownership had not been completed. The application was therefore 'invalidated'.

- 21/00567/FUL - Erection of a dwelling (Revised Scheme of 21/00567/FUL) REFUSED by Planning Committee 20.07.2021 for the following reason:

The proposal by virtue of its design including extensive excavation and back land nature will represent inappropriate garden development by virtue of its size, siting and appearance and have a detrimental impact towards neighbouring amenity, including potentially during construction through export of excavated material. The proposal is therefore contrary to Harborough Local Plan policy GD8 1 (e(i) and e(ii)) and Great Bowden Neighbourhood Plan (May 2020) policy H6 e.

An appeal has been lodged with the Planning Inspectorate. The Inspector visited the site Tuesday 21st June. The decision is awaited. (Appeal Ref: APP/F2415/W/22/3290836)

3. Summary of Proposal

- 3.1 This application seeks full planning permission to construct a dwelling within the rear garden of No.41 Main Street.
- 3.2 Amended plans were received 14.06.2021. Re-consultation with neighbours and the ward cllrs were undertaken. The amended plans updated the elevations and

floorplans to address discrepancies raised by the Case Officer. The Proposed Site Plan is illustrated below



Proposed Site Plan (extract) (amended 06.07.2021)

NB: The blue highlight is the 1.5 storey element and the cream highlight single storey element; the brown highlight is retained boundary vegetation and the dark green is proposed native hedgerow planting

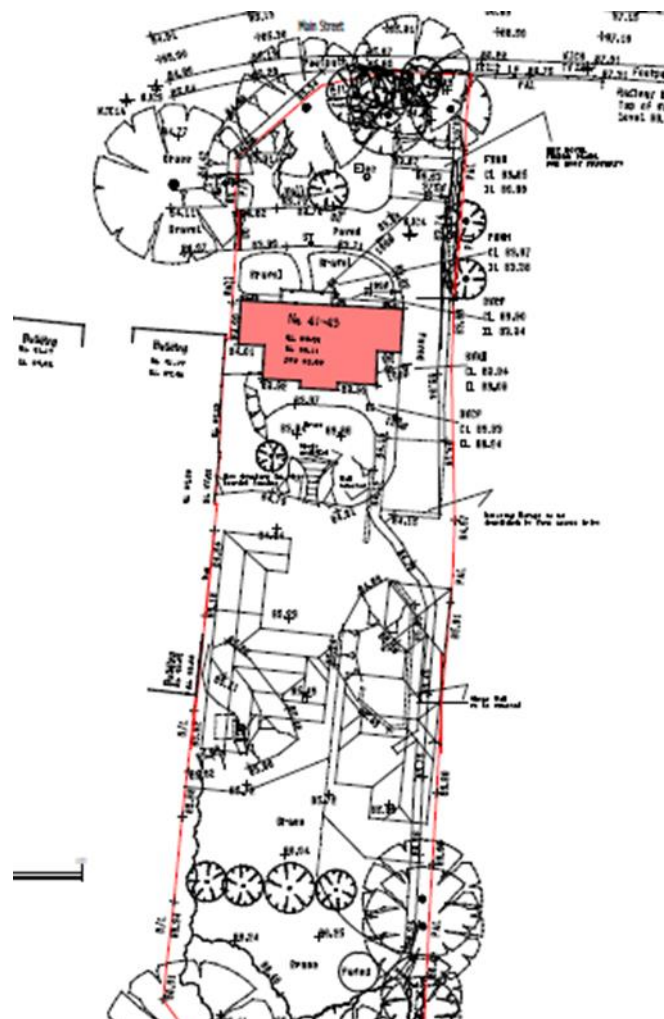
- 3.3 Vehicular access to the site will be via the private drive leading off Main Street, it will then follow the existing driveway along the side of No.41 Main Street and then following the demolition of No.41's garage, lead through to the proposed dwelling, double garage and store. As part of the proposals replacement parking for No 41 would be provided to the front of the site.

Previous Schemes

- 3.4 This current application is a revised scheme to 4 previous schemes. The first application was submitted in 2017 (17/02084/FUL), following pre-application advice given in 2016. Pre-application advice was sought in 2016 for the erection of 4 dwellings (PREAPP/16/00275). The Planning Officer (not the current Case Officer) advised

"I consider that 4 additional dwellings would be too many and result in a cramped and car dominated development; one or possibly two would be more appropriate, and leave the southern portion of the site as garden land. The layout will need to ensure that sufficient garden land is retained for the existing house. The layout and built form of the adjacent properties to the west should be considered when determining an appropriate layout."

- 3.5 The site plan and elevations proposed for 17/02084/FUL is illustrated below. This application was later Withdrawn due to Case Officer concerns over design and scale.





- 3.6 In 2019 (19/01211/FUL) a revised scheme was submitted, again for two dwellings, although this time the dwellings were attached. This application was later Withdrawn due to Case Officer concerns again over design and scale.



- 3.7 In 2020, an application for one dwelling was submitted. However, as mentioned in the planning history section above, this application was invalidated and therefore not determined.
- 3.8 Finally, last year an application was submitted, again for the erection of one dwelling. This was refused.

4. Consultation Responses

- 4.1 The following consultation responses have been received. To view the comments in full, please view the application online at www.harborough.gov.uk/planning

LCC Highways

The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Consideration should be given to parking provision in line with the Leicestershire Highway Design Guide (LHDG).

LCC Ecology

No objection subject to new hedgerow planting within buffer zone (as per previous advice)

LCC Archaeology

Recommend that any planning permission be granted subject to a staged programme of archaeological work, to safeguard any important archaeological remains potentially present.

HDC Conservation (post now deleted, but the following comments made for the previous refused scheme are considered still relevant for this current application):

The application relates to a property within the Great Bowden Conservation Area.

The houses at the front date from the 19th century and are understood to be associated with the adjacent railway which was built in the mid-19th century and altered the character of this section of road.

The existing garden has a limited impact on the character and appearance of the conservation area as it is largely screened from close and long public views by the built form of nearby houses and vegetation.

While the plot has not been developed previously, I do not consider the presence of a large garden behind the host property to be something which contributes to the character and appearance of the conservation area.

The proposed new dwelling would be similar in height to the house at the front, similar in mass and set back within the site and is of an appropriate design.

As such, I do not consider that harm would be caused to the character and appearance of the conservation area and I have no objection to this proposal.

HDC Environmental Health

No comment

HDC Contaminated Land and Air Quality Officer

Due to the neighbouring land is railway land recommend that any planning permission be granted subject to a risk based land contamination assessment and verification investigation report

Great Bowden Parish Council

No comments received.

Network Rail

No comments received

LLFA

No comments received (but the following comments made for the previous refused scheme are considered still relevant for this current application):

Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the site is located within Flood Zone 1 being at low risk of fluvial flooding with surface water modelled to accumulate in the north of the site, adjacent to Main Street. Given the nature and parameters of the proposed development (single dwelling, t (single dwelling, <1ha.), the application falls outside of the LLFA's remit for a bespoke response. as such the LLFA would take this opportunity to refer the applicant and the LPA to our standing advice (see suggested Notes to Applicant)

The Council holds a suite of data relating to flooding incidents in Leicestershire obtained from various sources within the County. However, the information held is limited prior to the establishment of the Council as the Lead Local Flood Authority. The Council holds reports of highway flooding on Main Street in 2014 (approximately 50m to the west of the site boundary) and on Station Road in Great Bowden in 2016 (approximately 400m to the west of the site boundary). It is advised that not all instances of flooding are reported to Leicestershire County Council and as such, there may be a history of flooding for which we have no record of

Local Community

A Site Notice was erected and an advert placed in the Harborough Mail on the 07.04.2022. In addition, 13 neighbours were consulted (which includes those who commented on the earlier schemes).



Neighbour's Consulted (blue square); Objections (red triangle)

3 objections have been received from two separate households, it is not practical to copy these comments verbatim, so in summary:

- This is the 5 application. The first application rejected and later applications were all withdrawn. The last application was refused unanimously by planning committee
- The proposed building by virtue of its height, size, form and scale and design does not respect the characteristics of the site or wider environment
- The proposal is an isolated and unrelated additional addition that does not integrate with the existing built form
- The height, size, form and scale of the proposed dwelling results in overshadowing and an overbearing impact to the neighbouring dwelling and garden
- It is contrary to LP policies GD8(d, (ei) and (eii)), HC1, H5 and SPG* 2 and 3 and Great Bowden Neighbourhood Plan Policy H6e
- There is no need for this garden-grabbing scheme
- The proposed development would double the traffic along the current unadopted single gravel track.
- Large vehicles, either bringing or taking away materials from site, would not have the necessary turning capability to turn past the host property which result in the off loading to smaller vehicles
- Although the footprint of the proposed dwelling has been very slightly reduced, significant number of HGV movements will still be required, In addition there will many other lorry movements bringing in materials and equipment and nowhere so far has mention been made of the disposal of the spoil created by the demolition of the brick double garage
- Neighbouring residents will have grater access problems and the road surface will continue to sharply deteriorate as a result of the construction works
- No,45 dates back to the late 16th century and has few or no foundations, concerns about the effects of all this extra traffic.
- The plans need to be amended to reflect the changes indicated within the Design and Access Statement, where it says it has been moved further away from the boundary to 8.6m, but the plans show 8m.*

- The amendments do not show any reduction in ridge height, No.41 will be seriously overlooked
- The ridge height of the planned property being comparable to the ridge height of No.47 on the other side of our property will have the effect of us being hemmed in.
- The amendments to the plan show a reduction to the two storey rear addition and the single storey elements, but these elements are largely irrelevant to the overbearing impact on our property and outlook.
- The only route for lorries will be via Main Street in an easterly direction which is very congested and limited visibility
- The proposed new dwelling protrudes well beyond the current rear building line of all seven of the run of properties along this section of Main Street
- The dwelling would be visible from footpaths in the fields leading from the village towards the Ridgeway
- The size of the house is virtually the same as the one previously proposed
- The new garage proposal is twice the size of the neighbouring one and the house ground floor area is immensely larger
- Timber cladding is by no means in keeping with the immediate brick and stone cottages
- The proposed building does not appear to meet with the Party Wall Act 1996 or Building Regs 1984*
- 41/43 was originally 2 railway cottages, with historical significance to Great Bowden
- The area has been prone to flooding, and caused extensive damage to 41/43 within the last five years

*Case Officer Note

- SPG's have been replaced by DM SPD;
- Clarification has been sought an amended plan received (06.07.2022), which shows the main part of the dwelling being sited 8.4m (previously 8m) from the side boundary with No.45. The single storey element is 5.6m, previously 5.25m.
- These Acts are not separate to planning legislation

5. Policy

a) Development Plan

5.2 Relevant policies to this application are:

- ***Harborough Local Plan 2011-2031***
 - GD1 Achieving sustainable development
 - GD2 Settlement development
 - GD5 Landscape character
 - GD8 Good design in development
 - H1 Provision of new housing
 - H5 Housing density, mix and standards
 - HC1 Built heritage
 - GI5 Biodiversity and geodiversity
 - CC3 Managing flood risk
 - CC4 Sustainable drainage
 - IN2 Sustainable transport
 - IN4 Water resources and services

○ **Great Bowden Neighbourhood Plan Review Version May 2020**

- H1 Housing Provision
- H2 Settlement Boundary
- H3 Windfall Sites
- H6 Design Standards
- ENV9 Biodiversity
- T1 Parking Provision and New Dwellings

b) Material Planning Considerations

5.3 The National Planning Policy Framework

Whilst read as a whole of particular relevance are:

- Chapter 2- Achieving sustainable development
- Chapter 4- Decision making
- Chapter 5- Delivering a sufficient supply of homes
- Chapter 8- Promoting healthy and safe communities
- Chapter 9- Promoting sustainable transport
- Chapter 11- Making effective use of land
- Chapter 12- Achieving well-designed places
- Chapter 14- Meeting the challenge of climate change, flooding and coastal change
- Chapter 15- Conserving and enhancing the natural environment
- Chapter 16- Conserving and enhancing the historic environment

The National Planning Policy Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990 Sections 66 & 72

Sections 66 & 72 impose a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings/assets and Conservation Areas, including setting, when considering whether to grant planning permission for development. For Listed Buildings/assets, the Local Planning Authority shall “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” (Section 66) and for Conservation Areas “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” (Section 72).

HDC 5 Year Land Supply Position (01 April 2021 to 31 March 2026) - 7.49yrs

Development Management SPD

6. Assessment

Principle of Development - New Dwellings

- 6.1 Paragraph 103 of The Framework, states that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Harborough Local Plan (HLP) Policy

SS1: 'The Spatial Strategy' therefore seeks to direct development towards the most sustainable locations, identified by the level of 'key services' provided within the village/town, with the aim of reducing reliance on private motor vehicle to access key services. Great Bowden is identified within the Local Plan as a 'Selected Rural Village' (SRV) on the basis of the presence of at least 2 of the 6 key services (food shop, GP surgery, library, post office, primary school and pubs) together with a scheduled bus service.

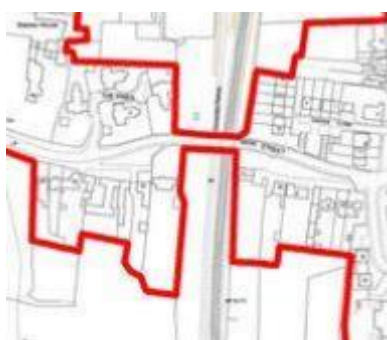
- 6.2 HLP Policy GD2 advises residential development will be permitted where it is within the existing or committed built up area of SRV's where

a) it respects the form and character of the existing settlement and, as far as possible, it retains existing natural boundaries within and around the site, particularly trees, hedges and watercourses;

- 6.3 The Great Bowden Neighbourhood Plan (GBNP) designates a 'Settlement Boundary' for the built-up area of Great Bowden. GBNP Policy H2 advises:

"Development proposals within The Plan area on sites within the Settlement Boundary...as identified on the Policies Map, will be supported where they respect the shape and form of Great Bowden and comply with the policies of The Plan"

- 6.4 The application site is within the 'Settlement Boundary' of Great Bowden as identified in Fig 2 of the GBNP.



Extract from GBNP (fig.2 Settlement Boundary, p.79)

- 6.5 The proposed dwelling would be a 'windfall development' which is defined in the glossary of The Framework as "sites not specifically identified in the development plan". GBNP Policy H3 supports windfall developments where they are a) within the Settlement Boundary of Great Bowden (which this is); b. help to meet the identified housing requirement for Great Bowden in terms of housing mix (this is only for one dwelling, so it is not possible to provide for a mixture of housing types); c. reflects the character and historic context of existing developments within Great Bowden (the remaining sections of this report will explain how it does); d. They retain existing important natural boundaries such as trees, hedges and streams (this proposal does); e. provides for a safe vehicular and pedestrian access to the site and any traffic generation and parking impact created does not result in a severe direct or cumulative impact on congestion or road and pedestrian safety unless appropriate mitigation measures are undertaken (it does, no objections have been received from the Highway Authority); f. do not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise (the remaining sections of this report will explain how it does not adversely harm residential amenity); and g. do not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the

occupiers of the dwelling (the remaining sections of this report explains how it does not adversely harm the character of the area/residential amenity)

- 6.6 The proposed dwelling will be built within the garden area of 41 Main Street. The definition of previously developed land in the Framework excludes private residential gardens, and so the proposed house would be on greenfield land. The Framework encourages the use of previously developed land for development, and it also states at Para 70 "Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."
- 6.7 However, the Framework does not prohibit the construction of new houses on residential gardens. The same is true of the HLP and GBNP, there are no policies which rule out development of garden land. The proposal for one new dwelling is therefore acceptable in principle.
- 6.8 It is also worth mentioning, within the GBNP, beyond the southern boundary of the site is 'open countryside', identified as an "Area of Separation" and "Ridge and Furrow". The western boundary forms part of a wider biodiversity wildlife corridor and the green verge in between the private drive and public highway "Main Street" is identified as an "Important Open Space". The proposed development will safeguard these identified features.

Design

- 6.9 Section 12 of The Framework refers to achieving well designed places, specifically; paragraph 124 states that good design is a key aspect of sustainable development. Developments should be sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change. HLP Policy GD8 outlines that development should achieve a high standard of design, be inspired by, respect and enhance local character and the context of the site, street scene and local environment. Development where appropriate can be individual and innovative, yet sympathetic to the local vernacular, in terms of building materials. GBNP Policy H6 advises development proposals should demonstrate a high quality of design, layout and use of materials in order to make a positive contribution to the special character of the parish and should have regard to the Great Bowden Village Design Statement and are encouraged to have regard to the design principles outlined in Policy H6.
- 6.10 41 Main Street is located at the Eastern end of a run of residential properties which comprise of semi-detached, detached, cottages and barn conversions of varying scale, materials and architectural treatment. From a bird's eye view, the proposed dwelling would be seen in the context of built development to the east and west, where new dwellings have been constructed on former garden/paddock land for example Garden House, 39A Main Street; (16/00631/FUL) or by converting and extending former agricultural buildings into the rear of the plots for example 49 Main Street (10/01602/OUT) and 47 Main Street (02/00160/FUL).



Aerial view of the existing built form

- 6.11 From a streetscene perspective, a glimpsed view of the proposed dwelling will only be possible when viewed between the gap of No.45 and No.47 Main Street and possibly in non leaf bearing months when walking over the railway bridge.



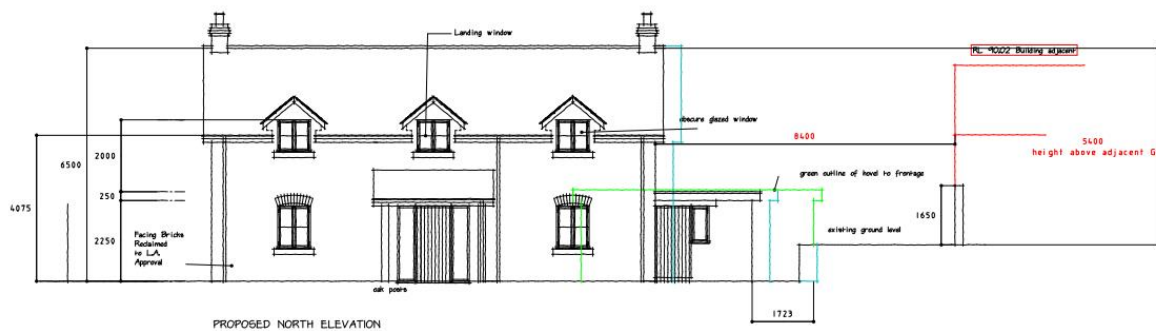
View through to the site in between No. 45 and No. 47 Main Street and wider streetscene view

- 6.12 It will be possible to view the development from the public footpath (A50) to the south-west but it will be seen amongst a back drop of existing residential development. Furthermore, at a distance of 92m at its closest point combined with the rear garden vegetation significant visual harm can not be identified. Glimpsed views may also be possible from public footpath A49 (which crosses the railway bridge at the recreation ground), but given the established railway line vegetation views towards to the dwelling would be limited.



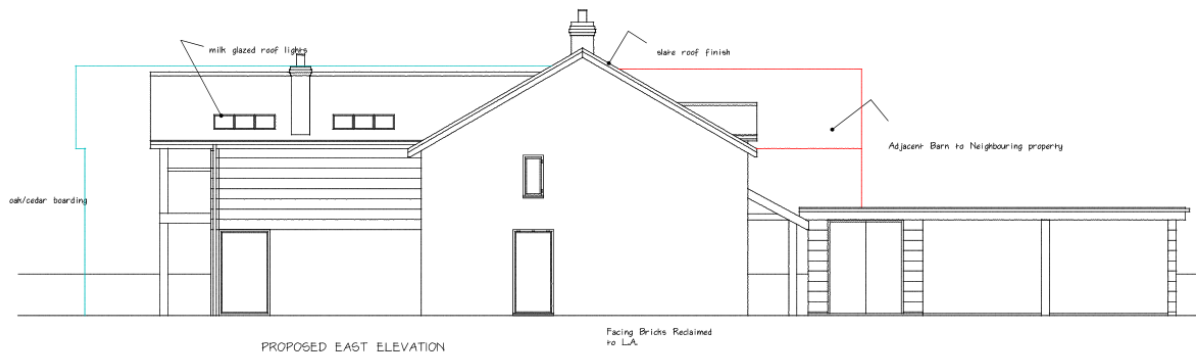
Public Rights of Way to the south of the site

- 6.13 The front (north elevation) of the dwelling has been designed to reflect a traditional dormer cottage, whilst the rear (south elevation) of the dwelling takes on more of a contemporary appearance with oak/cedar cladding and large glazing which take maximum advantage of the south facing orientation of the building. The proposed elevations are illustrated below.



Front elevation (north) facing towards the rear of No.41

(Green outline = outline of proposed flat roof garage; Blue outline = outline of refused scheme; Red outline = adjacent buildings)



Side elevation (east) facing the railway line



Rear elevation (south) facing countryside



Side elevation (west) facing No.39 boundary

- 6.14 The proposed dwelling will provide accommodation over 2 levels (with the first floor being within the roof area). The 2 level accommodation is 'L' shaped with single storey additions to the rear and side. The dwelling proposes 4 bedrooms, with the master bedroom leading out onto a balcony at the rear.

- | | |
|---------------------------|-------------------------------|
| Host dwelling FFL – 83.93 | Proposed dwelling FFL – 84.15 |
| Host dwelling RL – 89.99 | Host dwelling RL – 90.65 |



6.17 The site is within the Conservation Area of Great Bowden. The nearest listed buildings to the site are No.55 Main Street.



Proximity of listed buildings (highlighted yellow) from/to the application site

- 6.18 Due to the separation distance and intervening built form/vegetation, no harm can be identified to either listed building.
- 6.19 Given the limited intervisibility between Main Street and the application site and because from the footpaths to the south the dwelling will be seen against a back drop of built development, and given its scale and design, the proposed development is not considered to be harmful to the setting of the Great Bowden Conservation Area, a view shared previously by the Council's Conservation Officer.
- 6.20 LCC Archaeology have advised the proposal lies within both the Historic settlement core and Conservation area of Great Bowden, (HER Refs : MLE9021 and DLE605). It is adjacent to a previously excavated area to the rear of No 39 Main Street, at which Trial trenching recorded several pits, small gullies and the remains of a wall. These appear to represent rubbish pits and land divisions. Remains of at least five highly decorated Lyveden Stanion jugs may suggest the presence of a high status building nearby. (HER Ref : MLE23939). The site is also adjacent to finds of medieval pottery and post medieval remains (HER Ref : MLE21600) and a spot find of a Neolithic/Bronze age flint (HER Ref: MLE21626). As the development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains, they have recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording. Subject to the suggested conditions the application is considered to comply with HLP Policy HC1.

Impact on Neighbouring properties

- 6.21 Policy GD8 of the Local Plan states that development should be designed to minimise impact on the amenity of existing and future residents through loss of privacy, overshadowing and overbearing impact. Nor should developments generate a level of activity, noise, vibration, pollution or unpleasant odour emission which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions. HDCs Supplementary Planning Guidance also contains guidance relating to neighbouring amenity standards, including separation distances, however, such standards are applied flexibly as noted in the guidance.

- 6.22 It is considered properties 41, 45 and 47 Main Street may be affected as a result of the development:

No.41 Main Street (host property)

- 6.23 The proposed dwelling will be sited approximately 28m from the rear elevation of No.41 Main Street. The Council's guidance seeks a separation distance of 21m between principal windows and this is therefore achieved. The proposed development will reduce the amount of rear amenity space for the host property, however, the host property will still retain a reasonable level of rear amenity space such that existing and future residents of this property will be safeguarded.

No.45 Main Street

- 6.24 The dwelling will be visible from the rear living area and outdoor amenity area of No.45 Main Street. It will significantly alter the view from these areas (especially from the outdoor amenity areas). However, this in itself is not a reason to refuse the application, as Members will be aware, no one has a right to a view. However, it is necessary to assess whether the proposal will be overbearing, cause a loss of light or a loss of privacy which could be grounds to refuse the application.

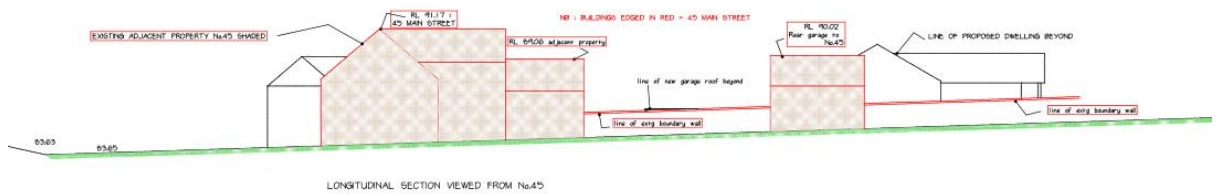


View of outdoor amenity areas adjacent to application site boundary



View from rear living area and outdoor amenity area towards the application site

- 6.25. As can be seen from the longitudinal section below, the proposed flat roof garage be only marginally higher than the top of the boundary brick wall (1.65m high). It has also been positioned 4.021m away from the brick wall boundary. Existing vegetation along the boundary (approx. 1.4m deep) will also be retained. Further landscaping could be planted if Members felt necessary.



- 6.26 The single storey side addition of the dwelling will be 5.65m (previously 5.25m) from No.45's garage/outbuilding, with the main part of the dwelling 8.3m (previously 8m) from the boundary.
- 6.27 In terms of overlooking/loss of privacy, the proposed floorplans indicate an en-suite window at first floor level closest to the boundary with No.45, where a condition is suggested to make this window obscure glazed and non opening. The middle window is proposed to be a landing and the window furthest away from the boundary a bedroom, but due to the distance will not result in a degree of overlooking such to warrant refusal. No first floor side windows are proposed facing No.45. Two first floor bedroom windows and a balcony are proposed on the rear of the dwelling, but again give the distance from the boundary with no.45 no significant overlooking can be identified such as a result of these windows to warrant refusal.
- 6.27 Due to the proposed siting of the dwelling away from the boundary wall, the reduction in the depth and of the rear gable element and slight reduction in the ridge height of the rear gable, combined with the retained landscaping and potential for additional vegetation screening, in Officers opinion significant harm to residential amenity can not be identified.

No.47 Main Street

- 6.28 The proposed dwelling will be visible from No.47 Main Street, with the majority of its windows facing east towards the site. However, as it has been sited back from No.45's garage, set off the boundary from No.45 and no first floor side windows facing towards No.47, no significant harm to residential amenity can be identified.



View towards No.47 Main Street from the eastern boundary of the site

- 6.29 The nature of the proposal is unlikely to lead to a level of activity, noise, vibration, pollution of unpleasant odour emission which would be unacceptable once constructed and occupied considering the proposed residential nature of the application. It is inevitable that there may be some noise and disturbance during construction of the development. It is recommended that a pre-commencement condition is placed on the application should it be approved requiring details of construction hours, construction parking, method of piling (if required), and contact details for site manager.
- 6.30 A condition restricting Permitted Development Rights is recommended to control future additions/alterations to the properties, given the site is within a Conservation Area and adjacent to neighbouring properties. Subject to these conditions outlined above and at the end of the report, the proposal is considered to comply with Policy GD8 of the Local Plan in terms of safeguarding existing and future residential amenity.

Access/Parking

- 6.31 Paragraph 108 of The Framework states that schemes can be supported where they provide safe access for all and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.
- 6.32 GD8 of the Local Plan states that development will be permitted where it ensures safe access, adequate parking and safe, efficient and convenient movement for highways users. GBNP Policy T1 does not support the provision of tandem parking in new developments.
- 6.33 The proposed development will be accessed off the private drive from Main Street. Parking for the existing dwelling is available at the front of the host dwelling. Parking for the proposed new dwelling will be available from the new garage and drive area.
- 6.34 The Highway Authority have raised no objections to the proposal. Notwithstanding this, the Case Officer is aware of the GBNP says "*Main Street has a bridge across the railway line and.... sight lines are poor*". The Highway Authority advised the Case

Officer as part of the previous application that a site visit had been undertaken to review the access and confirmed:

- Main Street is subject to a 30mph speed limit, and this is an existing vehicular crossover type access which already serves a number of dwellings.
- Visibility splays of 2.4m x 43m are achievable in accordance with the requirements for a 30mph road, in accordance with the Leicestershire Highway Design Guide (LHDG)

Ecology

- 6.35 GBNP Policy ENV9 expects development proposals to protect local habitats and species and where possible and viable, to create new habitats and promote and increase biodiversity.
- 6.36 LCC Ecology have referred the Case Officer to their previous comments which advised the buffer area is acceptable subject to additional hedgerow planting being planted and managed for wildlife which will have ecological benefits, within this buffer zone area. The proposed Site Plan shows this new hedgerow planting.

Trees & Hedges

- 6.37 The plans indicate all existing boundary vegetation is to be retained. A condition requiring retention is suggested.
- 6.39 A landscape scheme condition is suggested which can provide information on new trees/hedgerows to be planted.
- 6.40 The retention of existing vegetation combined with new vegetation planting will ensure the development assimilates into its surrounding in the medium to longer term.

Drainage

- 6.41 Foul sewage will be disposed of via the main sewer and surface water will be disposed of via SuDs. Specific drainage details will be considered under building regulations.

Flood Risk

- 6.42 The proposed development is within an area identified as a flood zone 1 by the Environment Agency. The site therefore has a low risk from flooding. However, objection comments refer to localised flooding occurring recently at the host property, No.41 Main Street. As such the LLFA were contacted asking if they have any comments to make on the application. They responded and referred the LPA and Applicant to standing advice, which is a suggested Note to Applicant.

Broadband Infrastructure

- 6.43 GBNP Policy EMP 3 advises “every individual dwelling in new housing developments should have access to superfast broadband of at least 30Mbps, or faster to reflect higher minimum speeds that may be prevalent through the lifetime of The Plan.” A condition is suggested to ensure compliance with this policy.

Other Matters

6.44 Concerns were raised previously relating to the Party Wall Act; use/maintenance of the private drive and the impact of the development upon the foundations of adjacent properties. Whilst the Case Officer acknowledges these concerns/issues, the LPA can only determine planning applications under the Town and Country Planning Act 1990 and matters such as these are outside the scope of the LPA and are civil/private matters. As such no material planning weight can be given to these concerns.

6.45 Notwithstanding this, the Applicant was asked to consider the concerns raised. The Applicant clarified

"it will in this instance be impractical if not impossible for any wagons to access the drive/site and 90 degree turn of any real size and as such we are expecting this to be a very low key method of excavation with small machinery/ dumper trucks and the like, this of course will protract the build but will give peace of mind to all concerned"

6.46 Neighbours and Committee Members alike raised concerns previously with the amount of lorry movements which would be required in order to remove material from site (due to the proposed reduction in ground levels). The Agent has advised the Case Officer

"We have used an on-line calculator based on material to be removed/number of lorries to facilitate the same and size of those vehicles:

1 cubic metre of clay soil=1.9 tonnes

Ergo 425 cubic metre of clay soil= 808 tonnes

Please note that all top soil is to be retained on site for landscaping/reforming.

Based on a 10 ton lorry which are one of the smallest available then this would equate to 80 lorries.

We estimate a max of 3-4/day which equates to approx. 20-24 working days of operation"

...we would also like to add in respect of the vehicular movements:

ALL SITE TRAFFIC TO BE RESTRICTED TO BETWEEN THE HOURS OF 9.15am-2.45pm in order to avoid school arrival/departure times.

In addition that access to the site will be restricted to Leicester Lane to the A6"

Summary

6.46 The proposal will provide a dwelling within a sustainable location. By virtue of its siting and design, the dwelling will, on balance, assimilate into its surroundings without affecting the character and appearance of the immediate and wider environment. Furthermore, the proposal will not affect the setting of the Great Bowden Conservation Area, a designated heritage asset, the amenities of occupiers of adjacent properties or give rise to a road safety hazard.

The proposal is therefore considered to comply with Local Plan policies GD2, GD8 and HC1 and Great Bowden Neighbourhood Plan Policies H1, H2, H3 and H6 subject to the conditions highlighted in Appendix A.

RECOMMENDATION: APPROVE

Appendix A: Suggested Planning Conditions
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1 Commencement of Development

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

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

2 Approved Plans

The development hereby permitted shall be carried out in accordance with the amended plans submitted 06.07.2021, namely:

Proposed Floorplans 2589/24 Rev B
 Proposed Elevations 2859/25 Rev B
 Proposed Site Layout 2859/26 Rev B

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

3 Materials

Prior to construction of any external walls, details of all external materials to be used in the construction of the development (inc. details for the sedum roof for the garage) thereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be carried out in accordance with the approved details.

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

4 Archaeology

No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works and the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

REASON: To ensure satisfactory archaeological investigation, recording, dissemination and archiving having regard to the requirements of Harborough Local Plan Policy HC1 and the National Planning Policy Framework

5 Landscape Scheme

Prior to the first occupation of the dwellings a Landscape Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall include full details of proposed hard and soft landscape works, including: access, driveway, parking, turning and all other surfacing materials; boundary treatments; 'buffer zone' new planting/hedges/trees (including new hedgerow planting within the 'buffer zone' as per the approved site plan) screened bin store area; a timetable of implementation and management plan. Thereafter, the landscape scheme shall be carried out in accordance with the approved.

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

REASON: To ensure that the development includes landscaping, planting, boundary treatments and surfacing materials which are appropriate to the character and appearance of the development and the surrounding area having regard to Harborough Local Plan Policies GD2 and GD8 and the National Planning Policy Framework.

6 Construction Environmental Management Plan

No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period.

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of plant, materials, oils, fuels, chemicals and other construction materials
- c) wheel washing facilities and road cleaning arrangements;
- d) hours of construction work, site opening times, hours of deliveries and removal of materials;
- e) full details of any piling technique to be employed, if relevant;
- f) routing of construction traffic
- g) measures to control the emission of dust and noise during construction

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

7 Parking & Turning Facilities

The parking and turning facilities for both the host dwelling and the approved dwelling as shown on the approved plans shall be implemented in accordance with those details prior to 1st occupation of the approved dwelling and retained as such in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

8 Permitted Development Removal

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

REASON: To safeguard the character and appearance of the area, to safeguard the setting of adjacent heritage assets and the residential amenities of adjoining dwellings having regard to Harborough Local Plan Policy GD8 and HC1, and the National Planning Policy Framework.

9 Obscure Window

The 1st floor front elevation window closest to the side (west) boundary with No.45 Main Street shall be fitted with obscure glass (minimum Level 3) and fixed shut and shall remain in perpetuity

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

10 Additional Windows

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no additional windows/rooflights shall be inserted on the front or side (west) elevation on the development hereby approved.

REASON: To safeguard the residential amenities of adjoining dwellings having regard to Harborough Local Plan Policy GD8 and HC1, and the National Planning Policy Framework.

11 Retention of trees and hedges

Unless shown on the approved plans for removal or subsequently approved landscape scheme, the existing trees and hedges on site shall be retained and maintained in perpetuity.

REASON: For the avoidance of doubt and in the interests of the character and appearance of the development and the surrounding area having regard to Harborough Local Plan Policies GD4, GD5 and GD8 and the National Planning Policy Framework.

Notes to Applicant

Building Regulations

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.

LLFA Standing Advice

The Applicant is advised to refer to the standing advice outlined within the LLFA consultation response which is available to view on-line

Planning Committee Report

Applicant: Tanglewood Care Services Ltd

Application Ref: 22/00692/FUL

Location: Land Adj The Nurseries, Fleckney Road, Kibworth Beauchamp

Parish/Ward: Kibworth Beauchamp/Kibworths

Proposal: Erection of a 72 bed residential care home for the elderly and associated external works

Application Validated: 01/03/2022

Target Date: 31/05/2022

Consultation Expiry Date: 13/06/2022

Site Visit Date: 31/03/2022

Reason for Committee decision: The application was called-in to planning committee by Cllr Whelband due concerns regarding the location, reliance on car travel, compliance with the Neighbourhood Plan and traffic concerns.

Recommendation

Planning Permission is **APPROVED** for the reasons set out in the report and subject to:

- The Planning Conditions details in Appendix A; and
- The Applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to provide for the obligations set out in Appendix B

With delegation to the Development Planning Manager to agree the final wording and trigger points of the obligations.

1. Site & Surroundings

- 1.1 The application site lies to the west of Kibworth Beauchamp. The site is bounded by Fleckney Road to the south, the David Wilson Homes development to the north and east (Wagtail Avenue) and a residential dwelling (The Nurseries) to the west, which is set within large, wooded grounds.



Figure 1. Site location



Figure 2. Site location aerial Image (the image is outdated in terms of the development to the north)

- 1.2 The site is approximately 0.95 ha in size and is disused agricultural land. There are several dilapidated sheds and stable buildings along the eastern edge but the land is otherwise undeveloped. The site is bounded to the east, north and west by existing hedgerows and trees, there is also a watercourse along the eastern boundary and

ditches to the northern and southern boundaries. The site is at a lower ground level than Fleckney Rd with levels also generally rising on the site from east to west.

- 1.3 The site is not within a Conservation Area and there are no Listed assets in the immediate area. The site is outside of the Limits to Development (Ltd) outlined within the adopted Kibworth Neighbourhood Plan (KNP) and proposed LtD within the emerging revised KNP.

2. Site History

- 2.1 The application site has previously been the subject of the following relevant planning history:
- 18/01079/OUT- Outline application for the erection of up to 22 dwellings with associated access and drainage infrastructure (all matters reserved except for means of access) (REFUSED) (APPEAL APP/F2415/W/18/3218248 DISMISSED)

Application 18/01079/OUT was refused by HDC for the following reason:

This proposal fails to constitute sustainable development as outlined in paragraph 11 of the NPPF as the adverse impact of the scheme: namely the fact that the site is outside of the development limits for Kibworth where its approval would conflict with the housing strategy of the Kibworth Neighbourhood Plan, which is an up to date statutory development document as referred to in paragraph 12 of the NPPF would significantly and demonstrably outweigh the benefits that the scheme would bring. Therefore, the scheme is contrary to paragraph 12, of the NPPF, policies SD1 and H1(1) of the Kibworth Neighbourhood plan and policies CS2 and CS17 of the Harborough Core Strategy.

The applicant was then dismissed at appeal with the inspector stating:

The appeal site is located in the countryside outside of the Limits to Development for Kibworth. Policy SD1 of the Kibworth Neighbourhood Plan (2018), and Policies CS2 and CS17 of the Harborough District Core Strategy (2011) seek to restrict housing development outside of the Limits to Development. The proposal would clearly be contrary to those policies.

The application was assessed against the previous Core Strategy at a time when the Kibworth Neighbourhood Plan was the more up-to-date plan. The Harborough Local Plan (HLP) replaced the Core Strategy and is more up-to-date than the Kibworth Neighbourhood Plan, as such the policy position now differs from that at the time the appeal was made.

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposals are for a two storey, 72 bed residential care facility for the elderly with associated access, car parking and landscaping proposals.
- 3.2 Vehicular access is proposed from Fleckney Rd. The proposed building is set back from Fleckney Rd with landscaping to the front and parking to the front and east of the building. Open space for the residents is proposed to the external areas of the site- the gardens would be secure and restricted to residents, staff and visitor use only. As outlined above the building is proposed to be two storeys in height and is split into three elements; a central east-to-west axis which accommodates a modern entrance

as well as two wings of residents units which run north-to south. Varied roof types, heights and materials are proposed across the building.

- 3.3 The proposed care home would provide 24 hour nursing and specialist dementia care for elderly people. Internally, the 72 bedrooms are split across two floors. The facility would be fully compliant with the National Care Standards Act 2000; providing single-room accommodation, with the applicants proposing full en-suite facilities for each room. Communal facilities are proposed on both floors. At ground floor the proposals include a reception space, with a café, pub, hair and beauty salon and garden room for visitors and residents to use. There is also a service area consisting of the kitchen and laundry room. The first floor is proposed to be accessible via a lift, the proposals include day spaces, a cinema room, activity/quiet lounge, games room and a tearoom, the latter extends out onto a balcony.



Figure 3. Proposed site plan



Figure 4. Selection of elevation plans

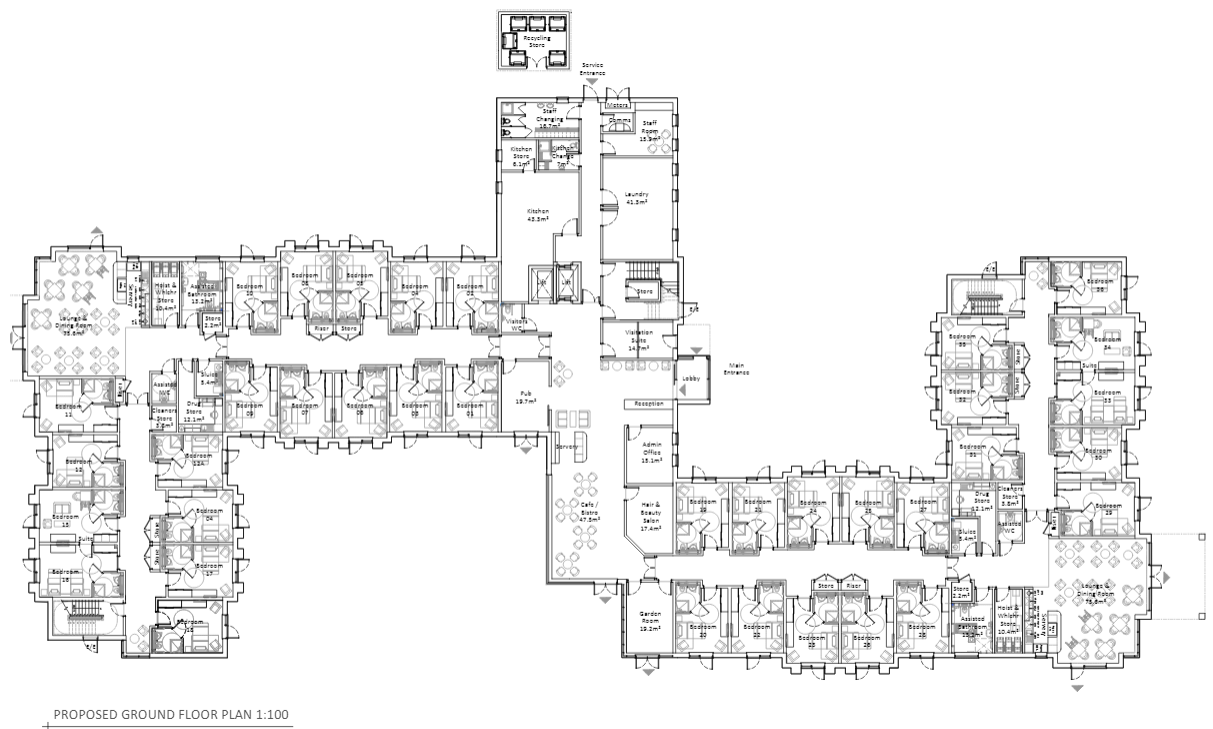


Figure 5. First floor plan

b) Documents submitted

i. Plans

3.4 The application has been accompanied by the following plans –

- Proposed ground and first floor plans
- Proposed elevations (including external stores and contextual elevations)
- Proposed site plan
- Proposed external zoning plan
- Existing topographical site plans
- Site location

ii. Supporting Information

3.5 The application has been accompanied by the following supporting information –

- Design and Access Statement
- Planning Statement incorporating a Sustainability Statement and Statement of Community Involvement
- Evidential Need Report
- Environmental Noise Assessment Report
- Phase I Contaminated Land Reports
- Planning Needs Assessment
- Transport Statement
- Travel Plan
- Tree Survey (and associated plans)
- Preliminary Ecological Appraisal
- Flood Risk Assessment and Drainage Strategy
- Archaeological Written Scheme of Investigation

c) Amended Plans and/or Additional Supporting Statements/Documents

3.6 During the application the applicants have submitted

- Revised Flood Risk Assessment and Drainage Strategy
- Responses to consultation responses (including neighbouring representations)
- Revised Transport Statement
- Revised Travel Plan
- Stage 1 Road Safety Audit
- Amended Evidential Needs Report
- Amended Noise Assessment
- Badger Method Risk Assessment
- Badger Method Statement
- Car Parking Timeframe Diagram
- Revised Energy Strategy
-

d) Pre-application Engagement

3.7 PREAPP/21/00266 – Erection of a 72-bed care home, with associated landscaped grounds, staff and visitor car parking, cycle storage and an ambulance drop off area.

In July 2021 a pre-application request was submitted as outlined above. Pertinent sections of this advice are copied below:

‘Whilst the site is located at the edge of the village it is within 800m of village services and close to the wider population. HDC would support the provision of the extended footpath to ensure suitable pedestrian access to/from the site. Subject to this, the location is judged to be suitable for specialist housing, albeit on the edge of the village.

However, the level of information provided as part of this pre-application request would not be sufficient to demonstrate the need for specialist housing and subsequent compliance with policies GD2 and H4. The latter would need to be addressed in order for the principle of development to be deemed acceptable in accordance with the Harborough Local Plan (HLP).'

'...the development site is outside of the defined Limits to Development within the Kibworth Villages' Neighbourhood Development Plan (KNP). Policy SD1 states development shall be located within the Limits to Development as defined on the proposals map unless there are special circumstances to justify its location in the countryside outside the limits of development. The proposal therefore conflicts with the KNP.'

'Policy H3 of the KNP does give priority to homes for older people and the proposal would comply with this policy.'

'... your attention is also drawn to the fact that the Kibworth Neighbourhood Planning group have begun their review of the NP. Regulation 14 consultation has not yet taken place on any draft proposals, however, it is understood that pre-submission consultation may be expected later this year. As the review process proceeds the weight attributed to this review is likely to increase and the KNP review document/s are likely to be a material consideration. HDC encourage community engagement with all planning proposals, however, given the conflict with the KNP and potential for review, officers strongly advise that the applicant engage with both Kibworth Beauchamp and Kibworth Harcourt Parish Councils, the local community and ward councillors.'

Advice was also given with regards to the draft design, residential amenity, highway, archaeology, ecology, flooding/drainage, air quality, climate change and S106 matters.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out for the application, this first occurred on 14th March 2022, with subsequent re-consultations occurring at later dates. A site notice was displayed on the 31st March 2022 and a press notice displayed on the 24th March 2022. The consultation period expired on 13th June 2022.
- 4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to:
www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

4.3 HDC Environment Coordinator

First comments

The application does not specifically address the requirements of policy CC1 in providing details of the approach to reducing emissions.

The applicant has provided an undertaking to follow the energy hierarchy, which is welcome and has identified a reduction in carbon emissions of at least 5% against AD Part L2a Compliance. Whilst this is welcome, it is far below the level of reductions required to meet the budgets set by the Committee on Climate Change. In order to meet the challenge of climate change, buildings should be designed to approach net zero emissions and the means to do this should be set out as part of the application.

In order to meet the requirements of Policy CC1 it would be helpful if the applicant could provide details of carbon savings in the construction of the building. One possible way to demonstrate this is through BREEAM with an undertaking to reach BREEAM excellent, at least. The use of ground source heat pumps for heating is very welcome. GSHP are excellent for providing a constant level of heating, which is especially important for older people's housing. The roof space of the building is extensive, and given the cost of energy, it may be worth the applicant investigating the options for Solar PV on the south facing roof.

The applicant has shown evidence of considering overheating, which is very important for such a development.

The provision of electric vehicle charging points is welcome, but it would also be useful to provide secure bike storage and include a travel plan to try to encourage staff and where possible, visitors to use sustainable methods of travel. The development of a travel plan could be a condition of any planning permission.

The treatment of the runoff of water to the brook must be carefully considered. The car parking provision is close to the brook, so it is vital that run-off from the car park does not enter the brook directly. The sustainable urban drainage scheme should specifically address this. The collection of rainwater from the roof should also be considered and included in any BREEAM assessment.

4.4 **HDC Contaminated Land and Air Quality Officer**

Following the findings of the BSP consulting Phase I Desk Study Report the permission should be conditioned.

Officer Note: Conditions requiring the submission of a Risk Based Land Contamination Assessment and limiting construction hours are recommended.

4.5 **HDC Environment Team (Noise)**

First Comment

The noise assessment produced by BSP Consulting, dated 14th February 2022, aims to assess the impact of the proposed development on the local area and also for the future residents of the development. The British Standards quoted and assessed against are deemed appropriate for such assessments, namely BS8233 for internal noise levels, WHO guidance levels for outside space and BS4142 for an assessment of the impact of the development itself on the surrounding area.

For the communal areas, the WHO reference level of 55 dB(A) has been used as the criteria for acceptable noise levels. The report states that noise levels at present are above this level, but that mitigation will reduce the levels to below this level. No detail of the proposed mitigation is contained in the report, and no further predicted outdoor levels are provided either.

The noise report has assessed noise at the Fleckney Road site, and has taken a number of readings on the site to identify the noisiest part of the site, and has then chosen the worse case noise levels, from traffic on Fleckney Road itself, as the area of highest noise levels. One of the concerns of any development is to protect the future end users, and to that end to allow occupants to use their bedrooms etc. as they chose. The BS8233 assessment provides detail of insulation requirements proposed to bring internal noise levels down to below the recommended internal noise levels of 35 dB(A) during the day and 30 dB(A) at night. What the report does not detail is the ventilation proposals for the development, and in section 5.19 the report is vague about what is going to be installed.

Another key issue for any development is the proposed thermal comfort of the future occupiers, and to that end without the proposed ventilation proposals it is difficult to make an assessment on this basis. In general where there is no internal ventilation provided, the assumption is that the occupants will open their windows for thermal comfort. This has the obvious impact of reducing the effectiveness of any proposed acoustic insulation. The report does indicate that an openable window will only allow a noise reduction of between 10-15 dB(A), and to err on the side of caution the lower figure of 10 dB(A) ideally should be used in any assessment.

In terms of the BS4142 assessment, the fact that the operator already has a very similar site operating in Lincoln is very useful. The report does use noise levels from this site as part of the assessment. More information is required as to the location of the plant and machinery on the Lincoln development, and also a site map/location plan of this development would also be very useful to make a proper assessment.

Final Comment (following additional information)

I write in reference to the above-mentioned planning application. The revised noise assessment, reference TWCH-BSP-ZZ-XX-RP-C-001-P03, by bsp consulting, addresses most of the noise issues associated with the proposal. I would however recommend that the following condition be attached to the consent notice:

OPERATION OF PLANT TO BE APPROVED - Plant and machinery, including ventilation and air conditioning plant, shall only be operated on the site at times and in accordance with a scheme which shall first have been submitted to and approved by Harborough District Council as local planning authority. (In the interests of the amenities of nearby occupiers, and in accordance with policy(ies) of the Local Plan.)

4.6 Kibworth Beauchamp Parish Council

The unanimous decision of members, after hearing from residents and having studied the documentation provided by the applicants and the previous pre-application presentation in November, was to object most strongly to this 72 bed residential care home on the land adjacent to The Nurseries on Fleckney Road.

The location cannot constitute a sustainable development as it is outside the limits to development (KNP Policy SD1) of the made Kibworths Neighbourhood Plan (2018) and retained in the Kibworths Neighbourhood Plan Review (2022) that is about to start the Regulation 16 consultation process, so this policy retains its importance. The review process was to ensure that all policies, including SD1, are fully conformant with the most recent National Planning Policy Framework and the HDC Local Plan (2019). A previous application (18/01079/OUT) on this site for 22 houses was refused by HDC because of this specific policy and this decision (19/00008/REFUSE) was upheld on

appeal by the Planning Inspector. There are no special circumstances to justify its location in the countryside.

A review of the existing two care homes in Kibworth Beauchamp Kibworth Court and The Knoll demonstrates that there are available beds currently. Both have been rated over the last 14 months by the Care Quality Commission. Kibworth Beauchamp also has the warden controlled Morrison Court supported accommodation. The applicant has failed to demonstrate a clear case of need for an additional 72 residential care home beds in this community. There may be a need for more care home beds elsewhere in the district but the need for 72 of them to be located in the Kibworths has not been made. There is also a national challenge recruiting and retaining care home staff so we don't want to see this new care home draining staff from the existing two care homes and supported accommodation.

There is no commercial bus service running along Fleckney Road with the nearest bus stop at The Bank which is over 10 minutes walk away, and none of the commercial bus services provides a Sunday service. There is no cycle lane along Fleckney Road so this development fails to comply with KNP T1 and the proposed extension to the single footpath along Fleckney Road is a bare minimum to provide pedestrians with a safe footpath. The speed limit changes from 50mph to 30mph part way across the front of the location so it is vital that clear visibility splays can be demonstrated 2.4m back from the carriageway and at the appropriate height of the driver; the entrance slopes down by 1m from Fleckney Road down into the field.

The number of parking spaces to be provided are woefully underestimated. With 72 in-patients, many receiving 24/7 care, a majority of the proposed 60 staff will be needed on site, even allowing for 12 hour shifts, most of the time, yet the proposed spaces would not allow for many visitors. Cars parked on site but away from designated spaces would cause congestion difficulties for deliveries and emergency vehicles. Fleckney Road at this location does not include on-street parking spaces and on days when Kibworth Football Club teams are at home, cars are already causing safety problems by through traffic and pedestrians because of parked cars less than 100m further along Fleckney Road on the grass verges.

Less than 100m to the east in the Harcourt Grove estate off Cuckoo Drive, an open space has been protected from development to ensure the safeguarding of a rare Adders Tongue and other plants. There has not been the same degree of ecological and environmental assessment of the proposed location to protect the biodiversity of the location (KNP Policy ENV7).

Kibworth Beauchamp Parish Council strongly object to this application

4.7 LCC Highways

First Comments

Site Access

It is understood there is currently no formal vehicular access to the site, although there is an unused farm access from Fleckney Road. Therefore a new access is proposed via Fleckney Road, which is a classified 'C' road subject to a 50mph speed limit to the west of the site, however this is reduced to 30mph at the western edge of the site frontage.

It is noted the proposed access arrangements cross a ditch and will require culverting. Drawing No. TWCH-BSP-ZZ-XX-DR-S-0001 Rev P02 illustrates an access width of 6 metres, with 6 metre junction radii, and 2 metre width footways. The LHA is satisfied that access geometry is in accordance with the Leicestershire Highway Design Guide (LHDG).

To determine the appropriate visibility splays from the site access, the applicant has conducted a speed survey adjacent to the proposed site access, for a 7 day period, from Tuesday 18th January 2022 until Monday 24th January 2022.

The calculated 85th percentile speeds (no wet weather adjustment is made) were 41.4mph eastbound and 42.4mph westbound. Therefore, based on the 85th percentile speeds, visibility splays of 2.4 x 107 metres west of the site access and 2.4 x 111 metres east of the site access are required in accordance with the LHDG.

Drawing No. TWCH-BSP-ZZ-XX-DR-S-0001 Rev P02 demonstrates achievable visibility splays from the proposed access at 2.4 x 120 metres to the west (for eastbound vehicles) and 2.4 x 120 metres to the east (for westbound vehicles), which is in accordance with the LHDG.

Drawing No. TWCH-BSP-ZZ-XX-DR-S-0001 Rev P02 also illustrates vehicular tracking for the Phoneix 2-23W refuse vehicle type and demonstrates it can successfully enter and exit the site in a forward gear.

Considering a new access onto the adopted highway is required, an independent Stage 1 Road Safety Audit (RSA) should be submitted with a designers response (and amended drawing if required) addressing any highway safety issues which are subsequently raised.

Highway Safety

The LHA has reviewed its Personal Injury Collision (PIC) database and there have been no PIC's within 500m of the proposed site access on Fleckeney Road for the most recent five year period. Therefore there are no patterns of PICs which would be exacerbated by the proposed development.

Trip Generation

In order to ascertain the number of vehicle movements likely to be generated by the proposed development, a TRICS analysis has been undertaken by the applicant. Trip rates have been obtained for '05 Health - Care Home (Elderly Residential)' and is considered to be comparable. The LHA are satisfied with the TRICS selection criteria and have reviewed the outputs from the analysis. Figure 1 below shows the weekday vehicular trip rates for the AM and PM peak hours (08:00 – 09:00 & 17:00 – 18:00) and the associated trip generation for the proposed development.

	08.00-09.00			17.00-18.00		
	Arrive	Depart	Total	Arrive	Depart	Total
Trip Rate (per resident)	0.089	0.054	0.143	0.039	0.091	0.130
Trip Generation (72 residents)	6	4	10	3	7	10

Figure 1 - Trip Generation for proposed development (TS)

It is anticipated the current proposals would generate approximately 10 trips in the AM peak hour, and approximately 10 trips in the PM peak hour. The LHA are satisfied the additional trips associated with the proposed development will not lead to an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Internal Layout

The proposed site plan illustrates a total of 36 car parking spaces, which includes three accessible spaces. Figure 2 below shows a summary of the applicants calculations to determine the total parking provision required and is in accordance with the LHDG. Additionally the proposed site plan illustrated a parking bay for an ambulance near the entrance, which is welcomed.

Minimum Parking Standard	Extent of Proposed Development	Minimum No. of Spaces
1 space per 4 bedrooms	72 bedrooms	18
1 space per member of staff	15 staff	15
Total Minimum Car Parking Provision		33

Figure 2 - Required parking provision (TS)

It is noted that 6 cycle parking spaces will also be provided in a secure area on the site.

Travel Plan

The LHA have reviewed the Travel Plan by BSP and advise the following amendments should be provided in a revised travel plan:

- Six month bus passes are to be supplied per employee at a cost of £360 each
- The preferred system to capture survey information is MODESHIFT STARS It should be noted the travel plan monitoring fee required for this site will be the sum of £11,337.50 for a framework travel plan.

Conclusion

In conclusion the LHA request the applicant to submit a Stage 1 RSA with a designer response (and amended drawing if required). It is highlighted to the applicant a RSA is an independent assessment of the design and operating arrangement of the proposed alterations to the highway, and includes when there is an alteration to the existing highway.

Given the proposed development results in a new access and footway extension; it would be considered a reasonable request. The Stage 1 RSA will ascertain if any further measures are required to deliver a safe and suitable access for vehicles and pedestrians.

Consequently, until such further information is provided by the applicant the LHA would be unable to determine if the development proposals are acceptable in highway terms.

Final Comments

The Local Highway Authority (LHA) advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

The LHA are in receipt of a Stage 1 Road Safety Audit (RSA) in support of application 22/00692/FUL, which is seeking permission for the erection of a 72 bed residential care home and associated access, car parking and new landscaping on land adjacent The Nurseries, Fleckney Road, Kibworth.

The following observations should be considered in conjunction with previous highway observations issued to the LPA dated 16 May 2022.

Stage 1 Road Safety Audit

A Stage 1 Road Safety Audit (RSA) by BSP Consulting has been submitted alongside proposed actions by the designer, upon review of the RSA recommendations. The LHA is satisfied with the proposed actions and agree the matters can be addressed at the detailed design stage. Therefore the LHA is satisfied with the proposed site access arrangements.

A6 Cumulative Impact Study

The LHA has identified a number of key junctions in the A6 Cumulative Development Traffic Impact Study which are operating over capacity. The main junctions which will be affected by the cumulative impact of developments in the surrounding area are listed below:

- A6 / Wistow Road roundabout;
- A6 / Church Road / Marsh Drive priority junction; and
- A6 / New Road priority junction.

Given the location of the development the LHA is satisfied that there is a material impact on the junctions identified within the study and based on trip generation within the applicants Transport Statement (TS) dated 14th April 2022, the proposed development could generate 10 (two-way) AM trips.

From there it is sensible to presume that 80% of those trips would go through at least two or three of the junctions contained in the A6 Cumulative Impact Study. Based on notional proportions for distribution the LHA have determined the proposed development it expected to generate the following number of trips for each junction.

- A6 / Wistow Road roundabout (6 trips)
- A6 / Church Road / Marsh Drive priority junction (6 trips)
- A6 / New Road priority junction. (4 trips)

At present the contribution to the A6 study is based on a standard £3,500 per journey through a junction and based on those 16 journeys this would result in the total contribution of £56,000 (16 x £3,500).

Officer Note: Conditions and informative notes are recommended. As well as further S106 contributions towards travel packs, bus bases per employee and travel plans.

4.8 **Lead Local Flood Authority**

First Comments

Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 0.92 ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding. The proposals seek to discharge at 5 l/s via pervious paving and two on-line attenuation tanks to the on-site watercourse at the site's northern boundary.

The detail attached to the drainage strategy is insufficient to what the LLFA would expect from an application for full planning permission. Detail should be sufficient to fix the layout and include sufficient level information to demonstrate the surface water strategy will operate as indicated.

Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following information is required:

- A greater detailed plan for surface water drainage assets to include indicative levels, tank dimensions and invert levels, survey details of the receiving ditch and details of downstream connectivity.
- Surface water overland flow plans for exceedance events based on proposed levels.

Second/Final Comments

Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 0.92 ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding. The proposals seek to discharge at 5 l/s via pervious paving and two on-line attenuation tanks to the on-site watercourse at the site's northern boundary.

Subsequent to the previous LLFA response the applicant has submitted a revised Flood Risk Assessment sufficient for the type of application and scale of the development. Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA and we advise the following planning conditions be attached to any permission granted.

Officer Note: Conditions and informative notes are recommended.

4.9 **LCC Ecology**

First Comment

Ecology surveys were carried out for the previous application on this site (18/01079/OUT), which I understand was dismissed at appeal.

This current layout is acceptable. Trees are retained.

The previous ecology surveys were satisfactory, and there was no need for the submitted Preliminary Ecological Appraisal - although a badger survey is required.

I have referred to my comments on the previous application, and the only recommendation I made was for a pre-demolition nesting bird check if the onsite sheds were demolished within the March - July inclusive nesting season (swallows were nesting in the sheds). The PEA has not provided any updated information on this, so I will assume they are still present.

The checks should be done in the 24 hours preceding demolition. Replacement swallow nest cups will also be required in suitable locations on the building; I recommend two groups of 3. Swallows require a covered but open structure, such as a car-port, open fronted shed/garage, porch or similar. If there are no suitable structures on site, a purpose-made shelter should be constructed. This should also be a condition.

As over 3 years have elapsed since the previous application, I recommend an updated badger survey; the site is adjacent to woodland. This is needed pre-determination. If badgers are present in the adjacent woodland, mitigation would be needed to avoid impacts.

Nearby ponds were assessed by the previous ecologists as of below average habitat suitability for great crested newts, so further pond surveys are not needed.

I do not consider there is need for any more bat surveys, as long as the boundary trees with suitable bat roost features are retained. If these are removed, a pre-removal bat-check should be done.

Officer note- The landowner of the adjacent woodland has not granted access for a full badger survey to be carried out, therefore a badger method statement was required to outline precautionary working methods for badgers. Following submission of this statement the LCC ecology team stated:

Final Comments

This is a very thorough and helpful briefing note, risk assessment and method statement from Crestwood, and I'm happy to accept it.

Officer Note: Conditions are recommended.

4.10 **LCC Archaeology**

No comments provided- these have been chased and an update will be provided within the Supplementary Information if required.

4.11 **LCC Developer Contributions:**

In regards to the consultation request received I can confirm that we will not be providing a consultation response as our services will not be making a request due to the nature of this application.

Our environment and transport colleagues will provide their statutory highways response as normal procedure and this will contain any S106 related highway contribution requests.

4.12 NHS East Leicestershire and Rutland CCG

The development is proposing up to 72 units which, when based on the average occupancy of 1 would result in an increase patient population of approximately 72.

An increase to the population that our Practices cover will mean that the practices will have to provide additional capacity to cope with the population growth

The section 106 contributions obtained would support the practice in improving patient access and capacity

The contribution requested for this proposal is £12, 788.90

4.13 HDC Parish and Community Facilities Officer

S106 contributions requested based on the Planning Obligations Supplementary Planning Document. Potential projects could include enhancements of the Grammar School Community Hall and Library.

No of bedrooms	1	2	3	4	5	Dwellings
Assumed residents	1.50	2.00	2.30	3.00	4.00	
Number of dwellings						72 dwellings
Charge per dwelling (per person charge of £515) for an extension or new build facility	£ 773	£ 1,030	£ 1,185	£ 1,545	£ 2,060	
Refurbishment costs assessed at 75% of extension/new build cost	£ 579	£ 773	£ 888	£ 1,159	£ 1,545	
Total	£41,668					Total = £41,668 this figure will alter according to the finalised room numbers /mix

4.14 HDC Housing Enabling and Community Infrastructure Officer

Thank you for the clarification on classification. I have now had a reply from our Strategic Planning Team who also consider this as a C2 classification

We had a similar issue over the development of Peaker Park in MH. Based on the outcome of deliberations for Peaker Park as evidenced and advice from Legal Services which determined The Peaker Park development as Class C2, I would now advise that we do not seek an Affordable Housing contribution for the proposal at the Nurseries, Fleckney Road Kibworth.

4.15 HDC Neighbourhood and Green Spaces Officer

First Comments

The Kibworths has a made Neighbourhood Plan (Jan 2018) and the Kibworths Neighbourhood Plan Review has been submitted to the Council for examination and referendum. The Regulation 16 consultation commences on 18 May 2022. The review Plan can therefore be given some limited weight, but the 'made' Plan retains full weight in determining planning application where policies apply. Should there be a conflict between the 'made' NDP for Kibworth and the Local Plan 2011 to 2031, it is the latest adopted plan that take precedence i.e The Local Plan 2011 to 2031.

The site is outside the limits to development of both the made and emerging review NDP for Kibworth and can therefore be considered contrary to Policy H1 Windfall Sites clause 1)

Made NDP Policy H3 – Housing Mix, states that priority should be given to housing for older people. Priority should be given to dwellings of three bedrooms or fewer and to homes for older people

Policy H5 from the emerging Plan states Proposals will be required to demonstrate how they have taken account of the most up to date published evidence on housing need at a local or district level. The provision of smaller dwellings (3 bedrooms or less) or specialised housing suitable to meet the needs of young families, disabled people, young people and older residents will be supported within housing developments to meet a local housing need.

The Site generates the requirement for the following amounts of open space should it be permitted.

Conclusion and contributions sought including appropriate projects.	Parks and Gardens	0.036 ha of parks and gardens to be provided on site. To provide opportunities for socialising.
	Outdoor Sports	not applicable for this development
	Amenity Greenspace	0.0648ha of informal greenspace for recreation
	Natural and Semi Natural Greenspace	0.612ha of greenspace biodiversity and habitat
	Children and Young People	not applicable for this development
	Allotments	0.0252ha of allotment or community garden for growing crops to promote social interest and wellbeing
	Greenways	£8,856.00 off site contribution for enhancement of accessible links to the countryside and into the village. To enhance accessibility for those with reduced movement or mobility
	Cemeteries	£5,688.00 off site contribution for the provision of new burial spaces or enhancement of existing cemetery and burial sites for next of kin.

All POS to be provided on site, except Cemeteries and Burial Grounds, Greenway and balance of natural and seminatural greenspace contribution. Any off site contribution to be through negotiation of S106 with officers. If off site contributions are required this will either be for enhancements of existing facilities or provision of new facilities within the accessibility thresholds of the site for each typology. If more Open Space than the minimum provision for any typology is proposed by the developer, then commuted sums will be calculated on a pro rata basis.

Second Comments

Following questions from the applicant's agent regarding the above contributions the officer provided the following response:

1. The assumed dwelling number and the assumed population is 72 – clearly demonstrating 1 person per unit.
2. The column is blacked out because it does not apply this application and will cause the agent to ask irrelevant questions. Commuted sums for maintenance will not be charged because the Local Authority will not adopt the POS on site. However, in the interests of transparency I include the table with the columns visible below. (Note: I will not answer any questions about these figures – they do not apply to this application)
3. The sum generated for offsite Natural and Semi Natural greenspace will be applied towards new provision or enhancement of existing natural greenspace including water courses. The Smeeton Road project with Welland Rivers Trust and Environment Agency to provide additional habitat, biodiversity including public access on the Langton Brook is the most likely to benefit from this contribution. The offsite sum requested is on a pro rata basis dependant on how much on-site provision is made (see notes on above table). The Quantum of open space the development generates is 0.6ha (at a rate of 8.5 ha per 1000 population) If the developer does not accept that an offsite contribution for Natural and Semi Natural greenspace is required they can

elect to provide the entire contribution as on site provision. (i.e 0.6 ha of Natural and Semi Natural Greenspace within the site of 0.95ha)

4. Other contributions will be spent in accordance with the typology of open space and the local need as set out in the Neighbourhood Plan (adopted) (for Greenways - policies CSA3 6), CSA4 5) and the community aspiration to create better safer circular routes for recreation and walking (page 53) and policy ENV9), and Neighbourhood Plan review i.e policies ENV8, ENV9 and T4, (currently submitted to HDC)
5. The justification and evidence for the contribution is part of the Open Spaces Strategy and Provision for Open Space Sport and Recreation Delivery Plan 2021. Officers disagree that the CIL rules have not been complied with for the reasons set out above.
6. Please note that to be policy compliant the on site provision of open space should be equivalent to **0.8316ha** unless off site provision is agreed with the LPA.

4.16 Cllr Dr Feltham (Leicestershire County Councillor for Gartree)

As county councillor for the Gartree Division, I represent not just the Kibworths but also 20 other nearby parishes.

The location proposed for this large residential care home off Fleckney Road is outside the limits to development policy SD1 in the made Kibworths Neighbourhood Plan (2018). The same SD1 policy, which reaffirms this location is outside the limits, has been retained in the review version of the Kibworth villages Neighbourhood Plan which is ready for submission for Regulation 16 consultation and is just awaiting approval for submission by Kibworth Harcourt Parish Council on 7th April 2022, following approval for submission by Kibworth Beauchamp Parish Council on 22nd March 2022.

No evidence has been provided to demonstrate the local need for more residential care home beds. Both Kibworth Court and The Knoll care homes currently have vacancies.

I have many other objections based on insufficient parking spaces, poor effect on local wildlife and ecology, massing of a single building, potential visibility splay problems with the speed limit changing from 50mph to 30mph at this location on Fleckney Road, etc.

I strongly object to the proposed care home development at this location because it is outside limits to development - policy SD1 in the Neighbourhood Plan. I therefore request that the Planning Committee refuse this application.

4.17 Cllr Whelband (Ward Councillor for Kibworth)

I was asked for my opinion on this application when it was at pre app stage last years and at the time expressed concerns about a car facility in this part of Kibworth.

Having looked at the proposals, I still have major concerns about this scheme. This is in the wrong location on the edge of the village, quite some distance away from the village centre. It is not served by a bus route, so would need to be accessed by car in most cases. I am not sure this is required in the Kibworth's, and is against the Kibworth's Neighbourhood Plan policy H4. I have concerns with the development intensity as well as traffic concerns.

4.18 Anglian Water

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

The foul drainage from this development is in the catchment of Kibworth Water Recycling Centre that will have available capacity for these flows.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

Officer note- Informatives are requested.

4.19 **Leicestershire Police- Designing out Crime Officer**

I have now visited, and have reviewed the proposed development. There is a single vehicle entry point to the south of the development, which leads along the east side to allow access to parking areas upon entry on the west side and to the east side. Parking is communal with limited natural observation from the home or any nearby buildings.

There is open space to the north end of the site and another area to the south west corner. There are no permeability issues at this site due to the single-entry point and no circulatory route in my opinion.

Perimeter enclosure is recommended to be to 1.8m in a fencing in keeping with the site usage. Metal railings would allow a clear field of vision but would not be oppressive whilst still providing effective enclosure.

Consideration of the use of CCTV coverage of the key vehicle entry point at Fleckney Road to include Automatic Number Plate Recognition capability. This would add an element of general security to the development providing improved security. In the event of it being required appropriate General Data protection Act signage would need to be displayed. Due to the size and scale of this site and its vulnerable residents I recommend CCTV should be installed.

Likewise, main entry points to the residential care home should have access control in place with facial verification capability prior to access being permitted. An alarm system is recommended to provide monitored coverage of the site with a personal attack capability to allow staff to alert monitoring in the event of an emergency. Recommended standards are listed below

Wheelie bins and cycles should be stored in secure areas where possible to avoid the potential for criminal use, as a ladder, mode of removal or arson risk for bins or mode of escape in respect to cycles. Foliage is recommended to be to a height of 1m and trees are recommended to be trimmed to have no foliage lower than 2m from the ground. This will provide a 1m clear field of vision

Officer note: A list of general recommendations is also included within the response, some of which are not relevant to this proposal (ie parking within the curtilage of dwellings).

4.20 Leicestershire County Council's Adults and Communities Department

Officer Note: The case officer's questions (black) and responses from LCC (blue italics) are shown below:

1. Is there an identified need for this in Kibworth and/or the surrounding 3km area, if not is there an identified need at a District level?

There is currently an oversupply of residential care homes in Leicestershire, with existing care homes running below optimal occupancy on average. Conversely, there is an undersupply of homes offering nursing care.

2. Is this a location suitable for a care home?

Ideally, care homes are situated at the heart of the community with good links to facilities. The proposal appears to be on the outskirts of the village albeit relatively close to facilities.

3. Is the design, layout and access suitable for future occupiers?

I am not able to comment on the design, layout and access of the home.

4. Has LCC completed their analysis on the impact of Covid on the care home/adult social care sector? If so has there been any impact on the need for care home places?

The Council has undertaken some early analysis of the impact of COVID-19 on the care home sector in Leicestershire and has reported emerging findings periodically to public meetings of Members. The Council is now embarking on the requirement for a Fair Cost of Care exercise and Market Sustainability Plan, adhering to the nationally set timescales. Further information can be found at <https://www.gov.uk/government/publications/market-sustainability-and-fair-cost-of-care-fund-2022-to-2023-guidance/market-sustainability-and-fair-cost-of-care-fund-2022-to-2023-guidance>

5. Are there any other concerns with the proposal as presented?

I have no further comments to make.

b) Local Community

4.21 66 objections and 6 supporting comments have been received. Officers note that several of the representations are very detailed and whilst regard has been had to these in assessing this application, it is impractical to copy these verbatim and therefore a summary of the key points is provided in the tables below. Full copies of all representations can be viewed at www.harborough.gov.uk/planning.

Table of Objection Comments:

Issues of Principle/Need raised through representations	
	1) This site is green field, outside of the development boundary and not in compliance with the Neighbourhood Plan (SD1)
	2) There are already two care homes in Kibworth which have spaces available as well as a supported living complex
	3) I do not see how it is the right location at all to have a residential home, there is limited public services, parking and it is next to a new build estate which houses many young families and young homeowners, not the quietest area for a care home, this just appears to be a clear case of greed before need, and I hope very much the plans to go ahead are not successful.

	<p>4) Within a five mile radius there are six care homes with 305 registered beds (source CQC and www.carehome.co.uk), this does not include Stuart Court in the village which is sheltered accommodation for retired vicars, nor does it include the planning application approved a few years ago for apartments for the elderly in the heart of the village. It is known that this latter development was up for sale and suggestions made for this to be turned into a care home, albeit it does not appear to have happened. Extending this five mile radius to six or seven miles would include a significant number of homes in Oadby and Market Harborough resulting in a capacity of more than 700 beds. We believe this further dilutes the suggestion of a lack of capacity and in fact could saturate the area. We note that the applicant's commissioned report has errors in respect of the number of registered beds. Kibworth Knoll is listed as being 3 beds but is in fact 36, Kibworth Court is stated as 43 when its registration is in fact 45 leading us to suspect there may be other such misleading errors. The developer claims they have reviewed various sources yet the exact source of any of their facts have not been stated and as such cannot be verified.</p> <p>5) Whilst the developer is claiming there is a lack of capacity most homes in this area are currently operating at below capacity. Some of this is due to the Covid pandemic, but as we come out of the pandemic the Care Quality Commission (CQC) have just announced that staff vacancy rates nationally have doubled to 11.4%. We have experienced difficulty in recruitment of staff and, as members of the East Midlands Care Association, we are aware that this is a county wide issue but where most applicants live closer to the Leicester City area than locally.</p> <p>6) It is felt that were the proposed development to be granted approval this would have a significant impact on the existing care homes in the village. If there is not currently a demand for additional beds and the placements are 'shared' between all homes then it is possible that the financial viability of all existing and any proposed new homes would suffer.</p> <p>7) The planning need assessment in the proposal covers a catchment area with a 6 mile radius and has not assessed the needs local to Kibworth.</p> <p>8) There are factual inaccuracies in the evidence submitted as part of the planning application, particularly regarding existing and planned care facilities. It is clear the applicant is also applying for other schemes in the wider area and the demographic data used show a demand in a larger area, however the data is incomplete and there is no need for further provision in Kibworth or the immediate surrounding areas.</p> <p>9) This piece of land has already had 2 applications turned down for houses in the past.</p> <p>10) The planning needs assessment ignores the settlement hierarchy within the Local Plan, the assessment bases its findings on the whole of Harborough District plus a six mile diameter circle around Kibworth (which includes areas which are outside the District)</p> <p>11) Leicestershire County Council's Social care strategy favours people living in their own homes.</p>
Ecology issues raised through representations	<p>1) There is wildlife that lives in those fields and uses those trees including and not limited too: foxes, birds/owls and badgers</p> <p>2) The area the development would be built on is a valued open space (as defined in the Kibworth Neighbourhood Plan)</p> <p>3) The wildlife report produced by the developers hugely understates the wildlife in the area and in particular in the proposed development site - it is very convenient that they chose to have this report produced in January when wildlife would be difficult to spot.</p> <p>4) There will be significant loss of privacy to surrounding homes and gardens and the proposed external lighting will have a detrimental impact on surrounding residents and wildlife.</p> <p>5) Very near to this we have rare protected Adder's tongue and this proposal risks destroying precious and protected rare wildlife that risks wholly contradicting with the governments Wildlife and Countryside Act 1981.</p>

Highways issues raised through representations	<p>1) Parking would be limited, and as there is already safety concerns with parking and restricted traffic flow within the village, particularly on busy community days I cannot see how staff would be able to reliably park regularly, without restricting home owner access, let alone any visitors to the care home.</p> <p>2) The roads are impossibly cluttered at present. Two things are needed to sort it...</p> <ul style="list-style-type: none"> - Right of way in one direction. - 30mph speed cameras from roundabout up to at least the cricket ground, as there are now lots of young drivers in Kibworth and Fleckney racing through Kibworth.. but it's also business people who are racing through. <p>3) We believe the location of the site is poor due to the slight bend and the change of road speed. This is a fast road with an already high volume of traffic without added traffic from staff, visitors, deliveries and emergency services.</p> <p>4) There's a bus stop right outside, yet no bus stops there. This bus stop was installed by the developers of the previous development to 'improve public transport provision' only for the bus routes to be scrapped before the first brick was laid. The bus stops are at the other end of the village.</p> <p>5) There are a high number of accidents at the Fleckney Road, Warwick Road junction. Last accident was on Friday 1st April 2022. Additional traffic using this poorly modelled junction would increase frequency of accidents. Additional traffic would be frequent from change of shift workers and visitors.</p> <p>6) Again, additional traffic using Fleckney Road from Kibworth High Street would impact the safety of pedestrians and other road users of the single track Fleckney Road (Single track due to parked vehicles).</p> <p>7) To get to the site will require driving through the, already congested, village centre or over the narrow rail bridge that frequently has large queues.</p> <p>8) Overspill of parking may occur on surrounding residential roads</p> <p>9) The proposed staffing number is very low, consequently we undertook an FOI request at another Tanglewood care home with 72 beds in Lincoln where they have 25 staff on site. We suggest the applicant is manipulating the figures to suit their agenda.</p> <p>10) It is unlikely that the shortfall in parking will be made up by cycle, walking and bus use as there is only 3% unemployment in the village. Buses are a 15 minute walk way.</p>
Noise issues raised through representations	<p>1) Additional noise is inevitable with the change over of staff due to their shift patterns at various times of the day and night. Noise will also be heightened during staff break periods on their night shifts, which can be taken outside of the care home building and affect the peace and tranquillity for residents of neighbouring properties.</p> <p>2) The building work will cause disruption to pets, people living in the new area, who bought their houses not knowing this would happen.</p>
Flooding issues raised through representations	<p>1) We cannot see any potential flood defenses which are important in today's environment, and we are aware there is a stream close by to the development site.</p> <p>2) According to the Lead Flood Authority there is not enough information provided in relation to the proposed surface water strategy and this is a cause for concern. We are of the opinion the receiving ditches and downstream connectivity is insufficient.</p> <p>3) We have concerns about the site providing the required sustainable surface water drainage strategy. This development must adhere to SUDs given the climate crisis.</p>
Air Quality issues raised through representations	<p>1) This will have a negative impact on the area and pollution</p>
Residential Amenity issues raised through representations	<p>1) There will be significant loss of privacy to surrounding homes and gardens</p> <p>2) The proposed external lighting will have a detrimental impact on surrounding residents and wildlife.</p>

	<p>3) We have concerns about the 24/7 shift patterns and the noise and smell created from a commercial kitchen.</p> <p>4) The proposal is inappropriate for adjacent residential properties who enjoy the serenity and privacy of their gardens/homes.</p> <p>5) Overbearing impact of development - previously rejected residential applications have stated that those developments are of an 'overbearing nature'. Whilst this application is different in nature the overbearing impact remains. This application merely states that local council policy has also changed, but fails to address the core rationale for previous applications being rejected.</p> <p>6) Where concessions have been made for a sun terrace at the top of the development, unfortunately this faces north and therefore provides a very limited opportunity for residents to enjoy the sun terrace in the afternoon.</p> <p>7) Residents see the site from their dwellings and this will change the view</p>
Design, landscape and visual issues raised through representations	<p>1) We believe the design of the building is poor with little outdoor space for residents together with little car parking space for staff, visitors, deliveries etc. There appears to have been no lessons learnt in the design of the importance to create outdoor space following on from the Covid pandemic. Balconies whilst looking attractive also brings high risk hazards for dementia residents.</p> <p>2) The northern boundary has a dense root protection zone which must be protected, many of the identified trees and hedges are located within the ditch/outfall as shown in drawing No TO405-105.</p> <p>3) The modern entrance to the building is not in keeping with the surrounding street scene. The white block is particularly problematic.</p> <p>4) This is an area of natural beauty and any further expansion of either new houses of unsightly large utilitarian buildings would further erode the beauty and charm of this area.</p> <p>5) The architecture of the proposed building is at odds with the architecture surrounding, including the Cricket club which is referred to.</p> <p>6) The proposed development is an over densification of a green-field site situated in a rural location.</p> <p>7) The trees being felled is disgraceful.</p>
Socio-Economic issues raised through representations	<p>1) The GP practices in Kibworth are already over stretched to the point where some Kibworth residents are moving to practices outside of Kibworth in order to access medical care. This proposed care home in Kibworth would only exacerbate the need for these services.</p> <p>2) A lot of local businesses are already short staffed and adding a new home may put them in danger of closing down.</p> <p>3) There is a national crisis in recruitment and retention of care staff, the proposed care home would look to recruit locally, pulling staff from our current care homes, making them unsafe and potentially forcing their closure.</p> <p>4) More strain on the doctors, dentists & pharmacy which are already struggling.</p> <p>5) Finally there is a longer term financial risk of some residents from outside the county starting, but being unable to afford this care and the responsibility for ongoing care reverting to the county council.</p>
Other issues raised through representations	<p>1) We advised by the DWH Sales office when purchasing our property in August 2020 that there would be no planning/building on the land in question for a number of years, which is one of the reasons we bought the property. We were advised there's been enough building of new property in the village and the council wouldn't approve any further for some time.</p> <p>2) I run a business from my home and already struggle to get a decent mobile signal and super fast broadband, will a huge new business impact on the existing residents' ability to work, study and communicate?</p>

Table of supporting comments

Issues of Principle/Need	<p>1) I consider there is a need for another residential/nursing home, as it has always been difficult to find accommodation for those who find it impossible</p>
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raised through representations	<p>to manage in their own homes, even if additional support has been available as has happened at Stuart Court over the years.</p> <p>2) I think the applicant/s have done their homework in applying for permission to build a new modern/up to date home to serve a large area, as this is definitely needed now and for the future.</p> <p>3) Dementia is the greatest growing disease within the elderly population in the country, and not enough beds to cope.</p> <p>4) I do hope the committee gives this full support, as we live in a society where people are living longer, and future proofing for the community locally, and the surrounding area is a must, and should be given paramount favourable consideration</p> <p>5) The Care Home would provide for the growing population of the village and surrounding area meaning that when the time comes our loved ones are not forced to move away from their village.</p>
Socio-Economic Impacts raised through representations	<p>1) This development will provide job opportunities for local people</p>
Other matters raised through representations	<p>2) Preference for this project rather than further housing development.</p>

5. Planning Policy Considerations

5.1 Please see above for planning policy considerations that apply to all agenda items.

a) Development Plan

5.2 Relevant policies to this application are:

- **Harborough Local Plan (HLP) 2011-2031**
- SS1 The spatial strategy
- GD1 Achieving sustainable development
- GD2 Settlement development
- GD3 Development in the countryside
- GD4 New housing in the countryside
- GD5 Landscape character
- GD8 Good design in development
- H4 Specialist Housing
- GI2 Open space, sport and recreation
- GI5 Biodiversity and geodiversity
- CC1 Climate Change
- CC3 Managing flood risk
- CC4 Sustainable drainage
- IN1 Infrastructure provision
- IN2 Sustainable transport
- IN4 Water resources and services

These are detailed in the policy section at the start of the agenda.

- ***The Kibworth Villages' Neighbourhood Development Plan 2017-2031 (KNP)***
- SD1 Limits to development
- H1 Windfall sites
- H3 Housing mix
- H4 Building design principles
- ENV2 Important trees and woodland
- ENV3 Biodiversity
- ENV5 Important hedges
- ENV8 Watercourses and flooding
- T4 Improvements to road safety
- T5 Traffic management
- T6 Air Quality

The Kibworth Beauchamp Harcourt Parish Councils are formally reviewing their Neighbourhood Plan. The Kibworth Villages Neighbourhood Plan Review was submitted to HDC for examination on 8th April 2022. A six-week consultation on the proposed Neighbourhood Plan expired on 29th June 2022 the plan will then be reviewed by an examiner.

At this stage, given the level of objection to any policies is unknown limited weight is attributed to the emerging policies. The review is considered to be a material consideration and it shows a direction of travel for development in Kibworth. The emerging policies of most relevance to the proposed development are considered to be:

- Policy SD1 Limits to Development- the policy remains the same
- H5 Housing Mix (previously H3)

b) Material Planning Considerations

5.3

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG) (including "Housing for older and disabled people" section added on 26.06.2019)
- HDC Development Management Supplementary Planning Document (SPD)
- Five Year Housing Land Supply Position Statement
- HDC Planning Obligations SPD (Jan 17)
- Leicestershire Planning Obligations Policy
- Leicestershire Highways Design Guide and associated Standing Advice
- The Housing and Planning Act (2016)
- National Design Guide
- Leicester & Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (January 2017)
- Harborough Local Plan Examination Matter ["EXAM11 - Matter 4 - HDC - Specialist Housing Trajectory" \(October 2018\)](#)
- Fleckney, Great Glen and the Kibworths Harborough District Council and Leicestershire County Council Cumulative Development Traffic Impact Study 2017

6. Assessment

a) Principle of Development

6.1 The national PPG advises (bold emphasis added):

“What factors should decision makers consider when assessing planning applications for specialist housing for older people?”

*Decision makers should consider the **location and viability** of a development when assessing planning applications for specialist housing for older people. Local planning authorities can encourage the development of more affordable models and make use of products like shared ownership. Where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.”*

(PPG – Paragraph: 016 Reference ID: 63-016-20190626)

The general thrust of local and national planning policies and guidance is to seek to ensure that extra care housing/care homes/nursing homes are planned for in the main market town/s or settlements – in locations where population densities are highest and where residents, employees and visitors would have good accessibility; both to the access the proposed development and other services in the locality (such as public transport, shops, green spaces and other facilities).

o Harborough Local Plan (HLP)

- 6.2 As inferred above, the spatial strategy for Harborough District to 2031 (as outlined in policy SS1 of the Harborough Local Plan (HLP)) is to manage planned growth to direct development to appropriate sustainable locations. The Kibworth's are identified as a Rural Centre, a focus for rural development to serve both the settlements themselves and the surrounding rural area. Owing to the level of services on offer within The Kibworth's it is judged a sustainable location as a whole. The site is considered to adjoin the existing built-up area of Kibworth Beauchamp, given it is surrounded by the David Wilson Homes development to the north and east, as such policy GD2.2 is most relevant. Compliance with GD2.2 requires that a number of criteria are met, these being a **or b or c** and then d – g. There is no residual minimum housing requiring for The Kibworth's owing to allocations, completions and commitments, the application is for major development so GD2.2(a) is not met. The proposal does not seek to convert or redevelop any existing buildings and, notwithstanding the existing dilapidated agricultural buildings, the site is not considered to be previously developed land. GD2.2(c) is not considered relevant to the proposal. Therefore, the proposal should comply with GD2(2)(b): *it is necessary to meet an identified district wide housing need, or local housing need as evidenced through a housing needs survey or a neighbourhood plan*. Matters related to evidenced need are addressed in paragraphs 6.8-6.16.
- 6.3 In terms of GD2.2(d)-(g) although the proposal is for major development, the amount of development proposed is not considered to be out of keeping with the size of The Kibworths as a whole, or the level of service provision within the settlement. Matters of visual impact, natural boundaries and compliance with GD6 are discussed later in the report.
- 6.4 HLP policy H4 (Specialist Housing) is also repeatedly clear (bold emphasis added) that specialist housing should be in suitable locations and should accord with policy GD2:

*“1. The provision of well-designed specialist forms of accommodation in **appropriate locations** will be supported, **taking into account housing needs**.*

2. Specialist accommodation development will be:

*a. permitted on sites **within existing residential areas**;*

*b. permitted where it is in accordance with **Policy GD2**;*

c. sought as an integral part of all residential developments of over 100 dwellings at a rate of at least 10% of all dwellings proposed, where:

i. the site offers a suitable location for the provision of specialist housing; and

ii. provision of specialist housing would not have an adverse impact upon the deliverability and/or viability of the scheme.

3. Any proposal for specialist accommodation development should demonstrate that it:

*a. is **conveniently situated** in relation to local retail and community services; and*

*b. has a design, layout and **access suitable** for occupation by the particular specialist group for whom it is intended.”*

Whilst the site is located at the edge of the village it is judged to be within an existing residential area and sufficiently, conveniently situated in relation to local retail and community services. The site is within 800m of village services, the Fleckney Rd Premier shop is the closest shop located approximately 520m from the site, the Co-op is approximately 790m from the site. Other facilities along Fleckney Rd within 800m include the Kibworth Working Mens Club and Institute, Ivy Joys Team Room and Kibworth DIY store. The Kibworth Bowling Club and Kibworth Cricket Club are within 200m of the site. It noted that that in dismissing the appeal for application 18/01079/OUT the Inspector stated the site is in a relatively accessible location (Appendix C para.13).

The applicants are proposing to extend the existing footpath from the David Wilson Homes development to the site access which would also ensure suitable pedestrian access to/from the site to the village services/centre. Subject to a condition requiring that the footpath is completed prior to occupation of the site, the location is judged to be suitable for specialist housing, albeit at the edge of the village. Assessment of need and compliance with H4.1 is assessed from paragraph 6.8.

- The Kibworth Villages' Neighbourhood Development Plan 2017-2031 (KNP)

- 6.5 As is outlined in the representations received, the development site is outside of the defined Limits to Development (LtD) within the KNP (Fig 6). Policy SD1 states development shall be located within the LtD as defined on the proposals map unless there are special circumstances to justify its location in the countryside outside the limits of development. There are no special circumstances which justify a care home use to be within the countryside, the proposal therefore conflicts with policy SD1 of the

made KNP. Policy H3 of the KNP does give priority to homes for older people and the proposal would comply with this policy.

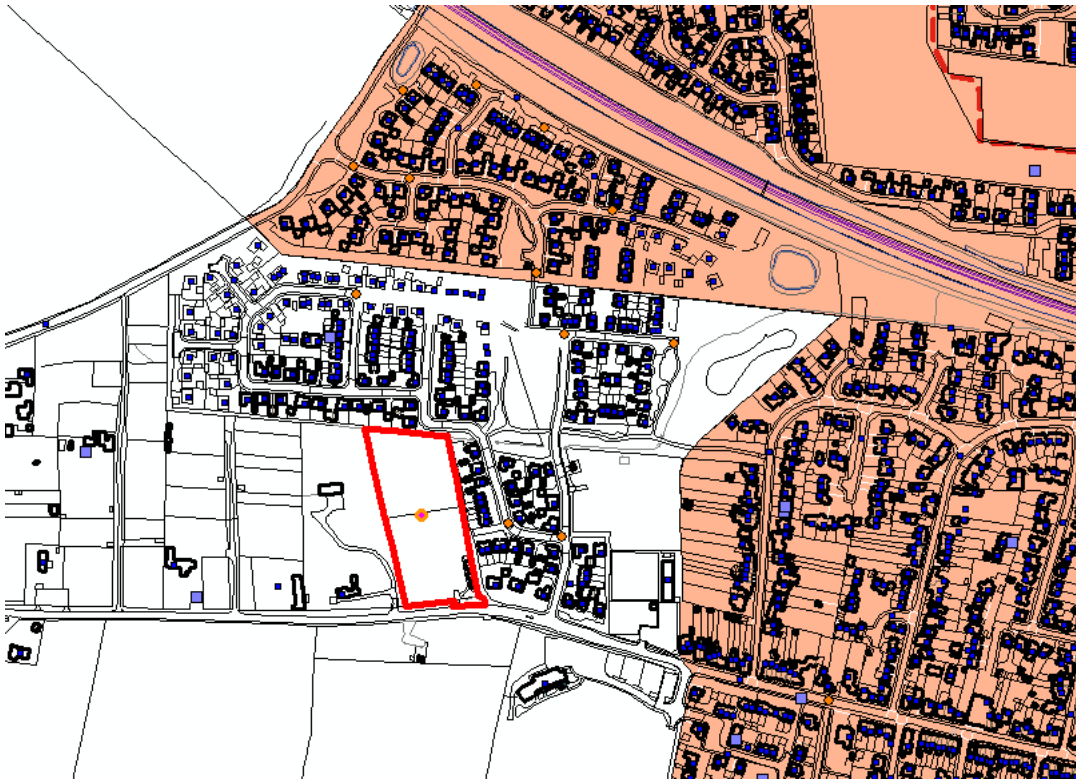


Figure 6. The Made KNP LtD (peach colour) and site (red line)

- 6.6 As outlined earlier in the report the Kibworth Beauchamp and Harcourt Parish Councils are formally reviewing their Neighbourhood Plan. The Kibworth Villages Neighbourhood Plan Review was submitted to HDC for examination on 8th April 2022. A six-week consultation on the proposed Neighbourhood Plan expired on 29th June 2022, the plan will then be reviewed by an examiner. At this stage, given the level of objection (if any) to any policies is unknown, limited weight is attributed to the emerging policies. In terms of the emerging policies, policy SD1 continues to define LtD, however, these have been updated (Fig. 7) as has the wording of the policy which states: *Development shall be located within the Limits to Development as defined in Figure 2 unless there are special circumstances to justify its location in the countryside outside the Limits of Development, as defined by the Harborough Local Plan and the NPPF. (emphasis)*
- 6.7 The site is adjacent to, but outside, the proposed LtD (Fig.7). The revised wording for policy SD1 now refers acceptable forms of development to the HLP definition. The relevant policy of the HLP is policy GD4 *New housing in the countryside*, policy GD4 states that new residential development may be permitted where it is in accordance with Policy GD2. Thus, in terms of the principle of development within the emerging KNP officers would refer back to the assessment of the development against policy GD2 of the HLP, which as outlined above requires that the development is necessary to meet an identified district-wide or local housing need, as assessed from paragraph 6.8. Policy H5 *Housing Mix* of the emerging KNP states that '*...Proposals will be required to demonstrate how they have taken account of the most up to date published evidence on housing need at a local or district level. The provision of smaller dwellings (3 bedrooms or less) or specialised housing suitable to meet the needs of young*

families, disabled people, young people and older residents will be supported within housing developments to meet a local housing need.' The proposal would contribute to the supply of specialist housing for older residents and complies with this emerging policy.



Figure 7. The emerging revised KNP LtD (red line) and site (blue line)

○ Evidenced need for a residential care home

6.8 As outlined above in order to comply with policy GD2(2)(b) and H.4(1) the proposal must demonstrate that it is necessary to meet an identified district wide housing need, or local housing need as evidenced through a housing needs survey or a neighbourhood plan.

6.9 Leicestershire as a county faces an ageing population, studies have predicted that 'the 85 and over population is predicted to grow by 186.8 percent' ¹ between 2012 and 2037 with predictions of 'an additional 71,888 older people in the county by 2043'². The HLP recognises that the population of the District itself is ageing and that the need for dementia care and housing for people with disabilities is increasing. The need for

¹ Leicestershire Joint Health and Wellbeing Strategy 2017–2022

² Leicestershire joint strategic needs assessment (2018–2021) demography report and Leicestershire joint strategic needs assessment (2018–2021) housing report

specialist housing was calculated to be 63 dwellings per annum (1267 over the plan period (HEDNA³)). The Council has planned for this by requiring sites of over 100 dwellings, including the Lutterworth East SDA, to provide at least 10% of specialist accommodation (policy H4 of the Local Plan). However, this still leaves a residual need of 615 units, which are to come through suitably located windfall sites.

- 6.10 The LPA “Specialist Housing Trajectory” document (October 2018; which formed part of the Local Plan examination process) indicates:

“1.3 Since April 2017 four specialist schemes totalling 217 units (row B) have been granted planning permission or have a resolution to grant planning permission, namely:

- *Land at St Wilfrids Close, Kibworth (45 retirement apartments) [17/00500/FUL – approved 20.03.2018];*
- *Clarence Street, Market Harborough (44 retirement apartments) [17/00686/FUL – approved 09.04.2018];*
- *Peaker Park, Market Harborough (58 extra-care apartments) [17/01483/FUL – approved 09.08.2018];*
- *Market Harborough District Hospital (70-bed care home) [18/00687/FUL – approved 28.02.2019].*

...

1.5 The total anticipated delivery from completions, commitments and strategic allocations for the 2011-31 plan period is 652 units against the HEDNA need figure of 1267, leaving a residual need of 615 units to 2031 to be delivered through the criteria based policy. Planning consents over the last two years total 217 units indicating that the market is responding to demand.”

With the exception of Land at St Wilfrids Close, the above planning applications, which total 172 units, have either been built or are in the process of being built.

Two further resolutions to approve can be added to the 172 unit figure:

- 19/00461/FUL – Ambulance Station, Leicester Road, Market Harborough – 76-bed care home (Use Class C2) – Approved (being developed)
- 20/00370/FUL- 787 Uppingham Road, Thurnby- 73 bed care home (Use Class C2)- Approved

These 149 units (19/00461/FUL and 20/00370/FUL) raise the projected specialist housing from existing commitments to 321 units (discounting St Wilfrid’s Close). When this figure is added to the calculated total specialist housing from existing commitments of 154 units and total projected provision from Local Plan strategic allocations in accordance with H4(2)c of 281 units, the total anticipated delivery from completions, commitments and strategic allocations for the 2011-31 plan period is 756 units against the HEDNA need figure of 1,267. Therefore, the residual need is 511 units (1,267 minus 756). There are 9 more years of the plan period to 2031, the expectation is that

³ *Leicester and Leicestershire Housing and Employment Development Needs Assessment (HEDNA), 2017, Table 65, p.138*

the residual need of 511 units to 2031 will be delivered through the criteria based policies in the Local Plan, at an average rate of ~57 units per year ($511 \div 9$).

- 6.11 At the time of writing (June 2022), 475 specialist housing units or ~43 units per annum (over the last 11 years of the plan period) have been provided, granted planning permission or have a resolution to grant planning permission. It is noted that 43 units per annum is under the HEDNA average figure of 63 dwellings per annum (based on 1,267 dwellings total over the 20 year plan period). If the 72 units of the current proposal were to be approved and added to the specialist housing figures, a total of $(475 + 72)$ 547 units, or ~50 units per annum, would have been provided, granted planning permission or have a resolution to grant planning permission during the past 11 years of the plan period. The above example scenario indicates the merits of the scheme in terms of boosting unit provision and current under delivery of specialist housing.
- 6.12 It should be noted that the aforementioned figures relate to specialist housing of all types. The Leicestershire Joint Health and Wellbeing Strategy 2017–2022 outlines that it is Leicestershire County Council's intention to support older people to live independently, this is in line with many other councils across the country who are seeking to reduce the amount of personal care in residential homes in favour of enabling older people to live in their own homes and maintain independence for as long as possible. As the proposal would not address this, the Case Officer sought advice from Leicestershire County Council's Adults and Communities Department regarding this proposal specifically (paragraph 4.20). The advice given was that there is currently an oversupply of residential care homes in Leicestershire yet there is an undersupply of homes offering nursing care. This suggests that the current need for 'standard' residential care homes is not acute, the proposal would provide 24 hour nursing care of which LCC state there is an undersupply of. In terms of the formal registration with CQC/LCC as either a nursing or residential care home this would occur outside of the planning process. The applicant has confirmed that the registration will be Residential Care/Residential Dementia, however, there are still ongoing discussions with Adult Social Care to include nursing. In any event, given the advice above and fact that the statement is based on current supply the applicants have commissioned and submitted planning and evidential needs assessments which are based on predicted occupation in 2024 (when the development could be completed).
- 6.13 In terms of the evidential needs assessment the full methodology can be viewed in Appendix B of the 'Planning Needs Assessment' and a summary can be seen in Figure 8. The applicant's have provided outputs for both a market catchment area and for Harborough District. The market catchment area has been calculated based on an assessment of the mean distance travelled to other operational care homes, in this case it is a circa 6-mile radius. The assessment has assumed normative standards termed 'market standards' for existing supply and the assessment excludes care home bedrooms that do not have the benefit of their own WC and wash hand basin. The applicants have justified this stating *'Although the regulator (CQC) currently makes no restriction on care home bedrooms that do not provide an en-suite, we consider that those that do not provide adequate en-suite facilities will fast become obsolete. It is very hard to think of any other form of communal establishment meeting minimum acceptable standards where it does not provide en-suite bedrooms, and other uses, such as hotels, etc. do not care for the oldest and frailest members of society.'* The applicants have also provided a separate measure of need based upon 'full market

standard' beds whereby the assessment includes bedrooms with full wet room en-suites. It is therefore important to note that for the reason outlined above, the needs assessment does not assess the shortfall of bedspaces based upon the total registered capacity, a care home's total registered capacity is often greater, as it includes the maximum number of bedspaces that the care home is registered to provide by the sector's regulator, the Care Quality Commission (CQC) (which includes bed spaces without private WCs/wash basins). This would account for some of the discrepancies between registered bedspaces and the needs assessment at local care homes which have been raised in the objection comments. The proposed residential home has been designed to be 'dementia friendly' and as such could accommodate 100% of people living with dementia. With this in mind the applicants have also provided a needs assessment for specialist dementia care.

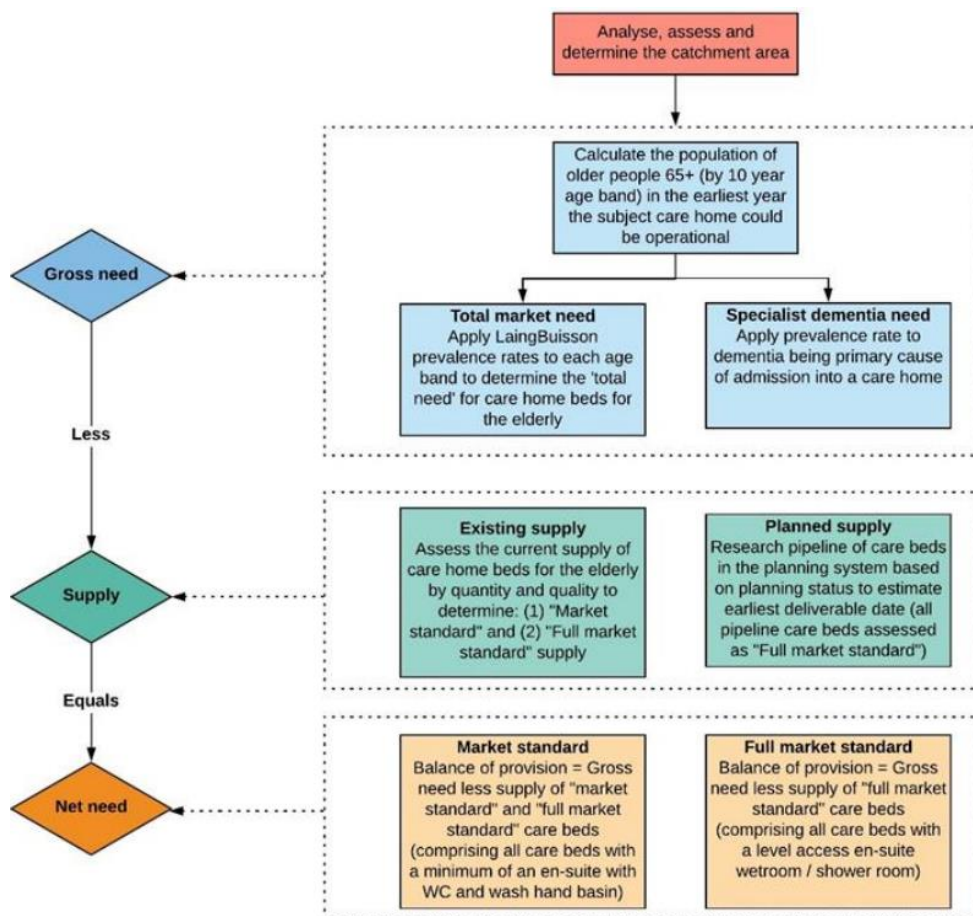


Figure 8. Needs assessment methodology

- 6.14 The submitted needs assessment found that within the market catchment, there are 18 care homes, providing 750 registered bedspaces, 68% of which are equipped with an en-suite, meeting the criteria of 'market standard', which is below the UK average of 73%. Within the local authority area, there are 13 care homes, providing 696 registered bedspaces, 75% of which are equipped with an en-suite, meeting the criteria of 'market standard', which is just above the UK average of 73%. 10% of beds in the market catchment and 30% in the local authority provide full en-suite wetrooms. The assessment accounts for planned supply and has identified five planning applications for care home beds across the catchments, three of which are in the market catchment and four in the local authority area (with two schemes being located in both

catchments). The analysis assumes that all the planned bedspaces (both those that have planning permission and those pending a decision) will be developed and it therefore potentially overestimates future supply given that a number of the planned schemes may never be developed.

- 6.15 The output of the needs assessment is shown in Figure 9. The applicant's analysis indicates a significant net need for 376 market standard bedrooms in the market catchment and 123 market standard bedrooms in Harborough District. In terms of 'specialist dementia' care bed need, the analysis concludes a net need for 291 and 174 market standard beds in the market catchment and Harborough District, respectively. The applicants needs assessment also predicts an indicative need for market standard bedspaces based on population growth to 2034 as seen in Fig.10.

T17 Primary year for need analysis					
Primary year of assessment		2024		The earliest the subject scheme could be developed and operational	
T18 Need analysis summary (2024)					
Type of care	All beds			Specialist dementia only	
Basis of assessment	Market catchment	Local authority	Market catchment	Local authority	
Gross need					
All bed/specialist dementia need	947	812	391		336
Occupancy capacity allowance	79	68	33		28
Total need	1,026	880	424		364
Supply					
Current elderly en-suites	511	521	59		96
Current elderly wetrooms	73	212	0		66
Planned beds (to 2024)	139	236	74		94
Total supply (en-suite)	650	757	133		190
Total supply (wetrooms)	212	448	74		160
Net need					
Elderly en-suite	376	123	291		174
Elderly wetroom	814	432	350		204
Assumptions					
<ul style="list-style-type: none">• Total market need based on ONS data projected to 2024 and Age Standardised Demand (ASD) rates.• Occupancy capacity allowance adjustment, being a function of occupancy and not registered capacity. We have adopted an 'effective full capacity' level of 92.3 per cent.• Based upon our COVID-19 forecasting model, we predict historic occupancy levels will have returned by 2024, with no material impact on need.• Planned supply based upon individual analysis of each scheme and assessment of likely potential development completion.• Assumed zero closures of obsolete stock as no known closures imminent.• The need analysis excludes the subject scheme.• See Appendix B for full details of our need analysis above.					

Figure 9. Applicants need analysis summary (2024)

T20 Indicative need for market standard bedspaces to 2034			
Catchment	2024	2029	2034
Market catchment	376	490	680
Local authority	123	266	474

Figure 10. Indicative need for market standard bedspaces to 2034

- 6.16 Considering the outputs of the applicants needs assessment alongside the residual need identified in the HEDNA, in the opinion of Officers, the proposal will help to meet an identified district-wide housing need, in accordance with GD2.2(b) and H4.1.

Principle of Development Summary

- 6.17 The site is outside of the KNP LtD and therefore conflicts with policy SD1 of the made KNP. However, the HLP is the more up-to-date policy and therefore should be given greater weight in the determination of the application. As outlined above, given the surrounding residential development to the north and east the site is judged to adjoin the existing built-up area of Kibworth Beauchamp. Following the submission and review of the needs assessment the proposal is judged to comply in principle with policy GD2 and H4 of the HLP. Furthermore, in light of the compliance with the relevant HLP policies, the proposal would not conflict with the emerging KNP review, however, this is given limited weight at present.

b) Design, Visual Amenity and Landscape

- 6.18 Section 12 of the NPPF refers to achieving well designed places, specifically; paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130, amongst other things states that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.19 Policy GD2 requires that developments are physically and visually connected to and respect the form and character of the existing settlement and landscape. Furthermore, developments should retain as far as possible existing natural boundaries within and around the site, particularly trees, hedges and watercourses. Policy GD5 of the HLP requires developments to be located and designed in such a way that it is sensitive to its landscape setting and landscape character area and will be permitted where it respects and where possible enhances local landscape, the landscape setting and settlement distinctiveness. Policy GD8 requires development to achieve a high standard of design which is inspired by, respects and enhances local character and distinctiveness. Where appropriate development can be individual and innovative yet sympathetic to local vernacular. Development should respect the context and characteristics of the individual site, street scene and wider local environment to ensure that it is integrated as far as possible into the existing built form. Furthermore, development should protect existing landscape features, wildlife habitats and natural assets.

- 6.20 Policy H4 of the made KNP states that the character, scale, mass, density and layout of developments should fit with the surrounding area, including external roof and wall materials, and should not adversely impact on the visual amenity of the street scene or wider landscape views. Innovative and inventive designs with varied house types, building widths, styles, details, facing and roofing materials reflecting a varied street scene will be supported. On developments of ten or more dwellings, housing development should be predominantly two-storey with any three-storey dwellings being spread throughout the development. Schemes, where appropriate, should contain a fully worked up landscape proposal. Hedges and native trees should be retained.
- 6.21 The woodland within the grounds of 'The Nurseries' to the west of the site is identified as important woodland and an Ash tree on the eastern boundary of the site is identified as an important tree within policy ENV2 of the KNP. Policy ENV2 states that development proposals should be laid out and designed to avoid damage to or loss of woodland and trees of arboricultural and ecological significance and amenity value will be resisted. Proposals should be designed to retain such trees where possible. Trees that are lost or damaged should be replaced on a two-for-one basis using semi mature trees planted in accordance with the British Standard on Trees BS5837:2012. Major developments including residential development of ten or more dwellings should include a contribution to Green Infrastructure, the characteristic wooded appearance of the villages, and the principle of 'allowing space for trees' in the form of new planting, including street trees, spinneys and individual trees, at a scale appropriate to the size of the development, and on land allocated for the purpose. Policy ENV5 of the KNP identifies an important hedge along the southern boundary, however, no hedge is visible on the site. Policy ENV5 states that developments should be laid out and designed to avoid damage or loss of important hedgerows of historical and ecological significant and amenity value. Proposals should be designed to retain and manage such hedges where possible, and should incorporate existing hedgerows, wherever possible, as components of the landscaping, for example as parts of 'green ways'.
- 6.22 The application site adjoins a housing development on two sides, and 'The Nurseries' which is a large property in generous grounds to the west. The site is therefore relatively well contained by existing development and its visibility from the surrounding countryside is largely restricted to views from the south, including from along Fleckney Road. Officers do not consider that the development of the site would have a detrimental impact on the surrounding landscape or character of the village. In terms of policy GD2 given the site is now surrounded to the north and east by housing it appears visually and physically connected to the village.
- 6.23 The proposed building has been set back within the site taking advantage of the lower ground levels and reducing the prominence of the building from Fleckney Rd. The layout retains open space to the front of the site which is judged to be important given the edge of village location and would allow for views through to the adjacent woodland. The scale of the building is large in terms of its footprint; however, the building is two storeys in height which is consistent with the surrounding dwellings on Fleckney Rd. A selection of contextual sections showing the scale/massing of the building in its surroundings are shown in figure 11. The massing is broken up through the use of gables, varied roof and eaves heights, bays and differing materials.



Elevation G - Fleckney Road Street Scene @ 1:200



Elevation H - Contextual West Elevation @ 1:200



Elevation J - Contextual North Elevation @ 1:200

Figure 11. Contextual sections/Street scenes.

- 6.24 Concerns have been raised about the design of the modern entrance to the building in particular with residents stating this is not in keeping with the surrounding street scene. This element of the design does differ from the surrounding, more traditional character however, individual design is not prohibited within the relevant planning policy. This aspect is located in the centre of the site and will largely be screened by the more traditionally designed wing to the front. Officers consider it will act as a focal point when visiting the site, aiding with the legibility of the development and for this reason is acceptable. Otherwise the design is more traditional, responding to the surrounding area. The majority of the building would be constructed in red brick and a grey roof covering, similar to those dwellings which surround it (full details of materials are to be approved by condition). The mix of gable and hipped roofs and chosen complements the surrounding built form.
- 6.25 Concerns have also been raised with regards to the trees on site. A tree survey has been submitted. The centre of the site is devoid from trees but as outlined above most boundaries contain trees/hedgerow. Unfortunately, a number of trees on the site boundary are Ash trees, these are showing varying degrees of Ash dieback. In some of the trees the disease is at a very early stage but in others it is advanced to the point where the trees have been categorised as category U trees and should be considered for removal (Group 13). One other tree is identified as a category U tree and is identified for removal on the eastern boundary, this Ash tree (T3) is showing signs of Ash dieback but in addition has a primary failure of the main fork. The tree is not the 'Important Tree' identified within policy ENV2 of the KNP.
- 6.26 With the exception of the category U tree on the eastern boundary, trees are to be retained. In terms of the building, this avoids the Root Protection Areas (RPAs) of the trees with the exception of Group 13 where there is a minor incursion, given these trees are recommended for removal this is not judged to be unacceptable. Some of the fencing, surfacing and other landscaping may encroach into the RPAs as such it is

recommended that an 'Arboricultural Method Statement' which would include details of protective fencing etc should be submitted by condition and approved prior to works commencing on site.

- 6.27 In terms of proposed landscaping an indicative landscaping plan has been submitted. The grounds would be separated into community and private outdoor spaces for residents. These would need to be secure areas for security and safety- full details of all boundary treatments would be required by condition to ensure they are appropriate for the setting. Wildflower meadows are proposed to the perimeters of the site. Tree planting is proposed to the north, east and southern boundaries which includes proposals to ultimately replace the eventual loss of Ash trees along the eastern boundary in particular. New hedgerows are proposed to the roadside boundary and around the proposed sub-station. The re-instatement of the boundary hedge to the road to replace that historically lost is judged to be particularly important in the context of policy ENV2 KNP. Overall, the landscaping plans do lack detail in terms of the mix of planting/trees, surfacing, full details of boundary treatments and landscape management so full landscaping details would be requested by condition, yet the indicative proposals appear acceptable in principle.
- 6.28 To conclude, whilst the proposed building is large in scale, owing to the proposed siting on lower ground levels, the proposed heights and use of varying roof styles to break up the massing it is not judged to be out of keeping with the surrounding development. The site is well contained with residential development to the north and east and the set back of the building will reduce the visibility of the building on the approach on Fleckney Rd, such that the proposal would not be harmful to the edge of village location. Subject to full details the landscaping proposals are acceptable. As such the proposal is judged to comply with policies GD2, GD5 and GD8 of the HLP and H4, ENV2 and ENV5 of the KNP. The emerging policies in the KNP review would not materially impact the above assessment.
- 6.29 Should members be minded to approve the application for reasons of design and visual amenity, conditions are recommended requiring the submission of:
- A levels plan providing full details of the finished ground floor level/s of the building and any outbuildings in relation to existing site levels; and proposed site levels wherever they vary from existing site levels.
 - An arboricultural method statement
 - A landscaping scheme and management plan
 - Details of external materials

c) Highways

- 6.30 Policy GD8 of the HLP states that development will be permitted where it ensures safe access, adequate parking and safe, efficient and convenient movement for highways users. Policy IN2 states that development proposals should have regard to the transport policies of the Local Transport Authority and that development should provide safe access and parking arrangements and where possible protect or connect to existing pedestrian, cycle and equestrian routes. Policy T4 of the KNP states that the proposals in the KNP to address safety concerns identified by Parishioners will be supported involving the provision of new cycleways and footpaths, accessible to people with disabilities, linking village facilities and amenities. Policy T5 states that the

provision of traffic management solutions to address the impacts of traffic arising from development will be strongly supported. This includes either directly provided solutions or the use of contributions from development to contribute towards the costs of provision.

- 6.31 Concerns from residents include the provision of adequate parking and assumptions made regarding visitors/staff walking, cycling and travelling by bus to the site. Alongside concerns about the intensification of the surrounding roads, including in particular Fleckney Rd to the east of the site owing to parked cars as well as within the village centre.
- 6.32 There is currently no formal vehicular access to the site, although there is an unused farm access from Fleckney Road. A new access is proposed to Fleckney Road, which is a classified 'C' road subject to a 50mph speed limit to the west of the site, which reduces to 30mph at the western edge of the site frontage. LCC highways (LHA) are satisfied with the proposed access width of 6 metres, with 6 metre junction radii, and 2 metre width footways, access geometry is in accordance with the Leicestershire Highway Design Guide (LHDG).
- 6.33 To determine the appropriate visibility splays from the site access, the applicant has conducted a speed survey adjacent to the proposed site access, for a 7 day period, from Tuesday 18th January 2022 until Monday 24th January 2022. The calculated 85th percentile speeds (no wet weather adjustment is made) were 41.4mph eastbound and 42.4mph westbound. Therefore, based on the 85th percentile speeds, visibility splays of 2.4 x 107 metres west of the site access and 2.4 x 111 metres east of the site access are required in accordance with the LHDG, the submitted visibility splays accord with this. It is important to note that the visibility splays have therefore been calculated on the actual vehicle speeds, taking into account the comments raised with regards to drivers speeding. The submitted drawings also illustrates vehicular tracking for a refuse vehicle type and demonstrates it can successfully enter and exit the site in a forward gear.
- 6.34 The LHA has reviewed its Personal Injury Collision (PIC) database and there have been no PIC's within 500m of the proposed site access on Fleckney Road for the most recent five year period. Therefore, there are no patterns of PICs which would be exacerbated by the proposed development. In order to ascertain the number of vehicle movements likely to be generated by the proposed development, analysis has been undertaken by the applicant. Trip rates have been obtained for '05 Health - Care Home (Elderly Residential)' and are considered to be comparable. The LHA are satisfied with the TRICS selection criteria. It is anticipated the current proposals would generate approximately 10 trips in the AM peak hour, and approximately 10 trips in the PM peak hour. The LHA are satisfied the additional trips associated with the proposed development will not lead to an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. A Road Safety Audit has also been submitted and reviewed by the LHA, who accept the findings. Officers note the concerns of residents, particularly with regards to the number of parked cars along Fleckney Rd to the east of the site meaning traffic has to pass one-way. However, the number of trips are not judged by the LHA to be so significant as to lead to an unacceptable impact on highway safety.
- 6.35 The proposed site plan illustrates a total of 36 car parking spaces, which includes three accessible spaces, a separate parking bay for an ambulance is also proposed near the entrance. Six cycle parking spaces will also be provided in a secure area on site.

Figure 12 below shows a summary of the applicants calculations to determine the total parking provision required, this is in accordance with the LHDG and accepted by the LHA.

Minimum Parking Standard	Extent of Proposed Development	Minimum No. of Spaces
1 space per 4 bedrooms	72 bedrooms	18
1 space per member of staff	15 staff	15
Total Minimum Car Parking Provision		33

Figure 12. Required parking provision calculation (Transport Statement)

Residents have questioned the parking calculations, with specific concerns about the assumed number of staff and parking during change over time and visiting time. In response the applicants have provided the below diagram and information (Fig. 13). The applicants state that statistics show that 60% of care home staff typically travel by public transport, walk, cycle or are given lifts, however, for this application the applicants have made an allowance for the site location and have therefore assumed 40% of staff will travel by the above means. Officers judge this to be appropriate weighing up that whilst the site is judged to be sustainable with proposed footpath links, and opportunities to cycle, it is at the edge of the village with the bus stop located approximately ~15 minutes walk away. The submitted timeline suggests the busiest period will be at staff change over time between 1:45 and 2:15pm where there would be a predicted 10 cars leaving and 10 cars arriving. This is outside of peak travel times and visiting times, in total (with support staff, potentially a doctor or hairdresser on site) the applicants predict that at this busiest time there could be a total of 28 no. cars/motorcycles parked during this period. Given the total number of 36 spaces (excluding the ambulance space) this is judged to be acceptable and the parking provision is accepted by the LHA.

- 6.36 As outlined earlier in the report, the application includes a footpath link to the existing footpath, this is judged to be necessary to enable staff/visitors to walk to the site and to link the proposal to the village. A condition is recommended requiring this and other highway/parking arrangements to be in place prior to first occupation of the development.
- 6.37 A construction traffic management plan has not been submitted, officers recommend that this is required via condition. S106 contributions are requested as outlined in Appendix B and include contributions to the A6 cumulative impact study.
- 6.38 Overall the impact on the highway network is not considered to be unacceptable, the proposal is considered (subject to conditions) to comply with policies GD8 and IN2 of the HLP and policies T4 and T5 of the KNP.

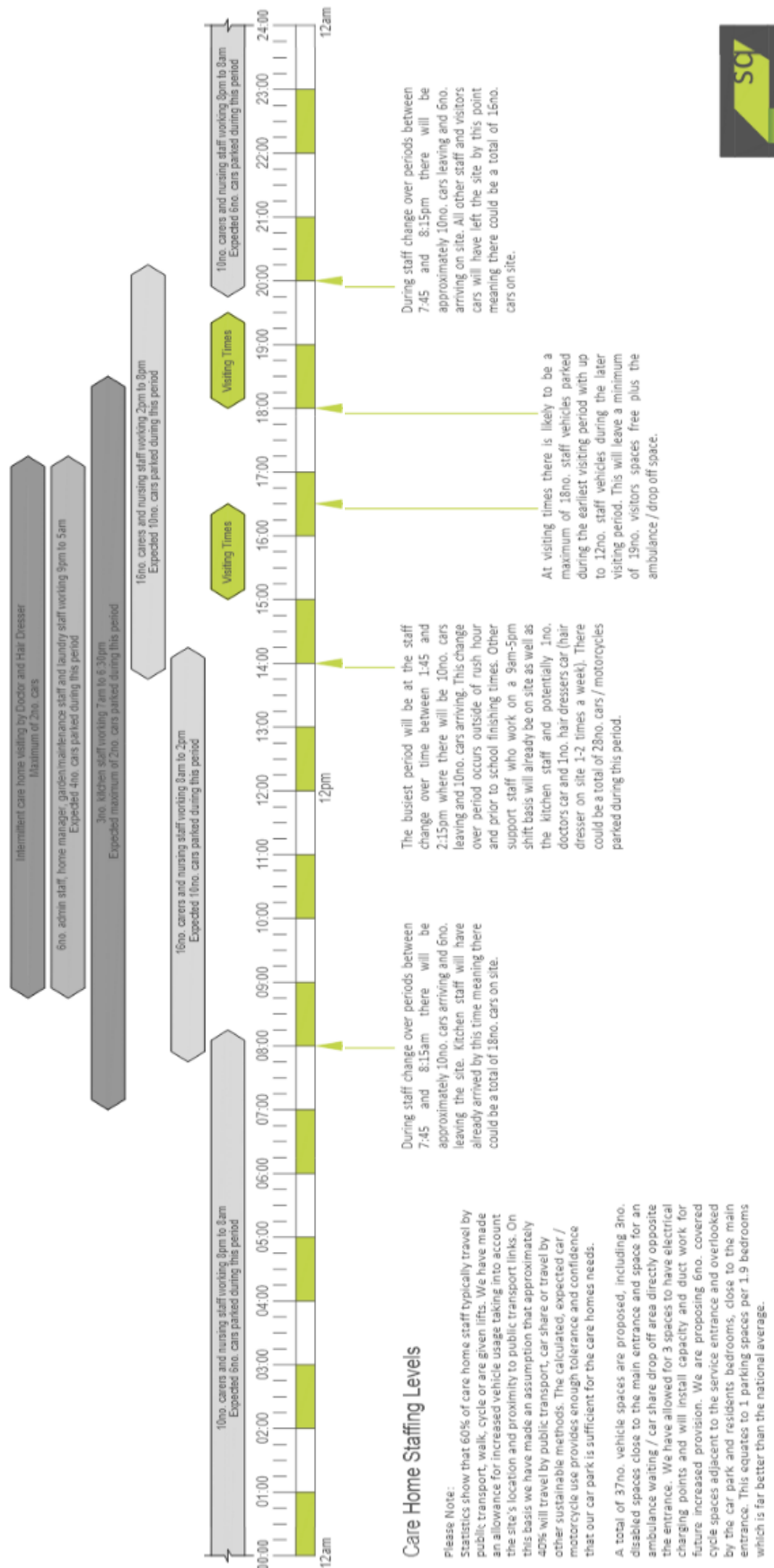


Figure 13. Parking and staffing levels

d). Residential Amenity

- 6.39 Policy GD8 of the HLP states that development should be designed to minimise impact on the amenity of existing and future residents through loss of privacy, overshadowing and overbearing impact. Nor should developments generate a level of activity, noise, vibration, pollution of unpleasant odour emission which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions. HDC's Development Management Supplementary Planning Document (SPD) also contains guidance relating to neighbouring amenity standards, including separation distances, however, such standards are applied flexibly as noted in the guidance.
- 6.40 The proposal exceeds the SPD separation distances to all surrounding residential properties. The closest separation distance is between Nos 19a and 21 Wagtail Avenue and the proposed service area of the building, at this point the proposed building would be single storey and flat roofed. The separation distance is 16.5m which is acceptable to a single storey structure. A condition is recommended ensuring that the flat roof of this area is not used for amenity purposes and is only accessed for maintenance/access to plant/machinery. Where windows are proposed in the east elevation of the care home, there is a separation distance of at least 36m to the rear elevations of Wagtail Avenue properties. In terms of the northern elevation, the closest dwelling is No.29 Wagtail Avenue, the side elevation of No.29 faces the site and contains no habitable room windows. A balcony for the lounge area is proposed at first floor which may introduce some overlooking to the garden of No.29, however, the separation distance is at least 21m which meets the SPD guidance. In terms of 'The Nurseries' the separation distance between the dwelling and proposed building would be over 40m which is acceptable.
- 6.41 It is acknowledged that the existing residents of Wagtail Avenue and The Nurseries benefit from the undeveloped nature of the site and the proposal will introduce new built form and with that additional perceived losses of privacy. However, the proposed building is sited an acceptable distance from the surrounding properties with landscaping along the boundaries which will also screen the development in part. Overall, the proposal would not result in adverse overdominance, loss of light or privacy to surrounding residents.

Noise and Disturbance

- 6.42 The applicants have submitted a noise assessment which has been reviewed by HDC's Environment Team. Although generally considered a quiet location the assessment found that road traffic noise was the dominant noise source affecting the site, especially the southern boundary due to the proximity to the road. With regards to proposed noise from the development the main concern relates to the potential for noise pollution from the site emanating from plant units, vehicle movements, and/or extractors/exhaust flues that may be required on the site, and their potential impact on nearby residents.
- 6.43 The methodology for the assessment was to collate base noise data for the site/surroundings and then compare this to potential noise levels. With regards to the latter the applicant operates a comparable Care Village in Lincoln where a 24 hour noise survey was undertaken for comparison. The noise assessment produced aims to assess the impact of the proposed development on the local area and also for the future residents of the development. The British Standards quoted and assessed

against are deemed appropriate for such assessments, namely BS8233 for internal noise levels, WHO guidance levels for outside space and BS4142 for an assessment of the impact of the development itself on the surrounding area.

- 6.44 To ensure that the internal noise levels within the proposed development are acceptable the report recommends insulating glazing is installed and suggests the use of ventilation without the need for opening windows, although acknowledged that even with partially open windows acceptable noise levels can be achieved. In terms of existing residents surrounding the site the report found that complaints are unlikely. HDC's Environment Team are satisfied with the submitted noise assessment, providing that a scheme is submitted outlining the operation of plant and machinery on site. A condition requiring the submission of a construction management statement is also recommended by officers. Subject to these conditions the proposal is unlikely to give rise to adverse noise and disturbance.
- 6.45 To conclude, conditions are recommended with regards to noise, construction management and the use of the flat roof areas, subject to these conditions the proposal is judged to comply with policy GD8 of the HLP.

e) Flooding/Drainage

- 6.46 Policy CC4 of the HLP refers to sustainable drainage, the policy requires all major development to incorporate sustainable drainage systems (SuDS). Policy ENV8 of the KNP requires development to take account of its location, to includes SuDS where appropriate and not increase the risk of flooding downstream.
- 6.47 The application site is located in Flood Zone 1. There is an unnamed watercourse along the eastern boundary of the site, therefore the site is at low risk of fluvial flooding and a low to medium risk of surface water flooding. The proposals seek to discharge at 5 l/s via pervious paving and two on-line attenuation tanks to the on-site watercourse at the site's northern boundary.
- 6.48 Following submission of a more detailed surface water drainage plan and overland flow details LCC as Lead Local Flood Authority (LLFA) considered that the applicant has submitted a revised Flood Risk Assessment sufficient for the type of application and scale of the development. The LLFA advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA subject to conditions requiring a full surface water drainage strategy, details in relation to the management of surface water during construction and a maintenance plan to be submitted and approved. Subject to these conditions the proposal is judged to accord with policy CC4 of the HLP and ENV8 of the KNP.

f) Ecology

- 6.49 Policy GI5 of the HLP states that developments will be permitted when there will be no adverse impact on the conservation of priority species, irreplaceable habitats, nationally designated or locally designated sites, unless in all cases, the need for, and benefits of, the development clearly outweigh the impacts. Developments should also contribute towards protecting and improving biodiversity through protecting and enhancing habitats and populations of priority species. Policy ENV3 of the KNP states that development proposals should protect local habitats and species, in accordance with the status of the site, especially those identified as candidate (cLWS), proposed (pLWS) or validated Local Wildlife Sites (LWS), or those covered by relevant English and European legislation, and, where possible, to create new habitats for wildlife. Policies ENV2 and ENV5 relates to the protection of trees and hedges as outlined in

- para. 6.21.
- 6.50 The applicant has carried out an ecology survey and this has been reviewed by LCC ecology. Whilst concerns have been raised with the surveys undertaken by residents, LCC's ecology department were satisfied with the surveys subject to a badger survey being undertaken. The applicants were unable to access the adjacent woodland to carry out further badger surveys, as such they have provided a badger method statement which outlines precautionary working methods for badgers. This was subsequently accepted by LCC subject to conditions.
- 6.51 Conditions are required requiring for a pre-demolition nesting bird check if the onsite sheds were demolished within the March - July inclusive nesting season (swallow were nesting in the sheds). Two groups of three swallow nest cups will be required on suitable locations on the building, if there are no suitable structure on site, a purpose made shelter should be constructed.
- 6.52 Residents and Kibworth PC refer to the rare Adders Tongue amongst other plants being present less than 100m to the east in the Harcourt Grove estate off Cuckoo Drive. Concerns have been raised with the level of survey for this application. However, survey included an assessment of fauna and flora on the site and did not find any notable species such as Adders Tongue.
- 6.53 In terms of the site layout the LCC ecologist is satisfied with the layout, with trees retained on the whole. A Biodiversity Net Gain report has not been undertaken, however, the indicative landscaping proposals show areas of wildflower meadows, enhanced tree planting and hedgerow planting which would improve biodiversity to some degree. It is recommended that this is addressed via the landscape condition.
- 6.54 Subject to the aforementioned conditions the proposal is judged to comply with policies GI5 of the HLP and ENV2, 3 and 5 of the KNP.

g) Archaeology

- 6.55 The application site is adjacent to an Iron Age and Roman occupation site and previous archaeological investigations revealed archaeological evidence. The applicants were therefore asked to submit a Written Scheme of Investigation (WSI) as part of the pre-application advice given by officers. A WSI has been submitted which details the use of trial trenching on site and details the recording, dissemination and deposition of finds.
- 6.56 At the time of writing, despite prompts no formal comments have been made by LCCs archaeology department.
- 6.57 In the absence of comments from LCCs archaeology department officers consider it necessary to condition that the development is carried out in accordance with the submitted WSI. Subject to this condition the application complies with policy HC1 of the HLP.

h) Climate Change

- 6.58 As a major development policy CC1 of the HLP is also relevant to this proposal. The policy states that development will be permitted where it demonstrates:
- a. how carbon emissions would be minimised through passive design measures;
 - b. the extent to which it meets relevant best practice accreditation schemes to promote the improvement in environmental and energy efficiency performance;

- c. how the development would provide and utilise renewable energy technology;
 - d. whether the building(s) would require cooling, and if so how this would be delivered without increasing carbon emissions;
 - e. how existing buildings to be retained as part of the development are to be made more energy efficient;
 - f. how demolition of existing buildings is justified in terms of optimisation of resources in comparison to their retention and re-use; and
 - g. how carbon emissions during construction will be minimised.
- 6.59 Policy H4 of the KNP states that developments, where appropriate, should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency.
- 6.60 The applicants submitted a 'Sustainability Assessment', this was assessed by the HDC Environment Coordinator who raised concerns that the application does not specifically address the requirements of policy CC1 in providing details of the approach to reducing emissions. The applicant had provided an undertaking to follow the energy hierarchy, which was welcomed and initially identified a reduction in carbon emissions of at least 5% against AD Part L2a Compliance. However, this was judged to be below the level of reductions required to meet the budgets set by the HDC Committee on Climate Change. Further information was requested, and the applicants later submitted an Energy Strategy Report.
- 6.61 The Energy Strategy Report expands on some of the earlier concepts, a summary of the proposed strategy is seen below:

Summary

The following summarises the key drivers of the energy strategy for the development:

- Enhanced building fabric performance has been targeted through improved thermal performance and reduced air permeability.
- Energy efficient heating, domestic hot water, cooling, ventilation, and lighting systems throughout.
- Energy efficient controls for HVAC and lighting to minimise building in-use energy.
- An initial desk top study was undertaken to assess the most viable low zero carbon technologies for proposed implementation to achieve compliance with the local planning policy.
- A ground source heat pump in addition to the above was found to provide a 33% reduction in carbon emission rate compared to the Building regulations target emissions rate. This renewable technology was found to be the most rewarding for the care home as it allows to provide a large decrease in CO2 emissions and comply with 2021 building regulations, based on the findings in section 7, whole life cycle cost, spatial considerations and impact to the local population/building aesthetics.

The conclusion of the conceptual design stage energy strategy is to provide energy efficient technologies and an enhanced fabric performance from the constructions of the project. This solution provides a route to compliance with an Approved Document Part L2A:2013 as of the Building Regulations for the proposed development. With the use of Ground Source Heat Pumps and enhanced fabric performances the development has been able to achieve a 33% reduction in CO2 emissions against the 2013 requirements as well as being able to comply with the new Building regulations Part L2 2021 approved document.

- 6.62 In addition to this the proposal includes a secure bicycle store and three spaces are proposed to have electric vehicle (EV) charging points with ducting proposed for future expansion as required.

- 6.63 Officers consider that the proposal addresses policy CC1 a-d, CC1 e-f are not relevant. Policy CC1(g) has not been addressed and further details of how carbon emissions will be minimised during construction are recommended by condition. Furthermore, owing to a lack of detail in their placement officers recommend that plans are submitted and approved showing the location of the ground source heat pumps and EV charging points. Subject to these conditions the proposal is judged to comply with policy CC1 of the HLP and H4 of the KNP.

i) Air Quality and Land Contamination

- 6.64 Policy GD8 of the HLP requires that developments identify the need for any decontamination and implement this to an agreed programme and that they should ensure that any contamination is not relocated elsewhere. Policy T6 of the KNP states that planning decisions should take account of the impact on air quality in the Plan area, supporting proposals which will result in the improvement of Air Quality or minimise reliance upon less sustainable forms of transport.
- 6.65 HDCs Environment Team have reviewed the proposal and have raised no concerns with regards to air quality. In terms of land contamination, conditions are recommended in Appendix A requiring submission of contamination reports. Subject to this condition the proposal complies with the aforementioned policies.

k) S106 Obligations and Affordable Housing

- 6.66 Planning obligations, also known as Section 106 Agreements (based on that section of The 1990 Town & Country Planning Act) are legal agreements made between local authorities and developers and can be attached to a planning permission to make a development acceptable (which would otherwise be unacceptable in planning terms).
- 6.67 Those obligations can encompass, for example, monetary contributions (towards healthcare, libraries or education), mechanisms for the provision of affordable housing, the on-site provision of public open space / play areas, or off site works (highway improvements), as long as the obligation meets the three statutory tests of The Community Infrastructure Levy Regulations 2010 (No. 948) (as amended) – “CIL”.
- 6.68 As per CIL Regulation 122, planning obligations must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 6.69 These legal tests are also set out as policy tests in the NPPF.
- 6.70 Policy IN1 of the HLP states that new development will be required to contribute to funding the necessary infrastructure which arises as a result of the proposal, and that these will be in addition to the affordable housing requirement of policy H2. More detailed guidance on the level of District and County contributions is set out in the HDC Planning Obligations Supplementary Planning Document (Jan 2017) and the Leicestershire County Council Planning Obligations Policy (July 2019).
- 6.71 Policy H2 of the Local Plan requires a 40% affordable housing contribution for all housing sites of more than 10 dwellings. HDC received legal advice for previous

applications and as the proposal would be classed as C2 accommodation no affordable housing contribution will be sought.

6.72 A number of other requests have been made for contributions to be secured through a section 106 legal agreement, these have been requested from the following consultees:

- HDC Public Open Space
- HDC Community Facilities
- NHS Primary Care Trust
- LCC highways contributions

6.73 These requests which are considered CIL compliant are outlined in Appendix B.

I) Material Considerations

6.74 Section 149 of the Equality Act 2010 created the public sector equality duty. It states:-

“A public authority must, in the exercise of its functions, have due regard to the need to:

- *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act, 2010, in the determination of this application.

7. The Planning Balance / Conclusion

7.1 The site is outside of the KNP LtD and therefore conflicts with policy SD1 of the made KNP. However, the HLP is the more up-to-date policy and therefore should be given greater weight in the determination of the application. As outlined above, given the surrounding residential development to the north and east the site is judged to adjoin the existing built-up area of Kibworth Beauchamp. Following the submission and review of the needs assessment the proposal is judged to comply in principle with policy GD2 and H4 of the HLP. Furthermore, in light of the compliance with the relevant HLP policies, the proposal would not conflict with the emerging KNP review, however, this is given limited weight at present.

7.2 Officers consider that subject to conditions, the design of the proposal, highway arrangements and other technical matters complies with the relevant policies of the HLP and KNP.

7.3 In terms of the three strands of sustainable development, social benefits include that the proposal would contribute to the supply of residential care units, specifically nursing and dementia care beds for which there is a greater need. Residents that would live in the care home as well as visitors and members of staff may use and support local services, facilities and businesses and therefore the proposal is likely to make a positive contribution to the local economy. The construction of the development would

create opportunities for local builders, tradesmen and merchants. When operational the care home would also provide opportunities for employment. This has the potential to create local employment opportunities. The environmental benefits are less defined as the proposal would result in the development of a largely greenfield site. Nonetheless no ecological harm has been identified, the landscaping proposals are judged to be acceptable, and the applicants have addressed how they would mitigate against the effects of climate change.

Appendix A- Conditions/Informatives

APPENDIX A- Planning Conditions and Informatives

1. Full Planning Permission Commencement

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

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

2. Approved Plans

The development hereby permitted is in accordance with the approved plans:

Proposed Site Plan T0405-105 Rev A
External Stores as Proposed T0405-204 Rev A
Proposed Ground Floor Plan T0405-010 Rev A
Proposed First Floor Plan T0405-011 Rev A
Proposed Elevations- Sheet 1 T0405-120 Rev A
Proposed Elevations- Sheet 2 T0405-121 Rev A
Proposed Elevations- Sheet 3 T0405-122 Rev A
Proposed Elevations- Sheet 4 T0405-123 Rev A
Proposed Elevations- Sheet 5 T0405-124 Rev A
Proposed Elevations- Sheet 6 T0405-125 Rev A

REASON: For the avoidance of doubt.

3. Materials to be submitted/approved

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

REASON: To safeguard the appearance of the development and the character and appearance of the area, having regard to Harborough Local Plan Policy GD8, The Kibworth Villages' Neighbourhood Development Plan Policy H4 and the National Planning Policy Framework.

4. Landscaping plan

Prior to the first occupation of any of the dwellings hereby approved, a Landscape Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall include the following details:

- a statement setting out the design objectives and how these will be delivered;
- planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes, types, forms and proposed numbers/densities where appropriate;
- earthworks showing existing and proposed finished levels or contours;
- means of enclosure and retaining structures;
- boundary treatments;
- hard surfacing materials;
- lighting, floodlighting and CCTV;
- an Implementation and Management Programme, including phasing of work where relevant

Thereafter, the landscape scheme shall be implemented in accordance with the approved details.

REASON: To ensure that the development includes landscaping, planting, boundary treatments and surfacing materials which are appropriate to the character and appearance of the development and the surrounding area, to protect drainage interests (promote sustainable drainage) and highway interests (prevent deleterious material and surface water entering the highway) having regard to Harborough Local Plan Policies GD2, GD5, GD8, and CC4, The Kibworth Villages' Neighbourhood Development Plan Policies H4, ENV2, ENV5 and ENV8 and the National Planning Policy Framework.

5. Arboricultural Method Statement

No development shall commence on site, including site clearance and preparation works, until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall include numbering and categories of all trees, details of trees to be retained, details of root protection areas, routing of service trenches, overhead services and carriageway positions and any details of "no-dig" techniques for roadways, paths or other areas, along with associated use of geotextiles, and an indication of the methodology for necessary ground treatments to mitigate compacted areas of soil.

No development shall commence on site, including site clearance and preparation works, until the trees have been protected in accordance with the approved Arboricultural Method Statement.

REASON: To safeguard the character and appearance of the development and the surrounding area having regard to Harborough Local Plan Policies GD2, GD8, The Kibworth Villages' Neighbourhood Development Plan Policies H4 and ENV2 and the National Planning Policy Framework.

6. Construction Method Statement

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of construction materials
- c) wheel cleaning facilities and road cleaning arrangements;
- d) measures to control the emission of dust and noise during construction;
- e) a timetable for the provision of the above measures (a-d)

- f) scheme for recycling/disposing of waste resulting from site preparation and construction works;
- g) hours of construction work, site opening times, hours of deliveries and removal of materials;
- h) full details of any piling technique to be employed, if relevant;
- i) location of temporary buildings and associated generators, compounds, structures and enclosures
- j) routing of construction traffic
- k) Contact details for site manager, including how these details will be displayed on site.

The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general, to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users and to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area. Having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

7. Flat roof area of plant room not to be used as amenity area

The roof area of the 'laundry, kitchen, and staff rooms' hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

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

8. Surface Water Drainage Scheme

No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site having regard to Harborough Local Plan Policies CC3 and CC4, The Kibworth Villages' Neighbourhood Development Plan Policy ENV8 and the National Planning Policy Framework.

9. Surface Water Management During Construction

No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase having regard to Harborough Local Plan Policies CC3 and CC4, The Kibworth Villages' Neighbourhood Development Plan Policy ENV8 and the National Planning Policy Framework.

10. Long-term Maintenance of the Surface Water Drainage System

No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface

water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development having regard to Harborough Local Plan Policies CC3 and CC4, The Kibworth Villages' Neighbourhood Development Plan Policy ENV8 and the National Planning Policy Framework.

11. Badger Method Statement

No development shall commence on site, including site clearance and preparation works, until an Badger Method Statement has been submitted to and approved in writing by the Local Planning Authority.

An initial Ground Penetrating Radar survey will be conducted along the western boundary in accordance with the submitted cover letter and risk assessment by Crestwood Environmental. A report of the findings (including if negative) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development on site.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Harborough Local Plan Policy GI5, The Kibworth Villages' Neighbourhood Development Plan Policy ENV3 and the National Planning Policy Framework.

12. Pre-demolition nesting checks

No existing structures on site shall be demolished within the March-July inclusive nesting season until a suitably qualified ecologist has carried out a pre-demolition nesting bird check and is satisfied that demolition can occur.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Harborough Local Plan Policy GI5, The Kibworth Villages' Neighbourhood Development Plan Policy ENV3 and the National Planning Policy Framework.

13. Swallow nest cups

Prior to first occupation of the development hereby approved, details showing the installation of two groups of three swallow nest cups in suitable locations on the building(s) shall be submitted to and approved in writing by the Local Planning Authority. If there is no suitable structure on site, a purpose made shelter should be constructed. Details should include a plan showing the location of the nest cups, details of specifications of the cups, if relevant details of the purpose built shelter and photographs showing the installed nest cups.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Harborough Local Plan Policy GI5, The Kibworth Villages' Neighbourhood Development Plan Policy ENV3 and the National Planning Policy Framework.

14. EV charging points

Prior to construction of any external walls or the installation of electric vehicle charging points or associated infrastructure (whichever is sooner), details showing the location and number electric vehicle charging points to be installed in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be carried out in accordance with the approved details.

REASON: To ensure that the development is designed to reduce carbon emissions and contributes to the reduction of greenhouse gases, having regards to Harborough Local Plan Policy CC1 and the National Planning Policy Framework.

15. Ground source heat pumps

Prior to construction of any external walls or the installation of ground source heat pumps or associated infrastructure (whichever is sooner), details showing the location, number and specification of the ground source heat pumps to be installed in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be carried out in accordance with the approved details.

REASON: To ensure that the development is designed to reduce carbon emissions, contributes to the reduction of greenhouse gases and incorporates renewable energy technology having regards to Harborough Local Plan Policy CC1 and the National Planning Policy Framework.

16. Compliance with Energy Strategy

The development hereby approved shall be carried out in accordance with the submitted 'Energy Strategy Report' by Harness Consulting.

REASON: To ensure that the development is designed to reduce carbon emissions, contributes to the reduction of greenhouse gases and incorporates renewable energy technology having regards to Harborough Local Plan Policy CC1 and the National Planning Policy Framework.

17. Strategy for minimising carbon emissions during construction

No development shall commence on site until a strategy outlining how carbon emissions will be minimised during construction of the development has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development is designed to reduce carbon emissions, contributes to the reduction of greenhouse gases and incorporates renewable energy technology having regards to Harborough Local Plan Policy CC1(g) and the National Planning Policy Framework.

18. Compliance with noise survey

The development hereby approved shall be carried out in accordance with the submitted 'Environmental Noise Assessment Report' by bsp.

REASON: In the interests of the amenities of nearby occupiers, and in accordance with Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

19. Operation of plant to be approved

Plant and machinery, including ventilation and air conditioning plant, shall only be operated on the site at times and in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenities of nearby occupiers, and in accordance with Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

20. Access Arrangements

No part of the development hereby permitted shall be occupied until such time as the access and footpath arrangements shown on Proposed Site Access and Swept Path Analysis drawing number TWCH-BSP-ZZ-XX-DR-S-0001 Rev P02 have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5 and the National Planning Policy Framework.

21. Vehicular Visibility Splays

No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 120 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5 and the National Planning Policy Framework.

22. No gates, barriers, bollards etc to the access

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

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5 and the National Planning Policy Framework.

23. Parking and Turning

The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan drawing number T0405-105 Rev P2 . Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5 and the National Planning Policy Framework.

24. Travel Plan

No part of the development hereby permitted shall be first occupied until the Full Travel Plan, reference TWCH-BSP-ZZ-XX-RP-D-0003-P03_Travel_Plan, which sets out actions and measures with quantifiable outputs and outcome targets has been implemented in accordance with the approved details.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5 and the National Planning Policy Framework.

25. Compliance with WSI

The development hereby approved shall be carried out in accordance with the submitted 'Written Scheme of Investigation for archaeological trial trenching' by Wardell Armstrong.

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

26. Risk Based Land Contamination Assessment

No development (except any demolition permitted by this permission) shall commence on site, or part thereof, until a Further Risk Based Land Contamination Assessment, as recommended by BSP consulting Phase I Desk Study Report Fleckney Road, Kibworth, Leicestershire Ref: TWCH_BSP_ZZ_XX_RP_S_0001, 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:

- BS10175:2011+A2:2017 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8576:2013 Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs) and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- Or any documents which supersede these.

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.
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings • Or any documents which supersede these.

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.
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014
- Or any documents which supersede these.

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

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 170, 178 and 179 of the NPPF and Harborough Local Plan Policy GD8.

27. Completion/Verification Investigation Report

Prior to occupation of the completed development, or part thereof, Either

1) If no remediation was required by the above condition a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Planning Authority, or

2) A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to the whole development, or part thereof, 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 Paragraph 170, 178 and 179 of the NPPF and Harborough Local Plan Policy GD8.

Informatives

1. Building Regs
2. Party Wall
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

4. Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.
5. The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk
6. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087
7. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087
8. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
9. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087
10. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
11. 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.
12. With regards to condition 8, the scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
13. With regards to condition 9, details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
14. With regards to condition 10, details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual property ownership. For commercial

properties (where relevant), this should also include procedures that must be implemented in the event of pollution incidents.

Appendix B- S106 Table

Request by HDC	Obligation for Community Facilities contribution		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Charge per bedroom £41,668 depending on finalised room numbers	1 st trigger point- 100% prior to commencement POTENTIAL PROJECTS Enhancement of the Grammar School Community Hall and Library Pg. 190 & 193 Built Facilities Strategy Harborough Final report 200220 v5.2 (10).pdf Project to be confirmed after the time of obligation receipt. On receipt, money will be allocated through Harborough District Council's robust, CIL compliant	Necessary to make development acceptable in planning terms • HDC Planning policy states that for a development of this scale, a community facilities contribution is required to make this development acceptable in planning terms • The calculation above is based on recent Planning Obligations Supplementary Planning Document approved in September 2016 and published in January 2017. A copy can be found at:- http://www.harborough.gov.uk/directory_record/559/section_106_planning_guidance . • HDC consider the Community facility contribution justified and necessary to make the development acceptable in planning terms with accordance with the relevant national and local policies and the additional demands that would be placed on key facilities as a result of the proposed development. Whilst some private facilities are proposed on site, future residents will access community facilities. Directly related to the development • The contribution request has been justified using evidence of need for the community facilities based in the Parish of Kibworth. • Any Community Facilities contribution would be allocated to projects supporting community facilities in the Parish of Kibworth. Therefore, the contribution requirement is directly related to the development because the contribution would be used for the	Harborough District Local Plan. Harborough District Council Planning Obligations Supplementary Planning Document 2022 Harborough District Council Parish Profiles March 2017 Community Facilities Refresh Assessment May 2017 Built Sports Facilities Strategy 2019 Harborough Final Final report 200220 v5.2 (10).pdf

	grant process (projects are scored against CIL compliance criteria).	<p>purpose of providing additional capacity through Community Facility projects.</p> <ul style="list-style-type: none"> The projects evidenced will benefit the new residents of the proposed development. <p>Fairly and reasonably related in scale and kind to the development</p> <ul style="list-style-type: none"> The proposal is for residential development (72 rooms/dwellings) and subsequent provision of Community Facilities providing benefit to future occupiers is fairly and reasonably related to this type (Kind) of development. HDC consider the Community Facilities request to be fair and reasonable in scale and kind to the proposed scale of the development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the locality's Community Facilities. 	
Request by HDC	Open Space		
Amount /Detail	Delivery	CIL Justification	Policy Basis
See separate POS Obligation Table below	See separate POS Obligation Table below	See separate POS Obligation Table and para. 4.15 of the report.	<p>Harborough District Council Planning Obligations Supplementary Planning Document 2022</p> <p>Harborough District Council Playing Pitch Strategy</p> <p>HLP Policy GI2</p> <p>HLP Policy IN1</p>
Request by NHS CCG	GP Practice		
Amount /Detail	Delivery	CIL Justification	Policy Basis

£12, 788.90	The CCGs and the practices would wish for any resulting S106 contributions to be released to the council prior to the first occupancy of any bedrooms on the site.	<p>An increase in the combined list will create additional pressure on clinicians and admin teams within the area.. An increase in the combined list will create additional pressure on clinicians and admin teams within the area.</p> <p>An increase in the combined list will create additional pressure on clinicians and admin teams within the area.</p> <p>An increase in the combined list will create additional pressure on clinicians and admin teams within the area.</p> <p>The indicative size and cost of a new development has been calculated based on current typical sizes of new surgery projects factoring a range of list sizes recognising economies of scale in larger practices.</p> <p>The cost per sqm has been identified by a qualified Quantity Surveyor experienced in healthcare projects</p> <p>The cost of providing an extension for 135.52 patients based on the following standard information;</p>	<p>Harborough District Local Plan</p> <p>Harborough District Council Planning Obligations Supplementary Planning Document 2022</p> <p>Leicestershire Planning Obligations Policy Adopted 10th July 2019http://www.leics.gov.uk/dev_cont_update_121207-2.pdf.</p>
Request by LCC	Highways		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>1. Contribution to the wider highway network along the define A6 corridor</p> <p>£56,000</p> <p>2. Travel packs for each employee</p>	TBC	<p>1. To accommodate the wider growth in the areas identified within the A6 study report.</p> <p>2. To inform new employees from first occupation what sustainable travel choices are available in the surrounding area.</p> <p>3. To encourage employees to use bus services as an alternative to the private car.</p> <p>4. To ensure effective implementation and monitoring of the Framework Travel Plan submitted in support of the Planning Application.</p>	<p>Harborough District Local Plan</p> <p>Harborough District Council Planning Obligations Supplementary Planning Document 2022</p> <p>Leicestershire Planning Obligations Policy Adopted 10th July 2019</p>

<p>(Can be supplied by LCC at £52.85)</p> <p>3. Six-month bus pass per employee</p> <p>(Can be supplied through LCC at (average) £360.00 per pass))</p> <p>4. Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after first occupation.</p> <p>5. Travel Plan monitoring</p> <p>£6000</p>		<p>5. In the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use, to enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement and to ensure effective implementation and monitoring of the Travel Plan submitted in support of the Planning Application.</p>	
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Site:	The Nurseries Kibworth		notes; The site generates the on site provision as set out below. The will be an off site contributiosn required for cemetery and burial ground provision or enhancement and for greenway provision or enhancement. Semi natural and natural greenspace may be provided on site or a pro rata sum for off site contributions will be sought.		
Ref	22/00692/FUL				
Dwelling Number	72				
Assumed Population	72				
All figures are from Provision for Open Space Sport and Recreation 2021					
POS type		Minimum Area (ha)	Commuted sum for maintenance per ha	Total commuted maintenance for minimum area of POS (payable only if the POS is adopted by DC or PC)	Off site contribution if required
Parks and Gardens 0.5ha per 1000 pop	on site	0.036	£574,757.00	£20,691.25	
Outdoor Sports Facilities 1.6ha per 1000 pop	not required		£141,111.00	£0.00	
Amenity Greenspace 0.9ha per 1000 pop	on site	0.0648	£224,692.00	£14,560.04	
Natural and Semi Natural Greenspace*	rural areas 8.5ha per 1000 pop	0.612	£260,117.00	£159,191.60	£79,488.00
Children and Young People Provision 0.3ha per 1000 pop	not relevant	0.0216	£3,051,803.00	£65,918.94	
Allotments/Communit y garden 0.35ha per 1000 pop	on site	0.0252	£60,223.00	£1,517.62	
Greenways 1.3ha per 1000 population	off site	0.0936	provision of additional signage and other enhancements of the sustainable travel infrastructure		£8,856.00
Cemeteries and Burial Grounds 0.375ha per 1000 pop	Off site contribution				£5,688.00
Total		0.8532			£94,032.00
All POS to be provided on site, except Cemeteries and Burial Grounds, Greenway and balance of natural and seminatural greenspace contribution. Any off site contributions to be through negotiation of S106 with officers. If off site contributions are required this will either be for enhancement of existing facilities or provision of new facilities within the accessibility thresholds of the site for each typology. If more Open Space than the minimum provision for any typology is proposed by the developer, then commuted sums will be calculated on a pro rata basis.					
Conclusion and contributions sought including appropriate projects.	Parks and Gardens	0.036 ha of parks and gardens to be provided on site. To provide opportunities for socialising.			
	Outdoor Sports	not applicable for this development			
	Amenity Greenspace	0.0648ha of informal greenspace for recreation			
	Natural and Semi Natural Greenspace	0.612ha of greenspace biodiversity and habitat			
	Children and Young People	not applicable for this development			
	Allotments	0.0252ha of allotment or community garden for growing crops to promote social interest and wellbeing			
	Greenways	£8,856.00 off site contribution for enhancement of accessibel links to the countryside and into the village. To enhance accessibilty for those with reduced movement or mobility			
	Cemeteries	£5,688.00 off site contribution for the provision of new burial spaces or enhancement of existign cemetery and burial sites for next of kin.			
CIL Compliance	Necessary to make development acceptable in planning terms	The Open Spaces Strategy 2021 and Provision for Open Space and recreation 2021 (both adopted as policy in 2021) set out the POS requirements for addition of dwellings over 10 dwellings.			
	Directly related to the development	The contributions have been calculated using data for The Kibworths and are directly related ot the size of the development. Inappropriate contributions for this type of development have not been sought.			
	Fairly and reasonably related in scale and kind to the development	The contributions are in proportion to the size of the development and relate to the new population taking into account the minimum quantity provision and existing population within the accessibility thresholds. The natural and semi natural greenspace contributions will mitigate the effects of climate change and benefit the			
Pooling	No more than 5 contributiosn to any one project	N/A			
Trigger Points	1st Trigger on site	on site landscaping to be provided prior to first occupation			
	2nd Trigger on site				
	1st Trigger off site	100% of off site contributions to be paid prior to 50% occupation			
	2nd Trigger off site				

Appeal Decision

Site visit made on 19 March 2019

by **Thomas Hatfield BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4th April 2019

Appeal Ref: APP/F2415/W/18/3218248

Land at Fleckney Road, Kibworth Beauchamp

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by John Littlejohn Designer Homes against the decision of Harborough District Council.
 - The application Ref 18/01079/OUT, dated 22 June 2018, was refused by notice dated 7 November 2018.
 - The development proposed is described as *"the erection of up to 22 dwellings with associated access and drainage infrastructure"*.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration except for the means of access. Drawings showing an indicative layout were submitted with the application, and I have had regard to these in determining this appeal.

Main Issue

3. The main issue is whether the proposal benefits from the 'presumption in favour of sustainable development' set out at Paragraph 11 d) of the National Planning Policy Framework ('the Framework').

Reasons

4. The appeal site is located in the countryside outside of the Limits to Development. Policy SD1 of the Kibworth Neighbourhood Plan (2018) states that new development shall be located within the Limits to Development unless there are special circumstances to justify its location in the countryside. In addition, Policies CS2 and CS17 of the Harborough District Core Strategy (2011) seek to restrict housing development in the countryside outside of the Limits to Development. The proposal would clearly be contrary to these policies.
5. It is common ground that the Council is currently able to demonstrate a 5 year supply of deliverable housing sites. However, my attention has been drawn to Paragraph 33 of the Framework, which states that local plans and spatial development strategies should be reviewed to assess whether they need

updating at least once every five years. It is argued that the Council's 2011 Core Strategy has not been updated during this time, and its policies are therefore 'out-of-date'. In this regard, it is contended that the proposal benefits from the 'tilted balance' set out at Paragraph 11 d) of the Framework.

6. However, I am not persuaded by that interpretation of the Framework. In this regard, I note that Paragraph 33 contains no explicit link to the 'tilted balance' set out in Paragraph 11 d). Moreover, Planning Practice Guidance (PPG) states that:

*"Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. The review process is a method to ensure that a plan and the policies within remains effective. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework. It will be up to the decision-maker to decide the weight to give to the policies."*¹

PPG is therefore clear that existing policies should not be considered out-of-date simply because a review has not yet been completed.

7. In any case, Paragraph 33 of the Framework delineates the need to 'review' existing policies, from any subsequent update to those policies. In this regard, the emerging Harborough Local Plan is currently being examined and is at a relatively advanced stage. In order to have reached that stage, the Council has presumably already reviewed its existing Core Strategy and determined that an update is necessary. It is therefore unclear that the requirement to review existing policies is in breach in this case.
8. No party has argued that reduced weight should be attached to either the Harborough District Core Strategy or Kibworth Neighbourhood Plan due to any lack of consistency with the Framework. Insofar as the policies cited above relate to the appeal proposal they are broadly in conformity with the Framework, which recognises the intrinsic character and beauty of the countryside.
9. Separately, it is asserted that the Council has acted inconsistently in refusing permission in this case when it had previously approved an application for housing to the north and east of the appeal site (Ref 16/00166/OUT). However, I have come to my own view on the appeal proposal, rather than relying on the approach the Council may have taken elsewhere.
10. For the above reasons, I conclude that the proposal does not benefit from the 'presumption in favour of sustainable development' set out at Paragraph 11 d) of the Framework.

Other Matters

11. My attention has been drawn to Policy GD2 of the emerging Harborough Local Plan. In its modified form, criterion 2 c) of that policy is supportive of the redevelopment or conversion of redundant/disused buildings adjoining the existing or committed built up areas. From the information before me, it is not clear whether there are unresolved objections to this policy. However, even if I

¹ Paragraph: 064 Reference ID: 61-064-20190315

were to attach significant weight to it, I am not persuaded that the appeal proposal would accord with criterion 2 c). In this regard, only a very small proportion of the site consists of redundant/disused buildings and the vast majority of it comprises open fields.

12. The appeal site adjoins a housing development on 2 sides, and a large property in generous grounds to the west. It is therefore relatively well contained by existing development and its visibility from the surrounding countryside is largely restricted to views from the south, including from along Fleckney Road.
13. The appeal site is located on the edge of Kibworth and is within walking distance of services and facilities within the settlement, including schools, local shops, and regular bus services to Leicester and Market Harborough. The appeal site is therefore in a relatively accessible location.

Overall Balance and Conclusion

14. The appeal site is located in the countryside outside of the Limits to Development for Kibworth. Policy SD1 of the Kibworth Neighbourhood Plan (2018), and Policies CS2 and CS17 of the Harborough District Core Strategy (2011) seek to restrict housing development outside of the Limits to Development. The proposal would clearly be contrary to those policies.
15. Set against this, the development would provide 22 new dwellings, 40% of which would be affordable. It would also be in a relatively accessible location and would generate economic benefits through the creation of employment and the purchasing of materials and furnishings. The planning obligation would also provide contributions towards community facilities, library facilities, health, education, and public open space. Moreover, the development would have only limited visibility from the surrounding countryside, would provide some modest ecological enhancements, and would be capable of delivering good design at reserved matter stage.
16. Overall, however, I do not consider that these benefits justify approving a development that conflicts with both the Harborough District Core Strategy and the Kibworth Neighbourhood Plan. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan.
17. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

Planning Committee Report

Applicant: Mr Keast

Application Ref: 22/00891/FUL

Location: Land West of Coplow Lane, Billesdon

Proposal: Erection of a dwelling (revised scheme of 21/01748/FUL)

Application Validated: 25.04.2022

Target Date: 20.06.2022 Extension of Time Agreed

Consultation Expiry Date: 09.06.2022

Site Visit Date: 19.05.2022 (Previous visits carried out for previous applications)

Case Officer: Emma Baumber

Reason for Committee Decision: The recommendation to approve conflicts with the Billesdon Neighbourhood Plan

Parish/Ward: Billesdon/Billesdon and Tilton Ward

Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report and subject to the Planning Conditions set out in Annexe A of this report.

1. Site & Surroundings

- 1.1 The application site is located directly north of 7 Coplow Lane, at the north western edge of Billesdon village and to the west of Coplow Lane.



Figure 1. Aerial view

- 1.2 The site relates to a portion of the wider arable, agricultural field which extends to the north and west. The site is bounded by an agricultural hedgerow to the eastern boundary with Coplow Lane, where the site is accessed via a wooden field gate. The shared boundary with No.7 Coplow Lane is a wire fence with new, laurel type hedge. The west and northern boundaries are open.
- 1.3 An existing dwelling is located adjacent to the site's southern boundary. Dwellings are also present on the opposite side of Coplow Lane to the east where they extend in a linear arrangement towards the A47/Uppingham Road to the north.
- 1.4 The site occupies an elevated position, with levels falling to the north and west towards the A47. The site is located outside of but immediately adjacent to Billesdon's Limits to Development. The site lies outside of the designated Billesdon Conservation Area and there are no other known heritage assets nearby.

2. Site History

- 2.1 The site has the following relevant planning history:
 - 21/01748/FUL Erection of a dwelling (Refused)
The proposal is not judged to achieve a high standard of design which is inspired by, respects and enhances local character and distinctiveness. By virtue of the scale and design the dwelling does not respect the context and characteristics of the individual site, street scene and wider local environment and it would not integrate into the existing built form. Furthermore, the proposal by virtue of its scale and design would not be sensitive to its landscape setting and landscape character area. The proposal therefore does not comply with policies GD2, GD5 or GD8 of the HLP and policies BP7 and BP18 of the BNP.



Figure 2. Plans refused under application 21/01748/FUL

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal seeks to erect a detached, two storey, three bed dwelling with associated parking and landscaping. The dwelling is proposed to a ridge height of 7.2m and eaves height of 3.2m. The dwelling is proposed to have slate tiled roof with rendered elevations.
- 3.2 The existing access would be utilised with parking space to the front of the property, a patio is proposed to the rear of the dwelling and landscaping includes mixed native hedgerow to the northern and western boundaries with existing hedging retained to the east and south. The applicants also propose a mixture of tree planting within the garden areas. Site levels are proposed to be reduced to the south of the site with a retaining wall proposed for a short section of the southern boundary. Levels would be reduced by approximately 1m.
- 3.3 In terms of amendments between the current and previous application, these can be summarised as an overall reduction in scale, particularly the height which has been reduced by approximately 2m, this proposal also includes landscape proposals which were not included previously.



Figure 3. Proposed site plan

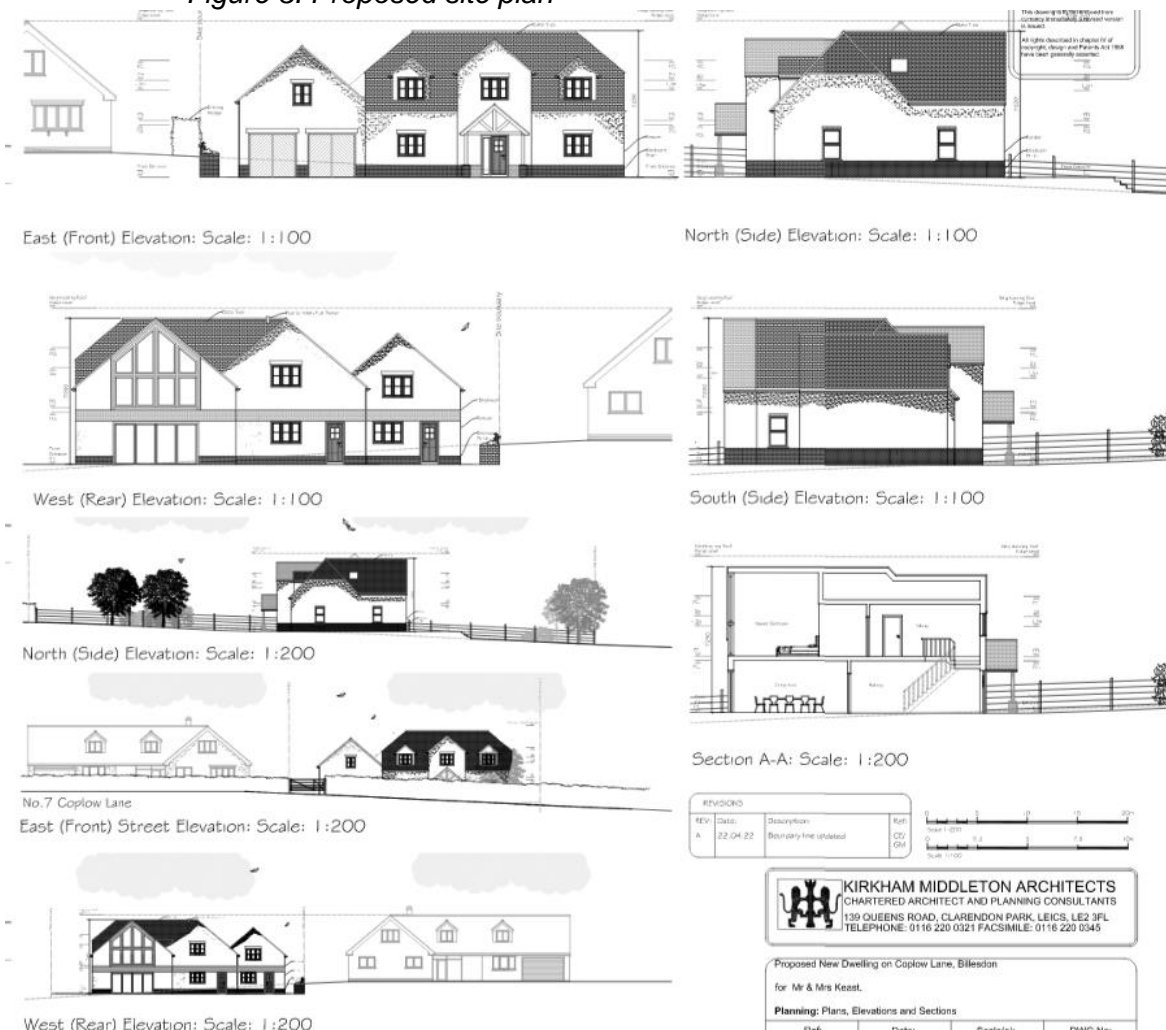


Figure 4. Proposed elevations, sections and street scene

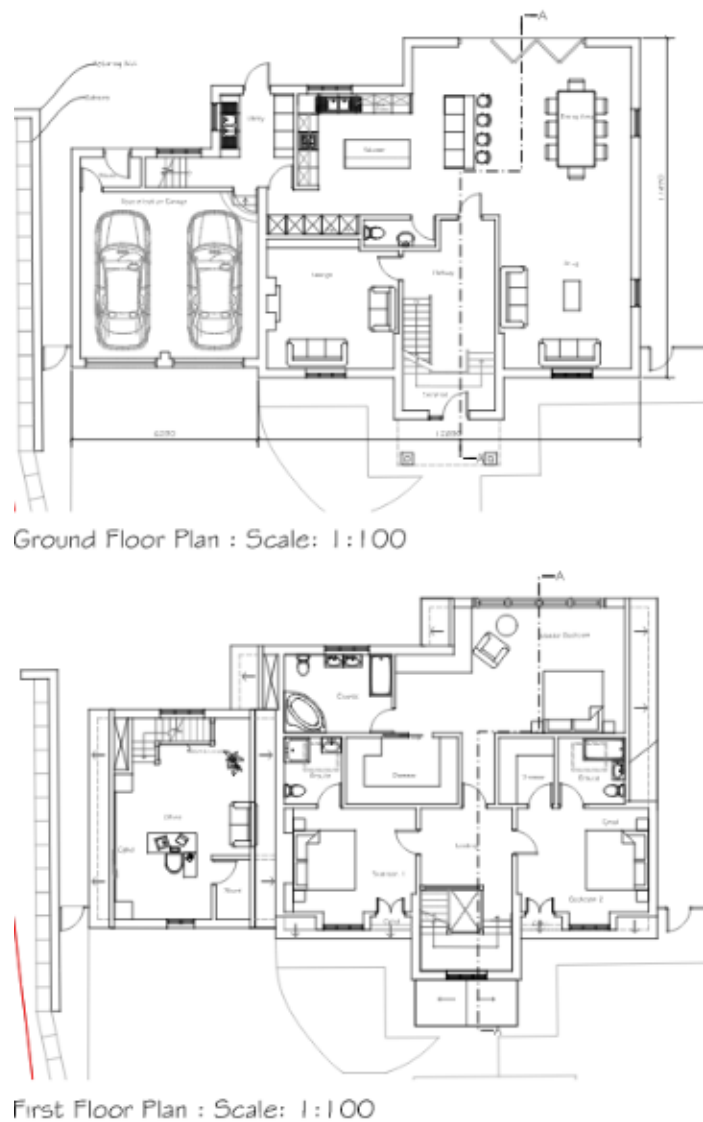


Figure 5. Proposed floor plans

b) Documents submitted

i. Plans/Documents

- 4.1 The application has been accompanied by the following plans and documents –
 - Site Location and Site Plan (Existing and Proposed)
 - Proposed Elevations, Floor plans and Sections
 - Landscape Plan- Plant Details
 - Landscape Plan- Strategic soft landscaping

c) Pre-application Engagement

- 4.2 The applicants have not sought formal pre-application advice.

5. Consultations and Representations

- 5.1 Consultations with technical consultees and the local community were carried out on the application. The consultation period expired on 9th June 2022.
- 5.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to:

a) Statutory & Non-Statutory Consultees

HDC Contaminated Land and Air Quality Officer

- 5.3 This department has no comment regarding land contamination and the above.

LCC Highways

- 5.4 The Local Highway Authority refers the LPA to current standing advice. Consideration should be given to access width, visibility, surfacing, gate set back distance and parking provision with suitable conditions.

LCC Ecology

- 5.5 As per my previous comments to 21/01748/FUL requesting a landscape plan, this has now been submitted for this current planning application and it is acceptable.

Officer Note: The comments for 21/01748/FUL are copied below for completeness:

The hedgerows on the site should be retained (it has been confirmed in the design and access statement that they will not be removed). The NPPF (180. d)) states that 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'. Details on how this will be achieved on the development site should be submitted; for example a landscape plan.

b) Local Community

- 5.6 Objections have been received from four households. The comments are summarised below, full comments can be reviewed on the website.
- Once one dwelling is permitted others will follow, the road is already busy, especially in the cricket season with their parking.
 - Citing Coplow House as a comparable example is wrong as this house was built on a garden plot
 - To class the house as a 3 bed house to alleviate the lack of housing in the village is ludicrous, its footprint is as large as many 5 bed detached houses.
 - Safety regarding lack of pavements and lighting is also a very real concern, especially during the cricket season
 - The site is outside the village envelop and not contained in the Neighbourhood Plan
 - the proposal will affect the light to the lounge and bedroom at No.7 Coplow Lane
 - Concerns about water pressure

- 5.7 Support comments have been received from two households. The comments are summarised below, full comments can be review on the website.
- The property appearance will not detract from neighbouring ones and will enhance the look of the road
 - As the height of the building has been reduced I see no reason to object to this application

6. Planning Policy/Guidance Considerations

- 6.1 Please see above for planning policy considerations that apply to all agenda items.

a) Development Plan

- *Harborough Local Plan (HLP) 2011-2031*
- 6.2 The below policies are considered most relevant to this application:
- SS1- The spatial strategy
 - GD1- Achieving sustainable development
 - GD2- Settlement development
 - GD5- Landscape character
 - GD8 – Good design in development
 - GI5- Biodiversity and geodiversity
 - CC3- Managing flood risk
 - CC4- Sustainable drainage
 - IN2- Sustainable Transport
- *Billesdon Neighbourhood Plan*
- 6.3 The below policies are considered most relevant to this application:
- BP1: Sustainable Development
 - BP2: Housing provision
 - BP7: Design
 - BP14: Water management
 - BP16 :Traffic management
 - BP17: Parking
 - BP18: Countryside and landscape

b) Material Planning Considerations

- *National Planning Policy Framework*
- 6.4 Whilst read as a whole of particular relevance are:
- Chapter 2- Achieving sustainable development
 - Chapter 4- Decision making
 - Chapter 8- Promoting healthy and safe communities
 - Chapter 9- Promoting sustainable transport
 - Chapter 12- Achieving well-designed places
 - Chapter 14- Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15- Conserving and enhancing the natural environment

- *National Planning Practice Guidance*
- *Development Management Supplementary Planning Document (December 2021)*

7. Assessment

a) Principle of Development

- 7.1 The Billesdon Neighbourhood Plan (NP) allocates several sites for housing, some of which have yet to come forward to meet the then identified need for housing. Policy BP2 also states that additional housing may be acceptable within the identified Limits to Development (LtD) subject to design/highways criteria. Whilst the site is adjacent to the LtD, it is outside of the boundary and therefore the proposal does not comply in principle with policy BP2. Policy BP6 in principle allows for affordable homes on rural exception sites within or adjacent to LtD, however, is not relevant as the development is not for an affordable home on a rural exception site. The principle of development for one house in this location does not comply with the NP. Reference is made to Coplow House which was permitted in 2016, the Planning Statement refers to a precedent being set by allowing this dwelling outside of the LtD. Each application is assessed on its own merits. Coplow House was approved prior to the adoption of the HLP at a time when HDC could not demonstrate a 5-year housing supply- the policy basis is therefore not comparable.
- 7.2 Turning to the Harborough Local Plan (HLP), policy SS1 outlines the spatial strategy for the District to 2031. Billesdon is identified as a Rural Centre, one of several villages identified as focuses for rural developments to serve both the settlements themselves and the surrounding rural area. Billesdon is considered to be a sustainable location for housing owing to the range of services on offer. The site is not allocated for housing in either the HLP or NP and adjoins the built up area of Billesdon as such policy GD2(2) is most relevant. As minor development the proposal would comply in principle with policy GD(2)(a) of the HLP- other criteria are addressed later in the report. However, in principle the development complies with the HLP.
- 7.3 The NP was made in 2014 and has not been reviewed since (noting paragraphs 31 and 33 of the NPPF which state plans should be reviewed at least once every 5 years). Since adoption of the NP the HLP has been adopted and the NPPF updated twice. Paragraph 219 of the NPPF states: *existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*. Whilst the overall principles of policy BP2 remain consistent with the NPPF, it is accepted that the housing provision figure/needs used to inform the policy is out of date and therefore reduced weight is afforded to the NP in comparison to the HLP which is up-to-date.
- 7.4 Considering the reduced weight given to the NP and the developments conformity with the HLP, the principle of development is judged to be acceptable.

b) Design and Visual Amenity

- 7.5 Section 12 of the NPPF refers to achieving well designed places, specifically; paragraph 124 states that good design is a key aspect of sustainable development. Developments should be sympathetic to local character and history, including the

surrounding built environment. Policy GD2 of the HLP states that development should be physically and visually connected to and respect the form and character of the existing settlement and landscape. Development should also retain so far as possible existing natural boundaries within and around the site, particularly trees, hedges and watercourses. Policy GD5 requires developments to be located and designed in such a way that it is sensitive to its landscape setting and landscape character area and will be permitted where it respects and where possible enhance local landscape, the landscape setting and settlement distinctiveness. Policy GD8 requires development to achieve a high standard of design which is inspired by, respects and enhances local character and distinctiveness. Where appropriate be individual and innovative yet sympathetic to local vernacular. Respect the context and characteristics of the individual site, street scene and wider local environment to ensure that it is integrated as far as possible into the existing built form. And should protect existing landscape features, wildlife habitats and natural assets.

- 7.6 Policy BP7 of the BNP requires that new developments meet the requirements of Billesdon Village Design Statement (VDS). Policy 18 of the BNP states that account should be taken of the intrinsic character and beauty of the countryside of the Parish.
- 7.7 Nationally Billesdon is located within National Landscape Character Area 93: High Leicestershire, at regional level Billesdon falls within Landscape Character Type 5C: Undulating Mixed Farmlands and at county/district level Billesdon falls within High Leicestershire Landscape Character Area. Key characteristics are outlined below:

Key Characteristics

- Strongly undulating landform with relatively steep pronounced hills
- Treed farmland with grazed pastures and occasional arable fields to the north and south-west
- Areas of ridge and furrow to grazing pasture within sub-regular field patterns
- Low clipped and laid hedgerows and scattered individual trees
- Small linear belts of woodland with conifers
- Narrow enclosed valleys with tree lined streams
- Public Rights of Way radiate from the settlement
- Variable sense of enclosure to landscape, with parts widely visible from surrounding landscape
- Largely tranquil except in close proximity to the A47
- Localised areas of disturbance by pylons and exposed built edge

- 7.8 Within the Harborough Rural Centre Landscape Character Assessment and Capacity Study July 2014, it was considered that the village had relatively high sensitivity to development, with limited areas having high capacity to accommodate development. This site is located within Parcel 14 which is judged to have Medium-Low capacity for development.
- 7.9 The site is reasonably prominent in the surrounding landscape given its elevated position in the landscape to the south of the A47 and PRow C61. There is no screening of the site from vegetation, except for a line of the low hedgerow to the east and southern boundaries which provide a little screening from Coplow Lane and no screening to views from the north and west. Considering both the site specifics and in line with the landscape character assessment the sites sensitivity for development is judged to be high.



Figure 6. View towards the site from the A47 (red line roughly indicates the site)

- 7.10 The existing properties on Coplow Lane are mixed in design, there are bungalows, dormer bungalows and two storey dwellings. The site is mainly viewed in the context of Nos 7, 18 and 20 Coplow Lane which are all bungalows/dormer bungalows. In particular No. 7 which is the immediate neighbour. The proposed siting of the dwelling follows a similar linear building line to those on Coplow Lane and for this reason the proposal would be physically and visually connected to the village.



Figure 7. View towards site and No.7 Coplow Lane (left)



Figure 8. View towards site from the A47 with Coplow House (far left) and No.7 Coplow Lane (far right)

- 7.11 The Billesdon VDS outlines that one of Billesdons endearing features is its secluded valley setting, almost invisible from the approaching roads and states that development that encroaches above the ridgeline could compromise this feature and should be avoided. Clearly the existing development on Coplow Lane encroaches above the existing ridgeline with views of the neighbouring dwellings, particularly No.7, possible from the A47. The properties visible are single storey/ 1 ½ storey in height, with the exception of Coplow House which is a new, two storey brick built dwelling closest to the A47. All dwelling heights step down the ridge reducing the prominence slightly and responding to the landform. Unlike the refused scheme, the amended plans now under consideration reflect this characteristic with the proposed ridge line of the dwelling set 0.5m below the ridge of No.7 Coplow Lane.
- 7.12 Views of the dwelling will still be possible and the development would encroach beyond the ridgeline of Billesdon. However, the amended scale of the dwelling would now appear to be in keeping with the bungalows which immediately surround it as illustrated in Figure 8, minimising its prominence. The proposal would respect the approach to the village and sits more comfortably within its surroundings.



Figure 8. Street scene elevations

- 7.13 The proposed use of render would increase the visibility of the dwelling, yet the surrounding bungalows utilise render as such overall the use of render is judged to be in keeping and appropriate to the setting.
- 7.14 The applicants have submitted a landscape plan which includes native hedgerows to the north and western boundaries, this is appropriate for the edge of countryside setting. The existing hedgerows to the south and east of the site would be retained. Furthermore, tree planting is proposed throughout the site, which includes trees along the northern and southern boundaries which will provide some visual mitigation. The trees are proposed to be 4-5m high at the time of planting.
- 7.15 Overall, officers consider that the new dwelling will be visible from the surrounding area and would protrude above the ridgeline of Billesdon. However, the amended plans are now judged to be in keeping with the surrounding built form and officers consider that it will assimilate to its setting. As such on balance the proposal is judged to comply with the aforementioned policies of the HLP and NP.
- 7.16 Conditions are recommended to ensure the implementation and retention of the landscape proposals and submission of materials and level plans. Given the edge of countryside location and to ensure the dwelling does not impact on the character of the area, it is recommended that Permitted Development Rights relating to extensions/additions, outbuildings and boundary treatments are removed. This is to ensure the character of the countryside and edge of village is safeguarded in the future

c) Highways

- 7.17 Paragraph 11 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph GD8 of the HLP states that developments should ensure safe access, adequate parking and servicing areas including the safe, efficient, and convenient movement for all highway users. Policy IN2 of the HLP states that residential development proposals will be permitted subject to the provision of safe access, servicing and parking arrangements having regard to highways authority guidance and standards. Policy BP16 of the NP states that with the exception of allocated

developments, new development will only be permitted where it will not cause a significant increase in the volume of traffic using Brook Lane, Church St or passing the Primary School on Gaulby Rd. Policy BP17 of the NP requires at least two off street car parking spaces for each new dwelling.

- 7.18 LCC Highways have been consulted and have raised no objections but have referred the LPA to Standing Advice. Concerns have been raised with regards to an intensification of Coplow Lane, it is a reasonably narrow lane and is used as overspill parking for the cricket club and it is acknowledged that it can be used as a 'rat run' to/from the A47 to the village. However, as the proposal only relates to a single dwelling, it is not considered that it would lead to an adverse intensification of Coplow Lane or the roads outlined in policy BP16. It is within walking distance to the village centre, there is no pavement and lighting in parts, however, this is an existing situation and unlikely to lead to highways safety harm.

Standing Advice assessment:

Gates

A condition is recommended requiring gates to be set back 5m

Gradient

Owing to land levels and point of access the drive would not exceed 1:12 for the first 5m.

Access geometry

The proposed access width exceeds 2.75m over its length which is acceptable for a single dwelling

Turning and Parking

There is ample room to the front of the property for parking and turning. A condition requiring parking/turning to be made available prior to first occupation is recommended.

Visibility

The access is within the 30mph zone for the village and there is adequate vehicular and pedestrian visibility.

Surfacing

A condition is recommended ensuring that the access drive/turning space is hard surfaced for at least 5m behind the highway boundary- this achievable.

- 7.19 The scheme is considered to accord with policies GD8 and IN2 of the HLP and policies BP16 and BP17 of the NP subject to the aforementioned conditions.

d) Residential Amenity

- 7.20 Policy GD8 requires developments to be designed to minimise the impact on the amenity of existing and future residents by not having a significant adverse effect on the living conditions of existing and new residents through loss of privacy, overshadowing and overbearing impacts. Nor by generating levels of activity, noise, vibration etc which cannot be mitigated to an appropriate standard. In order to objectively assess the impact of the proposed development upon existing residential

amenity, the Council has adopted the Development Management Supplementary Planning Document (December 2021), Section 2 is of most relevance.

Number 20 Coplow Lane

- 7.21 No. 20 is located opposite (to the east of the application site), the front elevation contains a number of habitable room windows which overlook the site. The proposed dwelling would clearly alter the outlook from this dwelling and would prevent views to the surrounding landscape, however, loss of or change of views are not material planning considerations. The separation distance is 37m which is acceptable to mitigate loss of privacy and overdominance. The proposed dwelling would not adversely harm the amenity of existing and future residents at No.20.

Number 7 Coplow Lane

- 7.22 No.7 is the neighbouring dormer bungalow to the south of the site. This property has two secondary windows in its north elevation which currently overlook the application site. The proposed dwelling would clearly alter the outlook from this dwelling and would prevent views to the surrounding landscape, however, loss of or change of views are not material planning considerations. No windows are proposed in the side elevation facing No.7, there would therefore be no direct overlooking into these side facing windows. There is likely to be some additional overlooking owing to the new presence of a two-storey dwelling in comparison to the reasonably private garden at present. However, the orientation of the dwellings is a typical residential relationship and whilst there may be additional overlooking to the garden of No.7, privacy would be maintained to the dwelling itself. Therefore loss of privacy is not judged to be adversely harmful.
- 7.23 As the proposed dwelling is to the north of No.7 it would cause no adverse overshadowing or loss of light to No.7. There would however be an additional sense of enclosure, the proposed dwelling would be sited 7m from the windows at No.7. This is less than the separation distance required to a two storey structure outlined in the SPD (14m). Of the two side facing secondary windows, the rearmost would not face onto the side elevation of the proposed dwelling and would therefore be impacted to a lesser degree of the two windows, this room is served by another window in the rear elevation. The frontmost would directly face the side elevation of the proposed dwelling, and there would be additional overdominance. However, again, this window is a secondary window, the room is served to the front by another larger window. Therefore, on balance, the additional enclosure is not judged to be severe.
- 7.24 The proposal therefore complies with policy GD8 of the HLP.

e) Flooding/Drainage

- 7.25 The site is within Flood Zone 1, with low probability of flooding as such accords with Policy CC3 of the HLP. Policy BP14 of the NP states that new development should incorporate SuDS. No drainage plans have been submitted and to ensure compliance with policy BP14 of the BNP, a condition is recommended requiring the submission of surface water drainage plans.

f). Ecology

- 7.26 Policy GI5 states that development will be permitted where there is no adverse impact on the conservation of priority species, irreplaceable habitats, nationally or local

designated sites amongst other factors. Developments should contribute towards protecting and improving biodiversity and geodiversity.

- 7.27 LCC ecology have reviewed the application, have raised no concerns and are satisfied with the landscape proposals. Subject to conditions requiring the implementation of the landscape plan the proposal therefore accords with policy GI5 of the HLP.

g). Contamination

- 7.28 Policy GD8(n) of the HLP states that where a site has been previously developed, a proposal will need to identify the need for any decontamination and implement this to an agreed programme. Furthermore, developments need to ensure that any contamination is not relocated elsewhere to a location where it could adversely affect the water environment or other wildlife habitats. HDCs Environment Team have assessed the proposal and have requested no conditions in this case.

i). Other matters

- 7.29 Other matters raised within the representation comments which have not previously been addressed are outlined below.
- Precedent
Each application must be assessed on its own merits, granting of this consent would not automatically mean further housing on Coplow Lane would be permitted
 - Water pressure
Water pressure, or lack of, would be controlled outside of the planning process.

8. Conclusion

- 8.1 The principle of development for one house in this location does not comply with the NP as it is outside the Limits to Development. However, the application site is judged to be a sustainable location for housing and complies in principle to the spatial strategy in accordance with policy SS1 and GD2 of the Harborough Local Plan (HLP). Whilst the overall principles of policy BP2 remain consistent with the NPPF, it is accepted that the housing provision figure/needs used to inform the policy is out of date and therefore reduced weight is afforded to the NP in comparison to the HLP which is up-to-date.
- 8.2 The development would, on balance, comply with policies GD2, GD5, GD8 of the HLP and policies BP7 and BP18 of the NP in terms of its design and landscape impact. The proposal, subject to conditions would not lead to an unsafe highways situation, the proposal would not cause contamination risks, has no adverse impact on ecological assets and is not at risk from flooding. The proposal is considered in accordance with Policies GI5, CC3, CC4 and IN2 of the HLP and policies BP14 and BP16 of the NP.

ANNEXE A- PLANNING CONDITIONS

1. Time Limit

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

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

2. Plans

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

Proposed Site and Location Plans 548/P01a

Plans, Elevations and Sections 548/P02a

REASON: For the avoidance of doubt.

3. Drainage

No development shall commence on site until details of a surface water drainage

scheme/system have been submitted to, and approved in writing by, the Local Planning Authority. These details shall include evidence of infiltration testing on the site to establish the suitability of the site for the use of infiltration as a drainage element. The surface water drainage scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings.

REASON: To prevent flooding by ensuring adequate storage and disposal of surface water from the site having regard to Harborough Local Plan Policy CC4, Billesdon Neighbourhood Plan Policy BP14 and the National Planning Policy Framework.

4. Levels

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

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

5. Materials

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

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

6. Parking/Turning

The development hereby permitted shall not be occupied until such time the parking and turning arrangements have been implemented in accordance with the 'Proposed Site and Location Plans 548/P01a'. Thereafter the onsite parking provision shall be so maintained in perpetuity.

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

7. Gate set-back

Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back 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 in order to protect the free and safe passage of traffic, including pedestrians, in the public highway and to accord with Policy GD8 and IN2 of the Harborough Local Plan and the National Planning Policy Framework (2021).

8. Access/Parking surfacing

Before first occupation of the dwelling, its access drive and any parking 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 thereafter be permanently so maintained.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and to accord with Policy GD8 and IN2 of the Harborough Local Plan and the National Planning Policy Framework (2021).

9. Landscaping

The development shall be carried out in accordance with the approved Landscape Scheme 'Strategic soft landscape plan' Drawing No. 2202-PL1-03 Rev B and 'Plant Detail' Drawing No. 2202-PL1-02 Rev B.

All planting, seeding and turfing comprised in the approved Landscape Scheme shall be completed in the first planting and seeding season prior to, or immediately following, the first occupation of the building to which it relates.

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

REASON: To ensure the landscaping is implemented and maintained in the interests of the visual amenities of the development and its surroundings having regard to Harborough Local Plan Policies GD2, GD5 and GD8, and the National Planning Policy Framework.

10. Permitted Development Rights Removed

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and reenacting that Order with or without modification), no buildings, structures or works (including any new windows or openings) as defined within Part 1 of Schedule 2, Classes A-F and Part 2 of Schedule 2, Class A inclusive of that Order, shall be erected or undertaken on the dwelling hereby approved or within its curtilage.

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

Informative Notes

1. The Applicant is advised that this proposal requires 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. 01858 821090).
2. Planning Permission does not give you approval to work on land outside of your control, where permission must be obtained from the land/property owner.
3. If the plans deposited involve the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.