

HARBOROUGH DISTRICT COUNCIL

SHEARSBY NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

1.1 Following an Independent Examination, Harborough District Council now confirms that the Shearsby Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum **on 10th January 2019.**

1.2 This decision statement can be viewed at:

Harborough District Council Offices

The Symington Building,
Adam & Eve Street,
Market Harborough
Leicestershire
LE16 7AG

Open - Mon/Tues/Thu/Fri: 8.45am - 5pm. Wed: 9.30am - 5pm

Fleckney Library

School Street
Fleckney, Leicester
LE8 8AS

Monday: 14:00-19:00
Tuesday - Wednesday: Closed
Thursday: 14:00-17:00
Friday: 9:00-13:00
Saturday: 10:00-13:00
Sunday: Closed

2. Background

2.1 In November 2014 Shearsby Parish Council, as the qualifying body, applied for Shearsby Parish to be designated as a Neighbourhood Area for the purpose of preparing a neighbourhood plan. After a six week consultation period the Neighbourhood Area application was approved by Harborough District Council (the Council) on 16th January 2015 in accordance with the Neighbourhood Planning (General) Regulations (2012)

2.2 Following the submission of the Shearsby Neighbourhood Plan to the Council, the Plan was publicised for a six week period and representations were invited. The consultation period closed on 23rd May 2018.

2.3 The Council, with the agreement of Shearsby Neighbourhood Plan Group, appointed an independent examiner, Mr Martin Lee, to review whether the Plan met the Basic Conditions required by legislation and should proceed to referendum.

2.4 The Examiner's Report concludes that, subject to making the modifications proposed by the Examiner, the Neighbourhood Plan meets the Basic Conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

3. Decision and Reasons

- 3.1 At its meeting on 13th November 2018, the Executive Committee agreed that all the Examiner's recommended modifications (excluding the recommendation for Policy S1 which had been included in the Examiners report in error) should be accepted and that the amended Neighbourhood Plan should proceed to a referendum (see Executive Committee resolution at Appendix 1).
- 3.2 The District Council has made the modifications, proposed by the examiner, to secure that the draft plan meets the basic conditions. Appendix 2 sets out these modifications and the action to be taken in respect of each of them.
- 3.3 The District Council agrees with the Examiner's recommendation that there is no reason to extend the Neighbourhood Plan area (Parish of Shearsby) for the purpose of holding the referendum.
- 3.4 The Examiner has concluded that with the specified modifications the Plan meets the basic conditions and other relevant legal requirements. The District Council concurs with this view and that the Plan complies with the provision made by or under sections 38A and 38B of the 2004 Act. Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question
- 'Do you want Harborough District Council to use the Neighbourhood Plan for Shearsby to help it decide planning applications in the neighbourhood area?'**
- will be held in the Parish of Shearsby.
- 3.5 The date on which the referendum will take place is agreed as **10th January 2019**.

Appendix 1: Executive Committee Resolution in respect of Shearsby Neighbourhood Plan

Shearsby Neighbourhood Plan Proposal Decision

RESOLVED:

RESOLVED that:

- (i) The Independent Examiner's recommended changes to the Shearsby Neighbourhood Plan be accepted in full, with the exception of Policy S1 (Presumption in Favour of Sustainable Development) which had been included in error within the Examiner's report dated 25th September 2018 and should therefore be disregarded, as set out in the schedule at Appendix A to the report and the recommendation that the amended Shearsby Neighbourhood Plan should proceed to a referendum of voters within the Parish of Shearsby to establish whether the Plan should form part of the Development Plan for the Harborough District be noted;**
- (ii) The holding of a referendum relating to the Shearsby Neighbourhood Plan on 10th January 2019 that will include all of the registered electors in Shearsby Parish be approved.**

Appendix 2: Schedule of Modifications Recommended in the Examiner's Report

Ref no	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
1	Policy S1	Presumption in Favour of Sustainable Development	When considering development proposals, the Plan will take a positive approach that reflects the presumption in favour of sustainable development contained in national and District-wide plans and policies.	No changes	Policy already meets the requirements of the Basic Conditions (Note: Examiners report reissued to reflect the required amendment)
2	Policy H1	Limits to Development	<p>Within the defined Limits to Development as shown in Figure 2, development proposals for small scale infill development (up to 4 units) and the conversion of existing buildings will be looked on sympathetically where it:</p> <ul style="list-style-type: none"> • Is small scale, and reflects the size, character and level of service provision of Shearsby; • Helps meet a clearly identified need for Shearsby or the wider Parish; • Retains existing natural boundaries such as trees, hedges and streams which either contribute to visual amenity or are important for their ecological value; • Preserves and, where possible, enhances the setting of any heritage asset, where the setting of that heritage asset would be affected by the proposal; • Preserves and, where possible, enhances Shearsby Conservation area, where relevant; • Provides suitable off-road parking in line with Leicestershire County Council Highways requirements; 	<p><i>Policy H1: Limits to Development</i> <i>Within the defined Limits to Development as shown in Figure 2, development proposals for small scale (up to 5 units) or infill development (up to 2 units) and the conversion of existing buildings will be looked on sympathetically where it:</i></p> <ul style="list-style-type: none"> • <i>Is small scale, and reflects the size, character and level of service provision available within Shearsby;</i> • <i>Helps meet a clearly identified housing need for Shearsby or the wider Parish;</i> • <i>Retains existing natural boundaries such as trees, hedges and streams which either contribute to visual amenity or are important for their ecological value;</i> • <i>Preserves or enhances the setting of any heritage asset it may affect;</i> • <i>Preserves or enhances any setting or character of Shearsby Conservation area it may affect;</i> 	Clarity and to render the policy more robust and acceptable for development management purposes

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			<ul style="list-style-type: none"> Does not reduce garden/green space to an extent where it adversely affects the special character of the area or the amenity of the proposed occupiers of the new development or adjacent properties/uses 	<ul style="list-style-type: none"> <i>Provides proportionate off-road parking in line with Leicestershire County Council Highways requirements;</i> <i>Does not reduce garden/green space creating substantial, adverse effect upon the special character of the area or the residential amenities of future occupiers of the proposed development or that of existing/future occupiers of adjacent properties.</i> 	
3	Policy H2	Housing Mix	New housing development proposals should provide a mixture of housing types specifically to meet identified local needs in Shearsby. Sites should deliver more than 50% of the units as 3-bed or fewer (which can include bungalows for older people which should be built to the recognised mobility/wheelchair standard).	<i>Policy H2: Housing Mix New housing development proposals should provide a mixture of housing forms and sizes specifically designed to meet identified local housing needs in Shearsby. Proposals should deliver more than 50% of the units as three to one bedroom units (which may include single storey units for older people, provided they are designed and constructed to meet current mobility/wheelchair access standards).</i>	to provide greater clarity of phrasing to render the policy more robust and acceptable for development management purposes
4	Policy H3	Building Design Principles	All new development proposals of one or more houses, replacement dwellings and extensions will need to satisfy the following building design principles: a) Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views; b) New buildings should follow a consistent design approach in the use of materials, fenestration and	<i>POLICY H3: Building Design Principles All new development proposals for new houses, replacement dwellings and/or extensions to existing dwellings will be required to satisfy the following building design principles: a) development shall not disrupt the visual quality of the street scene to the point where it impacts negatively on this and any significant, wider landscape views;</i>	To make the requirements clearer particularly in reference to respecting the existing built environment and character of Shearsby Conservation Area

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			<p>the roofline to the building. Materials should be chosen to complement the design of the development and add to the quality or character of the surrounding environment and of the Conservation Area;</p> <p>c) All new housing should reflect the character and historic context of existing developments within the Parish. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context;</p> <p>d) Development should enhance biodiversity and relate well to the topography of the area, with existing trees and hedges preserved whenever possible; and</p> <p>e) Development should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, as appropriate.</p>	<p><i>b) a consistent design approach shall be followed in the use of materials, fenestration and roofline, with external materials complementing design and adding positively to the quality and character of the surrounding built environment and Shearsby Conservation Area;</i></p> <p><i>c) character and historic context of existing development within the Parish shall be reflected in new development, but the use of contemporary/innovative materials/design will be supported where positive improvement in visual character can be robustly demonstrated without detracting from historic built context;</i></p> <p><i>d) Development shall enhance biodiversity, seeking to preserve existing trees and hedges, and relate well to local topography; and</i></p> <p><i>e) Development shall incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology.</i></p>	
5	Policy H4	Tandem and Backland Development	Tandem and Backland Development in gardens of existing properties will not be supported where the development would cause harm to the local area.	Delete Policy	This policy would only serve to unnecessarily duplicate provisions already contained in another more robust policy

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6	Policy CF1	The Retention of Community Facilities and Amenities	Development leading to the loss of an existing community facility (including the village hall, village green, children's play area, Chandlers Arms and Shearsby Bath) will not be supported unless it can be demonstrated that: a) There is no longer any need or demand for the existing community facility; or b) The existing community facility is no longer economically viable; or c) The proposal makes alternative provision for the relocation of the existing community facility to an equally or more appropriate and accessible location within the Parish which complies with the other general policies of the Neighbourhood Plan.	<i>Policy CF1: The Retention of Community Facilities and Amenities</i> <i>Development leading to the loss of an existing community facility (including the village hall, village green, children's play area, Chandlers Arms and Shearsby Bath) will be supported provided it can be demonstrated that either:</i> <i>a) There is no longer any demonstrable need or sustainable demand for it;</i> <i>b) It is no longer economically viable; or</i> <i>c) Relocation to an equally or more appropriate and accessible location is achieved prior to its loss.</i>	To enhance effectiveness of the policy for development management purposes
7	Policy CF2	New or Improved Community Facilities	Proposals that improve the quality and/or range of community facilities, will be supported provided that the development: a) Will not generate a need for parking that cannot be adequately catered for; and b) Is of a scale appropriate to the needs of the locality and conveniently accessible for residents of the village wishing to walk or cycle.	<i>Policy CF2: New or Improved Community Facilities</i> <i>Proposals that improve the quality and/or range of community facilities will be supported, provided that the proposed development will not:</i> <i>(a) generate a need for additional parking that cannot be accommodated within the site or the adjacent highway without undue risk to highway safety; and</i> <i>(b) be of a scale in excess of assessed community needs</i> <i>(c) be inaccessible for pedestrians or cyclists.</i>	to enhance the clarity and thus effectiveness of the policy for development management purposes
8	Policy E1	Support for Existing	There will be a strong presumption against the loss of commercial premises or land (B-class) on the	<i>E1: Support for Existing Employment Opportunities</i>	To enable the policy to perform more

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		Employment Opportunities	<p>Saddington Road employment site, which provides employment and future potential employment opportunities. Applications for a change of use to an activity that does not provide employment opportunities will only be permitted if it can be demonstrated that:</p> <p>a) The commercial premises or land in question has not been in active use for at least 12 months; and</p> <p>b) The commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses and as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least six months.</p> <p>The small-scale expansion of existing employment premises across the Parish will be supported.</p>	<p><i>The small-scale expansion of existing employment premises across the Parish will be supported. There will be a strong presumption against the loss of Class B1 commercial premises or land on the Saddington Road employment site, to protect current and future employment opportunities. Proposals for any change of use that does not provide employment opportunities will only be permitted provided it can be demonstrated that the commercial premises or land in question has:</i></p> <p><i>(a) not been in active use for at least 12 months; and</i></p> <p><i>(b) no realistic potential for reoccupation or redevelopment for employment generating uses, and;</i></p> <p><i>(c) been subject to a full valuation report and subsequent marketing campaign over a continuous period of at least six months.</i></p>	effectively as a robust development management tool
9	Policy E2	Support for New Employment Opportunities	<p>In supporting additional employment opportunities, Class B1 Light Industrial purposes will be supported at existing or the proposed sites (figures 4 and 5) at Saddington Road provided:</p> <p>a) it relates to small scale leisure or tourism activities or other forms of commercial/employment related development appropriate to a countryside location or there are proven exceptional circumstances; and</p> <p>b) where it can be demonstrated that there would</p>	<p><i>Policy E2: Support for New Employment Opportunities</i></p> <p><i>Proposed development which provides additional employment opportunities will be supported (for example, Class B1 Use - Light Industrial) at existing and proposed employment sites identified in Figure 4 and Figure 5, provided it:</i></p> <p><i>(a) relates to small scale leisure or tourism</i></p>	Strategic proposals relating to large scale development location do not need to and cannot legitimately be included in the policy (as ultra vires by merit of reference to locations outside of the Plan area)

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			<p>be no adverse impact or conflict on surrounding residential and community amenity and uses; and c) that the impact on the road network of any additional business development is mitigated. Proposals for General Industrial use (B2) and large scale B1 uses will not be permitted except in exceptional circumstances; large scale B1 and B2 uses being directed towards higher order settlements in the settlement hierarchy and suitable locations on the edge of the built framework of Leicester, as they are likely to have existing infrastructure and facilities to deliver and sustain such employment proposals.</p>	<p><i>activities or other commercial/employment development suited to a countryside location; (b) can be demonstrated that there would be no unmitigable adverse impact or conflict on surrounding residential/community amenity/uses or highway safety, and; (c) does not relate to Class B2 - General Industrial or large scale Class B1 – Light Industrial uses.</i></p>	<p>but may be moved to the supporting text as commentary. The phrasing and wording of the policy requires modification to secure same.</p>
10	Policy E3	Re-Use of Agricultural and Commercial Buildings	<p>The re-use, conversion and adaptation of rural buildings for small businesses, recreation, or tourism purposes will be supported where:</p> <p>a) The use proposed is appropriate to the rural location;</p> <p>b) The conversion/adaptation works respect the local character of the surrounding area</p> <p>c) The development will not have an adverse impact on any archaeological, architectural, historic or environmental features</p> <p>d) The local road system is capable of accommodating the traffic generated by the proposed new use and adequate parking can be accommodated within the site.</p> <p>e) There is no significant adverse impact on neighbours through noise, light pollution, increased</p>	<p><i>Policy E3: Re-Use of Agricultural and Commercial Buildings</i> <i>The re-use, conversion and adaptation of rural buildings for small businesses, recreation, or tourism purposes will be supported where the proposed:</i> <i>(a) use is compatible with a rural location;</i> <i>(b) conversion/adaptation works respect local built character;</i> <i>(c) development will not have an adverse impact on any archaeological, architectural, historic or environmental feature incapable of effective mitigation;</i> <i>(d) development is unlikely to generate additional traffic/parking to the detriment of highway safety, and;</i></p>	<p>To ensure the policy is an effective development management tool</p>

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			traffic levels or increased flood risk.	<i>(e) use is likely to have no significant adverse impact on local amenity (e.g. noise, light pollution or flood risk).</i>	
11	Policy E4	Broadband Infrastructure	Proposals to provide increased access to a super-fast broadband service (of at least 30Mbps) and improve the mobile telecommunication network that will serve businesses and other properties within the Parish will be supported. This may require above ground network installations, which must be sympathetically located and designed to integrate into the landscape and not be located in or near to open landscapes.	<i>Policy E4: Broadband Infrastructure Proposals to provide increased access to a super-fast broadband service (of 30Mbps and above) and improve the mobile telecommunication network will be supported. Where this requires above ground installations, these shall be discreetly located and designed to integrate into the landscape.</i>	The policy aims of supporting well-designed infrastructure would be compromised by poor structure and wording
12	Policy E5	Working from Home	Proposals for the use of part of a dwelling for office and/or light industrial uses, and for small scale free standing buildings within its curtilage, extensions to the dwelling or conversion of outbuildings for those uses, will be supported where: a) No significant and adverse impact arises to nearby residents or other sensitive land uses from noise, fumes, odour or other nuisance associated with the work activity; b) Does not generate unacceptable levels of traffic movement or additional on-street parking; and c) Any extension or free-standing building shall be designed having regard to policies in this Plan and should not detract from the quality and character of the building to which they are subservient by reason of height, scale, massing, location or the facing materials used in their construction.	<i>Policy E5: Working from Home Proposals for change of use of part of a dwelling, extensions, or conversion/erection of outbuildings for office and/or light industrial uses, will be supported where: a) No significant and adverse impact would arise from noise, fumes, odour or vibration; b) It would not be likely to generate excessive traffic movement or on-street parking; and c) Any extension or free-standing building would not detract unacceptably from the quality and character of the main residence, by reason of height, scale, massing, location or external materials.</i>	To remedy poor phrasing and wording

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13	Policy ENV1	Local Green Spaces	<p>Development proposals that would result in the loss of, or have an adverse effect on, any of the following identified Local Green Spaces (map above) will not be supported, other than in very special circumstances.</p> <p>Thorpehill Farm Spinney west (map reference 1) Thorpehill Farm Spinney east (02) Back Lane verges and green areas (03) Fenny Lane – Bear’s Hole and field (04) Welford Road bungalows triangle (05) Old Turnpike road (06)</p>	<p>Policy ENV 1: Locally Significant Open Areas Development proposals that would not result in the loss, or have an unacceptably adverse effect on the open character, of any of the following areas, shown in Figure 6, will be supported:</p> <p>Map Reference: Site Name: 01 Thorpehill Farm Spinney west 02 Thorpehill Farm Spinney east 03 Back Lane verges and green areas 04 Fenny Lane – Bear’s Hole and field 05 Welford Road bungalows triangle 06 Old Turnpike road</p>	Local Green Spaces proposed must secure assurance that the landowner supports the proposed designation and thus the retention (for community benefit) is likely to be achieved
14	Policy ENV2	Protection of Other Sites of Natural Environment Significance	<p>The following sites identified in this Plan (figure 7) are of local significance for their wildlife and/or landscape features. They are important in their own right and are locally valued. Development proposals that affect them will be expected to protect and/or enhance their identified features.</p> <p>Willow Brook Farm meadows and riparian corridor (map reference 07) Mill Lane (13) New Inn Farm spinney north (15) New Inn Farm spinney and pond (16)</p>	<p>Policy ENV 2: Protection of Other Sites of Natural Environment Significance Development proposals shall protect/enhance the following list of sites, shown in Figure 7, which are considered to be of local significance for their wildlife and/or landscape features:</p> <p>Map Reference: Site Name: 07 Willow Brook Farm meadows and riparian corridor 13 Mill Lane 15 New Inn Farm spinney north 16 New Inn Farm spinney and pond</p>	To ensure the maps are legible and to ensure clarity.
15	Policy ENV3	Protection of Other Sites of Historical Environment	<p>The following sites (map below) are formally identified in this Plan as non-designated heritage assets for their extant and visible historical and/or archaeological features. They are important in their</p>	<p>Policy ENV 3: Protection of Other Sites of Historical Environment Significance To be effective for development management purposes (a) the map (Figure 7) requires to be</p>	To ensure the maps are legible and to ensure clarity.

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		Significance	<p>own right and are locally valued.</p> <p>Development proposals that affect them will be expected to protect the identified features.</p> <p>Medieval village earthworks, Meadowcroft (Leicestershire & Rutland Historic Environment Record MLE21831, map reference 08)</p> <p>Medieval village earthworks, west of church (MLE2347, map ref 09)</p> <p>Medieval village earthworks, north of church (MLE2346, map ref 10)</p> <p>St Mary Magdalene Church burial ground and mound (MLE21833, map ref 11)</p> <p>Medieval village earthworks, east of Mill Lane (MLE21832, map ref 14)</p> <p>Shearsby windmill field (MLE2351, map ref 12)</p>	<p>reproduced at a sufficiently large scale as to make it, the sites it represents, the annotation of the sites and the legend, all clearly legible to the naked eye</p> <p><i>Development proposals shall avoid any adverse impact or damage to the following list of sites identified in Figure 7 are considered locally valued, 'non-designated heritage assets' (registered in the Leicestershire & Rutland Historic Environment Record) by merit of their extant, visible, historical/archaeological nature:</i></p> <table border="0"> <tr> <td><u>Map Reference:</u></td> <td><u>Site Name:</u></td> <td><u>LARHER Reference:</u></td> </tr> <tr> <td>08</td> <td>Medieval village earthworks, Meadowcroft</td> <td>MLE21831</td> </tr> <tr> <td>09</td> <td>Medieval village earthworks, west of church</td> <td>MLE2347</td> </tr> <tr> <td>10</td> <td>Medieval village earthworks, north of church</td> <td>MLE2346</td> </tr> <tr> <td>11</td> <td>St Mary Magdalene Church burial ground and mound</td> <td>MLE21833</td> </tr> <tr> <td>14</td> <td>Medieval village earthworks, east of Mill Lane</td> <td>MLE21832</td> </tr> <tr> <td>12</td> <td>Shearsby windmill field</td> <td>MLE2351</td> </tr> </table>	<u>Map Reference:</u>	<u>Site Name:</u>	<u>LARHER Reference:</u>	08	Medieval village earthworks, Meadowcroft	MLE21831	09	Medieval village earthworks, west of church	MLE2347	10	Medieval village earthworks, north of church	MLE2346	11	St Mary Magdalene Church burial ground and mound	MLE21833	14	Medieval village earthworks, east of Mill Lane	MLE21832	12	Shearsby windmill field	MLE2351	
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16	Policy ENV4	Ridge and Furrow Fields	<p>Development proposals that adversely affect or damage an identified surviving area of ridge and furrow earthworks (figure 8) will be resisted.</p> <p>Development should only take place in exceptional circumstances and a full archaeological survey will be required. These sites are identified in the Plan as non-designated heritage assets.</p>	<p>Policy ENV 4: Ridge and Furrow Fields</p> <p><i>Development proposals shall avoid adversely affecting or damaging any surviving area of ridge and furrow earthworks identified in Figure 8 as 'non-designated heritage assets', unless a full archaeological appraisal is conducted which justifies such impact and where necessary provides an effective mitigation strategy.</i></p>	To ensure the maps are legible and to ensure clarity.																					
17	Policy	Important	Development should have regard to the trees and	Policy ENV 5: Important Trees and Woodland	The phrasing of the																					

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	ENV5	Trees and Woodland	woodland present on the site. Where possible all trees and woodland should be preserved, where it is not possible additional planting must be included to compensate for any unavoidable loss.	<i>Development proposals shall ensure the conservation of existing trees and woodland present within or immediately adjacent a site, ensuring all healthy examples are retained or new planting is provided to compensate for any unavoidable loss.</i>	policy requires tightening in order to be more effective and robust for development management purposes
18	Policy ENV 6	Footpaths and Bridleways	Development must preserve existing footpaths and where appropriate, should contribute to increased connectivity and promote sustainable travel choices, or similar. The maintenance or improvement of public rights of way, including the footpath joining Shearsby with Arnesby, will be supported.	<i>Policy ENV 6: Public Rights of Way Development proposals shall preserve existing Public Rights of Way and where possible provide for the improved maintenance and connectivity of the existing Public Rights of Way network, supporting sustainable modes of transport and travel choices, including the Public Right of Way between Shearsby and Arnesby.</i>	the policy needs renaming and reframing to have the desired clarity and be more effective for development management purposes