

HARBOROUGH DISTRICT COUNCIL

HUNGARTON NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

- 1.1 Following an Independent Examination, Harborough District Council now confirms that the Hungarton Neighbourhood Plan will now proceed to a Neighbourhood Planning Referendum.
- 1.2 This decision statement can be viewed at:

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Leicestershire
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2. Background

- 2.1 In May 2015 Hungarton Parish Council, as the qualifying body, applied for Hungarton Parish to be designated as a Neighbourhood Area for the purpose of preparing a neighbourhood plan. The Neighbourhood Area application was approved by Harborough District Council (the Council) on 21st July 2015 in accordance with the Neighbourhood Planning (General) Regulations (2012)
- 2.2 Following the submission of the Hungarton Neighbourhood Plan to the Council, the Plan was publicised and representations were invited. The consultation period closed on 8th February 2017.
- 2.3 The Council, with the agreement of Hungarton Neighbourhood Plan Group, appointed an independent examiner, Ms Liz Beth, to review whether the Plan met the Basic Conditions required by legislation and should proceed to referendum.

2.4 The Examiner's Report concludes:

Summary

- *I have undertaken the examination of the Hungarton Neighbourhood Plan during March and April of 2017 and detail the results of that examination in this report.*
- *Subject to the recommended modifications being made, the Plan meets the basic conditions and may proceed to referendum.*
- *I recommend the referendum boundary is the designated neighbourhood plan area*

The Referendum Boundary

The designated neighbourhood area excluded a part of the then parish of Hungarton which was felt to relate more naturally to the neighbouring parish of Houghton on the Hill. This small southerly section of the parish was formally transferred to the parish of Houghton on the Hill on the 26th October 2016. Thus the neighbourhood plan boundary is now also the parish boundary for Hungarton.

The Hungarton Neighbourhood Plan has no policy or proposals that will have a significant impact beyond the designated Neighbourhood Area which is the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Hungarton Neighbourhood Development Plan 2011 – 2031 shall be the boundary of the designated Neighbourhood Area for the parish of Hungarton in Leicestershire.

Independent Examiner:

Liz Beth

3. Decision and Reasons

- 3.1 At its meeting on 12th June 2017, the Executive agreed that the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum (see Executive decision at Appendix 1).
- 3.2 The Qualifying Body 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 Council agrees with the Examiner's recommendation that there is no reason to extend the Neighbourhood Plan area (Hungarton Parish) 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 Council concurs with this view the Plan complies with the provision made by or under sections 38A and 38B of the 2004 Planning and Compulsory Purchase 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 Hungarton to help it decide planning applications in the neighbourhood area?'

will be held in the Parish of Hungarton.

3.5 The date on which the referendum will take place is agreed as **20th July 2017**

**Appendix 1: Executive decision in respect of Hungarton Neighbourhood Plan
12th June 2017**

RESOLVED that

- i) the Independent Examiner's recommended changes to the Hungarton Neighbourhood Plan are accepted in full as set out in the schedule at Appendix A to the report, and the recommendation that the amended Hungarton Neighbourhood Plan should proceed to a referendum of voters within the Parish of Hungarton 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 Hungarton Neighbourhood Plan on 20th July 2017 that will include all of the registered electors in the Hungarton Parish be approved.**

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

Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
Examiners recommendations: text to remain in <i>italics</i> , new text highlighted in Bold and text to be deleted shown but struck through . Instructions are underlined.				
Env1- Env6; CF1 - CF2; T1 - T3.	Community Actions		<u>Modification 1</u> In order to comply with the Basic Conditions and have regard to the NPPG I recommend the numbering system used for Community Actions is to be changed to a straightforward numbering system, and the actions listed at the end of each topic section. <i>Community Actions Env1 - Env6</i> to become Community Actions 1-6 and to be listed at the end of section 3.3 "Natural and Historical Environment" . <i>Community Actions CF1 - CF2</i> to become Community Actions 7-8 and be listed at the end of section 3.4 " Community Facilities and Amenities". <i>Community Actions T1 - T3</i> to become Community Actions 9-10 and be listed at the end of Section 3.6 " Transport and Roads"	clarity
POLICY S2:	General Policy Principle	POLICY S2: GENERAL POLICY PRINCIPLE - Where there are no policies in this Plan relevant to a planning application or development proposal, the provisions of relevant National and District	<u>Modification 2</u> Policy S2 to become a final paragraph of section 3.1 Extra emphasis may be added, and the text edited to avoid repetition,	This is not a policy as such: it is stating the position as it is, and is a useful reminder for people reading the text who are not

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		wide planning policies apply. National and Districtwide planning policies continue to apply and the policies within the Neighbourhood Plan, where relevant, provide additional policy/guidance in respect of future development in Hungarton Parish	but <u>the words "Policy S2: General Policy Principle" must be removed.</u>	familiar with planning law. It is confusing to have it presented as a policy - it could be construed as proposing something different, which it isn't, and of course couldn't do.
POLICY H1	Housing Provision	The Neighbourhood Plan covers the period 2011-31. The Plan allows for a maximum of five additional houses through the Plan period at specified sites in the Parish, which will be met through site allocations in accordance with Policy H2. These houses are in addition to those for which planning permission exists, but are not yet constructed. A reserve sites policy is included as H3 to meet any future increase in housing need above current levels during the Plan period.	<u>Modification 3 Policy H1 at line 2 to delete the words 'a maximum of' and replace it with the word 'about' . The rest of the policy to remain as is.</u>	development guidance can indicate a preference for this number, a plan that is positive in attitude, as required by the NPPF, cannot set a maximum number of new dwellings. A positive plan needs to allow for the possibility of other options being found acceptable at the detailed design stage.
POLICY H2	Housing Allocations	POLICY H2: HOUSING ALLOCATIONS - Land is allocated for housing development at three locations as shown on the proposals map (figure 2). Development will be permitted for an additional five dwellings subject to the following criteria: a) (map reference a) For the conversion of the Wesleyan Chapel, Main Street, development will be permitted subject to: 1. The development providing a single	<u>Modification 4 Housing Allocations is recommended to be reworded as follows:</u> <i>Land is allocated for housing development at three locations as shown on the proposals map (figure 2). Development of approximately will be permitted for an additional five dwellings is supported subject to the following criteria:</i> a) (map reference a) For the conversion of the Wesleyan Chapel,	the development guidance, particularly for sites b) and c), is currently too prescriptive in predetermining the numbers and type of development. as currently worded the policies are too prescriptive and do not give any degree of flexibility, as required by the NPPF (paras 14 and 50)

Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
		<p>home; 2. Off-road car parking provision for 2 cars; 3. The conversion preserving the architectural features that are a recognised feature of the existing streetscape.</p> <p>b) (map reference b) For the Agricultural store at Hope Farm, Main Street, development will be supported subject to:</p> <ol style="list-style-type: none"> 1. The development providing three dwellings in total. 2/3 bed Starter Homes and one home suitable for older people is supported; 2. All mature hedging and trees being retained; 3. Where possible local people are to be given first consideration in the allocation of Starter Homes 4. On-site car parking provision for 2 cars per dwelling. 	<p>Main Street, development will be permitted is supported subject to:</p> <ol style="list-style-type: none"> 1. <i>The development providing a single home;</i> 2. <i>Off-road car parking provision for 2 cars;</i> 3. <i>The conversion preserving the architectural features that are a recognised feature of the existing streetscape.</i> <p>b) (map reference b) For the Agricultural store at Hope Farm, Main Street, development will be supported subject to:</p> <ol style="list-style-type: none"> 1. <i>The development providing is expected to provide three dwellings in total of which at least one is to be a 2/3 bed Starter Home. and one The provision of a home suitable for older people is supported strongly encouraged;</i> 2. <i>All mature hedging and trees being retained unless approved plans have allowed for selected removal of specimens;</i> 3. <i>Where possible local people are to be given first consideration in the allocation of the Starter Home(s)</i> 	

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		<p>c) (map reference c) For the Land at Willowghyll, Main Street, development will be permitted subject to:</p> <ol style="list-style-type: none"> 1. The development providing 2 bungalows (contributing one dwelling); 2. Off road parking provision for 2 cars per dwelling. 3. Development of this site shall be subject to a flood risk assessment being undertaken and mitigation measures being put in place <p>Where possible, starter homes within the Plan area shall be allocated to eligible households with a connection to the Parish defined as being where at least one member of the household meets at least one of the following criteria:</p> <ol style="list-style-type: none"> a) Was born in the Parish; b) Presently resides in the Parish and has, 	<p>4. <i>On-site car parking provision for 2 cars per dwelling.</i></p> <p>c) <i>(map reference c) For the Land at Willowghyll, Main Street, development will be supported permitted subject to:</i></p> <ol style="list-style-type: none"> 1. <i>The development providing is expected to provide 2 dwellings in total on the site and encouraged to provide bungalow s that may be occupied by older people. (contributing one dwelling)</i> 2. <i>Off road parking provision for 2 cars per dwelling.</i> 3. <i>Development of this site shall be subject to a flood risk assessment being undertaken and any mitigation measures required being put in place.</i> <p><i>Where possible, starter homes within the Plan area shall be allocated to eligible households with a connection to the Parish defined as being where at least one member of the household meets at least one of the following criteria: as currently worded to END.</i></p>	

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		<p>immediately prior to occupation, been lawfully and ordinarily resident within the Parish for a continuous period of not less than twelve months;</p> <p>c) Was ordinarily resident within the Parish for a continuous period of not less than three years but has been forced to move away because of the lack of affordable housing;</p>		
Policy H3	Reserve Sites	<p>An allocation for up to three houses at two sites as shown on the Proposals Map, will be supported for housing development if:</p> <p>a) It is required to remediate a shortfall in the supply of housing land due to the failure of existing housing sites in Hungarton to deliver the anticipated scale of development required;</p> <p>b) Or if it becomes necessary to provide for additional homes in the Parish in accordance with any new development plan document that replaces the Harborough Local Plan 2001.</p> <p>c) Development of the Washpit site should be subject to a flood risk assessment being undertaken and mitigation measures being put in place</p>	<p><u>Modification 5 Policy H3 Reserve Sites. criteria c is recommended to be altered as follows:</u> <i>development of the Washpit site should be subject to a flood risk assessment being undertaken and any mitigation measures required being put in place."</i></p>	<p>in order that it has the clarity the NPPF calls for (para154); a qualification that mitigation measures may not be required.</p>
Policy H4	Limits to Development	<p>Development proposals within the Plan area as identified in policies H2 and H3 will be supported within the Limits to Development as identified in Figure 3 where it complies with the policies of this Neighbourhood Plan.</p>	<p><u>Modification 6: Policy H4 is recommended to be revised as shown below in order that it is clear with regard to other policy in this Plan and in general conformity with the development plan.</u></p>	<p>anomalies in the designations which need to be sorted so that the revised boundary is based on consistent criteria.</p> <p>A Limit to Development, or</p>

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			<p><i>Development proposals within the Plan area, as identified in Policy H2 and H3 will be supported within the Limits to Development as identified defined in Figure 3.</i></p> <p>Development outside the defined limits to Development on the Reserve Sites identified in Policy H3 will be acceptable subject to complying with the terms of that policy. where it complies with the policies of this Neighbourhood Plan</p> <p>Figure 3: <u>The boundary of the Limits to Development to be altered on the following criteria:</u></p> <ul style="list-style-type: none"> • <u>Local Green Space and IOL land as defined in the saved policy HS/9 on the edge of the boundary to be excluded;</u> • <u>Sites allocated by Policy H2 and other sites with a current planning permission or constructed with planning permission after the previous boundary was drawn up to be included;</u> • <u>Reserve sites as identified in Policy H3 to be excluded from the limit to development boundary</u> 	<p>settlement boundary has implications for policies beyond those in this Plan. The HDLP2001 Saved Policy HS/8 states that within the defined limits of development planning permission will be granted for development that does not adversely affect residential amenity and is in keeping with its surroundings in terms of scale, design and layout.</p> <p>Thus the reserve sites within the limits to development boundary could be argued to be acceptable for development now under policy HS/8. I have checked with the LPA and Qualifying Body on this point, and they have confirmed that the intention was for the reserve sites to be only available should the need for further allocations arise, as would be expected.</p>

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Policy H5	Housing Mix	The mix of housing within the allocated sites has been specified in Policy H2. All proposals for the Reserve Sites, should they be required, will be expected to demonstrate how the proposal will meet the current and future housing needs of the Parish. Applications for small family homes (2 or 3 bedrooms) or for older people (ground floor accommodation) will be supported where in accordance with other policies. There will be a presumption against larger homes (4 or more bedrooms).	<p><u>Modification 7: Policy HS Housing Mix is amended as follows:</u></p> <p><i>The mix of housing within the allocated sites has been specified in Policy H2. All proposals for the Reserve Sites, should they be required, will be expected to demonstrate how the proposal will meet the current and future housing needs of the Parish as evidenced in the Parish Housing Needs Report 2016 (Appendix S) and the Leicester and Leicestershire Housing and Employment Development Needs Analysis 2017 or any more recent document updating either of these reports. Applications for small family homes (2 or 3 bedrooms) or for older people (ground floor accommodation) will be supported where in accordance with other policies. There will be a presumption against larger homes (4 or more bedrooms).</i></p>	<p>The policy needs to be clear what evidence can be consulted on local housing need so that a developer can draw up an acceptable proposed dwelling mix.</p> <p>The policy can also indicate that any document updating either of these evidence bases will be included in the evidence source. Viability or the lack of it is an acceptable challenge to an adverse planning decision, but this needs to be demonstrated by the developer.</p> <p>Policy should pay due regard to the NPPF (para 154) requirement for clarity in policies</p>

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Policy H6	Building Design Principles	all new development proposals including one or more houses, replacement dwellings and extensions will need to satisfy the above building design principles unless Material Considerations mean that the guidance cannot be followed.	Modification 8: Policy H6: Building Design Principles - <i>all new development proposals including one or more houses, replacement dwellings and extensions are encouraged to have regard to the building design principles in Annexto a degree that is proportionate to the development. will need to satisfy the above building design principles unless Material Considerations mean that the guidance cannot be followed.</i> <u>The Design Principles in the boxed text of pages 21-24 of the Hungarton Neighbourhood Plan to be removed from the document and included as a separate Annex to the Plan</u>	the submission of a Design and Access Statement out side t he Conservation Area, 'expecting' one is too onerous in many circumstances, especially as there are a detailed list of issues that the Statement 'must' address. This expectation, and the statement that 'an architect should be employed' (page 23) have not paid due regard to the NPPF (para173) and its requirement that development should not be overburdened by policy requirements that threaten viability to allow the necessary degree of flexibility t o a developer to choose how far they wish to comply with guidance that in several respect s can only be indicating local preferences not imposing requirements.
Policy H7	FURTHER TANDEM AND BACKLAND DEVELOPMENT	in gardens of existing properties will not be supported unless in exceptional circumstances	<u>Modification 9: Policy H7 is recommended to be reworded as follows:</u> <i>POLICY H7: Further Tandem and Back/and Development in gardens of existing properties will not be supported unless in exceptional</i>	While the NPPF (para 53) does discourage inappropriate backland development, it suggests policies should do this where the "development would cause harm to the local area."

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			<p>circumstances where the development would cause harm to the local area.</p>	
POLICY ENV1	PROTECTION OF LOCAL GREEN SPACES	<p>Within the area of the Local Green Space identified on the map below (Figure 5), development is ruled out, other than in very special circumstances.</p> <p>Town End Close (inventory reference 01); 'The Paddock' (Home Close) (05); Bottom Green ('sledging field') (06); Hungarton Spinneys (08); Paddock opposite old Post Office (10); Gilbert's Close (paddock behind Swedish houses) (11).</p>	<p><u>Modification 10: Policy ENV 1 is recommended to be amended as follows:</u></p> <p><i>Within the area of the Local Green Space sites designated in this policy and identified on the map below (Figure 4 5), development is ruled out, other than in very special circumstances.</i></p> <p>Town End Close (inventory reference 01); <i>'The Paddock' (Home Close) (05);</i> <i>Bottom Green ('sledging field') (06);</i> <i>Hungarton Spinneys (08);</i> <i>Paddock opposite old Post Office (10);</i> Gilbert's Close (paddock behind Swedish houses) (11).</p>	Clarity and to ensure sites that are suitable for designation as Local Green Space are included.
POLICY ENV2	PROTECTION OF OTHER SITES OF ECOLOGICAL AND GEOMORPHOLOGICAL SIGNIFICANCE	<p>The protection and enhancement of the identified significant feature sites shown in Figure 6 as "Other Sites of environmental and community significance", and detailed in the Environmental Inventory (Appendix 12) will be supported.%</p>	Refer to Figure 5 not Figure 6	Accuracy

Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
POLICY ENV5	BUILDINGS AND STRUCTURES OF LOCAL HISTORICAL AND ARCHITECTURAL INTEREST	<p>Development proposals that affect an identified non designated building or structure of local historical or architectural interest or its setting will be expected to conserve or enhance the character, integrity and setting of that building or structure in line with the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>Development proposals that affect a Listed Building or any other nationally designated heritage asset will be considered in accordance with national and district wide planning policies.</p>	<p><u>Modification11: Policy ENV5:</u> <i>Development proposals that affect an identified non-designated building or structure of local historical or architectural interest or its setting will be expected to conserve or enhance the character, integrity and setting of that building or structure in line with the Planning (Listed Buildings and Conservation Areas) Act 1990.</i> The buildings of local interest currently identified are listed in Appendix 9 and are: Sunnyside The Old Post House The Black Boy Old Cottage Wesleyan Chapel Swedish Houses The Old Forge Hope Farm Cottage Hartfield Lodge</p>	<p>The policy cannot extend the protection of a nationally Listed Building to these buildings of local list, so the reference to the 1990 Act needs to be removed for clarity and to comply with planning law.</p> <p>To ensure clear, and to avoid any interpretation of the policy as taking on the role of the LPA with regard to conservation legislation</p>
POLICY ENV6	PROTECTION OF OTHER SITES OF HISTORICAL SIGNIFICANCE	<p>The following sites (and see Appendix 12 and Figure 8) are formally identified in this Plan as non-designated heritage assets for their extant and visible historical and/or archaeological features. These sites do not currently enjoy statutorily designated protection through the NPPF. They are important in their own right and are locally valued.</p>	<p><u>Modification 12: For accuracy and appropriate level of legal standing with regard to formal designation, the first paragraph of Policy ENV6 is recommended to be amended as follows:</u> <i>The following sites (and see Appendix 12 and Figure 8) are</i></p>	<p>There is a problem in the use of the term 'formally identified' in connection with a 'non-designated heritage asset', as formal designation should preferentially be done by the LPA in a committee report (Historic England Advice Note).</p>

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		<p>Development proposals that affect them will be expected to protect the identified features:</p> <p>Baggrave deserted medieval village earthworks: visible features, where not protected by Scheduled Monument designation (part of Inventory reference 17);</p> <p>Roman site, Village Farm: surviving sub-surface structures (part of 37);</p> <p>Hungarton village earthworks: visible evidence for areas of larger medieval village (parts of 04 and 05);</p> <p>Bottom Green: earthworks (also a ridge and furrow field) (06);</p> <p>Quenby Hall fishponds: extant late 17th century historical landscape feature (46);</p> <p>Quenby Hall avenue: extant late 17th century historical landscape feature (55);</p> <p>Quenby Hall: original 17th century landscaped garden (61);</p> <p>Quenby Hall: walled garden, c.1600 (features not already Listed) (56);</p> <p>Midland & Great Northern Joint Railway line (surviving sections of trackbed and earthworks) (66, 67, 69 - 71,);</p> <p>Ingarsby deserted medieval village: all extant visible features (earthworks and modified topography) where not protected by Scheduled Monument designation (79-83).</p>	<p>formally identified in this Plan as non-designated heritage assets for their extant and visible historical and/or archaeological features. These sites do not currently enjoy statutory designated protection through the NPPF. They are important in their own right and are locally valued. <u>as currently worded to END</u></p>	<p>The NPPF (para3 5) does offer support for non-designated heritage assets, so the second sentence of the first paragraph should be removed for accuracy.</p>
POLICY	IMPORTANT	Development proposals that damage or result	Modification 13: In order that	There is a problem in the use of

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ENV8	HEDGES	<p>in the loss of identified hedges of historical and ecological significance and amenity value will be resisted. Proposals should be designed to retain and manage such hedges where possible.</p> <p>Nine species-rich, ancient hedges (Figure 10) are of high historical and ecological importance and are formally identified in the Plan as non-designated heritage assets.</p>	<p>Policy ENV8 complies with the Basic Conditions, I recommend that the word "<u>formally</u>" is removed from the second paragraph.</p>	<p>the term 'formally identified' in connection with a 'non-designated heritage asset', as formal designation should preferentially be done by the LPA in a committee report</p>
POLICY T1	TRAFFIC MANAGEMENT	<p>With particular regard to the rural highway network of the Parish and the need to minimise any increase in vehicular traffic all development must:</p> <p>a) Be designed to minimise additional traffic generation and movement;</p> <p>b) Incorporate sufficient off-road parking in line with policy H2;</p> <p>c) Provide any necessary improvements to site access and the highway network either directly or by financial contributions;</p> <p>d) Consider, where appropriate, the improvement and where possible the creation of footpaths and cycleways to key village services.</p>	<p>For accuracy, the last sentence of the final paragraph of the justification on page 58 should refer to Policies H2 and H6.</p>	<p>Accuracy</p>