

Planning Committee Report

Applicant: Mrs Lesley Sanderson (Clerk of Great Glen Parish Council)

Application Ref: 16/01185/FUL

Location: Great Glen Parochial Village Hall / Youth Club, Main Street, Great Glen

Proposal: Demolition of the existing village hall and adjacent youth club building; erection of a new multi-purpose village community hall complex with a doctors' satellite surgery (revised scheme of 15/00440/FUL)

Application Validated: 29.09.2016

Target Date: 24.11.2016 (Extension of Time Agreed)

Consultation Expiry Date: 07.12.2016 (14 day neighbour re-consultation)

Site Visit Dates: 20.04.2015, 05.06.2015 and 09.06.2015 for 15/00440/FUL; 29.09.2016 for 16/01185/FUL

Case Officer: Nick White

Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report and subject to the appended Planning Conditions (Appendix A) and completion of a s106 relating to a highways contribution (Appendix B).

Recommended Justification Statement:

The proposal, by virtue of its design (form, mass, scale, proportions, style and materials), would be in keeping with the character and appearance of the site and its surroundings, would not cause significant harm to the amenities of surrounding residents or general amenities in the area, would not adversely affect ecological, archaeological or arboricultural interests, would not exacerbate flood risks, and would not cause significant detriment to highway safety. The development is in a suitable, central location in the village. The development would significantly enhance community facilities for the village and its catchment population and would support economic growth. The proposal, therefore, accords with Policies CS1, CS5, CS7, CS8, CS9, CS10, CS11, CS12 and CS17 of the Harborough District Core Strategy and no other material considerations indicate that the policies of the development plan should not prevail. The decision has been reached taking into account, inter alia, Paragraphs 186 and 187 of the National Planning Policy Framework.

1. Site & Surroundings

- 1.1 The application site (hereafter referred to as the 'site') lies in the centre of the 'Rural Centre' village of Great Glen.
- 1.2 There is an open area of car parking to the north of the site and, therefore, the site appears as a corner plot between Main Street and Ruperts Way, backing onto (to the east of the site) the Great Glen Library site and the rear gardens of dwellings along

Cromwell Road. The area of car parking to the north of the site is owned by the District Authority.

- 1.3 To the south of the site is a detached two storey private dwelling, No.20 Main Street, and a block of flat roof garages and a parking area serving Cromwell Road dwellings.
- 1.4 Looking north. No.20 Main Street dwelling rear elevation on left of shot, Cromwell Road dwelling rear elevations on right, flat roof double garage block within the application site circled as a reference point:



(Source: Google Streetview)

- 1.5 Roughly on the same north-south axis, but looking south. Library on left of image:

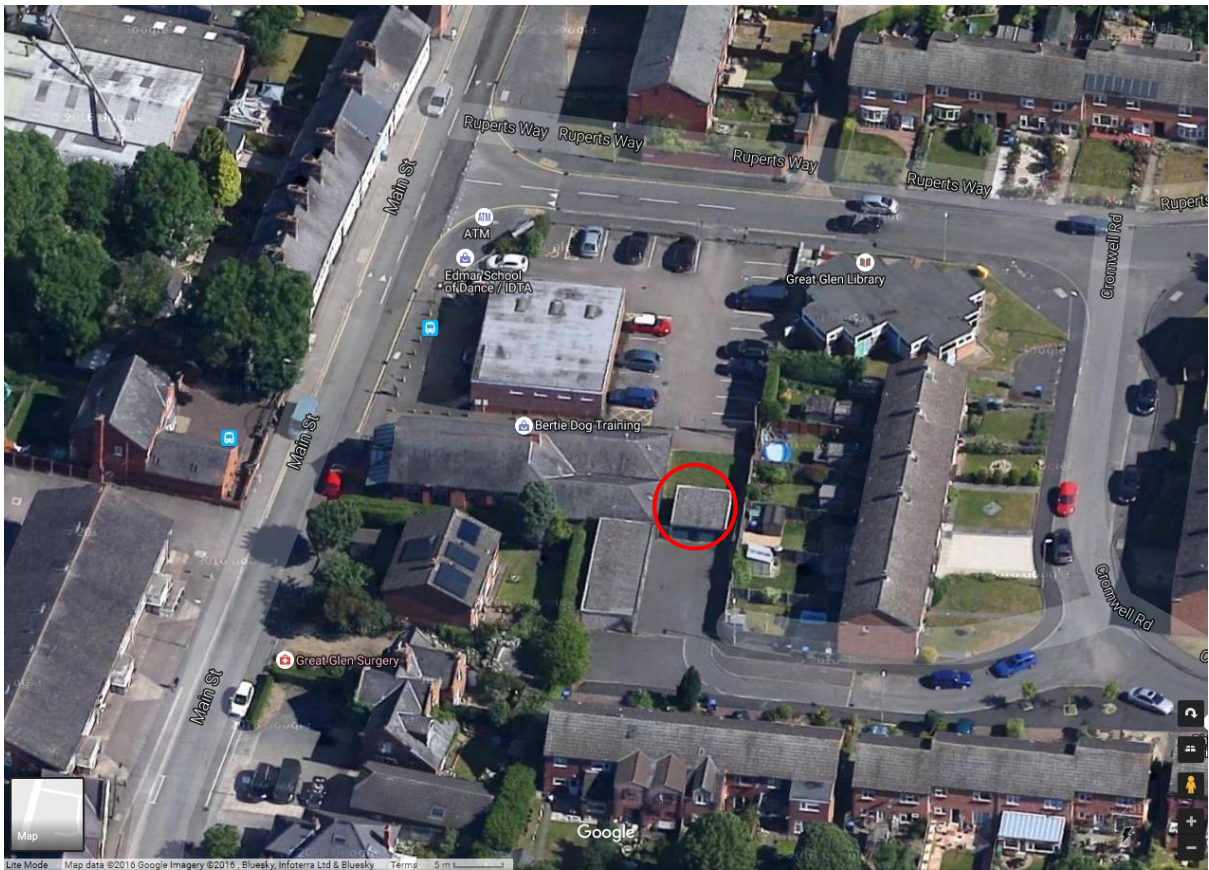


(Source: Google Streetview)

1.6 Google Maps aerial, with site outlined by Planning Officer (dashed line) and garage circled as a reference point:



1.7 Google Maps aerial 3D images, looking north, site centre shot:



1.8 The site contains three separate buildings which would be demolished; full site clearance would occur to facilitate the new build, through demolishing:

1. A double flat roof garage, circled in the images above.
2. A youth centre building (marked as “Inst” or “Institute” on the existing plans). This is an unsightly flat roof building, oppressive in design, which is conspicuously situated on the corner of the site, as shown here:



(Source: Google Streetview)

3. The existing Village Hall. This is an attractive Victorian brick and slate building (notwithstanding the modern glazed extension and mismatched bricks to the front Main Street elevation). It has a vertical, ecclesiastical emphasis to its elevations/fenestration. The building runs front to back in the plot. The applicant has advised that the building suffers from a range of problems (poor insulation, high heating costs, rising damp, etc.) and is expensive to maintain. Furthermore, the internal layout and size of the building does not facilitate the sporting and other contemporary requirements of the local community (e.g., badminton court, dramatics & meeting spaces).



(Source: Google Streetview)

- 1.9 There are no mature trees or other notable foliage on the site. A semi-mature, tall conifer tree lies within the garden of No.20 Main Street; along the north boundary of that garden, next to the current Village Hall, as outlined here:



(Source: Google Streetview)

- 1.10 Site levels rise from the Main Street frontage of the site in an eastward direction towards Cromwell Road dwellings. The Applicant's Topographical Survey plan of existing levels shows, for example, that levels rise by approximately 2 metres along the southern site boundary axis (95.78 to 97.67).
- 1.11 The site does not lie within a Conservation Area. The closest Listed Building is Rupert's Rest, which lies approximately 75m to the south of the site. It is set back from the highway edge and staggered behind a building to its north. Its setting is not considered to be affected by the application site development.
- 1.12 It is noted that there is an attractive row of terraced dwellings (Packer Row terraces) opposite part of the site on Main Street. It is considered to possess heritage value:



(Source: Google Streetview)

1.13 There are no designated Public Rights of Way which are affected by the development.

2. Site History

2.1 The Site has the following key planning history:

Application No.	Decision / Date	Nature of Development
15/00440/FUL	WITHDRAWN 15.01.2016	Demolition of existing village hall and youth club building; erection of a mixed use building comprising doctors' surgery, sports hall with stage, cafe/restaurant and meeting rooms, with associated access, parking, terrace, hardstanding and landscaping
01/00163/FUL	APPROVED 02.04.2001	Erection of glazed entrance porch with disabled access ramp and store to rear (<i>PO Note: regarding the "Village Hall"</i>)
87/00862/3P	APPROVED 30.06.1987	Alterations and extensions (revised scheme) (<i>PO Note: regarding the "Village Hall"</i>)
87/00145/3M	APPROVED 10.03.1987	Alterations and extensions to provide improved toilet and kitchen facilities bar area and hall (<i>PO Note: regarding the "Village Hall"</i>)
86/00525/3M	APPROVED 06.05.1986	Extension to existing hall to provide toilets (<i>PO Note: regarding the "Village Hall"</i>)
82/00309/3M	APPROVED 11.05.1982	Erection of replacement building (<i>PO Note: regarding the "Institute"</i>)

BR/07157/BRDC	APPROVED 06.10.1970	The erection of 22 houses and 11 garages (<i>PO Note: regarding the 2 garages</i>)
BR/07063/BRDC	APPROVED 03.08.1970	Extension to coffee bar and alteration of pedestrian access (<i>PO Note: regarding the "Institute"</i>)
BR/05603/BRDC	APPROVED 07.02.1966	Extension to building to form kitchen and toilet accommodation (<i>PO Note: regarding the "Institute"</i>)

- 2.2 Recently Withdrawn application 15/00440/FUL was recommended for approval under Delegated powers and was pending S106 completion. However, a matter relating to land ownership of the car park led to the application being Withdrawn and amended to its current rationalised site area.
- 2.3 The Village Hall predates the Town & Country Planning Act 1947 (which came into force on 1st July 1948).

3. The Application Submission

a) Summary of Proposals

- 3.1 The application seeks full/detailed planning permission for the demolition of three buildings on the site (Youth Centre, Village Hall and double garage block) and the erection of a new "multi-purpose village community hall complex with a doctors' satellite surgery".
- 3.2 Floor areas for the Existing and Proposed D1 and D2 Classifications**:

EXISTING

Youth Club (Class D1) – 183.1sq.m
Village Hall (Class D1) – 273.1sq.m
TOTAL: 420.4sq.m

PROPOSED

Health Centre and Community Facilities (Class D1) – 558.7sq.m
Sports / Drama Hall (Class D2) – 209.3sq.m
TOTAL: 768.0sq.m (increase of 347.6sq.m)

**Town and Country Planning (Use Classes) Order 1987 definitions are as follows:

D1 Non-residential institutions - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non residential education and training centres.

D2 Assembly and leisure - Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used).

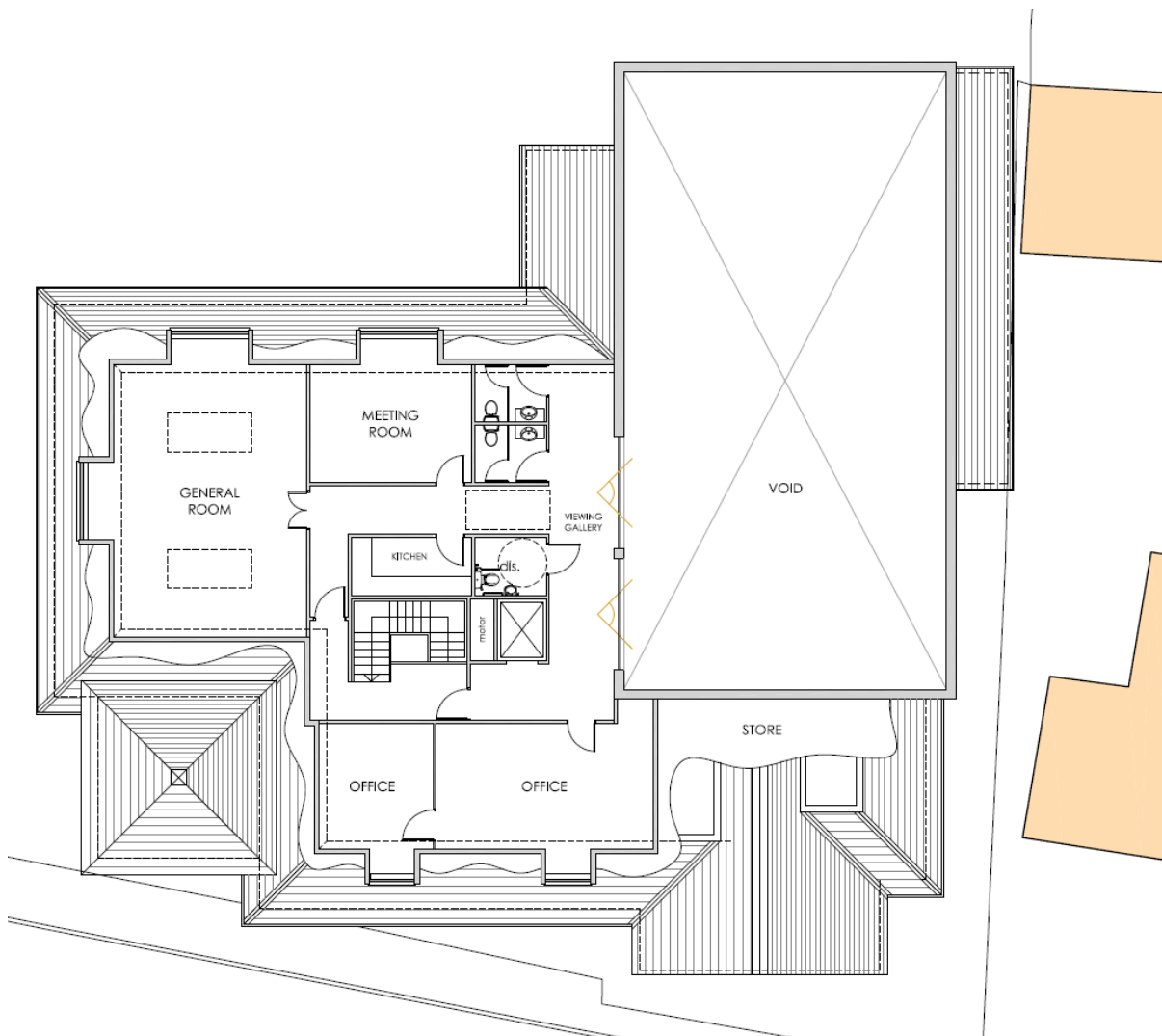
- 3.3 The proposed floor plans spread over two floors. The ground floor plan includes a "general room" and kitchen facilities, two offices, WCs, seating areas, doctors' surgery and a sports hall (which includes an extendable stage) with a lean-to store.

At first floor there is a store area, WCs, a “general room” a “meeting room”, offices and a kitchen. A lift connects the two floors and the building has disabled access and facilities.

3.4 Proposed Ground Floor Plan:



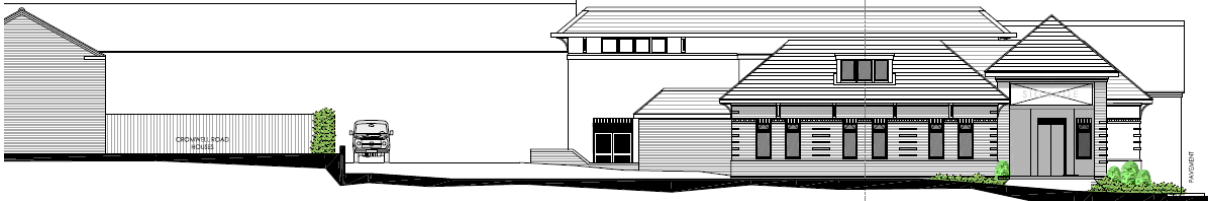
3.5 Proposed First Floor Plan:



- 3.6 During the assessment of Withdrawn application 15/00440/FUL, there were Officer concerns regarding overbearing impacts to the residential property to the south of the site, No.20 Main Street. The applicant amended the 15/00440/FUL plans to seek to mitigate this impact, by reducing the height of the sports hall. The eaves height of the hall was reduced by $\frac{3}{4}$ metre, from 7.2m to 6.45m. The maximum flat roof height of the sports hall was reduced by the same amount – down to 7.85m. The current resubmission retains the same eaves and maximum heights for the sports hall.
- 3.7 Amended plans have been submitted during the current application process to ensure that the sports hall retains the same footprint siting as 15/00440/FUL. Its footprint had been extended farther east, thereby extending its projection alongside No.20 Main Street and its concomitant overbearing impacts. The amended plans reverse this.
- 3.8 West Elevation facing Main Street (No.20 dwelling shown on right for streetscene impression):



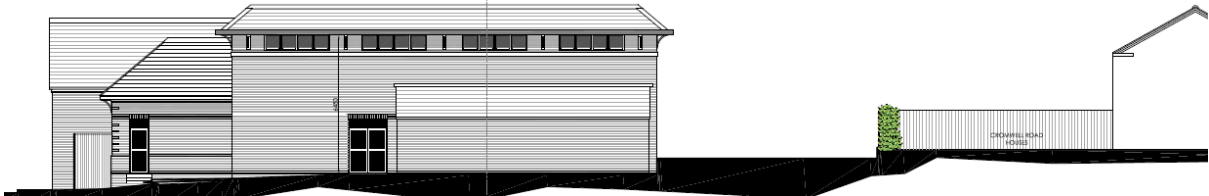
3.9 North Elevation facing Ruperts Way (Cromwell Road dwellings seen to left):



3.10 East Elevation (The rear elevations of Cromwell Road dwellings face this):



3.11 South Elevation (running adjacent to the boundary with No.20 Main Street):



3.12 CGI of proposal:



3.13 Comparison massing plan of West Elevation facing Main Street. The shading defines the existing Youth Club building and the Village Hall:



b) Plans and Statements / Documents For Assessment

i. Plans

3.14 The application seeks permission for the following plans:

- Location & Block Plan (Drawing Number 3528/LS/13/001, Revision Number P1, dated 21/07/16);
- Proposed Site Plan (Drawing Number 3528/LS/16/100, Revision Number P2, dated 17/11/16);
- Proposed Ground Floor Plan (Drawing Number 3528/LS/16/100, Revision Number P2, dated 17/11/16);
- Proposed First Floor Plan (Drawing Number 3528/LS/16/101, Revision Number P2, dated 17/11/16);
- Proposal Elevations Sheet 1 of 2 (Drawing Number 3528/LS/16/101, Revision Number P2, dated 17/11/16);
- Proposal Elevations Sheet 2 of 2 (Drawing Number 3528/LS/16/101, Revision Number P2, dated 17/11/16).

All of the 17/11/16 amended plans state under “Revision Log” “Hall moved Eastward” when they mean westward.

ii. Supporting Statements / Documents

3.15 The application is accompanied by the following supporting plans and documents:

- Topographical Survey (Drawing Number 3528/LS/13/002, Revision Number P1, dated 21/07/16);
- Existing Ground Floor Plan (Drawing Number 3528/LS/13/003, Revision Number P1, dated 21/07/16);
- Existing Elevations (Drawing Number 3528/LS/13/004, Revision Number P1, dated 21/07/16);
- Photograph Document (Corporate Architecture Limited, July 2016, Revision B);
- Elevations Comparison Sketch (Drawing Number 3528/LS/16/008, Revision Number P1, dated 21/07/16);
- 3D Visual 01 (3528/LS/15/3DVIS01).

3.16 The cover letter which accompanies the application (composed by the Applicant’s agent) explains:

“As with the previous scheme it should be noted that the new Village Centre will incorporate a four consulting room satellite Doctors Surgery. In addition, the development will also provide a ‘clubroom’ which will have kitchen and bar facilities to enable onsite refreshments to be provided when the meeting spaces and main hall are being used.

It is also expected that the Leicestershire Constabulary will also be using the new centre as a neighbourhood police office to serve the Great Glen community. Suitable office space is available to facilitate this use together with office and meeting space to serve the Great Glen Parish Council day to day needs.

This will provide much needed Parish Council administration facilities as well as general purpose rooms to encourage greater community use.

The existing local drama group have been consulted and the layout reflects their requirements to ensure the thriving group continue within the heart of the village.

In addition, to the drama and performance arts usage the new hall will enable the sports and health group to enjoy a purpose made facility allowing recreational badminton in addition to various other sports.

The existing car park area adjacent to the site remains unaffected by the proposal. Following the acquisition of a parcel of land to the east of the site additional parking for six vehicles solely for the village hall use. It should be taken into consideration that as the Village Hall is within the heart of Great Glen, it is expected that many of the users will walk or cycle to use the new building. Encouraging a 'green travel' approach to the Parish Centre."

c) Pre-application Engagement

- 3.17 General pre-application advice has been provided by the Local Planning Authority around the principle of the development, via pre-app reference Dev8741, as well as during the course of application 15/00440/FUL.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community have been carried out on the application.
- 4.2 A summary of the technical consultee and local community responses which have been received is set out below. If you wish to view comments in full, please request sight or search via: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

- 4.3 *HDC Environmental Services*
Consulted. No comments received.
- 4.4 *HDC Drainage Engineer*
Consulted. No comments received.
- 4.5 *Leicestershire County Council Highways Authority (LCC HA)*
Comments received as follows:

"The County Highway Authority (CHA) would advise that additional information is required in relation to the adjacent car park and its availability for use legally on a permanent basis by the community facility users. The current village hall utilises the adjacent car park and has done for some time yet it is owned by Harborough District Council and could therefore feasibly be removed. Whilst the existing parking

provision is considered adequate for the existing use, should the adjacent car parking provision be removed and the community facility increased in size as proposed by this application the CHA would have concerns that this could lead to indiscriminate parking within the highway, which is not in the interests of highway safety.

Given this uncertainty it should first be clarified if the existing car parking provision could remain available for permanent use by the proposed community facility. In this instance the County Highway Authority would likely consider that the additional parking requirement based on the larger gross floor area of the proposed application which cannot be accommodated within the currently available parking would not constitute a severe impact in accordance with paragraph 32 of the National Planning Policy Framework.

If however the LPA were minded to approve the proposal prior to the confirmation sought above the following conditions/ contributions should be included.

Conditions

1. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, 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 highway users.

2. Before the development hereby permitted is first used, cycle parking provision shall be made to the satisfaction of the LPA and once provided shall be maintained and kept available for use in perpetuity.

Reason: In the interests of the sustainability of the development and to encourage alternative transport choice.

S106 Contributions:

To comply with Government guidance in the NPPF, the CIL Regulations 2011, and the County Council's Local Transport Plan 3, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.

- Improvements to 2 nearest bus stop (including raised kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3500.00 per stop.
- Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display.

The above requirements are made on the basis of information made available to the Safe and Sustainable Travel Team at this time. Any variation from the submitted information may result in a change in requirements."

b) Community Representations on original plans submitted with this application

- 4.6 *Great Glen Parish Council*
Great Glen Parish Council is the Applicant.

4.7 **14 objection comments** have been received from 10 households. The following synopsis of objection comments consists of quotations:

4.8

Design / Visual Amenity objections raised through representations

- On a visual point I think it is great shame that the existing village hall will be demolished and am sure that is possible to design a community centre that encompasses the old hall and maintains some of the villages past and retains the traditional village hall that villages pride themselves on.
- The site currently has an open character (two buildings, with significant less street front than the proposed building, one set back much further from street, and significantly less height of the buildings). The village hall is an attractive building when looked at from the street and blends well into the existing environment. This kind of open character along original roads in the village is acknowledged in the draft neighbourhood plan (final draft form July 2016) which comments on broken frontages (p. 34). The new building in contrast is quite massive and will hence be quite overbearing over the surrounding area; its character would be much more suitable for a small town location than a village. Said surrounding area includes Packe Row (a 19th century terrace) as well as the narrow main street with narrow pavements on both sides) which the proposed build will enclose, overshadow and completely overbear. This appearance will be increased by the proposed placement of the building front line in very close proximity of the buildings from to the pavement.
- I personally feel that the design is out of character with the village. It is positioned on one of the oldest parts of the village, where existing buildings have a characteristic that binds this village to this history. This is highlighted in the Parish Council's village design plan. The proposed design is too big a building to work in sympathy with this character.
- The new, taller frontage not being set back from road will make it overbearing in relation to the cottages on the other side of the road, which were recognised as a particularly attractive feature of the village: thus, the proposal is in conflict with the emerging Great Glen Neighbourhood Plan, and will destroy the open character of that area.

4.9

Flooding concerns raised through representations

- I am concerned about the flooding.

4.10

Highways objections raised through representations

- The present village hall car park is used by residents of the terraced cottages who have a single yellow line in front of their properties. Add to this the doctors and village hall users parking - there will not be enough parking spaces on the new car park. We occasionally have inconsiderate parking from village hall users and I believe that this will increase as the village hall is bigger and will host bigger events.
- Parking that might have been considered barely adequate on the original application must now be considered wholly inadequate.
- Main Street is a busy key thoroughfare and main bus route and any extra traffic, particularly on-street parking, caused by this development could cause serious congestion and road-safety issues as well as parking difficulties for the residents.
- The Miller Homes development at The Oaks is fundamentally linked to the proposed build as it is supposed to provide the needed funding under Section 106 - and hence cannot be ignored. The increase in traffic along Main street, additional car

movements on the car parking facility as well as to and from the car park will make the area less safe for pedestrian users, many of whom are children and elderly people using the community library.

- To put in a full application for this site with no parking layout or parking use and needs assessment seems bizarre.
- The current pedestrian provisions do not exist for people walking to the village hall/youth centre - good pathways, zebra crossings, good street lighting - these will all need to be considered into the plan and as yet are not.
- As the pavement is particularly narrow at this point and accommodates the bus stop, it means that the area in front of the club currently used as a passing point for pedestrians will disappear, endangering pedestrians along that stretch of road.

4.11

Residential / General Amenity objections raised through representations

- The new village hall will overshadow my property as it is taller than the present village hall and the roofline is a storey higher in places. This will overshadow the side of my garden and our property. It will block our light and make our property feel enclosed.
- I am concerned about being overlooked.
- Lost rear entrance to our house to remove our bins for the rear exit [Cromwell Road objector].

4.12

Sustainability and General concerns raised through representations

- the assumption that most people would walk to the development is an aspiration rather than a realistic expectation and not backed up with a realistic travel plan or any meaningful analysis.
- Apart from the general public, the Councillors, police, doctors and patients who are supposed to use the building are quite unlikely to walk to it. Also, the parking will have to serve the community library which is well used by children.
- The youth centre houses the before and after school club, and children are mostly dropped off and picked up by cars at busy times. The school club is an important facility as there is insufficient childminding available, so the new building should accommodate this use if it is to not to be a dis-benefit to the community. Currently it is usually possible to park safely and take children to the library, club and event, but this may not be possible if the spaces are taken by other users.
- lack of flexibility could well result in a less useful, less safe and less convenient facility for the people of Great Glen than already exists.
- The new public space is not significantly larger than the current Village Hall, so of little value to an (ever) expanding community.
- The proposal also fails to consider the interim period between demolition and opening of the new facilities, which could easily be in excess of 12 months and the resulting likely demise of offered classes and community opportunities to the village residents provided by current users.
- there is no commitment of the doctors surgery or the NHS to staff such a facility in a way that suggests good use being made from the extra room. Quite the opposite, the NHS is leaving decisions as to scale of the operation to the running practice, which is currently heavily investing in new facilities in Kibworth, and as such its future in Great Glen is questionable.
- the plans report on an increase in full-time employees from 1 to 4 (3FT plus 2PT) which is clearly not a creation of new jobs, but rather a relocation of existing jobs.

- There has been no consideration for how the whole plot, which includes the parking and the library, can work as a holistic central village hub. I think the commissioning parties of this proposed site and building need to seriously reconsider a redesign that incorporates a new learning space (i.e. incorporating and enhancing the library functionality) into the design; whilst restructuring the parking provision in this plot so that all the village can benefit from this new major infrastructure project.

4.13 **8 support comments** have been received from 7 households. The following synopsis of support comments consists of quotations:

- 'Youth club' is an ugly, square brick building and certainly should be demolished. Furthermore, the doctor's surgery is desperately in need of new premises. A new combined building would be efficient, attractive and meet the needs of the existing population.
- Very welcomed proposal which will be brilliant for the village. Some consideration to be taken with parking please.
- The existing village hall has had its day. It is cold and damp in the winter, even with the heating and what roof insulation there is (installed circa 20 years ago), and on a warm day in the summer can get excessively hot when in use. The heating needs to be kept on or the fabric of the building cools rapidly and then requires several hours to warm up again to a tolerable temperature. The mildew in the kitchen and toilets seems to have a permanent presence. As a member of an organisation that is a long term user of the village hall, I can honestly say that the toilets are unpleasant. (The toilets in the youth centre are worse.) Due to the damp, the floor in the main hall and stage areas is not in the best condition and periodically requires repair work due to rot.
- Having lived in this village for 30 years I think the village deserves and needs a replacement modern community building that will bring together all the facilities in one place. Including as I understand it the doctors. It could be a once in a lifetime opportunity to replace the eyesore in the middle of the village with a smart new building that truly reflects the quality of the village.
- The youth centre is again off putting to potential users as in the main hall there is not one single window to let in any natural light. It is time the village looked forward to providing a more modern central community facility.
- The two existing buildings are in need of significant attention, and are now not suitable, in their current status, for the needs of the village. Using the site to replace these with contemporary and pertinent facilities will be financially sensible and socially viable. The site is centrally located and therefore more easily accessible to older residents.

c) Community Representations on amended plans submitted with this application

4.14 **2 objection comments** have been received from "Ratae, 20 Main Street", the property adjacent to the site to the south. The following synopsis of objection comments consists of quotations:

- Having viewed the updated plans, I do not see any real changes and therefore my objections to the development still stand. The new village hall is taller than the present building and goes back much further at double the height of the present building. This development will overpower our home, blocking out our light and overpowering our house and garden.
- The present village hall is currently the boundary to our property but this is not shown on the plans. A hedge is shown, which makes up some of the boundary, but a good part of our property boundary is made up of the wall of the present hall. The current drawings are therefore incorrect.

- Visual impact is not in keeping with the rest of that part of the village, particularly the older cottages on the other side of Main Street.
 - My other concern is parking. Car parking needs to be expanded.
- 4.15 **2 objection comments** have been received from “28 Coverside Road”, raising the following concerns:
- The 6 new parking spaces still remain not really useable.
 - The structure will be out of keeping with the character of the area. The new facade is as high as the highest point of the existing, the total area is much more significant, the current 'broken' nature due to the gap between Village Hall and Youth Club and the recessed position of the latter disappears as the whole facade is closer to the road and continuous in nature.
 - The reduction in the size of the building reduces the possible utility of the building.

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’), 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 Core Strategy adopted November 2011.
- The saved policies of the Harborough District Local Plan (HDLP) adopted April 2001.

5.4 Material considerations include any consideration relevant to the circumstances which has a bearing on the use or development of land. The material considerations to be taken in to account when considering the merits of this application include the DP referred to above, the National Planning Policy Framework (hereafter referred to as ‘The Framework’ or ‘NPPF’), the national Planning Policy Guidance, further materially relevant legislation, together with responses from consultees and representations received from all other interested parties in relation to material planning matters.

5.5 *Harborough District Core Strategy*

The Core Strategy (hereafter referred to as the ‘CS’) was adopted in November 2011 and covers the period from 2006 to 2028. The following Policies of the CS are relevant to this application.

- Policy CS1 (Spatial Strategy)
- Policy CS5 (Providing Sustainable Transport)
- Policy CS7 (Enabling Employment and Business Development)
- Policy CS8 (Protecting and Enhancing Green Infrastructure)
- Policy CS9 (Addressing Climate Change)

- Policy CS10 (Addressing Flood Risk)
- Policy CS11 (Promoting Design and Built Heritage)
- Policy CS12 (Delivering Development and Supporting Infrastructure)
- Policy CS17 (Countryside, Rural Centres and Rural Villages)

b) Material Planning Considerations

5.6 *The National Planning Policy Framework (The Framework / NPPF)*

The Framework, published March 2012, replaces previous national policy/guidance set out in Planning Policy Statements and Planning Policy Guidance documents.

5.7 *National Planning Practice Guidance*

The national Planning Practice Guidance (hereafter referred to as the PPG), published 6th March 2014, replaces a number of previous planning guidance documents that have been cancelled as part of the Government's drive to simplify the planning process.

5.8 *New HDC Local Plan*

5.9 *Emerging Great Glen Neighbourhood Plan (2011 – 2031)*

06.12.16 update from the HDC Neighbourhood Planning and Green Spaces Officer (Matt Bills):

"The GG NDP has been submitted to HDC for Examination. The Regulation 16 (Examination) consultation for the Great Glen Neighbourhood Plan took place between 24/8/2016 and 5/10/2016. The Qualifying Body is currently considering a representation from Historic England regarding the requirement for a Strategic Environmental Assessment after a screening report in September 2016.

An Examiner has not yet been appointed as the QB is considering an amendment to the Plan and will resubmit to HDC in due course. At that time the resubmitted plan will need to go through Regulation 16 consultation again to give opportunity for representations to be made on the amendments."

Only a limited amount of weight can be attached to the GGN Plan owing to its unadopted status.

5.10 The following sections of the GGN Plan are relevant:

Policy GG7: Design Quality
 Para.7.4 "Employment and the Economy" (Policy GG9)
 Para.7.5.2 "Community Facilities" (Policy GG11)
 Para.7.7.1 "Parking" (Policy GG21 and GG22)
 Para.7.7.1 "Parking" (Policy GG21 and GG22)
 Para.7.7.3 "Traffic Management" (Policy GG24)
 Para.7.8 "Developer Contributions" (Policy GG25)

5.11 With regard to Community Facilities, Para.7.5.2 of the GGN Plan states:

"Their retention and enhancement has been identified as being very important to the community, especially for a Parish in which many of its community services and facilities have been highlighted as being under pressure. As mentioned previously, a

study by Harborough District Council highlighted that there was a “shortfall in types of open space”, “that the primary school site is confined and reaching its limit” and “GP practice branch facility would not be able to manage any increase in patients” (Harborough District Council Great Glen Settlement Profile, 2015).”

- 5.12 Under Para.7.5.2 of the GGN Plan, Policy GG11 “Community Buildings and Facilities” states:

“Development proposals that result in the loss of, or have a significant adverse effect on, a community facility will not be supported, unless the building or facility is replaced by an equivalent or better provision in terms of quantity and quality in an equally suitable location or it can be clearly demonstrated that the service or facility is not viable or is no longer required by the community. Proposals to enhance the provision of community buildings to meet local needs will be viewed positively.”

- 5.13 *Supplementary Planning Guidance*

The following SPGs are considered to be most relevant:

- SPG Note 1: Design Principles to be Applied in Harborough District
- SPG Note 7: Industrial and Commercial Layout and Design Criteria

- 5.14 *Leicestershire County Council Local Transport Plan 3*

- 5.15 *Leicestershire County Council Highways Authority 6Cs Design Guide*

- 5.16 *ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)*

- 5.17 *SI 2010 No.948 - The Community Infrastructure Levy Regulations 2010 (as amended) – Regulations 122 and 123*

- 5.18 *Circular 11/95 Annex A – Use of Conditions in Planning Permission*

c) Weight to be attached to the Development Plan (DP) & Material Considerations

- 5.19 The DP is judged to be robust for the purposes of assessing this application. The proposal should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Materials considerations are evaluated in the “Assessment” Section 6 of this report, below.

d) Other Relevant Information

- 5.20 *Reason for Committee Decision*

This application is to be determined by Planning Committee owing to the number of counter-representations received.

6. Assessment

a) Principle of Development

- 6.1 Policy CS17 states that Great Glen (along with other Rural Centres) will be “*the focus*” for “*retail and community uses to serve the settlement and its rural catchment area*”. The emerging Great Glen Neighbourhood Plan Policy GG11 states that community facility proposals will be supported where the existing building or facility will be replaced “*by an equivalent or better provision in terms of quantity and quality in an equally suitable location*”.
- 6.2 The application proposes a modern community building, which would provide excellent facilities for the village. It would enhance a wide range of community services and amenities in the village (Doctors’ Surgery, Parish Council offices, other office spaces, sports, art and drama provisions). The development would replace outmoded, poor quality and/or unsustainable existing facilities. In terms of accessibility, for example by foot or bicycle, the site is well located in the centre of the village. The starting point for the assessment of this proposal is one of strong policy support in favour of the principle of development, pursuant to other material considerations.

b) Technical Considerations

1. Design & Visual Amenity

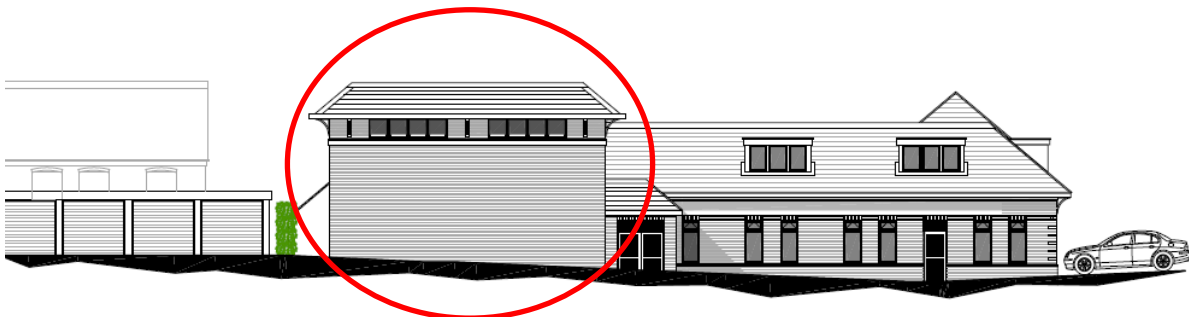
- 6.3 The proposed building consists of two principal elements, both of which have flat roofs concealed by part-pitched roofs. The tallest element is the sports/drama hall, which has a high vaulted ceiling. Its internal height enables badminton to be played. It has an approximately 2.5 storey eaves height relative to surrounding dwellings (noting 2 storey dwelling No.20 Main Street). The majority of the rest of the building forms the other principal element and has an approximately 1.5 storey eaves height. The flat roofs are reasonably well disguised and screened by a range of surrounding part-pitched roofs, a gable fronting on to Main Street and a pyramidal roof creating an entrance feature for the building. The flat roofs are particularly well screened from the two key streetscenes, Main Street and Ruperts Way, these being the most publically conspicuous facades of the building.

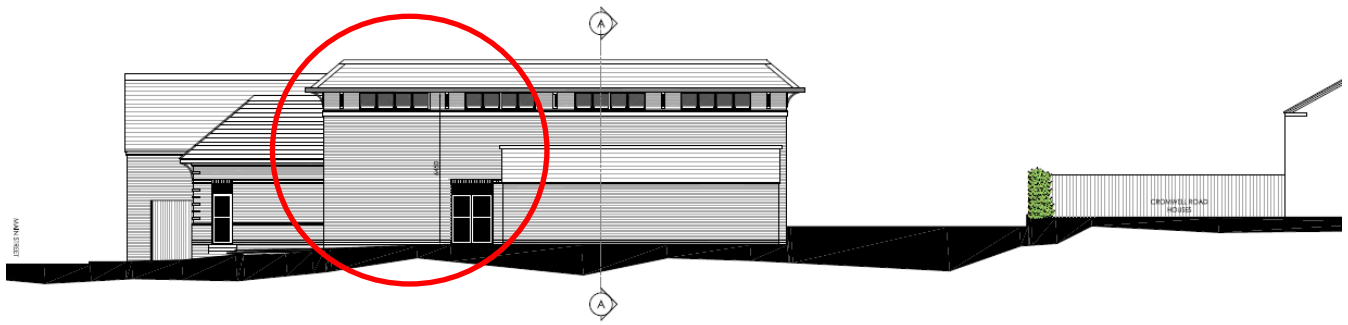


- 6.4 The roof mass of the proposed building is further broken up by the use of varied eaves heights, overhanging eaves, angle changes and flat roof dormer windows. The dormer windows are well placed within the roof planes and satisfactorily proportional in size; they are judged to be harmonious with the overall design.
- 6.5 Walls are proposed to be constructed predominantly in “facing brickwork to Local Planning Authority approval” and roofs “slate finish to Local Authority approval”. There is a good standard of architectural detailing shown on the plans. The eaves of the sports/drama hall element have a significant overhang and utilise curved support brackets. This feature is replicated, on a proportional scale, in the 1.5 storey eaves of the building. Feature brickwork to corners and above fenestration is proposed, along with bands of brick corbelling aligned with lintel height, as well as a plinth at, for example, approx. 0.8m height along the Ruperts Way elevation. All of these detailing features provide relief and interest to the elevations and improve the overall quality of the design.
- 6.6 Fenestration is proposed as “UPVC double glazed to Local Authority approval”. The locality is not a Conservation Area and the site does not affect the setting of Listed Buildings. It is noted that there is an attractive historic building opposite the site on Main Street (Packer Row terraces). Fenestration materials in the locality are mostly UPVC. The modern design, civic nature, functional requirements (e.g., the sports hall height) and viability constraints of delivering the proposal are borne in mind. Accordingly, UPVC is considered to be an acceptable material for the fenestration. Ground floor fenestration design around the building adopts a vertical emphasis, which is judged to be successful; it is harmonious with the generally higher eaves

heights and will lead to a better sense of surveillance and engagement with the streetscenes. The vertical emphasis continues in the fenestration of the single gable which fronts on to Main Street – a triangular window design is proposed which harmonises with the gable pitches and other angles in the building. The fenestration design to the gable and the triangular roof canopy above the building entrance are considered to add legibility to the building, as the design imparts a civic aesthetic.

- 6.7 Embossed lettering above the building entrance stating “Great Glen Community Hall” is indicated on the applicant’s proposed CGI (on two elevations). Advertisements / signage which is an integral part of a building’s fabric does not ordinarily require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. This detail may be controlled by a materials schedule Condition, along with all other materials.
- 6.8 Although the overall footprint/floorspace and mass of the building is substantial and atypical of its primarily residential/domestic scale surroundings, the design seeks to reduce harm. The design is led by contemporary functional community requirements that have been established by the Parish Council, by the spatial constraints of the site and by requisite cost efficiencies. The proposed sports hall must, by necessity, be larger in mass than the existing village hall if it is to provide enhanced sports facilities for the community, e.g., a badminton court to modern standards. When balanced against the functional requirements of the building, it is judged that the proposed building is satisfactorily related in scale and context to its surroundings; it will not dominate/overpower its surroundings. The proposal would replace the poorly designed and very conspicuous Youth Club building, leading to a significant streetscene benefit in this respect.
- 6.9 Slightly weaker elements of the design are considered to be the east elevation of the sports/drama hall facing Cromwell Road dwellings and parts of the south elevation of the sports/drama hall, as these expose a more substantial and incongruous mass. However, the way the building has been set within the plot, as well as levels treatments, serve to screen and mitigate the impacts of the mass. For example, the east elevation of the sports/drama hall is set down in level / recessed into the ground. Also, the more substantial portion of the southern elevation (the sports/drama hall) is set back from the Main Street pavement and starts roughly in line with the ridge line of the No.20 Main Street dwelling, which screens and mitigates the effects of this large mass.
- 6.10 Poorer massing elements on the east elevation and south elevation:





- 6.11 It is noted that the proposal leads to the loss of the attractive brick and slate Village Hall building, which possesses a degree of historic character and importance. The existing Village Hall has served as a community asset for over a century and is now reported to be outmoded. The building, whilst generally attractive, is not within a Conservation Area, is not within immediate visual proximity of Listed assets, is not historically closely related to Listed assets and is not protected from demolition. It would be replaced by substantially enhanced modern facilities. Demolition of buildings with visual and historic merit can be a regrettable but necessary part of the evolution of the built environment. Weighed against the benefits of the proposal, its demolition is not judged to represent a reason to refuse permission.
- 6.12 The proposal is judged to accord with development plan policies which seek to ensure a good standard of design and protect the character and appearance of the locality. The proposal accords with Policies CS1, CS11 and CS17 of the Core Strategy in the above respects.

2. Ecology

- 6.13 Currently, the site is nearly wholly developed/hard surfaced, with minimal foliage on the site (there is a small area of grass in the southeast corner of the site). No significant foliage or trees are affected by the development. Ecological considerations are not judged to represent a constraint to development.
- 6.14 It is noted that existing buildings would be demolished and these could contain wildlife habitats. However, much of the roof space of the Village Hall is vaulted and the Youth Centre “Institute” building is flat roofed with minimal potential habitat access points. Notwithstanding, a Protected Species Watching Brief is recommended to remind the applicant/developer of their obligations under the Wildlife and Countryside Act 1981, particularly with regard to bird and bat access points under roof eaves/tiles/openings.
- 6.15 It is considered that the proposal complies with Policy CS8 of the Harborough District Core Strategy in this respect.

3. Flooding and Drainage

- 6.16 As noted in the Ecology section above, the site is currently nearly wholly developed/hard surfaced, with minimal foliage. The Application Form, Sections 11 and 12, state that existing foul sewage and surface water is disposed of by mains sewer and the status quo is proposed for the development. As the proposal would not significantly increase the surface water capture or run off rates of the site, it

would not be reasonable to require an alternative method of surface water disposal. However, an Informative Note is recommended to encourage the applicant to investigate more sustainable drainage systems (SuDS); Great Glen (noting the River Sense which runs nearby) is known to have an existing flooding problem.

- 6.17 LCC Highway Authority has requested that a Condition is added to ensure that there is no surface water drainage into the public highway; this is judged to be reasonable and necessary and is PO recommended.
- 6.18 The proposal can reasonably be expected not to lead to increased flood risks or drainage problems / pollution. The application is judged to comply with Policy CS10 of the Harborough Core Strategy in these respects.

4. Highway Safety

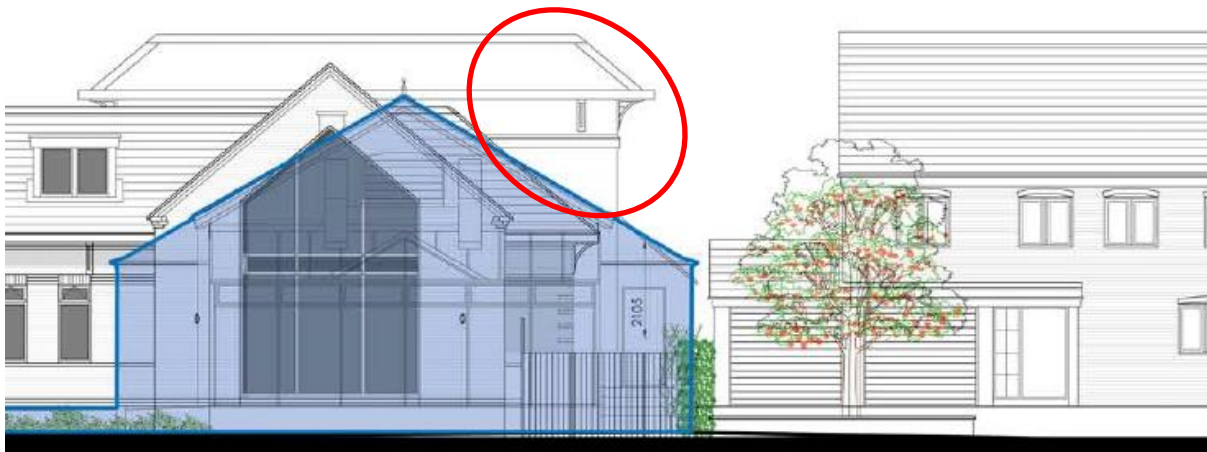
- 6.19 LCC Highway Authority does not object to the proposal on the basis that the existing car parking provision adjacent to the site remains available for permanent use by the proposed community facility. LCC HA recommends 2 Conditions and S106 Contributions to make the development acceptable, as detailed above in the Consultee section.
- 6.20 The existing car park serves as parking for the community and has done for many years. Users of the existing Youth Club and Village Hall are able to utilise this parking area. There is nothing to indicate its future use will be prevented. Although the applicant does not own the parking area (it is owned by Harborough District Council), the current planning proposal does not affect whether or not the parking area remains available for use. Therefore, legal matters of ownership and use in perpetuity should be discounted from the planning assessment. The salient material planning consideration is whether the proposal would lead to an intensification of use and, if it does, would that intensification cause significant and demonstrable harm to highways safety over and above the current situation? The LCC HA has observed that the proposal, mainly as a result of an increase in floorspace (347.6sq.m increase), would lead to additional parking requirements. The LCC HA has, however, concluded that the additional parking requirements “would not constitute a severe impact in accordance with paragraph 32 of the National Planning Policy Framework.”
- 6.21 The proposal may displace and reveal some existing parking problems. Residents of the Main Street terraced dwellings (Packer Row) and other dwellings in the locality which have a shortage of private off-street parking are reported to use the existing car park for informal parking purposes. Locals report that this eases/lessens any apparent on-street parking problems in the locality. However, the public car park is primarily intended to serve community use; it is not a private residential car park.
- 6.22 The proposal seeks to improve village services within the centre of the village, within walking and cycling distance of a large proportion of catchment residents. The site is also located on a main bus route. To encourage alternative transport choice, LCC HA recommends a Condition that bicycle parking facilities shall be provided prior to first use of the development. This is considered to be a reasonable Condition. It is noted that the proposed layout preserves a pedestrian thoroughfare from Cromwell Road.
- 6.23 To further encourage sustainable travel to and from the site and to assist in achieving modal shift targets and reducing car use, LCC HA consider that S106 contributions

towards 2x bus stop improvement schemes and 2x timetable display cases are CIL compliant (total S106 request of £7,240). Appendix B of this Report provides a S106 Contribution Table. Mindful of the car parking constraints of the site and the necessity of encouraging alternative transport use, the S106 contributions are judged to be CIL compliant. The prescribed spending of the S106 monies would improve public transport accessibility, which would itself bring broader benefits to the community.

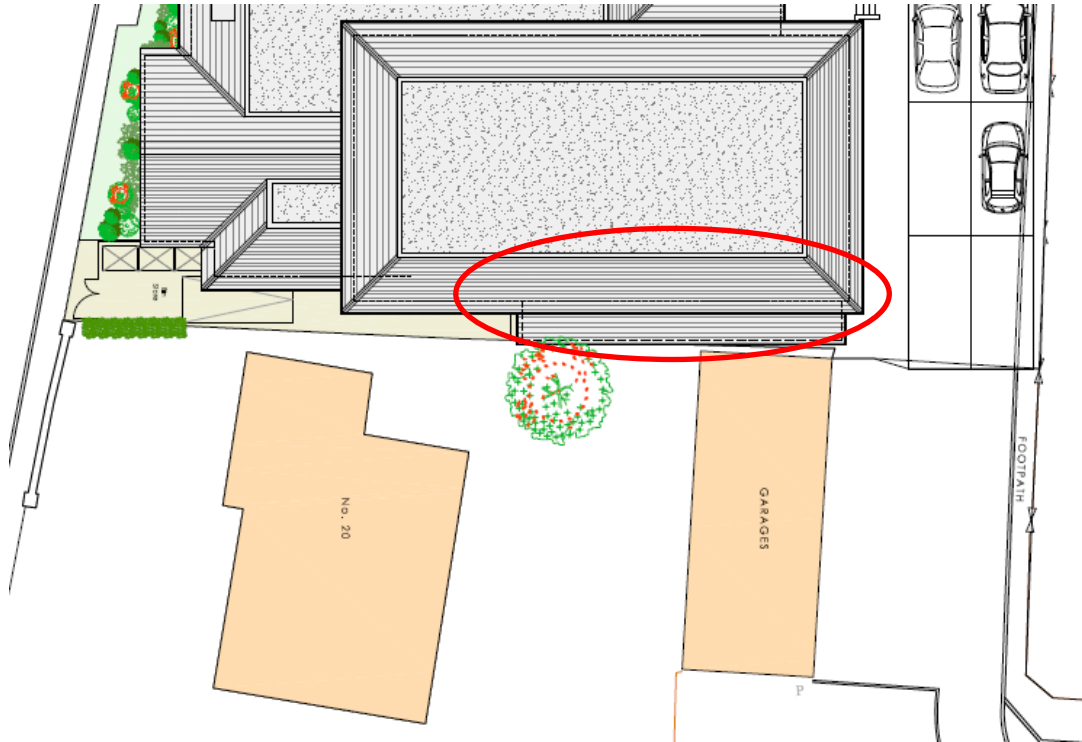
- 6.24 A Construction Traffic Management Plan (CTMP) has not been requested by LCC HA, nor by HDC Environmental Health, although it is noted that LCC HA requested that this Condition be applied to the Withdrawn application 15/00440/FUL. Mindful of the scale and nature of the development and the constraints of the surrounding highway network, a CTMP Condition is judged to be reasonable and necessary.
- 6.25 Significant and demonstrable harm to highway safety is not identified and the proposal is judged to accord with Policies CS5, CS11 and CS12 in this respect.

5. Residential Amenity

- 6.26 Some neighbours to the east and south of the site have objected on grounds of residential amenity harm, including two dwellings on Cromwell Road (east of the site) and "Ratae" No.20 Main Street (which lies immediately to the south of the site).
- 6.27 No.20 Main Street has raised concerns about the substantial mass of the sports/drama hall leading to an overbearing impact to their property: "It will block our light and make our property feel enclosed" (objection quotation). Of all neighbouring properties, No.20 is considered to be the most affected by the proposal.
- 6.28 The applicant has sought to clarify and compare the impacts of the existing Village Hall versus the proposal by submitting an additional plan that shows the mass of the Village Hall overlaid on the proposal plans:
- 6.29 West Elevation facing Main Street:



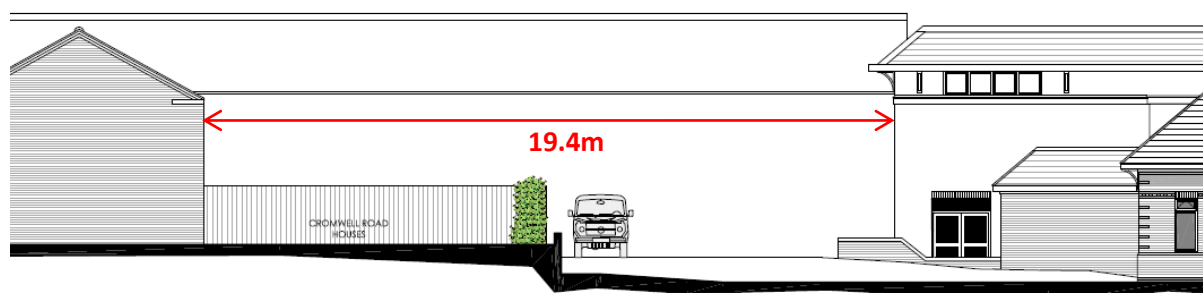
- 6.30 It is the additional mass of the proposal above and beyond the roof plane of the existing Village Hall, combined with its length of projection beyond the rear elevation line of No.20, which gives cause for concern. I have identified this additional mass by an oval on the above plan. The eaves height of this part of the proposal is 6.45m and the maximum height is 7.85m. In the following extract from the Proposed Layout plan, I have identified the extent of projection of this additional mass beyond the rear elevation line of No.20 which gives cause for concern:



6.31 It is noted that the development site is due north of the No.20 Main Street dwelling/garden; therefore, loss-of-light impacts would be negligible. Furthermore, a large evergreen tree lies within the garden of No.20 along its north boundary (under the homeowner's control). This tree can be seen, approximately marked, on the plan above and in the aerial image below. The tree itself creates a degree of light-loss and overbearing/screening impacts. The tree sits in a key position, and would effectively screen a significant portion of the additional mass of the new building.



- 6.32 The greater-than-90-degree angle between the rear elevation of No.20 and the side elevation of the proposal aids, to a small extent, to mitigate amenity harm. The impact of a substantial east boundary evergreen hedgerow in the garden of No.20, along with the existing Cromwell Road garages, is noted. On balance, it is considered that the proposed development would cause a level of amenity harm to No.20, in terms of overbearing and sense of enclosure, but that the additional impacts are not so significant, when compared to the current situation, to justify refusal of planning permission.
- 6.33 The sports/drama hall's east elevation is approximately 19.4m away from the facing rear elevations of Cromwell Road dwellings:



North Elevation

- 6.34 HDC supplementary planning guidance indicates that a 2 storey blank gable dwelling structure should not be built less than 14m in front of a neighbouring dwelling's facing habitable room windows. This guidance is not directly relevant in this instance. However, it provides some guidance as a benchmark. Mindful of the 19.4m distance separation, existing boundary treatments, differences in ground/building levels, the compass relationship between neighbouring dwellings and the proposal, and the scale/mass of the proposal (noting that proposed roof pitches slope up and away from Cromwell Road dwellings), it is judged that the proposal is not excessively close to Cromwell Road dwellings such as to cause significant loss-of-light or overbearing impacts.
- 6.35 There are no windows in the proposal, ground floor or first floor, which are judged to cause harmful loss-of-privacy to neighbouring properties. The high level windows in the sports/drama hall are solely to obtain natural light and do not lead to overlooking.
- 6.36 With regard to Hours of Use: there are no hours of use restrictions on the existing Youth Centre or Village Hall. Considering the proposed community uses of the building, which would be managed by Parish/community representatives, it is not considered that an hours of use Condition is necessary; it would not pass the '6 tests for Conditions'. A Use Restriction Condition (to control the types of D1 and D2 uses permitted) is also not judged to be reasonable or necessary.
- 6.37 While it is judged that the proposal leads to some harm to the amenities of No.20 Main Street, this is not considered to be so significant and demonstrable to warrant refusal of planning permission. The proposal is judged to be acceptable in terms of

its residential and general amenity impacts; the proposal accords with Policy CS11 in these respects.

6. Archaeology

- 6.38 Owing to the previously developed nature of the majority of the site, the development is not judged to have significant archaeological implications.

d) Sustainable Development

- 6.39 The NPPF directs LPAs to grant planning permission without delay for sustainable development which accords with the development plan. Para.7 of the NPPF states: "There are three dimensions to sustainable development: economic, social and environmental".
- 6.40 In terms of economic considerations, this significant development would create employment during its construction period and would facilitate business projects and development during its use, for example, through the employment generating services housed in the building, venue hire, etc. The proposal would likely bring more people into the centre of the village and other local shops and services may benefit. The development would benefit the provision of infrastructure in the village – through its S106 contribution public transport infrastructure would be improved (this also has social benefits).
- 6.41 In social terms, the development would significantly benefit the needs of the community. The development would, inter alia, deliver: a modern indoor sports hall; space for drama activities; kitchen facilities; community offices and meeting spaces; and modern healthcare facilities.
- 6.42 In terms of environmental considerations, the proposal would not result in significant adverse visual impacts, would not increase flood risks, would not cause noise or other forms of pollution and would not harm ecological interests. Locationally, the development is well situated in the village.
- 6.43 In accordance with the Section 6 assessment of this report, the proposal is judged to represent development which accords with the NPPF definition of sustainable development.

7. The Planning Balance / Conclusion

- 7.1 The proposal, by virtue of its design (form, mass, scale, proportions, style and materials), would be satisfactorily in keeping with the character and appearance of the site and its village surroundings; it would not cause significant and demonstrable harm which is sufficient to warrant refusal of permission when balanced against the existing appearance of the site and the significant community benefits of the proposal (which include public transport infrastructure improvement).
- 7.2 The proposal would not cause significant harm to the amenities of surrounding residents or general amenities in the area. There is no evidence to suggest that the proposal may adversely affect ecological, archaeological or arboricultural interests. The development of the site would not exacerbate flood risks. A severe impact to highway safety is unlikely.

- 7.3 The proposal accords with Policies CS1, CS5, CS7, CS8, CS9, CS10, CS11, CS12 and CS17 of the Harborough District Core Strategy and no other material considerations indicate that the policies of the Development Plan should not prevail.
- 7.4 The decision has been reached taking into account, inter alia, Paragraphs 186 and 187 of the Framework and the national Planning Practice Guidance.

8. Planning Conditions, Informative Notes and S106 Contributions

- 8.1 If Members are minded to Approve the application, recommended Planning Conditions and Informative Notes are contained in **Appendix A**.
- 8.2 If Members are minded to Approve the application, a recommended S106 Contribution table is contained in **Appendix B**.

Appendix A – Recommended Conditions and Informative Notes

Recommended Conditions

1. Development to Commence Within 3 Years

The development hereby approved shall begin within 3 years from the date of this permission.

REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. Approved Plans Reference

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

- Location & Block Plan (Drawing Number 3528/LS/13/001, Revision Number P1, dated 21/07/16);
- Proposed Site Plan (Drawing Number 3528/LS/16/100, Revision Number P2, dated 17/11/16);
- Proposed Ground Floor Plan (Drawing Number 3528/LS/16/100, Revision Number P2, dated 17/11/16);
- Proposed First Floor Plan (Drawing Number 3528/LS/16/101, Revision Number P2, dated 17/11/16);
- Proposal Elevations Sheet 1 of 2 (Drawing Number 3528/LS/16/101, Revision Number P2, dated 17/11/16); and
- Proposal Elevations Sheet 2 of 2 (Drawing Number 3528/LS/16/101, Revision Number P2, dated 17/11/16).

REASON: For the avoidance of doubt.

3. Materials Schedule

No development shall commence on site until a schedule of the materials to be used externally in the construction of the building have been submitted to and approved in writing by the Local Planning Authority (all bricks, including brick bond style; tiles, including ridge tiles; and render, including type and colour; any date stone/s; doors; windows; sills and lintels; corbel/dentil/string course brickwork; rainwater goods; canopies; bargeboards; fascias; soffits; finials; integral signage; and other external

materials). Thereafter, the development shall be implemented in accordance with the approved details prior to first use of the building.

REASON: In the interests of the character and appearance of the development and the surrounding area and to accord with Policies CS1, CS11 and CS17 of the Harborough District Core Strategy.

4. Levels

The levels of the hereby approved building and site ground levels shall be as shown on the following plans:

--Proposal Elevations Sheet 1 of 2 (Drawing Number 3528/LS/16/101, Revision Number P2, dated 17/11/16); and

--Proposal Elevations Sheet 2 of 2 (Drawing Number 3528/LS/16/101, Revision Number P2, dated 17/11/16).

REASON: In the interests of the character and appearance of the development and the surrounding area, to protect neighbouring amenities and to accord with Policies CS1, CS11 and CS17 of the Harborough District Core Strategy.

5. Landscaping Scheme

No landscaping shall occur until details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include boundary treatments, planting and surfacing materials. Before the development hereby approved is first used, all hard and soft landscape works shall be implemented in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority. All planted material shall be maintained and replaced as necessary by the applicant(s) and/or owner(s) of the land at the time for a period of not less than 5 years from the date of planting.

REASON: In the interests of the character and appearance of the development and the surrounding area, to ensure that the work is carried out within a reasonable period and is adequately maintained and to accord with Policies CS1, CS11 and CS17 of the Harborough District Core Strategy.

6. Surface Water Drainage Within Site

Before the development hereby approved is first used, drainage shall be provided within the site so that surface water does not drain into the public highway (including private access drives) and, thereafter, shall be maintained as such in perpetuity.

REASON: In the interests of general highway safety and amenity, to mitigate flood risk and to accord with Policies CS5, CS10 and CS11 of the Harborough District Core Strategy.

7. Bicycle Parking Provision

Before the development hereby approved is first used, details of bicycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority and made available for use. Thereafter, the approved bicycle parking facilities shall be maintained as such in perpetuity.

REASON: To ensure that adequate bicycle parking facilities are provided and retained, in the interests of the sustainability of the development and to encourage alternative transport choice, and to accord with Policies CS5, CS9 and CS11 of the Harborough District Core Strategy.

8. Construction Traffic Management Plan

No development shall commence on the site until a Construction Traffic Management Plan, including construction vehicle parking facilities and wheel cleansing facilities, and a timetable for their provision, 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 timetable.

REASON: To reduce the possibility of deleterious material (mud, stones, etc.) being deposited in the highway and becoming a hazard to road users, to mitigate construction traffic/site traffic associated with the development leading to on-street parking problems in the area and to accord with Policies CS5 and CS11 of the Harborough District Core Strategy.

Recommended Informative Notes

1. Building Regulations

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). As such, please be aware that complying with Building Regulations does not mean that the Planning Conditions attached to this Permission have been discharged and vice versa.

2. Party Wall Act

As the permitted plans involve the carrying out of building work along or close to a boundary, you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner/s of your intentions before commencing this work.

3. Sustainable Drainage Systems (SuDS)

It is noted that the Applicant proposes to dispose of surface water runoff by connection to mains drainage. Great Glen is an area with known flooding issues and is particularly sensitive to surface water discharge into the local water network. The redevelopment of the site may offer the opportunity to improve the site's drainage by utilising Sustainable Drainage Systems (SuDS, e.g., soakaways), thereby benefitting flood risk in the locality. The Applicant is encouraged to investigate SuDS.

4. Construction Hours

Site works, deliveries, or any building works in connection with the development should only take place between the hours of 08:00-18:00 Monday to Friday, 09:00-13:00 Saturday and at no time on Sunday or Public/Bank Holidays.

5. Protected Species Watching Brief

The Applicant is advised that Protected Wildlife Species may be using the existing buildings and site as a nesting place and/or habitat. All such species are protected under the Wildlife and Countryside Act 1981. Should Protected Wildlife Species, or evidence of them, be present or be suspected in the buildings/site, the Applicant should cease development immediately and contact Natural England, The Maltings, Wharf Road, Grantham, Lincs., NG31 6BH (tel. 01476 584800). All workers should be made aware of the above, particularly with regard to bird and bat access points under roof eaves/tiles/openings.

Appendix B – 16/01185/FUL Committee Report S106 Contribution Table

Request By	Obligation	Amount / Detail	Delivery	CIL Justification	Policy Basis
LCC	Highways	<p>1. Improvements to 2 nearest bus stop (including raised kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3,500.00 per stop.</p> <p>2. Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display.</p> <p><u>TOTAL £7,240</u></p>	Paid prior to commencement of development and implemented prior to first use of the development.	07.12.16 Consultation Response from Gema Barley (LCC Highway Authority); a CIL compliant justification is judged to be satisfied therein.	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule)</p> <p>Leicestershire County Council's Local Transport Plan 3 (LTP3)</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014</p> <p>National Planning Policy Framework</p>

Planning Committee Report

Applicant: Davidsons Developments Limited and Aidan Aikman

Application Ref: 16/01401/OUT

Location: Land South West of Church Lane, Dunton Bassett

Proposal: Outline application for the erection of up to 50 dwelling (access to be considered)

Application Validated: 05.09.2016

Target Date: 05.12.2016 (extension of time agreed)

Consultation Expiry Date: 15.12.2016

Case Officer: Ruth Meddows-Smith

Recommendation

Planning Permission is **REFUSED** for the following reasons:

By virtue of its siting, and its indicative design (as shown on the submitted illustrative masterplan), the proposal will cause harm to the setting of the Parish Church of All Saints, Dunton Bassett. This harm outweighs the public benefits of the proposal, including the provision of housing and, in accordance with paragraph 134 of the Framework, and the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and policy CS11 of the Core Strategy, the proposal must be refused.

The harm caused by the scale and siting of the proposal to the character and appearance of the village, significantly and demonstrably outweighs the benefits of the proposal, including the provision of housing when the Council cannot currently demonstrate a five year supply, and does not therefore represent sustainable development in the context of paragraph 14 of the NPPF. The proposal therefore fails policies CS11 c) iii), CS2 a) and CS17 a) of the Core Strategy.

The applicant has failed to demonstrate that the drainage solution for the proposed development will be viable. The Council therefore has insufficient information or confidence that the proposal will not cause flooding, or lead to an increase in flooding off-site. The proposal is therefore considered to fail Policy CS10 of the Core Strategy and paragraph 103 of the Framework.

1. Site & Surroundings

- 1.1 The application site (hereafter referred to as 'the Site') lies beyond, but adjacent to, the southern edge of the Limits to Development of the Selected Rural Village of Dunton Bassett, southwest of Church Lane and east of Leire Lane and Little Lunnon.



Figure 1: Aerial Photo

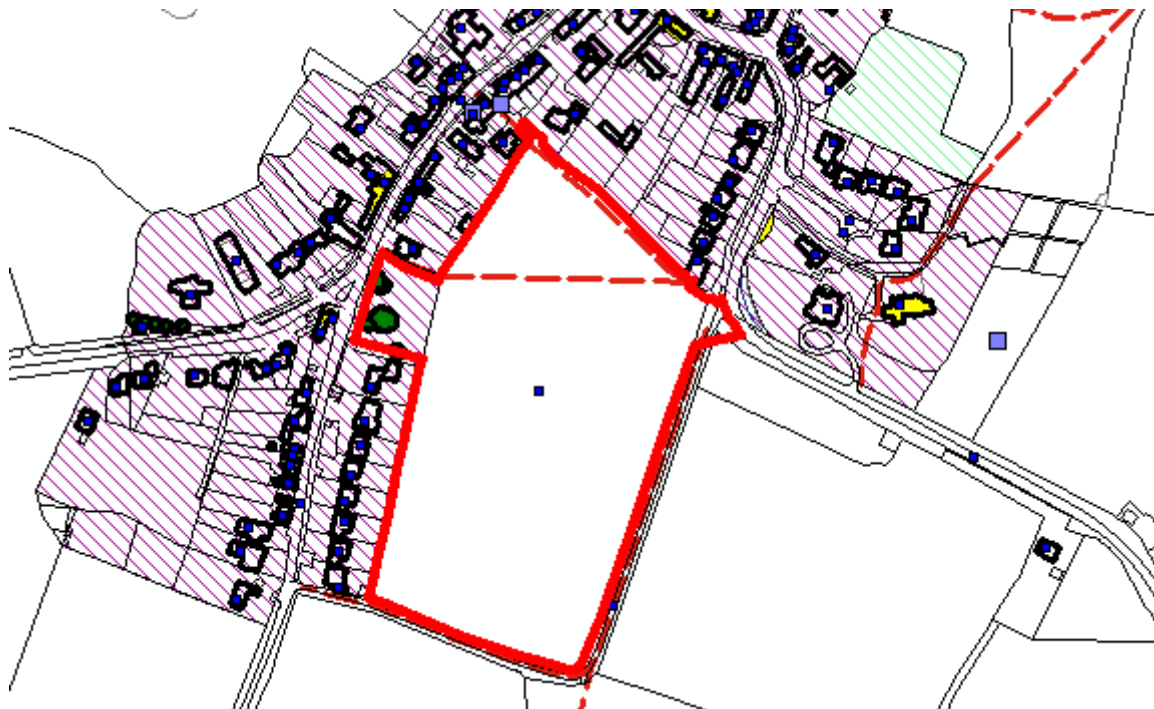


Figure 2: Site Location (Limits to Development shaded purple, rights of way dashed red, Listed Buildings coloured yellow)

- 1.2 The Site is greenfield land and comprises a single field (3.2 hectare) used for grazing, with little visible evidence of ridge and furrow field systems. Hedging marks all boundaries. Residential properties lie adjacent to the west and north boundaries with agricultural fields to the east and south. A small part of the western boundary includes a copse of trees, some of which have protection under Tree Preservation Orders.

- 1.3 The land slopes down from the southeast to the northwest with then a further 'dip' running south to north in the northernmost corner of the site. The ground is not flat or even and has various mounds and small hills within the site's perimeters. The highest ground within the site is located in the south eastern corner which lies at approximately 135.86m Above Ordnance Datum (AOD). The lowest area is in the north corner which is at approximately 125.97m AOD. There is therefore a drop in levels of approximately 10m across the site, with the last approximately 6.47m decrease being towards the north of the site, between the two rights of way Y38 and Y37.
- 1.4 Rights of Way run around the edge of and across the site. Those outside of the site's boundaries are Bridleway Y40 (Loves Lane) running to the immediate east and south, with footpath Y41 leading off southwards over a stile adjacent to the southeast corner. Crossing the site diagonally from Church Lane to the small copse on the west boundary is footpath Y38, whilst footpath Y37 leads northwestwards along the site's north boundary.
- 1.5 The site is known locally as 'The Beat' and appears regularly used by pedestrians. Loves Lane also provides additional pedestrian access around the perimeter, and agricultural access is from a field gate along the south boundary of the site.

2. Site History

- 2.1 There is one previous planning application on the site:
- 74/00102/30 – proposed primary school and right of way – not determined.

3. The Application Submission

a) Summary of Proposals

- 3.1 The application seeks planning permission for residential development of up to 50 dwellings.
- 3.2 The application is submitted in outline, with access the only detailed matter to be considered.
- 3.3 A proposed site plan has been provided to demonstrate how development on the site could be accommodated.
- 3.4 The proposed housing development will be accessed via a new access to the northeast of the site, onto Church Lane.

b) Schedule of Plans and Supporting Statements/Documents Submitted with the Application

- 3.5 The application was accompanied by the following documentation:
- Design & Access Statement (Davidsons)
 - Desk Study Assessment [Contamination] Report (Brownfield Solutions Ltd, ref RW/C3220/6118, May 2016);
 - Protected Species Survey Tree (CBE Consulting, ref P1107/0616/03, August 2016);

- Extended Phase 1 Habitat Survey (CBE Xonsulting, ref P1107/0616/03, August 2016);
- Flood Risk Assessment and Drainage Strategy (Rodgers Leask, ref P16-120 Rev B, August 2016);
- Geophysical Survey report (Stratosphere, ref J10177, August 2016);
- Heritage Assessment (CgMs Consulting, ref MD/22176, Status A, August 2016);
- Landscape Appraisal (Golby + Luck, ref GL0593, August 2016);
- Noise Assessment (LFAcoustics, July 2016);
- Planning Statement (Bidwells, August 2016);
- Statement of Community Involvement (Bidwells, August 2016);
- Transport Statement (Rodgers Lease, P16-120 rev A, August 2016);
- Tree Survey, (CBE Consulting, reg P1107/061601 revision V3, August 2016);
- Proposed Site Access (Rodgers Leask, drawing number 502);
- Illustrative Masterplan (Davidsons, drawing number 1131/IM01);
- Site Location (Bidwells, drawing number A48,891);
- Site Location, large scale (Bidwells, drawing number C.1980)

c) Amended Plans and/or Additional Supporting Statements/Documents Submitted since Validation

3.6 Further information has been received by officers, as follows:

- Topographical Survey, Phoenix, drawing number S4027/01);
- Ground Conditions Report (Brownfield Solutions Ltd, RW/C3220/6350, August 2016);
- Project Note regarding ground conditions (Rodgers Leask, ref PN1, October 2016);
- Archaeological Evaluation Report (Oxford Archaeology, Issue 1, November 2016);
- Flood Risk Assessment and Drainage Strategy (Rodgers Leask, P16-120, Revision C, November 2016);
- Supplementary Statement (Heritage) (Bidwells, November 2016);
- Covering letters/Statement (Bidwells, 1st December 2016)

3.7 The Council did not direct the applicant to provide a revised layout plan or require layout to be considered in accordance with Part 3, paragraph 5 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or any subsequent order superseding or amending it) as this would cause unnecessary work and cost.

3.8 The Council undertook further consultation with Historic England, LCC Archaeology, the LLFA and the County Council Senior Historic Buildings officer (John Sharpe) on 1st December, for two weeks.

d) Pre-application Engagement

- 3.9 The applicant received pre-application advice from the Local Planning Authority and undertook a public consultation with residents and Parish of Dunton Bassett. The LPA were generally supportive of the proposal, raising matters of countryside and heritage impact in particular. Feedback from the public consultation was incorporated where possible into the final submission.

d) Environmental Impact Assessment

- 3.10 The site area of the proposal is 3.2ha. Up to 50 dwellings are proposed. The development is therefore not considered to require an Environmental Impact Assessment or trigger a requirement for a Screening Opinion.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the original application submission and Amendments/Additional Information where necessary.
- 4.2 Site Notices were placed on 30.09.16. The Press Notice was published on 29.09.16
- 4.3 A summary of the technical consultee responses which have been received are set out below. Comments which relate to developer contributions are set out in **Appendix A**. Comments in full are available upon request or online at www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

- 4.4 *Severn Trent Water*
No objection to the proposal subject to condition requiring the submission of drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the LPA.
- 4.5 *Leicestershire County Council Highway Authority*
The Local Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions and Contributions as outlined in this report.
The Highway Authority would ordinarily have concerns about an access to a new development on such a bend, having said this the access is within a 20mph zone with no recorded accidents; therefore providing the access affords adequate visibility splays either side and in a forward direction when turning right into the access and the access and layout design of the development is in accordance with details set out in the 6CsDG the highway authority would have no material concerns. (Conditions and notes to applicant recommended; S106 Contributions requested.)
- 4.6 *Leicestershire County Council Planning Archaeology*
The submitted Heritage Assessment (CgMs ref: MD/22176), Geophysical Survey Report (Stratascan ref: J10177) and Archaeological Evaluation Report are welcomed and confirm that buried archaeological remains are present within the application site. These remains represent a probable Mid-Late Iron Age farmstead and evidence of Mesolithic and Neolithic activity in the vicinity.

The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains. In accordance with National

Planning Policy Framework (NPPF), paragraph 129, 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 141, 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.

We echo the concerns of Historic England and your Conservation advisor in relation to the settings of the nearby Grade II* Listed Medieval Church of All Saints and the Scheduled Medieval manorial complex, as well as the adjacent Historic Settlement Core of Dunton Bassett, which are all likely to be contemporary with the Ridge and Furrow cultivation of the application site.

However, should these setting impacts be considered acceptable then we recommend that conditions are attached to any forthcoming planning permission to secure an appropriate programme of archaeological mitigation, comprising archaeological excavation of all areas where the proposed development will impact buried archaeological remains.

4.7 *Leicestershire County Council Planning Ecology*

The ecology survey submitted in support of the application (CBE Consulting, June 2016) states that the application site comprises improved grassland surrounded by hedgerows. No evidence of protected species were recorded on the site, although the bat survey did record bats foraging in the area. No further surveys are required at this time, but the applicant should be required to follow the recommendations in the ecology reports. Additionally, ecology reports are only considered to be valid for a period of 2 years. An updated ecological survey will therefore be required either in support of the reserved matters application, or prior to the commencement of the works, whichever is soonest after June 2018.

The proposed layout (Illustrative Masterplan 1131/IM01) retains some of the existing habitats on site, particularly the small spinney area and the hedgerows surrounding the site. We welcome this retention and are pleased to see that the hedgerows are buffered from the development. Should permission be granted we would request that this layout is used for the reserved matters application. Any amendments should retain a 5m buffer between the development and the existing hedgerows.

At this stage it is unclear on the proposed landscaping for the areas of open space. As this development includes a significant area of open space we would request that part is used for ecological enhancement. For example the southern area could be seeded with a species-rich meadow grass mix and managed long-term as a wildflower meadow.

4.8 *Leicestershire County Council Lead Local Flood Authority*

The proposed development is not acceptable and we would advise refusal on the following grounds: Drainage Strategy inadequate.

4.9 *Leicestershire County Council (Developer Contributions)*

- Education – Developer Contributions sought for Primary School Sector only. The site falls within the catchment area of Dunton Bassett Primary School. The School has a net capacity of 105 and 107 pupils are projected on roll should this development proceed; a deficit of 2 pupil places after taking into account the 12 pupils generated by this development. There are currently no pupil places being funded from S106 agreements for other developments in the area. The 12 pupil places can therefore

be partly accommodated at nearby schools and a claim for an education contribution of 2 pupil places in the primary sector is justified.

Contribution requested of £24,198.02, used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Dunton Bassett Primary School. The contribution would be spent within 5 years of receipt of final payment.

- Libraries – No claim. The proposed development would not have any adverse impact on current stock provision at the nearest library which is Broughton Astley.
- Waste – No claim. The nearest Civic Amenity Site to the proposed development is located at Lutterworth and residents of the proposed development are likely to use this site. The Civic Amenity Site at Lutterworth will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion.

4.10 *Harborough District Environmental Health*

Excessive noise is not a consideration for proposed occupants and I am happy with the conclusions of the report. I would however request that a Construction Method Statement [condition] is attached to any approval granted, owing largely to the development being large and adjacent to existing dwellings.

4.11 *Harborough District Environmental Health Contaminated Land Officer*

Due to the findings of the Brownfield Solutions Limited Desk Study Assessment Report Land Off Church Lane, Dunton Bassett Report No: RW/C3220/6118 The permission should be conditioned (two conditions recommended)

4.12 *Harborough District Housing Enabling and Community Infrastructure Officer*

Our Affordable Housing requirement will be to seek 40% Affordable Housing of the total site yield in accordance with Policy CS3. On a site proposal of 50 units, this will equal 20 AH units. Our tenure split requirements are for the affordable requirement to be provided as 60% rented and 40% to be provided as intermediate or shared ownership. We can be flexible on our tenure requirements.

We will not stipulate our specific unit mix and tenure split for the affordable house types at this point in time. We will provide our exacting requirements if and when a full application is submitted. This ensures greater accuracy in our request for specific unit types and accords more accurately with our housing need profile at a point when the scheme is more likely to be progress. A wider strategic assessment for delivering AH is currently under review. We may as a result consider other options / ways for delivering AH. I have checked there is no D&A statement or Affordable Housing statement but a SCi suggests AH negotiations! There is no mention of a commitment towards the AH contribution. Please make the applicant aware of this requirement.

Further response, to applicant's proposed "Scenario B":

Scenario B cannot and should not be considered. Any provision for additional education facilities cannot be offset against the provision of affordable housing. The provision of education is a matter for the Leicestershire County Council who will have made their request in accordance with requirements as deemed appropriate.

If the school feels there is a lack of adequate facilities, they should make their representations to the LCC to consider. Scenario B cannot be considered CIL compliant.

Harborough District Council's policy is to seek 40% affordable housing and this application should be determined on the basis that the applicant can meet this and other required obligations.

4.13 *Harborough District Council Neighbourhood and Green Spaces Officer*

I note from the illustrative layout and the Design Statement that a Play area is incorporated on site. This should be a minimum of a LEAP standard and the chosen play equipment should reflect the surrounding environment as much as possible. Incorporation of natural play structures is encouraged. The target age group should be determined through local consultation.

Natural and semi natural greenspace can be used for screening and to incorporate balancing/ attenuation lagoons. The areas should be accessible to the public and where balancing lagoons are incorporated these should be planted to encourage wildlife and habitat. The location of natural /semi natural greenspace opposite 'Little Lunnon' is encouraged.

Off site contributions may be required for enhancement of sports provision at the local football club. Further consultation should take place to determine which projects should be supported.

A contribution will be required (Greenways) to enhance the connections to the existing sustainable transport network, including signage, gates and additional surfacing where required. This may be as on site provision, or as an off site contribution to address locally identified accessibility issues outside the site boundary.

4.14 *Harborough District Council Parish Liaison and Engagement Officer*

Developer contribution (of £49,800.00, average figure, based on 3-bedroomed dwelling) sought to be used to improve community facilities in the locality: village hall and St Andrew's Church; also towards a new build community centre.

4.15 *Dunton Bassett Parish Council*

A number of concerns were raised by residents and the Council has resolved to oppose the scheme. The meeting has asked that a design review should be conducted. Reasons for objections and current concerns are as follows:

- The development is felt to be out of character with the village
- There are too many houses in the proposed area and the size of the village would increase by 14%
- The development is on high ground and 2 or 2.5 storey houses would overpower all other housing, notably in Little Lunnon where a loss of privacy will result
- There may be adverse changes to the water table and rain run-off needs to be fully addressed
- Has enough off road parking been provided
- The shelf life of the soakaway has not been determined
- The school is too small to accept a large influx of pupils
- Local doctors and dentists are already at capacity
- Concerns about visibility at the site access point
- Road safety concerns at the junction of Church Lane and the A426
- Traffic congestion in Church Lane and in the village due to its traditional 'cottage' design and lack of off road parking.
- Insufficient off-road parking has been allowed for

4.16 *Leicestershire County Council Forestry Team Leader (Peter Kenyon)*

The main development site is essentially an open pasture with no trees within it. The perimeter trees are in boundary hedgerows or just within private gardens; clearly the developer owes a duty of care to adjacent tree owners to ensure that his operations do not compromise their trees' health or appearance. To the east is the narrow Loves Lane which has a number of young/maturing trees planted in the verges outside the hedgerow boundary of the paddock. To the west is G26 which I understand is a group of trees protected by a TPO, but is not encroached upon by the proposals.

The CBE consulting report gives details of the perimeter trees and their root protection areas, which can inform the final layout on the appropriate relationship between any new development and existing trees. The indicative layout proposes what appears to be a suitable separation between any development and the adjacent boundaries, so I do not see that there would be any serious conflicts between any adjacent trees and the required construction.

I don't think there is any arboricultural reason to refuse consent.

4.17 *Historic England*

The proposed development is an outline application for up to 50 dwellings on a 3.2ha site located to the southwest of Dunton Bassett. We have been consulted as the land is within the setting of both the scheduled moated site with fishpond and Grade II* listed Church of All Saints. There are a number of other Grade II listed buildings within close proximity to the site.

The site is an agricultural field bounded on the north and west by existing residential development, with the church and listed war memorial to the north east. Part of the significance of the church and the scheduled medieval manor site lies in the close grouping and historical and spatial association of church and manor house. The Victorian Vicarage also contributes to the historic significance of the church. Despite some modern development, the survival of the rural setting to the east and south of this group, within which the development site lies, reveals the historic relationship between the medieval settlement and the agricultural land that supported its economy - this forms part of the significance of the heritage assets. The land characterised by agricultural practice and retaining traditional hedgerow boundaries, was probably in agricultural use from medieval to present day (more recent as pasture). This setting also has high aesthetic value and from the development site, views of the 13-14C church with its granite & limestone ashlar stone tower and spire are prominent and can be architecturally appreciated within this historic rural context. Although the illustrative master plan provides a landscape buffer at the southern end and designed views of the church, the fundamental change of use will alter the understanding of the church within its rural setting. We believe this will harm the significance which the church and scheduled monument, derives from their rural setting. With modern housing encroaching to the south and east, this continues to erode the experience of the designated heritage assets within their historic settlement. We do not agree that harm is neutral as stated within the submission. We have read the Heritage Statement and draw attention to 5.2.44. We recommend further advice is sought from Richard Clarke, Leicestershire County Council with regard to pre-determination, investigation and assessment. We cannot endorse the view expressed in the desk based assessment with regard to limits on the site archaeological potential. At this stage, the presence of remains of high importance cannot be excluded.

Policy Context

As the application affects the setting of a listed building the statutory requirement to have special regard to the desirability of preserving the setting of a listed building

(s.66, Listed Buildings and Conservation Areas Act, 1990) - the requirement applies irrespective of the level of harm.

One of the twelve core planning objectives set out in the NPPF is the conservation of heritage assets in a manner appropriate to their significance, recognising their value to the community and quality of life [paragraph 17]. The significance of a heritage asset derives not only from its physical presence, but also from its setting.

Significance can be harmed or lost through development within a heritage asset's setting and since heritage assets are irreplaceable any harm or loss to significance requires 'clear and convincing' justification (paragraph 132). Where the harm is judged to be less than substantial, harm should be weighed against the public benefit of the proposal (paragraph 134).

The importance attached to setting is therefore recognised by the principal Act, by the NPPF, by the accompanying practice guidance and in the Historic Environment Good Practice Advice in Planning Note 3.

Ultimately, the soundness of a decision by your authority requires careful weighing of the significance of the heritage assets and the degree of harm arising from the proposed development against the merits of this and alternative locations for housing development. If suitable, alternative, less harmful locations have been identified to meet housing need, then there is no justification for development in this location.

Recommendation

We recommend this application is determined in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, and the Planning Practice Guidance. We believe this proposal will result in harm to the significance of designated heritage assets. We recommend further advice is sought from your conservation officer and Leicestershire County Council. It will be for your authority to robustly balance all planning considerations in determining this application.

Upon receipt of supplementary heritage statement and archaeology results:

Thank you for consulting Historic England on additional information relating to the above case. We have read the supplementary statement produced by Bidwells, November 2016. This information does not change our assessment of the impact of the proposed development on the significance of designated heritage assets, in particular the Grade II* listed Church of All Saints. We believe the proposal will result in harm to the significance of the designated heritage assets.

Thank you for sending through photographs of the site which are useful to show the topography. We note there is an approximate drop in levels of 10m from the SE-NW corner of the site with about 6.5m of this drop within the northern third. We remain concerned that the proposed houses as shown in their indicative layout and design will have a dominating presence over the village and the designated heritage assets within.

We repeat our concerns over the harmful impact of the development on views of the church and refer you to our advice letter dated 17 October 2016. We draw particular attention to the view from the west, looking eastwards towards the church. This is one of the most important views of the church within its rural setting and development within this will harm the historic, architectural and aesthetic value of the church and thus its significance. Whilst this can be mitigated to a degree by the siting of dwellings, we still believe any development of the site will result in harm to significance.

With regard to the submitted archaeological evaluation report, November 2016, we recommend further advice is sought from Richard Clarke, Leicestershire County Council with regard to pre-determination, investigation and assessment.

4.18 *Leicestershire Constabulary*

I have now managed to review these plans and am able to offer the following comments, which are based upon the Secured By Design (SBD) criteria and NPPF paragraph 58.

- 1) any link ways deemed necessary should be sufficiently open and necessary.
- 2) Parking should be close to dwellings and surveillance of these areas should be possible from 'active' (living) rooms within houses (I do not have sufficient detail about the use of rooms to know if this is the case).

I would recommend that these homes are built to the highest levels of security and that Secured By Design should be considered.

4.19 *NHS England*

No comments received

4.20 *County Council Rights of Way Officer*

No comments received

4.21 *Principal Historic Buildings Officer, County Council (John Sharpe)*

Thank you for asking for my observations in respect of the above application. I am also grateful that I was able to accompany you and a colleague on a site visit recently and for the notification that a Supplementary Statement (Heritage) has been submitted.

This additional document responds to a consultation letter from Historic England which summarises the applicable legislation and national planning policy and raises concerns, which I share, about the impact of the development on the setting of designated heritage assets located near to the site.

The submitted information confirms that the application site has not been previously developed. The use of the land for agriculture over many centuries supported the development of the village and its listed buildings. In the case of the historic farm buildings and workers cottages the functional association is strong and obvious. The establishment of the church, a high-status, grade II* listed building, as the principal community building for the village would also probably be linked to the local rural economy and I believe that it is not unreasonable, therefore, to consider that the agricultural land contributes to its setting and significance and that a change to residential in such a key position could have a detrimental impact. Changes in agricultural practice or field boundaries do not, in my view, undermine the arguments raised by Historic England.

The submitted Heritage Assessment notes at paragraph 5.3.35:-

- 'The overall significance of the Church is also informed by its visual prominence within its wider surroundings and, as a result of the local topography, the Church, and particularly its spire, is a distinctive landmark in views of the village from the north and from the surrounding landscape, reinforcing its significance as the historical focus for spiritual and communal activity within the village'.

I agree with this appraisal. The location and visibility of the Church from several vantage points is part of its significance. A landmark tends to be more effective and powerful when it is visible from several locations and despite the other 'preferred' views noted in the Supplementary Statement the appeal site makes an important contribution to the wider visual setting of the Church.

Our visit revealed that the proposed residential development would disrupt existing views towards the Church from within and around the surrounding landscape, particularly from a footpath that crosses the site. This path may have provided the most direct route to the church from parts of the village for many years. The retention of the path and the protection of such a key view in the indicative layout suggest that the applicant recognises its importance. Figure 15 in the Assessment illustrates a public view of the church from this footpath across an agricultural field with mature trees in the front of it and demonstrates clearly the established rural context of this high status listed building.

The impact of the development on the attractive rural setting is described in the Heritage Assessment at paragraph 5.3.38:-

- 'The proposed development is for new housing, which would sit within the foreground of these views. Consequently the proposed development would then provide the context for these views of the Church spire, resulting in a change to its overall setting'.

Having previously acknowledged that part of the significance of the church is its landscape surroundings the Assessment concedes that the established setting of a high status designated heritage asset will be transformed. An objective assessment must conclude that the proposed built development, including new housing, garages, a play area and roads to modern highway engineering standards, will bring an urbanising influence to land which is essentially rural in character.

From certain vantage points the quality of the visual setting of the church will be compromised significantly by the proposal and even if the new houses and vehicular access do not completely impede important views of the church their presence will be an unwelcome distraction in the established countryside scene. The experience of the Church from within and outside the appeal site will alter considerably and I am very surprised, therefore, that the Heritage Assessment, and more recent Supplementary Statement, concludes that the effect of erecting new housing within the foreground of an important rural view that contributes to the setting of a statutorily listed church will be neutral and there will be no harm.

It is course advantageous for the applicant if it can be established that the proposal will not compromise the significance of any designated heritage assets. You are aware that if a development causes any harm, even less than substantial, to a listed building or its setting, the decision maker must give that harm considerable importance and weight because of the statutory obligation under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Linked to this important legislative obligation are the provisions of the NPPF which require that great weight should be given to the conservation of designated heritage assets.

Various potential benefits are set out in the Supplementary Statement. I note that none appear to directly benefit the local historic environment which, in my opinion, will be harmed by the development. Some appear to be generic benefits that could be achieved elsewhere or independently of the proposal and I reiterate the views of Historic England that 'if suitable, alternative, less harmful locations have been identified to meet housing need, then there is no justification for development in this location'. I hope that these comments are of use.

b) Local Community

4.22 100 letters of objection received from 75 addresses. One neutral letter of comment received. One letter of support received (but assumed an error as same person submitted objection immediately afterwards)

4.23 Officers note that several of the objections 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.

- Highway safety/traffic/congestion/unsafe access
- Overbearing on village due to elevated nature, will change view especially when approaching along Church Lane, will be visible on skyline and above rooftops of existing houses including Listed Buildings
- Loss of countryside, agricultural character important to the village
- Inadequate village infrastructure (roads, school, shop etc)
- Housing total for HDC already met therefore no need
- Amount, scale, size too large for village, overwhelming, disproportionate, will 'swamp' and change feel of village, rural character lost, would "inevitably destroy the unique identity of Dunton Bassett"
- Drainage/flooding/flood risk
- 40% affordable too high for rural location; will all go in buy-to-let and Right-to-Buy anyway
- Lutterworth and Broughton Astley more appropriate locations (more services, bigger settlements) to help meet housing targets
- Prominent point in village and valuable green space
- Loss of privacy due to overlooking
- Contrary to SHLAA (which only said a part of the site, and used sparingly), other sites within village
- Should have an independent design review
- Will obstruct views of church, affect setting of Listed Buildings
- Who will maintain proposed drainage and landscaping?
- Increase in light pollution
- Children's play area not needed
- Unsustainable, developers should "go elsewhere or make the number of houses sustainable, if that is possible!!"
- Outside of Limits to Development

- Number of houses “significantly unbalance the current housing stock in the village and fails to reflect the size and character of the existing village, leading to an unsustainable “growth-spurt” which the village could not cope with given the existing level of services available”
 - Submitted surveys are inaccurate
- 4.24 Representation has also been made about the suitability and impartiality of the Council’s landscape consultants, The Landscape Partnership. This has been addressed by officers directly to the objector.
- 4.25 A Petition has been received (3rd January 2017) from 152 residents, with names, addresses and signatures provided. The petition calls upon the Council to refuse the Planning application for the following reasons:
- Will alter the understanding of the Church within its rural setting and harm the significance of the Church and Scheduled Ancient Monument
 - Does not accord with the development plan (specifically CS17 and HS/8), and that the “limited benefits” of the scheme are significantly outweighed by the adverse impacts;
 - Not sustainable development as required by the NPPF

The petition is available to view on the Council’s website.

5. Planning Policy Considerations

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 instructs that planning applications must be determined in accordance with the provisions of the Development Plan (DP), unless material considerations indicate otherwise.
- 5.2 Unless stated, an explanation of the development plan policies; material considerations, evidence base and other documents referred to can be found at the beginning of the Agenda under ‘All Agenda Items Common Planning Policy’

a) Development Plan

- *Harborough District Core Strategy*

- 5.3 The following aspects of the CS are notably relevant to this application.

- *Policy CS1*
- *Policy CS2*
- *Policy CS3*
- *Policy CS5*
- *Policy CS8*
- *Policy CS9*
- *Policy CS10*
- *Policy CS11*
- *Policy CS12*
- *Policy CS17*

- *The saved policies of the Harborough District 2001 Local Plan*

5.4 Of the limited number of policies that remain extant, Policy HS/8 (Limits to Development) should be noted.

b) Material Planning Considerations

5.5 Material Planning Considerations relevant to this application:

- *The National Planning Policy Framework (The Framework / NPPF)*
- *National Planning Practice Guidance (PPG)*
- *Supplementary Planning Guidance*
- *Five Year Housing Land Supply Statement*
- *Emerging Local Plan - Options Consultation*

c) Emerging Local Plan Evidence Base

5.6 The following emerging local plan evidence base is relevant to this application

- *Strategic Housing Market Assessment*
- *Strategic Housing Land Availability Assessment*

The north part of the site was included within the 2015 SHLAA (ref A/DB/HSG/02). Approximately 42 dwellings could be accommodated within 1.7 ha of land. The site was assessed as being developable within 6-10 years. Developer interest and clarification of the access (not suitable from The Mount, better from Church Lane) was required.

The only other site within the 2015 SHLAA is the Merrie Monk on Station Road. Planning Permission has been granted for the change of use of the pub to a single dwelling (ref 13/01640/FUL) and the erection of a pair of semi-detached dwellings (ref 14/00367/FUL). A further site included in the 2014 SHLAA (land east of Lutterworth Road (and south of Station Road) ref A/DB/HSG/04) was not included within the current SHLAA. The site was assessed as not developable, due to the County Highways comment as follows (excerpt):

“Access from Station Road is no longer appropriate since consent has been granted for a pair of semi-detached dwellings (ref 14/00367/FUL) which will utilise the access point. Access from the A426 would be contrary to policy IN5 of the 6 Cs Design Guide...”

- *Settlement Profile (May 2015)*

Overall Summary:

Dunton Bassett has the services to support its continued designation as a Selected Rural Village and the capacity to accommodate limited growth providing development is well related to existing services, sympathetic to its heritage assets and contributes to meeting community aspirations in terms of smaller starter homes and improved recreational facilities.

- *Harborough District Landscape Character Assessment (2007)*

Dunton Bassett is within the Lutterworth Lowlands Character Area, described (in summary) as: “predominantly open, gently rolling pasture” with a general lack of vegetation cover, and with “some limited capacity to accommodate localised development in particular around the larger settlements but the more rural parts of the area towards the north would not be appropriate..”

➤ *Local Plan Options Consultation Paper*

Four Options for the distribution of housing development within the new Local Plan are proposed. The amount of new dwellings for Dunton Bassett ranges from 50 – 72 within the Options. A final Option has yet to be decided, but in all likelihood the number of dwellings required for Dunton Bassett will exceed 50.

d) Other Relevant Documents

5.7 The following documents should be noted

- The Community Infrastructure Levy Regulations 2010, S.I. No.948 (as amended)
- Circular 11/95 Annex A - Use of Conditions in Planning Permission
- ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)
- Planning Obligations Developer Guidance Note
- Leicestershire Planning Obligations Policy
- Leicestershire County Council Local Transport Plan 3 (LTP3)
- Leicestershire County Council Highways Authority 6Cs Design Guide

6. Assessment

Principle of Development

6.1 As previously mentioned, the Site lies outside the defined Limits to Development of Dunton Bassett (as established by the Harborough District 2001 Local Plan, Policy HS/8). For planning assessment purposes the site represents undeveloped countryside. Policy CS17 of the Harborough Core Strategy strictly controls new development within the open countryside:

“Only development required for the purposes of agriculture, woodland management, sport and recreation, local food initiatives, support visits to the District and renewable energy production will be appropriate in the Countryside subject to compliance with other relevant policies in this Strategy”.

6.2 A housing estate does not fall within the above list of development allowed. The location of the proposed development would, therefore, be contrary to this aspect of Policy CS17 in the Development Plan, although it is acknowledged that parts of CS17 are considered out of date.

6.3 Limits to Development were adopted some 14 years ago, in the context of different national planning policy and based on now out-of-date housing need evidence. Policy HS/8, as well as aspects of Development Plan policies which reference HS/8 (e.g. CS2a and CS17a), represent restrictive blanket policies on new housing development outside Limits; taken literally, such policies limit new housing development to within the 2001 defined Limits to Development of Dunton Bassett. Policy HS/8 is inconsistent with relevant policies on sustainable housing development contained in the Framework. As a consequence, and having full regard to the advice in paragraph 215 of the Framework, little weight should be given to Policy HS/8.

6.4 The Core Strategy sets out a housing target of 350 dwellings per annum based on the now revoked Regional Spatial Strategy. The latest evidence of objectively assessed housing need (OAHN) is set out in the SHMA 2014. This recommends a total housing requirement of 9,500 dwellings between 2011 and 2031, or 475 dwellings per annum. Based on the latest SHMA requirement the Council's Five Year Housing Land Supply Position Statement demonstrates a supply of 4.66 years as at 1 April 2016. The Council cannot therefore demonstrate a five-year land supply. As a consequence, Paragraph 49 of The Framework states that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".

6.5 In circumstances where relevant policies are out-of-date Paragraph 14 of the Framework advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole ('Limb 1') or specific policies in this Framework indicate development should be restricted ('Limb 2'). Footnote 9 provides some examples of such restrictive policies, and includes the phrase "designated heritage assets".

6.6 The reference to designated heritage assets in footnote 9 means that the presumption in favour of sustainable development is not triggered unless the proposal can first pass the simple balancing exercises in paragraph 133 (in cases where any harm to the significance of a designated heritage asset is judged to be substantial) or 134 (where any harm is less than substantial).

6.7 As such, in terms of decision-making, an assessment is first required as to whether any harm is caused to the significance of the designated heritage assets affected. If any harm is found, then the degree of that harm needs to be defined. Then, that harm needs to be balanced against the public benefits of the proposal. If the public benefits do not outweigh the harm, planning permission should be refused for the proposal, having regard to the Development Plan and Statute.

6.8 If the public benefits outweigh the harm caused to the significance of the designated heritage assets, then paragraph 14 would be re-engaged, specifically 'Limb 1'. That would mean that in terms of the Framework, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, taken as whole.

6.9 Decision-takers, in this instance the LPA, are also required by the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the (Listed) building or its setting or any features of architectural or historic interest which it possess (Section 66(1)) and to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in relation to Conservation Areas (Section 72 (1)).

6.10 Mirroring those provisions, to a large extent, paragraph 132 of the Framework maintains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. It goes on to note that significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

6.11 Both Historic England and the Principal Historic Buildings Officer at County Council have stated that the proposal will cause harm to the setting of designated heritage assets. Therefore, the principle of development stands or falls on the heritage impacts of the proposal, and these are addressed firstly below.

Heritage

➤ *Listed Buildings/Scheduled Ancient Monuments*

6.12 The nearest Listed building is 2 Little Lunnon, (Grade II) approximately 12m to the west of the site's westernmost boundary (at its closest point). The War Memorial for the village is also Listed Grade II, and lies approximately 43m from the site's proposed access. Other Listed Buildings of the same grade are along Bennets Hill and The Mount (approximately 50m – 87m from the north-eastern boundaries of the site). Due to the distance of the proposed dwellings from these structures, and particularly the existing intervening structures, it is not considered that the proposal would cause harm to the setting of any of these Listed Buildings/Structures, although the "dominating presence" of the development mentioned in Historic England's consultation response is of concern, and is more widely addressed in paragraph 6.50 below.

6.13 The Parish Church of All Saints is a Grade II* Listed Building, and lies approximately 80m to the north-east of the site's proposed access. To the front of the Church (closer to the site) is the Victorian former rectory, considered a non-designated heritage asset. The spire and, to a lesser extent due to their lower height, the chimneys of the former Rectory are visible at a distance from the site. To the north of the Church, beyond the Church Close dwellings, is a former moated site with fishponds, designated a Scheduled Ancient Monument (SAM). This lies approximately 112m from the site's access point.

6.14 The applicants have considered the impact of the proposal on the setting of the SAM and the Church. The proposed layout, although only indicative, seeks to retain views eastwards of the Church spire on footpath Y38. The drainage strategy and highway access have deliberately been designed to be less heavily engineered, to minimise impact. Taking all these measures together, their submitted Heritage Statement finds that there will not be harm to the setting of any heritage asset, and that the proposal will have a neutral effect.

6.15 When approaching the site from the south (from footpath Y41), the spire and chimneys of the Church and its former Rectory are clearly visible. Otherwise, no other residential development is seen: countryside, fields, trees and hedges form the rest of the view. By introducing housing into the site, this view will fundamentally change as rooftops (at least) will be visible in the same view.



Figure 3: photograph taken from footpath Y41 to the south of the site, looking northwards across the site.

6.16 Similar could be said of the view from Loves Lane (bridleway Y40) to the south of the site: it is likely that the view of the Church will be highly obscured from this field gate.



Figure 4: photograph taken from field gate on southern boundary of the site, with the former Rectory and church spire visible.

6.17 When crossing the site from west to east on footpath Y38, the Church spire and former Rectory are clearly visible, framed by trees. Residential properties also form part of the view (partly screened by trees), and the spire provides a clear focal point, even acting as a waymarker to some measure. Although the applicant recognises the importance of this view and has addressed this within their indicative layout (and supporting documentation), officers consider that this view too will fundamentally change, with walls and rooftops of dwellings clearly evident and in close proximity on the right hand side of this view.



Figure 5: view from footpath Y38 within site, looking along the route of the footpath towards Church Lane

6.18 Historic England find that the proposal will cause harm to the setting of the Church and Scheduled Ancient Monument, in two ways: firstly by the use of the field for residential development rather than agriculture; and secondly by the visual impact of the proposed dwellings. They draw *“particular attention to the view from the west, looking eastwards towards the church. This is one of the most important views of the church within its rural setting and development within this will harm the historic, architectural and aesthetic value of the church and thus its significance. Whilst this can be mitigated to a degree by the siting of dwellings, we still believe any development of the site will result in harm to significance”*. They also raise concerns about the elevation of the site above much of the existing built form of the village, and *“remain concerned that the proposed houses as shown in their indicative layout and design will have a dominating presence over the village and the designated heritage assets within”*. For all these reasons, Historic England maintain their objection to the proposal on the grounds of harm to the setting of heritage assets, particularly the Church, and, in the light of paragraph 134 of the Framework, consider that this harm is less than substantial.

6.19 The County Council Principal Historic Buildings Officer also considers that the proposal will cause harm to the setting of the Church, by its use (indirectly) but primarily by the impact on the quality of the views of the church. He notes the urbanising influence of housing, garages, a play area and engineered roads as being harmful and contrary to the agricultural, rural character of the setting of the church, stating that, even if these things “do

not impede the view of the church their presence will be an unwelcome distraction in the established countryside scene". He goes on to state that *"The experience of the Church from within and outside the appeal site will alter considerably"*.

6.20 Officers agree with the findings of the County Principal Historic Buildings Officer and Historic England. Due to the amount of intervening development, officers consider that the proposal will not cause harm to the setting of the Scheduled Ancient Monument: the rural/agricultural setting of this has already been altered. With regard to Historic England's objection in principle to the change of use from agricultural to residential, officers are mindful that the agricultural use is not immediately connected with the religious function of the Parish Church (it is not "glebe land") and so consider that this harm is towards the lesser end of "less than substantial". With regard to the visual harm to the setting of the Church, raised by Historic England and the County's Principal Historic Buildings Officer, officers consider that there is harm, and that this is towards the greater end of "less than substantial".

➤ *Archaeology*

6.21 The application was submitted with a geophysical survey of the site, which indicated a number of anomalies considered worthy of further investigation. The applicant engaged with County Archaeology consistently and throughout the process, including allowing monitoring of the work on site. As a result of this, trial trenching was undertaken to investigate the anomalies and to form a better understanding of the buried heritage assets of the site.

6.22 The trial trenching found the following:

- A very small amount of residual worked flint, suggesting Mesolithic and earlier Neolithic activity;
- A 'D'-shaped enclosure ditch in the north-eastern part of the site, likely to date from the late Iron Age by the pottery finds. The latest fill included a fine flagon handle from the 1st Century AD. No definite Roman pottery was found, indicating that the enclosure was most likely to have been abandoned prior to or during the Roman conquest period. The function of the enclosure was not clarified, although its form is similar to a number of late Iron Age farmsteads known in Leicestershire. There was no clear evidence of roundhouses, for example, although some (probably storage) pits were discovered;
- A pair of parallel ditches, possibly forming a trackway, running north-west to south-east across the site, again probably of the late Iron Age;
- Ridge and furrow from medieval field systems, towards the south of the site.

6.23 The findings of the archaeological work support Historic England's assertion that the site has been in continuous agricultural use since the medieval times, and, indeed, extend this time period into at least the late Iron Age.

6.24 County Council Archaeology have reviewed the submitted information. Whilst they express concern about impact of the proposal on the settings of the nearby Grade II* Listed Medieval Church of All Saints and the Scheduled Medieval manorial complex, as well as the adjacent Historic Settlement Core of Dunton Bassett, which are all likely to be contemporary with the Ridge and Furrow cultivation of the application site, they do not object, and recommend conditions requiring further archaeological investigation.

➤ *Harm vs public benefits*

6.25 In accordance with paragraph 134 of the Framework, the identified harm must be weighed against the public benefits of the proposal.

6.26 The provision of up to 50 dwellings, particularly at a time when the Council cannot demonstrate a five year supply of housing is a considerable benefit. Furthermore, no other sites that could provide this amount of housing within the village have been identified at present. Without this site, therefore, it follows that Dunton Bassett may not meet its required number of dwellings (even the lower end) currently suggested in the emerging Local Plan. This would then throw into doubt its status as a Select Rural Village, although it is possible that other sites could come forward during the plan period (to 2031) which would meet the housing requirement. The provision of affordable housing is also a public benefit of the proposal. The Framework requires LPAs to plan to “significantly boost the supply of housing”.

6.27 There are economic benefits too: construction of dwellings; management of any SUDS and landscaping; benefits to the village shop through having a larger catchment population; additional Council Tax receipts for HDC and new Homes Bonus payments. Social benefits include the addition of new residents to the village, enhancing the village life and community, and the provision of affordable housing.

6.28 Proper laying out and maintenance of the Rights of Way through the site could be said to be an environmental benefit (it may increase accessibility and therefore usage), although it is noted that the representation states the opposite: the footpaths are currently well-used and their attractiveness will be diminished by hard surfacing and housing. There may be ecological enhancements for the site through additional planting of trees and shrubs and the provision of surface water soakaways enticing habitat creation. There may be benefits to surface water drainage within the wider village as water from the site would not flow along the underlying clay but rather be drained through this, infiltrating into the permanent strata. Other environmental “benefits” listed by the applicant in their submission are considered by officers to be neutral: they exist already and the proposal will not enhance these or necessarily deliver a positive benefit (open space, no significant impacts on landscape, retention of existing hedgerows and trees).

6.29 The public benefits, taken together and particularly considering the lack of a 5 year supply within the District and the current lack of identified suitable sites for housing otherwise in the village, are judged to be considerable.

6.30 However, special consideration must be given to the desirability of preserving the setting of the Church of All Saints, and “great weight” must be given to harm caused by damage to its setting. Satisfactory clear and convincing justification for the harm has not been provided: on the contrary, the applicant maintains their position of “neutral” effect and “no harm” (section 5 of the Supplementary Planning Statement/Heritage Statement). Although finely balanced, and not considered lightly, officers consider that the public benefits of the scheme do not outweigh the harm to the setting of the designated heritage asset and that, in accordance with paragraph 134 of the Framework, and the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and policy CS11 of the Core Strategy, the proposal must be refused.

6.31 If Members disagree with the opinion of officers, or, if in the event of an appeal, an Inspector also disagrees, ‘Limb 1’ of paragraph 14 is engaged and it is therefore necessary to consider a range of other matters relating to the application.

Locational sustainability / Climate Change

6.32 The village has a primary school, a pub (the Dunton Bassett Arms) and a post office within a small shop. Furthest distances from the site access to these facilities are approximately 115m, 305m and 259m respectively. All of these facilities are within the 800m

considered to be accessible walking distance within the 6CsDG. Furthermore, the existing footpaths are proposed to be retained and the site is considered to have excellent pedestrian connectivity with the existing village.

6.33 The site is within the 5km recommended cycling distance of key services contained within the 6 Cs Design Guide. No local cycle routes will be affected by the proposal; (although equally no new routes or cycleways will be provided).

6.34 The nearest bus stop is approximately 390m from the site's northern pedestrian accesses, on Main Street to the north of the site. There are other bus stops further north on Coopers Lane. These bus stops are served by route numbers 84/84A and 140 providing a school bus (Broughton Astley – Lutterworth – Rugby) and four departure/arrivals for both am and pm peak times, every 30 mins off-peak and Saturdays Lutterworth – Leicester. The site is therefore within walking distance of bus stops providing a regular service.

6.35 Dunton Bassett has a number of key services which are accessible from the site on foot. There are a range of other services available outside the village which can be accessed by public transport and/or bicycle. Future occupiers of the development would not therefore need to be solely reliant on the private motorvehicle to access key services, in accordance with paragraph 58 of the Framework. The site is therefore considered to have good locational sustainability, and accords with CS9 (a) in this respect.

6.36 Measures to mitigate the effects of climate change (for example solar pv panels, air source heat pumps, greywater recycling etc), and the use of sustainable materials and construction techniques should be investigated at Reserved Matters stage, to accord with CS9 (c), (d) and (f).

Design

6.37 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. This is consistent with Policy CS11.

6.38 Design (form/layout, mass, scale, proportions, style, materials) is not a matter which is currently for consideration. Notwithstanding this, a Design and Access Statement has been prepared, which together with an Illustrative Masterplan (see below) set out how the site might be developed.



Figure 6: Illustrative Masterplan

6.39 Vehicular access will be taken from Church Lane to the north east of the site and lead southwards in the site with a number of spine roads/cul-de-sacs leading off westwards. The proposed housing will generally encompass the roads, except to the extreme south and north of the site.

6.40 The existing hedgerows to the east, south and west boundaries will be enhanced with tree and hedgerow planting. Large areas of green space are proposed to the south and north, with the latter area being shown as a Play Area.

6.41 The number of residential units proposed is up to 50, which on a 3.2ha site represents a density of 15.6 dwellings per hectare, when taken over the entire site. Policy CS2 (b) advocates a minimum of 30 dwellings per ha. Mindful of the edge-of-settlement

location, and considering this simple mathematical exercise only, it is judged that the proposed lower density is appropriate for this site (however see paragraph 6.47 below).

6.42 The proposal will deliver a mix of dwelling types which, although not specified at this Outline stage, is likely to provide some 2 and 3 bedroomed units, larger 3 and 4 bedroomed homes and some 5 bedroomed units. The mix does not particularly accord with the recent SMHA (2014) findings which identifies a need across the District for smaller homes (including 1-bedroomed), but this could be addressed within the reserved matters.

6.43 Of the 50 dwellings proposed, 40% will be affordable homes, equating to 20 dwellings. This meets the Council's requirement of 40% as set out in Policy CS3. Details of the unit mix and tenure split would be decided at a later date.

6.44 The applicant has undertaken public consultation and engaged extensively with local residents regarding the design of their scheme. Comments made by residents have been taken on board in the submitted illustrative layout (which is why it differs from that presented at the public consultation and at pre-application stage). The Framework states (in paragraph 66) that "proposals that can demonstrate [community involvement] in developing the design of the new development should be looked on more favourably". Officers are pleased to see the level of engagement with the local community and the influence that this has had on the design. The layout as shown on the Illustrative Plan does appear to successfully accommodate up to 50 dwellings whilst generally respecting the countryside, residential amenity, rights of way, trees and protected species. However, the layout is not a matter for detailed consideration at this stage, and officers can only give little weight to the level of community engagement undertaken by the applicants, particularly considering the level of objection received to the application despite this.

Impact on the character and appearance of the area

6.45 Core Strategy Policy CS2 and CS17 both state that development "*will be on a scale which reflects the size and character of the village concerned*" (CS17) or "*is in keeping with the scale and character of the settlement concerned*" (CS2). This is reflected within the detail of policy CS11, requiring that proposals reflect the landscape or streetscape in which they are situated and, "*be of a scale, density and design that would not cause damage to the qualities, character and amenity of the areas in which they are situated*".

6.46 The representation made by residents and other local people clearly considers the scale and amount of development excessive, and contrary to these policies. Officers recognise that there has been little development within the village in recent years, and that which has been carried out has been generally under 10 units. In light of this, it does appear that a proposal for up to 50 dwellings is on a scale which is not in keeping with recent development elsewhere in the village. However, officers consider that 50 dwellings is not, *per se*, excessive, although it is large: other schemes in the District are for upwards of 100 dwellings and given the housing requirement in the SHMA (475 dwellings per annum), this number seems reasonable. Density as calculated over the entire site is considered acceptable.

6.47 However, much of the site is not 'developable' as shown on the indicative layout. The steep drop in levels of over 6m in the top northern part of the site (proposed as public open space) prevents housing development; the requirement for a 5m buffer for ecology reasons to the east and west boundaries means houses must be set in; the need to maintain a view of the Church across the field along the Right of Way pushes the houses southwards in the site; and the substantial buffer between the south boundary of the site and the open countryside beyond (to protect the character and appearance of the countryside) all contribute to a net developable area of approximately 2.66 hectares towards the middle and south of the site. The density is therefore approximately 18.8; again, lower than the

requirement of 30, but leading to a quite dense pattern of development which is considered out of keeping with the character of the village.

6.48 On plan, the proposal appears well-related to the existing built form of the village: it continues the general north-south spatial form and has existing dwellings close to its western and northern boundaries.

6.49 However, the site has a considerable change in levels, with a public Right of Way crossing the lowest part of the site. The middle and southern parts of the site are very elevated, with clear views across the roofs of existing dwellings in the village to Charnwood Forest to the north-east. From parts within the village, walls and roofs of the dwellings will be visible. Although a view of a proposal in and of itself is not a reason for refusal, if these views are harmful then that is different. Currently, the field is rural and countryside with views of hedges, the field landform and open skies above. From some parts of the village, but especially from the public Right of Way on the northern edge of the site, this view will significantly change, and (at least from the indicative layout and images within the Design and Access Statement) will be a row of two storey house walls and roofs – albeit attractive houses. Officers disagree with The Landscape Partnership’s (TLP) comments (para 3.2 of their report) that such views “would be seen in context of the existing village built form”, as the photograph below demonstrates.



Figure 8: photograph taken from ROW footpath Y37, north-east corner of the site, looking southwards

6.50 The majority of the village (particularly from Coopers Lane southwards) has an intimate character, with tightly-spaced dwellings generally fronting the highway and set on increasingly lower ground. The elevation of the site will mean that the proposed dwellings are likely to be contrary to this character, and possibly overbearing on the existing built form, when seen from parts of the village, and when seen from a distance. Both Historic England and County Archaeology raise concerns about “*the proposed houses as shown in their indicative layout and design will have a dominating presence over the village*”, and the setting of the “*historic settlement core of Dunton Bassett, which [is] likely to be contemporary with the ridge and furrow cultivation of the site*”.



Figure 9: photograph received in representation, taken from footpath W105 to north-east of the village, showing the elevation of the site in relation to the existing dwellings of the village.

3.51 For these reasons, Officers consider that the siting of up to 50 houses on the land, given the topography of the site, will cause damage to the amenity of the immediate area and the character of the village.

3.52 The field forms part of the rural and agricultural setting of the village: a piece of countryside extending into the built form of the village, accessible to and easily enjoyed by residents due to the Rights of Way. This will be lost, and officers consider that the character of the rural setting of the village will subsequently be harmed. The enhancement of the public Rights of Way is likely to result in further loss of rural/agricultural character and may limit the enjoyment of the countryside by users of the Rights of Way.

6.53 Although outside of the red line site boundary, the proposal will also impact on Loves Lane. This bridleway has a rural, enclosed feel, leading to open fields and more open views to the south. The countryside character of this will be harmed due to the proximity of the proposed residential development (immediately) adjacent to it. Despite a substantial buffer on the south boundary, and a minimum 5m buffer on the east, walls and rooftops of dwellings together with domestic paraphernalia in their gardens will be visible, and will cause harm to the intimate countryside character of Loves Lane.



Figure 10: photograph taken on Loves Lane, at the southern junction with footpath Y41, looking across the site

6.54 For these reasons, the proposal is considered to be out of keeping with the character of the village, contrary to CS17, CS2 and CS11. Paragraph 61 of the Framework requires that *“planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment”*, and it is considered that, for the reasons detailed above, the proposal is also contrary to this part of the Framework.

6.55 Officers have considered paragraph 65 of the Framework, requiring that they *“should not refuse planning permission for buildings of infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal’s economic, social and environmental benefits)”*. Notwithstanding the concerns relating to the setting of designated heritage assets (see paragraphs 6.15 - 6.20 above), it is the scale and siting of the proposal which is considered to have a harmful impact on the character of the area, not the design of the layout or any

particular dwellings and their impact on the 'street scene' (which are not matters to be considered in detail within this application anyway).

Impact on the character and appearance of the Countryside

6.56 Core Strategy Policy CS17(c) states *“rural development will be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area in which it is situated”*.

6.57 At a National Level, the site is designated within National Character Area NCA94, 'Leicestershire Vales'. At a District level, the Site falls within the Lutterworth Lowlands Character Area, described (in summary) as: “predominantly open, gently rolling pasture” with a general lack of vegetation cover, and with “some limited capacity to accommodate localised development in particular around the larger settlements but the more rural parts of the area towards the north would not be appropriate..” Regarding the smaller settlements in the Area, the Assessment states “the smaller villages of the area have a much lower capacity and would need to be considered on a case by case basis”. The site is not covered by any statutory designation for the particular value of its landscape.

6.58 The applicants have submitted a Landscape Appraisal (golby+luck, August 2016) which has both Landscape and Visual Impact assessments of the site. With assessments taken from 12 viewpoints, and assuming a layout as proposed, with ridge heights no higher than 9m and finished floor levels following the existing topography +/- 500mm, the findings can be summarised as follows:

Viewpoint	Susceptibility to change	Visual sensitivity	Length of time of (adverse) effect	Overall Visual effect
1 – Church Lane looking W across site	High/Medium	High/Medium	Short term	A material change due to proximity of receptor and proposed change (major) *
2 – Church Lane/Church Close looking S	Medium/Low	Medium/Low	Short term	Moderate/Minor falling to Minor over time
3 – Loves Lane looking NW	High/Medium	High/Medium	Short term	A material change (major) *
4 – footpath Y37, entering the site from The Mount	High/Medium	High/Medium	Short term	A material change due to proximity of receptor and proposed change (major) *
5 – footpath Y39 on west boundary looking E	High/Medium	High/Medium	Short term	A material change due to proximity of receptor and proposed change (major) *
6 – Loves Lane looking N	High/Medium	High/Medium	Short term	A material change due to proximity of receptor and proposed change (major) *
7 – Church Lane at The Bungalow looking W (approx. 195m from site)	Medium	Medium	Short term	Moderate falling to minor over time
8 – footpath Y41 approaching site from S	High	High/Medium	Short term	Major/Moderate falling to moderate/minor over time
9 – footpath Y41 within valley approx. 355m S of	High	High/medium	Short term and long term	Minor, falling to minimal

site				
10 – footpath Y41 approx 1.11km S of site	High/Medium	High/Medium	Short term	Moderate/minimal falling to minor/minimal
11 – Cauldwell Lane approx. 2.37km S of site	High/Medium	High/Medium	Short term and long term	Minor/Minimal
12 – Leire Lane approx. 2.14km from site looking NW	Medium	Medium	Short term and long term	Minimal

* The design response directly to these receptors incorporating primary mitigation measures makes the degree of change acceptable in landscape terms.

6.59 The Council have commissioned The Landscape Partnership (TLP) to undertake an independent review of the submitted Assessment. In their report, they state that they generally agree with both the methodology applied within the Assessment, and the conclusions reached by golby+luck. With regard to the most significant adverse impact (that at viewpoint 8), TLP note that “the proposed houses would introduce a roofscape where there is a more clearly defined rural setting and currently very little awareness of other buildings”, but offer no further comment. They make a number of recommendations which could be incorporated at Reserved Matters stage. TLP’s comments regarding the setting of the Listed Building and integration of the proposal within the existing village are included at sections 3.3 and 2.3 & 3.3 (respectively) of this report. TLP conclude,

“Subject to the need for 50 dwellings in Dunton Bassett, we consider this to be an acceptable location in terms of landscape and visual considerations” (para 3.3)

6.60 Paragraph 17 of the Framework requires that the intrinsic value of the countryside be considered, and recognises that some open land can perform many functions, including recreational. Paragraph 77 lists the instances in which land can be designated as Local Green Space, including where it is “demonstrably special to a local community”, whilst paragraph 109 requires that the planning system should “contribute to and enhance to natural and local environment by protecting and enhancing valued landscapes...” The phrase “valued landscapes” is not defined with the Framework, however the NPPG and a recent High Court decision¹ suggest that a valued landscape must have attributes out of the ordinary, and that these must be demonstrable and physical attributes, rather than simply any value to residents or popularity.

6.61 The site clearly has value to local people and has been known locally as ‘The Beat’ since at least the 1960s. The two footpaths that cross the site appear well-used and popular, as do the bridleways to east and south immediately adjacent. The experience of some of the users of the footpath is of a piece of countryside within the centre of their village (as the representation indicates). Were the proposal to be granted Permission, this would significantly alter: new trees, landscaped play areas, a roadway and housing would replace current tracks over uneven ground. Whilst paragraph 75 of the Framework requires Planning Policies to enhance rights of way, it is considered that in this instance, the recreational enjoyment of the countryside for users of the footpaths will be diminished as a result of the proposal (as identified by golby+luck from viewpoints 4, 5, 6 and 8). However, the footpaths will not be lost, the land is not designated as Local Green Space, and the land is not considered to be “valued landscape” (which considers all factors, not just popularity).

6.62 For the reasons given above, in the opinion of officers, and considered on balance, the proposal complies with CS17 (c)

¹ Stroud District Council v SSCLG v Gladman Developments Limited [2015] EWHC488 (Admin))

6.63 As discussed at paragraphs 6.4 – 6.51 above, officers are concerned about the impact of the proposal from the lower ground within the village (for example at viewpoint 4 above). Whilst golby+luck consider that the proposal will have a material affect, they also consider that the design as shown on the indicative layout adequately responds to this, such that any harm has become acceptable in landscape terms. TLP do not appear to differ from this view. It should be noted that officers concerns do not specifically relate to impact on the landscape in and of itself (and officers maintain that the proposal complies with CS17 (c)), rather the impact on the character of the village (CS11 (c) iii, CS2 (a) etc).

Highways

6.64 Access is a matter for consideration as part of this application. The applicant has engaged a Highways consultant (Rodgers Leask) who have submitted a Transport Statement on their behalf, together with a proposed access layout plan.

6.65 The site lies between two roads: Little Lunnon to the west, and Church Lane to the east. It is proposed to access the site from Church Lane, where the existing Rights of Way enter the site's north-eastern corner. The bridleway access along Loves Lane will be retained. The speed limit at the point of access is 20mph, but it should be noted that this increases to 40mph approximately 37m to the east of the access, where Church Lane runs towards the A426.

6.66 Church Lane has an approximate carriageway width of 7.3 metres in the vicinity of the proposed point of access. Where the road runs northwards, there is a footway past the existing residential houses; otherwise there are no footways to the east of the site. The representation states that the road is both busy and dangerous, with cars regularly exceeding the speed limit.

➤ *Public Highway*

6.67 The proposed plan shows a new vehicular access from the north-east corner of the site. This would then lead westwards and southwards through the site, with various branches. The applicant has been mindful of the proximity of the access to the Listed church building and the Victorian vicarage and has drawn a layout which seeks to provide a safe access which is not over-engineered.

6.68 The junction geometry proposed is shown on the Rodgers Leask plan below and includes the following elements:

- Carriageway width of 5.5 metres;
- Footway of 2m width to northern side of junction, linking to the existing footway;
- Widening of the existing carriageway at the point of access, including white line delineation markings;
- Junction radii of 6 metres to the north and 10m to the east;.
- Junction vehicle visibility splays of 2.4 metres by 43 metres northwards along Church Lane and 2.4 metres by 43 metres eastwards along Church Lane.

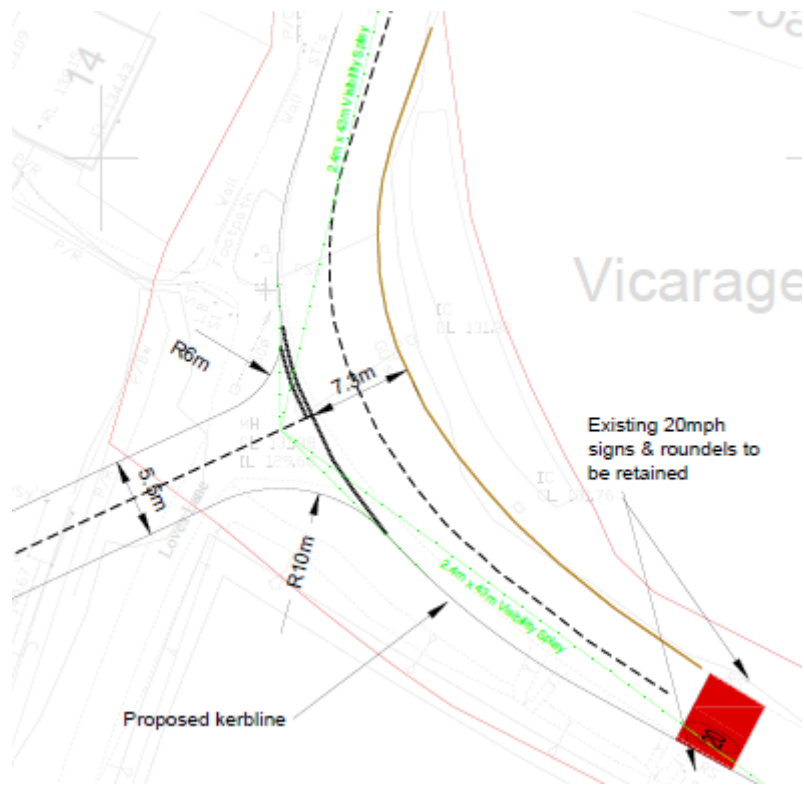


Figure 11 – suggested access layout (drawing number P16-120 502, Rodgers Leask)

6.69 Rodgers Leask have undertaken a vehicle movement survey in the vicinity of the proposed access on behalf of the applicant. The survey was undertaken from 22nd – 28th April 2016 (it is noted that this period included part of the schools’ Easter holidays, and some days were bank/public holidays, such as Easter Monday 28th March). A speed survey was also undertaken (using a sample of 200 vehicles approaching in both directions). The results of both surveys are summarised below:

	Average AM peak movements	Average PM peak movements	85 th percentile speeds (mph)
Northbound	33	118	26.2
Southbound	56	29	27

6.70 Based on TRICS data, Rodgers Leask calculate an additional 30 movements from traffic generated by the proposal in the morning peak hours (0800 -0900) and an additional 40 movements in the evening peak hour (1700 – 1800). Assessments and surveys were also carried out at the junction of Broughton Lane with Coopers Lane/Main Street, and at the junction of the A426/Church Lane/Gilmorton Lane. Both assessments consider that there will be a negligible effect on the performance of the junctions.

6.71 The Transport Assessment also includes an analysis of Local Highway Accidents based on data provided by the County Council. This showed a total of 8 accidents recorded since 1st January 2011, with none of them on Church Lane. The representation refers to a number of near misses and more minor accidents in the proximity of the site’s proposed access which may not necessarily have been recorded by County. The Transport Assessment includes a Stage 1 Road Safety Audit and a number of repairs/minor works undertaken to address issues raised.

6.72 It is proposed that the internal road layout be of a suitable standard to be adopted by the County Council and would be of sufficient width for HDC refuse vehicles. Suggested parking provision for the proposed dwellings exceeds that currently required by the 6 Cs

Design Guide for 4/5 bedroom houses, where 4 spaces are suggested (the requirement is currently for three). Cycle parking provision is also proposed. Again, all these matters would be subject to reserved matters approval.

6.73 Based on the evidence submitted, and their own records, County Highways do not object to the proposed access, subject to condition, although it is worth noting that accidents or 'near-misses' reported anecdotally by residents in their representation have not been considered as evidence by County Highways.

6.74 Highways request S106 contributions towards travel passes and travel packs. They also request a routing agreement for construction traffic through the same legal mechanism. Officers consider that this is better done through a planning condition attached to any permission as it does not appear to be a benefit which would mitigate the impacts of the development.

➤ *Rights of Way*

6.75 All the existing public Rights of Way through and around the site will be retained. Those within the site are likely to have an altered surfacing, with a hard surface laid down, although details of this would be provided at Reserved matters (layout, landscaping) stage. It is not proposed currently to divert or extinguish any Right of Way.

6.76 The indicative layout proposes a number of additional footways and paths which would link the proposed dwellings to existing footpaths. Again, these would be subject to approval at reserved matters stage, but indicatively, the scheme seeks to enhance footpath provision and promote walking in accordance with paragraphs 35 and 38 of the Framework.

Ecology

6.77 An Extended Phase 1 Habitat Survey (prepared by C.B.E. Consulting, June 2016) accompanied the application and comprised a desk-based assessment, and a walk-over undertaken in May 2016.

6.78 The results are summarised as follows:

- **Bats (Chiroptera):** No known bat roosts within the properties adjacent to the site. Semi-mature and mature trees around the site could provide foraging routes. The veteran ash tree on the south boundary has moderate potential for a bat roost and further surveys should be undertaken of this. The woodland copse trees have some potential to support bats;
- **Mammals:** No evidence of badger or larger mammals was found. Unlikely to be used for foraging as the hedgerow has a sheep netting fence around much of its boundary;
- **Reptiles:** no sightings or physical evidence of reptiles seen; the land is intensively grazed/cut and thus offers limited habitat;
- **Birds:** No evidence of nesting birds within the hedgerows and trees on site, although there is potential for this. Nesting and foraging within the field is unlikely due to the nature of the intensively grazed/cut grass. No evidence of protected birds was seen.

- **Amphibians & Great Crested Newts:** No ponds or water features within the site area and no links to such areas in the vicinity;
- **Tall perennials along garden boundaries:** (approximately 1m gap between post-and-wire fencing in the field and the boundaries of properties on the northern and western boundaries). Colonised by perennials, but no unusual plant species or communities present.
- **Individual mature trees and woodland copse:** one veteran ash on the south boundary has moderate potential for a bat roost and further survey work should be undertaken;
- **Improved Grassland:** fairly uniform character and good quality grassland, appears regularly cut or grazed.
- **Hedgerows:** none of the hedgerows which border the site meet the criteria for Important Hedgerows.

6.79 A further survey was undertaken by the same consultant (August 2016) of the veteran Ash on the south boundary. This comprised an evening emergence survey and a dawn return survey. The survey did not identify any roosting or nesting activity associated with the tree. Some bats were identified foraging along the hedgerows and boundaries of the site.

6.80 The Surveys have been reviewed by the County Ecology officer and she has raised no objections to the proposal and does not require any further surveys at this time. Hedgerows should be buffered from development (including gardens) by at least 5m and landscaping should include ecological enhancements (such as a wild flower meadow for example). Were the application otherwise acceptable, then a note to applicant could be made regarding the current surveys and their validity for a period of 2 years up to June 2018.

6.81 The application is considered to satisfactorily demonstrate that the proposal will cause no harm to protected species or their habitat, in accordance with CS8 and paragraph 118 of the Framework.

Trees

6.82 Core Strategy policy CS8 seeks to encourage “the protection of and proposals which increase tree and woodland cover”. Although there are no trees within the site, there are a number around the site’s boundaries, particularly towards the west, where the existing copse leading down to Little Lunnon has a number of trees, including seven protected by the Harborough District Council Tree Preservation Orders ref 211 and 209 (an Oak, Ash and Beech under the former; an Oak, Copper Beech, Ash and Beech under the latter). None of the trees are within a Conservation Area so, with the exception of the TPO trees, have no protection currently.

6.83 The applicant has submitted a tree survey to British Standard BS:5837, surveying all 31 trees (and groups of trees) not covered by any TPO. No Category A trees (important, usually suitable for a TPO) were found. 20 Category B trees were identified of which only one group (G1, comprising Elm, Oak and Hawthorn) will be removed, to facilitate the access route. Some category C and U trees will be removed. Minor works may be undertaken to improve the health of the retained trees, and all trees would be protected from the development in accordance with the British Standard.

6.84 T31 (Elm) is adjacent to 14 Church Lane but appears not to be within the ownership of this property. This is classified as Category C, and is also proposed to be retained, with minor trimming of the canopy on its southern edge if necessary.

6.85 T17 is a veteran Ash on the south boundary. Considered to be Category B, this has been subject to a separate survey (see above) as it may provide suitable habitat for bats. Again, this tree would be retained.

6.86 Peter Kenyon, Senior Arboricultural Officer at the County Council, has reviewed the submitted information and finds that there are no arboricultural reasons to refuse permission. Landscaping generally is a reserved matter, however the maintenance of any landscaping (including retained trees) could be controlled by a suitable condition (eg landscape management plan) were this considered necessary.

6.87 The proposal is not considered to have a harmful effect on important trees, thus complying with CS8 in this regard.

Flooding and Drainage

6.88 Policy CS10 (Addressing Flood Risk) states that development will be directed towards areas at the lowest risk of flooding within the District, with priority given to land within Flood Zone 1. The EA flood map shows the development site in low risk Flood Zone 1. Natural England's 'MAGIC' database indicated that the site is within a Nitrate Vulnerable Zone (ref 309) for surface water. The village does sit on a Secondary (undifferentiated) aquifer and anecdotal evidence has been given to both the developer and the case officer (within the representation) of flooding within the village and springing water coming from the site. The Council's Strategic Flood Risk Assessment (2009) identifies Dunton Bassett as one of only a handful of villages within the District at risk from surface water flooding.

6.89 A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted by the applicant (Rodgers Leask, August 2016, reference P16-120), together with a Ground Conditions Report (Brownfield Solutions Limited, August 2016, reference RW/C3220/6350), and a document entitled "Project Notes" (Rodgers Leask, October 2016) which provides comments on the Brownfield Solutions report.

➤ *Proposed Surface Water Drainage*

6.90 In accordance with paragraph 103 of the Framework, Sustainable Urban Drainage should be given priority. The hierarchy of preferred drainage methods as per Part H of the Building Regulations are:

- 1) soakaway/infiltration system;
- 2) watercourse, or where that is not reasonably practicable;
- 3) a sewer.

Following the results of test pit surveys, infiltration methods of sustainable drainage are proposed. The SUDs would be primarily soakaways, with attenuation provided for run-off from impermeable surfacing (adopted highway). A private management company would be employed to manage and maintain the drainage which could not be adopted by County Highways, and this could be satisfactorily controlled by condition.

6.91 The Lead Local Flood Authority object to the proposal, on the grounds that it does not adequately demonstrate that infiltration drainage is suitable on the development site or that the proposed drainage solution is viable. The applicants have submitted a revised FRA and Drainage Strategy and comments from the LLFA are expected. As it stands at the time of writing, however, their objection still stands.



Figure 11: Extract from drawing number P16-120 200 rev B (Rodgers Leask) showing proposed drainage strategy contained within the revised FRA appendix K. Surface water drainage coloured blue (including two large soakaways to the north); foul drainage coloured orange

6.92 The representation expresses concern regarding flooding from the site, particularly given its elevated position. It is noted that, whilst a development cannot be expected to make right or improve an existing situation, the applicant's consultant considers that in this instance, the installation of soakaways is likely to reduce flooding from run-off within the village. As the Project Note states, groundwater currently appears to follow the level of the underlying clay, and therefore springs out at land approximately 127m AOD, or infiltrates below the clay to sands at levels approximately 123 AOD. This land would be to the northern end of the site, or beyond the site's boundaries within the village. Surface water falling on the land post-development would soakaway to levels below the clay, such that ground water would not flow along the clay, but instead infiltrate into the permeable strata below. There is the possibility therefore that the proposal could lead to an improvement in surface water drainage on land lower than the development site.

➤ *Proposed Foul Water Drainage*

6.93 Severn Trent sewer records indicate that the nearest foul water sewers are to the east along Church Lane and to the west along The Mount. The scheme proposes to use the latter, and drain foul flows from the site by gravity. Severn Trent are content for this to be controlled by condition and by any necessary legal agreements between the applicants and themselves.

6.94 The applicant has failed to demonstrate that the surface water drainage solution for the proposed development will be viable. The Council therefore has insufficient information or confidence that the proposal will not cause flooding, or lead to an increase in flooding off-site. The proposal is therefore considered to fail Policy CS10 of the Core Strategy and paragraph 103 of the Framework.

Loss of agricultural land

6.95 In accordance with paragraph 112 of the Framework, proposals should not lead to the loss of the best and most versatile agricultural land (Grade 3a or above). Although no survey has been submitted, and there is no information on the 'Magic' database of Natural England, it is likely that the land is classified grade 3 (along with much of the District); furthermore, the site area is under 5 hectares and thus, proportionally, only a modest size.

6.96 On balance, officers are therefore satisfied that the development would not result in the loss of best and most versatile agricultural land and as such the proposed development would not be contrary to the Framework Para 112.

Residential Amenity

6.97 Core Principle 4 of the Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings and this is also reflected in CS Policy CS11.

6.98 As layout, scale and external appearance of the proposed development is a Reserved Matter, it is not possible to provide a detailed assessment on whether or not the amenity of existing residential areas/properties located adjacent to or within close proximity will be affected in terms of loss of light (overshadowing), loss of privacy (overlooking) or over dominant or overbearing structure.

6.99 The rear gardens of the properties on the east side of Little Lunnon adjoin the site, and the houses have principal windows overlooking the field. Many of the houses are set on low ground, with the ground levels rising within their rear gardens (of at least 1m), and rising again across the site.



Figure 12 - Photographs showing the rear elevations of some of the dwellings on the east side of Little Lunnon, taken from the site

6.100 This relationship has potential for overlooking (from windows on proposed dwellings, and from gardens of proposed dwellings) and an overbearing impact (height of walls of proposed dwellings). The indicative layout shows that the proposed dwellings are set approximately 20m from the rear boundaries of the existing neighbouring properties, and between 30-40m from their facing elevations. The minimum separation distance recommended within the Supplementary Planning Guidance is 21m. Because of the significant change in levels, it would be prudent to increase this distance to at least 30m, and to ensure that bungalows or properties with low eaves are sited towards this boundary.

6.101 Residential properties along the east side of the Mount adjoin the north-west boundary of the site; properties accessed from The Mount and from Bennets Hill adjoin the north boundary of the site. 5 Mount View is sited close to the northernmost tip of the site and has very little private amenity space. Again, the indicative layout shows that the 21m minimum separation distance is met, with the closest relationship to the proposed dwellings being from the rear boundary of 15 The Mount (30m). Again, it is prudent to increase the minimum separation distance to at least 30m from the rear boundary of this property, due to the significant change in levels. The topography of the site indicates that development would be restricted in the northernmost part of the site, nearest to these neighbours.

6.102 14 Church Lane lies immediately adjacent to the proposed access point at the north-east of the site and the entire length of the garden of this property adjoins the north

boundary of the site. Apart from a very small strip of land to the immediate south of the property (ownership currently unknown) this dwelling closely borders the site. However, the indicative layout shows that dwellings would not be built close to this existing property and, although this cannot be fully relied on, given the importance of retaining views across to the church from the public Right of Way, it would seem unlikely. There will be an impact and change to the amenity of this neighbour with regard to the proximity of the access: what is now low-impact footpaths will be replaced by a vehicular access (and pedestrian footways) serving a development of up to 50 houses. The access is however set as far eastwards as possible (approximately 43m away at its closest point from the dwelling) and the access road will curve away southwards, rather than following the northern boundary, to protect the Rights of Way.

6.103 Any proposed layout will be subject to Planning approval through the submission of Reserved Matters and matters of the impact on the residential amenity of each of the dwellings on the east side of Little Lunnon, 14 Church Lane, 5 Mount View and all the other properties which border the site should be fully addressed then.

6.104 In general terms, the proposed development would fundamentally alter the outlook of existing properties, however it is not considered that this impact would be unacceptable given site's constraints and the indicative separation distances between the existing properties and the dwellings proposed. Environmental Health are satisfied with the submitted Noise Survey and no further work is required concerning this.

6.105 During construction there would be some adverse impacts on residential amenity. However, a planning condition requiring a Construction Environmental Management Plan to be approved and implemented could be imposed on any grant of planning consent to limit the disturbance and inconvenience that may arise when building works are undertaken. In addition to planning controls, the Environmental Protection Act provides a variety of safeguards in respect of noise, air and light pollution.

Planning Obligations

6.106 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 militate against the impacts of development.

6.107 Those benefits can compromise, 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.

6.108 Planning obligations must 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

6.109 These legal tests are also set out as policy tests in paragraph 204 of the Framework.

6.110 Policy CS12 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 Developer Guidance Note, 2009 and Leicestershire Developer Guidance Note 2014.

6.111 As noted in the representation, Dunton Bassett Primary School uses the village hall for educational purposes (PE, assemblies and lunch) as there is insufficient space within the existing school premises. This, in turn, has contributed towards the lack of space within the village hall for wider community activities (for example those listed in the Community Facilities S106 request). The developer has met with the school and states the following:

“we met with the Head Teacher and the Chair of Governors, both of whom were very positive that we are taking the time to properly understand the wider issues the village face and find ways that we may be able to assist the school through S106 funding. Having visited the school it was apparent that the current layout and function could be improved, which would have direct benefits to the community through the freeing up of the village hall, which they currently ‘block book’ for PE, Assembly and lunch. This constraint was raised by those attending our exhibition and, as you are aware, is listed as part of the contributions in relation to the Community Facilities Payment. However, this would not be possible to achieve with the S106 contribution presently requested from LCC.”

6.112 The applicant therefore proposes two scenarios regarding S106 contributions:

- *Scenario A*

A policy-compliant 40% affordable housing delivered on site, equating to 20 units. The tenure split would 60% rented and 40% to be provided as intermediate or shared ownership, although this is flexible. Financial contributions to LCC (education) and HDC (community facilities, open space etc) would be as per these consultees’ requests.

- *Scenario B*

Provision of 20% affordable housing delivered on site, equating to 10 units, with the remaining 20% being delivered via a commuted sum “in lieu” of affordable housing. However, the commuted sum would not be used for affordable housing elsewhere in the District (as CS3 might allow, in some instances), rather it would be combined with the Education S106 requirement from LCC and a proportion of the Community Facilities S106 request to provide full funding for the construction of a new classroom and school hall.

6.113 Whilst this may seem, on the face of it, a common-sense approach, officers consider that it does not comply with the CIL Regulations. The County Council have made their request for funding to improve the school and have considered that this is sufficient from the developer and CIL compliant. They may well have other pots of money or funding from which they can source any additional monies, if needed. Given the shortfall of affordable housing provision in the District, a 40% contribution is considered necessary to make the development acceptable in planning terms. A 20% contribution does not make the development acceptable in planning terms. The commuted sum would not be spent on affordable housing (elsewhere in the District), it would be used for an additional school building, the cost of which (if the developer is to be believed) exceeds that considered necessary/CIL compliant by LCC. Furthermore, using the argument that this would, in turn, free up space within the village hall, thus enhancing a community facility, does not seem to be “directly related” to the development: rather it is one step removed.

6.114 For these reasons, scenario B is not considered to be CIL compliant and Members are strongly advised to accept the CIL- and policy-compliant scenario A.

6.115 **Appendix A** identifies the developer contribution sought by consultees, an assessment as to whether the requests are CIL compliant and a suggested trigger point to advise when the contribution should be made.

6.116 Officers consider that all requests are CIL Regulation 122 and 123 compliant.

Conclusion / Planning Balance

- *'Limb 2' of paragraph 14 of the Framework*

7.1 Harm to the setting of the Church of All Saints and the Scheduled Ancient Monument has been identified. Although this harm is considered to be less than substantial, it is still judged to be towards the greater end of this. In accordance with paragraph 134 of the Framework, this harm must be weighed against the public benefits of the proposal, and in accordance with the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, great weight must be given to the assets' conservation. Officers consider that the public benefits of the proposal, including the provision of housing at a time when the Council cannot demonstrate a 5 year supply, do not outweigh the harm to the setting of designated heritage assets.

- *'Limb 1' of paragraph 14 of the Framework*

7.2 Should Members or (in the event of appeal, the Inspector) disagree with this conclusion, further balancing should be undertaken. The Council currently cannot demonstrate a five year supply of housing land, therefore CS Policies CS1a and CS2a and elements of CS17 are considered out of date. Therefore, Paragraph 14 'Limb 1' of The Framework makes it clear, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

7.3 The provision of 50 dwellings, including some affordable, on a site that could be brought forward relatively quickly is a significant benefit of the development. Furthermore, the site is currently the only proposed and deliverable site within Dunton Bassett which could provide anywhere near the amount of dwellings likely to be required within the emerging Local Plan.

7.3 The development would have economic benefits in the short term arising from the construction of the development and the longer term through residents' expenditure in local services. The completed development will also result in New Home Bonus and Council Tax receipt.

7.4 The proposal will not result in the loss of the best and most versatile agricultural land and will safeguard residential amenity in so far as it will not cause loss of light, loss of privacy or have an overbearing impact, as far as can be ascertained at this Outline stage. It is sited in a sustainable location whereby future occupiers will not be solely reliant upon the private motorvehicle to access key services.

7.5 Technical consultees are satisfied that the proposal will not cause harm to protected species, important trees or highway safety. S106 contributions can be provided to mitigate against the effects of the development

7.6 By virtue of its siting and scale, the proposal is considered to have a harmful impact on the character and appearance of the area, which will be significant and demonstrable.

7.7 The LLFA have concerns that drainage solution for the proposed development will be viable. Officers therefore have insufficient information or confidence that the proposal will not cause flooding, or lead to an increase in flooding off-site.

Appendix A – Land off Church Lane, Dunton Bassett, 16/01401/OUT Planning Obligations

Request By	Obligation	Amount /Detail	Delivery	CIL Justification	Policy Basis
LCC	Education	Primary School Sector Requirement £24,198.02	To be agreed	<p>The site falls within the catchment area of Dunton Bassett Primary School. The School has a net capacity of 105 and 107 pupils are projected on the roll should this development proceed; a deficit of 2 pupil places after taking into account the 12 pupils generated by this development. There are currently no pupil places at this school being funded from S106 agreements for other developments in the area.</p> <p>The 12 pupil places generated by this development can therefore be partly accommodated at nearby schools and a claim for an education contribution of 2 pupil places in the primary sector is justified.</p> <p>In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of £24,198.02. Based on the table above, this is calculated the number of deficit places created by the development (2) multiplied by the DFE cost multiplier in the table above (12,099.01) which equals £24,198.02.</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by</p>	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014</p> <p>The Framework 2012: which seeks to “deliver sufficient community and cultural facilities and services to meet local needs”.</p>

				improving, remodelling or enhancing existing facilities at Dunton Bassett Primary School. The contribution would be spent within five years of receipt of final payment.	
LCC	Highways	Travel Packs for all new residents 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer)	From first occupation of the first dwelling From first occupation of the first dwelling	To inform new residents what sustainable travel choices are in the surrounding area To encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and to promote usage of sustainable travel modes other than the car	Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule), CS9 Leicestershire Planning Obligations Policy Adopted 3rd December 2014
LCC	Monitoring Fee	County contribution 0.5% of contributions or £250 per contribution		It is appropriate for the Council to recover costs associated with the negotiating, production and subsequent monitoring of developer contributions. This covers the legal costs of creating agreements, any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and the costs of monitoring the payment and implementation of schemes and funding.	Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule), Leicestershire Planning Obligations Policy Adopted 3rd December 2014.
HDC	Affordable	40% of the total	To be	A fundamental objective of the CS is to	Core Strategy Policy CS3

	Housing	number of units to be affordable, this will equal 20 units. Our tenure split requirements are for the affordable requirement to be provided as 60% rented and 40% to be provided as intermediate or shared ownership We can be flexible on our tenure requirements.	agreed	<p>meet the need for affordable housing (CS Strategic Objective 1 and CS Policy CS2). CS Policy CS3 seeks a proportion of new dwellings within developments to be affordable.</p> <p>The 2014 SHMA indicates that 272 affordable dwellings are required in the District per annum up to 2031. The SHMA also recognises that this is unrealistic. The Council's target is to achieve 90 affordable dwellings per annum.</p> <p>Providing affordable housing on site will result in an inclusive, sustainable development. The size and tenure of the affordable housing is based on the current needs of those on the Council's waiting list.</p>	<p>HDC Guidance Note: The provision of affordable housing on 3 plus units of developments.</p> <p>The Framework (Para 50)</p>
HDC	Community Facilities	<p>Calculation for upgrade or extension projects based on an average number of 3 bedrooms:</p> <p>£24,900.00</p>	<p>50 % to be paid prior to commencement of development</p> <p>50 % to be paid on completion of 50% of the total</p>	<p>A development of this scale, a community facilities contribution is required to make this development acceptable in planning terms</p> <p>The requested contribution would be allocated to a project delivering benefit to the Dunton Bassett community, primarily the new residents of the development. Anticipated projects are:</p> <ul style="list-style-type: none"> ~ upgrade to existing toilet facilities and Committee room flooring at the village hall; ~ removal of some pews at the parish 	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule), Community Facilities and Developer Contributions (Roger Tym and Partners 2010)</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014</p>

			number of dwellings	<p>Church of All Saints to create a more flexible space for community uses</p> <p>The calculation is based on HDC Assessment of Local Community Provision and Developer Contribution (Roger Tym Report), which highlights a need for more and improved community facilities within the area to increase capacity.</p>	
HDC	Open Space	<p>Minimum Area (ha) provided; together with commuted maintenance for minimum area of POS if HDC adopts*</p> <p>Parks & Gardens = 0.05635ha and £32,387.56</p> <p>Outdoor Sports Facilities – off-site contribution £80,017.00</p> <p>Amenity Greenspace = 0.10143ha and £22,790.51</p> <p>Natural and Semi Natural Greenspace</p>	To be agreed	<p>CS Policy CS8 refers to open space standards and the need for new residential development to make provision to meet the needs generated where there is a local deficiency. The Developer Guidance note also provides detailed requirements for open space.</p> <p>A commuted sum for maintaining the open space over the first 15 years (if transferred to the Council) is necessary to ensure the continued delivery and upkeep of the open space.</p>	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule)</p> <p>Planning Obligations Developer Guidance Note 2009, Provision for Open Space Sport and Recreation</p> <p>The Framework (Para 73)</p>

		<p>0.95795ha £249,179.08</p> <p>Children and Young People = 0.03381 and £103,181.46</p> <p>Allotments – off-site contribution £2,366.0</p> <p>Greenways – off-site contribution £13,411.30</p> <p>Cemeteries – off-site contribution £8,903.30</p>			
HDC	Performance Bond			In the event of payments required at some future date, the applicant may be required to enter into a bond with a bank or insurance company in order to prevent any default in payment through bankruptcy, liquidation or refusal to pay.	Planning Obligations Developer Guidance Note 2009
HDC	Monitoring Fee	District contribution – 15% of application fee or £250 per contribution		It is appropriate for the Council to recover costs associated with the negotiating, production and subsequent monitoring of developer contributions. This covers the legal costs of creating agreements, any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and the costs of monitoring the payment and	Planning Obligations Developer Guidance Note 2009

				implementation of schemes and funding.	
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* If the developer elects to maintain the POS there will be no commuted sum to pay. It is unlikely HDC will adopt the open space on site and an option should be given in the S106 to allow the developer or Parish Council to maintain whichever is preferable

Planning Committee Report

Applicant: Mr John Symington

Application Ref: 16/00997/OUT

Location: Land At Dingley Road, Great Bowden

Proposal: Outline planning permission for construction of up to five dwellings and associated parking, access and infrastructure (means of access to be considered only) (resubmission of 15/01924/OUT).

Application Validated: 16/06/2016

Target Date: 11/08/2016 (extension agreed to end December 16)

Case Officer: Susan Garbutt

Recommendation

Planning Permission is **REFUSED for the following reasons:**

1. The proposal is not in keeping with the character of the settlement and will lead to less than substantial harm to the significance of the nearby Listed Buildings and the Conservation Area by development within their setting. The harm to the designated heritage assets are not outweighed by the limited public benefits of the proposal. The proposal will bring development closer to the non-designated heritage asset of the cemetery which is historically purposefully separated from the village, and thus harm its setting. The proposal is therefore contrary to policies CS1, CS11 and CS17 of the Harborough District Core Strategy and Framework policy 12.
2. The illustrative layout and supporting information submitted for the proposal does not demonstrate that it could be successfully integrated in terms of design and layout. The development would not be appropriate for this edge of village location or protect or enhance the character of the local landscape. It has not been demonstrated that a satisfactory design and layout can be produced which includes the required level of noise mitigation measures and finished floor levels identified. The proposal is therefore contrary to policies CS2, CS11 and CS17 of the Harborough District Core Strategy and Framework policies 7 and 11.
3. The proposal does not include an ecological buffer strip to existing hedgerows, as recommended by the submitted survey and the County Ecologist. Therefore the indicative layout does not demonstrate that a five dwelling layout can be accommodated on site without demonstrable harm to biodiversity. The proposal is therefore contrary to policy CS8(d), CS11 and CS17 of the Harborough District Core Strategy and Framework policy 11.

1. Site & Surroundings

- 1.1 The application site is an area of approx. 0.248 hectares located on the eastern outskirts of Great Bowden village, to the north of Dingley Road. The site is currently part of a larger field used as grazing land for horses. The site is approximately 275m to the central part of the village which is situated to the west.
- 1.2 The site abuts Dingley Road to the south, open field to the east, an open field to the north and the access road to Grange Farm to the west. The nearest properties are Grange Farm, Grange Cottage and the Grange (listed Grade II) to the north accessed down the private driveway which abuts the site, and the Rectory to the west. The site has an existing vehicular access from the private driveway to Grange Farm. There is no existing access from Dingley Road. Dingley Road is a 60mph road, and turns into a 30mph zone at the south-west corner of the site.
- 1.3 Levels on site are relatively flat (see topo plan). There are existing trees on the site boundaries (south, west and north) but none within the site itself. There are existing hedgerow boundaries to the south, west and north. The eastern boundary is not demarcated as the site is part of a larger field
- 1.4 No Public Rights of Way exist within the site. The A70 footpath runs from east of the Church on Dingley Road northwards to the east side of Fernie Cottages. The A54 footpath runs from Dingley Road to Station Road (south of the site).
- 1.5 Great Bowden Conservation Area abuts the site and includes the long driveway to the west of the site and the land to the north (Grange Farm and The Grange).
- 1.6 The Site lies beyond but adjacent to the Limits to Development of Great Bowden, a Selected Rural Village.
- 1.7 There are several Listed buildings in close proximity to the west on Dingley Road (The Old Vicarage Grade II, 11 Dingley Road Grade II, 9 Dingley Road Grade II, Parish Church Hall Grade II, St Peter and St Paul Church Grade I) and there is The Grange Grade II to the north.

2. Site History

- 2.1 15/01924/OUT Erection of up to 11 dwellings including associated parking, access and infrastructure (means of access to be considered only) WITHDRAWN 17/2/16

3. The Application Submission

a) Summary of Proposals

3.1 The application was originally submitted as outline planning permission for up to 9 dwellings including parking, access and infrastructure. Following concerns raised by the case officer and the County Conservation Officer, the application has been revised to be for outline permission up to 5 dwellings including parking, access and infrastructure. Access is the only matter to be considered.

3.2 An illustrative masterplan has been provided to demonstrate how development on the site could be accommodated. The masterplan shows a single access point and parking provision for 10 vehicles (2 per dwelling).

3.3 The proposed development will be accessed via Dingley Road.

3.4 The revised plans and details were consulted upon for a further 21 days from 1/11/16 to 22/11/16.

b) Schedule of Plans and Supporting Statements/Documents

3.5 The revised application is supported by the following plans:

- Site Location Plan (Rev 01) 16/6/16
- Existing Block Plan (Rev 02) 16/6/16
- Proposed Illustrative Masterplan (Rev 06) 28/10/16
- Proposed Building Heights Parameters Plan (Rev 01) 31/10/16
- Proposed Movement and Access Parameters Plan (Rev 01) 31/10/16
- Proposed Land Use and Landscape Parameters Plan (Rev 01) 31/10/16
- Proposed bin collection area for 27 bins (16/6/16) (plan shows the original 9 dwelling layout)
- Proposed Access Layout (Rev B) (16/6/16)
- Perspective Sketch 1 (Rev 01) 28/10/16
- Swept Path Diagram (Rev 01) 16/6/16
- Perspective Sketch 2 (Rev 01) 28/10/16
- Topographical Survey Plans 01/02 and 02/02 (12/8/16)
- Strategic Drainage Layout (Rev P3) 28/10/16
- SUDS Details (Rev P1) 28/10/16

3.6 The revised application is accompanied by the following supporting documents:

- Design and Access Statement (Prepared by Studio LK) (28/10/16)
- Design Code (28/10/16)
- Heritage Hedgerow information (28/10/16)
- Heritage Statement (31/10/16)
- Speed Survey ATC Data and Traffic Count Location Plan (28/10/16)

- Strategic Drainage Report (28/10/16)
- LVA Addendum (August 16) (28/10/16)
- Planning Statement (16/6/16)
- Archaeology Desk Based Assessment (Witham Archaeology) (16/6/16)
- Landscape and Visual Impact Assessment (16/6/16)
- Land Contamination Assessment (Rossi Long) (16/6/16)
- Transport Note (16/6/16)
- Tree Survey (16/6/16)
- Noise Impact Assessment (16/6/16)
- Utilities Report (16/6/16)
- Biodiversity Survey and Report (16/6/16)
- Greenfield run-off rates ((1/12/16)
- Attenuation (1/12/16)

c) Amended Plans and/or Additional Supporting Statements/Documents Submitted since Validation

3.7 The applicant has submitted further information during the course of the application, and a revised illustrative layout to address concerns raised by the consultees and the case officer. In accordance with the NPPF paragraph 187 the LPA has sought to work proactively with the applicant to seek solutions to the identified problems, which has included various correspondence and a site meeting with the case officer and the County Conservation Officer with the applicant, agent and architect.

d) Pre-application Engagement

3.8 Pre-application discussion took place in October 2014 (Reference DEV8404) on a site larger than the current site. The principle of development was considered acceptable given the lack of 5 year supply and SHLAA conclusion. The advice recommended a strong linear frontage to the development to reflect the existing street scene, and the retention of the hedgerows. The officer advice did not include consultation with any consultees. No layout or masterplan was put forward as part of the pre-app.

e) Community Engagement

3.9 The Applicant did not undertake any community consultation prior to submitting the application

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application and on the revised plans and supporting documents.
- 4.2 A Site Notice was placed 28/6/16 and Press Advert placed in the Harborough Mail on 7/7/16.
- 4.3 A summary of the technical consultee responses which have been received is set out below.

a) Statutory & Non-Statutory Consultees

- 4.4 **Environment Agency**
None received.

- 4.5 **LCC Highway Authority**
(1/12/16) I have investigated the monetary contribution that would be required to undertake the requested works. The extension of the 30mph speed limit would be done by extending street lights, consequently the streetlights would need to be funded by the development and would need to include a commuted sum for their upkeep. The cost per post is approximately £2k, plus the commuted sum. The introduction of double yellow lines would be in the region of £5-£6k.

As this proposal has now been amended to a maximum of 5 dwellings, and visibility splays can be achieved at the access that correlate to the measured speeds, it is not considered *reasonable* to require this development to provide the financial contribution for the street lights and the TRO for the yellow lines. Therefore, the LHA withdraws its requirements for these financial contributions for this site.

In terms of the other site (16/00802/FUL) the thought process was that the improvements would be required to make either site acceptable in planning terms. The contributions were therefore requested for both sites on the basis that whichever one came forward first would provide the improvements. The LHA considers that the contributions are CIL compliant in terms of the other site (16/00802/FUL), particularly as the visibility is not as good given that the access is on the inside of the corner. Furthermore, the applicant has indicated that they would be content to fund the cost of the works for their site. The contributions make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development.

(15/11/16) Additional information was received following re-consultation from the LPA (ATC data, revised design and access statement, and revised sketch masterplan (ref 372/PL/003)), in response to the Local Highway Authority's (LHA) request of 6th July 2016. These observations should be read in conjunction with those dated 6th July 2016.

The submitted speed surveys show 85th percentile speeds at the site access of 36mph east bound and 41mph west bound. Whilst the speed surveys were undertaken in November 2014, the LHA is content that there have been no significant alterations to the highway in the vicinity of the proposed access that would significantly alter the results.

The application was initially for outline permission for the access only (with all other matters reserved) for a development of up to 9 dwellings, however this has now been reduced to 5 dwellings as shown on the amended plans. The original, proposed access layout plan (which

the LHA understands is unchanged) (P921/005 rev B) shows that the access width would be 4.8 metres which would be suitable to serve a development of between 6-25 dwellings, subject to the provision of 6 metre radii as shown. The LHA is content to accept the proposed width and radii as the proposal is not being put forward for adoption. The width of 4.8 metres would need to be maintained for a minimum distance of 10 metres into the development; this is not detailed on the plan. The required visibility splays of 65 metres can be provided in accordance with the design guidance and are shown on the submitted plan. There is an existing footway along the northern side of Dingley Road which the plans show that the development would link in to. The footway is approximately 1.8 metres wide which the LHA considers satisfactory.

As stated in the observations dated 12th January 2016 made in regards to application 15/01924/OUT at the site for a development of up to 11 dwellings, it is recommended that the applicant is required to relocate the existing village speed limit signage further east of its current location to ensure that the new junction and development site is enclosed within the speed restricted network due to the introduction of turning traffic in this location.

In order to mitigate the impacts of the development on the highway network, contributions towards Traffic Regulation Orders will be required for the extension of the 30mph speed limit, in addition to parking restrictions along the south side of Dingley Road. Please note that confirmation of the monetary contribution should be sought before being taken to Planning Committee. The LHA would support the introduction of these TRO's which will help mitigate the impact of the proposed development in relation to the speed of traffic in direct proximity to the development's access and in preventing a worsening of on street parking along Dingley Road which might otherwise lead to highway safety concerns at the development access.

As the application is in outline for the access only, all details relating to layout, parking, turning etc. will be determined at the reserved matters stage. The applicant has stated that the proposal would not be put forward for adoption by the LHA, however it is recommended that the proposal accords with the County Council's latest design guidance to ensure adequate parking and turning etc. within the site.

Therefore, subject to the above, the LHA advises that it has no objections to the proposal, subject to the following conditions.

Recommended conditions

1. Notwithstanding the submitted plan, prior to the first occupation of any dwelling hereby permitted, the vehicular access serving the site shall be provided in general accordance with the details shown on Drawing no P921/005 Rev B dated 30/06/14 and in accordance with the County Council's latest design guidance and surfaced in tarmac, concrete or similar hard bound material (not loose aggregate) for a minimum distance of 5 metres behind the highway boundary. Once provided the vehicular access shall thereafter be permanently so maintained.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway.

2. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as not to open outwards.

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

3. Before first occupation of any dwelling hereby permitted, turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.

Reason: To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

4. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

5. Before the development hereby permitted is first used, off-street car parking provision shall be made within the application site, details of which shall be submitted to and agreed in writing by the Local Planning Authority. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

6. Before first use of the development hereby permitted, turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.

Reason: To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

7. Before first use of the development hereby permitted, visibility splays of 2.4 metres by 65 metres shall be provided at the junction of the access with Dingley Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

(7/7) The Authority understands Dingley Road is subject a 30mph speed limit west of the proposed development location, however the road is subject to the national speed limit east of the development site; 60mph (not 40mph as is stated in the applicant's accompanying transport document).

The Authority notes that 85%ile speed surveys have been conducted; we request the raw data from the applicant and details of the survey including time of day, date, maps/plans and methodology of data collection

Following the submission of this data and information, the Authority will review the application in light of received the 85%tile recorded speed surveys.

4.6 **LCC, Lead Local Flood Authority (LLFA)**

(20/12/16) The proposed development will be acceptable if the planning conditions are attached to any permission granted, securing 1. A surface water drainage scheme, 2. Detailed scheme for the proposed ditch along the sites western boundary including maintenance and access strip of 2.5m minimum, 3. Construction surface water management plan, 4. SuDS Maintenance Plan and Schedule, 5. Finished floor levels a minimum of 150mm above the adjacent external proposed ground levels, and within areas of flood risk a minimum of 300mm above the adjacent external proposed ground levels.

(28/11/16) Further to my email below, we have been formally re-consulted on the revised scheme. I'd be grateful if you could have the following information sent to me, I thought they were included within the Strategic Drainage report but do not appear to be.

- MicroDrainage of greenfield rates for the site, the report refers to a 4.3l/s rate

but nothing else to back this up.

- Summary of results for the 1 in 100 year plus climate change storm event

including the proposed attenuation storage structure and flow control to demonstrate that the proposed tanked permeable paving is appropriately sized. There is currently no confirmation that the storage proposed is sufficient.

- The model of the proposed drainage ditch does not demonstrate its

performance during the 1 in 100 year (plus climate change) storm, only the network details have been provided. At this stage we don't necessarily need this detailed information as we can condition it for submission at the detailed design stage but if you have the results could you please have them sent to me. If the results can be provided, I request that a suitable manning's n value is used, as is typical for open channels, rather than the k roughness coefficient.

With regard to the second point above, the LLFA note that the proposed 5l/s discharge rate is based on the practical minimum to prevent risk of blockage; is there scope design the flow control with an increased design head that could allow reduced discharge rates during some/all of the design storm events? This could allow a suitably sized outfall orifice to permit the 5l/s thus reducing the risk of blockage but allow reduced discharge rates until the point at which the design head is reached.

(17/8/16) The proposed development is not acceptable and we would advise refusal on the following grounds.

1. Advice – Flood Risk Assessment (Refusal)

The submitted Strategic Drainage Report (ref. 160175/J Courtney, 13 May 2016) indicates that the development site will be set above the existing ground levels in order to facilitate a surface water gravity connection. However, no further assessment has been carried out in to the impact this could have on natural catchments; the existing management of surface water

runoff and land drainage in the area, which may currently be conveyed across the site, and flood risk to adjacent land.

Overcoming our objection:

The Applicant should carry out an assessment of natural catchments, overland flow, existing management of surface water runoff and land drainage in the area and propose methods to ensure the proposed development can ensure flood risk is not increased elsewhere through the raising of ground levels.

Information for LPA and Applicant

Drainage Strategy

The LLFA recommend that the raising of land levels is avoided, or kept to a minimum where unavoidable, to ensure flood risk is not increase elsewhere. It should be noted that a gravity connection to the roadside ditch is preferable to the LLFA over a pumped solution.

To facilitate this, the LLFA recommend that alternative permeable paving designs are assessed that do not require filter drains and perforated pipes at invert levels that would require regrading of the outfall ditch. Alternatively, the Applicant could explore to possibility of discharging at an outfall location further downstream within the ditch which could negate the need to re-grade the ditch.

Climate Change Allowance

The rainfall summary results used to determine the attenuation requirements are based on a climate change allowance of 30%. In accordance with Government guidance within Table 2 at the website below, a climate change allowance of 40% should be used to guide the development proposals.

<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

Phased Development

The LLFA note that the blue line of ownership includes the adjacent field and that the applicant may wish to develop this site in the future. Whilst the LLFA is prepared to accept the discharge rate for this site at the practical minimum, the combination of both developments discharging at practical minimum would result in additional increases. The LLFA subsequently would look to impose a condition following the resolution of the outstanding issues above to ensure that any future phases of development incorporate the discharge from this site to a final discharge rate equivalent of the greenfield rate.

Land Drainage Consent

If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This legislation is separate from the planning process.

Guidance on this process and a sample application form can be found via the following website:

<http://www.leicestershire.gov.uk/Flood-risk-management>

No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

SuDS Design and Treatment

The LLFA note that the industry best practice at the time of developing the FRA may have been CIRIA C697 in relation to the SuDS design, but that new guidance has been produced in the form of CIRIA C753. The LLFA would recommend that the SuDS designs refer to the new guidance, including where the following aspects are detailed: treatment requirements and maintenance schedules for the surface water system.

Maintenance

Please note, it is the responsibility of the LPA under the DEFRA/DCLG legislation (April 2015) that the adoption and future maintenance of SuDS features should be discussed with the developer and a suitable maintenance schedule agreed before commencement of the works.

(14/7) Advise refusal as the application does not include a drainage strategy demonstrating the proposal will not increase flood risk elsewhere or that priority has been given to the use of SUDS.

4.7 **LCC Principal Planning Archaeologist**

(11/11/16) We note the submission of the amended scheme, which reduces the scale of the development from nine houses down to five houses, with associated parking, access and infrastructure. We recommend that the applicant is advised of the following archaeological requirements, in line with advice given for the previous application 15/01924/OUT, based on the results of the submitted Archaeological Desk-based assessment and Earthwork Survey, in addition to the results of an archaeological trial trench evaluation which was carried out in April/May 2015.

The Leicestershire and Rutland Historic Environment Record (HER), indicates that the application site is located within an area of good archaeological potential, close to a series of well-preserved earthwork remains relating to the shrunken medieval and post-medieval settlement of Great Bowden. Trial trenching carried out in April/May 2015 saw four exploratory trial trenches excavated across the site. The trenches revealed evidence for activity on site ranging in date from the Iron Age, Saxo-Norman and Medieval periods, which appeared to have been cut through by a series of linear ditches which may have been in use from the Medieval period through to the 18th century.

In line with National Planning Policy Framework (NPPF), para. 129, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. This understanding should be used to avoid or minimise conflict between conservation of the historic environment and the archaeological impact of the proposals.

Paragraph 141 states that where loss of the whole or a material part of the heritage assets significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.

Should the planning authority be minded to grant planning permission for the scheme, it is recommended that prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological mitigation, in the form of open area excavation.

We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraphs 53-55 of DoE Circular 11/95), to safeguard any important archaeological remains present:

1) No demolition/development shall take place/commence until a programme of archaeological work (Archaeological Excavation) including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording

- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

2) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).

3) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording

If planning permission is granted, the applicant should obtain a suitable Written Scheme of Investigation (WSI) for the necessary archaeological programme. The WSI must be obtained from an archaeological organisation acceptable to the planning authority, and be submitted for approval to both the planning authority and HNET, as archaeological advisers to your authority, before the implementation of the archaeological programme and in advance of the start of development.

The WSI should comply with this Departments Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland and with relevant Chartered 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.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

4.8 **LCC Senior Ecologist**

(18/11/16) It's useful for this updated survey (Eco-check, January 2016) to be on file. We note that the layout has been amended and whilst this decreases the amount of dwellings proposed for this site, the impact is very similar to that previously submitted. Our comments therefore remain the same as those submitted in response to the earlier application on site (15/01924/OUT). Those comments stated:

Many thanks for the email and the confirmation that the pond has now been assessed. We welcome the approach taken to the HSI survey, with varying factors producing different results. However, both of these assessments give the pond a 'below average' score at most and our Great Crested Newt Protocol indicates that no further surveys are required for ponds assessed as below average.

I therefore accept the comments on GCN, and no further surveys are required at this stage.

My comments regarding the proposed layout remain valid, and as previously discussed I would recommend that you discuss these further with the Planning Officer.

Should planning permission be granted, we would request that a condition is forwarded requiring the applicant to follow the recommendations in the report. Additionally, protected

species surveys are only considered to be valid for 2 years, I would therefore request that a condition is forwarded to require an updated walkover survey (with further detailed species surveys completed if required) either in support of the reserved matters application or prior to the commencement of the works (whichever happens first after September 2014).

I do consider that the layout should be revised to provide a buffer to the hedgerows in accordance with the attached Hedgerows and Planning document.

[LCC Ecology comments from 5/2/16 to the previous application regarding Hedgerows: I accept the short area of hedgerow loss from Dingley Road, provided that the compensatory hedgerow can be planted on the eastern boundary. This should comprise a mix of native species. Regarding the 5m buffer between the development and hedgerows this is our standard advice on applications. When hedgerows are immediately adjacent to gardens they tend to be managed in a piecemeal way, with individual owners taking responsibility for a very short section. It also increases the likelihood of sections of the hedgerow being removed to increase views over the countryside, or to be replaced with conifers. The hedgerows to the north and west of the site do appear thick and are likely to provide a good corridor and this should be retained. I therefore maintain my recommendations regarding this buffer but would remind you that this is our advice to the planning authority and the Planning Officer may take a different view.]

(21/7/16) The most up to date survey (Jan 16) not on file and it corrected errors in the report so should be added. My comments on the previous application are still valid. New hedgerow should comprise locally native species. Condition required ensuring applicant follows the recommendations of the report. Updated survey required within 2 years. Layout should be revised to provide a buffer to the hedgerows (see Hedges and Planning document).

4.9 **LCC Developer Contribution Officer**

(4/11/16) Further to my phone calls this morning. I confirm the County Council in this particular case would not be seeking planning contributions for the proposed amended development of five dwellings at land at Dingley Road Great Bowden planning application 16/00997/OUT, because the size of the proposed development is below the County Council normal threshold for developer contributions consultations.

This threshold is normally 10 dwellings and above and there appears to be no cumulative impact from the proposal for five dwellings on local infrastructure/services in relation, for example education, at this stage and in this particular case only. It should not be seen as setting a precedent as each development shall be judged on its own individual merits. If in the event there was to be a change in circumstances in respect of the proposed development on this site and/or other nearby proposed development sites within the local area, then the County Council may have to re-assess its position, depending on the change of circumstances.

(14/7) No civic amenity or education contribution required. Library contribution sought.

4.10 **LCC Conservation – John Sharpe, Principal Historic Buildings Officer**

(14/11/16) Thank you for notifying me of the amended proposals submitted in respect of the above development.

I note that the number of dwellings has been reduced and the width of the access from Dingley Road narrowed a little. I believe that these are positive changes in

so far as they should help to lessen the harmful impact on the local historic environment. The revised Landscape and Visual Assessment Technical Addendum Note whilst also observing that the revised layout will cause less adverse impact still considers there is a potential for harm to be caused, particularly when the cumulative impact of development on both sides of Dingley Road is taken into account.

I am disappointed that the supporting information still appears to undervalue the importance of the edge of village, rural location. I continue to be surprised that the Heritage Statement ignores the impact of the development on The Grange, despite the formal historic tree lined drive to this listed building running alongside the application site. I also remain unclear about the status of the detailed Design Code which contains useful, mostly generic, advice that seems more applicable to an urban, centre of village location than a site with a definite countryside character.

I appreciate that this application is for Outline Planning Permission but do not consider that the layout as amended is one I can support. Moving the new houses away from the east boundary should enable a more effective screen hedge to be planted and the formation of more usable gardens but I am concerned that the three freestanding buildings are poorly related to each other. No attempt has been made to link the buildings to echo a traditional rural type farmyard with, for example, under cover car parking. Such an approach might help avoid random and prominent parked vehicles spoiling the quality of the central space. The end gable and front door of plot 5 is relatively close to and directly in the line with the new access from Dingley Road. It will give this dwelling considerable prominence and restrict views to the countryside beyond. I am aware that terminating a vista along an access is normally considered to be good urban design practice but in this case it reveals a lack of sensitivity to the particular context of the site and the need to preserve the rural setting of the designated heritage assets.

The layout plan does not identify how the public and private space will be demarcated. Front doors opening immediately off a shared vehicular access and parking area does not seem very practical and my preference would have been to locate the lower houses closer to Dingley Road to enable the hedge to provide a more effective screen to preserve the significant rural street frontage. I note the sketch scheme appears to indicate two storey houses throughout the site.

Recent appeal decisions in your district and elsewhere confirm that the functional and visual association between a historic settlement and its undeveloped countryside setting, where it remains, can be of considerable importance and must be given great weight where it contributes to the significance of listed buildings and conservation areas. The provision of new housing is sometimes seen as a generic benefit that could be achieved elsewhere whilst even less than substantial harm to the historic environment is likely to be specific to a particular site and have a permanent impact. Most of the fundamental concerns I expressed in my consultation responses of 15th and 18th August in relation to relevant statutory provisions and current planning policy still apply and I would be grateful if they could be taken into account.

(18/8/16) Thank you for letting me know that additional information including a Heritage Statement has been submitted in connection with the proposed residential development off Dingley Road, Great Bowden.

I am pleased that the Statement acknowledges that the setting of several listed buildings will be affected by the proposal; you may recall I was surprised it was not included in the original submission. I note, however, that the impact on the significance of The Grange is still not mentioned despite the formal historic tree lined drive running alongside the application site.

The statement correctly notes that the listed buildings on Dingley Road 'forms part of a historic terrace of development fronting the road and creates a strong and positive street frontage'. A modern vicarage is set back from the road and from most vantage points it does not intrude into the established visual composition which includes the adjacent landscaped frontage and agricultural land. The visual contribution made by the rural surroundings to the wider setting of the listed buildings and conservation area is referred to but, in my view, given insufficient weight. The historic functional relationship between the village and historic buildings is ignored. Only part of the proposed development fronts onto Dingley Road and the significant contrast between the historic linear layout along Dingley Road and the more intensive, urbanised courtyard and new access road are also not referred to.

It is noted in the Statement that 'following completion of the development the view east down Dingley Road would be to open countryside framed by the new development, rather than direct to open countryside'. Whilst it can be argued that the historic countryside edge or entrance to the conservation area will still be present but 'moved' further along the road it is an inescapable fact that housing, no matter how well it is designed, will be a new and unwelcome barrier between the historic buildings and the countryside and the development will not preserve the setting of the listed buildings as required by S66 of the 1990 Act.

The LVA Addendum, which refers to the replacement of vegetation features by built frontage and the creation of a newly urbanised street scene, does little to allay my fears about the cumulative detrimental impact on the historic environment if development takes place on both sides of Dingley Road. I note in the letter from the agents that a detailed Design Code is expected to enable your authority to exercise a 'significant degree of control over the scale, form and materials specified in any reserved matters application' but it also states that the noise problem will be addressed by timber close boarded fencing and enhanced glazing specification, both of which are likely to be contrary to the stated aim of respecting 'the special characteristics of the Great Bowden Conservation Area' and the low boundaries described in the Design Code.

An objective assessment of the proposed development, and the associated change in use of the land, must, in my view, conclude that it will not preserve the local historic environment. I am even less convinced that replacing vegetation and agricultural land, that are acknowledged to make a positive contribution, with a new urban courtyard development will lead to an enhancement.

(15/8/16) Thank you for asking for my observations in respect of the above application. I am also grateful that I was given the opportunity to meet and discuss the proposal with you on site recently.

I have now been able to consider the submitted information which despite being for outline planning permission includes details of a possible design for the proposed residential development. Some acknowledgement is given to the adjacent Great Bowden Conservation Area, a designated heritage asset, but the significance of the nearby listed buildings and their setting, including several historic houses on Dingley Road, the outstanding parish Church and The Grange to the rear of the site is, in my view, largely ignored. The Planning Statement in paragraph 4.5.1 states, for example, *'The application site lies outside the Conservation Area and is not considered to be in a location whereby the development proposed would affect the setting of any Listed Building'*.

I disagree with this conclusion. The NPPF defines setting as the surroundings in which a heritage asset is experienced and the proposed development, whatever its final form, is likely to be readily observed within views of these listed buildings and will, therefore, have an impact on their existing, and in some cases largely original, setting.

The NPPF confirms, in paragraph 132, that the significance of designated heritage assets can be harmed by development within their setting. In addition Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 includes a statutory obligation that requires in considering whether to grant planning permission for development that affects the setting of a listed building the local planning authority shall have special regard to the desirability of preserving a listed building or its setting.

In recent years Historic England has published extensive advice on the matter and it is clear from legislation and national policy directives and guidance that the setting of heritage assets is seen as an important factor in their special interest and that it can include the environment in which a place or building is experienced, their local context, embracing present and past relationships to the adjacent landscape. Recent appeal decisions and legal judgements have made it clear that considerable importance and weight must be given to this issue. Development which has an adverse impact on the setting of designated heritage assets must be scrutinised very carefully and should be resisted, particularly where harm is not outweighed by wider public benefits.

The application site lies on the edge of the Great Bowden, outside the built-up area of the settlement. Historic maps confirm that it has not been used for residential development in the recorded past. The Landscape and Visual Assessment submitted in connection with this application provides a reasonably objective analysis and confirms that the rural edge on the eastern side of the village makes a positive contribution and that residential development in this location is likely to have an adverse impact. I was interested to note that a similar assessment produced for a more extensive development on the opposite side of Dingley Road also highlights the value of the local countryside and its sensitivity to change.

The existing planting and open fields on this part of Dingley Road provide an attractive backdrop to several listed houses and entrance to the conservation area. The formal tree lined drive to The Grange has for many years formed the natural edge to the village and is an integral part of the setting of this substantial listed house. The erection of new dwellings, even if they are of a high standard of design, will compromise the existing, longstanding relationship between the historic built environment, the listed buildings and conservation area, and the adjacent countryside.

New residential development represents a very different and permanent type of use to the existing and whilst the submitted layout demonstrates that nine, two storey dwellings could physically fit onto the site the indicative plans do not, in my opinion, show a form of development that is acceptable or appropriate in this sensitive rural location. The erection of nine properties, each with individual private gardens, boundaries, parking spaces, and a new vehicular access, constructed to modern engineering standards, will result in a intensive form of development that will have an unwelcome urbanising effect, which will be at odds with the historic linear development on Dingley Road, the formal drive to The Grange and the general open character and appearance of the immediate area.

The suggested layout and design seems to recognise some of the negative aspects of the development by proposing, for example, new and replacement hedge planting, some of which appears to be unrealistically close to the new houses. High timber fencing needed to counteract traffic noise from the A6, and to possibly provide privacy between curtilages, does not accord with the proposed Design Code which proposes lower, more open boundaries within the courtyard. Visual evidence from elsewhere in the village suggests that

future residents will seek to alter their frontages from the idealised images shown in the submitted information, resulting in a less natural appearance to the further detriment of this part of the local environment.

Farming and agricultural related activities are likely to have played a major part in the development of this rural settlement. The hedges and fields alongside DIngley Road not only contribute to the attractive setting of the heritage assets but by providing a visual reminder of its historic function add to the significance and interest of the area. Such considerations are particularly pertinent in this case because of the remains of a ridge and furrow field system and mediaeval paddocks that have been identified on the adjacent land.

The fundamental change of the application site from agricultural to residential use will result in the loss of part of the rural setting of this historic settlement and I regret that there appears to be little chance for reserved matters to address satisfactorily the damage that will be caused by this development. I am aware that a residential scheme on the opposite side of Dingley Road is currently being considered and the potential cumulative impact of these schemes is a matter of concern.

Even though the harm to significance in this case is likely to be less than substantial, national planning policy as set out in NPPF, requiring the conservation of the significance of designated heritage assets, should weigh against the development. The public benefit in this case seems to be slight in comparison to the private benefit that will be gained from the granting of planning permission to build nine dwellings and the lasting damage to the village environment.

In addition to current planning policy this application must be judged by your authority against the relevant statutory obligations. As noted above there is a strong presumption against granting planning permission for any development that fails to preserve, that is cause no harm to, the setting of all listed buildings.

4.11 HDC Waste Management

None received.

4.12 HDC Neighbourhood & Green Spaces Officer (Developer Contribution)

(8/7/16) Application falls below the 10 dwelling threshold for open space contributions.

4.13 HDC Environmental Health Officer

(29/11/16) I've had a look at the noise assessment. It recommends a barrier is installed, as per Figure 2, to protect the occupants from noise during the day. Assuming this is installed, we have no further comments to make.

(22/6/16) Contaminated land and building work hours conditions recommended.

4.14 HDC Housing Enabling and Community Infrastructure Officer (Developer Contribution)

(1/11/16) The application falls below the 10+ unit threshold, we would only seek a contribution if the combined gross floor area exceeds 1000sqm.

(12/8/16) There will now be an AH requirement as the floor space exceed 1000Sqm. We will require 40% of the total site yield as affordable provision to be delivered on site. 40% of 9 equates to 3.6 units rounded up to 4 units.

I am attaching our guidance note to assist the applicant with this requirement and would advise them to contact our RP partners to discuss this scheme and gauge interest.

At this point I will request a unit mix comprising of 2 x 2 bed houses for Affordable Rent and 2 x 2bed houses as intermediate tenure (shared ownership) as smaller house types are in greatest demand in Harborough District. We will be flexible on our specified unit type and tenure mix if an RP requests a differing Type and mix so long as they (RP) are committed to taking this AH scheme.

(21/6/16) We will only seek an affordable housing contribution if the combined gross floor area for the 9 units exceeds 1000sqm. Please check floor area.

4.15 HDC (Drainage)

No comments received.

4.16 HDC Parish Liaison

(20/12/16) As below.

(29/6/16) Application falls beneath the threshold for community facilities contributions.

4.17 Leicestershire Police (Developer Contribution)

No comments received.

4.18 Anglian Water

(4/11/16) 5 dwellings/less than 0.5ha is below the threshold for comment.

(13/7) Sufficient wastewater and foul sewerage capacity. The proposed method of surface water management does not relate to AW operated assets.

b) Local Residents

4.19 Great Bowden Parish Council have made no comments on the application. 47 letters of objection have been received.

4.20 Officers acknowledge that several of the objections 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.

Topic:	Comment:
Principle of development	Land is outside the development area Outside the building line Would set precedent Encroach into countryside Move the village closer to Market Harborough Do not need more homes (reference made to Berry Close and Welham Road approvals) Greenfield location SRV village where only infill and brownfield sites allowed No evidence of public benefits (only additional housing) 120 houses already agreed and increasing the village by 25%, this will lead to more loss of character and identity. Housing requirement numbers have been met.
Policy	Contrary to policy CS1,2,5,8,9,10,11 The adverse impacts outweigh the benefits (NPPF para 14) CS13 No direct policy support for expansion of Great Bowden CS11(b) new development should be directed away from undeveloped areas of land which are important to the form

	<p>and character of the village. CS11(d) heritage assets and their setting will be protected, conserved and enhanced.</p>
Neighbourhood Plan	<p>Currently being prepared so no permission should be granted There are other sites available in the Parish, including brownfield sites The Plan will identify infill sites Plan is at an advanced stage and the draft will be submitted in the near future and identifies preferred sites.</p>
Highways	<p>Narrow road with two hazardous bridges Poor visibility of traffic due to bends Insufficient space to manoeuvre Traffic speeds along here Dangerous road for those on foot Proximity to pre-school at Hall and Church and cemetery which all lead to parked cars on this road Construction traffic not suitable on this road Parking issues along the road already as existing houses have no off road parking The road already has a high volume of traffic Increased congestion/obstruction into centre of village Cumulative impact with application 16/00802/FUL across the road, with two access points opposite reach other Site is outside the existing 30mph zone High density with limited space for parking so would lead to more on street parking 7.5 ton limits but heavier vehicles including buses use it The crossing point from the footpath at the cemetery to the north of Dingley Road is a hazardous crossing. To meet the highways condition regarding visibility the boundary hedge would need to be removed. No provision for visitor parking.</p>
Conservation Area (CA)	<p>Negatively impact the approach to the CA Will change the historic entrance to the village which has remained unchanged for 150 years and leads directly to the Grade I listed Church and many Grade II buildings. Would damage the historic character of Dingley Road No heritage statement has been submitted. The revised proposal does not appear to address the comments of the principal historic buildings officer.</p>
Listed buildings	<p>Spoil the setting of the listed properties on Dingley Road Hedgerows on both side of the road contribute to the setting of the listed buildings Significance of the grade II buildings on Dingley Road would be greatly harmed and is not outweighed by public benefits</p>
Archaeology	<p>The mound in the corner of the site should be retained</p>
Cemetery	<p>Noise impact from construction and occupation on the peaceful cemetery Funeral cortege walks down the centre of the road from the Church to the cemetery and the new access will mean risking their lives</p>
Design/Layout	<p>No gardens and hedges cut down Benches next to the bin store Sketch Plan 1 is inaccurate as there is not a footpath on the</p>

	<p>south side going into the village, it ends at the cemetery. TRO's would include double yellow lines to the south of Dingley Road, road marking for the re-sited 30mph limit and combined with the high visibility of the proposed development this is unacceptable urbanisation.</p>
<p>Flooding</p>	<p>Area is flood plane – cemetery and the road flood High ground water level in this area The site floods regularly The Gunnsbrook is culverted in the adjacent field and River Welland is 240m to the east The SFRA intends to direct surface water run off into the ditches along the northern side of Dingley Road, this will exacerbate flooding on Dingley Road. (photos submitted) The Drainage Report states that the buildings will be set above ground level but no heights are specified.</p>
<p>Infrastructure</p>	<p>School is full to capacity Transport to other schools will increase traffic flow and pollution Sewage infrastructure is old</p>
<p>Landscape</p>	<p>Would dramatically alter the vista of an important landscape into the village The paddock forms part of the landscape hardly changed since the fields were enclosed in 1776. View to the countryside at the end of Dingley Road will be lost and replaced by walls and roof tops Cumulative impact with application 16/00802/FUL would be to strip away the green approach to the village Will already be losing green space around the village due to the Welham Lane and Berry Close developments, it is vital to retain the eastern edge in its current form. Unacceptable urbanisation Cumulative impact of the two proposed new accesses and their impact on the hedges to satisfy highway visibility requirements.</p>
<p>Ecology</p>	<p>Will diminish wildlife habitats Effect of hedgerow removal on the wildlife Thriving habitat No ecology report</p>

5. Planning Policy Considerations

a) Development Plan

5.1 The current Local Development Plan consists the Local Development Framework Core Strategy 2006-2028 (adopted November 2011) and Saved Policies of the Harborough District Local Plan (adopted 2001).

➤ *Harborough District Core Strategy*

5.2 The following aspects of the CS are notably relevant to this application.

- Policy CS1
- Policy CS2
- Policy CS3

- Policy CS5
- Policy CS8
- Policy CS9
- Policy CS10
- Policy CS11
- Policy CS12
- Policy CS17

➤ *The saved policies of the Harborough District 2001 Local Plan*

5.3 Of the limited number of policies that remain extant, Policy HS/8 (Limits to Development) is relevant to this application

POLICY HS/8

THE DISTRICT COUNCIL WILL GRANT PLANNING PERMISSION FOR DEVELOPMENT WITHIN THE DEFINED LIMITS TO DEVELOPMENT OF SETTLEMENTS INDICATED ON THE PROPOSALS MAP INSETS, WHERE THE FOLLOWING CRITERIA ARE MET :-

1. **THE DESIGN AND LAYOUT OF THE DEVELOPMENT IS IN KEEPING WITH THE SCALE, FORM CHARACTER AND SURROUNDINGS OF THE SETTLEMENTS;**
2. **THE DEVELOPMENT DOES NOT CONFLICT WITH POLICY HS/9;**
3. **THE DEVELOPMENT DOES NOT ADVERSELY AFFECT THE AMENITIES OF RESIDENTS IN THE AREA.**

➤ *Harborough District Emerging Local Plan*

5.4 Harborough Districts' new Local Plan will set out planning policies in the district for the period to 2031.

5.5 An Options Consultation Paper ended on the 30th October 2015. The Paper identifies a key aim to direct development towards sustainable settlements in the District. It identifies a hierarchy of towns and villages in the District based on their relative sustainability. Great Bowden is identified as a 'Selected Rural Village' (SRV), as a direct result of its sustainability.

5.6 The Options Paper was informed by a Settlement Profile Background Paper which acknowledged that Great Bowden has sufficient Key Services to be a Rural Centre, but owing to its proximity to Market Harborough does not perform the role of a Rural Centre and therefore its prior classification as a SRV was retained. It is therefore acknowledged that Great Bowden is a more sustainable settlement than currently recognised by planning policy.

5.7 The emerging plan is expected to be adopted in 2018.

b) Material Planning Considerations

5.8 Material Planning Considerations relevant to this application are:

- *The National Planning Policy Framework (The Framework / NPPF)*
- *National Planning Practice Guidance (PPG)*
- *Supplementary Planning Guidance Notes 3, 9-11, 13 & 16 (adopted 2003)*
- *Five Year Housing Land Supply Statement*
- *Great Bowden Village Design Statement (2000)*

The Statement “*will assist in the management of change and ensure new development is appropriate to its surroundings and in keeping with local character (p.3)*”

- *Great Bowden Neighbourhood Plan*

Great Bowden Parish Council applied for the designation of a Neighbourhood Area on 29th September 2015 under the Neighbourhood Planning (General) Regulations 2012.

c) Emerging Local Plan Evidence Base

5.9 The following emerging local plan evidence base is relevant to this application

- *Leicester and Leicestershire Strategic Housing Market Assessment (SHMA, 2014)*
The SHMA recommends that in the period 2011-31 475 dwellings are required on average per year to meet objectively assessed need. This is compared to the Core Strategy requirement for 2011-2018 which plans for 350 dwellings per year.
- *Strategic Housing Land Availability Assessment*
Great Bowden is detailed in the Strategic Housing Land Availability Assessment Update (SHLAA) 2015 shows 12 sites as developable within the next 10 years.
- *Harborough District Landscape Character Assessment (2007)*
The site is identified as being within the Welland Valley Landscape Character Area, with a medium landscape capacity to accommodate some residential development.
- *Market Harborough Landscape Character Assessment and Capacity Study (April 2009; The Landscape Partnership)*
The Site is identified as being within ‘LCA 1: Foxton to Great Bowden Slopes’. The site is part of larger parcel of land (parcel 10) assessed by the study. Further consideration of this study is included later in this report.

d) Other Relevant Documents

5.10 The following documents should be noted

- The Community Infrastructure Levy Regulations 2010, S.I. No.948 (as amended)
- Circular 11/95 Annex A - Use of Conditions in Planning Permission (model conditions)
- ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)
- Manual for Streets (2007) & Manual for Streets 2 (2010)
- Building for Life 12 (BFL12) (2012)
- Leicestershire County Council Planning Obligations Policy

- Leicestershire County Council Local Transport Plan 3 (LTP3)
- Leicestershire County Council Highways Authority 6Cs (Highways) Design Guide
- Planning Obligations Developer Guidance Note
- Leicester, Leicestershire and Rutland Hedges and Planning (November 2014)

e) Other Relevant Information

- 5.11 This application is to be determined by Planning Committee as it has received 47 letters of objection. In addition, Councillor Pain has requested that the application be determined at Planning Committee.

6. Assessment

a) Principle of Development

- 6.1 The site comprises a parcel of land on the eastern outskirts of Great Bowden, which lies outside the Limits to Development of the village, as defined by policy HS/8. Developing the site for housing would therefore be contrary to saved Policy HS/8.
- 6.2 Policy CS2(a) states that '*housing development will not be permitted outside of Limits to Development unless at any point there is less than a 5 year supply of housing and the proposal is in keeping with the scale and character of the settlement concerned*'. The plan therefore does make provision for proposals outside of settlement boundaries, but the key issue is the scale and character of the proposal.
- 6.3 Policy CS17(a) states that '*housing in Selected Rural Villages will be on a lesser scale reflecting their size, character and service provision*'. The policy also makes it clear that development should '*take(s) into account recent development and existing commitments*'. As the site is outside the defined Limits the policy considers the site to be countryside, '*where new development will be strictly controlled*'.
- 6.4 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act, 2004, the conflict with development plan policy requires the application to be refused unless material considerations indicate otherwise.
- 6.5 National policy in the NPPF is a material consideration. Para 49 of the housing policy of the NPPF states:
'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of housing.'
- 6.6 Currently the Council are not able to demonstrate a 5 year supply and so the restrictive policies HS/8 and CS17(a) are to be considered out of date. CS2(a) is more permissive however, and as such it is considered weight should be given to this policy. In light of out of date policies, paragraph 14 of the NPPF states that the presumption in favour of sustainable development means:

*"approving development proposals that accord with the Development Plan without delay;
and*

where the Development Plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- *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; or*
- *specific policies in this Framework indicate development should be restricted”*

The Framework states that ‘specific policies’ include those relating to designated heritage assets.

- 6.7 The emerging Development Plan is also a material consideration. The emerging Local Plan has reached the stage of assessing selected options. The Council’s Executive on 9th May 2016 agreed to narrow down the original 9 Options proposed within the Local Plan Options Consultation (Sept/Oct 2015) to 4 Options for further assessment. The Pre-Submission Local Plan is due for publication in July 2017. Under the 4 Options being assessed, Great Bowden is allocated a range of between 29-45 dwellings as at 30th March 2016. This is in addition to a committed 79 dwellings within the settlement from April 2011 to March 2016. This will be updated before the Pre-Submission Plan is published, and will need to take account of recent permissions, including the up to 70 dwellings at Berry Close granted at appeal. It is considered that the emerging Local Plan housing requirement can be given some weight at this stage. However, it is noted that the site is only for up to 5 dwelling and would make a limited contribution to housing supply.
- 6.8 Therefore, it is considered that the application for up to 5 dwellings in this location is contrary to the adopted Development Plan. The emerging plan allocates housing to Great Bowden but final numbers are not yet confirmed and the pre-submission plan is not yet published. Policies HS/8 and CS17(a) are out of date as the Council cannot currently demonstrate a 5 year supply of housing. The proposal is to be considered in line with the presumption in favour of sustainable development. Key issues for this application are therefore whether the proposal is in keeping with the scale and character of the settlement (as required by policy CS2), and the impact of the development on the significance of heritage assets. The NPPF states that the three dimensions of sustainable development (economic, social and environmental) should not be undertaken in isolation, because they are mutually dependent (paragraph 8).
- 6.9 In light of the recent High Court judgement in Forest of Dean District Council and Secretary of State for Communities and Local Government and Gladman Development Ltd (Case no: CO/4852/2015), it is necessary to consider the impact on heritage assets first and determine if the proposal will lead to harm to the significance of the heritage assets. This will inform how the presumption in favour of development (paragraph 14) is applied. This is discussed further below.

b) Heritage assets

- 6.10 Policy CS1(o) states that the strategy is to support development which protects conserves and enhances the District’s built heritage whilst ensuring that new development is safe, well designed, adapts to climate change and helps to reduce the District’s carbon emissions. Policy CS11(d) states that heritage assets within the District and their setting will be protected, conserved and enhanced. NPPF paragraph 132 states:
‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification’.

- 6.11 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant. 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).
- 6.12 The site abuts the Conservation Area to the west and there are listed buildings to the north and west. The site is also known to be of archaeological interest. The site is also opposite the cemetery to the south, which is considered to be a non-designated heritage asset. Therefore the development could impact upon the setting of the listed buildings and Conservation Area, the setting of the cemetery and impact upon the archaeology on the site. The site is viewed in the context of the setting of the Conservation Area and the listed buildings, and the setting of the cemetery. Public views of the site are available from the cemetery itself and from the Dingley Road, when travelling into and out of the village. The assets are discussed below.

Archaeology

- 6.13 The applicant has undertaken an Archaeological Desk-Based Assessment and Earthwork Survey on the site and the rest of the field to the east (a total area of approximately 0.9ha.) In this section, this is referred to as the surveyed area. The surveyed area is listed in the Historic Environment Record as being within the bounds of the now shrunken medieval village of Great Bowden and contains earthworks of the period. As the earthworks to the western portion of this surveyed area are limited, the applicant has chosen to reduce the site area to this land only.
- 6.14 The applicant notes that there are a number of upstanding earthworks in the eastern part of the surveyed area. The assessment concludes that development groundworks in the central and eastern areas of the surveyed area would adversely impact upon the earthworks and their destruction would constitute the loss of a significant heritage asset in terms of the history of the village. The assessment concludes that the impact of development of the surveyed area would be to the setting of the wider village, in terms of its history as a shrunken medieval village, with the earthworks effectively defining the limit of medieval expansion of the settlement. Indeed, any expansion to the east of the existing village could be construed as having an impact on the historic setting of the village.
- 6.15 The assessment concludes that if development groundworks are limited to the application site (the western portion of the surveyed area), the impact on archaeology would be greatly reduced. Mitigation measures would be required to ensure remains are adequately recorded in advance of their destruction. Consideration should also be given to measures to protect and ensure the survival of significant archaeological remains within the site.
- 6.16 The County Archaeologist refers to NPPF paragraph 141 which requires that where the loss of the whole or a material part of the heritage assets significance is justified, LPA’s should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The County Archaeologist advises that should the LPA be minded to grant permission, conditions for archaeological investigation, assessment and recording are recommended.
- 6.17 From the assessment, it is clear that there will be harm to the non-designated asset. Para 135 of the NPPF advises that a balanced judgement is required having regard to the scale of

any harm or loss and the significance of the heritage asset. On the advice of the County Archaeologist, the scale of harm is considered acceptable.

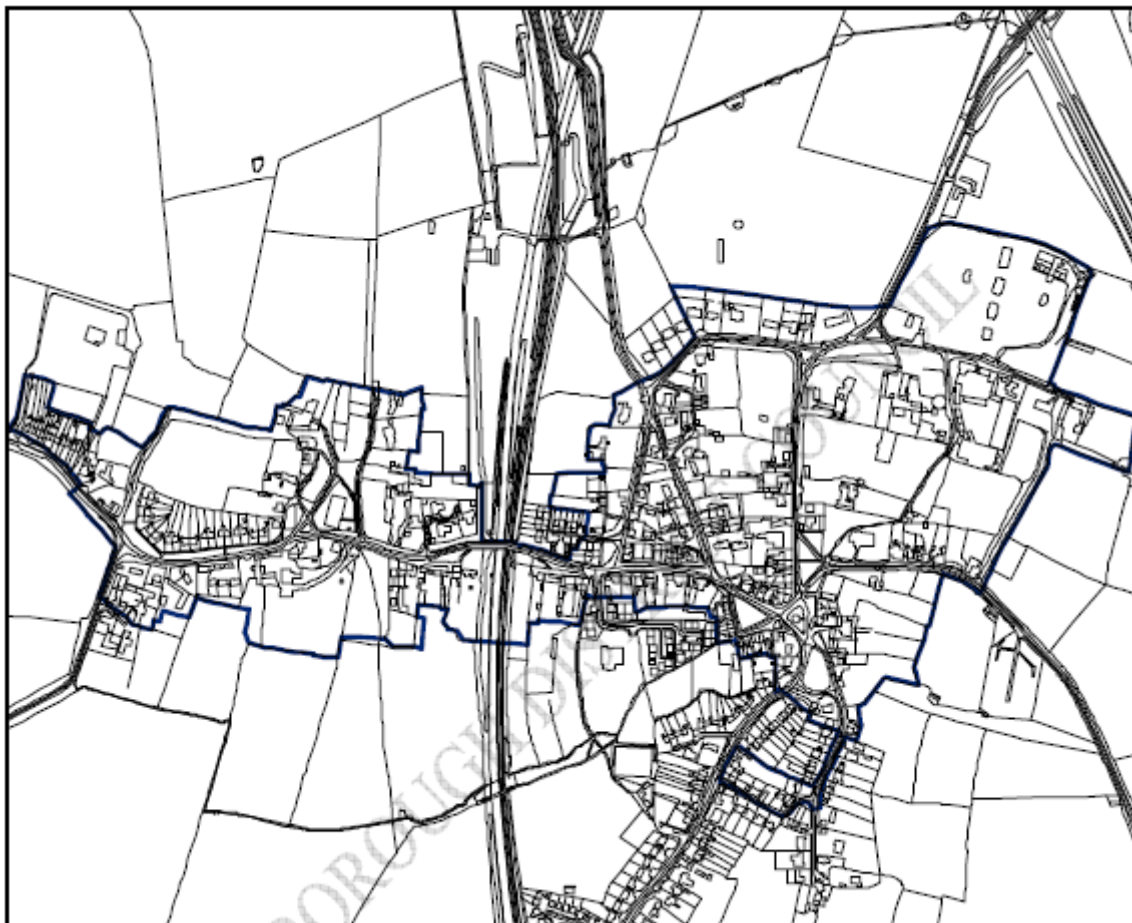
Setting of the cemetery

- 6.18 The cemetery is considered to be a non-designated heritage asset. The development will bring built development and the village closer to the cemetery, which is historically purposefully separated from the village, to provide a peaceful location. As such, the setting of the asset will be harmed.

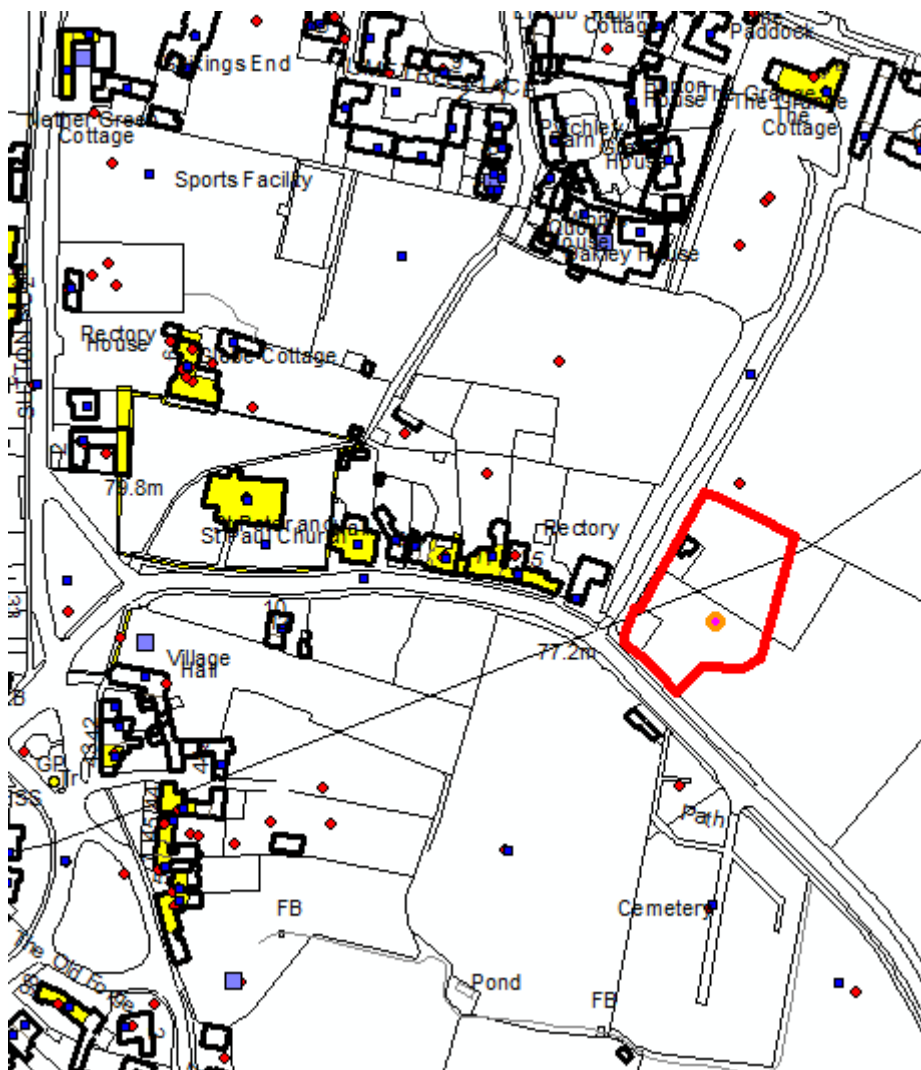
Conservation Area and listed buildings (designated assets)

- 6.19 The site abuts the Great Bowden Conservation Area to its western boundary. There are several listed buildings along Dingley Road which will be viewed in the context of the proposal when travelling along Dingley Road. The properties along Dingley Road from the site to the Church to the west are; The Old Vicarage (Grade II), 11 Dingley Road (Grade II), 7&9 Dingley Road (Grade II), Parish Church Hall (Grade II), St Peter and St Paul Church (Grade I) and listed wall, gate piers and monuments (Grade II). The western boundary of the site abuts the long driveway to the listed Grange (Grade II) to the north, which is also accessed off Nether Green to its north. The cemetery is to the south of the site on the opposite side of Dingley Road.

Map of the Conservation Area



Listed buildings (yellow) and cemetery (site in red)



6.20 The applicant has submitted a Heritage Statement. The NPPF states that the LPA '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 necessary expertise' (para 129).

Conservation Area character statement extract:

'The Conservation Area extends for over 1.2km. embracing most of the older buildings of the settlement; it has irregular boundaries and is in two broad parts, east and west, on either side of the railway line. The original sinuous main street was diverted to cross the line by a bridge. The eastern part has the functional core of the settlement (Church, School, Village Hall, Shops, Public Houses) but the distinctive settlement pattern in both parts is similar. It consists of a network of greens and of open spaces crossed by roads with many older buildings set back from the roads and behind the greens or former edges of the greens. The

large number of trees, in the churchyard and on the greens and along the roads, is a characteristic of the settlement.

The fragmentation and irregular shape of the greens results in many different angles to the rows and groups of houses, and in many intimate areas within the whole. Although the whole area is large and extensive it is this breaking up into many small intimate areas that gives Great Bowden its character. Throughout the village there has been infill development between and on former greens during the last two centuries. This gives a mosaic of buildings of different ages. A notable feature is the number of large houses of the 17th to 19th centuries scattered across the Conservation Area, mostly still in large gardens. These include The Grange off Nether Green and the Manor House off Upper Green.

Another large house, Rectory House, formerly belonging to Christchurch, Oxford fronts directly onto the churchyard as well as towards Sutton Road. In addition there are some large early 20th century houses built as hunting boxes. At Nether Green, another of the greens but away from the Main Street, are the buildings of the former kennels of the Fernie Hunt. Nether Green is separated from the main village centre of the Church and Rectory House by a large tree-fringed paddock, bounded by brick and mud walls and forming an important open space. Great Bowden manifests the juxtaposition of the affluent and the humble: by the large houses and small cottages, by the use of brick and stone next to mud and simple timber framing.'

- 6.21 The listed buildings along Dingley Road have the following descriptions:
- The Grange – Early 19th century with some early 17th century features. Also of historical significance due to ownership by Captain Anthony Jenkinson.
 - The Vicarage (number 15 Dingley Road) – Late 18th early 19th century roughcast over red brick. Eastern and western sections.
 - Number 11 Dingley Road - late 18th early 19th century house, red brick.
 - 7 & 9 Dingley Road – 18th century coursed ironstone mostly rendered.
 - The Hall – dated 1839 tudor gothic style, red brick with stone dressings. Previously a National School built by public subscriptions.
 - The Church of St Peter and St Paul – substantially complete medieval Church of the 13-15th centuries. Notable for its arcades, tower, rare late-medieval Doom painting, organ, font cover, medieval brass and medieval wall painting.
 - Boundary walls, gate piers and monuments at the Churchyard of the Church of St Peter and St Paul.

Applicant's assessment

- 6.22 The applicant did not originally submit a Heritage Statement, but was asked to do so. The author of the Heritage Statement is not clear. The statement identifies the Conservation Area and the properties fronting Dingley Road, but not the Grange to the north or the listed

wall/monuments of the Churchyard or the cemetery. The statement refers to the distance from the site being 75m to the nearest listed building, but number 15 is less than 30m to the west of the site boundary. The assessment was not updated by the applicant when the layout was revised from 9 dwellings to 5 and so it refers to the previous layout which the applicant was advised was considered to harm the heritage assets. The assessment concludes the development *'does not harm the character of the Great Bowden Conservation Area nor the setting of any Listed Building'*.

Officer assessment

- 6.23 This is disputed by the case officer and the County Principal Historic Buildings Officer (whose consultation responses are set out in full in section 4 above). In summary he considers that the applicants' assessment undervalues the importance of the edge of village rural location. The existing planting and open fields provide an attractive backdrop to several listed houses and are an entrance to the Conservation Area. The formal tree lined drive to the Grange has for many years formed the natural edge to the village and is an integral part of the setting of this substantial listed house. The comments conclude that housing, no matter how well it is designed will be a new and unwelcome barrier between the historic buildings and the countryside and will not preserve the setting of the listed buildings as required by section 66 of the 1990 Act.
- 6.24 The case officer concurs with this view. It is considered that the development proposal will lead to less than substantial harm to the significance of the listed buildings and the Conservation Area by development within their setting. In accordance with paragraph 134 of the NPPF, this harm should be weighed against the public benefits of the proposal. Great Bowden is a Selected Rural Village with a reasonable level of local services which is expected to accommodate some growth in accordance with policy CS17. The site is within walking distance of the centre of the village to the west and there are public transport links to the town of Market Harborough. The proposal would deliver up to 5 market dwellings with no provision of affordable units to help meet the needs of the District. The Council can demonstrate 4.9 years supply of deliverable housing land. The emerging Local Plan identifies a need for 29-45 dwellings at Great Bowden, but this can be given limited weight at this stage due to the stage of plan preparation and the fact the figure is likely to change due to the recent permission for up to 70 dwellings (as discussed above). In this context the delivery of up to 5 dwellings can be given only moderate weight. The construction of the development would result in employment, generate economic activity and increase local spending power. This is a public benefit, but is limited by the scale of the proposal.
- 6.25 Therefore it is considered that the harm to the designated heritage assets are not outweighed by the public benefits in this case.
- 6.26 The document 'The Setting of Heritage Assets (English Heritage, July 15) sets out that the importance of setting lies within what it contributes to the significance of the heritage asset. Also, the document refers to cumulative change. There is the potential for a cumulative impact on setting of the heritage assets from this development and the current application for development on the south side of Dingley Road (application 16/00802/FUL). As this application is pending determination, no weight can be given to this application at this time.
- 6.27 In the recent Forest of Dean High Court judgement, the Honourable Mr Justice Coulson states that:
'Limb 2 of the last bullet point of paragraph 14 of the NPPF disapplies the presumption in favour of granting planning permission in circumstances where 'specific policies in this Framework indicate development should be restricted'. Footnote 9 gives examples of those policies. One of those policies is identified as relating to 'designated heritage assets'.(para 18)

- 6.28 The judgement clarifies that where Limb 2 only of paragraph 14 is applied:
'Limb 2 encompasses the standard balancing exercise in circumstances where there is a policy restriction on development. But if the result of the standard balancing exercise comes down in favour of development, notwithstanding the restriction, then it is rational that the broader review under Limb 1, where the whole of the NPPF is considered, should be a weighted exercise, so as to give impetus to the presumption in favour of development'. (para 37).
- 6.29 Therefore, it is clear that where the balancing exercise has been undertaken and shows that the public benefits do not outweigh the harm, only Limb 2 of NPPF paragraph 14 applies, which states *'specific policies in this Framework indicate that development should be restricted'*. Limb 1 is therefore not applicable in this case.
- 6.30 This approach is supported by recent appeal decisions in the District, namely the decision for Land off North Lane, Foxton (reference APP/F2415/W/16/3156226). Also, the decision for Land off Old Hall Lane, Lubenham (reference APP/F2415/W/3000859).
- 6.31 Although it is considered that Limb 1 is not applicable in this case, for completeness, all other relevant policies and material considerations to the proposal have been considered in the following sections of this report.

b) Locational Sustainability

- 6.32 Great Bowden currently has Selected Rural Village status in the Harborough District Core Strategy (2011) based on its services and facilities. It has a primary school, shops and pubs as well as sports clubs and allotments, pre-school and village hall. These facilities would be within walking distance of the site. The village is approx. 2 km from Market Harborough, the main town of the District.
- 6.33 The site is accessible by walking and cycling and the village is served by public transport and is approx. 2km from the railway station.
- 6.34 Policy CS5 supports new development that is located in areas well served by local services which reduces the need to travel for occupants. It also encourages new development to incorporate safe pedestrian and cycling facilities into the design.
- 6.35 The Illustrative Masterplan shows the site connecting to the existing footpath on Dingley Road. Provision of covered and secure cycle parking on site could be secured by condition, to encourage the use of cycling as an alternative to the private car. The site is considered to be a sustainable location for housing development.

c) Landscape Character and Capacity

Policy CS17c) provides several criteria to ensure that rural development will be located in a way that is sensitive to its landscape setting.

Landscape Designation

- 6.36 The site itself is not covered by any specific landscape designation that would preclude its use for development.

Landscape Character

- National Character Areas

6.37 Natural England's National Character Areas (NCAs) identify broad, strategic character areas for the whole of England. The site lies within the 'Leicestershire Vales' Character Area, identified as Character Area 94.

- District character

6.38 The Harborough District Landscape Character Assessment (September 2007) identifies the site as being within the 'Welland Valley' Landscape Character Area.

Key characteristics of the Welland Valley are described as:

- Gently meandering river in wide and shallow valley;
- Little tree cover
- Pasture on the floodplains
- Arable farming on the valley sides; and
- Market Harborough, operating as a traditional market town, is the dominant urban influence

The Assessment considers the landscape capacity of the Welland Valley to be medium, stating that the landscape around Great Bowden has the capacity to accommodate some residential development, however to a lesser extent than around Market Harborough. The assessment concludes the key issues are:

Key Issues

- The relatively flat and open landscape is vulnerable to adverse visual and landscape impacts of development.
- The immediate landscape setting to Market Harborough is very vulnerable to inappropriately sited development, both in the valley base to the east, above the ridgeline to the north and adjacent to enclosing landscape features to the west and south. It is important that care is taken to prevent further new development that impacts on the ridgeline and valley base, as well as views from the wider landscape setting of Market Harborough.
- The generalised lack of woodland cover across the landscape character area means that new development must be well mitigated to minimise impacts. Opportunities for new woodland screen planting should be encouraged alongside any new development proposals.

The Focus Areas Assessment of the above 2007 Assessment identified the site as part of Area H of the HDLCA, which is an area defined as having potential for development in landscape terms. The north-western part of the site was defined as unsuitable. The

assessment states that the *'site is well enclosed and adjacent to peripheral development. There are some partial views from the east that can be reduced through mitigation and careful site planning'* (page 69).

- Local character

6.39 At a more local level, the Market Harborough Landscape Character Assessment and Landscape Capacity Study (2009) identifies the site as being within 'LCA 1: Foxton to Great Bowden Slopes' which is considered to be of high sensitivity.

6.40 The site was part of a larger parcel of land (parcel 10, 10.7hectares) that was assessed within the above study as having a Medium-High landscape capacity to accommodate residential development, subject to appropriate mitigation measures being provided. An extract of that report is provided below (from Appendix C) and states the recommended mitigation.

Comments on suitability for development and mitigation measures:

This Land Parcel is considered to have a medium high capacity to accommodate development. Given the residential context of the parcel, and the nature of the roads in the surrounding area, commercial development would be much less suitable in this Land Parcel. Residential development is felt to be most appropriate in this location, subject to the following mitigation measures:

- ***Retention of existing landscape features and vegetation***
Mature trees within the Parcel should be retained as far as possible.
- ***Important views to be retained***
Many of the properties adjacent to the Land Parcel fall within the Great Bowden Conservation Area. The setting of the Conservation Area, and Listed Buildings in the vicinity, will need to be carefully considered should the Land Parcel be developed.
- ***Retention of existing routes through the site***
There are no current routes through the site, such as rights of way or roads, which would need to be retained.
- ***Ground modelling***
Ground modelling would not be necessary or appropriate in this location.
- ***Additional planting***
Additional planting is likely to be necessary to reinforce hedgerows and soften the built edge of any development that should occur.
- ***Maximum building heights***
Existing residential properties within the immediate vicinity of this Land Parcel are 2 storeys high. Any development within this Parcel should reflect these heights.
- ***Development layout***
The layout of any development within this parcel should reflect the traditional pattern of development within Great Bowden, with housing focussed around 'greens'. It should be small scale and organic in form.

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Status: Final

Harborough District Council
Landscape Character Assessment and Landscape Capacity Study

Market Harborough Landscape Sensitivity Appraisal – Survey Form

- ***Building materials***
Materials should be appropriate to the village context of the Land Parcel. Housing development should reflect the vernacular style of houses within the historic core of Great Bowden.
- ***Open space provision and green infrastructure***
As mentioned above, 'greens' should be created within any development to act as open space as well as reflect the traditional settlement form in Great Bowden.

Applicants assessment of landscape effects and visual effects

6.41 The applicant has submitted a Landscape and Visual Impact Assessment (Nov 15). The conclusion states that the site is considered to make a '*very positive contribution to the local landscape character*', as the site '*contains many attributes representative of the local landscape character and the structure of the landscape is apparent*'.

6.42 The assessment concludes that there will be a direct effect to the site in proposed change in landscape character, due to the loss of a category C hedgerow to the site frontage along Dingley Road. The assessment states that the new street frontage proposed along Dingley Road will replicate the character of the existing street scene on Dingley Road. The assessment states that a moderate adverse effect on character is therefore created. Once established the scheme would represent a moderate to slight adverse effect on landscape character in the long term. (underlining emphasis added).

6.43 The assessment considered several existing visual receptors and their susceptibility to changes in views and visual amenity. The site has a high visual amenity, where views of the site are enjoyed on a day to day basis. Of the 9 views assessed, the proposal is considered to have a negligible effect on 6 of the views. The other three views are listed below, with comments in the final column taken from the assessment.

View	Scheme completion	Established Scheme (15+ years)	Applicants Assessment of visual effects
From Conservation Area along Dingley Road	Moderate to slight adverse effect	Slight adverse	The narrow long distance view towards the wider landscape across the Welland Valley, currently framed by Ash trees would be reduced by introduction of built forms.
From Great Bowden Cemetery	Moderate to slight adverse effect	Slight adverse	The loss of hedgerow vegetation to one side of Dingley road will increase permeability of the site in relation to new development, resulting in views of the new built frontage of the extended village, which will be more apparent in winter months.
From Dingley Road approaching the village from the south-east)	Major to Moderate adverse effect	Moderate to slight adverse effect	The current frame of vegetation will change with the introduction of new built forms on the north side of the street, together with the new access arrangements. The effects will become more apparent as the viewer moves closer to the site along Dingley Road.

Landscape Assessment Addendum

6.44 The assessment was updated by the applicant with an Addendum dated August 2016 when the scheme was revised from 11 to 9 dwellings. The assessment was not

updated by the applicant when the proposal was reduced to 5 as the applicant considered that a comprehensive assessment had been made of the larger scheme and the proposal is now smaller and proposes the retention of the majority of the existing roadside hedge, so the conclusions remain valid.

6.45 The addendum considers that the changes to the Dingley Road frontage (i.e. less visible built development) will reduce harm being experienced on the approach towards Great Bowden. On completion the scheme will therefore now give rise to a moderate adverse effect. Landscape and visual impacts are assessed as being the same as before.

6.46 The addendum has also considered the potential cumulative impacts of the proposal for 29 dwellings on the south side of Dingley Road (16/00802/FUL). The addendum states that the loss of vegetation on both sides of the road will result in slight additional adverse cumulative effect on the Foxton to Great Bowden slopes landscape character area. The most cumulative visual effects are stated to be when both schemes are viewed together, from the cemetery and from the Church. The effect is considered to be slight additional adverse effect in cumulative terms.

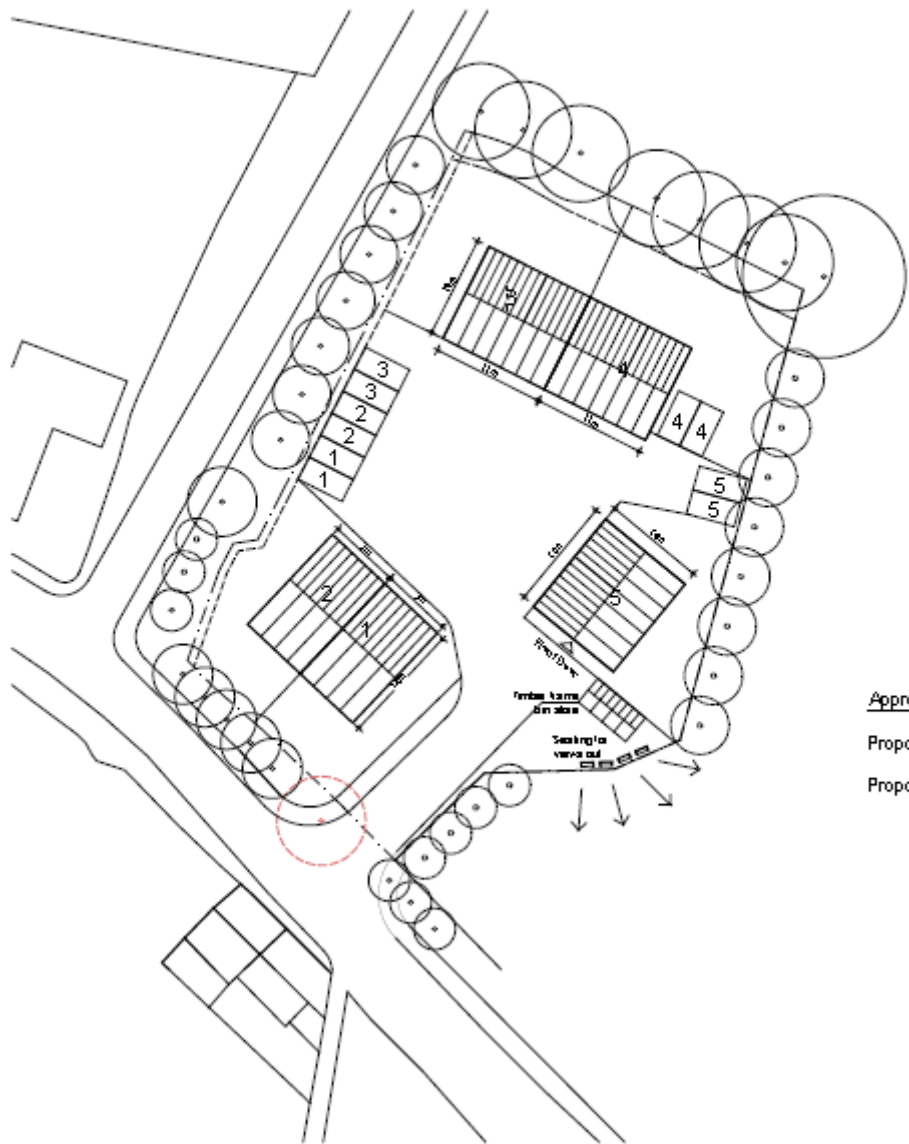
Case officer assessment

6.47 The revised illustrative layout shows that built development will now be set back from Dingley Road, and the hedgerow retained. Built development will still be visible from the Conservation Area and the built development and the access will still be visible from Dingley Road travelling towards the village. Policy CS17c) requires development to protect and where possible enhance the character and quality of the landscape in which it is situated. Although the Dingley Road hedgerow is now proposed to be retained (other than for the access), it is considered that the landscape setting of the village will not be protected by the development.

Layout and appearance

- 6.48 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.49 Policy CS2(b) advises all housing development should be of the highest design standard (in conformity with Policy CS11) and have a layout that makes the most efficient use of land and is compatible with the built form and character of the area in which it is situated. Policy CS11 states that new development should be directed away from undeveloped areas of land which are important to the form and character of a settlement or locality.
- 6.50 Layout and Appearance are not matters which are for consideration. Notwithstanding this, a proposed illustrative masterplan has been prepared, which together with the Design and Access Statement (DAS) and Design Code (DC) aim to demonstrate how the site could be developed for 5 dwellings. (Note the masterplan and DAS and DC have been amended when the proposal was revised from 9 to 5 dwellings). It should be noted that the illustrative masterplan does not preclude alternative layouts being submitted as part of a subsequent reserved matters or detailed planning application, providing the underlying principles established in the DAS are satisfied.

Illustrative Masterplan



Appro:
 Propos:
 Propos:

6.51 The DAS acknowledges the character of the village and the published Great Bowden Village Design Statement (GBVDS). The DAS refers to the fact that the GBVDS ‘describes how the village’s character comes from the arrangement of a number of groups of housing and their outbuildings set around a number of irregular shaped village greens’ (para 5.4).

6.52 The Illustrative Masterplan and DAS shows:

- A residential development of 5 dwellings in three blocks
- A new vehicular and pedestrian footpath access to Dingley Road
- Retention of the hedgerows to the north and west boundaries
- Removal of some of the hedgerow that fronts Dingley Road to enable the creation of the access

- Retention of hedgerow trees
 - Central parking courtyard including 6 parking spaces, with a further 4 spaces accessed from it (2 per house).
 - All dwellings will face into the courtyard
 - Two dwellings located close to Dingley road, behind the hedgerow, two to the rear of the site, and a single dwelling to the east facing the access road.
 - Maximum 2 storey height
 - Mix of dwelling and garden sizes
 - Less than 1000sqm floorspace
- 6.53 The layout proposed allows for a single access leading to a central 'courtyard' which has all 5 dwellings facing into it, with back gardens onto the site boundaries. All car parking is contained within or accessed off that courtyard.
- 6.53 The layout proposed allows for a single access leading to a central 'courtyard' which has all 5 dwellings facing into it, with back gardens onto the site boundaries. All car parking is contained within or accessed off that courtyard.
- 6.54 In the DAS the applicant proposes that the courtyard layout is similar to those in Poundbury and also a traditional feature of Great Bowden. The applicant has pointed to examples of such layouts within the village. The examples given are:
1. 14 Langton Road
 2. Bishops House, 37 The Green
 3. 21 The Green
 4. Langton House, 44 The Green

Case officer assessment

6.55 Firstly, the association to Poundbury is completely irrelevant in this case, for a scheme of 5 houses on the edge of a historic village in Leicestershire.

6.56 The illustrative masterplan is based upon an assessment of the village and existing courtyard arrangements. These are considered below.

- 14 Langton Road – This is a two-storey brick property which has single storey outbuildings to the rear which appear to relate to this property only.
- Bishops House, 37 The Green – A substantial 2 storey property converted into flats with associated buildings to the rear which are single/1.5 storey stables/coach house now individual residential properties.

- 21 The Green – the driveway leads to the single property, so this is not a courtyard.
- Langton House, 44 The Green (listed building) – This is a substantial 3 storey brick property with brick outbuildings to the rear which have been converted and extended (a mix of 1 and 2 storey) to form a separate dwelling.

6.57 The DAS does refer to development of between 1.5 to 2 storeys, and this is shown on the Building Heights Parameter Plan. However, the DAS shows a proposed two storey development across the site (Figures 15 and 16), which do not reflect the character of development as referred to in the examples above. The examples given in the DAS are for large single dwellings (2 or more storeys) with associated outbuildings of 1 to 1.5 storeys which clearly relate in layout to the main dwelling. This layout has not been reflected in the proposed illustrative masterplan, and neither has the relationship between a single main dwelling and associated other 1 to 1.5 storey buildings. As such, the illustrative layout does not demonstrate that up to 5 dwellings can be accommodated on the site in a layout and design appropriate for the character of the village.

6.58 The applicant has submitted a Design Code for the development, and the adherence to this document at reserved matters stage could be secured by condition. The Code provides no guidelines on the layout of the development, even though this matter is still reserved. Nor does it reflect the submitted illustrative layout, as it refers to the Dingley Road boundary being a wall or hedge no more than 300mm high (para 4.4) and not a reinforced mature hedgerow boundary as shown on the illustrative layout. Also, it refers to trees in the courtyard and not along Dingley Road (para 4.13) as shown in the illustrative layout.

6.59 The Code therefore does not reflect the illustrative layout and it is not considered that securing the Code by condition would secure an appropriate layout and design.

➤ Housing Mix and density

6.60 The application proposes no affordable housing as the dwellings will be less than 1000sqm combined gross floorspace. This is in accordance with the policy in the Written Ministerial Statement of 28/11/14 and the associated guidance in the NPPG. Policy CS3 requires 40% of the development is proposed to be offered as affordable housing on sites of over 3 dwellings. The policy statement is a significant material consideration and as such no affordable housing is required. It is necessary and reasonable to secure by condition that the units delivered in the development would have a maximum combined gross floorspace of less than 1000sqm.

6.61 The site area is 0.248 hectares and therefore policy CS2 does not require a certain density. Although the density has been reduced from the original 9 proposed, the applicant has clearly sought to maximise the built development on the site, which limits layout options, provision of green spaces, outdoor amenity space, the positioning of car parking and the provision of a buffer from existing hedgerows. It is considered that the indicative layout has not shown that the proposed density is appropriate in a visually sensitive location on the edge of the village adjacent to open countryside.

Summary

6.62 The illustrative layout and supporting information for the proposed development does not demonstrate that the layout and design will be appropriate to this edge of village location or appropriate to the setting and character of Great Bowden village and the local landscape.

Highways

- 6.63 Policy CS5 states that proposals for assessing traffic impact, highway design and parking provision associated with new development should accord with the County Council guidance (6C's guide). Policy CS11 states that development should be well planned to incorporate safe and inclusive design and encourage travel by a variety of modes of transport. Access is the only matter for consideration as part of this application.
- 6.64 Dingley Road is the only vehicular access point into the village from the east, and leads directly into the heart of the village. There is a 30mph speed limit at the entry to the village, located to the western corner of the site. There is currently no vehicular access from Dingley Road into the site at which point there is a 60mph limit. On entry to the village it is common to have cars parked on the road, outside the Church and outside the dwellings on the northern side of the road, reducing the road width. This is a particular concern raised by local residents.
- 6.65 The application proposes the vehicular access point in the south-eastern corner of the site. The submitted plan for the access layout shows pedestrian footways to both sides where the land is within the highway ownership (see plan P921/005 Rev B).
- 6.66 The applicant has submitted a Transport note which sets out how visibility splays can be achieved, given the anticipated vehicle speeds (2.4m by 65m to the left and 2.4m by 65m to the right). The original site layout showed that a refuse vehicle could turn in the site. The current layout does not show this is possible and as such it will be determined at Reserved Matters stage if this turning space is necessary.
- 6.67 The Highways Authority considers the applicant has demonstrated that a suitable site access junction can be constructed on Dingley Road. To accommodate the new access junction and the introduction of turning traffic in this location, the applicant will be required to relocate the existing village speed limit signage further east, so the site is enclosed within the speed restricted road network. Highways conditions are also recommended.
- 6.68 The Case Officer acknowledges the concerns raised by the local community with regards to current and future traffic problems and highway safety more generally however, the Highways Authority has reviewed the proposal and has stated that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF.
- 6.69 Subject to Conditions and the Applicant agreeing to enter into a S106 Agreement to provide contributions to secure the Traffic Regulation Order works to relocate the 30mph limit signage and implement associated parking restrictions, the proposal is judged to accord with Policies CS1, CS5 and CS11 in respect of highway considerations.

Noise

- 6.70 Policy CS11 states that development should be well planned to ensure the amenities of existing and future neighbouring occupiers are safeguarded. NPPF para 123 states planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Decision should aim to identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

- 6.71 The applicant has submitted a Noise Assessment which has assessed the impact of traffic noise, particularly from the A6. The assessment is based upon the layout of 10 units and not the 5 as are now proposed. It concludes that some forms of mitigation will be required, including certain glazing specifications to living rooms and bedrooms and noise barriers (specified as a 1.8m high vertical overlap wooden fence). The agent considers that the noise report remains valid for the revised proposal (letter dated 27 Oct 16) and that a scheme specific Acoustic Assessment could be required by condition.
- 6.72 The Environmental Health Officer recommends that a noise barrier is installed as per the Assessment Figure 2. It is considered that the report demonstrates that noise mitigation measures will be required on the site. As the report does not consider the revised layout it is not clear what those measures will be and where. Based on the submitted Assessment they could be required on the eastern boundary of Plot 1 (adjacent to the new access road), and the applicant states they could be required for plot 3, 4 and 5 (abutting open countryside). Therefore their impact on the layout and design of the scheme is not clear. As such, although it is demonstrated that mitigation measures can make the noise impact acceptable for a development to take place, insufficient information has been submitted to demonstrate that the mitigation measures required will not have an unacceptable impact on the layout, design and character of the proposal and thus the setting of the Conservation Area, listed buildings, the countryside and the cemetery.

■ Flooding/Drainage

- 6.73 The Framework requires that development be directed away from areas of highest flood risk. The site is within Flood Zone 1 (low risk). Policy CS10 adds that the use of SUDS will be expected and that surface water run off should be managed to minimise the net increase in the amount of surface water discharged into the local public sewer system.
- 6.74 Environment Agency flood mapping identifies the site as being entirely within Flood Zone 1 (low probability). This means that the site has a less than 1 in 1000-year annual probability of river/tidal flooding.
- 6.75 There are no main rivers which affect the site. The nearest river is the River Welland, which is situated approximately 255 metres to the east of the centre of the site.
- 6.76 In accordance with the Framework and its associated technical guidance, the development is sequentially acceptable and no exception test is therefore required.
- Surface Water
- 6.77 The Lead Local Flood Authority requested further information from the applicant and now recommend the development is acceptable subject to conditions. With the conditions, the proposal would meet the requirements of policy 10 of the NPPF and policy CS10. However, one of the conditions relates to finished floor levels of the development being 150-300mm above the external ground level. The Strategic Drainage Layout plan (Appendix C of the Strategic Drainage Report) shows FFL of 78.00 compared to existing ground levels of 77.03 at the rear of the site (north) and 77.22 at the front (south) nearest to the road. It is clear that the dwellings will need to be raised above existing ground level. This adds further weight to the view that the proposed scheme will be inappropriate and harmful to the location as the dwellings would sit significantly higher than those adjacent. The site would appear visually dominant in the streetscene.

- Foul Water

6.78 The applicant has submitted a Utilities Report which shows a foul sewer along Dingley Road. Anglian Water has confirmed that the catchment has capacity for the development.

Ecology

6.79 Policy CS8 states that the Council will identify and protect priority habitats through the creation of buffer zones and avoid demonstrable harm to habitats or species which are protected or which are of importance to biodiversity.

6.80 There is a SSSI approximately 1km north-west of the site, but no other statutory or non-statutory (local) wildlife sites within 1km. The applicant has submitted a Phase 1 Habitat and Protected Species Survey (October 15 and January 16). The survey recorded that the majority of the site comprises species poor improved grassland. The three hedgerow boundaries do not merit Important Hedgerow status. In terms of habitats the survey concludes that: *'The proposed development is unlikely to have a direct or indirect impact on any designated wildlife sites and none of the habitats recorded on site are deemed to be of national or local significance and the improved grassland areas across the construction areas have a low diversity of common species and shows signs of nutrient enrichment'* (page 26).

6.81 The Survey concludes that boundary trees and hedgerows should be retained where possible and maintenance and enhancement of a 5m buffer strip along the field margins will reduce any impacts on more ecological important areas and maintain habitat connectivity in the wider landscape.

6.82 In terms of species, the survey concludes *'It is considered that white-clawed crayfish, dormouse, water vole, great crested newt and otter will not be present within the site given the lack of suitable habitat. There is the potential for the site to be used by bats, birds, badger, amphibians and reptiles at least for foraging for food'* (page 27).

6.83 The survey summarises the impact of the proposal, as follows: *'In summary, the significance of the ecological impact on the environment is considered to be at worst, moderate in the short term (during clearance and construction) provided appropriate steps are taken to mitigate any short-term threats to wildlife, especially protected species, that may be present on the site. This primarily includes nesting birds, bats and herpetofauna.'* (page 30).

6.84 The survey recommends mitigation for the proposed development in the form of a Construction Ecological Management Plan (CEMP). General mitigation measures are suggested on pages 30-33. The survey recommends the habitat value of the site can be enhanced by providing bat and bird boxes, hedge and tree planting long site margins and planting nature trees and shrubs within the site.

6.85 The applicant has also submitted a statement on the heritage significance of the hedgerow which fronts Dingley Road, at the request of the case officer. The assessment concludes that the hedgerow does not meet the heritage criteria to be considered as an Important Hedgerow under the Hedgerow Regulations 1997. Under the revised layout, more of the hedgerow is to be retained and this is welcomed.

6.86 The County Ecologist and the applicants own assessment recommend a 5m buffer strip along field margins. The County Guidance on Hedges and Planning states that all hedges

that meet Local Wildlife Site criteria should be retained and all semi-natural boundary hedges to open spaces and open countryside should be retained. The guidance states '*all retained hedges should have a buffer zone of 5-10m alongside, managed as natural or informal open space*'. The illustrative layout does not meet this guidance. The revised illustrative layout for 5 dwellings shows built development outside the 5m buffer zone, but the 5m zone includes garden of units 1, 2, 3 and 4 and 6 parking spaces.

- 6.87 If the 5m zone were to be provided as recommended, this would significantly impact upon the garden amenity space provided for units 1-4 and the 6 parking spaces would be lost. This would render the level of amenity space unacceptable and reduce parking spaces to an unacceptable level.
- 6.88 Therefore the illustrative layout does not demonstrate that the 5 dwellings can be accommodated on the site without demonstrable harm to biodiversity, contrary to policy CS8.

Trees

- 6.89 The site is used as grazing for horses and is enclosed by hedgerows to the south, west and north. The trees are exclusively within the hedgerows around the perimeter of the site.
- 6.90 The applicant has submitted a Preliminary Arboricultural Impact Assessment that was undertaken in September 2015. A total of 6 individual trees and 6 tree groups were identified as follows:
- 4 no. trees (T1, 2, 5, 6) are classed as having a moderate quality and amenity value (2 sycamores located on the northern boundary, and an ash and goat willow on the southern boundary with Dingley Road)
 - 3 tree groups (G1-3) are classed as of moderate quality and amenity value (located on the north and western boundaries)
 - 3 tree groups (G4-6) on the southern boundary have been classified as low quality and amenity value
 - 2 no. trees in the western corner are considered to be of low quality and amenity value (T3, 4)
- 6.91 The T5 (Ash) will need to be removed to create the access. The tree is early mature, in good structural condition and with over 10 years life remaining.
- 6.92 The assessment concludes that category B trees should be retained as far as possible, and the design should take account of root protection areas. The assessment recommends that a further report and Tree Protection Plan will be required at reserved matters stage.
- 6.93 The Tree Constraints Plan (Appendix 3 of the Arboricultural report) shows that under the revised indicative layout T5 will need to be removed. The indicative layout shows that dwellings appear to be outside of root protection areas.
- 6.94 Subject to Conditions to ensure the development is undertaken in accordance with the recommendations outlined within the Arboricultural Impact Assessment, there would be no arboricultural reasons to refuse the application.

Residential Amenity

- 6.95 Core Principle 4 of the Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings and this is also reflected in Policy CS11.
- 6.96 As layout, scale and external appearance of the proposed development is a Reserved Matter, it is not possible to provide a detailed assessment on amenity.
- 6.97 The closest residential property is the L-shape Rectory to the west of the site. The site is separated from this property by the access drive to The Grange. The main entrance of the property faces the site but the main two storey section faces the road. The gable end faces the site and has no first floor windows. As such, due to its position and distance from the site, and intervening trees and hedgerows it will not be detrimentally impacted by overlooking or overbearing from the development.
- 6.98 During construction there would be some adverse impacts on residential amenity. A planning condition would be necessary to secure a Construction Environmental Management Plan.

d) Planning Obligations

- 6.99 Planning obligations must 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

These legal tests are also set out as policy tests in paragraph 204 of the Framework.

- 6.100 Policy CS12 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 Developer Guidance Note, 2009 and Leicestershire Developer Guidance Note 2014.
- 6.101 The consultees have not requested any contributions from the revised development scheme. The applicant has confirmed that the combined gross floor area will not exceed 1000sqm and so affordable housing is not required. A condition would be required to secure this.

Other matters:

- 6.102 The case officer is aware that the agent has written to the Council's Head of Planning and Regeneration and Councillor Pain regarding the merits of the application, and requested that the application be determined by Planning Committee. The points raised in the letter are considered to be covered in this report.

7. The Planning Balance / Conclusion

The proposal would be contrary to policy HS/8, CS2, CS8, CS11 and CS17 of the Development Plan. The Council cannot currently demonstrate a 5 year supply of housing and the Framework is a material consideration. In accordance with the Frameworks policy on designated heritage assets, the public benefits of the proposal do not outweigh the harm that would be caused. The Framework sets out three mutually dependent roles of sustainable development. Socially the proposal will make no contribution to affordable

housing and a very small contribution to addressing housing need. Some economic benefits would be created in terms of construction jobs and spending in the local economy. The site is in an accessible location close to the village centre. The social and economic benefits are limited and so attract little weight and do not outweigh the environmental harm that would be caused. As a result, the proposal would not represent sustainable development. The application is therefore recommended for refusal.

Refusal reasons:

4. The proposal is not in keeping with the character of the settlement and will lead to less than substantial harm to the significance of the nearby Listed Buildings and the Conservation Area by development within their setting. The harm to the designated heritage assets are not outweighed by the limited public benefits of the proposal. The proposal will bring development closer to the non-designated heritage asset of the cemetery which is historically purposefully separated from the village, and thus harm its setting. The proposal is therefore contrary to policies CS1, CS11 and CS17 of the Harborough District Core Strategy and Framework policy 12.
5. The illustrative layout and supporting information submitted for the proposal does not demonstrate that it could be successfully integrated in terms of design and layout. The development would not be appropriate for this edge of village location or protect or enhance the character of the local landscape. It has not been demonstrated that a satisfactory design and layout can be produced which includes the required level of noise mitigation measures and finished floor levels identified. The proposal is therefore contrary to policies CS2, CS11 and CS17 of the Harborough District Core Strategy and Framework policies 7 and 11.
6. The proposal does not include an ecological buffer strip to existing hedgerows, as recommended by the submitted survey and the County Ecologist. Therefore the indicative layout does not demonstrate that a five dwelling layout can be accommodated on site without demonstrable harm to biodiversity. The proposal is therefore contrary to policy CS8(d), CS11 and CS17 of the Harborough District Core Strategy and Framework policy 11.

Applicant: Dr P And Mrs A Platts

Application Ref: 16/01676/FUL

Location: 64 Roman Way, Market Harborough, Leicestershire, LE16 7PQ

Proposal: Erection of a new dwellinghouse (Plot 1) with associated external works and landscaping

Application Validated: 17.10.2016

Target Date: 12.12.2016 (Extension of Time Agreed)

Consultation Expiry Date: 24.11.2016

Site Visit Dates: 03.11.2016 and 02.12.2016

Case Officer: Anisa About

Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report and subject to the appended Planning Conditions (Appendix A).

Recommended Justification Statement:

The development hereby approved, by virtue of its siting and design, is sustainable development which does not have an adverse effect on the character and appearance of the immediate area, the amenities of surrounding occupiers and would not be detrimental to highway safety or protected species. The proposal therefore complies with Policies CS11, CS17, CS8 and CS5 of the Harborough District Core and no other material considerations indicate that the policies of the development plan should not prevail; furthermore the decision has been reached taking into account paragraphs 186-187 of the National Planning Policy Framework. The decision has been reached taking into account, inter alia, Paragraphs 186 and 187 of the Framework and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

1. Site & Surroundings

1.1 The application site (hereafter referred to as the 'site') is located to the north of the Market Harborough Playing Fields. It has a central town centre location and is approx. 300m from the town centre. The site does not lie within a conservation area or affect the setting of Listed heritage assets. No significant trees (worthy of retention) are affected by the proposal.



Figure 1.



Figure 2. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Harbourough District Council, License Number 100023843 (2016) Scale 1:2500 For internal reference only- no further copies to be made

- 1.2 The site is currently vacant; the previous building and car park that used to serve the Gildings Auction House (a commercial business) moved to larger premises.
- 1.2 Access is off an unadopted Road (Saxon Close) and a private access is proposed as part of this application.
- 1.3 The site is relatively flat and so long as proposed levels remain consistent with existing levels, levels will not have a significant impact on the proposal.
- 1.4 The site is tucked into the setting and will not be visible on approach to Saxon Close, or from any vantage point on Roman Way.
- 1.5 To the south lies the Market Harborough Playing grounds (Symington Recreation Ground) and views may be possible from this vantage point.
- 1.5 The eastern boundary is shared with the rear gardens of several sheltered housing properties on Saxon Close. They are orientated perpendicular to the site boundary.
- 1.8 Figure 3. Site viewpoint looking south, existing residential bungalow development can be seen on the left and the existing proposed access for plot 2 (application reference 16/01677/FUL) (Source: Case officer Site Visit Photo 03.12.16):



Site History

- 2.1 The site has the following planning history (key records only):

Application No.	Decision / Date	Nature of Development
87/00770/3P	Approved 02.06.1987	Change of use from vehicle maintenance depot to auctioneers salesroom and

		associated offices and storage (Former British Telecom Depot)
87/01147/3P	Approved 06.08.1987	Alterations and extensions to form auction room and ancillary rooms
12/00555/OUT	Refused (on grounds of failure to provide affordable housing) 21.06.2012	Demolition of existing buildings and redevelopment of the site for residential use (all matters reserved)
12/01023/OUT	Approved 28.06.2013	Demolition of existing buildings and redevelopment of the site for residential use (all matters reserved) (Resubmission of 12/00555/OUT)
12/01856/FUL	Withdrawn 22.02.2013	Change of use of auction house to child care facility
14/00865/REM	Approved 19.09.2014	Erection of a dwelling house (reserved matters of 12/01023/OUT)
16/01677/FUL	Pending Consideration	Erection of a new dwellinghouse (Plot 2) with associated external works and landscaping

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal seeks planning permission for the erection of a 2 storey contemporary dwelling with associated landscaping and new associated access.
- 3.2 The site has extant consent for a detached 2 storey dwelling from application reference 14/00865/REM.
- 3.3 The proposed dwelling has two main elements. There is a single storey element that will include an open plan living/dining room, a kitchen, lounge, master bedroom, utility room and wet room, and a kitchen/diner. The first floor would incorporate a three en-suite bedrooms and a playroom. The second floor would include the master bedroom and en-suite with access to the roof terrace.
- 3.4 The two storey element will include a garage, cloakroom, garden store and hallway on the ground floor and 2 bedrooms and a family bathroom on the first floor.
- 3.5 There are significant similarities between the extant permission (14/00865/REM) and the current application. Although the design and style of the dwelling has changed the siting and the layout of the dwelling remain similar.

Figure 4: Showing the Proposed Site Layout (14/00865/REM)

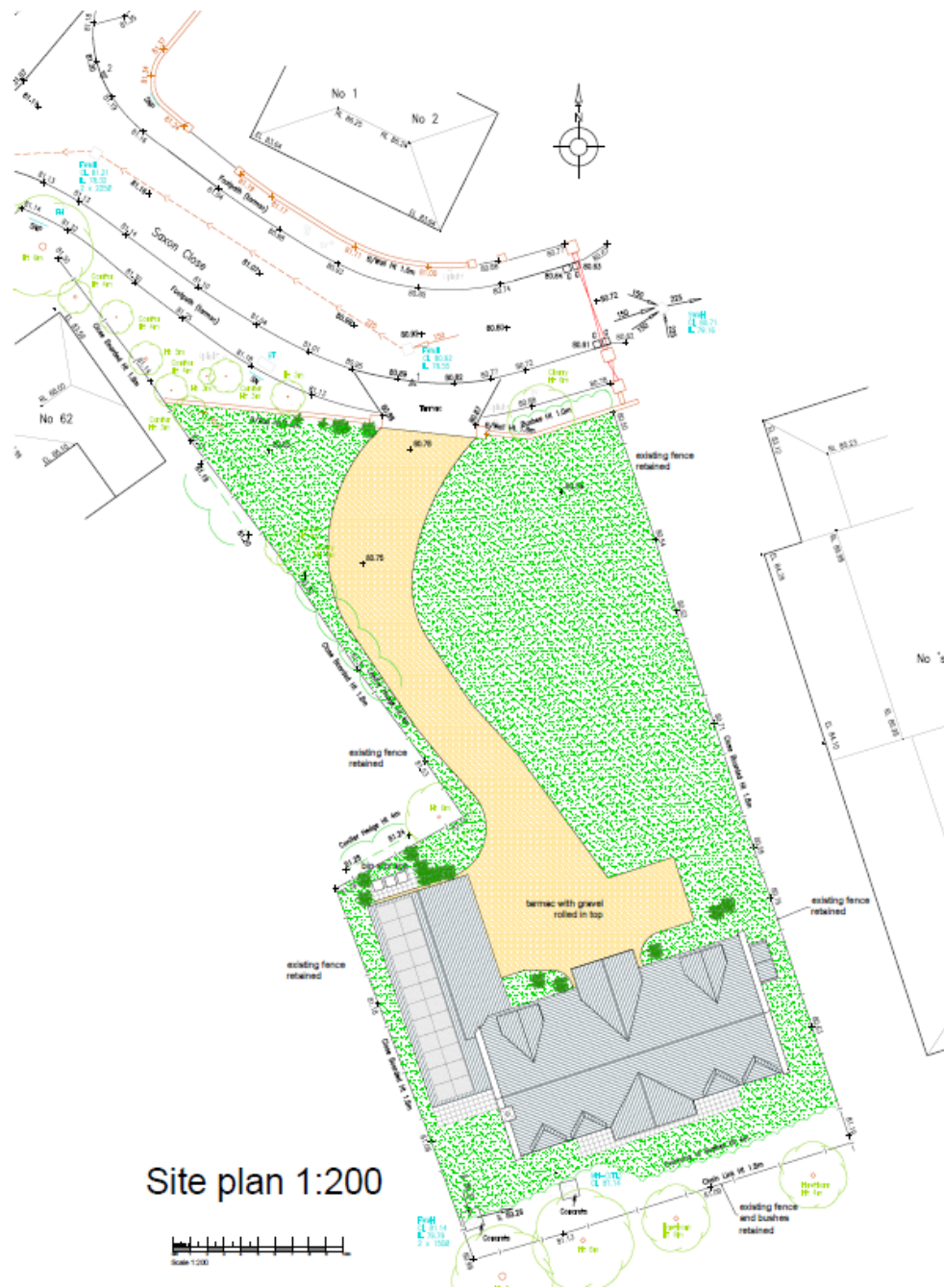


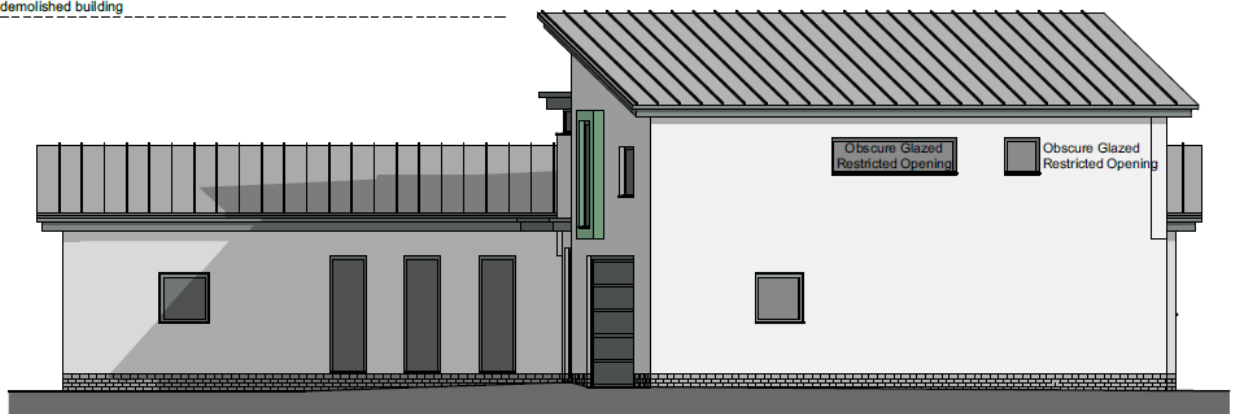
Figure 5: Showing the Proposed Site Layout of the current proposal (16/01676/FUL)



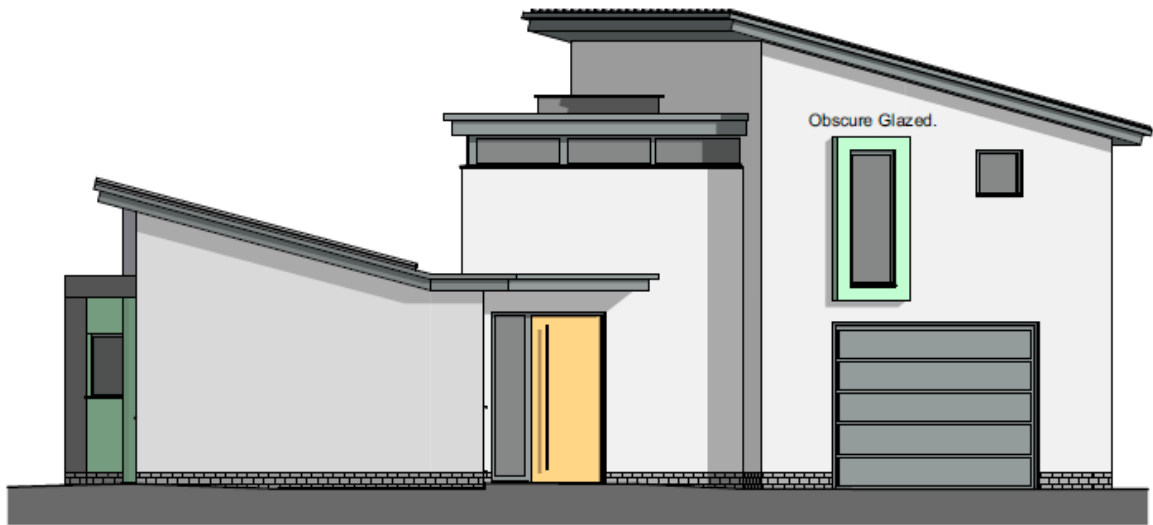
- 3.4 The main difference in the layout of the scheme is the division of the plot into 2 separate plots and the installation of a separate new access to serve the proposed dwelling.
- 3.5 The contemporary design and style of the proposed dwelling is characterised by angular features, mono-pitched roofs and is emphasised with the choice of materials.
- 3.6 The design of the property: Proposed front elevation (North)

Ridge height of dwelling approved
under application ref: 14/00865/REM

Ridge height of
demolished building

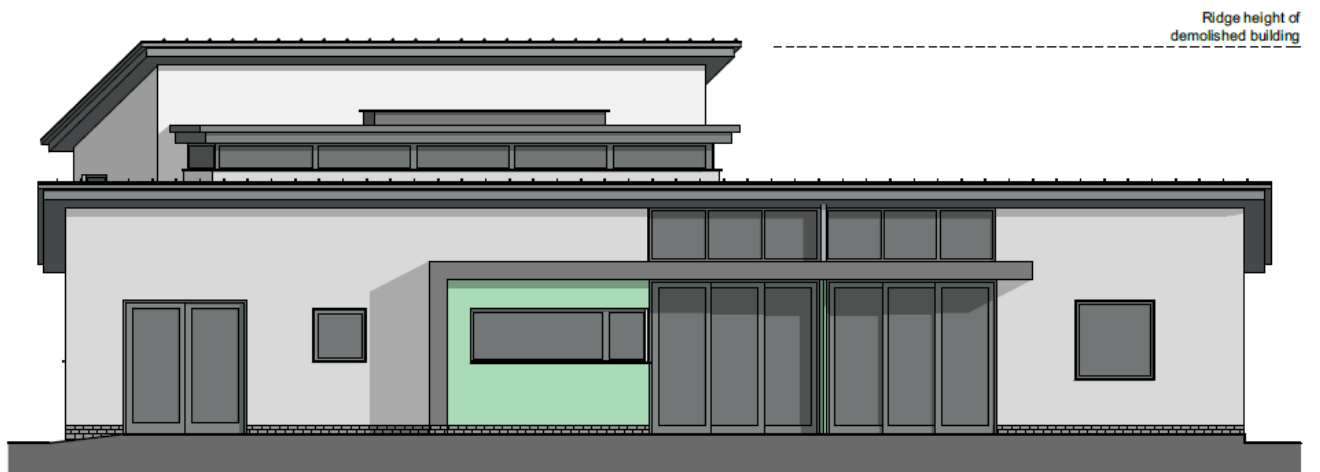


3.7 Proposed East elevation plan (Facing rear gardens of Saxon Close):

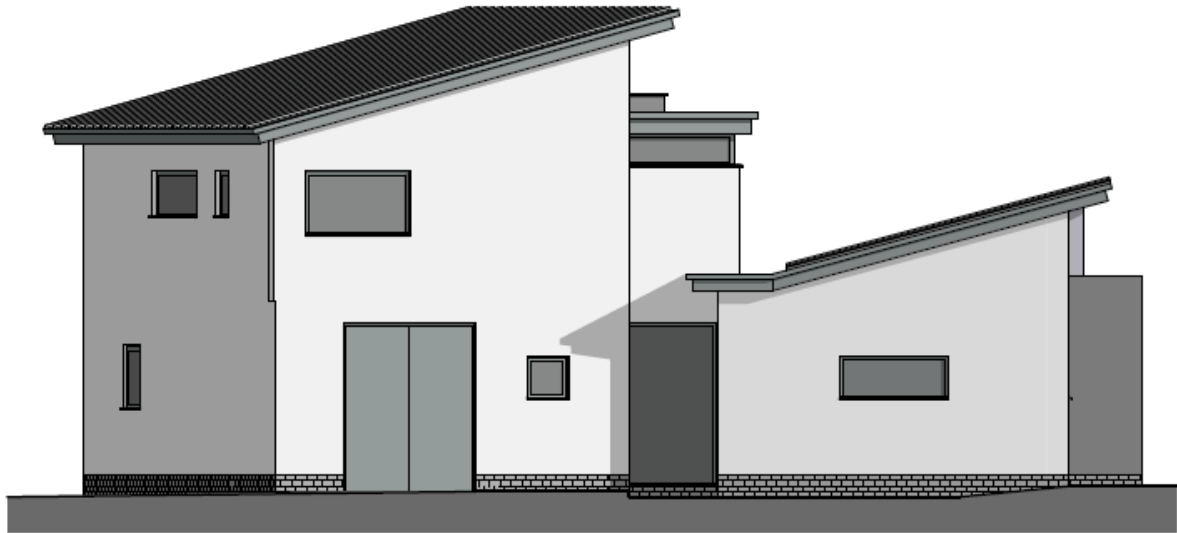


3.8 Proposed South elevation (facing Market Harborough Playing Fields)

Ridge height of dwelling approved
under application ref: 14/00865/REM



3.9 Proposed West elevation:



b) Plans and Statements / Documents For Assessment

i. Plans

3.10 The Applicant has submitted the following plans:

- Existing Site Survey (Drawing Number: P165 P002, dated 14.10.16;
- Proposed Site Layout (Drawing Number P165 P003, dated 13.10.2016;
- Floor Plans and Elevations (Drawing Number: P165 P004, dated 14.10.2016;
- Design and Access Statement
- Preliminary Ecological Appraisal

c) Amended Plans and/or Additional Supporting Statements/Documents Submitted since Validation

3.11 Amended Plans:

- Floor Plans and Elevations (Drawing Number: P165 P004 Revision A, dated 14.10.2016

ii. Supporting Statements / Documents

3.12 The Applicant has submitted the following supporting documents:

- Vision Splays (Drawing Number P165 P006, dated 02.12.16)

c) Pre-application Engagement

3.13 No formal pre-application advice has been provided.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community have been carried out on the application.
- 4.2 A summary of the technical consultee and local community responses which have been received is set out below. If you wish to view comments in full, please request sight or search via: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

- 4.3 HDC Technical Services (Drainage Engineer)

Consulted. No comments received.

- 4.4 HDC Environmental Services

Recommended a Risk Based Land Contamination Assessment condition and a Completion/ Verification Investigation Report condition. (10/11/16)

- 4.5 Leicestershire County Council Highways Authority (LCC HA)

“The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.” (27/10/16)

Following concerns raised by representations received regarding the visibility of the proposed access, LCC Highways were asked to provide further comment.

“A factor to be considered here is that Saxon Close is an un-adopted private road, and as such our interests would normally be predominantly limited to the associated impacts on Roman Way, and surrounding adopted highway.

That being said, our design guidance for private drives calls for 2.75m width access for a single dwelling, with an additional 1m if bounded on both sides by a wall, hedge or fence. The plan you provided would appear to show this is achievable.

Give Saxon Close is a cul-de-sac 1m x 1m pedestrian visibility splays at the point of the drive access would be considered reasonable. This would also appear achievable given width of land available within the redline boundary, but would be dependent on the bin store being set back further and height of vegetation at the access point being conditioned to not impair the visibility splays.

In regard to vehicle visibility splays; to the left(toward Roman Way) there appears to be no issue.

To the right of the access, it is very unclear without undertaking a site visit the impact of what appears to be a second brick gate pillar? located in the footway, as it is not detailed on the plan. However, making the large assumption this does not impact the visibility splay through the gateway the following would appear to be the case from the plan: To the right of the access would appear to afford in the region of 11m visibility, from a 2.4m set back, which is a shortfall of approx. 6m if Saxon close is considered as a low speed cul-de-sac. However it should be noted in some circumstances the setback can be relaxed to 2m for low speed lightly trafficked streets, such as Saxon Close, in accordance with Manual for Streets. Using this 2m

setback the access would appear to afford a sufficient visibility splay of approx. 26m. (again I would stress the second gate pillar feature in the footway could impact the available visibility.)

Therefore assuming the footways are to remain at their current width and unobstructed along the access frontage, and vegetation controlled by condition a suitable access would appear to be achievable with minor amendments to the submitted plan to account for the bin store to be set back further.

We would recommend turning and parking provision is also conditioned to ensure vehicles can exit the driveway in a forward gear, and that the proposal does not lead to on-street parking issues in the area.

I should be noted the above comments have been made on a desktop assessment, and no site visit has been undertaken, and should be considered accordingly when making your determination as any on site factors not on the plan have not been accounted for (i.e. the gateway pillar 'feature')." (02/12/16).

The agent was requested to provide a plan showing that the minimum access visibility splay requirements could be met, subsequently a plan showing the visibility splays was submitted and was forwarded on to LCC Highways for comment.

The following comments were received:

"The pillar doesn't appear to restrict the pedestrian visibility splay assuming pedestrians pass through the pillars. As mentioned if assessed in view of our design standards a 1m X 1m ped visibility measured either side of a 2.75m vehicular access would be deemed appropriate, and appears to be achievable in the development corridor available.

The vehicular visibility is clearly impaired to the right by the pillar creating a blind spot in the visibility envelope, although it is questionable if this would entirely obstruct view of a moving vehicle. From available mapping the footway also appears to be wider at the access point than on the submitted plan, which may slightly reduce the visibility restriction created by the pillar, as a vehicle could pull further forward before entering the carriageway.

Ultimately it will need to be considered whether this visibility restriction is deemed severe in terms of safety, in view of the speed of vehicles in a cul-de-sac is likely to be low, appreciation of local context of the level of vehicular and pedestrian movements in Saxon Close, and the planning officers site visit assessment.

As mentioned Saxon Close is an un-adopted private road, and my comments are offered on that basis. For the avoidance of doubt; the development proposal would not appear to unduly affect the adopted highway on Roman Way, and as such the LHA would have no call to resist the proposal." (06/12/16)

4.6 Leicestershire County Council Ecology

"I have no objections to this development. The ecology report from EMEC is satisfactory; there were no habitats of significance on site, and no evidence of protected species. This reflects previous surveys done in 2012 for previous applications on site (see 12/00555/OUT). Given the urban location of the site and lack of connectivity to other habitats, species are unlikely to colonise the site in future, and update surveys will not be required. I have no recommendations for

planning conditions, but the applicant's attention should be drawn to the recommendations for enhancement in EMEC's survey report". (02/12/16)

4.7 Market Harborough Civic Society (Objects)

Comments received for the current application (16/01168/FUL) state:

"Erection of two Dwellings, 64 Roman Way, Market Harborough
Application Nos 16/01676/FUL and 16/01677/FUL

The Market Harborough Civic Society Objects to both of these applications

- a) As they represent an undesirable over development of the site.
 - b) Do not provide sufficient amenity space for large family dwellings
 - c) In the case of 16/01677/FUL, lacks adequate space for car parking
 - And d) will dominate the dwellings in Saxon Close and overlook the back garden of the house in Roman Way to the detriment of the occupants."
- (08/11/16)

b) Local Community

4.8 2 separate letters of objections have been received as well as a letter raising objections to the proposal with the names, addresses and signatures of 25 individuals from 25 different addresses. The following synopsis of objection comments summarises the objections raised:

- The proposed site access is not suitable for the residents of Saxon Close.
- There is very little vision for drivers coming out of the existing gateway to see pedestrians; another access may prove extra dangerous.
- Is the road wide enough for this to be safe?
- Proposed development appears to be out of scale, and out of character with the surrounding area.
- The scale and design of Plot 1 suggests an occupancy and use likely to promote a lifestyle out of keeping with the established peaceful ambience of Saxon Close.
- It is unreasonable that the combined site of Plot 1 and Plot 2 (16/01677/FUL) with single joint ownership should propose separate access points from Saxon Close when both can use the existing access.
- The proposed access for Plot 1 requires the destruction of an established, attractive flowering tree, which enhances the retirement dwellings.
- Hazard created by the vehicular traffic issuing from Plot 1 to the point where it will be completely blind to both vehicular and pedestrian movements, from the retirement area, exiting the site by way of the gateway (with its brick piers).
- The large piers restricts the views of pedestrians to the proposed drive and the second pier restricts the view of the car drivers leaving Saxon Close, it is also opposite the drive of No. 2 Saxon Close.
- We think that the proposed drive should be positioned further from the gates to give a better view of the end of the drive for residents.
- We have some people with impaired vision, invalid scooters and several people in their nineties up to 98 living in our complex, so this should be a serious health and safety issue.

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'), 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 Core Strategy adopted November 2011;
- The saved policies of the Harborough District Local Plan (HDLP) adopted April 2001.

5.4 Material considerations include any consideration relevant to the circumstances which has a bearing on the use or development of land. The material considerations to be taken in to account when considering the merits of this application include the DP referred to above, the National Planning Policy Framework (hereafter referred to as 'The Framework' or 'NPPF'), the national Planning Policy Guidance, further materially relevant legislation, together with responses from consultees and representations received from all other interested parties in relation to material planning matters.

5.5 *Harborough District Core Strategy*

The Core Strategy (hereafter referred to as the 'CS') was adopted in November 2011 and covers the period from 2006 to 2028. The following Policies of the CS are relevant to this application.

- Policy CS1 (Spatial Strategy)
- Policy CS2 (Delivering New Housing)
- Policy CS5 (Providing Sustainable Transport)
- Policy CS9 (Addressing Climate Change)
- Policy CS10 (Addressing Flood Risk)
- Policy CS11 (Promoting Design and Built Heritage)

5.6 *The saved policies of the Harborough District Local Plan*

- Policy HS/8 (Limits to Development)

b) Material Planning Considerations

5.7 *The National Planning Policy Framework (The Framework / NPPF)*

The Framework, published March 2012, replaces previous national policy/guidance set out in Planning Policy Statements and Planning Policy Guidance documents.

5.8 *National Planning Practice Guidance*

The national Planning Practice Guidance (hereafter referred to as the PPG), published 6th March 2014, replaces a number of planning guidance documents that have been cancelled as part of the Government's drive to simplify the planning process.

5.10 *New HDC Local Plan*

5.11 *Supplementary Planning Guidance*

The following SPGs are considered to be most relevant:

- SPG Note 1: Design Principles to be Applied in Harborough District
- SPG Note 2: Residential Development
- SPG Note 3: Single Plot Development and Development of Small Groups of Dwellings and Residential Development within Conservation Areas
- SPG Note 9: Landscape and New Development
- SPG Note 19: Development and Flood Risk

5.12 *Leicestershire County Council Highways Authority Local Transport Plan 3*

5.13 *Leicestershire County Council Highways Authority 6Cs Design Guide*

5.14 *5 Year Housing Land Supply Statement*

The Council produces 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 most up-to-date report covers the period from 01 April 2016 to 31 March 2021 and demonstrates that the Council has a 4.66 year supply.

Paragraph 49 of the NPPF states that where local planning authorities cannot demonstrate an up-to-date five year supply (5YS) of deliverable sites they should consider planning applications for housing "in the context of the presumption in favour of sustainable development".

This proposal would make a contribution, albeit a single dwelling contribution, towards addressing the shortfall in the District's housing supply. This adds a commensurate amount of positive material weight to approving the proposal.

5.15 *ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)*

Weight to be attached to the Development Plan & Material Considerations

5.16 The identified 5YS shortfall and Paragraph 49 of the Framework indicate that the Local Planning Authority's relevant Development Plan policies for the supply of housing "should not be considered up-to-date". Therefore, the Framework advises that a reduced amount of material weight should be attached to Development Plan policies which are not in accordance with the Framework. Paragraph 14 of the NPPF is relevant, which states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- 5.17 The aspect of Policy CS2 which permits development outside Limits when there is less than a five year supply, but automatically rules it out when there is a five year supply, is judged to be out-of-date and superseded by Paragraph 14 of the Framework. The overarching guidance, advocated by both Policy CS2 and the Framework, is that new housing shall be provided in a sustainable manner and proposals shall be in keeping with the scale and character of the settlement concerned.
- 5.18 It is judged that blanket restriction policies, such as saved 2001 Local Plan Policy HS/8 (Limits to Development), are presently not up-to-date and in accordance with the Framework. The current Limits to Development of those settlements in the District which possess Limits were implemented in 2001; 15 years ago. The background work leading to the establishment of these Limits is even older; the Limits were established based on now out-of-date housing needs evidence. As such, Paragraph 14 of the Framework is pertinent; the overarching presumption in favour of sustainable development takes precedence.
- 5.19 “Annex 1: Implementation” to the Framework advocates how the Framework should be applied. In particular, Paragraph 215 qualifies that:
- “due weight should be given to relevant policies in existing plans [*the Development Plan*] 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).”
- 5.20 Further materials considerations are evaluated in the “Assessment” Section 6 of this report, below.

c) Other Relevant Documents

- 5.21 *Circular 11/95 Annex A – Use of Conditions in Planning Permission*
- 5.22 *Harborough Housing Requirements Study and Leicester and Leicestershire SHMA*

d) Other Relevant Information

- 5.23 *Reason for Committee Decision*

This application is to be determined by Planning Committee owing to the number of counter-representations received.

6. Assessment

a) Housing Requirement and Housing Land Supply

- 6.1 The District's 5 year housing supply shortfall adds material weight in favour of approving this proposal, albeit tempered by the fact that the proposal is for only one dwelling.

b) Principle of Development

- 6.2 The proposal has an existing consent in the form of application reference 14/00865/REM and 12/01023/OUT. The principle of the development has already been established by the site history.

- 6.3 This current application seeks permission for a more contemporary design, however, at a scale and massing similar to the previously approved scheme. It also subdivides the site (14/00865/REM) to enable a second property to be built that fronts Saxon Close.

c) Technical Considerations

Scale, appearance and landscaping

- 6.4 The proposal is set on a similar footprint to the extant consent scheme. It is important to note that extant permission (14/00865/REM) was judged in comparison to the Auction House present at the time of the application. Therefore, the site history of the massing and scale of the Auction House is a material consideration to this application.
- 6.4 The dwelling has a single-storey mono-pitch roof that presents the gable side to the eastern boundary. At its maximum the height will be approximately 4.25m and approximately 3m at its lowest point. A 1.8m close boarded wooden fence exists on this boundary between the properties on Saxon Close and the site (nos. 7-11).
- 6.5 The two storey element is proposed over the proposed garage orientated west of the site in order to reduce any potential overbearing impact on the neighbouring properties. The garage itself has a compressed form with accommodation for 2 bedrooms above and a family bath. The proposed mono-pitched roof will have an approximate maximum height of 6.55m and lowest point of approximately 4.85m.
- 6.6 The overall height of the dwelling proposed is markedly less than the ridge height of the extant consent 14/00865/REM and more or less in line with the demolished former Auction House building.
- 6.7 The proposed design of the dwelling is contemporary and modern and will be more readily visible from the Symington Recreation ground than any other vantage point from either Saxon Close or Roman Way.
- 6.8 The proposed materials take inspiration from the existing building typologies found commonly along Roman Way but with the use of mono-pitched roofs and bespoke window arrangement create a different and distinct aesthetic which would be read positively from the Recreation ground.
- 6.9 The topography of the land diminishes any harm to the views available across the recreation ground. The bank rises up from the main surface area and provides privacy from those using the park. Close up views of the dwelling will be minimal while those from afar will see more of the dwelling, but these views will be mostly obscured during the summer months with vegetation cover.
- 6.10 The proposed dwelling comprises of three main elements, a single storey mono-pitch wing that runs parallel with the recreation ground. A central geometrical transitional hallway, stairs and landing that is flat roof and two storey linking to the compressed mono-pitched two storey element that is orientated away from the properties on Saxon Close.
- 6.11 The proposed materials involve off white rendered walls, grey facing brickwork, aged copper effect cladding and a standing seam grey roof.

- 6.12 In terms of landscaping the garden to the rear will be mostly hard landscaped that is easily maintained than traditional turf. The garden is to provide a further outdoor space that links to the house from a large set of sliding doors.
- 6.13 Access to the rear of the property will be provided from the western side of the property around the rear of the garage from the integral garden store.
- 6.14 Further details regarding hard and soft landscaping will be subject to appropriate condition.
- 6.15 Representations received asserted that the proposal was out of scale and out of character from the surrounding area. However, it is noted that the proposed dwelling has a reduced massing, due to the compressed heights. On the eastern elevation the single storey element will measure approximately 4.85m wide and the staggered design of the dwelling means that the two storey elements will be set back approximately 8.9m away and a total of approximately 17m away from the eastern boundary.
- 6.16 Extensions, alterations and other GPDO Permitted Development works (e.g., outbuildings under Class E) could appear cramped or unsightly within the site and be visually harmful to the locality and cause harm to the setting of the Conservation Area. A GPDO (2015) Schedule 2, Part 1, Permitted Development Restriction (PDR) Condition is therefore recommended; Classes A and E.
- 6.17 The proposal is judged to be well designed. The proposal would be distinct and different but would respect the character and appearance of the site and its surroundings, which includes the green infrastructure assets (recreation ground). The proposal is judged to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy in the above respects.

2. Ecology

- 6.18 LCC Ecology has reviewed the resubmitted proposal and their full comments can be viewed on paragraph 4.6
- 6.19 In light of these comments it considered that the proposal complies with Policy CS8 of the Harborough District Council Core Strategy.

2. Flooding and Drainage

- 6.20 No Flood Risk Assessment or drainage details have been provided for this application.
- 6.21 The site is not within an identified Flood Risk Zones.
- 6.22 No comments have been received from HDC engineers.
- 6.23 Details of surface water drainage and foul drainage would be subject to necessary permissions/consents from Building Control and Anglian Water.

4. Highways

- 6.24 Representations received have predominantly objection on Highways grounds and the lack of visibility for drivers using the access to see any pedestrians along the walkway.

- 6.25 LCC highways were consulted in order to provide more guidance on the matter. Their full comments can be seen on paragraph 4.5.
- 6.26 To summarise, LCC Highways design guidance calls for private drives with 2.75m width access for a single dwelling with an additional 1m if bounded on both sides by a wall. The plans submitted show that this is achievable.
- 6.27 Given that Saxon Close is a cul-de-sac a 1m x 1m pedestrian visibility splays at the point of the drive access would be considered reasonable.
- 6.28 LCC Highways have advised that there appears to be no issue with the visibility splays to the left (towards Roman Way). To the right there appears to be a brick second pillar located in the footway which would impact on vehicular visibility.



- 6.29 However, given the local context of the speed of vehicular movement within Saxon Close (limited to 5mph), it is considered that the slight visibility restriction caused by the second pillar is not satisfactory to warrant refusal of the application. The concerns

raised by representations can be satisfactorily overcome by way of condition and LCC highways advice indicates that satisfactory visibility splays are achievable.

- 6.30 A condition is recommended to ensure the turning area is provided and a landscape scheme condition to control the type of surfacing material used for the driveway and turning area.
- 6.31 On that basis, on balance the proposal is judged to sufficiently satisfy Policies CS5 and CS11 of the Harborough District Core Strategy in the above respects.

6. Residential & General Amenities

- 6.32 The proposal in terms of its orientation and layout is very similar to the previously approved scheme under application 14/00865/REM.
- 6.33 The general positioning and siting of the dwelling has not amended significantly from the previous consent.
- 6.34 The eastern boundary of the site is shared with the rear gardens of several sheltered housing properties on Saxon Close; in particular nos. 3-7 Saxon Close. These properties are a mixture of single and 1.5 storey properties positioned approximately 5m away behind a 1.8m close boarded fence.
- 6.35 The properties have no windows at the first floor level that would harm the privacy of the site as they are bungalows and the 1.5 storey properties have no upper floor space lit by roof lights.
- 6.36 The proposed dwelling has been orientated in a manner that reduces any potential detrimental harm to the properties adjacent on Saxon Close. The element closest to the bungalows is single storey and the two storey element has been positioned along the western boundary away from these properties.
- 6.37 The two storey element of the proposed dwelling has been designed in accordance with the silhouette of the former Auction house. This element is relatively close in proximity to the southern boundary of the approximately 29.5m long rear garden of no. 62 Roman Way.
- 6.38 This boundary has existing screening in the form of mature trees which diminishes visibility. Notwithstanding, the proposed dwelling will have obscure glazed restricted opening windows facing this direction; in order to safeguard the amenity of no. 62 Roman Way.
- 6.39 Two first floor windows are proposed on the first floor (above the garage) on the eastern elevation facing the properties on Saxon Close. These windows are approximately 18.2m away at the widest point and approximately 16.9m away at the closest point.
- 6.40 Following concerns conveyed to the agent regarding the potential overlooking resulting from these 2 first floor bedroom windows, amended plans were received that show the floor length window as obscure glazed and the second window shifted to allow a 1.7m headroom clearance.
- 6.41 Given the oblique angle of the structure, the opaque glazing, the second window above 1.7m headroom and the intervening driveway, it is considered that, on balance the proposal would not cause significant detrimental harm to the amenity of neighbouring occupants to the extent that warrants refusal of the application.

- 6.42 On balance, the proposal is considered to be sufficiently satisfactory in terms of its residential and general amenity impacts; the proposal complies with Policies CS8 and CS11 of the Harborough District Core Strategy in these respects.

Sustainable Development

- 6.43 The Framework identifies three dimensions to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached;
- Economic
Provides modest economic benefit in the construction of the single dwelling, and provides employment for suitable craftspeople.
 - Social
The proposal provides suitable habitable accommodation for the existing residents, ensuring that the dwelling remains suitable for their needs, contributing to ongoing social sustainability.
 - Environmental
The proposal is not for an additional dwelling, so (beyond the initial construction period) vehicular movements are unlikely to increase long-term. By its design and materials, the proposal is not considered to cause harm to the character and appearance of the surrounding area. It is therefore considered that it will have not have a negative impact on the environment.

7. The Planning Balance / Conclusion

- 7.1 The proposal is judged in context of the existing consent (14/00865/REM) and the principle of the development is already established.
- 7.2 The proposed scheme on balance is considered to accord with Policies CS1, CS2, CS5, CS9, CS10 and CS11 of the Harborough District Core Strategy and no other material considerations indicate that the policies of the Development Plan should not prevail.

8. Planning Conditions

- 8.1 If Members are minded to Approve the application, a list of recommended Planning Conditions and Informative Notes follows in **Appendix A**.

Appendix A

Recommended Conditions

1. Development to Commence Within 3 Years

The development hereby approved shall begin within 3 years from the date of this permission.

REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. Approved Plans Reference

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

- Existing Site Survey (Drawing Number: P165 P002, dated 14.10.16;
- Proposed Site Layout (Drawing Number P165 P003, dated 13.10.2016;
- Floor Plans and Elevations (Drawing Number: P165 P004 Rev A, dated 14.10.2016;
- Design and Access Statement (P165-1J1 Plot 1)

3. Materials Schedule

No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

REASON: In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11.

4. Construction Method Statement

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities; and
- e) hours of construction work, including deliveries; has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

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

5. Landscaping Scheme

Prior to implementation, full details of proposed hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority (including access, driveway, parking, turning and all other surfacing materials, e.g., patios, pathways and lawns; boundary treatments; new planting; and a timetable of implementation). Prior to first occupation of the dwelling, the hard and soft landscape works shall be completed in accordance with the approved plans/details, unless otherwise agreed in writing by the Local Planning Authority. All planted material shall be maintained and replaced as necessary by the applicant(s) and/or owner(s) of the land at the time for a period of not less than 5 years from the date of planting.

REASON: 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 (which includes green infrastructure PROW), to ensure that the work is carried out within a reasonable period and is adequately maintained, to preserve the setting of the Conservation

Area and to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy.

6. Car Parking and Turning Facilities

Prior to first occupation of the dwelling, car parking and turning facilities within the curtilage of the dwelling shall be hard surfaced and made available for use. Thereafter, the parking and turning spaces so provided shall be maintained as such in perpetuity.

REASON: In the interest of highway safety, to ensure provision of adequate off-street parking and turning facilities, to reduce the possibility of the proposed development leading to on-street parking problems in the area and to accord with Policies CS5 and CS11 of the Harborough District Core Strategy.

7. GPDO Restriction – Schedule 2, Part 1, Classes A and E

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order, with or without modification), no development within Schedule 2, Part 1, Classes A and E shall take place to the hereby approved dwelling and its curtilage, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the character and appearance of the development and the surrounding area (which includes green infrastructure PROW), to preserve the setting of the Conservation Area and to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy.

8. Levels

No development shall commence on site until details of the existing and proposed ground levels and finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

REASON: In the interests of the character and appearance of the development and the surrounding area (which includes green infrastructure PROW), to preserve the setting of the Conservation Area and to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy.

9. Hard landscaping

All hard landscape works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority, and soft landscape works shall be carried out during the first available planting season following occupation of the dwelling: any trees which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced by others of similar size and species unless the local planning authority gives its written consent to any variation.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to accord with Harborough District Core Strategy Policy CS11.

Recommended Informative Notes

1. **Building Regulations**

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). As such, please be aware that complying with Building Regulations does not mean that the Planning Conditions attached to this Permission have been discharged and vice versa.

2. **Party Wall Act**

If the permitted plans involve the carrying out of building work along or close to a boundary, you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner/s of your intentions before commencing this work.

3. **Construction Hours & Vehicles**

Site works, deliveries, or any building works in connection with the development should only take place between the hours of 08:00-18:00 Monday to Friday, 09:00-13:00 Saturday and at no time on Sunday or Public/Bank Holidays. All vehicles associated with the development shall be parked within the site, where feasible and without harming trees.

4. **Highway Works**

Any works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Leicestershire County Council Highways Manager - (telephone 0116 3050001).

This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdq.

Planning Committee Report

Applicant: Aspects Building Services Ltd

Application Ref: 16/01657/VAC

Location: Land north of Lutterworth bypass, Moorbarns Lane, Lutterworth

Proposal: Variation of conditions 3 (site layout), 5 (drainage), 7 (highways), 15 (landscaping) and 16 (construction method statement) of 15/01597/FUL

Application Validated: 14/10/16

Target Date: 09/12/16 (extension of time agreed)

Consultation Expiry Date: 16/11/16

Site Visit Date: 25/10/16

Case Officer: Chris Brown

Recommendation

Planning Permission is **APPROVED**, for the reasons set out below and, subject to;

- The conditions set out in Appendix A

The development hereby approved would be in keeping with the form, character and appearance of the surrounding settlement, would not have an adverse affect on the amenity of adjoining residents and would not result in additional traffic which would give rise to a road safety hazard. The proposal is therefore considered to accord with Harborough District Local Plan Policy HS/8 and Core Strategy Policies CS5 & CS11 and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

1. Site & Surroundings

1.1 The site is located to the south of Lutterworth, fronting Moorbarns Lane, and immediately north of the southern Lutterworth bypass (A4303). The site is triangular in shape and is bordered by a Travelling Showpeople site (James Bond site) to the north east, the bank of the Lutterworth bypass (A4303) to the south, and across Moorbarns Lane to an area of open space provision to the west. Moorbarns Lane continues to the south, with access to a domestic refuse site, whilst to the north of the site along Moorbarns Lane are both John Wycliffe Primary School, and Lutterworth High School. The site is currently not in use for agriculture, and overgrown.

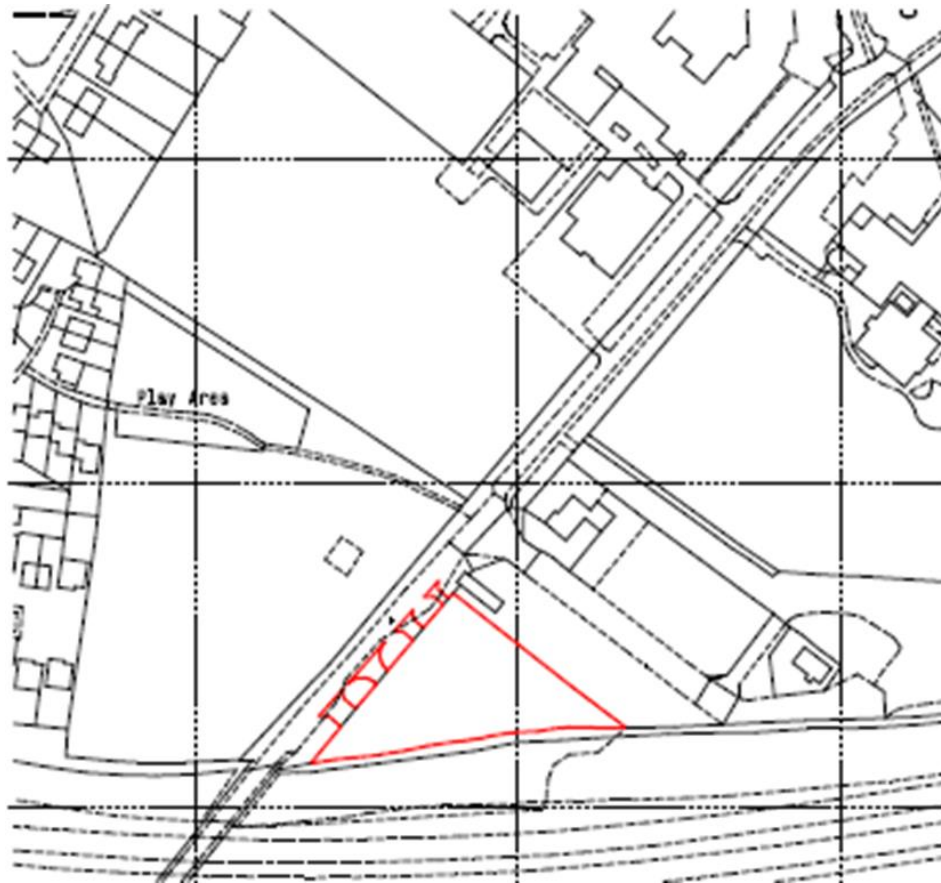


Figure 1: Site Location

- 1.2 The site is open in appearance, with a frontage on to Moorbarns Lane dominated by the mixed planting and hedging along the Highway verge. Moorbarns Lane is single lane in width at the site with two existing pull in areas proposed to form accesses into the site. There are defined tree belts to both the north east boundary (to the James Bond showpeople site), and in addition to a 1.8m fence to the southern boundary, to the high bank of the Lutterworth bypass to the south. The site is largely flat, with a very slight change in levels dropping from north to south across the site. The site is set back approx. 1.5m from the highway by a grass verge.
- 1.3 The Site sits south of an existing Travelling Showpeople development along Moorbarns Lane (James Bond site). Elsewhere along Moorbarns Lane, two schools (Lutterworth High School and John Wycliffe Primary School) are sited to the north of Moorbarns Lane, also with frontage onto Woodway Road, with no further residential development along Moorbarns Lane. To the south of the site, and over the bridge across the Lutterworth Bypass, is located a domestic refuse recycling site, together with a small number of agricultural and business units. In addition, a site south of the Lutterworth bypass has extant permission for additional Travelling Showpeople plots. Work on this site has not commenced. The site is within limits to development for Lutterworth and outside of a conservation area.

2. Site History

2.1 The Site has the following planning history,

- 12/01579/OUT - Demolition of existing dwelling, erection of 50 dwellings with associated landscaping and hardstanding (all matters reserved) – **refused (22/01/13)**
- 13/01906/OUT - Demolition of existing dwelling, erection of up to 50 dwellings, and associated estate roads, hardstanding and landscaping (revised scheme of 12/01579/OUT) (means of access to be assessed) – **refused (11/03/14), and appeal dismissed (31/03/15)**
- 15/00714/FUL – Erection of 9 dwellings with vehicular access – **refused (03/09/15), and appeal withdrawn**
- 15/01597/FUL - Erection of 9 dwellings with vehicular access (revised scheme of 15/00714/FUL) – **approved (06/01/16)**

3. The Application Submission

a) Summary of Proposals

- 3.1 The benefits from planning permission (15/01597/FUL) for the erection of 9 dwellings. This application seeks to amend the approved plans to incorporate landscaping and highways amendments, whilst also discharging conditions related to drainage provision and construction method statement.
- 3.2 The approved scheme shows 9 dwellings sited in three blocks of 2 semi-detached dwellings, fronting Moorbarns Lane, with a further row of 3 dwellings sited within the site to the south east. An area of open space/ecological enhancement is proposed to the rear of the site, within the south east corner (approx. 15m in length).
- 3.3 This application does not propose any alterations to the permitted dwellings, with all dwelling dimensions to remain as approved under permission 15/01597/FUL. The proposed layout also shows the provision of 4 separate accesses off Moorbarns Lane, as per the extant permission. 3 of the proposed accesses will directly serve a pair of semi-detached dwellings, with a fourth access serving a further row of 3 dwellings within the site, and to the rear of the pairs of semi-detached dwellings. Two car parking spaces are provided per dwelling.
- 3.4 Permission 15/01597/FUL also followed a refusal of application 15/00714/FUL; with amendments for the application compared to the previous application (15/0714/FUL) include reducing the potential for vehicles to reverse onto Moorbarns Lane. This was been reduced by 50%, by relocating both spaces allocated to plot 5, and one of the spaces for plot 3, to the rear of the dwellings, instead of fronting Moorbarns Lane. This also has the secondary impact, by locating the two spaces for plot 5 at the rear which previously were placed beyond the frontage of plot 6 to the south-west of the site.



Figure 2: Proposed site layout

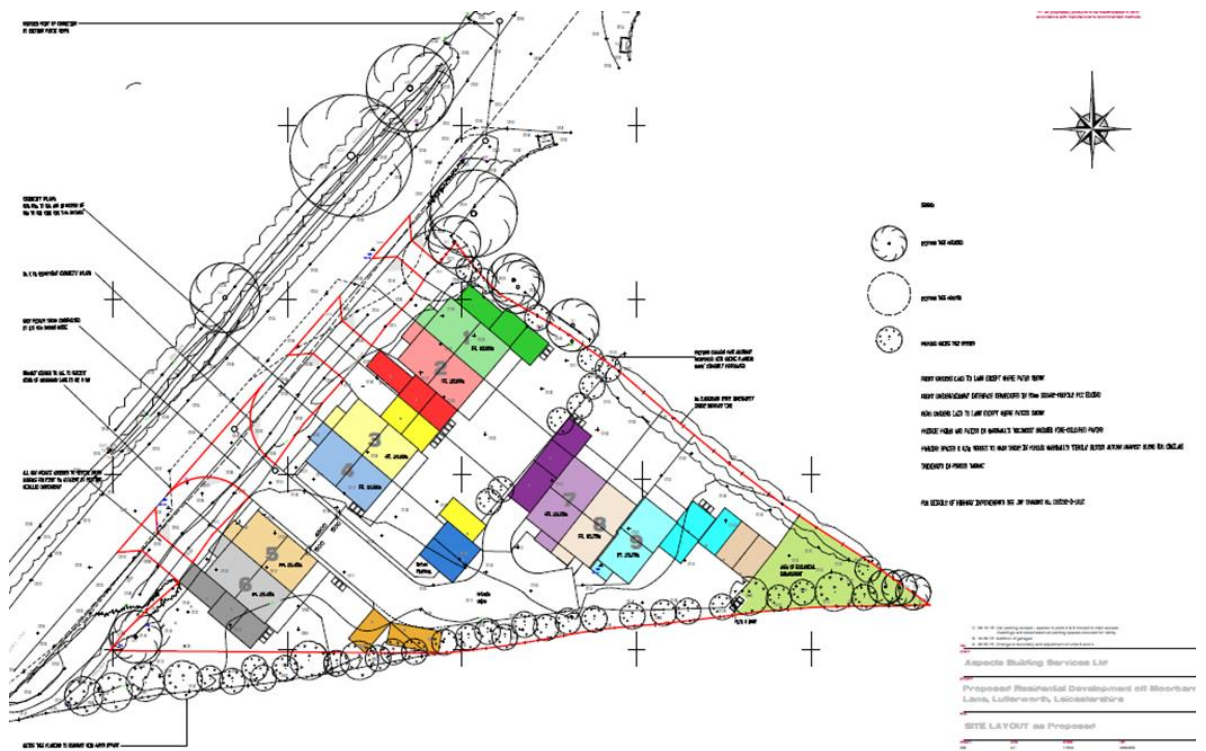


Figure 3: Approved site plan (15/01597/FUL)

3.5 This application differs from that of 15/011597/FUL in layout only with regards to landscaping and highways. The dwellings proposed remain the same as those

permitted, with adjustments made to the layout to take account amendments to the highway proposed, together with additional landscaping detail to discharge the appropriate landscaping condition. Both of the amendments proposed to the layout with regards to highways and landscaping are discussed further below.

- 3.6 In addition to the amendments to the permitted layout proposed, the application also seeks to discharge the relevant drainage (condition 5) and construction method statement (condition 16) conditions, with additional information provided for each. Summary table 1 below sets out the proposed variation to conditions proposed:

Condition to be varied	Approved 15/01597/FUL	Proposed amendment 16/01657/VAC
3 - Layout	Approved layout plan 4364-03	No amendments proposed to dwelling layout
5 – drainage	Requirement for surface water drainage strategy	Drainage strategy submitted, proposing use of porous surfacing and soakaways
7 – Highway works	Approved layout plan 4364-03 showing widening of Moorbarns Lane, lengthening and widening of pavement and speed control	No off site works to Moorbarns Lane, retention of visibility splays and pedestrian visibility splays
15 – landscaping	Requirements of landscaping scheme to be submitted	Retention and enhancement of boundaries, additional tree planting to south boundary, and ecological enhancement area to SE corner.
16 – construction method statement	Requirements of CMS to be submitted	CMS submitted stating required storage, parking and working hours

b) Documents submitted

i. Plans

- 3.7 The application has been accompanied by the following plans –

Proposed Layout 4364-03 Rev. D

The previous permission 15/01597/FUL also included the following approved plans:

Location Plan
 Proposed Layout 4364-03 Rev. C
 Proposed Layout 4364-02 Rev. A
 Proposed Plan 4364-04
 Proposed Plan 4364-05 Rev. A

Existing Highway Plan 4364/H1
Proposed Highway Plan 4364/H2
Road Improvement Plan C85232-D-101

ii. Supporting Statements

3.8 The application has been accompanied by the following supporting statements –

Drainage Strategy
Construction Method Statement

(and for permission 15/01597/FUL) –

Topographical Survey 1720-1
Noise Impact Assessment (October 2012)
Noise map contours
Archaeological Assessment (December 2013)
Biodiversity Survey (December 2013)
Highway boundary information (September 2011)

c) Pre-application Engagement

3.9 Prior to submitting the planning application the site has not been subject to a pre-application. However, the site history includes two applications for the erection of up to 50 dwellings, including this site and adjoining sites. The site also now benefits from permission for 9 dwellings (15/01597/FUL).

3.10 This site does not have permission for travelling showpeople provision, and therefore there is no loss of travelling showpeople plots proposed by this application.

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 19th October 2016 and included a site notice put up on 25th October 2016. This consultation period expired on 16th November 2016.

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 **Lutterworth Town Council**
No objections however the Town Council still maintain their objections to the site.

LCC Highways

4.4 With regard to the above planning application the County Highway Authority (CHA) would have the following comments:

4.5 Further to pre-application correspondence with the applicant the CHA has considered the proposed revocation of condition 7 of the 2015/01597/FUL planning permission and the helpful Transport Note produced by Lennon Transport Planning (attached) which accompanied this proposal. The CHA would conclude that the

general request for the 2015/01597/FUL development to proceed without the majority of the off-site highway works would be acceptable.

- 4.6 Paragraph 203 of the National Planning Policy Framework (NPPF) states: "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions." It goes on to state that planning conditions should only be imposed where they meet the NPPF defined six tests. On reflection and when considered against the potential trip generation of a 9 dwelling development the CHA would not consider it to be reasonable to seek to defend at appeal the imposition of condition 7 when tested against the 6 tests as defined within the Government policy.
- 4.7 That said the CHA's notes that it remains the applicant's intention to undertake the localised carriageway strip widening and new footway along the site's frontage shown in the revised drawing 4364/03 Revision D. The principle of this for the scale of development permitted is acceptable to the CHA and considered reasonable against the aforementioned guidance but may of course be subject to minor amendment at the detailed design stage.
- 4.8 The CHA also notes the applicant's intention to incorporate highway land as residential curtilage and whilst the CHA does not object to this principle the CHA would advise the applicant that it would be necessary for the applicant to stop up the highway extent from the back of footway shown as residential curtilage under Section 247 of the Town and Country Planning Act 1990. The CHA also notes that this extent is not currently shown within the red line boundary of the submitted plan, which might also need revising for this purpose. Clarification ought to be sort from the relevant bodes if this change may be problematic to enable this process or in planning terms.
- 4.9 The CHA would advise that the Construction Method Statement as currently proposed ought to be amended to provide explicit clarification on how the site will operate, show adequate off-carriageway parking for construction vehicles and staff and demonstrate that the development will not adversely impact the highway network.

HDC Environmental Health

- 4.10 No objections providing that the amelioration measures recommended are conditioned and implemented accordingly.
- 4.11 In relation to these measures however, whilst it is clear where the acoustic barriers are to be erected, I think it is somewhat unclear as to exactly what other measures are being recommended, and for what dwellings.
- 4.12 For example, Room Ventilation (trickle venting) is discussed, should all properties benefit from this or just the properties deemed to equate to NEC B and/or C? The same could be said for the Positive Input Ventilation (PIV) systems and Roof and Floor insulation. There is discussion about them, but I cannot tell if they are being recommended, and if so, for which properties.
- 4.13 In short, I feel that a summary on Amelioration measures would be beneficial (to also cover the acoustic barriers), to identify exactly what is being recommended and for which properties, set out in a way such that the recommendations can be easily conditioned on the application.

LCC Ecology

- 4.14 No comments received, however comments received for permission 15/01597/FUL are as below:
- 4.15 An updated survey completed in August 2015 (Ecolocation) was submitted in support of the previous application (15/00714/FUL). This survey indicated that the site is of relatively low ecological value and has a low to medium potential to support protected species, although no evidence was recorded during the survey.
- 4.16 Therefore, provided that the previously submitted survey is used in support of this application, we would have no further survey recommendations, but would request that the applicants attention is drawn to the recommendations in the report.
- 4.17 **Lead Local Flood Authority**
The LLFA have not advised the implementation of the surface water drainage condition (5), as such the LLFA feel it would be inappropriate for us to advise on the discharge of this condition. We recommend that the LPA seek advice from the consultee that advised the original condition to advise on this Variation of Conditions.

b) Local Community

- 4.18 0 representations received. No representations were also received for application 15/01597/FUL

5. Planning Policy Considerations

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

a) Development Plan

- o Harborough District Local Plan
- 5.2 Relevant Policy of HS/8 – Limits to Development. The site is located within limits to development for Market Harborough.
- o Harborough District Core Strategy (Adopted November 2011)
- 5.3 Relevant policies to this application are, CS1, CS2, CS5, CS11 and CS14. These are detailed in the policy section at the start of the agenda, with the exception of Policy CS14, detailed below.
- 5.4 Policy CS14 of the Core Strategy sets out the Council's approach to development in Lutterworth. Policy CS14 identifies Lutterworth as a Key Centre, based on its service provision, and states;

'Lutterworth will develop as a Key Centre for the District to provide new housing, employment, retail, leisure and community facilities to serve the settlement and its catchment area; in a manner which seeks to create a more attractive environment for businesses and visitors to the town centre. In so doing residential development will be provided to encourage town centre trade...'

b) Material Planning Considerations

- Supplementary Planning Guidance

5.5 The Supplementary Planning Guidance Note that is relevant to this application is Note 3: Development of single plots, small groups of dwellings and residential development in Conservation Areas, in addition to Note 5: Extensions to Dwellings.

c) Other Relevant Information

- *Reason for Committee Decision*

5.6 This application is to be determined by Planning Committee as the previous application (15/01597/FUL) was determined by Committee and the previous application (15/00714/FUL) was called into Committee for decision by the Ward Member (Cllr Robinson). Application 15/01597/FUL was permitted. Whilst this application has not been called in and is not a major application, Officers considered it relevant to be determined by Planning Committee given the previous application history.

6. Assessment

a) Principle of Development

6.1 The town of Lutterworth is identified within CS14 as a Key Centre (having all 6 key services and therefore considered sustainable), and Lutterworth does have identified Limits to Development, and the site falls within this. Policy CS2 outlines that Lutterworth is to be allocated a minimum of 700 dwellings, and in addition;

‘Housing development will not be permitted outside Limits to Development (either before or following their review) unless at any point there is less than a five year supply of deliverable housing sites and the proposal is in keeping with the scale and character of the settlement concerned.’

6.2 The centre of the site is within 200m of a primary school and high school, within 500m of a shop, and within 800m of pub and within 800m of the town centre.

6.3 As the site is within limits to development and the Council is unable to demonstrate a 5yr supply, the principle of development therefore is considered in compliance with the Core Strategy.

b) Housing Requirement and Housing Land Supply

6.4 The Council presently does not have a 5yr Housing Land Supply. If this application were approved it would provide 9 additional dwellings.

c) Technical Considerations

1. Scale, appearance and landscaping

6.5 The application site is within the Limits to Development for Lutterworth and is therefore acceptable in principle for the proposed development. The erection of dwellings on this site would change the rural and undeveloped character and appearance of the site; however this is a small parcel of open land on Moorbarns

Lane prior to the bridge over the bypass. The site is bordered by an existing Showpeople site to the north and east, the bypass to the south and maintained open space across Moorbarns Lane to the west. If the site was to be developed, it would form the new edge of the settlement with the countryside, and also use the bypass as this clear boundary, and therefore it is important that the scheme is well designed so as integrate development with existing built form and to be visually unobtrusive.

- 6.6 The layout of the site shows the dwellings set back approx. 15m behind the existing line of trees and shrubs along Moorbarns Lane, with 3 blocks of semi-detached pairs of dwellings to front Moorbarns Lane, and a row of 3 attached dwellings sets within the site. The ecological enhancement area will also provide a buffer to the south eastern edge of the site. The site is approx. 40 dwellings per hectare in density, to accommodate the proposed dwellings on a relatively small site (0.22ha).
- 6.7 The principle of the development as proposed has been permitted, with this application proposing no amendments to the scale or appearance of the dwellings proposed.
- 6.8 The proposed layout shows the retention of existing trees to the southern boundary of the site adjacent to the Lutterworth southern bypass, with additional native tree planting (hawthorn, hazel, holly, field maple) to this southern boundary. In addition, nest boxes are proposed to these trees as set out in the proposed plan. An area of ecological enhancement is proposed (as per the permission) to the south east corner of the site, to be planted with wild flower seeds rather than grass seed, and to be fenced off with a 1.35m post and rail fence from the proposed development.
- 6.9 Elsewhere across the site a 2m close boarded fence is proposed, together with additional planting to the northern boundary where there are currently gaps in the existing boundary line. All front and rear gardens to the dwellings are proposed as lawn, with pine coloured paving, with parking spaces in a dark yellow colour and driveways in porous tarmac.
- 6.10 The landscaping proposals set out are considered acceptable and considered to suitably discharge the site layout (3) and landscaping conditions (15) of permission 15/01597/FUL.

2. Drainage

- 6.11 Leicestershire County Council provided standing advice only as part of permission 15/01597/FUL, with a drainage strategy conditioned as part of the permission (condition 5).
- 6.12 Condition 5 sets out:
- 6.13 'No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 years critical storm including an allowance for climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- details of how the scheme shall be maintained and managed after completion;
 - a plan stating development areas, impermeable areas and areas draining to the surface water system e.g. balancing pond'.
- 6.14 The submitted drainage strategy proposes a series of permeable surfacing across the development, and the use of soakaways to serve the individual dwellings proposed.
- 6.15 The existing greenfield site drains to the east, and is not located within a flood zone, with no groundwater recorded on site. Permeable paving is proposed to be used to all hard surfacing within the scheme outside of the highway, with roof water to be discharged to either ring or trench soakaways located within either the gardens to each dwelling or open areas within the scheme. The proposals are for three ring and one trench soakaway to serve plots 1, 2, 7 and 8, plots 3 & 4, Plots 5 & 6 and Plot 9. The soakaways are to be located near to the contributing plots.
- 6.16 As a minimum all infiltration drainage will be designed to accommodate all storm events up to and including a 1:30 year storm event. Preferably the design should be robust enough to contain storms up to a 1:100 year event (plus 30% for climate change). Similarly they will meet the 24 hour half drain requirement to ensure they are able to accommodate consecutive storms.
- 6.17 The proposed drainage strategy is considered acceptable to discharge condition 5 as above, with the proposal both falling below the threshold of 10 dwellings to require SUDS on site, and will be conditioned to be in accordance with the recommendations of the drainage strategy.

3. Ecology

- 6.18 A Biodiversity Survey and Report documents were submitted as part of the application 15/01597/FUL. The development will seek to retain the hedgerows to the south and north east of the site and will offer habitat enhancements in the south east corner. Overall it is considered that the hedgerow boundaries will not be impacted provided a suitable landscaping and lighting scheme is in place.
- 6.19 LCC Ecology have stated that the survey indicated that the site is of relatively low ecological value and has a low to medium potential to support protected species, although no evidence was recorded during the survey.
- 6.20 No additional information is required as part of this variation of condition application, with no ecology conditions to either vary or discharge.

4. Highways

- 6.21 Permission 15/01597/FUL proposed a series of off site highway improvements to Moorbarns Lane, which were conditioned (condition 7) with the permission.
- 6.22 The proposed and conditioned highway works included widening a section of Moorbarns Lane towards the schools to the north (an approx. distance of 120m) to mitigate against the impact of the proposed development traffic to allow safe access and egress to and from the site.

- 6.23 The proposed widening included the provision of a 1.8m wide footway along the frontage of the development up to the James Bond caravan park access. The plans conditioned also showed proposals to widen Moorbarns Lane between the Caravan Park access and towards the Primary School at the top of Moorbarns Lane, to a total carriageway width of 6.8m which allows for a 2.0m wide parking bay and 4.8m wide through carriageway width to enable vehicles to pass each other. The drawing also showed proposals to widen the existing footway on the south-east side of Moorbarns Lane to 1.8m.
- 6.24 The conditioned highways plan is shown in figure 4 below.

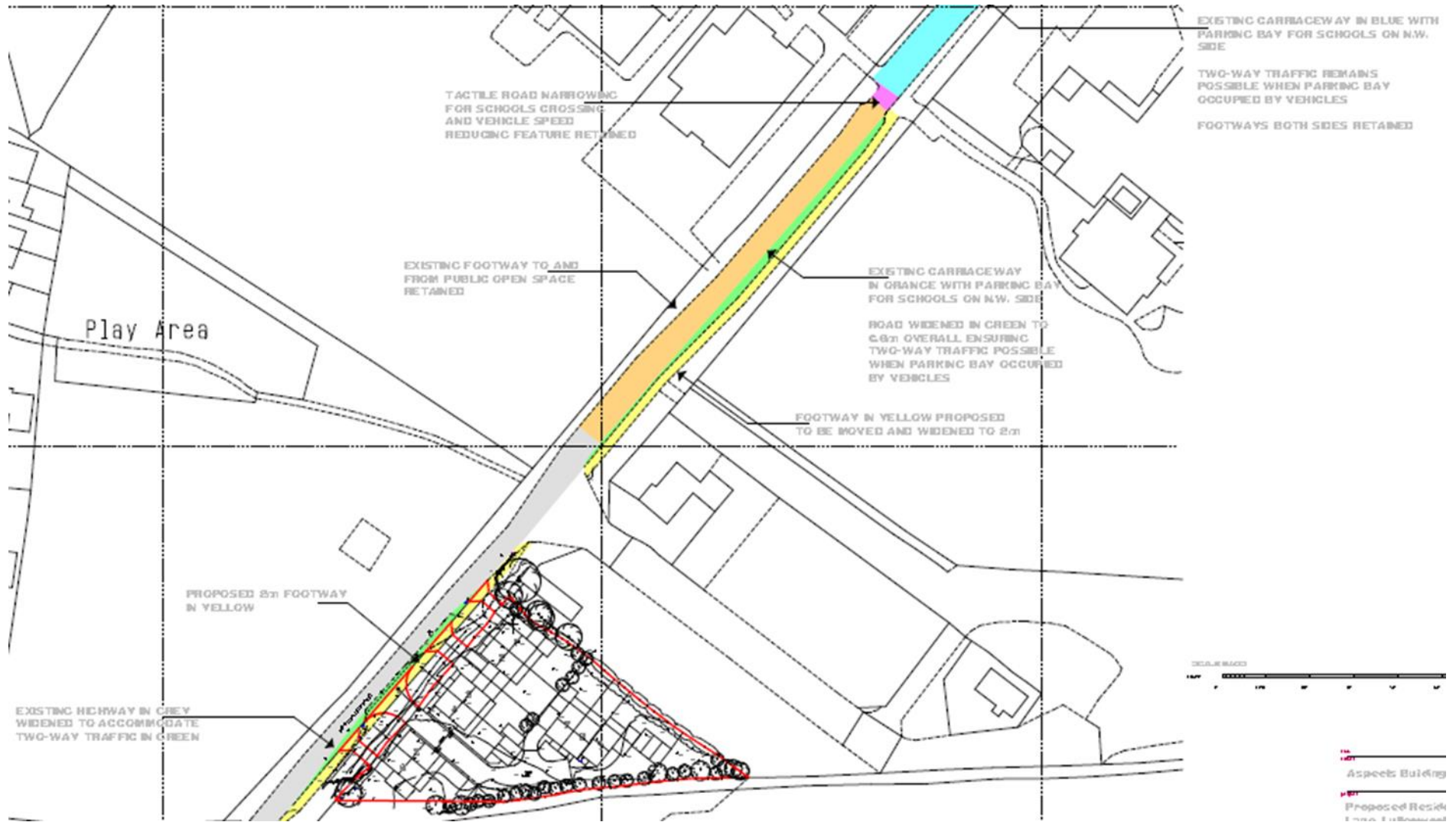


Figure 4: Highways layout as per condition 7 of permission 15/01597/FUL

- 6.25 As part of this application, the applicant seeks to amend the proposed highway works to be considered more in keeping with the scale of development proposed. LCC Highways have stated that they would not consider it to be reasonable to seek to defend at appeal the imposition of condition 7 (of permission 15/01597/FUL) when tested against the 6 tests as defined within the Government policy (NPPF para 203).
- 6.26 The revised layout also demonstrates an intention to undertake the localised carriageway strip widening and new footway along the site's frontage shown in the revised layout drawing. LCC Highways consider the principle of this for the scale of development permitted is acceptable and considered reasonable against the aforementioned guidance but may of course be subject to minor amendment at the detailed design stage. The revised layout maintains sufficient visibility splays of 63m to the south and 91m to the north, with 2m x 2m pedestrian visibility splays to all accesses from Moorbarns Lane.
- 6.27 The Transport Statement submitted with the application states the reason for the revised proposals as below:
- 'having now re-evaluated the consented scheme I am seeking to establish / question the need, reasonableness and validity of such a conditional requirement in order that the Applicant achieves a proportionate / balanced obligation in terms of offsite Highway works'*
- 6.28 LCC Highways do not have any objections to the removal of condition 7 of permission 15/01597/FUL, raising no impact on highways safety from the revised and reduced set of highway works proposed.

5. Residential Amenity

- 6.29 This variation of condition application does not propose any amendments to the scale or elevations of the dwellings proposed. Amenity issues were considered as part of permission 15/01597/FUL, with no impact upon neighboring amenity considered to arise from the proposal, with the application considered in accordance with Core Strategy Policy CS11.
- 6.30 This application does seek to discharge condition 16 relating to a requirement for a construction method statement. Condition 16 states:
- No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
- a) the parking of vehicles of site operatives and visitors;
 - b) storage of plant and materials used in constructing the development;
 - d) wheel cleaning facilities;
 - e) hours of construction work, including deliveries; has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.
- 6.31 The applicant has submitted a construction method statement setting out the following in relation to the condition:
- a) visitors to park within vacant spaces on Moorbarns Lane if available, with site workers to drop off at the site and then park on the neighboring James Bond caravan park.
 - b) materials will be delivered to the site when required rather than stored on site, with unloading within the temporary access within the site, not on the

- highway. Any excess storage to be on the neighboring James Bond caravan park.
- d) all deliveries to be within the temporary access to the site, off the highway, with the access road to be kept clean, with power washing of vehicles as and when required due to weather conditions.
 - e) hours of work are proposed to be 7:30am to 4:30pm Monday to Friday, and between 8am and 2pm on Saturdays, with no Sunday or bank holiday working
- 6.32 LCC Highways have asked for additional information with regards to a) to show adequate off-carriageway parking for construction vehicles and staff and demonstrate that the development will not adversely impact the highway network. This has been requested and any further information will be reported.
- 6.33 With regards to b) and d), these are considered acceptable. With regards to e) (hours of working), the Council, through Environmental Health advice, would normally stipulate a start time for work to be 8am, rather than the 7:30am proposed. However, the site is located well away from existing residential uses, with the exception of the neighbouring James Bond caravan park, and an earlier start time by 30mins is also considered to assist in avoiding any conflict with the school run period to the primary and high school to the north of Moorbarns Lane. The applicant's proposal is therefore considered acceptable in this regard.

d) Sustainable Development

- 6.34 The Framework identifies three dimensions to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached;
- o Economic

Provides economic development in the building of 9 dwellings, including 9 dwellings towards the Council's 5yr supply, currently a shortfall. The development would also generate New Homes Bonus funding for the Council to invest in facilities and infrastructure in the area. As well as the direct economic benefits related to employment generation and investment, the proposal will deliver 9 dwellings.
 - o Social

Provides 9 new dwellings, which contributes to housing need. The site can also be accessed by sustainable modes of transport, including foot/cycleway which may contribute towards health and well being, and is located within 200m of a primary school, and within 500m of a shop and within 800m of a pub and the town centre.
 - o Environmental

The proposal is in keeping with the character and appearance of the surrounding area, and well sited to the southern boundary of the town. Additional planting and retention of existing hedges and trees will help to improve bio-diversity and enhance the environment, together with an area identified for ecological enhancement. It is therefore considered that it will have not have a negative impact on the environment.

7. The Planning Balance / Conclusion

- 7.1 Overall it is considered that the proposed dwellings, by virtue of their siting, appearance, scale and massing, the proposal would be acceptable and would not adversely affect local highway safety or give rise to a road safety hazard.
- 7.2 The proposal would provide housing development within the District, and would contribute towards the Council's Housing Land Supply. The National Planning Policy Framework provides an undertone of the importance of housing delivery and this site is considered to be sustainable. The site is within the Limits to Development for Lutterworth, a Key Centre.
- 7.3 The application site is on the edge of the built form of the town, though within the Limits to Development, with an identified high landscape capacity to accommodate development, and relates relatively well to the existing built up area of a Showpeople site to the north. The Council is unable to demonstrate an up-to-date five year supply of deliverable sites for housing, and therefore finds support from Policy CS2(a). This is a very important material consideration that weighs strongly in favour of the proposal.
- 7.4 In the absence of a five year housing land supply, paragraph 14 of the Framework is engaged, and therefore permission granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits.
- 7.5 The scale, design and form of the development respects the character of the surrounding area and it will integrate with the existing built form. Residential amenity is safeguarded, and LCC Highways have raised no objections to the proposal. The proposal therefore complies with Policies CS1, CS2, CS5, CS11, and CS14 of the Harborough District Core Strategy.

APPENDIX A – Planning Conditions

8. Planning Conditions

8.1

1) **Planning Permission Commencement**

The development hereby permitted shall be begun before the expiration of three years from the date of permission 15/01597/FUL, 6th January 2016.

REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Materials

- 2) No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

REASON: In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11.

Permitted Plans

- 3) The development hereby permitted shall be in accordance with the following approved plans Proposed Layout 4364-03 Rev. D, Proposed Layout 4364-02 Rev. A, Proposed Plan 4364-04, and Proposed Plan 4364-05 Rev. A.

REASON: For the avoidance of doubt.

PD Removal

- 4) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no development within Part 1, Classes A-E shall take place on the dwellings hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements and to accord with Harborough District Core Strategy Policy CS11

Drainage

- 5) The development approved shall be constructed in accordance with the recommendations of the drainage strategy (Cadsquare Midlands Limited, October 2016) and retained in perpetuity.

REASON: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

Archaeology

- 6) The development shall not be occupied until a post-investigation programme of archaeological analysis and report writing has been completed in accordance with the programme set out in the University of Leicester Archaeological Services (ULAS) *Written Scheme of Investigation for archaeological work*. The applicant will also make provision for creation of the project archive and secure arrangements for its satisfactory deposition with an appropriate repository acceptable to the planning authority.

REASON: To ensure satisfactory archaeological investigation and recording

Road widening

- 7) Prior to the occupation of the first dwelling on the site, the applicants shall construct, complete and open for use, the highway and footway works illustrated on drawing 4364/03 Revision D.

REASON: In the interests of highway safety, capacity and sustainability.

Existing Access

- 8) The existing vehicular access that become redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority within one month of the new access being brought into use.

REASON: To protect footway users in the interests of pedestrian safety, and to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

Surfacing

- 9) The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

Garage Dimensions

- 10) Any garages must have minimum internal dimensions of 6 metres x 3 metres if they are to be counted as a parking space and once provided, shall thereafter permanently remain available for car parking.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

Private Drive width

- 11) Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

Plot 1 Drive Width

- 12) The private drive to plot number 1 shall be a minimum of 2.75 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

Drive surfacing

- 13) Before first use of the development hereby permitted each access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

Pedestrian Visibility Splay

- 14) Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety

Landscaping

- 15) Landscaping shall be carried out in accordance with approved plan 4364/03 Rev D and retained in perpetuity. All soft landscaping comprised in the approved details shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from the date of first occupation of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to accord with Harborough District Core Strategy Policy CS11

Construction Method Statement

- 16) All works on site during the construction of the development will be in accordance with the submitted Construction Method Statement.

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

Noise Assessment

- 17) Prior to occupation of the first dwelling, the recommendations in Chapter 8 of the noise assessment submitted shall be implemented.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area with Harborough District Core Strategy Policy CS11

Notes to applicant:

- 1) You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
- 2) 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.
- 3) All works must be in accordance with the Biodiversity Survey and Report (dated August 2015), including recommendations for ecological enhancement.
- 4) The driveway to plot No 1 appears to be only 2.5m wide. The width of the driveway should be 2.75m to accord with the 6C's Design Guide.
- 5) All works within the limits of the highway with regard to the accesses shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).
- 6) This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Infrastructure Planning team (for 'major' accesses serving more than one dwelling) or the Highways Manager (for 'minor' accesses serving one dwelling only). For further information, including contact details, you are advised to visit the County Council website as follows: -
For 'major' accesses - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg
For 'minor' accesses serving one dwelling contact the Customer Service Centre team
Tel: 0116 3050001.
- 7) C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.
- 8) You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

Planning Committee Report

Applicant: Mr Peter Staniforth

Application Ref: 16/01709/VAC

Location: Land Adj No 17 Mill Lane, Smeeton Westerby

Proposal: Variation of Condition 2 (approved plans) of 16/00876/FUL to amend siting of the dwelling and the garage, and to amend the garage design and the west gable design

Application Validated: 01.11.2016

Target Date: 27.12.2016 (Extension of Time Agreed)

Consultation Expiry Date: 09.12.2016

Site Visit Dates: 29.01.2016 and 04.02.2016 for 15/02028/FUL, 06.04.2016 for 16/00463/FUL, 08.06.2016 for 16/00876/FUL and 15.11.2016 for 16/01709/VAC

Case Officer: Nick White

Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report and subject to the appended Planning Conditions (Appendix A).

Recommended Justification Statement:

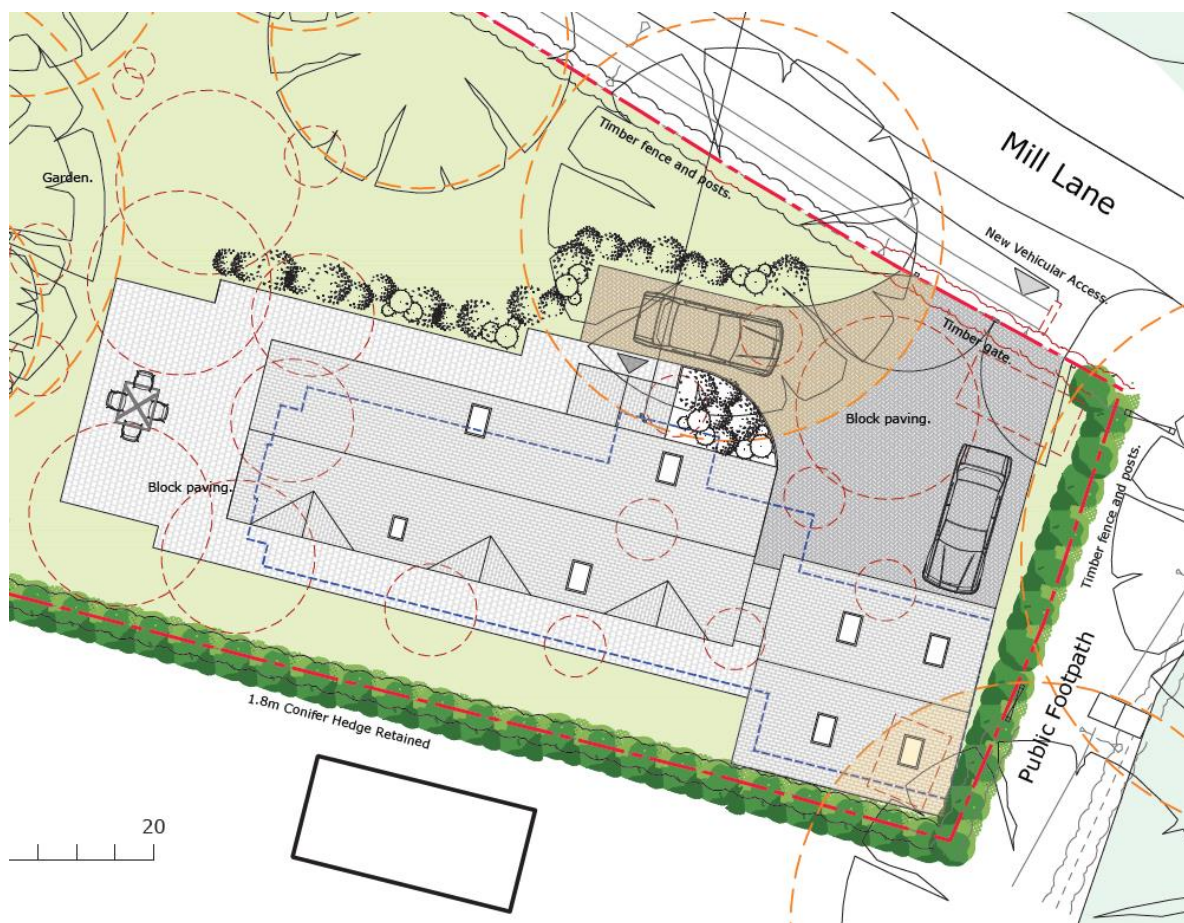
The proposal would deliver residential development in a sustainable location. The proposal would contribute to the Council's Five Year Housing Land Supply (5YS), which is a consideration in favour of the proposal as the Council cannot currently demonstrate a 5YS. The proposal, by virtue of its design (form, mass, scale, proportions, style and materials), would be in keeping with the character and appearance of the site and its village and rural surroundings, would not harm the amenities of surrounding residents or general amenities in the area, would not adversely affect ecological, archaeological or arboricultural interests, would not exacerbate flood risks, and would not be detrimental to highway safety. The proposal would preserve the special character and appearance (the setting) of the Conservation Area. The proposal accords with Policies CS1, CS2, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy and no other material considerations indicate that the policies of the Development Plan should not prevail. The decision has been reached taking into account, inter alia, Paragraphs 186 and 187 of the Framework and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

1. Background Information & Proposal

- 1.1 The current application is a Section 73 (T&C Planning Act) application to vary the approved plans condition attached to recent approval 16/00876/FUL. It is effectively a full planning assessment of the proposal, noting that 16/00876/FUL was approved

by Planning Committee on 21.09.2016. Time Limit Conditions (i.e., Condition 1 of 16/00876/FUL) cannot be varied under Section 73 applications and must be reworded to reflect the original date of consent.

- 1.2 The 16/00876/FUL Report that was presented to Planning Committee provides a full understanding of, inter alia, the site and planning policy context, the fundamentals of the proposal, consultee comments and local representations. For ease of reference, the 16/00876/FUL Report is available to view online via the 16/01709/VAC file.
- 1.3 Consultee comments and local representations for this VAC application are reported below, along with an assessment of all new material planning considerations. Applicable planning policies remain the same as for 16/00876/FUL and it is not proposed to repeat established planning matters, e.g., the principle of residential development on this site.
- 1.4 The current application seeks approval for the following 3 amendments to the 16/00876/FUL approved plans:
 1. To move the footprint of the dwelling approximately 1m forwards (northwards) towards Mill Lane, as well as 0.7m westwards. The agent advises that this is to allow a little more separation between the house and the neighbouring land to the south. The dashed outline on the following plan extract shows the approved footprint versus the solid line of the VAC proposal:



2. To change the approved carport to a timber clad garage with timber garage doors. The footprint of the garage has increased marginally to accommodate a staircase up into the roof space – the garage is approximately 30cms deeper in footprint and 60cms wider. A subordinate pitched roof link is proposed between the garage and the dwelling, which would provide internal access. The footprint increase for the garage and link combined is approximately 5.57sq.m. A room above the garage is created and 4 rooflights provide natural light for this space. The agent has agreed to a Condition which requires the external elevations and doors of the garage to remain unpainted in perpetuity (to prevent potential incongruous painting and to enable the appearance of the timber to remain natural and to soften over time). The following 3D CGI compares the current garage proposal against the approved carport:



proposed 3d visual from mill lane



approved 3d visual from mill lane

3. To delete the feature chimney to the west gable elevation and alter the fenestration style / arrangement:

The approved 16/00876/FUL design:



The VAC proposed design:



2. Plans and Statements / Documents For Assessment

i. Plans

2.1 The applicant has submitted the following plans:

- Site Location plan (Drawing Number: 1374(3) P01, dated 19.05.2016);
- Proposed Site Plan (Drawing Number: 1374(4) P04, dated 27/10/2016);

- Proposed Floor Plans Ground Floor (Drawing Number: 1374(4) P05, dated 27/10/2016);
- Proposed Floor Plans First Floor (Drawing Number: 1374(4) P06, dated 27/10/2016);
- Proposed Roof Plan (Drawing Number: 1374(4) P07, dated 27/10/2016);
- Proposed Elevations 1 (Drawing Number: 1374(4) P08, dated 27/10/2016);
- Proposed Elevations 2 (Drawing Number: 1374(4) P09, dated 27/10/2016);
- Proposed Elevations 3 (Drawing Number: 1374(4) P10, dated 27/10/2016);
- Proposed Views (Drawing Number: 1374(4) P11, dated 27/10/2016);
- Proposed View (Drawing Number: 1374(4) P12, dated 27/10/2016);
- Proposed View – Comparison (Drawing Number: 1374(4) P13, dated 27/10/2016).

ii. Supporting Statements / Documents

2.2 The applicant has submitted the following supporting statement:

- Supporting Information letter (qualifying the proposed amendments), received 06.12.16.

3. Pre-application Engagement

3.1 Since 16/00876/FUL was approved, the applicant has sought informal Officer advice about how to seek permission for the amendments listed above.

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community have been carried out on the application.

4.2 A summary of the technical consultee and local community responses which have been received is set out below. If you wish to view comments in full, please request sight or search via: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

4.3 HDC Technical Services (Drainage Engineer)

Consulted. No comments received.

4.4 HDC Environmental Services

Consulted. No comments received.

4.5 HDC Neighbourhood and Green Spaces Officer

Not consulted again. 16/00876/FUL comments remain pertinent.

4.6 HDC Conservation Officer

Not consulted again owing to the nature of the proposed changes.

4.7 Leicestershire County Council Highways Authority (LCC HA)

“the County Highway Authority has no additional comment to make.” (relative to 16/00876/FUL).

4.8 Leicestershire County Council Ecology

“I have no objections to this variation.”

4.9 Leicestershire County Council Archaeology

“Whilst we have no specific comments to make regarding the variations, we would recommend that the existing archaeological condition (14) attached to the planning permission remains in place, as our archaeological advice remains the same.”

4.10 LCC Forestry Officer

“My previous comments still apply – I really don’t expect that 1m will make much difference, but there is considerable surfacing in the RPA and this must be constructed as previously described by avoiding any excavation deeper than an initial 150mm scrape to take off turf etc., and then using some form of porous no-dig construction – BS5837:2012 section 7.4 gives guidance on hard surfaces inside the RPA.

Clearly it will be impossible to fence the entire RPA, so an agreement is needed on the minimum working area they can manage, then the ground areas outside the fencing but within the RPA should be protected by heavy ply boards or proprietary tracking laid on sand or woodchips – see BS5837:2012 section 6.2.”

4.11 Anglian Water

Not consulted, following comments received for 15/02028/FUL, stating:

“Anglian Water has no comments on this application.”

4.12 Historic England (previously English Heritage)

Not consulted. When consulted for 16/00876/FUL they stated no comments.

4.13 Smeeton Westerby Parish Council

“Smeeton Westerby Council (statutory consultee) objects to this application and would prefer that:

1. The dwelling remains on the original footprint rather than moving closer to the road so as not to impact negatively on highways safety;
2. The original design plan including size and appearance of the garage component is retained.

The Council also requests that English Heritage be engaged as consultee on this application.”

b) Local Community

- 4.14 Numerous objections have been received, including multiple objections from some households. The following table shows the objections received for the current VAC application:

Address	Number of objection comments received
18 MAIN STREET, SMEETON WESTERBY	1
2 MILL LANE, SMEETON WESTERBY	1
5 MILL LANE, SMEETON WESTERBY	1
11 MILL LANE, SMEETON WESTERBY	1
12 MILL LANE, SMEETON WESTERBY	4
6 MILL CLOSE, SMEETON WESTERBY	1
7 MILL CLOSE, SMEETON WESTERBY	3
8 MILL CLOSE, SMEETON WESTERBY	1
THE OLD RECTORY, 46 MILL LANE, SM WESTERBY	2
MILL LODGE, MILL LANE, SM WESTERBY	2
29 TEMPLE STREET, LONDON	1
Totals: 11 addresses	18 separate comments

- 4.15 A Petition and Cover Letter objection has been submitted by an anonymous person. The petition is the same one which was submitted for 16/00876/FUL. Advice has been sought from the HDC Information and Complaints Officer regarding the validity of the petition; the following informal opinion has been returned:

“As the petition is evidently the same for both applications, it does not automatically follow that because a group of individuals object to one proposal, they would to object to another. The reasoning being that the original application (876) was for full planning permission, thus the petition was a statement about the use of land inter alia. The VAC application does not have the same material issues and I think the Council would need some form of statement from the person submitting the petition for the VAC application that all signatories consent to its use in this context, before it could be relied upon.

It is my opinion that if permission has not been sought by the submitting party then any of those signatories could potentially complain about the use of their information. As the petition is obviously the same as that for 876, without a statement of authority, the petition in this context should not be relied upon.”

While the petition and the matters raised in the Cover Letter are noted, it is considered that the petition should not be relied upon for the reasons given.

- 4.16 The following synopsis of objections consists of quotations:

4.17

Arboricultural objections raised through representations

- The two storey garage will incur extra weight and the size applied for will be built over the existing tree roots.
- The garage which will require deep foundations.

- A no dig driveway construction is not possible with this plan particularly with publically owned ditch and verge.
- Yet more trees are to be removed.

4.18

Archaeological objections raised through representations

- There is every likelihood that contemporary below ground archaeological remains extend into the application site.
- This proposal includes works, foundations, service, drains and excavation that will impact upon these remains and will have a detrimental impact upon heritage assets in developers site and public land on Mill Lane.

4.19

Design / Visual Amenity / Landscape / Conservation Area Harm objections raised through representations

- Development increases in size.
- The change from wooden carport to a 2 STOREY BRICK BUILT GARAGE is a MAJOR change.
- A two storey garage with 4 roof lights is certainly not in keeping with the conservation area.
- This proposal changes the shape, weight and total look and presumes use of public land for driveway.
- The tarmac drive has now become block paved. There is no other block paved drive in Mill Lane, so it is out of keeping, and better suited to suburbia.

4.20

Drainage and Flooding objections raised through representations

- A block paved driveway will create more flooding onto Mill Lane.
- The proposal will exacerbate flood risks and endanger public lives.

4.21

Ecology objections raised through representations

- The proposal would affect ecological interests.

4.22

Highways objections raised through representations

- Clearly the applicant is looking to have the use of more cars for this property.
- This latest proposal suggests using this verge (Certainly NOT part of Staniforths property) to add to the proposed driveway. If allowed this would cause severe safety problems to Mill Lane users with catastrophic consequences.
- The proposal will most certainly be detrimental to highway safety.
- The single storey wooden carport is now a two storey build with 4 windows, obviously offering extra accommodation, and therefore more traffic.

4.23

Residential / General Amenity objections raised through representations

- Proposal would increase overlooking.
- Proposal would impact on the amenities of the allotments.

Other Comments raised through representations

- This amendment will OVERULE conditions placed on the applicant when approval was given - ie. NO excavation, adequate drainage, no tree removal or root damage.
- The grass verge is not owned by the applicant.
- The garage could be converted easily into domestic or business use.
- There should be a new application in full not a variation of condition.
- The site is designated as allotments. It would set a precedent for the other allotments.
- The applicant is making a mockery of the system, and setting a very poor precedent.

5. Assessment

a) Principle of Development

- 5.1 The principle of development has been established by extant approval 16/00876/FUL.

b) Technical Considerations

1. Design and Visual Amenity, Including Impact on the Setting of the Conservation Area
- 5.2 The proposed change to the footprint of the dwelling in terms of moving it approximately 1m north and 0.7m west is arguably not ideal as it makes the dwelling slightly more forward sitting within the plot. However, this change is not judged to lead to visual harm which is sufficient to warrant refusal of planning permission. The change does not harm the setting of the Conservation Area.
- 5.3 The conspicuous changes to the approved car port to make it into a secure garage with a room above are not considered to cause significant visual harm, nor harm the setting of the Conservation Area. The proposed changes include: cladding external elevations in timber; introducing timber garage doors; small increases to footprint size (no increase in height); adding a subordinate link to the dwelling; and adding 4 rooflights (2 to each of its 2 roof planes). Subject to control of external materials, conservation rooflights (fitted flush) and a bespoke Condition to prevent painting of the garage elevations, these amendments are judged to be acceptable.
- 5.4 The changes to the west gable design / fenestration are not considered to give rise to visual harm which would warrant refusal of planning permission. The changes give the building more of a simple barn shape, although the glazing is quite contemporary in style.
- 5.5 The proposal would not lead to the loss of additional trees relative to 16/00876/FUL, subject to arboricultural Conditions attached to 16/00876/FUL being re-applied (it is recommended that all Conditions attached to 16/00876/FUL are re-applied to this permission, with Condition 2 varied to reflect the amended plans). The specific design of the driveway would be controlled by Planning Condition, including its surfacing materials. This will enable the Local Planning Authority to consult the LCC Tree Officer to check that the proposed driveway design satisfactorily protects arboricultural interests.

- 5.6 The proposal would be in keeping with the character and appearance of the site and its surroundings, which includes the public right of way green infrastructure assets. The proposal would preserve the setting of the Conservation Area and special regard has been given to this matter.
- 5.7 The proposal is judged to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy in the above respects.

2. Ecology

- 5.8 The current VAC proposal does not raise new ecological considerations.

3. Flooding and Drainage

- 5.9 The current VAC proposal does not raise new flooding and drainage considerations. Local residents have, based on visual amenity and drainage concerns, criticised the possible use of a block paved driveway instead than tarmac. However, it is noted that block paving is typically more permeable than tarmac.
- 5.10 As with 16/00876/FUL, two Conditions are prescribed to control drainage – one which requires surface water to be disposed of by soakaway/s (unless otherwise agreed in writing by the Local Planning Authority) and a second which requires drainage to be provided within the site so that surface water does not drain by direct run off to outside the site.
- 5.11 Subject to Conditions, the proposal can reasonably be expected not to lead to increased flood risks or drainage problems. The application is judged to comply with Policy CS10 of the Harborough District Core Strategy in these respects.

4. Highways

- 5.12 The current VAC proposal does not raise new highway safety considerations, as reflected in the formal response from LCC Highways.
- 5.13 Subject to the re-application of highway related Conditions attached to 16/00876/FUL, the proposal is judged to accord with Policies CS5 and CS11 of the Harborough District Core Strategy in terms of its highway impacts.

5. Residential & General Amenities

- 5.14 The changes to the west gable fenestration and the introduction of 4 rooflights above the garage are not considered to lead to additional neighbouring amenity harm or general amenity harm in the locality compared to 16/00876/FUL.

c) Sustainable Development

- 5.15 Noting extant approval 16/00876/FUL, the current VAC application is judged to remain sustainable development which complies with the NPPF.

6. The Planning Balance / Conclusion

- 6.1 The proposal would deliver residential development in a sustainable location. The proposal would contribute to the Council's Five Year Housing Land Supply (5YS), which is a consideration in favour of the proposal as the Council cannot currently demonstrate a 5YS.
- 6.2 The proposal, by virtue of its design (form, mass, scale, proportions, style and materials), would be in keeping with the character and appearance of the site and its village and rural surroundings.
- 6.3 The proposal would not harm the amenities of surrounding residents or general amenities in the area, would not adversely affect ecological, archaeological or arboricultural interests, would not exacerbate flood risks, and would not be detrimental to highway safety.
- 6.4 The proposal would preserve the special character and appearance of the Conservation Area in terms of its the setting
- 6.5 The proposal accords with Policies CS1, CS2, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy and no other material considerations indicate that the policies of the Development Plan should not prevail.
- 6.6 The decision has been reached taking into account, inter alia, Paragraphs 186 and 187 of the Framework and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Planning Conditions

- 7.1 If Members are minded to Approve the application, a list of recommended Planning Conditions and Informative Notes follows in **Appendix A**.

Appendix A

Recommended Conditions

1. Development To Commence By 23.09.2019

The development hereby approved shall begin before the end of 23.09.2019.

REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. Approved Plans Reference

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

- Proposed Site Plan (Drawing Number: 1374(4) P04, dated 27/10/2016);
- Proposed Floor Plans Ground Floor (Drawing Number: 1374(4) P05, dated 27/10/2016);
- Proposed Floor Plans First Floor (Drawing Number: 1374(4) P06, dated 27/10/2016);

--Proposed Roof Plan (Drawing Number: 1374(4) P07, dated 27/10/2016);
--Proposed Elevations 1 (Drawing Number: 1374(4) P08, dated 27/10/2016);
--Proposed Elevations 2 (Drawing Number: 1374(4) P09, dated 27/10/2016); and
--Proposed Elevations 3 (Drawing Number: 1374(4) P10, dated 27/10/2016).

REASON: For the avoidance of doubt.

3. Materials Schedule

No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved dwelling (and material samples if requested) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

REASON: In the interests of the character and appearance of the development and the surrounding area (which includes green infrastructure PROW), to preserve the setting of the Conservation Area and to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy.

4. Conservation Rooflights, Fitted Flush

The rooflights to be used shall be specialist conservation style rooflights (dark metal external finish, with central vertical glazing bar) and shall be fitted using 'recessing / rebating' kits so that they are fitted flush (externally) within the roof plane/s.

REASON: In the interests of the character and appearance of the development and the surrounding area (which includes green infrastructure PROW), to preserve the setting of the Conservation Area and to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy.

5. Landscaping Scheme

Prior to implementation, full details of proposed hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority (including access, driveway, parking, turning and all other surfacing materials, e.g., patios, pathways and lawns; boundary treatments; new planting; and a timetable of implementation). Prior to first occupation of the dwelling, the hard and soft landscape works shall be implemented in accordance with the approved plans/details, unless otherwise agreed in writing by the Local Planning Authority. All planted material shall be maintained and replaced as necessary by the applicant(s) and/or owner(s) of the land at the time for a period of not less than 5 years from the date of planting.

REASON: 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 (which includes green infrastructure PROW), to ensure that the work is carried out within a reasonable period and is adequately maintained, to preserve the setting of the Conservation Area and to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy.

6. Protective Fencing for Trees

No development shall commence on site until the trees within the site shown to be retained on the Proposed Site Plan (Drawing Number: 1374(4) P04, dated 27/10/2016) have been enclosed by protective fencing, in accordance with British Standard 5837 (2012): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved by the Local Planning Authority and after it

has been erected it shall be maintained for the duration of the works. No vehicles, plant equipment, temporary building/s or materials, including raising and / or lowering of ground levels, shall be allowed within the protected areas.

REASON: In the interest of arboricultural protection, in the interests of the character and appearance of the development and the surrounding area (which includes green infrastructure PROW), to preserve the setting of the Conservation Area and to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy.

7. Tree Retention (T1, T2, T3 and T13)

Trees T1, T2, T3 and T13 (as identified on the 16/00876/FUL Tree Survey Plan) shall be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. No works shall be undertaken to trees T1, T2, T3 and T13, unless agreed in writing by the Local Planning Authority.

REASON: In the interest of arboricultural protection, in the interests of the character and appearance of the development and the surrounding area (which includes green infrastructure PROW), to preserve the setting of the Conservation Area and to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy.

8. Driveway Construction Method and Type

No development shall commence on site until full details of the method and type of driveway construction have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of arboricultural protection, in the interests of the character and appearance of the development and the surrounding area (which includes green infrastructure PROW), to preserve the setting of the Conservation Area and to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy.

9. Drainage Scheme

Surface water drainage for the hereby approved development shall be implemented by way of soakaway/s and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the satisfactory drainage of the site and to require, where possible, sustainable drainage methods to be employed, to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution and to accord with Policy CS10 of the Harborough District Core Strategy.

10. No Surface Water Run-Off Outside the Site

Drainage shall be provided within the site so that surface water does not drain by direct run off to outside the site and shall be retained as such in perpetuity.

REASON: To ensure the satisfactory drainage of the site and to require, where possible, sustainable drainage methods to be employed, to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution and to accord with Policy CS10 of the Harborough District Core Strategy.

11. Car Parking and Turning Facilities

Prior to first occupation of the dwelling, car parking and turning facilities within the curtilage of the dwelling shall be hard surfaced and made available for use in accordance with the details shown on the Proposed Site Plan (Drawing Number: 1374(4) P04, dated 27/10/2016). Thereafter, the parking and turning spaces so provided shall be maintained as such in perpetuity.

REASON: In the interest of highway safety, to ensure provision of adequate off-street parking and turning facilities, to reduce the possibility of the proposed development leading to on-street parking problems in the area and to accord with Policies CS5 and CS11 of the Harborough District Core Strategy.

12. GPDO Restriction – Schedule 2, Part 1, Classes A, B and E

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order, with or without modification), no development within Schedule 2, Part 1, Classes A, B and E shall take place to the hereby approved dwelling and its curtilage, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the character and appearance of the development and the surrounding area (which includes green infrastructure PROW), to preserve the setting of the Conservation Area and to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy.

13. GPDO Restriction – Schedule 2, Part 2, Class A

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order, with or without modification), no development within Schedule 2, Part 2, Class A (gates, fences, walls etc.) shall take place to the hereby approved development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the character and appearance of the development and the surrounding area (which includes green infrastructure PROW), to preserve the setting of the Conservation Area and to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy.

14. Archaeology

a.) No development shall commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme(s) of Investigation, submitted to and approved in writing by the Local Planning Authority. The Scheme(s) shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
- The programme for post-investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation;

--Nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation.

b.) No development shall take place other than in accordance with the approved Written Scheme(s) of Investigation.

c.) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme(s) of Investigation, provision made for analysis, publication and dissemination of results and archive deposition has been secured.

REASON: To ensure satisfactory archaeological investigation and recording and to accord with Policies CS1, CS8 and CS11 of the Harborough District Core Strategy.

15. Garage Elevations

The external elevations and doors of the garage are to remain unpainted (including no coloured staining or varnishing) in perpetuity (colourless waxing, colourless oiling and colourless preservative treatments are acceptable).

REASON: In the interests of the character and appearance of the development and the surrounding area (which includes green infrastructure PROW), to preserve the setting of the Conservation Area and to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy.

Recommended Informative Notes

1. Building Regulations

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). As such, please be aware that complying with Building Regulations does not mean that the Planning Conditions attached to this Permission have been discharged and vice versa.

2. Party Wall Act

If the permitted plans involve the carrying out of building work along or close to a boundary, you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner/s of your intentions before commencing this work.

3. No Burning of Waste

No burning of waste should be undertaken on site unless an exemption is obtained from the Environment Agency. The production of Dark Smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above, the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.

4. Construction Hours & Vehicles

Site works, deliveries, or any building works in connection with the development should only take place between the hours of 08:00-18:00 Monday to Friday, 09:00-13:00 Saturday and at no time on Sunday or Public/Bank Holidays. All vehicles associated with the development shall be parked within the site.

5. Highway Works

Any works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Leicestershire County Council Highways Manager (telephone 0116 3050001).

This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdq.

6. No-dig Driveway Construction

A form of no-dig driveway construction will be required, with a porous surface, constructed on top of the existing land levels in order to avoid significant excavation.

7. Wildlife and Countryside Act 1981

The Applicant is advised that Protected Wildlife Species may be using the site as a nesting place and/or habitat. All such species are protected under the Wildlife and Countryside Act 1981. Should Protected Wildlife Species, or evidence of them, be present or be suspected (and potentially affected by the development), the Applicant should cease development immediately and contact Natural England, The Maltings, Wharf Road, Grantham, Lincs., NG31 6BH (tel. 01476 584800). All workers should be made aware of the above.

8. Archaeology Advice

--The Applicant must obtain suitable Written Scheme(s) of Investigation (WSI) for all phases of archaeological investigation from an organisation acceptable to the Local Planning Authority.

--The WSIs shall comply with the LCC Historic and Natural Environment Team's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice".

--The WSIs shall include a suitable indication of arrangements for the implementation of the archaeological work and the proposed timetable for the development.

--The Applicant should commission the trial trench investigation at an early stage to enable the costs and timescales of any further mitigation work to be ascertained and fully integrated into the development programme.

--The LCC Historic and Natural Environment Team, as advisors to the Local Planning Authority, will monitor the archaeological work to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the Local Planning Authority.

Planning Committee Report

Applicant: Mrs S Newton

Application Ref: 16/01710/OUT

Location: Land off Main Street, Cotesbach

Proposal: Outline application for the erection of five dwellings (all matters reserved)

Application Validated: 24/10/16

Target Date: 19/12/16 (extension of time agreed)

Consultation Expiry Date: 01/12/16

Site Visit Date: 08/11/16

Case Officer: Chris Brown

Recommendation

Planning Permission is **REFUSED**, for the reasons below;

- 1) The proposed development will result in less than substantial harm to the setting of the surrounding Listed buildings. The principle of residential development will fundamentally change the setting of the Listed buildings, and insufficient archaeological information has been submitted, to ensure the archaeological potential of the site is given future consideration. The public benefits of the development do not outweigh this harm and therefore the proposal will be contrary to Policy CS11 (a), (b) and (d) of the Harborough District Core Strategy and paragraphs 132 and 134 of the NPPF.
- 2) The proposed development, by virtue of its siting, would significantly extend the built form of the village into the open countryside and would detrimentally affect the character and appearance of the area and fail to preserve the character and appearance of the designated Heritage Assets. These impacts are compounded by the lack of information submitted regarding trees on the site. The proposal would therefore fail to accord with Policies CS11 (b) and (c)(iii) and d) and CS17 of the Harborough District Core Strategy, and paragraphs 17, 58, 132 and 134 of the National Planning Policy Framework, and it is considered that this identified harm is not outweighed by the proposal's benefits.
- 3) Outside of rural centres and selected rural villages, new development (including residential development) in the countryside and other settlements not identified as selected rural villages will be strictly controlled. The proposal is not for development for agriculture, forestry or another activity appropriately located in the countryside. The proposed new dwelling would be sited in a remote location with poor accessibility to local services, community facilities and public transport. Future occupiers of the development would lack viable transport alternatives and thereby be overly reliant on the use of a private motor vehicle. The proposal would therefore represent an inappropriate and unsustainable form of development that would be contrary to paragraph 14 of the National Planning Policy Framework and Policies CS5 a), CS9 a), CS11 c) viii) and CS17 of the Harborough District Core Strategy. The identified harm significantly and demonstrably outweighs the proposal's benefits,

and no other material considerations indicate that the policies of the development plan should not prevail.

- 4) The Applicant has failed to demonstrate that their proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport. Leicestershire County Council policy contained in the Local Transport Plan 3 & Policy IN6 of the 6Cs Design Guide seeks to deliver new development in areas where travel distances can be minimised, and genuine, safe and high quality choices are available (or can be provided) for people to walk, cycle and use public transport facilities and services nearby. The LTP3 and the 6Cs Design Guide reflects Government guidance contained in the NPPF.

1. Site & Surroundings

- 1.1 The site is located to the centre of Cotesbach, with the site located immediately south of Main Street. Main Street forms a through road serving the whole village, accessed from the A426 Rugby Road. The site rises from Main Street north to south, approx. 4-5m in total, and is sloping open grassland in appearance. The site is bordered by trees to 3 sides, with the west side boundary to The Precinct an open boundary with approx. 1.2m open fencing. The trees to the north and east boundaries are covered by an area Tree Preservation Order. The site is outside of any limits to development as Cotesbach does not have limits to development, and not located within a conservation area.

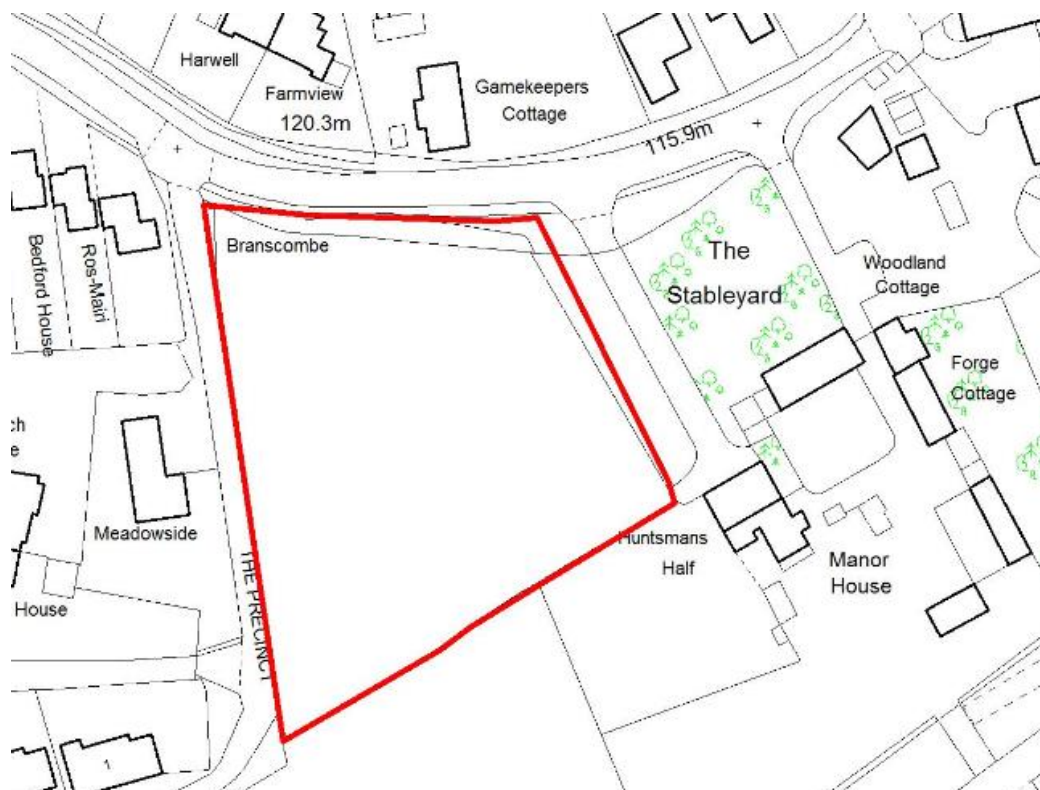


Figure 1: Site Location



Figure 2: View north east into the site from The Precinct



Figure 3: view north down The Precinct



Figure 4: view east across the site to The Manor from The Precinct



Figure 5: view east along Main Street

- 1.2 The site is largely open in appearance, with an access to the north east corner of the site currently serving The Manor only. Main Street is a through road serving the whole village of Cotesbach, with no access other than village only access.
- 1.3 There are defined landscaping belts to 3 sides, with trees up to approx. 15m in height to the front (north) boundary. The trees to the front (north) and east side boundaries are covered by a tree preservation order (TPO). The area TPO covers the north east boundaries and corner of the site, and continues both west and east outside of the

site. To the west boundary, the land rises along The Precinct, an unclassified road serving 7 dwellings.

2. Site History

2.1 The Site has the following planning history:

15/01739/OUT – Erection of five detached dwellings and associated village green area (all matters reserved) – withdrawn 02/02/16

2.2 The application was withdrawn, pending refusal, with six reasons for refusal.

2.3 The applicants have previously submitted applications for dwellings at nearby Cotesbach Hall to the east of the site (08/00428/FUL, 08/01574/FUL & associated LBC application), previously refused due to impact on relationship to built form, impact on character and appearance and impact on setting of listed buildings.

3. The Application Submission

a) Summary of Proposals

3.1 The proposal seeks outline planning approval for the erection of 5 dwellings, with all matters reserved. An indicative layout of the site has been provided as part of the application, showing one vehicular access from Main Street, utilising the existing access to The Manor, with the access across the site to serve 5 terraced dwellings, with parking provision to the rear of the dwellings. The dwellings are proposed to be located to the rear (south) of the site, with the road access rear of the dwellings. An open green area is also proposed forward of the dwellings to serve as a community garden and orchard, whilst the existing footpath across the site (north to south) is maintained to the western boundary.

3.2 The indicative layout proposes 5 dwellings in a row across the south of the site. The dwellings proposed are 4 two bedroom dwellings and a single three bedroom dwelling. All dwellings are proposed as 2 storey dwellings. An indicative street scene drawing has been submitted by the applicant, showing the dwellings in a central row within the site, with a larger central dwelling. The design of the dwellings however is not given significant material weight and consideration due to the application being an outline application.

3.3 This application proposal, whilst the same description as the previous application (15/01739/OUT), proposes five smaller dwellings within a row, centrally within the site, with the previous application proposing five larger detached dwellings in a curve through the site.

3.4 The proposed site layout identifies a communal garden area to the front of the proposed dwellings, separating an open area likely to be of access to the residents only, with the dwellings set above to the rear.

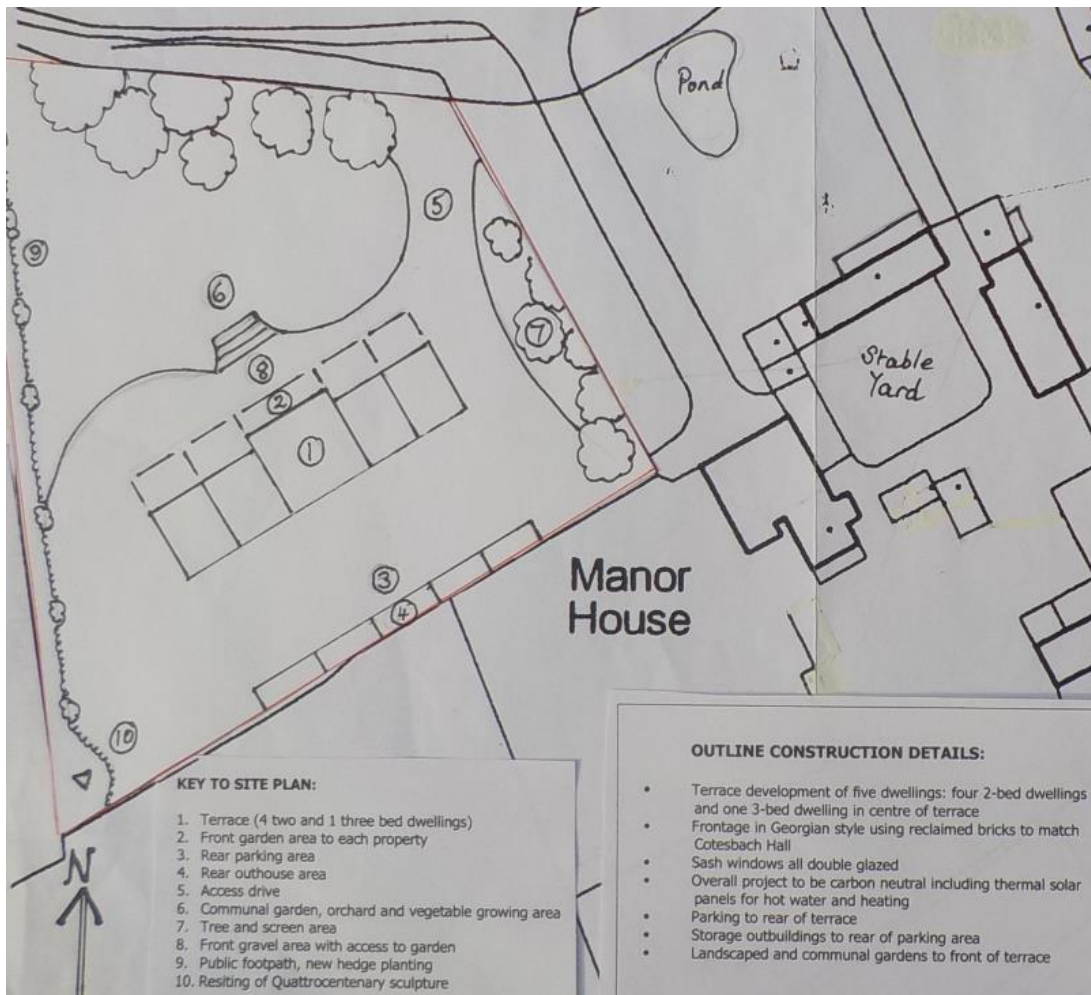


Figure 6: Proposed layout

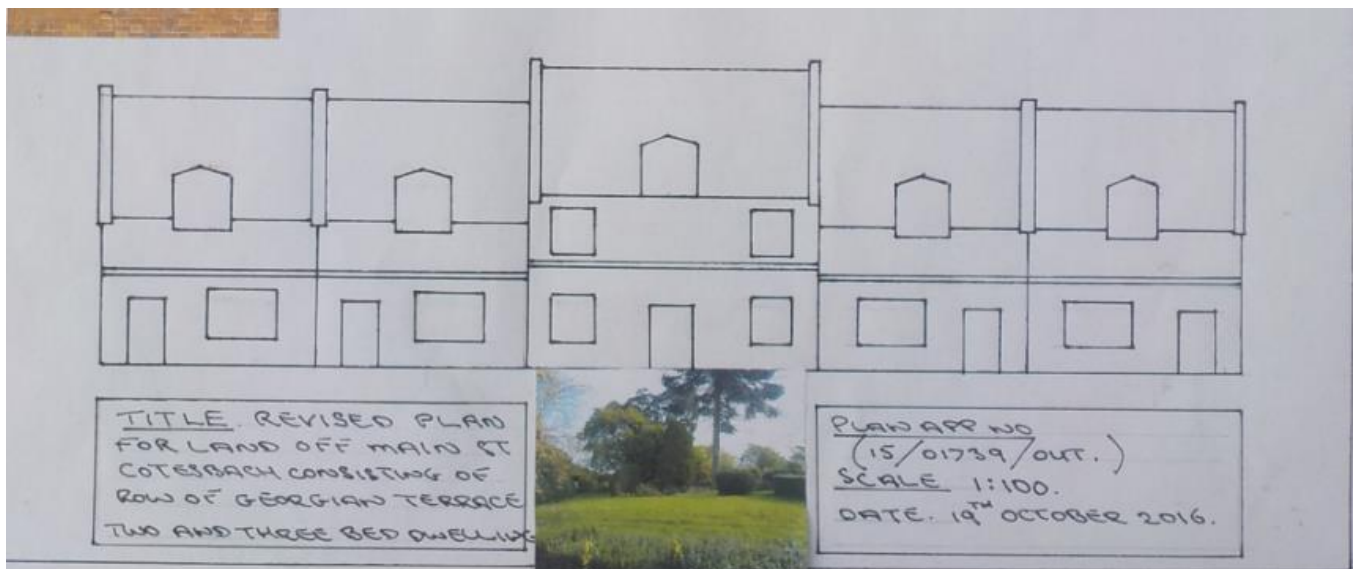


Figure 7: Proposed elevations



Figure 8: Proposed site layout of application 15/01739/OUT

b) Documents submitted

i. Plans

3.5 The application has been accompanied by the following plans –

Proposed layout
Proposed street scene

ii. Supporting Statements

3.6 The application has been accompanied by the following supporting statements –

Heritage Impact Statement (November 2016)
Additional photographs in support of the Heritage Statement

c) Pre-application Engagement

3.7 Prior to submitting the previous planning application the site was subject to a pre-application in summer 2014.

3.8 The pre-application, reference DEV3761, set out the following points:

- it is considered to be an unsustainable location and therefore residential development in this location would be contrary to Policy CS17

- area of land contributes to the character of the village and is important to the wider setting of the Listed Buildings. Residential development on the site would be damaging to the special qualities character and amenity of the area and therefore would be contrary to policy CS11
- the development of this land would be harmful to the setting of the Heritage assets and therefore would not comply with Enabling Development policies

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 31st October 2016 and included a site notice put up on 8th November 2016. The consultation period expired on 1st December 2016.
- 4.2 Firstly, a summary of the technical consultee responses received are 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 **Cotesbach Parish Council**
Neutral comments on the application.
- 4.4 *'As Chair of the Parish Council I can confirm that the application was discussed at our quarterly meeting on November 7th with the applicant in attendance to answer any questions in our open forum session. No clear opinion was apparent and therefore the PC is making a neutral response. It was pointed out that all parishioners have the opportunity to comment in their own right'.*
- 4.5 Cotesbach Parish Council raised the following issues in relation to the application 15/01739/OUT:
- The 2010 Village Plan recommends no further development in the village
 - The application makes no reference to historical relevance or archaeology
 - The improved access is supported, however widening a separate access closer to Cotesbach Hall may cause visibility issues (*not related specifically to this application*)
 - Further attention required towards trees to the frontage
 - The low density is supported
 - The Manor House and Cotesbach Hall require the significant revenue for renovation
- LCC Highways**
- 4.6 The Local Highway Authority advice is that the residual cumulative impacts of development are severe in accordance with Paragraph 32 of the NPPF and the Local Planning Authority is advised to consider a refusal on transport grounds for the reason outlined in this report.
- 4.7 The Applicant has failed to demonstrate that their proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport. Leicestershire County Council policy contained in the Local Transport Plan 3 & Policy IN6 of the 6Cs Design Guide seeks to deliver new development in areas where travel distances can be minimised, and genuine, safe and high quality choices are available

(or can be provided) for people to walk, cycle and use public transport facilities and services nearby. The LTP3 and the 6Cs Design Guide reflects Government guidance contained in the NPPF.

- 4.8 The County Highway Authority has made no comment on the indicative material submitted in support of this outline application where all matters are reserved. The premise of residential development in this location has however been considered with conclusion and resultant advice as per the above.

LCC Arboriculture Officer

- 4.9 No arboricultural survey submitted with the application. Reference to comments for application 15/01739/OUT, as below:
- 4.10 More detail is required on the juxtaposition of proposals to existing and retained trees, with a topo plan showing their actual location, with a survey in accordance with BS5837:2012.
- 4.11 Much of the paddock is free of trees but there are large specimens on the perimeters. At the west side of the proposed entrance stands a very large mature lime, in apparently fair condition, with a wide diameter trunk obscured by epicormic shoots, but which I would estimate as at least 1000mm diameter. This would merit a root protection area radius (RPA) of 12m. The new proposed entrance drive is clearly well within this area, and unless there were reasons to remove the tree a conventional drive construction would not be appropriate as root damage would be inevitable. An alternative design such as using a cellular confinement method built up on existing levels might be appropriate.
- 4.12 To the east of the proposed plot 1, stands a very large-diameter (1200mm+) veteran oak, in fair condition for its current location but whose retention may well be incompatible with a new house nearby. An RPA radius of 14.4m would be indicated for this tree.
- 4.13 I would recommend that the applicant supplies a thorough, professional arboricultural report in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction before the layout and landscape can be further considered.

LCC Ecology

- 4.14 My colleague Kirsty Gamble commented on a previous application on this site (15/01739/OUT) which was accompanied by an ecology survey. After some discussion and revisions to the original report, updated great crested newt and habitat survey reports were accepted. The grassland is improved, and of low species diversity, and the nearby ponds are unsuitable for great crested newts; none were present when surveyed last year. We had no objections to the application.
- 4.15 I feel it is unlikely that there would have been any significant change in the land since the previous application, and there is no need for an updated ecology survey. I recommend retention and management (as part of the communal gardens) of the hedgerow and trees to the rear (south) and road frontage of the plot, with minimal gaps created to allow access. This should be a planning condition. Removal of trees may trigger the need for bat surveys, but this can be picked up in the reserved matters application, when there is more information on layout.

LCC Rights of Way

- 4.16 No comments received. Comments for application 15/01739/OUT proposed conditions including; route of footpath, footpath surfacing, signing scheme, and planting.

HDC Conservation Officer

- 4.17 The application site is in a sensitive location within the village of Cotesbach and is adjacent to the grade 2 Listed building, The Manor House with Cotesbach Hall (Grade 2*) sited further away to the East. The site is currently open and provides a break in the street scene between the Hall complex and the more modern properties on Main Street. The proposed development although screened from Main Street will be a visually prominent development because of the increases in levels and therefore will be prominent in views of the Listed Building specifically from The Precinct and from the public footpath that runs through the site. As a result in my opinion the proposed development will detrimentally alter the street scene affecting the character of the village and will result in harm to the setting of the Listed buildings. The public benefits of the development do not outweigh this harm and therefore the proposal will be contrary to paragraphs 132 and 134 of the NPPF.

Historic England

- 4.18 Historic England has been consulted as the proposal lies within the setting of the Grade II* listed Church of St Mary and Grade II* Cotesbach Hall. We were previously consulted on application 15/01739, to which our letter dated 17 December 2015 refers. We understand this application was withdrawn. Our advice is given in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the Planning Practice Guide and the Historic Environment Good Practice in Planning Notes 2 and 3.
- 4.19 St Mary's Church, Cotesbach is a Grade II* listed building, placing it in the top 8% of listed buildings in the country of more than special historic and architectural interest. Dating from the 14C it is a multi-phased medieval church, rebuilt in c.1700. Cotesbach Hall is a Grade II* listed building of more than special interest in a national context. Built in c.1700 for the rector Edward Wells with later extension and alteration, it is a fine red brick building with stone dressings. Church and Hall have significant value in their historic, aesthetic and spatial relationship as important social and religious buildings within the village. The Manor House, listed grade II is thought to date from 1630 though clearly altered in the late 17 and late 18C. The land is identified within the submission as paddock land bordered by Main Street to the north with residential properties to east and west and agricultural land to the south.
- 4.20 Previously we advised there was insufficient information to make an informed assessment on the impact of the proposals on the significance of designated heritage assets - in our view this did not accord with paragraph 128 of the NPPF. We have now read the submitted Heritage Impact Assessment dated 21 October 2016 which provides useful information about the history of Cotesbach and the land itself. The written description of the land would benefit from visualising the map regression and whilst we understand this information has been submitted, we have not received a copy of it. The written information provided confirms that from the 18th Century, the land had become enclosed croft land and is of heritage value through its physical and visual association with the curtilage of manor buildings within the wider rural setting. Its survival as undeveloped land which visually forms part of the rural surroundings to the historic core of Cotesbach, makes a positive contribution to the understanding and appreciation of the manor house, Church and Hall. Its undeveloped nature also provides a spatial buffer between the historic core and later development in the village - which is important. The development of this land will

fundamentally change the setting of the designated heritage assets and this erosion will result in a degree of harm to significance - particularly the manor house.

- 4.21 This application we believe will affect the significance of designated heritage assets. As such the statutory requirement to 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 and the character and appearance of the conservation area (sections 66(2) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority when making its decisions.
- 4.22 Within the NPPF, Government policy states that significance can be harmed or lost through development and any harm or loss to significance '*should require clear and convincing justification*' (paragraph 132, NPPF). In line with paragraphs 132 and 134 of the NPPF it will be for your authority to consider the justification put forward for this scheme which includes the on-going sustainability of the Cotesbach Estate, and to balance all planning matters and public benefit afforded by this proposal. In the context of the outline planning application with all matters reserved, we would refer to paragraph 131 of the NPPF which states that 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
- 4.23 We believe the status and content of the application is problematic and does not allow your authority to fully take account of paragraph 131. We note the illustrated proposals are for a row of Georgian-style two and three bed dwellings occupying about 15% of the total area of 0.6ha with the remainder proposed for communal garden. Access will be via a communal drive and the design intention reads as a single entity, with characteristics of an alms-house arrangement, rather than the previously suburban type arrangement with cul-de-sac. We believe the mitigation of harm arising through the development of the land, and the success of the scheme, will depend on the quality of detailed design, materials and finishes. If minded to approve, your authority may need to be satisfied that the use of appropriately worded conditions will allow you to secure these matters.
- 4.24 As previously advised we strongly recommend your authority is guided by the advice of the County Archaeological Adviser prior to determination of this application. We recommend that you should follow that advice to ensure you receive sufficient information from the applicant to understand the significance of any non-designated archaeological remains preserved on the development site, and to assess the potential impacts of the proposed development on the significance of all the heritage assets affected.
- 4.25 Recommendation
We recommend this application is determined in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, and the Planning Practice Guidance. It will be for your authority to determine whether there is clear and convincing justification for this proposal and to weigh any public benefits against the harm caused to the designated heritage assets. We recommend further advice is sought from your conservation officer and archaeological adviser.

4.26 Historic England comments on previous application 15/01739/OUT

Sufficiency of information

In making an informed assessment on the impact of the proposals on the significance of designated heritage assets, in our view, the level of detail in providing a full understanding of the contribution of setting within which this site is located, to this significance is insufficient. The lack of historical analysis and understanding of setting to accompany these proposals needs to be addressed at this stage. In this respect we refer you to Government policy guidance contained with paragraphs 128, 129 and 132 of the NPPF which requires *the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*

4.27 *Significance*

St Mary's Church, Cotesbach is a grade II* listed building, placing it in the top 8% of listed buildings in the country of more than special historic and architectural interest. Dating from the 14C it is a multi-phased medieval church, rebuilt in c.1700. Cotesbach Hall is a grade II* listed building of more than special interest in a national context. Built in c.1700 for the rector Edward Wells with later extension and alteration, it is a fine red brick building with stone dressings. Church and Hall have significant value in their historic, aesthetic and spatial relationship as important social and religious buildings within the village. The Manor House, listed grade II is thought to date from 1630 though clearly altered in the late 17 and late 18C. The land is identified within the submission as paddock land bordered by Main Street to the north with residential properties to east and west and agricultural land to the south. The site forms part of the rural surroundings to the historic core of Cotesbach and contributes to the understanding and appreciation of the rural settlement and highly graded heritage assets within. It is of evidential value in terms of the historic relationship between the village settlement and the agricultural land that supported its economy and in terms of its high aesthetic value. The undeveloped land also provides an important spatial buffer between the historic core and later development.

4.28 Though the information is clearly lacking, the principle of residential development will fundamentally change the setting removing a further part of the rural setting to the heritage assets. Whilst the scheme is outline, the proposed design and means of access show a new road off the main street to access the houses - this cul-de-sac, suburban type arrangement is at odds with the historic character and appearance of the area and again reveals no understanding or analysis of the impact of this proposal on the townscape and heritage assets.

4.29 *Policy*

As the applications affect a listed building and a conservation area, the statutory requirements to have **special regard** (*Historic England emphasis*) to the desirability of preserving the building, its setting and any features of special interest (s.16 1990 Act) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account by the authority when determining the application.

4.30 The NPPF is clear that great weight should be given to the objective of conserving designated heritage assets. (Paragraph 132) All harm, from demolition to harm through development within the setting of a designated heritage asset, requires 'clear and convincing justification'. Substantial harm to or loss of a grade II building should be exceptional.

4.31 Within the Design & Access Statement, it is concluded that the proposed development would enable funds to be invested in restoring two grade II listed buildings and ensure their long term future use. It is for your authority to determine whether this forms part of the justification for this proposal. On the basis of the submission, fundamentally we believe this proposal is harmful to the significance of the designated heritage assets and we do not believe a case has been made to secure the future of the grade II listed heritage assets. We do not know if there is a conservation deficit or that the proposed works will facilitate (or enable) benefits that outweigh harm. Furthermore, there is no evidence submitted to prove the new build is the minimum necessary and therefore it does not appear to us that a case has been made.

4.32 *Position*

Notwithstanding the requirement for sufficient information, we believe the proposal in its current form is harmful to the significance of designated heritage assets. Historic England would strongly recommend that your authority is guided by the advice of the County Archaeological Advisor prior to determination of this application. We would recommend that you should follow that advice to ensure that you receive sufficient information from the applicant to understand the significance of any non-designated archaeological remains preserved on the development site, and to assess the potential impacts of the proposed development on the significance of all the heritage assets affected. Whilst it will be for your authority to weigh up all planning considerations, on the basis of the information submitted, we do not believe clear and convincing justification has been made for this proposal.

4.33 *Recommendation*

For the reasons set out above, we do not support this planning application. Ultimately it will be for your authority to balance all planning considerations in determining this application in line with government legislation and policy relating to the historic environment.

LCC Archaeology

4.34 As matters stand we remain of the opinion that the application site possesses a significant archaeological interest, as expressed in our previous advice issued in relation to 15/01739/OUT (attached). Evidence provided by the applicant in relation to the development area, however, indicates that the site has been affected by the importation of soil in the 1970's. These works may have resulted in a loss to the archaeological record either through truncation of surviving remains, or their burial below the imported material. Unfortunately, in the absence of a clearer understanding of these matters it is not possible to dismiss the archaeological issues, or to clearly understand how the heritage interest has been affect/alterd by the re-profiling works.

4.35 As indicated below, we have requested the applicant provided additional information to assist with the necessary assessment in lie with the requirements of the NPPF (Para 128). In the absence of first, the Heritage Statement, second, a clear understanding of the impacts of the 1970's levelling and, finally, a substantive understanding of the archaeological potential, I do not feel able recommend approval of the above scheme. Our position will be reviewed following receipt and consideration of the Statement and photographs, although I anticipate a need for the test-pitting/trail trenching mentioned in our email below.

4.36 Finally in relation to the designated heritage assets (Manor House, Church and Hall) we would recommend you contact your conservation officer, and liaise with Historic

England, the latter in respect of the Grade II* listed Church and Cotesbach Hall. The latter have offered comments on the proposals, raising concern over the submitted details and the capacity of the planners to fully assess the development impact.

- 4.37 Comments for 15/01739/OUT set out below:
- 4.38 The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies within an area of archaeological interest. The site lies within the historic settlement core of medieval and post-medieval Cotesbach (MLE10383), adjacent to the late 16th/early 17th century Manor House (MLE12002), which is designated as a Grade II listed building (DLE2004). There is documentary evidence for an earlier manor house on the site of the existing house, which stood in 1612, in an area of 'ould inclosure' (MLE1421).
- 4.39 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.
- 4.40 This will require provision by the applicant for:
1. An Archaeological desk-based Assessment
 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.
- 4.41 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.
- 4.42 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 12, paras. 128, 129 & 135). 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.
- 4.43 Officer comment – no archaeology assessment has been submitted with the application.
- Seven Trent Water**
- 4.44 No objection to the proposal subject to the inclusion of the following condition:

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and 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.

b) Local Community

- 4.45 9 objections received, from 8 households.
- 4.46 Additionally, 7 letters of support were received, from 7 households, of which 5 are within Cotesbach (including 2 tenants), and one is from the Historic Housing Association.
- 4.47 Highways issues raised through representations:
- Impact of traffic from development
 - Dangerous access to serve development
 - Parking impact during weddings and festival events
- 4.48 Residential amenity issues raised through representations:
- Overbearing and overlooking impact on Main Street and The Precinct
- 4.49 Character and appearance issues raised through representations:
- Loss of open space and buffer between historic dwellings and modern dwellings
 - Out of keeping with village, dwellings to be set back rather than fronting street
 - Impact on TPO protected trees
- 4.50 Policy issues raised through representations:
- Lack of services and facilities, non conformity with Policy CS17
- 4.51 Other issues raised through representations:
- No tie of funding from the development to Cotesbach Hall and The Manor
 - Impact on wildlife
 - Impact on archaeology
 - Impact on routing of the footpath
- 4.52 Supporting comments raised the following points:
- Need for restoration for Cotesbach Hall estate
 - Modest scale of development proposed
 - Site is not in use and not of value
 - Will provide lower cost dwellings
 - Cotesbach has a bus service

5. Planning Policy Considerations

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

a) Development Plan

- *Harborough District Local Plan*
- 5.2 Relevant Policy of HS/8 – Limits to Development. The site is located outside of any limits to development as Cotesbach does not have limits.
- *Harborough District Core Strategy (Adopted November 2011)*
- 5.3 Relevant policies to this application are, CS1, CS2, CS5, CS11 and CS17. These are detailed in the policy section at the start of the agenda, with the exception of Policy CS17, detailed below.
- 5.4 Policy CS17 of the Core Strategy sets out the Council’s approach to development in the rural centres, selected rural villages and the countryside. Policy CS17 does not identify Cotesbach as a Selected Rural Village, based on its lack of any service provision.
- 5.5 Policy CS17 states:
- ‘new development in the Countryside and other settlements not identified as selected rural villages will be strictly controlled. Only development required for the purposes of agriculture, woodland management, sport and recreation, local food initiatives, support visits to the District and renewable energy production will be appropriate in the Countryside subject to compliance with other relevant policies in this Strategy’.

b) Material Planning Considerations

- *Supplementary Planning Guidance*
- 5.6 The Supplementary Planning Guidance Note that is relevant to this application is Note 3: Development of single plots, small groups of dwellings and residential development in Conservation Areas, in addition to Note 5: Extensions to Dwellings.

c) Other Relevant Information

- *Reason for Committee Decision*
- 5.7 This application is to be determined by Planning Committee as the application is recommended for refusal, and has received in excess of 5 representations of support in addition to in excess of 5 representations of objection.

6. Assessment

a) Principle of Development

- 6.1 The site is not identified within CS17 as a Selected Rural Village (having no key services and therefore not considered sustainable), and the settlement of Cotesbach does not have identified Limits to Development. As such the settlement is considered as countryside in planning terms, with development to be strictly controlled. Previous applications (such as permission for dwellings at Careth and Elmdene) will have been considered under expired Local Plan policy HS/10, with limited infill development allowed within settlements without Limits to Development where it conforms to the settlement pattern, however CS17 now replaces this policy (as of

November 2011). The principle of development therefore is considered not acceptable.

- 6.2 For new development to be acceptable, it must be in locations from where future occupiers have a range of travel options to access sufficient numbers of key amenities. The Core Strategy sets this at a relatively low threshold of two amenities. In summary, in this instance there are no key amenities within 800m walking distance of the site.
- 6.3 The proposed new dwelling would therefore be sited in an isolated location with poor access to key services and infrastructure and would be environmentally unsustainable, on account of its poor location, as future occupiers would be almost entirely reliant on the use of private cars. The proposal would therefore conflict with local and national planning policies which seek to promote sustainable patterns of development and to reduce the need to travel by car.
- 6.4 Even if future occupiers were keen cyclists and walkers, it would be very difficult to condition use of such modes of transport. The acceptability of the proposal must depend on the site's location and other material planning considerations. Further, the use of the A426 to Lutterworth, whilst a not considerable distance when cycling, is not considered to be an appropriate route to access services due to its nature of a heavily used A road, with no sufficient cycle path, only a narrow track within the existing highway verge.
- 6.5 Monitoring work undertaken by the Strategic Planning Team on the implications of Policy CS17 and limiting development outside of Selected Rural Villages has previously been undertaken. This has shown that development in unsustainable villages (non SRVs) has only been allowed for; revised schemes of existing approvals, replacement dwellings, conversions of buildings and agricultural workers dwellings. Only limited open market dwelling have been approved in a non-SRV settlement without or outside of existing Limits to Development since the Core Strategy was adopted in November 2011 and contrary to Policy. Further proposals should not be considered favourably. The approach taken to minimise residential development outside of SRVs is supported through paragraph 30 of the NPPF, which states that 'local planning authorities should therefore support a pattern of development which...facilitates the use of sustainable modes of transport'. A further exception to policy CS17 are proposals seeking to comply with paragraph 55 of the NPPF, where development in the countryside should be allowed providing four key criteria are met. This proposal does not seek approval through this route.
- 6.6 In addition, development in unsustainable locations can come forward through permitted development where it includes the conversion of an agricultural building. This proposal seeks the erection of 5 dwellings, on a site that significantly contributes towards the rural character of the village.
- 6.7 In an appeal for 2 dwellings outside of limits to development in Stoughton (reference: APP/F2415/W/15/3014897), a larger village than Cotesbach, the Inspector dismissed the appeal, stating that;

'Although the site is located close to, and would be well related to Stoughton, the lack of community facilities within the village means that the proposed dwellings would in effect be somewhat remote',

and concluding;

'I consider it unlikely that future residents would use sustainable modes to access their day to day needs, being far more likely instead to use private transport to access such services, facilities and employment'.

- 6.8 A further appeal, for a single dwelling outside of limits to development in Arnesby (reference: APP/F2415/A/14/2228158), a significantly larger village than Cotesbach, with the provision of a primary school, was also dismissed. Whilst Arnesby also benefits from a restaurant in addition to a primary school, the Inspector stated;

'restaurant and public house are different land uses and have different characteristics and so their contribution to a rural community is not necessarily like-for-like. In any event, the range of services and facilities available in the village to serve new residential development could not reasonably be described as more than very limited'.

- 6.9 Further appeal decisions, for single dwellings in Claybrooke Parva and Bruntingthorpe are also considered relevant in this respect as the settlements are not identified as Selected Rural Villages, with limited service provision (add appeal refs).

- 6.10 The applicant has stated previously as part of the previous application 15/01739/OUT that the existing facilities within Cotesbach, of a café and a butchers, should be considered as enabling the village to be identified as sustainable. The above statement from the Inspector suggests that the use of these services, and their contribution, are not necessarily like for like. The café, and its limited opening hours, is considered to instead serve a passing day trade, as opposed to providing a local community facility in the form of a pub. Further, whilst the provision of a butchers is welcomed, the butchers does not provide the convenient opening hours or days of a village shop, and neither is it considered to sell essential daily items.

- 6.11 The village of Cotesbach is situated approx. 2.8km from the nearest sustainable settlement of Lutterworth, a Key Centre. The village has no access to any of the six key services identified in policy CS17 as a requirement for a sustainable location, with at least two needed for a SRV. Cotesbach does have a bus service running from the village to Lutterworth and onwards to Leicester; however this is infrequent (X44), with 8 services a day of which 2 services are within 5 minutes of each other between 8am and 8:10am, with bus services throughout the district increasingly under threat. Therefore all trips to schools, food shopping, libraries, GPs and post offices as well as wider town centre services will be predominantly made by cars.

b) Housing Requirement and Housing Land Supply

- 6.12 The Council presently does not have a 5yr Housing Land Supply. If this application were approved it would provide 5 additional dwellings.

c) Technical Considerations

1. Scale, appearance and landscaping

- 6.13 The site is open in character, with land rising from Main Street to the south. The site is bordered on 3 sides with a mix of tree planting, with trees to the front and east side boundary covered by an area TPO.

- 6.14 The layout proposed, showing retention of existing trees to the north and eastern boundaries, albeit with the creation of an access, is considered acceptable at this stage as an outline application. However, a full arborocultural tree survey, required to

assess the impact on the existing trees, and any further details regarding removal of any trees, has not been submitted as part of the application. The TPO protected trees are shown on the proposed layout as impacting both on the proposed access road, and on proposed Plot 1, with potential harm to the root protection areas of the trees. The height of all proposed buildings is identified at two storeys in height.

6.15 The erection of dwellings on this site is considered to demonstrably change the existing undeveloped character and appearance of the site. The site is in the centre of the village, as open grassland that is occasionally used as animal pasture. With open fields beyond, and the historic core of the village and listed buildings to both the east and north of the site, the site is considered to significantly contribute to the rural nature of the village.

6.16 In a recent appeal for 2 dwellings outside of limits to development in Stoughton (reference: APP/F2415/W/15/3014897), a larger village than Cotesbach, the Inspector stated that the single dwelling

'...would introduce a substantial built form into largely undeveloped green space that, at present, positively contributes to the open, spacious feel....and the landscape setting of the village. This pleasant space, with its open grassed area and vegetation provides an important visual transition between the main built up area and the open landscape beyond. It also visually softens existing development.'

6.17 This appeal is considered relevant to this application, with 5 dwellings a more significant intrusion into an existing green space that provides a rural character to the village, with the current open and undeveloped nature of the site considered to add to the rural character and appearance of the village.

6.18 Whilst the existing tree and hedge boundaries to the site will be predominantly maintained, the proposed access, together with siting of the proposed dwellings, will change the appearance of the site when viewed from Main Street. The proposed dwellings will also be located significantly higher than Main Street to the rear of the site, giving an impression of overbearing development on Main Street.

2. Drainage

6.19 No drainage plan has been submitted as part of the application, with the site falling below a 10 dwelling (major application) trigger. The provision of a drainage scheme for the site would be conditioned if approval were recommended with the condition requiring that no development shall take place until a surface water drainage scheme for the site has been submitted. The site slopes down from south to north, with no drainage issues identified through submission documentation or representations raised. It is therefore considered that the proposed development would comply with Core Strategy Policy CS10 and the aims and objectives of the Framework.

3. Ecology

6.20 Both a Phase 1 Habitat Survey and Great Crested Newt Survey were submitted with the previous application, however have not been resubmitted as part of this application. These surveys were revised as part of the previous application following additional clarification sought by LCC Ecology. A Great Crested Newt Survey was required due to the presence of a pond to the north east corner of the site. Whilst outside the red line boundary of the site, the pond is well within 150m of the site.

6.21 Following receipt of the revised surveys, LCC Ecology confirmed they had no objections to the scheme, as the application site comprises predominately improved grassland, with thick hedgerows on three sides, and they would recommend that,

were the application be permitted, the applicant is required to follow the recommendations in the report.

6.22 For this revised application, LCC Ecology have commented as below:

'I feel it is unlikely that there would have been any significant change in the land since the previous application, and there is no need for an updated ecology survey. I recommend retention and management (as part of the communal gardens) of the hedgerow and trees to the rear (south) and road frontage of the plot, with minimal gaps created to allow access'.

4. Highways

6.23 A Highway Impact Statement was submitted as part of the previous application. The Statement assesses the proposed improved access into the site from the existing Manor access, together with proposed improvements to an existing access outside of the red line boundary of the application, to enable two way traffic.

6.24 The existing access provides access to The Manor House, and also provides the one way exit route from vehicles using the facilities of The Stableyard. The previous application (15/01739/OUT) proposed improving the existing access to provide access to 5 dwellings, together with the closure of the one way system, and improvement of the existing access to enable two way traffic at The Stableyard. This land is in the ownership of the applicants. This application does not propose an access route into the site. It is considered that any reserved matters application would also propose using the existing access to The Manor, however in the indicative layout the access appears to come direct from Main Street as opposed to the existing Manor access.

6.25 LCC Highways have not provided any commentary with regards to the proposed highway works and impact on the existing network. However, due the location of the proposed development, and lack of access to sufficient modes of transport, LCC highways recommend refusal of the scheme.

6.26 LCC Highways recommend refusal as 'The Applicant has failed to demonstrate that their proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport'.

6.27 The site, although located within 800m of a bus stop, does not provide a sufficient choice of transport modes, with any essential journeys from the site to be available by car transport only. Cotesbach is served by a bus service providing access to Lutterworth and beyond to Leicester, or south to Rugby, however this bus service is infrequent. There are currently 8 services a day serving the village, of which 2 services are within 5 minutes of each other between 8am and 8:10am. Therefore all trips to schools, food shopping, libraries, GPs and post offices as well as wider town centre services will be predominantly made by cars.

5. Residential Amenity

6.28 The application proposes 5 terraced two storey dwellings located to the rear of the site. The proposed two storey dwellings, at a total of approx. 8.45m in height to the ridge of the central dwelling and approx. 7.50m to the other four dwellings, will be sited higher than the nearby dwellings due to the difference in levels. The dwellings will be located approx. 50m from dwellings on Main Street at their closest point, well within the 21m distance as specified within SPG3. Whilst objections have been received regarding potential overlooking and overbearing impact on dwellings on

Main Street, the 50m distance is considered sufficient to negate any impact on these dwellings, whilst the impact of the siting of dwellings on the site is discussed further in section 1 above.

- 6.29 The application is outline only; however the indicative street scene plan shows 5 dwellings in a terrace, with no indication of the side elevations of the side plots shown. As such, no negative residential amenity impact resulting within the scheme is considered.
- 6.30 To the east of the site, The Manor will be located approx. 27m corner to corner from the end of terrace plot. Due to the existing extensive landscaping to this boundary, no potential overlooking or overbearing impact upon amenity is proposed. To the west of the site, the end terrace plot is proposed to be located approx. 25m at its closest point from neighbouring Meadowside, The Precinct. As currently proposed, no side elevation to the end plot is shown, with a blank elevation not resulting in any overlooking impact to neighbouring dwellings, and this would be considered under reserved matters. In addition, an objection to the previous scheme raised an impact from potential car headlights driving up the proposed access road to the dwellings, with the access road currently lined directly west to the front principal elevation of Meadowside.
- 6.31 The application is an outline application, with all matters reserved. As such, any negative amenity impact could be overcome through reserved matters.

6. Heritage Impact

- 6.32 The site is located in close proximity to 4 listed buildings. The site is immediately adjacent to the Grade II Listed Manor House to the east of the site, with Grade II Listed Gamekeepers Cottage immediately north of the site across Main Street. Approx. 130m to the north east of the site is Grade II* Listed St Mary's Church, whilst Grade II* Listed Cotesbach Hall is located approx. 110m to the east of the centre of the application site, together with closer associated listed outbuildings. The application site is considered to be sited within the setting of these 4 listed buildings,
- 6.33 A heritage statement has been provided as part of the application, however this does not contain any assessment regarding potential impact on the surrounding listed buildings. The site is located in the centre of the village, enhancing the rural character of the village, and the application is considered to impact on the existing historic character and nature of the surroundings. The site currently acts as a buffer between the setting of 4 listed buildings and the historic core of the village, with the more modern development of the village beyond the site. Any development on this site, and of the 5 dwellings proposed and set high within the site, is considered to instead add a modern and suburban nature to the site.
- 6.34 The site rises in levels, with the proposed dwellings to be sited to the rear of the site as the land rises. The Grade II Listed Manor House, together with further views of Grade II Listed Gamekeepers Cottage and the Grade II* Listed St Mary's Church are all possible when viewed from the site, the footpath running through the site, and the adjacent The Precinct. Figures 2 and 4 above show the relationship of the site, with views to The Manor House across the site, during a time of full tree cover, with The Manor House a prominent building. Further a footpath runs to the western boundary of the site, also providing further views of the surrounding listed buildings.
- 6.35 Both Historic England and the HDC Conservation Officer object to the proposal. The HDC Conservation Officer states that the development;

'will be a visually prominent development because of the increases in levels and therefore will be prominent in views of the Listed Building specifically from The Precinct and from the public footpath that runs through the site. As a result in my opinion the proposed development will detrimentally alter the street scene affecting the character of the village and will result in harm to the setting of the Listed buildings. The public benefits of the development do not outweigh this harm'.

- 6.36 Historic England have stated that further information is required in order to process the application. A detailed description of the Grade II* Listed Church, Grade II* Listed Cotesbach Hall and grade II Listed Manor House is further set out by Historic England, with Historic England further outlining;

'The site forms part of the rural surroundings to the historic core of Cotesbach and contributes to the understanding and appreciation of the rural settlement and highly graded heritage assets within. It is of evidential value in terms of the historic relationship between the village settlement and the agricultural land that supported its economy and in terms of its high aesthetic value. The undeveloped land also provides an important spatial buffer between the historic core and later development. Though the information is clearly lacking, the principle of residential development will fundamentally change the setting removing a further part of the rural setting to the heritage assets'.

- 6.37 Paragraph 4.18 of the Design and Access statement submitted with application 15/01739/OUT sets out that both Cotesbach Hall (Grade II* Listed as opposed to Grade II Listed as set out) and the Manor House (Grade II Listed) are in need of renovation works. The paragraph states that investment is required to restore these two listed buildings, and that this proposed development would provide the funding to enable this. This is further discussed in the Heritage Impact Assessment provided with this application, stating that funding will help to support works to these listed buildings.

- 6.38 Whilst this is not queried, and the principal could be considered acceptable, no further justification has been set out, nor any regard to Historic England policy regarding enabling development been outlined, with the only information as per paragraph 4.18 as above.

- 6.39 Historic England's guidance 'Enabling Development and the Conservation of Significant Places' (September 2008) sets out a series of criteria and guidance for enabling development that is proposed to secure the future of a significant place, but that may contravene other planning policy objectives.

- 6.40 The guidance states that enabling development should be considered unacceptable, unless the development;

- A it will not materially harm the heritage values of the place or its setting
- B it avoids detrimental fragmentation of management of the place
- C it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose
- D it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid
- E sufficient subsidy is not available from any other source

- F it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests
- G the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.

- 6.41 The application as proposed is not considered to be compliant with the Historic England guidance as above. The application is considered to materially harm significant heritage assets (A), and no information has been provided regarding the viability of the scheme, or potentially costs involved for the required works (C, D), and that this equals the minimum necessary (F) to enable the works required. Further, this application, whilst the proposed dwellings, as indicative only, may be considered smaller in footprint than the previous proposal (15/01739/OUT), the knock on effect is that revenue resulting from the dwellings is likely to be less, lessening the funds available to enable works to either listed building. In addition, no information has been provided in terms of alternatives to securing the existing listed buildings within the ownership of the applicant, with the application also generating significant harm to heritage assets outside of their ownership.
- 6.42 LCC Archaeology have set out that the application site lies within an area of archaeological interest. The site lies within the historic settlement core of medieval and post-medieval Cotesbach, adjacent to the late 16th/early 17th century Manor House, and that there is documentary evidence for an earlier manor house on the site of the existing house, which stood in 1612, in an area of 'ould inclosure'. Subsequently LCC Archaeology have set out a requirement for a desk based assessment, and further field work including trial trenching.
- 6.43 This information is required prior to determination. No information regarding archaeology has been provided by the applicant, with the works proposed by LCC Archaeology also of significant cost to the applicant.
- 6.44 Given the significance of the site, a desktop assessment would be required to assess the potential impacts on archaeology, together with trial trenching to inform further, both prior to determination in order to inform an appropriate response from LCC Archaeology. The south east corner of the site is immediately adjacent to the Manor House, with the end of the terrace row identified within 30m of the Manor House, and with the curtilage identified within 10m of the Manor House.
- 6.45 Paragraph 131 of the Framework sets out that in determining planning applications, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and putting them to viable uses consistent with their conservation. Paragraph 132 of the Framework confirms that the significance of a designated heritage asset, which includes conservation areas, can be harmed or lost through development within its setting.
- 6.46 The proposed development, of five dwellings sited centrally within the site, is considered to result in significant harm to the setting of nearby heritage assets. The proposed dwellings, together with their access and curtilage, are considered to be detrimental to the setting of the surrounding Listed buildings of The Manor House, and Cotesbach Hall, and the wider setting of St Mary's Church and Gamekeepers Cottage. The site provides a buffer between the historic development in the village to the east and the more modern development of the village to the west of the site. Furthermore, the site is open in character and appearance, with a rise in levels from

Main Street and a footpath running through the site, providing a focal point for the village, and view of the surrounding historic listed buildings. In addition, the applicant has not provided sufficient evidence to identify and preserve any archaeological remains. The benefits generated by the proposal, including a proposal to use funds generated towards existing Listed buildings, is not considered to outweigh the harm, with the proposal considered contrary to paragraphs 132 and 134 of the NPPF.

d) Sustainable Development

6.47 The Framework identifies three dimensions to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached;

- Economic
Provides economic development in the building of 5 dwellings, including 5 dwellings towards the Council's 5yr supply, currently a shortfall. The development would also generate New Homes Bonus funding for the Council to invest in facilities and infrastructure in the area.
- Social
Provides 5 new dwellings, which modestly contributes to housing need. However, the site can not be accessed by sustainable modes of transport, and is not located within 800m walking distance to any services or facilities.
- Environmental
The proposal is not in keeping with the character and appearance of the surrounding area, and creates significant harm to surrounding heritage assets. The proposed new dwellings would be sited in an isolated location with poor access to key services and infrastructure and would be environmentally unsustainable, on account of its poor location. The proposal would therefore conflict with local and national planning policies, including CS11 c) viii), CS17 b), CS5 (a), CS9 a), and paragraphs 17, 32 and 34 of the Framework, which seek to promote sustainable patterns of development and to reduce the need to travel by car.

7. The Planning Balance / Conclusion

7.1 The proposal would provide housing development within the District, and would contribute towards the Council's Housing Land Supply. However, The National Planning Policy Framework provides an undertone of the importance of sustainable housing delivery and this site is not considered to be sustainable development. The site is not located within a sustainable settlement, with poor accessibility to a range of services and facilities.

7.2 The application is considered to significantly harm the character and appearance of the area and fails to preserve the character and appearance of the designated Heritage Assets. The application proposes 5 large detached dwellings set above Main Street, resulting in a dominant form of development, and no justification is provided regarding any impact on surrounding heritage assets.

7.3 The proposed development will result in harm to the setting of the surrounding Listed buildings. The principle of residential development will fundamentally change the setting of the Listed buildings, and insufficient archaeological information has been submitted in support of the application.

- 7.4 Whilst a paragraph in the design and access statement of application 15/01739/OUT suggests the proposal will enable the renovation of two Listed buildings in close proximity to the site, insufficient justification for this has been submitted. The application demonstrates no regard to Historic England legislation and guidance regarding enabling development, and is not considered to meet the criteria set out in this guidance. Further, the application is not supported by any financial information to support this paragraph.
- 7.5 In the absence of a five year housing land supply, paragraph 14 of the Framework is engaged, and therefore permission granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits. This application is considered to be in an unsustainable location, and result in significant harm to both the character and appearance of the settlement, and result in significant harm to the setting of Listed buildings.
- 7.6 This harm identified is considered to outweigh the benefits of the proposal.

Reasons for refusal

- 1) The proposed development will result in less than substantial harm to the setting of the surrounding Listed buildings. The principle of residential development will fundamentally change the setting of the Listed buildings, and insufficient archaeological information has been submitted, to ensure the archaeological potential of the site is given future consideration. The public benefits of the development do not outweigh this harm and therefore the proposal will be contrary to Policy CS11 (a), (b) and (d) of the Harborough District Core Strategy and paragraphs 132 and 134 of the NPPF.
- 2) The proposed development, by virtue of its siting, would significantly extend the built form of the village into the open countryside and would detrimentally affect the character and appearance of the area and fail to preserve the character and appearance of the designated Heritage Assets. These impacts are compounded by the lack of information submitted regarding trees on the site. The proposal would therefore fail to accord with Policies CS11 (b) and (c)(iii) and d) and CS17 of the Harborough District Core Strategy, and paragraphs 17, 58, 132 and 134 of the National Planning Policy Framework, and it is considered that this identified harm is not outweighed by the proposal's benefits.
- 3) Outside of rural centres and selected rural villages, new development (including residential development) in the countryside and other settlements not identified as selected rural villages will be strictly controlled. The proposal is not for development for agriculture, forestry or another activity appropriately located in the countryside. The proposed new dwelling would be sited in a remote location with poor accessibility to local services, community facilities and public transport. Future occupiers of the development would lack viable transport alternatives and thereby be overly reliant on the use of a private motor vehicle. The proposal would therefore represent an inappropriate and unsustainable form of development that would be contrary to paragraph 14 of the National Planning Policy Framework and Policies CS5 a), CS9 a), CS11 c) viii) and CS17 of the Harborough District Core Strategy. The identified harm significantly and demonstrably outweighs the proposal's benefits, and no other material considerations indicate that the policies of the development plan should not prevail.

- 4) The Applicant has failed to demonstrate that their proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport. Leicestershire County Council policy contained in the Local Transport Plan 3 & Policy IN6 of the 6Cs Design Guide seeks to deliver new development in areas where travel distances can be minimised, and genuine, safe and high quality choices are available (or can be provided) for people to walk, cycle and use public transport facilities and services nearby. The LTP3 and the 6Cs Design Guide reflects Government guidance contained in the NPPF.

Notes to applicant

- 1) The decision has been reached taking into account paragraphs 186 and 187 of the National Planning Policy Framework.

Planning Committee Report

Applicant: Mr and Mrs Wilson

Application Ref: 16/01793/FUL

Location: Land off Ashby Lane, Bitteswell

Proposal: Erection of new dwellinghouse and garage with associated external works and landscaping

Application Validated: 08/11/16

Target Date: 03/01/17 (extension of time agreed)

Consultation Expiry Date: 12/12/16

Site Visit Date: 21/11/16

Case Officer: Chris Brown

Recommendation

Planning Permission is **APPROVED**, for the reasons set out below, subject to;

- The conditions set out in Appendix A

The proposal, by virtue of its design (form, mass, scale, proportions, style and materials), siting, and the dwelling would be of a low carbon, sustainable design, is considered outstanding in accordance with paragraph 55 of The Framework. The proposal would not cause significant harm to the character and appearance of the site and its surroundings, would not harm amenities of the surrounding residents, would not adversely affect ecological, archaeological or arboriculture interests, would not cause flood risk and would not cause significant detriment to highway safety. The proposal accords with Policies CS1, CS2, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy in the above respects. The proposal's degree of conflict with Policies CS1, CS2 and CS17 in terms of locational sustainability does not warrant refusal of planning permission when weighed against the benefits of the proposal and compliance with paragraph 55 of The Framework.

1. Site & Surroundings

- 1.1 The site is located north of the village of Bitteswell, and south of the village of Ashby Parva, and forms land to the rear of Inshalla and formerly Bitteswell Hall. Bitteswell Hall and Inshalla form part of a development of 8 dwellings located on Hall Lane, well outside of the nearest settlements of Bitteswell and Ashby Parva. The site is flat in nature and characterised by open areas and tall, mature trees on site, particularly close to Ashby Lane, and surrounding the proposed entrance.



Figure 1: Site Location



Figure 2: view north east at the access to the site



Figure 3: view within the site



Figure 4: rear boundary of the site

- 1.2 The site has an established hedgerow to its north-west boundary of the site, interspersed with trees, with a series of trees across the south-eastern boundary of the site to Bitteswell Hall. The north east boundary of the site is clearly delineated, with part red brick wall to the boundaries of Inshallah and Oakleigh, and a low open fence boundary together with additional vegetation to the boundaries of The Bungalow and The Orchard.
- 1.3 To the north-west of the site are open fields looking towards Ashby Parva, with further mature trees and enclosed areas to the south to Bitteswell Hall. Bitteswell is designated as a Select Rural Village, and does have Limits to Development but the

site is not within this. The site is not within a Conservation Area. As such, the application is submitted under paragraph 55 of the NPPF, taking into account the above.

2. Site History

2.1 The Site has the following planning history:

- 13/01795/FUL – Erection of a dwelling and associated detached garage and formation of new access – WITHDRAWN (22/01/14)
- 14/00988/FUL – Erection of a dwelling and associated detached garage and formation of new access (Re-submission of 13/01795/FUL) – WITHDRAWN (04/12/14)
- 15/00074/FUL – Erection of a two-storey detached dwelling and separate garage building – WITHDRAWN (18/05/15)

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal seeks full planning approval for the erection of a dwelling. The layout of the site proposes a single access in to the site from Ashby Lane to the south west, with the dwelling proposed set well back from Ashby Lane centrally within the site.
- 3.2 The proposal is for a single detached two storey dwelling to be sited centrally within the site, with a weaving access road from Ashby Lane to the south west boundary. The proposal is supported by full landscaping details together with additional information of views to and from the dwelling within its setting. The proposal is designed to meet the parameters of para 55 of the NPPF as an exception to 'normal' planning policy, and as such is not designed to be in keeping with any neighbouring dwellings or those of neighbouring settlements.
- 3.3 The dwelling proposed will consist of two floors sited at 90 degrees to each other, with the ground floor on a south west – north east axis and the first floor above on a south east-north west axis above. The first floor will be supported by an additional 'detached' section of the ground floor, with a central open space between this and the main ground floor, and underneath the first floor, with the first floor also projecting outside of the ground floor plan to the north west elevation.
- 3.4 The proposed dwelling is a four bedroom dwelling, with all bedrooms and bathrooms to the first floor, and living room, kitchen diner and study rooms to the ground floor, with a separate garden room and gym in a detached section to the ground floor. The ground floor section will be approx. 24.00m in total span on a south west to north east axis, at approx. 6.35m in width, with the separate detached section located approx. 5.50m from the main section, and approx. 9.00m x 6.00m in length and width. The first floor section of the dwelling will be approx. 22.50m in total span on a south east-north west axis, at approx. 6.35m in width, matching the ground floor section. The first floor will sit flush with the separate detached ground floor garden room and gym, and overhang the north west side elevation by approx. 3.00m. The proposed ground floor section will have a flat roof at approx. 3.40m in height, with the first floor section approx. 3.00m in height by itself, rising to approx. 3.50m in height to the rear (north east) to accommodate a small sloping pitch including solar panels.

- 3.5 In addition to the dwelling, a detached double garage is proposed to the south east of the dwelling, on the same axis at the first floor elevation. The garage will be approx. 6.50m x 6.50m in length and width, and approx. 3.00m in height with a flat roof. The garage will have an adjoining rabbit hutch, and approx. 2.50m in height and approx. 1.50m in projection, facing into an enclosure to the east side of the dwelling. Elsewhere, the proposal includes timber pergolas to the front and west side elevation of the dwelling, providing an entrance to the dwelling and additional weather protection to the front elevation, and additional solar shading to the west side elevation to a sunken terrace seating area to the west side elevation. The sunken terrace has direct access from the kitchen, with a kitchen garden beyond, with additional outside seating provided in the undercroft area below the first floor section and between the main ground floor and detached garden room and gym.
- 3.6 Materials proposed include natural timber cladding to all first floor elevations, the end elevations of the ground floor section and the proposed front and side pergolas and timber frames, with smooth white render to the ground floor side elevations and additional detailing. Extensive glazing is also proposed to the ground floor side elevations and first floor west side elevation, together with the detached ground floor garden room. The roof is proposed to be a sedum roof to the ground floor section and grey ply to the first floor section, with all doors and windows in dark grey aluminium. In addition, a red brick garden wall is proposed to delineate the driveway from the dwelling and gardens, to match in appearance the red brick wall to the rear (north east) boundary of the site.



Front (South) Elevation



Rear (North) Elevation



Side (West) Elevation



Side (East) Elevation

to the proposed sunken outside terrace, and with direct link through to the kitchen. Further landscaping details are discussed in section 6 c) below.



Figure 7: Front elevation impression (south west corner)



Figure 8: East side elevation impression



Figure 9: West side elevation impression (to open fields)

b) Documents submitted

i. Plans

3.10 The application has been accompanied by the following plans –

Site Location Plan P101 A
Location Plan P103 A
Site Layout – context P111
Topographical plan P102 A
Proposed elevations P106 A
Ground floor plan P104 A
First floor plan P105 A

ii. Supporting Statements

3.11 The application has been accompanied by the following supporting statements –

Design and Access Statement
Planning Statement
Architect Impression Front elevation (x2)
Architect Impression rear elevation
Architect impression side elevation
Design Review Report (July 2016)
Protected species survey (October 2016)
Landscape and visual appraisal (including landscape concept and masterplan) (April 2016)
Environmental Statement (October 2016)
Visual appraisal assessment (October 2016)
Opun Design Review report (August 2016)

c) Pre-application Engagement

3.12 Prior to submitting the planning application the site has been subject to a pre-application in the form of discussions around the previous applications. The process prior to this application has included discussions with Officers of the previous proposals, and engagement with Officers and Opun, the East Midlands Design Review Service, regarding this application.

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 15th November 2016, and included a site notice put up on 21st November 2016. The consultation period expired on 12th December 2016.

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

Bitteswell with Bittesby Parish Council

4.3 Initial objection relating to highway safety only, with follow up objection making the following points on the application:

- Form would be alien to the appearance of the Bitteswell Conservation Area
- The dwelling will not be sited in a sustainable location
- The application does not satisfy the criteria of NPPF para 55
- Inappropriate garden development (*Officer note: the dwelling is not located within residential curtilage of any dwelling, and is therefore not garden land*)
- Outside of limits to development
- Unsafe access to the site from Ashby Lane

LCC Highways

4.4 The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.

4.5 The previous application 15/00074/FUL included the following proposed conditions from LCC Highways:

Conditions

4.6 1 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as not to open outwards.

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

4.7 2 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained. Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

4.8 3 Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained. Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

4.9 4 Before first occupation of the/any dwelling, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times. Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

HDC Environmental Health

4.10 No response received. Previous response to application 15/00074/FUL included proposed conditions requiring a risk based land contamination assessment, verification investigation report and no burning of waste are recommended.

Severn Trent Water

4.12 No response received. No previous objections.

LCC Archaeology

4.13 No response received, however previous comments on past scheme proposed no works necessary.

LCC Ecology

4.14 I have no objections to this development; as long as the mitigation strategy set out in Mr Collins Oct 2016 ecology report is followed as a planning condition. The recommendations are in section 6.2, and this section should be referred to in the condition.

4.15 A neighbour has previously reported sightings of great crested newts on the adjacent land, but Mr Collins report states that access permission was not obtained to survey the site in question. He has therefore had to make recommendations for precautionary mitigation, which is acceptable in these circumstances. Essentially, this will require installation of a temporary amphibian exclusion fence whilst construction is underway, and supervision by an ecologist at various phases of construction.

b) Local Community

4.16 4 objections received, from 4 households. 3 objections are from adjacent neighbours to the proposal, with a further objection from a resident of Bitteswell village.

4.17 Highway issues raised in respect of the proposed development include:

- Dangerous access and previous fatality on the Ashby Lane
- No pedestrian access to dwelling
- Ashby Lane is 60mph road with no street lighting

4.18 Policy issues raised in respect of the proposed development include:

- Does not meet criteria of NPPF para 55
- Not in keeping with rural area
- Outside of limits to development and any sustainable location
- Not considered 'outstanding' development to meet NPPF para 55

4.19 Residential amenity issues raised in respect of the proposed development include:

- Lack of screening to neighbouring dwellings
- Visual impact to neighbouring dwellings
- Impact of light pollution
- Screening to Bitteswell Hall not in applicants control

4.20 Other issues raised:

- Potentially sets a precedent for future dwellings
- Impact on great crested newts to north of the site
- Shares design with Rugby shopping centre
- No community consultation
- Footprint as large as Bitteswell Hall

- Insufficient wildlife habitat creation
- Contrary to previous applications related to the Inshalla dwelling north of the site
- Garden land reference is misleading
- Impact on sewerage and water supply

5. Planning Policy Considerations

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

a) Development Plan

- *Harborough District Local Plan*
- 5.2 Relevant Policy of HS/8 – Limits to Development. The site is located outside of existing limits to development for Bitteswell, with Ashby Parva to the north not having limits.
- *Harborough District Core Strategy (Adopted November 2011)*
- 5.3 Relevant policies to this application are, CS1, CS2, CS5, CS11 and CS17. These are detailed in the policy section at the start of the agenda, with the exception of Policy CS17, detailed below.
- 5.4 Policy CS17 of the Core Strategy sets out the Council's approach to development in the rural centres, selected rural villages and the countryside. Policy CS17 identifies Bitteswell as a Selected Rural Village, based on its service provision of a pub and primary school, with development in Selected Rural Villages to be on a lesser scale than Rural Centres, with Rural Centres to be the focus for rural affordable and market housing, additional employment, retail and community uses to serve the settlement and its rural catchment area. In all cases development will be on a scale which reflects the size and character of the village concerned, the level of service provision and takes into account recent development and existing commitments.
- 5.5 Policy CS12 sets out how infrastructure will be provided alongside residential development.

b) Material Planning Considerations

- *Supplementary Planning Guidance*
- 5.6 The Supplementary Planning Guidance Note that is relevant to this application is Note 3 Development of single plots, small groups of dwellings and residential development in Conservation Areas
- *National Planning Policy Framework (NPPF)*
- 5.7 The relevant paragraphs of the NPPF apply to all agenda items and are set out above, however it is considered necessary to include para 55 in full below:

5.8 *To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling.*

Such a design should:

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area.*

c) Other Relevant Information

- *Reason for Committee Decision*

5.9 This application is to be determined by Planning Committee as the recommendation is for approval, with 5 objections received (including Bitteswell PC), and the application has been called in by the Ward Member (Cllr Page).

6. Assessment

a) Principle of Development

- 6.1 The proposed dwelling, located outside of Bitteswell, is not within 800m of any identified service or facility or within defined Limits to Development. The site is at a distance of over 2km from all key services, and is not easily accessible or well-connected to public transport or other community facilities. For new development to be acceptable, it must be in locations from where future occupiers have a range of travel options to access sufficient numbers of key amenities. The Core Strategy sets this at a threshold of two services and facilities.
- 6.2 In summary, in this instance there are no key amenities within 800m walking distance of the site, and therefore the proposed new dwelling would be sited in an isolated location with poor access to key services and infrastructure and would be environmentally unsustainable, on account of its poor location, as future occupiers would be almost entirely reliant on the use of private cars.
- 6.3 However, having regard to paragraph 55 of the NPPF, an isolated dwelling in the countryside may be acceptable through demonstrating 'exceptional quality or innovative nature of the design of the dwelling', with a further four criteria to be met.
- 6.4 The dwelling proposed is to be of zero carbon in nature. The dwelling uses a mix of glazing, shading, aspect, and solar energy and energy storage to achieve these

standards. In addition the proposal must meet the criteria below in order to comply with paragraph 55 of the NPPF;

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area

b) Housing Requirement and Housing Land Supply

- 6.5 The Council presently does not have a 5yr Housing Land Supply at 4.66yrs supply. If this application were approved it would provide 1 additional dwelling.

c) Technical Considerations

1. Scale, appearance and landscaping

- 6.6 The application is for a single dwelling, set back from Ashby Lane, and of a scale and appearance unlike any other dwellings in the District. The proposed dwelling will contain a host of eco features enabling a carbon neutral dwelling, with a unique design and layout. The siting and layout proposed, showing retention of the existing trees to the entrance to the site, will ensure that the proposed dwelling is not clearly visible from the public realm. When viewed from Ashby Lane the dwelling will be set back over 90m from the entrance, with the driveway weaving between the mature trees to the front of the site. During the winter months some glimpses of the dwelling may be expected, however not from spring to autumn. The dwelling will also not be clearly visible from any neighbouring dwellings, with distance of over 100m to the dwellings to the rear (Inshalla and Oakleigh) separated by a wall, fence and vegetation boundary, and significant vegetation negating any views from Bitteswell Hall to the eastern boundary. The proposed dwelling, at approx. 7.00m in total height, is not considered an overbearing structure, and is not considered to dominate its landscape. Further, there are no public rights of way in close proximity to the site, with the nearest approx. 670m north of the proposed dwelling.

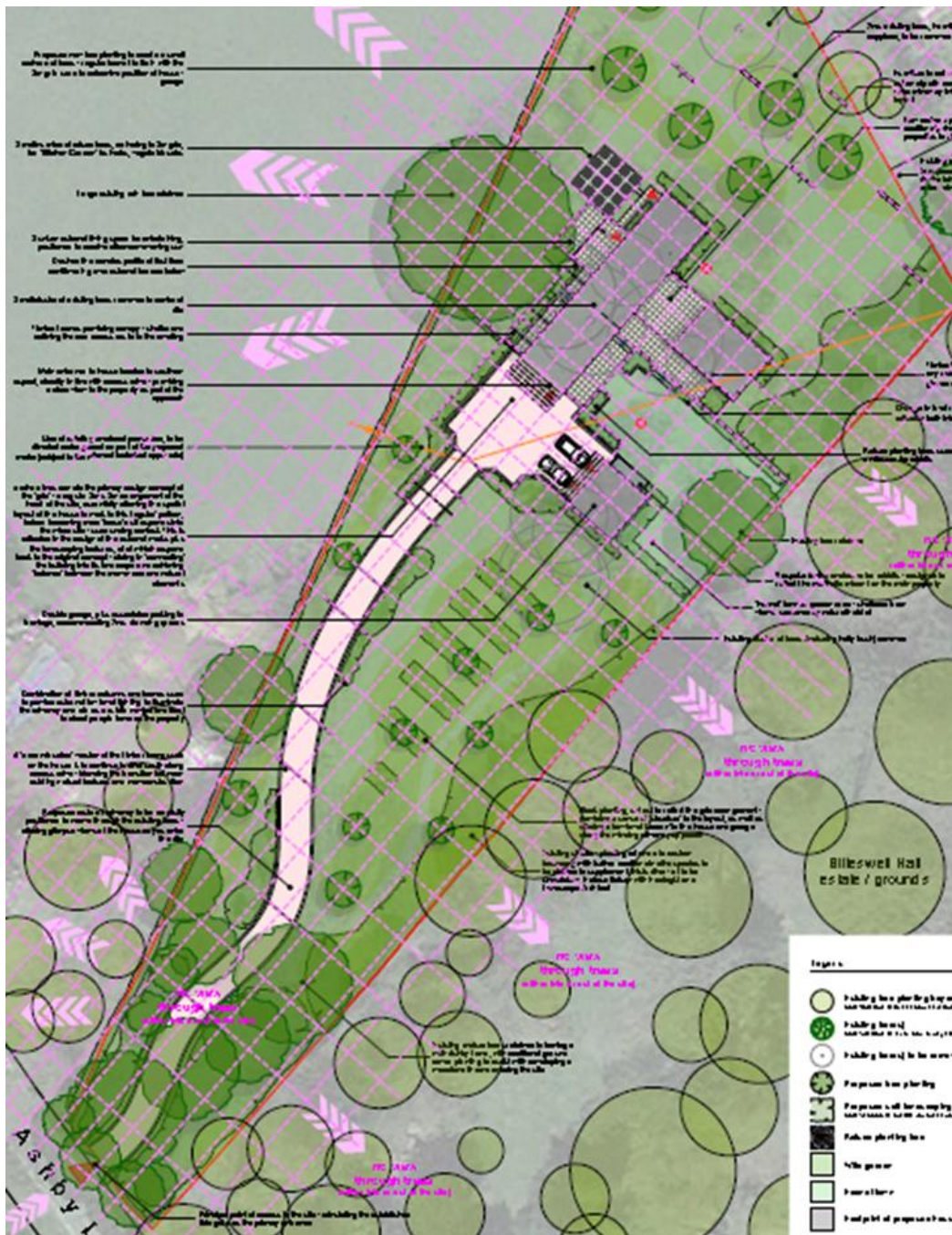


Figure 10: Site Layout

6.7 The application site is outside of Limits to Development and is therefore situated in the open countryside. The erection of a dwelling on this site would change the open, rural and undeveloped character and appearance of the countryside to the site and the neighbouring agricultural field. If the site was to be developed, it would create additional built form in an open rural area and therefore it is important to integrate development with existing built form and to be visually unobtrusive. The proposed dwelling will be sited in open countryside, however in an area with existing dwellings to the immediate north and east of the site. These dwellings have been built over a number of years since originating from converted outbuildings of Bitteswell Hall, with some of the dwellings, including Inshalla to the north, now significant in size and layout. Each dwelling is also detached and sited on an expansive plot. This is proposed through this application, with a dwelling of a large footprint, but relatively low in height and on a substantial plot with additional landscaping proposed.



Figure 11: Site Context Plan

- 6.8 The materials proposed, of timber cladding to the first floor and white render to the ground floor together with timber detailing is considered acceptable for the site, and will assist in minimising the scale of the dwelling when looking in to the site. The proposed dwelling is relatively low in height at approx. 7.00m, with the ground floor white render will not be visible to any neighbouring dwellings due to boundary treatments, with glimpses of the timber clad first floor only. The first floor may be glimpsed from the nearest public right of way (Footpath W101), however at a distance of over 650m from the north, with the first floor elevation to this boundary minimal in scope with the end (approx. 6.50m in width) viewable only. The timber clad first floor will consist of varying widths of timber, helping to break up the aspect of the elevation and avoiding a uniform appearance to the front and rear elevations. In addition, the ground floor roof will be a green sedum roof, providing an additional natural element to the design of the dwelling. An extensive use of glazing, particularly to the detached ground floor garden room and gym, enhances the cantilevered floating appearance of the first floor above the ground floor and giving the impression of a wider undercroft than already proposed, with the first floor also cantilevered to the western side also.
- 6.9 The scale and layout of the dwelling proposed is based on a 3m x 3m grid system, with the layout of the dwelling evolving using a 3m x 3m grid. The grid arrangement is the result of the earth energy bank modules, discussed further in section 6 c) 8) below. The earth energy bank modules are repeated at every 3m intervals to achieve optimum performance for the energy storage for the dwelling, with this 3m x 3m grid

then being used for the evolution of the layout of the dwelling and widened to encompass the whole site and influence its landscaping. The grid arrangement, together with the nature and orientation of the site, led to the layout proposed, with the ground floor on a south west to north east layout, with the entrance prominent to the south west when entering the site, and the first floor on a south east to north west axis, resulting in all bedrooms having a southern aspect. This increases the solar gain to each principal room of the dwelling proposed, together with designing no principal windows to the northern elevation at first floor level (to neighbouring dwellings). The proposed internal layout is based around a central kitchen area, with external undercroft seating to one side (east) and allowing for an external sunken terrace dining area to the west side elevation, allowing for the afternoon/evening sunlight. A kitchen garden is also located in close proximity to the west side elevation.

- 6.10 A Landscape and Visual Impact Assessment (LVIA, although listed as an appraisal) has been submitted in support of the application. The LVIA submitted takes account of the landscape and built form characteristics of Bitteswell village south of the site, the wider Lutterworth Lowlands landscape character area, and the more immediate site setting, and includes views to the site from a variety of viewpoints up to approx. 2km from the site. The site is over 2km from Bitteswell village and the conservation area, and is therefore distinctly separate from the village and the development within it. Whilst within the parish of Bitteswell with Bittesby, the proposed dwelling will not have any relationship to the village or conservation area, as per the neighbouring dwellings around Bitteswell Hall to the north and east of the site.
- 6.11 Leading north from Bitteswell village and conservation area, Ashby Lane is characterised by linear residential development to the western side of Ashby Lane, together with a number of agricultural buildings when travelling north. To the east of Ashby Lane prior to the site, horse paddocks are present with views to Bitteswell Farm (egg plant) and in close proximity to the ongoing residential development of Saxon Meadow to the north and west of Lutterworth towards Bitteswell and Ashby Lane. Prior to the site entrance, Hall Lane provides access to the existing dwellings to the rear of the site (located off a small track from Hall Lane) with a separate access to Bitteswell Hall only prior to the site entrance. North of the site, the landscape is agricultural in nature, with less built form, over a predominantly flat landscape prior to reaching Ashby Parva.
- 6.12 In terms of landscaping, the proposal is split into different areas of the site. The entrance to the site is a woodland area, using the existing mature trees at the entrance and proposing additional woodland ground planting to the woodland area. Centrally through the site, prior to the dwelling, a combination of meadow grassland, mown paths and additional planting is proposed, including additional tree planting and box planting, using the 3m x 3m grid across the site. This meadow area will provide a transition between the natural woodland planting to the entrance to the site, and the more formal planting in close proximity to the proposed dwelling. Both the east and west side boundaries are proposed to be maintained and enhanced, with new native hedgerow to increase the existing to the western boundary, and additional planting to any existing gaps or open spaces to the eastern boundary to Bitteswell Hall. This additional planting to the eastern side boundary includes translocation of holly trees from the centre of the existing site. Sited across the driveway through the meadow section of the landscaping scheme a series of timber structures are proposed, from smaller posts flanking the driveway to larger frames across the driveway closer to the dwelling, with climbing plants proposed across the timber structures and providing an opportunity for down lighting through the driveway.

- 6.13 To the dwelling, box planting is proposed to the eastern side elevation providing a rabbit enclosure and linking to the proposed garage, with a more formal lawn immediately to the rear of the dwelling together with additional shrub planting to the rear elevations. To the western side, a sunken terrace and kitchen garden is proposed, together with retention of a large ash tree to the western boundary. To the rear of the site, formal lawn is proposed with formal orchard planting, using the 3m x 3m grid as per the dwelling and wider site. This orchard planting is for walnut, almond and cherry trees as opposed to normal English orchard planting of apple and pear trees, and builds on the previous use of the land as working garden for the Bitteswell Hall estate. The orchard planting will provide additional screening of the rear elevation of the dwelling, together with further small screening (shown as timber or corten steel) breaking views between the planting and the rear boundary. In addition to these landscape proposals, two focal point sculptures are proposed to be sited to the east and north east of the dwelling, providing a focal point to the formal lawn areas around the dwelling.
- 6.14 In addition to the landscape proposals, a solar shading study has been provided, showing the extent of sunlight and shading on the dwelling at four times of day in January, March, September and December.



Figure 12: Landscape concept plan

2. Ecology

- 6.15 An Ecology Survey document has been submitted as part of the application. The survey finds that the site does have a high potential to provide a suitable habitat for protected amphibians, and sets out mitigation measures for the proposed development. No protected species were found on the site at the time of the survey.

6.16 As part of the mitigation measures proposed, works are required with regards to amphibian mitigation as below:

- The area of Bramble scrub and Nettle beds to be removed as part of the development should be identified by marking out.
- The vegetation within the marked area should then be cut by hand to a height of 150 mm.
- At that point the ecologist should attend site and check for any potential refuges, and transfer any amphibians found to an unaffected section of the north-west boundary.
- Following this action the vegetation will be cut to ground level and subsequently development activities will proceed.
- The perimeter of the development footprint should be enclosed within an temporary amphibian fence. The objective of this is to prevent any amphibians entering onto the area during the construction period.
- Carpet tiles should be placed alongside the inner face of the amphibian fence at 5 m intervals. The objective is to provide refuge for any amphibians inside the area looking to seek safer refuge outside the development footprint.
- The vegetation/tree cover from off of the copse should be removed. The rabbit warrens should then be excavated by a light excavation machine under the supervision of an ecologist. Any amphibians captured at that time will be transferred to the north-west boundary away from the development footprint.
- The carpet tiles should be checked every 3 days and any amphibians found collected and placed into a clean receptacle, such as a bucket, and transferred to the north-west boundary. All amphibians captured should be photographed and a record of the numbers per occasion kept. The ecologist should be advised as to the numbers of amphibians collected.
- Once a month the ecologist should visit site, check the photographs and records and the integrity of the boundary fence.
- The grassland within the development footprint, and within the proposed area of newt fence, which should be marked out by the architect, should be cut to a maximum height of 50 mm. The grass should be maintained at this height by a weekly cut.
- Once this mowing regime has been established then the temporary amphibian fence should be placed around the development area. Access in and out of the development area should be by an amphibian grid at the site entrance. This should be as per standard best practice construction.
- Inside the amphibian fence will be carpet tiles laid out 5 m centres to provide a safe refuge for amphibians. The carpet tiles should be searched every 3 days and if amphibians are captured they should be photographed and the date and number recorded. The ecologist should be advised when amphibians are captured. The ecologist will visit site on a monthly basis to check the fence integrity and inspect the amphibian capture photographs.
- The temporary amphibian fence should be the Caudon heavy duty plastic detail fixed to timber stakes. The fencing should be placed into the ground as per best practice guidelines (see overleaf).
- The temporary amphibian fence must remain in place until the development is complete
- On completion the temporary amphibian fence must be removed under the supervision of a suitably qualified ecologist. This will allow the capture of any animals seeking refuge at the base of the fence. These animals will be transferred to the north-west boundary

- 6.17 In addition further recommendations are set out regarding potential bat roosts and lighting schemes, with no trees with a potential for a bat roost proposed to be removed, however should this change a further survey may be required. Further, all works to trees and shrubs should take place outside of the bird breeding season.
- 6.18 LCC Ecology consider the mitigation measures proposed with regards to both great crested newts and bats to be satisfactory.
- 6.19 LCC Ecology have recommended conditions regarding the mitigation measures as set out in the ecology survey.

3. Highways

- 6.20 Access to the site is to be provided from Ashby Lane, to the southern boundary to the site. The access will use an existing field gated access from Ashby Lane, with a driveway of over 90m in length to the dwelling.
- 6.21 The proposed access is located outside of the existing 30mph and 40mph speed limits of Bitteswell, and no footway provision is proposed for access to the dwelling. This situation is the same for the existing dwellings in the near vicinity, with Bitteswell Hall also having its own access from Ashby Lane to serve the dwelling only. The proposed dwelling proposes a double garage together with sufficient off street parking for at least two additional vehicles, complying with guidance requiring three off road spaces.
- 6.22 Highways have suggested the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions and Contributions. As such standard conditions are deemed appropriate. However no reservations or reasons for refusal are noted. The proposal is considered to comply with CS5 and CS11. .
- 6.23 Objections have been received regarding the safety of the access to the proposed dwelling, including mention of a fatal accident in 2010 close to the site. LCC Highways have been consulted through each of the past three applications together with this application and have not stated any previous reason for refusal, with conditions deemed sufficient to necessitate a safe access.

4. Heritage

- 6.24 An objection regarding impact on the Bitteswell Conservation Area has been made by Bitteswell Parish Council, stating that the design of the dwelling is not in keeping with the conservation area. The dwelling is not located close to the Bitteswell conservation area (over 1.2km away as the crow flies), and the dwelling is not designed to be in conformity with the character and appearance of the conservation area. The character of the immediate local area of dwellings around Bitteswell Hall is of large, detached dwellings situated in extensive grounds, and this proposal matches the local character as a large detached dwelling located within a large plot with extensive landscaping.
- 6.25 The proposal's two storey height is not considered out of keeping with the area, having regard to the form of dwellings around Bitteswell Hall and including the Hall. Bitteswell Hall is not a listed building, with no listed buildings also sited to the rear of the site, whilst LCC Archaeology have not requested any archaeological works as part of the development.

- 6.26 The use of the materials proposed, i.e. timber cladding, white render, grey windows and doors and extensive glazing will provide a modern design contrasting with existing dwellings. It is considered that subject to the conditions, the proposal would comply with Policies CS11 and CS17 of the adopted Core Strategy, as well as the relevant paragraphs of the Framework excluding paragraph 55, and would not impact on the character and appearance of the designated Bitteswell Conservation Area.

5. Residential Amenity

- 6.27 The proposed development may have an impact on the living conditions of residential properties, whether real or perceived, but the layout submitted demonstrates that development can be achieved which meets required separation distances to neighbours (SPG Notes 2: Residential Development – Major Housing Sites and SPG Note 5: Extensions to dwellings) and without causing harm to neighbours through loss of outlook, privacy or light, and the proposal is therefore considered acceptable in residential amenity terms and accords with Core Strategy Policy CS11.
- 6.28 Objections have been received from both Bitteswell Hall and Oakleigh regarding amenity. The dwelling will be approx. 62m from Bitteswell Hall at its closest point, and approx. 12m from the boundary of Bitteswell Hall at its closest point, measured from the gym and bedroom 4 (blank side elevation) to the east side of the proposed dwelling. The proposed dwelling is located approx. 21m from the rear boundary of Oakleigh, and approx. 120m from the rear of the dwelling. Further, there are no principal first floor windows to the rear elevation towards Inshalla and Oakleigh, even at such a significant distance. Principal windows are instead proposed at the front (south west) and north west side elevations only at first floor level, with no principal windows to either the north or east side elevations.
- 6.29 A balcony is proposed to the first floor west side elevation serving a bedroom, with this balcony overlooking open fields to the west of the dwelling, with no public rights of way in close proximity to the dwelling. An additional small balcony (standing only) is proposed to the south east corner of the dwelling from bedroom 4, however this proposes timber shading to the east side elevation, and remains a significant distance from Bitteswell Hall, with extensive landscaping to this eastern boundary. It is not considered that the indicative plans would present an overlooking or overbearing impact on another dwelling. The proposal therefore complies with CS11.



Figure 13: South east side boundary to Bitteswell Hall

6. Affordable Housing Provision

6.30 The proposed development is for 1 dwelling in total, falling below the 10 threshold as required for the provision of affordable dwellings. Further, the dwelling on site falls below the 1000sqm threshold for affordable dwelling provision.

7. Previous planning applications

6.31 The three previous planning applications (13/01795/FUL, 14/00988/FUL and 15/00074/FUL) were an evolution of essentially the same design and layout, with modifications to the design and information submitted throughout the applications. The first application was not submitted as a NPPF para 55 dwelling, with the two subsequent applications aimed more at a para 55 dwelling following discussions with Officers once the first application was withdrawn. Upon, the East Midlands Design Review service, were engaged by the applicant on request of Officers from the second application onwards.

6.32 All the previously proposed dwellings were a 'butterfly' shape dwelling in layout, with four separate sections forming a cross section in layout and based around a north to

south orientated central spine. The dwelling proposed under application 15/00074/FUL was two storey in height, with flat roofs over different heights, and a double detached garage to the western elevation. The proposed dwelling was to be 2 storeys in height, and will span a total of approx. 27.75m in width and approx. 14.0m in total length. The dwelling was to be split into four sections structured off a central atrium, with the central atrium approx. 12.60m in length running north to south, with each of the four sections approximately at 45 degrees from the central spine, and measuring up to approx. 12m in length. The dwelling was proposed at approx. 6.40m in total height to the highest part of the central spine, with the two north facing sections of the X shape to be approx. 5.60m in height, and the south facing first floor balconies to be approx. 3.00m to the base.

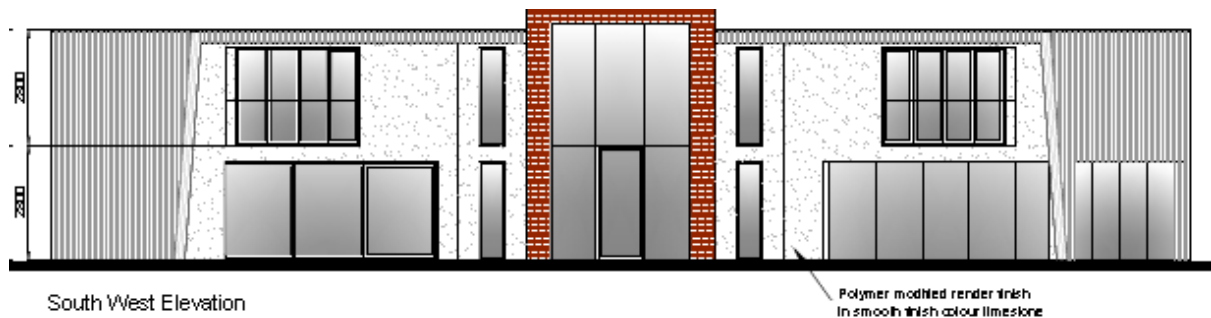


Figure 14: front elevation of proposal 15/00074/FUL



Figure 15: 3D visual of proposal 15/00074/FUL

- 6.33 The previous three applications were all withdrawn, pending refusal, and the subsequent two applications were subject to further scrutiny from Opun. With regards to the middle of the three applications (14/00988/FUL) the OPUN Design Review concluded that the proposal did not meet the para 55 standard of being innovative and outstanding; through having an under developed landscape design, a lack of outstanding internal spaces and a lack of detail regarding the external materials. In addition the Design Review stated that the environmental approach of the proposal could be deemed innovative, but greater information is required for the application to be judged on this.

- 6.34 The subsequent application (15/00074/FUL) provided more information with regards to a landscaping scheme (although not as much information as this current application), and more information with regards to the energy efficiency technology to be used on the dwelling. Whilst additional landscaping information was welcomed, the application was not considered to provide suitable information as to how the proposed technology influenced and justified the proposed design, nor did the proposed environmental approach suitably move forward in terms of being truly outstanding or innovative from the Solar House, Great Glen (Stackley House), on which this was based (with the same architect). Whilst technology had moved on in the time period and the proposal took advantage of that, the proposal provided only an improvement in design and environmental sustainability from the Solar House, and it was not considered to be truly outstanding or innovative enough to justify meeting the criterion of para 55 of the NPPF.

8. Environmental Performance / Sustainability

- 6.35 The proposed dwelling uses a 'fabric first' approach to sustainability through its layout, design and materials. The proposed dwelling has all bedrooms with a southerly orientation to take account of solar gain, with all principal ground floor rooms using extensive glazing and shading to maximise solar gain, whilst the construction of the dwelling will include multi foil insulation to minimise heat loss.
- 6.36 Building on a 'fabric first' approach as above, the proposed dwelling will be zero carbon through the use of solar panels for electricity generation, use of a ground source heat pump, and use of an energy earth bank for energy storage. Solar panels, in the form of photovoltaic thermal hybrid panels are proposed to the first floor roof, with the flat roof rising at an angle to a southern elevation to maximise the effectiveness of the solar panels. The photovoltaic thermal hybrid panels can be designed to sit further in line with the proposed roof than separate photovoltaic and solar hot water panels, and provide both space heating and hot water.
- 6.37 The proposed energy earth bank forms the basis of the 3m x 3m grid that the dwelling has been designed in accordance with, with the proposed landscaping scheme also based on this grid across the whole site. The energy earth bank uses a total of 64 boreholes of 1.5m into the ground, filled with conductive materials to allow for energy storage within the ground below the dwelling. The energy earth bank is then able to store the excess thermal energy generated by the solar panels in the ground, for release through the ground source heat pump to provide heating to the dwelling when the solar panels are not effective, i.e. during the winter months.

9. Design and NPPF para. 55

- 6.38 Paragraph 55 of the NPPF sets out;

'Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- The exceptional quality or innovative nature of the design of the dwelling.*

Such a design should:

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area.'*

- 6.39 This application seeks to apply through paragraph 55 of the NPPF, and through being of exceptional quality or innovative nature of the design of the dwelling, and meeting the further 4 bullet points on design as set out above.
- 6.40 Prior to submission, this application has been subject to a change of architect from the previous three applications, together with significant input from Opun over the past 18 months, with additional input from Officers where necessary. In addition, an ecology survey has been undertaken and submitted with this application, which was not present with any of the three previous applications.
- 6.41 In the process of this application, Opun have been engaged to undertake a half day seminar of the proposal, including a site visit to the application site, together with two further written appraisals of the proposed scheme, with additional information presented to Opun at each stage of the process. Planning Officers have been kept informed of the ongoing work prior to the submission of the application. The Opun reports are included as appendices to the design and access statement submitted with the application.
- 6.42 The December 2015 seminar of the initial proposal raised the following main points from the Opun design review panel:
- Undertake a conceptual design for the wider area;
 - Engage a landscape architect including a landscape strategy;
 - Undertake refinements to the form and design of the dwelling, including the relationship between internal and external spaces;
 - Provision of an extroverted building; and
 - Provide justification for meeting para 55
- 6.43 The subsequent Opun report from May 2016 following receipt of additional information raised a number of additional queries, including further narrative required with regard to the inception of the dwelling concept through to the final proposal, showing the key characteristics of the site and how the design has been led by material, structural or environmental considerations. The May 2016 review concludes that further design development of the dwelling and clarity in the description of both the dwelling and the inception of the dwelling design is required for the dwelling to be considered 'outstanding' in status.
- 6.44 A further Opun written report was undertaken in August 2016 following further design modifications and additional information submitted to Opun. The Opun panel members were maintained through the whole process. This August 2016 report followed the submission of greater detail on the progression of and thinking behind the concept of the dwelling to its current design proposed. The report concludes that further information regarding the evolution of the grid concept from the house to the wider site and outside of the site is required, how the proposal is shaped by lines of sight, and the use of the internal and external spaces of the dwelling.

- 6.45 The additional information submitted with the application seeks to address all the points raised in the various Opun design reviews of the proposals, from the previous applications to the evolution of the current proposed dwelling from its concept. The proposed dwelling has been amended through the Opun reviews to take greater account of the movement internally and externally through and outside of the dwelling, with rooms and principal windows amended to take account of views into and out of the dwelling. The grid concept for the dwelling has been expanded across the site, with the landscaping masterplan also based on the grid concept, with the grid becoming more flexible outside of the proposed dwelling.
- 6.46 The submitted plans have been altered through the various design stages, and now include a range of external spaces linked to the internal rooms of the dwelling. This is shown through both an external undercroft area outside of the kitchen and linking to the garden room (which can also be accessed internally through the first floor), and the sunken external dining terrace and kitchen garden to the west of the kitchen. In addition the proposed rabbit enclosure also provides an area of formal lawn, with the enclosure planting linking to the wider landscaping of the site and being positioned from the detached garage.
- 6.47 With regards to meeting the criteria of NPPF para 55, with the first criterion to 'be sensitive to the defining characteristics of the local area', it is regarded that the proposal meets this standard. The current scale and massing of the proposal and soft-touch approach to the existing landscape are in keeping with the surrounding landscape. The nature of the site and proposed landscaping plan mean that the dwelling will not significantly break the skyline of any view into the site, with only small glimpses of the dwelling from a very few viewpoints, mainly within the immediate area. The proposal uses the existing mature trees to the southern boundary to act as a frame to the entrance, with a driveway winding between them before straightening in a transition between a wild planting section of garden with the mature trees and under planting, to a mix of meadow planting and box planting in keeping with the grid development proposed. This strip of planting then hides the more formal lawn, rabbit enclosure and framing of the dwelling to the north section of the site, with formal orchard planting and lawn to the rear of the dwelling.
- 6.48 With regards to 'significantly enhance its immediate setting', the visual enhancement of the garden, environmental performance of the dwelling and the high quality materials proposed all count towards demonstrating this standard. Since the previous applications the proposal has evolved from a similar height but larger 'butterfly' footprint dwelling of white render with timber and brick detailing located more centrally within the site, to a more linear design. The proposal seeks to limit its wider impact through the use of timber cladding exclusively to the first floor, with a white render contrast to the ground floor, and creates a 'floating' cantilevered structure through the use of the design and materials.
- 6.49 Throughout the scheme, and in addition to the previous applications, a landscaping masterplan has been produced. The landscaping scheme does not contain full details of all planting and species to be used, however provides a wider masterplan scheme for the site, with details to be conditioned. The landscaping scheme uses the grid concept of the dwelling and provides this to the wider site, whilst also providing separate landscaping areas throughout. The landscaping scheme includes retention of mature trees to the front of the site together with additional wild/woodland planting (mainly woodland bulbs) and transitions to more expansive meadow planting leading to the dwelling, interspersed with box planting and mown paths through the meadow. The access driveway will link to the dwelling through the use of timber structures, increasing in size to the dwelling and mimicking the timber pergola structures to the

entrance to the dwelling and garage, and to the west side of the dwelling. The landscaping becomes more formal in layout around the dwelling, with the proposed rabbit enclosure a seamless integration into the wider landscaping proposal, with more formal orchard planting to the rear of the site together with additional screening spread through the rear of the site.

- 6.50 With regards to being 'innovative and outstanding' and 'reflecting the highest standards of architecture', the current application has sought to address issues previously raised by Opun as to why previous proposals were not considered to meet these criteria. With regards to the previous applications, the Opun reports raised issues that did not reflect the para 55 criteria through having an under developed landscape design, a lack of outstanding internal spaces and a lack of detail regarding the external materials. In addition, further Opun reviews of this proposal through its evolution have also raised points regarding a requirement for landscape masterplanning, the use of the dwelling and transition between internal and external spaces, and views into and out of the dwelling.
- 6.51 The current application, as a total evolution of over 3 years from the initial application, is considered to address the points raised by Opun throughout the evolution of the scheme. The proposal, both in terms of the design of the dwelling and landscaping, has been amended at each stage to be improved, with further information provided as to the reason behind the design of the dwelling and landscaping scheme. Further, the proposed dwelling has evolved in concept, building its siting and design on the provision of underground energy storage, with the grid concept for the whole site originating in the boreholes required for the energy storage. The previous applications lacked this narrative, with a design being amended through the applications to retrospectively seek to achieve the criteria of para 55. This application has instead provided a greater level of engagement with Opun from the outset to achieve a para 55 dwelling, with points raised by Opun taken account of in the subsequent designs, and significant background information submitted with the application.
- 6.52 Whilst appropriate conditions are considered necessary for the dwelling to meet the criteria of para 55 based on the landscape masterplan proposed, the dwelling is otherwise considered to meet the para 55 criteria.

d) Sustainable Development

- 6.53 The Framework identifies three dimensions to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached.
- Economic
Provides economic development in the building of 1 dwelling, including 1 dwelling towards the Council's 5yr supply, currently a shortfall. As well as the direct economic benefits related to employment generation and investment, the proposal will deliver 1 dwelling.
 - Social
Provides 1 new dwelling, which contributes to housing need. Whilst the site can not be accessed by foot/cycle to the centre of the village, and the site is not within close proximity to existing services and facilities, the proposal seeks to meet the criteria of NPPF para 55, of being an outstanding dwelling, enhancing its setting and being sensitive to the local area.

- Environmental

The proposal is in keeping with the character and appearance of the surrounding area, and sited to the rear of the site over 90m from the access, with limited views to the dwelling. The dwelling also includes a range of environmentally friendly technology, generating its own energy as well as storing energy, therefore minimising its environmental impact. A landscape masterplan has been provided, which will help to improve bio-diversity and enhance the environment. It is therefore considered that it will have not have a negative impact on the environment, and furthermore the dwelling is considered to be 'outstanding' in accordance with para 55 of the NPPF.

7. The Planning Balance / Conclusion

- 7.1 The proposal would provide housing development within the District, and would contribute towards the Council's Housing Land Supply. The National Planning Policy Framework provides an undertone of the importance of housing delivery and the Council is unable to demonstrate an up-to-date five year supply of deliverable sites for housing, and therefore finds support from Policy CS2(a). This is a very important material consideration that weighs strongly in favour of the proposal.
- 7.2 In the absence of a five year housing land supply, paragraph 14 of the Framework is engaged, and therefore permission granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits.
- 7.3 The proposal, whilst outside of a sustainable location and outside of limits to development, is considered to meet the criteria of paragraph 55 of the Framework and demonstrates a high investment in its design and layout, particularly in its use of carbon reduction technology and incorporation of sustainable technology and techniques, whilst also being of an unique design and concept.
- 7.4 The scale, design and form of the development respects the character of the surrounding area and it will integrate in to its surroundings. Residential amenity is safeguarded, and LCC Highways have raised no objections to the proposal. The proposal therefore complies with Policies CS1, CS2, CS3, CS5, CS11, CS12 and CS17 of the Harborough District Core Strategy.
- 7.5 The proposal, by virtue of its design (form, mass, scale, proportions, style and materials), siting, and the dwelling would be of a low carbon, sustainable design, is considered outstanding in accordance with paragraph 55 of The Framework. The proposal would not cause significant harm to the character and appearance of the site and its surroundings, would not harm amenities of the surrounding residents, would not adversely affect ecological, archaeological or arboriculture interests, would not cause flood risk and would not cause significant detriment to highway safety. The proposal accords with Policies CS1, CS2, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy in the above respects. The proposal's degree of conflict with Policies CS1, CS2 and CS17 in terms of locational sustainability does not warrant refusal of planning permission when weighed against the benefits of the proposal and compliance with paragraph 55 of The Framework.

APPENDIX A – Planning Conditions

8. Planning Conditions

8.1

Planning Permission Commencement

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Materials Schedule

- 2) The development hereby permitted shall be constructed entirely of the materials as detailed in plan W210 P106 A.

REASON: In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11..

Drainage

- 3) The development hereby permitted shall not commence until drainage plans for the disposal of surface water and 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.

Sustainable Technology

- 4) The development hereby approved shall fully integrate all of the carbon reduction and sustainable design technologies and techniques outlined in the submitted Environment Statement (Caplin Solar, October 2016) and OPUN Design Review Report section 6 (brp architects, July 2016).

REASON: To ensure a satisfactory standard of sustainable development is achieved, to reduce the proposal's carbon emissions and environmental impacts and to accord with Policies CS1, CS5, CS9 and CS10 of the Harborough District Core Strategy.

Gates set back

- 5) If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as not to open outwards.

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

Parking provision

- 6) Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling. The parking spaces so provided shall thereafter be permanently so maintained.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

Access surfacing

- 7) Before first occupation of the/any dwelling, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not

loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

Visibility Splays

- 8) Before first occupation of the development hereby permitted, visibility splays in accordance with the standards contained in the current Leicestershire County Council design guide shall be provided at the junction of the access with Ashby Lane and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

REASON: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety and to accord with Harborough District Core Strategy Policy 11.

Highway Drainage

- 9) Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, 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.

Landscaping

- 10) No above ground development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall be in accordance with the Landscape Masterplan contained within the Landscape and Visual Appraisal (April 2016) and shall include:

(a) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;

(c) means of enclosure;

(d) hard surfacing materials;

(e) programme of implementation

Thereafter the development shall be implemented fully in accordance with the approved details and retained in perpetuity.

REASON: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with Harborough District Core Strategy Policy CS11

Development in Accordance with Ecological Survey

- 11) The development hereby approved shall be implemented in accordance with the recommendations detailed in the Ecological Survey including Great Crested Newt mitigation, from section 6.2 of the Ecological Extended Phase 1 Survey (BJ Collins, October 2016).

REASON: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy Policy CS11

Permitted Plans

- 12) The development hereby permitted shall be in accordance with the following approved plans Site Location Plan P101 A, Location Plan P103 A, Site Layout – context P111, Proposed elevations P106 A, Ground floor plan P104 A and First floor plan P105 A.

REASON: For the avoidance of doubt.

PD Removal

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-F, and Part 2, Class A, shall take place on the dwelling house hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements and to accord with Harborough District Core Strategy Policy CS11.

Risk Based Land Contamination Assessment

- 14) No development shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- LR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- The Verification Plan shall be prepared in accordance with the requirements of:
- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

REASON: To ensure that the land is fit for purpose and to accord with Core Strategy Policy CS11

Completion/Verification Report

- 15) Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any

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

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

REASON: To ensure that the land is fit for purpose and to accord with Core Strategy Policy CS11

External lighting

- 16) No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and to accord with Harborough District Core Strategy Policy CS11

Notes to applicant:

- 1) You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
- 2) 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.
- 3) A watching brief for protected species must be maintained at all times throughout the development. In the event of any protected species being discovered works shall cease, whilst expert advice is sought from Natural England

- 4) You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
- 5) This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
- 6) To mitigate the likelihood of Environmental Health complaints, site works, deliveries or any building works in connection with the development should only take place between the hours of 08:00 – 18:00 Monday to Friday, 09:00 – 13:00 on Saturdays, and at no time on Sundays or Bank/Public Holidays.

Planning Committee Report

Applicant: Mr and Mrs N. Hall

Application Reference: 16/01650/FUL

Location: Knaptoft Hall Farm, Welford Road, Knaptoft

Proposals: Erection of two livestock buildings and straw barn, formation of concrete silage clamps, installation of 6 no. effluent tanks, formation of private way and landscaped bund

Application Validated: 19/10/16

Target Date: 18/01/16

Consultation Expiry Date: 11/11/16

Site Visit Date: 25/11/16

Case Officer: Louise Finch

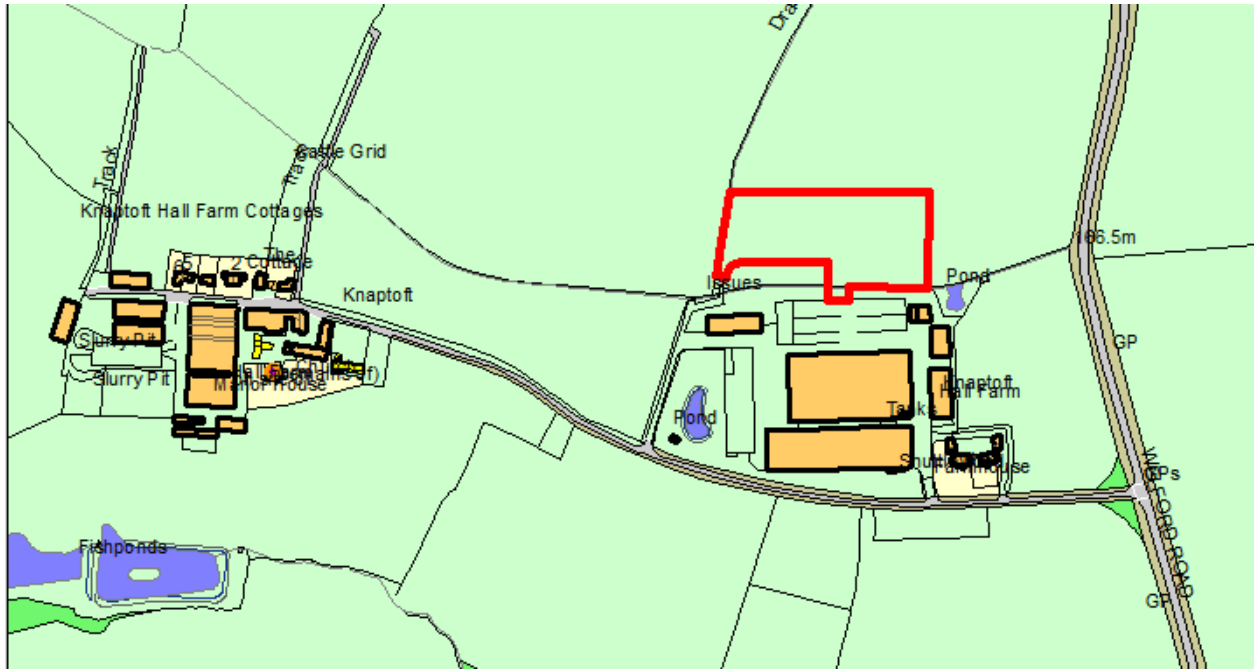
Recommendation

Planning Permission is **APPROVED** for the reasons set out in this report and subject to the appended conditions:

The development, by virtue of its size, design, siting and use, would sustain or improve the rural economy without adversely affecting the character and appearance of the countryside, residential amenity or giving rise to additional traffic which would lead to a road safety hazard. The proposal is therefore considered to accord with Harborough District Core Strategy Policies CS11 & CS17 and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

1. Site & Surroundings

- 1.1 The application site comprises a small part of the overall agricultural holding known as Knaptoft Farm (total holding is 486ha) and is located on the western side of the A5199 off the unclassified road which serves the small hamlet of Knaptoft (the settlement contains the existing working dairy farm, various agricultural buildings/farm office and 8 dwellings. It also includes the Scheduled Ancient Monument (SAM) which includes the remains of village church, a collection of fishponds and the mound of former windmill which are associated with the deserted village) and is surrounded by open countryside. The site is located in a relatively elevated position as the main Welford Road rises from south to north but does continue to rise. There are hedges and trees to field boundaries.
- 1.2 Part of the site has been developed to comprise the new dairy farm buildings, together with 2 agricultural dwellings. The application site directly adjoins this to its north.



The below photos show the site as viewed from the unclassified road, looking towards Welford Road.





2. Site History

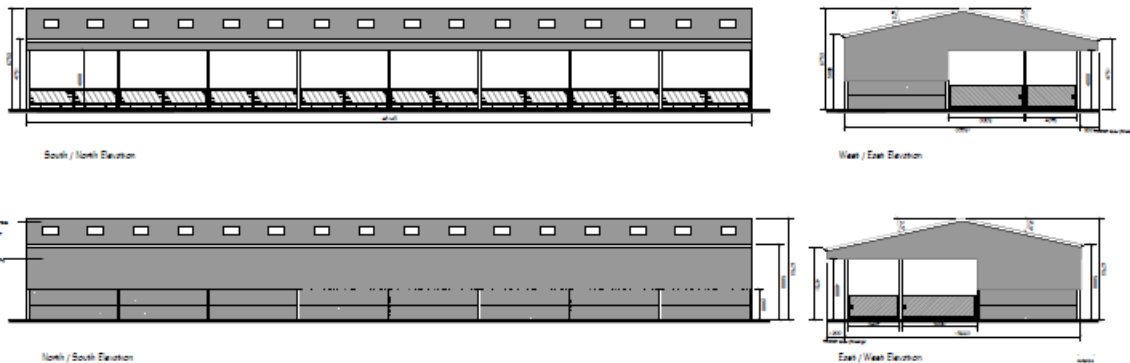
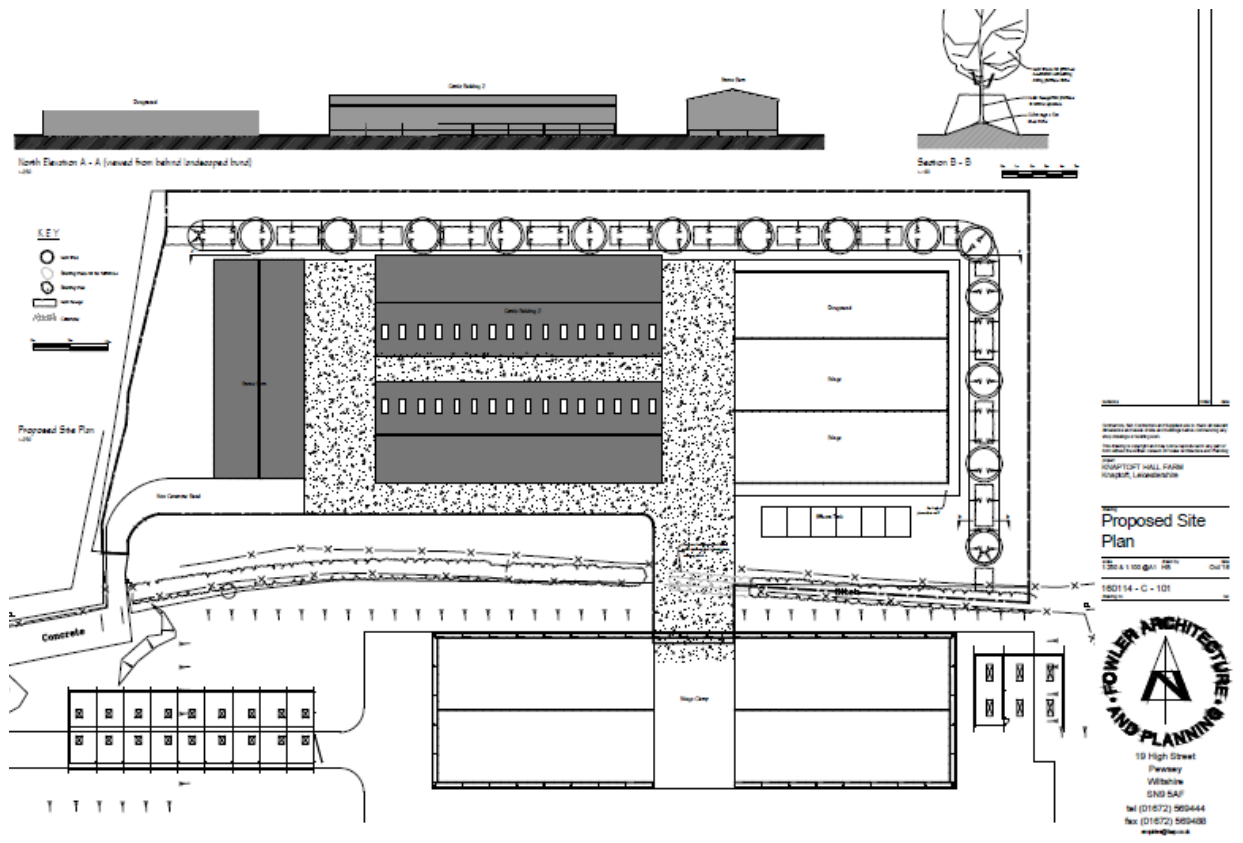
- 2.1 Planning permission has been granted for the relocation of the existing farmstead (11/01739/OUT/13/00994/REM), including the erection of several large modern agricultural buildings and 2 agricultural workers dwellings on the application site.
- 2.2 Further application for agricultural buildings have also been granted.
14/00272/FUL Erection of straight store and machinery store/young stock building (app)
15/00353/FUL Erection of workshop and extension to cubicle building (app)

All the above have been built out and are operational.

3. The Application Submission

a) Summary of Proposals

The proposal seeks to further expand the farmstead with the addition of two further cattle buildings, a straw barn and further “dungstead/silage buildings and effluent tanks. The buildings are a comparative size to those erected (maximum height of 7.6m) and located directly to the north of these buildings such that they will appear as a continuation of the existing yard, with access shared. A additional landscape bund is also proposed (0.9m high by 5m wide with native trees and hedge planting along the bund).



Proposed cattle building (above)

b) Documents submitted

Site plans and elevations.

c) Pre-application Engagement

3. No pre-application advice given.

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community were carried out on the application.

- 4.2 Firstly, a summary of the technical consultee responses received are set out below. Where comments relate to developer contributions, these 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

- 4.3 Highways (LCC):
None received

- 4.4 Ecology (LCC):

There are two known great crested newt ponds close to this site; one established pond immediately east, and a newly created pond further east. The new pond now has great crested newts in it as well as the original pond, which is encouraging as it was part of mitigation for the previous development.

Newts will have to be trapped and excluded from the application site, under a European Protected Species licence. This is covered in the accompanying great crested newt report (RPS/Clear 2016), and I am in agreement with their recommendations.

I have no objections to this application, provided that the mitigation proposed in the great crested newt report is implemented as a planning condition - see section 6.1 of the report; this should be referenced in the condition. The condition should also include a requirement for updated GCN survey if development does not start by March 2019.

No further surveys are required before determination of the application, and there is no need for mitigation as a planning condition apart from the GCN condition referred to above. However, the applicant should be aware that up-to-date surveys are required for EPS licencing purposes, and the surveys may need to be updated if development is delayed.

- 4.5 Conservation Officer:
No objections.

b) Local Community

- 4.6 Parish: none received

- 4.7 Publicity: No adjoining neighbours, and one site notices posted .

5. Planning Policy Considerations

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan (hereafter referred to as the 'DP'), 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 Core Strategy adopted November 2011; and
The retained policies of the Harborough District Local Plan adopted April 2001.

5.4 Material considerations include any consideration relevant in the circumstances which has a bearing on the use or development of land. The material considerations to be taken into account in considering the merits of this application include the DP referred to above, the National Planning Policy Framework (hereafter referred to as 'The Framework'), 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 District Core Strategy*

5.5 The Core Strategy (hereafter referred to as the 'CS') was adopted in November 2011 and covers the period from 2006 to 2028.

CS1 – Spatial Strategy for Harborough (parts (a), (b), (h), (i) and (l) are relevant)

CS5 – Providing Sustainable Transport

CS8 – Protecting and Enhancing Green Infrastructure

CS9 – Addressing Climate Change

CS10 – Addressing Flood Risk

CS11 – Promoting Design and Built Heritage

CS12 – Delivering Development and Supporting Infrastructure

CS17 – Development in the countryside

b) Material Planning Considerations

- *National Planning Policy Framework*

5.6 The Framework published March 2012, replaces previous national guidance set out in Planning Policy Guidance and Planning Policy Statements.

5.7 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 7). 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 (para. 8). The presumption in favour of sustainable development is seen as the 'golden thread' running through plan-making and decision-taking (para.14). For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- 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; or Paragraph 28 in particular refers to supporting the rural economy including the expansion of all types of business and enterprise in rural areas.

- *National Planning Practice Guidance*

5.9 The National Planning Practice Guidance (hereafter referred to as the NPPG) published 6th March 2014 replaces a raft of previous planning guidance documents that have been cancelled as part of the Government's drive to simplify the planning process.

- *Supplementary Planning Guidance*

5.10 A series of guidance notes were adopted as Supplementary Planning Guidance (SPG) to the Harborough District Local Plan in March 2003. They cover a range of topics relating to layout and design issues. Council agreed to retain the said SPGs and link them to CS policies as applicable, until a new Supplementary Planning Document is produced.

Relevant local Supplementary Planning Guidance Notes:

SPG Note 1: Design principles

Note 6 – Agricultural and equestrian buildings.

- *The national Planning Practice Guidance Suite (06.03.14)*
- *Appendix A to Circular 11/95 – Use of conditions in planning permission*
- *Circular 06/2005 – Biodiversity including statutory obligations within the planning system*

c) Other Relevant Information

- *Reason for Committee Decision*

5.11 This application is to be determined by Planning Committee because the Applicant is a Council Member.

6. Assessment

a) Principle of Development

6.1 The principle of agricultural related development has been established on this site by virtue of the previous consents granted

6.2 National Planning Policy Framework requires a positive and speedy response to development proposals that are sustainable.

b) Technical Considerations

1. Impact on the character of the area

The site although elevated directly adjoins the existing buildings and would be viewed in the overall context of the group, particularly given the similar height and appearance. Additional landscaping, including a bund with native tree/hedge planting will also serve to soften/screen the development and overall the appearance is not considered to detract from the character of the rural landscape.

2. Impact on setting of Scheduled Ancient Monument/setting of listed building.

The LPA has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or

enhancing the character or appearance of a heritage asset. Paragraph 131 of the Framework sets out that in determining planning applications, LPAs 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. Para 132 of the Framework confirms that the significance of a designated heritage asset (including CAs) can be harmed or lost through development within its setting.

Harm vs public benefits

Paragraphs 133 and 134 of the Framework both require the decision maker to weigh this harm against the public benefits of the proposal. Paragraph 132 of the Framework states that, *“any harm...should require clear and convincing justification”* and para 134 states 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”*.

The proposal is situated on the northern side of the existing new farmstead which is on the other side of the access road and does not affect the overall integrity of the existing development or impact adversely on the setting of the SAM or listed building.

3. Residential amenity

Due to the proposed isolated location of the proposal, it will not harm the residential amenity of the neighbouring residents; therefore the application is considered to be in accordance with Policy CS11 of the Harborough District Core Strategy.

4. Highway safety and parking

The principle of the development has been established by virtue of the previous consent and proposed changes will not result in any material changes to the highway situation.

In summary, the proposal is considered acceptable in highway safety terms, and accords with Core Strategy Policies CS5 and CS11 and paragraph 32 of the Framework.

5. Impact on wildlife

A newt mitigation strategy was included as previous condition and relates to the site as a whole. This would still be relevant and requires updating as per Ecology comments. With the condition updated, there would be no adverse impact envisaged, thus it accords with Policy CS8 and paragraph 117 of the Framework.

6. The Planning Balance / Conclusion

7.1 The overall redevelopment is considered to support the growth and expansion of an existing rural business and any adverse impact on the character of the countryside is considered to be outweighed by the economic benefits to the rural economy.

7.2 The proposed development would have a siting and design that, subject to suitable conditions, would respect the character and visual amenity of the site's surroundings, respond appropriately to the site's characteristics, preserve the character and appearance of the area, not adversely affect local highway safety, and not detrimentally affect protected species of wildlife.

7.3 The development, by virtue of its size, design, siting and use, would sustain or improve the rural economy without adversely affecting the character and appearance of the countryside, residential amenity or giving rise to additional traffic which would

lead to a road safety hazard. The proposal is therefore considered to accord with Harborough District Core Strategy Policies CS11 & CS17 and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

7. Planning Conditions

- 8.1 If Members are minded to approve the applications, a list of suggested planning conditions is attached at **Appendix A**.

Implementation

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

Approved plans:

2. The development hereby permitted shall be in accordance with the following approved plans 160114-C-03/10/100/101/110/111
REASON: For the avoidance of doubt.

Materials:

3. The development hereby permitted shall be constructed entirely of the materials as detailed in plan(s) 160114-C-110/111.
REASON: In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11.

Protected species:

4. Works must only proceed in accordance with the Newt Mitigation Strategy (RPS/Clear 2016) and a subsequent update shall be submitted and approved in writing if development does not start by March 2019.
Reason: To protect the ecology of the site in accordance with Core Strategy CS11.

Landscaping to be carried out:

5. All landscaping shown on the approved Plan 160114-C-101 shall be carried out in the first planting and seeding season following the first use of the building(s) or the completion of the development, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from the date of first occupation of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to accord with Harborough District Core Strategy Policy CS11

Notes to Applicant

1. The applicant must be aware that this strategy requires mitigation works to be completed before any development on site and poses timing constraints on the development.