



Appeal Decision

Inquiry held on 9, 10 and 11 May 2012

Site visit made on 11 May 2012

by Olivia Spencer BA BSc DipArch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 August 2012

Appeal Ref: APP/F2415/A/11/2165170

Land to the east of Pulford Drive, Thurnby, Leicestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Jelson Ltd against the decision of Harborough District Council.
 - The application Ref 11/01080/OUT, dated 9 August 2011, was refused by notice dated 9 November 2011.
 - The development proposed is erection of up to 128 dwellings.
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Decision

1. The appeal is allowed and outline planning permission is granted for erection of up to 128 dwellings at land to the east of Pulford Drive, Thurnby, Leicestershire in accordance with the terms of the application, Ref 11/01080/OUT, dated 9 August 2011, subject to the conditions set out in the attached schedule.

Application for costs

2. At the Inquiry an application for costs was made by Jelson Ltd against Harborough District Council. This application is the subject of a separate Decision.

Preliminary matters

3. The proposal is described on the application form as *Residential Development*. It was agreed at the Inquiry that *erection of up to 128 dwellings* more accurately describes the proposed development.
4. The application is in outline with access only to be considered at this stage and all other matters reserved for later consideration.
5. Section 106 agreements between Jelson Ltd and Harborough District Council (HDC) and between Jelson Ltd and Leicestershire County Council (LCC) were submitted at the Inquiry. The agreements concern the provision of affordable housing, and contributions towards open space, police, community facilities and cemeteries, education facilities, and the provision of transport facilities and infrastructure.
6. Although not a reason for refusal HDC raised the issue of the potential cumulative impact of appeals in the area on the capacity of the local highways in its statement of case, and in the Proof of Evidence of Mr Younus Seedat on

behalf of the Highway Authority. Having carried out a capacity study of the junction of Station Road with the A47 Mr Seedat however confirmed in April 2012 that, subject to operating adjustments, the junction had sufficient capacity and that HDC would not be calling a Highways witness.

7. An appeal decision relating to a site at Sapcote Road, Sapcote (APP/T2405/A/11/2164413) was issued after the close of the Inquiry on 27 June 2012. The main parties were given the opportunity to comment on the decision. I have taken submitted comments into consideration in coming to my decision.

Main Issues

8. The main issues are:
 - the effect of the proposed development on the character and appearance of the countryside and on the designated Area of Separation and
 - whether a 5 year supply of deliverable housing land can be demonstrated.

Reasons

Countryside and the Area of Separation

9. The site lies within the High Leicestershire Character Area which is described as comprising broad rolling ridges and varied often steep-sided valleys, sparse settlements of small villages and quiet country with a remote, rural and empty character. The *Harborough District Landscape Character Assessment 2007* however notes that around Thurnby and Bushby and Scraftoft the urban influence of Leicester is apparent. The site comprises the southern portion of the designated Scraftoft and Thurnby Area of Separation (AoS). Within an AoS Policy EV/3 of the Harborough District Local Plan (LP) 2001 seeks to prevent the coalescence of villages. It states that development within a designated AoS will be refused if the proposal would adversely affect the predominantly open character of the land or would result in a reduction in the existing open land separating the settlements concerned.
10. The appeal site is a field of arable land outside the development boundary of Thurnby and Bushby but directly adjoining housing in Pulford Drive to the west and mature vegetation along a former railway line to the south. Beyond this is the established residential area of Bushby. Whilst to the north beyond the Thurnby Brook and to the east are agricultural fields, the suburban context is a significant element of its character. The appeal site forms part of the base of a valley which extends west towards Leicester. The land rises to the north towards Scraftoft, to the north east towards Covert Lane and to the south towards Bushby and the A47 which runs along a high ridge into Leicester from the east. I agree therefore with the conclusions of the *Leicester PUA Landscape Character Assessment and Landscape Capacity Study 2009* and *Response to Landscape Visual Impact Assessments 2011* that the site would relate well to the existing residential development and would be relatively well contained. Both studies scored the land as having a medium high capacity to accommodate development.

11. Whilst noting that the site lies within the AoS the reports however have little to say about the contribution it makes to the function and purpose of the AoS. From the entrance to Footpaths D19 and D20 on Covert Lane the fall of land towards the Thurnby Brook means that the proposed houses, if seen at all, would only just appear above the slope. West of this towards the junction with Station Lane and south along D19 the site would become more visible with houses seen in front of the railway line vegetation which now forms a substantial green edge to development on the slope up to the A47. There would at this point be a noticeable extension of the village out into the countryside. Nevertheless with the existing Pulford Drive houses at least as prominent in this view, and agricultural land in the foreground, the development would appear very much part of Thurnby and Bushby with a clear sense of separation from Scraptoft lying principally to the rear of the viewer. Thus whilst the *Harborough District Council Areas of Separation Review 2011* found development of the site would result in a 30 percent reduction in the gap between Elliots End and Marefield Close, I consider there would be no significant reduction in the perceived separation of the 2 villages at this point.
12. Travelling east along Covert Lane away from Scraptoft the development would quite quickly disappear below the visible edge of the slope. Footpath D50 runs south-east from Covert Lane further down the slope than the road. The proposed housing would be visible to walkers on this path but seen within the context of existing housing behind and to each side. As the route traverses promontories of higher ground, Scraptoft becomes obscured from view. From this part of the open landscape the proposed development would thus appear as part of a cohesive and contained community at Thurnby providing no greater sense of coalescence with Scraptoft.
13. Footpath D20 crosses D50 on the slope to the north-east of the site. From here the housing would be seen against the backdrop of a wide stretch of continuous suburban development from the A47 ridge to Scraptoft. The route back towards the site however is lower and flatter, and views to the development would be broken and softened by intervening hedgerows and vegetation along the Brook. As the route continues further south-west towards the former railway line the proposed development would become more prominent, but would be seen as part of Thurnby with open land visible on the rise up the hill providing a clear sense of separation from the historic centre of Scraptoft. As a consequence the character and appearance of the Scraptoft Conservation Area and the setting of the grade II* listed Scraptoft Hall would be preserved.
14. What is now an arable field would become a residential area and whilst the informal open space along the Brook, planted edges to the site and the generous green margin to footpath D19 shown on illustrative layout, would all help to soften the visual impact of the development, the field would no longer form part of the open countryside. Its rural agricultural character would be lost and the physical extent of the AoS diminished. As such the proposal would conflict with the requirements of LP Policy EV/3.
15. However as set out above, whilst the outlook from properties adjoining the site and from the southern part of footpath D19 would be altered, the characteristics of the site are such that any adverse impact on the character and appearance of the wider rural landscape would be small and the existing degree of perceived separation between Thurnby/Bushby and Scraptoft would

be retained. I conclude overall therefore that harm to the character and appearance of the countryside and to the effective functioning of the AoS would be very limited.

Housing land supply

16. The Harborough District Local Development Framework Core Strategy (CS) was adopted in November 2011. One of the fundamental objectives of the CS is to meet the housing needs of the district's population over the plan period. The plan sets a target of 7700 dwellings to be provided in the district, with a minimum of 880 to be provided in the Leicester Principal Urban Area (PUA).
17. Provision of a wide choice of high quality homes is part of the Government's policy for delivering sustainable development set out in the National Planning Policy Framework (The Framework). The Framework requires local planning authorities to identify 5 years worth of deliverable housing sites against their housing requirements together with a buffer of 5 percent in order to provide a realistic prospect of achieving planned supply.
18. There is no dispute between the appellant and HDC that a 5 year supply of housing land for the District cannot be demonstrated. HDC has provided a summary of Deliverable Housing Sites supply dated 31 March 2012 that indicates a supply equating to 4.6 years. The calculation does not include sites on land east of Northampton Road, Market Harborough and land north of Scraftoft Campus. These sites together have the potential to provide up to some 260 units. If included, as Thurnby/ Bushby and Scraftoft Parish Councils (Parish Councils) consider they should be, the submitted summary would suggest a supply of 5.35 years in the District and 6.8 years in the PUA. However, Planning Permission has yet to be granted pending completion of s106 agreements. Whilst I note that some progress has been made towards progressing development on the Scraftoft Campus site, the submitted evidence does not indicate that these 2 schemes are at present deliverable.
19. In addition I note that the summary includes 51 units on a former Kwik Save site in Northampton Road Market Harborough. Although owned by a development company for a number of years and having the benefit of planning permission for 43 units, the site has not been developed. The recent acquisition by another developer is encouraging, however planning permission for a higher density scheme of 51 units has not yet been granted and the build rates for 51 dwellings provided to HDC cannot in these uncertain circumstances be relied on.
20. Delivery of 100 of the 1000 units planned in the Market Harborough Strategic Development Area (SDA) in 2016/17 is also assumed. Here too planning permission has yet to be granted and a master plan for the SDA is not scheduled for completion until December 2012. Without this, programming of construction phasing and infrastructure provision can only be speculative. Slippage of the first 100 dwellings beyond the 5 year period is therefore in my view a serious possibility and little reliance can therefore be placed on its contribution to the district's 5 year housing land supply.
21. Whilst I acknowledge the progress HDC has made in recent months towards meeting its housing land supply target I conclude that a 5 year supply of deliverable housing land cannot be demonstrated.

Other considerations

22. Detailed drawings of the proposed site access have been submitted as part of the application. The drawings show that visibility splays of 2.4 x 4.3 metres can be achieved and that the access road could accommodate 2 way traffic and have a footway to each side of the carriageway. The Highway Authority has raised no objection to the design of the access and whilst I understand local residents' concerns, I have seen no evidence to suggest the junction could not be operated safely. The Highway Authority has also undertaken a recent detailed assessment of the capacity of the Station Road/A47 junction and concluded that it has the capacity to cater for the traffic that would be generated by the proposed development.
23. Occupiers of houses to each side of the access from Pulford Drive would experience some increase in road noise, particularly at morning and evening peak times. However, this would be heard in the context of existing traffic noise on Pulford Drive which carries cars, commercial vehicles and buses. The proposed development would include only residential properties and it can therefore reasonably be assumed that evening and night-time traffic noise would be less. Overall traffic noise levels would not be untypical for a suburban area and I have no reason therefore to disagree with the conclusions of either the submitted noise impact survey or the professional opinion of the Council's Environmental Health Officer that the proposal would have no significantly detrimental effect on the living condition of adjoining residents in this respect.
24. The proposed development would introduce housing to the rear of properties adjoining the site on the east side of Pulford Drive and would be visible to occupiers of these existing dwellings particularly where the land starts to rise towards the old railway line. The illustrative layout however shows the boundary hedge retained and housing set well back beyond it and the footpath providing a considerable degree of separation between the proposed and existing dwellings. The question of protecting the privacy of existing occupiers would in any event be a matter taken into account by the planning authority when considering the layout of the proposed dwellings at reserved matters stage. There is nothing on the illustrative layout to suggest that this could not be achieved.
25. A number of residents have expressed concerns that development of the site could cause or add to flooding problems in the area. The Environment Agency however has raised no concerns in respect of the submitted Flood Risk Assessment subject to the installation of a Sustainable Urban Drainage System (SUDS) and attenuation measures designed to prevent additional runoff entering Thurnby Brook. If effectively designed, installed and managed such a system would prevent run-off onto neighbouring properties and avoid an increased risk of flooding down stream.
26. The site comprises a cultivated arable field with mature hedgerow boundaries and the Thurnby Brook along its northern edge. Surveys conducted by Lapwings Consultants indicate that the field is not of significant wildlife conservation interest. The hedges, which are of biodiversity importance, would be retained as would mature trees and the existing course of the Brook. The surveys found that the site is currently of no significance for Badgers, brown hares or reptiles. The survey report notes that the site and surrounding

farmland is probably used for breeding by lowland farmland birds but includes no habitats which could be used for breeding of birds protected on Schedule 1 of Wildlife & Countryside Act. On this evidence I concur with the view of the County Council's Ecology Officer that there are no significant wildlife constraints on development of the site.

27. In find nothing in these other considerations therefore to weigh significantly against the proposed development.

Conclusion

28. The introduction to Policy CS2 states that a fundamental objective of the CS is to meet strategic housing needs including the need for affordable housing. HDC's own evidence indicates that it is failing to meet the targets set out in the CS. The G L Hearn report of September 2011 commissioned by local authorities in Leicestershire indicates that the objectively assessed housing needs are significantly higher. In addition the CS by reference to the Strategic Housing Market Assessment (SHMA) 2008 notes that to meet affordable housing need, 75 per cent of the annual housing requirement in the District would need to be affordable. Policy CS3 requires a minimum of 40 per cent of dwellings to be affordable in the highest value areas. Thus even if overall housing supply targets are met, the District's unmet need for affordable housing will continue to increase. In these circumstances the contribution the proposed development would make to market and affordable housing supply weighs substantially in its favour.
29. CS13 to C17 are place based policies. Policy CS17 which is referred to in the reasons for refusal of planning permission and which on adoption of the CS replaced LP Policy EV/5, addresses development in the Countryside, Rural Centres and Rural Villages. CS15 refers to the Leicester Principal Urban Area (PUA). It is evident from the policy itself, the introduction and the explanatory text that it addresses development in and adjoining the communities of Scraftoft and Thurnby/Bushby and is clearly the relevant place based policy in this case.
30. Policies CS1 and CS15 carry forward the principle of AoS and Policy EV/3 is retained by the CS. In this respect EV/3 differs from the AoS Policy referred to in an appeal decision relating to a site at Sapcote (APP/T2405/A/11/2164413) where the Policy formed part of the much older 1999 Blaby District Local Plan. Nevertheless, The Framework at paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if a 5 year supply cannot be demonstrated. Criterion a) of CS2 takes a similar approach in advising that housing development will not be permitted outside Limits to Development unless at any point there is a less than 5 year supply of deliverable housing sites. The clear thrust of these policies is that where there is a less than 5 year supply of housing land less weight may be given to policies which in effect restrict housing land supply.
31. The relative weight to be given to the objectives of development plan policies including Policy EV/3 and to a shortfall of housing land in Harborough District was considered by Inspectors in dismissing appeals relating to sites at Berry Close, Great Bowden (APP/F2415/A/10/2128267) and Waterfield Place, Market Harborough (APP/F2415/A/11/2161097). The decision notes that the proposed development at Berry Close would leave narrow tongues of countryside to the

north and south and would as a result diminish the sense of separation and increase the tendency towards coalescence. In respect of Waterfield Place the Inspector concluded the proposal would significantly increase the extent of built development along the skyline, would be prominently sited and would severely impact the perceived separation between the settlements.

32. In contrast I have concluded that any adverse impact on the character and appearance of the wider rural landscape would be small and the existing degree of perceived separation between Thurnby/Bushby and Scraftoft would be retained. As such I consider the principle of a separation area would be maintained, the identity of the settlements retained and that effectively no significantly increased coalescence would result. I find no conflict therefore with Policy CS15 and the weight I give to conflict with the restrictive aspects of Policy EV/3 is limited. I conclude in this instance therefore that the benefits of providing much needed housing substantially outweigh any detrimental effect on the AoS.

Overall conclusion

33. An Allocations Development Plan Document (DPD) is not yet in draft form or ready for public consultation. Further HDC acknowledge that in the light of the G L Hearn report findings a review of housing supply targets is likely to be necessary. Adoption of an Allocations DPD is thus unlikely in the near future. In these circumstances, and given the number of dwellings proposed, the scheme would not undermine the plan making process. Nor, given the identified housing need and the policy and planning constraints on sites in the immediate area, would it be likely to contribute significantly to a cumulative effect sufficient to prejudice the drawing up of the Allocations DPD.
34. I understand from the written submissions and the statements made by local residents at the Inquiry that the site is valued as open space on the edge of the village, and that the footpath is well used. For the reasons given however, I conclude on balance that permission for the proposed development on this site should be granted.

Section 106 agreements

35. The appellant's agreement to ensure that 40 percent of the dwellings are affordable accords with development plan policy and will assist in meeting an identified need. Open space including a play area would be provided on the site in accordance with Policy CS8 and Council guidance. Provision for its future management is necessary to ensure that the facilities remain accessible to residents.
36. Occupiers of the proposed dwellings are likely to make use of local community facilities. An Assessment of Local Community Provision by Roger Tym & Partners has concluded that existing facilities in Thurnby, Bushby and Scraftoft have little or no capacity to accommodate needs arising from further housing growth, identifying a need for indoor sports facilities. Cost assessments are based on recognised professional indices and 2 available sites have been identified.
37. The agreed education contribution reflects both the number of additional children arising from the proposed development and the existing availability of places at all 3 school levels. The contribution figure is based on Department

for Education cost multipliers. A feasibility study will establish necessary works at one of the 2 nearby Primary Schools and a scheme for alterations and extensions at Beauchamp College is already planned.

38. Improvements to local bus stops and the provision of travel packs, including bus passes will assist in limiting the impact of traffic generated by the development on the local road network and promote high quality low carbon sustainable transport choices in accordance with adopted County Council policy and The Framework. Notwithstanding improvements to public transport facilities, the development would result in additional vehicles using the junction of Station Road and A47 Uppingham Road necessitating a contribution to minor alterations to the junction and re-validation of the MOVA system.
39. For the reasons given I consider the above contributions are necessary to make the development acceptable in planning terms, directly related to the proposed development, and fairly and reasonably related to it in scale and kind. Accordingly I have taken them into account in coming to my decision.
40. HDC asserts a need for additional cemetery provision in a number of areas including Thurnby and Bushby. The Council's *Provision for Open Space, Sport & Recreation* document indicates that new housing developments should contribute towards a fund for cemetery provision in the future. However, whilst a potential site for a cemetery is suggested to the east of Bushby, a strategy for new cemetery provision across the district is evidently at an early stage. The submitted documents indicate only that interested parties were invited to meetings with the Task Panel in May this year, and that the land at Bushby is owned by others and would require planning permission for cemetery use. In these tenuous circumstances the contribution cannot be said to be directly related to the development proposed.
41. I note the work done by the Police Authority in analysing future population growth and its potential effects on policing across the area. That future development is likely to have an impact on policing is reflected in the wording of Policy CS12. This sets out a requirement where appropriate for development to contribute to funding elements of infrastructure including policing. To meet the requirements of regulation 122 of the Community Infrastructure Levy (CIL) Regulations however a more direct and proportional connection must be demonstrated.
42. Evidence from the police includes local crime figures and an expectation that at least 11 additional recorded crimes per year will happen on the site. However, no relationship is made between these figures, or the existing capacity of facilities local to the site, and the nature of contributions sought. The £606 per dwelling requested reflects that shown on a schedule of costs set out at appendix 1 of the *Policing Contributions from Development Scheme*. This is derived from an analysis of police capital costs and population growth across the Leicestershire Police Area. The schedule of equipment to which contributions are sought refers to a number of different items but no direct link to the specific nature of the site or the development proposed, other than simple dwelling numbers, is made.
43. Reference has been made to a number of appeal decisions where Inspectors have concluded that police contributions meet the regulation 122 tests. I am not aware of the scope of evidence provided in these cases, or indeed those

referred to by the appellant where it was found that the contributions sought failed to meet the tests. A comparison with this case cannot therefore be made. I conclude on the basis of the evidence before me, that the contributions towards the provision of cemeteries and towards police accommodation and equipment thus fail to meet the tests in The Framework and CIL Regulation 122. I have not therefore taken these contributions into account.

Conditions

44. Planning permission is granted in outline and conditions requiring submission and approval of reserve matters are therefore necessary. It was agreed at the Inquiry that an application for approval of reserved matters within 2 years would be sufficient to ensure that housing comes forward in time to contribute to the 5 year supply. Conditions specifying particular details to be provided as part of the reserved matters application are necessary to protect existing vegetation, ensure provision of appropriate landscaping of footpaths, and the provision of open space and play areas in accordance with planning policy.
45. The submitted layout plan and Design and Access Statement have provided a basis on which I have concluded on balance that the site could be developed without significant planning harm. They would therefore form a useful starting point for development of a reserved matter scheme. The layout is however for illustrative purposes only and a condition requiring details in accordance with this and the Design and Access Statement would be unreasonably restrictive.
46. Provision of a management plan and arrangements for maintenance of the open spaces and landscaping are the subject of the s106 agreement between and the appellant and HDC. A condition providing for this is not therefore necessary.
47. The provision of refuse and recycling storage facilities will assist in maintaining the appearance of the area. Construction of the access in accordance with the approved details, protection of the visibility splays and provision of car parking spaces are necessary to protect the safety and convenience of drivers and pedestrians. Layout of the roads will form part of the reserved matters. Conformity with County Council standards will be a matter for consideration by that authority when addressing matters of adoption.
48. Agreement of a Construction Method Statement is necessary to ensure that the development takes place without posing an unreasonable risk or inconvenience to road users and local residents. The required plan will include agreed hours of work, wheel washing facilities and parking arrangements. Separate conditions relating to these are not therefore needed.
49. The site is currently agricultural land and no evidence has been provided to suggest any other use that may have left the site contaminated. The substantial, lengthy and complex contamination conditions suggested by HDC are not therefore in my view warranted. Nevertheless in view of the adjacent disused railway line a precautionary approach is justified. A more concise condition requiring assessment and where appropriate remedial works provides a reasonable and proportionate approach.
50. Prior approval of both a foul and surface water drainage scheme is necessary to protect the adjacent Brook and surrounding properties. A sustainable drainage

scheme has been proposed. A requirement for on-going management and maintenance of the scheme will ensure that it continues to function effectively.

51. The suggested condition requiring improvements to footpath D19 would be in an area outside the appellant's control, and not necessary to make the development acceptable in planning terms. Fernvale Primary is not the catchment school for the site and a requirement for new pedestrian/cycle access to this school from Pulford Drive is not therefore justified.

Olivia Spencer

INSPECTOR

Schedule of conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The landscape details referred to in condition 1) shall include details of all existing trees and hedgerows on the site, indicating which are to be retained and which removed. No hedge or tree indicated for retention shall be felled, uprooted or otherwise removed during or after the construction period.
- 5) The landscape details referred to in condition 1) shall include details of the position, design, materials, height and type of boundary treatment, as well as details of the planting to path boundaries. The boundary treatment shall be provided to each dwelling before that dwelling is first occupied or in accordance with an approved phasing plan.
- 6) The layout details to be submitted in accordance with condition 1) shall include open space, amenity areas and play areas, the defined boundaries for these areas, their proposed uses, the age groups for which they are intended and the items of equipment, means of enclosure and all other structures to be installed, together with a programme for their provision and a phasing plan for the development as a whole. Development shall be carried out in accordance with the approved programme and phasing.
- 7) No development shall take place until details of storage facilities for refuse and recycling materials have been submitted to and approved in writing by the local planning authority. The approved storage facilities shall be provided for each dwelling before that dwelling is first occupied in accordance with the approved details and thereafter be retained.

- 8) No development shall take place, including any earthworks, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) hours of work on the site
- 9) No dwelling shall be occupied until the access hereby permitted has been constructed in accordance with the approved plan 8069 Figure 10 forming part of the submitted Transport Assessment.
- 10) No structure, erection or vegetation exceeding 0.9 metres in height shall be placed or allowed to grow within the sight lines shown on drawing 8069 Figure 10 referred to in condition 9.
- 11) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 12) No development shall take place until details of a foul water drainage scheme and the implementation, maintenance and management of a sustainable drainage scheme have been submitted to and approved by the local planning authority. The foul water drainage shall be implemented in accordance with the approved details. The sustainable drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation, and

- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 13) The layout details referred to in condition 1) shall include details of car parking spaces. No dwelling shall be occupied until car parking space has been laid out within the site in accordance with the approved layout and the car parking spaces shall not thereafter be used for any purposed other than for the parking of vehicles.

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jack Smyth of Counsel	Instructed by Verina Wenham Solicitor Harborough Borough Council
He called	
Mark Patterson BA(Hons) DipTP	Principal Planning Officer
Stephen Pointer BA(Hons) BTP MRTPI	Service Manager Strategic Planning
Adrian Eastwood MRTPI	Development Control Manager

FOR THE APPELLANT:

Christopher Lockhart-Mummery QC	Instructed by GVA
He called	
Robert Thorley BA(Hons) DipTP MRTPI	GVA
Gary Holliday BA(Hons) MPhil CMLI	FPCR Environment and Design Ltd

FOR THURNBY & BUSHBY AND SCRAPTOFT PARISH COUNCILS:

Thea Osmund-Smith of Counsel	Instructed by Brian Barber Associates
She called	
Nigel Ozier BA(Hons) MRTPI	Brian Barber Associates

FOR LEICESTERSHIRE COUNTY COUNCIL:

Jenny Wigley of Counsel	Instructed by Andrew James LCC Legal Service
She called	
Andrew Tyrer BA(Hons) Susan Owen	Developer Contributions Officer Strategic Officer Education Service

INTERESTED PERSONS:

Michael Lambert MRTPI	Architectural Liaison Officer Leicestershire Police
Mr S Howell	Local resident
Mrs M Roote	Local resident
Mr G Smith	Local resident
Mr B King	Local resident
Cllr S Galton	County and District Councillor
Mrs J Lord	Tree Warden Thurnby & Bushby Parish Council
Mr J Rosenthal	Thurnby & Bushby Society
Mrs P Chamberlain	Parish Councillor speaking as a local resident
Mr I Glenton	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Housing Land Supply Statement of Common Ground
- 2 Supply of Deliverable Housing Sites schedule submitted by HDC
- 3 Draft s106 agreements
- 4 Local Plan extract p.197 -198 submitted by the appellant
- 5 Suggested conditions submitted by HDC
- 6 Appeal Decision - Waterfield Place submitted by HDC
- 7 Summary statement of case – Michael Lambert Leicestershire Police
- 8 Appellant’s comments on HDC up-dated Housing Land Supply Assessment
- 9 Provision for Open Space, Sport & Recreation 2009 document
- 10 Roger Tym HDC Assessment of Local Community Provision document
- 11 Ministerial Statement – Planning for Growth submitted by the Parishes
- 12 Email from Antony Harding re: Northampton Road site
- 13 Copies of signed s106 agreements
- 14 Harborough CS EIP Hearing Statement on behalf of Jelson Homes submitted by Cllr Galton
- 15 Letter to Cllr Galton regarding Scraftoft Hall development submitted by HDC
- 16 Statement – Mr J Rosenthal
- 17 Statement – Mr S Howell
- 18 Site visibility plan submitted by the appellant
- 19 Statement – Mrs P Chamberlain
- 20 Statement – Mrs M Roote
- 21 Statement – Mr I Glenton
- 22 Statement – Mr G Smith
- 23 Statement – Mr B King
- 24 Statement – Cllr S Galton
- 25 Comments on conditions submitted by J Lord
- 26 Response to appellant’s statement on 5 year housing land supply submitted by HDC
- 27 Bundle of documents regarding cemetery contributions submitted by HDC
- 28 Report on community Facilities Provision submitted by Cllr Galton
- 29 *City of Edinburgh Council v SoS for Scotland Weekly Law Reports 31 October 1997* submitted by the appellant
- 30 Application for a partial award of costs by the appellant
- 31 Response to the application for costs by HDC