

## Planning Committee Report

**Applicant:** Aldi Store Limited

**Application Ref:** 19/00646/FUL

**Location:** Land Adjoining A4303, Rugby Road, Lutterworth

**Proposal:** Erection of a Class A1 Food Retail Store, with associated car parking, servicing and landscaping (revised scheme).

**Application Validated:** 24.04.19

**Target Date:** 24.07.19 (extension of time agreed)

**Consultation Expiry Date:** 20/03/20

**Site Visit Date:** Various, including 07/05/19

**Case Officer:** Louise Finch

**Reason for Committee decision:** The application is referred to Committee at the discretion of the Development Planning Manager as it is considered of significant local interest.

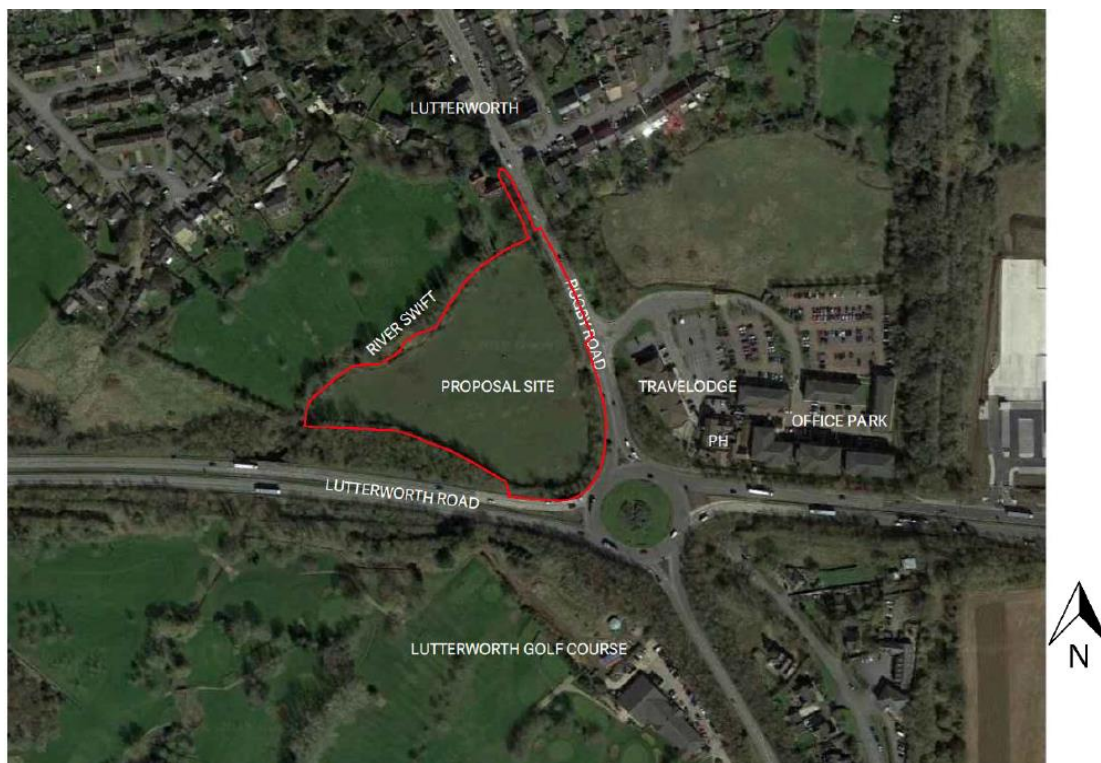
## Recommendation

Planning Permission is **APPROVED**, for the reasons and conditions set out in the report, and subject to a Section 106 agreement in respect of highway requirements.

### 1. Site & Surroundings

- 1.1 The application relates to a greenfield site located on the Southern side of Lutterworth, comprising approximately 1.56ha. The Whittle roundabout is located to the south east of the site. On the opposite side of the Rugby Road, which fronts the site is the site comprising Travel Lodge, Public House and business park. From the South East adjacent the roundabout the site slopes towards the River swift with an overall level change of approx. 7m. There is a Public Footpath (PROW)(X30), which crosses the South east corner of the site. There is an existing field access into the site at the same place as the public footpath, and trees/hedging to field boundaries, though done of particular merit. The River Swift is located to the Northern boundary and beyond that is the garden of the nearest residential property, "The Lodge", on Hill Drive.

1.2 **Figure 1: Site Location aerial view**



1.3 **Photos to show the site and its Surroundings:**  
**Figure 2: View from St Johns business park access looking towards Lutterworth,**  
**proposed access to left.**





**Figure 3: View of site from public right of way, looking north towards brook.**



**Figure 4: View of site from roundabout during highways road improvements to roundabout.**



**Figure 5: View from the Fox Inn and nearest bus stop looking south towards site (on right hand side)**



**Figure 6: View of existing site access and public footpath Waymarker**





## 2. Site History

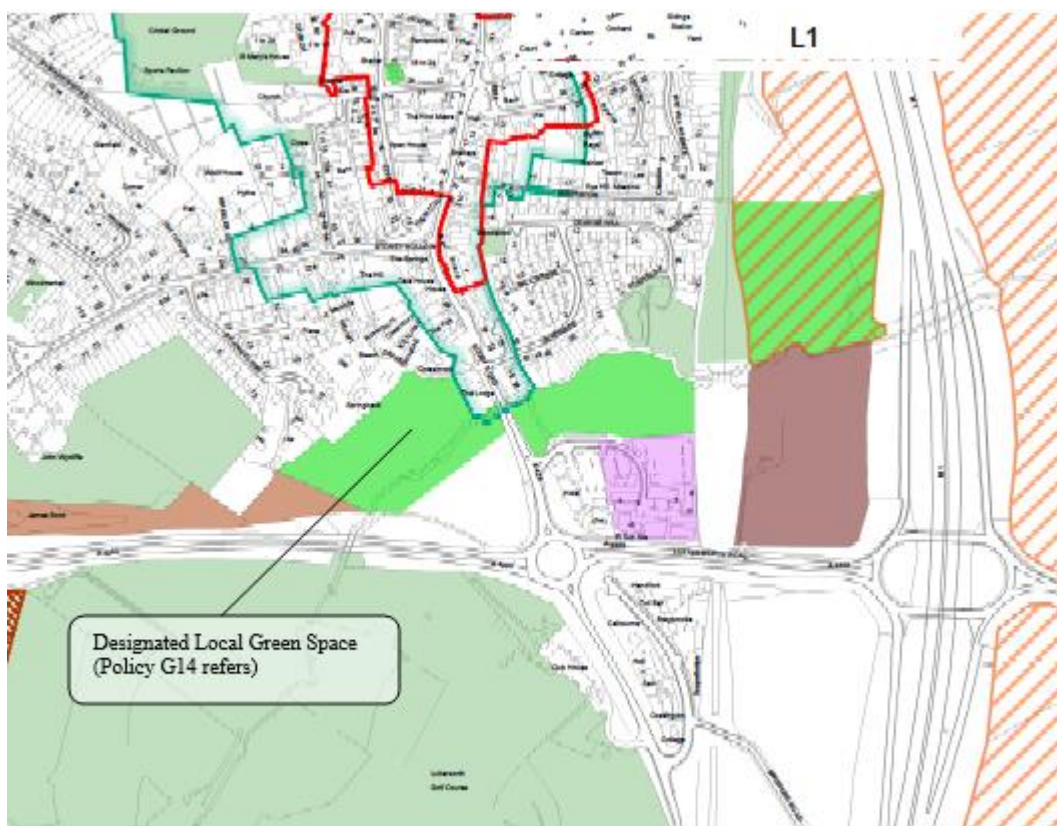
- 2.1 The site has following relevant planning history in respect of planning applications:  
90/01099/30  
Erection of petrol filling station with HGV forecourt, restaurant & hotel with associated car parking (refused)

The whole site, and the field/river to the North, was put forward by Lutterworth Town Council to be considered as Local Green Space (Under Policy G14: Green Space) (and this was supported by Officers, but following representation as part of the Local Plan Inquiry, the Inspector took out the southern part of the site (the current application site).

Harborough Local Plan 2011 to 2031, Inspector's Report 08 April 2019

"83. Policy G14 *Local Green Space* does not reflect the relevant policy in the NPPF which states that policies for such space should be consistent with policies for Green Belts. To ensure the policy is sound, **MM22** rewords it to achieve such consistency. The boundary of the River Swift Flood Plain Local Green Space at Lutterworth is also amended to remove a less sensitive part of the site which it would be inappropriate to designate as Local Green Space. The modified boundary appropriately ensures that both banks of the river remain in the Local Green Space"

Exert from Harborough District local Plan 2019 Inset Map 64 (Lutterworth, Bitteswell and Magna Park)

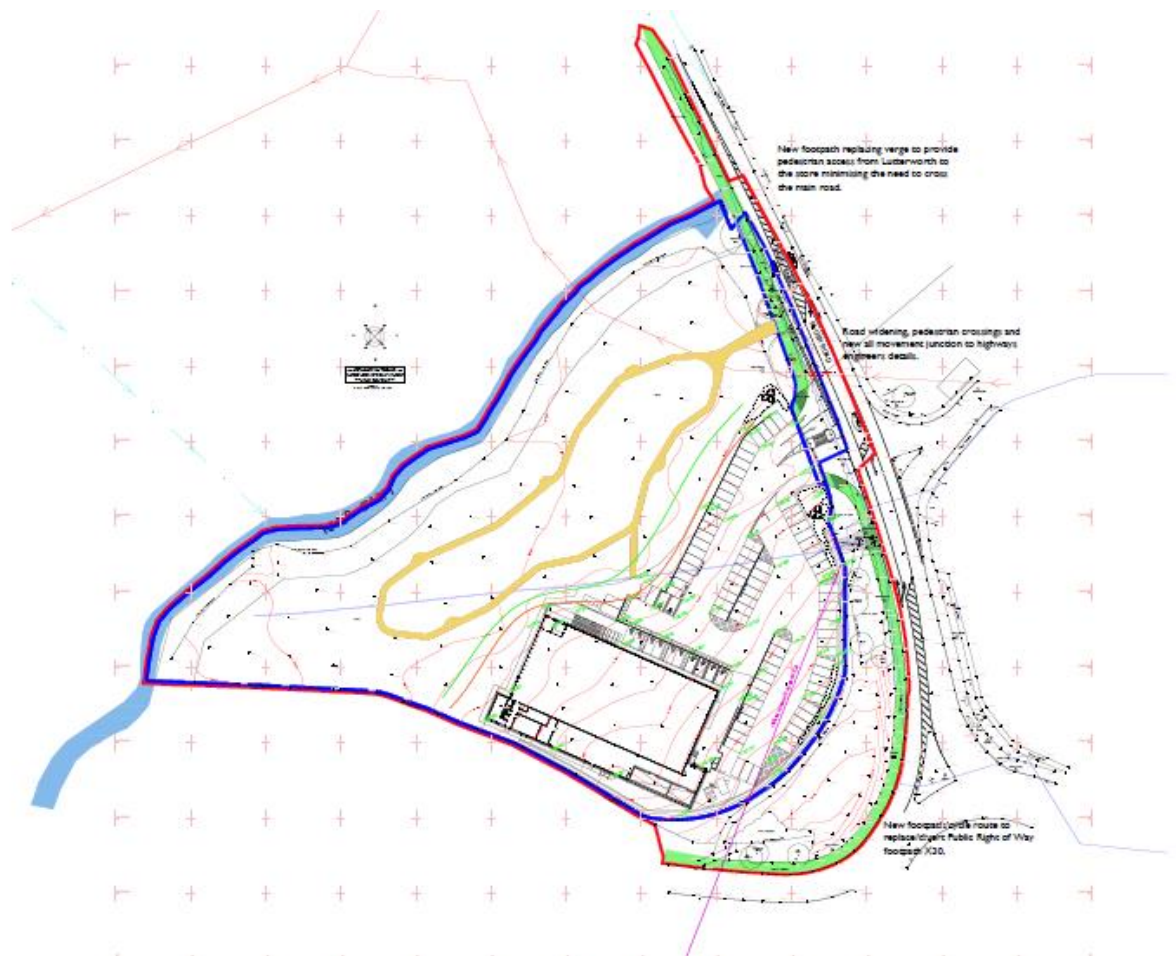


### 3. The Application Submission

#### a) Summary of Proposals

- 3.1 The northern part of the site is classified as Flood zone 3A and 3B (functional floodplain), and this part of the site is shown to be amenity greenspace which would be accessible to the public; following revisions, all built form of development, including carparking has been removed from flood zones 3A/B.

**The Masterplan for the whole site is shown below:**



The proposal is to erect a new supermarket (Aldi), comprising a retail floorspace of some 1195 square metres (1,702 sq.m gross external floor area (GEA)/1,629 sq.m gross internal floor area (GIA). The site layout and store plan has been revised several times since its original submission, firstly to remove the building from the functional floodplain, and secondly to reduce the footprint of the store, and to revise the layout. There have been consequent reductions in car parking (to 100 spaces), and there is no development in the functional flood plain, including carparking.(the corners of 2 bays, and part of cycle store are in the 1 in 100 year +20% climate change flood level zone. The two main frontages of the store now face Rugby Road and its roundabout junction with Lutterworth Road. The elevation with the loading and plant areas now face the southern elevation (towards roundabout).

The proposed layout for the Southern part of the site is shown below:



Figure 15 – Proposed Site Plan

### 3.2 Design.

The building will be single storey with a pitched roof starting at low level to the rear increasing to a double height façade (approximately 8.5m high) to the front facing the car park. The maximum height of the roof is designed to approximately the same height of the Travelodge roof across Rugby Road. External treatment includes silver and anthracite cladding with large panels of glazing.



Figure 20 – Proposed view from Rugby Road





Figure 21 – Proposed ALDI elevation from the Green Space



Figure 22 – Proposed ALDI elevation from Rugby road

The entrance is to have a large glazed shopfront and canopy, providing focus to the main elevation. The canopy, which is illuminated from below, also provides a covered well-lit area over the trolley store.



- 3.3 There is a level difference of around 7m across the site, with the River Swift being the lowest and the land nearest the Junction of Rugby Road and Lutterworth Road being the highest. In order to ensure the proposed levels work for pedestrian and vehicle site access, it is necessary to construct a retaining structure to the South East boundary and to the rear of the store. The retaining structure at its highest will be approximately 5m tall tapering down to each end and is proposed to be crib lock with planting. The store is set lower than Sir Frank Whittle roundabout level and will be largely screened



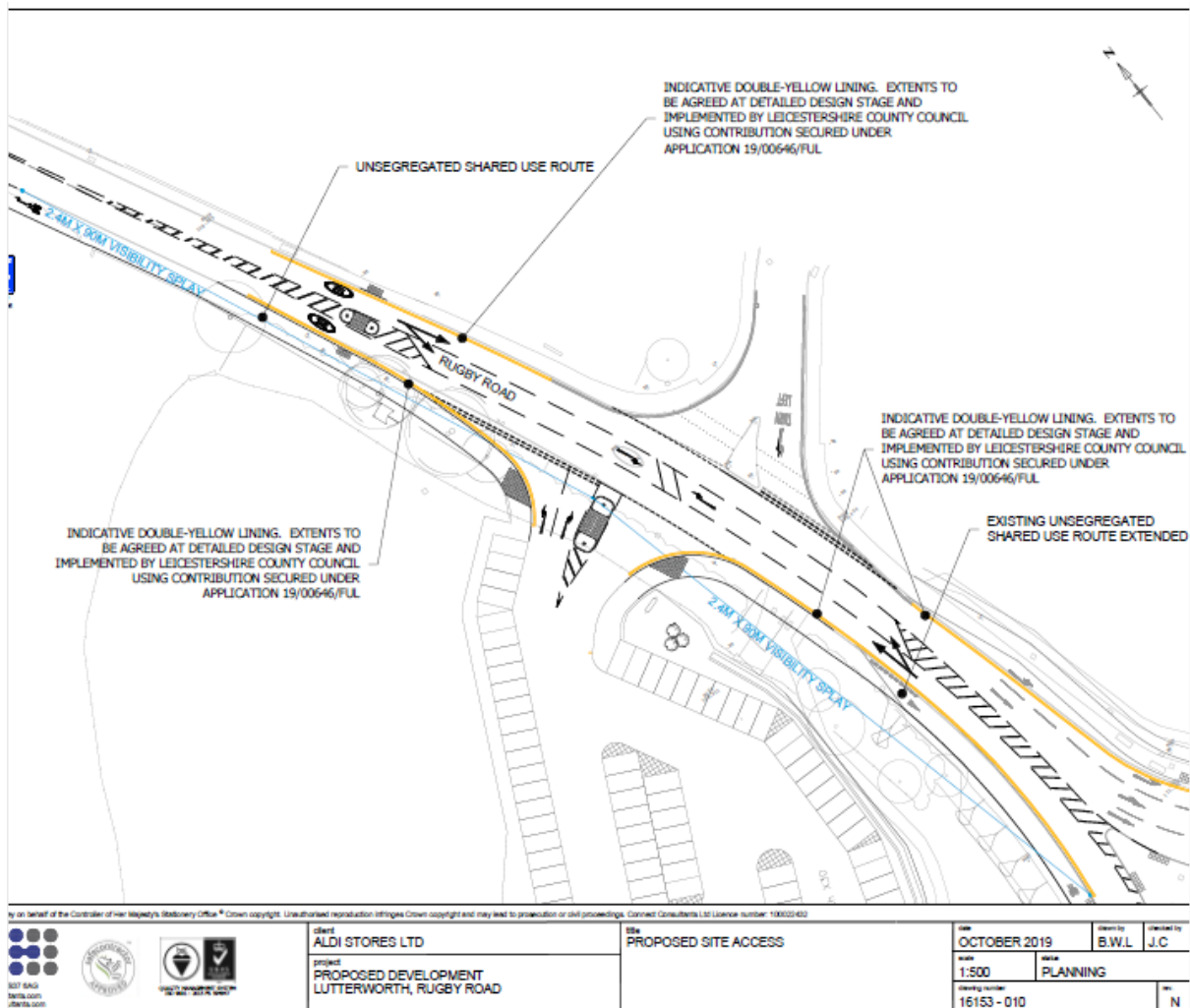
3.4 The greenspace contains a new circular footpath around a natural wildlife area, with views through to the River Swift. Benches and areas of low grass will be provided with areas of wild flower meadow and trees. The footpath will be formed with a self-binding gravel creating a natural looking path. There is a pedestrian access into the site (with kissing gate), close to the proposed pedestrian crossing over the Lutterworth Road. Seating will be provided consisting of solid timber benches. The grassland area will have large areas left in its natural state. Areas around the new path will be seeded/planted to enrich the biodiversity and wildlife habitats in the area with native wild flowers and grasses.

A detailed landscaping plan has been provided which shows extensive planting, this includes native waterside shrub and tree planting to the riverside area. The Applicant will be responsible for future maintenance.

All construction will maintain a minimum of 10m from the riverbank in order to protect any existing river bank wildlife.

## 9

Access will be via a new access off the Rugby Road, with a new priority junction, with right hand turn lane and vehicles will be able to turn both ways out of the site. A total number of 100 car parking spaces is provided (previously 121), with a number of 6 disabled parking spaces and 6 parent and child spaces Whereas previously there were a number of the spaces (approx. 59) located in the functional floodplain, the amended scheme shows no development in the functional flood zone (3b). Parking for customers is restricted to 2 hours, and there are also 4 staff parking spaces shown close to the entrance/access. The pedestrian footpath to the west of Rugby Road is shown to be improved and this links directly to a bus stop, close to the Fox Public House. There is also a bus stop on the opposite side of the road. 16 covered cycle spaces are also provided and 2 electric car charging points (with scope to provide an additional 4). The latest plans also show the introduction of double yellow lines, on both sides of the Rugby Road, to be secured by way of a Traffic Regulation order.



- 3.6 Store delivery vehicles reverse down a ramp to the loading bay, which allows stock to be unloaded from the back of the delivery vehicle directly into the warehouse at the same level. This speeds up the process and minimises vehicle movements and noise levels. There is also a curtain that seals around the rear of the vehicle to reduce noise further. Aldi generally have up to 5 deliveries per day including up to 3 main deliveries by HGV and up to 2 local delivery vehicles for products such as fresh milk.

Aldi's deliveries are a mixture of items, rather than having separate deliveries of food, non-food, fresh etc.

The usual hours of opening are: Monday-Saturday 08:00-22:00 hours

Sunday:10:00-16:00

Aldi is known as a "deep discounting" grocery retailer, they do not offer specialist in store services, such as butchery, fishmongers, pharmacy, etc, It is envisaged that up to 40 new jobs will be created within the store, with around 35 positions being "locally sourced".



## **b) Documents submitted**

### **i. Plans**

3.6 The application has been accompanied by the following plans and documents –

Site location plan  
Design & Access Statement  
Transport assessment, and follow up information/technical notes (10)  
Masterplan sketch of the site and elevations, cross sections  
Contextual elevations  
Proposed Green space plan and landscaping  
Air quality assessment  
Arboricultural Impact Assessment  
Archaeological desk based heritage assessment and field investigation.  
Ecological Appraisal  
Biodiversity Enhancement and Management Plan.  
Flood Risk Assessment and drainage Strategy (revised)  
Retail Impact Assessment  
Landscape and Visual Assessment report  
Plant and delivery Noise Impact assessment  
Planning statement  
Environmental Statement/land contamination report  
Response to Public Comments  
Lighting plan, to show light spillage  
Construction Method Statement (CMS)

## **c) Pre-application Engagement**

3.7 Prior to submitting the planning application formal pre-application advice was requested in relation to this proposal.

The site designation was to be pursued through Local Plan-have made representations to take the southern part of the site from being designated Green Space. This aspect crucial as to whether application will be pursued.

Concerns were expressed about the access, a mini roundabout had been previously considered. Applicant to pursue access arrangements with highways. The Applicant was advised of the need to contact the various technical consultees, such as Environment Agency, LLFA separately.

The applicant has subsequently undertaken a community consultation exercise.

3.8 Whilst not a pre-application, the site was submitted in representations to the Local Plan Examination.

## **4. Consultations and Representations**

4.1 Consultations with technical consultees and the local community were carried out on the application, including on amended plans.

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](http://www.harborough.gov.uk/planning)

## **a) Statutory & Non-Statutory Consultees**

### **4.3 HDC Environmental Health Officer – Air Quality**

Air Quality assessment originally sought, due to likely increase in traffic in the Lutterworth AQMA.

Following submission (19/09/19) considered acceptable.

### **4.4 HDC Environmental Health Officer – Noise and lighting**

The potential impact has been considered in 2 ways, namely the noise from the plant noise (which will operate 24/7) and noise from deliveries. Both of these impacts have been considered using the methodology contained within BS:4142.

Background noise monitoring was undertaken between Thursday 14<sup>th</sup> and Friday 15<sup>th</sup> February 2019 and it is difficult to tell whether it can be considered representative as I suspect traffic flow (likely to be the dominant source of noise) may be quieter at the weekend. I also note from their Appendix B that they have monitored a significant distance away from the identified receptors and it would be useful if this could be explained as to why this is the case.

Nonetheless, largely owing to the distance between the source and receptor, the noise effects from the plant noise is unlikely to have a significant effect on noise sensitive receptors.

In reference to the noise from the deliveries, noise is unlikely to be significant from deliveries although it would be useful for the consultant to confirm as to when deliveries are expected e.g., daytime, evening, night-time, etc. (Applicant has subsequently confirmed that in relation to delivery times ALDI plan these around different factors such as any planning restrictions, other store restrictions, peak shopping periods, how a store trades, proximity of neighbours etc. ALDI would generally therefore wish to deliver at any time of day or night to best work around these factors. It is important to note that ALDI only have around 3 deliveries per day and that noise is kept to a minimum with beepers etc. switched off and no external movement of stock)

The lighting plans appear to be fine and suggest that the majority of the spill light is on to the highway rather than affect anyone within their homes.

No further queries raised.

Revised Plans: Delivery bay moved to southern side of the building-no further Comments received.

### **4.5 LCC Highways**

The impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and planning obligations outlined in this report.

These formal comments should be read in conjunction with comments issued 10 June 2019 and 11 October 2019. The LHA and the applicant have been engaged in ongoing, proactive discussions to address the issues raised previously.

A revised site access plan and a revised site plan have been submitted in support of this application. These drawings include details of a shared footway/cycleway provision along the western side of Rugby Road to tie into the existing network.

The LHA considers that the access arrangements shown on the submitted plans are in general accordance with Leicestershire Highway Design Guide (LHDG) standards and are acceptable for the purposes of planning. Amendments are likely to be necessary at the technical approval stage.

Three highway trees will require removal in order to facilitate the footway/cycleway link along Rugby Road to the north of the site. These trees have a monetary value to Leicestershire County Council (LCC) which will need to be reimbursed by the applicant. The asset value for each tree has been calculated at £10,237 in accordance with the guidance in the Community Asset Value for Amenity Trees (CAVAT). Should this application be approved therefore, a contribution of £30,711 will be sought towards the replacement of these trees by LCC.

Conditions and further S106 contributions sought, to include travel packs, bus passes, travel plan coordinator and travel plan monitoring fee.

#### **Public Rights of Way**

Public Footpath X30 currently runs through the site. The applicant will need to apply to the Local Planning Authority for a Public Path Extinguishment Order under the provisions of the Town and Country Planning Act 1990. The LHA would agree to such an extinguishment on the basis that a suitably improved footway/cycleway will be delivered which can act as a replacement for the public footpath.

#### **Further comments (following the revised store size and reduction in parking to address flooding issues):**

The revised scheme shows a reduction in floorarea of 10%, however the parking spaces are reduced by 18%. The LHA is concerned that insufficient parking spaces are provided, which may be detrimental to the safe and efficient operation of the A426. A parking accumulation study is required which takes staff parking into account.

Also concerned that HGV tracking appears to compromise spaces allocated to vulnerable users.

Further spaces near entrance may be compromised by vehicles waiting to exit site.

Refer to new footpath to be installed on green space which will be a permissive path, not PROW.

#### **Final comments (following clarification of the above points):**

The revised access plan (drawing 16153-010 Rev.N) reflects the junction lining and alignment which was previously considered acceptable. In addition, the revised plan indicatively details the provision of waiting restrictions along the A426. These restrictions will require a £7,500 Traffic Regulations Order, the cost of which will be met by the Applicant.

Parking: Given the provision of the waiting restrictions, the results of the parking accumulation survey, and the allocation of staff parking as shown on Plan D16A87-P003 Rev F, the LHA is satisfied that the proposed parking layout is acceptable.

Conditions are recommended (see conditions 13-18)

#### **4.6 Highways England:**



No Objections.

#### 4.7 **Environment Agency:**

##### **Original comments:**

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

Further comments: 29.07.19

We object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone (FZ3b functional flood plain) in which the application site is located. The application is therefore contrary to the National Planning Policy Framework and its associated planning practice guidance. We recommend that planning permission is refused on this basis.

##### **Revised**

The information provided on drawing No. D16A87-P003 Revision C, shows that whilst ground level raising is no longer proposed in Flood Zone 3, development is taking place within the 5% (1 in 20) functional flood plain extent, including car parking and surface water run-off attenuation storage.

In addition the proposal includes providing one third of the required surface water run-off attenuation storage within the functional flood plain extent. This is contrary to best practice, the current SFRA, and CFMP Policy 6 and because allowable surface water run-off discharge rates will be exceeded during flood events when the swale is filled with flood water, the proposals will therefore result in an increase in flood risk off site, also contrary to the requirements of NPPF.

You can overcome our objection by: -

1. Limiting the built development extent (building, car park and any ground level raising (where included)) to land outside of the functional flood plain FZ3b (as shown by the green dashed line on drawing No. D16A87-P003 Revision C).
2. Locating all surface water run-off attenuation features outside of the functional flood plain extent, and above the 1% (1 in 100) plus 20% (for climate change) flood plain extent/level.

##### **Further comments following the submission of further revised plans (dated 25/02/20):**

After consideration of the revised FRA the Environment Agency are satisfied to remove our objection, which was detailed in our response of the 12<sup>th</sup> December 2019. Our updated response is detailed below:

The Environment Agency has no objection to the proposed development subject to the imposition of planning conditions (**conditions 19-21 refer**)

**Additional comments received on 16/04/20** (following consideration of objection letter from Metropolis (dated 25 February 2020) in regard to the use of the latest flooding models.

2D modelled flood levels are not available for this site, and as either a re-run of the 1D (to create the 25% and 35% allowances) and/or the production of 2D modelling are not a requirement for us to impose on Less Vulnerable development, on this occasion the 1D modelled flood levels used for the above development are deemed appropriate.

The development has been set outside of the 1D 100 year plus 20% (for climate change) flood event level extent and therefore flood plain compensation is not required.

The applicant had addressed the issues we raised and so we have now removed our objection to the proposed application.

We would wish to highlight that we have applied the same stance to the above development as was taken for the upstream planning application 16/0980/FUL.

N.B. 16/00980/FUL refers to:

Erection of a building for employment purposes including B1c (business), B2 (general industrial) and B8 (storage and distribution) use, with access, parking, landscaping and surface water attenuation on land to the North of the Lutterworth Road, close to the Junction 20 roundabout.

The development is complete, although the Planning Officer does not know whether it is occupied.

#### 4.8 **Leics Lead Flood Authority (LLFA)**

:

The south eastern part of the proposed site is located within Flood Zone 1 being at low risk of fluvial flooding. The central part of the site is located in Flood Zone 2 being at medium risk of fluvial flooding. The north western part of the site, adjacent to the River Swift; designated a Main River, is located within Flood Zone 3 being at high risk of fluvial flooding.

Surface water accumulations are likely to affect the north western part of the proposed site.

The LLFA previously advised that the surface water drainage proposals were considered acceptable and recommended that the LPA attach conditions to any permission granted. Subsequently, revised details have been submitted. In response, the Environment Agency has clarified that the area of Flood Zone 3 where the car park is located is specifically Flood Zone 3b (functional flood plain). Flood Zone 3b is not typically suitable for development and as such, the applicant should address issues raised by the Environment Agency prior to any further comment being made by the LLFA.

#### **Final comments;**

The revised FRA states that there is no development in the functional floodplain. The proposed levels of a small area of footway on the northern edge of the Carpark lying within the modelled 1 in 100 +205 climate change allowance design event line will be carefully controlled such that none is higher than the existing ground level at the same point, thereby fully maintaining the existing characteristics of the floodplain. The LLFA considers the proposals are acceptable and recommends (**conditions 4-6 refer**)

Note: These conditions should only be applied if EA has provided support for the proposals.

#### 4.9 **Severn Trent Water**

ST Water have a 250mm clean water pipe through the site. No building is

permitted temporary or permanent over a water main or within the easement, 6m easement required over each pipe 3m on either side. A diversion will be required note recommended.

#### 4.10 **LCC Ecology:**

The application is accompanied by an ecology report (Middlemarch, 2019) which is acceptable; no further ecology survey is needed. I have no objections in principle to the application, but feel that the landscape and open plans are inadequate .

Although this is outside the optimum season for habitat surveys, it is clear that the site has low ecology value in itself, being improved grassland, and therefore I can accept the report.

No habitats of more than local value were identified, apart from the R Swift, which is an important local wildlife corridor; it flows along the NW boundary. It is designated as a potential Local Wildlife site, and Water Vole have been recorded along an adjacent stretch. It is also known to be used by Otter and foraging bats, and recently White-clawed crayfish have been discovered further upstream.

The built development and carpark is set well back from the river, and I do not envisage any direct impacts on the habitat. However, lighting is potentially of concern and needs to be directed away from the river, to avoid impacts on bat foraging and disturbance to other creatures using the habitat. I recommend a conditions requiring all light spillage to be less than 1 lux at the edge of the trees bordering the river.

No protected species were recorded on site.

There is a good opportunity to provide biodiversity net-gain through enhancement of the riverside habitat for wildlife. The plans suggest something of this nature, but are not very clear; as this is a full application more details are required up-front. I am expecting creation of flower-rich grassland to act as a pollinator habitat and as a complement to the river corridor and landscape. The site plans show some areas of 'landscape enrichment' but this is too vague; what is meant?

The DAS states that 'the grassland area will generally be left in its natural state although large areas will be seeded with an alluvial wildflower meadow mix enriching the biodiversity and wildlife habitats in the area with native wild flowers and grasses.' Whilst I appreciate the intent, this is unlikely to work on established grassland. Instead, I recommend that the topsoil is removed in places to create shallow scrapes and hollows, which can then be seeded with a marshy grassland

mix; the hollows should retain some water, which will create a more interesting, attractive and sustainable habitat. Tree and scrub planting, of waterside species such as alder, willows, sallows and osier, will further enhance the area for biodiversity.

I have no objections to the use of the area for informal public access, as proposed.

The created habitat (and the remaining grassland) will need management; if it is not possible to continue grazing then it should be hay cut in late summer, with the crop removed.

I would be grateful if further thought could be given to the green space and grassland habitat creation, enhancement and management, and I recommend that landscape plans and a landscape and biodiversity maintenance plan are submitted up-front rather than left to conditions

I have a holding objection pending submission of plans that show clear biodiversity net-gain and a specification for how this is to be achieved.

#### **Further comments:**

The Biodiversity Enhancement and Management Plan (Middlemarch, July 2019) and the Soft Landscaping Plan (MEL-418-001) have addressed my concerns, and



will allow me to remove my holding objection when one very minor adjustment has been made: the substitution of Rhamnus frangula (Alder Buckthorn) for Rhamnus cathartica (Purging Buckthorn). Rhamnus frangula is rare in our area, and I do not recommend that it is planted. Once this is done, I recommend that the two documents are referred to in planning condition.

A water vole, otter and white-clawed crayfish survey (Bowland Sept 2019) has also been submitted; there was no evidence of the first two species, but White clawed Crayfish DNA was present in the R Swift. Suitable crayfish habitats were present along the stretch of river, and therefore precautionary working measures must be adopted when constructing the headwall for surface water drainage. Bowland Ecology have recommended mitigation - see 4.6 of their report -and this should also be referred to in condition.

I have no objections to the layout changes and amended site masterplan. The principle of maintaining and enhancing the biodiversity and amenity value of the green space between the proposed development and river are still on the plans.

In September last year a Biodiversity Management Plan and Soft Landscaping Plan were submitted which provided more detail of the layout and management/aftercare of the green space; with a minor comment, I was happy to accept these plans. The new layout means that these plans will need revision, but revised schemes have not been submitted. I recommend that they are revised and submitted.

I would also like to remind you of the need for mitigation measures to protect the White-clawed Crayfish population in the river (**condition 11 refers** as per identified Bowland Ecology proposed mitigation measures);

**Final comments:**

The revised landscape plans that take account of the altered site layout. I can confirm that they are satisfactory

**4.11 LCC (Archaeology)**

Following the completion of a negative archaeological trial trench investigation of the application area (ULAS Rep ref.: 2019-128), it is now possible to confirm that the application area has a low potential to preserve significant archaeological remains, and as such we have no further comment to offer

**4.12 HDC Conservation Officer:**

The site in question falls outside the Lutterworth Conservation Area, but has the potential to affect long views of the tower of St Mary's which is a grade I listed building and a prominent local landmark.

The recent removal of vegetation around this site has opened up a view of the church from the junction of the A4303/ and the A426, but this is not a view of historic significance as that road configuration dates only to the late twentieth century. The more historic approach to the town from the south is along the old Rugby/ Swinford road, where the church tower is still clearly visible in long views, and would not be affected by this proposal due to the land levels.

The area surrounding the roundabout is already heavily dominated by the road infrastructure and the new store would be read in that context. Any opportunities to preserve the view of the church from within the site and surrounding area would be welcomed.

As such I have no objections on heritage grounds

**4.13 HDC (Climate Change officer):**

No objection following clarification of climate change mitigation strategy.

#### 4.14 LCC (Forestry Officer);

I have reviewed the Preliminary Arboricultural Assessment and the Arboricultural Impact assessment and the proposals for tree removal are justified therefore I have no further objections, however an Arboricultural Method Statement should be conditioned to be submitted prior to commencement of the development, if possible, as the tree protection fences should be the first thing to go in site after the tree works are done (**Condition 9 refers**).

### **b) Local Community**

A summary of key points raised is detailed below-a full copy of all representations received is available to view on-line.

#### 4.15 Lutterworth Town Council:

Original comments: Object to the application.

- 1.No air quality impact statement
- 2.No flood risk assessment
- 3.There is no way to deal with the traffic problems that this application creates.
- 4.With the Magna Park Application and the East Lutterworth Application this will exasperate the problem contrary to the approved local plan

Further comments:

1. The application is in breach of the HDC adopted Local Plan
2. There remain serious concerns on traffic access

Further comments;

1. Breach of policy as exceeds 1,000sq.m allowed for in Policy RT1.
2. Plan does not allow for any convenience store outside of the SDA.
- 3.Extremely dangerous entrance and exit. New plans for roundabout to be replaced by traffic controlled 4 way junction. Lanes well merge at the Aldi junction which is considered dangerous.

#### 4.16 Local Community

Objection: 10 households to original application and also 10 (6 as to original) to amended plans. The objections received include the following points;

1. Lack of information on delivery noise and concerns that delivery area not enclosed.
2. Concerned about access arrangements in and out of site, particularly traffic leaving site and turning right. Traffic often backs up and is very heavy.
3. Will there be routeing restrictions so delivery vehicles avoid town centre which is already a AQMA.
4. Concerned any new traffic from future SDA has not been taken into account.
5. Increased traffic-access from side roads already very difficult.
6. Further deterioration of air quality and noise pollution.
7. Further encroachment into remaining green space.
8. No need as Lutterworth already well catered for with supermarkets and nearest Aldi 3 miles away at M6 junction. Lutterworth east a better location.
9. Will increase flood risk significantly.
10. Landscaping not adequate including planting. There should be more planting, especially larger trees, such as Oaks, Willows, chestnuts, especially alongside river, providing screening and absorb pollution/noise.

11. Need for new pedestrian island to be considered.
12. Noise from delivery vehicles.
13. Adverse impact on entrance to town, church and iconic jet.
14. Adverse impact on exit from Travel Lodge and business park.

Further comments, following submission of additional info/revised plans;

1. Re-iterate previous comments and do not consider that objections have been overcome.
2. Any reduction in air quality is unacceptable. Concerned about dust during construction (there was considerable noise/dust associated with the Frank Whittle roundabout improvements works).
3. Would be better located at Lutterworth East site.
4. Highway Safety and flooding concerns re-iterated.
5. Footpath not adequate for pedestrians and for mobility scooters/people pushing prams, etc
6. Turning right out of site across 2 lanes of traffic dangerous

- 4.17 3 objections also raised by planning consultants on behalf of resident in Hill Drive, and Morrisons and Waitrose supermarkets (both in Lutterworth town centre):

**Metropolis Planning:**

1. Inappropriate development in the countryside, in buffer between town and road.
2. Adverse impact on town centre-should be directed towards Lutterworth East.
3. Question the sequential test undertaken-would expect a wider number of sites to be explored.
4. Significant highways concerns-do not consider full account taken of future impacts, such as Lutterworth East.
5. Flood risk and drainage concerns as partly in Flood zone 3.
6. No comprehensive Air Quality assessment.
7. Noise and disturbance to nearby residents, especially from deliveries/parking/security shutters being open closed. Siting of loading bay close to residential properties.
8. Impact of footpath and open space noise, privacy and security issues.
9. Lighting impact on ecology.
10. Loss of trees.
11. Would expect full construction method statement to be submitted.

Further comments:

1. FRA inadequate as does not contain the latest climate change allowances.
2. Car parking partly in Floodzone 3b, not compliant with the NPPF.
3. Loss of 3 trees not properly assessed.
4. Noise and disturbance especially deliveries not properly assessed.
5. Boundary treatment to client's property not adequate to address amenity concerns, also new footpath will result in possible noise, loss of privacy and security implications as currently no footpath.
6. Lighting strategy and concerns about light spill to property and impact on ecology.
7. Lack of information regarding Construction method statement.(CMS)

**Waitrose:**

1. Site not allocated for this use.
2. The retail statement underestimates the likely trade diversion from Lutterworth town centre.
3. No need identified in Local Plan for additional convenience retail use.
4. Consider that the amount of trade diversion from the town centre has been significantly underestimated.

Further comments (following Lichfields review of the retail impact assessment)

1. Pleased that Lichfields agree that the total trade diversion is significantly higher than put forward by Turleys (on behalf of Aldi) and consider it to be at least £4.72 million, not £2.85 million.
2. Strongly disagree with Lichfields, that this amount is not significant. It is recognised that both Waitrose and Morrison's are important anchor stores for Lutterworth, generating 50% linked trips. Consider that the viability of both stores would be adversely affected. Waitrose would trade 32.1% below company benchmark if scheme goes ahead.

**Morrison's:**

1. Impact on town centre would be significantly worse than envisaged and also that the new neighbourhood centre in Lutterworth east less likely to be delivered. Significant adverse impact on the vitality and viability of Lutterworth, contrary to policy.
2. The application also significantly underestimates impact on the highway network (separate consultants report (Exigo) submitted).
3. Partially on green space which should remain open, thus further contrary to policy.

**Exigo objection (on behalf of Morrison's);**

1. The site is divorced from the existing settlement, and only accessible by private car, with no footpath on site side, or crossings.
2. No queue data provided so impossible to understand the interaction between the Travelodge exit, roundabout and M1 junction. There is already considerable queues which would be worsened by any additional traffic.
3. Does not consider that all future development, including Lutterworth east have been taken into consideration.
4. Identifies "flaws" with the Transport Assessment, such as not making it clear why 80% of traffic would turn left out of site, and only 20% right, junction analysis inaccurate and comparisons should only be made with standalone stores..
5. Considers that the application significantly underestimates the effect of the development on the highways network and does not provide sufficient evidence that the effect would be severe and thus application should be refused in line with the Development Plan and NPPF.

**4.18 Response from Turley's on behalf of Aldi (05/03/20)**

Turley have responded to all the points raised by objectors, throughout the process, to include the following key points;

1. Lack of allocation in Local Plan: The NPPF does not seek to impose a moratorium on retail development beyond sites that are allocated and incorporates relevant tests to be met-sequential and impact assessment tests, which have been carried out and findings supported by Lichfields.
2. No need for store as floorspace will be taken up in the new Lutterworth SDA neighbourhood store: There is no needs test to be applied.
3. Does not take into account the retail space proposed as part of SDA:  
The application (19/00250/OUT) is in outline form and not yet determined. It is likely to come forward in phases, and any commercial use likely to be later on for viability reasons, once there is a critical mass of population. As such, this can not reasonably be taken into account in the Retail Impact Assessment.
4. Impact on town centre will be greater than envisaged in retail impact assessment; This has been independently assessed by Lichfields who concluded that there was not a significant adverse impact.
5. Waitrose currently underperforming and could be at risk;  
This again has been independently assessed by Lichfields. There are instances of discount foodstores and mainstream supermarkets supporting each other, such as in Market Harborough.
6. In response to point raised about flood risk issues, the Flood Risk Assessment uses the 20% climate change allowance and are based on the most up-to-date information



available, and have been agreed with the Environment Agency and the LLFA. As there will be no occupation of flood storage volume within the 1 in 100year +20% climate change flood risk extent, there will be no increase in flood risk elsewhere.

7. Matters in relation to noise and disturbance during construction are covered in the Construction Management Statement, and expected to be conditioned (EHO raises no objection).

8. Like all new developments which create an impervious area, the store will have a finite life, probably less than 50years, after which its future use will be determined by its owners and future planning regimes.

9. Objector suggests that due to perceived issues of noise, dust and light pollution, there should be a substantial belt of trees planted to the north side of site. However all the technical reports and technical responses do not conclude this is required.

4.19 69 of support received (65 “standard” form comments submitted together).

Key points raised:

1. Would be good to have more choice, especially for non-car owners.
2. Need the competition to maintain good prices and competition
3. On limited budget, and currently have to travel to Broughton Astley or Rugby.
4. Would create more jobs and encourage people to shop in Lutterworth, supporting local independent shops and businesses.
5. Less travelling to others stores, would mean less pollution.
6. Reduction in congestion round existing supermarkets.
7. The land is vacant and under utilised, and this will enhance area.
8. With all the new housing proposed, there is a need.
9. Sell a lot of locally grown food.

## 5. Planning Policy Considerations

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

### a) Development Plan

- *Harborough Local Plan*

5.2

**Policy GD1** confirms that the Council will take a positive approach to development, that reflects the presumption in favour of sustainable development.

**Policy GD2** confirms that development adjoining Key Centres will be permitted where they comply with outlined criteria.

**Policy GD3** relates to development within the countryside and confirms that proposals for services and facilities that improve the sustainability of settlements will be permitted.

**Policy GD5** seeks to ensure that development is located and designed so as to be sensitive to its landscape setting.

**Policy GD8** sets out a range of criteria in order to ensure that developments achieve a high standard of design.

**Policy RT1** confirms that during the plan period, additional retail provision will be made for a **minimum** of 4,300sq.m (gross) of convenience floorspace and a **minimum** of 10,100sq.m (gross) of comparison floorspace, to include: 1,000 sq m (gross) convenience retail floorspace will be permitted within Lutterworth, provided proposals are in accordance with Policy RT2.

**Policy RT2** confirms that the sequential test will be followed for main town centre uses. Development of main town centre uses outside of the defined town centre for a

development in excess of 500 sq m (gross) for proposals located outside of Market Harborough, will only be permitted if an impact assessment demonstrates that the proposal would not have a significant adverse impact on the vitality and / or viability of existing centres.

**Policy GI1** confirms that development which support the potential for the River Swift corridor contribute to the wider green infrastructure network will be permitted. GI assets will be safeguarded, and where possible, enhanced.

**Policy GI2** aims safeguard and enhance any existing or new open space, sport and recreation facilities through improvements to their quality and use.

**Policy GI4** confirms that LGS will retain their openness permanently, and the construction of new buildings will not be permitted other than specified circumstances, including for the provision of facilities for outdoor sport and recreation.

**Policy GI5** seeks to protect and improve biodiversity.

**Policy CC1** seeks to mitigate climate change

**Policy CC3** aims to direct development to the areas in the lowest risk of flooding, and requires the sequential test and exceptions test where necessary.

**Policy CC4** requires all new development to incorporate sustainable drainage systems.

**Policy IN2** confirms that proposals should seek to maximise the use and efficiency of existing transport facilities and where necessary provide mitigating measures to deal with the impacts of development on the transport network, both within and outside the District. Development should ensure safe access, servicing and parking arrangements and measures to facilitate safe access by cycle and on foot.

## **b) Material Planning Considerations**

### **5.3 National Planning Policy Framework July 2018**

The overarching policy objective of the Framework is the 'presumption in favour of sustainable development'. It identifies three dimensions to sustainable development: economic, social and environmental (paragraph 8). These are mutually dependent and in order to achieve sustainable development economic, environmental and social gains should be sought jointly and simultaneously through the planning system. The presumption in favour of sustainable development is seen as the 'heart of the Framework' running through plan-making and decision-taking (para.10). For decision-taking this means:

- approving development proposals that accord with the development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### **○ National Planning Practice Guidance**

### **5.4 The National Planning Practice Guidance (hereafter referred to as the PPG) 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.**

5.5 *Planning (Listed Buildings and Conservation Areas) Act 1990 Sections 16(2), 66(1) and 72*

Sections 16(2) and 66(1) relate to Listed assets. Section 66 states, inter alia: “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.”

5.6 Lutterworth Air Quality Management Area.

## 6. Assessment

### a) Principle of Development

- 6.1 The Harborough Local Plan was adopted on 30<sup>th</sup> April 2019 and thus must be afforded full weight. Lutterworth currently has no adopted Neighbourhood Plan..

***Principle of location:***

The application site is located to the south of Lutterworth, identified as a Key Centre in the district settlement hierarchy. The Local Plan sets out the spatial strategy (Policy SS1) to meet needs to 2031, allocating strategic sites including some at Lutterworth. Policy *GD2 Settlement Development* seeks to ensure that the spatial strategy and plan-led system are not undermined, whilst allowing for some flexibility, where proposals comply with criteria and other relevant policies.

Lutterworth is defined as a town centre in the Harborough Retail Hierarchy. As such it has a defined town centre boundary, but it does not have an identified ‘Primary Shopping Area’, so for the purposes of retail the town centre boundary (TCB) is the main consideration.

The proposal site is not allocated for development, for retail or other uses, by the adopted Local Plan. It also lies outside the defined town centre boundary (TCB) with the nearest point of the proposal site being approximately 200m from the closest point of the TCB. Historically (i.e. Core Strategy / retained LP 2001), the site fell outside the formerly defined Limits to Development of Lutterworth, now replaced by Policy GD2.

In respect of GD2 criteria, the proposal site does not adjoin (i.e. share a common boundary with) the existing or committed built up area of Lutterworth to the north and west, being separated by the River Swift and designated LGS (River Swift Flood Plain 1). However, it is located opposite St Johns Business Park, is contained by the A426 / A4303 to the east and south and is situated at the southern gateway into the town on a main transport route. Pragmatically therefore the proposal site has a physical relationship with the urban area of Lutterworth and its development is not considered to constitute development within the countryside (covered by Policy GD3).

In general policy terms GD2 criteria 2d and 2e are most pertinent to the acceptability of the proposed development, these are:

- d. *Its scale, individually or cumulatively with existing and committed development, reflects the size of the settlement concerned and the level of service provision within that settlement;*

- e. *it is physically and visually connected to and respects the form and characteristics of the existing settlement and landscape;*

***Retail need:***

The Local Plan provides for the objectively assessed retail needs of the district to 2031. During the plan period additional retail provision will be made for a minimum of 4,300m<sup>2</sup> (gross) of convenience floor-space and 10,100m<sup>2</sup> of comparison floor-space. A settlement specific retail floor-space target is set for Lutterworth of 1,000m<sup>2</sup> (gross) convenience and 1,500m<sup>2</sup> comparison. Policies SS1, RT1 and L1 state that all of the convenience and a third of the comparison floor-space targets for Lutterworth should be provided, outside of the existing town centre, at a neighbourhood centre within the East of Lutterworth SDA allocation, to provide local shopping facilities and a social hub for the new community and improve sustainability.

The proposed development is for A1 retail use (a main town centre use) totalling 1195m<sup>2</sup>, which on its own or in addition to future provision at the SDA, would significantly exceed the minimum convenience floor-space targets for Lutterworth. In addition, the proposed development is neither in an existing centre, nor in accordance with Policy RT1 of the up-to-date (April 2019) Local Plan. Hence, Policy RT2 (*Town and local centres*) alongside NPPF para 86-89, are relevant and provide the context for decision making. Accordingly the applicant has provided a Sequential Test and Retail Impact Assessment (RIA).

***Sequential Test:***

The applicant's sequential test (Turley), its scope, findings and the retail critique of it provided by Lichfield's are noted. Notwithstanding their respective views, based on our interpretation of the NPPF definition which allows account to be taken of local circumstances, the proposal site is considered to be 'Edge of centre', as it is well connected to and less than 300m from the nearest point of the town centre boundary. It also fronts onto the A426 (Rugby Road) the main route into the town centre from the south which becomes High Street. However, the gradient of the A426 northwards and the lack of adequate footpaths between the proposal site and the town centre are recognised as a physical barrier affecting accessibility on foot.

Site 1 (as identified in the Sequential Test), is a potential opportunity site within an emerging strategy & master-plan for the town centre being developed by the Council's Economic Development Team. However, this strategy is currently only in draft form and is not articulated through the adopted Local Plan, and with site assembly required its availability within in a reasonable timeframe is unlikely. Based on the information submitted and the HRS 2013 it is accepted that no other sites, including the planned neighbourhood centre at the East of Lutterworth SDA (by virtue of it being out-of-centre), represent a suitable or available sequentially preferable alternative for the proposed food store. No other alternative sites for consideration as sequentially preferable locations were identified during the Local Plan preparation process.

***Retail Impact Assessment (RIA):***

Policy RT2 sets a threshold of 500m<sup>2</sup> for impact assessments 'elsewhere in the District' (i.e. outside market Harborough). In accordance with the policy the applicant has submitted a RIA.

The RIA has been critiqued by Lichfield's who prepared the Harborough Retail Study (HRS). Lichfield's observations, revised trade diversion figures, and overall conclusion, that the impact of the proposed development on Lutterworth town centre is not expected to be significant, are noted. Notwithstanding these, from a policy



perspective, the critical issue is to maintain and enhance the viability and vitality of Lutterworth town centre. An Aldi store would add to consumer choice in Lutterworth. Lichfield's sensitivity analysis suggests that the impact on Lutterworth's convenience retail facilities will be -12.7% (Turleys estimates a lower figure of -7.7%), most of which will be focussed on Morrison's and to a lesser extent on Waitrose. The Morrisons store is expected to trade above the company average, and the impact on Waitrose would be that it would trade marginally lower than the current turnover. "This level of trading is still within the range we would expect stores would trade viably. There is no suggestion Waitrose would close their store". (from Litchfields retail critique, June 2019, paragraph 4.3).

Securing a direct, high quality, legible and safe walking route to the town centre, together with appropriate parking arrangements and other measures, to encourage linked trips is considered an essential requirement of the proposed scheme, and the loss of linked trips is not considered significant, and the effects may be neutral with the new and lost linked trips cancelling each other. This is reflected in comments received about the application as both supporters and objectors refer to alternative Aldi stores being available at Rugby, Broughton Astley and Market Harborough, all of which require the use of private car or bus, and none of which are likely to lead to linked trips.

- 6.2 In summary, the location is well connected and accessible to the town centre. Lutterworth has a **minimum** requirement for additional convenience retail and the proposed development would add to consumer choice. There is no sequentially preferable alternative site and the impact on Lutterworth town centre is assessed to be less than significant. (This conclusion is supported by Lichfields who have independently assessed the information submitted by Turleys on behalf of Aldi) Therefore, from a policy perspective, the presumption in favour of sustainable development prevails.
- 6.3 Several objectors, including the Town Council have asked why the Aldi store is not located as part of the SDA development (in the "community hub") and have also questioned the floor area being proposed as it exceeds the 1,000 sq.m referred to in the Policy RT1 .
- The Applicants are not required to demonstrate a need for their retail developments and are only required to demonstrate no significant adverse impact on town centres. Where development exceeds floorspace capacity figures in Policy RT1, the relevant issue is whether the 'over-provision' will result in a significant adverse impact on designated town centres. The floorspace figures in Policy RT1 are minimum projections and are based on constant market shares. The ability of retail development to increase a town's market share will form part of the impact assessment. Exceeding the floorspace capacity figure in RT1 does not automatically mean a development is unacceptable in retail planning terms.

The proposed neighbourhood centres becomes relevant to the determination of the Aldi application is if the SDA outline application is approved with the size and mix of retail clearly identified before or at the same time the Aldi application is determined. The application submission (for the Lutterworth Strategic Development Area), reference: 19/00250/OUT includes masterplan showing the retail phase to be delivered as part of the "community hub" in phase 2 of the development (up to 1,000sq.m convenience retail indicated but no further details). Phase 1 includes the new spine road and associated infrastructure, housing, etc. It does not include a retail assessment and the EIA parameters/application form stick to the 1,000 sq.m convenience and 500 sq.m comparison maximum retail limits. The SDA development

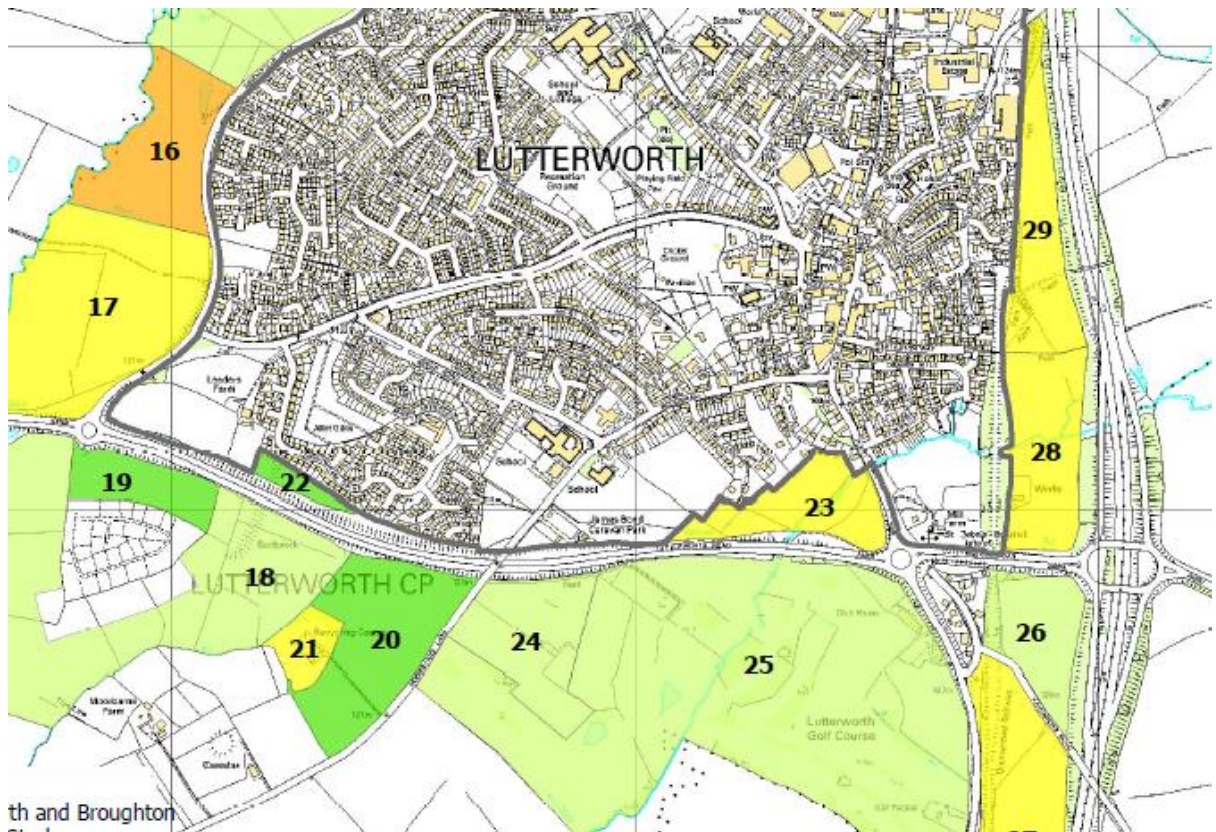
cannot exceed these figures without providing their own impact/sequential statement. Thus, the SDA as currently proposed cannot accommodate Aldi.

There are 4 development phases of the SDA spread over 17-18 years, and the application is yet to be determined and even when determined would be subject to a Section 106 legal agreement. The community hubs are indicated to be in phase 2. Phase 1 starts 2021/2022 and Aldi (if permitted) is likely to be built before this (The Applicants have indicated that work will start as soon as relevant conditions are discharged). The community hub would not be completed for some years after this. It is not clear what the hub will include. The worst case impact (in respect of impact on the viability/vitality of the town centre) would be a single food store of 1,000 sq.m gross. It is not clear what operator would take this amount of space i.e. too small for a discounter and too large for a Tesco Express/Sainsbury Local type store. More realistically the hub could include a smaller convenience store under the Sunday trading limit (i.e. 280 sq.m net 400 sq.m gross) and then some smaller unit shops newsagent, bakers etc. Thus, the SDA site does not provide a suitable “alternative” site for the proposed store as explained above.

## **b) Technical Considerations**

### **1. Scale, appearance and landscaping**

- 6.17 The site is open and sloping in appearance, and benefits from tree and hedgerow boundaries to the all boundaries, and the brook to the North. It forms the entrance to Lutterworth, bounded by the Frank Whittle roundabout and bypass to the South and East, and opposite the business park, Travelodge, and public House.
- 6.18 The site is included in the Lutterworth and Broughton Astley Landscape Capacity Study (2011); it falls within Parcel 23, but only forms a small part of the parcel, as shown on the below map. The capacity for development of the entire parcel is “medium”.



- 6.19 The site is within the “Lutterworth Lowlands”, characterised by the River Swift and open farmland.

The Landscape Character Assessment describes the capacity and suitability for development as below:

This Land Parcel (23) is considered to have medium capacity to accommodate development. Given the nearby residential development, residential development could be appropriate in this Land Parcel. There is also a hotel located to the east of the Parcel, so similar uses may be appropriate. Any development in this location should be subject to the following mitigation measures:

- **Retention of existing landscape features and vegetation**

The hedgerows within and around the perimeters of the Parcel should be retained where possible and strengthened where there are gaps. The vegetation along the River Swift should also be retained.

- **Important views to be retained**

There are limited views into the Parcel, but views from residential properties to the north should be considered. The setting of the Conservation Area should also be considered during the design of any proposed development.

- **Retention of existing routes through the site**

A public footpath cuts through the south eastern corner of the Parcel. This would need to be considered as part of any development.

- **Ground modelling**

Extensive ground modelling is unlikely to be appropriate in this location. There may be some requirement for ground modelling due to the sloping landform.

- **Additional planting**

Reinforcement of the existing planting along the boundaries of the Parcel could help to contain any development.

- **Maximum building heights**

Existing buildings in this locality are generally 2-3 storeys high. Proposals in this Land Parcel should be of a similar height.

• **Development layout**

A development in this location would need to be accessed from Rugby Road or the private road Hill Drive.

Any development within this Land Parcel would need to pay careful attention to the interface with the Lutterworth Conservation Area to the north east and existing properties to the north, to the flood zone associated with the River Swift and the boundaries with the A4303 and Rugby Road.

• **Building materials**

The north eastern part of the Parcel is adjacent to Lutterworth Conservation Area. Older buildings within Lutterworth include late Georgian and early Victorian brick built properties, often covered with render or stucco. These are often 3 storeys high with decorative banding between floors and sash windows with multiple small panels. There is also a small number of 16th century coaching inns, including one with exposed timber beams and a thatched roof. Some of these features could be incorporated into any buildings erected within this Land Parcel.

• **Open space provision and green infrastructure**

Existing trees and hedgerows within and around the Parcel could form green infrastructure/open space corridors through any proposed development. The corridor of the River Swift should also be integrated within open space.

It is considered that the scheme complies with the criteria listed, and is further noted that the site only forms a small part of the overall land parcel, with the development in the least sensitive area where it is seen in the context of the road network and St John's Business park.

- 6.20 Policy GD8 (Good Design) of the Harborough District Local Plan requires proposals for development to achieve a high standard of design including:
- a. being inspired by, respecting and enhancing both the local character and distinctiveness of the settlement concerned.
  - b. Where appropriate, being individual and innovative, yet sympathetic to the local vernacular, including in terms of materials.
  - d. respecting the context and characteristics of the individual site, street scene and the wider local environment to ensure that it is integrated as far as possible into the existing built form.

The proposal is considered to be located on the least sensitive part of the site, which is also lower than the town centre, thus views to the church and historic town centre would not be unduly compromised. The building is relatively low key and of a similar height to the Travel Lodge opposite. The site is seen in the context of the roundabout and business park opposite and considered well related to the existing built form of development.





The design is contemporary and with the addition of significant landscaping, and the benefit of the enhanced green space can be accommodated without significant adverse impact on the landscape as a whole, or the entrance to Lutterworth.

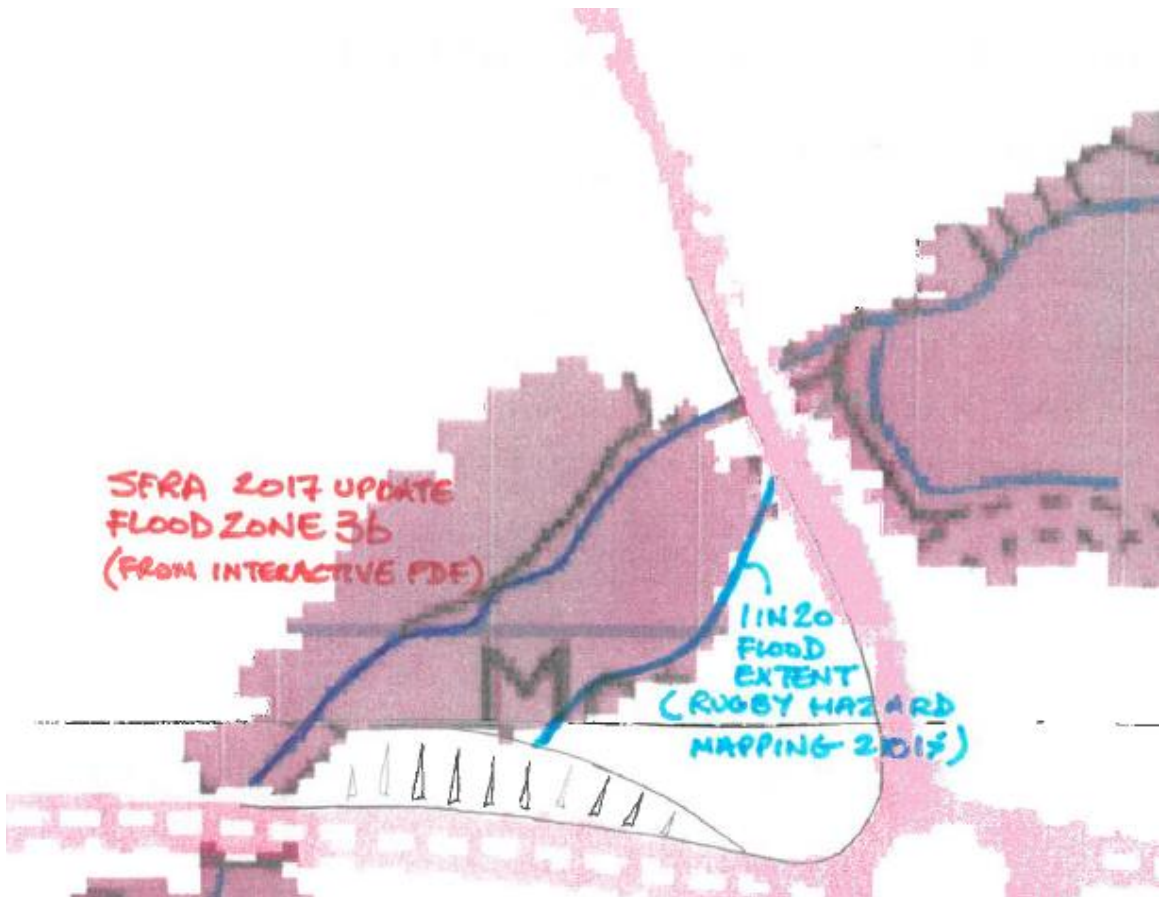
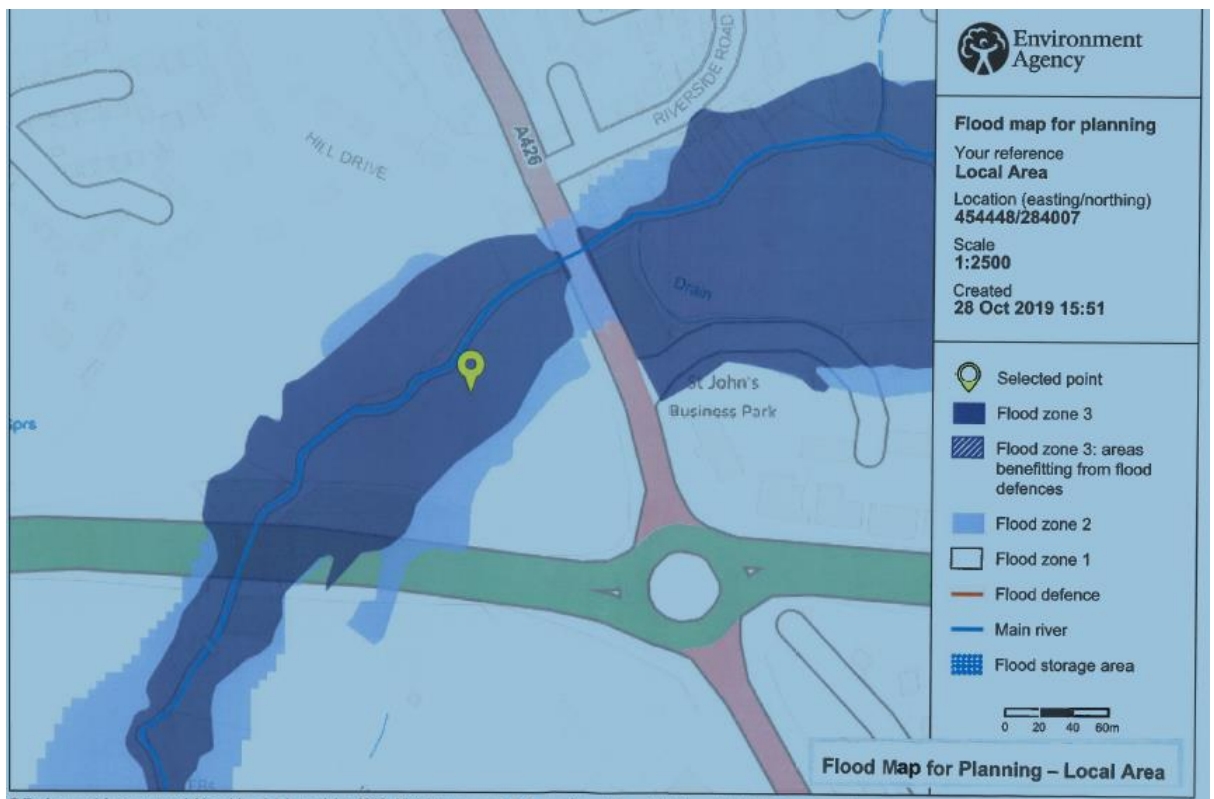
Thus, whilst it is recognised that the development is substantial and individually designed, it is recognised that there are a number of building styles and heights in the nearby environs, including the business park, hotel and pub opposite. Taking all matters into account and the nature of the proposal, it is considered that the provisions of Policy GD8 of the Harborough District Local Plan and the provisions of Chapter 12 of the NPPF are met.

6.21 A lighting strategy has been provided, to address both the concerns of neighbours, the County Ecologist and to meet the requirements of GD8 (g), which seeks to minimise pollution from glare or light spill. The majority of the proposed lighting is 12 wall mounted lights at height of 3.6m, with a total of 9 column mounted lights at a height of 6m. Lighting will be located within and around the boundaries of the supermarket and carparking areas. Proposed lighting plans show downward lighting, with no light spill to the boundaries of the site, and none to the River Swift area. A small strip around the carpark entrance will be between 1-11lux, but this is in proximity of existing street lighting.

## 2. Drainage and flooding

- 6.22 As part of the application, the applicants have submitted a Flood Risk Assessment (FRA) and there have been several revisions to address this issue (the latest being January 2020). As illustrated by the map below, the northern part of the site abutting the River Swift is flood zone 3 (functional flood plain), whilst the south-eastern part of the site is flood zone 1 (low chance of flooding) In this case the EA have advised that the published flood zones are superseded by the Rugby Hazard Mapping Study 2015, which provides the best available flood risk information available for the River Swift at this time.

The Rugby Hazard Mapping 2015 model.



- 6.23 The Environment Agency (EA) originally raised a number of objections to the scheme, including to the raising of ground levels in flood zone 3, as this would occupy floodwater storage volume.

As a result of the second objection, the scheme layout was extensively revised by relocating the store building clear of the flood zones and lowering the proposed levels such that there would be no raising of ground levels within the flood zones and resubmitted for approval on 19 September 2019 via Report Ref ASL-1400-01-DS-001-P5.

The Environment Agency objected to the resubmission as the location of any development (a significant number of parking spaces) in Flood Zone 3b Functional Floodplain is contrary to the policy guidance in the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG).

- 6.24 The EA advised that the Applicant could overcome the objection by:

a) Limiting the built development extent (building, car park and any ground level raising (where included)) to land outside of the functional flood plain (as shown by the green dashed line on drawing No. D16A87-P003 Revision C).

b) Locating all surface water run-off attenuation features outside of the functional flood plain extent, and above the 1% (1 in 100) plus 20% (for climate change) flood plain extent/level.

To fulfil these requirements, the proposed development layout has been further modified so as to locate all development outside of Flood Zone 3b,

**6.25 Flood risk and drainage strategy:**

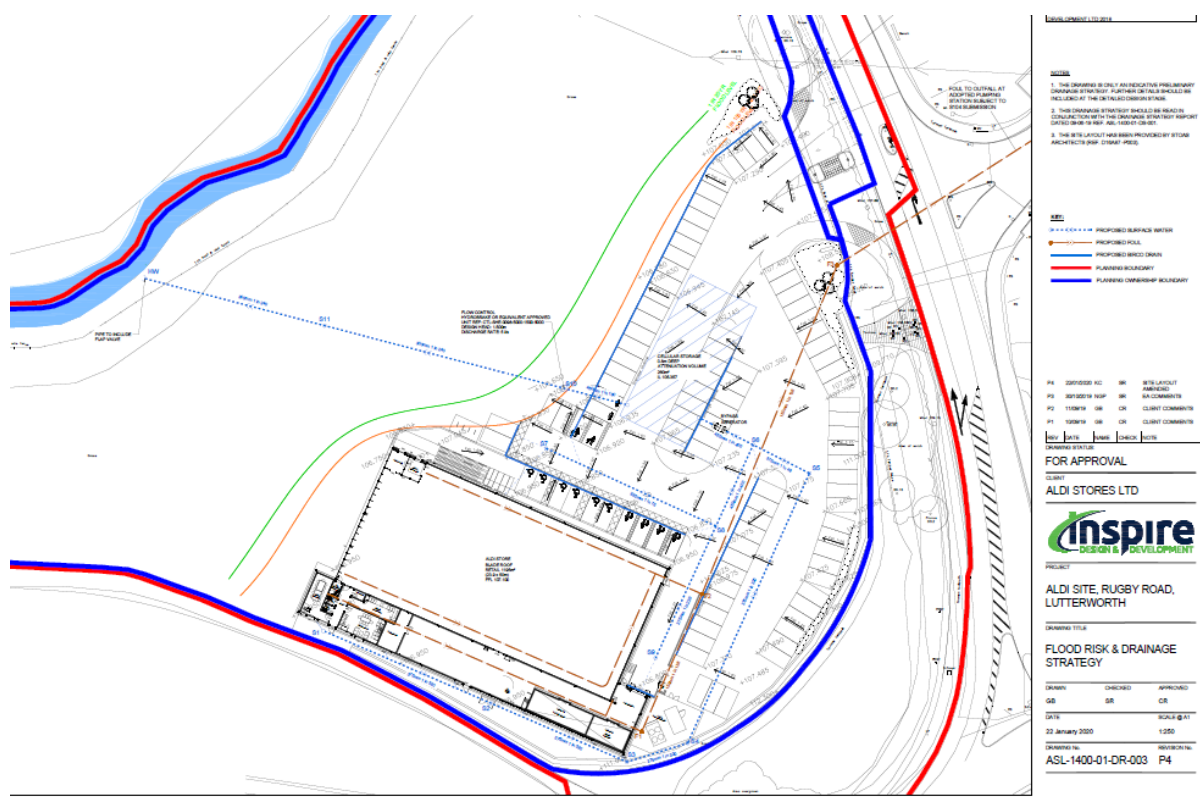
Surface water run-off will continue to discharge to the River Swift, as it does at present. The site will be drained using SuDS techniques, including cellular storage in the car park, which will provide flow attenuation to 5 litres per second so as not to increase flood risk. If a 1 in 100 year flood were to occur, the footway on the northern edge of the car park would be unable to drain for a short period.

Climate change allowance with respect to rainfall intensity for the surface water drainage has been made in accordance with the latest EA guidelines.

The channel drains with traps and the by-pass oil interceptor, together with the grassy landscaped area with respect to the footway on the northern edge of the car park, will provide adequate treatment to the runoff.

Foul sewage will be disposed of to the public sewer system, by pumping if necessary.

Below plan shows the flood risk and drainage strategy:



- 6.25 Following significant negotiations and amendments, the flood risk assessment and drainage strategy provided are considered acceptable, to meet with both EA and LLFA requirements (conditions 4-6 and 19-21 are recommended). The proposal is therefore considered to comply with Local Plan Policies CC3 and CC4.

### 3. Ecology and agricultural land

- 6.26 The applicant has provided an Ecological Appraisal (The Biodiversity Enhancement and Management Plan (Middlemarch, July 2019) and the Soft Landscaping Plan (MEL-418-001) which has addressed the concerns of the County Ecologist. The two documents are referred to in planning condition.

A water vole, otter and white-clawed crayfish survey (Bowland Sept 2019) has also been submitted; there was no evidence of the first two species, but White-clawed Crayfish DNA was present in the R Swift. Suitable crayfish habitats were present along the stretch of river, and therefore precautionary working measures must be adopted when constructing the headwall for surface water drainage. Bowland Ecology have recommended mitigation - see 4.6 of their report - and this should also be referred to in condition.

- 6.27 Proposed ecological mitigation measures include:

- maintaining and enhancing the biodiversity and amenity value of the green space between the proposed development and river
- Significant tree planting and planting, including to northern boundary of carpark and to north and south of site entrance.
- Grassland to river retained and maintained for floristic diversity (grassland management plan).



- Shallow scrapes within green space to provide areas of seasonally wet soil to maximise floristic diversity and interest for wildlife.

## 6.28 Arboricultural Assessment;

An assessment has been submitted (by Middlemarch)

This concludes that the 4 trees shown for removal were assessed of low retention value

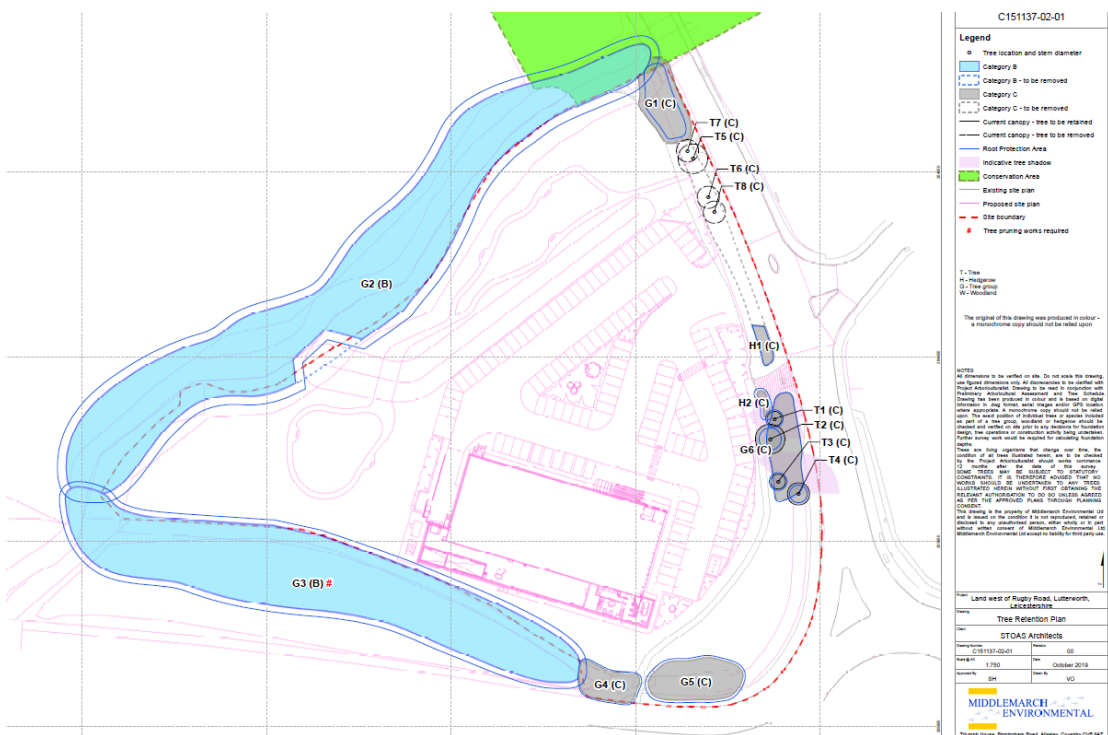
The trees were in fair condition and prominence, but due to their nature, as outgrown hedgerow trees, they had limited future potential and their loss is unlikely to result in a significant loss of amenity value, providing appropriate mitigation planting.

Group2 partial removal, was assessed as moderate retention value-only a small amount of group to be removed therefore unlikely to have significant impact on amenity value of the group.

Hedgerow H1 Partial removal-assessed as low retention value. Large section to be removed so has potential to impact on the amenity value of local landscape, however the proposed landscape plan shows significant planting to compensate for this.

Tree Number	Species	BS5837 Category	Reason for Removal
T5	Sycamore	C1	Tree requires removal for new footpath entrance.
T6	Sycamore	C1	Tree requires removal for new footpath entrance.
T7	Sycamore	C1	Tree requires removal for new footpath entrance.
T8	English elm	C1	Tree requires removal for new footpath entrance.
G2*	Mixed species	B2	Partial removal required to facilitate the drainage swale and final connection of the site surface water drainage to the river.
H1*	Mixed species	C2	Partial removal required for new site entrance, new footpath and improved sight lines.

**Key**  
\*: Partial removal of trees within hedgerow or group.



An arboricultural method statement will be required by way of conditions to protect the trees during construction (**Condition 9 refers**),.

6.29 Climate change mitigation:

The updated FRA and drainage strategy have demonstrated that the development does not take any flood water storage volume. There is an attenuation tank under the carpark and a Biodiversity enhancement and management strategy has been submitted. There is significant planting also shown and the enhancement of the green space for ecological purposes.

In respect of the building itself, the store is developed to meet BREEM standard of “excellent” and incorporates energy saving features, such as LED lighting, light turning off when store closed, high levels of re-cycling, dock seal to avoid loss of heat. Further secure cycle parking of 16 now provided and 2 electric car charging points (scope for 4 additional to be added). On the basis of the above, the Climate Change Officer offers no objection, and the scheme is considered in accordance with Policy CC1 of the Local Plan.

6.30 The site is Grade 3 agricultural land as set out within the Natural England Land Classification Map. Whilst Grade 3 agricultural land is not split between Grade 3a and 3b, the site has not been used for any significant agricultural use (such as crops/cattle) in recent years and appears to have been used mainly for grazing of horses in recent years, which suggests that the land falls within the Grade 3b category.

6.31 The NPPF states (para. 170) that:

‘Planning policies and decisions should contribute to and enhance the natural and local environment by:

- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;’

With the best and most versatile agricultural land identified as Land in grades 1, 2 and 3a. As the site is not considered to fall within the classification of the best and most versatile agricultural land, and with trees and hedgerows to be retained, the proposal is not considered to be contrary to the NPPF.

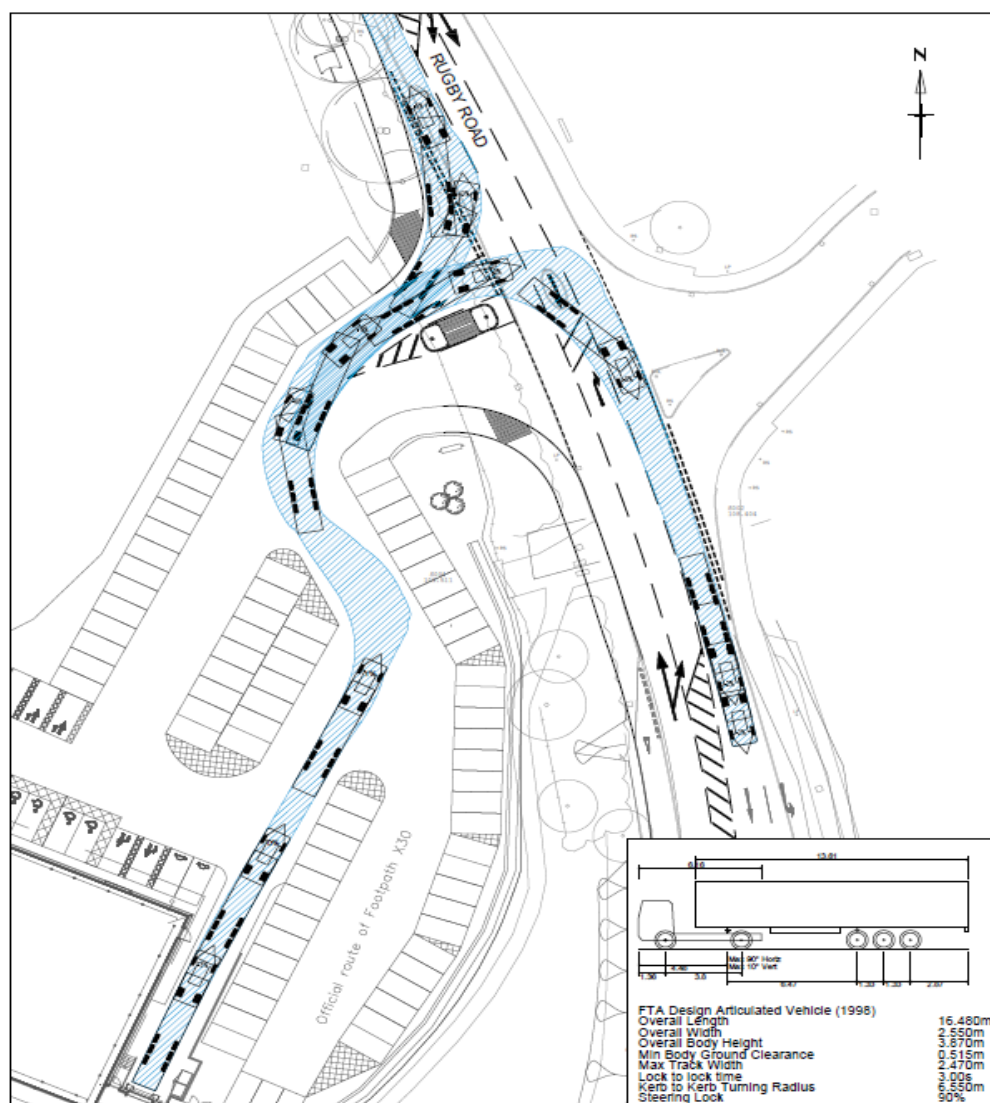
#### 4. Highways and Air Quality

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Highways:

6.32 Additional information has been submitted throughout the planning process to demonstrate that a safe access can be provided, without significant highway safety implications. This has included consideration of road traffic models predicting future traffic, including that associated with the Lutterworth Strategic Development Area (currently pending consideration) and the developments at Magna Park (strategic distribution centre). Further, likely traffic flows leaving the site and how these will be integrated into the existing and future road networks have been taken into account. Many of the objections raised, including from nearby residents and Lutterworth Town Council refer to concerns about traffic and how these will affect the (already busy) surrounding road network. Highways Officers have concluded that the proposal can be accommodated without significant adverse highway impact.

- 6.33 Following the latest revised plans, the number of parking spaces was reduced to 100, (in order to take spaces outside of the functional floodplain). The Applicant was required to demonstrate through a parking accumulation study (see technical Note 8), that enough on-site parking is provided to meet maximum demand (for example, by giving examples of similar stores, nature of operation etc). The latest plans also show that the spaces closest to the entrance which would be harder to use would be designated for staff. Further a Traffic Regulation order is proposed, placing waiting restrictions on the A426 (cost of this order to be met by Applicant as part of the section 106 agreement). Whilst several objectors have referred to a foreseen problem of turning right out of the site, due to high level of queuing traffic already witnessed, this is viewed (by the Highways officer) as an operational matter as the queue of customers would be within the site and is not considered as a highway safety matter. Sweep path analysis show how deliveries can realistically be made and also demonstrate safe access into and out of the site can be achieved (see diagram below).



- 6.34 The site is close to bus stops and there would be a footpath and crossing (refuge) to enable safe pedestrian access. Bike storage is also provided and the store is within walking/cycle distance to a significant catchment area, especially on the southern

side of Lutterworth. The Applicant has confirmed that the footpath within the green space would be “a permissive footpath, not a dedicated Rights of Way, and as such there would be no legal or maintenance obligations attached to it (it would be privately maintained).

- 6.35 Lutterworth Town Council have raised concerns regarding the cumulative impact of the proposal on traffic, assuming the Lutterworth Strategic Development Area is permitted, and also raise concerns about how the Frank Whittle junction improvements will fit in with the Aldi proposal. The Applicant’s highway consultants (Technical Note 10) have confirmed that “both a Stage 1 Road Safety Audit and Transport Assessment have been undertaken, and no objections are raised. Both take into account likely traffic implications from the SDA and Magna Park. Any details in regard to future Frank Whittle junction improvements have not yet been agreed, and would be conditioned in any event. Further, this application has yet to be considered by Committee and if permitted, would be the subject of a complex legal agreement. Thus any such details are not imminent, and would need to take on board the existing road network, including any Aldi new access. The Consulant for Aldi states (Technical Note 10)(attached as Appendix 1), that: “merging and/or slowing of traffic in an urban area with a 30mph limit is not unorthodox or unconventional. The traffic modelling of the A426, Aldi and Travelodge/St Johns Business Park does not indicate congestion as indicated in Inset 1” (below)

## Inset 1 - Transport Assessment Extract - Site Access Modelling

### Site Access / A426 Rugby Road /Travelodge junction

- 5.4.1 The PICADY9 module of the Junctions9 software package has been used to assess the operation of the site access/A426 Rugby Road/Travelodge junction as this is an industry standard computer package for modelling the operation of priority junctions. The junction has been modelled as a left/right staggered crossroads.
- 5.4.2 PICADY uses the geometry of the junction combined with traffic flow information to predict capacity. The software provides a number of results in its output, the most meaningful of which is the Ratio of Flow to Capacity (RFC), where an RFC of 1.00 reflects a demand equal to the theoretical capacity of the junction approach.
- 5.4.3 The operation of the junction has been assessed for the 2024 future year, with all identified committed developments and with the proposed development traffic, as given at Appendix 16.
- 5.4.4 The model has been run in 'One Hour' mode. The 'One Hour' mode estimates the traffic profile for an hour long period using a bell shaped curve with a 15 minute 'Warm Up' period before, and a 15 minute 'Cool Down' period after, the hour central period. This simulates the effect of a peak within the peak hour.
- 5.4.5 The results of the PICADY tests are set out at Table 5.1 and the modelling output given at Appendix 18.

**Table 5.1 – PICADY Summary – Site Access/A426 Rugby Road/Travelodge**

	AM			PM			SAT		
	Queue (PCU)	Delay (s)	RFC	Queue (PCU)	Delay (s)	RFC	Queue (PCU)	Delay (s)	RFC
<b>2024</b>									
Stream B-CD	0.1	10.20	0.05	0.2	15.13	0.18	0.3	11.91	0.22
Stream B-A	0.1	41.02	0.12	0.9	101.95	0.51	0.5	33.89	0.32
Stream AB-CD	0.3	11.05	0.23	0.1	8.06	0.11	0.0	7.63	0.04
Stream D-ABC	0.1	9.54	0.05	0.5	10.04	0.32	0.0	7.23	0.03
Stream CD-AB	0.1	9.26	0.07	0.2	11.52	0.15	0.2	9.46	0.17

*N.B. A=A426 south, B=Aldi, C=A426 north, D=Travelodge*

- 5.4.6 Table 5.1 indicates that the junction has been assessed as operating within capacity.

Highways Officers have fully assessed all the information submitted and conclude that the impacts of the development on highway safety would not be unacceptable, and

when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and planning obligations outlined in this report.

- 6.36 The Council is anxious to ensure that both the occupiers and users of new development, and those elsewhere who may be affected by it indirectly, will not be subjected to below acceptable standards of air quality. Therefore, in controlling the potential impact of development upon air quality, the Council will require an effective air pollution mitigation strategy if a development proposal would be likely to either:
- have a moderate adverse, or worse, impact upon air quality within an existing Air Quality Management Area (AQMA) whether the proposal is inside or outside of that AQMA; or
  - contribute directly or indirectly to the declaration of another AQMA be it in this district or an adjoining one.

- 6.37 An Air Quality Assessment was undertaken as the site is close to the Lutterworth Air Quality Assessment Area (AQAA) (dated July 2019)  
This includes a qualitative construction phases assessment, with measures recommended for inclusion in a Dust Management Plan (DPA) to minimise dust during construction. With the implementation of this plan, the impact during the construction phases is “not significant” in accordance with relevant 1AQM guidance.

A detailed road traffic emissions assessment was also undertaken to assess the impact of related traffic. This was assessed as “negligible” in accordance with relevant guidance. The negligible impact predicted is essentially unmeasurable and is acceptable under objective 10 and policy IN2 of the new local plan

The Council’s Air Quality Officer raised no further queries further to the receipt of the above. Any Construction method Statement should also include the Dust Management Strategy (**condition 7 refers**).

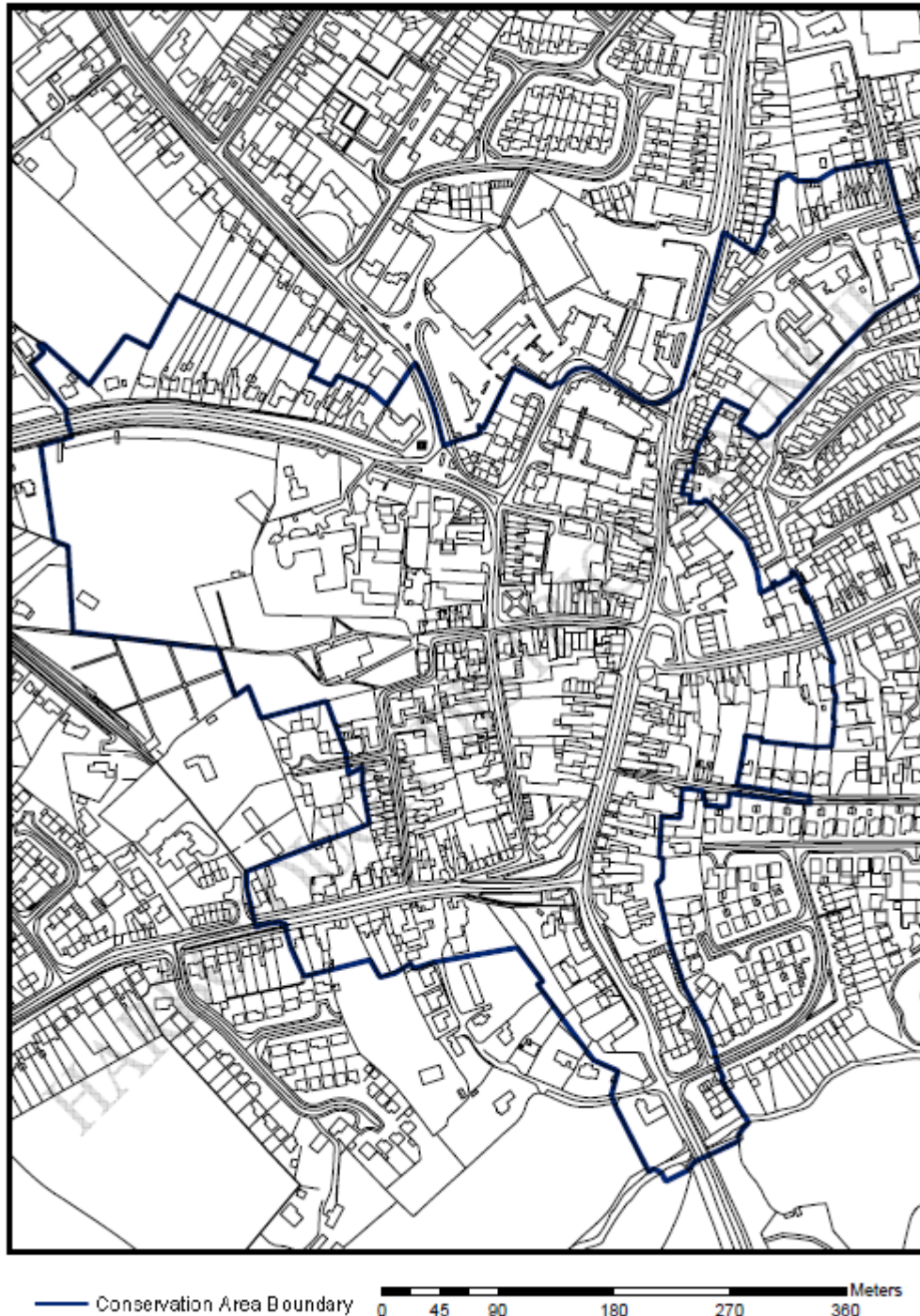
## 5. Heritage

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- 6.38 Section 72(1) of the LBA requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 6.39 Paragraph 193 of the NPPF 2019 states 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 (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance  
The site falls outside the Lutterworth Conservation Area, but has the potential to affect long views of the tower of St Mary’s which is a grade I listed building and a prominent local landmark.



## Lutterworth Conservation Area



The recent removal of vegetation around this site has opened up a view of the church from the junction of the A4303/ and the A426, but this is not a view of historic significance as that road configuration dates only to the late twentieth century. The more historic approach to the town from the south is along the old Rugby/ Swinford road, where the church tower is still clearly visible in long views, and would not be affected by this proposal due to the land levels.

The area surrounding the roundabout is already heavily dominated by the road infrastructure and the new store would be read in that context. Any opportunities to preserve the view of the church from within the site and surrounding area would be welcomed.

Officers consider, therefore, that the proposed development will cause less than substantial harm to the setting of the Conservation Area and other, undesignated, heritage assets in proximity to the site.

#### 6.40 Archaeology:

The application site lies to the West of an important area of medieval activity on the site of St Johns hospital and cemetery and was within the site of the former Mill farm, thus further to an archaeological desk based survey, further field work, including trial trenching has been carried out. No evidence for archaeological features or finds was found in the 8 trenches dug.

The County Archaeologist confirms that the site has a low potential to preserve significant archaeological remains, and thus no further conditions are required.

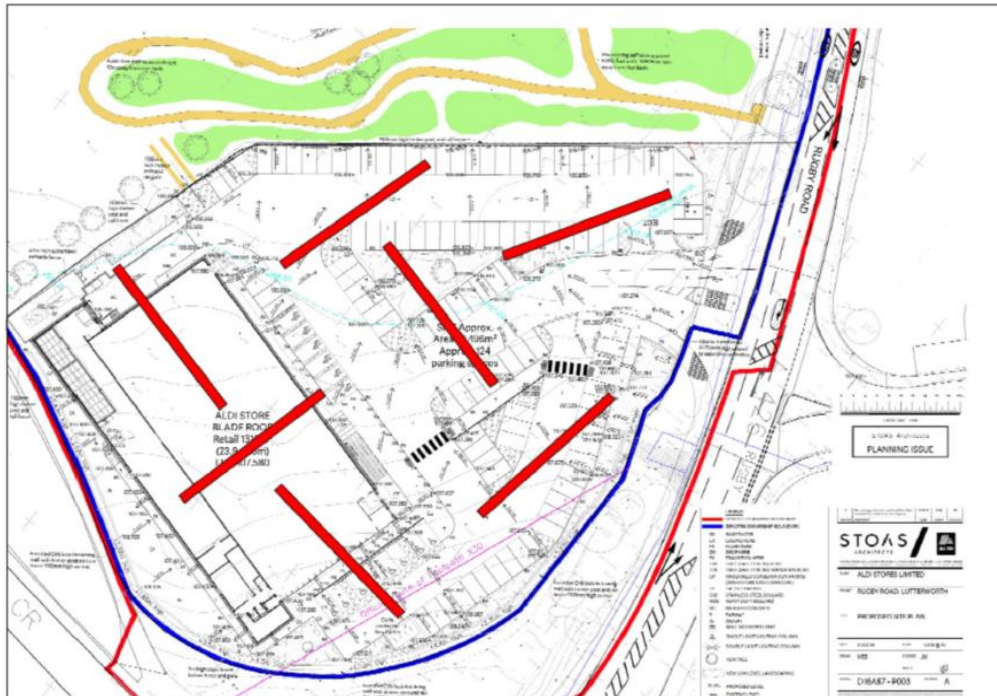
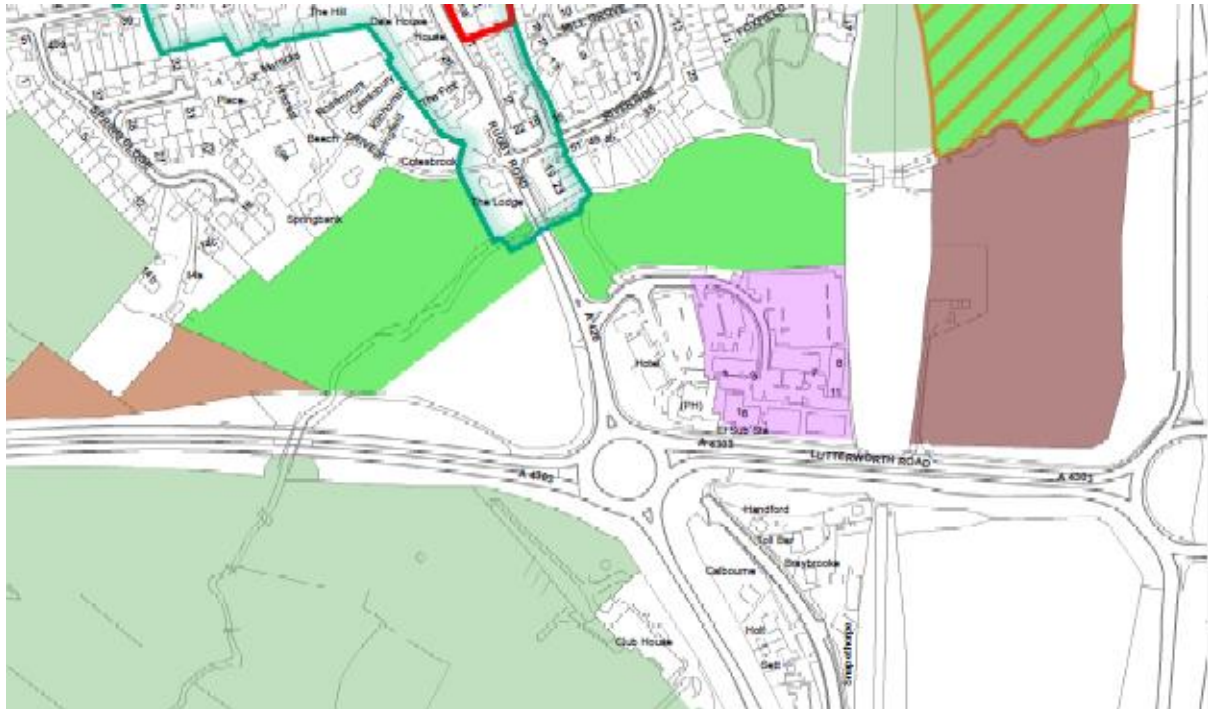


Figure 2: Location of study area to be evaluated with proposed trial trenches.

#### 6.41 Local Green Space;

The Northern part of the site is allocated as Local Green Space and is thus subject to Policy G14. This seeks to retain the openness permanently, and restricts any buildings, unless for specifically identified uses, such as sports and recreation, cemeteries, allotments and affordable housing for local community needs.



- 6.42 The northern part of the site (as identified as Local Green Space), is retained as informal open space, with a Permissive footpath, low key wooden benches and significant planting and ecological features. Its retention and use as such would preserve it's openness and also provides an additional area of publicly accessible green space in an accessible position, thus in compliance with the policy.

## 7.0. Residential Amenity and noise impact

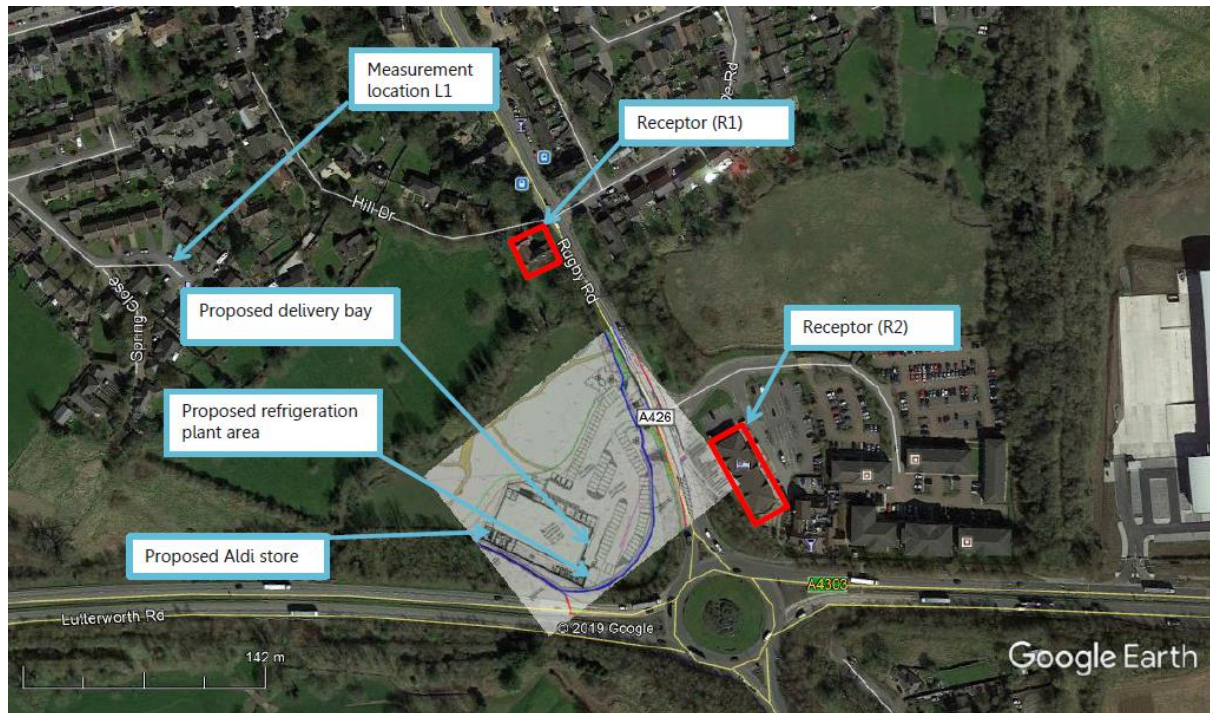
Paragraph 127 of the Framework seeks to ensure a high standard of amenity for existing and future users of places. This is also reflected in Local Plan policy GD8(e).

A noise impact assessment has been submitted as part of the application. This relates to all aspects of noise associated with the development, such as from plant and deliveries, and seeks to determine impact on noise sensitive buildings nearby, namely the nearest house (The Lodge) on Rugby Road (140m to the North) and the

Travel Lodge (180m to the East), and takes into account the ambient noise levels existing at day and night. The report concludes that the impact will be negligible and low impact taking into account it's positioning (see below) and the current level of background noise which is dominated by road noise. The Council's Environmental Health Officer is satisfied with the findings and conditions are recommended accordingly.

Further, detailed lighting plans have also been submitted which demonstrate that both residential amenity and ecology will be protected. Additional information was submitted to show that there would not be light spillage to the site boundaries, including the buffer zones (which are nearest to residential properties). As dark corridors and foraging zones for bats can be retained, and residential amenity protected. It is also noted that there is already street lighting to the Rugby Road, which is much closer to residential properties. The hours of lighting would be conditioned so as to be during store opening, and one hour before and after to allow for staff to leave/pack shelves, etc (**condition 12 refers**).





7.1 A Construction Method Statement has been submitted with the application. This details the management of the site during the proposed 25 week construction period and includes hours of work and deliveries (standard 08:00-18:00 weekdays, 08:00-13:00 hours Saturdays and at no time on Sundays, or bank/Public holidays. There are details for parking on site, wheel washing, management of noise and dust, and the protection of trees during construction. The Councils' Enforcement Compliance Officer has assessed the detailed Document and considers it acceptable in respect of setting out a robust strategy for protecting residential amenity during construction. It is also one that can be properly monitored and enforced due to its clear and comprehensive detail. On this basis the implementation and compliance with the Statement forms Condition 7.

7.2 Given the positioning of the green space between the store and the nearest residential property (the Lodge), this is considered to create a buffer to the nearest residential property. It will be heavily landscaped and planted which will also as a noise buffer. The delivery bay and plant area is now located to the southern side of the store so the building itself will provide a buffer to noise associated with deliveries. Objections are raised to the public use of the green space and the footpath within that area which may result in some overlooking to the garden of the Lodge.

As can be seen from the below photos the rear garden of the Lodge abuts the River Swift, with some trees and vegetation to the rear boundary. The footpath is set back at least 10m from the riverbank, and is long and looping, thus encouraging a circular walk, as opposed to concentrating activity in one particular area. It is a low key informal activity and as such unlikely to result in a significant adverse impact. The wider public benefits and ecological enhancements of the Green space are also material.



Photos taken 28/10/19 from the garden of The Lodge (nearest residential property identified as “receptor 1” and rear elevation of The Lodge (last photo)





A further objection is raised from the residents of The Lodge regarding the new footpath, which would run alongside their property, connecting the store to the bus stop and path beyond on this side of the Rugby Road. Issues of noise and disturbance, and potential anti-social behaviour, such as littering, are raised.

The footpath is to encourage Aldi customers to make a linked trip on foot to the town centre during store opening hours. In practice, it is unlikely that customers will make such linked trips outside the period. At those times there is likely to be a high degree of surveillance afforded to the footpath from Rugby Road, which is likely to discourage anti-social behaviour. Ambient noise levels, resulting from traffic activity during those hours, is likely to mask any noise arising from the movement of people along the footpath. There is also an existing bus stop close by and nearby Public House, thus the location is already subject to a level of background noise associated with an edge of town location. There is also boundary treatment to The Lodge (shown on the below photo). In summary, whilst a footpath would have some impact to The Lodge, this is not considered significant in its urban context and provides pedestrian linkage benefits which would outweigh any harm identified.

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Photo (above) taken from the entrance of Hill Drive looking towards the site (on right), and Whittle roundabout. This shows where the new footpath link would run alongside the boundary of The Lodge.

#### **d) Sustainable Development**

7.3 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 during the building of the store, and it's future employment potential, including local employment (up to 40 jobs will be created). Associated jobs, such as landscape maintenance will result and "knock on" effects, such as increased demand for a range of goods, including locally produced and sourced.

The proposal will enable greater choice of goods and prices for local residents, particularly those with no private transport.

There is likely to be some adverse impact on the existing supermarkets, but this is not deemed severe (conclusion is supported by the Retail Impact Assessment and has been ratified with the Council's independent advisor).

The impact on the vitality and viability of the town centre will not be significantly undermined, and a more neutral effect is envisaged, as the proposal is likely to mean less "leakage" to other towns and will also serve to attract customers, who may then also do "linked trips".

- **Social**

The proposal will provide an additional area of informal Green space, which will be protected thereafter. This will allow for recreational/exercise opportunities on a piece of land which is clearly valued by the local community (hence it's designation as Local Green Space). The proposal will also enable the scope for more local shopping, which may free up more "social" time for local residents.

- Environmental  
Additional planting, provision of wildlife habitat and retention of existing hedges and trees will help to improve bio-diversity and enhance the environment. The scheme serves to promote walking/cycling with provision of footway and crossing points, cycle storage and electric charging points. Issues relating to flooding and impact on the floodplain have been addressed. It is therefore considered that it will have not have a negative impact on the environment

## **8. The Planning Balance / Conclusion**

- 8.1 The proposal would bring forward an additional retail use which would serve to provide additional choice to local residents, in an accessible location, which is served by public transport and can be reached by foot and bike. It is considered well related to the existing built form of development, and would not detract significantly from the character of the surrounding countryside, or surrounding area, particularly given it's context. It is considered well designed and would be enhanced with the retention of existing landscaping and new comprehensive planting. No significant adverse impact on adjoining residents has been demonstrated which is assisted by the positioning of the store and delivery/plant areas on the southern side of the development.
- All technical matters, such as highway safety, air quality impact, flooding, ecology, archaeology, and those further detailed in the report have been adequately addressed to the satisfaction of the relevant consultees, and no technical objections remain.
- The provision of the informal local green space on the northern part of the site will also serve to create a buffer to properties in Hill Drive. This will bring forward ecological enhancements and include significant new planting and creation of wildlife habitats. Further additional recreational/exercise opportunities will be provided in a low key environment.
- Further, whilst there would be some adverse impact upon the existing town centre and major retail chains, this has been adequately addressed, and it has been demonstrated that this is not deemed so severe as to warrant refusal, and that there is no other suitable and available site within the town centre, or settlement.
- As such, taking all matters into account, the scheme is recommended for approval, subject to the below conditions and Section 106 requirements in regard to highways.

## **9. Recommended conditions and Section 106 requirements:**

### **9.1 Conditions and Reasons**

#### **1. Commencement:**

The development hereby permitted shall begin within 3 years from the date of this decision.

REASON: To meet the requirements of the Town and Country Planning Act 1990 (as amended).

#### **2. Approved Plans schedule:**

The development hereby permitted shall be carried out in complete accordance with the approved plans listed in schedule: D16A87 (submitted 05/03/20).

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

3. **Materials:**

The external materials, including windows, used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained in perpetuity, unless prior written consent is obtained from the Local Planning Authority.

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

4. **Surface Water drainage:**

No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

5. **Surface Water during construction:**

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

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.

6. **Long term surface water maintenance:**

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

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.

7. **Construction Environmental Management Plan:**

The development (including any site clearance/preparation works) shall be carried in accordance with the revised Construction Environmental Management Plan and shall be adhered to throughout the period of development:

REASON: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general, having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

8. **Approved landscaping scheme:**

All planting, seeding and turfing comprised in the approved Landscape Scheme (Middle March Jan 2020) shall be completed in the first planting and seeding season prior to, or immediately following, the first occupation of the building to which it relates. All hard landscaping comprised in the approved Landscape Scheme shall be completed prior to the first occupation of the building to which it relates.

Any trees, shrubs, hedges or plants which, within a period of five years from their date of planting, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

REASON: To ensure the landscaping is implemented and maintained in the interests of the visual amenities of the development and its surroundings having regard to Harborough Local Plan Policies GD2, GD5 and GD8, and the National Planning Policy Framework.

9. **Protection of trees/hedges during construction;**

All of the trees [and hedges] on the site which are shown in the Landscape Scheme as being retained [and/or any trees and hedges with Root Protection Areas within the site] shall be protected by fencing (and ground protection where necessary) which complies in full with "BS5837:2012 Trees in relation to design, demolition & construction - Recommendations".

The fencing (and ground protection) shall be installed before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, unless the Local Planning Authority gives written approval.

REASON: To safeguard existing trees and hedges in the interests of the character and appearance of the development and the surrounding area having regard to Harborough Local Plan Policies GD2, GD8 and the National Planning Policy Framework.

10. **Green Space provision:**

The Green Space shall be provided, made publicly accessible, and maintained in perpetuity as shown on the Approved Green space plan. A scheme for the future maintenance of the Green space shall be submitted and approved in writing with the District Planning Authority, prior to the commencement of the retail use.

Reason: To ensure the landscaping is implemented and maintained in the interests of the visual amenities of the development and its surroundings having regard to Harborough Local Plan Policies GD2, GD5 and GD8, and the National Planning Policy Framework.

11. **Ecological Enhancements:**

The scheme of ecological enhancements and ecological management plan (Middlemarch Jan 2020 and Bowland Ecology, Sept 2019), shall be implemented prior to the commencement of the retail use, and managed in accordance with the approved details.

REASON: To enhance the biodiversity of the area, having regard to Harborough Local Plan Policy GI5, and the National Planning Policy Framework.

12. **External lighting:**

The external lighting hereby granted consent shall only be illuminated during the opening hours, (and a maximum of one hour before, and one hour after), of the related premises. It shall be retained in accordance with the details submitted thereafter, unless agreed otherwise in writing by the District Planning Authority.

REASON: To protect the visual and residential amenities of the locality and to reduce light pollution having regard to Harborough Local Plan Policy RT3 and the National Planning Policy Framework.

13. **New Access:**

The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access on the A426 that becomes redundant as a result of this proposal has been closed permanently

and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2019).

**14. Access arrangements:**

No part of the development hereby permitted shall be brought into first use until such time as the access arrangements, visibility splays and offsite highway works shown generally on Connect Consultants drawing number 16153-010 rev. N have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

**15. Shared footway/cycleway:**

The development hereby permitted shall not be brought into first use until such time as a shared footway/cycleway as shown generally on Connect Consultants drawing number 16153-010 rev. N is constructed and linked to the existing provision on the development side of the A426.

REASON: In the interests of accessibility and to facilitate access by pedestrians and cyclists.

**16. Access drive surfacing:**

The development hereby permitted shall not be brought into first use until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

**17. Site drainage details:**

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

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2019).

**18. Parking provision/cycle storage:**

The development hereby permitted shall not be brought into first use until such time as the vehicle parking and turning facilities and cycle parking facilities and electric charging points, have been implemented in accordance with STOAS Architects drawing number D16A87-P003 Rev. F. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety, to promote travel by sustainable modes and in accordance with the National Planning Policy Framework (2019).

**19. Flood risk mitigation:**



The development shall be carried out in accordance with the submitted flood risk assessment (ref ASL-1400-01-DS-001, Rev 5 (P8)), and the following mitigation measure it details:

Finished floor levels shall be set no lower than 107.10 metres above Ordnance Datum (AOD) - Section 2.7.13.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is not required.

**20. Flood risk mitigation:**

There must be no raising of ground levels in the Functional flood plain FZ3b and/or within the 1 in 100 20% for climate change allowance flood plain extent, which includes a drainage pipe and formalised foot paths within the former (the landscaped area), and the edge of the car park foot path and cycle storage area within the later.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is not required.

**21. No development in flood zone:**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that order with or without modification, no structure or development shall be erected within the 1 in 100 20% (for climate change) flood level extent, the area as shown on drawing no. drawing No. D16A87 - P007 Revision A.

Reason:

To prevent inappropriate (less vulnerable) development within the functional flood plain; including the risk of the landscaped area being turned into additional car parking, contrary to NPPF, and to prevent an increase in flooding elsewhere by ensuring no loss of the flood plain storage from the existing functional flood plain area FZ3b, proposed to be used as amenity green space, and through which the drainage pipe will be installed

**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. A public footpath / bridleway crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council Highways Department (Tel. (0116) 305 0001).

3. Foul is proposed to connect into the pumping station, this will be subject to S104 and a section 106 sewer approval.

For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

#### Suggested Informative

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. Should you require any further information please contact us on the telephone number or email below.

There is a 250mm water main in the application site. No build over is permitted. I have copied in our clean water asset protection team to make their comments.

4. The scheme shall include the utilisation of holding sustainable drainage techniques with the

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

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

5. Details should demonstrate how surface water will be managed on site to prevent an increase

in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

6. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

7. When determining planning applications, the local planning authority should ensure flood risk

is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific Flood Risk Assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework and accompanying Planning Practice Guidance.

Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>

Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

#### Standing Advice - Maintenance

Note that it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.

#### Standing Advice - Minor works

If a proposed building/wall or other construction appears to sit astride an indicated surface water flow route, the new build may deflect floodwater onto another person's property or raise flood levels by a significant amount locally. In these circumstances, the planning officer should contact the County Council to discuss whether consultation is necessary in that particular case.

Overland flow routes as shown on the update map for surface water should be considered such that buildings are not placed directly at risk of surface water flooding. Such flow routes should be utilised for roads and green infrastructure

8. Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.

The applicant shall be wholly financially responsible for any street furniture that requires removal or relocation to facilitate this development proposal.

Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

#### 9. Environmental permit advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any permanent and/or temporary construction activities which will take place:

on or within 8 metres of a main river (16 metres if tidal)

on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)

on or within 16 metres of a sea defence

involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity (submitting any permit applications a minimum of 3 months before the proposed start date of the permanent and or temporary construction activity requiring a permit).

## 9.2 Section106 requirements:

Amount /Detail	CIL Justification	Policy Basis
Legal to confirm fee	It is appropriate for the Council to recover the costs associated with the negotiation, production and subsequent monitoring of developer payments. This covers the legal costs of creating agreements, any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and costs of monitoring.	Planning Obligations SPG (Jan 2017)
<b>Request by LLC Highways</b>		
Amount /Detail	CIL Justification	Policy Basis
<p>Travel Packs; to inform new employees from first site use of the available sustainable travel choices in the surrounding area. These can be provided through Leicestershire County Council (LCC) at a cost of £52.85 per pack. If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.</p> <p>2. Six-month bus passes, one per employee (one application form to be included in Travel Packs and funded by the developer); to encourage new employees to use bus services, to establish changes in travel behaviour from first site use and to promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass. NOTE</p>	<p>Justification: To inform new employees from first site use of the available sustainable travel choices available in the surrounding area.</p> <p>Justification: To encourage employees to use bus services as an alternative to the private car.</p>	<p>IN1 Infrastructure provision IN2: Sustainable Transport</p> <p>Planning Obligations SPG (Jan 2017)</p> <p>Leicestershire Planning Obligations Policy</p>

<p>it is very unlikely that a site will get 100% take-up of passes, 25% is considered to be a high take-up rate).</p> <p>3. Appointment of a Travel Plan Coordinator from commencement of development until 5 years after first use. The Travel Plan Coordinator shall be responsible for the implementation of measures, as well as monitoring and implementation of remedial measures.</p> <p>4. A Travel Plan monitoring fee of £6,000 for LCC's Travel Plan Monitoring System.</p> <p>5. A contribution of £30,711 towards the removal and replacement of highway trees which are required to be felled in order to facilitate the footway/cycleway proposals along Rugby Road to the north of the site access.</p> <p>6. A contribution of £7,500 for the legal processes associated with the Traffic Regulation Order for the proposed waiting restrictions along the A426, which shall be implemented prior to first use of the development hereby permitted.</p>	<p>Justification: To ensure effective implementation and monitoring of the Travel Plan submitted in support of the planning application.</p> <p>Justification: To enable LCC to provide support to the appointed Travel Plan Coordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.</p> <p>Justification: The development proposal will result in the loss of highway trees which are a highway asset and hold an amenity value to Leicestershire County Council, and compensation is therefore required for their loss.</p> <p>Justification: To ensure that legal orders are in place to support the delivery of the proposed highway works.</p>	
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## COMMITTEE REPORT

**Applicant:** Mr Mark Coombs - Brudenell Estates

**Application Ref:** 19/00852/FUL

**Location:** Hinch's Farm, Hallaton Road, Medbourne

**Proposal:** Demolition of agricultural buildings. Conversion and extensions to existing farm buildings to form 6 dwellings and extensions to the existing farmhouse.

**8 Week Target Date:** 30.08.2019 (EOT Agreed)

**Consultations/Neighbours Expiry Date:** 24.02.2020 (Amended Plans)

**Site Notice Expiry Date:** 27.06.2019

**Advertisement Expiry Date:** 04.07.2019

**Site Visit Date:** 06.06.2019

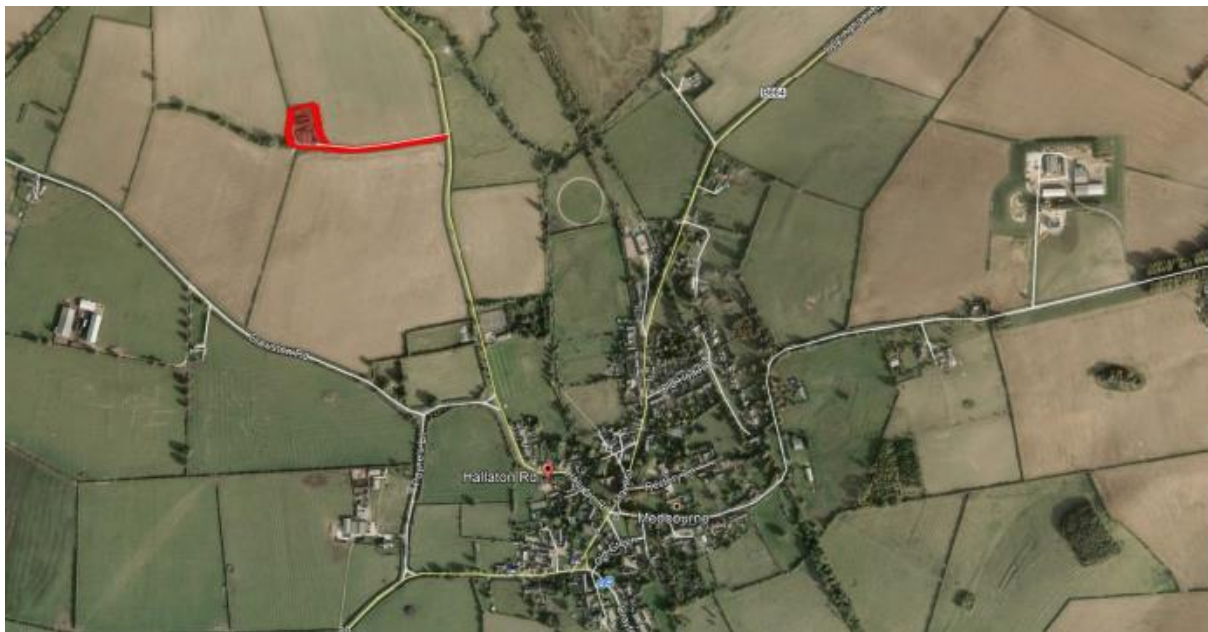
**Case Officer:** Nicola Parry

**Committee Decision:** Call-in (Cllr Rickman)

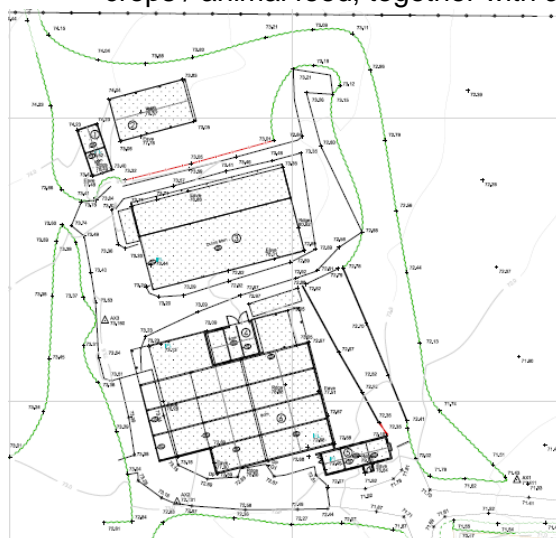
**RECOMMENDATION:** APPROVE

### 1. Site & Surroundings

- 1.1 The application site is located on the western side of Hallaton Road (and to the north of Slawston Road) to the north west of the village of Medbourne.



- 1.2 The site is accessed via a 250 metres long private driveway off Hallaton Road, which leads to a redundant farm, (previously known as Padgets Farm), and comprises, several agricultural buildings / barns associated with livestock farming and storage of crops / animal feed, together with a former workers cottage.



**Existing Site Plan**



**Aerial Photo Existing**

- 1.3 The site is bound by agricultural farmland to the north, east, south and west. An unnamed ditch runs alongside the site boundary in the south.
- 1.4 The nearest neighbours to the site are located on the south side of Slawston Road and to the north west at Innarla Caravan Park on the northern edge of Medbourne, on the Hallaton Road.
- 1.5 The site is largely flat with a difference in level across the wider site of approximately 3 metres (71 – 74 metres above Ordnance datum) over an extensive area.

## **2. Site History**

- 2.1 Relevant Planning History: None

## **3. The Application Submission**

### **a) Summary of Proposals**

- 3.1 The original application sought permission for:

***Conversion of existing farm buildings to form 6 dwellings (Plots B, D - H), erection of a single storey side and rear extension to the existing farmhouse (Plot A), erection of a new dwelling (Plot C), erection of a building to provide 7 business units (58.2sqm per unit, either B1(c) / B2 or B8 Land Use classification and a replacement agricultural building (836.6sqm) and the demolition of 3 agricultural buildings (buildings 1, 2 and 6).***



### ORIGINAL PLAN (MAY 2019)

- 3.2 The Case Officer initially advised the Applicant that the number of extensions and new build elements for the residential part of the scheme needed to be re-considered. The Applicant was also requested to respond to comments raised from statutory consultees and the concerns raised by the Parish Council. This led to the submission of amended plans and additional information in November 2019 following a public consultation event undertaken by the Applicant.

***Demolition of 3 agricultural buildings. Conversion and extension to existing farm buildings to form 6 dwellings, extensions to the existing farmhouse and erection of a new building to provide 12 small business/work units***



### Amendment A (November 2019)

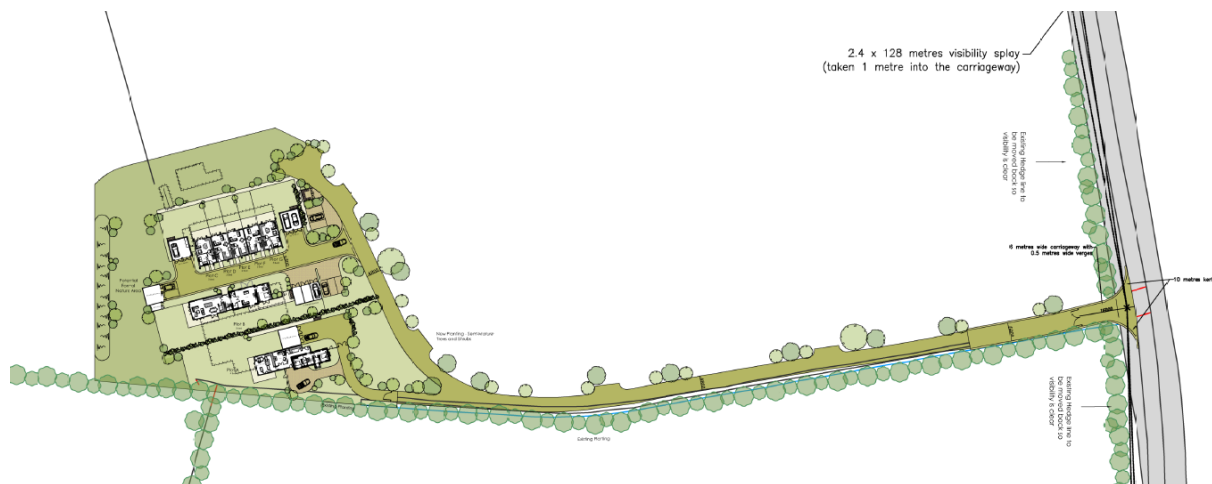
- 3.3 Following the submission of the additional information, the Case Officer requested the Design and Access Statement to be updated to reflect the Local Plan and remove all reference to the Core Strategy and for an explanation as to why in their opinion the proposal complies with Local Plan Policies GD3, GD4 and BE1.
- 3.4 Having received this information, the Applicant was informed that the Case Officer was unable to support the employment element of the application.

- 3.5 Whilst it was accepted that the Medbourne Neighbourhood Plan (MNP) Policy E2 supports new employment development proposals outside of limits where it relates to development and diversification of agricultural businesses. Such development is required to respect the character of the countryside. A new large building occupying land beyond the existing farm yard area was not considered to respect the countryside. In addition Policy E2 was adopted before the Local Plan. The Local Plan therefore takes precedence in policy considerations.
- 3.6 Clause 2 of *Policy BE1 Provision of new business development* sets out the approach to rural economic development on sites within or well-related to Rural Centres and SRV's. It allows for sustainable development (of B class employment uses) which delivers local employment opportunities, supports, and diversifies the rural economy or enables the expansion of business/enterprise subject to certain criteria. The farmstead is approx. 0.6km from the 'Limit to development' (as defined by the Medbourne Neighbourhood Plan) of Medbourne (an SRV) and some distance from the village centre. Access to the site is via a long single-carriage track off Hallaton Road. Consequently, the application site is not considered to be within or well related to the settlement and is in a countryside location. Its disconnection from the village would represent unsuitable development in the countryside and negatively affect the environment and character of the rural area.
- 3.7 Notwithstanding that the site is not within or well related to Medbourne, any commercial element of the original proposal would have had to meet criterion a, b, or c and d of policy BE1(2). However, the commercial element of the scheme (as proposed) did not re-use existing buildings, nor is the application site (generally and in particular where the business units were cited) an existing or former employment site / commercial premises (in B Class use).
- 3.8 Had the applicant been prepared to relocate the business units into converted buildings or accommodated (e.g. as live /work units) them within the curtilage of the existing semi-redundant farmstead alongside or instead of residential dwellings, the proposed scheme may have justified policy support.
- 3.9 In light of these policy concerns, the Applicant was advised to remove the business element from the scheme and to consider a further reduction in the in the amount of new extensions proposed on the residential element.
- 3.10 In February 2020, the scheme was amended to:

**Demolition of agricultural buildings. Conversion and extensions to existing farm buildings to form 6 dwellings and extensions to the existing farmhouse.**

- The conversion of the Dutch barn to form 5 residential units (it is the Applicant's intention that these units will be low cost market sale units)
- A barn conversion to form a residential unit
- The refurbishment and extension to a former cottage to form a house.
- The demolition of various modern agricultural buildings





**AMENDMENT B (FEB 2020)**

## **b) Documents**

3.11 The application was originally accompanied by the following documentation:

- Design and Access Statement
- Feasibility and Energy Strategy
- PV Array
- Topographical Survey
- Bat Report
- Transport Statement
- Floorplans and Elevations (Existing and Proposed)
- Visuals
- Photograph Document

3.12 During the course of the application, the following additional documentation has been received:

- Revised Design and Access Statement
- Revised Plans
- Revised Visuals
- Public Consultation Boards
- View Point Comparison Plans
- Revised Transport Statement
- Rebuttal to Cllr Rickman's Correspondence
- Response to Case Officer Queries 12/03/2020
- Response to Medbourne Parish Email Comments on Amendment B

## **4. Consultations and Representations**

4.1 The following correspondence has been received on this application:

### **Environment Agency**

The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns in relation to main rivers. There are also no other environmental constraints related to the site and therefore we have no further comment to make.

### **Anglian Water**

We note that the developer is not proposing to connect to Anglian Water's Network, this is outside of Anglian Water's jurisdiction to comment.

### **LLFA**

#### *Original Comment/ Amendment A*

The site is located within Flood Zone 1 being at low risk of fluvial flooding. There is a moderate to high risk of surface water flooding along southern boundary of the site. From the details it is unclear if the site exceeds 1 ha in area. Under the requirements of NPPF, all planning submissions for development of 1 ha or greater in size must be accompanied by the flood risk assessment, regardless of Flood Zones indicated on-site. As such, the applicant should confirm the size of the site and provide a Flood Risk Assessment where required.

#### *Amendment B*

The site is located within Flood Zone 1 being at low risk of fluvial flooding. There is a medium to high risk of surface water flooding in the southern part of the site and along the access road from Hallaton Road. Leicestershire County Council as LLFA advises the LPA that the proposed development is considered a minor application and therefore the LLFA is not a statutory consultee for this development. Please refer to standing advice.

### **LCC Archaeology:**

#### *Original Comment:*

Require a planning condition seeking building recording (photographic survey) of the barn and farmhouse

#### *Amendment A*

The advice given by my predecessor still stands however I would like to update the advice to include additional recommendations (written scheme of investigation) in regards to the erection of the new extensions to the other buildings.

#### *Amendment B*

Thank you for the re-consultation for the amended plans on the above site. I am pleased to see that the site has been reduced which will lessen the impact on the below ground remains on Medbourne Roman town. However the proposed development is still within the area of the Roman town and although the original farm buildings may have had an impact on the below ground remains, I believe there is still the potential for significant Roman archaeology that will be impacted by the proposed development. Therefore, I still suggest that our previously sent advice is still applicable.

### **LCC Ecology:**

The proposed development involves demolition of former farm buildings, two of which support minor bat roosts, plus a breeding site for Barn Owl. This is an important site for Barn Owl – nesting sites are rare - and detailed mitigation is needed. This, together with mitigation for loss of the roosts, is covered in RammSanderson's ecology report. The mitigation is acceptable, and should be referred to in planning condition.

The applicant should note that a licence from Natural England would be required prior to development, as explained in RammSanderson's report.

The report by RammSanderson is 2 years old. Whilst this is OK as far as the planning application goes, an update survey for bats and barn owl is needed prior to demolition, as a planning condition.

### **LCC Highways:**

#### *Original Comments:*

The LHA cannot determine the impact on the highway based on the current information submitted. Therefore further clarification is sought from the applicant and revised plan(s) as appropriate (in relation to site access, trip generation and internal layout)

#### *Amendment B:*

The Local Highway Authority (LHA) advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions

### **HDC Contaminated Land Officer:**

Due to the agricultural use of the site, the permission should be conditioned as outlined below:

- Risk Based Land Contamination Assessment
- Completion/Verification Investigation Report

### **Cllr Rickman**

*“In my role as Rural Lead for the council and also ward councillor for the Nevill ward, in which this application falls, I have to have serious reservations about this application.*

*It is outside the development line of the village and in open countryside.*

*It is incongruous to a rural setting, isolated between two villages.*

*The proposed new barn, although slightly reduced in size, will be visible from a good distance so the visual amenity is affected severely. It is a change of street scene*

*The countryside would be urbanised*

*It takes out an area of productive arable land.*

*The road from Hallaton to Medbourne is a stretch of road where cars regularly reach speeds in excess of the legal speed limit often reaching 70 mph, and with the added problem of the snakelike layout of the road, visibility exiting is severely hampered.*

*From a conversation at the recent Parish Council meeting the visibility splays have not been met.*

*I do note the application intends a Tarmac walking/cycle path from the development, however would question the actual use of it, as the obvious form of transport from there will be via car. Also a tarmac path in a field is totally incongruous to rurality. A cyclist- of which we have many- will just use the road.*

*With the number of vehicles from the proposed development from the houses and units- it produces its own problem.*

*The developers view that it will be beneficial to the village is controversial at best both in application and various residents views.*

*If approved it will create a separate community to that of the village of Medbourne, similar to that in Great Easton, which was refused by HDC some time ago for similar reasons.*

*It sets a precedent for HDC.*

*Pagets Farm, in the heart of the village was sold off and both house and barn converted to housing.*

*Whilst this has been done elsewhere, there has been a replacement farmhouse and again Great Easton is a perfect example.*

*I note that there are anomaly's in the application . On one document it mentions 6 houses , another 7, and another 8. This needs to be addressed, as Medbourne has been the victim in the past of mistakes allowed to go through with no recourse to correction.*

*In my opinion it should be refused.*

*As Rural Lead for the council, should the decision be to approve, then a condition to be strictly enforced should be for adequate bunding and screening be put in place to defray and soften the effect of the build in open countryside."*

**NOTE: The Applicant has provided a detailed rebuttal to the Objection from Cllr Rickman. Members are asked to read this response, which is available to view on-line.**

#### **Medbourne Parish Council:**

##### *Original Comment*

Medbourne Parish Council has no objection to a much smaller scheme, re-using the brick buildings on site for housing, demolishing the unsightly agricultural ones, & converting the curved top Dutch barn. However MPC consider that the huge agricultural barn and the workshops should be omitted from this scheme, and if necessary located elsewhere.

##### *Amendment A*

There are no objections to the scheme for a total of 7 houses and 12 workshops, as currently proposed, modified/reduced in conjunction with Medbourne residents and Medbourne Parish Council, except in relation to highways matters. It does not appear that the resubmission sufficiently addresses concerns already raised on highways matters. It is not enough for the developer's consultants (Bancroft) consultants to state "the development has identified a safe and suitable access arrangement. The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application...In addition the drawing showing the Footpath linking to the Village, clearly states the scheme is for 8 houses, not 7. This needs to be updated to record the accurate number of dwellings.

The Parish Council wishes to stress that the developers should not be allowed to alter the sizes of the dwellings or change the affordable nature of the smaller house should this scheme be approved, and would like a condition placed on to that effect.

A condition should be placed on the workshop units so that they should not be allowed to generate noise that will be disturbing to quiet enjoyment of the residential properties.

#### *Amendment B*

Medbourne Parish Council is pleased that the visibility splays for the scheme have been improved, making exiting from the site safer. MPC understands that it has been suggested that the development should only be on the brownfield site and should not include any new buildings built on "open countryside". However MPC has concerns regarding the mix of development now put forward on the smaller site... MPC would question why some work/live /workshop types spaces have not been encouraged as part of the revised scheme. It should be especially noted that this is an agricultural space, which is unique in its scope for such mixed development...and that this could have encouraged, much needed, extra sustainable employment within our Parish.

**NOTE: The Applicant has written directly to the Parish Council in light of the above comments, explaining the removal of the business units was at the request of the Case Officer. A copy of this correspondence is available to view on-line.**

#### **Local Community:**

##### *Local Brook Warden*

As the local brook warden I am concerned with a possibility of pollution to the local brook. I am led to believe that the sewage and storm water are all going into soakaways and being next to a ditch near the properties which flows directly into the brook under the Hallaton Road there is a high risk of contamination.

A total of 7 letters of objection have been received during the course of the application

- This development is the beginnings of a new settlement in open countryside between Hallaton and Medbourne. The new barn is a green field development and out of all proportion to the existing barns, or indeed barns that have traditionally existed in our countryside.
- The existing farm buildings are presumably being converted to houses on the basis that they are no longer needed, however if this is the case, why the need for another barn adjacent?
- This application must be resisted because it sets a dangerous precedent which other farmers in the area are likely to emulate such are the profits that can be made playing this game.
- The industrial scale of the barn and urban aspect of the housing are out of keeping with the rural character of the natural landscape buffer between Medbourne and Hallaton.
- Development should be within the footprint of existing buildings in order to conserve as much as possible of our threatened bio- diversity.
- Access from a development of this scale would be hazardous onto a winding road with blind bends and often speeding traffic.
- Business units mean an increase in traffic arriving and leaving with an access in a dangerous position on the Medbourne/Hallaton Road. Whilst I do not have a problem with developing the footprint of the existing farm buildings I do object to a large business unit being constructed on a green field site
- The proposed development will turn a quiet farmyard exiting onto the Hallaton Road close to a blind corner into a busy estate. There will be considerable risk of accidents occurring as vehicles approach the entrance from Hallaton direction around a blind corner.

- There would appear to be a suggestion that a footpath will be built to link Medbourne to this development. This is again inappropriate in a rural environment and represents unreasonable urbanisation.

4 individual letters of support have been received

- I fully support this application as it is consistent with the Neighbourhood Plan. The Plan identified a need amongst villagers for small units that could be used for a range of small businesses and to provide these I can fully understand the need to provide sufficient houses to make the scheme viable.
- The design in my opinion takes into account the rural nature of the existing properties and any views from the village.
- In my opinion it is a vast improvement on what is currently a run down farm although it will enhance and retain what is necessary to continue farming.
- I am also pleased to note the provision of a footpath/cycle path which will extend into the village and provide safe walking not only from the houses but also from the existing Sports Club and Campsite.
- A well designed and well thought out proposal that will enhance the village.
- I fully support the regeneration of tired "unlived in" properties which seemingly are left to ruin, and I particularly welcome and support the introduction of the smaller houses which are being proposed. I understand some houses will be offered for sale plus a few for rent, this is an ideal opportunity to attract younger people into our community.
- The Neighbourhood Plan highlighted this project and after consultation with the village on the neighbourhood plan, we included the provision of small artisan office/workshops as a welcomed opportunity. I fully support the prospect of these as there is evidence they work well, (Manor Farm, Tur Langton), and support and boost the rural economy which is crucial.
- There are other fairly new agricultural barns already in the vicinity (Slawston Road) which are clearly visible (e.g. from the Blaston Field Road). I do not believe that this new barn would detract further from the views and would be in keeping with a working agricultural environment.
- It is good to see that affordable housing is included in the proposal and that there are 7 small business and workshop units, which will offer new opportunities for designer-makers, craft practitioners and other local micro and small businesses. I believe that this proposed development should be supported.
- While I am concerned at the number of houses, I am delighted to see smaller more affordable homes included.
- While this site is outside the Limits to Development there is provision in the NP (Policy H2) for some development in open countryside including that related to farm diversification. The NP clearly supports new employment opportunities (Policies E2 and E3 and Community Action E1).

In addition to the above individual letters of support - an identical letter has been submitted signed by 14 residents which says :

Further to attending the Hinch's Barn Medbourne public consultation at Medbourne Village Hall on the 6<sup>th</sup> November 2019 I can confirm that I have no objections to this scheme.

## **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, unless material considerations indicate otherwise.

#### **a) Development Plan**

##### *5.2 Harborough Local Plan*

- SS1: The Spatial Strategy
- GD1: Achieving sustainable development
- GD2: Settlement development
- GD4: Residential Development in the Countryside
- GD5: Landscape and townscape character
- GD8: Good design in development
- BE1: Provision of new business development
- GI5: Biodiversity and geodiversity
- CC4: Sustainable drainage

##### *5.3 Medbourne Neighbourhood Plan (made in June 2018).*

The following policies are relevant to the application:

- H2 – The Limits to Development - Land outside of the defined Limits will be treated as open countryside where development will be strictly controlled. Appropriate development does, however, include farm diversification.
- H3 – Housing Mix advises that a mixture of housing should be provided with smaller housing (2 or 3 bedrooms) being supported.
- H5 – Building Design Principles advises that development should respect local character by reference to scale, density, massing, height, landscape, layout, materials and access.

#### **b) Material Planning Considerations**

- *The Framework (2019)*
- *Supplementary Planning Guidance Note 8: New Uses for Old Buildings*
- *National Design Guide*

#### **c) PRE-APPLICATION ENGAGEMENT**

##### ***Harborough District Council***

Mark Coombs, the Estate Manager at Brudenell Estates and the project Architects (Corporate Architecture) met with Council Officers during a series of meetings between 2016 and 2018 to discuss the potential for re-development of a number of assets within the Estates control as part of future proofing the Estate and implementing a reinvestment programme back into the rural economy. Officers were supportive of the principle of the conversion to residential and small scale commercial. NOTE: The 'principle' was agreed based on Core Strategy policies. The application is now being assessed under Local Plan policies.

### **Medbourne Parish Council**

Brudenell Estates and Corporate Architecture met with Medbourne Parish Council on three separate occasions to discuss the scheme prior to the application submission. Mark Coombs has also met with Bryan Smith, a local conservationist, to discuss local ecological issues.

The Estate also held a consultation evening with the Medbourne community in Medbourne village hall. During the course of the application, the Estate has met with the Parish Council to discuss changes to the scheme.

## **6. Assessment**

- 6.1 The application is being assessed based on Amendment B (submitted February 2020). To re-cap the amended proposal seeks consent to:
- The conversion of the Dutch barn to form 5 residential units (it is the Applicant's intention that at least 3 of these units will be retained by the Estate and promoted as low-cost rental properties – the Applicant is in agreement to enter into a legal document to ensure these units are 'low-cost rental')
  - A barn conversion to form a residential unit
  - The refurbishment and extension to a former cottage to form a house.
  - The demolition of various modern agricultural buildings

### **Principle of Development**

- 6.2 Medbourne is identified as a Selected Rural Village (SRV), in the settlement Hierarchy. *Policy SS1 The Spatial Strategy* outlines the approach to development for SRV's which is to meet local needs while protecting the character and environment of local areas. Given the proposal site's distance and separation from the built-up area of Medbourne, *Policy GD2 Settlement development* is not applicable.
- 6.3 The application site lies in open countryside and as a result *Policy GD4 New Housing in the countryside* applies. The farm complex does not adjoin the existing or committed built up area of a settlement and lies some distance from the nearest village of Medbourne. Policy GD4 states that housing in the countryside (i.e. outside Market Harborough, Key Centres, Rural Centres and Select Rural Villages) will only be permitted where the proposal is in accordance with Policy GD2 (which does not apply in this instance) or where it is for:
- housing on small sites of up to 4 dwellings which meet an evidenced local need and which are within or visually and physically connected to a settlement (criterion a). The proposal is for in excess of 4 dwellings (7 in total, 6 of which are additional). The farm complex is relatively remote such that the application site is neither within or physically and visually connected to Medbourne, therefore this criterion does not apply.
  - housing to meet the needs of a rural worker, the subdivision of an existing dwelling, a design of exceptional quality, or the rebuilding or replacement of an existing dwelling (criteria b, d, e and f respectively). The proposal does not fulfil any of these criteria.
  - the re-use of redundant or disused buildings that results in enhancement to their immediate setting (criterion c). This wording reflects Para 79 of The Framework. The proposal involves the redevelopment of semi-redundant farm buildings including the conversion of traditional brick farm buildings, a 'Dutch barn' style shed and farmhouse. In addition, to meet this criterion the application proposal must also result

in an enhancement to its immediate setting. Evidence of such an enhancement has been submitted and is outlined in more detail within this report.

- 6.4 The proposal meets criterion c set out in Policy GD4 and therefore there is policy justification for allowing this proposal in a countryside location.
- 6.5 In addition to policy support in the LP, Medbourne Neighbourhood Plan Policy H2 allows appropriate development, such as farm diversification, outside of defined limits. The policy reflects Para 83 of The Framework which advises decisions should enable the development and diversification of agricultural and other land-based rural businesses. The principle of development is therefore supported.

## **Design**

- 6.6 Local Plan Policy GD8 requires development to achieve a high standard of design, which reflects MNP Policy H5 (Building Design Principles). The Framework advises 'good design is a key aspect of sustainable development'.

- *Farmhouse (Plot A)*



Existing Farmhouse

- 6.7 The Farmhouse is vacant and whilst in a state of disrepair is capable of conversion. It has no surviving 1<sup>st</sup> floor internally.

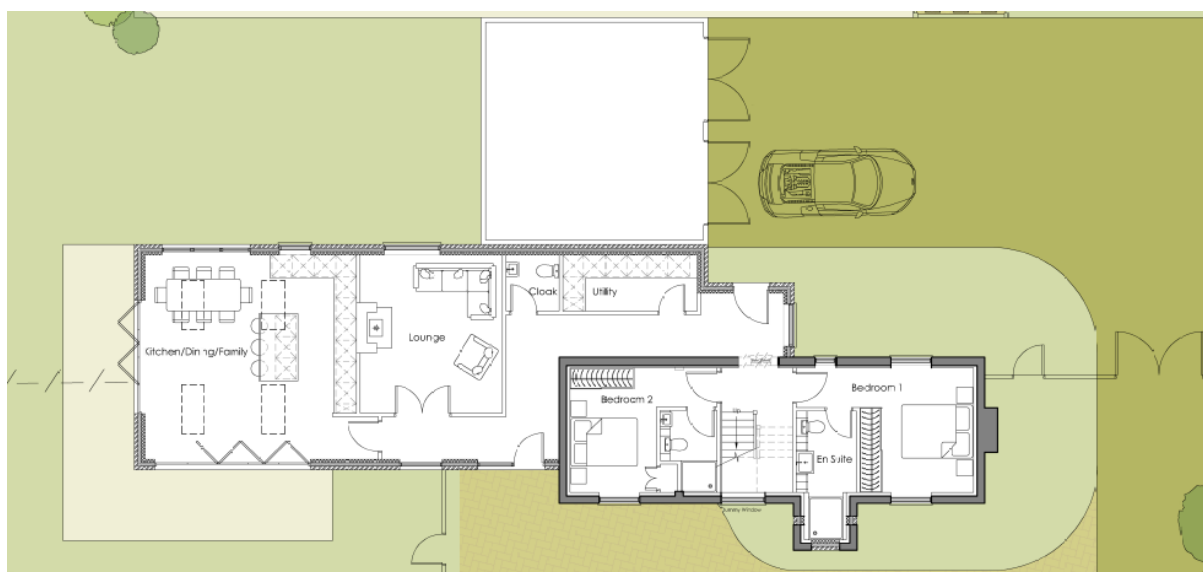


Fig 10. Existing Elevations Building 5 (Farmhouse)

- 6.8 It is proposed to refurbish the existing farmhouse and erect a modern single storey extension to the side. The chimney will be re-instated and the corrugated sheet roof will be replaced with slate, which is likely to have been the original roofing material.

Existing openings are proposed to be re-used and timber casement windows and doors are proposed.

- 6.9 There has been much discussion with the Agent over the proposed extension for the Farmhouse, in terms of it's footprint.
- 6.10 It is proposed to provide 4 bedrooms within the existing farmhouse and then construct a single storey extension (and an attached double garage) which will provide a lounge, kitchen/diner/family, w.c and utility. The current extension has been re-designed from the original submission. As can be seen from the proposed floorplan below, the extension has a large footprint in comparison to the existing farmhouse and does not respect the traditional linear form of the farmhouse.



**PROPOSED GROUND FLOOR PLAN**

- 6.11 The Agent has recently advised "I note your continued concern at the size of the extension although we have added a garage which virtually does increase the perception of a large development. Overall there is a significant amount of derelict ugly modern barns being removed which are far in excess of the built form being proposed both in height and area. The sale of this unit will be ploughed back into the 'Dutch Barn' development costs. I would ask that you accept the scheme in its current reduced footprint which provides adequate but not excessive floor space for modern family living."
- 6.12 It is acknowledged the extension is single storey, has a gable end roof to match the farmhouse and will be constructed of matching facing red brick and slate. Furthermore, it has been set back from the side elevation of the farmhouse, thereby minimising its visibility as you approach the site from Hallaton Road.
- 6.13 Given the refurbished/extended farmhouse will be read together with the wider site re-development significant harm can not be identified to warrant refusal and on balance the proposed extension to the farmhouse is acceptable.



Proposed Visuals of Plot A

- *Barn (Plot B)*



*Existing Barn*



*Fig 9. Existing Elevations Building 4*

- 6.14 The barn is a traditional brick-built farm building. The building appears structurally sound and capable of conversion. The traditional features of the barn are to be retained. A two storey and 2 two single storey linear extensions are proposed, along the footprint of the existing modern portal framed building and lean-to shed.



Visual of proposed front elevation

- *Dutch Barn*

6.15 The Dutch Barn (Plot C – G) is a steel framed structure with a corrugated roof (it currently has an attached lean to – which will be removed).

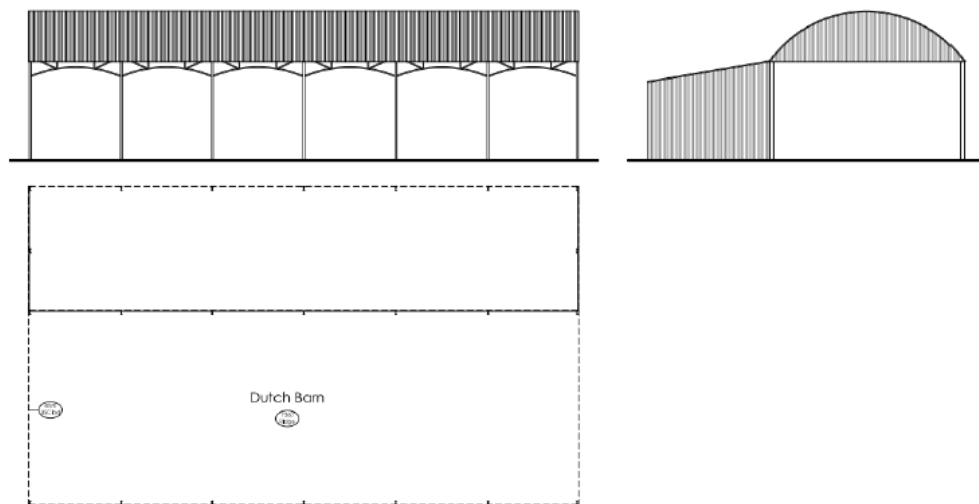


Fig 8. Existing Building 3

### Existing Plans/Elevations





### Proposed Elevations



### Proposed front elevation and rear elevation visuals

- 6.16 The barn will be converted to create 5 residential units (Plots C-G). Plots C & G will be 3 bed units and Plots D-F, 2 beds units. The conversion of this barn which is part of the established landscape in the area, is an innovative approach to providing smaller housing in the rural area and one which is supported by MNP Policy H3.
- 6.17 Overall the proposed scheme is considered well designed and innovative.

### Landscape Impact

- 6.18 Whilst the development is located on land which is designated as countryside for planning policy purposes, the site contains a range of derelict agricultural buildings, some of which are unsightly in appearance. The proposed development will remove the unsightly range of concrete portal frame and asbestos construction buildings within the vernacular. The site will be re-developed with a refurbished and extended farmhouse and brick barn and a converted Dutch barn, which together with new landscaping, which includes new semi-mature tree and shrub planting and an informal meadow area planted will enhance the character of the local countryside.

## **Highways**

- 6.19 Hinch's Farm is accessed off of Hallaton Road.
- 6.20 Hallaton Road extends in a north / south orientation to the east of the site, providing direct access to Medbourne village to the south, and Hallaton to the north.
- 6.21 The plans show a modified site access road comprising a 6m wide carriageway with 10 metres kerb radii. The site access road is bound by 0.5 metres wide verges at both edges.
- 6.22 The 6m wide carriageway would tie into the existing access track 22 metres from the back of Hallaton Road junction. This would provide sufficient room for a large vehicle to wait for an oncoming vehicle along the access track without blocking back onto Hallaton Road.
- 6.23 The existing access track (as it continues into the site), currently measures between 3.5 and 4 metres wide for a stretch of 250 metres. 2 passing places are proposed which would allow a vehicle to pass whilst the other vehicle waits.
- 6.24 The amended Transport Statement (Revision B, December 2019) sets out the traffic generation for a residential scheme of 7 dwellings. It confirms it could generate up to 5 peak hour and 56 daily two-way movements.
- 6.25 The access will continue to be used by Agricultural vehicles. Access to the adjacent fields will be maintained approximately 12 meters into the site leaving the remaining road for the use of the residential development.
- 6.26 In order to provide the required visibility splays, some of the hedgerow will need be removed and re-planted.
- 6.27 In terms of refuse/recycling collection, the access road serving the development is wide enough to accommodate refuse collection vehicles. A turning head which would allow a refuse collection vehicle to turn prior to departure is located at the northern end of the site.
- 6.28 There are no footpaths or street lighting within the vicinity of the site and it therefore accepted pedestrian infrastructure is limited. In terms of cycling opportunities, the alignment and widths of the carriageways within the vicinity of the site are suitable to accommodate cyclists. It is also accepted that the closest bus stops are beyond the minimum distances outlined within the Leicestershire Highways Design Guide. However it is acknowledged that housing developments can often be located far from any existing bus routes and that unless an existing bus route runs close by, there is nothing that can be done to provide public transport on a viable, commercial basis.
- 6.29 The Applicant has confirmed they agree to provide a permissive footpath route along the inside of the hedgerow fronting Hallaton Road which would link the development into the existing pedestrian path network which then connects into Medbourne village centre. This will provide a realistic transport choice to/from the village and satisfy MNP Policy CF3.
- 6.30 In addition, the Applicant has advised they are prepared to work with the Parish Council in achieving their objective of linking Leviathan Wood, via the former rail underpass. Whilst this proposal is welcomed, this carries no material weight in the

planning balance of the current application as it is not required to make the development acceptable in planning terms.

- 6.31 In terms of parking, Plots A, B, C and G will be provided with a double garage, with a parking space in front of each and Plots D-F will be provided with a single garage also with a parking space in front. In addition to on plot parking, the development proposes 6 visitor parking spaces.

### **Archaeology**

- 6.32 County Archaeology has advised the development site may impact on archaeological remains identified on the geophysical survey and from previous fieldwork findings. To ensure that any archaeological remains present are dealt with appropriately, the applicant will need to provide an appropriate level of archaeological investigation and recording prior to commencing development.

### **Ecology**

- 6.33 Due to the condition of the existing buildings, a Bat and Bird survey was undertaken on behalf of the Applicant by RammSanderson (Ref RSE\_968\_01\_v1; October 2017).
- 6.34 The survey identified bats and barn owl. The survey has been assessed by County Ecology who agree with the surveys findings and its suggested mitigation recommendations. Whilst the survey is appropriate to consider the current application, County Ecology have requested the submission of an up to date survey before demolition/work commences.
- 6.35 In terms of biodiversity enhancements, it is proposed to have an informal meadow like area which will be planted with specimen tree (indigenous – oak, silver birch, wild cherry and rowan) to encourage fauna and flora wildflowers mix will be planted with the grassed areas. The area will be maintained by the Applicant to ensure the area continues to develop and thrive. In addition new hedgerow planting is proposed at the site boundaries. Bat boxes, bat bricks and crevice roosts will be installed / created within the redevelopment scheme. The work with the owl nesting boxes has been carried out in consultation between the Applicant and Melbourne's Tree and Brook Warden.

### **Flood Risk/Drainage**

- 6.36 The proposed development at Hinch's Barn, falls entirely in Flood Zone 1. Given the site is in Flood Zone 1 and at very low risk of fluvial flooding, there would be no requirements to provide any further mitigation for fluvial flooding.
- 6.37 The EA reservoir map shows that reservoir flooding encroaches the east of the site. There will be no dwellings located in this area and the risk of flooding to any dwellings will be negligible. Further to this, the risk of flooding from reservoirs can be considered to be a residual risk as reservoir structures are strictly managed to prevent their failure. No formal mitigation is required to protect from reservoir flooding.
- 6.38 The EA Flood Risk from surface water map shows that a majority of the proposed development is at a very low risk of surface water flooding. Areas of higher risk (from low to high) are present along the route of the unnamed ditch network to the south of the site, all depths of flooding are below 300mm. Post development the access road

between Hallaton Road and Hinch's Barn will look to convey all surface water flows into the ditch where possible. No dwellings will be built on the areas identified at risk of surface water

- 6.39 Post development the site levels should ensure there are no localised low points to avoid surface water ponding. Given the above, all surface water is likely to be collected by the site's drainage and conveyed to the proposed discharge point on site. Therefore, the risk of flooding will be managed at the development site post-development and the remaining risk will be very low.
- 6.40 It is recommended that all buildings should be designed with the finished floor level set at least 150mm above general ground levels at the site as a precaution against any remaining residual risk.
- 6.41 A package treatment plant will be utilised to deal with foul drainage

### **Sustainable Energy**

- 6.42 A feasibility report (May 2019) has been submitted outlining options to provide energy at Hinch's Farm.
- 6.43 The buildings will have mains electric but are without mains gas. A cost effective, pragmatic and feasible solution is proposed, comprising solar PV which will be located on the southerly facing roofs of Plots A and B and a faceted curved array on the curved roof of Plots C-G, coupled with energy storage (batteries) and a centralised ground source heat pump to provide heating and hot water.
- 6.44 The proposed sustainable energy measures will help to mitigate the developments carbon footprint.

### **Affordable Housing**

- 6.45 The scheme proposes 7 units, with a combined total floor space of 716m<sup>2</sup> (excluding garages), which falls under the 10 units or 1000 sqm threshold required to trigger on-site affordable housing as per the definition given within the Framework.
- 6.46 MNP Policy H3 seeks a housing mix which includes 2 and 3 bedroom dwellings. The Dutch Barn once converted will provide 3 x 2 bedroom dwellings and 2 x 3 bedroom and therefore satisfies this policy.
- 6.47 However, the scheme has been promoted by the Applicant to the Parish Council, and the local community and within the supporting documentation as "an exciting development that could create 7 new homes, 5 of which will be affordable"
- 6.48 The Applicant has clarified that 2 of the 5 'affordable dwellings' will be low cost market units and the remaining 3 units will be retained by the Estate for rent. The Applicant is willing to enter into a s106 Agreement to ensure this remains the case once developed. This is a material consideration which weighs in favour of the proposal.

**RECOMMENDATION: Approve subject to the planning conditions outlined within Appendix A and the signing of a S106.**

## **APPENDIX A**

1. The development hereby permitted shall begin within 3 years from the date of this decision.

REASON: To meet the requirements of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be implemented in accordance with amended plans submitted February 2020 as outlined with the Drawing Register

REASON: For the avoidance of doubt

3. No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period.

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of plant, materials, oils, fuels, and chemicals
- c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- d) wheel washing facilities and road cleaning arrangements;
- e) hours of construction work, including deliveries and removal of materials;
- f) full details of any piling technique to be employed, if relevant;
- g) location of temporary buildings and associated generators, compounds, structures and enclosures
- h) routing of construction traffic
- i) full details of any floodlighting to be installed associated with the construction of the development

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

4. Before development commences (including demolition) an updated survey for bat and barn owls must be completed and submitted to and approved in writing by the LPA. The survey shall be accompanied by appropriate mitigation. Thereafter the mitigation measures shall be implemented as approved

REASON: To ensure appropriate mitigation measures for bat and barn owls which have previously been identified on site

5. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and;

-- The programme and methodology of historic building survey and recording and the nomination of a competent person(s) or organisation to undertake the agreed works



-- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

REASON: To ensure satisfactory archaeological investigation and recording

6. No development (except any demolition permitted by this permission) shall commence on site, or part thereof, until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

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

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

- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
  - o BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
  - o Or any documents which supersede these.
- The Verification Plan shall be prepared in accordance with the requirements of:
- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
  - o BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
  - o CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014
  - o Or any documents which supersede these.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

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

7. Prior to occupation of the completed development, or part thereof, Either 1) If no remediation was required by Condition 6 a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Planning Authority, or A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to the whole development, or part thereof, shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- o Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- o Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- o Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- o Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- o Demonstrate the effectiveness of the approved Remedial Scheme;

and

- o Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

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

8. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Corporate Architecture Ltd. drawing number 3842/DE/15/059 Rev. P7 have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

9. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

10. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 160 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2019).

11. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Corporate Architecture Ltd.

drawing number 3842/DE/15/060 Rev. P6. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

12. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, Classes A-H and Part 2 of Schedule 2 Class A inclusive of that Order, shall be erected or undertaken outside the scope of this consent.

REASON: To safeguard the character and appearance of the area and the future residential amenities of neighbouring dwellings having regard to Harborough Local Plan Policy GD8.

13. Prior to implementation of the dwellings hereby approved a Landscape Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall include full details of proposed hard and soft landscape works, including: access, driveway, parking, turning and all other surfacing materials e.g., patios, pathways and lawns; boundary treatments [including location, dimensions and materials]; new planting; and a timetable of implementation), retained planting/hedges/trees and new planting/hedges/trees, screened bin store area; and a timetable of implementation. The plan shall also include details of the informal meadow area as shown on the approved site plan;

Thereafter, the landscape scheme shall be carried out in accordance with the approved details prior to the first occupation of the dwellings. Any trees, shrubs, hedges or plants which, within a period of five years from their date of planting, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, by the applicant(s) and/or owner(s) of the land.

REASON: To ensure that the development includes landscaping, planting, boundary treatments and surfacing materials which are appropriate to the character and appearance of the development and the surrounding area, to protect drainage interests, highway interests and to optimise biodiversity and ecological enhancements.

14. No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the development hereby approved (and material samples if requested) has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include all bricks (including brick bond style and mortar type), elevation infill panels, tiles (including ridge tiles), any date stones, retained and proposed barn/garage doors and other doors, windows, rooflights (including manufacturer, size and method of flush fitting), sills and lintels, any corbel/dentil/string course brickwork, rainwater goods (material and style), bargeboards, fascias, soffits, finials and other external materials.

Thereafter, the development shall be implemented in accordance with the approved details.

REASON: To ensure that materials, design and craftsmanship are appropriate to the character and appearance of the development and the surrounding area having regard to Harborough Local Plan Policy GD8.

15. Details of the footpath link connecting the site into the exiting footpath to the north of the village

Medbourne shall be submitted to and approved in writing by the LPA before the 1st occupation of the dwellings hereby approved. Thereafter, the footpath shall be constructed in accordance with the approved details and made available for use in perpetuity prior to 75% of the dwellings being occupied.

REASON: To provide a safe and sustainable alternative mode of transport to connect into the village of Medbourne.

16. No above ground works shall commence on site until details of the residential curtilage for each residential plot have been submitted to and approved in writing by the LPA. Thereafter the residential curtilage shall be implemented in accordance with the approved details and retained as such in perpetuity.

REASON: To protect the character and appearance of the site and the surrounding area having regard to Local Plan Policy GD8

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

REASON: To safeguard the rural amenities of the surrounding area having regard to Harborough Local Plan Policy GD8.

18. No above grounds shall commence until details of the sustainable energy measures to be installed on site have been submitted to and approved in writing by the LPA. Thereafter the development shall be implemented as approved.

REASON: To ensure the development mitigates its carbon footprint as much as possible having regard to Local Plan Policy CC1

### **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. Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>

Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

3. Note that it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.

4. If a proposed building/wall or other construction appears to sit astride an indicated surface water flow route, the new build may deflect floodwater onto another person's property or raise flood levels by a significant amount locally. In these circumstances, the planning officer should contact the County Council to discuss whether consultation is necessary in that particular case.

5. For greenfield developments, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

The runoff volume from the development in the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.

6. Overland flow routes as shown on the update map for surface water should be considered such that buildings are not placed directly at risk of surface water flooding. Such flow routes should be utilised for roads and green infrastructure

7. Where a watercourse adjoins or flows through a development, provision should be made such that the watercourse can be accessed throughout the life of the development through provision of a suitable easement. The ownership and responsibility for maintenance of the watercourse should also be clearly identified and conveyed to the relevant parties.



## Planning Committee Report

**Applicant:** Mr and Mrs Vipul Pabari

**Application Ref:** 19/01900/FUL

**Location:** Land Opposite No.10, Harrod Drive, Market Harborough, Leicestershire

**Proposal:** Removal of existing storage shed and erection of 2 dwellings with off road parking and communal side garden

**Application Validated:** 11/12/2019

**Target Date:** 5/02/2019 (extension of time agreed)

**Consultation Expiry Date:** 17<sup>th</sup> March 2020

**Site Visit Date:** 10/10/2015, 28/08/2019, 20/12/2019, 22/04/2020

**Case Officer:** Emma Baumber

**Reason for Committee decision:** The application has been 'called-in' by Cllr Champion. For the following reasons:

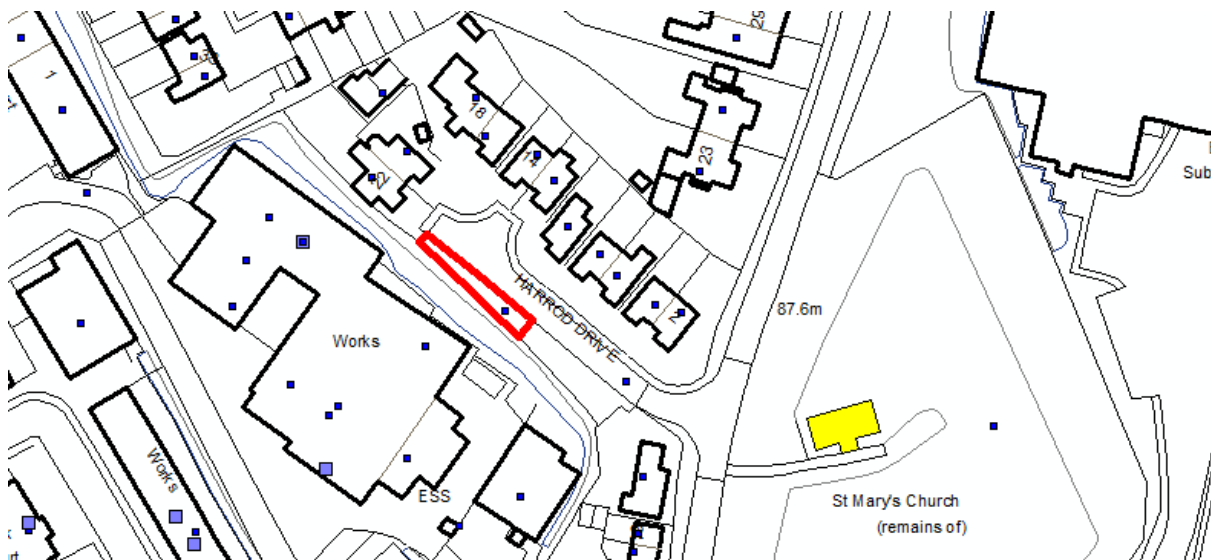
1. Neighbourhood Amenity for both residents on Harrod Drive and overlooked properties below
2. Highways Safety – relating to lack of footpaths and car parking
3. Land Stability – relating to both this site and neighbouring properties
4. Drainage

## Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report subject to the recommended conditions set out in section 8 of this report.

### 1. Site & Surroundings

- 1.1 The application site relates to a narrow parcel of land, approximately 110 square metres in area, located off Harrod Drive. Harrod Drive is a small cul-de-sac located off Great Bowden Road with predominantly semi-detached, two storey dwellings. The surrounding dwellings are of typical 1970s design and are brick built with concrete roof tiles.



*Figure 1. Site Location*

- 1.2 The site itself currently comprises a gravelled car parking area and large wooden garage building which was granted consent in 2016. There is a low brick wall along the roadside/northern boundary of the site, there are several trees and shrubs along the south eastern boundary of the site. This southern-western boundary of the site forms the top of a steep bank, which falls downwards towards the industrial buildings (St Marys Business Park, Albany Rd). The difference in land levels is approximately 6 metres.



*Figure 2. Site from entrance of Harrod Drive*



*Figure 3. Photo of site from eastern boundary facing west*

- 1.3 The site itself is surrounded by residential properties from north-west to south-east with industrial buildings to the south and west. Castle Lane Day Nursery is to the south east.
- 1.4 The site is not within or nearby a Conservation Area. The nearest Listed building and Scheduled Monument is St Marys Church which is approximately 65m to the east of the application site boundary (see Fig.1 in yellow).

## **2. Site History**

- 2.1 The application site has previously been the subject of the following relevant planning history:
  - 16/00036/FUL- Erection of a garage (Approved 1/03/2016)

## **3. The Application Submission**

### **a) Summary of Proposals**

- 3.1 The proposal includes the demolition of the existing shed/garage and the erection of a building comprising two, one bedroom flats – one apartment on each floor.
- 3.2 The building is proposed to sit relatively centrally within the plot, with a communal garden to the north west and two parking spaces and bin storage to the south east. The entrances to the building would be on the south eastern elevation.
- 3.3 The design is contemporary with large dormer windows to the south- western elevation. The building is proposed to have a ridge height of 6.2m, eaves height of 3.5m, length of 15m and depth of 5m (excluding Juliet balconies). The rear/south-western boundary is proposed to be bounded by a 1.5m high post and rail fence.

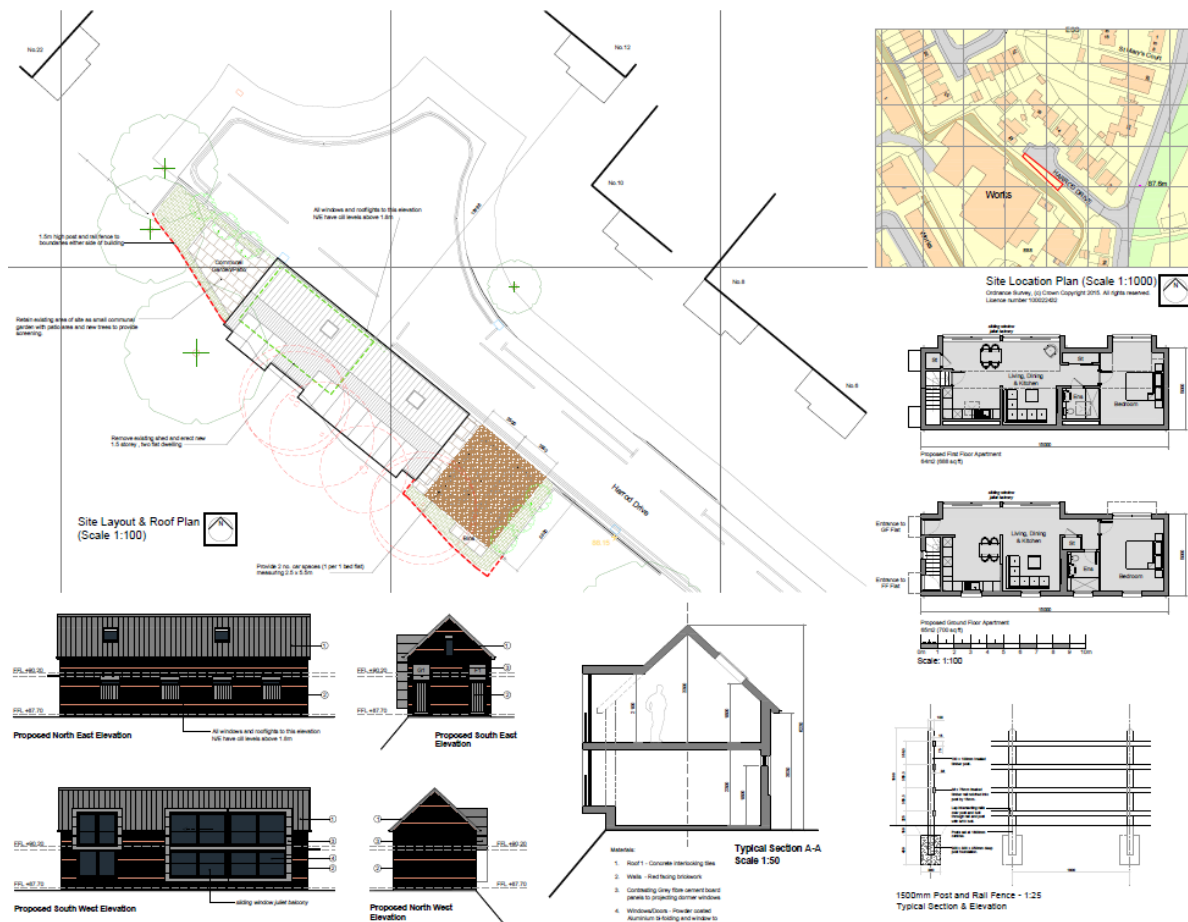


Figure 4. Proposed Plans



Figure 5. Indicative visuals. South East and North East Elevations





Figure 6. Indicative visuals. North West and South West elevations

## **b) Documents submitted**

### **i. Plans**

3.4 The application has been accompanied by the following plans –

- 'Site location and site plan'
- 'Site layout and roof plan'
- 'Proposed elevations and floorplans'
- 'Proposed typical section'
- 'Post and rail fence typical section & elevation'
- 'Topographical site survey'

### **ii. Supporting Information**

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

- 'Planning Design and Access Statement'
- 'Report on a preliminary assessment of land stability for planning purposes'

## **c) Amended Plans and/or Additional Supporting Statements/Documents**

3.6 Amended elevations have been received – no amendments to the drawings themselves have been carried out however the drawing labels have been corrected.

The preliminary assessment of land stability was submitted after the initial consultation period and therefore was re-consulted on, alongside the amended elevations.

## **d) Pre-application Engagement**

3.7 Pre-application advice was sought in 2019. The initial request sought advice as to whether an office unit would be acceptable. The applicant was advised office accommodation may cause disturbance to the neighbouring properties through increased visitors throughout the day to the site. A residential use was deemed more appropriate.



- 3.8 The advice given stated that the principle of housing within Market Harborough was likely to be acceptable. In terms of design, given the nature/scale of the site it was unlikely that a design to match the surrounding properties could be facilitated as such a more innovative design was not prohibited. Advice also stated that openings should be limited in the northern elevations, whilst ensuring there was still visual interest on this elevation.

#### **4. Consultations and Representations**

- 4.1 Consultations with technical consultees and the local community were carried out for the application, this occurred on 16<sup>th</sup> December 2019, 3<sup>rd</sup> January 2020, 6<sup>th</sup> January and 3<sup>rd</sup> March 2020 the total consultation period expired on 17<sup>th</sup> March 2020.
- 4.2 Please note that a number of objections state no site notice has not been erected. This is because the development does not trigger the need for a site notice and letters were written to all surrounding properties.
- 4.3 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](http://www.harborough.gov.uk/planning).

#### **a) Statutory & Non-Statutory Consultees**

##### **4.4 LCC Highways:**

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

##### ***Advice to Local Planning Authority***

*The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and/or planning obligations outlined in this report.*

##### ***Background***

*The Local Highway Authority (LHA) are in receipt of application 19/01900/FUL for the removal of an existing storage shed and erection of two dwellings on land opposite No. 10 Harrod Drive, Market Harborough.*

##### ***Site Access***

*The development will be served by a shared access off Harrod Drive 5 metres in width located to the North East of the site, and is in general accordance with the Leicestershire Highway Design Guide (LHDG).*

*The LHA also note that access to the property is via the doors located on the South East of the building and therefore not facing the highway.*

##### ***Highway Safety***

*There have been no recorded personal injury collisions on Harrod Drive within the last five years therefore the LHA has no pre-existing highway safety concerns at this location.*

##### ***Internal Layout***

*The applicant has proposed one parking space per dwelling which is in accordance with Part 3, Section DG14 of the LHDG. Due to the location, no on-site turning provision is required in accordance with the LHDG. It is not considered that this development proposal would lead to a severe or unacceptable highway impact.*

**HDC Environment Team:**

*Due to the use of neighbouring land as an unspecified works the permission should be conditioned as outlined below (see conditions section).*

*Pre-commencement conditions requiring the submission of a Risk Based Land Contamination Assessment and Completion/Investigation Report.*

**LCC Ecology:**

*I have no objections to this.*

**b) Local Community**

- 4.5 Approximately 15 objection comments have been received as well as a signed petition from 13 residents of Harrod Drive. These comments are summarised by topic below, full objection comments can be read online.

Principle Development of	<ul style="list-style-type: none"><li>• It is clearly stated that the "Harborough District is able to meet all of its housing requirement within the District, as evidenced by the Strategic Housing Land Availability Assessment (SHLAA), 2016". It is therefore evident that Harborough District is able to meet its housing requirements without the overdevelopment of this particular site and we see no reason why the above planning policies should be disregarded in favour of developing this site.</li><li>• The proposed properties are one bedroom maisonettes whereas the existing houses are three to four bedroom family houses illustrating their different character. Therefore, the planned properties would not be in keeping with the 'the right type of housing in the right place', a priority outlined at page 12 of the 'Strategy for Housing and the Prevention of Homelessness and Rough Sleeping' which sets out the plan for housing from 2019-2024.</li><li>• The existing residents are all families who are long-term occupants, some of which have been here since the houses were first built in 1972. They have all chosen this road as it is a quiet and safe place with beautiful open views to settle down, raise a family and/or retire. The presence of transient and regularly-changing renters would detract from this amenity and destroy the character and feel of this road</li><li>• Harrod Drive only has 11 properties (the maximum permitted to the developer when the road was built). Adding two further properties is an almost 20% expansion to the cul-de-sac and will drastically impact on the community and security that the residents currently enjoy</li><li>• The street has historically been occupied by families since the time of construction and does not lend itself to a bedsit type property which is intended for short-term rental market.</li></ul>
Design/Impact on character	<ul style="list-style-type: none"><li>• Development is out of keeping</li><li>• Does not accord with SPG1, SPG3</li></ul>

	<ul style="list-style-type: none"> <li>• The proposed development has not considered the surrounding built environment. All other buildings in the street are set back from the highway with large front gardens leaving the street with a feeling of open space, large skies and views out to the countryside.</li> <li>• The proposed development would immediately detract from this otherwise consistent feel along the street as it would draw the eye to the very different design sat prominently adjacent to the highway.</li> <li>• There has been no attempt to harmonise the proposed developments with the prevailing character and appearance of our cul-de-sac.</li> <li>• The proposed properties are one bedroom maisonettes whereas the existing houses are three to four bedroom family houses illustrating their different character.</li> <li>• Materials are not in keeping</li> <li>• Permission was only granted for a shed to be built that was no bigger than 6 metres by 4.1 metres and no higher than 2.7 metres- the proposal is larger than this</li> <li>• The development will require loss of 6 trees and mature hedgerow</li> <li>• The proposed development would become a very visible feature at the top of the slope when viewed from the south being sited along the ridge of this drop protruding well above the commercial properties located at the bottom of the embankment. The existing trees and hedgerow cannot be retained in accordance with the above framework if the development is permitted.</li> </ul>
Residential Amenity	<ul style="list-style-type: none"> <li>• Reduction of views out to countryside and landscape from Harrod Drive properties</li> <li>• Overlooking to properties on Harrod Drive – the proposal does not meet the 21m distance</li> <li>• Loss of light as the site is to the south of properties on Harrod Drive</li> <li>• The Juliet balconies would look directly over the playground of Castle Lane Day Nursery. The nursery has not been made aware of the application and it can be assumed that they would be concerned about this potential development as owners/occupiers of the proposed property could pose a risk for child safety within this nursery environment. The nursery owners and parents of prospective attending children ought to be aware of this.</li> <li>• Trees may add to loss of light</li> </ul>
Highways	<ul style="list-style-type: none"> <li>• Given that the property does not have a footpath leading to it or the potential for a footpath to be created, causes major issues for residents, visitors and other workers such as postmen that may need to visit the properties. They would only be able to access the properties by walking along the public highway, obviously creating a safety hazard.</li> <li>• The only access to the communal garden is to exit the property, walk along the public highway (not footpath) in order to enter the garden, there is no direct access from either property to the garden. This is not an acceptable solution for the garden to be classed as a useable space.</li> </ul>

	<ul style="list-style-type: none"> <li>• The access to the communal garden is in way of designated on-street public parking spaces, and is up against the edge of the highway. Therefore it is likely to be impossible to access the garden when these parking places are in use</li> <li>• There is nowhere for refuse receptacles to be left at the roadside for collection without obstructing either a parking space or pedestrian access to the proposed properties or placing the receptacles in the public highway</li> <li>• From the drawings it is clear that in order to get the refuse receptacles from the storage area to the kerbside requires a vehicle to be moved out of the way or for a parking space to be empty. This is not a suitable design for the convenient disposal of refuse and is likely to lead to refuse receptacles being left in the highway, this would be unsafe.</li> <li>• Only one space per dwelling and no visitor parking</li> <li>• Concerns over parking and congestion in quiet cul-de-sac</li> <li>• Maintenance on the road side of the property would have to be undertaken on the public highway</li> <li>• There is insufficient visibility splay for vehicles exiting the site, introducing a significant safety hazard. Particularly for the space closest to the proposed building, viewing traffic coming from the west and even more so considering the vehicle reversing out of the space as there is insufficient space for a vehicle to turn around onsite. The visibility from the other parking space is reliant upon cooperation from the neighbouring property, if a large hedge were to be planted (perfectly legally), along the boundary to screen the proposed development the visibility splay for the space furthest from the property would also be very small and hazardous.</li> <li>• There would be insufficient provision for parking, turning and access during the building work. There is no land left for storage of materials onsite, a site office, constructions equipment needed and disposal of waste. It can only be assumed that the applicants plan to block the public highway and access to some houses on the street during the construction process. Given the scale of the development, this will be a significant obstruction for a lengthy period of time.</li> <li>• It could be inferred from the drawing that the eaves and guttering overhang the public highway. The application does not state the appropriate licences will be sought for permission to overhand the public highway.</li> <li>• The proposed development has no provision for the secure storage of cycles thereby not facilitating cycling.</li> </ul>
Land stability	<ul style="list-style-type: none"> <li>• Serious concerns with regards to landslip and/or subsidence due to the characteristics of this particular plot</li> <li>• The plans do not clearly show the extent and steepness of the slope that the proposed buildings will stand atop. It is a near-sheer drop of around 45 feet down to a number of commercial properties. Indeed, even the submitted plans were 'unable to survey slope due to access' issues.</li> <li>• A number of houses on the street have already undergone significant underpinning to counteract subsidence issues on that slope. The land</li> </ul>

	<p>under the shed currently in situ has already receded to the point where part of the shed hangs over the drop since it was built a few years ago. A close look at the deeds to the land shows that the original plot was over a metre wider than the land that currently stands, suggesting a rate of erosion of at least 1 metre in 40 years.</p> <ul style="list-style-type: none"> <li>• The risk of further subsidence from further building on this site is significant to the houses on Harrod Drive, the road and the safety and security of the properties, residents and workers on the site below. We are particularly mindful that surveys of the existing houses on the road show that Harrod Drive is in a particularly clay-heavy area.</li> <li>• A ground stability survey undertaken on 28 December 2018 highlighted that there was evidence of shrinkable clay and natural landslide activity and that 'The property is in an area where the local geology and steepness of slope could combine to create the likelihood of landslide activity'. We hope that this evidences that this is not just our concerns but those of qualified surveyors that the land is unstable for building.</li> <li>• Loss of the trees supporting the bank will in turn will destabilise the land</li> <li>• Erosion from uncontrolled running water will exacerbate the risk of land erosion, landslide and subsidence identified above.</li> <li>• At a minimum, it is advised that at least a preliminary assessment of slope stability should be carried out at the earliest possible stage, which has not taken place or been provided as part of the application.</li> </ul>
Flooding/Drainage	<ul style="list-style-type: none"> <li>• The current foul sewer for Harrod Drive is not located under the main street, rather it runs to the rear of the existing properties. There would therefore be no access to the foul sewer for the current development. Given all of the residents on Harrod Drive have expressed opposition to the development, it stands to reason that none of them will give their consent. Therefore, we see no feasible way for the proposed properties safely dispose of waste and sewerage.</li> <li>• There is no adequate attenuation for surface water</li> <li>• Use of foul sewer for surface water drainage is a breach of SPG19.</li> </ul>
Ecology	<ul style="list-style-type: none"> <li>• Loss of trees and hedgerows</li> <li>• Hedgehogs are also known to be present on the land and the removal of the trees would destroy the homes of an endangered species.</li> <li>• I believe this small strip of land is a vital green corridor for wild life and should be put aside as a conservation area.</li> </ul>
Lack of information and inaccurate information	<ul style="list-style-type: none"> <li>• The application provides woefully insufficient detail and inadequate surveys have been provided dealing with key issues such as highways (for parking, road and pedestrian safety), ecology, ground stability and drainage (foul and surface water).</li> <li>• Both the front and back elevations are described as north east elevations on the plans, this cannot be correct.</li> </ul>

Other matters	<ul style="list-style-type: none"> <li>• There is no electricity, water or a footpath to the property, the plans fail to evidence how this will be furnished without significant disruption to the residents.</li> <li>• Other than the letter we received dated the 19th December 2019, there has been no other notification, e.g displayed on lampposts within vicinity to advise residents of proposal as not all houses in the street were aware. The poor timing of the application letter over the Christmas period inclusive of three bank holidays, with the council offices being closed has put ourselves and residents at an unfair disadvantage, to enable us to seek potential further support and guidance regarding the application</li> <li>• The existing garage has not been built in accordance with the approved plans</li> </ul>
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## 5. Planning Policy Considerations

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

### a) Development Plan

5.2 Relevant policies to this application are:

#### ○ **Harborough Local Plan 2011-2031**

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

These are detailed in the policy section at the start of the agenda.

### b) Material Planning Considerations

#### 5.3 **The National Planning Policy Framework**

Whilst read as a whole of particular relevance are:

- Chapter 2- Achieving sustainable development
- Chapter 4- Decision making
- Chapter 5- Delivering a sufficient supply of homes
- Chapter 8- Promoting healthy and safe communities
- Chapter 9- Promoting sustainable transport
- Chapter 11- Making effective use of land
- Chapter 12- Achieving well-designed places



- Chapter 14- Meeting the challenge of climate change, flooding and coastal change
- Chapter 15- Conserving and enhancing the natural environment
- Chapter 16- Conserving and enhancing the historic environment

### **Supplementary Planning Guidance**

#### **The National Planning Policy Guidance**

Whilst read as a whole, of particular relevance to this application is the guidance on Land Stability.

## **6. Assessment**

### **a) Principle of Development**

6.1 Paragraph 103 of the NPPF, states that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Policy SS1: 'The Spatial Strategy' therefore seeks to direct development towards the most sustainable locations, identified by the level of 'key services' provided within the village/town, with the aim of reducing reliance on private motor vehicle to access key services. Market Harborough is identified as the 'Sub-Regional Centre', the town is relatively self-contained with a wide range of services, employment opportunities and good transport links.

6.2 On land within the existing of committed built up area of Market Harborough residential development will be permitted in accordance with GD2, development will be permitted where:

*a) it respects the form and character of the existing settlement and, as far as possible, it retains existing natural boundaries within and around the site, particularly trees, hedges and watercourses; or*

*b) it includes the redevelopment or conversion of redundant or disused buildings, or previously development land of low environment value, and enhances its immediate setting.*

Matters of design are assessed below. Importantly the site is considered to be, previously developed land within the existing built up area of Market Harborough, whereby nearby services, employment and transport links are in close proximity. The site is therefore considered to be a sustainable location for housing and the principle accords with policy SS1 and GD2 of the HLP.

#### *Housing density, mix and standards*

6.3 Policy H5 of the HLP relates to housing density, mix and standards. H5(2) refers to housing mix, however, relates to major housing development only. Objections have raised concerns regarding the introduction of one bed flats in this location. Whilst acknowledging that the surrounding properties on Harrod Drive are larger 3-4 bed properties, the proposed development would provide two additional, smaller units. Market Harborough itself has a varied house mix which is generally supported in planning policy to promote social interaction. References are made to the Harborough District 'Strategy for Housing and the Prevention of Homelessness and Rough Sleeping 2019-2024'. Whilst not forming part of the Development Plan the document outlines HDCs commitment to enable a range of market and affordable housing types, tenures and sizes in appropriate and sustainable locations to meet local needs. The proposal introduces a differing house type/size within Harrod Drive, however, does not conflict with the general aims of the strategy.

- 6.4 Policy H5(1) states that new housing development will be permitted where it makes efficient use of land and, while respecting the character of the surrounding area, maximises the density on sites from where a full range of services and facilities is accessible by walking, cycling and public transport. The supporting text for policy H5 notes that higher residential densities close to the centres of Market Harborough (and Lutterworth) makes best use of such sites (subject to design and layout). Whilst matters of design/highways etc are assessed below, the current proposal is in a highly sustainable location and the proposal is considered to make efficient use of land in this location. Policy H5 also requires developments to be designed to meet high water efficiency standards, this is prescribed within the building regulations process.

#### **b) Design and Visual Amenity**

- 6.5 Section 12 of the NPPF refers to achieving well designed places, specifically; paragraph 124 states that good design is a key aspect of sustainable development. Developments should be sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change (such as increase densities). Whilst Policy GD8 of the HLP outlines that development should achieve a high standard of design, be inspired by, respect and enhance local character and the context of the site, street scene and local environment. Development where appropriate can be individual and innovative, yet sympathetic to the local vernacular, in terms of building materials. Furthermore, policy GD5 of the HLP states that development should be located and designed in such a way that it is sensitive to its landscape setting. As identified within the objection comments, Supplementary Planning Guidance Notes 1 and 3 also provide additional guidance on matters of design. These documents are provided for guidance only and pre-date the HLP, however, contain useful guidance.
- 6.6 The surrounding dwellings on Harrod Drive are predominantly semi-detached. The dwellings are two-storey, many with integral garages with flat roofs to the frontages. The dwellings are set back from the highway with small front gardens and drives to the front. The dwellings are of typical 1970s design. The application site runs parallel to the road, it is partially gravelled with the existing garage/shed in the centre of the site. The garage itself is constructed from timber, it is not particularly attractive and the site as a whole doesn't strongly positively contribute to the character of the area. Although the site does provide a degree of openness (especially the parking area) and greenery along the southern boundary.



*Figure 7. Site Photo- 2015 Prior to construction of garage*



*Figure 8. Current photo of site*

- 6.7 The massing, scale and overall design of the proposed building differs from that of the other properties on Harrod Drive. A result of the constrained site has meant it would not be possible to replicate the surrounding dwellings. However, policy GD8 allows for individual and innovative designs where appropriate, providing the development is sympathetic to local vernacular, including in terms of building materials. Given the constraints of the site and that the site does not impact heritage assets (see paragraph 6.11) an individual/innovative design is considered appropriate in this circumstance.
- 6.8 There will clearly be some juxtaposition between the proposed building and that of the surrounding dwellings. However, the choice of materials is sympathetic to local vernacular through the use of brick elevations and concrete roof tiles similar to the surrounding properties, with the more modern materials being located to the rear. The building height is also lower than that of the surrounding dwellings, creating some subordination to the original dwellings surrounding the site and reducing the dominance of the building in the streetscene when entering Harrod Drive.



*Figure 9. Visual of the view from entrance of Harrod Drive*

- 6.9 Openings have been kept to a minimum within the northern elevation to reduce overlooking, this has meant the northern elevation is weaker in design terms. However, this elevation has been broken up through the use of differing materials and high-level window openings such that it has some detailing to the road frontage. Furthermore, the eastern elevation which fronts the entrance to Harrod Drive has a more active frontage with the front doors being viewed when entering Harrod Drive from Great Bowden Rd. As such whilst the proposed design differs from the surrounding properties, considering the surrounding context this design is not considered to harm the character of the area. The NPPF (paragraph 127c) and GD8 b), do not prevent/discourage individual/innovative design.



*Figure 10. Visual of north east elevation*

- 6.10 As well as being visible from Harrod Drive itself, the sites location at the top of the bank means that the dwelling may be visible from lower ground to the south. As seen in the below photos, the available views are mainly from within St Marys Business Park and from Albany Rd. Here the site is viewed limitedly and in context of the surrounding industrial units and the dwellings to the rear of the site, the modern rear elevation is not considered to be adversely out of keeping considering the more modern material palette found in these locations.





*Figure 11. View towards site from Albany Rd (site indicated by arrow)*



*Figure 12. View towards site from The Mill (off Fernie Rd)*



Figure 13. View towards site from Fernie Rd and Great Bowden Rd junction

#### *Impact on Heritage Assets*

- 6.11 The application site is not located within a Conservation Area. St Marys in Arden Church is a Grade II Listed Building and Scheduled Ancient Monument, located 65m to the east of the application site opposite the entrance of Harrod Drive. Whilst the proposal will be visible from the church the proposed dwellings would be situated within the established residential cul-de-sac with dwellings much closer to the Church than the application site (Fig.2). Considering the separation distance and intervening buildings the proposal is not considered to harm the setting of this heritage asset.
- 6.12 To conclude, it is accepted that the proposed building is individual in design and differs from the surrounding dwellings. However, as above innovative design is not prohibited, furthermore, the choice of similar materials and the scale and massing of the proposal is considered to respect the surrounding character such that the proposal will not harm the character of the area. Therefore, the application is considered to comply with GD8 and HC1 of the HLP.

### **c) Highways**

- 6.13 Paragraph 108 of the NPPF states that schemes can be supported where they provide safe access for all and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe. GD8 of the Local Plan states that development will be permitted where it ensures safe access, adequate parking and safe, efficient and convenient movement for highways users. Policy IN2 states that development proposals should have regard to the transport policies of the Local Transport Authority and that developments should provide safe access and parking arrangements and where possible protect or connect to existing pedestrian, cycle and equestrian routes.



- 6.14 LCC highways (LHA) note that there have been no recorded personal injury collisions on Harrod Drive in the last five years, therefore, the LHA has no pre-existing highway safety concerns at this location. Harrod Drive is a small residential close, with relatively low vehicle movements, although it is noted that objection comments refer to the close being mistaken for Fernie Rd and Albany Rd at times. The surrounding properties on Harrod Drive have parking spaces for between one-two vehicles to the front/side of their properties, there are also on street parking bays for permit holders or for vehicles up to two hours.
- 6.15 The development itself is proposed to be served off the existing access on Harrod Drive with improvements made to this access point, the access is proposed to be a shared access. The access is proposed to have a width of 5 metres and is considered to be in general accordance with Leicestershire Highways Design Guidance (LHDG). Due to the location of the dwellings and the surrounding vehicle speeds and numbers no on-site turning provision is required in accordance with LHDG and no vehicle visibility splays are requested by LCC. It is noted that the site is currently used for parking and no turning is provided at present.
- 6.16 Two paved parking spaces to the southeast of the site are provided, one space per one-bed dwelling. Objection comments have stated there is no visitor parking, however, the provision of one space accords with LHDG especially considering the site is in a sustainable location in terms of public transport availability. The parking spaces are of adequate size 2.5m x 5.5m again according with the LHDG. Conditions are recommended requiring the parking spaces and access to be hard surfaced and made available prior to the occupation of the dwellings and requiring the parking spaces to be retained in perpetuity.
- 6.17 There is no footpath along the south side of Harrod Drive, as noted in the objection comments. However, there is a footpath along the northern side of Harrod Drive which future occupiers could use. The LHA raise no objection to the lack of footpath, noting that the access to the property is via doors located on the South East of the building and therefore not facing the highway. This would enable future occupiers to walk along the footpath to the north of Harrod Drive, before crossing the road to the paved entrance area/parking area. This type of pedestrian movement could also occur to the rear of the site when occupiers wish to access the rear garden. The lack of alternative access to the garden other than from the highway is unfortunate, it is noted that when the parking bays adjacent are in use future occupiers would need to pass close to these cars. However, this arrangement has not raised objections from LCC and given the low vehicle movements and speeds is unlikely to give rise to an unsafe highways situation.
- 6.18 Objections have also been raised regarding the bin storage area, which is proposed to be to the rear of the parking area. Local residents are concerned that future occupiers would be unable to manoeuvre the bins from this area. However, the depth of the parking area exceeds minimum parking standards by 0.5m and there is the entrance footway to the side of the parking area- this space is considered sufficient to allow future occupiers to manoeuvre bins on site as well as place them near the highway on collection days without creating obstructions in the highway.
- 6.19 Residents have raised concerns regarding potential impacts on the highway network during construction. Given the scale of the development and the constraints of the site it is not considered reasonably to impose a condition requiring a Construction Method Statement (see paragraph 6.26).

- 6.20 Overall the impact on the highway network is not considered to be unacceptable, the proposal is considered (subject to conditions) to comply with policies GD8 and IN2 of the HLP.

**d). Residential Amenity**

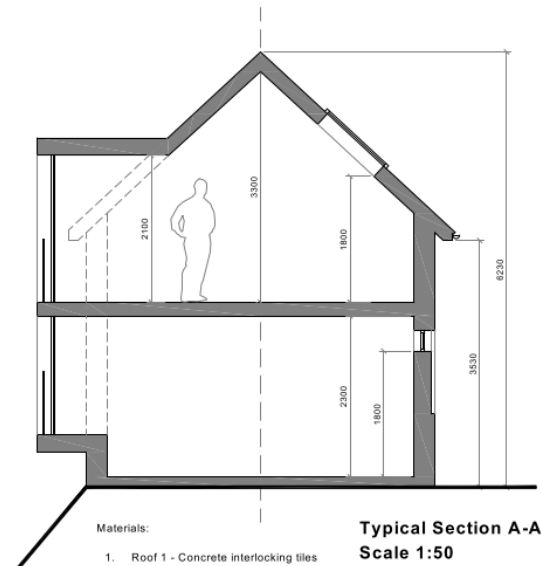
- 6.21 Policy GD8 of the HLP states that development should be designed to minimise impact on the amenity of existing and future residents through loss of privacy, overshadowing and overbearing impact. Nor should developments generate a level of activity, noise, vibration, pollution or unpleasant odour emission which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions. HDCs Supplementary Planning Guidance also contains guidance relating to neighbouring amenity standards, including separation distances, however, such standards are applied flexibly as noted in the guidance.
- 6.22 The siting of the proposed dwellings will clearly alter the outlook from the frontage of properties on Harrod Drive, in particular numbers 10-16 which directly face the site. These properties currently overlook the garage but also have glimpsed, elevated views over the industrial units and across Market Harborough to the south.



*Figure 14. View from pavement in front of No.12 Harrod Drive*

- 6.23 At its closest point the proposed building will be 15m from the front facing windows of No.10 which is the closest existing residential property- although the building does not project across the entire width of this property. The proposed dwellings would be sited 19.7m from front facing windows of No.12. Such distances are acceptable where a blank elevation faces an elevation containing a principal window. However, the proposed northern elevation facing these properties on Harrod Drive is not blank it contains a number of openings. Four openings are proposed at ground floor, these are secondary windows serving habitable rooms. These windows are proposed to have cill levels above 1.8m limiting views from these windows to the frontages of 10-16 Harrod Drive. At first floor, two secondary rooflights are proposed, one to serve a kitchen the other an ensuite, these are also proposed to be above 1.8m from the floor level (see Fig. 15). As such whilst the separation distance is less than 21m guidance, the cill

levels of the windows is considered to satisfactorily limit potential overlooking from the application dwellings to Nos 10-16 Harrod Drive. No windows are proposed in the north west side elevation which faces the front of No.22 Harrod Drive, the separation distance in this case is 16m which is acceptable for a blank elevation.



*Figure. 15 Proposed section showing window/rooflight heights*

- 6.24 As above, at present the properties on Harrod Drive have a relatively open outlook to the front, interrupted in part by the existing garage in places and boundary treatment to the south of the application site. The introduction of the dwellings will alter this and limit some outlook from ground floor windows at nos 10-16, and 22 Harrod Drive. However, the height of the proposed building has been kept low, with an eaves height of 3.5m the roof will then slope away from the properties on Harrod Drive to a maximum height of 6.2m. This design will minimise the sense of enclosure/overdominance and loss of light resulting from the development as will the separation distances outlined above. Considering the above factors the proposal is not considered to be adversely overdominant to surrounding residents and will not cause harmful overshadowing to the residents on Harrod Drive.
- 6.25 The proposed openings to serve the dwellings have been concentrated to the south west elevation, this elevation overlooks the roofs of the business/industrial premises to the south. Concerns have been raised regarding overlooking to Castle Lane Day Nursery which is to the south east of the application site, the nursery have been consulted and no objections have been received from the nursery or surrounding business premises. The separation distance between the application building and nursery is approximately 25m which accords with the SPG guidance. The main play area for the nursery is sited to the south of the building, this is in excess of 40m from the application building. As such the proposal is not likely to result in adverse overlooking to the nursey.
- 6.26 The nature of the proposal is unlikely to lead to a level of activity, noise, vibration, pollution of unpleasant odour emission which would be unacceptable once constructed and occupied considering the residential nature. It is inevitable that there may be some noise and disturbance during construction of the development. Given the proposal would involve piling, it is recommended that a pre-commencement condition is placed on the application should it be approved requiring details of the method of piling, as is a condition restricting working hours. Given the scale of the development and

practicalities of the site, it is not considered necessary or reasonable to request a full Construction Method Statement to be submitted. However, the above conditions are considered reasonable to prevent adverse noise, disturbance and vibration during the construction phase.

- 6.27 A condition restricting Permitted Development Rights is recommended to control future additions/alterations to the property. Subject to these conditions outlined above and at the end of the report, the proposal is therefore considered to comply with Policy GD8 of the HLP.

#### **e) Flooding/Drainage**

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- 6.28 The application site is located in Flood Zone 1, with no identified surface water flooding issues, as such there is a low probability of flooding in the area. Policy CC3 of the HLP stated that development should take place within Flood Zone 1 wherever possible as such the proposal complies with Policy CC3.
- 6.29 Policy CC4 of the HLP refers to sustainable drainage, this requires all major development to incorporate sustainable drainage systems (SuDS). The proposal is not major development, whilst SuDS are preferable for all developments as outlined in SPG19 there is no policy requirement for SuDS on minor development sites. It is noted that objection comments have stated that the foul sewer system for Harrod Drive is not located under the main street. However, access to the foul sewer systems would be a civil matter and is ultimately controlled through other legislation including building regulations. As such the proposal is considered to comply with policies CC3 and CC4 of the HLP.

#### **f) Ecology**

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- 6.30 LCC ecology have not objected to the proposal, the site has no known ecological constraints and there are no known records of priority species within the area. The land not occupied by the garage is partially gravelled with some areas of grass, the southern boundary has several trees which are proposed to be removed and therefore has low ecological merit.
- 6.31 The trees to be removed are not protected by a Conservation Area nor Tree Preservation Order as such could be removed without consent. The trees are not of particular arboricultural quality to merit retention. Some replacement soft landscaping is proposed around the boundaries of the site and parking area. Therefore, the scheme is not considered to have an adverse impact on the conservation of priority species, irreplaceable habitats nor designated sites. The proposal accords with GI5 of the HLP.

#### **g) Land stability**

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- 6.32 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to land instability. The National Planning Policy Guidance (NPPG) on Land Stability provides further guidance for this issue, whilst noting that land stability issues are not solely a planning issue the NPPG contains a specific flowchart outlining the steps a LPA should follow where a lands stability issue may be found (see Fig.16).

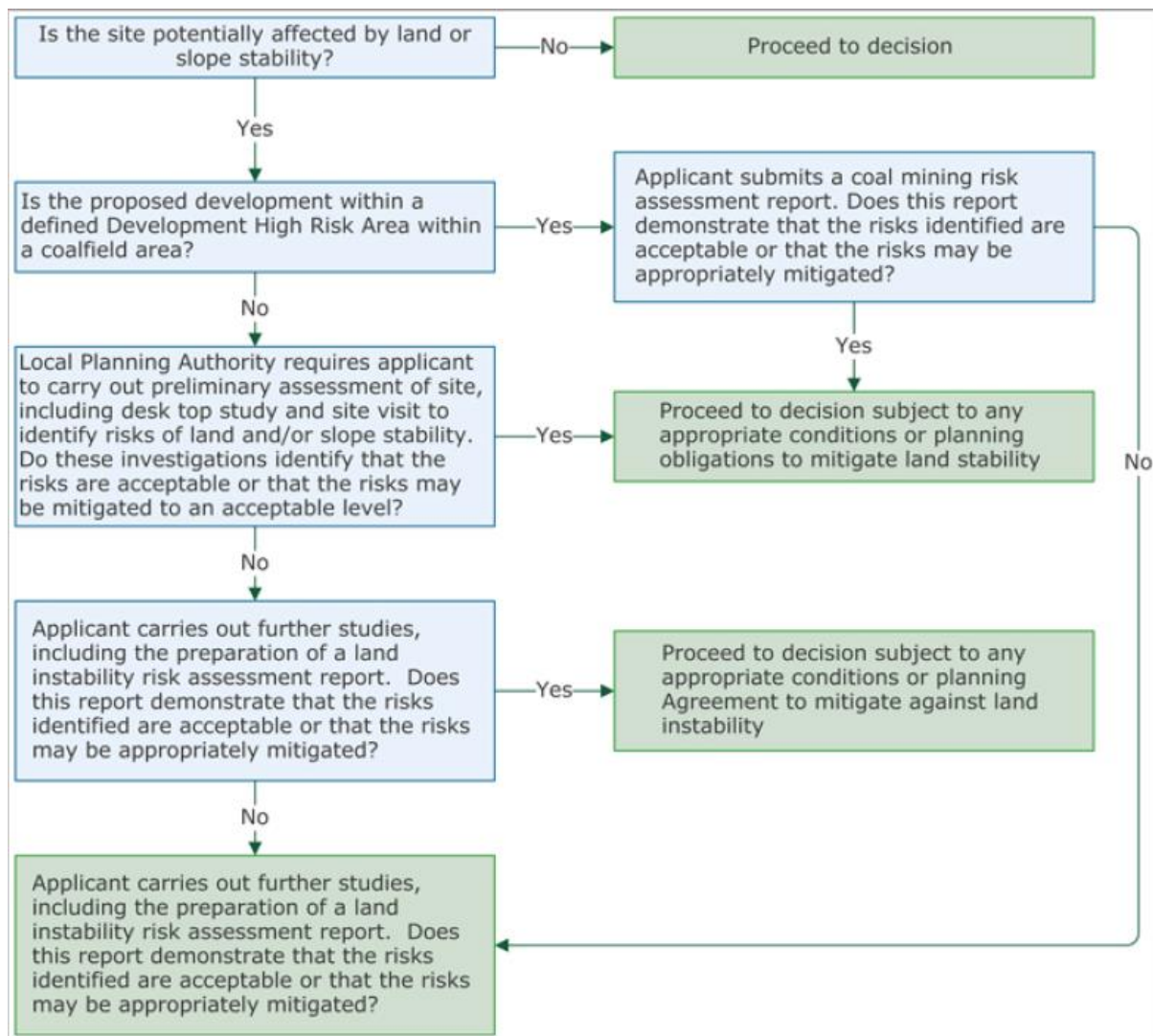


Figure 16. NPPG Land Stability Flow Chart

6.33 In this case the south-western boundary forms the top of a steep slope which falls downwards towards the industrial buildings to the south, the slope falls downwards at an approximate 40 degree angle over a horizontal distance of 8m and vertical distance of 6m. Concerns regarding land stability, including existing issues of subsidence on the land and nearby residential properties have been noted from the objection comments received. Following the above NPPG guidance the site is potentially affected by land or slope stability (not within a Development High Risk Area within a coalfield area) as such the applicants were required to submit a preliminary assessment of the site.

6.34 The preliminary assessment was carried out by 'PRP Civil and Structural Engineers', the report was written by an appropriately qualified person as required within the guidance. The report contains an assessment of the site context and included a desk study and site visit.

6.35 The report concluded that:

*...the visual inspection of the existing sloping ground did not reveal any obvious signs of movement that would indicate historical or recent instability. It is considered that, given the likely presence of shrinkable clay soils underlying the site and proximal mature trees, foundations for the proposed development would be limited to specialist*

*designed pile foundations supporting reinforced concrete ground beams, a suspended ground floor and the building superstructure. Before any design works could be undertaken, a comprehensive intrusive ground investigation would have to be carried out. The ground investigation works and subsequent report would need to include the following:*

- A slope stability analysis of the existing sloping ground to confirm that it could support the machinery required to carry out the installation of piled foundations.*
- Sufficient testing of the soils forming the slope to allow a specialist piling contractor to calculate and design the piled foundations required to support the proposed development.*

*In line with NPPG guidance relating to land stability, it is expected that any risks associated with the development can be mitigated to an acceptable level by carrying out a slope stability analysis and the intrusive ground investigation works described in item 4.3 above.*

- 6.36 Subject to the submission of the above ground investigation report including the slope stability analysis and soil testing (outlined above) it is therefore considered that the risks can be mitigated to an acceptable level. In accordance with the NPPG guidance the LPA may proceed to a decision subject to any appropriate conditions or planning obligations to mitigate land stability (Fig.16). As such subject to the above being submitted and agreed by the LPA prior to commencement of the development the scheme is considered to comply with the NPPF and NPPG guidance.

#### **g) Land contamination**

- 6.37 Policy GD8 of the HLP requires development to identify the need for any decontamination and implement this through an agreed programme (if applicable) to ensure any contamination is not relocated elsewhere. HDC Environment Team have requested that permission should be condition to require the applicant to carry out appropriate Risk Based Land Contamination assessments and Verification Investigation Reports owing to surrounding land uses. Subject to these conditions the scheme complies with GD8 of the HLP.

## **7. The Planning Balance / Conclusion**

- 7.1 The application site is in a highly sustainable location, the two additional dwellings will contribute to the provision of smaller dwellings within Market Harborough and could be considered efficient use of land. The design of the dwellings is individual and differs from the surrounding properties, however, some cohesion is made through the choice of materials. The building is subordinate to the surrounding properties and therefore overall is not considered to be harmful to the character of the area. Subject to the aforementioned conditions no adverse harm to residential amenity, highways amenity is likely.
- 7.2 The site is positioned at the top of the slop to the south of the site, the preliminary land stability report has identified that subject to a further survey and specific construction methods land stability risks may be mitigated. Therefore, subject to such pre-commencement conditions this aspect is deemed acceptable.
- 7.3 To conclude and in referring to the three strands of sustainable development the proposal may provide some modest economic benefit through the construction of two dwellings, and some social benefit may be obtained by the contribution of new residents to the community. Finally, the proposed design of the dwellings is deemed



acceptable and no harm to the environment is found subject to the conditions outlined below. The proposal is considered to comply with the HLP and NPPF.

## **8. Recommended Conditions/Informatives**

### **1. Full Planning Permission Commencement**

The development hereby permitted shall begin within 3 years from the date of this decision.

REASON: To meet the requirements of the Town and Country Planning Act 1990 (as amended).

### **2. Approved Plans**

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

Drawing No: 9591 L.10 '*Location, Site/Roof Plan & Floor Plans and elevations/section with boundary treatment*' (received 10<sup>th</sup> March 2020)

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

### **3. Ground Investigation Report**

No development (including any site clearance/preparation works) shall be carried out until a comprehensive intrusive ground investigation has been carried out and a report submitted to the Local Planning Authority for approval in writing. The ground investigation works and subsequent report shall be carried out by an appropriately qualified person and shall include the following:

- A slope stability analysis of the existing sloping ground to confirm that it could support the machinery required to carry out the installation of piled foundations.
- Sufficient testing of the soils forming the slope to allow a specialist piling contractor to calculate and design the piled foundations required to support the proposed development.

Thereafter, the development shall be carried out in accordance with the approved details.

REASON: To ensure that the proposed development will not contribute to land instability for both new and existing developments having regard to the National Planning Policy Framework.

### **4. Details of Piling**

No development (including any site clearance/preparation works) shall be carried out until full details of any piling technique to be employed, if relevant has been submitted to the Local Planning Authority for approval in writing. Details provided shall be adhered to throughout the period of development

REASON: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general, having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

### **5. Risk Based Land Contamination Assessment**

No development (except any demolition permitted by this permission) shall commence on site, or part thereof, until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175:2011+A2:2017 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8576:2013 Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs) and

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- Or any documents which supersede these.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- Or any documents which supersede these.

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

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014
- Or any documents which supersede these.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

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

## **6. Completion/Verification Investigation Report**

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

1) If no remediation was required by Condition 5 a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Planning Authority, or

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

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and

- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

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

## **7. Materials**

Prior to construction of any external walls, details of all external materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be carried out in accordance with the approved details.

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

## **8. Landscaping**

Prior to the first occupation of the dwellings a Landscape Scheme shall be submitted to and approved in writing by the Local Planning Authority.

The Landscape Scheme shall include full details of proposed hard and soft landscape works, including: access, driveway, parking, turning and all other surfacing materials; boundary treatments; retained planting/hedges/trees and new planting/hedges/trees; screened bin store area; and a timetable of implementation.

Thereafter, the landscape scheme shall be carried out in accordance with the approved details prior to the first occupation of the dwellings. Any trees, shrubs, hedges or plants which, within a period of five years from their date of planting, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

REASON: To ensure that the development includes landscaping, planting, boundary treatments and surfacing materials which are appropriate to the character and appearance of the development and the surrounding area, to protect drainage interests (promote sustainable drainage) and highway interests (prevent deleterious material and surface water entering the highway) having regard Harborough Local Plan Policies GD2, GD8, IN2 and the National Planning Policy Framework.

## **9. Access implementation**

No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Site Layout & Roof Plan by leafarchitecture, and located on the HDC Planning portal as part of this application have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

## **10. Parking implementation**

The development hereby permitted shall not be occupied until such time as the parking facilities have been implemented in accordance with Site Layout & Roof Plan by leafarchitecture, and located on the HDC Planning portal as part of this application. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

## **11. Access surfacing**

The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

### **12. Pedestrian visibility splays**

No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been 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 and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2019).

### **13. Permitted Development Restriction**

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, Classes A-C and E inclusive of that Order, shall be erected or undertaken on the dwellings hereby approved.

REASON: To safeguard the character and appearance of the area and/or the residential amenities of adjoining dwellings having regard to Harborough Local Plan Policy GD8, and the National Planning Policy Framework .

### **14. Working Hours**

Demolition and/or construction works shall take place only between 8am to 6pm Mondays to Fridays, 8am to 1pm on Saturdays and shall not take place at anytime on Sundays or on Bank or Public Holidays.

REASON: To protect the residential amenities of the locality having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

## **Informatatives**

### **1. Building Regulations**

#### **2. Burning of waste**

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. Work on the public highway**

Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>



## Planning Report

**Applicant:** Mr Ben Cripps

**Application Ref:** 20/00312/FUL

**Location:** Land at Church Farm, Gaulby Road, Billesdon, Leicestershire

**Proposal:** Conversion of agricultural building to five dwellings

**Application Validated:** 28/02/2020

**Target Date:** 24/04/20 Extension of Time agreed

**Consultation Expiry Date:** 02/04/2020

**Site Visit Date:** 12/03/2020

**Case Officer:** Janet Buckett

**Reason for Committee decision:** The recommendation to approve the application is contrary to Policy BP2 of the Billesdon Neighbourhood Plan.

## Recommendation

Planning Permission is **APPROVED**, subject to the conditions contained in Appendix 1, for the following reason as detailed further within the report;

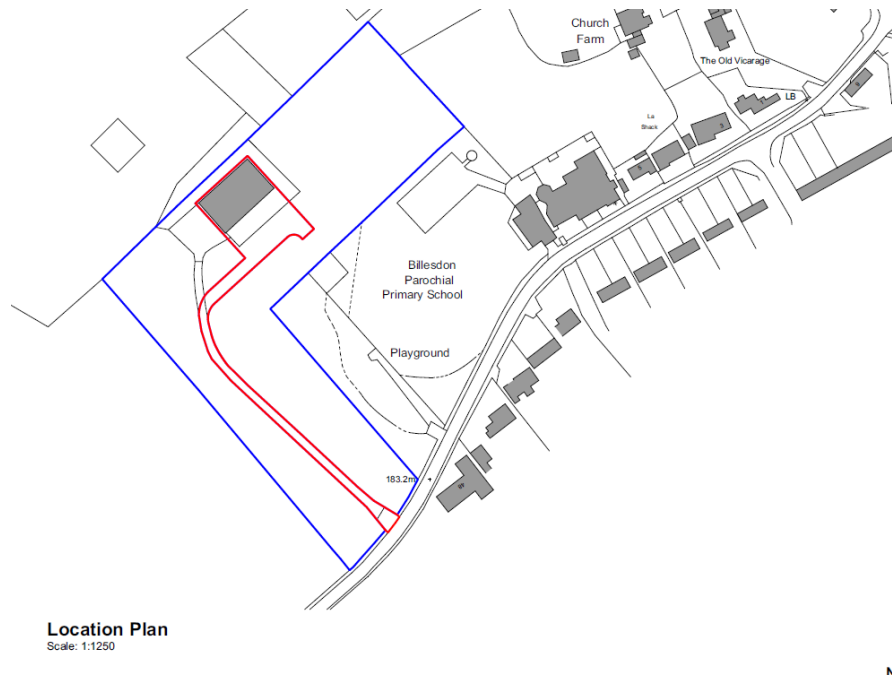
- 1) The proposed development is considered to be acceptable. The proposed development enhances its immediate setting and the landscape setting and intrinsic beauty of the countryside is not harmed. The design of the development respects and enhances the character of the area and street scene. Residential amenity is not harmed and it will not result in an unsafe highway situation. An identical scheme was granted Prior Approval under Class Q and this is a material consideration. The proposal is considered to accord with Policies GD4, GD5, GD8 and IN2 of the Harborough District Local Plan and Policies BP16 and BP18 of the Billesdon Neighbourhood Plan.

### 1. Site & Surroundings

- 1.1 The application site forms part of Church Farm and is located on the edge of the village of Billesdon. Billesdon is a Rural Centre, which means that it has at least four of the six key services.
- 1.2 The site is next to Billesdon primary school and recreation area. The site is accessed by a long gravel and tarmac track from Gaulby Road. Either side of the track is a post and rail fence separating the track from the agricultural land either side. There is a gate at the entrance to the track and then there is a gate either side of the track about half-way down leading to the land each side.
- 1.3 The agricultural building is at the end of the track and there is an area of hardstanding in front of it. This is on lower land and so not prominent in the street scene from Gaulby Road. The building is a steel portal frame construction with walls constructed of concrete to about one metre with the remaining walls being timber cladding. It has a corrugated sheet roof.



- 1.4 Along the north west boundary is a hedge and overgrown land. To the south east is a mound and the land rises with the recreation ground and trees being on higher land than the building.



*Figure 1. Site Location*



*Figure 2. Views of the site from Gaulby Road*



*Figure 3. The agricultural building to be converted*

## **2. Site History**

2.1 The application site has previously been the subject of the following relevant planning history:

- 19/01028/PDN Prior approval for the proposed change of use of an agricultural building to 5 dwellinghouses (C3) (2 smaller and 3 larger dwellinghouses) and for associated operational development (Class Qa and b) – Prior approval was granted
- 05/01669/OUT Erection of an agricultural dwelling – Refused

### 3. The Application Submission

#### a) Summary of Proposals

- 3.1 The proposal is for the conversion of the existing agricultural building into five dwellings. The three central units will have a first floor resulting in them being three-bedroom dwellings. The two units at each end will not have a first floor and will have two bedrooms. The front part of each unit will have an open plan living space with double height glazing on the front elevation with bi-fold doors at ground floor level.
- 3.2 The existing access will lead to the dwellings and then extend along the front of the building (south east of the building). This will include a turning area and two parking spaces at the front of each dwelling. Each property will also have a terrace and small private garden to the front.

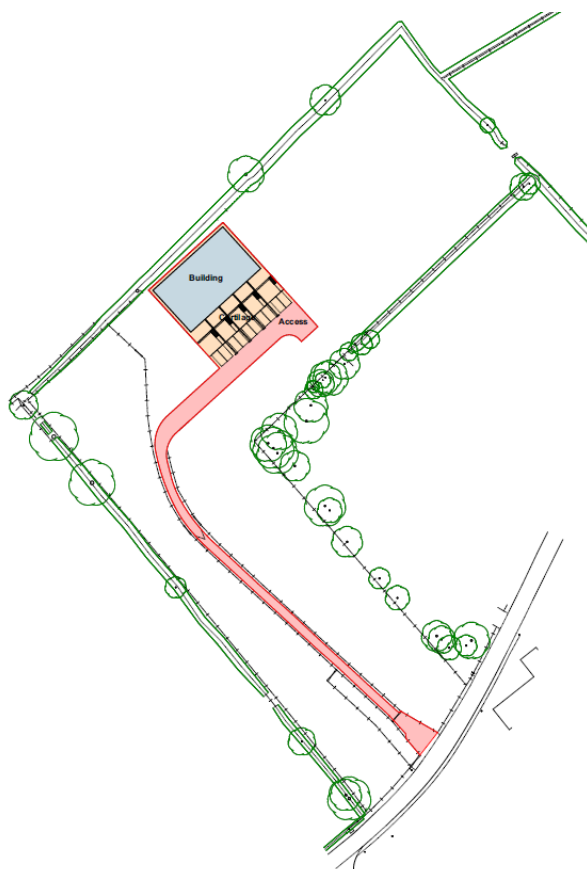


Figure 4. Proposed site plan

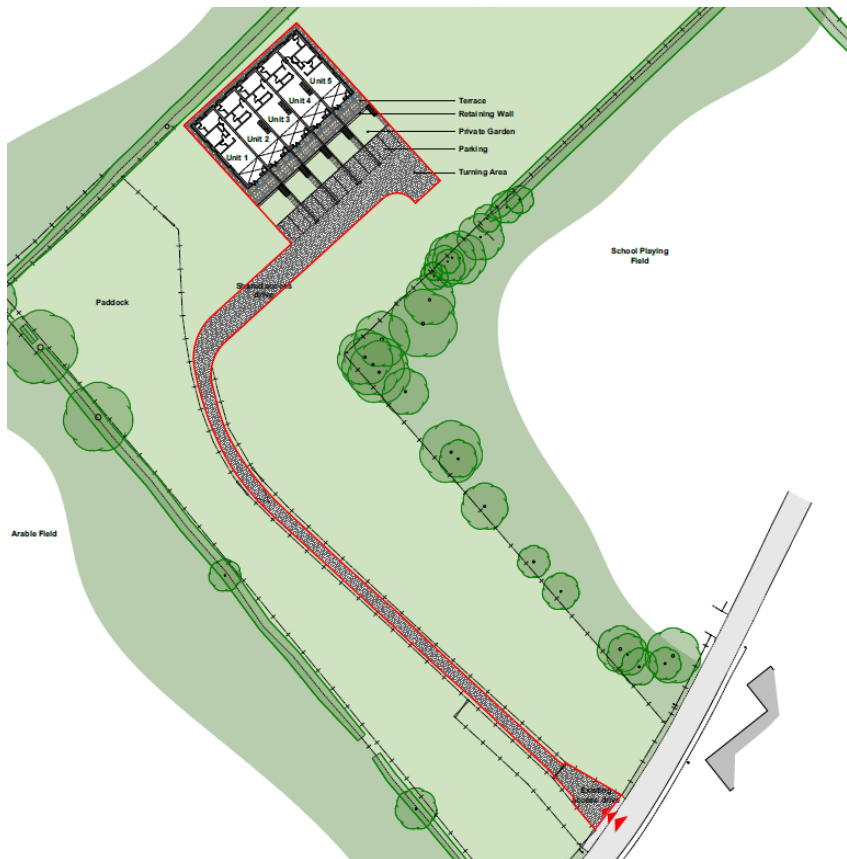
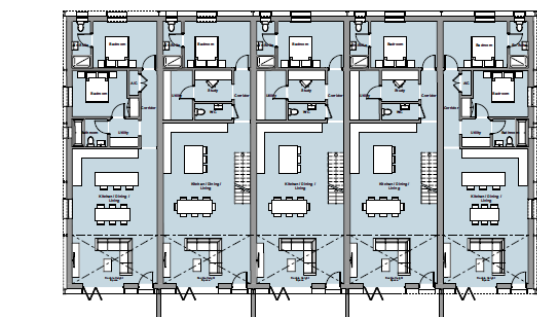
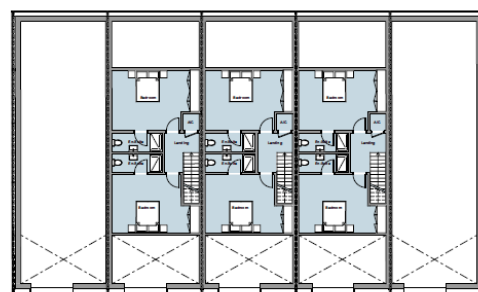


Figure 5. Proposed layout plan



Ground Floor Plan  
Scale 1:100



First Floor Plan  
Scale 1:100



South East Elevation  
Scale 1:100



South West Elevation  
Scale 1:100



North West Elevation  
Scale 1:100



North East Elevation  
Scale 1:100

Figure 6. Proposed floor plans and elevations

## b) Documents submitted

i. Plans

3.3 The application has been accompanied by the following plans –

- Location Plan L332 0100-P02
- Existing Site Plan L332 0101-P02
- Proposed Site Plan L332 0003
- Proposed Site Plan L332 0004
- Existing Plans & Elevations L332 0200-P03
- Proposed plans & elevations L332 0201-P03

ii. Supporting Statements

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

- Amet Property Planning Application Supporting Statement February 2020
- Amet Property Structural Report June 2019

**c) Amended Plans and/or Additional Supporting Statements/Documents**

3.5 No additional information or amended information has been submitted as part of this application.

**d) Pre-application Engagement**

3.6 None was carried out.

**4. Consultations and Representations**

4.1 Consultations with technical consultees and the local community were carried out for the application. This occurred on 4<sup>th</sup> March 2020. The site notice was posted on 12<sup>th</sup> March 2020. The consultation period expired on 2<sup>nd</sup> April 2020.

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](http://www.harborough.gov.uk/planning).

**a) Statutory & Non-Statutory Consultees**

**4.3 Billesdon Parish Council**

This development falls outside the limits of development as detailed in Billesdon Neighbourhood plan. On this basis the Parish council object.

However, the use of the structure to provide accommodation is supported, but not allowing any further development in the area defined by the application.

**LCC Highways**

The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and/or planning obligations outlined in this report.

Background

The Local Highway Authority (LHA) are in receipt of application 20/00312/FUL for the conversion of an agricultural building to five dwellings on land at Church Farm, Gaulby Road, Billesdon.

The LHA note on the 20/08/2019 prior approval was granted under Part 3, Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The site is served by an existing access off Gaulby Road, which is a Class C road subject to a 30mph speed limit.

There have been no recorded personal injury collisions along Gaulby Road in the vicinity of the development site within the last five years.

When taking into consideration the number of trips the site could be reasonably expected to generate under its current land use, and the trip rates typically associated with the proposed land use, it is difficult for the LHA to demonstrate that this development proposal could result in a severe or unacceptable increase in traffic on the local highway network.

Considering the quantum of development the LHA is satisfied with the proposed level of parking and there is sufficient turning space for vehicles to exit the site in forward gear.

Recommended planning conditions.

#### **Contaminated Land & Air Quality Officer**

Due to the current agricultural use of the site pre-commencement planning conditions are requested.

#### **Severn Trent Water**

Suggest pre commencement condition.

#### **LCC Ecology**

I have no objections to this, and there is no need for an ecology survey - the building is unsuitable for bats. Although there are badgers in the locality, these will be in the hedges/scrub, and should not be affected by the proposal.

### **b) Local Community**

4.4 One objection comment has been received.

- |                      |  |
|----------------------|--|
| Conflict with Policy | • The development appears to be outside the village plan for development.  |
| Highways             | • The documents appear to not take into account the close proximity of the primary school. Gaulby Road is congested and potentially dangerous at peak school times and compounded by residents parking opposite the school. Additional traffic on this road will only add to the already difficult conditions. |



## **5. Planning Policy Considerations**

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

### **a) Development Plan**

5.2 Relevant policies to this application are:

- *Harborough Local Plan 2011-2031*
  - GD1 Achieving sustainable development
  - GD4 New housing in the countryside
  - GD5 Landscape character
  - GD8 Good design in development
  - GI5 Biodiversity and geodiversity
  - CC3 Managing flood risk
  - CC4 Sustainable drainage
  - IN2 Sustainable transport
  - IN4 Water resources and services

These are detailed in the policy section at the start of the agenda.

### **b) Material Planning Considerations**

5.3 *The National Planning Policy Framework ('the Framework') February 2019*

5.4 *Billesdon Neighbourhood Plan 2014-2028*

- Policy BP2: Housing Provision
- Policy BP7: Design
- Policy BP16: Traffic Management
- Policy BP17: Parking
- Policy BP18: Countryside and Landscape

These are detailed within the relevant aspects of the report.

## **6. Assessment**

### **a) Principle of Development**

6.1 The application site is located just outside the village of Billesdon. It is outside of the Limits to Development that were designated in the Neighbourhood Plan. It is therefore considered to be contrary to Policy BP2 of the Neighbourhood Plan that only supports housing provision within the Limits to Development.

6.2 However, permission has been granted for an identical scheme that was submitted as a Notification for Prior Approval under Schedule 2 Part 3 Class Q of the Town and Country Planning General Permitted Development Order 2015 (as amended). Planning case law (*Mansell v Tonbridge and Malling BC* [2017]) states that permitted development rights such as Class Q conversions can be taken into account as a fall-back position.

- 6.3 The National Planning Policy Framework states that “where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”. In this instance the fall-back position is considered to be a material consideration.
- 6.4 Policy GD4 of the Local Plan, ‘New housing in the countryside’, states that new residential development will be permitted where it is for “the re-use of redundant or disused buildings that results in enhancement to their immediate setting”. This proposal re-uses a redundant building. The impact on its setting will be assessed later but in the meantime in principle the proposal could accord with this policy.
- 6.5 The Framework also states that “d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”. This is mentioned because in paragraph 14 of The Framework it states that neighbourhood plans need to have become part of the development plan two years or less before the date on which a planning decision is made. Billesdon Neighbourhood Plan was adopted in 2014, nearly 6 years ago.
- 6.6 Paragraph 30 of The Framework states that “once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently”. Since the adoption of the Neighbourhood Plan the Local Plan has been adopted. This included Policy GD4. This policy is in conflict with the Neighbourhood Plan as the Neighbourhood Plan restricts conversion of buildings in the countryside to restaurant, café, business, storage or distribution uses, diversification of agricultural or land-based rural business or the provision or expansion of tourist or visitor facilities. The Local Plan policy is not as prescriptive as this and as it was adopted after the Neighbourhood Plan it takes precedence.

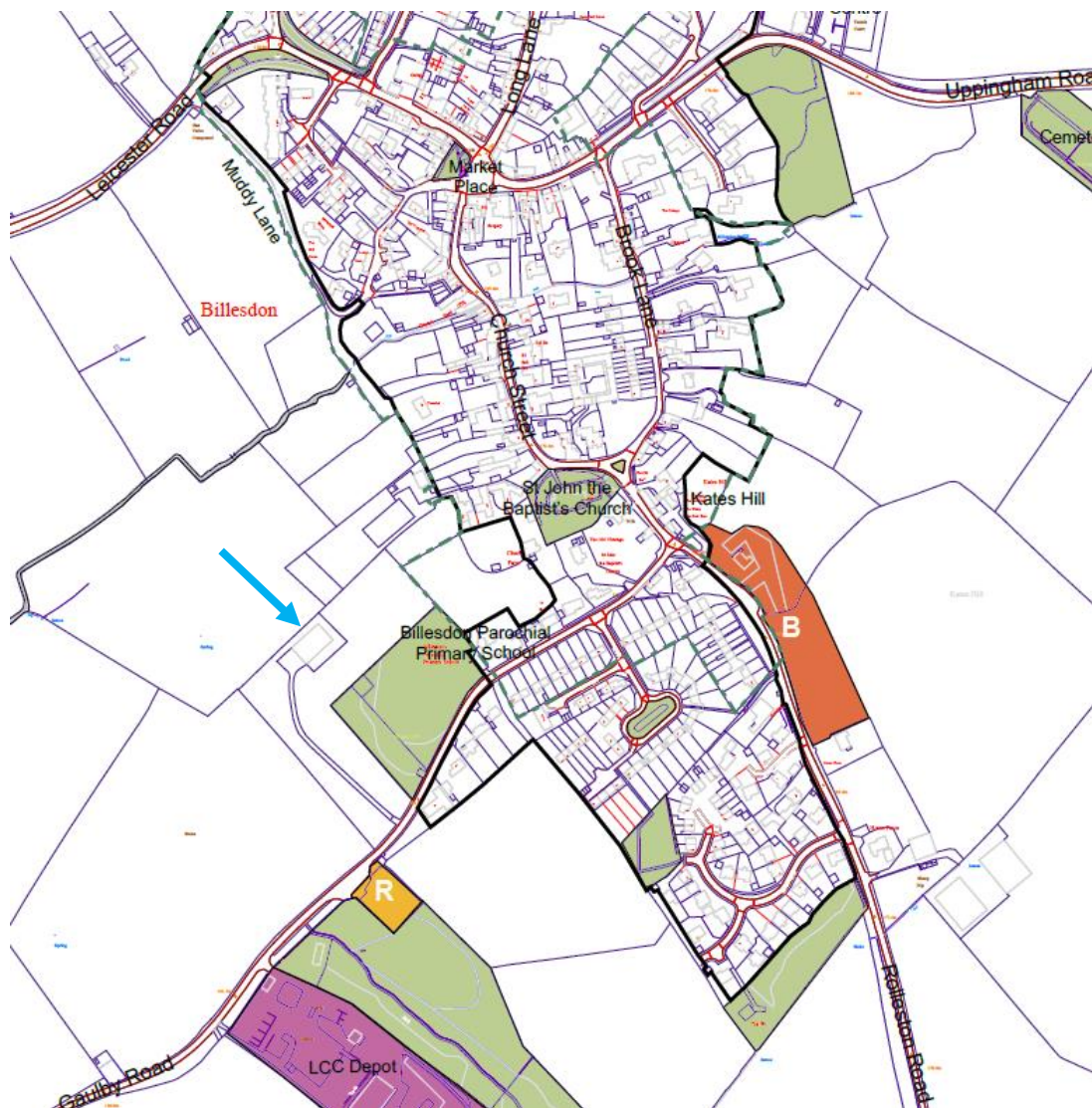


Figure 7. Extract of the Policies Map from the Neighbourhood Plan. The Limits to Development are shown by the thick black outline (arrow added to point to site)

- 6.7 Overall it is considered that due to the fall-back position of the recent Prior Approval for the conversion of the building that this supersedes the policies of the Neighbourhood Plan and therefore the principle is acceptable. The proposal may also be in accordance with Policy GD4 of the Local Plan, if it is considered that the proposal results in an enhancement of its immediate setting, and this policy supersedes those of the Neighbourhood Plan.

#### **b) Design & Visual Amenity**

- 6.8 Policy GD4 of the Local Plan states that new residential development will be permitted in the countryside if it is for the re-use of redundant or disused buildings that results in enhancement to their immediate settings. Policy GD5 states that development should be located and designed in such a way that it is sensitive to its landscape setting and landscape character area and will be permitted where it respects and, where possible, enhances local landscape, the landscape setting of settlements and settlement distinctiveness. Policy GD8 of the Local Plan outlines that development should achieve a high standard of design. It should, where appropriate, be individual and innovative yet sympathetic to the local vernacular, respect the context and characteristics of the individual site, street scene and wider local environment, and protect and enhance

existing landscape features and natural assets as an integral part of the development. Policy BP18 of the Neighbourhood Plan states that account should be taken of the intrinsic character and beauty of the countryside of the Parish.

- 6.9 The proposed scheme is identical to that granted Prior Approval under Class Q. The walls are constructed of concrete to a height of approximately one metre with the remainder of the walls being open boarded timber cladding. The roof is a braced steel structure with timber purlins and the roof covering is a corrugated cement fibre sheet. The Structural Survey states that the steel frame and walls are in good condition and structurally sound and that the roof covering appears to be in good condition. The steel frame, timber purlins, concrete walls, timber cladding and roof are to be retained. This ensures that the agricultural and rural character of the building will be preserved. Windows and doors are to be inserted. The windows and doors are to be aluminium and anthracite grey. It is considered that this material and colour will fit in well with the character of the building. The front elevation of the building will contain five double height glazed openings serving each dwelling and a front door. The openings are of an appropriate scale to the size of the building and have an agricultural barn conversion feel. Smaller windows are proposed on the side and rear elevations which have a simple form and this again reflects the character of the building and the amount ensures not too much of the timber cladding is broken into. The size of the building is not increasing.
- 6.10 Overall it is considered that the proposed development will enhance the immediate setting and be sensitive to the landscape setting and character. It is considered that the proposal respects the context and characteristics of the site, street scene and local environment. Landscape features and natural assets are not being lost and, due to the nature of the changes, account of the character and beauty of the countryside is taken. The proposal is considered to accord with Policies GD4, GD5 and GD8 of the Local Plan and Policy BP18 of the Neighbourhood Plan.

#### **c) Highways**

- 6.11 Paragraph 108 of the NPPF states that schemes can be supported where they provide safe access for all and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe. GD8 of the Local Plan states that development will be permitted where it ensures safe access, adequate parking and safe, efficient and convenient movement for highways users. Policy IN2 states that development proposals should have regard to the transport policies of the Local Transport Authority and that developments should provide safe access and parking arrangements and where possible protect or connect to existing pedestrian, cycle and equestrian routes. Policy BP16 of the Neighbourhood Plan states that development will only be permitted where it will not cause a significant increase in the volume of traffic passing the primary school on Gaulby Road.
- 6.12 Concern has been raised by a resident of the potential impact of the development especially with regards to its proximity to the school and the congestion on Gaulby Road. LCC Highways have been consulted and they consider that the impacts of the development on highway would not be unacceptable and the impacts on the road network would not be severe. The fall-back position of the prior approval is for an identical scheme. The level of parking is also acceptable and the turning provision.

- 6.13 It is considered that due to the proposed layout and the comments from LCC Highways that the proposal complies with Policies GD8 and IN2 of the Local Plan and that there will not be a significant increase in traffic passing the school and that it therefore complies with Policy BP16 of the Neighbourhood Plan.

**d). Residential Amenity**

- 6.14 Policy GD8 of the Local Plan states that development should be designed to minimise impact on the amenity of existing and future residents through loss of privacy, overshadowing and overbearing impact. Nor should developments generate a level of activity, noise, vibration, pollution or unpleasant odour emission which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions.
- 6.15 There are no properties close to the development. Within the development each dwelling is to have a terrace and private garden. A landscaping condition will request what the boundary treatments are to be but due to the first-floor glazing serving a void there is a potential that boundary treatment can prevent overlooking and create private spaces.
- 6.16 The proposal therefore complies with this aspect of Policy GD8 of the Local Plan.

**e) Environmental Health**

- 6.17 Due to the current use of the site as agriculture pre-commencement conditions are requested. The applicant has agreed to these.

**f) Ecology**

- 6.18 No ecological survey is required as the existing buildings on site are unsuitable for bats.

**7. The Planning Balance / Conclusion**

- 7.1 The principle of development is considered to be acceptable as the fall-back position is considered to be a material consideration.
- 7.2 In addition to this the proposed development enhances its immediate setting and therefore accords with Policy GD4 of the Local Plan. The landscape setting and intrinsic beauty of the countryside is not harmed and the design of the development respects and enhances the character of the area and street scene. Residential amenity is not harmed and it will not result in an unsafe highway situation. The proposal therefore also complies with Policies GD5, GD8 and IN2 of the Local Plan and Policies BP16 and BP18 of the Neighbourhood Plan.

**8. Appendix I Recommended Conditions/Informatives**

**1) Full Planning Permission Commencement**

The development hereby permitted shall begin within 3 years from the date of this decision.

REASON: To meet the requirements of the Town and Country Planning Act 1990 (as amended).

**2) Approved plans**

The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan L332 0100-P02, Existing Site Plan L332 0101-P02, Proposed Site Plan L332 0003, Proposed Site Plan L332 0004, Existing Plans & Elevations L332 0200-P03 and Proposed plans & elevations L332 0201-P03 . It shall

also be carried out in accordance with: Amet Property Planning Application Supporting Statement February 2020 and Amet Property Structural Report June 2019.

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

**3) Access Width**

Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 4.25 metres, a gradient of no more than 1:12 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material. The access once provided shall be so maintained at all times.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

**4) Parking and Turning**

The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with brp architects drawing number L332 0003. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

**5) Vehicular Visibility Splays**

No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2019).

**6) Risk Based Land Contamination Assessment**

No development (except any demolition permitted by this permission) shall commence on site, or part thereof, until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

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

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:



- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- Or any documents which supersede these.

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

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014
- Or any documents which supersede these.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

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

## 7) **Verification Investigation**

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

1) If no remediation was required by Condition 7 a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Planning Authority, or

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

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme;

and

- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.
- REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 170, 178 and 179 of the NPPF.

## **8) Drainage**

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. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. No surface water to enter the foul system by any means.

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.

## **9) Materials**

The external materials, including windows, used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained in perpetuity, unless prior written consent is obtained from the Local Planning Authority.

REASON: To safeguard the appearance of the development and the character and appearance of the area, having regard to Harborough Local Plan Policies GD4, GD5 and GD8 and the National Planning Policy Framework.

## **10) Landscape Scheme**

Prior to the first occupation of the dwellings a Landscape Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall include full details of proposed hard and soft landscape works, including: access, driveway, parking, turning and all other surfacing materials; boundary treatments; retained planting/hedges/trees and new planting/hedges/trees; screened bin store area; and a timetable of implementation. Thereafter, the landscape scheme shall be carried out in accordance with the approved details prior to the first occupation of the dwelling(s). Any trees, shrubs, hedges or plants which, within a period of five years from their date of planting, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

REASON: To ensure that the development includes landscaping, planting, boundary treatments and surfacing materials which are appropriate to the character and appearance of the development and the surrounding area, to protect drainage interests (promote sustainable drainage) and highway interests (prevent deleterious material and surface water entering the highway) having regard Harborough Local Plan Policies GD4, GD5 and GD8 and the National Planning Policy Framework.

## **11) Permitted Development Rights Removal- Residential**

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, Classes A-H and Part 2 of Schedule 2 Class A inclusive of that Order, shall be erected or undertaken on Units 1-5.

REASON: To safeguard the character and appearance of the area and/or the residential amenities of adjoining dwellings and to enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including

pedestrians in the public highway having regard to Harborough Local Plan Policy GD8, and the National Planning Policy Framework .

## **Informatives**

### **1. Building Regulations**