

Planning Committee Report

Applicant: Mr Tracey Macready

Application Ref: 20/01783/FUL

Location: Mere Meadows, Mere Road, Bitteswell, Leicestershire, LE17 4LH

Proposal: Change of use of land from 1 traveller pitch and stables to the provision of 5 traveller pitches for extended family (additional 4 pitches)

Application Validated: 10/11/2020

Target Date: 05/01/2021

Consultation Expiry Date: 09/12/2020

Site Visit Date: 25/11/2020 and 27/04/2021

Reason for Committee Decision: To ensure an open and transparent process to accommodate the significant number of community concerns received by the Council concerning this application, and in the public interest.

Note: This item was deferred by Planning Committee at its meeting of the 26/01/2021 for further information on a number of subject areas.

Recommendation

Planning permission is **APPROVED** for the following reason as detailed further within the report together with:

- planning conditions set out in Annexe A to this report.
- The Ministry for Housing, Communities and Local Government (MHCLG) planning casework unit confirming if this decision is to be called-in by the Secretary of State for a decision (*see para. 8.1 below*)

The development hereby approved, by virtue of its design and location will not adversely affect the character and appearance of the surrounding area, the amenities of occupiers of neighbouring properties, or the safe and efficient use of the adjoining highway. The proposal is therefore considered to accord with the Harborough Local Plan Policies, GD1 GD5, GD8, and H6, and no other material considerations indicate that the policies of the development plan should not prevail. Furthermore, the decision has been reached taking into account Planning Policy for Traveller Sites (PPTS) (2015) read in conjunction with the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

1. Background

1.1 This application was presented to the Planning Committee on the 26 January 2021 with an officer recommendation for approval (January Committee Report attached as Appendix 1). The Planning Committee resolved to defer making a decision on this proposal, seeking further information on the following:

- Details regarding crime and policing of the area;
- The social impact on the local community from the development if it were to proceed;

- Further information from the Leicestershire County Council Traveller Sites and Liaison Officer regarding the proposal;
- The capacity of the site;
- An assessment of Harborough Local Plan Policy H6 A – G; and
- An assessment of vacant pitches on the site and unallocated sites

2. Crime and Policing of the Area

- 2.1 Paragraphs 58 and 69 of the National Planning Policy Framework (NPPF) recommends that local planning authorities ensure their policies and decisions aim to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Regard is also paid to Section 17 Crime & Disorder Act 1998, which introduced a wide range of measures at strategic level for preventing crime and disorder, and imposes an obligation on every police authority, local authority (which includes Planning Authorities) and other specified bodies to consider crime and disorder reduction in the exercise of all their duties.
- 2.2 Paragraph 4.10 of the January Committee report (Appendix 1), advises that the Leicestershire Police Designing out Crime Officer, has no formal objection to the application. Further, the officer sets out measures such as appropriate lighting, foliage height/type, fencing, parking etc., as good design practice to minimise any risks of crime. The current proposal does not propose a change in the primary use of the application site which is that of additional Gypsy Traveller pitches. The proposal is to increase the number of pitches by 4, which will be contained in an existing lawful Gypsy/Traveller site. Details about crime and policing of the area are principally matters for Leicestershire Police, which polices Mere Farm. The police are part of the Multi Agency Traveller Unit (MATU) which is aware of the application and have not raised concerns. HDC has a role through its community safety team and participates, for example with Joint Action Group (JAG). Crime and fear of crime is a material planning consideration. As set out elsewhere in this report this proposal is to accommodate the applicant's extended family, i.e., the future family of his children. His children already live on the site. As such this is an existing situation and cannot therefore add to actual or perceived levels of crime.

3. The Social Impact on the Local Community from the Development if it were to Proceed

- 3.1 There will be no significant social impact on the community if the additional 4 pitches within the existing application site were to be permitted. The current application is to provide further accommodation for the applicants extended family who already currently reside on the site (applicants 4 sons). The existing dayroom and shower/toilet block already sited on the land will be shared with the proposed new pitches which authenticates the applicant's case that the pitches are for his extended family.

4. Further Information from the Leicestershire County Council (LCC) Traveller Sites and Liaison Officer regarding the Proposal

- 4.1 The LCC Traveller Sites and Liaison officer sought to clarify the comments set out in the January Committee report at paragraph 4.7 as follows:

"I note that we recently submitted evidence in relation to the above planning application and I note a mistake that needs to be amended in the report that is being submitted to the planning committee. In Para 4.7 at the end, it states:

Harborough District Council is unable to demonstrate a five-year supply of deliverable land for gypsy and traveller sites, which is a national requirement. The lack of a five-year land supply is a matter that should attract significant weight in favour of a grant of planning permission.

It would seem that this was taken from out-of-date evidence contained in a previous accommodation needs assessment which does not accurately reflect the current situation today can this part of the paragraph please be removed; I note that the supply of pitches is covered elsewhere in the report under Para 4.12. Apologies for any confusion caused”.

- 4.2 There are no further comments from the LCC officer except to reiterate that the new pitches will be occupied, as previously stated, by the applicant's 4 sons who all currently live at home with their parents (the applicant). Should planning permission be obtained for this small family site, it would allow them to marry and have their own families on a site that would provide all the health and welfare benefits that having a stable and secure home would.

5. The Capacity of the Site

- 5.1 The application site covers just under 1 acre of land. The whole Mere Lane site covers approximately 17 acres. In terms of capacity, there is little guidance on layout, size of pitch, distances etc., between caravans. However, the 'Model Standards 2008 for Caravan Sites in England' guidance (published by Ministry of Housing Communities and Local Government, MHCLG) is helpful in that it sets out density, spacing and parking standards between caravans which are used as permanent residential units:

- Every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- No caravan shall be stationed within 2 metres of any road, or communal car park within the site or more than 50 metres from such a road within the site.

- 5.2 The Gypsy, Traveller and Travelling Show people Site Identification Study Report (July 2017) for the Council reports guidance (now understood to have been cancelled by Government) at its paragraph 2.17 that small sites are preferred and suggests a maximum of 15 pitches is conducive to providing a comfortable environment easy to manage. This evidence was used to inform the Local Plan. Nevertheless, the Local plan does not prescribe what size sites should be in deciding planning applications.

- 5.3 Based on the above guidance, the application site at just under 1 acre could house at least 9 pitches. The site as a whole could house considerably more than the currently approved 42 pitches, meaning the wider Mere Lane site is not at full capacity.

6. An Assessment of Local Plan Policy H6 Gypsy, Traveller and Travelling Show-people Accommodation; Criterion 5 a – g

- 6.1 *5. Development for new, and extensions/improvements to existing permitted or lawful, Gypsy and Traveller sites (including transit sites) will be permitted where:*

- a. the development is for residential use only;*
- b. the site is located within safe walking distance to a settlement and has access to a range of services including health and education provision;*
- c. the size reflects the scale of the nearest settlement, its local services and infrastructure;*

- d. there is suitable and safe highway access;*
- e. the development provides mitigation measures, such as adequate and appropriate landscape screening, to prevent adverse impacts on the character and appearance of the locality and on neighbouring uses;*
- f. the site conforms to current good practice design guidelines;*
- g. the development does not put the health and safety of occupants at risk through:*
 - i. unsafe access*
 - ii. unacceptable noise levels or air quality from existing land uses;*
 - iii. unacceptable levels of contaminated land; or*
 - iv. flood risk*

6.2 Assessment of 5. a – g above.

- *a. the development is for residential use only* – The application site is currently occupied as the residential home of the applicant and his family. The proposal is to extend the number of pitches within the applicant's current large pitch area for his extended family (4 sons) for residential use only.
- *b. the site is located within safe walking distance to a settlement and has access to a range of services including health and education provision* – Existing services, health and educational provision will be used. There is a bus stop within easy access of the application site, and good transport links generally.
- *c. the size reflects the scale of the nearest settlement, its local services and infrastructure* – the application proposes a modest increase in pitches which will be housed within the applicants existing site.
- *d. there is suitable and safe highway access* – LCC Highways have no objection to the application proposal. They state:

'The proposed development is to the rear of the site and would use an existing access to join the public highway at Mere Road, which is a C classified road subject to a 50-mph speed limit. Considering the existing use and the previous permissions granted on this site, the Local Highway Authority (LHA) has no objection to the site access being used for the proposed development'.
- *e. the development provides mitigation measures, such as adequate and appropriate landscape screening, to prevent adverse impacts on the character and appearance of the locality and on neighbouring uses* – The application site is well screened from adjoining land and sits within the Mere Lane Gypsy/Traveller site. There will be no impact on the locality or neighbouring uses.
- *f. the site conforms to current good practice design guidelines* – this is covered in Section 5 above. The application site is just under 1 acre and has ample room to house a further 4 pitches.
- *g. the development does not put the health and safety of occupants at risk through:*
 - i. unsafe access*
 - ii. unacceptable noise levels or air quality from existing land uses;*
 - iii. unacceptable levels of contaminated land; or*
 - iv. flood risk*

The proposal meets the criteria as set out in g above. There is no known contamination of land (previous use agricultural), or any known risk of flooding.

7. An Assessment of Vacant Pitches on the Site and Unallocated Sites

- 7.1 The Mere Lane Gypsy/Traveller site comprises of 42 authorised pitches, all of which are individually privately owned with Land Registry titles registered with HM Land Registry.
- 7.2 An officer site inspection was completed on the 24 April 2021. Of the 42 authorised pitches, 15 were vacant, 5 of which have been vacant for some considerable time. However, the vacancy rate of pitches on the wider site is irrelevant to the current application proposal, since the pitches are all privately owned, and the applicant has no control or registered interest on any of the other pitches.

8. Other Updates

8.1 The Ministry for Housing, Communities and Local Government (MHCLG) planning casework unit advised in February 2021 that it is considering a request that any decision is called-in to the Secretary of State for decision.

8.2 Cllr Rosita Page (4th July). Please may I take this opportunity to reiterate my previously made comments, support my residents in their objections and hope the committee notes the public feelings in regards of any further expansions. This application is over intensification of the site , against policy and Local Plan requirements .

9. The Planning Balance / Conclusion (as set out in January 2021 report – Please see Appendix 1 attached to this report)

- 9.1 Overall it is considered that the proposed pitches, by virtue of their siting, appearance, and scale would be acceptable development, would not adversely affect local highway safety or give rise to a road safety hazard or have a detrimental effect upon, neighbouring amenities, green infrastructure, or ecological interests. The proposal would allow for an existing established Gypsy/Traveller family to remain on site and provide sufficient accommodation for their extended family.
- 9.2 The proposal is therefore considered to accord with the Harborough Local Plan Policies GD1, GD5, GD8 and H6 and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account the PPTS (2015) read in conjunction with the NPPF.

10. Planning Conditions

- 10.1
- 1) **Planning Permission Commencement**
The development hereby permitted shall be begun before the expiration of three years from the date of permission.

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

2) **Pitch Provision**

There shall be no more than 5 pitches on the application site and on each of the 4 new pitches hereby approved no more than 1 mobile home shall be stationed at any time.

REASON: To ensure that the use remains compatible with, and does not result in any undue detrimental harm to, the surrounding countryside and highway network and to ensure compliance with Local Plan Policies GD5 and GD8.

3) **Commercial Activity**

No commercial activities shall take place on the land, including the storage of materials.

REASON: To ensure that the use remains compatible with and does not result in any undue detrimental harm to, the surrounding countryside and highway network and to ensure compliance with Local Plan Policies GD5 and GD8.

4) **Gypsy and Traveller Restriction**

This site shall not be used by any persons other than Gypsies and Travellers (see Annex 1 Glossary of Planning policy for traveller sites, Department for Communities and Local Government (DCLG) August 2015). The site lies in an area within which the District Planning Authority would not normally grant permission for residential development. This permission is therefore granted only because of the need of the applicant and the premises should accordingly only be occupied by a person who is recognised as a Gypsy and Traveller and to ensure compliance with Local Plan Policy H6 and the Planning Policy for Travellers Sites (PPTS) definition, as set out in Annex 1 of the policy document which defines “gypsies and travellers” as “Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such”.

REASON: The site lies in an area within which the District Planning Authority would not normally grant permission for residential development.

Notes to applicant:

1. All caravan and mobile home sites are required to obtain a Site Licence under the provisions of the Caravan Sites and Control of Development Act 1960. For further information, please refer to the council's website <https://www.harborough.gov.uk/caravan-site> or alternatively please contact the Environment Team environmentteam@harborough.gov.uk.

APPENDIX 1

Planning Committee Report of 26th January 2021

Applicant: Mr Tracey Macready

Application Ref: 20/01783/FUL

Location: Mere Meadows, Mere Road, Bitteswell, Leicestershire, LE17 4LH

Proposal: Change of use of land from 1 traveller pitch and stables to the provision of 5 traveller pitches for extended family

Application Validated: 10/11/2020

Target Date: 05/01/2021

Consultation Expiry Date: 09/12/2020

Site Visit Date: 25/11/2020

Case Officer: Christine Zacharia

Reason for Committee Decision: To ensure an open and transparent process to accommodate the significant number community concerns received by the Council concerning this application, and in the public interest.

Recommendation

Planning permission is **APPROVED** for the following reason as detailed further within the report together with planning conditions set out in Annexe A to this report;

The development hereby approved, by virtue of its design and location will not adversely affect the character and appearance of the surrounding area, the amenities of occupiers of neighbouring properties, or the safe and efficient use of the adjoining highway. The proposal is therefore considered to accord with the Harborough Local Plan Policies, GD1 GD5, GD8, and H6, and no other material considerations indicate that the policies of the development plan should not prevail. Furthermore, the decision has been reached taking into account Planning Policy for Traveller Sites (2015) read in conjunction with the National Planning Policy Framework (NPPF).

1. Site & Surroundings

- 1.1 The application site is located in the north western part of the wider Mere Farm Gypsy/Traveller site which is located to the east of Ullesthorpe and north of Magna Park. The proposed area of land to be changed to provide an additional 4 pitches is situated alongside an existing approved pitch owned by the applicant. Access to the new pitches would be via the existing Mere Lane access that serves the Mere Farm Traveller complex.

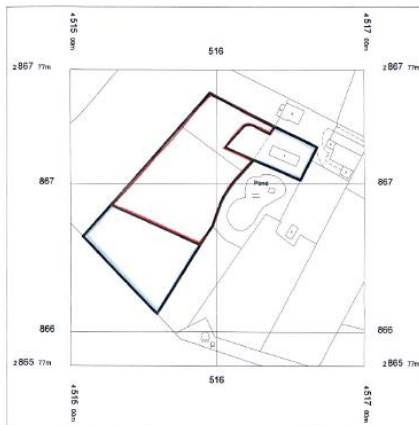
Figure 1: Application Site Location.



2. Site History

- 2.1 Part of the application site area as shown in Figure 1 above has an existing lawful use for the siting of 1 Gypsy/Traveller pitch, by virtue of planning decision planning reference 09/00325/FUL (hereafter referred to as the “2009 decision”). The 2009 decision covered a larger area to the north western and south eastern boundary of the wider Mere Farm Traveller complex (See Figure 2 below) and allowed for the provision of 5 Gypsy/Traveller pitches.

Figure 2: Red line boundary relating to the 2009 decision.



- 2.2 In November 2010, by virtue of planning decision reference 10/01088/FUL part of the current application site was granted planning permission for a stable block. It is unclear as to whether this decision was implemented but, in any case, a stable block is not currently evident on the application site.
- 2.3 The relevant planning history insofar as it relates to this planning application site is set out below. The list below does not cover the planning history for the wider Gypsy/Traveller Mere Farm complex:

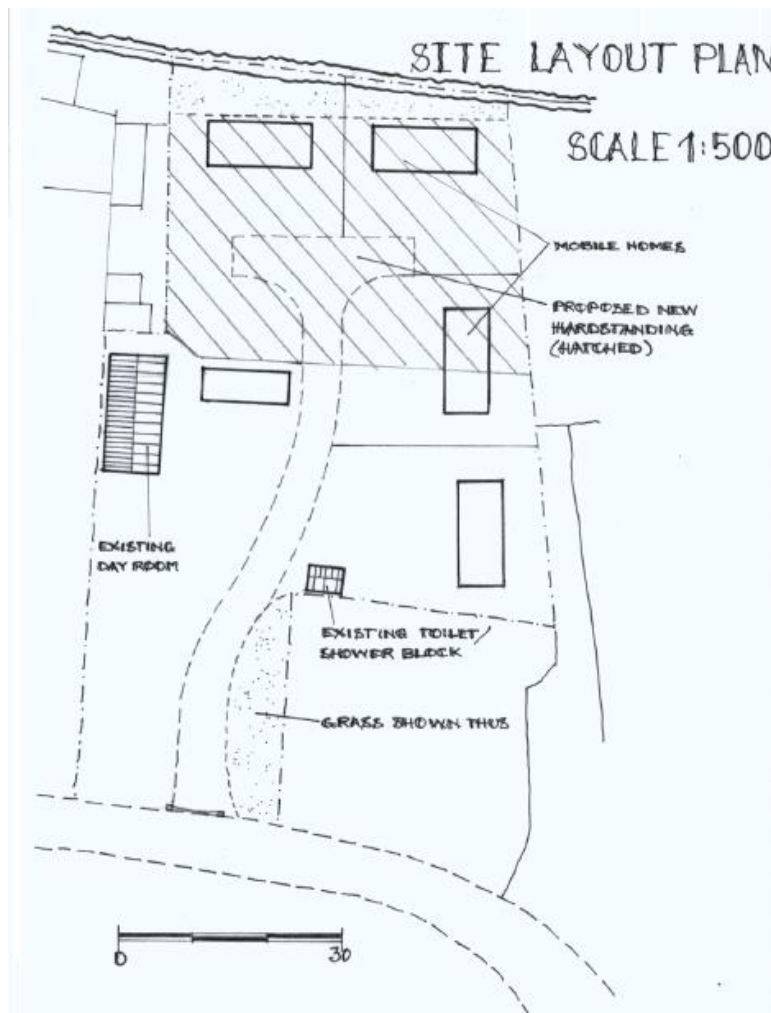
- 09/00325/FUL – Change of use to allow siting of 5 no. residential caravans by extended gypsy family, and erection of ancillary utility/day room buildings and hardstanding (granted 26/06/2010)
- 10/01088/FUL – Erection of stable block (Approved 15/11/2010).

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal seeks planning permission to provide further accommodation for the applicants extended family who currently reside on the site, by extending the existing pitch onto the applicant's land at the rear to provide an additional 4 pitches. Each new pitch will house one mobile home and will share facilities provided by the existing pitch in terms of a day room and toilet/shower block. The hardstanding will be extended to accommodate the extra pitches.

Figure 3: Proposed Site Layout



b) Documents submitted

- 3.2 The application has been accompanied by the following plans/documents:

Site Layout Plan (Figure 3 above)
Site Location Plan
Design and Access Statement

c) Pre-application Engagement

- 3.3 Prior to submitting the planning application the site has not been subject to a pre-application.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 16 November 2020 and included a site notice put up on the 5 May 2020. The consultation period expired on the 25 November 2020.
- 4.2 A summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

4.3 Alberto Costa MP. Member of Parliament for South Leicestershire

I am writing to you with regard the titular planning application submitted to Harborough District Council for the ‘Change of use of land from 1 traveller pitch and stables to the provision of 5 traveller pitches for extended family” at Mere Meadows, Mere Road, Bitteswell, Leicestershire, LE17 4LH.

I both understand and appreciate that planning, as a devolved matter, does not fall under the purview of a Member of Parliament, and therefore I do not seek to cast judgement on the application in question, however I am writing to pass on the concerns of my constituents relating to this proposal.

As you will know, the traveller site in question has been, and continues to be, a considerable source of concern to many of my constituents due to high levels of alleged criminality associated with some of those residing there. Any instances of a criminal nature are of course a matter for the Police; however, I do think it important to outline a particularly prevalent view among my constituents relating to the site at Mere Lane.

In line with these concerns, I have been contacted by a very high number of constituents deeply worried as to the further expansion of this site. Many have taken the time to inform me that Harborough District Council has already met its provision for Gypsy/Traveller pitches as per ‘Local Plan 2031’ – if this is indeed correct, then I would hope that the Council’s Planning Committee will make their decision in line with the aforementioned planning document.

I have no doubt that the Council’s excellent Planning Team and Planning Committee will give the application the appropriate scrutiny it deserves while taking on board the comments and concerns of my constituents, however I did just wish to provide you with an insight into the general thoughts and feelings of residents as I have received them.

4.4 Cllr Page – Ward Member (objection to this application)

I must object in the strongest terms to any further expansion of the Mere Lane site.

Government guidance states that travellers site must be subservient by size to the surrounding area. This site and additional provisions in the area are percentage-wise at an unreasonable level and it is not acceptable anymore.

This application is against policy and the Harborough District Local plan as required provision have been met.

There is no further required and identified need in the plan period and beyond.

4.5 ***Ullesthorpe Parish Council (Object to the application)***

1. Over-intensification of the Site:

The site has already met the provision required in the Local Plan, the creation of additional plots on this site is over-intensification of an already large site. Harborough District Council has a 16.7 year supply of pitches, why is this level of cover required? With this level of pitches secured there is no requirement to grant permission for further pitches. Harborough District Council has acknowledged that it would be unable to resist traveller applications for other sites if they fulfilled planning requirements.

2. Conflict with the Local Plan:

The application conflict with the Policy H6 of the Local Plan which outline a requirement of 5 pitches in the plan period to 2031, this quota has already been met, therefore, any additional pitches are above and beyond the requirements of the Local Plan. Policy H6 also states that; the site is located within safe walking distance to a settlement and has access to a range of services including health and education provision. The site may be in walking distance of a settlement, Ullesthorpe, but it is not safe. The road to Ullesthorpe has a 60mph speed limit, there are no pavements and there are no streetlights, it is approximately a mile in distance.

Policy H6 also states that; the size reflects the scale of the nearest settlement, its local services and infrastructure. The Mere Lane site is a large site and does not reflect the scale of the nearest settlement, its local services and infrastructure. Further pitches on this site will further exacerbate the disproportion.

3. Assessment of Flood Risk

Section 12 of the planning application form asks if the proposal is within 20m of a watercourse (e.g., river, stream or beck). The applicant has answered No. The Parish Council would like to advise that there is a ditch that runs adjacent to the back of the application site, the ditch / watercourse feeds into the brook. There have been previous incidents of contamination in this ditch which have led to problems at the brook.

4. Visibility

The application form asks if the application site is visible from a public road, public footpath, bridleway or other public land. The applicant has answered No. The Parish Council would like to advise that there is a bridleway that runs adjacent to the rear of the application site.

5. Public Objections

There is a high volume of parishioner objections logged on the Planning Portal, most of which refer to law and order problems, there are historical and on-going tensions with anti-social behaviour. The parishioners of Ullesthorpe have a right to a protected and settled lifestyle.

Ullesthorpe Parish Council urges refusal of the application. However, if approval is granted, the application should be Personal to Mr Macready only i.e., not transferable to anybody else over time, and also in an attempt to preclude sub-letting to non-traveller occupancy.

4.6 ***Claybrooke Magna Parish Council. (Object to the application)***

Claybrooke Parva object to Planning Application reference 20/01783/FUL. Change of use of land from 1 traveller pitch and stables to the provision of 5 traveller pitches for extended family, Mere Meadows Mere Road Bitteswell Leicestershire LE17 4LH, on the following basis.

1. Residents of Claybrooke Parva and of the surrounding communities have in recent months registered with HDC Planning Department an exceptional number of over 600-objections in relation to yet another Gypsy / Traveller development planning application within the Lutterworth area (Wells Close Claybrooke Parva). Again, despite the public's overwhelming opposition, HDC Planning Department failed to give recognition to residents' concerns and recommended planning permission for the development. Is widely perceived by the public that HDC Planning Department operates a constant bias towards permitting or recommend the expansion of Gypsy / Traveller developments by continually approving Gypsy/ Traveller Planning Application where such application is in the Lutterworth area.

Most of the 600-plus residents' objections expressed genuine held concerns about fears and perceived fears of crime also anti-social behaviour being committed by members of the Gypsy & Traveller community in our local area. This Parish Council has previously identified to HDC Planning Department that such level of public objection constitutes a tangible Material Consideration of Public safety as defined with NPPF Section 70 of the 1990 Town and Country Planning Act this is a situation which continues to prevail.

Claybrooke Parva Parish Council confirms its objection in relation to Planning Application 20/01783/FUL based on the continuing Material Consideration of Public safety relating to ongoing unacceptable levels of Gypsy / Traveller crime and antisocial behaviour, particularly that associated with the Mere Lane Gypsy / Traveller site which remains a daily blight to residents lives and real hazard to public safety and property.

We refer HDC Planning Department to Leicestershire Police Lutterworth & Broughton Astley Newsletter Nr 22 for December 2020, in which the Police announce they have "Recovered two vehicles and 27 stolen catalytic converters while on patrol near Ullesthorpe". It has been admitted by Leicestershire Police that all these crimes relate to the Gypsy / Traveller site at Mere Lane. This is contemporaneous unequivocal evidence from our local Police force of the continuing unacceptable level of crimes being committed against residents of our settled community by members of the Mere Lane Gypsy / Traveller site. Not the hearsay or speculation HDC Planning Department all too often conveniently seek to rely on in dismissing residents' objections.

Regrettably HDC Planning Department has for too long adopted a convenient level of obtuseness when considering residents Planning objections expressing fears and concerns of Gypsy / Traveller crime also anti-social behaviour. This Parish Council has

more than once raised this issue of potential corporate negligence within HDC by HDC Claybrooke Parva Parish Council Planning Department continuing failure to protect public safety by what appears to be a covert strategy to 'kettle' Gypsy / Traveller sites (including expansion) within the Lutterworth area.

The inconvenient truth remains that decisions and or recommendations provided by HDC Planning Department when a Gypsy / Traveller Planning Application is involved within the Lutterworth area results in a failure to properly discharge the statutory duty to protect the public from the risk of crime, particularly those committed by the Gypsy / Traveller community.

2. Planning Application 20/01783/FUL is not in accordance with HDC Local Plan 2011 to 2031, specifically H6 section-1 HDC provision of Gypsy / Traveller permanent pitches (5Nr) which has already been met. There is no requirement to exceed the Local Plan quota, particularly where an indisputable case of increase risk to public safety and property exists.

3. Planning Application 20/01783/FUL is not in accordance with HDC Local Plan 2011 to 2031, specifically H6 section-5 b. "the site is located within safe walking distance to a settlement and has access to a range of services including health and education provision;" It is already a contested issue that the Mere Lane Gypsy / Traveller site fails to meet this condition, there is no public footpath to the nearest village Ullesthorpe on either verge, nor any street lighting along a 60-mile per hour stretch of single carriage way, a distance of 1-mile to the village services (School, Stores, Bus-stop etc).

4. Planning Application 20/01783/FUL is not in accordance with HDC Local Plan 2011 to 2031, specifically H6 section-5 c, "c. the size reflects the scale of the nearest settlement, its local services and infrastructure The size of the Mere Lane site is already an inappropriate scale to the Village of Ullesthorpe and the infrastructure, no further increase in pitch numbers should be permitted.

5. Planning Application 20/01783/FUL is not in accordance with HDC Local Plan 2011 to 2031, specifically H6 section 5-f. The site conforms to current good practice design guidelines – it does not. Item 2.17 of The Gypsy, Traveller and Travelling Show People Site Identification Report (July 2017) Government Guidelines state "experience of site managers and residents alike suggest a maximum of 15 pitches is conducive to providing a comfortable environment which is easy to manage". Mere Lane site already far exceeds the recommended 15-pitches, which HDC have over a protracted period shamelessly allowed this site to develop and grow and become the public nuisance it is today. This application for yet another increase of the Mere Lane site should be refused.

It is the requirement of the residents of Claybrooke Parva that HDC Planning Department refuse this application or where necessary any recommendation to HDC Planning Committee that Planning Application 20/01783/FUL is for a refused.

4.7 LCC Travellers Sites and Liaison Officer (no objection)

General Information

Planning permission was originally sought and granted in 2009 and this current application is only to provide further accommodation for the sons of the applicant who currently reside on the site. The applicant has four sons, and, in time, these sons will wish to marry and start families of their own. The land has been in the ownership of the applicant for many years and there are strong local ties with the area.

The new pitches will be occupied, as previously stated, by the sons who all live at home with their parents. Should planning permission be obtained for this small family site it would allow them to marry and have their own families on a site that would provide all the health and welfare benefits that having a stable and secure home would, in the future, give to children living on the site.

The families that will live on this site are Romany Gypsy/Travellers by birth, culture and descent, having been born and brought up in the traditional Gypsy way of life and satisfy the definition of a Gypsy and Traveller for the purpose of Annex 1 Planning Policy for Travellers Sites (2015).

The Family is well known to officers from MATU who have evidence of lifestyle and work patterns that would confirm their ethnicity.

National Policy and Guidance

Planning Policy for Traveller Sites (2015)

This guidance came into effect in August 2015 and should be read in conjunction with the National Planning Policy Framework (NPPF) (2019).

This guidance provides planning advice and key points from the document are:

- that local planning authorities should make their own assessment of need for the purposes of planning
- to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- to encourage local planning authorities to plan for sites over a reasonable timescale
- to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
- to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- to reduce tensions between settled and traveller communities in plan-making and planning decisions
- to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure

Policy H of the guidance (in paragraph 24) states that local planning authorities should consider a number of issues amongst other relevant matters when considering planning applications for traveller sites. These issues are considered below:

- a) the existing level of local provision and need for the site.

The most recent GTAA for Harborough is contained within the Leicester City and Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, published in March 2017. This assessment came about, partially in response to the changed definition of 'Traveller' included with the updated PPTS (August 2015).

This GTAA identified that in Harborough District there were 7 Gypsy or Traveller households that meet the planning definition, 52 unknown households that may meet the new planning definition and 11 households that do not meet the planning definition.

Based on this household information the GTAA identified a need for 6 additional pitches for households that meet the planning definition and an additional 37 residential pitches for other new households arising from within the existing gypsy and traveller families living in Harborough District.

The LPA have confirmed that it currently has an unmet need for the provision of gypsy and traveller sites in the District.

b) the availability (or lack) of alternative accommodation for the applicant's.

The Aston Firs Caravan Site, which is located in the Borough of Blaby, is owned and managed by Leicestershire County Council and provides accommodation for Gypsies and Travellers, is at capacity. In addition, there are a number of families living on this site that have grown up children who would like to start their own families with nowhere to move to.

Paragraph 26 of Planning Policy for Traveller Sites (2015) requires local planning authorities to attach weight to the following matters:-

- effective use of previously developed (brownfield), untidy or derelict land
- sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- not enclosing the site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

Paragraph 27 of Planning Policy for Traveller Sites (2015) states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, then this should be a significant material consideration in any subsequent planning decision.

Harborough District Council is unable to demonstrate a five year supply of deliverable land for gypsy and traveller sites, which is a national requirement.

The lack of a five year land supply is a matter that should attract significant weight in favour of a grant of planning permission

4.8 ***LCC Highways (no objection)***

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) understands the applicant is seeking full planning permission for the change of use of existing land to use as a residential caravan site for 5 traveller pitches at Mere Meadows Mere Road Bitteswell.

Site Access

The proposed development is to the rear of the site and would use an existing access to join the public highway at Mere Road, which is a C classified road subject to a 50 mph speed limit. Considering the existing use and the previous permissions granted

on this site, the LHA has no objection to the site access being used for the proposed development.

Highway Safety

The LHA has reviewed personal injury collision data for the previous five years between 1 September 2015 to 31 August 2020.

There has been two recorded collisions within 200m either side of this location within the last five years. One of these collisions were classified as "slight" and the other was "serious". Both of them occurred in 2016 at the Mere Lane / Lutterworth Road junction.

The LHA does not consider that there are any patterns of PICs on the local highway network that would be exacerbated by the development proposals.

Internal Layout

Whilst the proposed parking spaces are not shown on the site layout plan, the applicant has indicated on the application form the total provision of 5 car spaces and 5 light goods vehicle/public carrier vehicle spaces for the proposed development. This provision is considered acceptable.

Condition

1. The development hereby permitted shall not be occupied until such time as off street car parking provision (with turning facilities) has been provided, hard surfaced on the basis of two spaces per pitch. 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).

4.9 ***Leicestershire County Council – Ecology (No objection)***

No objections.

It appears from the plans that the existing grazing land is proposed for hard-standing to locate 2/3 caravans and the other 2/3 caravans will be located on the existing hard-standing?

There should be a minimum 5 metre buffer between the existing hedgerow and the proposed caravans. This buffer should not be hard-standing.

4.10 ***Leicestershire Police Designing out Crime Officer (no formal objection to the application)***

I am writing to you in my capacity as the Leicestershire Police Designing out Crime Officer (DOCO). Leicestershire Police have no formal objections in principle to the application however we would like to make the following observations.

In respect to the Change of use of land to use as residential caravan site for 5 traveller pitches. At Land Mere Meadows, Mere Road, Bitteswell, Leicestershire.

I have visited the site which is located at Mere Road with a single vehicle entry point leading into the site at the southern edge. The roadway leads to a hammerhead turning point with the five proposed pitches on all sides. There are no permeability

issues due to the single vehicle entry point from the vehicle access. Vehicle parking will be in curtilage to the plots allowing good natural observation by residents.

Appropriate lighting to BS5489 at the entry point is recommended as well as across the site. Consideration of CCTV to cover the vehicle entry point is recommended and appropriate data signage in support of this in the event of installation.

Foliage at ground level to the front is recommended to be to 1m with trees trimmed to have no foliage lower than 2m. This will allow a 1m field of vision. Perimeter enclosure to the front is recommended to be 1.2m high with rear enclosure to be 1.8m high in a material in keeping with the development. Wheelie bins and Cycle storage are recommended to be secured at near to the Caravans.

General Recommendations

Door sets will be to PAS 24 (2016), which is now included in building regulations for doors and windows. There are other considerations such as BS 6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems. Consideration should be made to identify the most appropriate option for this site. Dwellings are recommended to have an Alarm System to BS7958, but there are other options on the Secured by Design portal which include BS6799 in relation to wire free alarm systems. Also BS EN 50131 and PD 6662 in relation to wired systems. I also recommend consideration of Secured by Design accreditation as a deterrent to potential offenders and to provide effective security for residents.

1. Street lighting columns to BS 5489 are recommended.
2. Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.
3. Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act.
4. Lampposts at vehicle entry points recommended to have electrical spur to allow power supply for CCTV. (Section 38 Agreement Recommended)
5. Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.
6. Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access.
7. Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.
8. Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.
9. Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable.
10. Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss.

4.11 ***HDC Environmental Health***

No comments

4.12 ***HDC Planning Policy Position***

The Local Plan was adopted in 2019 and as such the policies within it can be given full weight. Policy H6 Gypsy, Traveller and Travelling Showpeople accommodation deals specifically with the issue of housing for these groups.

The policy is made up of various sections. Section number one sets out the need for new Gypsy and Traveller residential pitches in Harborough as identified through the GTAA. Section two identifies the sites allocated in the plan to meet this need, and section four protects existing Gypsy and Traveller sites from development for non-Gypsy and Traveller use. It should be noted that the identified need is a minimum (not maximum number) and the adopted Local Plan allocations will meet all the identified need over the whole plan period (to 2031).

The fifth section sets out the criteria by which any application for a new (unallocated site) or extension to an existing site should be assessed and is therefore the section of the policy relevant to this application. This application should therefore be assessed against criterion 5a- 5g of the policy.

With regards the comments from Cllr Page, the AMR 2018/19 https://www.harborough.gov.uk/downloads/download/1409/authority_monitoring_report_201819 showed that we had met all of the need over the plan period, so technically we have 16.67 years supply i.e. the whole plan period has been planned for. However, as previously mentioned the need that has been planned for is a minimum number as identified in the GTAA. The adopted Local Plan also includes within the policy H6 criteria 5 a-g which would be used to determine any applications for the provision for further new sites and extensions to existing ones.

So whilst it is correct to say HDC have currently met the identified need for Gypsy and Traveller pitches within the plan period, this is a separate issue for considering the merits of an extension to a current site.

Para 5.11.7 of the adopted Local Plan explains how the needs of 'unknown' Gypsy and Travelers were estimated where existing occupants were not able to be interviewed as part of the GTAA and recognises there is likely to be future household formation from those that meet the PPTS definition. We would therefore need to consider any evidence about this matter on its merits.

b) Local Community

- 4.13 This application has generated a high level of representations from the local community. To date, 167 objections have been received with 2 neutral comments.

It is impractical to copy all the objections verbatim and therefore a summary of the key points/concerns raised (in no order), are listed below:

- Lack of consideration re littering in the area caused by the existing traveller site
- The site already attracts frequent police presence
- To promote any more planning on this site is unfair and intolerable
- There is already more than required traveller accommodation in the area
- The site is already having a huge impact within the community and police resources and should therefore not be extended
- Residents of the Mere Lane site cause a huge problem in the local town which has barely any police presence

- Object to more traveller sites being built in the area
- The site is big enough already, more caravans means more crime and anti-social behaviour
- Proposal means a reduction of land for grazing
- Lutterworth and surrounding villages unable to cope with more sites
- No evidence of need. Existing pitches on site are rented out to non-travellers
- Another location for new pitches would be preferable
- Concentrating more pitches on this site makes it harder for the law to be enforced by the police
- HDC has met its quota for the provision of G&T pitches as outlined in the Local Plan to 2031, therefore the application should be refused
- The application contravenes policy H6, section 5 of the Local Plan
- Allowing the application would be a direct contravention of HDC's safeguarding duties
- Traveller sites need to be spread more evenly across the district, unfair to add to the existing very real problem in Mere Lane
- Further expansion of the already over-developed Mere Lane site will raise questions around the ability of HDC's enforcement team and police to "police and protect" the public
- Material considerations relating to this application should include crime rates and fear in the local community
- There is already a lack of local amenities in the area, adding more pitches makes the problem worse

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 'Achieving Sustainable Development' of the Local Plan states that when considering proposals for development the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).
- 5.3 Policy GD5 'Landscape Character' of the Local Plan states that development should be located and designed to be sensitive to its landscape setting and character. The explanation to GD5 ensures that development proposals do not result in unacceptable harm to the landscape.
- 5.4 Policy GD8 'Good Design in Development' also needs to be considered. This states that development needs to achieve a high standard of design and is subject to certain criteria being met. Policy GD8d specifically states that development should respect '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'.
- 5.5 Policy H6 'Gypsy, Traveller and Travelling Showpeople accommodation' is referred to in detail in section 4.12. of this report. Importantly policy H6 states that the identified need is a **minimum (not maximum number)** and that the adopted Local Plan allocations will meet all the identified need over the whole plan period (to 2031).

Criterion 5a – 5g sets out the criteria by which any application for a new (unallocated site) or extension to an existing site should be assessed and is therefore the section of the policy relevant to this application.

b) Material Planning Considerations

- *National Planning Policy Framework (NPPF) and National Planning Policy for Traveller Sites (PPTS)2015*

5.6 National planning policy for traveller sites is set out in PPTS (2015) which should be read in conjunction with the NPPF. The Government's overarching aim is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life of travellers, while respecting the interests of the settled community. PPTS paragraph 24 states that local planning authorities should consider the existing level of local provision and need for sites, the availability (or lack) of alternative accommodation for applicants and the **personal circumstances of the applicant**.

6. Assessment

a) Principle of Development

- 6.1 The principle of this development is assessed through Policy GD1, GD5, GD8 and H6 of the Harborough Local Plan together with the NPPF and PPTS (2015).
- 6.2 The NPPF indicates that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing development proposals planning authorities should apply the presumption in favour of sustainable development (Local Plan Policy GD1). PPTS sets out a number of "relevant matters" which planning authorities should consider in assessing applications for traveller sites which include; the existing level of local provision and need for sites, the availability (or lack) of alternative accommodation for applicants, **the personal circumstances of the applicant**, that the locally specific criteria used to guide the allocation of sites in plans should be used to assess applications that may come forward on unallocated sites, and that applications should be determined from any travellers, not just those with local connections (Accords with Local Plan Policy H6).
- 6.3 Planning permission for the existing pitch was granted to the current applicant by virtue of the 2009 decision. This current application is to provide further accommodation for the applicants extended family who currently reside on the site (applicants 4 sons). The land has been in the ownership of the applicant for many years and there are strong local ties with the area. The existing dayroom and shower/toilet block already sited on the land will be shared with the proposed new pitches which authenticates the applicant's case that the pitches are for his extended family.

The LCC Travellers sites and liaison officer confirms that the families that will live on this site are Romany Gypsy/Travellers by birth, culture and descent, having been born and brought up in the traditional Gypsy way of life and therefore satisfy the definition of a Gypsy and Traveller for the purpose of Annex 1 of the PPTS. As referred to previously, the applicant has resided on site since 2009.

c) Technical Considerations

1. Scale, appearance, and landscaping

- 6.4 The application site is contained within the Mere Farm Traveller Site complex. As such there would-be minimal impact on the area in general and therefore accords with policy GD5. Some soft landscaping is shown around the edge, with a buffer between the pitches and the agricultural land beyond. The site will be predominantly hardstanding as is typical of a Gypsy/Traveller pitch.
- 6.5 The application site does not have any formal landscape designation and is not located within a green wedge or area of separation.
- 6.6 Policy GD8 states that development needs to achieve a high standard of design and is subject to certain criteria being met. Policy GD8d specifically states that development should respect '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'. As referred to above, the proposed development is contained within the existing Gypsy/Traveller complex and as such would integrate well within its local environment.
- 6.7 As such the proposals are not considered to be contrary to national and local plan policy, and therefore the proposed development is considered acceptable.

2. Drainage

- 6.8 As the site is located within flood zone 1 no drainage strategy is required for the application.

3. Ecology

- 6.9 There has been no ecology objections.

4. Highways

- 6.10 There are no highway objections since the proposal will use the existing access from Mere Lane that serves the entire complex.

5. Residential Amenity

- 6.11 The application site is well screened from existing residential uses which are some distance away. Of close proximity are clearly adjoining pitches but these are well spaced from the application site. The application is therefore considered acceptable to residential amenity in this regard.

6. Heritage

- 6.12 The site is not sited within a conservation area, and there are no heritage assets in close proximity to the application site.

7. The Planning Balance / Conclusion

- 7.1 Overall it is considered that the proposed pitches, by virtue of their siting, appearance, and scale would be acceptable development, would not adversely affect local highway safety or give rise to a road safety hazard or have a detrimental effect upon, neighbouring amenities, green infrastructure or ecological interests. The proposal would allow for an existing established Gypsy/Traveller family to remain on site and provide sufficient accommodation for their extended family.
- 7.2 The proposal is therefore considered to accord with the Harborough Local Plan Policies GD1, GD5, GD8 and H6 and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account the PPTS (2015) read in conjunction with the NPPF.

Annexe A – Planning Conditions

8. Planning Conditions

8.1

1) **Planning Permission Commencement**

The development hereby permitted shall be begun before the expiration of three years from the date of permission.

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

2) **Pitch Provision**

There shall be no more than 5 pitches on the application site and on each of the 4 new pitches hereby approved no more than 1 mobile home shall be stationed at any time.

REASON: To ensure that the use remains compatible with, and does not result in any undue detrimental harm to, the surrounding countryside and highway network and to ensure compliance with Local Plan Policies GD5 and GD8

3) **Commercial Activity**

No commercial activities shall take place on the land, including the storage of materials.

REASON: To ensure that the use remains compatible with, and does not result in any undue detrimental harm to, the surrounding countryside and highway network and to ensure compliance with Local Plan Policies GD5 and GD8

4) **Gypsy and Traveller Restriction**

This site shall not be used by any persons other than Gypsies and Travellers (see Annex 1 Glossary of Planning policy for traveller sites, DCLG August 2015). The site lies in an area within which the District Planning Authority would not normally grant permission for residential development. This permission is therefore granted only because of the need of the applicant and the premises should accordingly only be occupied by a person who is recognised as a Gypsy and Traveller and to ensure compliance with Local Plan Policy H6 and the Planning Policy for Travellers Sites definition.

REASON: The site lies in an area within which the District Planning Authority would not normally grant permission for residential development

Notes to applicant:

1. All caravan and mobile home sites are required to obtain a Site Licence under the provisions of the Caravan Sites and Control of Development Act 1960. For further information, please refer to the council's website <https://www.harborough.gov.uk/caravan-site> or alternatively please contact the Environment Team environmentteam@harborough.gov.uk

Planning Committee Report

Applicant: John Palmer

Application Ref: 20/00770/FUL

Location: Fisher German, 40 High Street, Market Harborough

Proposal: Conversion of offices to 21 dwellings and erection of a rear extension

Application Validated: 01/06//2021

Target Date: 31/08/2020 (extension of time agreed)

Consultation Expiry Date: 08/07/2021

Site Visit Date: 09/06/2020 and 04/08/2020

Reason for Committee decision: The recommended decision would conflict with some policies of the Harborough Local Plan as the application is recommended for approval despite lacking affordable housing and financial contributions towards infrastructure.

Recommendation

Planning Permission is **APPROVED** for the reasons set out in the report, subject to the completion of a Section 106 obligation of a viability review mechanism to secure contributions mitigating development impacts in the event the development benefits from a favourable change in viability not currently identified, and subject to the Planning Conditions outlined in Appendix B of this report.

1. Site & Surroundings

- 1.1 The application site relates to the Fisher German office buildings located to the north-western end of Market Harborough town centre. The existing offices are comprised of two, grade II listed buildings (39 and 40-40A High Street) located in the Market Harborough Conservation Area and close to a number of other listed buildings notably the adjacent Angel Hotel, which is also grade II listed. The buildings, which currently form a single, large unit, are thought to date from at least the 18th century however are likely to contain older cores.



- 1.2 The office buildings are to the northeast of the site fronting High Street, with some later additions to the rear. The land to the rear of the buildings is used as a carpark for staff and visitors and the rear is bounded by brick boundary walls to the northwest, southwest and south. To the rear of the carpark is 'The Mews', a seven dwelling development constructed in ~2016. There are a number of trees along the site access and to the west and northwest boundaries.





Figure 3. Rear elevation

- 1.3 Vehicular access to the site is via an entrance off Fairfield Road to the West. There is also a vehicular access from High Street located under No.40A, although it is understood to be used very limitedly.

2. Site History

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

- 02/00071/LBC and 20/00771/LBC- Erection of first floor extension above existing to rear of building (APPROVED)
- 07/00243/LBC- Internal alterations (APPROVED)
- 14/00371/LBC- Installation of an air conditioning unit in the main meeting room with an external unit to be attached to the rear elevation of the building (APPROVED)
- 14/00897/LBC and 14/00898/ADV- Installation of replacement non-illuminated signs (APPROVED)
- 20/00771/LBC- Conversion of offices to 21 dwellings and erection of rear extension (APPROVED)

Several tree applications including:

- 20/01391/TCA- Works to tree (fell) (APPROVED)
- 21/00950/DDD- Dead, dying diseased trees (fell) (APPROVED)

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal seeks to change the use of the existing building from offices to residential including internal alterations to create 11 one/two bed apartments. Alongside the erection of a two-storey extension to the rear and two detached buildings forming a mews style development of a further 10 new dwellings, the new build elements would entail the partial demolition of previous rear extensions. A total of 21 dwellings would

be created. The works requiring listed building consent have been approved under application 20/00771/LBC.

- 3.2 In total the proposal would create nine, one bed dwellings and twelve, two bed dwellings (six of the units would be dwellings, the others would be apartments)
- 3.3 The conversion of the office space largely utilises the existing floorplan with historic openings being reused. There are some internal alterations such as partition walls and new openings and a new staircase to proposed flat 5 for which listed building consent has been permitted.
- 3.4 The new build elements to the rear are proposed to be modern in design and would be read as three separate, two storey elements -one attached to the existing building and two detached. The new build elements are concentrated to the centre and south-eastern areas of the plot, with parking to the northwest.
- 3.5 The architect states that the design has been influenced by the surrounding Georgian and Regency buildings. They are traditional in form with pitched roofs and Georgian proportioned openings yet have elements of contemporary design including the palette of external materials (facing brickwork, blue/grey slates and blackened timber cladding), detailing and fenestration. The landscaping includes both shared and private space, a landscape courtyard forms a central focal point to the development.
- 3.6 The proposal utilises the existing vehicular access off Fairfield Road. The access from High Street would be closed for vehicles but would instead be a pedestrian and cycle parking access point for residents only. The proposal includes 20 vehicle spaces and 21 cycle spaces.



Figure 4. Proposed site plan



Figure 5. Selection of proposed elevation plans



Figure 6. Proposed ground floor plan

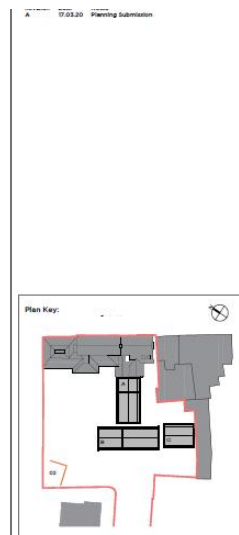


Figure 7. Proposed visual (facing east across the rear of the site)

b) Documents submitted

i. Plans

3.7 The application has been accompanied by the following plans –

- Proposed roof plan
- Proposed site plan
- Proposed ground, first and second floor plans
- Proposed elevations
- Existing elevations
- Existing roof plan
- Existing ground, first and second floor plans
- Site location

ii. Supporting Information

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

- Design and access statement
- Financial viability statement
- SUDS Strategy report
- Tree survey and constraints plan
- Proposed views
- Ecology survey

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

3.9 Amendments were made in October 2020. The amendments included alterations to the proposed floor plans and additional justifications for the works proposed to the listed building. The floor plans were amended and the changes are summarised as:

- The removal of the ground floor WC from the ground floor room.
- The removal of a separate lobby and separating wall between the lounge and kitchen /sitting area.
- The repositioning of the stair within the room to protect the wall and ceiling junction and central primary beam.

- The change to the first-floor partitioning to accommodate the change to the stair position.

d) Pre-application Engagement

- 3.10 Pre-application advice was sought in 2019 (PREAPP/19/00208). In summary, officers advised:
- The principle of conversion/extensions to form residential accommodation was likely to accord with the HLP.
 - In the absence of existing floor plans and greater detail within the Heritage Impact Assessment it was difficult to ascertain the detailed extent of the subdivision and internal alterations that may occur as a result of the proposal. Subdivision of rooms within the property should be kept to a minimum, existing openings/doorways and internal architectural features such as cornicing should be retained where possible. Any loss of internal walls, subdivision of rooms, alteration to floor levels and internal features should be outlined and explained within a heritage statement as part of any subsequent application.
 - Based on the submitted plans the proposed extensions are unlikely to be acceptable, as the scale and siting would harm the setting of the Listed buildings. Officers suggested that the proposal was reduced in scale
- 3.11 The plans submitted as part of the current application differ from those reviewed as part of the pre-application, in particular the height of the extensions/new builds have been reduced from three to two storeys and the siting has been amended.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out for the application, this occurred on 4th June 2020, with subsequent re-consultations occurring at later dates. A site notice was displayed on the 9th June 2020 and a press notice displayed on the 11th June 2020. The consultation period expired on 2nd July 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.

a) Statutory & Non-Statutory Consultees

- 4.3 **Anglian Water:**
Wastewater Treatment:
The foul drainage from this development is in the catchment of Market Harborough Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
- Used Water Network:*
The sewerage system at present has available capacity for these flows via a gravity connection to the public foul sewer. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal:

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval

Various notes and a condition were recommended (see Appendix A)

4.4 Councillor Fosker

1. The nature of the site and layout suggests there may be insufficient parking for the new residents. As it seems there will be access from Fairfield road, it would be natural to assume this is where the over-flow will park. This will not be acceptable to the residents of Fairfield Road, as they already struggle with inconsiderate parking that blocks the cycle lane along the length of the road.

2. The rear access intersects Fairfield Road at a point known locally for issues with speeding, which has resulted in collisions on several occasions. Adding further traffic at this location will increase the danger here, very close to the entrance to a school.

4.5 Market Harborough Civic Society:

1 The Market Harborough Civic Society OBJECTS to the proposals for development contained in the above applications. The conversion of the historic buildings at 39, 40 and 40a to residential is accepted in principle but it is the 10 new units at the rear which are not acceptable. The frontage buildings were originally built as houses and there has been little change in their appearance. However, the houses had long back gardens. The Council has already allowed this open space to be eroded with the construction of a block of houses near to Fairfield Rd. The current proposal will erode the majority of the grounds that remain. Trees within the site are to be felled. We feel that this will be seriously detrimental to the listed buildings and the conservation area.

2 Of the 21 units of accommodation to be created, 12 have two bedrooms. Apart from very small gardens for 5 units there is a very small amenity area for the rest. There is no privacy in this area. Covid 19 has demonstrated the need for adequate amenity space to be provided with residential units.

3 The Council is committed to allowing sustainable development. Covid 19 is not yet over and planning should take account of future out breaks. This development is not sustainable.

4 We are aware that some out buildings at the rear are to be demolished. Any new development should be restricted to an equivalent ground floor space.

5 If any new building is to go ahead we see no reason why facing brick to match the red/brown of Market Harborough is not stipulated. We do not feel that the materials proposed are acceptable.

4.6 HDC Waste Team

No comments from our team

4.7 **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 outlined in this report.

Advice to Local Planning Authority

This proposal is for a change of use from offices to 21 dwellings in Market Harborough. An existing point of access off Fairfield Road, which is C classified and subject to a 30mph speed limit, will serve the site. No amendments to this access are proposed, and the LHA is satisfied that the access is suitably designed to accommodate the development trips. Officer comment : parts of Fairfield Road have 20mph signage.

A second, existing point of access onto High Street will be amended to prevent its use by vehicles, but will remain available for continued pedestrian and cycle use.

There has been one recorded personal injury collision in the vicinity of the site access onto Fairfield Road in the last five years, which was recorded as “slight” in its severity. The proposed on-site parking and turning provision detailed on drawing no. 1574 P08 Rev. A is in general accordance with Leicestershire Highway Design Guide standards given the site’s proximity to the town centre and public transport links. The provision of secure, covered cycle storage facilities is welcomed.

Conditions recommended – see Appendix A

4.8 **Historic England**

Thank you for your letters of 4 June 2020 regarding the above applications for listed building consent and planning permission. We refer you to the following published advice which you may find helpful in determining the applications.

With regard to assessing impacts of the proposed development on the Grade I listed Church of St Dionysius and the Grade II listed Manor House buildings, we refer you to ‘The Setting of Heritage Assets’, Historic Environment Good Practice Advice in Planning: 3 (2nd edition, December 2017). This is available to download at: <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritageassets/>*

With regard to the proposed works to the Grade II listed 40 High Street, we refer you to ‘Managing Significance in Decision-Taking in the Historic Environment’, Historic Environment Good Practice Advice in Planning: 2 (2nd edition, July 2015). This is available to download at:

<https://historicengland.org.uk/imagesbooks/publications/gpa2-managing-significance-in-decision-taking/>

We also suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on these applications again, unless there are material changes to the proposals.

4.9 **Lead Local Flood Authority**

Final comments:

A revised SuDS Strategy Report (ref: CO20/098/04, JMS Engineers, Revision A, dated 26th June) has been provided in response to the LLFA's previous comments on the application.

Within this, it is stated the finished floor level of the existing building is circa 500mm above the carriageway levels to the front of the development and alongside this, the report states surface water flood risk classification immediately to the front is classified as low and therefore the flood risk to the development is very low.

Revised calculations have also been provided in support of the proposed drainage strategy. Minor amendments have been made to some parameters including Simulation Analysis Options. The results of this indicates a reduced volume of flooding occurring during the 1 in the 1 in 100 year event plus 40% climate change. Leicestershire County Council as the LLFA advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA and we advise the following planning conditions be attached to any permission granted.

Conditions recommended – see Appendix A

4.10 LCC Developer Contributions:

Civic Amenities:

The ability to influence behaviour patterns from the start or early stages of a development is critical in successfully establishing sustainable waste behaviour by new residents, employees or visitors to those sites. Key methods of doing this include the provision of up-to-date information through Waste Minimisation Packs, to inform what local available services are available in the surrounding area and what incentives may be available as inducements to influence waste prevention and recycling behaviour. To mitigate against the impacts of the development and reduce waste arising from the development, a planning condition below is recommended requiring the submission of waste minimisation packs.

The County Council's Waste Management Team considers the proposed development is of a scale, type and size which would not be able to be accommodated at the existing waste facilities and be able to maintain the existing service levels. As such a developer contribution of £1681.00 is required (to the nearest pound).

Libraries:

Post code analysis using 2015 mid-year population estimates demonstrates that the catchment population for Market Harborough library is 28,325. It is estimated that the proposed development will add 76 to the existing library's catchment population. This will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought to provide materials e.g. books, audio books, newspapers, periodicals for loan and reference use, and associated equipment or to reconfigure the library space to account for additional usage of the venue for residents to hold meetings, including book reading and activity sessions.

The proposed development on High Street is within 0.30km of Market Harborough Library on Adam and Eve Street, being the nearest local library facility which would serve the development site.

Therefore in order to provide the additional materials required to meet the needs of the increased population Leicestershire Library Services requires a contribution of £770(rounded up to the nearest £10).

Education:

The site falls within the catchment area of Market Harborough C of E Primary School. The School has a net capacity of 415 and 339 pupils are projected on the roll should this development proceed; a surplus of 76 pupil places. A total of 5 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be deducted. This increases the total surplus for this school to 81 pupil places, after taking into account the 4 pupils generated by this development. There are 6 other primary schools within a two mile walking distance of the development.

There is an overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 113 pupil places. An education contribution will therefore not be requested for this sector.

The site falls within the catchment area of Welland Park Academy. The Academy has a net capacity of 900 and 1178 pupils are projected on the roll should this development proceed; a deficit of 278 pupil places. There are currently no pupil places at this school being funded from S106 agreements for other developments in the area

There is one other school within a three mile walking distance of the development

There is an overall deficit in this sector of 291 pupil places. The 2 places generated by this development cannot therefore be accommodated at nearby schools and a claim for an education contribution of 2 pupil places in this sector is justified.

In order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of £35,823.50. Based on the table above, this is calculated the number of deficit places created by the development, rounded to 2 decimal places (2.00) multiplied by the DFE cost multiplier in the table above (£17,876) which equals £35,823.50.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Welland Park Academy or any other school within the locality of the development.

The nearest school to the site is The Robert Smyth Academy. The Academy has a net capacity of 280 and 323 pupils are projected on roll should this development proceed; a deficit of 43 pupil places. There are currently no pupil places at this school being funded from S106 agreements for other developments in this area. There are no other post 16 schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified.

In order to provide the additional post 16 school places anticipated by the proposed development, the County Council requests a contribution for the post 16 school sector of £7,653.49. Based on the table above, this is calculated the number of deficit places created by the development, rounded to 2 decimal places (0.40) multiplied by the DFE cost multiplier in the table above (£19,327) which equals £7,653.49.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at The Robert Smyth Academy or any other school within the locality of the development.

Total requirement: £43,477

4.11 NHS East Leicestershire and Rutland CCG

The development is proposing 21 dwellings which based on the average household size of 2.42 per dwelling (2001 Census) could result in an increased patient population of 51. This development would be covered by 2 general practices within the area. Both practices are likely to feel the impact of this development.

The contribution requested for this proposal is £4,626.90

4.12 HDC Parish and Community Facilities Officer

A contribution request has been made of £24,855 or £17,913. Potential projects are indicated in the response.

4.13 HDC Environment Team

Owing to the size and close proximity of residential and commercial premises, I recommend the following condition be attached to any approval granted. No development (including any site clearance/preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for approval in writing.

Conditions recommended – see Appendix A

4.14 HDC Affordable Housing Officer

40% (forty per cent) of the total number of Dwellings approved under the Planning Permission to be Affordable Housing Units, unless an alternative percentage and/or number of Affordable Housing Units is requested by the Council; on a proposal of **21** units our Affordable housing requirement will equate to **8 affordable units to be provided on site.**

*This is a constrained town centre location and in keeping with the unit types proposed which are **5x1bed flats and 6x2bed flats in the conversion and 4x1bed flats and 6x2bed flats as part of the new build**, Harborough will require the following mix of 8 units to be provided as affordable units :*

Unit Mix Requirement for 40 High St MH

1B Flat	1B House	2B Flat	1B Bungalow	2B Bungalow	2B House	3B House	4B House	5B House	Total
4 New build		4 New build							
									8

*The tenure mix of the Affordable Housing Units provided shall comprise of **50% (fifty per cent)** Rented Housing Units and **50% (fifty per cent)** Intermediate Housing Units (Shared Ownership) unless an alternative percentage and/or number of Affordable Housing Units is agreed or requested by the Council. The type and mix of the Affordable Housing Units, reflects local Affordable Housing need and each site is assessed independently.*

4.15 LCC Ecology

First Comments:

I do think bat surveys are needed, as the buildings are being demolished.

The area is close to a Swift Alert Area, where swifts have been known to nest in the recent past.

The new buildings are an ideal opportunity to install swift nest boxes or swift bricks. I recommend therefore the installation of two groups of three boxes/bricks in suitable locations; further guidance on this has been uploaded. This should be a planning condition.

Final Comments:

The Preliminary Roost Assessment report (Haslam Ecology, August 2020) is satisfactory. No bats were found and no further surveys are required. Reasonable

Avoidance Methods and lighting recommendations as specified in the report should be followed and made a condition of any planning permission granted.

Conditions recommended – see Appendix A

4.16 HDC Neighbourhood and Green Spaces Officer

Contributions requested

All POS to be provided on site, except Cemeteries and Burial Grounds contribution. Any off site contributions to be through negotiation of S106 with officers. If off site contributions are required this will either be for enhancement of existing facilities or provision of new facilities within the accessibility thresholds of the site for each typology. If more Open Space than the minimum provision for any typology is proposed by the developer, then commuted sums will be calculated on a pro rata basis.

4.17 University Hospitals of Leicester NHS Trust

University Hospitals of Leicester NHS Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare.

It is further demonstrated that this development will create potentially long term impact on the Trust ability provide services as required.

*S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount **£5,772.00** sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document.*

4.18 LCC Archaeology

The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies in an area of archaeological interest.

The application area lies within the historic settlement core of Market Harborough, (HER ref: MLE1959). Market Harborough dates to at least 1176/7 where it is first mentioned, and has expanded and changed ever since then.

The towns and villages of Leicestershire and the wider English Central Midlands, appear to have evolved alongside their open field systems, during the later 1st millennium AD. Buried archaeological evidence, constituting one or more as yet unidentified heritage asset(s) (National Planning Policy Framework (NPPF) Section 16, paragraph 189-190 and Annex 2), spanning the period from the earliest evolution of the village to its more recent past can be expected within the development area. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.

In accordance with the NPPF (Section 16, paragraph 199), the Local Planning Authority should require a developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance.

Conditions recommended – see Appendix A

4.19 **HDC Conservation Officer**

First Comments:

The application relate to two, grade II listed buildings located in the Market Harborough Conservation Area and close to a number of other listed buildings notably the adjacent Angel Hotel, which is grade II listed.

The buildings, which currently form a single, large unit, are thought to date from at least the 18th century however likely contain older cores and have been subject to more recent alterations.

It is proposed to convert the buildings into residential flats, while part of the rear projection would be demolished and a new range of freestanding flat blocks would be constructed.

Conversion of the main building:

The wider building has been re-used and adapted at many times during its history, it is understood the current office use commenced following a period of being used as a school. Before that it is likely formed two large houses.

Given the varied history of the building, its historic residential use and varied floorplan, I have no objections to the principle of the subdivision of the property into self-contained flats. For the most part historic entrances and walls are being re-used which is welcomed.

I do however have concerns over certain elements, which should be addressed.

Concerns with internal alterations have been addressed as part of 20/00771/LBC (see Final comments)

Flats at the rear:

With regards to the works at the rear. I accept that the portion of the building, which would be demolished is of low significance in context of the main asset and as such it can be removed without causing harm to the wider assets. The loss of the ironstone wall fragment is regrettable, however it is accepted that it is heavily altered and its context has been lost through alterations to the wider site and can be recorded however as part of the archaeological recording.

There land at the rear of the property is shown as a large garden on historic maps, something which sets it apart from most of its neighbours, which had extensive building ranges at the rear. This garden has long since been used a car park, while rear of the plot adjacent to Fairfield Road and adjacent plots have been developed for housing.

It is proposed to build three blocks of flats, one of which would be attached to the main building, one to the rear of this within the existing car park and a smaller one to the rear of the Angel Hotel. Part of the land would be used for vehicle storage with some sections set aside for landscaping for the flats. The buildings would be 2-storeys high and of a contemporary design

Notwithstanding the fact that historically this area was not developed, the character of the rear of the property is set by the car park as well as the development of surrounding plots. The rear elevation of 40 is of decorative interest and this would largely be left exposed as it is at present and with space at the rear to preserve its immediate setting.

The proposed blocks would lead to some enclosure of the land but not to the extent that it would harm the significance of the listed buildings, while none of the area is visible from public areas within the conservation area. As such I am satisfied that no

harm would be caused to the significance of the surrounding designated heritage assets.

I would however ask that materials and landscaping are controlled through a condition.

Final comments:

It is accepted that there will be some level of alteration necessary to accommodate the change of use of the property into flats and that much of the interior is already heavily altered and has an awkward layout.

The proposed layout would be harmful to the character of the building, primarily through the introduction of a large staircase through the existing boardroom, as noted in earlier comments. The applicant has since demonstrated an alternative layout, which would require only horizontal subdivision, however this would also be harmful to the character of the building through the need to introduce awkward subdivisions within existing spaces.

It is regrettable that it has not been possible to produce a scheme which avoids causing harm to the special character of the building, however given that this appears to be unavoidable, I am satisfied that this harm is, on balance, outweighed by the wider benefit of ensuring the building remains occupied and with a long-term viable use.

As such I have no further objection, however, would ask that a condition is attached requiring details of internal joinery to be agreed.

Conditions recommended – see Appendix A

b) Local Community

4.20 No objections received

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
- H2 Affordable housing
- H5 Housing density, mix and standards
- RT2 Town and local centres
- HC1 Built heritage
- GI2 Open space, sport and recreation
- GI5 Biodiversity and geodiversity

- CC1 Climate Change
- CC3 Managing flood risk
- CC4 Sustainable drainage
- IN1 Infrastructure provision
- 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
- National Planning Practice Guidance
- HDC Supplementary Planning Guidance
- Five Year Housing Land Supply Position Statement
- Planning Obligations SPD (Jan 17)
- Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
- Leicestershire Planning Obligations Policy
- Leicestershire Highways Design Guide

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' of the Harborough Local Plan (HLP) 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.
- 6.2 The site is located close the centre of Market Harborough which is identified as the sub-regional centre within Policy SS1 of the HLP. Market Harborough is relatively self-contained with a wide range of services, facilities, shops, employment opportunities and good public transport. As the site is within the town centre it is therefore deemed to be a highly sustainable location for housing. Policy GD2(1) of the HLP allows additional housing development within the existing built up areas of Market Harborough 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 developed land of low environmental value, and enhances its immediate setting.

Matters of design are discussed later in the report, but in principle the proposal complies with policies SS1 and GD2 of the HLP

6.3 The HLP policies map identifies that the application site is within the 'Town Centre' boundary. Paragraph 85 of the NPPF states that planning decisions should support the role of town centres, promote their long-term vitality and viability and allow them to grow. Decisions should allow a suitable mix of uses (including residential) and recognise that residential development often plays an important role in ensuring the vitality of centres. Policy RT2 of the HLP states that within the town centres of Market Harborough and Lutterworth, development proposals for main town centre uses and residential uses will be permitted providing their scale and design reflects the role, function, distinctive qualities and historic/architectural heritage of the town centre, therefore residential development is not prohibited in the town centre.

6.4 Policy RT2 also states that development that would harm the vitality and viability of the town centre will not be permitted. The proposal would result in the loss of office space within the town centre, the applicants have stated that:

'Although the subject property has provided office space for many years, the likely future value of a property such as this is likely to decline. It is dated, cellular and not appropriate for modern office practices.

Upgrading to modern standards is not economic in this location and future legislation regarding environmental standards, DDA etc. are likely to adversely impact the value. They also note the increasing number of local authorities that restrict or charge for business car parking and the accelerated change to office working practices both of which would also impact the existing use negatively.

The current tenants of the office have indicated that they do not wish to renew their lease when it expires in February 2022 and will move to a smaller edge of town modern office.'

Considering the above justification and fact that the office space would be replaced by residential use which is not prohibited in the town centre, the proposal is not considered likely to adversely harm the vitality and viability of the town centre. The proposal is therefore judged to comply with policy RT2 in principle.

Housing Mix

6.5 Policy H5 (Housing density, mix and standards) permits new housing development amongst other criteria, where it makes efficient use of land, while respecting the character of the surrounding area. The proposed density is considered to be appropriate given the town centre location.

6.6 H5(2) refers to housing mix and states that major housing developments should provide a mix of house types that is informed by up-to-date evidence of housing need. The Housing and Economic Development Needs Assessment (HEDNA) for the Leicester and Leicestershire Authorities sets out a suggested mix for market and affordable housing in Harborough. The proposed mix of dwellings proposes a mix different to the housing mix suggested in the (HEDNA), as shown below:

Market Housing Mix	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
HEDNA	0-10%	25-35%	35-45%	15-25%
Proposal	43%	57%	0%	0%

- 6.7 Whilst different to the HEDNA suggested mix, it is important to note that the mix set out in the HEDNA is only suggested and is suggested for sites across the District. This site is within a town centre where the needs may differ to village locations within the District for example. The proposal does put forward a large number of smaller units which may be suitable for smaller families, those wanting to downsize, furthermore, the ground floor units may be suitable for elderly/disabled people. Were the applicants to increase the number of larger units, this is likely to impact on the scale of the development which in turn may impact the heritage assets and this may also impact on the viability of the scheme.
- 6.8 The scheme put forwards is 100% market housing. As well as policy H5 requiring that the mix of house types is informed by local need, policy H2(1) normally requires 40% affordable housing on sites of more than 10 dwellings. The proposal does not meet this as such policy H2(5) is relevant. H2(5) states:
Proposals which do not meet the above policy requirements will be acceptable where it is demonstrated to the Councils satisfaction that a different level or mix of affordable housing is required to make the development viable and the approach contributes towards creating mixed and balanced communities.
- 6.9 The applicants have submitted a viability assessment to justify in their opinion the need for a 100% market housing scheme. This is discussed in detail in section (h) of the report.

b) Design and Visual Amenity

- 6.10 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. Policy GD8 of the HLP outlines that developments 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. Development should protect and enhance natural assets (including trees). Furthermore, policy GD5 of the HLP states that development should be located and designed in such a way that it is sensitive to a settlements distinctiveness.

Conversion of the office buildings

- 6.11 The wider building has been re-used and adapted at many times during its history, it is understood the current office use commenced following a period of being used as a school. Before that it likely formed two large houses. Given the varied history of the building, its historic residential use and varied floorplan, the Conservation officer raises no objections to the principle of the subdivision of the property into self-contained flats. For the most part historic entrances and walls are being re-used which is welcomed. Externally the existing openings are re-used and unaltered and with the exception of the rear extension few changes are proposed to the external appearance. The conversion proposals respect the local character and context of the site in accordance with policy GD8.

New build dwellings

- 6.12 With regards to the works at the rear, the proposal includes the demolition of parts of the existing building. The portion of the building, which would be demolished is of low

significance in context of the main asset and as such it can be removed without causing harm to the wider assets (this is discussed in more detail in Section 6.22)

- 6.13 The land at the rear of the property is shown as a large garden on historic maps, something which sets it apart from most of its neighbours, which had extensive building ranges at the rear. This garden has long since been used a car park, while the rear of the plot adjacent to Fairfield Road (The Mews) and adjacent plots have been developed for housing.
- 6.14 It is proposed to build three blocks of flats, one of which would be attached to the main building, one to the rear of this within the existing car park and a smaller one to the rear of the Angel Hotel. Part of the land would be used for parking with some sections set aside for landscaping for the flats. Notwithstanding the fact that historically this area was not developed, the character of the rear of the property is set by the car park as well as the development of surrounding plots. The new build dwellings would lead to some additional enclosure of the land, but not to the extent that it would harm the character of the area considering the surrounding developments. It is also noted that none of the area is visible from public areas reducing the impact of the proposals on the surrounding area.



Figure 8. Aerial CGI visual

- 6.15 The mass and form of the new build blocks are subordinate to the Listed buildings with the ridge line of the buildings set lower than the original buildings (Fig.5). The dwellings have a traditional form in terms of the pitched roofs and size of the openings which are designed to be Georgian in proportion. Yet overall, they have a contemporary design and appearance, owing to the materials, detailing and fenestration. The proposed use of red brick and slate materials are in keeping with the historic core of the Market Harborough, the modern materials such as blackened timber cladding and dark window frames will juxtapose the traditional surroundings yet are considered to be complementary to the site.



Figure 9. CGI visual facing south across the site

Landscaping

- 6.16 The application has been accompanied with a tree survey. Three category U trees have been identified (trees identified as being in such a condition that they cannot be retained as living trees in the *context* of the current land use for longer than 10 years). The removal of these trees has been granted under applications 21/00950/DDD and 20/01391/TCA. Given their limited potential for retention their loss would not be harmful to the overall character of the area. The proposal would also result in the loss of one other category B tree, but other tree surrounding the site boundary appear to be retained. Considering this, the loss of the additional tree will not adversely impact on the verdant character of the site. A condition is recommended requiring full details of the trees to be retained and for the submission of an arboricultural method statement to ensure the protection of the retained trees during development.
- 6.17 On the whole the existing, traditional brick walls surrounding the site are to be retained. New landscaping is proposed as a mixture of both private and shared amenity space. The 6 mews dwellings have private courtyard gardens to the rear. Whilst the surrounding properties would have access to a shared landscape courtyard in the centre of the development. These proposals are judged to be acceptable subject to final details - a condition is recommended requiring the submission of full landscaping details eg surfacing, boundary treatments, planting schemes.



Figure 10. CGI image of the proposed courtyard area

Impact on Heritage Assets

- 6.18 The application site is within the Conservation Area, Nos 39-40A are Grade II Listed as is the adjacent Angel Hotel and other surrounding properties along the High Street (in yellow on Fig.11). Development affecting heritage assets and their setting will be permitted where it protects, conserves or enhances the significance, character, appearance and setting of the asset. Should the proposed development lead to substantial harm to the significance of a heritage asset and/or its setting planning permission will not be granted unless the proposal meets the special requirements outlined in HC1 of the HLP. Where the proposed development would lead to less than substantial harm this will be weighed against the public benefits of the proposal. In areas of high heritage value such as sites within a Conservation Area development should respect the characteristics that make the place special and preserve or enhance the character or appearance of the area (Policy HC1).



Figure 11. Map showing the conservation area (pink) and listed buildings (yellow)

Conversion of the office buildings

- 6.19 As discussed previously Listed building consent has been approved for the alterations to Nos 39-40A (21/00771/LBC). As outlined in section 6.11, given the varied history of the building, its historic residential use and varied floorplan, the Conservation officer raises no objections to the principle of the subdivision of the property into self-contained flats.
- 6.20 Throughout application 21/00771/LBC concerns with specific elements have been raised and in part addressed through amendments or supporting information submitted (see Conservation Officer comments). The detail/proposals related to Flat 5 remained a key consideration as part of 21/00771/LBC. Flat 5 is proposed to be a duplex unit with a new stair inserted. This part of the building appears to be a historic extension, likely contemporaneous with the stairs and represents scale and ambition which demonstrates the importance of the property at that time and is a key part of the significance of the building. Amendments were sought and in part made including the retention of a more open plan layout at ground floor, however, a proposed staircase has been retained within the room. There has been much discussion regarding the staircase with the agent suggesting that a vertical subdivision (as proposed) would be less harmful than horizontal due to the convoluted layouts. The agent provided alternative layouts, which would require only horizontal subdivision, however the alternatives were considered to be harmful to the character of the building through the need to introduce awkward subdivisions within existing spaces.
- 6.21 The applicants have agreed that the proposed staircase would be a bespoke feature and full details of this would be required by condition as part of 21/00771/LBC.

However as outlined in the Conservation Officers comments the proposed layout would be harmful to the character of the building, primarily through the introduction of a large staircase through the existing boardroom. It is regrettable that it has not been possible to produce a scheme which avoids causing harm to the special character of the building, however given that this appears to be unavoidable, officers are satisfied that this harm is, on balance, outweighed by the wider benefit of ensuring the building remains occupied and with a long-term viable use. The Conservation Officer raised no further objection to the conversion of the offices subject to the conditions placed on application 21/00771/LBC.

New build dwellings

- 6.22 With regards to the works at the rear, the proposal includes the demolition of parts of the existing building. The portion of the building, which would be demolished is of low significance in context of the main asset and as such it can be removed without causing harm to the wider assets. The proposal includes loss of the ironstone wall fragment which is regrettable (Fig.12), however it is accepted that it is heavily altered and its context has been lost through alterations to the wider site and can be recorded as part of the archaeological recording.



Figure 12. Ironstone element to be removed

- 6.23 For the reasons outlined in section 6.14 and 6.15 officers are satisfied that the development of the land to the rear would not cause harm to the character of the Conservation Area nor the Listed assets in the vicinity. The rear elevation of 40 is of decorative interest (Fig.3) and this would largely be left exposed as it is at present and with space at the rear to preserve its immediate setting.
- 6.24 To conclude, for the reasons outlined above the proposal is considered to be inspired by and respect the character of the area, including the special character of the Conservation Area. The proposed internal layout would cause less than substantial harm to the significance of the listed building, primarily through the introduction of a large staircase through the existing boardroom (flat 5). However, officers are satisfied that this harm is, on balance, outweighed by the wider benefit of ensuring the building remains occupied and with a long-term viable use as residential units. The proposal therefore complies with policies GD5, GD8 and HC1 of the HLP. Planning conditions are recommended requiring the submission of landscaping and materials.

Furthermore, it is suggested that permitted development rights are removed relating to extensions and alterations to the proposed dwellings themselves, as well as within their curtilages, to ensure the LPA can consider the impact of such alterations/extensions on the character of the area and heritage assets.

c) Highways

- 6.25 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 HLP 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 development should provide safe access and parking arrangements and where possible protect or connect to existing pedestrian, cycle and equestrian routes.
- 6.26 LCC Highways department (LHA) have been consulted and have raised no objections. Vehicular and service access to the site will be from the existing entrance off Fairfield Road. The vehicular entrance from High Street will no longer be accessible to vehicles; this instead will be a pedestrian and cycle parking access point for residents only. The pedestrian entrances to the former offices along High Street will also be retained.
- 6.27 Fairfield Road, is C classified road and subject to a 30mph speed limit. There has been one recorded personal injury collision in the vicinity of the site access onto Fairfield Road in the last five years, which was recorded as “slight” in its severity. No amendments to this access are proposed, and the LHA is satisfied that the access is suitably designed to accommodate the development trips.
- 6.28 The proposal seeks to create 20 car parking spaces for a 21 dwelling development, therefore there would not be a parking space for each dwelling. This is considered to be acceptable given the sites proximity to the town centre, services and public transport links. The proposed on-site parking and turning provision is in general accordance with Leicestershire Highway Design Guide standards in terms of its scale and dimensions. It must also be borne in mind that the proposal provides for a secure, covered cycle storage facility which is welcomed and should encourage the use of bicycles. Conditions are recommended ensuring that the development is not occupied until the parking and turning facilities have been implemented.
- 6.29 Overall the impact on the highway network is not considered to be unacceptable, the proposal is considered (subject to conditions) to comply with LCC Standing Advice and policies GD8 and IN2 of the HLP.

d). Residential Amenity

- 6.30 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 of 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.

- 6.31 The residential amenity relationship between the dwellings proposed is acceptable with sufficient separation distances and outdoor residential amenity space for this town centre location.

Paddock Court

- 6.32 Nos 1-10 Paddock Court are located to the northwest of the application site. The closest window in the development would be within the converted office building and the separation distance is ~31m between the two buildings. The new build elements would be sited approximately 34m to the south, with the intervening trees retained. As such no adverse harm to the amenity of residents at Paddock Court is likely.



Figure 13. Site photo facing the boundary shared with The Paddocks

No. 5 and 6 The Mews

- 6.33 No. 5 and 6 The Mews are located to the east of the application site, the rear/side elevations of these properties overlook the application site. The separation distance between the converted buildings and No. 5 and 6 (45m) is sufficient to minimise overlooking. No.6 is sited further north than the proposed new build dwellings, the separation distance between the two buildings would be ~19.5m, whilst the separation distance between No.5 and the new build would be ~17.8m. Both No 5 and 6 have habitable room windows at ground and first floor which overlook the application site. However, no habitable room windows are proposed in the west elevation of the new builds closest to Nos 5 and 6 and therefore the separation distance is sufficient to minimise adverse overlooking, overdominance and loss of light. HDC SPG guidance is a separation distance of 14m between a window and blank elevation.



Figure 14. Site photo facing the rear/side elevation of The Mews (No 5 left and No 6 right)

Langton Court

- 6.34 Langton Court is sited on Fairfield Rd to the west of the application site, there would be a significant separation distance of ~40m between the new build elements and Langton Court. Therefore, the residential amenity impact would not be significant.

Angel Hotel

- 6.35 The Angel Hotel is sited to the northeast, east and southeast of the application site. The Angel Hotel has consent to change use to student boarding accommodation. There are no habitable room windows in elevation running along the south-eastern boundary of the site. The former function room forms the north-eastern boundary of the site and beyond this there are windows in the rear/southern elevation of The Angel. Most of these windows serve bathrooms, stores or corridors with the exception of two, bedroom windows at first floor and one bedroom window on the second floor.
- 6.36 The direct separation distance between the bedroom windows and the plots opposite the rear elevation of The Angel is ~22m which is satisfactory to mitigate adverse overlooking. There are also several plots to the side of The Angel which will be closer to the rear elevation, yet the angle of sight would be obscure enough to reduce overlooking. The separation distance is judged to be sufficient to also mitigate against adverse loss of light and overdominance.



Figure 15. South-east boundary of the site facing The Angel Hotel



Figure 16. Site photo facing north-east showing the rear elevation of The Angel Hotel

Noise and Disturbance

- 6.37 The proposed residential use of the site is unlikely to cause additional noise and disturbance to surrounding residents once occupied considering the site is currently quite a busy car parking area for the offices. It is unlikely that vehicle movements to the site via the Fairfield Rd access will cause additional adverse noise and disturbance

to surrounding residents beyond the existing use. However, given the constrained nature of the site and the nature of the surrounding highway a condition is recommended requiring the submission of a Construction Method Statement to protect residential amenity during construction of the development.

- 6.38 To conclude, due to the siting of the dwellings no other dwellings are likely to be adversely impacted by the proposal and the application is therefore considered to comply with policy GD8(e) of the HLP.

e) Flooding/Drainage

- 6.39 The application site is located in Flood Zone 1, as such there is a low probability of flooding in the area. Policy CC3 of the HLP states that development should take place within Flood Zone 1 wherever possible, as such the proposal complies with Policy CC3. Policy CC4 of the HLP refers to sustainable drainage, this requires all major development to incorporate sustainable drainage systems (SuDS).
- 6.40 The applicants have submitted a SuDS strategy which includes permeable paving, confinement systems and an attenuation tank which following revisions is judged to be acceptable by the Lead Local Flood Authority (LLFA) and Anglian Water subject to full details being required by condition (see Appendix A). Considering the above and that the LLFA conclude that flood risk to the development is very low the proposal is considered to comply with policies CC3 and CC4 of the HLP.

f) Ecology

- 6.41 Policy GI5 of the HLP states that developments will be permitted when there will be no adverse impact on the conservation of priority species, irreplaceable habitats, nationally designated or locally designated sites, unless in all cases, the need for, and benefits of, the development clearly outweigh the impacts. Developments should also contribute towards protecting and improving biodiversity through protecting and enhancing habitats and populations of priority species.
- 6.42 The existing building was identified as having some potential for bats and therefore a bat survey was requested and carried out. As outlined in the comments from LCC ecology the Preliminary Roost Assessment report (Haslam Ecology, August 2020) is satisfactory. No bats were found and no further surveys are required. Reasonable Avoidance Methods and lighting recommendations as specified in the report should be followed and made a condition of any planning permission granted.
- 6.43 The area is also close to a Swift Alert Area, where swifts have been known to nest in the recent past. As the new buildings are an ideal opportunity to install swift nest boxes or swift , a condition is recommended requiring the installation of two groups of three boxes/bricks in suitable locations.
- 6.44 Overall, the proposal 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) Archaeology

- 6.45 As outlined in the comments provided by LCC archaeology, the Leicestershire and Rutland Historic Environment Record (HER) notes the area is within an area of archaeological interest. The application area lies within the historic settlement core of Market Harborough, (HER ref: MLE1959). Market Harborough dates to at least 1176/7

where it is first mentioned, and has expanded and changed ever since then. The towns and villages of Leicestershire and the wider English Central Midlands, appear to have evolved alongside their open field systems, during the later 1st millennium AD. Buried archaeological evidence, constituting one or more as yet unidentified heritage asset(s) (National Planning Policy Framework (NPPF) Section 16, paragraph 189-190 and Annex 2), spanning the period from the earliest evolution of the village to its more recent past can be expected within the development area. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.

- 6.46 The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains. As a consequence, a condition is recommended requiring the applicant to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 199). In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and nonintrusive investigation and recording (see Appendix A). Subject to this condition the application complies with policy HC1 of the HLP.

h) Climate Change

- 6.47 As a major development policy CC1 is also relevant to this proposal. The policy states that development will be permitted where it demonstrates:
- a. how carbon emissions would be minimised through passive design measures;*
 - b. the extent to which it meets relevant best practice accreditation schemes to promote the improvement in environmental and energy efficiency performance;*
 - c. how the development would provide and utilise renewable energy technology;*
 - d. whether the building(s) would require cooling, and if so how this would be delivered without increasing carbon emissions;*
 - e. how existing buildings to be retained as part of the development are to be made more energy efficient;*
 - f. how demolition of existing buildings is justified in terms of optimisation of resources in comparison to their retention and re-use; and*
 - g. how carbon emissions during construction will be minimised.*
- 6.48 The applicants have responded to policy CC1 compliance stating:
- Vehicle charging points could be implemented in the car parking layout for residents to use.
 - The ironstone which is being removed as part of the proposed works could be kept on site and integrated into the landscape as a garden feature.
 - The Main Contractor shall prepare a Construction Method Statement which shall include a site waste section. This section shall include the excavation waste generated in the construction and demolition waste generated from the demolition of the existing structures. The Main Contractor shall ensure that as much of the waste as possible is re-used where possible and/or diverted from landfill.
 - Energy efficiency measures will be implemented to reduce CO2 emissions. The energy efficiency measures may include:
 - A. Improved fabric insulation.
 - B. Improved air tightness.
 - C. Improvements to Thermal Bridging.
 - D. Low energy lighting.
 - Water consumption shall meet the requirements of the National and Regional Planning policy to ensure that water consumption would be no more than 125L/per person/ per day. This will be achieved by specifying low water flow rate sanitary ware and domestic white goods.

g) S106 Obligations and Affordable Housing

- 6.49 Planning obligations, also known as Section 106 Agreements (based on that section of The 1990 Town & Country Planning Act) are legal agreements made between local authorities and developers and can be attached to a planning permission to make a development acceptable (which would otherwise be unacceptable in planning terms).
- 6.50 Those obligations can encompass, for example, monetary contributions (towards healthcare, libraries or education), mechanisms for the provision of affordable housing, the on-site provision of public open space / play areas, or off site works (highway improvements), as long as the obligation meets the three statutory tests of The Community Infrastructure Levy Regulations 2010 (No. 948) (as amended) – “CIL”.
- 6.51 As per CIL Regulation 122, planning obligations must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 6.52 These legal tests are also set out as policy tests in Paragraph 56 of the Framework.
- 6.53 Policy IN1 states that new development will be required to contribute to funding the necessary infrastructure which arises as a result of the proposal, and that these will be in addition to the affordable housing requirement of H2. More detailed guidance on the level of District and County contributions is set out in the HDC Planning Obligations Supplementary Planning Document (Jan 2017) and the Leicestershire County Council Planning Obligations Policy (July 2019).
- 6.54 Policy H2 of the Local Plan requires a 40% affordable housing contribution for all housing sites of more than 10 dwellings. As this proposal includes 21 dwellings then H2 applies and 8 affordable units would be requested (see HDC affordable housing officer comments). This is considered necessary to make the development acceptable in planning terms and is considered CIL compliant by officers.
- 6.55 A number of other requests have been made for contributions to be secured through a section 106 legal agreement, these have been requested from the following consultees:
- LCC Education
 - LCC Civic amenities
 - LCC Libraries
 - HDC Public Open Space
 - HDC Community Facilities
 - NHS Primary Care Trust
- A request was also made from University of Leicester Hospitals Trust (UHL). Similar requests have been made on other schemes locally, notably for the Lutterworth East SDA. The UHL request is not necessary to make the proposed development acceptable and is therefore not recommended to be sought by planning obligation.
- 6.56 Other requests which are considered CIL compliant are set out at Appendix B and officers consider that these would meet the LPA's and LCC's policy requirements, the tests set out in Paragraph 56 of the Framework and the CIL Regulations 122 and 123. However, as set out in Section H below, these requests are not being requested as the proposal is not judged to be viable. As outlined in paragraph 6.66 officers recommend that a viability review mechanism is installed within a Section 106 agreement to allow the Council to benefit from any favourable changes in viability.

Should the clause reveal the development becomes more viable officers will take into account the contribution requests outlined in Appendix B.

h) Viability

- 6.57 The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) provide guidance on viability and decision taking. Paragraph 57 of the NPPF states that:
- Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.*
- 6.58 A viability assessment (VA) is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return. The applicants submitted a VA (prepared by Intali in May 2020) which assessed the viability of the scheme from the Applicant's perspective and concludes that a 100% market housing scheme with no S106 contributions would not be viable. The Applicant's appraisal has been undertaken on a fixed profit basis with a Benchmark Land Value (BLV) of £1,048,800. At this BLV, and in a scenario where the development is delivered privately without any on-site affordable housing, the scheme generates a deficit of c. £1.06m. The output residual land value produced by the applicants was therefore negative (-£11,878). The report therefore concludes that the scheme is unable to provide affordable housing or s106 contributions.
- 6.59 The applications VA was assessed by the Councils viability consultants (Aspinall Verdi 'AV'). AV calculated the financial viability using ARGUS Developer model, taking into account AVs views / analysis on residential values, benchmark land value, construction and other costs and the values on completion. For the purposes of the appraisal, AV reviewed the report provided by the Applicant and also undertook their own appraisals. Where AV agreed with the Applicant's position, they assumed their cost and value inputs. Where AV disagreed, they have adopted their own assumptions (AV have set out in detail the reasons for these variations in the full report). Table 1 (below) summarises the inputs adopted in comparison to the Applicant's assumptions.

Item	Applicant	AspinallVerdi (100% Private)	Difference
Values			
Private Sale GDV	£282 psf	£321 psf	+£39 psf
Affordable Rented Transfer Value	-	50% OMV	+50% OMV
Shared Ownership GDV	-	65% OMV	+65% OMV
Total GDV (100% Private)	£3,967,100	£4,495,000	+£527,900
Costs			
Construction Costs	£2,289,152	£2,058,833	-£230,319
External Works	15.0%	15.0%	-
Contingency	3.0%	3.0%	-
Professional Fees	9.0%	9.0%	-
Land Agent	-	1.0%	+1.0%
Land Legal	-	0.5%	+0.5%
Marketing	1.0%	1.0%	-
Sales Agent	1.5%	1.5%	-
Sales Legal	0.5%	0.5%	-
Finance Debit Rate	7.0%	6.5%	-0.5%
Private Profit	20.0% on GDV	20.0% on GDV	-
Affordable Profit	-	6.0% on GDV	+6.0% on GDV
Benchmark Land Value	£1,048,000	£906,000	-£142,000
Land Agent	-	1.0%	+1.0%
Land Legal	-	0.5%	+0.5%

Source: IPS & AVL, 2021.

Table 1: Summary of Appraisal Inputs (AV)

- 6.60 As seen above AV considered some changes to the appraisal inputs including that AVs final BLV amounted to £906,000 which was a reduction of £142,000 upon the Applicant's position. Following the changes made to the appraisal inputs AV first tested a policy-compliant scenario to determine whether the changes made to the appraisal inputs would viably support 40% on-site affordable housing (not including other S106 contributions). In accordance with Policy H2, this scenario provides 8no. on-site affordable units. The output is shown in Table 2 below:

Description	Value
Residual Land Value	£54,085
Benchmark Land Value	£906,000
Surplus / Deficit	-£851,915

Source: AVL, 2021.

Table 2: AVs Appraisal- Scenario 1 (Affordable Housing Policy Compliant)

- 6.61 Scenario 1 shows that the scheme is unable to support a policy-compliant level of affordable housing, generating a significant deficit of c. £852,000 against the BLV. This

scenario did not include any other S106 contributions which would further increase the deficit.

- 6.62 AV then tested an entirely private scenario to determine whether the scheme is viable without any off-site contributions. The outputs of this appraisal are shown in Table 3 below.

Description	Value
Residual Land Value	£549,315
Benchmark Land Value	£906,000
Surplus / Deficit	-£356,685

Source: AVL, 2021.

Table 3: AVs Appraisal- Scenario 2 (100% Private)

- 6.63 Scenario 2 demonstrates an entirely private scheme to be unviable, generating a reduced deficit of c. £357,000. Despite a slight improvement when compared to the Applicant's appraisal, the outcome is fundamentally the same in that the scheme cannot support any off- nor on-site affordable housing contributions or other S106 contributions. Despite the favourable adjustments to the revenue, build costs and land value, the cumulative improvement was unable to offset the significant deficit generated in the Applicant's appraisals.

- 6.64 Given the applicants are pursuing a scheme when the profit output is significantly lower than their valuation of the existing use the applicants were asked to provide further reasoning/justification for pursuing the proposal. The applicants provided the below response:

The applicants are chartered surveyors active in the commercial and residential property markets. They have deep knowledge of the current market and its likely future direction.

Although the subject property has provided office space for many years, the likely future value of a property such as this is likely to decline. It is dated, cellular and not appropriate for modern office practices.

Upgrading to modern standards is not economic in this location and future legislation regarding environmental standards, DDA etc. are likely to adversely impact the value. They also note the increasing number of local authorities that restrict or charge for business car parking and the accelerated change to office working practices both of which would also impact the existing use negatively.

The current tenants of the office have indicated that they do not wish to renew their lease when it expires in February 2022 and will move to a smaller edge of town modern office.

Based on these issues and the applicant's professional expertise, they have made the strategic decision to re-develop.

- 6.65 Given the lack of S106 contributions which this development can contribute, it could be argued this development would not constitute sustainable development. However,

were HDC to insist upon the S106 requirements it is highly likely that the site will not be developed. It could be argued that the site could therefore be retained as offices but in reviewing the applicant's justification there are concerns over its future use as offices. The building is a listed building, within the Conservation Area and is prominent on the approach to the town centre. The use of the site as residential flats would ensure the building is kept in use and maintained to a good standard. Officers consider that the re-development of this listed building and wider site within the Conservation Area for smaller 1-2 bed dwellings without the S106 requirements will positively preserve the Listed building and Conservation Area and therefore the development would be sustainable development.

- 6.66 The sensitivity analysis carried out by AV has shown that build costs and sales values would need to adjust favourably by c. 15% for an affordable housing policy-compliant scheme to become viable, however smaller improvements may allow for a lower proportion of affordable housing to be delivered or an offsite commuted sum. Based on these outcomes, officers recommend that a viability review mechanism is installed within a Section 106 to allow the Council to benefit from any favourable changes in viability.

7. The Planning Balance / Conclusion

- 7.1 The application site is in a highly sustainable location and subject to the below conditions no adverse harm to residential amenity, the highway, flooding/drainage or to ecological or archaeological assets are identified. Furthermore, the proposals design, by virtue of its scale, siting, materials and appearance, would respect and integrate into the local area including the special character of the Conservation Area. Some harm is identified to the Listed building, however, in accordance with policy HC1 and NPPF paragraph 196 this is considered to be outweighed by the public benefits of the proposal (as outlined in the report and below).
- 7.2 In referring to the three strands of sustainable development the proposal would provide economic benefits through the construction of dwellings. Economic and social benefits would occur through the contribution of new residents to the town centre which may contribute to the vitality of the town. Furthermore, the proposal would not adversely impact the local environment, and there will be some ecological benefits through the provision of swift boxes. The proposal also seeks to repurpose and therefore ensure a long term use of the Listed buildings on site.
- 7.3 The benefits of this scheme are considered to outweigh the lack of on-site affordable housing and financial contributions towards infrastructure – both of which have been evidenced through a viability assessment that has been independently assessed on behalf of the LPA.
- 7.4 The application is therefore recommended for approval subject to conditions and a S106 agreement outlined in Appendix A and B.

APPENDIX A- PLANNING CONDITIONS

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:

Proposed Site Plan & Ground Floor Plan 1574 P08 C
Proposed Ground Floor Plan 1574 P09 C
Proposed First Floor Plan 1574 P10 C
Proposed Second Floor Plan 1574 P11 C
Proposed Roof Plan 1574 P12 A
Proposed Elevations 1574 P13 A
Proposed Elevations 1574 P14 A
Proposed Elevations 1574 P15 A
Site Location 1574 LOC A

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

3. Archaeological WSI

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 site investigation 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

4. Construction Method Statement

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, chemicals and other construction materials
- 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, site opening times, hours of 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
- j) measures to control the emission of dust and noise during

- k) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- l) location of temporary buildings and associated generators, compounds, structures and enclosures
- m) Contact details for site manager, including how these details will be displayed on site.

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 having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

5. Arboricultural Method Statement

No development shall commence on site, including site clearance and preparation works, until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall include numbering and categories of all trees, details of trees to be retained, details of root protection areas, routing of service trenches, overhead services and carriageway positions and any details of tree protective fencing and “no-dig” techniques for roadways, paths or other areas, along with associated use of geotextiles, and an indication of the methodology for necessary ground treatments to mitigate compacted areas of soil.

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 including the Conservation Area, having regard to Harborough Local Plan Policies GD2, GD8 and HC1 and ENV2 and the National Planning Policy Framework.

6. Surface Water Drainage Scheme

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 having regard to Harborough Local Plan Policies CC3 and CC4.

7. Details of Long-term SuDs 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 having regard to Harborough Local Plan Policies CC3 and CC4.

8. Surface Water Strategy and Hard Surfacing

No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON To prevent environmental and amenity problems arising from flooding having regard to Harborough Local Plan Policies CC3 and CC4.

9. 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 HC1 and the National Planning Policy Framework.

10. 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 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 including the Conservation Area, Heritage Asset setting, 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 and HC1 and the National Planning Policy Framework.

11. Access Arrangements

No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing number 1574 P08 Rev. C have been implemented in full.

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

12. Parking and Turning

The development hereby permitted shall not be occupied until such time as the parking turning facilities have been implemented in accordance with drawing number 1574 P08 Rev. C. 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), to promote travel by sustainable modes, in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

13. Windows and Doors on highway

Notwithstanding the submitted plans, any new / replacement windows and/or doors within 0.5 metres of the High Street frontage / footway shall not open so to overhang the public highway and shall thereafter be maintained in perpetuity.

REASON: In the general interest of highway safety in accordance with the National Planning Policy Framework (2019).

14. Waste Minimisation and Recycling Pack

Upon occupation of each individual residential property on the development, residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this Pack shall be first agreed in writing by the Local Planning Authority (in consultation with Leicestershire County Council) and shall provide information to residents about sustainable waste management behaviours. As a minimum, the Pack shall contain the following:

- Measures to prevent waste generation
- Information on local services in relation to the reuse of domestic items
- Information on home composting, incentivising the use of a compost bin and/or food waste digester
- Household Waste Recycling Centre location, opening hours and facilities available
- Collection days for recycling services
- Information on items that can be recycled

REASON: To mitigate against the impacts of the development and reduce waste arising from the development, in accordance with Paragraph 8 (c) of the National Planning Policy Framework (NPPF)

15. Ecology Survey

The development shall be carried out in accordance with the submitted Preliminary Roost Assessment (Haslam Ecology). The recommendations in section 5 of the report must be followed.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Harborough Local Plan Policy GI5 and the National Planning Policy Framework.

16. Swift Boxes

Prior to first occupation of the new build dwellings hereby approved two groups of three boxes/bricks shall be placed in suitable locations on the new build dwellings.

REASON: To identify and ensure the survival and protection of important species and

those protected by legislation that could be adversely affected by the development, and to enhance the biodiversity of the area, having regard to Harborough Local Plan Policy GI5 and the National Planning Policy Framework.

17. PD Removal

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

REASON: To safeguard the character and appearance of the area, including heritage assets and the residential amenities of adjoining dwellings having regard to Harborough Local Plan Policies HC1 and GD8, and the National Planning Policy Framework .

Informatives

1. Buildings Regs

2. 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.4>.

2. Anglian Water assets

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

3. Connection to public sewer

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian

Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

4. Building near to a public sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

5. Site drainage

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

6. Condition 6 Note

With regards to the submission of a surface water drainage scheme (condition 6). 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 the agreed discharge; 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, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change.

6. Condition 7 Note

With regards to condition 7, 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 including who will be responsible.

7. Works near a watercourse

Where there are any works proposed as part of an application which are likely to affect flows in a 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>

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

APPENDIX B- S106 CONTRIBUTION REQUESTS

Request by HDC	Obligation for Community Facilities contribution		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>Charge per dwelling for new build / extension /and upgrade projects:</p> <p>£24,885 or 17,913 depending on housing numbers/mix</p>	<p>1st trigger point- 50% prior to commencement</p> <p>2nd trigger point- 50% prior to first occupation of any dwelling</p>	<p>Necessary to make development acceptable in planning terms</p> <ul style="list-style-type: none"> • HDC Planning policy states that for a development of this scale, a community facilities contribution is required to make this development acceptable in planning terms • The calculation above is based on recent Planning Obligations Supplementary Planning Document approved in September 2016 and published in January 2017. A copy can be found at: http://www.harborough.gov.uk/directory_record/559/section_106_planning_guidance. • Please note that the HDC Assessment of Local Community Provision and Developer Contribution (Roger Tym Report) no longer applies • HDC consider the Community facility contribution justified and necessary to make the development acceptable in planning terms with accordance with the relevant national and local policies and the additional demands that would be placed on key facilities as a result of the proposed development <p>Directly related to the development</p> <ul style="list-style-type: none"> • The contribution request has been justified using evidence of need for the community facilities based in either the Parish of Market Harborough, or facilities in a neighbouring parish in close proximity to the proposed development (5 mile radius). • Any Community Facilities contribution would be allocated to projects supporting community facilities in either the Parish of Market Harborough, or facilities in a neighbouring parish in close proximity (5 mile radius) to the proposed development. Therefore, the contribution requirement is directly related to the development because the contribution would be used for the purpose of providing additional capacity through Community Facility projects. 	<p>Harborough District Local Plan.</p> <p>Harborough District Council Planning Obligations Supplementary Planning Document January 2017</p> <p>Harborough District Council Parish Profiles March 2017</p> <p>Community Facilities Refresh Assessment May 2017</p>

		<ul style="list-style-type: none"> The projects evidenced will benefit the new residents of the proposed development. <p>Fairly and reasonably related in scale and kind to the development</p> <ul style="list-style-type: none"> The proposal is for residential development (21 Dwellings houses) and subsequent provision of Community Facilities providing benefit to future occupiers is fairly and reasonably related to this type (Kind) of development. HDC consider the Community Facilities request to be fair and reasonable in scale and kind to the proposed scale of the development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the locality's Community Facilities. 	
Request by HDC	Obligation for Affordable Housing		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Up to 8 Affordable units to meet identified need	Not to allow Occupation of more than 50% (fifty per cent) of the Market Housing Units until 50% of Affordable Housing Units have been completed, not to allow Occupation of more than 75% (Seventy five per cent) of the market Housing Units until the remaining 50% fifty per cent Affordable Housing Units have been completed.	<p>Harborough Local Plan adopted May 2019 Policy sets out requirements for affordable housing. The policy requires 40% affordable housing to be provided on all sites that exceed 10 units. This policy aims to increase provision of affordable housing, across Harborough District in order to meet the high need across the district as demonstrated in the Housing and Economic Development Needs Assessments 2017 (HEDNA.) On all proposed developments of above 10 units, Harborough will require on site provision of affordable housing. Please refer to below.</p> <p>The mix shall comprise:</p> <ul style="list-style-type: none"> 4x 1 bed flat 4x 2 bed flat 50% Rented Housing Units 50%Intermediate Housing units 	<p>Local Plan Policy H2</p> <p>This policy aims to increase provision of affordable housing, particularly in rural areas, in order to meet the high need across the district as demonstrated in the Strategic Housing Market Assessment (SHMA) and later the HEDNA.</p> <p>Affordable Housing SPD 2006</p> <p>Harborough District Council Planning Obligations Supplementary Planning Document January 2017</p> <p>HLP Policy H2</p> <p>HLP Policy IN1</p>

		unless an alternative percentage and/or number of Affordable Housing Units is agreed or requested by the Council	
Request by LCC	Libraries		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£770 to meet the needs of the increase population of Leicestershire Library Services in Market Harborough	TBC	<p>The County Council consider the library contribution is justified and is necessary to make the development acceptable in planning terms in accordance with the relevant national and local policies and the additional demands that would be placed on this key infrastructure as a result of the proposed development. The contribution requirement is directly related to the development because the contribution is to be used for the purpose of providing the additional capacity at the nearest library facility to the proposed development which is at Market Harborough</p> <p>It is considered fair and reasonable in scale and kind to the proposed scale of development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the library facilities at Market Harborough which would arise due to this proposed development.</p>	<p>Leicestershire Planning Obligations Policy Adopted 10th July 2019</p> <p>HLP Policy IN1</p>
Request by HDC	Open Space		
Amount /Detail	Delivery	CIL Justification	Policy Basis
See separate POS Obligation Table below	See separate POS Obligation Table below	See separate POS Obligation Table below	<p>Harborough District Council Planning Obligations Supplementary Planning Document January 2017</p> <p>Harborough District Council Playing Pitch Strategy</p> <p>HLP Policy GI2</p> <p>HLP Policy IN1</p>
Request by NHS CCG	GP Practice		
Amount /Detail	Delivery	CIL Justification	Policy Basis

£4,4626.90	These practices are already experiencing capacity issues in relation to their premises and would need to make improvements to enable them to register new patients resultant of this development prior to that registration; therefore the CCGs and the practices would wish for any resulting S106 contributions to be released to the council prior to the first occupancy of any dwellings on the site.	<p>The development is proposing 21 dwellings which based on the average household size of 2.42 per dwelling (2001 Census) could result in an increased patient population of 51.</p> <p>The calculation shows the likely impact of the new population in terms of number of additional consultations. This is based on the Dept of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.</p> <p>This development would be covered by 2 general practices within the area. Both practices are likely to feel the impact of this development.</p> <p>Where there is more than one practice covering a development we usually calculate S106 healthcare contributions based on the % of registered population</p> <p>The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices.</p> <p>The section 106 contributions obtained would support the Lutterworth HC practices in increasing their clinical space to improve patient access for the area. This would include extensions to premises and internal remodeling.</p>	<p>Harborough District Local Plan</p> <p>Harborough District Council Planning Obligations Supplementary Planning Document January 2017</p> <p>Leicestershire Planning Obligations Policy Adopted 10th July 2019.</p>
Request by LCC Education	Education provision		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>£0 (Primary)</p> <p>£35,823.50 (Secondary)</p> <p>£7,653.49 (Post 16)</p> <p>Total= £43,477.00</p>	TBC	<p>Primary: There is an overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 113 pupil places. An education contribution will therefore not be requested for this sector.</p> <p>Secondary: The site falls within the catchment area of Welland Park Academy. The Academy has a net capacity of 900 and 1178 pupils are projected on the roll should this development proceed; a deficit of 278 pupil places. There are currently no</p>	<p>Harborough District Local Plan</p> <p>Harborough District Council Planning Obligations Supplementary Planning Document January 2017</p> <p>Leicestershire Planning Obligations Policy Adopted 10th July 2019</p>

		<p>pupil places at this school being funded from S106 agreements for other developments in the area</p> <p>There is one other school within a three mile walking distance of the development:</p> <p>The Robert Smyth Acadaemy- Deficit 13 (after 187 S106 funded places have been deducted)</p> <p>There is an overall deficit in this sector of 291 pupil places. The 2 places generated by this development cannot therefore be accommodated at nearby schools and a claim for an education contribution of 2 pupil places in this sector is justified. In order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of £35,823.50. Based on the table above, this is calculated the number of deficit places created by the development, rounded to 2 decimal places (2.00) multiplied by the DFE cost multiplier in the table above (£17,876) which equals £35,823.50.</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Welland Park Academy or any other school within the locality of the development.</p> <p>The contribution would be spent within 5 years of receipt of final payment.</p> <p>Post 16: The nearest school to the site is The Robert Smyth Academy. The Academy has a net capacity of 280 and 323 pupils are projected on roll should this development proceed; a deficit of 43 pupil places. There are currently no pupil places at this school being funded from S106 agreements for other developments in this area. There are no other post 16 schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified.</p> <p>In order to provide the additional post 16 school places anticipated by the proposed development, the County Council requests a contribution for the post 16 school sector of £7,653.49. Based on the table above, this is calculated the number of deficit</p>	
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		<p>places created by the development, rounded to 2 decimal places (0.40) multiplied by the DFE cost multiplier in the table above (£19,327) which equals £7,653.49.</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at The Robert Smyth Academy or any other school within the locality of the development.</p> <p>The contribution would be spent within 5 years of receipt of final payment.</p>	
Request by LCC Civic Amenities	Waste Facilities		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£1681.00	TBC	<p>The County Council's Waste Management Team considers the proposed development is of a scale, type and size which would not be able to be accommodated at the existing waste facilities and be able to maintain the existing service levels.</p> <p>The County Council's methodology for calculating the contribution per household is based on the cost of maintaining the existing waste service against the number of assessed households proposed by a particular development which would use the local waste facilities.</p> <p>The nearest HWRC site to the proposed development is located at Market Harborough and residents of the proposed development are likely to use this site. In general, residents use the closest HWRC to deposit their waste and this is observed within surveys. The contribution is determined by multiplying 21 units by the current rate for the Market Harborough HWRC site which is £80.04 (subject to indexation and reviewed on at least an annual basis).</p> <p>Contributions are used to mitigate the impacts arising from the increased use of the HWRC site associated with the new development for example by the acquisition of additional containers or installation of additional storage areas and waste infrastructure at the HWRC site or adjacent land to increase the site's capacity for handling and separating waste.</p> <p>Each household in Leicestershire in 2017/18 delivered on average</p>	<p>Harborough District Local Plan</p> <p>Harborough District Council Planning Obligations Supplementary Planning Document January 2017</p> <p>Leicestershire Planning Obligations Policy Adopted 10th July 2019</p>

		<p>approximately 0.211 tonnes of municipal waste to a HWRC site. On this basis the proposed development of 21 dwellings would generate over 4 tonnes of additional HWRC waste at the Market Harborough HWRC site. The proposed development would place additional demand on the HWRC site and the request for the HWRC developer contribution would meet the demands placed on the site as a result of the proposed development.</p> <p>Government legislation is focused on maximising the diversion of waste from landfill and the County Council must have appropriate containers and/or storage areas to deal with the different types of waste. Due to the complex nature of the waste received at the HWRC site it will become increasingly difficult over time to maintain performance and a good level of service at peak times, particularly with an increased demand placed on it due to this development.</p> <p>The County Council considers the contribution is justified and necessary to make the development acceptable in planning terms because of the policies referred to and to mitigate or manage the additional demands that would be placed on the key waste service as a result of the proposed development. The contribution is directly related to the development because the contribution is to be used to enhance capacity at the local facility to accommodate the proposed development. The contribution is considered fair and reasonable in scale and kind to the proposed scale of development, in accordance with paragraph 56 of the NPPF, and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the waste service and local infrastructure.</p>	
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HDC Open Space Contribution Table:

Site: Ref Dwelling Number Assumed Population <i>All figures are from Provision for Open Space Sport and Recreation 2015</i>	High Street Market Harborough 20/00770/FUL 21 48	notes; The site is considered to be in an urban location for semi natural greenspace
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POS type		Minimum Area (ha)	Commuted sum for maintenance per ha	Total commuted maintenance for minimum area of POS (payable only if the POS is adopted by DC or PC)	Off site contribution if required
Parks and Gardens 0.5ha per 1000 pop	Off site contribution	0.02415	£574,757.00	£13,880.38	
Outdoor Sports Facilities 1.6ha per 1000 pop	Off site contribution		£141,111.00	£0.00	£34,293.00
Amenity Greenspace 0.9ha per 1000 pop	Off site contribution	0.04347	£224,692.00	£9,767.36	
Natural and Semi Natural Greenspace*	rural areas 8.5ha per 1000 pop		£260,117.00	£0.00	
	urban areas 1.5ha per 1000 pop	Off site contribution	£260,117.00	0.00	£177,339.00
Children and Young People Provision 0.3ha per 1000 pop	off site		£3,051,803.00	£0.00	£1,787.10
Allotments 0.35ha per 1000 pop	over provision of typology		£60,223.00	£0.00	
Greenways 1.3ha per 1000 population	off site		provision of additional signage and other enhancements of the sustainable travel infrastructure		£5,747.70
Cemeteries and Burial Grounds 0.375ha per 1000 pop	Off site contribution				£3,815.70
Total		0.06762			£45,643.50

All POS to be provided on site, except Cemeteries and Burial Grounds contribution. Any off site contributions to be through negotiation of S106 with officers. If off site contributions are required this will either be for enhancement of existing facilities or provision of new facilities within the accessibility thresholds of the site for each typology. If more Open Space than the minimum provision for any typology is proposed by the developer, then commuted sums will be calculated on a pro rata basis.

Conclusion and contributions sought including appropriate projects.	Parks and Gardens	0.02415ha of Parks and Gardens provision should be made on site as part of the general POS provision. This should be a more formal area with seating and perhaps specimen tree/s.
	Outdoor Sports	Not provided on site, but off site contribution of £34,293.00 required in accordance with the Playing Pitch Strategy for provision of or enhancement of sports facility within Market Harborough
	Amenity Greenspace	0.04347ha on site provision of informal grass areas for recreation usually planted with trees/ shrubs
	Natural and Semi Natural Greenspace	Off site contribution of £177,339.00 to enhance existing natural habitat. This may include enhancements to watercourse or provision of woodland in Harborough District or other suitable environmental project
	Children and Young People	off site provision of £1,787.00 for enhancement of play area at Roman Way, Symington Recreation Ground or other play area to serve the development
	Allotments	Over provision of typology. Contribution is not required.
	Greenways	Off site contribution of £5,747.70 to enhance the existing cycle, walking and bridleways within the vicinity of the development. For signage, improved or new surfacing, creation of cycle ways and removal of barriers to access e.g. stiles, gates and poor surfacing
	Cemeteries	Off site cemetery contributions of £3,815.70 for provision of additional burial facilities at Market Harborough or a new facility to be provided that serves Market Harborough
CIL Compliance	Necessary to make development acceptable in planning terms	The Open Spaces Strategy 2016 to 2021 and Provision for Open Space Sport and Recreation 2015 (both adopted in 2016 as policy) state that open space contributions should be sought for developments for 11 dwellings or more. The Playing pitch Strategy 2017 has identified specific investment priorities for outdoor sports provision. Although outdoor sports provision is provided in sufficient quantity in the accessibility threshold of 4km, there are quality issues that need to be addressed at many sites The Playing Pitch Strategy has identified the requirement for improved facilities at Welland Park Community College and provision of a new pavilion at Airfield Farm. Additional project include enhancement of facilities at RSA and improvements to Symingtons Pavilion. An off site contribution will be sought to contribute towards one or other of these projects.

	Directly related to the development	The contributions have been calculated using evidence for Great Bowden and Market Harborough and are directly related to the requirements of those settlements and the new development. The off site contributions will be used to enhance the existing provision or provide new facilities. On site provision is proportionate to the size of the development.
	Fairly and reasonably related in scale and kind to the development	The contributions are in proportion to the size of the development and relate to the new population taking into account the minimum quantity provision and existing population within the accessibility thresholds
Pooling	No more than 5 contributions to any one project	Five contributions have not been sought or secured for any one project within the vicinity of the site
Trigger Points	1st Trigger on site	On site open space to be delivered prior to occupation of 90% of dwellings on site. The on site open space appears to be within private grounds. It is therefore unlikely public access will be required and in such cases the Local Authority will not adopt the open space.
	2nd Trigger on site	N/A
	1st Trigger off site	50% Off site contributions to be paid on first occupation of development. 50% to be paid on 5th occupation. All contributions to be spent within 7 years of receipt.
	2nd Trigger off site	N/A

Planning Committee Report

Applicant: Mulberry Property Developments Limited

Application Ref: 21/00340/FUL

Location: Land off Coventry Road, Lutterworth.

Proposal: Erection of 33 dwellings, associated car parking provision and ancillary works in respect of Phase 4 of 15/01665/OUT

Application Validated: 22.02.21

Target Date: 31/05/21 (extension of time agreed)

Consultation Expiry Date: 15.05.21

Site Visit Date: 16.03.21, and various

Reason for Committee Decision: The development exceeds 25 dwellings.

Recommendation

Planning Permission is **APPROVED** for the following reason and subject to the conditions as set out in Appendix A and Section 106 contributions in Appendix B.

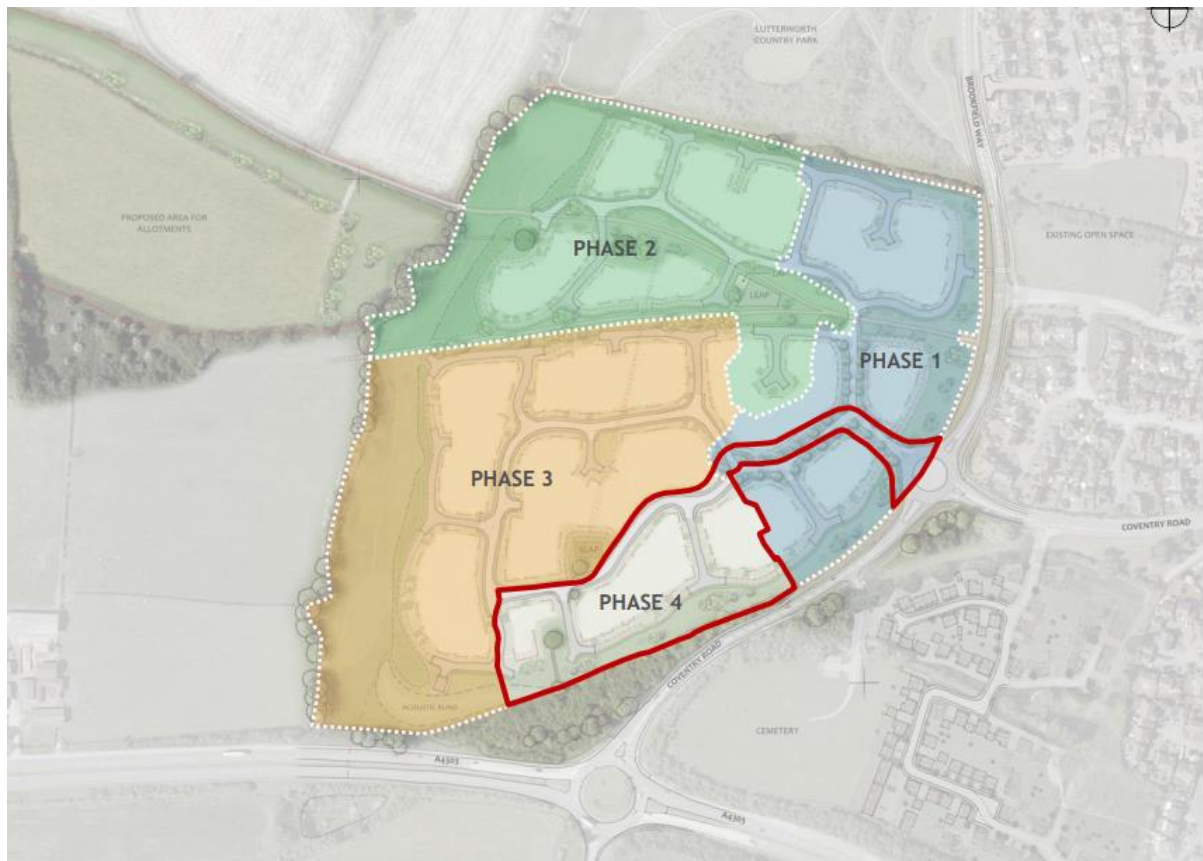
1. Site & Surroundings

- 1.1 The application site refers to a southern section of the site within the site (known as Phase 4). It is part of the larger site which has outline permission for 250 dwellings and associated access. The site was divided into three phases to enable effective delivery and this is the remainder, following reserved matters approval for 250 dwellings. (hereafter referred to as the 'Site'). The first phases have reserved matters consent and works are currently underway, with some properties in the earlier phases already occupied. The overall site (below) is located to the North-West of Lutterworth and is bounded by Brookfield Way and Coventry Road (east/south) and further arable land to other boundaries, with Magna Park to the West. The Lutterworth Country Park is directly to the East and two Public Rights of Way (PROW) cross the site, namely X35 and X57. Overall site and context shown below:



Application site:





2.1: Outline Illustrative Masterplan with Reserved Matters Phases 1-3 and Phase 4 Site Boundary Superimposed

- 1.2 As stated, the Phase currently being considered (as shown in white, above) is a southern portion which abuts the Coventry main road.
Original site photo



Site photos (June 2020)
View from public footpath, looking west across Phase 3.



The site slopes down away from the road, with post and rail fencing fronting the site, and substantial hedging /trees to the northern boundary with the Country Park.

Drone view-supplied by Applicant June 2020.



Current site photo looking East-farm track to front



2. Site History

2.1 The site has the following planning history:

15/01665/OUT- Erection of up to 250 dwellings with associated access, pedestrian links, public open space, car parking, landscaping and drainage (means of access to be considered only) (approved following an Appeal)

18/00448/FUL- Installation of a temporary construction access for construction vehicles in relation to forthcoming construction of residential development associated with application 15/01665/OUT (app)

18/00703/NMA- Amendments to conditions to allow phased implementation of original consent (proposed non-material amendment to 15/01665/OUT) (app).

Applications in regard to discharge of conditions discharged.

18/00768/REM- Reserved matter of 15/01665/OUT including details of appearance, landscaping, layout and scale for 67 dwellings Phase 1. (app)

18/02077/REM-Reserved matter of 15/01665/OUT including details of appearance, landscaping, layout and scale for 79 dwellings Phase 2 (and discharge of conditions). (app)

20/00293/REM- Reserved matter of 15/01665/OUT including details of appearance, landscaping, layout and scale for 104 dwellings Phase 3 (app).

3. The Application Submission

The affordable housing provision will comprise 1 no. 4 bed detached house, 1 no. 3 bed detached house, 2 no. 3 bed semi-detached houses, 2 no. 2 bed semi-detached houses and 4 no. 1 bed apartments. The affordable housing provision percentage and broad mix of affordable units has been agreed with the Council's Housing Enabling and Community Infrastructure Officer through email exchange on 9 and 10 September 2020. In line with provision across Phases 1 to 3, the proposed tenure split will be 50% affordable rent and 50% shared ownership,

Proposed materials for the development will reflect that of Phases 1 to 3 and will comprise a mix of brick and render with tiled roofs. Landscaping provision is shown on accompanying Landscape Proposals drawing ref: MUL23134-11 and includes an area of Green Amenity Space in the north of the application site comprising 0.07 ha.

A selection of house types are shown below:

1 bed room Apartments.

Plots: 275-278 (A5)



Blenheim to ridge)

Plots: 257, 258 (A5)



Humberstone (8.04m to ridge)



b) Schedule of Plans and Supporting Statements/Documents

3.4 The application has been accompanied by the following plans and documents:

- Layout Plan
- House types
- Levels and drainage strategy
- Refuse strategy plan
- Fire vehicle tracking
- Landscape proposals
- Parking strategy
- Green Travel Plan

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

3.5 Additional information/plans to address technical highways matters (within site)
Updated layout and housed types (all minor changes)

d) Pre-application Engagement

3.6 No specific advice relating to this phase.

e) Environmental Impact Assessment

3.7 A Screening Opinion was issued to the Applicant on 22/01/2016 (as part of the outline application), advising the LPA does not consider that the submitted application for the site requires an EIA, taking into account the schemes scale, nature and location.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application.
- 4.2 Site Notices were placed on 16/03/21 and Press Advert advertised 18/03/21.
- 4.3 A summary of the technical consultee responses which have been received are set out below. If you wish to view comments in full, please request sight or go to www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

4.4 Leicestershire County Council, Highway Authority

The Local Highways Authority does not consider that the application as submitted fully assesses the highway impact at this time and seeks further information. This relates to detailed matters in regard to the internal layout and future use of the agricultural access track running through development.

The Applicant is further addressing such details.

There are also comments on the Travel Plan, and S106 requirements.

Additional observations to be reported on the Supplementary list.

4.5 Leicestershire County Council, Public Rights of Way Officer

As the proposed development does not affect a PROW no further action is required

4.6 Leicestershire County Council, Lead Local Flood Authority (LLFA)

Recommends conditions

4.7 Environment Agency:

No comments .

4.8 Leicestershire County Council Senior Archaeologist

No further action required.

4.9 Leicestershire County Council Senior Ecologist

The Preliminary Ecological Appraisal (Brindle and Green, January 2021) is satisfactory. There are a number of recommendations within the report (see section 7) that should be followed and made a condition of any planning permission granted. This includes submission of a LEMP.

The Phase 4 Planning Layout appears to be in line with the masterplan and confirms the retention of the woodland to the southern site boundary.

4.10 HDC Neighbourhood & Green Spaces Officer

I have reviewed the Soft Landscape Specification, the Soft Landscape Management and Maintenance Plan and the landscape proposals (Dwg No MUL23134-11 2 sheets).

The specifications and maintenance plan give assurance that the landscape scheme will be properly implemented and maintained. The species used as part of the landscape scheme, their sizes and locations are suitable.

The original agreement was a UU which did not have provision for off site POS contributions.

If an additional 33 dwellings are proposed then there will be a requirement to provide on site POS commensurate with the size of the development.

It is my understanding the amount of POS that is proposed on site is sufficient to meet the size of the development.

The commuted sums for maintenance are payable only if the developer transfers the POS to HDC or other local authority and I believe that Mulberry have confirmed will appoint a management company to maintain.

It would be worthwhile asking the developer to confirm the amounts of POS provided on site (including which typologies) and that the provision for maintenance will be undertaken through a ManCo.

Summary of the open space provision at Phase 4:

Amenity green space = 0.07Ha

Natural/semi-natural green space = 0.26Ha

4.11 HDC Environmental Health Officer

No comments received

4.12 HDC Environmental Services (Contaminated Land Officer)

No comments received.

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

Housing mix agreed.

4.14 Leicestershire Police (Developer Contribution)

None received

4.15 Arboricultural Officer:

None received-the Green spaces Officer and Ecology have commented on this aspect.

4.16 HDC (Conservation Officer):

I do not consider the proposal would have any adverse impacts on any heritage assets as such I have no objections to this proposal.

4.17 Lutterworth Town Council:

Objection raised as there is no formal section 106 agreement attached to the planning application and therefore the application should not be agreed until this is in place. LTC are also in agreement with objections raised by Highways in regards to the access on the planning application.

4.18 LCC: Planning Obligations team;

Requirements details in Annexe B.

4.19 Primary Care Trust:

Requirements detailed in Annexe B.

4.20 HDC (Community facilities)

Requirements detailed in Annexe B.

4.21 HDC (Environmental Coordinator)

Satisfied with the information provided.

b) Local Community

4.18 No comments received-individual letters sent to 60 household, site notices and press notice.

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5. Planning Policy Considerations

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

a) Development Plan

- 5.3 The DP for Harborough comprises:
- The Harborough District Local Plan adopted April 2019.
- 5.4 Material considerations include any consideration relevant in the circumstances which has a bearing on the use or development of land. The material considerations to be taken into account in considering the merits of this application include the DP referred to above, the National Planning Policy Framework (hereafter referred to as 'The Framework'), the National Planning Policy Guidance, together with responses from consultees and representations received from all other interested parties in relation to material planning matters.

Harborough District Local Plan

- 5.5 Policy GD1 Sustainable development
Policy GD2 Settlement development
Policy GD8 Good Design
Policy H1 New housing
Policy H2 Affordable housing
Policy H5 Housing mix
Policy CC1 Climate change
Policy CC4 Sustainable drainage
Policy IN1 Infrastructure
Policy IN2 Sustainable transport
Policy IN3 Electronic connectivity
Policy GD2 specifically refers to Lutterworth and seeks to develop it as a key centre to provide new housing, employment, retail, leisure and community facilities to serve the settlement and catchment area

b) Material Planning Considerations

- 5.6 Material Planning Considerations relevant to this application:
- *The National Planning Policy Framework (The Framework / NPPF)*
 - *National Planning Practice Guidance (PPG)*
 - *Supplementary Planning Guidance*
 - *Five Year Housing Land Supply Statement*

c) Other Relevant Documents

5.7 The following documents should be noted

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

d) Other Relevant Information

Reason for Committee Decision

5.8 This application is to be determined by Planning Committee because of the size and nature of the proposed development (it is over 25 dwellings).

6. Assessment

a) Principle of Development

6.1 The application site forms part of wider site that already benefits from outline planning permission for up to 250 dwellings, which forms part of the District Council's committed housing land supply. Due to its location, accessibility and level of services, Lutterworth is designated as a Key Centre in the Local Plan and an appropriate location for significant housing and employment development. The principle of residential development is clearly established and this proposal seeks to make most efficient use of land, in accordance with Paragraph 117 of the NPPF which confirms the importance of promoting an effective use of land in meeting the need for homes and other uses, subject to safeguarding the environment and safe and healthy living conditions.

Thus, the key issues in this case relate to the scale and layout, landscaping, highways detail, taking into account 1) the proposal's impact on the living conditions of neighbouring residents and (2) highway safety, and (3) the resultant effects, including visual, landscape and wildlife, on the character and appearance of the countryside.

6.2 The Council can demonstrate a 7+year supply of deliverable housing sites. Notwithstanding that this development if approved will make more efficient use of the site, and ensure the further delivery of a significant number of houses maintaining, including affordable, maintaining that supply and will also trigger the associated S106 contributions. The development densities are given by the applicant as:

- Gross residential density Phases 1-3 = **7.07 dpa** (17.48 dph)
- Gross residential density Phases 1-4 = **8.01 dpa** (19.78 dph)

c) Technical Considerations

Design

- 6.21 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.22 Policy GD8 advises all housing development should be of the highest design standard and have a layout that the local character of the area, and Policy H5 requires housing development to make the most efficient use of land, particularly in sustainable locations.
- 6.23 An Illustrative Masterplan (see below) was submitted as part of the outline application and set out how the site might be developed.



- 6.24 The Illustrative Masterplan and DAS shows:
- Provision of up to 250 dwellings comprising buildings predominantly two storeys high.
 - 30% of the dwellings will be affordable
 - A mix of dwelling types and sizes for both affordable and market residents
 - Proposed vehicular access from new roundabout at junction with Coventry Road and Brookfield Way
 - Public open space within the proposed development associated with the retained public footpath that crosses the site and along the boundaries of the site. Enhances footways/cycle ways.
 - Several play areas
 - Retained public right of way through a green corridor within the Retention of existing hedgerows and associated hedgerow trees that border the site.
 - Allotments on north western part of site
 - Proposed succession native tree planting along site
 - Acoustic bund to A4303
 - Pumping station, surface water attenuation areas and swale features.
- 6.25 The proposed layout plan includes the substantial buffer to the front of the site to the boundaries with Coventry Road and the A4303, and an area of open space to the

north of the site where there will also be 2 electric charging points and visitor parking (2 spaces shown). There is also a parcel collection point and parking space.

The density of the development will increase the overall density of the site slightly from the original 30 dwellings per hectare, but makes more efficient use of the land, and would still result in a spacious layout with open space and hard and soft landscaping; buffer zones and amenity spaces.

- 6.26 The layout proposed is considered to accord with the above broad design principles as outlined above and would result in an attractive, well designed layout, with landscaping which will enhance the development and protect residents from road noise.

Highways

- 6.27 Access has been already approved as part of the outline application (via the new roundabout), which will upgrade the existing Brookfield Way/Coventry Road priority junction). A further temporary access has also been approved for period of construction. There is an existing footpath and crossing associated with the Country Park across Brookfield Way and further pedestrian crossings will be provided.
- 6.28 The S106 Agreement provides contributions to secure travel packs; 6 month bus passes, two per dwelling; A Grampian condition was attached to the outline consent to ensure that the speed limit adjacent to the access is reduced to 40mph (this would need to be done through a Traffic Regulation Order), otherwise the access may not be deemed acceptable. The existing S106 Agreement also included contributions towards improvements to 2 nearest bus stops, information display cases at these bus stops and towards monitoring of the Travel Plan
- 6.29 As previously mentioned, the proposal meets adopted parking standards, and the spaces are considered as well related to existing properties;(a parking strategy is also provided), additional visitor parking is also provided (20% of total (7 and 1 parcel collection spaces). Refuse and fire-vehicle tracking plans are also provided, which show that the layout can meet required standards.
The Highways Authority has reviewed the proposal and, after several revisions, considers that the internal layout, including parking provision meets its adopted guidance, and that the cumulative impact of development can be mitigated in accordance with to Paragraph 109 of the NPPF.

Flooding/Drainage

- 6.30 The application originally submitted a Flood Risk Assessment (FRA) and Drainage Strategy, which included a buffer zone is shown alongside the stream some 30m in width with proposed water attenuation areas and the use of swales is also indicated.
- 6.31 The following mitigation measures will be incorporated within the site as a whole, where appropriate to protect dwellings from groundwater and surface water flooding:

Due to the topography of the site, a pumping station will be required to serve the area west of the existing sewer (not part of this phase).

A series of Sustainable Urban drainage systems (SUDS) to include ponds, swales and permeable block paving. These will restrict surface water run off to green field equivalent.

- 6.32 The Lead Local Flood Authority and Environment Agency have no objection to the proposed development subject to conditions relating to the submission of a surface water drainage scheme, and future management/maintenance.

■ Ecology

- 6.40 The application has been accompanied by an Ecological Appraisal Report, and updated badger report.
- 6.41 County Ecology have no objections to the proposed development, subject to conditions requiring compliance with the recommendations in the ecology report. The sensitive landscaping scheme may enhance the biodiversity of the site.

■ Heritage

- 6.42 The applicant submitted an archaeological assessment of the development area, comprising a heritage statement and separate geophysical survey. The Inspector concluded that "an archaeological survey has been carried out and further conditions would not be necessary". .
- 6.43 The proposed development site is located some distance from both the Bitteswell and Lutterworth Conservation Areas (900m +). No part of the Site lies within the primary setting or curtilage of the Conservation Area or any designated heritage assets. There is no impact or harm to heritage.

■ Footpath

- 6.46 Two footpaths run through the development as shown below. These would remain in situ and provide access through to further countryside routes. These are not affected by this development.

Extract From The Definitive Map of Public Rights of Way for Leicestershire
Proposed Housing Development - Footpath X57 and X107 at Lutterworth

Compiled by Piers Lindley (Tel 0116 305 7087) on 10 December 2015

Environment & Transport Department,
 County Hall, Glenfield,
 Leicestershire LE3 8RJ
 email: footpaths@leics.gov.uk
 Director Phil Crossland



Scale 1:2500



These would be retained and incorporated into landscape strips and accords with the spirit of the Masterplan, which illustrates how the footpaths would be retained and incorporated into the development.

Residential Amenity

- 6.48 Core Principle 4 of the Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings and this is also reflected in Core Strategy Policy CS11.
- 6.49 The proposed layout meets minimum separation distances within the site in the majority of cases and where there is an intervening road an acceptable separation distance, typical of this relationship also ensues, resulting in an acceptable layout. The nearest existing properties are on Coventry Road and Lilac Drive but these are on the other side of Phase 1, with a large buffer and the road between, thus this part of the scheme has little impact. The scheme has been designed such that loss of amenity in respect of loss of light or over bearing impact does not result to properties approved as part of Phase1.
- 6.50 During construction there would be some adverse impacts on residential amenity. However, a planning condition requiring a Construction Environmental Management Plan to be approved and implemented was imposed at outline stage to limit the disturbance and inconvenience that may arise when building works are undertaken. .

In addition to planning controls, the Environmental Protection Act provides a variety of safeguards in respect of noise, air and light pollution.

- 6.51 In respect of future occupiers, a noise impact assessment was originally submitted given the location close to the A4303 dual carriageway. The southern part of the site is the most significantly affected by road traffic noise. This is due in part to the higher level of road traffic noise emanating from the A4303, but also from the lower land height levels on the subject site near the road, which reduces ground absorption. A bund to provide acoustic screening and barrier is shown on the masterplan (southern part).

Sustainable Development

6.52 The Framework identifies three dimensions to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached;

o Economic

The development would contribute towards economic growth during the construction period in terms of employment and support the house builder, particularly important in light of the current COVID-19 crisis. In the longer term, the additional population would be likely to increase spending, for instance in the local shops and help support the range of other local services, which would help maintain their viability.

o Social

The development would increase the supply and choice of housing in line with an Objectively Assessed Need in an area where there is no NPPF compliant supply of housing land. It would provide a mix of housing, including smaller dwellings, including a significant number of on-site affordable housing. As such, it is considered that the proposal would contribute to meeting the housing needs of the area. The proposal is, therefore, supported by paragraph 59 of the Framework which seeks to boost the supply of housing.

The site can also be accessed by sustainable modes of transport, which may contribute towards health and well being and is accessible to the town centre.

o Environmental

In terms of environmental considerations, the application site is a greenfield site which has a residential permission. It is located within a sustainable distance to key facilities and the location has previously been deemed as sustainable.

Statutory consultees are satisfied that the development would not result in increased flood risk, adversely affect highway safety or ecological interests, and result in no adverse harm in respect of identified designated and non-designated heritage assets.

The development would safeguard the amenities of existing residents in the long term, but there would be some inevitable short term disruption during the construction period. A Construction management plan should serve to control/manage this aspect (required by way of condition in outline consent). It is therefore considered that whilst the nature of the site would undoubtedly be altered, environmental matters have been addressed in accordance with the outline consent..

In view of the above, it is considered that the proposal would represent sustainable development.

d) Planning Obligations

- 6.51 Planning obligations set out in Appendix B **(to add)**

7. The Planning Balance / Conclusion

7.1 The site already has outline planning permission for 250 dwellings and the scheme would serve to bring forward additional dwellings, including affordable, and support Lutterworth's role as a Key Centre. It will also bring forward additional Section 106 contributions. The scheme is considered in accordance with the broad Masterplan for the site as a whole, and the details submitted would result in a development which is considered in keeping with the character of the area, would not result in a danger to highway safety and would not result in a significant loss of amenity to adjoining neighbours. All other technical matters have been addressed, and there are no other material considerations which have not been satisfactorily addressed.

7.2 When assessed against the NPPF, Paragraph 11 (presumption in favour of sustainable development), as well as the NPPF taken as a whole, no significant and demonstrable harm is identified and thus the proposal should be approved without delay.

The recommendation has been made taking into account Paragraphs 38 of the NPPF, as well as National Planning Practice Guidance.

8. Appendices:

8.1 If Members are minded to approve the application, a list of suggested planning conditions is attached at Appendix A and Appendix B contains the approved conditions attached to the extant outline consent (17/00104/VAC), which remain to be complied with:

Appendix A: Suggested conditions: (Note there may be additional highways conditions based on latest plans submitted, to be reported on the Supplementary list if available)

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. Schedule of plans:

The development hereby permitted shall be carried out in complete accordance with the approved plans listed in schedule:
(submitted by Christine Manley, dated 01.07.21)

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

3. 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.

4. Landscape management/maintenance
The Soft Landscape Management and Maintenance Plan shall be implemented in accordance with the submitted plan MUL23123-11 (Sheets 1-2), soft landscape management and maintenance plan and soft landscape specification

Reason: To ensure that proper maintenance of landscape features within public open space areas is undertaken.

5. Parking/turning:
The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number 18546/1004 A. Thereafter the onsite parking provision shall be so maintained in perpetuity, including the visitor/parcel drop off parking.
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 2018.

6. Ecology:
The development shall take place in accordance with the updated Ecology reports, including the Badger Report by Brindle and Green, dated January 2021. This includes the submission of a LEMP.
Reason: To protect the Ecology of the site, in accordance with G15 of the Harborough District Local Plan.

7. CEMP:
The development (including any site clearance/preparation works) shall be carried out in accordance with the approved Construction Environmental Management Plan.
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. SUDS details:
No development shall commence on site until details of a surface water drainage scheme/system have been submitted to, and approved in writing by, the Local Planning Authority. These details shall include evidence of infiltration testing on the site to establish the suitability of the site for the use of infiltration as a drainage element. The surface water drainage scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings.

REASON: To prevent flooding by ensuring adequate storage and disposal of surface water from the site having regard to Harborough Local Plan Policy CC4 and the National Planning Policy Framework.

9. SUDS management

No development shall commence on site until details of the management of surface water on site during construction of the development have been submitted to, and approved in writing by, the Local Planning Authority. Surface water management during construction of the development shall be carried out in accordance with the approved details.

REASON: To prevent an increase in flood risk, to maintain the existing surface water run-off quality, and to prevent damage to the final surface water management systems through the entire development construction phase having regard to Harborough Local Plan Policy CC4 and the National Planning Policy Framework.

10. SUDS MAINTENANCE

Prior to the first occupation of any of the dwellings hereby permitted, details for the long term maintenance arrangements for any parts of the drainage system which will not be adopted (including ponds, ditches, swales, permeable paving, land drains) shall be submitted and approved in writing by the Local Planning Authority. The submitted details should specify the responsibilities of each party for the implementation of the SUDS scheme, a timetable for implementation, provide a management plan and maintenance plan for the lifetime of the development which should include arrangements for adoption by any public authority or statutory undertaker and any other arrangement to secure the operation of the scheme throughout its life time. The management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.

REASON: To establish a 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 having regard to Harborough Local Plan Policy CC4 and the National Planning Policy Framework.

11. The development shall be in compliance with the High Efficiency Alternative Systems (HEAS) Report that has been produced by Energist, and all measures identified shall be retained in perpetuity thereafter.

Reason: In order to ensure compliance with Policies CC1, CC2 and IN3 of Harborough District Local Plan.

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. The Applicant is advised to refer to the comments made by the LLFA (dated 31.03.21), in respect of condition notes and informatives.
3. The vehicular crossing shall be constructed to the satisfaction of the Highway Authority and a licence and specification must be obtained from Leicestershire County Council Highways Department (Tel. (0116) 305 0001).
4. Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981. Therefore, should birds or bats be present in the trees affected by this application, any felling/surgery should be deferred until late summer/autumn.

APPENDIX B- S106 CONTRIBUTION REQUESTS

Request by HDC	Obligation for Community Facilities contribution		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Charge per dwelling for new build / extension /and upgrade projects: £28,149 or £39,105 depending on housing numbers/mix	Commencement of development	<p>Necessary to make development acceptable in planning terms</p> <ul style="list-style-type: none"> • HDC Planning policy states that for a development of this scale, a community facilities contribution is required to make this development acceptable in planning terms • The calculation above is based on recent Planning Obligations Supplementary Planning Document approved in September 2016 and published in January 2017. A copy can be found at:- http://www.harborough.gov.uk/directory_record/559/section_106_planning_guidance. • Please note that the HDC Assessment of Local Community Provision and Developer Contribution (Roger Tym Report) no longer applies • HDC consider the Community facility contribution justified and necessary to 	<p>Harborough District Local Plan.</p> <p>Harborough District Council Planning Obligations Supplementary Planning Document January 2017</p> <p>Harborough District Council Parish Profiles March 2017</p> <p>Community Facilities Refresh Assessment May 2017</p>

		<p>make the development acceptable in planning terms with accordance with the relevant national and local policies and the additional demands that would be placed on key facilities as a result of the proposed development</p> <p>Directly related to the development</p> <ul style="list-style-type: none"> • The contribution request has been justified using evidence of need for the community facilities based in either the town of Lutterworth, or facilities in a neighbouring parish in close proximity to the proposed development (5 mile radius). • Any Community Facilities contribution would be allocated to projects supporting community facilities in either the town of Lutterworth, or facilities in a neighbouring parish in close proximity (5 mile radius) to the proposed development. Therefore, the contribution requirement is directly related to the development because the contribution would be used for the purpose of providing additional capacity through Community Facility projects. • The projects evidenced will benefit the new residents of the proposed development. <p>Fairly and reasonably related in scale and kind to the development</p> <ul style="list-style-type: none"> • The proposal is for residential development (33 Dwellings houses) and subsequent provision of Community Facilities providing benefit to future occupiers is fairly and reasonably related to this type (Kind) of development. • HDC consider the Community Facilities request to be fair and reasonable in scale and kind to the proposed scale of the development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the locality's Community Facilities. 	
Request by HDC	Obligation for Affordable Housing		
Amount /Detail	Delivery	CIL Justification	Policy Basis

10 Affordable units to meet identified need	Not to allow Occupation of more than 50% (fifty per cent) of the Market Housing Units until 50% of Affordable Housing Units have been completed, not to allow Occupation of more than 75% (Seventy five per cent) of the market Housing Units until the remaining 50% fifty per cent Affordable Housing Units have been completed.	<p>Harborough Local Plan adopted May 2019 Policy sets out requirements for affordable housing. The policy requires 40% affordable housing to be provided on all sites that exceed 10 units. This policy aims to increase provision of affordable housing, across Harborough District in order to meet the high need across the district as demonstrated in the Housing and Economic Development Needs Assessments 2017 (HEDNA.) On all proposed developments of above 10 units, Harborough will require on site provision of affordable housing. Please refer to below.</p> <p>The mix shall comprise:</p> <p>1x 4 bed detached house</p> <p>1x 3 bed detached house</p> <p>2x 3 bed semi-detached house</p> <p>2x 2bed semi-detached house</p> <p>4x 1 bedroom apartments</p> <p>60% Rented Housing Units</p> <p>40%Intermediate Housing units</p> <p>unless an alternative percentage and/or number of Affordable Housing Units is agreed or requested by the Council</p>	<p>Local Plan Policy H2</p> <p>This policy aims to increase provision of affordable housing, particularly in rural areas, in order to meet the high need across the district as demonstrated in the Strategic Housing Market Assessment (SHMA) and later the HEDNA.</p> <p>Affordable Housing SPD 2006</p> <p>Harborough District Council Planning Obligations Supplementary Planning Document January 2017</p> <p>HLP Policy H2</p> <p>HLP Policy IN1</p>
Request by LCC	Libraries		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£1000 to meet the needs of the increase population of Leicestershire Library Services in Market Harborough	TBC	The County Council consider the library contribution is justified and is necessary to make the development acceptable in planning terms in accordance with the relevant national and local policies and the additional demands that would be placed on this key infrastructure as a result of the proposed development. The	<p>Leicestershire Planning Obligations Policy Adopted 10th July 2019</p> <p>HLP Policy IN1</p>

		<p>contribution requirement is directly related to the development because the contribution is to be used for the purpose of providing the additional capacity at the nearest library facility to the proposed development which is at Lutterworth</p> <p>It is considered fair and reasonable in scale and kind to the proposed scale of development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the library facilities at Lutterworth which would arise due to this proposed development.</p>	
Request by HDC	Open Space		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>The commuted sums for maintenance are payable only if the developer transfers the POS to HDC or other local authority. Mulberry have confirmed they will appoint a management company to maintain.</p> <p>The developer to confirm the amounts of POS provided on site (including which typologies) and that the provision for maintenance will be undertaken through a Management Co.</p>			<p>Harborough District Council Planning Obligations Supplementary Planning Document January 2017</p> <p>Harborough District Council Playing Pitch Strategy</p> <p>HLP Policy GI2</p> <p>HLP Policy IN1</p>

Request by NHS CCG	GP Practice		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£9,489.96	<p>These practices are already experiencing capacity issues in relation to their premises and would need to make improvements to enable them to register new patients resultant of this development prior to that registration; therefore the CCGs and the practices would wish for any resulting S106 contributions to be released to the council prior to the first occupancy of any dwellings on the site.</p>	<p>The development is proposing 21 dwellings which based on the average household size of 2.42 per dwelling (2001 Census) could result in an increased patient population of 51. The calculation shows the likely impact of the new population in terms of number of additional consultations. This is based on the Dept of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.</p> <p>This development would be covered by 2 general practices within the area. Both practices are likely to feel the impact of this development. Where there is more than one practice covering a development we usually calculate S106 healthcare contributions based on the % of registered population</p> <p>The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices.</p> <p>The section 106 contributions obtained would support the Lutterworth HC practices in increasing their clinical space to improve patient access for the area. This would include extensions to premises and internal remodeling.</p>	<p>Harborough District Local Plan</p> <p>Harborough District Council Planning Obligations Supplementary Planning Document January 2017</p> <p>Leicestershire Planning Obligations Policy Adopted 10th July 2019.</p>

Request by LCC Education	Education provision		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>£0 (Primary)</p> <p>£98,514.64 (Secondary)</p> <p>Post 16 Requirement (£0)</p>	TBC	<p>Primary: There is an overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 1 pupil place. An education contribution will therefore not be requested for this sector.</p> <p>Secondary: There is an overall deficit in this sector after including all schools within a three mile walking distance of the development of 205 pupil places. A claim for an education contribution in this sector is therefore justified.</p> <p>In order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of £98,514.64. Based on the table above, this is calculated the number of deficit places created by the development, rounded to 2 decimal places (5.51) multiplied by the DFE cost multiplier in the table above (£17,876) which equals £98,514.64.</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Lutterworth High School or any other school within the locality of the development.</p> <p>The contribution would be spent within 5 years of receipt of final payment.</p> <p>This nearest Post 16 provision to the site is Lutterworth College. The Post 16 provision has a net capacity of 360 and 335 pupils are projected on roll should this development proceed; a surplus of 25 pupil places after taking into account the 2 pupils generated by this development.</p> <p>There are currently no pupil places at this College being funded from S106 agreements for other developments in this area.</p>	<p>Harborough District Local Plan</p> <p>Harborough District Council Planning Obligations Supplementary Planning Document January 2017</p> <p>Leicestershire Planning Obligations Policy Adopted 10th July 2019</p>

Total: £98,514.64		An education contribution will not be requested for this sector	
Request by LCC Civic Amenities	Waste Facilities		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£2400.00	TBC	<p>The County Council's Waste Management Team considers the proposed development is of a scale, type and size which would not be able to be accommodated at the existing waste facilities and be able to maintain the existing service levels. The County Council's methodology for calculating the contribution per household is based on the cost of maintaining the existing waste service against the number of assessed households proposed by a particular development which would use the local waste facilities.</p> <p>The nearest HWRC site to the proposed development is located at Lutterworth and residents of the proposed development are likely to use this site. In general, residents use the closest HWRC to deposit their waste and this is observed within surveys. The contribution is determined by multiplying 33 units by the current rate for the Lutterworth HWRC site which is £72.74 (subject to indexation and reviewed on at least an annual basis).</p> <p>Contributions are used to mitigate the impacts arising from the increased use of the HWRC site associated with the new development for example by the acquisition of additional containers or installation of additional storage areas and waste infrastructure at the HWRC site or adjacent land to increase the site's capacity for handling and separating waste. Each household in Leicestershire in 2017/18 delivered on average approximately 0.211 tonnes of municipal waste to a HWRC site. On this basis the proposed development of 21 dwellings</p>	<p>Harborough District Local Plan</p> <p>Harborough District Council Planning Obligations Supplementary Planning Document January 2017</p> <p>Leicestershire Planning Obligations Policy Adopted 10th July 2019</p>

		<p>would generate over 4 tonnes of additional HWRC waste at the Market Harborough HWRC site. The proposed development would place additional demand on the HWRC site and the request for the HWRC developer contribution would meet the demands placed on the site as a result of the proposed development.</p> <p>Government legislation is focused on maximising the diversion of waste from landfill and the County Council must have appropriate containers and/or storage areas to deal with the different types of waste. Due to the complex nature of the waste received at the HWRC site it will become increasingly difficult over time to maintain performance and a good level of service at peak times, particularly with an increased demand placed on it due to this development.</p> <p>The County Council considers the contribution is justified and necessary to make the development acceptable in planning terms because of the policies referred to and to mitigate or manage the additional demands that would be placed on the key waste service as a result of the proposed development. The contribution is directly related to the development because the contribution is to be used to enhance capacity at the local facility to accommodate the proposed development. The contribution is considered fair and reasonable in scale and kind to the proposed scale of development, in accordance with paragraph 56 of the NPPF, and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the waste service and local infrastructure.</p>	
Request by LCC Highways	Highways		

<p>Travel Packs and bus passes</p> <p>a) Travel Packs; to inform new residents from first occupation what sustainable travel choices are</p> <p>in the surrounding area (can be supplied by LCC at £52.85 per pack).</p> <p>b) 6-month bus passes, two per dwelling (2 application forms to be included in Travel Packs and</p> <p>funded by the developer); to encourage new residents to use bus services, to establish changes in</p> <p>travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass).</p>		<p>To comply with Government guidance in the National Planning Policy Framework and commensurate with Leicestershire County Council Planning Obligations Policy, the following contributions are required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:</p>	<p>Harborough District Local Plan</p> <p>Harborough District Council Planning Obligations Supplementary Planning Document January 2017</p> <p>Leicestershire Planning Obligations Policy Adopted 10th July 2019</p>
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Planning Committee Report

Applicant: Mr and Mrs Gray

Application Ref: 21/00567/FUL

Location: 41 Main Street, Great Bowden

Proposal: Erection of a dwelling (Revised Scheme 19/01211/FUL)

Application Validated: 20.04.2021

Target Date: 15.06.2021 – EOT Agreed

Consultation Expiry Date: 27.07.2021

Site Visit Date: 21.08.2020

Reason for Committee Decision: The application has been ‘called-in’ by Cllr Champion for the following reasons:

“it contravenes para 70 of the NPPF in that plan should ‘resist inappropriate development of residential gardens, for example where development would cause harm to the local area’.”

Recommendation

Planning permission is **APPROVED** for the reasons as detailed within the report together with planning conditions set out in Appendix A to this report and providing no objections being received from Network Rail.

1. Site & Surroundings

- 1.1 The application site relates to 41 Main Street, specifically its rear garden, within the village of Great Bowden.
- 1.2 41 Main Street is accessed via private drive leading off of Main Street. The private drive serves three other properties.
- 1.3 To the north of 41 Main Street is the private drive, grass verge and railway bridge; to the south is open countryside; to the east is the railway line and to the west are residential properties.
- 1.4 Land levels rise from 41 Main Street towards the rear garden.



Site Location/Aerial Image (Uniform Mapping)



Looking towards the southern boundary



Looking towards the western boundary



Looking south from the lower garden of No.41 Main Street

2. Planning History

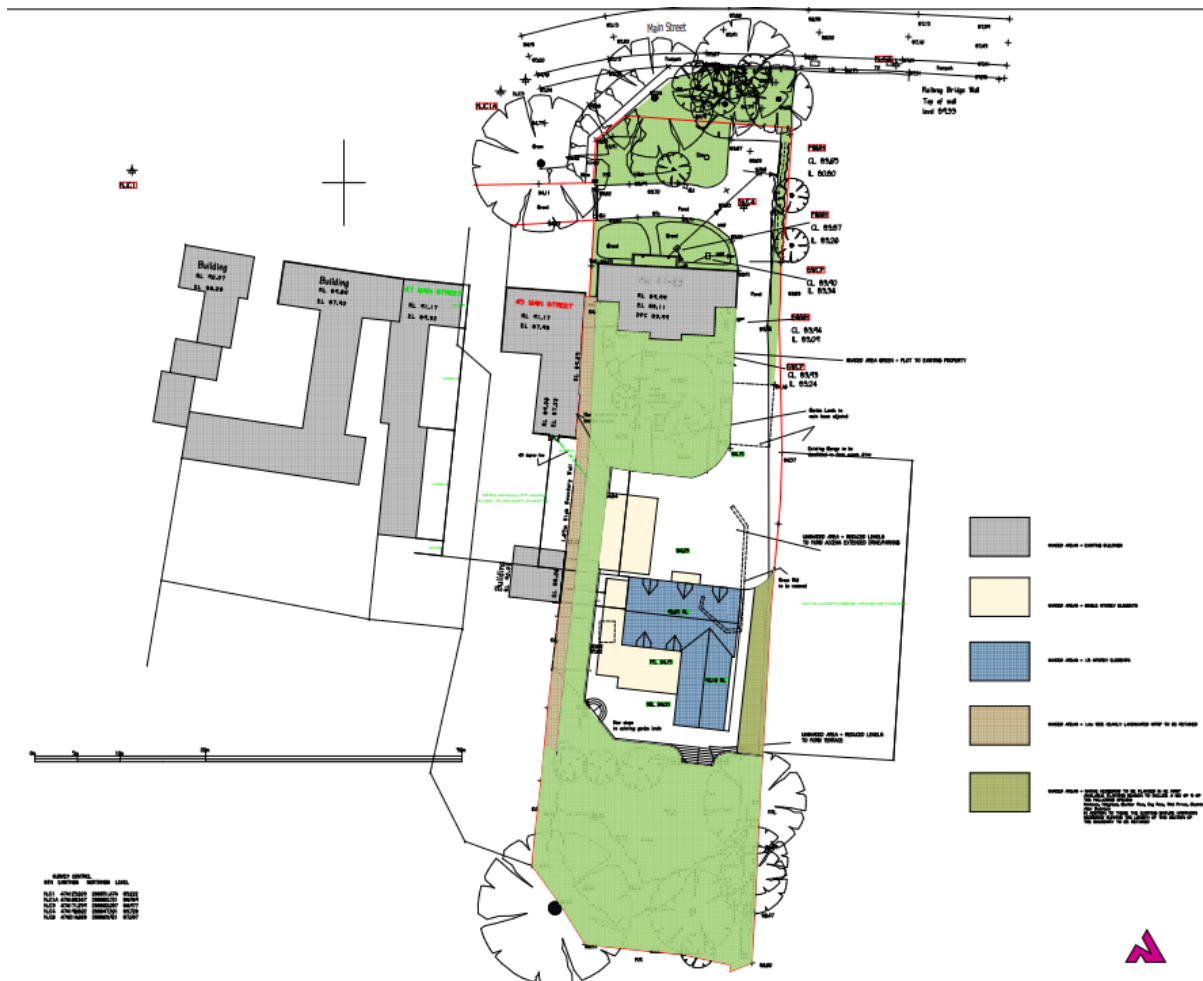
2.1 The site has the following planning history:

- 76/00692/3M - New garage and porch to existing house
- 17/02084/FUL - Erection of two dwellings WITHDRAWN
- 19/01211/FUL - Erection of 2 dwellings (Revised Scheme of 17/02084/FUL) WITHDRAWN
- 20/00381/FUL - Erection of a dwelling (Revised Scheme of 20/00381/FUL) INVALIDATED*

*During the course of dealing with 20/00381/FUL application it transpired it should not been validated as the 'red line' had not been drawn correctly as it did not include the private drive upto the public highway and the correct certificate of ownership had not been completed. The application was therefore 'invalidated'.

3. Summary of Proposal

- 3.1 This application seeks full planning permission to construct a dwelling within the rear garden of No.41 Main Street.
- 3.2 Amended Plans were received 06.07.2021. The Amended Plans updated the Proposed Site Layout plan (as shown below), to clearly show the single storey and 1.5 storey elements of the proposed dwelling, the area of retained landscaping along the western boundary and the proposed native hedgerow planting as required by County Ecology; In addition the Site Layout Plan and Longitudinal Section now show the surrounding built form in relation to the proposed dwelling and the Proposed Floorplans and Elevations have brought the rear wing of the proposed dwelling in by 400mm to break up the mass on the eastern elevation.



Proposed Site Plan

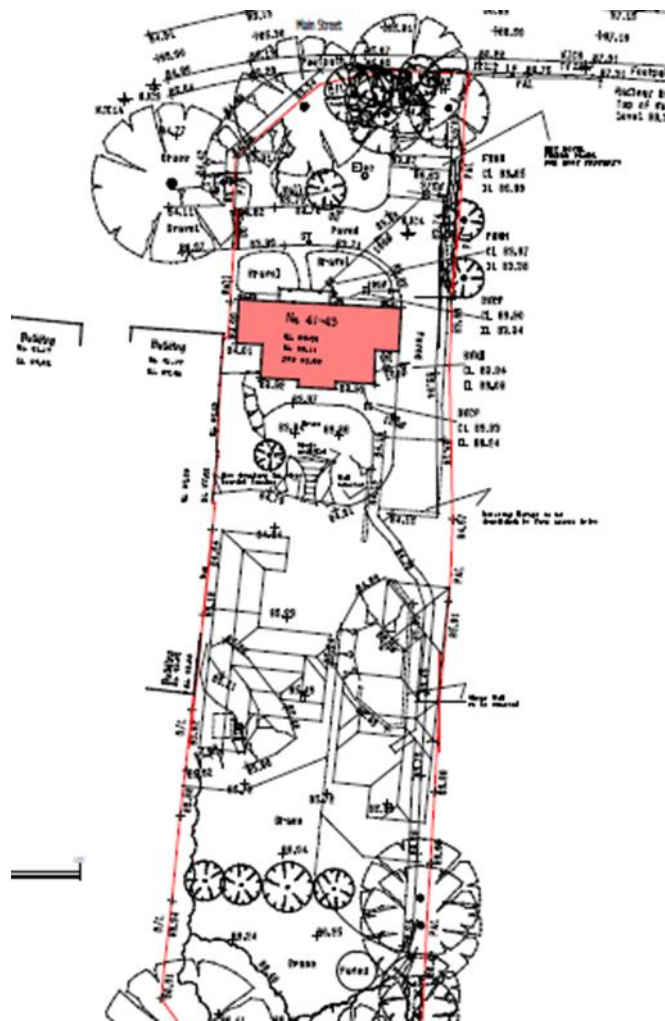
- 3.3 Vehicular access to the site will be via the private drive leading off Main Street, it will then follow the existing driveway along the side of No.41 Main Street and then following the demolition of No.41's garage, lead through to the dwelling and double garage and store. As part of the proposals replacement parking for No 41 would be provided to the front of the site.

Previous Schemes

- 3.4 This current application is a revised scheme to 3 previous schemes. The first application was submitted in 2017 (17/02084/FUL), following pre-application advice given in 2016. Pre-application advice was sought in 2016 for the erection of 4 dwellings (PREAPP/16/00275). The Planning Officer (not the current Case Officer) advised

"I consider that 4 additional dwellings would be too many and result in a cramped and car dominated development; one or possibly two would be more appropriate, and leave the southern portion of the site as garden land. The layout will need to ensure that sufficient garden land is retained for the existing house. The layout and built form of the adjacent properties to the west should be considered when determining an appropriate layout."

- 3.5 The site plan and elevations proposed for 17/02084/FUL is illustrated below. This application was later Withdrawn due to Case Officer concerns over design and scale.



- 3.6 In 2019 (19/01211/FUL) a revised scheme was submitted, again for two dwellings, although this time the dwellings were attached. This application was later Withdrawn due to Case Officer concerns again over design and scale.



4. Consultation Responses

- 4.1 The following consultation responses have been received. To view the comments in full, please view the application online at www.harborough.gov.uk/planning

LCC Highways

The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Consideration should be given to parking provision in line with the Leicestershire Highway Design Guide (LHDG).

LCC Ecology

May 2021 – Holding objection pending further details on the 5m buffer of natural vegetation between the site boundary and the proposed dwelling

June 2021 – No objection subject to new hedgerow planting within buffer zone.

LCC Archaeology

Recommend that any planning permission be granted subject to a staged programme of archaeological work, to safeguard any important archaeological remains potentially present.

HDC Conservation

The application relates to a property within the Great Bowden Conservation Area.

The houses at the front date from the 19th century and are understood to be associated with the adjacent railway which was built in the mid-19th century and altered the character of this section of road.

The existing garden has a limited impact on the character and appearance of the conservation area as it is largely screened from close and long public views by the built form of nearby houses and vegetation.

While the plot has not been developed previously, I do not consider the presence of a large garden behind the host property to be something which contributes to the character and appearance of the conservation area.

The proposed new dwelling would be similar in height to the house at the front, similar in mass and set back within the site and is of an appropriate design.

As such, I do not consider that harm would be caused to the character and appearance of the conservation area and I have no objection to this proposal.

HDC Environmental Health

No comment

HDC Contaminated Land and Air Quality Officer

Due to the neighbouring land is railway land recommend that any planning permission be granted subject to a risk based land contamination assessment and verification investigation report

Great Bowden Parish Council

No comments received.

Network Rail

Consulted 06.07.2021. Awaiting comments.

LLFA

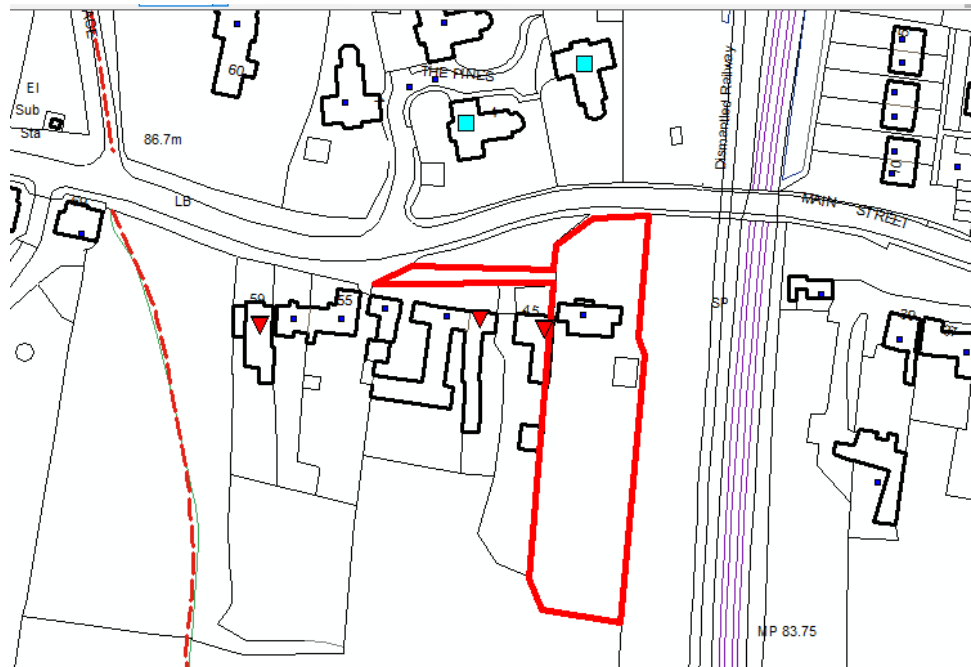
Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the site is located within Flood Zone 1 being at low risk of fluvial flooding with surface water modelled to accumulate in the north of the site, adjacent to Main Street. Given the nature and parameters of the proposed development (single dwelling, t (single dwelling, <1ha.), the application falls outside of the LLFA's remit for a bespoke response. as such the LLFA would take this opportunity to refer the applicant and the LPA to our standing advice (see suggested Notes to Applicant)

The Council holds a suite of data relating to flooding incidents in Leicestershire obtained from various sources within the County. However, the information held is limited prior to the establishment of the Council as the Lead Local Flood Authority. The Council holds reports of highway flooding on Main Street in 2014 (approximately 50m to the west of the site boundary) and on Station Road in Great Bowden in 2016 (approximately 400m to the west of the site boundary). It is advised that not all instances of flooding are reported to Leicestershire County

Council and as such, there may be a history of flooding for which we have no record of

Local Community

A Site Notice was erected and an advert placed in the Harborough Mail. In addition, 13 neighbours were consulted (which includes those who commented on the earlier schemes).



Neighbour's Consulted (blue square); Objections (red triangle)

The consultation resulted in 4 letters of objection (from 3 separate households). A summary of the points raised is given below:

The only access is along a private, single track, gravelled lane, solely maintained by the owners of Numbers 45 and 47 Main Street. With no room for two vehicles to pass at any point, it is used at the moment by three properties including the applicants, with a total of 6 vehicles. The current application specifies a total of 8 car parking spaces, 4 for the host property and 4 for the proposed new house. This potentially brings the total traffic using this single track to 12 vehicles thereby doubling the traffic. Congestion will be a greatly increased problem on this narrow track, particularly when you add vehicles used by visitors, tradespeople, refuse services and the increasing incidence of vans delivering online orders.

There is a serious safety concern for cars exiting the private track onto Main Street as traffic volume along this highway has risen markedly. The track is also very close to the railway bridge where sight lines are poor and drivers frequently ignore the 20mph limit. It is equally difficult to enter the private road.

It is of great concern this application includes the intention to reduce levels within the site by 1.5m. The proposed excavation would entail the removal of a minimum of four thousand tons of spoil and over four hundred movements of heavy lorries close to our vulnerable property.

The design does not 'respect the form and character of the existing settlement', does not comply with Policy GD2. It does not safeguard important public views as for 6 months of the year it will be very visible from well used public footpaths to the rear of the property. No

mention of tree planting around the borders to limit the impact of this very large, modern 4 bed house on the adjacent properties.

The plan extends beyond the existing rear building line and the new structure will be visible from the first floor of neighbouring properties, changing the current rural aspect

The documentation accompanying and in support of the application references the development on the other side of the railway as an example of a similar scheme but that appears to be single storey, not two storey, so is not a valid comparison

No reference has been made to the updated Local Great Bowden Development Plan

The development will be detrimental in both light, fuel pollution and noise

Demolition of an existing structure in the curtilage of this historical house would be required to gain access to the proposed plot

The new proposed build is much larger than all the surrounding houses, this 'garden grabbing' at the end of a single track road would impact hugely on all surrounding properties visually and environmentally.

The design of the house proposed with its timber cladding is also by no means in keeping with the immediate brick and stone cottage neighbours on the un-adopted road. The proposed building is also well behind the current building line on this side of the bridge.

The size of the one house is virtually the same size as the two previously proposed, and then plus the enormous garage structure. Hence, we feel that this one dwelling well overdevelops the site and indeed dwarf's the neighbourhood.

The design of the new houses invades the privacy of both 45 and 47

Refuse would have to be wheeled to the front of the existing no 45 property for collection as is current, amounting to an additional 2-6 bins outside a private dwelling and also this would in turn impede the entrance to all properties beyond that point

Historical evidence shows that previous applications have been refused in 1974, and in 2015 SHLAA ref A/GB/HS9/07 page 17 deems it an unsuitable area for building with current restricted access and entry on to the current highway.

As recently as within the last five years, this area has been prone to flooding, and caused extensive damage to 41/43

The railway embankment is known to house badger setts

5. Policy

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.

○ ***Great Bowden Neighbourhood Plan Review Version May 2020***

- H1 Housing Provision
- H2 Settlement Boundary
- H3 Windfall Sites
- H6 Design Standards
- ENV9 Biodiversity
- T1 Parking Provision and New Dwellings

b) Material Planning Considerations
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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 Notes 2 and 5

The National Planning Policy Guidance

HDC 5 Year Land Supply Position – 7.04yrs

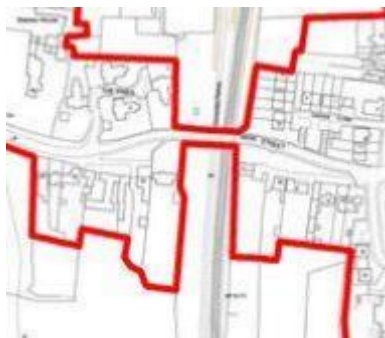
Planning (Listed Buildings and Conservation Areas) Act 1990 Sections 66 & 72

Sections 66 & 72 impose a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings/assets and Conservation Areas, including setting, when considering whether to grant planning permission for development. For Listed Buildings/assets, the Local Planning Authority shall “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” (Section 66) and for Conservation Areas “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” (Section 72).

6. Assessment

Principle of Development - New Dwellings

- 6.1 Paragraph 103 of The Framework, 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. Harborough Local Plan (HLP) 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. Great Bowden is identified within the Local Plan as a ‘Selected Rural Village’ (SRV) on the basis of the presence of at least 2 of the 6 key services (food shop, GP surgery, library, post office, primary school and pubs) together with a scheduled bus service.
- 6.2 HLP Policy GD2 advises residential development will be permitted where it is within the existing or committed built up area of SRV’s 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;*
- 6.3 The Great Bowden Neighbourhood Plan (GBNP) designates a ‘Settlement Boundary’ for the built-up area of Great Bowden. GBNP Policy H2 advises:
- “Development proposals within The Plan area on sites within the Settlement Boundary...as identified on the Policies Map, will be supported where they respect the shape and form of Great Bowden and comply with the policies of The Plan”
- 6.4 The application site is within the ‘Settlement Boundary’ of Great Bowden as identified in Fig 2 of the GBNP.



Extract from GBNP (fig.2 Settlement Boundary, p.79)

- 6.5 The proposed dwelling would be a 'windfall development' which is defined in the glossary of The Framework as "sites not specifically identified in the development plan". GBNP Policy H3 supports windfall developments where they are a) within the Settlement Boundary of Great Bowden (which this is); b. help to meet the identified housing requirement for Great Bowden in terms of housing mix (this is only for one dwelling, so it is not possible to provide for a mixture of housing types); c. reflects the character and historic context of existing developments within Great Bowden (the remaining sections of this report will explain how it does); d. They retain existing important natural boundaries such as trees, hedges and streams (this proposal does); e. provides for a safe vehicular and pedestrian access to the site and any traffic generation and parking impact created does not result in a severe direct or cumulative impact on congestion or road and pedestrian safety unless appropriate mitigation measures are undertaken (it does, no objections have been received from the Highway Authority); f. do not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise (the remaining sections of this report will explain how it does not adversely harm residential amenity); and g. do not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the occupiers of the dwelling (the remaining sections of this report explains how it does not adversely harm the character of the area/residential amenity)
- 6.6 The proposed dwelling will be built within the garden area of 41 Main Street. The definition of previously developed land in the Framework excludes private residential gardens, and so the proposed house would be on greenfield land. The Framework encourages the use of previously developed land for development, and it also states at Para 70 "Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."
- 6.7 However, the Framework does not prohibit the construction of new houses on residential gardens. The same is true of the HLP and GBNP, there are no policies which rule out development of garden land. The proposal for one new dwelling is therefore acceptable in principle.
- 6.8 It is also worth mentioning, within the GBNP, beyond the southern boundary of the site is 'open countryside', identified as an "Area of Separation" and "Ridge and Furrow". The western boundary forms part of a wider biodiversity wildlife corridor and the green verge in between the private drive and public highway "Main Street" is identified as an "Important Open Space". The proposed development will safeguard these identified features.

Design

- 6.9 Section 12 of The Framework 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. HLP Policy GD8 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. GBNP Policy H6 advises development proposals should demonstrate a high quality of design, layout and use of materials in order to make a positive contribution to the special character of the parish and should have

regard to the Great Bowden Village Design Statement and are encouraged to have regard to the design principles outlined in Policy H6.

- 6.10 41 Main Street is located at the Eastern end of a run of residential properties which comprise of semi-detached, detached, cottages and barn conversions of varying scale, materials and architectural treatment. From a bird's eye view, the proposed dwelling would be seen in the context of built development to the east and west, where new dwellings have been constructed on former garden/paddock land for example Garden House, 39A Main Street; (16/00631/FUL) or by converting and extending former agricultural buildings into the rear of the plots for example 49 Main Street (10/01602/OUT) and 47 Main Street (02/00160/FUL).



Aerial view of the existing built form

- 6.11 From a streetscene perspective, a glimpsed view of the proposed dwelling will only be possible when viewed between the gap of No.45 and No.47 Main Street and possibly in non leaf bearing months when walking over the railway bridge.



View through to the site in between No. 45 and No. 47 Main Street and wider streetscene view

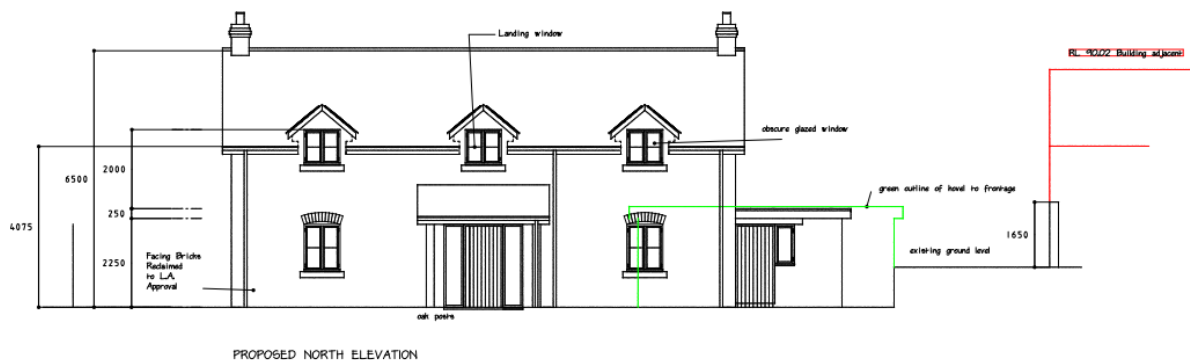
- 6.12 It will be possible to view the development from the public footpath (A50) to the south-west but it will be seen amongst a back drop of existing residential development. Furthermore, at a distance of 92m at its closest point combined with the rear garden vegetation significant visual harm can not be identified. Glimpsed views may also be possible from public footpath A49 (which crosses the railway

bridge at the recreation ground), but given the established railway line vegetation views towards to the dwelling would be limited.



Public Rights of Way to the south of the site

- 6.13 The front (north elevation) of the dwelling has been designed to reflect a traditional dormer cottage, whilst the rear (south elevation) of the dwelling takes on more of a contemporary appearance with oak/cedar cladding and large glazing which take maximum advantage of the south facing orientation of the building.





Proximity of listed buildings (highlighted yellow) from/to the application site

- 6.18 Due to the separation distance and intervening built form/vegetation, no harm can be identified to either listed building.
- 6.19 Given the limited intervisibility between Main Street and the application site and because from the footpaths to the south the dwelling will be seen against a back drop of built development, and given its scale and design, the proposed development is not considered to be harmful to the setting of the Great Bowden Conservation Area, a view shared by the Council's Conservation Officer.
- 6.20 LCC Archaeology have advised the proposal lies within both the Historic settlement core and Conservation area of Great Bowden, (HER Refs : MLE9021 and DLE605). It is adjacent to a previously excavated area to the rear of No 39 Main Street, at which Trial trenching recorded several pits, small gullies and the remains of a wall. These appear to represent rubbish pits and land divisions. Remains of at least five highly decorated Lyveden Stanion jugs may suggest the presence of a high status building nearby. (HER Ref : MLE23939). The site is also adjacent to finds of medieval pottery and post medieval remains (HER Ref : MLE21600) and a spot find of a Neolithic/Bronze age flint (HER Ref: MLE21626). As the development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains, they have recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording. Subject to the suggested conditions the application is considered to comply with HLP Policy HC1.

Impact on Neighbouring properties

- 6.21 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. 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 It is considered properties 41, 45 and 47 Main Street may be affected as a result of the development:

No.41 Main Street (host property)

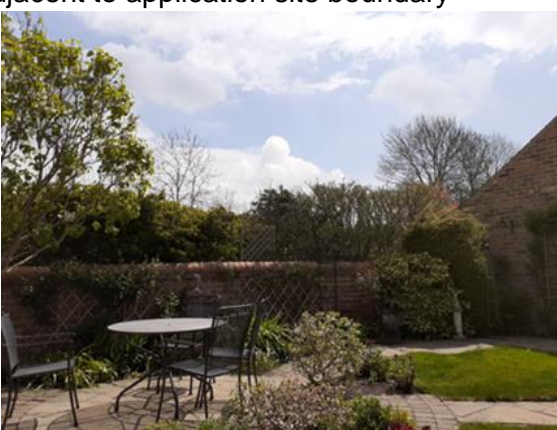
- 6.23 The proposed dwelling will be sited approximately 28m from the rear elevation of No.41 Main Street. The Council's guidance seeks a separation distance of 21m between principle windows and this is therefore achieved. The proposed development will reduce the amount of rear amenity space for the host property, however, the host property will still retain a reasonable level of rear amenity space such that existing and future residents of this property will be safeguarded.

No.45 Main Street

- 6.24 The dwelling will be visible from the rear living area and outdoor amenity area of No.45 Main Street. It will significantly alter the view from these areas (especially from the outdoor amenity areas). However, this in itself is not a reason to refuse the application, as Members will be aware, no one has a right to a view. However, it is necessary to assess whether the proposal will be overbearing, cause a loss of light or a loss of privacy which could be grounds to refuse the application.



View of outdoor amenity areas adjacent to application site boundary

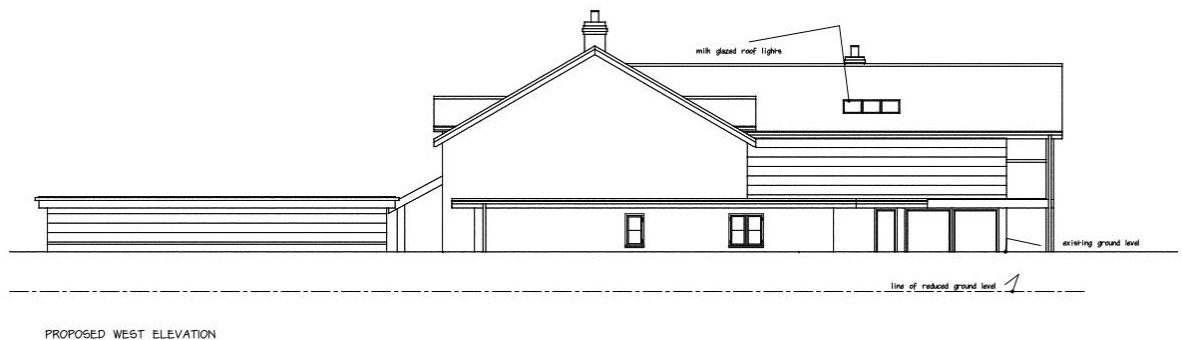


View from rear living area and outdoor amenity area towards the application site

- 6.25. As can be seen from the site plan and as previously mentioned in the design section, the proposed flat roof garage has been sited 4m from the brick wall boundary. Due to the proposed reduction in ground levels, the flat roof garage will be only marginally higher than the top of the boundary brick wall. To soften the view

further, the case officer has requested for the flat roof to have a sedum roof which will also have the added benefit of aiding to the biodiversity on site.

- 6.26 The single storey side addition of the dwelling will be 5.25m from No.45's garage/outbuilding, with the main part of the dwelling 8m away again providing an opportunity for vegetation screening. In terms of overlooking/loss of privacy, the proposed floorplans indicate an en-suite window at first floor level closest to the boundary with No.45, where a condition is suggested to make this window obscure glazed and non opening. The middle window is proposed to be a landing and the window furthest away from the boundary a bedroom, but due to the distance will not result in a degree of overlooking such to warrant refusal. No first floor side windows are proposed facing No.45. Two first floor bedroom windows and a balcony are proposed on the rear of the dwelling, but again give the distance from the boundary with no.45 no significant overlooking can be identified such as a result of these windows to warrant refusal.



Proposed west elevation – facing towards the side boundary of No.45 Main Street

- 6.27 Due to the proposed siting of the dwelling away from the boundary wall, the proposed ridge height (90.65) combined with the retained landscaping and potential for additional vegetation screening, in Officers opinion significant harm to residential amenity can not be identified.

No.47 Main Street

- 6.28 The proposed dwelling will be visible from No.47 Main Street, with the majority of its windows facing east towards the site. However, as it has been sited back from No.45's garage, set off the boundary from No.45 and no first floor side windows facing towards No.47, no significant harm to residential amenity can be identified.



View towards No.47 Main Street from the eastern boundary of the site

- 6.29 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 proposed residential nature of the application. It is inevitable that there may be some noise and disturbance during construction of the development. It is recommended that a pre-commencement condition is placed on the application should it be approved requiring details of construction hours, construction parking, method of piling (if required), and contact details for site manager.
- 6.30 A condition restricting Permitted Development Rights is recommended to control future additions/alterations to the properties, given the site is within a Conservation Area and adjacent to neighbouring properties. Subject to these conditions outlined above and at the end of the report, the proposal is considered to comply with Policy GD8 of the Local Plan in terms of safeguarding existing and future residential amenity.

Access/Parking

- 6.31 Paragraph 108 of The Framework 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.
- 6.32 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. GBNP Policy T1 does not support the provision of tandem parking in new developments.
- 6.33 The proposed development will be accessed off the private drive from Main Street. Parking for the existing dwelling is available at the front of the host dwelling. Parking for the proposed new dwelling will be available from the new garage and drive area at the front of the dwelling.
- 6.34 The Highway Authority have raised no objections to the proposal subject to a condition relating to parking and turning provision. Notwithstanding this, the Case Officer is aware of the concerns raised by objectors where the GBNP says "Main

Street has a bridge across the railway line and.... sight lines are poor" and have asked the Highway Authority to advise whether a site visit had been undertaken. Members will be updated accordingly on the Supplementary Paper.

Ecology

- 6.35 GBNP Policy ENV9 expects development proposals to protect local habitats and species and where possible and viable, to create new habitats and promote and increase biodiversity.
- 6.36 LCC Ecology initially raised a *holding objection pending further details on the buffer of natural vegetation between the site boundary and the proposed dwelling in the interests of safeguarding badgers*. However, following a discussion with the Agent whom advised the current plans achieve a buffer zone of 3.6m at the front corner of the proposed scheme widening out to 4.4m at the rear along the length of the eastern elevation, Ecology advised the Case Officer that the buffer area proposed is acceptable subject to additional hedgerow planting being planted and managed for wildlife which will have ecological benefits, within this buffer zone area. The proposed Site Plan shows this new hedgerow planting.

Trees & Hedges

- 6.37 The plans indicate all existing boundary vegetation is to be retained. A condition requiring retention is suggested.
- 6.39 A landscape scheme condition is suggested which can provide information on new trees/hedgerows to be planted.
- 6.40 The retention of existing vegetation combined with new vegetation planting will ensure the development assimilates into its surrounding in the medium to longer term.

Drainage

- 6.41 Foul sewage will be disposed of via the main sewer and surface water will be disposed of via SuDs. Specific drainage details will be considered under building regulations.

Flood Risk

- 6.42 The proposed development is within an area identified as a flood zone 1 by the Environment Agency. The site therefore has a low risk from flooding. However, objection comments refer to localised flooding occurring recently at the host property, No.41 Main Street. As such the LLFA were contacted asking if they have any comments to make on the application. They responded and referred the LPA and Applicant to standing advice, which is a suggested Note to Applicant.

Broadband Infrastructure

- 6.43 GBNP Policy EMP 3 advises "every individual dwelling in new housing developments should have access to superfast broadband of at least 30Mbps, or faster to reflect higher minimum speeds that may be prevalent through the lifetime of The Plan." A condition is suggested to ensure compliance with this policy.

Other Matters

- 6.44 Objections have been raised against the proposal relating to the Party Wall Act; use/maintenance of the private drive and the impact of the development upon the foundations of adjacent properties. Whilst the Case Officer acknowledges these concerns/issues, the LPA can only determine planning applications under the Town and Country Planning Act 1990 and matters such as these are outside the scope of the LPA and are civil/private matters. As such no material planning weight can be given to these concerns.
- 6.45 Notwithstanding this, the Applicant was asked to consider the concerns raised. The Applicant clarified
- “it will in this instance be impractical if not impossible for any wagons to access the drive/site and 90 degree turn of any real size and as such we are expecting this to be a very low key method of excavation with small machinery/ dumper trucks and the like, this of course will protract the build but will give peace of mind to all concerned”*
- 6.46 The site is adjacent to Newtork Rail. Network Rail were unfortunately missed off the original consultation when the application was validated. If Members are minded to approve the application, the decision notice will only be issued after the expiry of the 21 day consultation period, to ensure any comments made by Network Rail are taking into consideration.

Summary

- 6.46 The proposal will provide a dwelling within a sustainable location. By virtue of its siting and design, the dwelling will, on balance, assimilate into its surroundings without affecting the character and appearance of the immediate and wider environment. Furthermore, the proposal will not affect the setting of the Great Bowden Conservation Area, a designated heritage asset, the amenities of occupiers of adjacent properties or give rise to a road safety hazard.

The proposal is therefore considered to comply with Local Plan policies GD2, GD8 and HC1 and Great Bowden Neighbourhood Plan Policies H1, H2, H3 and H6 subject to the conditions highlighted in Appendix A.

RECOMMENDATION: APPROVE

Appendix A: Suggested Planning Conditions

Commencement of Development

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).

Approved Plans

The development hereby permitted shall be carried out in accordance with the amended plans submitted 06.07.2021, namely:

Proposed Floorplans 2589/24

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

Materials

Prior to construction of any external walls, details of all external materials to be used in the construction of the development (inc. details for the sedum roof for the garage) thereby 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.

Archaeology

No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which 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 site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works and 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, recording, dissemination and archiving having regard to the requirements of Harborough Local Plan Policy HC1 and the National Planning Policy Framework

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; 'buffer zone' new planting/hedges/trees (including new hedgerow planting within the 'buffer zone' as per the approved site plan) screened bin store area; a timetable of implementation and management 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, 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 having regard to Harborough Local Plan Policies GD2 and GD8 and the National Planning Policy Framework.

Construction Environmental Management Plan

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, chemicals and other construction materials
- c) wheel washing facilities and road cleaning arrangements;
- d) hours of construction work, site opening times, hours of deliveries and removal of materials;
- e) full details of any piling technique to be employed, if relevant;
- f) routing of construction traffic
- g) measures to control the emission of dust and noise during construction

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

Parking & Turning Facilities

Prior to construction of any external walls, a plan showing the parking and turning facilities for both the host dwelling and the approved dwelling have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with those details prior to 1st occupation of the approved dwelling and retained as such 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).

Permitted Development Removal

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 or Part 2 Class A inclusive of that Order, shall be erected or undertaken on the development hereby approved.

REASON: To safeguard the character and appearance of the area, to safeguard the setting of adjacent heritage assets and the residential amenities of adjoining dwellings having regard to Harborough Local Plan Policy GD8 and HC1, and the National Planning Policy Framework.

Obscure Window

The 1st floor front elevation window closest to the side (west) boundary with No.45 Main Street shall be fitted with obscure glass (minimum Level 3) and fixed shut and shall remain in perpetuity

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

Additional Windows

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 additional windows/rooflights shall be inserted on the front or side (west) elevation on the development hereby approved.

REASON: To safeguard the residential amenities of adjoining dwellings having regard to Harborough Local Plan Policy GD8 and HC1, and the National Planning Policy Framework.

Retention of trees and hedges

Unless shown on the approved plans for removal or subsequently approved landscape scheme, the existing trees and hedges on site shall be retained and maintained in perpetuity.

REASON: For the avoidance of doubt and in the interests of the character and appearance of the development and the surrounding area having regard to Harborough Local Plan Policies GD4, GD5 and GD8 and the National Planning Policy Framework.

Notes to Applicant

Building Regulations

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.

LLFA Standing Advice

The Applicant is advised to refer to the standing advice outlined within the LLFA consultation response which is available to view on-line

Planning Committee Report

Applicant: Mr and Mrs Cufflin

Application Ref: 21/00770/FUL

Location: 87 Leicester Road, Kibworth Harcourt, Leicestershire

Proposal: Erection of a detached dwelling, alteration to access, amenity space and associated works

Application Validated: 23/04/2021

Target Date: 18/06/2021 (extension of time agreed)

Consultation Expiry Date: 22/06/2021

Site Visit Date: 17/05/2021

Reason for Committee decision: The application accords with the Harborough Local Plan but conflicts with Policy SD1 and H1 of the Kibworth Villages' Neighbourhood Development Plan 2017-2031 (KNP).

Recommendation

Planning Permission is **APPROVED** for the reasons set out in the report and subject to the Planning Conditions outlined in Annexe A of this report.

1. Site & Surroundings

- 1.1 The application site is on the northern edge of Kibworth Harcourt with the A6 running to the south and west. The site is currently used as garden serving the existing dwelling (No.87) which lies to the north of the site. To the north of No.87 are other residential properties, but beyond this is open countryside which also extends to the immediate east of the site. There are residential properties to the south and west.



Figure 1. Site Location

- 1.2 Access to the site is achieved via an existing access from Leicester Road which leads to a parking area serving No.87. The site itself is soft landscaped with grass and several trees and shrubs. The front (west) and side (south) boundaries have a number of attractive, mature trees which are highly visible in the surrounding area.



Figure 2. Site photo facing west. No 87 to the right and the site to the left.



Figure 3. Streetview photo facing east with site access in the centre of the image

- 1.4 The site is outside but immediately adjacent to the Kibworth Harcourt Conservation Area. The nearest Listed building are 'The Manse' and 'Kibworth Congregational Church' which lie approximately 34m to the south east of the site (Fig. 4.)

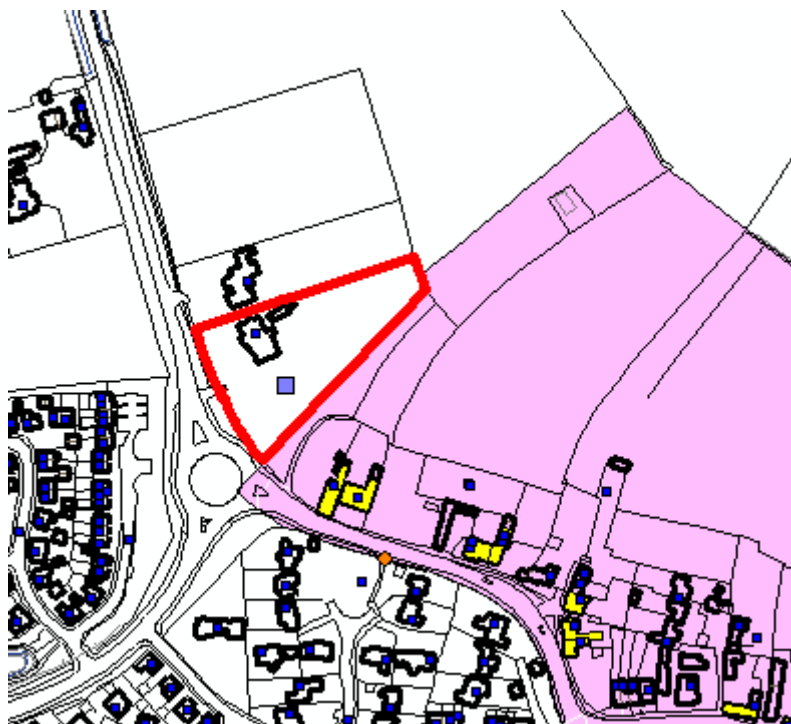


Figure 4. Plans showing the conservation area (pink) and Listed buildings (yellow)

- 1.5 The site is outside but adjacent to the Limits to Development (LtD) of 'The Kibworth's' as defined in Policy SD1 of the KNP (Fig.5).

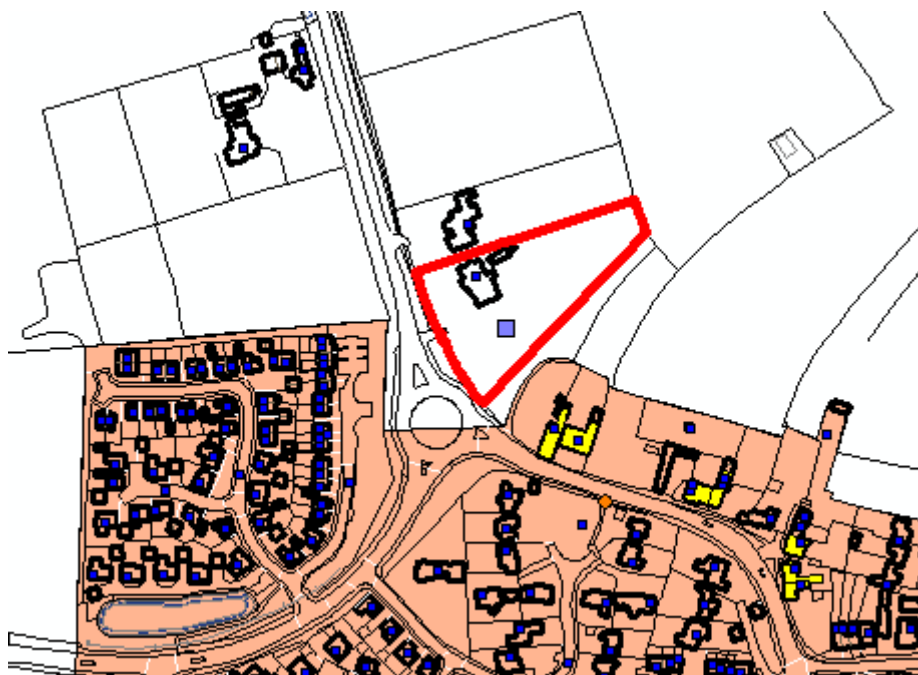


Figure 5. Plan showing the LtD (peach)

2. Site History

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

- MR/00178/KH- Use of land for the erection of a bungalow and formation of an access (REFUSED)
- MR/00363/FUL- Erection of detached house or bungalow (REFUSED)
- 00/00942/OUT- Erection of dwelling and alterations to vehicular access (APPROVED)
- 03/01177/OUT- Erection of dwelling and alterations to access (renewal of consent 00/00942/OUT) (APPROVED)
- 13/01687/FUL- Alterations and erection of single storey extension to side and rear (APPROVED)
- 13/01708/FUL- Removal of front boundary hedge and replacement with a 2m high brick wall and timber gates (REFUSED)

3. The Application Submission

a) Summary of Proposals

- 3.1 The application is for a single dwelling with associated car parking and amenity space on garden land adjacent to No.87. The dwelling would be two and a half storeys, with some two storey and single storey areas. The dwelling is proposed to have six bedrooms split across the first and second floor. An attached triple garage is proposed to the front.
- 3.2 The proposal seeks to utilise the existing access which would be shared between the existing and proposed dwelling. Minor adjustments to the access width and curve radii are proposed. The dwelling would be sited centrally in the plot with large gardens to the front and rear, the curtilage/garden space for No.87 would be reduced but remains

large. Materials include brick to match No.87 with timber cladding to the garage and rear gable.

- 3.3 Several category C trees are proposed to be removed in the centre of the site but those surrounding the site are to be retained.



Figure 6. Existing (left) and proposed site plan (right)



Figure 7. Proposed elevations

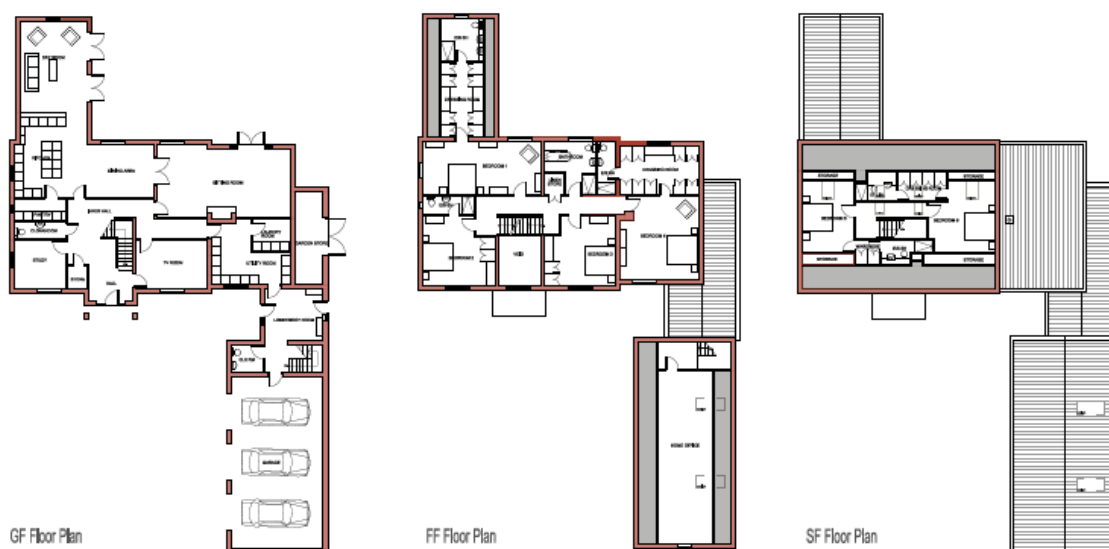


Figure 8. Proposed floorplans

b) Documents submitted

i. Plans

3.4 The application has been accompanied by the following plans –

- Location Plan
- Existing and proposed site plan
- Proposed elevations
- Proposed access widening plan
- Proposed floorplans

ii. Supporting Information

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

- Design and Access Statement
- Planning Statement
- Arboricultural Impact Assessment
 - Tree constraints layout plan
 - Tree constraints plan
 - Tree impact plan
 - Tree protection plan
 - Tree removal plan
 - Tree shadow plan
- Ecology survey

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

3.6 No amended plans and/or additional information has been submitted.

d) Pre-application Engagement

3.7 Pre-application advice was sought in 2019 (PREAPP/19/00191). In the officer's opinion, it was acknowledged that the site is outside of the LtD outlined in the KNP. However, the principle of a dwelling in this location was considered to be in accordance

with the HLP which is a more up to date plan. Observations were provided in respect of the design, trees/landscaping, highways, residential amenity, archaeology and ecology. Following the initial pre-application response the officer commented further on issues relating to the garage design and materials. The applicants were advised the decision would be made by Planning Committee.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out for the application, this occurred on 30th April 2021. A site notice was displayed on the 17th May 2021 and a press notice displayed on the 13th May 2021. The consultation period expired on 22nd June 2021.
- 4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to:
www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

4.3 **LCC Highways:**

The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Consideration should be given to access width (minimum of 4.25m), visibility splays, gates and surfacing.

The following in formatives should also be included:

- 1. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001.*
- 2. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.*

4.4 **HDC Environment Team:**

The department has no comment regarding the above.

4.5 **LCC Ecology:**

The Ecological Appraisal (Aspect Ecology, April 2021) is satisfactory. The recommendations in the report must be followed and made a condition of the development. Bat and bird boxes as recommended in the ecology report need to be marked on a plan and photos taken when in situ, to enable the condition to be discharged.

4.6 **LCC Archaeology**

The Leicestershire and Rutland Historic Environment Record (HER) notes the area is within an area of archaeological interest. It is just outside the historic settlement core of Kibworth, it is also located close to the site of a roman villa and probable Iron Age site (HER ref: MLE17675).

The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains. In consequence, the local planning authority should require the developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 199)...

... *In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and nonintrusive investigation and recording...*

Conditions recommended (see Annexe A)

b) Local Community

4.7 No comments received.

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.

- The Kibworth Villages' Neighbourhood Development Plan 2017-2031 (KNP)
 - SD1 Limits to development
 - H1 Windfall sites
 - H3 Housing mix
 - H4 Building design principles
 - H5 Residential car parking
 - H6 Refuse storage
 - H7 External storage
 - ENV2 Important trees and woodland
 - ENV3 Biodiversity
 - T1 Transport assessment for new housing development
 - T6 Air Quality

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
Planning (Listed Buildings and Conservation Areas) Act 1990***

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. The Kibworth's have a good range of shops, services and facilities with some local employment facilities. There are also bus services to both Market Harborough, Leicester and surrounding villages. Based on the level of services, The Kibworths is identified as a Rural Centre in the Harborough Local Plan (HLP) and the application site is a sustainable location for housing.
- 6.2 As outlined above the site is adjacent to, but outside the Limits to Development (LtD) defined in the KNP. As such a house in this location would be contrary to KNP policies SD1 and H1. SD1 states that development shall be located within the LtD unless there are special circumstances to justify its location in the countryside outside the LtD. Whilst policy HC1 requires 'windfall housing' to be within LtD. The proposed dwelling will be built within the garden area of 87 Leicester Road. The definition of previously developed land in the Framework excludes private residential gardens, and so the proposed house would be on greenfield land. The Framework encourages the use of previously developed land for development, and it also states at Para 70 "*Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.*" However, the Framework does not prohibit the construction of new houses on residential gardens. The same is true of the HLP and KNP, there are no policies which rule out development of garden land. The proposal for one new dwelling is therefore acceptable in principle.
- 6.3 However, the HLP which was adopted after the KNP (as such is considered more up to date) does allow for additional residential development adjoining the existing or committed built up area of Rural Centres. Policy GD2 (2) is most relevant in this case. Policy GD2 (2) states that where there is no residual minimum housing requirement, as in The Kibworths, only minor additional residential development will be supported. Developments must also be of a scale which reflects the size of the settlement concerned. As seen in figure 1, the site is immediately adjacent to the built-up area of

Kibworth Harcourt with residential development to the north, southeast and west of the site. The dwelling would be constructed within the existing garden of No.87 and would not lead to additional housing development in the open countryside. Therefore, as the proposal is for only one dwelling the development would accord with this policy and the principle of a single dwelling in this location is considered to accord with policy GD2 of the HLP and the wider Spatial Strategy of policy SD1.

Housing mix

- 6.4 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. Policy H3 of the KNP states that new housing development should provide a mixture of housing types to meet identified local needs. Priority should be given to dwellings of three bedrooms or fewer and to homes for older people.
- 6.5 As a six-bed dwelling, the dwelling is a large house which would not accord with the priorities outlined in policy H3 of the KNP. Notwithstanding that, the proposal is for a single dwelling and whilst a smaller home would be beneficial the proposal does not directly conflict with policy H3 as the policy does not prohibit larger dwellings.

Conclusion to the principle of development

- 6.6 The site is outside but immediately adjacent to the LtD, the proposal therefore does not accord with the KNP. However, the scheme is in accordance with the HLP and the site is judged to be a sustainable location, well related to existing built form. Considering the HLP was adopted after the KNP, the HLP is more up-to-date and is therefore given more weight and the principal of a house in this location is acceptable.

b) Design, Visual Amenity and Impact on Heritage Assets

- 6.7 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. Policy GD8 of the HLP outlines that developments 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. 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.
- 6.8 Policy H4 of the KNP outlines the building design principles to be applied in the villages. This includes that design principles that apply in a Conservation Area should be applied where development is adjacent to the Conservation Area. The character, scale, mass, and layout of a development should fit with the surrounding area, including external roof and wall materials and not adversely impact on the visual amenity of the area. The KNP identifies a number of important trees, those along the front boundary of the site are identified as important. Policy ENV2 states that proposals should be designed to retain such trees where possible. Policies H6 and H7 contain specific requirements for refuse and external storage.
- 6.9 As described above, the dwelling would be constructed within the existing garden of No.87 Leicester Road. There are residential dwellings to the north, south east and

west and as such the proposal will not encroach into the open countryside and will be viewed in the context of the surrounding properties.

- 6.10 The siting of the dwelling is respectful of the surrounding grain of development. The existing residential curtilage for No.87 is split in an appropriate manner with both properties retaining generous gardens. Therefore the proposal is considered to be appropriate development within a garden (NPPF paragraph 70). The proposed siting of the garage will differ from the surrounding built form as it will protrude forward of the dwelling and has a large footprint. Notwithstanding this, it will be screened by the vegetation to the front of the site and is subordinate in scale to the dwelling. The proposed use of timber cladding on the garage will create a subordinate appearance and respect the wooded frontage of the site.



Figure 9. Site plan and aerial view of site/surroundings

- 6.11 Turning to the design of the dwelling itself, residential properties within the immediate vicinity of the application site are varied in age, form, character and scale. Surrounding materials include white render and red brick with slate or tiled roofs. The proposal will mainly be viewed in the context of No.87 Leicester road which is constructed from red brick with some cream render and a slate roof. No.87 and the properties to the north of the site are all large, detached dwellings. In terms of the scale of the proposal, it is large, yet is considered to be informed by and in keeping with the scale of the properties surrounding it. The design is traditional and utilises fenestration and architectural details (such as the porch) which are in keeping with the surrounding properties, notably No.87 Leicester Rd.



Figure 10- Front elevation of No.87 Leicester Road

Trees

- 6.12 The applicants have submitted an Arboricultural Impact Assessment with the proposal. This includes an assessment of the trees in close proximity to the site and whether they will be impacted by the proposal, including during construction and post construction (ie through shading).
- 6.13 The report identifies that the main trees on site are four lime trees to the front. This accords with Policy ENV 2 of the KNP which identifies the frontage trees as important- these trees are to be retained. The only trees that would be removed to facilitate the driveway for the development are five category C trees. Category C trees are trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm. These trees have limited amenity value and longevity and are not identified as important in the KNP. The arboricultural assessment also identifies one Category U, Yew tree, which is in such a condition that it is recommended to be felled. The Yew tree is on the site frontage, but in this case the tree is judged to be dying, likely from disease, as such its removal is recommended.
- 6.14 The proposal is largely outside of the Root Protection Areas (RPA) for the retained trees. The main building would incur into the RPA of one tree by approximately 8.2m², this is 2% of the RPA and the report states there is adequate space on all other sides to allow for new growth of roots meaning the amount of incursion is not significant, nor would it require special foundations. The patio area to the rear will encroach into the RPA of another tree, however, the patio is proposed to be constructed using a 'no-dig' method meaning the incursion will not harm the health of the tree.
- 6.15 The proposed shading plan demonstrates that the shading from the retained trees will not adversely impact on light to the proposed dwelling, reducing pressure/justification for trees to be removed in the future. Furthermore, a tree protection plan has been included which would minimise potential harm to the retained trees during construction. Conditions requiring the development to be carried out in accordance with the Arboricultural Impact Assessment and associated plans are recommended to ensure the retention of the trees which contribute to the character of the area including the Conservation Area.

External storage

- 6.16 Policy H6 of the KNP requires new homes to have a hardstanding space of 0.75m x 1.8m for refuse bin storage. This is accommodated for by the hardstanding to the front of the dwelling. Policy H7 of the KNP requires that new residential development of 4+ bedroom dwellings includes secure external storage with an external area of 4sqm. The proposal does not include plans for a secure external store (ie a shed) however, this could be provided for within the proposed garage area.

Impact on Heritage Assets

- 6.17 The application site is adjacent to the Kibworth Harcourt Conservation Area. Considering the dwelling is an infill dwelling in nature, that the design is traditional and in keeping with the surrounding properties and that the trees surrounding the site are to be retained the proposal would not harm the special character of the Conservation Area. There are listed buildings to the southeast of the site, however, visibility between the site and these Listed buildings is limited owing to the separation distance and intervening trees/hedges/shrubs. Therefore, the proposal would not harm the setting of this heritage asset and the proposal accords with policy HC1.
- 6.18 To conclude, for the reasons outlined above the dwelling is considered to be inspired by and respect the character of the area, including the special character of the adjacent Conservation Area. The proposal retains the trees surrounding the site and would not adversely impact the nearby Listed buildings. The proposal therefore complies with policies GD5, GD8 and HC1 of the HLP, as well as policies H4, H6, H7 and ENV2 of the KNP. These policies suggest that development will be permitted where it achieves a high standard of design, including where appropriate, being individual and innovative, yet sympathetic to the local vernacular; and 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.

c) Highways

- 6.19 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 T1 of the KNP requires developments to demonstrate that adequate parking and manoeuvring space accords with Highway Authority standards. Policy H5 requires developments to incorporate sufficient parking, 4+ bedroom dwellings should have a minimum of 4 off-street parking spaces.
- 6.20 LCC Highways department have been consulted and raised no specific objections, stating that the proposal should be assessed against Standing Advice. The existing access is proposed to be widened and would serve both No.87 and the proposed dwelling, there would therefore be a modest intensification of the use of the access. The proposal has been assessed against the relevant parts of the LCC standing advice.

Gates

No gates are proposed to the access. A condition is recommended ensuring any gates in the future would be set back 5m behind the highway boundary and would be hung so as to open inwards only. This would allow vehicles to stand clear of the highway and would ensure the proposal complies with LCC Standing Advice.

Gradient

The gradient of the access drive would not exceed 1:12 and therefore accords with LCC Standing Advice.

Access Width

The proposal includes widening the access slightly to accommodate an access width of 4.25m, the width, radii and alignment accords with LCC Standing Advice.

Turning/ Parking

The driveway to the front is sufficient to accommodate turning for the property. LCC highways design guidance requires 3+ bed dwellings to have three parking spaces, the KNP requires four parking spaces. The proposal includes a large parking area and triple garage which would be sufficient to accommodate at least four vehicles. A condition is recommended ensuring the turning and parking area is provided and available prior to first occupation of the dwelling.

Visibility

The site is within the 30mph speed limit, given the close proximity to the roundabout vehicle speeds are however likely to be lower. Notwithstanding this, the visibility splays would accord with LCC standing advice for likely speeds of 30mph.

Surfacing

Details of surfacing have not been provided. A condition requiring the drive to be surfaced with tarmac, concrete or similar hard bound material is recommended to prevent deleterious material being deposited to the highway and to accord with Standing Advice.

- 6.21 Overall the impact on the highway network is not considered to be unacceptable, the proposal is considered (subject to conditions) to comply with LCC Standing Advice, policies GD8 and IN2 of the HLP and policies T1 and H5 of the KNP.

d). Residential Amenity

- 6.22 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.
- 6.23 The proposed dwelling is a significant distance from 'The Manse' to the south east of the site. The minimum separation distance is approximately 45m and the retained screening will further reduce the impact of the development on this property. No harmful amenity impacts are likely.

- 6.24 The proposed dwelling is also considered to be sited and designed in such a way to mitigate harmful amenity impacts to No.87 Leicester Rd. As seen below the only window in the southeast elevation of No.87 close to the proposed dwelling is a secondary window, this room is also served by extensive glazing in the rear elevation. There are windows in the first-floor side elevation which would face the rear protrusion of the proposed dwelling, however, the separation distance of 18.5m is acceptable between a window and blank elevation and would limit an adverse sense of overdominance and loss of light (HDCs supplementary planning guidance suggests a distance of 14m). The main body of the dwelling does contain windows in its side elevation, however, these would face the blank side elevation of No.87 and therefore the relationship is judged to be acceptable.



Figure 11. Rear/side elevation of No.87

- 6.25 Due to the siting of the dwelling no other dwellings are likely to be adversely impacted by the proposal and the application is therefore considered to comply with policy GD8(e) of the HLP.

e) Flooding/Drainage

- 6.26 The application site is located in Flood Zone 1, as such there is a low probability of flooding in the area. Policy CC3 of the HLP states that development should take place within Flood Zone 1 wherever possible as such the proposal complies with Policy CC3.
- 6.27 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. As such the proposal is considered to comply with policies CC3 and CC4 of the HLP.

f) Ecology

- 6.28 The Ecological Appraisal (Aspect Ecology, April 2021) is considered to be satisfactory. LCC ecology recommend that the recommendations in the report must be followed and made a condition of the development including the provision of bat and bird boxes.

As previously outlined the proposal also retains most of the trees on the site. Therefore, the proposal 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 and ENV2 and ENV3 of the KNP.

g) Land contamination

- 6.29 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 raised no concerns or suggested conditions in relation to this.

h) Archaeology

- 6.30 As outlined in the comments provided by LCC archaeology, the Leicestershire and Rutland Historic Environment Record (HER) notes the area is within an area of archaeological interest. It is just outside the historic settlement core of Kibworth, it is also located close to the site of a roman villa and probable Iron Age site (HER ref: MLE17675).
- 6.31 The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains. As a consequence a condition is recommended requiring the applicant to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 199). In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and nonintrusive investigation and recording (see Annexe A). Subject to this condition the application complies with policy HC1 of the HLP.

i) Air Quality

- 6.32 Policy T6 of the KNP states that planning decisions should take account of the impact on air quality, supporting proposals which will result in the improvement of Air Quality or minimise reliance on less sustainable forms of transport. The proposal is minor development and the erection of a single dwelling is unlikely to give rise to significantly adverse additional air quality issues. It is noted that the proposal would not improve air quality, however, the site is in a sustainable location whereby future occupiers can walk to services in the village or to public transport links to further afield. Therefore, the proposal accords with Policy T6 of the HLP.

7. The Planning Balance / Conclusion

- 7.1 The principle of a single dwelling in this location does not accord with the KNP, by virtue of the site being outside the LtD. However, the site is immediately adjacent to the built form of Kibworth Harcourt, and the principle of development does therefore accord with the provisions of the HLP. The HLP was adopted after the KNP and is therefore more up to date. The application site is in a sustainable location and the proposal would not result in the encroachment of residential development within the open countryside. Subject to the below conditions no adverse harm to residential amenity, the highway, ecological or archaeological assets are identified. Furthermore, the proposals design, by virtue of its scale, siting, materials and appearance, would

respect and integrate into the local area including the special character of the Conservation Area.

- 7.2 In referring to the three strands of sustainable development the proposal may provide some modest economic benefit through the construction a dwelling, and some social benefit may be obtained by the contribution of new residents to the community. Furthermore, the proposal would not adversely impact the local environment. Therefore, whilst there is some conflict with specific policies of the KNP, the proposal overall is judged to be acceptable and to accord with the HLP.

ANNEXE A- PLANNING CONDITIONS

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:

Proposed Pavement Widening 0101-PO

Proposed Site Plan 219027-PL02

Proposed Elevations 219027-PL05 B

Proposed Floorplans 219027-PL07

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

3. Archaeological Recording

No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken.

Each stage will be completed in accordance with a written scheme of investigation (WSI), which 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 site investigation 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, recording, dissemination and archiving, in accordance with the requirements of Harborough Local Plan Policy HC1 and the National Planning Policy Framework.

4. 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 HC1, Kibworth Villages' Neighbourhood Development Plan 2017-2031 Policy H4 and the National Planning Policy Framework.

5. Ecology Survey

The development shall be carried out in accordance with the submitted Ecological Appraisal (Aspect Ecology, April 2021). The recommendations in section 6 of the report must be followed.

Prior to first occupation of the dwelling details of the bat and bird boxes installed must be submitted to and approved by the Local Planning Authority. The bat and bird boxes as recommended in the ecology report need to be marked on a plan and photos taken when in situ and then provided to the Local Planning Authority.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, and to enhance the biodiversity of the area, having regard to Harborough Local Plan Policy GI15, Kibworth Villages' Neighbourhood Development Plan 2017-2031 Policy ENV2 and ENV3 and the National Planning Policy Framework.

6. Arboricultural Impact Assessment

The development shall be carried out in accordance with the submitted Arboriculture Impact Assessment by Apex Environmental Ltd. The development shall be carried out in accordance with the Tree Protection Plan AEL-18143-TTP.

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 including the Conservation Area, having regard to Harborough Local Plan Policies GD2, GD8 and HC1, Kibworth Villages' Neighbourhood Development Plan 2017-2031 Policies H4 and ENV2 and the National Planning Policy Framework.

7. Gates

If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the Highway boundary and shall be hung so as to open inwards only.

REASON: In the interests of and for the safety of persons and vehicles using the adjoining road, having regard to Harborough Local Plan Policies GD8 and IN2, Kibworth Villages' Neighbourhood Development Plan 2017-2031 Policy T1 and the National Planning Policy Framework.

8. Access Width/Parking and Turning

Prior to first occupation of the dwelling hereby permitted, the vehicular access to the site shall be in accordance with approved plan 'Proposed Pavement Widening 0101-PO'. The access drive once widened shall be so maintained at all times. The parking and turning area shall be provided in a permeable hard bound material (not loose aggregate) and made available for use in accordance with 'Proposed Site Plan 219027-PL02'.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway and to ensure that adequate off-street parking and turning provision is made having regard to Harborough Local Plan Policies GD8 and IN2, Kibworth Villages' Neighbourhood Development Plan 2017-2031 Policy T1 and the National Planning Policy Framework.

Informatives

1. Buildings Regs

2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001.

3. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

Planning Committee Report

Applicants: GLP

Application Ref: 21/00677/REM

Location: Land at Mere Lane, Bittesby

Proposal: Application for the approval of reserved matters (layout, scale, appearance, landscaping and internal access) plots I and H of hybrid application ref 15/01531/OUT and APP/F2415/W/18/3206289

Application Validated: 12th April 2021

Site Visit Dates: 30th April, 28th June 2021

Target Date: 12th July 2021

Reason for Committee Decision: Due to size of proposal

Recommendation

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

1. Site & Surroundings

- 1.1 The overall application site comprises an approximately 232 ha triangular parcel of predominantly agricultural land to the north and north west of Magna Park, Lutterworth. (see **Figures 1 & 2**). Plots I and H sit in the southern corner of the site, between Mere Lane, the estate spine road, Bittesby House and the A5 (see **Figure 3**).

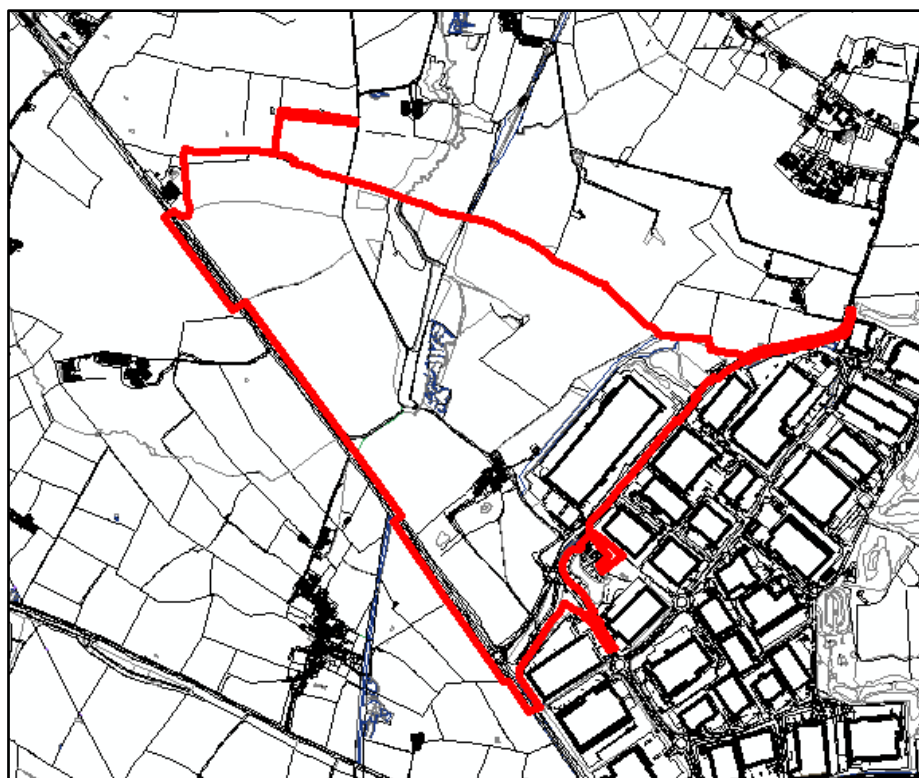


Figure 1: Site Location Plan



Figure 2: Aerial Photo of site

- 1.2 The site is linked to and extends Magna Park. It is bounded by the A5 to the west, Mere Lane and the existing Magna Park to the south east and agricultural land to the north east. The nearest local settlement to the site is Willey which is 0.85 km away, beyond the A5. To the north and east are the villages of Ullesthorpe and Claybrooke Parva which are located, at the closest point to the site, approximately 1.0 km and 1.3 km (respectively) from the site. Bitteswell is located 2.0 km to the east of the site, and Lutterworth is located 2.2 km to the east.



Figure 3: illustrative Context Plan

- 1.3 The site originally comprised a mix of large open arable fields, smaller enclosed fields, some mature hedgerow boundaries and mixed native tree belts. The site slopes away from the high ground at its boundaries towards the Upper Soar Valley that crosses the centre of the site, with a change in levels of more than 20 m across the site from highest ground along the eastern Mere Lane and the northern boundary at circa 125m AOD, to the lowest point of 103m AOD in the valley bottom. From this central valley, the ground rises gently again towards White House Farm at the north-western corner of the site. It must be noted that, since the approval of 21/00443/REM, work relating to the ground modelling of the site has already commenced, and as such, the topography and field enclosures of the site are now different to how they were when the OUT application was considered, and will continue to change as work progresses.
- 1.4 Landscape features in the site include the wooded embankments of the dismantled Midland Counties railway that follows the Upper Soar valley at the centre of the site and the tree lined avenue of Bittesby House. Other built elements of the original Bittesby Estate include Bittesby Cottages (previously occupied by *Holovis*). To the east of the site is the existing built environment of the new Wayfair building and Magna Park and the trees and hedgerows along Mere Lane. The Manor Farm Wind Turbine is another built feature that punctuates the skyline to the north-east of the site. In addition to the arable fields, woodland, grazing pasture and habitat zones, game rearing and apiculture (the keeping of honey bees) is also evident on the site.
- 1.5 Public rights of way, bridleways and public footpaths cross the overall site connecting the village of Willey to Ullesthorpe and Claybrooke Parva and the Lutterworth Road. These rights of way intersect and connect with the permissible routes that currently allow a variety of walking and riding itineraries around the site. There are no Rights of Way crossing Plots I and H.

2. Site History

- 2.1 The site has an extensive Planning history, however, the relevant history is that the site benefits from Outline Planning Permission (15/01531/OUT) for the erection of up to 419,800sqm of Storage, Distribution buildings (B8) with ancillary offices (B1a), up to 3,700 sq m for a Logistics Institute of Technology (D1) with associated playing field, up to 9,000 sq m small business space (B1a, B1b), up to 300 sq m estate office with conference facility and exhibition centre (D1), the creation of a Country Park, other open space and landscaping works on land to the north of Mere Lane, formation of access road from Magna Park, creation of roundabouts, partial realignment of Mere Lane, upgrading of A5 to dual carriageway, creation of roundabout access on A5, creation of SuDS facilities and associated infrastructure and landscaping works (siting, extent and use of the defined parcels, the maximum quanta and height of buildings, the restriction on the siting of yards, demolitions and means of access to be considered only) which was approved on Appeal on 18/04/19. Furthermore, 21/00443/REM in relation to the strategic infrastructure and levels for the site was approved by this Planning Committee on the 1st June 2021

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal seeks reserved matters approval for the construction of 3 buildings within Plots I and H, including the scale, layout, landscaping and appearance of the development.

- 3.2 A Non-Material Amendment application (21/00697/NMA) was submitted to the LPA concurrently with the current application. The Non-Material Amendment application is to alter the layout of parameters plan. The amendments are as follows:
- Amendments to the floorspace proposed for parcels I and H. The total floorspace over the two plots has not been changed i.e., it is within the total maximum floor area parameter (GIA) for the total floorspace of parcels I and H (which is 92,950 sqm), the total GIA proposed is still 92,950 sqm) but the proposed floorspace of parcel I has been shifted between the plot with parcel I being increased from 22,100 sqm GIA to 27,610 sqm and parcel H reduced from 69,850 sqm to 65,340 sqm GIA.
 - To the south west of Bittesby House the landscaping strip between parcel I and H has shifted approximately 12 m to the south. The width of the landscaping strip remains the same as set out on the parameter plan.
 - Removal of biodiscs – at the time of the 2015 hybrid planning application no Severn Trent Water (STW) foul water sewer facilities were present in the local vicinity. Consequently, foul effluent was proposed to be directed into an onsite foul water treatment works to be located at the far northern end of the overall proposed development north of parcel L – referred to as a dedicated service area in the parameter plan drawings (Parcel M2). The facility was intended to ensure sufficient treatment of the effluent to allow discharge into the adjacent watercourse.
- 3.3 Since that time GLP has made significant investment in new foul drainage infrastructure involving the construction of a major foul water pumping station facility located in the existing Magna Park services farm adjacent to (south-east of) Mere Lane (Parcel M1). This investment was undertaken in consultation with the Environment Agency in order to remove the need to discharge treated effluent into local watercourses. The pumping station is in the process of being adopted by STW. Therefore, the foul water drainage strategy for Magna Park North has been updated to enable domestic foul effluent to be directed into the new adopted pumping station. From here, effluent will discharge via a recently constructed and soon-to-adopted rising main into the local STW foul sewer network.
- 3.4 The prevailing topography and proposed development levels for Magna Park North are such that a pumped system is proposed. Separate pumping stations are therefore to be constructed to serve the southern sector (land parcels H and I) and the northern sector (land parcels E, J, K and L). The foul effluent will be pumped via a new rising main to the soon-to-adopted principal Magna Park pumping station to the south, which also serves the wider business park. From here it will be discharged via the recently constructed rising main into the Severn Trent Water network.
- 3.5 The parameter plans have therefore been amended to reflect this non material amendment. The effect of this is that approved drawings 3657-34 Rev 19 – Parameters Plan (Zone 1) and 3657-36 Rev 07 – Parameters Plan Building Heights (Zone 1) have been substituted with drawings ref 3557-34 Rev 21 and 3657-36 Rev 08. These amendments are considered to be non-material in nature. The amendments due to their scale and nature will not result in a substantially different development from the one that has been approved. As such, 21/00697/NMA has been approved, and the Parameters Plan forming part of 15/01531/OUT has been substituted and updated.
- 3.6 The Parameters Plan which has been approved (and subsequently amended by 21/00697/NMA) and now forms part of the Outline consent (see **Figures 4 & 5**) sets out the maximum development parameters in terms of Parcel size, use, maximum floor area, maximum unit height and finished floor levels. This established a framework within which a range of reserved matters options can be accommodated. In terms of

the current application, the pertinent Parameters are the finished floor level (FFL) for each plot which sets out a maximum FFL for the plot.

3.7 The details of the pertinent parameters set out in **Figures 4 & 5** are set out in more detail below:

- PARCEL H
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Maximum Floor Area: up to 65,340 sqm (*as amended under 21/00697/NMA*)
 - Max unit height: up to 139.00m AOD
 - Permitted Unit Floor Level: Highest FFL up to 120.50m AOD
 - Yards to be positioned on NW and SE elevations only
 - Car Parking to NE elevation only
 - Offices to face Principal Access Corridor
 - Where parcels are to be subdivided into plots, min 10m landscape zone will be introduced between plots
- PARCEL I
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Maximum Floor Area: up to 27,610 sqm (*as amended under 21/00697/NMA*)
 - Max unit height: up to 135.50m AOD
 - Permitted Unit Floor Level: Highest FFL up to 119.00m AOD
 - Yards to be positioned on SE elevations only
 - Car Parking to NE elevation only
 - Offices to face Principal Access Corridor
 - Where parcels are to be subdivided into plots, min 10m landscape zone will be introduced between plots

3.8 The submitted details with regards these parameters are set out at **Figures 6 & 7** and in more detail below:

- PARCEL H
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Proposed Floor Area: H1 – 18,590 sqm. H2 – 46,750 sqm. Total – 65,340 sqm
 - Proposed unit height: H1 – 138.50m AOD. H2 – 139.00m AOD
 - Proposed Unit Floor Level: 120.50m AOD. H2 – 117.80m AOD
 - Yards to be positioned on NW and SE elevations only
 - Car Parking to NE elevation only
 - Offices to face Principal Access Corridor
 - As parcel is to be subdivided into two plots, 10m landscape zone indicated to be incorporated between plots
- PARCEL I
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Proposed Floor Area: 27,610 sqm
 - Proposed unit height: 135.50m AOD
 - Proposed Unit Floor Level: Highest FFL 117.60m AOD
 - Yards to be positioned on NW and SE elevations only
 - Car Parking to NE elevation only
 - Offices to face Principal Access Corridor
 - Parcel is not being sub-divided



- 3.9 The access to the development is off the A5. The accesses were approved at outline stage and Condition 5 of the outline planning permission requires that development shall be carried out in accordance with the approved drawings. The southernmost access arrangements (Mere Lane) have been installed and are operational.



Figure 6: Illustrative Masterplan

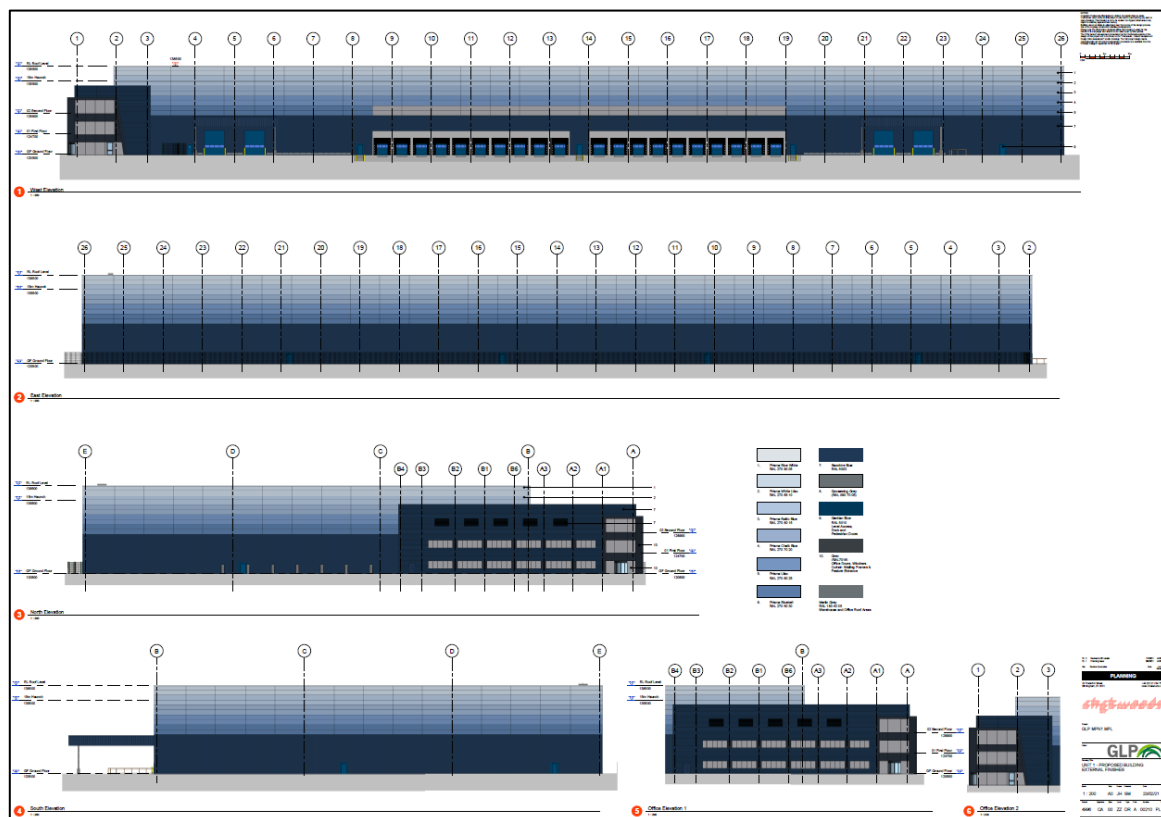


Figure 7: Proposed Elevations (Unit 1)



Figure 8: Indicative Layout (as per 15/01531/OUT)



Figure 9: Illustrative Context Plan (as per current proposals)

- 3.10 As part of the Outline submission, the applicants set how development could appear on the site using the ranges within the parameters as set out in the parameters plan.

This is indicated at **Figure 8**. **Figure 9** indicates how the proposed buildings, set amongst the recently approved strategic landscaping provision, will - once embedded and matured - assimilate into the surrounding landscape. These plans also indicate the proposed estate road, strategic drainage and open space for which Reserved Matters approval was recently granted.

- 3.11 The logistics units will include elements of cladding panels on the external elevations as well as built up profiled cladding systems laid both horizontally and vertically. This will provide variety to the elevation by producing a change in texture. To reduce the impact of the warehouse building upon the surrounding environment, a selection of recessive and neutral blue to white colours is proposed. The colours recede to white at the higher levels. This mirrors the recently completed Wayfair building to the north of Magna Park (see **Figure 10**) and those at MPL South (see **Figure 11**). The office element of the building will be highlighted in solid dark blue as per the units on MPL South (see **Figure 11**).



Figure 10: Recently constructed “Wayfair” building



Figure 11: Recently constructed building on MPL South

- 3.12 The controlled use of stronger colours in feature bands, flashings, fascias and glazing at lower levels offers contrast and relief. Vertically laid composite cladding in a darker blue is proposed to create a further element of contrast at ground floor level. At low level, dock doors add interest and definition to the ground level loading and servicing

area. The roofs will be a colour coated profiled steel. A light colour will be used to reduce the effect of the mass of the building.

- 3.13 The landscaping for the site has been designed with the intention of sensitively integrating areas of ecological value through use of appropriate planting and sensitive design and layout of formal and informal areas of open space in addition to required infrastructure. The key design principle incorporated in the landscape design includes the provision of habitat buffers and bunds of appropriate widths along the full lengths of the boundary of the site.
- 3.14 The layout accommodates a range of unit sizes, integrated into an extensively landscaped setting. The buildings are orientated, where practical, to present the short gable ends to the A5.
- 3.15 The scale of the buildings are below the maximum parameters set out in the outline planning application. The proposals provide a range of units from approximately 9,400sqm to 70,200sqm GEA B8 (storage and distribution) floorspace including ancillary office space, servicing, parking and landscaping. The maximum ridge height are between 15.5 and 18 metres above the proposed maximum finished floor levels. This enables the accommodation of modern racking systems, product handling equipment and high level sprinklers.
- 3.16 Access to and egress from the development plot is via the new estate road which was approved as part of 21/00443/REM. The applicants have aimed to provide inclusive access throughout the site with paths leading pedestrians from the car parks to the main office entrance. A link to the cycle lanes will be provided to cycle shelters located near to the office main entrance. As far as possible, pedestrian and cycle routes are segregated from routes used by motorised vehicles.
- 3.17 Car parking access roads will be surfaced with block paving with parking bays surfaced in a flexible bituminous material. These measures have been proposed in an attempt to avoid large unsightly areas of "black-top" and also help to control surface water run-off rates. It is not proposed to surface parking bays with any material that may be adversely affected by spills from standing vehicles.
- 3.18 Pedestrian links through car park areas are proposed to be picked out in a contrasting material with rumble strips being introduced at transition points. The applicants have aimed to enhance visual cohesion not only by the careful integration of the buildings and planting but also by use of a furniture palette that provides a consistency throughout the site.
- 3.19 The proposed lighting equipment complies with current standards and to the greatest extent possible, the luminaries and their settings are optically set to direct light only to where it is required and to minimise obtrusive effects and if necessary, additional shielding will be considered.
- 3.20 Security/boundary fencing is incorporated into the soft landscape boundary treatment and is set back from the public side of the landscaping belt. To ensure site security around the yard area, a 2.4m high paladin security fence will be provided. Additionally, security/demise fencing will be provided around the car park area.

b) Documents submitted in April 2021

i) Plans

- 3.21 Plans have been submitted showing the approved details of the Outline consent, extent of the site, the layout of the plot, the appearance and design of the buildings, the proposed levels across the site, the proposed drainage layout for the plot, the proposed landscaping plans for the plot, details of the lighting, vehicle tracking and tree protection. There is also an illustrative plan of how the development could appear in the context of the details for which consent is sought.

ii. Supporting Statements

- *EIA Compliance Statement*
- 3.22 The document demonstrates the applicants consideration that the application is compliant with the parameters assessed within the Environment Statement which was produced in support of the outline planning application for development Ref. 15/01531/OUT.
- *Arboricultural Impact assessment*
- 3.23 This report has been prepared by the on behalf of GLP in relation to the site. It sets out the nature and extent of tree losses and provides mitigation and protection measures to ensure the viable long-term retention of retained trees in the context of the development proposals.
- *Landscape Design Statement*
- 3.24 This Statement outlines the Applicant's landscape design ethos and how it responds to the Outline consent

c) Amended / Additional Plans / Drawings and Supporting Documents

- *April 2021 – Response to LCC Highways comments*
- 3.25 We write in respect of the comments made in relation to the car parking and HGV provision for the Reserved Matters Application (ref. 21/00697/REM) for Parcels I and H. We respond as follows:
 - The standards are maximum not minimum standards we are within the maximum standards.
 - Any further car parking would impinge on proposed landscape.
 - The parking provision proposed is similar levels approved at the reserved matters permission at Magna Park South Plot D (at about 80%). This plot is now all occupied and the occupiers are satisfied with the level of parking provision and there are no recorded incidents of on street parking (overspill of this site).
 - To confirm the HGV parking numbers for Parcel H2 (MPN2) are 215 HGV parking spaces (including loading), 156 (excluding loading) and 2 van spaces.

4. Consultations and Representations

- 4.1 Firstly, a summary of the technical consultees responses received is set out below. Where appropriate the responses will be discussed in more detail within the main body of the report. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

1. National Bodies

4.1.1 *Historic England 25/05/21)*

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant

4.1.2 *Environment Agency*

No Comments

4.1.3 *Highways England (13/05/21)*

Thank you for consulting Highways England on 21 April 2021 regarding planning application 21/00677/REM, for the approval of Reserved Matters (layout, scale, appearance, landscaping and internal access) plots I and H of hybrid application ref 15/01531/OUT and APP/F2415/W/18/3206289, at the above location.

4.1.4 Having reviewed the information submitted in support of the application, we can confirm that the rising main deals with the foul drainage which does not concern Highways England. The document entitled 'Surface and Foul Water Drainage Strategy Magna Park Lutterworth North – Parcels H and I' dated 21 April 2021 shows all surface water for Plots H and I drain east away from the A5 to new attenuation ponds and discharge at a restricted rate to an existing watercourse. Therefore, we have no concerns on the Reserved Matters elements from a drainage perspective.

4.1.5 However, regarding other elements, we have the following comments on environmental, geotechnical and lighting perspectives:

4.1.6 However, planting should ensure that larger trees should be to the rear in order to prevent climax trees do not grow within falling distance of the road, e.g. medium size trees (tree girth less than 450mm) no closer than 7m (i.e. *Malus* sp, *Prunus* sp); and larger, climax trees (tree girth greater than 600mm) not within 9m (i.e. *Quercus* sp, *Fagus* sp).

4.1.7 In addition, the applicant should assure Highways England that there could not be any future issues with the (mature) trees on the application site earthworks that could adversely affect the A5 (currently predominately 'at grade').

4.1.8 For further information, we would also like to note that lighting from the development may necessitate the need to extend existing street lighting in a northwest direction from Mere Lane to the northwestern edge of MPN3 (Site I). The reason for this is minimise the effect of light intrusion onto the A5 which causes a distraction to drivers.

4.1.9 *Natural England (27/04/21)*

Natural England has no comments to make on this application.

2. Leicestershire County Council

4.2.1 *Leicestershire County Council Highways (12/05/21)*

Due to the complexity of technical evidence submitted, the Local Highway Authority (LHA) would advise the Local Planning Authority (LPA) that whilst the analysis has commenced, formal observations are still forthcoming. As a result the LHA would request that the LPA do not determine the application before the LHA has had the opportunity to establish whether the residual cumulative impact of development can be mitigated in accordance with paragraph 109 of the NPPF (2019).

4.2.2 *Leicestershire County Council Highways (17/06/21)*

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. Under the current Covid-19 situation we would ask that any such work is carried out in accordance with the latest Government guidance.

4.2.3 The development site will be accessed from two separate points on the highway. The southern access (to Parcels H and I) is from a new roundabout on Mere Lane which then connects to the strategic road network via a roundabout on the A5/Mere Lane. The southern site access was delivered in autumn 2019.

4.2.4 The northern vehicular access is from a new roundabout onto the A5. The LHA understands the applicant has been conditioned to deliver the northern access prior to occupation of the final 35,000sqm of the development. This will be subject to a separate future reserved matters application.

4.2.5 The applicant has demonstrated on drawing numbers: 19-023D/400 and 19-023D/401 that a 16.5m articulated lorry can access and egress the various parcels in all directions and negotiate the internal roads in a safe and controlled manner. Whilst there does appear to be some overrunning of the centre hatching, the internal access road will remain private so this will not affect the local highway network.

4.2.6 The Site Location Plan is presented on Chetwoods Architects drawing number: 4617-CA-00-00-DR-A-00050, Revision PL3 and shows the locations of parcels MPN1, MPN2 and MPN3 (known as Site H1 and H2 and Site I for the purposes of these observations). According to the covering letter submitted by the applicant the units which are the subject of this reserved matters application are split into the following amount of floorspace:

- Parcel H1 (B8) - Storage and Distribution: 17,114 sqm;
- Parcel H1 (B1a) - Ancillary Offices: 1,456 sqm;
- Parcel H2 (B8) - Storage and Distribution: 43,037 sqm;
- Parcel H2 (B1a) - Ancillary Offices: 3,693 sqm;
- Parcel I (B8) - Storage and Distribution: 25,751 sqm; and
- Parcel I (B1a) - Ancillary Offices: 1,839 sqm

4.2.7 The LHA would expect the applicant to provide levels of parking in accordance with Tables DG11 - DG13 of the Leicestershire Highway Design Guide (LHDG). The LHA has reviewed the amount of parking shown on the site plans for each unit. These figures are presented in Table 1 below:

Location	Car Parking	Accessible Parking	HGV	Motorbikes	Cycle Parking
Parcel H1	117	7	45	10	48
Parcel H2	296	16	108	10	120
Parcel I	185	10	45	10	72

Table 1 - Parking levels as shown on site plan drawings

Given the proposed level of parking above is significantly below the maximum that could be provided against the standards in LHDG, the LHA would request the applicant provides justification that the proposed level of parking for all vehicles is sufficient for their needs and therefore that off-site parking issues would be unlikely to arise.

4.2.8 *Leicestershire County Council Highways (01/07/21)*

These observations form the Local Highway Authority's (LHA's) third observations in response to the Reserved Matters application for plots I and H at Mere Lane, Magna

Park, Bittesby. The LHA considers the only outstanding matters for agreement was clarification from the applicant that the proposed level of parking for all vehicles was sufficient for their needs and therefore that off-site parking issues would be unlikely to occur.

4.2.9 The applicant has provided a response to the query via an email to the Local Planning Authority on 22 June 2021. In the email the applicant has confirmed the following:

- The standards in the Leicestershire Highway Design Guide (LHDg) are maximum not minimum standards and the proposed parking will be within the maximum standards;
- Any further car parking would impinge on proposed landscape;
- The parking provision proposed is similar levels approved at the reserved matters permission at Magna Park South Plot D (at about 80%), which is now fully occupied. The occupiers are satisfied with the level of parking provision and there are no recorded incidents of on street parking (overspill of this site); and
- Finally the HGV parking numbers for Parcel H2 (MPN2) are 215 HGV parking spaces (including loading), 156 (excluding loading) and 2 van spaces.

4.2.10 Based on the above information the LHA is satisfied with the additional information and would not seek to resist this Reserved Matters application subject to the inclusion of conditions.

4.2.11 *Leicestershire County Council Principal Planning Archaeologist (07/06/21)*

An appraisal of the submitted information indicates the application seeks approval of reserved matters for a phase of the development that includes Units H1, H2 and I, previously approved in outline application 15/01531/OUT. A review of the information indicates no substantial changes that affect the proposals upon the known or potential archaeological resources, therefore we have no further recommendations or concerns regarding the approval of reserved matters.

4.2.12 *Leicestershire County Council Planning Ecologist (12/05/21)*

I have no comments on the Reserved Matters for plots I and H - the plans appear to be in accordance with previously agreed plans.

4.2.13 *Leicestershire County Council Lead Local Flood Authority (29/04/21)*

This application seeks approval of reserved matters for a phase of the development that includes Units H1, H2 and I previously approved in outline application 15/01531/OUT. It is advised that the layout has not substantially changed to affect the drainage strategy from what was shown in 15/01531/OUT therefore the LLFA has no concerns on the approval of reserved matters.

Notes:

- Reserved matters applications are reviewed by the LLFA in relation to details such as 'access', 'appearance', 'landscaping', 'layout' and 'scale' only, in line with article 2 of the Town and Country Planning Order 2015. This response does not consider any surface water specific conditions which must be consulted on separately once the reserved matters are approved by the LPA.
- Highways drainage and SuDS submitted have been checked only for their ability to discharge associated surface water Conditions and this approval does not comment on adoptability of these highways elements (where relevant) which required separate approval outside of the planning arena.

3. Other Bodies

4.3.1 Rugby Borough Council (10/05/21)

No objections to the proposal subject to the normal determination and consultation process

b) Local Community

4.2 14 letters were distributed to properties adjacent to the application site along with site notices around the site. No objections have been received.

4.3 No letters of support have been received.

a) Development Plan

- *Harborough District Local Plan (Adopted April 2019)*

5.2 Relevant policies to this application are: SS1, GD8, BE2, CC1 and CC4. Many of these are detailed in the policy section at the start of the agenda, those that aren't are set out below.

5.3 Policy BE2 is the most relevant policy within the Local Plan. Policy BE2 states:

1. Magna Park and adjoining committed or allocated sites, as identified on the Policies Map, are safeguarded for strategic storage and distribution (Class B8). Proposals for redevelopment at the existing, committed or allocated sites will be permitted where:

- a. each unit has at least 9,000 sqm gross floorspace; and
- b. any new building or the change of use of an existing building(s) is for Class B8 and ancillary use only; or
- c. the proposal for any non-strategic storage and distribution use is small-scale, proportionate in scale to the strategic storage and distribution use and ancillary to the use of individual plots or beneficial to the functioning of the area as a strategic storage and distribution park.

2. Additional development of up to 700,000 sqm for non rail-served strategic storage and distribution (Class B8) use will be provided in the District. Additional development should form an extension of, or be on a site adjoining, Magna Park in the following locations:

- a. 380,000 sqm already committed on two sites, as shown on the Policies Map; and
- b. 320,000 sqm on land North and West of Magna Park, in accordance with Policy BE2.3 below.

3. Land to the North and West of Magna Park, as identified on the Policies Map, is allocated for 320,000 sqm of strategic storage and distribution (Class B8) floorspace. This development will be guided by a master plan and form an extension to Magna Park that enhances the high quality commercial environment as far as possible. The development will mitigate adverse impacts and deliver net environmental, social and economic gains where possible. Proposals that comply with other relevant policies and meet the following will be permitted:

- a. each unit has at least 9,000 sqm gross floorspace;
- b. proposals for any non-strategic storage and distribution use are small-scale, proportionate in scale to the strategic storage and distribution use and ancillary to the use of individual plots or beneficial to the functioning of the site as a strategic storage and distribution park;
- c. heritage assets and their settings are protected and where possible enhanced, including Bittesby Deserted Mediaeval Village (DMV) which is a Scheduled Monument and non-designated heritage assets

including Bittesby House which forms part of the setting of the DMV. Any planning application will be informed by a heritage impact assessment, which forms the basis for approaches to design, scale and layout of development. Green space, such as a community park, is to be provided to protect the setting of the DMV;

d. the layout and design is informed by a landscape visual impact assessment to minimise the impact on the character of the immediate and wider landscape;

e. impacts on the highway are mitigated through:

i. junction improvements to the Whittle Roundabout (A4303/A426);

ii. junction improvements to the Gibbet Hill Roundabout (A426/A5);

iii. an extension to the dual carriageway of the A5;

iv. improvements to public transport services, including serving the development at shift changeover times of 6am, 2pm and 10pm;

v. provision of a Travel Plan, to incorporate measures and targets for reducing single car occupancy use;

vi. provision of HGV parking facilities, including overnight lorry parking facilities; and

vii. footpath and cycle provision, linking the development with the existing Magna Park, and the wider footpath and cycle network.

f. impacts on Lutterworth Air Quality Monitoring Area are minimised and an HGV routing agreement (to include a monitoring and enforcement scheme) is to be submitted to and approved by the Local Planning Authority;

g. impacts of construction on air quality through dust and other emissions are mitigated and a dust management plan is to be submitted to and approved by the Local Planning Authority;

h. impacts on nature conservation are mitigated and a Biodiversity Management Plan (specifying the mitigation requirements) is to be submitted to and approved by the Local Planning Authority;

i. impacts of construction and operation on noise and vibration are mitigated and a Construction Environmental Management Plan is to be submitted to and approved by the Local Planning Authority;

j. impacts on hydrology and flood risk, during both the construction and operational phases, are mitigated in accordance with Policies CC3 and CC4 and to the satisfaction of the Environment Agency and the Lead Local Flood Authority;

k. impacts of construction and future operation on sources of contamination are mitigated and a Risk Based Land Contamination Assessment is to be submitted to and approved by the Local Planning Authority;

l. Provision of a suitable lighting scheme to minimise light pollution from the development;

m. employment opportunities for local residents are increased, including training and apprenticeships, and opportunities for local businesses are improved through a Construction Job and Business Employment Strategy, to be submitted to and approved by the Local Planning Authority; and

n. the development, including 24 hour operations, does not have an unacceptable impact on the immediate and wider surrounding area.

5.4 Policy CC1 states that:

1. Major development will be permitted where it demonstrates:
 - a. how carbon emissions would be minimised through passive design measures;
 - b. the extent to which it meets relevant best practice accreditation schemes to promote the improvement in environmental and energy efficiency performance;
 - c. how the development would provide and utilise renewable energy technology;
 - d. whether the building(s) would require cooling, and if so how this would be delivered without increasing carbon emissions;
 - e. how existing buildings to be retained as part of the development are to be made more energy efficient;
 - f. how demolition of existing buildings is justified in terms of optimisation of resources in comparison to their retention and re-use; and
 - g. how carbon emissions during construction will be minimised.

5.5 Policy CC4 states that

1. All major development must incorporate sustainable drainage systems (SuDS).
2. Prior to the commencement of development, the responsibilities for management and maintenance in perpetuity of the SuDS must be agreed.
3. The design and layout of the SuDS, taking account of the hydrology of the site, will:
 - a. manage surface water close to its source and on the surface where reasonably practicable to do so;
 - b. use water as a resource, re-using it where practicable, and ensuring that any run-off does not negatively impact on the water quality of a nearby water body;
 - c. use features that enhance the site design and make an active contribution to making places for people;
 - d. incorporate surface water management features as multi-functional greenspace wherever possible;
 - e. provide for the re-naturalisation of modified water courses where practical;
 - f. be located away from land affected by contamination that may pose an additional risk to groundwater or other waterbodies;
 - g. demonstrate that the peak rate of run-off over the lifetime of the development, allowing for climate change, is no greater for the developed site than it was for the undeveloped site and reduced wherever possible; and
 - h. ensure that flooding would not occur to property in and adjacent to the development, in the event of an occurrence of a 1 in 100 year rainfall event (including an allowance for climate change) or in the event of local drainage system failure.

b) Material Planning Considerations

- *The National Planning Policy Framework* ('the Framework') 2019

5.6 Paragraphs 7, 8, 10, 11, 38, 55, 82, 170 and 175 are particularly relevant.

c) Other Relevant Information

5.7 This application is to be determined by Planning Committee because of the size and nature of the proposed development.

6. Officer Assessment

a) Principle of Development

6.1 The application site has outline permission (access only) for up to 419,800sqm of Storage, Distribution buildings (B8) with ancillary offices (B1a), up to 3,700 sq m for a Logistics Institute of Technology (D1) with associated playing field, up to 9,000 sq m small business space (B1a, B1b), up to 300 sq m estate office with conference facility and exhibition centre (D1), the creation of a Country Park, other open space and landscaping works on land to the north of Mere Lane, formation of access road from Magna Park, creation of roundabouts, partial realignment of Mere Lane, upgrading of A5 to dual carriageway, creation of roundabout access on A5, creation of SuDS facilities and associated infrastructure and landscaping works. The principle of development of the site for strategic distribution development has therefore been accepted.

6.2 The application site is identified within the Local Plan as a commitment under Policy BE2. There are no further criteria within Policy BE2 that are relevant to the current application

b) Planning Considerations and assessment of Reserved Matters against Outline Consent

1. Proposed Scale

6.1.1 The detail currently before the Council for consideration is the layout, scale, appearance and landscaping of two buildings forming Plots I & H of the wider development (as per the approved Outline parameters, see **Figures 12 and 13**).



6.1.2 The Parameters Plan which was approved as part of the Outline consent sets out the maximum finished floor levels and the range of units and the sizes for each parcel of the development. This established a framework within which a range of reserved matters options can be accommodated.

6.1.3 The scale of the buildings are all below the maximum parameters set out in the outline planning application. The proposals provide a range of units from approximately 18,500sqm to 46,750sqm GEA B8 (storage and distribution) floorspace including ancillary office space, servicing, parking and landscaping. The maximum ridge heights are between 17.9 and 21 metres above the proposed maximum finished floor levels.



Figure 13: Approved Parameters Plan (as amended under 21/00697/NMA)

6.1.4 The offices are located on the gable ends facing the estate road. This will create a sense of activity along the estate road, create a strong frontage and will help to break down the scale of the warehouse behind to limit the visual impact. The height of this element, positioned where possible on the main access, helps to break up the mass of the building when viewed upon arrival. Furthermore, the protrusion of the office element beyond the main warehouse building provides an element of screening of the service yard in views from the spine road.

6.1.5 As set out above, the Reserved Matters proposals are broadly in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed scale will not result in a development which results in any greater impact than that which was considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed scale is considered to be acceptable.

2. Proposed Layout (including access and parking)
- 6.2.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of four buildings forming plots H & I of the wider development (as per the approved Outline parameters).
- 6.2.2 The proposed development will be accessed off the A5 via the recently created roundabout and realigned Mere Lane, which will then provide access via a further roundabout to the new road network within the development. The internal estate road and points of access into the individual parcels have all been previously approved as part of 21/00443/REM. The applicants have confirmed that it is not intended that the Estate Road be adopted, rather it would remain in the control and management of the site operators. This is the same situation as the existing Magna Park where the estate roads are managed by the Magna Park Management Company.
- 6.2.3 In due course, there will also be a northern access point direct onto the A5, again, via a new roundabout. Consent for this access was granted at Outline stage, however, the recently approved strategic infrastructure consent (21/00443/REM) did not grant Reserved Matters approval for this junction, such approval will be sought by the developers at a later date.
- 6.2.4 As part of the documentation submitted in support of the Outline application, the applicants set out how development could appear on the site using the ranges within the parameters as set out in the parameters plan (see **Figure 14**). **Figure 15** indicates how the proposed buildings, set amongst the recently approved strategic landscaping provision, will - once embedded and matured - assimilate into the surrounding landscape. These plans also indicate the proposed estate road, strategic drainage and open space for which Reserved Matters approval was recently granted.



Figure 14: Indicative Layout from 15/01531/OUT

6.2.5 The proposal locates offices on the eastern end elevations of the warehouses. This forms a focal point for views from the estate road, provides natural surveillance into the car park and also provides a visual connection from the offices across the yard area.



Figure 15: Illustrative Context Plan

6.2.6 Cycle storage areas are located in close proximity to the office accommodation entrances to encourage use as well as enhance security. Shower/changing facilities are provided to encourage non-car travel. Car park areas are screened through the use of mounding, fencing and planting. Soft landscaping is integrated into the car parking areas to enhance the visual appearance as well as blend the site into its context. Pedestrian linkages are designed and specified to create 'pedestrian friendly' areas through car parks.

	Required Plot I (MPN3) 27,610 sqm (GIA)	Proposed Plot I	Required Plot H2 (MPN2) 46,750 sqm (GIA)	Proposed Plot H2	Required Plot H1 (MPN3) 18,590 sqm (GIA)	Proposed Plot H1 (MPN3)
Guidance – The 6Cs Design Guide [dated 2013]						
1 Car parking space per 120m² (maximum)	230 (maximum)	185 (including 10 accessible)	390 (maximum)	312 (including 16 accessible)	156 (maximum)	124 (including 7 accessible)
1 HGV space per 400 m² (minimum)	69	75	117	217	46	69
1 Cycle space per 400 m² (minimum)	69	72	117	120	46	48
Not part of guidance (NB: the below spaces are included within the above car parking figures, and are not additional spaces):						
Car sharing spaces	-	10	-	16	-	7
EVCP	-	16	-	32	-	13
Motorcycle spaces	-	10	-	10	-	10

Figure 16: Parking provision

- 6.2.7 The provision of disabled parking bays are positioned in close proximity to the office entrances. Following discussions with the Highways Authority, the level and design of the car parking provision has been agreed to be acceptable. The parking proposals are set out in the Table at **Figure 16**.
- 6.2.8 Despite having no concerns with the layout of the proposal, Highways England have highlighted concerns regarding the landscaping and lighting of the proposal. In terms of landscaping, HE have stipulated that planting should ensure that larger trees are planted to the rear of the landscape strip in order to prevent trees growing within falling distance of the road, which they have indicated to be 9m of the road. This application deals with the “on plot” landscaping for Plots H & I, and not the wider, strategic planting for the site. As such, there is a significant landscape area between this application site and the highway, as can be seen at **Figure 17**. On this particular cross section – which is considered to be representative of the site as a whole – the landscape strip is indicated as being approximately 18m deep, and therefore any tree planted as part of this application will be in excess of HE’s recommended set back fall distance.

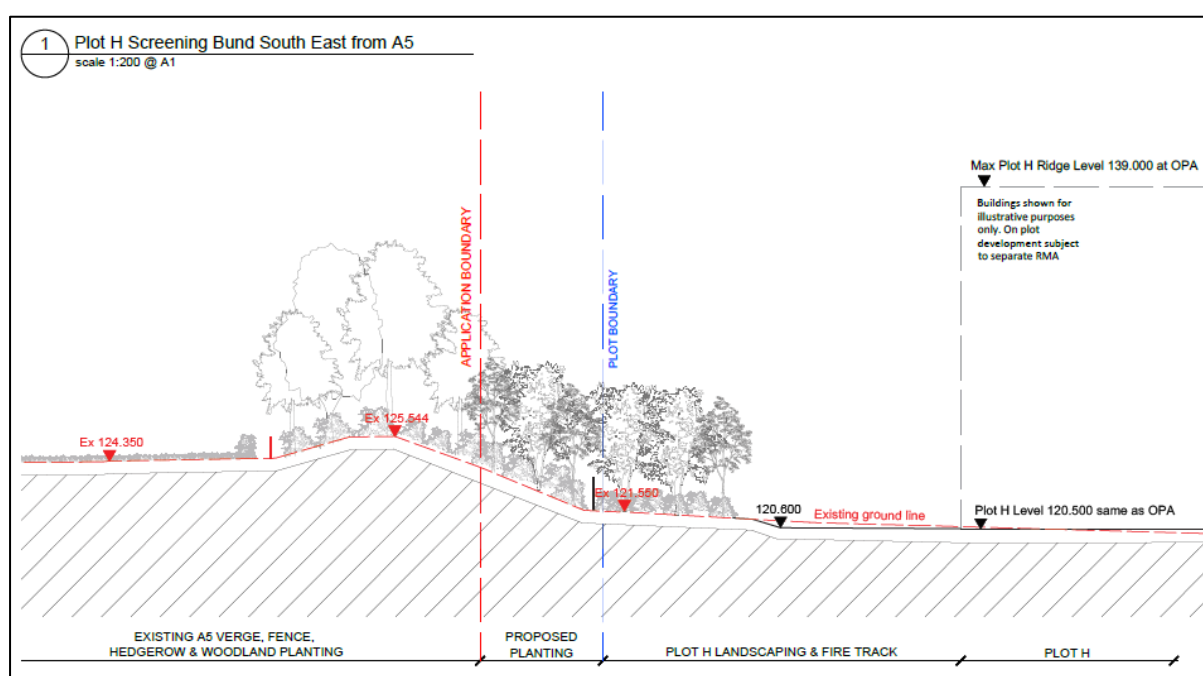


Figure 17: A5 – Plot H Cross Section

- 6.2.9 The second point which has been raised by HE relates to the lighting of the site, and the potential impact that “on plot” lighting may have on the highway. HE consider that that lighting from the development may necessitate the need to extend existing street lighting in a northwest direction from Mere Lane to the northwestern edge of MPN3 (Site I). The reason for this is minimise the effect of light intrusion onto the A5 which causes a distraction to drivers. This impact will only be able to be assessed once the site is operational. HE have not raised any objections on this basis, nor recommended any conditions to cover it, and have merely asked that the issue be noted. As such, an Informative Note is recommended.
- 6.2.10 The service yards are generally set out with a minimum 50m depth to accommodate the full turning circle of an HGV, HGV parking is located along the building elevation and also HGV parking along the outside edge of the service yard. They are laid out so that drivers can employ the right hand down manoeuvre when reversing into docks, as British registered right hand drive vehicles are much easier to park using this high level of visibility from the lorry cab. Public access will be actively discouraged from service

yard areas, with access limited to trained competent members of staff only. **Figure 18** shows the detailed layout of the overall site. Individual site layouts for each building have also been provided.

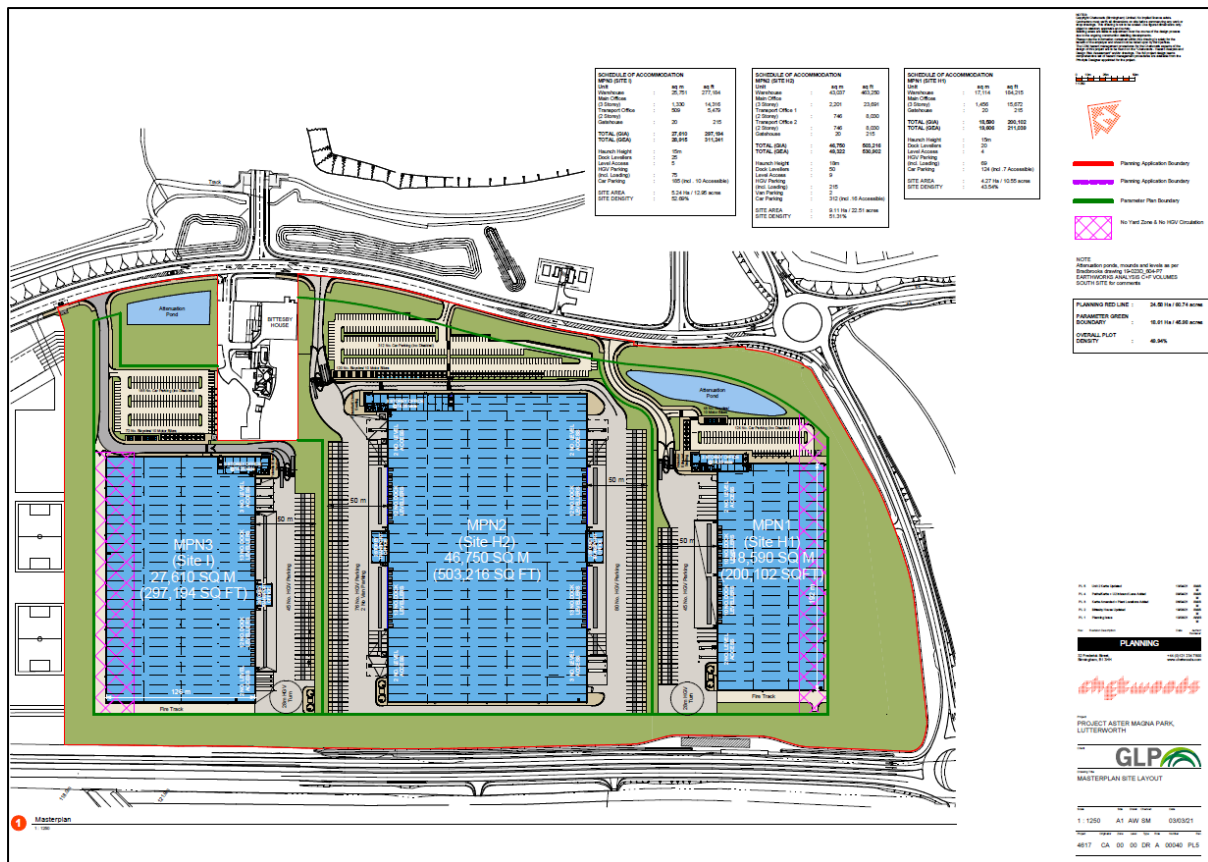


Figure 18: Site layout

- 6.2.11 The overall quantum and distribution of land uses, including open space and key access arrangements are set by these documents and controlled by outline condition. Importantly the Environmental Impact Assessment submitted with the outline planning application and its addendums tested the impact of development based on these parameters. A summary of the three proposed buildings against the parameters agreed in the outline planning permission is set out in **Figure 19**.
- 6.2.12 The proposed development description is principally the same in terms of land use, the proposed layout parameters, access and general layout as that which was detailed and assessed within the existing Environmental Statement submitted in support of the outline planning application as amended by 21/00697/NMA.
- 6.2.13 As set out above, the Reserved Matters proposals are broadly in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed layout should not result in a development which results in any greater impact than was considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed layout is considered to be acceptable.

Parcel	Area (Ha)	Use	Max Floor Area (sqm) (GIA) (up to)	Max Unit Height m (AOD) (up to)	Unit FFL (up to)	Other
Parameter Plan Ref. 3657-34 Rev 19 and 3657-36 Rev 07 – Parameters Plan Building Heights and yard restrictions						
H	13.85	B8 Storage & Distribution and ancillary office (B1)	Up to 69,850	Up to 139.00m AOD	Up to 120.5m	Yards to be positioned on NW and SE elevations only. Car parking to NE elevation only. Offices to face principal access corridor. Where parcels subdivided into plots min 10 m landscape zone will be included between plots
Plot RM						
Compliance						
H1 (MPN1)		Yes	18,590	138.500	120.500	
H2 (MPN2)		Yes	46,750	139.000	117.800	
Total H1 and H2	13.85		65,340	-	-	Yards to be positioned on NW and SE elevations only - yes Car parking to NE elevation only - yes. Offices to face principal access corridor - yes. Where parcels subdivided into plots min 10 m landscape - yes 10 m landscape zone between plots
Parameter Plan Ref. 3657-34 Rev 19 and 3657-36 Rev 07 – Parameters Plan Building Heights and yard restrictions						
I	4.76	B8 Storage & Distribution and ancillary office (B1)	Up to 23,100	Up to 135.50m AOD	Up to 119.00m	Yards to be positioned on SE elevations only. Car parking to NE elevation only. Offices to face principal access corridor. Where parcels subdivided into plots min 10 m landscape zone will be included between plots
Plot RM						
Compliance I (MPN3)	4.76		27,610	135.500	117.600	Yards to be positioned on SE elevations only - yes. Car parking to NE elevation only - yes. Offices to face principal access corridor - yes. Where parcels subdivided into plots min 10 m landscape zone will be included between plots – not applicable as not subdivided

Figure 19: Summary table of the proposals against the approved parameters

3. Proposed “on plot” Landscaping

- 6.3.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of four buildings forming plots H & I of the wider development (as per the approved Outline parameters).
- 6.3.2 Whilst the current submissions do not relate to the whole site, they do constitute what is considered to be the “on plot” landscaping for the three buildings for which consent is currently sought. In essence, the current details relate to the landscaping of the areas which are inside of the individual development parcels (see **Figure 20**). This excludes the landscaping to the perimeter of the site. The strategic landscaping for the site as a whole has previously been considered and approved under 21/00443/REM.



Figure 20: Proposed landscaping for Plots H & I

6.3.3 Landscaping is also proposed throughout the parking areas with proposed trees in the car parking area and east west belts of landscaping across the centre of the site. This creates primary habitat connectors through the plot (see **Figure 20**). The detailed ecology, landscaping and open space proposals ensures that the long-term impacts of the proposals are sufficiently mitigated.

6.3.4 The Applicants vision for Magna Park Lutterworth South as a whole is to create an exemplar and truly green logistics park (see **Figure 21**), a carefully integrated and enduring place; with spaces for wildlife, people and innovative business. A space that is connected to the wider countryside and natural habitats. The MPL North masterplan is perceived as an evolution of Magna Park; a model which was seen by TLP as being an existing high quality landscape which must be continued.



Figure 21: Proposed landscaping for Plots H & I in context of overall site

6.3.5 Magna Park presently combines the working needs of development parcels and its infrastructure with large areas of greenery, water bodies, and meadow to create an environment that visually integrates the buildings whilst making habitat connections through the site. The applicants wish to develop this concept in line with the latest best practise to create a new exemplar for a sustainable logistics centred development that combines the best approach to place-making.

6.3.6 The landscape framework consists of three primary interconnected strategies:

- A centralised ecology park
As the main landscape gesture, the central park comprises of three core narratives; ecological enhancement (including SuDS wetlands, waterbodies woodlands and wildflower grasslands) and a natural progression of work undertaken by the stewardship scheme, protection and promotion of the Scheduled ancient Monument and the immediate landscape setting, and increased amenity and education value through the integration of educational and interpretive resources.
- A retained agricultural heart
To support the existing setting of the Schedule Monument and the desire to promote a narrative on local heritage and productive landscape the landscape framework facilitates the continued integration of grazing as arable use. This working landscape concept can be further enriched by the planting of community orchard and productive woodland, niche allotments and the gazing and hay meadow production that will continue to support the promotion of the bee keeping that presently exists along the disused railway embankment and can be reinforced through GLP's publicised G-hive bee production
- A network of interconnected green walks
An extensive network of green corridors connect the centralised ecology park with the landscape to the north, south and east of the development parcels. The corridors have been aligned with the ingress and egress of existing rights of way. This sets up a primary network of green spaces which frames the development and allows for nature to flow through the site and for people to walk through the nature. The green walks also provide for a great diversity of experience providing opportunities to enjoy an invigorating skyline ridge walk, a shady stroll along a stream corridor, a contemplative walk through the flood meadows and lagoons or a natural foraging trip along many of the hedgerow and spinney routes or a longer walk to enjoy the solitude offered by the existing Magna Wood.

6.3.7 As requirement of Condition 9 the maintenance and management of the landscape infrastructure of the site is set out in the Landscape and Biodiversity Management Plan (LBMP). It includes the timescales for mitigation requirements, the specification, the timing of the completion of and the arrangements for the management and maintenance of:

- All areas of informal and formal open space to be included within the development, including the ecological protection along footpaths through the site;
- Sustainable Urban Drainage Systems, watercourses and other water bodies (details should include procedures that must be implemented in the event of pollution incidents within the development site)
- Green Infrastructure linkages including pedestrian and cycle links, public rights of way and bridleways;
- Areas of habitat creation in and around the Country Park and on the site boundaries which should be planted with locally native species.

6.3.8 The landscape for plots H & I integrates into this wider infrastructure landscape masterplan following the same principles and landscape strategy.

6.3.9 As set out above, the Reserved Matters proposals are broadly in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed landscaping should not result in a development which results in any greater impact than was considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed landscaping of Plots I & H are considered to be acceptable.

4. Proposed appearance (including design, lighting and visual impact)

6.4.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of four buildings forming plots H & I of the wider development (as per the approved Outline parameters).

6.4.2 The proposed finished floor levels, ridge heights and consequential building heights are set out at **Figure 22**. These levels have been approved as part of 18/02148/REM and are no higher than those stipulated in the approved Parameters plan. Furthermore, the building ridge heights also comply with the approved parameters plan.

	Unit H1	Unit H2	Unit I
Finished Floor Level	120.50m AOD	117.80m AOD	117.60m AOD
Ridge Height	138.50m AOD	139.00m AOD	135.50m AOD
Building Height	18m	21.2m	17.9m

Figure 22: Building Heights

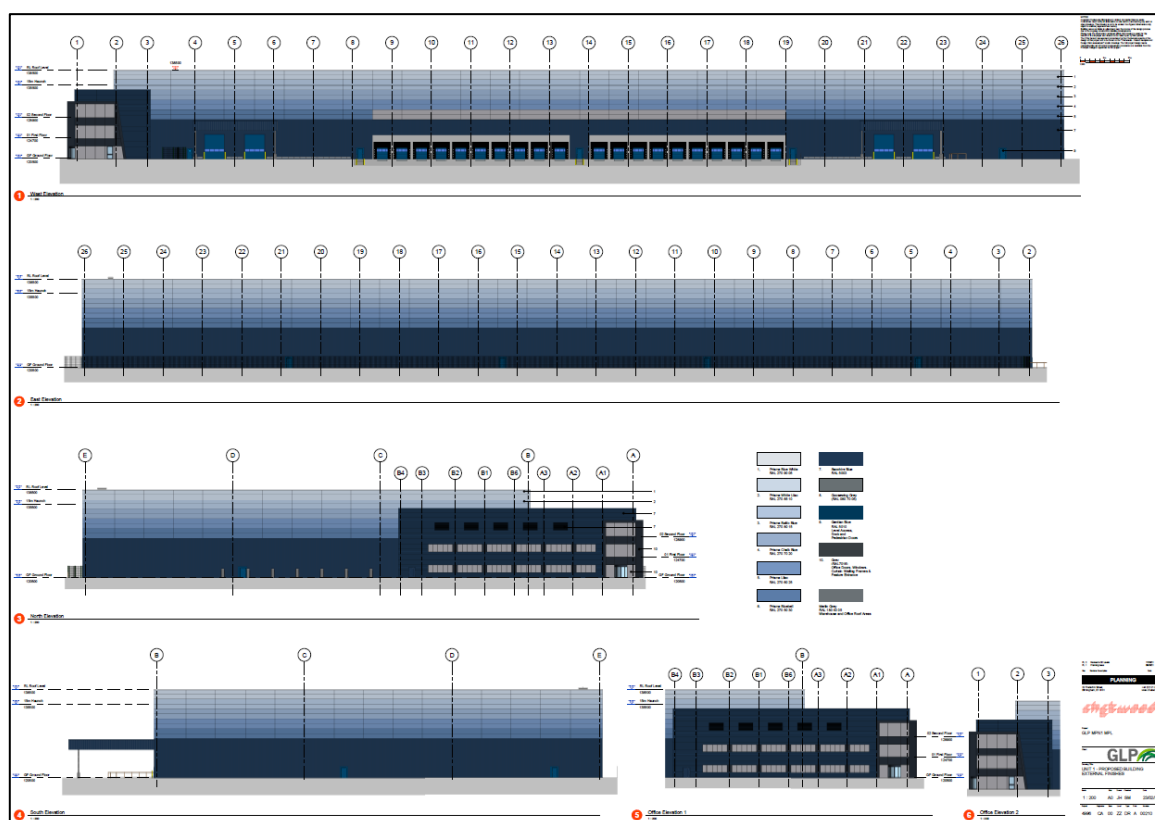


Figure 23: Proposed Elevations (Unit 1)

6.4.3 The 3 main buildings will be built of a steel portal frame construction clad in a combination of steel composite and built-up cladding panels, which are made of

recyclable materials and are themselves recyclable. The cladding is graded in blue colours which respond to the position of the building in its context, with darker colours at lower levels and increasingly lighter to reduce visibility against the sky line (see **Figure 23**). The office elements of the buildings are entirely clad in dark blue which gives a contrast to the rest of the building. As part of the consideration of similar details in relation to MPL South (see **Figure 24**), Officers initially held concerns that this approach would draw too much attention to the height of the building, undoing the work achieved by the graduation of the colours on the main building, however, as is also the case with this proposal, when the elevations are assessed in the context of the layout plan, it is apparent that these elements of the buildings are all on elevations which face into the development rather than out to the countryside, and as such, it is therefore considered that such an approach would be acceptable in these circumstances.



Figure 24: Recently constructed building on MPL South

- 6.4.4 The construction method offers south facing roof slopes, which have the potential to accommodate PV installation to all these south-facing areas and concealed behind the parapets. In coordination with any proposed PVs, roof lights are also provided to optimize daylight and minimize the need for artificial lighting within the warehouses.
- 6.4.5 The proposed external lighting equipment complies with current standards and to the greatest extent possible, the applicants have designed the scheme so as to ensure that the luminaries and their settings are optically set to direct light only to where it is required and to minimise obtrusive effects and if necessary.
- 6.4.6 The applicants have chosen the lighting fittings from a range offering an appropriate degree of design consistency and quality. The car parks and principal pedestrian areas are lit to ensure the safety and convenience of users. Service yard lighting is designed so as to minimise light pollution (see **Figures 25 and 26**). Furthermore there will also be building mounted units providing lighting to both areas. (see **Figures 25 and 27**)
- 6.4.7 The use of appropriate building design strikes a balance between expressions of individual identity whilst providing an overall harmonious built form. Detailing and material selection has been carefully co-ordinated to provide an attractive cohesive park, thus realising a contemporary and innovative architectural solution. The layout and treatment of building elevations has been used to break down the scale of the building. The use of colour is used to break down the overall mass of the building.
- 6.4.8 It is considered that the design of the proposal is acceptable in its context and that it sits well as an extension to Magna Park, and that, in terms of warehouse development, the design of the proposal is of high quality. It is therefore considered that the proposal

accords with Policy BE2 of the Harborough District Local Plan. The acknowledged quality of the design of the building weighs in favour of the proposal and must be assessed against the harm of the development in the overall planning balance.



Figure 25: Proposed Light units



Figure 26: Representative Juno Installation



Figure 27: Representative Realta installation

6.4.9 As set out above, the Reserved Matters proposals are broadly in accordance with the submissions considered at Outline stage. As such, it is considered that the proposed landscaping should not result in a development which results in any greater impact than was considered at Outline stage. It is therefore considered that the Reserved Matters detail of the appearance of Plots H & I is considered to be acceptable.

7. Conclusion – The Planning Balance

- 7.1 It is acknowledged that the proposed development has previously caused considerable concern within the local community, and this is evidenced by the content of the objections which have been received. Notwithstanding this, it is considered that the regional and national benefits of the scheme significantly outweigh the conflict with the development plan and the other limited harms which would result from the proposal. As such Members are asked to endorse the Officer recommendation that Reserved Matters approval should be granted subject to conditions as set out in **Section 8** of the report.
- 7.2 In reaching this recommendation, Officers have taken into account the ES which was submitted in support of the outline consent under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations, the two further statements submitted under Regulation 22(1) and the further clarification and errata statements. Officers consider that the ES and the further information provided complies with the above regulations and that sufficient information has been provided to assess the environmental impact of the proposals.

8. Suggested Planning Conditions

- 8.1 If Members are minded to approve the application, Officers recommend that the following conditions are attached to any approval. The conditions have taken into account the advice contained with Annex A of the former Circular 11/95 and the PPG. Members are reminded that the conditions imposed on the Outline consent are still applicable and do not need to be replicated as part of this consent.

1 Approved Plans

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

- Masterplan Site Layout - 4617-CA-00-00-DR-A-00040 PL3
- Site Location - 4617-CA-00-00-DR-A-00050 PL3
- Fencing Details - 4617-CA-00-00-DR-A-00300 PL5
- Unit 1 - Proposed Site Plan - 4996-CA-00-00-DR-A-00051 PL4
- Unit 1 - Fencing Details - 4996-CA-00-00-DR-A-00300 PL3
- Unit 1 - Bicycle / Motorcycle Shelter Details - 4996-CA-00-00-DR-A-00355 PL1
- Unit 1 - Gatehouse - 4996-CA-00-00-DR-A-00900 PL1
- Unit 1 - Warehouse GA Plan - 4996-CA-00-GF-DR-A-00100 PL1
- Unit 1 - Ground Floor GA Plan - 4996-CA-00-GF-DR-A-00101 PL1
- Unit 1 - First Floor GA Plan - 4996-CA-00-FF-DR-A-00102 PL1
- Unit 1 - Second Floor GA Plan - 4996-CA-00-SF-DR-A-00103 PL1
- Unit 1 - Roof GA Plan - 4996-CA-00-RL-DR-A-00104 PL1
- Unit 1 - Proposed GA Section - 4996-CA-00-ZZ-DR-A-00150 PL2
- Unit 1 - Proposed Elevations - 4996-CA-00-ZZ-DR-A-00200 PL2
- Unit 1 - Proposed Building External Finishes - 4996-CA-00-ZZ-DR-A-00210 PL1
- Unit 1 - Proposed Site External Finishes - 4996-CA-00-GF-DR-A-00250 PL3
- Unit 1 - Proposed Sprinkler Tank & Pumphouse - 4996-CA-00-GF-DR-A-00320 PL3
- Unit 1 - Proposed Car Park GA - 4996-CA-00-GF-DR-A-00350 PL2
- Unit 2 - Proposed Site Plan - 4997-CA-00-00-DR-A-00051 PL6
- Unit 2 - Fencing Details - 4997-CA-00-00-DR-A-00300 PL5
- Unit 2 - Bicycle / Motorcycle Shelter Details - 4997-CA-00-00-DR-A-00355 PL1
- Unit 2 – Gatehouse - 4997-CA-00-00-DR-A-00900 PL3
- Unit 2 - Warehouse GA Plan - 4997-CA-00-GF-DR-A-00100 PL2
- Unit 2 - Ground Floor GA Plan - 4997-CA-00-GF-DR-A-00101 PL1

- Unit 2 - First Floor GA Plan - 4997-CA-00-FF-DR-A-00102 PL2
- Unit 2 - Second Floor GA Plan - 4997-CA-00-SF-DR-A-00103 PL2
- Unit 2 - Transport Office 1 - 4997-CA-00-SF-DR-A-00104 PL1
- Unit 2 - Transport Office 2 - 4997-CA-00-SF-DR-A-00105 PL1
- Unit 2 - Roof GA Plan - 4997-CA-00-RL-DR-A-00110 PL1
- Unit 2 - Proposed Warehouse GA Section - 4997-CA-00-ZZ-DR-A-00150 PL2
- Unit 2 - Proposed Elevations - 4997-CA-00-ZZ-DR-A-00200 PL2
- Unit 2 - Proposed Building External Finishes - 4997-CA-00-ZZ-DR-A-94010 Rev C1
- Unit 2 - Proposed Site External Finishes - 4997-CA-00-GF-DR-A-00250 PL5
- Unit 2 - Proposed Sprinkler Tank & Pumphouse - 4997-CA-00-GF-DR-A-00320 PL4
- Unit 2 - Proposed Car Park GA - 4997-CA-00-GF-DR-A-00350 PL5
- Unit 3 - Proposed Site Plan - 4998-CA-00-00-DR-A-00051 PL5
- Unit 3 - Fencing Details - 4998-CA-00-00-DR-A-00380 PL4
- Unit 3 - Proposed Cycle Shelter - 4998-CA-00-00-DR-A-00355
- Unit 3 – Gatehouse - 4998-CA-00-00-DR-A-00900 PL1
- Unit 3 - Warehouse GA Plan - 4998-CA-00-GF-DR-A-00100 PL1
- Unit 3 - Ground Floor GA Plan - 4998-CA-00-GF-DR-A-00101 PL1
- Unit 3 - First Floor GA Plan - 4998-CA-00-FF-DR-A-00102 PL1
- Unit 3 - Second Floor GA Plan - 4998-CA-00-SF-DR-A-00103 PL1
- Unit 3 - Transport Office 1 - 4998-CA-00-SF-DR-A-00104 PL1
- Unit 3 - Roof GA Plan - 4998-CA-00-RL-DR-A-00107 PL1
- Unit 3 - Proposed GA Section - 4998-CA-00-ZZ-DR-A-00150 PL2
- Unit 3 - Proposed Elevations - 4998-CA-00-ZZ-DR-A-00200 PL2
- Unit 3 - Proposed Building External Finishes - 4998-CA-00-ZZ-DR-A-94010 rev C1
- Unit 3 - Proposed Site External Finishes - 4998-CA-00-GF-DR-A-00250 PL4
- Unit 3 - Proposed Sprinkler Tank & Pumphouse - 4998-CA-00-GF-DR-A-00320 PL3
- Unit 3 - Proposed Car Park GA - 4998-CA-00-GF-DR-A-00350 PL2
- General Arrangement Plan - MPN604-GRA-01-XX-DR-L-1002 P05
- General Arrangement Plan 1 of 6 - MPN604-GRA-01-XX-DR-L-1101 P05
- General Arrangement Plan 2 of 6 - MPN604-GRA-01-XX-DR-L-1102 P05
- General Arrangement Plan 3 of 6 - MPN604-GRA-01-XX-DR-L-1103 P05
- General Arrangement Plan 4 of 6 - MPN604-GRA-01-XX-DR-L-1104 P05
- General Arrangement Plan 5 of 6 - MPN604-GRA-01-XX-DR-L-1105 P05
- General Arrangement Plan 6 of 6 - MPN604-GRA-01-XX-DR-L-1106 P05
- A5 & Mere Lane Boundary Sections - MPN604-GRA-01-XX-DR-L-1301 P02
- Bittesby House Boundary Sections - MPN604-GRA-01-XX-DR-L-1302 P03
- Estate Road & Attenuation Ponds Section - MPN604-GRA-01-XX-DR-L-1303 P02
- Typical Planting Layout Plan Niche Habitat Area - MPN604-GRA-01-XX-DR-L-5201 P02
- Bund Planting & Maturation Details - MPN604-GRA-01-XX-DR-L-5301 P02
- Typical Tree Pit Details & Soil Profiles - MPN604-GRA-01-XX-DR-L-5501 P02
- Landscape Design Statement - MPN604-GRA-01-XX-RP-L-1000 P04
- Landscape – Tree, Planting & Seeding Schedules - MPN604-GRA-01-XX-SC-L-5000 P02
- Landscape Specification - MPN604-GRA-01-XX-SP-L-9000 P01
- Arboricultural Impact Assessment
- MPN1 External Lighting Lux Level - 10386-PL-100A

- MPN2 External Lighting Lux Level - 10386-PL-101A
- MPN3 External Lighting Lux Level - 10386-PL-102A

Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development and for the avoidance of doubt.

2 Parking Facilities

The development hereby permitted shall not be occupied until such time as off street car and HGV parking provision (with turning facilities) has been provided, hard surfaced (and demarcated) in accordance with the following drawing numbers:

- 4996-CA-00-GF-DR-A-00350, 'Unit 1 - Proposed Car Park GA', Revision PL2;
- 4997-CA-00-GF-DR-A-00350, 'Unit 2 - Proposed Car Park GA', Revision PL5; and
- 4998-CA-00-GF-DR-A-00350, 'Unit 3 - Proposed Car Park GA', Revision PL2.

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 Policies BE2 and GD8 of the Harborough District Local Plan and the National Planning Policy Framework (2019).

3 Cycle Parking

The development hereby permitted shall not be occupied until such time as secure (and under cover) cycle parking has been provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

REASON: To promote travel by sustainable modes in accordance with the Policies BE2 and GD8 of the Harborough District Local Plan and National Planning Policy Framework (2019).

4 Motorcycle Parking

The development hereby permitted shall not be occupied until such time as secure powered two wheeler (motorcycle, scooter) parking has been provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the parking shall be maintained and kept available for use.

REASON: To promote travel choice in accordance with the Policies BE2 and GD8 of the Harborough District Local Plan and National Planning Policy Framework (2019).

Suggested Informative Notes

1 Legal Agreement

The applicants are reminded that the conditions and S106 obligations relating to 15/01531/OUT are still relevant and fall to be complied with as the development proceeds.

2 Highway Signage

To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 3050001). The Applicant should be advised to contact Leicestershire County Council's Network Management

team at the earliest opportunity to discuss access to the road network to carry out any works. The team can be contacted at: networkmanagement@leics.gov.uk

Planning Committee Report

Applicant: Mr Vipul Pabari

Application Ref: 21/00798/FUL

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

Proposal: Removal of existing workshop/garage and erection of a dwelling (revised scheme of 19/01900/FUL)

Application Validated: 21/06/2021

Target Date: 21/06/2021 (extension of time agreed)

Consultation Expiry Date: 04/06/2021

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

Reason for Committee decision: The application has been 'called-in' by Cllr Knowles for the following reason: 'As Ward Member I have been contacted by those both in favour and those against the application and on the basis that it is in the interest of the community and transparency for this to be debated at committee confirm the request to call in'

Recommendation

Planning Permission is **REFUSED**, as outlined in the report for the following reason:

The development by virtue of its scale, siting, materials and appearance, would have an unacceptably harmful effect on the character and appearance of the area. The proposal would not accord with Policy GD8 (b) and (d) of the HLP.

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 planning 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 western 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 the entrance of Harrod Drive



Figure 3. Photo of site from eastern boundary facing west

- 1.3 The site itself is surrounded by residential properties with the exception of the south west where there are industrial buildings, Castle Lane Day Nursery is also 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)
 - 19/01900/FUL- Removal of existing storage shed and erection of 2 dwellings with off road parking and communal side garden (Refused 13/05/20). Appeal (APP/F2415/W/20/3253759) dismissed.
- 2.2 As indicated above application 19/01900/FUL was refused by Harborough District Council the reason for refusal was:
"The proposal will be over development of a constrained site and be out of keeping with and detract from visual amenity of Harrod Drive and is therefore contrary to Harborough Local Plan Policy GD8(d) and (e)."
- 2.3 This decision was then upheld at appeal with the inspector dismissing the appeal, the full decision can be viewed on the Council's website (under reference 19/01900/FUL). In dismissing the appeal, the inspector stated:
'...I conclude that the proposed development would have an unacceptably harmful effect on the character and appearance of the area. Hence, the proposal would not accord with Policy GD8 (b) and (d) of the Harborough Local Plan 2011 to 2031 (Adopted 30 April 2019) (the LP). Together, these parts of the policy suggest that development will be permitted where it achieves a high standard of design, including where appropriate, being individual and innovative, yet sympathetic to the local vernacular; and 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.'

- 2.4 A selection of the plans from 19/01900/FUL are shown below (Fig 4-7). The key differences are summarised as:
- Reduction from two to one dwelling
 - Reduction in overall footprint from 75sqm to 64sqm
 - Reduction in ridge height from 6.2m to 6m
 - Increase in eaves height from 3.5m to 3.9m
 - Access to the rear garden area from the dwelling
 - Amendments to windows/doors
 - Change of materials from red brick to cream render over a brick plinth to elevations
 - Change of materials from concrete interlocking tiles to natural slate

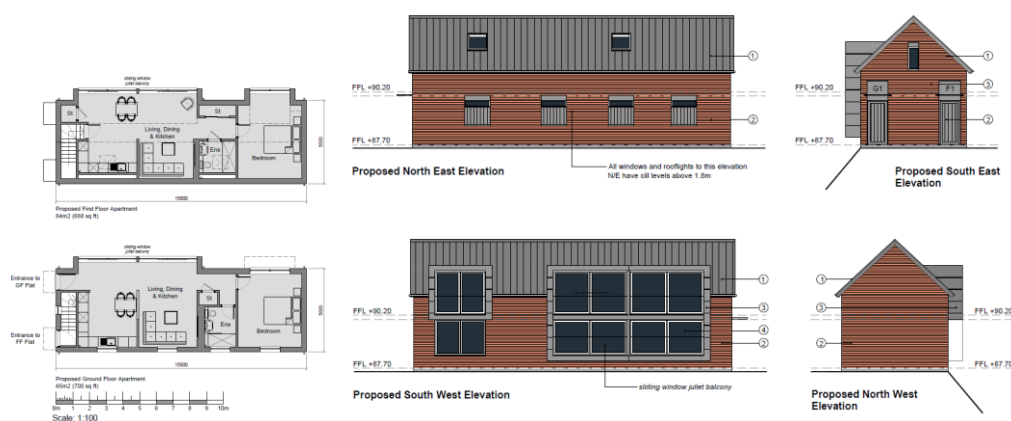


Figure 4. Floorplans and elevations from 19/01900/FUL

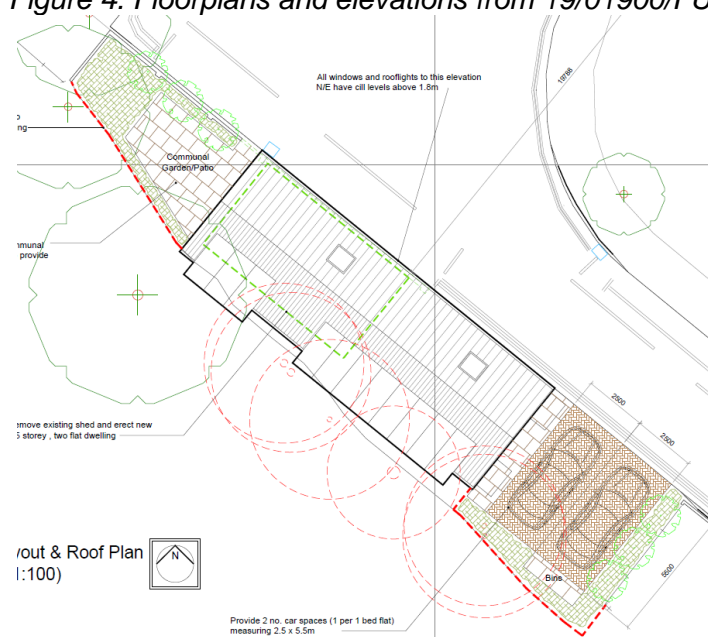


Figure 5. Site plan from 19/01900/FUL

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 single dwelling.
- 3.2 The building is proposed to sit relatively centrally within the plot, with a garden to the northwest and two parking spaces to the south east.

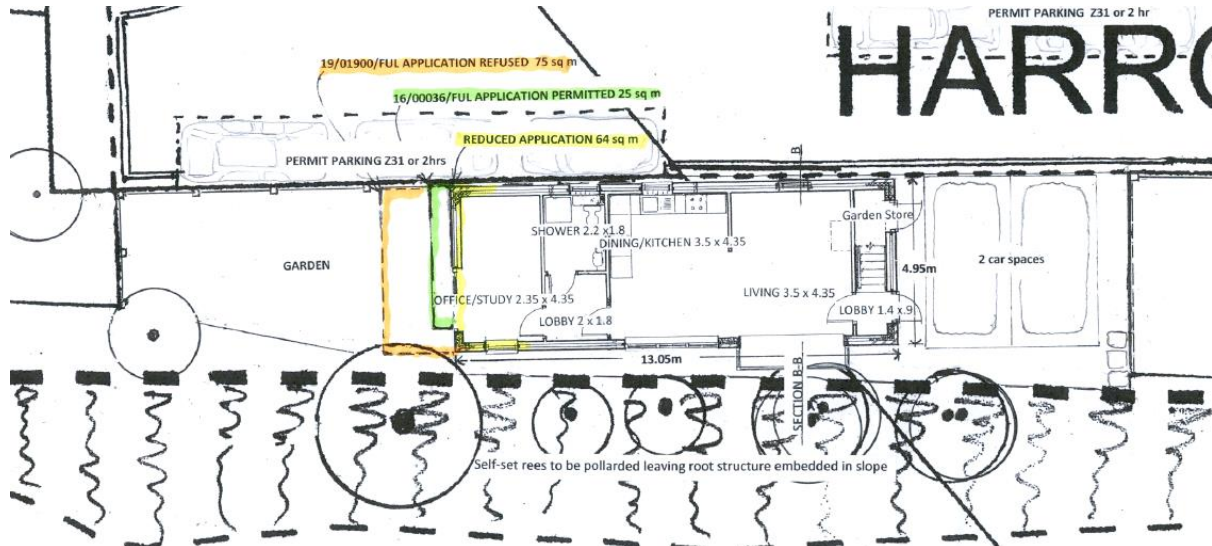
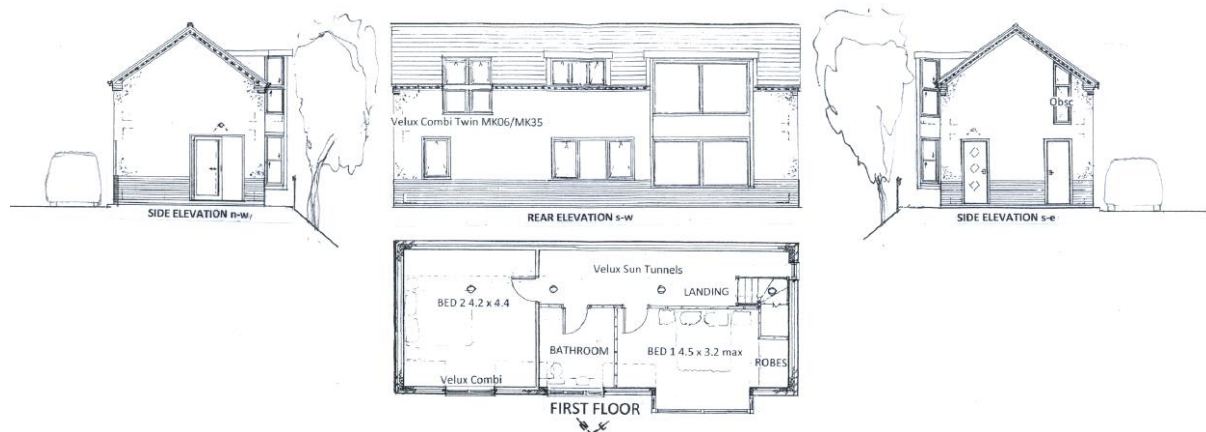


Figure 6. Proposed site plan (with previous developments annotated)

- 3.3 The design is contemporary with dormer windows to the rear/southwestern elevation. The building is proposed to have a ridge height of ~6m, eaves height of ~3.9m, length of ~13m and depth of ~5m (excluding dormer windows). The rear/south-western boundary is proposed to be bounded by a wall with fence above to 2m high.
- 3.4 The dwelling is proposed to have a facing brick plinth with cream render above, natural slates are proposed for the roof and the windows are proposed to be cream uPVC.



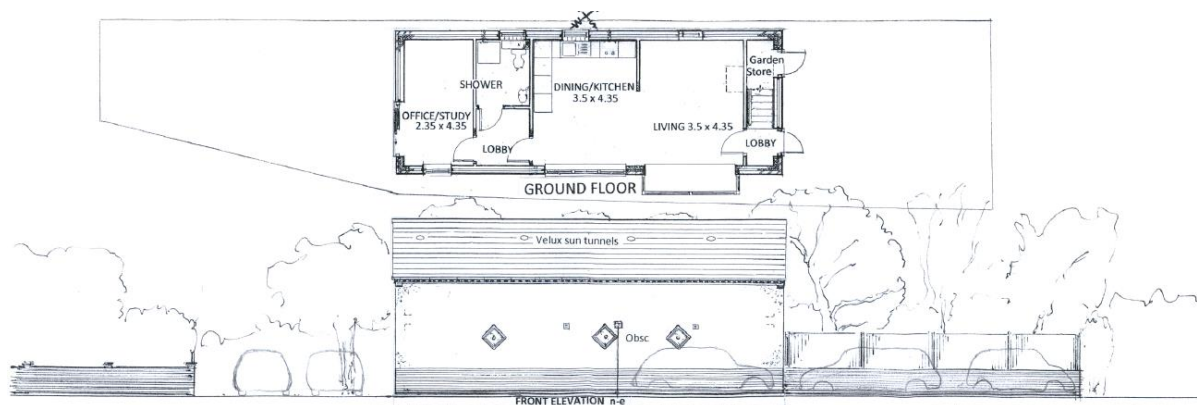


Figure 7. Proposed floorplans and elevations

b) Documents submitted

i. Plans

3.5 The application has been accompanied by the following plans –

- Location Plan
- Site Plan (showing previous developments)
- Site Plan, Roof Plan, Foundations and Section Plans
- Proposed Floorplans and Elevations

ii. Supporting Information

3.6 The application has been accompanied by the following supporting information –

- Design and Access Statement
- Cover letter
- Copy of the decision notice for 19/01900/FUL
- Copy of the appeal decision for 19/01900/FUL/ APP/F2415/W/20/3253759
- Copy of the pre-application advice
- Site photograph

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

3.7 No amended plans and/or additional information has been submitted.

d) Pre-application Engagement

3.8 Pre-application advice was sought in 2019 prior to the submission of 19/01900/FUL. No formal pre-application advice was sought following the refusal/dismitted appeal. The applicant's agent did contact the planning officer in 2021 and was advised they should apply for pre-application advice at the same time the applicant's agent was informally advised that the appeal decision should be taken into account as part of any future application.

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community were carried out for the application, this occurred on 4th May 2021 and the consultation period expired on 26th May 2021.

- 4.2 Some objections state that a 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.

a) Statutory & Non-Statutory Consultees

- 4.4 **LCC Highways:**
The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Consideration should be given to surfacing, width and parking provision.
- 4.5 **HDC Environment Team:**
Due to the use of the site as a workshop and the commercial use of the neighbouring sites the permission should be conditioned as outlined below...
- Pre-commencement conditions are requested requiring the submission of a Risk Based Land Contamination Assessment and Completion/Investigation Report. An informative regarding the burning of waste and a condition limiting construction hours (between the hours of 08.00 – 18.00 hours Monday to Friday, 08.00 – 13.00 Saturday and at No time on Sunday or Bank Holidays).are also requested (see the website for full comments).
- 4.6 **LCC Ecology:**
I have no objections to this planning application.

b) Local Community

- 4.7 Objections have been received from approximately 10 households (some objections are from the same household) as well as a signed petition from 15 residents of Harrod Drive. These comments are summarised by topic below, full objection comments can be read online.

Principle of Development	<ul style="list-style-type: none"> • Harborough District is able to meet all of its housing requirement • 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. • 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
Design/Impact character	<ul style="list-style-type: none"> • The scheme is materially similar to the last scheme which was refused (19/01900/FUL) and also dismissed at appeal by the Planning Inspector. The reduced length of the building by 2m is being replaced by a 2m high

	<p>fence and the eaves height of the building has been increased by approximately 350mm. Therefore, the new scheme remains contrary to GD8(e) of the adopted Harborough Local Plan and to Paragraph 122 of the NPPF.</p> <ul style="list-style-type: none"> • The proposed development is contrary to Policy H5(1) of the adopted Harborough Local Plan which permits development only “<i>while respecting the character of the surrounding area</i>”. The appeal decision report clearly sets out how the previous application did not respect the character of the local area, and those same reasons can be applied to the current proposal. • Development is out of keeping • The only difference between the previous and current application with regards to this policy can be summarised as: <ol style="list-style-type: none"> 1) Building depth reduced by 5cm (1%) 2) Building length reduced by 1.95m 3) Increase in eaves height of approximately 370mm 4) Reduction in ridge height by approximately 250mm 5) Retain some heavily pollarded trees • The characteristics of the development which the inspector deemed as being contrary to Policy GD8 remain unchanged, including: <ul style="list-style-type: none"> - Jar with the established grain of development, particularly the consistent spacing and layout of houses. - The existing open feel provided by the site being replaced with a building and 2m high garden fence. • The proposed properties are one bedroom maisonettes whereas the existing houses are three to four bedroom family houses illustrating their different character. • 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 • Loss of trees • The development turns its back on the close presenting a virtually solid wall adjacent to the highway • Overdevelopment of the plot
Residential Amenity	<ul style="list-style-type: none"> • Reduction of views out to countryside and landscape from Harrod Drive properties • The erection of the 2m fence adds to the negative impact of light and aspect • Overlooking to properties on Harrod Drive – the proposal does not meet the 21m distance • Loss of light as the site is to the south of properties on Harrod Drive • It would overlook the children’s nursery
Highways	<ul style="list-style-type: none"> • The property does not have a footpath leading to it or the potential for a footpath to be created, causing major issues for residents, visitors, refuse collectors etc • Only two spaces and no visitor parking • Concerns over parking and congestion in quiet cul-de-sac

	<ul style="list-style-type: none"> • The danger aspect of concealed drive access directly onto highway with severely restricted view, to the point that you would not be able to see clearly if highway was clear to proceed until you were on the highway • Visibility splays are inadequate for pedestrians and vehicles • 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. • Concerns about Harrod Drive being block during construction
Land stability	<ul style="list-style-type: none"> • The plot is not big enough or stable enough to sustain the building • The plans are misleading and do not clearly show the extent and steepness of the slope that the proposed building will stand on. • A number of houses on the street have already undergone significant underpinning to counteract subsidence issues on that slope. The shed hangs over the drop since it was built a few years ago. • 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. • Loss of the trees supporting the bank will in turn will destabilise the land • 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. • Piling may cause stability issues to surrounding properties, existing highway infrastructure and the stability of the rest of the slop
Impact on Employment (Fernie Rd) Site	<ul style="list-style-type: none"> • The adjacent site is protected employment land under Local Plan Policy BE3 however given the proximity of the proposed dwelling, there are worries that the current uses within the site and specifically the objectors unit could be compromised by way of noise and disturbance to any residential property this close to the site, once occupied.
Flooding/Drainage	<ul style="list-style-type: none"> • 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. • As the application form states that a soakaway will be used to dispose of surface water runoff, the application is not in accordance with SPG19 as a material planning consideration. • Whilst the site itself is not at any real risk of flooding, the site directly contributes to the significant flooding which does occur just 275m from the proposed development site, and immediately downhill from the site. These areas of Market Harborough, which are within Flood risk zones 3 and 2 and include homes and businesses, will be affected by the proposed development.
Ecology	<ul style="list-style-type: none"> • Loss of trees and wiildlife

Other matters	<ul style="list-style-type: none"> • Interior would only need stud walls to turn it into two flats • No secondary means of escape from the upper floor, with all windows opening over the slope • Concerns the land boundaries are not correct • The land concerned by this application is restricted by a covenant that came with the land. On the original deeds for 10 Harrod Drive which covered this land, it states 'no building or erection of any kind shall be placed or erected on the land hereby conveyed nearer to the said new road than the frontage of any dwelling house when erected'. • 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.
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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 size of the units. Some comments refer to one bed units, it is assumed these are repeat comments from the previous application as the proposal is for one, two bed property. Whilst acknowledging that the surrounding properties on Harrod Drive are larger 3-4 bed properties, the proposed development would provide an additional smaller unit. Market Harborough itself has a varied house mix which is generally supported in planning policy to promote social interaction and a choice of homes. 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 Concerns have been raised that the unit could be split internally to create two dwellings (as per application 19/01900/FUL). The creation of an additional unit would require planning permission and would need to be assessed on its own merits should an application be made in the future.
- 6.5 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, Visual Amenity and Impact on Heritage Assets

- 6.6 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 increased densities). Policy GD8 of the HLP outlines that developments 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. 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.
- 6.7 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 and whilst some of the dwellings have been extended/alterd the street has a coherent appearance. The application site runs parallel to the road, it is partially gravelled with the existing garage/shed in the centre of the site. The site is highly visible within the immediate street owing to its front boundary being either open or demarked by the low brick wall to the front, it is also visible from Great Bowden Road.
- 6.8 The garage itself is constructed from timber, and is utilitarian in appearance, it is not particularly attractive but it has an unassuming presence in the streetscene. The trees along the southern boundary provide greenery within the streetscene and the site provides a degree of openness (especially the parking area) to Harrod Drive. The planning inspector for application 19/01900/FUL noted that the backdrop of trees and visibility of the site make a significant contribution to the character and appearance of Harrod Drive.



Figure 8. Site Photo- 2015 Prior to construction of garage



Figure 9. Photo of site with garage

- 6.9 Although some amendments have been made including a reduction in scale (section 2.4), overall the proposal is similar to the previously refused application (19/01900/FUL). The proposed building would not incorporate front or rear garden areas and would be aligned immediately adjacent to the road at the front and the dormers would partly overhang the boundary to the rear. The entrance to the proposed dwelling would be to the east of the building, adjacent to two parking spaces. The garden remains to the west of the site but can now be accessed from the dwelling itself. The front elevation is relatively featureless with three diamond shaped windows at ground floor and sun tunnels at first floor. As proposed previously the rear elevation contains more features including projecting windows, partly in the roof, the larger of which would extend to the ground floor.
6. 10 As previously noted policy GD8 does allow for individual and innovative designs where appropriate, providing the development is sympathetic to local vernacular, including in terms of building materials. The massing, scale and overall design of the proposed

building continues to differ from that of the other properties on Harrod Drive. A result of the constrained site means it would not be possible to replicate the surrounding dwellings. The scale of the building has been reduced, however, the proposal would still occupy a significant portion of the site and the space surrounding the dwelling would be noticeably smaller than the existing houses. The proposal would remain out of keeping with the established grain of development on Harrod Drive, particularly the consistent spacing and layout of houses, which would be harmful to the character of Harrod Drive (as outlined in the previous decisions).

- 6.11 Furthermore the amendments do not overcome the previous concerns regarding the external appearance of the proposal. In particular concerns were previously raised regarding the front elevation which was described by the planning inspector as 'largely blank with very small window apertures' and to 'principally turn its back on the street' and be 'uncharacteristic of Harrod Drive'. This proposal does not address this, in fact the window apertures are fewer and smaller and the timber detailing which was previously proposed has been omitted. Therefore, the proposed amendments are considered to be additionally detrimental to the frontage in comparison to the previous application. This proposal also proposes the use of render as opposed to red brick to the elevations. The previous material palette was considered to be sympathetic to the surrounding area, however, render is not. The previous concerns that the building would be viewed as one solid appearance have not been overcome and the cumulation of the render and reduced openings in the front elevation would compound this further. The building would be highly visible, dominant and for the above reasons out of keeping and harmful to the appearance of Harrod Drive.
- 6.12 In contrast to 19/01900/FUL this proposal does seek to retain the trees to the southern boundary. The proposed retention of the trees is beneficial and would retain the verdant character they offer to Harrod Drive. However, this alongside the reduced scale of the building is not sufficient to overcome the concerns with the design and appearance of the proposal from Harrod Drive.
- 6.13 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 10. View towards site from Albany Rd (site indicated by arrow)



Figure 11. View towards site from The Mill (off Fernie Rd)



Figure 12. View towards site from Fernie Rd and Great Bowden Rd junction

Impact on Heritage Assets

- 6.14 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 and the proposal accords with policy HC1.
- 6.15 To conclude, for the reasons outlined and owing to the impact to the character of Harrod Drive in particular, the proposal does not comply with Policy GD8 (b) and (d) of the HLP. These policies suggest that development will be permitted where it achieves a high standard of design, including where appropriate, being individual and innovative, yet sympathetic to the local vernacular; and 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.

c) Highways

- 6.16 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.

- 6.17 Several concerns have been raised by surrounding residents regarding the highways implications of the proposal. The previous proposal was not refused on highways grounds and no issues were previously raised by the Planning Inspector. The proposal reduces the number of dwellings from two to one, whilst the parking/access arrangements are largely unchanged. LCC highways department (LHA) have referred the LPA to standing advice, but as part of application 19/01900/FUL the LHA noted that there have been no recorded personal injury collisions on Harrod Drive in the last five years, therefore, the LHA had 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.
- 6.18 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 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.
- 6.19 Two parking spaces are proposed to the southeast of the site. Objection comments have stated there is no visitor parking, however, the provision of two spaces 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. Were the scheme otherwise acceptable 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.
- 6.20 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 previously raised no objection to the lack of footpath, noting that the access to the property is via a door 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.
- 6.21 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 6.29).
- 6.22 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

- 6.23 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.
- 6.24 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 13. View from pavement in front of No.12 Harrod Drive

- 6.25 At its closest point the proposed building would be approximately 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 dwelling 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. Three openings are proposed at ground floor, these are secondary windows serving habitable rooms and are proposed to be obscure glazed, limiting views from these windows to the frontages of 10-16 Harrod Drive. At first floor, only sun tunnels are proposed which would prevent overlooking. As such, whilst the separation distance is less than 21m guidance, the obscure glazing of the windows would satisfactorily limit potential overlooking from the application dwelling to Nos 10-16 Harrod Drive. An office/study window/door is proposed at ground floor in the northwest/side elevation which faces the front of No.22 Harrod Drive, the separation distance is 19.5m, considering the intervening boundary treatment this would not cause adverse overlooking to the front of No.22
- 6.26 As above, at present the properties on Harrod Drive have a relatively open outlook to the front, interrupted in part by the existing garage and boundary treatment to the south

of the application site. The introduction of the dwelling would 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 is proposed to be low, with an eaves height of 3.9m, the roof would then slope away from the properties on Harrod Drive to a maximum height of 6m. 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.

- 6.27 The proposed openings 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. 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 nursery.

- 6.28 An objection comment has been made by the land owner of the adjacent industrial site. The comments state that the adjacent site is protected employment land under Local Plan Policy BE3 and that given the proximity of the proposed dwelling, there are worries that the current uses within the site and specifically the objectors unit could be compromised by way of noise and disturbance to any residential property this close to the site, once occupied. The Environment Team have been consulted but have not raised concerns with the proximity of the site to the employment land to the south. This relationship is not considered to be dissimilar to that found between the existing properties on Harrod Drive, especially No.22, nor properties on Dingley Terrace, York Street, or Albany Road. It appears that the existing employment land and adjacent residential units coexist and officers are not aware of any concerns to the contrary from existing residents.

- 6.29 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.

- 6.30 A condition restricting Permitted Development Rights is also 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(e) of the HLP.

e) Flooding/Drainage

- 6.31 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.

- 6.32 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

- 6.33 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. The trees proposed to be pollarded are not protected by a Conservation Area nor Tree Preservation Order as such could be pollarded without consent. 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

- 6.34 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 land stability issue may be found (see Fig.14).

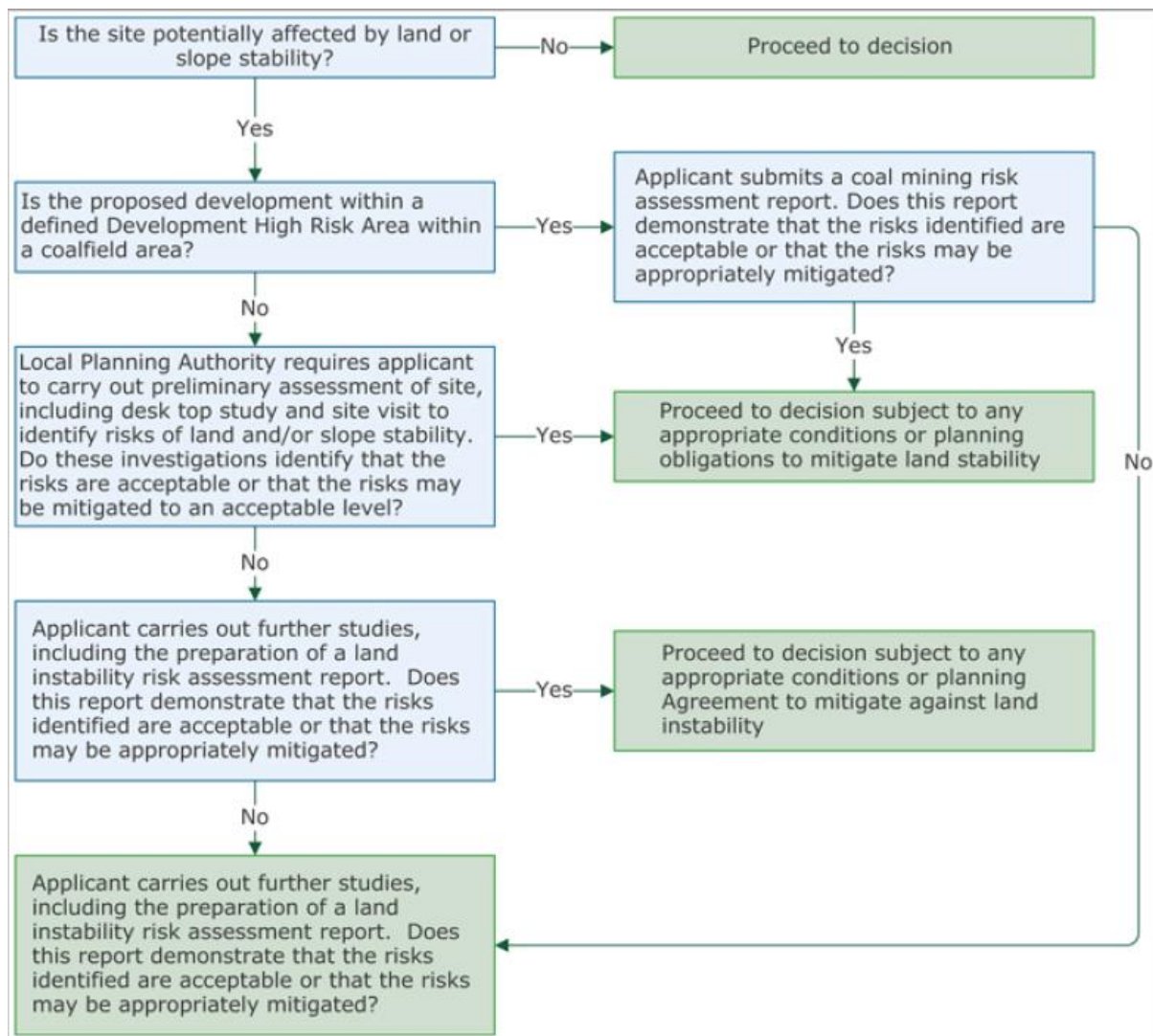


Figure 14. NPPG Land Stability Flow Chart

- 6.35 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). Objections have been raised with regards to land stability, this was not a reason for refusal previously and no concerns were raised from the inspector regarding this. The applicants were previously required to submit a preliminary assessment of the site, this has not been resubmitted with this proposal and should the application be approved it would be required to be submitted by condition. However, given the recent nature of the survey and limited changes to the design the findings of the previous preliminary assessment are still considered to be relevant.
- 6.36 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 contained an assessment of the site context and included a desk study and site visit.

6.37 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.

- 6.38 Therefore as stated as part of application 19/01900/FUL, 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

- 6.39 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 conditioned 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, one additional dwelling will contribute to the provision of smaller dwellings within Market Harborough and could be considered efficient use of land. Subject to the aforementioned conditions no adverse harm to residential amenity, the highway or to land stability is likely. However, despite the dwelling being subordinate in scale to the surrounding properties its design, by virtue of its scale, siting, materials and appearance, would have an unacceptably harmful effect on the character and appearance of the area. The proposal would not accord with Policy GD8 (b) and (d) of the HLP.
- 7.2 In referring to the three strands of sustainable development the proposal may provide some modest economic benefit through the construction a dwelling, and some social

benefit may be obtained by the contribution of new residents to the community. However, these benefits do not outweigh the harm caused by the proposals design to the locality. The proposal is not considered to comply with the HLP and NPPF.

Planning Committee Report

Applicant: Barry Champion

Application Ref: 21/00983/FUL

Location: 36 Alvington Way, Market Harborough, Leicestershire, LE16 7NF

Proposal: Conversion of double garage into reception, bedroom and wet room for elderly relative, erection of a workshop and erection of a tool shed in rear garden, enlargement of front drive to accommodate additional two cars with permeable (resin bound) surface

Application Validated: 02.06.2021

Target Date: 28.07.2021

Consultation Expiry Date: 08.07.2021

Site Visit Date: 28.06.2021

Reason for Committee Decision: The applicant is a member of the Council- Cllr Champion

Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report and subject to the Planning Conditions set out in Annexe A of this report.

1. Site & Surroundings

- 1.1 No. 36 Alvington Way is a two storey, detached dwelling located near the southwestern entrance of Alvington Way. The dwelling is one of five properties located just off Alvington Way, accessed by a shared drive.



Figure 1. Aerial View

- 1.2 The dwelling has an existing parking area to the front and modest garden to the rear which is bounded by a mixture of close boarded fencing and brick walls. There is an existing conservatory to the rear and the property has two integral garages to the front. The property is constructed from red brick with decorative blue brick detailing and brown concrete roof tiles.



Figure 2. Front elevation

- 1.3 The site is not within a Conservation Area and there are no heritage assets in the immediate area. Some permitted development rights have been removed from the property (and those surrounding it) meaning planning permission is required for certain extensions/alterations to the dwelling and for outbuildings within its curtilage.

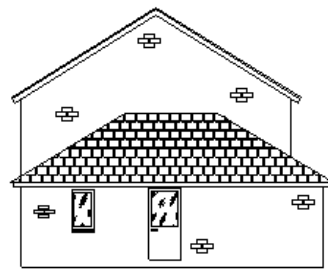
2. Site History

- 2.1 There is no relevant site history.

3. The Application Submission

a) Summary of Proposals

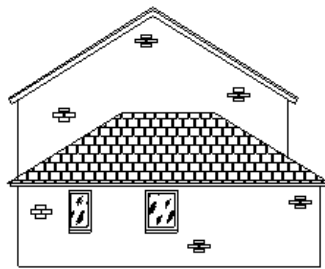
- 3.1 The proposal seeks to convert the integral garage into an annexe for an elderly relative, the accommodation comprises of a reception room, utility room, bedroom and wet room. The garage conversion would include the removal of the existing garage doors which would be partially bricked up and replaced with two windows to the front. An existing side door is also proposed to be replaced by a window in the west side elevation. No changes are proposed to the rear (north) elevation or other side (east) elevation.



Existing Side Elevation



Existing Front Elevation

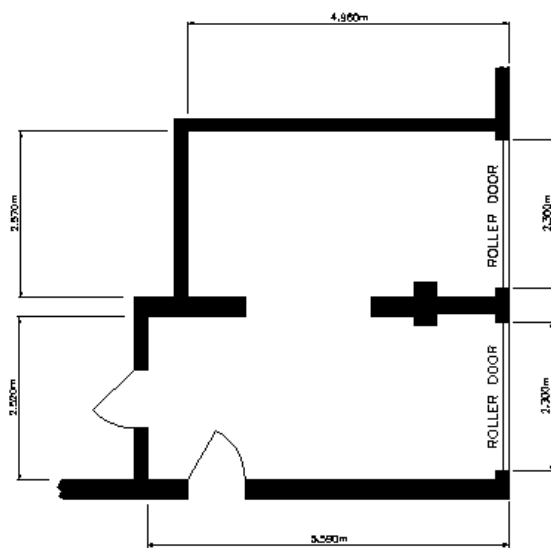


Proposed Side Elevation

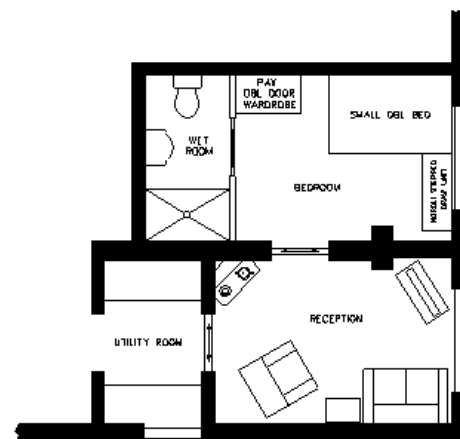


Proposed Front Elevation

Figure 3. Existing (top) and proposed (bottom) elevations



EXISTING FLOORPLAN



CONVERSION FLOORPLAN

Figure 4. Existing (left) and proposed (right) floorplans

- 3.2 The proposal also includes plans to erect a timber workshop and shed in the rear garden. The workshop would be sited along the western boundary adjacent to the neighbour's garage. The workshop is proposed to have a mono-pitch, shingle style asphalt roof with two roof lights, with a ridge height of 3m and eaves height of 2.23m. The proposed maximum depth of the workshop is 3m and the width is 6.5m. The shed is proposed along the eastern boundary and is also proposed to have monopitch roof, the shed is proposed to have a ridge height of 1.8m and a depth and width of 1.4m.

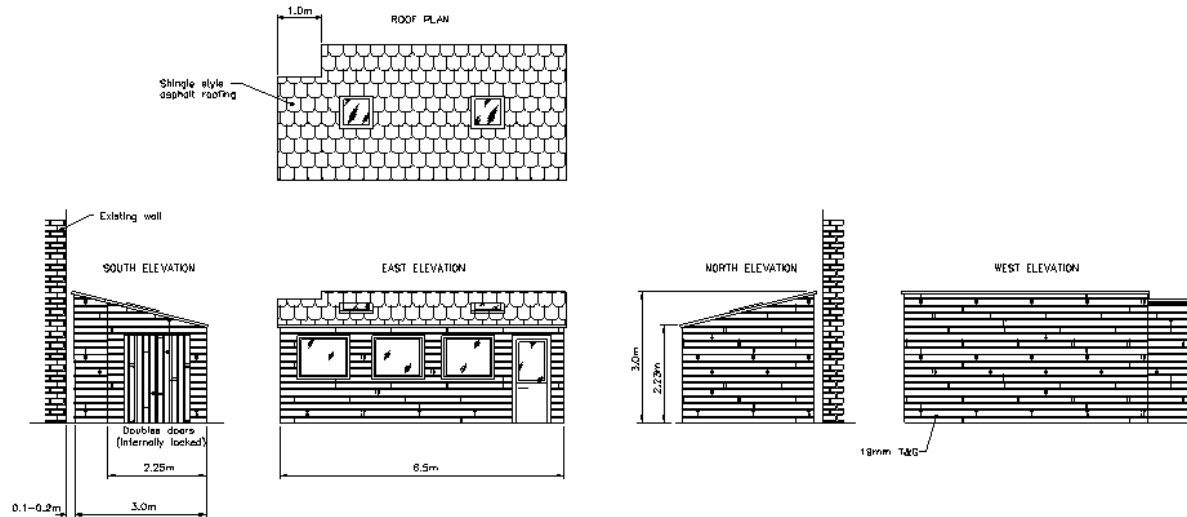


Figure 5. Proposed workshop plans

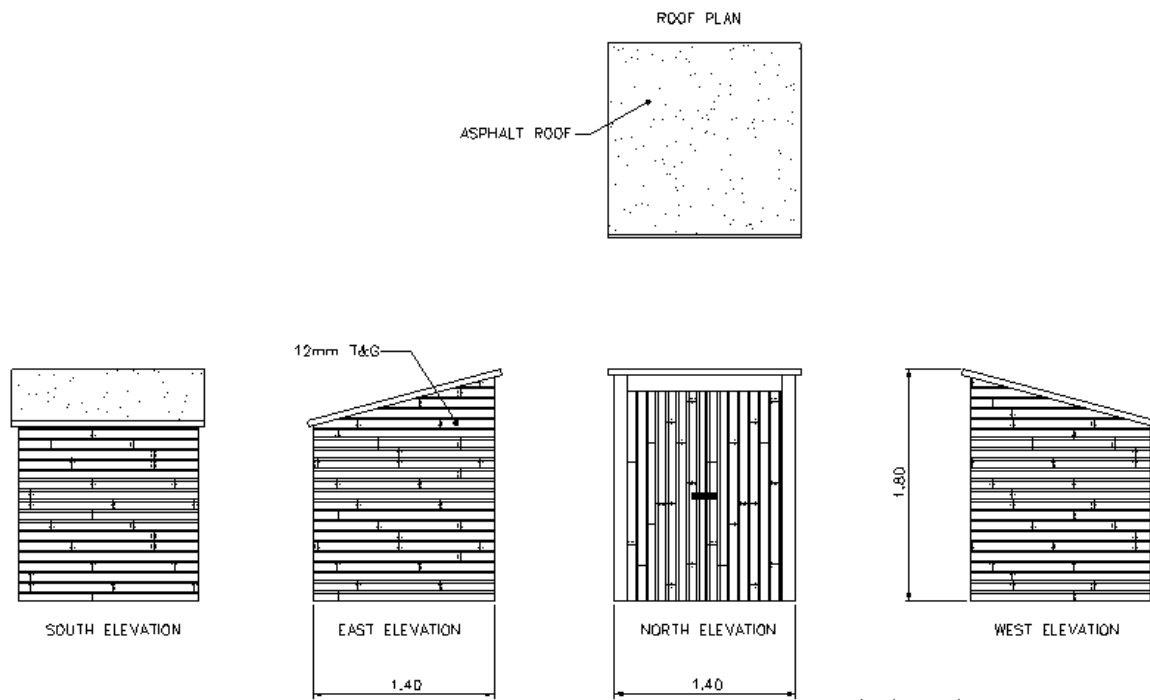


Figure 6. Proposed shed plans

- 3.3 Finally, the application also proposes to extend the front drive to accommodate two additional cars. The driveway would be constructed with a permeable, resin bound surface.

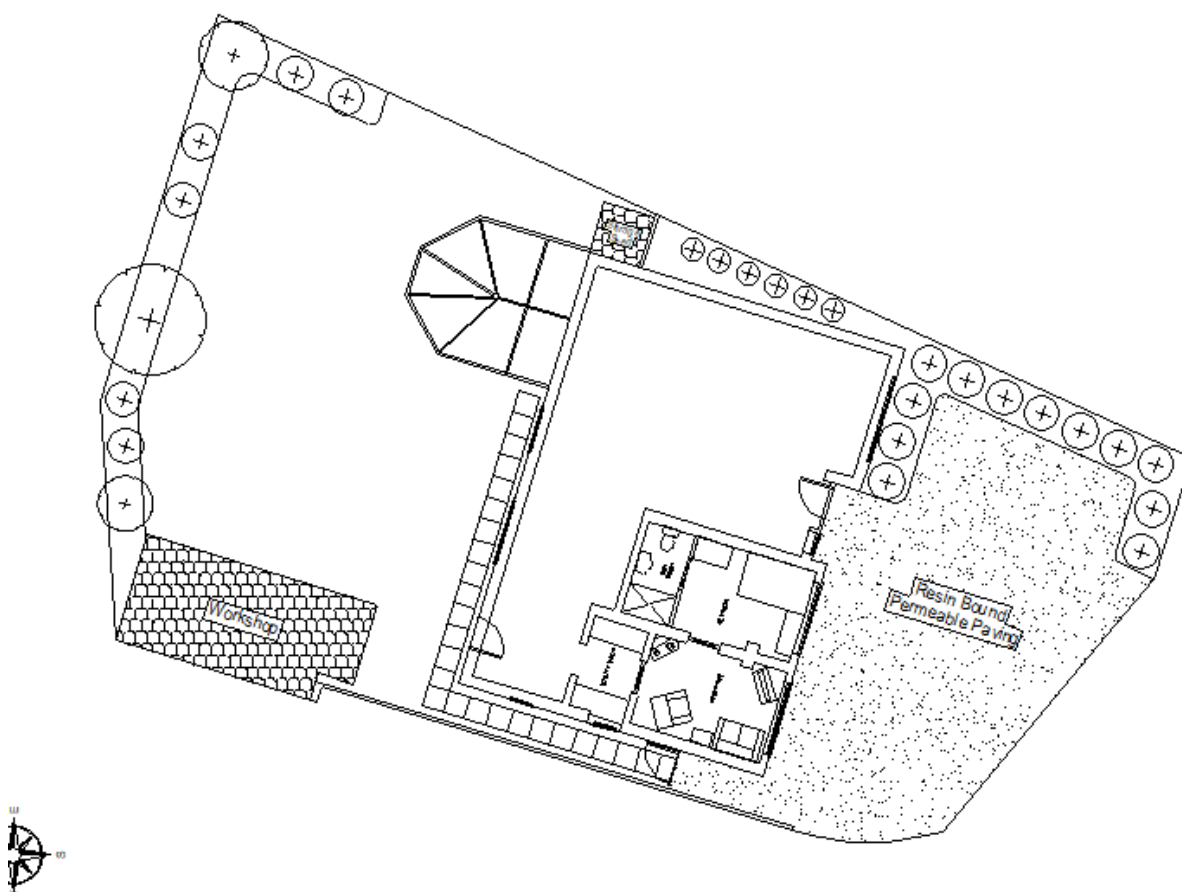


Figure 7. Site plan showing the siting of the workshop, shed, and parking area and floorplans of the garage conversion.

b) Documents submitted

i. Plans/Documents

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

Workshop plans
 Storage shed plans
 Existing and proposed conversion floor plans
 Proposed block plan
 Front and side elevations
 Location plan

c) Pre-application Engagement

3.4 The applicant sought pre-application advice (PREAPP/21/00044) prior to the submission of this application and was advised that the proposals were likely to be acceptable and to comply with planning policy.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 2nd June and the consultation period expired on 8th July 2021.
- 4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

- 4.3 No comments received.

b) Local Community

- 4.4 No comments received.

5. Planning Policy/Guidance Considerations

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

a) Development Plan

- *Harborough Local Plan (HLP) 2011-2031*

- 5.2 The below policies are considered most relevant to this application:
- GD8 – Good design in development
 - IN2- Sustainable Transport

b) Material Planning Considerations

- *National Planning Policy Framework*

- 5.3 Whilst read as a whole of particular relevance are:
- Chapter 2- Achieving sustainable development
 - Chapter 4- Decision making
 - Chapter 8- Promoting healthy and safe communities
 - Chapter 9- Promoting sustainable transport
 - Chapter 12- Achieving well-designed places
- *National Planning Practice Guidance*

6. Assessment

a) Principle of Development

- 6.1 The proposal includes annexe type accommodation, however, the accommodation does not include a self-contained kitchen. The additional living accommodation would therefore be functionally linked to the host dwelling with future occupiers relying on the host dwelling for cooking facilities. This is beneficial, as the proposal would not lead to the creation of a separate residential dwelling. Notwithstanding this, a condition is recommended ensuring that the annexe is not occupied separately to the host dwelling (No.36) in the future. The creation of a separate dwelling would require assessment of

separate planning considerations and impacts (ie residential amenity impacts, parking impacts etc) which have not been considered as part of the current proposal.

- 6.2 The workshop, shed and hardstanding would all be within the existing residential curtilage/garden of the dwelling as such are acceptable in principle. Overall, the principle of development accords with the Harborough Local Plan (HLP) subject to the aforementioned condition.

b) Design and Visual Amenity

- 6.3 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. 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.
- 6.4 Both the shed and workshop will be limitedly visible from the public realm as they are sited within the rear garden which is screened by the existing boundary treatments. Both the shed and workshop are modest in scale and are typical shed designs which are commonplace in the residential surroundings. These aspects will therefore integrate into the surroundings and respect the site context.



Figure 8. View towards the site from Alvington Way

- 6.5 The alterations to the garage will be visible from Alvington Way. The removal of the garage doors will alter the frontage of the property; however, the proposed new brickwork and windows will match the existing property and will not be detrimental to its overall appearance. Other similar garage conversions are also present in the wider area. Therefore, the proposal will not appear out of keeping and respects the surrounding context and therefore accords with policy GD8 of the HLP.

c) Highways

- 6.6 Paragraph GD8 of the HLP states that developments should ensure safe access, adequate parking and servicing areas including the safe, efficient, and convenient

movement for all highway users. Policy IN2 of the HLP states that residential development proposals will be permitted subject to the provision of safe access, servicing and parking arrangements having regard to highways authority guidance and standards.

- 6.7 The conversion of the garage to residential accommodation would result in the loss of two parking spaces at the property. Although it is acknowledged that neither garage accords with the Leicester Highways Design Guidance garage space standards, the proposal would also increase the number of bedrooms at the property. Therefore, three parking spaces would be required.
- 6.8 The proposal includes an extension to the parking area which will provide adequate space for at least three parking spaces which mitigates the loss of the garage space. The proposal would therefore ensure sufficient parking for a dwelling of its size, consequently the proposal would not create any on-street parking issues and complies with policies GD8 and IN2 of the HLP as well as Leicestershire Highways Design Guidance

d) Residential Amenity

- 6.9 Policy GD8 requires developments to be designed to have minimum impact on the amenity of existing and future residents by not having a significant adverse effect on the living conditions of existing and new residents through loss of privacy, overshadowing and overbearing impacts. Nor by generating a levels of activity, noise, vibration etc which cannot be mitigated to an appropriate standard. In order to objectively assess the impact of the proposed development upon existing residential amenity, the Council has adopted Supplementary Planning Guidance.
- 6.10 The garage conversion will not increase the scale of the existing dwelling. The two new windows in the front elevation will overlook the driveway of the application dwelling and beyond this the shared access for the neighbouring properties. This aspect would therefore not create additional amenity harm to the surrounding properties. A side door in the west elevation is proposed to be replaced with a window, this will not create additional overlooking to No.38 owing to the presence of the boundary fence along the side of No.36.



Figure 9. Site photo showing boundary treatment to side

- 6.11 The proposed workshop would be sited adjacent to No.38s garage which runs along the western boundary of the site and no windows are proposed in the west elevation. Therefore, the workshop would not create an additional sense of overdominance, loss of light or loss of privacy to No.38. The workshop would be sited close to the rear garden boundary of No.3 Kestian Close which is to the north. Considering the existing boundary treatment, separation distance and modest height of the workshop it would not create adverse overlooking or loss of light. Furthermore, no windows are proposed which would overlook No.3 Kestian Close.



Figure 10. Photos facing west towards the proposing siting of the workshop

- 6.12 The shed is sited away from neighbouring properties and would not impact on the residential amenity of any surrounding residents, considering its modest scale, and separation distance to nearby properties.
- 6.13 The proposals as whole would not significantly adversely impact the living conditions of existing and new residents and the proposal complies with policy GD8.

7. Conclusion

- 7.1 The development by virtue of its design, size and positioning, would not adversely affect the amenity of neither local residents, and, is of harmonious design, form and materials. The proposal would not give rise to additional on-street parking or highways safety harm. The proposal is therefore considered to accord with the Harborough Local Plan 2011 to 2031 and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account paragraph 38 of the National Planning Policy Framework.

ANNEXE A- PLANNING CONDITIONS

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:

Workshop ALV 001
Storage Shed ALV 002
Existing and Conversion Floorplan ALV 003
Block Plan ALV 004
Front and Side Elevations ALV 005
Location Plan ALV 006

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

3. Materials

All external materials used in the conversion of the garage hereby approved shall match in material, coursing, colour and texture those used on the existing building. The materials used in the construction of the workshop and shed shall be as detailed in the application particulars.

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. Annexe

The annexe development hereby approved shall only be occupied for residential purposes which are ancillary to the residential use of the application dwelling; 36 Alvington Way, Market Harborough. The annexe shall not be let, leased, sold, split in title, or otherwise occupied such as to constitute the formation of an independent/separate dwelling planning unit. Separate utilities, utility meters, oil tanks or septic tanks shall not be installed. Separate vehicle access, parking or garden areas shall not be created/demarcated. A separate postal address shall not be created for the annexe.

REASON: For the avoidance of doubt. The development hereby approved is not for the creation of a new dwelling planning unit. The additional accommodation is situated and designed such that the Local Planning Authority, having regard to reasonable standards of design, residential amenity, access, parking, highway safety and planning policies pertaining to the area, may not permit a separate dwelling. This Condition accords with Policies GD2, GD8 and IN2 of the Harborough Local Plan.

Informatives:

1. Building Regulations.

