

Planning Committee Report

Applicant: Persimmon Homes

Application Ref: 20/00891/FUL

Location: Land At Eady Drive, Market Harborough

Proposal: Erection of 350 dwellings with associated access, parking and landscaping

Application Validated: 19.06.2020

Target Date: 18.09.2020 (Extension of time agreed to **30th June 2021**)

Weekly List Expiry Date: 22.07.2020

Consultee Expiry Date: 03.05.2021(amended plans / additional information)

Neighbour Expiry Date: 03.05.2021 (amended plans / additional information)

Advertisement Expiry Date: 30.07.2020

Site Notice Expiry Date: 27.07.2020

Case Officer: Nicola Parry

Committee Decision: Major Application

Report Date: 18.05.2021

Recommendation

Planning permission is **APPROVED** for the reasons set out in the report and subject to completion of a S106 Obligation (Appendix A) and the appended Planning Conditions and Informative Notes (Appendix B).

1. Site & Surroundings

- 1.1 The application site (hereafter referred to as 'the Site') is located at the southern edge of Market Harborough to the east of Northampton Road bound by the Compass Point business park to the west, modern housing at Moseley Avenue and Eady Drive to the north and the Brampton Valley Way (a recreation route for walker and cyclists – forming part of National Route 6) and River Jordan to the east. To the south of the site is open countryside. To west of Northampton Road there are a mix of uses including a leisure centre, a football club, a rugby union football club, a nursery and a medical centre. Public footpath A62 passes through the western part of the site extending south from Moseley Avenue connecting with the Brampton Valley Way and public footpath GC13 beyond.
- 1.2 The site falls from approximately 90m above ordnance datum (AOD) at its southern boundary to approximately 85m AOD at its northern boundary. To the east of the site the landform is relatively flat across the lower setting of the River Jordan Valley
- 1.3 The site extends to approximately 16.2 hectares of arable farmland comprising 3no. fields; Field 1 is located to the west and is bound to the north and east by native hedgerows. To



Figure 2: Application Boudary in Context

- 1.6 The site is allocated for residential development under Policies H1 and MH2 of the Local Plan. The immediate west of the site the land is allocated for employment development under Policy BE1 of the Local Plan forming part of the Compass Point business park designation. To the north-east the rising land between Braybrooke Road and Kettering Road is also allocated for housing development for up to 600 dwellings, a primary school, local centre and associated highway access, open space and structural landscaping (outline planning reference 15/02006/OUT) and reserved matters are currently being implemented.

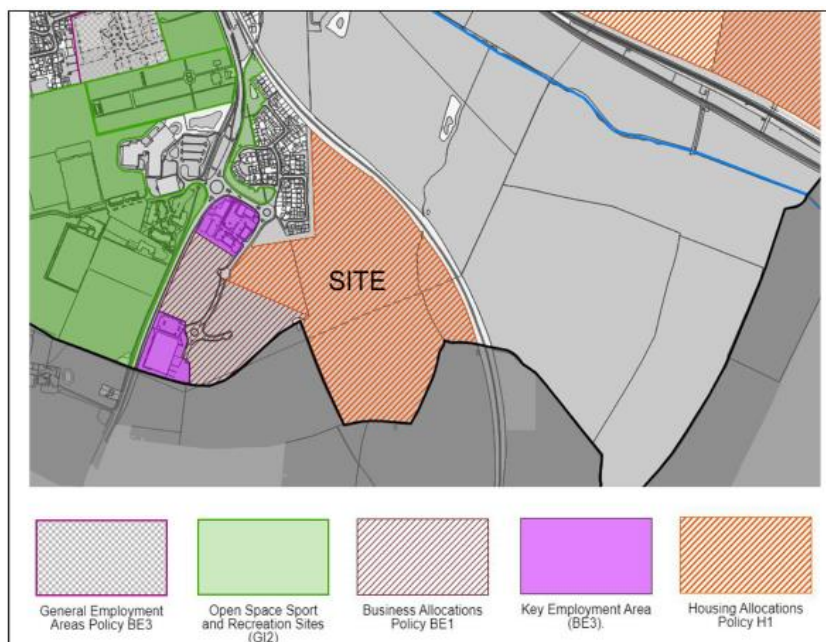


Figure 3: Local Plan Allocations

2. Site History

2.1 There is no previous planning history on the site.

3. The Application Submission

- 3.1 The application seeks full planning permission for residential development of 350 dwellings.
- 3.2 The development will be accessed from the west via the provision of a new priority junction
- 3.3 The application was validated on 19th June 2020 and was accompanied by the following supporting reports and plans:

REPORTS

- Design and Access Statement (May 2020), prepared by Boyer
- Building for Life 12 Compliance Statement (March 2020), prepared by Boyer
- Planning Statement, prepared by Boyer
- Statement of Community Involvement, (March 2020) prepared by Boyer
- Landscape and Visual Impact Assessment, prepared by Golby and Luck, (May 2020)
- Transport Assessment (April 2020) (ref: FW1626/TA/001v2) prepared by Farrow Walsh;
- Travel Plan (April 2020) (ref: FW1626 TP0 01 V3) prepared by Farrow Walsh;
- Flood Risk Assessment (April 2020) (ref: FW1626 FRA 001 V2) prepared by Farrow Walsh;
- Landscape and Visual Impact Assessment (May 2020, Issue 2) prepared by Golby and Luck;
- Heritage Statement (August 2019) prepared by RPS Group;
- Ecological Impact Assessment (August 2019) (ref: RSE_1505_02_V1) prepared by Ramm Sanderson;

PLANS

- Site Location Plan (dwg ref: SL-03)
- Planning Layout 1 of 2 (dwg ref: MHAR_PL_01_1of2 Rev J)
- Planning Layout 2 of 2 (dwg ref: MHAR_PL_01_2of2 Rev J)
- Planning Layout (dwg ref: SL-02 Rev F)
- Building Heights Plan (dwg ref: SP-01)
- Housing Mix and Tenure Plan (dwg ref: SP-02)
- Parking Plan (dwg ref: SP-03)
- Street Hierarchy Plan (dwg ref: SP-04)
- Refuse Strategy Plan (dwg ref: SP-05)
- Site Plan Existing - Google Overlay (dwg ref: A100)
- Site Plan Empty Sketch - Google overlay (dwg ref: A101)
- Coloured Site Plan - Google overlay (dwg ref: A102)
- Coloured Site Plan - Topo overlay (dwg ref: A103)
- Coloured Site Plan - Key Features Plots (dwg ref: A104)
- Visual Impact (dwg ref: A105)
- Site Plan - 3D View - (dwg ref: A106)
- Site Plan - 3D View - Key Feature Plots (dwg ref: A107)
- Site Sections A & B (dwg ref: A108)
- Charles Church House Type Pack
- Persimmon House Type Pack

3.4 During the course of the application the following amended plans/additional information has been received:

10th August 2020

- Ecological Impact Assessment - RSE_1505_02_02 (30.07.2020)

In response to LCC Ecology comments dated 07/07/2020, correcting an error within the ecology report.

11th August 2020

- Private Road Construction Specification MHAR/CONSPEC/01 A (August 2020)

In response to the HDC Waste Management comments, which shows that the block paved areas are to an adoptable standard.

28th August 2020

- Response to the custom and self-build housing requirement identified by the case officer and the consultation response from Leicestershire Police.
- Planning Layout 1 of 2 (dwg ref: MHAR_PL_01_1of2 Rev M)
- Planning Layout 2 of 2 (dwg ref: MHAR_PL_01_2of2 Rev M)
- Persimmon Planning House Types Pack (Rev D)
- Charles Church Planning House Types Pack (Rev A)

In summary, the following amendments have been undertaken:

--Additional house-type MHCC-V has been introduced to Plots 210, 211, 220, 221 to
--Inclusion of house type MHP18-WHA for plots 52 and 53.
--Provision of offsite parking for plot 247.
--The proposed link to the Brampton Valley Way (BVW) adjacent to Plots 132-136 has been removed due to the difference in levels.
--Inclusion of electric car charging points.
--Incorporation of a revised housing mix which has been agreed directly with the Housing Enabling and Community Infrastructure Officer.
--A landscape buffer zone has been proposed along the boundary

3rd September 2020

- FRA – updated area in Section 2.2 and updated outline drainage strategy drawing within Appendix D and Technical Note Covering LLFA Response
- Further response to the custom and self-build housing requirement
- Clarification on housing mix
- Documents to address the comments raised by LLFA;
- Site Layout Rev N (1 of 2 and 2 of 2)
- Colour Coded layout (plot types) MHAR/PL/02 A
- Persimmon Planning House Types Pack (Rev E)
- Charles Church Planning House Types Pack (Rev B)

In summary, the following minor amendments were made to the plans

--The link shown onto the BVW now goes through the existing gate rather than through a hedge as previously shown.
--The PROW is now shown in full within the adjacent field.
--The house type packs now include the garages
--Affordable mix schedule updated

10th September 2020

- Updated Cross-sections

15th September 2020

- Site Layout Rev P (1 of 2 and 2 of 2)

In summary, the following minor amendments were made to the plans

--realigned footpath between Plots 208-213, 218-223, 233
--realigned rear fence line between Plots 247
--emergency access added

21st September 2020

- Landscape & Visual Supplement prepared by Golby and Luck
- Illustrative Landscape Sections A-C prepared by Pegasus
- Public Open Space Landscape Masterplan prepared by Pegasus.

In response to comments from The Landscape Partnership (TLP)

16th October 2020

- 1st Draft S106 Agreement

19th October 2020

- Transport Assessment, FW1626/TA/001 – V3 (October 2020) prepared by Farrow Walsh
- Travel Plan FW1626_TP_001 V4 prepared by Farrow Walsh
- Access Arrangement (FW1626-H-950 A2)

26th October 2020

- Technical Note FW1626_TN_003, prepared by Farrow Walsh
- Sustainability Statement, prepared by JSP Sustainability Ltd

In response to EA comments dated 08.10.2020 and HDC Environment Co-ordinator comments dated 13.10.2020

29th October 2020

- Transport Assessment, FW1626/TA/001 – V4
- Technical Note V1
- Site Layout Rev Q (1 of 2 and 2 of 2)

In summary, the following minor amendments were made to the plans

--1m footpaths changed to 2m
--A62 footpath construction denoted
--bend widening added
--speed control measures added
--block paving outside plots 40 & 41 removed

In response to Highway comments dated 19.10.2020

14th December 2020

- Substation elevations

22nd December 2020

- Site Layout Rev R (1 of 2 and 2 of 2) – internal footpath removed
- Gross and Net Area Plan (Gross Area 16.28ha, Net 10.49ha)

6th January 2021

- Email confirmation that the pumping station will be underground.

8th January 2021

- Email confirming revised housing mix following discussions with Strategic Housing and Enabling Officer

25th March 2021

--FW1626_TN_005 V1 Technical Note
--Drainage Ditch Diversion

In response to LLFA comments dated 10.02.2021 which were made following additional evidence of flood risk associated with the site

9th April 2021

--Transport Assessment
--Travel Plan
--Access Drawing
--Vehicle Tracking
--Technical Note 006

In response to Highway comments dated 18.12.2020

12th April 2021

- 2nd Draft S106 Agreement

14th April 2021

--Planning Layout Rev V
-- Charles Church Housetype Pack Rev C
-- Persimmon Planning Housetype Pack Rev F

In summary the layout amendments address highway comments and the housetype revisions include

---LCC Compliant garages added to house-type pack

20th May 2021

--3rd Draft s106 Agreement
-- Planning Layout Rev Y - to reflect Access Drawing (9th April 2021)
-- Public Open Space Landscape Masterplan (to reflect the Planning Layout)
--Cross Sections
-- Building Heights Plan
-- Housing Mix and Tenure Plan

- Parking Plan (dwg ref: SP-03)
- Street Hierarchy Plan (dwg ref: SP-04)
- Refuse Strategy Plan (dwg ref: SP-05)

c) Pre-application Engagement

- 3.5 Pre-application advice was sought from the Local Planning Authority (LPA) in November 2018. Following a meeting with The Case Officer, an initial response was provided in December 2018. The response concluded that the principal of development is supported by Policy H1 and Policy MH2 of the emerging Local Plan which has since been adopted. The Case Officer however raised concerns that the proposed site location plan did not accord with the extent of the allocated site and suggested that a full application was submitted rather than an outline given the principle of development is supported.
- 3.6 A pre-advertised public exhibition of the development proposal was held on Tuesday 22nd January 2019 between 4pm and 7pm at Harborough Town Football Club, Northampton Road, Market Harborough. The event was attended by 51 people.
- 3.7 The Applicant submitted a Screening Request for the Screening Opinion of the LPA in respect of the residential development of up to 350 new dwellings on 22.02.2019. The LPA advised the Applicant on 08.03.2019 that the development does not represent EIA development and no Environmental Statement would be required to be submitted with any future planning application.
- 3.8 In January 2020, an illustrative layout was submitted and a further pre-application meeting was held. In summary, a number of amendments were requested to the masterplan to incorporate the existing Public Right of Way, the provision of a circular footpath, enhancement of the street scene along the frontage and providing additional landscaping along the primary route.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the original application submission and following amended plans/additional information.
- 4.2 A summary of the technical consultee responses which have been received are set out below (NOTE: only the most up-to-date comments are provided as they reflect amended plans/additional information received). Comments which relate to developer contributions are set out in **Appendix A**. Comments in full are available upon request or online at www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

Sports England (11.12.2020)

Thank you for confirming that appropriate, evidenced, off-site contributions, will be sought for this development to meet the demands created for both indoor and outdoor Sports facilities as a result of this development. Sport England is now able to support the proposals.

Environment Agency (11.11.2020)

The Environment Agency have assessed the additional information contained within the technical note (27th October 2020) as well as the LLFA response. We are satisfied that as the channel is an ordinary watercourse and all built development is contained within flood zone 1, there will be minimal flood risk. This is in accordance with the assessment carried

out by the LLFA. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if a planning condition is included.

Anglian Water (24.06.2020)

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 from 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

Development may lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A foul drainage strategy clearly showing the point of connection and conveyance method is not available. We therefore request a condition requiring an on-site drainage strategy

Surface Water Disposal

The proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Northamptonshire Highways (14.07.2020)

Public Footpath No. DH8 is a continuation of LCC Public Footpath A62 but lies outside of the site boundary. Please ensure that the applicant is made fully aware of their responsibilities in respect of Public Footpath No. DH8. In addition we recommend a planning condition requiring full details of any enhancement, improvement, diversion or closure to be submitted.

Leicestershire Designing out crime and Architectural liaison officer (17.12.2020)

There is an existing vehicle access via Eady Drive on the west side of the proposed development. The single vehicle access via a traffic island allowing access to an internal road network of internal roads which provide access to all dwellings within the site. Parking is in curtilage to the dwellings throughout with associated parking in the proximity of allotments and attenuation areas to the east side. To the south side of the site is woodland and open space which have pedestrian footpaths which run around the edge of the site. There are no permeability issues with the single vehicle entry road leading into the site. Lighting throughout the site including the key vehicle entry point should be to BS5489. Similarly lighting levels should be the same at the approaches to footpaths and open space.

A Section 38 Agreement is recommended in respect to the implementation of an electrical spur to the nearest suitable landscape to the vehicle entry point at Eady Drive. Consideration of the use of CCTV coverage of the key vehicle entry point is recommended to include Automatic Number Plate Recognition capability. This will add an element of general security to the development providing improved security. In this case I recommend its consideration due to its size and scale. In the event of it being required appropriate General Data protection Act signage would need to be displayed.

Wheelie bin storage and Cycles should be stored in secure areas where possible to avoid the potential for criminal use, as a ladder, mode of removal or arson risk for Bins or mode of escape in respect to Cycles.

Foliage is recommended to be to a height of 1m and trees are recommended to be trimmed to have no foliage lower than 2m from the ground. This will provide a 1m clear field of vision. Bin and cycle storage is recommended to be within the perimeter of dwellings with rear shed or garage storage recommended. Perimeter enclosure is recommended to be to a height of 1.8m in a material in keeping with the development.

East Leicestershire and Rutland CCG (02.07.2020)

The development generates a requirement for a financial contribution towards healthcare provision.

Case Officer Note: See Appendix A

Lead Local Flood Authority (22.09.2020)

The application site is greenfield totalling 16.283ha in size. The majority of the site is within Flood Zone 1 (low risk of fluvial flooding) and generally at low risk of surface water flooding. However, the western edge of the site is bounded by a tributary of the River Jordan. The area around the ordinary watercourse is at high risk of fluvial flooding and moderate to high risk of surface water flooding. This is accounted for in the proposal which does not seek to alter this part of the development area, and the site will be sloped in such a way as to not hinder surface water flows entering the unnamed watercourse from the site.

The surface water proposals seek to discharge to an onsite attenuation basin before being discharge at a QBar discharge rate 71.1l/s to an existing ordinary watercourse on-site.

The newly submitted information has satisfied the LLFA request for further SuDS techniques to be incorporated into the proposals and has clarified discrepancies within the FRA.

The drainage strategy has been updated to show sufficient detail on the surface water strategy, supported by an overland flow routing plan and clarification on the attenuation basins design.

The applicant has provided additional, minor detail on the maintenance and management of the site and the ground investigation details. The LLFA recommends that these details be conditioned.

LCC Highways (07.05.2021)

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

LCC Ecology (07.05.2020)

I have no objections to this proposal; the land is currently in arable use and of low ecological value. The bounding hedgerows and the stream to the east are of value, and the eastern edge is formed by the local wildlife corridor of the Brampton Valley Way, but these features are all protected from the development by a buffer zone of an appropriate width. The layout is excellent in this respect.

The ecology report (RammSanderson 2019) is acceptable, although an error needs to be corrected: in 1.1.9 (iii) it is stated that 'No records of badger were returned in the desk study'. This is not the case; there are several setts along the eastern edge, on the Brampton Valley Way, and there is possibility that these badgers may move onto the site in the future. RS found

evidence of disused badger setts on the western edge, and these need to be kept under review. For the reasons given above, I recommend a planning condition requiring a badger survey update within the three months prior to site clearance for each phase of development.

No other protected species were present, and I accept RS' conclusions with regard to the absence of great crested newts; no further survey in respect of this species are needed.

RS have not carried out bat activity surveys, but I agree that there is no need; the habitats that are of value to bat foraging will be retained.

A Biodiversity Impact Assessment and net-gain calculation has not been provided; however (given its current arable use and the retention of all habitats of value) I consider that it is likely to be in net-gain as long as the following principles are followed in the landscape and open space design. All net-gain should be possible within the site, with no requirement for offsetting. I assume landscape details will be deferred to condition, and I have no objection to this as long as these principles are adopted as planning conditions:

1. All landscape planting along the eastern and southern boundaries, abutting open countryside or the Brampton Valley Way, to be of locally native species;
2. The land between the stream and the Brampton Valley Way to be designated as a permanent wildflower meadow, to be created through wildflower seeding of a native meadow mix, and managed accordingly for 30 years (this will form the main net-gain);
3. The SUDS to be designed to optimise biodiversity value, including measures to ensure that the base of the feature remains permanently wet or flooded;
4. Wildflower margins to be created alongside retained hedges stream banks and SUDS
5. Lighting design to ensure that light spillage on the BVW and retained boundary hedges to the south is below 1 lux;
6. Bat boxes and bird boxes to be installed on houses facing the BVW

LCC Archaeology (09.07.2020)

We welcome the heritage statement with the application, which suggests there is a low potential across the site for nationally significant archaeological remains and sees the need for archaeological evaluation to confirm the potential of the site.

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 accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 190, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 199, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

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 non-intrusive investigation and recording.

HDC Housing Enabling Officer (09.12.2020)

Policy H2 (Affordable Housing) of the Harborough Local Plan 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 2016 (HEDNA).

40% of 350, is 140 units, but as bungalows are counted on a 1 for 2 basis, the overall affordable requirement is 128 units.

HDC Environmental Services Officer

When comparing the suggested refuse route with the colourised plan, it appears that Part of the route would involve driving on block paving. In order to do this, we would require confirmation that the surface is of an adoptable standard. If these sections of road will remain private then we would require a letter of indemnity to ensure we are not held liable for damage caused to the surface through normal use. If this is not possible then the residents would have to present their bins at the boundary with the public highway. If this is the case then I would recommend they ensure there is an appropriate location for bins to be left for collection without obstructing the highway.

Officer Note: Applicant submitted a Private Road Construction Specification MHAR/CONSPE/01 A plan (August 2020), which shows that the block paved areas are to an adoptable standard.

HDC Environmental Health Officer (13.07.2020)

Owing to the size of the development and the close proximity to neighbouring residents, I would recommend a condition requiring a construction method statement.

HDC Air Quality and Land Contamination Officer

A risk based land contamination assessment and verification report prior to commencement is suggested due to the findings of the GRM report submitted by the applicant.

HDC Environmental Co-ordinator (08.12.2020)

I note the content of the Sustainability Statement and the Applicant's response to my 27th October 2020 email. The inclusion of the links to the Brampton Valley Way cycle path, the provision of EV charging points and cycle storage is all welcome. However, it is disappointing that renewables will not be used given the size of the development and that a large pond is proposed over a series of smaller ponds and wetlands, which would have significant biodiversity benefits, as well as improving flood risk.

Officer Note: The LLFA and EA are satisfied with the proposed drainage strategy and LCC Ecology are satisfied from an ecological perspective (all subject to condition)

HDC Neighbourhood and Green Spaces Officer (02.07.2020)

The general layout of the open space is satisfactory. I note the perimeter pathways for access, the attenuation pond which can be incorporated into natural greenspace and the allotments. I will be pleased to comment on the play area details when they are available. I note only one NEAP for the children and young people is indicated. Some additional activities for children and young people should be incorporated to meet the requirements of the site.

The allotments should be laid out and available for use when the trigger in the S106 is reached.

Off -site financial contribution for Greenways, Cemeteries/Burial Grounds and Outdoor Sports Provision will be required.

Officer Note: See Appendix A

The developer should confirm prior to commencement of development whether they intend to maintain the POS through a management company or whether they require the District Council to maintain the open space. If maintained by the Council a commuted sum will be required. For the avoidance of doubt, if not adopted by HDC there is no commuted sum for maintenance to pay

Officer Note: The Applicant has advised they intend to use a management company

HDC Community Facilities

The development generates a requirement for a financial contribution towards community facilities and indoor sports provision.

Officer Note: See Appendix A

LCC S106

The development generates a requirement for a financial contribution towards education, libraries and civic amenities is required

Officer Note: See Appendix A

Little Bowden Society

The Little Bowden Society has been contacted by some of their members with concerns and objection to the building of this new development and their reasons are as below:

Their main concern is the additional traffic to that added in the last two decades is unsustainable. There is still no consideration for a reserved line of by-pass or link road between Kettering Road new island at the top of Clack Hill to the new island at Northampton Road Leisure Centre which has been repeatedly suggested by public and private individuals and consultation replies.

This additional traffic already creates town centre traffic congestion, with Northampton Road often at a standstill from Springfield Street to Scotland Road particularly when the A14/M1 is blocked/closed or work is regularly carried out on one of the three railway arched bridges after lorry damage.

The LCC Highways Consultation response of 14th July logged on 15th states that typically no more than 150 dwellings should be served from a single point of access, this has 350.

We see that one objector of 24th July, logged on the 28th, used very straightforward sums, suggesting there could be 1400 vehicle movements per day plus a possible 350 service deliveries, based on the building of 350 homes.

Our members would like to object to this application until a proper link road and contributions can be put on paper, plus the need for additional doctors, healthcare, schooling etc.

With regards, on behalf of the Little Bowden Society,

b) Local Community

- 4.3 122 neighbours were consulted on the application. A total of 22 comments (from 12 separate households) against the application have been received (covering both the initial consultation and additional consultations on the revised plans/additional information). A summary of the points raised is outlined below:

- Having run a business from a unit on Compass Point since it was built in 2008, I am concerned about the additional traffic levels which would be generated on the only access route in and out of the development. There is already pressure on car parking around Compass Point with cars and vans being parked along the access roads, especially when children are dropped off/collected at the dance studio.
- The Transport Assessment (TA) assumes 1 car per household for the proposed 350 dwellings
- The TA does not take into account the other developments that have been granted planning permission in Market Harborough. Therefore, the combined effect of the additional traffic has not been taken into consideration.
- The proposal should have 2 points of access
- Further assessment of the proposed development on the local highway network is required, due to peak time congestion on Northampton Road and Scotland Road.
- No consideration has been given to cars parking on the roads adjacent to Compass Point and what affect this will have on traffic flow.
- This proposed development adds increased pressure on local services such as doctors and schools.
- I am concerned that the flood risk assessment is basing its conclusions on the reasoning that the majority of the site is in Flood Zone 1 and treating the small pocket of land on the easterly side located in Flood Zones 2 and 3 as insignificant.
- No details have been submitted of how access to public footpath A62 will be maintained in a safe manner during the build phase.
- No consideration has been given to the 40mph speed limit on Northampton Road and that there is no pedestrian crossing to the local facilities opposite (Doctors Surgery/Pharmacy/Leisure Centre).
- Buses on Northampton Road are infrequent with no service in the evening. Therefore, this is not adequate to persuade residents to use public transport over their vehicles.
- There are a number of public open spaces which are visible from the submitted plans but only show "basic" green planting. Further detailed plans of the proposed planting scheme need to be submitted...developers must adhere to the planting plans
- The proposal will mean additional traffic on Northampton Road leading into the town centre, station, schools.
- The addition of so many cars will make this bad situation even worse with the commensurate nuisance of noise and pollution.
- There is no access to the footpath leading to Brampton Valley way
- The proposed site, limits options for the building of the proposed southern relief road from the A508 to the A6.
- The original plans show access to the estate coming in the from the roundabout near Reiker Shoes.
- Building on the site will have a severe adverse effect on the existing housing with existing open countryside aspects lost, public footpaths over fields concreted over and a substantial loss of privacy where existing properties are overlooked.
- Increased vehicle movement and numbers of people in such a high density proposal is bound to increase disturbance and noise.
- The current public footpath is a well used and beloved walk for many of the residents of Market Harborough. Walkers enjoy open vistas and a classic view back to the town itself across open fields which would be lost with the development.
- No provision has been made for the shadowing effect of the new buildings, which will be particularly acute during the short periods of winter sunshine, given the rising terrain away from Eady Drive.
- The gap between the existing properties and any new development should be increased with the new properties angled to eliminate overlooking. Specifically, the house on plot 27 should be re-oriented such that its principal outlook is away from Blackberry Grange

- The proposed new substation should be moved away from all housing to the front of the development to prevent electrical buzz disturbance.
- The environmental impact assessment takes little account of the wildlife in the area.
- The existing field already has substantial water run-off during prolonged periods of rain
- There are a number of existing hedgerows and trees that would be lost as a result of the new buildings.
- The design of the new site is of unacceptable high density, meaning the result is ugly and overbearing. Vastly more landscaping and planting should be specified to offset the impact of the buildings.
- Given the prevailing wind blows directly from the works into the existing residential area, a condition should be imposed during works that dust reduction measures are always put in place. Similarly, strict working hours conditions must be made. There should be a requirement that any site buildings and/or storage areas be placed as far as possible from Blackberry Grange.
- Anglian Water identify a possible increase in downstream flood risk resulting from this development which must be addressed by the developer according to the recommendations made by Anglian Water.
- The proposed development has few links to existing nearby residential areas, with no relationship to the existing community. The proposed development is a standalone 'bolt on' with insufficient pedestrian links through Blackberry Grange to expedite access from the site to cycle infrastructure and bus stops on Northampton Road, nor from Blackberry Grange through the new development to the Brampton Valley Way.
- The construction noise, traffic and dust cannot be understated. Five plus years of this cannot fail to have an impact on residents' mental health and quality of home life.
- Whilst the development of this site is in the Harborough Local Plan the timeline states that the development of this site is to take place starting with 14 houses in 2025/2026 and finishing with final 67 houses in 2030/2031. By this time the proposed link road from the A508 (between the proposed development and Great Oxenden) and the A6 could have been created to reduce the traffic build up as stated above. The proposed development should therefore not be considered for approval until the dates stated in the Harborough Local Plan.
- Clarification on the electricity line needed
- Please can a Zebra crossing be provided where the BVW joins Scotland Road? It would improve the walking and cycling routes into town and to the local primary school from the site.
- Persimmon should be required to provide details of any temporary measure they intend to put in place during construction for the PROW.
- Clarification on the links to BVW needed
- Cross Sections should include the neighbouring properties, particularly those on Eady Drive.
- In some locations the separation distance is below the Council's guidance of 21m (19m) and the depth of gardens less than the Councils guidance of 11m (8.9m)
- Some of the Plots do not appear to have adequate parking
- The proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity and is overbearing compared to Blackberry Grange, Redrow Homes off Glebe Road and Little Bowden Rise off of Kettering Road and also David Hobbs Rise which was a Charles Church development who is a sister company of Persimmon Homes.
- The development plan indicates that there are detached garages. None of the proposed Charles Church or Persimmon House types provides this information
- The proposed development does not have any top of slab (TOS) levels to the plots or ridge height. The proposed site sections A-A and B-B show the proposed development but do not indicate the level to the slab or the level relationship in context to Blackberry Grange in particular to the houses in adjacent to the sensitive boundary of Eady Drive.

- What is the drainage proposal for the site such as the back garden to the plots. The soil is clay and has impeded drainage.
- Having looked at the plans we have a 2.5 high directly behind us. There are single storey properties on the plans, can some of these be re-located?
- Still no crossing point of the Brampton Valley Way at Scotland Road
- There are still no details of how access to public footpath A62 will be maintained in a safe manner during the build phase
- I do not think it is acceptable to advise residents to stay at home and await to be contacted by the emergency services. Additionally, potential buyers should be advised beforehand of the flood risk, not via a leaflet in their welcome pack
- The water pressure on the estate has always been poor, but recently it has got worse, and I have at times experienced no water from my taps or a very small trickle for approximately 2 to 5 minutes. Several residents have reported the issue to Severn Trent Water, who have advised that their problem is exacerbated by the estate having small diameter water pipes installed. Please can this be rectified before the new development
- Whilst I agree that it would be beneficial to existing and new residents to add a bus stop on Compass Point Road, the bus service is infrequent at 30 mins/hourly Monday - Saturday daytime, with no service in the evenings and only an hourly service on Sundays. I do not believe this will encourage residents to use public transport over their own vehicles. Still no consideration has been given to the 40mph speed limit on Northampton Road and that there is no pedestrian crossing to the local facilities opposite (Doctors Surgery/Pharmacy/Leisure Centre). This does not promote safety for pedestrians, especially with the increase in traffic volumes from the proposed development.
- Due to the extent of the flooding and because there is only one access road to the development.
- I would ask that prior to full planning permission being granted the ditch diversion/low flow channel work is completed and then an assessment is made to ensure that the flooding has been resolved.
- Planning is all about "Place-making", not space-making. Without character, purpose or function, spaces remain just that, spaces, and in turn, these spaces are often unused, unloved and un-cared for. Their plans indicate that they have put some effort into creating a place from the space allocated for the play area at the head of the main spine road, but this new piece of open space at the site frontage really does feel like an afterthought, a bi-product of other amendments, into which no effort has been put to create a meaningful place.

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 Development Plan consists of the Harborough Local Plan (April 2019).

5.4 The following policies are pertinent to this application:

- Policy SS1 (The Spatial Strategy)
- Policy GD1 (Achieving Sustainable Development)
- Policy GD5 (Landscape Character)

- Policy GD8 (Good Design in Development)
- Policy H2 (Affordable Housing)
- Policy H5 (Housing density, mix and standards)
- Policy GI2 (Open space, sport and recreation)
- Policy GI5 (Biodiversity and Geodiversity)
- Policy CC1 (Mitigating Climate Change)
- Policy CC3 (Managing flood risk)
- Policy CC4 (Sustainable Drainage)
- Policy IN2 (Sustainable Transport)
- Policy IN3 (Electronic Connectivity)
- Policy IN4 (Water Resources and Services)
- Policy MH2 (East of Blackberry Grange)

b) Material Planning Considerations

5.4 Material Planning Considerations relevant to this application:

- The National Planning Policy Framework (The Framework / NPPF), updated July 2018
- National Planning Practice Guidance (PPG)
- 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)
- 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)
- Leicestershire Planning Obligations Policy (adopted 10th July 2019)
- Leicestershire County Council Local Transport Plan 3 (LTP3)
- Leicestershire County Council Highways Authority 6Cs Design Guide
- Built Facilities Strategy (approved at Full Council on 14th December 2020)
- Market Harborough Transport Strategy

The Market Harborough Town Centre Transport Strategy defines the key transport strategies and supporting evidence for the Harborough District Council Local Plan up to 2031. The Town Centre Study and its defined transport improvements will enable the transport network to satisfactorily facilitate growth, such as this development site, up to 2031 and beyond. The study was completed in July 2016 and looked at vehicle movements to help understand how the transport network is being used. It also looked at where the greatest levels of congestion occurred on the network; and where these will occur in the future, taking into account known future growth. The work to date has outlined some initial ideas and proposals, which aim to help address current and potential future transport issues in the town and help the town

continue to thrive as it expands in the future. Market Harborough is an attractive and prosperous town with a host of facilities, services and amenities to offer and thus a key attractor for both private car and sustainable travel movements. It is intended that the transport strategy will not only assist with the implementation of Harborough District Council's new Local Plan, but it will also ensure that the County Council continues to deliver an efficient transport network and develop well planned infrastructure to support economic and population growth ambitions in the town.

6. Assessment

Principle of Development

- 6.1 The site is situated to the south of Market Harborough which is identified in Policy SS1 (The Spatial Strategy) as a sub-regional centre which is the second tier on the settlement hierarchy. Sub-regional centre's are defined by the Council to have a wide range of retail, service and employment provision, good access to road and rail links and provide a sub-regional role to other centres in the Leicester and Leicestershire Housing Market Area. Accordingly, Market Harborough is an identified sustainable location for growth.
- 6.2 The site is allocated for residential development in Policy MH2 (East Blackberry Grange). The policy, as outlined below, supports the development of about 350 dwellings. Thus, the principal of residential development on the site has been established. The policy (as illustrated below) does however require development proposals to comply with other relevant policies and meet the criteria set out in a-j. The forthcoming sections of this report demonstrate how the proposal meets the development criteria, and other relevant local and national planning policies.

MH2 East of Blackberry Grange

1. Land at east of Blackberry Grange off Northampton Road, as shown on the Policies Map, is allocated for the development of about 350 dwellings. Development that complies with other relevant policies and meets the following requirements will be permitted:
 - a. proposals to be guided by a masterplan covering this site and the adjacent employment allocation (Policy MH6), to be subject to consultation in advance of a planning application;
 - b. two points of access to the site, including a direct access from Northampton Road via the employment site allocated in Policy MH6;
 - c. necessary highways works and sustainable transport measures, including pedestrian and cycle access within the site and to the Brampton Valley Way, the leisure centre and the town centre;
 - d. parking provision, including cycle parking, and servicing for each development parcel to have regard to Leicestershire County Council Highway Design Guide;
 - e. a financial contribution fairly and reasonably related to the development to mitigate the impact of the scheme, where the impacts of the development taken cumulatively with other schemes would have a significantly adverse effect on the transport network;
 - f. identification and mitigation of any contaminated land;
 - g. archaeological and ecological assessment of the site and required mitigation, including enhancement of biodiversity along the watercourse and the Brampton Valley Way;
 - h. an integrated approach to surface water drainage and multifunctional greenspace, with improvements to the small watercourse to the south east of the site, green links to the Brampton Valley Way, and appropriate management of surface water run-off into the River Jordan during construction and in perpetuity;
 - i. provision of open space and recreational facilities across the site, including to the western boundary close to the existing and proposed employment site to protect residents' amenity, to the eastern boundary to connect to the existing Brampton Valley Way, and to the southern boundary to form a landscaped edge to the countryside; and
 - j. a layout and design that is shaped by a landscape and visual impact assessment, that protects views from key points within the site towards the Brampton Valley Way and that enhances the connection with the rest of the town and promotes a sense of place.

Local Plan Policy MH2

Masterplan

- 6.3 Policy MH2, 1a, requires the development proposals to be guided by a masterplan covering this site and the adjacent employment allocation MH6 for Class B1 (business/light industrial) development.
- 6.4 However, the adjacent site is not owned by the Applicant. Furthermore, the adjacent site is still up for sale. If and when it is sold, there is no requirement for the landowner to submit an application for its development. As such it is not possible for the Applicant to comply with 1a and it would be unreasonable to refuse the application due to a lack of a masterplan. If permission was refused on this basis it would also prevent the delivery of housing, impacting upon Local Plan delivery and the Council's 5 year land supply.
- 6.5 If the land is sold, future development has been restricted to be no higher than two storeys (MH6 1l) and will be required to provide an adequate and appropriate buffer between the development and the housing allocation (MH6 1k). The current application also provides a landscape buffer on the western boundary to provide some level of protection to future residents amenity from any future proposed employment development.

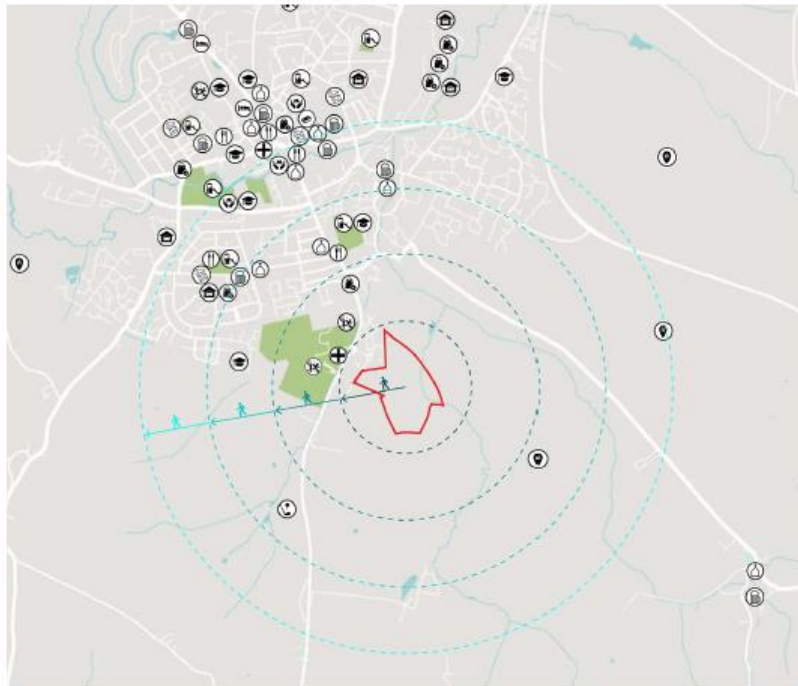
Highways and access

- 6.6 Policy MH2 1b requires *“two points of access to the site, including a direct access from Northampton Road via the employment site allocated in Policy MH6”*
- 6.7 At pre-application stage, the Case Officer queried why two points of access were not indicated on the indicative layout and were advised that their transport assessment work demonstrated two points were not required. The Case Officer advised it would be for the Local Highway Authority (LHA) to advise the LPA whether only one access would be acceptable
- 6.8 During the course of assessing the application, the Case Officer sought advice from Strategic Policy with regards to the specific requirement within the policy to have two points of access and was advised that the access arrangements were not discussed at the Local Plan Examination or referred to in any detail within the Inspector’s Report and no evidence can be found that two accesses were requested by the LHA . It is possible two accesses were requested as two accesses were indicatively suggested on a plan submitted by the Applicant to Strategic Planning in September 2016 when promoting two SHLAA sites (A/MH/HSG/34 & A/MH/HSG/49) for residential development, but A/MH/HSG/49 was discounted for residential development.
- 6.9 To support the application, a Transport Assessment (TA) and Travel Plan (TP) was submitted.
- 6.10 The TA provides an appraisal of the proposed site’s accessibility to local amenities and to sustainable transport modes in the local area; trip generation from the proposed development and the effect of the proposed development on the surrounding highway network and in particular the impact the development will have on surrounding junctions and whether any mitigation is required.

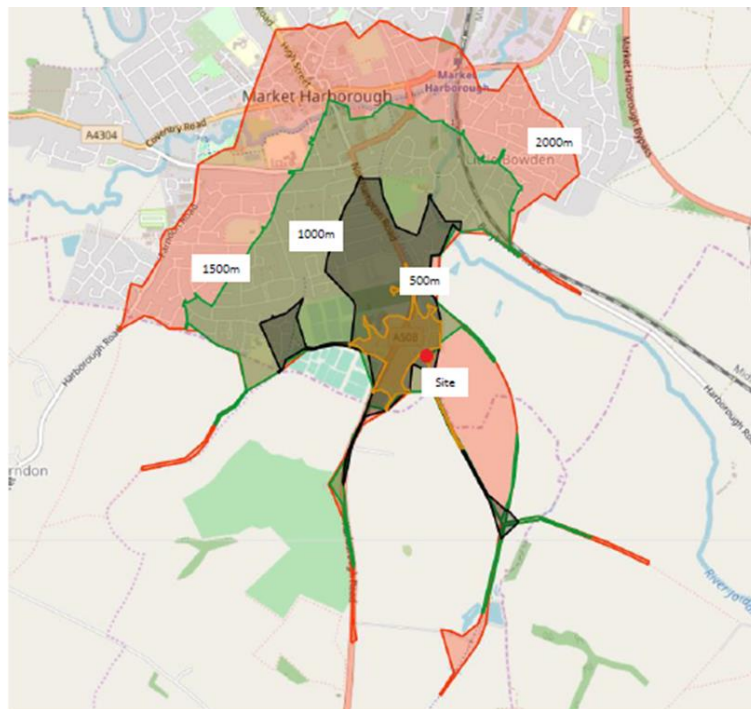
Accessibility

- 6.11 The Framework states that “walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly those under 2 kilometres. The two plans below show that essential services and facilities are within 2km of the site, approx. 20-25min walk.

Application site		Post office	
Health centre		Hotel/ B&B/ Lodging	
Sports facilities		Pub	
Library		Motor repair	
Shops		Golf course	
Cafe/ Restaurant		Farms	
Religious centres		5 minute walking distance	
Play park		10 minute walking distance	
Education facilities		15 minute walking distance	
Community centre		20 minute walking distance	

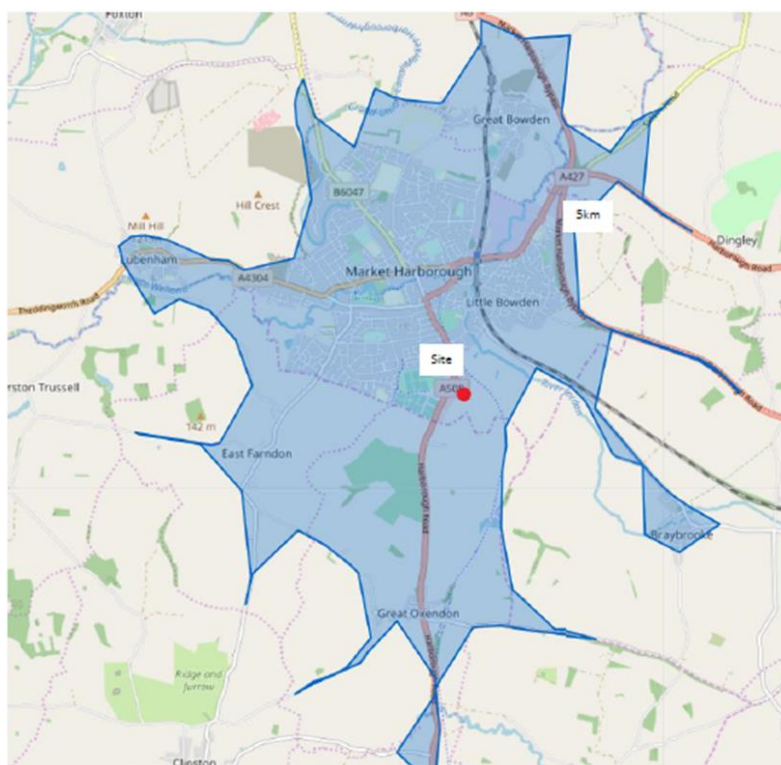


Distance from site to services / facilities



Pedestrian Catchment

- 6.12 The Framework identifies cycling as having a “potential to substitute for short car trips, particularly those under 5.0 kilometres, and to from part of a longer journey by public transport.” The plans below shows the area surrounding the site with a 5km catchment, based on a journey distance from the entrance to the site.



Cycling Catchment

- 6.13 The Brampton Valley Way BVW forms part of the Sustrans National Cycle Network (NCN). National Route 6 runs in a North-South direction immediately east of the site, providing cycle links to Leicester and Northampton and beyond.
- 6.14 The closest bus stop to the development is located on the A508 Northampton Road, approximately 600m north of the site. These are flag and pole stops with timetables and are served by the X7 bus service. Details of this service is shown below. Other services running in the area include service No.18, 30, 33 and the X3.

X7	Mon - Fri 0523 - 2010	2 per Hour	Northampton – Kingsthorpe – Brixworth – Lampport – Maidwell – Kelmars – Great Oxendon – Market Harborough – Kibworth Beauchamp – Oadby - Leicester
	Saturday 0553 - 2010		
	Sunday 0938 – 1746	Hourly	
	Mon – Fri 0702 - 2158	2 per Hour	Leicester – Oadby – Kibworth Beauchamp – Market Harborough – Great Oxendon – Kelmars – Maidwell – Lampport – Brixworth – Kingsthorpe - Northampton
	Saturday 0705 - 2158		
	Sunday 1003 - 1926	Hourly	

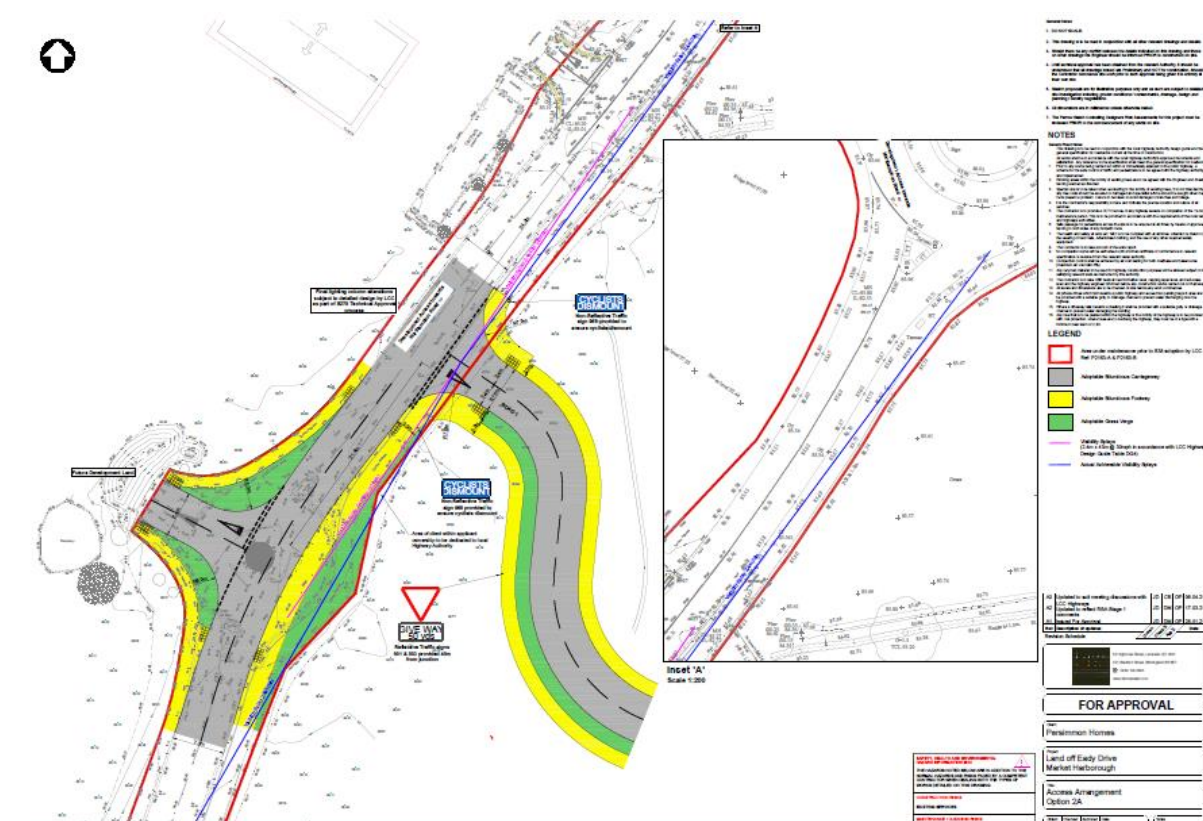
Bus Timetable Information

6.15 The nearest station to the site is Market Harborough Railway Station and is located approximately 2.5 km north of the site. This station is served by East Midlands Trains. It accommodates services to London St Pancras, Luton, Bedford, Leicester, Loughborough, East Midlands Parkway, Nottingham and Derby.

6.16 Overall the site is considered to be in an accessible location to a range of services and facilities that can be undertaken by journeys other than the private car.

Proposed Access

6.17 During the course of the application, the proposed access arrangements have been altered. Vehicular access to the development is to be provided via the provision of a new constructed access road which will connect to the internal road within the Compass Point Business Park by means of a priority junction. This priority junction will be located 30m north of the existing mini roundabout. Following dialogue with LHA it is proposed that the existing mini roundabout, located between the Mosely Avenue roundabout to the north and the internal roundabout within the business park that also serves the Rieker Outlet Centre to the South, will be removed with access to the future development land provided by a new priority junction. The proposed access road will have a carriageway width of 6.75m. Footways will be present on either side of the access road with a width of 2m.



Proposed Access Arrangement

6.18 Members should be aware that whilst it is intended that the access road is to be adopted under a Section 38 agreement, this process has yet to be concluded, which means it is not currently highway maintainable at public expense and is under the control of the landowner. There is no guarantee over when or if the S38 adoption process will be completed. However, the applicant has submitted correspondence from the landowner which states that they

would be able to make the changes to the road layout as required. The LHA has advised an obligation (see below) in this response to ensure the appropriate highway improvements are delivered to facilitate the delivery of a safe and suitable site access.

“Notwithstanding the details submitted, if agreement to enter into a Section 38 adoption process is not obtained prior to the first occupation of the development, the Applicant must manage the road privately and the following shall be submitted to and approved in writing by the Local Planning Authority.

a) Details of a site management company and associated management and maintenance methodology of the streets within the development, to operate in perpetuity, shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of development;

b) The streets will in any event be required to be laid out and constructed to adoptable standards to ensure safe and practical operation, prior to first occupation of any dwelling;

c) That the streets will be identified as private through the use of appropriate private street name plates on the entrances to the development from the public highway (to be placed within the site).

Development shall be carried out in accordance with the approved details prior to first occupation and shall be retained thereafter.”

6.19 The Applicant asked that the wording of the obligation be revised to simply state *“unless arrangements are made for the adoption of the roads by the applicant they will be maintained by the Owner under arrangements to be first approved in writing with the Council”*

6.20 The Applicant’s Transport Consultant explains:

“The intention of this site is that both the estate roads and the compass business park road will be offered for adoption to LCC but the condition wording at present appears to almost offer a deadline in that if we don’t offer for adoption before first occupation then we won’t be able to offer for adoption at all. Our client will offer for adoption but in the event this is delayed by the Compass Business Park road adoption then the roads will remain private and managed by the applicant until such time as the adoption process can be progressed forward”

6.21 The Case Officer is concerned the suggested wording from the Applicant provides no certainty and does not “facilitate the delivery of a safe and suitable site access”. However, it is also recognised that the highway obligation wording provides no flexibility either and so the trigger point could be adapted, for example prior to 10% of the occupation rather than prior to first occupation. The Case Officer discussed this with the LHA, and they have raised no objection to this revised trigger point.

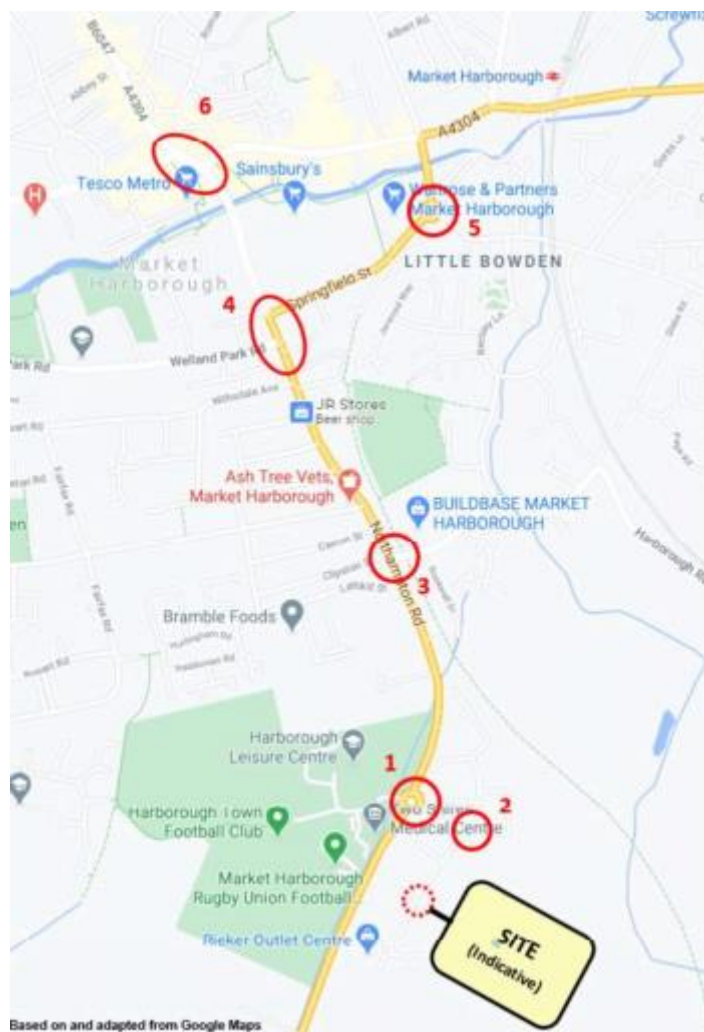
6.22 Access to the proposed development by pedestrians and cyclists will be achieved via the proposed access junction. Additionally, pedestrian only access points will be provided which link the site to the Public Right of Way and the Brampton Valley Way.

6.23 A new bus stop will be provided on the Northern side of the internal business park road which links Northampton Road with the Moseley Avenue roundabout. The applicant has stated in their Technical Note that although they have contacted the bus companies to discuss how public transport will serve the site they have been unable to confirm arrangements at the moment due to the Covid-19 pandemic. It would be the intention of the applicant that the bus service be in place prior to 10% occupation of the development. Therefore the LHA has advised a suitable planning condition which will require the applicant to provide a suitable public transport strategy when the situation becomes clearer.

- 6.24 The internal layout will be served from the proposed vehicular access. This will provide an adequate turning facility for delivery vehicles and refuse collection vehicles. The layout also provides adequate parking provision, including cycle parking.
- 6.25 The proposed site access arrangement has been subject to a Stage 1 Road Safety Audit (RSA). The RSA identified three minor problems with the initial design which are recorded below:
- Potential collisions between vehicles and cyclists on the development road;
 - Potential hazard to pedestrians at the Moseley Avenue / site access junction; and
 - Potential skid hazards to vehicles at the Moseley Avenue / site access junction.
- 6.26 The applicant has addressed all of these in the Designer's Response and the LHA is generally satisfied with the principles of the revised site access arrangements to serve the proposed development. Notwithstanding the above, before the site access can be delivered the applicant will also need to apply for Section 278 technical approval with LHA if planning permission is granted.

Vehicular Impact

- 6.27 Assessments have been undertaken to consider the impact of the proposed development on the local highway network. Further to discussions with LHA, assessments to determine the impact of the proposed development have been undertaken at the following junctions:
- Junction 1: - Northampton Road/Harborough Leisure Centre access/Compass Point Business Park Access roundabout
 - Junction 2: - Mosely Avenue/Deichmann Shoes Entrance/Compass Point Internal Road roundabout
 - Junction 3: - Northampton Road/Scotland Road priority junction
 - Junction 4: - Northampton Road/Welland Park Road/Springfield Street signalised junction
 - Junction 5: - Springfield Street/Kettering Road/Aldi Access/Lidl Access roundabout
 - Junction 6: - Northampton Road/St Mary's Road/Coventry Road/High Street signalised junction



Location of Junctions Assessed

6.28 The operational capacity of the junctions outlined above have been assessed for the following traffic flow scenarios:

- 2021 Traffic Flows
- 2026 Factored + Committed Development Flows
- 2026 Factored + Committed + Proposed Development Flows

6.29 The following trip data has been used in the Traffic Model. The trip data shows the proposed development of 350 dwellings would be expected to result in an increase of 222 net increase trips in the AM peak hour (8-9am) and 197 trips in the PM peak hour (5-6pm) on the local highway network.

Land Use: Residential Houses Privately Owned	Weekday AM Peak (0800 – 0900)			Weekday PM Peak (1700 – 1800)		
	Arrivals	Departures	Two-Way	Arrivals	Departures	Two-way
Trip Rate per Dwelling	0.238	0.397	0.635	0.325	0.238	0.563
Trip Generation	83	139	222	114	83	197

Proposed Vehicular Trip Generation

6.30 The LHA agrees with the applicant's conclusion that the proposed impact of the development could not be considered to be severe at junctions 1 and 2, which would operate

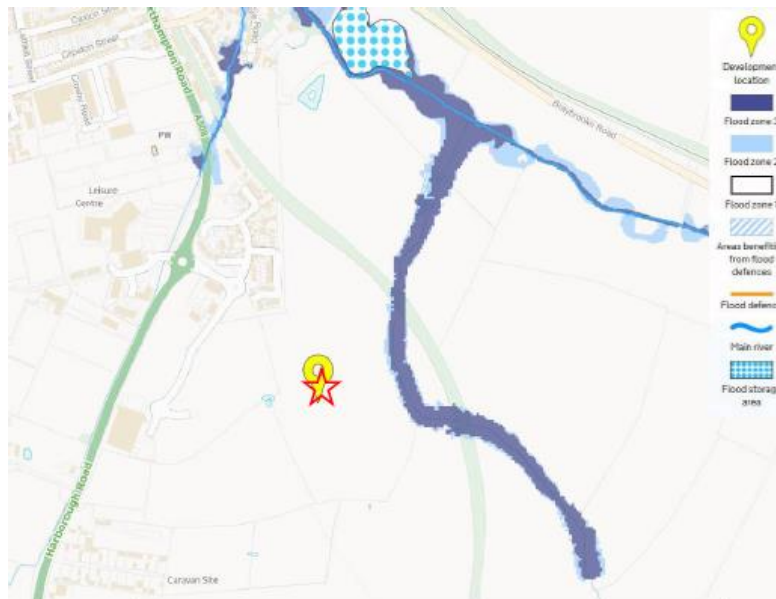
within capacity in both the 2026 with development AM and PM scenarios. However, the proposed development would have an impact at junctions 3 - 6.

Mitigation

- 6.31 No specific highway improvement schemes have been submitted by the applicant to mitigate the impact of the development. However, the applicant has agreed to an appropriate financial contribution based on the Market Harborough Transport Strategy to deliver the highway improvement schemes identified in the report.
- 6.32 To minimise car usage (particularly single occupancy journeys) by residents of and visitors to the development; the Travel Plan proposes to promote the opportunities and benefits of sustainable modes of travel, with the aim to reduce single occupancy vehicle car driver modal share by 10%, within three years of first occupation. The Travel Plan also proposes to make every resident (between the ages of 16 and 74) aware of alternative travel options for all types of journeys, within two weeks of moving to the development by providing 'Welcome Packs'. The packs will contain the following information:
- Information on local amenities in the area such as schools, shops, employment, leisure facilities and health facilities.
- Facts on the benefits of sustainable travel.
 - Information on ways to find safe pedestrian routes in the area.
 - Information on the ways to find the best cycle routes in the area.
 - Bus timetable information and route maps for services operational within the surrounding areas.
 - Provide details of car share websites such as www.liftshare.com, www.gocarshare.com, www.choosehowyoumove.co.uk and www.blablacar.co.uk to encourage residents to car share.
 - Useful contact details, including web addresses for residents of the development.
 - Details of local Apps which could be of benefit to residents such as Traveline and Cyclestreets.
 - Details of local walking groups
- 6.33 Subject to planning conditions and obligations suggested by the LHA, the proposed development has satisfactorily complied with Policy MH2 (c, d and e).

Flood risk and SUDS

- 6.34 The Framework requires that development be directed away from areas of highest flood risk. This is reflected in Policy CC3 (Managing Flood Risk). The site sits almost entirely within Flood Zone 1 (low risk of fluvial flooding) and generally at low risk of surface water flooding. However, the western edge of the site is bounded by a tributary of the River Jordan. The area around the ordinary watercourse is at high risk of fluvial flooding and moderate to high risk of surface water flooding.



Extract from EA Flood Maps – Flood Zone Map



Extracts from EA Flood Maps showing Predicted Surface Water Flood Risk

Proposed Surface Water Strategy

- 6.35 The development incorporates an attenuation basin in the western area of open space and the strategy is for surface water from the development to drain into the un-named existing ditch to the eastern boundary of the site. Discharge rates will be restricted to the existing greenfield runoff rate utilising a vortex flow chamber.
- 6.36 During the course of the application the drainage strategy has been updated to incorporate more source control SuDS namely in the form of treatment and conveyance swales to the northern, southern and eastern boundaries. It is proposed that runoff from the private

parking areas will enter into the shallow depressions and convey the flows into the attenuation basin. Furthermore, the basin has been revised to have a permanent water level of 225mm to ensure further treatment to the runoff allowing sediment and silts to be trapped within the basin. The permanent water depth also allows for ecological benefits for the site.

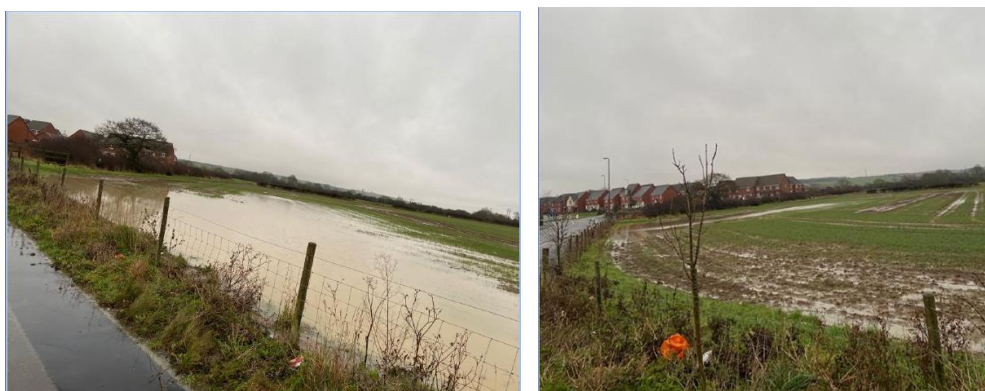
- 6.37 The LLFA advised the LPA (22.09.2020) that the proposals (following the submission of additional information) were acceptable subject to conditions.
- 6.38 The EA initially advised the LPA that the submitted Flood Risk Assessment did not adequately assess the flood risks posed by the development as it did not include local scale detailed modelling of the watercourse. However, following additional information (Technical Note FW1626_TN_003, dated 26.10.2021), the EA removed their objection (11.11.2020) subject to condition

Proposed Foul Drainage Strategy

- 6.39 It is proposed that foul flows generated by the development discharge into the 150mm foul sewer which runs within the Compass Point internal road. Due to the levels on the site it is proposed that the circa 50% of the site will be drained via gravity sewers with the remainder draining via an adoptable pumping station located within the site.
- 6.40 Anglian Water have advised that they would take the necessary steps to ensure that there is sufficient capacity in the Market Harborough Water Recycling Centre should planning permission be granted to deal with foul drainage.

Recent Flooding Concerns

- 6.41 Members may re-call, due to a period of heavy rain, the River Jordan flooded some of the local roads (including properties) on 23rd December 2020. The rainfall also saw the formation of a large area of standing water on the application site together with run-off into the highway (see photos below). As such both the LLFA and EA were re-consulted on the application.



Supplied from a third party

- 6.42 The EA advised the LPA (27.01.2021) that *“As this site lies on a non-main river tributary to the River Jordan and Leicestershire County Council have commented on both flood risk from the watercourse and overland flows in their response on the planning application, we do not have any additional comments to make with regard to flood risk on the site”*
- 6.43 The LLFA however advised the LPA (10.02.2021) *“to withhold the previous recommendation for conditions until this flood risk in proximity to the site entrance has been considered in full and demonstrated to be acceptable or that appropriate mitigation will be made.”*

6.44 The Applicant submitted a Technical Note (19.03.2021) which advised

“The surface water flooding observed in this area is as a result of the northern existing ditch capacity being exceeded, and more likely the culvert capacity being limited whether by blockage, damage or by lack of capacity in the downstream network i.e. surcharging. To mitigate this flooding as part of the ditch diversion proposals it is proposed to create low flow channels with widenings to provide additional flood storage for use in extreme storm events. The purpose of these widenings is to mitigate the flood water from the ditch and thus reduce the impact of the flooding on the existing Compass Point access road and the proposed junction location. All exceedance flows would be diverted towards this ditch diversion, in order to maintain safe ingress and egress and also provide protection to the residential properties in this area.

In relation to the existing greenfield runoff rates, it is acknowledged that the topography between the Compass Point Business Park access road and the existing ditch within the site does fall towards the north east corner of the site. A view was taken during the planning of the drainage strategy that the existing culvert at this location was already at capacity as evidenced by the EA surface water mapping. To this end, the current proposals allow for the hardstand in this area to be captured and drained east towards the existing watercourse. This position was taken in order to try and further alleviate the flooding occurring to the north west corner of the site adjacent to the Compass Point business park access road. This strategy coupled with the proposals of the ditch diversion and creation of additional flood exceedance capacity provides a sound mitigation strategy to potentially lower the risk of surface water flooding in this area.

The surface water from the development is restricted to 4.40l/s/ha to comply with the greenfield runoff discharge rates outlined in the FRA accompanying the planning application. The removal the runoff from this area will only provide a betterment for the downstream network to the north.

*In relation to safe access to and from the site in extreme flood events, it is accepted that whilst the dwellings themselves will not be at risk of flooding the flood to the access road may limit users of limited mobility** in accessing the properties. In this situation the residents would be advised to stay at home and await to be contacted by the emergency services. It is recommended that a leaflet be issued to residents with their welcome pack indicating that the access has historically been known to flood and that in these extreme storm events, in the unlikely event of the access road being flooded, they should not attempt to pass the flood water and should await assistance from the emergency services.*

As discussed above, it is considered that the probability of flooding to the road and site will be reduced and mitigated by the works undertaken as part of the existing ditch diversion. These works will benefit Compass Point business park users to the south also whom are currently affected by the road flooding observed.”

**this includes children, the elderly and the vulnerable

6.45 The Case Officer asked the Applicant several follow-up questions following this Technical Note as detailed below:

--Would the flooding stop a car getting through or just a pedestrian/cyclist/pram/wheelchair?

In accordance with the EA mapping, the flooding would be unlikely to exceed the back of footpath level, therefore it can be expected that depths of 125mm in the carriageway and 50mm within the footpath could be expected, whilst this may discourage users going through

the flood waters, it would not prevent vehicle or non-vehicle users from doing so if they adhere to national guidance advice. It should be noted that these are maximum levels which would only occur in local low spots on the road with the remaining levels dispersed by the road gradient.

--would the flooding affect the proposed cycleway/footway?

The measures introduced as part of the scheme provided include for the additional attenuation volume storage created at the front of the site whilst also removing an area of field which currently drains overland into the problem culvert. This storage and reduction in volume entering the culvert will provide a betterment to the existing network and potentially reduce the current flooding observed in extreme storm events. It is anticipated that the proposed cycleway / footway would contain less than 25mm of flooding should an extreme event occur and this would only occur in the low spots and not along the entire cycleway / footway.

--how much flooding has then been i.e. a few inches/feet etc.

The flood mapping and photos indicate that the flooding within the development in the local low spot is around 300mm, but this is reduced to the carriageway depth of 175mm [from channel to back of footway]. If the water ever exceeded this height it would disperse over larger areas of land at very low levels i.e. less than 10mm

--how often are extreme storm events?

Extreme storm events are considered to be above the 1 in 100 year event which equates to a probability of 1.0%. Therefore any storm event has a 1.0% probability of becoming this event. As a guide the 1 in 1000 year storm event has a probability of 0.1%.

-- is it acceptable to advise residents to stay at home and await to be contacted by the emergency services? Should potential buyers not be advised of the flood risk before they purchase their homes, as it would be too late in the welcome pack?

None of the houses are located in the flood zone but National Government and EA advice should be followed when users consider entering flood water during a flood event. Therefore the standard practice is to advise occupants to maintain a stay put approach where safety may be compromised should they enter the flood waters. It should be noted that the proposed mitigation measures outlined as part of the proposal will provide a benefit to the area. When compared to the pre-development conditions, and potentially reduce the frequency and extents of any flooding.

- 6.46 The LLFA advised the LPA (19.04.2021) the technical note had satisfied their request to mitigate potential surface water flooding towards the access of the site and suggested revised conditions and therefore subject to planning conditions suggested by the LLFA, EA and Anglian Water, the proposed development has satisfactorily complied with Policy MH2(h) and CC3 and IN4.

Landscape impact

- 6.47 Policy GD5 (Landscape Character) requires development to be located and designed in such a way that it is sensitive to its landscape setting and landscape character. In addition, Criteria j) of policy MH2 requires that 'a layout and design that is shaped by a landscape and visual impact assessment, that protects views from key points within the site towards the Brampton Valley Way and that enhances the connection with the rest of the town and promotes a sense of place.' and Criteria i) of Policy MH2 sets out the requirement and particular locations for a

focus on landscape treatments and requires, the ‘ provision of open space and recreational facilities across the site, including to the western boundary close to the existing and proposed employment site to protect residents' amenity, to the eastern boundary to connect to the existing Brampton Valley Way, and to the southern boundary to form a landscaped edge to the countryside.’

6.48 The site is not the subject of any local or national landscape designations.

Landscape Sensitivity & Capacity

6.49 The site falls within the Jordan Valley Slopes South Landscape Character Area (LCA) of the Harborough District Landscape Character Assessment (2007). The key characteristics of the area are identified as:

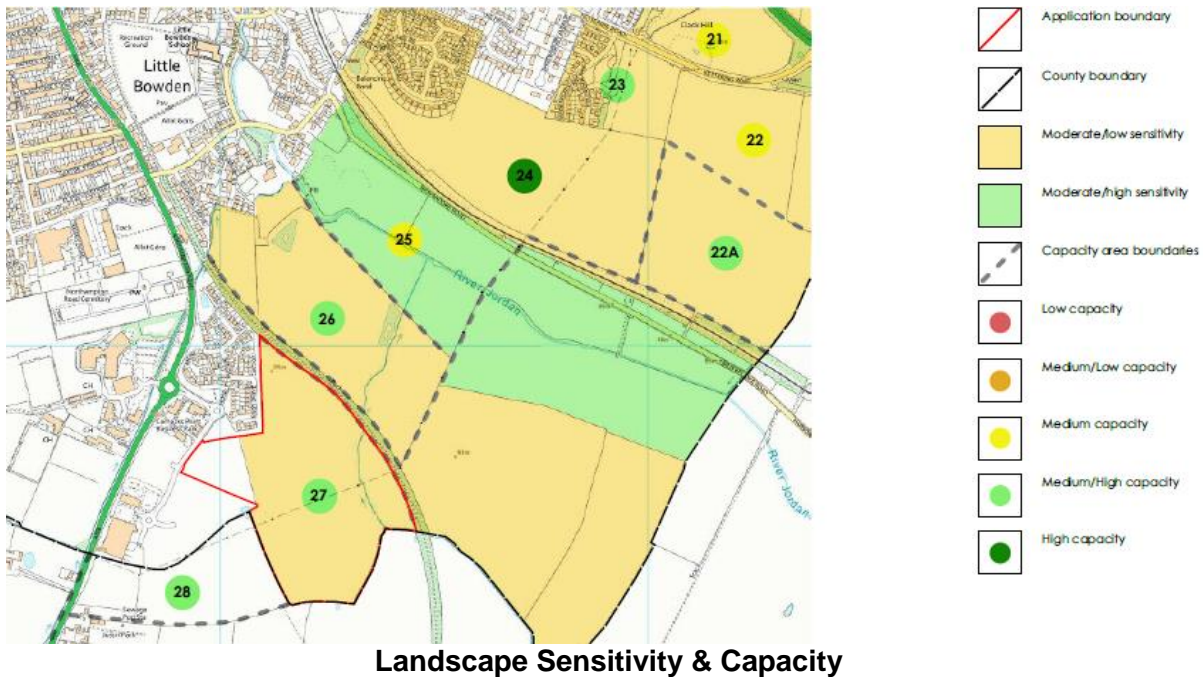
- *Gently sloping landform is part of the broad valley sides of River Jordan;*
- *Predominantly large arable fields, with occasional smaller pastoral fields;*
- *Hedgerows infrequent and typically low with little variety;*
- *Some field trees, particularly north of River Jordan;*
- *Strong visual influence of Market Harborough and transport corridors, particularly new commercial development to the south of Market Harborough;*
- *Tributaries of the River Jordan gently meander through area; and Many ponds present.*

6.50 The Assessment identifies the Jordan Valley Slopes as being of Poor landscape condition and Moderate strength of character. The landscape strategy prescribed for this LCA is “Improve and Restore”. The Assessment includes a more detailed landscape capacity study that identifies the site as covering the entirety of Land Parcel 27 and the eastern edge of Land Parcel 28;

6.51 Land Parcel 27 has been assessed as having a Medium/High capacity to accommodate change in the form of residential development setting out the following comments and mitigation measures:

- **Retention of existing landscape features and vegetation** - the development has retained the existing boundary landscaping, except for small sections of removal to accommodate highway access
- **Important views to be retained** – the development has considered the relationship between the Brampton Valley Way (BVW), creating new areas of open space at the boundary of the site to safeguard and retain the vegetated setting of the BVW and provide space for new planting measures that will further soften and filter views of the development over time;
- **Retention of existing routes through the site** - The existing alignment of public footpath A62 has been retained thorough Field 1. Furthermore the development has created a network of new routes through the open space and connecting into the BVW.
- **Ground modelling** – given the existing topography of the site no significant ground modelling is proposed – although it is noted drainage recommendations include
- **Additional planting** - Areas of green space are proposed at southern and eastern boundaries of the site that will accommodate new native tree and shrub planting that will mature over time to soften the appearance of the development
- **Maximum building heights** - the heights of the dwellings reflect developments adjacent, to the north and west

- **Development layout** - the layout of the development has been to secure the 350 dwellings identified in the allocation, whilst securing public open space, drainage, on-site allotments and landscape mitigation measures.
- **Building materials** – Redbrick and Grey roof tiles reflect the palette of materials adjacent and will help it to assimilate within its setting.
- **Open space provision and green infrastructure** - The tributary to the River Jordan has been retained as green space that will be designed to secure a diverse range of habitats and enhanced biodiversity. Open space has been allocated at the boundaries of the site capable of accommodating new structural planting measures that will assist in the landscape mitigation of this proposal.

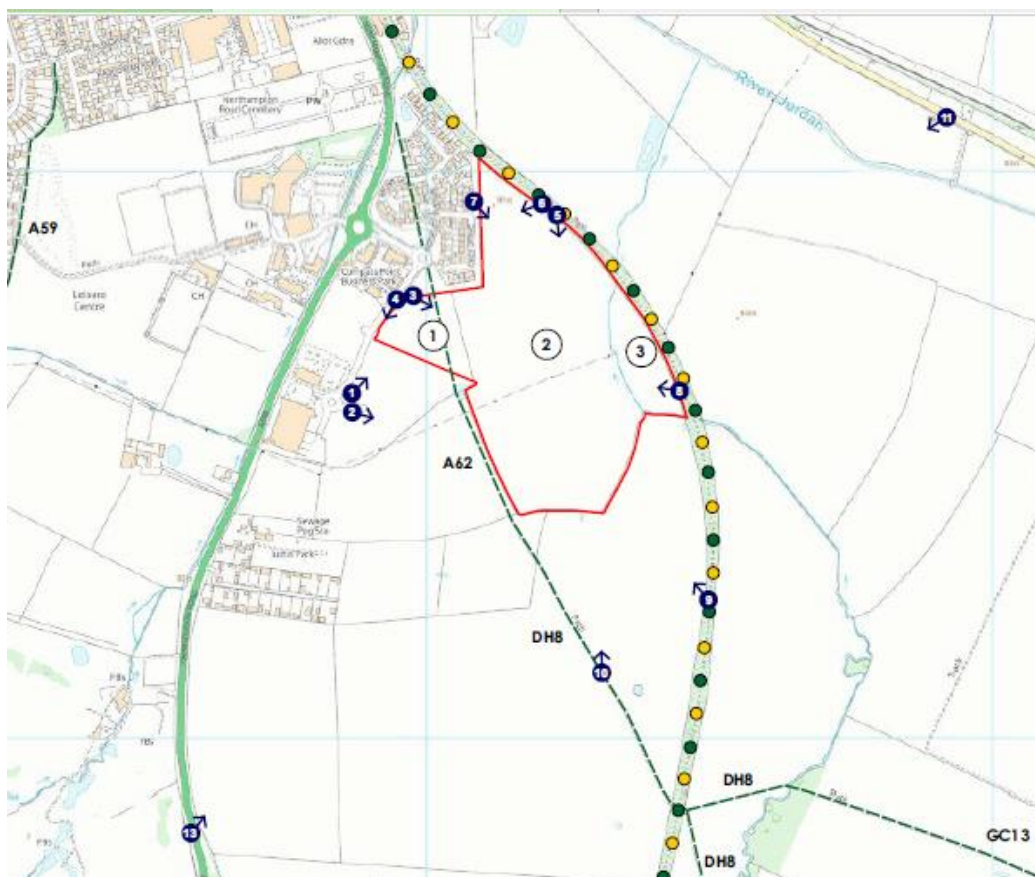


6.52 The adjoining Land Parcel 28 has also been assessed as having a Medium/High capacity to accommodate change in the form of residential development. Similar comments and mitigation measures are prescribed for this land parcel with the additional note relating to the retention of public footpath A62.

Visual Impact

6.53 The site can be seen from a variety of vantage points (as illustrated below), including from:

- The housing at Moseley Avenue and Eady Drive;
- The local highway network and Compass Point business park to the west of the site;
- Public footpath A62 crossing the site;
- Brampton Valley Way at the eastern boundary of the site;
- Section of Braybrooke Road/Harborough Road and Kettering Road to the east of the site;
- Sections of the site from public footpath DH8 and the Brampton Valley Way to the south of the site;
- Section of Northampton Road to the west and south- west of the site; and
- Distant views from the ridgeline to the south-west, south and south-east of the site



Photographic View Locations

6.54 The Applicant's landscape consultant (Golby and Luck) have assessed the likely visual effects from these locations as follows:

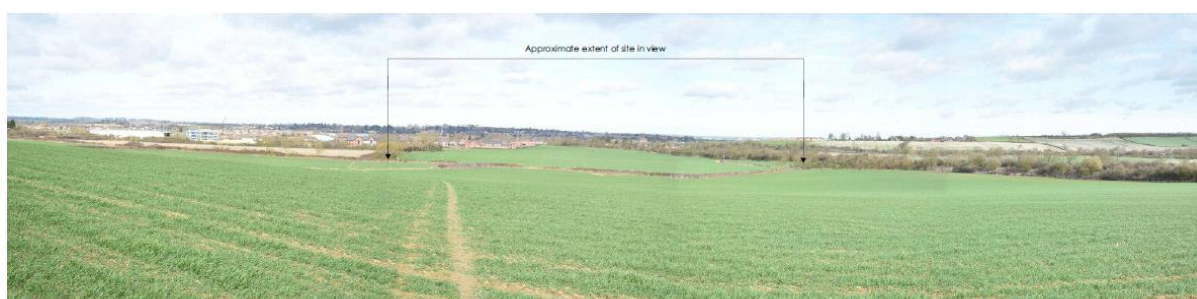
View	Short Term Effect (Year 1)	Long Term Effect (Year 15)
1 & 2	Major/Moderate (adverse)	Moderate (adverse)
3 & 4	Major/Moderate (adverse)	Major/Moderate (adverse)
5 & 6	Major (adverse)	Major/Moderate (adverse)
7	Major/Moderate (adverse)	Major/Moderate (adverse)
8	Major	Major/Moderate (adverse)
9	Major	Major/Moderate (adverse)
10	Moderate (adverse)	Moderate/Minor (adverse)
11	Minor (adverse)	Minor/Minimal (adverse)
12	NA	NA
13	Minimal (adverse)	Minimal (adverse)
14,15 & 16	Minor (adverse)	Minimal (adverse)
17	Minimal (adverse)	Minimal (adverse)

** Views 14-17, these are distant views from Bridleway CP2 (East Farndon) approximately 2.23km from the site; public footpath DH2 at St Helen's Church, Oxendon approximately 1.64km from the site looking north-east; Macmillan Way public footpath GC11 at Dale Farm approximately 1.57km looking north and the A6 Harborough Road approximately 2.2km from the site looking west.*

6.55 The LPA commissioned The Landscape Partnership (TLP) to review the proposals submitted by the applicant, together with providing recommended conclusions and mitigation measures.

6.56 Having assessed the submitted documentation, TLP concluded

"The submitted LVIA is broadly compliant with GLVIA 3. There are some relatively differences in judgements between the LVIA and TLP on effects in some locations relating to differing judgement about sensitivity and magnitude of change on receptors. The most notable is at Viewpoint 10."



View 10 - From public footpath DH8 approximately 290m from the site looking north

Viewpoint 10

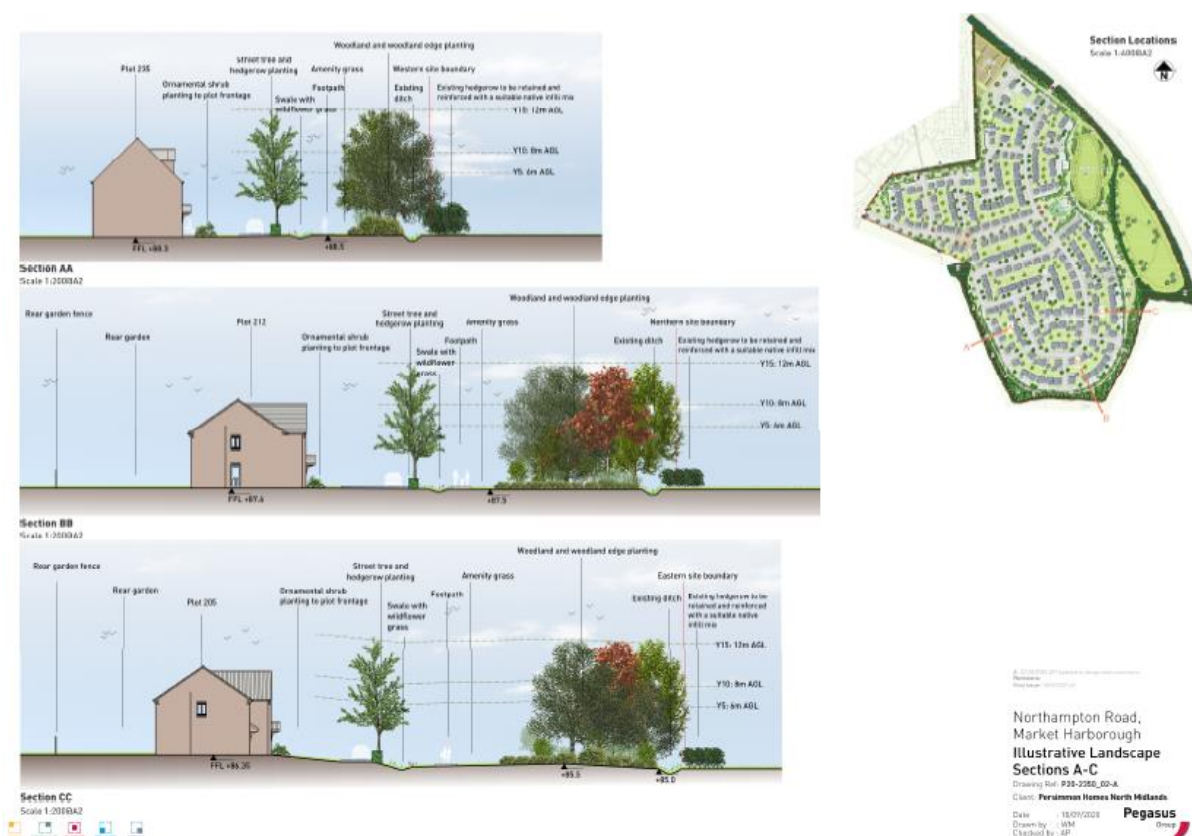
The principle of development on the site is established through policies H1 and MH2. The Market Harborough Landscape Capacity Study for Parcel 27 described the Parcel (in which the application site is located) as having Medium/High capacity for development. However, the study also included a number of guidelines for successful development. A number of these have been included within the application proposals but a number have yet to be fully realised to provide suitable mitigation for the scheme in its setting. There are a number of aspects of the submitted layout that should be improved.

A Planting Strategy should be provided prior to determination of the application to ensure the predicted and anticipated landscape and visual effects from Year 1 and towards Year 15 are achieved in this location to edge of town and open countryside."

6.57 The applicant has taken the comments provided by TLP into account and provided the following additional information:

- Landscape and Visual Supplement
- Landscape Masterplan
- Illustrative Landscape Sections

6.58 The Supplement provides a response to the key landscape issues raised in the TLP review. In accordance with the recommendations of the TLP review, a landscape masterplan and illustrative landscape sections have been provided that detail the scale and nature of landscape proposals across the site. More specifically, they detail the structural planting measures for the southern boundary of the site illustrating the relationship with the leading edge of development and expected growth over a 15-year period.



Illustrative Landscape Sections

6.59 The Supplement advises:

“The sections typically show the leading edge of development with private drives that are edged with a hedgerow boundary and tree planting. A swale follows the back edge of the drives with a footpath and grassed boundary that is framed by the landscape buffer. The woodland buffer varies in width between 5m to 15m and will be planted with a native mix of deciduous and evergreen trees and shrubs. The planting has been specified as a mixture of transplanted stock set out at 1.5m centres that will mature into a dense buffer, and a layer of feathered and standard stock trees planted at 3m centres that will provide early maturity. A similar buffer is proposed at the north-east boundary of the site where development fronts onto a section of the Brampton Valley Way. In addition to these measures, the existing tree and hedgerow cover at the boundary of the site will be retained and reinforced with appropriate infill planting measures.”

- 6.60 The landscape masterplan illustrates the extent of street trees, garden trees and open space tree planting that is proposed across the site
- 6.61 The Supplement also provides further details relating to the implementation of the structural planting measures, advising the Applicant will implement these measures in the first planting season following the first occupation. Early implementation will result in earlier landscape mitigation.
- 6.62 Finally, the Supplement re-considers the assessment of visual effect in relation to Viewpoint 10 setting out further justification for the assessment findings.

- 6.63 The Case Officer accepts the Supplement's findings that an increase in the depth of the buffer at the southern boundary, as suggested by TLP, may result in a reduction in housing that currently achieves the expected target of the allocation, and/or increase the density of the development, which would restrict the potential for tree planting elsewhere within the development. It is also accepted the change to Viewpoint 10, needs to be seen in the context of the wider change to the view with the development of the land to the north-east at Kettering Road.
- 6.64 It is acknowledged, that by developing this site with housing there will be an effect on landscape character and views. However, this level of effect is not uncommon given the undeveloped character of the site and nature of the proposal. Furthermore, this change would have been expected given the site is allocated for "about 350 dwellings". In the long term new structural planting will have matured to soften and filter views of the new housing from these viewpoints and to help assimilate the development into its surroundings. On balance, the Case Officer considers the proposed development has satisfactorily complied with Policy MH2(i and j), GD5 and GD8, subject to appropriate landscape mitigation.

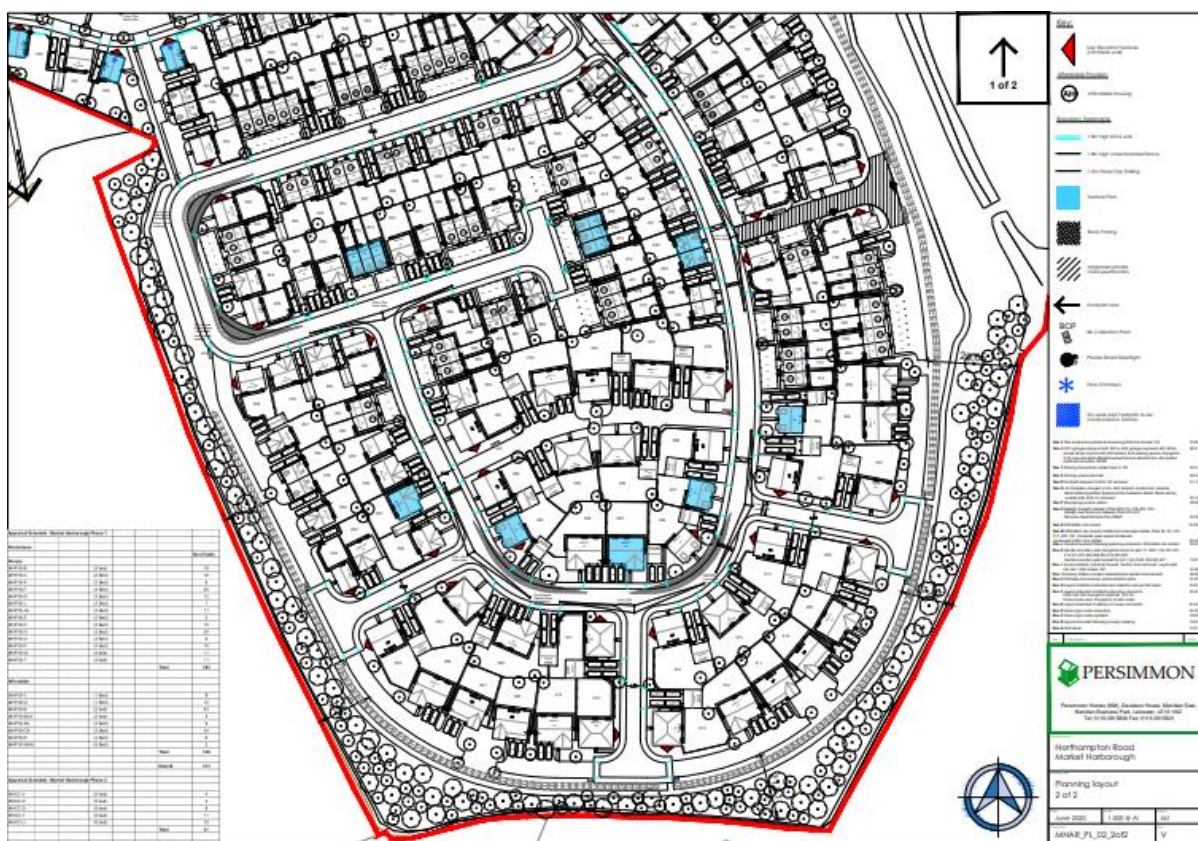
Design

- 6.65 Policy GD8 (Good design in development) permits development where it achieves a high standard of design.

Proposed Layout

- 6.66 The proposed layout is shown below





- 6.67 The layout shows the development is served off a single access from the internal road that serves Compass Point business park. An area of open space has been provided at the site frontage, with a “focal tree” shown. Exact details of this tree and open space should be agreed by way of condition to ensure it provides a purpose, function, and character to the wider development.
- 6.68 Six two storey houses will front on to this open space, with Plots 1 and 6 containing ‘faux’ chimneys and dual frontages. Due to the limited space between the proposed access road and the southern boundary, it is likely only a native hedgerow will be able to be planted opposite the private drive serving Plots 1 to 5 and Plot 15, although more space is available to by the proposed ‘focal tree’ and opposite Plot 16 to 18. Details of the landscaping treatment should be secured by way of condition.
- 6.69 The primary access road, which is to be tree lined on one side, leads to a ‘T’ junction with another ‘focal tree’ at the head and the Neighbourhood Equipped Area for Play (NEAP) with green open space. The primary route branches out into secondary and tertiary routes. Housing in the main, fronts either the highways or open space. It is unfortunate that trees are only included to one side of the road but this is due to the character of this part of the development trying to create a strong street presence.
- 6.70 In the northern corner to the site, adjacent to the proposed 1 bed affordable units is an area set aside for allotments with parking for the local community to use. To the north east a footpath link is proposed from the site onto the Brampton Valley Way (additional links along the eastern boundary were originally proposed but due to the significant change in levels, it was not considered appropriate due to the engineering works required to construct safe and suitable access to all users). A new attenuation pond is proposed to the north east of the site, adjacent to the tributary to the River Jordan. The pond is overlooked directly by 14 dwellings. Directly to the west of the attenuation pond a pumping station is proposed. The

applicant has confirmed the pumping station will be underground (the exact details of which are to be submitted via condition).

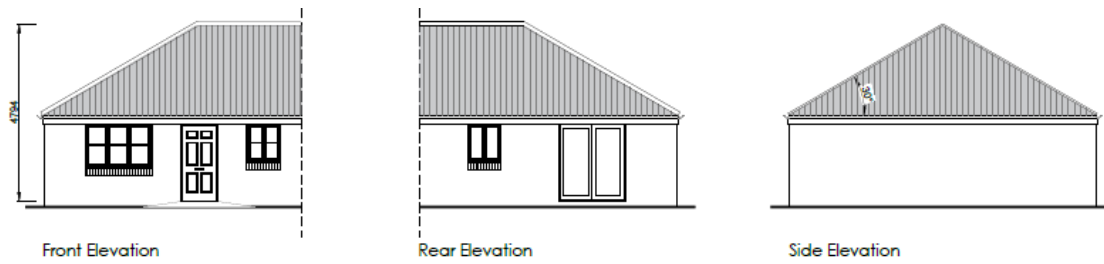
- 6.71 To the south of the 'T' junction is further housing set mostly around a 'horse shoe' shape, with significant levels of strategic planting to the southern, western and eastern boundaries. The 5 bedroom dwellings are all sited to the southern boundary.
- 6.72 A green corridor will connect the entire site through a peripheral circular route. This will also provide opportunity to establish biodiversity corridors. Part of Public Rights of Way A62/1 passes through the site. This will be retained and incorporated in its current alignment within the scheme. Existing hedgerow boundaries and trees throughout the boundaries to the site are shown as maintained, with extensive additional planting proposed throughout the site, including significant planting proposed to the southern boundary, within the areas of public open space, and to strengthen the existing tree belt to the north and east.
- 6.73 All of the dwellings will be served by private residential amenity space, sufficient off street car parking spaces and adequate space for waste storage. Those dwellings served by private drives will have dedicated bin collection points, allowing people to place their bins for easy refuse collection.

Proposed Housetypes

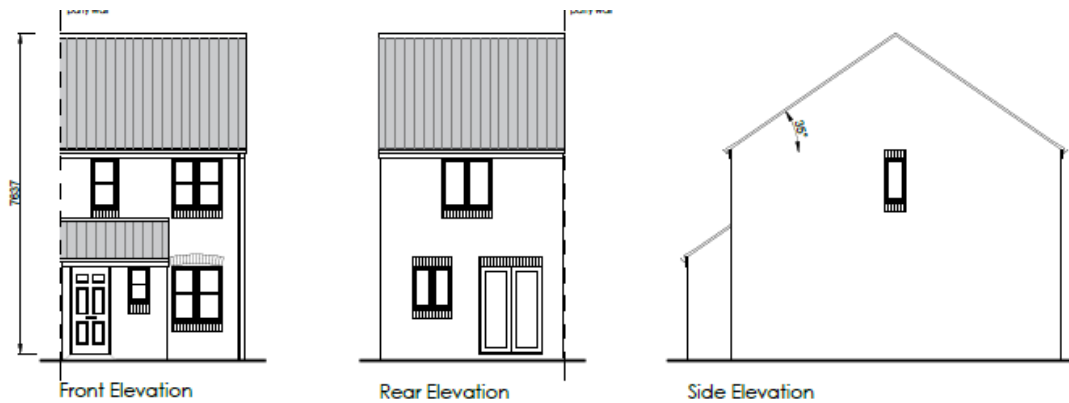
- 6.74 28 different house types are proposed (a selection of which are illustrated below), which comprise of 1, 2 and 2.5 storey dwellings with either pitched or hipped roofs. The housetypes range in heights, from 4.8m (1 bed bungalow), to 10.4m (this height only applies to a total of 18 dwellings). The majority of houses will range between 7.1m and 9.4m. The 2.5 storey dwellings are positioned across the site to create a variety in roofscape. The one storey dwellings are positioned towards the northern corner of the site close to the allotments, whilst the five bedroom dwellings are located near the southern boundary. The 37 five bedroom market dwellings, will be constructed by Charles Church. 10 of the plots will have a faux chimney and 32 of the plots will be 'feature plots' with enhanced design features, which are located in prominent locations and/or at the end of turning heads.



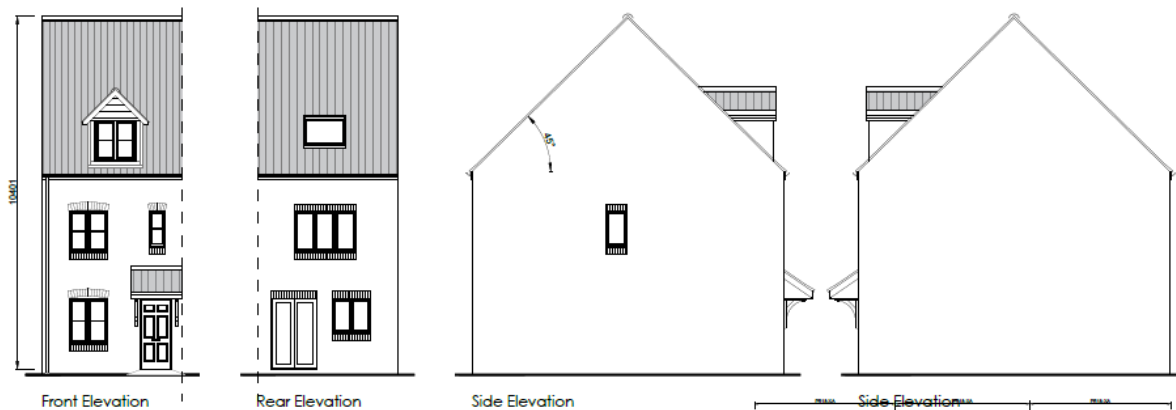
Plots: 113-116, 117-120, 125-128 (Type MHP18-Q) (1 Bed- Affordable)



Plots: 108, 109, 111, 121, 122, 124 (Type MHP18-Q) (1 Bed - Affordable)



Plots: 10-13, 34-37, 46-48, 69-72, 78-80, 87-89, 92-94, 101-103, 136-139, 140-142, 151-154, 162-164, 193-195, 198-200, 277-279, 283-285, 288-290, 300-302, 318-322, 328-332, 337, 338 (Type MHP18-B) (2 bed – Affordable & Market)



Plots: 31-33, 171-173, 324-326 (Type: MHP18-XA) (3 bed - Affordable)



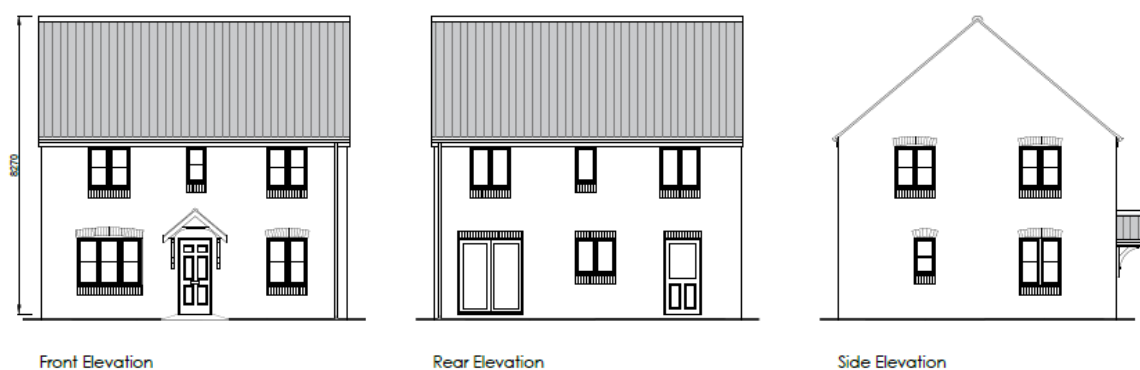
Plots: 14, 44, 45, 49, 50, 95, 98, 175, 176, 182, 183, 229, 272, 276, 291, 297, 316, 317, 323, 327 (Type: MHP18-F) (3 bed - Market)



Plots: 96, 97, 308, 309, 281, 282 (Type MHP18-R) (4 bed- Affordable);



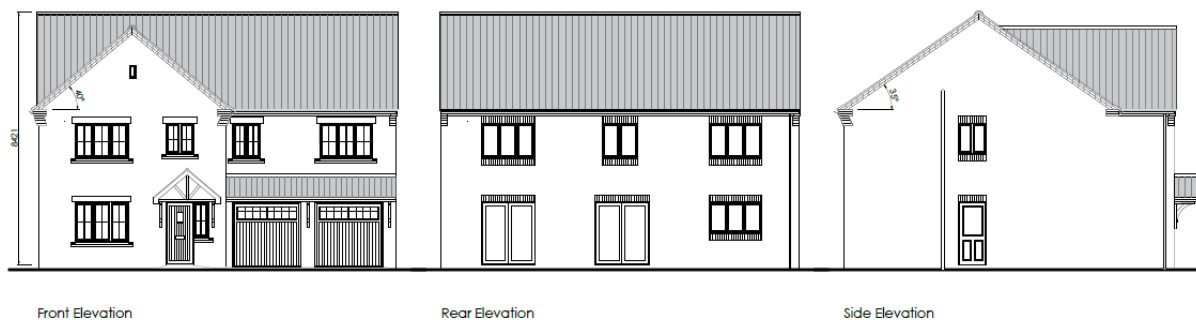
Plots 2, 5, 59, 73, 77, 86, 90, 150, 155, 170, 174, 292, 296, 299, 315 (Type MHP18-K) (3 bed- Market)



Plots: 24, 27, 51, 144, 147, 156, 159, 168, 190, 238, 303, 333 (Type MHP 18-P) (4 bed – Market)



Plots: 243, 246 (MHCC-P – 5 bed)



Plots: 205, 206, 209, 212, 219, 222, 225, 244, 245, 253, 255 (MHCC-T – 5 Bed)



Plots: 207, 208, 213, 217, 218, 224, 256 (MHCC-U – 5 Bed)

- 6.75 The Design and Access Statement advises brick, roof tiles and render will be used in the development. A condition requiring the submission of a material schedule detailing all external materials to be used is suggested to ensure the materials proposed contain variety and that used on the adjacent residential development.
- 6.76 Suggestions were provided to the Applicant to improve/enhance some of the housetypes proposed and some of these were taken on board. However, others for example, introducing bay windows, more chimneys, brick detailing were not considered necessary by the Applicant. Overall, the proposed housetypes offer good variation and reflect those on the adjacent development. Subject to the provision of good quality external materials (see condition) and landscaping (see condition) the design of the development is acceptable.

Proposed Housing Mix

- 6.77 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.
- 6.78 The proposed scheme, has a gross area of 16.28ha and a net area (excludes all POS and Attenuation Pond) of 10.49ha, which equates to a density of 22 dwgs (gross) and 33 dwgs (net) per hectare. The level of density proposed is appropriate given its edge of settlement location, allocation of 'about 350 dwellings', drainage and open space requirements.
- 6.79 Of the 350 dwellings proposed, 222 would comprise market dwellings and 128 would comprise affordable dwellings. The market dwellings would include 44 two bedroom homes, 92 three bedroom homes, 49 four bedroom homes and 37 five bedroom homes. The affordable dwellings will comprise of 20 one bedroom homes (including 8 bungalows), 57 two bedroom homes (including 4 bungalows), 43 three bedroom homes, 6 four bedroom homes and 2 five bedroom homes. The affordable units will also be dispersed throughout the site, except towards the southern boundary where the 5 bedroom market houses are proposed. A cluster of affordable units will be located close to the allotments.
- 6.80 Policy H5(3) requires 4% of housing developments (of more than 100 dwellings) to meet the accessible and adaptable standard as laid out in Building Regulations Part M4(2): Category 2 – Accessible and adaptable dwellings. 4% in this instance would equate to 14 dwellings. The 12 affordable bungalows will be built to this standard.
- 6.81 Policy H5 advises major housing developments should provide a mix of housing 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%
Proposed Layout	0	44 (20%)	92 (41%)	86 (39%)
Affordable Housing mix	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
HEDNA	35-40%	30-35%	25%	5-10%
Proposed layout	20 (16%)	57 (44%)	43 (34%)	8 (6%)
Overall Housing Mix	6%	29%	38%	27%

Proposed Housing Mix

- 6.82 Whilst different to the HEDNA suggested mix, the mix put forward provides a good choice of housing for local people. It provides accommodation for first time buyers, smaller families, those wanting to downsize, elderly / disabled person and larger families. Although it is regrettable no market bungalows are being provided.

6.83 It is also important to highlight that the mix set out in the HEDNA is only suggested. If the Applicant was to increase the number of smaller units this would increase the net density of the site, which would not be considered appropriate given its setting as an edge of settlement greenfield site.

6.84 Policy H5(4) seeks the provision of land for custom and self build housing on housing allocations capable of providing 250 or more dwellings, as part of an appropriate mix of dwellings.

6.85 The Applicant has considered this part of the policy and advised:

“This policy is ambiguous and doesn’t provide a clear requirement for the provision of land for custom and self-build housing. This is contrary to paragraph 16 of the Revised Framework (2019), which requires Plans to ‘contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals’.

Harborough District Council do not have sufficient evidence that there is a requirement for custom and self-build plots situated within new residential developments in Market Harborough. The preferences of those on the register is often individual plots in rural locations as opposed to plots on large housing sites. Furthermore, it is possible for individuals and organisations to register with more than one Council so there is a possibility of some double counting. The Register may indicate a level of expression of interest in self and custom build but it cannot be reliably translated into actual demand should such plots be made available. If demand for plots is not realised there is a risk of undeveloped plots remaining permanently vacant which will undoubtedly have negative impact on the Council’s housing land supply.

The allocation of self and custom build plots on housing sites of more than 100 dwellings cannot be co-ordinated with the development of the wider site. At any one time there are often multiple contractors and large machinery operating on a housing site and from both a practical and health & safety perspective it is difficult to envisage the development of single plots by individuals operating alongside this construction activity. Moreover, should these plots not be taken up there are even greater logistical and financial problems created by returning to site which places undue burden on the developer.

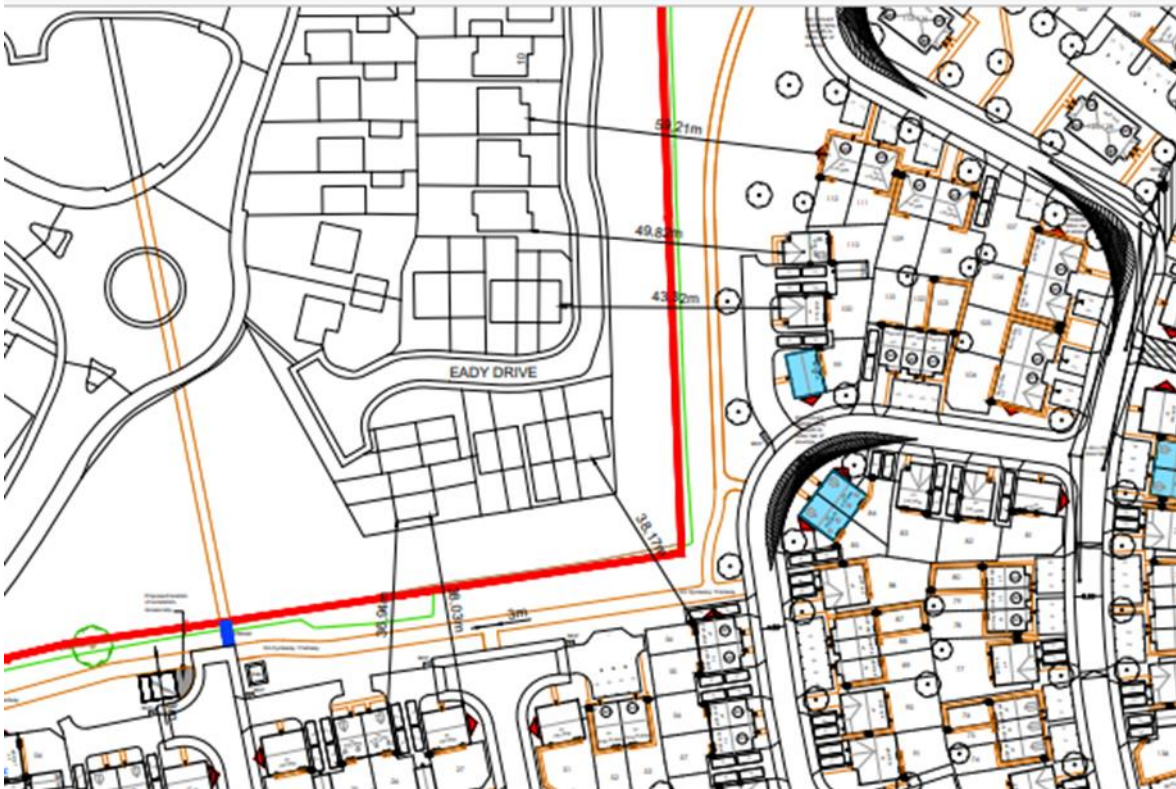
6.86 In light of the above response, it is agreed it will not be possible for this development to meet this particular aspect of the policy.

6.87 Overall, the development is considered to achieve a good standard of design.

Residential Amenity impacts

6.88 Policy GD8 requires development to minimise its impact on the amenity of existing and future residents

6.89 The nearest residential properties to the site are the dwellings on Balckberry Grange and in particular those on Eady Drive and Moseley Avenue. Objections have been raised from some of these occupiers regarding the impact on residential amenity, including overbearing impact and loss of privacy; however the layout and submitted cross sections (as illustrated below) demonstrate an acceptable relationship with separation distances well in excess of the Council’s minimum standards.



Separation distance between proposed plots and existing residents



SITE PLAN - NOT TO SCALE



SECTION A-A



Cross sections showing relationship between proposed plots and existing residents

- 6.90 It is acknowledge the outlook from these properties will significantly change, but this would always be a consequence when developing on a greenfield site and is to be accepted on an allocated site.
- 6.91 Within the proposed site, separation distances do fall short in some instances. For example

Planning Layout 1 of 2

- 113-116 and 117-120 -17m (4m short)
- 103-104 – 11.5m (2.5m short)
- 134-135 – 11.5m (“)
- 130 – 140 – 11.5m (“)
- 146-148 – 10m (4m short)
- 159-160 – 11m (3m short)
- 168-169 – 11m (3m short)
- 80-81 – 11m (3m short)

71/72-92 – 10m (4m short)
46-59 – 11m (3m short)
50-58 – 18.5m (2.5m short)
53-56 – 11.5m (2.5m short)
27-28 – 10m (4m short)
19/20/21 -35-31 – 19m (2m short)
05-07 – 12m (2m short)

Planning Layout 2 of 2

221-225 – 18.5m (2.5m short)
234-238 – 19m (2m short)
174-184 – 19m (2m short)
173-182 – 18.5m (2.5m short)
169-178/179 – 19m (2m short)

- 6.92 The Applicant was asked to amend the layout to increase the distances, but the Case Officer was advised by doing so, it would have a significant knock on effect on the whole layout, which had already been significantly revised to address drainage, highway and landscape matters. It is also acknowledged that revising the layout may have resulted in having to move some of the proposed plots closer to existing residents and/or a reduction in plots, both of which may have had greater implications.
- 6.93 Given that the minimum separation distances are a guide rather than a policy requirement and because this is a new development where there is an element of buyer beware, on balance the proposed amenity relationships within the site are considered on balance to be acceptable. However, it would be appropriate in this instance, given the tight relationship, with some plots, to remove Permitted Development Rights (plot specific), thereby giving the LPA an opportunity to assess the amenity impact of any future extensions.
- 6.94 The Case Officer had originally expressed concerns with regards to the relationship between Plots 162-164 and the pumping station, given the principal front elevations of these plots will look directly on to the pumping station and asked for the pumping station to be re-located. The Applicant advised it was not possible to relocate it *“because of technical reasons as it is the lowest point of the site”*. Concerns were still expressed and so the Applicant has now advised the pumping station will be placed underground, the details of which will need to be provided by way of condition.
- 6.95 Concerns have also been raised from existing residents in relation to the siting of the substation. The substation is more than 50m from the nearest existing neighbour and 13.5m from the front elevation of Plot 6. Given the size of the substation is of a similar to a detached garage and because they tend to be quite quiet (as advised by EHO) it is unlikely that it will cause a noise nuisance. If noise does become an issue, this can be assessed under environmental legislation.
- 6.96 During the construction phase, it is accepted that there will be some adverse impacts upon residential amenity, for example, noise, dust, construction traffic etc. Therefore to limit the disturbance and inconvenience that may arise when buildings works are undertaken, the submission of a Construction Management Plan prior to development commencing is suggested.
- 6.97 Overall, subject to conditions, the proposed development will not have a significant adverse effect on existing or future amenity.

Ecology

- 6.98 Policy G15 (Biodiversity and geodiversity) permits development (amongst other criteria) where there is no adverse impact on protected species, there are opportunities for improving habitats and contributes to improving biodiversity and geodiversity. Policy MH2(g) requires an ecological assessment of the site and required mitigation including enhancement of biodiversity.
- 6.99 An Ecological Impact Assessment was undertaken by RammSanderson Ecology Ltd to inform the planning proposals. The Assessment (which was re-issued during the course of the application to correct an error) undertook both a desk top review and surveys and the findings are summarised below.

Habitats

Whilst none of the hedgerows are considered 'ecologically important' under the Hedgerow Regulations (1997), all hedgerows are a Habitat of Principal Importance under the NERC Act (2006). All other habitats were common and widespread and offered limited ecological value. However, they do offer conservation value as an ecological corridor and should be maintained on Site (as is planned). Therefore, the impact upon habitats as a result of the proposals is deemed negligible.

Great Crested Newt

No ponds were located on site; however, a total of 8 ponds were identified within 500m of the site boundary. P3, P4 and P5 were found to be dry. Third party GCN surveys were carried out on P5 - P7 and P11 in 2018, with GCN absent from P5 - P7 and P11 being dry. A further waterbody (P12) was also identified as being dry in 2018 however it was not present in 2019. In 2019 eDNA assessment was completed by RammSanderson Ecology on P1, P2, P8 and P11 all of which . negative GCN status results. As such no further mitigation is required for this species, although enhancements could be made within the site through sympathetic design of SUDS features.

Bats

All of the trees on site were subject to a ground level tree assessment. A mature ash on the eastern boundary of the site was as having 'high' potential to support roosting bats (using BCT guidelines) with a willow tree assessed as having 'low' potential. The primary foraging and commuting routes for bats are considered to be the Brampton Valley Way CWS along the eastern boundary and the sites hedgerows habitats which are being retained. Loss of the arable grassland habitat is considered to have negligible impact on bat foraging locally (this habitat was assessed as low quality). However, to prevent adverse impacts on bat activity within the area, a lighting strategy for the site is recommended to be sympathetic to nocturnal fauna.

Birds

No habitats on the Site were assessed as offering breeding habitat for Schedule 1 birds. Furthermore, the desk study results produced records of common and widespread farmland species only. Therefore, further surveys for breeding birds were deemed disproportionate. As such impacts upon breeding birds are anticipated to be negligible. Any tree management works, or vegetation clearance should be completed outside of the bird nesting season (which is considered to be March to September inclusive).

Reptiles

The overall site was considered to be of limited value for reptiles, consisting largely of arable land. No reptile surveys are required. Furthermore, no records of reptile were returned in the desk study.

The peripheral vegetation including hedgerows, poor semi-improved grassland and tall ruderal vegetation provided some, albeit limited opportunities for foraging, refuge and commuting for reptiles. The hedgerows also provided connectivity with the wider countryside. The dry ditch within the site also provided further scope for foraging and commuting reptiles. It is recommended that the peripheral hedgerows, which are of greater value to reptile species, are retained within the development. Similarly, it is recommended that the existing dry ditch is retained within the development.

This species is likely absent from site therefore further surveys are not considered necessary or proportionate. However, as there remains the residual risk for reptile to pass through the site, utilising suitable features around the periphery of the site.

Water Vole, Otter and White-Clawed Crayfish

Records of otter were identified in a waterbody 500m from the site. However, there were no suitable habitats for any of these species within the site boundary, with the ditch within the site being dry during the survey. Further surveys for these species were not required. Therefore, no impacts will occur to these species as a result of proposals.

Badgers

One disused badger sett, comprising of a single entrance hole, was identified on site. A large spoil heap was present outside the hole, with a worn pathway leading away from the sett into the boundary hedgerow, although there was leaf litter within the sett entrance and no signs of recent use. No further evidence of badger such as extensive foraging, or latrines, was identified within the site. It is recommended that a 30m buffer is maintained from this mammal hole and if this is not possible then a period of remote camera monitoring should be undertaken to confirm the absence of badgers, or inform the need for a sett closure licence. Nine further disused mammal holes were also identified, with no signs of recent use by badger being recorded. If they cannot be maintained with a suitable 30m buffer, then further remote camera monitoring should be carried out to confirm whether they are in current use by badger. If works do not proceed within 6 months, a pre commencement badger survey should be carried out to ascertain whether there is any fresh badger activity within the site. No records of badger were returned in the desk study.

Badgers may access the Site for foraging or commuting to alternative feeding areas. Best practice with regard to badgers should be followed during construction to minimise injury. Taken in combination with other developments locally, the loss of foraging habitat is likely to be negligible.

Principal Species

The Site contains some limited habitat suitable for hedgehog however there were no hedgehog records returned in the desk study. This species is a Species of Principal Importance (NERC Act, 2006). The risk of injury to these species should be minimised during construction to make impacts to these species negligible. A number of enhancements for this species are recommended such as implementing 15cmx15cm 'hedgehog highways' within any full board fencing within the development are recommended.

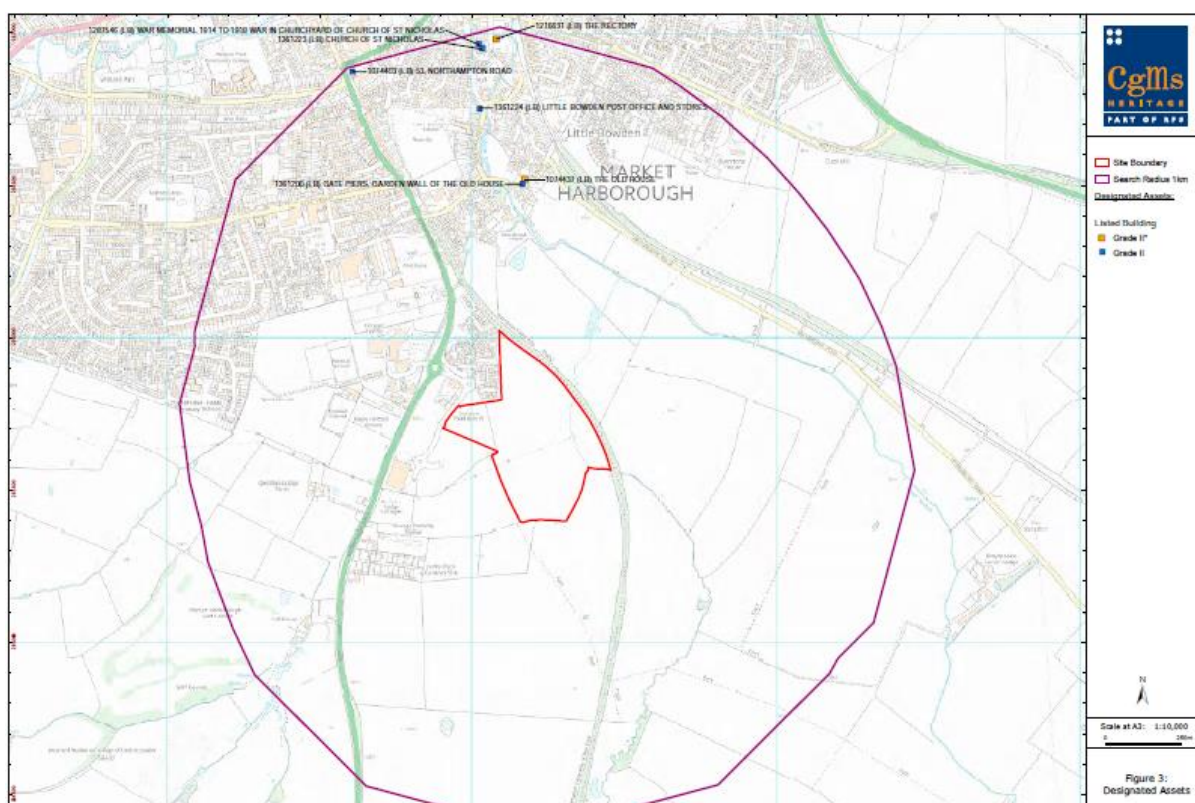
- 6.100 In addition to presenting the survey findings, the assessment also proposes mitigation suggests mitigation and ecological enhancements.
- 6.101 The County Ecologist has reviewed the proposal and assessment and has raised no objections subject to conditions requiring a badger survey update within the three months prior to site clearance for each phase of development and in order to achieve bio diversity net gain, ensure landscaping details to include locally native species, the land between the stream and the Brampton Valley Way to be designated as a permanent wildflower meadow, wildflower margins to be created at site boundaries, attenuation basin base to be permanently wet, lighting designed to ensure that light spillage on the Brampton Valley Way

and retained boundary hedges to the south is below 1 lux and bat boxes and bird boxes to be installed on houses facing the BVW

- 6.102 The proposed development, subject to conditions, will safeguard protected species and result in biodiversity net-gain.

Heritage

- 6.103 Policy MH2g requires an archaeological assessment of the site. A Heritage Assessment undertaken by RPS has been submitted in support of the application. The assessment concludes the proposed development will have no effect upon the heritage significance of listed buildings identified within the 1km study area (as identified in the figure below)



Location of Heritage Assets within 1km of the Site

- 6.104 The Case Officer agrees with the assessment on the setting of listed buildings.
- 6.105 In terms of archaeology, the County Archaeologist has advised that as the proposal includes work (e.g. foundations, services and landscaping) that may impact on upon archaeological remains (as only a desk top review has been undertaken), a planning condition requesting further archaeological investigation has been suggested.

Climate Change

- 6.106 Policy CC1 (Mitigating Climate Change), requires major development to demonstrate how CO2 emissions will be reduced through passive design measures; how energy efficiency will be incorporated into the development; if mechanical cooling is needed; and how CO2 emissions will be reduced during the construction phase.

6.107 The Council's Environmental Co-Ordinator raised concerns initially that the Applicant had not provided any detail on how the development met the requirement of CC1, as such a Sustainability Statement was submitted .

6.108 The Statement explains that *"Policy CC1 does not establish energy efficiency targets or renewable energy generation targets for new residential development. In the absence of such a policy one is directed to national policy."*

6.109 Paragraph 150 of The Framework says:

"New development should be planned for in ways that...can help reduce greenhouse gas emissions, such as through location, orientation and design. Any local requirements for sustainability of buildings should reflect the Government's policy for national technical standards."

6.110 The Statement explains that the *"most relevant standards are those contained in Part L of the Building Regulations and following the conclusion of the Housing Standards Review, the Government has confirmed it will rely on a "Building Regulations only" approach to deliver sustainable homes.*

6.111 The Statement advises that "each home will be constructed to a specification capable of achieving...the energy efficiency requirements of the Building Regulation Part L1A" and measures will be incorporated into the design of each property to achieve a water consumption lower than 110 litres per person per day*. The Statement goes on to say "Persimmon Homes will operate a robust Sustainable Procurement Policy which emphasises the legal and sustainable sourcing of building materials; A comprehensive, efficient and robust SWMP will be implemented. This plan will adhere to the waste hierarchy of reduce, re-use and diversion from landfill; and Best practice policies with respect to site pollution will be implemented as standard;"

*Officer Note – this would also comply with Policy H51b

6.112 Whilst the Case Officer accepts Policy CC1 does not impose additional standards/targets, it is disappointing that renewables have not been considered and that only 2 public electrical vehicle charging points will be installed, thoughts echoed by the Environmental Co-Ordinator. Notwithstanding this in light of the Applicant's response it is accepted Policy CC1 has been met.

Other Matters

Powerlines

6.113 The Applicant has confirmed the existing electricity line will be removed and placed underground.

Public Footpath

6.114 The Applicant has confirmed the existing footpath will be kept open throughout the construction period.

Designing out Crime

6.115 Leicestershire Police have no formal objection to the planning application and have offered some observations for consideration. As part of which, they have recommended the inclusion of CCTV at the site entrance which should incorporate automatic number plate

recognition capability and accompanying electrical spur. They have also requested residential alarm systems. The Applicant has advised *“This is above and beyond what would be expected of a residential proposal and all reasonable measures have been taken to ensure the design minimises opportunity for crime and maximises natural surveillance in accordance with Policy GD8 (Good design in development)”*. They have recently confirmed (May 2021) that they will wire an electrical spur.

Contaminated Land

- 6.116 Policy MH2 (f) requires the identification and mitigation of any contaminated land. The Council's Contaminated Land Officer has requested a Contaminated Land assessment by way of condition.

Water Pressure

- 6.117 Third parties have raised concerns that there is a problem with the current water pressure which they advise has been caused by the installation of a smaller drain pipe. Whilst the Case Officer recognises the inconvenience this causes, the LPA can not seek the applicant to rectify an existing problem on the adjacent site (even though the applicant was the same developer for the adjacent development), however a note to applicant is suggested to make the Applicant aware that there is a problem and ask whether it can be investigated.

S106 Obligations

- 6.118 To assist in mitigating the impact of the proposed development, the Applicant has agreed to enter into a S106 Agreement.
- 6.119 The Agreement will reflect the contributions and triggers as set out in Appendix A which have been requested from the following consultees:
- LCC Education
 - LCC Waste Management
 - LCC Libraries
 - LCC Highways
 - HDC Affordable Housing
 - HDC Public Open Space
 - HDC Community Facilities
 - NHS Primary Care Trust
- 6.120 The Case Officer has considered the evidence provided by consultees in support of the sought obligations (which can viewed on-line in full) and are satisfied that each sought obligation meets the three tests set out in the Framework for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy (CIL) (2010).
- 6.121 To date, three draft S106 Agreements have been submitted (October 2020, April 2021 and May 2021). The latest draft includes all financial contributions sought and other obligations requested. The draft is currently with HDC Legal for checking before being sent to LCC Legal to confirm they are happy with the draft wording. Once the draft wording has been agreed, the S106 will be signed and sealed (subject to Committee resolution to approve).

7. Conclusion

- 7.1 The site is allocated for residential development within the Local Plan. Approving the scheme will help to meet the District's housing needs to 2031.

- 7.2 The public benefits of the development are of a large scale due to the scale of the proposal. The public benefits include social benefits of market and affordable housing, economic investment in the local area and a net gain in biodiversity on site through additional planting and an attenuation pond. Further significant financial contributions through the S106 Agreement are proposed, including a significant contribution towards highway mitigation measures in the town identified in the Market Harborough Transport Strategy and towards local education and healthcare provision.
- 7.3 Statutory consultees are satisfied that the development would not result in increased flood risk, adversely affect highway safety or ecological or archaeological interests. The development would safeguard the amenities of existing and future residents.
- 7.4 The development will result in localised landscape impacts, but these impacts are not considered to significantly and demonstrably outweigh the benefits. The application is therefore recommended for approval subject to conditions and S106 obligations outlined in Appendix A and Appendix B. The recommendation has been made taking into account Paragraph 38 of the NPPF, as well as National Planning Practice Guidance.

Appendix A – Suggested Obligations

Request by HDC	Obligation for Affordable Housing		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>140 Affordable units to be provided on site.</p> <p>NOTE: The Affordable Housing Officer counts bungalows on a 1 for 2 basis as such the total requirement equates to 125 units (140-15 bungalows = 125)</p>	<p>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>	<p>Harborough Local Plan Policy H2 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 HEDNA.</p> <p>The tenure mix of the Affordable Housing Units provided shall comprise of 60% (sixty per cent) Rented Housing Units of which 30% will be Social Rented and 30% will be Affordable Rented and 40% (forty per cent) Intermediate Housing Units (Shared Ownership). The type and mix of the Affordable Housing Units, reflects local Affordable Housing need.</p>	<p>Affordable Housing SPD 2006.</p> <p>Developer Contributions SPD adopted September 19th 2016.</p> <p>HLP Policy H2</p> <p>HLP Policy IN1</p>
Request by HDC	Obligation for Community Facilities contribution (inc. Indoor Sports Facilities Contribution)		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>Community Facilities</p> <p>£298,550.00 for the purpose of funding new or improving existing community facilities in the vicinity of the Development</p>	<p>1st trigger point - 50 % to be paid to HDC prior to the Commencement of Development</p> <p>2nd trigger point - 50 % to be paid to HDC prior to the First</p>	<p>The development would place additional demands on community facilities.</p> <p>The contribution request has been justified using evidence of need for the community facilities and the 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</p>	<p>Developer Contributions SPD January 2017</p> <p>Community Facilities Refresh Assessment May 2017</p> <p>HLP Policy IN1</p> <p>Built Facilities Strategy (December 2020)</p>

<p>Indoor Sports Facilities £318,103.00 towards funding new or improving existing the indoor sports facilities in Market Harborough</p>	<p>Occupation of any dwelling</p> <p>1st trigger point - 50 % to be paid to HDC prior to the Commencement of Development</p> <p>2nd trigger point - 50 % to be paid to HDC prior to the First Occupation of any dwelling</p>	<p>(5 mile radius) to the proposed development.</p> <p>The projects evidenced will benefit the new residents of the proposed development.</p> <p>The population of the proposed development is estimated to be around 805 new residents. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.</p> <p>The SFC indicates that a population of in this local authority area will generate a demand for an additional 64 visits per week to a sports hall which converted to capital cost would be around £141,000 In addition generate a demand for an additional 49 visits per week to a swimming pool which converted to capital cost would be around £151,378 and a demand on the existing indoor Bowls facility to the equivalent of £25,000.</p> <p>See Full CIL justification from Parish and Community Facilities Officer (17th November 2020)</p>	
Request by HDC	POS		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>POS – See Separate POS Obligation Table below</p>			<p>Developer Contributions SPD adopted September 19th 2016. Open Spaces Strategy HLP Policy GI2 HLP Policy IN1</p>

Request by LCC	Highways		
Amount /Detail	Delivery	CIL Justification	Policy Basis
See separate Highway obligations below			Leicestershire County Council Planning Obligations Policy (2019). HLP Policy IN1 HLP Policy IN2 Market Harborough Transport Strategy (September 2016)
Request by LCC	Education		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>Early Years: £249,392.00 towards increasing capacity at schools or other early learning provision within the locality of the Development and which will serve residents of the Development</p> <p>Primary School: £396,026.88 towards the improvement, remodelling or enhancement of existing facilities at Little Bowden Primary School or other successor educational facility</p> <p>Secondary School £985,146.36 towards the improvement, remodelling or enhancement of existing facilities at Welland Park Academy or other successor educational facility</p> <p>Special Education:</p>	<p>The first 10% prior to the first Occupation of the first Dwelling; and 45% prior to the first Occupation of 25% of the Dwellings The remaining 45% prior to the first Occupation of 50% of the Dwellings</p>	<p>This development will see an increase of 28 Early Years children to the area, and so a contribution will be required to ensure there is childcare available to meet this demand.</p> <p>This contribution would be used to accommodate the early learning capacity issues created by the proposed development or, by improving, remodelling or enhancing existing facilities at other schools or other early learning provision within the locality of the development.</p> <p>See Full CIL justification from Early Years 6th October 2020</p> <p>There is an overall deficit in the primary school sector of 27 pupil places. The 99 places generated by this development cannot therefore be fully accommodated at nearby schools and a claim for an education contribution of 27 pupil places in this sector is justified.</p> <p>There is an overall deficit in the secondary school sector of 344 pupil places. The 59 places generated by this development cannot therefore be accommodated at nearby schools and a claim for an education contribution of 59 pupil places in this sector is justified.</p> <p>The nearest school to the site is The Robert Smyth Academy. The Academy has a net capacity of 280 and 333 pupils are projected on roll should this development proceed; a deficit of 53</p>	<p>Leicestershire County Council Planning Obligations Policy (2019). HLP Policy IN1</p>

£186,279.83 towards the provision of additional school places for children with special educational needs in the locality of the Development		pupil places in the Post 16 sector, a claim for an education contribution is therefore justified.	
£210,471.03 towards the improvement, remodelling or enhancement of existing facilities at The Robert Smyth Academy or other successor educational facility		All Special Schools in Leicestershire are full, and have a deficit of available spaces, and are forecast to remain so. Pupils are therefore missing out on the facilities, equipment and environment a Special School establishment is able to provide. The Council therefore seeks developer contributions towards the cost of expanding Special school provision for developments of 100 dwellings or more. See Full CIL justification from Education 7 th October 2020	
Request by LCC	Civic Amenity		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£28,014.00 towards the acquisition of additional containers or the installation of additional storage areas and waste infrastructure at the Market Harborough Waste Recycling Site	Prior to first Occupation of 25% of the Dwellings	A contribution would be required to ensure that the local waste facilities can continue to maintain the existing level of service and capacity for the residents of the proposed development. This would be provided through the development of additional capacity and infrastructure to handle the waste and vehicles delivering in/out as a result of the proposed development at the local waste facilities. See Full CIL justification from Waste Management 30 th June 2020	Leicestershire County Council Planning Obligations Policy (2019). HLP Policy IN1
Request by LCC	Libraries		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£10,260.00 towards increasing capacity at Market Harborough Library	Prior to first Occupation of 25% of the Dwellings	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 1050 to the existing library's catchment population. This will impact on local library services in respect of additional pressures on the availability of local	Leicestershire County Council Planning Obligations Policy (2019). HLP Policy IN1

		<p>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.</p> <p>See Full CIL justification from Library Services 5th October 2020</p>	
Request by East Leicestershire and Rutland CCG	GP Practice		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£76,842.89 towards increasing capacity at the Market Harborough Medical Practice and the South Leicestershire Medical Group	Prior to first Occupation	<p>The development is proposing 350 dwellings which based on the average household size of 2.42 per dwelling (2001 Census) could result in an increased patient population of 847.</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>See Full CIL justification from CCG dated 'July 2020'</p>	HLP Policy IN1
Request by HDC	Obligation for Monitoring Fee		
Amount /Detail	Delivery	CIL Justification	Policy Basis
15% of the Application fee or £250.00 per financial obligation payable to the District Council	Within 14 days of commencement	To cover the costs of monitoring payments and implementation of the developer contributions and scheme.	Developer Contributions SPD adopted September 19th 2016.
Request by LCC	Obligation for Monitoring Fee		
Amount /Detail	Delivery	CIL Justification	Policy Basis

£300.00 or 0.5% (whichever is greater) per financial obligation in favour of the County Council	Within 14 days of commencement	To cover the costs of monitoring payments and implementation of the developer contributions and scheme.	Leicestershire County Council Planning Obligations Policy (2019).
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NOTE: Consultation on Planning Obligations SPD 2020 (to replace currently adopted "Planning Obligations SPD January 2017") ended on the 5th February 2021.

Highways Obligations:

1. A contribution* towards recommendations set out in the Market Harborough Town Centre Transport Strategy as considered appropriate by Harborough District Council in consultation with Leicestershire County Council. These are the improvements to the highway network within the town centre of Market Harborough to simplify traffic movements in The Square and minimise levels of congestion. Justification: To mitigate the impacts of the development in line with the National Planning Policy Framework (2019).

*The LHA have confirmed the contribution would be £5,000 per dwelling.

2. Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be provided through Leicestershire County Council at a cost of £52.85 per pack. If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge. Justification: To inform new residents from first occupation what sustainable travel choices are available in the surrounding area.

3. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at a cost of £510.00 per pass). NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate. Justification: To encourage residents to use bus services as an alternative to the private car.

4. Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures. Justification: To ensure effective implementation and monitoring of the Travel Plan submitted in support of the Planning Application.

5. A Residential Travel Plan monitoring fee of £6,000 for Leicestershire County Council's Travel Plan Monitoring System. Justification: To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.

6. Notwithstanding the details submitted, if agreement to enter into a Section 38 adoption process is not obtained prior to 10% occupation of the development, the Applicant must manage the road privately and the following shall be submitted to and approved in writing by the Local Planning Authority. a) Details of a site management company and associated management and maintenance methodology of the streets within the development, to operate in perpetuity, shall be submitted to the Local Planning Authority and approved in writing prior

to the commencement of development; b) The streets will in any event be required to be laid out and constructed to adoptable standards to ensure safe and practical operation, prior to first occupation of any dwelling; c) That the streets will be identified as private through the use of appropriate private street name plates on the entrances to the development from the public highway (to be placed within the site). Development shall be carried out in accordance with the approved details prior to first occupation and shall be retained thereafter.

Justification: To ensure a suitable form of development

POS Obligations

Conclusion and contributions sought including appropriate projects.	Parks and Gardens	0.4025ha 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 for social meeting and informal recreation
	Outdoor Sports	Not provided on site, but off site contribution of £472,610.00 required in accordance with the Playing Pitch Strategy for provision of new sports facility at in Market Harborough. Including, but not exclusively, Additional facilities at RSA, new artificial pitch surface at WPCC, Changing facilities at Airfield Farm for football or cricket.
	Amenity Greenspace	0.7245ha on site provision of informal grass areas for recreation usually planted with trees/ shrubs
	Natural and Semi Natural Greenspace	1.2075ha On site provision to enhance existing habitat, incorporate SUDS facilities and to provide linkages and environmental corridors to existing natural greenspace.
	Children and Young People	on site provision of 0.2415ha children and young persons provision. To include a NEAP and LEAP as minimum with provision for older children included,
	Allotments	On site provision of 0.28175ha to be set out for half size plots (150m2) and to be ready to use upon the trigger point in S106. To include access and water pipes.
	Greenways	The connections to the existing cycle and walking routes to be provided as part of the development. A proportion of the off site contribution may be sought for enhancement of the cycle and walking routes outside the site boundary. For signage and removal of barriers to access e.g. stiles, gates and poor surfacing
	Cemeteries	Off site cemetery contributions of £63,595.00 for provision of additional burial facilities at Market Harborough Cemetery or a new burial facility 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. There are quality issues and under provision that need to be addressed at many sites The Playing Pitch Strategy has identified the requirement for a new facilities in Market Harborough at Robert Smyth Academy and the resurfacing of the existing AGP at Welland Park Community College. An off site contribution will be sought to contribute towards one or both of these projects or any other suitable project for provision of outdoor sports facilities.
	Directly related to the development	The contributions have been calculated using evidence for Market Harborough and are directly related to the requirements of this settlement and the new development. The off site contributions will be used to enhance the existing provision or provide new facilities in accordance with community needs. 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	not applicable
Trigger Points	1st Trigger on site	On site open space to be delivered prior to occupation of 75% of dwellings on site. Commuted sum (If Open Space is adopted by the Authority) to be paid on transfer of POS.
	2nd Trigger on site	N/A
	1st Trigger off site	Outdoor Sports Facilities contribution to be paid 50% on commencement of development and 50% at first occupation of 100 dwellings. Off site contributions for cemetery provision to be paid on first occupation of 100 dwellings. All contributions to be spent within 7 years of receipt.
	2nd Trigger off site	N/A

Note: The sums for Outdoor Sport have been calculated using Sport England Playing Pitch Calculator

Appendix B Suggested Planning Conditions

1. Planning Permission Commencement

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

REASON: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. Approved Plans

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

- Site Location Plan
- Planning Layout
- Access Drawing
- Refuse Strategy Plan
- Charles Church House Type Pack
- Persimmon House Type Pack

REASON: for the avoidance of doubt

3. Construction Management Statement

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of plant, materials, oils, fuels, and chemicals;
- c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- d) wheel washing facilities and road cleaning arrangements;
- e) measures to control the emission of dust during construction;
- f) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- g) measures for the protection of the natural environment;
- h) hours of construction work, including deliveries and removal of materials;
- i) full details of any piling technique to be employed, if relevant;
- j) location of temporary buildings and associated generators, compounds, structures and enclosures;
- k) routeing of construction traffic
- l) full details of any floodlighting to be installed associated with the construction of the development
- m) preventative measures to avoid surface water run-off during construction.

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

4. Phasing Plan

No development shall commence on site until a Phasing Plan setting out the details of the phasing of the development including landscaping has been submitted to, and approved in

writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved Phasing Plan.

REASON: To ensure that the development is comprehensively designed including the structural landscaping, and phased to make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development having regard to Harborough Local Plan Policy MH2, GD5, GD8.

5. Materials Schedule

Prior to construction above damp proof course of any dwelling, 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: In the interest of visual amenity, to ensure that the materials are appropriate to the character and appearance of the development and the surrounding area having regard to Harborough Local Plan Policy MH2 and GD8.

6. Levels

No development shall commence on site until a Levels Scheme has been submitted to and approved in writing by the Local Planning Authority. The Levels Scheme shall include full details of the finished ground floor levels of the dwellings, existing and proposed site levels, the adjacent highway, together with details of the levels of all accesses (to include pathways, driveways, steps and ramps). Thereafter, the development shall only be carried out in accordance with the approved details.

REASON To ensure satisfactory levels for the development, in the interests of the character and appearance of the development and the surrounding area, to protect residential amenities and to accord with Harborough Local Plan Policies GD2 and GD8

7. Landscape Details

Prior to construction above damp proof course of any dwelling, a scheme of hard and soft landscaping, which reflects the submitted Indicative Public Open Space Landscape Masterplan P20-2350_01-A and the Landscape Sections shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any trees and hedgerows to be retained
- (c) details of proposed trees/hedgerows species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure;
- (f) hard surfacing materials;
- (g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (i) a programme of implementation.

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

REASON To ensure that the development includes landscaping, planting, boundary treatments and surfacing materials which are appropriate to the character and appearance of the development and the surrounding area, to ensure that the work is carried out within a reasonable period and is allowed to establish, to promote drainage and biodiversity interest

and to protect highway safety interests having regard to with Harborough Local Plan Policies GD2, GD8, H5, HC1, GI5, CC4, IN2 and IN4.

8. Landscape Implementation

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwellings to which they relate or the completion of the development in accordance with the Phasing Plan as required under Condition 4, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of ten years from the date of first occupation of the development within each Phase, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

REASON To ensure the landscaping required is delivered at the appropriate time to satisfactorily mitigate the impact of the development having regard to with Harborough Local Plan Policies GD5 GD8 and MH2.

9. Landscape Management Plan

Prior to construction above damp proof course, a landscape management plan, which shall include the specification, the timing of the completion of and the arrangements for the management and maintenance of:

- A) All areas of informal and formal open space to be included within the development
- B) Children's play areas including all LEAP's and NEAP's
- C) Allotment areas
- D) Sustainable Urban Drainage Systems, watercourses and other water bodies
- E) Green Infrastructure linkages including pedestrian and cycle links, public rights of way and bridleways.

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

REASON To ensure the proper management and maintenance of the approved landscaping, in the interest of the character and appearance of the development, in the interest of general amenities and to accord with Harborough Local Plan Policies GD2 and GD8

10. Protective Fencing

Prior to the commencement of development on site, any hedgerows or trees that are to be retained on the site must be enclosed by protective fencing, in accordance with British Standard 5837 (2010): Trees in Relation to Construction. After the fencing has been erected it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

REASON To ensure retained trees and hedgerows are protected during the construction period having regard to Harborough Local Plan Policy MH2, GD8 and GI5.

11. Hedgerow/Tree Protection

No tree or hedgerow shown as being retained in the landscape details to be submitted shall be removed, uprooted or destroyed. If any retained tree or hedgerow dies within 5 years from the date of the commencement of development, another tree / hedgerow of the same size and species shall be planted at the same place within the first planting season following the loss of the retained tree or hedgerow.

REASON To protect trees/hedgerows which are to be retained in order to enhance the quality of the development, bio-diversity and the landscape of the area having regard to with Harborough Local Plan Policy MH2, GD8 and GI5

12. Implementation of Ecological Survey Recommendations & County Ecologist

The development hereby approved shall be implemented in accordance with the 'Impacts and Mitigation' & 'Compensation & Enhancement Recommendations sections detailed in the RammSanderson Ecological Impact Assessment (July 2020), together with the following recommendations of the Leicestershire County Council Ecologist

- a) The landscape planting along the eastern and southern boundaries, abutting open countryside or the Brampton Valley Way, to be of locally native species;
- b) The land between the stream and the Brampton Valley Way to be designated as a permanent wildflower meadow, to be created through wildflower seeding of a native meadow mix, and managed accordingly for 30 years
- c) The SUDS to be designed to optimise biodiversity value, including measures to ensure that the base of the feature remains permanently wet or flooded;
- d) Wildflower margins to be created alongside retained hedges stream banks and SUDS
- e) Lighting design to ensure that light spillage on the Brampton Valley Way and retained boundary hedges to the south is below 1 lux;
- f) Bat boxes and bird boxes to be installed on houses facing the Brampton Valley Way

REASON To ensure species identified are protected during the construction period and safeguarded following completion of the development and to ensure the implementation of enhancement measures to provide a net gain in biodiversity post development having regard to Harborough Local Plan Policy MH2, GD8 and GI5

13. Updated Badger Surveys

Within three months prior to site clearance for each phase of development, an updated badger survey shall be submitted to and approved in writing by the LPA. Thereafter, the development shall be implemented in accordance with any mitigation measures outlined.

REASON To ensure badgers are protected during the construction period and safeguarded following completion of the development having regard to Harborough Local Plan Policy MH2, GD8 and GI5.

14. Powerline Relocation and/or Undergrounding Scheme

No development shall commence on site until a Powerline Relocation and/or Undergrounding Scheme for the existing powerlines within the site, including a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Scheme.

REASON To enhance the internal design of the development having regard to Policy GD8

15. Written Scheme of Investigation

No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of geophysical survey and 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 having regard to Harborough Local Plan Policy HC1.

16. Flood Risk Assessment Mitigation Measures

The development shall be carried out in accordance with the submitted flood risk assessment (ref FW1626_FRA_001 V3; dated September 2020; compiled by Farrow Walsh Consulting and the Technical Note ref FW1626_TN_003; dated 26 October 2020; compiled by Farrow Walsh Consulting) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 300mm above existing ground levels
- All proposed development will be a minimum of 20m from the top of bank of the existing ordinary watercourse.

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

REASON To reduce the risk of flooding to the proposed development and future occupants having regard to Harborough Local Plan Policy CC3 and CC4

17. 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 Policy CC3 and CC4

18. Management of Surface Water

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

REASON To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase having regard to Harborough Local Plan Policy CC3 and CC4

19. Long-term 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 Policy CC3 and CC4

20. Infiltration Testing

No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

REASON To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy having regard to Harborough Local Plan Policy CC4

21. Site drainage details

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

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

22. Foul Drainage

Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

REASON To prevent environmental and amenity problems arising from flooding having Harborough Local Plan Policy IN4

23. Pumping Station

The pumping station shown on the approved site layout plan shall be sited underground as confirmed by the Applicant's Agent dated 6th January 2021. The details of the which shall be submitted and approved and writing by the LPA and thereafter implemented as approved.

REASON For the avoidance of doubt and to safeguard the visual amenities of future residents having regard to Local Plan Policy GD8

24. Access Arrangements

No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Farrow Walsh drawing number: FW1626-H-951 Revision A3, 'Access Arrangement – Option 2A' have been implemented in full.

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

25. Walkway/Cycleway

Prior to 25% occupation of the dwellings hereby approved, the walking / cycling link adjacent to Plots 06-09, 24-27, 51-54 shown on the approved Site Layout has been implemented in full.

REASON To encourage sustainable travel links to and from the site in accordance with the National Planning Policy Framework (2019).

26. Brampton Valley Way Link

Prior to first occupation of any dwelling, a scheme which secures a free and unencumbered pedestrian and cycle access from the development site hereby approved to the Brampton Valley Way shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented fully in accordance with the approved details and brought into use prior to 25% occupation of the dwelling(s) hereby approved and shall be maintained and retained in perpetuity.

REASON In the interests of good design and to encourage sustainable travel links between the development and Brampton Valley Way, which connects through to Little Bowden Park Little Bowden Primary School and Market Harborough Town Centre having regard to Harborough Local Plan Policies MH2, IN2 and GD8

27. Parking and turning facilities

No residential unit shall be occupied until the parking and turning facilities associated with that unit have been implemented in accordance with Persimmon drawing number: MHAR_PL_01 Revision Y, 'Planning Layout 1 of 2' or Persimmon drawing number: MHAR_PL_02 Revision Y, 'Planning Layout 2 of 2'. 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).

28. Private Access Drives

Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highways Design Guide. The private access drives should be surfaced with tarmac, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

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

29. No trees within 1m of Public Right of Way

No trees or shrubs shall be planted within 1 metre of the edge of the public rights of way. Any trees or shrubs planted alongside a public right of way shall be non-invasive species. Standard design dropped kerbs shall be installed where the bridleway and footpaths cross estate roads.

REASON To safeguard the integrity of the footpath

30. No gates, barriers, bollards

Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

REASON To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2019).

31. Travel Plan

The measures and incentives included in the full Travel Plan dated April 2021 (Version 5) shall be implemented in accordance with the timescale's set out in the Implementation Action Plan unless an alternative timetable is submitted to and approved in writing by the Local Planning Authority.

REASON To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2019).

32. Public Rights of Way

No development shall take place until a scheme and timetable for delivery for the treatment of Public Rights of Way A62 has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction (including any arrangements for a temporary diversion) fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the approved scheme and timetable.

REASON To protect and enhance Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2019.

33. Public Transport Strategy

Prior to the 10% of the occupation of the development hereby permitted, a Public Transport Strategy shall be submitted, agreed and implemented in full to provide a suitable bus service to serve the development site. The bus services shall operate between the hours of 7am and 7pm, seven days a week including bank holidays. Any new bus stop infrastructure shall include bus stop flags, shelters, raised kerbs, lighting, and timetable information.

REASON To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2019).

34. Refuse and Recycling Facilities

Prior to 1st occupation of each plot, the refuse and recycling facilities as shown on the approved Refuse Strategy Plan shall be implemented and retained in perpetuity.

REASON To ensure the adequate provision of facilities and in the interests of visual/general amenity having regard to Harborough Local Plan policy GD8

35. External lighting

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details. Light spill to the woodland boundaries to the north and east shall not exceed 1lux.

REASON In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site having regard to Harborough Local Plan policy GD8.

36. Superfast Broadband

All dwellings shall incorporate ducting capable of accepting fibre to enable Superfast Broadband.

REASON To enable adaptation, in the interest of digital connectivity in rural areas, to increase the opportunity for people to work and/or shop from home, to reduce the need to travel and having regard to Harborough Local Plan IN3

37. Risk Based Land Contamination Assessment

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

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

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

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

REASON:

38. Verification Report

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

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

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

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

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

REASON: To ensure that the land is fit for purpose and having regard to the National Planning Policy Framework.

39. No additions/extensions

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-F inclusive of that Order, shall be erected or undertaken on Plots 05, 07, 19, 20, 21, 27,28, 31,35, 46,50,53, 56, 58,59, 71, 72, 80, 81, 92, 103, 104, 113, 116, 117, 120, 130, 134, 135, 140, 146, 148, 159,160, 168, 169, 173, 174, 178, 179, 182, 184, 221, 225, 234, 238,

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

Notes to Applicant

Building Regulations

The Applicant is advised that this proposal will 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. 01858 821090). As such, please be aware that complying with Building Regulations does not mean that the Planning Conditions attached to this Permission have been discharged and vice versa.

Material Details

The details of external materials to be submitted shall qualify all bricks, including brick bond style, tiles, including ridge tiles, render types and colours, any date stones, garage door and other doors, windows, sills and lintels, corbel/dentil/string course brickwork, rainwater goods, porch canopies, bargeboards, fascias, soffits, finials and other external materials.

Land Drainage Consent

If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the Applicant may require consent under 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 at the following: <http://www.leicestershire.gov.uk/Flood-riskmanagement>

LLFA Advice

(a) The surface water drainage 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 runoff to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. 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 scenario's for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.

(b) Construction Surface Water Management Plan details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

(c) Details of the SuDS Maintenance Plan should

184 permit/section 278 agreement

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>

Section 38 Agreement

If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. 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> . If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.

Designing out Crime

The Applicant's attention is drawn to the General Recommendations listed by Leicestershire Police Designing out Crime Officer & Architectural Liaison Officer within his letter dated 15/07/2020 which is available to view on the HDC website.

Northamptonshire Public Footpath HH8 (which is a continuation of Leicestershire Public Footpath A62)

The Applicant's attention is drawn to their responsibilities in respect of Public Footpath No.DH8 which abuts the development site as outlined within the consultation response from Northamptonshire Highways dated 13/07/2020 which is available to view on the HDC website.

Water Pressure

The Applicant's attention is drawn to the concerns raised by existing residents in Blackberry Grange with regard to water pressure and is kindly asked to investigate and rectify the situation if a problem is found.

Temporary Signage

To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

Public Right of Way

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

Anglian Water

The Applicant's attention is drawn to the 'Next Steps' as outlined within the consultation response from Anglian Water 24/06/2020 which is available to view on the HDC website.

Planning Committee Report

Applicant: Long Brothers Ltd

Application Ref: 21/00232/FUL

Location: Land at Elms Farm, Glen Road, Newton Harcourt

Proposal: Demolition of existing agricultural buildings and erection of 4 dwellings

Application Validated: 01.04.2021

Target Date: 01.04.2021 Extension of Time Agreed

Consultation Expiry Date: 27.05.2021

Site Visit Date: 18.02.2021

Case Officer: Emma Baumber

Reason for Committee Decision: Recommended decision departs from Development Plan

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 The application site is located on the western edge of Newton Harcourt to the south of Glen Road. Newton Harcourt extends to the west of the site, with residential properties immediately adjacent to the eastern boundary of the site. There are open fields to the north, west and south. The Midland Mainline Railway line runs approximately 90m to the south of the site, with the Grand Union Canal a further ~80m beyond this.



Figure 1. Aerial View

- 1.2 There are two existing, modern agricultural buildings on the site which are surrounded by a partially hard bound yard area. Access to the site is from an existing agricultural access from Glen Road and the site is within the 30mph speed restriction for the village.



Figure 2. Site photo from opposite the site access on Glen Road



Figure 3. Site from the approach to the village from the west

- 1.3 The westernmost building (left hand side on Fig.2) is a steel framed portal building used for agricultural storage. Timber purlins are supported by the steel frame which in turn support an external corrugated cement cladding roof. The external walls are braced with horizontal steel purlins which support external steel cladding above a low level blockwork wall and the building has a concrete floor. The easternmost building (right hand building on Fig.2) is also constructed with a steel frame, with timber purlins supporting an external corrugated roof. The lower half of the external walls to three sides consist of concrete block work with timber cladding above, the fourth wall is open. The floor is also a concrete floor and the building was last used for housing cattle. The

buildings benefit from extant consent for conversion to four dwellings under Class Q Permitted Development Rights.

- 1.3 The site is not within the Conservation Area and there are no heritage assets in the immediate area. There is one Public Right of Way on the opposite side of Glen Road to the north of the application site (see red dashed line on Fig.1).

2. Site History

- 2.1 The site has the following relevant planning history:

- 19/00818/PDN - Prior Approval for the proposed change of use of two agricultural buildings to four dwellinghouses (C3) and for associated operational development (Class Qa and Qb) (WITHDRAWN)
- 19/01433/PDN- Prior Approval for the proposed change of use of two agricultural buildings to four dwellinghouses (C3) and for associated operational development (Class Qa and Qb) (Revised scheme of 19/00818/PDN) (APPROVED 23/10/2019)
- 21/00224/FUL- Creation of a new field access (PENDING CONSIDERATION)

- 2.2 A selection of the approved plans for 19/01433/PDN are included below, full plans/details are available on the HDC website. The approved consent includes one, four bed and three, two bed properties.

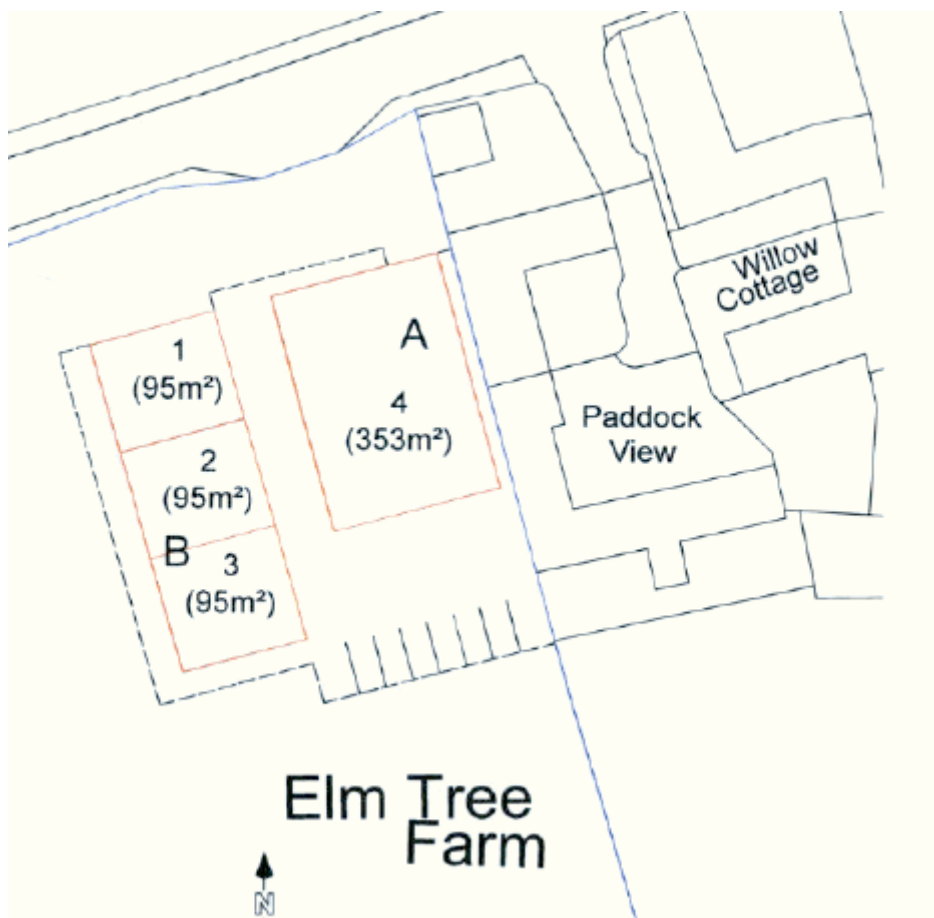


Figure 4. Approved Site Plan from 19/01433/PDN

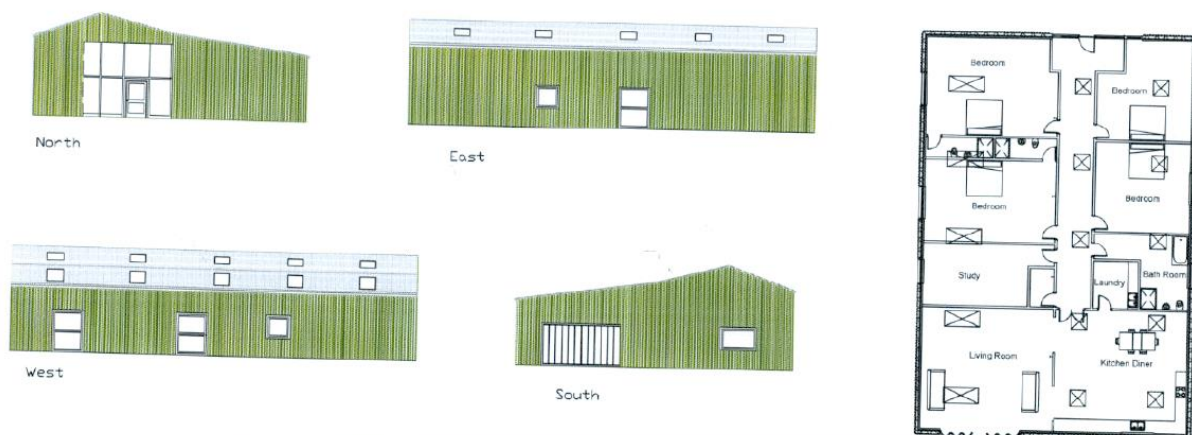


Figure 5. Approved elevations and floorplans for the westernmost building from 19/01433/PDN

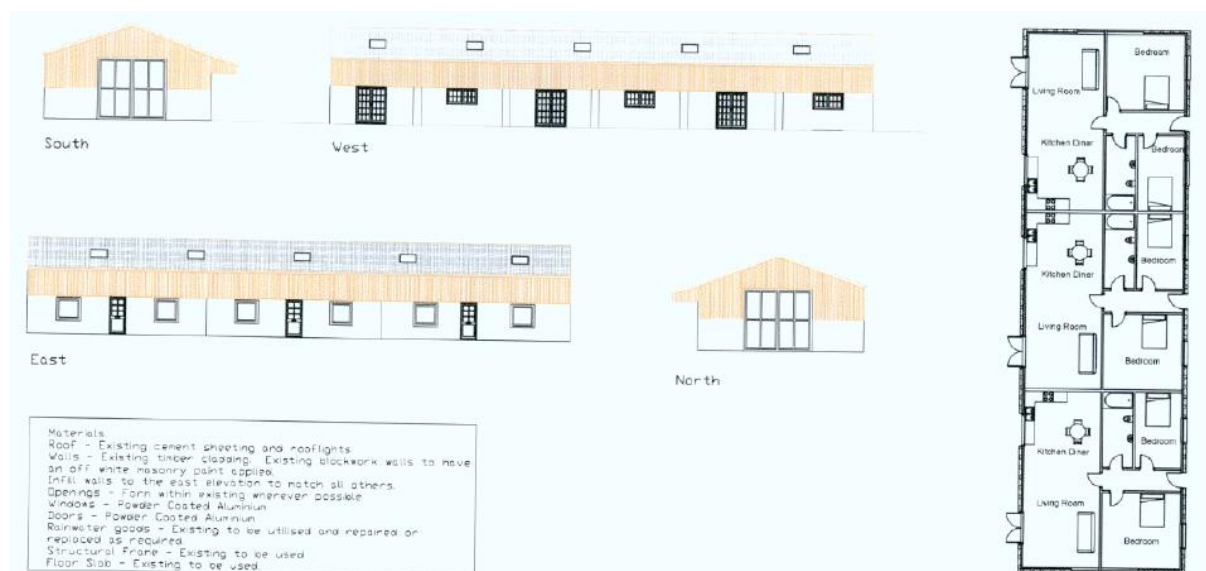


Figure 6. Approved Elevations and Floorplans for the easternmost building from 19/01433/PDN

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal seeks the demolition of the existing agricultural buildings and the erection of two new buildings comprising four dwellings.
- 3.2 Building A/Plot 1, is proposed to be one detached, two storey, three bed dwelling and protrudes along the eastern boundary of the site, with a garden to the rear/south. Building B, is a two storey 'terrace' of three properties and is L shaped in form protruding around the west and southern aspects of the site, with gardens to the south/west. Plot 2 is the southernmost plot and is a three bed dwelling, plot 3 is the 'mid terrace' and is proposed to have four bedrooms and finally plot 4 is the northernmost plot and is also proposed to have four bedrooms. Parking is proposed as a mix of integral garages and parking in the central courtyard area.

- 3.2 The dwellings are proposed to be sited on a broadly similar footprint to the existing buildings, with the exception of plot 2. A comparison of approximate dimensions are included below:

	Existing Eastern Building	Existing Western Building	Class Consent Q (19/01433/PDN)	Proposed Building A (Plot 1)	Proposed Building B (Plots 2-4)
Ridge height:	~5.8m	~5.2m	As existing	~7.7m	~6.9m
Eaves height:	~4.4m (highest eaves)	~3.5m		~5.3m	~4.8m
Building width:	~15.3m	~9.3m (excluding roof overhang)		~6.3m	~7m (plot 4 north facing elevation)
Building depth:	~22.6	~30.3m		~24.8m	~40m (western elevation)
External footprint:	~346m ²	~285m ²		~135m ² (Excluding canopies)	~382m ² (Excluding canopies)
Total Class Q external footprint:			~631m ²		
Total application external footprint (excluding canopies):				~517m ²	

- 3.3 The proposals design is modern and agricultural in style, the architects describe the proposal as a 'contemporary interpretation of simple farm courtyard'. The proposal uses the existing access point which leads to a central courtyard. Gardens are to the rear of each plot around the perimeter of the development. The majority of the external elevations are proposed to be clad in dark stained vertical timber cladding, a dark grey standing seam roof is proposed to all dwellings. A number of openings are proposed, these are varied in size and location. Several double height glazed features are proposed, the architects describe these as an interpretation of the traditional double-height barn door. Other features include stone or slate chimneys, glazed gables with louvres and extended pergola features to the gables too.

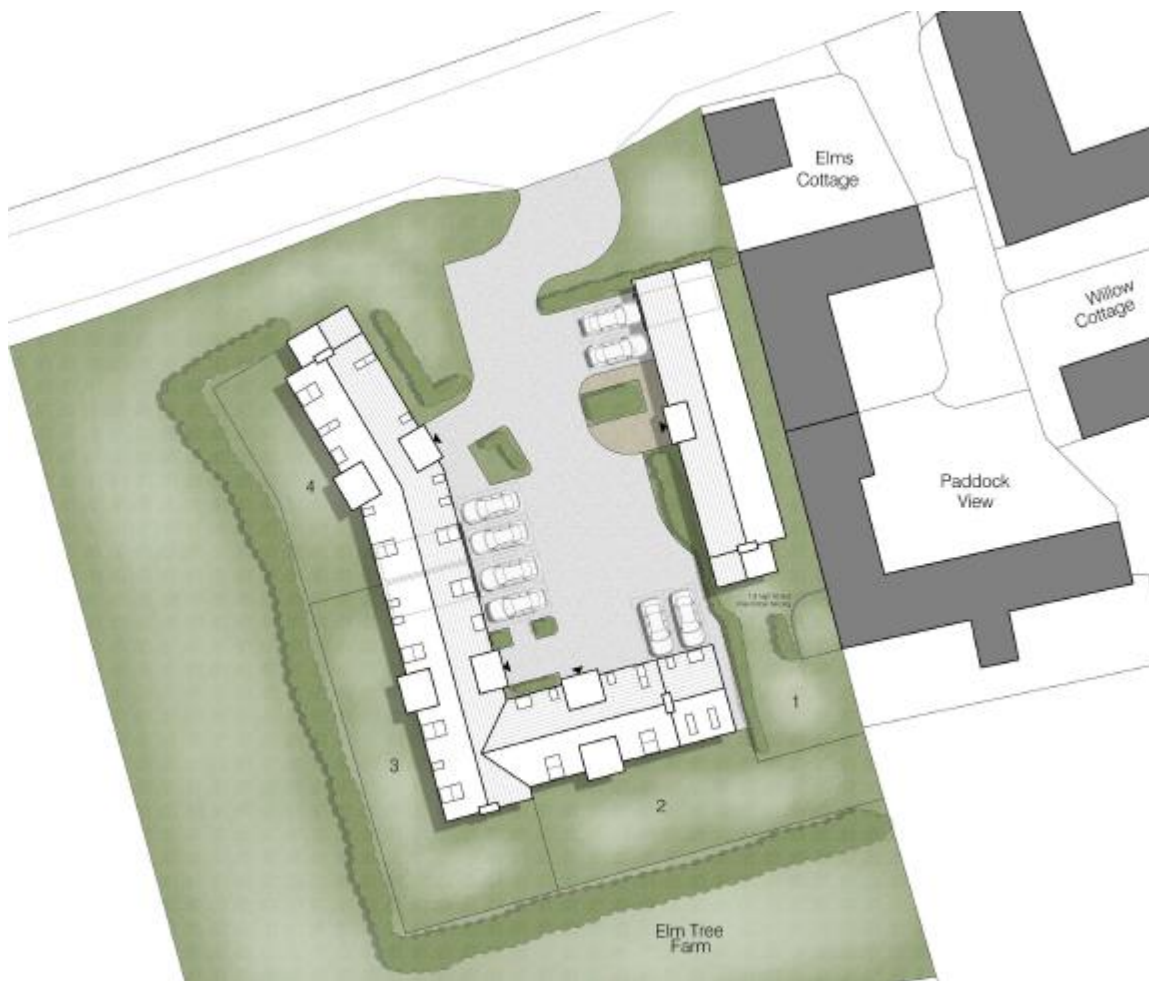


Figure 7. Proposed site plan (the red dashed represents the initial plans submitted)





Figure 8. Site Elevations



Figure 9. Visuals (pre amendments)

b) Documents submitted

i. Plans/Documents

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

Site Location Plan
 Proposed Floor Plans and Elevations for each plot (amended)
 Propose Site Elevations (amended)

Elevation Study (amended)
Proposed Site Plan (amended)
Existing Block Plan
Existing Site Plan
Design and Access Statement
Bat Survey
Land Contamination Reports Phase 1 and 2

- 4.2 The application was amended on the 11th May 2020 following officers and neighbouring comments. The amendments included:
- A reduction in the scale of building 2, including a reduction in depth of ~6.4m.
 - Introduction of a single storey element to the east of plot 2
 - Introduction of 1.8m hit and miss fencing in the garden of plot 1 to reduce overlooking for future residents of plot 1 and those of Paddock View.
 - Removal of the rear balcony for plot 1

c) Pre-application Engagement

- 4.3 The applicants sought pre-application advice in 2020/2021 (PREAPP/20/00154) prior to the submission of the application.

5. Consultations and Representations

- 5.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 9th February 2021 including a site notice put up on 18th February 2021. Following amendments to the application further consultation was carried out on 13th May 2021. The consultation period expired on 27th May 2021.
- 5.2 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

Wistow and Newton Harcourt Parish Council

- 5.3 *Pre-amendments:*

As clerk to Wistow and Newton Harcourt Parish Meeting I would like to object to the planning application on behalf of the Parish. The Parish Meeting did not object to the previous planning application for this site. However, the present scheme will have a significant impact on the neighbouring properties and little seems to have been done to mitigate this.

The height of the proposed new properties appears to be higher than the current barns and Elms Cottage, one of the neighbouring properties. There would be privacy issues with another of the neighbouring properties and the distance from the neighbouring properties needs to at least be the same as it is at the moment to make sure there is adequate space for maintenance of the properties.

HDC Environment Team

- 5.4 The submitted risk assessments are acceptable

LCC Highways

- 5.5 The LHA is in receipt of application 21/00232/FUL for the demolition of existing agricultural buildings and erection of four dwellings in Newton Harcourt. The site

currently benefits from Class Q Prior Approval for conversion into four dwellings, under planning reference 19/01433/PDN.

The dwellings will be served by an existing private access onto Glen Road, which is a C classified road subject to a 30mph speed limit at the site access. Immediately to the west of the site access Glen Road becomes derestricted.

There have been no recorded personal injury collisions along Glen Road in the vicinity of the development site within the last five years. The LHA does not consider that there are reasonable grounds to suggest that this development proposal would have a detrimental impact on highway safety. Furthermore, it is unlikely to be a material increase in trip generation when compared with the previously permitted land use.

However, a new field access is proposed to the west of the access to serve the surrounding farmland. It is noted within the design and access statement that a '*parallel planning application is to be submitted in order to re-locate the farm vehicle access to the west*'. Therefore, for the purpose of clarity the LHA advise the plans are revised to remove the new field access as part of this application. Subsequently it can then be assessed accordingly as part of the application submission to relocate the farm access.

Officer note- the adjacent field access has been removed from the site plan.

LCC Ecology

- 5.6 The bat survey (Dr Louise Sutherland and Dr Stefan Bodnar, November 2020) is satisfactory; no bats or evidence of such was found, and I agree that the building has negligible or very low bat potential. No further survey work is required. Recommendations in the report should be followed and made a condition of any planning permission; this includes timing of works outside of bird nesting season and the provision of 1 x bird box per unit and 1 x bat box per unit.

LCC Archaeology

- 5.7 The Leicestershire and Rutland Historic Environment Record (HER) notes that the application lies within the historic settlement core of Newton Harcourt (HER ref: MLE9278). It also lies next to an area with medieval village earthworks including house platforms (ME2660). Although the current buildings on the site may have impacted some archaeology, there is still the potential for archaeological remains to survive within the site and be impacted by this proposed development. 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...We therefore recommend that any planning permission be granted subject to conditions (informed by paragraph 37 of Historic Englands Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present. (See Appendix A, Condition 3)

Severn Trent

- 5.8 With reference to the above planning application the Company's observations regarding sewerage include a condition requiring the submission of drainage plans and planning informatives. (See Appendix A, Condition 4)

b) Local Community

- 5.9 Objections have been received from five properties (including multiple comments from some households). One comment made as a general comment has been revised to an objection comment. The comments are summarised below, full comments can be review on the website. These comments have been made prior to the amended plans.
- Inadequate information regarding neighbouring gardens and maintenance access
 - The gap between the new build and Elms Cottage is too narrow (currently only 57ins) this needs to be greater for maintenance
 - The buildings and chimneys are too high; this will remove sunlight and be intrusive
 - The footprint of the proposed development exceeds the current farm buildings in a southerly direction adding to the intrusion on neighbouring properties
 - Owing to an increased footfall from the new properties a footpath is required to connect to the Square. There is no provision for residents to walk into the village via a footpath
 - In a village which is virtually all brick built the buildings will be out of character, they do not fit into the rural setting
 - Loss of privacy to neighbouring properties

6. Planning Policy/Guidance Considerations

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

a) Development Plan

- *Harborough Local Plan (HLP) 2011-2031*

- 6.2 The below policies are considered most relevant to this application:

- SS1- The spatial strategy
- GD1- Achieving sustainable development
- GD3- Development in the countryside
- GD4- New housing in the countryside
- GD5- Landscape character
- GD8 – Good design in development
- GI5- Biodiversity and geodiversity
- CC3- Managing flood risk
- CC4- Sustainable drainage
- IN2- Sustainable Transport

b) Material Planning Considerations

- *National Planning Policy Framework*

- 6.3 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
- Chapter 14- Meeting the challenge of climate change, flooding and coastal change
- Chapter 15- Conserving and enhancing the natural environment
- *National Planning Practice Guidance*

7. Assessment

a) Principle of Development

- 7.1 Policy SS1 of the Harborough Local Plan (HLP) identifies the Spatial Strategy for Harborough District. Housing growth is directed to appropriate locations in accordance with the Districts settlement hierarchy. The settlement hierarchy identifies the settlements which are most suitable in sustainability terms (this is set out in detail in Appendix F of the HLP). Settlements at the top of the hierarchy are considered to be the most sustainable in terms of accessibility to services, facilities, shops, employment and public transport provisions. Newton Harcourt is categorised as an 'Other village or rural settlement', the village is considered to be unsustainable for growth and covered by housing in the countryside policy GD4. This policy allows for additional housing in special circumstances such as for a rural worker, none of these criteria are met for this proposal and the development does not accord with GD4. The principle of a house in this location does not accord with the spatial strategy outlined in the HLP, policies SS1 and GD4.
- Other material considerations:-
- 7.2 Notwithstanding the above, the applicant has a "fall-back position" for residential development of the site. This relates to the previous Class Q grant of prior approval (reference 19/01433/PDN) for the conversion of the existing buildings to 4 dwellings.
- 7.3 It has been established in law that a fall-back is an important material consideration in the decision-making process. The "fall-back position" refers to what development could take place if planning permission under an application currently being considered is not granted. Of particular note is the Court of Appeal decision in *Mansell vs Tonbridge & Malling Borough Council* [2017] EWCA Civ 1314. The judgement recognised that Permitted Development rights under Class Q (whether prior notification has been sought or not) may represent a realistic fall-back position when it comes to developing the site with an alternative form of development. Where a fall-back development is possible decision-makers must be satisfied this is a "real prospect" in order for it to be a material consideration. There is extensive case law regarding "real prospects", whether a fall-back is realistic is based on the individual merits of the site/development.
- 7.4 In this case there is an extant grant of prior approval (reference 19/01433/PDN) for the conversion of the existing poultry building to five dwellings. The applicant has engaged in pre-application advice and from these discussions the intent to develop the site is clear. It is considered realistic that should the current application be refused the site would be developed through the conversion of the existing buildings to four dwellings, thus the fall-back position is considered realistic.
- 7.5 To conclude, a dwelling in this location is contrary to the aims of the HLP and the spatial strategy which seeks to direct development towards the most appropriate and sustainable locations where there are a range of services and good public transport links, and specifically contrary to GD4 of the Local Plan as the proposed dwellings do not meet the criteria for dwellings in the countryside. However, the fall-back position is considered to be a material consideration which outweighs the policies of the development plan. Should the current application be refused there is a realistic prospect that the conversion of the buildings would occur and four dwellings would be created in this location. Thus the impact, in sustainability terms (car movements etc), is similar.

b) Design and Visual Amenity

- 7.6 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. 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. Where appropriate development can be individual and innovative, yet sympathetic to local vernacular. Policy GD5 of the HLP states that development should be located in such a way that it is sensitive to its landscape setting and landscape character and will be permitted where it respects, and where possible, enhances local landscape, the landscape setting of settlements and settlement distinctiveness.
- 7.7 The site itself is not publicly accessible, although is highly visible from Glen Road when you enter Newton Harcourt from the west. The site is less visible when exiting the village as it is largely screened by housing to the east. The site is visible from the PRoW to the north and longer distance views are also possible from Newton Lane to the north west when travelling towards Wistow from Wigston. Public views from the south (including from the Canal Conservation Area) are very limited. Officers consider that the potential impact of the proposals is to the more localised landscape setting. The existing site is rural in nature, the existing agricultural buildings are not particularly attractive although are typical agricultural buildings which are commonplace within the rural landscape. For this reason alone, the demolition of the buildings would have a neutral impact, however, there is clear potential to improve the appearance of the village entrance. Officers also consider there is clear potential to improve upon the design of the extant Class Q consent, which owing to the nature of the legislation allows for few alterations to the external fabric of the building. In this case this means the existing cladding to both buildings must be retained.
- 7.8 The proposal utilises a courtyard style layout, this is respectful of both an agricultural design ethos and reflects the adjacent courtyard pattern of development to the east. As outlined in Section 3.2 the footprint of the proposed buildings is smaller than the existing buildings and fall-back position. Nonetheless, the height of both buildings and the depth of the west elevation of Building 2 is greater than the existing buildings. In general, the proposed buildings are narrower but have greater depths than existing, as a result the massing of the proposal in particular the western elevation is greater than at present. This additional massing has been raised in the neighbouring objections to the developments, the applicants have provided comparative drawings which are included below.

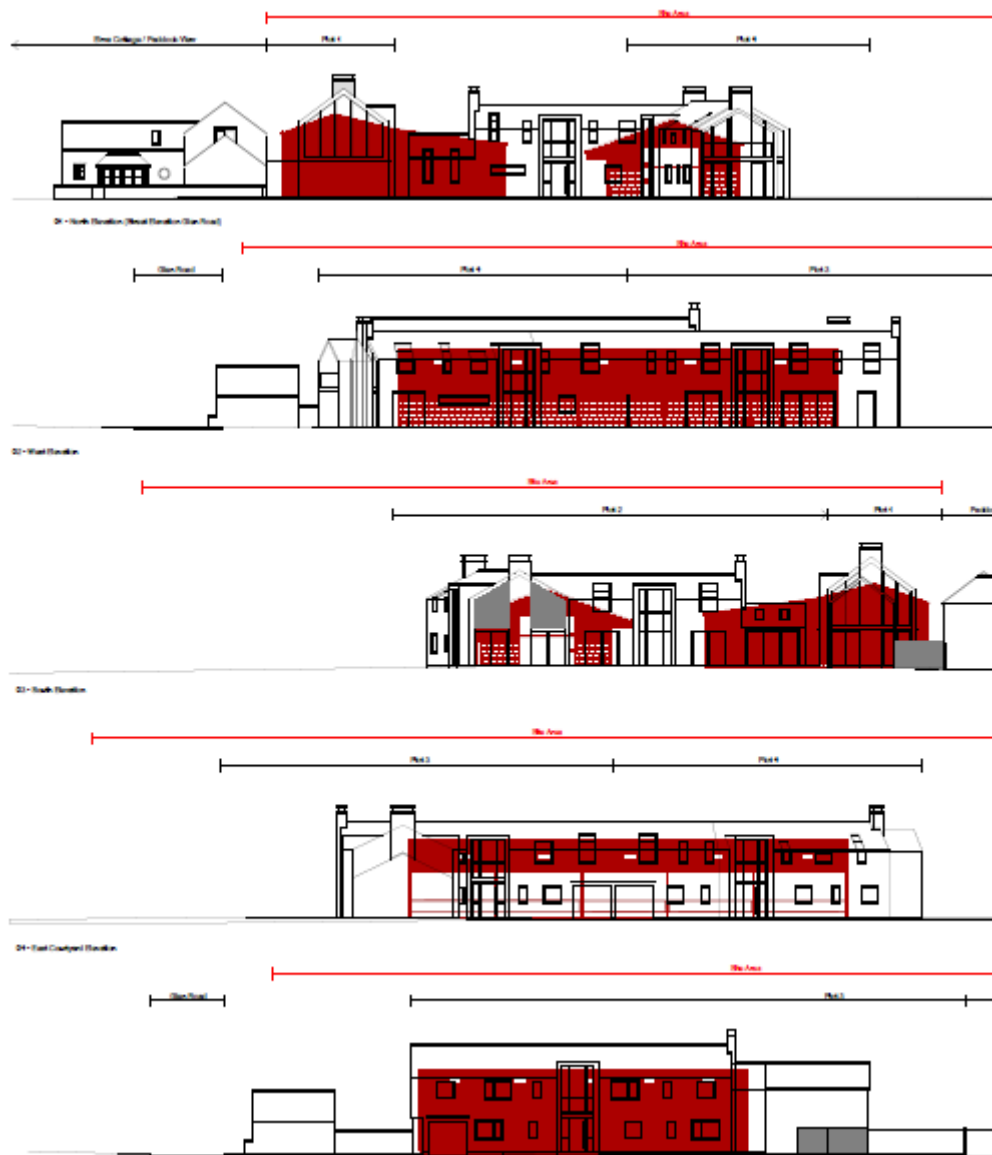


Figure 10. Elevation study showing the proposed elevations against the existing elevations (red areas)



Figure 11. Site plan comparison showing the proposed layout with the existing layout (red hashed area)

- 7.9 As plot 1 is largely screened by building 2 and the existing residential properties to the east, the additional scale of this building is not judged to be significantly harmful. However, building 2, particularly the west elevation, would be highly visible on the approach to the village and officers do consider the proposed building would be more prominent than the existing building.
- 7.10 The general design ethos is considered to be appropriate given the existing agricultural nature of the site. Objection comments refer to the predominant use of red brick in Newton Harcourt, which is correct, however the existing agricultural buildings and fall-back position would not conform to this prevailing red brick character. The materials would be appropriate for the rural setting and the scheme includes more architectural detailing and features which would add interest to the scheme in comparison to the fall-back position. Some of these features such as the double height glazing, chimneys and pergola feature to the front would also in part break up the additional massing of the west elevation. It is acknowledged that the design is contemporary and would differ from the surrounding village, however, innovative/contemporary design is not prohibited in policy GD8. Considering the appearance of the existing buildings an individual design is not inappropriate for this location.
- 7.11 The proposal would lead to an increase in the change of use of land to residential curtilage beyond the fall-back position. The use of the land for residential purposes changes the character and appearance of the land through its maintenance and the presence of domestic paraphernalia. In this case, the residential curtilages would be modest and in keeping with the adjacent residential properties and therefore do not present inappropriate incursion into the surrounding countryside. The indicative

landscaping proposals include soft planting, hedging and post and rail fencing which would be appropriate to the surroundings.

- 7.12 It is recommended that full landscaping conditions and material details should be requested by condition to ensure the boundary treatments, planting and materials would be appropriate for the rural location. Considering the proposal is judged to be acceptable in comparison to the existing building, officers also consider it would also be necessary and reasonable to remove householder Permitted Development Rights. This would enable the LPA to assess any further extensions/alterations to the dwellings and within their curtilage and ensure development continues to respect the character of the area.
- 7.13 Overall, the proposed design is considered to be good quality and as a whole an improvement to the Class Q fall-back position. The increase in the massing of building 2 would result in the building being more prominent. It is noted that the site is at the edge of the village and not viewed in isolation from the surrounding landscaping, reducing some of the harmful impact. Although the west elevation is particularly visible on the entrance to the village itself. Ultimately when weighing the increase in scale and subsequent additional prominence of the proposed buildings against the improvements in design to the fall-back position, the design of the proposal is, on balance, judged to be acceptable. In the officer's opinion the current proposal has some benefits in terms of the village approach when compared to the existing and potential fall-back position, despite the increased massing. On balance, the proposal therefore accords with policies GD5 and GD8 of the HLP.

c) Highways

- 7.14 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.
- 7.15 The application site would be served by the existing access onto Glen Road, which is a C classified road subject to a 30mph speed limit at the site access. Immediately to the west of the site access Glen Road becomes derestricted. There have been no recorded personal injury collisions along Glen Road in the vicinity of the development site within the last five years. LCC Highways do not consider that there are reasonable grounds to suggest that this proposal would have a detrimental impact on highway safety. Furthermore, consider that it is unlikely there would be a material increase in trip generation when compared with the previously permitted land use.
- 7.16 LCC Highways have requested a revised site plan is submitted omitting the adjacent proposed agricultural access, this has been amended by the applicants. The application for the adjacent agricultural access is currently under consideration. The final Highways comments and any suggested conditions will be reported in the Supplementary List.
- 7.17 Sufficient parking is proposed for each dwelling according to the proposed bedroom numbers. A condition is however recommended ensuring the garages would be retained for parking in perpetuity to ensure sufficient parking is retained in the future.
- 7.18 Several objection comments refer to the lack of pedestrian access via a footpath into the village centre. There is no footpath along Glen Road until the junction with The Square, approximately 130m to the east. LCC Highways have not judged it necessary

to require a footway to be constructed, furthermore there are already numerous residential properties between the application site and The Square which have no direct access to a footpath to the village. Whilst a footpath would be beneficial for both future and existing residents along Glen Road, it is not judged necessary or reasonable to require the provision of a footpath for a development of four dwellings. This would not be required should the development utilise their fall-back position.

- 7.19 To conclude, officers consider that the proposal would ensure safe access, adequate parking and servicing areas including the safe, efficient, and convenient movement for all highway users and therefore complies with policies GD8 and IN2 of the HLP.

d) Residential Amenity

- 7.20 Policy GD8 requires developments to be designed to 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 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.

- 7.21 There are two neighbouring residential properties which could be affected by the development, these are to the east of the site and both are sited on the site boundary (Fig 7.) Objection comments have raised concerns with the potential impact through loss of light, privacy and intrusiveness. Concerns have also been raised regarding a maintenance strip between plot 1 and the neighbouring dwellings.

7.22 Elms Cottage

Elms Cottage is the northernmost residential neighbour. This property has no habitable room windows in the eastern elevation which faces the application site. The existing agricultural building is in close proximity to the side elevation of Elms Cottage but does not protrude beyond the front elevation which contains habitable room windows and a small balcony.



Figure 12. View from site facing the front of Elms Cottage

- 7.23 The proposed dwelling whilst taller, would not protrude beyond the front elevation of Elms Cottage (as shown in Fig.11). Therefore, the proposal would not result in additional adverse loss of light or overdominance to this property. Windows are proposed in the front elevation of plot 1, but as this is broadly in line with Elms Cottage views between the front windows and frontage of Elms Cottage itself would be limited. There would be some additional overlooking to the front garden/parking area of Elms Cottage, however, considering the frontage is reasonably open to Glen Road at present the loss of privacy is not judged to be additionally, adversely harmful. Finally, the extant consent also includes double height glazing to this elevation.
- 7.24 *Paddock View*
Paddock View is the southernmost of the two neighbouring properties. The property has a bedroom window in the east elevation which overlooks the application site. The property has a garden to the rear/south.
- 7.25 Plot 1 would protrude an additional 1m closer to the bedroom window in comparison to the existing agricultural building. Whilst the proposed dwelling is taller it is significantly narrower and therefore would not create additional adverse overdominance in comparison to the existing relationship. As plot 1 is to the north of the bedroom window it would not cause adverse overshadowing. Plot 2 protrudes closer to the bedroom window at Paddock View, however, the separation distance between the two-storey element and bedroom window is over 14m which complies with the distances outlined in HDCs Supplementary Planning Guidance (SPG). The separation distance between the single storey element and Paddock View is approximately 9.6m which is judged sufficient between a single storey structure and habitable window. The separation is judged satisfactory to avoid adverse overshadowing from plot 2.
- 7.26 No windows are proposed in the east side elevation of plot 2. The windows in the east elevation of plot 3 are approximately 25m from the bedroom window and therefore accord with the SPG and no additional adverse overlooking would be created as a result of plots 2 and 3. Plot 1 has a significant amount of glazing in its southern elevation. The initial plans included a first-floor balcony which has been removed at the officer's request. Following these amendments and owing to the obscure angle between the rear elevation of plot 1 and the bedroom window at Paddock View the additional overlooking from plot 1 itself is judged on balance to be acceptable. For comparison the Class Q consent includes bifold doors and a window to serve a living room/kitchen area in the rear elevation of plot 1.
- 7.27 The garden for plot 1 would run along the shared boundary with Paddock View and therefore the bedroom window would immediately face into the garden space, this would impact the privacy of Paddock View and future residents of plot 1 and is an unusual relationship. Under the fall-back position the bedroom window would overlook the part of plot 1's garden and a shared parking area for all four dwellings. Considering a parking area may have more frequent coming and goings and potential for noise and disturbance there is some benefit to the current proposal. However, it is acknowledged there would continue to be some loss of privacy for Paddock View, with this in mind the applicants are proposing to erect a 1.8m high hit and miss fence in an arc around the windows at Paddock View. This would provide some screening for Paddock View and for future residents at plot 1. The fencing is proposed to be hit and miss and to be located 3m from the bedroom window to avoid an adverse sense of overdominance and loss of light. Officers consider that this proposal is sufficient to overcome significantly adverse losses of privacy, although acknowledge some loss of privacy could occur. In making this assessment officers have acknowledged the fall-back position both in terms of the Class Q consent and wider Permitted Development Rights

which could allow the current owner to erect a close boarded fence immediately adjacent to the windows.

7.28 Other matters

Residents have raised concerns regarding a maintenance strip for Elms Cottage and Paddock View, which is understood to be required in the Deeds for the adjacent properties. The provision of a maintenance strip or access to it is not a material planning consideration. Notwithstanding that, a 2m gap would be provided between plot 1 and the side elevation of the neighbouring properties and this is wider than the existing strip. Access arrangements for maintenance would be a civil matter and would be agreed between the landowners as would be the case presently.

- 7.29 Owing to the dwellings close proximity to neighbouring residential properties a condition removing permitted development rights for further extensions and alterations to the plots and for additions within the curtilage (including boundary treatments) is recommended to safeguard residential amenity in the future. Subject to this condition, the proposal is, on balance, judged acceptable and the impact on surrounding residents is not considered to be significantly adverse and therefore complies with policy GD8.

e) Flooding/Drainage

- 7.30 The site is within Flood Zone 1, with low probability of flooding as such accords with Policy CC3 of the HLP. In accordance with the comments from Severn Trent a condition is recommended requiring the submission of drainage details prior to commencement (Appendix A, condition 4).

f). Ecology

- 7.31 An ecology report has been submitted with the application which has been deemed acceptable by LCC ecology. As such subject to a condition requiring that the recommendations of the report are adhered to the proposal accords with policy GI5 of the HLP.

g). Contamination

- 7.32 The applicant has provided Contamination reports which are deemed acceptable. A condition is recommended ensuring that if unidentified contamination is discovered that development should cease and a further assessment should be carried out (Appendix A, conditions 7 and 8).

h). Archaeology

- 7.33 The Leicestershire and Rutland Historic Environment Record (HER) notes that the application area lies within an area of archaeological interest. In this context and in accordance with the comments from LCC archaeology department it is 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 (Appendix A, condition 3).

8. Conclusion

- 8.1 The location of the proposal is contrary to the aims of the Local Plan and the Spatial Strategy which seek to direct development towards the most appropriate and sustainable locations where there are a range of services and good public transport links, and specifically contrary to GD4 of the Local Plan as the proposed dwelling does not meet the criteria for dwellings in the countryside. However, the site benefits from an extant Class Q prior approval consent and this is considered to be a realistic fall-back position, this material consideration is considered to outweigh the policies of the development plan in terms of the principle of residential development.
- 8.2 The dwellings, are large in scale, yet on balance are considered to respect and be inspired by the character of the local area. By virtue of the design, size and positioning of the dwellings the development, on balance, would not adversely affect the amenity of local residents. The development would not lead to an unsafe highways situation, the proposal would not cause contamination risks, has no adverse impact on ecological assets and is not at risk from flooding. The proposal is considered in accordance with Policies GD5, GD8, GI5, CC3, CC4 and IN2 of 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:

Site Location Plan 01003 P4
Site Plan as proposed 01006 P8
Block Plan as proposed 01008 P2
Plot 1 Drawings as proposed 02001 P6
Plot 2 Drawings as proposed 02002 P6
Plot 3 Drawings as proposed 02003 P6
Plot 4 Drawings as proposed 02004 P7

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

3. Archaeology Investigation

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

4. Drainage Details

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

REASON: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

5. Details of materials to be submitted

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.

6. Landscaping scheme to be submitted

Prior to the first occupation of the dwelling(s) 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 areas; and a timetable of implementation.

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

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

7. Risk Based Land Contamination Assessment

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

The Risk Based Land Contamination Assessment shall be carried out in accordance with:

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

The Remedial Scheme shall be prepared in accordance with the requirements of:

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

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

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

Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

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

8. Completion/Verification Investigation Report

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

Either

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

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

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;

- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

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

9. Ecology Survey

The development shall be carried out in accordance with the recommendations of the submitted 'Internal and External Bat Newton Harcourt (Dr Louise Sutherland and Dr Stefan Bodnar, November 2020)' survey. This includes timing of works outside of the bird nesting season and the provision of one bird box per unit and one bat box per unit.

REASON: To ensure there is no adverse impact on ecological assets and enhance the biodiversity of the area in accordance with Harborough Local Plan Policy GI5 and the National Planning Policy Framework.

10. Householder 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-H and Part 2, Class A inclusive of that Order, shall be erected or undertaken on the dwelling hereby approved or within its curtilage.

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

11. Garages/Parking

Before the first occupation or use of the development, parking provision shall be provided in accordance with Leicestershire County Council Highway's Design Guide and the parking spaces, including garages, shall be retained thereafter for this purpose on a permanent basis.

REASON: To ensure that adequate parking facilities are provided to prevent on-road parking in the locality having regard to Harborough Local Plan Policies GD8 and IN2, and the National Planning Policy Framework.

Informatives:

1. Building Regulations
2. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Committee Report

Applicant: B Kholia

Application Ref: 21/00331/FUL

Location: 136 Station Road, Broughton Astley

Proposal: Conversion and change of use of retail units (A1) to 4 dwellings

Application Validated: 19/02/2021

Target Date: 16/04/21

Consultation Expiry Date: 27/04/2021

Site Visit Date: 16/03-2021.

Case Officer: Ruth Meddows-Smith

Reason for Committee decision: The applicant has been called in for determination by Cllr Graves (see paragraph 3.6 below)

Recommendation

It is recommended that the application is **APPROVED** for the reasons set out in the report and subject to the conditions appended to the end of this report.

1. Site & Surroundings

- 1.1 The application site is located to the south side of Station Road in Broughton Astley, opposite the Red Admiral pub, with residential properties and a post office/corner shop nearby. To the immediate north of the site is the two storey dwelling of 136 Station Road, in the ownership of the applicant. The gardens of dwellings on Speedwell Drive back onto the site's eastern boundary. Adjacent to the site's west boundary is the side elevation of a bungalow, with its garden, garage and frontage. To the south of the site lie more residential properties.



Figure 1: Site Location



Figure 2: Aerial photograph (2018)

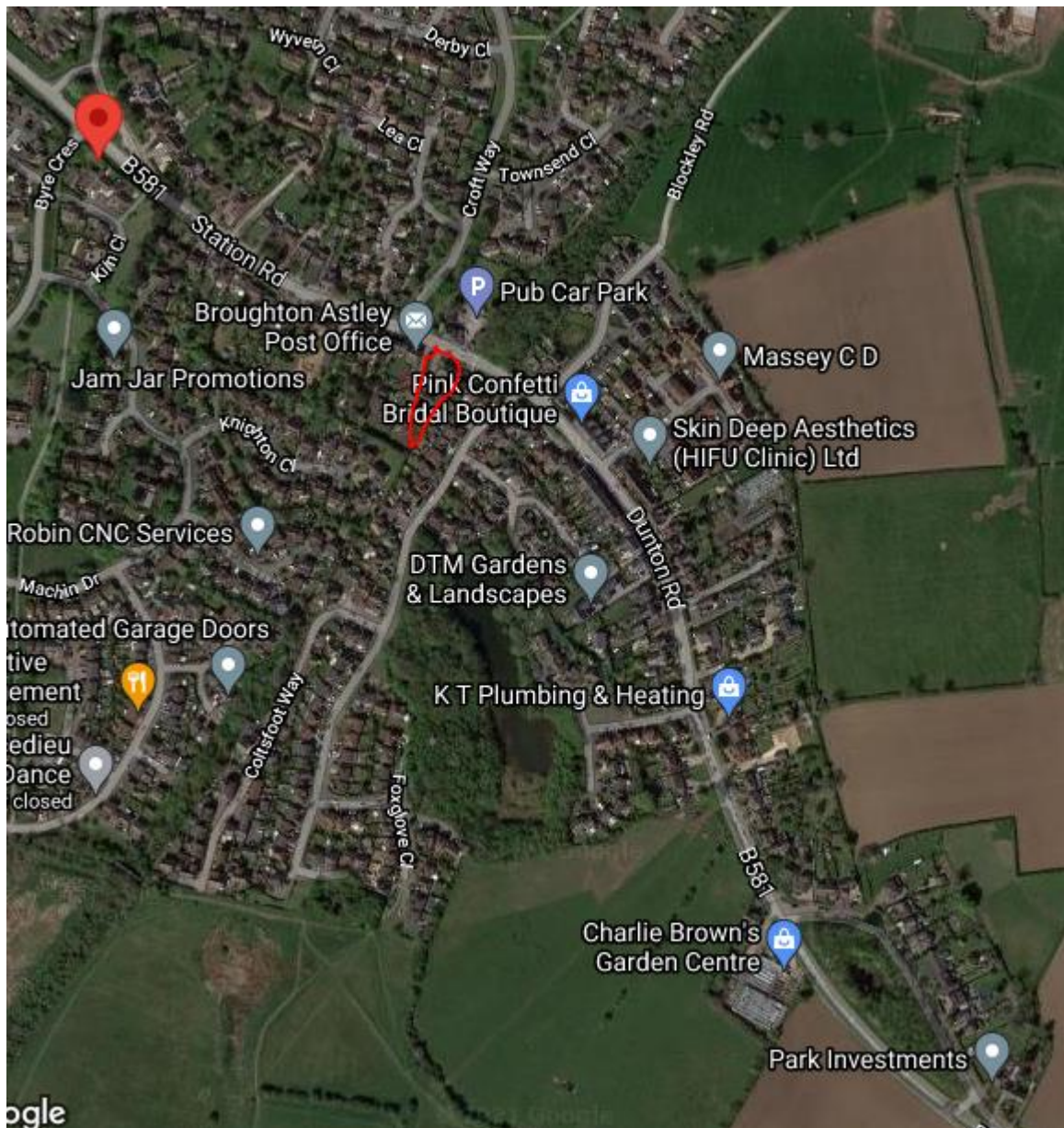


Figure 3: Aerial photograph (Google, 2021), showing site in relation to the village

- 1.2 The site is accessed from Station Road to the north via an existing driveway with hardstanding. Levels rise from north to south, with a steep increase in levels between the rear of the shop and the garden, held back by a retaining wall of approximately 1.2m in height. The site has an open frontage (being the driveway and parking area for the shops), with the rear garden land enclosed by closeboarded fencing of 1 – 2m in height. Other boundary treatments are low level metal railings between the site and the residential dwelling at number 136 Station Road, and post-and-rail fencing on the site's western boundary with the access road to the bungalows, and the corner shop.
- 1.3 The buildings on the site are single storey, of ridge heights between 4.4m – 5.4m, arranged in a L-shape around the perimeter of the parking area. Materials are rendered walls under a concrete tile roof. One building has a glass conservatory extension. The site has been used as a shop selling clothes and furnishings.



Figure 4: photographs showing existing elevations and courtyard parking



Figure 5: showing rear garden and south elevation

2. Site History

2.1 The history of the site is as follows:

02/00361/FUL – Use of domestic garage as store, erection of office in connection with existing business and erection of replacement garage – approved May 2002

11/01134/FUL – Change of use of buildings to rear of dwelling from offices and stores (Class B1/B8) to one retail shop (Class A1) for a temporary period of 5 years – approved October 2011

13/00027/FUL – Erection of conservatory to replace existing attached shed, and removal of Condition 3 of 11/01134/FUL to allow change of use of premises to Class A1 retail on a permanent basis – Approved March 2013

15/00781/ADV – Installation of non-illuminated hanging sign – approved July 2015

2.2 There are four Enforcement cases on the property history of the site. Three relate to enforcement enquiries and were closed with no breach found. The fourth enquiry (2014) was investigated and resulted in Enforcement action, including a court Injunction. The unlawful structure was removed, the enforcement notice/injunction thus complied with and the case closed. There have been no Enforcement enquiries since that time.

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal is to change the use of the existing shop to three residential dwellings. Alterations and additions are also shown on the plan but not included in the description, these include the addition of porches, windows and rooflights, and alterations to windows. The plans also show landscaping, the demolition of the conservatory and the demolition of part of the external walls of the southernmost range of buildings.

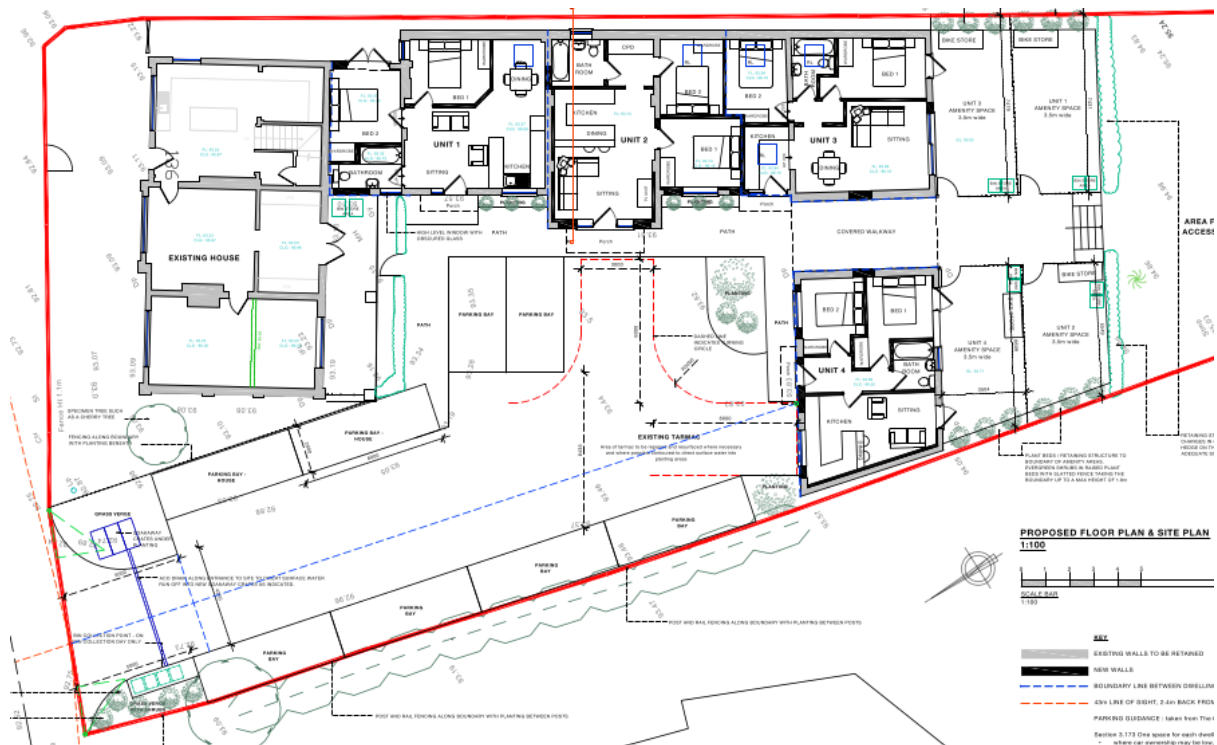


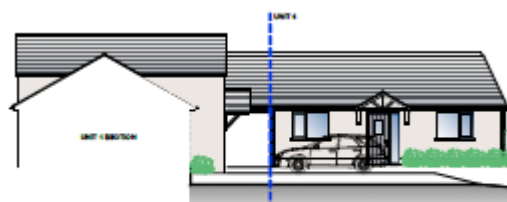
Figure 6: proposed floorplans and layout



PROPOSED NORTH WEST ELEVATION 1:100



PROPOSED NORTH EAST ELEVATION - HOUSE 1:100



PROPOSED NORTH EAST ELEVATION 1:100

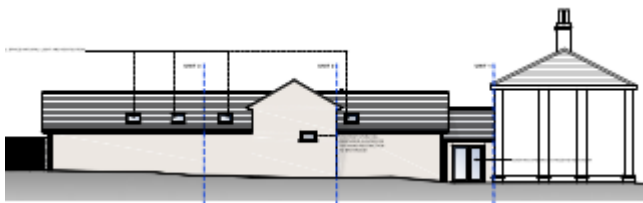


Figure 7: sample of proposed elevations (full details on file)

- 3.2 At the request of officers, the layout and landscaping details have been amended. It is the amended plans which are considered in this report.

b) Documents submitted

i. Plans

- 3.3 The application (as amended) has been accompanied by the following plans:

Proposed Site Plan and floorplans (drawing number 2106-02-proposed plans rev c)
 Proposed Elevations (drawing number 2106-02-proposed elevations rev b)
 Site location plan only (drawing number 2106-01-ex location & prop block plan)
 Existing elevations
 Existing floorplans
 Visibility splays (drawing number 2016-04-proposed visibility splays rev b)

ii. Supporting Information

- 3.4 The following information has been submitted to support the proposal:

Officer pre-application report
 TRICS analysis (VS Traffic Data Services, version 2, 13.04.2021)

c) Pre-application Engagement

- 3.5 Pre-application advice was given by the case officer in November 2020. The advice suggested the proposal was acceptable in principle, with matters raised including neighbour amenity, highway safety and parking, ecology and visual impact.

d) Other Relevant Information

- 3.6 Cllr Graves has requested the application be determined by the Planning Committee for the following reasons (case officer references to relevant paragraphs next to each reason):
1. Questionable adequacy of parking spaces and the adequacy of the existing parking space locations along the driveway itself [*addressed paragraph 6.12*]
 2. Danger of Increased traffic turning onto a very busy road [*addressed paragraph 6.10*]
 3. Visibility splays adequacy [*addressed paragraph 6.10*]
 4. Proximity to a pedestrian crossing and other shops which increase pedestrian footfall in the immediate vicinity [*addressed paragraph 6.10*]
 5. Lack of any garden or appropriate space adjacent to the dwellings [*addressed paragraphs 6.7 and 6.21*]
 6. History of Planning Enforcement action at this site / location [*addressed paragraph 2.2*]

7. Overlooking / loss of privacy [*addressed paragraphs 6.16ff*]
8. Likelihood of private cars parked on the main road at an already very congested parking location (due to retail shops) [*addressed paragraph 6.12*]
9. Layout and density of buildings [*addressed paragraphs 6.3, 6.5 – 6.8*]

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 25th February 2021.
- 4.2 Following the Highway consultation response, further information was received and reconsultation with Highways carried out. This expired on 27th April 2021.
- 4.3 A summary of the responses received is set out below. If you wish to view the comments in full, please visit: www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

- 4.4 **Broughton Astley Parish Council**
Object due to highway safety (parking provision, increased traffic, busy part of the road with shop and zebra crossing nearby) and lack of outside space, noting neighbours' comments regarding lack of privacy.
- LCC Ecology**
- 4.5 Request a bat survey. Upon receipt of further information from the applicant, withdraw their request for a bat survey as the building was built after the year 2000. Informative note requested.
- Severn Trent**
- 4.6 No objection, request pre-commencement condition requiring details of foul and surface water drainage.
- Highways**
- 4.7 The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and/or planning obligations outlined in this report.
- 4.8 Plans show suitable visibility from the access; officers are aware of on-street parking which would impede the visibility splays, however the access is existing so the proposed development must be considered in light of the site's existing use.
- 4.9 TRICs data is not suitable for the use of the particular site; unable to provide 'real-time' current data about vehicle trips to/from the site due to lockdown restrictions. "It is understood the existing site, whilst in operation received a maximum of 20-30 customers daily, with around four employees. Considering the trip profile of four dwellings, and the likely logical trip demand of the existing site and its extant use, on balance the proposed development do not appear to represent an intensification."
- 4.10 Parking provision and turning accord with the Leicestershire Highway Design Guide.
- 4.11 4 conditions recommended.

b) Local Community

4.12 Four letters of objection received from 4 addresses, expressing the following concerns:

- Increased noise, light pollution and disturbance
- Increased traffic
- Inadequate parking
- Loss of privacy
- Increased pollution

4.13 One letter of support received, from the applicant.

4.14 To read the representation in full please view the file.

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 The following policies of the adopted Local Plan are considered most relevant in consideration of the application:
- SS1 – The spatial strategy
 - GD2 – Settlement development
 - GD8 – Good design in development
 - H5 – Housing mix and density
 - GI5 – Biodiversity and Geodiversity
 - IN2 – Sustainable transport
 - CC3 – Managing flood risk
 - IN4 – Water resources and services
- *Broughton Astley Neighbourhood Plan*
- 5.3 The following policies of the adopted Neighbourhood Plan are considered most relevant in consideration of the application:
- SD1 – Sustainable development
 - H3 – Windfall and backland development
 - T1 – Transport and traffic management
- 5.4 The Neighbourhood Plan is currently under review with any revised policies yet to be published or to receive consultation.

b) Material Planning Considerations

- 5.5 The following are considered material planning considerations:
- *National Planning Policy Framework*
 - *National Planning Practice Guidance*
 - *National Design Guide*
 - *Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA), 2017*

6. Assessment

a) Principle of Development

Harborough District Local Plan

- 6.1 Broughton Astley has not received any allocation of housing numbers of sites within the Local Plan. The village has received a substantial amount of development under the previous Core Strategy and the adopted Neighbourhood Plan. The village is however designated a Key Centre in the Spatial Strategy (policy SS1) and is a sustainable location for development, having a full range of key services. The application falls to be considered under GD2. 1, as it is within the existing built up area of a Key Centre. The proposal meets this policy, specifically GD2.1 b, as it is for the conversion of redundant buildings. Visual impact (creating an enhancement to its immediate setting) is considered later in the report.

Broughton Astley Neighbourhood Plan

- 6.2 The proposal is considered to meet SD1, being sustainable development, re-using existing buildings and in a good location with a variety of transport choices available to the future occupiers, such that they need not solely rely on the private motorvehicle to access key services. The Neighbourhood Plan has a 'windfall' policy which is most relevant to the proposal. This supports sites of less than 5 dwellings on previously developed land, subject to certain criteria. Whilst there some wording in the policy has been found by Inspectors to be weak, nonetheless the principle of windfall housing in the village is allowed by the policy.

Housing Mix

- 6.3 The proposal creates one 1-bed dwelling, two 2-bed dwellings and one 3-bed dwelling. This is considered to reflect the findings of the HEDNA (for more smaller properties in the District) and to maximise density given the site's excellent sustainability credentials. The mix is considered to comply with policy H5 of the Harborough District Local Plan.
- 6.4 The principle of development is considered acceptable, and to accord with GD2 and H5 of the Harborough District Local Plan, and policies SD1 and H3 of the Broughton Astley Neighbourhood Plan.

b) Technical Considerations

1. Visual Impact

- 6.5 No increase in height or size of the buildings is proposed. The additional rooflights on the west elevation will serve a vaulted ceiling and will not be widely visible in public view. The proposed changes to fenestration from large plate glass shop windows to smaller domestic windows are considered acceptable. The proposed porches are modest and not incongruous with the existing appearance of the building. The demolition of the conservatory is welcomed and will create an enhancement to the existing appearance of the buildings and street scene.
- 6.6 The proposed landscaping is considered to help soften the appearance of the development in the street scene, particularly important given the amount of hardstanding both on the frontage of the site and in the immediate vicinity. Details of type of planting, implementation and maintenance are given on the proposed plan and it is considered necessary to ensure this by condition, in order to realise this benefit in the longer term.

- 6.7 Access to the garden areas is via a covered walkway in the south elevation, formed by demolition of a section of the external walls in the southern range. Most of the garden will remain as the private garden for the host dwelling number 136; however each of the new dwellings will have its own private amenity space. At the request of officers these areas have been increased in size in order to provide useable and attractive areas. Maintenance of private gardens is considered unreasonable to control by condition.
- 6.8 Officers consider that subject to condition, the proposal has a good design which reflects the context in which it is sited, is harmonious and in keeping with the existing dwelling on the site and will enhance the character and appearance of the street scene in accordance with GD8 of the Harborough Local Plan, the NPPF.

2. Highways

- 6.9 The proposal utilises the existing access which serves the shop and the host dwelling. It is wide, laid out to a good modern standard and hardsurfaced. There is a slight fall from the driveway to the highway and the plans show suitable drainage so as to minimise surface-water run off to the highway. The access is onto a busy part of Station Road: it is adjacent to another residential access and a bus stop, and close to the corner shop/post office and a zebra crossing, with a pub opposite. There are nearly always cars parked on the highway to the west of the access (in front of the corner shop): this frequently leads to a queue of traffic past the site waiting for cars to pass from the west before they can move out into the eastbound carriageway to avoid the parked cars. Vehicle speeds are thus often slow. The site's previous use was for B1/B8 use: the change of use to retail was considered under planning reference 11/01134/FUL with a lower impact on highway safety identified. The application was approved subject to condition (including ancillary to dwelling, personal consent, type of goods to be sold).





Figure 8: site visit photos showing access

- 6.10 Satisfactory visibility splays are shown on the proposed plan. Officers (including the Highways officer) are aware of obstructions to visibility caused by parked vehicles but note that the access is existing, and that the proposed development must thus be considered in the light of the existing use: will the proposal create an unacceptable intensification of the use of the access? The applicant has provided information to Highways regarding the number of trips associated with the existing use. Officers have dealt with a number of Advertisement Consent applications in the past whereby the applicant was trying to increase footfall to the business. Highways have not provided any evidence of accidents as a result of the existing use. It thus appears that the existing use is low-key and has not caused severe harm to highway safety. The proposal is likely to generate fewer traffic movements than the current use and, on balance, Highways consider that it will not lead to severe harm to highway safety.
- 6.11 The proposed plan shows suitably-sized off-street parking spaces for 8 cars. This will serve four 2-bed dwellings and 1 3-bed dwelling, including the host dwelling. Leicestershire Highway Design Guide recommends the following:

- One space for each dwelling:
 - where car ownership may be low, such as town centres and other locations where services can easily be reached by walking, cycling or public transport.
- Two spaces for each dwelling:
 - urban locations with poor access to services and poor public transport services;
 - three-bedroom dwellings in suburban or rural areas; and
 - other locations where car ownership is likely to be higher than locations that are better served by public transport.

Figure 9: excerpt from the Leicestershire Highway Design Guide, para 3.173

- 6.12 The proposed plan shows two spaces allocated for the house, with the remaining 6 spaces for the four units (each unit having two bedrooms). Given the site's excellent location and the bus stop immediately adjacent, on balance this is considered sufficient to avoid any harmful on-street parking. The existing dwelling has its Permitted Development rights and further hardstanding could be created in the rear garden should this be necessary. The parking provision is considered to meet Highways design guidance. Satisfactory turning provision is also shown on the plans. It is recommended that these elements are controlled by condition.
- 6.13 The site has a footpath running past its entrance and has good pedestrian connectivity to key services in the village. A bus stop is also adjacent to the site where (currently) the X84 provides an hourly service between Leicester and Lutterworth. Cycle storage provision is shown on the plans within the amenity areas for each dwelling. The site is thus located in an area with good transport connectivity, where the occupiers need not be solely reliant on the private motor vehicle to access key services or employment.
- 6.14 Giving weight to the Highways support for the proposal, officers consider that the proposal will not give rise to a severe adverse highway impact, or increase on-street parking in the area and takes place in an area with good travel choices, in accordance with policies GD8 and IN2 of the Harborough District Local Plan and policy T1 of the Broughton Astley Neighbourhood Plan.
- 3. Residential Amenity**
- 6.15 Residential properties lie to the south, east and west of the site and include the host dwelling at 136 Station Road. The proposal also has potential to impact the amenity of The Leylands, 134B Station Road to the west, 2, 8, 10, 12 and 14 Speedwell Drive (to the east, with back gardens adjoining the site's eastern boundary) and to a much lesser extent, 16 Speedwell Drive and 18 Knighton Close to the south, with a small portions of garden adjoining the southernmost tip of the site.

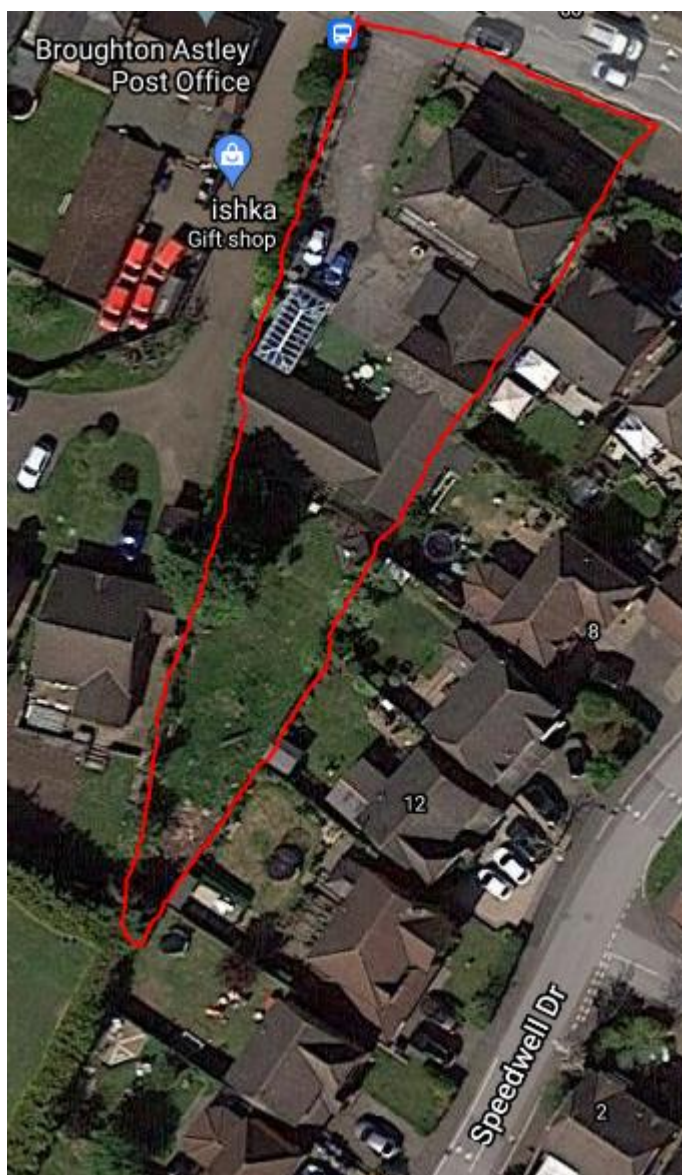


Figure 9: site (roughly outlined in red) in relation to neighbours (Google 2021)

2 Speedwell Drive

- 6.16 Whilst the proposal does not include any change in relationship between the two properties and no extension or demolition facing this neighbour, five openings are proposed to the east elevation, of which approximately three will face this neighbour. These are two rooflights and a bathroom window. The rooflights are set into a vaulted ceiling, well above head height, so officers consider that these will not cause any overlooking and are acceptable. The bathroom window as shown on the amended plans is narrow, set above head-height (1.7m above floor level), obscure-glazed and top-opening. Whilst allowing some air and light into the bathroom, the design of the window is considered to safeguard the amenity of this neighbour. A condition removing Permitted Development rights for additional openings on the whole of the east elevation is considered necessary, to prevent any overlooking into the gardens of this property and number 8 Speedwell Drive. Light spillage from the two rooflights is considered unlikely to affect the living conditions of this neighbour, given that no commercial use is proposed and that by their angle, the light is directed upwards rather than directly towards any facing windows of the neighbouring property. Subject to condition, the proposal is considered to safeguard the residential amenity of this neighbour.

The Leylands

- 6.17 This bungalow lies towards the south of the site, and adjacent to the site's western boundary. The relationship is thus an existing one. The rear garden where it is adjacent to that of The Leylands will remain in the private use of the host dwelling. The nearest rear windows of the proposed dwelling (unit 4) are approximately 16m from the facing windows of The Leylands, on a lower level and with a detached garage between. The proposal is not considered to give rise to harmful residential amenity impacts to this neighbouring property.

8, 10, 12 and 14 Speedwell Drive

- 6.18 The rear gardens of these houses adjoin the eastern boundary of the site, with proposed private amenity space for the dwellings and existing/proposed private amenity space for the host dwelling adjacent. Given that these are existing relationships, that no extensions are proposed, and that the land adjoining these houses will remain as private garden, the proposal is considered to have an acceptable impact on the amenity of these neighbours. The proposed rooflights on the east elevation are set into a vaulted ceiling such that they are above head height, minimising overlooking. Removal of Permitted Development rights to prevent openings on the east elevation is necessary to retain the private amenity of number 8. Subject to condition, officers consider that the proposal will safeguard the living conditions of the occupiers of these neighbouring properties

16 Speedwell Drive, 18 Knighton Close

- 6.19 Only approximately 7.5m of the site's southern boundary adjoins these neighbours. No built form development or change of use is proposed adjacent to these neighbouring properties which might otherwise cause harm to the living conditions of their occupiers. The impact on these properties is considered acceptable.

136 Station Road

- 6.20 The proposal will have most impact on the amenity of the host dwelling. This property has principal windows facing the proposed conversions and a balcony on its rear elevation. The host dwelling overlooks the proposed shared car park rather than any private amenity space, minimising loss of privacy. Additional planting is proposed for the balcony: because of the shared car park between the host dwelling and the new units this is not considered strictly necessary, however it is suggested by the applicant and accepted. Most proposed relationships between windows of principal rooms are oblique: that between the lounge/dining room of 136 and the bedroom window of Unit 4 is approximately 19.5m, below the recommended minimum separation distance of 21m in SPG3. Given that the owner of the dwelling is the applicant and that they have written in to support the proposal, the impacts are considered acceptable. Private amenity space for the host dwelling is retained at the rear garden and this is separated from that of the proposed dwellings.

- 6.21 The representation raises concerns about disturbance and noise given the increased residential use. It should be noted that the proposed dwellings are small and thus not likely to be attractive to families; furthermore, the dwellings are each allocated their own private amenity space which is modest, adjacent to the rear of the dwellings and on the same level as the dwellings – lower than the surrounding neighbouring properties. The garden for the host dwelling will remain in the private ownership and use of the host dwelling. Officers are satisfied that for these reasons, the proposal will not lead to an unacceptable increase in noise and disturbance for adjoining neighbours. However, given the location of the site in a predominantly residential area, it is considered necessary to control the impacts of construction such that this element of the development has reasonable safeguards to residential amenity. A suitably-

worded Construction Method Statement condition is recommended, also to encompass the recommended Highways condition.

- 6.22 There are no other neighbouring residential dwellings which could be affected by the proposal. Subject to condition, officers consider that the proposal will satisfactorily safeguard the living conditions of current and future occupiers, in accordance with GD8.

3. Ecology and Climate change

- 6.23 The site is close to open countryside and in an area of good bat foraging habitat, and in a Swift Alert Area. However, the buildings are of modern construction and thus do not trigger a requirement for a bat survey. No veteran or good quality trees will be lost as a result of the proposal, and additional planting will create some modest biodiversity benefit.
- 6.24 The proposal is not for major development so the requirements of policy CC1 do not apply. However, the site has a sustainable location and there are opportunities to increase its sustainability credentials by renewable energy (solar panels etc) and electric charging points for vehicles.
- 6.25 Officers consider that the proposal will not affect any locally designated wildlife site, sites of ecological value or any protected species, and that it thus complies with GI5 of the Local Plan.

4. Flooding & Drainage

- 6.26 The proposal is not for major development, therefore there is no statutory requirement for Sustainable Urban Drainage Systems (SUDs). The site is in flood Zone 1, with the land at the lowest probability of flooding. The application form states that surface water will be disposed by soakaway, with foul drainage unknown (although officers assume that the existing connection will be used). An ACO drain is proposed at the site's access, leading to a soakaway within the site. Severn Trent have asked for full details of foul and surface water drainage and the applicant has accepted this pre-commencement condition. Surface water drainage/run-off will not be materially increased by the proposal, given that it is for conversion of existing dwellings and there is already an amount of hardstanding on the site. The proposal is therefore considered to accord with Harborough District Local Plan policy IN4 and CC3.

7. The Planning Balance / Conclusion

- 7.1 The proposal will provide modest economic benefits during its construction and by additional Council Tax revenue. Social benefits include the addition of four dwellings to the District's housing supply and in formulating the recommendation, officers have given weight to the provision of smaller dwellings, as recommended by the HEDNA. There will also be a social benefit by the addition of new members of the local community. Environmental benefits are modest but include some additional soft landscaping and the demolition of the existing conservatory. All three strands of sustainable development are met, albeit in a modest way reflecting the scale of the proposal. Officers consider that the proposal does represent sustainable development.
- 7.2 Subject to the recommended conditions, officers consider that the proposal is acceptable in principle, with a design that is in keeping with the character of the area, represents an enhancement to the immediate area, safeguards residential amenity and protected species, has suitable drainage, will not cause a flood risk or have a

severe impact on highway safety. The proposal is thus considered to comply with policies GD2, GD8, H5, GI5, CC3, IN4 and IN2 of the Harborough District Local Plan and policies H3, T1 and SD1 of the Broughton Astley Neighbourhood Plan. There are no material considerations which would mean that the policies of the development plan should not prevail.

Appendix A – Planning Conditions & Informative Notes

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 – Permitted Plans

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

- Proposed Site Plan and floorplans (drawing number 2106-02-proposed plans rev c)
- Proposed Elevations (drawing number 2106-02-proposed elevations rev b)
- Site location plan only (drawing number 2106-01-ex location & prop block plan)
- Visibility splays (drawing number 2016-04-proposed visibility splays rev b)

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

3 – Access

No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Plans drawing number 2106 - 02 Rev C have been implemented in full.

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

4 – Visibility splays

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

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

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 Proposed Plans drawing number 2106 - 02 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) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

6 – Construction Method Statement

No development (including any site clearance/preparation works) shall be carried out on site until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development:

- a) hours of construction work, site opening times, hours of deliveries and removal of materials;
- b) full details of any piling technique to be employed, if relevant;
- c) full details of wheel cleansing facilities, construction and delivery vehicle parking facilities, and a timetable for their provision;
- d) contact details for site manager, including how these details will be displayed on site.

The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general, to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not lead to on-street parking problems in the area, having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

7 – Drainage

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

9 - Landscaping

The hard and soft landscaping shown on drawing number 2106-proposed plans-Rev C shall be implemented prior to first occupation of the dwellings hereby permitted. 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.

11 – Landscaping management

The maintenance and management of all areas of landscaping (other than privately owned/leased or rented domestic gardens) shall be in accordance with the details provided on drawing 2106-proposed plans-rev C and shall be retained in accordance with the details in perpetuity.

REASON: To ensure the proper management and maintenance of the approved landscaping in the interests of 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.

10 – Permitted Development Restriction (openings east elevation)

Notwithstanding the provisions of Part 1 to Schedule 2 of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order) no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed on the east elevation.

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

9 – Permitted Development Restriction

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and reenacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, Classes A, B and D inclusive of that Order, shall be erected or undertaken on the site (including the house at 136 Station Road).

REASON: To safeguard the residential amenities of adjoining dwellings and in the interests of highway safety (parking provision and intensification of use of the access) having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework .

Notes to applicant

Building Control

Ecology

Highways

Severn Trent

Planning Committee Report

Applicants: GLP

Application Ref: 21/00443/REM

Location: Land at Mere Lane, Bittesby

Proposal: Application for approval of Reserved Matters pursuant to outline application ref. 15/01531/OUT (APP/F2415/W/18/3206289), primary infrastructure, including estate road and associated landscaping, drainage, utilities and open space

Application Validated: 3rd March 2021

Site Visit Dates: 24th March, 30th April

Target Date: 2nd June 2021

Case Officer: Mark Patterson

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 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**).

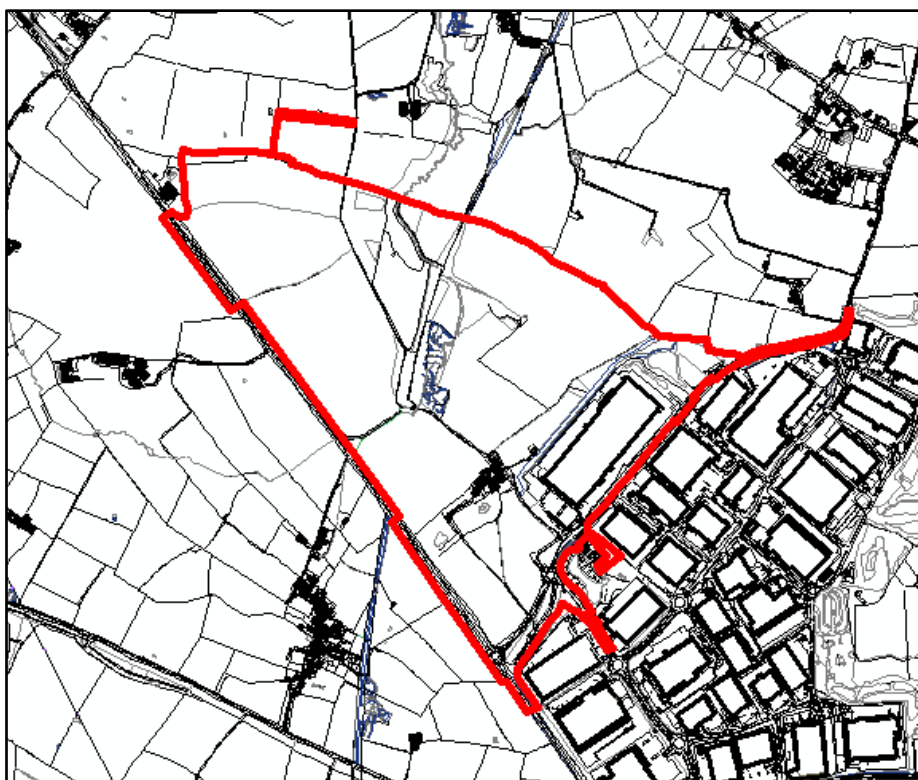


Figure 1: Site Location Plan

- 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.

- 1.3 The site comprises 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.
- 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 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.
- 1.6 At the eastern corner of the site is the Mere Lane Lagoon which attenuates water draining from Magna Park and feeds a watercourse that runs along a small tributary valley of the River Soar to the northern and western flanks of the site.
- 1.7 The site also contains the Scheduled Ancient Monument of Bittesby Deserted Medieval Village. The Village is recorded in the Domesday Survey (1086 AD) and is likely to have been established in the late Saxon period. The Scheduled Monument is located at the centre of the site between the railway embankment and Upper Soar tributary. This open access land comprises visible earthworks maintained by sheep grazing.
- 1.8 Twenty listed buildings and two conservation areas lie within a 2 km radius of Zone 1. These include listed buildings in Willey, Ullesthorpe and Claybrooke Magna to the north west. The historic core of Ullesthorpe village is designated as a Conservation Area. Bittesby House is considered to be a non-designated heritage asset. Bittesby House, formerly a farmhouse and currently being converted from offices to an educational facility, dates from at least the 18th century. Bittesby Cottages, lying to the north-east of Bittesby House, date from the late 19th century.
- 1.9 The site does not include, nor is it adjacent to or within a 2 km radius of, any statutory designated sites for wildlife. There are four Local Wildlife Sites (LWS) within the search area falling into the County of Leicestershire, the closest being Old Manor Reedbed LWS situated approximately 800m to the north of the site. Within the search area covered by Warwickshire, there are four Eco-sites, the closest being the disused railway line beyond the A5 to the west, which is a continuation of that which bisects the site north- east to south-west.



Figure 2: Aerial Photo of site

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 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.

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal seeks reserved matters approval for the primary infrastructure, including estate road and associated landscaping, drainage and utilities and open space
- 3.2 The Parameters Plan which was approved as part of the Outline consent (see **Figure 3**) 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 Parameter is the finished floor level (FFL) for each plot which sets out a maximum FFL for the plot.

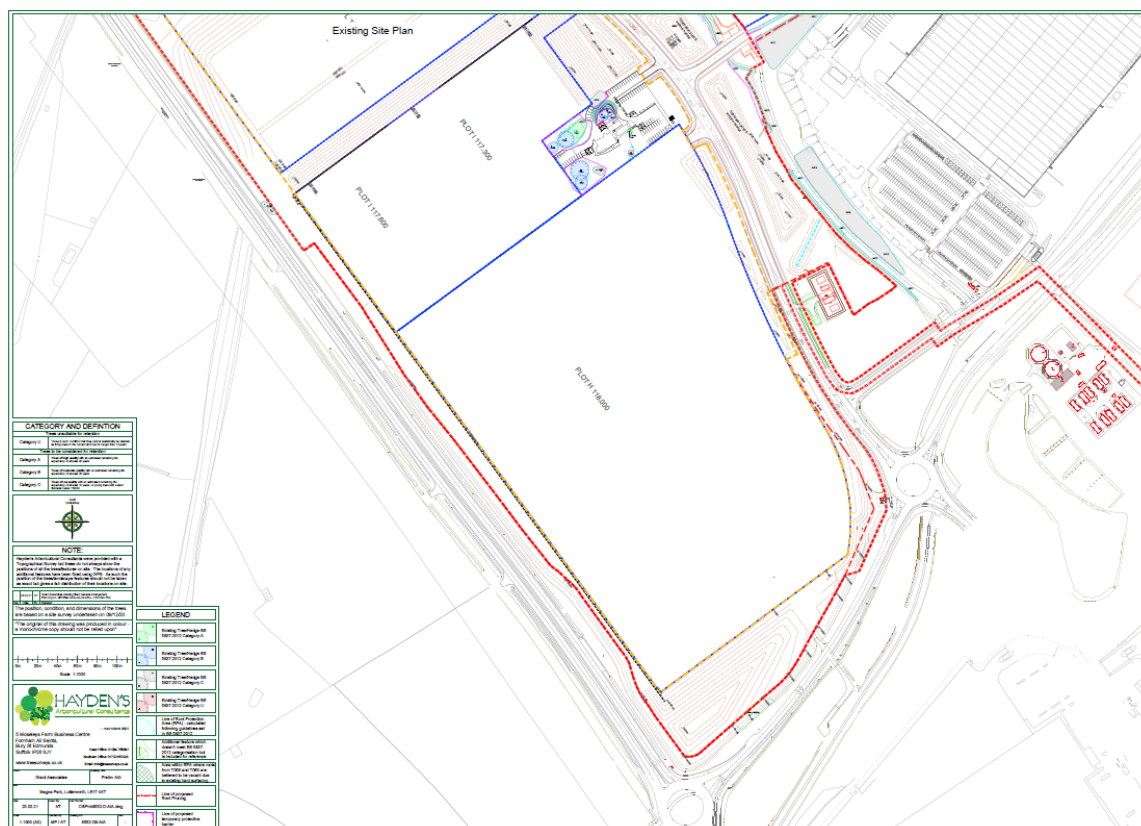
3.3 The details of the pertinent parameters set out in **Figure 3** are set out in more detail below:

- PARCEL E – up to 6.58Ha
 - Use: D1 Logistics Institute of Technology + B1(a) and D1 Estate Office + B1 (a) & (b) Innovation Centre
 - Permitted Unit Floor Level: Highest FFL up to 113.00m AOD
- PARCEL F – up to 2.68Ha
 - Use: B1 (a) & (b) - Holovis
 - Permitted Unit Floor Level: Highest FFL up to 111.50m AOD
- PARCEL G¹ – up to 21.86Ha
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Permitted Unit Floor Level: Highest FFL up to 119.60m AOD
- PARCEL H – up to 13.85Ha
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Permitted Unit Floor Level: Highest FFL up to 120.50m AOD
- PARCEL I – up to 4.76Ha
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Permitted Unit Floor Level: Highest FFL up to 119.00m AOD
- PARCEL J – up to 5.19Ha
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Permitted Unit Floor Level: Highest FFL up to 114.20m AOD
- PARCEL K – up to 28.57Ha
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Permitted Unit Floor Level: Highest FFL up to 114.20m AOD
- PARCEL L – up to 8.01Ha
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Permitted Unit Floor Level: Highest FFL up to 115.70m AOD

3.4 The submitted details with regards the levels are set out at **Figures 4 – 6** and in more detail below:

- PARCEL E – up to 6.58Ha
 - Use: D1 Logistics Institute of Technology + B1(a) and D1 Estate Office + B1 (a) & (b) Innovation Centre
 - Permitted Unit Floor Level: Highest FFL 113.00m AOD
- PARCEL H – up to 13.85Ha
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Permitted Unit Floor Level: Highest FFL 120.50m AOD
- PARCEL I – up to 4.76Ha
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Permitted Unit Floor Level: Highest FFL 117.80m AOD
- PARCEL J – up to 5.19Ha
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Permitted Unit Floor Level: Highest FFL 112.80m AOD
- PARCEL K – up to 28.57Ha
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Permitted Unit Floor Level: Highest FFL 111.70m AOD
- PARCEL L – up to 8.01Ha
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Permitted Unit Floor Level: Highest FFL 114.30m AOD

¹ Parcel G has already been developed under 15/00919/FUL, the unit is currently occupied by Wayfair



- [illegible]

120



Figure 7: Indicative Layout



Figure 8: Infrastructure Masterplan



Figure 9: Illustrative Landscape Masterplan

- 3.6 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 7**. **Figures 8 & 9** indicate how the proposed strategic landscaping provision will help to - once embedded and matured - assimilate the development into the surrounding landscape. These plans also indicate the proposed estate road, strategic drainage and open space for which Reserved Matters approval is currently sought.

b) Documents submitted in March 2021

i) Plans

- 3.7 Plans have been submitted showing the extent of the site, the proposed levels across the site, proposed cut and fill across the site, the strategic drainage layout, highway details, the proposed strategic landscaping plans and illustrative plans of how the development could appear in the context of the details for which consent is sought.

ii. Supporting Statements

- *EIA Compliance Statement*
- 3.8 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*
- 3.9 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*
- 3.10 This Statement outlines the Applicant's landscape design ethos and how it responds to the Outline consent
- *Carbon Neutrality Innovation Plan*
- 3.11 This report outlines the ways in which GLP's own embodied carbon targets will be achieved and how a road towards carbon neutrality can be achieved for the infrastructure works. Areas considered within this Plan demonstrate how the proposed infrastructure works will:
 - Utilise corporate sustainable procurement requirements to reduce carbon emissions.
 - Incorporate the principles of the circular economy to design out materials inefficiency.
 - Incorporate recycled materials and materials with low embodied energy impact.
 - Incorporate best practice construction site measures to reduce the consumption of resources.
 - Assess the amount of carbon emissions produced as a result of the development proposals and consider offsetting options.
- *Transport Compliance Note*
- 3.12 this document demonstrates how the application complies with the Environmental Statement and subsequent technical notes submitted in support of the Outline consent.
- *Landscape and Visual Impact Compliance Statement*
- 3.13 The document demonstrates the applicants consideration that the application is compliant with the parameters assessed within the LVIA which was produced in support of the outline planning application for development Ref. 15/01531/OUT.

c) Amended / Additional Plans / Drawings and Supporting Documents

- *April 2021 – Response to Highways England comments*
- 3.14 We write further to your letter to Harborough District Council dated 30th March 2021 regarding planning application reference 21/00443/REM. HDR | Bradbrook Consulting is providing consultant civil, structural and geotechnical engineering design for the applicant.
- 3.15 As you may be aware, earthworks are proposed to be undertaken in connection with the proposed development, to create the required platforms to receive the new units. The cut and fill is such that retaining structures are proposed along parts of the development site's south-western boundary, beyond which lies the A5 highway. We enclose for your reference Bradbrook drawing 19-023D_658-P1 which provides a series of cross-sections along this boundary. These sections illustrate the current and proposed slope geometry and, where applicable, the locations of proposed retaining walls.
- 3.16 The A5 highway boundary is identified on these sections and a 45 degree 'zone of influence' line has been taken towards the site from this point. This represents the theoretical maximum extent to which any surcharge load from the highway might influence ground within the site.

- 3.17 Also illustrated is a more conservative 30 degree line, which represents the calculated internal angle of friction of the underlying natural geology. This angle equates to the safe angle of repose (Φ') of this soil in the long term (drained) condition and has been determined through geotechnical investigations and laboratory analysis. A chart illustrating the data from which this angle has been calculated is also enclosed.
- 3.18 Please note that the proposed new roundabout access towards the north-western end of the site is subject to a separate planning application and that as such a separate consultation with Highways England will be undertaken regarding that element of the proposals.
- 3.19 The earthworks proposed under application 21/00443/REM are entirely outside the A5 zone of influence and are also outside a more conservative influencing zone based on the soil geotechnical properties. We therefore consider that there is no impact on the integrity of Highways England assets and that consequently the CD622 approval process does not apply in this instance.
- *April 2021 – Updated Landscape Plans and Strategy*
- 3.20 In response to comments received from LCC Ecologist, the landscape plans have been amended and updated. These plans have been submitted to LCC Ecology for consideration.
- *May 2021 – Updated Drainage Strategy*
- 3.21 In response to comments received from Highways England (HE), the Drainage Strategy for the internal roads has been amended and updated. This has been submitted to HE for consideration.
- *May 2019 – Updated Geo-Environmental Report*
- 3.22 In response to comments received from Highways England (HE), the Geo-Environmental report has been amended and updated. This has been submitted to HE for consideration.

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

Historic England has no objection to the application on heritage grounds. We welcome the measures outlined for the beneficial management of the scheduled monument and new heritage interpretation. We would encourage the applicant to consider opportunities for further interpretation which better reveals the significance of the wider historic environment within the application site. We recommend consultation with the Leicestershire County Council's Historic & Natural Environment Team on this application.

4.1.2 Environment Agency

Thank you for referring the above application and I apologise for the delay in replying. We have reviewed the submitted information and have the following comments to

make:

The development **must** be carried out in accordance with the submitted 'Framework Surface and Foul Water Drainage Strategy' (ref 19-023, dated Apr 2021 and produced by HDR | Bradbrook Consulting) and the following mitigation measure it details:

"No built development is proposed within [the] the modelled flood zone – the area is to be used for landscaping only. Furthermore, no changes to ground levels are proposed within this area, so there will be no change in capacity to receive fluvial flood waters." (Paragraph 2.16).

This is to ensure that there are no detrimental impacts to flood storage or flood flow routes.

4.1.3 Highways England

Thank you for consulting Highways England on 10 March 2021 regarding planning application 21/00443/REM, for the approval of Reserved Matters pursuant to Outline application ref. 15/01531/OUT (APP/F2415/W/18/3206289), primary infrastructure, including estate road and associated landscaping, drainage, utilities and open space, at the above location.

4.1.4 Having reviewed the information submitted in support of the application, we note that there is no connection to any A5 Highways England's drainage assets, all the internal roads drain to ponds and watercourses within the site that then flow away from the A5. The site also appears to be at a lower level than the A5, therefore there are no concerns with any overland flow or overflow of ponds during severe storm events for the Strategic Road Network (SRN). 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 from a geotechnical perspective:

- All works that may have potential impact on the integrity of Highways England and our associated geotechnical assets will be subject to prior approval. To assure Highways England that our geotechnical assets are protected, the Design Manuals for Roads and Bridges (DMRB) CD 622 certification process is applied for the management of geotechnical risks on Highway England / third party projects adjacent to, or under / over the SRN.
- The A5 at this location is primarily at grade (earthworks < 2.5m high), with a section of embankment on the A5 southbound, which coincides with the new proposed development site access. This new access and its interaction with the existing earthwork asset (and any ground improvement treatments), together with any earthworks proposed for the associated development platforms (cuttings, changes in slope geometry, bunds, retaining walls, etc) or other geotechnical considerations within influencing distance along the boundary with the A5, will require full geotechnical approval.
- Any new statutory or private service routes that may affect Highways England's asset(s) must be coordinated and agreed in advance with Highways England, with geotechnical approvals via CD 622.
- All geotechnical and earthwork details will be reviewed as part of the stepwise CD 622 process. It is recommended that the CD 622 process commences as soon as possible once the Section 278 process commences with Highways England; a Design Geotechnical Advisor (DGA) will need to be proposed / approved. The DGA should be retained throughout the design and construction phases, and complete the CD 622 process with the delivery of a satisfactory / approved Geotechnical Feedback Report (GFR).

- 4.1.6 Having reviewed the information submitted in support of this consultation, we note that the principle of the proposed development has already been agreed in support of the Outline planning application and consider that this Reserved Matters application is unlikely to have a detrimental impact on the operation of the Strategic Road Network (SRN). Therefore, Highways England raises no objection to Reserved Matters application.
- 4.1.7 *Highways England (Comments in response to Bradbrook response to HE initial comments)*
Your response is noted, but this still remains as a 'reasonable assumption' by Highways England. It would be preferable if a copy of the supporting geotechnical report could be provided to confirm/conclude the submitted proposals will not adversely affect the A5.
- 4.1.8 The CUPP data / test results are appreciated. These tests are noted to be from BH 30 at 2.85m bgl, BH 30 at 17.6m bgl, BH 30 at 19.05m bgl and BH31 at 4.05m bgl; however, there is no plan to show the position of these boreholes. As commented above, it would be preferable if a full copy of the supporting geotechnical report could be provided to confirm/conclude the site geological ground model for the sections under consideration is represented by these boreholes.
- 4.1.9 Based on the information provided in Sections 3.17 and 5.2 of the Drainage Strategy (doc ref: 19-023 V7, dated 19/04/2021), it appears there should be adequate capacity to accommodate additional surface water from land drainage. Also from the drawing of Surface Water Drainage Strategy North Site (drawing no.: 19-023D / 661 Rev P2) in Appendix F, it appears that the Highway Attenuation Basin will be subject 'to Highways Engineers Details' and therefore will be assessed as part of the detailed design. Please note that any subsequent impact therefore from Highways England (if any) will be a risk to the developer with regard to Technical Approval.
- 4.1.10 *Natural England*
Natural England has no comments to make on this application.

2. Leicestershire County Council

- 4.2.1 *Leicestershire County Council Highways*
The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and/or planning obligations outlined in this report.
- 4.2.2 *Site Access*
The site will be accessed from two separate points on the highway. The southern access (to Parcel G) 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. The northern vehicular access is from a new roundabout onto the A5 and is shown on drawing number 47066811/A008/SK13 (Appendix B) of the TN. 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 RM application.
- 4.2.3 *Estate Road / Spine Road*

The primary spine road will serve plots E, H, I, J & K. The applicant has confirmed in the TN that the spine road carriageway will be 10.5m wide providing 5.25m lane widths or, in areas of ghost island right turn lanes, 3.5m lane widths with a 3.5m turning lane. All cycleway/footways are 3m wide, which is in accordance with standards contained in the Leicestershire Highway Design Guide (LHDG) and have a 1m verge separation from the carriageway as well as 1m verge separation at the back prior to any earthworks. Finally the footways taper down to 2m at the southern end where it connects to the existing road. The northern road serving plot L is 7.3m wide providing 3.65m lane widths. At its western end at the junction with the spine road the road widens out to 10.8m to accommodate a ghost island right turn lane. All cycleway/footways and bridleways will again be 3m wide and have a 1m verge separation from the carriageway as well as 1m verge separation at the back prior to any earthworks.

- 4.2.4 The applicant has proposed two new bus stops on the spine road and one on the northern road. All bus stops will be on the carriageway although no laybys are proposed. The shelter and waiting area will be behind the footway as to avoid any conflict with pedestrians.

4.2.5 Swept Path analysis

The applicant has demonstrated on drawing numbers 16593-HYD-XX-XX-DR-D-0002 and 16593-HYD-XX-XX-DR-D-0003 that a 16.5m articulated lorry could access and egress the various parcels of Zone 1 in all directions in a safe and controlled manner. Finally the applicant has confirmed that the proposed spine road will not be adopted and will remain private. Nevertheless, the LHA would advise the applicant ensure that the bus operator is happy to serve the site if the spine road is not maintainable at public expense.

4.2.6 Mere Lane Footway

The applicant has also submitted plans for a section of new footway along Mere Lane from the car park at the back of Plot G to the area of woodland that wraps around the existing Magna Park site. The LHA is content that the proposed footway improvements can be secured by condition. The LHA would advise the applicant all proposed off site highway works should be designed in accordance with LHDG.

4.2.7 Internal Layout

The Parameters Plan is presented on Chetwoods Architects drawing number: 3657-34, Revision 19 and shows the locations of Parcels A-M2 (Zone 1) and the lorry park (Zone 2). The LHA understands that future Reserved Matters applications will be submitted in due course but the LHA would expect the applicant to provide HGV and car parking in line with the LHDG for the parcel being applied for.

4.2.8 Public Right of Way

The LHA note that Public Footpaths W89/W92 and Bridleways W86/W88 run through the proposed development. After a review of the submitted Connections and Footpath Strategy Plan (drawing MPN604-GRA-XX-XX-DR-L-1004), the LHA understands that the applicant is proposing to divert or extinguish several Public Rights of Way and Permissive Paths to accommodate the development. Additional details have been provided in the Landscape Design Statement, Connections & Rights of Way Strategy (pg. 10-11) which lists the following proposed alterations to the Public Right of Way (PROW) network:

- W89 branch between W86 and A5 and across Parcel E stopped up;
- W86 diverted (to avoid parcel K) with additional minor diversion to proposed bridleway crossing of proposed primary infrastructure Estate Road; and

- W92 to be stopped up. Access to the same points across the site will be replaced by the proposed footway and bridleway alongside the Estate Road

These proposals have previously been set out in the Public Footpath and Bridleways report, the application proposals, and the user experience report submitted under the hybrid planning permission 15/01531/OUT. The proposed development will have a significant impact on the PROWs in the area. However, as previously stated, if the routes are managed as outlined in the Public Footpaths and Bridleways report then this will act to mitigate against the potential negative impacts.

4.2.9 The LHA have previously requested additional information about the proposed diversions and landscaping, including routes, widths construction and surface materials. The LHA note from the submitted Project Wide Landscape Specification (document MPN604-GRA-XX-XX-SP-L-9000 Rev P03 Pg. 57), the applicant is proposing to surface the footpaths and bridleways with self binding gravel. The LHA would usually request a tarmacadam surface for a PROW; however, given the open space nature of the development, the LHA are willing to allow the use of self binding gravel in this instance.

4.2.10 The submitted Landscape Design Statement, Signage, Wayfinding & Interpretation Strategy (pg. 12-13) shows the proposed location of directional wayfinding signage. Leicestershire County Council would make the applicant aware of the standard specification for fingerpost signs and waymarker posts; a separate document is attached to these highway observations for information.

4.2.11 Closing

In summary, a review of the information currently submitted demonstrates that the internal spine road is not currently suitable for adoption by the LHA and therefore would remain private. However, this is not a reason for the LHA to seek to resist this application 21/00443/REM on highway grounds. Nevertheless, if the applicant wishes to amend the proposals and pursue an adoptable layout this will need to be discussed with the LHA and designed to the requirements set out in the Leicestershire Highway Design Guide, and is likely to result in revisions being sought in the planning arena and before S38 stage.

4.2.12 *Leicestershire County Council Principal Planning Archaeologist*

In principle I have no objection to the proposals as presented, however I feel the opportunity raised by the creation of the extensive landscaping and open space proposals, detailed in the submitted Landscape Design Statement (Grant Associates (Feb 2021, ref.: MPN604-GRA-XX-XX-RP-L-1000 REV P03) under-realise the opportunity afforded by the known heritage assets (designated and non-designated), which have been the subject of an extensive and only recently completed archaeological mitigation programme.

4.2.13 I would recommend that applicant consider adding additional interpretative panels or perhaps more practically combining or extending the purpose of the proposed panels. In that respect a total of 8 locations where heritage could feature either as an independent interpretation panel or in conjunction with other interpretative/educational themes:

- 1: Located on the W86 - Iron Age and Roman archaeology, W end of the development site (Plots J, K and L);
- 2: W89 - Medieval and post-medieval parish landscape history, Midland County Railway embankment;
- 3: W88 - Bitteswell aerodrome ('historic' Magna Park site);
- 4: Permissive route - Scheduled Monument DMV – North;
- 5: Proposed viewpoint - DMV and medieval archaeology, Plots C, J and D;

- 6: W88/Permissive - Scheduled Monument DMV – South;
- 7: W88 - Iron Age and Roman excavations Plots D, E, H and I;
- 8: Bittesby House, and medieval to post-medieval parish.

4.2.14 Leicestershire County Council Planning Ecologist

I cannot accept the landscape plans in their current form see my detailed comments below. I have a holding objection pending a re-think on some elements. This should provide greater biodiversity value and integration into local landscape. In particular, the removal of many non-native and potentially invasive species is needed. I would be happy to discuss this further with the landscape architect if needed.

- 4.2.15 The landscape plans are extremely complex, and I think are over-complicated. Some elements are inappropriate to a country park in this setting - next to open countryside and removed from a local community or village. It feels as though too many landscape types are being fitted in to a relatively small area; better wildlife value is achieved through larger areas of habitat and the use of species found in natural association together. There is more value in larger blocks of e.g. wildlife meadow, or woodland, hazel coppice, rather than too many small habitats.
- 4.2.16 To maintain this complex mosaic will be resource-heavy, and some parts of it require garden-style maintenance. I don't feel this is likely, or sustainable, and I feel that a simpler approach would be better and create a more robust scheme. There are also a lot of non-native species included in the mixes, which would be a mistake in a naturalistic environment. Some are invasive, and pose a risk of escape into the open countryside adjacent to the site. Planting these stores up constant maintenance problems for the future, as well as being of lower wildlife value and inappropriate to local habitats.
- 4.2.17 A simplified landscape scheme would include reduced species-mixes based on species already present in this part of Leicestershire, in natural associations, and would create a landscape that fitted better into its environment and context and better for wildlife.
- 4.2.18 In particular, I am not happy with the foraging woodland, which includes many garden plants, fruits, culinary herbs that would be appropriate and very attractive in a community garden/park/orchard/allotment, but is completely wrong for this site. It would require very detailed gardening maintenance to sustain it, which I feel is unlikely to happen, and its isolation from any communities at the back of an industrial estate means its unlikely to have people using it for this purpose. I think it is acceptable to have cob nut and sweet chestnut trees, some orchard trees and robust native tree and herbaceous fruits such as strawberry, raspberry, blackberry, wild cherry, crab apple etc. However, there are a large number of non-native and potentially invasive species of garden plants in the list, which should not be planted in this setting adjacent to open countryside Rheum rhabarbum, Melissa officinalis, Allium schoenoprasum, Asarum canadense, Ribes vulgaris, Mespilus germanica, Angelica archangelica, Foeniculum vulgare, Armoracia rusticana, Ribes grossularia. These should not be planted. I recommend that this whole area is reconsidered and replaced with a more natural and low maintenance, sustainable design.
- 4.2.19 I have some comments on the Tree Planting and Seeding schedules; some of the species lists include non-native species or those that are not locally native. Whilst some of the latter are acceptable, due to their high wildlife value (since as Pinus sylvestris), this is not true of the majority of non-natives. In addition, the lists includes some rare Leicestershire natives, which should not be planted. The risk of introducing alien genetic material or plant pathogens in nursery stock is too high. Because they

are rare in Leics, these species have specific habitat requirements or associations and should not be planted out of context.

- *Taxus baccata* not native in our area.
- *Sorbus torminalis* - native in our area, but confined to ancient woodland, and rare.
- Remove *Quercus petraea*. Only native on acid soils on Charnwood Forest in our county, so inappropriate for this site;
- Remove from Mixed Native woodland climax block and Hazel coppice/oak standards.
- *Salix pentandra* not native in our area. Remove from Mixed Native wet woodland.
- *Angelica archangelica* not native (possible *Angelica sylvestris* is intended) - remove or replace with native *Angelica* in Foraging woodland
- *Vinca* spp. not native, and very invasive - Remove from Native foraging woodland
- *Carex* spp. these need to be specified; some are native , some not. In a woodland setting, *Carex sylvatica* is appropriate.
- *Melissa officinalis* not native remove from Native foraging woodland
- *Lamium galeobdolon*. The non-native and extremely invasive variegated form is frequently misplanted for this native of ancient woodland I recommend removal from Native foraging woodland
- *Quercus ilex* non-native, and not a normal constituent of a coppice; this is an ornamental tree; remove from Hazel coppice and oak standards.
- *Nuphar lutea* extremely invasive, although native, and more associated with large rivers. I would not recommend planting this in the aquatic environment.
- *Ruscus aculeatus* non-native - remove from Niche habitats
- *Ulex gallii* and *Ulex minor* not native in this area; remove from gorse and broom scrub
- *Buxus sempervirens* not native in our area -remove form Niche habitats.
- *Galanthus nivalis* and *Narcissus pseudonarcissus* are not native in our area, but are acceptable; however, not daffodils in the variety *lobularis*.

4.2.20 Leicestershire County Council Planning Ecologist (comments in relation to Supplementary Information)

I've reviewed the planting mixes and the overall plan. I haven't had time to look at all the detailed plans; just the key ones, but if in accordance with the overall plans and the revised planting schedules they will be acceptable.

- MPN604-GRA-XX-XX-SH-L-5000, P05, 26/04/21 (plant schedules)
- MPN604-GRA-XX-XX-DR-L-1003 Rev 06, 29/01/21 (planting typologies, habitat and ecology strategy plan)

Following my discussions with the agent and landscape architect, my comments have been taken on board, which is good.

4.2.21 There is one minor issue still: a new non-native species has appeared, *Betula nigra*, in the Mixed Native Woodland mix, but I've also just spotted it in the Wet Woodland and Native Alder and Willow Coppice mix as well, which I hadn't noticed before. It needs to be removed. Apart from this minor point the landscape plans are now OK; there's no need to reconsult me, just for the *Betula nigra* to be removed from all mixes.

4.2.22 As far as I can tell, the landscape plans have also been simplified to remove the niche habitats, which I did not think would work (I cannot be absolutely sure of this, as I'm not certain where they were in the original plans, but I they don't seem to be shown on the current plans, which is as I wanted.)

4.2.23 Once the *Betula nigra* is removed, the plans can be accepted - my apologies for not spotting this before

4.2.24 Leicestershire County Council Lead Local Flood Authority

Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are sufficient for the LLFA to support the approval of the reserved matters in relation to the primary infrastructure, including estate road and associated landscaping, drainage, utilities and open space only.

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. Members of Parliament, Councillors and Parish Councils

4.3.1 Willey Parish Council

We note that two footpaths that we use to access the area (and ultimately over to the country park) are affected. One is being removed and the other rerouted - W89. From Willey we have to cross the A5 to get onto the footpaths. We have four footpaths/bridleways on the Willey side of the A5 - three of which already terminate at the A5 as there is no way of crossing the road due to the central reservation. One currently leads onto the new footpath currently located on the ground containing the application for the fuel and fast food park - so is already also now in jeopardy of being removed. This will leave us with the only access point being from the end of main street with the A5 junction. We can cross there and join the new routed W89 to the left of the new buildings. This crossing is precarious due to the amount of traffic on the A5, the speed it travels and the fact the vehicles do U turns in the gap. I am not sure you have any ability to help with the access but if there was anything - like pedestrian lights or a bridge over the A5 it would be helpful! It really is an issue for us in the village. The other point to note is that we then have to cross the internal road to get over to the park and footpaths/bridleways. Will there be any crossing controls put in at that point? We have residents who walk, ride bikes and horses over there at the moment all of whom have concerns of safety in now crossing two busy roads. It would be ridiculous for us to have to drive a car/van from the village to get to the country park when we can see it from the village and currently are able to walk over. Thank you for considering our comments.

b) Local Community

- 4.2 10 letters were distributed to properties adjacent to the application site along with 4 site notices around the site. 3 objections have been received, all from residents of Willey. Officers note that several of the representations are very detailed and whilst regard has been had to these in assessing this application, it is impractical to copy these verbatim and therefore a summary of the key points is provided at **Figure 10** below.

<i>Bridleway / Footpath issues raised through representations</i>	1) Firstly the routes of the current bridleways and footpaths must be maintained. The connections and footpaths strategy document suggests that this is the case but I would stress that this document must be fully adhered to.
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	<p>2) The access for the bridleway across the spine road is not clear on any documents I can find. It is essential that this should be via an underpass to the spine road to avoid large commercial vehicles coming into conflict with horse riders, cyclists, dog walkers, etc.</p> <p>3) The crossing over the A5 from the road to Willey onto the bridleway also needs to be developed and improved as the increased traffic generated by this development will inevitably increase potential dangers. This crossing must be fully addressed by the developer and suitable mitigation measures put in place.</p> <p>4) We note that two footpaths that we use to access the area (and ultimately over to the country park) are affected. One is being removed and the other rerouted - W89.</p> <p>5) From Willey we have to cross the A5 to get onto the footpaths. We have four footpaths/bridleways on the Willey side of the A5 - three of which already terminate at the A5 as there is no way of crossing the road due to the central reservation. One currently leads onto the new footpath currently located on the ground containing the application for the fuel and fast food park - so is already also now in jeopardy of being removed. This will leave us with the only access point being from the end of main street with the A5 junction. We can cross there and join the new routed W89 to the left of the new buildings.</p> <p>6) This crossing is precarious due to the amount of traffic on the A5, the speed it travels and the fact the vehicles do U turns in the gap. I am not sure you have any ability to help with the access but if there was anything - like pedestrian lights or a bridge over the A5 it would be helpful! It really is an issue for us in the village.</p> <p>7) The other point to note is that we then have to cross the internal road to get over to the park and footpaths/bridleways. Will there be any crossing controls put in at that point? We have residents who walk, ride bikes and horses over there at the moment all of whom have concerns of safety in now crossing two busy roads. It would be ridiculous for us to have to drive a car/van from the village to get to the country park when we can see it from the village and currently are able to walk over.</p> <p>8) If these proposals go ahead in their current form we will need to cross an even more busy A5 (and it is already a dangerous and scary road to cross) and then the main MPLN estate access road.</p> <p>9) I would like to see your proposal include crossings &/or underpass etc for both of these roads. In this respect I fully endorse the comments made by Willey Parish Council.</p>
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Figure 10: Issues raised in Objection through consultation with local residents

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 against Outline Consent

1. Proposed Plot levels

6.1.1 The Parameters Plan which was approved as part of the Outline consent (see **Figure 11**) sets out the maximum finished floor levels and the range of units for each parcel of the development. This established a framework within which a range of reserved matters options can be accommodated. The proposed Finished Floor Levels are indicated at **Figure 12**. **Figure 13** provides a comparison of the Parameters plan and the Reserved Matters proposals.



Figure 11: Approved Parameters Plan

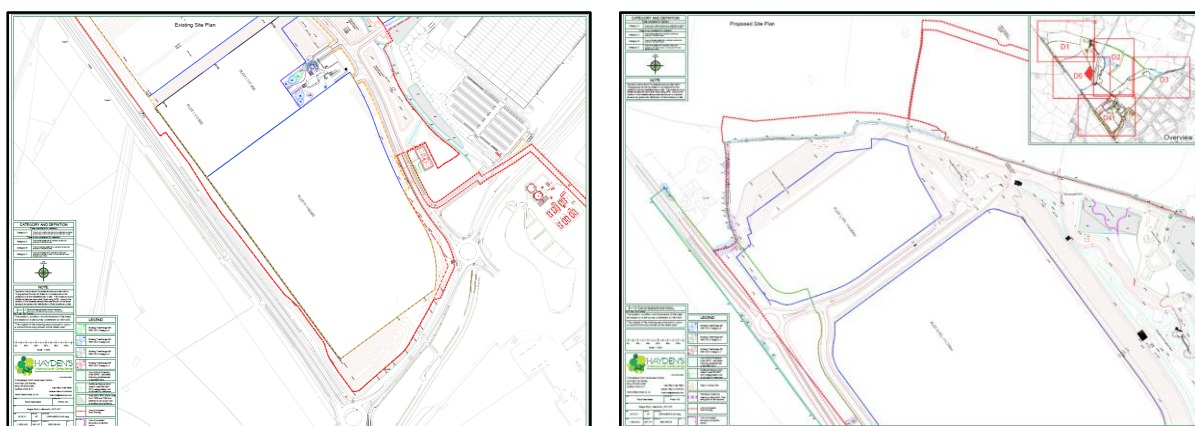


Figure 12: Proposed site levels

6.1.2 As can be seen at **Figure 13**, the Reserved Matters proposals are in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed levels 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 levels is considered to be acceptable. It is therefore considered that the

proposals are in accordance with Policies BE2, GD3 and GD8 of the Harborough District Local Plan

Parcel	Approved Parameters	Reserved Matters Proposal	
	FFL	FFL	Difference
Parcel E	<113.00m AOD and <110.50m AOD	113.00m AOD and 110.50m AOD	n/a
Parcel H	<120.50m AOD	Varies between 117.8m AOD and 120.5m AOD	Between -1.2m and 0m
Parcel I	<119.00m AOD	Varies between 117.45m AOD and 117.80m AOD	Between -1.55m and -1.2m
Parcel J	<114.20m AOD	112.80m AOD	-1.4m
Parcel K	<114.20m AOD	111.70m AOD	-2.5m
Parcel L	<115.70m AOD	114.30m AOD	-1.4m

Figure 13: Comparison between outline Parameters and Reserved Matters proposals

2. Proposed estate roads

- 6.2.1 The proposed development will be accessed off the A5 via the recently created roundabout and realigned Mere Lane. A second roundabout on Mere Lane will then provides access into the site itself. All of this infrastructure is already in place as part of 15/00919/FUL (the Wayfair building).

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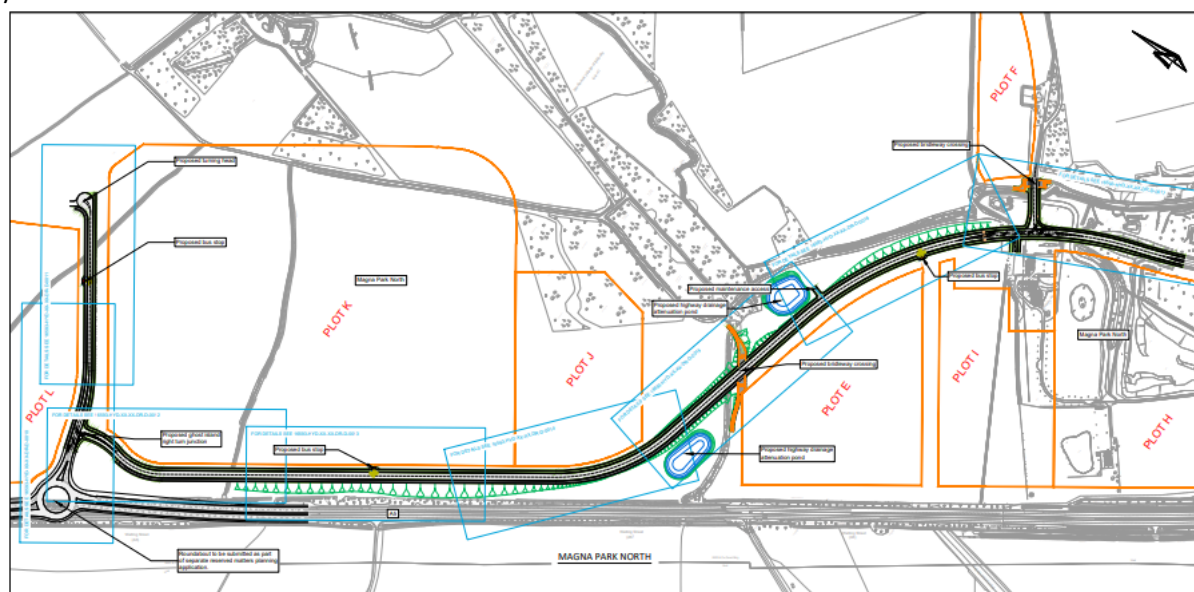


Figure 14: Proposed internal road layout

- 6.2.2 The detail before the Council for consideration at the moment is the layout and design of the internal estate road (which acts as the main artery through the site and provides a connection to all the employment land parcels), footpaths, bridleways and associated infrastructure. All parcel accesses will be brought forward as part of the individual parcel Reserved Matters applications. The applicant 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 (MPL Central) and MPL South where the estate roads are managed by the Magna Park Management Company.
- 6.2.3 The primary estate road or 'spine road' serving parcels E, H, I, J & K is 10.5m wide providing 5.25m lane widths or, in areas of ghost island right turn lanes, 3.5m lane

widths with a 3.5m turning lane. All cycleway/footways and bridleways are 3m wide and have a 1m verge separation from the carriageway as well as 1m verge separation at the back prior to any earthworks. The footways taper down to 2m at the southern end where it connects to the existing road.

- 6.2.4 The northern road serving parcel L is 7.3m wide providing 3.65m lane widths. At the western end at the junction with the spine road the road widens out to 10.8m to accommodate a ghost island right turn lane. The road has been designed to accommodate all vehicles including HGVs, buses (including bus stops), service vehicles, refuse, emergency vehicles and cars. All cycleway/footways and bridleways are 3m wide and have a 1m verge separation from the carriageway as well as 1m verge separation at the back prior to any earthworks.
- 6.2.5 Two bus stops are proposed on the spine road and one on the northern road. All bus stops are on carriageway bus stops, no laybys are proposed. The shelter and waiting area will be behind the footway as to avoid any conflict with pedestrians.
- 6.2.6 LCC Highways have assessed the submitted details and have confirmed that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. As set out above, the applicants do not intend to request that the road be adopted, and as such, they are not required to meet LCC's adoption standards. A number of conditions have been recommended, many of which are already covered by 15/01531/OUT, but any relevant new conditions will be included in **Section 8** of this report.
- 6.2.7 Concerns have been raised through representations by residents in Willey, as well as Willey Parish Council, regarding the impact of the proposals upon the bridleways and footpaths running through the site. This was fully assessed at the Outline stage, with a detailed footpath and bridleway assessment submitted in support of that application. A hierarchy of connections from mown meandering footpaths through habitat and woodland to bound gravel bridleways provide a network of public access through the full extents of the park. Public Right of way and Bridleway connections and primary circular footpaths around the attenuation ponds are 3m wide compacted Breedon type gravel. Other permissive routes will be mown into the existing and proposed grass and meadows.
- 6.2.8 The concerns raised can be grouped into the following categories:
- Current routes must be retained
 - Spine Road crossing – underpass or bridge
 - A5 crossing
- As set out above, bridleway and footpath issues were considered in detail as part of 15/01531/OUT, however, the above issues can also be addressed at this stage. In terms of the retention of existing routes across the site, this issue was specifically covered in detail as part of 15/01531/OUT as it was known at that time that there would be a requirement to divert parts of the footpath network in order to accommodate the proposals. Applications for these diversions are currently being considered by the Secretary of State, and as such, the diversion of the footpaths and bridleways are not a material consideration of this Reserved Matters application.
- 6.2.9 With regards the need for footpath or bridleway crossing points of the Spine Road, again, this was not an issue raised by LCC Footpaths and Bridleways Officer as part of the consultation on 15/01531/OUT despite it being clear on the submitted plans that the Spine Road would cross the route of Footpath W86. Such a crossing point is no

different, and arguably safer due to the relative speed limits, to the current situation where W86 crosses the A5, as well as countless other crossing points throughout the County where a footpath crosses a 30mph road. As such, it is not considered necessary or reasonable to require a formalised crossing point, however, given that the Spine Road is to remain unadopted and in the ownership of Magna park Management Company, if the owners wish to install a crossing point, they would be able to do so without the need for any further consent from the Highways Authority.

- 6.2.10 in relation to the A5 crossing, no formal pedestrian crossings of the A5 are proposed for safety reasons (the A5 is now, and will remain, part of the Strategic Road Network in the control of Highways England). The two new roundabouts (one proposed, and one now in place) will, however, help to slow traffic, and the roundabout with Mere Lane includes dropped Kerbs. A Pegasus type signalised crossing was considered but Highways England had concerns with this proposal at Outline stage. Any conditions to be imposed at this stage have to be reasonable and related to the impact of the development. The desire for a crossing point of the A5 is not related to the development due to the fact that it is an existing situation which will not be made worse by the presence of the development. In fact, the traffic modelling submitted as part of 15/01531/OUT, and agreed by LCC Highways, WCC Highways and highways England, indicated that, due to the new route through the site from the northern roundabout, across Mere Lane and into Magna Park, there could be a slight reduction in HGV traffic as Magna Park based traffic would have an alternative route to the A5.
- 6.2.11 On the basis of the above, it is considered that the proposed details are sufficient to allow the approval of this Reserved Matter. It is therefore considered that the proposals are in accordance with Policies BE2 and GD8 of the Harborough District Local Plan

3. Proposed Strategic Landscaping and Open Space

- 6.3.1 The Outline consent includes a Landscape Strategy and Illustrative Masterplan (see **Figure 15**). Whilst the current submissions do not relate to the whole site, they do constitute what is considered to be the strategic landscaping for the site as a whole. In essence, the details relate to the landscaping of the areas which are outside of the individual development parcels. This includes the landscaping to the perimeter of the site, and it is this landscaping treatment which is key to the success of the development as a whole. To this end, Officers have assessed the proposals against the strategy which formed part of the consideration of the outline consent. Subsequent Reserved Matters submissions for the individual units will also include landscaping provisions for that particular parcel of the development, however, this will be more aligned to internal landscaping rather than the assimilation of the site into the wider landscape. **Figure 16** indicates the proposals which have been considered as part of this application submission. As can be seen, the areas already consented and implemented under 15/00919/FUL have been excluded from the red line site boundary.
- 6.3.2 The proposals include ground reprofiling to form building plateaux and structural landscaping including bunds, earthworks and retaining walls. The earthworks strategy has been designed to achieve a cut and fill balance to positively reuse site won topsoil and to remove the need to export material from the site which facilitates a sustainable form of development and minimises off site HGV movements through having to export material outside of the development site.



Figure 15: 15/01531/OUT Illustrative Masterplan



Figure 16: Proposed Landscaping Masterplan

6.3.3 The proposed levels within the parcels are sometimes lower than the 'up to' unit finished floor levels as set out on the parameters plan, albeit they are still within the parameters as they are 'up to' figures, and as a consequence generating greater

volumes of spoil. Therefore, the proposals are to deposit material across parcels C and D – in addition to the agreed deposition already agreed to create the Meadowland (Parcel D).

- 6.3.4 It must be noted that the maximum unit heights given in AOD remain unchanged, and in any case the proposed building height will be brought forward as part of the individual parcel Reserved Matters applications.
- 6.3.5 The applicants have also provided a number of cross sections through the strategic landscape areas which demonstrate how the landscaping will – once matured – help assimilate the development into the landscape. The cross sections also provide a clear indication of how the proposed levels work within the surrounding context.

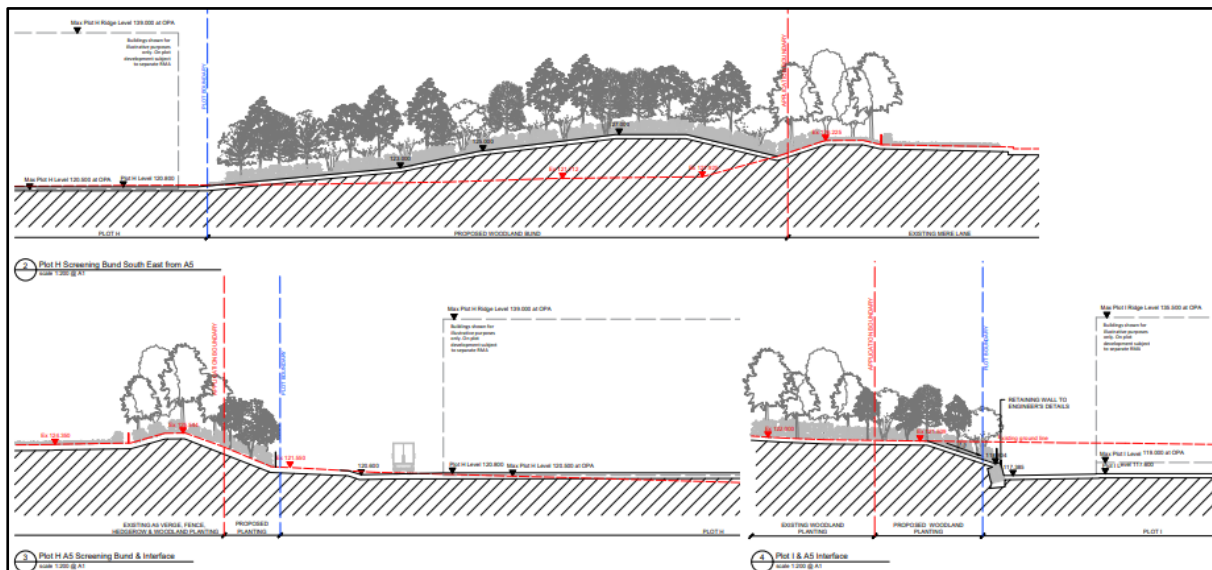


Figure 17: Proposed Cross Section through Plots I and H and the A5

- 6.3.6 As can be seen at **Figures 17 and 18**, the proposed levels ensure that the finished floor levels of the individual plots all sit below the existing ground levels, therefore minimising the impact of the proposals on the surrounding landscape. The top cross on **Figure 17** shows the relationship between Plot H on the left hand side, and Mere Lane on the right, with the plot level being considerably lower than Mere Lane. The lower 2 cross sections on **Figure 17** indicate Plots H and I in relation to the A5, again, with the plot level being lower than the level of the A5.
- 6.3.7 The top cross on **Figure 18** shows the relationship between Plot J on the right hand side, and the A5 on the left, with the plot level being at a similar level to the A5, but considerably lower than the existing ground level. The middle 2 cross sections on **Figure 18** indicate Plot K in relation to the A5, again, with the plot level and estate road level being considerably lower than the level of the A5. The lower cross section on **Figure 18** indicates Plot L in relation to the A5, again, with the plot level and estate road level being considerably lower than the level of the A5.

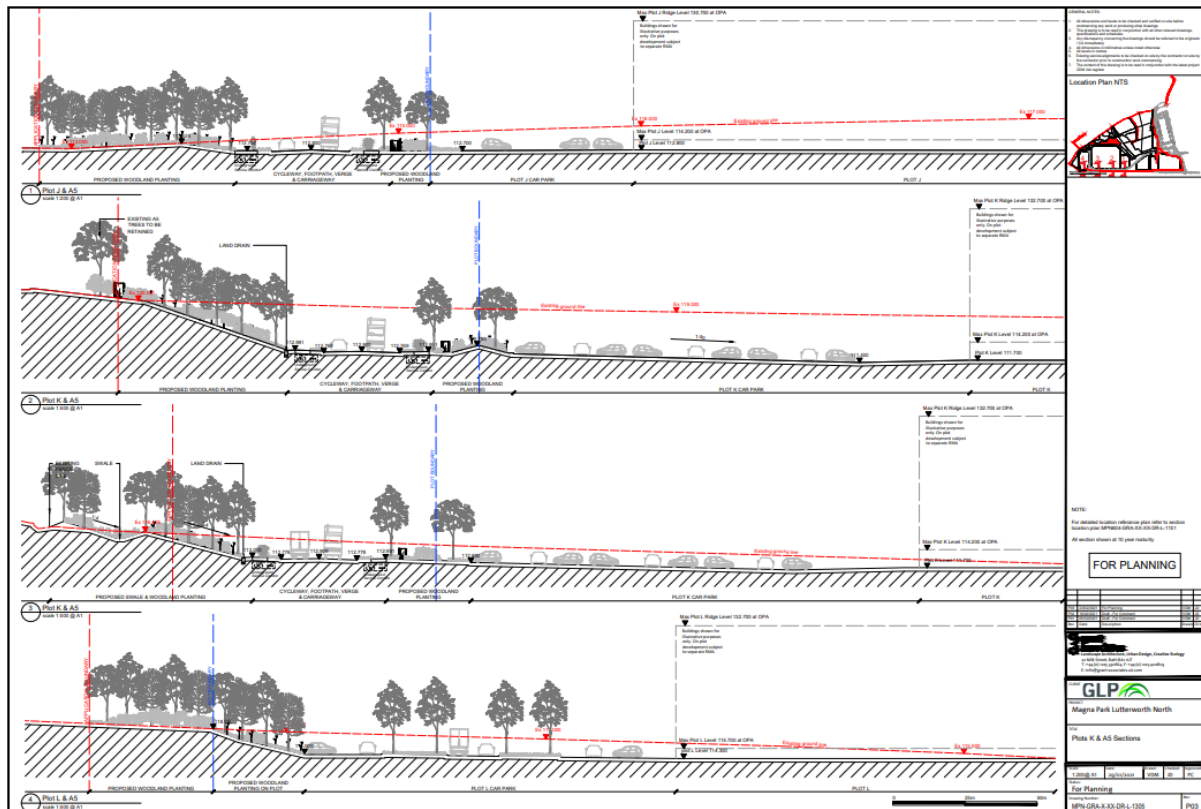


Figure 18: Proposed Cross Section through Plot K and the A5

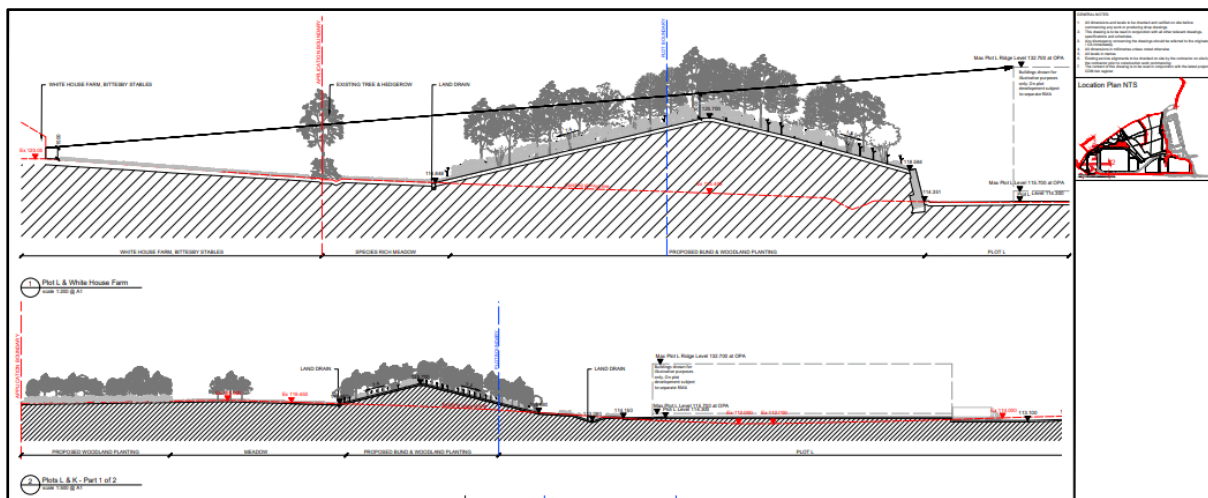


Figure 19: Proposed Cross Section through White House Farm and Plot L

- 6.3.8 **Figure 19** indicates the relationship between Plot L and the closest residential property to the northern boundary of the site, White House Farm. This relationship was a key item of discussion at the Appeal Inquiry at which 15/01531/OUT was considered as well as being a point of significant discussion at the Planning Committee meeting at which 15/01531/OUT was refused. In the lead in to the Planning Committee, the applicants negotiated with the occupants of White House Farm to develop a mitigation strategy which would reduce their concerns with regards the visual impact of the proposals from their property. This mitigation was in the form of a landscaped bund, details of which were presented to the Planning Committee. These details were also presented as part of the Appeal Inquiry, and, following detailed discussion, and a visit to the property by the Planning Inspector, it was agreed that, subject to suitable mitigation through the Reserved Matters process, the impact upon the properties could

be satisfactorily mitigated. The top cross on **Figure 19** shows the relationship between White House Farm on the left hand side, and Plot L on the right, with the proposed landscaped bund in the intervening space. The cross section also indicates that the plot level of Plot L is considerably lower than the ground level of White House Farm. The cross section clearly indicates that, once the landscaping has been given the opportunity to mature, it will filter any views of any future building on Plot L. Even with no landscaping on the bund, the presence of the bund would reduce the impact of any building. Condition 14 on the Outline consent required the submission of these details as part of the REM submission, whilst Clause 19 of the S106 Agreement tied these details to the Phasing Plan (MPL-410-AL-SK038) which was submitted as part of 15/01531/OUT and attached to the S106 Agreement. This phasing plan includes the aforementioned bund within Phase 2 of the landscaping works, Phase 1 being the works already carried out as part of 15/00919/FUL. As such, there is a legal obligation upon the applicants to install this bund as part of the early landscaping of the site. A Note to Applicant is recommended so as to ensure that the Applicant are fully aware of this obligation.

- 6.3.9 As well as the visual element of the strategic landscaping, there is also the Ecological element in that the proposed planting can help provide new habitats for fauna on the site. To this end, the applicants have submitted a Project Wide Landscape Specification, an Arboricultural Impact Assessment and a Landscape Design Statement which, between them, set out the contents and scoping for the different management regimes and areas for the landscape and ecological spaces across the site
- 6.3.10 LCC Ecology have assessed the planting matrix proposed as part of the Landscaping proposals. It is considered that the original landscape plans were over complicated with some elements that were inappropriate to a country park in this setting. It was considered that too many landscape types were being fitted in to a relatively small area, and that better wildlife value could be achieved through larger areas of habitat and the use of species found in natural association together. A simplified landscape scheme was suggested to the Applicants, with the aim of including reduced species-mixes based on species already present in this part of Leicestershire, in natural associations, and therefore creating a landscape that fits better into its environment and context and better for wildlife. There were also some concerns raised by the Ecologist regarding the foraging woodland which included many garden plants, fruits, culinary herbs that would be appropriate and very attractive in a community garden/park/orchard/allotment, but would be completely wrong for this site. There were also concerns regarding the number of non-native species that were being proposed. These concerns were relayed to the applicant, and through discussions, amendments to the proposals were provided. These amendments have been assessed by the LCC Ecologist who has confirmed that following discussions with the agent and landscape architect, their previous comments have been taken on board, and that, subject to the removal of one species from the planting schedule, the proposals are acceptable. A condition is recommended to ensure that this species is removed, and the Applicants have confirmed that they would accept such a condition. On the basis of the above, it is considered that the proposals comply with Policies BE2, GD3, GD5, GD8 and GI5 of the Harborough District Local Plan.

4. Proposed Strategic Drainage

- 6.4.1 The site is situated in the catchment of the River Soar. In general, the topography is such that water drains to several Ordinary Watercourses and surface water ditches, which eventually discharge into the Soar approximately 5.3km beyond the site's northern boundary.

- 6.4.2 The majority of the site falls within Environment Agency flood zone 1. However, as noted in the 2015 FRA, a small portion of the proposed development area, parallel with the alignment of Watercourse 1, is mapped by the EA to be situated within Flood Zone 3 – i.e., to be at higher risk of fluvial flooding (greater than 1 in 100-year annual probability). No built development is proposed within this modelled flood zone however there have been adjustments to the wetlands area related to integration of flood modelling and an area of existing Water Vole habitat exclusion zone (parcel C) – the area is to be used for landscaping only. Furthermore, no changes to ground levels are proposed within this area, so there will be no change in capacity to receive fluvial flood waters. As such there is no change in fluvial flood risk either at the site or downstream following the proposed development.
- 6.4.3 The diversion/re-routing of three of the ditches currently crossing the site is required as part of the development works. In broad terms these diversions comprise re-alignment of the ditch channel to ensure compatibility with the new development layout. Small sections of these ditches are to be culverted where they cross below new highways.
- 6.4.4 The design philosophy for management of surface water runoff is consistent with that set out in 2015 FRA and associated drawings approved under the outline consent. All surface water discharge rates and storage systems are based on an allowable 'Greenfield' (QBAR) discharge rate of 4.4 l/sec/ha for all rainfall events up to and including the 1:100 year + 20% for climate change event.
- 6.4.5 The site is classified as Greenfield and Sustainable Drainage Systems (SuDS) will be incorporated into the development in the form of above-ground swales/storage ponds, areas of permeable paving within the proposed car parking areas, and underground storage tanks. At this stage, for the purposes of the Reserved Matters application for the infrastructure works, the design philosophy is based on use of above-ground swales and ponds, including wetlands, with silt trap containment. Due to the low permeability of the underlying geology, it is not practicable to rely on infiltration techniques.
- 6.4.6 The surface water drainage strategy has been developed taking due cognisance of site conditions, the SuDS options outlined and the principles approved under the original strategy developed in 2015. In broad terms, the development has been split into a North Site, comprising parcels J, K and L; and a South Site comprising parcels E, I and H.
- 6.4.7 A series of attenuation basins, some elements of which will also act as permanent wetlands for ecological habitats, are to be constructed to receive runoff from the temporary plateaus formed under the infrastructure works.
- 6.4.8 In due course, as each parcel is built out the runoff from new buildings, service yards and access roads will be directed into these above-ground attenuation basins. Parcel-specific below-ground cellular storage may also be utilised where deemed necessary. Permeable paving is proposed for areas of car parking. From these systems the runoff will enter local surface water courses at the stated greenfield rate. Further detailed drainage network drawings and calculations are to be provided in relation to these parcels at the appropriate time. Surface water from all service yard and car park areas will pass through Class 1 petrol interceptors prior to entering the storage devices.
- 6.4.9 Surface water drainage arrangements for the proposed internal highways have been developed to accord with the drainage strategy for the wider development, such that runoff is directed into dedicated above-ground attenuation basins from which flows will discharge into existing ditches restricted to greenfield rate. In this way, runoff from the

developed site will replicate pre-development conditions, with all surface water entering the local watercourse network at greenfield rates.

- 6.4.10 The LLFA have assessed the proposals and confirmed that the submissions are sufficient to allow them to support the approval of the Reserved Matters applicant. Furthermore, the Environment Agency have also assessed the proposals, and confirmed that – subject to the works being carried out in accordance with the Framework Surface and Foul Water Drainage Strategy (ref 19-023, dated Apr 2021 and produced by HDR | Bradbrook Consulting) submitted in support of the application – the proposals are acceptable. It is therefore considered that the proposals are in accordance with Policies BE2, CC3 and CC4 of the Harborough District Local Plan

■ 5. Proposed Utilities and Foul Drainage

- 6.5.1 All utilities, with the exception of surface and foul water sewers, will be positioned underneath the shared cycleway/footways on either side of the estate road to facilitate easy maintenance with minimum disruptions. The street lighting column base will be located at the back of the cycleway/footway on either side of the main estate road.

- 6.5.2 The utility services located underneath the path will include:

- Water (potable and for firefighting)
- Electricity (medium voltage/low voltage)
- Gas (Medium pressure)
- Telecoms (Openreach)

A Packaged substation and Feeder Pillars shall be provided to serve the Street Lighting and Foul pumping systems

- 6.5.3 The foul drainage strategy has been updated since the proposed in 2015, to reflect improvement to foul sewerage arrangement at the existing Magna Pak following significant investment in associate infrastructure by GLP. At the time of the 2015 outline planning application no Severn Trent Water (STW) foul water public 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 northern end of the site, north of Parcel L – referred to as M2 a dedicated service area in the outline planning application drawings including on the parameters plan. This facility was intended to ensure sufficient treatment of the effluent to allow discharge into the adjacent watercourse.

- 6.5.4 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. 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. It is recognised that a Section 106 public sewer connection agreement may be required in this regard.

- 6.5.5 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.

- 6.5.6 Drawings and calculations relating to the proposed foul drainage system are provided in this submission and are submitted pursuant to condition 15 (Foul Drainage).
- 6.5.7 Based upon the above, it is considered that the details submitted are sufficient to allow the approval of this Reserved Matter. It is therefore considered that the proposals are in accordance with Policies BE2 of the Harborough District Local Plan

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:

- Reserved Matters Red Line Plan - 3657-CA-00-00-DR-A-00602 PL4
- Location Plan Showing Site Boundary for Reserved Matters Application - 3657-CA-00-00-DR-A-00601 PL2
- Location Plan (Context) - 3657-CA-00-00-DR-A-00607 PL2
- Infrastructure Components Masterplan - 3657-CA-00-00-DR-A-00603 PL4
- Red Line with Wayfair boundary overlay - 3657-CA-00-00-DR-A-00608 PL2
- Illustrative Landscape Masterplan - MPN604-GRA-XX-XX-DR-L-1000 P06
- Illustrative Context Plan - MPN604-GRA-XX-XX-DR-L-1001 P04
- Existing Site Plan & Constraints - MPN604-GRA-XX-XX-DR-L-1002 P04
- Planting typologies, habitat & ecology strategy plan - MPN604-GRA-XX-XX-DR-L-1003 P06
- Connections & footpath Strategy plan - MPN604-GRA-XX-XX-DR-L-1004 P05
- Country Park Interpretation & landscape elements and strategy plan - MPN604-GRA-XX-XX-DR-L-1005 P05
- General Arrangement Plan - MPN604-GRA-XX-XX-DR-L-1100 P07

- General Arrangement Section & Detail Location Key Plan - MPN604-GRA-XX-XX-DR-L-1101 P05
- General Arrangement Plan Northern Plots J,K1,K2 & L - MPN604-GRA-XX-XX-DR-L-1102 P04
- General Arrangement Plan Southern Plots E, I, F & H - MPN604-GRA-XX-XX-DR-L-1103 P05
- General Arrangement Plan Northern Country Park - MPN604-GRA-XX-XX-DR-L-1104 P05
- General Arrangement Plan Attenuation Pond & Wetlands - MPN604-GRA-XX-XX-DR-L-1105 P04
- General Arrangement Plan Foraging Woodland & Forest Walk - MPN604-GRA-XX-XX-DR-L-1106 P04
- General Arrangement Plan SAM, Grazing Land & Allotments - MPN604-GRA-XX-XX-DR-L-1107 P04
- General Arrangement Plan Niche Habitat Area & White house Farm Bund - MPN604-GRA-XX-XX-DR-L-1108 P04
- Northern Plot D, Wayfair & railway embankment section - MPN604-GRA-XX-XX-DR-L-1301 P03
- Southern Plot D, Wayfair & railway embankment section - MPN604-GRA-XX-XX-DR-L-1302 P03
- Plot C, Foraging Woodland & Meare Lane sections - MPN604-GRA-XX-XX-DR-L-1303 P03
- Plots I, H & A5 Sections - MPN604-GRA-XX-XX-DR-L-1304 P04
- Plots K & A5 Sections - MPN604-GRA-XX-XX-DR-L-1305 P03
- Plot L & White House Farm bund sections - MPN604-GRA-XX-XX-DR-L-1306 P04
- Woodland bund & attenuation pond sections - MPN604-GRA-XX-XX-DR-L-1307 P03
- Wetlands & attenuation pond sections - MPN604-GRA-XX-XX-DR-L-1308 P03
- Typical Planting layouts A5 & access road & bunding - MPN604-GRA-XX-XX-DR-L-5201 P02
- Typical Planting layouts Woodland & bunds - MPN604-GRA-XX-XX-DR-L-5202 P02
- Typical Planting layouts Wetlands / ponds - MPN604-GRA-XX-XX-DR-L-5203 P02
- Typical Planting layouts Foraging woodland - MPN604-GRA-XX-XX-DR-L-5204 P03
- Typical Planting layouts Forest Walk - MPN604-GRA-XX-XX-DR-L-5205 P02
- White House Farm Screening Bund details - MPN604-GRA-XX-XX-DR-L-5206 P02
- Offsite Ullesthorpe mitigation planting details - MPN604-GRA-XX-XX-DR-L-5207 P02
- Meare Lane footpath enhancement details - MPN604-GRA-XX-XX-DR-L-5208 P02
- Typical Planting Layouts Niche Habitat Area - MPN604-GRA-XX-XX-DR-L-5209 P03
- Bund Planting & Maturation Details - MPN604-GRA-XX-XX-DR-L-5301 P02
- Tree pit planting and soiling details - MPN604-GRA-XX-XX-DR-L-5501 P02
- BW1 Boardwalk type 01 Primary Viewing Deck Details - MPN604-GRA-XX-XX-DR-L-3501 P02
- BW2 Boardwalk type 02 Bridge Details - MPN604-GRA-XX-XX-DR-L-3502 P02
- BW3 Boardwalk type 03 Raised Boardwalk Details - MPN604-GRA-XX-XX-DR-L-3503 P02

- BW4 Boardwalk type 04 Hide Details - MPN604-GRA-XX-XX-DR-L-3504 P02
- Landscape – Tree, Planting & Seeding Schedules - MPN604-GRA-XX-XX-SH-L-5000 P05
- Landscape Specification - MPN604-GRA-XX-XX-SP-L-9000 P03
- Proposed Infrastructure Services Layout sheet 1 - 10338-INF-101
- Proposed Infrastructure Services Layout sheet 2 - 10338-INF-102
- Proposed Infrastructure Services Layout sheet 3 - 10338-INF-103
- Proposed Infrastructure Services Layout sheet 4 - 10338-INF-104
- Proposed Infrastructure Services Layout sheet 5 - 10338-INF-105
- Proposed Infrastructure Services Layout sheet 6 - 10338-INF-106
- Proposed Street Lighting Layout sheet 1 - 10338-SL-101
- Proposed Street Lighting Layout sheet 2 - 10338-SL-102
- Proposed Street Lighting Layout sheet 3 - 10338-SL-103
- Proposed Street Lighting Layout sheet 4 - 10338-SL-104
- Proposed Street Lighting Layout sheet 5 - 10338-SL-105
- Proposed Street Lighting Layout sheet 6 - 10338-SL-106
- Earthworks Analysis: Cut and Fill Volumes South Site - 19-023D 650 P6
- Earthworks Analysis: Site Levels and Contours South Site - 19-023D 651 P6
- Earthworks Analysis: Cut and Fill Volumes North Site - 19-023D 652 P6
- Earthworks Analysis: Site Levels and Contours North Site - 19-023D 653 P6
- Earthworks Analysis: Parcel D Sheet 1 of 2 - 19-023D 654 P6
- Earthworks Analysis: Parcel D Sheet 2 of 2 - 19-023D 655 P6
- Earthworks Analysis: Parcel C1 Fill Quantities - 19-023D 656 P6
- Earthworks Analysis: Parcel C2 Fill Quantities - 19-023D 657 P6
- General Arrangement - 16593-HYD-XX-XX-DR-D-0001 P3
- Swept Path Analysis Sheet 1 of 2 - 16593-HYD-XX-XX-DR-D-0002 P2
- Swept Path Analysis Sheet 2 of 2 - 16593-HYD-XX-XX-DR-D-0003 P2
- Mere Lane Footway - 16593-HYD-XX-XX-DR-D-0004 P1
- Plan and Profile Sheet 1 of 8 - 16593-HYD-XX-XX-DR-D-0010 P2
- Plan and Profile Sheet 2 of 8 - 16593-HYD-XX-XX-DR-D-0011 P4
- Plan and Profile Sheet 3 of 8 - 16593-HYD-XX-XX-DR-D-0012 P2
- Plan and Profile Sheet 4 of 8 - 16593-HYD-XX-XX-DR-D-0013 P2
- Plan and Profile Sheet 5 of 8 - 16593-HYD-XX-XX-DR-D-0014 P2
- Plan and Profile Sheet 6 of 8 - 16593-HYD-XX-XX-DR-D-0015 P2
- Plan and Profile Sheet 7 of 8 - 16593-HYD-XX-XX-DR-D-0016 P2
- Plan and Profile Sheet 8 of 8 - 16593-HYD-XX-XX-DR-D-0017 P4
- Highway Drainage Sheet 1 of 4 - 16593-HYD-XX-XX-DR-D-0020 P4
- Highway Drainage Sheet 2 of 4 - 16593-HYD-XX-XX-DR-D-0021 P2
- Highway Drainage Sheet 3 of 4 - 16593-HYD-XX-XX-DR-D-0022 P2
- Highway Drainage Sheet 4 of 4 - 16593-HYD-XX-XX-DR-D-0023 P4

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 Landscaping

Notwithstanding the hereby approved plans, in accordance with comments received from LCC Ecology, species *Betula nigra* shall be omitted from the planting schedule for the site.

REASON: To ensure that the planting mix for the site is suitable for the locality and to ensure compliance with Policy GI5 of the Harborough District Local Plan

3 Spine Road

The spine road arrangements of the development hereby permitted shall be provided in accordance with the details shown on Hydrock Consultants Ltd, drawing number: 16593-HYD-XX-XX-DR-D-0001, 'Proposed Internal Highways – General Arrangement', Revision P3.

REASON: In the general interests of highway safety and in accordance with Policies BE2 and GD8 of the Harborough Local Plan and the National Planning Policy Framework (2019).

4 Mere Lane

Notwithstanding the details shown on Hydrock Consultants Ltd, drawing number: 16593-HYD-XX-XX-DR-D-0004, 'Mere Lane Footway - General Arrangement', Revision P1, the design elements of the proposed new footway on Mere Lane shall be submitted and approved in writing by the LPA. Thereafter the approved scheme shall be implemented prior to first occupation of any unit.

REASON: To mitigate the impact of the development and encourage sustainable travel links to and from the site in accordance with Policies BE2 and GD8 of the Harborough Local Plan and the National Planning Policy Framework (2019).

5 Footpath Treatment

No development shall take place until a scheme for the treatment of the Public Footpaths W89/W92 and Bridleways W86/W88 has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction, fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

REASON: to protect and enhance Public Rights of Way and access in accordance with Policies BE2 and GD8 of the Harborough Local Plan and Paragraph 98 of the National Planning Policy Framework 2019.

6 Drainage Strategy

Devt in accordance with submitted 'Framework Surface and Foul Water Drainage Strategy' (ref 19-023, dated Apr 2021 and produced by HDR | Bradbrook Consulting)

REASON: To mitigate the impact of the development and provide sustainable drainage of the site in accordance with Policies BE2, CC3 and CC4 of the Harborough Local Plan and the National Planning Policy Framework (2019).

Suggested Informative Notes

1. The applicants are reminded that the conditions and S106 obligations relating to 15/01531/OUT are still relevant (in particular Clause 19 of the S106 in relation to the implementation and phasing of structural landscaping) and fall to be complied with as the development proceeds.
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. 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.

3. The proposed internal spine road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
4. A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
5. 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 works. The team can be contacted at: networkmanagement@leics.gov.uk
6. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

Planning Committee Report

Applicant: Mr. & Mrs. Parsons

Application Ref: 21/00687/CLU

Location: 39 Freshman Way, Market Harborough

Proposal: Certificate of Lawfulness of Proposed Development for the erection of a single storey rear extension with a lean-to roof and rooflights, and the conversion of the existing loft space to habitable accommodation and storage, involving the installation of rooflights to the front and rear roof slopes

Application Validated: 14.04.2021

Target Date: 09.06.2021

Consultation Expiry Date: N/A

Site Visit Date: N/A

Case Officer: Nick White

Recommendation

The operations described in the First Schedule hereto, in respect of the land specified in the Second Schedule hereto and outlined on the Site Location Plan [Drawing Number P28/001; Dated 14/04/2021], in the application for this Certificate would be lawful if begun at the time of the application within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The information and plans provided [Existing Floor and Elevation Plans (Drawing Number P28/020; Dated 12/04/2021) and Proposed Floor and Elevation Plans (Drawing Number P28/030; Dated 13/04/2021)] demonstrate that the proposed operations described in the application accord with The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Classes A and C. Therefore, the proposed operations are Permitted Development.

First Schedule

The erection of a single storey rear extension with a lean-to roof and rooflights, and the conversion of the existing loft space to habitable accommodation and storage, involving the installation of rooflights to the front and rear roof slopes.

Second Schedule

39 Freshman Way
Market Harborough
Leicestershire
LE16 9GN

1. Site & Surroundings

- 1.1 The application relates to a two storey detached dwellinghouse. The property is located within the Farndon Fields residential area, in the southwest of Market Harborough.
- 1.2 The property is not Listed and does not lie within a Conservation Area [a Conservation Area falls under the definition of “*article 2(3) land*” in Schedule 1, Paragraph 1. of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)].
- 1.3 Uniform Map extract (circa 2018):



2. Key Site History & Permitted Development Restrictions

Key Site History

- 10/01141/FUL – Erection of ninety-nine dwellings and associated garaging; construction of access and parking – Approved 04.12.2010.
- 07/00360/REM – Erection of 629 dwellings with associated garaging, construction of access roads and provision of landscaping and surface water balancing area (reserved matters of 01/00181/OUT) – Approved 08.12.2008.
- 01/00181/OUT – Erection of housing, laying out of open space, roads, sewers and associated infrastructure – Allowed at Appeal.

Permitted Development Restrictions

- 2.1 The Decision Notices for the above 3 applications have been checked to ascertain if there are any Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (abbreviated as GPDO), Schedule 2, Part 1 restrictions which affect the property (buildings or land).

- 2.2 There is a restriction preventing the conversion of the property's garage and carport. This seeks to retain sufficient car parking for the dwellinghouse. The proposal would increase bedroom numbers from 4 to 5, but this would not affect any planning permission conditions or restrictions.
- 2.3 There are no GPDO restrictions pertaining to the proposed development.

3. The Application Submission

a) Summary of Proposals

- 3.1 The applicants wish to ascertain from the Local Planning Authority whether the operations proposed benefit from deemed planning permission by virtue of the legislative provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 3.2 The GPDO is a Statutory Instrument (a form of legislation), applying in England, that grants planning permission for certain types of use or operational development (such use or operational development can be referred to as Permitted Development).
- 3.3 If the Local Planning Authority is provided with information satisfying them that the use or operations (e.g., building works) described in the application comply with said legislation and would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect. In terms of the current application, the relevant certificate to be issued is a Certificate of Lawfulness of Proposed Development (CLoPD).
- 3.4 The proposed development can be broken down into the following 2 parts, each of which is assessed against a different "Class" in Schedule 2, Part 1 of the GPDO:
1. The erection of a single storey rear extension with a lean-to roof and rooflights;
 2. The conversion of the existing loft space to habitable accommodation and storage, involving the installation of rooflights to the front and rear roof slopes.

b) Plans / Documents Submitted

- 3.5 The application has been submitted with the following information and plans:
- Application Form ("Application for a Lawful Development Certificate for a Proposed use or development");
 - Site Location Plan (Drawing Number P28/001; Dated 14/04/2021);
 - Existing Floor and Elevation Plans (Drawing Number P28/020; Dated 12/04/2021); and
 - Proposed Floor and Elevation Plans (Drawing Number P28/030; Dated 13/04/2021).

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

- 3.6 None.

d) Pre-application Advice

- 3.7 No assistance or prior advice was sought from the Local Planning Authority about this application.

e) Reason for Committee Decision

- 3.8 The application is being reported to Planning Committee because one of the applicants is a member of staff at Harborough District Council.

4. Consultations and Representations

- 4.1 As the application is for a Certificate of Lawfulness of Proposed Development, it is not necessary to carry out consultations with neighbouring properties, the parish council, or other parties.

5. Planning Policy, Guidance and Legislation

- 5.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 1 *Development within the curtilage of a dwellinghouse*:
- Class A – *enlargement, improvement or other alteration of a dwellinghouse*
 - Class C – *other alterations to the roof of a dwellinghouse*

6. Assessment

- 6.1 The single storey rear extension with a lean-to roof and rooflights is assessed against Class A – *enlargement, improvement or other alteration of a dwellinghouse*.
- 6.2 GPDO legislation text is quoted in *italics*. Corresponding Officer comments are inserted in **bold** font.

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

A.1 Development is not permitted by Class A if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);
N/A.

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposed extension would comply.

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The proposed extension would comply.

- (d) *the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;*

The proposed extension would comply.

- (e) *the enlarged part of the dwellinghouse would extend beyond a wall which—*

- (i) *forms the principal elevation of the original dwellinghouse; or*
N/A.

- (ii) *fronts a highway and forms a side elevation of the original dwellinghouse;*
N/A.

- (f) *subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—*

- (i) *extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or*

The proposal extends 1.85m and would comply.

- (ii) *exceed 4 metres in height;*

The proposed extension is 3.33m in maximum height and would comply.

- (g) *for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—*

N/A.

- (i) *extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or*

- (ii) *exceed 4 metres in height;*

- (h) *the enlarged part of the dwellinghouse would have more than a single storey and—*
N/A.

- (i) *extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or*

- (ii) *be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;*

- (i) *the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;*

The proposed extension is within 2 metres of the boundary. The proposed eaves height is 2.72m and would comply.

- (j) *the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—*

N/A.

- (i) *exceed 4 metres in height,*

- (ii) *have more than a single storey, or*
- (iii) *have a width greater than half the width of the original dwellinghouse;*
- (ja) *any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);*
The original dwellinghouse has not previously been enlarged. The proposed extension would comply.
- (k) *it would consist of or include—*
N/A.
 - (i) *the construction or provision of a verandah, balcony or raised platform,*
 - (ii) *the installation, alteration or replacement of a microwave antenna,*
 - (iii) *the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or*
 - (iv) *an alteration to any part of the roof of the dwellinghouse; or*
- (l) *the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).*
N/A.

A.2 *In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—*
N/A.

- (a) *it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;*
- (b) *the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or*
- (c) *the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.*
- (d) *any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).*

Conditions

A.3 *Development is permitted by Class A subject to the following conditions—*

- (a) *the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*
It is recommended that a Condition is included on the Decision Letter to advise the applicant of this requirement.

- (b) *any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—*

N/A.

(i) *obscure-glazed, and*

(ii) *non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and*

- (c) *where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.*

N/A.

Conditions

A.4—(1) *The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).*

+ etc. paragraphs

N/A.

6.3 **Summary**

The proposed extension complies with Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 6.4 The conversion of the existing loft space to habitable accommodation and storage, involving the installation of rooflights to the front and rear roof slopes, is assessed against Class C – *other alterations to the roof of a dwellinghouse*.
- 6.5 The conversion of the existing loft space does not represent a change or use or operational development. Only the proposed rooflight alterations to the roof of the dwellinghouse represent development to be considered against Class C. Two rooflights are proposed to the front roof slope and two rooflights are proposed to the rear roof slope.
- 6.6 GPDO legislation text is quoted in *italics*. Corresponding Officer comments are inserted in **bold** font.

Permitted Development

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

C.1 Development is not permitted by Class C if—

- (a) *permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);*

N/A.

(b) *the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;*

The Application Form Section 5 states that “The proposed rooflights will not project from the roofslope more than 150mm”. The proposed rooflights would comply.

(c) *it would result in the highest part of the alteration being higher than the highest part of the original roof;*

The proposed rooflights would comply.

(d) *it would consist of or include—*

(i) *the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or*

The Loft Floor Plan shows a proposed en-suite. The plans do not show any new, altered or replacement chimneys, flues or soil and vent pipes.

(ii) *the installation, alteration or replacement of solar photovoltaics or solar thermal equipment; or*

N/A.

(e) *the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).*

N/A.

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

N/A.

(a) *obscure-glazed; and*

(b) *non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.*

6.7 Summary

The proposed rooflights comply with Class C of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7. Conclusion

7.1 The proposed operations comply with the relevant Classes and Conditions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.2 The proposed operations thus benefit from deemed Planning Permission; the operations represent Permitted Development and do not require an application for Planning Permission.

7.3 A Certificate of Lawfulness of Proposed Development should be issued.

8. Decision Letter Conditions and Notes

- 8.1 The applicants' attention is drawn to the Condition set out under Schedule 2, Part 1, Class A, A.3 (a) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which states that:

The materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

- 8.2 This Certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
- 8.3 This Certificate confirms that the operations described in the First Schedule in respect of the land specified in the Second Schedule are lawful if begun at the time of the application within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended) and, thus, not liable to enforcement action under Part 7 of the 1990 Act on that date.
- 8.4 The lawfulness of the operations for which this Certificate is in force under Section 192 of the Town and Country Planning Act 1990 (as amended) shall be conclusively presumed unless there is a material change, before the operations are begun, in any of the matters relevant to determining such lawfulness.
- 8.5 The applicants are advised that the proposal requires separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. 01858 821 090).
- 8.6 If the plans involve the carrying out of building work along or close to the boundary, the applicants are advised that under the Party Wall etc Act 1996 they have a duty to give notice to the adjoining owner/s of their intentions before commencing work.