Planning

To: All Members of the Planning Committee on Thursday, 09 June 2022
Date of meeting: Tuesday, 21 June 2022
Time: 18:30
Venue: The Council Chamber
The Symington Building, Adam and Eve Street, LE16 7AG

The meeting will also be open to the public.

Agenda

1 Introductions

2 Apologies for Absence and Notification of Substitutes.

3 Declarations of Members' Interests

4 Minutes
To approve as a true record the Minutes of the previous Meeting.

5 Referral up to Council by the Planning Committee.
To consider any referrals under Part 3 Section B1.4 of the Council's Constitution.

6 To answer Written Questions or Receive Petitions Submitted by the Public

7 To Consider Applications for Development Permission

8 Any Urgent Business

To be decided by the Chairman.

LIZ ELLIOTT
INTERIM CHIEF EXECUTIVE AND HEAD OF PAID SERVICE
HARBOROUGH DISTRICT COUNCIL

Contact:
democratic.services@harborough.gov.uk
Telephone: 01858 828282

HARBOROUGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

Held at The Council Chamber,

The Symington Building, Adam & Eve Street,

Market Harborough, LE16 7AG

On 24th May 2022

commencing at 6.30pm

Present:

Councillors: Bannister (Chairman of the Council in the Chair for Agenda Item 1)
Champion (Chairman for Agenda Items 2 onwards)

Mrs Ackerley, Burrell, Frenchman, Galton, James, Liquorish, Modha and Nunn.

Officers present: D. Atkinson, E. Baumber, A. Eastwood, S. Green, N. Kwasa, N. Parry and C. Zacharia.

Also present: D. Carter-Hughes, Pathfinder Legal Services Ltd

1. Election of the Chairman for the Year 2022/23

The Chairman of the Council opened the meeting. He noted that the first item on the agenda was to Elect a Chairman of the Planning Committee for the municipal year 2022/2023. He invited nominations and Councillor Modha nominated Councillor Barry Champion. This was seconded by Councillor Frenchman and there being no other nominations, Councillor Champion was duly elected.

Councillor Champion assumed the Chair.

2. Appointment of the Vice Chairman for the Year 2022/23

The Chairman nominated Councillor Modha as Vice-Chairman to the Planning Committee for the municipal year 2022/23. This was seconded by Councillor Liquorish and, there being no other nominations, Councillor Modha was duly appointed.

The Chairman then welcomed everyone to the meeting and highlighted the procedures for the smooth running of the meeting.

3. APOLOGIES FOR ABSENCE AND NOTIFICATIONS OF SUBSTITUTIONS

Apologies were received from Councillor Bilbie who was substituted by Councillor Nunn.

4. DECLARATIONS OF MEMBERS' INTERESTS.

Councillor Champion declared an interest in Agenda Item 8 - Review into the Council's Development Management Service handling into the implementation of the approved landscape plan, at Hursley Park, Great Bowden, in that the development in question is within his Ward and he has been involved in discussions around the issues highlighted in the report. This would not impact his involvement in the debate or consideration of the recommendations.

5. MINUTES

RESOLVED that the minutes of the Planning Committee meeting held on 5th April 2022 be approved and signed by the Chairman as a true record.

6. REFERRALS UP TO COUNCIL BY THE PLANNING COMMITTEE

There were none.

7. QUESTIONS AND PETITIONS SUBMITTED BY THE PUBLIC

There were none.

8. REVIEW INTO THE COUNCIL'S DEVELOPMENT MANAGEMENT SERVICE HANDLING INTO THE IMPLEMENTATION OF THE APPROVED LANDSCAPE PLAN, AT HURSLEY PARK, GREAT BOWDEN

The Director, Planning and Regeneration presented the report the purpose of which was to deliver the findings of the review of the Development Management service's handling into the implementation of the approved landscape plan (and any approved associated Landscape Management Plan (LMP)) relating to the Mulberry Homes development at Hursley Park, Great Bowden: planning reference 15/01801/OUT & 16/02083/REM, with specific reference to the agreed Terms of Reference as agreed in the Committee Report presented to the Planning Committee on the 5 April 2022. A copy of the full report was included in Appendix 1.

A submission was heard from Councillor Knowles, Ward Member for Market Harborough Great Bowden and Arden.

Members had the opportunity to question the officers. During the discussion, there were technical issues with the microphones and therefore the Chairman MOVED to ADJOURN the meeting for a short period while these issues were addressed. The meeting resumed at 7.39pm.

Following the discussion, the Chairman MOVED to include a reference to Variations to Conditions (VAC) in recommendation 2.3, and to add three additional recommendations to the report relating to items for the Scrutiny Commission's Workplan. It was noted that, following a review by Scrutiny, any potential changes to the Constitution would then be referred from the relevant Scrutiny Panel to the Constitutional Review Committee, and subsequently Council for approval.

The amended and additional recommendations were taken to the vote alongside the recommendations as noted in the report and it was therefore;

RESOLVED;

That the Planning Committee AGREE the recommendations 2.1 – 2.4 as noted in the report, as well as the reference to VAC in 2.3 and additional recommendations 2.5 – 2.7 as detailed below;

2.1 That the Planning Committee considers the report and the specific recommendations 2.2 – 2.4 below.

2.2 That each planning application case officer report concerning major development proposals includes a section in the report with the heading; 'Equality Implications (Equality Act 2010)' (or similar), in order to demonstrate that the process of considering the Public Sector Equality Duty (PSED) is set out in those reports in a transparent and public manner.

2.3 That the Council's website relating to, 'material and non-material amendments including Variations to Conditions (VAC)' be reviewed and updated as necessary to ensure this reflects the legal position set out in law.

2.4 That all procedures and training be put in place, where necessary, to ensure all matters associated with applications for planning permissions and other permissions are fully recorded on the Council's IDOX/Uniform system.

2.5 That the Planning Committee request the Scrutiny Commission explore how further oversight may be given to the Chairman and/or the Planning Committee regarding instances when changes are made to conditions on applications previously agreed by the Planning Committee, and to consider whether the policy on enforcement be reviewed alongside this.

2.6 That the Planning Committee request the Scrutiny Commission consider the need to review the circumstances in which the Council might adopt large, significant open spaces.

2.7 That the Planning Committee request the Scrutiny Commission explore the possibility of implementing a compliance check on the standards of large, significant open spaces for which responsibility is due to be handed over to a Residents Management Committee, before the large, significant open space concerned is signed off by the Council and the Residents Management Committee concerned takes responsibility for it.

9. TO CONSIDER APPLICATIONS FOR DEVELOPMENT PERMISSION

i. The Senior Planning Officer introduced the report in respect of application 21/02148/FUL, 2 Debdale Lane, Smeeton Westerby, Leicestershire, LE8 0QD - *Conversion of an agricultural building into one residential dwelling.* A representation was heard in support of the application from the Applicant's Agent, James Fulton. A written submission from the Ward Member Councillor Phil King, in objection to the application, was presented by the Chairman. The Committee then had the opportunity to question the speaker and Officers. Councillor Frenchman MOVED to REFUSE the application, contrary to Officer Recommendations, for the following reason;

The location for 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 policy GD4 of the Local Plan as the proposed dwelling does not meet the criteria for dwellings in the countryside. The site benefits from a Class Q prior approval consent, however, this material consideration does not outweigh conflict with the policies of the development plan.

This was seconded by Councillor Nunn and following the vote it was;

RESOLVED that the application be REFUSED for the reason noted above.

ii. The Senior Planning Officer introduced the report in respect of application 22/00236/FUL, 32A Clarke Street, Market Harborough - *Proposed conversion of existing outbuilding to form a new dwelling.* She directed Members to the Supplementary Information. Representations were heard in objection to the application from Matt Collerson, Pauline Andrews and Ward Member Councillor Barbara Johnson. The Committee then had the opportunity to question the speakers and Officers. Councillor Frenchman MOVED to REFUSE the application, contrary to Officer Recommendations, for the following reasons;

1. The proposal, by virtue of its design would create a dwelling that is out of keeping with the existing street scene, and does not result in good design. The proposal therefore conflicts with Policy GD8 of the Harborough Local

Plan, Harborough District Council Supplementary Planning Guidance 2021, and Section 12 of the NPPF 2021.

2. The proposal would cause unacceptable harm to the amenity of neighbouring properties Number 32 and Number 34 Clarke Street due to overlooking/loss of privacy by virtue of the location of the front door and windows. The proposal would be an unneighbourly form of development, conflicting with Policy GD8 of the Harborough Local Plan, Harborough District Council Supplementary Design Guidance and Section 12 of the NPPF 2021.

This was seconded by Councillor Ackerley and following the vote it was;

RESOLVED that the application be REFUSED for the reasons noted above.

iii. The Member call-in for the application 22/00679/VAC, Land West of Welham Lane, Great Bowden, was withdrawn prior to the meeting.

iv. The Area Planning Officer introduced the report in respect of application 22/00802/FUL, Harborough Town Football Club, Northampton Road, Market Harborough - *Installation of a 100 seater covered grandstand with 3 accessible wheelchair spaces, relocation of existing grandstand, and siting of a toilet block.* Following consideration of the report it was;

RESOLVED that Planning Permission is APPROVED for the reasons set out in this Committee report and subject to the Planning Conditions recommended in Appendix A.

v. The Development Planning Manager introduced the report in respect of application 22/00833/CLU, 4 Trefoil Close, Broughton Astley - *Certificate of Lawfulness of Proposed Development for the erection of a single storey rear extension.* The Committee had the opportunity to question the Officers and following consideration of the report it was;

RESOLVED that 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 (Dated 05/04/2022), 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 and Proposed Floor Plans and Elevations (Dated 12/04/2022) 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

Second Schedule

4 Trefoil Close

Broughton Astley

Leicestershire

LE9 6YZ.

vi. The application 22/00795/FUL, Firs Farm, Main Street, Illston On The Hill, was WITHDRAWN prior to the meeting.

10. ANY URGENT BUSINESS

There was none.

The Meeting closed at 8.56pm.

PLANNING COMMITTEE

21st June 2022

APPLICATIONS FOR DETERMINATION

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Meeting of the Planning Committee, 21st June 2022

Application Ref	Parish / Ward	Applicant	Page Number
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Planning Committee Report

Applicant: William Davis Limited

Application Ref: 21/02035/REM

Location: Land at Airfield Farm, Leicester Road, Market Harborough

Parish/Ward: Lubenham/Lubenham

Proposal: Erection of 52 dwellings (Reserved matters for Phase 5 of 11/00112/OUT including details of appearance, landscaping and scale)

Application Validated: 19.11.2021

Target Date: 18.02.2022 – EOT AGREED

Overall Consultation Expiry Date: 12.01.2022

Site Visit Date: 22.12.2021

Committee Decision: Major Application (>25 units) and 'call-in' by Cllr Graves

The reasons for the 'call in' include:

- I am concerned that the ridge heights of many of the properties exceed national planning guidelines
- I am also concerned that there is an inadequate number of parking spaces to cope with all of the residents cars, leading to parking congestion on the estate roads

Recommendation

Planning Permission is **APPROVED*** for the reasons set out in this report and subject to:

- The Planning Conditions detailed in Appendix A.

***Subject to amended plans satisfying LCC Highways latest comments (30.05.2022)**

1. Site & Surroundings

1.1 The application site forms part of the North West Market Harborough Strategic Development Area (SDA). The Strategic Development Area lies directly to the north west of Market Harborough between the A4304 Harborough Road/Lubenham Hill to the south, Gallowfield Road to the north and the B6047 Harborough Road to the east.

1.2 The site is part of Land at Airfield Farm (the top section of the SDA), which was granted Outline permission in May 2016 (Ref: 11/00112/OUT)

1.3 The site relates to Phase 5 which is located towards the eastern edge of the wider development proposal. Additional phases of residential development bound the site to the north and west.

1.4 Adjacent to the southern boundary is an area allocated for a future Local Centre and the east of the site is a large area designated as Green Infrastructure.

2. Planning History

2.1 Relevant Planning History (all approved):

- 11/00112/OUT Outline application for residential development (up to 924 dwellings), construction of access roads including bridge across the Grand Union Canal, demolition of footbridge and diversion of footpath 24, local centre with retail (A1, A3,A4, A5), healthcare (D1) and community (D2) uses, primary school, construction of marina

with hotel (C1) and retail leisure uses (A1, A3, A4, D2), provision of open space including country park, sports fields, allotments, parks, play areas and other open space, landscaping and formation of surface water storage ponds

- 17/00177/REM - Erection of 79 dwellings (Phase 1) (Reserved Matters of 11/00112/OUT) (William Davis)

- 18/00878/REM – Erection of 479 dwellings and associated infrastructure (Phases 2, 3 and 4) (Reserved Matters of 11/00112/OUT) (Taylor Wimpey)

- 18/00987/REM – Erection of 22 dwellings (Phase 2) (Reserved Matters of 11/00112/OUT) (William Davis)

- 19/01872/REM – Erection of 22 dwellings (Phase 2) (Revised scheme of 18/00987/REM) (Reserved Matters of 11/00112/OUT) (William Davis)

- 19/ Erection of 79 dwellings (phase 3) (Reserved Matters of 11/00112/OUT including details of layout, scale, appearance and landscaping) (William Davis)

a) Summary of Proposals

3.1 This is a Reserved Matters application for the erection of 52 dwellings and associated carparking, secondary roads and incidental landscape planting.

3.2 Access into the site is from one of the approved Spine Roads that will link through the development eventually connecting Leicester Road with Harborough Road.

3.3 During the course of the application amended plans (26.05.2022) and additional information has been submitted including:

- Vehicle Tracking (no drawing no.)
- Proposed Materials Plan (121012 Rev E)
- Proposed Site Plan indicating Adoptable Highway (121009)
- Proposed Boundary Treatments (121008 Rev C)
- Hard Landscaping (121010 Rev C)

3.4 In order to avoid the imposition of future conditions on this Reserved Matters consent, further details are also submitted as follows:

- Brick & Roof materials;
- Hard landscaping;
- Soft landscaping
- Boundary treatments
- Details of storage for refuse and recyclable materials, and
- Details for secure cycle parking

3.5 The amended Site Plan is illustrated below:


Approved Development
by Others
Location for Future
Local Centre
Approved Phase 3
Development by William Davis

Proposed (Amended) Site Plan

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community have been carried out on the application.

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

a) Statutory & Non-Statutory Consultees

The Environment Agency (EA)
The EA have no objection to the reserved matters application.

Anglian Water
The reserved matters application is related to appearance, landscaping and scale therefore we have no comments to make

Lead Local Flood Authority (LLFA)
The details submitted to support the reserved matters application appear consistent with the details approved at outline. Note: 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. The LLFA is not a statutory consultee in relation to foul drainage and as such, this response does not consider any foul drainage details submitted.

Leicestershire Police
No formal objections in principle to the application, but provides general Secured by Design recommendations

HDC Contaminated Land Officer
No comment to make on this application

LCC Highways

30.05.2022
The application site would have two points of access off/on a road currently subject to a Section 38, which is under consideration by Leicestershire County Council (LCC).

The northeastern phase 5 access would serve plots 439 to 443. The northwestern phase 5 access would predominantly serve the rest of the site.

In order for the site to be suitable for adoption, the internal layout must be designed fully in accordance with the Leicestershire Highway Design Guide (LHDG). Prior to being considered fit for adoption the LHA request the applicant to clarify/amend the following:
- Will this road serve as a vehicular access to the 'future local centre' if not a consistent 2m footway around turning head will be required (subject to Local Centre access arrangement).
- Footway crossover should be removed at the site access, with the carriageway continuing through.
- Carriageway width and corridor width is currently narrow outside plot 409/447 by virtue of a step. This narrowing should be gradually tapered over a length of approximately 8m from its

widest point (the site boundary), to result in the narrowing concluding at the top of the first ramp.
Notwithstanding the above five dwellings are to be accessed via the secondary access to the northeast of the site. Given the access way to the northeast only serves five dwellings it does not currently meet the standards for adoption as set out in paragraph 3.210 of the LHDG.

The applicant should demonstrate vehicular visibility splays at this access in accordance with figure DG2b and DG1 of the LHDG. As previously advised not all car parking space dimensions are in accordance with paragraph 3.188 of the LHDG. This states minimum parking size 2.4m by 5.5m, add 0.5m if bounded by a wall, fence, hedge, line of trees or other similar obstructions on 1 side, 1m if bounded on both sides.

Plots not in accordance with paragraph 3.188 of the LHDG:

- Plots 411 - 415 and 418 - 421 are demonstrated as too short;
- Plot 422, 447 and 448 have been demonstrated as too narrow given they are enclosed on both sides.
- Plots 424 to 443 are demonstrated as too short; and
- Plots 450 to 453 are demonstrated as too short

- **See Site Plan on Page 6 for location of these plots**

Case Officer comment – Amended Plans awaited. Members will be updated via the supplementary report.

LCC Ecology
No comments to make on this application

LCC Archaeology
Following our previous comments under application 11/00112/OUT we note that no new impact on the site is proposed and would advise the applicant that if any of the conditions on the outline permission are still standing, they should be adhered to. We are yet to see a final report for the archaeological works on this site.

b) Local Community

No comments received

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, unless material considerations indicate otherwise.

5.2 The policies relevant to this application are set out below. More detail is provided in the "Common Planning Policy" section above.

a) Development Plan

5.3 Harborough Local Plan and Lubenham Neighbourhood Plan

b) Material Planning Considerations

Primary national policy & guidance and other material considerations:

5.4 The National Planning Policy Framework (The Framework / NPPF)

5.5 National Planning Practice Guidance (NPPG)

5.6 Circular 11/95 Annex A - Use of Conditions in Planning Permission

5.6 HDC Supplementary Planning Guidance

5.7 LCC Highways Design Guide (LHDG)

6. Assessment

Principle of Development

6.1 The principle of the development of the North West Market Harborough Strategic Development Area (Airfield Farm Development) has already been established following the grant of outline planning permission on 13 May 2016 under reference 11/00112/OUT.

6.2 In considering the outline proposals, issues such as traffic generation and impact of the development on the surrounding highway network, flood risk, environmental, ecological, archaeological and landscape issues and the impact of such an extensive development on local amenities and services were considered and addressed.

6.3 Following that outline approval initial phases of housing development resulting in several hundred houses have been approved, together with detailed proposals for works which will result in the main infrastructure to serve the overall development being undertaken. The most recent phase of this is a new access road and bridge off Leicester Road over the canal which was officially opened in the Summer/Autumn 2019

6.4 In addition and following the grant of the outline consent (which is also the subject of a Section 106 Agreement securing a variety of essential infrastructure contributions consent) a number of the planning conditions attached to the outline consent have been discharged. These deal with such issues as the overall drainage strategy for the development, contamination issues and remediation strategy, the phasing of the development and a construction environment management plan which deals with such issues as Site Specific and Environmental Control Measures and Control of Construction Processes.

Layout and Design

6.5 The application site covers 1.25ha. The density per hectare will be 42, which is similar to other approved phases.

6.6 Of the 52 dwellings, 39 will be Private and 13 will be Affordable.

6.7 In term of the % Private Mix:

Bedrooms	Total	%
2	16	41%
3	13	33%
4	9	23%
5	1	3%

6.8 The Private housing will include a mixture of detached, semi-detached and terrace.

6.9 In terms of % Affordable Mix:

Bedrooms	Total	%
2	13	100%

6.10 The Affordable housing will include semis and terraces.

6.11 In granting outline approval the overall development established the concept of developing the housing in a series of 'Character Areas' to provide a mix of house types, sizes, build patterns and heights.

6.12 The current proposals, form part of the High Street and Circus character areas.

High Street

6.13 The majority of the houses in this character area are 2 ½ storeys. The houses closely frame the street and sit behind small front gardens separated from the pavement by railings. Parking will be set to the side of the houses so as not to dominate the street scene. Three complementary bricks are proposed along the length of the high street with several rendered properties to add visual interest.

Circus

6.14 This medium density area sits behind the High Street and is a combination of detached, semi-detached and short runs of terraced. The grain of the development is more open than the High Street, predominantly 2 storey and with a mix of narrow and deep frontages. The mix of materials is similar to that of the High Street, however a slightly different palette of brick is proposed and a small number of tile hung features on properties have been introduced.

6.15 Carefully placed 'feature' buildings are included within the scheme in order to increase legibility and aid way-finding. Dwellings in these key locations have rendered or tile hanging features. Buildings have been arranged to form a continuous frontage along the street with doors and windows overlooking public spaces to provide activity. Key frontages overlook important spaces and routes within the development, enclosing spaces and providing natural surveillance. Dual aspect dwellings have been located on corners where it is important to present a façade in two directions.

6.16 In addition, some of the houses display architectural features, such as dentil string courses, tiled cills, arched soldiers above windows and stone or brick feature corbels.

6.17 The majority of this phase of development is 2-storey (min. height 7.6m; max height 8.7m), with the exception of those dwellings fronting onto the High Street which are predominantly 2 ½ storey (min height 9.4m; max. height 10.3m). The heights proposed for this phase are reflective of other approved phases within the SDA and would not be out of keeping.

6.18 The Applicant has prepared several Street Elevations to illustrate how the completed development will appear:

Streetscene Elevations

6.19 In terms of materials, 4 different types of brick are proposed including Terca Sunset Red; Terca Oakwood Multi; Terca Caldera Red Multi and Ibstock Ivanhoe Westminster. Roofing materials will be Forticrete Slate Grey, Brown and Red. A few properties will be rendered (colour – ivory) and a few will having tile hanging as a feature.

6.20 The Applicant was asked to consider replacing the Castleton Housetype with one of the previously approved Affordable Housing housetypes on the other phases e.g. Beadle or the Rother (both 2 bed semis). As the house type proposed in the Case Officer opinion appears out of keeping with the other roof pitches proposed.

Castleton Housetype

6.21 The Applicant advised *"The Castleton House type works well when plot depths are constrained. A Bedale is a single storey dwelling which I think would further enhance the issue identified."* Whilst it is disappointing the Applicant chose not to change this house type, it only affects two plots (Plots 440 and 441) and as they are not located on the primary or secondary roads will not appear conspicuous within the wider streetscape and are therefore on balance acceptable.

6.22 The Applicant has where possible sited electricity / gas boxes on the side elevations of the plots which helps to enhance the visual appearance of the plot and provided block paving as a different surfacing material to break up the front car parking area proposed between plots 424-430 and 431-438.

6.23 Overall, the proposal is judged to be acceptable in design and visual amenity terms.

Highways and Parking

6.24 The application site would have two points of access. The north eastern phase 5 access would serve plots 439 to 443. The north western phase 5 access would predominantly serve the rest of the site.

6.25 Each property will have on- site car parking provision and where possible, a "bar and hook" will be provided on unexposed rear and side elevations to accommodate cycle parking

6.26 The Applicant is proposing 2 parking spaces for both 2 and 3 bedroom dwellings, and 3 spaces for dwellings with 4 or more bedrooms throughout the site. Amended plans are awaited to demonstrate all car parking space dimensions (including garages) are in accordance with the Leicestershire Highways Design Guide.

6.27 The Highway Authority have also sought clarification around the adoptability of the internal highways layout. Members will be updated via the Supplementary Paper.

Open Space / Landscaping

6.28 There is no formal open space within this phase; however the eastern boundary of the site sits next to one of the proposed green spaces. These is a small area of incidental green space on the south-eastern boundary providing a buffer between the residential development of this application and the future Local Centre.

6.29 Tree planting and soft landscaping is proposed within some of the individual plots.

7. The Planning Balance / Conclusion

7.1 The proposal would maintain the standard of design and visual amenity of the development established by the previously approved Reserved Matters applications and original design intent at Outline.

APPENDIX A – Recommended Conditions and Informative Notes

Recommended Conditions:

1. Approved Plans

The development is hereby approved in accordance with the following:

- Soft Landscaping Proposals (GL1668 01A)
- House Type Drawing Pack v.2 October 2021
- Drawing Register (01.06.2022)

REASON: For the avoidance of doubt.

Planning Committee Report

Applicant: Alec Welton

Application Ref: 21/02113/FUL

Location: Archway House, Harborough Road, Lubenham

Parish/Ward: Lubenham /Lubenham

Proposal: Erection of new offices, studios and overnight accommodation, with associated car parking, solar PV canopy and landscaping, erection of 1 dwelling (revised scheme of 21/01063/FUL)

Application Validated: 03.12.2021

Target Date: 04.03.2021 (EOT Agreed)

Advertisement Expiry: 13.01.2022

Site Notice Expiry: 12.01.2022

Weekly List Expiry: 07.01.2022

Consultation Expiry: 01.06.2022

Neighbour Expiry: 30.12.2021

Site Visit: 22.12.2021

Reason for Committee decision: At the discretion of the Development Manager as a matter of public interest.

Recommendation

Planning Permission is **APPROVED,** for the reasons set out in the report, subject to:-

(i) The proposed conditions set out in **Appendix** *A (with delegation to the Development Planning Manager to agree the final wording of these);* and

(ii) The Applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to provide for the obligations set out in **Appendix B** *(with delegation to the Development Planning Manager to agree the final wording and trigger points of the obligations*)

1. Site and Surroundings

1.1 The site is located within the Parish boundary of Lubenham, approximately 1.1km east of the village centre and approximately 1.7km from Market Harborough town centre. Access into the site is off the A4304 Harborough Road - a key route into and out of Market Harborough.

1.2 The site (2.9ha) is occupied at the eastern end by a two-storey building faced in brick and render g with a tiled roof (approx. 8.0m high), presently occupied by Archway Health Hub, a complementary multi-disciplinary health and therapy centre. Directly to the south of this building is a two-storey wooden cladded building (approx. 9.0m high)used as offices (511sqm) leased by Archway Health Hub. To the west of these buildings and parallel with the road is a linear car park.

1.3 The eastern boundary consists of a wooded hillside (part of which is subject to a Tree Preservation Order, TPO 230) which form part of the grounds of The Hill, a large two storey property, that is Grade II listed and has been subdivided into three dwellings (No.s109, 111 and 113 Lubenham Hill). To the south of the car park there is amenity grassland and an old fishing pond, with trees (mostly Willows - approx. 15m high) forming the ponds perimeter.

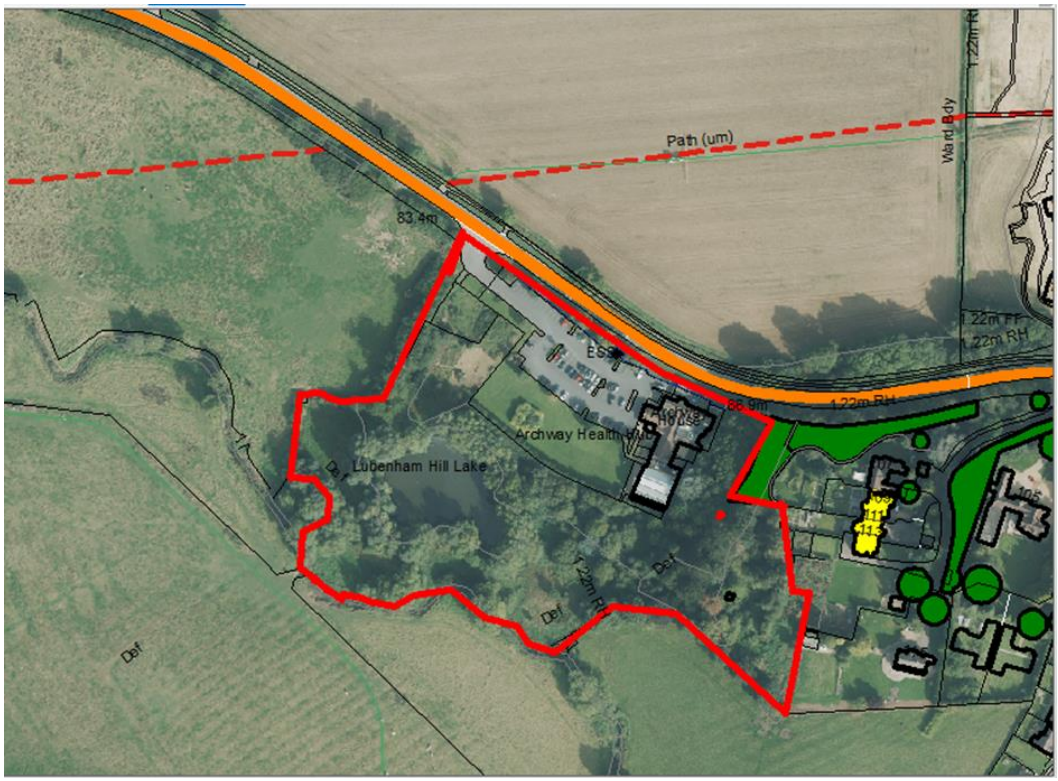
1.4 The River Welland forms part of the site's southern boundary (demarcated by a post and wire fence) with several mature trees. The western boundary is formed by a hedgerow and trees (approx. 20m wide, 6.0m tall), also with fields beyond.

1.5 The majority of the site is a t level between 82.0 and 83,0m AOD, naking up to 84.0m where it meets the road verge of the A4304.

1.6 The site is not within a Conservation Area, the nearest being in Lubenham village. Approximately 580m to the west of the site is Old Hall Moat, a Scheduled Ancient Monument and a Grade II Listed Building, The Old Hall.

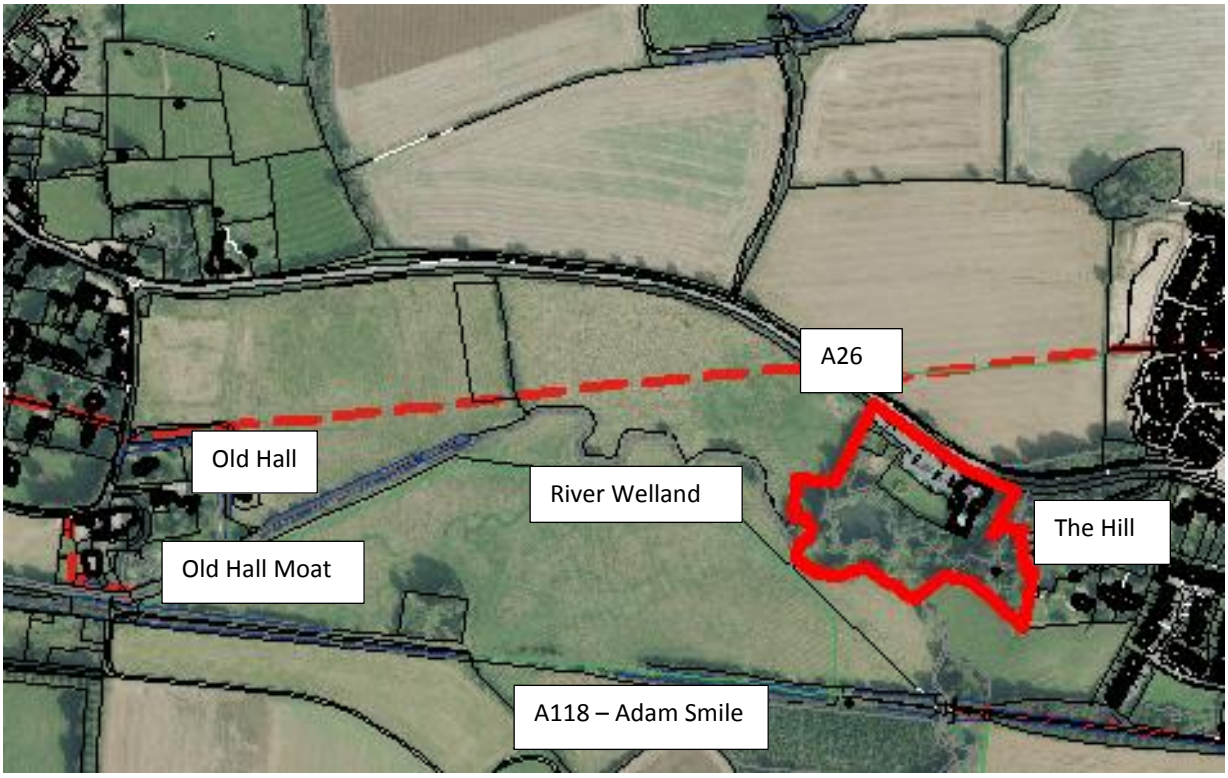
1.7 The site lies at the extreme south-eastern edge of the Area of Separation as identified within the Lubenham Neighbourhood Plan,but is outside of it.

1.8 The disused railway line passes the southern edge of Lubenham. This section of the line has been designated as a Public Footpath and named as AdamSmile. At its nearest, it comes within 110m of the Site. Public Footpath A26 which heads eastwards from Lubenham, reaches the A4303 at a point of 100m from the site. It crosses diagonally over the road in to the field on the north side of the road and then continues eastwards up the incline of Lubenham Hill, passing over the ridge to reach the new housing estate.

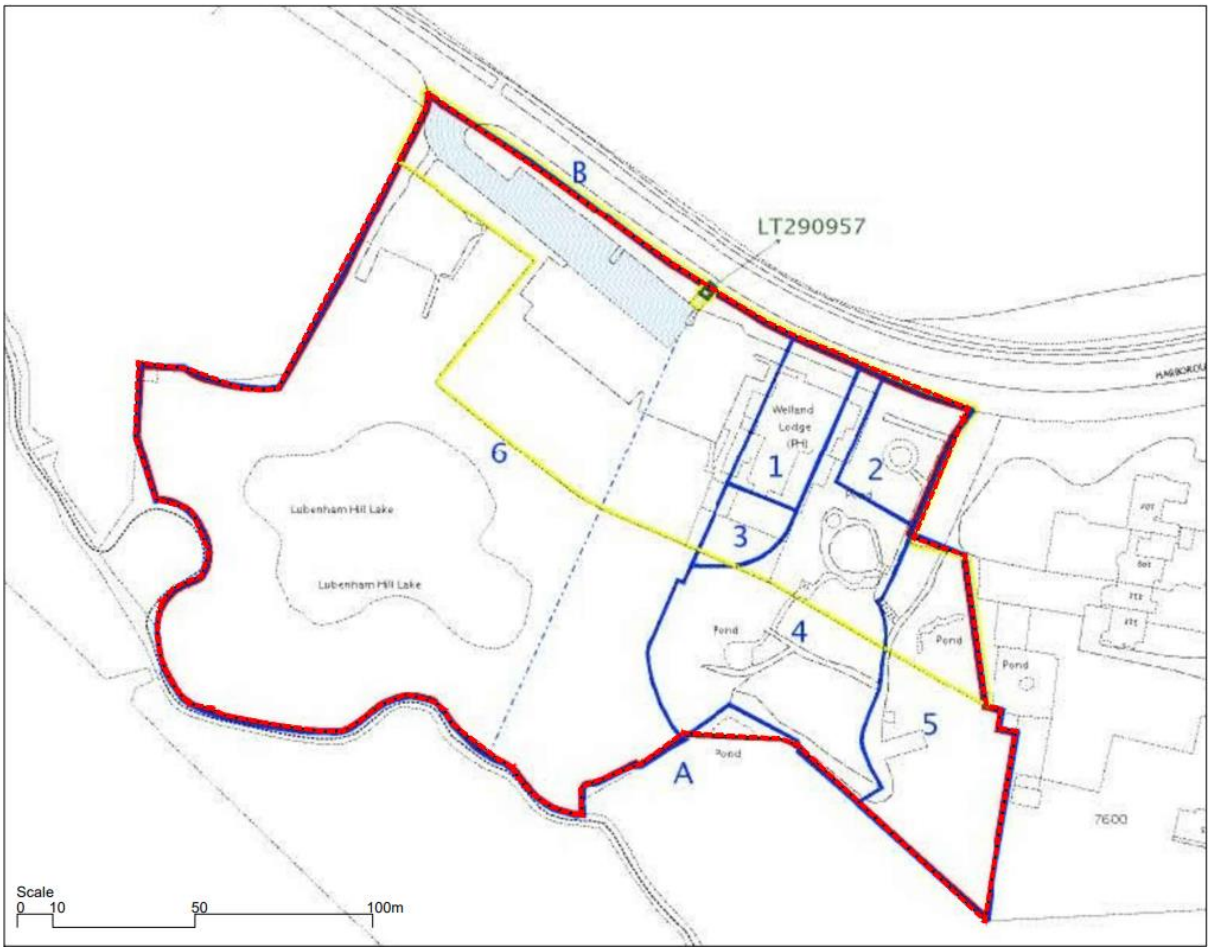


Site Location

(Red Line – Application Site; Orange – Classified Road; Red Dash – Public Right of Way; Dark Green – Tree Preservation Order (TPO); Yellow – Listed Bulding



Site Location in Context



Site Block Plan

1.7 It should be noted, the application site, demarcated by the red line, as shown above, follows the Parish/District boundary (shown in pink below) and as such, none of the application site falls within the jurisdiction of West Northamptonshire Council and/or East Farndon Parish Council, although both these Council's have been consulted on the application. Although, the proposed Masterplan (to be discussed further) does include a small amount of land within these Council's jurisdiction, however as the Masterplan just shows this to be planting (which does not require planning permission in itself); HDC can lawfully determine this application.

Parish/District boundary

Case Officer Site Photos (taken July 2021, unless stated):

View of site from the existing vehicular access

Looking east towards the existing buildings from the western side of the site - December 2021


Looking south-east and south from the north-western side of the site

Looking east towards Archway House from western boundary

Looking north towards the existing office building from southern boundary

Looking towards the southern site boundary

Looking towards the fishing pond from the southern boundary and from the car park

View from Hall Lane, Lubenham (July and December 2021)

View towards the site from the top of footpath A26 (March 2022)

View half way along footpath A26 (July 2021)

View towards the site from the bottom of footpath A26 (July 2021)

View towards the southern boundary of the site from A118 (Adam Smile) (September 2021)

View from Old Hall Lane, Lubenham

2. Site History

2.1 The site has the following planning history

- 80/01301/3P - Erection of greenhouse type shop (Approved)
- 80/01236/3P - Construction of a car park and formation of access (Approved)
- 81/02090/3P - Use of land for display and sale of greenhouses summer houses and sheds land fronting existing nurseries and land adjoining to west (Approved)

- 85/00953/3P - Erection of horticultural glasshouse (Withdrawn)

- 85/01173/3O - Extension and conversion of existing dwelling to form 2 dwellings (Approved)

- 89/00295/3P - Construction of water garden picnic area and play area and extension to car park (Approved)

- 89/00296/3P - Change of use of existing tea room to restaurant and parking of bistro bus(Approved)

- 89/00767/3M - Extension to restaurant and erection of greenhouse for sale and display of plants and construction of access (Approved)

- 92/00811/3P - Change of use of part of garden centre to licenced bar and grill with beer garden (Approved)

- 95/01559/3P - Extensions to existing house, restaurant and bar, removal of existing garden centre and use of premises as public house/ restaurant (Approved)

- 1996 – 2004 – Various Advertisement Consent applications relating to Welland Lodge (a Public House, encompassing both a restaurant and a play barn). The business closed in 2009. Welland Lodge also had a residential use in the form of an apartment at first floor level.

- 10/00087/FUL - Change of use from public house to natural health centre and three B1 business units and erection of first floor extension to flat (Approved)

- Change of use of B1 element of approval ref 10/00087/FUL to D1 health centre use (Withdrawn)

- 10/01385/FUL - Change of use of B1 element of previous approval 10/00087/FUL to D1 use class for private health centre use (Approved)

- 11/00005/FUL - Erection of a two storey extension to side (Approved)

- 14/01583/FUL - Erection of single storey front extension (Approved)

- 21/01063/FUL - Erection of 8 dwellings, office, 4 health and leisure facilities and solar PV canopy – *WITHDRAWN following publication of 12th October 2021 Planning Committee Agenda*.

- 21/02114/OUT – Outline application for the erection of up to eight sustainable and energy positive self-build/custom build dwellings (access, landscaping, layout and scale to be considered) **(Pending Consideration. Report is on the same Committee Agenda)**

3. Proposal

3.1 The application (following amendments) as shown on the Masterplan below proposes 3 commercial buildings wrapped around the eastern side of the pond/lake. The buildings consist of the following

Building 1

Ground Floor – Offices
1st Floor – 6 overnight accommodation rooms with bedroom, bathroom and siting/lounge

Building 2
Ground Floor – Health Centre reception
1st Floor – 4 overnight accommodation rooms with bedroom, bathroom and siting/lounge

Building 3
Ground Floor – Physiotherapy pool
1st Floor – 8 treatment rooms

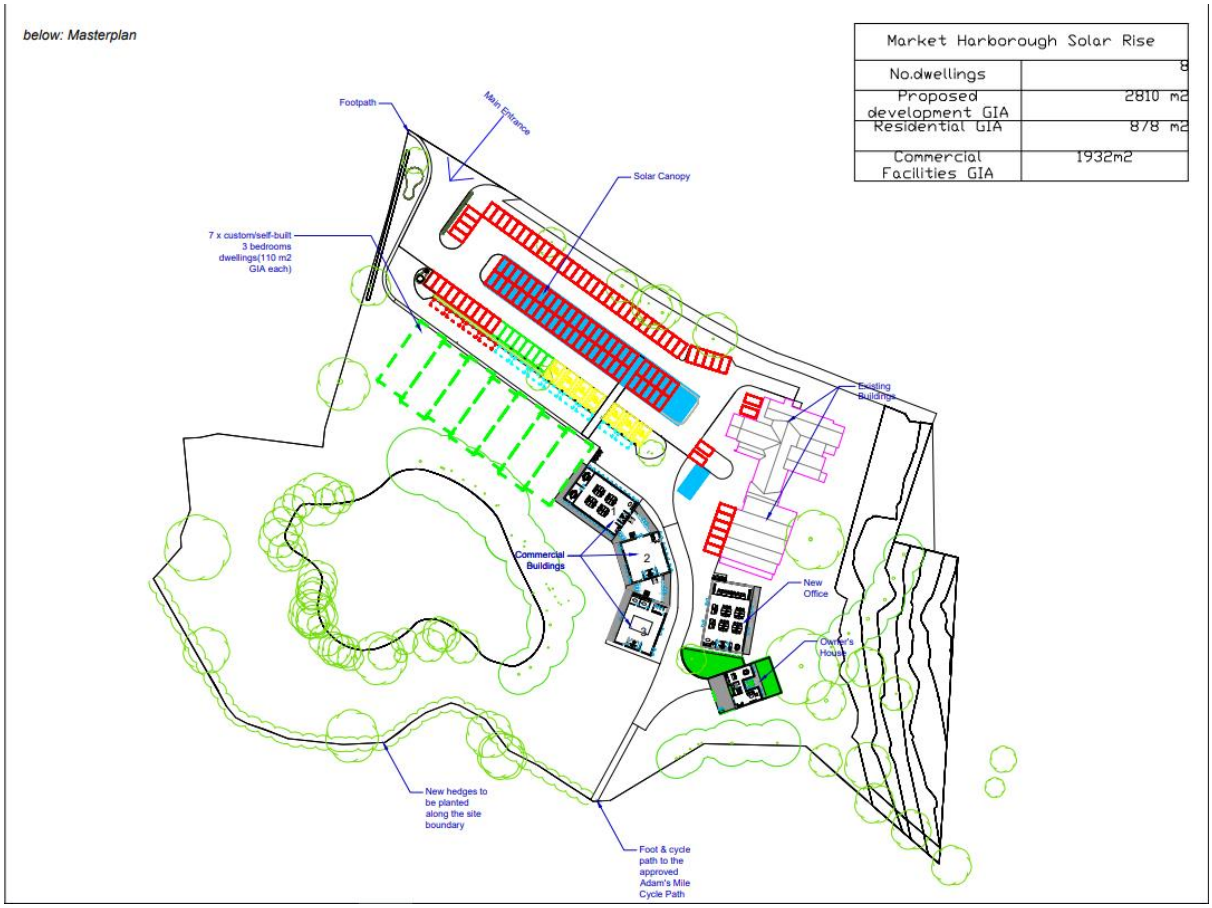
3.2 In addition, a stand alone office building is proposed and a dwelling for the Applicant (and his family), both located to the south of the existing buildings and east of the proposed commercial buildings.

3.3 Access into the site will be as existing, off the Harborough Road, located at the western end of the site.

3.4 The existing car park will be reconfigured and will include a solar panel canopy over the central block of parking bays.

3.5 A separate planning application (21.02114.OUT) for 7 x custom/self built 3 bedroom dwellings (110m2 GIA each) along the southern edge of the existing carpark has also been proposed (and shown indicatively in green dashes on the Masterplan below), together with the private dwelling for the Applicant.

below: Masterplan



Masterplan (Revised)

Proposed Aerial View

Supporting Documentation

3.6 In addition to the plans (site location plan, masterplan, site sections, elevations/floorplans etc.), the application was initially supported by the following documentation:

--Design and Access Statement
--Energy Strategy and Sustainability Statement
--Technical Note: Drainage Strategy Calculations
--Tree Survey
--Technical Report: Great Crested Newts
-- Preliminary Ecological Appraisal
--Flood Risk Assessment (FRA)
--Landscape and Visual Impact Assessment

--Transport Statement
-- Travel Plan

3.7 During the course of the application, the following additional supporting information has been submitted

- Response to Lubenham Parish Council concerns (24.01.2022)
- Topographical Plan (10.02.2022)
- Framework Travel Plan (v1) (10.02.2022)
- Biodiversity New Gain Report (14.02.2022)
- Flood Risk Assessment (v.5) (15.02.2022)
- Landscape Plans (22.02.2022)
- Framework Travel Plan (v2) (07.03.2022)
- Parking Layout (09.03.2022)
- Updated elevations – health and leisure buildings (11.03.2022) (external lift and stairs removed)
- Framework Travel Plan (v3) (13.03.2022)
- Response to LLFA comments (Technical Note Rev B) (17.03.2022)
- Sequential Test (19.04.2022)
- Revised Plans (10.05.2022)

3.8 The Applicant has named this development “Market Harborough Solar Rise” and has created a website (https://harboroughsolar.co.uk/).

3.9 As mentioned in the Planning History section above, the current application follows the withdrawal of a previous application which sought full consent for

- 7 “zero-bills homes”
- Single dwelling for the Applicant
- Office building (310sqm)
- Leisure / Health buildings providing a coffee shop /multifunction community space (210 sqm), health centre comprising reception, physiotherapy pool (which takes one) and 10 consulting rooms (530sqm), two large studios for Pilates, yoga etc (215 sqm); 10 overnight rooms (350sqm)
- Solar panel canopy in car park

Withdrawn Masterplan - 21/01063/FUL

Pre-application Discussions

3.10 In February 2016, a pre-application enquiry (ref: PREAPP/16/00011) was submitted with a proposal to *"erect 30 retirement flats to the highest green standard of eco-home".* This pre-application enquiry was then put on hold at the request of the Applicant. Pre-application discussions resumed during 2017 (not with the current Case Officer) with the Planning Officer advising on 22nd December 2017 that "*the site is considered to be in an unsustainable location for a major residential development and that blocks of flatted accommodation were not appropriate for a proposed edge of countryside location".*

3.11 The advice provided by the Planning Officer crossed over with the Applicant submitting a planning application on the 19th December 2017 for the "*erection of 15 apartments for over 55s using passive house principles to deliver homes with the potential to be operated without any power or heating bills".* However, in light of the Planning Officer's email, the Applicant requested the application be withdrawn and a full fee refund given.

3.12 In March 2018, the Applicant took his proposed scheme, based on the withdrawn planning application, to Opun Design Review. In summary the Opun Design Review Panel "*admired the ambition for the project, although concerns were expressed with the scheme considered to be too urban and not sensitive to the rural character of the site, or meeting the owners' ambitions for the provision of a new sustainable typology for the over 55s…*

…The Design Team was urged to take a step back and provide a stronger justification for the project by undertaking additional work, including a more robust design approach based on a thorough site analysis, to demonstrate an in-depth understanding of site context. The engagement of a landscape architect is recommended as part of the Design Team, in order to develop a comprehensive

landscape strategy for the wider site. On addition, opportunities should be sought to consider a range of flexible accommodation to cater for different needs, with scope to 'design-in' opportunities for social interaction, as well as strengthening the sense of arrival at the site, with consideration of key routes both within and out of the site."

3.13 In October 2018, a further pre-application was submitted (ref: PREAPP/18/00236) for a *"mixed use development made up of 21 two and three storey residential units and a new one storey business hub, built over an existing parking lot."*

3.14 In November 2018, following a meeting, the Planning Officer (not the current Case Officer) advised the Applicant *"The fundamental issue with this has always been of national and local planning policy being generally unsupportive of residential development in areas classed as countryside locations, due to the unsustainable nature of such locations and the potential reliance on car use... I think it was clear yesterday that we are broadly supportive of the concept and vision behind the proposal, but that the proposal is constrained due to the location of the site and not according with planning policy*."

3.15 In April 2021, a further pre-application enquiry was submitted for "a mixed development of health, leisure and residential space". The Applicant emailed the Case Officer on 25th April (extract below)

"We have been down the pre-app route twice already with our project, we have spoken to the [Planning Officer] at length over the last couple of years concerning all aspects of our project the potential issues and resolutions, have had several meetings, and have also had two meetings with [Senior Planning Officer] present. With the benefit of these conversations and input from a range of other local people we have subsequently adapted our plans and designs quite considerably and we now feel they are the best we are going to get them.

Our big dilemma now though is timing. We have been working towards submitting our planning application the week commencing 31st May, so we can issue a press release for World Environment Day on 5th June.

In essence our biggest interest with this final pre-app boils down to a single question which I have already tried to ask and that is how you view our site, and particularly whether they view us as a brownfield site….So it would be worth doing the pre-app even if there is only time to discuss this one aspect so I would appreciate your guidance on timing if you wouldn't mind.

3.16 A TEAMS meeting was held on the 11th May 2021, with the Applicant, Case Officer and Principal Planning Policy Officer.

Officers explained that the housing element of the proposal would unlikely satisfy Policy GD3/GD4. However, if the scheme was presented as self-build /custom building this could be a material planning consideration in favour of the scheme. Officers also explained that there was an increasing emphasis at national level on health and wellbeing and this part of the proposal could be considered favourably.

3.17 Officers advised that in addition to the principle of development other matters such as design and landscape would be important considerations and would be considered in detail as part of the application submission. Officers also advised that as part of the pre-application enquiry, technical consultees such as the Local Highway Authority, the Lead Local Flood Authority and EA are not consulted, but would be as part of any

future application and therefore it maybe useful to have a separate discussion beforehand.

3.18 The Applicant was also advised to make separate contact with the Council's Conservation Officer and Environmental Co-ordinator, which he duly did. The Conservation Officer advised they do not have heritage concerns but a statement of heritage assets should be included within the Design and Access Statement. The Environmental Co-ordinator expressed her support for the proposals.

3.19 Following the TEAMs meeting, the Applicant sent several follow-up emails following the meeting to which the Case Officer responded. A Full Planning Application was then submitted 7th June 2021 (Ref: 21/01063/FUL).

21/01063/FUL

3.20 This application sought permission for the "Erection of 8 dwellings, office, 4 health and leisure facilities and solar PV canopy". The Application was placed on the 12th October 2021 Planning Committee Agenda, with a recommendation for REFUSAL for the following reasons:

1) *The site does not adjoin the existing or committed built up area of either Market Harbrough or Lubenham and therefore fails policy GD2:2. The site is therefore within the countryside, where Local Plan policies GD3 and GD4 applies. The proposal for residential development does not meet any of the exceptions listed within GD4 and therefore also fails to satisfy this policy. The proposed development would not therefore constitute sustainable development, contrary to both the Development Plan and The Framework.*

2) *The site due to its remote location from services and facilitites and walking distance in excess of 1km along a partially unlit busy high-speed Class A road to the nearest facilities (e.g Lubenham pub and school and Market Harborough convenience shop) would result in a high likelihood in reliance on the private motor vehicle. The proposed development would not therefore constitute sustainable development, contrary to the both the Development Plan GD1 and The Framework.*

3) *The proposed development, with its tall buldings (maximum ridge height of 11.15m) and uniformly designed dwellings, would encroach into, and jar with, the rural context of the site and its immediate surroundings, creating an anomalous form of built development which would be disjointed from the existing settlement and would stand out as an incongruous feature on this important rural approach into Market Harborough to the detriment of the character and appearance of the countryside. As such, the development would not be appropriate in this location, would not respect the character and distinctiveness of the existing landscape or the currently well-screened settlement of Market Harborough and, consequently, would not constitute a high standard of design. The proposed development would be contrary to both the Development Plan Policies GD3, GD5 and GD8 and The Framework.*

4) *This proposal, if permitted, would lead to an increase in turning manoeuvres onto Harborough Road (A4304), which is a busy high-speed Class A road with recorded 85th percentile speeds in excess of the posted speed limit, where the turning manoeuvres could be an additional source of danger to road users, which is not in the interests of highway safety, and is contrary to Harborough Local Plan policies GD8 and IN2, Policy IN5 of the Leicestershire Highway Design Guide and The Framework.*

5) *The Flood Risk Assessment (FRA) does not adequately assess the flood risks posed by the development. In particular, the FRA proposed flood risk mitigation measures are inadequate because they will not make the development resilient to the flood levels for the 1% plus 35% climate change level. Consequently the development proposes inadequate flood storage compensation, and has not demonstrated that the proposal would satisfy with Harborough Local Plan Policy CC3.*

3.21 However, following the publication of the Agenda, the Applicant requested the application be withdrawn.

3.22 Following the withdrawal, the Applicant had a separate discussion with the Highway Authority and sought independent planning advice on a way forward. The current application was submitted and validated on 03.12.2021, concurrently with planning application 21/02114/OUT.

4. Consultations and Representations

Cadent

No objection to this proposal from a planning perspective, however an Informative Note should be added to the Decision Notice

Anglian Water

Wastewater Treatment
The foul drainage from this development is in the catchment of Market Harborough Water Recycling Centre which currently does not have capacity to treat the flows 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
A full assessment cannot be made due to lack of information. The applicant has not identified a discharge rate or connection strategy. We therefore request a condition requiring phasing plan and/or on-site drainage strategy.

Section 4 - Surface Water Disposal
The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. From the details submitted to support the planning application 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

Local Highway Authority

1st Response (14.01.2022):

The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required in terms of the Framework Travel Plan and Internal Layout

2nd Response (02.03.2022)

The Local Highway Authority (LHA) are in receipt of a Framework Travel Plan (FTP) and advise the following amendments should be provided in a revised travel plan:

- Six month bus passes are to be supplied per employee at a cost of £360 each. This would be via the individual units.
- The target should be to achieve a 10% reduction in single occupancy vehicle journeys within five years, not 5% as stated in this travel plan.
- The preferred system to capture survey information is MODESHIFT STARS

It should be noted the travel plan monitoring fee required for this site will be the sum of £11,337.50 for a framework travel plan.

As previously advised whilst the Transport Statement states 'Car parking will be provided in accordance with local standards' no evidence has been submitted demonstrating the illustrated parking provision is in accordance with the Leicestershire Highways Design Guide (LHDG).

3rd Response (28.03.2022)

The LHA have reviewed the revised FTP by Northern Transport Planning Ltd (Document Reference: jgv/20018/FTP/v3) and are satisfied with it.

The proposed car parking provision is considered acceptable and in accordance with the LHDG. The LHA is satisfied that the site affords sufficient turning facilities in order to enable vehicles to enter and exit the site in a forward gear.

4th Response (03.05.2022)
The LHA has reviewed the amended plans and note a reduced scale of development and changes to the layout. However they do not significantly affect the previously reviewed development proposals in highway terms.

Environment Agency (EA)

We responded to the previous application on this site.

While the proposals have been amended the same advisory notes and requested conditions would still stand however we note that an old FRA has been submitted in support of this application (version 3 dated 20/09/2021).

Our previous response, as stated above which deemed acceptable was related to version 5 of the FRA dated 06/10/2021.

We would recommend that the most up to date FRA (version 5) is uploaded to the planning portal in support of this application. In this instance, once this has been done we would refer the LPA to our previous response as detailed below

Whilst the proposed development site is located mainly within flood zone 1, there are areas located within flood zones 2 and 3a.

The finished floor levels (FFL) for all residential properties (more vulnerable) will be set 83.35mAOD which is 600mm above the 1% (1 in 100) plus 35% climate change allowance. The FFL for all the commercial properties (less vulnerable) will be set at 83.05mAOD which is 300mm above the 1% (1 in 100) plus 35% climate change allowance.

This is over and above our current guidance. The climate change allowances have recently

been updated and we recommend that any new development should now include a climate change allowance of 17%, rather than the previous 35%.

Two commercial properties and one residential property (the owner's house) fall into flood zone 3. The FRA has set out plans to provide floodplain compensation to mitigate the loss of floodplain, however the buildings could be surrounded by flood water for the 1% flood, although when looking at the topographic survey, the depth of flooding will be between approximately 10cm and 20cm based on the lowest ground level (which is why I have not objected on policy grounds).

The LPA need to determine if the Sequential and Exception tests have been met as the site does have a significant area which falls into flood zone 1. If the site was rearranged the risk of flooding could be avoided. Developments that rely on mitigation measures should be avoided wherever possible. Mitigation measures should only be considered if there are no alternative sites AND the development can be justified on other sustainability grounds. If the development can be justified based on sustainability objectives, it then becomes necessary to consider how to implement hazard alleviation, avoidance and reduced vulnerability.

If the LPA are minded to approve the application based on the information above, we would recommend Conditions.

Lead Local Flood Authority (LLFA)

1st Response (21st December 2021)
The application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following should be submitted:

• Pre and post development total impermeable area plan
• A drainage strategy plan showing proposed SuDS, indicative pipe sizes, gradients, flow directions, cover and invert levels
• Identifications and levels of the surface water outfalls to and from the pond and details of the connection to the downstream watercourse
• Consideration of management and maintenance plan for the drainage system
• Overland flow routing plans for a design and blockage scenario and pond overtopping, to demonstrate exceedance routes can be safely managed
• Evidence of Environment Agency support for the floodplain compensation proposals

2nd Response (1st April 2022)

The previous LLFA response stated that the additional information would need to be submitted in order for a substantive response to be made. These details have since been provided and the LLFA advise the LPA that the proposals are considered acceptable subject to planning conditions

Senior Planning Archaeologist (16th December 2021)

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).

Senior Planning Ecologist

1st Response (23th December 2021)

The Preliminary Ecological Appraisal report (Pioneer Environment, September 2020) is satisfactory. The recommendations in the report should be followed and made a condition of any planning permission granted.

A biodiversity net gain calculation (using the DEFRA Metric 3.0) is required to demonstrate how biodiversity net gain is to be delivered on the site and should be submitted (in Excel format) with an accompanying outline biodiversity enhancement report/plan. This is required to ensure that net gains/losses and the broad principles for addressing losses can be understood by the LPA when determining the application.

2nd Response (28th February 2022)

The Biodiversity Net Gain Feasibility Report (Pioneer Environment, February 2022) and accompanying Defra 3.0 Metric is acceptable.

LCC Minerals and Waste

The application site is within a Mineral Safeguarding Area for Sand and Gravel and as such Policy M11 of the Minerals and Waste Local Plan is relevant. It appears the application does not address the mineral implications of the proposed development. As such the presence of mineral in or under the application site has not been established.

Given existing development on the application site and in the vicinity, the MPA considers that should mineral be present it is unlikely to be worked in an acceptable manner in the future.

As such the MPA does not object to the proposed development.

HDC Environment Coordinator

The development meets the requirements of policy CC1. The development is designed to meet BREEAM outstanding, which is very welcome. The development is also designed to reduce emissions through design and also through the provision of renewable energy. This project can potentially be a showcase for good practice. The provision of sustainable transport links is also very important.

HDC Contaminated Land and Air Quality Officer (24th December 2021)

Recommends pre-commencement conditions relating to risk based land contamination assessment and verification investigation report

Lubenham Parish Council

Lubenham Parish Council Objects to this application. In summary on the following grounds:

1. Contrary to Harborough Local Plan
2. Contrary to Lubenham Neighbourhood Plan
3. Unsustainable Location
4. Development in the Open Countryside
5. Office Development
6. Highways issues
7. Biodiversity

8. Waste water/Grey water
9. Flooding
10. Sewerage
11. Views towards the site
12. Community contributions
13. Use of existing buildings
14. Letters of support

Case Officer Note: The Applicant has submitted a rebuttal (24.01.2022) to this objection which can be viewed on-line in full. The Applicant's "summary of response"

"We have always been open about our ideas and plans and have engaged with the local community and get their input and so we have been talking to Lubenham Parish Council at every stage over the last few years. Indeed, before we had any drawings, as we first started talking to architects and considering how we would like to grow we met with Lubenham Parish Council and at that initial meeting they were clear that they would object to our project whatever form it took. They explained that while they supported a sustainable build, they would object to any plans we put in because we were not in the Lubenham Neighbourhood Plan. Those comments did not diminish our enthusiasm to grow, to develop a sustainable project or our keenness to keep them informed and to make them a part of the process.

Since that initial meeting we have met with the Parish Council on a further four occasions over the last 3 years. We have openly shared our plans and goals, listened to their concerns and answered their questions. It therefore seems quite remarkable that one could read this objection and assume that we had never spoken to them, never consulted with them and never answered any of their questions. The objection does not acknowledge any of our responses to any questions when raised with us directly and while it accuses our supporters of not fully understanding the plans it bases much of the objection on the bizarre idea that our project is twice the size that it actually is. We presume it is because their minds were already made up that it appears that the time has not been taken to *properly read our submissions, while ignoring the we have spent answering their questions and discussing our project in person.*

It is also particularly disappointing that having withdrawn and re-submitted our application Lubenham Parish Council did not bother to notify us of when they would discuss our project again. They clearly had no interest in correcting their mis-understandings or asking us any more questions

Parish Council response to rebuttal:

After some discussion, Councillors resolved (15.02.2022) that our objection to both plans stand. The decision continues to be based mainly on the planning policies - that the application is contrary to the Harborough Local Plan and Lubenham Neighbourhood Plan. There remain other concerns that were also raised in our submission which we know will be considered in the usual way.

We agree that the applicant has attended Parish Council meetings, which we have welcomed and acknowledge, however the Council has always made it clear at these meetings that the application is contrary to the Lubenham Neighbourhood Plan, whilst we also recognise the applicants passion for his project we have to evaluate it on planning considerations.

Local Community

During the course of the application, 39 comments (from both within and outside the District) have written in to the LPA supporting the proposal. It is not practical to copy these comments verbatium, so a summary is provided below. Please see the website to read the comments in full:

- Market Harborough has been fortunate to have the benefit of a complimentary health facility for several years. The popularity has continued to grow to the extent that they now need more space so that more practitioners can provide a larger range of treatments, both physical and mental. Where classes are involved, more space is needed to prevent crowding.
- The plans submitted provide that much needed space, but also will demonstrate how a facility such as this can not only fit into the environment in an attractive way, but also in an environmentally sustainable way.
- To provide residential treatment will be a huge benefit, as more and more people realise that the NHS is unable to provide treatment suitable for every health problem. My whole family has benefited from practitioners working at Archway, complimenting NHS treatment in some instances.
- I would like to support this project both as a growing business and a showcase sustainable project.
- This supports local business. Archway is a well-known and respected health provider which supports the local community.
- We should all be supporting more sustainable developments to help combat global warming. This particular proposed development is sympathetic and a good example of well thought out ideas which not only benefit their own business but the wider community as well. It is an example of what all new development should be like.
- To be able to expand this facility would only go further in offering benefits to the population locally and in surrounding area's, I also believe that it has the potential to generate more visitors to the district which is a benefit to all local business's. The plans are very sympathetic to the local area and we should be encouraging more sustainable projects such as this one.
- The Council has a policy for the mitigation of Climate Change. These developments incorporate modern methods of renewable energy capture, energy conservation, and sustainable materials. There is provision for non-fossil fuel vehicles, especially electric cars. The fossil-carbon footprint of the developments is significantly less than those that are now common, so the progress towards a sustainable future will be made clear. Such characteristics are those the area needs for future development generally, so these applications will be trend-setters.
- As a neighbour I am pleased to see a development of this nature (thoughtfully designed with environment and carbon emissions placed importantly at the beginning of the process rather than slapped on at the end) happening locally
- The plans are ambitious but totally in line with where all sustainable building projects should be.
- we are very much in support of this application as it seems to go a long way to promote a genuinely green development - unlike those that many commercial builders appear to get away with in their 'box ticking nod' to preserving the environment.
- It is unusual to see such a commitment to a sustainable building development, at a significant scale and undoubtedly cost, by a private individual. It is often (usually always) prohibitively expensive for the private individual to do the right thing these days, but anyone doing so should be supported. I hope this application will be approved and that there may be some grants or funding available to help it.

1 x objection comment has been received. The objector's name and address has been provided to the LPA, but the objector has asked for their details not to be disclosed. As the objection comment is anonymous, it carries significantly less weight.

"we object on the material considerations on grounds of noise and disturbance, and building in the open countryside"

East Farndon Parish Council (06.06.2022)

East Farndon Parish Council objects to the applications on a planning technicality.

WNC have advised that if the applications are just planting with no significant earthworks (that would constitute an engineering operation), then HDC could argue planning permission is not required. However, if the applications involve building bunds, etc. for non-agricultural use then, in WNC's view, that would be engineering operation development and there would need to be a planning application for those "works" to WNC as part of the scheme that crosses over the border.

In light of the conflicting opinions, East Farndon Parish Council recommends that the development site is redrawn to exclude the WNC land to remove this problem.

West Northamptonshire Council

Confirmed (07.01.2022) red line does not cross into West Northamptonshire administrative boundary.

5. Planning Policy Considerations

5.1 This application should be considered in accordance with the Development Plan, unless material considerations indicate otherwise.

a) Development Plan

5.2 Relevant policies to this application are:

Harborough Local Plan 2011 to 2031

- SS1 The spatial strategy
- GD1 Achieving sustainable development
- GD2 Settlement development
- GD3 Development in the countryside
- GD4 New housing in the countryside
- GD5 Landscape character
- GD8 Good design in development
- GD9 Minerals Safeguarding Areas
- H1 Provision of new housing
- H2 Affordable housing
- H5 Housing density, mix and standards
- GI2 Open space, sport and recreation
- GI5 Biodiversity and geodiversity
- CC1 Climate Change
- CC3 Managing flood risk
- CC4 Sustainable drainage
- IN1 Infrastructure provision
- IN2 Sustainable transport
- IN4 Water resources and services

Lubenham Neighbourhood Development Plan* (Referendum Version incorporating examiners changes 2016-2031)

- Policy LNP03 – Design
- Policy LNP08 – Affordable Housing
- Policy LNP09 – Speed reducing design measures
- Policy LNP12 – Travel Plans
- Policy LNP13 – Electric Vehicle Charging Points
- Policy LNP 14 – Biodiversity measures
- Policy LNP 16 – Business and employment development

* The Lubenham Neighbourhood Plan (LNP) was made in 2017 and has not been reviewed since. Since adoption of the LNP the Harborough Local Plan (HLP) has been adopted and the National Planning Policy Framework (NPPF) updated twice. Paragraph 219 of the NPPF states: *existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).* The overall principles of the relevant policies of the LNP are considered to be consistent with the NPPF

b) Statutory Duties, Material Planning Considerations and other relevant documents

5.3 Relevant material planning considerations:

- The National Planning Policy Framework
- National Planning Practice Guidance
- Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
- National Design Guide
- HDC Climate Local Action Plan 2015
- HDC Declaration of Climate Emergency
- Environment Bill/Law
- Climate Change Act 2008
- Manual for Streets
- Leicestershire Highways Design Guide and associated Standing Advice
- Harborough District Landscape Character Assessment 2007
- Harborough Rural Centres Landscape Character Assessment and Landscape Capacity Study 2014

6. Assessment

a) Principle of Development

6.1 Paragraph 2 of the NPPF states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including neighbourhood plans) permission should not usually be granted. Paragraph 11 of the NPPF and Policy GD1 of the Harborough Local Plan (HLP) set out a presumption in favour of sustainable

development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise.

6.2 Paragraph 105 of the NPPF, states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Policy SS1: 'The Spatial Strategy' of the HLP therefore seeks to direct development towards the most sustainable locations, identified by the level of 'key services' provided within the village/town, with the aim of reducing reliance on private motor vehicle to access key services.

6.3 The site lies within parish of Lubenham. Lubenham is identified as a Selected Rural Village (SRV) on the basis of at least two of the six key services. HLP Policy GD2 "Settlement development" allows for additional development within or adjoining the existing or committed built up area of the District's most sustainable settlements, which include Lubenham.

6.4 The site is located over 0.9km from the eastern edge of the 'built up area' of Lubenham and would not therefore satisfy HLP Policy GD2(2). Furthermore, the Lubenham Neighburhood Plan (LNP) does not allocate the site for future development.

6.5 Although the site is within Lubenham parish boundary, the site is physically closer to the edge of Market Harborough. An assessment has therefor been made as to whether the site would adjoin the built up area of Market Harborough, a Sub-Reginal centre in the settlement hierarchy.

6.7 Whilst on a map, the site appears to be adjoining the built-up area of Market Harborough, on the ground this is not the case, with agricultural fields adjoining the site to the south and west and also to the north on the other side of Harborough Road and then an area of woodland to the east.

6.8 When approaching from the west (from Lubenham) it is not evident one has reached Market Harborough until the summit of Lubenham Hill. The submitted LVIA in support of the Applicant's application confirms the Case Officer's view that the site is *"neither visually linked to Market Harborough nor the village of Lubenham" (page 32 LVIA).*

6.9 As the proposed development is not considered to satisfy HLP Policy GD2 (2), it is necessary to assess the proposal under both HLP Policy GD3 Development in the Countryside and Policy GD4 New housing in the countryside.

6.10 However, before, these polices are discussed further, it is important to note that the site lies at the extreme south-eastern edge, but outside of the Area of Separation (AoS) as identified within the LNP. The AoS is intended to preserve a physical separation from the settlement of Market Harborough. As the site is outside of the AoS, the proposal would not harm conflict with the relevant policy.

6.11 HLP Policy GD3 permits development where it would be required for (amongst other purposes:

a(iii) tourist accommodation, if it is of a scale that is proportionate to the identified tourism need and subject to Policies RT2 Town and local centres and RT4 Tourism and leisure,

e. where it is necessary for the continuation of an existing enterprise, facility or operation that is compatible with its setting in the countryside;

f. rural housing in accordance with Policy GD4 New housing in the countryside;

6.12 As outlined in the supporting text of HLP RT4, the East Leicestershire Tourism Accommodation Study (January 2015) identified a strong demand for all forms of tourist accommodation to support increasing trends in domestic short breaks, a growth in leisure trips linked to visiting friends and relatives, trends for family get together breaks away and a growing market for high quality distinctive contemporary accommodation. The study highlighted benefits of tourism for Harborough which included income for rural pubs and by creating new jobs, both directly and indirectly. Additional guidance and studies include the Tourism Action plan 2020-2025 and Leicester and Leicestershire Economic Growth Strategy 2021-20230 Consultation Draft. These policies identify the importance of tourism to the rural economy generally.

6.13 In terms of new tourist accommodation, HLP Policy RT4 advises development should be directed to Market Harborough town centre, Key centres and Rural Centres, except where *a) "an initiative requires a countryside location or setting...".* The guest accommodation (10 rooms) would overlook the existing pond/lake and proposed soft landscaping grounds with agricultural fields beyond and would offer a tranquil setting for those seeking quiet rehabilitation and/or wellbeing time which would satisfy part a) of Policy RT4. The accommodation is also likely to support the provision of local services for example the Coach and Horses Pub in Lubenham and/or nearby tourist attractions such as Foxton Locks. To ensure the accommodation is used for tourism purposes only a holiday let unit condition is suggested.

6.14 The Applicant and his wife have been Acupuncturists for 30 years and have run a practice in Market Harborough for 24 years before re-locating to the current site 11 years ago. They are well known in the community, and their business has continued to expand. The current occupiers/staff levels of the site are:

- Archway Health & Wellbeing Ltd – 4 members of staff
- 17 independent practitioners
- Bodyfitness Personal Training Ltd – 2 members of staff
- Harborough Hearing Care Ltd – one member of staff
- Rambutan Ltd – 7 members of staff
- Punch Ltd – 30 members of staff

6.15 The Design & Access Statement (DAS) advises *"This project will allow us to expand our practice 'Archway Health & Wellbeing' to offer a wider range of health, well-being and community services to meet a growing local demand. It will provide us with: more consulting rooms, dedicated physio space, more studio space for classes and workshops; accommodation for people to stay on site for a couple of days or a couple of weeks at a time when undergoing intensive health & wellbeing programmes or attending courses; space for allied services to join us and space for community groups. These will be built alongside new office space to allow our existing tenants to expand"*

6.16 The 10 consulting rooms and physiotherapy unit are judged to satisfy criterion e of GD3, given the existing services offered and the new stand-alone office building will to help to accommodate the expanding business's on site (Rambutan Ltd and Punch Ltd). The expansion would safeguard existing jobs and create new employment opportunities and provide additional facilities for the local community which are compatible with the existing use.

6.17 The DAS suggests that the existing fishing pond could be 're-opened' and used by guests staying over. The pond is marked as being an area of Open space, sport and recreation and therefore falls under HLP Policy G12. The pertinent clause of this policy is as follows:

'The District's open space, sport and recreation facilities (as shown on the Policies Map) and any future additional facilities provided as part of new development will be safeguarded and enhanced through improvements to their quality and use.

6.18 If the pond is re-opened this will help to satisfy Policy G12.

6.19 In the opinion of the Case Officer, the office and health/leisure buildings would satisfy Policy GD3e; as well as meeting The Framework's social objective to "*support communities health, social and cultural well-being"* .Furthermore, Paragraph 81 of the NNPF says *"Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development and Para 84* advises planning policies and decisions should enable *a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings… and c) sustainable rural tourism and leisure developments which respect the character of the countryside;*

6.20 The proposals also include a new dwelling to serve the Applicant and his family. The new dwelling would replace the existing mangers flat within the Archway Health Hub building, currently lived in by the Applicants.

6.21 HLP Policy GD4 permits new residential development in the countryside where it is in accordance with Policy GD2 (it has already been explained the site does not comply with Policy GD2), or where it is for:

f*. the rebuilding or replacement of an existing dwelling providing that the resultant dwelling preserves or enhances the character and appearance of the countryside*

6.22 Subject to a condition requiring the cessation of the existing flat once the new house is occupied in order to prevent two residential units forming on site where such uses should be restricted given the sites countryside location, the principle of a new dwelling is judged to satisfy Policy GD4.

6.23 The remaining sections of the report will seek to demonstrate compliance with the polices mentioned above in addition to other pertinent polices of the Development Plan.

b) Design

6.24 Section 12 of the NPPF provides advice on 'Achieving well-designed places". Specifically; paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

6.25 Para 30 of the NPPF states planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

6.26 Meanwhile, Para 134 advises *"development that is not well designed should be refused".*

6.27 HLP Policy GD8 requires a similarly high standard of design. Proposals should respect the context in which they are sited, being well-integrated, respecting and enhancing local character and being sympathetic to the local vernacular. GD5 relates to the landscape impact of proposals, requiring proposals to safeguard important public views, to respect and enhance the landscape and the landscape setting of settlements. Policy RT4 states that new tourist accommodation should be of a scale and appearance which respects the character of the countryside, the local landscape and the surrounding environment.

6.28 LNP Policy 03 requires all new residential developments to be of a high standard of design and layout which respects heights, scale and massing of existing neighbouring buildings; reflects the quality of material finishes found in the vicinity; utilise features of more common local vernacular architecture, and incorporating measures to avoid or mitigate adverse impact upon landscape character, natural habitats and biodiversity both within and around the site, whilst LNP16 advises proposals for new business/employment development "should be of a scale, density and design appropriate to its setting such that it would not cause damage to the qualities, character and amenity of the area".

6.29 The policies and the National Design guidance make clear, it is not just how a building looks that is good design; rather a holistic approach is required, seeing the proposal within its setting and context, and responding well to these elements.

Commercial buildings

6.30 The proposed health and leisure buildings, as can be seen in the plans below are three separate but interconnected buildings that will wrap around the eastern side of the pond/lake.

Commercial Buildings – Elevations

6.31 These buildings will provide:

- 8 consulting rooms to offer both more of the services that are in greatest demand, like Acupuncture, Chiropractic, Sports Massage & Counselling Services and also to develop a wider range of services for things like podiatry, visiting bone density scanning and possible outpatient appointments for private consultants, hospitals etc.
- A physiotherapy unit to offer post operation or post injury care
- Health Centre reception
- Offices
- Overnight accommodation to allow people to come and stay as part of post-op recovery or for tourism staycations

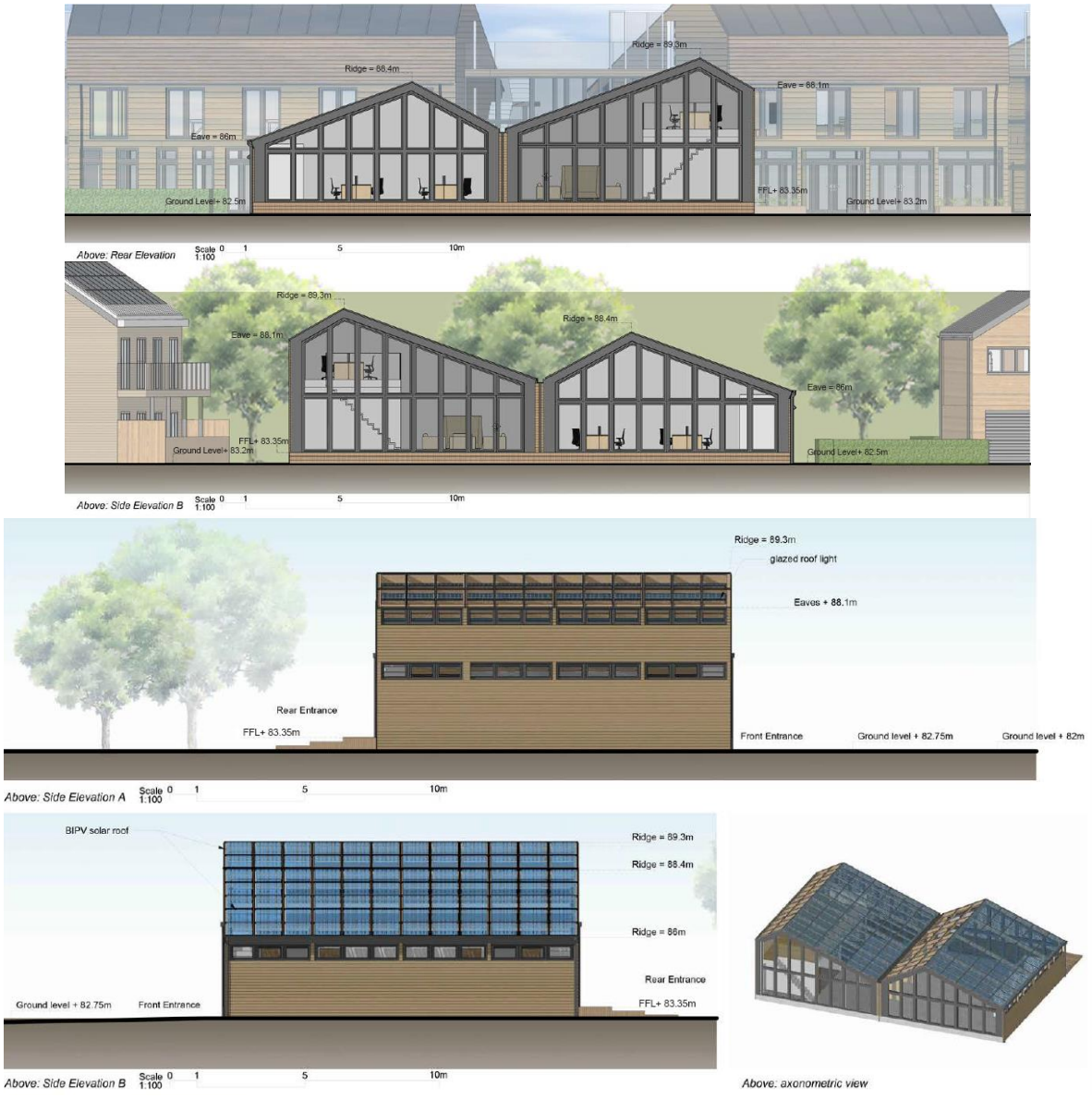
6.32 The plans submitted show a maximum height of 9m. Due to the design of the building, the height of the roof at the rear reduces down from 9m to 5.8m. The interconnecting sections have a flat 'green' roof with a 1.8m high parapet on top. The green roof will help in the reduction of rainwater run off and encourage biodiversity. The south facing roofs will have a BIPV solar roof (NB: BIPV are photovoltaic materials that are used to replace conventional building materials in parts of the building envelope such as the roof and are used as the principal or ancillary source of electrical power), whilst the north facing roof will contain glazed roof lights. The walls of the buildings will be constructed in sustainable cladding.

6.33 Concerns were expressed in the withdrawn application that the scale and height of these buildings would not be in keeping with the existing buildings and would be visually harmful from public vantage points. However, the number of buildings have

been reduced from 4 to 3 and the height has been reduced by approx. 2m. In addition the external lifts up to the roofs have been removed and the external wall material is now suggested to be cladding to reflect the existing office and proposed office building and dwelling. Overall these amendments are now judged to make the design of these buildings acceptable.

Office building

6.34 The proposed office building will be sited to the south of the existing office building, north of the proposed dwelling and east of the woodland. The building will measure 19.8m by 12m and although one building, has been designed visually as two separate but linked buildings which help to reduce its overall mass (see plan below). The front and rear elevations of both buildings will contain floor to ceiling glazing, whilst the side elevations contain high level windows. The south facing roofs will have a BIPV solar roof, whilst the north facing roof will contain glazed roof lights. In terms of height, the larger of the two buildings will have a maximum ridge height 6.4m and the smaller building 5.42m

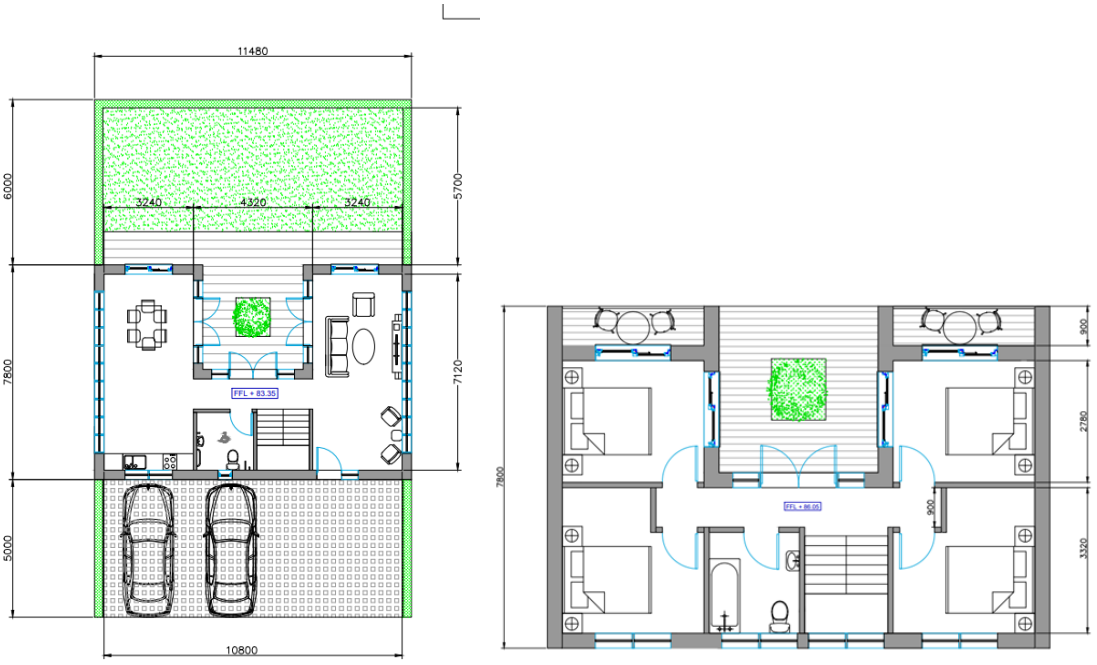


Proposed Office Building – Elevations

6.35 Given the offices will be sited next to the existing office building (which have a twin ridged roof up to 9m high) and nestled close to the woodland to the east, combined with the height and mono-pitched roof design and suggested external cladding which will help it to assimilate into its sylvan surroundings, the design of the office building is considered appropriate to its setting.

New Dwelling

6.36 The Applicant has designed a dwelling for himself and his family. The dwelling (which has been amended during the application process in terms of scale and positioning) will be sited to the south of but adjacent to the proposed office building and nestled close to the woodland. The dwelling will provide 4 double bedrooms and have two mono-pitched roofs with a flat roof central section, at first floor on the rear elevation the roof will contain a large overhang allowing outdoor space to the rear elevation first floor rooms, whilst also providing some shade. The dwelling with have a width of 10.8m and a depth of 7.12m. The section indicates the maximum ridge height would be 7.09m and the flat roof central section will be 6m.



Proposed ground floor and first floor plans

Proposed Dwelling – Elevations

6.37 The dwelling, like the other buildings proposed within this scheme, will have a BIPV solar roof on the south facing roof slopes. On the north facing roofs, the dwelling will have a zinc roof. The external materials for the dwelling will be timber cladding and grey/black frame fenestration. A condition requiring precise details of external materials to be used on all of the buildings is suggested.

6.38 Given the proposed dwelling will be nestled close to the woodland to the east, modest height, mono-pitched roof, footprint and suggested timber cladding for the external walls which will help it to assimilate into its sylvan surroundings, the design of the dwelling is considered appropriate to its setting.

6.39 Overall, the design of the commercial buildings, office and dwelling have a symmetry in terms of materials and due to their positioning are judged to respect and enhance the context in which they are sited.

c) Landscape and Visual Impact

6.40 Unlike the withdrawn application, this application has been accompanied by a Landscape and Visual Impact Assessment (LVIA) (Ian Stemp Landscape Associates, Report No. 21.1619.R1). The application has also been accompanied by an tree survey/report.

6.41 The LVIA confirms that the Site does not lie within any nationally designated landscapes (e.g. Area of Outstanding Natural Beauty or National Park). Neither does it lie within any local designation (Green Wedge or Area of Separation). It has not

therefore been recognised by any national or local authorities as being particularly special in landscape terms.

6.42 NPPF Para 170a seeks to protect and enhance 'valued landscapes'. 'Valued landscape' is not defined in the NPPF, but recent case law advises to be considered a 'valued landscape', a landscape needs to demonstrate physical attributes which take it out of the ordinary. Factors which might be considered with respect to landscape value are shown in the table below:

Factor	Considerations
Landscape quality (condition)	The physical state of the landscape. To what extent is typical character represented in individual areas? How intact is the landscape? What is the condition of individual elements?
Scenic quality	To what extent does the landscape appeal to the senses (primarily, but not limited to, the visual senses)?
Rarity	Are there rare elements or features present? Or is the landscape a rare character type?
Representativeness	Does the landscape contain a particular character, or elements or features which are particularly important examples?
Conservation interests	Are there ecology, heritage, geological, or archaeological features which are of particular interest (i.e. which add to the value of the landscape)?
Recreation value	Is the landscape valued for recreation where experience of the landscape is important?
Perceptual aspects	Is the landscape valued for its perceptual qualities, notably wilderness or tranquillity?
Associations	Is the landscape associated with particular people, such as artists or writers, or events in history that contribute to perceptions of the area?

(adapted from The Guidelines for Landscape and Visual Impact Assessment, 2013)

6.43 In the Case Officer's opinion, the site is not judged to be a 'valued landscape'.

6.44 Policy GD5 of the Harborough District Local Plan states:

1. Development should be located and designed in such a way that it is sensitive to its landscape setting and landscape character area and will be permitted where it:

a. respects and, where possible, enhances local landscape, the landscape setting of settlements, and settlement distinctiveness;
b. avoids the loss of, or substantial harm to, features of landscape importance;
c. safeguards important public views, skylines and landmarks; and
d. restores or provides equivalent mitigation for damaged features and/or landscapes that would be damaged or degraded as a result of the development.

Landscape Character

6.45 The LVIA highlights that the Natural England National Character Area study (2007), places the site within the "Welland Valley" Landscape Character Area. In 2009, a District wide landscape study was prepared by The Landscape Partnership (hereafter referred to as 'TLP') and places the site within The Welland Valley West Landscape Character Area (LCA 8)

6.46 The key characteristic features of the Welland Valley West Landscape Character Area (LCA), which covers the site, land immediately south of Lubenham Hill and the land to its east between the Welland River and the A4304 Harborough Road, are listed as follows:

--Broad, flat valley of River Welland

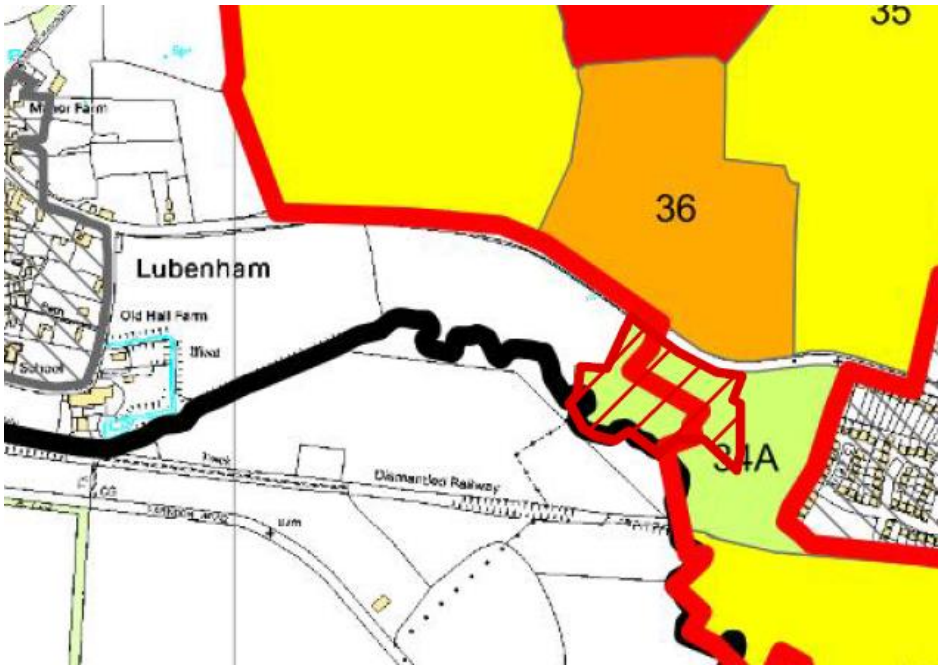
--Arable farmland along banks of river, varying in size
--Mature willows and other trees in unfarmed strip along river
--Some pasture, grazed by sheep
--Heavily influenced by housing in Market Harborough and Lubenham
--River Welland gently meanders through area
--Vegetable picking and packing equipment

6.47 The landscape of the LCA is assessed in the report to be in good condition and of moderate strength of character.

6.48 The LVIA also references adjacent landscape character areas (i.e. Mill Hill Undulating Claylands (LCA 9) and Airfield Farm Plateau (LCA 10), including those outside of Harborough District as the landscape to the south of the River Welland lies in Northamptonshire.

6.49 The LVIA also makes reference to the Daventry Local Plan (2011-2029) which has designated a Special Landscape Area of the Welland Valley which covers the countryside west of Lubenham Road (Lubenham to East Farndon).

6.50 The Council's Landscape Character and Capacity Assessment identifies the site, and the grounds of Hill House to the immediate east of the site as land parcel 34A (excerpt drawing below)



LCA Extract (with application boundary shown)

6.51 The Assessment advises land parcel 34A has a capacity rating of 'Medium-High' to accept change in the form of development subject to the following recommendations:

- Mature vegetation within the Parcel should be retained as far as possible, particularly along the River Welland and the disused railway line, which are considered to be wildlife corridors within the Harborough District Phase 1 habitat survey, and the structure belts adjacent to A4404 and on the higher ground.
- Important views to be retained

- Existing enclosure of the Land Parcel is extensive, so there are no views into the site that need to be retained. The setting of 'The Hill' would need to be carefully protected.
- Additional planting, with locally native species, could be used to enhance the wildlife corridors already identified.
- Existing residential and commercial properties within the vicinity of this Land Parcel are 2 storeys high. Any development within this Parcel should reflect these heights.
- Development in this location would need to be accessed from Lubenham Hill or Farndale View. Any proposed development would need to reflect the pattern of development exhibited along Lubenham Hill and particularly in relation to the Listed Building 'The Hill'. The most suitable area for a modest development lies to the south of the Parcel and could be accessed from Farndale View.
- Materials should be appropriate to the context of the Land Parcel and housing development should reflect the vernacular style of houses along Lubenham Hill.
- Open space provision and green infrastructure
- The identified wildlife corridors and mature tree belts could be the basis for a network of linked open spaces associated with any development.

6.52 Comments regarding the adjacent parcel of land to the north (across which Public Right of Way A26 runs, and number 36 on the plan) are also relevant: *"Development within this Land Parcel would also compromise the separation between Market Harborough and Lubenham, as well as allow Market Harborough to visually encroach into locations where it is not currently visible".*

6.53 In summary, the Capacity study seems to suggest development on the land at the south of the land parcel is possible, but resists development which will cause visual encroachment of Market Harborough "*into locations where it is not currently visible".*

6.41 Whilst public views from the south and east of the site are currently limited given the existing tree cover, the northern boundary of the site is much more open, and views into the site are possible both from the west (Lubenham, and the approach to Market Harborough) and from the north (A26). The existing built form (which is two storey) is tucked under the lee of Lubenham Hill and thus these important views remain rural.

6.42 The proposed buildings are sited to the south and slightly to the west of these buildings.

6.43 Photographs taken as part of the LVIA Assessment were taken during the 2021 autumn season, where deciduous trees were in full leaf. The LVIA says the existing buildings are visible from the A4304 as it heads west down Lubenham Hill and then from the road as it passes by the site. However, the buildings are not visible from any other public roads.

6.44 The LVIA also says there are no views of the site's buildings from the Public Footpath to Market Harborough leading east off the Old Hall Lane (see **Photo 3**).

'hotograph 3: View east towards the site from the Public Footpath A28 approaching Lubenham from Market Harborough (SP 47091 28711)

6.45 However, the Case Officer disagrees with this statement as the existing buildings would be more visible from Old Hall Lane during non-leaf bearing months.

6.46 For views from other Public Footpaths, the following have at least one point along them from where the present site buildings are visible:

• Public Footpath from the A4304 opposite the site entrance heading westwards up the incline of Lubenham Hill, passing over the ridge to reach Harvest Drive and 'The Pastures' (see **Photo 1**);

Photograph 1: View south-west towards the site from the Public Footpath A28 between Market Harborough and Lubenham on Lubenham Hill (SP 47180 28717)

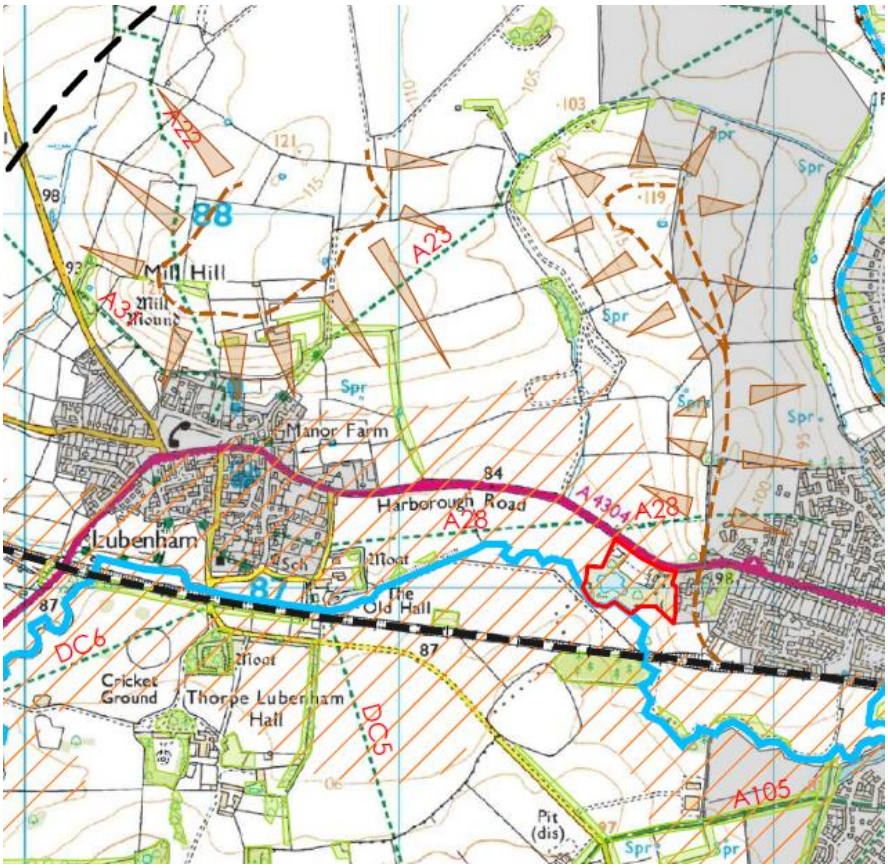
• The Public Footpath from Lubenham to Hillcrest Farm, on the north-western fringe of Market Harborough, leading off from 'The Green' in the village to pass by Manor Farm (no photo supplied)

• The disused railway line section between Lubenham and Market Harborough named 'AdamSmile' (**Photo 4**).

hotograph 4: View north from AdamSmile opposite the site. The existing extended Archway House can be glimpsed behind trees (SP 47151 28684).

• The footpath out of Lubenham leading off north from the rear of 'The Green' play area to climb the grassy knoll of Mill Hill, to a height of 120.0m AOD on its route to Gartree (**Photo 5**);

Photograph 5: View south-east from the Public Footpath A22 on Mill Hill, Lubenham (SP 47048 28765)



(Extract: Location of footpaths mentioned within the LVIA)
Case Officer NB: A28 is in fact A26

6.47 The photo's used as part of the LVIA do not represent a worse-case scenario (i.e. non-leaf bearing months), nor does it take into account the recommendations of the tree survey/report which advises in order to facilitate the development a total of 20no. individual trees, 5no. groups of trees and 1no. hedgerow, will all need to be removed. In addition, part of another group (G8) will need to be removed, as will two poor quality trees (T5 and T8) (for health & safety reasons) and all of the Willow trees (which have an average height of 15m) around the perimeter of the pond/lake will need to be reduced in height to 5m and maintained as pollards.

6.48 Mitigation planting is proposed, but this will take time to establish. The proposed development will be visible from the footpaths identified, however, unlike the previous scheme, the self-build units do not form part of this current application and the scale and height of the commercial buildings have been reduced. Timber cladding is also proposed for all the external walls which will help to assimilate the new buildings into their sylvan surroundings. In Officers opinion the impact of the development upon landscape character and visual receptors is not significant to justify refusal.

d) Climate Change

6.49 Harborough District currently has a 6.9 tonne carbon footprint per person, higher than the England, County and Regional per capita amount and primarily due to the rural nature of the District and the dependency on motorised transport. A projection of our emissions shows that we will only reach carbon neutrality by 2042. Harborough District Council has declared a Climate Emergency (June 2019, post-adoption of the Local Plan) with the aim that all council functions and decision-making should lead to the Council being carbon neutral by 2030. Other material considerations are the Climate Change Act 2008, the Harborough District Council Climate Local Action Plan 2015, Greenhouse Gas (GHG), and not least the National Planning Policy Framework (paragraphs 153ff).

6.50 HLP Policy CC1 requires all major development in the District to demonstrate evidence of reduction in carbon emissions according to the energy hierarchy (paragraph 10.1.3 of the supporting text), renewable energy technology, energy efficiencies, minimal carbon emissions during construction, justification for any demolition, and carbon-neutral building cooling if appropriate. Policies CC3 and CC4 require Sustainable Urban Drainage systems for major development, and the siting of all development in areas of lowest risk of flooding, taking into account the potential future risk due to climate change.

6.51 Para 154 of NPPF advises new development should be planned for in ways that…b) can help can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Policy CC1…

6.52 The Design and Access Statement submitted in support of the application advises

- *The health/leisure and office building will be both energy efficient, super-insulated building, built to the highest level of sustainability.*

- *The site will include electric car and bicycle charging points for visitors. The applicants will also be encouraging sustainable modes of transport, suggesting that visitors cycle to the site via Adam's Mile cycle route.**

- *The applicant intends to enhance the natural landscape of the site, through the planting of additional trees and hedgerows and retention and upkeep of the lake. The intention has been to utilise the brownfield element of the site as much as possible, thus preserving the majority of the undeveloped parts of the site.*

- *A solar PV canopy is proposed and covers part of the existing car park, providing shelter for the site users, whilst generating additional electricity for the rest of the site, as well as powering electric vehicles.*

*Case Officer note: between the site and AdamSmile is an arable field (as well as the River Welland), it is not within the ownership of the Applicant and as such it is not possible to secure a link as suggested.

6.53 In addition to the Design and Access Statement, the Applicant has submitted an "energy and sustainability statement". The statement summary says:
This shows that a 'fabric first' energy efficiency has already been optimised to minimise the amount of renewable energy needed to meet the running requirements of the project. Extra renewable energy harvesting has been designed into the project, generating a surplus of renewable energy sufficient to repay the embodied CO2 debt of construction and maintenance comfortably within a 60 years minimum life expectancy.

All key areas of environmental impact have been addressed and minimised in both the building and landscape construction details and the operation of the mixed use campus community. Passiv haus levels of energy efficiency standards have already been included in the design brief for all building typologies on the site to achieve a BREAM 'outstanding' rating

6.54 The Applicant's commitment to achieving BREEAM outstanding is welcomed and supported and should be conditioned accordingly. The Council's Environment Co-ordinator is supportive of the proposal. The development if approved, would satisfy Policy CC1 and could be an exemplar for the District, this weighs significantly in favour of the scheme.

e) Traffic/Highways Implications

6.55 A Transport Statement (TS) has been submitted in support of the application which has been reviewed by the Local Highway Authority (LHA)

Site Access

6.56 The site is served via an existing vehicular access on Harborough Road, which is a classified 'A' road subject to a 40mph speed limit along the site frontage. The national speed limit is introduced approximately 80m west of the site access and a 30mph speed limit is introduced approximately 250m east of the site access

6.57 The LHA is satisfied with the existing access which has a minimum width of 10m for at least 10m behind the highway boundary and is therefore appropriate for the scale of development proposed.

6.58 A speed survey was conducted of traffic passing the proposed development site access in both directions on Harborough Road on Wednesday 13th December 2017 between 13:00 and 15:00 hours. The calculated 85th percentile speeds (no wet weather adjustment is made) were 47.66mph eastbound and 44.65mph westbound, in excess of the posted speed limit.

Therefore, based on the above 85th percentile speeds, visibility splays of 2.4 x 135 metres west of the site access and 2.4 x 121 metres east of the site access are required in accordance with the Leicestershire Highways Design Guide. The LHA have assessed visibility splays at the site access and are satisfied the required splays corresponding with the 85th percentile speeds are achievable.

Trip Generation

6.59 A manual classified traffic turning count survey was undertaken at the site access junction with Harborough Road on Wednesday 13th December 2017 from 07:30 to 09:30 hours and 16:00 to 18:00 hours.

6.60 The survey reveals the morning peak at the site access was between 08:15 to 09:15 hours, with a two-way traffic flow of 42vph (vehicles per hour) being recorded and the evening peak at the site access was 17:00 to 18:00 hours, with a two-way traffic flow of 48vph being recorded.

6.61 To ascertain the number of vehicle movements likely to be generated from the proposed development, a TRICS analysis has been undertaken by the applicant. The results of the TRICS analysis outline over an average weekday period, the development would generate an additional 22 two-way vehicle movements during the AM peak period and 29 two-way vehicle movements during the PM peak period.

6.62 It is clear the proposed development will introduce an additional trip profile to the site and further diversify the existing onsite operations leading to an intensification of turning movements onto a high-speed A road, which is contrary to Section IN5 of the LHDG.

6.63 However, it is understood the site was formally used as a public house, which will have generated a significant level of traffic. Furthermore prior to 2010, the fishing pond with '24 pegs' within the site was in use, which had a separate car park that is currently unused. Therefore, it is essential to determine if the proposals would lead to an increased use of the existing access, when compared to its former use.

6.64 Subsequently for robustness the LHA have undertaken an analysis using the TRICS database for the former, current, and proposed development.

6.65 For the previous land use, information has been obtained from Application 10/00087/FUL, which was first submitted seeking the change of use from a public house to the development currently located on site.

6.66 A TRICS analysis was undertaken to determine expected trip generation for the public house and for the fishing pond it has been reasonably assumed that each peg would generate one vehicle arrival and one vehicle departure per day.

6.67 Therefore prior to the 2010 application it is expected the site generated on average 468 two-way movements at the site access during a typical weekday.

6.68 The existing development on the site comprises 511sq.m. GFA of B1(a) offices and 465sq.m. GFA of D2 health centre. The number of weekday daily vehicle trips associated with this level of development has been estimated using the TRICS database and are summarised below. The LHA are satisfied with the methodology used and it is noted the 'Clinic' category has been utilised within TRICS, which is representative of the current function of the Health Centre.

- 511sq.m. Offices = 44 (two-way) vehicle movements per day.
- 465sq.m. Health Centre = 78 (two-way) vehicle movements per day.

6.69 The results from the TRICS analysis below show on average the current site is likely to generate 122 two-way movements during a typical weekday.

6.70 To determine the additional trips generated by the proposed development the applicant has utilised the TRICS outputs in Appendix E and calculations in Appendix F of the TS. The results are summarised below (*please note this was based on the original submission; the amount of development has since been reduced*):

- 10 room Overnight Accommodation = 50 (two-way) vehicle movements per day.
- 530sq.m. Health Centre = 90 (two-way) vehicle movements per day.
- 215sq.m. Classes Studios = 50 (two-way) vehicle movements per day.
- 520sq.m. Offices = 44 (two-way) vehicle movements per day.
- 8no. Dwelling (outline app) = 38 (two-way) vehicle movements per day.*

*Case Officer Note: Whilst independent applications have been submitted (i.e. this application and the application for 8 dwellings -21/02114/OUT), site access details remain the same for both applications. Therefore, the LHA have considered the cumulative impact for both developments during the course of producing their observations.

6.71 The results from the TRICS analysis below show on average the current site is likely to generate 272 two-way movements during a typical weekday.

6.72 Subsequently the development proposals on average would lead to the generation of 394 two-way vehicle movements at the site access per day, an increase of 272 two-way vehicle movements.

6.73 However, when compared against the sites fallback position of 468 two-way vehicle movements the development proposals do not represent an intensification.

6.74 Therefore, in the site-specific circumstances it is not considered that this development proposal would lead to a severe or unacceptable highway impact in the context of the NPPF and as such the LHA would not seek to resist this application.

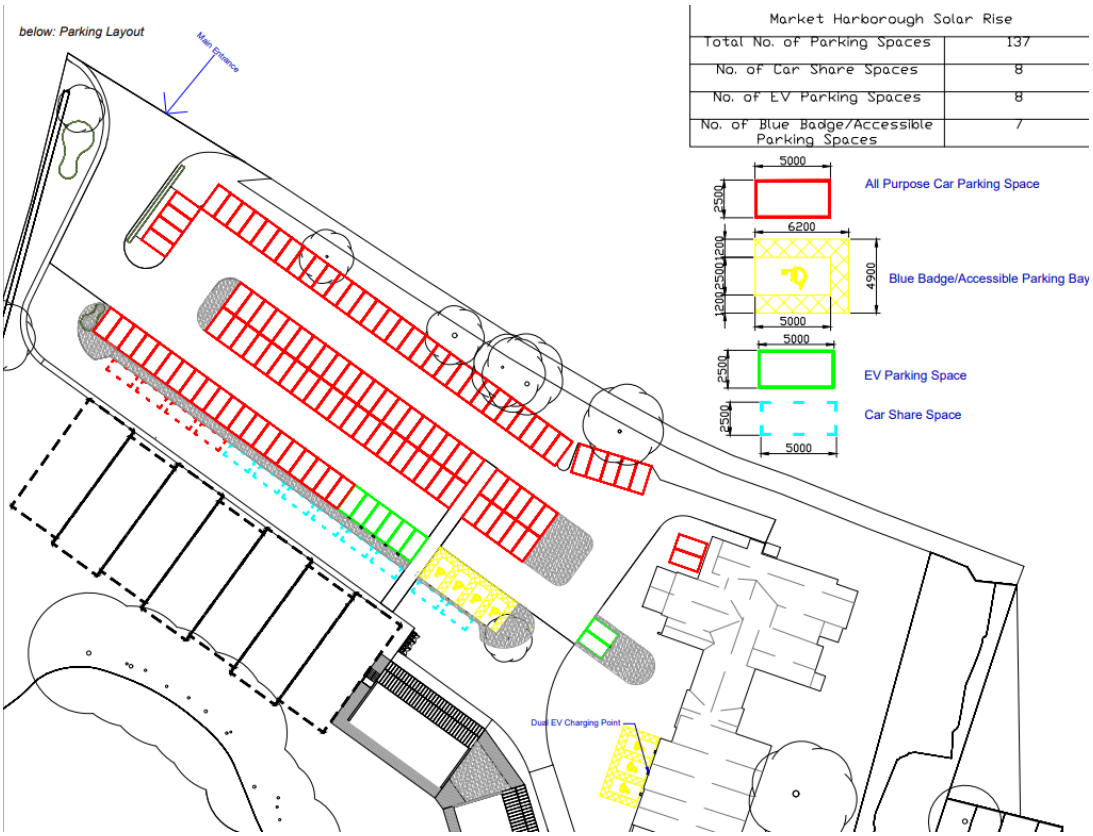
Junction Capacity Assessments

6.75 The LHA is generally satisfied with the applied methodology and it is noted the site access will operate satisfactorily in the Design Year 2025 ‘with development’ during peak periods.

Car Parking

6.76 Using LHA parking standards the existing development on-site has a requirement for 50 car parking spaces. The proposed development has a requirements for 61 car parking spaces. A total requirement of 111 parking spaces.

6.77 A parking layout plan has been provided (see below) which shows a total of 138 parking spaces; which include 7 blue badge/accessible parking pays; 8 Electric Vehicle parking bays and 8 shared parking bays. 2 of the Blue Badge spaces will have EV chargers installed. The proposed parking provision is therefore sufficient to serve the proposed development.



Parking Layout Plan

Travel Plan

6.78 Following comments from the LHA, an amended Framework Travel Plan (FTP) (v3) has been submitted. The Travel Plan suggests a number of different measures to encourage modal shift from single occupancy car journeys to more sustainable forms of travel including:

- Encouraging cycling;
- Encouraging walking;
- Encouraging use of public transport;
- Encouraging car sharing; and
- A car parking management strategy to minimise car use.

6.79 The FTP also specifically includes:

- Six month bus passes are to be be supplied per employee at a cost of £360 each. This is to be done on on 1st occupation and as staff are employed; and
- The target to achieve a reduction in single occupancy vehicle journeys within five years has been set as 10%; and
- The preferred system to capture survey information is MODESHIFT STARS.

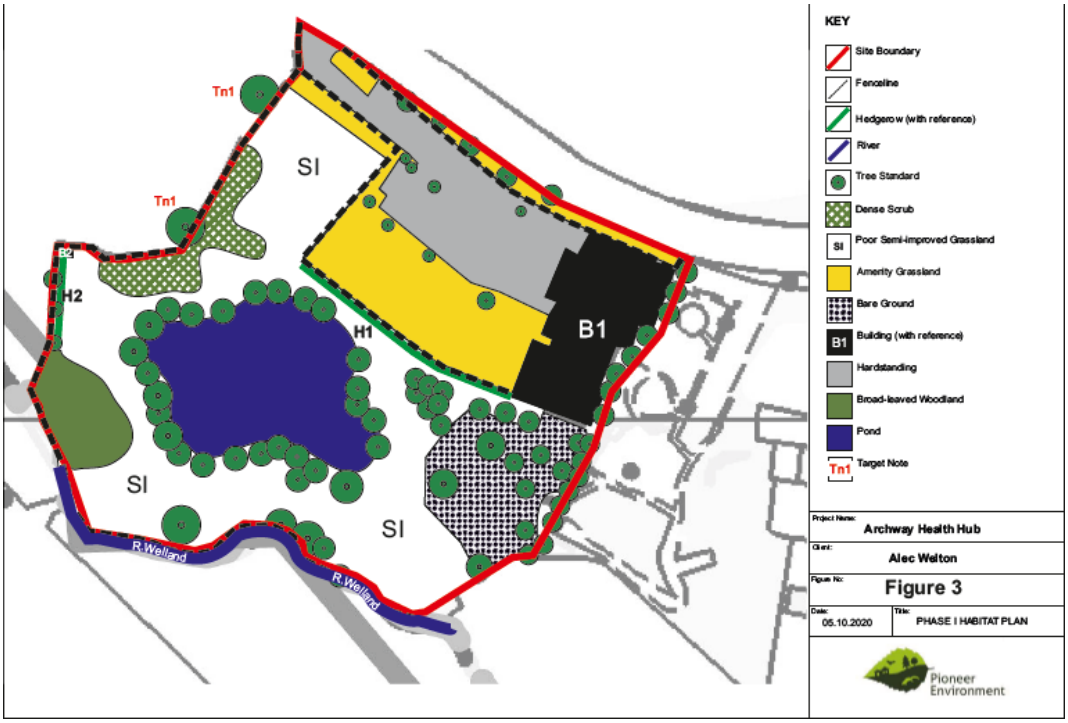
6.80 The LHA is satisfied with the FTP and have advised a travel plan monitoring fee will be required.

6.81 In summary, the LHA have advised the LPA 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.

f) Ecology Impacts

6.82 A Preliminary Ecological Appraisal has been submitted in support of the application.

6.83 The Phase 1 Habitat Plan indicates the location of the various habitats on site



Phase 1 Habitat Plan

6.84 The Appraisal advises the habitat to be impacted by the development include young tree standards, amenity grassland, poor semi-improved grassland, and a single hedgerow (H1) (unmanaged hawthorn approx. 2-3m wide, 85m long).

6.85 In terms of Fauna, the survey identifies the following:

Bats

6.86 All habitats within the site provided foraging habitat for bats within the local area. The two mature/over mature oak trees (TN1) found on the site's western boundary were identified as providing 'moderate' potential to support roosting bats due to suitable crevices and dense ivy cover. These trees will not be affected by the proposal.

Breeding Birds

6.87 Habitats within the site provide potential nesting and feeding opportunities for a range of birds.

Badger

6.88 No evidence of badger were observed at the time of the survey or when the update was carried out, however the site was considered to provide foraging habitat for badger.

Great Crested Newts

6.89 The on site pond was assessed against the Habitat Suitability Index methodology. All three results tested negative for the presence of Great Crested Newts.

Reptiles

6.90 No evidence of reptiles were observed at the time of the survey or when the update was carried out, however the grassland habitats offers optimal habitat for reptile species.

Water voles/otters

6.91 No evidence of water voles or otters were identified during the original or the updated survey. However, the site may be used by otters for foraging and commuting.

6.92 Chapter 6 of the Appraisal suggests several recommendations if the development proceeds in order to safeguard protected and/or notable species. In summary, the recommendations include a lighting scheme designed with regard to the Bat Conservation Trust (BCT, 2009) Statement; vegetation clearance avoiding the bird nesting season; installation of bird boxes on existing and retained mature trees; a habitat method statement (great crested newts) and working method statement (reptiles) followed to maintain good practice; erosion control/sediment control measures and the creation of log piles, brash piles and hibrnacula within the semi-improved grassland habitat around the pond and adjacent to the River Welland to further enhance the site to otters, reptiles and amphibians.

6.93 County Ecology have reviewed the Ecological Appraisal and advised it is satisfactory and to condition the recommendations in the report.

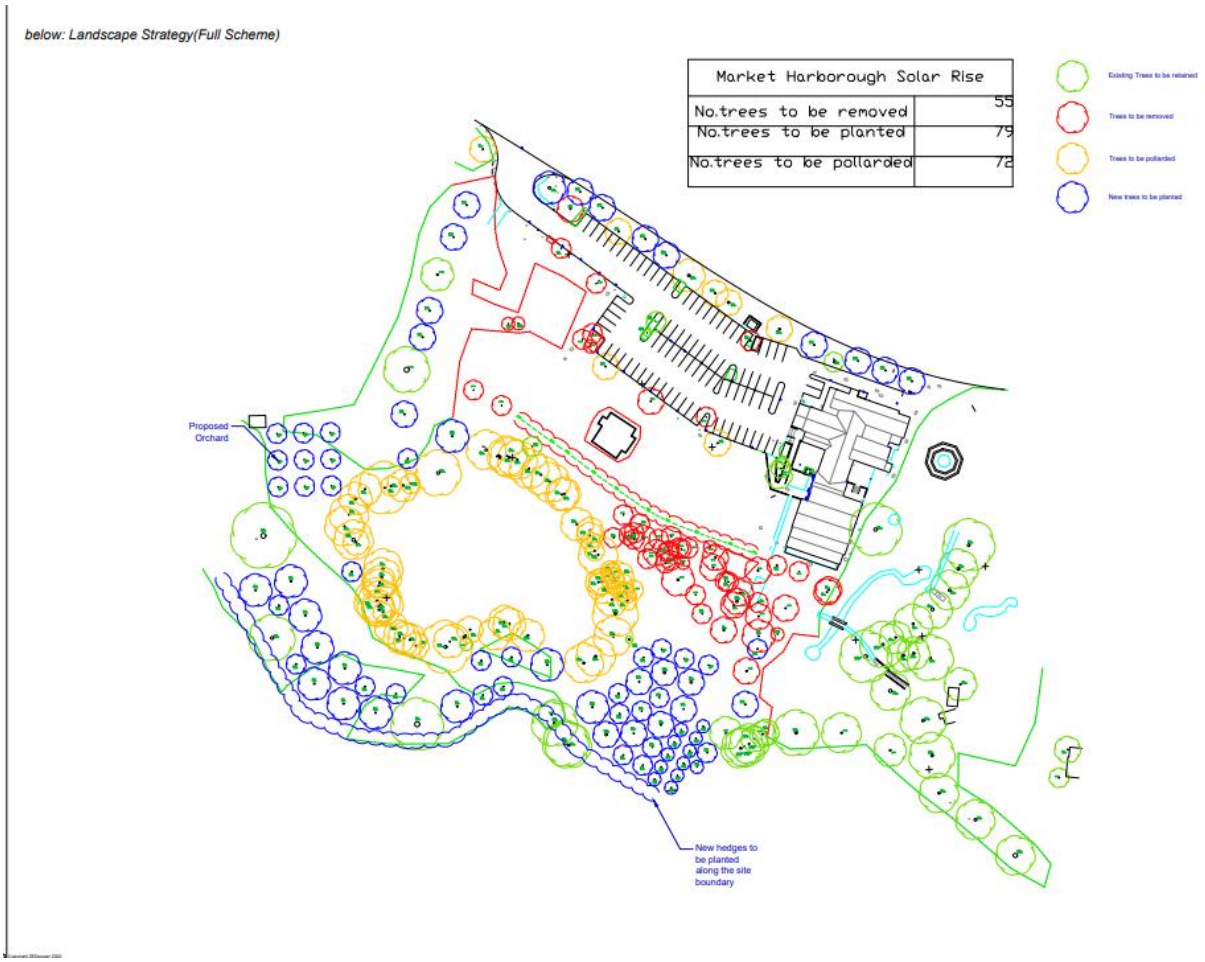
6.94 Following a request from County Ecology, a Biodiversity New Gain Feasibility Report was submitted.

6.95 The Report advises that if the recommended enhancements are followed and managed, the proposed development should achieve 10.45% gain in habitat and 66.20% gain in hedgerow units. This weighs in favour of the scheme.

6.96 The habitat creation opportunities include 165m mixed native species hedgerow along the southern site boundary; a minimum of 30 native tree species and a traditional orchard (at least 0.154ha) stocked with a range of native fruit trees.

6.97 To achieve this biodiversity net gain, the Applicant (and any subsequent land owner) will need to commit to the management of the habitats for 30 years. A biodiversity management plan is suggested by way of condition.

6.98 The Applicant has submitted landscape plans (see below) and advised that is their intention to work with Pioneer Environment Ltd team, who prepared their environmental assessments and the recent Biodiversity report, and a local heritage tree group to work on the actual tree choices. The Applicant has confirmed his agreement to a condition requiring tree species to be submitted and approved in advance of them being planted to ensure the LPA and Ecology are satisfied.



Landscape Strategy

g) Flood Risk, Water and Drainage

6.99 HLP Policy CC3 directs new sustainable development to flood Zone 1. Policy IN4 protects water resources and services including requiring a grey water and rainwater harvesting system for major development such as this. CC4 states that all major development must incorporate sustainable drainage systems (SuDS), use water as a resource and demonstrate that flooding would not occur to property in and adjacent to the development.

6.100 A Flood Risk Assessment (FRA-2017-001136 Version 5) has been submitted in support of the application. *Case Officer Note: The FRA covers both the commercial buildings proposed here and the residential buildings proposed under 21/02114/OUT)*

Fluvial Flood Risk

6.101 The nearest main watercourse is the River Welland which is located 5m south of the site and runs east to west along the southern boundary of the site. The site slopes southwards towards the River Welland. The general ground levels across the site range from approximately 80.2m AOD at the southern boundary of the site to 85.6m AOD at the northern boundary.

6.102 The nearest potential source of flooding is the River Welland.

6.103 Approximately one third of the site (southwestern part) is located within flood zone 3a indicating that it has a greater than 1 in 100 annual probability of fluvial flooding. The remainder of the site is located within flood zone 1 with a small area to the north west being within flood zone 2.

Proposed development overlaid with the EA Flood Zone Map

Flood Resilience and Management Features

- Finished Floor Levels

6.104 The finished floor levels of the residential dwelling will be set 600mm above the 1 in 100+35% climate change scenario and therefore to a minimum of 83.35mAOD. The finished floor levels of the commercial offices should be set to 300mm above the 1 in 100+35% climate change scenario and therefore to a minimum of 83.05mAOD.

- Flood displacement storage

6.105 All new development within Flood Zone 3 must not result in a net loss of flood storage capacity. Where possible, opportunities should be sought to achieve an increase in the provision of floodplain storage. Where proposed development results in a change in building footprint, the developer must ensure that it does not impact upon the ability of the floodplain to store water, and should seek opportunities to provide a betterment with respect to floodplain storage.

6.106 In total the building and access roads will cause 514.66m3 of flood plain displacement. Three flood slices of 0.2m thick each will provide level for level compensation to be

provided by lowering part of the site so it becomes part of the floodplain. The proposed flood plain compensation will increase the overall flood plain storage area.

6.107 Flood resilient materials and construction method will be used so as to ensure that the impacts of any potential flooding are minimised as much as possible. Safe egress routes to flood zone 1 are easily accessible as part of the site lies within Flood Zone 1. In the event that evacuation is not possible, safe refuge is available in the upper floors of the buildings.

6.108 The FRA concludes tha*t "overall flood risk to the proposed development is considered to be low and the proposal will be safe for its residents. The proposal will ensure there is no loss of flood plain with level for level compensation provided. With the implementation of a SuDS strategy and flood compensatory storage, the proposal is unlikely to have a significant impact on local flood risk.*

6.109 The proposal has been reviewed by the Environment Agency (EA) and Leicestershire Lead Local Flood Authority (LLFA).

6.110 The EA have advised that the FFL's proposed within the FRA are "over and above" their guidance. The climate change allowances have recently been updated and we recommend that any new development should now include a climate change allowance of 17%, rather than the previous 35%.

6.111 The EA have also confirmed they have not objected on policy grounds even though the buildings identified could be surrounded by flood water for the 1% flood, because the depth of flooding will be between approximately 10cm and 20cm based on the lowest ground level.

6.112 The original consultation response from the LLFA sought additional information including:

- Pre and post development total impermeable area plan.
- A drainage strategy plan showing proposed SuDS, indicative pipe sizes, gradients, flow directions, cover and invert levels.
- Identifications and levels of the surface water outfalls to and from the pond and details of the connection to the downstream watercourse.
- Consideration of management and maintenance plan for the drainage system.
- Overland flow routing plans for a design and blockage scenario and pond overtopping, to demonstrate exceedance routes can be safely managed.
- Evidence of Environment Agency support for the floodplain compensation proposals.

6.113 Following the submission of this information, the LLFA have advised the LPA that the proposals are acceptable subject to conditions being attached to any permission granted.

Sequential and Exception Test

6.114 Notwithstanding the comments received from the EA and LLFA, the Applicant was asked to submit a sequential test in accordance with the Framework, given the site falls within Flood Zones 2 and 3.

6.115 The purpose of the Sequential Test is to guide development to those areas at less risk of flooding.

6.116 A Sequential Test was submitted in April 2022 in support of the application. Prior to undertaking the Sequential Test, discussions were held with the case officer to agree the extent to which there are deliverable sequentially preferable sites. These being within or adjoining Market Harborough, as well as the village of Lubenham.

6.117 The Council's latest Strategic Employment Land Availability Assessment ("SELAA") 2017 which forms a key component of the evidence base for the Local Plan was used as a starting point to identify potential reasonably available sites for inclusion in the assessment. In addition, the assessment also included any land currently available and marketed for sale within the agreed geographical area.

6.118 Appendix 1 to the Sequential Test summaries the assessment sites, considering the following criteria:

- Site Size: *capable of providing the proposed development, along with the relocation of the existing business already operating from the application site.*
- Existing Use: *extent to which existing uses preclude development*
- Availability: *whether the sites is available for development*

6.119 It found that there are no potential reasonably available sites at a lower risk of flooding that could accommodate the proposed development and existing business enterprise, due to size constraints and incompatible land uses designated through policies of the Local Plan.

6.120 As the sequential test has shown that it isn't possible to use an alternative site, it is then necessary to consider whether the exception test is required.

6.121 An exception test is required if the development is:

- highly vulnerable and in flood zone 2
- essential infrastructure in flood zone 3a or 3b
- more vulnerable in flood zone 3a

6.122 Applying the Flood Risk Vulnerability Classification in Table 2 of the NNPG, the proposed development does not fall within the above criteria:

- The dwelling does not include a basement (highly vulnerable)
- The development is not for essential infrastructure
- The dwelling (more vulnerable) is not located within flood zone 3a

6.123 Subject to conditions, the development is judged to satisfy planning policy in term of flood risk and drainage.

h) Heritage impacts

6.124 Legislation (Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) requires that, when dealing with planning applications affecting listed buildings, the local planning authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Section 72(1) of same Act requires *that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.*

6.125 The NPPF requires that 'great weight' be given to the conservation of designated heritage assets. The justification for harm must be clear and convincing and the harm or loss must be outweighed by public benefit . The weighing process needs to take into account the importance of the asset as well as the scale of the adverse impact (for non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset).

6.126 Policy HC1 'Built Heritage' requires heritage assets and/or their settings to be safeguarded.

Impact upon Heritage Assets

6.127 The site contains no listed buildings and is not within a Conservation Area.

6.128 The nearest listed building to the site is The Hill, a Grade II listed property which has been subdivided into 3 dwellings (No.109, 111 and 113 Lubenham Hill).

6.129 The Old Hall, a Grade II listed building and the Old Hall Moated Site, a Scheduled Ancient Monument are located on the eastern edge of Lubenham, approximately 580m west of the site.

6.130 In the Case Officer's opinion the proposed development will not harm the heritage assets identified above; given the surrounding typography (e.g. the site is low lying at approximately 83.0m AOD; whereas the Hill is approximately100.00m AOD), intervening vegetation (woodland belt to the east and field hedgerow and trees to the west) and separation distances between the application site and heritage asset).

6.131 The development therefore satisfies Policy HC1.

i) *Electronic connectivity*

6.132 HLP also addresses electronic infrastructure, requiring major developments to have a bespoke duct network and facilities to support mobile broadband and wi-fi. The proposal does not include any such measures, although it does seem likely that connections could be made given the proximity to existing offices. Subject to condition requiring details of any external buildings required for broadband, the proposal is considered to comply with IN3.

j) *Mineral Safeguarding Area*

6.132 The Framework identifies that great weight should be given to the benefits of mineral extraction and local planning authorities should identify Minerals Safeguarding Areas.

6.133 Leicestershire County Council (LCC) is the minerals planning authority and they have identified Minerals Safeguarding Areas and supporting policies as part of Leicestershire Minerals and Waste Local Plan.

6.134 The application site is within a Mineral Safeguarding Area for Sand and Gravel. Although the application does not address the mineral implications of the proposed development, LCC have raised no objection to the application given existing development on the application site and in the vicinity that should mineral be present it is unlikely to be worked in an acceptable manner in the future.

k) *Arboricultural Impacts*

6.135 The impact on trees and hedgerows to facilitate the development has already been outlined in the report (Para 6.47 above). However, it should be noted that an Tree Survey Report (addendum) was submitted in May 2022 to assess the specific impact of the proposed dwelling on T34 (Horse Chestnut), as shown below.

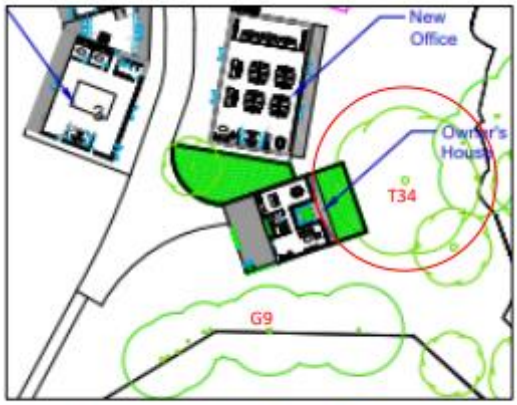


Fig.2 As currently proposed (RPA of T34 shown by red circle)

6.136 The report advises:

> 3.1 Based upon the revised site layout proposal, we are able to assess that the impact upon T34 (Horse Chestnut) will be minimal to insignificant, given that the structure of the proposed dwelling only very marginally encroaches upon the root protection area (RPA). Whereas the associated garden space encroaches further into the RPA, this is deemed to be of no significance to the tree. Similarly, there is no adverse impact anticipated for the mixed species tree group G9, to the south. These assessments are made subject to the appropriate application of both physical tree protection barriers and a temporary ground protection system, during the construction phase of the development, all of which was specified in the Tree Survey Report of September 2020, and is repeated below.
>
> 3.2 Some moderate pruning of the crown of T34 will likely be required, in order that the dwelling is not excessively shaded, nor the garden space adversely impacted upon by the general detritus that typically emanates from a large mature tree.

Conclusion and Planning Balance

6.137 The proposal must be assessed against the policies of the development plan with all other material considerations taken into account. The Local Plan, Neighbourhood Plan and The Framework seek sustainable development and, as The Framework makes clear, all three strands of sustainability must be met in order to achieve this.

Economic benefits

6.138 The development would create employment during the construction process and following the completion of the development. The development would also safeguard existing jobs and create new ones on a site where there are established businesses. It is also likely that tourists using the overnight accommodation will also use nearby

facilities e.g. The Coach and Horses Pub in Lubenham and those available within Market Harborough Town Centre.

Social benefits

6.139 The development would offer the community an enhanced choice of alternative health and leisure provision within a semi-rural location.

Environmental benefits

6.140 The development would utilise previously developed land.

6.141 The development would achieve bio-diversity net gain through habitat creation.

6.142 The development would be constructed to BREEAM outstanding

6.143 The development would be visible from identified public footpaths, but due to the layout, scale (height and roof design) and appearance (timber cladding) of the buildings, combined with the ecological land landscape enhancements, including tree and hedgerow planting, it is judged the development would not be significantly harmful to either landscape character or sensitive visual receptors to warrant refusal.

6.144 The development would not harm identified heritage assets.

6.145 The development would not result in a severe highway impact due to the previous use of the site as a public house and due to a satisfactory access, visibility splays and parking provision.

6.146 The development is partially located within the Flood Zones 2 and 3 but through appropriate flood resilience and management features including raising FFLs and flood displacement compensation, flood risk will be reduced to an acceptable level.

6.147 Overall, the development is judged to satisfy the Development Plan and the Framework and should be **APPROVED**, subject to the suggested conditions listed in Appendix A and the obligations relating to highways in Appendix B

Appendix A – Suggested Planning Conditions and Informative Notes

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

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

2.Permitted Plans
The development hereby approved shall be implemented in accordance with the following plans:

-- Site Block Plan (351 P 302 Rev A)
-- Masterplan (351 4 400 Full Rev C)
-- Commercial Building 1 Ground Floor Plan (351 4 402 Rev C)
-- Commercial Building 1 First Floor Plan (351 4 403 Rev C)
--Commercial Building 2 Ground Floor Plan (351 4 405 Rev C)
-- Commercial Building 2 First Floor Plan (351 4 406 Rev C)
--Commercial Building 3 Ground Floor Plan (351 4 408 Rev C)
-- Commercial Building 3 First Floor Plan (351 4 409 Rev C)
-- Owners House Ground Floor Plan (351 4 416 Rev D)
-- Owners House First Floor Plan (351 4 417 Rev D)
--Landscape Strategy (Full Scheme) (351 4 421 F Rev A)
--Site Sections (353 4 420 X)
-- Commercial Buildings Elevations (353 4 457 Rev C)
-- Commercial Buildings Elevations (353 4 458 Rev C)
--Owners House Elevations (353 4 461 Rev B)
-- Owners House Elevations (353 4 462 Rev B)

REASON: For the avoidance of doubt and to ensure the development takes the agreed form.

3.Construction Environmental Management Plan
No development shall commence on site, including any enabling works until a Construction Environment Management Plan (CEMP) been submitted to and approved in writing by the Local Planning Authority. The CEMP shall detail the following:

a) The parking of vehicles of site operatives and visitors
b) Loading and unloading of plant and materials
c) Storage of plant and materials used in constructing the development
d) Location of Contractor compound(s)
e) Screening and hoarding details
f) a detailed reactive and proactive road cleaning schedule, incorporating the use of road sweepers, on-site wheel wash facilities and the use of hand brooms on wheels and roads where necessary.
g) Measures to control the emission of dust and dirt during construction
h) Hours of operation - the details shall include the hours of construction and the hours for the loading/unloading of materials.
i) Construction noise and vibration strategy
j) Earthworks and soil management strategy
k) Sustainable site waste management plan
l) The means of access and routing for demolition and construction traffic and indication of signage locations to assist those delivering to the site
m) A construction travel plan

n) Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction
o) The storage of fuel and chemicals
p) details of any piling operation to be undertaken
q) details of a Construction Communications Strategy which contains points of contact and details for residents to report HGVs utilising inappropriate routes;
r) full details of any floodlighting to be installed associated with the construction of the development

The development shall be carried out in accordance with the approved CEMP throughout the construction period.

REASON: To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of development and to accord with Policy GD8 and MH4 of the Harborough Local Plan.

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

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

5.Parking and Turning Facilities
The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Parking Layout drawing number 351_4_400_Full 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 (2021).

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

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021)

7.Visibility Splays
No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 121 metres to the east and 2.4 metres by 135 metres to the west 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 (2021).

8.Cycle Parking
The development hereby permitted shall not be occupied until such time as secure and under cover cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

REASON: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2021).

9. Flood Risk Assessment Recommendations
The development shall be carried out in accordance with the submitted flood risk assessment (ref FRA-2017-001136, Version 5, dated 06 October 2021) and in particular the following mitigation measures it details:

- Finished floor levels for all residential development shall be set no lower than 83.35mAOD;

- Finished floor levels for all commercial development shall be set no lower than 83.05mAOD;

- Compensatory storage shall be provided in accordance with Appendix 11 – Proposed Location of CFS – Compensatory Storage as well as tables 4 and 5 in section 17.12 – Displacement;

- Excavation of the compensation area is to be completed before development/infilling commences to ensure that floodplain capacity is maintained during construction of the development.

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 and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

10. PD Removal – No Structures within Flood Zone 3/Floodplain Compensation Area
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that order with or without modification, no structure shall be erected within areas of land defined as Flood Zone 3, or the areas of land required for the provision of floodplain compensation shown on supporting plans.

REASON: To ensure that the floodplain remains clear of any development which could reduce the capacity of the floodplain.

11. Foul Drainage Strategy
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

12. 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. The development must be carried out in accordance with these approved details and completed prior to first occupation.

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

13. Management of Surface Water Drainage during Construction
No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

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.

14. 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. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

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.

15.BREEAM Report
The buildings hereby approved should be built to achieve BREEAM “outstanding”. Prior to the occupation of any building, a post construction review shall be carried out by a licensed assessor and submitted to the LPA for approval confirming this BREEAM level have been achieved.

REASON: To demonstrate the sustainability performance of the buildings to ensure the development reduces carbon emissions and adapts to climate change and to accord to accord with Policy CC1 of the Harborough Local Plan and The Framework.

16.Biodiversity Management Plan
A bio-diversity management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall provide details of a 30 year management plan for the on-site biodiversity enhancements as identified within Biodiversity New Gain Feasibility Report.

The development shall be carried out in accordance with the approved management plan.

REASON: To ensure the development once completed provides a net gain in biodiversity on site and which is managed appropriately for a 30 year period and to ensure compliance with G15, The Framework Para 180 and emerging Environment Act.

17.Ecological Appraisal Recommendations
The recommendations contained within the Preliminary Ecological Appraisal report (Pioneer Environment, September 2020) should be followed during and following the implementation of the approved development.

REASON: To safeguard protected/notable species identified within the Appraisal and to ensure compliance with Policy GD8, MH4 and GI5 of the Harborough District Local Plan

18.Landscaping Details
Prior to construction above damp proof course of any building, a scheme of hard and soft landscaping (based on the approved landscape strategy), which reflects the submitted landscape strategy 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
(d) the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure;
(e) hard surfacing materials;
(f) 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.

19. Tree/Hedgerow 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. Any trees/hedgerows within or overhanging the site, which are retained as a part of the approved development should be protected in accordance with the Recommendations / Tree Protection Strategy as outlined within the submitted RGS Tree Survey Report (September 2020) (inc Addendum, May 2022) prior to the commencement of any works.

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

20. Materials
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.

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

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

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

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

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

22. Verification Report

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

1) If no remediation was required by Condition 21 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.

23.External lighting
No development shall commence on site, until a lighting mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme, which shall ensure that site boundaries are not subject to excessive light spill, shall be implemented as approved prior to first occupation of each building.

REASON: To reduce effects associated with glare, light intrusion and sky glow to identified receptors during construction and operation to reduce potential impacts to an acceptable level.

Superfast Broadband

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

REASON To enable adaptation, in the interest of digital connectivity in rural areas having regard to Harborough Local Plan IN3

Cessation of mangers flat
Within one month of the first occupation of the dwelling hereby approved, the mangers flat within Archway House shall no longer be occupied for residential purposes.

Reason: The new dwelling will replace the requirement for this flat and to prevent otherwise unrestricted residential development in the open countryside and to accord with Policies GD3, GD4, GD8 of the Local Plan.

PD Restriction - Offices
Notwithstanding the provisions of the Use Class Order (September 2021), the use of the offices shall be limited to Use Class E g) i) office only and for no other Class E use

REASON: In order to protect the vitality and viability of Market Harborough Town Centre and to ensure compliance with Harborough Local Plan Policy RT2.

PD Restriction - Consulting Rooms
The consulting rooms hereby approved shall be limited to 8 rooms and shall be used for no other purpose (including any other purpose within Class E(e) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order, with or without modification)

REASON: In the interests of highway safety and to protect the vitality and viability of Market Harborough Town Centre

Overnight Accommodation
The overnight guest/tourist accommodation hereby approved shall be limited to 10 rooms, which shall only be occupied for revenue-generating tourism business purposes and in accordance with the following terms:

a.) The tourist accommodation shall be used for no other purpose (including any other purpose within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order, with or without modification);

b.) Guest occupation shall not exceed a continuous period of 30 days, or 30 days in total in any one calendar year;

c.) The rooms shall not be occupied as a person's sole or main place of residence, or as a second home; and

d.) The site/premises owners or operators shall maintain an up-to-date register of the names of all guests, their main home address/es and telephone and/or email contact details, the purpose of their stay, and the dates of their stay (subject to UK General Data Protection Regulation [or any superseding regulations or law] compliance regarding the collection and storage of data), and on request shall make this information available at all reasonable times to the Local Planning Authority within 48 hours' notice.

REASON: To prevent unrestricted residential development in the open countryside, to preserve the development as short term tourist accommodation (and preserve its associated economic benefits), and to accord with Harborough Local Plan Policies GD3, GD8 and RT4 and the National Planning Policy Framework.

Informative Notes

1. Building Regulations

You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.

2. Cadent Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development.

There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

3. Anglian Water

(1) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
(2) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3)Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

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

4. Environment Agency

(1) The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place on or within 8 meters of a main river, or on or within 8 meters of a flood defence structure or culverted main river. We strongly recommend that the applicant contacts us at their earliest convenience to determine whether or not this will be required.

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

(2) The Applicant will be aware that they'll be responsible for channel maintenance in the watercourse in this location; we recommend that they consider access requirements, for this purpose, when determining site layout.

5. LLFA – Respective Condition Notes

1. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full

modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

2. 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.

3. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual property ownership. For commercial properties (where relevant), this should also include procedures that must be implemented in the event of pollution incidents.

6. Physiotherapy pool

For future reference, the physiotherapy pool, hereby approved, is considered to be ancillary to Use Class E(e)

7. West Northamptonshire Council

The Applicant is reminded the development hereby approved relates solely to that included within the red line as indicated on the approved site location plan. No development, engineering operations or change of use land shall take place on land, which is outside the red line, but owned by the Applicant unless consent is given by West Northamptonshire Council.

Appendix B: S106 Contributions

To comply with Government guidance in the Framework and commensurate with Leicestershire County Council Planning Obligations Policy, the following contributions are required:

The provision of:

a) Travel Packs for each employee to inform them what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).

Justification: To inform new employees from first occupation what sustainable travel choices are available in the surrounding area.

b) A six-month bus pass per employee (one application form to be included in Travel Packs and funded by the developer (can be supplied through LCC at (average) £360.00 per pass).

Justification: To encourage employees to use bus services as an alternative to the private car.

c) 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 Framework Travel Plan submitted in support of the Planning Application.

d) This travel plan will be monitored by LCC officers for the five-year duration of its life. Fees for this service are set at £11,337.50 for a travel plan .

Justification: In the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use, 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 and to ensure effective implementation and monitoring of the Travel Plan submitted in support of the Planning Application.

The above obligations have been considered by the Case Officer and are considered to be CIL complaint.

Planning Committee Report

Applicant: Alec Welton

Application Ref: 21/02114/OUT

Location: Archway House, Harborough Road, Lubenham

Parish/Ward: Lubenham/Lubenham

Proposal: Outline application for the erection of up to eight sustainable and energy positive self-build/custom build dwellings (access, landscaping, layout and scale to be considered)

Application Validated: 03.12.2021

Target Date: 04.03.2021 (Extension Of Time Agreed)

Advertisement Expiry: 13.01.2022

Site Notice Expiry: 12.01.2022

Weekly List Expiry: 07.01.2022

Consultation Expiry: 01.06.2022

Neighbour Expiry: 30.12.2021

Site Visit: 22.12.2021

Reason for Committee decision: At the discretion of the Development Manager as a matter of public interest.

Recommendation

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

6) The site does not adjoin the existing or committed built up area of either Market Harbrough or Lubenham and therefore fails policy GD2:2. The site is therefore within the countryside, where Local Plan policies GD3 and GD4 applies. The proposal for residential development does not meet any of the exceptions listed within GD4 and therefore also fails to satisfy this policy. The proposed development would not therefore constitute sustainable development. Whilst weight is attributed to the self/custom build nature of the proposal, this is not considered to be of such significant weight to indicate that the application should be determined otherwise than in accordance with the development plan when weighed against the adverse impacts of granting planning permission. The proposal is contrary to Harborough Local Plan policies GD1; GD2; GD3; GD4, H1 and H5 of the Harborough Local Plan and The Framework.

7) The site due to its remote location from services and facilitites and walking distance in excess of 1km along a partially unlit busy high-speed Class A road to the nearest facilities (e.g Lubenham pub and school and Market Harborough convenience shop – Spar, Coventry Road) would result in a high likelihood in reliance on the private motor

vehicle. The proposed development would not therefore constitute sustainable development, contrary to Harborough Local Plan policies GD1, GD8 and IN2 and The Framework.

8) The proposed development, by virtue of its layout and scale, would create an anomalous form of built development which would be disjointed from the existing settlement of Lubenham and would stand out as an incongruous feature on this semi-rural approach into Market Harborough to the detriment of the character and appearance of the countryside. As such, the development would not be appropriate in this location, would not respect the character and distinctiveness of the existing landscape or the currently well-screened settlement of Market Harborough and, consequently, would not constitute a high standard of design. The proposed development would be contrary to the Harborough Local Plan Policies GD3, GD3. GD5 GD8, Lubenham Neighbourhood Plan Policy LNP 03 and The Framework.

1. Site and Surroundings

1.9 The site is located within the Parish boundary of Lubenham, approximately 1.1km east of the village centre and approximately 1.7km from Market Harborough town centre. Access into the site is off the A4304 Harborough Road - a key route into and out of Market Harborough.

1.10 The site (2.9ha) is occupied at the eastern end by a two-storey building faced in brick and render g with a tiled roof (approx. 8.0m high), presently occupied by Archway Health Hub, a complementary multi-disciplinary health and therapy centre. Directly to the south of this building is a two-storey wooden cladded building (approx. 9.0m high)used as offices (511sqm) leased by Archway Health Hub. To the west of these buildings and parallel with the road is a linear car park.

1.11 The eastern boundary consists of a wooded hillside (part of which is subject to a Tree Preservation Order, TPO 230) which form part of the grounds of The Hill, a large two storey property, that is Grade II listed and has been subdivided into three dwellings (No.s109, 111 and 113 Lubenham Hill). To the south of the car park there is amenity grassland and an old fishing pond, with trees (mostly Willows - approx. 15m high) forming the ponds perimeter.

1.12 The River Welland forms part of the site's southern boundary (demarcated by a post and wire fence) with several mature trees. The western boundary is formed by a hedgerow and trees (approx. 20m wide, 6.0m tall), also with fields beyond.

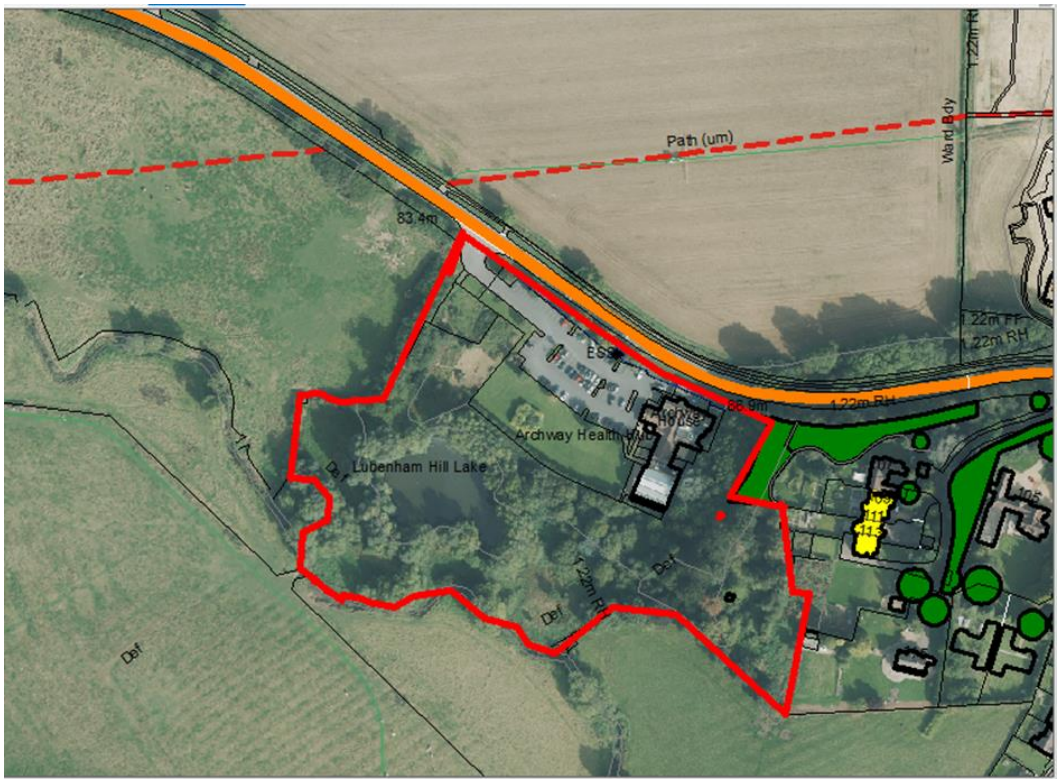
1.13 The majority of the site is a t level between 82.0 and 83,0m AOD, naking up to 84.0m where it meets the road verge of the A4304.

1.14 The site is not within a Conservation Area, the nearest being in Lubenham village. Approximately 580m to the west of the site is Old Hall Moat, a Scheduled Ancient Monument and a Grade II Listed Building, The Old Hall.

1.15 The site lies at the extreme south-eastern edge of the Area of Separation as identified within the Lubenham Neighbourhood Plan,but is outside of it.

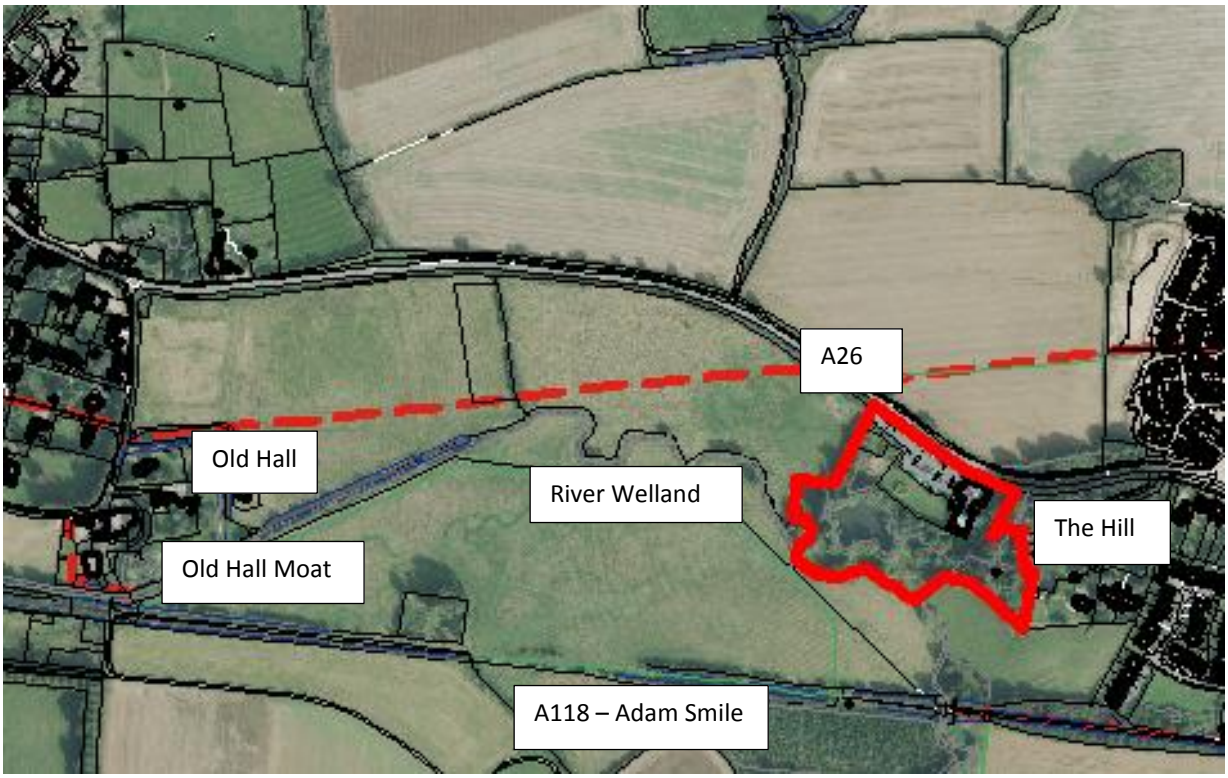
1.16 The disused railway line passes the southern edge of Lubenham. This section of the line has been designated as a Public Footpath and named as AdamSmile. At its nearest, it comes within 110m of the Site. Public Footpath A26 which heads eastwards

from Lubenham, reaches the A4303 at a point of 100m from the site. It crosses diagonally over the road in to the field on the north side of the road and then continues eastwards up the incline of Lubenham Hill, passingover the ridge to reach the new housing estate.

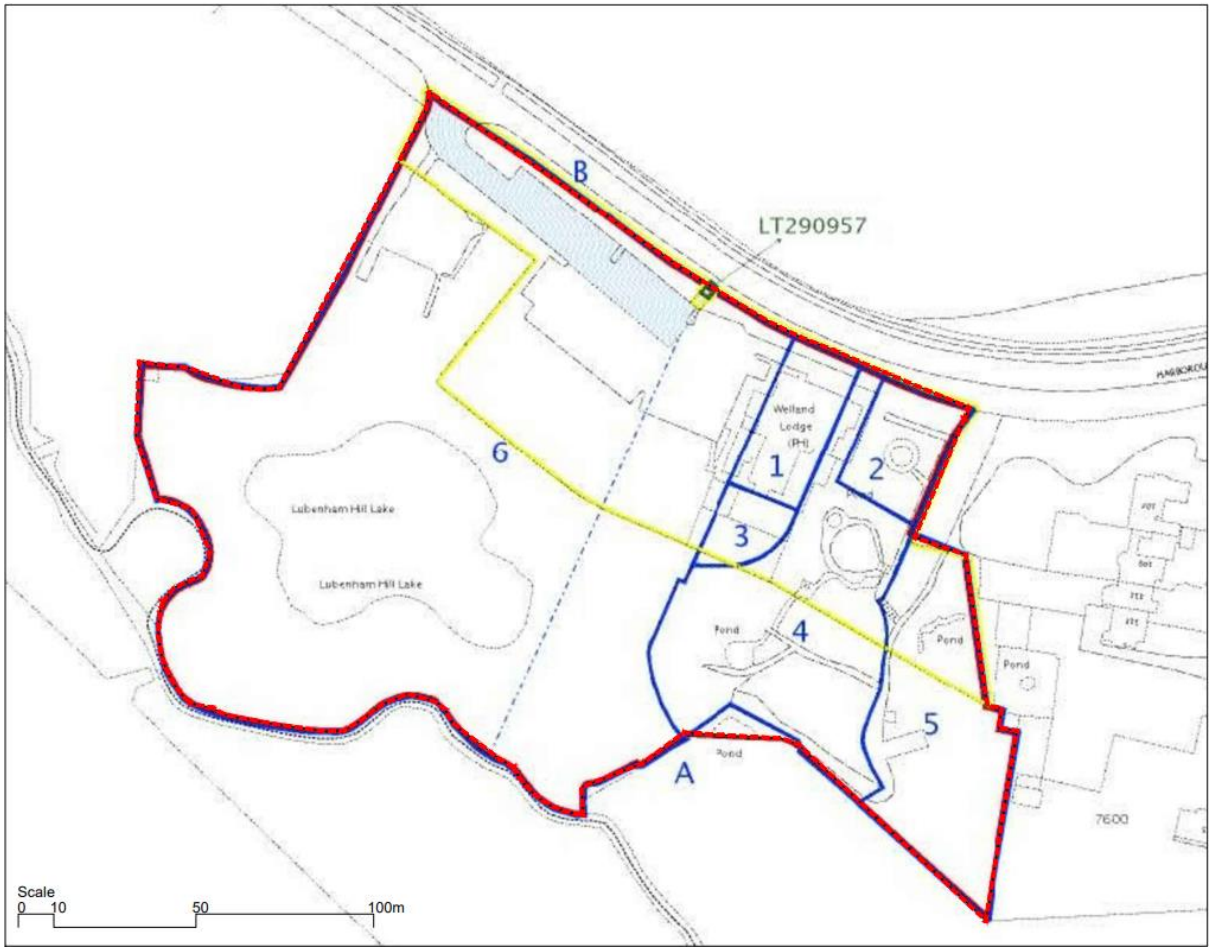


Site Location

(Red Line – Application Site; Orange – Classified Road; Red Dash – Public Right of Way; Dark Green – Tree Preservation Order (TPO); Yellow – Listed Bulding



Site Location in Context



Site Block Plan

1.7 It should be noted, the application site, demarcated by the red line, as shown above, follows the Parish/District boundary (shown in pink below) and as such, none of the application site falls within the jurisdiction of West Northamptonshire Council and/or East Farndon Parish Council, although both these Council's have been consulted on the application. Although, the proposed Masterplan (to be discussed further) does include a small amount of land within these Council's jurisdiction, however as the Masterplan just shows this to be new planting (which does not require planning permission in itself); HDC can lawfully determine this application.

Parish/District boundary

Case Officer Site Photos (taken July 2021, unless stated):

View of site from the existing vehicular access

Looking east towards the existing buildings from the western side of the site - December 2021

Looking south-east and south from the north-western side of the site

Looking east towards Archway House from western boundary

Looking north towards the existing office building from southern boundary

Looking towards the southern site boundary

Looking towards the fishing pond from the southern boundary and from the car park

View from Hall Lane, Lubenham (July and December 2021)

View towards the site from the top of footpath A26 (March 2022)

View half way along footpath A26 (July 2021)

View towards the site from the bottom of footpath A26 (July 2021)

View towards the southern boundary of the site from A118 (Adam Smile) (September 2021)

View from Old Hall Lane, Lubenham

2. Site History

2.1 The site has the following planning history

- 80/01301/3P - Erection of greenhouse type shop(Approved)
- 80/01236/3P - Construction of a car park and formation of access(Approved)
- 81/02090/3P - Use of land for display and sale of greenhouses summer houses and sheds land fronting existing nurseries and land adjoining to west(Approved)
- 85/00953/3P - Erection of horticultural glasshouse (Withdrawn)
- 85/01173/3O - Extension and conversion of existing dwelling to form 2 dwellings(Approved)
- 89/00295/3P - Construction of water garden picnic area and play area and extension to car park(Approved)
- 89/00296/3P - Change of use of existing tea room to restaurant and parking of bistro bus(Approved)
- 89/00767/3M - Extension to restaurant and erection of greenhouse for sale and display of plants and construction of access(Approved)
- 92/00811/3P - Change of use of part of garden centre to licenced bar and grill with beer garden(Approved)
- 95/01559/3P - Extensions to existing house, restaurant and bar, removal of existing garden centre and use of premises as public house/ restaurant(Approved)
- 1996 – 2004 – Various Advertisement Consent applications relating to Welland Lodge (a Public House, encompassing both a restaurant and a play barn). The business closed in 2009. Welland Lodge also had a residential use in the form of an apartment at first floor level.
- 10/00087/FUL - Change of use from public house to natural health centre and three B1 business units and erection of first floor extension to flat (Approved)

- Change of use of B1 element of approval ref 10/00087/FUL to D1 health centre use (Withdrawn)

- 10/01385/FUL - Change of use of B1 element of previous approval 10/00087/FUL to D1 use class for private health centre use (Approved)

- 11/00005/FUL - Erection of a two storey extension to side (Approved)

- 14/01583/FUL - Erection of single storey front extension (Approved)

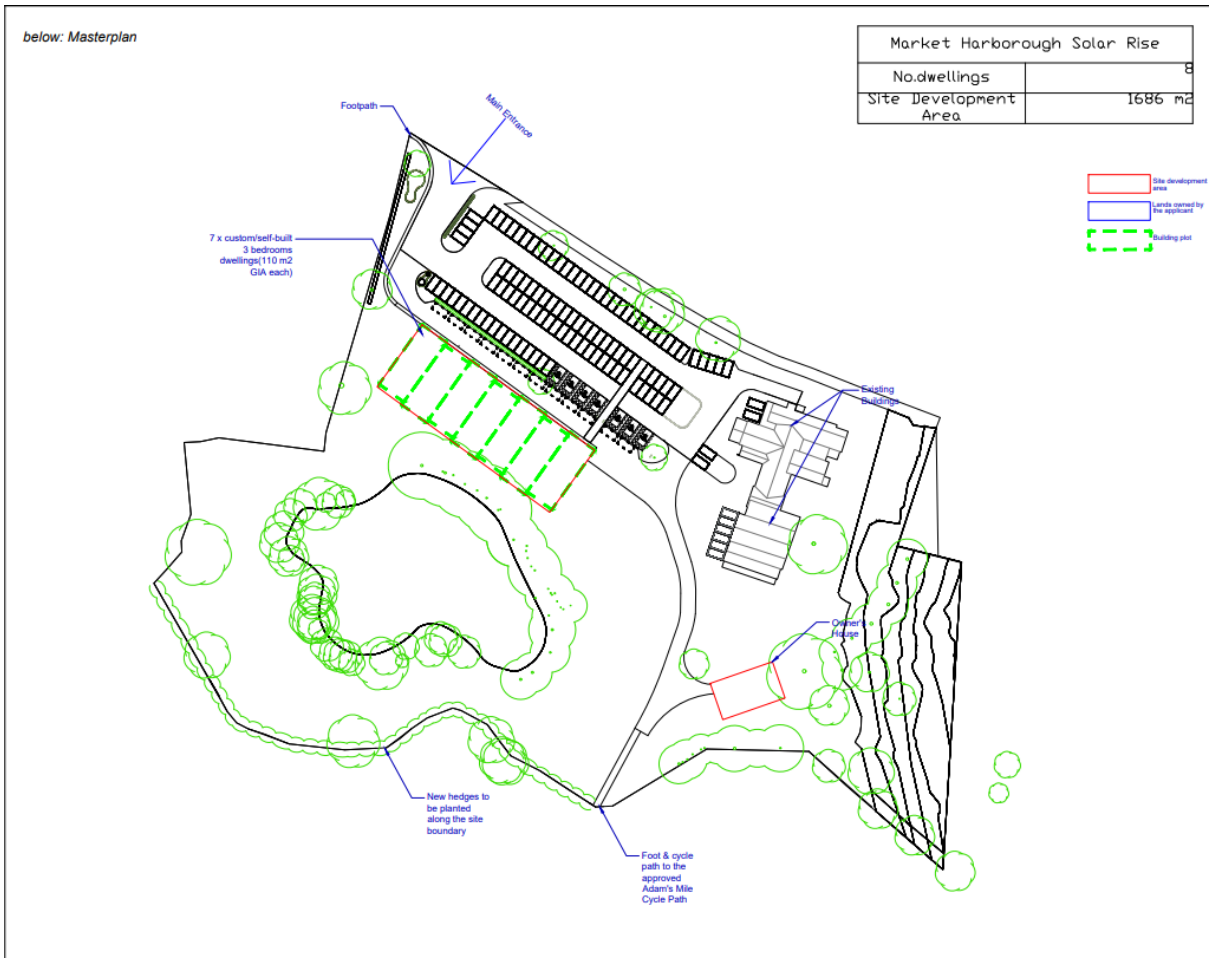
- 21/02113/FUL - Erection of 8 dwellings, office, 4 health and leisure facilities and solar PV canopy – *WITHDRAWN following publication of October 2021 Committee Agenda*.

- 21/02113/FUL - Erection of new offices, studios and overnight accommodation, with associated car parking, solar PV canopy and landscaping, erection of 1 dwelling (revised scheme of 21/01063/FUL) – **PENDING CONSIDERATION. Report is on the same Committee Agenda.**

3. Proposal

3.1 The application seeks outline approval for up to of up to eight self-build/custom build dwellings with access, landscaping, layout and scale to be considered. Details regarding appearance would be determined at 'reserved matters' stage.

3.2 7 of the dwellings (indicated by the green dashes below) would be located to the south of the existing carpark. The other dwelling, to be occupied by the Applicant and his family would be located to the south east of the site. Access into the site will be as existing, off the Harborough Road, located at the western end of the site.



Masterplan (Revised)

3.3 A separate planning application (21.02113.FUL) has been submitted concurrently with this application for a mixed use development comprising

- Overnight Accommodation (10 rooms).
- Health Centre comprising reception, physiotherapy pool, consulting rooms
- Offices
- 1 No. Dwelling
- Solar PV Canopy within car park

Supporting Documentation

3.4 In addition to the plans (site location plan, masterplan, site sections, elevations/floorplans etc.), the application has been supported by the following documentation:

--Design and Access Statement
--Energy Strategy and Sustainability Statement
--Technical Note: Drainage Strategy Calculations
--Tree Survey
--Technical Report: Great Crested Newts
-- Preliminary Ecological Appraisal
--Flood Risk Assessment (FRA)
--Landscape and Visual Impact Assessment
--Transport Statement
-- Travel Plan

3.5 During the course of the application, the following additional supporting information has been submitted

- Response to Lubenham Parish Council concerns (24.01.2022)
- Topographical Plan (10.02.2022)
- Framework Travel Plan (v1) (10.02.2022)
- Biodiversity New Gain Report (14.02.2022)
- Flood Risk Assessment (v.5) (15.02.2022)
- Landscape Plans (22.02.2022)
- Framework Travel Plan (v2) (07.03.2022)
- Parking Layout (09.03.2022)
- Framework Travel Plan (v3) (13.03.2022)
- Response to LLFA comments (Technical Note Rev B) (17.03.2022)
- Sequential Test (19.04.2022)
- Revised Plans (10.05.2022)

3.6 The Applicant has named this development “Market Harborough Solar Rise” and has created a website (https://harboroughsolar.co.uk/).

3.7As mentioned in the Planning History section above, the current application follows the withdrawal of a previous application which sought full consent for

- 7 “zero-bills homes”
- Single dwelling for the Applicant
- Office building (310sqm)
- Leisure / Health buildings providing a coffee shop /multifunction community space (210 sqm), health centre comprising reception, physiotherapy pool (which takes one) and 10 consulting rooms (530sqm), two large studios for Pilates, yoga etc (215 sqm); 10 overnight rooms (350sqm)
- Solar panel canopy in car park

Withdrawn Masterplan - 21/01063/FUL

Pre-application Discussions

3.8 In February 2016, a pre-application enquiry (ref: PREAPP/16/00011) was submitted with a proposal to *"erect 30 retirement flats to the highest green standard of eco-home".* This pre-application enquiry was then put on hold at the request of the Applicant. Pre-application discussions resumed during 2017 (not with the current Case Officer) with the Planning Officer advising on 22nd December 2017 that "*the site is considered to be in an unsustainable location for a major residential development and that blocks of flatted accommodation were not appropriate for a proposed edge of countryside location".*

3.9 The advice provided by the Planning Officer crossed over with the Applicant submitting a planning application on the 19th December 2017 for the "*erection of 15 apartments for over 55s using passive house principles to deliver homes with the potential to be operated without any power or heating bills".* However, in light of the Planning Officer's email, the Applicant requested the application be withdrawn and a full fee refund given.

3.10 In March 2018, the Applicant took his proposed scheme, based on the withdrawn planning application, to Opun Design Review. In summary the Opun Design Review Panel "*admired the ambition for the project, although concerns were expressed with the scheme considered to be too urban and not sensitive to the rural character of the site, or meeting the owners' ambitions for the provision of a new sustainable typology for the over 55s…*

…The Design Team was urged to take a step back and provide a stronger justification for the project by undertaking additional work, including a more robust design approach based on a thorough site analysis, to demonstrate an in-depth understanding of site context. The engagement of a landscape architect is recommended as part of the Design Team, in order to develop a comprehensive

landscape strategy for the wider site. On addition, opportunities should be sought to consider a range of flexible accommodation to cater for different needs, with scope to 'design-in' opportunities for social interaction, as well as strengthening the sense of arrival at the site, with consideration of key routes both within and out of the site."

3.11 In October 2018, a further pre-application was submitted (ref: PREAPP/18/00236) for a *"mixed use development made up of 21 two and three storey residential units and a new one storey business hub, built over an existing parking lot."*

3.12 In November 2018, following a meeting, the Planning Officer (not the current Case Officer) advised the Applicant *"The fundamental issue with this has always been of national and local planning policy being generally unsupportive of residential development in areas classed as countryside locations, due to the unsustainable nature of such locations and the potential reliance on car use... I think it was clear yesterday that we are broadly supportive of the concept and vision behind the proposal, but that the proposal is constrained due to the location of the site and not according with planning policy*."

3.13 In April 2021, a further pre-application enquiry was submitted for "a mixed development of health, leisure and residential space". The Applicant emailed the Case Officer on 25th April (extract below)

"We have been down the pre-app route twice already with our project, we have spoken to the [Planning Officer] at length over the last couple of years concerning all aspects of our project the potential issues and resolutions, have had several meetings, and have also had two meetings with [Senior Planning Officer] present. With the benefit of these conversations and input from a range of other local people we have subsequently adapted our plans and designs quite considerably and we now feel they are the best we are going to get them.

Our big dilemma now though is timing. We have been working towards submitting our planning application the week commencing 31st May, so we can issue a press release for World Environment Day on 5th June.

In essence our biggest interest with this final pre-app boils down to a single question which I have already tried to ask and that is how you view our site, and particularly whether they view us as a brownfield site….So it would be worth doing the pre-app even if there is only time to discuss this one aspect so I would appreciate your guidance on timing if you wouldn't mind.

3.14 A TEAMS meeting was held on the 11th May 2021, with the Applicant, Case Officer and Principal Planning Policy Officer.

Officers explained that the housing element of the proposal would unlikely satisfy Policy GD3/GD4. However, if the scheme was presented as self-build /custom building this could be a material planning consideration in favour of the scheme. Officers also explained that there was an increasing emphasis at national level on health and wellbeing and this part of the proposal could be considered favourably.

3.15 Officers advised that in addition to the principle of development other matters such as design and landscape would be important considerations and would be considered in detail as part of the application submission. Officers also advised that as part of the pre-application enquiry, technical consultees such as the Local Highway Authority, the Lead Local Flood Authority and EA are not consulted, but would be as part of any

future application and therefore it maybe useful to have a separate discussion beforehand.

3.16 The Applicant was also advised to make separate contact with the Council's Conservation Officer and Environmental Co-ordinator, which he duly did. The Conservation Officer advised they do not have heritage concerns but a statement of heritage assets should be included within the Design and Access Statement. The Environmental Co-ordinator expressed her support for the proposals.

3.17 Following the TEAMs meeting, the Applicant sent several follow-up emails following the meeting to which the Case Officer responded. A Full Planning Application was then submitted 7th June 2021 (Ref: 21/01063/FUL).

21/01063/FUL

3.18 This application sought permission for the "Erection of 8 dwellings, office, 4 health and leisure facilities and solar PV canopy". The Application was placed on the 12th October 2021 Planning Committee Agenda, with a recommendation for REFUSAL for the following reasons:

9) The site does not adjoin the existing or committed built up area of either Market Harbrough or Lubenham and therefore fails policy GD2:2. The site is therefore within the countryside, where Local Plan policies GD3 and GD4 applies. The proposal for residential development does not meet any of the exceptions listed within GD4 and therefore also fails to satisfy this policy. The proposed development would not therefore constitute sustainable development, contrary to both the Development Plan and The Framework.

10) The site due to its remote location from services and facilitites and walking distance in excess of 1km along a partially unlit busy high-speed Class A road to the nearest facilities (e.g Lubenham pub and school and Market Harborough convenience shop) would result in a high likelihood in reliance on the private motor vehicle. The proposed development would not therefore constitute sustainable development, contrary to the both the Development Plan GD1 and The Framework.

11) The proposed development, with its tall buldings (maximum ridge height of 11.15m) and uniformly designed dwellings, would encroach into, and jar with, the rural context of the site and its immediate surroundings, creating an anomalous form of built development which would be disjointed from the existing settlement and would stand out as an incongruous feature on this important rural approach into Market Harborough to the detriment of the character and appearance of the countryside. As such, the development would not be appropriate in this location, would not respect the character and distinctiveness of the existing landscape or the currently well-screened settlement of Market Harborough and, consequently, would not constitute a high standard of design. The proposed development would be contrary to both the Development Plan Policies GD3, GD5 and GD8 and The Framework.

12) This proposal, if permitted, would lead to an increase in turning manoeuvres onto Harborough Road (A4304), which is a busy high-speed Class A road with recorded 85th percentile speeds in excess of the posted speed limit, where the turning manoeuvres could be an additional source of danger to road users, which is not in the interests of highway safety, and is contrary to Harborough Local Plan policies GD8 and IN2, Policy IN5 of the Leicestershire Highway Design Guide and The Framework.

13) The Flood Risk Assessment (FRA) does not adequately assess the flood risks posed by the development. In particular, the FRA proposed flood risk mitigation measures are inadequate because they will not make the development resilient to the flood levels for the 1% plus 35% climate change level. Consequently the development proposes inadequate flood storage compensation, and has not demonstrated that the proposal would satisfy with Harborough Local Plan Policy CC3.

3.19 However, following the publication of the Agenda, the Applicant requested the application be withdrawn.

3.20 Following the withdrawal, the Applicant had a separate discussion with the Highway Authority and sought independent planning advice on a way forward. The current application was submitted and validated on 03.12.2021, concurrently with planning application 21/02113/FUL

4. Consultations and Representations

Anglian Water

Wastewater Treatment
The foul drainage from this development is in the catchment of Market Harborough Water Recycling Centre which currently does not have capacity to treat the flows 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
A full assessment cannot be made due to lack of information. The applicant has not identified a discharge rate or connection strategy. We therefore request a condition requiring phasing plan and/or on-site drainage strategy.

Section 4 - Surface Water Disposal
The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. From the details submitted to support the planning application 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

Local Highway Authority (LHA)

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 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

Environment Agency (EA) (13.01.2022)

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Flood Risk Assessment submitted with this

application are implemented and secured by way of a planning condition on any planning permission.

Lead Local Flood Authority (LLFA)

1st Response (13th January 2021)
The application site is currently brownfield mixed use totalling 2.9ha in size. The site is predominantly within Flood Zone 1 (low risk of fluvial flooding), with areas to the south being within Flood Zone 2 and 3 (medium and high risk, respectively). It has not been identified within the report if any of the Flood Zone 3 areas are functional flood plain. The applicant has procured expected flood levels from the Environment Agency and proposed that finished floor levels are above these as per standing advice.

However, while high level surface water drainage details have been provided by MEC, the applicant has not supplied sufficient information on how the developed site will be drained of surface water falling on impermeable areas. Since proposals include 514.66 m^3 of flood plain displacement, the LLFA advises the LPA to consult with the Environment Agency

2nd Response (1st April 2022)
The Environment Agency has recommended conditions relating to this after reviewing the proposals in a consultation response. Subsequent to the previous LLFA response the applicant has submitted a drainage strategy for surface water with a full suite of MicroDrainage calculations to suit the submitted plan. The proposals seek to discharge at 9 l/s via pervious paving and a dry detention basin to the on-site watercourse via an existing surface water outfall. Flooded volumes from chambers have been shown to be retained on-site on an overland flow routing plan

Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA and we advise the following planning conditions be attached to any permission granted.

Senior Planning Archaeologist (7th January 2022)

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).

Senior Planning Ecologist

1st Response (6th January 2022)
The NPPF (180. d)) states that 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'. A biodiversity net gain calculation (using the DEFRA Metric 3.0) is required to demonstrate how biodiversity net gain is to be delivered on the site and should be submitted (in Excel format) with an accompanying outline biodiversity enhancement report/plan.

This is required to ensure that net gains/losses and the broad principles for addressing losses can be understood by the LPA when determining the application. The standard hierarchy of Avoidance-Mitigation-Compensation has to be followed.
I appreciate this is an outline planning application and the applicant/developer may not agree to submitting the BNG Metric at this outline stage. if this is the case it needs to be made clear

that this will be required at Reserved Matters.

2nd Response (9th March 2022)
I have commented on planning application 21/02113/OUT and confirmed that the ecology surveys and the biodiversity net gain calculation are acceptable. The Biodiversity Net Gain (BNG) Feasibility Assessment report (Pioneer Environment Group, January 2022) "was undertaken in relation to planning applications 21/02113/FUL and 21/02114/OUT", therefore please apply my comments to 21/02113/OUT to 21/02114/OUT

LCC Minerals and Waste

The application site is within a Mineral Safeguarding Area for Sand and Gravel and as such Policy M11 of the Minerals and Waste Local Plan is relevant. It appears the application does not address the mineral implications of the proposed development. As such the presence of mineral in or under the application site has not been established.

Given existing development on the application site and in the vicinity, the MPA considers that should mineral be present it is unlikely to be worked in an acceptable manner in the future.

As such the MPA does not object to the proposed development.

HDC Environment Coordinator (11th January 2022)
The application meets the requirements of Policy CC1, providing plots for self build homes, which would be expected to be carbon and neutral positive. The design of the individual homes and their response to climate change would be for a full planning application, but the principle of the development is very much responsive to Policy CC1

HDC Contaminated Land and Air Quality Officer (30th December 2021)

Recommends pre-commencement conditions relating to risk based land contamination assessment and verification investigation report

Lubenham Parish Council

Lubenham Parish Council Objects to this application. In summary on the following grounds:

15. Contrary to Harborough Local Plan
16. Contrary to Lubenham Neighbourhood Plan
17. Unsustainable Location
18. Development in the Open Countryside
19. Highways issues
20. Biodiversity
21. Waste water/Grey water
22. Flooding
23. Sewerage
24. Views towards the site
25. Community contributions
26. Use of existing buildings
27. Letters of support

Case Officer Note: The Applicant has submitted a rebuttal (24.01.2022) to this objection which can be viewed on-line in full. The Applicant's "summary of response"

"We have always been open about our ideas and plans and have engaged with the local community and get their input and so we have been talking to Lubenham Parish Council at every stage over the last few years. Indeed, before we had any drawings, as we first started talking to architects and considering how we would like to grow we met with Lubenham Parish Council and at that initial meeting they were clear that they would object to our project whatever form it took. They explained that while they supported a sustainable build, they would object to any plans we put in because we were not in the Lubenham Neighbourhood Plan. Those comments did not diminish our enthusiasm to grow, to develop a sustainable project or our keenness to keep them informed and to make them a part of the process.

Since that initial meeting we have met with the Parish Council on a further four occasions over the last 3 years. We have openly shared our plans and goals, listened to their concerns and answered their questions. It therefore seems quite remarkable that one could read this objection and assume that we had never spoken to them, never consulted with them and never answered any of their questions. The objection does not acknowledge any of our responses to any questions when raised with us directly and while it accuses our supporters of not fully understanding the plans it bases much of the objection on the bizarre idea that our project is twice the size that it actually is. We presume it is because their minds were already made up that it appears that the time has not been taken to *properly read our submissions, while ignoring the we have spent answering their questions and discussing our project in person.*

It is also particularly disappointing that having withdrawn and re-submitted our application Lubenham Parish Council did not bother to notify us of when they would discuss our project again. They clearly had no interest in correcting their mis-understandings or asking us any more questions

Parish Council response to rebuttal:

After some discussion, Councillors resolved (15.02.2022) that our objection to both plans stand. The decision continues to be based mainly on the planning policies - that the application is contrary to the Harborough Local Plan and Lubenham Neighbourhood Plan. There remain other concerns that were also raised in our submission which we know will be considered in the usual way.

We agree that the applicant has attended Parish Council meetings, which we have welcomed and acknowledge, however the Council has always made it clear at these meetings that the application is contrary to the Lubenham Neighbourhood Plan, whilst we also recognise the applicants passion for his project we have to evaluate it on planning considerations.

Neighbours

During the course of the application, 37 comments (from both within and outside the District) have written in to the LPA supporting the proposal. It is not practical to copy these comments verbatium. Please see the website to read the comments in full.

East Farndon Parish Council (06.06.2022)

East Farndon Parish Council objects to the applications on a planning technicality.

WNC have advised that if the applications are just planting with no significant earthworks (that would constitute an engineering operation), then HDC could argue planning permission is not required. However, if the applications involve building bunds, etc. for non-agricultural use then, in WNC's view, that would be engineering operation development and there would

need to be a planning application for those “works” to WNC as part of the scheme that crosses over the border.

In light of the conflicting opinions, East Farndon Parish Council recommends that the development site is redrawn to exclude the WNC land to remove this problem.

West Northamptonshire Council

Confirmed (07.01.2022) red line does not cross into West Northamptonshire administrative boundary.

5. Planning Policy Considerations

5.1 This application should be considered in accordance with the Development Plan, unless material considerations indicate otherwise.

a) Development Plan

5.2 Relevant policies to this application are:

Harborough Local Plan 2011 to 2031

- SS1 The spatial strategy
- GD1 Achieving sustainable development
- GD2 Settlement development
- GD3 Development in the countryside
- GD4 New housing in the countryside
- GD5 Landscape character
- GD8 Good design in development
- GD9 Minerals Safeguarding Areas
- H1 Provision of new housing
- H2 Affordable housing
- H5 Housing density, mix and standards
- GI2 Open space, sport and recreation
- GI5 Biodiversity and geodiversity
- CC1 Climate Change
- CC3 Managing flood risk
- CC4 Sustainable drainage
- IN1 Infrastructure provision
- IN2 Sustainable transport
- IN4 Water resources and services

Note:

The Council has an up-to-date Local Plan (adopted April 2019) which makes provision for sufficient land for housing to 2031 and full weight should be afforded to its policies. The Council’s 5 Year Housing Land Supply Position Statement 19/20 shows that as of 31st March 2020 the Council has 7.74 years housing supply. Therefore, the Council is not currently seeking additional sites for housing as a sufficient supply of housing exists and is planned for in the development plan.

Lubenham Neighbourhood Development Plan* (Referendum Version incorporating examiners changes 2016-2031)

- Policy LNP03 – Design
- Policy LNP08 – Affordable Housing
- Policy LNP09 – Speed reducing design measures
- Policy LNP12 – Travel Plans
- Policy LNP13 – Electric Vehicle Charging Points
- Policy LNP 14 – Biodiversity measures
- Policy LNP 16 – Business and employment development

** The Lubenham Neighbourhood Plan was made in 2017 and has not been reviewed since. Since adoption of the LNP the Harborough Local Plan has been adopted and the NPPF updated twice. Paragraph 219 of the NPPF states: existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The overall principles of the relevant policies of the LNP are considered to be consistent with the NPPF*

b) Statutory Duties, Material Planning Considerations and other relevant documents

5.3 Relevant material planning considerations:

- The National Planning Policy Framework
- National Planning Practice Guidance
- Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)*
- National Design Guide
- HDC Climate Local Action Plan 2015
- HDC Declaration of Climate Emergency
- Environment Bill/Law
- Climate Change Act 2008
- Manual for Streets
- Leicestershire Highways Design Guide and associated Standing Advice
- Harborough District Landscape Character Assessment 2007
- Harborough Rural Centres Landscape Character Assessment and Landscape Capacity Study 2014
- Development Management SPD (December 2021)
- Self build Act
- Self Build and Custom Housebuilding Register
- Planning Obligations SPD
- HDC 5 YLS Position Statement

6. Assessment

Principle of Development

6.1 Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including neighbourhood plans) permission should not usually

be granted. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy GD1 of the Harborough Local Plan set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise.

6.2 Paragraph 105 of the NPPF, states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Policy SS1: 'The Spatial Strategy' of the Harborough Local Plan (HLP) therefore seeks to direct development towards the most sustainable locations, identified by the level of 'key services' provided within the village/town, with the aim of reducing reliance on private motor vehicle to access key services.

6.3 The site lies within parish of Lubenham. Lubenham is identified as a Selected Rural Village (SRV) on the basis of at least two of the six key services. HLP Policy GD2 "Settlement development" allows for additional development within or adjoining the existing or committed built up area of the District's most sustainable settlements, which include Lubenham.

6.4 The site is located over 0.9km from the eastern edge of the 'built up area' of Lubenham and would not therefore satisfy HLP Policy GD2(2). Furthermore, the Lubenham Neighburhood Plan (LNP) does not allocate the site for future development.

6.5 Although the site is within Lubenham parish boundary, the site is physically closer to the edge of Market Harborough. An assessment has therefor been made as to whether the site would adjoin the built up area of Market Harborough, a Sub-Reginal centre in the settlement hierarchy.

6.7 Whilst on a map, the site appears to be adjoining the built-up area of Market Harborough, on the ground this is not the case, with agricultural fields adjoining the site to the south and west and also to the north on the other side of Harborough Road and then an area of woodland to the east.

6.8 When approaching from the west (from Lubenham) it is not evident one has reached Market Harborough until the summit of Lubenham Hill. The submitted LVIA in support of the Applicant's application confirms the Case Officer's view that the site is *"neither visually linked to Market Harborough nor the village of Lubenham" (page 32 LVIA).*

6.9 As the proposed development is not considered to satisfy HLP Policy GD2 (2), it is necessary to assess the proposal under both HLP Policy GD3 Development in the Countryside and Policy GD4 New housing in the countryside.

6.10 However, before, these polices are discussed further, it is important to note that the site lies at the extreme south-eastern edge, but outside of the Area of Separation (AoS) as identified within the LNP. The AoS is intended to preserve a physical separation from the settlement of Market Harborough. As the site is outside of the AoS, the proposal would not ham conflict with the relevant policy.

6.11 HLP Policy GD4 allows for new housing in the countryside in certain circumstances and these are set out in criteria a – f, including, for example, dwellings for rural workers and replacement dwellings. The proposal partly falls under criteria (f) "the rebuilding or replacement of an existing dwelling…" as one of the proposed dwellings will be for the Applicant and would replace the existing flat within the existing Archway Health Hub

building, currently lived in by the Applicants. Subject to a legal agreement preventing the continued use of the existing flat once the new house was constructed/occupied to prevent two residences on site this would be acceptable in principle, subject to ensuring (f) "…the resultant dwelling preserves or enhances the character appearance of the countryside" (to be discussed further within this report).

6.12 However, the remaining 7 dwellings would not meet any of the GD4 criteria and therefore the principle of developing the site for such purposes is contrary to policy GD4 of the HLP.

6.13 HLP Policy H1 Provision of new housing sets out a minimum target of 5 dwellings for Lubenham to 2031. Whilst it is accepted that the proposal would contribute to meeting a District need for self-build plots (see paragraph 6.13 onwards), the proposal is judged to be excessive given its countryside location.

6.14 HLP policy H5 *Housing density, mix and standards* supports the development of self-build plots in '*any location suitable for housing, including allocated sites, committed sites, windfalls sites and sites which are in accordance with Policy GD2*'. It also supports delivery of plots on housing allocations capable of providing 250 or more dwellings. Policies *L1 East of Lutterworth Strategic Development Area* and SC1 *Scraptoft North Strategic Development Area* require the delivery of self-build plots as part of a mix of housing types. As the application site does not accord with Policy GD2 the principle of self-build plots in this location is not acceptable.

6.15 Lubenham NP Policy LNP01 allocates three sites for housing, to meet the then identified need for housing. The LNP also allocates a reserve site if required to address a housing supply shortfall during the Plan period. The site is not allocated.

6.16 The LNP was made in 2017 and has not been reviewed since. Since adoption of the LNP the HLP has been adopted and the NPPF updated twice. Paragraph 219 of the NPPF states: *existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).* The overall principles of policy LNP01 remain consistent with the NPPF and the Harborough Local Plan and support sustainable development.

6.17 As outlined in paragraph 6.1, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case a key material consideration is the proposed provision of 8 self/custom build plots/dwellings. Annex 2 of the NPPF defines self/custom house building as *'Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.'*

6.18 The Self-build and Custom Housebuilding Act 2015 (as amended) and the associated Self-build and Custom Housebuilding Regulations 2016 amongst other matters, requires LPAs to maintain a Self-build and Custom Housebuilding Register. The Register is a record of people who wish to acquire serviced plots of land within Harborough District to build houses to occupy as their main home. HDC is also required to grant planning permissions for enough serviced plots of land to meet the demand for self/custom-build homes as evidenced by the Register. This duty is recognised in the

Council's published Self-build and Custom Housebuilding Corporate Policy (2020). This document sets out the importance of self/custom housebuilding and how the Council will seek to support it corporately. In relation to planning, the strategy underlines the need for self-build and custom housebuilding plots to be located in sustainable locations, in line with Local Plan policies. So, whilst the strategy supports the delivery of self-build/custom housebuilding, such development must be in a suitable location for housing. As previously mentioned, the application site does not accord with Policy GD2 the principle of self-build plots in this location does not comply with the relevant policy of the HLP.

6.19 Whilst the proposal does not comply with the development plan, as outlined above HDC must consider the duty to grant consent for self/custom build housing. The level of demand for self/custom build housing is established by reference to the number of entries added to the register during a relevant 12 month period- 'the base period'. Legislation states that at the end of each base period, planning authorities have 3 years in which to permit an equivalent number of plots of land, which are suitable for self/custom housebuilding, as there are entries for that base period. Therefore, whilst there are 126 individuals and no associations on the register in total at the end of Base Period 7 (30/10/2022) (Table 1), as the Council has three years after accepting a Register application to grant consents, the relevant number of registrations is 31 (total number of registrations at the end of Base Period 3).

Base Period	Individuals	Associations	Plots required
1 (launch - 30/10/16)	7	0	7
2 (31/10/16 -30/10/17)	14	0	14
3 (31/10/17-30/10/18)	10	0	10
4 (31/10/18-30/10/19)	17	0	17
5 (31/10/19-30/10/20)	39	0	39
6 (31/10/20-30/10/21)	35	0	35
7 (31/10/21-date)	16	1	18
Totals	**138**	**1**	**140**

Table 1. Self/Custom build register (note: Base period 7 has not yet finished hence 'to date'. It ends on 30/10/22.)

6.20 The Council has approved 5 self-build plots at Great Glen and a further 15 at East of Lutterworth SDA (resolution to approve pending S106 Agreement). Therefore, there is a demand for self-build housing. The fact that the proposal involves self-build plots which would count towards meeting the Councils duty to grant planning permissions is a material consideration which is given weight in the determination of the planning application. Should members be minded to approve the application on this basis a condition is recommended requiring that the plots are developed in accordance with the NPPF Annexe 2 definition of self/custom build housing.

Affordable Housing

6.21 LP Policy H2 seeks 40% affordable housing on schemes of 10 or more dwellings or more than 1,000sqm of floor area. The total gross internal area of the 7 self build homes is 770m2. The Gross Internal Floor area for the Applicant's dwelling is 118m2. The total floor area of the 8 dwellings is therefore 888m2 and therefore no affordable housing is required on this development.

Locational Sustainability

6.22 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 distances in the IHT 'Guidelines for Providing for Journeys on Foot' document describe acceptable walking distances for pedestrians without mobility impairment. They suggest that, for commuting, up to 500 metres is the desirable walking distance, up to 1000 metres is an acceptable walking distance, and up to 1500 metres is the preferred maximum walking distance while 2000 metres is the threshold distance. The Manual for Streets (MfS) states that "walkable neighbourhoods" have a range of facilities within 800m.

6.19 The nearest convenience store to the site is the "Spar", on Coventry Road in Market Harborough, which is located more than 1.2km away. In order to reach the "Spar" on foot, it will be necessary to cross Harborough Road (which at the site frontage is subject to a 40mph speed limit) where a footway is provided on its north side and then walk up a steep hill and then descend down Lubenham Hill (and on your return walk back up Lubenham Hill) and down Harborough Road and cross back over to the site. Not only is the Spar more than both the desirable and acceptable walking distance it is not an easy (up hill) or safe (partially unlit and involves crossing a a busy, 40mph road) route.

6.20 To access Lubenham Primary School (which is more than 1km away from the site entrance) it will again be necessary to cross over Harborough Road and walk west, where Harborough Road is then subject to national speed limit (approximately 80m west the site entrance), before having to cross over Harborough Road where a 30mph speed limit is introduced to join Old Hall Lane. This is also not considered a safe or desirable route for young children. The Applicant has suggested that residents could access the school/ Lubenham village, via Adam Smile. However, between the site and Adam's Mile is an arable field (as well as the River Welland), which is not within the ownership of the Applicant and as such it is not possible to secure a link as suggested. Also, as Adam Smile is not tarmacked or lit, this route is unlikely to be used during the winter months and/or bad weather.

6.21 The Framework identifies cycling as having a "…potential to substitute for short car trips, particularly those under 5.0 kilometres, and to form part of a longer journey by public transport.". Based on 5km, both the facilities within Lubenham and Market Harborough are reached but again they involve crossing over and using Harborough Road for part of the journey.

6.22 No.58 Centrebus stops adj/opp The Green in Lubenham (approx 1.1km away) and adj/opp Farndale View in Market Harborough (approx. 600m away) providing a link to Market Harborough town centre and Lutterworth, via Lubenham (to the west). Bus stops will also be provided within the Strategic Development Area (SDA) at the top of Lubenham Hill, which will be closer to the site than the current bus stop. However, in order to access the current and future bus stop you need to cross Harborough Road.

6.23 Overall, in locational sustainability terms the site would not provide future occupiers with a realistic option to choose walking and cycling as an alternative to private vehicle

trips in order to access facilities and services in either Lubenham or Market Harborough. The location of the site is judged to not accord with local and national locational sustainability principles and weighs against the scheme.

b) Design

6.24 Section 12 of the NPPF provides advice on 'Achieving well-designed places". Specifically; paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

6.25 Para 30 of the NPPF states planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

6.26 Meanwhile, Para 134 advises *"development that is not well designed should be refused".*

6.27 HLP Policy GD8 requires a similarly high standard of design. Proposals should respect the context in which they are sited, being well-integrated, respecting and enhancing local character and being sympathetic to the local vernacular. GD5 relates to the landscape impact of proposals, requiring proposals to safeguard important public views, to respect and enhance the landscape and the landscape setting of settlements. Policy RT4 states that new tourist accommodation should be of a scale and appearance which respects the character of the countryside, the local landscape and the surrounding environment.

6.28 LNP Policy 03 requires all new residential developments to be of a high standard of design and layout which respects heights, scale and massing of existing neighbouring buildings; reflects the quality of material finishes found in the vicinity; utilise features of more common local vernacular architecture, and incorporating measures to avoid or mitigate adverse impact upon landscape character, natural habitats and

biodiversity both within and around the site, whilst LNP16 advises proposals for new business/employment development "should be of a scale, density and design appropriate to its setting such that it would not cause damage to the qualities, character and amenity of the area".

6.29 The policies and the National Design guidance make clear, it is not just how a building looks that is good design; rather a holistic approach is required, seeing the proposal within its setting and context, and responding well to these elements.

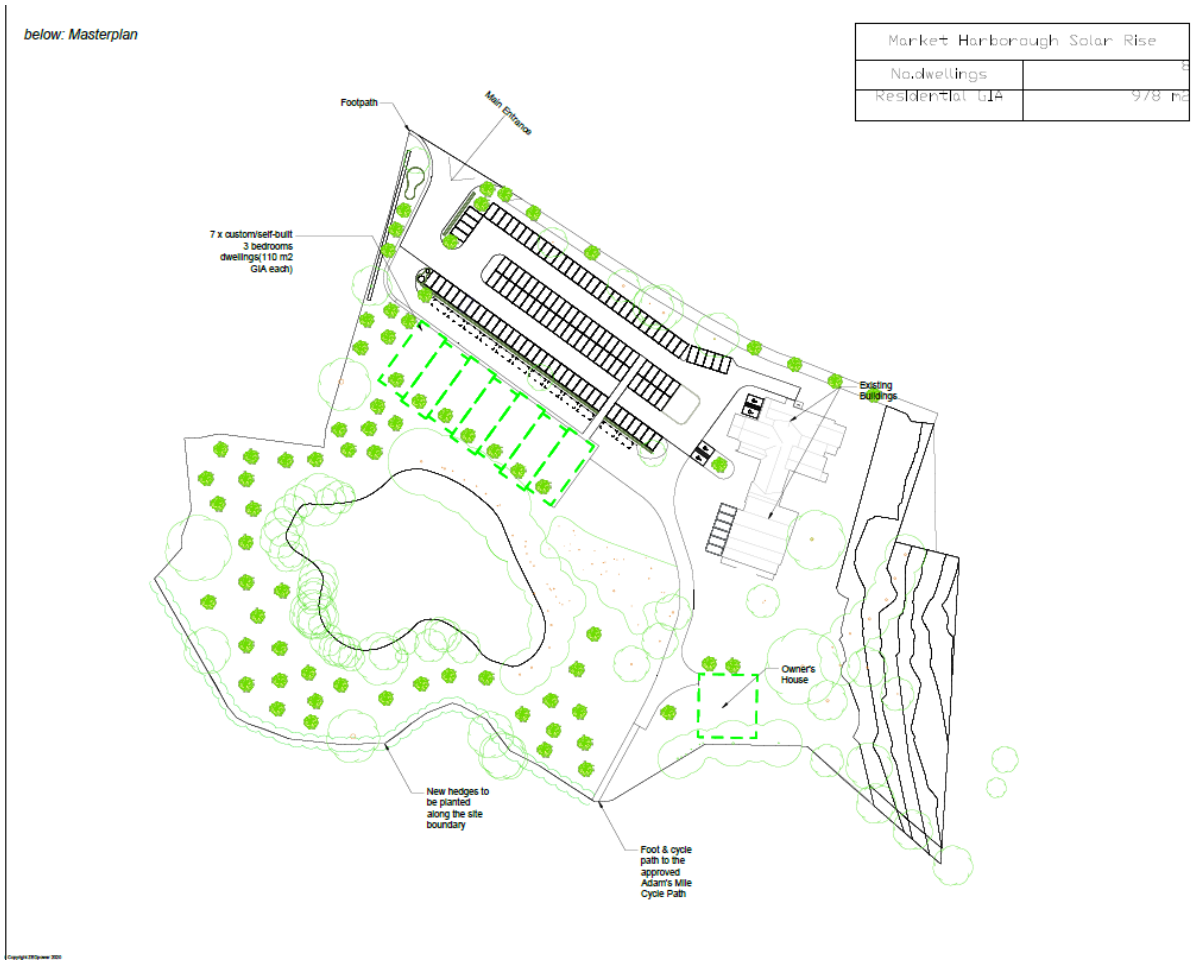
6.30 As part of the withdrawn application, the Applicant was asked to consider submitting the scheme for a design review with Opun (now known as design:midlands) (as the Applicant had done previously with the 2018 pre-app), but the Case Officer was advised *"With regards to OPUN I have discussed this at length with our architects. We really took on board the comments in their review, we changed our architects on the back of it, and those architects started our plans with the design review report fully in their consciousness. At all stages of our design process we have been incredibly consultative and both sought out and listened to input from Harborough Planning Department, Lubenham Parish Council, Harborough Civic Society and lots of individuals and interested parties and continually taken their comments on board and adapted our plans accordingly. I am now convinced we have already sought enough outside input and that this is the right scheme for us so I'm ready to follow it through until we get planning permission and so I hope you can understand why we're not going to seek another OPUN review.*

6.31 It is unfortunate the Applicant chose not to re-engage with a further design review, particularly as Para 133 of The NNPF advises *"in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels"*.

6.32 Whilst OPUN considered a different proposal in 2018 (pre-app), it is noted OPUN expressed concerns with the scheme advising it *"to be too urban and not sensitive to the rural character of the site".* The Case Officer considers this still to be the case in terms of the 7 self build/custom built dwellings as discussed further below.

6.33 The Site Masterplan is illustrated below:

below: Masterplan



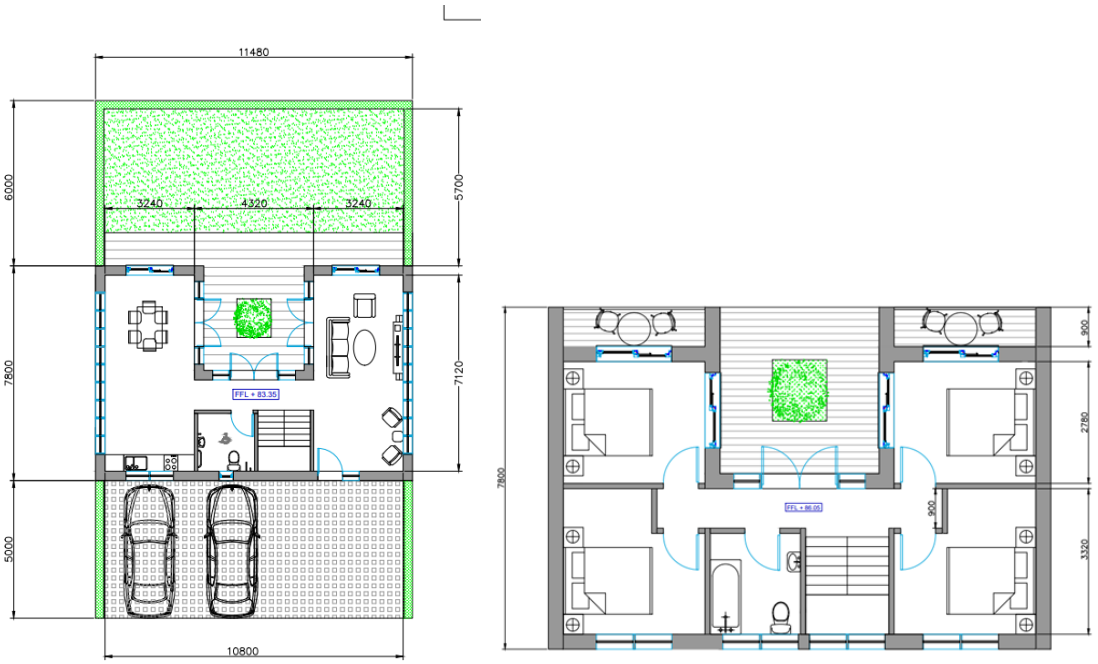
Site Masterplan

Proposed Aerial View – looking south

Proposed Aerial View – looking north

Applicant's Dwelling

6.34 The Applicant has designed a dwelling for himself and his family. The dwelling (which has been amended during the application process in terms of scale and positioning) will be sited to the south of but adjacent to the proposed office building and nestled close to the woodland. The dwelling will provide 4 double bedrooms and have two mono-pitched roofs with a flat roof central section, at first floor on the rear elevation the roof will contain a large overhang allowing outdoor space to the rear elevation first floor rooms, whilst also providing some shade. The dwelling with have a width of 10.8m and a depth of 7.12m. The section indicates the maximum ridge height would be 7.09m and the flat roof central section will be 6m.



Proposed ground floor and first floor plans

Proposed Dwelling – Elevations

6.35 The dwelling, like the other dwellings proposed within this scheme, will have a BIPV solar roof on the south facing roof slopes. On the north facing roofs, the dwelling will have a zinc roof. The external materials for the dwelling will be timber cladding and grey/black frame fenestration. A condition requiring precise details of external materials to be used on all of the buildings is suggested.

6.36 Given the proposed dwelling will be nestled close to the woodland to the east, modest height, mono-pitched roof, footprint and suggested timber cladding for the external walls which will help it to assimilate into its sylvan surroundings, the design of the dwelling is considered appropriate to its setting.

7 "Zero-Bills" Homes

6.37 The dwellings will have an energy efficient modular frame structure, sourced from the UK, with an integrated solar PV panel roof. The Design and Access (D&A) statement explains *"electricity generated from the PV roof panels earns revenues from the Feed in Tariff scheme which, when combined with the free use of the electricity stored in the batteries, leads to incomes and savings exceeding the residual cost of electricity - a Zero energy bills home. This will protect households against ever rising energy bills and help to reduce fuel poverty*.

6.38 The D&A further advises

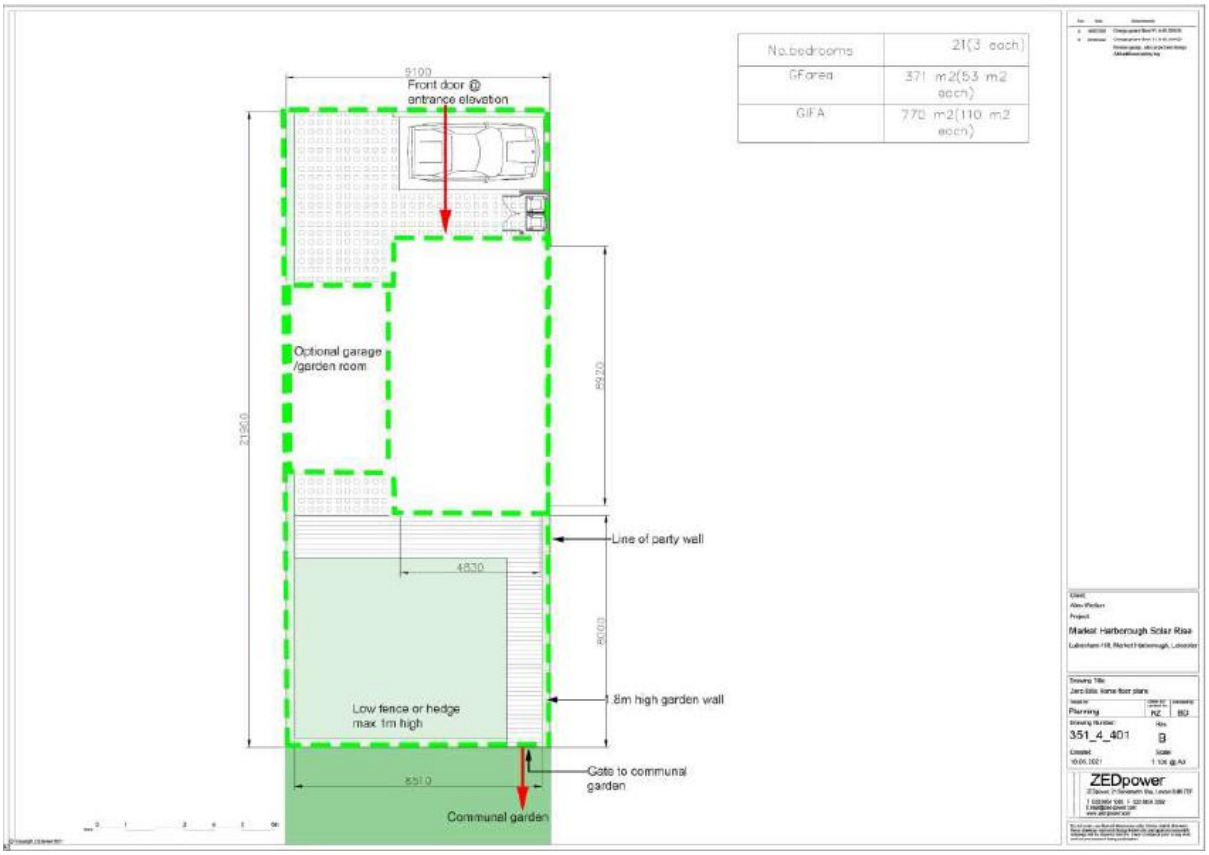
All of the proposed buildings (each one worthy of grand designs) will:

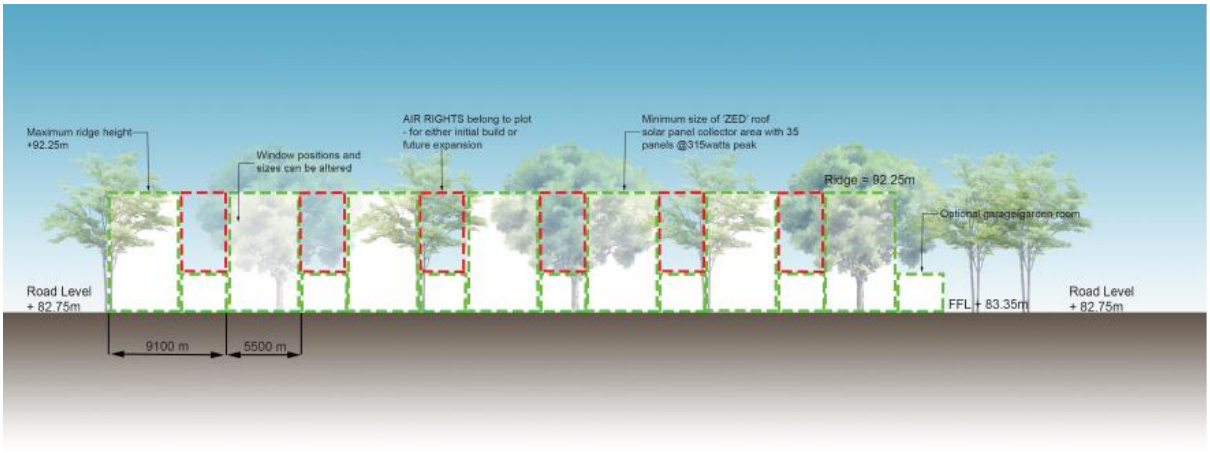
- be built to the highest level of sustainability, these super-insulated energy efficient homes will generate all their own electricity including enough to power an electric car
- generate all their own power for heating
- share an area of park with a lake in it; encouraging an outdoor lifestyle
- have unique access to a wide range of healthcare & wellbeing services on site
- we will encourage them to be built as whole of life homes
- we will encourage them to be compliant with accessible and adaptable dwellings, to comply with the requirements of part M(2) of the building regulations(2010), which means that they are design to adapt to the needs of any type of buyer, especially the elderly residents looking for a place to live that reflects their need for accessibility and space.
- Under the design code all roofs will be fitted with solar pv panels and designed for maximum solar gain.

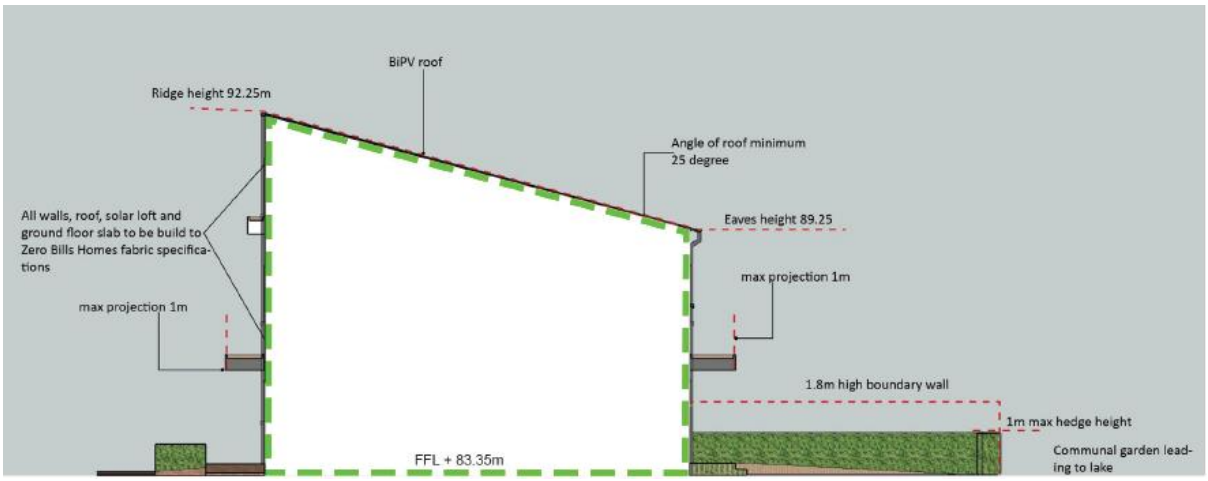
6.39 The D&A says the dwellings will have a design code to ensure they fit the masterplan. The Design Code provides information on the specification required for each dwelling in relation to:

- Energy Efficiency
- Renewable Energy Generation and storage
- Durability and materials
- Demountability / maintenance to facilitate deconstruction and materials re-use
- Fire Safety
- Water Efficiency
- Siting flexibility - Off grid electric capability must be built into the design; Ability to orientate solar panels to maximise available sunlight; No shading of adjacent properties roof surfaces; Ability to treat grey water on site; Ability to function without requiring mains drainage connection
- Internal Layout - Options on floor position and area; Options on bathroom position; Option on kitchen layout; Options on door and window position
- Foundation Options - Passiv Haus raft type foundation preferred with low embodied Co2 reinforced concrete slab

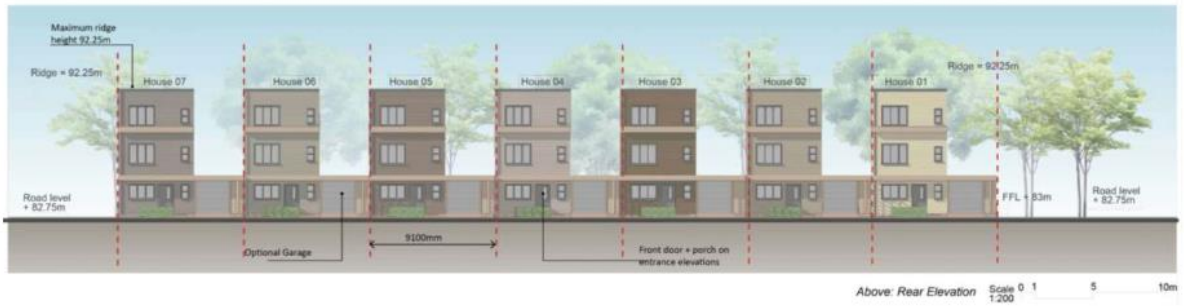
6.40 The Design Code, contains the proposed ‘ground’ floor plan of the 7 dwellings, and an elevation ‘outline’ and a section (see below)


No.bedrooms
2(3 each)
GFarea
371 m2(53 m2 each)
GIFA
770 m2(110 m2 each)
9100
Front door @ entrance elevation
Optional garage /garden room
21300
8920
Line of party wall
4830
8000
1.8m high garden wall
Low fence or hedge max 1m high
8510
Gate to communal garden
Communal garden
Client
Alex Parker
Project
Market Harborough Solar Rise
Drawing Title
Zero bills home floor plans
Issued for
Planning
Drawn by
RZ
Checked by
BG
Drawing Number
351_4_401
Rev.
B
Created
10.06.2021
Scale
1:100 @ A1
ZEDpower


Maximum ridge height +92.25m
Window positions and sizes can be altered
AIR RIGHTS belong to plot - for either initial build or future expansion
Minimum size of 'ZED' roof solar panel collector area with 35 panels @315watts peak
Ridge = 92.25m
Optional garage/garden room
Road Level + 82.75m
FFL + 83.35m
Road Level + 82.75m
9100 m
5500 m



6.41 Whilst it is accepted 'appearance' is a reserved matter, the details (layout and scale) are identical to the withdrawn scheme and as such the Case Officer has a good indication of what the dwellings will 'appear' like:



Withdrawn Scheme: 21/01063/FUL; Proposed dwelling elevations

6.42 The current application has not alleviated the previous concerns raised by the Case Officer and as detailed within the October 2021 Committee Report; that the 7 self build dwellings by virtue of their positioning (west of the existing built development), layout and scale would stand out as an incongruous feature on the rural approach into Market Harborough to the detriment of the character and appearance of the countryside. The energy efficient and carbon neutral measures proposed for these dwellings are welcomed but do not overcome the concerns raised.

6.43 The Design and Access Statement, states that the proposed dwellings "will be self-build/custom built homes":

"The residential plots have been design coded to fit the masterplan and meet the Market Harborough Solar Rise environmental performance targets. The House designs are indicative, and both whilst some construction components such as the super insulated and airtight timber frame construction and the BIPV roofing system are required by the Design Code, the cladding materials, window positions, floor layouts and number of bedrooms can be varied by each purchaser.

Market Harborough Solar Rise will promote as much variety and self expression as possible in the finished street elevations. We suggest that elevational materials, windows and doors, and floor layouts are conditioned in the planning approval, which will result in a plot specific submission from each purchaser discharging all outstanding conditions set by the Council. This will include national space standards compliance and lifetimes homes compliance."

6.44 However, the NPPG is clear that when "*considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build*". Based on the information submitted, the Case Officer questions whether these dwellings are truly self build / custom build.

6.45 Whilst the Applicant's dwelling is judged to respect and enhance the context in which it is sited, the 7 zero-bill dwellings by virtue of their regimented layout and scale appear overly suburban and therefore incongruous in this location which is semi-rural in character. The design of the dwellings do not therefore satisfy the development plan or the NPPF.

c) Landscape and Visual Impact

6.46 Unlike the withdrawn application, this application has been accompanied by a Landscape and Visual Impact Assessment (LVIA) (Ian Stemp Landscape Associates, Report No. 21.1619.R1) and a Tree Survey and Report (inc Addendum)

6.47 The LVIA confirms that the Site does not lie within any nationally designated landscapes (e.g. Area of Outstanding Natural Beauty or National Park). Neither does it lie within any local designation (Green Wedge or Area of Separation). It has not therefore been recognised by any national or local authorities as being particularly special in landscape terms.

6.48 NPPF Para 170a seeks to protect and enhance 'valued landscapes'. 'Valued landscape' is not defined in the NPPF, but recent case law advises to be considered a 'valued landscape', a landscape needs to demonstrate physical attributes which take it out of the ordinary. Factors which might be considered with respect to landscape value are shown in the table below:

Factor	Considerations
Landscape quality (condition)	The physical state of the landscape. To what extent is typical character represented in individual areas? How intact is the landscape? What is the condition of individual elements?
Scenic quality	To what extent does the landscape appeal to the senses (primarily, but not limited to, the visual senses)?
Rarity	Are there rare elements or features present? Or is the landscape a rare character type?
Representativeness	Does the landscape contain a particular character, or elements or features which are particularly important examples?
Conservation interests	Are there ecology, heritage, geological, or archaeological features which are of particular interest (i.e. which add to the value of the landscape)?
Recreation value	Is the landscape valued for recreation where experience of the landscape is important?
Perceptual aspects	Is the landscape valued for its perceptual qualities, notably wilderness or tranquillity?
Associations	Is the landscape associated with particular people, such as artists or writers, or events in history that contribute to perceptions of the area?

(adapted from The Guidelines for Landscape and Visual Impact Assessment, 2013)

6.49 In the Case Officer's opinion, the site is not judged to be a 'valued landscape'.

6.50 Policy GD5 of the Harborough District Local Plan states:

1. *Development should be located and designed in such a way that it is sensitive to its landscape setting and landscape character area and will be permitted where it:*
   a. *respects and, where possible, enhances local landscape, the landscape setting of settlements, and settlement distinctiveness;*
   b. *avoids the loss of, or substantial harm to, features of landscape importance;*
   c. *safeguards important public views, skylines and landmarks; and*
   d. *restores or provides equivalent mitigation for damaged features and/or landscapes that would be damaged or degraded as a result of the development.*

Landscape Character

6.51 The LVIA highlights that the Natural England National Character Area study (2007), places the site within the "Welland Valley" Landscape Character Area. In 2009, a District wide landscape study was prepared by The Landscape Partnership (hereafter referred to as 'TLP') and places the site within The Welland Valley West Landscape Character Area (LCA 8)

6.52 The key characteristic features of the Welland Valley West Landscape Character Area (LCA), which covers the site, land immediately south of Lubenham Hill and the land to its east between the Welland River and the A4304 Harborough Road, are listed as follows:

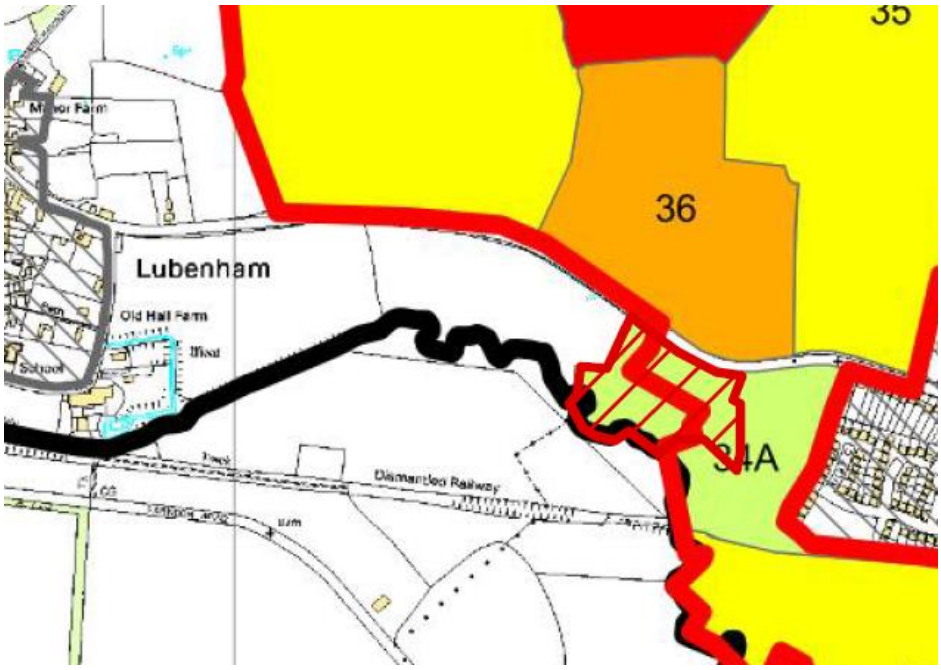
--Broad, flat valley of River Welland
--Arable farmland along banks of river, varying in size
--Mature willows and other trees in unfarmed strip along river
--Some pasture, grazed by sheep
--Heavily influenced by housing in Market Harborough and Lubenham
--River Welland gently meanders through area
--Vegetable picking and packing equipment

6.53 The landscape of the LCA is assessed in the report to be in good condition and of moderate strength of character.

6.54 The LVIA also references adjacent landscape character areas (i.e. Mill Hill Undulating Claylands (LCA 9) and Airfield Farm Plateau (LCA 10), including those outside of Harborough District as the landscape to the south of the River Welland lies in Northamptonshire.

6.55 The LVIA also makes reference to the Daventry Local Plan (2011-2029) which has designated a Special Landscape Area of the Welland Valley which covers the countryside west of Lubenham Road (Lubenham to East Farndon).

6.56 The Council's Landscape Character and Capacity Assessment identifies the site, and the grounds of Hill House to the immediate east of the site as land parcel 34A (excerpt drawing below)



LCA Extract (with application boundary shown)

6.57 The Assessment advises land parcel 34A has a capacity rating of 'Medium-High' to accept change in the form of development subject to the following recommendations:

- Mature vegetation within the Parcel should be retained as far as possible, particularly along the River Welland and the disused railway line, which are considered to be wildlife corridors within the Harborough District Phase 1 habitat survey, and the structure belts adjacent to A4404 and on the higher ground.
- Important views to be retained
- Existing enclosure of the Land Parcel is extensive, so there are no views into the site that need to be retained. The setting of 'The Hill' would need to be carefully protected.
- Additional planting, with locally native species, could be used to enhance the wildlife corridors already identified.
- Existing residential and commercial properties within the vicinity of this Land Parcel are 2 storeys high. Any development within this Parcel should reflect these heights.
- Development in this location would need to be accessed from Lubenham Hill or Farndale View. Any proposed development would need to reflect the pattern of

development exhibited along Lubenham Hill and particularly in relation to the Listed Building 'The Hill'. The most suitable area for a modest development lies to the south of the Parcel and could be accessed from Farndale View.

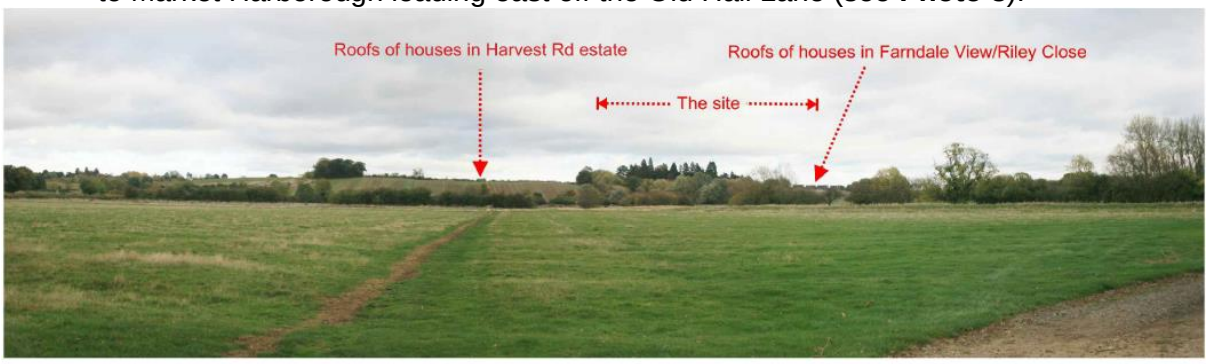
- Materials should be appropriate to the context of the Land Parcel and housing development should reflect the vernacular style of houses along Lubenham Hill.
- Open space provision and green infrastructure
- The identified wildlife corridors and mature tree belts could be the basis for a network of linked open spaces associated with any development.

6.58 Comments regarding the adjacent parcel of land to the north (across which Public Right of Way A26 runs, and number 36 on the plan) are also relevant: *"Development within this Land Parcel would also compromise the separation between Market Harborough and Lubenham, as well as allow Market Harborough to visually encroach into locations where it is not currently visible".*

6.59 Whilst public views from the south and east of the site are currently limited given the existing tree cover, the northern boundary of the site is much more open, and views into the site are possible both from the west (Lubenham, and the approach to Market Harborough) and from the north (A26). The existing built form (which is two storey) is tucked under the lee of Lubenham Hill and thus these important views remain rural.

6.60 Photographs taken as part of the LVIA Assessment were taken during the 2021 autumn season, where deciduous trees were in full leaf. The LVIA says the existing buildings are visible from the A4304 as it heads west down Lubenham Hill and then from the road as it passes by the site. However, the buildings are not visible from any other public roads.

6.61 The LVIA also says there are no views of the site's buildings from the Public Footpath to Market Harborough leading east off the Old Hall Lane (see **Photo 3**).



'hotograph 3: View east towards the site from the Public Footpath A28 approaching Lubenham from Market Harborough (SP 47091 28711)

6.62 However, the Case Officer disagrees with this statement as the existing buildings would be more visible from Old Hall Lane during non-leaf bearing months.

6.63 For views from other Public Footpaths, the following have at least one point along them from where the present site buildings are visible:

• Public Footpath from the A4304 opposite the site entrance heading westwards up the incline of Lubenham Hill, passing over the ridge to reach Harvest Drive and 'The Pastures' (see **Photo 1**);

Photograph 1: View south-west towards the site from the Public Footpath A28 between Market Harborough and Lubenham on Lubenham Hill (SP 47180 28717)

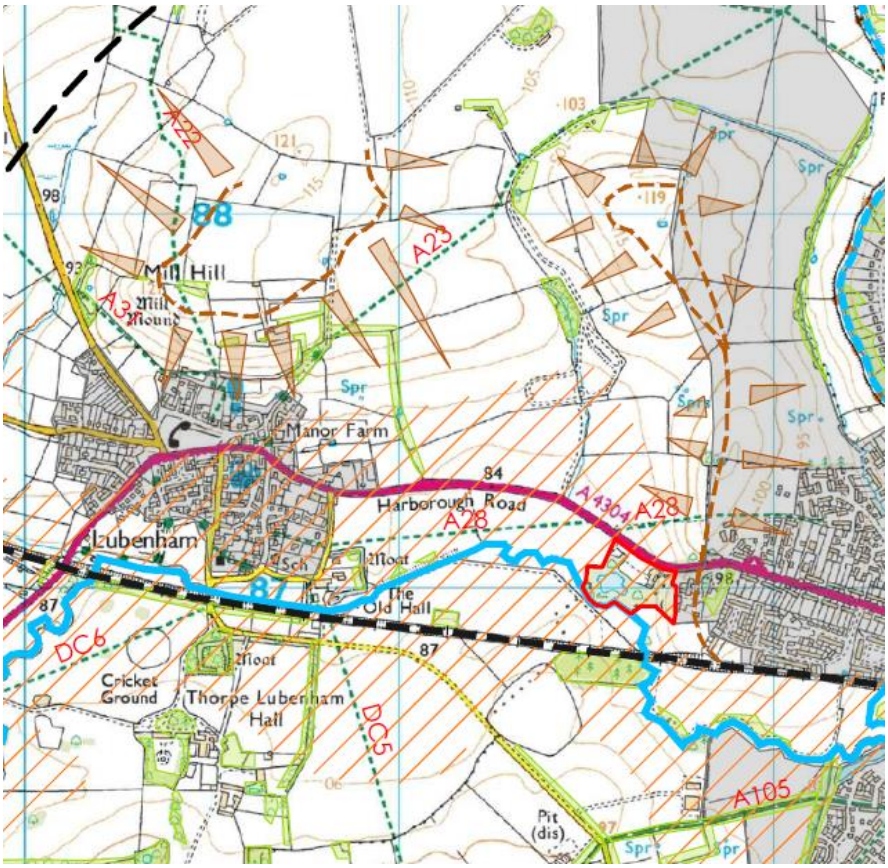
• The Public Footpath from Lubenham to Hillcrest Farm, on the north-western fringe of Market Harborough, leading off from 'The Green' in the village to pass by Manor Farm (no photo supplied)

• The disused railway line section between Lubenham and Market Harborough named 'AdamSmile' (**Photo 4**).

hotograph 4: View north from AdamSmile opposite the site. The existing extended Archway House can be glimpsed behind trees (SP 47151 28684).

• The footpath out of Lubenham leading off north from the rear of 'The Green' play area to climb the grassy knoll of Mill Hill, to a height of 120.0m AOD on its route to Gartree (**Photo 5**);

hotograph 5: View south-east from the Public Footpath A22 on Mill Hill, Lubenham (SP 47048 28765)



(Extract: Location of footpaths mentioned within the LVIA)
Case Officer NB: A28 is in fact A26

6.64 The photo's used as part of the LVIA do not represent a worse-case scenario (i.e. non-leaf bearing months), nor does it take into account the recommendations of the tree survey/report which advises a total of 20no. individual trees, 5no. groups of trees and 1no. hedgerow, will all need to be removed. In addition, part of another group (G8) will need to be removed, as will two poor quality trees (T5 and T8) (for health & safety reasons) and all of the Willow trees (which have an average height of 15m) around the perimeter of the pond/lake will need to be reduced in height to 5m and maintained as pollards.

6.65 Mitigation planting is proposed (although this is mostly to the south and south-west – see landscape strategy plan under ecology section below), but this will take time to establish. The proposed 7 dwellings will be located to the west of the existing buildings (Plot 7 will be approximately 42m from the existing building, whilst Plot 1 will be approximately 15m from the western boundary. The proposed siting of these dwellings, combined with their height (9m max), massing and uniformity in layout would in the Case Officers opinion be visually harmful to rural approach to Market Harborough and the surrounding countryside which would be exacerbated further during the non-leaf bearing months, pollarding of the Willow trees around the existing pond/lake and the internal lighting (and possibly external e.g. security lighting) of the dwellings themselves.

6.66 Given the above reasons, the proposed zero bills dwellings would not satisfy the Development Plan nor the NPPF.

d) Climate Change

6.67 Harborough District currently has a 6.9 tonne carbon footprint per person, higher than the England, County and Regional per capita amount and primarily due to the rural nature of the District and the dependency on motorised transport. A projection of our emissions shows that we will only reach carbon neutrality by 2042. Harborough District Council has declared a Climate Emergency (June 2019, post-adoption of the Local Plan) with the aim that all council functions and decision-making should lead to the Council being carbon neutral by 2030. Other material considerations are the Climate Change Act 2008, the Harborough District Council Climate Local Action Plan 2015, Greenhouse Gas (GHG), and not least the National Planning Policy Framework (paragraphs 153ff).

6.68 HLP Policy CC1 requires all major development in the District to demonstrate evidence of reduction in carbon emissions according to the energy hierarchy (paragraph 10.1.3 of the supporting text), renewable energy technology, energy efficiencies, minimal carbon emissions during construction, justification for any demolition, and carbon-neutral building cooling if appropriate. Policies CC3 and CC4 require Sustainable Urban Drainage systems for major development, and the siting of all development in areas of lowest risk of flooding, taking into account the potential future risk due to climate change.

6.69 Para 154 of NPPF advises new development should be planned for in ways that…b) can help can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Policy CC1…

6.70 The Design and Access Statement submitted in support of the application advises

- *The health/leisure and office building will be both energy efficient, super-insulated building, built to the highest level of sustainability.*

- *The site will include electric car and bicycle charging points for visitors. The applicants will also be encouraging sustainable modes of transport, suggesting that visitors cycle to the site via Adam's Mile cycle route.**

- *The applicant intends to enhance the natural landscape of the site, through the planting of additional trees and hedgerows and retention and upkeep of the lake. The intention has been to utilise the brownfield element of the site as much as possible, thus preserving the majority of the undeveloped parts of the site.*

- *A solar PV canopy is proposed and covers part of the existing car park, providing shelter for the site users, whilst generating additional electricity for the rest of the site, as well as powering electric vehicles.*

*Case Officer note: between the site and AdamSmile is an arable field (as well as the River Welland), it is not within the ownership of the Applicant and as such it is not possible to secure a link as suggested.

6.71 In addition to the Design and Access Statement, the Applicant has submitted an "energy and sustainability statement". The statement summary says:
This shows that a 'fabric first' energy efficiency has already been optimised to minimise the amount of renewable energy needed to meet the running requirements of the project. Extra renewable energy harvesting has been designed into the project, generating a surplus of renewable energy sufficient to repay the embodied CO2 debt of construction and maintenance comfortably within a 60 years

minimum life expectancy.

All key areas of environmental impact have been addressed and minimised in both the building and landscape construction details and the operation of the mixed use campus community. Passiv haus levels of energy efficiency standards have already been included in the design brief for all building typologies on the site to achieve a BREAM 'outstanding' rating

6.72 The Applicant's commitment to achieving BREEAM outstanding is welcomed and supported and should be conditioned accordingly. The Council's Environment Co-ordinator is supportive of the proposal. The development if approved, would satisfy Policy CC1 and could be an exemplar for the District, this weighs significantly in favour of the scheme.

e) Traffic/Highways Implications

6.73 A Transport Statement (TS) has been submitted in support of the application which has been reviewed by the Local Highway Authority (LHA)

Site Access

6.74 The site is served via an existing vehicular access on Harborough Road, which is a classified 'A' road subject to a 40mph speed limit along the site frontage. The national speed limit is introduced approximately 80m west of the site access and a 30mph speed limit is introduced approximately 250m east of the site access

6.75 The LHA is satisfied with the existing access which has a minimum width of 10m for at least 10m behind the highway boundary and is therefore appropriate for the scale of development proposed.

6.76 A speed survey was conducted of traffic passing the proposed development site access in both directions on Harborough Road on Wednesday 13th December 2017 between 13:00 and 15:00 hours. The calculated 85th percentile speeds (no wet weather adjustment is made) were 47.66mph eastbound and 44.65mph westbound, in excess of the posted speed limit.

Therefore, based on the above 85th percentile speeds, visibility splays of 2.4 x 135 metres west of the site access and 2.4 x 121 metres east of the site access are required in accordance with the Leicestershire Highways Design Guide. The LHA have assessed visibility splays at the site access and are satisfied the required splays corresponding with the 85th percentile speeds are achievable.

Trip Generation

6.77 A manual classified traffic turning count survey was undertaken at the site access junction with Harborough Road on Wednesday 13th December 2017 from 07:30 to 09:30 hours and 16:00 to 18:00 hours.

6.78 The survey reveals the morning peak at the site access was between 08:15 to 09:15 hours, with a two-way traffic flow of 42vph (vehicles per hour) being recorded and the evening peak at the site access was 17:00 to 18:00 hours, with a two-way traffic flow of 48vph being recorded.

6.79 To ascertain the number of vehicle movements likely to be generated from the proposed development, a TRICS analysis has been undertaken by the applicant. The

results of the TRICS analysis outline over an average weekday period, the development would generate an additional 22 two-way vehicle movements during the AM peak period and 29 two-way vehicle movements during the PM peak period.

6.80 It is clear the proposed development will introduce an additional trip profile to the site and further diversify the existing onsite operations leading to an intensification of turning movements onto a high-speed A road, which is contrary to Section IN5 of the LHDG.

6.81 However, it is understood the site was formally used as a public house, which will have generated a significant level of traffic. Furthermore prior to 2010, the fishing pond with '24 pegs' within the site was in use, which had a separate car park that is currently unused. Therefore, it is essential to determine if the proposals would lead to an increased use of the existing access, when compared to its former use.

6.82 Subsequently for robustness the LHA have undertaken an analysis using the TRICS database for the former, current, and proposed development.

6.83 For the previous land use, information has been obtained from Application 10/00087/FUL, which was first submitted seeking the change of use from a public house to the development currently located on site.

6.84 A TRICS analysis was undertaken to determine expected trip generation for the public house and for the fishing pond it has been reasonably assumed that each peg would generate one vehicle arrival and one vehicle departure per day.

6.85 Therefore prior to the 2010 application it is expected the site generated on average 468 two-way movements at the site access during a typical weekday.

6.86 The existing development on the site comprises 511sq.m. GFA of B1(a) offices and 465sq.m. GFA of D2 health centre. The number of weekday daily vehicle trips associated with this level of development has been estimated using the TRICS database and are summarised below. The LHA are satisfied with the methodology used and it is noted the 'Clinic' category has been utilised within TRICS, which is representative of the current function of the Health Centre.

- 511sq.m. Offices = 44 (two-way) vehicle movements per day.
- 465sq.m. Health Centre = 78 (two-way) vehicle movements per day.

6.87 The results from the TRICS analysis below show on average the current site is likely to generate 122 two-way movements during a typical weekday.

6.88 To determine the additional trips generated by the proposed development the applicant has utilised the TRICS outputs in Appendix E and calculations in Appendix F of the TS. The results are summarised below (*please note this was based on the original submission; the amount of development has since been reduced*):

- 10 room Overnight Accommodation = 50 (two-way) vehicle movements per day.
- 530sq.m. Health Centre = 90 (two-way) vehicle movements per day.
- 215sq.m. Classes Studios = 50 (two-way) vehicle movements per day.
- 520sq.m. Offices = 44 (two-way) vehicle movements per day.
- 8no. Dwelling (outline app) = 38 (two-way) vehicle movements per day.*

*Case Officer Note: Whilst independent applications have been submitted (i.e. this application and the application for 8 dwellings -21/02114/OUT), site access details remain the same for both applications. Therefore, the LHA have considered the cumulative impact for both developments during the course of producing their observations.

6.89 The results from the TRICS analysis below show on average the current site is likely to generate 272 two-way movements during a typical weekday.

6.90 Subsequently the development proposals on average would lead to the generation of 394 two-way vehicle movements at the site access per day, an increase of 272 two-way vehicle movements.

6.91 However, when compared against the sites fallback position of 468 two-way vehicle movements the development proposals do not represent an intensification.

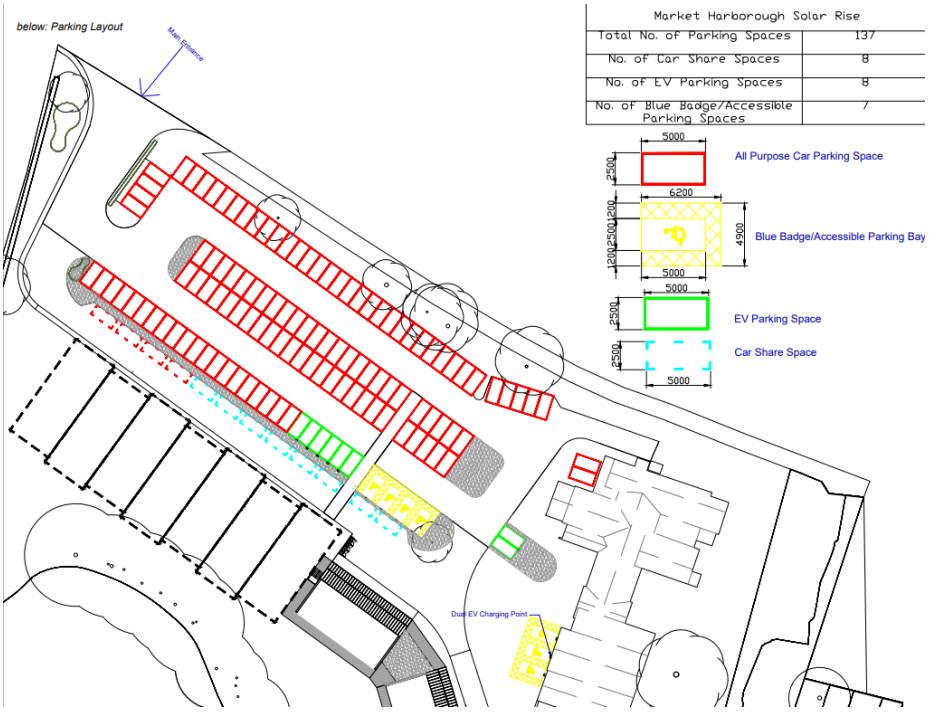
6.92 Therefore, in the site-specific circumstances it is not considered that this development proposal would lead to a severe or unacceptable highway impact in the context of the NPPF and as such the LHA would not seek to resist this application.

Junction Capacity Assessments

6.93 The LHA is generally satisfied with the applied methodology and it is noted the site access will operate satisfactorily in the Design Year 2025 'with development' during peak periods.

Car Parking

6.94 A parking layout plan has been provided (see below) which shows two car parking spaces will be provided for each of the three bedroom dwellings.



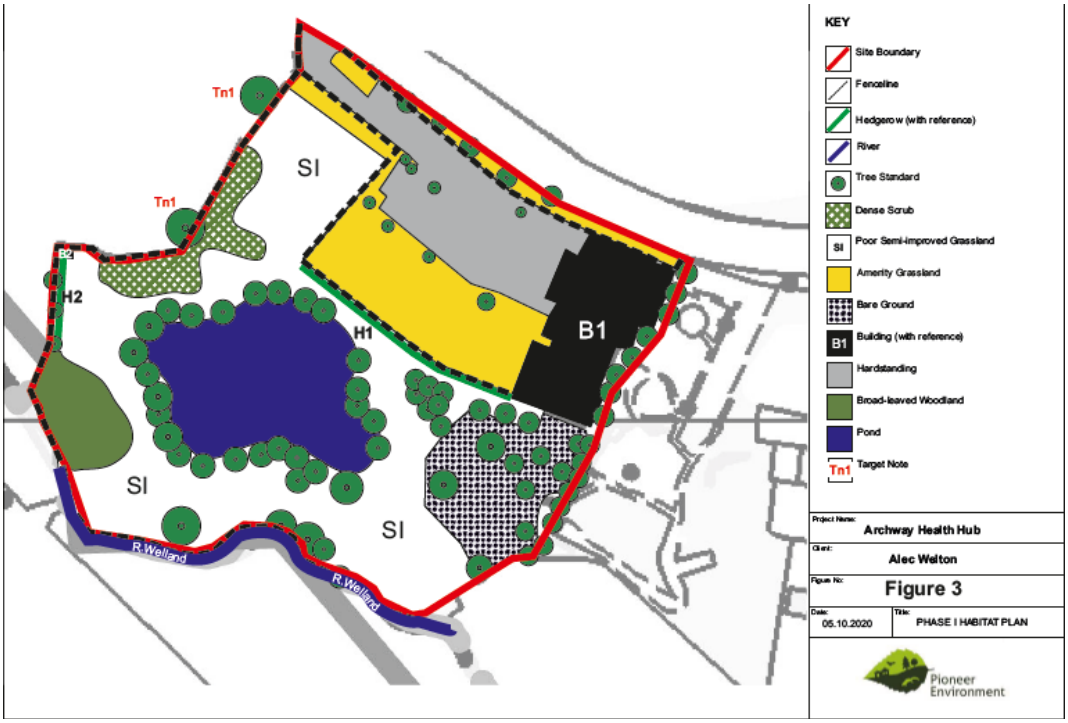
Parking Layout Plan

6.95 In summary, the LHA have advised the LPA 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.

f) Ecology Impacts

6.96 A Preliminary Ecological Appraisal has been submitted in support of the application.

6.97 The Phase 1 Habitat Plan indicates the location of the various habitats on site



Phase 1 Habitat Plan

6.98 The Appraisal advises the habitat to be impacted by the development include young tree standards, amenity grassland, poor semi-improved grassland, and a single hedgerow (H1) (unmanaged hawthorn approx. 2-3m wide, 85m long).

6.99 In terms of Fauna, the survey identifies the following:

Bats

6.101 All habitats within the site provided foraging habitat for bats within the local area. The two mature/over mature oak trees (TN1) found on the site's western boundary were identified as providing 'moderate' potential to support roosting bats due to suitable crevices and dense ivy cover. These trees will not be affected by the proposal.

Breeding Birds

6.102 Habitats within the site provide potential nesting and feeding opportunities for a range of birds.

Badger

6.103 No evidence of badger were observed at the time of the survey or when the update was carried out, however the site was considered to provide foraging habitat for badger.

Great Crested Newts

6.104 The on site pond was assessed against the Habitat Suitability Index methodology. All three results tested negative for the presence of Great Crested Newts.

Reptiles

6.105 No evidence of reptiles were observed at the time of the survey or when the update was carried out, however the grassland habitats offers optimal habitat for reptile species.

Water voles/otters

6.106 No evidence of water voles or otters were identified during the original or the updated survey. However, the site may be used by otters for foraging and commuting.

6.107 Chapter 6 of the Appraisal suggests several recommendations if the development proceeds in order to safeguard protected and/or notable species. In summary, the recommendations include a lighting scheme designed with regard to the Bat Conservation Trust (BCT, 2009) Statement; vegetation clearance avoiding the bird nesting season; installation of bird boxes on existing and retained mature trees; a habitat method statement (great crested newts) and working method statement (reptiles) followed to maintain good practice; erosion control/sediment control measures and the creation of log piles, brash piles and hibrnacula within the semi-improved grassland habitat around the pond and adjacent to the River Welland to further enhance the site to otters, reptiles and amphibians.

6.108 County Ecology have reviewed the Ecological Appraisal and advised it is satisfactory and to condition the recommendations in the report.

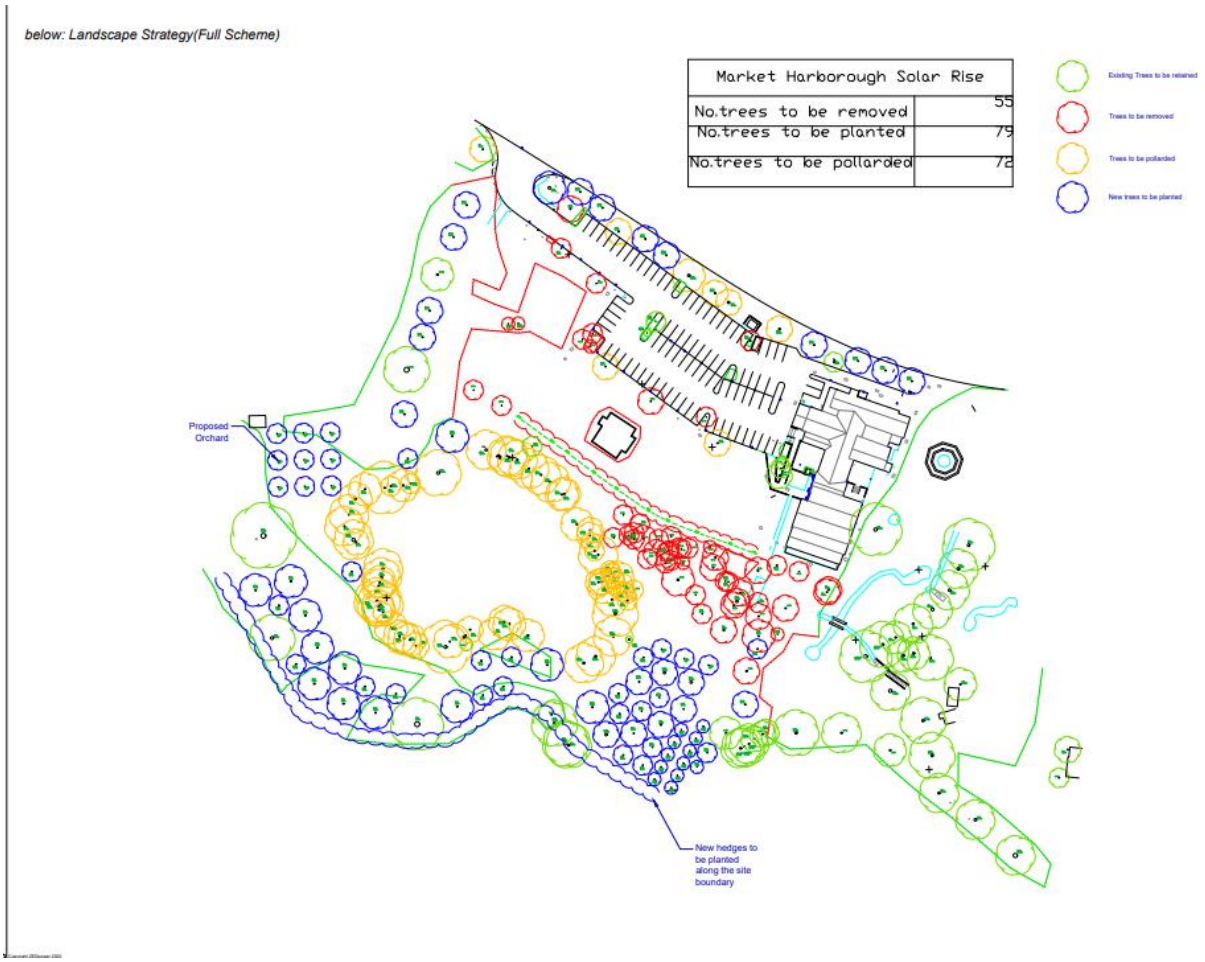
6.109 Following a request from County Ecology, a Biodiversity New Gain Feasibility Report was submitted. The Report advises that if the recommended enhancements are followed and managed, the proposed development should achieve 10.45% gain in habitat and 66.20% gain in hedgerow units. This weighs in favour of the scheme.

6.110 The habitat creation opportunities include 165m mixed native species hedgerow along the southern site boundary; a minimum of 30 native tree species and a traditional orchard (at least 0.154ha) stocked with a range of native fruit trees.

6.111 To achieve this biodiversity net gain, the Applicant (and any subsequent land owner) will need to commit to the management of the habitats for 30 years. A biodiversity management plan is suggested by way of condition.

6.112 The Applicant has submitted landscape plans (see below) and advised that is their intention to work with Pioneer Environment Ltd team, who prepared their environmental assessments and the recent Biodiversity report, and a local heritage tree group to work on the actual tree choices.

6.113 The Applicant has confirmed his agreement to a condition requiring tree species to be submitted and approved in advance of them being planted to ensure the LPA and Ecology are satisfied.



Landscape Strategy

g) Flood Risk, Water and Drainage

6.114 HLP Policy CC3 directs new sustainable development to flood Zone 1. Policy IN4 protects water resources and services including requiring a grey water and rainwater harvesting system for major development such as this.

6.115 CC4 states that all major development must incorporate sustainable drainage systems (SuDS), use water as a resource and demonstrate that flooding would not occur to property in and adjacent to the development.

6.116 A Flood Risk Assessment (FRA-2017-001136 Version 5) has been submitted in support of the application. *Case Officer Note: The FRA covers both the residential proposed here and the commercial buildings proposed under 21/02113/FUL)*

Fluvial Flood Risk

6.117 The nearest main watercourse is the River Welland which is located 5m south of the site and runs east to west along the southern boundary of the site. The site slopes southwards towards the River Welland. The general ground levels across the site range from approximately 80.2m AOD at the southern boundary of the site to 85.6m AOD at the northern boundary.

6.118 The nearest potential source of flooding is the River Welland.

6.119 Approximately one third of the site (southwestern part) is located within flood zone 3a indicating that it has a greater than 1 in 100 annual probability of fluvial flooding.

6.120 The remainder of the site is located within flood zone 1 with a small area to the north west being within flood zone 2.

Proposed development overlaid with the EA Flood Zone Map

Flood Resilience and Management Features

- Finished Floor Levels

6.121 The finished floor levels of the residential dwelling will be set 600mm above the 1 in 100+35% climate change scenario and therefore to a minimum of 83.35mAOD. The finished floor levels of the commercial offices should be set to 300mm above the 1 in 100+35% climate change scenario and therefore to a minimum of 83.05mAOD.

- Flood displacement storage

6.122 All new development within Flood Zone 3 must not result in a net loss of flood storage capacity. Where possible, opportunities should be sought to achieve an increase in the provision of floodplain storage. Where proposed development results in a change in building footprint, the developer must ensure that it does not impact upon the ability of the floodplain to store water, and should seek opportunities to provide a betterment with respect to floodplain storage.

6.123 In total the building and access roads will cause 514.66m3 of flood plain displacement. Three flood slices of 0.2m thick each will provide level for level compensation to be provided by lowering part of the site so it becomes part of the floodplain. The proposed flood plain compensation will increase the overall flood plain storage area.

6.124 Flood resilient materials and construction method will be used so as to ensure that the impacts of any potential flooding are minimised as much as possible. Safe egress routes to flood zone 1 are easily accessible as part of the site lies within Flood Zone 1. In the event that evacuation is not possible, safe refuge is available in the upper floors of the buildings.

6.125 The FRA concludes tha*t "overall flood risk to the proposed development is considered to be low and the proposal will be safe for its residents. The proposal will ensure there is no loss of flood plain with level for level compensation provided. With the implementation of a SuDS strategy and flood compensatory storage, the proposal is unlikely to have a significant impact on local flood risk.*

6.126 The proposal has been reviewed by the Environment Agency (EA) and Leicestershire Lead Local Flood Authority (LLFA).

6.127 The EA have advised that the FFL's proposed within the FRA are "over and above" their guidance. The climate change allowances have recently been updated and we recommend that any new development should now include a climate change allowance of 17%, rather than the previous 35%.

6.128 The EA have also confirmed they have not objected on policy grounds even though the buildings identified could be surrounded by flood water for the 1% flood, because the depth of flooding will be between approximately 10cm and 20cm based on the lowest ground level.

6.129 The original consultation response from the LLFA sought additional information including:

- Pre and post development total impermeable area plan.
- A drainage strategy plan showing proposed SuDS, indicative pipe sizes, gradients, flow directions, cover and invert levels.
- Identifications and levels of the surface water outfalls to and from the pond and details of the connection to the downstream watercourse.
- Consideration of management and maintenance plan for the drainage system.
- Overland flow routing plans for a design and blockage scenario and pond overtopping, to demonstrate exceedance routes can be safely managed.
- Evidence of Environment Agency support for the floodplain compensation proposals.

6.130 Following the submission of this information, the LLFA have advised the LPA that the proposals are acceptable subject to conditions being attached to any permission granted.

Sequential and Exception Test

6.131 One third of the red line site falls within Flood Zones 2 and 3, the majority of the residential dwellings will be sited in Flood Zone 1 - the exception being a small corner of the applicant's dwelling, proposed as the front driveway and Plot 1's back garden. Given the actual dwelling themselves are not within Flood Zone 2 and 3 and because they have been deigned with flood risk in mind (e.g. raising of FFL's) it is not necessary to consider the Sequential Test and Exception Test.

6.132 Notwithstanding the above, it should be noted a Sequential Test was submitted which considered this proposed development alongside the proposed development being considered under 21.02114.FUL, which concluded there are no potential reasonably available sites at a lower risk of flooding that could accommodate the proposed development. Furthermore, applying the Exception Test, neither dwelling would fall under the more vulnerable or highly vulnerable categories.

6.133 Subject to conditions therefore, the development is judged to satisfy planning policy in term of flood risk and drainage.

h) Heritage impacts

6.134 Legislation (Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) requires that, when dealing with planning applications affecting listed buildings, the local planning authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Section 72(1) of same Act requires *that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.*

6.135 The NPPF requires that 'great weight' be given to the conservation of designated heritage assets. The justification for harm must be clear and convincing and the harm or loss must be outweighed by public benefit . The weighing process needs to take into account the importance of the asset as well as the scale of the adverse impact (for non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset).

6.136 Policy HC1 ‘Built Heritage’ requires heritage assets and/or their settings to be safeguarded.

Impact upon Heritage Assets

6.137 The site contains no listed buildings and is not within a Conservation Area.

6.138 The nearest listed building to the site is The Hill, a Grade II listed property which has been subdivided into 3 dwellings (No.109, 111 and 113 Lubenham Hill).

6.139 The Old Hall, a Grade II listed building and the Old Hall Moated Site, a Scheduled Ancient Monument are located on the eastern edge of Lubenham, approximately 580m west of the site.

6.140 In the Case Officer’s opinion the proposed development will not harm the heritage assets identified above; given the surrounding typography (e.g. the site is low lying at approximately 83.0m AOD; whereas the Hill is approximately100.00m AOD), intervening vegetation (woodland belt to the east and field hedgerow and trees to the west) and separation distances between the application site and heritage asset).

6.141 The development therefore satisfies Policy HC1.

i) *Electronic connectivity*

6.142 HLP also addresses electronic infrastructure, requiring major developments to have a bespoke duct network and facilities to support mobile broadband and wi-fi. The proposal does not include any such measures, although it does seem likely that connections could be made given the proximity to existing offices. Subject to condition requiring details of any external buildings required for broadband, the proposal is considered to comply with IN3.

j) *Mineral Safeguarding Area*

6.143 The Framework identifies that great weight should be given to the benefits of mineral extraction and local planning authorities should identify Minerals Safeguarding Areas.

6.144 Leicestershire County Council (LCC) is the minerals planning authority and they have identified Minerals Safeguarding Areas and supporting policies as part of Leicestershire Minerals and Waste Local Plan.

6.145 The application site is within a Mineral Safeguarding Area for Sand and Gravel. Although the application does not address the mineral implications of the proposed development, LCC have raised no objection to the application given existing development on the application site and in the vicinity that should mineral be present it is unlikely to be worked in an acceptable manner in the future.

k) *Arboricultural Impacts*

6.146 The impact on trees and hedgerows to facilitate the development has already been outlined in the report (Para 6.47 above). However, it should be noted that an Tree Survey Report (addendum) was submitted in May 2022 to assess the specific impact of the proposed dwelling on T34 (Horse Chestnut), as shown below.

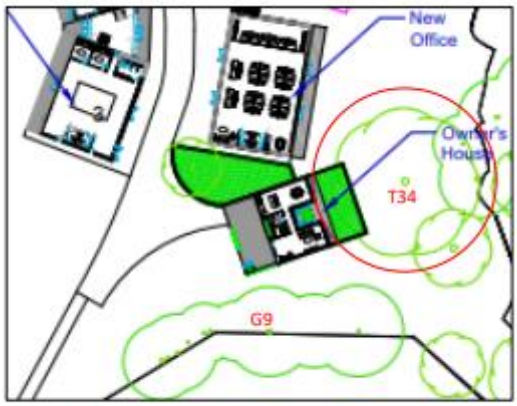


Fig.2 As currently proposed (RPA of T34 shown by red circle)

6.147 The report advises:

3.1 Based upon the revised site layout proposal, we are able to assess that the impact upon T34 (Horse Chestnut) will be minimal to insignificant, given that the structure of the proposed dwelling only very marginally encroaches upon the root protection area (RPA). Whereas the associated garden space encroaches further into the RPA, this is deemed to be of no significance to the tree. Similarly, there is no adverse impact anticipated for the mixed species tree group G9, to the south. These assessments are made subject to the appropriate application of both physical tree protection barriers and a temporary ground protection system, during the construction phase of the development, all of which was specified in the Tree Survey Report of September 2020, and is repeated below.

3.2 Some moderate pruning of the crown of T34 will likely be required, in order that the dwelling is not excessively shaded, nor the garden space adversely impacted upon by the general detritus that typically emanates from a large mature tree.

k) *Residential Amenity*

6.148 Policy GD8 of the HLP states that development should be designed to minimise impact on the amenity of existing and future residents through loss of privacy, overshadowing and overbearing impact. Nor should developments generate a level of activity, noise, vibration, pollution of unpleasant odour emission which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions. HDCs Supplementary Planning Guidance also contains guidance relating to neighbouring amenity standards, including separation distances, however, such standards are applied flexibly as noted in the guidance.

6.149 From the information submitted it is judged that the proposed dwellings could be designed to ensure compliance with the supplementary planning guidance in terms of residential amenity standards.

6.150 The site is located adjacent to Harborough Road (A4303) and therefore there would be the potential for future occupants (particularly the 7 dwellings which will face towards the road) to experience high levels of noise/disturbance from vehicles. However, the gardens are proposed to be the south of the dwellings away from the road and due to the construction proposed would be well insulated reducing noise levels internally. If the application was recommended for approval, the submission of a noise mitigation report would be suggested.

7. The Planning Balance / Conclusion

7.1 The site is in an unsustainable location within the countryside. The principle of up to 8 dwellings in this location would not comply with the relevant policies of the HLP (policies GD4, H1 and H5), although it is acknowledged the dwelling proposed for the Applicant would comply with GD4(f).

7.2 The proposed dwellings would be prominent and appear incongruous within the semi-rural landscape setting owing to its scale, layout and positioning. The development of the site is not judged to be sensitive to its landscape setting and settlement distinctiveness. Nor would the development respect local character or integrate into existing built form, causing harm to the intrinsic character and beauty of the countryside surrounding Lubenham village. The proposal conflicts with policies GD5 and GD8 of the HLP and policies of the LNP

7.3 The proposal would contribute to the supply of self/custom build plots for Harborough District which is a material planning consideration. It is clear there is a need for self-build houses within the District and this must be given weight in the determination of the planning application. In referring to the strands of sustainable development the proposal would also provide modest economic and social benefits through the construction of 8 dwellings in Lubenham parish. The new residents that would live in these homes may use and support local services, facilities and businesses and therefore the proposal is likely to make a positive contribution to the local economy. The development of each property should create opportunities for local builders, tradesmen and merchants. This has the potential to create local employment opportunities. In terms of social benefits the proposal would help to meet the current demand for self and custom-build plots in the District.

7.4 In terms of environmental benefits, the proposal would create BREEAM outstanding dwellings which is a material consideration. It is clear there is a need to build dwellings in a more environmental manner. The proposal would also result in biodiversity net gain. Whilst positive weight is attributed to these environmental considerations and the self build/custom nature of the proposal, the benefits of the scheme are not considered to outweigh the conflict to the Development Plan and the environmental harm. In particular the site is judged to be within an unsustainable, countryside location with poor accessibility to local services. Therefore, future occupiers are likely to be reliant on vehicles to access services despite the proposed provision of a footpath, thus the proposal would not limit car usage or carbon emissions. Furthermore, the proposal would significantly harm the intrinsically rural character of the area and its landscape setting.

7.5 The application is therefore recommended for refusal. Whilst weight is attributed to the self/custom build nature of the proposal and the proposed BREEAM credentials, this is not considered to be of such weight to indicate that the application should be determined otherwise than in accordance with the development plan when weighed against the adverse impacts of granting planning permission.

Planning Committee Report

Applicant: Bloor Homes Ltd

Application Ref: 22/00446/FUL

Location: Land at Uppingham Road, Bushby (site is within Scraptoft)

Proposal: Construction of a single sports pitch (1.1ha), allotments (0.25ha) and associated access road, parking area and landscaping relating to the approved development of up to 275 dwellings on land at Charity Farm, Bushby (Outline Planning Application Ref. 14/01088/OUT), (resubmission of 17/01117/FUL).

Application Validated: 14/02/2022

Target Date: 16/05/2022

Consultation Expiry Date: 22/04/2022

Site Visit Date: 01/04/2022 and 19/05/2022

Reason for Committee Determination: The application has been called in to Planning Committee by Cllr Galton

Recommendation

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

1. Site & Surroundings

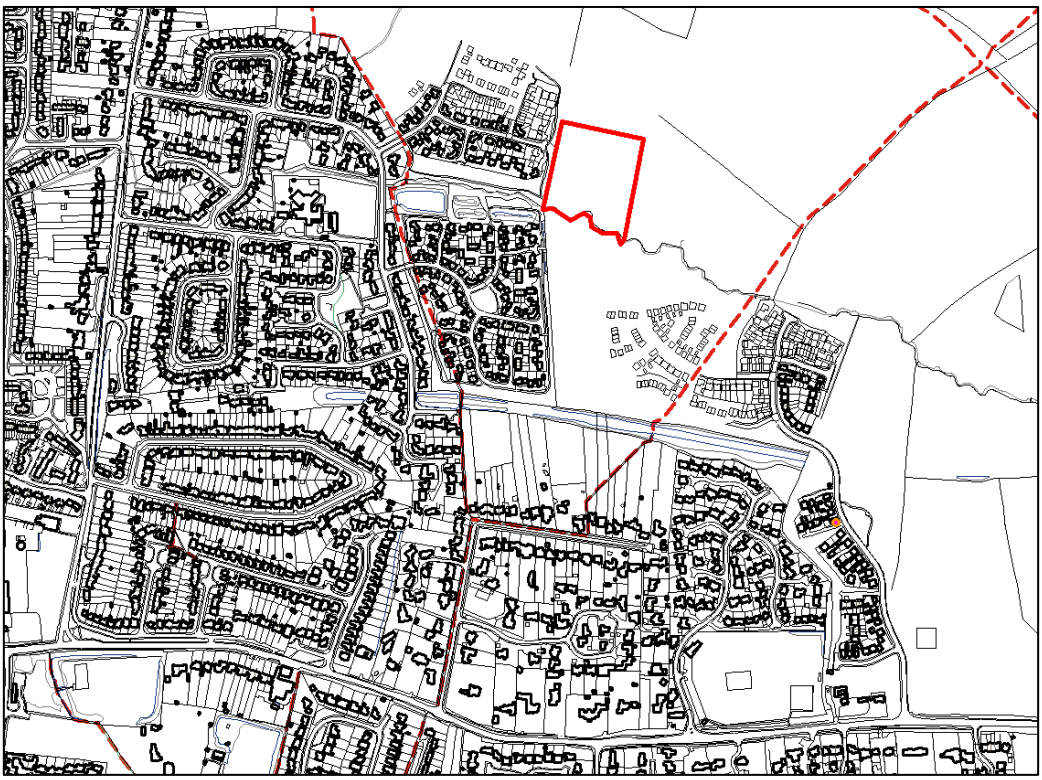


Figure 1: Site Location Plan

1.1 The application site comprises approximately 1.72ha of agricultural land that forms part of a larger field, with a hedgerow and individual trees forming the western site boundary,

and individual trees forming the southern boundary (along an existing brook). The site directly adjoins the northern boundary of the land at Charity Farm development site that is currently under construction by Bloor Homes. Reserved matters for that development were approved by the Council concurrently with the original scheme for the current proposal and the applicants designed the proposals so as to ensure that these are fully integrated into the residential scheme. Land to the west and southwest of the site has recently been developed for residential purposes by another developer (Jelson).

Figure 2: Google Maps Aerial view of the site

2. Site History

2.1 The relevant planning history on the application site relates to the original application for the same proposal (see **Figure 3**). Additionally, the adjacent site to the south of the site has the following recent planning history (see **Figure 3**).

Plan No.	Decision / Date	Description of Development
11/00003/OUT	REFUSED 09.03.11	Residential development for up to 150 dwellings together with access, drainage, services and open space
13/01306/OUT	REFUSED 22.01.14	Erection of up to 275 dwellings and up to 500m2 of retail use (Use Class A1) with associated infrastructure, access, open space and landscaping (means of access to be considered only)
14/01088/OUT	APPROVED 04.06.15	Development of up to 275 dwellings and up to 500 sq.m of retail use (Class A1) with associated infrastructure, including means of access, open space and landscaping (Revised scheme of Outline Planning Application 13/01306/OUT)
16/00874/REM	APPROVED 21.09.17	Development of up to 275 dwellings and up to 500 s.qm of retail use (Class A1) with associated infrastructure, including means of

		access, open space and landscaping (Reserved matters of 14/01088/OUT)
17/01117/FUL	APPROVED 21.09.17	Construction of a single sports pitch (1.1ha), allotments (0.25ha) and associated access road, parking area and landscaping relating to the approved development of up to 275 dwellings on land at Charity Farm, Bushby (Outline Planning Application Ref. 14/01088/OUT).
18/01968/FUL	APPROVED 21.11.2019	Erection of 275 dwellings with associated infrastructure, public open space, landscaping and play areas (substitution of house types of 16/00874/REM)

Figure 3: Planning History

3. The Application Submission

a) Summary of Proposals

3.1 The application is identical in form to the previously approved scheme and proposes a single full-sized senior sports pitch, based upon the FA recommended guidelines, which includes the required run off safety areas (see **Figure 4**). The size of pitch proposed can also accommodate 2 x U9/U10 or 4 x U7/U8 junior pitches, to provide greater flexibility in its use. Limited earthworks are proposed to provide the necessary site levels in accordance with the FA Guide.

3.2 The application site is proposed to be accessed via a new vehicular route with integrated footpath (see **Figure 5**) that links to the proposed main internal access road for residential development to the south (see **Figure 6**). A parking area is proposed immediately north of the site entrance, providing 30 parking spaces, suitable for car and minibus parking to support the scale of sports facilities proposed (see **Figure 5**). Agricultural / maintenance access is provided via the site entrance and car park and along the western boundary (see **Figure 4**), with access from the parking area managed via removable bollards (see **Figure 5**).

3.3 The proposed area of allotments totals 0.25ha (see **Figure 4**) in accordance with the S106 Agreement and is offset to the west of the sports pitch. A 10m x 10m area to the north of the parking area and adjacent to the pitch has been set aside for the potential future provision of a changing facility on site (see **Figure 5**). Financial contributions towards sports facilities are provided in conjunction with the outline application for the main site. As such, provision of any associated built facilities on the application site is at the discretion of the District Council.

Figure 4: Site Layout Plan

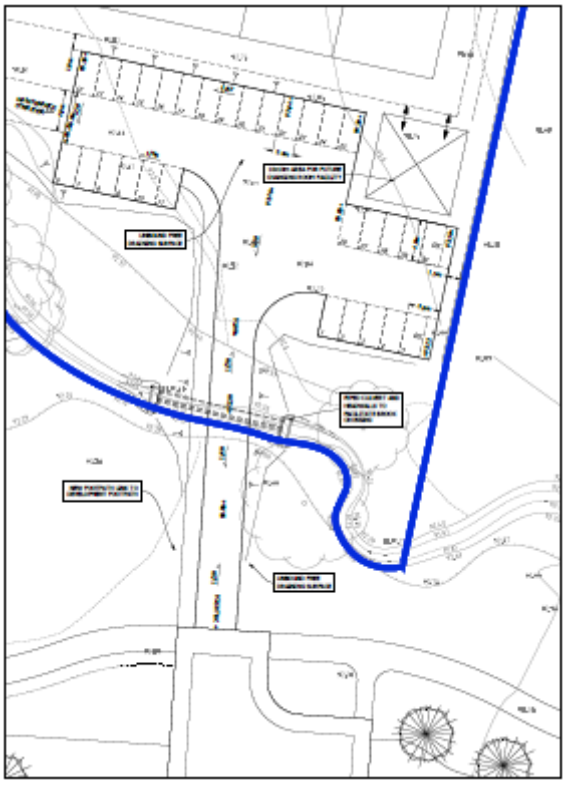


Figure 5: Proposed Access and Parking Arrangements

Figure 6: Approved site plan for 18/01968/FUL indicating relationship between application site and adjacent development

b) Documents submitted

i. Plans

3.4 The application has been accompanied by the following plans:

- Red Line Plan (Ref. DE071_009 Rev B)
- Topographical Survey (Bushby Sports_2D Rev 0)
- Proposed Site Layout including access (Ref. 15025 003 Rev E)
- Landscape Proposals Plan (Ref. 6633-L-1017 Rev B)
- Site Sections (Ref. 15025 006 Rev A)
- Site Levels and Earthworks Plan (Ref. 15025 007)

ii. Supporting Statements

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

- Application Form
- Covering Letter 10/02/22
- Landscape & Visual Appraisal Addendum (June 2017)

- Approved Landscape & Visual Appraisal (August 2013 - as OPP)
- Ecology Appraisal (correspondence dated 3rd May 2016)
- Stage 1 and 2 Arboricultural Impact Assessment (May 2016)
- Archaeological Fieldwalking Survey (17th January 2017)

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

- *Response to LLFA initial comments*

3.6 A written statement in response to the LLFA initial comments have been prepared and submitted by the applicant. This states:

"Bloor Homes has reviewed the LLFA's comments received on 24th February 2022 and compared them to those received on 4th September 2017 under 17/01117/FUL. Under 17/01117/FUL, Leicestershire County Council advised Harborough District Council that given that the pitches will remain predominantly undrained (as well as limiting the amount of significant hardstanding) that the proposed development would be considered acceptable to Leicestershire County Council provided that one condition is imposed. This condition requested that final details of the management of surface water was submitted and approved. Bloor Homes accepted this and it resulted in condition 5 on the formal Decision Notice.

Moreover, given that the Environment Agency also stated that the application did not meet the criteria for consultation with them, Bloor Homes respectfully requests that the LLFA reverts back to their original and accepted stance."

- *Response to LCC Highways initial comments*

3.7 Additional access plans, tracking details and a written statement in response to the Leicestershire Highways initial comments have been prepared and submitted by the applicant. This states:

Turning to the Highways comments received, Bloor Homes would like to address each of the four points raised in turn.

Firstly, we confirm that a vehicular crossover arrangement is to be provided at the turning head extent of the adoptable Highway. Our now-approved vehicular dropped crossing construction detail is included within drawing 15025_300G S38 Highway Drainage and Construction Details Sheet 1, a copy of which is provided with this response.

Secondly, Bloor Homes confirms that bollards are proposed on each side of the 3m footpath/cycleway link, which should help to alleviate the associated highway safety concern caused by the interaction between pedestrians/cyclists and vehicles driving through to the sports pitches. These bollards are shown on Site Landscaping drawing 6633-L-301B, which have been submitted as part of this application.

Thirdly, we confirm that our surfacing proposals include tarmac from the vehicular crossover arrangement at the extent of the adoptable Highway to a location on the north side of the culvert crossing of the existing ditch watercourse. From here, we propose a transition to a Type 1 free draining surface for the car park area. A copy of drawing MI104-EN-155 is provided with this response, which shows the location and construction detail for this transition between surface finishes.

Finally, with regards to the Highways comments received, Bloor Homes would like to advise that coach travel to the sports pitch is not expected. We have however previously carried out a vehicular swept path analysis exercise to determine that a minibus or indeed a coach would be able to pull up, turn around

and exit the site in a forward gear. Copies of drawings MI104-EN-030 and MI104-EN-031 demonstrating these swept path analyses are provided with this response.

- *Response to Officer comments in relation to Community Use Agreement*

3.8 We have a signed Management Services Agreement with Trinity (February 2020) so Bloor Homes cannot enter into a Community Use Agreement. Although we would support this in principle, this would have to be agreed with Trinity (i.e. Bloor Homes would not be party to this agreement) and therefore would not agree to this being conditioned. The maintenance of the Green Land has already been covered by a service charge to plot owners, a number of which have since completed, so there are no issues with regards to onwards maintenance.

- *Further Response to Officer comments in relation to Community Use Agreement*

3.9 Trinity are happy to sign a community use agreement. The only complication we can foresee is in relation to the booking system so that will have to be agreed through drafting. Do you know who will need to be party to this agreement?

d) Pre-application Engagement

3.10 Limited pre-application engagement.

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community were carried out on the application on 18/02/22. A site notice put up on 01/04/22.

4.2 A summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

4.3 Sport England

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications.

4.4 This application falls within the scope of the above guidance as it relates to the creation of new playing fields. Sport England assesses this type of application in line with its planning objectives and with the National Planning Policy Framework (NPPF). Sport England's planning objectives are to PROTECT existing facilities, ENHANCE the quality, accessibility and management of existing facilities, and to PROVIDE new facilities to meet demand.

4.5 *The Proposal and Assessment against Sport England's Objectives and the NPPF*

As before, it is assumed that the proposed sports pitch is required to meet a local policy requirement as Sport England was not involved (nor required to be involved) in the determination of the related housing application. It is also assumed, therefore, that there is an identified need for both the pitch and the specific sport as proposed. Clearly we are unaware if there is a specific reason for siting the facility in this location, is this the first phase of a larger scheme as part of a wider development area?

4.6 Given that the application is a re-submission of the 2017 app, it is too late to create an additional pitch adjacent to Bushby playing fields located to the south west of the site, or some other location, in order to create a multiple facility/pitch site which could be operated on a more sustainable basis, particular given the parking proposed and the potential for changing facilities.

4.7 You will no doubt be aware that, Sport England is currently supporting the council in the review of the playing pitch strategy, completed in 2018 which will give a greater understanding of the need for sports pitches of all types to support the needs of existing residents and the demand generated by future developments.

4.8 The Football Foundation has advised;

Design - A qualified and suitably experienced sports turf consultant, agronomist, soil scientist or land drainage engineer must be employed to carry out a feasibility study, design and specification of the Natural Turf Pitches.

Construction –The construction of Natural Turf Pitches should be project managed and/or signed off by the same registered agronomist or sports turf consultant that produced the design. The pitches should be constructed by a specialist pitch contractor and not a general civil engineering contractor.

Quality – Pitches should pass a PQS assessment to a 'Good' standard for football as defined by the Grounds Management Association (GMA) Pitch Grading Framework before they are used. The assessment should be carried out, by the site owner/operator/maintainer via the Football Foundation's PitchPower app. The on-going quality of the pitch/es should then be tracked using the PitchPower app twice a year.

Maintenance - In order to keep the quality of the pitches, an appropriate maintenance programme is agreed in-line with the design consultant recommendations. A 12-month defect period which includes contractor led/priced maintenance should be included within the construction contract.

Site maintenance staff/volunteer's qualifications - it is highly recommended that any individual involved with the maintenance of a site should become qualified through a recognised training provider such as the GMA, please follow this link to the courses available online - https://www.thegma.org.uk/learning/training Any individual groundsman could also sign up to the Groundskeeping Community: https://footballfoundation.hivelearning.com/join

Recommended sizes - All pitch sizes should comply with FA recommended sizes.

The plans indicate that the pitch size would be compliant as an over 18 and adult (11v11) 100m x 64m, (106m x 70m including safety run-off area).

4.9 The Football Foundation, on behalf of The FA, is supportive of the project, subject to the recommended condition:

> A community use agreement (CUA) is agreed with Leicestershire County FA (CFA) in line with the intended usage levels of the facility.

Whilst the Football Foundation recommends the above condition it is understood that the playing field is designed to meet the needs of the community. If the local authority is intending to adopt the facility and organise the future use and maintenance then a community use agreement is not considered necessary (we would still recommend the use is discussed with the CFA. If the future maintenance and use is to be controlled by a management company or other mechanism outside of the control of the local authority, then we would recommend a CUA is required by condition and the CFA forms part of the agreement.

4.10 *Playing Field Design*

In addition and following the football Foundation comments above, Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport'.

4.11 *Conclusion*

Sport England recommends, based on our assessment, that if the Council is minded to approve the application, the following planning condition should be imposed, this suggestion is more particularly concerned with the quality of pitch required related to the standard of football envisaged for the site. It is noted that whilst we recommended the same conditions previously the council imposed a different condition. That condition does not in our view provide the same certainty in terms of understanding the site and provision a playing field which will meet the needs of users as the conditions recommended below

4.12 Sport England (comments following submission of additional details)

Thank you for re-consulting Sport England following the submission of amended plans. The amended plans do not result in the need to alter or amend our consultation response dated 8th March 2022. Our response therefore remains as previously stated

4.13 Environment Agency (comments on previous application)

We have received the application and have no detailed comments to make

4.14 Severn Trent Water

Recommend conditions on any approval

4.15 LCC Landscape (Trees and Woodlands)

As the proposal does not affect any Leicestershire county Council Tree Preservation Orders, I have no comments to make on the application.

4.16 LCC Ecology

The landscape plans are satisfactory

4.17 LCC Highways

The Local Highway Authority (LHA) does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application. Under the current Covid-19 situation we would ask that any such work is carried out in accordance with the latest Government guidance.

4.18 Application 22/00446/FUL is for the construction of a single sports pitch (1.1ha), allotments (0.25ha) and associated access road, parking area and landscaping relating to the permitted development of up to 275 dwellings on land at Charity Farm, Bushby (Outline Planning Application Ref. 14/01088/OUT)

4.19 In terms of the specific means of access to application 22/00446/FUL, a private access road with an adjacent footway link is to be provided via the adoptable road layout approved under application 16/00874/REM. It appears a dropped vehicular crossover arrangement is to be provided at the turning head, however details should be provided illustrating the access arrangement on Drawing No. 003 Rev E.

4.20 It is noted the access will cross a private 3m footpath/cycleway link, which raises highway safety concerns given the interaction between pedestrians/cyclists and vehicles driving through to the sports pitches. The applicant is advised consideration should be given to measures such as staggered gates or bollards on each side of the crossing.

4.21 Further detail is required on the surface type proposed for the access road and parking areas. The plan submitted details “unbound free draining surface”. The Leicestershire Highway Design Guide (LHDG) would typically advise at least a 5m hardbound surface behind the highway boundary however the parking surface will need to be suitable for ongoing and year round use

4.22 The parking proposed does not accord with the LHDG and should be justified against the maximum expected usage of the facility, and include space for a coach. It should be ensured that there is sufficient manoeuvring space available for a coach to access, park, turn and leave the site in a forward gear, and should be demonstrated via a vehicular swept path analysis.

4.23 LCC Highways (further comments in relation to additional information)

The LHA are in receipt of additional information in connection with application 22/00446/FUL, which is for the construction of a single sports pitch (1.1ha), allotments (0.25ha) and associated access road, parking area and landscaping, relating to the permitted development of up to 275 dwellings on land at Charity Farm, Bushby (Outline Planning Application Ref. 14/01088/OUT)

4.24 In terms of the specific means of access to application 22/00446/FUL, a private access road with an adjacent footway link is to be provided via the adoptable road layout approved under application 16/00874/REM, and will be via a proposed dropped vehicular crossover arrangement at the turning head.

4.25 The applicant is advised the vehicle crossover should be the ‘heavy duty’ specification on any forthcoming Section 38 construction details, and that the private drive bound tarmacadam construction should be continued for a minimum of 5m (it is noted 30m had been proposed, which is considered acceptable) before transitioning to the porous surface. Furthermore a supplemental agreement to Phase 4 will be required where the footway has been widened at the end of the turning head as this was previously shown only as a narrow service margin on the original agreement.

4.26 Site Landscaping drawing 6633-L-301B illustrates that bollards are proposed on each side of the 3m footpath/cycleway link, which alleviates the associated highway safety concerns caused by the interaction between pedestrians/cyclists and vehicles driving through to the sports pitches.

4.27 Drawing No. 003 Rev E demonstrates 30 car parking spaces, which is in accordance with the Leicestershire Highway Design Guide (LHDG) given the quantum of development proposed. Whilst a coach space has not been provided the LHA acknowledge the applicant has advised *'that coach travel to the sports pitch is not expected'.* The applicant has undertaken a vehicular swept path analysis exercise demonstrating that a minibus can enter, turn and exit the site in a forward gear.

4.28 LCC Archaeology

Thank you for your consultation on the above planning application. Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).

4.29 LCC Lead Local Flood Authority

Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 1ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a

medium to high risk of surface water flooding. The applicant has not submitted a Flood Risk Assessment (FRA). This is a NPPF requirement for all developments in Flood Zones 2 & 3 and for all application sites which exceed 1ha (regardless of flood risk).

4.30 Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following information is required:

- A site-specific Flood Risk Assessment assessing flood risk including on-site surface water drainage proposals in line with NPPF requirements.

4.31 HDC Green Spaces Officer

I make the following comments:

1. The proposal has been approved under application 17/01117/FUL decision notice issued on 21 Sept 2017
2. The proposal is supported by the current Playing Pitch Strategy adopted in 2018 in providing pitches for football to meet locally identified need
    a. Para 5.129 states: Provide additional grass pitch space in each of the larger housing developments, using the relevant Sport England Pitch Calculator template where the demand generates a requirement for a number of pitches.
    b. The site at Charity Farm (14/01088/OUT) provides for 275 dwellings and there has been a cumulative affect from adjacent sites at Pulford Drive, Scraptoft(14/00669/OUT) for 130 dwellings and Pulford Drive Thurnby (11/01080/OUT) for 128 dwellings. Total new dwellings within 750m radius of site at least 533 dwellings.
    c. The accessibility threshold for outdoor sports pitches is 4km.
3. I am unable to find the drainage feasibility study by a suitably qualified and experienced sports turf drainage engineer or other qualified person for the pitches as required by condition 13 of 17/01117/FUL
4. Once the feasibility study has been completed and suitable pitch construction scheme identified and approved, the pitch should be constructed in accordance with the approved design and signed off by the suitably qualified expert.
5. The developer should provide details of how the pitch and pavilion will be leased or made available for hire by clubs/teams. The District Councils sports development team can provide details of clubs that would use the site on a long term lease if made available through a community use agreement.
6. Details of the community use agreement should be made available prior to approval of the application
7. The pitch use per week should be in accordance with FA guidelines to ensure pitch quality is maintained
8. I support the condition proposed by Sport England in their response of 8 March 2022

4.32 HDC Contaminated Land

This department has no comment regarding land contamination and the above

b) Local Community

4.33 Councillor Simon Galton

Further to the above application and having regard to various unresolved comments and issues submitted by LCC Highways, LCC as LLFA and Sport England, I would like to request that this application is considered by Planning committee under the "Call in" arrangements set out in the Council's constitution.

4.34 In making this request I am mindful of the comments submitted by Sport England regarding the need for a Community Use agreement if the sports pitch is not going to be adopted by the local authority. I feel the Committee needs to explore this issue in more detail and consider whether the arrangements put in place by Bloor Homes will ensure the facility is genuinely available to residents in the adjacent development as well as the wider community and what further benefits a community use agreement could provide? The Sport England response also refers to maintenance and the imposition of conditions to ensure this takes place to a satisfactory standard. I would like the Committee to consider whether such conditions would help to ensure the sports pitch is maintained to a satisfactory standard notwithstanding the requirements of the landscape scheme required for the green land as part of the overall development.

4.35 Scraptoft Parish Council

No objections - the allotments will be very welcome in Scraptoft.

4.36 Thurnby and Bushby Parish Council

The Parish Council considered the application at the meeting held on Monday 14 March 2022 and RESOLVED to submit a NEUTRAL response.

4.37 Thurnby and Bushby Parish Council (further comments)

The Parish Council considered the amended plans at the meeting held on Monday 9 May 2022. The following is extracted from the minutes:

> *It was noted that the application appears to be identical to the previous application for which permission was granted, but which lapsed through failure to commence within the specified timescale. However, it was noted that the Lead Local Flood Authority (LLFA) and Leicestershire County Council (LCC) Highways had raised issues, to which the applicant has responded. It was agreed that these appear to be of a technical nature on which the Parish Council is not qualified to comment.*

4.38 Thurnby and Bushby Society

The Committee of the Thurnby and Bushby Society presumes it is too late to relocate the sports facility to be next to be at the entrance to the development and adjacent to Wadkins Field. This would have many advantages over the proposed location.

4.39 Our objection letter to the previous Application 17/01117/FUL still stands and a copy is included for reference.

4.40 We consider that, in determining this Application, the answers to the following questions are relevant:

- does the current application comply with the Playing Pitch Strategy agreed in 2018
- if the answer to the above question is that pitches are required and that there will be visiting teams, is a pavilion to provide facilities then a requirement?
- what size should the pavilion be? The 10m x 10m square proposed seems very small for two teams, especially if they are adults.
- what timescale should a pavilion be provided by and who will be financing it?

4.41 If the present Application is to be approved, we request that more Conditions than were imposed for the 2017 Application approval are included this time, for clarity. With reference to Sport England's Comments on the present Application these Conditions should cover:

- that the Football Foundations' advice should be followed
- the Football Foundations' Condition concerning a CUA
- Sport England's Condition included in the Conclusion of their Comments

4.42 We are anxious that sound workable sports facilities are put in place and hope that HDC and Sport England will work together to achieve this.

4.43 Local Residents

No objections have been received

5. Planning Policy Considerations

a) Development Plan

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

5.1 Relevant policies to this application are GD1, GD2, GD3, HC2, GI2, GI5, CC4 and IN12.

- *Scraptoft Neighbourhood Plan*

5.2 Scraptoft was designated as a Neighbourhood Area on 29 October 2012. The Plan has been prepared by Scraptoft Parish Council with the support of the Scraptoft Neighbourhood Plan Steering Group. Consultation was carried out throughout 2013-15, with a referendum being held in 2015 after which the plan was made.

5.3 Scraptoft lies within the High Leicestershire Landscape Character Area on its western edge. To the east of Scraptoft the typical undulating landform of High Leicestershire opens up views to and from the countryside. Lower lying land is visually sheltered and development can be screened from longer distance views. Higher locations on ridge tops present open views where development would be highly visible and should be avoided.

5.4 Policy S5: Landscape Protection states:

"Development that will have a significant adverse impact on topography and landform or lead to the removal of important features of the historic landscape, including parks and gardens, estates and mature hedgerows and woodlands, will not be permitted. New development on the edge of the built-up area of Scraptoft should incorporate design and mitigation measures that minimise any adverse impact on the surrounding landscape."

5.5 The former Harborough Core Strategy allowed for an Area of Separation to be identified (Policies CS8 and CS15) to the east of Station Lane and south of Covert Lane. It was considered that this area would prevent the coalescence of Scraptoft village with development adjoining Thurnby and Bushby to the south. The boundary of the Area of Separation takes account of the outline permission for 130 houses off Pulford Drive that was granted in June 2014. The site is just outside of the defined area but for completeness, Policy S7 is reproduced below:

"Policy S7: Area of Separation. The Area of Separation, as defined on the Policies Map, will be maintained to the east of Station Lane and south of Covert Lane, to ensure the retention of identity of Scraptoft and prevent coalescence with the villages of Thurnby and Bushby."

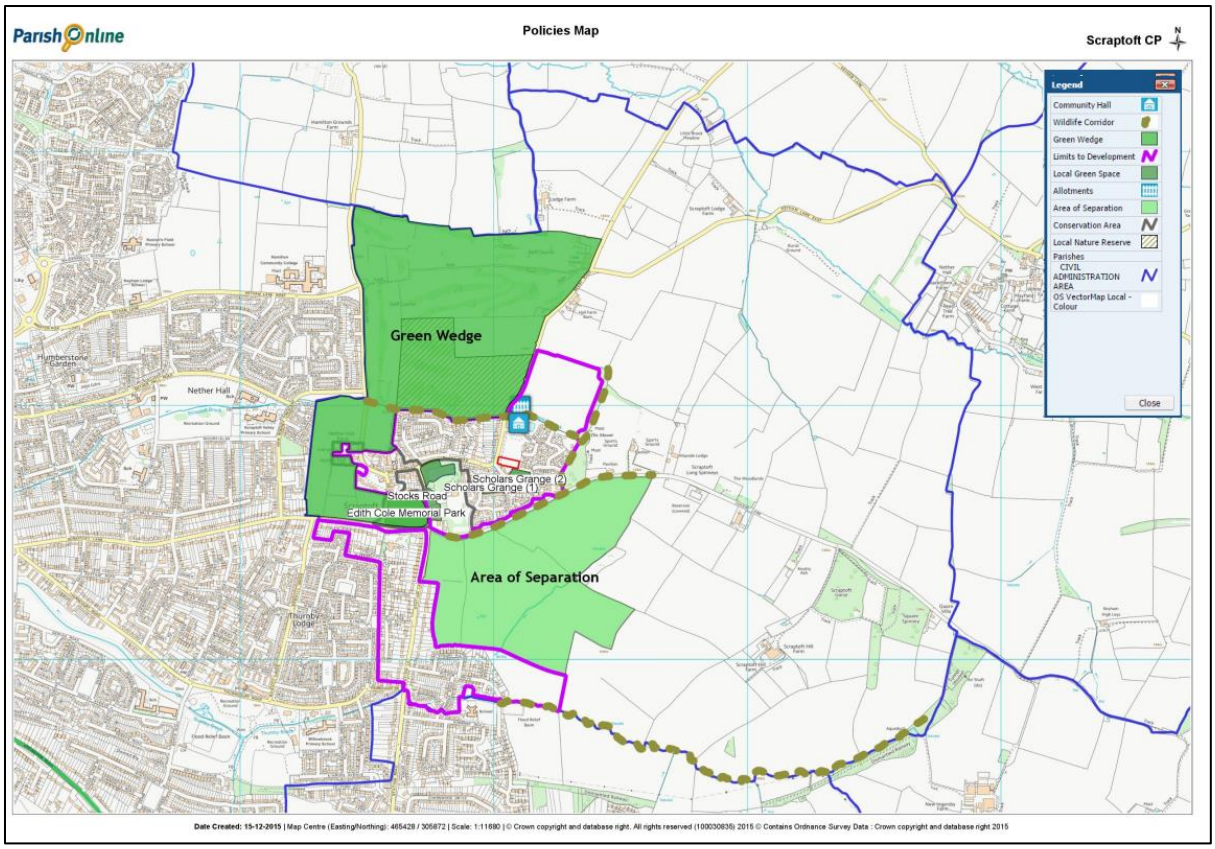


Figure 7: Scraptoft Neighbourhood Plan Policies Map

5.6 To prevent the sprawl of development into the countryside and to protect the landscape setting of Scraptoft the NP has identified Limits to Development. The Limits to Development include the permitted housing developments at Strawberry Fields, South Lawns and Pulford Drive. Land outside Limits to Development will be protected from housing development. In the Countryside development will be limited to agriculture, forestry, renewable energy, recreation, tourism and other developments that require a rural location. Policy S8 states:

> *"The Countryside (land outside the Scraptoft Limits to Development as defined on the Policies Map) will be protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. Development in the Countryside will be limited to that which requires a rural location."*

5.7 The SNP contains a Policy regarding the provision of Allotments within the Parish. There are no allotments in Scraptoft, or in the neighbouring Thurnby and Bushby parish. However, there is considerable interest in providing allotments for local people. Policy S13 states:

> *"Community allotments will be provided at Beeby Road (see Policies Map)."*

5.8 The SNP acknowledges that new development will have some impact on the existing, and the need for new, infrastructure, services and amenities. Sometimes these impacts can be detrimental and so developers must expect to contribute towards the cost of providing additional infrastructure. To enable the level of housing development set out in the NP to take place, there will need to be improvements at Fernvale Primary School, a new Community Hall and sports & recreation provision. On this matter, Policy S14 states:

"New development will be supported by the provision of new or improved infrastructure as set out in policies S2, S4, S10, S12, S13 and S17, together with financial contributions for the following off-site infrastructure requirements:

i) the provision of additional school places at Fernvale Primary School and secondary schools arising from the development subject to confirmation from the Local Education Authority; and

ii) the provision of a new Community Hall to include healthcare facilities;

iii) the improvement, remodelling or enhancement of sports and recreation provision in Scraptoft including the provision of allotments.

Contributions will be phased or pooled to ensure the timely delivery of infrastructure, services and facilities where necessary. To ensure the viability of housing development, the costs of the Plan's requirements will be applied flexibly where it is demonstrated that they are likely to make the development undeliverable"

b) Material Planning Considerations

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

5.9 Paragraphs 8, 11-14, 47-50, 55-58, 92-93, 98-99, 174 are particularly relevant.

6. Assessment

a) Principle of Development

6.1 The application site was identified as the preferred location for the sports provision required as a result of application 14/01088/OUT which was approved and granted outline consent for up to 275 dwellings and a retail store. The permission includes associated infrastructure, means of access, open space and landscaping. This consent was granted for the development of up to 275 dwellings on land at Charity Farm on 4th June 2015, following completion of the S106 Agreement to secure various elements and financial contributions associated with the development, specifically including the provision of public open space.

6.2 Schedule 2 of the S106 Agreement confirms a requirement to provide 1.1ha of sports facilities and 0.240625ha of allotments, and identifies the 'Green Land' as an area upon which the Open Space Land required in conjunction with the residential development can be provided. The Green Land identified in the S106 forms the current application site. The principle of development of the site for retail and housing has therefore been accepted.

6.3 As set out in **Section 5** of this report, the Scraptoft Neighbourhood Plan – and specifically Policy S14 – requires new housing developments to make financial contributions for off-site infrastructure requirements including the improvement, remodelling or enhancement of sports and recreation provision in Scraptoft including the provision of allotments. Such a requirement obviously then needs to be realised physically, and this proposed development secures the provision of such facilities. Furthermore, Policy S5 defines the extent of the Area of Separation, an area which this application is adjacent to – but importantly – outside of.

6.4 On the basis of the above, it is considered that the principle of the development is in accordance with both the Harborough Local Plan and the Scraptoft Neighbourhood Plan, and as such, the principle of the development is considered to be acceptable.

b) Planning Considerations

1. Heritage Impact

6.5 The application site sits in the valley between the two settlements of Bushby and Scraptoft. As such, the site is relatively remote from the historic core of the settlements.

The Thurnby and Bushby Conservation Area lies approximately 670m to the south, whilst the Scraptoft Conservation Area lies approximately 675m to the north west of the site. The closest Listed Building to the site is the Grade II Listed Scraptoft Hall which lies 850m to the north west of the site. Given the site's remote distance from these Designated Heritage Assets, and the very limited inter-visibility between them, it is not considered that the proposal would result in any harm to the designated heritage assets.

6.6 As part of the previous application on the site, a geophysical survey and fieldwalking have been undertaken by the applicants to demonstrate whether there are any archaeological remains present. The relevant reports were included in support of the application. The geophysical survey did not identified any anomalies of archaeological origin and evidence of ridge and furrow along with modern ploughing suggest the site has a largely agricultural past. The fieldwalking survey identified dispersed pottery finds, but no concentrations and a complete absence of Romano-British material. In light of this previous work, LCC Archaeology have, this time, concluded that no further archaeological investigation is required.

6.7 On the basis of the above, it is considered that the proposal complies with The Framework and Policy HC1 of the Harborough Local Plan in terms of Heritage Impact.

2. Landscape and Visual Impact

6.8 Policy GD3 confirms that outdoor sport and recreation are acceptable forms of development in the open countryside. Furthermore, Policy GD5 provides several criteria to ensure that rural development will be located in a way that is sensitive to its landscape setting. Policy GD8 states that development should protect and enhance existing landscape features and enhance the public realm.

6.9 The Leicester PUA Landscape Character Assessment and Landscape Capacity Study (LLCA- 2009) defines local character areas within High Leicestershire. The application site and the immediate surrounding area have many of the identified elements of the general character of this area including the topographical variation, agricultural use and key landscape features such as the hedgerows with mature trees and the brook. The wider area has a rural character, but the influence of the urban area of Leicester and suburban area of Thurnby and Bushby is apparent. The LLCA concludes that the landscape in the area has a moderate strength of character and is in moderate condition. It is, therefore, of moderate sensitivity with a general strategy to "improve and conserve".

6.10 More recently an Addendum to the LLCA has been prepared (July 2016) to consider the potential development capacity of the landscape around Scraptoft in more detail. The extent of the assessment area includes the land between Covert Lane and the stream. The application site is included in Parcel 42 (see **Figure 8**) which relates to the entire agricultural field that extends from the stream to Scraptoft Hill Farm to the north-east.

6.11 The assessment highlights that Land Parcel 42 is a large arable field defined by hedgerows with a distinctive landform. It concludes that it has a moderate strength of character and condition. It notes that the parcel has a semi-rural character that is visually influenced by neighbouring and more distant land uses. It continues to highlight a concern that built development on the parcel would be "evident" and result in the coalescence of Bushby and Scraptoft (even though it is not in the designated Area of Separation). It does, however, then acknowledge that once the committed built development on the adjacent sites to the west and south takes place, the parcel will be more suitable for development. The assessment concludes, therefore, that the parcel

(as a whole) has "medium" capacity for (built) development and is considered suitable for built development.

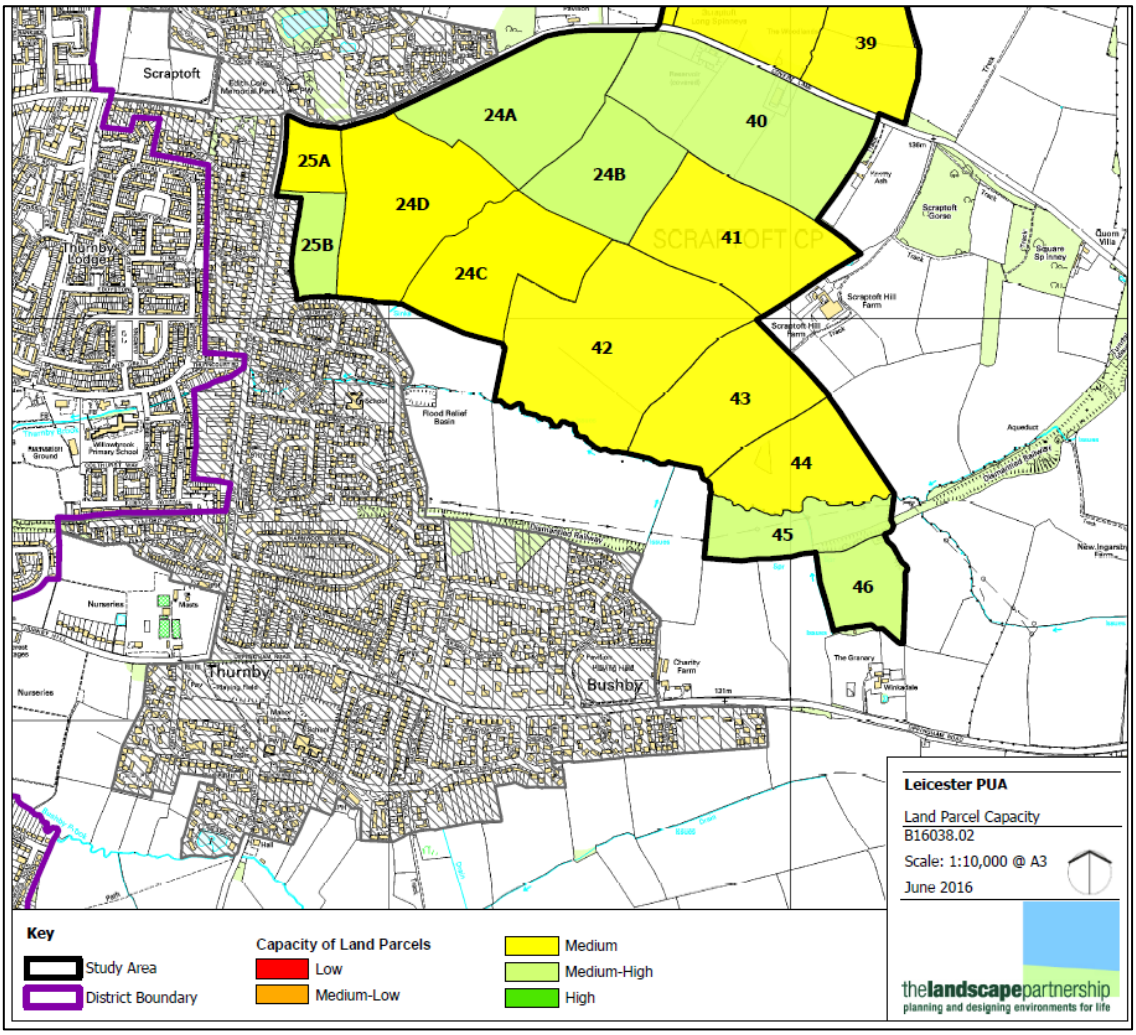


Figure 8: Extract from Leicester PUA Landscape Character Assessment and Landscape Capacity Study Addendum: Scraptoft (July 2016)

6.12 The site lies within the High Leicestershire Character Area, and the Urban Fringe sub-area within it. The site is not subject to any landscape designation and does not contain any specific landscape features of acknowledged importance (although the periphery vegetation is of moderate quality and has local value). The landscape character of the area is semi-rural character, but it is visually influenced by the existing urban form. HDC's recent landscape character and capacity study highlights the suitability of the site for built development, particularly once the committed built development on the adjacent sites to the west and south of the application site takes place.

6.13 Whilst the development of the site will result in the loss of part of an arable field on the edge of the settlement, the provision of public open space in this location in the stream valley adjacent to the committed development sites reflects the recommendations of the Council's Study. Moreover, the vast majority of the existing hedgerows and trees can be retained, and the application scheme provides a further opportunity to respond to the area's landscape character by providing additional tree planting that increases the number of higher quality and value trees around the site boundaries. The impact on the landscape character of the area arising from this proposal is, therefore, extremely limited.

6.14 The application site is visually very well contained as views from the surrounding area are limited by the urban form, topography and vegetation. Whilst it is visible to varying degrees from the public right of way network in the countryside on the higher ground to the north and along the stream valley to the east, there are no views of particular value, and the views of the site tend to incorporate prominent existing urban elements within Thurnby and Bushby and in some cases the wider Leicester urban area.

6.15 The proposed development of the application site will provide an unlit sports pitch and allotments framed by a landscaping scheme that reflects the local landscape character, including the planting of a number of semi-mature trees, and boundary treatments appropriate to its rural setting (see **Figure 9**). Where the scheme will be visible, it will viewed against a backdrop of the existing urban area including the recently constructed Jelson's development to the west and south-west of the site, and the associated Bloor Homes development to the south and south-east of the site. In that regard the scheme will further soften the new urban edge to Thumby and Bushby. The impact on the visual amenity of the area arising from this proposal is, therefore, considered to be limited.

Figure 9: Landscape Proposals

6.16 Based on the above, it is considered that the proposal is in accordance with Policies GD3 and GD5 of the Local Plan in terms of visual impact issues.

3. Amenity Impact

6.17 Policy GD8 of the Local Plan seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

6.18 When the previous application was considered, the closest existing property (22 Cowslip Lane) to the football pitch (potentially the most noisy part of the development) was approximately 73m to the south west of the proposed pitch area. There is a mature hedgerow separating the site from the property in this location. This property was located on Phase 1 of the Jelson's development. Since this time, Phase 2 of the Jelson's development has also been constructed and occupied, meaning that the closest property (24 Alice Hawkins Drive) is now approximately 60m from the football pitch, again, with a mature hedgerow dividing the sites. There are a further four properties on Alice Hawkins Drive which directly face the site, albeit at a slightly increased distance of approximately 65m. Further to this, directly to the south of the proposed facility, the Bloor Homes development to which the facility is associated is progressing. At the current stage, there are no completed dwellings in this part of the development site, however, the closest approved dwelling to the sports pitches would be 16, 18, 33 & 35 Pulteney Drive which are between approximately 90 and 100m from the proposed pitches, again, with mature hedgerow along the intervening boundary. These properties can all be seen on maps at **Figures 1 and 2, whilst Figures 10 – 12** indicate relevant views.

6.19 Whilst it is unlikely that the pitch will be visible from these properties, it is acknowledged that noise from the pitch could potentially be heard from the property. Notwithstanding this, it is not considered that any noise would be so significant or for such sustained periods of time so as to cause concerns regarding the amenity of the both existing and future residents of these properties.

Figure 10: View from southwestern corner of site towards properties in Alice Hawkins Drive

Figure 11: View from western boundary of site towards properties in Alice Hawkins Drive

Figure 12: View of site from properties in Alice Hawkins Drive

6.20 Concern has been raised in conversations with local residents regarding the proposed levels of the facility. Currently the site has a significantly raised ground level due to it being used as a topsoil store for the ongoing Bloor Homes development. It is anticipated that, as the development progresses, the amount of soil being stored in this location will begin to decrease, with ground levels reverting to closer to the former level. This is further evidenced by the submitted site sections and site levels and earthworks plans. Overall, the amenity impacts are considered acceptable, and the proposal is considered to be in accordance with Policy GD8 of the Local Plan in terms of residential amenity.

4. Highways, access and parking

6.21 Policy GD8 states that development should unsure that safe access and adequate parking is provided, and should ensure the safe, efficient and convenient movement of all highway users. The NPPF states that '*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.

6.22 The proposal would be accessed from the A47 via Zouche Way and the ongoing development at Charity Farm (see **Figures 13 & 14**). The approved phasing plan for the development (see **Figure 15**) indicates that the section of the development closest to the sports pitches will be the latter phase.

Figure 13: Approved site plan for 18/01968/FUL indicating proposed access provisions

6.23 LCC Highways have commented that:

- It appears a dropped vehicular crossover arrangement is to be provided at the turning head, however details should be provided illustrating the access arrangement on Drawing No. 003 Rev E.
- It is noted the access will cross a private 3m footpath/cycleway link, which raises highway safety concerns given the interaction between pedestrians/cyclists and vehicles driving through to the sports pitches. The applicant is advised consideration should be given to measures such as staggered gates or bollards on each side of the crossing.
- Further detail is required on the surface type proposed for the access road and parking areas. The plan submitted details "unbound free draining surface". The Leicestershire Highway Design Guide (LHDG) would typically advise at least a 5m hardbound surface behind the highway boundary however the parking surface will need to be suitable for ongoing and year round use
- The parking proposed does not accord with the LHDG and should be justified against the maximum expected usage of the facility, and include space for a coach. It should be ensured that there is sufficient manoeuvring space available for a coach to access, park, turn and leave the site in a forward gear, and should be demonstrated via a vehicular swept path analysis.

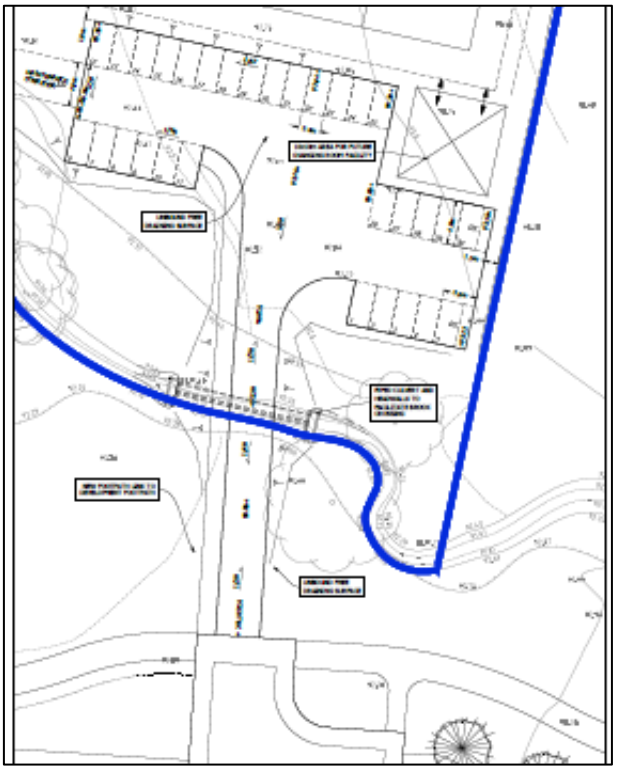


Figure 14: Proposed Access and Parking Arrangements

6.24 The proposed parking layout provides space for 30 vehicles (see **Figure 14**). Given the level of allotment provision and the nature of the sports pitch to be provided, Officers are of the opinion that this is an acceptable level, and is commensurate with other similar provision within the District. Furthermore, Officer's are of the opinion the proposed surfacing is relatively low key and less visually intrusive than a tarmac surface would be, and would also allow for infiltration of surface water rather than potentially increasing surface water run off from the site. The applicants have indicated that they would be happy to install a tarmac surface from the highway to the northern end of the bridge, therefore minimising the risk of detritus reaching the highway (see **Condition 5**). The applicants have also provided a plan indicating the presence of bollards at the cross over point. LCC Highways Officer's have confirmed that this approach is acceptable.

6.25 On the basis of the above, and subject to the conditions recommended, it is considered that the proposal would be in accordance with Policy GD8 of the Harborough Local Plan.

5. Ecology

6.26 Policy GI5 relates to protecting and improving biodiversity and geodiversity. The NPPF states that when determining applications, the LPA should aim to conserve and enhance biodiversity.

6.27 The site is not a designated ecological site. The ecology survey submitted in support of the application has been assessed by LCC Ecology and is considered to be satisfactory. The report identifies the majority of the site as being an arable field, bounded by the south by a vegetated stream corridor. No protected species were recorded on site although a number of trees were assessed as having bat roost potential. It is not proposed that any of these trees would be removed. No lighting is

proposed as part of the proposal, and as such there is no requirement to condition lighting level and locations.

6.28 On the basis of the above it is considered that the proposal would be in accordance with Policies GI5 of the Harborough Local Plan.

6. Flood Risk

6.29 The Framework requires that development be directed away from areas of highest flood risk. The site is within Flood Zone 1 (low risk). Policy CC4 adds that the use of SUDS will be expected and that surface water run off should be managed to minimise the net increase in the amount of surface water discharged into the local public sewer system.

6.30 The LLFA initially stated that the application documents as submitted are insufficient for the Lead Local Flood Authority to provide a detailed response at this stage due to the lack of a Flood Risk Assessment, a requirement (from the NPPF) of any development in excess of 1Ha. The LLFA were concerned regarding surface water run-off and outfall into the brook, however, the applicants contend that they can demonstrate that, due to the application proposing no impermeable surfacing, with the sports pitch surfaced with grass and naturally draining, and all access and parking areas laid with a free-draining granular surface as outlined in **Section 4** above, an FRA is not necessary and that all related matters can be addressed through a construction method statement.

6.31 As part of the consultation on 17/01117/FUL, Leicestershire County Council advised Harborough District Council that given that the pitches will remain predominantly undrained (as well as limiting the amount of significant hardstanding) that the proposed development would be considered acceptable to Leicestershire County Council provided that one condition is imposed. This condition requested that final details of the management of surface water was submitted and approved. Bloor Homes accepted this and it resulted in condition 5 on the formal Decision Notice. Furthermore, in light of the fact that the majority of the application site will effectively remain free of built form and hard surfacing, and given that the Environment Agency also stated that the application did not meet the criteria for consultation with them, Officers are content that the advice provided to them as part of the 2017 application is sufficient to enable consideration of the application. As such, the relevant conditions imposed upon 17/01117/FUL have been replicated, and on this basis, it is considered that the proposals comply with Policy CC4 of the Harborough Local Plan.

7. Other matters raised

- Start date

6.32 Concerns have been raised through conversation with local residents regarding when construction of the site will commence. As set out above, this will be dictated by the progress of the development, however, an obligation of the S106 Agreement under which these facilities were secured was that no more than 70% of units on a parcel are to be occupied before the open space associated with that Parcel is completed. The sports pitches and allotments form part of Phase 4 of the development (see **Figure 15**), and as such, as required by the S106 Agreement, will be delivered prior to the completion of the residential development

Figure 15: Phasing Plan for 18/01968/FUL

- Changing facilities

6.33 The proposal does not include the provision of changing facilities, rather, space is being provided adjacent to the parking area where changing facilities could be provided in the future. Changing facilities are a requirement for Senior level football teams playing at local league level, and as such, it is anticipated that such provision may be required at a future date. Funding for such a project could come from the S106 community facilities contributions for the adjacent developments subject to a bid being made by the interested parties. A condition is recommended to ensure that services are provided to the site for the future use of the facility.

- Community Use Agreement

6.34 Concerns have been raised by local Ward Members regarding the need of a Community Use Agreement:

> *In making this request* (to call the application in to Planning Committee) *I am mindful of the comments submitted by Sport England regarding the need for a Community Use agreement if the sports pitch is not going to be adopted by the local authority. I feel the Committee needs to explore this issue in more detail and consider whether the arrangements put in place by Bloor Homes will ensure the facility is genuinely available to residents in the adjacent development as well as the wider community and what further benefits a community use agreement could*

provide? The Sport England response also refers to maintenance and the imposition of conditions to ensure this takes place to a satisfactory standard.

In light of this, Officers approached Bloor Homes on the matter, specifically whether or not they would accept a condition requiring a Community Use Agreement to be developed. Initially they raised concerns over whether or not the Management Company (Trinity) would be agreeable to such a requirement as Bloor Homes themselves would not be party to such an agreement. The reason for this being that the maintenance of the Green Land has already been covered by a service charge to plot owners, a number of which have since completed.

6.35 Officers continued to pursue the matter, strongly suggesting that serious consideration be given to agreeing to provide a CUA for the facility. Officers contended that this would not supersede or contradict the existing maintenance arrangements for the pitch or the allotments, but it would ensure that the facilities are available for use by the local community and therefore provide the service they were intended to when originally secured back in 2015. Following this, Bloor Homes confirmed that – in light of Trinity confirming that they would be happy to enter into a Community Use Agreement – they would accept such a condition.

- Sports Pitch maintenance

6.36 Concerns have also been raised by the Local Ward Member regarding the ongoing maintenance of the sports pitch and allotments. As part of the S106 for the approved (and currently under construction) Bloor Homes development, the maintenance of all open space relating to the development (including this facility) is covered by the Management Company (Trinity). As such, Officers do not consider that any further conditions of obligations are necessary as part of this development, however, if Members consider that such conditions are necessary, either the suggested landscaping condition (see **Section 8 - Condition 9**) could be enhanced to cover ongoing maintenance, or a separate condition could be imposed.

7. Conclusion / Planning Balance

7.1 The proposed development is considered to meet the relevant Development Plan policies. The proposed facilities address an identified need as addressed in the S106 Agreement for 18/01968/FUL. There are no material considerations which indicate against the proposal. The application is therefore recommended for approval, subject to conditions as set out in **Section 8**.

8. Suggested Conditions

8.1 If Members are minded to approve the application, Officers recommend that the following conditions are atached to any approval:

CONDITIONS

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

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

2. The development hereby permitted shall be in accordance with the following approved plans:
   - Red Line Plan (Ref. DE071_009 Rev B)
   - Topographical Survey (Bushby Sports_2D Rev 0)

- Proposed Site Layout including access (Ref. 15025 003 Rev E)
- Landscape Proposals Plan (Ref. 6633-L-1017 Rev B)
- Site Sections (Ref. 15025 006 Rev A)
- Site Levels and Earthworks Plan (Ref. 15025 007)

REASON: For the avoidance of doubt.

3. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Football Sports Pitch Access Carriageway To Car Park Tie in Detail drawing number M104-EN-155 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 (2021) and to accord with the Harborough Local Plan Policy GD8.

4. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

   REASON: In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough Local Plan Policy GD8.

5. No development shall commence on site until details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

   REASON: To ensure the adequate provision of facilities and in the interests of visual/general amenity and to accord with Harborough Local Plan Policy GD8.

6. 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 and retained as such in perpetuity

   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 and to accord with Harborough Local Plan CC4.

7. Before first use of the development hereby permitted, its access drive (and any turning space) shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

   REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and to accord with Harborough Local Plan Policy GD8

8. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the Highway boundary and shall be hung so as to open inwards only.

   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 and to accord with Harborough Local Plan Policy GD8

9. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Sports Pitch Layout Proposals drawing number 003 Rev E. 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 to accord with Harborough Local Plan Policy GD8

10. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Football Sports Pitch Access Carriageway To Car Park Tie in Detail drawing number M104-EN-155 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 (2021).

11. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which - within a period of five years from the date of first occupation of the development - die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

    REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to accord with Harborough Local Plan Policy GD8

12. No external lighting shall be installed on the sports pitches hereby approved.

    REASON: To prevent intrusive light pollution that is out of keeping with the character of the area and to accord with Harborough Local Plan GD8

13. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements shall be placed on the perimeter of the hereby approved sports pitches

    REASON: In the interests of the visual amenity and the surrounding area and to ensure compliance with Policy GD8 of the Harborough Local Plan.

14. Prior to the first use of the hereby approved sports pitches, Services (ie Water, Drainage and Electricity) shall be made available to the site.

    REASON: In order to ensure that any future changing facility is reasonably provided for and to ensure compliance with GI2 of the Harborough Local Plan

15. Prior to the commencement of development:
    a) A detailed assessment of ground conditions of the land proposed for the new sports pitch as shown on the approved plans shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
    b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

    The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

    REASON: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Harborough Local Plan Policies CC4 and GI2

16. Prior to the first use of the hereby approved development, a Community Use Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall deal with the use and management of the facility as well as detailing the provisions to be put in place showing how the local environment will be protected during the operation of the facility. Such a scheme shall include (but not be limited to) details of the following:
    - Day to day management of the facility;
    - Maintenance and security provision to be made to protect the facility;
    - Community use of facilities;
    - Community booking and operational procedures;
    - Local resident communication, to include a published timetable of events and means of contact for local residents to report issues; and
    - Onsite car parking for community users.

    The approved statement shall be adhered to in perpetuity throughout the operational period of the development and verified where appropriate.

    REASON: In the interest of community engagement and public access to sport and recreation facilities and to ensure that the development accords with Harborough Local Plan Policies HC1 and GI2

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

    REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that

construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

INFORMATIVE NOTES

1. 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.

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.

Planning Committee Report

Applicant: Market Harborough RFC

Application Ref: 22/00658/FUL

Location: Market Harborough Rugby Club, Northampton Road, Market Harborough

Proposal: Installation of 2x 100lux LED Lighting systems and 14x lighting masts/columns for training areas and pitch

Application Validated: 07.03.2022

Consultation Expiry Date: 19.05.2022

Target Date: 02.05.2022

Reason for Committee Decision: HDC is landowner.

Recommendation

Planning Permission is **APPROVED** for the reasons set out in this Committee report and subject to the Planning Conditions recommended in Appendix A.

1. Site & Surroundings

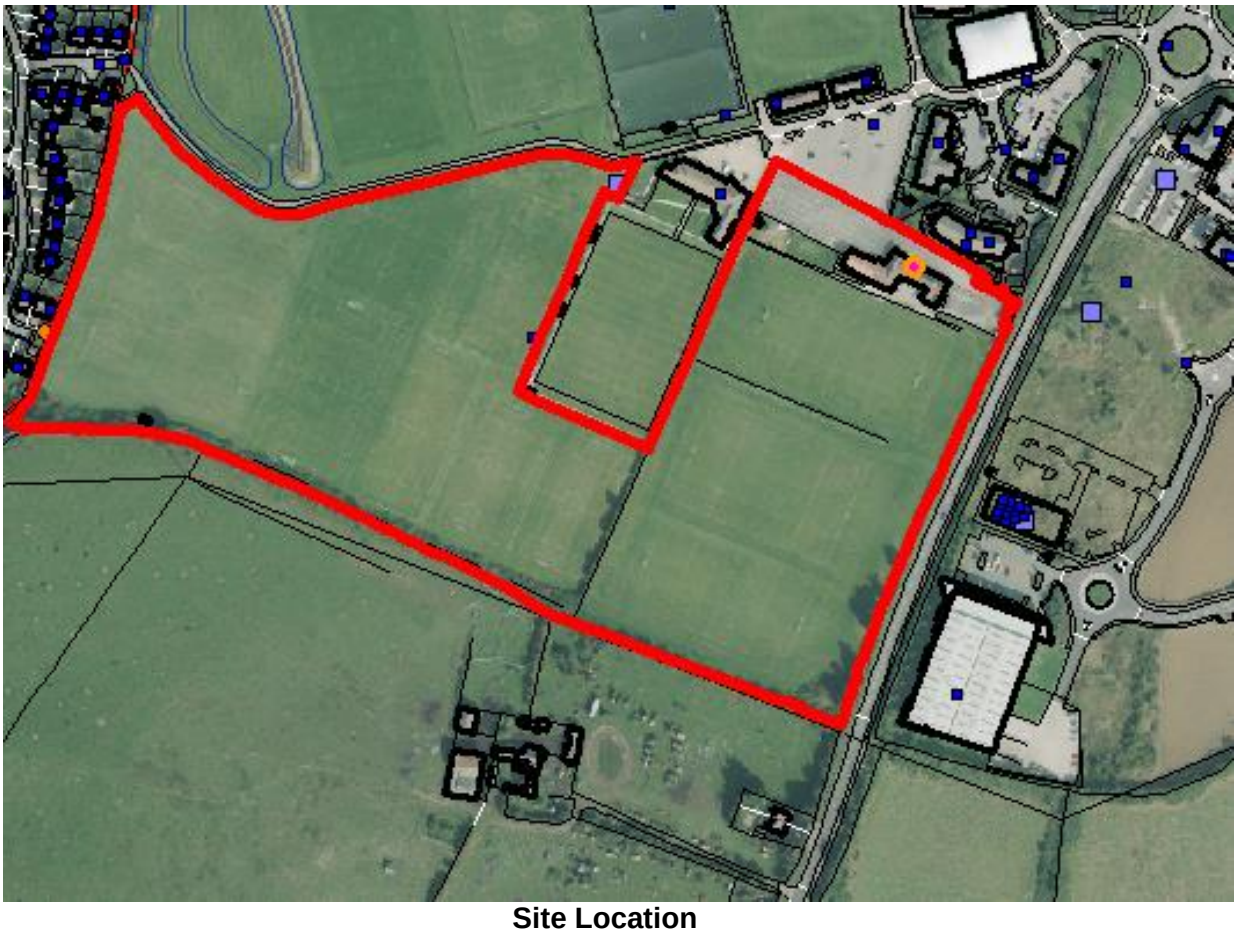
1.1 The application relates to the established Market Harborough Rugby Club complex.

1.2 The site and wider area is a protected “Open Space, Sport and Recreation Site” in the HDC Local Plan (Policy GI2).

1.3 Public footpaths, formal rights of way and recreational areas are noted in the immediate locality. A range of other sport, recreation, community and business uses lie to the east and northeast of the site.

1.4 Access, parking and service arrangements are not amended by the proposal.

1.5 The site does not lie within a Conservation Area or affect the setting of Listed assets.



Site Location

2. Site Planning History

2.1 Various. Relevant history in conenction with this application includes:

- 95/01394/3P - Provision of 4 no floodlights to training area
- 16/01057/FUL - Removal of existing floodlight system and installation of a new floodlight system

3. The Application Submission

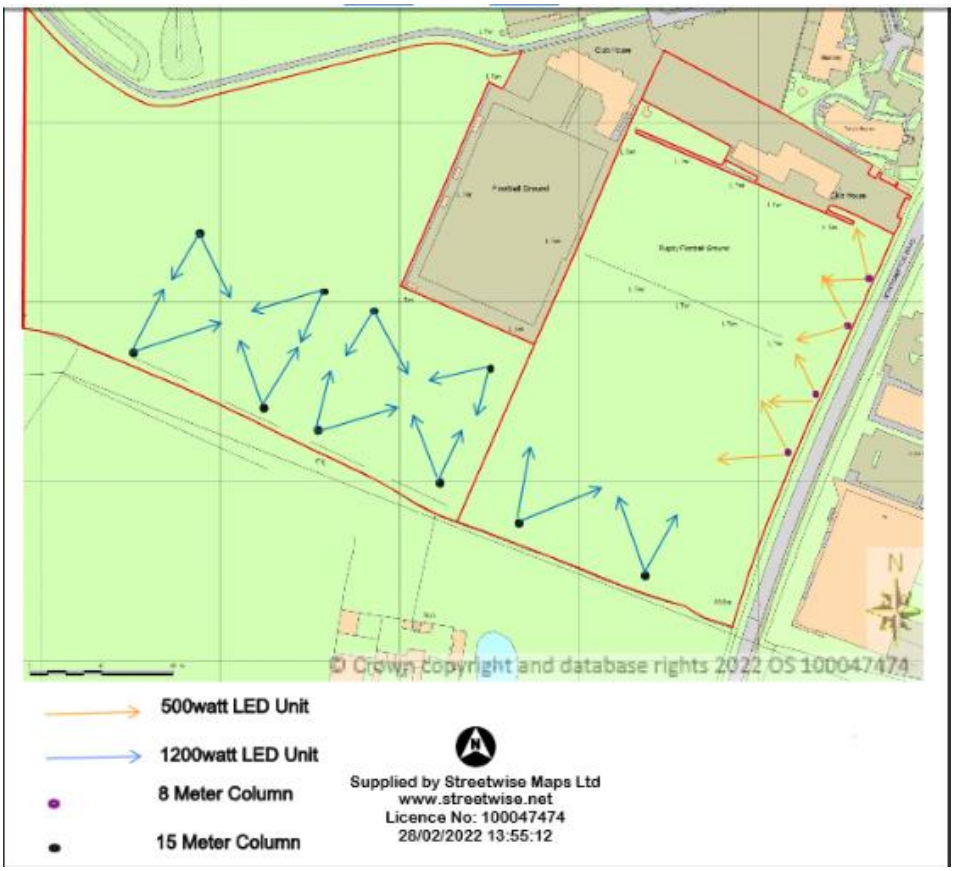
a) Summary of Proposal

3.1 The application seeks planning permission for 14 x lighting masts/columns.

3.2 There will be 2 floodlights on each column, giving a total of 28 floodlights.

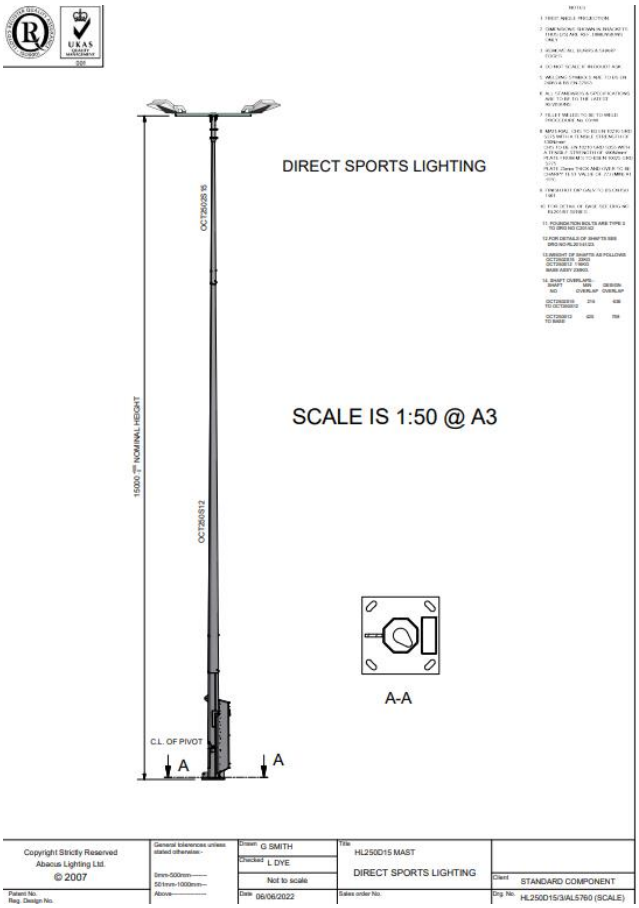
3.3 10 of the masts will be 15m high and have 1200 wattage and will be sited adjacent to the southern site boundary and the remaining 4, will be 8m high with a 500 wattage, sited adjacent to the western boundary.

3.4 The location of the masts is illustrated below:



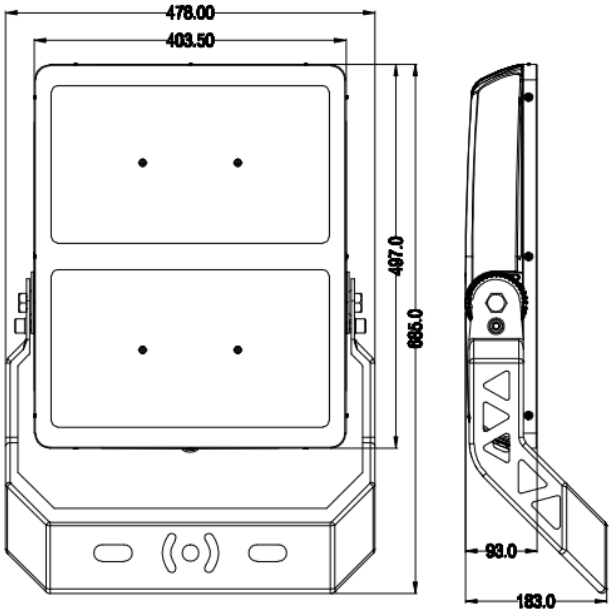
Aerial View of Mast Location

3.5 The masts are slim-line in appearance as can be seen from the product specification below



Mast – Elevation

3.6 The lights to be installed will be NEO Flood Lighting – specification/appearance illustrated below



3.7 The submitted Lighting Technical Report advises the floodlights would be used Monday to Friday evenings between 5 and 9.30pm between September and April with occasional use on a Saturday afternoon to finish a game should they be needed due to weather conditions on the day between the hours of 3-6pm.

3.8 The Agent has advised (06.06.2022*) "The fittings will be mounted at 35% to the floor, with the visors fitted the angle of the visible LED floodlight is 10%, the fittings are Asymmetric so all light is projected onto the ground.*

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community have been carried out on the application.

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

4.3 Where relevant, final re-consultation responses only are reported.

a) Statutory & Non-Statutory Consultees

4.4 **West Northamptonshire Council – 25.03.2022**
Whilst the impact of the proposed floodlights on WNC's highway network is thought to be limited due to the County border lying to the south of this site, the LHA would wish to point out that, as with all similar applications for high power floodlights, the source of illumination must not dazzle users of nearby roads and footways.

4.5 **Leicestershire County Council Highway Authority – 16.05.2022**
The LHA would make the following comments:

- The lighting should not encroach onto the highway; and
- The floodlights should be installed in such a manner as to not be a distraction for highway users in the form of light spillage.

4.6 **Leicestershire County Council Ecology – 17.05.2022**
The plan on page 13 of the report looks to be borderline 1 Lux on the hedgerow. It is however acceptable given its location on the edge of Market Harborough, adjacent to the A508 to the east of the site, and there being built up areas to the north and west

4.7 **Market Harborough Civic Society**
Not consulted. The Civic Society has recently explained that they will review the Weekly List to identify planning applications which they wish to comment on but will infrequently comment due to reduced resources.

b) Public Representations

4.10 No comments received.

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 The policies relevant to this application are set out below. More detail is provided at the beginning of the Agenda under "All Agenda Items Common Planning Policy".

a) Development Plan

5.3 The current Development Plan consists of the Harborough Local Plan, adopted April 2019.

Key Policies:

- Policy SS1 The spatial strategy
- Policy GD1 Achieving sustainable development
- Policy GD8 Good design in development
- Policy HC2 Community facilities
- Policy GI1 Green infrastructure networks
- Policy GI2 Open Space, Sport and Recreation
- Policy GI5 Biodiversity and geodiversity

5.4 Neighbourhood Plan – N/A.

b) Material Planning Considerations

5.5 Material considerations include any matter relevant to the application which has a bearing on the use or development of land. The material considerations to be taken into account when considering this application include the DP referred to above, the National Planning Policy Framework, the national Planning Policy Guidance, further materially relevant legislation, policies and guidance, appeal decisions, planning case law and High/Appeal court judgements, together with responses from consultees and representations received from all other interested parties in relation to material planning matters. Some key documents follow.

5.6 *The National Planning Policy Framework (The Framework / NPPF) (July 2021)*

5.7 *National Planning Practice Guidance (PPG)*

5.8 *Development Management Supplementary Planning Document (SPD) (December 2021)*

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

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

c) Reason for Committee Decision

5.11 HDC is the landowner, therefore the application must be determined by Planning Committee.

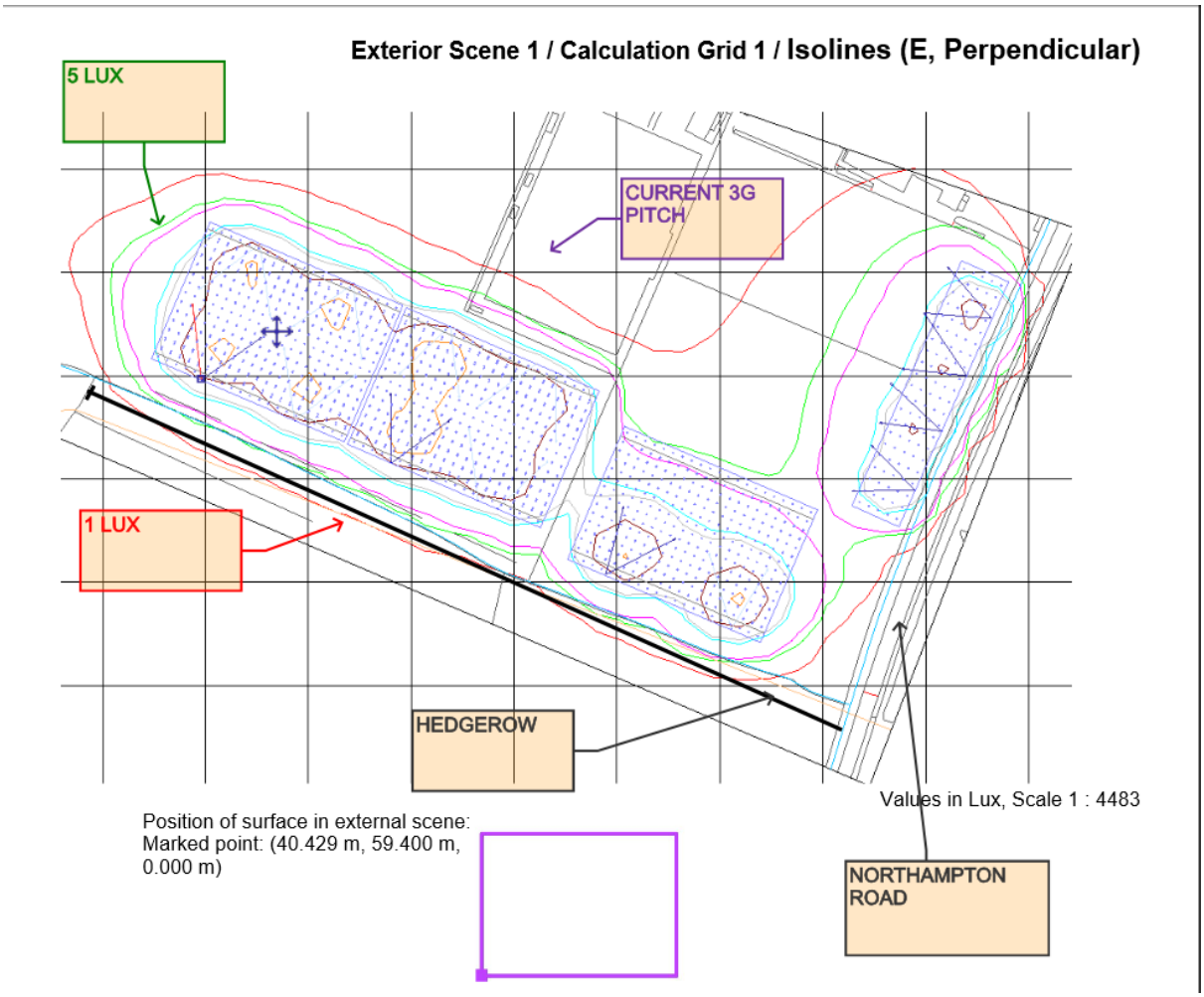
6. Assessment

6.1 The site lies within a designated Policy GI2 "Open space, sport and recreation" area, where facilities are to be "*safeguarded and enhanced through improvements to their quality and use*". The proposal would achieve this.

6.2 There are presently 22 masts within the application site. All 15m high. The flood lights include rear shields and front cowls.

6.3 The proposal will provide an additional 14 masts, 10 of which will be 15m high and have 1200 wattage and be sited adjacent to the southern site boundary and the remaining 4, 8m high with a 500 wattage, sited adjacent to the western boundary.

6.4 Following concerns raised by the case officer, LCC Highways and LCC Ecology, the design of the floodlights have been amended which had resulted in the submission of a revised light spillage plan, as illustrated below.



Expected light spill

6.5 The lighting plan shows that the light spill reduces down to 1 lux, when it reaches the southern part of Harborough Town pitch, the southern boundary hedgerow and Harborough Road.

6.6 Below is a drone image of a similar project to illustrate the light spillage

Drone Image showing proposed lighting used elsewhere

6.7 Following the submission of the amended light spillage plan, LCC Ecology have confirmed the proposal is acceptable given the sites location on the edge of Market Harborough and adjacent built-up areas. LCC Highways have raised no objection but commented lighting should not encroach on the highway to prevent distraction to drivers. The lighting plan shows light spillage onto the road will be 1 Lux which would minimise distraction to drivers.

6.8 Given the established use of the site, the lux levels spillage and the distance separation to neighbouring properties (e.g. approx 162m from the closest mast to Rainsborough Gardens to the west and approx. 60m from the closest mast to Oxendon Lodge Cottages to the south – which are located within West Northants Administrative boundary), the proposal is not judged to have negative residential amenity impacts.

6.9 The proposal is therefore judged to accord with the Policies GD8, GI2, GI5 of the Local Plan in the above respects.

7. Conclusion / Planning Balance

7.1 The proposal would enhance the sporting offering of Market Harborough Rugby Club, whilst preserving the character and appearance of the area.

7.2 Based on the amended information supplied, the proposal would not cause significant and demonstrable harm to highway safety interests, nor would it harm ecological interests. Furthermore, due to the separation distance the proposal would not harm neighbouring amenities in the area.

7.3 The proposal complies with the policies of the Harborough Local Plan and the NPPF taken as a whole. No other material considerations indicate that the policies of the Development Plan should not prevail. As the proposal accords with an up-to-date development plan it should be approved without delay.

APPENDIX A – Recommended Conditions

1. Development to Commence Within 3 Years

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

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

2. Approved Plans – Prescriptive

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

- Market Harborough RFC Rugby LED lighting Report (dated 02.05.2022)
- Neo Flood Lighting Product Sheet
- Mast Column Elevation
- Block Plan 06.06.2022
- Aerial Block Plan 06.06.2022

REASON: For the avoidance of doubt and to ensure a satisfactory form of development.

3. Floodlight Hours of Use

The floodlights hereby approved shall only be used during following times:

--Monday and Friday 17.00 to 21.30 between September and April
--Saturday 15.00 to 18.00

REASON: To protect neighbouring amenities from excessive levels of activity, light and noise and to accord with Harborough Local Plan Policy GD8.