
12/00851/FUL – LUTTERWORTH
Gazeley UK Ltd and Stobart Group

Target Date: 14.09.2012

Change of use of land to provide HGV and car parking, formation of hardstanding, erection of vehicle maintenance unit, administration building, fuel island and vehicle washing facility, and associated landscaping (revised scheme of 11/01757/FUL) at Land south of and adjacent to Asda George Headquarters, A4303, Magna Park

Recommendation:

APPROVE for the following reason, subject to the appended conditions and completion of a satisfactory planning obligation on lorry routing.

The proposed development, by reason of its location, buildings and hardstanding would impact on the character and appearance of the countryside and would conflict with Core strategy Policies CS7 (f), CS11(c) (iii) and CS17. Notwithstanding and outweighing this potential conflict the proposal has significant merit, including job creation and development of existing business, consistent with the aims and objectives of 'Planning for Growth' and the National Planning Policy Framework and permission should therefore be granted.

Site / Context:

The application site is located to the south of (and adjacent to) the Magna Park warehouse and distribution estate. The A4303 Coventry Road (Lutterworth Bypass) runs to the north of the Asda George headquarters and Plot 7100 (occupied by Pearson), which bound part of the site to its north. The site is surrounded on all other sides by open countryside. The site, which has an area of approx. 6.73 hectares, slopes away steadily from north and south (overall fall of some 12 metres), and is itself comprised of agricultural land. The site's southern boundary is delineated by mature hedgerows.

The Proposal:

The current application, a revised scheme of 11/01757/FUL, seeks planning permission for a new HGV and car parking facility, plus associated amenity buildings, to be used by the Stobart Group. The proposal comprises hardstanding, for parking 140 HGV's and 170 cars, the erection of a two-storey gatehouse and administration building (500 sq m) and a six-bay vehicle maintenance unit (VMU, approx. 1200 sq m) and associated landscaping, to the southern and eastern boundaries of the site.

Perimeter mounding / bunding is also proposed to the site's southern and eastern boundaries, as well as a surface water retention basin and realigned ditch towards the eastern end of the site. It is proposed to enclose the car parking area with 2 metre-high chain-link fencing. Lighting is also proposed, as well as motorcycle (2) and bicycle (10) facilities in the north-east corner of the proposed car park of the numbers mentioned. The development would operate on a 24 hour / 7 day a week basis. Vehicular access would be via an existing secondary roundabout immediately north of the application site.

The application is supported by a Planning Statement, Landscape and Visual Impact Assessment, Ecological Assessment, Landscape Design Statement, Landscape Proposals, Flood Risk Assessment and Drainage Plans, Transport Assessment and Framework Travel Plan, Sustainability Statement, Agricultural Land Assessment and Noise Impact Assessment.

A Design and Access Statement, draft obligations and Statement of Community Consultation have also been submitted.

Information:

The application is being reported to the Planning Committee as it constitutes a departure from the Development Plan

Policy:

National Planning Policy Framework (published 27.03.2012):

Paragraphs 9, 13, 14, 17 (presumption + core planning principles)

Paragraphs 18, 19, 20 (economy)

Paragraphs 29, 30, 32, 34, 35, 36 (transport)

Paragraphs 56, 57, 58, 61, 63, 64, 65, 66 (design)

Paragraphs 69, 70, 75 (healthy communities)

Paragraphs 93, 96, 97, 98, 99, 100-104 (climate change and flooding)

Paragraphs 109, 112, 117, 118, 119, 120 – 122, 123, 124, 125 (natural environment)

Paragraphs 126, 128, 129, 131, 132, 133, 134, 135, 136, 137, 139 (historic environment)

Paragraphs 186 – 206 (decision taking)

Regional Policy (East Midlands Regional Plan):

Policy 1 – Regional Core Objectives

Policy 21 – Strategic distribution

Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage

Policy 27 – Regional Priorities for the Historic Environment

Policy 29 – Priorities for Enhancing the Region's Biodiversity

Policy 31 – Priorities for the Management & Enhancement of Region's Landscapes

Local Policy:

Harborough District Core Strategy:

CS1 – Spatial Strategy for Harborough

CS5 – Providing Sustainable Transport

CS7 – Enabling Employment and Business Development

CS8 – Protecting and Enhancing Green Infrastructure

CS9 – Addressing Climate Change

CS10 – Addressing Flood Risk

CS11 – Promoting Design and Built Heritage

CS17 – Countryside, Rural Centres and Rural Villages

Harborough District Local Plan:

RM/8 – Sites of local ecological or geological interest

Other:

Ministerial Statement – 'Planning for Growth' (23.03.11)

Circular 11/95 – Use of conditions in planning permission

Circular 06/05 – Biodiversity including statutory obligations within the planning system

Harborough District Landscape Character Assessment (2007)

Planning for a Sustainable Future: White Paper (DCLG, 2007)

Consultations:

National Bodies and others:

Environment Agency:

No objections, subject to certain conditions (if conditions are not imposed the proposal would not be acceptable) – relating to (a) implementation of the submitted Flood Risk Assessment (FRA), (b) a surface water drainage scheme, (c.) a scheme to minimise silt and polluting run-off during the construction phase.

Natural England:

No comments received to date.

Highways Agency:

No objection – “the proposed development is not expected to have a material impact on the closest strategic route, the M1”

Water authority (Severn Trent):

No objections and no comments to make

Rugby Borough Council:

“As a neighbouring authority, our key concern would be whether or not the proposal would have an impact on the character or appearance of our area. Although the area in question is already industrial, we would hope that consideration would be given to the visual impact of the structure and associated works, and that the Case Officer would consider the wider extent of visual impact in their decision making process. Materials should hopefully be in keeping with the rest of Magna Park and not of a colour or finish that would make the building excessively prominent. Rugby Borough Council would not otherwise have significant objections to the proposal on planning grounds subject to consultation with the relevant technical consultees.”

Leicestershire County Council:

LCC Ecology:

The ecology report (Arnott & Mann, June 2012) submitted in support of the application is satisfactory. Our comments below relate only to the current planning application and should not be considered as indicative to a response for any future development on plot 7200.

The ecological report indicates that whilst no badger setts were found on site, there was significant evidence of badgers using the site in the form of latrines and pathways. It is therefore essential that the recommendations outlined in section 4.3.3 of the ecological report are followed. We would recommend that this is forwarded as a condition of the development. Additionally, as badgers are mobile animals and can create or extend setts relatively quickly, we would recommend that the following also be incorporated into a condition - Within one month prior to the commencement of works on the site, an updated badger survey must be completed. Should badger setts be found, works may not commence until a mitigation plan has been forwarded to and agreed by the LPA.

The development will result in the loss of badger foraging habitat. The proposed area surrounding the surface water retention basin should therefore be designed to accommodate foraging badgers. This must include the planting of high fruit-bearing native shrub species, including Crab Apple, Dog Rose, Blackthorn and Elder. We would be pleased to comment further on the proposed landscaping of this area in order that it can be seen as an ecological enhancement of the site.

Hedgerows 4 and 5 have been identified as being Important under the Hedgerow Regulations; it is therefore important that these hedgerows are retained and protected throughout the development. We are therefore in agreement with the recommendations in sections 4.2.5 and 4.2.6 of the ecological report and would request that this is forwarded as a condition of the development, should permission be granted.

Additionally, we are in agreement with the further recommendations in the report regarding the creation of further habitat on site (including broad-leaved woodland). The applicant's attention should be drawn to these.

LCC Highway Authority:

There are no sustainable highway grounds for refusal of this proposal or any off site Highway mitigation works that can be required as it could not be demonstrated it would result in a material increase in traffic on the wider Highway Network. Recommends conditions, relating to (a)+(b) off-road car parking/lorry provision and cycle parking provision to be made before the development's first use, (c.) a Green Commuter Plan, (d) a Residential Travel Plan, (e) its regular review, and (f) appropriate shielding of any light fittings.

LCC Planning:

No strategic minerals or waste observations, having regard to the County Council's Minerals and Waste Development Framework Core Strategies. No mineral safeguarding areas are affected; and there are no specific waste management implications relating to the proposal.

LCC Archaeology:

No objections subject to conditions, requiring submission of a programme of archaeological work including a Written Scheme of Investigation (WSI), and for the development not to be occupied or used until the site investigation and post investigation assessment has been completed in accordance with the said WSI.

LCC Public Rights of Way:

No comments received to date

Harborough District Council, Parish Councils & Local ward councillors:

Bitteswell: (A full copy of Bitteswell Parish's objection can be viewed on the case file)

Objects to the application, on the following grounds:

- Development in the countryside: Proposal is contrary to Core Strategy policies CS7, CS14 and CS17. Would not safeguard or enhance the appearance and character of the countryside, would trespass beyond the existing development footprint of Magna Park (the applicant's assertion otherwise is, at best, disingenuous).
- As a parking depot HGVs and cars, the proposed use does not come within the compass of Class B8 uses supported at Magna Park by Policy CS7; would therefore dilute Magna Park's exclusive role as a strategic distribution centre
- The proposal, which would inevitably generate additional vehicle movements, would be contrary to the objective set out in Policy CS14 of locating future HGV-generating business development to the south of Lutterworth.
- Clarification: The proposal would result in a 3.4% increase in the land take of Magna Park rather than the applicant's stated 2.5%. As it was adopted 14th Nov 2011, Harborough's Development Plan is up to date (contrary to applicant's claim)
- Need: would seem to stem from Stobart's overriding requirement to vacate its existing parking facility at DIRFT later in 2012. However, this would seem inconsistent with the information at para 4.3.9 of the Transport Statement which indicates that 35% of current Stobart activity at DIRFT would continue to operate from that Site.
- Environmental benefits doubted: Such benefits as asserted by the applicant are likely to be dwarfed by the environmental gains derived from a Stobart facility at or adjacent to Daventry International Rail Freight Terminal (DIRFT), which allows inter-modal operations as advocated by the East Midlands Regional Plan.
- Doubts cast about claims of significant reduction in two-way HGV journeys between DIRFT and Magna Park; cites para 4.42 of the submitted Transport Assessment which states that HGV drivers currently located at DIRFT are unlikely to move their homes nearer to Magna

Park for several years. Any environmental gain arising from reduction in inter-site HGV movements would be significantly off-set by the large number of new daily car trips of HGV drivers commuting to Magna Park.

- Environmental impact: With respect to CO₂ and related vehicle emissions, a complex analysis would be required to arrive at any accurate determination of the net benefit, or otherwise, that is likely to result from the proposed development. The submitted documentation does not afford sufficient data to allow this to be performed.

- Noise impact: Proposed development could be in operation 24/7 and throughout the year. It is relevant to note that HGV movements at DIRFT peak between 5am and 7am. The potential for uninterrupted vehicle movements and the attendant unwanted sound is likely to make a substantial contribution to the ambient noise levels.

- Questionable whether the “hypothetical worst case” as at para 8 of submitted Noise Assessment is indeed the ‘worst case’. This should be explored further.

- Light pollution: Additional lighting would aggravate the problem of light pollution that characterizes Magna Park. Despite efforts to attenuate the magnitude of light pollution, there remains a prominent, nocturnal glow above Magna Park which defeats endeavours to enjoy the stars or any other feature of the firmament in that sector of the night sky.

- Proposal would lead to additional vehicle movements through Bitteswell; existing problem compounded by current proposal

- No significant changes between current proposal and that assessed under 11/01757/FUL, as confirmed at para 1.1.4 of the applicant’s Transport Assessment

- Applicant appears not to have advanced any other material considerations that may justify the several departures of the submitted application from HDC’s Development Plan

Lutterworth Town Council:

Supports the current application, and makes the following comments:

“Members do not wish to set a precedent by supporting the development of Magna Park beyond the existing footprint; however members do believe by supporting this application the carbon footprint of the Stobart Group will be reduced due to their current presence and the organisations they service at Magna Park. Members recognised that a number of Stobart employees will be relocated from Crick and that Lutterworth should encourage these employees to visit the town and make use of the facilities / businesses. Members welcomed the proposal by the applicants to landscape the site.”

Bittesby:

Objects to the proposal: “Development in the open countryside... Against policy... Increase in traffic movement on an already congested road network, enhancing air pollution”

Cotesbach:

Objects to the proposal: the Parish Council has concerns about: (a) Visual pollution - the village lies across the Swift valley from the project and already has buildings from the Park on its skyline. (b) Noise pollution - particularly at night. Given the location of the village across the valley reversing alarms can be very penetrating. (c) Traffic pollution - notably the increase in HGV accessing the Gibbet Lane roundabout (A426/A5) where over capacity is demonstrated both immediately and in the future. Whilst relatively few accidents are recorded the number may potentially increase with the increase in traffic. Delays are experienced at the moment at peak periods along both arms of the A426 and increasing traffic flow along the A5 will make this worse. Finally, there has been no offer of Section 106 funding to help alleviate, for example, the potential for noise pollution.

Ullesthorpe:

Ullesthorpe Parish Council would like to reiterate again their objections as stated in the previous planning application which was subsequently withdrawn on the grounds that this is against HDC policy with the Core Strategy CS17. It is also outside the limits of Magna Park.

Cllr R. Page

As the Report to the 18 September 2012 Planning Committee is now issued, and appears to be unchanged from the Draft, my comments apply to the Current Report.

1. Inconsistency in the Current Report

The Report is self-contradictory. The Report refers to the Application having potential conflict with Core Strategy policies CS7 and CS 17. However, later in the Report it states:

'The proposal would therefore fail to comply with Policies CS11, CS7 (f) and CS17.'

From this statement it is evident that the conflict is actual, not 'potential'.

2. Inconsistency Between the Current Report and the Earlier Report

There is no material difference between the present Application 12/00851/FUL and the earlier Application 11/01757/FUL. As the revisions relate to the configuration of the HGV and car parks and the position of the gatehouse and office, the changes are peripheral and not significant in the context of the planning considerations. Therefore there is huge inconsistency between the current Report and that submitted in respect of Application 11/01757/FUL, which has resulted in diametrically opposite recommendations, is likely to call into question the conduct of the District Council in their implementation of the planning process. Despite the recognized serious and fundamental departures from the adopted Core Strategy, the Current Report concludes that they are outweighed by other considerations, 'including job creation and development of existing business.' As none of the circumstances with regard to employment opportunities and, indeed, any other matter relating to the present Application has changed in any significant regard from those taken fully into account in the preparation of the Earlier Report concerning Application 11/01757/FUL, and which led to a recommendation for Refusal, it is far from clear how it is now concluded that these essentially identical considerations should lead to a recommendation for Approval. As a professional planner you will be aware that central objectives of the Plan Led system are to achieve predictability and consistency.

3. Employment Opportunities

On the issue of the proposed development providing prospects for employment, the Current Report recognizes that the claimed 'new jobs, would not be new to the East Midland region, but are merely the transfer of jobs from one location to another. It follows that the 'new jobs' arising from the development will not contribute to the national economy, which is the principal thrust of current Government planning policy.

With regard to the availability and location of personnel able to undertake the 'new jobs', the Report makes two assumptions that are simplistic and likely to be in error.

(I) The Harborough District is fortunate in having an unemployment level of some 1.7%, a fraction of the national average. In the case of the Lutterworth Wards, the average is in the order of 2.0%, again, well below the national average. In view of this low level of unemployment in the locality the probability of people with the relevant skills being available from the locality to work for Stobart at Magna Park will be small. In particular, available HGV drivers are likely to be scarce. Therefore, even if employment opportunities were to be generated by the proposed development, the likelihood of the positions being filled by local people will not be great.

(ii) Although the Core Strategy reports that the majority of the employees at Magna Park travel 10-12 km to work, it is clearly a failure of logic to assume that workers to fill the 'new jobs' will be available from this catchment area.

4. Sustainability

The Report appears to be silent on the issue of sustainability; the Government's fundamental requirement for all new development. It is plain that the Application Site is not an environmentally sustainable location for businesses to locate on a large scale due to the relative lack of transport choice. The extent of this deficiency is such that any Travel Plan initiatives are likely to be ineffective.

5. Vehicle Emissions

The reduction in vehicle emissions stated in the Report derives from the calculated mileage of the Stobart vehicles plying between Magna Park and DIRFT. As this is must be only a fraction of the total distance travelled by Stobart vehicles, the contribution to the total emissions generated by Stobart vehicles will be correspondingly small. The claimed reduction will be offset to some extent by the new daily car trips undertaken by HGV drivers commuting to Magna Park.

The District Council has on record the following statement:

'With respect to carbon dioxide and related vehicle emissions, a complex analysis would be required to arrive at even a reasonably accurate determination of the net benefit, or otherwise, that is likely to result from the proposed development. The submitted documentation does not afford sufficient data to allow this to be performed.'

The Applicant, through the RPS Group, formally advised the District Council, in a letter dated 25 July 2012, of his agreement to this statement.

6. Conclusion of the Current Report

In the 'Conclusion' section of the Report the principal reason advanced for disregarding the explicit departure from the Harborough District Development Plan, specifically, key policies of the adopted Core Strategy, is:

'Very importantly, the proposal would contribute to employment generation and the growth of an existing Magna Park business unit.'

However, as noted earlier, the Report accepts that the proposed development would predominantly result in the transfer of jobs between locations which are less than 10 miles apart, yielding no net benefit to the national economy. In view of the zero-sum game for the economic wellbeing of the nation, and the several policy and other significant shortcomings of the proposed development, it is extremely difficult to understand why officers recommend that permission should be granted.

7. Treatment of Representations

I am concerned at the way representations from my parishes have been treated.

Bitteswell Parish Council specifically requested that the matters in their letter of objection be drawn to the attention of the Members of the Planning Committee. However, according to the Report, it would seem that Members have simply been advised that the Parish's

objections can be viewed in the case file. Members know that all representations may be viewed in the case file. I understand that the edited account presented in the Report is inaccurate, muddled and misleading, with words and phrases inserted that do not occur in the original text. As the elected representatives of their community I believe that the observations submitted by my parishes should be treated more responsibly.

[Case officer comments: The summary at pp 40-41 of the agenda is considered to be a fair, coherent, and accurate reflection of the Parish's representations. While some new words and phrases have been used, they help to clarify and explain to members the point(s) made by the Parish.]

Additional email comment from Cllr Rosita Page (Sun 16/09/2012 19:53)

Policy is making clear that the Council's policy is to contain Magna Park to its existing development footprint. The principle of the current proposal is therefore considered to be contrary to Policy CS7(h), and to constitute an inappropriate form of development in this location.

No further phase should be supported!!

Development in the open countryside against CS17

The Employment Land Study states there is no need for further employment land - see paragraph 5.69 to 5.73 page 51 of the CS

The Council's policy approach (with which the Planning Inspectorate agreed) is that the site's location is not in an area consistent with the CS spatial strategy's sustainable locations for development.

Following "existing development footprint", policy CS7(h) adds the clause "(to be defined in the Allocations DPD)". The Allocations DPD is a document that is late but now to be published probably in 2013, which will form part of the Local Development Framework and which, after appropriate consultation with parish and with statutory consultees, will set land allocations for the Development Plan period (i.e. up to 2028). The clause means that the development footprint is to be reviewed and possibly re-defined, but the use of the word 'existing' in the policy signifies that, until the Allocation DPD's publication, the development footprint is that which currently exists - deemed to be synonymous with the former EM/12 policy area until otherwise defined in the Allocation DPD, Therefore to consider this application is premature !

The scale of the proposed development is large compared to most other employment sites or proposals in the District, especially given its countryside location. The proposal site forms part of a much larger site of between 15 ha and 40 ha already formally proposed by Gazeley, via the Core Strategy and ongoing plan making process, for consideration for incorporation either within the development footprint of Magna Park or as a site allocation for the expansion / extension of the site contrary to CS7.

The proposal was put to the Inspector of State at the public enquiry and rejected.

Quote from the Inspector final report in 2011

'taking all these factors into account, it would be inappropriate for the Core Strategy to promote further significant expansion at Magna Park

Policy 7 is justified in making it clear that development beyond the existing footprint will not be supported '

www.harborough.gov.uk/download/file2187/inspectors_core_strategy_final_report

I am concerned that the current proposal, if approved, may prejudge or prejudice proper consideration of the definition of Magna Park's existing development footprint via the Allocations DPD and set a precedent for other applications and an incremental, rather than a positive plan-led approach, to Magna Park in the context of objectively assessed economic needs. (The applicant's Planning Statement notes that, "in essence... the two issues remain scale and the prejudicial effect on the LDF process having regard to the stage that the [Allocations] DPD has reached.")

This is relevant because Inspectors (and the Secretary of State) at appeal have dismissed major proposals of a strategic nature, on the grounds of prematurely, in advance of the relevant Plan's adoption (decisions indeed which the applicant notes in its own submitted Planning Statement).

The proposal is not sustainable in economic, social and environmental terms and does not contribute to a strong rural economy.

There is doubt, as to whether the proposal would have any significant effect on wider economic growth. Even attaching significant weight to local economic growth, the question is whether this growth is sustainable, as emphasised by the Ministerial Statement and by the NPPF which was taken into consideration as part of the CS. As set out above under 'Principle...' the site is not an environmentally sustainable location for businesses to locate on a large scale, because of the relative lack of transport choice. To balance this, the applicant states that the number of trips between DIRFT and Magna Park would be significantly reduced as a result of this proposal. However, in pure mileage terms, this is unlikely to constitute a significant proportion of Stobart's total movement.

In addition, given the nature of the additional jobs (i.e. HGVs travelling to multiple locations outside the District as well as some within) there remains doubt as to how much the proposal would directly impact on the local economy, especially as unemployment is low in the district and there are lots of job vacancies including for lorry drivers

Representations:

One letter of objection received, issues raised include:

- (1) Proposal conflicts with policy CS7 ("no further phase of development or large scale expansion of the [Magna Park] site...") – development footprint will be defined in the Allocations DPD and until the latter is adopted the existing defined limits to development and other land allocations should continue to apply
- (2) Approval of this proposal would set a precedent for further 'creeping' expansion of Magna Park, should other prospective clients have future space requirements exceeding Magna Park's footprint
- (3) Proposal would lead to substantial increase in (a) HGV movements and (b) commuter cars to/from Magna Park – (a) the Transport Assessment states that Stobart intend to transfer 65% of their existing business from DIRFT to Magna Park, and the HGV park would operate 24/7; (b) existing staff would now be working at the proposed site
- (4) Proposal could lead to increase in light pollution affecting residential areas, including Cunningham Drive which is only 1.25 miles from proposed site
- (5) Proposal would exacerbate existing noise pollution from A4303 bypass to nearby residential areas, e.g. Cunningham Drive; the submitted noise assessment failed to consider the potential impact of proposed activity on residential areas in Lutterworth, which lie due

east of the site; the prevailing westerly wind would carry noise towards these homes, e.g. vehicle reversing alarms, HGV engines starting/warming up

(6) Any claims made by applicant that this proposal helps to “safeguard its [Magna Park] future” are completely unfounded – if Stobart were not relocating from DIRFT or found an alternate site not based in Lutterworth, business at Magna Park would continue as usual.

Other Information:

History:

11/01757/FUL – Change of use of land to provide HGV and car parking, formation of hardstanding, erection of vehicle maintenance unit, administration building, fuel island and vehicle washing facility, and associated landscaping – withdrawn, pending refusal

Additional letters received from Gazeley including 10.07.12 (discussing the weight to be applied in this instance to the NPPF), 12.07.12 (regarding the applicant’s proposed Section 106 Agreement, the proposal’s landscape impact, and the weight to be applied to different planning policies) and 18.07.12 (repeating information submitted with the planning application relating to justification, need, lack of alternative sites, economic benefits, operational benefits, sustainability, and recently approved developments at Magna Park which Gazeley asserts are comparable – in fact, these were all approvals for extensions to car parking or distribution warehouses within the current built form of Magna Park, and none represented an extension of its development footprint).

HDC has provided an EIA screening opinion for a proposed Bio-mass plant on adjacent land.

Planning Considerations:

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the relevant policies contained within the Development Plan unless material considerations indicate otherwise. National guidance in the form of the National Planning Policy Framework, together with Government White Papers and Reviews, is also relevant.

Policy Assessment

As this application is for buildings and hardstanding in open countryside, to serve a distribution business, Policy CS7 of the Core Strategy, in particular parts (f) and (h) should be considered along with CS17 and CS11. CS7 (f) states that employment development within the countryside will be supported only where it contributes to the retention and viability of rural services or land based businesses, aids farm diversification, or promotes the conversion and re-use of appropriately located and suitable constructed existing buildings (particularly those adjacent to or closely related to towns and villages). Part (h) deals more specifically with Magna Park. It confirms Magna Park has a unique role as a strategic distribution centre (B8 uses) of national significance and is an exemplar of environmental performance. Part (h) states that, “...No further phase of development or large scale expansion of the site, beyond the existing development footprint (to be defined in the Allocations DPD) will be supported”.

Need for the development:

The applicant states that the development is required by the Stobart Group in association with their acquisition of Plot 1500 warehouse building at Magna Park (among the companies with whom Stobart works are Asda, Britvic and Nissan who are based at Magna Park), but that the existing level of parking provision at Plot 1500 is “constraining Stobart Group’s ability to carry out its activities effectively”.

Stobart Group currently operates from DIRFT, just off Junction 18 of the M1, but its tenancy comes to an end later in 2012 (Planning Statement says August, applicant has also mentioned November), and Stobart is therefore moving its operations to Magna Park, of which the proposed site forms part. The applicant states that the proposed facility “is essential for Stobart to continue to service its major clients, particularly those based at Magna Park”.

The applicant states that Magna Park was selected as the preferred location due to its operational benefits associated with this location close to the strategic road network. It clarifies that existing contracts with aforementioned occupiers at Magna Park are serviced from the existing facility at DIRFT, with HGVs travelling between there and Magna Park, and states therefore that the current proposal would lead to a significant reduction in lorry movements.

The applicant’s agent has clarified (letter dated 25.07.12) that 65% of Stobart’s current DIRFT activity would relocate to the proposed facility at Magna Park, while the remaining 35%, which deals with Tesco/DIRFT-based business, would be “absorbed into Stobart’s existing facility at the Glass House, DIRFT South”.

Alternative sites

The applicant states that there are no suitable alternative locations. On the basis that the proposed facility needs to be as physically close to Plot 1500 as possible, Gazeley mentions two other options in the submitted Planning Statement: (1) Plot 2110 (former George House building), which has consent for a new distribution warehouse, and which Stobart Group intend to develop and occupy in association with its other Magna Park operations, but which it states is of insufficient size to accommodate all of the required HGV parking. (2) An area of undeveloped land to the rear of Plots 1400 and 1500, which currently features a drainage lagoon and an ecological habitat area for Magna Park, the latter created as part of mitigation works in the development of Magna Park, which includes habitat (breeding ponds, terrestrial habitat, etc.) specifically for Great Crested Newts, the translocation of which Natural England has confirmed (email dated 29.06.12, held on case file) it is unlikely to consider favourably.

Loss of agricultural land:

In accordance with the recommendations of the CS Sustainability Appraisal (and NPPF para 112), in allocating sites the loss of the best and most versatile agricultural land (Grade 1 or 2) is least desirable. The loss of the site from agricultural use (Sub-grade 3a with some 3b) is considered acceptable in principle, subject to compliance with planning policies appropriate to the location of the site and type of development.

Principle of the Development:

Until the adoption of the Core Strategy part of the site lay within the defined boundary of Magna Park. The Local Plan policies (e.g. EM12-EM14) to which this designation related have not been retained and the adopted Core Strategy Policy CS7 refers instead to the “existing development footprint”. This refers to that which was present at the time of the Core Strategy’s adoption on 14th November 2011. The proposal would result in new development in the countryside, and a type of development not listed by Core Strategy Policy CS17 as being appropriate. The site lies outside the existing development footprint and, at 6.73ha (Magna Park has an overall footprint exceeding 200ha.), would result in an increase of between 2.5 and 3.5% in the land take of Magna Park.

In support of Policy CS7(h), paragraph 5.73 of the Core Strategy states:

“Magna Park Distribution Centre is a successful and in demand location and a significant employment site and generator of jobs contributing to the local economy. However the site meets a regional, or strategic, rather than local need. In the context of the evidence

studies, against the criteria they set, and taking account of future developments in the road / rail network, travel to work patterns and the type and skill level of logistics jobs compared to local employment needs, there are more suitable locations and sites (both rail and non-rail linked) than Magna Park within the region and sub-region to meet forecast need for strategic distribution to 2026. On the balance of evidence the preferred policy approach to Magna Park seeks to: support the national / regional drive for a modal shift of freight from road to rail, protect the site's strategic role for distribution, and safeguard its future and that of its businesses, whilst resisting a further Phase 3 of development and containing the site to its existing development footprint."

Scale of development / Prematurity

Set in the context of the total Magna Park site (>200ha), the scale of the proposed development (6.7ha) alone is unlikely to constitute a further phase of development or large scale expansion of Magna Park. Although the scale of the proposed development is large, CS7(h) arguably does not therefore apply. Any decision for this proposal is therefore unlikely to prejudice any CS7(h) review via an Allocations DPD and a refusal on this basis is difficult to substantiate. Furthermore resisting the employment generation aspects of the proposal on grounds of prematurity for an Allocations Plan DPD not currently available in any form will be extremely difficult to reasonably substantiate at appeal.

Ministerial Statement "Planning for Growth" (23.03.11):

Greg Clark MP's statement 'Planning for Growth' (PFG) states that the planning system has a key role to play in rebuilding Britain's economy, and that sustainable development which is needed to support economic growth is able to proceed "as easily as possible". However, the same statement also says that, "the answer to development [proposals] should wherever possible be 'yes', *except* where this would compromise the key sustainable development principles set out in national planning policy".

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with NPPF policy), and that they can give clear reasons for their decisions. The Secretary of State for Communities and Local Government will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment.

Impact to economic growth:

The submitted Planning Statement states that the proposal would employ 240 people (200 drivers and 40 office administration). It is understood that the majority of these jobs are not new jobs, but would be relocated from existing operations at DIRFT. Therefore, although new jobs to the Harborough district, they would not be new to the East Midlands region. The applicant has given the following clarification by email 29th August:

"The proposed development would employ 240 people, including 200 drivers and 40 office staff. This complements the 368 Stobart employees at Plot 1550. The Core Strategy at paragraph 2.23 confirms that the majority of people employed at Magna Park travel between 10-12km to get to work, on this basis new jobs created are likely to be filled in large part by local people residing in Harborough District. In order to facilitate and encourage the employment of local people we have offered a s106 agreement commitment to the appointment of a Local Employment Co-ordinator.

"As stated in previous correspondence approximately 40% of the jobs which will be resultant of the application proposals will be new jobs as opposed to jobs which will be transferred from DIRFT to Magna Park transport facilities. To be more precise a minimum

of 100 jobs will be newly created jobs in addition to the 140 existing employees being offered transfers from DIRFT transport facility to the Magna Park should planning permission be forthcoming. This number is anticipated to increase once Stobarts operations at Magna Park become more established.”

The available evidence suggests the proposal can potentially make a significant contribution to job creation.

Mileage and emissions

The applicant has given the following clarification by email 29th August:

“Section 4.4.8 of the submitted Transport Assessment states that, “Analysis of data provided by Stobart shows that on average there are 80 2-way movements per day between the two sites”, the two sites being DIRFT and Magna Park.

“Given that the distance between DIRFT and Magna Park is approximately 9 miles the proposed development would result in a reduction of 720 'empty miles' which are travelled between the sites every day. Assuming that Stobarts operations are 7 days a week for 50 weeks of the year this equates to 252,000 miles a year.

“It is considered important to note that the carbon dioxide emissions resultant from this are approximately 450 tonnes per year. The proposed development would put a stop to this and would clearly improve the viability and sustainability of Stobarts current operations from Unit 1550 Magna Park.

The proposal may therefore improve the sustainable operation of the existing Stobart Magna Park undertaking, but clearly the development could only have a positive effect in this regard if used by Stobart, or by another existing Magna Park operator.

Highways and parking considerations:

The raison d'être of the application, i.e. parking for HGV's and cars, means the proposal would have an impact, to a greater or lesser extent, on the local highway network. Access to the site would be via an existing roundabout, connected to an existing road between Asda George and Pearson, which itself connects to the A4303.

The Highways Agency (concerned with the strategic road network, including M1 and A5) and the Local Highway Authority (LHA, concerned with the local road network) have both been consulted on the application, and neither has any objections, subject to the imposition of certain conditions.

In summary, the application would not result in a sub-standard level of on-site parking, or adversely affect highway safety. It is therefore considered that the proposal would accord with Policy CS5 of the Harborough District Core Strategy.

Impact to residential amenity:

There are no neighbouring properties adjacent to the site for there to be any impact upon the residential amenity of neighbouring properties. The application is therefore considered to be in accordance with Policy CS11 of the Harborough District Core Strategy.

Unless appropriately controlled, there could be an impact on Lutterworth residents through (a) additional air pollution and/or (b) additional traffic movement through Lutterworth's town centre. Core Strategy policy CS14 explicitly states that transport interventions delivered in association with additional development in and around Lutterworth will focus on improving air quality and reducing the adverse effects of traffic flow, and that this will be achieved by (among other measures):

- (i) Resisting development which would result in additional Heavy Goods Vehicles passing through Lutterworth town centre;*
- (ii) Support for routeing schemes for Magna Park and other warehousing occupiers to prevent HGV traffic passing through Lutterworth; and*
- (iii) Locating future HGV generating business development to the south of the town with good access to the M1, A4303 and A426.*

Unless appropriately controlled, therefore, the current proposal may conflict with policy CS14. However, if a routeing scheme can be agreed by which no HGV traffic operated by the applicant and/or coming to or from or visiting the application site may drive through the existing built form of Lutterworth / Lutterworth town centre, the planning application may be considered to accord with the said policy.

Impact on character of the area (including landscape and visual impact):

The nature of the proposal and the current (undeveloped countryside) status of the site, means that the proposal would have an impact on the appearance and character of the site and the surrounding countryside. By reason of its scale, siting and the amount of buildings and hardstanding proposed, this impact would be significant.

The proposed VMU building would have an external footprint of 28.5m by 38.6m, with a flat roof and height of 11.5m. The first 6.5m from ground level would be finished in a grey colour, with the highest 5.0m in a graded lilac / blue. The proposed gatehouse and admin building would have a similar appearance, though more predominantly coloured in lilac / blue, and with a height of 9.3m and external footprint of approx. 10.8m by 25m.

The buildings would therefore have an appearance (form, mass, scale) which is commensurate with those existing buildings in Magna Park and which is visually striking in a rural context. The proposal would be visible from an area to the south-west, south and south-east of the application site, including from the A5 (Watling Street) and within the parishes of Churchover (Warwickshire) and Cotesbach. Potentially the site may also be glimpsed from the southern edge of Lutterworth. The site is currently physically separate from Magna Park, is not visually contained or enclosed, and this lack of containment is emphasised visually by its steady slope down from north to south.

It is noted that the new buildings within the development do not comply with the minimum size requirements specified in CS7(h). In terms of scale, height and massing, the proposed buildings may be less visually intrusive than a 'large warehouse', yet the combined effect of the buildings and lorry parking (hardstanding/storage) on landscape character and visual amenity is nonetheless considered to be adverse.

The Council has commissioned The Landscape Partnership (TLP) to appraise the applicant's submitted Landscape and Visual Impact Assessment (LVIA) and TLP concludes as follows:

"4.1. The LVIA is reasonably structured. However, parts of the methodology either does not follow standard practice (e.g. definitions of sensitivity) or is not fully transparent in how judgements are made (e.g. with no magnitude of effect identified for viewpoints). While TLP would have reached a different conclusion on some parts of the study the overall quantum of impacts is broadly accepted by TLP.

4.2. *In landscape character terms the proposal would result in a significant adverse change to the application site with change from agricultural field to predominantly hard surfaced HGV park and car park, associated buildings and perimeter landscape planting. This significant adverse effect on character is accepted in the Planning Statement (para 6.77). There would be no significant individual features that would be lost as a result of the proposals. The former hedge that ran north south through the site has recently been coppiced. The proposed change would be out of character with the site and rural landscape to the south. The proposal would therefore be contrary (at least in part) to RSS, Policy 2 & 31 and Harborough District Core Strategy Policies CS8, CS11 and CS17. However, the site does not directly affect the Separation Area Policy EV/3 between Lutterworth and Magna Park which is located north of the A4303. Conflict with the above policies in landscape and visual terms will need to be balanced against any benefits arising from the scheme.”*

In light of TLP's conclusions, it is considered that the proposed buildings and hardstanding, as well as the parking of HGVs and other vehicles, could have adverse effects on the surrounding landscape.

Planting, bunding and landscaping may mitigate some of the impact, more particularly of a proportion of the hardstanding, but would have a limited effect taking time to establish. Nevertheless in the medium to long term it would help to mitigate the proposal's landscape impact.

RPS for the applicant has provided a briefing note (23/08/12) in response to TLP's review of Landscape and Visual Effects. This includes:

“TLPs comments relating to the applications landscape proposals are all noted. It is considered that these comments can be satisfied, by ensuring that suitable planning conditions, as suggested by TLP, relating to the provision of a tree protection plan, full planting plan, full landscape specification and management plan are attached to any future permission. With regards to the conclusions which TLP have drawn we are obviously pleased to see that, whilst TLP may have reached these conclusions in a different way, they agree with the conclusions of RGAs LVIA.”

In summary, by reason of its scale, siting, and the amount and extent of buildings and hardstanding proposed, the proposal is likely to adversely affect the rural, undeveloped character of this part of the countryside by introducing development into open countryside. The proposal would therefore fail to comply with Core Strategy Policies CS11(c)(iii) and CS17, as well as paragraph 17 of the NPPF, which seeks to protect the countryside for its intrinsic character and beauty. However, the impact must be considered within the local context of substantial Magna Park development against which the proposal is relatively low key and open in comparison.

Planning Obligations

The applicant submitted draft s106 obligations including: Local employment Co-ordinator, Local Education Strategy, Neighbourhood forum Initiative and Local Environment Contribution. All elements save for the local employment co-ordinator were considered not essential for the development to proceed, and therefore the draft agreement did not satisfy CIL Regulation 122 and NPPF 204.

An amended draft legal agreement was subsequently received (6th September), containing obligations on Lorry Routing and Local Employment Co-ordinator. It is considered that these two elements satisfy CIL Regulations, and are necessary to address CS Policies CS14 (in the case of lorry routing) and CS7 and CS9 (in the case of the local employment co-ordinator). Therefore these proposed obligations are a material consideration, and weight

may be attached to them in a decision on this proposal. These obligations should be secured as part of any grant of planning permission for this proposal.

Comments have been received from the Council's Legal Services team regarding the proposed legal agreement, to state that the submitted Unilateral Undertaking (UU) is not fit for purpose in its current form. While the 'Local Employment Coordinator' (LEC) requires no further amendment, the 'Lorry Routing' (LR) element is not currently fit for purpose. The wording of the UU must tie the developer into entering into a routing agreement with Leicestershire County Council. The Routing Agreement would in turn need to be tied to the terms outlined in the UU.

The Legal Services team further stated that, with regards to the UU/bilateral agreement, the UU will only cover the terms agreed and instructed upon (i.e. the LEC and LR). If the Planning Committee / Full Council decision was to include other obligations, these would need to be picked up in a separate Agreement.

Conclusion:

The proposed development, by reason of its location outside the existing confines of Magna Park and its scale, would result in development in the countryside. The proposal would not contribute to the retention or viability of rural services or land based businesses, aid farm diversification, or promote the conversion and re-use of existing buildings. The proposal would therefore fail to comply with Policies CS11, CS7(f) and CS17 of the adopted Core Strategy. By reason of its scale, siting, and the amount and extent of buildings and hardstanding proposed, the proposal could detrimentally affect the rural, undeveloped character and amenity of this part of the countryside, and therefore fail to comply with Policy CS11(c)(iii).

Against these policy conflicts the proposal including its supporting information shows its impact can be mitigated, for example through landscaping planning conditions. The Landscape Partnership offered this comment in their appraisal:

“Assuming that there is a clear business case for the development and there are no alternative spaces within the existing areas for the development the proposal could form a reasonable logical extension of the park in landscape character terms.”

Very importantly the proposal would contribute to employment generation and the growth of an existing Magna Park business unit. The proposal generally meets important aims and objectives of 'Planning for Growth' and, subject to the development being used by a Magna Park operator, the NPPF. On balance, it is considered that this benefit outweighs the identified conflict with Development Plan Policy, and therefore planning permission should be granted.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply 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. Except where amended by Conditions 3, 4, 5, 8, 10, 15 and 19 of this planning permission, the development hereby permitted shall be carried out fully in accordance with the following approved plans: “3287-100 Rev \$”, “3287-50 Rev 09”, “3287-51 Rev 19”, “3287-61 Rev 03”, “3287-62 Rev 03”, “3287-63 Rev 03”, “3287-64 Rev 02”, “3287-65 Rev 04”, “3287-66 Rev 05” and “SS/018341-04/P2”. Reason: In the interests of good planning, and for the avoidance of doubt.

3. Notwithstanding the details submitted, no development shall commence on site until a schedule indicating the materials to be used on all external elevations of the development hereby approved has 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 District Council Core Strategy Policy CS11
4. Notwithstanding the details submitted, 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 District Council Core Strategy Policy CS11.
5. Notwithstanding the details submitted, no development shall commence on site until a scheme of hard and soft landscaping has been 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 (1) any trees and hedgerows to be retained, together with measures for their protection in the course of development, and (2) new trees and/or hedgerows to be planted;
 - (c) a full planting plan, to show all species (including locations and numbers), planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - (d) a Tree Protection Plan;
 - (e) finished levels and contours;
 - (f) means of enclosure;
 - (g) hard surfacing materials, to include full details of the areas and types of permeable paving;
 - (h) minor artefacts and structures (e.g. furniture, refuse and other storage units, signs)
 - (i) full details of bunding, to be accompanied by cross sections extended to the A5 (Viewpoint 1) and A4303;
 - (j) (1) additional planting to, and (2) a reconfiguration of the bund at, the site's northern/north-western boundary;
 - (k) any proposed lighting columns; and
 - (l) programme of implementation.Thereafter the development shall be implemented fully in accordance with the approved details and retained in perpetuity. Reason: To minimise the visual impact of the development, to deliver an improved earth screen and planting to the site's north-west corner, to enhance the appearance of the development in the interest of the visual amenities of the area, and to accord with Harborough District Core Strategy Policy CS11
6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of 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 District Core Strategy Policy CS11.

7. No development shall commence on site until a full landscape specification and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, and to cover establishment for the first 3 years and also longer term measures, e.g. thinning regimes, has 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 the establishment and management of the landscaped areas and to accord with Harborough District Core Strategy Policy CS11.
8. No development shall commence until details of maintenance access have been submitted to and agreed in writing by the Local Planning Authority, and the development shall be implemented fully in accordance with the approved details prior to the first use of the development. Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to accord with Harborough District Core Strategy Policy CS11.
9. The development shall not be occupied until the off-street car parking and lorry parking has been provided within the application site in accordance with the submitted details. All parking areas shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times. Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area, and to accord with Harborough District Core Strategy Policies CS5 and CS11.
10. Prior to the first use of the development hereby permitted, cycle parking provision shall be made fully in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority, and once provided such facilities shall be maintained and kept available for use in perpetuity. Reason: In the interests of the sustainability of the development and to encourage alternative transport choice.
11. No part of the development hereby permitted shall be occupied until details of a Green Commuter Plan containing a travel to work, car use and car parking management strategy for the (site) as a whole has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that adequate steps are taken to provide a transport choice to and from the site, and to accord with Policy CS7 of the Harborough District Core Strategy and the NPPF.
12. The Plan required by Condition 11 shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from work and during working hours. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site. Reason: To ensure that adequate steps are taken to provide a transport choice to and from the site, and to accord with Policy CS7 of the Harborough District Core Strategy and the NPPF.
13. No external lighting shall be installed on site unless plans showing (i) the type of light appliance, (ii) the height and position of fitting, (iii) illumination levels and (iv) light

spillage of the relevant lighting to be installed, have first been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and maintained fully in accordance with the approved details, and shall be retained as such thereafter and in perpetuity. Reason: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and to accord with Harborough District Core Strategy Policy CS11.

14. The development permitted by this planning permission shall only be carried out in full accordance with the approved Flood Risk Assessment (FRA), namely the FRA Rev E dated 29 May 2012, Ref: SS018341-NRB-JP-11-243-R, and Drawing Nos. SS/018341-05/P2, -06/P2 and -411, undertaken by Capita Symonds and the following mitigation measures detailed within the FRA:
 - (a) Sections 4.4.1, 4.7.6, 4.7.7 and 5.3 - Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - (b) Sections 4.6.1 and 4.7.7 - Provision of approximately 4000m² of permeable paving to the new car park.
 - (c) Sections 3.2.2 to 3.2.4 and 4.7.4 - Confirmation of the diversion of the existing on site watercourse which serves the upstream developments, including limiting the surface water run-off generated by these and conveyed by the existing and proposed diverted watercourse.

Reasons: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the impact of flooding on the proposed development and future occupants, to reduce the risk of flooding to the proposed development and future occupants, to protect and enhance water quality with the Swift catchment, and to accord with Harborough District Core Strategy Policy CS10 and the relevant sections of the NPPF.
15. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall, thereafter, be implemented in accordance with the approved details before the development is completed. The scheme shall include:
 - (a) Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - (b) Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm.
 - (c.) Detailed design (plans, cross sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
 - (d) Details of how the scheme shall be maintained and managed after completion

Reasons: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system, and to accord with Harborough District Core Strategy Policy CS10 and the relevant sections of the NPPF.
16. No development shall commence until such time as a scheme to minimise silt and polluting run-off during the construction phase has been submitted to and approved in writing by the Local Planning Authority, and the development shall be implemented fully in accordance with the approved details. Reason: The development could create turbid and polluted run-off, which could enter the tributary of the River Swift; and to accord

with Harborough District Core Strategy Policy CS10 and the relevant sections of the NPPF.

17. The development shall be implemented fully in accordance with the recommendations outlined in Sections 4.2.5, 4.2.6 and 4.3.3 of the applicant's submitted ecological report (Arnott & Mann, June 2012), and the further recommendations in the said report regarding the creation of further habitat on or within the site, including broad-leaved woodland. Reason: To safeguard ecological interests, to protect habitats of protected species, to ensure the retention of important hedgerows, and to accord with Harborough District Core Strategy Policy CS8 and the relevant sections of the NPPF.
18. Within one month of the first commencement of the development on site, an updated badger survey shall be completed by an appropriately qualified ecological expert. Should badger setts be found, works shall not commence until a mitigation plan has been submitted to and approved in writing by the Local Planning Authority, and the development shall be implemented fully in accordance with the said mitigation plan. Reason: To safeguard ecological interests, and to accord with Harborough District Core Strategy Policy CS8 and the relevant sections of the NPPF.
19. The details required by Conditions 5 and 7 of this planning permission shall be provide replacement badger foraging habitat, in the area surrounding the surface water retention basin, to include the planting of high fruit-bearing native shrub species, including Crab Apple, Dog Rose, Blackthorn and Elder. The development shall be implemented fully in accordance with the approved details and maintained as such thereafter and in perpetuity. Reason: To safeguard ecological interests, and to accord with Harborough District Core Strategy Policy CS8 and the relevant sections of the NPPF.
20. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - (a) The programme and methodology of site investigation and recording
 - (b) The programme for post investigation assessment
 - (c.) Provision to be made for analysis of the site investigation and recording
 - (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - (e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - (f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 20 of this planning permission. Reason: To ensure satisfactory archaeological investigation and recording, and to accord with Harborough District Core Strategy Policy CS11 and the relevant sections of the NPPF.

21. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 20 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. Reason: To ensure satisfactory archaeological investigation and recording, and to accord with Harborough District Core Strategy Policy CS11 and the relevant sections of the NPPF.

22. The development hereby permitted shall not be used or operated other than principally by an occupier of the existing Magna Park warehouse and distribution park. Reason: In the interests of the sustainability (economic, social and environmental) of the site and its use, and to accord with paragraphs 19, 93 and 95 of the NPPF.

Informative Notes:

If the drainage for the refuelling area can not enter the foul system then a full retention interceptor should be installed as a minimum.

Drawing reference SS/018341-05/P2 states that a class one forecourt separator will be installed with automatic closure device and a high level audible alarm for the fuel islands. It is highly recommended that an additional spill control measure is put in place for when road tankers deliver, such as a dump tank designed to take the maximum volume of one tanker chamber.

Petrol interceptors are proposed for the rest of the development and will have automatic shut-off valves and alarm systems. All interceptors should be sized appropriately and have on-going maintenance. The applicant should refer to the Environment Agency's Pollution Prevention Guideline PPG3 (The use and design of oil separators...) in this regard.

Drawing reference SS/018341-05/P2 stipulates that the vehicle wash area is to be discharged into the foul sewer. The foul sewage arising from the proposed development is to be serviced by pump stations before discharge into the public foul sewer. Agreement with the sewer undertaker should be sought. Robust routine maintenance and emergency response provision should be put in place.

Any waste used or generated during the construction phase should be handled in accordance with the Environmental Permitting (England and Wales) Regulations, 2010 and the duty of care.

The Written Scheme of Investigation (WSI) required by Condition 20 of this planning permission must be prepared by an archaeological contractor acceptable to the Local Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.