



Planning Committee

To: All Members of the Planning Committee on Friday, 26 May 2023

Date of meeting: Tuesday, 06 June 2023

Time: 18:30

Venue: The Council Chamber

The Symington Building, Adam and Eve Street, LE16 7AG

Members of the public can access a live broadcast of the meeting from the [Council website](#), and the meeting webpage. The meeting will also be open to the public.

Agenda

- 1 Election of Chairman**
- 2 Appointment of Vice-Chairman**
- 3 Introductions**
- 4 Apologies for Absence and Notification of Substitutes.**
- 5 Declarations of Members' Interests**
- 6 Draft Minutes of the Planning Committee Meeting - 4 April 2023 3 - 6**
- 7 To answer Written Questions or Receive Petitions Submitted by the Public**
- 8 Referral up to Council by the Planning Committee.**
To consider any referrals under Part 3 Section B1.4 of the Council's Constitution.
- 9 Index of Applications for Determination - 6 June 2023 7 - 8**
- 10 Application for Determination - 6 June 2023 9 - 170**
- 11 Any Urgent Business**
To be decided by the Chairman.

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

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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 4th April 2023
commencing at 6.30pm

Present:

Councillors: Champion (Chairman)

Mrs Ackerley, Burrell, Frenchman, James, Modha, Galton and Mrs Page

Officers present: D. Atkinson - Director of Planning, A. Eastwood – Development Planning Manager, J. Felton – Planning Solicitor, K. Parsons Democratic Officer, N. Parry - Development Management Team Leader, M. Patterson- Strategic Growth (Development Management) Team Leader

1. INTRODUCTIONS

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

2. APOLOGIES FOR ABSENCE AND NOTIFICATIONS OF SUBSTITUTIONS

Apologies were received from Councillor Liquorish who was substituted by Councillor Mrs Page. Councillor Bilbie who was due to be substituted by Cllr Nunn who also gave apologies.

3. DECLARATIONS OF MEMBERS' INTERESTS.

There are none.

4. MINUTES

RESOLVED that the minutes of the Planning Committee meeting held on the 28th February 2023 be approved and signed by the Chairman as a true record.

5. QUESTIONS AND PETITIONS SUBMITTED BY THE PUBLIC

There were none.

6. REFERRALS UP TO COUNCIL BY THE PLANNING COMMITTEE

There were none.

7. TO CONSIDER APPLICATIONS FOR DEVELOPMENT PERMISSION

- i. The Development Manager Team Leader introduced the report in respect of application , 21/01519/FUL, Land to The West of Leicester Road, Market Harborough – *Erection of a local centre comprising retail units (Class E), 13 apartments and 6 dwellings with associated parking, creation of overflow parking area, landscaping and supporting infrastructure*).

She directed Members to the Supplementary Information. Representation was heard in support of the application from the Applicant's Agent Richard Henderson and from Ward Member Councillor Dr Bremner. The Committee had the opportunity to question the speakers and Officers.

Following consideration of the report it was;

RESOLVED that;

Planning Permission is APPROVED, for the reasons set out in the report.

- ii. The Development Planning Manager introduced the report in respect of application 22/00719/FUL; 22/00759/VAC; 22/00764/VAC; 22/00767/VAC, Land at Ate Farms Ltd, Moorbarns Lane, Lutterworth -

(1) 22/00719/FUL Erection of 21 residential holiday lodges and a management building with associated parking, gallops and landscaping

(2) 22/00759/VAC-Variation of Condition 2 (private only use of stabling) of 13/00829/FUL to enable the stables, tack room and hay barn to be used by horses other than the applicant's own including horses owned by visitors staying in lodges which are proposed under planning application 22/00719/FUL)

(3) 22/00764/VAC Change of use of land from agricultural to equestrian, including formation of horse exercising gallop (Variation of Condition 2 (private exercising of horses) of 14/01336/FUL to enable the land and gallops to be used by horses other than the applicant's own including horses owned by visitors staying in lodges which are proposed under planning application 22/00719/FUL)

(4) 22/00767/VAC- Variation of condition 2 attached to 15/00277/FUL. To enable the exercise arena to be used by horses other than his own including horses owned by visitors staying in lodges which are proposed posed under planning application 22/00719/FUL.

He directed Members to the Supplementary Information. A representation was heard in support to the application from the Applicant's Agent Michael Robinson. The Objector Edmund Hunt and from the Ward member Cllr Beadle. The Committee had the opportunity to question the speakers and Officers.

Following consideration of the report it was;

RESOLVED that;

Planning Permission is DEFERED, for the reasons as follows:-

- Site visit
- Clarification that highway assessment has considered:
- Traffic count over several days including school and civic tip opening times.
- Equestrian use of Moorbarns Lane
- Multiple uses on Moorbarns Lane including activity from school, travelling show persons site and civic waste tip.

- iii. The Strategic Growth (Development Management) Team Leader introduced the report in respect of application 22/01106/FUL - Land at Nether Green, Great Bowden - Erection of detached dwelling (revised scheme of 20/00820/FUL).

He directed Members to the Supplementary Information. Representations were heard from the Objector, Sam Lewis. The Committee had the opportunity to question the speakers and Officers.

Following consideration of the report it was;

RESOLVED that,

Planning Permission is APPROVED, for the reasons set out in the report and subject to the Planning Conditions set out in Section 9 of this report.

8. ANY URGENT BUSINESS

There was none.

The Meeting closed at 20.34.

PLANNING COMMITTEE

6th June 2023

APPLICATIONS FOR DETERMINATION

Index of Applications for Determination

Meeting of the Planning Committee, 6th June 2023

Application Ref	Parish / Ward	Applicant	Page Number
20/00718/FUL and 20/00719/LBC	Market Harborough/ Great Bowden Arden Ward	Hazelton Homes (Midlands) Ltd	9-60
21/02224/FUL	Great Glen	Hazelton Homes (Midlands) Ltd	61-100
23/00150/ADV; 23/00151/ADV, 23/00152/ADV, 23/00153/ADV.	Logan, Lutterworth East, Arden	Harborough District Council	101-106
23/00287/REM	Lutterworth / Lutterworth West	GLP	107-119
23/00382/FUL	Saddington	Critchley	120-134
23/00438/REM	Bitteswell with Bittesby / Ullesthorpe	GLP	135-150
23/00329/FUL	Illston on The Hill	Mr & Mrs Saigal	151-170

Committee Report

Applicant: Hazelton Homes (Midlands) Ltd

Application Ref: 20/00718/FUL and 20/00719/LBC

Location: The Welland Quarter, St Mary's Road, Market Harborough

Parish/Ward: Market Harborough/ Great Bowden Arden Ward

Proposal: Erection of 3 No, 4 and 5 storey apartment buildings (comprising a total of 77 residential units with balconies) (Class C3), associated parking and electric charging points, and change of use of existing vacant listed building to 6 flats, including refurbishment works, and external staircase to rear (revised description).

Application Validated: 06.07.2020

Consultation Expiry Date: 10.03.23

Neighbour Expiry Date: 15.06.21

Site Notice Expiry Date: 01.08.20

Advert Expiry Date: 13.08.20

Target Date: 05.10.20– EOT Agreed

Committee Decision: Major application for 25+ dwellings and at request of Councillor Knowles (traffic levels, infrastructure and compatibility to surrounding developments initial considerations).

Recommendation

Planning Permission is **APPROVED** for the reasons set out in this report and subject to the recommended Planning Conditions and Informative Notes in Appendix A and the signing of a legal agreement to secure the review mechanism obligation set out at 1.2 in Appendix B, and the restoration of the listed building, as detailed.

Listed Building Consent is **APPROVED** for the reasons set out in the report and subject to the recommended planning conditions and Informative Notes in Appendix C.

1. Site & Surroundings

- 1.1 The application Site (0.327 ha), is located to the East of St Mary's Road, close to the station and also abuts Kettering Road to the West and the River to the South, and forms part of the site known as the Welland Quarter, with apartments of up to 5

storeys previously developed along St Marys Road and Kettering Road (Edwin Court). As part of the overall development a riverside link was built to link to the Station and wooden bridge to facilitate this. The NCP Station carpark forms part of the overall site, as does land known as The Point at the Northern end.

- 1.2 The part of the site under consideration is shown as Site A in the below aerial photo.



Aerial photograph of the sites in context.

- 1.3 Views of the Site:



Site from Northwest - St. Mary's Road



Site from Northeast - St. Mary's Road



Site from Southwest - Kettering Road Bridge



Site from South - Across River Welland



Photo 1. North front of mill with, from right to left, boiler house, engine house and mill. Looking S.



Photo 6. South front of mill with boiler house on left, projecting gable of engine house next to this and mill on right. Looking N.



- 1.4 The site contains The Old Flour Mill shown in the photos above, and listed Grade 2, and has been vacant since 2006, when vacated by the Harborough Rubber Company, and dating back to @1860. There were once attached structures to the rear, now removed, and despite standing vacant, the overall condition is sound, however the overall site is not attractive having been vacant for several years. The site is bounded to the South by the river Welland and beyond that is the Edwin Court development on the other side of the river. The site is partly at a reduced level and often waterlogged.

2. Site Planning History

- 2.1 The site has the following planning history (summarised for ease of reference):

The wider site has been the subject of various applications dating back to 2005, when the principle of residential development on the site was established by an outline consent for the whole site (now expired):

04/01573/OUT: Redevelopment of existing factory site to a mixed use development of 340 apartments and 929 sq metres of A3/A1 and B1 space and associated parking (to include means of access and siting).(decision issued 05/12/2005)
Reserved matters to be submitted within 3 years.

Section 106 Agreement:

A Section 106 legal agreement was concluded in relation to the outline application to secure the provision of 62 affordable apartments (and these are proposed in the application for Block A), community facilities, off- site recreation facilities, the provision of the Millennium Mile extension, a contribution towards the provision of additional school places and significant highway improvements. The additional affordable outlined in the comments of the Housing Enabling Officer will be provided in either Blocks E, F or G (the subject of a separate application).

Since then, the site has been developed in a piecemeal fashion, including the all affordable block South of the river (Edwin Court) (75 units). Parts of the site remain undeveloped, including the listed flour mill fronting St Mary's Road.



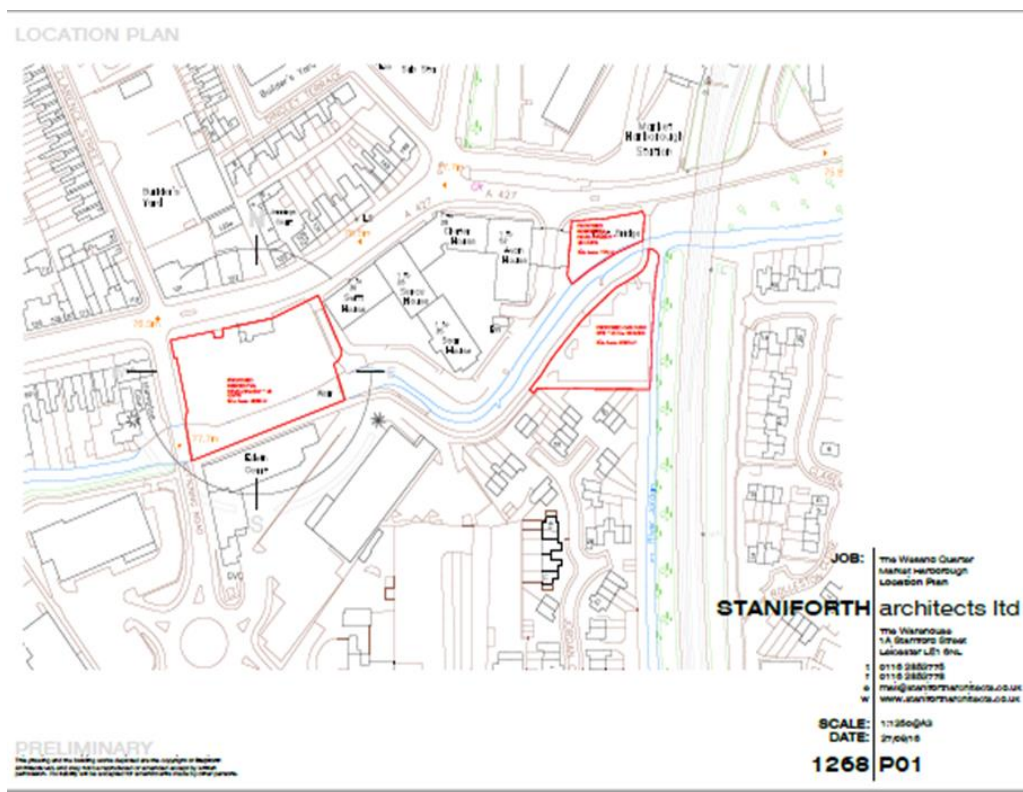
Photo of the southern gable of the Old Flour Mill, clearly showing the line of demolition of a previous factory building. Note all the original ground floor openings have been bricked-in.

2.2 16/01663/FUL and 16/01664/LBC

- The erection of 45 dwelling houses & apartments (C3) over four storeys; change of vacant flour mill to offices (B1) on vacant land adjacent St Mary's Road, Kettering Road

and the River Welland; the erection of 28 dwelling houses & apartments over seven storeys with associated car parking.

- Approval dated 23/10/18-commencement required by 23/10/21 (expired)
- Conditions have not been discharged (application pending-still some outstanding info required-drainage).
- This approved scheme was subject to a Section 106 agreement and included clauses relating to the restoration of the listed building. (upon completion of 50% of the dwellings approved)
- There are 2 distinct parts to the scheme as shown on the plan:

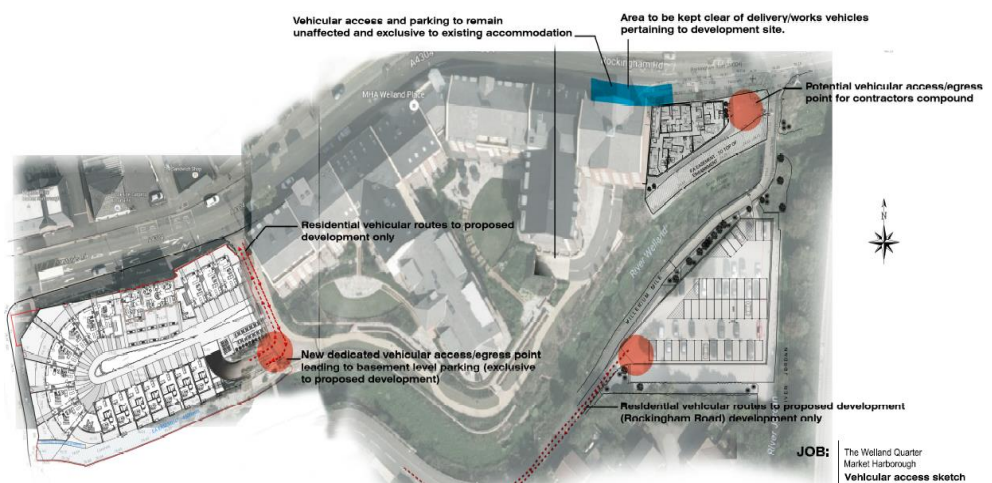


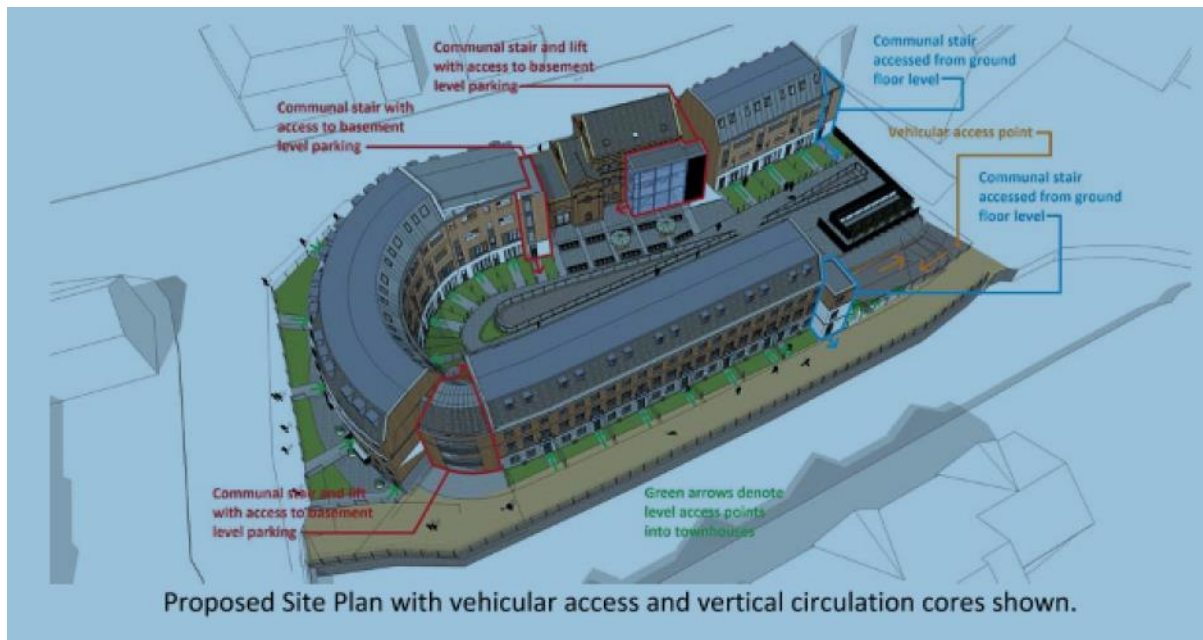


from footbridge, looking towards town centre-above Site B

-Embankment site.

Approved scheme below, including raised decking carpark to serve Site B.





2.3 21/01384/NMA

Amendments to conditions to allow phased implementation of original consent (proposed non-material amendment to 16/01663/FUL)

Split the site into 2 phases of implementation.

Discharge of conditions submitted prior to expiry. (23.10.21)

- 2.4 Legal opinion has established that the consent in relation to Site B is extant by virtue of the discharge of conditions application, and the commencement of works.

3. The Application Submission

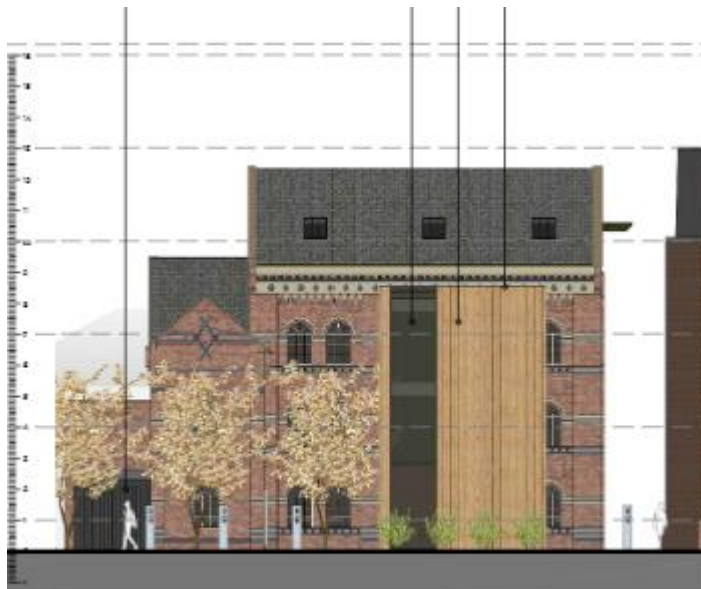
a) Summary of Proposal

- 3.1 The application has been revised several times since its original submission to meet latest market and viability requirements. Originally there were a greater number of family houses and underground parking was shown, accessed by a series of lifts (with central open space at ground floor). This was found to be unviable, and it is now proposed to infill the sub ground level and create a reduced level of ground level parking. (39 spaces, and 60 bike spaces, including 20 electric charging points. Bike parking is shown for each building). The number of units is increased, but the units are smaller (one /two beds) and balconies have been added (following Covid and requirement for "outdoor space"). Further, any Section 106 contributions have been deemed unviable, given the abnormal costs associated with developing the site, including the amount of infill and remediation works required to make the site suitable for development.



Building 3: Between Old Flour Mill and existing flats on St Mary's Road (4 storey)

Building 4: Conversion of Old Flour Mill to 6 flats. External fire escape to rear (red Cedar vertical cladding).



Illustrative views below.



3.3 The proposed schedule of accommodation is shown below:

The scheme proposes a mix of studio, 1, & 2 bed apartments, as follows:

New build:

Studio	11
1 beds	44
2 beds	22

Refurbishment (Flour Mill):

Studio	1
1 beds	2
2 beds	3

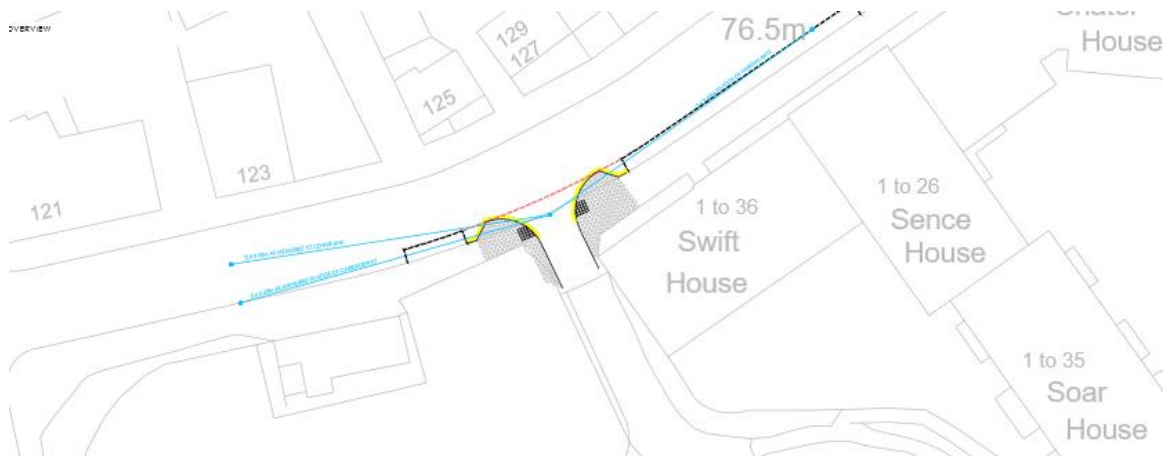
Total Flats 83

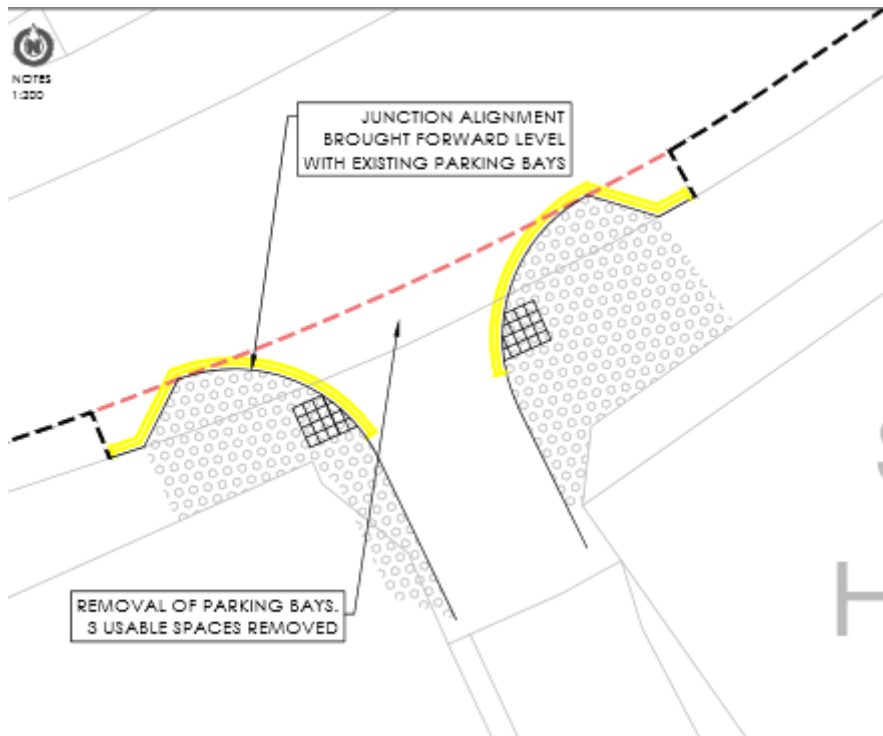
Parking:

Car	39 (including 12 electric car charging points)
Cycle	60 (including 20 electric bike charging points)

3.4 Access and parking;

The main pedestrian/cycle access is either side of the Old Flour Mill, with vehicular Access between the new building 3 and Swift House, currently an existing maintenance access (shown below). Improvements to access proposed and will necessitate removal of 3 spaces of current parking bay. A Traffic Regulation Order (TRO) to prevent parking in this area will be required.





The revised scheme includes 39 parking spaces, which are intended to be unallocated. A detailed off-street carparking strategy has been submitted to show that this is an adequate number in this highly sustainable location.

Communal bin store Northeast corner close to main access.



3.5 The site is in flood zone 1, classed as low risk. Due to the proximity of the River Welland (Southern boundary), it is proposed to maintain a clear easement of 4.5m as agreed with the Environment Agency (EA), to allow for future maintenance of the existing river wall and banks. A Flood Risk Assessment has also been submitted. Apart from the Flour Mill, the proposed residential units sit on a raised plinth, enabling the site generally to exceed the required flood level (as per the accompanying flood risk assessment). The raised level generates street separation for the ground floor apartments.

Pre-application Engagement

3.3 Officers have been discussing the site for several years with the Agent/Owner, trying to help secure development on this prominent brown field site. Initial ideas of form and approach to scale, massing and appearance were submitted and have since changed, as has the type of housing (now smaller apartments) and the level of parking (now reduced and ground level).

4. Consultations and Representations

Publicity

4.1 Site Notices were posted and an Advert was placed in the Harborough Mail as detailed above.

Consultation Responses

4.2 Consultations with technical consultees and the local community have been undertaken. Firstly, a summary of the technical consultee responses received is set out below, followed by a summary of comments from the local community. The responses given are the most up to date provided at the time this report was published. To view these comments and earlier comments in full please go to: www.harborough.gov.uk/planning

4. Consultations and Representations

Consultee	Date	Summary
	Date of latest comments.	
<u>Regional</u> / <u>Local Bodies</u>		
Anglian Water	20.05.22	We have no additional comments to add to our previous response. - Request a condition requiring a scheme for on-site foul water drainage works and surface water management strategy

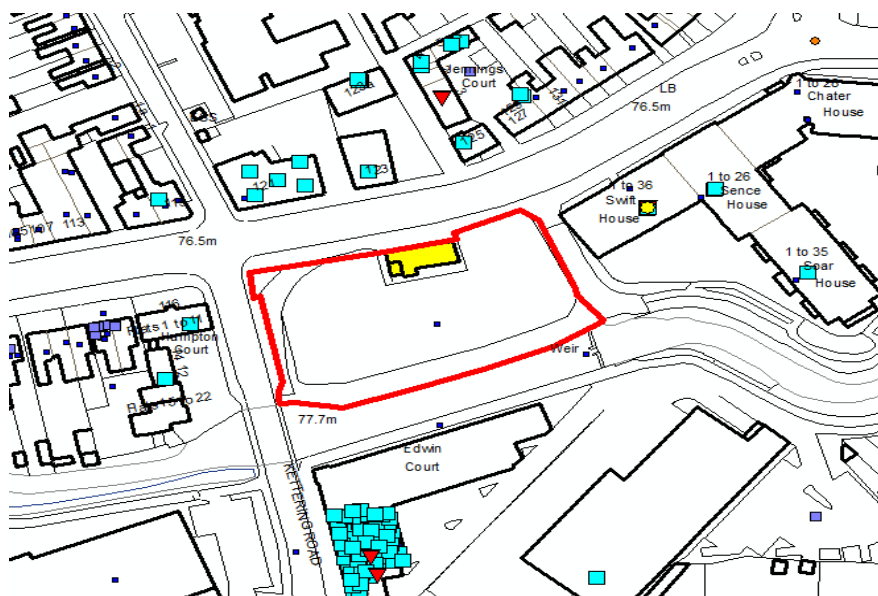
Environment Agency	18.05.23	We have assessed the plans and the principals of the development remain unchanged, aside from the removal of the under croft car parking. As such our response remains mainly unchanged, however we will remove the requirement relating to the parking Recommends conditions.
PCT	23.07.20	S106 Contributions sought
Fire & Rescue		Leicestershire Fire and Rescue Service do not consult on plans or provide direct comment on access facilities for new domestic building developments. Legislative guidance and supporting information for planners and developers can be accessed via our website.
Leics Police (Designed Out Crime Officer)	30.05.22	General recommendations made.
<u>LCC</u>		
Highways	27.03.23	Additional highways information has been sought throughout the application process to include surveys on traffic flow, and junction surveys. No objections subject to conditions and contributions
Archaeology		No objections
LLFA	18.05.22	Recommend conditions
Ecology		Recommend conditions
S106		Contributions requested for waste and libraries
<u>HDC</u>		
Contaminated Land	20.05.22	Contaminated land conditions recommended.
Environmental Health Officer	10.07.20	Recommend conditions for CEMP
Public Open Spaces Officer		Contribution Requested for the provision of on site and off site POS - see Appendix B for further information
Community Facilities Officer	17.05.22	Contribution Requested for the provision of community facilities - see Appendix B for further information
Housing Enabling Officer	02.02.21	The original development of this site met the AH requirement in full (we have a block of 72 flatted units at Edwin Ct owned and managed by the Platform group. This is to reiterate that we will not seek any more AH provision with regard to this current application.

Waste Management		Contribution Requested for the provision of household waste and recycling receptacles per household – see Appendix B for further information
Parish Council / Other		
Market Harborough Civic Society:	25.05.22	1. Overdevelopment of site-not sustainable. 2. No open space-particularly for families. 3. Only access from At Marys Road which is already overloaded. 4. Not good design and will overshadow other buildings. 5. The District has adequate housing supply. 6. The Council should acquire the site and create a public square and community facilities as proposed in original scheme in 2004.
Cllr Knowles	09.07.21	Should be considered by Committee. Initial considerations: Traffic levels, infrastructure and compatibility to surroundings.

b) Public Representations

- 4.2 Neighbouring properties adjacent to the site were directly consulted, as indicated by the large light blue square on the map below.

Neighbour Consultation Map



Light Blue Square = Neighbour consulted; Green Triangle = support
 Comment, red triangle+objection.

4.3 Objections from 9 households received;

Original Plans;

- Concerned about noise, vibration and disturbance during construction, and subsequent impact on mental health-have been lots of works already in the vicinity.
- Loss of privacy, view and loss of value of property (Edwin Court).
- Loss of light to building/garden (Swift House).
- Loss of on-street parking
- Insufficient parking on site.
- Building taller than neighbouring developments.
- Impact on river/wildlife.
- Loss of light to Edwin Court-should be limited to 4 storeys.
- Balconies will mean further loss of privacy to Edwin Court.
- Impact on listed building-height should be reduced.
- Entrance too near road junction and traffic lights.
- Opposed to underground parking.
- Will compromise security.
- A garden next to the river will benefit everyone.
- Should be viewed in conjunction with wider traffic improvements for the area-land may be vital for traffic improvements, allowing wider river crossing and extra lane.

Revised Plans:

- None received.

a) Development Plan

5.1 The Development Plan consists of the Harborough Local Plan (HLP), adopted April 2019.

HLP key policies:

- Policy SS1 The spatial strategy
- Policy GD1 Achieving sustainable development
- Policy GD2 Settlement Development
- Policy GD8 Good design in development
- Policy H1 Provision of New Housing
- Policy RT2 Town and Local Centres
- Policy HC2 Community facilities
- Policy G12 Open Space, Sport and Recreation
- Policy GI5 Biodiversity and geodiversity
- Policy CC1 Mitigating climate change
- Policy CC3 Managing flood risk
- Policy CC4 Sustainable drainage
- Policy IN2 Sustainable transport

b) Material Planning Considerations

5.3 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 are cited as follows.

- **National Planning Policy Framework (NPPF) (July 2021)**
- **National Planning Practice Guidance (PPG)**
- **Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (2017)**
- **Development Management SPD (December 2021)**
- **The Leicestershire Highways Design Guide (2018)**
- **Planning Obligations Developer Guidance Note**
- **5 Year Land Supply Position Statement - 7.49 years**
- **Town Centre Masterplan (June 2022).**

6. Assessment

a) Principle of Development

6.1 The principle of high-density residential development on the application site has already been established by virtue of previous consents granted and development of brownfield sites, such as this, is afforded significant priority in latest Government guidance. The site is currently in a poor state of repair, including the listed building, and its restoration and visual enhancement is considered beneficial, particularly as this is a prominent gateway site to the town, as referred to in the Town Centre Masterplan.

6.2 Policy SS1 sets out the settlement hierarchy for the District and identifies Market Harborough as a Sub-Regional Centre.

As the site is within the existing or committed built up area of Market Harborough, GD2 permits development where it respects the form and character of the existing settlement and, as far as possible, it retains existing natural boundaries within and around the site.

6.3 The addition of 83 residential units in a highly sustainable and accessible location would help to maintain the Council's healthy 5-year land supply position and provide additional housing choice to people by providing smaller accommodation (1 and 2 bedroom apartments).

- 6.4 The restoration of an important historical landmark building in a sympathetic manner is also welcomed in accordance with both local and National policies.

b) Design and Visual Amenity

- 6.5 Policy GD8 requires development to achieve a high standard of design which is inspired by, respects and enhances local character and distinctiveness. The site is not within a Conservation Area, but it contains a listed building and is in proximity to the listed station building. Where appropriate, development can be individual and innovative yet sympathetic to local vernacular in terms of building materials. Development should respect the context and characteristics of the individual site, street scene and wider local environment to ensure that it is integrated as far as possible into the existing built form.

- 6.6 The buildings are located on a prominent corner and form a strong building line.

The plans submitted respect the existing scale and urban context, including development that has already taken place on site. This includes the use of mix of materials and design. Whilst the buildings are distinctive large landmark buildings, they are considered well designed and take inspiration from the industrial past of the site, which is enhanced through the use of relevant artwork on prominent elevations, referring to past local companies. They are considered to enhance this part of the street scene and makes innovative use of the street frontage.



Building 3 - Vehicle Entrance Side

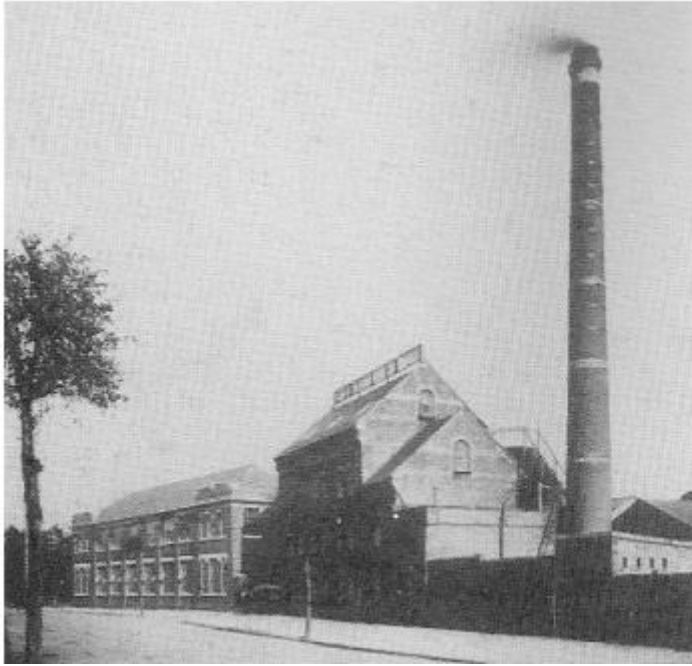


Building 1 - Side off St. Mary's Road



Building 1 - Kettering Road View

- 6.7 The appearance of the buildings has taken inspiration from the historic use of the site, which was originally densely packed with industrial buildings.



The proposed scheme incorporates a traditional industrial design language with emphasis on rhythm, order and proportion. Deep reveals and recessed balconies, combined with the variation in massing and steps in plan, give a strong three-dimensional nature to the elevations. The piers generated by the deep reveals reference a robustness of a traditional industrial language. The recessed balconies generate breaks and bays across the elevations. The stair cores, in contrasting materials and glazing arrangements, provide additional strategic breaks and focal points across the massing. The dominant material is brick, with stone lintels, large Crittall Style windows and standing seam metal cladding infill and mansard roofs. The combination continues the historic, industrial theme, softened with a natural colour palette of pale bricks and bronze metalwork.

The buildings flanking the Flour Mill are given suitable separation, creating the main pedestrian entrance point to the site. The design language lightly references the Flour Mill with a simplified modern interpretation of the brick pier recesses and vertically proportioned windows. Subtle variation is created with the use of differing bricks and window heads (brick arches on building 3 and flat stone lintels on building 1). A mansard roof is used to reduce the massing around the Flour Mill and helps generate suitable high street proportions in relation to the width of the street.

As the building turns into Kettering Road, there is a transition into a larger scale historic industrial design language, using larger openings and recesses. The Crittall style windows, recessed within brick piers, are a strong reference to historic industrial design, whilst the inset balconies have simpler contemporary window styles and metal panels. The recesses and balconies generate a strong three dimensional character to the elevations.

The Kettering Road elevation is set back in a part-curve following the boundary of the Highway. This creates a dynamic corner feature punctuated with deeply cut back balconies and softens the boundary to the roadside.

The development turns and runs continuously along the waterside of the River Welland. The elevation is set back to suitably respect the required 4.5m maintenance easement for the river. The result is a new walkway along the riverside.

- 6.8 Boundary treatments are not clearly shown but the key buildings front directly onto the back of pavement as existing along St Marys Road and set back slightly along Kettering Road, where use of metal railings is indicated, and similar to the riverside frontage, as per the other side of the river (see third CGI below). There will be limited scope for significant planting, but appropriate planting will enhance the development and can be covered by way of condition.
- 6.9 The CGI's contained with the Design and Access Statement help to illustrate how the development will appear once built.

CGI's of proposed development (Design and Access Statement)



Proposed Street Scene from Northeast - St. Mary's Road



Proposed Street Scene from Northwest - St. Mary's Road



Site View from Southwest- Kettering Road Bridge



Courtyard & Parking - Site from East

- 6.10 Officers consider the design of the development to be both in keeping with the residential development of the wider site and reflective of the historic origins of the site. The design is therefore judged to satisfy Policy GD8.

c) Impact on listed building/heritage assets.

- 6.11 Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings/assets and Conservation Areas, including setting, when considering whether to grant planning permission for development. For Listed Buildings/assets, the Local Planning Authority shall “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” (Section 66) and for Conservation Areas “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” (Section 72).

6.12 Paragraph **197 of the NPPF**: In determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Further: **Considering potential impacts**

Para 199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.13 In this case, the revised scheme is considered to lead to:

- (a) Sympathetic restoration of the listed building and bringing it back to a viable use.
- (b) The redevelopment of a key gateway site, which will add to the visual enhancement of the town for visitors and residents, particularly when arriving by train. It may help to "kick-start" further development and investment along St Marys Road.
- (c) Make a positive contribution to the area through its sympathetic and innovative design.

6.14 Whilst the development may result in some harm (change) to the setting of the listed building, this is considered less than substantial, particularly bearing in mind that the adjoining new buildings are set off the listed building and are of a sympathetic scale and design. As previously highlighted, the original building was surrounded by industrial buildings, thus the historical integrity is not compromised. Further, the current setting is already undermined by its unkempt setting and appearance.

The proposal will lead to the long-term restoration and future retention of the listed building and the overall enhancement of the site.

d) Highways

- 6.15 The applicant has tested the site access design with the predicted flows in the 2028 Design Year + proposed development scenario. This predicts that the site access would operate within capacity in both the AM and PM peak hours.

After a review of the latest drawing and other information related to the site access arrangements the LHA is satisfied that the site access is suitable to serve the proposed development, subject to minor amendments as part of the technical approval process if the applicant obtains planning permission.

6.16 Highway Safety

To ensure the latest collision data has been reviewed the LHA has interrogated its own Personal Injury Collision (PIC) database for the most recently available period from 1 December 2017 to 30 November 2022. The study area covers 250m either side of the site access on A4304 St Mary's Road and includes the junctions at A4304 Rockingham Road / Great Bowden Road and Clarence Street / A4304 Rockingham Road / Kettering Road / A4304 St Mary's Road. The LHA can confirm that there have been no PICs in the study area in the period under consideration and therefore the LHA would not seek to resist the application based on any road safety concerns. Trip Generation The applicant has interrogated the TRICS database which is the industry standard system for calculating trip generation. It allows the applicant to use a cross section of comparable development sites to calculate trip rates. The 85th percentile trip rates generated by the proposed development are acceptable and shown in Table 1 below.

	AM Peak			PM Peak		
	Arrivals	Departures	Total	Arrivals	Departures	Total
C3 Residential Apartments	0.047	0.247	0.294	0.176	0.176	0.352
Trip Generations (80 units)	4	21	24*	15	15	29*

*Note : - totals discrepancy due to decimalisation rounding

Table 1: Proposed trip rates and trip generation figures - reproduced from Lennon Transport Planning Technical Note dated March 2022.

This indicates that there would be 24 and 29 (two-way) car trips in the AM and PM peak hours respectively. Even if the highest trip rates were used in a 'worst case' scenario this is only predicted to generate 37 (two-way) trips, based on the higher trip rate in the PM peak hour. It should be noted that the applicant has calculated the trip generation for the proposed development based on 80 dwellings rather than (up to) 83 dwellings as described in some of the planning documents so the actual number of cars on the network might be slightly higher if the predicted trip rates are replicated on the ground. However this discrepancy would not have a material impact on the highway. The applicant has assigned the trips on the network based on the turning movements from the traffic surveys at the adjacent junctions. The LHA would not

normally accept this approach and expect trip distribution to be based on Census data, however the LHA is already aware of the issues in the town centre and given the low level of trips from the proposed development this is not considered to be a significant issue in these site specific circumstances.

6.16 Committed Developments:

All the committed development from the nearby development sites including Kettering Road (600 dwellings ref: 15/02006/OUT), and land at Eady Drive (350 dwellings ref: 20/00891/FUL) have been included in the assessment of all off-site junctions as per the LHA's previous request.

Junction Capacity Assessments:

In addition to the Site Access / St Mary's Road junction capacity assessment, the applicant has carried out detailed assessments using industry standard junction assessment software at the following five junctions:

1. A4304 St Marys Road / Clarence Street / Kettering Road
2. A4304 St Marys Road / Great Bowden Road / A4304 Rockingham Road
3. Kettering Road / Springfield Street / Access to Supermarket
4. A4304 Rockingham Road / Gores Lane
5. A4304 Rockingham Road / Harborough Road / Dingley Road.

Based on the results of the junction capacity assessments the LHA agrees with the applicant's conclusion in the Transport Assessment Addendum (TAA) that the proposed impact of the development could not be considered to be severe at junctions 2 - 5. However, there is an impact from the proposed development in the 2028 PM with development scenario at the A4304 St Mary's Road / Clarence Street / Kettering Road.

The applicant has suggested that no further interventions are required but the LHA would remind the applicant that because of the location of the proposed development and as referenced in Policy IN2, paragraph 11.3.7 of the Local Plan there will be a requirement for a contribution as part of the Section 106 agreements from developments to address the issues identified in the Market Harborough Town Centre Strategy and provide enhanced walking / cycling facilities in and around the town centre. Further details of the study are provided below but a summary of the recommendations of the Strategy are in Table B40 of the Local Plan

6.17 Off-Site Implications:

Market Harborough Town Centre Strategy:

The Market Harborough Town Centre Transport Strategy defines the key transport strategies and supporting evidence for the Harborough District Council Local Plan up to 2031. The Town Centre Study and its defined transport improvements will enable the transport network to satisfactorily facilitate growth, such as this development site, up to 2031 and beyond.

The study was completed in July 2016 and looked at vehicle movements to help understand how the transport network is being used. It also looked at where the greatest levels of congestion occurred on the network; and where these will occur in the future, taking into account known future growth. The LHA is continuing to work on ideas and proposals, which aim to help address current and potential future transport issues in the town and help the town continue to thrive as it expands in the future. Market Harborough is an attractive and prosperous town with a host of facilities, services and amenities to offer and thus a key attractor for both private car and sustainable travel movements. The LHA has secured contributions from other similar developments in the area on the basis of £5,000 per dwelling, therefore a request for £415,000.00 is included in the 'Contributions' section at the end of this response.

6.18 Internal Layout:

The applicant has submitted the latest masterplan shown on Staniforth Architects drawing number: 1566-P003, Revision E. The layout of the site is based on a single point of access and the internal road has been designed so that it splits within the site to serve the proposed residential development.

The LHA initially queried the level of parking provided but according to the LPA the basement parking that was going to be part of the proposals is no longer viable. Therefore, the applicant has now indicated that there will be 39 parking spaces. Given the scale of the proposed development the LHA would not be against more parking spaces if the applicant could provide some. However, due to the site being located in a sustainable location within walking distance of the town centre, access to regular bus services, opposite the train station, and an extensive package of parking restrictions on St Mary's Road, the level of car parking in this instance is acceptable.

Notwithstanding the above, the LHA would advise the LPA to include a condition to provide a secure cycle store for residents to encourage more sustainable modes of transport. Transport Sustainability Public Transport There are several bus services that residents can use which are within a reasonable walking distance of the proposed development. The railway station is opposite the site which allows longer commuter / leisure trips to Sheffield, Nottingham or London

The LHA would seek a Section 106 contribution to cover the costs for travel packs and two six month bus passes per dwelling.

6.19 **Walking and Cycling:**

Figure 4 of the Transport Assessment Addendum (TAA) identifies the pedestrian catchment area based on walking distances of 500m, 1,000m, and 1,500m from the site. Figures 5 and 6 in the TAA shows the existing cycle catchment area (based on cycle distance of 5km) and Sustrans routes around the site. Given the town centre location of the proposed development, there are numerous facilities and amenities in the local area and in the town centre including schools, employment, retail and leisure within walking and cycling distance of the site. This should reduce residents reliance on using a motor vehicle for shorter journeys.

Travel Plan Based on the scale of the proposals and in line with Section PDP2: Our requirements in general in the Leicestershire Highway Design Guide (LHDG), the LHA would expect the applicant to submit a Travel Plan for the planning application to reduce the need for single car journeys from the proposed development. Notwithstanding the above, the LHA is satisfied that a Travel Plan for the site can be secured by condition and then submitted for review and discharge if the LPA is minded to approve the application.

Based on the additional information submitted the applicant has demonstrated that a safe and suitable access to serve the proposed development can be delivered in line with Paragraph 110 of the National Planning Policy Framework and Local Plan Policies GD8 and IN2. The applicant has also tested the impact of the proposed development on the local highway network and the LHA considers that the residual cumulative impacts of development can be mitigated subject to the inclusion of the conditions and contributions (Conditions 4-8 refer).

- 6.20 LCC (Highways) are seeking contributions towards: Travel Plan monitoring, travel plan Co-ordinator, Travel Packs, Bus passes, Traffic Regulation Order, MH Town Centre transport strategy. However, the Applicant's viability assessment concludes such contributions, amongst others will make the scheme unviable.

The Traffic Regulation order can be secured by way of a Grampian Condition in this case, to be secured as part of other improvements to access (Condition 4 refers).

c) Residential and General Amenities

- 6.26 Policy GD8 require 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. HDC's Development Management Supplementary Planning Document (SPD) also contains guidance relating to neighbouring amenity standards, including separation distances, however, such standards are applied flexibly as noted in the guidance. In this case there are "public" vistas/roads/river and footpath to properties surrounding and the size of the development reflects that already on the site and

adjoining, such as Edwin Court to the South and Swift House to the East. The gable of building 3 to Swift House is blank and the building itself is set towards the road, offset from windows. Balcony spaces are inset, and, or very small, and are typical of this type of development. Within the site, there are some shortfalls between the main blocks, but this is as per the existing situation and typical of an urban development where higher densities are sought, and the relationship is similar to that already seen in the area and as previously approved. .

- 6.27 It is acknowledged that there will be some disturbance to residents during the period of construction, particularly given the site constraints and close proximity to neighbours. Prior to development commencing there will be some intensive “filling” of the void on site with soil, etc. It is envisaged that this may take around 12 days but will be an intense operation with a high number of traffic movements.

This may also cause inconvenience to road users in respect of additional congestion and delays in the site vicinity.

A Construction Method Statement has been submitted which details measures to reduce disturbance, however some additional details will be required, such as in relation to piling, construction routes, etc, and a further Construction Management Plan will be required by way of condition 10.

- 6.28 Subject to conditions, the proposal is judged to satisfy policy GD8 in terms of residential amenity in the long term, though the short-term potential for disturbance must be given due weight.

d) Climate Change

- 6.30 Policy CC1 (Mitigating Climate Change), requires major development to demonstrate how CO2 emissions will be reduced. The Applicant has submitted a statement in respect of mitigating climate change.

- 6.31 The Applicant intends to follow the ‘fabric first approach’ as the primary approach (i.e. high quality insulation; increased air tightness) and will :

- 1) Provide thermally efficient glazing
- 2) Provide adequate ventilation throughout dwellings to ensure healthy environments within each home
- 3) Opportunity for solar panels on higher flat roof sections, located away from Old Flour Mill.
- 4) Provide 20 electrical car charging points within the development
- 5) Provide 76 secure Cycle parking spaces within the development

- 6.32 These measures, together with other design features proposed, including energy efficient boilers, appliances and lighting, as well as Broadband provision, will make a contribution to reducing emissions and will deliver environmentally friendly homes and premises.

e) Other technical

6.36 Flooding:

The application site is brownfield totalling 0.327 ha in size with 0.243 ha being impermeable. The site is within Flood Zone 1 (low risk of fluvial flooding) and at a high risk of surface water flooding. The surface water proposals seek to utilize on-site cellular sub-base storage before discharging at a rate of 5 l/s to the River Welland (main river) located immediately to the south of the site. 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 conditions recommended (C 12-14).

6.37 Ecology:

Impacts on Otter and Water vole (both known to live along the Welland) and on the wildlife corridor of the river will be minimal given the busy town centre location and the local topography. The river is separated from the main development site by a steep concrete bank. An updated ecology report (Haslam 2020) has been provided, and is acceptable. no bats were present in the building, and it was assessed as being of negligible value. No further ecology surveys are required. Mitigation in the form of bat bricks/boxes and nest boxes is proposed, and should be a planning condition - ref . Table 5.2 of Haslam's report "Install bat tiles on the buildings adjacent to the river corridor. The river corridor will attract feeding swallows and swifts, therefore artificial swallow cups and swift bricks should be included on the buildings adjacent to the river corridor.". Numbers of bat, swift and swallow boxes/bricks has not been proposed by the ecologist, therefore I recommend two groups of three of each, in suitable places along the river frontage. Details of this can be provided as planning condition. (Condition 16 refers).

6.38 Archaeology:

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. 189-190).

f) S106 Obligations/Contributions

- 6.36 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism for securing benefits to mitigate against the impacts of development. Those benefits can comprise, for example, monetary contributions (towards public open space or education, amongst others), the provision of affordable housing, on site provision of public open space / play area and other works or benefits that meet the three legal tests under Regulation 122 of the CIL Regulations.
- 6.37 These legal tests are also set out as policy tests in paragraph 56 of the Framework whereby Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development..
- 6.38 Policy IN1 of the Harborough District Local Plan provides that new development will be required to provide the necessary infrastructure which will arise as a result of the proposal. More detailed guidance on the level of contributions is set out in The Planning Obligations Supplementary Planning Document, January 2017.
- 6.39 Appendix A identifies the CIL compliant developer contributions sought by consultees, a summary of the CIL compliance of the requests and a suggested trigger point to indicate when the contribution should be made.
- 6.40 The Applicant has submitted a viability assessment (Intali), which concludes that the scheme would be unviable with any Section 106 contributions. This report has been assessed on behalf of the Council by Aspinall Verdi (AV). Whilst in agreement with the basic findings of the report, AV recommends:
- “The sensitivity analysis undertaken has displayed the impacts that changing; gross sales and construction costs on the viability of a project. As such, we recommend that the review mechanism installed within the Section 106 agreement considers the scheme’s actual sales values achieved and incurred costs. This will allow the Council to benefit from any significant uplifts in viability resulting from any cost engineering or improvements to the sales market by the time the units come to the market”. This “claw-back” mechanism has been used elsewhere in the District.”*

7. Conclusion / Planning Balance

- 7.1 The provision of 83 dwellings, including smaller dwellings on a brownfield site that could be brought forward relatively quickly (land in single ownership), and the long term restoration of an important landmark building and prominent site is a significant benefit of the development, helping to significantly boost the supply of housing and to prioritise development on “brown-field” sites, such as this.
- 7.2 Environmental sustainability
- 7.3 The proposal is sited in a very sustainable location, in close proximity to the rail station, bus stops and within walking distance of the town centre shops and services. It will not result in the loss of a greenfield site, and, subject to condition, will cause no harm to protected species, highway safety, flooding/flood risk, archaeology, residential amenity or the character and appearance of the area. Whilst there will be some impact on the setting of the heritage asset (The Old Flour Mill), this must be balanced against it's overall restoration and securing its long term future. The building is currently in a poor state of repair and could be in danger of permanent loss if left as such. There will inevitably be some disruption and disturbance to residents during the construction period, but this will be short term, and must be balanced against the overall benefits of the scheme.
- 7.4 Economic sustainability
- 7.5 The development would have economic benefits in the short term arising from the construction of the development and the longer term through residents' expenditure in local services. The completed development will also result in New Home Bonus and Council Tax receipt. The site has been identified in the Council's register of brownfield sites and the principle of this type of high density development has previously been approved on site. .
- 7.6 Social sustainability
- 7.7 The proposal will bring new residents to the town and provide opportunities for some smaller housing for local people who otherwise may have to move away. The site is within walking distance of the town centre and the future occupiers would have opportunity to contribute to the towns health, social and cultural well-being.
- 7.8 The benefits of the scheme, including the provision of 83 dwellings, the restoration of a listed building and brownfield site, are considered to outweigh any identified harm to heritage assets, including the setting of the Listed flour Mill, Station building and adjacent Conservation Area, and the proposal is therefore considered sustainable development in the context of the Framework. The development by virtue of its scale,

design, form and massing, would safeguard the living conditions of residents, would not adversely affect local highway safety or give rise to a road safety hazard. It would respond appropriately to the site's characteristics, as well as enhancing a dis-used brownfield site. In addition, the proposal would not adversely affect ecological or archaeological interests or lead to an unacceptable flood risk.

- 7.9 There are no technical objections (see consultation section) to the development subject to the conditions and obligations set out in Appendix A and B.
- 7.10 The development is judged to comply with the policies of the Development Plan, with the exception of making Section 106 contributions as detailed. However the benefits of the scheme are considered to outweigh the lack of contributions deemed viable.

Appendix A

- 8.1 If Members are minded to approve the application, the following conditions and informative are suggested:

1. Commencement

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

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

2. Permitted Plans

The development hereby approved shall be implemented in accordance with the approved Drawing Register Schedule of Plans dated 23.05.23

REASON: For the avoidance of doubt

3. Materials as per approved plans

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

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

4. Access

No part of the development hereby permitted shall be occupied until such time as the Access arrangements shown on Lennon Transport Planning Ltd drawing number: TH/0270/AD/503, have been implemented in full, including the Traffic Regulation Order on St Mary's Road.

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).

5. Visibility splays:

No part of the development hereby permitted shall be occupied until such time as Vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway. Reason: To afford adequate visibility at the access to cater for the expected volume of Traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021)

6. Parking and turning:

The development hereby permitted shall not be occupied until such time as the parking And turning facilities have been implemented in accordance with Staniforth Architects Drawing number: 1566-P003, Revision E. Thereafter the onsite parking and turning provision shall be kept available for such uses 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).

7. 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 onsite cycle parking provision shall be kept available for such use in perpetuity.

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

8. Travel Plan:

No part of the development hereby permitted shall be first occupied until a full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).

9. Landscaping

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 any trees and hedgerows to be retained, together with measures for their protection in the course of development;

- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) hard surfacing materials;
- (g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (h) retained historic landscape features and proposed restoration, where relevant.
- (i) programme of implementation

Thereafter the approved soft landscaping shall be implemented in during the first planting and seeding season prior to, or immediately following, the first occupation of the building to which it relates. All hard landscaping comprised in the approved Landscape Scheme shall be completed prior to the first occupation of the building to which it relates.

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

REASON: To ensure that the work is carried out within a reasonable period and is allowed to establish and to ensure the landscaping is implemented and maintained in the interests of the visual amenities of the development and its surroundings having regard to with Harborough Local Plan Policies GD2, GD5, GD8 and GI5.

10. Landscape Management Plan:

No development shall commence on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, 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 Local Plan Policies GD2, GD5, GD8 and GI5.

11. 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 of the Harborough Local Plan.

12. Risk Based Land Contamination

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

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

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

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

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

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

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

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

13. Risk Based Land Contamination (verification)

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

- 1) If no remediation was required by Condition 12, 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.

14) Surface Water Drainage:

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

15) Management of surface water on site 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 through the entire development construction phase

16) Long-term maintenance of surface water drainage system

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.

17) Scheme for on-site foul water drainage works

Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate to the public network, shall be submitted to and approved in writing by the Local Planning Authority. Reason To prevent environmental and amenity problems arising from flooding

18) Flood Risk Prevention:

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) July 2020, FW668/FRA/002-v1, Farrow Walsh Consulting and the following mitigation measures detailed within the FRA:

Site 1 finished floor levels are set no lower than 77.42 m above Ordnance Datum (AOD). Please note that there is an error in section 4 which states that the finished floor levels will be set at 77.12mAOD, drawing number 1566P003A states the correct finished floor level and is contained within appendix B of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants, and to ensure that the proposed development does not increase flood risk elsewhere.

19) Maintenance of river banks.

The development hereby permitted shall not be commenced until such time as a scheme to ensure access to and maintenance of existing river banks and walls and the channel itself has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure the structural integrity of existing river walls and allow for efficient channel maintenance and removal of blockages thereby reducing the risk of flooding.

20) Contamination Risks:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework

21) Verification Plan:

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To ensure if any remedial work is required, that it is done as per an approved remedial strategy and a verification report is produced.

22) Drainage infiltration:

No drainage system for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant

unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To ensure that any soakaways that may be proposed do not pose additional risk to groundwater. Soakaways should not be located in ground affected by contamination without risk assessment demonstrating no additional risk is posed. There should be no direct discharge to groundwater. All infiltration structures (permeable pavements, infiltration trenches, soakaways etc) should be as shallow a depth as possible to simulate natural attenuation. The base of the infiltration structures should be at least 1m above the highest seasonal water-table.

23) Ecological Mitigation, Enhancement and Management Plan

The development hereby approved shall be implemented in strict accordance with the measures stated in the Ecological updated report (Haslam 2020). Details of bat, Swift and Swallow boxes/bricks to be submitted, to include two groups of three of each in suitable places along river frontage, and to be installed prior to first occupation of relevant accommodation and retained in perpetuity thereafter.

Reason: To safeguard protected species and to ensure biodiversity net gain having regard to Harborough Local Plan policy GD8 and GI5.

24) Levels:

No development shall commence on site until details of the existing and proposed ground levels and finished floor levels of the development 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: To ensure a satisfactory form of development which is compatible with the character of the surrounding locality and to accord with Harborough District Local Plan GD8.

25) External Lighting:

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details. REASON: In the interests of the amenities of the area and to protect wildlife, and to minimise unnecessary light spillage above and outside the development site and to accord with Harborough District Local Plan GD8.

26) Climate change measures:

Within two months of the commencement of development, full details of the sustainability improvement measures including rainwater harvesting, re-cycling, solar/heat air source energy, electric charging points, shall be submitted to the Local Planning Authority. The approved details shall be implemented prior to first use of the takeaway and retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

REASON: To increase the sustainability of the site in the interests of climate change and to accord with Local Plan policies IN4 and CC1 and the National Planning Policy Framework.

27) Artworks:

Within two months of completion of the building to which it relates, the artwork detailed on Plans 1566 P104 B shall be completed and shall be maintained as such thereafter.

REASON: To enhance the development and reflect its heritage in accordance with Local Plan Policies GD8 and HC1.

Notes to Applicant

1. You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
2. If the plans deposited involve the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
4. A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.
5. It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of dark smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above the

emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.

6. The lighting plan should follow national best practice endorsed by the Bat Conservation Trust

http://www.bats.org.uk/pages/bats_and_lighting.html
7. It is anticipated that the applicant will enter into a legal agreement with the Environment Agency to secure the long-term access and maintenance of the river channel, bed and banks. If this agreement is made then this would likely satisfy the requirements of this condition. However in the event that the agreement is not completed an alternative plan would be required to ensure that flood risk is not increased through lack of maintenance or inability of either the site owners or the Environment Agency to remove blockages
8. This development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Rivers Welland and Jordan, both designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Groundwater and Contaminated Land

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

9. The E.A. recommend that developers should:
 1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
 2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
 3. Refer to the contaminated land pages on GOV.UK for more information.
 4. Given the proximity of the River Welland to the site, the developer should be aware that any surface water drains or sewers present at the site may discharge directly to the river. These could potentially provide a preferential pathway for the migration of

any previously unidentified contamination, which may impact the river. The developer should be aware that there remains the potential to encounter contamination during development and care should be taken during any groundworks in the area of any drains or sewers, to ensure that contamination is not mobilised which may pollute controlled waters.

Appendix B

- 1.1 The Owners submitted a viability appraisal to the Council as part of the Application which demonstrates that the Development was not Viable if it was required to provide the level of Affordable Housing required by the Local Plan or if required to pay the Contributions. This has been verified by the Council's advisors "Aspinall Verdi".(as described above).
- 1.2 It is recommended that an appropriate review mechanism is incorporated in the S106 Agreement. This will allow the scheme to be assessed at a date closer to practical completion that will consider the scheme's actual sales values and incurred costs. This will allow the Council to benefit from any uplifts in viability resulting from any cost engineering or improvements to the sales market by the time the units are released to the market.
- 1.3 A clause to ensure the restoration of the listed building "The Old Flour Mill", in accordance with the approved plans prior to completion of 50% of the total number of dwellings (as per previous S106 linked to 16/01663/FUL
- 1.4 The below table details the S106 contributions requested.

Request by HDC	Obligation for Community Facilities contribution		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Community Facilities £64,159 for the purpose of funding improvements to existing community facilities in the vicinity of the Development (identified in the Council's Built Facilities Strategy)	100 % to be paid to HDC prior to the Commencement of Development	See full CIL justification from HDC Parish and Community Facilities Officer on file The development would place additional demands on community facilities. The contribution request has been justified using evidence of need for the community facilities and the contribution would be allocated to projects supporting community facilities in Market Harborough.	Developer Contributions SPD January 2017 Community Facilities Refresh Assessment May 2017 HDC Parish Profiles March 2017 Harborough Local Plan Policy IN1.

<p>Indoor Built Sports Facility</p> <p>£66,389</p> <p>(Sports halls)</p> <p>(Swimming Pool)</p>	<p>As above</p>	<p>The projects evidenced will benefit the new residents of the proposed development.</p> <p>This figure will alter according to the finalised housing mix. Currently based on the average figure for a 2 bedroom dwelling</p> <p>The population of the proposed development is estimated to be around 174 new residents. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.</p> <p>Sport England's Sports Facilities Calculator (SFC)</p> <p>Swimming Pools - The assessment has shown that the most urgent requirement is a need for more swimming pool space in Market Harborough. In the West there is sufficient capacity in the short-medium term to meet most of the swimming demand but that some additional provision may be required by 2031, probably a learner pool as an extension to the existing Sports Centre. The export of swimmers to the East is high and is expected to continue into the future.</p> <p>Sports Halls - All new housing will generate demand for sports hall space. Though additional sports halls are not required in the period up to 2031 beyond that being provided at Broughton Astley, there is a general</p>	<p>https://www.harborough.gov.uk/downloads/file/5714/harborough-local-plan-2011-2031-adopted-april-2019</p> <p>Built Facilities Strategy</p> <p>https://www.harborough.gov.uk/info/20012/leisure-sport-and-culture/299/built-sports-facility-strategy</p>
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		<p>need to retain and maintain the existing network at high quality.</p> <p>New developments should therefore be expected to contribute towards projects which will improve the existing facilities to make them better able to meet the demand for sports hall space.</p>	
Request by HDC	Open Space		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£349.045.70 towards enhancements of existing provision or additional provision in Market Harborough of parks & gardens, outdoor sports facilities, children & young people's provision, allotments, greenways, cemeteries and burial grounds. All contributions to be off-site	100% of the off-site contributions to be made before 50% of the dwellings are occupied	See full CIL justification of HDC Neighbourhood and Green Spaces officer consultation response on file	<p>Developer Contributions SPD January 2017</p> <p>Harborough Local Plan Policy IN1.</p> <p>Open Spaces Strategy 2021</p> <p>Playing Pitch strategy</p> <p>Provision for Open Space Sport and Recreation</p>
Request by HDC	Affordable Housing		
Amount/Detail	Delivery	CIL Justification	Policy Basis
Not applicable as provided elsewhere on the site (Edwin Court).			Developer Contributions SPD January 2017

			Harborough Local Plan Policies IN1 and H2
Request by LCC	Libraries		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£1,530 towards increasing capacity at Market Harborough Library	Prior to first occupation	<p>See full CIL justification from LCC Libraries on file</p> <p>The nearest library to this development is Market Harborough Library</p> <p>It is estimated that the proposed development will add 54 to the existing library's catchment population. This will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought to provide materials e.g. books, audio books, newspapers, periodicals for loan and reference use, and associated equipment or to reconfigure the library space to account for additional usage of the venue for residents to hold meetings, including book reading and activity sessions.</p>	<p>Leicestershire County Council Planning Obligations Policy (2019).</p> <p>Harborough Local Plan Policy IN1.</p>
Request by LCC	Schools		
Amount /Detail	Delivery	CIL Justification	Policy Basis

£14,302.59 for secondary schools in the local area.	Prior to first occupation	<p>In order to provide the additional secondary school places anticipated by the proposed development, the County Council requests a contribution for the secondary school sector of £14,302.59. Based on the table above, this is calculated the number of deficit places created by the development (1) multiplied by the DFE cost multiplier in the table above (£17,876) which equals £14,302.59. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Welland Park Academy or any other school within the locality of the development.</p> <p>In order to provide the additional post 16 school places anticipated by the proposed development, the County Council requests a contribution for the post 16 school sector of £1,854.23. Based on the table above, this is calculated the number of deficit places created by the development (0.16) multiplied by the DFE cost multiplier in the table above (£19,327) which equals £3090.39. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at The Robert Smyth Academy or any other school within the locality of the development</p>	<p>Leicestershire County Council Planning Obligations Policy (2019).</p> <p>Harborough Local Plan Policy IN1.</p>
£3090.39 for Post 16 Education.			
Request by LCC	Waste		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£6,323 civic amenity contribution	Prior to first occupation	The civic amenity contribution per household is based on the cost of maintaining the existing waste service against the number of assessed households proposed by a development which would use the	Leicestershire County Council Planning Obligations Policy (2019).

		<p>local waste facilities. It is assumed that residents will use the closest Recycling and Household Waste Site (RHWS) to their home to deposit their waste.</p> <p>The nearest RHWS to this development is Market Harborough RHWS and the proposed development of 18 dwellings would create additional pressures on the facility. The contribution is determined by multiplying the proposed dwellings by the current rate for the above RHWS, which is £80.04</p>	Harborough Local Plan policy IN1
Request by CCG	Healthcare		
Amount/Detail	Delivery	CIL Justification	Policy Basis
<p>Health Care Contributions</p> <p>£7,530.06</p> <p>providing additional clinical accommodation at the Medical Practice in MH</p>	Prior to first Occupation	<p>See full CIL justification from the NHS CCG on file</p> <p>An increase in the combined list will create additional pressure on clinicians and admin teams within the area.</p> <p>The contribution would support the practice in improving patient access and capacity.</p>	Harborough Local Plan Policy IN1.

Highways (tbc)	Prior to first Occupation		
Travel Packs £52.85 per pack £4,386.55			
Contribution towards MH Transport Strategy £415,000. (£5,000 per dwelling)			
Request by HDC	Obligation for Monitoring Fee		
Amount /Detail	Delivery	CIL Justification	Policy Basis
15% of the Application fee or £250.00 per financial obligation payable to the District Council	Within 14 days of commencement	To cover the costs of monitoring payments and implementation of the developer contributions and scheme.	Developer Contributions SPD 2017.
Request by LCC	Obligation for Monitoring Fee		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£300.00 or 0.5% (whichever is greater) per financial obligation in favour of the County Council	Within 14 days of commencement	To cover the costs of monitoring payments and implementation of the developer contributions and scheme.	Leicestershire County Council Planning Obligations Policy (2019).

NOTE 1: Indexation may be applied to the above figures.

1. Commencement:

The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent. REASON: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. Plans:

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

Proposed Old Flour Mill

Proposed Visuals

Proposed site plan

Design and Access Statement.

REASON: For the avoidance of doubt.

3. Materials:

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

REASON: To safeguard the appearance of the development and the character and appearance of the area, having regard to Harborough Local Plan Policies GD8 and HC1, and the National Planning Policy Framework.

4. Schedule of repairs:

No works shall commence on site until a full schedule and specification of repairs/works has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out fully in accordance with the approved details. REASON: In the interests of preserving the character and appearance of the heritage asset and to accord with Harborough District Local Plan Policy HC1.

5. Rooflight details:

No works shall commence on site until details of the proposed rooflights (including size, manufacturer and model number) have been submitted to and approved in writing by the Local Planning Authority. The said rooflights shall be of a design which, when installed, do not project forward of the general roof surface. The works shall be carried out in accordance with the approved details and retained as such in perpetuity. REASON: In the interests of preserving the character and appearance of the heritage asset and to accord with Harborough District Local Plan Policy HC1.

6. Details of windows/doors;

No works shall commence on site until full details of all new external windows and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:50 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:10. The works shall be carried out in accordance with the approved details and retained as such in perpetuity. REASON: In the interests of preserving the character and appearance of the heritage asset and to accord with Harborough District Local Plan Policy HC1.

Notes to Applicant

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

Planning Committee Report

Applicant: Hazelton Homes (Midlands) Ltd

Application Ref: 21/02224/FUL

Location: 20 - 24 Church Road, Great Glen, Leicestershire, LE8 9FE

Proposal: Demolition of workshop, erection of 14 dwellings and erection of retail store

Application Validated: 21.12.2021

Site Visit Date: 27.01.2022 (site notice). Visited on other dates.

Consultation Expiry Date: 26.10.2022

Target Date: 22.03.2022 **EOT AGREED**

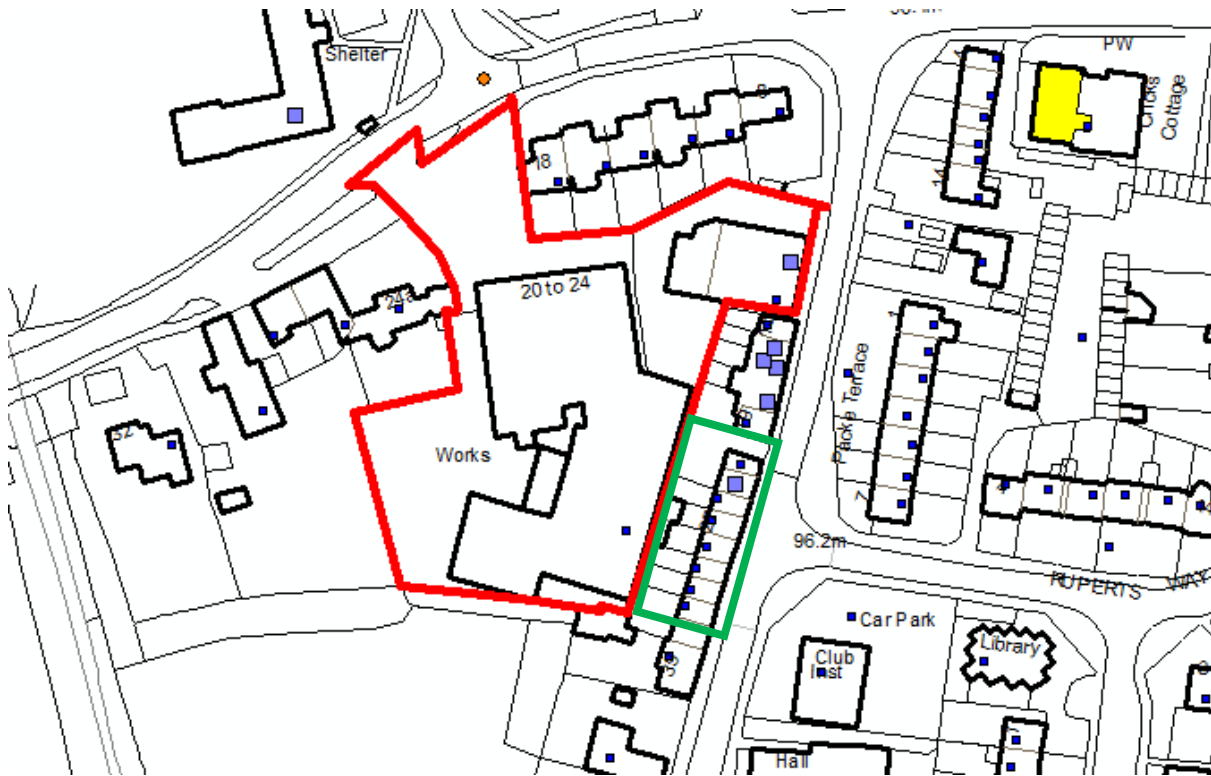
Reason for Cttee decision: Unable to support full S106 requirement

Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report and subject to the Conditions and Informative Notes recommended in Appendix A and the signing of a legal agreement to secure an off-site financial contribution of £18,755 towards affordable housing and an appropriate review mechanism.

1. Site & Surroundings

- 1.1 The application site is located centrally within the Limits to Development of the Rural Centre settlement of Great Glen.
- 1.2 The site consists of the current Co-op supermarket store (the building & its access road from Main Street leading to its rear customer car park and service yard) **and** a derelict, part-dismantled, employment site (formerly occupied by "Thorpes Of Great Glen Ltd", a joinery/timber processing business, access from Church Road).
- 1.3 The site is closely surrounded by residential properties on its east, north and west sides.
- 1.4 Vehicular access to the application development is proposed solely from Church Road, while pedestrian access would be created from Main Street.
- 1.5 There are no Listed buildings / assets on or immediately around the site. It is judged that those in the locality would not have their setting affected.
- 1.6 Great Glen does not possess a Conservation Area.
- 1.7 The Great Glen Neighbourhood Plan, Policy GG7 "Local Heritage Assets of Historical and Architectural Interest" identifies "*Packe Row, 21 – 35 Main Street ('Peep Row')*" as buildings of local historic/architectural interest, whose setting is expected to be conserved by development proposals. 21-35 Packe Row is outlined by a green rectangle on the following map extract and shown in the Google Streetview image:



- 1.8 The site lies partly within a 1:100 year (high risk) flood zone 3 (dark blue on the following Uniform Map extract), and partly within a 1:1000 year (mid risk) flood zone 2 (light blue on the following Uniform Map extract). The remainder of the site lies within a surface water flood area (Mid and Lower levels of risk; mid being light pink, low being dark pink).

Church Road:



Main Street:



Planning Officer Site Visit photographs taken from Packe Row properties, indicating impacts of former industrial buildings (taken 17.12.19):

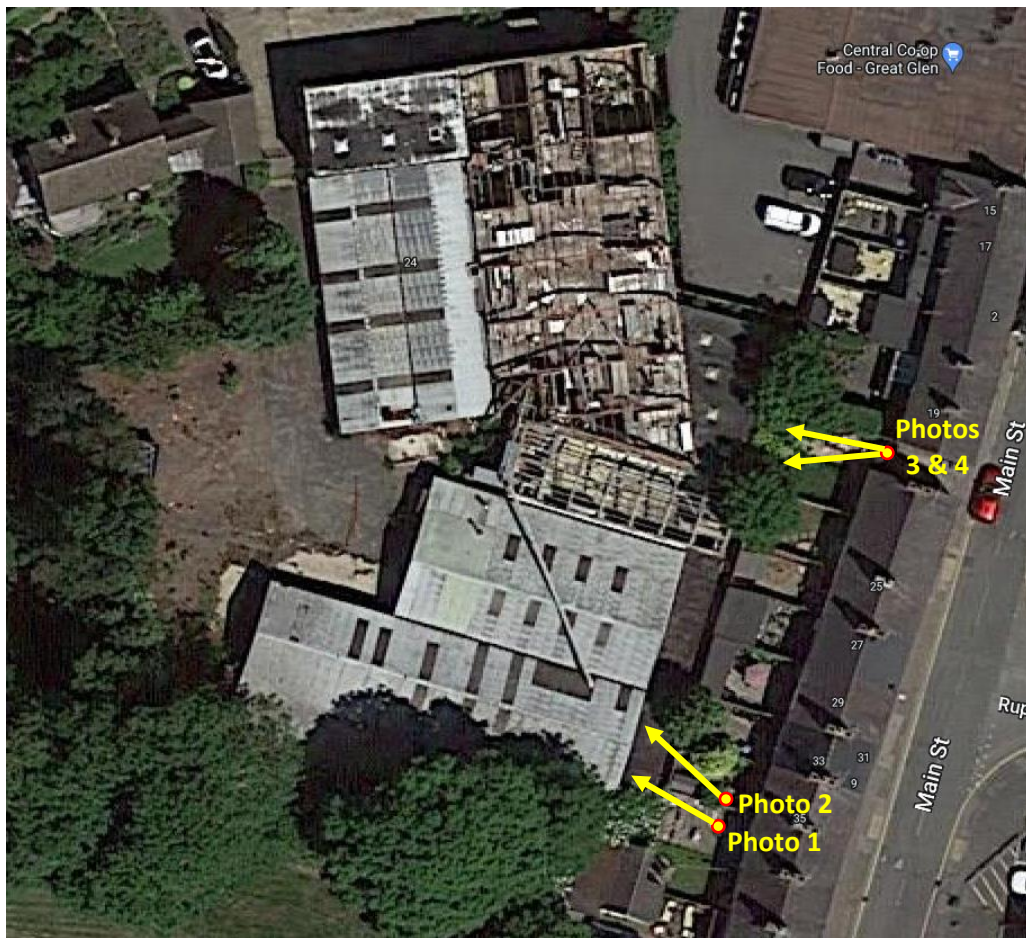


Photo 1:



Photo 2:



Photo 3:



Photo 4:



2. Site History

2.1 Relevant site history is set out in the following table:

Application No.	Decision / Date	Nature of Development	Notes
19/01842/FUL	Withdrawn 05.02.2020	Demolition of workshop, erection of 10 dwellings and access road	Withdrawn pending refusal over conflict with GG Neighbourhood Plan & HDC Local Plan (various principle/design/amenity/other unresolved issues).
19/01315/DEM	Approved 15.09.2019	Prior Notification for proposed demolition of factory unit and associated office accommodation	
95/00398/3O	Withdrawn 10.10.1995	Redevelopment of site for residential use Land at Church Road Great Glen	
84/01142/3P	Approved 04.09.1984	Erection of new and replacement dust and wood chip extraction plant	
Various other workshop / store / plant equipment etc type applications on the former Thorpes site.			
Various Co-op FUL planning and Advert applications.			

3. The Application Submission

a) Summary of Proposal

3.1 The application seeks full planning permission for the clearance of the site (demolition of the Co-op building and completion of demolition of the industrial premises) and the erection of:

- 1x 3-bedroom detached property (Plot no 1),
- 3x 3-bedroom dwellings (Plots no 2-4)
- 4x 2-bedroom dwellings (Plots no 5-8)
- A replacement Co-op store building (ground floor) & 6 flats (first floor)

3.2 Indicative advertising signage / totem plans have been submitted. A separate Advertisement Consent application is required for these.

3.3 Applicant CGIs & selected plans:



Co-op & Flat 1-6 View ©NTS



Aerial View 1 @NTS



Aerial View 2 @NTS



b) Application Background

- 3.4 Previous application 19/01842/FUL involved the clearance of the former Thorpe's site only and the erection of 10 dwellings. No employment uses were retained or proposed. The proposal was, inter alia, judged to conflict with the 2017 adopted Great Glen Neighbourhood Plan Policy GG6. The applicant had not demonstrated that the site / building is no longer suitable for employment / business use.

POLICY GG6: EMPLOYMENT AND BUSINESS DEVELOPMENT

Development proposals that result in the loss of, or have a significant adverse effect on, an existing employment use will not be permitted unless it can be demonstrated that the site or building is no longer suitable for employment use. Proposals for employment-related development (for new and/or expansion of employment uses, including homeworking) will be supported where it can be demonstrated that the development will not generate unacceptable disturbance, noise, fumes, smell or traffic; that it will respect and be compatible with the local character and surrounding uses; and that it will, where appropriate, protect residential amenity.

- 3.5 An updated ("Review") Neighbourhood Plan was approved at referendum on 23 January 2020. This introduced a Residential Site Allocation policy (Policy GG1) (not pertaining to this application site) and a Settlement Boundary policy (Policy GG2) (often called 'Limits to Development'). The "Employment and Business Development Policy" remained verbatim, shunted down to become Policy GG8.

c) Pre-application Engagement

- 3.6 No paid enquiry submitted.

d) Environmental Impact Assessment

- 3.7 The proposal, given its type and scale, is not EIA development when assessed against the Regulations.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community have been undertaken.
- 4.2 A site notice was put up on 27.01.2022. An advert in the Leicester Mercury was published on 13.01.2022.
- 4.3 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

Consultee	Date	Summary
<u>National Bodies</u>		
Environment Agency	09.02.22	<p><i>"The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included:</i></p> <p><i>Condition</i></p> <p><i>The development shall be carried out in accordance with the submitted flood risk assessment (ref FW2153_FRA_001_V3, dated December 2021 and compiled by Farrow Walsh) and the following mitigation measures it details:</i></p> <ul style="list-style-type: none"> <i>• Finished floor levels shall be set no lower than 96.30 metres above Ordnance Datum (AOD), as detailed within paragraph 7.3.1 of the report.</i> <i>• There shall be no raising of ground levels for the proposed access road, service yard and retail car park, as detailed within paragraph 8.1.3 of the report.</i> <p><i>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."</i></p>
LCRPCT (primary care NHS)?		Consulted (x3). No comments received.
Severn Trent	24.01.22	No objections. No Conditions recommended.
<u>LCC</u>		
Archaeology	14.10.22	<i>"...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."</i>
Civic Amenities (waste)	01.02.22	<i>"...no contribution is required on this occasion."</i>
Ecology	21.11.22	<i>"The amended plans have not significantly changed from an ecology perspective. I still do not see any incorporated ecological enhancements which I still recommend, such as integrated bird and bat boxes."</i>
Highways	13.10.22	<p>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.</p> <p>Advice to Local Planning Authority</p>

		<p>The Local Highway Authority (LHA) are in receipt of revised proposed site plan in connection with application 21/02224/FUL, which is seeking permission for the demolition of a workshop and existing Co-op store, and erection of 14 dwellings and retail store at 20-24 Church Road, Great Glen. The following observations should be read in conjunction with previous observations issued to the Local Planning Authority (LPA) dated 14 April 2022, and 12 July 2022, 5 August 2022.</p> <p>Drawing No. 1544(2)P02 Rev L demonstrates 14 regular car parking spaces and three accessible parking spaces to cater for the proposed retail store. The eight 2 & 3 bedroom dwellings are each provided with two car parking spaces and the six flats are allocated 12 car parking spaces.</p> <p>Therefore the LHA is satisfied that parking provision is in accordance with the Leicestershire Highway Design Guide (LHDG) for the scale of development proposed.</p>
Libraries	03.11.22	CIL compliant S106 request for £393.59
LLFA	07.12.22	<i>"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."</i>
Primary Education	03.11.22	Nil request
Secondary Education	03.11.22	CIL compliant S106 request for £25,789.35
Post-16 Education	03.11.22	CIL compliant S106 request for £5,514.38
<u>HDC</u>		
(Affordable Housing) Strategic Housing and Enabling Officer	12.01.22	<i>"40% (forty per cent) of the total number of Dwellings approved under the Planning Permission to be Affordable Housing Units, unless an alternative percentage and/or number of Affordable Housing Units is requested by the Council; on a proposal of 14 units our Affordable housing requirement will equate to 5.6 units rounded up to 6 affordable units to be provided on site."</i>
Community Facilities	11.01.22	CIL compliant S106 request for £13,808
Contaminated Land and Air Quality Officer	13.01.22	No objections subject to 2x Conditions being added (1./ Risk Based Land Contamination Assessment & 2./ Completion/Verification Investigation Report).
Environment Coordinator	08.11.22	<p><i>"The additional information on the domestic properties is welcome. The approach to a net zero home is to be commended and this additional information ensured that the domestic property part of the development does meet the requirements of Policy CC1."</i></p> <p>Following a request for additional information from the Applicant in relation to the retail development</p> <p><i>"I confirm that the application has addressed the requirements of Policy CC1."</i></p>
Neighbourhood &	23.08.22	23.08.22 – S106 contributions requested totalling £79,402.40.

Green Spaces Officer	& 10.05.23	<p>10.05.23 – “I can only comment on the requirements for S106 contributions towards off site open space and the NDP policies.</p> <p><i>Local Plan policy GI2 states:</i> ‘3. Developments of more than 10 dwellings which would result in deficiencies in the quantity, accessibility and/or quality of existing open space, sport and recreation facilities should contribute towards:</p> <p>a. the provision of specific new open space, sport and recreation facilities in accordance with local standards; and/or</p> <p>b. the enhancement of identified existing facilities to meet the relevant local standards.’</p> <p><i>The Open Spaces Strategy 2021, Provision for Open Space Sport and Recreation 2021 and the Playing Pitch Strategy (reviewed 2022 and proceeding through governance currently) set out the relevant local evidence and standards for contributions which are required from new development and sought as part of my comments in 2022.</i></p> <p><i>The site is not allocated in the Great Glen Neighbourhood Plan (reviewed in 2020) which meets the housing requirement for the village.</i></p> <p><i>Policy GG3 HOUSING PROVISION WINDFALL SITES supports proposals for small infill sites ‘which meet all the relevant requirements set out in other policies in the Plan and District – wide planning policies’.</i></p> <p><i>The proposal as submitted is therefore contrary to Local Plan policy GI2 paragraph 3 (b) and Neighbourhood Plan policy GG3.”</i></p>
<u>Parish Council / Cllrs / MP</u>		
Great Glen Parish Council	02.08.22	<p>“Great Glen Parish Council are content that the requirements of this application to meet the specifications of the Neighbourhood Plan are complete, therefore the Council have no further objections to this application.”</p>

b) Local Community

Consultation letters were distributed to properties abounding the application site. Site Notice, Press and Parish Council notifications were undertaken.

General comments, objections and points of support have been received, including some from repeat addresses. Officers note that several of the representations are very detailed and whilst regard has been had to these in assessing this application, it is impractical to copy these verbatim. Therefore, a summary of key points is provided below.

Full copies of all representations can be viewed at: www.harborough.gov.uk/planning.

Issues of Principle raised	<i>The retail area of the new store is almost the same as existing, with no room for expansion to meet the growing needs of the village. The community benefit of</i>
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through representations	<p><i>this scheme is minimal at best. The developer is trying to cram too many houses on the site and the result is a poor design which wastes a unique opportunity to provide a sustainable development at the heart of the village.</i></p> <p><i>The removal of the present Semi-demolished Thorpe factory will be welcomed.</i></p> <p><i>The creation of smaller, affordable living spaces in the centre of the village will be beneficial to Great Glen. Overall, a well thought out scheme that is worthy of Support.</i></p> <p><i>Relocating the Co-op will provide a much needed improvement to the local community.</i></p>
Heritage issues raised through representations	<p><i>Possible damage to the beautiful cottages on Main Street is a huge worry, these frame knitters' cottages form an interesting part of the history of Great Glen, how will these properties stand up to the deep excavation works, drilling and construction of this huge development?</i></p>
Drainage & Flood Risk issues raised through representations	<p><i>The Lead flooding dept's comments consider the flood risk to the site only. It fails to recognise that the site adjoins the Environment Agency's highest flood risk area in Church Road. Surface water retention measures must be made a condition.</i></p>
Highways issues raised through representations	<p><i>Consider parking in front of nos. 26 and 28 Church Road. This is a very busy area close to the bus stop. Consider residents only parking & no parking by construction traffic.</i></p> <p><i>Double yellow lines on Church Road must be made a highways planning condition with parking permits granted to residents.</i></p> <p><i>The access to the Co-op should be restricted to Church road, as people may be inclined to park on Main Street, which is clearly wrong, if congestion is to be eased.</i></p> <p><i>I support the cut-through to enable the supermarket to be accessed on foot from Main Street as well as Church Road. Parking on Main Street is a legitimate concern, but I think accessibility outweighs it.</i></p> <p><i>Insufficient parking for the size of the proposed Co-op store + all the houses.</i></p> <p><i>The relocation of the CO-OP, the additional parking and the new entrance from Church Road are all to be welcomed. The danger and inconvenience from the bad parking related to the existing access to the CO-OP will be relieved.</i></p>
Residential Amenity issues raised through representations	<p><i>Concerns about bin store & main entrance to the flats being close to my rear boundary, causing noise and smells.</i></p> <p><i>Orientation and height of Co-op building & flats causes concern regarding privacy and access to light to my property and garden, which is west facing.</i></p> <p><i>Noise, dust dirt and disruption during construction and thereafter.</i></p> <p><i>Object to the noise and disturbance living next to a public right of way cut through to the Co-op and flats from Main Street.</i></p>
Design issues raised through representations	<p><i>Proposal represents an overdevelopment of the site.</i></p>

Ecology issues raised through representations	<i>Concern about lack of ecological enhancements.</i>
Other issues raised through representations	<i>If the scheme is approved in this or similar form, it is vital that the new supermarket is opened before the old one is closed to ensure continuity of service. That should be a condition.</i>

5. Planning Policy Considerations

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the provisions of the development plan (hereafter referred to as the 'DP') (this is the statutory presumption), unless material considerations indicate otherwise.

a) Development Plan

- 5.2 Section 38(3) (b) of the 2004 Act defines the DP as the DP documents (taken as a whole) that have been adopted or approved in that area.
- 5.3 The DP for Harborough comprises:
- The Harborough District Local Plan adopted April 2019¹, the policies of which that are relevant to this application are SS1, GD1, GD2, GD8, H1, H2, H5, BE1, RT2, RT3, HC1, HC3, GI2, GI5, CC1, CC3, CC4, IN1, IN2, IN3 and IN4.
 - Made Neighbourhood Plans².

b) Statutory Duties and Material Planning Considerations

5.4 The National Planning Policy Framework

Whilst read as a whole, of particular relevance are:

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 6 - Building a strong, competitive economy
- Chapter 7 - Ensuring the vitality of town centres
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 11 - Making effective use of land
- Chapter 12 - Achieving well-designed places
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

5.5 National Design Guide

This guide (published in October 2019) illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. The Design Guide states that the long-standing, fundamental principles for good design are that it is: fit for purpose; durable; and brings delight. It advocates that it is relatively straightforward to define and assess these qualities for a building.

¹ [Adopted Local Plan | Harborough Local Plan 2011-2031 | Harborough District Council](#)

² The Great Glen Neighbourhood Plan Review (GGNP) (2011 – 2031) is the relevant Neighbourhood Plan in this instance.

c) Other Relevant Documents

- Circular 11/95 Annex A - Use of Conditions in Planning Permission
- Circular 06/05: Biodiversity and Geological Conservation
- Environment Act
- Leicestershire Planning Obligations Policy (July 2019)
- Leicestershire County Council 'Local Transport Plan 3' 2011-2026;
- Leicestershire County Council Highways Design Guide
- Harborough District 5 Year Housing Land Supply
- Development Management Supplementary Planning Document (Dec 2021)
- Planning Obligations Developer Guidance Note

6. Assessment

a) Locational Sustainability & the Principle of Development

- 6.1 The site lies centrally within the Rural Centre of Great Glen – a sustainable settlement in the HDC Settlement hierarchy, where new development is supported in principle.
- 6.2 HDC Local Plan Policy RT2 “Town and local centres” defines part of Great Glen as a “Local Centre”, where the vitality and viability of its retail hierarchy shall be maintained and enhanced. A section of the application site (the existing Co-op plot) lies within the Local Centre boundary, as outlined on the Policies Map. The former Thorpes portion of the site lies outside, but adjacent. It is judged to represent an “edge of Centre” location where development of the type proposed remains acceptable in principle.
- 6.3 Policy RT2 qualifies that “*Within the local centres of Fleckney, Great Glen and Kibworth Beauchamp, as defined on the Policies Map, proposals for shopping and business uses, including mixed development with residential accommodation, will be permitted provided development proposals do not detract from the character of the area in terms of design, mass, material, height or location and the amenity of neighbouring residents is not adversely affected.*”
- 6.4 The proposal represents a mixed use development, consisting of both retail (444.4sq.m internal) and residential (8 dwellings and 6 flats). Policy RT2 supports the proposal in principle, as do other Policies in the Local Plan relating to housing within Rural Centres, such as GD2.
- 6.5 The site lies within the settlement boundary of Great Glen as defined in the Great Glen Neighbourhood Plan (Policy GG2), where development proposals are supported in principle.
- 6.6 The site is a windfall site for housing. GGNP Policy GG3 (Housing Provision Windfall Sites) explains:
- “*Small residential development proposals on infill and redevelopment sites will be supported subject to proposals being well designed and meeting all relevant requirements set out in other policies in this Plan and District-wide planning policies and where such development:*
1. *Comprises a restricted gap in the continuity of existing frontage buildings or on other sites within the settlement boundary or where the site is closely surrounded by buildings;*

Proposal complies.

b) Does not involve the outward extension of the built-up area of Great Glen;

Proposal complies.

c) Respects the shape and form of Great Glen in order to maintain its distinctive character and enhance it where possible;

Proposal complies, as explained further below.

d) Retains existing important natural boundaries such as trees, hedges and streams;

Proposal complies, as explained further below.

e) Does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the existing and future occupiers of the dwelling where relevant;

N/A – none of the site is presently ‘garden space’.

f) Does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise in line with Harborough District Council Supplementary Planning Guidelines;

Proposal complies, as explained further below.

g) If it involves two or more dwellings, provides for at least one small dwelling with two or fewer bedrooms for every one larger dwelling (i.e. three or more bedrooms).

Proposal complies, as explained further below.

- 6.7 Policy GG8 of the GGNP is also relevant to the site. Policy GG8 effectively consists of two halves. The first half is more a matter of principle:

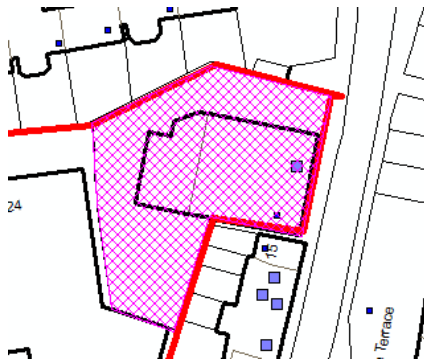
“Development proposals that result in the loss of, or have a significant adverse effect on, an existing employment use will not be permitted unless it can be demonstrated that the site or building is no longer suitable for employment use.”

While the proposal does not result in the total loss of the employment use of the site, it does “*result in the loss of*” employment uses in terms of site coverage.

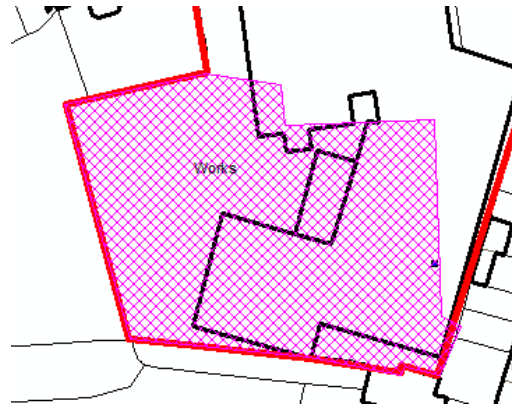
1. The existing Co-op retail unit is 347sq.m gross internal floorspace (GIA). The proposed retail unit is 444.4sq.m GIA. This is a 28% increase in floorspace. The retail unit represents a planning Use Class E.
2. The former Thorpes buildings are given as B1(c) Use Class (now Class E). The Application Form gives their GIA as 1,727.9sq.m.

- 6.8 Local resident comments suggest that this is not a substantial increase. Officers judge that it is a tangible increase and benefit to retail/shop provision in the local centre. Additionally, a larger and notably more practical access, car park and service yard area is proposed, which approximately doubles the functional site area of the retail unit:

Existing Co-op site ~812sq.m



Proposed retail site ~1,624.m



6.9 Nonetheless, it is clear that the proposal would result in a significant reduction in total employment floorspace across the site. Therefore, it is incumbent on the applicant to demonstrate *“that the site or building is no longer suitable for employment use.”*

6.10 The applicants Planning Statement, para.6.2 onward, addresses this matter. Inter alia, it explains:

“The existing employment use at the Site ceased many years ago and the condition of the building has significantly deteriorated ever since. The fact that the previous occupiers, Thorpes, considered it necessary to exit the premises and relocate demonstrates its shortcomings, even when in usable condition, in terms of suitability for employment uses.” (Planning Statement; para.6.4)

6.11 As explained in the Planning Statement, the applicant has also commissioned an economic viability and sustainability assessment of the site for employment use (Feb 2020, with Sept 2022 update). This supports the applicant’s case that:

“It is clear that the buildings have continued to deteriorate and clearly the Site continues not to be a suitable location for employment based activity. The Site is therefore clearly no longer suitable for employment use and the Proposed Development accordingly complies with NP Policy GG8.” (Planning Statement; para.6.7)

6.12 The above statement is not agreed with. What is clear is that part of the site does remain suitable for an employment use, as demonstrated by this application under consideration – for 812sq.m of Use Class E site area to be doubled to 1,624sq.m.

6.13 On a balanced assessment, taking into account the viability and other evidence submitted by the applicant, the proposal is judged to comply with Policy GG8.

6.14 The second half of GG8 relates more to technical assessment matters, which are assessed later in this report:

“Proposals for employment-related development (for new and/or expansion of employment uses, including homeworking) will be supported where it can be demonstrated that the development will not generate unacceptable disturbance, noise, fumes, smell or traffic; that it will respect and be compatible with the local character and surrounding uses; and that it will, where appropriate, protect residential amenity.”

b) Housing Land Supply

- 6.15 The latest HDC 5 year housing land supply data is dated October 2022 and covers the period from 01 April 2023 to 31 March 2027. It identifies that HDC has a positive 5 year supply (7.43YS). The proposal would deliver additional housing stock (8 dwellings, 6 apartments) and contribute to maintaining the District's positive supply. This is a positive material consideration to which weight in favour of the development is attached.
- 6.16 The proposal would not, though, enact the NPPF's 'tilted balance' assessment and garner additional positive weight on the basis of the LPA failing in their delivery of a sufficient supply of available housing (noting the NPPF para.11 presumption in favour of sustainable development).

c) Housing Mix

- 6.17 Both GGNP Policies GG3 (Windfall Sites) and GG4 (Housing Mix), as well as HDC LP Policy H5 (Housing Density, Mix and Standards) advocate providing a mix of house types that is informed by up to date evidence of housing need.
- 6.18 GG3 explains:
"g) If it involves two or more dwellings, provides for at least one small dwelling with two or fewer bedrooms for every one larger dwelling (i.e. three or more bedrooms)."
- 6.19 GG4 explains:
"Priority should be given to smaller family homes (3 bedrooms or fewer), starter homes, and those suitable for older people (especially those who wish to downsize). There will be a presumption against homes with more than 4 bedrooms."
- 6.20 The proposal is excellent in the above respects. It primarily consists of small dwellings and apartments. It is noted that they are all proposed to be "Market Housing", with no Affordable Housing provision. This is discussed later in this report. Nonetheless, these dwelling types & sizes are well suited to a central location in the village, close to shops, services, amenities and public transport links.
- 6.21 **Dwelling Mix Schedule**
Plot 1 – detached dwelling – 3 bed (103.8sq.m GIA)
Plot 2 – end-terrace dwelling – 3 bed (100.2sq.m GIA)
Plot 3 – mid-terrace dwelling – 3 bed (100.2sq.m GIA)
Plot 4 – end-terrace dwelling – 3 bed (100.2sq.m GIA)
Plot 5 – end-terrace dwelling – 2 bed (69.2sq.m GIA)
Plot 6 – mid-terrace dwelling – 2 bed (71.4sq.m GIA)
Plot 7 – mid-terrace dwelling – 2 bed (71.4sq.m GIA)
Plot 8 – end-terrace dwelling – 2 bed (76.0sq.m GIA)

Flat 1 – flat / apartment – 2 bed (99.8sq.m GIA)
Flat 2 – flat / apartment – 2 bed (75.3sq.m GIA)
Flat 3 – flat / apartment – 2 bed (74.3sq.m GIA)
Flat 4 – flat / apartment – 2 bed (67.5sq.m GIA)
Flat 5 – flat / apartment – 1 bed (41.0sq.m GIA)
Flat 6 – flat / apartment – 1 bed (42.0sq.m GIA)

d) Design and Visual Amenity

- 6.22 The existing Co-op premises and the part-dismantled Thorpes buildings do not contribute positively to the character and appearance of the village.
- 6.23 The detached dwelling proposed on Plot 1 is bespoke in design, modest in plan form depth and has a steeply pitched, slate tiled vernacular roof form. Along with other architectural features, a large eaves overhang is proposed to add bespoke character. It has an angled footprint which seeks to partly turn the corner into the access road, where the eye would be drawn towards Plots 2-4 and part of the retail building at the street head. Plot 1 is considered to enhance the site frontage as seen from Church Road.

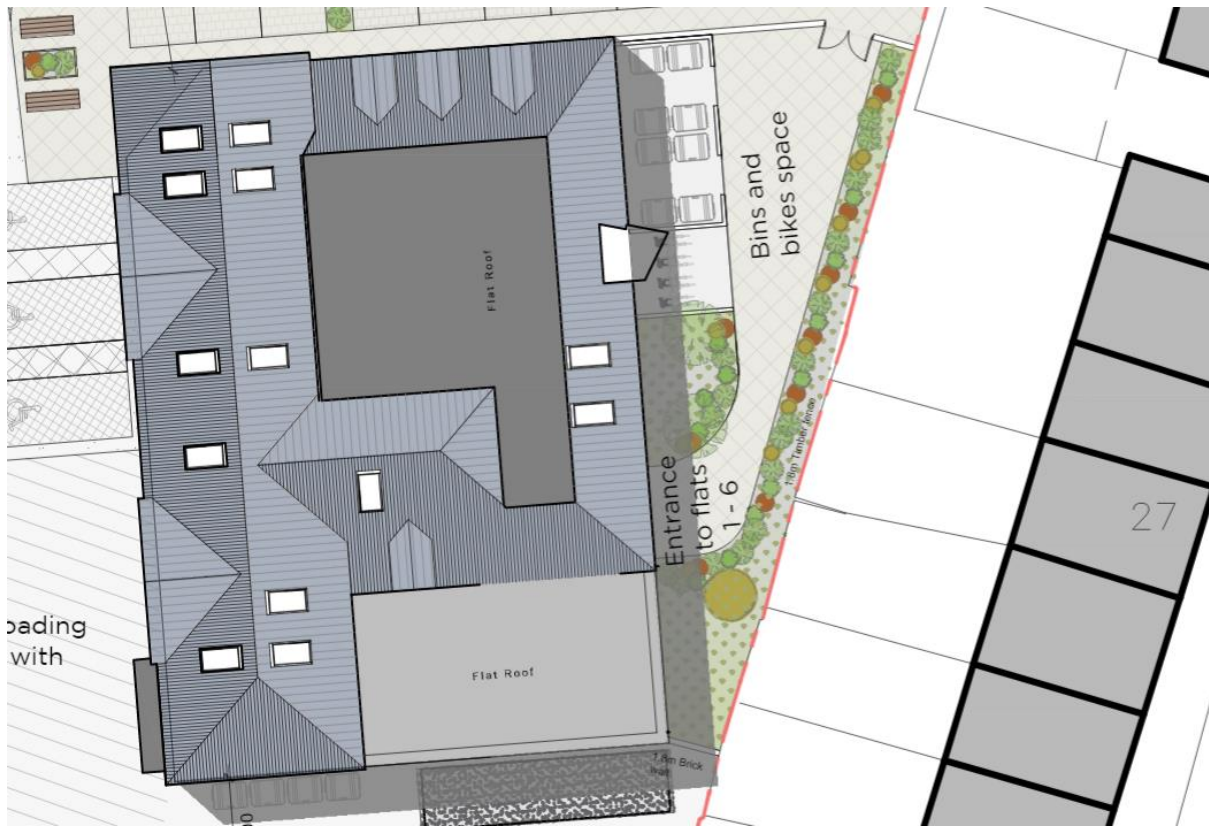


- 6.24 Plots 2 - 4 are judged to be satisfactorily designed. They employ vernacular materials and architectural detailing, such as window sill and lintel features, sash windows, brick corbelling, slate roofs and chimneys. They are substantial in plan form depth at 10.6m from front to rear elevations, which leads to a large gable massing, with both gables being relatively exposed to view and 3D perception. However, given the current site character and the internal position of the Plots within the site, this weaker element of their design/appearance is not judged to be significant.
- 6.25 Plots 5 – 8, which replace the existing Co-op premises on Main Street, are well designed and would represent a significant enhancement to the character and appearance of that part of Main Street. Additional design work and amendment has gone into Plot 8, for reasons of visual and residential amenity improvement. Its north side elevation is relatively open to public view. The amendments ensure that it presents a more historically appropriate shallow plan form and massing. This also serves a benefit of breaking up the greater massing of Plots 5 -7, which are mainly perceived in 2D frontage appearance from Main Street.



Main Street dwelling frontages

- 6.26 Significant design work and amendment has been undertaken for the proposed GF retail building (with flats above), for reasons of visual and residential amenity improvement. The resultant building is somewhat contrived around achieving satisfactory neighbouring amenity relationships, but it is still judged to represent a bespoke, well-designed building. It mixes vernacular and modern features successfully. Brick, render and timber clad elevations combine with vernacular gables and flat roofs hidden behind pitched roofs. The timber elevation treatment on part of the east elevation aids to soften its appearance where it faces certain neighbouring Packe Row dwellings. Bespoke part-dormers are included, with good quality “metal window surrounds and dormer cheeks (dark grey)”. A bespoke window feature to the east elevation is proposed (to overcome an issue of overlooking) and this features a “living wall / green planted wall” – mainly a benefit to neighbouring outlook rather than public visual amenities, but the window feature will be seen. The shop front / canopy is well designed. Advertising / signage remains to be assessed under the Advertisement Regulations and an Advertisement Consent (ADV) application type (an Informative Note is recommended to remind the applicant of this matter.)



- 6.27 Outdoor access, parking, amenity spaces and associated boundary treatments are judged to be satisfactorily designed in terms of the visual amenity / character of the public realm.
- 6.28 Curved brick walls are employed in two key locations (side/rear of Plot 1 and rear of Plot 4) where they will be seen from and benefit the public realm. They are good design features.
- 6.29 The site does not presently contain any green spaces / significant trees, but those which surround the site's perimeter are indicated to be retained (they lie outside the

applicant's control). As shown on the Proposed Site Plan, some planting will be added within the site. Although modest, it is suitably designed.

- 6.30 The proposal is judged to comply with the good design policies contained in the GGNP, the HDC LP, the NPPF and the National Design Guide.

e) Drainage / Flood risk

- 6.31 Following assessment by technical consultees, the development is not considered to be likely to give rise to additional flood risks, onsite or offsite, subject to suitable control by planning conditions.
- 6.32 The proposal is, therefore, judged to comply with the GGNP, the HDC LP and the NPPF in this respect.

f) Ecology

- 6.33 Given the current nature, condition and usage of the site, and following review by LCC Ecology, the proposal is not considered to have significant biodiversity impacts. The proposed garden and public realm planting will have some minor benefits.
- 6.34 Further ecological enhancements are recommended by LCC Ecology, such as integrated bird and bat boxes. It is judged that this matter can be satisfactorily controlled by a planning condition, as suggested in Appendix A.

g) Archaeology

- 6.35 The proposal is not considered to have significant impacts in this regard.

h) Neighbouring & General Amenity Impacts

- 6.36 The proposal is not considered to have significant impacts in this regard.
- 6.37 Plot 1 is positioned alongside No.18 such that it would not breach 45 degree lines from its habitable room windows. It is situated a sufficient distance and orientation from No.24a such that the amenities of this neighbouring property would not be significantly affected.
- 6.38 Plots 2–4 would not cause significant harm. The north end gable of Plot 2 is positioned 14m away from No.18. 14m is a minimum HDC SPD guideline distance separation for new gables that face neighbouring elevations and there would be an argument for a greater separation distance given that the Plot 2 gable is so large (10.6m depth, 5.25m eaves and 9.8m ridge height). However, in mitigation, the gable is not entirely square on to the rear elevation/garden of No.18, tall boundary foliage screening at the bottom of No.18's garden was observed on site and the light/massing impacts of existing buildings needs to be borne in mind. Overall, it is judged that the relationship will not be worsened.



- 6.38 The proposed relationship between Plot 1 and Plots 2-4 is judged to be satisfactory and buyers will be aware of this at the time of purchase.
- 6.39 While Plots 2-4 would introduce some additional overlooking towards the rear garden of No.24a Church Road, this is not considered to be so significant or harmful such as to be unacceptable. Plots 2-4 rear elevation relationships are acceptable
- 6.40 Plots 5-8 are judged to be acceptable. Plot 8 was redesigned in part to ensure that a satisfactory amenity relationship with neighbouring dwellings to the north was achieved.
- 6.41 Garden provisions for all dwellings, while modest, are judged to be acceptable.
- 6.42 The NPPF advises that *“planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so”* (para.54). Given the planned size and design of the proposed dwellings and their gardens, it is not considered that a clear justification exists for restricting GPDO rights.
- 6.43 The most contentious amenity element of the scheme relates to the retail/flat building’s relationship with dwellings to east and south. A number of these residents have objected to the proposal. The proposed building has undergone several design changes in seeking to achieve satisfactory relationships. Evaluating the amenity impacts of the new building on neighbours is a complex, on balance, assessment, which weighs the impacts of the existing buildings & uses against those of the new.
- 6.44 The new retail/flat building has differences to existing buildings on the site in many ways: footprint; massing; height points; separation relationships; roof slopes/form; fenestration; elevation treatments; and so forth. All of these matters combine to define the amenity impacts (in terms of natural light, overbearing and privacy) that the new building would have on neighbouring property relative to the existing buildings.
- 6.45 For Main Street dwellings approximately No.15 through to No.27, greater space is created to their rear through the removal of existing buildings and the siting and massing of the new building being farther away.
- 6.46 The proposed building would be a satisfactory distance separation, massing and fenestration arrangement in terms of its impacts on dwelling/gardens to the south east and south.
- 6.47 The final amended plan is judged to, at the least, maintain the amenities of all surrounding properties and, in parts, improve their amenities relative to the existing buildings.

- 6.48 Impacts such as noise, dust, dirt, light and other pollution which may emanate from the site's former and current lawful use, versus the proposed uses, also need to be weighed in the balance.
- 6.49 Most neighbouring properties benefit in this regard, with the rearward access road, customer parking, delivery and service yard area of the existing Co-op being relocated to a more spacious position, farther away from and affecting fewer dwellings.
- 6.50 The potential noise, dust, dirt, light and other pollution impacts of the current lawful uses on the site are, in the main, judged to be improved by the proposed scheme. Local concerns have been raised about the access, parking, bin and cycle store areas of the 6 flats, but these are residential uses backing on to residential uses and it is judged to be a more compatible relationship than the current situation. No significant harm is identified.
- 6.51 Concerns have been raised about the location of the retail unit's external plant equipment and bin stores. These are on some plans indicatively shown in the southeast area of the site, where they would be very close to some neighbouring dwellings. Without further details (for example, giving their size, appearance, noise, vibration, hours of operation, and other such information), there are concerns about this potential location. The applicant has been advised to place bins and external plant farther away from dwellings. Irrespective, a Condition is recommended to control these details.
- 6.52 Further Conditions for retail unit in terms of hours of use, deliveries and external lighting are also suggested. Subject to these and other conditions mentioned, the development is judged to safeguard adjacent residential amenity.

i) Noise & Air Quality

- 6.53 Subject to the aforementioned controls by Condition, as well as an updated Demolition and Construction Method Statement Condition, the proposal is not considered to have significant impacts in this regard.
- 6.54 It is noted that separate Environmental Health and Party Wall legislation remains in effect.

k) Mitigating climate change

- 6.55 Policy CC1 (Mitigating Climate Change), requires major development to demonstrate how CO2 emissions will be reduced. The Applicant has submitted a statement in respect of mitigating climate change and provided additional information to the Council's Environmental Co-ordinator, who has confirmed the details satisfy Policy CC1.

l) Highways

- 6.56 A Transport Statement has been submitted in support of the application, together with access/parking drawings, vehicle tracking and a Stage 1 Safety Audit.

Site Access

- 6.57 The application site is currently served via two vehicular accesses off Church Road, which is bisected by the service road prior to entering/exiting the site. Church Road is subject to a 30mph speed limit by virtue of street lighting and has a carriageway width

of approximately 6 metres and the service road is approximately 4.5 metres in width. It is noted there are bus stops and shelters located on both sides of Church Road.

Additionally the existing Co-op store is served via an access off Main Street, with a rear car park providing 5 car parking spaces. The existing access has a current 'effective' width of approximately 4.5 metres and no radii, which is considered substandard for a retail access. It is also noted Main Street is subject to a Traffic Regulation Order (TRO) within the vicinity which restricts parking between 8am & 6pm Monday to Saturday.

The LHA have reviewed the proposed access arrangements and it is understood a new bellmouth junction arrangement is proposed and a section of the existing service road to the northeastern side of the access is to be reinstated as highway verge. The junction is proposed to have a 6m wide access road with 6 metre junction radii on each side and the LHA has determined vehicular visibility splays of 2.4m x 43m are achievable within highway land in accordance with Part 3, DG4 of the Leicestershire Highway Design Guide. Additionally a 2 metre wide footway will be provided from the new junction to tie in with the existing to the east, and tactile crossing points will be introduced within the immediate vicinity.

The LHA requested a revised drawing to show a short length of footway is provided on the western side of the access road, and an uncontrolled crossing point is provided across the access road to tie in with the existing footway provision along the service road.

Trip Generation

- 6.58 In order to ascertain the number of vehicle movements likely to be generated from the proposed development, a TRICS analysis has been undertaken by the applicant for the existing and proposed development. The LHA have reviewed the TRICS selection criteria and calculations and are satisfied an appropriate methodology has been utilised. The results of the TRICS forecast the proposed development would generate and increase of five (two-way) vehicle trips during the AM peak period and three (two-way) vehicle trips during the PM peak period. In conclusion the LHA are satisfied the additional trips associated with the proposed development will not materially alter the operation or safety of the local highway network.

Internal layout

- 6.59 The Proposed Site Plan demonstrates 14 regular car parking spaces and three disabled parking spaces to cater for the proposed retail store. The eight 2 & 3 bedroom dwellings are each provided with two car parking spaces and the six flats are allocated 9 car parking spaces. Therefore the LHA is satisfied that parking provision is in accordance with the LHDG for the scale of development proposed.

m) S106 Contributions and Viability

- 6.60 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism for securing benefits to mitigate against the impacts of development. Those benefits can comprise, for example, monetary contributions (towards public open space, healthcare, education, community facilities), the provision of affordable housing, on site provision of public open space / play area and other works or benefits that meet the three legal tests under Regulation 122 of the CIL Regulations.

6.61 These legal tests are also set out as policy tests in paragraph 56 of the Framework whereby Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development..

6.62 Policy IN1 (Infrastructure provision) says:

1. Major development will be permitted where there is, or will be when needed, sufficient infrastructure capacity to support and meet all the requirements arising from it, including those away from the site and its immediate vicinity, whether within Harborough District or outside.
2. Direct provision and/or financial contributions towards meeting all the eligible costs of infrastructure directly required by a major development (or cumulatively with other major developments within Harborough District or outside) will be sought from the scheme promoter whenever this is necessary. Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended) will be required taking into account the viability of the development. This will be in addition to the affordable housing requirement as set out in Policy H2.

6.63 Other relevant Local Plan policies relating to infrastructure provision include G12 (Open space, sport and recreation) and H2 (Affordable housing). More detailed guidance on the level of contributions is set out in The Planning Obligations Supplementary Planning Document, January 2017.

6.64 Consultees have requested the following contributions (all of which are judged to be CIL compliant):

- 40% on-site affordable housing
- Libraries - £393.59
- Secondary Education - £25,789.35
- Post-16 Education - £5,514.38
- Community Facilities - £13,808
- POS £79,402.40

6.65 The Applicant informed the Case Officer that the development could not support the contributions requested. A viability assessment was therefore requested.

6.66 The NPPF recognises that viability assessments can be considered as the planning application stage if justified by the applicant, it also states that the weight to be given to a viability assessment is a matter for the decision maker. The PPG chapter of viability provides guidance on the standardised inputs to viability assessments and sets out the principles in carrying out a viability assessment to establish Benchmark Land Value (BLV) based on the Existing Use Value (EUV) of the land

6.67 In August 2022, a viability assessment was produced by Intali on behalf of Applicant. The Non-Technical Summary advises:

9. Financial Viability is based on comparing the output residual land value (RLV) of the proposed development and the Benchmark Land Value (BLV) of the application site.
10. If the output RLV is higher than the BLV, the scheme is viable. If the RLV is lower, then it is not sufficiently viable to meet planning contributions (affordable housing and Section 106 contributions). Those contributions should reduce until the RLV equals or exceeds the BLV.
11. The output RLV is calculated by adopting the residual method of valuation. This involves:
 - a) An assessment of the completed scheme's gross development value (GDV).

Less
 - b) All development costs, including an appropriate allowance for developer profit.
12. The result of this calculation is the residual amount available to purchase the site.
13. We estimate the BLV of the site to be £1.068m.
14. The application proposes the demolition of a redundant factory and an existing trading Co-op convenience store and constructing a new retail convenience store with six flats on upper floors, a single detached dwelling and seven terraced houses.
15. We calculate that the total GDV is £5.415m.
16. We calculate that total costs of development (excluding Section 106 and affordable housing) are £5,079,200 and that, therefore, the residual amount available for land purchase is £335,910,
17. After allowing for purchase costs, we calculate the residual land value as £184,774.
18. As the output residual land value for the application scheme without any planning contributions is below the BLV, we conclude that the scheme is not sufficiently viable to make such contributions.

6.68 The assessment was independently reviewed on behalf of the LPA by Aspinall Verdi (AV). Their Executive Summary (December 2022) advised:

ES 12 The Residual Land Value (RLV) generated by our appraisals differs from the Applicant's due to varying costs, values and tenures. We first tested a policy-compliant scenario to determine whether the scheme could viably provide the contributions sought by Policy HS2. This scenario provides 4no. on-site affordable rented units, as well as 2no. First Homes. With our adjustments factored in, the scheme displays a viability deficit of c. -£98,000.

ES 13 As this deficit is considerably smaller than that displayed by the Applicant's appraisals, we have subsequently tested the viability of the scheme including a 20% on-site provision of affordable housing, with 2no. affordable rent units and 1no. First Home. This scheme is shown to be viable at this level of on-site contributions. This scheme also shows a small viability surplus of c. +£7,000.

ES 14 We have also undertaken a 100% open market sale scheme with an off-site payment in lieu provided to the Council. The analysis of this scenario shows that a proposed market sale scheme could contribute an off-site payment of c. £197,000.

ES 15 Our sensitivity analyses have demonstrated how the viability of the policy-compliant scheme (and other development scenarios modelled) can change subject to adjustments to appraisal inputs such as construction costs, gross sales, and yield values. With increased sales values and decreased costs, a policy compliant scheme could become viable. For example, with a 5% decrease in construction costs and a 2.5% increase in gross residential sales, a viability surplus is demonstrated. Conversely, with a 5% increase in construction costs and a proportionate decrease in gross sales, the scheme becomes more unviable.

6.69 Intali responded to AV appraisal in January 2023. Intali contested the BLV adopted in the AV review. AV responded in February 2023 and advised the LPA *"we have found no reason on change our position"*

6.70 Intali submitted further information in March 2023 around build costs and developer profit and AV provided the following response:

*"With regards to the floorspace issue flagged earlier, we agree with latest figures in the Intali appraisal, this reflects an adjustment that was made in respect of the floorspace associated with the flatted element of the scheme. Since the original report, there has been significant cost inflation, BCIS costs relating to the scheme have increased significantly with total costs increasing by £104,000; these updated costs have been reflected in the latest appraisal, please see attached. However, we have maintained our position in regards to commercial profit given the low-risk associated with the convenience store development. This figure is also based on our experience of advising on similar mixed-use schemes. A residential profit rate of 20% on GDV has been adopted, this also reflect current market conditions given the issues associated with increasing borrowing rates and the impact on the housing market. As a result of these changes, the scheme now generates a surplus of **£18,775.**"*

- 6.71 The Applicant has confirmed (21st April 2023) that they agree to pay this amount and accept an appropriate review mechanism is incorporated in the S106 Agreement. This will allow the scheme to be assessed at a date closer to practical completion that will consider the scheme's actual sales values and incurred costs. This will allow the Council to benefit from any uplifts in viability resulting from any cost engineering or improvements to the sales market by the time the units are released to the market.
- 6.72 Given the significant amount of people on the Council's waiting list, Officers consider the £18,775.00 should be directed towards off-site affordable housing.
- 6.73 The benefits of the scheme, notably a larger fit for purpose retail unit with off-road parking to serve the local community of Great Glen and surrounding villages; the removal of vacant/derelict industrial buildings with an attractively designed development in the heart of the village centre and the provision of smaller accommodation units (1bed, 2bed, 3 bed) is judged to represent sustainable development, notwithstanding the inability to provide the necessary infrastructure provision.

7. The Planning Balance / Conclusion

- 7.1 The site is within the settlement boundary of Great Glen and part-within & part-adjacent to its local retail/service centre. The provision of new housing and retail is in accordance with the Great Glen Neighbourhood Plan, HDC Local Plan and NPPF in principle.
- 7.2 The loss of employment use potential to housing development on parts of the site, noting the GGNP Policy GG8 conflict stemming from this, is, on balance, justified by the evidence presented by the applicant and the merits of the overall scheme.
- 7.3 The proposal would deliver a range of small market house types, which are demonstrably needed within the settlement and are supported by GGNP and HDC LP policy objectives.
- 7.4 The proposal would assist the District in maintaining its positive 5 year housing land supply.
- 7.5 The development would preserve or enhance the character and appearance of the site and its surroundings. The redevelopment would benefit the setting of nearby heritage assets.
- 7.6 The proposal would not give rise to any significant additional adverse neighbouring amenity impacts.
- 7.7 Mindful of County parking guidelines, County Highway Authority advice on the proposal, on site assessment and relevant Development Plan policies, the proposal is not judged to give rise to significant and demonstrable harm to highway safety, nor a level of policy conflict which would outweigh the positive aspects of the proposal. Safe access, servicing and parking arrangements would be sufficiently maintained.
- 7.8 The proposal would not be detrimental to archaeological, biodiversity, flood risk, arboricultural, or other interests of acknowledged importance.
- 7.9 The proposed development is, on balance, judged to accord with Harborough Local Plan policies SS1, GD1, GD2, GD8, H1, H5, BE1, RT2, RT3, HC1, HC3, GI5, CC1,

CC3, CC4, IN2, IN3 and IN4 and The Great Glen Neighbourhood Plan. The proposed development complies with the NPPF and the decision has been approached in accordance with Paragraph 38 of the NPPF. No other material considerations indicate that the policies of the Development Plan should not prevail.

- 7.10 Therefore, the application is recommended for Approval, subject to the suggested Conditions and Informative Notes outlined in Appendix A.

Appendix A - Recommended Planning Conditions & Informative Notes

If Members are minded to approve the application, Officers recommend that the following Planning Conditions and Informative Notes are attached to any approval.

The Conditions take into account the advice contained within Annex A of the former Circular 11/95 and the national PPG regarding the '6 tests' for Conditions.

Recommended Conditions

1. Development to Commence Within 3 Years

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

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

2. Approved Plans

The development hereby approved shall be implemented in accordance with the approved Drawing Register

REASON: For the avoidance of doubt

3. Materials Schedule / Details

4. Landscaping Scheme

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 any trees and hedgerows to be retained, together with measures for their protection in the course of development;

- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) hard surfacing materials;
- (g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (h) retained historic landscape features and proposed restoration, where relevant.
- (i) programme of implementation

Thereafter the approved soft landscaping shall be implemented in during the first planting and seeding season prior to, or immediately following, the first occupation of the building to which it relates. All hard landscaping comprised in the approved Landscape Scheme shall be completed prior to the first occupation of the building to which it relates.

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

REASON: To ensure that the work is carried out within a reasonable period and is allowed to establish and to ensure the landscaping is implemented and maintained in the interests of the visual amenities of the development and its surroundings having regard to with Harborough Local Plan Policies GD2, GD5, GD8 and GI5.

5. Landscape Management Plan

No development shall commence on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, 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 Local Plan Policies GD2, GD5, GD8 and GI5.

6. Levels

No development shall commence on site until details of the existing and proposed ground levels and finished floor levels of the development 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: To ensure a satisfactory form of development which is compatible with the character of the surrounding locality and to accord with Harborough District Local Plan GD8.

7. Construction Method Statement

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 of the Harborough Local Plan.

8) External Lighting:

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details. REASON: In the interests of the amenities of the area and to protect wildlife, and to minimise unnecessary light spillage above and outside the development site and to accord with Harborough District Local Plan GD8.

9. FRA Recommendations

The development shall be carried out in accordance with the submitted flood risk assessment (ref FW2153_FRA_001_V3, dated December 2021 and compiled by Farrow Walsh) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 96.30 metres above Ordnance Datum (AOD), as detailed within paragraph 7.3.1 of the report.
- There shall be no raising of ground levels for the proposed access road, service yard and retail car park, as detailed within paragraph 8.1.3 of the report.

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.

10. 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.

11. Management of surface water on site 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 through the entire development construction phase.

12. Long term maintenance of surface water drainage

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.

13. Bat/Bird boxes

No development approved by this planning permission shall take place until such time as details of ecological enhancements, for example, integrated bird and bat boxes have been submitted to and approved in writing. Thereafter, the development shall be implemented in accordance with the approved details

Reason: In the interests of ecology/biodiversity

14. External Bins and Plant equipment

Notwithstanding the details shown on the approved plans, no above ground works shall commence until details of the location of the external bins and plant equipment in connection with the retail store/apartments have been submitted to and approved in writing. Thereafter, the development shall be implemented in accordance with the approved details

Reason: To safeguard the residential amenity of adjacent neighbours.

15. Risk Based Land Contamination

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

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

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

- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

- o BS 8485:2015+A1: Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.
- o Or any documents which supersede these.

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

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

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

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

16. Risk Based Land Contamination (verification)

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

- 1) If no remediation was required by Condition 12, 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.

17. Use Class Restriction

The commercial uses hereby approved shall only be used as Class E (a) and shall be used for no other purpose falling within Class E of the Town and Country Planning (Use Classes) (Amendment) Regulations 2020 (or any order revoking or re-enacting or amending that order with or without modification).

REASON: To ensure the use remains compatible with the surrounding area having regard to Harborough Local Plan policy GD8.

18. Opening Hours

The retail unit hereby permitted shall not be open outside the following hours 07.00 hours to 22.00 hours Monday to Saturday inclusive and 08:00 hours to 20.00 hours on Sundays and Bank and Public holidays.

REASON: To safeguard residential amenity having regard to Harborough Local Plan policy GD8.

19. Delivery Times

No deliveries shall be taken at or despatched from the retail unit hereby approved or activities within the service yards shall take place outside of the hours of 07.00 to 22.00 Mondays to Saturday inclusive and 08:00 to 20:00 hours on Sundays, Bank and Public Holidays.

REASON: To safeguard residential amenity having regard to Harborough Local Plan policy GD8.

Recommended Informative Notes

1. Building Regulations
2. Party Wall Act
3. No Burning of Waste
6. Wildlife and Countryside Act 1981

7. 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.
8. Condition 10 Note

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 event durations up to the 24 hour (or longer where required) for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods with results ideally showing critical details only for each return period.
9. Condition 11 Note

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.
10. Condition 1 Note

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.
11. Advertising / signage remains to be assessed under the Advertisement Regulations and an Advertisement Consent (ADV) application type

Committee Report

Applicant: Harborough District Council

Application Refs: 23/00150/ADV; 23/00151/ADV, 23/00152/ADV, 23/00153/ADV.

Locations:

Land at Northampton Road, Market Harborough

Land at Market Street, Lutterworth

Land at St Marys Road, Market Harborough

Land at Leicester Road, Market Harborough

Proposal:

Installation of non-illuminated PVC lamp post banners .

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Application Validated: 30.01.23

Target Date: 27.03.23

Consultation Expiry Date: 02.03.23

Reason for Committee decision: Harborough District Council is the applicant.

Parish & Ward: Logan, Lutterworth East, Arden.

Recommendation

It is recommended that the applications are **APPROVED** for the reasons set out in this report and subject to the conditions at Appendix A..

1. Site & Surroundings

1.1 The application site(s) are located at principal highways into Market Harborough and Lutterworth respectively.

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The Market Street, Lutterworth site(s) is within Lutterworth conservation area.

2. Site History

2.1 None applicable.

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal is for a series of lamp posts banners. 4x4 banners at Northampton Road, 4 x 4 banners at Market Street, Lutterworth. 3X3 banners Leicester Road, Market Harborough and 4x 4 banners St Marys Road, Market Harborough.

The banner size is 2.0m x 0.785m with a minimum 2.8m clearance above ground.



- 3.2 The banners have been in situ since early 2023. The applications are therefore retrospective.

b) Documents submitted

i. Plans

- 3.3 The application is accompanied by the following:
- LCC Highway approval of a section 178 licence.
 - Example banner artwork
 - Street lighting column testing results.

d) Other Relevant Information

- 3.4 The four items are reported for together for completeness.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application(s), including site notices.

a) Statutory & Non-Statutory Consultees

4.2 LCC Highways

No objection. Any sign overhanging a footway or verge must be positioned so as to allow for the unimpeded passage of pedestrians beneath the sign (normally 2.3m clearance).

b) Local Community

- 4.3 no representation made.

5. Planning Policy Considerations

- 5.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) state that advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts. Factors relevant to amenity include the general characteristics of the locality, including the presence of any features of historic, architectural or similar interest. The following planning policy is to be considered in context of these Regulations.

a) Development Plan

- *Harborough Local Plan*
- 5.2 The following policies of the adopted Local Plan are considered most relevant in consideration of the application:
- RT3 (2): advertisement designs should respect the character and architectural details of buildings and their surroundings.
 - HC1 built heritage.
 - GD8 (j) public realm & (l) safe access.

b) Material Planning Considerations

- 5.3 The following are considered material planning considerations:
- *National Planning Policy Framework*
 - *National Planning Practice Guidance*
 - *Leicestershire County Council Highway Design Guide*

- *Leicester & Leicestershire Economic Growth Strategy 2021-2030 (Leicester and Leicestershire Enterprise Partnership Limited, November 2021)*

6. Assessment

a) Principle of Development

- 6.1 The proposal is considered to comply in principle with RT3 which allows for advisements subject to criteria set out within that policy.

b) Technical Considerations

1. Design & Layout

- 6.2 The proposals are in four separate groups/locations.. In each case the advertisements are relatively closely grouped along the relevant highway. Both individually and collectively the banner signs are modest in size (relative to other banner type adverts, for example The Symington Building). The colours and lettering do not particularly stand out and the overall impression is unprepossessing. The siting within a busy street scene is noticeable but not overwhelming because of the few numbers and small size of the banners.
- 6.3 Officers consider that the proposal preserves the character and appearance of the street scene and not detract from amenity. They are therefore in accordance with the Advertisement Regulations and policy GD8 of the Harborough Local Plan.

3. Heritage

- 6.4 Under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'), a Local Planning Authority must have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. Similar applies to Conservation Areas. Preservation in this context means not harming the interest in the building/asset, as opposed to keeping it utterly unchanged.
- 6.5 The NPPF and policy HC1 of the Local Plan require great weight to be given to a heritage asset's conservation. If 'less than substantial' harm to the asset or its setting is identified, then the decision-maker is to weigh up the public benefits of the proposal against this harm. Assets which do not currently have any statutory protection can be considered 'non-designated heritage assets' and these too are protected under the policies.
- 6.6 Whilst some proposed signs are within (conservation area) or close (listed buildings) to designated heritage asset(s) they principally relate to street furniture they are

attached to. That is highway lamp columns. The banners are practically viewed in this context rather than against heritage assets in the wider locality. .

- 6.7 The advertisement(s) is judged to have no harmful impact on designated or non-designated heritage assets, to preserve the setting of Listed Buildings and Conservation Areas. It thus accords with HC1, the NPPF and the Act.

4. Highways

- *Highway impacts*

- 6.8 Leicestershire Highways has raised no objection. Whilst adding to street scene signage the banners are relatively elevated and seem unlikely to distract driver attention from the highway.

- 6.9 For these reasons, the proposal is considered to comply with GD8 and IN2, and paragraphs 85 and 101 of the NPPF, together with the Leicestershire Highway Design Guide.

5. Residential Amenity

- 6.10 Some residential and business property is close to the banners. However, there is nothing to suggest they impact on amenity having been in situ for several months without causing any known concern.

7. The Planning Balance / Conclusion

- 7.1 The application is to be assessed against the Advertisement Regulations. Local plan policy is a consideration of lesser weight than the Regulations. In any event the banner adverts do not detract from the amenity of the area nor impact highway safety. Consent is therefore recommended to be given. .

Appendix A – conditions

- 1 The period of consent shall lapse at the expiration of five years from the date of issue.

REASON: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Any advertisement may continue to be displayed after this date, subject to the same conditions as set out in the Consent and the power of the Local Planning Authority to require discontinuance of the display under Regulation 8.

- 2
- (a) Any advertisement displayed and any site used for the display of advertisements shall be retained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
 - (b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
 - (c) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
 - (d) No advertisement shall be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - (e) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

REASON: To comply with Regulation 14(1) and Schedule 2 of the Town and Country Planning (Control of Advertisement) (E

Planning Committee Report

Applicants: GLP

Application Ref: 23/00287/REM

Location: Land Adj Glebe Farm, Coventry Road, Lutterworth

Proposal: Application for approval of reserved matters (layout, scale, appearance and landscaping) part of zone A/B (north east part (MPS9)) of outline application 15/00865/FUL

Application Validated: 22nd February 2023

Site Visit Dates: 3rd April 2023

Target Date: 24th May 2023 (EoT Agreed – 21st June 2023)

Reason for Committee Decision: Due to size of proposal

Parish / Ward: Lutterworth / Lutterworth West

Recommendation

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

1. Site & Surroundings

- 1.1 The Reserved Matters application site boundary has been drawn to fall within the Zone A/B of the outline planning application site. The application site comprises an area of land which extends to 6.97 hectares (see **Figure 1**). The Reserved Matters application site lies within the site boundary of the outline application (see **Figures 2 & 3**).

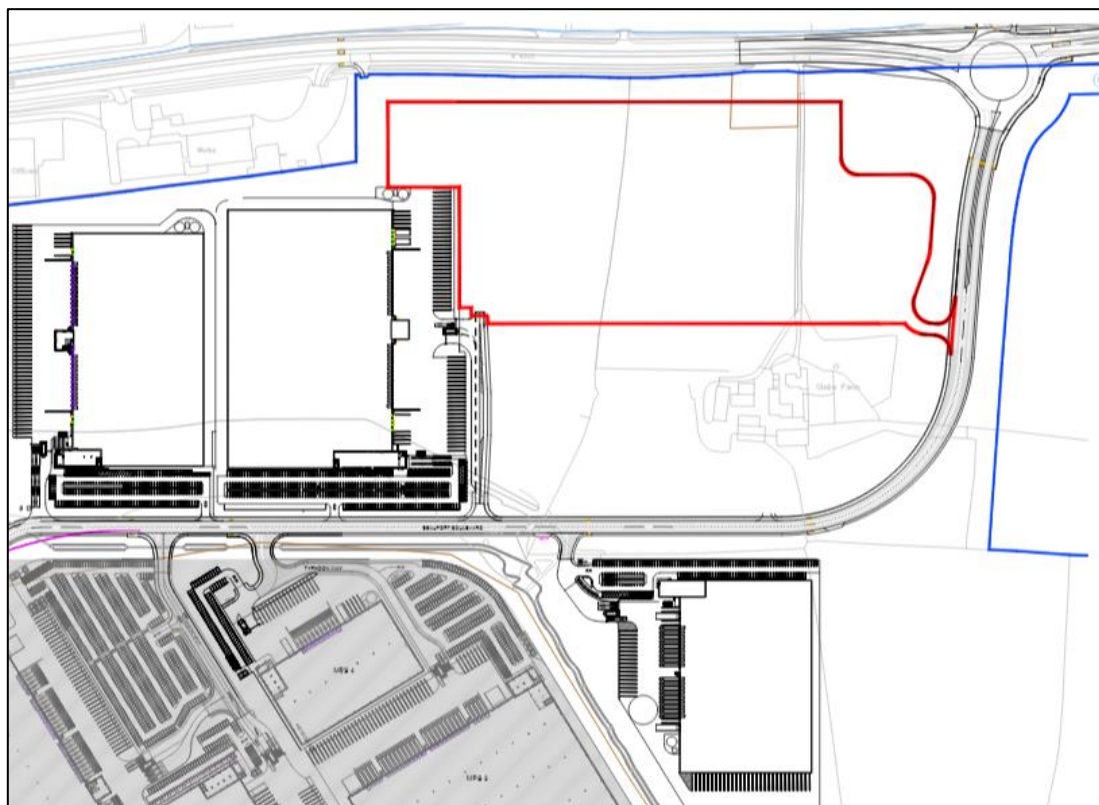


Figure 1: Application site plan

- 1.2 A full assessment of the characteristics of the site and its surroundings was carried out as part the outline planning permission. This included consideration of such matters as the site's geology, hydrology, ecology, historic features (above and below ground) and landscape value. These considerations informed the parameters that have been consented as part of the outline permission and inform the consideration of this Reserved Matters application.

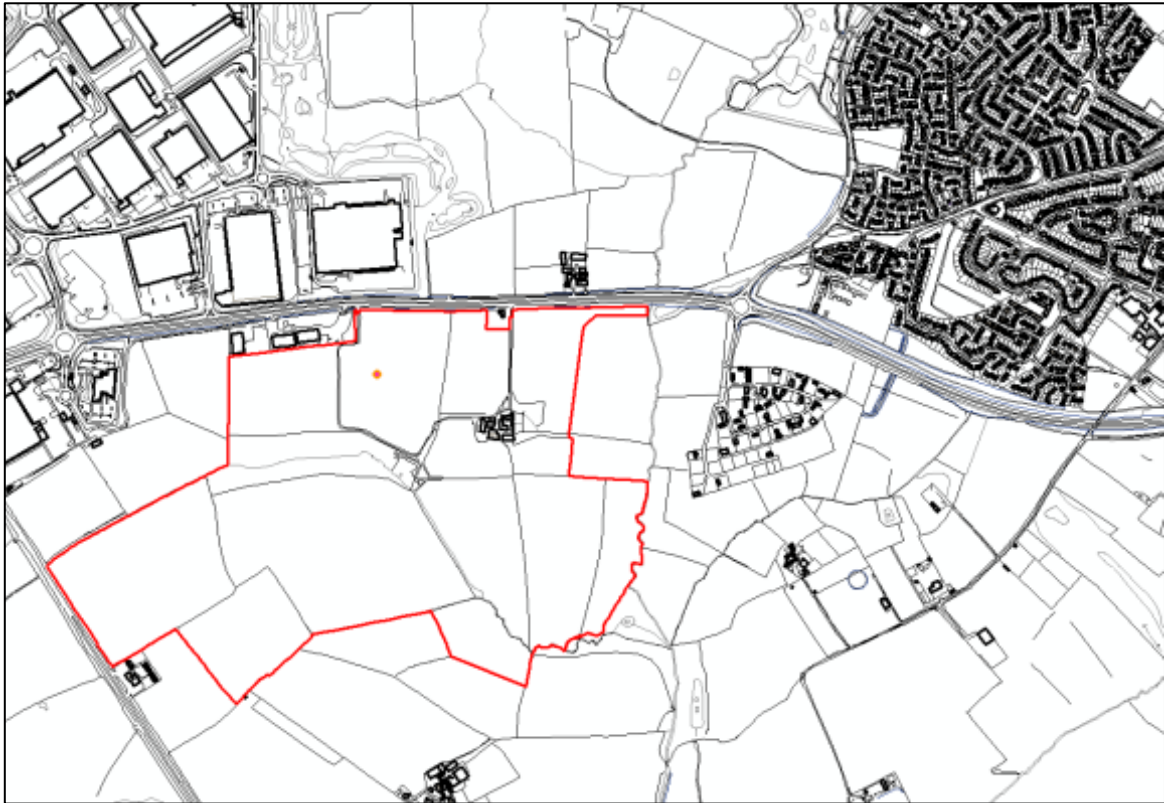


Figure 2: Overall Site Location Plan



Figure 3: Aerial Photo of overall site

2. Site History

- 2.1 The site has Outline Planning Permission for the erection of up to 278,709sqm of Storage, Distribution buildings (B8) with ancillary B1(a) offices, creation of access onto A4303 and emergency services only access onto A5, formation of a Lorry Park, creation of SuDS facilities and other associated infrastructure and the demolition of Glebe Farmhouse (Means of access only to be considered) which was approved 05/07/18 following the completion of the S106 agreement.
- 2.2 In 2019, Reserved Matters approval was granted for primary infrastructure, including estate road and associated landscaping, drainage and utilities and open space in relation to the Outline scheme. Furthermore, Reserved Matters approval has been granted for four buildings on Plot D (MPS1 – 4, these have now all been completed and occupied), and a further two buildings on Plots C & E (MPS5 & 6). Reserved Matters approval has also been granted on the adjacent part of Plot A/B for four buildings (MPS7, 8, 10 & 11).
- 2.3 The Parameters Plan which was approved as part of the Outline consent sets out the maximum development parameters in terms of use, floor area, height and maximum floor plate and finished floor levels. This established a framework within which a range of reserved matters options can be accommodated. In terms of the current application, the pertinent Parameters are set out in detail below:
 - ZONE A/B
 - Number of Units: 1 to 5 units
 - Proposed Unit Floor Level: Highest FFL <122.00m
 - Proposed Unit height: 18m to ridge
 - Maximum Floorspace: 120,709sqm GEA
 - Proposed Unit Dimensions: Ranging from 70 to 195m wide and 190 to 620m long

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal seeks reserved matters approval for the scale, layout (see **Figure 4**), appearance (see **Figure 5**) and landscape for the erection of 1 unit and the laying out of parking areas, service yards, and other infrastructure.

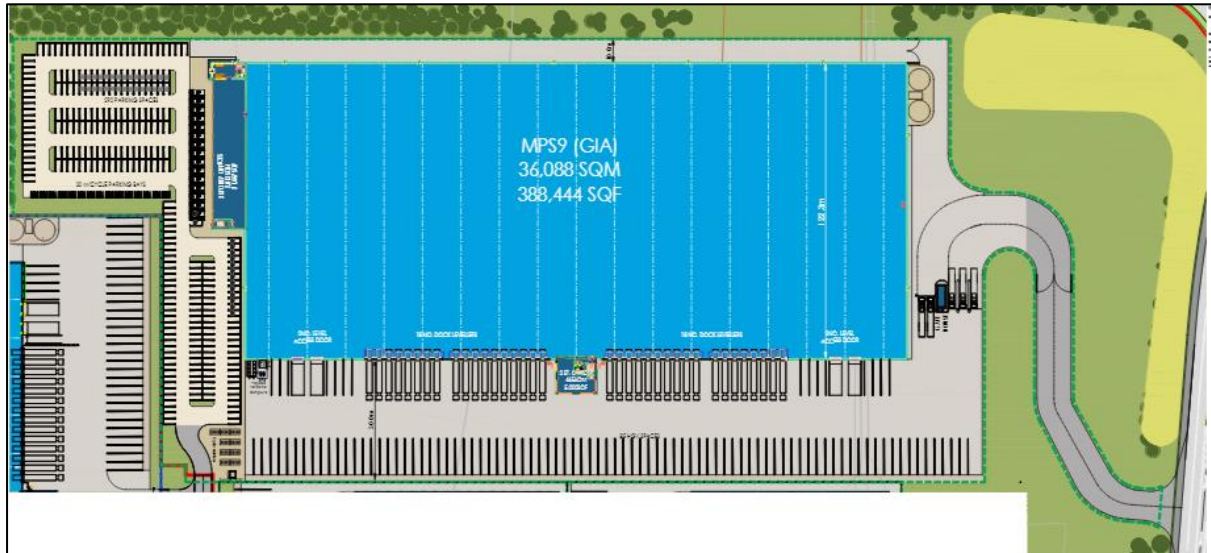


Figure 4: Zone A/B (MPS9) proposed layout

- 3.2 The submitted details with regards these parameters are set out below:
- ZONE A/B (MPS9)
 - Number of Units: 1 (5 total in Zone)
 - Proposed Floor Area 36,372sqm GEA (118,288sqm total in Zone)
 - Proposed Unit height: 18m to ridge.
 - Proposed Unit Floor Level: 120.950m AOD.
 - Proposed Unit dimensions: 122.3m wide and 274m long

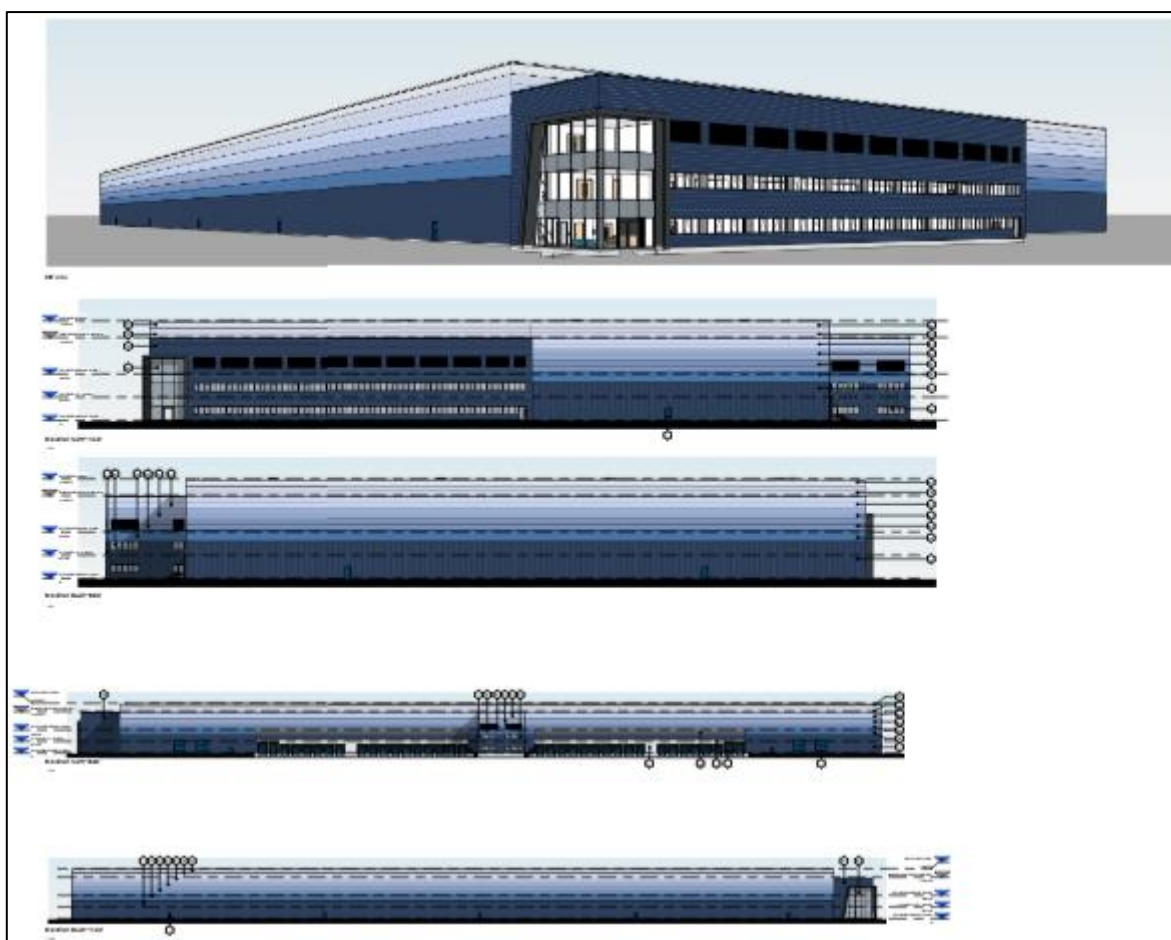


Figure 5: Zone A/B (MPS9) proposed elevations

b) Documents submitted

i) Plans

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

ii. Supporting Statements

- 3.4 The following supporting statements have also been submitted for consideration as part of the application submission:
- EIA Compliance Statement
 - Landscape Management Plan
 - Landscape Statement
 - Sustainability Report

4. Consultations and Representations

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

Consultee	Date	Summary
<u>National Bodies</u>		
Natural England	24/03/23	No comments
National Highways	24/03/23	No objections
<u>LCC</u>		
Highways	27/03/23	Recommend conditions to ensure parking provision and cycle storage provided (in accordance with submitted plans) on any approval
Archaeology	30/03/23	No comments
LLFA	28/03/23	No concerns
Ecology	27/03/23	No comments
<u>Other Local Authorities</u>		
Warwickshire Highways	10/03/23	No Objection

b) Local Community

1. Objections
- 4.2 20 letters were distributed to properties adjacent to the application site, and site notices were erected in the vicinity of the site. No letters of objection or support have been received.

5. Planning Policy Considerations

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

a) Development Plan

- *Harborough District Local Plan (Adopted April 2019)*
- 5.2 Relevant policies to this application are: SS1, GD8, BE2, CC1 and CC4.

b) Material Planning Considerations

- *The National Planning Policy Framework ('The Framework') 2021*
- 5.3 Paragraphs 7, 8, 10, 11, 39, 47, 56, 81, 180 and 185 are particularly relevant.

c) Other Relevant Information

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

6. Officer Assessment

a) Principle of Development

- 6.1 The application site has outline permission (access only) for up to 278,709sqm of Storage, Distribution buildings (B8) with ancillary B1(a) offices, creation of access onto A4303 and emergency services only access onto A5, formation of a Lorry Park, creation of SuDS facilities and other associated infrastructure and the demolition of Glebe Farmhouse The principle of development of the site for strategic distribution development has therefore been accepted.
- 6.2 The application site is identified within the Local Plan as a commitment under Policy BE2 and is subject to an extant Outline consent (15/00865/OUT). Whilst written in relation to development to the North-West of the existing Magna Park, Parts 3a, d, j, l and n are also useful aids in the consideration of the current application.

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

1. Proposed Scale

- 6.1.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of one building forming part of Plot A/B of the wider development (as per the approved Outline parameters, see **Para 2.3**).
- 6.1.2 The Parameters Plan which was approved as part of the Outline consent sets out the maximum finished floor levels and the range of units and the sizes for each parcel of the development. This established a framework within which a range of reserved matters options can be accommodated.
- 6.1.3 The scale of the building is below the maximum parameters set out in the outline planning application. The proposals provide one unit of 36,372sqm GEA B8 (storage and distribution) floorspace including ancillary office space, servicing, parking and landscaping. Crucially, the proposed building does not exceed the approved parameters. The maximum ridge height of the building is 18 metres above the proposed maximum finished floor levels.
- 6.1.4 The offices are located on the end facing the car park. This will create a sense of activity within the car park, create a strong frontage and will help to break down the scale of the warehouse behind to limit the visual impact.
- 6.1.5 As set out above, the Reserved Matters proposals are broadly in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed scale will not result in a development which results in any greater impact than that which was considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed scale for MPS9 is considered to be acceptable.

2. Proposed Layout (including access and parking)

- 6.2.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of one building forming part of Plot A/B of the wider development (as per the approved Outline parameters).
- 6.2.2 The overall layout accommodates a range of unit sizes, integrated into what will become an extensively landscaped setting. The proposed building is orientated to present the short end to the south (see **Figure 7**). Access to and egress from the development plot is via the new estate road which was approved as part of 18/02148/REM. The applicants have aimed to provide inclusive access throughout the site with paths leading pedestrians from the car parks to the main office entrance. A link to the cycle lanes will be provided to cycle shelters located near to the office main entrance. As far as possible, pedestrian and cycle routes are segregated from routes used by motorised vehicles. A condition is recommended to secure the provision of cycle parking facilities by specifying the approved plans (see **Section 8 – Condition 1**).
- 6.2.3 Within the Design and Access Statement submitted in support of the Outline application, the applicants set how development could appear on the site using the ranges within the parameters as set out in the parameters plan. The second option of these is indicated at **Figure 6**. **Figure 7** indicates the proposed buildings, car parking and yard areas for which Reserved Matters approval is currently sought. As can be seen by comparing these plans, the layout of Zone A / B (MPS9) generally accords with the indicative layout seen as part of the Outline application so far as submitted. The main area in which the proposals depart from the Outline indicative layout is with regards the provision of the lorry park for the facility. By developing this parcel as per the current REM submission, the previously indicated lorry park can now longer be provided for. Whilst this is regrettable given the need for lorry parking in the area, there is no obligation upon the developer to provide this as part of the development, nor are

there any conditions on the consent requiring its delivery. Furthermore, Harborough District Council are currently considering an application³ for the creation of a new lorry park and refuelling facility at Mere Lane (located immediately adjacent to the A5, between MPL Central and MPL North).



Figure 6: Indicative Layout B from Design and Access Statement

- 6.2.4 Pedestrian links around car park areas are proposed to be picked out in a contrasting material with rumble strips being introduced at transition points. The applicants have aimed to enhance visual cohesion not only by the careful integration of the building and planting but also by use of a furniture palette that provides a consistency throughout the site. Car parking access roads will be surfaced with block paving with parking bays surfaced in a flexible bituminous material. A condition is recommended to secure the provision of vehicle parking facilities by specifying the approved plans (see **Section 8 – Condition 1**).
- 6.2.5 Security/boundary fencing is incorporated into the soft landscape boundary treatment and is set back from the public side of the landscaping belt. To ensure site security around the yard area, a 2.4m high paladin security fence will be provided. Additionally, security/demise fencing will be provided around the car park area.
- 6.2.6 The proposed development description is principally the same in terms of land use, the proposed layout parameters, access and general layout as that which was detailed and assessed within the existing Environmental Statement submitted in support of the outline planning application, and therefore it is considered to be an acceptable form of development.

³ 22/02002/OUT – Outline planning application for HGV parking facility, roadside amenity building (Use Class E/sui generis), refuelling facilities, car parking, landscaping and associated works (all matters reserved except means of access (not internal roads))



Figure 7: Contextual Illustrative Masterplan

6.2.7 As set out above, the Reserved Matters proposals are broadly in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed layout should not result in a development which results in any greater impact than was considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed layout for MPS9 is considered to be acceptable.

3. Proposed “on plot” Landscaping

6.3.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of one building forming part of Plot A/B of the wider development (as per the approved Outline parameters).

6.3.2 Whilst the current submissions do not relate to the whole site, they do constitute what is considered to be the “on plot” landscaping for the building for which consent is currently sought. In essence, the current details relate to the landscaping of the areas which are inside of the individual development parcel (see **Figure 8**). The native planting proposed in this Reserved Matters application comprises a mixture of fast growing species, such as birch, to provide initial height and slower growing species, such as oak, to provide filtering and screening over the longer term.

6.3.3 Landscaping is also proposed around the parking areas with proposed trees in the car parking area and a perimeter belt of landscaping to the front of the plot, this creates primary habitat connectors through the overall site (see **Figure 8**). The detailed ecology, landscaping and open space proposals ensure that the long-term impacts of the proposals are sufficiently mitigated. Areas of wildflower grass allow maintenance access to the sites security fencing.

6.3.4 As set out above, the Reserved Matters proposals are broadly in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed landscaping should not result in a development which results in any greater impact

than was considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed landscaping of MPS9 is considered to be acceptable.

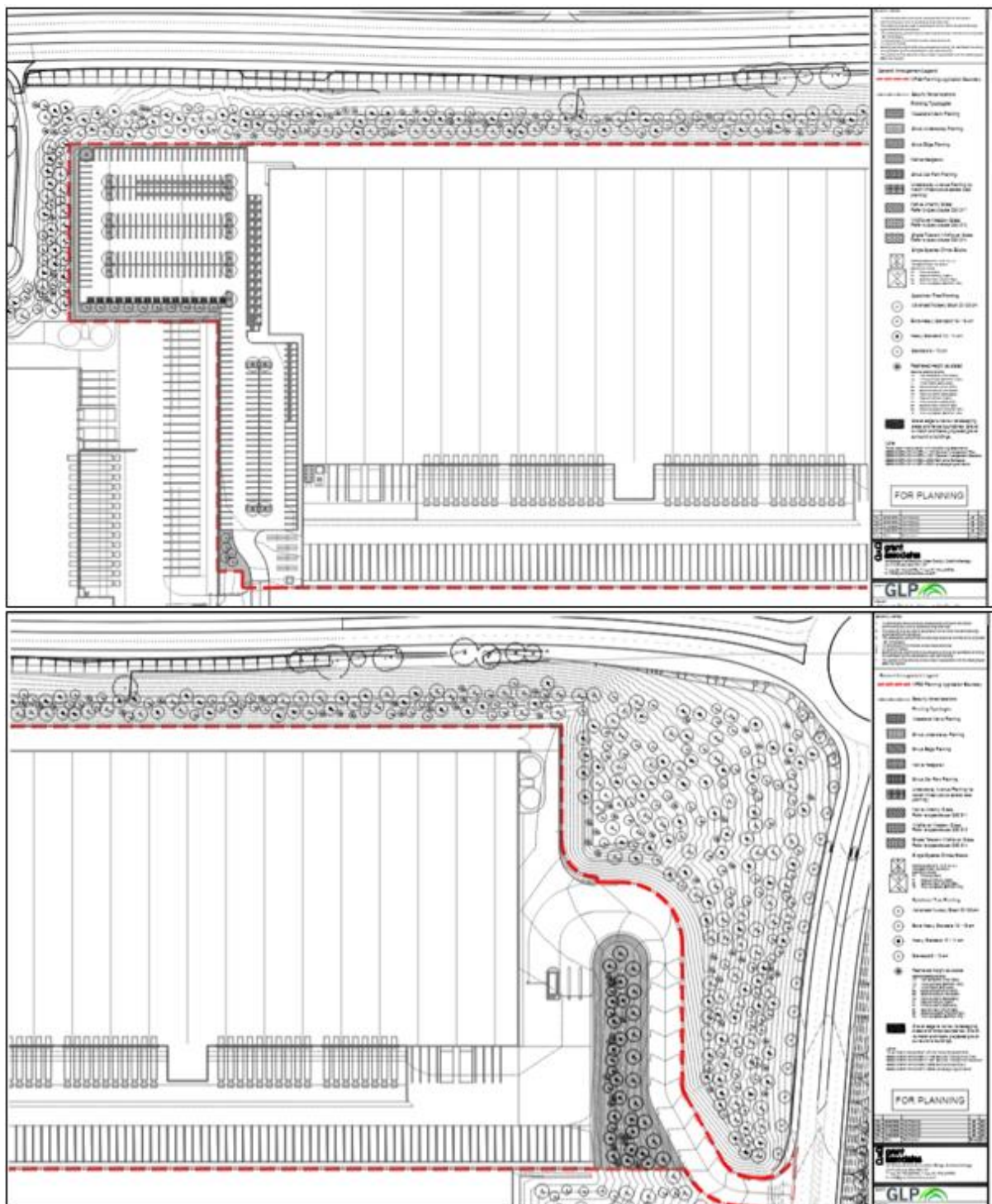


Figure 8: Proposed landscaping for Zone A / B (MPS9)

4. Proposed appearance (including design, lighting and visual impact)
 - 6.4.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of a building forming part of Plot A/B of the wider development (as per the approved Outline parameters).

- 6.4.2 The proposed finished floor level is AOD 120.95m. These levels have been approved as part of 18/02148/REM and are no higher than those stipulated in the approved Parameters plan. The height of the building is set out as 18m. Again this complies with the approved parameters plan.

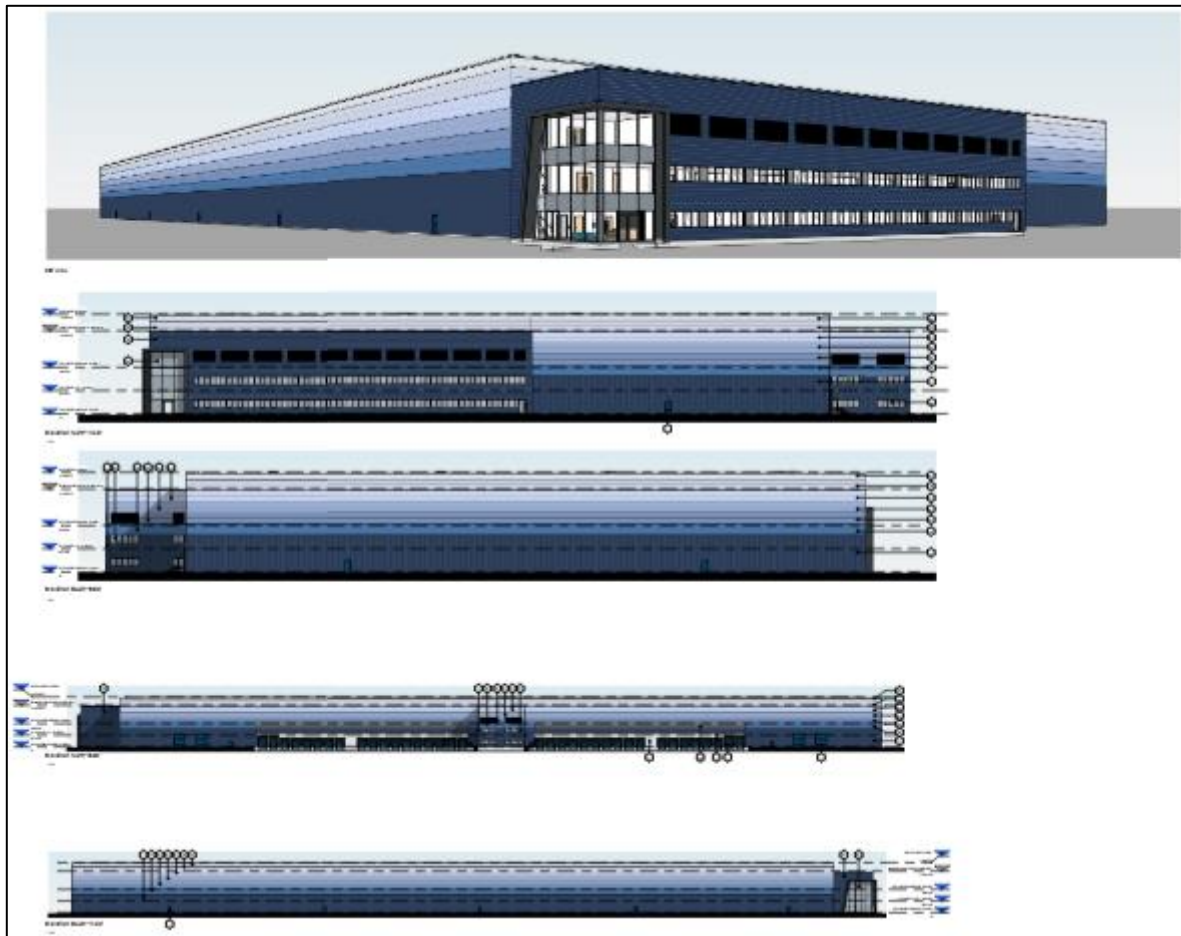


Figure 9: Zone A / B (MPS9) proposed elevations

- 6.4.3 The logistics units will include elements of cladding panels on the external elevations as well as built up profiled cladding systems laid both horizontally and vertically. This will provide variety to the elevation by producing a change in texture. To reduce the impact of the warehouse building upon the surrounding environment, a selection of recessive and neutral blue to white colours is proposed. The colours recede to white at the higher levels to reduce visibility against the sky line (see **Figure 9**). This mirrors the buildings recently completed on the adjacent Plot D (see **Figure 10**).
- 6.4.4 The controlled use of stronger colours in feature bands, flashings, fascias and glazing at lower levels offers contrast and relief. Vertically laid composite cladding in a darker blue is proposed to create a further element of contrast at ground floor level. At low level, dock doors add interest and definition to the ground level loading and servicing area. The roofs will be a colour coated profiled steel. A light colour will be used to reduce the effect of the mass of the building. The office element of the building is entirely clad in dark blue which gives a contrast to the rest of the building.
- 6.4.5 The construction method offers south facing roof slopes, which have the potential to accommodate PV installation to all these south-facing areas and concealed behind the parapets. In coordination with the PVs, roof lights are also provided to optimize daylight and minimize the need for artificial lighting within the warehouses.

- 6.4.6 The applicants have chosen the lighting fittings from a range offering an appropriate degree of design consistency and quality. The car parks and principal pedestrian areas are lit to ensure the safety and convenience of users. Service yard lighting is designed so as to minimise light pollution. Furthermore there will also be building mounted units providing lighting to both areas. The proposed lighting equipment complies with current standards and to the greatest extent possible, the luminaries and their settings are optically set to direct light only to where it is required and to minimise obtrusive effects and if necessary, additional shielding will be considered.



Figure 10: Recently constructed Movianto building on MPL South

- 6.4.7 It is considered that the design of the proposal is acceptable in its context and that it sits well as an extension to Magna Park, and that, in terms of warehouse development, the design of the proposal is of high quality. It is therefore considered that the proposal accords with Policy BE2 of the Harborough District Local Plan. The acknowledged quality of the design of the building weighs in favour of the proposal and must be assessed against the harm of the development in the overall planning balance.
- 6.4.8 As set out above, the Reserved Matters proposals are broadly in accordance with the submissions considered at Outline stage. As such, it is considered that the proposed landscaping should not result in a development which results in any greater impact than was considered at Outline stage. It is therefore considered that the Reserved Matters detail of the appearance of MPS9 is considered to be acceptable.

7. Conclusion – The Planning Balance

- 7.1 As set out in **Section 6** of this report, the proposals comply with the approved Parameters Plan forming part of 15/00865/OUT, and therefore also with Policy BE2 of the Harborough Local Plan. Members are therefore asked to endorse the Officer recommendation that Reserved Matters approval should be granted subject to conditions as set out in **Section 8** of the report.
- 7.2 In reaching this recommendation, Officers have taken into account the ES which was submitted in support of the outline consent under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations, the two further statements submitted under Regulation 22(1) and the further clarification and errata statements. Officers consider that the ES and the further information provided complies with the above regulations and that sufficient information has been provided to assess the environmental impact of the proposals.

8. Suggested Planning Conditions

- 8.1 If Members are minded to approve the application, Officers recommend that the following conditions are attached to any approval. The conditions have taken into account the advice contained with Annex A of the former Circular 11/95 and the PPG. Members are reminded that the conditions imposed on the Outline consent are still applicable and do not need to be replicated as part of this consent.

Suggested Conditions

1 Approved Plans

Suggested Informative Notes

1 Conditions and Legal Agreement

The applicants are reminded that the conditions and S106 obligations relating to 15/00865/OUT are still relevant and fall to be complied with as the development proceeds.

Lodge with its boundary wall (grade II) are approximately 84m to the west, opposite the church, whilst Dene House and Saddington Baptist Church building (both Grade II) are approximately 80m to the northeast.

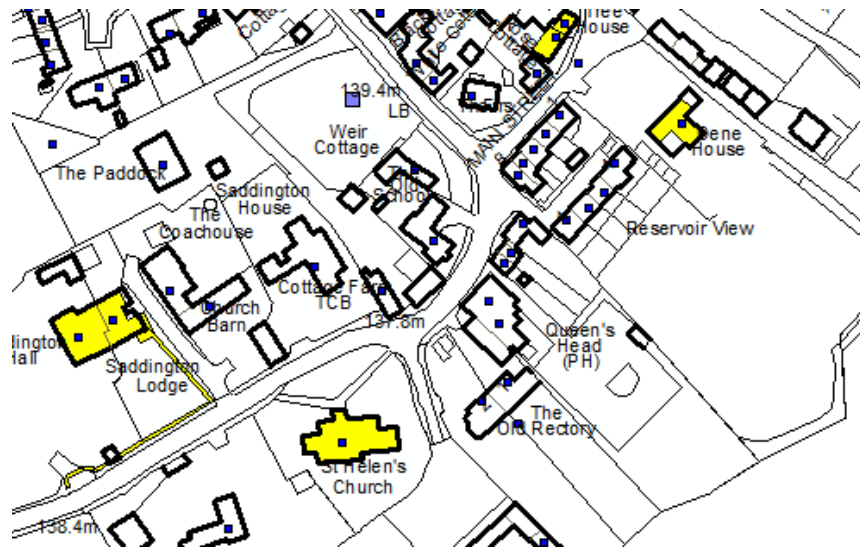


Figure 3: Listed Buildings in the vicinity of the site, shaded yellow



Figure 4: front elevation of the outbuildings

2. Site History

2.1 There is no planning history relevant to this application.

3. The Application Submission

a) Summary of Proposals

3.1 The proposal relates to the detached outbuilding at the front of the site. It is proposed to repair parts, rebuild parts and alter this, and then convert it into annexe

accommodation ancillary to the main house. Submitted drawings show the extent of demolition/rebuild/repair (**figure 4**).

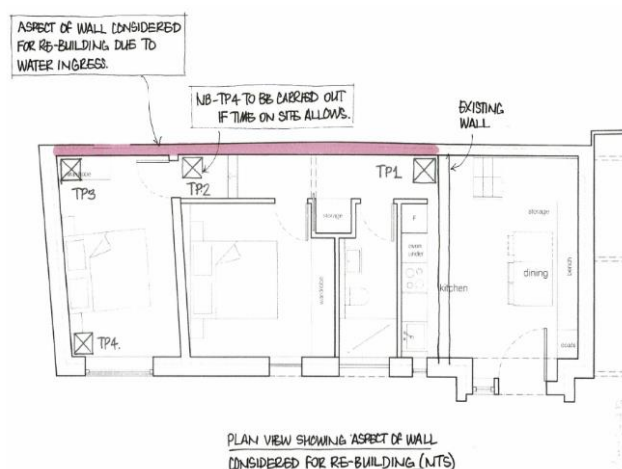


Figure 5: extent of demolition

- 3.2 The proposal uses the existing access to the site and retains the existing carport with two parking spaces. A further two spaces for car parking will be provided in front of the existing house as shown on the proposed site plan (**Figure 5**).

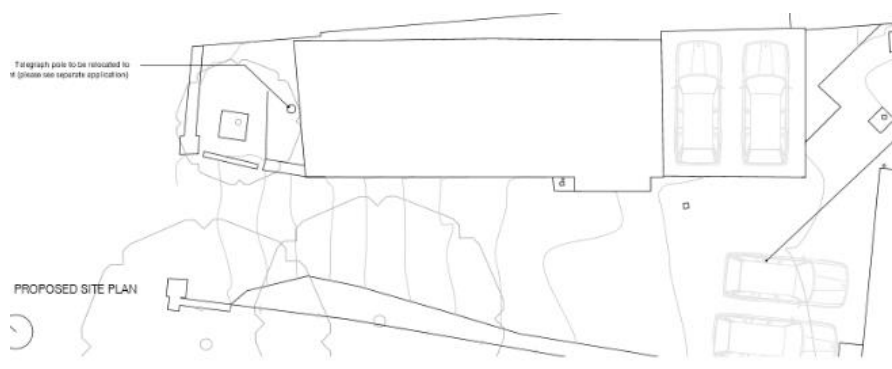


Figure 6: Proposed Layout

- 3.3 The plan form of the building will generally be retained (one internal wall fully removed), as will the existing openings. A new slate (natural or artificial) roof is proposed. A new contemporary opening will be formed at first floor on the northeast elevation, this being a box window of 1.5 x 1.6m with metal reveal and fixed shut. Some existing openings will be partially blocked up: by perforated brickwork on the south east elevation (to the carport) and by timber infill panels to the front elevation. Four rooflights are proposed to the rear elevation and one to the front. The proposal will provide an open plan kitchen/dining room, with two bedrooms and a bathroom at ground floor, and a modest sitting room at first floor.
- 3.4 As the proposal is for a conversion, the proposal mostly uses the existing materials. The new roof will be of slate (natural/artificial) and any new brickwork will be of red brick reclaimed from the demolition. Windows will be double-glazed and of timber, with the exception of the conservation rooflights (which usually have a modest metal frame) and the protruding metal reveal from the large box window on the side elevation. Doors and infill panels will be of timber.

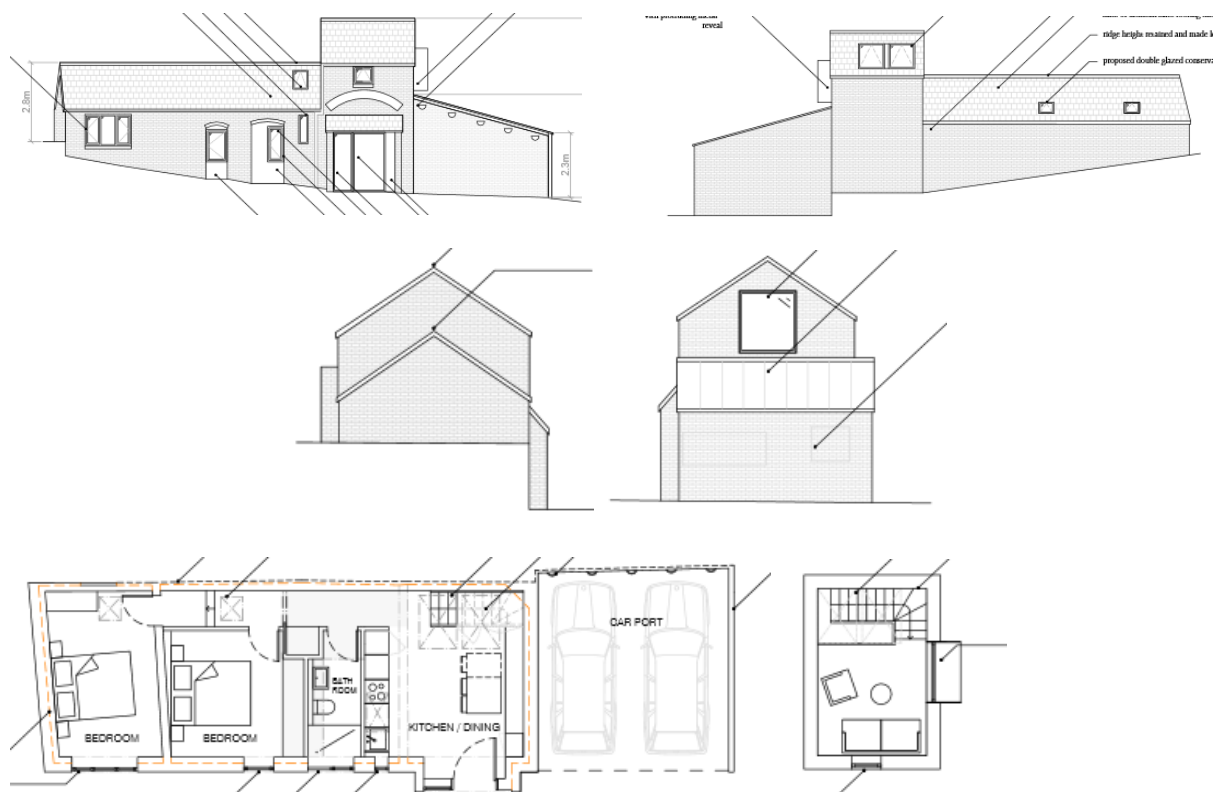


Figure 7: Proposed Elevations and floorplans

b) Pre-application Engagement

- 3.5 PREAPP/22/00032 – *Demolition of existing 2 storey outbuildings and asbestos carport and erection of double storey dwelling with double garage and car port. Sustainable eco friendly building made from wood and tin or zinc roof to echo local agricultural buildings to include air source heat pump / underfloor heating / insulation etc.* Officer advice given included:
- New dwelling is likely to be unacceptable in principle and demolition may also be resisted on heritage grounds
 - Technical considerations require addressing and may not be achievable
- 3.6 PREAPP/22/00274 – *Refurbishment of existing outbuildings, named The Outhouse, in the grounds of the applicant's house, for use as an annex to the main house.* Officer advice given included:
- Likely to be acceptable in principle
 - More work required as to whether the buildings can be retained and sensitively repaired (structural survey by conservation specialist recommended)
 - Design generally acceptable although concerns about metal window frames, number of rooflights and closeboarded 2m high gate proposed
- 3.7 The applicant has been responsive to the pre-application advice, with the proposal amended accordingly.

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 at **Figure 8**. If you wish to view comments in full, please request sight or search via: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

Consultee	Date	Summary
<u>National Bodies</u>		
Historic England	23/03/23	We suggest that you seek the views of your specialist conservation and archaeological advisers.
<u>LCC</u>		
Archaeology	12/04/23	We recommend a Level 2 Historic Building Survey be carried out prior to the commencement of development and in accordance with a written scheme of investigation agreed with the LPA in consultation with us. This to be provided by pre-commencement condition.
<u>Parish Council / Cllrs / MP</u>		
Saddington	10/04/23	No objections, subject to possible conflict with Saddington Neighbourhood Plan being addressed, specifically: H5 – building design principles (bird nest boxes, bats, security lighting) H6 – use of street lighting (new street or curtilage lights to be LED or similar) ENV6 - local heritage assets of historical and architectural interest (complies, but needs to address parking provision as required by BE4 and T1) BE4 – re-use of agricultural and commercial buildings (adequate parking within the site, requires 1-2 spaces in addition) T1 – traffic management (adequate parking within the site, requires 1-2 spaces in addition, also EV charging points required)

Figure 8: Consultee response summary

b) Local Community

- 4.3 4 letters were distributed to adjoining properties and a site notice was posted at the site access. No objections have been received. One letter of general comment has been received, with key points summarised below. Full copies of all representations and consultee comments can be viewed at www.harborough.gov.uk/planning.
- Overlooking from first floor window into ground floor rooms and front garden of 2 The Old Rectory;
 - Parking/turning space for 4 cars appears over ambitious
 - Request confirmation of any alterations to fence or any outside lighting

5. Planning Policy Considerations

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the provisions of the development plan (hereafter referred to as the 'DP') (this is the statutory presumption), unless material considerations indicate otherwise.

a) Development Plan

- 5.2 Section 38(3) (b) of the 2004 Act defines the Development Plan as the Development Plan documents (taken as a whole) that have been adopted or approved in that area.
- 5.3 The Development Plan for Harborough District comprises:

- The Harborough District Local Plan adopted April 2019⁴, the policies of which that are relevant to this application are SS1, GD1, GD3, GD8, HC1, IN4 and GI5
- Made Neighbourhood Plans⁵.
 - Policy H2 – Limits to development

“Within the defined Limits to Development as shown in Figure 4, development proposals for small scale infill development and conversion of existing buildings will be supported where it:

 - a) Reflects the size, character and level of service provision of Saddington;
 - b) Helps meet a clearly identified need in Saddington Parish;
 - c) Retains existing natural boundaries such as trees, hedges, boundaries and streams which either contribute to visual amenity or are important for their ecological value;
 - d) Maintains important views and vistas;
 - e) Retains and where possible, enhances the distinctive qualities of the special and attractive landscape in which Saddington is situated;
 - f) Preserves and where possible, enhances the setting of any heritage asset where the setting of that heritage asset would be affected by the proposal;
 - g) Development proposals in the parish should demonstrate that capacity is currently available within existing wastewater infrastructure or that capacity can be made available in time to serve the development;
 - h) Preserves and where possible, enhances the Saddington Conservation Area.”
 - Policy H5 – Building Design Principles

“All new development proposals of one or more houses, replacement dwellings and extensions should have regard for the following building design principles to a degree that is proportionate to the development:

 - a) Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views.
 - b) New buildings should follow a consistent design approach in the use of materials, fenestration and the roofline to the building. Materials should be chosen to complement the design of the development and add to the quality of character of the surrounding environment and of the Conservation area.
 - c) All new housing should reflect the character and historic context of the existing developments within the Parish, however, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context.
 - d) Development should enhance biodiversity and relate well to the topography of the area, with existing trees, boundaries and hedges preserved whenever possible.
 - e) Development should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, as appropriate.
 - f) Roof and wall construction following technical best-practice recommendations for integral bird nest boxes and bat breeding and roosting sites.
 - g) Hedges (or fences with ground level gaps) for property boundaries that maintain connectivity of habitat for hedgehogs.

⁴ [Adopted Local Plan | Harborough Local Plan 2011-2031 | Harborough District Council](#)

⁵ The Saddington Neighbourhood Plan (2018 – 2031) (review version 2020) is the relevant Plan in this instance.

- h) Security lighting shall be operated by intruder switching, and not on constantly. Site and sports facility lighting to be switched off during 'curfew' hours between March and October, following best practice guidelines in Bats and Lighting Leicestershire & Rutland Environmental Records Centre (LRERC) 2014. Maximum light spillage onto bat foraging corridors should be 1 lux."
- Policy H6 – Use of Street Lighting (note, the wording of the policy also refers to curtilage lighting)

"Development must limit the impact of light pollution, including from security lights and from artificial externally visible light sources. The use of on-street lighting will be appropriate and sympathetic to the context and consistent with the density and output of the lighting used in the surrounding area. Street and curtilage lighting in new development should be at low level only and controlled so that wildlife (specifically bats) is not harmed. Any new or replacement street lights or curtilage lights are strongly encouraged to use LED (or better, for low energy and lifetime) sources and be adequately shaded to prevent upwards light-spill."
- Policy ENV6 – Local Heritage Assets of historical and architectural interest

"Development proposals that affect a non-designated building or structure of local historical or architectural interest identified in Appendix 9 or its setting will be expected to conserve or enhance the character, integrity and setting of that building or structure. The buildings are:

 - The Old Rectory
 - Saddington Reservoir
 - Queen's Head public house
 - The Grange
 - Reservoir View
 - Home Farm, Bakehouse Lane
 - Cottage Farm
 - White Oaks, Smeeton Road
 - Village well"
- Policy T1 – Traffic management

"With particular regard to the rural highway network of the Parish and the need to minimise any increase in vehicular traffic all development must:

 - a) Be designed to minimise additional traffic generation and movement through the village;
 - b) Incorporate sufficient off-road parking;
 - c) Not remove or compromise the use of any existing off-road parking areas, including garages, unless a suitable equivalent alternative is provided;
 - d) Provide any necessary improvements to site access, communal parking and the highway network either directly or by financial contributions;
 - e) Consider, where appropriate, the improvement and where possible the creation of footpaths and cycleways to key village services; and
 - f) Include infrastructure and the available power supply that will support the charging of electric vehicles within the property boundary."

b) Statutory Duties and Material Planning Considerations

- *Planning (Listed Buildings and Conservation Areas) Act 1990*
- 5.4 Sections 66 & 72 impose a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings/ heritage assets and Conservation Areas, including setting, when considering whether to grant planning permission for development. For Listed Buildings/assets, the Local Planning Authority shall "have special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest which it possesses” (Section 66) and for Conservation Areas “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” (Section 72).

- *The National Planning Policy Framework*

5.5 Whilst read as a whole of particular relevance are:

- Chapter 2- Achieving sustainable development
- Chapter 4- Decision making
- Chapter 9- Promoting sustainable transport
- Chapter 12- Achieving well-designed places
- Chapter 15- Conserving and enhancing the natural environment
- Chapter 16- Conserving and enhancing the historic environment

- *National Design Guide*

5.6 This guide (published in October 2019) illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. The Design Guide states that the long-standing, fundamental principles for good design are that it is: fit for purpose; durable; and brings delight. It is relatively straightforward to define and assess these qualities for a building.

5.7 Other relevant documents

- Circular 11/95 Annex A - Use of Conditions in Planning Permission (since superseded by NPPF and NPPG)
- Leicestershire County Council Highways Design Guide
- Development Management Supplementary Planning Document (Dec 2021)

c) Other Relevant Information

5.8 *Reason for Committee Decision*

This application is to be determined by Planning Committee as the applicant was recently an elected Member.

6. Assessment

a) Principle of Development

6.1 Paragraph 103 of The Framework states that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Harborough Local Plan Policy SS1: ‘The Spatial Strategy’ therefore seeks to direct development towards the most sustainable locations, identified by the level of ‘key services’ provided within the village/town, with the aim of reducing reliance on private motor vehicle to access key services. Saddington has less than two key services and is thus identified within the Local Plan as a smaller settlement (sub-‘Selected Rural Village’) within the countryside where development is “strictly controlled”.

6.2 Local Plan Policy GD3 ‘Development in the countryside’ supports the conversion or re-use of permanent and substantial buildings, and also supports householder development within the curtilage of an existing dwelling.

6.3 The Saddington Neighbourhood Plan designates ‘Limits to development’ for the built-up area of the village within Policy H2. The site is within the Limits (see **figure 9**) and thus the principle of conversion is supported subject to compliance with the relevant criteria of the policy, which are addressed below.



Figure 8: Extract from Saddington Neighbourhood Plan (figure 4: Limits to Development, page 27)

- 6.4 The Parish considers Saddington Neighbourhood Plan policy BE4 applies to the proposal. However, this relates to the conversion of existing agricultural and commercial businesses, “in order to support farm diversification and the sustainable growth and expansion of businesses”. The proposal re-uses an existing domestic outbuilding which does not have an agricultural or commercial use. Officers consider that this policy is not relevant to the proposal.
- 6.5 The ancillary annexe use of the extension will ensure that the proposal does not create a separate planning unit or residential dwelling. A condition is considered necessary to ensure that the proposal retains its ancillary relationship.
- 6.6 On the basis of the above, it is considered that the proposals comply with both the Local Plan (policy GD3) and the Saddington Neighbourhood Plan (policy H2) in terms of the principle of development.

b) Technical Considerations

1. Heritage and Archaeology
- 6.7 The outbuildings make a positive contribution to the character and appearance of the Conservation Area, particularly as they are sited between the front elevation of the house and the road. They are visible in the street scene and with their traditional appearance including the wide coach opening, form part of the historic significance of the Conservation Area. They are also locally ‘listed’ as non-designated heritage assets under Saddington Neighbourhood Plan policy ENV6 as part of The Old Rectory. The adjacent Queens Head pub is similarly ‘listed’ under the same policy.



Figure 9: views of the outbuildings, including from the street

- 6.8 By limiting the amount of demolition and rebuild, and preserving the form and siting of the outbuilding, it will continue to make a positive contribution to the Conservation Area and preserve the setting of the nearby Listed Buildings and non-designated heritage assets. Alterations use sympathetic and traditional materials, and a historic photograph submitted with the proposal demonstrates that the previous roof covering was slate.
- 6.9 The applicant has commenced a programme of Historic Building Recording, with a Written Scheme of Investigation submitted. This sets out the methodology for the Historic Building Recording and (in sections 7.0 and 8.0) how the results shall be presented and archived.
- 6.10 The Written Scheme of Investigation (revision 1) is acceptable to LCC Archaeology. A pre-commencement condition was recommended, to ensure that the Historic Building Recording takes place and that the report is suitably filed and archived, as mitigation for the loss of any historic fabric. To avoid the recommended pre-commencement condition, the applicant's consultant has carried out the Historic Building Recording and submitted this to the LPA. Reconsultation has been carried out with LCC Archaeology and any response will be included on the Supplementary Information available to Members on the day of Committee. In the event that the information is acceptable then recommended condition 3 will be re-worded through the Supplementary Information. If the information is unacceptable, then condition 3 as written within section 9 of this report is recommended by officers.
- 6.11 The proposal is judged to be a sensitive conversion which is in keeping with the character and appearance of the site and its surroundings. It will preserve the character and appearance of the Conservation Area and the setting of Listed and non-designated heritage assets. Special regard has been given to these considerations.

The proposal is considered to accord with Policy HC1 of the Harborough District Local Plan and Policies H2 and ENV6 of the Saddington Neighbourhood Plan in this regard.

■ 2. Ecology and Biodiversity

- 6.12 County Ecology were consulted at the pre-application stage and stated that a bat survey was not required. As this team is the Council's consultee for planning applications, this is taken in good faith, and officers have not requested a survey. A note to applicant is recommended however.
- 6.13 Policy H5 of the Saddington Neighbourhood Plan requires ecological enhancements to be made: the amended plan removes the timber doors to the front of the garage/carport and includes nesting cups for Swallows, a protected bird species. There is no evidence to demonstrate that the proposal would significantly compromise fauna and broader ecological interests in the locality.
- 6.14 The proposal is considered to preserve protected species and their habitat, including satisfactorily mitigating against loss, in accordance with Local Plan policy G15, and policy H5 of the Saddington Neighbourhood Plan.

■ 3. Highways

- 6.15 LCC Highways were not directly consulted due to the nature of the proposal and no response has been received to the weekly list consultation. Officers have considered the application in the light of Highways' Standing Advice.
- 6.16 The proposal uses the existing vehicular access onto the driveway at the front of the house and outbuilding, with no alterations proposed. The plans show parking provision for four vehicles but no turning provision. Given that the lack of turning space is an existing situation and bearing in mind that the proposal does not increase the footprint of the outbuilding and that it will have an ancillary use, officers consider that the proposal itself is not judged to make an existing situation demonstrably worse so as to warrant refusal on these grounds. Conditions to require turning space are likely to be unreasonable due to the narrow width of the site. A condition to require the four parking spaces proposed to be retained as such in perpetuity is considered to meet the tests, to avoid any harmful on-street parking.
- 6.17 Parish concerns regarding parking provision are noted. A comparison of the existing and proposed site plans show that an additional off-street parking space will be provided, and it is noted that the wording of Saddington Neighbourhood Plan policy T1 simply states that sufficient off-street parking is required. BE4 does not apply to the proposal. The provision of electric vehicle charging points in accordance with policy T1 were suggested at pre-app and can be provided by way of condition should Members consider that this is necessary and that it meets all the six tests. However, officers do not consider that a condition is necessary to make the development acceptable in planning terms and a condition is not recommended.
- 6.18 There is no evidence that the proposal would lead to demonstrable detriment to highways safety in the locality which is sufficient to warrant refusal of planning permission. Subject to condition, the proposal is considered to accord with Policy GD8 of the Harborough District Local Plan and Policy T1 of the Saddington Neighbourhood Plan in these respects.

■ 4. Residential Amenity

- 6.19 Neighbour concerns regarding overlooking are noted however the proposed first floor window opening referred to is existing. The area it serves could be (and likely has

been) used as a room without requiring the grant of planning permission. The proposal will not alter the relationships between the two properties. Given that the proposal is for conversion, that the footprint/plan form of the outbuilding will not be altered and that no additional openings are proposed which would overlook this neighbouring dwelling, the proposal is not considered to give rise to any harmful overbearing impact, loss of light or loss of privacy to the amenity of the adjoining neighbour to the southwest (2 The Old Rectory).

- 6.20 The neighbour to the rear (northeast) is the Queens Head pub. This building is sited tight against the boundary with the site and projects further eastwards than the outbuilding which is the subject of the application. There will be views from the proposed box first floor window over the pub car park however this is not a private residence. The proposal will not affect the amenity of any other neighbour.



Figure 10: view of the site from the pub car park

- 6.21 The proposal is considered to be acceptable in terms of its residential and general amenity impacts, and to comply with Policy GD8 of the Harborough District Local Plan in this respect.

5. Design

- 6.22 The proposal retains the footprint and form of the outbuildings and the majority of the fabric. The alterations are considered sensitive and important features such as the wide coach house opening with its arched segmental brick header are retained. The rooflights are mostly on the rear which is largely screened from public view by the existing tall pub building. Any possible glimpses are considered to not be harmful as conservation style rooflights are proposed which have a traditional appearance. The replacement roof (to slate) is in keeping with the character and appearance of the area and is a sympathetic alteration, providing that a natural slate (or very high quality artificial slate) is used. A condition is recommended to control this. The additional box window at first floor is contemporary in style however it will not be widely seen in the area (compare **figures 9 and 10**) and for this reason is judged acceptable by officers.
- 6.23 The proposal will not affect or alter any existing natural boundaries or trees, maintains important views and vistas and will have no material impact on the landscape setting of the village.
- 6.24 The proposal is judged to be acceptable in terms of its design, the proposal complies with Policy GD8 of the Harborough District Local Plan and Policies H2 and H5 of the Saddington Neighbourhood Plan in this respect.

6. Other Matters
- *Fencing and lighting*
- 6.25 The representation raises points regarding fencing and lighting and Saddington Neighbourhood Plan policies H5 and H6 also refer to this. The application does not propose any alteration to the fence or outside lighting and works to provide these may not require planning permission in any event.
- *Sustainable techniques and technology*
- 6.26 Saddington Neighbourhood Plan policy H5 e) requires that development “should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, as appropriate”. Although it is noted that the proposal does not include such techniques or technology, the re-use of an existing building is in itself a sustainable technique. A note to applicant regarding sustainable construction is recommended.
- *Water*
- 6.27 Policy IN4 of the Local Plan and policy H5 g) of the Saddington Neighbourhood Plan require that there is a suitable water supply and waste water drainage for the proposal. Details have not been included within the submission and, given the householder/minor nature of the proposal are not considered necessary. It is noted that the building is an ancillary outbuilding to an existing domestic dwelling, and thus a water supply is likely to be readily available. The amount of waste water generated by the proposal is unlikely to overwhelm the existing infrastructure and would in any event be a matter for the local water authority.
- 6.28 The proposal is considered to accord with the requirements of Local Plan policy IN4 and Saddington Neighbourhood Plan policies H5 and H6 in respect of these matters.

c) Sustainable Development

- 6.29 The NPPF requires LPAs to grant planning permission for sustainable development, unless otherwise justified. Paragraph 7 of the NPPF states: “There are three dimensions to sustainable development: economic, social and environmental”.
- 6.30 In terms of economic considerations, any benefits are likely to be limited to the provision of employment during the construction period.
- 6.31 In social terms, the development would provide additional habitable accommodation for the main house, which could be used by visiting family/friends etc. The proposal would deliver satisfactory amenity relationships.
- 6.32 In terms of environmental considerations, the proposal would preserve and enhance the special character and appearance of the Conservation Area and the setting of Listed and non-designated heritage assets in the locality.
- 6.33 On this basis, the proposal is judged to represent sustainable development which complies with the NPPF.

7. The Planning Balance / Conclusion

- 7.1 The proposal re-uses and sensitively converts an existing outbuilding to ancillary accommodation. Demolition is limited and alterations are sympathetic. The proposal provides ecological enhancements, safeguards residential amenity and will not lead to severe highway safety hazard. Furthermore, the proposal will not affect the setting of

the Saddington Conservation Area (a designated heritage asset) or the character and appearance of The Old Rectory, or the setting of the Queens Head public house (both identified as non-designated heritage assets within the Neighbourhood Plan).

- 7.2 The proposal is therefore considered to comply with Local Plan policies GD3, GD8, GL5 and HC1 and Saddington Neighbourhood Plan Policies H2, H5, H6, ENV4 and T1 subject to the conditions recommended in section 8 below. There are no material considerations which indicate that the policies of the development plan should not prevail.

8. Suggested Planning Conditions

- 8.1 If Members are minded to approve the application, Officers recommend that the following conditions are attached to any approval. The conditions have taken into account the advice contained with Annex A of the former Circular 11/95 and the NPPG.

1 Commencement

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

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

2 Permitted plans

The development hereby permitted shall be carried out in accordance with the following approved plans (received 17 May 2023): Site location plan (drawing 2217-PL-010), proposed site plan (drawing number 2212-PL-099), proposed ground floor plan (drawing 2212-PL-100), proposed first floor plan (drawing 2212-PL-101), proposed roof plan (drawing 2212-PL-102), proposed front elevation (drawing 2212-PL-301), proposed rear elevation (drawing 2212-PL-302), proposed north-west side elevation (drawing 2212-PL-303) and proposed south-east side elevation (drawing 2212-PL304).

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

3 Archaeology

Prior to commencement of development, a programme of archaeological investigation in accordance with the approved Written Scheme of Investigation (rev 1, Neil Finn, 10.05.2023) shall be carried out on the site. Within a year of the completion of this fieldwork, the final report describing and analysing the results of the fieldwork shall be deposited, published and submitted to the Local Planning Authority in accordance with sections 7.0 and 8.0 of the approved WSI and for approval in writing from the LPA.

REASON: to ensure satisfactory archaeological investigation and recording in order to mitigate the impacts of the development and to accord with Local Plan policy HC1.

4 Materials

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

REASON: To safeguard the appearance of the development and the character and appearance of the area, having regard to Harborough Local Plan Policies GD8 and HC1 and the National Planning Policy Framework.

5 Details of slate/roof covering

Notwithstanding condition 3 and prior to installation, details of the material to be used for the roof covering shall be submitted to the Local Planning Authority for approval in writing. The roof covering shall be installed in accordance with the approved details and retained in perpetuity unless any variation is agreed in writing with the Local Planning Authority.

REASON: To safeguard the appearance of the development and the character and appearance of the area, having regard to Harborough Local Plan Policies GD8 and HC1 and the National Planning Policy Framework.

6 Parking

The parking provision shown on approved drawing proposed site plan (drawing number 2212-PL-099) shall be laid out and made available prior to first use of the development hereby permitted and retained for the purpose in perpetuity.

REASON: To ensure that adequate parking facilities are provided to prevent on-road parking in the locality having regard to Harborough Local Plan Policy GD8 and Saddington Neighbourhood Plan policy T1 and the National Planning Policy Framework.

7 Ancillary use

The development hereby approved shall only be occupied for residential purposes which are ancillary to the residential use of the application dwelling, 1 the Old Rectory, Main Street, Saddington. The outbuilding shall not be let, leased, sold, split in title, or otherwise occupied such as to constitute the formation of an independent/separate dwelling planning unit. A separate postal address shall not be created for the outbuilding.

REASON: For the avoidance of doubt. The development hereby approved is not for the creation of a new dwelling planning unit. The additional accommodation is situated and designed such that the Local Planning Authority, having regard to reasonable standards of locational sustainability, design, residential amenity, access, parking, highway safety and planning policies pertaining to the area, may not permit a separate dwelling. This condition accords with Policy SS1 of the Harborough Local Plan.

Recommended Informative Notes

- 1. Building Regulations**
- 2. Security lighting**
- 3. protected species**

Planning Committee Report

Applicants: GLP

Application Ref: 23/00438/REM

Location: Land at Mere Lane, Bittesby

Proposal: Application for approval of appearance, landscape, layout, scale and access (internal only), of Plot K (part of (MPN5)) at Magna Park, Lutterworth North (ref. 15/01531/OUT) including one building, internal roads, footways/cycleway, bunding, maintenance strips, foul and surface water drainage, landscaping, associated utilities and land reprofiling

Application Validated: 21st March 2023

Site Visit Dates: 3rd April 2023

Target Date: 20th June 2023

Reason for Committee Decision: Due to size of proposal

Parish / Ward: Bitteswell with Bittesby / Ullesthorpe

Recommendation

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

1. Site & Surroundings

- 1.1 The overall application site comprises an approximately 232 ha triangular parcel of predominantly agricultural land to the north and north west of Magna Park, Lutterworth. (see **Figures 1 & 2**). Plot K sits in the centre of the site, to the east of the estate spine road, and to the west of the former railway embankment (see **Figure 3**).
- 1.2 The site is linked to and extends Magna Park. A full assessment of the characteristics of the site and its surroundings was carried out as part the outline planning permission. This included consideration of such matters as the site's geology, hydrology, ecology, historic features (above and below ground) and landscape value. These considerations informed the parameters that have been consented as part of the outline permission and inform the consideration of this Reserved Matters application.

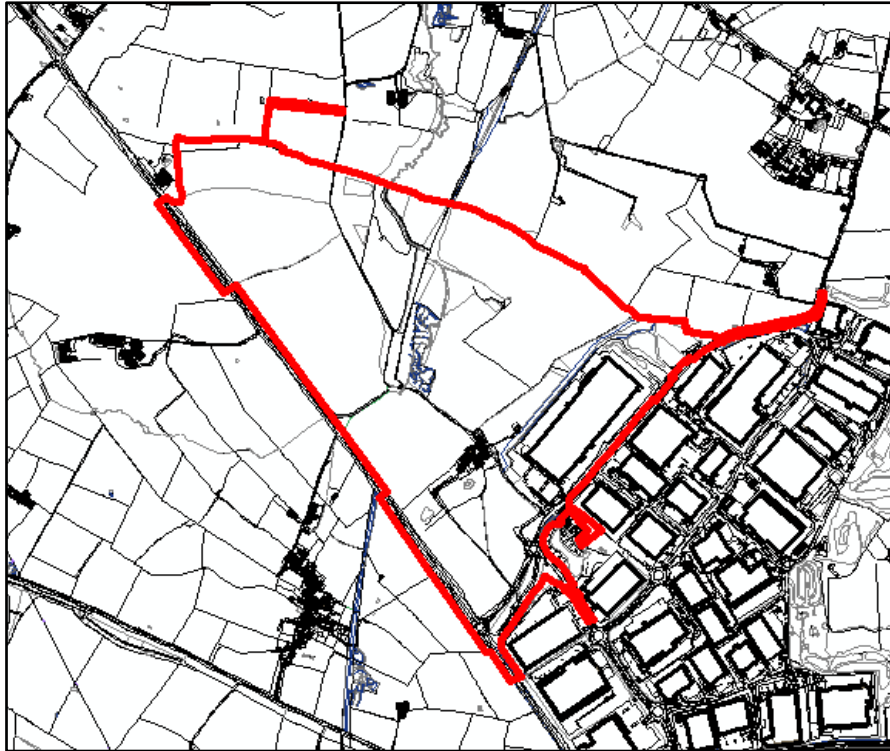


Figure 1: Site Location Plan



Figure 2: Aerial Photo of site



Figure 3: Illustrative Context Plan

2. Site History

- 2.1 The site has an extensive Planning history, however, the relevant history is that the site benefits from Outline Planning Permission (15/01531/OUT) for the erection of up to 419,800sqm of Storage, Distribution buildings (B8) with ancillary offices (B1a), up to 3,700 sq m for a Logistics Institute of Technology (D1) with associated playing field, up to 9,000 sq m small business space (B1a, B1b), up to 300 sq m estate office with conference facility and exhibition centre (D1), the creation of a Country Park, other open space and landscaping works on land to the north of Mere Lane, formation of access road from Magna Park, creation of roundabouts, partial realignment of Mere Lane, upgrading of A5 to dual carriageway, creation of roundabout access on A5, creation of SuDS facilities and associated infrastructure and landscaping works (siting, extent and use of the defined parcels, the maximum quanta and height of buildings, the restriction on the siting of yards, demolitions and means of access to be considered only) which was approved on Appeal on 18/04/19. Furthermore, 21/00443/REM in relation to the strategic infrastructure and levels for the site was approved by this Planning Committee on the 1st June 2021.
- 2.2 Application 21/00697/NMA (approved July 2021) allowed for a slight adjustment between Parcels J and K enabling a building to meet the specific needs of an identified end user to be accommodated on Parcel J. The landscaping strip between the Parcels was subsequently also moved in accordance with the Parcel boundary, but remained the same width as set in the original parameters. This amendment retained the same overall maximum floorspace for the site, and did not result in any outward extension of the parcels, the changes only amended the “internal” boundary between the two parcels, and as such, was considered to be acceptable as a non-material amendment to the original consent.

2.3 The Parameters Plan which was approved as part of the Outline consent and subsequently amended under 21/00697/NMA (see **Figures 4 & 5**) sets out the maximum development parameters in terms of use, floor area, height and maximum floor plate and finished floor levels. This established a framework within which a range of reserved matters options can be accommodated. In terms of the current application, the pertinent Parameters are set out in detail below:

- Parcel K
 - Area: 28.57Ha
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Proposed Unit Floor Level: up to 114.20m AOD
 - Proposed Unit height: up to 132.70m AOD to ridge
 - Maximum Floorspace: up to 162,090sqm GIA
 - Other: Yards to be positioned on NW elevations only. Car parking to SW & SE elevations. Offices to only to SW/western end of unit. Where parcels subdivided into plots min 10 m landscape zone will be included between plots



Figure 4: Approved Parameters Plan (as amended under 21/00697/NMA)



Figure 5: Approved Parameters Plan (as amended under 21/00697/NMA)

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal seeks reserved matters approval for the scale, layout (see **Figure 6**), appearance (see **Figure 7**) and landscape for the erection of 1 unit and the laying out of parking areas, service yards, and other infrastructure.



Figure 6: Parcel K (MPN5) proposed layout

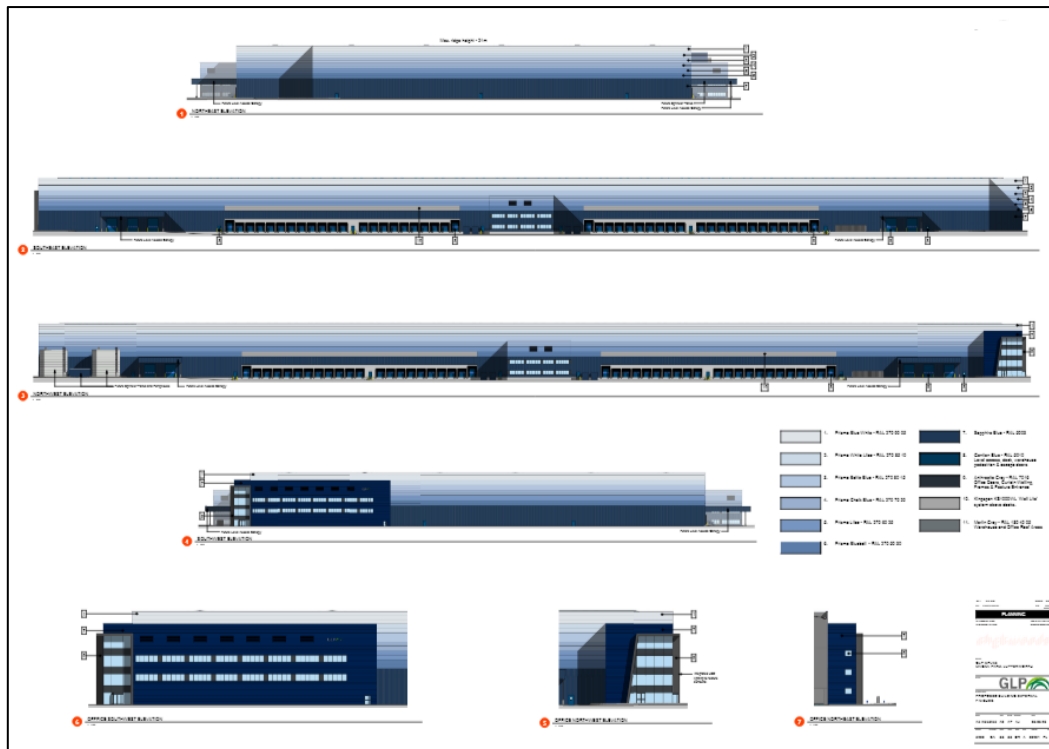


Figure 7: Parcel K (MPN5) proposed elevations

- 3.2 The submitted details with regards these parameters are set out below:
- Parcel K
 - Area: 13.67Ha
 - Use: B8 Storage and Distribution and ancillary office (B1)
 - Proposed Unit Floor Level: up to 111.70m AOD
 - Proposed Unit height: up to 132.70m AOD to ridge
 - Maximum Floorspace: 70,735sqm GIA
 - Other: Yards to be positioned on NW elevations only. Car parking to SW & SE elevations. Offices to only to SW/western end of unit. Where parcels subdivided into plots min 10 m landscape zone will be included between plots
- 3.3 The access to the development is off the A5. The accesses were approved at outline stage and Condition 5 of the outline planning permission requires that development shall be carried out in accordance with the approved drawings. The southernmost access arrangements (Mere Lane) have been installed and are operational.
- 3.4 As part of the Outline submission, the applicants set how development could appear on the site using the ranges within the parameters as set out in the parameters plan. This is indicated at **Figure 8**. **Figure 9** indicates how the proposed building, set amongst the recently approved strategic landscaping provision, will - once embedded and matured - assimilate into the surrounding landscape. These plans also indicate the proposed estate road, strategic drainage and open space for which Reserved Matters approval was recently granted.



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



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

b) Documents submitted

i) Plans

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

ii. Supporting Statements

- 3.6 The following supporting statements have also been submitted for consideration as part of the application submission:
- EIA Compliance Statement
 - Landscape and Biodiversity Management Plan
 - Landscape Design Statement

4. Consultations and Representations

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

Consultee	Date	Summary
<i>National Bodies</i>		
Natural England	05/04/23	No comments
National Highways	04/04/23	No objections
Cadent Gas	31/03/23	No objections
<i>LCC</i>		
Highways	17/04/23	Recommend conditions (parking provision and cycle storage) on any approval
Archaeology	25/04/23	No Comments
LLFA	18/05/23	No Concerns
<i>Other Local Authorities</i>		
Warwickshire Highways	11/04/23	No Comment
Rugby BC	18/04/23	No Comment

b) Local Community

1. Objections

- 4.2 34 letters were distributed to properties adjacent to the application site, and site notices were erected in the vicinity of the site. No letters of objection or support have been received.

5. Planning Policy Considerations

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

c) Development Plan

- *Harborough District Local Plan (Adopted April 2019)*
- 5.2 Relevant policies to this application are: SS1, GD8, BE2, CC1 and CC4.

d) Material Planning Considerations

- *The National Planning Policy Framework ('The Framework') 2021*
- 5.3 Paragraphs 7, 8, 10, 11, 39, 47, 56, 81, 180 and 185 are particularly relevant.

c) Other Relevant Information

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

6. Officer Assessment

a) Principle of Development

- 6.1 The application site is identified within the Local Plan as a commitment under Policy BE2.2 and BE2.3 and is subject to an extant Outline consent (15/01531/OUT). Parts 3a, c, d, j, l and n are the pertinent sections in the consideration of the current application.
- 6.2 The application site has outline permission (access only) for up to 419,800sqm of Storage, Distribution buildings (B8) with ancillary B1(a) offices, access onto Mere Lane and the A5 and other highways improvements, up to 3,700 sq m for a Logistics Institute of Technology, up to 9,000 sq m small business space, the change of use of Bittesby House barns to exhibition centre, and the creation of a Country Park. The principle of development of the site for strategic distribution development has therefore been accepted.

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

1. Proposed Scale
- 6.1.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of one building forming part of Parcel K of the wider development (as per the approved Outline parameters, see **Para 2.3**).
- 6.1.2 The Parameters Plan which was approved as part of the Outline consent sets out the maximum finished floor levels and the range of units and the sizes for each parcel of the development. This established a framework within which a range of reserved matters options can be accommodated.
- 6.1.3 The scale of the building is below the maximum parameters set out in the outline planning application. The proposals provide one unit of 70,735sqm GIA B8 (storage and distribution) floorspace including ancillary office space, servicing, parking and landscaping. Crucially, the proposed building does not exceed the approved parameters. The maximum ridge height of the building is 132.70 metres AOD which is the maximum permissible ridge height.
- 6.1.4 The offices are located on the gable ends facing the estate road. This will create a sense of activity along the estate road, create a strong frontage and will help to break down the scale of the warehouse behind to limit the visual impact. The height of this element, positioned where possible on the main access, helps to break up the mass of the building when viewed upon arrival.
- 6.1.5 As set out above, the Reserved Matters proposals are broadly in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed scale will not result in a development which results in any greater impact than that which was considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed scale for MPN5 is considered to be acceptable.

2. Proposed Layout (including access and parking)
 - 6.2.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of one building forming part of Parcel K of the wider development (as per the approved Outline parameters).
 - 6.2.2 The overall layout accommodates a range of unit sizes, integrated into what will become an extensively landscaped setting. The proposed building is orientated to present the short gable end to the west (see **Figures 10 & 12**). Access to and egress from the development plot is via the new estate road which was approved as part of 22/00443/REM. The applicants have aimed to provide inclusive access throughout the site with paths leading pedestrians from the car parks to the main office entrance. A link to the cycle lanes will be provided to cycle shelters located near to the office main entrance. As far as possible, pedestrian and cycle routes are segregated from routes used by motorised vehicles. A condition is recommended to secure the provision of cycle parking facilities by specifying the approved plans (see **Section 8 – Condition 1**).
 - 6.2.3 Within the Design and Access Statement submitted in support of the Outline application, the applicants set out how development could appear on the site using the ranges within the parameters as set out in the parameters plan (see **Figure 11**). **Figure 12** indicates the proposed buildings, car parking and yard areas for which Reserved Matters approval is currently sought. As can be seen by comparing these plans, the layout of Parcel K (MPN5) accords with the indicative layout seen as part of the Outline application so far as submitted.



Figure 10: Parcel K (MPN5) proposed layout

- 6.2.4 Car parking access roads will be surfaced with block paving with parking bays surfaced in a flexible bituminous material. These measures have been proposed in an attempt to avoid large unsightly areas of “black-top” and also help to control surface water run-off rates. It is not proposed to surface parking bays with any material that may be adversely affected by spills from standing vehicles. A condition is recommended to

secure the provision of vehicle parking facilities by specifying the approved plans (see **Section 8 – Condition 1**).



Figure 11: Indicative Layout as per 15/01531/OUT



Figure 12: Contextual Illustrative Masterplan

- 6.2.5 Pedestrian links through car park areas are proposed to be picked out in a contrasting material with rumble strips being introduced at transition points. The applicants have aimed to enhance visual cohesion not only by the careful integration of the building and planting but also by use of a furniture palette that provides a consistency throughout the site.
- 6.2.6 Security/boundary fencing is incorporated into the soft landscape boundary treatment and is set back from the public side of the landscaping belt. To ensure site security around the yard area, a 2.4m high paladin security fence will be provided. Additionally, security/demise fencing will be provided around the car park area.
- 6.2.7 The proposed development description is principally the same in terms of land use, the proposed layout parameters, access and general layout as that which was detailed and assessed within the existing Environmental Statement submitted in support of the outline planning application, and therefore it is considered to be an acceptable form of development.
- 6.2.8 As set out above, the Reserved Matters proposals are broadly in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed layout should not result in a development which results in any greater impact than was considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed layout for MPN5 is considered to be acceptable.

3. Proposed "on plot" Landscaping

- 6.3.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of one building forming part of Parcel K of the wider development (as per the approved Outline parameters).



Figure 13: Proposed landscaping for Parcel K (MPN5)

6.3.2 Whilst the current submissions do not relate to the whole site, they do constitute what is considered to be the “on plot” landscaping for the building for which consent is currently sought. In essence, the current details relate to the landscaping of the areas which are inside of the individual development parcel (see **Figure 13**). The native planting proposed in this Reserved Matters application comprises a mixture of fast growing species to provide initial height and slower growing species to provide filtering and screening over the longer term.

6.3.3 Landscaping is also proposed around the parking areas with proposed trees in the car parking area and a perimeter belts of landscaping to the front of the plot, this creates primary habitat connectors through the overall site (see **Figure 13**). The detailed ecology, landscaping and open space proposals ensures that the long-term impacts of the proposals are sufficiently mitigated. Areas of wildflower grass allow maintenance access to the sites security fencing.

6.3.4 As set out above, the Reserved Matters proposals are broadly in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed landscaping should not result in a development which results in any greater impact than was considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed landscaping of MPN5 is considered to be acceptable.

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

6.4.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of a building forming part of Parcel K of the wider development (as per the approved Outline parameters).

6.4.2 The proposed finished floor level is AOD 111.70m. These levels have been approved as part of 21/00443/REM and are no higher than those stipulated in the approved Parameters plan. The overall ridge height of the building is set out as 132.70m. Again this complies with the approved parameters plan and results in a building height of 21m.

- 6.4.3 The logistics units will include elements of cladding panels on the external elevations as well as built up profiled cladding systems laid both horizontally and vertically. This will provide variety to the elevation by producing a change in texture. To reduce the impact of the warehouse building upon the surrounding environment, a selection of recessive and neutral blue to white colours is proposed. The colours recede to white at the higher levels to reduce visibility against the skyline (see **Figure 14**). This mirrors the buildings recently completed on the nearby Parcel I (see **Figure 15**).
- 6.4.4 The controlled use of stronger colours in feature bands, flashings, fascias and glazing at lower levels offers contrast and relief. Vertically laid composite cladding in a darker blue is proposed to create a further element of contrast at ground floor level. At low level, dock doors add interest and definition to the ground level loading and servicing area. The roofs will be a colour coated profiled steel. A light colour will be used to reduce the effect of the mass of the building. The office element of the building is entirely clad in dark blue which gives a contrast to the rest of the building.
- 6.4.5 The construction method offers south facing roof slopes, which have the potential to accommodate PV installation to all these south-facing areas and concealed behind the parapets. In coordination with the PVs, roof lights are also provided to optimize daylight and minimize the need for artificial lighting within the warehouses.
- 6.4.6 The applicants have chosen the lighting fittings from a range offering an appropriate degree of design consistency and quality. The car parks and principal pedestrian areas are lit to ensure the safety and convenience of users. Service yard lighting is designed so as to minimise light pollution. Furthermore there will also be building mounted units providing lighting to both areas. The proposed lighting equipment complies with current standards and to the greatest extent possible, the luminaries and their settings are optically set to direct light only to where it is required and to minimise obtrusive effects and if necessary, additional shielding will be considered.

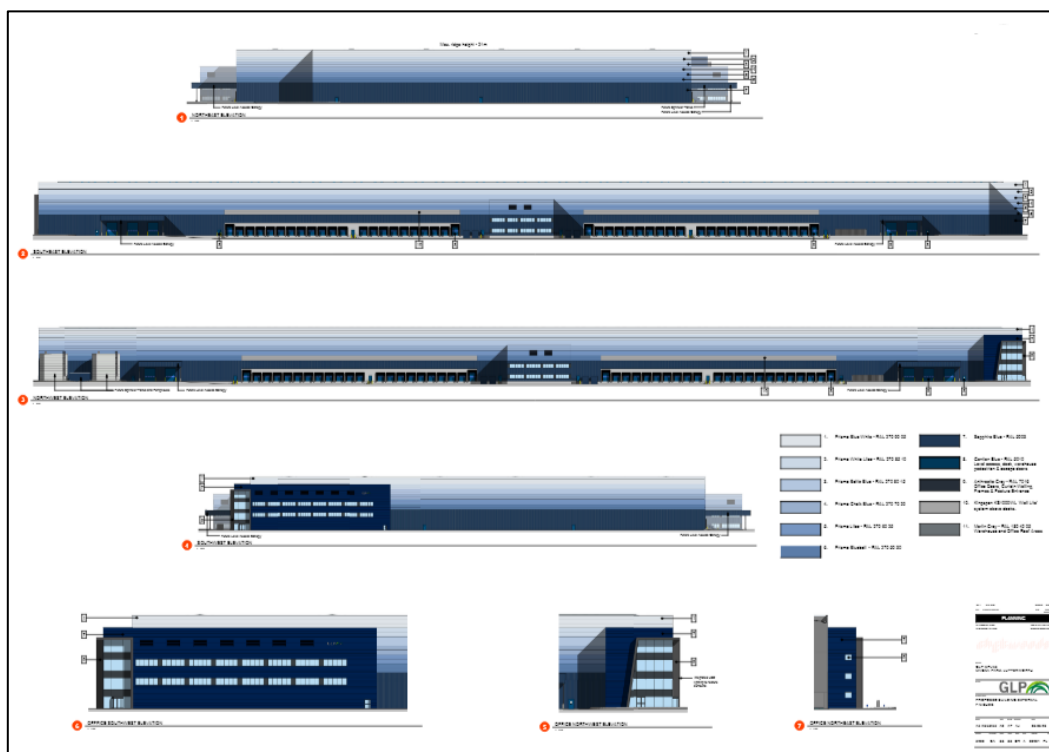


Figure 14: Parcel K (MPN5) proposed elevations

- 6.4.7 It is considered that the design of the proposal is acceptable in its context and that it sits well as an extension to Magna Park, and that, in terms of warehouse development, the design of the proposal is of high quality. It is therefore considered that the proposal accords with Policy BE2 of the Harborough District Local Plan. The acknowledged quality of the design of the building weighs in favour of the proposal and must be assessed against the harm of the development in the overall planning balance.



Figure 15: Recently constructed building on MPL North (Parcel I)

- 6.4.8 As set out above, the Reserved Matters proposals are broadly in accordance with the submissions considered at Outline stage. As such, it is considered that the proposed landscaping should not result in a development which results in any greater impact than was considered at Outline stage. It is therefore considered that the Reserved Matters detail of the appearance of MPN5 is considered to be acceptable.

7. Conclusion – The Planning Balance

- 7.1 As set out in **Section 6** of this report, the proposals comply with the approved Parameters Plan forming part of 15/01531/OUT, and therefore also with Policy BE2 of the Harborough Local Plan. Members are therefore asked to endorse the Officer recommendation that Reserved Matters approval should be granted subject to conditions as set out in **Section 8** of the report.
- 7.2 In reaching this recommendation, Officers have taken into account the ES which was submitted in support of the outline consent under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations, the two further statements submitted under Regulation 22(1) and the further clarification and errata statements. Officers consider that the ES and the further information provided complies with the above regulations and that sufficient information has been provided to assess the environmental impact of the proposals.

8. Suggested Planning Conditions

- 8.1 If Members are minded to approve the application, Officers recommend that the following conditions are attached to any approval. The conditions have taken into account the advice contained with Annex A of the former Circular 11/95 and the PPG. Members are reminded that the conditions imposed on the Outline consent are still applicable and do not need to be replicated as part of this consent.

Suggested Conditions

1 Approved Plans

Suggested Informative Notes

1 Conditions and Legal Agreement

The applicants are reminded that the conditions and S106 obligations relating to 15/01531/OUT are still relevant and fall to be complied with as the development proceeds.

Planning Committee Report

Applicant: Mr & Mrs Saigal

Application Ref: 23/00329/FUL

Location: Firs Farm, Main Street, Illston On The Hill

Proposal: Demolition of existing outbuildings and erection of residential annex and garage/cart lodge

Application Validated: 02.03.2023

Target Date: 27.04.2023

Consultation Expiry Date: 06.06.2023

Site Visit Date:

Reason for Committee decision: Applicant is a close relation to HDC Councillor Modha

RECOMMENDATION: APPROVE

1. Site and Surroundings

- 1.1 The application site is a large detached residential dwelling which has previously been extended, within the village of Illston on the Hill. The site benefits from a large residential curtilage that also includes an area of paddock land to the rear and side of the residential curtilage as well. The village has no defined limits and therefore is classified as being in the open countryside, but within a conservation area. The site backs on to open countryside and there are significant drops in the land level beyond the site boundary. The property itself is set back from Main Street and is flanked by the St Michael and All Angels church, which is a listed building, the Fox and Goose Pub and the rear residential garden of The Knoll. On the southern side of Main Street are Western House and Church Close Cottage. The front boundary of the site consists of an established 2.5m (approx.) high hedgerow. Public Right of Way C3 is adjacent to the north corner of the site.



Rear elevation of outbuilding



Relationship of outbuilding with host dwelling and the Fox and Goose Pub



View of front elevation of host dwelling



View of host dwelling/outbuilding from rear boundary of the site close to PROW



Closer view of host dwelling/outbuilding from rear garden



View between side elevation of host dwelling and outbuilding



Relationship with the Fox and Goose Pub



View towards the site from the front of the Fox and Goose Pub



View from access point 1



View from access point 2



View from St Michael and All Angels Church



View from Public Right of Way



View from New Road

2. Site History

2.1 Firs Farm has the following planning history (all approved, unless otherwise stated):

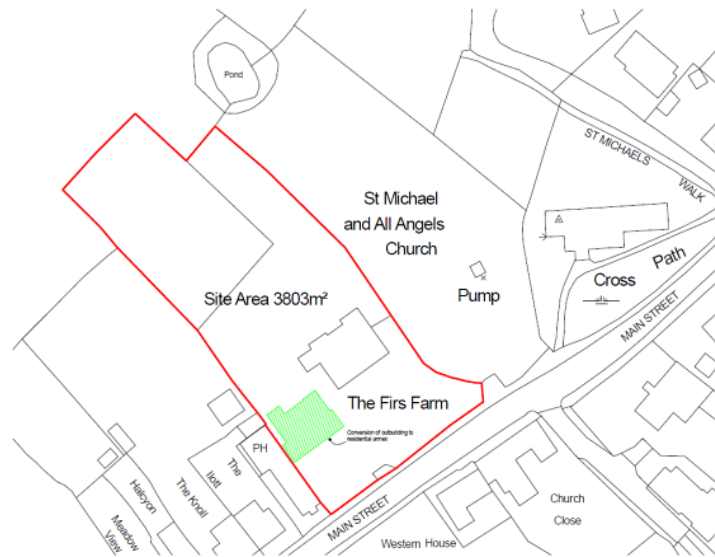
- 75/00005/3M -Extension to house to form two additional bedrooms and bathroom and bay window in lounge
- 92/02249/3P - Extension to kitchen first floor extension to form new bedroom and erection of garage /store/tack room building
- 97/00192/3P -Erection of two storey extension
- 98/01014/FUL - Change of use of grazing land into residential curtilage to form garden area
- 99/00691/FUL -Erection of single storey extension
- 08/01052/FUL – Creation of a menage
- 09/00846/FUL - Erection of two storey front, rear and side extensions
- 10/00075/PCD - Discharge of conditions 2, 6 and 7 and partial discharge of condition 5 (parts b, c and d only) of 09/00846/FUL)
- 20/01546/FUL - Conversion of outbuilding to residential annex
- 21/01353/FUL - Erection of a detached garage



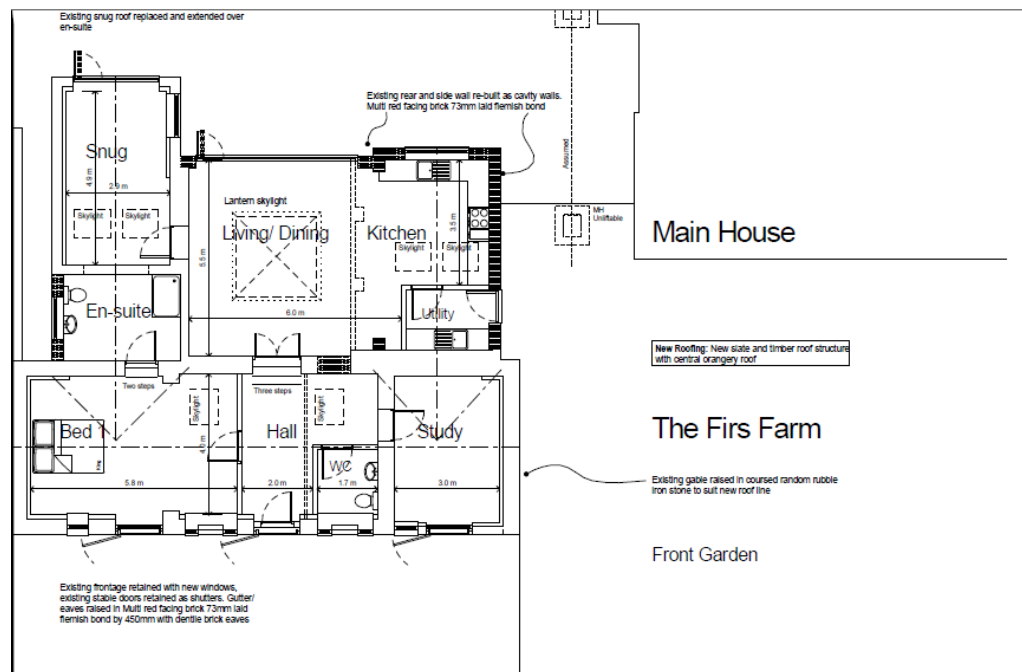
2.2 The site has the benefit of two extant approvals which could be implemented.

- 20/01546/FUL (expires 09.12.2023)

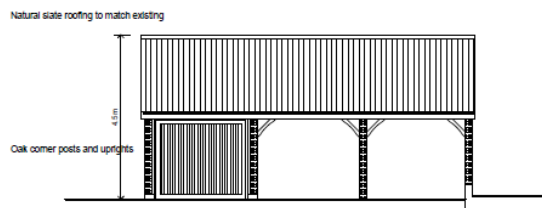
2.3 The first extant approval is to convert and extend the existing outbuilding into a residential annex:



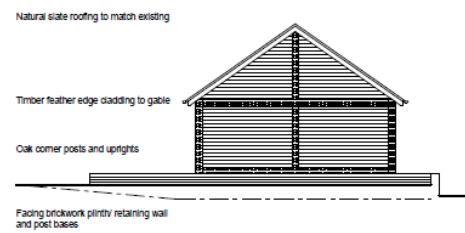
Block Plan



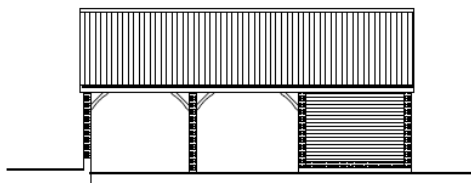
Approved Floor Plan



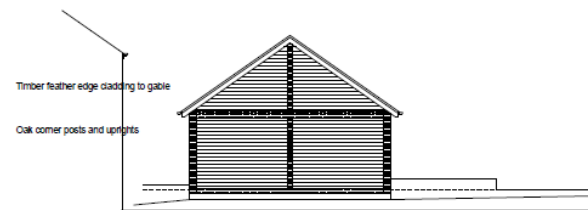
Front (North-East) Elevation



Side (North-West) Elevation



Rear (South-West) Elevation



Side (South-East) Elevation

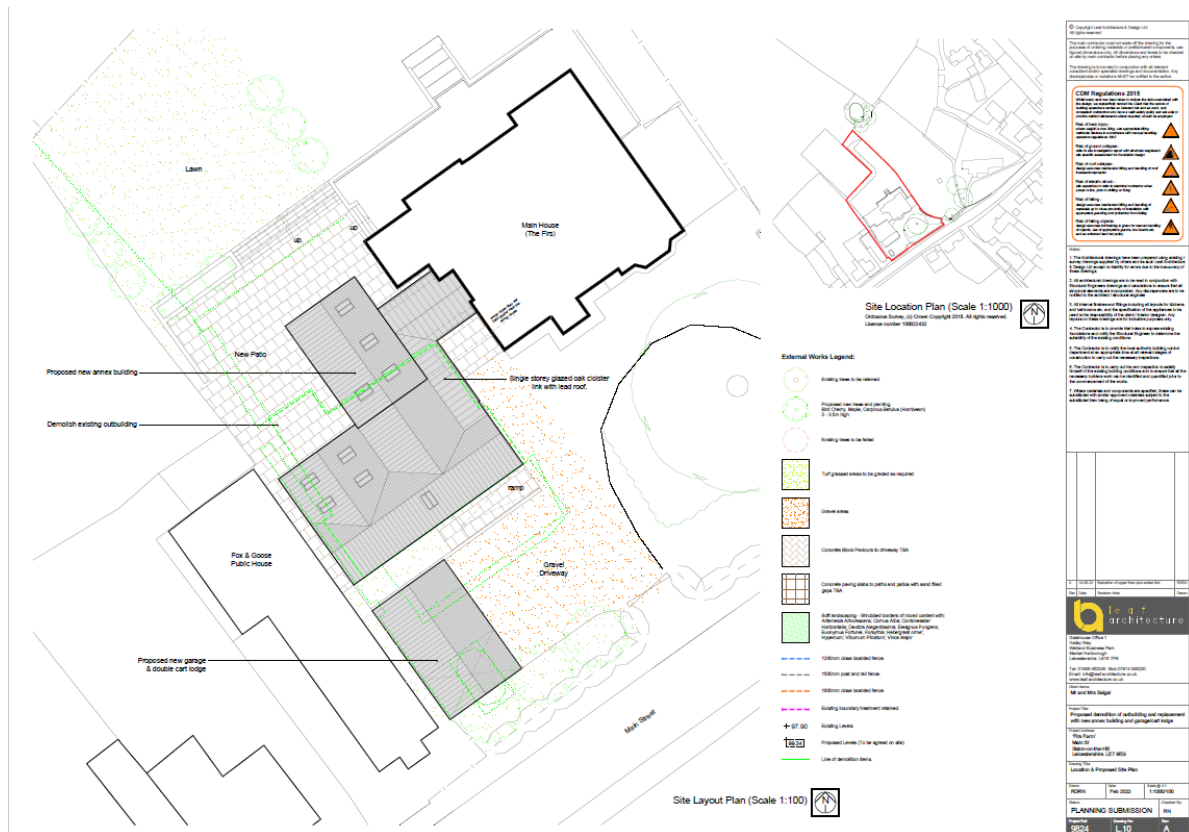
Approved Elevations

Pre-application Discussions

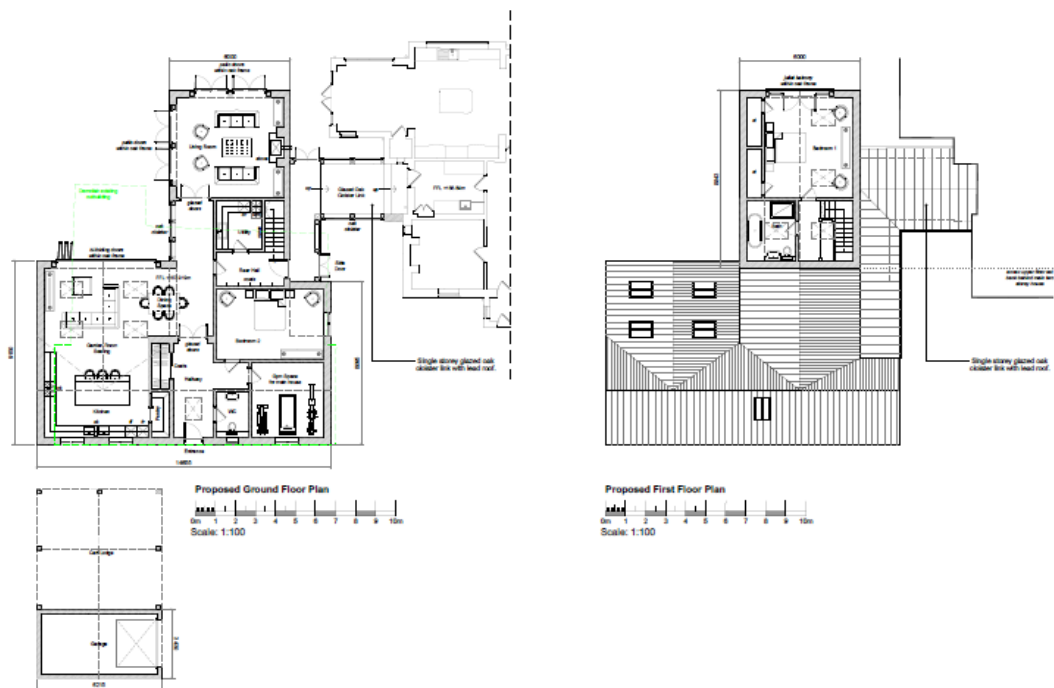
- 2.5 No pre-application advice has been given to the current proposal, however, historic pre-application discussions (July 2019) with the Applicant have taken place with the current case officer. Pre-application advice was sought on the demolition of the existing outbuilding to create an annex for the Applicant's parents to reside. The Applicant was advised the principle of demolishing the outbuilding and replacing it with a subservient building to be used as an annex would be acceptable in principle.

3. Proposal

- 3.1 The proposal (following demolition of the outbuilding) seeks full planning permission to erect a residential annex with link into the main dwelling and the erection of a detached garage/cart lodge.
- 3.2 During the course of the application, amended drawings have been submitted which have moved the second upper storey second bedroom to the ground floor which in turn has the effect of moving the upper floor mass behind that of the main house. A single story link between the house and the annex has also been added which enforces the annex connection. The red application outline around the whole site has also been extended.
- 3.3 The assessment of the application is based on these amended plans, as illustrated below:



Site Plan



Proposed Floorplans



Figure 4. Computer Visual from Main Street

4. Consultations and Representations

Neighbours

6 letters of objection have been received, raising the following concerns:

- The development would change the street view
- The application has morphed into a bigger undertaking than originally proposed
- Two storey will make it more obtrusive and overbearing
- The old stables are c100 years old and should be conserved not demolished
- The historic pub c1800 would be adversely affected by loss of light and potential subsidence issues
- Increased traffic from this development would cause significant issues with traffic flows, especially with proximity to the pub
- It would set a precedent for development of any other green space land and lead to further inappropriate development
- The old water, sewerage and drainage system struggles with the current number of properties in the village
- The proposed cladding would be totally out of keeping with the current property
- Site notice outside the wrong property*

*Case Officer Note: The original site notice was removed from the telegraph pole opposite the site access and a new site notice was erected directly on the gate post of the property



Copy of Site Notice – posted 03.05.2023

5. Planning Policy Considerations

- The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Government Documents:

- National Planning Policy Framework
- National Planning Policy Guidance

Harborough Local Plan 2011 to 2031 (Development Plan):

- GD3- Development in the countryside
- GD5- Landscape
- GD8- Good design in development
- HC1 Built heritage
- IN2 Sustainable transport

Other:

- LCC Highway Authority Standing Advice
- Illston on the Hill Conservation Area Statement
- Development Management SPD

6. Assessment

Principle of Development

- 6.1 It is proposed to seek permission to demolish the existing outbuildings and erect an annex with link to the host dwelling and garaging.
- 6.2 Illston on the Hill is a sub-Selected Rural Village in HDC's hierarchy of settlements. with poor locational sustainability credentials. It lacks shops, services and employment opportunities, and public transport and cycling links are poor. Residents are all more spatially distant from healthcare and other key services and are more reliant on private motor travel.
- 6.3 As such Policy GD3 (Development in the Countryside) is relevant. Policy GD3(h) permits development for "*minor extensions to existing dwellings and to other buildings that are subordinate in scale and appearance to the existing dwelling*".
- 6.4 The remaining sections of this report will explore whether the development complies with GD3h; together with Policy GD8 which permits development where it achieves a high standard of design and Policy HC1 which permits development where is protects, conserves or enhances heritage assets and their settings.

Design

- 6.5 The proposed garage reflects the extant consent. The floorplans show the annex will be built on the existing front building line of the outbuilding and will replicate the style/appearance of the former outbuilding. First floor space has been achieved by orientating a 1.5 storey block running north/south behind the front single storey section, which is set behind the front elevation of the host dwelling.
- 6.6 The plans indicate the roof materials (slate) and wall materials (facing brick) will match the existing dwelling; although the 1st part of the annex will be finished in oak cladding. This material is judged to be acceptable as there are examples of timber cladding within the village; it also helps to break up the visual mass. However, if Members have concerns over the materials proposed, details requesting alternative materials can be secured by way of condition.
- 6.7 Whilst it is acknowledged the proposal provides a level of accommodation that requires no dependence on the host dwelling, the provision of the link into the main dwelling reinforces the annex connection, rather than a separate dwelling. Furthermore, the extant proposal was also not reliant on the host dwelling. The current proposal, like the extant consent can be sustainably controlled by way of condition to ensure the property is 'not sold or let separately' from the host dwelling.
- 6.8 The annex is approx. 18% 'bigger' in footprint than the existing outbuilding (177m² v 150m²) but it is nevertheless subordinate to the host dwelling, well presented and represents good design.

Impact on the Character of the Area and Heritage Assets

- 6.9 Due to topography, views of the existing dwelling and to a lesser extent the existing outbuilding are possible from the rural roads leading from Gaulby and Kings Norton and wider surrounding countryside, including from public rights of way. Views into the site are also possible from Main Street, although limited to some degree due to the established front boundary hedgerow. Views are also possible from the village church, a listed building.
- 6.10 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 *requires decision makers to 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.*"
- 6.11 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.
- 6.12 Given the distance from the Church combined with the intervening host dwelling and adjacent paddock in between, the proposal given its scale will preserve the setting of the Church.
- 6.13 The proposal is also judged to preserve the character and appearance of the Conservation Area; given its set back from Main Street, the c. 2.5-3m high established hedge, design and scale. The proposal therefore meets Policy HC1.

Impact on Neighbouring Amenity

- 6.14 The building is located in between the host dwelling and the pub and a small part of the extended garden area of The Knoll, a residential property.
- 6.15 It might be possible to view at an oblique angle over the extended garden area of The Knoll, but as this view is not over the 'immediate' and more private garden area of The Knoll, which is located directly to the rear elevation of the property (see photo below) it is judged the residential amenity of the The Knoll would be safeguarded.



Rear garden of The Knoll (Rightmove.co.uk)

- 6.16 It is noted the side elevation of the public house contains two low level windows. Both windows are already obscured by the fencing and conifers to this part of the boundary appear to be largely obscured internally in the public house by shelving and bottles for bar storage. Officers have no evidence before them that the proposal if approved will directly affect the business of the Fox and Goose Public House.
- 6.17 Due to the set back of the proposal from Main Street, no harm to residential amenity has been identified to the properties opposite, namely Church Close and Western House.

Highway Matters

- 6.18 The proposal would not affect the existing off street parking provision and would not harm highway safety.

Summary - Sustainable Development

- 6.19 At the heart of the National Planning Policy Framework (the Framework) is the presumption in favour of sustainable development, which consists of three dimensions.
- 6.20 In regard to the economic dimension, some small benefits would be accrued in the construction works required to facilitate the extensions and improvements, while the social dimension would be through the provision of additional living accommodation for elderly relatives reducing the need for state care.

- 6.21 The scale and design of the annex is judged to represent good design and would preserve the setting of both nearby listed buildings and the Conservation Area.
- 6.22 In conclusion, the proposal is judged to satisfy Policies GD3, GD8 and HC1 of the Harborough Local Plan.
- 6.23 For the reasons given, the application is recommended for **APPROVAL**

Annex A – Suggested Conditions and Notes

1) Commencement

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

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

2) Approved Plans

The development hereby permitted is in accordance with the approved plans:

-- 9824.L.10.A – Location & Proposed Site Plan

--9824.L.11.A – Proposed Annex & Garage/Cart Lodge Floor Plans

--9824.L.12.A – Proposed demolition of outbuilding and replacement with new annex building and garage / cart lodge

REASON: For the avoidance of doubt

3) Materials

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

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

4) Annex

The annex hereby approved shall only be occupied for residential purposes which are ancillary to the residential use of the application dwelling; Firs Farm, Main Street, Illston on the Hill, Leicestershire, LE7 9EG. The annex shall not be let, leased, sold, split in title, or otherwise occupied such as to constitute the formation of an independent/separate dwelling planning unit. Separate utilities, utility meters, oil tanks or septic tanks shall not be installed. A separate postal address shall not be created for the annex.

REASON: For the avoidance of doubt. The development hereby approved is not for the creation of a new dwelling planning unit. The additional accommodation is situated and designed such that the Local Planning Authority, having regard to reasonable standards of locational sustainability, design, residential amenity, access, parking, highway safety and planning policies pertaining to the area, may not permit a separate

dwelling. This Condition accords with Policies GD3, GD4 and GD8 of the Harborough Local Plan.

5) Ecology Recommendation

The development hereby approved shall be undertaken in accordance with the mitigation measures outlined within the Curious Ecologists, 26 October 2020 Ecology Survey Report (as submitted under 20/01546/FUL)

REASON: In the interests of safeguarding bats and nesting birds

6) The hedge at the front of the site adjacent to Main Street shall be maintained at its present height (2.5/3m) and retained in perpetuity.

REASON: To help to assimilate the development into its surroundings in the interests of visual amenity and in the interests of biodiversity having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

Notes

- 1) You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
- 2) The Applicant is advised to follow the below Reasonable Avoidance Measures (RAMs) to avoid great crested newts being impacted by the proposal:
 - All materials to be stored off the ground (for example on pallets) to minimise the likelihood of GCN accessing them for refugia.
 - All spoil/waste materials to be removed from site at the end of each working day (or stored in a skip).
 - The site should be maintained as sub-optimal prior to the commencement of works.
 - All involved in the construction should be aware of the possible presence of great crested newts, and know what they look like.