

## Planning Committee Report

**Applicants:** Ministry of Justice

**Application Ref:** 21/01600/OUT

**Location:** Land Adj HM Prison, Welland Avenue, Gartree, Lubenham

**Proposal:** Outline Planning Application with all matters reserved except for means of access and scale for the construction of a new Category B prison of up to 82,555sqm within a secure perimeter fence together with access, parking, landscaping and associated engineering works

**Application Validated:** 20<sup>th</sup> September 2021

**Application Target Date:** 20<sup>th</sup> December 2021 (Extension of Time agreed through PPA)

**Site Visit Dates:** 23<sup>rd</sup> September 2021, 7<sup>th</sup> October 2021, 14<sup>th</sup> October 2021, 9<sup>th</sup> November 2021, and 8<sup>th</sup> March 2022

**Reason for Committee Decision:** The application is to be determined by Planning Committee due to the scale and nature of the proposed development and due to the fact that it is contrary to the Development Plan

**Parish / Ward:** Lubenham / Lubenham

## Recommendation

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

- (i) The proposed conditions set out in **Appendix A (with delegation to the Development Planning Manager to agree the final wording of these)**; and
- (ii) The Applicant's entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (and S38/S278 of the Highways Act 1980) to provide for the obligations set out in **Appendix B** and justified in **Section 6d** of this report (with delegation to the Development Planning Manager to agree the final wording and trigger points of the obligations); and

## 1. Introduction

- 1.1 Throughout the report, a number of reports, studies and organisations are referred to. To aid the reader, these are shortened to their relevant acronym, a list of which is available at **Figure 1**.

Acronym	Meaning / Report Name
ALC	Agricultural Land Classification
AOD	Above Ordnance Datum
AONB	Area of Outstanding Natural Beauty
AoS	Area of Separation
AQMA	Air Quality Management Area
BNG	Biodiversity Net Gain
BMV	Best and Most Versatile Land
BREEAM	Building Research Establishment Environmental Assessment Method
CEMP	Construction (Traffic) Environment Management Plan
CJS	Criminal Justice System
CPRE	Council for the Protection of Rural England
DAS	Design and Access Statement
DMPO	The Town and Country Planning (Development Management Procedure) (England) Order 2015
DP(D)	Development Plan Document
EA	Environment Agency

EHO	Environmental Health Officer
EIA	Environmental Impact Assessment
ES	Environmental Assessment
FNP	Foxton Neighbourhood Plan
(S)FRA	(Strategic) Flood Risk Assessment
Fte	Full time equivalent job
FTTP	Fibre to the Premises broadband
GCN's	Great Crested Newts
GVA	Gross Value Added
Ha	Hectares
HE	Historic England
HLP	Harborough Local Plan 2011-2031
HMPPS	Her Majesty's Prison and Probation Service
INNS	Invasive Non Native Species
LCC	Leicestershire County Council
LHA	Local Highways Authority (Leicestershire County Council)
LLFA	Leicester and Leicestershire Lead Local Flood Authority
(L)LCA	(Local) Landscape Character Assessment
LNP	Lubenham Neighbourhood Plan
LPA	Local Planning Authority
LTP	Leicestershire Local Transport Plan
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Site
MoJ	Ministry of Justice
MUGA	Multi Use Games Area
NIA	Noise Impact Assessment
NH	National Highways
NPPF	National Planning Policy Framework / The Framework
(N)PPG	(National) Planning Practice Guidance
PPA	Planning Performance Agreement
PRoW	Public Right of Way
SAM	Scheduled Ancient Monument
SPG	Supplementary Planning Guidance
SRN	Strategic Road Network
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage Systems
TA	Transport Assessment
TCPA	Town and Country Planning Act
TP	(Outline) Travel Plan
WHO	World Health Organisation

**Figure 1: Glossary of terms**

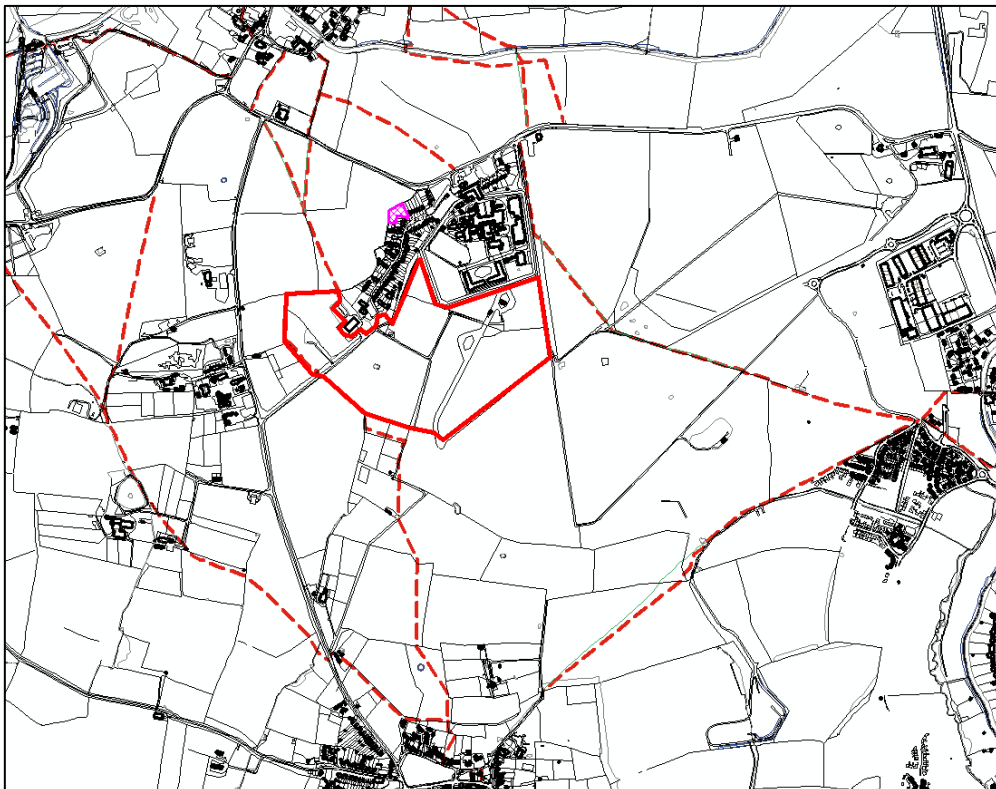
## **2. Site & Surroundings (including site history)**

- 2.1 The application site comprises 28.9ha of land in MoJ ownership. The development site is situated to the South of the existing HMP Gartree (a Category B Prison) (see **Figures 2 & 3**) and comprises three land parcels (see **Figure 2**). Parcel 1 comprises farmland to the south east of Welland Avenue, Parcel 2 is open space to the north west of Welland Avenue and Parcel 3 is an area of open space within Gartree and to the north of Welland Avenue which has been identified as having potential for amenity/play space for Gartree. The site is accessed via Welland Avenue.



**Figure 2: Land Parcels**

- 2.2 The site is predominantly flat with a gentle slope on the west side. The site comprises part of the former RAF Market Harborough base (the current HMP Gartree is also built on the former RAF base). The land to the south of HMP Gartree and south east of Welland Avenue (Parcel 1) is currently in use as farmland with isolated trees and hedgerows. There is a brook running through the site (which it is proposed will be diverted). To the north is HMP Gartree, to the east is an access road leading to the existing prison with farmland beyond this. To the south is farmland and to the north west is Welland Avenue (with land parcel 2 beyond this) and the Gartree estate – a collection of houses formerly in MoJ's ownership and connected to HMP Gartree but now in private ownership.



**Figure 3: Site Location Plan**

- 2.3 The land parcel to the north west of Welland Avenue (Parcel 2) is currently open space used informally for recreation by residents of neighbouring Gartree. To the east of this land is a large storage depot (related to HMP Gartree) with the former Prison Officer's Club and training facility beyond this. To the north is a public footpath which is to be retained, and to the west is farmland.
- 2.4 Parcel 3 comprises a small parcel of land within Gartree, and was identified for its proposed use following the public consultation carried out by the Applicants. This land has been identified as having potential for an informal play space/recreational space for the estate and is included in the red line boundary for the site.
- 2.5 Parcel 1 will encompass the main prison site. The site is identified as being within the open countryside on the Harborough Local Plan proposals map and is not allocated for any form of development. Parcel 2 is allocated as open space within the Harborough Local Plan under Policy GI2, and it is proposed that this land will remain in open space. Likewise, Parcel 3 is also allocated as open space within the Harborough Local Plan under Policy GI2.
- 2.6 The application site does not lie in a 'sensitive area' (i.e. SSSI, National Park, AONB, World Heritage Sites, Scheduled Monuments and European Sites) for the purposes of Environmental Impact Assessment. The site is not a designated Nature Conservation site (i.e. SSSI, local nature reserve etc.).
- 2.7 There are no listed buildings on the site or within close proximity to it. The site is not in a conservation area nor does it include or form part of a Scheduled Monument. The site is a former WWII Airfield and as such has a historical significance and potential for archaeological importance.
- 2.8 The application site is within an area at low risk of flooding from rivers or reservoirs (Flood Zone 1). Land in Flood Zone 1 is considered suitable for the development of all forms of land use.
- 2.9 The existing HMP Gartree is a Category B mens prison in Leicestershire approximately 2miles north-west of Market Harborough town centre. Junction 20 of the M1 is approximately 10miles to the south-west of the site. The centre of Lubenham is situated approximately 0.9mile to the south of the application site, whilst the centre of Foxton is situated to the north east of the site, also approximately 0.9mile from the site (see **Figure 3**). The closest railway station to the site is Market Harborough (3.75miles by road). This provides mainline services to London and the south-east as well as the midlands and north. There is a regular bus service (hourly) from Market Harborough Railway Station to HMP Gartree.
- 2.10 The site has limited planning history of significance that is relevant to the proposed development, however, there is a significant Planning History to the adjoining northern site which relates to the operational use of HMP Gartree, including the recently approved 21/01469/FUL which related to operational works. Furthermore, the MoJ did submit an application for the erection of an additional Houseblock and other ancillary development (21/02128/FUL), however, this has subsequently been withdrawn.

### **3. The Application Submission**

#### **a) Summary of Proposals**

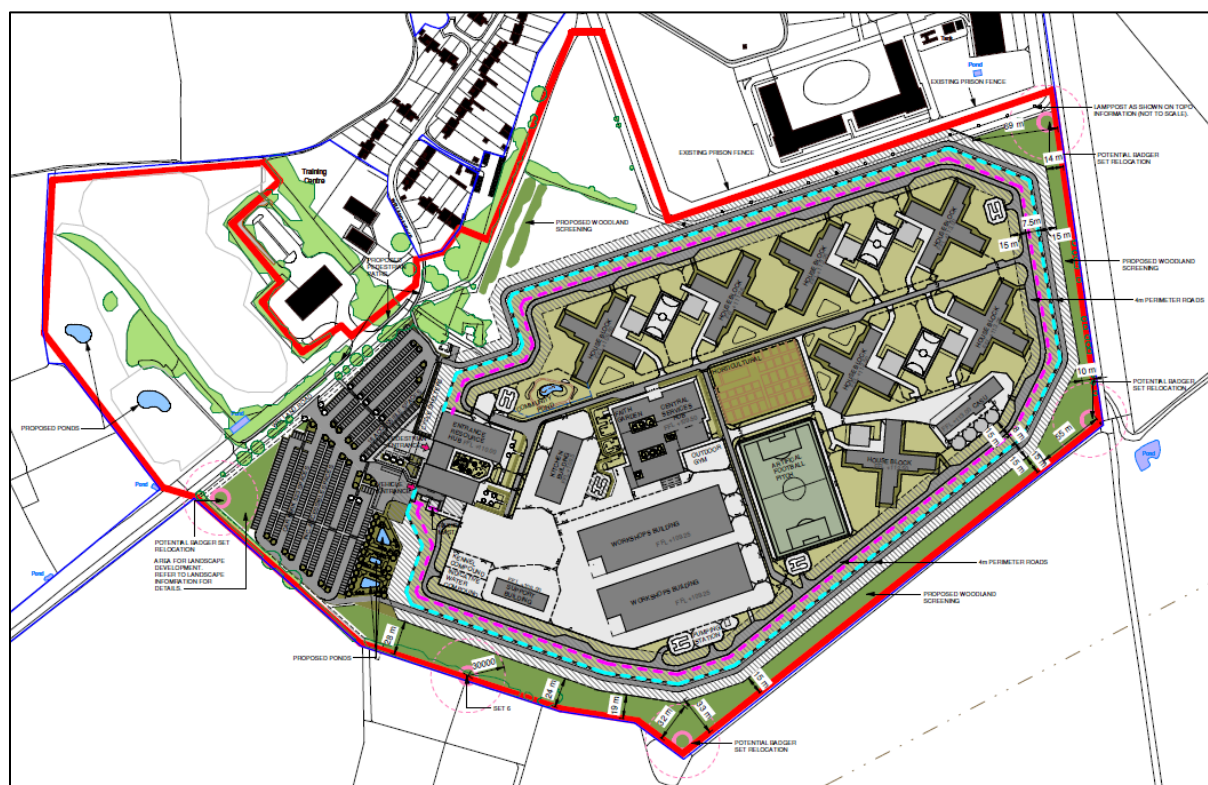
- 3.1 The application relates to an Outline planning proposal for a Category B Prison. The outline application will consider the means of access and the scale of the development with other matters including appearance, landscaping and layout to be considered as



part of a subsequent reserved matters planning application. In summary, the proposed development is set out at **Figure 4**.

Building	Number of buildings proposed	Indicative Building Parameters	
		GEA (sqm)	Storeys
Entrance Resource Hub (ERH)	1	4729	3
Support Building	1	797	2
Central Services Hub	1	5668	2
Kitchen	1	2393	2 (with mezzanine)
Workshops	2	13,308	2
Care and Separation Unit (CASU)	1	1125	1
Houseblocks	7	53,122	4
<b>Total</b>	<b>14</b>	<b>81,143</b>	

**Figure 4: Development Summary**



**Figure 5: Proposed Indicative Layout**

- 3.2 The seven proposed houseblocks will each accommodate up to 245 prisoners (1,715 prisoners in total). Other development proposed includes kennels, polytunnels, car parking (c. 523 spaces), internal road layout and perimeter fencing. A bicycle shelter is also proposed.
- 3.3 The application proposes a maximum floorspace amount of 82,555sqm (GEA). This is expected to be provided across 14 buildings, laid out as suggested on the Indicative Site Layout Plan (see **Figures 5 and 6**).



**Figure 6: Indicative Aerial view of proposals**

- 3.4 The secure compound area of the site will be enclosed by a perimeter fence extending to 5.2m high. The fence will comprise a steel post and weldmesh panel fence with 2.4m high steel sheet in an inner concrete apron. The fence will not be externally lit, instead lit internally, whilst CCTV cameras will be mounted on columns inside the secure perimeter.
- 3.5 The Entrance Resource Hub (ERH) is proposed to form part of the external secure line (see **Figure 7**) and will include the gatehouse that monitors vehicles entering the secure compound including prisoner transfers and deliveries to the facilities on site such as the kitchen or workshop. There will also be various internal fences and gates separating buildings and creating zones within the secure compound. The illustrative site layout plans at **Figures 5 and 6** indicates how this may be laid out however this will be confirmed as part of a reserved matters application.

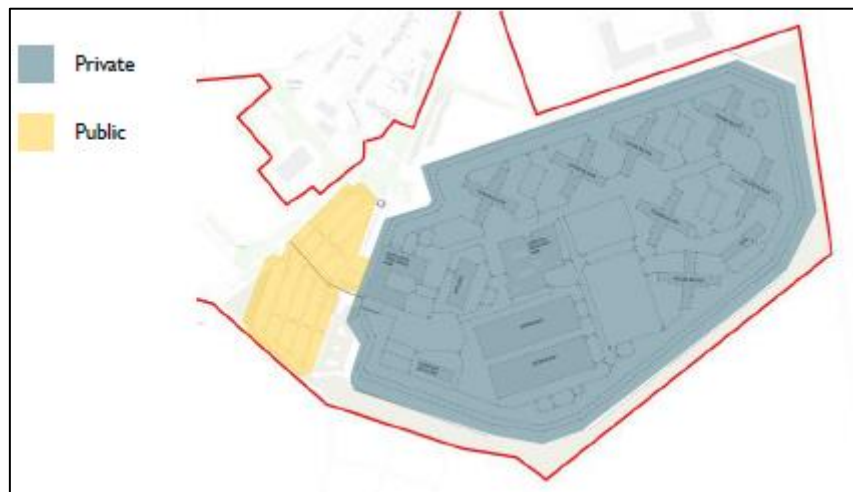


**Figure 7: Indicative view of ERH**

- 3.6 The site access point will be located off Welland Avenue. The applicants have designed the entrance to ensure suitable visibility splays are achieved for all vehicles likely to visit the site. The position of the access on Welland Avenue has sited as far away as possible from the Gartree estate to minimise impacts from vehicular traffic.
- 3.7 The car park for both staff and visitors will be located in front of the ERH. It will provide 523 parking spaces, which the Applicants have calculated on the basis of assumptions over staff and visitor numbers based on evidence from other facilities as well as consideration of shift patterns, the availability of public transport and anticipated modal

split amongst staff. The car park is proposed to include 16 accessible car parking spaces located close to the entrance building, 53 electric vehicle charging spaces and 27 spaces set aside for car sharing users. A 51 space covered cycle parking area will be positioned on the plaza outside the entrance building.

- 3.8 The site is broadly split into the public zone and the secure area. The public zone comprises the car parking area and pedestrian access points up to the entrance plaza outside the ERH (see **Figure 8**).



**Figure 8: Public / Private realm**

- 3.9 The Applicants have stated that the new prison will be designed and built to be highly sustainable and to exceed local and national planning policy requirements in terms of sustainability. MoJ's aspirations include targeting near zero carbon operations, 10% biodiversity net gain, and at least BREEAM 'Excellent' certification, with endeavours to achieving BREEAM 'Outstanding'.
- 3.10 The wider red line boundary includes land to the north of Welland Avenue which will be used for an area of biodiversity net gain enhancement (see **Figure 5**). This is so that it includes all of the land required for compensatory landscape planting and ecological enhancement, delivering a minimum 10% biodiversity net gain on site.

#### **b) Documents submitted in September 2021**

- i) Plans
- 3.11 Plans have been submitted showing the extent of the site, the proposed indicative layout and details of the proposed point of access to the site. A Landscape Masterplan has also been submitted indicating how the development could appear.
- ii) The Design & Access Statement
- 3.12 The Design and Access Statement (hereafter referred to as DAS) provides information to explain and understand the proposals, to demonstrate the decision making process used to help develop them and the reasoning behind key decisions that have shaped the proposed development.
- iii. Supporting Statements
- o *Planning Statement (prepared by Cushman and Wakefield, August 2021)*
- 3.13 This Statement sets out the planning policies and guidance of particular relevance to the development proposals. It identifies the extent to which the proposed development complies or conflicts with each of the policies and, where relevant, refers to other



documents in the application submission that further explore the consistency of the proposal with the intent of policy.

- *Heritage Report (prepared by The Heritage Advisory, August 2021)*
- 3.14 The document outlines the historic evolution of both the application site and wider locale, before setting out relevant heritage assets, and discussing the potential for their significance to be affected by proposals.
- *Transport Assessment (TA) (prepared by Atkins, August 2021)*
- 3.15 The purpose of this TA is to evaluate the transportation aspects of the development proposals and consider the existing highway network and sustainable transport provision within the vicinity of the proposed development. This TA has been prepared in accordance with Government Guidance<sup>1</sup>. This TA should be read in conjunction with the OTP and Framework CTMP for the proposed development. It is well known that COVID-19 has impacted the way that people travel. The Transport Assessment required information on how many vehicles are using nearby roads. Traffic surveys were undertaken in June 2021. To ensure that the data collected in 2021 is representative of traffic flows prior to COVID-19, the traffic surveys have been validated against historic traffic data from 2017 and 2018 (provided by Leicestershire County Council).
- *Outline Travel Plan (OTP) (prepared by Atkins, April 2021)*
- 3.16 This OTP has been prepared in accordance with Government guidance<sup>2</sup>, and in compliance with BREEAM 2018 New Construction Tra01 and Tra02. This OTP provides a strategy for the proposed development, including a range of outline measures to encourage travel by sustainable modes (walking, cycling, public transport and car sharing) amongst staff and visitors to the prison. Within this document is an Action Plan which details a range of tailored measures for the prison. The OTP can be used as a basis for the development of a full Travel Plan (TP), once the prison is fully operational and the staff are in place to coordinate delivery and monitoring. The TP will need to be revised and reviewed throughout the lifecycle of the proposed development and occupation of the site.
- *Construction Traffic Management Plan (CTMP) (prepared by Atkins, August 2021)*
- 3.17 This Framework CTMP outlines the systems and procedures that will be followed to warn, inform and guide road users and members of the public, through or around all works related to the construction phase of the proposed development. All employees, contractors, management staff and third parties with any involvement in the construction of the proposed development, regardless of employer (from this point forward referred to as construction personnel) must adhere to this Framework CTMP. The Contractor responsible for the construction of the development is yet to be appointed, however they will implement all elements of this Framework CTMP, risk assess all work activities and, where necessary, apply measures to eliminate/ control risks to staff or visitors. This Framework CTMP provides practical guidance on control measures that will be implemented and highlights the points for consideration and necessary actions. This Framework CTMP should be read in conjunction with the associated TA and OTP for the proposed development.

---

<sup>1</sup> [Travel Plans, Transport Assessments and Statements - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements)  
(<https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements>)

<sup>2</sup> [Travel Plans, Transport Assessments and Statements - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements)  
(<https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements>)

- *Landscape and Visual Impact Assessment (prepared by Pegasus, August 2021)*
- 3.18 This landscape and visual impact assessment (LVIA) has been prepared to determine the likely landscape and visual effects of the proposed development at HMP Gartree, Market Harborough. The methodology used for this LVIA is based upon National guidance. The scope of the LVIA in relation to representative viewpoint photograph locations and the production of verified view montages were discussed and agreed with the Local Authority during the pre-application period.
- *Ecological Impact Assessments and Reports (prepared by CGO Ecology Ltd, August 2021)*
- 3.19 CGO Ecology Ltd (CGO) was instructed by Mace Ltd, on behalf of the Ministry of Justice (MoJ), to conduct an Ecological Impact Assessment (EclA) to accompany the application. The EclA aims to evaluate the ecological evidence gathered, identify important ecological features, potential impacts, mitigation, compensation, residual impacts, and enhancements. The MoJ aspires to achieving at least 10% Biodiversity Net Gain (BNG) on its new prisons, and 'Excellent' or 'Outstanding' BREEAM rating.
- *Arboricultural Impact Assessment (prepared by Tyler Grange, August 2021)*
- 3.20 This Arboricultural Impact Assessment and Method Statement has been prepared by Tyler Grange Group Limited on behalf of Mace Group to accompany the submitted Planning Application. This report provides details of a tree survey and assesses the impact of the proposed development towards existing trees. This report has been guided by the recommendations set out within the relevant British Standard<sup>3</sup>.
- *Flood Risk Assessment (prepared by Hydrock, August 2021)*
- 3.21 This Flood Risk Assessment report has been prepared to address the requirements of the National Planning Policy Framework (NPPF), through:
  - Assessing whether the site is likely to be affected by flooding.
  - Assessing whether the proposed development is appropriate in the suggested location.
  - Presenting any flood risk mitigation measures necessary to ensure that the proposed development and occupants will be safe, whilst ensuring flood risk is not increased elsewhere.

The report considers the requirements for undertaking a Flood Risk Assessment as detailed in the NPPF.
- *Noise Impact Assessment (prepared by Hydrock, August 2021)*
- 3.22 Hydrock have been appointed by Mace Group to provide acoustic engineering services to support the outline planning application for a purpose-built prison. The noise assessment has been undertaken to reflect both pre operational and post-construction phase, with consideration given the following potential impacts:
  - The impact of noise and vibration on existing sensitive receptors during the construction phase of the development;
  - The impact of development generated road traffic at existing sensitive receptors;
  - The impact of existing noise sources on the Proposed Development;
  - The impact associated with any proposed fixed plant and/or ancillary equipment at existing receptors; and,
  - The impact of noise associated with the proposed car park at existing receptors.

---

<sup>3</sup> [BS 5837:2012 Trees in relation to design, demolition and construction - recommendations, British Standards Institution - Publication Index | NBS \(thenbs.com\)](https://www.thenbs.com/PublicationIndex/Documents/Details?DocId=300496)  
(<https://www.thenbs.com/PublicationIndex/Documents/Details?DocId=300496> )

A noise survey has been carried out in order to establish the existing noise environment at the proposed development site, during the daytime and night time periods, in accordance with current guidance.

- *Geo-Environmental Appraisal (prepared by Dunelm Geotechnical and Environmental, August 2021)*
- 3.23 This report may be regarded as providing a Preliminary Risk Assessment and Generic Quantitative Risk Assessment in accordance with the Environment Agency's guidance document Land Contamination: Risk Management.
- *Air Quality Assessment (prepared by Ramboll, August 2021)*
- 3.24 This report assesses the potential impact of the development on the Air quality of the surrounding area
- *Energy and Sustainability Statement (prepared by Mace, August 2021)*
- 3.25 The purpose of this Energy and Sustainability Statement is to demonstrate that the proposed new prison development is considered sustainable, as measured against relevant local and national planning policy.
- *Lighting report (prepared by Pick Everard, August 2021)*
- 3.26 This report has been prepared to provide support and additional information to the submitted external lighting drawings. Information provided within this report has been done in conjunction with Kingfisher Lighting for the purpose of the Outline Planning stage. Drawings at this stage are intended to show expected levels of lighting for Outline Planning and not intended for scale measurements at this time.
- *Statement of Community Engagement (prepared by Cushman and Wakefield, August 2021)*
- 3.27 This Statement provides a detailed record of the engagement activities that have taken place in order to inform interested parties of the application proposals.
- *Socio-Economic Statement (prepared by Mace, August 2021)*
- 3.28 Mace has conducted a socio-economic assessment of the Proposed Development. The assessment has utilised an established methodology, with amendments and revisions that create variance to previous studies resulting from the availability of more current data, contextual differences, inflation and additionality. Other secondary data sources and established data proxies have been utilised to calculate the expected impacts. Central to these, is the Ministry of Justice's (MoJ) report<sup>4</sup>, with updated MoJ data used to provide current comparison and publicly available national statistics.
- *Utilities Report (prepared by Perfect Circle, August 2021)*
- 3.29 This Statement assesses the potential impacts of the proposed development on the existing Utility Services, Technologies and Infrastructure and the potential reinforcement/diversion of the existing services infrastructure to serve the proposed development. The report also identifies a strategy for delivering the necessary utility infrastructure to the site along with an estimate of the required loads.
- *Waste Management Strategy (prepared by Mace, August 2021)*
- 3.30 This Waste Management Strategy provides recommendations and considerations for the waste generated during the construction and operation of the prison. The Constructor will be responsible for the production of the Construction Environmental

---

<sup>4</sup> [20052013 Economic Impact of Prison DRAFT for client v3 \(crimeandjustice.org.uk\)](https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf)  
(<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf> )

Management Plan (CEMP) to cover the construction period to ensure that all wastes are handled appropriately, material use is minimised, and recycling of construction materials maximised. Her Majesty's Prison and Probation Service (HMPPS) or their appointed operator will be responsible for operational waste management. Therefore, the waste strategy has the following aims:

- To contribute towards achieving current and long-term government and MoJ targets for waste minimisation, recycling and reuse;
- To provide convenient, clean, and efficient waste management systems that enhance the operation of the buildings and promote high levels of recycling; and
- To provide operators with reliable waste management solutions that allows them to maximise recycling and reuse.

○ *BREEAM Pre-Assessment Report (prepared by Mace, August 2021)*

- 3.31 Mace Group Ltd has been appointed to carry out BREEAM Pre-Assessment for the MoJ's New Prisons Programme. A site-wide assessment approach has been taken for the new prison. This Pre-Assessment has been developed by a licenced BREEAM assessor and BREEAM AP, as a result of reviewing the latest designs, discussions with specialist consultants and commitments from the client and expected contractor performance. Further updates of the BREEAM score will be carried out as the design develops.

#### **c) Amended / Additional Plans / Drawings and Supporting Documents**

○ *October 2021 – Unexploded Ordinance Report*

- 3.32 In response to comments received from HDC Contaminated Land Officer, the applicants have produced an Unexploded Ordinance Report to investigate the potential for such issues in light of the former use of the site. This work has been submitted to the Contaminated Land Officer for consideration.

○ *October 2021 – Response to Anglian Water comments*

- 3.33 In response to comments made by Anglian Water's Pre-Development team, the applicants submitted a summary of discussions that they have had with AW as follows:  
*"All the issues over downstream capacity etc are being dealt with by the ongoing discussions we are having with Anglian Water. Access to the existing assets is covered, and the location of the new pumping station is in Anglian Water's control. In terms of the possible diversions, we may need a minor diversion, but this will probably be dealt with as part of the new pumping station works. We are also discussing this with AW as part of ongoing discussions."*

○ *November 2021 – Biodiversity Net Gain report*

- 3.34 In response to Environment Act receiving Royal Assent, the applicants submitted a Biodiversity Net Gain report setting out how the proposal will provide Net Gain. This work has been submitted to the LCC Ecologist for consideration.

○ *November 2021 – Great Crested Newt report*

- 3.35 This outstanding piece of work which was not complete at the time of submission has been submitted to the LCC Ecologist for consideration.

○ *November 2021 – Bat Activity report*

- 3.36 This outstanding piece of work which was not complete at the time of submission has been submitted to the LCC Ecologist for consideration.

○ *January 2022 – Agricultural Land Classification Report*

- 3.37 In response to comments received from Natural England, this report has been prepared on behalf of the Applicants and is submitted as a formal response to the comments

received in relation to Best and Most Versatile Land. This report has been submitted to Natural England for consideration.

- *February 2022 – Response to LLFA comments*
- 3.38 In response to comments received from the LLFA, this note has been prepared on behalf of the Applicants and is submitted as a formal response to the comments received in relation to site drainage issues. This Note has been submitted to the LLFA for consideration.
- *February 2022 – Archaeological Evaluation*
- 3.39 In response to comments received from LCC Archaeology, this report has been prepared on behalf of the Applicants and is submitted as a formal response to the comments received in relation to the potential for archaeological remains being present on the site. This Note has been submitted to LCC Archaeology for consideration.
- *February 2022 – Technical Response to LCC Application Review by SYSTRA<sup>5</sup>*
- 3.40 Mace (on behalf of the Ministry of Justice) has commissioned Atkins to consider the points raised within the LCC Application Review produced by SYSTRA and respond accordingly. The LCC Application Review produced by SYSTRA outlines a series of conclusions regarding the forecast impact of Gartree 2 on the B6047 Harborough Road / Leicester Lane / Gallow Field Road Junction. Atkins has summarised each of the comments and provided a response. This response (without its Appendices) can be seen at **Appendix E** of this report.
- *March 2022 – Additional Cross Sections*
- 3.41 Following a request by Officers, the Applicants have submitted additional indicative cross sections through the proposed development and the existing HMP Gartree providing an indication of the proposed heights of the buildings in relation to the existing buildings.

#### **d) Pre-application Engagement**

- *LPA Engagement*
- 3.42 Prior to submitting the planning application, the Applicants held extensive formal pre-application discussions with Officers, Senior Management and Lead Members of both Harborough District and Leicestershire County Councils which culminated in the signing of a Planning Performance Agreement (hereafter referred to as a 'PPA'). As part of this process, the LPA carried out an EIA Screening Assessment<sup>6</sup>, and subsequently issued a Screening Opinion confirming that proposal did not trigger the requirement of an EIA to be submitted in support of the application.
- *PPA*
- 3.43 A PPA was finalised in September 2021 to provide the LPA, the County Council and the Applicants with an agreed framework for the management of the development proposal through the application process.
- 3.44 The agreed timetable within the PPA indicated the application would be determined within 22-28 weeks of the submission of the application following the consideration of all consultation responses to the application. This timeframe allows for the

<sup>5</sup> [21\\_01600\\_OUT-TECHNICAL\\_RESPONSE\\_TO\\_LCC\\_APPLICATION\\_REVIEW-1146275.pdf \(harborough.gov.uk\)](https://pa2.harborough.gov.uk/online-applications/files/8A254B2307A314B92EF418C2361C426E/pdf/21_01600_OUT-TECHNICAL_RESPONSE_TO_LCC_APPLICATION_REVIEW-1146275.pdf)  
([https://pa2.harborough.gov.uk/online-applications/files/8A254B2307A314B92EF418C2361C426E/pdf/21\\_01600\\_OUT-TECHNICAL\\_RESPONSE\\_TO\\_LCC\\_APPLICATION\\_REVIEW-1146275.pdf](https://pa2.harborough.gov.uk/online-applications/files/8A254B2307A314B92EF418C2361C426E/pdf/21_01600_OUT-TECHNICAL_RESPONSE_TO_LCC_APPLICATION_REVIEW-1146275.pdf))

<sup>6</sup> [Environmental impact assessment screening checklist - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/environmental-impact-assessment-screening-checklist)  
(<https://www.gov.uk/government/publications/environmental-impact-assessment-screening-checklist>)



consideration of the Application by Planning Committee in April 2022. This was based upon extensive pre-application work having been carried out prior to the submission of the application to resolve any outstanding issues, and regular meetings between the Applicants, LPA Officers as well as Highways and Ecology Officers from LCC were held during this time.

○ *Community & Stakeholder Engagement*

- 3.45 Applicant-led public consultation on proposals for the proposed new prison took place between 28th June 2021 and 2nd August 2021. The consultation involved a series of webinars, meetings with ward and parish councillors and a face to face event held at Lubenham Parish Council on 21st June 2021. Approximately 1,500 residents were notified of the consultation.

1) Meetings with Councillors

- 3.46 A series of (online) meetings were held with Ward and Parish Councillors, these are detailed below.

- Lubenham Parish Council (Cllr Cook) – 6<sup>th</sup> July 2021 (evening).
- Harborough District Councillors (Cllr Bremner, Cllr Knowles, Cllr King, Cllr Foster) – 12<sup>th</sup> July 2021 (evening). This meeting was also attended by officers from HDC (David Atkinson and Mark Patterson).
- Foxton Parish Council (Cllr Rogers, Cllr Billington, Cllr Hall, Cllr Brown and Cllr Chambers) – 13<sup>th</sup> July 2021 (evening).

The meetings involved a short presentation from representatives of the MoJ and questions from the attendees. The key issue arising from the meetings with Ward and Parish Councillors was the increase in traffic the new prison would generate. Lubenham Parish Councillors and Foxton Parish Councillors raised concerns about increased traffic being routed through their respective villages. Other issues raised were staffing and recruitment, the sustainability credentials of the new prison and the potential community benefits that the new prison may be able to provide.

2) Webinars

- 3.47 Webinars were held on 15<sup>th</sup> July 2021 (evening) and 16<sup>th</sup> July 2021 (lunchtime). The Consultation material for the webinars was presented as a PowerPoint presentation which the project team talked through. Comments were provided via the chat function in zoom.

3) Meeting with residents of the Gartree Estate

- 3.48 A separate (online) meeting was arranged by the MoJ with the residents of the Gartree Estate on 7<sup>th</sup> July 2021. This meeting was arranged as the Gartree Estate is the closest residential area to the proposed site and it was anticipated that there would be site specific issues from this group. The meeting involved a short presentation and questions.

- 3.49 At the meeting the Gartree residents raised concerns about the potential for traffic to use the (unadopted) residential part of Welland Avenue to access Gartree Road. They raised concerns related to highway safety (if traffic does increase on this route). Opinion was divided amongst the residents on how best to mitigate this, some residents suggested closing off the road, whilst others stated that the road needed to remain open to allow them access to Foxton Road (via Welland Avenue). Open space and play space were also discussed.

4) Public Exhibition

- 3.50 As Covid restrictions eased, the MoJ were able to host a face to face event for the new prison proposals. This was held at Lubenham Village Hall and ran from 3 - 8pm. 93

people attended the event. Presentation boards were set up around the hall and the project team were available to discuss the proposals and answer questions. Many of the Parish and Ward Councillors and those members of the public who had attended earlier meetings also attended this event.

- 3.51 Throughout the Applicants consultation period, a total of 387 responses were received from the different forms of consultation carried out. Of the 383 responses, 117 were from residents in Harborough and 78 responses were from an IP address in Vancouver, Canada, with the remainder from addresses in the UK. The Applicants believe that the submissions to the consultation process from Canada were prompted by a campaign by CAPE (Community Action against Prison Expansion) via social media (Twitter and Instagram). Topics raised in submissions from Harborough addresses are summarised in the Table at **Figure 9**.

Theme	Count
Traffic	53
Local services	23
Loss of greenspace	16
House Prices	13
Employment opportunities	15
Impact on local wildlife	11
Support	15
Road improvements	10
Visual Impact	10
Bus Route	8
Construction	8
No Prison	8
Speed of Vehicles	8
Adoption of Welland Avenue	7
Increase in traffic through Lubenham	7
Amenity of neighbouring properties	10
Noise	5
HGV's through neighbouring villages	4
Landscaping	4
The planned access road is unsuitable	4
Amount of Car Parking (not enough)	4
Increase in traffic to M1	4

**Figure 9: Summary of issues raised through Applicants consultation process**

- 3.52 Further public consultation engagement was carried out by the MoJ throughout March 2022, with a webinar held on 2nd March and face to face sessions held in Foxton (10<sup>th</sup> March, 2pm – 8pm), Market Harborough (11<sup>th</sup> March, 3pm – 8pm) and Lubenham (17<sup>th</sup> March, 2pm – 8pm).

#### **4. Consultations and Representations**

- 4.1 The Council has undertaken extensive consultation in respect of this planning application. Technical consultees and the local community were consulted at the initial consultation stage (September 2021) with the relevant technical consultees being reconsulted following the receipt of additional information throughout October 2021 to February 2022. The application was also advertised in the local press (Harborough Mail) and through the posting of Site notices.
- 4.2 A summary of the technical consultee's 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](http://www.harborough.gov.uk/planning)

## **a) Statutory & Non-Statutory Consultees**

### **1. National Bodies**

#### **4.1.1 *Historic England (07/10/21)***

Thank you for your letter of 22 September 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

#### **4.1.2 *Natural England (12/10/21)***

No assessment has been provided of the potential impacts that the proposal will have on best and most versatile agricultural land. Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. Best and Most Versatile agricultural land includes that which is ALC grade 3a or above.

4.1.3 We note the reference, within the Geo-Environmental Assessment, to Natural England's provisional ALC mapping, which suggests that the site lies on Grade 3 land. This information does not distinguish between Grade 3a and 3b, thus we have good reason to believe that a significant area of BMV land could be affected.

4.1.4 We advise you to obtain the following information in order to assess potential impacts of the proposal:

3 A detailed Agricultural Land Classification (ALC) survey in accordance with 'Agricultural Land Classification of England and Wales' (MAFF, 1988). Further information is also contained in Natural England Technical Information Note 049: Agricultural Land Classification: protecting the best and most versatile agricultural land. The ALC survey should include a map of the grades and numbered sampling locations, and a report of the findings, including a detailed description of auger borings and soil pits.

An ALC survey should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres.

4.1.5 Details should be provided of how any adverse impacts on soils can be minimised. Further guidance is contained in the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites.

4.1.6 Please note that we are not seeking further information on other aspects of the natural environment, although we have made comments on other aspects of the application, below.

4.1.7 Natural England welcome the implementation of Biodiversity Net Gain for this development. Additionally, we welcome the use of the Natural England's Biodiversity Metric 3.0, which shows a significant gain in biodiversity as a result of the development.

- 4.1.8 We also welcome the use of the CIRIA SuDS Manual (C753) in the design of the SuDS on the site; the implementation of ponds, as well as a community pond within the grounds, is well received and will offer both biodiversity and amenity value. We would like to see more of the components described as 'suitable' for the site, within table 3.4 of the Proposed SuDS Strategy Report, incorporated within the development. Further incorporation of green SuDS, as opposed to engineered solutions, has multiple benefits and could even be integrated with areas being used to create net gains in biodiversity. For example, the use of swales to convey surface water, as opposed to pipework, offers not only the movement of surface water, but also a level of treatment to improve water quality and a suitable area of habitat on site. In Addition, rainwater harvesting has potential to be used for WC flushing, as described, but also for crop/plant irrigation within the horticultural area on the site.
- 4.1.9 We appreciate the added complexities added by the use of the site, hence we have no objection to the SuDS proposed, and only suggest that this element of the design could be further improved in terms of multi-functional benefits and biodiversity
- 4.1.10 *Natural England (Comments received in response to ALC Report (20/01/22)*  
NO OBJECTION. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.
- 4.1.11 Natural England welcome the addition of an ALC survey within the application documents. The following advice regarding BMV land thus supersedes that included within our previous response of 12/10/2021.
- 4.1.12 From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' (BMV) agricultural land, with the majority of the site's agricultural land (25.3ha) being classified as Grade 3b.
- 4.1.13 For this reason, we do not propose to make any further detailed comments in relation to agricultural land quality and soils, although sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design / masterplan / Green Infrastructure. Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.
- 4.1.14 Further guidance is available in The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction which we recommend is followed in order to safeguard soil resources as part of the overall sustainability of the development. If, however, you consider the proposal has significant implications for further loss of BMV agricultural land, we would be pleased to discuss the matter further.
- 4.1.15 District Level Licencing. We also welcome the GCN report, which includes consideration of both District Level Licencing (DLL) and traditional mitigation licencing. Either licencing approach would be acceptable. Our usual advice regarding DLL is that where a licence may be required for great crested newt, DLL provides a quicker, simpler licensing approach. Some advantages of the DLL scheme include:

- 4 Speed: On average, obtaining a DLL brings a time saving of 77 days compared to mitigation licencing.
- 5 Simplicity: DLL does not require extensive on-site survey or mitigation measures by the developer, hence the licencing process is much more streamlined than mitigation licencing.
- 6 Efficiency of conservation: 85% of the developer's investment goes directly towards habitat creation/restoration, compared to approximately 16% under mitigation licencing.

#### 4.1.16 *Environment Agency (22/09/21)*

The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the application. I did want to point out that the redline boundary does interact with an unnamed watercourse/land drainage channel. Therefore the applicant may need to obtain a consent/permit from the LLFA if any works are required in, on or over this channel.

4.1.17 There are also no other environmental constraints associated with the site which fall within the remit of the EA and therefore we have no further comment to make.

#### 4.1.18 *Highways England (08/10/21)*

Referring to the consultation on the planning application dated 22 September 2021, as referenced above, in Lubenham, Leicestershire, notice is hereby given that National Highways' formal recommendation is that we offer no objection

4.1.19 In relation to the new prison (referred to as Gartree 2) located adjacent to the existing HMP Gartree near Market Harborough, Leicestershire, our principal interest is in safeguarding the M1 which routes approximately 11 miles to the west and the A14 which routes approximately 10 miles to the south, with all local routes being the responsibility of Leicestershire County Council. In terms of the impact of a development upon the SRN, our reference is circular 02/2013 the strategic road network and the delivery of sustainable development, which states in paragraph 9 that ...development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe, which is then in accordance with the advice as set out in the NPPF. In terms of the impact from this planning application, and considering the proposed level and distribution of traffic, not to mention the distance from the Strategic Road Network, it is considered that there would be no severe traffic impact upon our network. As such National Highways are minded to offer a 'No Objection' response to this planning application, but would wish to be re-consulted should there be any significant change, to the current proposals.

#### 4.1.20 *Health and Safety Executive (HSE) (28/09/21)*

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines and has provided planning authorities with access to the HSE Planning Advice Web App<sup>7</sup> for them to use to consult HSE and obtain HSE's advice. If you require details of your organisation's web app account, then please contact us.

4.1.21 I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- residential accommodation;

---

<sup>7</sup> [HSE's Planning Advice Web App - Login \(hsl.gov.uk\)](https://pa.hsl.gov.uk/)  
(<https://pa.hsl.gov.uk/>)

- more than 250m<sup>2</sup> of retail floor space;
- more than 500m<sup>2</sup> of office floor space;
- more than 750m<sup>2</sup> of floor space to be used for an industrial process;
- transport links;
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology<sup>8</sup>

#### 4.1.22 *Health and Safety Executive (HSE) (14/10/21)*

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Harborough District.

#### 4.1.23 *HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.*

#### 4.1.24 *National Air Traffic Service Safeguarding (04/10/21)*

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en-route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

#### 4.1.25 *If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.*

## 2. Regional / Local Bodies

#### 4.2.1 *Anglian Water (30/09/21)*

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

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

<sup>8</sup> [HSE: Land use planning - HSE's land use planning methodology \(https://www.hse.gov.uk/landuseplanning/methodology.htm \)](https://www.hse.gov.uk/landuseplanning/methodology.htm)

- 4.2.3 The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.
- 4.2.4 The foul drainage from this development is in the catchment of Foxton (Leics) Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
- 4.2.5 This response has been based on the submitted documents. Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. (a full assessment cannot be made the applicant has not identified a discharge rate) We therefore request a condition requiring phasing plan and/or on-site drainage strategy.
- 4.2.6 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.
- 4.2.7 Based on the above, Anglian Water would therefore recommend appropriate planning conditions if the Local Planning Authority is mindful to grant planning approval.
- 4.2.8 *Leicestershire Police (13/10/21)*  
There is an existing vehicle access via Welland Avenue at the north west corner of the site. The single access road allows entry to the secure Category B existing Prison. Internal roads allow access to all key areas of the existing prison and will do likewise in respect to the new Prison.
- 4.2.9 The new Prison will be enclosed by the same perimeter enclosure as the existing site which is appropriate to maintain effective site security and is in line with Home Office guidelines. The existing Prison benefits from effective external lighting to BS5489 on Luminaires of 12m. Additional CCTV cameras are mounted externally in key areas to

view the perimeter fencing and the 3m deep area immediately between this and the exterior fence. The perimeter fencing consists of external Weld Link fencing with interior mounted panels abutting this. Below the fencing there is reinforced groundworks to stop excavation.

- 4.2.10 The new Prison is recommended to have the same Lighting, CCTV coverage and Perimeter Fencing and Groundworks to create effective security which can be monitored 24/7. I also recommend sensors to allow PTZ (Pan, Tilt & Zoom) Cameras to view any movements within the perimeter sterile area. Internally there are seven X blocks which are located in the south east side with parking in the west side. Main buildings are located in the south of the new Prison with car parking to the south west. To the west there is open space and to the north of the new Prison.
- 4.2.11 There are no permeability issues due to the level of security required for this Category B Prison which is reflected in the site plans.
- 4.2.12 Vehicle parking is anticipated to be within existing car parking areas outside the main vehicle entry point and internally in appropriate designated areas to allow effective movement around the internal grounds of the Prison as indicated.
- 4.2.13 Monitored Alarm capability will be included in the new Prison to allow effective on-site monitoring 24/7. Also, personal attack capability will be extended to cover the new Prison and all staff working within it. Personal issue alarm activators will be carried by staff to raise the alarm of any appropriate incident within the Prison.
- 4.2.14 Lighting throughout the site including the key vehicle entry point and other key areas such as open space should be to BS5489. This should include all walkways, external recreation areas including the all-weather football pitch.
- 4.2.15 Foliage is recommended to be to a height of 1m and trees are recommended to be trimmed to have no foliage lower than 2m from the ground. This will provide a 1m clear field of vision. No trees should be located near to key areas such as the perimeter fencing or any exit points. Also, all foliage should be located away from all structures to avoid the risk of arson.
- 4.2.16 Bin and cycle storage are recommended to be within a secure store to avoid the risk of misuse or arson. All security systems are recommended to be in line with Home Office recommendations

### 3. Leicestershire County Council

---

#### 4.3.1 *Leicestershire County Council Highways (04/10/21)*

Given the scale of development and due to the volume and complexity of technical evidence submitted the Local Highway Authority (LHA) would advise the Local Planning Authority that whilst the analysis has commenced formal observations are still forthcoming. As a result the LHA would request that you arrange for your Council not to determine the application before the LHA has had the opportunity to establish whether the residual cumulative impact of development can be mitigated in accordance with paragraph 111 of the NPPF (2021). The LHA will be able to provide a further response by 1 November 2021.

#### 4.3.2 *Leicestershire County Council Highways (01/11/21) (Full comments can be read at Appendix C)*

Based on the transport information submitted the Applicant considers that a safe and suitable access to serve the proposed development could be delivered on the private access road in line with Paragraph 110 of the National Planning Policy Framework. 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 following conditions and contributions.

- 4.3.3 *Leicestershire County Council Highways (Comments received in response to Systra Report and Atkins Response Note) (11/03/22) (Full comments can be read at **Appendix F**)*
- 4.3.4 *Leicestershire County Council Planning Ecologist (10/11/21)*  
A suite of ecology surveys and reports have been provided by the applicant: badger, barn owl, great crested newt, reptile, bat activity, habitat survey, biodiversity net-gain assessment and biodiversity improvement plan (C Gleed-Owen and Ramboll, 2021).
- 4.3.5 One document is still required: the 'Impact Assessment and Conservation Payment Certificate (IACPC)' countersigned by Natural England; this confirms the applicant is entering the District-level licensing scheme for great crested newts and that the LPA is therefore not required to take any further actions with regard to GCN mitigation.
- 4.3.6 Apart from this, the ecology reports and documentation provided is all satisfactory, and I recommend that the development is acceptable in principle, with conditions involving biodiversity net-gains and improvement plans, 30-year biodiversity management plan, badger mitigation and barn owl and bat mitigation.
- 4.3.7 The habitats on the land proposed for the new prison buildings are of relatively low biodiversity value - mainly poor-quality grassland, with some hedges, scrub, ditches and trees. There is a single pond on site. These habitats will be lost, unavoidably. None would meet our local wildlife site criteria. In compensation for the loss, the applicant has proposed various measures including:
- enhancement of grassland to the north and west of the new prison extension to create species-rich wildflower grassland
  - pond creation west of the new prison
  - a belt of native tree planting outside the prison wall
  - creation of species-rich grassland and flowering lawns within the prison.
- 4.3.8 These measures will result in increased biodiversity value of the site, subject to final details and a satisfactory 30-year management plan, and are acceptable; I can confirm that the BNG metric assessment and improvements plans are satisfactory. Implementation of these should be the subject of a planning condition requiring at least an equivalent amount of net-gain to that returned I the metric (22.32 habitat units and 2.65 hedgerow units); the applicant should be aware that if plans change significantly, the metric will need to be re-run at the reserved matter stage.
- 4.3.9 There are minor mitigatable impacts on bat and barn owl activity; see relevant reports. There is no need for further general surveys, but I recommend a pre-removal check of any mature trees and buildings on site for nesting birds, including barn owl, and pre-removal check for bat roosts of the four trees and buildings identified as having bat-roost potential. This should be a planning condition. Mitigation will also involve a sensitive lighting plan and new Barn Owl boxes and bat boxes – refer to section 5 and 6 of the Barn Owl report and section 6 of the Bat Activity survey (CGO, 2021).
- 4.3.10 No reptiles were recorded during surveys and there is no need for further survey.
- 4.3.11 There are 2 large main badger setts on site, plus many outliers, etc. This is clearly an important area for badgers, and the applicant has submitted detailed reports on badger activity, including a bait-marking survey; these are satisfactory. Closure and destruction

of setts must take place under licensed mitigation from Natural England. The main setts will be unavoidably lost, and therefore the mitigation will involve creation of replacement artificial setts, and destruction of existing setts only when all badgers have moved out and taken up residence elsewhere. For such large setts this will undoubtedly be challenging, but there is no other viable alternative on the site. As badger activity does change over time, it is recommended that the status of setts, including outliers, is kept under annual review in order to amend any mitigation plans and licence applications in good time before site clearance. The mitigation plans submitted, including relocation of the main sett, are satisfactory and should be subject to planning condition, with the added condition that an update survey should be carried out in the 6 months immediately prior to the programmed start of site clearance and submitted to the LPA. (Refer to the Badger Bait-marking Survey and Relocation Strategy (CGO, 2021).

- 4.3.12 A great crested newt survey has now been submitted and is satisfactory. A small population is present in the pond on site, which will be lost to the development. There is a larger off-site population, including GCNs translocated from the Airfield Farm development into a receptor site to the east of the prison site, just over 250m away, and a known population in a pond close to the eastern point of the application site. The report proposes two possible approaches to mitigation for this loss: the 'traditional' on-site licensed mitigation, involving translocation of individuals to a receptor site, or the new option of entering the Natural England District-level licensing scheme. On-site mitigation is not needed in the latter option, but a conservation payment is made to Natural England to invest in GCN habitat enhancements elsewhere in the area. The applicant's agent has informed me in a separate e-mail (not on your website) that the latter route of entering the DLL is being pursued.
- 4.3.13 The guidance for LPAs regarding District-level Licensing includes a requirement for the applicant to submit a counter-signed confirmation from NE that the applicant has entered the scheme. This has not been submitted in this case. The document is called the 'Impact Assessment and Conservation Payment Certificate (IACPC).' In the interests of consistency, I have to advise that this must be received by the LPA before the application is determined.
- 4.3.14 This remains the only outstanding item of documentation.
- 4.3.15 *Leicestershire County Council Planning Ecologist (Further Comments) (07/12/21)*  
The Bat Activity report (E Marshall/C Gleed-Owen) is satisfactory. A moderate level of bat activity was recorded, which will be impacted by the development that causes loss of bat foraging habitat. This will be replaced by new woodland planting, and this is acceptable in compensation.
- 4.3.16 A lighting strategy will be needed, see section 5 of the report: "New external lighting around the site perimeter must be designed to minimise the operational effects on commuting and foraging bats. A sensitive lighting strategy will be devised to minimise impacts on currently-dark areas such as the north, south, and east boundaries of the site, and along Welland Avenue. Any external operational lighting must follow the principles set out in the Bats and artificial lighting in the UK guidance note (BCT & ILP, 2018) . . ." Further detail is in the ecology report, and this should be referred to in planning condition.
- 4.3.17 The ecologists also propose installation of 20 bat boxes, as follows: this should be a planning condition.  
"20 batboxes (artificial roosts), suitable for a range of species and roost types, will be installed in suitable locations on retained trees around the prison estate. Batboxes such as the Improved Crevice Bat Box (by Nestbox) or 2F batbox (by Schwegler) are

recommended, and are considered to provide suitable roosting habitat for the pipistrelle and Myotis species present on site. Some larger roost type boxes will be included, including at least two maternity boxes and two colony/hibernation boxes. Batboxes should be positioned in clusters of two or three where possible, on trees or building elevations, typically facing a south to southeast direction, at a height of at least 4m. Batboxes must not be positioned in such a way as to obstruct any existing roosting features. Batbox locations, numbers and types must be secured within the LEMP. "

- 4.3.18 I note that the required confirmation that the applicant has entered the District-level Licensing Scheme for great crested newts has not been submitted; please see my previous response.

*(OFFICER COMMENT: The signed DLL Certificate was received by Officers 24/03/22, and a copy provided to LCC Ecology for information who subsequently confirmed that it was sufficient to satisfy their requirements)*

- 4.3.19 *Leicestershire County Council Lead Local Flood Authority (12/10/21)*

The application site is greenfield totalling 28.9ha. Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the site is located within Flood Zone 1 being at low risk of fluvial flooding and surface water risk on site is generally low. However, there are two high risk surface water flow paths associated with onsite watercourses running in a north-easterly to southerly direction and a north-westerly to southerly direction respectively through the site. The surface water proposals seek to discharge to onsite storage tanks and an attenuation basin before being discharged at a greenfield discharge rate to a watercourse located to the south-east of the site.

- 4.3.20 A flood risk assessment for the site suggests that infiltration may not be feasible. However, ground investigations are to be conducted to confirm this. A climate change allowance of 40% has been proposed in line with latest Environment Agency guidance.
- 4.3.21 It is noted that while discharge rates have been advised, no supporting calculations have been submitted. It is advised that it is not clear if the stated greenfield discharge rates are correct due to varying site areas stated within the submission. In calculating the allowable discharge rate, the area used must not include areas within the redline boundary where the drainage regime will be unmodified by the proposals, in-line with industry best practice. An existing catchment plan should be submitted to support this calculation.
- 4.3.22 Notwithstanding the concerns of the validity of the greenfield rates advised, it has also not been stated at what rate the proposals will discharge. It is advised that as the proposals are to a greenfield site, the volume of discharge will increase, which will require mitigation through discharging at no greater than QBar for the peak event.
- 4.3.23 While the proposals are for outline approval, the level of details submitted is significant and it is therefore assumed that the layout proposed is intended to be largely unchanged through the detailed design process. As such, the diverted watercourse should be advised noting that the council's culverting policy would not allow culverting of existing or diverted watercourse unless it can be demonstrated to be unavoidable. Furthermore, the scale of the SuDS indicated should be evidenced through the provision of suitable calculations based on the correct QBar discharge rate noted above.
- 4.3.24 The LLFA has concerns relating to the level of surface water treatment being provided within the central and eastern catchments. Consideration must be given to further SuDS features within these catchments. We would recommend a swale or filter drain be used for the final run outside the security fence towards the outfall. This will provide

additional treatment and reduce the risk of blockage. These features could potentially be incorporated into the diverted watercourse. The applicant will require consent from the LLFA under Section 23 of the Land Drainage Act (1991) in relation to any changes to an existing watercourse. This is in addition to any planning permission that may be granted.

4.3.25 Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following information is required:

- Utilisation of the QBar discharge rate in-line with best practice guidance with supporting calculations
- An assessment of the required attenuation volume in order to maintain the proposed discharge rates for each catchment. This should be supported by an assessment of the total impermeable area
- Evidence that the scale of SuDS proposed is sufficient to attenuation peak surface water flows generated within each catchment
- Details relating to the diversion of existing watercourses
- Consideration of further SuDS features as discussed above.

4.3.26 *Leicestershire County Council Lead Local Flood Authority (Comments in response to additional submissions (24/02/22))*

The application site is greenfield totalling 28.9ha. Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the site is located within Flood Zone 1 being at low risk of fluvial flooding and surface water risk on site is generally low. However, there are two high risk surface water flow paths associated with onsite watercourses running in a north-easterly to southerly direction and a north-westerly to southerly direction respectively through the site. The surface water proposals seek to discharge to onsite storage tanks and an attenuation basin before being discharged at a greenfield discharge rate to a watercourse located to the south-east of the site.

4.3.27 A flood risk assessment for the site suggests that infiltration may not be feasible. However, ground investigations are to be conducted to confirm this.

4.3.28 A climate change allowance of 40% has been proposed in line with latest Environment Agency guidance.

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

4.3.30 *Leicestershire County Council Archaeologist (22/10/21)*

Following appraisal of the above development scheme, we recommend that you advise the applicant of the following archaeological requirements. The Leicestershire and Rutland Historic Environment Record (HER) notes that the application lies within an area of archaeological potential. The preservation of archaeological remains is, of course, a material consideration in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information.

4.3.31 Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact

Assessment of the proposals. This will require provision by the applicant for:

1. An Archaeological desk-based Assessment
2. A field evaluation, by appropriate techniques including trial trenching, if identified necessary in the assessment, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.

This information should be submitted to the planning authority before any decision on the planning application is taken, so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate. Without the information that such an Assessment would provide, it would be difficult in our view for the planning authority to assess the archaeological impact of the proposals.

- 4.3.32 Should the applicant be unwilling to supply this information as part of the application, it may be appropriate to consider directing the applicant to supply the information under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, or to refuse the application. These recommendations conform to the advice provided in DCLG National Planning Policy Framework (NPPF) Section 16, paras. 194 & 195). Should you be minded to refuse this application on other grounds, the lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential is given future consideration.

*4.3.33 Leicestershire County Council Archaeologist (Comments in response to additional submissions) (16/02/22)*

Assessment of the Leicestershire and Rutland Historic Environment Record (HER), supported by the results of the archaeological evaluation of the development area, undertaken by Pre-Construct Archaeology on behalf of Pick Everard, shows that the site lies in an area of significant archaeological potential.

- 4.3.34 The trial trenching results shows prehistoric archaeological features in an area in the east of the site. In line with the National Planning Policy Framework (NPPF), Section 16, paragraph 195 and Annex 2), the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. This understanding should be used to avoid or minimise conflict between conservation of the historic environment and the archaeological impact of the proposals.

- 4.3.35 Paragraph 205 states that where loss of the whole or a material part of the heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.

- 4.3.36 As a consequence, it is recommended that prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. This will involve archaeological mitigation in the form of open area(s) investigation.

- 4.3.37 The Historic & Natural Environment Team (HNET) will provide a formal Brief for the work at the applicant's request. If planning permission is granted, the applicant should obtain a suitable written scheme of investigation (WSI) for the necessary archaeological programme. The WSI must be obtained from an archaeological organisation acceptable to the planning authority, and be submitted for approval to both the LPA and HNET as archaeological advisers to your authority, before the

implementation of the archaeological programme and in advance of the start of development.

- 4.3.38 The WSI should comply with the above mentioned Brief and with relevant Chartered Institute for Archaeologists' (CIfA) "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.
- 4.3.39 We therefore recommend that any planning permission be granted subject to planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present.
- 4.3.40 The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.
- 4.3.41 *Leicestershire County Council Developer Contributions (04/10/21)*  
I can confirm that our education, waste and library services will not be requesting any S106 contributions given the development type of this application. Environment and Transport (highways) will provide their s106 contribution request directly as part of their consultation response.

#### 4. **Harborough District Council**

- 4.4.1 *Harborough District Council Contaminated Land and Air Quality Officer) (30/09/21)*  
The submitted land contamination risk assessment (Dunelm Geotechnical & Environmental REPORT NO: D10208 GEOENVIRONMENTAL APPRAISAL FOR LAND AT GARTREE 2 PREPARED FOR: PICK EVERARD 661277-0000-DUNGTX0011-XX-SU-G-0001 PO4 S3 – 03/09/2021 Official Gartree 2 GTX0011 – Site Instance 1 – Site Infrastructure) is insufficient. The use of the commercial/industrial screening criteria requires justification. Although it is understandable that the residential screening criteria would be overly conservative and the receptor is incorrect the exposure criteria in the commercial/industrial screening criteria are unlikely to be representative of exposure at all locations within a prison
- 4.4.2 Has a detailed UXO risk assessment as recommended by the 1st line defence preliminary UXO risk assessment included as an appendix of the Geo-environmental appraisal?
- 4.4.3 *Harborough District Council Contaminated Land and Air Quality Officer) Comments in response to UXO Report) (11/02/22)*  
The permission should be conditioned as suggested. If the applicant refuses the placement of a pre-commencement condition on the permission either the information outlined in the conditions below should be submitted prior to the decision being made or the permission should be refused on the grounds that the applicant has fails to show that:  
(a) the development prevents new or existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution (para 170(e) NPPF 2018) or  
(b) that the site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination (para 178 NPPF 2018)
- 4.4.4 *Harborough District Council Environmental Health Officer (Noise and Light) (21/12/21)*  
Noise Impact Assessment – the NIA in principle is acceptable. However, there are some aspects of it that are non-committal and, in my opinion, require clarification. For

example, there is some uncertainty as to whether piling will take place and should this be part of the construction phase, it would be of concern and would need to be controlled very carefully. It could be that we pick this up, and other points, by requesting a detailed construction method statement. Also, whilst I appreciate that noise from fixed plant is currently unknown, fixed limits have been set, but unless these fixed limits are conditioned, I am not sure how useful they are.

- 4.4.5 Lighting assessment – whilst the report goes into detail about the levels of lighting that need to be achieved at different areas on site, and what type of lighting will be installed to achieve such, it does not deal with the impact of light emissions off-site at nearest receptors. We would expect such a report to predict, assess and verify light emissions (including glare) at nearest receptors in accordance with relevant lighting guidance including, but not restricted to the guidance from by the Institution of Lighting Professionals<sup>9</sup>. The applicant may want to consider supplying contour maps or virtual plans to depict predicted light emissions on and off site.

- 4.4.6 *Harborough District Council Neighbourhood Green Spaces Officer (18/10/21)*  
The application site is entirely within the Neighbourhood Area for the Lubenham Neighbourhood Plan but is also, in parts, adjacent to the Foxton Neighbourhood Plan Area of separation. The policies of the adopted Plans may be relevant and should be considered when determining the application.

- 4.4.7 I note the site boundary extends into the area of separation between Gartree and Lubenham (Policy LNP01). Policy LNP01 states:

*“The open character of the Lubenham & Gartree Area of Separation, as defined on Map 2, shall be maintained, to preserve a visual separation from the settlement of Market Harborough and retain the distinctive character and separate identities of Lubenham and Gartree. Development within this area will be permitted if (a) it would not diminish the physical or visual separation between built up areas associated with these settlements; and (b) it would not compromise, either alone or in conjunction with other existing or proposed development, the effectiveness of the Area of Separation in protecting the identity and distinctiveness of these settlements. Any development proposal within the Area of Separation must be accompanied by an analysis and proposals for mitigation of likely impact on settlement setting and the objective of visual separation, giving specific attention to use of location, design and landscaping appropriate to the character of the area.”*

The requirements of LNP01 should be fully met to ensure the application is compliant with current development plan

- 4.4.8 The Foxton Neighbourhood Plan Policy F1 states:

*“a. Policy F1: Countryside. The Countryside (land outside the Foxton Limits to Development and the Foxton Locks Area as defined on Map 2 and the Policies Map) will be protected for the sake of its intrinsic character, beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. Development in the Countryside will be strictly controlled in accordance with Harborough Local Plan Policies SS1, GD3 and GD4.”*

- 4.4.9 I note the Landscape and Visual Impact Assessment provided as part of the application which has recognised Lubenham NDP policy LNP01 within the assessment

---

<sup>9</sup> <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/?nowprocket=1>

- 4.4.10 The close location of the Scheduled Monument of Foxton Locks, the effect of the development on the Foxton Locks site and its tourism offer has apparently yet to be determined although I note Historic England response.
- 4.4.11 I note the BNG calculation area plan, however there is no provision as far as I am able to determine for Biodiversity Net Gain calculations as part of the application process. A calculation should be undertaken using a suitable metric to ascertain whether the development will meet the requirements of BNG and what mitigation measures are required.
- 4.4.12 There may be local mitigation required through provision of a suitable S106 agreement. This might be for local traffic mitigation measures, sustainable footpath, cycleway and other access improvements, provision of additional screening and bund from visual impacts of the development, provision of additional community facilities. These issues need to be discussed with the relevant officers and communities.
- 4.4.13 I note the comments of the LLFA regarding flood mitigation. There is local concern that the development may exacerbate the existing flooding issues in Lubenham. The community will need to be reassured with robust evidence that the proposals provide full mitigation against flooding.
- 4.4.14 *HDC Strategic Housing and Enabling Officer (22/09/21)*  
This relates to constructions of a prison. There are no implications for affordable housing for this application.
- 4.4.15 *HDC Environment Coordinator (12/10/21)*  
It is clear from the Energy and Sustainability Statement that the applicant is making strenuous efforts to ensure that the new buildings are designed to be able to deliver net zero. The design specifically moves away from gas heating which is very welcome. The design approach is to reduce energy use first and then move through the energy hierarchy to deliver net zero. This approach meets the requirements of Local Plan Policy CC1.
- 4.4.16 The design includes bicycle provision and EV charging infrastructure, this is also in line with Local Plan policies. The design is due to meet BREEAM excellent, but I would urge the applicant to try to deliver BREEAM Outstanding. It is vital that the Government leads in delivery against climate goals and this development should be a model for delivery of carbon zero.
- 4.4.17 *HDC Environment Coordinator (further comments) (03/11/21)*  
I note that the applicant is aiming to achieve BREEAM Outstanding, which is very pleasing. I look forward to seeing the full plans when they are received, but recognise that the project is fulfilling the requirements of Policy CC1.

## 5. Members of Parliament, Councillors, Parish Councils and Neighbouring Local Authorities

- 4.5.1 *Cllr Paul Bremner (20/10/21)*
- The Foxton pumping station is not at any capacity to take waste from the new prison - on that basis alone it should be refused as the disruption to Foxton residents from the associated works will be extensive. Anglian Water.
  - The new prison does not have access rights onto Welland Avenue.



- No mitigation of the highway, especially around Foxton Primary School. Highways recommends – planning officer / committee can take a different view.
- Drainage off the site in this area is natural – new prison development disrupts that. Anglian Water
- Prison, with disruption to drainage they will cause and wildlife- they should be conditioned to maintain and enhance both. i.e. maintaining ditches and drains and introducing foraging runs. It is all very well moving badger sets but what about their immediate and forgoing environment?

#### 4.5.2 Lubenham Parish Council (15/10/21)

##### General

The application goes against the policies of the Lubenham Neighbourhood Plan, adopted July 2017 on which the MOJ were consulted. Contrary in particular to policy LNP19 and also in part to LNP01 LNP12 and 13 LNP15 and 16. It is also incompatible with HDC Local Plan Policy GD3 and the vision of the rural Market Town. It will impact on the unique rural identity of Market Harborough and the rural villages and considerably increase the District's Carbon footprint. Its construction in this location will damage the HDC Local Plan's objective of promoting the growth of tourism (particularly at Foxton Locks) and improving the visitor experience of Harborough District.

- 4.5.3 While the new prison will create jobs these are unlikely to all be filled by local people and so will increase traffic to the rural roads. HDC Policy BE1 does not designate this site as an area for business/employment growth.
- 4.5.4 There are specific issues that will affect the residents of Gartree Estate as this proposed development will compromise the rights of the residents who own the majority of Welland Avenue and it will have an '*adverse impact upon the living conditions of (the) nearby residents from nuisance or disturbance caused by odour, noise, vibration or traffic movement;*' (LNP policy 19); further details are at point 9 below
- 4.5.5 In addition:  
There is insufficient infrastructure (Roads, Sewerage, Health, Solar Electricity) to support a development of this size in this rural location. With a lack of public transport or access to cycle paths and footways, workers will be arriving from a distance by car. Post 2024 many of these cars will need to be electric powered and there will be insufficient charging capacity provided by the solar power proposed.
- 4.5.6 Recruitment of prison officers in the area is already a problem and we understand they travel from a wide radius to work at Gartree 1 – perhaps a location for a new prison closer to the workforce might be available to minimise the use of private transport.
- 4.5.7 We do not consider that sufficient evidence has been given that this is the most appropriate site in the country for such a facility; land ownership by the MOJ is insufficient evidence to prove that this is a suitable site.
- 4.5.8 There is potential for the proposed development to cause flooding to neighbouring settlements of Lubenham, Gartree and Foxton; this is very concerning. A public sewer has been identified on the development site and development proposals will affect existing public sewers; development over existing public sewers should not be permitted
- 4.5.9 Should the plan go ahead, there is a need for

- Considerable offsite traffic mitigation measures to deal with the A4304 junction with Foxton Road and Laughton Roads and the ability of pedestrians to cross; also, the Foxton Road/ Gallow Field Road Junction and the Gallow Field Road/ B6047 junctions will require improvement.
- a more appropriate access could be used from Gallow Field Road to the rear of the existing prison down the existing track.
- Robust measures in place to prevent flooding to neighbouring villages.
- Considerable redesigning of the local sewerage assets to accommodate effluent from the increased population of the area 1,700 residents + 700 staff. We suggest that such a development requires its own sewerage system.

4.5.10 The application is too incomplete for determination; too many issues have either not been addressed or are incomplete. These must be satisfactorily resolved before a decision is made

4.5.11 Our main concerns are:-

- Flooding
  - The proposed development will lead to an unacceptable risk of flooding downstream in Lubenham with water discharging into the river which already floods on a frequent basis with some properties also being flooded.
  - Foxton Road floods regularly from a stream that runs through the proposed development site.
  - Gallow Field Road floods.
- Water and Sewerage
  - Insufficient detail has been agreed in relation to water and sewerage disposal in spite of 'extensive communication with Anglian Water'.
  - By their own admission '*An outline foul water drainage strategy drawing has been prepared for this site, however this does present a number of potential issues*'. These would need to be resolved before an application could be determined.
  - The applicant has not identified a discharge rate for used water.
  - Waste water should be reused on site.
  - A public sewer has been identified on the development site and development proposals will affect existing public sewers; development over existing public sewer should not be permitted. This is likely to affect the existing properties and, we believe, roadside drains that run onto the proposed site, from Welland Avenue and if disrupted may lead to flooding.
  - Both Lubenham and Foxton pumping stations are at capacity. Lubenham pumping station regularly needs attention with effluent sometimes overflowing into the river.
- Traffic
  - Insufficient traffic and transport assessments have been undertaken with no attention paid to the remoteness of the site. And the following lack of infrastructure:
    - i. Remote from the major road network
    - ii. No cyclepaths
    - iii. No footways
    - iv. Access from an unadopted road
    - v. No bus connection directly to the site and only a very limited service to the north of Welland Avenue
  - Insufficient attention is paid to the impact of additional offsite traffic on neighbouring roads both during and after construction and the cumulative effect of recently granted permissions for housing, showground, and proposed business units.

- A4304 junction with Foxton Road is unable to take large construction or delivery vehicles. This junction is considered to be the safe road crossing for school children. It is also close to the Laughton Road which children have to cross to get to school.
- Foxton Road access would be past residential properties where children cross to get to the village play area and Village Green.
- Recent fatalities on Laughton Road and accidents at Foxton Rd Junction.
- Gallow Field Road/B6047 junction has been the location of fatal accidents.
- Foxton Road and Gallow Field Road meet just outside Foxton Primary School where problems arise with heavy goods vehicles at school pick up and drop off times.
- Environment/Biodiversity
  - Loss of greenfield site and the effect on biodiversity and agricultural land. (The UK is one of the world's most nature depleted countries).
  - NPPF states that sites on Greenfield land over 20ha must be referred to Natural England – Natural England have identified a lack of suitable investigations to justify development here.
  - Contaminated Land and Air Quality Officer states the Geoenvironmental assessment is insufficient
  - Loss of habitats, badger setts, and home to other wildlife.
- Health Infrastructure
  - Although health and mental health services may be available within the prison, we are aware that the current Gartree prison already utilises minor injuries facilities locally. We have no indication that the facility at St Luke's, which is already lacking capacity for local use, will not be used by the new prison residents.
- Carbon Neutral Considerations
  - The solar facilities planned will not provide sufficient supply to run the prison and the car charging points that will be required post 2024 when electric car targets have to be met.
- Light pollution
  - Additional security lights will cause light pollution and affect the rural nature of the surrounding villages.
- High Pressure Gas Main
  - The southern boundary of the site is very close to the High-Pressure Gas Main which would cause catastrophic consequences if damaged.
- Gartree specific issues
 

The development will adversely impact upon the living conditions of residents in Welland Avenue, causing nuisance, disturbance from noise and traffic movement and a loss of privacy (LNP policy 19)

  - Proposed access to the site is from the unadopted road. Welland Avenue belongs in part to Gartree residents who own the majority of the road.
  - With prisons at either end of Welland Avenue, delivery vehicles and visitors will use this as a through route.
  - Insufficient detail is provided regarding operational vehicle movement post construction and its effect on Welland Avenue Gartree or proposals for mitigation.
  - Roadside drains from Welland Avenue discharges into the channel which runs onto the proposed site.
  - Parking around the prison – vans delivering to prison already park on yellow lines and obscure vision.
  - The only bus stop is at north end of the estate, any visitors will walk through the estate to access the proposed new prison.
  - 4 storey buildings look into residents' gardens.

If this development is to go ahead a more appropriate access could be made from Gallow Field Road to the rear of the existing prison, with all traffic signposted to arrive via A6 - B6047 and Gallow Field Road. This route should also be used to access the existing Gartree Prison, thus avoiding any prison traffic using Welland Avenue.

4.5.12 *Lubenham Parish Council (29/10/21)*

Lubenham Parish Council wishes to add the following to their Objection Comment. The applicant says that the application has been screened under the Environmental Impact Assessment Regulations 2020 as a Schedule 2 proposal and not deemed to have sufficient impact to merit Environmental Assessment. The Parish Council would like to see this judgement, as with over 1700 prisoners with 50% staff covering and with over 80,000 sq.m. of development, physically adjacent a residential estate (Gartree) and occupying over 50 times the minimum size for a Schedule 2 development in our view this development should trigger that need. Has the Council taken external legal advice, as given the Governmental nature of this proposal this should be a duty. At first view the impacts are substantial?

4.5.13 The principle advantage of triggering such a requirement in this case is that it would allow a proper evaluation of alternatives rather than the cursory observations in the Planning Statement that this is the most appropriate site. As para 7.35 of the Planning Statement accompanying the application states: *"Land in MoJ ownership was considered as priority sites given the potential for quicker delivery to meet challenging delivery programme and avoid additional costs and time delays associated with the purchase of land. A site search for privately owned sites was conducted by Cushman and Wakefield on behalf of the MOJ in early 2020 within the parameters identified by the MOJ, however this search did not bear fruit due to a combination of cost, timescales required to acquire privately owned sites or not fulfilling the required criteria."*

4.5.14 Written to provide the best gloss on the site search, it is clear that a proper evaluation of alternatives was not made for a development for which, if necessary, compulsory purchase powers are anyway available. Site choices should be far less constrained than explained above.

4.5.15 Para. 8.2 of the Statement correctly accepts that: *"As a matter of law, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan is the Harborough Local Plan 2011-2031(adopted April 2019) and the Lubenham Neighbourhood Development Plan (2016 - 2031). There are no specific planning policies that are directly related to prison development in the Development Plan. Paragraph 96 of the NPPF supports the delivery of new prison infrastructure through collaborative working between local planning authorities and delivery partners and statutory bodies."*

4.5.16 Para 8.3 continues that: *the site is identified as being within the open countryside. Local Plan Policy GD3 (of the recently adopted Local Plan identifies acceptable uses within the open countryside which does not include the proposed use. The proposed prison site is therefore contrary to local plan policy GD3.)* It is a weakness of the Planning Statement that it does not properly discuss the made Lubenham Neighbourhood Plan in the assessment of the proposal.

4.5.17 Para 8.4 of the Planning Statement says: *"It is considered that the impacts to local receptors are acceptable and sufficient mitigation is delivered through the proposals set out in the landscape strategy. The proposed development is therefore considered to be in accordance with Lubenham Neighbourhood Plan Policy LNP01."*

- 4.5.18 LNP01 is a separation policy not a landscape policy and therefore this explanation has a fundamental misunderstanding of the nature of the policy. Even a cursory inspection of that Plan shows that the proposal contravenes the first policy of this Plan LNP 01 re the Area of Separation of Market Harborough and Lubenham.
- 4.5.19 Para. 28 of the NPPF (2021) specifically states that: *"Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan."* In this case it will not, as part of the Statutory Development Plan has not been properly assessed. You either believe in Neighbourhood Plan or you don't.
- 4.5.20 Conclusion. The Parish Council consider that the proposals have not been properly assessed in line with Environmental Impact Assessment Regulations; most specifically there has not been a proper assessment of the alternatives. The policies of the statutory Development Plan have at least in part, not been properly assessed, and this is a failing that means prime facie the development cannot be considered acceptable as currently argued.
- 4.5.21 The submission considers a number of technical matters, which the Parish Council does not have the resources to properly evaluate. In reality this is David v Goliath, as without the provision of resources to evaluate the technical issues, proper comments cannot be made.
- 4.5.22 However as one example, the Transport Assessment expects no visitors to over 1700 prisoners, prisoner movement and HGVs servicing to take place in the peak travel times. This cannot be considered realistic. The Assessment only considers the expansion of the existing prison in additional "Committed Development (Section 7.2.2 Traffic Growth Factors). No appreciation has been taken of the 1500 dwellings plus substantial commercial development at the adjacent Airfield Farm site, which has now commenced. This is a substantial local growth factor that has been totally ignored.
- 4.5.23 The Trip Assignment appears arbitrary and some justification is needed. No traffic through Foxton the obvious route to Leicester? In Lubenham Parish the junction of the A4304 and Foxton Road has long been an issue with residents, especially at peak travel times for both work and the local school. Yet the report is dismissive of this as a concern. This level of inadequate review makes the Parish Council suspicious of all the other technical reports, which are much less susceptible to non-expert evaluation.
- 4.5.24 Should the authority be minded to approve the application traffic mitigation will be required at the junction of Foxton Road/Main Street (A4304) Lubenham and also at Gallow Field Road/B6047. A means for pedestrians to safely cross both Foxton Road and Main Street in the village. In addition a footway/cycleway to the side of Foxton Road from Gartree towards Lubenham and similarly along Gallow Field Road. Improvements to the sewer system will also be necessary as will be flood mitigation
- 4.5.25 *Foxton Parish Council (15/10/21)*  
Foxton Parish Council want to object to Planning Application 21/01600/OUT, the building of a new Prison at Gartree. Foxton Parish Council do not think that this site is the right place for a huge new prison. Such a large development is contrary to both the Harborough Local Plan and the Foxton Neighbourhood Development Plan. The development will contravene Policies F3 (tranquility) F17 (water management) and F5 (biodiversity) of the Foxton NDP (revised version due to be adopted very shortly). Policy F3 states that development proposals must consider and address their potential impact

on local tranquillity. Local tranquillity will be affected by the increase in traffic, especially during the long construction period.

- 4.5.26 Policy F5 states that development should not harm the network of local ecological features and habitats. New development will be expected to maintain and enhance existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines) for biodiversity thus demonstrating overall net-gain. There is not sufficient detail in the available application to assess whether this will be achieved.
- 4.5.27 Policy F17 states Development proposals should support the delivery of the Water Framework Directive and its objectives as set out in the Anglian River Basin Management Plan. The Anglian Water report states that the current application does not meet its requirements and is likely to result in increased flooding which would affect Foxton.
- 4.5.28 HDC Policy BE1 does not list this site as a place for employment growth. While the new prison will create jobs these are unlikely to all be filled by local people who walk or use public transport to get to work and so will increase traffic to the rural roads.
- 4.5.29 It is also incompatible with HDC Policy GD3 and the vision of the rural Market Town. This very large development will detract from the unique rural identity of the area, including the village of Foxton. It will also affect the growth of tourism at Foxton Locks therefore it is contrary to the Harborough Local Plan objective of promoting the growth of tourism and improving visitor experience in Harborough district.
- 4.5.30 We also believe that insufficient attention has been paid to additional infrastructure required to support such a large development.
- 4.5.31 These are the issues which concern us if the building of the new prison goes ahead
1. Roads and traffic Problem - the number of additional journeys generated every day during and after the construction phase will be considerable. In the proposed traffic plan many of these journeys will pass Foxton School and go through our village. The village itself has a humpbacked bridge over the canal which has poor visibility and only allows one vehicle to cross at a time. Sat. Nav. directions to the current prison from A6 North currently take vehicles through Foxton. The Main Road through the village is not suitable for an increase in traffic of any sort and large vehicles could get stuck on the canal bridge (as has happened in the past). The Headteacher of Foxton School is concerned that at several times during the day, there are a large number of cars which are parked on Gallow Field Road and at the top of Lubenham Road to drop children off or collect children. Large vehicles will struggle to pass the parked cars and will be a hazard to pedestrians. In addition, the air pollution caused by extra vehicles passing by the school will affect the health of the children and school staff. The position of the school is below the level of the road so fumes from traffic drops and lingers on the playground and blows into the school building. What we would like to see There is a track that goes from Gallow Field Road past the back of the existing prison which could be made into a road to access the new prison. Traffic would not then need to pass Foxton School. It would also remove the need to use Welland Avenue in Gartree to access the new prison. We want no access for prison traffic through Foxton at any time including during the construction phase. We would like to see measures such as the closure of the A6 junction with Langton Road or at least the routeing of Prison traffic via the A6047 (as currently done with traffic to Foxton Locks). If traffic to the prison is routed

past the school, there needs to be off road parking for parents along Gallow Field Road and a pedestrian crossing for parents and children from Gartree. Other measures such as pinch points, chicanes or speed humps at both ends of Foxton village deterring traffic and importantly slowing it down could also be considered. Similar issues need addressing for Lubenham, especially on Foxton Road.

2. Drainage and flooding Problem - as the Anglian Water report states, the use of the Foxton Water Recycling Centre to process foul water from the new prison would result in a need to increase the capacity considerably. This would affect Foxton residents particularly during the construction phase as some of the pipes pass under residents land. Anglian water also points out the surface water drainage in the current plan would be likely to cause flooding downstream (which includes Foxton). What we would like to see A better foul drainage solution that doesn't involve the large expansion to the Foxton Water Treatment Centre. A better surface drainage solution which will not add to existing flooding in the local area.
3. Sustainable travel cycling, walking and use of public transport. Problem - The Outline Travel Plan is based on out of date maps and data and does nothing to address or improve sustainable transport. Proposed access to the new prison from Gallow Field Road is on a 60mph single carriageway road with no pavement or cycle lane. There are more cycle routes/lanes already in place than National Route 6, which is the only cycle route mentioned in the proposal. Further development of these has not been considered. The new housing on the North West side of Market Harborough will be within walking distance of the prison and deserves dedicated footpath access. Instead the outline plan has dismissed the 10.6% of people who walk to work. The sustainability in the outline planning relies on increasing car sharing but only by a measly 5%. There is no incentive for the prison workers to car share. What we would like to see Extra pavements and cycle lanes are needed to make these forms of journey safe and viable. For example upgrading the existing footpath from Gartree 1 to the canal bridge on Peter Callis Way to a cycle/pedestrian all weather route. A safe road crossing for pedestrians walking from Gartree village and a cycle route from the northern housing estates in Market Harborough to Foxton School is needed. Measures to encourage car sharing should be introduced, e.g. charge single occupants to park and use proceeds to further enhance cycle/walking facilities and strategies (e.g. ebikes available to hire, drying rooms for clothes on wet days).
4. Health facilities, particularly A&E Problem - although the new prison will have its own medical facilities, this does not include Accident and Emergency. A prison of this size is bound to generate visits to A&E, which will mean using existing facilities to the detriment of current users (who already face long waits). The extra staff required at the prison, many of whom will move to the area, would place pressure on existing GP surgeries which are already overstretched. What we would like to see Expansion of existing A&E facilities such as upgrading St. Lukes minor A&E to a 24 hour service. Provision of a new GP surgery/Health Centre to the North of Market Harborough.
5. Biodiversity Problem - Documents regarding biodiversity, species surveys etc are not available to view currently, so it is very difficult to assess how the claimed 10% increase in biodiversity will be realised. What we would like to see Introduction of measures such as wildlife corridors for animals such as hedgehogs and other small mammals. Retention of hedgerows. Inclusion of wildflower verges, meadows rather than lawns and planting that encourages bees and other insects. Planting of trees.

4.5.32 This application needs to be considered with all the other developments that are taking place in the same area i.e. expansion of current Gartree prison, possible development of Wellington Business Park, further development at the Innovation Centre, increased use of the Showground and continued house building on Airfield Farm. Existing amenities such as the MacDonalds fast food outlet at the A6/A6047 junction for Market Harborough also need to be factored in. This also generates extra journeys through Foxton as evidenced by the amount of rubbish found on the verges along Langton Road into Foxton. The cumulative effect of all these will place unprecedented pressure upon our existing infrastructure and if the building of the new prison goes ahead, the MOJ need to provide considerable funding to mitigate the effect of such a large development on surrounding communities

4.5.33 *Gumley Parish Meeting (12/11/21)*

The Gumley Parish meeting wishes to oppose the construction of the additional Gartree Prison for the following reasons.

4.5.34 Construction would contravene Harborough DC's own planning policies The Market Harborough Local Plan 2011 - 2031 which was adopted in April 2019 - Policy GD3 states:

*"4.5.1 It is important that the countryside is protected from unacceptable development which would harm its intrinsic value and rural character. However, certain forms of development are necessary to support rural life and maintain or enhance the rural economy. Policy GD3 strikes a suitable balance between encouraging a thriving rural economy, maintaining and, where possible, improving the sustainability of smaller rural settlements, and conserving the character of the district's much valued countryside".*

The proposed development contravenes this Policy, the Local Plan and the relevant NPPF Policies set by the Government.

4.5.35 Increased daily traffic through the village of Gumley and associated rural road network The Transport Assessment Document considers the impact of the Prison on the existing transport network.

4.5.36 The transport assessment anticipated that 45% of trips will access the Prison from the south (via A4304) and 55% north via Gallow Field Road for daily usage. The Gumley residents (and other villages) know these figures will be incorrect based on the existing prison staff using the villages as cut throughs - often travelling at speed due to the familiarity of the rural road network. Gumley Parish Meeting has already been in contact with Leicestershire County Council Highways raising the issue of increased traffic speed through Gumley and associated speed reduction measures.

4.5.37 The Transport Assessment Document concludes that the residual cumulative impacts on the road network would not be severe and there would be no unacceptable impact on highway safety. We would like to contest the transport assessment document's findings and conclusions on the impact of the rural road network.

4.5.38 Light Pollution. Within the Harborough DC Local Plan, one of the criteria is for good design is minimizing pollution from external lighting. The lighting required for a prison exceeds the level of light which is acceptable in the rural area and the adjoining villages, including Gumley, causing pollution to the environment.

4.5.39 *Market Harborough Civic Society (22/10/21)*

The Society has carefully considered the proposal for a new prison. The site lies in a rural area where development is limited. We are not satisfied that there is sufficient justification to depart from these strict policies.



- 4.5.40 This proposal is not SUSTAINABLE. The Local Plan for Harborough District, approved in 2019 does not take in to account the minimum of 1700 jobs to be created on this site. The creation of the prison could increase the demand for local housing and create pressure for more housing in Market Harborough and adjacent settlements.
- 4.5.41 Land for up to 3000 houses has been allocated in Market Harborough in the Local Plan. This land is to meet the needs until 2031. While a number of these houses has been completed the relevant community facilities have not been started. If we look at Airfield Farm, the nearest development to the site, the schools, shops and community facilities required to support the development have not been provided. While these facilities are included in the planning permission we are not even sure that these facilities will be provided in view of the changes in the economy in the last few years. We feel that time needs to be allowed for the new communities to develop before more development is imposed on the area.
- 4.5.42 The proposal will increase traffic on the local road network, and it is the inadequacies of this network which make this proposal unacceptable. While the County Council has approved a Strategy for Transport for Market Harborough the funds to implement the proposals are not available. The life of a planning permission is 5 years and we have to assume the prison will be built in that time as there is no phasing programme presented with the application. The Transport works are unlikely to be completed in this period.
- 4.5.43 On reading the documents the intention seems to be attract staff from an area up to 40 miles away. This will extend from Birmingham in the west, Derby and Nottingham in the north, Peterborough in the east and Luton to the south. The employees will be dependent on the car. The road system in the area will not be able to cope with the extra traffic generated. Public transport is not available to reduce this traffic. The large car park proposed will further attract use of the car.
- 4.5.44 Construction Traffic is to be routed by the A4304, the shortest route. Nothing is said about the time scale for construction of the prison. However, this proposal will generate congestion and danger on the road and in the settlements between Junction 20 on the M1 and the site. The A14 and the Bypasses were built to overcome these issues. The use of the A4304 will not cope with traffic from the east. The proposal therefore will generate more traffic in the High Street and adjoining roads in Market Harborough. This is not acceptable.
- 4.5.45 We feel that this this proposal will make little contribution to the local economy.
- 4.5.46 (a) In their outline travel plan the applicants refer to the Government's policy to encourage the use of public transport; promote sustainable travel to the site; reduce reliance on the private car. When the document is perused further it will be seen that the plan does not achieve any of these objectives.  
(b) There are no separate pedestrian or cycle routes along Foxton Road and Gallow Tree Drive and there is no intention to provide any. The only bus route referred to is No 44. The Council will be aware that this route is infrequent and there is no service on Sunday and in the evening. There is no intention to improve the service. The proposal does not meet the Government Policy.  
(c) Construction traffic and service vehicles will use Foxton Road and the A 4304. There is no guarantee that these heavy vehicle will not use the Town roads to reach the A4304. The road infrastructure of the Town will not be able to accommodate this extra traffic.

- 4.5.47 The site of this proposal lies within a very attractive rural area. The main use is agriculture and the land is well maintained. Nearby is Foxton Locks and the adjoining canal. These features attract many visitors to the area and they contribute to the local economy. The prison proposal, with its high buildings and increased traffic, is totally out of character with the local environment. It will cause harm to the character of the settlements of Lubenham, Foxton and Gartree.
- 4.5.48 One of the criteria for good design, in the Local Plan is to minimise pollution from glare or spillage of light from external lighting. The minimum lighting required for a prison far exceeds the levels of light that are acceptable in this rural area and the adjoining villages, causing further detriment to the environment.
- 4.5.49 The Development will have an unacceptable impact on the amenities of residents in Gartree Village.
- 4.5.50 We have demonstrated that this proposal for a new prison is not acceptable on this site. The search is limited to land owned by the M O J. We feel that other sites can be identified which do not have the problems of this site.
- 4.5.51 *Laughton Parish Council (Planning Sub-Committee)*  
The Transport Assessment Document This has been prepared by Atkins on behalf of the MoJ and considers the impact of the Prison on the existing transport network. With staff of 858, and visitors (3 allowed per prisoner) plus ad hoc legal visits, it is estimated that 672 vehicles arriving every day, with these vehicles departing on the same day totalling 1,344 per day. These figures assume that all 3 visitors will travel in the same vehicle. Together with shift patterns, it is anticipated that 45% of trips will access the Prison from the south (via A4304) and 55% north via Gallow Field Road. This, of course, does not take account of any construction traffic.
- 4.5.52 In theory this should work smoothly, but in practice could cause major congestion on the Harborough Road junction and at the Foxton Road/Lubenham junction (A4304).
- 4.5.53 The committee's main concern is that all traffic associated with the Prison will be required to arrive/depart via Foxton Road, but could so easily use Laughton Road (close to A4304) as another route, to gain access to other major roads, the A5199 for instance. This is a very rural area with Laughton Road leading over a small single track canal bridge, which is completely unsuited to extra traffic. Added to this, the village of Laughton, with its entrance running off Laughton Road/Lubenham Road, is a small quiet village with no street lighting, where all exits and entrance routes are single track only. Again, completely unsuited to extra traffic.
- 4.5.54 The Committee is concerned that Laughton village could be used as a short cut. The Transport Assessment Document concludes that there would be no unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe. The committee disagrees.
- 4.5.55 It is difficult to imagine, considering the extra development particularly in this area of the district, be it housing, business parks etc, how Market Harborough can absorb such a large development like Gartree 2, without placing a huge strain on all services, which would inevitably impact and alienate local residents. Harborough District Council must deliberate very carefully on this application, otherwise they risk ruining a very pleasant and enjoyable place to live and work
- 4.5.56 *Great Bowden Parish Council (07/02/22)*

Given the importance of Foxton Locks as a heritage asset and tourist attraction, the proposed development within the vicinity of that heritage asset would not maintain or enhance the local and regional role and significance of the locks, but instead may actively discourage visitors to them. The proposal, therefore, causes harm to this heritage asset which is not outweighed by any public benefits. Consequently, the proposal is contrary to Harborough Local Plan Policies GD8 and HC1, and the National Planning Policy Framework (particularly Paragraphs 12, 47, 199 and 202).

- 4.5.57 The proposed site does not occupy a sustainable location and, therefore, does not accord with Harborough Local Plan Policies GD1 and BE1(2), and the National Planning Policy Framework (particularly Paragraphs 12, 47 and 85).
- 4.5.58 The proposed development would have a greater impact on the openness of the greenbelt and the purpose of including land within it than the existing development on that part of the site that is previously developed, and would encroach onto open countryside and is therefore inappropriate development in the greenbelt. Substantial weight attaches to the harm to the greenbelt by reason of inappropriateness and further harm arising by reason of the impact of the proposed development on the openness of the greenbelt and encroachments.
- 4.5.59 The benefits associated with the proposed development would not clearly outweigh the resulting harm and therefore do not constitute individually or cumulatively very special circumstances required if inappropriate development is to be approved in the greenbelt in accordance with paragraph 148 of the National Planning Policy Framework.
- 4.5.60 The proposed development would have an unacceptable impact on highway safety by virtue of the increased traffic movements and inadequate highway infrastructure contrary to paragraph 109 of the National Planning Policy Framework and policy BE1 of the Harborough Local Plan.
- 4.5.61 The potential noise nuisance and disturbance associated with the vehicular traffic movements that would be generated throughout the use of the development would result in a harmful impact on the amenity of residents in the locality contrary to policy BE1 of the Harborough Local Plan. The proposed development is contrary to the Harborough Local Plan Policy BE1 in that it does not designate this site as an Area for Business/Employment Growth
- 4.5.62 The proposed development is contrary to the Harborough Local Plan Policy GD3 in that it has not been identified as an acceptable use within the open countryside
- 4.5.63 The proposed development is contrary to the Harborough Local Plan Policy BE3 in that this site is not a Key or General Employment Area. Because of the magnitude of the proposed development the current infrastructure especially the road system which primarily uses B roads for access and egress to the site it will be detrimental to Highway Safety and contrary to Harborough Local Plan Policy G8, IN2 and the National Planning Policy Framework Paragraphs 110, 111 and 112
- 4.5.64 The scale of the proposed development its mass and size will increase the likelihood of flooding in the surrounding villages especially Lubenham and Foxton. The current sewerage system is inadequate to support a development of this size as existing pumping stations in the surrounding villages are at capacity
- 4.5.65 The existing planning approval to the Airfield Farm sites are nowhere near complete however the traffic through Great Bowden has already increased dramatically a

development of this size (with over 700 new staff) would dramatically further increase traffic flow through our village with no proposed mitigation.

4.5.66 There are plenty of Brown Field sites with existing adequate infrastructure which are not in a rural countryside setting. The proposed development would cause excessive light pollution which will significantly affect the surrounding rural villages

4.5.67 And finally I would urge the planning committee to follow the lead of Chorley Council who refused planning permission in their case 21/01 028/OUTMAJ and I quote:

*"Councillors have rejected a government proposal to build a new "super" jail in central Lancashire. Chorley Council planning committee ignored advice by planning officers for a 1,715 inmate Category C prison near the existing Garth and Wymott jails. Officers had recommended allowing the jail which would have seen the combined prison population outstrip the number of residents living in Ulnes Walton. Councillors voted by 12 to one to dismiss the MoJ application, which received more than 130 local objections, citing concerns over damage to the greenbelt, road safety and the impact of increased traffic on those living nearby.*

*21/01028/OUTMAJ - HM Prison Wymott, Moss Lane, Ulnes Walton, Leyland, PR26 8LW*

*Planning permission refused for the following reasons:-*

*1. The proposed development would have a greater impact on the openness of the greenbelt and the purpose of including land within it than the existing development on that part of the site that is previously developed, and would encroach onto open countryside and is therefore inappropriate development in the greenbelt. Substantial weight attaches to the harm to the greenbelt by reason of inappropriateness and further harm arising by reason of the impact of the proposed development on the openness of the greenbelt and encroachments. The benefits associated with the proposed development would not clearly outweigh the resulting harm and therefore do not constitute individually or cumulatively very special circumstances required if inappropriate development is to be approved in the greenbelt in accordance with paragraph 148 of the National Planning Policy Framework.*

*2. The proposed development would have an unacceptable impact on highway safety by virtue of the increased traffic movements and inadequate highway infrastructure contrary to paragraph 109 of the National Planning Policy Framework and policy BNE 1 of the Chorley Local Plan 2012 - 2026.*

*3. The potential noise nuisance and disturbance associated with the vehicular traffic movements that would be generated throughout the use of the development would result in a harmful impact on the amenity of residents in the locality contrary to policy BNE 1 of the Chorley Local Plan 2012 - 2026.*

4.5.68 In view if all of the above Great Bowden Parish Council urges Harborough District Council Planning Committee to refuse planning permission in this case

4.5.69 *East Farndon Parish Council (15/11/21)*

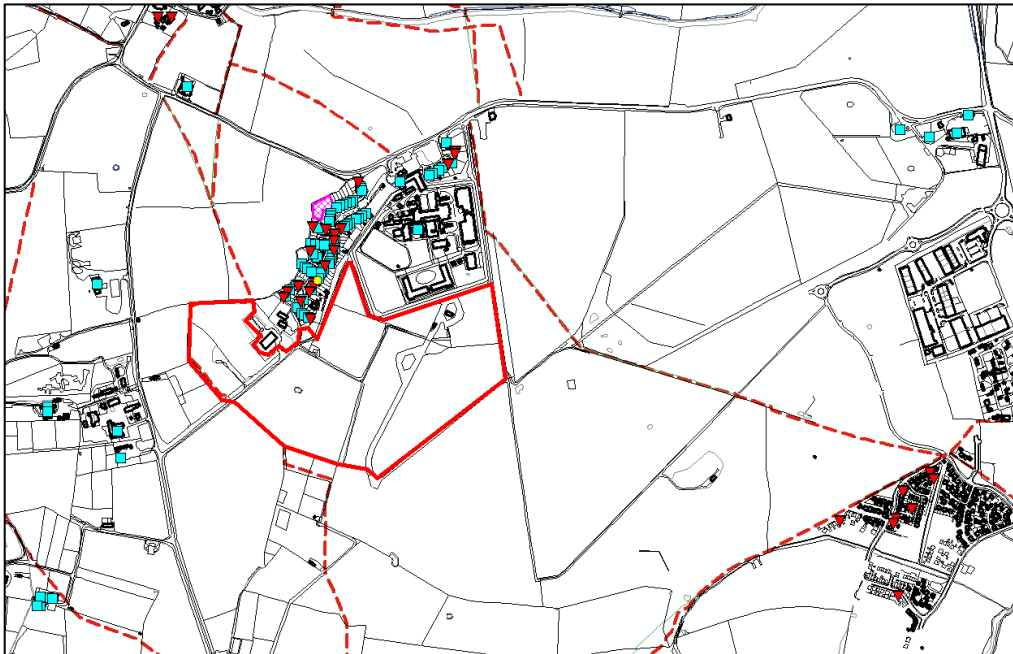
East Farndon Parish Council has not been formally invited to comment on these proposals; however we feel that this major development will impact negatively on our village as follows.

4.5.70 Landscape - for anyone walking along the northwestern side of East Farndon, the visible impact of the existing Prison is clear to see, both during the summer and winter months. By trebling the size of the Prison facility at Gartree, there will be significant changes to the rural landscape and local scene.

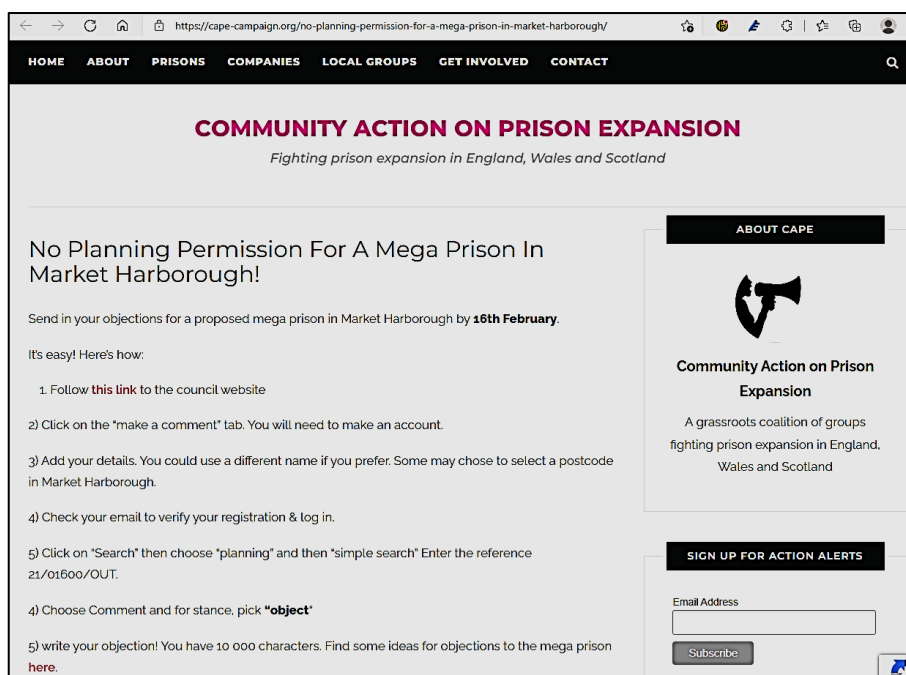
- 4.5.71 Traffic - although the majority of the construction and visitor traffic is likely to come in and out of the facility via Lubenham, there will be additional volumes of vehicle movements across the area. The narrow Main Street of East Farndon, and the narrow lane from Lubenham to East Farndon could become even more of a busy short cut, with other traffic related to the A14 travelling via Main Street. In particular, should this development proceed, East Farndon Parish Council wants to ensure that the Construction Routing Plan does not allow for HGVs or similar to be able to use the lane from East Farndon to Lubenham, which is marked as unsuitable for HGVs, or Main Street. HDC's failure to place such restrictions with reference to the Farndon Fields development currently means HGVs are using the East Farndon to Lubenham road (causing damage to the road), despite NCC (as was) raising objections at the time.
- 4.5.72 We hope that you will seriously consider our concerns when assessing this planning application, and please add us to your consultation list for any further applications.
- 4.5.73 *Armstrong Rigg Planning (On behalf of Lubenham PC, Foxton PC, East Farndon PC, Great Bowden PC, Gumley PM, Laughton PM and Gartree Action Group (22/03/22) (The full letter can be viewed at **APPENDIX G**)*  
I write to you on behalf of my joint clients who wish to **OBJECT** to the current prison proposals in the strongest possible terms.
- 4.5.74 This response has been prepared following a full review of the planning application and its progress to date as well as continual and ongoing liaison with representatives of all of the groups which we represent. It comprises our assessment of the technical and planning merits of the proposal. We (Armstrong Rigg Planning) are very familiar with the rural character of the hinterland of Market Harborough and, critically, its constrained road network. This submission is intended to supplement the earlier objections of the groups which we represent rather than supersede them.
- 4.5.75 This letter makes it clear that, based on the evidence presented to officers to date – in respect of highways impact in particular, that in our professional opinion this proposal is ill-conceived and that the council can have absolutely no confidence that the grant of permission for this application will not result in significant harm to the local area. In which case there are strong material planning grounds to refuse this application under delegated powers.
- 4.5.76 *Edwards & Edwards Consultancy Ltd (On behalf of Lubenham PC, Foxton PC, Laughton PM and Gumley PM (24/03/22) (The full letter can be viewed at **APPENDIX G**)*  
On behalf of the Lubenham Parish Council, Foxton Parish Council and Laughton and Mowsley Parish Meetings we have carried out a high level review of the planning application, the Transport Assessment prepared by Atkins and their further Technical Note, the various Local Highway Authority responses and the Systra Highway Review.
- 4.5.77 It should be noted that this is a light touch review in the limited time available and does not delve into detailed interpretation of the evidence or considerations regarding the pros and cons of the Atkins or Systra modelling.
- 4.5.78 *Marston Trussell Parish Meeting (26/01/22)*  
Marston Trussell Parish Meeting wishes to **OBJECT** to the application for the following reasons:
- Potential light pollution on the rural area
  - Increase of traffic and impact on roads
  - Impact on Foxton Locks as an asset to the wider community
  - Loss of open countryside

## b) Local Community

1. Objections
- 4.2 Approximately 100 letters were distributed to properties as indicated at **Figure 10** below. Furthermore, 10 site notices were posted in the vicinity, including on Public Rights of Way which pass adjacent to the site, as well as in Foxton, Lubenham and within the Airfield Farm development of Market Harborough. 364 objections (of which 9 gave no address and to which no material weight can be given) have been received, the sources of which are set out in the table at **Figure 12**. Officers note that several of the representations are very detailed and whilst regard has been had to these in assessing this application, it is impractical to copy these verbatim and therefore a summary of the key points is provided at **Figure 13** below. Full copies of all representations can be viewed at [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning).



**Figure 10: Map indicating locations of properties notified of the Planning Application**



**Figure 11: Extract from CAPE website detailing methods of objection**

- 4.3 It should be noted that, as of mid-February 2022, Officers became aware of a national action group which specifically mentioned the planning application (see **Figure 11**). This resulted in a relatively small, but noticeable, spike in objections. The content of these objections was noticeably different to those that had been received, with many of the comments being largely based upon content on the website. It is notable that the website included advice to objectors to use a different name and select a postcode in Market Harborough. This became apparent when an objection was received from one particular “resident” claiming to reside at The Symington Building. Whilst it is appreciated that these objections carry the same weight as any other objection received, it should also be noted that the source of objections may be wider than indicated at **Figure 12**, with some representations being received from further afield than is reported.

Area	Number received
Gartree	22
Foxton	55
Lubenham	67
Market Harborough	89
Gumley	17
Laughton	13
Great Bowden	17
Further afield (within District)	Kibworth Harcourt x23; Kibworth Beauchamp x3; Husbands Bosworth x12; Smeeton Westerby x6; East Langton x2; Mowsley x4; Tugby x1; Thorpe Langton x5; Tur Langton x1; Welham x1; Medbourne x1; Shangton x1; Church Langton x5; Saddington x2; Theddingworth x2; Burton Overy x1
Outside of District	East Farndon x11; Marston Trussell x3; Ashley x1; Naseby x2; Leicester x2; Stanford upon Avon x1, Saltaire (Yorkshire) x1; Starchley x1; Norwich x1; Edinburgh x1; London x3

**Figure 12: Source of objections**

<b>Issues of Principle raised</b>	<ul style="list-style-type: none"> <li>The development is in breach of the Neighbourhood Plans.</li> <li>The proposed application is in conflict with many elements and the spirit of the Harborough Local Plan 2011-2031 - Adopted April 2019 (HLP).</li> </ul>
-----------------------------------	--

<p><b>through representations</b></p> <p><i>(Addressed in Section 6a of the report unless otherwise stated)</i></p>	<ul style="list-style-type: none"> <li>• The proposed development contravenes Policy GD3 at every single level and if approved would make a complete mockery of the Local Plan and the relevant of NPPF Policies set by the Government.</li> <li>• As a member of the wider MH community, this will have a detrimental effect on the environment and ruining green belt land. <i>(This point is addressed in Section 6c:14 of the report)</i></li> <li>• I object to another prison when there is already one that needs upgrading.</li> <li>• In the first instance I would ask why build such a large development on open, untouched countryside, I would think there must be more appropriate places such as brownfield sites <i>(This point is addressed in Section 6e of the report)</i></li> <li>• The proposed development for a new prison should be on brownfield sites or in a location such as Magna Park area which has excellent road routes nearby. <i>(This point is addressed in Section 6e of the report)</i></li> <li>• If this proposed prison went ahead, it would then open up even more greenfield sites for the development of more housing which would not be sustainable in the Market Harborough area. <i>(This point is addressed in Section 6c:14 of the report)</i></li> <li>• It is unclear why this site has been shortlisted for such a large scale prison development which is within close proximity to historic country villages accessed by a network of small rural roads. <i>(This point is addressed in Section 6e of the report)</i></li> <li>• Market Harborough and its environs are already experiencing exponential development with an insufficient increase in infrastructure and associated services to support it <i>(This point is addressed in Section 6c:14 of the report)</i></li> <li>• This is a desperate attempt to use land that perhaps is already owned, not a proposal built on any understanding of what is needed for an area and what services would be needed to accommodate its use. <i>(This point is addressed in Section 6e of the report)</i></li> <li>• Perhaps consider constructing them where least are affected - like the new 'mega' warehouses going up everywhere alongside the M1 motorway? <i>(This point is addressed in Section 6e of the report)</i></li> <li>• A site such as the old steel works in Corby would be far more suitable, accessible and sustainable. <i>(This point is addressed in Section 6e of the report)</i></li> <li>• HDC Policy BE1 does not list this site as a place for employment growth, therefore, job creation should not be deemed as a positive impact.</li> <li>• This is not designated as an area for business and employment growth (Policy BE1)</li> <li>• HDC need to ask for a proper assessment of the environmental impact. <i>(This point is addressed in Section 3d of the report)</i></li> <li>• I do not consider that the authorities have considered the environmental impact of the use of this site for the purpose. <i>(This point is addressed in Section 6e of the report)</i></li> <li>• The requirements outlined do not constitute sound planning principles, and without reassessment, the proposals risk a successful high court challenge. Government landownership is noted as a benefit to the tax payer, however this should not be given any significant prioritisation over other sites. <i>(This point is addressed in Section 6e of the report)</i></li> <li>• Although the site may appear to be ideal the infrastructure around the prison is not and in order to improve that it would seriously compromise the local villages with noise, pollution, air quality, loss of local wildlife habitats and an unacceptable reduced quality of life for the area. <i>(This point is addressed throughout the report as a whole)</i></li> <li>• Gartree Prison (existing prison, surrounding land, and potential future development) does not appear to be mentioned in the current Harborough Local Plan?</li> <li>• The cost of this proposed new prison would be better used in supporting those initiatives and schemes which stop people from committing crimes in</li> </ul>
---	--



	<p>the first place and which have been proven to work. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <ul style="list-style-type: none"> <li>• Conflict with HDC Policy CS1 (Spatial Strategy) - maintaining the separation between the two settlements and reinforced in Policy CS13 <i>(This point is addressed in Section 6c:14 of the report)</i></li> <li>• I feel the government should be working much harder to reduce prison populations and not increase them. <i>(This point is addressed in Section 6c:14 of the report)</i></li> <li>• It may also be worth considering whether any other body than the Home Office would even have a chance of succeeding with such a planning application; as it appears to contravene virtually all of the government's own national planning guidance.</li> <li>• What is the government planning which requires such a surge in prison capacity? <i>(This point is addressed in Section 6c:14 of the report)</i></li> <li>• This will turn the whole area into the criminal depository for the whole of England <i>(This point is addressed in Section 6c:14 of the report)</i></li> </ul>
<p><b>Heritage issues raised through representations</b></p> <p><i>(Addressed in Section 6c:1 of the report unless otherwise stated)</i></p>	<ol style="list-style-type: none"> <li>1) Should the proposed development be permitted it will adversely affect the beauty of the area which sits close to many listed properties and a listed Medieval Settlement Site, one of only 33 of its type in the U.K.</li> <li>2) Having read " The Geophysical Survey" it appears to me that there is evidence of Iron Age, Roman and Medieval settlements in the area which may soon be buried underneath this development should planning be agreed</li> <li>3) The proposed development is too close to Foxton Locks and contrary to Policy RT4.</li> <li>4) Foxton Locks are a major tourist attraction in Leicestershire, so why is this application even meriting consideration?</li> <li>5) To enlarge the prison will increase the number of lights visible to Kiln Yard such that they will likely have a significantly negative impact on the landscape and the special character of this listed building. <i>(This point is addressed in Section 6c:14 of the report)</i></li> </ol>
<p><b>Ecology issues raised through representations</b></p> <p><i>(Addressed in Section 6c:2 of the report unless otherwise stated)</i></p>	<ul style="list-style-type: none"> <li>• We currently have hedgehogs, grass snakes, birds of prey, squirrels, woodpeckers and a vast array of birds in and around our garden, this will all be gone due to the building work and then the concrete footprint this new prison would have.</li> <li>• Although the planning application has accompanying wildlife surveys and it seems that the conclusions are the area is 'not terribly important' - the disturbance of badger setts, the removal of foraging areas for bats and birds is unacceptable. Whilst there is a claim that planting will mitigate this loss, once the animals have gone they will not return as it will take considerable time for the new 'habitats' to establish themselves. The current thinking in habitat preservation is to do with providing pathways for wildlife - and this will remove such an area.</li> <li>• The report on the Owl population that according to the report is currently non-existent. I hear owls outside my house every morning.</li> <li>• Concerned about loss of wildlife, biodiversity and green space.</li> <li>• I object to more loss of green space and biodiversity/ nature during a time of climate emergency.</li> <li>• If this planning permission is granted what will happen to all the wildlife in the 2-3 years during construction.</li> <li>• The ecological impact to this sensitive area used by Otters commuting between the Grand Union Canal, the canal spur to Harborough and the River Welland has not been addressed. Otters have been observed within and around the Gartree settlement. No mention of these is made in the planning application.</li> <li>• At present, the night sky in Foxton is about as close to dark as it can be. This benefits local nocturnal animals, in particular the owls, badgers and bats. I am concerned that the size of the proposed development and the amount of</li> </ul>

	<p>lights which will be on all night will irreversibly damage the dark skies currently enjoyed in Foxton and other local villages.</p> <ul style="list-style-type: none"> <li>• I have seen that the Great Crested Newt resides in some of the ponds on the site and as they are on rapid decline, these should not be compromised for the sake of MoJ owning the land and a different site should be sought elsewhere.</li> <li>• In the Bat activity report commissioned for this planning application it is detailed that this construction will have a significant impact on the seven bat species identified to be residing there. The 'mitigation' for this significant impact to make it a minor impact involves waiting for 30 years for the trees to grow and re-create their natural environment. This, in my opinion, is not an acceptable length of time and is simply worded as 'an unavoidable time lag' which is not an appropriate response to the complete destruction of a habitat.</li> <li>• . Another 'mitigation' is to "Avoid lighting of key habitat features altogether, i.e. no lighting of any vegetation, such as trees and hedgerows, to maintain flight lines for commuting bats.". This seems like a preposterous suggestion when talking about the development of a prison, how can the area be both secure and not illuminated simultaneously?</li> </ul>
<p><b>Highways issues raised through representations</b></p> <p><i>(Addressed in Section 6c:3 of the report unless otherwise stated)</i></p>	<ol style="list-style-type: none"> <li>1) The data presented shows 0% of car trips through Foxton village and past Foxton Locks through Gumley - I strongly disagree with this assessment.</li> <li>2) I believe the true number of trips would have a material impact on the rural highway network and should be looked in to further.</li> <li>3) When we bought the house, the road was bought with it, a stipulation from MOJ as they did not want the road. This is a private road, and we already have HMP Gartree traffic using it as a cut through and wearing the road, this will be no different (except more traffic) with a new/another prison, despite signage people will still use it as a cut through. <i>(This point is addressed in Section 6c:14 of the report)</i></li> <li>4) The transport assessment uses car trip distribution data from the 2011 national census. Whilst that might be the only data set available, this data is completely out of date and does not accurately model traffic data in 2021, let alone in a number of years once the prison is built along with the addition of the major residential developments on the outskirts of Market Harborough. <i>(This point is addressed in Section 6c:14 of the report)</i></li> <li>5) The transport of materials will bring considerable quantities of large vehicles onto a road which is not built or suitable for them. <i>(This point is addressed in Section 6c:14 of the report)</i></li> <li>6) Despite the promise that only the A4304 will be used for access to prevent traffic on Gallow Field Road I am sceptical about this being enforced. There are certainly no signs to indicate that the Gallow Field is only for 7.5 tonne lorries and this restriction is regularly breached already.</li> <li>7) Traffic levels on Gallow Field Road and the road to Lubenham have increased significantly in the past four years. The mix of traffic - lorries, cars, tractors, motorbikes, cycles, runners, walkers and horses - makes it extremely dangerous. It is also an extremely fast road. To place a further 200 - 250 cars on the road every day will be unacceptable.</li> <li>8) We know that the public transport is not used to any great degree and we also know that cycling to the existing prison does not occur to any great degree. The new prison will be less accessible to public transport or bikes.</li> <li>9) Given that by 2030 new car sales will be electric to only go for a 'minimum of 10%' of parking places to be recharging points is unambitious and short sighted <i>(This point is addressed in Section 6c:14 of the report)</i></li> </ol>

	<p>10) Could I request that MoJ look at an option of making the entrance to the new prison on Foxton Road, rather than on Welland Avenue. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>11) The road between the two prisons is our village. And it is blindingly obvious that our village will become a rat run for staff transiting between the two sites.</p> <p>12) Extra traffic through Gumley from serving prison officers was heavy when Gartree was a category A prison, because of the extra staff needed at that time, many of whom lived in Kibworth and came through the village at the start and end of their shifts.</p> <p>13) The junction at the Leicester Road and Gallowfield road is already too busy and additional traffic is going to make it worse.</p> <p>14) Vehicles coming from Foxton past the school are too fast and the junctions from the current prison are very busy. I can't see any provision for traffic calming in the details</p> <p>15) During the consultation process a friend and neighbour of mine asked if there were plans to add footpaths or cycle lanes to the two approach roads and was told in no uncertain terms NO.</p> <p>16) In addition to the next phase of Airfield farm houses taking over the showground putting further stress on traffic volumes. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>17) As there is no play area, my children walk, run, bike and play on Welland Avenue, there are no considerations for the welfare and safeguarding of our children (bar the road signs which are ignored by all except residents). <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>18) There is insufficient provision for vehicle parking. Public transport is insufficient for staff and visitors. There will be increased traffic to the development and some of the accesses are rural roads and lanes</p> <p>19) At the very least a roundabout is needed at the junction of Gallowfield Road with Harborough Road. Also a footpath and cycle path to Market Harborough and a Footpath and cycle path tween Lubenham and Foxton. This should not be left to section 106 money but be installed by the applicant. Otherwise HLP.11.1.10 should be considered.</p> <p>20) If this development is to go ahead a more appropriate access could be made from Gallowfield Road to the rear of the existing prison, with all traffic signposted to arrive via A6 - B6047 and Gallowfield Road. This route should also be used to access the existing Gartree Prison, thus avoiding any prison traffic using Welland Avenue.</p> <p>21) Proposed access to the site is from the unadopted road. Welland Avenue belongs in part to Gartree residents who own the majority of the road. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>22) The only bus stop is at north end of the estate, any visitors will walk through the estate to access the proposed new prison.</p> <p>23) Main Street in Foxton has a precarious single vehicle width bridge over the canal, likewise the same applies at the top lock canal bridge on the country lane heading towards Gumley.</p> <p>24) It is inevitable that Foxton village will be used as a 'cut through' from the A6, particularly at peak traffic times when the A6 roundabout near Langton is congested.</p> <p>25) We are aware that the local Parish Council have been unsuccessful in obtaining both double yellow lines, (around the canal bridge where traffic becomes single file), and a restricted 20 mph speed limit along Main Street in Foxton. Due to this decision any further increase in traffic will lead to serious disruption and significant risk of accident and/or injury at these pinch points.</p> <p>26) Where is the details of the traffic impact survey? The traffic is already very bad in Harborough. Is there a detailed impact assessment of this proposal?</p> <p>27) There is no access by footpath or cycleway to the site on a road that is frequently used by horse riders and cyclists.</p>
--	--

- 28) There is no "Routing Agreement" for both construction phase traffic and thereafter HGV service vehicles accessing the proposed prison. *(This point is addressed in Section 6c:14 of the report)*
- 29) All such traffic should be expressly prohibited from travelling through Foxton Village and access to and from the A6 Leicester/Harborough Road should be legally barred. *(This point is addressed in Section 6c:14 of the report)*
- 30) Cycle parking should be included on any reserved matters masterplan if outline planning is granted. *(This point is addressed in Section 6c:14 of the report)*
- 31) As the proposals will likely have a significant impact on the number of vehicles passing through these villages, monies should be secured to assist these efforts to reduce traffic speeds. *(This point is addressed in Section 6c:14 of the report)*
- 32) At a recent Showground event the traffic was queueing in all directions, along Foxton/Lubenham Rd, along Gallowfield Road and in Foxton, total gridlock. If there had been an incident at Gartree prison no emergency services could get there.
- 33) There are already too many accidents including fatalities on the main A6 & this would surely create more.
- 34) Recently, it was decided 2 bus routes covering 2 of the towns estates were going to be axed much to the disappointment of the town, so if public transport is unable to serve existing housing and residents, how will it be able to offer a service to the prison? *(This point is addressed in Section 6c:14 of the report)*
- 35) I would like a 106 agreement to repair and upgrade the road through Welland Avenue and pinch points and signage either end of Welland Avenue to try to minimise the non-residential traffic going through the estate. *(This point is addressed in Section 6c:14 of the report)*
- 36) The risk that many employees may be attracted from Corby which has more unemployed persons will increase pressure on this 'short cut' (through Great Bowden).
- 37) These images demonstrate the already dangerous traffic situation when children are being collected outside Foxton Primary School
- 38) I believe that the substantive response from Leicestershire County Council Highways is based on the submission of a flawed assessment by Atkins, leading to a conclusion that there are no mitigating measures necessary for the village of Foxton. However if the Atkins Transport Assessment cannot be relied on to be factually correct or adequate in content, the substantive response from LCC Highways should also be challenged as unsatisfactory and summarily rejected.
- 39) If you stand at Gartree and access google maps, you will see that routes to the north show two routes to drive north from the new prison site, of equal time. One of these equally timed routes is through Foxton, driving

Image taken Friday 11th Feb 2022 @ 15:31hrs



Image taken Friday 11th Feb 2022 @ 15:31hrs



	<p>up Main Street to get to the A6. It's safe to assume therefore that half of staff that need to travel north/south, as well as a proportion of visitors, will use that route. The applicant is pretending that this isn't the case. Proposals should not be approved based on false information.</p>
<p><b>Landscape and Visual Impact issues raised through representations</b></p> <p><i>(Addressed in Section 6c:4 of the report unless otherwise stated)</i></p>	<ol style="list-style-type: none"> <li>1) This application proposes to develop buildings of a type that will be very visible to many surrounding village residents. The site is in open countryside and is very elevated.</li> <li>2) The prison will be of an overbearing size and will dominate the surrounding landscape. The existing prison is clearly visible at all times from the A4304 as you approach Lubenham. This prison will be even more visible. It does not sit well in the agricultural landscape that has developed since WW2.</li> <li>3) I also object to more beautiful countryside being destroyed</li> <li>4) The proposed location for the new prison will have an adverse effect on the surrounding countryside and villages. Being in such an elevated position this proposal will be an eyesore, near and far, in this beautiful part of Leicestershire countryside which has already had the overbearing housing development at 'Airfield Farm' along with the Business Park.</li> <li>5) The prison will be a blot on the landscape, along with the added 'light pollution' due to all the street lamps required,</li> <li>6) The site is in a rural landscape. Trees will not mask the buildings which will be visible from miles around.</li> <li>7) Light pollution. The existing 'Aurora Gartree' from the existing prison lights is already a bone of contention locally. Reducing views of the night sky particularly from local settlements. This in despite of a local drive to reduce glare by replacing street lights with less intrusive models. A new prison cannot reasonably be expected to run without security lights.</li> <li>8) While the current prison site can hardly be described as attractive and inviting, I am concerned that the expansion plans will further detract from the beautiful countryside on the way to the Foxton Locks and will discourage visitors from coming.</li> <li>9) Will be a blight on a hill that we have to look at day and night</li> <li>10) The physical impact of the structure will be huge - being four storeys high it will be visible from miles around - especially as it will be lit up at night.</li> <li>11) Of course we need prisons, but we don't need to spoil a beautiful rural area, there are more suitable locations for building an eyesore.</li> <li>12) The Visual Impact would be overbearing. One prison is ugly enough, a second would be awful. The surrounding fields as they currently are often have grazing livestock in which is significantly nicer to look at.</li> <li>13) Landscape impact is to some degree inevitable in this location. The tree planting buffer illustrated on the landscape masterplan should be increased in width to cater for the impact on winter views. A variety of native trees should be encouraged. This should be a condition on planning.</li> <li>14) Absolute blot on the landscape.</li> <li>15) If the project gets the go ahead, I would like the visual impact and noise levels mitigated by tree planting.</li> <li>16) Finally, the light pollution created by this new prison will effectively decimate any natural habitats that currently exist and cause a glow across Harborough robbing the residents of the night sky. <i>(This point is addressed in Section 6c:14 of the report)</i></li> </ol>
<p><b>Noise issues raised through representations</b></p> <p><i>(Addressed in Section 6c:5 of the report unless otherwise stated)</i></p>	<ul style="list-style-type: none"> <li>• Noise of approx 2500 prisoners</li> <li>• If planning permission is granted from construction starting to once the prison is operational, the noise and disturbance, increase in traffic during construction, will have a massive impact on the residents of Gartree, specifically at weekends.</li> </ul>

<p><b>Flooding issues raised through representations</b></p> <p><i>(Addressed in Section 6c:6 of the report unless otherwise stated)</i></p>	<ol style="list-style-type: none"> <li>1) What is the life of this new prison with it's 83,000m<sup>2</sup> footprint? How will the hard surface runoff that drains into Lubenham increase flood risk over the life of the prison?</li> <li>2) Lubenham is a physical bottle neck on the upper Welland catchment and has flooded three times this year.</li> <li>3) Flood risk is increasing with climate change</li> <li>4) The swale design to slow the flow off the hard surfaces on the new prison must be designed for the future and life of the hard surfaces.</li> <li>5) Perhaps the developments should include innovative SUDs solutions such as rain garden raised flower and vegetable beds and other such methods, rather than the bare minimum that leave the community in Lubenham and those downstream to deal with the disastrous consequences.</li> <li>6) The EA say £1 spent reducing flood risk saves £5 downstream.</li> <li>7) Who will be liable for any inadequately designed surface water solutions?</li> <li>8) At present surface water from the Gartree Prison ditch/drain causes flooding of Foxton Road and Laughton Road also contributes to the flooding in Lubenham</li> <li>9) This project needs to ensure NO extra surface water is discharged into this water course, if the design could decrease discharge from the site would be an improvement.</li> <li>10) Any remedial or improvement works to the existing Foxton Water Recycling Centre will cause major disruption to village residents and the likely flooding caused by surface water drainage would have a long term detrimental impact on Foxton village</li> <li>11) There is a drainage ditch that runs through the proposed site, in very wet weather I have witnessed on several occasions this ditch overflow and partially block the path around the existing prison. In the plans submitted it appears that it is to be backfilled as at the time of a survey (summer) it was dry !</li> <li>12) The Anglian water report, it states "development will lead to an unacceptable risk of flooding downstream", beware Foxton and Lubenham</li> <li>13) We object to this development on one of the last remaining floodplains within the Welland Valley bowl</li> </ol>
<p><b>Air Quality issues raised through representations</b></p> <p><i>(Addressed in Section 6c:7 of the report unless otherwise stated)</i></p>	<ul style="list-style-type: none"> <li>• Exhaust fumes of approx 2500 prisoners <i>(This point is addressed in Section 6c:14 of the report)</i></li> </ul>
<p><b>Residential Amenity issues raised through representations</b></p> <p><i>(Addressed in Section 6c:8 of the report unless otherwise stated)</i></p>	<ol style="list-style-type: none"> <li>1) We bought a house in the countryside 14 years ago for the remoteness and views. I knew there was a prison to the side but could not see it. We are now about to be surrounded by concrete (at the end of our back garden) <i>(This point is addressed in Section 6c:14 of the report)</i></li> <li>2) A development of this scale will have a huge overbearing impact on our home and general life, due to the sheer size of the building and its surrounding area and the increased amount of traffic, visitors, staff and general noise created by all of this</li> <li>3) We purchased a house on the non-prison end of this street to enjoy the open countryside surrounding it and the peace and quiet if this was built almost all of that would be gone and we would feel like the walls were closing in on us <i>(This point is addressed in Section 6c:14 of the report)</i></li> <li>4) We will also suffer loss of privacy by looking at the plans as our side aspect 1st floor windows will be overlooked.</li> <li>5) The buildings would be overbearing on the homes of residents of Gartree.</li> <li>6) 4 storey buildings look into residents' gardens.</li> </ol>

	<p>7) The lights around the existing prison already light our house up at night. Increased light pollution is a concern of mine.</p> <p>8) Not many people would be happy or feel safe purchasing a house within such close proximity to this proposed development. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>9) I would like to object to the pure scale and size of the development, which can only have a detrimental effect on the daily lives of all Gartree residents. It will, in conjunction with the current prison completely ensnare the village between the two prisons.</p>
<p><b>Design issues raised through representations</b></p> <p><i>(Addressed in Section 6c:9 of the report unless otherwise stated)</i></p>	<p>1) The houses in Gartree are old, and a new prison would fail to blend in or complement the existing buildings.</p> <p>2) The current prison is of such a size as to be a reasonable part of the local environment. The proposed new prison is of an additional size that cannot do anything other than disrupt both the local environment and community</p> <p>3) Surely its best to redevelop the existing site to make it more aesthetically appealing.</p> <p>4) I also note that the design of the prison appears to be an off the shelf design more suited to an inner city project than the rural location in the plan.</p>
<p><b>Socio-Economic issues raised through representations</b></p> <p><i>(Addressed in Section 6c:10 of the report unless otherwise stated)</i></p>	<p>1) Whilst I know there is thought a new prison will create more jobs, I do not think more jobs will be exclusive to Harborough residents. People will travel in. Harborough has low level unemployed to my understanding so 700 new jobs could be better used elsewhere in the country.</p> <p>2) The local services and amenities are already stretched and again the prison and employees would put extra pressure on these</p> <p>3) Another problem I envisage is being able to get (and retain) enough staff to operate such a large prison, I am aware that Gartree 1 has a large staff shortage problem and wonder how Gartree 2 being nearly 3 times the size will fare with staffing. Another reason perhaps to build it in an area with a bigger population, Leicester for example.</p> <p>4) The new employees would need housing, where will they live? <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>5) The Socio - Economic Statement does not provide the evidence to support its claims and the values used in the calculations are actually supplied by the applicant themselves through the " Ministry of Justice's (MoJ) Economic Impact of a New Prison (Peter Brett Associates - 2013) report" <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>6) This new prison development is not being considered in the context of how already local facilities are not able to cope.</p> <p>7) This type of facility needs to built in the north of the UK to help with unemployment. Not in Market Harborough, which is a small historic market town with good levels of employment. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>8) Harborough district does not need or want this huge monstrous prison. We have low rates of unemployment and the argument that it will create jobs is null and void as we live in a wealthy area with very little unemployment.</p> <p>9) Is more staff housing going to provided this time? <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>10) I also object to the strain this proposed application will put on many local services and in particular St Luke's Hospital. The imposition of an extra 700+ vulnerable inmates plus staff on these facilities has not been included in local plans</p> <p>11) Unfortunately it is well known that the present prison has trouble in filling staff vacancies and retaining that staff. Many employees travel great distances from outside the area. There simply isn't the demand for these jobs in this area. In the spirit of levelling up this proposed prison should be located in a location where jobs are needed and any local community can benefit from any 'trickle down' economic benefits. With Magna Park and other employers locally the MOJ jobs argument is not strong enough.</p>

	<p>12) The detrimental effect on tourism including the nearby Foxton Locks. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>13) there will also be an increased burden on our local emergency services, in particular the ambulance service who already have to visit the prison on a regular basis and will with more inmates cause a strain on local service. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>14) Local employment opportunities are significantly overstated because Prison builder contractors have no obligation to source employees locally and will hire cheaper builders from outside areas <i>(This point is addressed in Section 6c:10 and Section 6d of the report)</i></p> <p>15) It will be a strain on the infrastructure of Market Harborough, such as A&amp;E services, the town struggles to cope at the moment with all the new houses being built in the area <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>16) The need for new prison spaces is recognised and the potential socio-economic benefits are acknowledged. Should the prison be approved, the LPA, should ensure the proposals are adequately conditioned to ensure that these benefits are maximised locally.</p> <p>17) It is requested that monies should be secured to bolster the NHS emergency services considering in all likelihood, the new prison facility would put additional strain on the NHS emergency services. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>18) Not knowing the proposed number of new prisoners, I assume that there may be a possibility of 2000+ security staff required, these people will require properties to be built – where? <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>19) There are already safety concerns at the current Gartree prison. Three people died at HMP Gartree during 2020. The rates of self harm were a staggering 792.5 self-harm incidents per 1,000 prisoners. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>20) During a previous inspection HM Chief Inspector of Prisons, Peter Clarke said “It was clear to us that staff shortages had played a substantial part in Gartree’s deterioration”. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>21) In 2018, more than 200 prison officers walked out on strike over conditions It is not appropriate to build a mega-prison that will require hundreds of staff when the existing prison is unable to meet staff needs. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>22) The prison will also impact the local housing register. More than 11,000 people are waiting for a council house in Leicester and Leicestershire. At the most newly built mega-prison in Wrexham, more than 100 prisoners left the prison homeless in 2020. In Leicestershire and Rutland, 2,688 people were estimated to be sleeping rough on a single night in autumn 2020, this is despite the increase in temporary provision during the pandemic. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>23) We must take in to account the amount of people who re-offend and also analyse why this is. Which acts are being constructed as "criminal behaviour" and why? Please consider the fact that these acts are committed due to poverty, trauma and mental health struggles. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>24) On ethical grounds, prisons are not effective at helping either the people who are held as prisoners or the communities that surround them. Prisoners released back into the community have experienced the trauma, hardship and violence of imprisonment, and often find it hard to adjust. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>25) For those living close by near a prison, the prison is likely to significantly damage the local community as local crime increases, and young adult men, in particular, are struggling with trauma and related mental health issues, while also trying to reconnect with their families and communities, and secure employment with a prison record counting against them. <i>(This point is addressed in Section 6c:14 of the report)</i></p>
--	---



	<p>26) Not only are prisons a huge waste of money that have been proven to not reduce recidivism, this money could be used to actually be reinvested into our community, housing, hospitals and schools. Building a prison here is NOT wanted. Stop this plan and all future plans to build prisons. They are torture and death traps that are inhumane. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>27) Government funding is already misused and is shown not to go towards community enrichment and basic human rights and needs. Under austerity, budget cuts, and rising debt, prisons are the last thing to be spending money on. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>28) Prison environments exacerbate mental health issues for incarcerated people, and suicide is rampant within prisons. Prisons have no place in a just, equal, and free society. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>29) If prisons are anything, they are "schools for crime" in which criminal identities are reinforced and new skills or tactics for lawbreaking developed.</p> <p>30) Building and maintaining prisons is a violent, classist and racist endeavour and it needs to be stopped. The first thing we can do is object to more prisons being built in our neighbourhoods. <i>(This point is addressed in Section 6c:14 of the report)</i></p>
<p><b>Footpath issues raised through representations</b></p> <p><i>(Addressed in Section 6c:11 of the report unless otherwise stated)</i></p>	<p>1) The proposed movement of the public footpath onto the main road by the prison is therefore even iller thought out as that road will become undoubtedly more busy. It is dangerous for horses, joggers and walkers as it is. This reroute needs further consideration on the impact on us the local people. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>2) Currently there are public footpaths that cross the land where the new development is planned.</p> <p>3) Will there be replacement footpaths instated in the locality? The proposed development removes the safe route to walk from Gartree to Lubenham. The other option would be to walk along Foxton Road where there is no footpath.</p> <p>4) A positive for the scheme is that there is a fairly direct walking route straight into Market Harborough that abuts the eastern side of the current prison. Efforts should be made to connect the new prison to this walking route and subject to the consultation of local rambling groups, the metalling of the PRoW may be appropriate to encourage pedestrians (visitors and employees) to walk from Harborough to the prison.</p> <p>5) The prison will also be immediately adjacent to the current public right of way footpath from Lubenham to Foxton which is heavily used. Whereas today this is a pleasant, open and picturesque walk it will in future be blighted by a huge perimeter fence immediately to one side.</p>
<p><b>Agricultural Land issues raised through representations</b></p> <p><i>(Addressed in Section 6c:12 of the report unless otherwise stated)</i></p>	<p>1) Loss of valuable agricultural land which will be needed to produce food</p>
<p><b>Land Contamination issues raised through representations</b></p> <p><i>(Addressed in Section 6c:13 of the report unless otherwise stated)</i></p>	<p>1) I do not believe it has fully assessed the human health risk to construction workers or future site users. Only 6 samples of topsoil has been tested across the site for generic contaminants - on a scheme this size that is inadequate.</p> <p>2) The site is located on the former airbase and a preliminary UXO risk review within the geo-environmental report is an inadequate assessment for a scheme of this size and close proximity to residential houses.</p>

<p><i>the report unless otherwise stated)</i></p>	
<p><b>Other issues raised through representations</b></p> <p><i>(Addressed in Section 6c:14 of the report unless otherwise stated)</i></p>	<ul style="list-style-type: none"> <li>• The boundary is adjacent to a high pressure gas pipeline. This could pose a danger to people and property. Any disturbance to the pipe could be the health and safety responsibility of Harborough District Council.</li> <li>• The planning application site is in very close proximity to a spine High Pressure Gas pipeline that supplies the Midlands. The pipe is approx 1 metre in diameter. When snow is lying on the area the path of the shallowly buried pipe can be seen as a melted track. This is due to the heat of the pressurised gas below. In the unlikely event of fracture to the pipe what would happen to the inmates? They could not be moved to 'place of safety' as the entire curtilage of the prison is too close. Who at HDC is prepared to sign off the safety of such a pipe in close proximity to a prison? Local authorities and Councils are supposed to have a contingency plan for such pipelines. Does HDC have one?</li> <li>• Harborough Council have a responsibility to ensure that the Health and Safety executive and the MOJ do not collude to dismiss potential dangers from the very close proximity of the pipeline. An impartial arbiter is surely required.</li> <li>• The local high pressure gas pipe is an extremely old one already struggling to cope - this too like so much of the local infrastructure would be pushed to the limit.</li> <li>• I feel that the site is far too close to resident's houses and gardens and as law abiding tax paying citizens why should we be forced to share our lives with yet more criminals.</li> <li>• There will soon be no where for dogs to be walked or children to play as Harborough is expanding with houses/industry and now potentially this.</li> <li>• Also, to say it won't affect house prices is a joke as I would never have brought my house if the countryside had been swallowed up with another prison, who would want to live surrounded by prisons</li> <li>• When and if the construction starts is also a huge concern. I have had the misfortune to live opposite a construction site in the past, and that was a 4 house build that was completed in 12 months.</li> <li>• There is rubbish around the current prison which is worse after visiting days. The bins are always overflowing - there is no point just giving lip service to how the new one will be better when the current one is so poor.</li> <li>• Prison Supply Directorate state "the MOJ is not aware of any evidence that a new prison adversely affects house prices" NOT AWARE? I am! If I could move my house away from the prison, say 0.5 of a mile into Foxton or 1 mile into Lubenham or 2 miles into Harborough I could add a minimum £100,000 to its value, another prison will de-value it further.</li> <li>• Harborough District Council state 'Anticipated reduction in value of your property' is not a material planning consideration. Our houses in any other location would have a greater value, this is solely due to living next to a prison. To live next to two prisons, would without a doubt have a negative impact on house value, this should be a matter of consideration.</li> <li>• The residents in the nearby villages would suffer from their house prices being devalued by being in such close proximity to such a large scale prison as the one proposed. This could be avoided if the proposed development was constructed in a more suitable location.</li> <li>• Prisons and their inmates attract drugs and drug dealers. This planning application when combined with the existing prison will provide an environment tempting to drug dealers. The MOJ have failed to stamp out drugs in the existing prison. They cannot make any believable guarantee to protect the proposed prison. As an illegal drugs focus this will inevitably spill over into nearby Market Harborough.</li> <li>• The Public consultation process by the MOJ was deficient.</li> <li>• The MOJ do not make good neighbours. Previous enquiries to the prison authorities in past years have met with silence. Attempts to make enquiries</li> </ul>

	<p>using the Freedom of Information Act were blocked under the guise of 'security'.</p> <ul style="list-style-type: none"> <li>• How will/can HLP.IN3 Electronic connectivity be met?</li> <li>• Burden on the utilities including power and drainage.</li> <li>• Land used for recreation, sporting events, markets etc would be lost for ever by proceeding with this development</li> <li>• HDC must reject this and start to stand up for the people it works for. This must be rejected and another more suitable brownfield site in an area with higher unemployment rates chosen.</li> <li>• the new prison should be located elsewhere in the country not next door to an existing one. Spread the prisons out do not put them altogether.</li> <li>• Market Harborough will be known for being a prison town and its appalling that such a development should even be allowed to be considered. Angry doesn't come close.</li> <li>• We don't want anymore development here, enough is enough! If this gets passed questions should be raised at the highest level of government.</li> <li>• Stop right now thank you very much we need somebody with a human touch.</li> <li>• the negatives of this project far outweigh the benefits and therefore this project should not move forward and a more suitable location should be found.</li> <li>• Clearly the provision of a 'mega prison' development on the doorstep of one of Leicestershire's major tourist attractions is quite obviously at odds with one another. It is unclear from the documents submitted in relation to this application whether the Canal and River Trust have even been consulted?</li> <li>• Those who support the current prison in the town, Chaplains and volunteers are in extremely short supply. People from the Churches in town who support the prisoners by buying Christmas presents for their children, could in no way help another very large group of prisoners.</li> <li>• How much work will be required to provide the services of water, sewage, electricity, gas, etc? Not to say the disturbance to roads while these are added. The prospect of further annoyance of road closures which have already affected the town over these last years is just not helpful to the health of the current residents.</li> <li>• Enough is enough! Please do the decent thing this time, Phil King and LISTEN to your constituents for a change!!</li> <li>• Not very green as per the MOJ and their consultants "green" rhetoric.</li> <li>• There is nothing in the proposal to suggest that the local residents have really been properly considered.</li> <li>• Who in their right mind thinks it's a clever idea to construct what will possibly be one of the largest prisons in Europe, alongside inadequate country roads, and right next door to a valuable historic tourist attraction?</li> <li>• There has been insufficient consultation with neighbouring villages</li> <li>• There are new prisons in neighbouring towns providing significant new prison capacity</li> <li>• The MOJ spent hours consulting with residents and don't appear to have taken any of our concerns into account before submitting the planning application</li> <li>• The impact of this huge building development cannot be underestimated, taken as a whole the proposed new 'Mega' prison when combined with the existing Gartree Prison will hold one of the highest populations of prisoners anywhere in Europe.</li> <li>• Why have Harborough District Council only sent planning notification letters out to 102 homes...???</li> <li>• It has definitely felt like a David and Goliath battle as residents of Gartree for the past 35 years we have not been consulted of these massive builds</li> <li>• I am including my letter of 24 August, 2021 to Neil O'Brien which was also sent to Mr King and Mr Bremner of HDC.</li> </ul> <p>My request was that HDC and our Member of Parliament would work on behalf of local residents to ensure a balanced outcome. There is no evidence</p>
--	---

	<p>that I have seen to date that a balanced outcome is probable, or even possible. The proposed plan is out of all proportion and its detail continues to be poorly understood amongst local residents. Before a project of this scale is considered for approval it is reasonable to expect, for example, that the transport and traffic modelling assumptions and the environmental impact would be shared with those who will be impacted.</p> <ul style="list-style-type: none"> <li>• I would also like to raise a security concern. Only a few months ago before Christmas) the area was police cordoned off due the concern of an escaped prisoner. My children were at nursery at Kiddi Karu, on the McDonalds/M&amp;S roundabout. This entire strip was closed and we were asked to collect our children.</li> <li>• The people of Gartree also own the road as defined in their deeds, how will they be compensated for the take over.</li> <li>• I would like to be reassured that this proposed development isn't, as has been suggested, 'a done deal' and that these objections will be taken seriously.</li> <li>• Light pollution will ruin visibility to the south of Foxton making astronomy all but impossible (currently bortell 4)</li> <li>• If there was a need for prison accommodation why did the prison authorities decide to shut Ashwell recently which is not very far away.</li> <li>• If the proposed plan goes ahead it will create a prison approaching the scale of a USA prison plonking into a rural community.</li> <li>• Why can't you build prisons out of the way , where it does not affect hard working people, somewhere like where Amazon Depo are built</li> <li>• The severity of this planning would lead me to seriously, personally consider moving away from the area if permission is granted</li> <li>• I feel that it would be completely wrong to build a new prison at Gartree in addition to enlarging the existing one</li> <li>• I did not object to the housing development that is currently underway as people need homes, and I'm not a 'not on my doorstep' kind of person. I have no objection to a reasonable extension to the existing prison as I feel we should all share the responsibility of necessary development, be it housing, sustainable energy, roads or prisons, however I feel the sheer scale of this development is unreasonable.</li> <li>• Gartree is also locate next to the south Leicestershire showground which facilitates country shows outdoor cinemas and many other community events throughout the year.</li> <li>• Rendering car parking in the town insufficient</li> <li>• This proposal, together with the proposal to increase the capacity of the existing prison 900 inmates, would result in the largest HMP in the country with over 2,500 inmates.</li> <li>• Increasing the size of the prison will increase risk. During my time working there attacks on staff within the prison and abuse from visitors has increased 10 fold. The families living nearby on Welland Ave do not need the worry about this behaviour.</li> <li>• Although a new school is scheduled to be built on the Wellington Place development (which would be the obvious choice for local prison officers) it could easily and quickly become over-subscribed taking into account the size of the Wellington Place development</li> <li>• Bearing in mind that 1,800 new houses are being built at Airfield Farm, plus it is proposed to build a further 1,100 houses at Wellington Business Park, and with the addition of a 'Super Prison' there must be a possibility that new roads will be built, which will undoubtedly change the rural character of the district.</li> <li>• I have been surprised how quiet this has been kept and how many people in Market Harborough are not aware of these plans and react with disbelief when they understand the true size of the development. Surely it is only fair that this be given more publicity and local consent before it goes ahead?</li> <li>• The exceedingly high number of Covid cases suffered within the prison is a fact and has been widely reported. As a result, the reports of the number of</li> </ul>
--	---

	<p>positive cases of Covid for the Harborough area were vastly increased. Market Harborough area was forced into an enhanced lockdown procedure (Tier 4 - the severest level) as a result. The law-abiding population of Market Harborough and District were penalised in their freedoms by being severely restricted in their movements. The economy of Harborough District suffered. The proposed new prison will have a prisoner population three times larger than the present one at Gartree. Should there be another pandemic or epidemic, the general public of Harborough District, and local businesses will once again suffer.</p>
--	--

**Figure 13: Issues raised in Objection through consultation with local residents**

4.4 In addition to the objections summarised above, a further 2 neutral letters (1 from Gartree, 1 from Great Glen) of comment have been received, raising the following issues:

- 1) Could you not build housing blocks near Welland Avenue this blocks out my light and my privacy.
- 2) The housing blocks could be located towards the back further away from the houses and gardens. If these are built anyway could they be lower for the same reasons.
- 3) Could all windows be the kind that can't be opened due to noise from stereos.
- 4) If cell windows are not facing the gardens could You ensure landing windows don't or are obscured to.
- 5) If possible could large fencing be put near the gardens of Welland Avenue to prevent criminals using them for throwovers disturbing us etc
- 6) Could bollards be put in so no one can use the private road causing traffic and parking issues and when the jail is open.
- 7) My comments are intended as mitigation measures to lessen the visual impact on the surrounding area and the concerns with regard to traffic.
- 8) Why cannot a wood be proposed around both sites given that these are max security prisons. This would at least remove some of the environmental objections to the proposal. Be BOLD and insist upon this!
- 9) Secondly insist that public transport to the site from the station and bus station be improved. This not only allows for visitors but for staff too and removes the threat of car usage escalating.
- 10) The economic benefits are great but please make sure these do not consume other benefits.

4.5 In addition to the objections summarised above, 1 further letter of support has been received (from Kibworth Beauchamp), raising the following issues:

- 1) We need modern prisons to solve the overcrowding crisis and support the MoJ to tackle crime and reduce offending.
- 2) The location is sensible adjacent to the current prison. I would want to see a significant planting scheme to replace any flora removed during construction, including habitats to protect and encourage threatened species and pollinators.

## **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 2019
  - Made Neighbourhood Plans.
- 5.4 Material considerations include any consideration relevant in the circumstances which has a bearing on the use or development of land. The other material considerations to be taken into account in considering the merits of these applications include the National Planning Policy Framework and the National Planning Policy Guidance, together with responses from consultees and representations received from all other interested parties in relation to material planning matters.
- *Harborough Local Plan*
- 5.5 The Local Plan<sup>10</sup> (hereafter referred to as the 'HLP') was adopted on April 30<sup>th</sup> 2019 and covers the period from 2011 to 2031. The Local Plan identifies 14 objectives as being central to the delivery of the vision for the District and are the guiding principles for the policies set out in the Local Plan. The 14 objectives set out below are intended to address the strategic priorities, deliver the Local Plan Vision and deal with the key issues. Of the 14 objectives, the majority are relevant to the consideration of this application to varying extents
- Objective 1. Housing:** Meet the housing requirements of the District in full by providing a range of market and affordable housing types, tenures and sizes in appropriate and sustainable locations to meet local needs. Recognise the specific accommodation requirements of the young and the elderly populations, including starter homes to help first time buyers, shared ownership and rented housing to help those who cannot afford to buy, and specialist housing such as sheltered and extra care accommodation.
- Objective 2. Employment:** Promote sustainable economic growth by facilitating the sustainable growth of businesses, fostering new local enterprise and helping to create more jobs that meet local employment needs. Contribute to reducing the need for out commuting and thereby help to increase the sustainability and self-containment of communities, while encouraging the development of a vibrant, diverse and sustainable business community.
- Objective 3. Location of development:** Locate new development in sustainable locations that respect the environmental capacity of the local area. Encourage the appropriate and efficient re-use of previously developed land and buildings where such re-use achieves the objectives of sustainable development.
- Objective 4. Infrastructure:** Support local communities and maintain a high quality of life by ensuring that new development delivers the necessary infrastructure including that relating to health, education, security, culture, transport, open space, recreation, water supply and treatment, power, waste and telecommunications (incorporating high speed broadband connectivity).
- Objective 5. Protection of local services:** Protect, enhance and, where appropriate, secure the provision of additional accessible community services and local facilities, supporting innovation in their delivery across the District.
- Objective 6. Natural environment:** Protect, maintain, restore and enhance the quality, diversity, character, local distinctiveness, biodiversity and geodiversity of the natural environment, creating links between wildlife sites ensuring that open countryside is protected against insensitive and sporadic development, the characteristics of the local landscape are respected and the unnecessary loss or sterilisation of natural resources is prevented.

---

<sup>10</sup> [Adopted Local Plan | Harborough Local Plan 2011-2031 | Harborough District Council](https://www.harborough.gov.uk/local-plan)  
(<https://www.harborough.gov.uk/local-plan> )

**Objective 7. Historic environment:** Protect and enhance the character, distinctiveness and historic significance of settlements and their wider landscape and townscape settings, thereby recognising the important contribution that heritage assets and their settings make to securing a high quality public realm and supporting tourism and the economy.

**Objective 8. Town/village centres:** Support and enhance the vitality and viability of market town and larger village centres as places for shopping, leisure, cultural, commercial and community activities, thereby recognising and embracing their valued role as the hearts of their communities. This will be achieved by encouraging retail, leisure and commercial development in appropriate locations and at appropriate scales.

**Objective 9. Design:** Ensure that new development is of high quality and sustainable design which reflects local character and distinctiveness, provides attractive, healthy and safe environments, respects residential amenity and promotes sustainable behaviours including renewable energy technologies, and waste reduction.

**Objective 10. Transport:** Provide greater opportunities to reduce car use, thereby reducing the impacts of road traffic on local communities, the environment and air quality, by locating development where there is good access to jobs, services and facilities, and by supporting improvements in public transport, walking and cycling networks and facilities.

**Objective 11. Flood risk:** Locate new development in areas which will not put life or property at risk of flooding and build associated resilience by requiring the use of appropriate sustainable drainage systems in new developments and allowing for the provision of infrastructure associated with minimising flood risk, including in relation to future risk from climate change.

**Objective 12. Environmental impact:** Minimise the environmental impact of development and its vulnerability to the impacts of climate change, by reducing pollution and waste as much as possible, maximising water and energy efficiency, and promoting the use of low carbon, renewable energy, and other alternative technologies, with sustainable construction methods.

**Objective 13. Tourism and Culture:** Promote the sustainable growth of tourism, cultural activities and access to the countryside for the benefit of both residents and visitors. Enable the interpretation of the cultural assets of the District in order to enrich people's experiences.

**Objective 14: Neighbourhood Planning:** Encourage and support communities to make decisions at the local level through the preparation of neighbourhood plans and facilitate this process by setting out a clear strategic framework.

- 5.6 Policy SS1 sets out the spatial strategy for Harborough which includes managing planned growth to direct development to appropriate locations, in accordance with the settlement hierarchy; identifying sites to meet future economic development needs; consolidating Market Harborough's role as a focus for development within the District, subject to traffic and environmental constraints, while promoting its historic function as a market town and safeguarding its compact and attractive character; and strictly controlling development in the countryside.

- 5.7 Local Plan Policies GD1 to GD9 are general development policies.

- GD1 reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).
- GD2 sets out where in addition to sites allocated by the Local Plan and neighbourhood plans, development will be permitted within and adjoining the existing or committed built up area of Market Harborough, Key Centres, the Leicester Principal Urban Area (PUA), Rural Centres and Selected Rural Villages.

- GD3 addresses development in the countryside setting criteria whereby development in the countryside is acceptable
- GD5 states that development should be located and designed in such a way that it is sensitive to its landscape setting and landscape character.
- GD8 Good design in development sets out that Development will be permitted where it achieves a high standard of design, including meeting criteria set out.
- GD9 sets out Minerals Safeguarding Areas

5.8 Local Plan Policies BE1 – BE5 relates to Business and Employment.

1. BE1 states locations that in addition to the delivery of existing commitments, a minimum of 59 hectares for office B1(a) and (b), industrial B1(c) and B2, and storage and distribution B8 will be provided and where rural economic development will be permitted.

5.9 Local Plan Policies HC1 – HC3 relates to Heritage and community assets.

- HC1 sets out that Development affecting heritage assets and their settings will a. be appraised in accordance with national policy; and be permitted where it protects, conserves or enhances the significance, character, appearance and setting of the asset, including where possible better revealing the significance of the asset and enabling its interpretation. It includes that where proposed development would lead to less than substantial harm to the significance of a designated heritage asset and/or its setting, this harm will be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In addition, it includes that development within or affecting a Conservation Area will be permitted where it preserves or enhances the character or appearance of the Conservation Area, including local design and materials
- HC2 sets where development will be permitted at existing community facilities; for new facilities and which would result in the loss of existing community facilities.

5.10 Local Plan Policies GI1 – GI5 sets out Green infrastructure policy. GI1 provides for Green infrastructure networks.

5. GI1 provides for Green infrastructure networks.
  - GI2 sets out the District's open space, sport and recreation facilities and any future additional facilities provided as part of new development will be safeguarded and enhanced through improvements to their quality and use.
  - GI5 Biodiversity and geodiversity includes for nationally and locally designated biodiversity sites to be safeguarded.

5.11 Local Plan Policies CC1 – CC4 relate to climate change.

- CC1 relates to Major development and Strategic Development Areas.
- CC2 relates to renewable energy generation
- CC3 manages flood risk
- CC4 provides for major development sustainable drainage.

5.12 Local Plan Policies IN1 – IN4 relate to Infrastructure.

- IN1 includes that 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.
- IN2 provides for sustainable transport.
- IN3 Electronic connectivity includes that major development will only be permitted where adequate broadband infrastructure is to be made available to all residents and/or users of the development, and should incorporate a



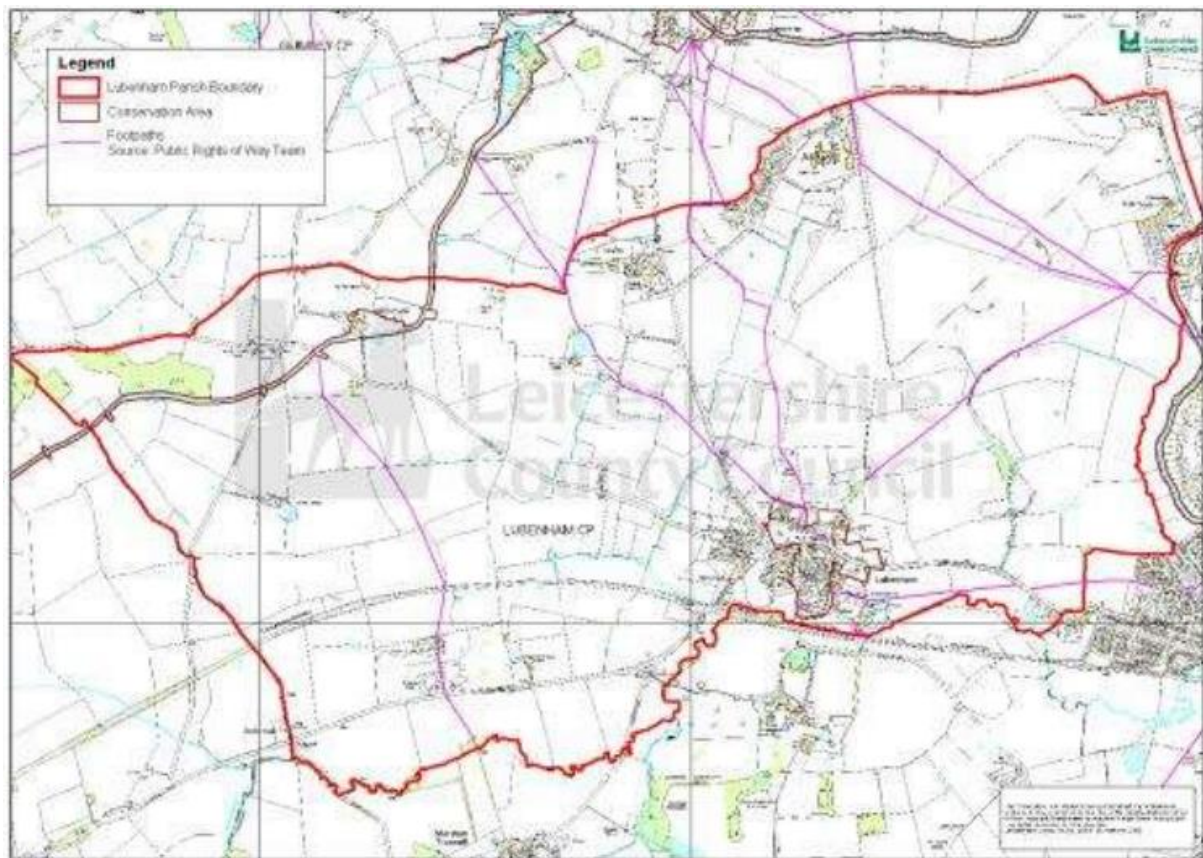
bespoke duct network, designed and implemented in cooperation with a recognised network provider, and where viable, a fibre to the premises (FTTP) solution.

- IN4 states water resources will be protected and water services provided and what development will be permitted in respect of this.

- *Neighbourhood Plans*

5.13 Made Neighbourhood Plans are part of the Development Plan (see above). The District currently has 22 'made' Neighbourhood Plans (January 2020). The Lubenham Neighbourhood Plan (LNP) (2016 – 2031) and (to a lesser extent) Foxton Neighbourhood Plan (FNP) (2016 – 2031) are the relevant Plans in this instance.

5.14 The Lubenham Neighbourhood Plan<sup>11</sup> area (see **Figure 14**) corresponds to the Parish Boundary and includes all parts of the Parish, including Gartree. Lubenham was designated as a Neighbourhood Area in July 2012. The Plan was prepared by Lubenham Parish Council and was “made” in May 2017.



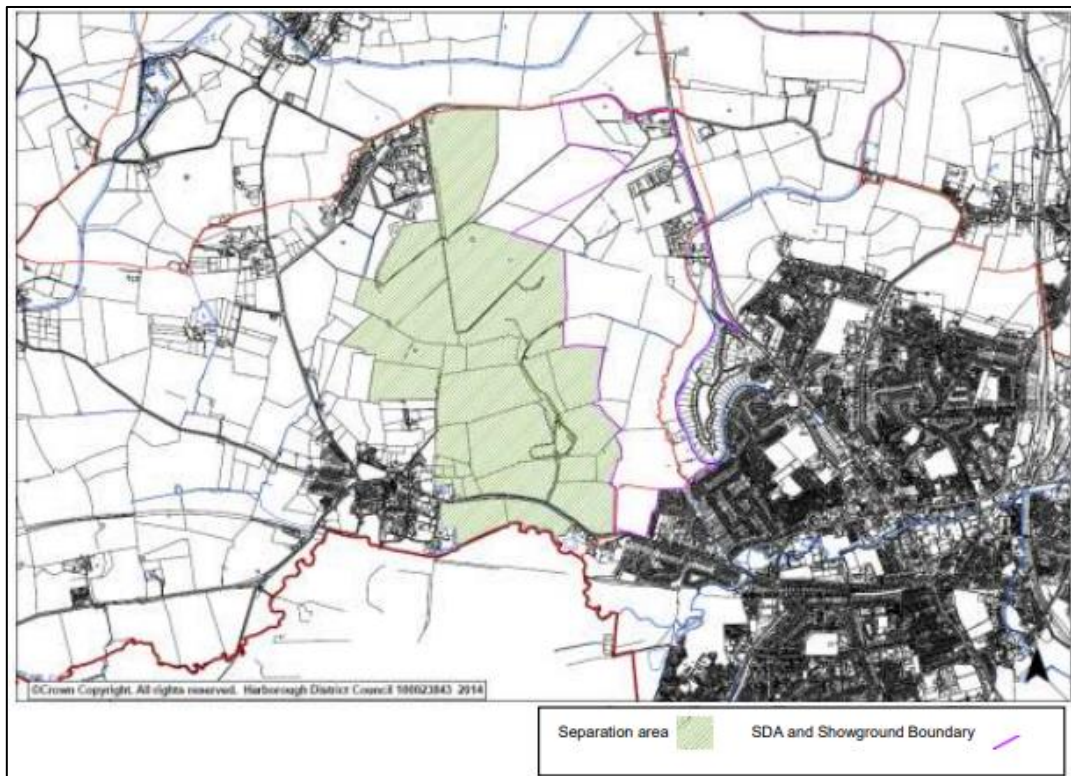
**Figure 14 – Lubenham Neighbourhood Plan area**

5.15 The LNP was prepared in accordance with the development plan at the time, The Harbrough Core Strategy, and was developed to cover a slightly longer period than this plan i.e. up to 2031. Harbrough District Council has subsequently prepared and adopted a new Local Plan, the Harbrough District Local Plan, which was adopted in April 2019 and covers the plan period up until 2031.

<sup>11</sup> [Neighbourhood Planning - Lubenham Neighbourhood Plan | Harborough District Council](https://www.harborough.gov.uk/directory_record/2250/lubenham_neighbourhood_plan)  
([https://www.harborough.gov.uk/directory\\_record/2250/lubenham\\_neighbourhood\\_plan](https://www.harborough.gov.uk/directory_record/2250/lubenham_neighbourhood_plan))

- 5.16 Below are the objectives that have provided the framework for the preparation of the Neighbourhood Plan. They are derived from the Group's vision:
- a. Protect and retain the rural character, community spirit, culture and heritage of the Parish and keep it separate from Market Harborough.
  - b. Protect Lubenham open spaces, natural environment biodiversity and access to the countryside.
  - c. Minimise the impact on the Parish of negative influences including high volumes of traffic, speeding traffic, parking, flooding and over development.
  - d. Maintain existing and where possible enhance local facilities, infrastructure and services especially access to these from outlying parts of the settlement.
  - e. Ensure that development retains a mix of housing and employment opportunities to suit the needs of a range of people by age, gender, ethnicity, disability, religion and sexual orientation and that all development is of the highest standards.
- 5.17 Policy LNP01 relates to the Area of Separation between Market Harborough and Lubenham and Market Harborough and Gartree. The plan states that it is important that Market Harborough and Lubenham and Market Harborough and Gartree remain distinct and separate in order to maintain the rural setting and identity of each settlement and so a separation area between the settlements and major development on the west side of Market Harborough (the Strategic Development Area) should be maintained. Policy LNP01 states:
- "The open character of the Lubenham & Gartree Area of Separation, as defined on Map 2 (see **Figure 15**), shall be maintained, to preserve a visual separation from the settlement of Market Harborough and retain the distinctive character and separate identities of Lubenham and Gartree. Development within this area will be permitted if (a) it would not diminish the physical or visual separation between built up areas associated with these settlements; and (b) it would not compromise, either alone or in conjunction with other existing or proposed development, the effectiveness of the Area of Separation in protecting the identity and distinctiveness of these settlements. Any development proposal within the Area of Separation must be accompanied by an analysis and proposals for mitigation of likely impact on settlement setting and the objective of visual separation, giving specific attention to use of location, design and landscaping appropriate to the character of the area."*
- 5.18 LNP Policy 19 relates specifically to Gartree. The Plan states that Gartree Estate is surrounded by land and buildings owned by the Ministry of Justice. The houses and roads were sold by the Home Office and are unadopted, and since then there has been little maintenance of roads, pavements and streetlights. Some Ministry buildings are currently unused and some have fallen into disrepair. There are no community buildings or shared areas although the prison service does allow some informal use of open areas. There are however many opportunities for people to enjoy the countryside from Gartree both on foot and on horseback and this is a much appreciated attraction to living there. Policy LNP19 sets out that:
- Limited and small-scale employment/business development may be supported on environmentally acceptable sites in Gartree only if the resultant effect will involve:*
- a. *conversion and re-use of appropriately located and structurally robust existing buildings;*
  - b. *no adverse impact upon the living conditions of nearby residents from nuisance or disturbance caused by odour, noise, vibration or traffic movement;*
  - c. *retention of rural/community services/facilities, land based businesses or positive farm diversification without harm to their viability and vitality;*

- d. *provision/enhancement of links to community facilities/services through the improvement of roads and pathways in and around the settlement at a level proportionate to the anticipated impact development proposed.*



**Figure 15: Map 2 from Lubenham Neighbourhood Plan – Lubenham Area of Separation**

5.19 LNP Policies LNP09 – LNP13 relate to Traffic:

- LNP12 states that all largescale developments shall be required to provide a Travel Plan
- LNP13 states that the Plan encourages the installation of EV charging points

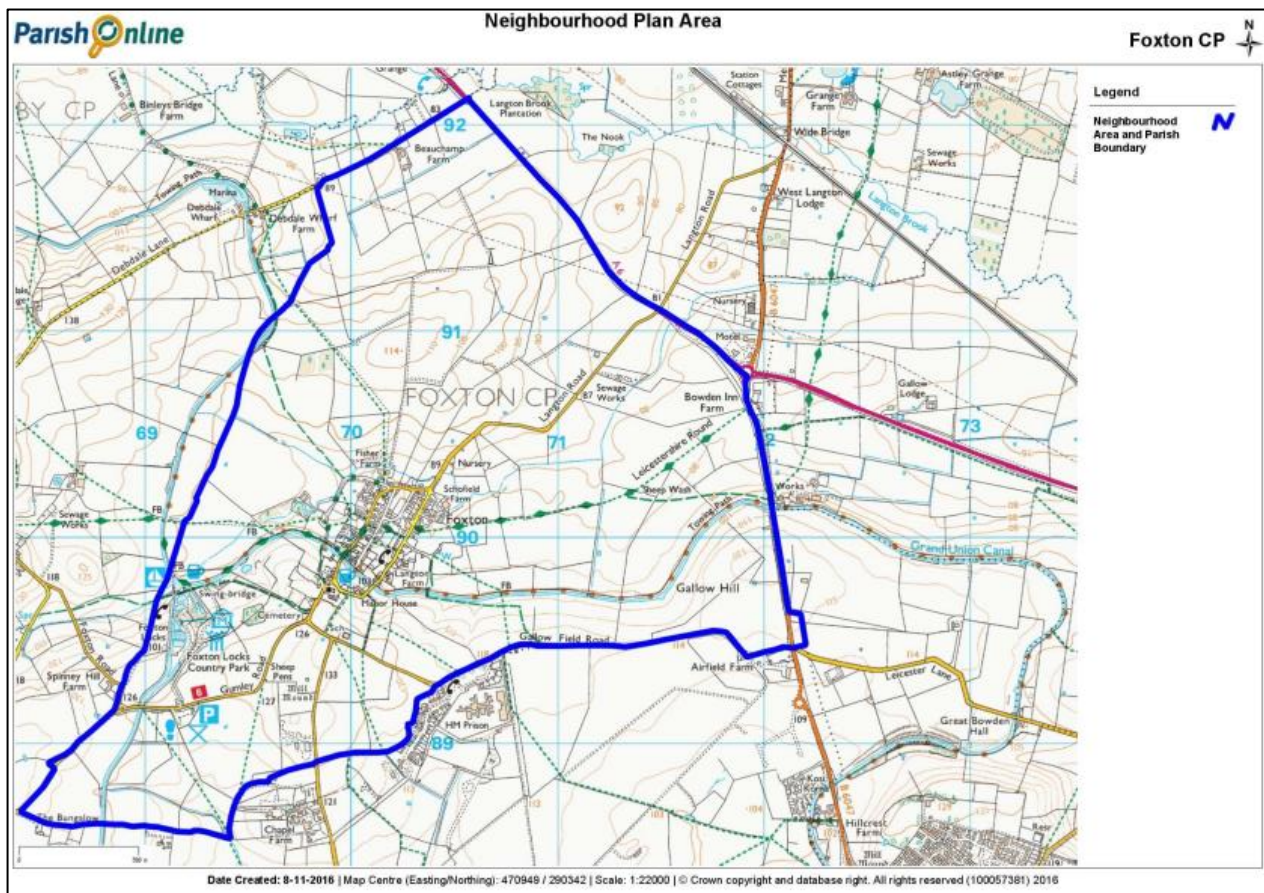
5.20 LNP Policy LNP15 states that new residential and business development should look to explore opportunities to provide for and/or enhance access to and views of the open countryside. LNP 16 provides criteria of suitable business / employment development within the Plan area stating that proposals for new business/employment development should:

- a) *be of a scale, density and design appropriate to its setting such that it would not cause damage to the qualities, character and amenity of the area and its residents;*
- b) *include the provision of adequate vehicle and cycle parking, turning and manoeuvring space;*
- c) *incorporate safe and inclusive design and access suitable for all;*
- d) *include/encourage links to existing walking and cycling networks;*
- e) *on larger developments include a framework sustainable travel plan, and;*
- f) *on larger developments explore opportunities for inclusion of electric vehicle charging points*

5.21 The Foxton Neighbourhood Plan area (see **Figure 16**) comprises the parish of Foxton which is situated to the north-west of Market Harborough. The Plan area extends south of Foxton to the north fringe of Gartree (and the application site), however, the application site sits wholly outside of the Plan area. The parish amounts to 663 hectares. Foxton was designated as a Neighbourhood Area on 29 October 2012. The



Plan was prepared by Foxton Parish Council, with the first being made by Harborough District Council on 27<sup>th</sup> January 2017 following a successful local referendum.



**Figure 16 – Foxton Neighbourhood Plan area**

5.22 The FNP was prepared in accordance with the development plan at the time, The Harborough Core Strategy, and was developed to cover a slightly longer period than this plan i.e. up to 2031. Harborough District Council has subsequently prepared and adopted a new Local Plan, the Harborough District Local Plan, which was adopted in April 2019 and covers the plan period up until 2031. The Parish Council subsequently decided to review the Plan to take account of the latest Framework, the new Harborough Local Plan, planning decisions in the area and the latest views of residents on new development. The new Neighbourhood Plan<sup>12</sup> was made by HDC on the 1<sup>st</sup> November 2021

5.23 Below are the objectives that have provided the framework for the preparation of the Neighbourhood Plan. They are derived from the Group's vision:

- To conserve Foxton's character, history and local surroundings
- To protect the intrinsic character and beauty of Foxton's countryside
- To conserve and enhance Foxton's natural environment
- To conserve heritage assets
- To secure high quality design in new development
- To retain community facilities and services
- To make the fullest possible use of public transport, walking and cycling, and reduce the impact of vehicular traffic on resident's quality of life

<sup>12</sup> [Neighbourhood Planning - Foxton Neighbourhood Plan Review 2021 | Harborough District Council](https://www.harborough.gov.uk/directory_record/4131/foxton_neighbourhood_plan_review_2021)  
([https://www.harborough.gov.uk/directory\\_record/4131/foxton\\_neighbourhood\\_plan\\_review\\_2021](https://www.harborough.gov.uk/directory_record/4131/foxton_neighbourhood_plan_review_2021))

- To support sustainable tourism within the parish

5.24 FNP Policy F3 deals with the tranquillity of the area:

*Development proposals must consider and address their potential impact on local tranquillity; accordingly the following will not be supported:*

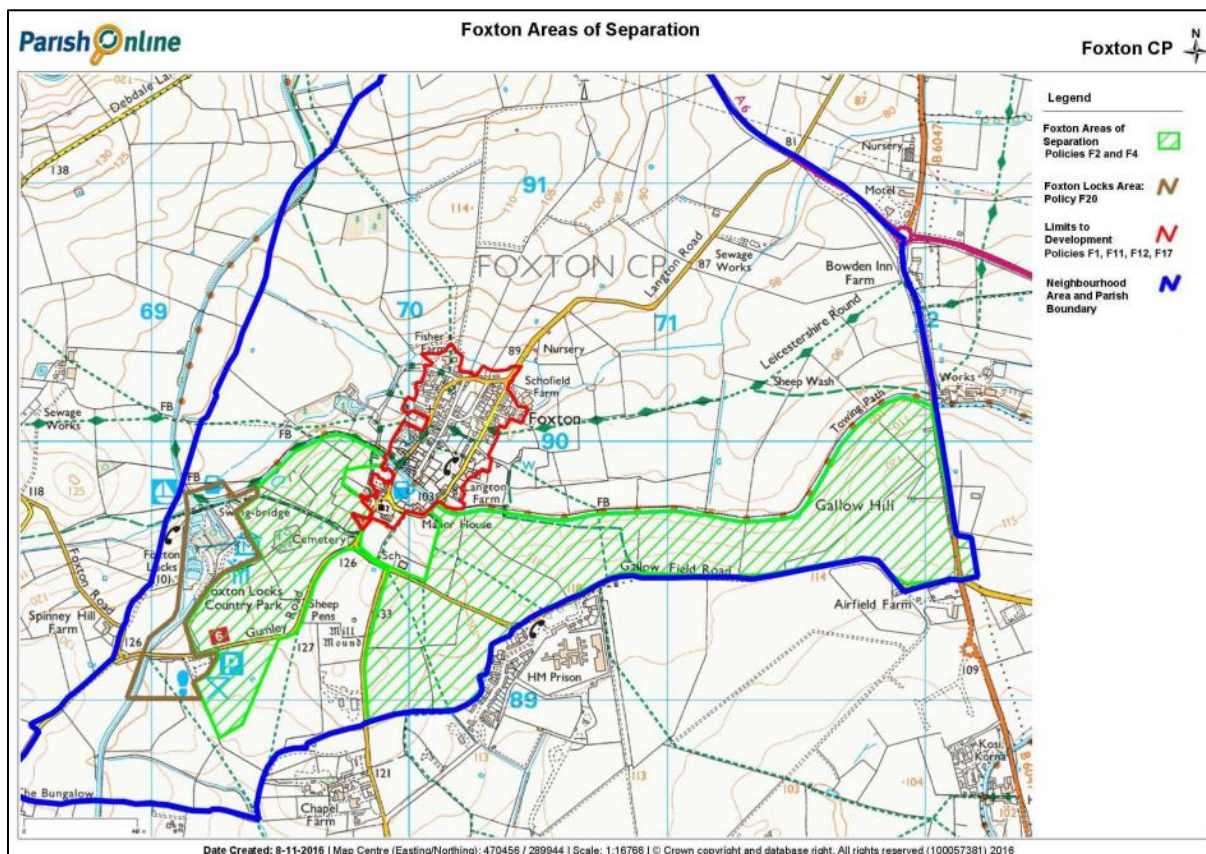
A. *Industrial, commercial, leisure, recreation and sporting proposals that introduce sources of noise, particularly night-time noise, above the ambient level; and*

B. *Developments requiring floodlights, security lights and streetlights.*

*Planning conditions will be applied to ensure appropriate control.*

5.25 FNP Policy F4 relates to the Area of Separation:

- The open character of the two Foxton Areas of Separation, as defined on the adjacent map and the Policies Map (see **Figure 17**), will be retained. The construction of new buildings, caravan and lodge sites will not be supported unless they preserve the openness of these Areas and do not conflict with the objective of separation.



**Figure 17: Foxton Area of Separation**

5.26 Policy F5: Ecology and Biodiversity states that *Development should not harm the network of local ecological features and habitats which include:*

1. *Grand Union Canal*
2. *Side ponds at Foxton Locks*
3. *Softwell Lane nature reserve*

*New development will be expected to maintain and enhance existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines) for biodiversity thus demonstrating overall net-gain*



- 5.27 FNP Policy F6 covers the Grand Union Canal. It states that the Grand Union Canal is recognised as a heritage asset, a key strategic Green Infrastructure and wildlife corridor, and a recreation and tourism resource that can be enjoyed for its contribution to the quality of life of this and future generations. It is a key feature that contributes to the character of Foxton and the location and design of new development must have appropriate regard for the significance of this asset and its setting.

**b) Statutory Duties and Material Planning Considerations**

- *Planning (Listed Buildings and Conservation Areas) Act 1990*<sup>13</sup>
- 5.28 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).
- *Public Sector Equality Duty*<sup>14</sup>
- 5.29 Section 149 of the Public Sector Equality Act 2010, introduced a public sector equality duty that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- *The National Planning Policy Framework*<sup>15</sup>
- 5.30 The National Planning Policy Framework (hereafter referred to as ‘The Framework’) was most recently published in July 2021. What are considered to be the relevant sections are set out below in the order they appear in the document
- 5.31 The overarching policy objective of the Framework is the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: economic, social and environmental (paragraph 8). These are mutually dependent and in order to achieve sustainable development economic, environmental and social gains should be sought jointly and simultaneously through the planning system (paragraph 10). The presumption in favour of sustainable development is at the heart of the Framework.
- 5.32 The Framework indicates that where development accords with an up to date DP it should be approved without delay (paragraph 11). The weight to be accorded to development plans depends on whether they are up to date. The ability of the Local Planning Authority to demonstrate a 5 year housing land supply is relevant to this issue and this is discussed in more detail below.

---

<sup>13</sup> [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1990/9/contents)  
(<https://www.legislation.gov.uk/ukpga/1990/9/contents> )

<sup>14</sup> [Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/equality-act-2010-guidance)  
(<https://www.gov.uk/guidance/equality-act-2010-guidance> )

<sup>15</sup> [National Planning Policy Framework \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)  
([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf) )

- 5.33 Paragraph 11 of the Framework states Plans and decisions should apply a presumption in favour of sustainable development. For **decision-taking** this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 5.34 The Framework advises LPAs to approach decision-taking in a positive way to foster the delivery of sustainable development (paragraph 38) and seek to approve applications for sustainable development where possible
- 5.35 Paragraph 47 reiterates Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which requires all applications to be determined in accordance with the DP unless there are material considerations which indicate otherwise and advises the Framework is a material consideration in planning decisions.
- 5.36 Paragraph 56 advises planning conditions should be kept to a minimum and imposed only where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects
- 5.37 In respect of planning obligations, the Framework (57) advises that these should only be used where it is not possible to address unacceptable impacts through a planning condition. They should, in addition, meet all of the following tests, which mirror those in the Community Infrastructure Levy Regulations 2010:
- 1. necessary to make the development acceptable in planning terms;
  - 2. directly related to the development; and
  - 3. fairly and reasonably related in scale and kind to the development.
- 5.38 Paragraph 58 makes reference to viability and states:
- 'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'*
- 5.39 Paragraph 85 realises that local business development in rural areas may have to be in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

- 5.40 Paragraph 92b states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas;
- 5.41 Paragraph 96 states that to ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies
- 5.42 Paragraph 97 states that planning policies and decisions should promote public safety and take into account wider security and defence requirements by: b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area
- 5.43 Paragraph 100 seeks to protect and enhance existing public rights of way and access, whilst Paragraph 101 recognises the importance of local Green Space to local communities.
- 5.44 Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
- 5.45 Paragraph 112 states that developments should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport. Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a Travel Plan.
- 5.46 Paragraph 126 states good design is a key aspect of sustainable development creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.
- 5.47 Paragraph 130 advises that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.48 Paragraph 132 states applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 5.49 Paragraph 152 to support the move to a low carbon future, new development should comply with adopted local plan policies on the requirements for decentralised energy supply and seek to minimise energy consumption.
- 5.50 Paragraph 167 advises that in determining planning applications consideration should be given to ensuring flood risk is not increased elsewhere.



- 5.51 Paragraph 174 address the protection and enhancement of the natural and local environment
- 5.52 Paragraph 180 advises LPAs when determining planning “to conserve and enhance biodiversity”.
- 5.53 Paragraph 190 in determining applications, LPA’s should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - paragraph 131 the desirability of new development making a positive contribution to local character and distinctiveness
- 5.54 Paragraph 199 advises that great weight should be given to the asset’s conservation when considering the impact of a proposed development on the significance of a designated heritage asset. The more important the designated 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..
- 5.55 Paragraph 200 states any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Substantial harm to grade II listed buildings should be exceptional and to grade I listed buildings should be wholly exceptional.
- 5.56 Paragraph 201 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
  - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 5.57 Paragraph 202 advises that 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 securing its optimum viable use.
- *Planning Practice Guidance*<sup>16</sup>
- 5.58 The Planning Practice Guidance (hereafter referred to as the PPG) complements The Framework.
- 5.59 Set out below are the topic areas contained within the PPG that are of most relevance to the consideration of the proposal:
- Design

---

<sup>16</sup> [Planning practice guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/planning-practice-guidance)  
(<https://www.gov.uk/government/collections/planning-practice-guidance>)

- Design and Climate Change
- Air Quality
- Housing and Economic Development Needs
- Natural Environment
- Heritage
- Renewable and Low Carbon Energy
- Noise

- *National Design Guide*<sup>17</sup>
- 5.60 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.
- 5.61 The Framework sets out that achieving high quality places and buildings is fundamental to the planning and development process. It also leads to improvements in the quality of existing environments. The National Planning Policy Framework expands upon the fundamental principles of good design to define what is expected for well-designed places and explain how planning policies and decisions should support this.
- 5.62 The Framework is supported by a suite of planning practice guidance that is relevant to both design quality and quality in delivery. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities. It also includes people at different stages of life and with different abilities – children, young people, adults, families and older people, both able-bodied and disabled.
- 5.63 The National Design Guide addresses the question of how we recognise well-designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. It is based on national planning policy, practice guidance and objectives for good design as set out in the National Planning Policy Framework. Specific, detailed and measurable criteria for good design are most appropriately set out at the local level. They may take the form of local authority design guides, or design guidance or design codes prepared by applicants to accompany planning applications.
- *2016 Prison Safety and Reform*<sup>18</sup>.
- 5.64 This White Paper states that The Government want a prison estate that is less crowded, better organised, and that is increasingly made up of modern, fit for purpose accommodation. The UK's current prison estate needs urgent investment and reform if it is to match this vision. The physical environment that many staff and prisoners face on a daily basis is not fostering the kind of culture or regime needed for prisoners to turn their lives around. For prisons to be places of safety and reform, there needs to be a fundamental shift in the way that the prison estate is organised and operates and a significant improvement in the overall quality of the buildings across the prison estate.
- 5.65 To make this a reality, the Government have committed to:

<sup>17</sup> [National design guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/national-design-guide)  
(<https://www.gov.uk/government/publications/national-design-guide>)

<sup>18</sup> [Prison Safety and Reform \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/565014/cm-9350-prison-safety-and-reform-web.pdf)  
([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/565014/cm-9350-prison-safety-and-reform-web .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/565014/cm-9350-prison-safety-and-reform-web.pdf))

- Opening HMP Berwyn, near Wrexham in Wales in February 2017;
  - Investing £1.3 billion to build up to 10,000 new adult prison places;
  - building and opening five new community prisons for women; and
  - closing prisons that are in poor condition and those that do not have a long-term future in the estate.
- *10,000 Additional Prison Places Programme*<sup>19</sup>.
- 5.66 The Government announced in June 2020, that four new prisons would be built across England over the next six years as part of the 10,000 Additional Prison Places Programme.
- 5.67 These prisons are another major step in the Government's £2.5 billion programme to create 10,000 additional prison places. This will deliver modern jails that boost rehabilitation and cut reoffending - providing improved security and additional training facilities to help offenders find employment on release.
- 5.68 The new jails will be built more quickly, sustainably and cost effectively than ever before. This is thanks to modern construction methods and new technology that have already been incorporated into the new prison being built at Wellingborough. Components, such as concrete walls, and pipework for water and electricity are built by companies around the country using modern, standardised processes and assembled on site. This in turn will ensure the economic benefits of the investment will reach firms across the country.
- 5.69 The new prisons are designed with enhanced security in mind. Bar-less windows will stop waste being thrown out and prevent prisoners accessing drugs and mobile phones flown in by drones. High speed network cabling will also be incorporated to enable modern security measures such as airport-style security scanning, to prevent the smuggling of the illicit items that fuel violence.
- 5.70 While the operators of the prisons will be announced in due course, the Government is committed to using the innovation, knowledge and expertise of the private and public sectors to deliver the best rehabilitation. It is the Government's intention that at least one prison will be operated by the public sector.
- 5.68 In addition to the four new prisons, construction is well underway at Wellingborough, in Northamptonshire, and early works have started at Glen Parva, Leicestershire, to create two new 1,680-place category C resettlement prisons.
- *National Infrastructure Strategy*<sup>20</sup>
- 5.71 The National Infrastructure Strategy sets out plans to transform UK infrastructure in order to level up the country, strengthen the Union and achieve net zero emissions by 2050. In line with the NIC's remit, this Strategy focuses on economic or networked infrastructure: energy, transport, water, waste, flood risk management and digital communications. However, the reforms to project delivery will clearly benefit all forms of capital projects, including social infrastructure such as schools, hospitals and prisons. Further detail on the government's plans for social infrastructure investment are set out in Spending Review 2020

---

<sup>19</sup> [Four new prisons boost rehabilitation and support economy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/four-new-prisons-boost-rehabilitation-and-support-economy)  
(<https://www.gov.uk/government/news/four-new-prisons-boost-rehabilitation-and-support-economy> )

<sup>20</sup> [National Infrastructure Strategy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/national-infrastructure-strategy)  
(<https://www.gov.uk/government/publications/national-infrastructure-strategy> )

- *2020 Spending Review*<sup>21</sup>
- 5.72 To match the UK's ambitions on economic infrastructure, which are set out in the National Infrastructure Strategy, SR20 invests in key infrastructure that supports the UK's world-class public services, delivering on commitments to build hospitals, schools and prisons. It provides multi-year funding to build 40 new hospitals, launches a ten-year programme to build 500 schools, and provides more than £4 billion to make significant progress in delivering 18,000 prison places across England and Wales by the mid-2020s.
- *Autumn Budget and Spending Review 2021*<sup>22</sup>.
- 5.73 To protect the public from serious offenders, SR21 will continue the biggest prison building programme in more than a century. Building on the government's commitment at SR20, the settlement confirms £3.8 billion of investment across England and Wales over three years to deliver 20,000 additional prison places by the mid-2020s. This will support the transition towards a more efficient, safe and environmentally sustainable prison estate.

#### **c) Other Relevant Documents**

- *Community Infrastructure Levy Regulations*<sup>23</sup>
- 5.74 The Community Infrastructure Levy (hereafter referred to as 'CIL') is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities to help deliver infrastructure to support the development of their area.
- 5.75 Regulation 122 of the CIL Regulations 2010 provides that to be capable of being a material consideration in the determination of a planning application obligations should be:-
  - necessary to make the development acceptable in planning terms
  - directly related to the development
  - fairly and reasonably related in scale and kind to the development
- *Circular 11/95 Annex A - Use of Conditions in Planning Permission*<sup>24</sup>
- 5.76 Although publication of the PPG cancelled Circular 11/95, Appendix A on model conditions has been retained. These conditions are not exhaustive and do not cover every situation where a condition may be imposed. Their applicability will need to be considered in each case against the tests in paragraph 206 of the Framework and the guidance on the use of planning conditions in the PPG.
- *Leicestershire Planning Obligations Policy (July 2019)*<sup>25</sup>
- 5.77 The purpose of the planning system is to contribute to the achievement of sustainable development. The County Council has an important role in this process, not only as a planning authority, but as a provider of physical and social infrastructure that

<sup>21</sup> [Spending Review 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/spending-review-2020-documents/spending-review-2020)

(<https://www.gov.uk/government/publications/spending-review-2020-documents/spending-review-2020> )

<sup>22</sup> [Autumn Budget and Spending Review 2021 \(HTML\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/autumn-budget-and-spending-review-2021-documents/autumn-budget-and-spending-review-2021-html)

(<https://www.gov.uk/government/publications/autumn-budget-and-spending-review-2021-documents/autumn-budget-and-spending-review-2021-html> )

<sup>23</sup> [Community Infrastructure Levy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/community-infrastructure-levy)

(<https://www.gov.uk/guidance/community-infrastructure-levy> )

<sup>24</sup> [Circular 11/95: Use of conditions in planning permission \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7715/324923.pdf)

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7715/324923.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7715/324923.pdf))

<sup>25</sup> [Planning Obligations Policy \(leicestershire.gov.uk\)](https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/8/16/Planning-Obligations-Policy.pdf)

(<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/8/16/Planning-Obligations-Policy.pdf> )

contributes to economic and social wellbeing that helps make development sustainable. The purpose of this planning obligations policy document is to explain the requirements for, and the approach to, the type and level of infrastructure the County Council will seek through planning obligations given by applicants (usually developers) applying to Leicestershire district councils as LPAs or to the County Council for planning permission to make it acceptable in planning terms. This builds upon the policy requirement set out within each individual LPAs development plans. The main types of infrastructure required by the County Council typically include Schools, Roads and transportation, Social care, Libraries, Waste management facilities.

- *Leicestershire Local Transport Plan*<sup>26</sup>
- 5.78 The 3<sup>rd</sup> Leicestershire Local Transport Plan (LTP3) covers the period 2011-2026. It sets out the transport vision and longer term strategy for the County and identifies priorities and objectives to help deliver the vision. Objectives include tackling congestion, improving access to facilities for all, reducing the impact of transport on the environment, and improving road safety.
- 5.79 The LTP3 focuses, in particular, on the need to tackle congestion by increasing the use of public transport, walking and cycling with less growth in car mileage. This would be achieved by improving access to facilities including employment, education, health care and food shops.
- *Leicestershire County Council Highways Design Guide*<sup>27</sup>
- 5.80 The Leicestershire Highway Design Guide deals with highways and transportation infrastructure for new developments
- *Highway Works and Adoption*
- 5.81 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development.
- *Harborough District Open Spaces Strategy 2016 to 2021*<sup>28</sup>
- 5.82 This strategy has been written to inform all those people who live, work and visit Harborough District about how we want to improve and develop open spaces. The Strategy takes account of all green spaces of public value, whether owned by Harborough District Council or in private ownership; however it must be acknowledged that its greatest influence can be over those open spaces owned by Harborough District Council or managed by partner organisations. This is a strategic level document and does not consider the maintenance and management of individual open spaces. It will influence how the Council manages and secures the future of open spaces in its ownership, and how we will work in partnership with others to create new open space in the future.

---

<sup>26</sup> [Leicestershire Local Transport Plan 3](https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2017/1/9/Local_transport_plan.pdf)  
([https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2017/1/9/Local\\_transport\\_plan.pdf](https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2017/1/9/Local_transport_plan.pdf))

<sup>27</sup> [Leicestershire Highway Design Guide | Leicestershire County Council Professional Services Portal](https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide)  
(<https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>)

<sup>28</sup> [Open Spaces Strategy 2016 to 2021 | Harborough District Council](https://www.harborough.gov.uk/downloads/download/873/open_spaces_strategy_2016_to_2021)  
([https://www.harborough.gov.uk/downloads/download/873/open\\_spaces\\_strategy\\_2016\\_to\\_2021](https://www.harborough.gov.uk/downloads/download/873/open_spaces_strategy_2016_to_2021))

- *Harborough District Landscape Character Assessment and Landscape Capacity Study (Sept 2007)*<sup>29</sup>
- 5.83 This Assessment included an identification of Landscape Character Areas across the District. The detail of the report is considered further in **Section 6** of this report.
- *Market Harborough Landscape Character Assessment and Landscape Capacity Study (April 2009)*<sup>30</sup>
- 5.84 The Landscape Partnership was commissioned in December 2008 to undertake the preparation of an outline Landscape Character Assessment and a Landscape Capacity Study for the rural areas in the vicinity of Market Harborough. The brief for the project required the following main outputs, which will be used to inform the Council's Core Strategy and other Local Development Documents:
  - An assessment of the landscape character around the market town of Market Harborough and adjacent villages of Little Bowden and Great Bowden;
  - Identify landscape character sub-areas within the wider Welland Valley landscape character area around Market Harborough, Little Bowden and Great Bowden; and
  - A detailed analysis of the sensitivity of land in and around the edge of Market Harborough, Little Bowden and Great Bowden, and to assess its capacity to accommodate future development, particularly residential
- 5.85 The assessment work has been undertaken in two stages. Stage One involved the identification of Landscape Character Areas within the whole of the study area and the key characteristics present. The areas identified were 'sub areas' of the wider 'Welland Valley' Landscape Character Area, which had already been identified at a County and District level. This stage does not constitute a fully detailed Landscape Character Assessment, but was sufficient to provide context, at an appropriate scale, for Stage Two.
- 5.86 Stage Two involved a more detailed consideration of the landscape sensitivity and landscape capacity of the study area. This was considered at a smaller scale of units based around individual fields, groups of fields or parcels of land. The assessment used a consistent method that evaluated the Land Parcels against a number of criteria, to test both the sensitivity of a unit and its capacity to accept development in the context of the character of the wider landscape within which they are situated. Stage Two considered areas that were closer to the periphery of the existing settlements, as this is where future growth is likely to be targeted i.e. land adjacent to Market Harborough and the nearby villages of Great Bowden and Little Bowden.
- *Supplementary Planning Guidance*<sup>31</sup>
- 5.87 This Supplementary Planning Document (SPD) provides additional guidance to assist with the interpretation and implementation of Harborough Local Plan Policies particularly:
  - GD1: Achieving sustainable development;
  - GD3: Development in the countryside;
  - GD8: Good design in development;
  - BE1: Provision of new business development;
  - CC1 to CC3: Climate change;

<sup>29</sup> [Landscape Character Assessments | Harborough District Council](https://www.harborough.gov.uk/downloads/download/51/landscape_character_assessments)  
([https://www.harborough.gov.uk/downloads/download/51/landscape\\_character\\_assessments](https://www.harborough.gov.uk/downloads/download/51/landscape_character_assessments))

<sup>30</sup> [Landscape Character Assessments | Harborough District Council](https://www.harborough.gov.uk/downloads/download/51/landscape_character_assessments)  
([https://www.harborough.gov.uk/downloads/download/51/landscape\\_character\\_assessments](https://www.harborough.gov.uk/downloads/download/51/landscape_character_assessments))

<sup>31</sup> [Our policies, plans and strategies - Supplementary Planning Documents | Harborough District Council](https://www.harborough.gov.uk/directory_record/461/supplementary_planning_guidance_notes)  
([https://www.harborough.gov.uk/directory\\_record/461/supplementary\\_planning\\_guidance\\_notes](https://www.harborough.gov.uk/directory_record/461/supplementary_planning_guidance_notes))



- HC1: Built heritage;
- H4 & H5: Specialist Housing, self build and custom housing;
- RT3: Shop fronts and advertisements.

This SPD will be taken into account as a material consideration when appropriate as the Council makes decisions on planning applications. The National Design Guide (October 2019) and National Design Code (July 2021) is taken into account and similarly applies as a consideration.

- *Planning Obligations Developer Guidance Note*<sup>32</sup>
- 5.88 The Planning Obligations Supplementary Planning Document (SPD) was adopted September 2016 and published January 2017. It sets out the range of infrastructure, services and facilities that the Council will normally seek to secure via planning obligations in relation to development proposals within the District.
- 5.89 The SPD advises if the requirement for developer contributions or for the provision of infrastructure result in viability concerns being raised it will be the responsibility of the applicant to provide an independent financial viability assessment to substantiate the situation. If the assessment is accepted as reasonable the Council may request lower contributions for a particular Site provided that the benefits of developing the Site outweigh the loss of the developer contribution.
- 5.90 There are two supporting documents associated with this SPD:
- Provision for Open Space, Sport and Recreation 2015 which provides details of the arrangements for assessing contributions to open space; and
  - Assessment of Local Community Provision and Developer Contributions (October 2010) which provides additional evidence to support the case for developer contributions to local indoor community and sports facilities.
- *Systra Technical Note – Gartree 2 Prison LCC Application Review (February 2022)*<sup>33</sup> (See **Appendix D**)
- 5.91 This Technical Note has been produced to provide a review of LLC Highway advice on 21/01600/OUT to assess whether the comments made by the LHA are appropriate, in particular focusing on the following perceived local concerns:
- 1) Capacity of the Gallow Field Road / B6047 junction; and
  - 2) Requirement for a pedestrian crossing of the A4304 at Lubenham close to the Foxton Road / A4304 Lubenham junction.
- 5.92 To review how appropriate the testing of Gallow Field Road / B6047 junction is, Systra reviewed the trip generation, reviewed the committed developments that also impact this junction, and have reviewed the level of flows tested by these committed

---

<sup>32</sup> [Our policies, plans and strategies - Supplementary Planning Documents | Harborough District Council](https://www.harborough.gov.uk/download/downloads/id/773/planning_obligations_developer_guidancepdf)  
([https://www.harborough.gov.uk/download/downloads/id/773/planning\\_obligations\\_developer\\_guidancepdf](https://www.harborough.gov.uk/download/downloads/id/773/planning_obligations_developer_guidancepdf))

<sup>33</sup> [Microsoft Word - GB01T22A11-TN001. LCC Application Review - Gartree 2 Prison Issue.docx](https://pa2.harborough.gov.uk/online-applications/files/0AEFCCAF567AD99C502CA1F12ECF6678/pdf/21_01600_OUT-SYSTRAS_HIGHWAYS_REVIEW-1146284.pdf)  
([harborough.gov.uk](https://pa2.harborough.gov.uk/online-applications/files/0AEFCCAF567AD99C502CA1F12ECF6678/pdf/21_01600_OUT-SYSTRAS_HIGHWAYS_REVIEW-1146284.pdf))  
([https://pa2.harborough.gov.uk/online-applications/files/0AEFCCAF567AD99C502CA1F12ECF6678/pdf/21\\_01600\\_OUT-SYSTRAS\\_HIGHWAYS\\_REVIEW-1146284.pdf](https://pa2.harborough.gov.uk/online-applications/files/0AEFCCAF567AD99C502CA1F12ECF6678/pdf/21_01600_OUT-SYSTRAS_HIGHWAYS_REVIEW-1146284.pdf))

developments in context of the limitations that this application faced due to the covid pandemic.

- 5.93 To review the potential requirement for pedestrian crossing provision over the A4304, a consideration of the development flows impacting this area has been undertaken, on top of expected base flows, to allow a judgement to be made as to the appropriateness of linking the implementation of a crossing due to impact of the development.
- 5.94 With regards to the transport application, the areas of concern, following review of the application, are associated with the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction, and the flow impact on the A4304 in Lubenham.
- 5.95 With regards to the impact on the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction, the following conclusions can be made:
- 3) The flows considered in the TA are potentially low, when compared to data subsequently available in other applications.
  - 4) The level of flows appears low primarily because of the proximity of other committed developments and developments currently in the planning system.
  - 5) Using the most recently available data associated with application 21/00545/OUT<sup>34</sup> the Gartree Prison application does not produce capacity results which would be considered over capacity.
  - 6) However, a cumulative assessment with applications 21/00545/OUT and 21/01600/OUT<sup>35</sup>, the Gallow Field Road arm of the junction can be expected to be over capacity in the PM peak if both applications are approved.
- Therefore, while at the time of submission, the conclusions reached on the application with regards to the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction could be considered correct (noting that the flows tested could be considered low) the cumulative impact assessment undertaken in this report suggests that this junction will be over capacity if both 21/01600/OUT and 21/00545/OUT are approved.
- 5.96 The extended accident review within Lubenham suggests that there is no specific accident trend in Lubenham, and the level of accidents is low. The review of the traffic flow levels along the A4304 suggest the existing pedestrian refuge crossing in Lubenham is insufficient provision for the level of vehicular flows.

## **6. Officer Assessment**

### **a) Principle of Development**

- 6.1 This section of the report assesses the Proposed Development against relevant planning policy and material considerations relevant to the planning application Section 38 (6) of the Planning and Compulsory Purchase Act 2004 stipulates that in determining planning applications, determination must be in accordance with the development plan unless material considerations indicate otherwise. The development plan for Harborough District Council ('the Council') is the Harborough Local Plan 2011-2031 (HLP) (adopted April 2019). This site also sits within the defined Lubenham Neighbourhood Development Plan area, and as such, this also forms part of the Development Plan in this instance. There are no specific planning policies that are directly related to prison development in the Development Plan.
- 6.2 The National Planning Policy Framework (NPPF) is also a material consideration in the determination of planning applications. Paragraph 2 of the NPPF reiterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate

<sup>34</sup> Airfield Farm Business Park

<sup>35</sup> The current New Prison application

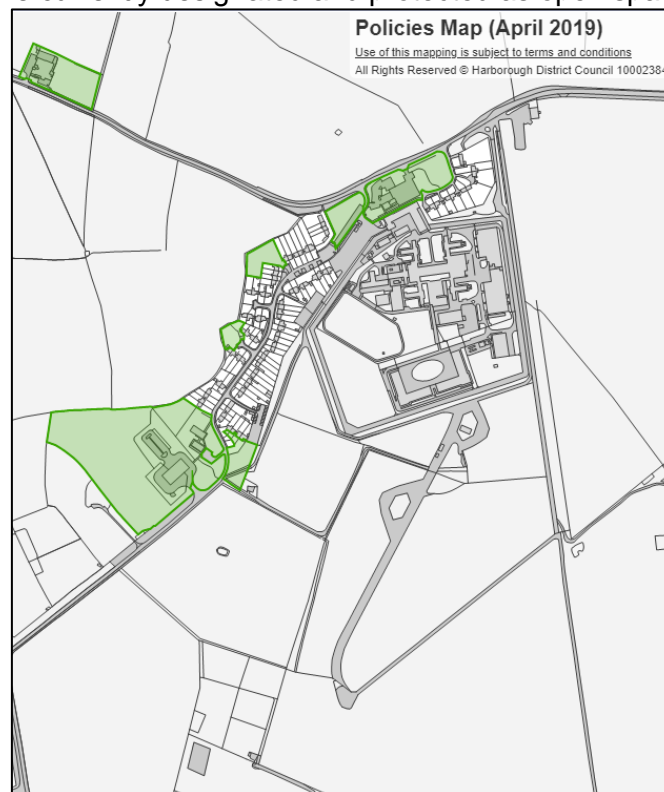


otherwise. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including neighbourhood plans) permission should not usually be granted. Paragraph 11 of the National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise.

- 6.3 A significant material consideration is that Paragraph 96 of the NPPF supports the delivery of new prison infrastructure through collaborative working between local planning authorities and delivery partners and statutory bodies. Other material considerations in the determination of the application are set out in **Section 5b** of this report.

i. **Harborough Local Plan**

- 6.4 The application site is located outside the existing or committed built-up area of Market Harborough, Foxton and Lubenham. The site is adjacent to the built form of the existing HMP Gartree site and Gartree village, however, Gartree is not judged to be a sustainable location owing to the limited range of services, facilities, shops and employments opportunities. As such, the site is currently a ‘greenfield’ site in the countryside. As can be seen at **Figure 18**, the majority of the site is not covered by any specific Policies, the exception being that part of the “Biodiversity Net Gain” area and “Play Area” are currently designated and protected as open space under Policy GI2.



**Figure 18: Local Plan Proposals map of site**

- 6.5 In such circumstances the broad General Development Policies still apply. Policy SS1 sets out the spatial strategy for Harborough which is to manage planned growth to direct development to appropriate locations, in accordance with the settlement hierarchy. Policy GD1 and GD3 are of particular relevance in this case, however, Policies GD5 and GD8 are also relevant. Policy GD1 – *Achieving sustainable*

development reiterates paragraph 11 of The Framework in respect of sustainable development and states:

1. *When considering proposals for development the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will work proactively and collaboratively with applicants to find joint solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental condition of the District.*
2. *Planning applications that accord with the Development Plan (including this Local Plan) will be approved without delay, unless material considerations indicate otherwise.*
3. *Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the Council will grant permission, unless:*
  - a. *any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
  - b. *specific policies in the NPPF indicate that development should be restricted.*

6.6 Policy GD3 – Development in the Countryside states:

1. *Outside Market Harborough, Key Centres, the Principal Urban Area (PUA), Rural Centres and Selected Rural Villages, and land adjoining them, but excluding Green Wedges, development will be permitted where it is required for the following purposes:*
  - a. *agriculture, horticulture, woodland management or other similar uses appropriate to a rural area, including uses which would help to diversify the rural economy, such as:*
    - i. *local food initiatives, including farm shops and small-scale food and drink processing,*
    - ii. *tourist attractions and facilities that respect the character of the countryside,*
    - iii. *tourist accommodation, if it is of a scale that is proportionate to the identified tourism need and subject to Policies RT2 Town and local centres and RT4 Tourism and leisure,*
    - iv. *equestrian uses;*
  - b. *outdoor sport and recreation and associated buildings;*
  - c. *minerals and waste development;*
  - d. *renewable energy production;*
  - e. *where it is necessary for the continuation of an existing enterprise, facility or operation that is compatible with its setting in the countryside;*
  - f. *rural housing in accordance with Policy GD4 New housing in the countryside;*
  - g. *the conversion or re-use of permanent and substantial buildings, including proposals for the optimum viable use of a heritage asset;*
  - h. *minor extensions to existing dwellings and to other buildings that are subordinate in scale and appearance to the existing building;*
  - i. *facilities to enable the delivery of digital connectivity at speeds and reliability levels comparable with urban areas;*
  - j. *the provision or diversification of a public house, village shop or post office in accordance with Policy HC3 Public house, post offices and village shops;*
  - k. *other services and facilities that improve the sustainability of settlements;*  
*or*
  - l. *other uses which justify and are compatible with a countryside location.*

- 6.7 Compliance of the Proposed Development with Policy GD1 will be assessed throughout **Section 6c** of the report on the basis of a number of technical issues, however, an assessment of the compliance of the Proposed Development with Policy GD3 can be carried out separately to this.
- 6.8 In their Planning Statement submitted in support of the Proposed Development, the Applicants acknowledge that the Application Site is not allocated for development in the Local Plan and that the site is identified as being within the open countryside. Local Plan Policy GD3 identifies acceptable uses within the open countryside which does not include the proposed use. Officers agree with this conclusion that the proposed prison site is contrary to Local Plan policy GD3.
- 6.9 Whilst not technically a business development, *Policy BE1 - Provision of new business development* also has relevance to the consideration of the application due to the level of employment that the development would generate. Policy BE1 states:
1. *Scale and Distribution*  
*In addition to the delivery of existing commitments, a minimum of 59 hectares for office B1(a) and (b), industrial B1(c) and B2, and storage and distribution B8 will be provided in the following locations:*
    - a. *at Market Harborough, a minimum of 24 hectares including the following allocations:*
      - i. *Land at Airfield Farm (North West Market Harborough SDA) – approximately 13 hectares in accordance with Policy MH4.*
      - ii. *Airfield Business Park, Leicester Road - approximately 6 hectares in accordance with Policy MH5;*
      - iii. *Compass Point Business Park, Northampton Road - approximately 5 hectares in accordance with Policy MH6;*
  2. *Rural Economic Development*  
*On sites within or well related to Rural Centres and Selected Rural Villages, sustainable development which delivers local employment opportunities, supports and diversifies the rural economy or enables the expansion of business and enterprise will be permitted where it:*
    - a. *re-uses existing buildings; or*
    - b. *re-develops existing and former employment sites and commercial premises; or*
    - c. *comprises well designed new buildings of a size and quality to cater for identified local needs; and*
    - d. *is equipped to meet modern business requirements.*
- 6.10 The policy seeks to focus development at Market Harborough and Lutterworth. Rural business/employment developments may be permitted (in principle) on sites within or well related to Rural Centres (RC's) and Selected Rural Villages (SRV's) subject to specified criteria (policy BE1(2)). The application site is located within Lubenham parish, but is remote from the main settlement of Lubenham (approximately 950m from the northern fringe of the village), and is also located in the vicinity of Foxton village, with the northern edge of the main development parcel of the site being approximately 950m from the southern fringe of Foxton. It is not considered that the application site is within or well related to either Lubenham or Foxton, rather it relates more to Gartree, a settlement which is not defined as a RC or SRV. On this basis, the application site is not judged to be a sustainable location, within or well related to a RC or SRV therefore whilst the development would generate employment opportunities it would be contrary to Policy BE1.2 of the HLP
- 6.11 Policy BE1.1 is not as specific in terms of its definitions. It sets out that a minimum of 24ha of Office B1(a) and (b), Industrial B1(c) and B2 and Storage and Distribution (B8)

(now use class E(g), B2 and B8) will be provided at Market Harborough, including at Airfield Farm, Airfield Farm Business Park and Compass Point. This does not preclude delivery at other sites. Also – importantly – both Airfield Farm and Airfield Farm Business Park are located within Lubenham parish and not Market Harborough. The application site is located approximately 800m from the recently approved Airfield Farm site (21/00545/OUT) and within 550m of the North-West Market Harborough Strategic Development Area (SDA) (also both within Lubenham parish) and as such, it is considered that the site relates more to these areas than either village of Lubenham or Foxton. It is appreciated that the Proposed Development does not constitute B1, B2 or B8 (now use class E(g), B2 and B8) development, however, as confirmed by the MoJ, the range of employment opportunities that would be created as a result of the Proposed Development is far wider than just the operational security element as perceived. The range of opportunities would include administrative roles, managerial roles, healthcare and educational roles and welfare roles as well as the security roles. It is anticipated that the security roles at the prison would only account for approximately 54% of the overall projected workforce (ie 420 of the overall 780fte staff). Therefore, whilst officers maintain that the Proposed Development is not in accordance with Policy BE1.1, the Proposed Development does accord with the spirit of the Policy in terms of provision of employment facilities at Market Harborough. Officers therefore consider that, whilst strictly contrary to Policy BE1, the assessment that the Proposed Development is in accordance with the spirit and intentions of Policy BE1.1 is a minor beneficial material consideration to be weighed in the Planning Balance when determining the application.

- 6.12 As outlined above part of the “Biodiversity Net Gain” area and “Play Area” are currently designated and protected as open space under Policy GI2, specifically as amenity green space. Policy GI2 states:

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

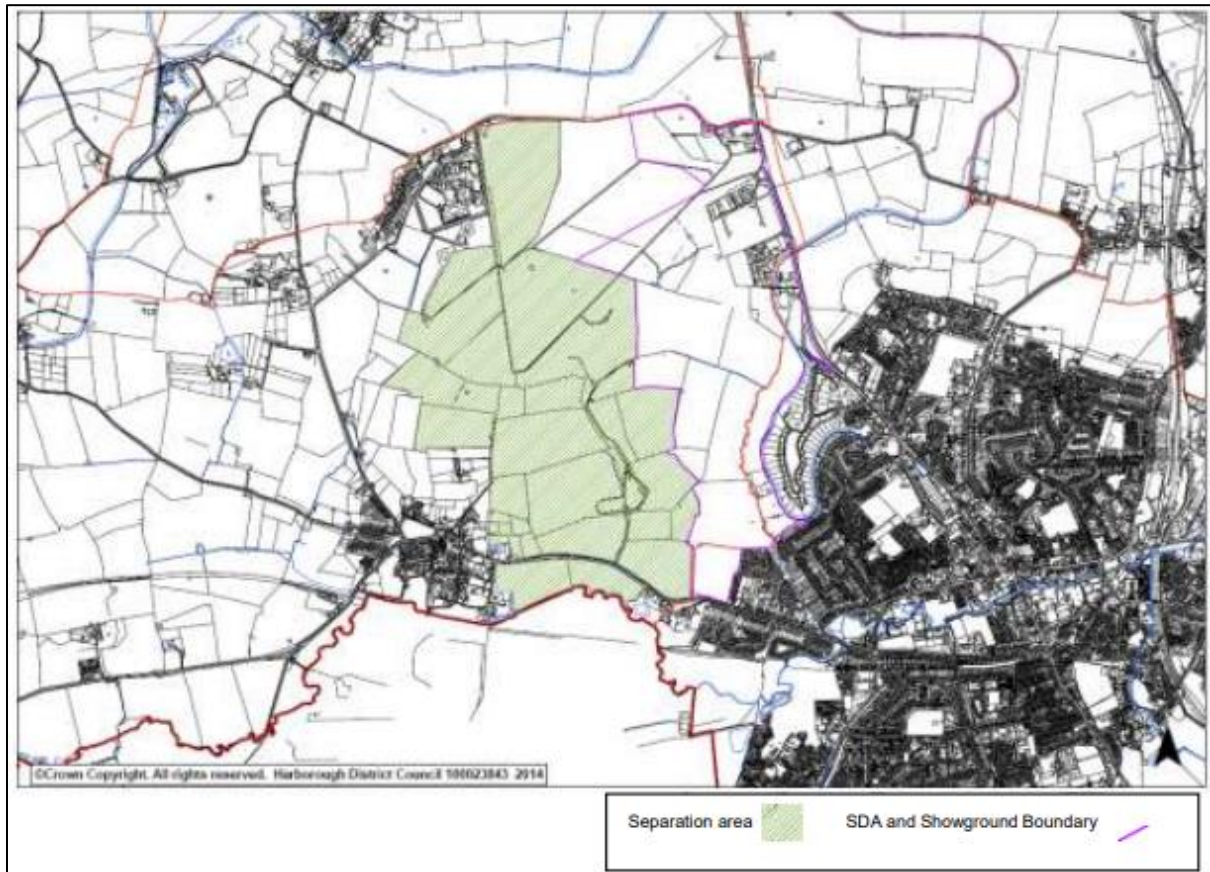
The proposal would not result in the loss of or reduction in defined open space, in accordance with policy GI2. The BNG area would be open to the public, and would include the provision of informal pathways connecting to the existing Public Right of Way (A22). The proposals will also provide enhanced informal leisure and access to the open space for local residents. This area of open space sited between existing residential properties on Welland Avenue appears to be used on an informal basis by residents, with evidence of sporting equipment being present on site when Officers have visited the site. The intention is that the MoJ would provide and maintain play equipment in this area for the use of residents. The enhancement to the quality and use of the open space is considered to accord with policy GI2 and would have a minor beneficial impact.

ii. Lubenham Neighbourhood Plan

- 6.13 Policy LNP01 relates to the Area of Separation (AoS) between Market Harborough and Lubenham and Market Harborough and Gartree. The plan states that it is important that Market Harborough and Lubenham and Market Harborough and Gartree remain distinct and separate in order to maintain the rural setting and identity of each settlement and so a separation area between the settlements and major development on the west side of Market Harborough (the Strategic Development Area) should be maintained. Policy LNP01 states:

*“The open character of the Lubenham & Gartree Area of Separation, as defined on Map 2 (see **Figure 19**), shall be maintained, to preserve a visual separation from the settlement of Market Harborough and retain the distinctive character and separate identities of Lubenham and Gartree.*

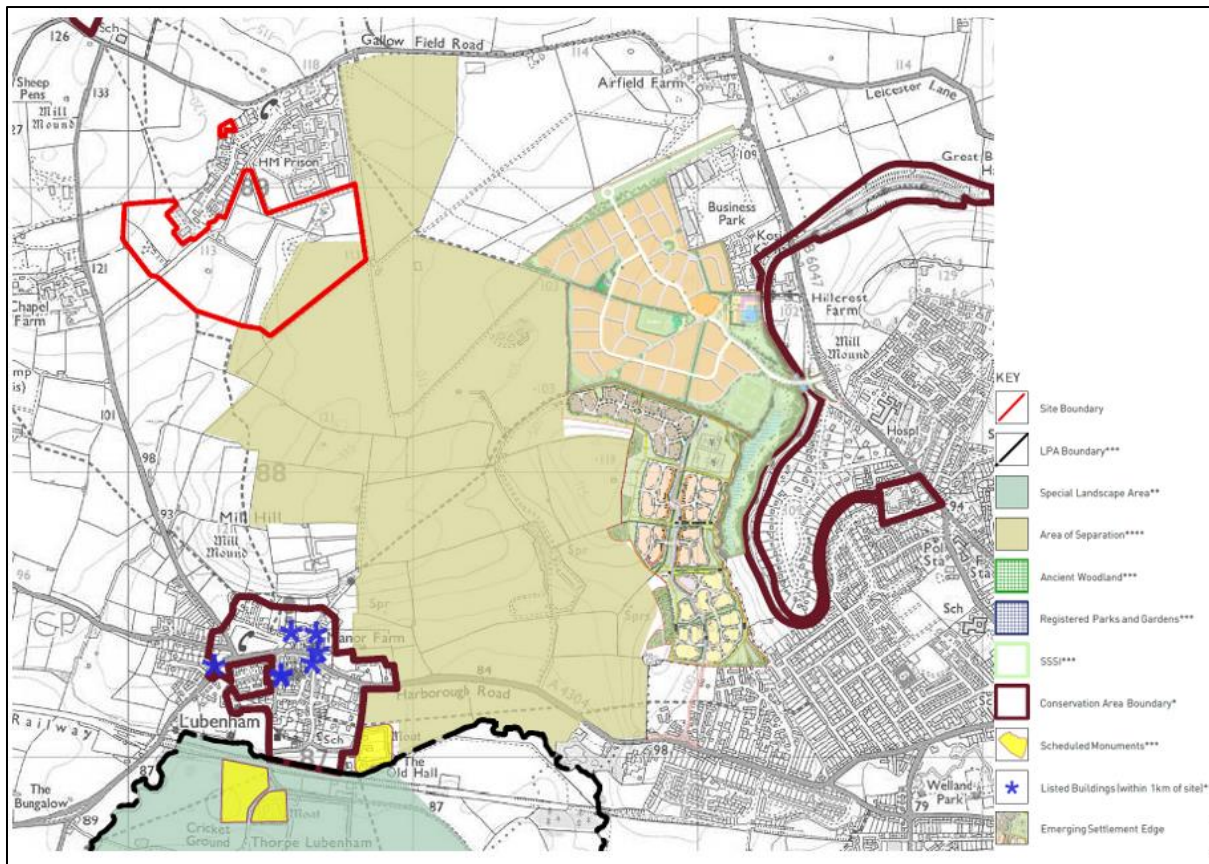
*Development within this area will be permitted if (a) it would not diminish the physical or visual separation between built up areas associated with these settlements; and (b) it would not compromise, either alone or in conjunction with other existing or proposed development, the effectiveness of the Area of Separation in protecting the identity and distinctiveness of these settlements. Any development proposal within the Area of Separation must be accompanied by an analysis and proposals for mitigation of likely impact on settlement setting and the objective of visual separation, giving specific attention to use of location, design and landscaping appropriate to the character of the area."*



**Figure 19: Map 2 from Lubenham Neighbourhood Plan – Lubenham Area of Separation**

- 6.14 As can be seen in **Figure 20**, the application site is located partly within the Lubenham AoS. Approximately 13% of the site area is within the AoS. Policy LNP01 does not prohibit development within the AoS entirely. Development within the AoS may be acceptable providing it would not diminish the physical or visual separation between the built-up areas and it would not compromise, either alone or in conjunction with other existing or proposed development, the effectiveness of the Area of Separation in protecting the identity and distinctiveness of these settlements. The proposal would undeniably reduce the visual/physical separation between Gartree and the committed development at the North-West Market Harborough SDA and between Gartree and Lubenham village. The proposal would not result in the reduction of the physical or visual separation between Lubenham and Market Harborough. The separation distance between the site boundary and North-West Market Harborough SDA is 550m (all of which would be within the AoS), the distance between the application site and Lubenham village is 950m (of which 650m would be within the AoS).





**Figure 20: Map showing application site in context of the Lubenham Area of Separation and approved Market Harborough SDA**

- 6.15 Whilst a reduction to the AoS is identified, this application site covers a minor 3% of the total AoS. The application site does not itself adjoin the settlement boundary of Market Harborough or Lubenham and as such the proposed development would not physically unify the three settlements. The reduction to the AoS is not considered to be of a degree which would significantly diminish the physical or visual separation between the aforementioned settlements. The proposal would not result in and would not compromise (in conjunction with other development) the effectiveness of the AoS in protecting the identity and distinctiveness of the settlements.
- 6.16 A Landscape and Visual Impact Assessment (LVIA) formed part of the application submission. The LVIA includes a methodology section, a description of the baseline, definitions for sensitivity, magnitude and then makes judgements of significance for impacts on both landscape and visual receptors arising from the proposals. It also includes measures to assess the nature of the effects i.e. whether they are positive or adverse. The landscape and visual impacts of the proposal are considered in detail in **Section 6c4** of the report. In respect of the specific objective for visual separation, Policy LNP01, requires proposals for mitigation of likely impact on settlement setting and visual separation. The submitted landscape masterplan (refer to Appendix B: Comprehensive Landscape Masterplan, Pick Everard) provide proposals for landscape mitigation works. The proposals include structured woodland planting to the southern and eastern boundaries which are visually, most associated with the AoS. This structured planting is judged to provide some mitigation for the impact on settlement setting and visual separation.
- 6.17 Overall, it is judged that whilst a reduction in the AoS is identified, given the incursion within the AoS is judged to be minor when considering the AoS as a whole the reduction

in the AoS is not considered to be of a degree which would significantly diminish the physical or visual separation between the aforementioned settlements. Furthermore, the proposal would not result in and would not compromise (in conjunction with other development) the effectiveness of the AoS in protecting the identity and distinctiveness of the settlements. The proposal also includes landscaping proposals which would provide some mitigation for this minor incursion to the AoS. It is therefore considered that the proposals assessed overall would have a minor adverse impact on the AoS, but would accord with Policy LNP01 if the Lubenham Neighbourhood Plan.

6.18 Lubenham Neighbourhood Plan Policy 16 provides criteria of suitable business / employment development within the Plan area stating that proposals for new business/employment development should:

- a) *be of a scale, density and design appropriate to its setting such that it would not cause damage to the qualities, character and amenity of the area and its residents;*
- b) *include the provision of adequate vehicle and cycle parking, turning and manoeuvring space;*
- c) *incorporate safe and inclusive design and access suitable for all;*
- d) *include/encourage links to existing walking and cycling networks;*
- e) *on larger developments include a framework sustainable travel plan, and;*
- f) *on larger developments explore opportunities for inclusion of electric vehicle charging points*

LNP Policy 19 relates specifically to Gartree and sets out that limited and small-scale employment/business development may be supported on environmentally acceptable sites in Gartree only if the resultant effect will involve:

- o *conversion and re-use of appropriately located and structurally robust existing buildings;*
- o *no adverse impact upon the living conditions of nearby residents from nuisance or disturbance caused by odour, noise, vibration or traffic movement;*
- o *retention of rural/community services/facilities, land based businesses or positive farm diversification without harm to their viability and vitality;*
- o *provision/enhancement of links to community facilities/services through the improvement of roads and pathways in and around the settlement at a level proportionate to the anticipated impact development proposed.*

Compliance of the Proposed Development with LNP Policy 16 will be assessed throughout Section 6c of the report on the basis of a number of technical issues, however, an assessment of the compliance of the Proposed Development with LNP Policy 19 in principle can be carried out separately to this. The Proposed Development is not judged to be limited or small-scale employment, nor does it involve the conversion or re-use of existing buildings, the provision of rural/community services/facilities, land based businesses or positive farm diversification. The proposal is therefore contrary to Policy 19 of the Lubenham Neighbourhood Plan which should be a major negative policy conflict to be weighed in the Planning Balance when determining the application.

### iii. Material Considerations

6.19 As outlined in paragraph 6.1, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations in the determination of the application are set out in **Section 5b** of this report. With regards to the principle of development, a significant material consideration is that Paragraph 96 of the NPPF supports the delivery of new prison infrastructure through collaborative working between local planning authorities and delivery partners and statutory bodies. Paragraph 97 of the NPPF states that planning decisions should promote public safety and take into account wider security

and defence requirements by: b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

- 6.20 The prison population is currently forecast to increase over the next 10 years reaching unprecedented levels by 2030, creating sustained pressure for this decade and beyond<sup>36</sup>. The projected demand will soon outstrip supply and is primarily driven by:
- flagship Government policies to reform the Criminal Justice System (CJS) such as the impact of 23,400 more police officers;
  - changes to sentencing;
  - an ongoing increase in the number of long-sentenced offenders; and
  - court recovery following the Coronavirus pandemic.
- 6.21 Expanding further, Prison Population Projections 2020 to 2026 (PPP 2020-2026)<sup>37</sup>, outline that the rate of police recruitment and their subsequent focus, along with reforms to the CJS is forecast to lead to significantly more arrests, charges and sentences and a similarly significant increase in demand for prison places – which is projected to be well beyond existing capacity. The PPP 2020-2026 projects that this will be exacerbated by the rate of court recovery dealing with the increase in backlog of cases from the COVID pandemic; an increase in Crown Court capacity over the next few years to drive down the backlog of cases will drive a further increase in demand over the next five years as there is more capacity to sit more cases, and more prisoners enter the system PPP 2020-2026. It is therefore of critical importance to the Government and CJS to ensure there is sufficient capacity to hold the additional prisoners that will come from this and that additional prison places are provided at speed.
- 6.22 The MOJ and Her Majesty's Prison and Probation Service (HMPPS) has embarked on a programme of prison expansion, delivering over 18,000 additional prison<sup>38</sup> places through a portfolio of programmes and projects which includes the 10,000 Additional Prison Places Programme, first announced by the Prime Minister in August 2019. That commitment was part of the Conservative manifesto (2019) which confirmed the Government would 'add 10,000 more prison places, with £2.75 billion already committed to refurbishing and creating modern prisons'. The Government announced in June 2020<sup>39</sup>, that four new prisons would be built across England over the next six years as part of the 10,000 Additional Prison Places Programme. In 2021, the commitment for 18,000 new spaces was increased to 20,000 as part of the Autumn Budget and Spending Review<sup>40</sup>.
- 6.23 The additional prison places would not only increase prison capacity but are also considered to be a major step in a multi-billion-pound programme to deliver modern prisons that could help boost rehabilitation and reduce reoffending, providing improved security and additional training facilities to help offenders find employment on release.

---

<sup>36</sup> [Prison Population Projections: 2020 to 2026 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/prison-population-projections-2020-to-2026)  
(<https://www.gov.uk/government/statistics/prison-population-projections-2020-to-2026> )

<sup>37</sup> [Prison Population Projections: 2020 to 2026 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/prison-population-projections-2020-to-2026)  
(<https://www.gov.uk/government/statistics/prison-population-projections-2020-to-2026> )

<sup>38</sup> [Spending Review 2020 documents - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/spending-review-2020-documents)  
(<https://www.gov.uk/government/publications/spending-review-2020-documents> )

<sup>39</sup> [Four new prisons boost rehabilitation and support economy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/four-new-prisons-boost-rehabilitation-and-support-economy)  
(<https://www.gov.uk/government/news/four-new-prisons-boost-rehabilitation-and-support-economy> )

<sup>40</sup> [Autumn Budget and Spending Review 2021 \(HTML\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/autumn-budget-and-spending-review-2021-documents/autumn-budget-and-spending-review-2021-html)  
( <https://www.gov.uk/government/publications/autumn-budget-and-spending-review-2021-documents/autumn-budget-and-spending-review-2021-html> )



The Government has made it clear that the four new prisons form a major part of plans to transform the prison estate and create environments where offenders can be more effectively rehabilitated and turned away from crime for good. The Government has also stated that as well as providing a boost to the Criminal Justice System (CJS) and contributing to its reform, the four new prisons would create thousands of new permanent jobs (see **Section 6c10** of the report).

- 6.24 The Four New Prisons would help to address the forecast increased demand for prison places by delivering an estimated additional 6,366 places and construction is planned to be completed between 2025-2026. Following analysis of current and future national demand for additional prison places, two of these New Prisons are proposed to be built in the North of England and two in the South, targeting areas of greatest forecast demand and supporting the construction industry and local economies. Outline planning permission to build a new Category C Resettlement Prison at Full Sutton in East Yorkshire has been granted and this will be the first of the Four New Prisons (application ref. 18/04105/STOUT).
- 6.25 The Proposed Development adjacent to HMP Gartree is the only one of the four new prisons proposed to be a Category B Training Prison (the other three proposed prisons will be Category C (resettlement prisons). The New Prisons Programme is focused on delivering the right type of prisons at the right time. Historically the prison estate has built Category C prisons to Category B standards, this allows flexibility to hold Category B prisoners should this cohort increase. The approach of the New Prisons Programme is to design each prison specifically for the cohort it is being built to hold, the submission states that *'this enables the establishments to better meet the distinct services that each cohort needs, which in turn transforms our prisons into places of rehabilitation'*.
- 6.26 As outlined above the proposed new prison would be a Category B Training Prison to accommodate 1,715 adult male prisoners within a secure perimeter. Category B Training Prisons are secure prisons for inmates serving long (defined) sentences. In turn, Category B training prisons have more heavy/complex industry workshops, feature longer educational courses and have a higher demand for inpatient facilities than resettlement prisons.
- 6.27 The application submission states that due to the long-term sentences of prisoners held in Category B Training Prisons and the resultant facilities, they are utilised as a national resource, rather than a regional resource (as opposed to lower category prisons C and D which serve a regional requirement). As a national service, HMPPS uses individual prisons' capacity to meet national and wider geographical demand. The applicants Planning Statement states that *'Internal modelling has indicated that, if the MoJ did nothing to expand the existing estate save for new prisons already under construction, Category B Training demand would outstrip capacity by c. 2,140 nationally in April 2027.'* Therefore, the proposed Category B prison, would make a significant contribution of 1, 715 prison places to help address the national need.
- 6.28 In terms of its geographically location, the site adjacent to HMP Gartree is strategically located near to the centre of the country enabling prisoner transport from a large area. Further to this the proposed prison is adjacent to an existing Category B prison, the application submission states this provides opportunities for HMPPS to increase efficiencies, share resources, and capitalise on economies of scale.
- 6.29 Overall, it has been identified that the prison population is forecast to increase over the next decade, creating a likely demand for prison places within this decade and beyond. The Government and specifically the MOJ and HMPPS have embarked on a national programme of prison expansion which includes the 10,000 Additional Prison Places

Programme. The Proposed Development would be one of four new prisons hoped to be constructed as part of this programme. The proposed Category B training facility would therefore provide a substantial quantum of modern accommodation for prisoners which will contribute to meeting the acknowledged demand at a national level, in compliance with paragraphs 96 and 97 of the NPPF and the proposal would therefore have a major beneficial impact in this regard.

iv. Principle of Development Summary

- 6.30 The application site is located outside the existing or committed built-up area of Market Harborough, Foxton and Lubenham in what is considered to be an unsustainable location. The Proposed Development does not comply with Policy GD3– *Development in the Countryside* of the Harborough Local Plan. Nor is the site judged to be in a sustainable location for new business development, failing to strictly comply with Harborough Local Plan, *Policy BE1- Provision of new business development*, and as such, would have a major negative impact in this regard. However, the assessment that the Proposed Development is in accordance with the spirit and intentions of Policy BE1.1 is a minor beneficial material consideration to be weighed in the Planning Balance when determining the application. Part of the site is currently designated and protected as open space under Policy GI2 of the Harborough Local Plan, the proposed development both protects and enhances the existing open space in compliance with Policy GI2 and having a minor beneficial impact on the quality and access to open space at Gartree. Overall, it is considered that the proposal conflicts with the Harborough District Local Plan when read as a whole, and as such, would have a major negative impact in this regard.
- 6.31 The Proposed Development is within the Lubenham AoS, having a minor adverse impact on the AoS, however, this incursion is not considered to be of a degree which would significantly diminish the physical or visual separation between the aforementioned settlements. Furthermore, the proposal would not result in and would not compromise (in conjunction with other development) the effectiveness of the AoS. The Proposed Development therefore complies with Lubenham Neighbourhood Plan Policy LNP01. The Proposed Development is not judged to be limited or small-scale employment, nor does it involve the conversion or re-use of existing buildings, the provision of rural/community services/facilities, land based businesses or positive farm diversification. The proposal is therefore contrary to Policy 19 of the Lubenham Neighbourhood Plan and the proposal would therefore have a major negative impact in this regard. Overall, it is considered that the proposal conflicts with the Lubenham Neighbourhood Plan when read as a whole, and as such, would have a major negative impact in this regard.
- 6.32 As outlined above officers have identified conflict with the aforementioned policies of the Development Plan. It is established in law and reiterated within paragraph 2 of the NPPF that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, it has been identified that the prison population is forecast to increase over the next decade, creating a likely demand for prison places within this decade and beyond. The Government and specifically the MOJ and HMPPS have embarked on a national programme of prison expansion in response to this. The proposed Category B training facility would provide a substantial quantum of modern accommodation for prisoners which would contribute to meeting the acknowledged demand at a national level, in compliance with paragraphs 96 and 97 of the NPPF and the proposal would therefore have a major beneficial impact in this regard. This is a key material consideration which must be weighed in the balance of the determination of the application.

**b) Sustainability Considerations**

- 6.33 The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and LPAs are encouraged to approach decision taking in a sustainable way to foster sustainable development.
- 6.34 The Framework requires LPAs to grant planning permission for sustainable development. Para.8 of the NPPF states: “Achieving sustainable development means that the planning system has three overarching objectives”.
- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
  - **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.35 The conformity of the proposed development to the criteria for sustainability is considered throughout the remainder of this report.
- 6.36 On the basis of the above, Officers conclude that maximum weight should be accorded to the up to date policies contained within the HLP.

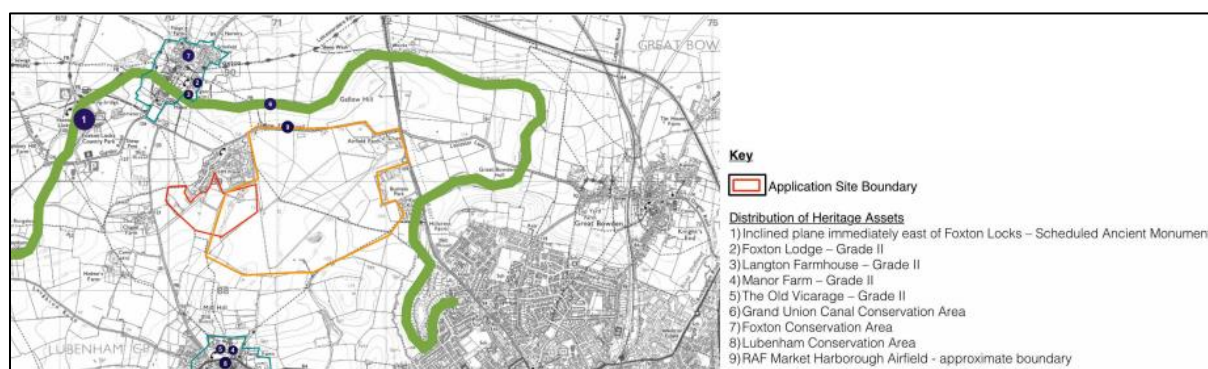
#### **c) Planning Considerations**

- 6.37 The detail of the proposed development will be considered under the following headings:
1. Heritage and Archaeology
  2. Ecology and Biodiversity
  3. Highways
  4. Landscape and Visual Impact
  5. Noise
  6. Drainage and Hydrology
  7. Air Quality
  8. Residential Amenity
  9. Design
  10. Socio-Economics
  11. Footpaths
  12. Agriculture and Soils
  13. Contamination
  14. Other matters

#### **1. Heritage and Archaeology**

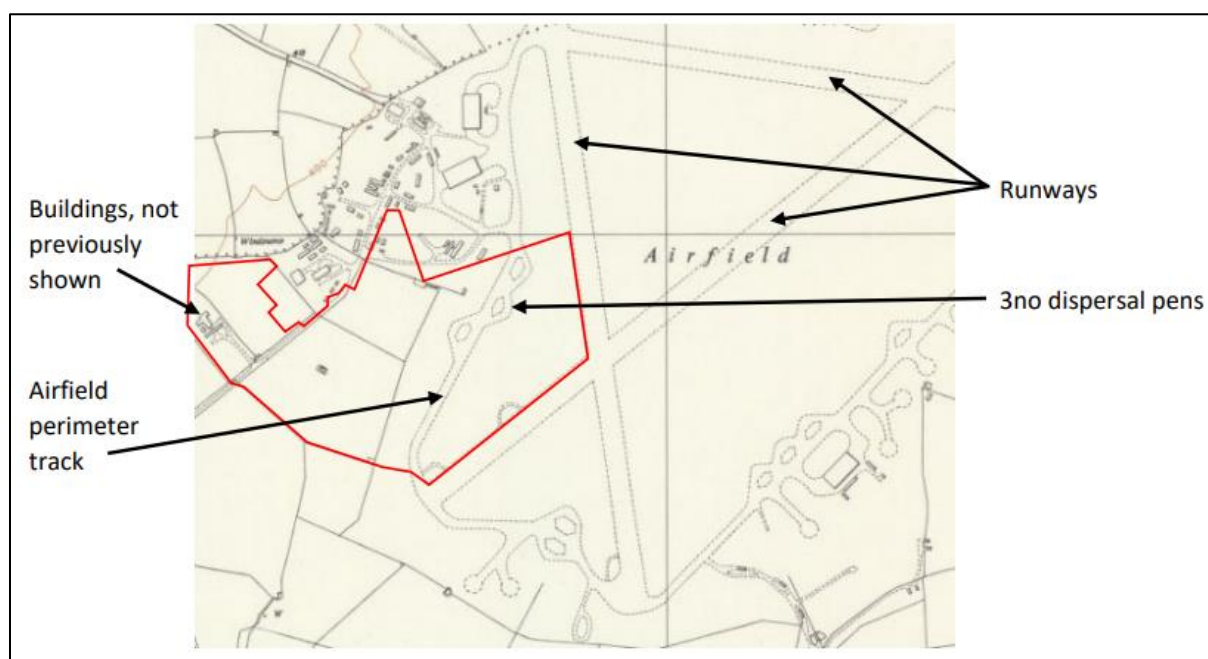
- 6.1.1 The application has been supported by the submission of a Heritage Statement which was prepared by the Heritage Advisory Limited.

- 6.1.2 The closest Listed Building to the site (St Andrews Church) lies within Foxton village, approximately 780m to the north of the site. There are a number of further listed buildings within Foxton village, as well as more located within Lubenham village, the closest being The Old Vicarage which is approximately 1km to the south of the site.
- 6.1.3 The Foxton conservation area lies to the north of the site, whilst Lubenham Conservation Area lies to the south. The Grand Union Canal Conservation Area lies to the north and west of the site, with the Foxton Locks Inclined Plane Scheduled Ancient Monument siting within this Conservation Area (see **Figure 21**)



**Figure 21: Location of Heritage Assets**

- 6.1.4 Within the site are the remains of a second World War Airfield (RAF Market Harborough) (see **Figure 22**). The airfield opened on 1st June 1943 and had a three runway layout with a perimeter track with 30 dispersals, suitable for bombers. From 1948 it was used for storing surplus military vehicles by the army. The MoD vacated the site in 1960. Remains of the concrete track survive, but all traces of the bomb store compounds themselves have been removed.



**Figure 22: 1958 OS Map of application site**

- *Heritage Legislation / Policy*
- 6.1.5 Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 places a duty on a local planning authority, in considering whether to grant planning permission

for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses (sections 16 and 66). Likewise, Section 72 of the same Act places a requirement on a local planning authority in relation to development in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

- 6.1.6 The Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC* 2014<sup>41</sup> made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.
- 6.1.7 The Ancient Monuments and Archaeological Areas Act 1979<sup>42</sup> provides for a consenting regime in respect of works to SAMs but it does not provide any statutory protection for their setting. SAM's are however designated heritage assets for the purposes of the NPPF and the protection of their significance is governed by its policies. There is a strong presumption in favour of the preservation of all designated heritage assets.
- 6.1.8 Local Plan policy HC1 "Built Heritage" is the relevant DP policy. Protecting and enhancing the historic environment is an important component of the Framework's drive to achieve sustainable development. The policy for the conservation of heritage assets in a manner appropriate to their significance is set out in Paragraphs 185-199 of the Framework.
- 6.1.9 Chapter 16 of the NPPF outlines how LPAs should determine applications that affect the historic environment. Paragraphs 185 and 192 state that LPAs should take account of the desirability of new development making a positive contribution to local character and distinctiveness, as well as opportunities to draw on the contribution made by the historic environment to the character of a place. The positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality, should be taken into account in decision taking.
- 6.1.10 Paragraph 194 states that LPAs should require applicants for planning permission to describe the significance of any affected assets (including their setting), providing a level of detail appropriate to their significance, using appropriate expertise to do so where necessary.
- 6.1.11 Paragraph 195 states that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.1.12 Paragraph 197 states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

---

<sup>41</sup> [Court of Appeal Judgment Template \(cornerstonebarristers.com\)](https://cornerstonebarristers.com/Court%20of%20Appeal%20Judgment%20Template%20%28cornerstonebarristers.com%29.pdf)  
(<https://cornerstonebarristers.com/cmsAdmin/uploads/barnwell-v-east-northamptonshire-dc-judgment.pdf>)

<sup>42</sup> [Ancient Monuments and Archaeological Areas Act 1979 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1979/46/contents)  
(<https://www.legislation.gov.uk/ukpga/1979/46/contents>)

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.1.13 Paragraph 199 advises that great weight should be given to the asset's conservation when considering the impact of a proposed development on the significance of a designated heritage asset. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The more important the designated asset, the greater the weight should be. Paragraph 194 recognises that significance can be harmed or lost through alteration or destruction of the designated heritage asset or development within its setting and as heritage assets are irreplaceable, it advises that any harm or loss should require clear and convincing justification

6.1.14 Paragraph 201 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

6.1.15 Paragraph 202 advises that 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.

6.1.16 Paragraph 203 refers specifically to non-designated heritage and requires a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 198 provides that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking reasonable steps to ensure that the new development will proceed after the loss has occurred.

6.1.17 Paragraph 205 states that Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

6.1.18 Paragraph 206 states that LPAs should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets "to enhance or better reveal their significance"; and states that proposals that "preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably".

6.1.19 The PPG states:

- the significance of a heritage asset derives not only from the asset's physical presence, but also from its setting.

- the harm to a heritage asset's significance may arise from development within its setting.
- that public benefits could be anything that delivers economic, social or environmental progress and they may include heritage benefits, such as: sustaining or enhancing the significance of a heritage asset and the contribution of its setting.

6.1.20 Policy HC1 (Built Heritage) of the Harborough District Local Plan states:

1. *Development affecting heritage assets and their settings will:*
  - a. *be appraised in accordance with national policy; and*
  - b. *be permitted where it protects, conserves or enhances the significance, character, appearance and setting of the asset, including where possible better revealing the significance of the asset and enabling its interpretation.*
2. *Where the proposed development would lead to substantial harm to (or total loss of significance of) a designated heritage asset and/or its setting, planning permission will not be granted unless:*
  - a. *The proposed development demonstrates that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss; or*
  - b. *The nature of the heritage asset prevents all reasonable uses of the site; and*
  - c. *No viable use of the heritage asset can be found in the medium term through appropriate marketing that will enable its conservation; and*
  - d. *Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
  - e. *The harm or loss is outweighed by the public benefits of bringing the site back into use.*

*Where the proposed development would lead to less than substantial harm to the significance of a designated heritage asset and/or its setting, this harm will be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*
3. *Development within or affecting a Conservation Area will be permitted where it preserves or enhances the character or appearance of the Conservation Area, including local design and materials.*
4. *Development affecting the significance of a non-designated heritage asset and/or its setting will have regard to the scale of any harm or loss and the significance of the non-designated heritage asset.*
5. *Development which enhances the local and regional role of Foxton Locks and the former inclined plane as a tourism and recreational facility and which maintains and enhances the value, importance and integrity of these heritage assets will be permitted.*

6.1.21 The Lubenham Neighbourhood Plan contains no specific heritage policy, however, "Objective A" states that the Plan should "*Protect and enhance the unique culture, rural character and heritage of Lubenham and ensure that it remains distinct and separate from Market Harborough and the SDA.*" Furthermore, the "Character, Culture and Heritage" section of the Plan refers to The Village Green, Playing Field, All Saints Church, All Saint's School and Public House (Coach and Horses) together with footpaths surrounding the village all being "Lubenham Heritage Assets"

6.1.22 Policy F7 of the Foxton Neighbourhood Plan identifies what the community consider to be Local Heritage Assets (ie non-designated Heritage Assets) and states:  
*"The following Local Heritage Assets (as defined on Map 5 and the Policies Map) should be conserved and enhanced:*

- *Mount Farm, Main Street*
- *Forge House, Main Street*
- *The Shoulder of Mutton Inn, Main Street*
- *Old Baptist Chapel, Main Street*
- *Old Court House and mud wall, Main Street*
- *Robert Monk Hall, Middle Street*
- *Orchard House, Vicarage Drive*
- *Old Mill House, Swingbridge Street*
- *The Old Manse, Swingbridge Street*
- *The Hermitage, Swingbridge Street*
- *Dale Cottage, Swingbridge Street*
- *The Chestnuts, Swingbridge Street*
- *Sunny Bank, Swingbridge Street*
- *Mud wall near St Andrews Church*
- *The Boiler House, Foxton Locks*

○ *Assessment of Impacts upon Designated Heritage Assets*

6.1.23 The submitted Heritage Statement assesses the effects of the development on built heritage receptors. The receptors are defined as buildings or structures and or above ground structures that can be described as heritage assets. The sensitivity of these assets is defined as set out in **Figure 23**.

6.1.24 The assessment has been carried out in accordance with the principles set out in Historic England's Good Advice in Planning Note 3 which gives guidance on the assessment of setting and expands upon the approach set out in the NPPF referred to in Paragraph 6.1.10 This first part of the chapter gives detailed consideration to the advice contained in the aforementioned HE publication.

6.1.25 Consideration of setting will most usually include consideration of views. The guidance draws a distinction between views that contribute to heritage significance and those which are valued for other reasons. The guidance makes it clear that setting is not a heritage asset; its importance lies in the extent that it contributes to the significance of the heritage asset or the ability to appreciate that significance. It is recognised that setting can change over time.

<b>Sensitivity Criteria Guide</b>	
High	Built heritage assets of the highest significance (NPPF 194(b)): scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites.
Medium	Other designated built heritage assets (i.e. excluding those listed above): grade II listed buildings, grade II registered parks and gardens, and conservation areas.
Low	Non-designated built heritage assets, such as locally listed buildings.

**Figure 23: Sensitivity appraisal of Heritage Assets**

6.1.26 The Heritage Statement sets out all the heritage assets in the study area of 2km from the centre of the site (see **Figure 21**) including listed buildings, scheduled ancient monuments and conservation areas. There are no Listed Buildings or Scheduled Ancient Monuments within the site. Beyond those identified in **Figure 21**, the Church of St Andrew in Foxton is Grade II\* and Gumley medieval settlement remains and field systems is also approx. 1.7km to the north-west the site (boundary to boundary). There are eleven designated heritage assets to consider:



- Foxton Lodge, Foxton (Grade II Listed) – Mid C18 House (with late C19 alterations) of brick and ironstone construction under a Swithland slate roof with stone coped gables. The west front of the property contains 4 bays with first floor brick band on one bay to left, an off-centre doorway with part-glazed 4-panel door. The property features sash windows which are all late C19. North gable wall has tall chamfered stone plinth and brick bands at first floor level. South gable wall has large, late C19 canted bay window on ground floor.
- Langton Farmhouse, Foxton (Grade II Listed) – House with attached cottage constructed in 1730 of brick and stone under a slate roof with central ridge stack. The south front contains 2 bays with an off-centre doorway and C20 part-glazed door. The west gable wall has unglazed basement window set in plinth, with wooden lintel and iron bars with datestone above inscribed: I T H 1730. The Cottage adjoining east gable has 2-bay south front with off-centre doorway with wooden lintel and C20 part-glazed door.
- Church of St Andrew, Foxton (Grade II\* Listed) – Parish Church C13, C14, C15, C17, restored 1893. West tower, nave, north aisle, north porch, south aisle, chancel. Coursed rubblestone and ashlar dressings with copper clad roofs. West tower; 5 stages, lower 3 are C13 with chamfered plinth and 4 stringcourses dividing the stages. Clerestory; 5 bays with 4-centred arch 3-light windows with concave moulded frames and hoodmoulds. 2 lead downpipes and coped gable. East wall has a C17 3-light window in square frame with splayed mullions and jambs. Below this are 2 C19 memorial tablets. Chancel; east part rebuilt in a C17 coped gable with finial.
- Manor Farm, Lubenham – House with barn attached constructed in early C18 of brick with ashlar stone dressings under a C20 plain tile roof. The west front contains 2 storeys with attic with 5 bays, a central doorway with C20 6-panel door with overlight, on either side, 2 glazing bar sashes. All windows retain early C18 sashes with thick glazing bars. The roof contains three C20 hipped roof dormers. The attached barn to north is constructed of brick with a shallow-pitched hipped roof with graded Swithland slates.
- The Old Vicarage, Lubenham – Late C17 house constructed of ironstone and brick under a late C20 slate roof with brick gable stack and stone ridge stack finished in brick. The south front is 2 storeys, 3 bays. The right bay, of dressed stone with stone quoins, was the original C17 house. The south front contains a central doorway with C19 half-glazed 4-panel door with glazed over-light. The east elevation is now masked by a C20 single storey addition with lean-to roof. A single light C17 mullioned window survives to the right on the upper floor. Above, a single C20 2-light dormer with flat roof.
- Grand Union Canal Conservation Area
- Foxton Conservation Area – 1975
- Lubenham Conservation Area – 1975
- Foxton Locks Conservation Area
- Foxton Locks Inclined Plane (Scheduled Ancient Monument) – The remains of the inclined plane at Foxton represent an exceptionally rare and complete example of late Victorian canal engineering which have remained free of subsequent development. The location of the inclined plane in close proximity to the staircase flight of locks, themselves a tourist attraction, considerably enhances its potential as a public amenity. The monument includes the standing, earthwork and buried remains of the inclined plane, the canal arm linking the plane with the canal summit and the bottom lift basin, situated immediately east of Foxton Locks. The bottom lift basin survives as a water-filled cutting up to 30m in width and 150m in length orientated on a NNW-SSE axis. Within the basin are the remains of the bottom docks which originally provided access to the northern and southern inclines. The docks survive as two sections of brick pier connected by a modern wooden walkway. The northern end of the dock consists of a semi-circular island measuring approximately 4m in length and 3m in width. The southern end of the dock is rectangular in shape, measuring approximately 19m by

12m, and projects from the base between the inclines. The inclined planes survive as two adjacent earthwork ramps on a gradient. The ramps measure approximately 100m in length and 28m in width. The southern incline includes a blue brick revetting wall approximately 20m in length and a maximum of 2m in height along its south western edge. Further sections of blue and red brick revetting wall and support piers immediately to the north and west originally provided the base for a steel aqueduct giving access to the northern incline. Eight parallel lengths of fragmentary concrete bases running the length of the inclines, four to each incline, mark the position of track beds for rails. Immediately south of the upper docks is the dry bed of the upper canal arm linking the plane with the canal summit.

- Gumley medieval settlement remains and field systems (Scheduled Ancient Monument - The settlement remains are orientated along a hollow way which originally represented a main thoroughfare through the settlement. The hollow way survives as a linear depression a maximum of 10m in width and 0.8m in depth which runs on an east-west axis for approximately 220m before turning sharply north east. A second section of hollow way curves from its southern side before looping back to re-join it. The location of a series of buildings adjacent to the northern side of the main hollow way are marked by house platforms which are visible as low rectangular embanked mounds. An area of cobbling approximately 200m to the south west denotes the location of further structures alongside a trackway leading onto the southern loop of the hollow way. Gardens and paddocks associated with earlier buildings along the modern Main Street are represented by a series of embanked rectangular strip enclosures varying between 50m and 120m in length and 30m in width, the long axes of which are orientated north east-south west. Immediately to the north and east of the enclosures is an extensive medieval agricultural landscape characterised by well defined ridge and furrow cultivation remains. The fields are aligned on at least four different orientations and separated by headlands at the end of each furlong. The fields are further subdivided into sections by evenly spaced baulks which run parallel to the strips.

#### Assessment of Significance and Contribution of Setting to that significance (Listed Buildings)

6.1.27 Foxton Lodge – The immediate setting of this heritage asset has remained relatively unaltered. However, the wider landscape – predominantly that found to the south – has been subject to extensive redevelopment in the form of RAF Market Harborough in 1942 and subsequent partial redevelopment of this to form HMP Gartree. The building lies outside the site and within the Foxton Conservation Area. The building dates to Mid C18. The development would not have any direct effect on the physical fabric of the building. Likewise, by virtue of the intervening “modern” development at HMP Gartree, the development will not affect its setting. The significance of the property is assessed against the NPPF glossary definition of significance with reference to heritage assets and the guidance on “significance” contained in the Planning Practice Guidance. Regard has also been had to Historic England’s Good Practice Advice notes.

- Archaeological; the fabric of the Lodge and its surroundings will contain evidence of its use and changes to the building over time.
- Artistic / Architectural interest resides with the design, construction and craftsmanship of this property, including its ‘off-centre doorway with flat hood on brackets and part-glazed 4-panel door’, ‘chamfered ironstone plinth’, and ‘graded Swithland slate roof’
- Historic interest resides in the property’s mid-18th century origins and subsequent, late 19th century alterations

6.1.28 Langton Farmhouse – The immediate setting of this heritage asset has remained relatively unaltered. However, the wider landscape – predominantly that found to the

south – has been subject to extensive redevelopment in the form of RAF Market Harborough in 1942 and subsequent partial redevelopment of this to form HMP Gartree. The building lies outside the site and within the Foxton Conservation Area. The building dates to 1730. The development would not have any direct effect on the physical fabric of the building. Likewise, by virtue of the intervening “modern” development at HMP Gartree, the development will not affect its setting. The significance of the property is assessed against the NPPF glossary definition of significance with reference to heritage assets and the guidance on “significance” contained in the Planning Practice Guidance. Regard has also been had to Historic England’s Good Practice Advice notes.

- Archaeological; the fabric of the hall and its surroundings will contain evidence of its use and changes to the building over time.
- Artistic/Architectural interest resides with the design, construction and craftsmanship of this property, including its ‘slate roof with central ridge stack’, ‘west gable wall (with) unglazed basement window set in plinth’, and ‘cottage adjoining east gable’.
- Inherent historic interest resides in the property’s 1730’s origins and subsequent evolution, including a later lean-to addition

6.1.29 Church of St Andrews – The immediate setting of this heritage asset has remained relatively unaltered. However, the wider landscape – predominantly that found to the south – has been subject to extensive redevelopment in the form of RAF Market Harborough in 1942 and subsequent partial redevelopment of this to form HMP Gartree. The building lies outside the site and within the Foxton Conservation Area. The building dates to the 13<sup>th</sup> Century. The development would not have any direct effect on the physical fabric of the building. Likewise, by virtue of the intervening “modern” development at HMP Gartree, the development will not affect its setting. The significance of the property is assessed against the NPPF glossary definition of significance with reference to heritage assets and the guidance on “significance” contained in the Planning Practice Guidance. Regard has also been had to Historic England’s Good Practice Advice notes.

- Archaeological; the fabric of the Church and its surroundings will contain evidence of its use and changes to the building over time.
- Artistic/Architectural interest resides with the design, construction and craftsmanship of this property, including its ‘*west tower with 5 stages, lower 3 are C13 with chamfered plinth and 4 stringcourses dividing the stages*’, ‘*Diagonal buttress with set-offs at north-east corner*’ and ‘*5 bays with 4-centred arch 3-light windows with concave moulded frames and hoodmoulds*’
- Inherent historic interest resides in the property’s 13<sup>th</sup> Century origins and subsequent evolution, and its social relevance to the village and surrounding area

6.1.30 Manor Farm – The immediate setting of this heritage asset has remained relatively unaltered. However, the wider landscape – predominantly that found to the north – has been subject to extensive redevelopment in the form of RAF Market Harborough in 1942 and subsequent partial redevelopment of this to form HMP Gartree resulting in a number of utilitarian structures being constructed within an otherwise agricultural setting. The building lies outside the site and within the Lubenham Conservation Area. The building dates to Mid C18. The development would not have any direct effect on the physical fabric of the building. Likewise, by virtue of the intervening “modern” development at HMP Gartree, the development will not affect its setting. The significance of the property is assessed against the NPPF glossary definition of significance with reference to heritage assets and the guidance on “significance” contained in the Planning Practice Guidance. Regard has also been had to Historic England’s Good Practice Advice notes.

- Archaeological; the fabric of the property and its surroundings will contain evidence of its use and changes to the building over time.
- Artistic / Architectural interest can be found across the property's '*house with barn attached*' construction, in conjunction with aspects such as '*brick and ashlar stone dressings*', '*all windows retain early C18 sashes with thick glazing bars*', and '*shallow-pitched hipped roof with graded Swithland slates*' at the barn
- Historic interest can be seen in the structure's early 18th century origins and subsequent evolution, being subject to alteration throughout the early 19th and 20th centuries.

6.1.31 Old Vicarage – The immediate setting of this heritage asset has remained relatively unaltered. However, the wider landscape – predominantly that found to the north – has been subject to extensive redevelopment in the form of the construction of RAF Market Harborough in 1942 and subsequent, partial redevelopment of this to form HMP Gartree. Any remaining features constituting the airfield have fallen into disrepair, again forming negative features within the wider agricultural narrative. The property lies outside the site and within the Lubenham Conservation Area. The building dates to Late C17. The development would not have any direct effect on the physical fabric of the building. No impact upon significance would result following the implementation of proposals. New built form is at a significant distance from this heritage asset and will form a relatively minor component of a much wider vista. Proposed built form will therefore be seen as a logical continuation of existing structures already present across the HMP Gartree site. Proposed development will therefore be seen within the existing, established utilitarian context, if this is perceptible at all. The significance of the property is assessed against the NPPF glossary definition of significance with reference to heritage assets and the guidance on "significance" contained in the Planning Practice Guidance. Regard has also been had to Historic England's Good Practice Advice notes.

- Archaeological; the fabric of the hall and its surroundings will contain evidence of its use and changes to the building over time.
- Artistic / Architectural interest resides with aspects such as craftsmanship and construction across this property illustrate its inherent interest, including '*L-plan*', '*C17 mullioned window*', and '*stone ridge stack finished in brick*'
- Historic interest is readily identifiable given the property's late 17th century origins and associated evolution and narrative following 18th and 20th century alterations

#### Impacts of development upon Significance of Setting (Listed Buildings)

6.1.32 Foxton Lodge – No impact upon significance would result following the implementation of proposals. The proposed new built form is a significant distance from this heritage asset and will form a relatively minor component of a much wider vista. Proposed built form will therefore be seen in conjunction with other structures already present across the site, in particular those within the foreground comprising HMP Gartree. The proposed development will therefore be seen in the context of the existing prison site and its utilitarian narrative more generally

6.1.33 Langton Farmhouse – Inter-visibility and therefore the inter-relationship between the heritage asset and application site is not considered of relevance with respect to proposals and their potential impact upon significance. The surrounding topography; intervening built form; and distance, prevent any changes to the way in which this heritage asset would be appreciated following their implementation. The ability to appreciate this heritage asset will also remain unaffected were Proposed Development to be constructed, particularly when considered in conjunction with existing built form at HMP Gartree.

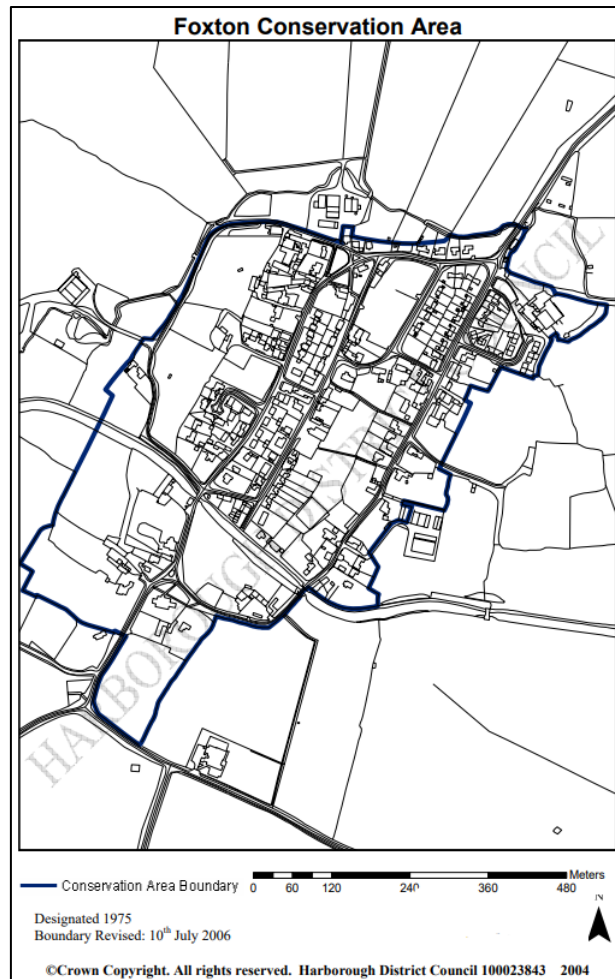
- 6.1.34 Church of St Andrews – Inter-visibility and therefore the inter-relationship between the heritage asset and application site is not considered of relevance with respect to proposals and their potential impact upon significance. The surrounding topography; intervening built form; and distance, prevent any changes to the way in which this heritage asset would be appreciated following their implementation. The ability to appreciate this heritage asset will also remain unaffected were Proposed Development to be constructed, particularly when considered in conjunction with existing built form at HMP Gartree.
- 6.1.35 Manor Farm – Inter-visibility and therefore the interrelationship between the heritage asset and proposed site is limited due to intervening vegetation and (more predominantly) the surrounding, undulating topography. Given the screened nature of the farmhouse, beyond aforementioned features proposals are unlikely to affect (either negatively or positively) the ability to appreciate this asset. Furthermore, proposed built form will not unduly impinge upon setting, particularly where this will be appreciated within the context of the already established prison site.
- 6.1.36 Old Vicarage – No impact upon significance would result following the implementation of proposals. The proposed new built form is a significant distance from this heritage asset and will form a relatively minor component of a much wider vista. Proposed built form will therefore be seen in conjunction with other structures already present across the site, in particular those within the foreground comprising HMP Gartree. The proposed development will therefore be seen in the context of the existing prison site and its utilitarian narrative more generally

#### Analysis – Listed Buildings

- 6.1.37 First to deal with the broad impact of the development on the setting of the 5 identified Listed Buildings. All four properties will be physically unaffected by the proposed development. Furthermore, due to the relative distance between the application site and the four designated heritage assets, there will be no impact upon their setting, or the significance of their setting. Whilst in its broadest setting the character of the wider surrounding area will change, because of the close proximity of the surrounding buildings to the listed buildings, and in the case of the Church of St Andrews, Langton Farmhouse and Foxton Lodge, the presence of the existing HMP Gartree, the proposed development will not affect the immediate setting of the building.
- 6.1.38 With respect to the relevant tests of the NPPF, 2021 (paragraph 199 etc.) it is not considered that any harm would accrue via the implementation of proposals. However, it is considered that there would be numerous public benefits - in both the short and long term. Economic benefit would clearly result from the construction phase – principally due to the provision of employment – whilst long term social benefit would arise via the provision of a prison site in the form of new, modern, efficient prisons developed in accordance with the Prime Minister's announcement in August 2019.
- 6.1.39 The proposal complies with the requirements of the adopted policy. The public benefits of the development are the delivery of much needed new prison spaces and the economic advantages arising from the proposal.

#### Analysis – The Foxton Conservation Area

- 6.1.40 The Foxton conservation area was originally designated in 1975 its boundary was revised in 2006, see **Figure 24**. The conservation area lies approximately 700m to the north of the application site.



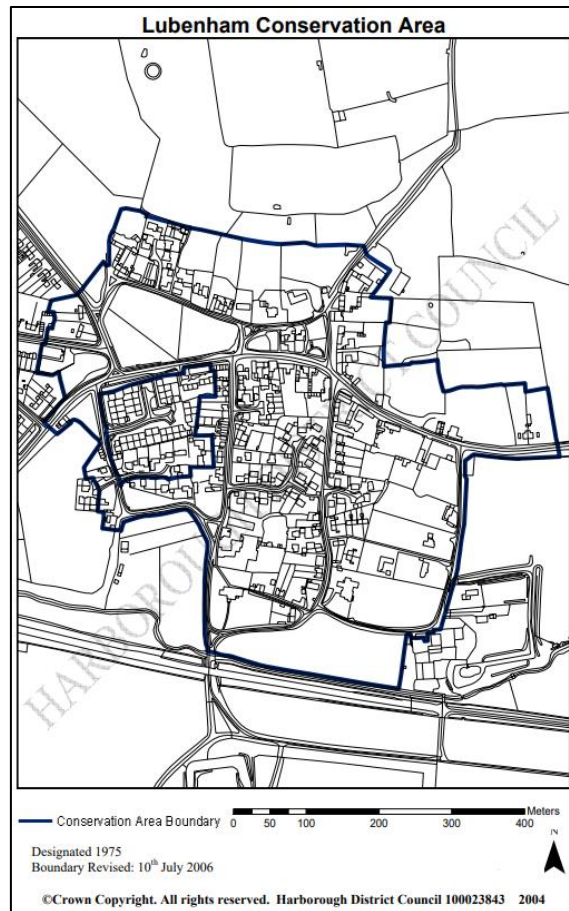
**Figure 24: Foxton Conservation Area**

6.1.41 No development is proposed within the conservation area boundary. The matters for consideration are concerned with the impact of the development on the setting of the conservation area. Within the Character Statement for Foxton Conservation Area it is noted that *'the existence of the canal has affected the character of the area and its development, with the area to the south of the canal differing from that to the north.'* The character and appearance of this conservation area is therefore derived from the fact that *'land south of the canal is less densely developed than the remainder of the village and rises noticeably'*. It is important to note that the Character Statement also sets out that *'the village of Foxton is set in agricultural land'*. Given 20th century redevelopment of land to the south to form RAF Market Harborough, in conjunction with subsequent degradation due to disuse and partial redevelopment to form HMP Gartree, the setting of the Foxton Conservation Area has demonstrably already been significantly impacted upon.

6.1.42 Inter-visibility and thus the interrelationship between the heritage asset and application site is not considered relevant with respect to proposals and their potential to impact upon significance. Surrounding topography, intervening built form and distance would prevent any changes to the way in which this heritage asset is appreciated following their implementation. Neither would the ability to appreciate this heritage asset be affected following the implementation of proposals.

#### 6.1.43 Analysis – The Lubenham Conservation Area

The Lubenham conservation area was originally designated in 1975 its boundary was revised in 2006, see **Figure 25**. The conservation area lies approximately 1km to the south of the application site.



**Figure 25: Lubenham Conservation Area**

- 6.1.44 Within the Character Statement for Lubenham Conservation Area it is stated that this area is divided into *'two distinct parts: that around the large green adjacent to and north of the main road, and the loop roads leading south from the main road to the church and River Welland'*. That in closest proximity to the application site is located to the north and described within the character statement as follows: *'the northern area consists of the Main Street (A4304) and the large green with fringing buildings to the north'*. The wider landscape to the north of this conservation area has been subject to extensive redevelopment in the form of the construction of RAF Market Harborough and associated air traffic, in 1942. This, in conjunction with disuse and subsequent partial redevelopment to form HMP Gartree has resulted in negative impact upon an otherwise agricultural setting.
- 6.1.45 No impact upon significance would result following the implementation of proposals. New built form is at a significant distance from this heritage asset and will form a relatively minor component of a much wider vista. Proposed built form will therefore be seen as a logical continuation of existing structures already present across the HMP Gartree site. The proposed development will therefore be seen in the existing, established utilitarian context, if perceptible at all from the setting of the Lubenham Conservation Area.

Analysis – The Grand Union Canal Conservation Area (including the Foxton Locks Conservation Area)



6.1.46 The Grand Union conservation area was designated in 2000 by Leicestershire county Council. The conservation area lies approximately 770m to the north of the application site at its closest point, and also 1.2km to the north-west of the site. A further specifically designated area is the Foxton Locks conservation area which was also designated in 2000 (but by Harborough District Council), see **Figure 26**. The Foxton Locks conservation area lies approximately 900m to the north-west of the application site.



**Figure 26: Foxton Locks Conservation Area**

6.1.47 The interest of this conservation area predominantly resides in its evidential value. The Grand Union Canal is essentially a narrow linear waterway controlled in height by locks. It was built between 1793 and 1814 as part of a pre-railway national transport link. The immediate setting of this heritage asset has been subject to extensive change during the 20th century. Works associated with the construction of RAF Market Harborough and subsequent air traffic would have impinged upon the ability to appreciate the historic narrative and engineering accomplishment of this section of the canal. Following the closure of the airfield, subsequent development - i.e. utilitarian buildings at HMP Gartree - has resulted in perceptible change within an otherwise agricultural setting. It should, however, be noted that this conservation area spans an extensive, yet linear, length. Therefore, the application site only forms a minor, component part of a much wider setting.

6.1.48 Inter-visibility and therefore the interrelationship between the heritage asset and application site is limited due to topography and intervening built form associated with the existing prison (see **Figure 27**), particularly in light of the fact that the application site sits at a lower elevation than the existing prison site. As such, proposals are unlikely

to affect in any way (either negatively or positively) the manner in which this is appreciated. Where proposed taller structures are visible this will be limited to glimpsed rooftops above existing, utilitarian structures that have already significantly altered the immediate setting of the heritage asset.



**Figure 27: View towards HMP Gartree from Grand Union Canal**

- 6.1.49 The interest of the specific Foxton Locks conservation area again predominantly resides in its evidential value. Foxton Locks are the most significant complex of the Grand Union Canal Conservation Area in Harborough District and a major lock complex in the whole canal system. They are situated on the junction of the Leicester line of the Grand Union Canal and the Market Harborough Arm which terminates at Market Harborough Canal Basin. Here the Conservation Area broadens to encompass not only the flight of ten locks, which are listed Grade II\*, but also the associated side ponds, two Grade II listed lock keeper's cottages, the Bridge 61 Public House, Foxton Locks Public House and the site of Foxton Inclined Plane (now a Scheduled Ancient Monument).
- 6.1.50 The locks themselves were originally constructed in engineering brick between 1811 and 1813. There are ten in all descending 75ft south to north. Built in two staircases of five, the chambers are operated by a system of side ponds and underground culverts. Between the two flights of five locks is a large pond allowing boats to pass. On the site of the former boiler house is a new building in a late nineteenth century industrial style (re-using contemporary materials) with cast iron windows which opened as a museum in 1989. The two nineteenth century lock keepers' cottages are positioned at top lock and bottom lock. Around the site are a number of original nineteenth century buildings. These include buildings formerly used as a carpenter's shop, blacksmith's forge, canal company offices and parts of Bridge 61 Public House, as well as Bridge 61 which, along with Bridge 60, is contemporary with the building of the original canal. The main group being at the foot of the lock flight.
- 6.1.51 The character of the Foxton Locks area is dominated by the flight of locks, the black and white balance beams and lock bridges, the towpath on the West side and the ponds on the East. The various canal structures, buildings and bridges, the canal museum (on the site of the Inclined Plane boiler house) and the high land of the summit of the

Inclined Plane all contribute to the concentration of features related to canal transport on this site.



**Figure 28: View across Foxton Locks towards the application site from the Top Lock**

- 6.1.52 The immediate setting of this heritage asset has remained largely unaltered, apart from the provision of car parking and associated access works to facilitate the growing influence of tourism generated by the Locks. The wider setting has been subject to extensive change during the 20th century, predominantly through works associated with the construction of RAF Market Harborough. Following the closure of the airfield, subsequent development - i.e. utilitarian buildings at HMP Gartree - has resulted in perceptible change within an otherwise agricultural setting.
- 6.1.53 Inter-visibility and therefore the interrelationship between the heritage asset and application site is limited due to the topography and landscaping of the surrounding area (see **Figures 28 and 29**). As such, proposals are unlikely to affect in any way (either negatively or positively) the manner in which this asset is appreciated. Where proposed taller structures are visible this will be limited to glimpsed rooftops above existing, utilitarian structures that have already significantly altered the immediate setting of the heritage asset.



**Figure 29: View across Conservation Area towards Application Site from Bridge 62**

Analysis – Scheduled Monument's

- 6.1.54 There are no scheduled ancient monuments within the site. A desk based assessment was carried out to establish known features within a 2km radius of the site and on nationally designated features within 5km of the site. The nearest scheduled monument is Foxton Locks inclined Plane which is approx. 1.2km north-west of the main development area of the application site with Gumley medieval settlement remains and field systems approximately 1.7km from the site, also to the north-west.
- 6.1.55 The difficulties and time delays of negotiating the ten stairs led to the construction of the Foxton Inclined Plane Boat Lift (completed in 1900). This engineering construction enabled the flight to be by-passed by counter balanced boat-holding troughs being winched up and down the plane in one operation between the highest and lowest points of the canal. The locks were reinstated in 1909 and the Inclined Plane had ceased operation by 1912. The plane remains as a grassy slope rising from the lower water-filled arm. Some foundations of associated buildings remain.
- 6.1.56 The significance of the Foxton Locks Inclined Plane Scheduled Ancient Monument is clearly set out within the Historic Record entry: *'The remains of the inclined plane at Foxton represent an exceptionally rare and complete example of late Victorian canal engineering which have remained free of subsequent development. The location of the inclined plane in close proximity to the staircase flight of locks, themselves a tourist attraction, considerably enhances its potential as a public amenity. Opportunities for the interpretation of the site are further supplemented by the large amount of contemporary documentary and photographic material relating to its construction and use'*
- 6.1.57 The immediate setting of this heritage asset has remained relatively unaltered. However, the wider landscape – predominantly that found to the north – has been subject to extensive redevelopment in the form of the construction of RAF Market Harborough in 1942 and subsequent, partial redevelopment of this to form HMP Gartree. Any remaining features constituting the airfield have fallen into disrepair, again forming negative features within the wider agricultural narrative. The property lies outside the site and within the Lubenham Conservation Area. The building dates to Late C17. The development would not have any direct effect on the physical fabric of the building. No impact upon significance would result following the implementation of proposals. New built form is at a significant distance from this heritage asset and will form a relatively minor component of a much wider vista. Proposed built form will therefore be seen as a logical continuation of existing structures already present across the HMP Gartree site. Proposed development will therefore be seen within the existing, established utilitarian context, if this is perceptible at all. The significance of the property is assessed against the NPPF glossary definition of significance with reference to heritage assets and the guidance on "significance" contained in the Planning Practice Guidance. Regard has also been had to Historic England's Good Practice Advice notes.
- Archaeological; the fabric of the hall and its surroundings will contain evidence of its use and changes to the building over time.
  - Artistic / Architectural interest is clearly discernible due to the presence of a standing earthwork and buried remains of the inclined plane, the canal arm linking the plane with the canal summit, and the bottom lift basin. Additional interest resides in the craftsmanship and construction methods employed here with the use of steel, rather than the cast or wrought iron used on earlier designs, and weights of up to 240 tons to be lifted; three times that of any of its predecessors.



- Historic interest is apparent given the locks readily identifiable historic narrative. As such, it forms a component part of the wider Grand Union Canal which was in use for 124 years. It is also associated with Foxton Locks, the last and most sophisticated incline to be built in England.



**Figure 30: View of Foxton Inclined Plane from viewing platform**

6.1.58 Inter-visibility and/or any interrelationship between the heritage asset and application site is extremely limited due to intervening built form associated with the prison. Given the highly screened nature of the heritage asset, proposals are unlikely to affect in any way (either negatively or positively) the manner in which this is appreciated (see **Figures 30 & 31**). Where taller, more visible structures are proposed, associated views will be limited to glimpsed over the rooftops of existing, utilitarian structures that have already significantly impinged upon the immediate setting of the heritage asset. That impacts upon significance would be minor is reinforced within relevant information contained in the Landscape and Visual Impact Assessment (Pegasus Group, July 2021) submitted as part of this application (and assessed later in this report at **Section 6c4** whereby it is stated that *'the scale of change is considered to be very small as a result and the proportion of the view affected will be very limited.'* Having visited the Inclined Plane site, Officers do not contend these findings.



**Figure 31: View towards site from Foxton Inclined Plane viewing platform**

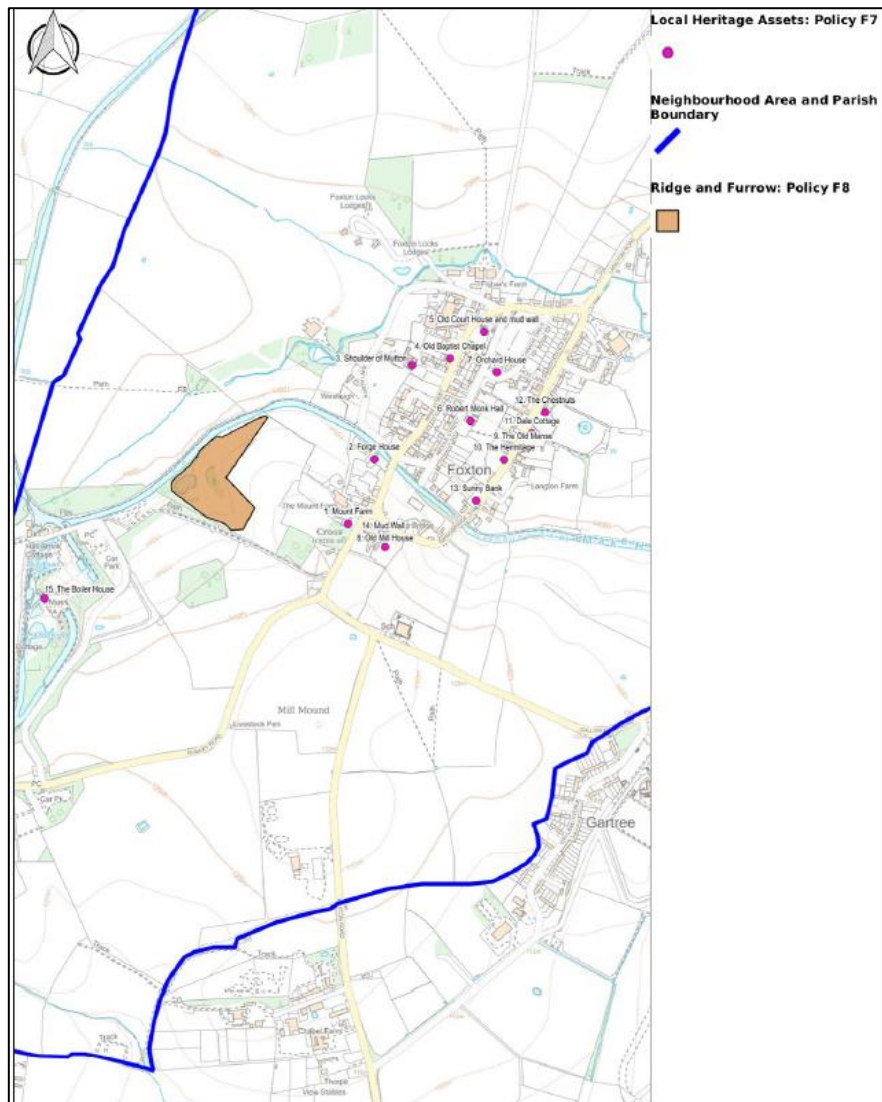
6.1.59 The significance of the Gumley medieval settlement remains and field systems Scheduled Ancient Monument is clearly set out within the Historic Record entry:

*“Gumley medieval and later settlement remains and the adjoining field systems 620m south east of the Church of St Helen survive particularly well as a series of earthworks and buried deposits. The areas of settlement have remained largely undisturbed since their abandonment and the survival of archaeological deposits relating to their occupation and use is likely to be good. These deposits will contain information about the dating, layout and economy of the settlement. Together with contemporary documents relating to the village, this will provide a good opportunity to understand the relationship between settlement and agriculture, and the mechanisms behind the development, decline and eventual contraction of the village”*

- *Non-Designated Heritage Assets (Built Heritage)*

6.1.60 Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. HDC have recently initiated their “Local List” of non-designated heritage assets, which has been initially populated with 16 buildings and structures, none of which are in the vicinity of the application site. Neighbourhood Plans are also a forum for identifying Non-Designated Heritage Assets.

6.1.61 Lubenham Neighbourhood Plan does not include a specific list of Heritage Assets that they would seek to protect, however, it does say that *“Features such as the Village Green, Playing Field, All Saints Church, All Saint’s School and Public House (Coach and Horses) together with footpaths surrounding the village are well used and add significantly to the character and heritage of the Neighbourhood Plan area and require continuing protection. These Lubenham heritage assets including listed buildings and the Scheduled Ancient Monument in Old Hall Lane are very important and great weight should be given to the protection of these village assets and surroundings.”*



**Figure 32: Foxton Neighbourhood Plan Map 5 – Local Heritage Assets**

6.1.62 Foxton Neighbourhood Plan does include a defined list of assets which are considered to be Non-Designated Heritage Assets. These are identified at **Figure 32** and in Policy F7<sup>43</sup> as:

1. Mount Farm, Main Street
2. Forge House, Main Street
3. The Shoulder of Mutton Inn, Main Street
4. Old Baptist Chapel, Main Street
5. Old Court House and mud wall, Main Street
6. Robert Monk Hall, Middle Street
7. Orchard House, Vicarage Drive
8. Old Mill House, Swingbridge Street
9. The Old Manse, Swingbridge Street
10. The Hermitage, Swingbridge Street
11. Dale Cottage, Swingbridge Street
12. The Chestnuts, Swingbridge Street
13. Sunny Bank, Swingbridge Street
14. Mud Wall near St Andrew's Church

<sup>43</sup> Those assets which have been *italicised and underlined* are considered to be the assets which could potentially be affected



## 15. The Boiler House, Foxton Locks

### Assessment of impact on non-designated heritage assets

- 6.1.63 Of the assets located in Lubenham, the Village Green and the Playing Field are most closely related to the Proposed Development. Lubenham village green (see **Figure 33**) is located just to the north of the A4304 at the heart of the village. It is surrounded by hedgerows with roads on all four sides. The village Playing Field is located just to the north of the village green, and is accessed via a narrow green strip between two properties with the play area opening out behind the properties. The play area is located at the base of Mill Hill which is located to the north of the village. As set out in relation to The Old Vicarage – which is closely related to both of these assets – due to the relative distance between the application site and the aforementioned assets, there will be no impact upon their setting, or the significance of their setting.



**Figure 33: Lubenham Village Green and Playing Field**

- 6.1.64 In terms of the defined non-designated heritage assets located within Foxton (see **Figure 32**), the below are considered to be the assets which are most likely to be the recipients of any potential impact arising from the Proposed Development:

1. Mount Farm, Main Street
  - Dates from 1892
  - The Poor House was in the present driveway.
8. Old Mill House, Swingbridge Street
  - Dates from 1750
  - Was the millers cottage
13. Sunny Bank, Swingbridge Street
14. Mud Wall near St Andrew's Church

The above list also includes the comments associated to the asset in Appendix 2 of the

Foxton Neighbourhood Plan. As set out in relation to The Church of St Andrew, Foxton Lodge and Langton Farmhouse – which are all closely related to these assets – due to the relative distance, topography and existing built form between the application site and the aforementioned assets, there will be no impact upon their setting, or the significance of their setting.

Assessment of impact on non-designated buried heritage assets (Archaeology)

- 6.1.65 The application contains an assessment of the impact of the development on archaeology. Following consultation with the Leicestershire County Council Archaeologist a programme of trial trenching was carried out. The sensitivity of different forms of archaeology to development are set out in the table at **Figure 34**.

High	<ol style="list-style-type: none"> <li>1. Nationally designated archaeological areas including scheduled monuments.</li> <li>2. Nationally designated historic landscapes, including and designated areas associated with globally important activities, innovations or people. World Heritage Sites</li> </ol>
Medium	<ul style="list-style-type: none"> <li>• Designated or non-designated historic assets that have exceptional qualities or associations.</li> <li>• Designated special historic landscapes and areas on local registers for their regional or local significance.</li> <li>• Archaeological remains and areas on local registers for their regional or local significance.</li> </ul>
Low	<ul style="list-style-type: none"> <li>• Designated or undesignated assets of local importance poorly preserved with limited value.</li> <li>• Unlisted buildings of modest quality in their fabric, townscape of limited historic integrity, and robust undesignated historic landscapes that have intangible cultural heritage associations of local significance.</li> </ul>

**Figure 34: Sensitivity of Archaeology**

- 6.1.66 Two large prehistoric ditch features were identified; one an Iron Age subcircular enclosure with good potential for further enclosing ditches to the immediate east and southeast, and an area demarcated by a substantial north northeast by south southwest oriented ditch with a “V”-shaped profile, a continuation of, with two westwards aligned spurs at each end – at least one of which deliberately ended with a terminus. That the feature is associated with ironworking nearby, and dates to the Iron Age, is significant and raises the potential of nearby anomalies with the same strong geophysical signature that lie within the ecological exclusions zone to the immediate north of two trenches.
- 6.1.67 Agricultural features across the site were typically represented by shallow and wide furrows. All the furrows that were surveyed and excavated were orientated in the directions suggested by the geophysical survey. Dating evidence suggest the ridge and furrow was active well into the post-medieval period.
- 6.1.68 Between the brook and the dispersal strip the undisturbed natural horizon only survived in limited areas. The signals mapped by the geophysical survey in this area were explained by modern features, typically land drains containing tarmacadam crush, but also a modern ditch and some cables. The made ground showed clear signs that ground reduction had taken place in many areas. The made ground between the brook and the dispersal strip appeared to be redeposited geology and may have come from areas beneath the runways.
- 6.1.69 A small brick feature, was found to be associated with the concrete dispersal strip and is probably the foundations of a square drain, light or communications point – a metal cable was discovered in the same trench, but this was inconclusive.

- 6.1.70 Whilst the majority of the site identified limited potential for archaeological deposits or features, an apparently contained but significant area of archaeological survival was recorded within the area east of the dispersal strip focused on Trenches 12 to 16. Middle Iron Age ditches, possibly including an enclosure, and associated pottery and ironworking waste have been recorded. The evaluation and preceding geophysical survey indicate that this activity is limited in extent to Trench 16 to the south and west, up to approximately 20m to the east of Trench 12, but may also extend to the geophysical anomalies to the north of Trenches 12 and 13 in the current badger exclusion zone. Whilst this area has not been subject to truncation associated with the airfield infrastructure and later 20th century activity, the features are relatively close to the present ground level and would be impacted by the groundworks proposed within this area of the site. It is therefore anticipated that further archaeological mitigation will be required within this zone.
- 6.1.71 LCC Archaeology have assessed the submissions, and concur that this significant area of archaeological survival with limited potential for archaeological deposits is a material consideration which the LPA is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. LCC Archaeology go on to say that it is recommended that prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. This will involve archaeological mitigation in the form of open area(s) investigation.
- 6.1.72 HDC Officers consider that the loss of these assets would result in significant harm to the non-designated heritage asset. This is a consideration which will have to be weighed in the Planning Balance against the Public Benefits of the Proposed Development. Notwithstanding this, the recording of the deposits will ensure that their presence is recorded in perpetuity, and this is a significant benefit which will also have to be weighed in the Planning Balance.
- 6.1.73 On the basis of the above, Officers consider that the outline planning application has demonstrated that the proposed development will protect the importance of heritage assets in the vicinity of the site. It is therefore considered that – due to the national importance afforded to heritage and by virtue of the significant benefits attributed to the recording of deposits – the proposals will have a moderate beneficial impact upon Heritage and Archaeology and would therefore accord with the Policy HC1 of the Harborough District Local Plan in this respect.

## 2. Ecology (Flora & Fauna) and Biodiversity

- 6.2.1 CGO Ecology Ltd was instructed by Mace Ltd, on behalf of the MoJ, to conduct an Ecological Impact Assessment on the Application Site. A Preliminary Ecological Appraisal was conducted by Ramboll. Phase 2 ecology surveys were conducted by CGO Ecology and Ramboll in 2021. The Ecological Impact Assessment report presents and evaluates the existing 'baseline condition' of the site; assesses the potential impacts of the development within the Zone of Influence; sets out the proposed mitigation and compensation measures; identifies any residual impacts, and proposes suitable enhancements.

## 6 Ecology and Biodiversity Legislation / Policy

- 6.2.2 **National policy** sets out that planning should provide biodiversity net gains where possible. Paragraphs 170(d), 174(b) and 175(d) of The Framework refer to this policy requirement and the Natural Environment Planning Practice Guidance

(PPG)<sup>44</sup> provides further explanation on how this should be done. Delivering net gain is also referred to in the National Infrastructure Commission's Design Principles<sup>45</sup>, National Policy Statements<sup>46</sup> and the National design guide<sup>47</sup>. The Government's 25 Year Environment Plan<sup>48</sup> sets out the aspiration to mainstream biodiversity net gain in the planning system and move towards approaches that integrate natural capital benefits.

6.2.3 The Government announced it would mandate net gains for biodiversity in the Environment Bill<sup>49</sup> in the 2019 Spring Statement. This followed a consultation on net gain<sup>50</sup> from December 2018. Defra's response to the consultation was published in July 2019. An impact assessment<sup>51</sup> on biodiversity net gain and Local Nature Recovery Strategies was published in late 2019. The Environment Bill received Royal Assent on 9 November 2021, meaning it is now an Act of Parliament<sup>52</sup>.

6.2.4 Mandatory biodiversity net gain as set out in the Environment Act<sup>53</sup> applies in England only by amending the Town & Country Planning Act (TCPA) and is likely to become law in 2023. The Act sets out the following key components to mandatory BNG:

- **Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan**
- **Habitat secured for at least 30 years** via obligations/ conservation covenant
- Habitat can be delivered on-site, off-site or via statutory biodiversity credits
- There will be a national register for net gain delivery sites
- The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss
- Will also apply to Nationally Significant Infrastructure Projects (NSIPs)
- Does not apply to marine development
- Does not change existing legal environmental and wildlife protections

---

<sup>44</sup> [Natural environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/natural-environment)

(<https://www.gov.uk/guidance/natural-environment> )

<sup>45</sup> [NIC-Design-Principles.pdf](https://nic.org.uk/app/uploads/NIC-Design-Principles.pdf)

(<https://nic.org.uk/app/uploads/NIC-Design-Principles.pdf>

<sup>46</sup> [National Policy Statements | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/national-policy-statements/)

(<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/national-policy-statements/> )

<sup>47</sup> [National design guide.pdf \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962113/National_design_guide.pdf)

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/962113/National\\_design\\_guide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962113/National_design_guide.pdf) )

<sup>48</sup> [25-year-environment-plan.pdf \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf)

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/693158/25-year-environment-plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf) )

<sup>49</sup> [Environment Bill 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/environment-bill-2020)

(<https://www.gov.uk/government/publications/environment-bill-2020> )

<sup>50</sup> [Net gain - Defra - Citizen Space](https://consult.defra.gov.uk/land-use/net-gain/)

(<https://consult.defra.gov.uk/land-use/net-gain/> )

<sup>51</sup> [Net gain impact assessment \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839610/net-gain-ia.pdf)

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/839610/net-gain-ia.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839610/net-gain-ia.pdf) )

<sup>52</sup> [World-leading Environment Act becomes law - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/world-leading-environment-act-becomes-law)

(<https://www.gov.uk/government/news/world-leading-environment-act-becomes-law> )

<sup>53</sup> [Environment Act 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

(<https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>)



6.2.5 Chapter 15 of The Framework is concerned with “Conserving and enhancing the natural environment”. Paragraph 174 establishes some general principles of particular note are the following sub-sections;

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

6.2.6 Paragraph 179 of The Framework states plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

6.2.7 Paragraph 180 sets out the principles to be applied when making planning decisions. Of particular relevance are sub-sections b and d:

*b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

6.2.8 The NPPG offers guidance on the natural environment with reference to inter alia “Biodiversity, geodiversity and ecosystems”. The guidance states

*“Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its 25 Year Environment Plan.*

*Guidance on the law concerning designated sites and protected species is published separately because its application is wider than planning. In applying this, the aim should be to fulfil statutory obligations in a way that minimises delays and burdens.*

6.2.9 The guidance makes reference to specific questions to be considered when applying the NPPF. The questions relate to the following areas:

- Information, including ES and its contents;
- Avoidance, avoiding significant harm;
- Mitigation, the minimisation of significant harm; and
- Compensation, where significant harm cannot be avoided can it be minimised.

The NPPG goes on to make reference to net gain which refers to measurable improvements.

6.2.10 The relevant parts of Policy GI5 of the Harborough Local Plan state:

2. *Development will be permitted where:*
  - a. *there is no adverse impact on:*
    - i. *the conservation of priority species;*
    - ii. *irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;*
    - iii. *nationally designated sites;*
    - iv. *locally designated sites;**unless, in all cases, the need for, and benefits of, the development in that location clearly outweigh the impact.*
  - d. *opportunities for improving habitats and for improving the water quality of local water courses to improve the aquatic habitat are incorporated;*
  - e. *unavoidable loss or damage to habitats, sites or features is addressed through mitigation, relocation, or as a last resort compensation to ensure there is no net loss of environmental value.*
3. *Development should contribute towards protecting and improving biodiversity and geodiversity through, as relevant:*
  - a. *protecting and enhancing habitats and populations of priority species;*
  - b. *protecting and enhancing the strategic biodiversity network and wildlife corridors, particularly river and canal corridors, disused railways and all watercourses;*
  - c. *maintaining biodiversity during construction;*
  - d. *providing contributions to wider biodiversity improvements in the vicinity of the development;*
  - e. *including measures aimed at allowing the District's flora and fauna to adapt to climate change;*
  - f. *including measures to improve the water quality of any water body as required by the Water Framework Directive; and*
  - g. *protecting features and areas of geodiversity value and enhancing them to improve connectivity of habitats, amenity use, education and interpretation.*

## 7 Existing Ecological conditions

- 6.2.11 The Application Site measures 11.69ha, with the proposed prison occupying around 9.78ha of this. The Application Site is currently grassland used as sheep pasture, with areas of hardstanding including a World War II taxiway, hedgerows, ditches, small areas of woodland, and a small complex of farm buildings. Included in the red line boundary are additional areas of grassland, woodland, and hedgerow to the north-west (on the opposite side of Welland Avenue), a triangular field immediately southwest of HMP Gartree, and an isolated parcel on the northwest edge of the Gartree residential estate. The wider landscape is a mixture of arable and pasture farmland, with Market Harborough centred to the southeast. The North-West Market Harborough SDA is moving the edge of Market Harborough closer to the site, eventually to within 800m. Characteristic seminatural habitats are lowland seasonally-wet pastures and woodlands. Modern land uses are mainly arable and grassland, with some woodland.
- 6.2.12 There are no protected site designations within 2km, and only three protected sites within 5km. Great Bowden Borrowpit SSSI (Site of Special Scientific Interest) is 2.5km to the east; Kilby-Foxton Canal SSSI is 2.7km to the north; Saddington Reservoir SSSI is 3.8km to the northwest. There are no international designations within 5km. The Impact Risk Zones for SSSIs within 5km require Natural England consultation for aviation, farm, and quarry developments, but not for the proposed prison development.

6.2.13 Seven Local Wildlife Site (LWS) designations exist within 2km (see **Figure 35**). These have no statutory protection, but they benefit from de facto protection through the local planning process.

LWS name	Dist (m)	Type	Grid ref	Description
Grand Union Canal Harborough Arm	627	Canal	SP694898	Canal with stands of emergent vegetation.
Lubenham, south of Foxton Rd	749	Mesotrophic grassland	SP700876	Two grazed fields, with ridge and furrow and moderately species-rich grassland (8 indicator species) along the banks of a stream, plus three pollarded white willows <i>Salix alba</i> (girth not known) along the stream to the south of the field.
Orchard House Ash 1	869	Mature tree	SP704875	Mature ash <i>Fraxinus excelsior</i> tree.
Orchard House Ash 2	870	Mature tree	SP703875	Mature ash tree
Foxton Lock pounds, disused canal and inclined plane	903	Standing water	SP692895	Series of open water lock pounds with carr, reedbeds and <i>Carex</i> swamps; disused canal with species-rich aquatic vegetation, incl. <i>Potamogeton natans</i> ; semi-improved grassland on inclined plane, associated scrub woodland, public access.
Market Harborough, Leicester Road Verges	1562	Mesotrophic grassland	SP724883	Roadside verges on both sides of the road, eight LWS indicator species.
River Welland	1887	Large river	SP740872	Large river

**Figure 35: Local Wildlife Sites within 2km of the Application Site**

## 8 Assessment of Impacts

6.2.14 Mitigation has been embedded into the scheme by the Applicants throughout its design process. The instruction of ecological surveys was sufficiently early to allow baseline data-gathering, and incorporation of the ecological evidence into the design process. The scheme was designed to minimise the amount of hedgerow lost, and to avoid the areas west of Welland Avenue where the most valuable seminatural habitats are.

6.2.15 Habitat compensation has also been embedded into the scheme's design, in order to meet the aspirational 10% BNG target. Species mitigation and compensation has affected the design of the landscaping provisions, as it was concluded that at least two main setts would need to be created around the southern/eastern perimeter of the site, with a continuous band of new woodland to provide habitat continuity for badgers displaced from the site. It was also identified as important that the badgers continued to have access to maize fields to the east and southeast. A Construction Environmental Management Plan (CEMP) will be in place throughout the development (see **Appendix A - Condition 35**). A Habitat Management Plan will be in place for 30 years for all retained, created, and enhanced habitats (see **Appendix A - Condition 23 and Appendix B**).

6.2.16 The following section of the report assessing the impacts on different ecological assets considers the impact, mitigation and any required compensation for each asset, with a separate for each of these elements. **Figure 36** identifies the potential impacts and the proposed mitigation measures in tabular form. Following the Assessment of impacts and mitigation, a brief assessment of residual impacts (ie after the implementation of mitigation) and the proposed enhancements designed to off-set these. It is through this process that Biodiversity Net Gain is achieved. This is set out in tabular form at **Figure 37**.



Ecological features	Importance	Potential impacts	Mitigation
Habitats	Site	Moderate. Construction loss of poor semi-improved grassland, woodland, ditches, pond	Woodland, pond, and hedgerow creation. Grassland enhancement. BNG 26.29% area, 25.26% hedgerows.
Bats	Site	Moderate. Loss of commuting/foraging habitat for at least five species, light pollution.	Habitat enhancement in other areas. New roosts (batboxes) to encourage use of different areas. No new lighting of Welland Ave.
Badger	Local	Major. Construction loss of five setts (including two main setts) and much foraging territory.	Create at least two new main setts on south/east perimeter. New woodland belt around south/east edge of site, providing habitat connectivity and continued access to maize fields.
Other mammals	Site	Moderate. Construction killing, injury, loss and fragmentation of habitat.	Hedgehog checks during enabling works, especially clearance of debris and scrub. Provide hedgehog homes as alternative shelter in retained woodland and hedgerows.
Barn owl	Site	Minor. Disturbance of roosts and/or nest site. Loss of foraging habitat.	Safeguard roost trees. No lighting near roosts. Enhancement of grassland northwest of Welland Ave to offset losses. Installation of nestbox.
Other birds	Site	Minor. Loss of nesting and foraging habitat. Loss of wintering habitat.	Enabling works to avoid March-August nesting season. Compensatory nestboxes for common passerines. New woodland, nestboxes, and other habitat provisions will provide BNG for a range of birds.
Great crested newt	Site	Moderate. Low population on site, moderate population 150m east. Construction killing and injury. Permanent loss of breeding place (P1), resting places around P1 and east edge of site.	Traditional mitigation or DLL scheme to mitigate impacts. Significant net gain of breeding and terrestrial habitat through pond creation and grassland enhancement west of Welland Ave.
Other amphibians	Site	Minor. Construction killing, loss of breeding and terrestrial habitat.	Significant net gain of breeding and terrestrial habitat through pond creation and grassland enhancement.
Invertebrates	Site	Minor. Construction loss of habitat.	No direct mitigation. Compensation and enhancement through habitat creation, improvements on wider site, installation of 20 bee-bricks in new builds, and new ponds.
INNS	Site	Minor. Construction and operational accidental infestation, continued spread.	Biosecurity Plan in place. Eradication programme for cotoneaster prior to works.

**Figure 36: Ecological Impacts and Mitigations**

#### 6.2.17 Designated sites

There will be no direct or indirect local construction or operational impacts on any local protected sites. There are no protected sites within 2km and no Local Wildlife Sites within 500m. As such, no mitigation or compensation is required

#### 6.2.18 Habitats

Potential Impacts – All of the significant impacts on habitats will be during the construction phase. There are not likely to be any negative effects on retained habitats during the operational phase. The development will cause direct permanent loss of 18.85ha of poor semi-improved grassland, 0.63ha woodland, 1.45ha of buildings and hardstanding, and small areas of other habitats. Of the linear habitats present, all hedgerows will be retained, but 644m of wet and dry ditch will be lost. Temporary sound, light, and dust disturbance of hedgerows and trees along Welland Avenue could occur.

6.2.19 Mitigation Measures – Following the mitigation hierarchy, any loss of seminatural habitats must be fully compensated by replacement planting on-site, and/or off-site offsetting. All important features must be identified, and the potential impacts on them must be understood. The proposed mitigation and compensation must be appropriate,

and secured by effective means. The geographical scale of importance and impacts must be clear. The likely residual impacts must be clearly stated, and the potential cumulative impacts when considering this development alongside others in the area. Loss of habitats will be compensated by on-site creation and enhancement, achieving 26.29% BNG for habitats, and 25.26% BNG for hedgerows. New broadleaved woodland planting around the south and east edge of the new prison will significantly increase connectivity of woodland around the site perimeter. New grassland within the prison will offset much of the loss of existing grassland. Two new ponds to the northwest of Welland Avenue will offset the loss of a pond and ditches. There will be a net gain in hedgerow. The CEMP will minimise impacts on retained habitats. The HMP will ensure favourable management of the retained, enhanced, and created habitats for a 30-year period.

- 6.2.20 Compensation – Inevitably the development site will be less green than it is now, and BNG habitat trading complicates the concept of habitat mitigation, compensation, and enhancement. Landscaping associated with the new prison (to be agreed via condition (see **Appendix A – Condition 5**)) will mitigate the loss of some habitats, but compensatory provisions will also be needed. These are included within the red line boundary and therefore on-site. Loss of habitats will be compensated by on-site creation and enhancement, achieving 26.29% BNG for habitats, and 25.26% BNG for hedgerows. LCC Ecology have confirmed that this level of BNG is achievable, and that the implementation of the measures should be secured via a planning condition (see **Appendix A – Condition 22**) New broadleaved woodland planting around the south and east edge of the new prison (2.03ha) will replace that lost to the development (0.67ha). Two new ponds to the northwest of Welland Avenue (0.04ha) will offset the loss of a pond (0.02ha). No hedgerow compensation is needed. The loss of 18.85ha poor-quality pasture will be compensated by enhancement (seeding) of 5.17ha of retained pasture to achieve a species-rich neutral grassland, equivalent to semi-improved in Phase 1 terms, and ‘good’ condition modified grassland. This will be achieved by cutting hard, scarifying, and seeding with native species-rich grass and herb mix, with introduction of a suitable grazing regime. The two new ponds are proposed will be partly compensation, and partly enhancements.

#### 6.2.21 Bats

Potential Impacts – No roosts will be affected by construction or operational activities, but significant commuting and foraging habitat will be lost permanently. Activity surveys and roost surveys have so far identified at least five bat species using the site. These are low numbers of common pipistrelle, noctule, soprano pipistrelle, Nathusius’ pipistrelle, and Myotis. It is likely that the number of bats using the development area at any one time is fewer than 10. Construction activities could cause an increase in noise, lighting and other effects along Welland Avenue, commuting routes and foraging areas. If new permanent lighting is proposed on Welland Avenue as part of any subsequent reserved Matters submission, this would cause a significant operational impact.

- 6.2.22 Mitigation Measures – Permanent lighting must be avoided on Welland Avenue, and a sensitive lighting plan be used during construction (this will be secured as part of the CEMP (see **Appendix A – Condition 35**)). New habitat provisions (especially woodland on south/east perimeter) will offset the loss of foraging habitat in due course, but there will be a reduction in available habitats in the short to medium term. New batbox provisions in land northwest of Welland Avenue will be used to encourage use of that area. Grassland enhancement will provide better foraging habitat than at present. The final results of the monthly activity surveys will inform impact assessment of the development on bat commuting routes and foraging areas, and may require additional mitigation.

6.2.23 Compensation – No compensation need for roosts has been identified as being necessary, but loss of foraging and commuting habitat will need to be compensated by new batboxes. These should be installed on suitable trees, buildings and/or woodland edges, especially northwest of Welland Avenue where enhanced grassland is being provided (this will be secured as part of the CEMP (see **Appendix A – Condition 35**)). The new woodland provisions to the south and east will take decades to reach maturity and provide natural roosts; hence the need for artificial alternatives in the interim. The numbers and types of batboxes will be decided upon completion of the bat activity surveys, once a full picture is known of commuting and foraging routes through the whole April-October season, these will inform the CEMP.

#### 6.2.24 Badger

Potential impacts – Around 20ha of territory will be permanently lost, including two main setts, a subsidiary, and an outlier sett. Two outlier setts on the southern site margin and on the proposed BNG enhancement land to the northwest of Welland Avenue will be retained.

6.2.25 Mitigation measures – Licensed sett closure will be used to evict badgers from four setts within the Application Site. This will be conducted in the appropriate July - November period. Replacement setts have been constructed, with video trapping to be carried out to establish whether or not they have been occupied. Following the grant of Planning Permission (if this is forthcoming), and proof of the occupation of the replacement sett, the Applicants will apply to Natural England for a license to carry out authorised closure of the existing sett. As previously mentioned, two outlier setts have been retained.

6.2.26 Compensation – Two artificial main setts have been constructed around the south and east edge of the development site. This peripheral area will subsequently be planted with 2.03ha of new woodland to provide an extensive belt of connected habitat that will in time provide a net gain in foraging habitat. The badger clan will continue to have access to the maize fields to the east and southeast.

#### 6.2.27 Other mammals

Potential impacts – During construction, hedgehogs could be killed and/or displaced if no safeguards are put in place. Hedgehog habitat will be permanently fragmented. No operational impacts are likely.

6.2.28 Mitigation measures – Hedgehog checks will need to be carried out when clearing vegetation, debris, or other locations where they may shelter. Planting of new woodland, and pasture reversion to meadows, will enhance habitat and connectivity in the south and east of the new prison, and northwest of Welland Avenue. This can be secured via planning condition (see **Appendix A – Condition 23**).

6.2.29 Compensation – The applicants have proposed to install 10 artificial hedgehog homes in undeveloped parts of the red line boundary, to offset the loss of current shelter habitat. This can be secured via planning condition (see **Appendix A – Condition 23**).

#### 6.2.30 Barn owl

Potential impacts – Construction will cause the permanent loss of grassland on part of the site that could be used occasionally as foraging habitat. However, no barn owls have been recorded in the development area, and therefore this loss is considered to be theoretical and minor. Increased lighting and construction activity along Welland Avenue could disturb existing tree roosts to the north of Welland Avenue.

6.2.31 Mitigation measures - No nocturnal lighting of Welland Avenue will occur during construction, and no permanent new lighting along Welland Avenue (see **Appendix A – Condition 23**).

6.2.32 Compensation – A barn owl nestbox will be erected in a suitable tree as far north of Welland Avenue as possible, to encourage roosting/nesting away from Welland Avenue. This can be secured via planning condition (see **Appendix A – Condition 23**).

6.2.33 Other birds

Potential impacts – Construction will cause permanent loss of nesting and foraging habitat for a range of common birds, although probably no more than 10 pairs. It could also cause destruction of nests, and killing and injury of chicks in the absence of mitigation. Possible effects on overwintering birds are unknown, but not expected to be significant. There is much similar pasture on farmland in all directions; therefore, it is unlikely that this site provides an important overwintering resource. The construction of the new prison will have a positive impact by creating new nesting habitat for Red List and Amber List gulls.

6.2.34 Mitigation measures – Demolition, tree felling, shrub/scrub removal, and commencement of other enabling works, such as cutting or driving over long grass, infilling ponds, or clearing debris, must avoid the March-August nesting season. If any work must commence within the nesting season, it must be preceded by an ecologist nest check leading to an all clear. This can be controlled via planning condition (see **Appendix A – Condition 23**). Any active nests must be safeguarded with a 5m stand-off using road pins and hazard tape or fencing.

6.2.35 Compensation – Breeding habitat compensation by installation of suitable nestboxes in other areas of the site (to provide alternatives in the short term). The number and types must reflect the species and estimated numbers of territories affected. Also, habitat creation (woodland, shrubs, hedgerows, ponds) and enhancements (pasture seeding/reversion) within and outside the development. This can be secured via planning condition (see **Appendix A – Condition 23**).

6.2.36 Great crested newt

Potential impacts – One breeding pond with a small population (peak count of eight GCN) will be lost, as well as terrestrial habitat used by low numbers of GCN around the above pond and around the southeast corner of the site, near to the Airfield Farm mitigation area. The number of GCN around the above pond is likely to be in the low tens. The number of GCN that have immigrated from the Airfield Farm ponds is likely to be fewer than 10. The intervening habitat is relatively unfavourable for GCN, and there is no woodland to attract hibernating newts in their terrestrial phase.

6.2.37 Mitigation measures – Loss of breeding and resting places is likely to occur. Any potential legal offences under the Habitats Regulations 2017 (as amended) will require a Natural England mitigation licence or a District Level Licensing (DLL) scheme alternative. Planning consent is a prerequisite for both. No mitigation is proposed as such, as a DLL will be used to compensate the impacts. The Applicants Ecologist has been in liaison with Natural England and LCC to identify the preferred route. LCC Ecology have advised that the DLL route is preferable.

6.2.38 Compensation – once DLL is engaged, it will offset the impacts. This involves a financial contribution to an off-site habitat-creation scheme run by a Leicestershire partnership, with long-term safeguard and management of a network of ponds and terrestrial habitat. In return, a licence is granted to commence work on site.

#### 6.2.39 Other amphibians

Potential impacts – Low numbers of smooth newt could be harmed, and their breeding and terrestrial habitat will be lost permanently during construction. No operational effects have been identified.

6.2.40 Mitigation measures – There is no requirement to mitigate for loss of widespread amphibians.

6.2.41 Compensation – New compensatory habitat (pond creation, grassland enhancement, woodland planting) will fully offset the loss of existing amphibian habitats. DLL mitigation for GCN will benefit smooth newts.

#### 6.2.42 Invertebrates

6.2.43 Potential impacts – Generally there will be a permanent loss of habitat due to construction. Construction and landscaping will also create new opportunities for invertebrates, though likely a different spectrum of species. No operational effects are anticipated.

6.2.44 Mitigation measures - No direct mitigation has been considered necessary by the applicants.

6.2.45 Compensation – No targeted compensation has been considered necessary by the applicants, however, general habitat creation as set out above will offset the loss of habitat.

#### 6.2.46 Invasive Non-Native Species (INNS)

Potential impacts – Impacts most likely during enabling works and construction, but there is an ongoing risk during operation. Accidental import or spread of INNS plants, aquatic and soil invertebrates, and fungal and bacterial pathogens are most likely. This can occur on vehicle wheels, digger buckets, chainsaws, clothing, boots, and other equipment, especially those coming from another site. Also, soil around trees and plants from nurseries can import invertebrates (and occasionally vertebrates) from other sites, including INNS.

6.2.47 Mitigation measures – The MoJ has confirmed it will conduct an Eradication Plan for the existing cotoneaster stands prior to development commencing. This will be by hand-cutting/pulling and safe disposal of the arisings. All arisings from INNS removal must be transported by registered carrier to a controlled waste site, this can be secured via planning condition (see **Appendix A – Condition 34**). A Biosecurity Plan will be implemented throughout the development, from enabling works to construction and landscaping. This must be posted prominently in site cabins and on fences. All contractors and visitors must be given a toolbox talk on the dangers of INNS, and the measures to prevent their spread. A strict check-clean-dry policy will be enacted, to ensure no INNS are imported or spread on equipment, vehicles, materials, clothing, or boots. INNS identification posters will be shared and posted prominently, including the most common conspicuous INNS plants. Any new infestations or potential biosecurity breaches must be reported to the site manager, who will call an ecologist immediately. INNS monitoring will take place at monthly intervals (this will be secured as part of the CEMP (see **Appendix A – Condition 34**)).

Ecological features	Residual impacts	Cumulative effects	Enhancements
Designated sites	None	None	None
Habitats	No net loss of important habitats.	None	26.29% net gain in seminatural habitats by area. 25.26% net gain in hedgerow.
Bats	Net loss of commuting and foraging habitat.	None	Net increase in roost availability by installation of batboxes in trees.
Badger	Net loss of foraging habitat.	None	None
Hedgehog	None	None	None
Barn owl	None	None	New nestbox in land northwest of Welland Ave.
Other birds	Net loss of foraging and nesting habitat.	None	Nestboxes and new woodland planting.
Great crested newt	Net loss of breeding and terrestrial habitat.	None	Net gain in pond numbers and connectivity northwest of Welland Ave. Increased woodland connectivity along south/east edge of new prison.
Other amphibians	None	None	Net gain in pond numbers and connectivity northwest of Welland Ave. Increased woodland connectivity along south/east edge of new prison.
Invertebrates	None	None	Bee-bricks in new buildings. Net gain in aquatic habitat area and diversity.
INNS	None	None	Eradication of existing stands.

**Figure 37: Residual impacts, cumulative effects and proposed enhancement measure**

○ *Biodiversity Net Gain*

6.2.48 BNG is a process whereby development leaves biodiversity in a better state than before. Para 180(d) states that:

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."*

BNG is measured using a recognised biodiversity metric (Natural England's Biodiversity Metric 3.0, July 2021<sup>54</sup>) - which calculates biodiversity value (in units) before and after development.

6.2.49 To be compliant with current NPPF policy and DEFRA's methodology for assessing net gains and losses, both the linear and non-linear assessments should be in net gain; these two habitat categories have to be considered separately. Under the Environment Act, there will be a mandatory requirement for 10% net-gain in both these areas, but the legislation is not yet fully in force (expected 2023), and therefore the policy requirement under Policy GI5 is to be in net-gain, with no specified percentage.

6.2.50 The proposed scheme will provide 26.29% net gain in habitat units, and 25.26% net gain in hedgerow units. There are no running waterways on site. The main baseline habitat loss will be 18.85ha of UKHab classification<sup>55</sup> 'modified grassland' in 'fairly poor' condition, translated from Phase 1 habitat type 'poor semi-improved grassland' following the HLS FEP grassland guidance<sup>56</sup>. Small areas of woodland and scrub will

<sup>54</sup> [The Biodiversity Metric 3.0 - JP039 \(naturalengland.org.uk\)](http://publications.naturalengland.org.uk/publication/6049804846366720)  
(<http://publications.naturalengland.org.uk/publication/6049804846366720> )

<sup>55</sup> [ukhab – UK Habitat Classification https://ukhab.org/](https://ukhab.org/)

<sup>56</sup> [Natural England Technical Information Note TIN050 - Selecting indicators of success for grassland enhancement \(magnificentmeadows.org.uk\)](http://www.magnificentmeadows.org.uk/assets/pdfs/TIN050_Setting_indicators_of_success.pdf)  
([http://www.magnificentmeadows.org.uk/assets/pdfs/TIN050\\_Setting\\_indicators\\_of\\_success.pdf](http://www.magnificentmeadows.org.uk/assets/pdfs/TIN050_Setting_indicators_of_success.pdf) )

be lost, including planted non-natives. Habitat creation will be primarily within the new prison, dictated by design and security considerations. Native planting and seed mixes will be used as far as possible. A belt of native broadleaved woodland will be planted around the entire southern and eastern perimeter of the new prison (2.03ha). Together with 0.73km of new hedgerow, this presents a significant gain in linear habitat connectivity. Two ponds will be created in the area northwest of Welland Avenue. Habitat enhancement will be conducted on two areas of land northwest of Welland Avenue, and north of the prison. This will involve 4.56ha of fairly-poor modified grassland enhanced to 'other neutral grassland' by cutting hard, scarifying, and seeding with a biodiverse, native, location-appropriate mix. LCC Ecology have confirmed that the Metric's habitat trading rules are satisfied. The BNG enhancement must be provided within one year of the commencement of the development, this will be secured via an appropriately worded condition (see **Appendix A – Condition 22**) and via the S106 (see **Appendix B**)

- *Summary*

- 6.2.51 The proposed scheme involves construction of a new prison on existing agricultural land. The impacts on habitats will be fully compensated, with a net gain of 26.29% by area, and 25.26% by length. Embedded mitigation will be conducted for bats, badger, hedgehog, barn owl, other birds, and GCN. The surveys and proposed mitigation adhere to standard mitigation guidance for bats, badger, other mammals, barn owl, birds, GCN, and other species groups. The CEMP will minimise impacts during construction. The HMP will ensure favourable management of the retained, enhanced, and created habitats in the long term
- 6.2.52 On the basis of the above, Officers consider that the outline planning application has demonstrated that the development can be designed to minimise the impact on ecology and biodiversity and the mitigation proposed would have long term benefits – far in excess of the forthcoming statutory requirements – through habitat creation, improvement and appropriate management of the green infrastructure. It is therefore considered that the proposals will have a major beneficial impact upon ecology and bio-diversity and would therefore accord with the Environment Act and Policy GI5 of the Harborough District Local Plan in this respect.

### 3. Highways

- 6.3.1 The Planning Statement submitted in support of the planning application includes a section on Transport, which was informed by a Transport Assessment (hereafter referred to as a 'TA') and a Travel Plan (hereafter referred to as 'TP') both undertaken by Atkins.

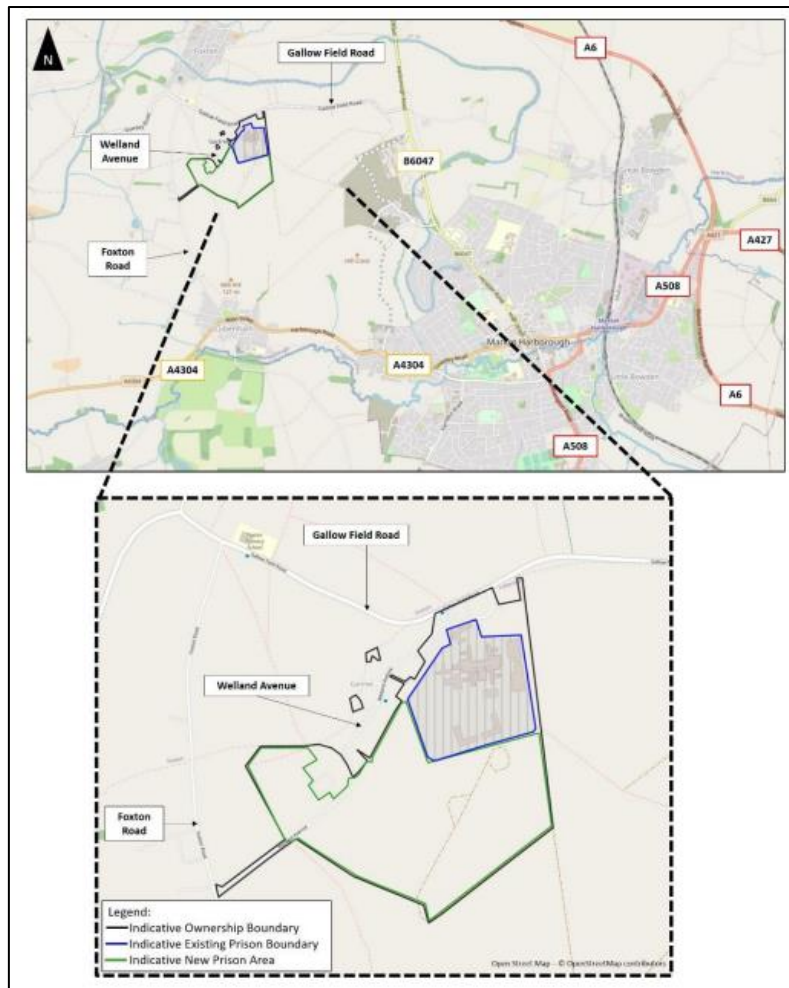
- *Highways Policy*

- 6.3.2 Relevant Highways Policy and Guidance is set out in **Section 5** of this report.

- *Existing Highways Network*

- 6.3.3 The location of the proposed development in the context of the surrounding highway network is illustrated on **Figure 38**. The Application Site is accessed via Welland Avenue, a private road subject to a 15mph speed limit. Welland Avenue also provides access to a number of residential properties in Gartree as well as the existing HMP Gartree. Welland Avenue is accessed from Gallow Field Road via a priority controlled junction to the north and Foxton Road via a priority controlled junction to the south. Welland Avenue is approximately 5.7m wide.





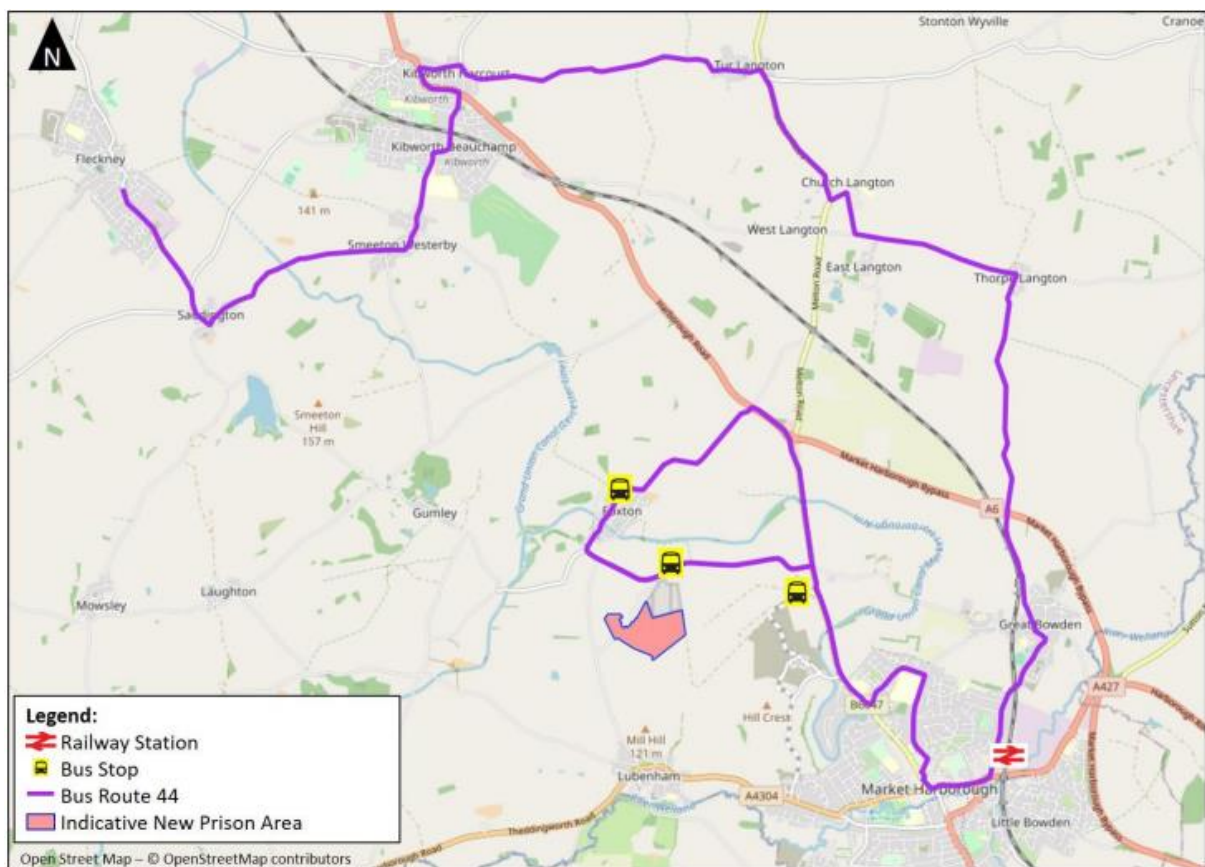
**Figure 38: Local Highway Network**

- 6.3.4 Gallow Field Road is a single carriageway road which runs east to west and is subject to the national speed limit. Gallow Field Road provides access between the village of Foxton to the west, and the B6047 Harborough Road to the east. On the approach to Foxton Primary School from both directions, there is a school safety zone in place which restricts vehicle speeds to 20mph and is operational during the AM and PM School Peaks. Gallow Field Road is subject to a 7.5 tonne weight limit restriction except for loading vehicles. There is no pedestrian infrastructure provision located along Gallow Field Road between Welland Avenue and the B6047 Harborough Road. There is an unlit footway located to the west of Welland Avenue along the westbound side of the carriageway, which provides pedestrian access to the village of Foxton and Foxton Primary School.
- 6.3.5 Foxton Road is a single carriageway road which provides access between the village of Foxton to the north and the village of Lubenham to the south. Foxton Road is subject to national speed limit between the Gallow Field Road/ Foxton Road junction and the village of Lubenham. Foxton Road is subject to a 30mph speed limit between Lubenham and the A4304. Welland Avenue, which provides access to HMP Gartree, forms a priority controlled junction with Foxton Road. Foxton Road is subject to a 7.5 tonne weight limit restriction except for loading vehicles. There is no pedestrian infrastructure located along Foxton Road between Foxton and Lubenham.

- 6.3.6 The A4304 Harborough Road is a single carriageway which provides access between Market Harborough to the east and M1 Junction 20 to the west. The A4304 is subject to a 30mph speed limit through the village of Lubenham.
- 6.3.7 The B6047 is a single carriageway which runs north to south and provides access between Market Harborough to the south and the A6 to the north. The A6 and A4304 provide access to the wider Strategic Road Network (SRN) around Market Harborough, including the A508 and A427. The B6047 is subject to a 50mph speed limit in the vicinity of the B6047/ Leicester Lane / Gallow Field Road junction.
- *Existing Pedestrian Access*
- 6.3.8 Pedestrian access to local amenities within the vicinity of the proposed development is limited. **Figure 39** demonstrates that within a 10-minute walk of the development site, based on a walking speed of 1.4m/s, pedestrians can reach the bus stop located on Gallow Field Road. In terms of footway provision in the vicinity of the proposed development, footways are shown on **Figure 39**. There is footway provision along Welland Avenue between the Gallow Field Road / Welland Avenue junction and the southern end of the residential properties on Welland Avenue. There are also footways along the westbound carriageway of Gallow Field Road providing pedestrian access between the Gallow Field Road / Welland Avenue junction to Foxton Primary School and Foxton Village. However, there are no footways along Foxton Road, Gallow Field Road to the east of the Gallow Field Road / Welland Avenue junction, or Welland Avenue between the Foxton Road / Welland Avenue junction and the start of the residential properties.
- *Existing Public Transport facilities*
- 6.3.9 The site is served by the number 44 bus service, which travels between Fleckney, Market Harborough, and Foxton. The service operates once every one to two hours Monday – Saturday, with no Sunday service. It is important to note that the existing 44 bus route operates a one-way loop from the B6047 Harborough Road/ Gallow Field Road/ Leicester Lane junction around Foxton and Gartree. The service from Market Harborough towards Foxton routes via Langton Road, and does not route via Gartree (see **Figure 40**). The nearest bus stop to the proposed development is Gartree, located on Gallow Field Road, as shown on **Figure 39**.
- 6.3.10 The nearest Railway Station to the proposed development is Market Harborough Railway Station as shown in Figure 3-5. The Railway Station is located in excess of a 20-minute cycle from the proposed development. However, the number 44 bus service serves Market Harborough Railway Station. Market Harborough Railway Station is well served by regular train services operated by East Midlands Railway to London St Pancras International, Nottingham, Leicester, Kettering, and Bedford. The station is managed by East Midlands Railway and has 219 parking spaces within the Railway Station car park. The station also has 36 cycle parking spaces.



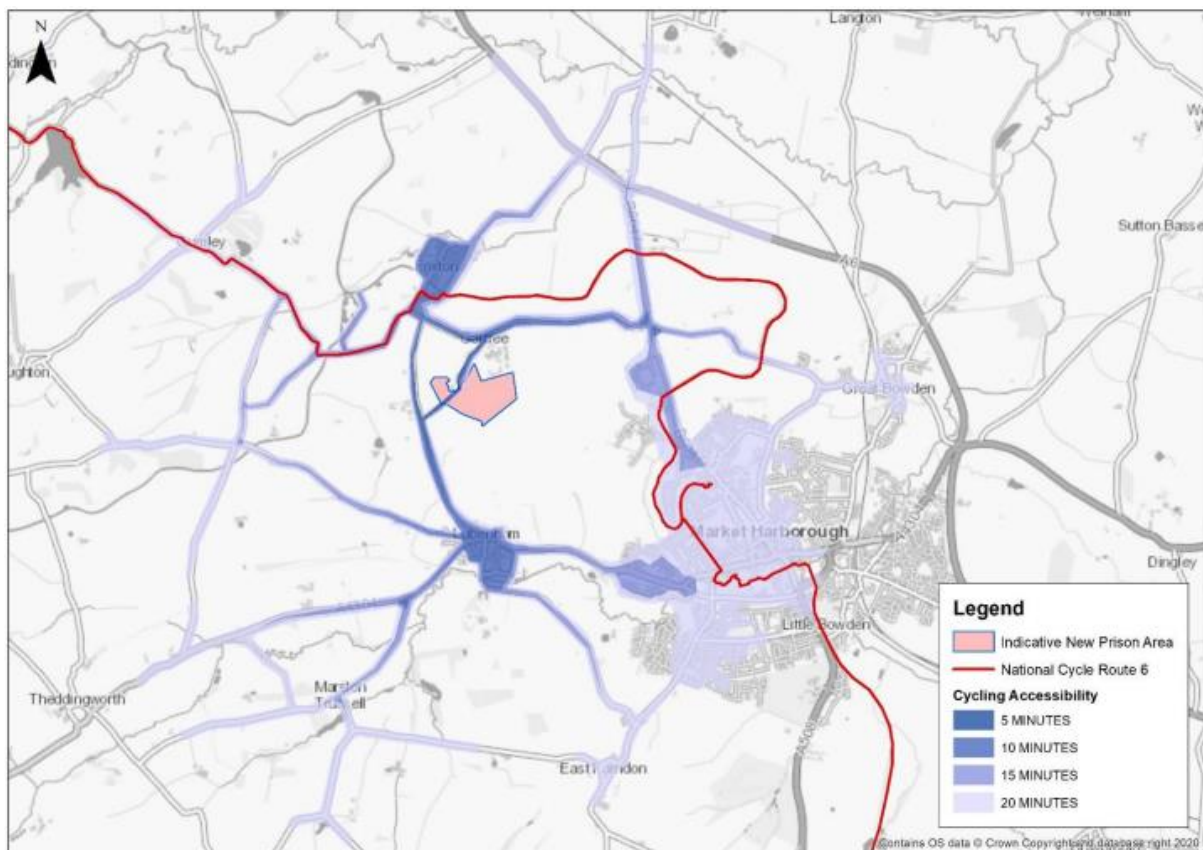
**Figure 39: Walking Accessibility**



**Figure 40: Public Transport Provision**

- *Existing cycle facilities*

6.3.11 **Figure 41** shows that based on a cycling speed of 4.4m/s, a cyclist would be able to reach the villages of Foxton and Lubenham within a 10-minute cycle of the site, and Market Harborough within a 20-minute cycle of the site. However, there is limited formal cycle infrastructure on the immediate highway network and therefore cyclists would be required to use the existing local highway network. National Cycle Route (NCR) 6 is a long-distance route running from London to the Lake District, with a mixture of on-road and off-road cycle provision. From Market Harborough, NCR 6 routes along the Grand Union Canal to reach Foxton Locks. The NCR provides on-road provision from Foxton Locks to south Leicester. NCR 6 can be accessed from the proposed development at the junction of Gallow Field Road/ Gumley Road/ Main Street within a 10-minute cycle of the site

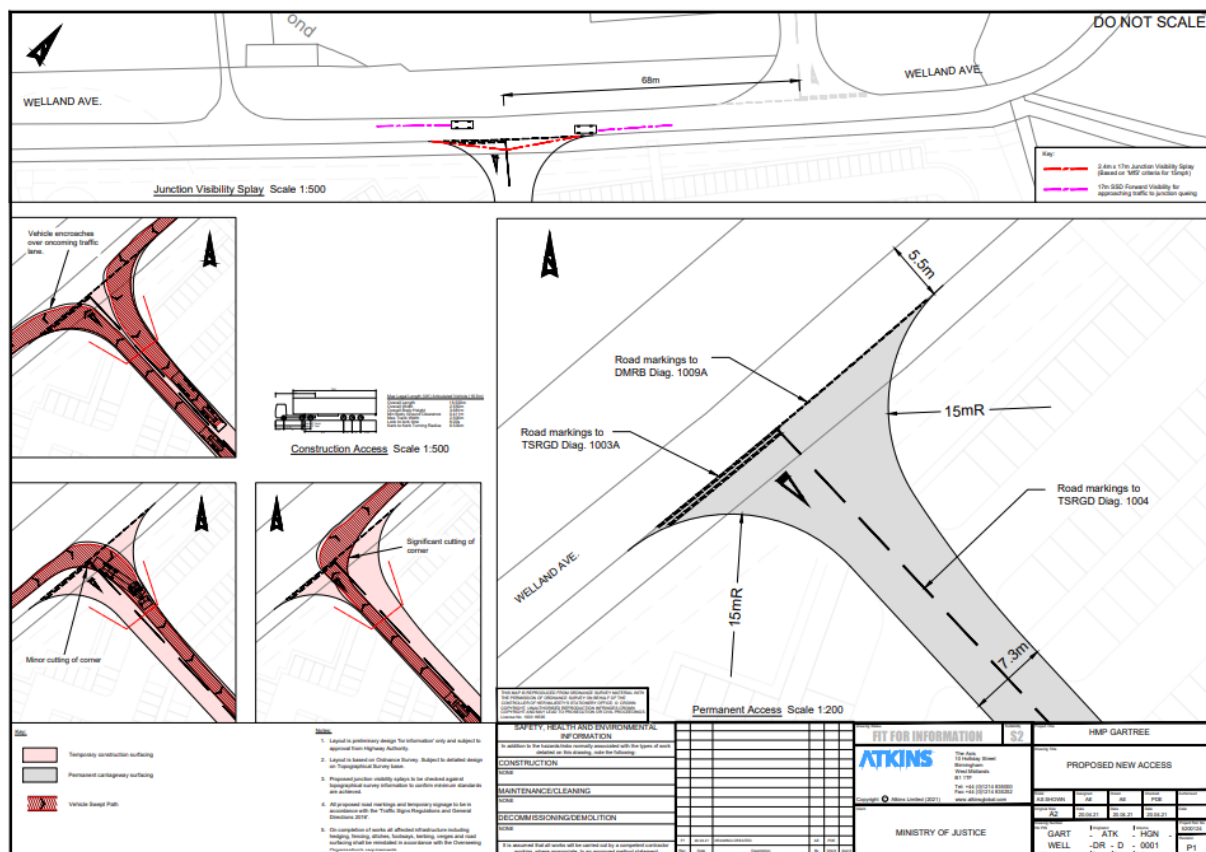


**Figure 41: Cycling Accessibility**

- *Access proposals*

6.3.12 HMP Gartree is accessed off Welland Avenue, a private access road. The application site is proposed to be accessed via a new priority controlled junction located along the southern section of Welland Avenue. The layout of the operational access is shown in **Figure 42**. Vehicular access to the application site will be taken from the southern section of Welland Avenue via Foxton Road. All vehicular traffic associated with the proposed development will be managed through directional signage along Welland Avenue. In addition to directional signage along Welland Avenue, it is proposed to introduce a highway improvement scheme along the southern section of Welland Avenue to further ensure that all traffic associated with the Prison arrives and departs via Foxton Road. The proposed highway improvement scheme is shown in **Figure 43**. The scheme will include new centre line carriageway markings, repeater speed limit signs, carriageway narrowing with a priority give way arrangement, speed cushions either side of the proposed road narrowing, and the construction of new pedestrian footways.



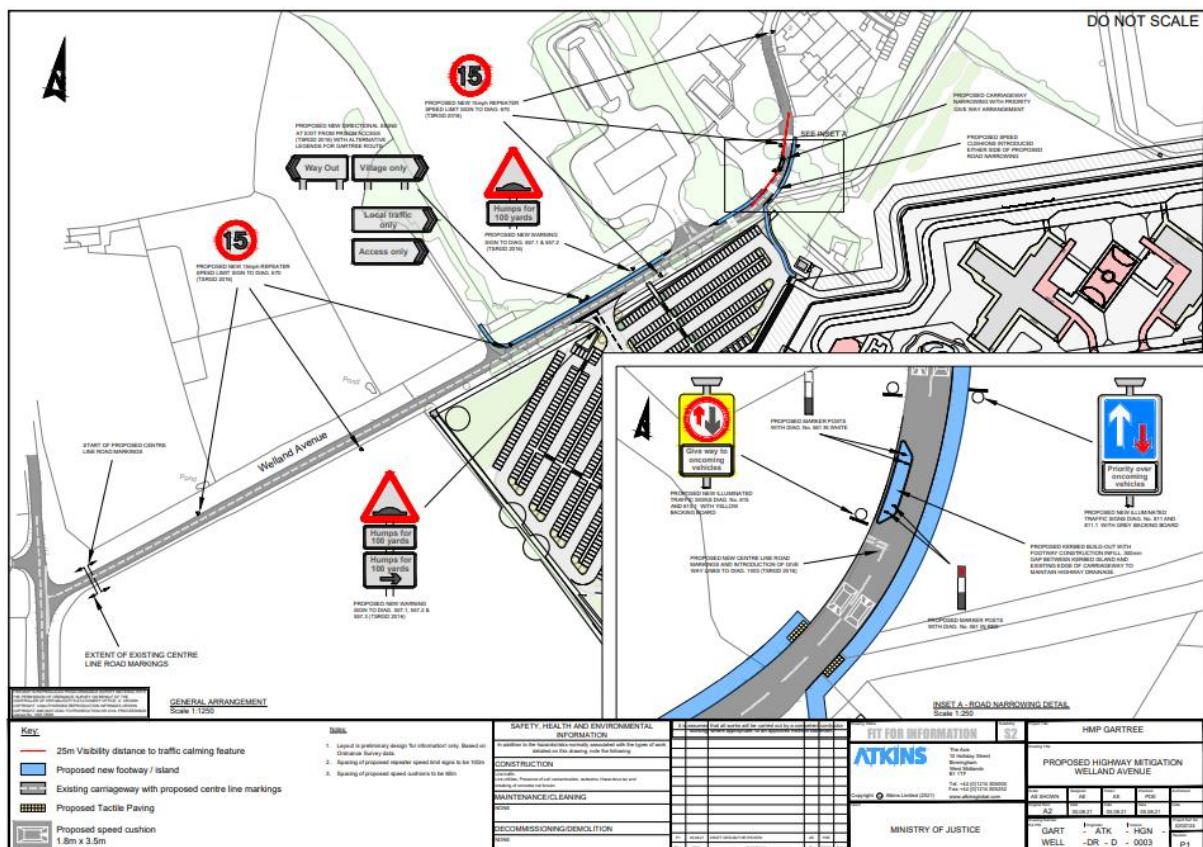


**Figure 42: Site Access Preliminary Design**

- 6.3.13 The applicants propose that all staff will receive instructions on how to access the new facility during the induction process, whilst travel information for visitors will also be added to the prison's visitor information page on the Justice website. In addition, a visitor transport information board will be located in a communal area to disseminate up to date public transport timetables for use by visitors.
- 6.3.14 It is proposed to provide 523 on-site car parking spaces for use by staff and visitors to the development. Of the 523 spaces, 16 disabled parking spaces will be provided in close proximity to the main entrance of the prison for use by disabled users of the site. This has been determined in line with guidance within the Leicestershire Highway Design Guide.
- 6.3.15 In accordance with BREEAM, electric charging stations of a minimum of 3kW will be provided for 10% of the total car parking capacity, this equates to 53 electric vehicle charging spaces. Furthermore, BREEAM requires 5% of the total car parking capacity to be allocated for car sharers. Therefore, it is proposed to provide 27 car sharing spaces.
- 6.3.16 In terms of servicing arrangements, the proposed operational access will be used to undertake all servicing and deliveries. These activities will typically occur outside of the network peak hours. All servicing vehicles associated with the proposed development will route to the site via the A4304 and access Welland Avenue via Foxton Road.
- *Proposed Off-site Highways works*
- 6.3.17 During pre-application scoping discussions, HDC Officers raised concerns regarding the additional vehicle trips generated by the proposed development travelling along the

northern section of Welland Avenue via Gartree. As outlined above, vehicular access to the proposed development will be taken from the southern section of Welland Avenue via Foxton Road. All vehicular traffic associated with the proposed development will be managed through directional signage along Welland Avenue, whilst all staff will receive instructions on how to access the facility during the induction process and travel information for visitors will also be added to the prison's visitor information page on the Justice website.

6.3.18 In addition, it is proposed to introduce a highway improvement scheme along the southern section of Welland Avenue to further ensure that all traffic associated with the Prison arrives and departs via Foxton Road. The proposed highway improvement scheme is shown in **Figure 43**. The scheme will include new centre line carriageway markings, repeater speed limit signs, carriageway narrowing with a priority give way arrangement, speed cushions either side of the proposed road narrowing, and the construction of new pedestrian footways. In addition to these measures, the MoJ have committed to undertaking monitoring surveys along Welland Avenue every 6 months and share the results with the Gartree residents to ensure that staff and visitors are accessing the Proposed Development via Foxton Road. It will be the responsibility of the Travel Plan Coordinator (TPC) to manage the monitoring surveys. Over and above this, no off-site Highways works are proposed as part of the development.



**Figure 43: Proposed Highway Mitigation on Welland Avenue**

○ *Proposed Pedestrian Access*

6.3.19 Public footpath A22 runs through the proposed development site. Whilst further details of how the existing PROW is to be treated will emerge through any subsequent Reserved Matters submission, the LHA has recommended a condition be imposed on any consent requiring the submission of a scheme for the treatment of the PROW to be submitted and agreed prior to the first use of the facility (see **Appendix A – Condition 20**). Furthermore, both HDC and LCC Officers raised the issue that

improvements to the surface of the section of A22 that passes from Foxton School to Swingbridge Street (see **Figure 44**) could increase pedestrian movements between the village and the school, whilst also providing access to a safer parking area, therefore reducing the requirement for on street parking at the Foxton Road / Gallow Field Road junction. The LHA have requested a contribution of £102,898 for improvement works to this stretch of footpath A22. This contribution will cover the cost of re-laying 300 metres of pathway to a 2m width in standard tarmacadem and associated works e.g. timber edgings etc. to improve the route to school, noting the additional traffic that the proposed development would generate to the frontage of the primary school.



**Figure 44: Footpath A22 (including stretch from Swingbridge Street to Foxton School)**

6.3.20 Through representations, the potential for linkages between the PRow to the east of the site leading to north west Market Harborough and A22 has been raised. Due to the access to the proposed Prison being gained via Welland Avenue, such a link would involve 3<sup>rd</sup> party land, and such provision has not been identified as being necessary by the LHA.

- *Proposed Public Transport facilities*

6.3.21 There are no proposals to provide additional Public Transport facilities as part of the development

- *Proposed cycle facilities*

6.3.22 In the absence of detailed guidance on cycle parking specific to this land use within the Leicestershire Highway Design Guide, a cycling accumulation exercise has been undertaken to estimate the number of cycle parking spaces required on site. The maximum cycle parking accumulation for the site based on the number of cycle trips is 14 bicycles. This value has been determined by considering the availability of public transport, and the existing travel characteristics at this location. However, to encourage a modal shift towards sustainable transport and to meet BREEAM criteria it is proposed to provide 51 cycle parking spaces on site.

- *Assessment of Impact on the Strategic Highway Network*

6.3.23 In relation to the proposed development National Highways fulfil the role of safeguarding the Strategic Highway Network, which, in this case, relates to the M1



which routes approximately 11 miles to the west and the A14 which routes approximately 10 miles to the south. In terms of the impact from this proposal, and considering the proposed level and distribution of traffic, not to mention the distance from the Strategic Road Network, National Highways consider that there would be no severe traffic impact upon the network.

○ *Assessment of Impact on the Local Highway Network*

6.3.24 As part of the TA, the impact of the development upon the junction capacity of individual identified junctions has been assessed and is set out below:

- Gallow Field Road / Foxton Road

The results from the standalone junction capacity modelling indicate that the Gallow Field Road / Foxton Road junction is forecast to operate within acceptable thresholds of capacity in all the assessment scenarios.

The Gallow Field Road / Foxton Road junction is forecast to operate within acceptable thresholds of capacity. In addition:

- There have been zero PIAs recorded at this location within the latest five year period (2016 – 2020);
- There is an existing school safety zone in place which restricts vehicle speeds to 20mph during the AM and PM School Peaks; and
- The proposed development peak occurs outside of the network peak hour and the Foxton Primary School operational hours.

Therefore, it is not considered that the additional vehicle trips at this location would require any mitigation as a result of the development proposals.

- B6047 Harborough Road / Leicester Lane / Gallow Field Road

The results from the standalone junction capacity modelling indicate that the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction is forecast to operate within acceptable thresholds of capacity in all the assessment scenarios.

The B6047 Harborough Road / Leicester Lane / Gallow Field Road junction is forecast to operate within acceptable thresholds of capacity. During pre-application scoping discussions with LCC, the Highway Authority requested that Atkins give consideration of this junction as they have received feedback from local stakeholders regarding potential safety concerns at this location. Atkins obtained the latest PIA data for the B6047 Harborough Road / Leicester Lane/ Gallow Field Road junction from LCC. The PIA data confirms that there has only been one 'slight' PIA recorded at this location within the latest five year period (2016 – 2020). The severity and frequency of the PIAs at this location is not considered to be a significant highway safety concern. In addition, the proposed development peak occurs outside of the network peak at this location. The development proposals would generate an additional 69 vehicle trips during the AM network peak (a 5.1% increase) and an additional 57 vehicle trips during the PM network peak (a 4.1% increase) in the 2025 Opening Year with Development scenario. It is not considered that this would result in an unacceptable risk to the overall highway safety at this location.

- A4304 / Foxton Road

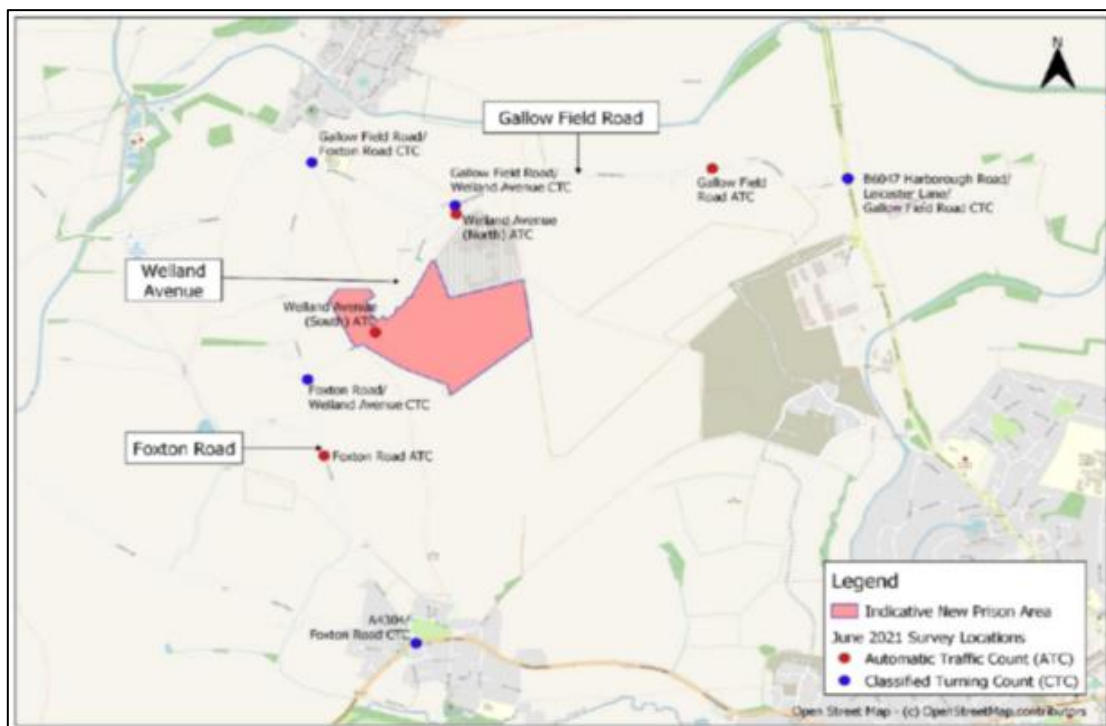
The results from the standalone junction capacity modelling indicate that the A4304/ Foxton Road junction is forecast to operate within acceptable thresholds of capacity in all the assessment scenarios.

6.3.25 The LHA have provided a substantive response to this application and a copy of their full comments is attached at **Appendix C** which have been accepted in informing the recommendation in this report. However, a summary of their comments is provided below.

6.3.26 To understand the impact of the proposed development on the public highway the Applicant has considered the baseline situation in 2021 and then the future scenario when the prison is due to open in 2025. To establish the baseline position the Applicant undertook several traffic surveys (classified turning counts and automatic traffic counters) in June 2021 at the following key locations in the vicinity of the proposed development:

1. B6047 Harborough Road / Leicester Lane / Gallow Field Road;
2. Gallow Field Road / Welland Avenue;
3. Gallow Field Road / Foxton Road;
4. Foxton Road / Welland Avenue;
5. A4304 / Foxton Road;
6. Gallow Field Road;
7. Foxton Road;
8. Welland Avenue (North); and
9. Welland Avenue (South).

Due to changes in traffic as a result of the Covid-19 pandemic the LHA advised the Applicant that traffic surveys conducted in June 2021 would need to have a factor applied to increase these flows to pre-pandemic levels. The Applicant has confirmed that "Covid factors" have been applied by the survey company prior to submission of the traffic flow data. The location of the traffic surveys can be seen at **Figure 45**.



**Figure 45: Traffic Survey Locations**

6.3.27 The LHA has fully reviewed junction models and results of the junction capacity assessments and is satisfied that there are no capacity issues with any of the junctions that would justify a scheme of mitigation in accordance with the tests set out in the NPPF.

- 6.3.28 The Applicant has indicated that there will be 523 parking spaces which includes 16 accessible parking spaces, 53 electric vehicle charging spaces and 27 car sharing users. The LHA also welcome the Applicants intention to provide 51 cycle parking spaces as part of the proposed development. The LHA would advise the Applicant that the cycle parking should be secure and undercover. The LHA have no standards in the Leicestershire Highway Design Guide (LHDG) for prisons so the parking provision is based on end user requirements. Chapter 6 of the submitted TA provides further analysis and justification of the level of parking being provided. This assessment indicates that based on staff/visitor arrivals at the site and considering shift patterns and accumulation there will be a maximum of 506 vehicles on the site at any time. Notwithstanding the above, the planning application is in outline with all matters reserved except for means of access and scale, so the LHA will review the internal layout of the proposed development at the Reserved Matters stage in the event that planning permission is granted.
- 6.3.29 After a review of the TP the LHA have advised the LPA that the general principles of the TP are acceptable. The existing travel behaviours have been calculated from the 2011 Census data and not the existing prison staff and visitor travel patterns. The Applicant has confirmed to the LHA that this approach has been used primarily due to sensitivities/security issues around the origin/destination data for staff/visitors at the existing prison which is confidential. Based on the assessment, measures and targets included in the TP, and the fact the LHA has received clarification on the approach taken by the Applicant, the LHA is satisfied that this document can be secured by way of a planning condition (see **Appendix A – Condition 19**). To ensure the travel plan is monitored for a period of five years post occupation, the LHA will require a monitoring fee of £6,000 to be paid prior to first use of the development to be included in the Section 106 agreement.
- 6.3.30 The construction works are predicted to last 36 months and therefore the Applicant has submitted a draft Framework Construction Traffic Management Plan (FCTMP) which outlines the systems and procedures which will be put in place to manage these works. The LHA has now had the opportunity to review the FCTMP and offers comments on the highway elements of the plan below. The LHA considers the FCTMP to be acceptable, however the LHA would advise the Applicant to continue to monitor the content of the FCTMP and amend if required as any construction works progress.
- *Independent Reviews*
- 6.3.31 HDC have commissioned Systra to carry out a review of the Highways advice received from Leicestershire County Council. A summary of the review can be seen at in **Section 5** of this report with the report available to read at **Appendix D**. Furthermore, Lubenham and Foxton Parish Council's have commissioned Edwards & Edwards to carry out a high level review of the planning application, the Transport Assessment prepared by Atkins and their further Technical Note, the various Local Highway Authority responses and the Systra Highway Review. The review is available to read at **Appendix H**.
- 6.3.32 In the interest of transparency, HDC offered both the Applicant's technical advisors (Atkins) and LCC Highways the opportunity to review these reports. Atkins' response to the Systra Report can be seen at **Appendix E** this this report, whilst LCC Highways response to the Systra Report can be seen at **Appendix F** of this report. Due to the late stage at which the Edwards & Edwards report was received (24/03/22), any response from Atkins or LCC Highways will be reported via the Supplementary Information List.

6.3.33 Notwithstanding the advice contained within the Systra report which is contrary to the advice of the Highways Authority, the Systra review was commissioned by HDC, and therefore – by virtue of this fact – this report is a material consideration in the determination of the planning application. Additionally, the advice from LCC Highways – the relevant Highways Authority and guardian of the Highways Network in Leicestershire – is the advice of a Statutory Consultee. In this regard, Officers consider that more significant weight should be afforded to the advice received from the LHA than that of Systra, however, this is a factor that the decision-makers will need to form their own opinion on and give due weight to accordingly in the Planning Balance.

○ *Cumulative Highway Network Effects*

6.3.34 Due to the fact that the proposals do not constitute EIA development, there is no requirement for the application submission to include a formal cumulative impact assessment. Notwithstanding this, the cumulative impact of any committed development<sup>57</sup> sites in the vicinity of the proposed development have been accounted for within the TEMPro v7.2 modelling which has been carried out in support of the submitted TA. This includes the Airfield Farm Business Park development (21/00545/OUT) – which was considered and approved (subject to S106) by Planning Committee in February 2022 – due to the fact that this site is allocated in the Local plan, and therefore constitutes committed development.

○ *Summary*

6.3.35 The submitted TA has provided a summary of the relevant local and national transport policy context, and review of the existing transport conditions within the vicinity of the proposed development. Based on a prisoner to staff ratio of 0.5, the proposed development will support up to 858 staff (uniformed and non-uniformed). It is proposed to take vehicular access via a new priority-controlled junction off Welland Avenue. The submitted report has demonstrated that the majority of trips forecast to be generated by the proposed development would be undertaken by car. It is forecast that the proposed development would generate up to 226 and 257 two-way car trips during the development AM and PM peak hours. The trip generation has been estimated using operational information about staff numbers and shift patterns and takes into account the current travel characteristics for the area. The estimated traffic flows for the AM and PM peak trip generation hours were distributed onto the local network based on 2011 census Journey to Work data and online journey planning software.

6.3.36 The traffic impact assessment has demonstrated that:

- The Proposed Site Access / Welland Avenue priority junction is forecast to operate within acceptable thresholds of capacity across all scenarios and time periods assessed.
- The Gallow Field Road / Foxton Road junction is forecast to operate within acceptable thresholds of capacity. In addition, there has been zero PIAs recorded at this location within the latest five-year period (2016 – 2020) and there is an existing school safety zone in place which restricts vehicle speeds to 20mph during the AM and PM School Peaks. In addition, the proposed development peak occurs outside of the network peak hour and the Foxton Primary School operational hours. Therefore, it is not considered that the additional vehicle trips at this location would require any mitigation as a result of the development proposals.
- The B6047 Harborough Road / Leicester Lane / Gallow Field Road junction is forecast to operate within acceptable thresholds of capacity. However, during

---

<sup>57</sup> Committed Development includes all existing development and land uses (including the Showground and its associated events), any partly completed developments, any consented but not yet built development and any development which is allocated in the Local Plan

pre-application scoping discussions with LCC, the highway authority identified a perceived highway safety issue at this location. Therefore, Atkins have obtained the latest PIA data for the B6047 Harborough Road / Leicester Lane/ Gallow Field Road junction from LCC. The PIA data demonstrates that there has been one 'slight' accident recorded at this location within the latest five-year period (2016 – 2020). The severity and frequency of the PIAs at this location is not considered to be a significant highway safety concern.

- 6.3.37 The submitted TA has assessed the impact of the proposed development on the local transport network. The evidence presented within the TA has demonstrated that safe and suitable access to the site can be achieved for all users, and that the predicted impacts from the development on the transport network can be mitigated. It is concluded that there would not be an unacceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be severe.
- 6.3.38 The benefits of the improvements to the public rights of way is a material consideration in the determination of the application. Whilst it is acknowledged that the proposal will inevitably result in increased traffic flows, the increased traffic flows would not result in a significant impact upon the surrounding highway network. It is therefore considered that the proposals will have a minor negative impact upon the highway network and would therefore accord with Policies GD8, IN2 and L1 of the Harborough District Local Plan in this respect.

#### 4. Landscape and Visual Impact

- 6.4.1 The application submission includes a Landscape and Visual Impact Appraisal (LVIA).
- 6.4.2 The LVIA confirms that the Site does not lie within any nationally designated landscapes (e.g. Area of Outstanding Natural Beauty or National Park).

##### ○ *Landscape Policy*

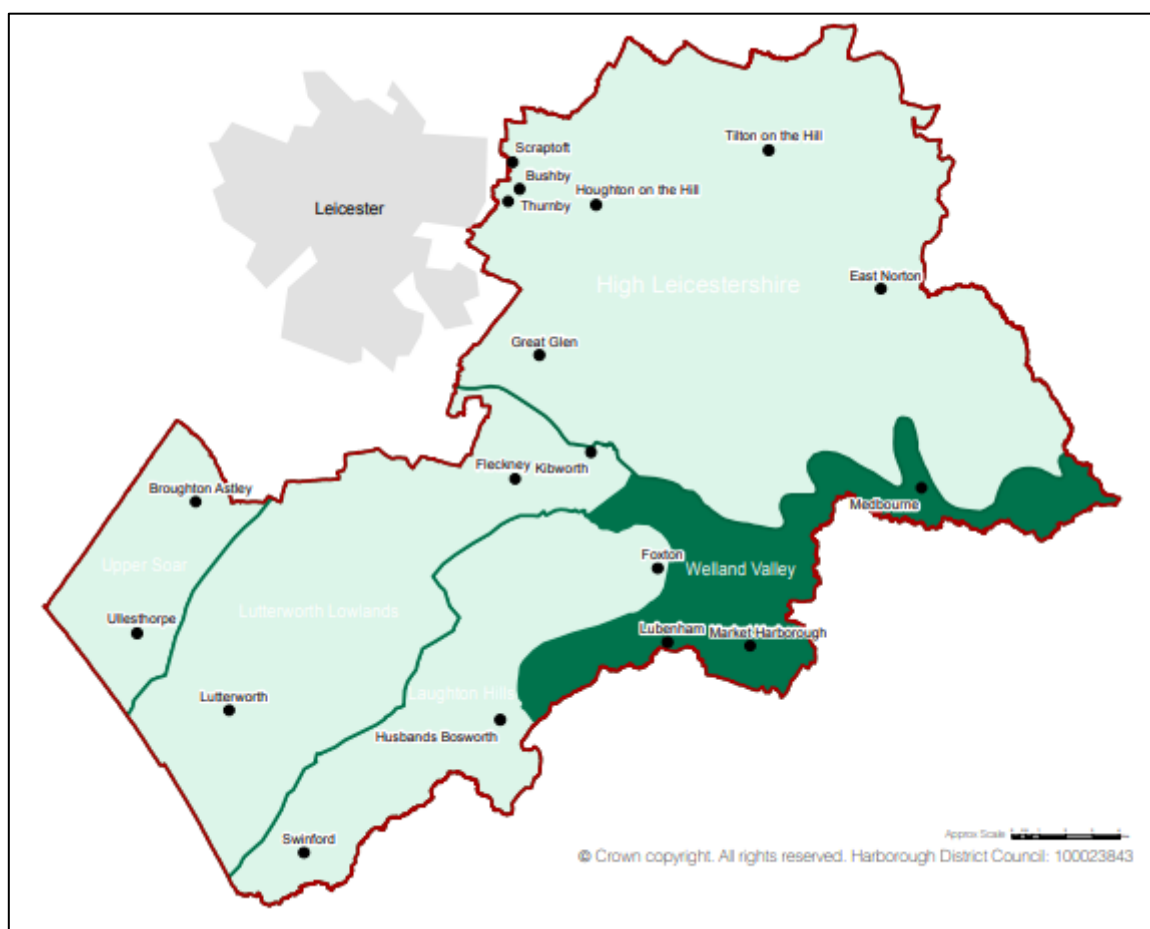
- 6.4.3 Policy GD5 of the Harborough District Local Plan states:
1. *Development should be located and designed in such a way that it is sensitive to its landscape setting and landscape character area and will be permitted where it:*
    - a. *respects and, where possible, enhances local landscape, the landscape setting of settlements, and settlement distinctiveness;*
    - b. *avoids the loss of, or substantial harm to, features of landscape importance;*
    - c. *safeguards important public views, skylines and landmarks; and*
    - d. *restores or provides equivalent mitigation for damaged features and/or landscapes that would be damaged or degraded as a result of the development.*

Other relevant Landscape Policy and Guidance is set out in **Section 5** of this report.

##### ○ *Landscape Character*

- 6.4.4 The ES highlights that the Site falls within the "Welland Valley" landscape character area as identified by the Council's Landscape Character Assessment (prepared by The Landscape Partnership (hereafter referred to as 'TLP'), 2007) (see **Figures 46 and 47**).
- 6.4.5 The Welland Valley character area, is well defined in terms of topography and location, but has a number of landscape characteristics similar to the other character areas, particularly in and around the environs of Kibworth, in the centre of the District. The character area follows the wide shallow valley of the River Welland, which flows from west to east through Market Harborough. The River Welland itself forms the boundary between Leicestershire and Northamptonshire.

- 6.4.6 The area is mainly a mix of medium sized agricultural fields enclosed by mixed hedgerows with some evidence of hedgerow removal. There is little established woodland with most mature planting following the water courses. The area has extensive views across the valley but is enclosed by ridges of higher land from the adjoining character areas particularly to the north.
- 6.4.7 The topography of the Welland Valley is that of a wide flat river valley with sloping, shallow valley sides that stretch to the steeper ridges to the north which form the boundaries to adjacent character areas; High Leicestershire and the Laughton Hills. The character area covers the central valley to either side of the River Welland and runs to the base of slope of the ridges, at approximately 70 m AOD.



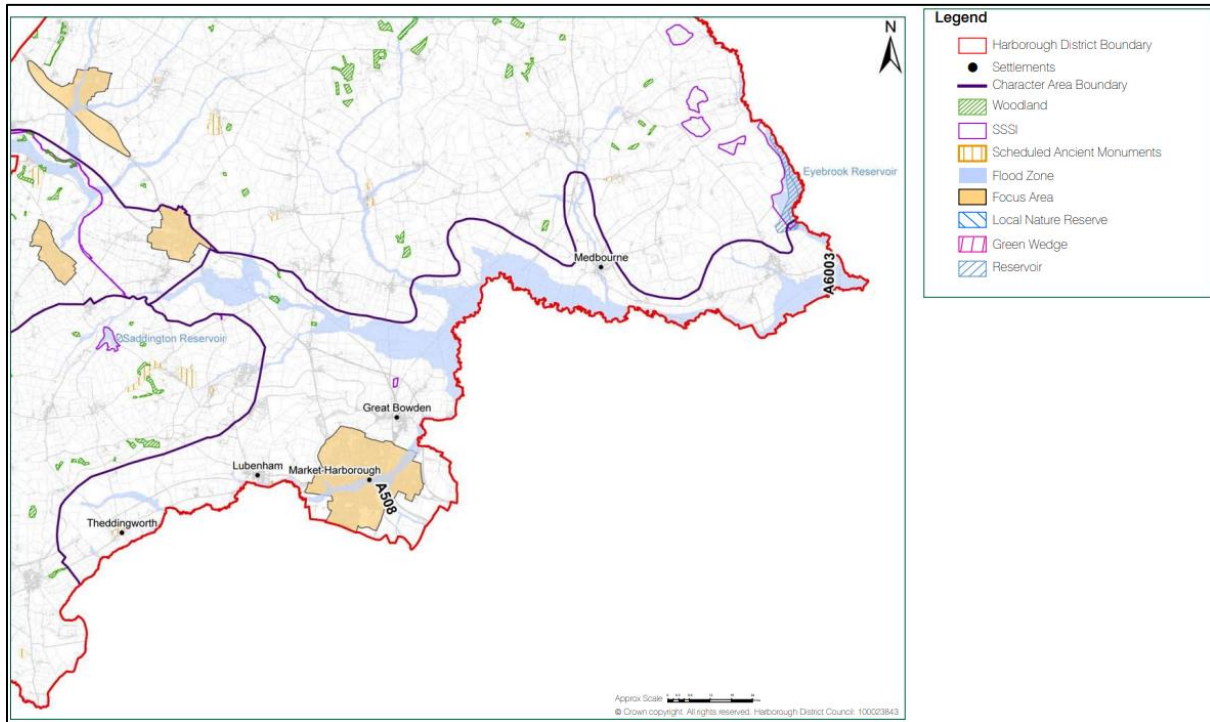
**Figure 46: Landscape Character Assessment Map (District Wide)**

- 6.4.8 The Welland Valley has little in the way of established woodland; the majority of mature vegetation is concentrated around the watercourses and disused rail line in the form of scattered copses of trees. Common species of trees in the area are ash, oak and field maple with some willows that follow the path of the River Welland in small cluster groups towards the east. The mature hedgerows in the area mainly consist of hawthorn with some field maple and dog rose. There is evidence of hedgerow removal to create larger sized fields to allow modern arable farming practices
- 6.4.9 The River Welland is known to support a range of bird species, small mammals and amphibians have been found in adjacent areas. White-clawed crayfish, water vole, reptiles and otters may also be present. Other protected/ notable fauna that may be present in this area include badger, bats, amphibians, reptiles and nesting birds

(including ground nesting bird species such as skylark and grey partridge in areas of arable land), brown hares may also be present in the arable fields.

6.4.10 The large floodplain of the Welland Valley supports arable farming and grazing. The techniques used in modern farming have led to the creation of larger fields and the loss of hedgerows. Market Harborough is the largest town within the Welland Valley; Lubenham to the south west and Great Bowden to the north east are other main settlements, within this character area.

6.4.11 The town of Market Harborough dominates the Welland Valley as a centre for both population and employment for the District. As a traditional market town it retains many of its historic buildings and features in its centre which have become mixed with some newer shopping developments such as St Mary's Place. The outskirts of Market Harborough have given way to newer predominantly residential, office and retail developments. Several major roads lead out of Market Harborough and through the Welland Valley including the B6047 to the north, A4304 towards Lutterworth and the A508 into Northamptonshire. The A6 provides an important road connection to Leicester to the north, and Kettering to the south east, Market Harborough is served by a mainline railway station



**Figure 47: Landscape Character Assessment Map (Welland Valley)**

6.4.12 The key characteristics of the Welland Valley LLCA are:

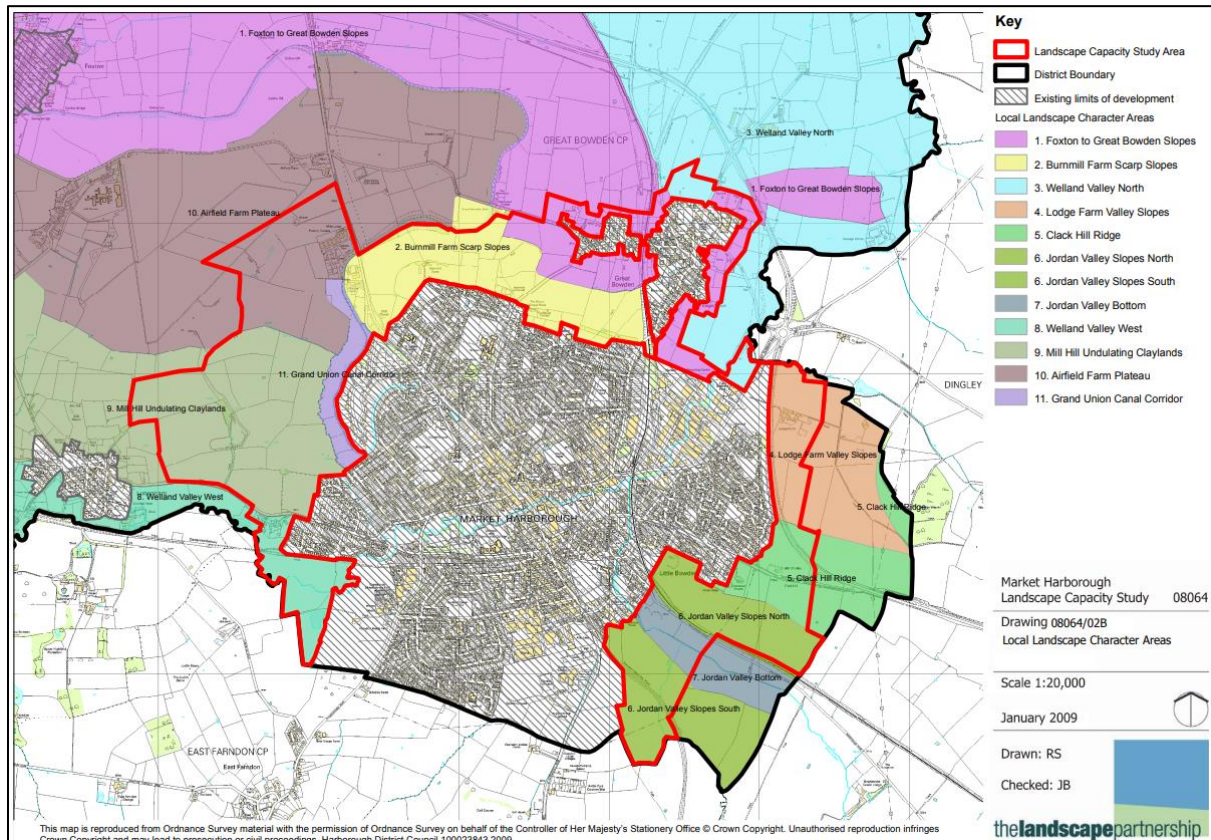
- Gently meandering river in wide and shallow valley
- Little tree cover
- Pasture on the floodplains
- Arable farming on the valley sides
- Market Harborough, operating as a traditional market town, is the dominant urban influence

6.4.13 The Key Issues in the Welland Valley were identified as being:

- The relatively flat and open landscape is vulnerable to adverse visual and landscape impacts of development.



- The immediate landscape setting to Market Harborough is very vulnerable to inappropriately sited development, both in the valley base to the east, above the ridgeline to the north and adjacent to enclosing landscape features to the west and south. It is important that care is taken to prevent further new development that impacts on the ridgeline and valley base, as well as views from the wider landscape setting of Market Harborough.
- The generalised lack of woodland cover across the landscape character area means that new development must be well mitigated to minimise impacts. Opportunities for new woodland screen planting should be encouraged alongside any new development proposals



**Figure 48: Market Harborough Local Landscape Character Areas**

6.4.14 The 2009 Market Harborough Landscape Character Assessment and Landscape Capacity Study looked at the area in more detail. As part of this assessment, it was considered that the area within which the application site falls should be classed as the Airfield farm Plateau character area (see **Figure 48**). Within this it is stated that key characteristics of the area include:

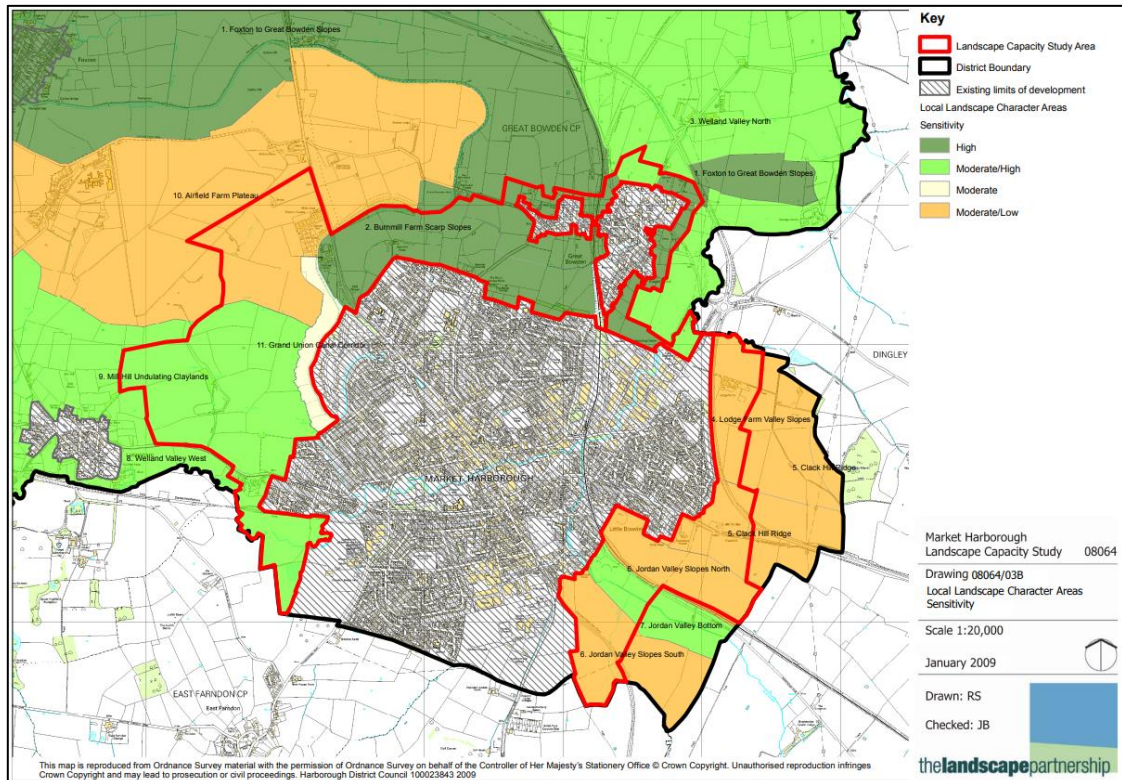
- Large scale open plateau
  - Large arable fields with very few field boundaries
  - Site of former airfield
  - Intrusion of built development into rural landscape, particularly around Airfield Farm, HMP Gartree and White Lodge, including, poultry sheds, clay pigeon shooting, off-road track and caravan park
  - Extensive views towards area e.g. views of prison
- and that the distinctive features of the area are:
- HMP Gartree
  - Poultry sheds

Since 2009, due to development in the area, it is now considered that the distinctive features of the area are

- HMP Gartree
- Airfield Farm business park
- North West Market Harborough Strategic Distribution Area
- Sporadic agricultural style buildings

○ *Landscape Sensitivity*

6.4.15 With respect to the sensitivity of the landscape to accommodate development, the 2009 LCA states that the Airfield Farm Plateau area (see **Figure 49**) has a Moderate to Low sensitivity to development.



**Figure 49: Market Harborough 2009 Land Parcel Capacity Assessments**

○ *Landscape Susceptibility*

6.4.16 Landscape susceptibility is the ability of a landscape to accommodate change without undue consequences for the maintenance of the baseline situation. Different types of development can affect landscapes in different ways and consequently landscape susceptibility is specific to the type of development proposed (in this case, a new prison development).

6.4.17 Landscape susceptibility considers three broad elements to assess, both at LCA level and Local LCA level. The LVIA submitted in support of the application sets out a commentary against each of these criteria as set out in **Figures 50 and 51**.



Considerations	Welland Valley LCA
Scale of enclosure	There are mixed levels of enclosure across the LCA. The published landscape assessment notes the 'open landscape' due to a lack of tree cover/woodland, which is evident across the former airfield landscape. However, the ridge and valley landform and mature vegetation on valley slopes, including to the north of Lubenham, results in localised enclosure. Mature vegetation also runs alongside the majority of the Grand Union Canal which contributes to localised enclosure.
Nature of land use	The published landscape assessment states that there is a mix of pasture on the floodplains and arable farming on the valley sides. Existing development exists through the LCA, including the emerging edge of Market Harborough and settlement of Lubenham. The complex of HMP Gartree provides existing reference to the type of development proposed.
Nature of existing elements and features	The LCA contains some positive attributes in terms of open agricultural field enclosures with boundary vegetation that is easily replaced. HMP Gartree, located on the ridgeline, is a detracting feature in the landscape.

**Figure 50: Welland Valley LCA Assessment**

Considerations	LCA 10: Airfield Farmland Plateau
Scale of enclosure	Due to the large scale, open field pattern of Local LCA 10 and its previous land use as an airfield, the landscape is relatively exposed. There are no notable woodland blocks, and hedgerow boundaries are varied. There are some small copses within field enclosures and vegetation increase to the south of the LCA, which combined with the rising land associated with the Mill Hill undulating Claylands, helps provide some containment in this location.
Nature of land use	Land use across the LCA is predominantly arable with some smaller pockets of grazing pasture, punctuated by the existing and emerging settlement edge of Market Harborough and HMP Gartree, which provides extensive reference to the type of development proposed.
Nature of existing elements and features	The LCA contains some positive attributes in terms of the open rural farmland however, HMP Gartree and Airfield Business Park are detracting features in the landscape.

**Figure 51: Airfield Farmland plateau LCA Assessment**

6.4.18 The published landscape assessment determines the Welland Valley LCA as having a 'medium' landscape capacity for development. On balance, it is considered that in the context of the site and wider study area, Welland Valley LCA is of medium susceptibility in landscape terms. On balance, it is considered that in the context of the site and wider study area, Local LCA 10 is of low to medium susceptibility in landscape terms.

Considerations	Site and local landscape context
Scale of enclosure	The site is topographically lower than HMP Gartree to the north and beyond it a local ridgeline rises to ca. 130m AOD to the north-west, providing some containment from the wider landscape to the west and north. Vegetation to the north of Welland Avenue also serves to provide some localised enclosure. However, to the south-east and east, boundary vegetation is limited and as a result these areas of the site are more exposed. Further south, the rising topography of Mill Hill serves to provide some enclosure.
Nature of land use	Land use across the site itself is broadly agricultural with some reference to the areas previous use as an airfield. The site is dominated by the built form and infrastructure of HMP Gartree and as such there is extensive reference to the type of development proposed. Other urban/urban fringe land uses in the local area include the small residential area directly north-west of the site and Airfield Business Park to the east.
Nature of existing elements and features	Existing features on the site are limited to a stand of poplars along part of the eastern boundary and a group of crack willows in the centre of the site. Elements such as hedgerows are limited and to the south-east and east. In the immediate context to the north features include several institutional buildings, including the large-scale houseblocks of HMP Gartree.

**Figure 52: LCA Assessment of application site**

6.4.19 The LVIA then goes on to provide an assessment of the susceptibility of the site itself and its local context (as set out in **Figure 52**), and conclude that, on balance, it is considered that the site and its local landscape context, is of low to medium susceptibility in landscape terms. Officers have no reason to contest this, and – having

used the methodology within the LCA to assess Landscape Capacity – have concluded that the site has a Medium – High Landscape Capacity which would support the LVIA's assessment that the site has a low to medium susceptibility in landscape terms.

○ *Landscape and Visual Impact*

6.4.20 A Landscape and Visual Impact Assessment (LVIA) formed part of the application submission. The LVIA includes a methodology section, a description of the baseline, definitions for sensitivity, magnitude and then makes judgements of significance for impacts on both landscape and visual receptors arising from the proposals. It also includes measures to assess the nature of the effects i.e. whether they are positive or adverse.

○ *Assessment of Landscape Effects*

6.4.21 At a local level, the site lies within the 'Welland Valley' district landscape character area and the sub character area of 'Airfield Farm Plateau', characteristics of which are demonstrated across the site and the local landscape.

6.4.22 Across the site there will be direct impacts on the landform. These will be generated by the cut and fill operations associated with the formation of a series of practical, working areas for construction. Additional impacts will occur as a result of earthworks required for the implementation of the drainage strategy, which will include some excavations associated with diverting the existing drainage on site.

6.4.23 There will be a comprehensive change to the land use of the site. The existing field enclosures will be altered on a permanent basis. Although a large proportion of the site will become new prison buildings and infrastructure, there will also be a network of green infrastructure, including new structural planting and ecological enhancement features (refer to Appendix B: Comprehensive Landscape Masterplan, Pick Everard). In the context of the wider landscape, the current grassland field enclosures present on site are also represented in areas across the wider landscape, and therefore loss of this land use will be minimal in the wider context.

6.4.24 In the context of the site and the wider landscape, impacts on vegetation will include the removal of some trees and other vegetation. These losses will be balanced through a programme of replanting as part of the landscape strategy. Suitable native species that reflect local character will be utilised.

6.4.25 In summary, the direct changes will be restricted to the site itself. These will include:

- The removal of existing vegetation to allow for the construction of the new prison and associated access and car parking, balanced by the introduction of new planting and the retention of existing trees and hedgerows where possible.
- The introduction of new built prison infrastructure, including 7 no. four storey house blocks, an entrance hub, a central services hub, a workshop, kitchen and other support buildings.
- New areas of open space, including a sports pitch, horticultural area and new landscape planting.
- The diversion of the existing drainage ditch.

6.4.26 Overall, the physical landscape impacts are considered to be direct, there will be no additional direct impacts on the wider landscape context. The physical changes to the landscape elements and features described above give rise to changes in the perceived character of the landscape.

6.4.27 In terms of the Welland Valley LCA, the site forms a very small area of land within the context of the wider LCA, which extends across the agricultural landscape to the north

and south-west and also east to encompass Market Harborough. Furthermore, this part of the LCA is already influenced by the type of development proposed, as the site is located directly adjacent to the existing HMP Gartree. Overall, the magnitude of impact to the LCA will be **low**. Assessed alongside the medium sensitivity, this will result in a **minor adverse** effect upon the character of the Welland Valley LCA.

6.4.28 In terms of the Airfield Farm Plateau Local LCA, the site forms a small area of land within the western part of the Local LCA, which extends further east across the former airfield landscape to the Grand Union Canal and emerging built form on the north-western edge of Market Harborough. Furthermore, the Local LCA is already influenced by the type of development proposed, as HMP Gartree is located immediately to the north of the site.

6.4.29 The published Landscape Character Assessment states that HMP Gartree is a 'distinctive feature' within the Local LCA which represents an 'intrusion' into the rural landscape and there are 'extensive' views of the prison. The proposed development represents a significant extension of prison infrastructure to the south of HMP Gartree, which will be filtered visually by proposed landscape planting along its eastern and southern site boundaries and existing landscape along its western boundary, and will be obscured from views from the north by the existing Prison. This will influence the landscape at a local scale. Therefore, the size and scale of change is considered to be **moderate**. Overall, the magnitude of impact to the LCA will be **medium**. Assessed alongside the low to medium sensitivity, this will result in a **minor to moderate** adverse effect.

6.4.30 In terms of the site itself, the setting of the site within an area characterised by an existing prison which contains large-scale houseblocks similar to that proposed, and other nearby urbanising elements including the emerging extension on the north-western edge of Market Harborough, has an influence on the landscape's capacity to accommodate this type of development. One of the largest impacts will be related to the change in land use from existing field enclosures to an area of new prison development. In addition, large scale new built form will be visible along the ridgeline that the site and HMP Gartree are located upon, which forms the skyline from the lower lying landscape to the north and south. This will result in a large scale of change in terms of aesthetic or perceptual aspects at a local level, albeit this change will be somewhat reduced by proposed landscape planting along the eastern and southern site boundaries.

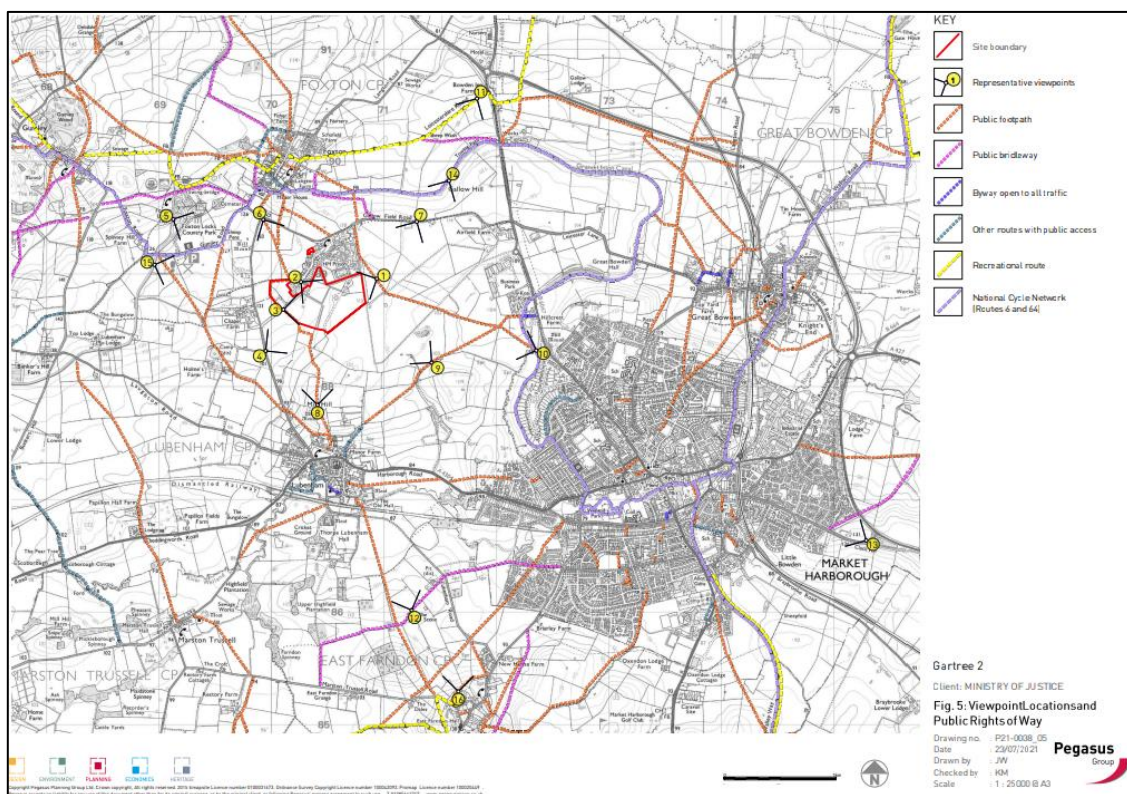
6.4.31 On balance, the magnitude of impact on the landscape character of the site and its immediate context will be **high**. Assessed alongside the low to medium sensitivity of the site and its local landscape context, this will result in a **moderate adverse** effect. This would be significant locally, however, the magnitude of harm would reduce over time as the landscape mitigation works establish. On the basis of this, it is considered that the proposal accords with Policy GD5.

○ *Assessment of Visual Effects*

6.4.32 The LVIA has assessed the effect on views within the area through the use of 16 viewpoints (see **Figure 53**) including along rights of way and roads and from locations within the visual influence of the application site. The range of viewpoints was discussed and agreed between the applicant and HDC Officers in advance of the application being submitted. The images and locations provide a comprehensive range of viewpoints to illustrate an appreciation of the main features of the site. Images are all taken in the winter months when the lack of foliage on trees allows more extensive and unrestricted views.

6.4.33 The local PROW network in the vicinity of the site and in the wider landscape is relatively extensive and includes public footpaths that pass directly adjacent or close to the site and HMP Gartree. The site is well contained at a local level from the north by the existing built form of HMP Gartree and from the wider landscape by combinations of landform and intervening vegetation.

6.4.34 Views from the PROW network towards the site are available from the local PROW network to the east, west and south at a similar topographical level as the site as can be seen in Viewpoints 1 and 9 (see **Figures 45 and 53**). These views are often open where field boundary vegetation is limited but also include the context of HMP Gartree. Further south, views are screened by the localised high point at Mill Hill on the southern edge of the ridgeline north of Lubenham as can be seen in viewpoint 8 (see **Figure 49**). More distant, filtered views are gained as the landscape rises south of Lubenham, including near to the 'Judith Stone', and even further north of the village of East Farndon as demonstrated in Viewpoint 16 (see **Figure 51**).



**Figure 53: Photo Viewpoint Location Plan**

6.4.35 Over time, the proposed landscape mitigation strategy, which comprises a woodland tree planting 'buffer' along the southern and eastern extent of the site, will become more established and further screen views of the proposed prison infrastructure. This is demonstrated through **Figures 54 – 57**).

6.4.36 Views from occupiers of residential properties close to the site include those from Welland Avenue to the north-west. Impacts on receptors on or close to the boundary of the site are to be expected as part of the development of any greenfield location. There will also be views of the proposed development from the emerging settlement edge of Market Harborough to the south-east (see **Figure 53**).





**Figure 54: Existing, Year 1, Year 7 and Year 15 views looking south-west from footpath close to eastern boundary of HMP Gartree (Viewpoint 1)**



**Figure 55: Existing, Year 1, Year 7 and Year 15 view looking north from footpath on Mill Hill (Viewpoint 8)**



**Figure 56: Existing, Year 1, Year 7 and Year 15 view looking north west from footpath west of Market Harborough (Viewpoint 9)**

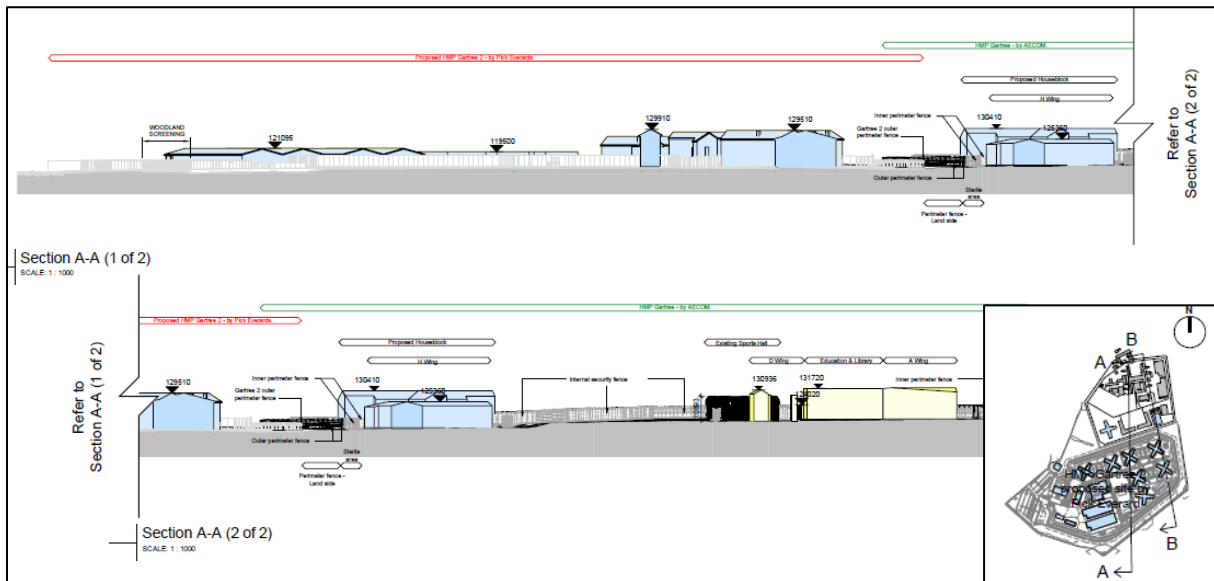




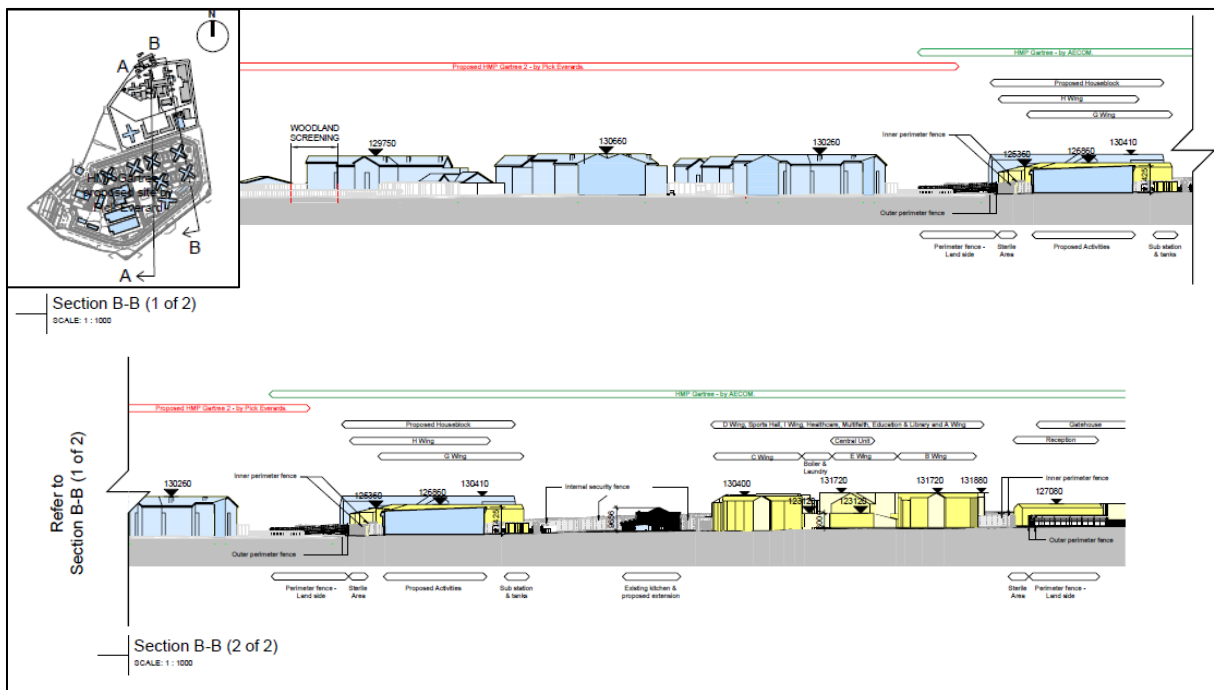
**Figure 57: Existing, Year 1, Year 7 and Year 15 view looking north from recreational route at East Farndon (Viewpoint 16)**

6.4.37 Following a request from Officers, the Application have provided additional cross sections through the application site and the existing HMP Gartree development (see **Figures 58 & 59**). As can be seen, these indicate that, despite being taller buildings that the existing, due to the topography of the site, the ridge heights of the proposed building would sit below those of the tallest buildings on the existing HMP Gartree. This is demonstrated in particular at cross section BB where it is indicated that the ridge

height at the existing HMP Gartree are between 130.40m AOD and 131.88m AOD whereas the highest ridge height on the proposed development is 130.66m AOD



**Figure 58: Cross Section AA through the proposed site and the existing HMP Gartree**



**Figure 59: Cross Section BB through the proposed site and the existing HMP Gartree**

6.4.38 Views towards the site from the Grand Union Canal Conservation Area, which extends across the study area, are limited. This is mainly due to the mature vegetation that lines the canal corridor in combination with local undulating landform which serves to screen views towards the site, but also due to intervening development such as the North West Market Harborough SDA and Airfield Farm Business Park (see **Figures 60 and 61**). This includes views from the section of the canal at Foxton Locks (see **Figure 62**).



**Figure 60: View of site from Canal towpath (Viewpoint 11)**



**Figure 61: View of site from Peter Callis Way above canal towpath (Viewpoint 10)**



**Figure 62: View of site from Foxton Locks (Viewpoint 5)**

6.4.39 There are likely to be views of the proposed development from the local road network to the north-east and south-west in the context of the existing HMP Gartree (see **Figure 63**). Views from the existing edge of Market Harborough to the south-east are generally screened by intervening emerging built form and any views of the proposed development would be a very small part of the view in the background (see **Figure 61**). As the landform rises on the eastern edge of Market Harborough, near to Clack Hill,



views towards the site are not likely due to intervening built form, vegetation and distance (see **Figure 64**).



**Figure 55: View of site from Gallow Field Road (Viewpoint 7)**

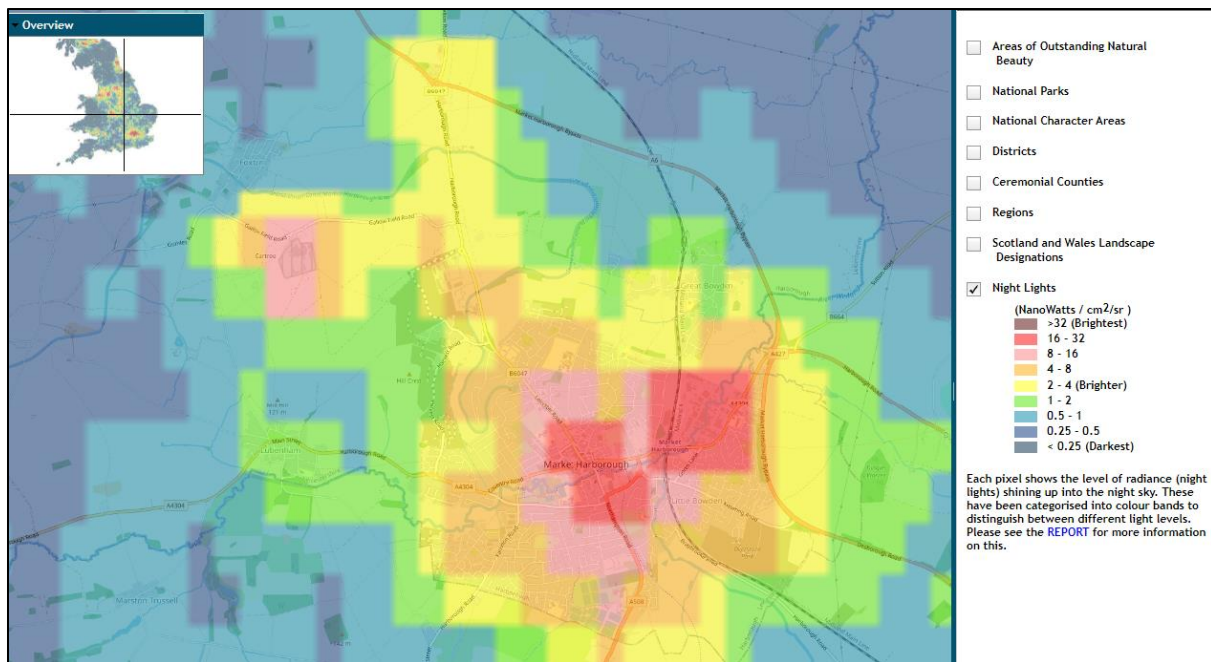


**Figure 56: View of site from Clack Hill (Viewpoint 13)**

6.4.40 The LVIA provides a visual summary, which notes that overall, the greater degree of visual impact will be from the PROW network and residential receptors adjacent to and within close proximity to the site itself. There will also be views of the proposed development from the local road and PROW networks in the middle distance where intervening vegetation is limited, however these views are within the context of HMP Gartree and will be reduced over time as a result of the proposed landscape mitigation strategy.

- *Lighting*

6.4.41 Lighting at the existing site is one of the main concerns for local residents, and, it is a key theme which has come through the consultation on the application. The existing HMP Gartree is located within an area defined as somewhere between brighter and brightest and is surrounded by darker areas, with Market Harborough town centre being brighter on the CPRE night skies map (see **Figure 65**).



**Figure 65: CPRE night skies Map**

- 6.4.42 A separate lighting engineer report and a lighting strategy for the Proposed Development have been included as part of the application submission to inform the night time visual assessment and judgements made regarding potential night visual effects, arising from the proposals. The existing HMP Gartree facility consists of High Pressure Sodium Luminaires mounted on buildings and lighting columns. The type of luminaire varies across the prison. The result of this is a yellow/orange sky glow (see **Figure 66**) when viewed from the surrounding villages on nights with low cloud or highly illuminated buildings. This is caused by light reflecting from the horizontal surfaces and from the building elevations.
- 6.4.43 High pressure Sodium (SON-T) lamps at the time of installation had the highest luminous efficacy (most efficient) available, but also a high luminance intensity as all of the light is derived from a single light source (ie the lamp) SON-T lamps also have poor colour rendition and visual acuity when compared to white light source (fluorescent/metal halide/LED). Until very recently High pressure Sodium luminaires were used for external lighting for most industrial / commercial buildings around the country.



**Figure 66: Example of High pressure Sodium lamps**

- 6.4.44 The proposed development would include lighting to illuminate perimeter roads, buildings and exercise yards as well as being required for security purposes. The

proposals within the lighting strategy include for improved cut off lighting to the main buildings with a white and more natural light (See **Figures 67 and 68**). This should help to make a notable reduction in night time impact compared to the orange glow of the existing HMP Gartree lighting. While the intensity of lighting on the buildings could therefore be reduced, the geographical spread of the effects would increase due to the increase in developed area. A number of elements of the lighting design may also result in higher levels of adverse effect including lighting column masts for security purposes if seen from public/private locations.

6.4.45 The intention stated in the Lighting Strategy is for high standards of lighting design to be provided to minimise intrusive light and to be within guideline levels for ecology and visual and residential amenity. Lighting design is recommended to be controlled by planning condition (see **Appendix A – Conditions 17 & 23**) and the scheme will incorporate the latest and high standards of lighting design to minimise light pollution. Furthermore, the landscape screening belt discussed earlier in this section will, once mature, provide further screening of the lighting emanating from the Proposed Development.



**Figure 67: Example of LED Lighting on a Prison complex**



**Figure 68: Further examples of LED Lighting**

6.4.46 At night, with design and mitigation measures in place, the residual effect during the operation stage is considered to be neutral, on the communities of Foxton and Lubenham, with a neutral to minor adverse effect potentially to be experienced by

residents of parts of Market Harborough (in particular the North West Market Harborough SDA (in short distance views across the showground)) and East Farndon (in long distance views across the valley (see **Figure 57**)).

- 6.4.47 Overall, on the basis of the above, and following consultation from HDC EHO's, the potential night time visual effects of the proposals are considered to be not significant, as the proposed development would avoid being visually intrusive and would not cause an obvious deterioration or improvement of existing views afforded by visual receptors.

○ *Cumulative Landscape and Visual Effects*

- 6.4.48 Due to the fact that the proposals do not constitute EIA development, there is no requirement for the application submission to include a formal cumulative impact assessment. Notwithstanding this, Officers have considered the Landscape and Visual impact of the proposed development in conjunction with committed development in the area such as the Airfield Farm Business Park and the North West Market Harborough SDA. Viewpoints 9 and 16 (see **Figures 56 and 57**) are those most likely to reflect the cumulative impact. Whilst viewpoint 9 does not account for the Business Park, it would be situated approximately 900m to the east of the proposed development. Whilst both developments would be visible in this view, it is not considered that the cumulative impact of both developments would change the assessment made of the viewpoint earlier in this report due to the need for the viewer to turn their angle of sight to appreciate both developments. Furthermore, from viewpoint 16, due to the distance of the proposed developments from this viewpoint (approximately 4km) the Airfield Farm business park would be seen in the context of the existing development in that area, with the proposed Prison being seen in its separate context of the existing HMP Gartree. Again, it is not considered that the cumulative impact of both developments would change the assessment made of the viewpoint earlier in the report.

○ *Summary*

- 6.4.49 In terms of Landscape receptors, the LVIA has identified the likely impact of the proposed development and significance of effect for the Welland Valley LCA is minor adverse, reducing to negligible to minor adverse effect in the longer term as the proposed structural planting mitigation along the outer extent of the new prison matures and establishes. For Local Landscape Character Area 10: Airfield Farm Plateau the significance of effect is found to be minor to moderate adverse, reducing to minor adverse in the long term. At the level of the site and its immediate context the significance of effect is found to be moderate adverse, reducing to minor to moderate adverse in the longer term. Having carried out both Desk-based and field assessments of the submissions, Officers concur with the overall conclusions of the Landscape impact of the proposed development.
- 6.4.50 In terms of visual effects, the LVIA has identified the likely impact of the proposed development and significance of effect for a range of representative visual receptors. The LVIA has concluded some major adverse effects for sensitive visual receptors (including occupiers of residential properties and users of the local PROW network) close to the site, in the short term. This is as a result of the close proximity of receptors to the largest elements of built form (houseblocks). Further from the site, visual effects reduce to moderate to major and moderate adverse where there is extensive existing reference to prison built form, or at middle distances. In the wider landscape, visual effects reduce to minor adverse, negligible and nil (for the most distant potential receptors). Having carried out both desk-based and field assessments of the submissions, Officers concur with the overall conclusions of the visual impact of the proposed development.



- 6.4.51 Given the context of the site adjacent to HMP Gartree and acknowledging the relatively limited impact on the wider rural aspects of the landscape as a result of the proposed mitigation strategy, the proposed development and likely landscape and visual effects are not considered to be significant and are consequently considered to be acceptable in landscape and visual terms.
- 6.4.52 Overall there would be a number of significant adverse effects arising from the proposals on both landscape character and visual receptors within the surrounding area. Bearing in mind the substantive scale of the overall development this significant effect is relatively localised and is likely to be expected in most greenfield locations. The adverse effects would reduce over time with the delivery of a phased landscape planting scheme which relates well to the surrounding countryside. The adverse effects on landscape character and visual receptors will need to be balanced against all the benefits of the proposal by the decision makers. However, in landscape and visual terms the scheme as proposed is not considered to be unacceptable.
- 6.4.53 It is therefore considered that the proposals assessed overall will have a moderate adverse impact upon the landscape of the surrounding area, but would accord with Policies GD5 of the Harborough District Local Plan in this respect.

## 5. Noise and Vibration

- 6.5.1 A Noise Assessment (NA) has been undertaken to survey existing noise levels at the Site and neighbouring, noise sensitive, locations. The NA considered the effect of operational activity noise, road traffic noise, and construction noise upon existing and proposed residential receivers due to the proposed development.

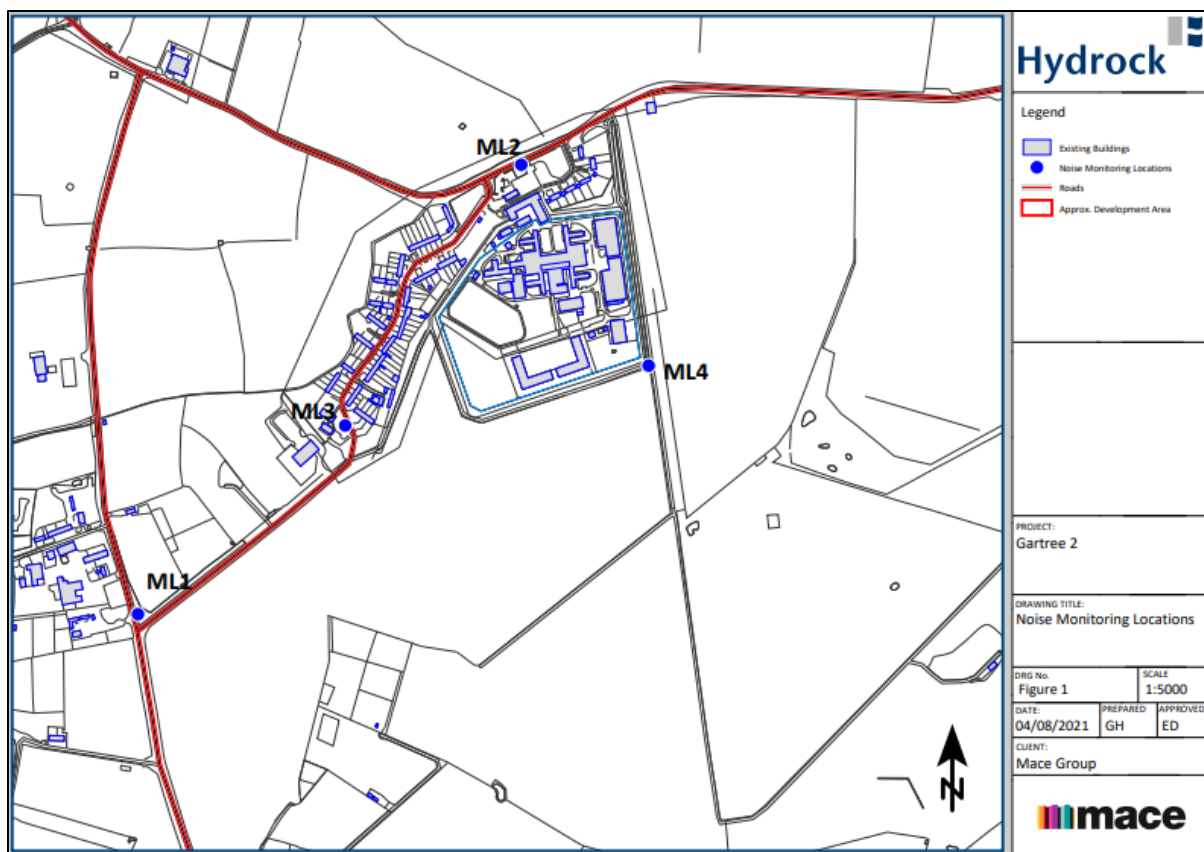
### o Noise Policy

- 6.5.2 Policy GD8eii of the Harborough District Local Plan states:
1. *Development will be permitted where it achieves a high standard of design, including meeting the following criteria:*
    - e. *being designed to minimise impact on the amenity of existing and future residents by:*
      - ii. *not generating a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions;*

Other relevant noise Policy and guidance is set out in **Section 5** of this report.

### 1 Existing Noise Environment

- 6.5.3 A noise survey was undertaken to help establish the existing background levels at the nearest noise sensitive locations to the proposed development site. These levels were used to set noise criteria at each of the assessment positions, which were chosen to represent these closest noise sensitivities. These locations are set out at **Figure 69**.
- 6.5.4 Observations made during the survey and a review of audio recordings made during unattended measurements, identified the following significant noise sources contributing to the noise climate at the site: Road Traffic: Road Traffic noise from Foxton Road and Gallow Field Road was dominant across the site throughout the daytime and night time period. Road traffic was also the dominant source at ML3, however, as Welland Avenue is a private road, the number of vehicle movements and associated noise level was significantly lower than Foxton Road and Gallow Field Road. Other Sources: Bird song and distant aircraft movements where occasionally audible across the site but mostly at ML4.



**Figure 69: Noise Monitoring Locations**

6.5.5 Measured noise levels at each ML have been separated in to daytime (07:00 to 23:00 hours) and night time (23:00 to 07:00 hours) categories, where appropriate. Measured levels at ML1 and ML4 captured a total 16 hours during the daytime period and a full 8 hour night time period. This is considered to provide a representation of typical weekday levels, as the measurement period includes peak transportation times. Measured levels at ML2 were undertaken for 3 consecutive hours. Measured levels at ML3 captured a total of 5 hours during the quiet period of daytime, including 3 consecutive hours. Daytime and night time levels derived from the 3-hour calculation, and comparison with ML1 and ML4 measurements, indicate that noise levels are provide a reliable representation typical road traffic noise levels, for the purposes of the assessment. These figures can be seen in the table at **Figure 70**.

*Table 1: Average Measured Daytime and Night-time Noise Levels*

Monitoring Location	Time Period	Measured Noise Level, $L_{Aeq,T}$ dB
ML1	0700 - 2300	64
	2300 - 0700	53
ML2	0700 - 2300	66*
	2300 - 0700	57*
ML3	0700 - 2300	52*
	2300 - 0700	45*
ML4	0700 - 2300	45
	2300 - 0700	38

\* Daytime and Night-time levels derived from shortened measurement procedure described within CRTN and TRL.

**Figure 70: Existing Monitored Noise Levels**

6.5.6 The typical measured night-time  $L_{AFmax}$  noise levels at ML1 and ML4 are summarised in the table at **Figure 71**. For ML2-ML3, the  $L_{AFmax}$ , measured during the daytime period has been adopted to reflect a night-time worst-case scenario. Measured maxima which



are not considered representative of the typical noise environment have been eliminated from this assessment.

Table 2: Summary of Typical Maximum Night-time Noise Levels

Monitoring Location	Typical Night-time $L_{Amax}$ dB
ML1	80
ML2	84
ML3	70
ML4	53

**Figure 71: Typical Night time noise levels**

- *Assessment of Impact*
- 6.5.7 Construction noise has the potential to cause an adverse noise impact at existing noise sensitive receptors. The level of impact cannot be determined until a construction programme has been finalised which will occur once a contractor has been appointed. At this stage, general requirements and guidance for the control of construction noise and vibration have been outlined.
- 6.5.8 Any noise effects arising from construction activities would be controlled and reduced by the good practice processes as set out in a Construction & Environment Management Plan (CEMP) (see **Appendix A – Condition 35**). Anticipated measures to mitigate noise impacts could include elements such as:
1. Use of screening around the site perimeter, individual phases and individual items of plant;
  2. Vehicles and mechanical plant used for the purpose of the works are to be fitted with effective silencers where appropriate,
  3. Loading and unloading of vehicles and dismantling of equipment will be carried out in such a manner as to minimise noise and where practical will be conducted away from noise sensitive areas,
  4. Noise emitting machinery which is required to run continuously will be housed in a suitable acoustically lined enclosure,
  5. Threshold levels and a programme of noise monitoring will be prepared as part of the CEMP and agreed with the LPA prior to the commencement of works on site,
  6. The hours of work will comply with those specified by HDC,
  7. Fixed and semi-fixed ancillary plant such as generators, compressors etc. which can be located away from receptors to be positioned so as to cause minimum noise disturbance.
  8. Inherently quiet plant should be selected where appropriate,
  9. Machines in intermittent use to be shut down in the intervening periods between work or throttled down to a minimum,
  10. Adherence to the codes of practice for construction working and piling given in BS 5228 and the guidance given therein for minimising noise emissions from the Site,
  11. Provision of rest periods during any prolonged noisy activities,
  12. Prohibition of the use of stereos and radios on Site, and
  13. Keeping local residents informed and provision of a contact name and number for any queries or complaints.
- 6.5.9 In accordance with modern working practices, the principles of ‘best practicable means’, would be used to reduce noise emissions throughout the demolition and construction works to a reasonable and practicable level. Based on the above the effect of the development during construction phase are judged to be moderate adverse.

- 6.5.10 Potential noise impacts associated with road traffic generated by the Proposed Development when operational have been assessed via comparison 'without development' and 'with development' scenarios for the opening year 2025, in accordance with DMRB. The assessment has been carried out at ESRs in the vicinity of the adjacent transport network and considered most likely to be affected by any increase in traffic, as a result of the Proposed Development. Road traffic noise is predicted to increase by less than +1dB at all other ESRs, this equates to a negligible impact both in the short term and long term, in accordance with DMRB. Therefore, no specific mitigation is required with respect to development generated traffic. The NA shows the predicted average daytime noise levels LAeq, 16hour, across the majority of the site and are way below the upper guideline value of 55dB LAeq, T recommended by BS8233. Therefore, no specific mitigation is required for external living areas.
- 6.5.11 At this stage, detailed information relating to any proposed fixed plant and/or building services is unavailable. However, the annotations to the Illustrative Masterplan highlight likely sources of industrial type noise. Guideline noise limits have been formulated based on the existing noise environment, in accordance with current guidance. Noise associated with the development shall be controlled to the guideline levels where possible, when assessed in accordance with BS4142, at the nearest sensitive receptor. The limits during daytime correspond to the average background noise levels measured at ML3. In the absence of night-time noise levels at ML3, representative background noise levels measured ML4 have been adopted as limits, reflecting a worst-case scenario.
- 6.5.12 The Illustrative Masterplan indicates the Proposed Development includes a Car Park in the western part of the Site, approximately 90m from the nearest existing residential dwellings, off Welland Avenue. Therefore, the potential noise impact associated with the car park has been assessed with respect to these dwellings. The car parking noise level has been predicted based on the shift pattern information provided by the Applicants. Parking events per hour, per space has been derived from the shift change information and the total number of predicted vehicle trips at the site. This has been used for the basis of noise level predictions in accordance with the Parking Area Noise guidance. Predicted average noise levels associated with carparking noise levels have been assessed by comparison with health based WHO and BS8233 guideline noise levels at the nearest ESRs. Table 9 within the NA (see **Figure 72**) presents the predicted average daytime noise levels associated with the car park, within external gardens at the nearest ESR.

Table 9: Guideline Atmospheric Plant Noise Emission Limits

Period	Atmospheric Plant Noise Emission Limit
Daytime (07:00 to 23:00 hrs)	L <sub>A</sub> ,1hr 45 dB
Night-time (23:00 to 07:00 hrs)	L <sub>A</sub> ,15min 25 dB

**Figure 72: Table 9 from the submitted Noise Assessment**

- 6.5.13 Table 9 of the NA (see **Figure 72**) indicates that average daytime noise levels associated with the proposed car park are 38 dB LAeq, 16hour at the nearest outdoor living areas of existing residential properties at Welland Avenue. This is below the guideline level of 50 dB LAeq, 16hour recommended as a desirable, but not mandatory level by BS8233. Therefore, no specific mitigation is required for car parking activity noise during the daytime. While the shift pattern information indicates that all shift changes would occur during the daytime periods (0700 to 2300), to render this assessment exercise more robust, the potential impact of individual car parking events has been considered during the night time period. Measured noise data indicates that the typical free field maximum level associated with car engines starting and car doors

slamming is 65 dB LAFmax, measured at 10m. Maximum noise levels associated with individual parking events have been predicted based on this measured data. Table 10 of the NA (see **Figure 73**) presents the predicted night time maximum noise levels associated with the car park, at the nearest ESR façade, taking in to account attenuation of 15dB through an open window.

Table 10: Predicted Noise Levels from Car Park

Receptor	Predicted External Noise Level, dB LAeq, 16 hours	Approximate Distance from Car Park, m
Gardens of Nearest Residential Properties North of the proposed development site overlooking Welland Avenue	38	90

**Figure 73: Table 10 from the submitted Noise Assessment**

6.5.14 Table 10 indicates that maximum noise levels associated with the proposed car park are 33 dB LAFmax internally, assuming windows are open, at the nearest facade of existing residential at Welland Avenue. This is below the guideline level of 45 dB LAFmax as recommended by BS8233. Therefore, no specific mitigation is required for car parking activity noise during the night-time.

○ *Summary*

6.5.15 A noise survey has been carried out in order to establish the existing noise environment at the proposed development site, during the daytime and night time periods, in accordance with current guidance. Road traffic noise from the local road network was found to be dominant throughout the daytime and night-time periods across the site. The existing daytime noise levels across the site are below the guideline limit of 55dB LAeq,T. Therefore, no specific mitigation is considered necessary for outdoor living areas. Calculations indicate that open windows would be sufficient to control existing noise sources, during the daytime and night-time periods, to ensure that guideline internal noise levels are achieved within habitable rooms and education spaces respectively. Therefore, there are no specific acoustic glazing and ventilation requirements for habitable rooms.

6.5.16 The development generated traffic at the Site indicates at the worst affected receptor the increase in traffic will have a minor impact in the short term and a negligible impact in the long term. Therefore, no specific mitigation is required with respect to development generated road traffic. Atmospheric plant noise emission limits have been established based on the results of the noise survey. These are likely to be achieved with appropriate consideration for selection of low-noise plant and proprietary attenuation measures as appropriate during technical design. It is considered that there is no reason for refusal of planning permission, on acoustic grounds.

6.5.17 The scheme is currently in Outline form, and as such, the finer detail of noise impact upon surrounding properties falls to be fully assessed as part of the consideration of any future Reserved Matters application. There is also scope for screening along the noise sensitive boundaries of the site as set out above and the recommended conditions address this (see **Appendix A – Condition 33**). Given the distances involved, whilst it is inevitable that any development of the scale proposed would result in an increase in the background noise levels, the living conditions of existing residents would not be unduly affected by the development. The NA concludes that the impact of noise and vibration on future residents will be not significant. On the basis of this, Officers consider that the noise environment for existing residents will be acceptable and that the development would accord with Policy GD8 of the Harborough District Local Plan in this respect, for the reasons set out above.

## 6. Drainage and Hydrology

6.6.1 The application is supported by a detailed Flood Risk Assessment (FRA), a SUDS Strategy Report and Foul and Surface Water drainage strategies.

### ○ Drainage Policy

6.6.2 Policy CC3 of the Harborough District Local Plan requires that development should take place in the areas of lowest risk of flooding;

1. *New development should take place in the areas of lowest risk of flooding, including the potential future risk due to climate change. The Sequential Test, and, where necessary, the Exceptions Test should be used to assess the suitability of proposed development. Site-specific flood risk assessments of all sources of flood risk on the site and downstream of the site will be required as appropriate.*
2. *Development should take place within Flood Zone 1, wherever possible. Within Flood Zone 1 a site-specific flood risk assessment will be required for proposals relating to:*
  - a. *major development;*
  - b. *land with critical drainage problems;*
  - c. *land at increased flood risk in the future; or*
  - d. *a more vulnerable use on land subject to other sources of flooding.*
3. *All development proposals in Flood Zones 2 or 3 will require a site-specific flood risk assessment.*
4. *Development proposals subject to a site-specific flood risk assessment will only be permitted where:*
  - a. *the mitigation, flood management, flood resilience measures, and design requirements identified are satisfactorily addressed; and*
  - b. *the design incorporates flood resilience measures to allow for increased risk due to climate change.*
5. *Development in Flood Zone 3, unless meeting the Exceptions Test, will only be permitted as follows:*
  - a. *Flood Zone 3a: 'less vulnerable' uses, including retail and business uses (A and B Use Classes), agriculture and some non-residential institutions (Use Class D1) other than for health services, nurseries and education; and water compatible development;*
  - b. *Flood Zone 3b: water compatible development where appropriate; this zone will be safeguarded to ensure protection of the functional floodplain.*

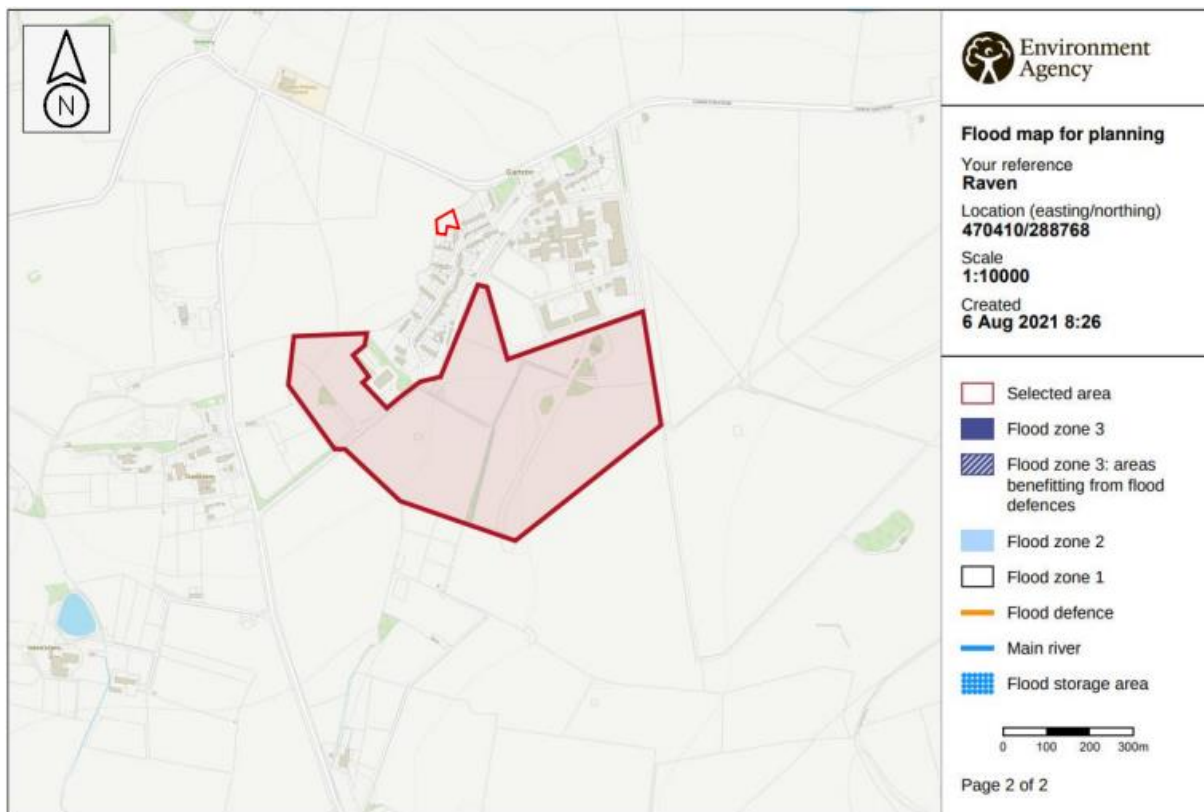
6.6.3 Policy CC4 of the Harborough District Local Plan requires that development provides sustainable drainage systems (SuDS)

1. *All major development must incorporate sustainable drainage systems (SuDS).*
2. *Prior to the commencement of development, the responsibilities for management and maintenance in perpetuity of the SuDS must be agreed.*
3. *The design and layout of the SuDS, taking account of the hydrology of the site, will:*
  - a. *manage surface water close to its source and on the surface where reasonably practicable to do so;*
  - b. *use water as a resource, re-using it where practicable, and ensuring that any run-off does not negatively impact on the water quality of a nearby water body;*
  - c. *use features that enhance the site design and make an active contribution to making places for people;*
  - d. *incorporate surface water management features as multi-functional greenspace wherever possible;*

- e. *provide for the re-naturalisation of modified water courses where practical;*
- f. *be located away from land affected by contamination that may pose an additional risk to groundwater or other waterbodies;*
- g. *demonstrate that the peak rate of run-off over the lifetime of the development, allowing for climate change, is no greater for the developed site than it was for the undeveloped site and reduced wherever possible; and*
- h. *ensure that flooding would not occur to property in and adjacent to the development, in the event of an occurrence of a 1 in 100 year rainfall event (including an allowance for climate change) or in the event of local drainage system failure*

Other relevant Drainage and Flood Risk Policy and Guidance is set out in **Section 5** of this report.

6.6.4 The FRA confirm that the majority of the site falls within Flood Zone 1 (low risk of flooding) as defined in Environment Agency (EA) flood maps (see **Figure 74**).



**Figure 74: Environment Agency Flood Map for site**

○ *Assessment of Impacts*

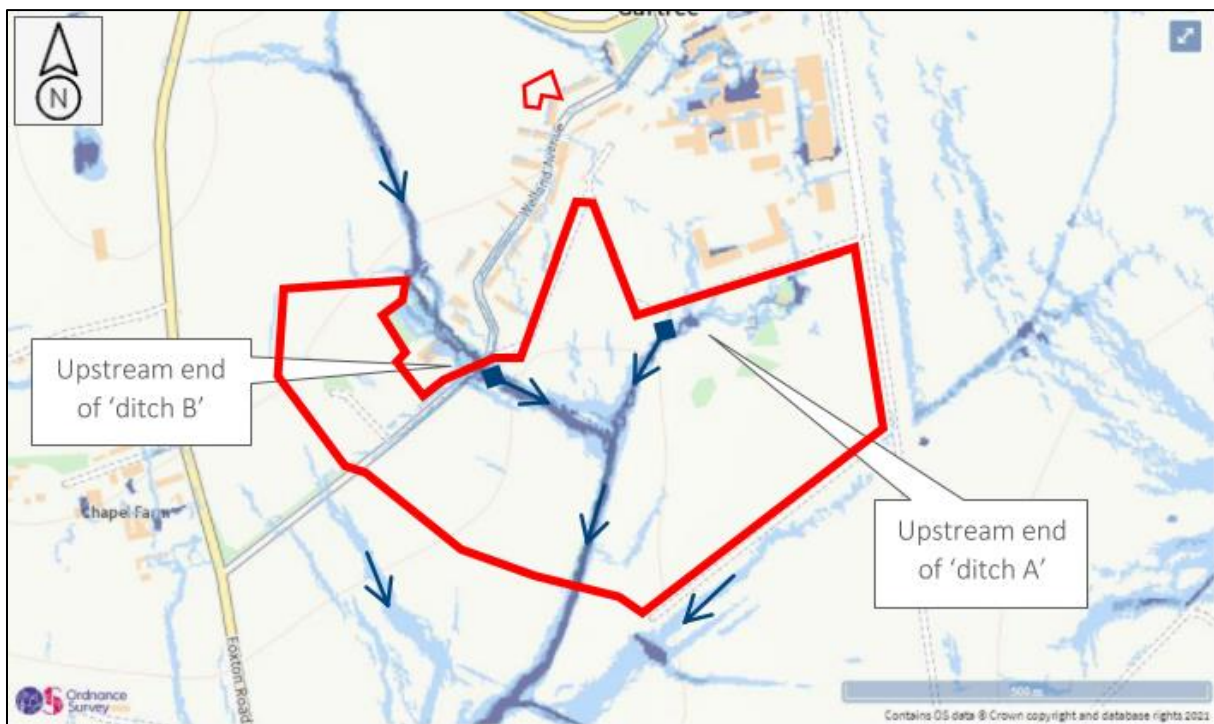
6.6.5 in terms of Fluvial Flooding<sup>58</sup> Due to the topographically elevated position of the site, there are no watercourses located within the immediate vicinity, or uphill, of the site, with the nearest watercourses to the site being the Langton Brook, around 1.2km to the north of the site, and the River Welland, approximately 1.4km to the south of the site. Whilst the potential effects of climate change could increase the frequency, depth and extent of flooding from the Langton Brook and River Welland, given the >15m elevation difference between the bank levels of the watercourses and the existing lowest site levels, any increase in flood risk is considered unlikely to be of a magnitude so as to

<sup>58</sup> This is where a river's flow will exceed the bank sides



result in on-site fluvial flooding. Based upon the points identified above, the site is concluded to be at low risk of fluvial flooding.

- 6.6.6 In terms of Pluvial Flooding<sup>59</sup> An existing ditch network is currently present within the site (see **Figure 75**). 'Ditch A' issues at the northern site boundary and then flows southwards through the site, and discharges to the River Welland to the south of the site. 'Ditch B' issues at the north-western corner of the site and flows south-eastwards to converge with 'ditch A' near the centre of the site. The ditches generally comprise shallow depressions (<1m deep) and only become more defined in the southern portion of the site, downstream of the point where the two ditches converge. The submitted FRA indicates that 'ditch A' is primarily fed by a 375mm diameter pipe which discharges surface water run-off from HMP Gartree to the north of the site. Whilst the upstream inflow to 'Ditch B' has not been confirmed within the FRA, Ordnance Survey mapping indicates that any overland flows generated from the undeveloped agricultural land and Welland Avenue (including existing built development located along Welland Avenue) could be directed into 'ditch B'.
- 6.6.7 As stated in the submitted FRA, the EA's Flood Risk from Surface Water mapping (see **Figure 75**) shows the majority of the site to be at 'very low' risk of surface water flooding, with any surface water overland flows generated uphill (to the north and north-west) of the site indicated to be conveyed within the existing ditch network and through the site.



**Figure 75: Extent of Flooding from Surface Water**

- 6.6.8 The FRA states that, based on the existing site topography, any surface water run-off generated within the site will likely be directed overland as shallow 'sheet-flow' with the prevailing topography, and into the existing ditches, as opposed to 'ponding' within the site. Whilst the potential effects of climate change could increase the frequency, depth and extent of on-site surface water flooding, given the sloping topography of the site,

<sup>59</sup> Also known as Surface Water flooding, this occurs after periods of heavy rainfall where excess water cannot drain away.



any increase in flood risk is considered unlikely to be of a magnitude which would result in a significant increase in the risk of on-site surface water flooding

- 6.6.9 On the basis of the above, the site is concluded to be at low risk of surface water flooding, on the assumption that the function of the existing ditch network is retained as part of the proposed development. This issue is considered within the mitigation section at **Paras 6.6.13 – 6.6.23** of this report.
- 6.6.10 In terms of Groundwater Flooding<sup>60</sup>, the generally low permeability of the geology of the site is unlikely to be conducive to groundwater emergence. Furthermore, the topographically elevated position of the site means that any sub-surface groundwater flows are likely to be directed downhill and away from the site, preferentially emerging within the surrounding lower-lying land, i.e. the Langton Brook valley and River Welland valley around 1.2km to the north and 1.4km to the south of the site respectively.
- 6.6.11 Given that the determination of groundwater flood risk in this instance is principally driven by geological and topographical factors, both of which will be unaffected by the potential effects of climate change, the risk of groundwater flooding posed to the site is considered unlikely to increase as a result of climate change. Accordingly, the site is concluded to be at low risk of groundwater flooding.
- 6.6.12 In terms of Infrastructure Failure Flooding<sup>61</sup>, Similar to the assessment of potential surface water flooding, in the scenario that any sewers were to surcharge uphill (to the north and north-west) of the site, any overland flows will likely be preferentially directed overland as shallow 'sheet-flow' with the prevailing topography, and into the existing ditches, as opposed to 'ponding' within the site. The Grand Union Canal is located approximately 0.7km to the north of the site. However, the bank levels of the canal are at a lower level than existing site levels, with lower-lying land also identified on the opposite bank (i.e. to the north of the canal towards Langton Brook). Accordingly, if the canal were to breach / overtop, any overland flows are likely to be preferentially directed northwards and away from the site. No other potential sources of infrastructure failure flooding, such as reservoirs, were identified within the immediate vicinity, or uphill, of the site. On this basis, the site is concluded to be at low risk of infrastructure failure flooding.
- *Mitigation Measures*
- 6.6.13 Whilst an Exception Test is not explicitly required under the NPPG, the submitted FRA details measures necessary to mitigate any 'residual' flood risks, to ensure that the proposed development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, akin to the requirements of section 'b' of the Exception Test, as outlined in the NPPF.
- 6.6.14 Given the low risk of flooding identified at the site (and assuming that the function of the existing ditch network is retained as part of the proposed development, no specific flood resistance or resilience measures are considered necessary. Access to the site will be via the existing surrounding highway network, which is indicated to be at low risk of flooding, based on the EA's Flood Map for Planning and Flood Risk from Surface

---

<sup>60</sup> For groundwater flooding to occur, the water table in an area must rise as a result of increased rain. When this water table rises, there may be a point at which the water table is above the ground level. If this happens, the water will flow over the surface as it cannot seep into the ground

<sup>61</sup> the failure of flood management infrastructure such as a breach of a raised flood defence, blockage of a surface water conveyance system, overtopping of an upstream storage area, or failure of a pumped drainage system, or the failure of a canal or reservoir

Water mapping. As such, safe access and egress is concluded to be possible to and from the site.

- 6.6.15 On the basis that the site has been demonstrated to be at low risk of flooding, and therefore outside a functioning floodplain, the proposed development is not considered to increase flood risk within the catchment through a loss of floodplain storage, and accordingly no further mitigation measures are required in this respect.
- 6.6.16 Based on the undeveloped nature of the site, it is not anticipated that the site is currently served by an extensive drainage network. Therefore, rainfall within the site is assumed to currently preferentially infiltrate to ground, with any rainfall unable to infiltrate (i.e. in the scenario that the infiltration capacity of the site is exceeded as a result of prolonged and/or intense rainfall), likely to be directed overland as shallow 'sheet-flow' with the prevailing topography, and into the existing ditches.
- 6.6.17 Given the potential for the proposed development of the site to generate surface water run-off which could be directed off-site onto third-party land, a proposed Drainage Strategy has been prepared for the site. The following principles are to be adopted within the design and specification of the proposed system:
- In accordance with Building Regulations Part H and Paragraph 080 of the NPPG, rainfall run off should (in preferential order) be: re-used, infiltrated to ground, discharged to a local watercourse, discharged to a surface water sewer, or discharged to a combined water sewer. In respect of each potential means of surface water disposal:
    - The re-use of clean surface water run-off (i.e. from proposed building roof areas) will be considered and adopted where feasible.
    - Infiltration drainage is not anticipated to be practicable based on the indicative low- permeability of the on-site geology. However, this will be subject to confirmatory infiltration testing, and whilst not anticipated, on-site infiltration drainage will be used if demonstrated to be viable.
    - Existing watercourses (ditches) are indicated to be present within the site and therefore may offer a potential means of surface water disposal. This would be subject to confirmation of capacity and downstream connectivity.
    - The presence of an existing sewer system within the vicinity of the site is yet to be confirmed, though if proven, may offer an alternative means of surface water disposal if discharging to existing adjacent ditches is identified to be unviable.
  - The acceptability of discharging surface water run-off from the site to watercourses and/or sewer will be subject to agreement with Leicestershire County Council (in their role as Lead Local Flood Authority (LLFA)) and Anglian Water, respectively. However, it is anticipated that any discharge will need to be restricted to the pre-development run-off rate from the site (and potentially reduced compared to existing rates), for all storm events up to and including the 1 in 100 year + 40% (climate change allowance) storm event. Neither the LLFA or Anglian Water hold any objections to the Proposed Development.
  - On-site attenuation storage will likely be required to ensure no on-site flooding in up to and including the 1 in 100 year + 40% storm event. Such attenuation should ideally adopt Sustainable Drainage System (SUDS) principles.
  - It is likely that appropriate and proportionate pollution control methods will also need to be incorporated into the proposed system to ensure an acceptable surface water discharge quality from the site.
- 6.6.18 The function of the existing ditch network (i.e. 'ditch A' and 'ditch B', as shown in **Figure 75**) will need to be retained as part of the proposed development, in order to ensure

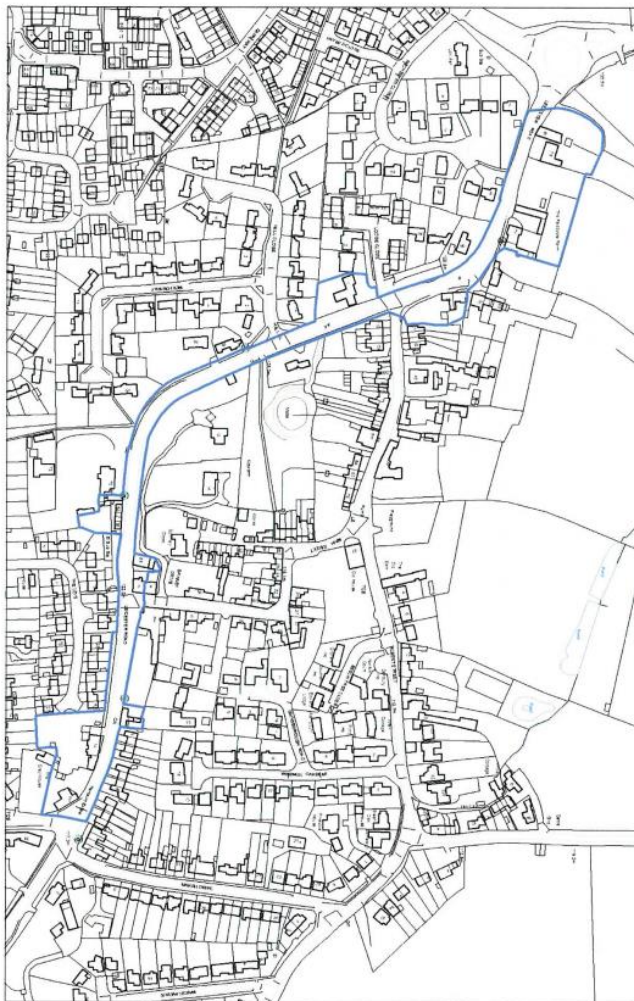
any existing in-flows to the ditches can still be managed, to reduce the risk of surface water flooding at the site, and to offer a viable potential surface water disposal option for the discharge of surface water run-off from the proposed development.

- 6.6.19 In order to facilitate the proposed development of the site whilst also acknowledging security considerations, it is anticipated that the ditches will need to be diverted along the north-western / western / south-western site boundary, in a combination of open channel and culvert (in order to facilitate access crossings etc, where necessary), before reverting to its original course at the southern site boundary.
- 6.6.20 The proposed route and dimensions of the realigned ditch will be confirmed at the detailed design stage, and it will need to be ensured that the proposed ditch offers suitable conveyance capacity for the anticipated in-flows from upstream. In addition, a minimum 5.0m easement will need to be provided from the edge of the realigned ditch/culvert to any new above ground structures, including buildings and fences/walls. The proposed ditch diversion works will also be subject to Ordinary Watercourse Consent via the LLFA.
- 6.6.21 A condition is recommended to require the submission of a CEMP (see **Appendix A – Condition 35**) prior to the commencement of development on any phase. The CEMP will include measures ensuring marked effects on flood risk and surface water drainage do not arise. Subject to the mitigation proposals required by conditions the impact on surface water drainage during construction would be minor adverse. An increase in surface water run off due to increased impermeable surfacing before the surface water drainage system is operational would also be address in the CEMP which would have a temporary moderate effect.
- 6.6.22 Overall there are no significant residual effects of the development. With the implementation of the measures required by the CEMP and the mitigation measures set out above the potential effects are considered to be negligible. Overall flood risk would be managed by the implementation of a SUDS scheme and its management as outlined in the FRA.
- 6.6.23 The EA and the LLFA are satisfied with the FRA and drainage strategy and have no objections subject to suitably worded conditions relating to surface water drainage and infiltration testing (see **Appendix A – Conditions 25 – 29**)
- *Foul Water Drainage*
- 6.6.24 The Applicants and their representatives have been in ongoing discussions with Anglian Water regarding the likely foul water requirements of the Proposed Development. A considerable number of representations received from the local community have raised the issue that the existing water treatment centre at Foxton is unlikely to be able to cope with the additional demand that would be put upon it as a result of the Proposed Development. As can be seen in **Section 4:2** of this report Anglian Water hold no objection to the proposals, despite acknowledging that current facility at Foxton does not have the capacity to treat the flows that the development site would generate. Anglian Water are however, obligated to take the necessary steps to ensure that there is sufficient treatment capacity should planning permission be granted for the development. Further to this, as set out in **Section 3c** of this report, the Applicant have already engaged with Anglian Water regarding the requirements for any new facilities required. A condition is also recommended in relation to on site foul water drainage. (see **Appendix A – Condition 4**)
- *Summary*

6.6.25 On the basis of the above, it is considered that the proposals will have a neutral impact upon hydrology and flood risk and would therefore accord with Policies CC3 and CC4 Harborough District Local Plan in this respect.

## 7. Air Quality

6.7.1 The application was accompanied by an Air Quality Assessment which established existing air quality conditions at the Site. The Kibworth AQMA<sup>62</sup> is closest to the site. This AQMA was declared in 2017 and covers the A6 starting south east of the Wistow Road / Leicester Road roundabout and terminating at the junction of Leicester Road and Church Road (see **Figure 76**). The AQMA closely follows the carriageway of the routes referred to.



**Figure 76: Plan indicating extent of Kibworth AQMA**

- Air Quality Policy
- 6.7.2 Chapter 15 'conserving and enhancing the natural environment' of The Framework at Para186 makes reference to planning policies and decisions should:
- "sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality*

---

<sup>62</sup> [Kibworth Air Quality Management Area | Air quality | Harborough District Council](https://www.harborough.gov.uk/kibworthaqma#:~:text=Kibworth%20Air%20Quality%20Management%20Area%20The%202017%20Air,Management%20Area%20was%20declared%20on%2029%20November%202017)  
(<https://www.harborough.gov.uk/kibworthaqma#:~:text=Kibworth%20Air%20Quality%20Management%20Area%20The%202017%20Air,Management%20Area%20was%20declared%20on%2029%20November%202017> )

*Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan”*

At Para188 it goes on to state:

*“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”*

- 6.7.3 The NPPG identifies a number of matters to be taken into account including consideration whether a development is likely to have an air quality impact in an area where air quality is known to be poor or where development is likely to impact on the implementation of air quality strategies. A number of particular matters are identified; a significant impact on traffic in terms of volume, congestion, or altering traffic composition.
- 6.7.4 A number of other factors including the creation of new sources of air pollution are also referred to, however, this is not considered relevant to this application. The guidance then sets out the need for and scope of an air quality assessment to accompany an application. The NPPG then goes on to consider how adverse impacts on air quality can be mitigated in the case of the current proposal of particular relevance are;  
*“promoting infrastructure to promote modes of transport with low impact on air quality;”*  
and  
*“contributing funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development.”*
- 6.7.5 The Clean Air Quality Strategy<sup>63</sup> was initially published in 2019 and sets out the Governments plans for dealing with all sources of air pollution, making our air healthier to breathe, protecting nature and boosting the economy values for key pollutants to help local authorities manage local air quality improvements. Harborough District Local Plan Policy IN2 Sustainable Transport at section 2g is relevant  
*Residential and commercial development proposals will be permitted, subject to the provision of: ...*  
*g. mitigation for any adverse impact on air quality, especially in Air Quality Management Areas, and residential amenity, including traffic noise.*  
Policy GD8 of the Harborough District Local Plan states:  
*1. Development will be permitted where it achieves a high standard of design, including meeting the following criteria:*  
*e. being designed to minimise impact on the amenity of existing and future residents by:*  
*ii. not generating a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions;*

---

<sup>63</sup> [Clean Air Strategy 2019 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/clean-air-strategy-2019)  
(<https://www.gov.uk/government/publications/clean-air-strategy-2019>)

6.7.6 Whilst the site is not within or close to an AQMA HDC Planning Officers confirmed at pre-application stage that an Air Quality Assessment should be included in any application submission, and that HDC EHO's should be consulted on the scope of this, including whether or not it would be necessary to include an assessment of the impact of the development upon the AQMA, particularly given the fact that there is a requirement to give consideration to the impact of development on air quality. In consultation with HDC EHO's, the authors of the Air Quality Assessment developed a scope for the works, and an assessment of the impact upon the Kibworth AQMA was not deemed necessary.

○ *Assessment of Impacts*

6.7.7 Two types of potential Air Quality impact have been identified within the Air Quality Assessment. These are dust during the construction phase, and concentrations of particulates as a result of increase road traffic.

6.7.8 The site is located in a rural area. Residential receptors are located within 50 m of the site boundary and a detailed assessment of the demolition and construction impacts was required as part of the submitted Air Quality Assessment. There are no ecological receptors or habitats that would be sensitive to dust impacts within 50 m of the application site boundary, therefore, no ecological effects are predicted to occur.

6.7.9 Using the evaluation criteria within the Institute of Air Quality Management's (IAQM) Guidance<sup>64</sup> the potential dust emission magnitude were identified for each stage of the proposed development as part of the Air Quality Assessment. The next stage of the process is to define the sensitivity of the assessment area to dust soiling and human health impacts. This process combines the sensitivity of the receptor with distance from the source to determine the overall sensitivity. The dust emission magnitude determined in the Assessment was then combined with the sensitivity assessment to define the risk of impacts for each construction activity of the proposed development in the absence of mitigation, as shown in **Figure 77**.

Sensitivity of Surrounding Area to Impacts	Dust Emission Magnitude		
	Earthworks (Large)	Construction (Large)	Trackout (Medium)
Dust Soiling (Medium)	Medium Risk	Medium Risk	Low Risk
Human Health (Low)	Low Risk	Low Risk	Low Risk

**Figure 77: Risk of Dust Impacts in Absence of Mitigation**

6.7.10 A summary of the mitigation measures recommended in the IAQM guidance to reduce impacts from medium risk sites is provided in **Figure 78**. It is recommended that these measures are included within a CEMP which could be secured through an appropriately worded planning condition (see **Appendix A – Recommended Condition 35**). The proposed mitigation provided below are tried and tested and standard measures included in CEMPs on a regular basis.

<sup>64</sup> <https://iaqm.co.uk/guidance/>



- Using the IAQM guidance, and on the assumption that appropriate dust mitigation measures are applied commensurate with the risk of potential dust impacts, the effect of construction dust on nearby sensitive receptors would not be significant.

Phase	Mitigation Measure
Communications	Implement a stakeholder communication plan. Display name and contact details of responsible person for dust issues on Site boundary in addition to head/regional office contact information.
Dust Management Plan	Develop and implement a Dust Management Plan (DMP) which would be included as part of the CEMP, to be approved by the Local Authority.
Site Management	Record all complaints and incidents in a site log. Take appropriate measures to reduce emissions in a timely manner, and record the measures taken within the log. Make the complaints log available to the Local Authority if requested. Record any exceptional dust incidents on or off site.
Monitoring	Undertake daily on and off-site visual inspections where there are nearby receptors. Carry out regular inspections to ensure compliance with the DMP and record results in the site log book. Increase the frequency of inspections during activities with a high potential to create dust or in prolonged dry weather.
Preparing and Maintaining the Site	Plan site layout to locate dust generating activities as far as possible from receptors. Use solid screens around dusty activities and around stockpiles. Avoid site runoff of water and mud. Fully enclose the site or specific operations where there is a high potential for dust production and the site is active for an extensive period. Keep site fencing barriers and scaffolding clean using wet methods. Remove dusty materials from site as soon as possible. Minimise emissions from stockpiles by covering, seeding, fencing or damping down.
Operating Vehicle/Machinery and Sustainable Travel	Enforce an on-site speed limit of 15 mph on surfaced roads and 10 mph on unsurfaced areas. Ensure vehicles switch off engines when stationary. Avoid use of generators where possible. Produce a Construction Logistics Plan to manage the sustainable delivery of materials. Implement a sustainable travel plan for site workers.
Operations	Only use cutting, grinding or sawing equipment with suitable dust suppression equipment or techniques. Ensure adequate water supply for effective dust and particulate matter suppression. Use enclosed chutes, conveyors and covered skips. Minimise drop heights of materials. Ensure suitable cleaning material is available at all times to clean up spills.
Waste Management	Avoid bonfires.
Measures Specific to Earthworks	Re-vegetate earthworks and exposed areas/soil stockpiles as soon as practicable. Use hessian, mulch or trackifiers where it is not possible to re-vegetate or cover with topsoil. Only expose small areas of ground or stockpile when working.
Measures Specific to Construction	Ensure aggregates are stored in bunded areas and are not allowed to dry out. Avoid concrete scabbling where possible. Ensure bulk cement and other fine powder is delivered in tankers and stored in silos with suitable emission control. Smaller supplies of fine powder material to be in sealed containers and stored appropriately.
Measures Specific to Trackout	Use water-assisted dust sweepers to clean access and local roads. Avoid dry sweeping of large areas. Ensure vehicles entering and leaving the site are appropriately covered. Inspect on-site haul roads for integrity and repair as necessary. Inspections of haul roads to be recorded in site log, including any remedial action taken. Implement a wheel washing system. Access gates to be located at least 10 m from receptors where possible.

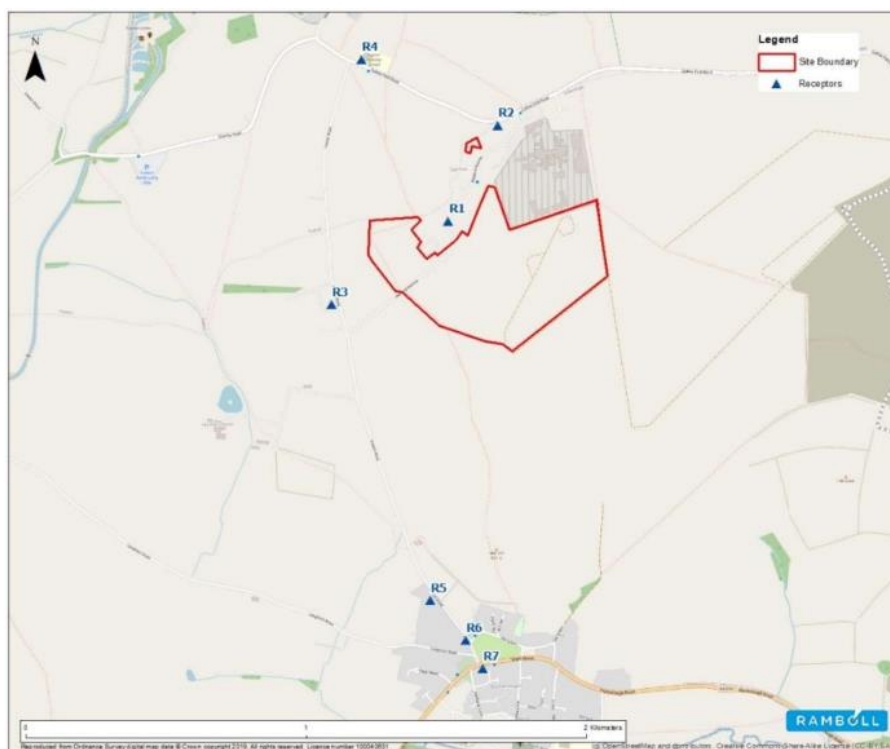
**Figure 78: Recommended Dust Mitigation for Medium Risk Sites**

6.7.12 In terms of impacts of Road Traffic upon Air Quality, the predicted concentrations of NO<sub>2</sub><sup>65</sup>, PM<sub>10</sub><sup>66</sup> and PM<sub>2.5</sub><sup>67</sup> at existing receptors (see **Figure 79**) with the proposed development and cumulative developments are presented at **Figures 80 – 82**.

<sup>65</sup> Nitrogen Dioxide

<sup>66</sup> Organic particles, or particulate matter, as in smoke, measuring between 2.5 and 10 microns in diameter.

<sup>67</sup> atmospheric particulate matter (PM) that have a diameter of less than 2.5 microns, which is about 3% the diameter of a human hair



**Figure 79: Air Quality Assessment Receptor locations**

Receptor	2025 Without Development	2025 With Development and Cumulative Developments	Change (%)	Impact Descriptor
R1	6.8	7.1	0.5	Negligible
R2	8.2	8.4	0.7	Negligible
R3	6.7	6.9	0.5	Negligible
R4	8.6	9.1	1.4	Negligible
R5	7.3	7.4	0.4	Negligible
R6	8.7	9.1	0.9	Negligible
R7	10.1	10.3	0.5	Negligible
<b>Objectives</b>		<b>40</b>		-

**Figure 80: Predicted Annual Mean NO<sub>2</sub> Concentrations with the Development and Cumulative Developments (µg/m<sup>3</sup>)**

Receptor	2025 Without Development	2025 With Development and Cumulative Developments	Change (%)	Impact Descriptor
R1	12.2	12.3	0.1%	Negligible
R2	13.5	13.6	0.2%	Negligible
R3	12.5	12.5	0.1%	Negligible
R4	12.7	12.8	0.3%	Negligible
R5	12.7	12.7	0.1%	Negligible
R6	13.0	13.1	0.2%	Negligible
R7	13.4	13.4	0.1%	Negligible
<b>Objectives</b>		<b>40</b>		-

**Figure 81: Predicted Annual Mean PM<sub>10</sub> Concentrations with the Development and Cumulative Developments (µg/m<sup>3</sup>)**

Receptor	2025 Without Development	2025 With Development and Cumulative Developments	Change (%)	Impact Descriptor
R1	7.6	7.6	0.1	Negligible
R2	8.0	8.0	0.1	Negligible
R3	7.6	7.6	0.1	Negligible
R4	7.8	7.9	0.3	Negligible
R5	7.8	7.8	0.1	Negligible
R6	8.0	8.1	0.2	Negligible
R7	8.2	8.3	0.1	Negligible
<b>Objectives</b>		<b>40</b>		-

**Figure 82: Predicted Annual Mean PM<sub>2.5</sub> Concentrations with the Development and Cumulative Developments (µg/m<sup>3</sup>)**

6.7.13 The predicted NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations with the proposed development and with cumulative developments are below the relevant objectives at all existing receptor locations. None of the predicted annual mean NO<sub>2</sub> concentrations exceed 60 µg/m<sup>3</sup> and therefore exceedance of the 1-hour mean NO<sub>2</sub> objective is unlikely. None of the predicted annual mean PM<sub>10</sub> concentrations exceed 32 µg/m<sup>3</sup> and therefore the 24-hour mean PM<sub>10</sub> objective is not predicted to be exceeded. The largest increase in NO<sub>2</sub> concentrations is predicted to be 0.57 µg/m<sup>3</sup> with the proposed development and with cumulative developments at R4. The impact on annual mean NO<sub>2</sub> concentrations is described as negligible at all receptor locations. The impact on PM<sub>10</sub> concentrations is described as negligible, and the annual mean of 32 µg/m<sup>3</sup> equating to 35 days above 50 µg/m<sup>3</sup> for PM<sub>10</sub> is described as negligible at all receptor locations. The overall assessment of significance should be based on professional judgement taking into account a number of factors including the overall air quality with the development and cumulative developments in place, the future population exposure and to what extent the assessment is considered a worst case. On this basis the Air Quality Assessment concluded that the proposed development would not have a significant effect on air quality.

- *Summary*
- 6.7.14 The assessment of potential impacts to air quality during the construction stage has identified that the activities, together with the location of nearby sensitive receptors, results in a medium risk of impacts in the absence of suitable mitigation. Suitable mitigation would be provided through a series of measures set out in a dust management plan to form part of a CEMP to be agreed with the local authority. With mitigation in place, the effects of construction dust on nearby sensitive receptors would not be significant. Concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> have been predicted for a number of worst case locations representing existing properties adjacent to the road network. Predicted concentrations are well below the relevant objectives at all of the existing receptor locations with the proposed development and cumulative developments in place and the impact of the development and cumulative developments is negligible and therefore not significant. Overall, it is concluded that there are no air quality constraints to the proposed development.
- 6.7.15 In light of the above, it is considered that subject to the mitigation set out, no significant Air Quality issues will occur as a result of the proposed development. Furthermore, the proposed development would not make a material difference to local air quality near to the proposed development. It is therefore considered that the proposals will have a neutral impact upon air quality and would therefore accord with policy IN2 of the Harborough District Local Plan in this respect.

## 8. Residential Amenity

- *Residential Amenity Policy*
- 6.8.1 Paragraph 130 of the Framework seeks to ensure a high standard of amenity for all existing and future users and this is also reflected in LP Policy GD8 which states:
  1. *Development will be permitted where it achieves a high standard of design, including meeting the following criteria:*
    - e. *being designed to minimise impact on the amenity of existing and future residents by:*
      - i. *not having a significant adverse effect on the living conditions of existing and new residents through loss of privacy, overshadowing and overbearing impact;*
    - g. *minimising pollution from glare or spillage of light from external lighting;*
    - h. *minimising opportunity for crime and maximising natural surveillance;*
    - j. *enhancing the public realm, including high quality open spaces and links to the wider green infrastructure network to promote healthy lifestyles;*
- *Assessment of Impacts*
- 6.8.2 The proposed development is in outline form, and as such, the detailed design and layout of the development is a Reserved Matter for later consideration, however, from the information provided it is possible to provide general observations on whether or not the amenity of existing residential areas/properties located adjacent to or within close proximity will be affected. The properties mainly affected by the proposals are as follows:
  - Rear facing Properties (42 – 68 Welland Avenue evens)
  - Side on Properties (70 – 76 Welland Avenue evens)
  - Amenity Area Properties (19 – 35 Welland Avenue odds)
  - Other Welland Avenue Properties (All properties on Welland Avenue not assessed above)
  - Foxton – Lubenham road Properties (those in the vicinity of Welland Avenue)

The impacts of the proposals on the above properties are assessed in detail below.

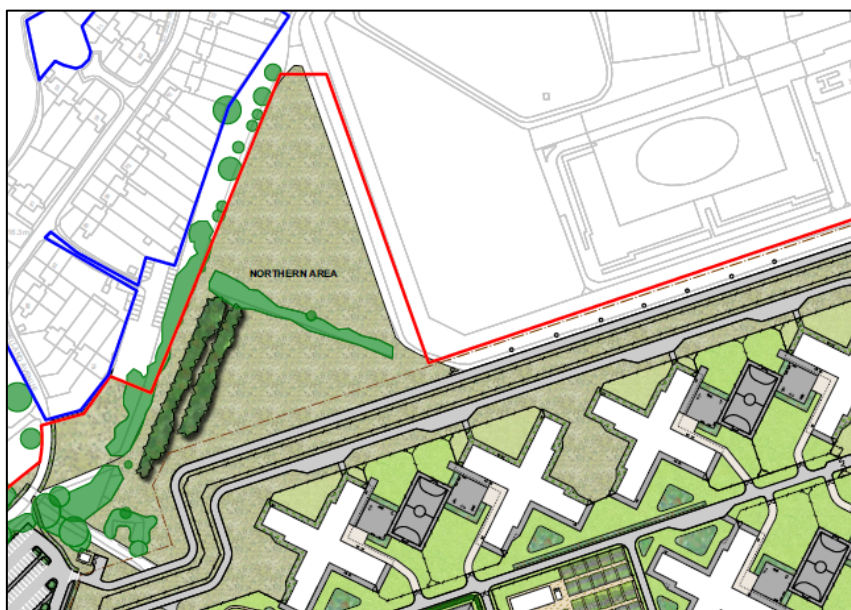
“Rear facing Properties”

- 6.8.3 These properties are largely orientated away from the main area of development of the existing HMP Gartree, and all feature long rear gardens with extensive mature planting both within them, and along their eastern boundaries (see **Figure 83**). As such, the outlook from these properties is not dominated by the existing prison, with any views being largely filtered by the existing landscaping.



**Figure 83: Aerial photo showing the “Rear facing properties” in relation to the application site**

- 6.8.4 The proposal will potentially result in elements of the new facility being in a direct line of sight from the rear windows of these properties. An observation on site indicates that each of these properties has two windows on the rear elevation at first floor level (apart from those which have been extended such as 62 Welland Avenue), one of which is obscure glazed. An observation of ground floor windows was not easily made, but it would be fair to assume that there are one to two principal windows at ground floor level of each property.



**Figures 84: Extract of Landscape Masterplan showing relationship with “Rear facing properties”**



- 6.8.5 The closest element of the proposed development to these properties (as per the indicative layout) is a proposed houseblock (see **Figure 84**). These elements are proposed to be 4storeys tall (approximately 17m high) and approximately 160m to 240m from the rear elevations of these properties. As can be seen from the Landscape Masterplan extract at **Figure 84**, the Applicants are proposing new woodland screening in the “northern area” as well as the retention of the existing tree planting along the western boundary of the site. This additional planting, coupled with the existing planting, will enhance the filtering of any views of the new prison from these properties. Whilst it is acknowledged that the proposals will potentially alter the outlook from these properties, an outlook or view is not a protected characteristic of residential amenity. Due to the distances set out above, and the existing and proposed woodland screening, it is not considered that the proposals would have an overbearing impact, nor – subject to further assessment at Reserved Matters stage – any loss of privacy.
- 6.8.6 Concerns have been raised through representations regarding the potential for “throw-overs” to occur from the Prison. The two lines of fencing are both located within a 38m “clearance zone” (within which there are no secure compounds, which are in themselves surrounded by their own 5.2m tall security fence), or 15m internal clearance (ie the closest accessible point to the inner fence). As such, to clear the outer fence, objects would have to be thrown in excess of 23m, whilst also clearing three 5.2m tall fences. In addition to this, the closest residential boundary of any of these properties to an the outer fence is approximately 100m from the fence, thus increasing the distance objects would have to be thrown to reach a residential property from the secure compound of the proposed prison to approximately 123m.
- ‘Side on properties’
- 6.8.7 These properties are largely orientated away from the main area of proposed development of the existing HMP Gartree, and all feature long rear gardens with extensive mature planting both within them, and along the eastern boundary of No.76 and as set out above (see **Figure 85**). Views from the rear of these properties do take in the existing prison, however, they are largely filtered by the existing landscaping. No.76 has been heavily extended to the side, and also appear to have incorporated land to the east of the property into its residential curtilage, thus bringing the garden area of the property closer to the application site. The side extension features a first floor “Juliette” balcony which faces the application site.
- 6.8.8 The closest element of the proposed development to these properties (as per the indicative layout) is a proposed houseblock (see **Figure 86**). These elements are proposed to be 4storeys tall (approximately 17m high) and approximately 125m from the side elevation of No.76. As can be seen from the Landscape Masterplan extract at **Figure 86**, the Applicants are proposing new woodland screening in the “northern area” as well as the retention of the existing tree planting along the western boundary of the site. This additional planting, coupled with the existing planting, will enhance the filtering of any views of the new prison from these properties. Whilst it is acknowledged that the proposals will almost certainly alter the outlook from No.76 in particular, an outlook or view is not a protected characteristic of residential amenity. Due to the distances set out above, and the existing and proposed woodland screening, it is not considered that the proposals would have an overbearing impact, nor – subject to further assessment at Reserved Matters stage – any loss of privacy.
- 6.8.9 Concerns have been raised through representations regarding the potential for “throw-overs” to occur from the Prison. The two lines of fencing are both located within a 38m “clearance zone” (within which there are no secure compounds, which are in themselves surrounded by their own 5.2m tall security fence), or 15m internal clearance



(ie the closest accessible point to the inner fence). As such, to clear the outer fence, objects would have to be thrown in excess of 23m, whilst also clearing three 5.2m tall fences. In addition to this, the closest residential boundary to an the outer fence is approximately 70m from the fence, thus increasing the distance objects would have to be thrown to reach a residential property from the secure compound of the proposed prison to approximately 93m.



**Figure 85: Aerial photos showing the “Side on properties” in relation to the application site**



**Figures 86: Extract of Landscape Masterplan showing relationship with “Side on properties”**

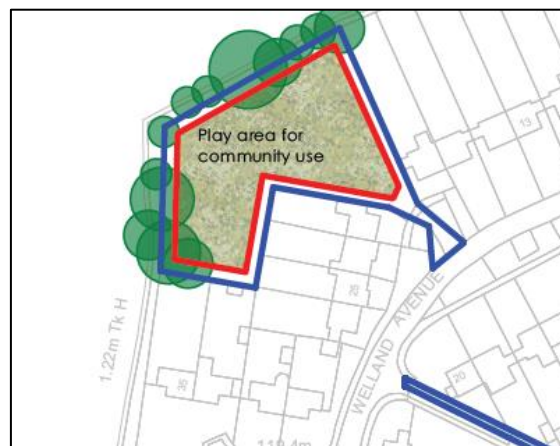
‘Amenity Area properties’

- 6.8.10 These properties are grouped together around a currently largely used open space to the north-west of Welland Avenue, remote from the main application site (see **Figure 87**). Due to the intervening existing development, these properties will not be affected

by the development of the new Prison. Notwithstanding this, the application proposes that this area be developed as a play area for the use of the surrounding community (see **Figure 88**). No detail of how this would be set out, or what form of play equipment would feature in this area – has been submitted at this stage, and as such, the impact of the development upon the residential amenity of these properties will need to be assessed in greater detail at Reserved Matters stage.



**Figure 87: Aerial photos showing the “Amenity area properties” in relation to the application site**



**Figures 88: Extract of Landscape Masterplan showing relationship with “Amenity area properties”**

6.8.11 On a site visit to this part of the proposal, it was observed that this area is already informally used as a play area, with football goals being present. However, these were very much temporary in nature and likely to have been placed there by one of the adjoining residents, for use by their children. The provision of formal play equipment in this area will likely increase its usage, and therefore potentially increase the levels of noise and potential disturbance to residents. Notwithstanding this, no representations made by residents against the application have raised this as an area for concern. Concerns have been raised through online stakeholder events regarding



the intensification of use of this area. The intention is that the MoJ would provide and maintain play equipment in this area for the use of residents, maintaining its “low-key” presence so as not to become a destination for visitors. It is not intended that the facility would be made available to visitors to the Prison, with play facilities being included within the proposed ERH at the new prison.

‘Other Welland Avenue properties’

- 6.8.12 These properties are grouped together along Welland Avenue, and – apart from those properties previously assessed above – are remote from the main application site (see **Figure 89**). Due to the intervening existing development, these properties will not be affected by the physical presence of the new Prison. Notwithstanding this, there is the potential for disturbance to be caused to these properties as a result of increased traffic along Welland Avenue. The Applicants have consulted with these residents in an attempt to identify a solution to this issue which would be amenable to all existing residents, such as the closure of Welland Avenue at the western end of the residential development, therefore not providing access to the new prison through the Gartree estate.



**Figure 89: Aerial photos showing the “Other Welland Avenue properties” in relation to the application site**

- 6.8.13 As has already been discussed in **Section 6c3 of this report** This road is not part of the “highway” (as it is privately owned by the residents) and therefore the Highways Authority has no power to enforce any such closure, and likewise, as the road is not under the ownership of the Applicants, they can not propose the closure without the

agreement of the owners, which has not been forthcoming. As such, there is no physical way in which traffic travelling to the new prison can be stopped from using Welland Avenue. Notwithstanding this, it has been observed on a number of site visits that the road surface of Welland Avenue is in a particularly poor state of repair in places, and also that there is a considerable amount of on street parking along its length. These two factors combined mean that, whilst it might be a shorter route (700m as opposed to 2km), it is unlikely to provide any meaningful savings in time over continuing to travel along Gallow Field Road before turning left at Foxton School onto the Lubenham Road, and then accessing the new Prison from the western section of Welland Avenue. Further ways of encouraging drivers to take this route are discussed in more detail within **Section 6c3 of this report**.



**Figures 90: Extract of Landscape Masterplan showing relationship with “Other Welland Avenue properties”**

‘Foxton – Lubenham road Properties’

- 6.8.14 There are two residential properties located to the west of the Foxton – Lubenham road in the vicinity of the Welland Avenue junction which are remote from the main application site (see **Figure 91**). Due to the intervening orientation of the properties and the intervening landscape and topography, and given that they are approximately 480m and 500m from the closest substantial element of the proposal (the ERH), it is unlikely that these properties will be affected by the physical presence of the new Prison. Notwithstanding this, there is the potential for disturbance to be caused to these properties as a result of increased traffic along the Foxton to Lubenham road. Given the nature of this road as part of the highway network, such increases of traffic, where they are within the capacity of the road, are to be expected, as are the accompanying impacts. As is discussed in **Section 6c14 of this report**, the Applicants have submitted a draft Construction Traffic Management Plan in support of the application, and it is considered that by ensuring that construction traffic is controlled in the manner



set out in this Plan, the impact upon the residential amenity of these properties will be minimised as far as is reasonably possible



**Figure 91: Aerial photos showing the “Foxton – Lubenham road properties” in relation to the application site**



**Figures 92: Extract of Landscape Masterplan showing relationship with “Foxton – Lubenham road properties”**

- *Impact of Noise on Residential Amenity*
- 6.8.15 The impact of noise from the development upon the residential amenity of the surrounding residents, could be an issue both during the Construction Phase, and then during the Operational Phase. The noise impact of the Proposed Development is assessed on more detail in **Section 6c5** of this report. In terms of the specific impact upon residential amenity, this can not be fully assessed at this stage and will be subject to more detailed assessment at any subsequent Reserved Matters stage. As set out

in the comments received from HDC's Environmental Health Officer (see **Section 4:4** of this report), the submitted Noise Impact Assessment is considered to be acceptable in principle. Notwithstanding this, confirmation is required from the applicants as to whether piling will take place during the Construction Phase. If this is the case, it would be of concern and would need to be controlled very carefully through a detailed construction method statement (see **Appendix A – Condition 35**). Furthermore, whilst it is appreciated that noise from fixed plant is currently unknown, fixed limits have been set as part of the Noise Impact Assessment, and as such, a condition is recommended (see **Appendix A – Condition 33**) so as to ensure that any subsequent Reserved Matters application is accompanied by a revised Noise Impact Assessment which takes account of the noise limits set in the NIA which accompanies this application.

- *Impact of Lighting on Residential Amenity*

6.8.16 As with the impact of noise upon residential amenity, likewise, the impact of lighting from the development upon the residential amenity of the surrounding residents could be an issue both during the Construction Phase, and then during the Operational Phase. The impact of lighting as a result of the Proposed Development is assessed on more detail in **Section 6c4** of this report. In terms of the specific impact upon residential amenity, this can not be fully assessed at this stage and will be subject to more detailed assessment at any subsequent Reserved Matters stage. As set out in the comments received from HDC's Environmental Health Officer (see **Section 4:4** of this report), whilst the submitted Lighting Assessment goes into detail about the levels of lighting that need to be achieved at different areas on site, and what type of lighting will be installed to achieve such, it does not deal with the impact of light emissions off-site at nearest receptors. Due to the fact that the application is currently in Outline form, the precise locations and details of the proposed lighting is not yet known, and as such, a detailed assessment of the impact of lighting including a prediction, assessment and verification of light emissions (including glare) at nearest receptors can not be carried out. As such, a condition is recommended (see **Appendix A – Condition 17**) so as to ensure that any subsequent Reserved Matters application is accompanied by a revised Lighting Assessment.

- *Summary*

6.8.17 On the basis of the above, Officers consider that there will be no identifiable significant adverse effect on the residential amenity of the neighbouring properties based on the information available at the moment. It is therefore considered that the proposals would accord with Policy GD8 of the Harborough District Local Plan.

## 9. Design

6.9.1 The application has been supported by a Design and Access Statement (DAS) which was prepared by Pick Everard. The DAS sets out the context of the site and the evolution of the proposals. The appearance of the Proposed Development is reserved for consideration at a later date subject to Planning Permission being granted for this Outline application. Notwithstanding the fact that the layout and appearance of the buildings within the proposed development is a Reserved Matter, the Indicative Layout Plan submitted sets out a clear direction of travel for the development and demonstrates how the site could be developed (see **Figure 93**).





- j. *enhancing the public realm, including high quality open spaces and links to the wider green infrastructure network to promote healthy lifestyles;*
- l. *ensuring safe access, adequate parking and servicing areas including for refuse collection in new residential development;*
- m. *ensuring the safe, efficient and convenient movement of all highway users, including bus passengers, cyclists, pedestrians and horse riders;*

Other relevant Design Policy and Guidance is set out in **Section 5** of this report.

- *Existing Site Analysis*

6.9.3 The site is owned by the MoJ and situated to the south of the existing HMP Gartree (Cat B prison). The prison is managed and operated by Her Majesty's Prison and Probation Service (HMPPS). This available, MoJ land, forms the proposed site plan. The site is divided by a shallow valley and stream running north-south with a belt of trees and vegetation. An existing agricultural shed and two small outbuildings in poor condition are positioned to the east of the valley with a man-made mound adjacent. Original airfield taxiways are still present, although in poor condition and mixed with other agricultural style tracks. The remainder of the site area is a collection of small fields for grazing cattle and sheep. Trees and shrubs also line and define the majority of the northern boundary

6.9.4 Paras 174, 179 and 180 of the Framework refer to the requirement to protect and enhance biodiversity, achieving Biodiversity Net Gain (BNG). The proposed development purports to achieve a 26.29% Biodiversity Net Gain, which includes maintaining existing ecological features as a key consideration for the development as already set out in **Section 6c2** of this report. Overhead high voltage power lines cross the western side of the site in a north-south direction. The applicants have made enquiries with Western Power Networks regarding the diversion of these around the perimeter of the site boundary below ground. A new substation has been included in their proposal, separate to any requirements of the new development. The unadopted road of Welland Avenue provides vehicular access to the site and a new connection will be made for the new prison. A parking area will be located in this western part of the site, with the Entrance Resource Hub creating the secure entrance to the new prison.

- *Existing Site Character*

6.9.5 The quality and ecological merit of the site can be appreciated from the aerial view in **Figure 94**. This image also highlights the site's relationship to the existing Cat B prison, the nearby residential area and the surrounding agricultural and rural land. The existing prison is approached by the main access road, to the north of the existing prison. Security requirements had to be considered with the shared boundary treatment between the existing prison and the proposed site, so a space between the existing and proposed perimeter fences has been created suitable to the level of surveillance and monitoring necessary to each establishment.



**Figure 94: Relationship with existing facility**

- *Site Concept*

6.9.6 During earlier feasibility studies carried out by the Applicants, site layouts were developed as part of the site selection process. The site layout was developed in accordance with several key considerations, including, but not limited to, the following:

- Planning context
- Visual impact
- Landscape character
- Topography
- Potential infrastructure strategies
- Ecological impact
- Energy conservation
- Passive design principles
- Security requirements and adjacencies
- Operational zoning
- Pedestrian and vehicular flows

As would be expected from such a development, there will be a defined split between public and private realm, this is demonstrated at **Figure 95**. The public areas of the site include the proposed access route, to the carpark, with a dedicated pedestrian and cycle route to the Entrance Resource Hub. The private areas are any prison facilities within the secure compound (see **Figure 95**). The secure compound will be enclosed by a secure perimeter which will comprise of two lines of steel mesh fencing of 5.2m height. The Entrance Resource Hub (inclusive of visitor facilities and administrative space) will form part of the external secure line, with a range of buildings beyond - Central Services Hub (inclusive of healthcare, education and faith) Accommodation Blocks, Kitchen, two Workshop blocks and a Support Building, plus landscaped areas comprising facilities such as MUGA pitches, a horticulture area as well as an all weather multi-use sports pitch

6.9.7 With the site being characterised by significant falls to the centre of the site to the existing watercourse, there is an impact on the massing and position suitability for buildings. The site levels and falls also provide challenges to cut & fill and drainage solutions, requiring pumped foul drainage, ground engineering and retaining structures.

The prominence of the site to the surrounding area means that careful consideration is required to the surrounding area and site levels to the East of the site. Stage 2 proposals seek to minimise visual impact of the development in these areas. Please refer to the description of the Proposed Terracing in Section 7 of this report. Secure compound



**Figure 95: Public / Private Realm**

- *Development Proposals*

#### **6.9.8 Indicative Layout Plan**

The planning application is in Outline form, and as such, the final layout is yet to be submitted for consideration. Notwithstanding this, part of the application submission is an Indicative Layout Plan which sets out a clear direction of travel for the development and demonstrates how the site could be developed (see **Figure 93**). It is not considered necessary or appropriate to condition the content of any subsequent Reserved Matters submissions to be in accordance with this plan, however, it provides a useful framework for the consideration of the application. The Indicative Layout Plan clearly demonstrates how all of the necessary facilities can be provided within the site in order to allow it to function as required.

- 6.9.9 The layout of the new prison as proposed may require minor alterations or deviations from the current proposals as full detailed plans are drawn up. However, the development shown on the submitted drawings has been prepared in accordance with Prison Service guidelines in order to maintain the level of security for a Category B prison. The buildings inside the secure compound are organised so that there is a progression from the Entrance Resource Hub into the site with resident only areas to the rear of the site. The buildings will vary from single to 4 storeys high and will be positioned to provide efficient and secure operation of the prison.
- 6.9.10 The amount of floorspace proposed is driven by the capacity of the prison and the floorspace comprised within the current building designs. The amount of car parking (507 standard parking spaces and 16 accessible car parking spaces) is based on an analysis of staff and visitors, in accordance with the methodology set out in the Transport Assessment. The amount of land required also reflects the need for certain minimum standards and separation distances between buildings and fence lines, as well as the intention to implement substantial landscape planting for perimeter screening.

### 6.9.11 Appearance

Due to the fact that the application is currently in Outline form, the external appearance of the development is not for consideration or determination at this stage. The appearance of the buildings will be influenced by the security requirements of prison development, and it is anticipated that the eventual external treatment (in terms of general choice of materials) will be similar to those used in recent prison developments in other parts of the UK. Officers will work with the applicants prior to any subsequent Reserved Matters application to identify an appropriate materials palette for the development. The height of the buildings is expected to lie within a height parameter of 6m – 17.5m.

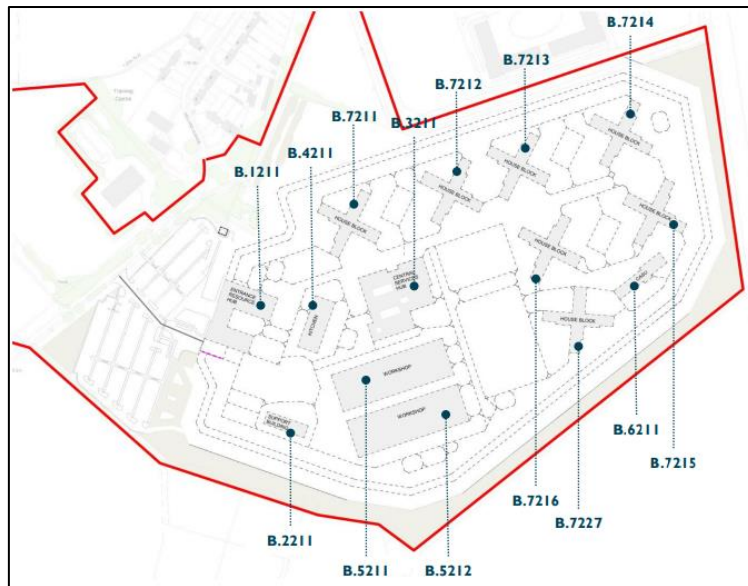
### 6.9.12 Overall Developed site – Gross External Areas (GEA)

In order to identify the proposed GEA of each building at this stage, **Figure 96** identifies the GEA of each floor, each total for the building and the overall total GEA of the proposed developed footprint of the site. **Figure 97** provides a key map of the proposed prison, indicating current building locations and their anticipated footprints.

G2 Building GEA and Total Developed GEA (m <sup>2</sup> )							
Name	Ground	First	First (Mezz)	Second	Third	Roof	Building Total (m <sup>2</sup> )
Building 1211 (ERH)	2669.16	1146.40		913.10			4728.66
Building 2211 (Support)	588.18	193.70				15.50	797.39
Building 3211 (CSH)	3750.91	1917.06					5667.97
Building 4211 (Kitchen)	1195.19	908.93	288.63				2392.76
Building 5211 (Workshops)	4635.13	2019.30					6654.43
Building 5222 (Workshops)	4635.13	2019.30					6654.43
Building 6211 (CASU)	658.62					466.44	1125.06
Building 7211 (HB)	1586.33	1449.74		1586.33	1478.58	1487.89	7588.88
Building 7212 (HB)	1586.33	1449.74		1586.33	1478.58	1487.89	7588.88
Building 7213(HB)	1586.33	1449.74		1586.33	1478.58	1487.89	7588.88
Building 7214 (HB)	1586.33	1449.74		1586.33	1478.58	1487.89	7588.88
Building 7215(HB)	1586.33	1449.74		1586.33	1478.58	1487.89	7588.88
Building 7216 (HB)	1586.33	1449.74		1586.33	1478.58	1487.89	7588.88
Building 7227 (HB)	1586.33	1449.74		1586.33	1478.58	1487.89	7588.88
						Total Developed GEA (m <sup>2</sup> )	81142.83

**Figure 96: Building GEA Table**





**Figure 97: Building GEA Key Map**

#### 6.9.13 Building/Structure Heights

Due to the nature of the different buildings proposed, there will likely be a variation in building heights across the site. Whilst this matter will be largely for consideration at Reserved Matters stage, the applicants have provided cross sections of the proposed development with the anticipated building heights indicated. (see **Figure 98**). Although scale is a reserved matter the iterative process of the preparation of the application has led to following maximum building heights that have been used as a basis for the submitted cross sections.

#### 6.9.14 Building/Structure Heights – House Blocks

Buildings up to a maximum height of 17.5m from ground level to ridge line. This is equivalent to 4 storey buildings.

#### 6.9.15 Building/Structure Heights – Other buildings

There are a variety of other ancillary buildings as part of the development, such as the “Care and Separation Unit”, the “Entrance Resource Hub”, “Central Services Hub and Workshops. These buildings range between approximately 6m and 12m in height.

#### 6.9.16

Following a request from Officers, the Application have provided additional cross sections through the application site and the existing HMP Gartree development (see **Figures 99 & 100**). As can be seen, these indicate that, despite being taller buildings that the existing, due to the topography of the site, the ridge heights of the proposed building would sit below those of the tallest buildings on the existing HMP Gartree. This is demonstrated in particular at cross section BB (see **Figure 100**) where it is indicated that the ridge height at the existing HMP Gartree are between 130.40m AOD and 131.88m AOD whereas the highest ridge height on the proposed development is 130.66m AOD

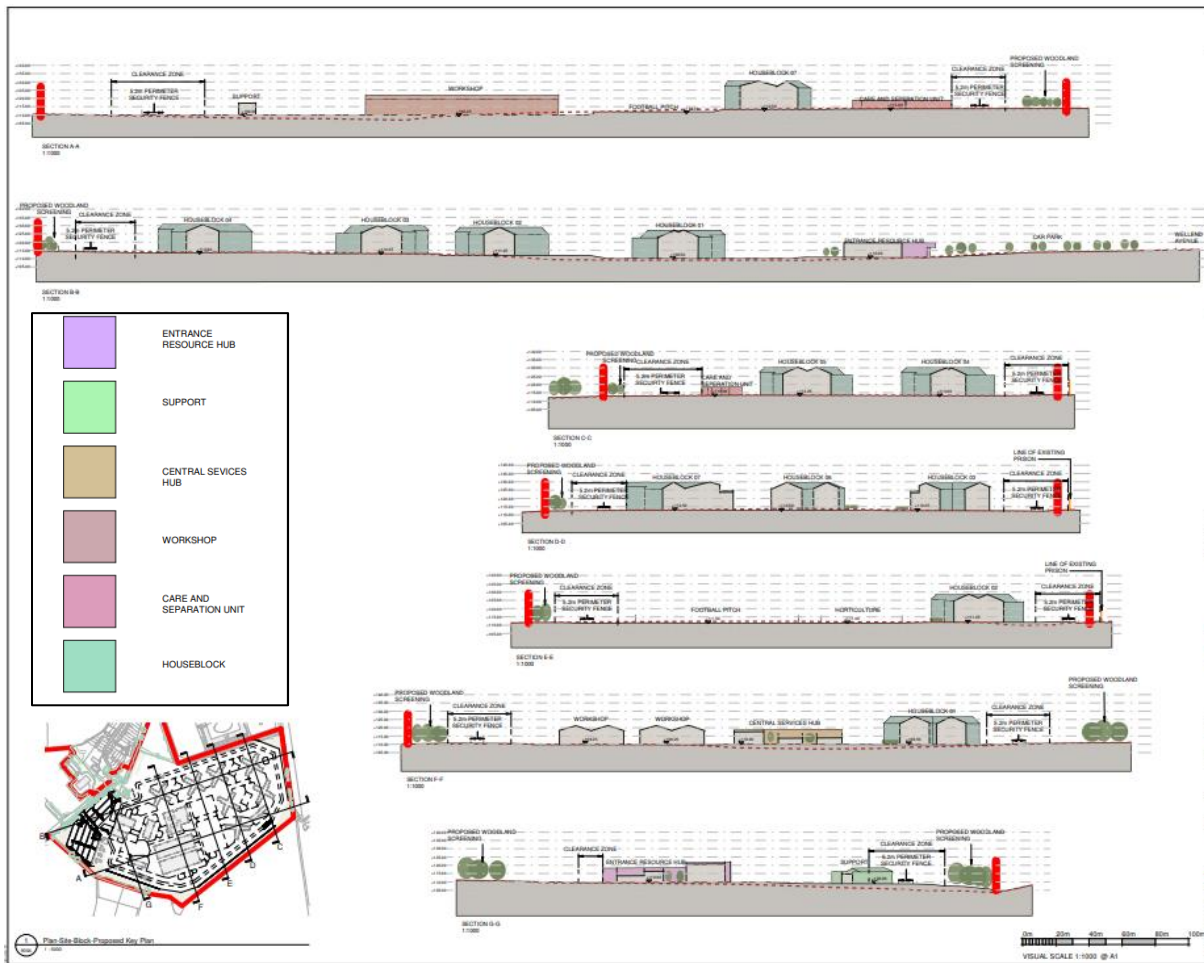


Figure 98: Development Cross Sections

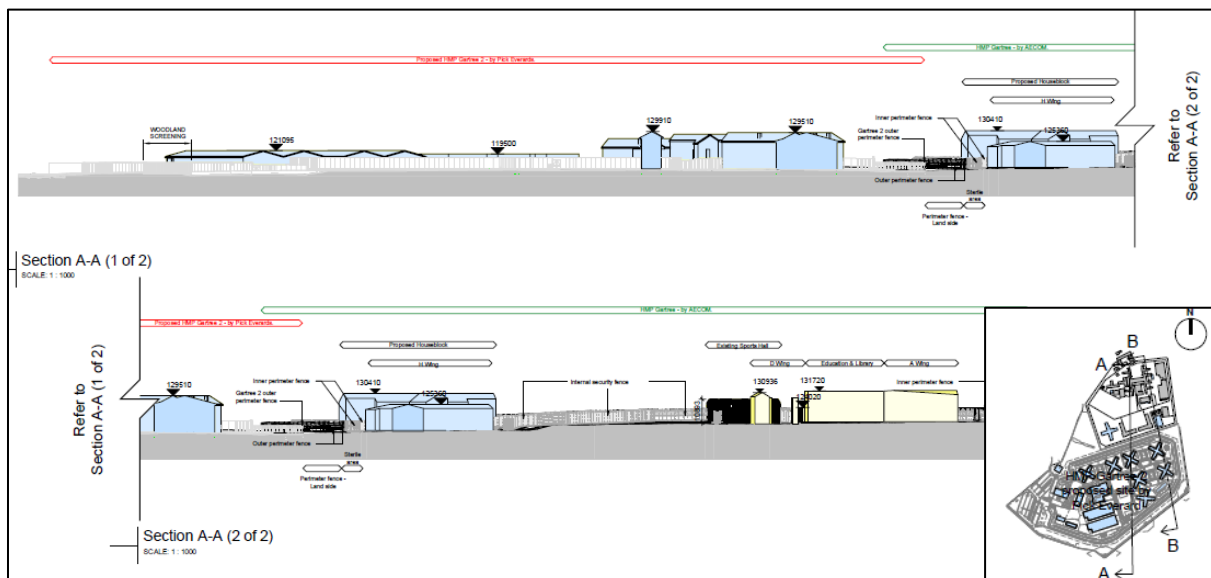
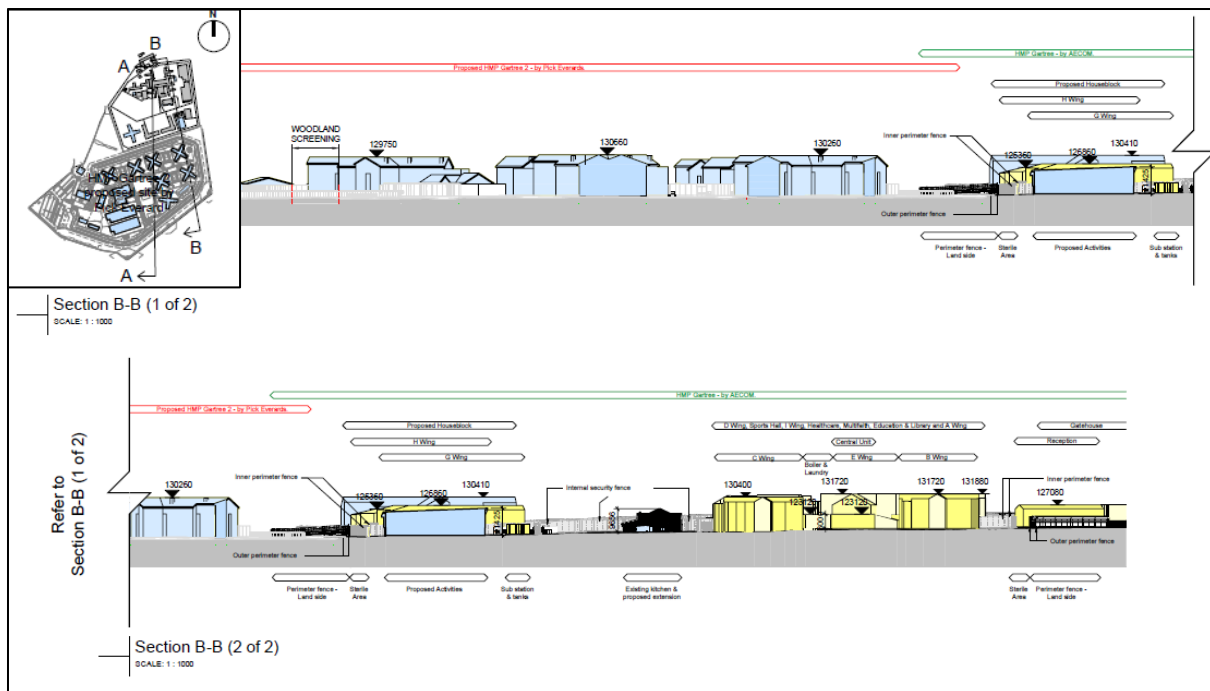


Figure 99: Cross Section AA through the proposed site and the existing HMP Gartree



#### 6.9.17 Building/Structure Heights – Perimeter fence

The perimeter fence consists of an outer and inner fence aligned on a parallel axis approximately 8m apart from each other and will likely measure 5.2m in height. Concerns have been raised through representations regarding the potential for “throw-overs” to occur from the Prison. The two lines of fencing are both located within a 38m “clearance zone” (within which there are no secure compounds, which are in themselves surrounded by their own 5.2m tall security fence), or 15m internal clearance (ie the closest accessible point to the inner fence). As such, to clear the outer fence, objects would have to be thrown in excess of 23m, whilst also clearing three 5.2m tall fences. In addition to this, the closest residential boundary to an the outer fence is approximately 70m from the fence, thus increasing the distance objects would have to be thrown to reach a residential property from the secure compound of the proposed prison to approximately 93m.

- *Lighting*

6.9.18 HMP Gartree general area lighting will be designed so that prison officers, when patrolling at night, can see the outer wall, the inner fence, the sterile area; and all adjacent flanking spaces and buildings; so that these areas can be patrolled safely. The area lying between the inner perimeter road and buildings will also be illuminated. The inner and outer perimeter lighting will also need to be of such a standard that it will allow CCTV cameras and surveillance systems to operate to required performance levels. A condition is recommended so as to ensure that any subsequent reserved matters submission reflects the detail of the Lighting report submitted in support of this application (see **Appendix A – Condition 17**).

#### 6.9.19 Car Park and Access Road Lighting

The car park and road lighting will consist of column mounted luminaires. The columns will likely comprise of 6 metre galvanised steel flange mounted columns. The new car park lighting will need to be designed so as to provide an external illuminance averaging 20 lux at ground level, while the access road lighting will be designed to provide an external illuminance averaging 7.5 lux (minimum 5 lux) at ground level. For security reasons the car park and access road lighting will be illuminated from dusk to dawn.

The luminaires themselves will be of the same type and manufacturer as the general and perimeter lighting consisting of dark sky compliant zero upward light ratio flat glass LED lantern luminaires.

#### 6.9.20 Sports Pitch & MUGA Lighting

Floodlighting will be installed to the new sports pitches to enable their use during low light conditions. The areas themselves will not be used at night and would not be illuminated past 20.00 hours. The new floodlighting will likely consist of LED floodlights mounted on 8 metre galvanised steel flange mounted columns, positioned locally to the areas. The floodlighting will be controlled manually via a local override facility within each of the relevant House Blocks. The new sports external lighting will be designed to provide an external illuminance averaging 120lux at ground level, when operational. A control system will be incorporated into the final designs of the All-weather pitch that will further enable the reduction of lighting to this area down to 7.5 Lux and to enable the lighting to be extinguished when the pitch is not in use.

#### 6.9.21 General Lighting - Service Roads and Free Flow Areas

The general external lighting will consist of a mixture of column mounted and building mounted luminaires mounted at a height of 6 metres. The general building mounted luminaires will be electrically supplied on a building by building basis with their operation controlled via individual local photocell/contactor arrangements. There will also be a manual override facility within the new control room with the capability to switch the general building mounted luminaires on/off if required for emergency, testing and maintenance. The general column mounted external lighting to Internal site footpaths, internal roads, around buildings and general circulation areas will be designed to provide an external illuminance averaging 7.5 lux (minimum 5 lux) at ground level. For security reasons the general lighting will be illuminated from dusk to dawn.

#### 6.9.22 General Lighting - Restricted Compound and Inmate Areas

The general external lighting shall consist of a mixture of column mounted and building mounted luminaires mounted at a height of 6 metres. The general building mounted luminaires will be electrically supplied on a building by building basis with their operation controlled via individual local photocell/contactor arrangements.

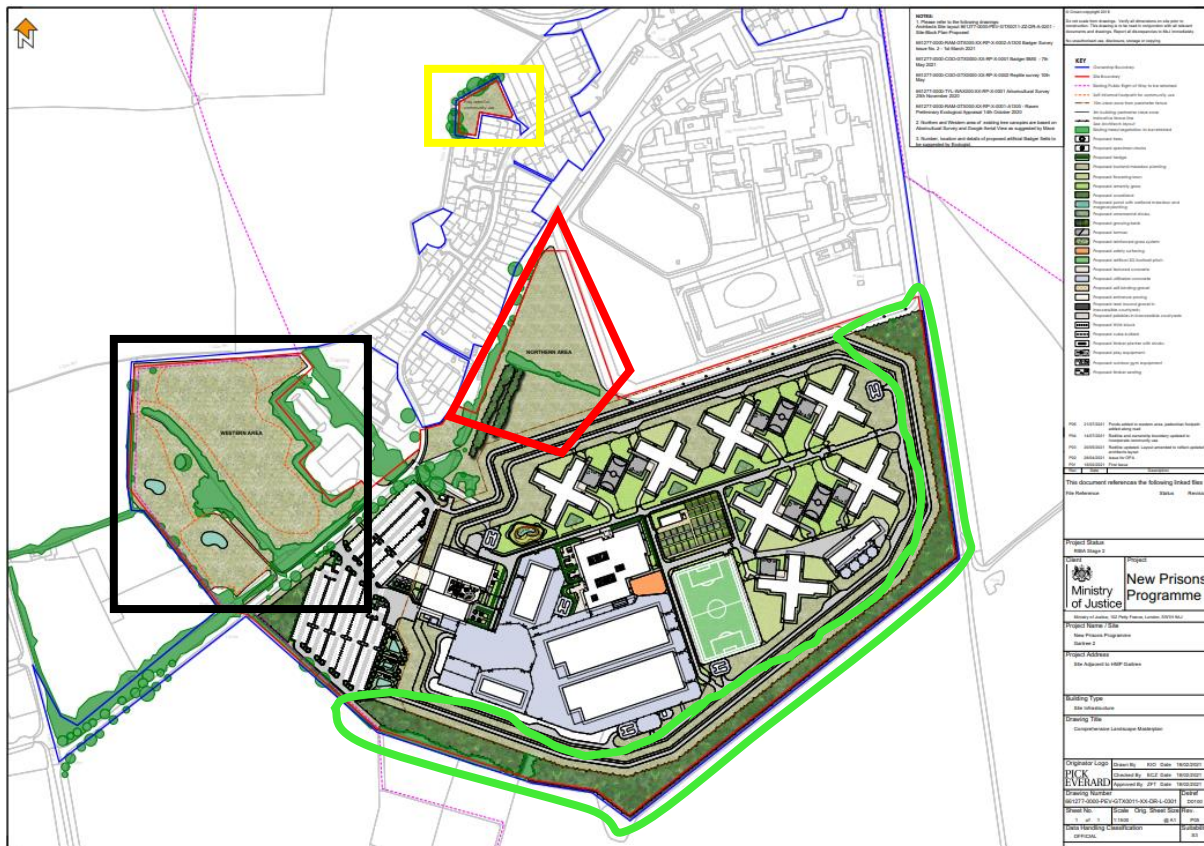
##### ○ *Open Space & Green Infrastructure*

#### 6.9.23 Outside of the main element of the application (ie the new prison) there are further areas of interest which form elements of open space and green infrastructure. These are as follows:

- Western area (Biodiversity Net Gain area) (see **Figure 101 – black box**)
- Northern area (see **Figure 101**)
- Play area (see **Figure 101 – yellow box**)
- Landscape belt (see **Figure 101 – green box**)

These areas all serve a distinct purpose as set out below.





**Figure 101: Comprehensive Landscape Masterplan**

#### 6.9.24 Western area

This area has been identified by the applicants as an area in which to accommodate the necessary measure to achieve Biodiversity Net Gain. This strategy has been agreed by LCC Ecology as set out in **Section 6c2** of this report. The BNG area will be open to the public and will include informal pathways connecting to the existing Public Right of Way and will provide informal leisure provision for local residents.

#### 6.9.25 Northern area

This area forms a triangle between the application site, existing prison and the adjacent Welland Avenue properties. The area will accommodate a landscape screen to soften the appearance of the development from the Welland Avenue properties, whilst also providing a visual and acoustic barrier to aid with the mitigation of residential amenity issues

#### 6.9.26 Play area

This area is an existing open space siting between existing residential properties on Welland Avenue. The site is under the ownership of the MoJ, but is used on an informal basis by residents, with evidence of sporting equipment being present on site when Officers have visited the site. The intention is that the MoJ would provide and maintain play equipment in this area for the use of residents, maintaining its “low-key” presence so as not to become a destination for visitors. It is not intended that the facility would be made available to visitors to the Prison, with play facilities being included within the proposed ERH at the new prison.

#### 6.9.27 Landscape belt

This area is located around the south, west and eastern boundaries of the with the primary function of providing screening of the prison within the surrounding landscape replacing habitat which would be lost as part of the development



- *Other Design Matters*
- 6.9.28 Matters relating to levels, refuse & recycling facilities, cycle storage within the curtilage of the buildings; extraction / ventilation equipment and external lighting can all be controlled by way of condition (see **Appendix A – Conditions 16 & 17**) or considered as part of any subsequent Reserved Matters submission for the development.
- *Summary*
- 6.9.39 The design of the proposal has been fully considered as part of the formulation of the recommendation by Officers. It is considered that, subject to the satisfactory consideration of Reserved Matters and inclusion of relevant conditions, the proposals would accord with Policy GD8 of the Harborough District Local Plan in this respect.

## 10. Socio-Economics

- 6.10.1 The application is supported by a statement which considers the various socio-economic impacts of the proposed development.

- *Socio-Economic Policy*

- 6.10.2 Policy BE1 of the Harborough District Local Plan contains a specific criterion with regards to employment creation potential of the Proposed Development. Criteria 1a states:

- 1. *Scale and Distribution*

*In addition to the delivery of existing commitments, a minimum of 59 hectares for office B1(a) and (b), industrial B1(c) and B2, and storage and distribution B8 will be provided in the following locations:*

*a. at Market Harborough, a minimum of 24 hectares including the following allocations:*

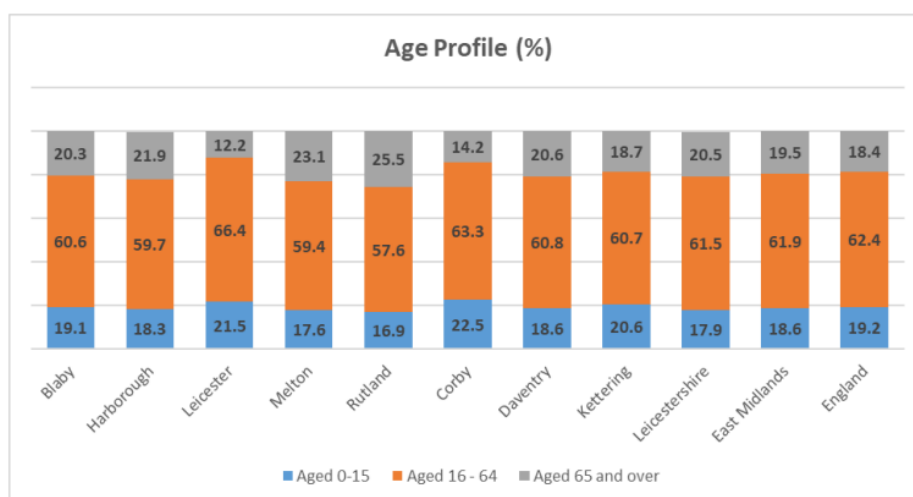
- i. Land at Airfield Farm (North West Market Harborough SDA) – approximately 13 hectares in accordance with Policy MH4.*
- ii. Airfield Business Park, Leicester Road - approximately 6 hectares in accordance with Policy MH5;*
- iii. Compass Point Business Park, Northampton Road - approximately 5 hectares in accordance with Policy MH6;*

Other relevant Socio-Economic Policy and Guidance is set out in **Section 5** of this report.

- *Demographic Context*

- 6.10.3 The submitted study has examined the impact of the development on Harborough District but given the nature of the development, data for Harborough district has been analysed alongside comparison data for other local authorities adjacent to the area and Leicestershire to provide a broader local context; the East Midlands to provide regional context; and England has been used to provide higher-level evaluation and comparison of national norms.
- 6.10.4 Office for National Statistics (ONS) data for 2020 shows that Leicestershire has a total population of c.706,200, with Harborough District having a population of c.93,800. **Figure 102** shows the age profile of the residential population according to ONS 2020 Population Estimates data for Harborough, other representative Local Authorities, the East Midlands and for England.
- 6.10.5 As can be seen, the East Midlands region has a slightly high (in comparison to the national picture) percentage of population defined in the age group 65 and over, however, overall it is broadly consistent with the national norms in terms of overall age profile. Except for Leicester and Corby, all the Local Authority areas reviewed in the study exceeded these norms in the 'Aged 65 and over' category. Rutland has the

highest (25.5%) followed by Melton (23.1%) and then by Harborough (21.9%). In terms of the working age population (i.e. those aged 16 to 64) in the comparison areas, with the exception of Leicester and Corby, all show lower percentages than the national norm (62.4%). This variance against the regional and national norm is greatest in Rutland (57.6%), Harborough (59.7%) and Melton (59.4%). This data needs to be considered in the context of access to local workforce resources. However, by virtue of the fact that the variance is relatively minor, the report concludes that it is unlikely that age profile will be a major factor in determining impacts at local and regional levels.



**Figure 102: Age Profile by Local Authority, Region and Country**

6.10.6 **Figure 103** shows the statistics for those identified as 'Economically active' in the defined local areas, region and for comparison, England. Labour supply statistics for the East Midlands' region from the annual population survey show that those classed as 'Economically Active' as a percentage of the 16-64 population is consistent with national norms for England as a whole. Those classified as 'Unemployed' as a percentage of 'Economically Active' is consistent with the national percentage. Data for the study area reveal consistently lower percentages classified as 'Unemployed' (as a percentage of those economically active) except for Leicester which records a rate consistent with the national percentage; however, the percentage of those classified as 'In Employment' in Leicester (72.5%) is lower than the national percentage (76.2%). This corresponds to a lower percentage for 'Economically Active' in Leicester also.

6.10.7 The numbers of those defined as 'Economically inactive' and the percentage of those that are classified as those who are 'Economically inactive who want a job' is shown at **Figure 104**. The reports concludes that this data reveals that the percentage of those classed as 'Economically Inactive' who are seeking employment in the local defined authority areas of Blaby (28.4%), Melton (37.2%), Rutland (27%), Corby (26.3%) and Kettering (32.9%) are higher than the regional percentage (24.6%) and the national percentage (20.9%). Leicester is consistent with the regional percentage. No statistics are available for Harborough or Daventry

Area	Economically active		In Employment		Employees		Self employed		Unemployed	
	Numbers	%	Numbers	%	Numbers	%	Numbers	%	Numbers	%
Blaby	47,400	80.1	46,200	78.1	41,700	70.5	4,500	7.6	1,200	2.5
Harborough	47,100	89.7	46,300	88.2	39,300	74.8	7,000	13.4	!	!
Leicester	178,400	75.5	171,200	72.5	154,000	65.2	17,200	7.3	7,200	4.1
Melton	25,000	84.9	25,000	84.9	22,500	76.3	2,100	7.0	!	!
Rutland	15,500	78.6	15,000	75.7	12,100	61.3	2,800	14.0	600	3.8
Corby	40,500	87.6	39,000	84.5	36,500	79.0	2,500	5.5	!	!
Daventry	41,400	83.4	40,200	80.9	32,700	65.9	7,400	15.0	!	!
Kettering	51,800	85.1	50,400	82.8	45,300	74.5	5,100	8.3	!	!
Leicestershire	352,500	83.1	341,600	80.6	301,400	71.1	39,200	9.2	10,900	3.1
East Midlands	2,349,600	79.7	2,262,500	76.8	1,964,000	66.6	293,400	10.0	87,100	3.7
England	27,681,300	79.4	26,561,800	76.2	22,607,900	64.9	3,866,300	11.1	1,119,400	4.0
! Estimate and confidence interval not available since the group sample size in zero or disclosive (0-2).										

**Figure 103: Labour Supply – Economic Activity (April 2019 – March 2020)**

Area	Economically inactive		Economically inactive who want a job	
	Numbers	%	Numbers	%
Blaby	11,800	19.9	3,300	28.4
Harborough	5,400	10.3	!	!
Leicester	57,800	24.5	14,400	24.9
Melton	4,500	15.1	1,700	37.2
Rutland	4,200	21.4	1,100	27.0
Corby	5,700	12.4	1,500	26.3
Daventry	8,200	16.6	!	!
Kettering	9,100	14.9	3,000	32.9
Leicestershire	71,500	16.9	23,000	32.1
East Midlands	597,400	20.3	146,800	24.6
England	7,163,400	20.6	1,496,600	20.9
! Estimate and confidence interval not available since the group sample size in zero or disclosive (0-2).				

**Figure 104: Economically Inactive (April 2019 – March 2020)**

- 6.10.8 In the twelve months to end of 2020, Q2 (12 months ending) Leicestershire had recorded 59.23 crimes per 1000 people, this ranks Leicestershire 6 out of 25 in all English local authorities. Devon had the lowest number of offences 44.48 crimes per 1000 people in this quarter with Derbyshire having the largest number at 97.65 crimes per 1000 people offences. The number of offences in Leicestershire had decreased from 63.17 crimes per 1000 people in the last equivalent period. Harborough District had recorded 49.09 crimes per 1000 people, this ranks Harborough 24 out of 188 in All English district local authorities; Corby had recorded 94.62 crimes per 1000 people, this ranks Corby 132 out of 188 in local authorities. Leicester recorded 114.60 crimes per 1000 people, this ranks Leicester 50 out of 57 in All English unitary authorities.

○ *Assessment of Socio-Economic Impacts*

**6.10.9 Economic Benefits**

The principal economic benefits of the proposed development will come in two phases, the Construction phase of the development, then, once completed, the Operational phase.

6.10.10 The construction phase would result in an increase in temporary jobs. This would generate increased GVA due to the purchase of goods and services in the local and regional supply chain.

6.10.11 The construction process would require specialist skills and techniques and productivity gains associated with the construction method will likely reduce the total number; therefore, the applicants assume that the majority of these jobs would be filled from outside the local area, within the wider county. The Economic Impact of a New Prison report<sup>68</sup> indicates that 10% of construction jobs (approx. 135 in total) would/should be undertaken by local residents, this is forecast to be c.13 FTE construction jobs for local residents. Officers have liaised closely with representatives of the MoJ and have secured an undertaking that a Local Labour Agreement will be secured as an obligation within any future S106 Agreement associated with the development (see **Appendix B**). The GVA for the Proposed Development could be c.£129.3 million based on the cost of construction provided. Like turnover/expenditure, this would be a one-off occurrence over the project lifecycle (not per annum).

6.10.12 The submitted report states that the expenditure incurred to build the Proposed Development would be multiplied throughout the supply chain of the businesses involved. The businesses in the supply chain would therefore employ staff to deliver the work. The expenditure of staff employed to build the Proposed Development would also be multiplied throughout the economy. The Additionality Guide produced by English Partnerships provides multiplier ratios to estimate the multiplier impacts from supplier spending; the Economic Impact of a New Prison report<sup>69</sup> utilised this guidance to apply multipliers of 1.1 at local level and 1.5 at regional level. The applicants suggest that the businesses directly involved in the construction would spend money on goods and services within the supply chain. Utilising the above multiplier ratios (again at local and regional level), the construction of the Proposed Development could support a further c.£106.5 million turnover/expenditure through supply chain activities at regional level, of which £35.8 million could be expected to occur at the local level. Additional turnover/expenditure could generate a further £35.5 million GVA at regional level, of which £12.9 million could be expected to occur at the local level. Using the economic multipliers above, the applicants suggest that the additional turnover/expenditure and GVA would mean that a further 40 jobs could be supported at region level, of which 13 which could be expected at the local level. All impacts for the construction phase, in terms of jobs, turnover/expenditure and GVA, would be supported on a temporary basis, aligned to the spend taking place during the construction period.

---

<sup>68</sup> [20052013 Economic Impact of Prison DRAFT for client v3 \(crimeandjustice.org.uk\)](https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf)  
(<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf>)

<sup>69</sup> [20052013 Economic Impact of Prison DRAFT for client v3 \(crimeandjustice.org.uk\)](https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf)  
(<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf>)

- 6.10.13 The above impacts are gross and do not allow for factors such as deadweight, leakage, displacement and substitution. Ratios have therefore been identified for each of these factors. When applying these factors, it is possible to estimate that the construction of the Proposed Development, would create c.£72.8 million GVA, c.76 jobs (of which 8 would be local). Including multipliers, the Proposed Development could temporarily support 23 net new jobs in the region with 3 being drawn from the local area; £21.8 million additional turnover/expenditure to the region of which £3.2 million additional GVA would be attributed at local level. All net impacts for the construction phase, in terms of jobs, turnover/expenditure and GVA, would be supported on a temporary, one-off basis, in line with the lifecycle of the construction programme.
- 6.10.14 Once complete, the development would provide an ongoing, annual economic impact known as the Operational Impact. All these impacts are new or 'gross', as despite the proximity of the proposals to the existing HMP Gartree, it will be a completely new and separate prison; the existing facilities will continue to operate throughout and beyond the construction period. The prison is therefore not expected to displace any existing economic activity, unlike a new retail or commercial unit for example, which might compete with existing retailers or businesses. For the purposes of the submitted socio-economic report, most of the impacts are identified at the wider regional level, but local impacts are also outlined where applicable. It is also acknowledged that the impacts will be 'spread' across local and regional boundaries into other adjacent authorities. It has also been assumed that the new prison would be at full capacity once operational.
- 6.10.15 The MoJ's Economic Impact of a New Prison (2013)<sup>70</sup> report identified that 54% of the 780 staff at the prison could be expected to live in the local area. This is in recognition that specialist skills would be required for positions such as Prison Officers, some of which would need to be sourced from outside the local area. Considering that to ensure operational capability when opening any new prison, experienced staff would be used, who are likely to come from outside the region. Taking current staffing data relating to comparable facilities provided by the MoJ, and using current analysis undertaken by the MoJ relating to distances commuted by staff across all categories, it is possible to make several assumptions that impact this ratio. Applying the up-to-date MoJ data to the Proposed Development means that c.740 jobs could be occupied by people residing within a 40 miles radius of the Proposed Development and c.40 posts could be filled by people from elsewhere. Based on MoJ staffing data, this would realise a total salary income of c.£17.1 million.
- 6.10.16 The MoJ identified that spending on goods and services by a prison is equivalent to £6,700 per prisoner per annum. When adjusting this figure for inflation, the total spend per annum on 1,715 prisoners could be c.£13.7 million. The MoJ identified that 19 per cent of the expenditure is spent in the local area. This means that c.£2.7 million could be expected to be retained in the local area per annum<sup>71</sup>. The MoJ's Economic Impact

---

<sup>70</sup> [20052013 Economic Impact of Prison DRAFT for client v3 \(crimeandjustice.org.uk\)](https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf)  
(<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf>)

<sup>71</sup> [20052013 Economic Impact of Prison DRAFT for client v3 \(crimeandjustice.org.uk\)](https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf)  
(<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf>)



report<sup>72</sup> quantifies the total turnover per job as £59,200. This means that 230 FTE jobs could be supported in the wider economy because of expenditure by the prison. Of these jobs, 46 FTE could be expected to be occupied by local residents. The expenditure on goods and services would be multiplied throughout the supply chain of businesses providing goods and services to the prison (e.g. suppliers of the caterers which provide food to the prison). Therefore, adopting the methodology of the MoJ's Economic Impact report and applying a mid-point multiplier ratio of 1.3<sup>73</sup>, a further c.£17.9 million could be spent in the region's economy.

6.10.17 The MoJ's Economic Impact report<sup>74</sup> identified an induced spend per employee (per annum) of £14,905 for locally residing staff and £2,638 for non-local staff (when adjusted for inflation). Based on modelling derived from current MoJ data relating to staff residing within a 40 miles radius of the Proposed Development this provides a potential total spend per annum of c.£12.1 million locally. The expenditure of prison staff supports jobs in the wider economy. The MoJ's Economic Impact report<sup>75</sup> identified that induced expenditure of £137,000 per annum was enough to support one FTE job. On this basis, and adjusting for inflation, it is expected that 34 induced jobs could be supported from the expenditure locally. The MoJ Economic Impact report<sup>76</sup> identified that the average spend by visitors of prisoners was £9.23. When adjusted for inflation, with an average of 37 visits per prisoner per annum. The 1,715 prisoners at the Proposed Development could therefore generate c.63,500 visits per year, leading to a potential £644,569 annual expenditure from prison visitors. As with the expenditure of prison staff, the expenditure of prison visitors also supports jobs in the wider economy. Utilising the same figure from the MoJ's Economic Impact report<sup>77</sup> (and adjusting for inflation), whereby £137,000 per annum spend supports one FTE job, this could result in a further 2 FTE jobs supported in the economy. These induced jobs from visitor spend would be locally based, as visitor spend would occur locally when they visit the prison.

#### 6.10.18 Community Benefits

The potential socio-economic benefits of the proposal go beyond the normally recognised ones of job creation and increased GVA. As an example, the recently opened HMP Five Wells in Wellingborough operates on with a heavy emphasis on community engagement, be this in terms of the integration of local businesses into the training and educational element of the prison, or the visitors hall being made available for community use one day per week, or facilities being made available within the Entrance Hub for the local MP to host their surgery sessions, therefore

---

<sup>72</sup> [20052013 Economic Impact of Prison DRAFT for client v3 \(crimeandjustice.org.uk\)](https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf)  
(<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf>)

<sup>73</sup> The MoJ's Economic Impact of a New Prison report (2013) referred to multiplier effects of 1.1 at local level and 1.5 at regional level.

<sup>74</sup> [20052013 Economic Impact of Prison DRAFT for client v3 \(crimeandjustice.org.uk\)](https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf)  
(<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf>)

<sup>75</sup> [20052013 Economic Impact of Prison DRAFT for client v3 \(crimeandjustice.org.uk\)](https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf)  
(<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf>)

<sup>76</sup> [20052013 Economic Impact of Prison DRAFT for client v3 \(crimeandjustice.org.uk\)](https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf)  
(<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf>)

<sup>77</sup> [20052013 Economic Impact of Prison DRAFT for client v3 \(crimeandjustice.org.uk\)](https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf)  
(<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf>)

benefitting from the enhanced security on offer at the Prison. Whilst it is acknowledged that, due to the higher security category being proposed as part of this application (HMP Five Wells is a Category C facility, rather than the Category B facility proposed here), there are opportunities that can be investigated. The MoJ have committed to working with the management team, the local Council and the wider community to discuss such initiatives and to allow them to evolve organically over the course of time prior to the opening of the facility if approved. These benefits, and the mechanisms to secure them are discussed in more detail in **Section 6d** of this report.

#### 6.10.19 Strategic Benefits

Employment opportunities created because of the staffing needs of the Proposed Development could marginally increase the demand for housing; jobs may be filled by existing MoJ personnel and/or new recruits migrating to the area. However, it is anticipated that additional demand is unlikely to significantly affect the local housing market. The MoJ Economic Impact report<sup>78</sup> states that there is insufficient evidence to state whether the location of a prison close to residential areas has an impact on the attractiveness of the area to rent and buy residential properties. This is because the housing market is affected by a multitude of factors, the majority of which are situated outside the local area. The report referenced analysis of house prices for the postcodes surrounding case study prisons, consultation with local estate agents and compared them against regional and national prices. No clear difference in prices was attributed to the location in relation to proximity to a prison<sup>79</sup>. It is therefore considered that the Proposed Development is unlikely to have a long-term significant impact on house prices as the Proposed Development is located adjacent to existing prison facilities.

6.10.20 The development of a new Category B prison alongside the existing facilities would provide an additional 1,715 prison spaces. Furthermore, due to being newly designed, the prison would also result in improved facilities being available, supporting the effective rehabilitation and increased safety of prisoners.

6.10.21 The prison population is currently forecast to increase over the next 10 years reaching unprecedented levels by the end of the decade. The MOJ and its executive agency, Her Majesty's Prison and Probation Service (HMPPS) is embarking on a programme of prison expansion, delivering over 18,000 additional prison<sup>80</sup> places through a portfolio of programmes and projects, including the 10,000 Additional Prison Places Programme, first announced by the Prime Minister in August 2019. That commitment was part of the Conservative manifesto (2019) which confirmed the Government would 'add 10,000 more prison places, with £2.75 billion already committed to refurbishing and creating modern prisons'. The Government announced in June 2020<sup>81</sup>, that four new prisons would be built across England over the next six years as part of the 10,000 Additional Prison Places Programme. In 2021, the commitment

---

<sup>78</sup> [20052013 Economic Impact of Prison DRAFT for client v3 \(crimeandjustice.org.uk\)](https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf)  
(<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf> )

<sup>79</sup> [20052013 Economic Impact of Prison DRAFT for client v3 \(crimeandjustice.org.uk\)](https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf)  
(<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf> )

<sup>80</sup> [Spending Review 2020 documents - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/spending-review-2020-documents)  
(<https://www.gov.uk/government/publications/spending-review-2020-documents> )

<sup>81</sup> [Four new prisons boost rehabilitation and support economy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/four-new-prisons-boost-rehabilitation-and-support-economy)  
(<https://www.gov.uk/government/news/four-new-prisons-boost-rehabilitation-and-support-economy> )

for 18,000 new spaces was increased to 20,000 as part of the Autumn Budget and Spending Review<sup>82</sup>.

- 6.10.22 These 10,000 additional prison places are a major step in a multi-billion-pound programme to deliver modern prisons that will help boost rehabilitation and reduce reoffending, providing improved security and additional training facilities to help offenders find employment on release. The Government has made it clear that the four new prisons form a major part of plans to transform the prison estate and create environments where offenders can be more effectively rehabilitated and turned away from crime for good. The Government has also stated that as well as providing a boost to our Criminal Justice System (CJS) and contributing to its reform, the four new prisons will create thousands of new permanent jobs and send a clear signal that the Government can and will continue to invest in the vital national infrastructure this country needs.
- 6.10.23 The New Prisons programme aligns with the HMPPS Business Strategy: Shaping our Future<sup>83</sup> and vision of 'working together to protect the public and help people lead law-abiding and positive lives', and delivers against the four HMPPS principles, all of which have clear social benefits:
- Enable people to be their best.
  - Transform through partnerships.
  - Modernise our estates and technology.
  - An open, learning culture.
- 6.10.24 The Project is also strongly aligned with MoJ's guiding principles and is central to delivering two of the three MoJ Priority Outcomes set out in the MoJ Outcome Delivery Plan 2021 – 2022<sup>84</sup>, both of which, again, have clear benefits to society:
- i. Protect the public from serious offenders and improve the safety and security of our prisons.
  - ii. Reduce reoffending.
- 6.10.25 In the recent past, there has been an imbalance between the needs of prisoners and the types and locations of prisons they are held in. A need has been identified by MoJ for the new Category B Training Prison, and as such, this proposal would meet an identified need. The New Prisons Programme is focused on delivering the right type of prisons at the right time. Historically the prison estate has built Category C prisons to Category B standards, this allows flexibility to hold Category B prisoners should this cohort increase. This programme has taken the approach to design each prison specifically for the cohort it is being built to hold. This enables the establishments to better meet the distinct services that each cohort needs, which in turn transforms our prisons into places of rehabilitation. Category B training prisons have more heavy/complex industry workshops, feature longer educational courses and have a higher demand for inpatient facilities than resettlement prisons.
- 6.10.26 The four new prisons have been designed to hold prisoners in an environment specifically suited to meet their rehabilitative needs, that enables a regime specifically designed to address their offending behaviour. This design will also significantly improve levels of safety for both prisoners and staff when compared to prisons of the

---

<sup>82</sup> [Autumn Budget and Spending Review 2021 \(HTML\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/autumn-budget-and-spending-review-2021-documents/autumn-budget-and-spending-review-2021-html)  
(<https://www.gov.uk/government/publications/autumn-budget-and-spending-review-2021-documents/autumn-budget-and-spending-review-2021-html> )

<sup>83</sup> <https://www.gov.uk/government/publications/hmpps-business-strategy-shaping-our-future>

<sup>84</sup> <https://www.gov.uk/government/publications/ministry-of-justice-outcome-delivery-plan/ministry-of-justice-outcome-delivery-plan-2021-22#c-priority-outcomes-delivery-plans>

same category within the existing estate, again, providing clear social benefits, not only to prisoners, but also to the staff working at the facility.

- 6.10.27 HMPPS modelling has indicated that, if the MoJ did nothing to expand the existing estate save for new prisons already under construction, Category B Training demand would outstrip capacity by c. 2,140 nationally in April 2027. Further to this a Category B Training Prison provides crucial flexibility as it can house Category C cohorts, should the forecast population change in the future. Such a change would likely alter the dynamic of the relationship between the Prison and the local community due to increased integration of Prisoners into the community (including day release on license to vocational placements and being release from the Prison at the end of their sentence). To this end, Officers have secured a S106 obligation (see **Appendix B** of this report) requiring an amended Community Engagement Scheme (see **Para 6.10.18** and **Section 6d** of this report) be submitted to and approved in writing prior to any such change of Category coming in to force. The amendment of this agreement in these circumstances would enable the District Council to ensure that the prison continues to benefit the community as far as possible, whilst also minimising the impacts of any change in category.

#### 6.10.28 Health Impacts

The promotion of health and wellbeing for the future occupants and employees of the Proposed Development and the surrounding local community has been a key consideration in its design. Not only will the prison be energy efficient and sustainable, but it will aim to achieve the majority of the health and wellbeing credits under the BREEAM 2018 UK New Construction assessment.

##### ○ *Summary*

- 6.10.29 On top of the highly significant contribution the need for additional Prison spaces (which has already been attributed weight earlier in this report), the majority of the remaining social and economic provision as part of the development comes as a result of the employment generation of the development, both during Construction and Operational phases. In summary, the Proposed Development would attract the following Social and Economic benefits:

- Economic:

- 6.3 76 net fte jobs during the construction period.
- 6.4 Estimated £72.8 million GVA (net) during the construction period, with an additional £21.8 million indirect and induced GVA (gross).
- 6.5 778 fte jobs created during the operational stage, with approximately 737 employees likely to reside locally.
- 6.6 The operational spend of the prison will amount to £13.7 million, with £2.7 million being retained locally supporting 276 jobs at a regional level.
- 6.7 The operational regional supply chain spend will equate to £17.5 million per annum.
- 6.8 Expenditure from prison staff and visitors within the local and regional economy will equate to £12.1 million per annum, supporting 236 jobs.

- 7 Social:

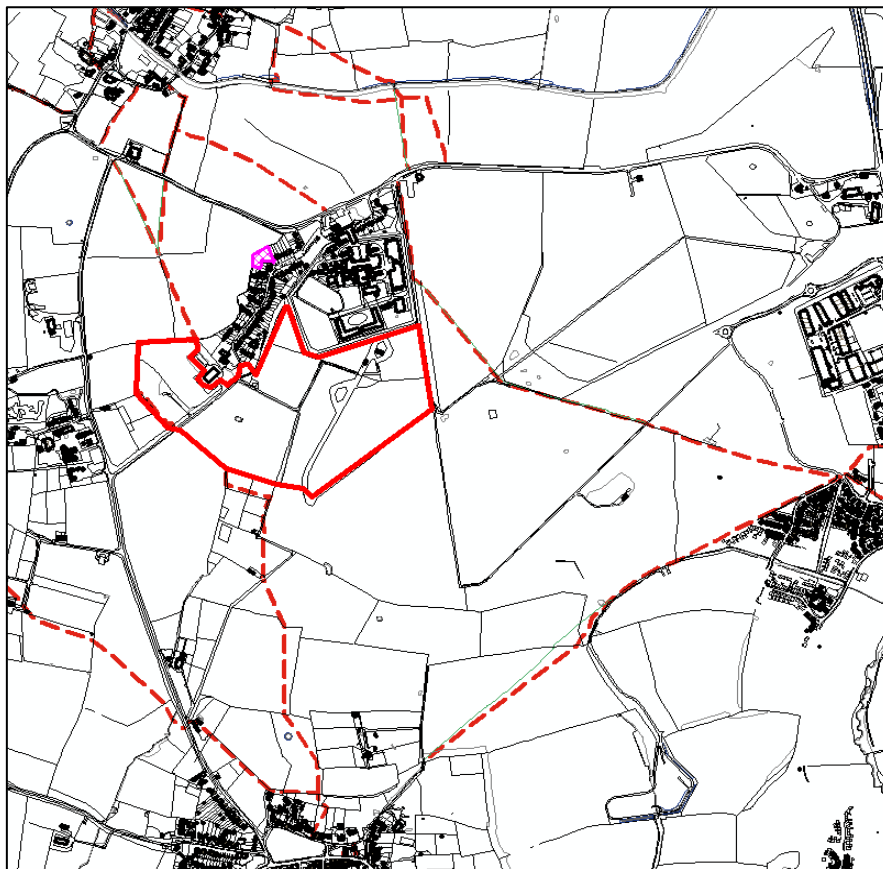
- 7.3 Delivering new prison places to meet an identified need, in the right geographical location;
- 7.4 Providing safe, secure and modern facilities to deliver improved outcomes for prisoners and reduce reoffending rates;
- 7.5 Local apprenticeship, training and supply chain opportunities will be created throughout the construction and operational stages of the development.
- 7.6 The appointed contractor will be contractually obliged to meet key performance targets including: a 25% local spend within 25 miles of the

site; £50,000 spend with voluntary, community and social enterprises; and at least 1 community project per year.

It is therefore considered that the proposals will have a major beneficial impact upon the socio-economic profile of the District and surrounding area and would therefore accord with Policy IN1 of the Harborough District Local Plan and the is in keeping with the spirit of Policy BE1 of the Harborough District Local Plan in this respect.

## 11. Footpaths

- 6.11.1 There is one public footpath within the site the A22 footpath which runs from Welland Avenue north towards Foxton School (and on towards the village) running inside the western and northern boundaries of the “Biodiversity Net Gain” area. Footpath A22 also runs southeast of Welland Avenue for approximately 180m along the inner edge of the application site boundary. (see **Figure 105**). There are also a number of other footpaths in the area, particularly footpath A35 which runs from the eastern edge of HMP Gartree towards the North-west Market Harborough SDA.



**Figure 105: Existing Rights of Way around the site**

- *Footpath and connectivity Policy*
- 6.11.2 Policy IN2 of the Harborough District Local Plan contains a specific criterion with regards to the provision of linkages into Market Harborough. Criteria 2c states:  
*“Residential and commercial development proposals will be permitted, subject to the provision of:...*  
*c. protection of, connection to, and extension where practicable of existing pedestrian, cycle and equestrian routes;”*  
Other relevant Footpath Policy and Guidance is set out in **Section 5** of this report.



- *Assessment of Impacts*

- 6.11.3 There will be no physical impediment or diversion of any Public Right of Way as result of development. Leicestershire County Highways have requested a S106 financial obligation to improve the surface footpath A22 outside of the proposed development between Gallow Field Road and Swingbridge Street in Foxton. This contribution will cover the cost of re-laying 300 metres of pathway to a 2m width in standard tarmacadem and associated works e.g. timber edgings etc. to improve the route to school. Whilst this path is already hard-surfaced, this surface is in a poor state of repair in places, and the improvements are considered necessary in order to help provide safe routes to school removing the reliance on parking at the junction of Gallow Field Road and Foxton Road. This work will provide a *minor beneficial* impact for the network.
- 6.11.4 Elsewhere along A22, where the footpath passes through the application site, whilst it is acknowledged that further details of how the existing PROW is to be treated will become apparent through any subsequent Reserved Matters submission, the LHA has recommended a condition requiring the submission of a scheme for the treatment of the PROW to be submitted and agreed (see **Appendix A – Condition 20**).
- 6.11.5 Further to the south west, where footpath A22 passes along the inner edge of the site boundary, whilst there will be no physical impact upon the footpath, there will no doubt be a change to the user experience of this footpath. Currently, the footpath traverses alongside an existing hedgerow on the edge of an agricultural field, with a wire fence separating the footpath from the application site. (see **Figure 106**) This would be the situation for a stretch of approximately 180m before the route turns away from the site and passes through the hedgerow.



**Figure 106: Line of Public Right of Way 22 through application site**

- 6.11.6 As can be seen at **Figure 107**, the area of the application site which is adjacent to A22 would provide the car parking facility. As can be seen at **Figure 107**, there will be landscaping present in this area, and an enhanced landscape boundary can be secured by condition so as to minimise the impact of the car park upon the user

experience of the footpath (see **Appendix A – Conditions 5**). Concerns have been raised through representations regarding the potential for “throw-overs” to occur from the Prison, and the potential impact this could have upon users of A22. The main “secure” element of the Prison would be surrounded by two lines of 5.2m high fencing which are located within a 38m “clearance zone” (within which there are no secure compounds, which are in themselves surrounded by their own 5.2m tall security fence), or 15m internal clearance (ie the closest accessible point to the inner fence) within the site. As such, to clear the outer fence, objects would have to be thrown in excess of 23m, whilst also clearing three 5.2m tall fences. In addition to this, the closest “resident compound” to the footpath is approximately 110m from the right of way, thus creating a significant distance over which objects would have to be thrown to reach this route.



**Figure 107: Extract from Landscape Masterplan indicating the relationship between A22 and the proposed development**

6.11.7 Views of the site are also possible from a number of surrounding footpaths, including some quite long range views from the south around East Farndon (see **Para 6.4.34 of this report**). The most affected routes are (see **Figure 105**):

- A22 to the south – when travelling north along this route from Lubenham, when the user crests Mill Hill, there will be expansive views of the development. This is addressed in **Para 6.4.34 of this report**.
- A25 to the east – when travelling north west along this route, leaving the built form of the north west Market Harborough SDA and travelling towards HMP Gartree, views of the site will become more readily apparent as the journey progresses. This is addressed in **Para’s 6.4.38 of this report**
- A23 to the south east – when walking this route from the north west Market Harborough SDA and travelling towards Lubenham, there will only be glimpsed views of the development.

Whilst it is acknowledged that these views may impact upon the user experience of the footpaths, over time, given the proposed landscape treatment to the south, east and western boundaries of the site, this impact will reduce, with the presence of the new Prison being seen in the context of the existing facility, with the development becoming a relatively minor element within the wider landscape context from longer

range views. Whilst the closer range views will have a greater impact, these will only be felt for relatively short sections of the journey, and therefore the impact on the user experience of the footpath network will only be considered to be a *minor negative* impact.

- *Summary*

- 6.11.8 On the basis of the above, balancing the beneficial impacts upon the physical condition of the network against the negative impacts upon the user experience of the network, it is considered that the proposals will have a neutral impact upon public rights of way and would therefore accord with Policies G11 and IN2 of the Harborough District Local Plan in this respect.

## 12. Agriculture and Soils

- 6.12.1 Despite not constituting EIA Development, the application as amended includes an Agricultural Land Classification report following a request for such from Natural England.

- *Agricultural Land Policy*

- 6.12.2 Chapter 15 of The Framework at paragraph 174b refers to planning decisions recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

- 6.12.3 The NPPG makes reference to the five grades of agricultural land under the Agricultural Land Classification (ALC)<sup>85</sup> system. Information on the composition of the agricultural landscape is provided in the Agricultural Land Quality Report. The ALC system divides land into five grades according to the extent to which inherent characteristics can be exploited for agricultural production. Grade 1 is described as being of ‘excellent’ quality and Grade 5, at the other end of the scale, is described as being of ‘very poor’ quality. The best and most versatile land falls within grades 1 to 3A, the grading depends on the following factors;

- The range of crops that can be grown;
- The level of yield;
- The consistency of yield; and
- The cost of obtaining the crop.

The guidance recognises the value of soil for a variety of purposes including growing food and crops. The guidance also makes reference to the management of soil on development sites and the use of conditions for its protection, movement and management. Natural England are a statutory consultee which in this case was carried out as part of the Local Plan process.

- 6.12.4 Local Plan Policy G15 “Biodiversity and Geodiversity” at paragraph 2b refers to development being permitted where there is *no loss of any “best and most versatile agricultural land”* unless this is demonstrably necessary to facilitate the delivery of sustainable development.

- 6.12.5 Other relevant Agricultural Land Policy and Guidance is set out in **Section 5** of this report.

---

<sup>85</sup> [Guide to assessing development proposals on agricultural land - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land)  
(<https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>)



- *Assessment of Impacts*

6.12.6 A detailed soil survey was carried out in December 2021. The survey was based on observations at intersects of a 100 m grid, giving a sampling density of at least one observation per hectare.

6.12.7 The principal soil types identified at the site have soil profiles with heavy silty clay loam and silty clay topsoils and upper subsoils over slowly permeable silty clay lower subsoils and heavy silty clay loam/silty clay topsoils over porous heavy silty clay loam and silty clay subsoils.

6.12.8 Overall there will be a loss of 27ha of land, of which 1.7ha is classified as either non-agricultural or urban (see **Figure 106**). The remaining 25.3ha of agricultural falls entirely within sub grade 3b, this land is not within the category of Best and Most Valuable. The land which is in agricultural use will be developed and thus lost to agriculture. Because of its grade the impact of this loss is considered to be minor adverse.



**Figure 106: Agricultural Land Classification map of the site**

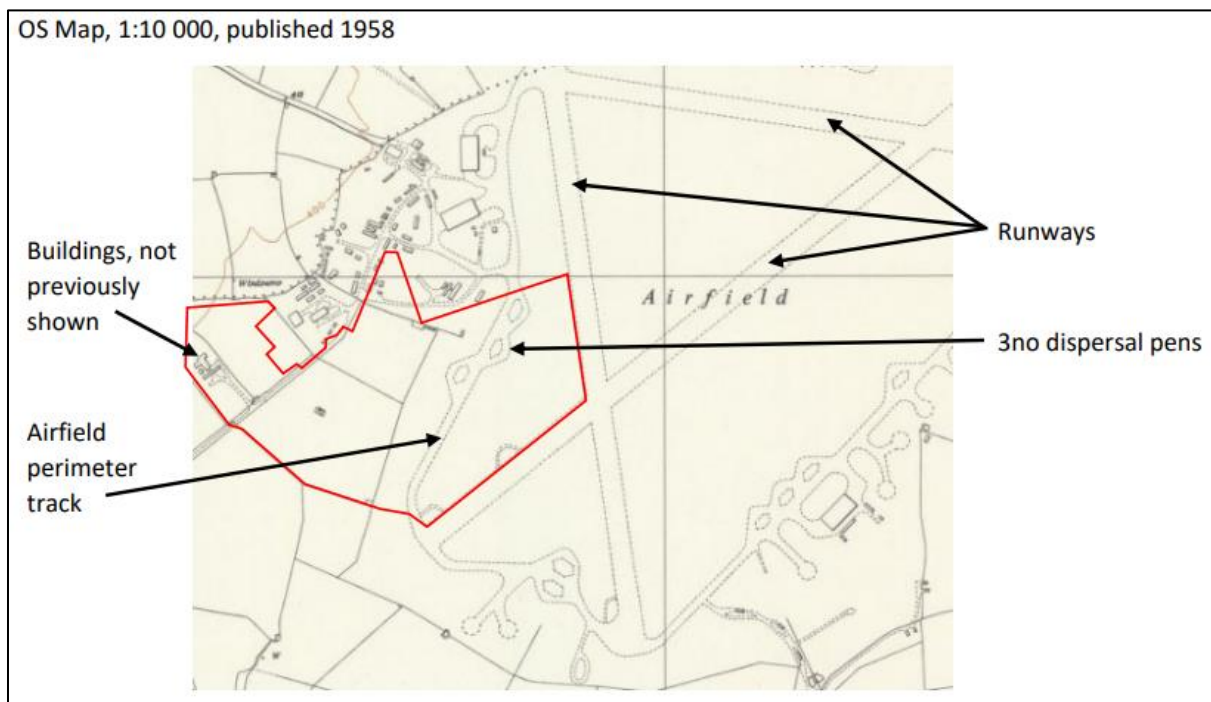
- *Summary*

6.12.9 The proposed development will remove the existing agricultural use of the Site, none of which is classified as Best and Most Versatile Land. It is therefore considered that the proposals will have a neutral impact upon the best and most versatile agricultural land in the District and the proposals are therefore considered to accord with Policy GI5 of the Harborough District Local Plan in this respect.

### 13. Contamination

6.13.1 The application was accompanied by a report on contamination. This has been informed by a risk assessment, a desk top study and walk over site inspection, to determine whether any contamination from historic uses could have adverse impacts during construction or occupation of the site.

- *Contaminated Land Policy*
- 6.13.2 Policy GD8 of the Harborough District Local Plan contains a specific criterion with regards to the potential contamination issues on the site. Criteria 1ni states:
1. *Development will be permitted where it achieves a high standard of design, including meeting the following criteria:*
    - n. *where the site has previously been developed:*
      - i. *identifying the need for any decontamination and implementing this to an agreed programme;*
- Other relevant Contaminated Land Policy and Guidance is set out in **Section 5** of this report.
- *Assessment of Land Contamination Impacts*
- 6.13.3 The application site is was formerly occupied by RAF Market Harborough (see **Figure 107**), and has most recently been in agricultural use. In the context of this section of the report the lands use as RAF Market Harborough during WWII has to be considered. There are two main matters to consider:
- Are there remains of the buildings still on site
  - Potential for unexploded ordnances



**Figure 107: Extract of 1958 OS Map indicating former use of the site**

- 6.13.4 The foundations of runways and tracks from the former RAF base are still visible. Whilst there are no known buildings on the site dating from the use of the site as RAF Market Harborough, the original construction materials may have been removed from site or buried on the site. Of particular concern is that asbestos may have been used in the buildings construction. The Geotechnical survey established that no asbestos was detected in the topsoil samples. Although asbestos and other forms of contamination were not encountered during the investigation it is possible that such contamination may lie presently undetected at the site. It is therefore advised that a 'watching brief' is undertaken during the construction works and advice sought if contamination is found or suspected.



6.13.5 The second matter is the potential for unexploded ordnance. A separate report was commissioned to investigate this potential. There are two potential sources; unexploded bombs following an air raid, the report identifies this risk as very low. As part of the submitted Unexploded Ordnance (UXO), it is stated that the National Archives note that 83 bombs were dropped across the entirety of Market Harborough Rural District, with the closest known bombing incidents being at Great Bowden (3km east of the site) where 4 high explosive bombs were dropped and approximately 2km southwest of the site where 2 high explosive bombs were dropped.

6.13.6 The second potential source is ammunition left over after the war. The site was a WWII airfield used for training bomber crews. The fact that it was an airfield means that three significant forms of contamination could have occurred:

- Installation of 'Canadian pipe mines', also known as 'McNaughton tubes',
- Disposal of non-conventional weapons after WWII and
- Surplus ordnance buried after WWII.

Operation Crabstick was the military response in 1989 to review the post-War clearance operation of Canadian pipe mines. RAF Market Harborough does not feature on the list of airfields where they had been installed. Construction of the airfield commenced when the threat of invasion had passed, which significantly reduces the possibility that pipe mines would have been installed. Project Cleansweep commenced in 1997 to review the residual contamination as a consequence of chemical warfare agents, principally mustard agent. RAF Market Harborough does not appear on the list of locations. As a result of the above, the risk of harm from small arms ammunition and land service ammunition is considered to be low.

6.13.7 The Geo-technical assessment of environmental effects covers the demolition / construction phase and the operational phase i.e., occupation of the facility. During the demolition / construction phase the short-term risks associated with construction works is assessed as major temporary. With appropriate mitigation the risk to construction works and surrounding occupiers would be reduced to negligible. During the demolition / construction phase there is an increased risk of water infiltration prior to mitigation this impact would be major to moderate and with mitigation this again would be negligible.

○ *Summary*

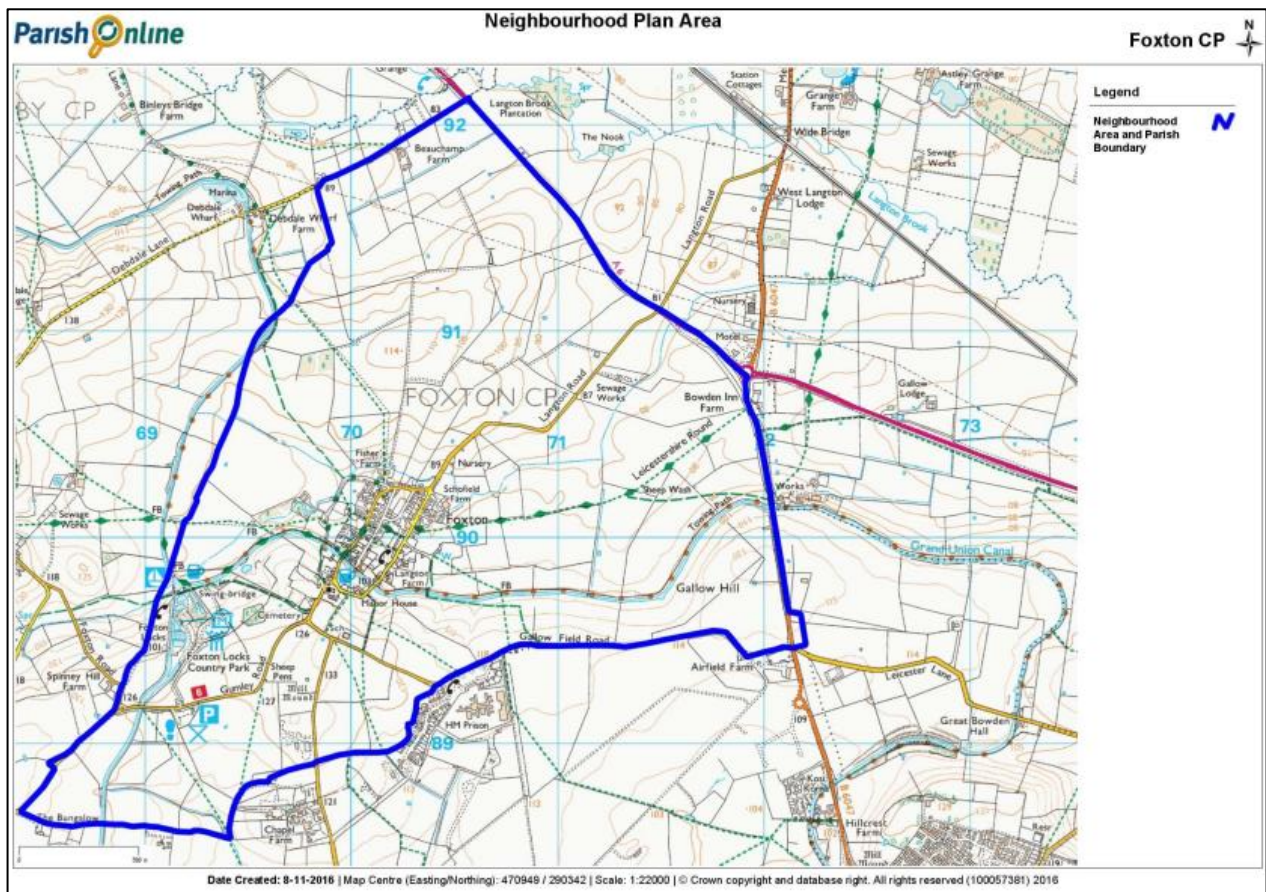
6.13.8 On the basis of the information reviewed as part of the Phase I Preliminary Environmental Risk Assessment, it is considered that with mitigation the risk of significant pollutant linkages with respect to ground contamination is very low. It is therefore considered that the proposals will have a neutral impact upon ground contamination and would therefore accord with Policy GD8 of the Harborough District Local Plan in this respect.

## 14. Other Matters

---

○ *Foxton Neighbourhood Plan*

6.14.1 As discussed in **Section 5a** of this report, the Foxton Neighbourhood Plan forms part of the Development Plan for the area by virtue of the fact that it is a made Neighbourhood Plan. Notwithstanding this, as can be seen at **Figure 108**, the Application Site sits outside of the FNP plan area, and therefore the content and Policies of the FNP are not relevant to the decision making process in terms of this application.



**Figure 108 – Foxton Neighbourhood Plan area**

○ *Non Planning related benefits*

6.14.2 As set out in **Section 6d** of this report, there are a number of obligations upon the Application which should be secured as part of a S106 Agreement if Planning Permission is granted for this application. These obligations are contributions / improvements / schemes that are directly related to the development and considered necessary and reasonable to mitigate the impact of the development. Over and above these, the Applicants have publicly committed to providing a tranche of additional public benefits. These include:

- Explore the acceleration of installation of FTTP broadband for residents of Welland Avenue and Stuart Crescent
- Demolition of existing, unused MoJ owned garage blocks
- Explore potential for Batchelor's Quarter building to be converted into a useable asset for the local community
- Investigate the potential to resurface the privately owned residential section of Welland Avenue
- Potential financial contribution to local bus service that serves the existing and proposed Prisons
- Package of S278 Highways improvements valued in the region of £750,000 - £1m:
  - Lubenham
    - New vehicle activated signs at four locations
    - Widening of existing pedestrian refuge between Rushes Lane and Foxton Road
    - Installation of new pedestrian refuge between Westgate Lane and Foxton Road
    - Gateway features at entrance to the village

- Road safety rumble strips at gateways
- Foxton
  - Work with LCC and Parish Council to enable Foxton to become a 20mph zone
  - Traffic calming measure to be installed at junction with Swingbridge Street to deter vehicles cutting through for access to Main street
  - Gateway features at entrance to the village

○ *Impact on Foxton School*

6.14.3 Concerns have been raised through representations regarding the impact of the proposals upon Foxton Primary School. The School is located at the junction of Gallow Field Road and Foxton Road to the north west of the application site (see **Figure 109**). The concerns largely focus around the potential conflict between road users at school drop off times. As discussed in the Highways and Public Right of Way sections of this report (see **Para's 6.3.19 & 6.11.4**), a S106 contribution has been secured as part of any consent to facilitate improvements to the existing Public Right of Way. These works will provide a safe pedestrian link between the village (and some limited kerb-side parking) and the school which will enable people to access the school without the need to park on the roadside at the school, in the vicinity of the junction. Furthermore, the LHA, as set out at **Para 6.3.24** of this report, have assessed the impact of the proposals upon this junction (and in light of the presence of the school) and are content that the junction will continue to operate safely and that there is no need for further mitigation at the junction.



**Figure 109: Location of Foxton School in the context of the proposals**

○ *Construction Management Plan*

6.14.4 As referred to throughout the report, particularly in the Highways, Noise, Air Quality and Residential Amenity sections, many issues during the construction phase can be controlled through the submission and agreement of a Construction Management Plan. The application was supported by a Framework Construction Traffic Management Plan

which deal outline how one such element will be dealt with. Whilst this CEMP has been submitted with the application, it only serves to indicate one programme of solutions to one element of the potential construction issues. As such, it is not considered to be suitable in its current form, and therefore, Officers do not recommend that this CEMP be conditioned to be complied with during the construction phase. Consequently, a condition is recommended requiring the submission of a Construction Management Plan (CEMP), covering all issues throughout the construction phase (rather than just construction traffic) (see **Appendix A – Condition 35**). The condition also requires that this CEMP be agreed by the LPA and that, once agreed, construction works on the site are carried out in accordance with the agreed CEMP.

6.14.5 Concerns have also been raised regarding the impact of Construction traffic on villages further afield from the application site but which lie on roads which may see an increase in traffic as a result of the construction of the Proposed Development. To date, no details of the likely construction routes have been agreed, it is only once the Applicants submit the CEMP which is required by condition (see **Appendix A – Condition 35**) that such impacts can be assessed. Notwithstanding this, the Applicants are in discussion with the LHA regarding the potential routes that could be used, and Officers consider that it would be necessary and appropriate to include provision within the Routing Agreement to ensure that construction traffic associated with the site is prohibited from passing through Foxton and along the residential (and privately owned) section of Welland Avenue.

○ *Renewable Energy*

6.14.6 The proposed development would be required to meet the statutory minimum contained in the Building Regulations on sustainable build standards in accordance with Policy CC1 with regard to renewable energy.

6.14.7 The most sustainable form of energy is that which is not required in the first place. Consequently the energy demand reduction achieved by energy efficiency measures and good design standards is considered more sustainable than renewable energy. The energy efficiency measures should be incorporated where they are cost effective as this then reduces the burden of the absolute energy supplied by renewable sources.

6.14.8 During the construction phase of the development, the applicants have committed to (through their contractors) monitoring energy and fuel use and measures will be put in place to reduce consumption as far as possible. The construction site will aim to be diesel-free, using at least 40% electric and hybrid plant on site, and the applicants will aim to source all electricity for the site from renewable sources. The proposed new prison will aim to be “net zero carbon ready” which means that the buildings will be highly efficient and can be operated without the use of fossil fuels. This will be achieved through the following measures:

- Reducing energy demand from the buildings as far as possible through the specification of a highly energy efficient building fabric and low/zero carbon heating and hot water solutions (e.g. heat pumps).
- Using electricity as the primary energy source, without the need for fossil fuels (in particular natural gas).
- Future-proofing the prisons to allow the simple retrofit of any emerging technologies to reduce energy consumption and carbon emissions. This includes an allowance for future connection to local off-site renewable energy generation such as solar farms.
- Ensuring that renewable energy generation (e.g. from photovoltaic panels) is constructed on the site to provide zero carbon electricity and heat where practical.
- Using the land within the estate to capture carbon to partially offset emissions.



- Offsetting any residual carbon emissions generated by the prison operations that cannot be avoided using verified carbon offsetting providers.
- Minimising the whole life carbon emissions associated with the prison in line with PAS 2080<sup>86</sup> and taking steps to minimise the embodied carbon content as far as practicable.

6.14.9 There are no existing community energy schemes or sources of waste heat and power in the vicinity of the site that could viably provide heating to the proposed scheme. Connection to the existing heating systems with HMP Gartree was investigated by the Applicants, but not considered to be a viable solution. This was due to the complex capacity upgrades that would be required to the existing prison, with the associated operational risks to a live custodial environment. The installation of an internal gas or biomass fired heating network for the site was not considered due to the applicant's requirement for decarbonised sources of heating, in this case the use of heat pumps.

6.14.10 The new prison has been registered and will be assessed against the latest BREEAM 2018 New Construction scheme<sup>87</sup>, under the 'prison' assessment category. A BREEAM Pre-Assessment report has been prepared on behalf of the Applicant and was submitted in support of the Planning Application. This outlines a possible route to achieving a BREEAM 'Outstanding' score of 85% and the minimum credit requirements. The exact route to certification may vary as the detailed design progresses. HDC's Environment Coordinator has assessed this report and is satisfied with its content. A condition is recommended to secure this (see **Appendix A - Condition 10**)

6.14.11 A Condition seeking details of such measures is recommended at **Appendix A - Condition 13**. The fact that the proposal has the potential to provide forms of sustainable energy production and a low carbon built form are both issues which mean that it is considered that the proposals will have a minor beneficial impact upon climate change and would therefore accord with Policies CC1 and CC2 of the Harborough District Local Plan in this respect.

○ *Impact on Green Belt*

6.14.12 The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belt serves 5 purposes:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

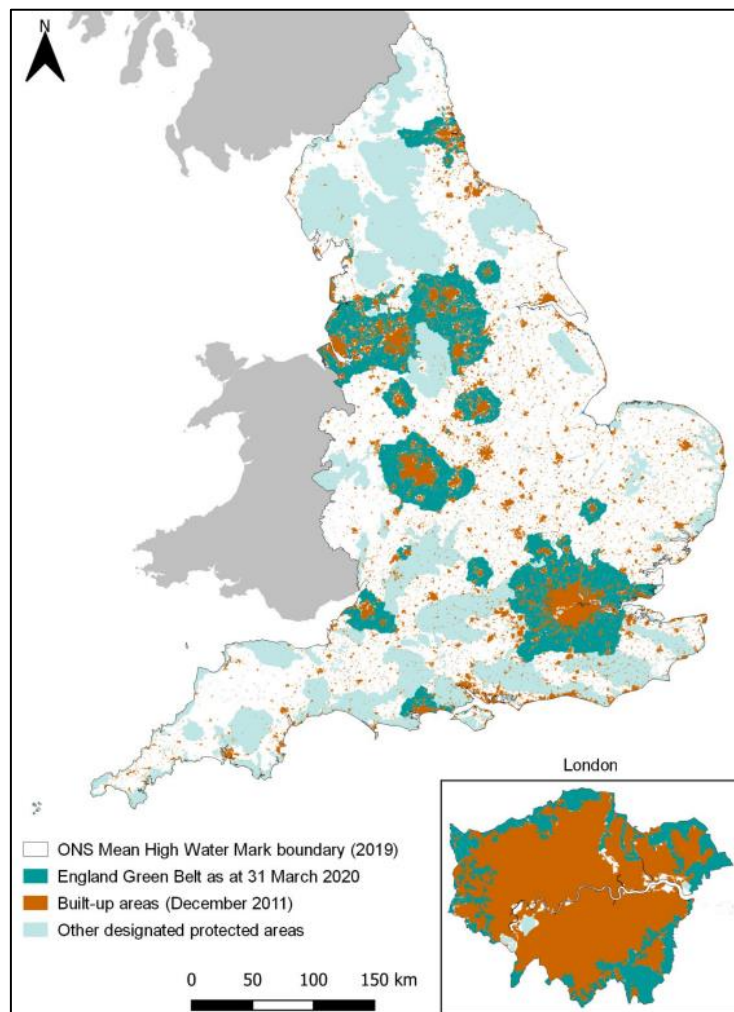
6.14.13 A number of representations (both from Parish Councils and from members of the public) have referred to the loss of, or impact upon the Greenbelt, and the subsequent need to engage Paragraphs 147 and 148 of The Framework. Para 147 states that "*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*" Para 148 goes on to require that

<sup>86</sup> [Guidance-Documents-for-PAS2080 vFinal.pdf \(constructionleadershipcouncil.co.uk\)](https://www.constructionleadershipcouncil.co.uk/wp-content/uploads/2019/06/Guidance-Documents-for-PAS2080-vFinal.pdf)  
([https://www.constructionleadershipcouncil.co.uk/wp-content/uploads/2019/06/Guidance-Documents-for-PAS2080 vFinal.pdf](https://www.constructionleadershipcouncil.co.uk/wp-content/uploads/2019/06/Guidance-Documents-for-PAS2080-vFinal.pdf) )

<sup>87</sup> [BREEAM New Construction 2018 \(UK\) - Cover temp](https://www.breeam.com/NC2018/)  
(<https://www.breeam.com/NC2018/>)



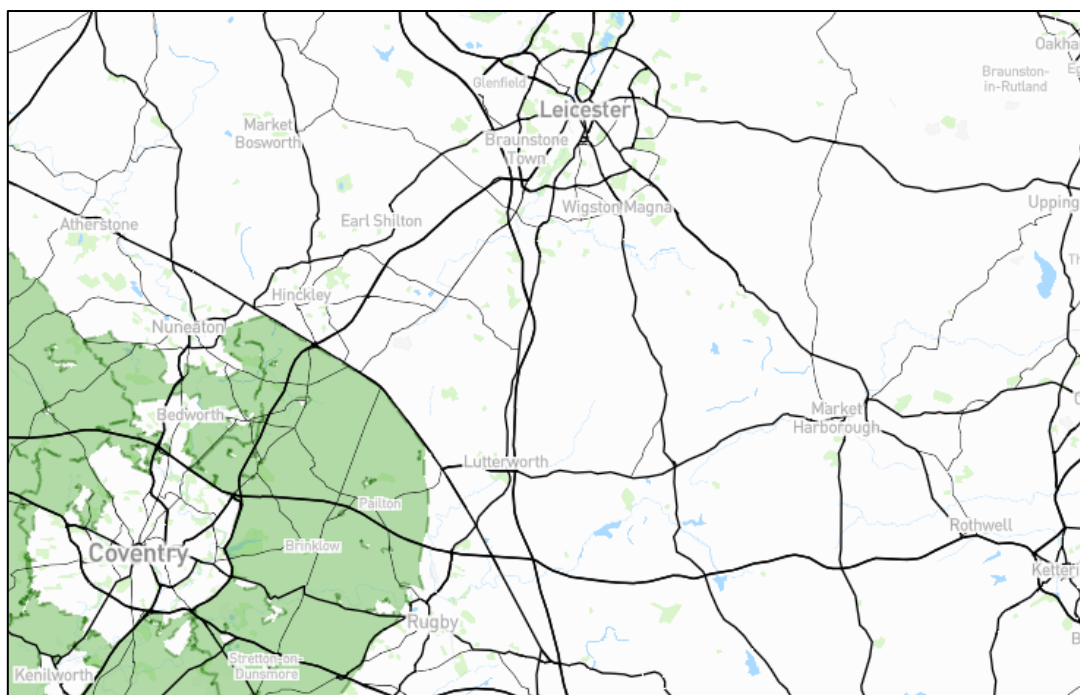
LPAs should “ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”



**Figure 110: Extent of Green Belt in England as at 31<sup>st</sup> March 2020**

- 6.14.14 An MHCLG publication in 2020<sup>88</sup> outlined that, as of 31<sup>st</sup> March 2020, land designated as Green Belt in England was estimated at 1,615,800Ha, approximately 12.4% of the land area of England, this is demonstrated at **Figure 110**. In the East Midlands, approximately 77,500Ha of land is designated as Green Belt, approximately 5% of total land area. **Figure 111** indicates the proximity of the closest area of designated Green Belt to Market Harborough, this being in the Coventry and Warwickshire area.
- 6.14.15 The fact that the application site is not located within the designated Green Belt means that Para 148 of the Framework is not engaged in the consideration of the planning application, and as such, there is no requirement for the benefits associated with the proposed development to clearly outweigh the resulting harm and therefore constitute – either individually or cumulatively – very special circumstances required if inappropriate development is to be approved in the green belt.

<sup>88</sup> [Local Authority Green Belt: England 2019-20 \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/996225/England_Green_Belt_Statistics_2019-20_-_Statistical_Release.pdf)  
([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/996225/England\\_Green\\_Belt\\_Statistics\\_2019-20\\_-\\_Statistical\\_Release.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/996225/England_Green_Belt_Statistics_2019-20_-_Statistical_Release.pdf))



**Figure 111: Designated Green Belt in relation to Market Harborough<sup>89</sup>**

○ *Other Issues raised*

6.14.16 A number of other issues have been raised through representations. These have been summarised above. Those issues that are outstanding and have not been addressed through the consideration of the Reserved Matters are tabulated below with a response to the issue raised (see **Figure 112**).

<b>Issue Raised</b>	<b>Response to Issue</b>
Not enough EV charging points proposed	Planning conditions can only secure what is necessary and required by Planning Policy. The Harborough Local Plan stipulates that provision of electric car charging should be secured where appropriate, and does not set a target for levels of provision. 10% provision is considered reasonable and appropriate at the current time, and does not restrict the applicants from installing more EV charging points as and when demand for them makes it appropriate to do so. The fact that 10% of the spaces will have provision will mean that the infrastructure already exists within the carpark to make the retrofitting of additional charging points easier than it would be to do so without the infrastructure being in place (see <b>Appendix A – Condition 11</b> ).
Impact on high pressure gas pipeline, and who is responsible for this.	The Health and Safety Executive who are responsible for the safety of the pipeline have been consulted on this matter and have confirmed that they have no objections to the proposals (see <b>Section 4:1</b> of this report)
Loss of dog walking area	The application site is entirely owned by the MoJ, with public access to it limited to the areas to the north west of Welland Avenue, both of which are areas which will remain publicly accessible once the development is completed. Part of the application includes proposals to enhance an existing area of open space on Welland Avenue, making the area more accessible and useable for the local community. A condition is recommended (see <b>Appendix A - Condition 5</b> ) which will require details of the landscaping of this area to be submitted as part of any subsequent Reserved Matters application. A further condition is recommended (see <b>Appendix A - Condition 7</b> ) so as to ensure that this area is delivered and

<sup>89</sup> Source: <https://urbanistarchitecture.co.uk/green-belt-map/>

	made available for use prior to the first occupation of the Proposed Development, and retained for such use in perpetuity. Due to the Biodiversity benefits of this element of the proposal, its maintenance will also be secured through the S106 agreement (see <b>Appendix B</b> )
I object to another prison when there is already one that needs upgrading.	It is acknowledged that the existing HMP Gartree could be upgraded, however, this would not achieve any meaningful contribution to the identified need for 20,000 new Prison spaces as set out in Section 6a of this report.
Proposals would set a precedent for further development including residential	All Planning Applications are dealt with on their own merits, any approval of a Prison facility on this site – whilst being a material consideration in the assessment of future applications – will not set a precedent meaning that future development in the area will be approved
Welland Ave is a private road, not MoJ owned	Welland Avenue is a Private Road, its ownership being divided between multiple land owners. The stretch of Welland Avenue which passes through the residential area is owned by individual residents, however, once Welland Avenue passes beyond the residential area, ownership of the road changes to that of the MoJ
Alternative access options	<p>Alternative access routes for the construction traffic associated with the development are currently being investigated by the applicants. Construction access to the site will be considered in detail by the LPA at a later date.</p> <p>In terms of the operational access to the site, this has been assessed by the LHA who have raised no concerns, and as such, the MoJ have no intention of investigating alternative points of access to the development.</p>
Is more staff housing going to be provided this time?	There are no plans as part of this proposal to provide additional housing provision specifically related to the Prison.
This will turn the whole area into the criminal depository for the whole of England	There are currently 118 operational prisons in England and Wales with an operational capacity of 81,195 as of December 2021 <sup>90</sup> . With Gartree's current operational capacity of 608 and assuming that the operational capacity of the new prison would be 1715, that gives an operational capacity of 2323 across the two facilities. This equates approximately 3% of the operational capacity for England and Wales
Exhaust fumes of approx 2500 prisoners	It is unclear what is meant by "exhaust fumes of approx. 2500 prisoners", however, a detailed Air Quality Assessment has been submitted with the report which is assessed in Section 6c:7 of the report
Impact on outlook from properties	There is no legal right to a view, and as such, any change to the outlook from a property is not a planning consideration. What is a planning consideration is the impact of a development upon the surrounding landscape <sup>91</sup> , and the impact of the development upon the residential amenity of neighbouring properties <sup>92</sup>
Impact upon Property prices	As noted in Section 6c:10 of this report, the impact of prison facilities upon the house prices in the vicinity of the facility has not been proven. Any potential impact on house prices (if any) is likely to have been an influence on the purchase price of the property initially, and the presence of an additional Prison is a further unknown factor.

<sup>90</sup> [prison-pop-december-2021.ODS \(live.com\)](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F1046471%2Fprison-pop-december-2021.ODS&wdOrigin=BROWSELINK)

([https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment\\_data%2Ffile%2F1046471%2Fprison-pop-december-2021.ODS&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F1046471%2Fprison-pop-december-2021.ODS&wdOrigin=BROWSELINK))

<sup>91</sup> This is addressed in Section 6c 4

<sup>92</sup> This is addressed in Section 6c 8

Increase in rubbish after visiting days.	Officers acknowledge that there can sometimes be an issue with litter in the vicinity of the existing HMP Gartree. Notwithstanding this, this is not a Planning Consideration and as such, should have no bearing upon the consideration of this planning application.
Increased burden on NHS services.	As part of the consultation process on the Planning Application, HDC consulted both the West Leicestershire CCG and University Hospitals of Leicester NHS Trust, neither of which returned any comments on the application to the LPA
Increase in Drug related issues in Market Harborough	It is acknowledged that there may be a perception that drug related issues in Market Harborough may increase as a result of the development, however, as part of the application process, HDC consulted with Leicestershire Police, and no such concern has been raised by the Force.
The MoJ do not make good neighbours. Communication is poor	The Applicants acknowledge communication between the existing HMP Gartree and local residents may not have been as good as it should have been in the past, and they are working with the Governor at HMP Gartree to address this. Notwithstanding this, any communication breakdown between the Prison and local residents is not a Planning Consideration and as such, should have no bearing upon the consideration of this planning application.
Impact on the local housing register.	Many representations refer to more than 100 prisoners at the newly built Prison in Wrexham leaving the prison homeless in 2020. HMP Berwyn is a Category C facility, a facility from which Prisoners can be released into the community. The application being currently considered is for a Category B Prison, from where prisoners are transferred to a Category C facility prior to release. As such, the presence of a Category B Prison close to Market Harborough should have no discernible impact upon the housing register or the number of homeless people in the town.
Impact on tourism including the nearby Foxton Locks.	The tourism value of Foxton Locks lays in its heritage value which has been assessed in Section 6c 1 of this report. Furthermore, there are other examples of Prison facilities located in close proximity to heritage based tourism sites, such as HMP Huntercombe / Nuffield Place – a National Trust property immediately adjacent to the aforementioned prison.
It is unclear whether the Canal and River Trust have even been consulted?	Schedule 4 of the DMPO <sup>93</sup> stipulates that LPA's should only consult the Canal and Rivers Trust on Planning Applications which are likely to affect any inland waterway owned or managed by the CRT. A letter from the Department of Environment to Chief Planning Officers on 9 <sup>th</sup> June 1997 clarified the meaning of "likely to affect" by advising that <i>"development likely to affect the particular waterway" covered:</i> 6 <i>development which involves any digging of foundations</i> 7 <i>the building of anything large which could impose a loading on the side of the waterway</i> 8 <i>any development which could create a breach in the waterway for example by increasing surface water discharges"</i>
The Public consultation process by the MOJ was deficient. Concerns raised don't appear to have taken into account	The public consultation carried out by the MoJ prior to submission of the Planning Application is set out in 3d of this report. Whilst the Government recommends that Applicants engage with the community, there is no requirement for such engagement, and as such, the fact that pre-application engagement has been carried out is sufficient in terms of Planning Regulations and Policy.  Notwithstanding this, the MoJ have committed to working with the local community throughout the application process, and have sought (and

<sup>93</sup> [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2015/595/schedule/4/made)  
[https://www.legislation.gov.uk/uksi/2015/595/schedule/4/made\)](https://www.legislation.gov.uk/uksi/2015/595/schedule/4/made)

	continue to seek) to provide a highways scheme that addresses some the concerns raised where possible and appropriate. It must be noted that these Highways works are not required in terms of Highway safety as confirmed in Section 6c3 of this report, however, they could potentially respond to amenity concerns and general concerns of the community.
Loss of open spaces for alternative uses	The application site is entirely owned by the MoJ, with Public Access to it limited to the areas to the north west of Welland Avenue, both of which are areas which will remain publicly accessible once the development is completed
Increased burden on local schools.	The presence of the prison will not increase attendance at local schools per se, this will only occur as a result of housing development, at which stage the impact on school in the locality will be assessed and addressed appropriately
Market Harborough is struggling to cope with current levels of development	The impact of current development was assessed as part of the planning applications for these developments. The impact of the proposed development has been assessed against a baseline which includes all permitted and otherwise committed (ie Local Plan allocated) development in the locality
Why have Harborough District Council only sent planning notification letters out to 102 homes...???	HDC's Statement of Community Involvement <sup>94</sup> sets out the standards for consulting on Planning Applications. In summary, the Council will notify the owner / occupier of adjoining properties about the planning application by letter. A site notice will be displayed, as required by regulations. Section 3d of the report sets out the consultation that HDC have carried out as part of this application.
Moral and ethical issues related to Prisons	Notwithstanding people's opinions on the Criminal Justice system, Planning decisions have to be based upon Planning Policy and other Material Considerations. One such material consideration is the Governments desire to provide additional prison spaces as set out in Section 6a of this report.
The money being spent on this should be spent on Schools and Hospitals instead	as set out in Section 6a of this report, the application has been submitted in response to the 2020 and 2021 Budget and Spending Reviews requirement to deliver 18,000 (and subsequently 20,000) additional prison spaces across the Country
There are new prisons in neighbouring towns providing significant new prison capacity	It is acknowledged that there are other new prisons in the area (HMP Five Wells and HMP Glen Parva) however, these facilities are not part of the same programme as the current planning application which is to address the identified need for 20,000 new Prison spaces as set out in Section 6a of this report.
The transport assessment data is out of date	It is standard practice to base transport modelling on the most recent available Census data. The 2021 Census data was not available at the time of the production of the Transport Assessment, and as such, the most recent, available data – ie the 2011 Census – was used. It must be noted that this data is only used for modelling purposes in terms of driver habits, the baseline data which is then modelled is based on up to date data including all approved and committed development in the area.
No existing play area for children who live on Welland Avenue	The application includes proposals to enhance an existing area of open space on Welland Avenue, making the area more accessible and useable for the local community. A condition is recommended (see <b>Appendix A - Condition 5</b> ) which will require details of the Play Area to be submitted as part of any subsequent Reserved Matters application. A further condition is recommended (see <b>Appendix A - Condition 7</b> ) so as to ensure that the Play Area is delivered and made available for use prior to the first

<sup>94</sup> [https://www.harborough.gov.uk/downloads/download/1407/statement\\_of\\_community\\_involvement](https://www.harborough.gov.uk/downloads/download/1407/statement_of_community_involvement)



	occupation of the Proposed Development, and retained for such use in perpetuity.
Perception of safety for staff and local residents, including escaped Prisoners	The proposed facility has been design so as to ensure that there is no interaction between prisoners and adjoining residents. The conduct of visitors is not a planning consideration likewise, neither is the relationship between Staff and Prisoners. As such, these issues can bear no weight in the consideration of the planning application. It is acknowledged that there may be a perception that the safety of local residents may be put at risk as a result of the development, however, as part of the application process, HDC consulted with Leicestershire Police, and no such concern has been raised by the Force.
The new employees would need housing, where will they live?	It is anticipated that the Prison will source employees from within 40miles of the facility if approved (as set out in Section 6c:10 of this report). Future HDC Local Plans and subsequent Reviews will assess the employment base of the area (amongst other factors) to identify if any additional housing is required to accommodate any potential population increase
This proposal, together with the proposal to increase the capacity of the existing prison 900 inmates, would result in the largest HMP in the country with over 2,500 inmates.	<p>Whilst the new prison application is adjacent to the existing HMP Gartree, if approved, it would be operated completely separately to the existing facility. There are a number of other examples of co-located facilities across England and Wales, such as<sup>95</sup>:</p> <p>HMP Belmarsh - 770 HMP Isis - 630 HMP Thameside - 1230</p> <p>HMP Wymott - 1070 HMP Garth - 845 Proposed new Prison - 1715</p> <p>HMP Rye Hill - 625 MHP Onley - 740</p> <p>HMP Brinsford - 570 HMP Featherstone - 680 HMP Oakwood - 2100</p> <p>HMP Downview - 350 HMP Highdown - 1200</p> <p>HMP Gartree - 608 (855 if extended) Proposed new Prison - 1715</p> <p>As can be seen, whilst the two facilities (if HMP Gartree is extended) would have a significant operational capacity across the two facilities, it would not result in the largest co-located group of facilities in the Country.</p>
The Socio - Economic Statement relies upon the Applicants own reports	Supporting Statements have to refer to relevant publications. The Ministry of Justice (2013) Economic Impact of a New Prison report was prepared and published by Peter Brett Associates LLP. Peter Brett Associates have an established track record of preparing professional studies for public bodies on a range of issues.
There are already safety concerns at the current Gartree	The planning merits of the new prison can not be conflated with the perception of poor performance at the existing facility. The two facilities will be independent of one another with vastly differing facilities. The new

<sup>95</sup> [prison-pop-december-2021.ODS \(live.com\)](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F1046471%2Fprison-pop-december-2021.ODS&wdOrigin=BROWSELINK)  
([https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment\\_data%2Ffile%2F1046471%2Fprison-pop-december-2021.ODS&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F1046471%2Fprison-pop-december-2021.ODS&wdOrigin=BROWSELINK))

prison. Three people died at HMP Gartree during 2020.	prison provides an opportunity to provide state of the art safety, wellbeing and healthcare facilities which should help to address any concerns that may be present at the existing facility
It is not appropriate to build a mega-prison that will require hundreds of staff when the existing prison is unable to meet staff needs.	The issue of staffing of the facility is not a planning matter. As set out in <b>Section 6:10</b> of this report, the available labour market in the area is sufficient to be able to sustain the development.
How will IN/3 be complied with?	Developments are only required to comply with the Local Plan when read as a whole. There will always be particular Policies which are not relevant to a certain type of development, and in the case of this application, IN/3 is not applicable. Notwithstanding this, each cell will be provided with Intranet connectivity to the Prison's Local Area Network. Furthermore, as discussed earlier is <b>Section 6:14</b> of this report, the MoJ are currently investigating the potential to upgrade the broadband provision within the Gartree development.
Impact of increased Prison population upon Covid (or other pandemic) case rate reporting and subsequent implications	The intricacies of the "Track and Trace" reporting system and how this information was then implemented is not a planning matter. One would hope that lessons will have been learned from the performance of the system in order that improvements can be made if a future pandemic is experienced.
This type of facility needs to built in the north of the UK to help with unemployment, not in Market Harborough  Prisons should be spread across the country	The main purpose of the proposed development is not to provide employment, however, it is acknowledged that this is a benefit. Prisons are required across the country, and, as set out in Section 6a of this report, the additional Prison proposals are located in the areas that best serve the demand for spaces. Given the geographically central location of Leicestershire with the country, locating prison development in the area enables it to serve a large area
The proposed re-routing of the Public Right of Way needs further consideration	The application does not propose or require the re-routing of any Public Right of Way as a result of the development
There are no airports within an hour's drive.	The presence of or lack of an airport within close proximity to the site is not a material planning consideration in the assessment of the Proposed Development.
Cycle parking should be included on any reserved matters masterplan	Any subsequent submission of Reserved Matters will include full details of parking (including cycle and motorcycle) for the proposed development.
S106 contribution for traffic calming in villages	The LHA were consulted as part of the application and have not identified a requirement for such an obligation to form part of any subsequent S106 agreement
Conditions are needed to ensure that benefits are maximised locally.	As set out in Section 6c:10 of this report, any subsequent S106 Agreement will include an obligation for the Applicants to enter into a Community Engagement Scheme as well as a Local Labour Agreement for both the Construction and Operational phases of the development is approved (see <b>Appendix B</b> )

S106 contribution for NHS emergency services.	The CCG and UHL were consulted as part of the application and have not identified a requirement for such an obligation to form part of any subsequent S106 agreement
If this gets passed questions should be raised at the highest level of government.	The application has been submitted by a Government department, and, as set out in Section 6a of this report, is in response to the 2020 and 2021 Budget and Spending Reviews requirement to deliver 18,000 (and subsequently 20,000) additional prison spaces across the Country
Volunteer support for the current prison is in extremely short supply.	The availability of volunteers to help out at a facility is not a planning consideration to be given weight as part of the consideration of the planning application
This will possibly be one of the largest prisons in Europe	If built, the new facility will be one of the five largest prisons in the UK, with largest being HMP Oakwood which currently holds approximately 2000 prisoners <sup>96</sup> . The largest Prison in Europe Fleury-Mérogis Prison in Paris which holds more than 4,100 prisoners <sup>97</sup>
Proposed development is a 'done deal'	Any assumption that the proposals are a done deal are incorrect and unfounded. HDC Planning Officers make a recommendation on the Planning Application to the Planning Committee based upon the facts of the and the responses from consultees. This recommendation will then be considered by the Planning Committee in a public meeting following a site visit to view application site. Members are bound by the Council's Constitution to have an open mind on the merits of the proposal before hearing the cases to be made by all parties at the Committee Meeting. It is only once the Planning Committee have heard from all registered parties that the merits of the Application are debated and considered by the Committee.
Conflict with HDC Policy CS1 (Spatial Strategy) and Policy CS13	These Core Strategy Policies are out of date and have been replaced by appropriate Policies within the Harborough District Local Plan. As such, any perceived conflict with Core Strategy Policies can have no bearing at all upon the determination of the Planning Application
Impact of light pollution on astronomy and the night sky	The impact of the development in terms of light pollution has been appropriately assessed in Section 6c4 of this report. Any potential impact on astronomy is not a Planning matter, and as such, can not be assessed as part of the consideration of the Planning Application
Why was HMP Ashwell closed if there is a need for prison spaces?	HMP Ashwell was closed in March 2011 following a riot at the prison in April 2009 which resulted in significant damage including that caused by a fire. 75% of the facility was rendered uninhabitable as a result of the damage. It was considered by the MoJ that the cost of repairing and maintaining the building was too high <sup>98</sup> so as to be economically viable, hence the decision to close the facility and sell the site. Furthermore, as set out in Section 6a of this report, the 10,000 Additional Prison Places Programme, first announced by the Prime Minister in August 2019.
Should be looking for proactive solutions to the crime issue, not reactive measures	Planning decisions have to be based upon Planning Policy and other Material Considerations. One such material consideration is the Government desire to provide additional prison spaces as set out in Section 6a of this report. There is currently no official programme for the reduction


<sup>96</sup> • [UK largest prisons 2021 | Statista](https://www.statista.com/statistics/914500/largest-prisons-by-capacity-in-england-and-wales/)

(<https://www.statista.com/statistics/914500/largest-prisons-by-capacity-in-england-and-wales/>)

<sup>97</sup> [Fleury-Mérogis Prison - Wikipedia](https://en.wikipedia.org/wiki/Fleury-M%C3%A9rogis_Prison#:~:text=Fleury-M%C3%A9rogis%20Prison%20%28%20Maison%20d%27arr%C3%AAt%20de%20Fleury-M%C3%A9rogis%29%20is,is%20operated%20by%20the%20Ministry%20of%20Justice%20)

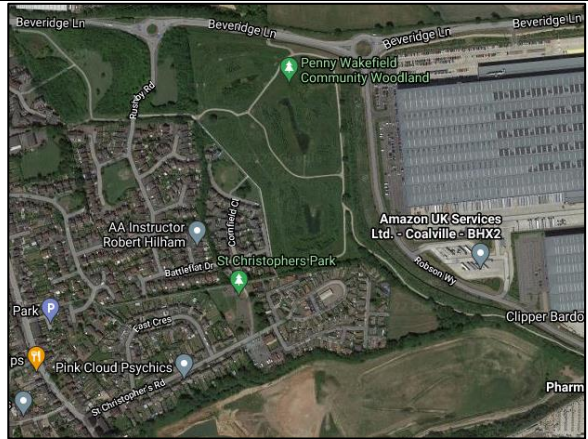
([https://en.wikipedia.org/wiki/Fleury-M%C3%A9rogis\\_Prison#:~:text=Fleury-M%C3%A9rogis%20Prison%20%28%20Maison%20d%27arr%C3%AAt%20de%20Fleury-M%C3%A9rogis%29%20is,is%20operated%20by%20the%20Ministry%20of%20Justice%20](https://en.wikipedia.org/wiki/Fleury-M%C3%A9rogis_Prison#:~:text=Fleury-M%C3%A9rogis%20Prison%20%28%20Maison%20d%27arr%C3%AAt%20de%20Fleury-M%C3%A9rogis%29%20is,is%20operated%20by%20the%20Ministry%20of%20Justice%20))

<sup>98</sup> [Prisons shutdown unveiled by government - BBC News](https://www.bbc.co.uk/news/uk-12178498)  
(<https://www.bbc.co.uk/news/uk-12178498>)

	of offending, and as such, this is not a Material Consideration in the determination of the Planning Application.
Market Harborough has become a commuter town and the local identity of the area has been greatly diminished.	The Proposed Development relates to the creation of a new Prison, whether or not Market Harborough has become a commuter town has no bearing upon the consideration of this Planning Application
It will create a prison approaching the scale of a USA prison.	The proposed prison would house up to 1715 prisoners. As of 2021 <sup>99</sup> , the 10 largest prisons in the world were all located in the USA. The 10 <sup>th</sup> largest (Shelby County Jail) had a population of approximately 6,000 prisoners, with the largest (Los Angeles County Jail) having a population of approximately 20,000 prisoners
Car parking in the town will be insufficient	It is unclear how this proposed development will increase car parking in the town centre, staff and visitor parking will be provided as part of the development working at the prison. Furthermore, as set out earlier in this table, the impact on car parking in the town centre of any additional housing that may or may not be required in the future will be assessed once any requirement is quantified.
Significantly negative impact on the special character of this listed building (Kiln Yard, Marston Lane, East Farndon).	 <p>The submitted LVIA includes a viewpoint from the Public Right of Way to the north of Kiln Yard (see <b>Figure 57</b> in Section 6c4 of this report). Kiln Yard sits on an elevated plot, and features a distinctive “attic solarium” which is afforded extensive views across the landscape, including towards Market Harborough and the application site. The property sits outside of the study area identified within the Heritage Assessment submitted in support of the application. Whilst it is acknowledged that the proposed development will be visible from this property, the Official List Entry<sup>100</sup> for the property makes no reference to these views, and as such, the views from the property are not considered to contribute to the significance of the heritage asset. Due to the nature of the property, it is considered that its setting would constitute the plot within which it is set, including the garage, entrance gates and piers, the latter of which are mentioned within the Official List Entry. Consequently, any change to the long distance view from the property is not considered to result in any harm to the setting of the heritage asset.</p>
Impact on events at the South Leicestershire showground	The showground already sits within the backdrop of the existing prison which was already operational when the showground was located at the site. The Proposed Development includes significant screening to its open boundaries, and as such, once matured, this screening will reduce the visual impact of the Proposed Development to a greater extent than the existing prison which features no landscape screening to its eastern boundary towards the showground.

<sup>99</sup> [Top 12 Largest Prisons in the US \[Update 2022\] \(usabynumbers.com\)](https://usabynumbers.com/largest-prisons-in-the-us/) (<https://usabynumbers.com/largest-prisons-in-the-us/>)

<sup>100</sup> [KILN YARD, East Farndon - 1246868 | Historic England](https://historicengland.org.uk/listing/the-list/list-entry/1246868?section=official-listing) (<https://historicengland.org.uk/listing/the-list/list-entry/1246868?section=official-listing>)

S106 agreement to repair and upgrade Welland Avenue with pinch points and signage either end to minimise non-residential traffic going through the estate	S106 obligations can only be included in situations whereby all affected landowners are in happy with the obligation, and are willing to sign the S106 Agreement. The MoJ have periodically, over a number of years, attempted to engage with the multitude of landowners of Welland Avenue regarding different proposals to seek to improve the road, but to date, they have been unsuccessful. The latest of these attempts was in January 2022 when they wrote to all residents of Welland Avenue seeking their opinion on whether or not they would like to see Welland Avenue resurfaced. Unfortunately, without 100% agreement from these landowners, the MoJ are powerless to carry out any improvements to this section of Welland Avenue, and this agreement has still not been forthcoming.
Why can't you build prisons out of the way, where it does not affect hard working people, somewhere like where Amazon Depo are built	<p>The Amazon facility at Coalville is located within 100m of the adjacent housing development which is a similar relationship as that which would exist between the Proposed Development and the properties on Welland Avenue.</p> 
Completely wrong to build a new prison at Gartree in addition to enlarging the existing one	The application to construct a new Houseblock at the existing HMP Gartree has been withdrawn by the MoJ, and therefore that proposal can be afforded no weight in the consideration of this planning application
Following cuts to bus routes, how is public transport going to be able to offer a service to the prison?	Leicestershire County Council as the responsible body for Public Transport provision in the County have been consulted on the application, and, as set out in Section 6c3 of this report, have made no request for funding to be allocated to the provision of Public transport services

**Figure 112: Table of outstanding issues and responses**

#### **d) Section 106 Obligations & Viability**

- *Developer Contributions Legislation / Policy*
- 6.38 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.
- 6.39 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 benefit's that meet the three legal tests under Regulation 122 of the CIL Regulations.
- 6.40 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..



- 6.41 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.
- *Assessment of Developer Contributions*
- 6.42 **Appendix B** 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. With regards to the trigger points they should not necessarily be seen as the actual or final triggers points for the S106 agreement but treated as illustrative of the types of trigger points which may be appropriate. It is recommended that the determination of the trigger points in the Section 106 Agreement be delegated to the Development Services Manager. The assessment carried out by Officers concludes that all stakeholder requests are CIL compliant.
- 6.43 As set out in **Appendix B**, a request has been made by Officers for a Local Labour Agreement to be created for the development. The aim of this would be to increase the share of local residents who work in the new development both during the Construction and Operational phases. There may also be an opportunity to include a commitment to apprenticeship schemes, again, for both the Construction and Operational phases. A further request has also been made by Officers for a Community Engagement / Enhancement scheme to be drawn up for the development. The intention of this scheme would be to identify the potential for increased community engagement between the prison and the surrounding local community with the aim of creating a facility which is integrated into, rather than being imposed upon the local community. The recently opened HMP Five Wells in Wellingborough operates on with a heavy emphasis on community engagement, be this in terms of the integration of local businesses into the training and educational element of the prison, or the visitors hall being made available for community use one day per week, or facilities being made available within the Entrance Hub for the local MP to host their surgery sessions, therefore benefitting from the enhanced security on offer at the Prison.
- 6.44 Whilst it is acknowledged that, due to the higher security category being proposed as part of this application (HMP Five Wells is a Category C facility, rather than the Category B facility proposed here), there are opportunities that can be investigated. The MoJ have committed to working with the management team, the local Council and the wider community to discuss such initiatives and to allow them to evolve organically over the course of time prior to the opening of the facility if approved. There may be opportunities to look at bespoke initiatives as part of these discussions which arise from that engagement, for example the refurbishment of the building next to the existing HMP Gartree Training Centre has the potential for community use. One initiative that Officers would be very keen to see implemented revolves around the use of food waste. HMP Five Wells have procured a Food Waste composter which processes food waste into fertilizer pellets. Such a facility could have a wider use than just that of the food waste generated by the prison, and an agreement between the Council and the Prison could be investigated to enable commercial food waste from restaurants in the locality to be processed at the prison. This would be a significant environmental benefit to the local area if this could be secured.
- 6.45 it would be vital than any Community Engagement / Enhancement scheme which is secured via the S106 is revisited on a regular basis throughout the life of the development so as to ensure that the best possible benefits are secured in the best interests of both the Prison and the local community. Furthermore, as discussed above, the benefits that can be secured as part of a Category C prison as opposed to

a Category B facility are considerably different, as are the potential impacts. As such, it is recommended that the S106 should include an obligation so as to ensure that any Community Engagement / Enhancement scheme is amended and resubmitted to the LPA for approval no later than 6 months prior to any change in security category of the Prison.

**e) Assessment of Alternatives**

- 6.46 Development which is subject to an Environmental Impact Assessment is required to be subject to an Assessment of Alternatives as part of the submission. As set out in **Para 3.42 of this report**, this proposal does not fulfil the criteria to be considered an EIA Development, and therefore, an Assessment of Alternatives is not a formal requirement of the planning submission. Notwithstanding this, as part of the Planning Statement submitted in support of the planning application, the applicants have set out their “Site Selection and Alternative Sites” assessment.
- 6.47 The type of prison subject to this application has a national remit and meets a national requirement for additional prison places within Category B. HMPPS has conducted extensive confidential research and development work, which has indicated that the maximum efficiency for construction cost and operations of the current prison design would be derived from 1,468-1,715 place prisons. The proposed new prison on land adjacent to HMP Gartree will comprise seven houseblocks with a proposed capacity of 1,715 prisoners. As a national service, HMPPS uses individual prisons’ capacity to meet national and wider geographical demand. When considering surplus demand for Category B prison places it serves a national requirement (as opposed to lower category prisons C and D which serve a regional requirement).
- 6.48 Internal modelling carried out by the Applicant has indicated that, if the MoJ did nothing to expand the existing estate save for new prisons already under construction, Category B Training demand would outstrip capacity by c. 2,140 nationally in April 2027. Further to this a Category B Training Prison provides crucial flexibility as it can house Category C cohorts, should the forecast population change in the future.
- 6.49 The MoJ initiated their site selection process following the publication of the 2016 Prison Safety and Reform White Paper (see **Section 5b**). By June 2020 and the publication of the 10,000 Additional Prison Places Programme (see **Section 5b**) the MoJ had identified that 4 new Prisons were required to meet the demand, and that these 4 new prisons would be built across England over the next 6 years (from 2020). It was also confirmed at this stage that these 4 new prisons would be in addition to those already under construction at Wellingborough and Glen Parva.
- 6.50 The site selection strategy for the 10,000 Additional Prisoner Places Programme balances a number of important considerations. Sites within MoJ ownership and suitable for development were identified, alongside other government owned land. In addition, an extensive market search was undertaken by Cushman & Wakefield (the Planning Agent for the application) informed by a requirement circulated to over 600 agents, a desktop search over multiple online databases and contact with commercial property agents to identify potential options.
- 6.51 Both the government land and market site search were informed by the same criteria, which contained Mandatory (i.e. site size; area of search), Secondary (ie relatively flat site; good transport access; not significantly overlooked; capable of connection to utilities; and outside floodplains) and Tertiary (i.e. previously developed / brownfield; a suitable shape for prison development; ease of recruitment; manageable in terms of ground conditions / contamination; not prejudiced by major ecological or historic

designations; and not affected by significant public rights of way or other similar issues) criteria.

- 6.52 Land in MoJ ownership was considered as priority sites given the potential for quicker delivery to meet challenging delivery programme and avoid additional costs and time delays associated with the purchase of land. A site search for privately owned sites was conducted by Cushman and Wakefield on behalf of the MOJ in early 2020 within the parameters identified by the MOJ, however this search did not bear fruit due to a combination of cost, timescales required to acquire privately owned sites or not fulfilling the required criteria.
- 6.53 On a national scale, several sites were shortlisted against the criteria above and four sites were selected for further consideration. Others were discounted, for example due to site constraints, areas of flood risk, infrastructure requirements, contamination issues, and accessibility. In addition, the site search for a site for a new Category B prison required a location easily accessible to the north and south to serve a national remit. The application site fulfils these criteria. The applicants considered that the proposed site satisfied many of the site search criteria and is situated in a region where substantial demand for additional prison places is expected. The site is already owned by the MoJ. On this basis, the site was selected by the Applicants as the preferred option. Officers consider that the above demonstrates the considerable scope and range of the site selection process undertaken by the Applicants over a significant period of time.

**f) Article 2(3) Development Management Procedure (Amendment) Order 2012**

- 6.54 In assessing this application, the Case Officer has worked with the Applicant's in a positive and proactive manner consistent with the requirements of paragraph 38 of the NPPF. This included the following:-
- Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
  - Have encouraged amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
  - Have proactively communicated with the Applicant's through the process to advise progress, timescales or recommendation.

**7. Conclusion – The Planning Balance**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications are determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan for the district is The Harborough Local Plan 2011-2031. **Section 5a** of this report sets out the relevant local plan policies.
- 7.2 The application site is located outside the existing or committed built-up area of Market Harborough, Foxton and Lubenham in what is considered to be an unsustainable location. The Proposed Development does not comply with Policy GD3– *Development in the Countryside* of the Harborough Local Plan. Nor is the site judged to be in a sustainable location for new business development, failing to strictly comply with Harborough Local Plan, *Policy BE1- Provision of new business development*. In light of these acknowledged policy conflicts significant weight should be afforded against the proposal in the Planning Balance when considering the application.
- 7.3 The Proposed Development is within the Lubenham AoS, having a minor adverse impact on the AoS, however, this incursion is not considered to be of a degree which would significantly diminish the physical or visual separation between the

aforementioned settlements. Furthermore, the proposal would not result in and would not compromise (in conjunction with other development) the effectiveness of the AoS. The Proposed Development therefore complies with Lubenham Neighbourhood Plan Policy LNP01. The Proposed Development is not judged to be limited or small-scale employment, nor does it involve the conversion or re-use of existing buildings, the provision of rural/community services/facilities, land based businesses or positive farm diversification. The proposal is therefore contrary to Policy 19 of the Lubenham Neighbourhood Plan. Significant weight should be afforded against the proposal in the Planning Balance when considering the application.

- 7.4 Notwithstanding the above, the assessment that the Proposed Development is in accordance with the spirit and intentions of Policy BE1.1 is a minor beneficial material consideration to be weighed in the Planning Balance when determining the application. Part of the site is currently designated and protected as open space under Policy GI2 of the Harborough Local Plan, the proposed development both protects and enhances the existing open space in compliance with Policy GI2 and having a minor beneficial impact on the quality and access to open space at Gartree. Limited weight should be given to the potential benefits of the of the proposal in this regard.
- 7.5 As outlined above officers have identified conflict with the aforementioned policies of the Development Plan. It is established in law and reiterated within paragraph 2 of the NPPF that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, it has been identified that the prison population is forecast to increase over the next decade, creating a likely demand for prison places within this decade and beyond. The Government and specifically the MoJ and HMPPS have embarked on a national programme of prison expansion in response to this. The proposed Category B training facility would provide a substantial quantum of modern accommodation for prisoners which would contribute to meeting the acknowledged demand at a national level, in compliance with paragraphs 96 and 97 of the NPPF and the proposal would therefore have a major beneficial impact in this regard. This is a key material consideration which must be afforded significant weight in favour when weighed in the balance of the determination of the application.
- 7.6 The proposed development would not harm any Conservation Areas or Listed Buildings. The proposed development would result in the breaking up of part of a former runway which is a features associated with the former RAF Market Harborough, which could be considered to be a non-designated heritage asset due to its contribution to the defence of the Country. Furthermore the proposal would result in the loss of some potentially iron-age archaeological remains, again, considered to be non-designated heritage assets. The harm identified is of limited importance and weight in terms of NPPF Paragraph 203. Whilst the recording of these non designated heritage assets is considered to be a mitigation against the impact of the proposal, moderate weight should be afforded in favour of these public benefits of the development.
- 7.7 The proposed development provides inherent mitigation against the impact of the development upon Ecology. Where negative effects have been identified in terms of species and habitats, mitigation measures are proposed to minimise any potential impact. Furthermore, in accordance with the Environment Act, the proposed Development provides for a Biodiversity Net Gain through the ecological enhancement of land within the application site. As such, significant weight should be given to the benefits of the proposal upon Ecology.
- 7.8 The LHA – as statutory consultee and guardian of the highway network – are satisfied that, subject to appropriate mitigation measures, there would be no unacceptable

adverse impact on the safety or free flow of traffic on the local road network. It is considered that, subject to the required mitigation, there would be no significant harm caused by the proposal upon the surrounding highway network, and as such, limited weight should be given to the potential impacts of the proposal in highways terms.

- 7.9 The proposed development, whilst on Greenfield land and within open countryside, is not subject to any statutory landscape designations (e.g. AONB - Area of Outstanding Natural Beauty or National Park) and is not designated as Green Belt. As such, any identified harm is only on a local level. The proposed development will have some moderate adverse effects in landscape/visual terms, which weigh against the proposal. However, the proposals have been designed to minimise these effects with significant landscaping belts to the boundaries. It is accepted that this landscape mitigation will not be in full effect upon the completion of the development, rather it could take up to 15yrs from planting to provide its maximum cover. However, with careful control via condition, this planting could be brought forwards in order that it already has some maturity by the time the development is complete, and, given the anticipated extensive life span of the Proposed Development, this is considered to be a relatively short period. As acknowledged by Inspector Baird in the Land north of Halloughton, Southwell, Nottinghamshire appeal<sup>101</sup> at para 22 “...*you cannot make an omelette without breaking a few eggs*”. Given their nature and scale, it is inevitable that large scale institutional facilities may result in landscape harm. In this context, national policy adopts a positive approach indicating that planning decisions should take into account wider security requirements by recognising and supporting development required for operational security purposes. Furthermore, as set out in **Paras 6.15 – 6.26** of this report, there are significant other material considerations which have to be weighed in the Planning Balance. The harm caused by the proposal upon the surrounding landscape is considered to be moderate, which should be given limited weight in the Planning Balance.
- 7.10 The proposal provides inherent mitigation against flood risk, in particular surface water run off, by means of, amongst others, surface water attenuation facilities. It is noted that, during required off site works to facilitate some of the mitigation, there will be a impact upon local residents due to the disruption created in the locality. It is considered that the mitigation provided by the development will off-set any harm that may be caused, and as such, limited weight should be given to the potential impacts of the proposal on flood risk.
- 7.11 Concerns have been raised regarding the impact of the development on Air Quality on the area. However, due to advances in technology and stricter legislation with regard to vehicle emissions, notwithstanding concerns regarding the location of the proposed access route in proximity to a Primary School, it is considered that the impact of the development will be negligible at worst, and as such, limited weight should be given to the potential impacts of the proposal on Air Quality.
- 7.12 The proposed development would be visible from some local properties, and from some, highly visible, however, it is not considered that the proposal would have any demonstrable impact upon these properties at this stage, and as such, minimal weight should be given to the impacts of the proposal on residential amenity. Furthermore, whilst there may be some audible noise emanating from the development, given the existing background noise levels in the area, it is not considered that there would be any demonstrable harm caused by noise from the development which could not be adequately mitigated against. A more detailed consideration of the impact of the

---

<sup>101</sup> Reference: APP/B3030/W/21/3279533 ([planninginspectorate.gov.uk](https://planninginspectorate.gov.uk))  
(<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3279533>)



development upon residential amenity will be carried out at Reserved Matters stage if Outline Consent is granted. On the basis of the above, no weight should be given to Residential Amenity issues at this stage

- 7.13 The proposed development would provide a considerable amount of employment in the short term (construction) and a significant level in the longer term (operational phase). Furthermore, the development will result in a significant increase in GVA in the area and will benefit existing businesses. As such, significant weight should be given potential local and regional economic public benefits of the proposal.
- 7.14 The proposed development will remove the existing agricultural use of the Site, however, no part of the site has been identified as the 'best and most versatile' and therefore the impact of the proposal on the best and most versatile agricultural land is neutral.
- 7.15 The proposed development will require the remediation of ground contamination on the site. On the basis that this work is only necessary as a result of the development, the impact of the proposal on ground contamination is neutral.
- 7.16 The potential provision of low carbon buildings and facilities and renewable energy facilities as part of the proposal is a significant consideration, and as such, moderate weight should be given to the potential benefits of the proposal low energy related issues.
- 7.17 Whilst in the majority of cases a finding that the Proposed Development does not accord with the policies of the development plan would lead to the application being refused, in this case, there are other significant Material Considerations that have to be weighed in the balance of the determination of the application. As set out in **Paras 6.15 to 6.29** and **7.5** above, it is considered that significant weight should be given to the National benefits to be found in the provision of additional prisoner accommodation.
- 7.18 It is acknowledged that the proposal has caused considerable concern within the local community, and this is evidenced by the level of objection which has been received. Notwithstanding this, the need for and benefits of the proposed development are very substantial, any reduced scale scheme would not meet the need as effectively and Officers are satisfied that these regional and national benefits very significantly outweigh the harms caused. As such Members are asked to endorse the Officer recommendation that planning approval should be granted (subject to the suggested conditions and the signing of the S106 agreement / S38 / S278 agreement)
- 7.19 In reaching this recommendation, Officers have taken into account the adopted Harborough District Local Plan 2011 to 2031, the Lubenham Neighbourhood Plan, the NPPF, the PPG and other material considerations as well as the technical reports and subsequent additional pieces of information which were submitted in support of the application. Officers are satisfied that this provides sufficient information to assess the impact of the proposals.

## **Appendix A – Recommended Conditions and Informatives**

### **1) Outline Planning Permission – Time Limit for Submit**

The development hereby approved shall commence prior to the expiration of two years from the date of approval of the last of the reserved matters to be approved. Applications for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

REASON: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

### **2) Outline Planning Permission – Approval of Details**

No development shall commence on site until details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to accord with the provisions of Section 92 of the Town and Country Planning Act 1990.

### **3) Approved plans/parameters**

The development hereby permitted shall be carried out in complete accordance with the approved plans listed in schedule:

[insert name or number of schedule of plans]

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

### **4) On-site foul water drainage scheme (Anglian Water)**

No development shall commence on site until a scheme for on-site foul water drainage works, including connection point and discharge rate, has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the development, the foul water drainage works must have been carried out in complete accordance with the approved scheme.

REASON: To prevent environmental and amenity problems arising from flooding

### **5. Landscaping**

The layout and landscape details required in the reserved matters applications (condition 2) shall include a detailed Landscape Plan for the development which shall include (but not be limited to) details of:

- The Welland Avenue Play Area (to include details of play equipment)
- Enhanced boundary treatment between the proposed development and PRow A22
- Details of landscape proposals within the Biodiversity Net Gain area
- Details of planting within perimeter landscape belt

REASON: To ensure the provision of suitable landscaping in the interests of amenity and the character and appearance of the area and to accord with Harborough Local Plan Policy GD8

### **6. Landscape Management**

The layout and landscape details required in the reserved matters applications (condition 2) shall include a Landscape Management Plan for that phase which shall

include the specification, the timing of the completion of and the arrangements for the management and maintenance of:

- I. All areas of informal and formal open space to be included within the development (to include the Welland Avenue Play Area, Biodiversity Net Gain area and perimeter landscape belt)
- II. Sustainable Urban Drainage Systems, watercourses and other water bodies
- III. Green Infrastructure linkages including any pedestrian and cycle links, public rights of way and bridleways.

The Landscape Management Plan shall thereafter be complied with at all times.

REASON: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area and to accord with Harborough Local Plan Policies GI1, GI2, GI4 and GI5

#### **7. Welland Avenue Play Area**

The Welland Avenue Play Area shall be delivered and made available for use prior to first use of the proposed development. Thereafter it shall be retained and available for use as a play area in perpetuity.

REASON: To ensure that the facility is made available in good time and to accord with Harborough Local Plan Policies GI2

#### **8. Hedgerow Protection**

In respect of any tree/hedgerow shown to be retained as part of any reserved matters approval scheme:

- a) no tree shall be cut down, uprooted or destroyed within 5 years of the date of the commencement of the respective Phase of development.
- b) If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the commencement of development, another tree of the same size and species shall be planted at the same place within the first planting season following the loss of the retained tree.
- c) No development hereby approved shall begin until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with the British Standard 5837 (2005): Trees in relation to construction has been submitted to and approved in writing by the local planning authority. Protective fencing in accordance with the approved scheme shall be erected prior to any equipment, machinery or materials being brought onto the site for the purpose of the approved development.
- d) Fencing shall be maintained until all construction equipment, machinery and surplus materials have been removed from the development site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

REASON: To protect trees/hedgerows which are to be retained in order to enhance the quality of the development, bio-diversity and the landscape of the area

#### **9. Materials**

Prior to construction of any external walls, details of all external materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be carried out in accordance with the approved details.

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

**10. BREAAAM/Climate condition.**

As part of the Reserved Matters application an updated BREEAM assessment report shall be submitted to and agreed by the LPA. The development shall achieve a BREEAM score of Excellent.

REASON: To ensure that the development accords with Policies CC1 and CC2 of the Harborough District Local Plan

**11. EV Charging points**

As part of the Reserved Matters submission details indicating the provision of Electric Vehicle Charging Points at a minimum of 10% of all car parking spaces shall be submitted.

REASON: To ensure that the development accords with Policy CC1 of the Harborough District Local Plan

**12. REMs broadly in accordance with D+A**

The development hereby permitted shall be carried out in complete accordance with the Design and Access Statement / Masterplan [insert ref]

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

**13. Renewable Energy**

Prior to the first use of the hereby approved development, details of renewable and low carbon technologies to be used in the development shall be submitted to and approved in writing by the District Planning Authority. If it is not proposed to install such measures, details of why it is not appropriate to do so shall be submitted in writing.

REASON: To ensure that the development is sustainable as possible and appropriate technologies are employed and to accord CC1 and L1 of the Harborough Local Plan

**14. Refuse and Recycling**

Prior to the first use of the hereby approved development, details of the provision for the storage of refuse and materials for recycling have been submitted and approved in writing by the Local Planning Authority. The details shall be implemented as approved.

REASON: To ensure the adequate provision of facilities and in the interests of visual amenity and to accord with Core Strategy Policy CS11

**15. Cycle Storage**

No development shall commence on site until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to accord with Harborough District Core Strategy Policy CS11

**16. Extraction Equipment and Air Conditioning Units**

The appearance details required in Condition 2 shall include details showing ventilation and extraction equipment for the individual buildings.

REASON: To protect the amenities of existing and future residents and to accord with Core Strategy Policy CS11

**17. External Lighting**

The appearance details required in Condition 2 shall include a scheme for the external lighting of the development (including details of permanent external lighting including layout plan, contour plan, a virtual plan, lighting type, luminaire type, intensity, mounting height, aiming angles and luminaire profiles). The scheme will also be accompanied by a detailed Lighting Assessment which predicts, assesses and verifies light emissions (including glare) at nearest receptors in accordance with relevant lighting guidance including, but not restricted to the guidance from by the Institution of Lighting Professionals. The scheme shall also identify suitable and appropriate mitigation where required. The scheme shall be implemented as approved and retained as such in perpetuity.

REASON: In the interests of the visual amenity of the area and to accord with Core Strategy Policy CS11

**18. Levels**

The layout and landscape details required in the reserved matters applications (condition 2) shall include details of existing and proposed site levels, including finished floor levels of any buildings. The development shall thereafter be implemented in accordance with the approved details.

REASON: To ensure that the work is carried out at suitable levels in relation to adjoining properties and the wider surroundings, having regard to amenity, landscape, biodiversity, access, highway and drainage requirements.

**19. Travel Plan**

The development hereby permitted shall be brought into use in accordance with the targets and measures contained in the Atkins, 'Gartree 2 - Outline Travel Plan', Revision P06, dated 12 August 2021 and submitted to the Local Planning Authority on 20 September 2021.

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).

**20. Public Right of Way**

Notwithstanding the submitted plans no development shall take place until a scheme and timetable for delivery for the treatment of Public Right of Way (PROW) A22 through the proposed development site to Welland Avenue has been submitted and approved in writing by the Local Planning Authority. This scheme shall include provision for the management of the PROW during construction (including any arrangements for a temporary diversion) fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the approved scheme and timetable.



REASON: To protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

**21. Highways Condition Survey**

The development hereby permitted shall not commence unless and until:

- i. A pre-development condition survey of Foxton Road between A4304 Lubenham and the application site (the route for HGVs as set out in the Framework Construction Traffic Management Plan) has been carried out and submitted to the Local Planning Authority and approved in writing.
- ii. A post development condition survey of Foxton Road between A4304 Lubenham and the application site (the route for HGVs as set out in the Framework Construction Traffic Management Plan) has been carried out and submitted to the Local Planning Authority within three months of the completion of the development hereby approved.
- iii. A method statement has been submitted to the Local Planning Authority and approved in writing identifying how any damage to the carriageway or highway verge, which may be inadvertently caused as a result of the development, will be made safe and remediated in full by the developer at their cost.

REASON: To ensure any significant impacts on the highway network, or on highway safety from construction vehicles associated with the development, can be cost effectively mitigated to an acceptable degree in accordance with the National Planning Policy Framework (2021).

**22. Biodiversity Net Gain**

Prior to commencement of development a final Biodiversity Net Gain plan demonstrating Biodiversity Net Gain of at least 22.32 habitat units and 2.65 hedgerow units and 30-year management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be implemented in accordance with the approved plans and no later than 1 year following commencement of development.

REASON: To enhance the biodiversity of the area, having regard to Harborough Local Plan Policy GI5, and the National Planning Policy Framework.

**23. Wildlife Management Plan**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Wildlife Management Plan, to include as appropriate detailed proposals for the protection of bats, birds, reptiles, great crested newts and badgers, and measures for the mitigation (in accordance with the submitted Ecological Reports) of any harm likely to be caused by the development. This mitigation shall include:

1. pre-removal checks for bat roosts of the four trees and buildings identified as having bat-roost potential;
2. a sensitive lighting plan and strategy, featuring no permanent lighting along Welland Avenue and minimise impacts on currently-dark areas;
3. the installation of new Barn Owl boxes (refer to section 5 and 6 of the Barn Owl report);
4. the installation of new bat boxes (refer to section 6 of the Bat Activity survey;
5. relocation of the main Badger sett, with an updated survey to be carried out (and submitted to the LPA for approval) in the 6 months immediately prior to the programmed start of site clearance (refer to the Badger Bait-marking Survey and Relocation Strategy).
6. Hedgehog checks to be carried out prior to the clearance of vegetation, debris, or other locations where they may shelter

7. The provision of a minimum of 10 hedgehog homes within the application site. The development shall be carried out in accordance with the approved management plan.

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

**24. Nest Seasons**

Demolition of buildings/structures, felling of trees and removal of shrub and scrub and commencement of other enabling works shall not be carried out during the nesting season. If any works are required during the nesting season, this shall be carried out following the all clear from a nest check carried out by a suitably qualified ecologist. Any active nests must be safeguarded with a 5m stand-off using road pins and hazard tape or fencing.

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

**25. 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.

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

**26. Surface Water Management**

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

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.

**27. Surface Water Maintenance**

No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority.

REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.

**28. Infiltration Testing**

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

REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

**29. Watercourse Diversions**

Prior to approval of the Reserved Matters, full details of diverted and removed watercourses are to be submitted and approved in writing by the Local Planning Authority.

REASON: To ensure that sufficient space is available for maintenance access with minimal culverting, and consideration of blockage risk.

**30. Archaeology**

No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include:

- a) the statement of significance and research objectives,
- b) the programme and methodology of site investigation and recording
- c) the nomination of a competent person(s) or organisation to undertake the agreed works
- d) the programme for post-investigation assessment and subsequent analysis, publication &
- e) dissemination and deposition of resulting material.

This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

REASON: To ensure satisfactory archaeological investigation and recording

**31. Risk Based Land Contamination Assessment**

No development (except any demolition permitted by this permission) shall commence on site, or part thereof, until a Remedial Scheme and a Verification Plan has been submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

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

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

- a) Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- b) CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- c) BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- d) CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases"
- e) CIRIA, 2014
- f) 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 must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority.

If required, the Risk Based Land Contamination Assessment shall be carried out in accordance with:

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

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

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

### **32. Completion/Verification Investigation Report**

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

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

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

### **33. Noise**

Concurrent to the submission of the Reserved Matters, an updated noise survey shall be submitted to the LPA for approval. This survey should take account of the fixed limits which were set in noise assessment for fixed plant and any potential mitigation that can be provided in terms of screening.

*REASON: To ensure that the residential amenity of surrounding properties is afforded adequate protection and to ensure compliance with Policy GD8 of the Harborough District Local Plan*

**34. Construction (Traffic) Environment Management Plan**

No development shall take place, including any site works, until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The CEMP shall provide for, and include details of the timing of the provision of:

- 1) the parking of vehicles for site operatives and visitors;
- 2) The means of access and routing for demolition and construction traffic and indication of signage locations to assist those delivering to the site
- 3) details of a Construction Communications Strategy which contains points of contact and details for residents to report HGVs utilising inappropriate routes;
- 4) A construction travel plan
- 5) temporary highway works;
- 6) 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.
- 7) Footpath diversions where necessary
- 8) Proposed mitigation schemes on the highway network where necessary
- 9) measures to protect the trees and hedges to be retained within the site during the construction works (having regard to British Standard 5837 (2012) 'Trees in relation to design, demolition and construction – recommendations') including the periods before and after materials, machinery and equipment are brought onto site;
- 10) measures to protect the wildlife habitats and wildlife corridors during the duration of the construction works;
- 11) measures for the eradication of invasive non-native species
- 12) details of ongoing invasive non-native species monitoring
- 13) measures to control the emission of dust and dirt during construction;
- 14) measures for the control of lighting of compounds and works during construction;
- 15) details of the management of surface water run-off on site during construction of the development, to include details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction;
- 16) hours of operation, including the hours of construction and the hours for the loading/unloading of materials;
- 17) details of any piling operation to be undertaken;
- 18) Construction noise and vibration strategy
- 19) loading and unloading of plant and materials;
- 20) storage of plant and materials used in constructing the development;
- 21) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- 22) location, layout and scale of contractors compound;
- 23) the storage of fuel and chemicals;
- 24) Earthworks and soil management strategy in accordance the 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites', DEFRA 2009 (as amended)
- 25) Sustainable site waste management plan for recycling/disposing of waste resulting from demolition and construction work;
- 26) Details of carbon neutrality or carbon emission minimisation measures to be implemented

The approved CEMP shall be adhered to throughout the construction period for that phase of development to which it relates.



REASON: To ensure that the residential amenity of surrounding properties is afforded adequate protection; to ensure the protection of the highway network; to protect the surrounding environment and habitats; and to protect the amenity of the area in accordance with Policies GD8 and GI5 of the Harborough District Local Plan

## **Informatives**

### **1. Burning of waste**

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.

### **2. Hours of work**

Other Building works, deliveries, clearance or any works in connection with the development shall take place on site between the hours of 08.00 – 18.00 hours Monday to Friday, 08.00 – 13.00 Saturday and at No time on Sunday or Bank Holidays.

### **3. Downstream Flooding**

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy. If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>. Once submitted, we will work with you in developing a feasible mitigation solution.

### **4. Drainage**

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Foul water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:

- Development size
- Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped
- discharge rate is 3.8l/s)
- Connecting manhole discharge location (No connections can be made into a public rising main)
- Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information
- can be found on our website)
- Feasible mitigation strategy in agreement with Anglian Water (if required)

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

### **5. Protection of existing assets**

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

**6. Building near to a public sewer**

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

**7. Drainage adoption**

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

**8. PRoW re-routing**

A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.

**9. PRoW surface**

Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Local Highway Authority.

**10. Network Management**

The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk)

**11. SUDS**

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.

**12. Drainage**

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

**13. Surface Water Management**

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.

**14. Surface Water Maintenance Plan**

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.

**15. Infiltration**

The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach. Where infiltration is deemed viable, proposed infiltration structures must be designed in accordance with CIRIA C753 "The SuDS Manual" or any superseding version of this guidance.

**16. Culverting**

The scheme shall include full consideration of Leicestershire County Council's Culverting Policy (Flood Risk Management Strategy Appendix – A3 P1.1 Policy 1) through minimising the length of watercourse being culverted by the proposals.

**17. Ordinary Watercourse**

Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted.

Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>

**18. Culverting**

Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

This consent does not consider local watercourse bylaws. It is the responsibility of the applicant to check if the local borough or district council has their own bylaws which the proposals will also need to consider.

**19. Standing Advice – Maintenance**

Note that it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.

**20. Standing Advice – Overland flow routes**

Overland flow routes as shown on the update map for surface water should be considered such that buildings are not placed directly at risk of surface water flooding. Such flow routes should be utilised for roads and green infrastructure

**21. Standing Advice – Ditches**

Where a drainage ditch adjoins or flows through a development, provision should be made such that the ditch can be made throughout the life of the development. The ownership and responsibility for maintenance of the ditch should also be clearly identified and conveyed to the relevant parties.

**22. BNG**

The applicant should be aware that if plans change significantly, the metric will need to be re-run at the reserved matter stage.

**23. Consdtruction (Traffic) Management Plan**

Construction traffic management arrangements shall be implemented in accordance with the 'Gartree 2 - Framework Construction Traffic Management Plan', Revision P04, dated 10 August 2021 prepared by Atkins and submitted to the Local Planning Authority on 20 September 2021.

## Appendix B – S106 Obligations

Request by HDC	Obligation for Local Labour Agreement		
Amount /Detail	Delivery	CIL Justification	Policy Basis
To submit to the Council for approval the Local Labour Agreement setting out the measures to be implemented in order to secure employment opportunities for local people during both the Construction and Operational phases of the development	Not less than three months prior to the commencement of the development	To ensure that the development provides employment benefits to the local community	Objective 2 and Policy IN1 of the Harborough District Local Plan 2011-2031  HDC Planning Obligations Supplementary Planning Document Jan 2017.  LCC Planning Obligations Policy 2019
Request by HDC	Obligation for Community Engagement Scheme		
Amount /Detail	Delivery	CIL Justification	Policy Basis
To submit to the Council for approval the Community Engagement / Enhancement scheme setting out the measures to be implemented in order to secure public benefits for the local community	Not less than three months prior to the first operation of the development  Scheme to be revisited and resubmitted every 5yrs  Scheme to be revisited and resubmitted no later than 6 months prior to any potential change in Security Category	To ensure that the development provides public community benefits for the local community  To ensure that deliverable benefits are appropriate to the needs of the community at the time  To ensure that the deliverable benefits are appropriate to the off-set the potential impacts of the altered security category	Local Plan Vision, Objective 5 and Policy IN1 of the Harborough District Local Plan 2011-2031  HDC Planning Obligations Supplementary Planning Document Jan 2017.  LCC Planning Obligations Policy 2019
Request by LCC	Obligation for Biodiversity Net Gain		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Biodiversity Net Gain – On-site enhancement  Provision of on-site enhancement that has the capacity to provide Biodiversity Net Gain of at least 22.32 habitat units	To be implemented in accordance with the approved plans and no later than 1 year following commencement of development.	To ensure that the development will deliver measurable net gains in biodiversity as proposed in the application to meet with national policy.  Measures use a recognised methodology based on objective evidence to assess and calculate biodiversity impact (Natural England, Metric 3.0, July 2021)	Policy G15 and IN1 of the Harborough District local Plan 2011-2031  The Framework paragraphs 180d  Harborough Infrastructure Development Plan 2017



and 2.65 hedgerow units and 30-year management plan			HDC Planning Obligations Supplementary Planning Document Jan 2017.  Environment Act
<b>Request by LLC</b>	<b>Obligation for Highways</b>		
<b>Amount /Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
Improvements to the Public Right of Way (A22) linking Gallow Field Road and Swingbridge Street  <b>£102,898.00</b>	Prior to commencement of the development	To protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework 2021.	Planning Obligations SPG (Jan 2017)  Leicestershire Planning Obligations Policy Adopted 10 July 2019
Appointment of a Travel Plan Co-ordinator.	From commencement of development until 5 years after the first occupation of the facility	To ensure effective implementation and monitoring of the Travel Plan submitted in support of the Planning Application.  The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.	
Travel Plan monitoring fee  <b>£6,000</b>	Prior to first use of the development	To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.	

## Appendix C – Leicestershire County Council Highways substantive comments

### **Substantive response of the Local Highway Authority to a planning consultation received under The Development Management Order.**



Response provided under the delegated authority of the Director of Environment & Transport.

---

#### **APPLICATION DETAILS:**

Planning Application Number: 21/01600/OUT

Highway Reference Number: 2021/1600/03/H/R1

Application Address: Land Adj HM Prison Welland Avenue Gartree Lubenham Leicestershire

Application Type: Outline

Description of Application:

Re-consultation. Outline Planning Application with all matters reserved except for means of access and scale for the construction of a new Category B prison of up to 82,555sqm within a secure perimeter fence together with access, parking, landscaping and associated engineering works

---

#### **GENERAL DETAILS**

Planning Case Officer: Mark Patterson

Applicant: Ministry Of Justice

County Councillor: Phil King

Parish: Lubenham

Road Classification: Unadopted / Private

---

#### **Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:**

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.

#### **Advice to Local Planning Authority**

##### **Background**

This is the Local Highway Authority's (LHA) second formal response to the planning application for a new Category B prison of up to 82,555sqm within a secure perimeter fence together with access, parking, landscaping and associated engineering works on land adjacent to the existing HM Prison, Welland Avenue, Gartree.

In the initial highway observations dated 4 October 2021 the LHA advised that given the volume of evidence submitted in support of the planning application the LHA needed more time than the statutory consultation period to formulate its substantive response.

The impact of the proposed development as set out in the Atkins Transport Assessment (TA) Version 2 (dated 12 August 2021) has now been reviewed and forms the basis of further formal observations along with the other highways and transport information referenced below:-

- Planning application form;
- Cushman and Wakefield covering letter dated 10 September 2021;
- Cushman and Wakefield document ref: 661277-0000-CUS-GTX0000-XX-RP-T-0001, 'Gartree 2 - Planning Statement', Revision P02, dated 11 August 2021;
- Pick Everard, document ref: 'Gartree 2- Design and Access Statement', Revision P09, dated 31 August 2021;
- Pick Everard drawing number: 61277-00-PEV-GTX0011-ZZ-DR-A-9000, 'Site Location Plan - Existing', Revision P04, dated 30 July 2021;
- Pick Everard, drawing number: 661277-0000-PEV-GTX0011-ZZ-DR-A-9002, 'Site Block Plan - Proposed Planning', Revision P06, dated 3 August 2021;
- Atkins document ref: 661277-0000-ATK-GTX0000-XX-RP-X-0002, 'Gartree 2 - Outline Travel Plan', Revision P06, dated 12 August 2021; and
- Atkins document ref: 661277-0000-ATK-GTX0000-XX-RP-X-0003, 'Gartree 2 - Framework Construction Traffic Management Plan', Revision P04, dated 10 August 2021.

#### **Proposed Development**

The LHA understands the proposed development will cover two parcels of land primarily to the north and south of Welland Avenue with a smaller parcel of land just south of Gallow Field Road and provide a range of buildings / facilities on land including:

- Seven new houseblocks each accommodating up to 245 prisoners (1,715 prisoners in total), totalling c.53,122 sqm GEA;
- Supporting development including kitchen, workshops, kennels, entrance resource hub, central services Hub and support buildings, totalling c. 29,433 sqm GEA; and
- Ancillary development including car parking (c. 523 spaces), internal road layout and perimeter fencing totalling 1463 linear meters enclosing a secure perimeter area of 11.69 ha; and

The Applicant anticipates that there will be up to 858 employees who will work in various shift patterns. Further details of the predicted number of trips the proposed development could generate can be found later on in these observations.

The location of the proposed development is shown in Figure 1 below:



Figure 1 - Site Location Plan reproduced from Figure 1 in Cushman and Wakefield Planning Statement

### **Site Access**

Vehicular access to the proposed development is proposed to be taken from Welland Avenue which is private road before it joins the public highway at Gallow Field Road to the north and Foxton Road to the south. The Applicant has indicated that all traffic associated with the prison will be required to arrive / depart via Foxton Road to reduce the impact of the development on the residents of Welland Avenue.

The Applicant has submitted a traffic calming scheme for Welland Avenue (Appendix E of the TA) to encourage traffic associated with the prison to arrive and depart via Foxton Road. The Applicant has also submitted several swept path drawings for larger vehicles that will visit the site.

As Welland Avenue is a private road, the LHA understands that the Applicant has designed the vehicular access to meet their specific requirements and therefore has no further comments to make on the site access arrangements. However, the LHA does not consider that an agreement on the routing of development traffic avoiding the northern section of Welland Avenue can be secured by planning condition. This is a matter for the LPA to consider.

### **Highway Safety**

The Applicant has undertaken a review of the Personal Injury Collision (PIC) data for a period of five years from 2016 to 2020. The study area reviewed covers the following links / junctions:



- Welland Avenue link between Gallow Field Road and Foxtan Road;
- Gallow Field Road link between B6047 Harborough Road and Welland Avenue;
- Gallow Field Road link between Welland Avenue and Foxtan Road;
- Foxtan Road link between Gallow Field Road and Welland Avenue;
- Foxtan Road link between Welland Avenue and A4304 Lubenham;
- Gallow Field Road / B6047 Harborough Road junction;
- Gallow Field Road / Welland Avenue junction;
- Gallow Field Road / Foxtan Road junction;
- Foxtan Road / Welland Avenue junction; and
- Foxtan Road / A4304 Lubenham junction.

The Applicant has included the study area in Figure 3.5 of the TA which is reproduced below in Figure 2. Full details of the PIC data are in Appendix B of the TA.

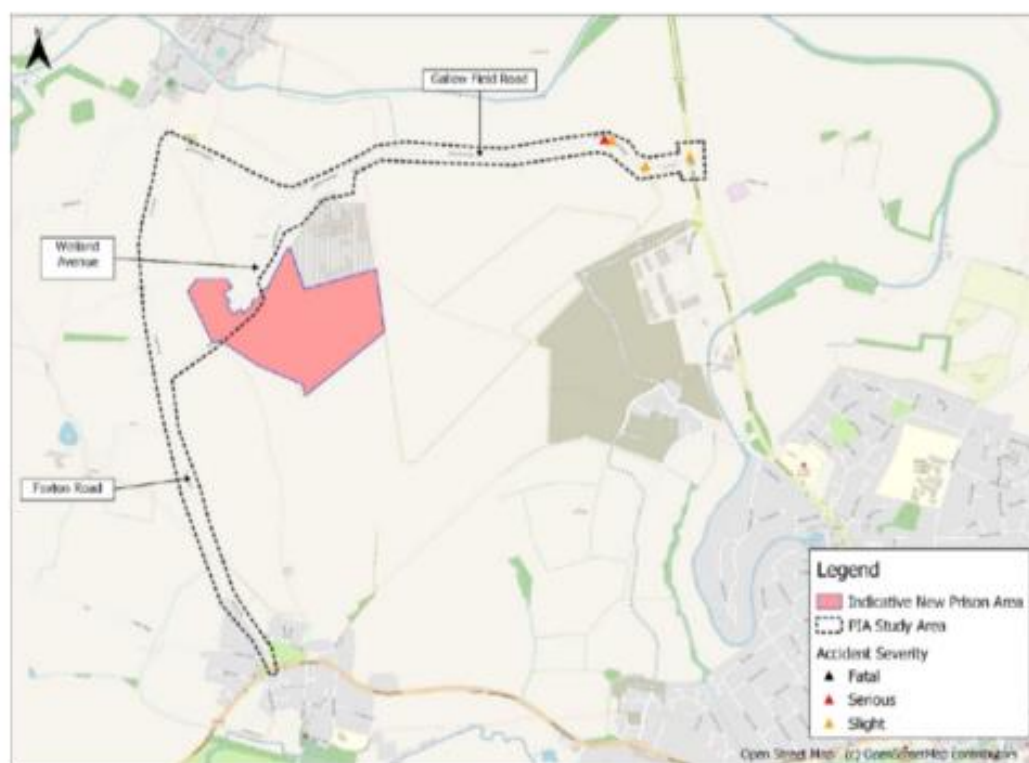


Figure 2 - Personal Injury Collision study area reproduced from Figure 3.5 of the TA

To ensure the latest PIC data has been reviewed the LHA has checked its own database for the period 1 January 2016 to 30 August 2021. This shows that there were six PICs during period under consideration. The key findings of the LHA's review are detailed below:-

- Four slight and two serious collisions in the study area during period under consideration; and



- One collision in 2016 and 2017, two collisions in 2018 and two collisions in 2021. There were no personal injury collisions in 2019 and 2020.

The LHA note that four of the PICs included motorcycles, however further analysis of the details of the collisions does not indicate any pattern and given there is only predicted to be 10 (two-way trips) motorcycle trips per day from the proposed development a scheme of mitigation cannot be justified.

The LHA are aware of local concerns with the Gallow Field Road / B6047 Harborough Road junction and therefore the LHA advised the Applicant to pay particular attention to this junction in their assessment. The PIC data shows that there has been just one collision in the last 5-year period. This occurred in October 2017, and was classified as slight. The collision involved a turning movement from Leicester Lane right onto the B6047. Therefore, it cannot be demonstrated that there is an accident pattern that the proposed development exacerbate.

Based on their review of the PIC data the Applicant has concluded that there are no existing spatial clustering or trends that the proposed development would exacerbate. Following its own analysis of the PIC data, the LHA agrees with this conclusion.

### **Trip Generation**

Given the bespoke nature of this planning application the Applicant has based the trip generation on information used for planning applications for HMP sites elsewhere in the country. The LHA accept that this is a reasonable, evidence-based approach.

The LHA understands that uniform and non-uniformed staff will work a variety of shift patterns. The uniformed staff work in four shifts with the majority of uniformed staff (48%) arriving at the site before 08:00 and finishing at 17:30. The split for non-uniformed staff is approximately 50/50 between 08:30 to 16:30 or 09:30 to 17:00. Further details of the shift patterns for the proposed development are shown in Table 5.1 of the TA.

Based on the shift patterns the Applicant has then compared the network peak hour and the development peak hour trip generation at the Harborough Road/ Gallow Field Road/ Leicester Lane junction and the Gallow Field Road/ Foxton Road junction. The analysis demonstrated that the development peak occurs outside of the network peak at both locations. However the Applicant has considered the impact of the proposed development in two separate time periods; AM (07:00-08:00) and PM (17:00 - 18:00).

The Applicant has analysed the Journey to Work data from the 2011 Census to understand likely travel modes of staff and visitors. Whilst the Applicant has split the staff trips by mode the visitor and legal visits have been based purely on car trips due to the location of the proposed development and the fact these trips are from all over the country, which reduces the travel options available. This approach is considered to be robust.

Vehicles per hour						
	AM Peak (07:00 to 08:00)		PM Peak (17:00 to 18:00)		Daily	
	IN	OUT	IN	OUT	IN	OUT
Staff	205	21	0	240	538	538
Visitors	0	0	0	17	134	134
<b>Total</b>	205	21	0	257	672	672

Table 1: Details of trip generation for proposed development

#### Trip Distribution

After establishing the number and mode of trips predicted to be generated by the proposed development, the Applicant has also considered the origin and destinations for these trips. The trips have then been assigned to the network. Details of the trip distribution are reproduced in Table 2 below:

Route	Distribution
A – A4302 Theddingworth Road (West)	19%
B – A4304 Harborough Road (East)	25%
C – B6047 Harborough Road (South)	17%
D – B6047 Harborough Road (North)	38%
<b>Total</b>	100%

Table 2: Estimated Vehicle Trip Distribution

Whilst there is the possibility of some of the northbound trips (to Leicester) going through the village of Foxton, the Applicant has predicted that this would only equate to 22 trips in the AM peak hour and 18 in the PM peak hour. Based on these figures the LHA cannot justify any mitigation within the village of Foxton on grounds of highway safety or capacity when considering the tests set out in the National Planning Policy Framework (NPPF).

Given the proposed routing of traffic is via the classified road network the LHA is satisfied with the trip distribution.

#### Highway Impact

To understand the impact of the proposed development on the public highway the Applicant has considered the baseline situation in 2021 and then the future scenario when the prison is due to open in 2025.

### Traffic Surveys

To establish the baseline position the Applicant undertook several traffic surveys (classified turning counts and automatic traffic counters) in June 2021 at the following key locations in the vicinity of the proposed development:

1. B6047 Harbrough Road / Leicester Lane / Gallow Field Road;
2. Gallow Field Road / Welland Avenue;
3. Gallow Field Road / Foxton Road;
4. Foxton Road / Welland Avenue;
5. A4304 / Foxton Road;
6. Gallow Field Road;
7. Foxton Road;
8. Welland Avenue (North); and
9. Welland Avenue (South).

Due to changes in traffic as a result of the Covid-19 pandemic the LHA advised the Applicant that traffic surveys conducted in June 2021 would need to have a factor applied to increase these flows to pre-pandemic levels. The Applicant has confirmed that "Covid factors" have been applied by the survey company prior to submission of the traffic flow data. The location of the traffic surveys is shown in Figure 7.2 of the TA and reproduced in Figure 3 below:

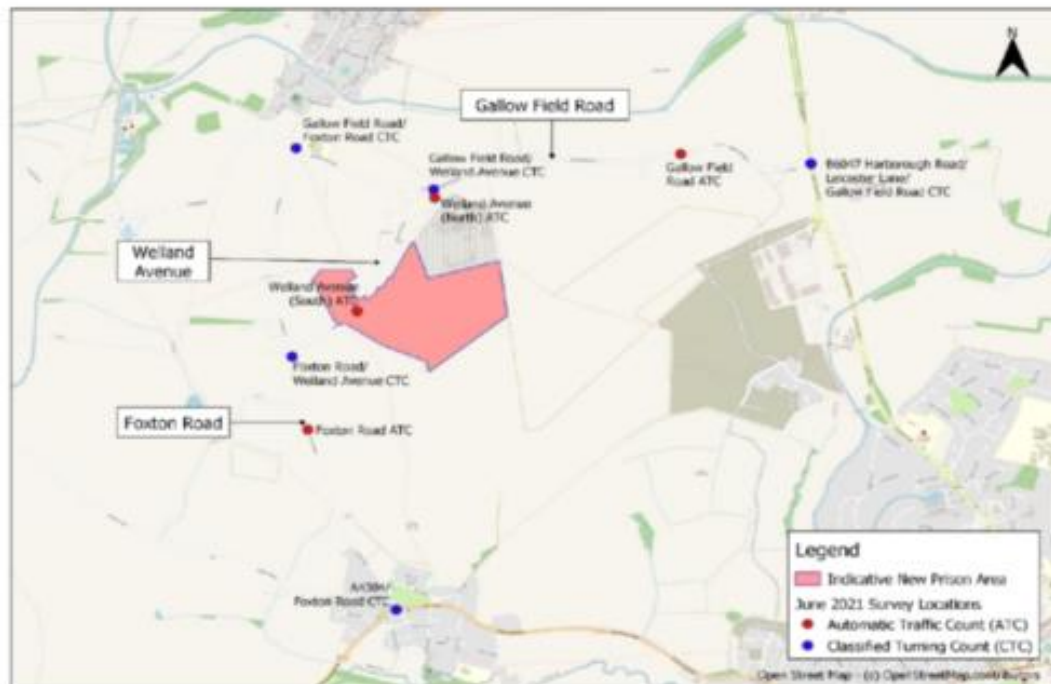


Figure 3 - Location of traffic surveys reproduced from Figure 7.2 of the TA



### Future Scenarios

The Applicant has applied a growth factor calculated from TEMPRO to the 2021 traffic surveys to create a 2025 baseline scenario ie without the proposed development. The growth factors, which have been checked and are acceptable, are reproduced below:

2021 to 2025: AM Peak = 1.0721; and  
2021 to 2025: PM Peak = 1.0729

### Junction Capacity Assessments

The following junctions were identified for further, detailed assessment using industry standard junction assessment software and the flows from the traffic diagrams in Appendix I of the TA:

1. Proposed Site Access/ Welland Avenue junction;
2. B6047 Harborough Road / Leicester Lane / Gallow Field Road junction;
3. A4304 / Foxton Road junction; and
4. Gallow Field Road / Foxton Road junction.

As referenced above the Applicant has assessed the AM peak (07:00 - 08:00) and PM peak (17:00 - 18:00) for the following scenarios

- 2021 Baseline;
- 2025 Opening Year without development; and
- 2025 Opening Year with development.

Junctions 9 software allows a range of traffic flow profiles to be adopted when undertaking peak period model runs. Generally, an RFC (Ratio of Flow to Capacity) of below 0.85 (for roundabout and priority junctions) indicates that a junction operates within capacity for the assessed flows. An RFC of over 1.0 indicates that a junction operating over capacity.

The LHA has fully reviewed junction models and results of the junction capacity assessments and is satisfied that there are no capacity issues with any of the junctions that would justify a scheme of mitigation in accordance with the tests set out in the NPPF. The junction model outputs are contained in Appendices M - P of the TA.

### Internal Layout

The Applicant has indicated that there will be 523 parking spaces which includes 16 accessible parking spaces, 53 electric vehicle charging spaces and 27 car sharing users. The LHA also welcome the Applicants intention to provide 51 cycle parking spaces as part of the proposed development. The LHA would advise the Applicant that the cycle parking should be secure and undercover.

The LHA have no standards in the Leicestershire Highway Design Guide (LHDG) for prisons so the parking provision is based on end user requirements. Chapter 6 of the TA provides further analysis and justification of the level of parking being provided. This assessment indicates that based on staff/visitor arrivals at the site and considering shift patterns and accumulation there will be a maximum of 506 vehicles on the site at any time.

Notwithstanding the above, the planning application is in outline with all matters reserved except for means of access and scale, so the LHA will review the internal layout of the proposed development at the Reserved Matters stage in the event that planning permission is granted.

Further details of the indicative layout and the methodology for the parking accumulation study can be found in Appendix C and J of the TA.

#### **Transport Sustainability**

The Applicant has investigated the opportunities for employees to access the site by sustainable modes of travel i.e. walking, cycling or public transport. There are only limited opportunities for walking to / from the site but the villages of Foxton and Lubenham are a 10 minute cycle journey to the site or Market Harborough is 20 minutes away by cycle.

The site is served by the number 44 bus service, which travels between Fleckney, Market Harborough, and Foxton. The service currently operates once every one to two hours Monday – Saturday, with no Sunday service. The existing 44 bus route operates a one-way loop from the B6047 Harborough Road/ Gallow Field Road/ Leicester Lane junction around Foxton and Gartree. The service from Market Harborough towards Foxton routes via Langton Road, and does not route via Gartree. The nearest bus stop to the proposed development is Gartree, located on Gallow Field Road which would allow employees just a 10 minute walk to the prison.

#### **Travel Plan**

In line with the scale and type of development the Applicant has submitted a Travel Plan (TP) which outlines how the Applicant will reduce the number of single occupancy car journeys and also encourage employees to use sustainable modes of travel where possible.

After a review of the TP the LHA would advise the Applicant that the general principles of the TP are acceptable. The existing travel behaviours have been calculated from the 2011 Census data and not the existing prison staff and visitor travel patterns. The Applicant has confirmed to the LHA that this approach has been used primarily due to sensitivities/security issues around the origin/destination data for staff/visitors at the existing prison which is confidential.

Based on the assessment, measures and targets included in the TP, and the fact the LHA has received clarification on the approach taken by the Applicant, the LHA is satisfied that this document can be secured by way of a planning condition. To ensure the travel plan is monitored for a period of five years post occupation, the LHA will require a monitoring fee of £6,000 to be paid prior to first use of the development to be included in the Section 106 agreement.

#### **Public Right of Way**

Public footpath A22 runs through the proposed development site. Whilst further details of how the existing PROW is to be treated will emerge through any subsequent Reserved Matters submission, the LHA has advised a condition below for submission of a scheme for the treatment of the PROW to be submitted and agreed.

Furthermore, the LHA would seek a contribution of £102,898 for improvement works to footpath A22 outside of the proposed development between Gallow Field Road and Swingbridge Street



Foxton. This contribution will cover the cost of re-laying 300 metres of pathway to a 2m width in standard tarmac and associated works e.g. timber edgings etc. to improve the route to school, noting the additional traffic that the proposed development would generate to the frontage of the primary school.

#### **Framework Construction Traffic Management Plan (FCTMP)**

The LHA understands the construction works are predicted to last 36 months and therefore the Applicant has submitted a Framework Construction Traffic Management Plan (FCTMP) which outlines the systems and procedures which will be put in place to manage these works. The LHA has now had the opportunity to review the FCTMP and offers comments on the highway elements of the plan below.

#### **Parking of Site Operatives / Visitors**

The LHA welcomes the Applicant's commitment to provide appropriate loading/unloading and parking areas for construction vehicles to eliminate the requirement for construction vehicles to park or wait on the public highway.

Furthermore the Applicant has confirmed that at no time will construction personnel, including contractors and suppliers, be authorised to park outside of the site boundary, including on the public highway, unless prior permission has been granted by either the relevant landowner or the LHA.

Given the location and size of the proposed development site the LHA considers it unlikely that any vehicles will be required to park on the public highway. The LHA would advise the Applicant to provide adequate parking for all site operatives within the site to ensure there is no overspill parking on the public highway on Gallow Field Road or Foxton Road.

#### **Wheel Cleaning**

The FCTMP confirms that deleterious material on the local highway network will be kept to a minimum. The Applicant is proposing that a wheel washing station be positioned within the compound to prevent unwanted mud and debris leaving the site and a road sweeper will be used as required.

The parking areas are proposed to be constructed with hard surfacing and the Applicant has confirmed that all vehicles working within the site that accumulate mud and debris will not exit the site until they have been sufficiently washed down beforehand.

The LHA welcome the approach to wheel cleaning and note that any construction vehicles will exit via Welland Avenue before they join the public highway. Nevertheless, the LHA would remind the Applicant that it is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and they should make every effort to prevent this occurring.

#### **Construction Hours and Delivery Times**

The Applicant has confirmed that they will consider programming the timing of deliveries to reduce the impact on the local highway network. Typical working hours will be during daylight periods, although some deliveries may be programmed outside of the traditional network peak hours.

Nevertheless, the LHA would advise the Applicant that whenever possible deliveries should be scheduled to take place outside the network peak hours.

There will be no construction works undertaken out of hours, on a Sunday or on a Bank Holiday, without prior consultation with the relevant stakeholders.

Notwithstanding the above the operational hours of the site is also an amenity issue for further consideration by the LPA.

#### Routing of Construction Traffic

Following discussions with the LHA the Applicant has confirmed that construction vehicles and deliveries will come from the south and will route from the A4304 then Foxton Road and Welland Avenue to the site. The Applicant has stated that construction vehicles will not be permitted to use the northern section of Welland Avenue or route north via the Gallow Field Road / Foxton Road junction.

The LHA considers the choice of routing using an A classified road to be appropriate.

#### Temporary Construction Access

The LHA understands the Applicant will require a temporary construction access which will be located along the southern section of Welland Avenue. The layout of the temporary construction access is shown in Appendix B of the TA. Once again this access is onto a private road so the LHA has no further comments on this element of the development and any necessary permissions should be sought by the Applicant.

#### Principles of Signage

The Applicant has provided a summary of the signing strategy that is proposed to be erected on the local highway and will apply throughout the construction phase of the project. The details of the signage can be agreed at a later date should the Applicant secure planning permission for the proposed development. Nevertheless, the LHA would advise the Applicant to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works and location of temporary signage. The team can be contacted at: [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk)

The LHA considers the FCTMP to be acceptable, however the LHA would advise the Applicant to continue to monitor the content of the FCTMP and amend if required as any construction works progress.

#### Closing

Based on the transport information submitted the Applicant considers that a safe and suitable access to serve the proposed development could be delivered on the private access road in line with Paragraph 110 of the National Planning Policy Framework. 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 following conditions and contributions.

## **Conditions**

1. Construction traffic management arrangements shall be implemented in accordance with the 'Gartree 2 - Framework Construction Traffic Management Plan', Revision P04, dated 10 August 2021 prepared by Atkins and submitted to the Local Planning Authority on 20 September 2021.

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

2. The development hereby permitted shall be brought into use in accordance with the targets and measures contained in the Atkins, 'Gartree 2 - Outline Travel Plan', Revision P06, dated 12 August 2021 and submitted to the Local Planning Authority on 20 September 2021.

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).

3. Notwithstanding the submitted plans no development shall take place until a scheme and timetable for delivery for the treatment of Public Right of Way (PROW) A22 through the proposed development site to Welland Avenue has been submitted and approved in writing by the Local Planning Authority. This scheme shall include provision for the management of the PROW during construction (including any arrangements for a temporary diversion) fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the approved scheme and timetable.

Reason: To protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

4. The development hereby permitted shall not commence unless and until:

- i. A pre-development condition survey of Foxton Road between A4304 Lubenham and the application site (the route for HGVs as set out in the Framework Construction Traffic Management Plan) has been carried out and submitted to the Local Planning Authority and approved in writing.

- ii. A post development condition survey of Foxton Road between A4304 Lubenham and the application site (the route for HGVs as set out in the Framework Construction Traffic Management Plan) has been carried out and submitted to the Local Planning Authority within three months of the completion of the development hereby approved.

- iii. A method statement has been submitted to the Local Planning Authority and approved in writing identifying how any damage to the carriageway or highway verge, which may be inadvertently caused as a result of the development, will be made safe and remediated in full by the developer at their cost.



Reason: To ensure any significant impacts on the highway network, or on highway safety from construction vehicles associated with the development, can be cost effectively mitigated to an acceptable degree in accordance with the National Planning Policy Framework (2021).

### **Contributions**

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

1. Construction traffic routing arrangements shall be implemented in accordance with the details included in the 'Gartree 2 - Framework Construction Traffic Management Plan', Revision P04, dated 10 August 2021 prepared by Atkins and submitted to the Local Planning Authority on 20 September 2021. During the period of construction, all traffic to and from the site shall always use the agreed route.

Justification: To ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site.

2. Prior to commencement of the development a contribution of £102,898.00 towards improvements to the Public Right of Way (A22) linking Gallow Field Road and Swingbridge Street shall be paid to Leicestershire County Council.

Justification: To protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework 2021.

3. Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after the occupation of the last unit. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.

Justification: To ensure effective implementation and monitoring of the Travel Plan submitted in support of the Planning Application.

4. Prior to first use of the development hereby permitted a Travel Plan monitoring fee of £6,000 shall be paid to Leicestershire County Council for the use of Leicestershire County Council's Travel Plan Monitoring System.

Justification: To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.

### **Informative**

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

If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.

Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Local Highway Authority.

The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk)

**Date Received**  
**4 October 2021**

**Case Officer**  
**David Hunt**

**Reviewer**  
**RH**

**Date issued**  
**1 November 2021**





## TECHNICAL NOTE

# Gartree 2 Prison, Market Harborough

## LCC APPLICATION REVIEW

### IDENTIFICATION TABLE

Project	Gartree 2 Prison, Market Harborough
Title of Document	LCC Application Review
Document reference	GB01T22A11-TN001.
Type of Document	Technical Note
Date	07/02/2022
Number of pages	11

### TABLE OF CONTENTS

1.	INTRODUCTION	2
1.1	CONTEXT	2
2.	TRANSPORT ASSESSMENT REVIEW	3
2.1	TRIP RATES	3
2.2	TEMPRO GROWTH FACTORS	3
2.3	TRAFFIC SURVEYS AND MODEL DATA FOR CAPACITY ASSESSMENTS	4
2.4	COMMITTED DEVELOPMENT	6
2.5	TRAFFIC FLOW ASSESSED	6
2.6	JUNCTION CAPACITY MODELLING	7
2.7	PERSONAL INJURY ACCIDENT DATA	8
2.8	LUBENHAM JUNCTIONS / A4304 – ACCIDENT AND PEDESTRIAN AMENITY REVIEW	9
3.	CONCLUSION	11
3.1	INTRODUCTION	11
3.2	B6047 HARBOROUGH ROAD / LEICESTER LANE / GALLOW FIELD ROAD JUNCTION	11
3.3	LUBENHAM JUNCTIONS / A4304 – ACCIDENT AND PEDESTRIAN AMENITY REVIEW	11

## 1. INTRODUCTION

### 1.1 Context

- 1.1.1 A Transport Assessment (TA) was prepared by Atkins in August 2021 in relation to the proposed prison (referred to as Gartree 2) located adjacent to the existing HMP Gartree, in Leicestershire.
- 1.1.2 The TA accompanied a planning application (21/01600/OUT) which was submitted in September 2021 to Harborough District Council (HDC):

*"Outline planning application (All Matters Reserved except for means of access and scale) for the construction of a new Category B prison of up to 82,555sqm within a secure perimeter fence, together with access, parking, landscaping and associated engineering works"*

- 1.1.3 Leicestershire County Council (LCC) Highways team then provided comments relating to the transport aspects of the proposed development. These are outlined in the comments report issued by LCC on 1<sup>st</sup> November 2021.
- 1.1.4 This Technical Note has been produced to provide a review of LCC Highway advice on 21/01600/OUT to assess whether the comments made by the LHA are appropriate, in particular focusing on the following perceived local concerns:
- Capacity of the Gallow Field Road / B6047 junction; and
  - Requirement for a pedestrian crossing of the A4304 at Lubenham close to the Foxton Road / A4304 Lubenham junction.
- 1.1.5 To review how appropriate the testing of Gallow Field Road / B6047 junction is, we have reviewed the trip generation, reviewed the committed developments that also impact this junction, and have reviewed the level of flows tested by these committed developments in context of the limitations that this application faced due to the covid pandemic.
- 1.1.6 To review the potential requirement for pedestrian crossing provision over the A4304, a consideration of the development flows impacting this area has been undertaken, on top of expected base flows, to allow a judgement to be made as to the appropriateness of linking the implementation of a crossing due to impact of the development.

## 2. TRANSPORT ASSESSMENT REVIEW

### 2.1 Trip Rates

- 2.1.1 The TA provides a trip generation methodology within Appendix F for both staff and visitor trips. Appendix F outlines how a lack of publicly available information resulted in the staff trip generation being based on information used for historic planning applications at three HMP sites elsewhere in the country, including one in Leicester. The TA also states that the Ministry of Justice (MoJ) was also consulted on the proposed trip generation to ensure that it remains robust and up to date.
- 2.1.2 The Local Highway Authority (LHA) accept that this is a "reasonable, evidence-based approach". SYSTRA agrees with LCC that this approach is acceptable.
- 2.1.3 The visitor trip generation has been based on an assumption that all visitor / legal trips to the facility will be made using private car, which the LHA consider to be robust. SYSTRA agrees that this is an appropriate assumption to inform the trip generation calculations.
- 2.1.4 The calculated trip generation provided in Appendix F of the TA is summarised in Table 1 below.

Table 1. Staff and Visitor Trip Generation

	AM PEAK (07:00-08:00)		PM PEAK (17:00-18:00)		DAILY	
	IN	OUT	IN	OUT	IN	OUT
STAFF	205	21	0	240	538	538
VISITORS	0	0	0	17	134	134
TOTAL	205	21	0	257	672	672

### 2.2 TEMPro Growth Factors

- 2.2.1 Traffic growth factors were extracted from TEMPro v7.2 and applied to the June 2021 traffic count data to establish a 2025 future baseline within the TA. A summary of the TEMPro local growth factors provided in the TA are shown in Table 2 below.

Table 2. TEMPro Growth Factors

PEAK	2021-2025
AM	1.0721
PM	1.0729

- 2.2.2 The TA states that any committed development sites in the vicinity of the proposed development have been accounted for within TEMPro v7.2. SYSTRA note that growth within TEMPro is evenly distributed throughout the whole area, and the existence of a significant permitted development in the proximity of Gallow Field Road / B6047 junction is likely to impact the this junction at a higher level than TEMPro suggests.

2.2.3 SYSTRA was able to generate the same TEMPro growth rates outlined in Table 2, using rural TEMPro setting.

2.2.4 A large committed development to the southeast is currently under construction; this development has its own associated Transport Assessment outlining its specific trip impact and mitigation. This was permitted under permission 11/00112/OUT. We also note that application 21/00545/OUT – Airfield Park is currently under consideration for approval, having been submitted at a similar time. This application is located to the south west of the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction.

### 2.3 Traffic Surveys and Model Data for Capacity Assessments

2.3.1 To establish the baseline position the Applicant undertook traffic surveys (classified turning counts and automatic traffic counters) in June 2021 at the following locations in the vicinity of the proposed development:

1. B6047 Harborough Road / Leicester Lane / Gallow Field Road;
2. Gallow Field Road / Welland Avenue;
3. Gallow Field Road / Foxton Road;
4. Foxton Road / Welland Avenue;
5. A4304 / Foxton Road;
6. Gallow Field Road;
7. Foxton Road;
8. Welland Avenue (North); and
9. Welland Avenue (South).

2.3.2 Due to changes in traffic as a result of the Covid-19 pandemic the LHA advised the Applicant that traffic surveys conducted in June 2021 would need to have a factor applied to increase these flows to pre-pandemic levels. The Applicant confirmed that "Covid factors" have been applied by the survey company prior to submission of the traffic flow data.

2.3.3 It was also agreed with LCC that the 2021 traffic surveys would be validated against historic traffic data provided by LCC. In the context of establishing a base flow position, SYSTRA believe this is a fair methodology, and therefore agrees with the LHA.

2.3.4 However, since that point, additional data has become available, that was collected in 2019, and is associated with other submitted planning applications. There are also predicted flows associated with the historic Airfield Farm permission. For comparison, the traffic surveys and modelling predictions carried out by three other applications within the surrounding area, have been considered:

- 11/00112/OUT – Airfield Farm
- 21/00545/OUT – Airfield Park; and
- 21/01637/FUL – Leicester Road Market Harborough (Travis Perkins)

#### 11/00112-OUT – Land At Airfield Farm Leicester Road Market Harborough Leicestershire

2.3.5 This application undertook classified turning counts undertaken within the area which provided traffic flows for the following junctions on various dates between 2000 and 2009:

1. A6 Harborough Road / B6047 Harborough Road roundabout (9 March 2005);
2. Gallow Field Road / Foxton Road priority junction (7 July 2006);
3. B6047 Harborough Road / Gallow Field Road / Leicester Lane Crossroads
4. (28 April 2009);

5. B6047 Leicester Road / Hillcrest Avenue / Alvington Way roundabout (9 March 2005);
6. B6047 High Street / Fairfield Road priority junction (8 November 2000);
7. A4304 Theddingworth Road / Foxton Road priority junction (7 July 2006);
8. B6047 High Street / A4304 St. Mary's Road / B6047 Northampton Road signal junction (22 April 2009).
9. A14 Junction 3 (ARCADY information and traffic flows, for a base of 2023, obtained from planning application KET/2009/0474: Land South of Harrington Road, Rothwell); and
10. M1 Junction 20 (No data available).

## 21/00545/OUT - Airfield Park (TA February 2021)

- 2.3.6 This application undertook manual turning and queue length counts (MCCs) that were conducted in November 2019 between 0700-0900 and 1600-1900, at the following junctions. Data was also collected at the B6047 Harborough Road-Gallow Field Road crossroads junction in June 2019.

1. Site Access / Unnamed Rd (Airfield Farm access road) roundabout;
2. B6047 Harborough Rd / Wellington Way / Airfield Farm Site Access roundabout;
3. B6047 Harborough Rd / Leicester Lane / Gallow Field Rd staggered crossroads;
4. A6 Harborough Rd / Melton Rd / B6047 Harborough Rd roundabout;
5. B6047 Harborough Rd / Alvington Way / Hillcrest Avenue roundabout;
6. B6047 Harborough Rd / Fairfield Rd T-junction;
7. A4304 / Coventry Rd ('The Square') northern signalised T-junction; and
8. A4304 / Coventry Rd ('The Square') southern signalised T-junction.

- 2.3.7 Additionally, ATC's were conducted on Harborough Road between Gallow Field Road and the canal, and on A6 between the A6 Harborough Rd / Melton Rd / B6047 Harborough Rd roundabout and Langton Road.

- 2.3.8 This application also commissioned the LCC's Strategic Transport Model – the 'Pan Regional Transport Model' (PRTM) – and specifically, its highway assignment component only (SATURN) to derive the future year traffic flows for the assessment in 2031 without and with the development. This was required by LCC. Relevant details of the model are:

"all committed and proposed housing and employment growth in Market Harborough up to 2031 which reflects the end of the Harborough local plan period"

removal of the full 50,000m2 gross employment floorspace demand and highway network associated with the allocated development at Airfield Park in totality from the Do Minimum network to avoid double-counting, using the 'de-coupling' method in SATURN

inclusion of the committed off-site road safety scheme (traffic calming) through Great Bowden being implemented by the Airfield Farm residential development;

simulation of the 7.5t vehicle weight restriction on Gallow Field Road

inclusion the committed highway infrastructure (local distributor road) through the Market Harborough SDA being implemented by the developers of the SDA to provide a 40mph single carriageway highway link between the B6047 Harborough Road and the A4304.



## 21/01637/FUL – Leicester Road Market Harborough (TA August 2021)

- 2.3.9 An ATC was undertaken in May 2021 at the proposed access junction to the site on Leicester Road, to inform the site access design. No Specific junction assessments were undertaken for this application.
- 2.3.10 To gauge the impact on the immediate network, the development trip impact of applications 21/01600/OUT and 21/00545/OUT are summarised in Table 3.

Table 3. Development Trip Comparison

	AM			PM		
	IN	OUT	TOTAL	IN	OUT	TOTAL
GARTREE PRISON	205	21	226	0	257	257
21-00545-OUT	242	52	294	50	220	270

- 2.3.11 Systra note that while applications 21/01600/OUT and 21/00545/OUT have a similar trip impact on the immediate network, only application 21/00545/OUT appears to have been required by the local highway authority to use the Strategic Transport Model for the area.

## 2.4 Committed Development

- 2.4.1 21/01600/OUT used generic TEMPro growth to derive future year flows. This means that the quantum of development yet to be constructed associated with application 11/00112-OUT is not explicitly modelled.
- 2.4.2 Application 21/00545/OUT has utilised Leicestershire County Council's Strategic Transport Model – the 'Pan Regional Transport Model' to generate future year flows at this junction, as well as traffic counts at specific junctions.
- 2.4.3 It is worthy of note that both of these applications do not directly consider the others impact, other than as part of generalised network growth, and are both applications are currently under consideration.

## 2.5 Traffic flow Assessed

- 2.5.1 As there is specific concern at the B6047 Harborough Rd / Leicester Lane / Gallow Field Rd Junction, the relevant flows used to consider the final impact at this junction for applications 21/01600/OUT, 21/00545/OUT and 11/00112/OUT have been extracted and is summarised in Table 4. Additionally, the 2019 survey information recorded by application 21/00545-out and the DM scenario from application 21/00545/OUT have been included to aid comparison.

Table 4. Development Trip Comparison

APPLICATION	SCENARIO STATED	ASSESSMENT YEAR	SOURCE	COMMITTED DEV STATED	UNIT STATED	AM TOTAL JUNCTION FLOWS	PM TOTAL JUNCTION FLOWS
11-00112-out	2021 background plus committed plus dev	2021	TA dated 2020	Considered at point of production	Vehicles	1754	2035
21-01600-out	21-01600-out	2025	TA dated 2021	Yes Growth only	PCU	1802	1572
21-00545-out	2019 Survey	2019	TA dated 2021	No	Vehicles	1404	1423
	2031 DM	2031	TA dated 2021	Yes, growth only	Vehicles	1673	1755
	2031 DS	2031	TA dated 2021	Yes, growth only	Vehicles	1820	1911

2.5.2 It can be seen from Table 4 that the flows used to assess the final impact consideration considerably higher for application 21/00545/OUT compared to application 21/01600/OUT. The historic application for 11/00112/OUT also suggests that further impact above general growth will be experienced at this junction as that site is completed. Systra have therefore further considered the capacity impact at this junction in section 2.6.

## 2.6 Junction Capacity Modelling

2.6.1 As part of the supporting information for 21/01600/OUT, the following junctions were highlighted in the TA for further detailed assessment using the industry standard junction capacity assessment software Junctions 9:

9. Proposed Site Access/ Welland Avenue junction;
10. B6047 Harborough Road / Leicester Lane / Gallow Field Road junction;
11. A4304 / Foxton Road junction; and
12. Gallow Field Road / Foxton Road junction.

2.6.2 These junctions were modelled in the following scenarios for both the AM (08:00-09:00) and PM (17:00-18:00) peaks:

- 2021 Baseline;
- 2025 Opening Year without development; and
- 2025 Opening Year with development.

2.6.3 The LHA response associated with application 21/01600/OUT state that they have fully reviewed the junction models and results of the assessments, and are satisfied that there are no capacity issues with any of the junctions that would justify a scheme of mitigation in accordance with the tests set out in the NPPF.

2.6.4 Given what has been identified in the review of flows that has been completed in section 2.5, including the potential for cumulative impact of current applications and existing permissions, there is a significant chance that the analysis has underestimated the impact of the development at the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction, due to the combination of the unusual nature of the prison application, which has not been considered through Leicestershire's Strategic Model, the constraints placed by COVID on data collection, and application 21/00545/OUT being submitted for consideration in the same period as application 21/01600/OUT.

2.6.5 We note that the applicant, at the time they undertook the analysis that supports their application, would most likely not have had access to the information that supports application 21/00545/OUT.

2.6.6 SYSTRA has reviewed the Junction 9 model geometry for the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction, which uses acceptable geometric inputs. Systra has then recreated this model in Junctions 10, and created flow profiles based on the data detailed in section 2.5 to create the following scenarios:

- 2031 DM (Sourced from application 21/00545/OUT Transport Assessment)
- 2031 with application 21/01600/OUT
- 2031 with application 21/00545/OUT
- 2031 with application 21/00545/OUT and 21/01600/OUT (Cumulative)

2.6.7 Using the flows as derived above, the capacity results for the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction are reported in Table 5. The turning counts are included in Appendix A, which allow comparison back to the source data.

Table 5. Capacity results for the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction

SCENARIO	ARM	AM				PM			
		AVE QUEUE	95% QUEUE	DELAY	RFC	AVE QUEUE	95% QUEUE	DELAY	RFC
2031 DM	Leicester Lane	0.3	1.4	29.76	0.23	0.3	1.4	29.74	0.24
	B6047 (N)	0.3	1.2	9.66	0.21	0.2	0.5	9.63	0.16
	Gallow Field Rd	0.5	2	22.65	0.33	0.4	1.5	20.25	0.29
	B6047 (S)	0.2	0.5	10.26	0.17	0.1	0.5	8.97	0.07
2031 21/01600/OUT	Leicester Lane	0.4	1.5	37.85	0.28	0.4	1.1	37.42	0.28
	B6047 (N)	0.7	3.2	12.95	0.4	0.2	0.5	9.63	0.16
	Gallow Field Rd	0.7	3.4	35.04	0.42	2.4	12.3	80.26	0.74
	B6047 (S)	0.2	0.9	11.29	0.18	0.1	0.5	8.87	0.07
2031 21/00545/OUT	Leicester Lane	0.4	1.3	39.75	0.28	0.4	1.5	37.88	0.28
	B6047 (N)	0.3	1.2	9.92	0.21	0.2	0.9	10.9	0.18
	Gallow Field Rd	0.8	3.7	36.74	0.45	0.5	2.1	28.15	0.34
	B6047 (S)	0.2	1.0	11.07	0.19	0.2	0.5	9.6	0.13
2031 Cumulative	Leicester Lane	0.5	1.9	55.65	0.35	0.5	1.8	14.69	0.36
	B6047 (N)	0.7	3.3	13.3	0.41	0.2	0.9	56.94	0.18
	Gallow Field Rd	1.9	9.2	90.35	0.69	14.4	35.4	284.61	1.11
	B6047 (S)	0.3	1.2	12.29	0.2	0.2	0.5	9.6	0.13

2.6.8 The results in table 5 show that the Gartree Prison application impacts Gallow Field Road, and if this is combined with the flows from 21/00545/OUT, Gallow Field Road can be expected to be over capacity in the PM peak. The Junctions 10 output file is shown in Appendix B.

## 2.7 Personal Injury Accident Data

2.7.1 The Transport Assessment includes Personal Injury Accident (PIA) data from the Department for Transport has been obtained for the latest five-year period available (2016-2020). The study area covered the following roads:

- Welland Avenue;
- Gallow Field Road; and
- Foxton Road.

2.7.2 Collisions were sorted into three categories: slight, serious and fatal. The TA provides a summary table of collisions by year (Table 3.5) and by location (Table 3.6). A total of three slight and one serious were recorded collisions were recorded during the five-year study period between 2016 and 2020.

2.7.3 SYSTRA has cross-referenced the data included within the Transport Assessment with that held in the CrashMap Pro portal, which confirms these results. The full CrashMap report is included as Appendix C of this technical note.

2.7.4 The LHA provides a summary of collisions between 1<sup>st</sup> January 2016 and 30<sup>th</sup> August 2021, stating that four slight and two serious collisions were recorded within the study period under consideration, with one in 2016 and 2017, two in 2018 and two in 2021. This demonstrates that within the additional eight months analysed by the LHA (January to August 2021), two collisions were recorded within the study area. Nevertheless, the LHA agrees with the

conclusion of the TA that it cannot be demonstrated that there is an accident pattern which the proposed development could exacerbate.

2.7.5 SYSTRA has taken particular interest in the collision data available for the A4304 / Foxton Road junction to understand whether there is a requirement for a pedestrian crossing at this junction. Within the five-year study period between 2016 and 2020, no collisions were recorded at the A4304 / Foxton Road junction or within 500m of the junction.

2.7.6 This suggests that from a safety standpoint, a pedestrian crossing is not required for the safe movement of pedestrians to the south of the site. In addition, A4304 is subject to a speed limit of 30mph, with school safety zones reducing the speed to 20mph during school peaks between School Lane to the east and Paget Road to the west.

## 2.8 Lubenham Junctions / A4304 – Accident and Pedestrian Amenity Review

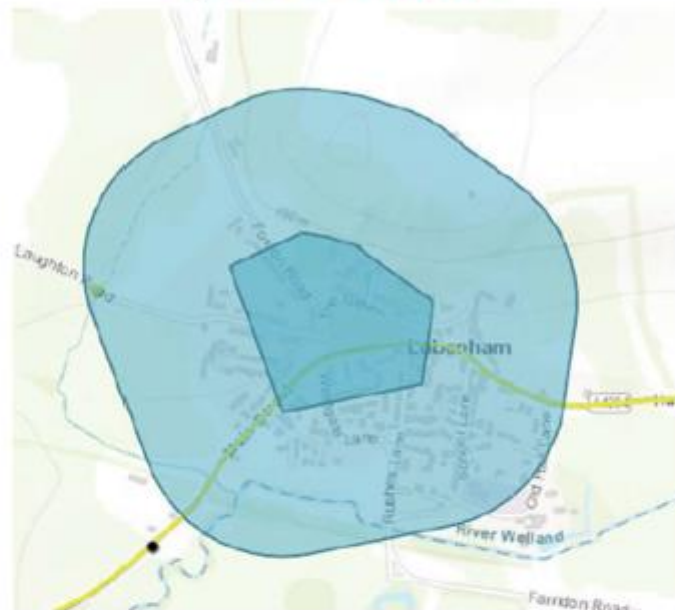
### Personal Injury Collision Analysis

2.8.1 An assessment of collisions within the vicinity of the A4304 Lubenham has been undertaken, showing that only one slight collision occurred within the study area, in the most recent 5-year period for which data is available (2016-2020), and no serious or fatal collisions were recorded.

2.8.2 The area for which data was obtained, and the single slight collision is shown in Figure 1 below. The smaller polygon shows the area selected, which included the majority junctions in Lubenham, and the larger polygon shows a buffer of 300m demonstrating that only one slight collision was recorded within 300m of these junctions.

2.8.3 Therefore, with regards to accident analysis, the consideration of the expanded review of Lubenham does not identify any accident issue in the area.

Figure 1. Lubenham Junctions PIC Analysis



- 2.8.4 The slight collision involved one car only, which collided on its offside with a pedestrian. The pedestrian received slight injury and no other parties were injured.
- 2.8.5 As seen in Figure 1, one fatal collision was recorded on the A4304 within the 5-year period between 2016-2020, outside of the study area. This collision occurred in 2017 and involved six vehicles; three cars, two vans or goods vehicles 3.5 tonnes mgw and under, and one other vehicle (unknown).
- 2.8.6 All six vehicles collided, with none hitting any other objects on or off the carriageway. The driver of one of the cars received fatal injuries when the collision occurred and no other parties were injured.

## Traffic Flows

- 2.8.7 The development flows at the A4304 in Lubenham are provided in Table 6, which include the peak hour and daily movements expected on the A4304 to the east of Foxton Road. Also provided are the total flows on the A4304 in Lubenham, as recorded by the turning count that was collected at the A4304 / Foxton Road junction as part of the application.

Table 6. Traffic Flows at A4304 / Foxton Road Junction

Data from Transport Assessment		AM Flows			PM Flows			Daily Flows		
		East	West	Total	East	West	Total	East	West	Total
A4304 in Lubenham	Dev	51	5	57	0	64	64	168	168	336
A4304 in Lubenham	24 hr MTC	344	405	749	349	426	775	4349	4590	8739
	Combined Total	395	410	806	349	490	839	4317	4758	9075



- 2.8.8 The development can be seen to have a 3.84% daily impact on the A4304 road through Lubenham, with this impact focused at the point of staff shift changes.
- 2.8.9 There is currently a pedestrian refuge crossing around 100m from the A4304 / Foxton Road junction, situated between two bus stops.
- 2.8.10 While each local highway authority has its own guidance the criteria that pedestrian crossings are installed, 6,000 vehicles per day is often used as the level to trigger signal controlled crossings over principal routes, should pedestrian demand warrant it, with pedestrian refuges considered appropriate for 3,000 vehicles per day or less.
- 2.8.11 The level of flow on the road suggests that a pedestrian crossing facility over and above what is already there is required when the current flows are considered, and the development increases the total flows at this point.

### 3. CONCLUSION

#### 3.1 Introduction

- 3.1.1 With regards to the transport application, the areas of concern, following review of the application, are associated with the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction, and the flow impact on the A4304 in Lubenham.

#### 3.2 B6047 Harborough Road / Leicester Lane / Gallow Field Road junction

- 3.2.1 With regards to the impact on this junction, the following conclusions can be made:
  - The flows considered in the TA are potentially low, when compared to data subsequently available in other applications.
  - The level of flows appears low primarily because of the proximity of other committed developments and developments currently in the planning system.
  - Using the most recently available data associated with application 21/00545/OUT the Gartree Prison application does not produce capacity results which would be considered over capacity.
  - However, a cumulative assessment with applications 21/00545/OUT and 21/01600/OUT, the Gallow Field Road arm of the junction can be expected to be over capacity in the PM peak if both applications are approved.
- 3.2.2 Therefore, while at the time of submission, the conclusions reached on the application with regards to the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction could be considered correct (noting that the flows tested could be considered low) the cumulative impact assessment undertaken in this report suggests that this junction will be over capacity if both 21/01600/OUT and 21/00545/OUT are approved.

#### 3.3 Lubenham Junctions / A4304 – Accident and Pedestrian Amenity Review

- 3.3.1 The extended accident review within Lubenham suggests that there is no specific accident trend in Lubenham, and the level of accidents is low.
- 3.3.2 The review of the traffic flow levels along the A4304 suggest the existing pedestrian refuge crossing in Lubenham is insufficient provision for the level of vehicular flows.

## Appendix E – Atkins technical Note in response to Systra Review



### Technical Note

Project:	NPP - Gartree 2		
Subject:	Technical Response to LCC Application Review by SYSTRA		
Author:	Tim Rogers		
Date:	February 2022	Project No.:	5200124
Distribution:	Carly Weeks Katharine Morgan Rebecca Henson	Representing:	Mace Cushman & Wakefield Leicestershire County Council

#### Introduction

Harborough District Council (HDC) has appointed SYSTRA to undertake a review of the Highways Advice provided by Leicestershire County Council (LCC) in relation to the Transport Assessment produced by Atkins in support of the Outline Planning Application (OPA) for a new Prison (referred to as Gartree 2).

The planning reference for the Gartree 2 OPA is: **21/01600/OUT**.

The document reference for the LCC Application Review produced by SYSTRA is: **GB01T22A11-TN001**.

HDC has appointed SYSTRA to review the Highways Advice provided by LCC due to perceived local concerns in relation to the capacity of the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction and the requirement for a pedestrian crossing along the A4304 in Lubenham. HDC has also raised concerns regarding the 'limitations which the application has faced due to the covid pandemic'.

Mace (on behalf of the Ministry of Justice) has commissioned Atkins to consider the points raised within the LCC Application Review produced by SYSTRA and respond accordingly. A copy of the LCC Application Review is provided in **Appendix A** of this Technical Note.

#### B6047 Harborough Road / Leicester Lane / Gallow Field Road Junction

The LCC Application Review produced by SYSTRA outlines a series of conclusions regarding the forecast impact of Gartree 2 on the B6047 Harborough Road / Leicester Lane / Gallow Field Road Junction. Atkins has summarised each of the comments below and provided a response.

**SYSTRA Conclusion:** *The flows considered in the TA are potentially low, when compared to data subsequently available in other applications.*

**Atkins Response 1:** During the pre-application scoping discussions with Highways Development Management Officers from LCC it was confirmed that the Network Data & Intelligence (NDI) team were undertaking long term monitoring within Leicestershire to determine the appropriateness of undertaking traffic surveys during the COVID-19 pandemic. It was confirmed by the NDI team that traffic surveys were permitted to proceed during June 2021 on the condition that a valid survey permit was obtained by Streetwise Services (the survey company commissioned by Atkins to undertake the required traffic surveys). As part of the permit application process, the NDI team confirmed that Streetwise Services received the appropriate uplift figures to account for the reduction in traffic as a result of COVID-19. Therefore, Atkins undertook the necessary precautions to ensure that the observed traffic data obtained was representative of the pre-pandemic traffic flows within Leicestershire.

As part of the permit application process, the NDI team provided Atkins with a Classified Turning Count (CTC) at the B6047 Harborough Road / Leicester Lane / Gallow Field Road Junction (undertaken in 2017) and an Automatic Traffic Count (ATC) along Gallow Field Road (undertaken in 2018). Atkins used the historic count data provided by the NDI team to validate the traffic surveys undertaken in June 2021.

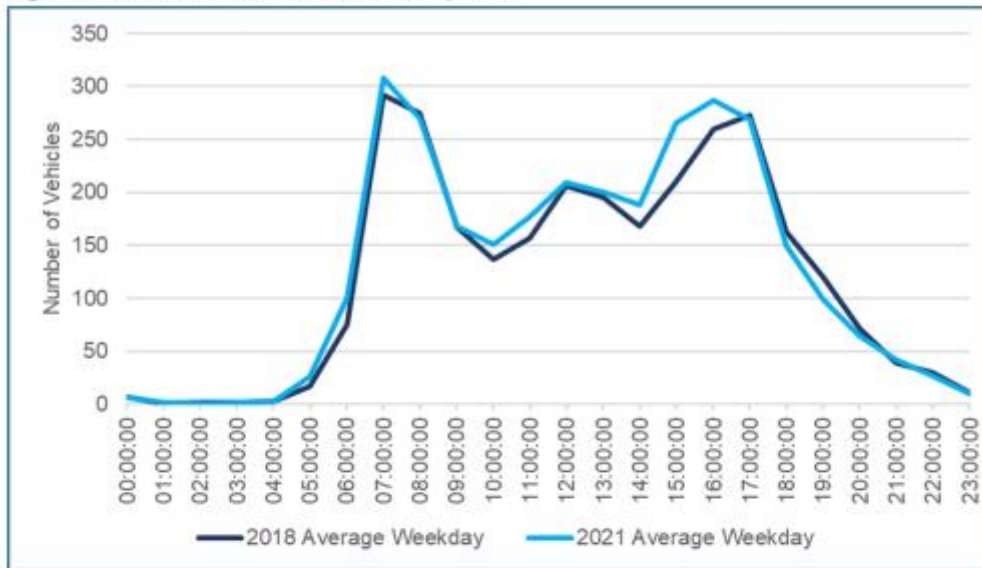
Figure 1 presents a comparison of the total traffic flows (across all turning movements) at the B6047 Harborough Road / Leicester Lane / Gallow Field Road Junction. The Transport Assessment for Gartree 2 reviewed the development impact during the AM Development Peak (07:00-08:00) and the PM Development Peak (17:00-18:00). During the AM Development Peak, the June 2021 survey flows were 6% higher than the October 2017 survey flows (1,280 compared to 1,202). During the PM Development Peak, the June 2021 survey flows were 5% lower than the October 2017 survey flows (1,342 compared to 1,419). The analysis indicates that the traffic flows in June 2021 were comparable to the traffic flows in October 2017.

Figure 1 – B6047 Harborough Road/ Leicester Lane/ Gallow Field Road Traffic Flow Comparison



Figure 2 presents a comparison of the traffic flows along Gallow Field Road. The analysis indicates that the traffic flows in June 2021 were comparable to the traffic flows in 2018.

Figure 2 - Gallow Field Road Traffic Flow Comparison



**Atkins Response 2:** Within the LCC Application Review, SYSTRA question why Leicestershire's Pan Regional Transport Model (PRTM) was not used to evaluate the impact of Gartree 2. During the pre-application scoping discussions with Highways Development Management Officers from LCC, the application of Leicestershire's PRTM was discussed. It was agreed between LCC and Atkins that the PRTM is not appropriate for the scale and location of the proposed development because the PRTM is a strategic transport model which is not validated against turning movements at specific locations. Due to the rural location of Gartree 2, which is proposed to be accessed via an unadopted road (Welland Avenue), the representation of the local highway network within the PRTM is not considered to be as accurate as a first principles approach.

**Atkins Response 3:** Within the LCC Application Review, SYSTRA also reference traffic flows from the 2010 Airfield Farm Transport Assessment (11-00112-out). This report used observed data from traffic surveys undertaken between 2000 and 2009 to forecast a 2021 baseline. It is generally not considered appropriate to reference historic traffic data which is more than 5 years old because it does not consider the latest travel patterns and trends.

**SYSTRA Conclusion:** *The level of flows appears low primarily because of the proximity of other committed developments and developments currently in the planning system.*

**Atkins Response:** During the pre-application scoping discussions with Highways Development Management Officers from LCC it was agreed that the Transport Assessment for Gartree 2 would be prepared in accordance with the 'Travel Plans, Transport Assessments and Statements' guidance from the Ministry of Housing, Communities & Local Government (March 2014).



Within the guidance it states that a Transport Assessment should be based on normal traffic flow and usage conditions (e.g. non-school holiday periods, typical weather conditions) but it may be necessary to consider the implications for any regular peak traffic and usage periods (such as rush hours). Projections should use local traffic forecasts such as TEMPro drawing where necessary on National Road Traffic Forecasts for traffic data. In addition, it states that an assessment of trips should be undertaken from all directly relevant committed development in the area (i.e. development that there is a reasonable degree of certainty will proceed within the next 3 years).

At the time of submitting the Transport Assessment for Gartree 2 it was not considered that there was a reasonable degree of certainty that the Airfield Farm development would proceed within the next 3 years because the Planning Application had not received consent, therefore, the application of TEMPro to account for background traffic growth, specifically Local Plan Allocations is considered appropriate in this instance.

**SYSTRA Conclusion:** *Using the most recently available data associated with application 21/00545/OUT the Gartree Prison application does not produce capacity results which would be considered over capacity.*

**Atkins Response:** Agreed

**SYSTRA Conclusion:** *With a cumulative assessment with applications 21/00545/OUT and 21/01600/OUT, the Gallow Field Road arm of the junction can be expected to be over capacity in the PM peak if both applications are approved.*

Atkins has provided two responses in relation to the SYSTRA Conclusion outlined above. The first response is in relation to the Standalone Junction Capacity Model which SYSTRA has referenced within the LCC Application Review. The second response outlines the additional analysis which Atkins has undertaken in response to the LCC Application Review.

**Atkins Response 1:** Within the LCC Application Review, SYSTRA has undertaken a standalone junction capacity assessment of the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction using the geometric parameters contained within Appendix O of the Transport Assessment for Gartree 2, the traffic flows within the 2021 Airfield Farm Transport Assessment and the traffic flows from Leicestershire's PRTM.

Atkins has reviewed the model outputs provided by SYSTRA and note the following points:

- SYSTRA has modelled an AM Peak Hour of 08:00-09:00 and a PM Peak Hour of 17:00-18:00 in accordance with the Airfield Farm Transport Assessment (11-00112-out). However, the Transport Assessment for Gartree 2 specifically notes that the AM Development Peak for Gartree 2 is 07:00-08:00 and therefore it is not anticipated that there will be a cumulative impact during the same peak hour.
- In Junctions 10 you are required to input the start and end time of the AM and PM Peak Hours. This includes a 15 minute period before and after the peak periods selected. For example, a 17:00-18:00 peak hour would have a start time of 16:45 and an end time of 18:15. SYSTRA has input the following information which does not accord with either the Atkins model or the peak hours identified within the PRTM:
  - AM Peak – Start Time 08:00 – End Time 09:30.
  - PM Peak – Start Time 17:00 – End Time 18:30.
- SYSTRA has input the required visibility for the Major Arms (Arm A and Arm C) incorrectly. They have input the values the opposite way round compared to the Atkins Model.



**Atkins Response 2:** In response to the points raised by SYSTRA within the LCC Application Review. Atkins has undertaken two additional assessment scenarios to consider the cumulative impact at the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction.

The two additional assessment scenarios are outlined below. As discussed, the AM Development Peak for Gartree 2 is 07:00-08:00 and the AM Development Peak for Airfield Farm is 08:00-09:00. Therefore, it is not anticipated that there will be a cumulative impact during the same peak hour. However, for the purpose of this assessment, Atkins has applied the Gartree 2 Development Peak flows (07:00-08:00) to the Airfield Farm Development Peak (08:00-09:00) to present a robust assessment.

- 2031 Cumulative with Development
  - 2021 Baseline Flows Factored to 2031 (using TEMPro).
  - Gartree 2 Development Traffic Added (21/01600/OUT application).
  - Airfield Farm Development Traffic Added (21/00545/OUT).
- 2031 Cumulative with Development (Sensitivity Test)
  - 2021 Baseline Flows Factored to 2031 (using TEMPro).
  - Gartree 2 Development Traffic Added (21/01600/OUT application).
  - Airfield Farm Development Traffic Added (21/00545/OUT).
  - Proposed HMP Gartree Expansion Traffic Added.

It is important to note that because Airfield Farm is an allocated site within the Harborough District Local Plan, the above assessment scenarios include an element of double counting because the development trips for 21/00545/OUT will also be included within TEMPro. This is considered robust. In addition, Atkins has included an assessment of the proposed HMP Gartree expansion.

The development flows for the 21/00545/OUT application at the B6047 Harborough Road/ Leicester Lane/ Gallow Field Road junction have been calculated using the PRTM flows provided in Appendix A of the LCC Application Review produced by SYSTRA.

Traffic growth factors have been extracted from TEMPro v7.2 using the rural TEMPro setting and applied to the 2021 traffic count data to establish a 2031 future baseline. A summary of the TEMPro local growth factors for Harborough Local Authority are provided in Table 1.

**Table 1 - TEMPro Growth Factors**

Peak Hour	2021 – 2031
AM Peak	1.1171
PM Peak	1.1198

Table 2 presents the results of the standalone junction capacity assessment for the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction. The full outputs are provided in **Appendix B**.

**Table 2 - Model Outputs - B6047 Harborough Road / Leicester Lane / Gallow Field Road Junction**

Approach Arm		AM Peak (08:00-09:00)			PM Peak (17:00-18:00)		
		Queue (PCU)	Delay (s)	RFC	Queue (PCU)	Delay (s)	RFC
2031 Cumulative with Development							
Leicester Lane	Left Out	0.2	14.22	0.19	0.1	13.73	0.11
	Right Out	0.4	34.16	0.28	0.3	26.70	0.22
B6047 Harborough Road (N)	Right In	0.7	12.12	0.39	0.2	10.39	0.17
Gallow Field Road	Left Out	0.6	17.75	0.37	2.6	35.29	0.74
	Right Out	0.9	36.89	0.47	1.6	55.68	0.64
B6047 Harborough Road (S)	Right In	0.1	11.80	0.04	0.1	8.31	0.10
2031 Cumulative with Development (Sensitivity Test)							
Leicester Lane	Left Out	0.2	14.35	0.19	0.1	13.76	0.12
	Right Out	0.4	34.78	0.28	0.3	27.26	0.23
B6047 Harborough Road (N)	Right In	0.7	12.37	0.41	0.2	10.39	0.17
Gallow Field Road	Left Out	0.6	18.36	0.38	3.3	43.05	0.79
	Right Out	1.0	38.56	0.49	2.0	67.56	0.69
B6047 Harborough Road (S)	Right In	0.1	11.88	0.04	0.1	8.31	0.10

The results from the standalone junction capacity modelling indicate that the B6047 Harborough Road / Leicester Lane/ Gallow Field Road junction is forecast to operate within acceptable thresholds of capacity in all assessment scenarios.

**SYSTRA Conclusion:** *At the time of submission, the conclusions reached on the application with regards to the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction could be considered correct (noting that the flows tested could be considered low) the cumulative impact assessment undertaken in this report suggests that this junction will be over capacity if both 21/01600/OUT and 21/00545/OUT are approved.*

**Atkins Response:** As outlined above, the analysis contained within the Transport Assessment for Gartree 2 is considered appropriate and robust. However, in response to the points raised by SYSTRA within the LCC Application Review. Atkins has undertaken two additional assessment scenarios to consider the cumulative impact at the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction.

The results from the standalone junction capacity modelling indicate that the B6047 Harborough Road / Leicester Lane/ Gallow Field Road junction is forecast to operate within acceptable thresholds of capacity in all assessment scenarios.

## A4304 Lubenham - Accident and Pedestrian Amenity Review

The LCC Application Review produced by SYSTRA outlines a series of conclusions regarding the forecast impact of Gartree 2 on the A4304 through Lubenham and the requirement for an improved pedestrian crossing facility. Atkins has outlined each of these conclusions below and provided a response.

**SYSTRA Conclusion:** *The extended accident review within Lubenham suggests that there is no specific accident trend in Lubenham, and the level of accidents is low.*

**Atkins Response:** Agreed.

**SYSTRA Conclusion:** *The review of the traffic flow levels along the A4304 suggest the existing pedestrian refuge crossing in Lubenham is insufficient provision for the level of vehicular flows.*

**Atkins Response 1:** SYSTRA has considered the increase in traffic along the A4304 as a result of Gartree 2 in Table 6 of the LCC Application Review. In Table 6, SYSTRA state that Gartree 2 will generate 168 additional daily trips along the A4304 East and 168 additional daily trips along the A4303 West. This is incorrect. Figure 5-2 within the Gartree 2 Transport Assessment indicates that approximately 25% of the total trip generation associated with Gartree 2 will distribute along the A4304 East and approximately 19% will distribute along the A4304 West. Therefore, Gartree 2 will generate 168 additional daily trips along the A4304 East and 128 additional daily trips along the A4303 West. SYSTRA has stated that Gartree 2 will have a 3.84% daily impact along the A4304 through Lubenham. As highlighted above, this has been incorrectly calculated. The correct value is 3.39%. This is not considered to be a significant increase in traffic.

**Atkins Response 2:** SYSTRA has stated that the existing pedestrian refuge crossing in Lubenham is insufficient for the level of vehicular flows. Traffic Signs Manual (Chapter 6) - Traffic Control (ISBN 9780115537448) was published in 2019 and provides technical advice on designing traffic light junctions, crossings, and other types of traffic control. It supersedes the advice given in a range of traffic advisory leaflets and local transport notes and should be used when assessing the provision of stand-alone crossings.

Traffic Signs Manual (Chapter 6) states that a site assessment should be carried out by an experienced practitioner (when assessing the provision of stand-alone crossings) and the following information should be obtained/considered:

- **Vehicle Speeds**
  - Vehicle speeds should be recorded at peak and off-peak periods. The measured speed of vehicles in each direction, taken roughly 50 m before the crossing site, should be recorded and the highest 85th percentile speed used in the assessment. The speed limit should also be noted.
- **Crossing Difficulty**
  - Crossing difficulty may be assessed by considering the number of gaps in the traffic flow which are acceptable to pedestrians, and the delay to pedestrians caused by having to wait for an acceptable gap.
- **Pedestrian Demand**
  - Pedestrian flows should be recorded to demonstrate if there is sufficient demand to justify the provision of a stand-alone crossing.
- **Average Crossing Time and Speed**
  - Measuring the average crossing speed for pedestrians may reveal whether there is a large number of people who may be slower, and therefore need extra time to cross.

There is currently not enough evidence to demonstrate that the existing pedestrian refuge crossing in Lubenham is insufficient for the level of vehicular flows. However, the analysis presented above demonstrates that Gartree 2 will not generate a significant increase in traffic along the A4304.

**Atkins Response 3:** The Ministry of Justice are willing to consider any transport improvements which may be required to facilitate the proposed development in line with the National Planning Policy Framework (NPPF).

However, in accordance with the NPPF, any planning contributions must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Table 5-2 and Table 5-3 within the Gartree 2 Transport Assessment outline the Modal Split for Staff and Visitors respectively. The analysis within the Transport Assessment demonstrates that the development proposals will not generate any additional walking trips on the existing transport network. In addition, the analysis presented above demonstrates that Gartree 2 will not generate a significant increase in traffic along the A4304. Therefore, it is not considered that the proposed improvements to the existing pedestrian refuge along the A4304 within Lubenham is necessary to make the development acceptable in planning terms or directly related to the development.

## Appendix F – LCC Highways response to Systra Review and Atkins technical note

Substantive response of the Local Highway Authority to a planning consultation received under The Development Management Order.



Response provided under the delegated authority of the Director of Environment & Transport.

---

### APPLICATION DETAILS:

Planning Application Number: 21/01600/OUT

Highway Reference Number: 2021/1600/03/H/R2

Application Address: Land Adj HM Prison Welland Avenue Gartree Lubenham Leicestershire

Application Type: Outline

Description of Application:

Re-consultation. Outline Planning Application with all matters reserved except for means of access and scale for the construction of a new Category B prison of up to 82,555sqm within a secure perimeter fence together with access, parking, landscaping and associated engineering works

---

### GENERAL DETAILS

Planning Case Officer: Mark Patterson

Applicant: Ministry Of Justice

County Councillor: Phil King

Parish: Lubenham

Road Classification: Unadopted / Private

---

**Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:**

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).

### Advice to Local Planning Authority

#### Background

Following issue of a substantive response on this application on 1st November 2021, the LPA have reconsulted the LHA requesting comments on the following documents:

1. Systra Technical Note: Gartree 2 prison, Market Harborough - LCC Application Review dated 7th February 2022
2. Atkins Technical Note: NPP – Gartree 2 – Technical Response to LCC Application Review by Systra dated February 2022



### **Systra Technical Note**

Systra had been appointed by Harborough District Council to review the advice provided by the LHA in its Observations dated 1st November 2021. It appears that Systra had been instructed to focus on two key areas following local concerns:

1. The capacity of the Gallow Field Road/B6047 Harborough Road junction
2. The provision of a pedestrian crossing on the A4304 Harborough Road at Lubenham, near to its junction with Foxton Road

In its Observations dated 1st November 2021, the LHA concluded the following in respect of the above areas of concern:

1. "The LHA has fully reviewed junction models and result of the junction capacity assessments and is fully satisfied that there are no capacity issues with any of the junctions that would justify a scheme of mitigation in accordance with the tests as set out in the [National Planning Policy Framework] NPPF".
2. In respect of the provision of a pedestrian crossing, this was not specifically addressed in the Observations on the basis that the submitted Transport Assessment does not demonstrate any increase in pedestrians crossing the A4304 at Lubenham as a consequence of the development proposals. However, the LHA offers further advice on this below.

The Systra Technical Note is separated into several headings, and the LHA provides the following Observations:

### **Transport Assessment review**

This section of the Technical Note appears to focus on discrediting the Transport Assessment submitted by the Applicant in support of the planning application, rather than a review of the advice of the LHA. It relies on information that does not form part of the formal planning application submission.

Nonetheless, the Systra review concludes the following:

- Trip rates based on HMP sites elsewhere in the country – Systra agrees with the LHA the approach is acceptable
- Visitor trip generation based on 100% car use - Systra agrees with the LHA that the approach is acceptable
- TEMPRO growth – Systra was able to generate the same TEMPRO growth rates as applied in the Transport Assessment, and therefore agrees with the LHA
- Traffic surveys conducted in June 2021 with the application of Covid factors – Systra agrees with the LHA that this is a fair methodology

However, in respect of traffic surveys, whilst accepting the survey methodology used by the Applicant, the Systra report then goes on to review survey data from a number of other planning applications, with data ranging from 2000 to 2019. The purpose of this review appears to be to

generate baseline data that will better serve to demonstrate that the Gallow Field Road junction is operating over capacity. It should be noted that the raw data does not form part of the Systra report and cannot therefore be verified.

Atkins, on behalf of the Applicant, provide a clear evidence-based rebuttal of the assumptions made in the Systra report. The LHA would highlight that the Systra approach is unconventional and relies on survey data that is significantly older than three to five years which is the timeframe accepted by the industry to ensure that it reflects the latest travel patterns and trends. This timeframe is set out in the Department for Transport "Guidance on Transport Assessment (GTA)". Whilst it is acknowledged that this Guidance has been archived, it remains industry good practice and is cross-referenced in the Leicestershire Highway Design Guide (LHDG). The GTA sets out that survey data should be surveyed within the last three years using methodology agreed by the LHA. This is the approach that was undertaken by the Applicant to produce the Transport Assessment submitted in support of the application, as detailed in the Atkins Technical Note, and indeed as accepted by Systra (as above).

The data relied on by Systra not only uses factored data from 20+ years ago, no information is presented in respect of the peak hours assessed (noting the am peak for Gartree 2 is before the network peak of 08:00-09:00), conditions on the network, network changes, behavioural changes, potential for double counting (committed developments also accounted for in TEMPRO growth), whether flows have been taken directly from Pan Regional Transport Model (PRTM) outputs (noting that PRTM does not validate at turning count level) and includes for the subsequently withdrawn application for the expansion of Gartree.

In addition, the LHA have not been presented with any junction models produced by Systra for detailed checking and review. As stated above, the Applicant provided junction models to the LHA for reviewing and checking when submitting the Transport Assessment that supports this application.

The Systra report goes on to conclude that "Gallow Field Road can be expected to be over capacity in the PM peak". Table 5 of the submitted Technical Note demonstrates that one arm (Gallow Field Road) in the pm peak (only) exceeds the theoretical capacity of 0.85 RFC. This does not demonstrate that the junction as a whole operates over capacity. Moreover, the inputs used in the junction model cannot be relied upon for the reasons set out above.

In conclusion, the LHA maintains that its advice as provided in the Observations dated 1st November 2021 is correct, that it cannot be demonstrated that the development would have a severe impact on the Gallow Field Road junction in accordance with the NPPF, and that the findings of the Systra junction modelling exercise cannot be relied upon. This conclusion has also been reached by Atkins who have set out further capacity assessments in their Technical Note.

The LHA re-iterates that Systra state that the survey methodology applied by the Applicant is acceptable, and only appear to generate different baseline data to serve to demonstrate that the Gallow Field Road junction is operating over capacity. The LHA would be willing to robustly defend its position through any appeal process.

### Lubenham junctions/A4304 accident and pedestrian amenity review

Systra has undertaken a review of personal injury accident data and concluded that the data and analysis as presented in the Transport Assessment submitted in support of the application is correct. Systra conclude that "from a safety standpoint, a pedestrian crossing is not required for the safe movement of pedestrians to the south of the site". They also go on to state that an "expanded review of Lubenham does not identify any accident issues in the area". The LHA agree with the conclusions reached.

At Table 6, Systra appear to have misinterpreted the traffic flow data from the submitted Transport Assessment, and a full explanation of this error is provided in the Atkins Technical Note.

Systra state that "whilst each local highway authority has its own guidance the criteria that pedestrian crossings are installed, 6,000 vehicles per day is often used as the level to trigger signal-controlled crossings over principal routes" and suggests that a "pedestrian crossing facility over and above what is already there is required when the current flows are considered".

The Systra report contains no detailed assessment nor accurate calculation of traffic flows and importantly no assessment of pedestrian flows has been undertaken. In addition, no evidence is presented to suggest that the application will increase pedestrian movement in Lubenham, nor does the report conclude that a signalised crossing is needed.

Outside of the planning application process the LHA has undertaken an assessment based on a nationally recognised formula to assess the justification for a signalised pedestrian crossing on the A4304 in the vicinity of Foxton Road using a calculation involving both pedestrian and vehicle flows. This is known as 'PV2' and effectively evaluates the potential for conflict between vehicles and pedestrians.

The assessment produces a figure which relates to different types of crossings. For a 'dropped' crossing a score of between 0.4-0.7 would need to be achieved, for a zebra crossing a score of 0.7-0.9, and for a signal-controlled puffin crossing a score of 0.9 and above.

A PV2 calculation for this location produced a score of 0.074 which does not meet the criteria for any type of formal crossing, noting that there is an existing pedestrian refuge in this location. This position will not change as a consequence of the proposed development at HMP Gartree.

In summary, the LHA maintains its advice as set out in its observations dated 1st November 2021. The application as submitted cannot be demonstrated to result in a severe impact at the Gallow Field Road/B6047 junction, nor can a signalised pedestrian crossing in Lubenham be justified consistent with the tests as set out in the NPPF.

Date Received  
25 February 2022

Case Officer  
Rebecca Henson

Reviewer  
LS

Date issued  
11 March 2022

## APPENDIX G: Joint Parish and Action Group response



Ref: GA/AM/02122/L0001am

22<sup>nd</sup> March 2022

Mr Mark Patterson  
Harborough District Council  
The Symington Building  
Adam and Eve Street  
Market Harborough  
Leicestershire, LE16 7AG

Dear Mark

**Response to Application Reference 21/01600/OUT on behalf of:**

- 1. Lubenham Parish Council**
- 2. Foxton Parish Council**
- 3. East Farndon Parish Council**
- 4. Great Bowden Parish Council**
- 5. Gumley Parish Meeting**
- 6. Loughton Parish Meeting**
- 7. Gartree Action Group**

**Re outline planning application (all matters reserved except means of access and scale) for the construction of a new Category B prison up to 82,555sqm within a secure perimeter fence, together with access, parking, landscaping and associated engineering works on land adjacent to HM Prison, Welland Avenue, Gartree**

Following your recent conversation with my colleague Alex Munro I write to you on behalf of my joint clients who wish to **OBJECT** to the current prison proposals in the strongest possible terms.

This response has been prepared following a full review of the planning application and its progress to date as well as continual and ongoing liaison with representatives of all of the groups which we represent. It comprises our assessment of the technical and planning merits of the proposal. We (Armstrong Rigg Planning) are very familiar with the rural character of the hinterland of Market Harborough and, critically, its constrained road network. This submission is intended to supplement the earlier objections of the groups which we represent rather than supersede them.

This letter makes it clear that, based on the evidence presented to officers to date – in respect of highways impact in particular, that in our professional opinion this proposal is ill-conceived and that the council can have absolutely no confidence that the grant of permission for this application will not result in significant harm to the local area. In which case there are strong material planning grounds to refuse this application under delegated powers.

The Exchange | Colworth Science Park  
Sharnbrook | Bedford | MK44 1LZ  
t 01234 867135 | e info@arplanning.co.uk | w www.arplanning.co.uk

Armstrong Rigg Planning Ltd  
Registered in England & Wales No 08137553. Registered Address:  
The Exchange, Colworth Science Park, Sharnbrook, Bedford, MK44 1LQ.



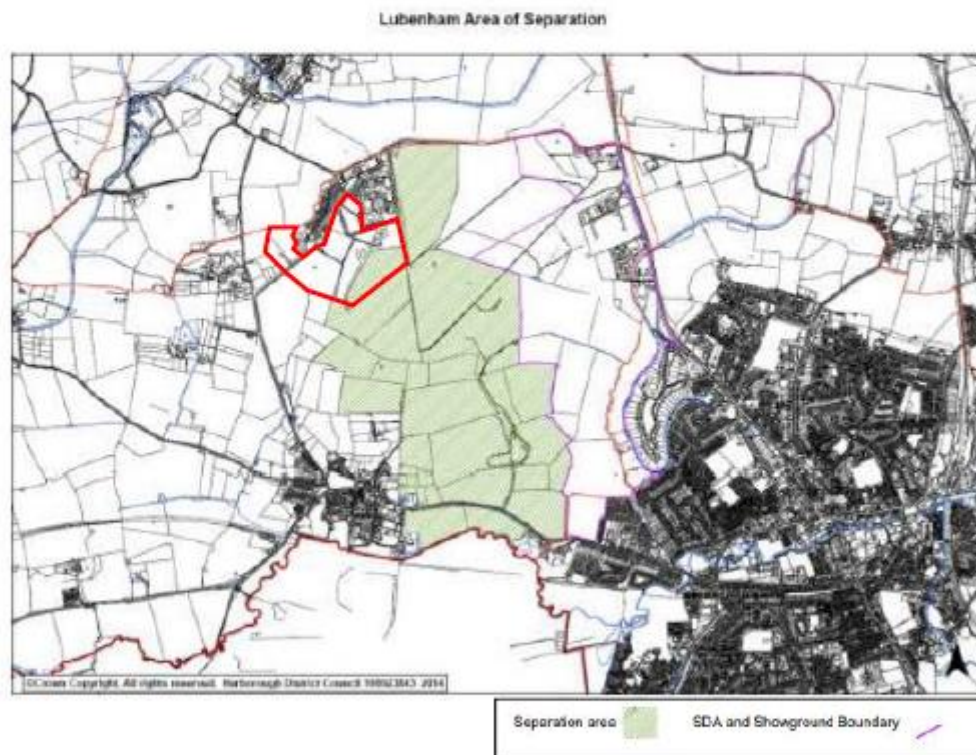


### Conflict with the development plan

As a start point, and most fundamentally, the application proposals are in clear conflict with the development plan which for this site comprises the Harborough Local Plan 2011-2031 (adopted April 2019) and the Lubenham Neighbourhood Plan (adopted May 2017). It is clear from reading the Planning Statement accompanying the application, prepared by Cushman and Wakefield, that this conflict is significantly downplayed.

It firstly lies outside any built-up area boundary identified in the Local Plan and therefore is at odds with **Policy GD3** 'Development in the countryside' which, whilst providing a lengthy list of exceptions of development types that may be appropriate in locations outside settlement boundaries, does not cover the proposed end use. Indeed, its catch-all criteria covering "other uses" (criteria I) only presents an exception if they both "justify" and "are compatible with" a countryside location. As will be explored throughout this letter a significant infrastructure proposal of this type passes neither of these tests.

Then, of particular concern to our clients, it lies in the 'Lubenham and Gartree Area of Separation' which was included as a new policy protection for the countryside between the two villages and Market Harborough in the Lubenham Neighbourhood Plan. The location of the application site and its contravention of this gap is shown below:



Corresponding **Policy LNP01** cites its intent to use the area of separation to preserve the "distinctive character and separate identities of Lubenham and Gartree" and does not envisage the erosion of the gap with a substantial proposal of the type offered by the current application. However, what is clearly demonstrated by the plan extract included above is that the proposal will more than double the build extent of the village of Gartree. This will result in a radical change to the character of the village whilst drawing the extent of built form almost half a kilometre



closer to Lubenham to the south, a village which currently only lies 1.3km from the current southern extent of the prison grounds.

This magnitude of change and erosion of the gap fundamentally conflicts with the intentions of **Policy LNP01** which seeks to ensure that development neither diminishes the physical or visual separation between settlements or compromises the effectiveness of the gap. On this basis the proposal is undeniably harmful and in contravention with both the intent and the wording of this policy.

### Highways impact

What is then the most significant concern of most respondents to this application, and central to our clients' objection, is the highways impact of the proposal. We have fully reviewed the various submissions dealing with this matter and it is clear to us that at best there is significant confusion and disagreement between Harborough Council officers and Leicestershire County Council (LCC) in respect of likely impact. In reality it must be concluded that the applicant has failed to demonstrate that there will not be a significant and harmful effect on the local highways network, particularly on a cumulative basis, which should result in the refusal of this application under the terms of paragraph 111 of the National Planning Policy Framework (NPPF).

The assessment of the highways impact of the proposal to date presents a muddled and often contradictory picture. The initial response from LCC presented no objection. Clearly officers distrusted this advice and an independent review of both the Transport Assessment and LCC advice was commissioned, undertaken by Systra. This study found two clear deficiencies in the assessment:

- Firstly, the Systra review concluded that the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction will be over capacity if both 21/01600/OUT (this application) and 21/00545/OUT, for a business park at Airfield Farm, are approved. You will of course be aware that the business park application received a resolution to grant permission at the council's Planning Committee on 15<sup>th</sup> February 2022 which, allied with the allocation, represents a firm and indeed vital commitment as the proposal seeks to deliver one of the council's key employment sites on the edge of Harborough subject of **Policy MH4** 'Land at Airfield Farm'. As such it must be treated in any assessment of highways impact as a site which has a clear presumption towards its delivery and will come forward.

The findings of the Systra report therefore present a dilemma to officers, that the approval of the current prison application may in fact place the delivery of a prominent employment site which forms a key component of both the local plan's economic strategy as well as an integral element of the proposals to grow Market Harborough itself at risk. The ability of the proposal to compromise the delivery of a recent adopted local plan, and its employment strategy, represents a material consideration of significant weight which must be weighed against the proposal in the overall planning balance.

- Secondly, the Systra review concludes that the expected traffic flow levels along the A4304 would suggest the existing pedestrian refuge crossing in Lubenham is insufficient provision for the increase in movement. Insufficient consideration has therefore been given to pedestrian safety in the highway and with no mitigation of this effect currently offered it is clear that this presents clear grounds to refuse the proposal under the guidance of paragraph 111.

We note that the applicant was then quick to respond to the findings of the Systra report with the issue of its own review (a review of the review) by its highway consultant Atkins. This seeks to refute the conclusion that the highway network has insufficient capacity and makes a vague offer of mitigation in respect of pedestrian safety. LCC has since issued its own support for Atkins position whilst criticising the independent Systra analysis. This was submitted to officers on 11<sup>th</sup> March 2022.

This redoubling of LCC's own position in the face of the Systra criticism results in a position where Harborough's own officers are essentially at odds with the Highway Authority. What is telling, however, is that the current position of the council is based on an entirely independent review of the Transport Assessment, undertaken by Systra. We can confirm that our clients are in the process of securing additional professional highways advice which will be made available to officers and members prior to the earliest likely committee date of 5<sup>th</sup> April 2022.

Modelling aside – what appears entirely clear to us and is at the heart of the objections from the long list of residents and interested parties, is that the fundamental intention of this application is to deliver a substantial infrastructure project in the heart of Harborough's open countryside and at a location poorly served by a largely rural highway network. Common sense alone would dictate that this is not an appropriate location for a development which will generate 778 new job positions, not to mention additional deliveries, visitors, prisoner transit, and the additional traffic flow that goes with this.

#### Site selection process

It is understood that the proposed provision of a new prison at Gartree comprises part of the Ministry of Justice's (MoJ) 'Four New Prisons' programme which seeks to meet both a regional but also nationwide need for new prison spaces. As part of this programme two new prisons are sought in the north and two in the south. Notably none are sought in the Midlands, where it could reasonably be described the application site lies.

Accordingly, the search for sites has been conducted on a national basis. On the selection criteria the Planning Statement confirms that *"land in MoJ ownership was considered as priority sites given the potential for quicker delivery to meet challenging delivery programme and avoid additional costs and time delays associated with the purchase of land"*. This was one of the leading criteria that dictated the location of the new prisons. This, however, has likely skewed the site search and resulted in the identification of proposed locations that are less sustainable than other reasonable alternatives – including urban brownfield land.

Indeed, when referencing the comparable sequential test to be applied to retail uses described by the PPG land ownership is not a key consideration – instead, it is the availability of the land that should be assessed. This is designed to ensure that operators do not buy the intended development site first and then plan second as an apparent *fait accompli*. There should be no special dispensation for public bodies. Indeed, the MoJ, as a ministry of government, is empowered more so than any private sector operator through access to compulsory purchase. Ownership of land should not be determining criteria. Instead, connectivity, local character, supporting infrastructure and access to a sufficient local skill base must represent far more compelling factors in identify sites for such significant infrastructure uses.

The additional 778 staff expected to be required by the prison will inevitably have to drive significant distances daily along a network of what are little more than country lanes once in the vicinity of the application site. Whilst the supporting socio-economic information suggests that most of these jobs will be drawn from a 40-mile radius this is still equivalent to driving to the prison site from Nottingham or Birmingham. Alternatively, it seems common sense that such a trip-intensive use be located adjacent to one of these cities rather than in a far-flung location such as Gartree. Indeed, the NPPF is strong on directing major traffic generating uses towards locations well served by public transport and other sustainable means. This would suggest more urban locations as a priority.

In any event we would anticipate far more focus is placed on securing investment and the delivery of infrastructure in the north of the country specifically due to the heavy focus the Government is placing on its 'levelling up' agenda. The very fact that it is anticipated that new jobs will be created across an area with an 80-mile spread north to south and east to west suggests that the pool of people out of work in this region of the country is small. Indeed, unemployment figures in the East Midland in December 2021 were at a record low of 3.4%. Conversely unemployment in the Northeast was 5.7% - the highest in the country. In any event 1,000 (net) new Category C prison spaces have recently been created at HMP Five Wells next to Wellingborough only 20 miles from the

application site with a similar number proposed at Glen Parva which itself is only 15 miles from Gartree. This means two things: firstly, there is significant additional prison capacity being created in the local catchment already calling into question the sense of also extending Gartree; and secondly the fact that these are two expanded prisons that Gartree must compete with to secure employees from the same already thin pool of talent and experience.

The very methodology used to identify Gartree as a preferred location for a new prison is therefore flawed on several fronts. Accordingly, this deficient site selection process adds further weight towards our conclusion that there is clear and harmful conflict with Policy GD3 of the Local Plan.

#### **Perceptions of safety and weight of public opinion**

A more intangible issue but a relevant one nonetheless in respect of national planning policy – the NPPF confirms at two places that planning decisions should not lead to development *"where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience"*. It is difficult to argue against the likelihood of a prison the size of the new Gartree facility, and the transit of prisoners that goes with it through local villages and along country lanes, from providing a sense of deep unease amongst the residents of Foxton in particular. There is also the strong possibility that it will impact more generally on the attractiveness of the local area to tourists who regularly visit the nationally renowned Grade II Listed Foxton Locks which lie less than a mile from the site to the west.

It is then evident from the weight of response to the application that the proposal to deliver a new four-storey edifice at the heart of Harborough's countryside which is dedicated to housing Category C prisoners, a population which would still include the most violent offenders, is causing deep unease locally. To reiterate this site will represent a significant extension to an existing prison which is already considered by our clients to be detrimental to the day-to-day function of the local communities as well as people's perceptions of the area. Whilst various mitigation measures are offered within the community, including the upgrade of local footpaths, this modest level of infrastructure improvement is deeply insufficient to allay the concerns of the community.

Simply put our clients, comprising a list of seven public representative bodies local to the site, and the residents of the Parishes do not want this development on their doorstep. This sentiment is added to by the earlier individual objections of both Great Bowden and East Farndon Parish Councils who echo many of the points raised in this letter. As Parish Councils they are further represented by this submission. Irrespective, there are clear planning grounds to refuse this application including conflict with the development plan and detriment to highways safety.

Based on all of the above we urge officers to refuse this application under delegated powers. If the proposal is recommended for approval, we would wish to address members of the planning committee on behalf of our clients to restate their strong objections. In the meantime, if you would like to discuss any element of this objection in greater detail, please do not hesitate in contacting me via any of the means below.

Yours sincerely



Geoff Armstrong ([geoff.armstrong@arplanning.co.uk](mailto:geoff.armstrong@arplanning.co.uk))

**Director**

**Armstrong Rigg Planning**

Direct Line: 01234 867130

Mobile No: 07710 883907



## APPENDIX H: Joint Lubenham and Foxton PC Highways response

HIGHWAY  
PLANNING  
AND  
DESIGN



4 Ascot Drive  
Coalville  
Leicestershire  
LE67 4DF  
Tel : (01530) 459240

Lubenham Parish Council  
C/o Clerk

Date : 23 March 2022  
Our Ref. : DJF/DEC/3061  
Your Ref. :  
e-mail : Duncan.clarke@eaeconsultancy.com

Dear Councillors,

### Proposed New Category B Prison, Land adj Gartree Prison - Planning Application 21/01600/OUT

On behalf of the Lubenham Parish Council, Foxton Parish Council and Loughton and Mowsley Parish Meetings we have carried out a high level review of the planning application, the Transport Assessment prepared by Atkins and their further Technical Note, the various Local Highway Authority responses and the Systra Highway Review.

It should be noted that this is a light touch review in the limited time available and does not delve into detailed interpretation of the evidence or considerations regarding the pros and cons of the Atkins or Systra modelling.

We start with the Systra Review:

The Systra Highway Review has agreed with the trip generation methodology, trip generation figures and the Temprow Growth Factors used, and therefore we have not carried out any further assessment of these figures as there does not appear to be any issue with them.

In general Systra are happy with the way that the Local Highway Authority have considered the application, however they have raised 2 issues, one regarding the capacity of the junction of Gallow Field Road with B6047 and the other regarding pedestrian crossing facilities on A4304 in Lubenham.

With regards to the highway capacity issue at the Gallow Field Road/B6047 junction, this has been addressed both in the Technical Note submitted by Atkins in response to the Systra report and in the further highway response from the Local Highway Authority. Whilst we are of the opinion that it is unlikely that the proposal would result in a highway capacity issue based on theoretical predictions, perhaps it should be suggested that if planning permission were to be granted for the new prison, that for a period of at least the first year after opening, regular monitoring of this junction is carried out at the applicants expense. If the monitoring demonstrates that there is a capacity issue (related to delays or queues at the junction), the applicants should then be required to carry out improvements to the junction to mitigate the impacts resulting from the development. Such a condition would need to be tested to ensure

---

Neal Edwards  
IEng FIHE  
Managing Director

Malcolm J Edwards  
Financial  
Director

Duncan Forbes  
BEng(Hons) CEng MIET  
Technical Director

Christine Edwards  
Company  
Secretary

Registered Office: Edwards & Edwards Consultancy Ltd, 4 Ascot Drive, Coalville, Leicestershire. LE67 4DF.  
Registered in England and Wales No. 4389517 VAT No 794 5553 82

that it meets the tests of the NPPF, but it would seem reasonable given that two reputable consultancies have provided different assessments of this junction. Presumably the MOJ would be keen that access to the prison is as good as possible given that a large proportion of staff and visitors to the prison would use this junction.

With regards to the pedestrian crossings on A4304 in Lubenham, the Systra report does not really explain in what way the crossings are unsuitable or provide any justification for them being improved as a result of the development. Although the Highway Authority have said that as the proposal would not lead to any increased pedestrian crossing movements, the requirements for improved crossing facilities could in fact be generated by an increased volume of traffic on the road and not just as a result of increased pedestrian crossing movements. Nevertheless, the Local Highway Authority have separately carried out an assessment based on pedestrian and vehicle flows, ( $PV^2$ ) which shows that the increased traffic likely to be generated by the development would not justify improvements to the pedestrian crossings. The assessment carried out by the Local Highway Authority produced a  $PV^2$  value of 0.074, which is below the value of 0.2 for a crossing to be justified, and well below the value of between 0.2 and 0.7 for alternatives such as pedestrian refuges or zebra crossings to be installed. Therefore we are of the opinion that it would be unreasonable to insist that the development pay for the improved crossing facilities on A4304.

#### Moving onto the main transport assessment

Notwithstanding all of the above, we have noted that whilst capacity calculations have been considered for the local road junctions, no consideration appears to have been given to the suitability of each junction to cater for the additional traffic likely to be generated. For example no assessment has been made of the available visibility splays for turning traffic at any of the junctions. Our experience of dealing with planning applications in Leicestershire, is that we are required to provide speed survey information and demonstrate on a scaled drawing, the available visibility splays at any access or road junction that are being proposed to serve even very minor developments. However whilst this proposed application will generate a significant increase in traffic at a number of road junctions, it does not appear that any evidence has been provided or asked for to demonstrate that these accesses/junctions have suitable visibility splays based on measured vehicle speeds.

Whilst we have not had the opportunity to visit the site within the agreed timeframe, and ideally further work would be needed, we do have reservations with regards to the junctions of Welland Avenue and Foxton Road and also Foxton Road with Gallow Field Road, as to whether these junctions have appropriate visibility splays. Given that the proposal is likely to lead to a significant increase in traffic movements at these junctions, then we are surprised that this has not been considered, especially with the close proximity of Foxton Primary School and its associated on street car parking, to the junction at Foxton Road and Gallow Field Road.

The Local Highway Authority often seek to resist developments that would result in increased use of accesses/junctions that lack appropriate visibility splays, on the grounds that the increased traffic could lead to highway safety issues. The fact that no assessment of these has been carried out by the Applicants nor asked for by the Local Highway Authority seems unusual.

---

Neal Edwards  
IEng FIHIE  
Managing Director

Malcolm J Edwards  
Financial  
Director

Duncan Forbes  
BEng(Hons) CEng MIET  
Technical Director

Christine Edwards  
Company  
Secretary

Registered Office: Edwards & Edwards Consultancy Ltd, 4 Ascot Drive, Coalville, Leicestershire. LE67 4DF.  
Registered in England and Wales No. 4389517    VAT No 794 5553 82



We also note that the Transport Assessment has stated that no traffic will travel along the northern section of the private road (Welland Avenue) through the Gartree Estate, but will all enter and leave along the southern section of Welland Avenue from Foxton Road. However we are of the opinion that the proposed measures to deter vehicles entering and leaving along the northern section to and from Gallow Field Road, would not prevent these movements, given that the northern section would provide a far shorter distance of travel. As Welland Avenue is a private road, this is not an issue for consideration by the Local Highway Authority. However we are surprised that this has not been raised by them for consideration by HDC who clearly have raised concerns regarding increased traffic travelling through the private estate. The Transport Assessment does say that the situation would be monitored, we are not sure that there are any proposals in place to carry out any further alterations to Welland Avenue, should the traffic calming not work. In some ways it is likely to be preferable from a highway viewpoint if vehicles were able to enter via Gallow Field Road directly into Welland Avenue, but given that HDC have expressed a view that they do not want any additional traffic passing through the private Gartree estate, the measures proposed appear to be inadequate.

The Transport Assessment has assumed that all traffic will use the Foxton Road from A4304 and Gallow Field Road from B6047 to get to and from the site and assumed no traffic travel north on Main Street through Foxton or west on Gumley Road. This assumption will have been made to ensure that the capacity calculations at the junctions with A4304 and the B6047 are robust, which is reasonable. However it is likely that some traffic will use these other routes.

I hope that the above comments are helpful, if you require any further information then please do not hesitate to contact either myself, Duncan Forbes or Neal Edwards.

Yours faithfully

*Duncan Clarke*

Duncan Clarke  
Development Control Engineer

---

Neal Edwards  
IEng FIHIE  
Managing Director

Malcolm J Edwards  
Financial  
Director

Duncan Forbes  
BEng(Hons) CEng MIET  
Technical Director

Christine Edwards  
Company  
Secretary

Registered Office: Edwards & Edwards Consultancy Ltd, 4 Ascot Drive, Coalville, Leicestershire. LE67 4DF.  
Registered in England and Wales No. 4389517    VAT No 794 5553 82

## Planning Committee Report

**Applicant:** Mr G Cotton

**Application Ref:** 21/02032/FUL

**Location:** 1 - 3 Oswin Cottages, Town Street, Burton Overy

**Proposal:** Subdivision of dwelling to recreate 3 dwellings

**Parish/Ward:** Burton Overy

**Application Validated:** 22.11.2021

**Site Visit Date:** 10.12.2021

**Consultation Expiry Date:** 04.01.2022

**Application Target Date:** 17.01.2022 (08.04.22 by Extension of Time)

**Reason for Committee Consideration:** Recommended decision has some conflict with the Development Plan with regard to parking provisions.

## Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report and subject to the Conditions and Informative Notes proposed in Appendix A.

### 1. Introduction (including Site & Surroundings)

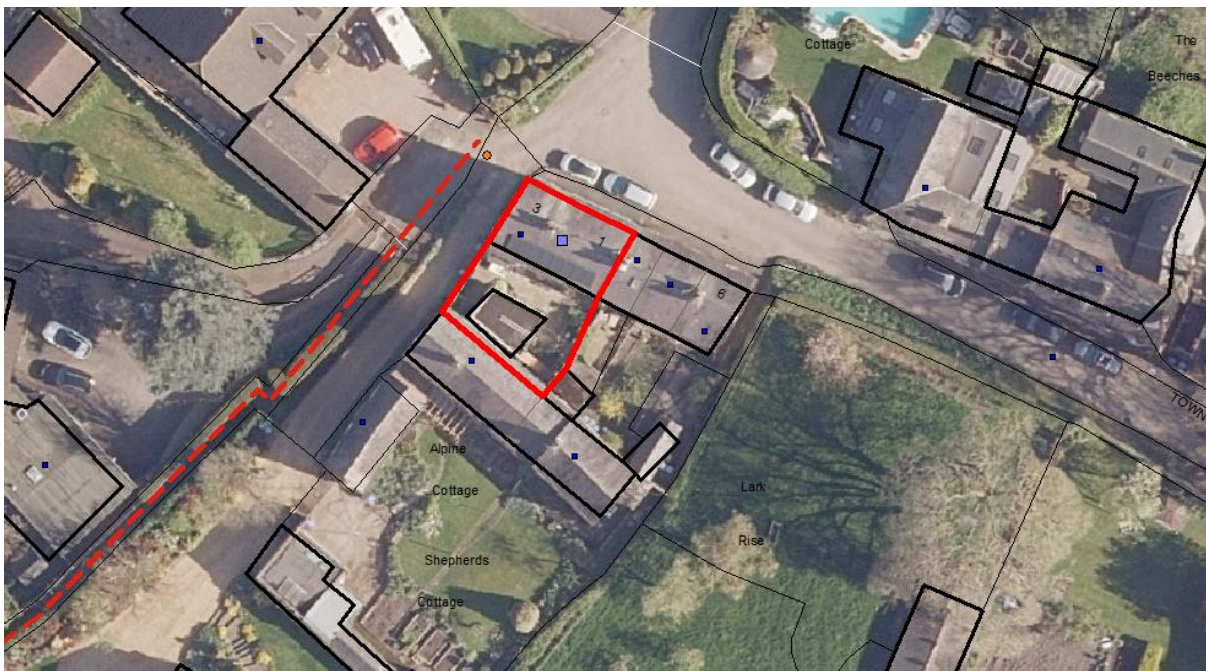
- 1.1 The application site is located within the Limits to Development of Burton Overy, on Town Street where it meets Beadswell Lane. These are unclassified highways that are generally narrow and do not possess line markings.



(Source: Uniform Maps ~2018)



- 1.2 The site is known as 1-3 Oswin Cottages. It is a single domestic dwellinghouse possessing 4 bedrooms. It forms the end section to a row of 2 storey terraced cottages.
- 1.3 The applicant reports that the property was erected in 1877 as part of a row of 6 terraced dwellings. In the latter half of the 20<sup>th</sup> century 3 of these dwellings were combined into one larger dwelling. The proposal is to subdivide the single dwelling back into 3 separate dwellings as per the original construction, with a single storey extension to 2 of the 3 dwellings.
- 1.4 The site lies within the designated Conservation Area of the village and special attention must be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 1.5 While there are Listed Buildings within the wider locality, the setting / significance of these heritage assets is not judged to be affected because of distance separation and the nature of the proposal.
- 1.6 The property possesses a modestly-sized rear garden, with an angled rear boundary which means the garden varies in depth between 6.3m and 9.0m. The garden benefits from being southwest facing, an orientation that is particularly beneficial given the unusually close proximity of the neighbouring dwelling known as Alpine Cottage, which sits on the boundary line to the southwest:



(Source: Uniform Maps ~2018)

- 1.7 The garden possesses a comparatively large outbuilding and some planting. This is to be removed to facilitate the development's provision of 3 separate gardens and alleyway access to each garden.
- 1.8 Private driveways run to the west side of the site, serving neighbouring dwellings to the south and west of the site. Public Right of Way C15 runs between these driveways. The PRow provides public views of the side and rear of the application site.

**Planning Officer Site Visit Photos (taken 10.12.21):**





Taken from the Public Right of Way:







- 1.9 The existing dwelling does not possess off street parking. This is a situation shared with the other properties which are part of the terrace. Parking takes place in the public highway. Beadswell Lane is too narrow to park along, while Town Street offers a range of on street parking opportunities. The road widens in front of the site where it bends around into Beadswell Lane and there is a range of on street parking available in front of Oswin Cottages in this area, as well as to the east farther along Town Street. Two semi-detached dwellings on Town Street (The Beeches Cottage and The Beeches), to the east of the site, are also likely to park on the Street.



(Source: Google Maps; image date September 2012)

- 1.10 The site is free from specific constraints that affect the proposal relating to archaeology, ecology/biodiversity, fluvial or surface water flood risks, and protected trees or woodland.

## **2. Site History**

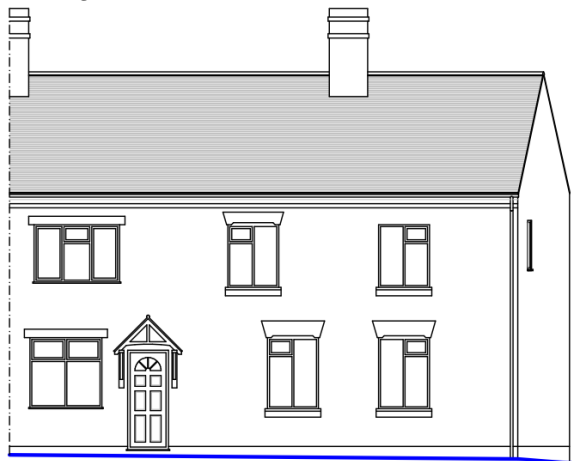
- 2.1 No previous planning history.

## **3. The Application Submission**

### **a) Summary of Proposals**

- 3.1 The proposal is to internally subdivide the existing 4 bedroom dwelling to form 3x 2 bedroom dwellings.
- 3.2 A single storey lean-to (mono-pitched roof) extension is proposed to the rear of two of the resultant dwellings. This is modest in rearward projection at 2.25m external depth.
- 3.3 The creation of one additional entrance door is proposed to the front elevation; where a front door can be seen to have formerly existed. The end-terrace would be accessed from a side door. New and repositioned windows are proposed to the first floor rear elevation, primarily to serve new bathrooms.

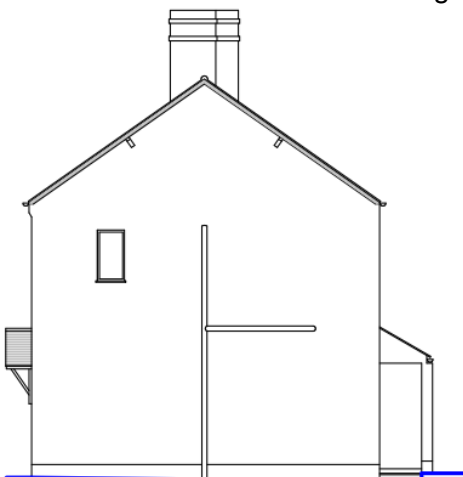
Existing Front Elevation:



Proposed Front Elevation:



Existing side and rear elevations:



Proposed side and rear elevations:



#### **b) Documents submitted in support of the application**

##### **i) Plans**

3.4 The following plans accompany the application:

--Drawing Title: Existing Plans & Elevations; Dwg No: 3699-01; Dated September 2021.  
--Drawing Title: Proposed Plans & Elevations; Dwg No: 3699-02; Rev e; Dated October 2021.

##### **ii. Supporting Statements**

3.5 The following supporting statement accompanies the application:

--Design and Access Statement, Heritage Statement & Flood Risk Assessment (Dated November 2021).

#### **c) Amended / Additional Plans / Drawings and Supporting Documents**

3.6 N/A.

#### **d) Pre-application Correspondence**

3.7 PREAPP/21/00166.

#### **e) Environmental Impact Assessment**

3.8 The proposal, given its type and scale, is not EIA development.

### **4. Consultations and Representations**

4.1 A summary of the technical consultees and representations 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 search via: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

#### 4.2 LCC Highways

*"The Local Highway Authority Advice (LHA) 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).*

##### Advice to Local Planning Authority

##### Background

*The LHA are in receipt of application 21/02032/FUL for the subdivision of 1-3, Oswin Cottages, Town Street, Burton Overy, Leicestershire, LE8 9DT to recreate three dwellings and a rear extension to two of the proposed dwellings. At present, 1-3 Oswin Cottages is one occupied four bedroom dwelling.*

##### Site Access

*1-3, Oswin Cottages is located on Town Street, Burton Overy, an adopted unclassified road subject to a 30mph speed restriction and a 7.5 tonne weight restriction. Footpath C15 to Great Glen runs adjacent to the proposed development and there are no parking restrictions on Town Street. Burton Overy is not presently served by public transport.*

##### Highway Safety

*There have been no reported Personal Injury Collisions (PIC's) in Burton Overy in the previous five years. The LHA are satisfied that the proposed development should not lead to an increase in the number of PIC's.*

##### Internal Layout

*The proposal does not include any off-site parking provision which is in keeping with the site's present use. The proposal is for three, two bedroom dwellings and there is a potential for an additional two [sic – \*\*see PO Comment below] vehicles to be parked on Town Street, which as mentioned is not subject to any parking restrictions.*

*In the absence of any formal parking restrictions, motorists can legally park their vehicle on street. However, it remains an offence under the Road Traffic Act 1988 for any person in charge of a vehicle to cause or permit that vehicle to stand on a road/footway in such a manner that is considered to be dangerous, or that which causes an obstruction to the safe and effective use of the highway. Any such instances of this should be reported to the Police on their non-emergency number 101.*

*The LHA conclude that vehicles residing at the proposed development will park on the public highway which is in keeping with the current arrangements for several of the surrounding properties. It is therefore not considered that this development proposal would lead to a severe or unacceptable highway impact in the context of the NPPF and as such the LHA would not seek to resist this application."*

**\*\* PO Comment** – the reference to "two" additional vehicles appears most likely to be a typographical error. According to LCC Highway Authority guidelines (the Leicestershire Highway Design Guide, Part 3, Para 3.173), a dwelling with 4 or more bedrooms in a rural area (e.g., the current dwelling) should provide at least 3 off street parking spaces. A dwelling with 2-3 bedrooms in a rural area (particularly "where car ownership is likely to be higher than locations that are better served by public transport") should provide at least 2 off street parking spaces. So, the effective change



in off street parking requirements resulting from the proposal is from 3 to 6 spaces; i.e., an increase of 3 spaces. This planning report evaluates the proposal on that basis.

**3.173 Developments of 1 to 5 houses:** You have the choice of either applying the following standards or using the DCLG paper method referred to in paragraph 3.171. (Please see paragraph 3.174 if you intend to use the DCLG method.)

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

(Source: Leicestershire Highway Design Guide)

#### 4.3 **LCC 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 of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195), although it is recommended that you seek the advice of your specialist (Historic Building Officer/Conservation Officer) regarding any potential impacts of the development upon the setting and significance of the designated Conservation Area.”*

[PO Comment – the advice of the Conservation Officer is not judged to be required in order to appropriately assess the impacts of the proposal on the special character and appearance of the Conservation Area.]

#### 4.4 **HDC Contaminated Land and Air Quality Officer**

*“This department has no comment regarding land contamination and the above [development].”*

#### 4.5 **Burton Overy Parish Council**

*“This planning application (21/02032/FUL) was considered by Burton Overy Parish Council (BOPC) at a full council meeting held on 14th December 2021 in the Village Hall. The meeting was attended by all five councillors, the parish clerk and three members of the public, one of whom identified himself as the applicant. The conclusion of the council deliberation was that a strong objection should be raised to the proposed development.*



*The application proposes that the single dwelling known as 1-3 Oswin Cottages should be split into three self-contained 2-bedroom cottages. It notes that this property was originally part of a terrace of six farm-worker cottages built in 1877. Cottages 1 and 2 were subsequently merged in the 1950s, followed by the addition of cottage 3 in the 1980s, so as to form a single residence.*

*The Application in Relation to the Amenity of Local Residents:-*

*If this planning application is approved, Oswin Cottages would revert to a terrace of six 2-bedroom dwellings. These cottages are sited close to the junction of Town Street and Beadswell Lane, both of which can be described as narrow lanes. At this same junction two private drives, each serving three dwellings, head off in the opposite direction to Beadswell Lane. One of these drives (to Oaks View) passes the end of the terrace with the result that the side (and only) entrance to the proposed 1 Oswin Cottage fronts directly onto this private drive. Following the discussion at the meeting, it remains unclear to the parish council as to whether there is an agreed right of way (pedestrian and/or vehicular) to this sole entrance to the property. In addition, the plans show that the proposed cottages will each have access to a path at the back of the gardens leading out to this private drive. Whether this arrangement is consistent with any existing right of way or has been agreed with drive owners is not addressed in the application.*

*The overriding issue for local residents is the car parking situation at this location. The BOPC has in the past heard of problems with parked cars blocking the entrances to the private drives. Similarly heavy lorries such as the refuse collection vehicles often find it difficult to negotiate the bend at the Town Street to Beadswell Lane intersection due to parked cars. This bend is also a dangerous blind corner, particularly so when cars are parked on both sides of the road. In recent years, Town Street has become a cut through for people returning to Great Glen having visited the dairy at Kingarth Farm, and an increase in parked cars on Town Street would make the road very hazardous especially as there are limited pavements.*

*It is the view of the BOPC that the proposed development will add significantly to the parking congestion to the detriment of the wellbeing of the local residents. The scale of the problem is clear. If each of the proposed separate dwellings brings a requirement for two cars (which is entirely possible if occupied by a working couple given the lack of any form of public transport), that is six cars associated with 1-3 Oswin cottages alone. This estimate then has to be combined with existing requirements for 4-6 Oswin Cottages and the houses on the opposite side of Town Street. In short this is a nightmare scenario for the residents of Town Street and Beadswell Lane.*

*A further issue for local residents is the storage of the black and blue wheelie bins used for waste and recycling collection. There is apparently a congestion of bins in this area on bin collection day. However, more to the point is that the proposed cottages have no storage facility for their bins other than their back gardens. This creates the possibility of the bins being left permanently on the narrow front pavement, if the garden access issue noted above is not satisfactorily resolved.*

*The Application in Relation to the Neighbourhood Plan:-*

*The Design and Access statement for the application rightly states that the Burton Overy neighbourhood Plan (BONP) is relevant to the context of the site and will be a key consideration. It is suggested that the proposal meets the BONP objectives, specifically Policy H1, by providing the village with a better housing mix. The*

requirement for more smaller houses is addressed in the following paragraph from the BONP (page 25).

*The high level of under occupancy suggests a need for smaller homes of one to two bedrooms which would be suitable for residents needing to downsize, small families and those entering the housing market. Providing suitable accommodation for elderly residents will enable them to remain in the local community and release under-occupied larger properties onto the market which would be suitable for growing families. The debate is what type of smaller housing units are required for older people. The initial community consultation suggests a strong preference for bungalow style property, although a minority would consider living in an apartment. There is also a clear preference for small family homes or older persons provision that provide adequate off-street parking and are in keeping with the vernacular of the local country style environment.*

*It is the view of the BOPC that the 2-bedroom cottages envisaged in the application will have little attraction for residents seeking to downsize given the very limited internal and external space and the steep stairs to the bedroom and bathroom facilities. The same would apply to families with young children. In any event, the proposal fails completely in terms of the provision of off-street parking.*

*BONP Policy DBE1, which relates to building design, states that All new development proposals of one or more houses, replacement dwellings and extensions will be supported where they have regard for the following building design principles to a degree that is proportionate to the development. One such principle is (DBE1b) Adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less and three spaces for dwellings of four bedrooms or more. In this context the application very clearly fails to comply with the policies of the BONP.*

*As a final note the prospect of parking congestion in this corner of the village is completely out of keeping with the goal of sustainable development identified in the BONP. The BONP seeks to ensure that housing development is of the right quantity and type in the right location, so that it does not harm but instead positively reflects the existing and historic character of the area."*

#### **4.6 Public Representations**

The application has attracted a relatively high level of public objection from surroundings residents. Refer to Public Access for full comments. Key concerns include:

- On street parking problems (causing, for example, situations when large delivery vehicles cannot access properties or emergency vehicle access could be blocked).
- There is no more street parking that could be utilised either in Beadswell Lane or Town Street.
- There is already an issue with parking on the road, this has resulted in conflict between residents and in restricting access to the surrounding properties and those located to the rear of Oswin Cottages. There have been many occasions where deliveries, refuse collections and cars have had to reverse back along Town Street and Beadswell Lane as they are not able to navigate the corner due to the number of vehicles parked.
- The six cottages built in Oswin's Rows were originally built for farm workers who worked in the village. They did not need cars.

- I would also question the assessment of the proposal by highways. There is not sufficient parking on Town Street to accommodate the additional vehicles that will be generated by this development. With the existing vehicle the street is at capacity. This development will not generate two additional vehicles. It is reasonable to conclude that each two bedroom property will generate two additional vehicles. The previous owners had two cars. The two extra properties will increase this by four additional vehicles, not two as suggested by highways. There is already a parking and access issue that has been raised with HDC previously. Very simply there is nowhere for any additional vehicle to park, unless they do so illegally by parking in the pavement further up town street. The highways assessment is flawed. Cars do park on the street but surely their assessment should consider capacity for extra cars, which it has not!
- Logistical and visual impacts from additional wheelie bin collections.
- Blocking private driveways.
- Construction impacts, such as noise/disturbance/parking & access issues.
- The plans will cause an over development of the area and will have an adverse impact on the character of the neighbourhood and on the residential amenity of people in the area.
- The village does need affordable housing but in the absence of a cap on the sale price and conditions surrounding purchasing eligibility in the proposal small families and first-time buyers will be priced out.
- The nature of the properties, such as steep staircases and no parking will not appeal to elderly downsizers, evidenced by the other residents of Oswin Cottages.

## **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 Local Planning Authority's Development Plan (also referred to as the 'DP') (this is the statutory position), unless material considerations substantiate otherwise.

### **a) Development Plan**

- 5.2 The Development Plan for the Harborough District comprises of:

- The Harborough District Local Plan (the LP) (adopted April 2019)
- The Burton Overy Neighbourhood Plan (the BONP) (adopted following referendum held in the village on 10 January 2019)

- 5.3 Extract from the BONP "Burton Overy Parish Profile" section (pp.13-14)

*"A high proportion of residents (49.2%) travel to work by car – slightly lower than across Harborough but higher than is the norm in the East Midlands or across England. Car ownership is high. The proportion of households with no car is 4.2%, compared to 11.8% (District); 22.1% (region) and 25.8% (national). The proportion of working age residents (7.6%) who state they work from home is higher than the local average (5.7%) and more than double regional and national averages.*

*People living in the parish are more likely to be living in dwellings with 4 or more bedrooms. Results from the 2011 Census show that around 43% of households live in housing with more than 4 bedrooms which is above the district (34%), regional (20%) and England (19%) averages. There is also an under representation of housing for*

*single people with around 5% of dwellings having one bedrooms against 6% for the district, 8% for the region and 12% for England as a whole.*

*Data from the 2011 Census shows that the majority (62%) of residential dwellings are detached which is significantly higher than the district (48%), regional (32%) and national (22%) share. Semi-detached housing accounts for a quarter (25%) of residential housing stock compared with 29% for the district, 35% for the region and 30% for England as a whole. Detached and semi-detached dwellings account for 87% of the total housing stock in the Burton Overy Parish whereas terraced housing and flats provide 13% of accommodation spaces. Levels of affordable housing are relatively low at 4.2%.*

*There is also an ageing population in Burton Overy, with over 25% of the population aged 65+. There is evidence of widespread under occupancy in the parish (having more bedrooms than the notional number recommended by the bedroom standard). Analysis of the 2011 Census shows that more than three fifths (62%) of all households in the Burton Overy Parish have two or more spare bedrooms and more than a quarter (27%) have one spare bedroom. Under occupancy is somewhat higher than district, regional and national rates.*

*The fit between demand and the available type and tenure of housing is an issue as well as the affordability of existing and new housing.*

*The Parish has a limited social and community infrastructure which includes a Pub, Village Hall and Church.*

*The area is strategically well located in relation to the national road network and has a number of walking routes. Public transport is limited and there is a very high dependency on the car for travel purposes.*

*The built environment is good. This includes 22 Listed Buildings. All of the village is in the Conservation Area."*

#### 5.4 BONP Policy S1 (p.20):

---

**POLICY S1: LIMITS TO DEVELOPMENT – Development proposals on sites within the Limits to Development, or (in terms of new sporting facilities) close or adjacent to the Limits to Development as identified in Figure 3, will be supported where it complies with the policies of this Neighbourhood Plan.**

---

#### 5.5 Extract from BONP "Housing Mix" Policy H1 pre-text section (p.25):

*"The high level of under occupancy suggests a need for smaller homes of one to two bedrooms which would be suitable for residents needing to downsize, small families and those entering the housing market. Providing suitable accommodation for elderly residents will enable them to remain in the local community and release under-occupied larger properties onto the market which would be suitable for growing families. The debate is what type of smaller housing units are required for older people. The initial community consultation suggests a strong preference for bungalow style property, although a minority would consider living in an apartment. There is also a clear preference for small family homes or older persons' provision that provide*

*adequate off-street parking and are in keeping with the vernacular of the local country style environment."*

5.6 BONP Policy H1 (p.25):

---

**Policy H1: HOUSING MIX** - New housing development proposals should provide a mixture of housing types specifically to meet identified local needs in Burton Overy as evidenced in the Parish Housing Needs Report (2016) and the 2017 HEDNA or more recent documents updating either of these reports.

Dwellings of 3 bedrooms or fewer and single storey accommodation suitable for older people will be supported where in accordance with other policies.

In any development proposal, dwellings of 4+ bedrooms should be in the minority.

---

5.7 BONP Policy H3 (p.26):

---

**POLICY H3: WINDFALL SITES** – Small scale development proposals within the identified Limits to Development on Figure 3 including infill and redevelopment sites will be supported where:

- a. They retain existing important natural boundaries such as trees and hedges; and
  - b. They provide for a safe vehicular and pedestrian access to the site; and
  - c. They do not reduce garden space to an extent where it adversely impacts on the character of the area, the amenity of neighbours and the occupiers of the dwelling or has a significant detrimental environmental or heritage impact.
-



5.8 The criteria of BONP Policy DBE1 that are judged to be most relevant to this proposal (p.27):

---

**POLICY DBE1: DESIGN - All new development proposals of one or more houses, replacement dwellings and extensions will be supported where they have regard for the following building design principles to a degree that is proportionate to the development:**

- a) New development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, and proposals should clearly show within a Design and Access Statement how the general character, scale, mass, density and layout of the site, of the building or extension fits in with the aspect of the surrounding area. 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) Adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less and three spaces for dwellings of four bedrooms or more;
- c) All new housing should reflect the character and historic context of existing developments within the Parish and incorporate a diversity of materials. Contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context;

<b>b) Statutory Duties, Material Planning Considerations &amp; other Relevant Documents</b>
---

5.9 Material considerations include any consideration relevant in the circumstances which has a bearing on the use or development of land.

- Planning (Listed Buildings and Conservation Areas) Act 1990
- The National Planning Policy Framework (the 'NPPF' / 'the Framework') (July 2021)
- National Planning Practice Guidance
- Circular 06/05: Biodiversity and Geological Conservation
- Environment Act
- National Design Guide
- Circular 11/95 Annex A - Use of Conditions in Planning Permission
- Leicestershire County Council 'Local Transport Plan 3' 2011-2026;
- The Leicestershire County Council Highways Design Guide (2018)
- Development Management SPD (December 2021)
- Harborough District 5 Year Housing Land Supply (September 2021)
- The Housing and Economic Development Needs Assessment (HEDNA) January 2017

## 6. Officer Assessment

### a) Locational Sustainability & the Principle of Development

- 6.1 The latest HDC 5 year housing land supply data is dated September 2021 and covers the period from 01 April 2021 to 31 March 2026. It identifies that HDC has a positive 5 year supply (7.49YS). The proposal would deliver additional housing stock (2 additional units). This is a positive material consideration to which weight in favour of the development is attached. The proposal would not, though, garner enhanced 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).
- 6.2 Burton Overy is a sub-Selected Rural Village level settlement, where additional housing is effectively treated as new housing in the countryside under HDC Local Plan Policy GD4. Key criteria in GD4 are highlighted below (1.a and d.). The proposal is judged to comply with both criteria.

#### GD4 New housing in the countryside

1. Outside Market Harborough, Key Centres, the Principal Urban Area, Rural Centres and Selected Rural Villages, but excluding Green Wedges, new residential development will only be permitted either where it is in accordance with Policy GD2, or where it is for:

a. Housing on small sites of no more than 4 dwellings which are within or physically and visually connected to settlements and which meet a local need for housing of a particular type, including small dwellings for the elderly and starter homes, providing this has been evidenced through a rural housing needs survey or a neighbourhood plan;

b. Housing to meet the needs of a rural worker, providing that:

- i. there is an established existing functional need for a full time worker that is directly related to the commercial enterprise or operation concerned;
- ii. the business has been established for at least three years, has been profitable for at least one of them, is financially sound and has a clear prospect of remaining so;
- iii. the need cannot be met by any existing residential accommodation at the business or in the locality which is suitable and available to the worker;
- iv. there are no available dwellings, or buildings that are suitable for conversion to dwellings, that have recently been sold separately from the rural business unit that could address the need;
- v. the size of the dwelling is commensurate with the financial need and is not unusually large in relation to the functional needs of the unit;
- vi. its location is suitable to meet the functional need and well-related to any existing farm buildings, dwellings or other buildings linked to the commercial enterprise or operation concerned; and
- vii. it will be kept available to meet the functional need in perpetuity through being subject to an appropriate occupancy condition;

c. the re-use of redundant or disused buildings that results in enhancement to their immediate setting;

d. the subdivision of an existing dwelling;

e. a design of exceptional quality, in that it is truly outstanding or innovative and would significantly enhance its immediate setting; or

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

- 6.3 The Burton Overy Neighbourhood Plan has taken a positive approach to additional housing, particularly within its defined Limits to Development. As observed in para.5.5 above, the BONP lends particular support to the current proposal to subdivide the 4 bedroom dwelling into 3x 2 bedroom dwellings through stating on page 25 that a *“high level of under occupancy suggests a need for smaller homes of one to two bedrooms which would be suitable for residents needing to downsize, small families and those entering the housing market.”* The BONP identifies a specific market under-occupancy of larger (4 or more bedroom) properties within the village, combined with a need for smaller homes. The proposal thus serves a dual benefit in this regard.
- 6.4 The policies of the BONP support the proposal through stating:
- Policy H1:  
*“Dwellings of 3 bedrooms or fewer and single storey accommodation suitable for older people will be supported where in accordance with other policies.*
- In any development proposal, dwellings of 4+ bedrooms should be in the minority.”*
- Policy H3:  
*“Small scale development proposals within the identified Limits to Development on Figure 3 including infill and redevelopment sites will be supported”*
- 6.5 The HDC Local Plan evidence base for housing needs (the January 2017 Housing & Economic Development Needs Assessment) demonstrates an objectively assessed housing need within the wider Housing Market Area (which includes the Harborough District) for smaller market dwellings (note HEDNA Table 55 and Para.8.39 on p.130) – *“it is considered that the provision of market housing should be more explicitly focused on delivering smaller family housing for younger households.”* The proposal would accord with this objective.
- 6.6 The proposal is considered to comply with the HDC LP and the BONP in principle.
- 6.7 However, the proposal has an element of conflict with the HDC Local Plan and the BONP policies/objectives which seek to ensure that new housing is provided with satisfactory off street parking. The proposal's failure to comply on certain matters would not, however, undo all other policy-compliant benefits of the proposal. These benefits still exist. Policy abrasion on parking/access grounds means that a balancing exercise must be undertaken.

<b>b)</b>	<b>Design and Visual Impact, including Impact on the Special Character and Appearance of the Conservation Area</b>
-----------	--

- 6.8 The external alterations to the site resulting from the proposal would be reasonably limited.
- 6.9 An outbuilding to the rear would be removed. This is not of historic merit. 3 separate gardens would be demarcated by fencing and a rear access alleyway would be created to serve the proposed dwellings. These works would not harm the Conservation Area.
- 6.10 The proposed rear extension on two of the dwellings is of vernacular form and design, subordinate in scale and harmoniously designed. Matching materials are proposed. Conservation rooflights should be prescribed by Condition. While the proposed rear gardens are small and the site's relationship with Alpine Cottage to the southwest is tight, the removal of the existing outbuilding means that the proposal would not lead a

more constrained relationship than exists at present. The smaller internal size of the dwellings relative to the existing dwelling means that a proportionality is maintained between dwelling and garden sizes.

- 6.11 The rear gardens are large enough to accommodate secure / undercover cycle storage, should this be an occupier's wish. It is not judged to be reasonable to obligate this through the planning process, as the application does not hinge on this matter.
- 6.12 The proposed rear gardens possess alleyway access, where bins would be obliged to be stored (there is no private land outside the site, e.g., to the front of dwellings, where bins could be permanently stored to the visual detriment of the locality / CA.)
- 6.13 A greater visual balance would be restored to the former row of 6 terraced cottages through the re-creation of a front door to one of the dwellings. This new doorway appears to utilise an original door opening, thus is historically appropriate in that respect. Rear elevation fenestration alterations would not harm the appearance of the building.
- 6.14 Assessed from the public realm of the Conservation Area and taking into account the visual amenities of the public right of way, the proposal is considered to preserve the special character and appearance of the streetscene and Conservation Area.

#### **c) Landscape Character Impact**

- 6.15 The proposal would not impact on wider landscape character matters or the rural setting of the village.

#### **d) Highways**

- 6.16 The most pertinent part of the BONP relating to parking, access and concomitant highway safety is found in Policy H3 "Windfall Sites", Criterion b.:

*"...redevelopment sites will be supported where:*

*...*

*"b. They provide for a safe vehicular and pedestrian access to the site,"*

and in Policy DBE1 "Design", Criterion b.:

*"All new development proposals ... will be supported where they have regard for the following building design principles to a degree that is proportionate to the development:*

*b) Adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less and three spaces for dwellings of four bedrooms or more,"*

- 6.17 The HDC Local Plan states at Policy GD8 "Good Design" that development must meet the following criteria:

*"l. ensuring safe access, adequate parking and servicing areas including for refuse collection in new residential development;*

*m. ensuring the safe, efficient and convenient movement of all highway users, including bus passengers, cyclists, pedestrians and horse riders;"*

and in Policy IN2 “Sustainable Transport”:

*“2. Residential and commercial development proposals will be permitted, subject to the provision of:*

- a. safe access, servicing and parking arrangements having regard to highways authority guidance and standards;*
- b. measures to facilitate and encourage safe access by cycle and on foot;*
- c. protection of, connection to, and extension where practicable of existing pedestrian, cycle and equestrian routes;”*

- 6.18 Slightly greater weight is attached to the HDC LP over the BONP as the LP was adopted after the NP and is the most up to date Development Plan document. However, both DP documents are consistent in terms of how the highway impacts of the proposal should be evaluated.
- 6.19 Town Street and Beadswell Lane are lightly trafficked village lanes, where vehicle movement numbers and vehicle speeds are low relative to the wider highway network. On street parking is a long established practice for Oswin Cottages, as well as the two nearby semi-detached dwellings which front onto Town Street – The Beeches Cottage and The Beeches, to the east of the site.
- 6.20 Some local objectors have referenced a need for 6 or 4 additional car parking spaces, which is not considered to fully take into account the existing dwelling’s car parking impacts. As a 4 bedroom dwelling, the existing dwelling should, by current County Highway Authority parking standards for new builds, possess 3 off street parking spaces. Assessed against the same CHA parking standards, the proposed 3x 2 bed dwellings would each need to provide 2 off street parking spaces; i.e. a total of 6 spaces. The residual parking deficiency of the proposal is best understood as a requirement for 3 additional spaces relative to the current situation.
- 6.21 The County Highway Authority has considered the proposal and has been made aware of public representations concerning on street parking and access issues. The additional competition for on street parking opportunities which is likely to result from this proposal is recognised as a concern of local residents. However, there is an incumbent need on all highway users to comply with highway legislation and codes & private property rights. A lack of compliance resulting from the proposed development, such as by blocking private driveways and obstructing other road-user access, cannot be predicated by the planning process. On street parking opportunities may be in higher demand & more limited and persons may on occasion have to park farther from front doors. There is, though, no evidence to suggest that the proposal would lead to significant and demonstrable harm to highway safety; this being the test that must be considered if determining to refuse a proposal on highway safety grounds.
- 6.22 While the proposal may be seen to conflict with the Local Plan and Neighbourhood Plan in terms of being deficient in off street parking, the less-than-ideal nature of the proposal in this regard is not considered to demonstrate that safe access, servicing and parking arrangements (for all highway users) would not be achieved.
- 6.23 Any conflict with HDC LP and BONP policies on highway grounds is considered to be limited in scope and not judged to represent a reason to refuse the proposal, particularly when the positive aspects of the proposal (principally the provision of small housing units) are weighed in the balance.



**e) Drainage / Flood risk**

- 6.24 The site does not lie within a fluvial or surface water flood risk zone. The development is not considered to be likely to give rise to additional flood risks.

**f) Ecology**

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

**g) Archaeology**

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

**h) Neighbouring & General Amenity Impacts**

- 6.27 The proposal is not considered to have significant impacts in this regard.
- 6.28 The reorganised & new first floor rear elevation fenestration is not judged to lead to significant harm in terms of loss-of-privacy/overlooking.
- 6.29 The extensions would not cause loss-of-light, overbearing or loss-of-privacy.
- 6.30 Local concerns have been raised about negative amenity impacts arising from additional wheelie bins being presented for collection, with the area already being cluttered on collection days. The impact of two additional dwellings (likely 2 extra bins) is not judged to result in significant harm.
- 6.31 There are no GPDO restrictions on the current dwelling and it is not judged to be reasonable or necessary to introduce any as a result of this proposal.
- 6.32 The return of the property to three separate dwellings would not cause any intrinsic amenity harm to neighbours or the public realm.

**i) Noise & Air Quality**

- 6.33 The proposal is not considered to have significant impacts in this regard.
- 6.34 Noting the nature and the small-scale of the proposed works, the construction impacts are not judged to be greater than similar works which could be undertaken under homeowner permitted development rights, di minimis works and non-development internal alterations.
- 6.35 It is not judged to be commensurate or reasonable to add Planning Conditions relating to construction works. Separate Environmental Health and Party Wall legislation satisfactorily addresses neighbour concerns on these matters. Notwithstanding, Informative Notes are recommended in order to encourage considerate development practices.

**j) External Lighting**

- 6.36 Not considered to be applicable to this proposal.

<b>k) Other Matters</b>
-------------------------

6.37 None.

<b>7. The Planning Balance / Conclusion</b>
---

- 7.1 The site is within the Limits to Development of Burton Overy where the provision of new housing is in accordance with the Burton Overy Neighbourhood Plan in principle.
- 7.2 Notwithstanding that the Council can demonstrate an up to date five-year supply of deliverable sites for housing, the proposal offers positive planning benefit through the creation of two additional dwelling units.
- 7.3 The proposal would involve the subdivision of one larger market dwellinghouse and the creation of three smaller market dwellings, for which there is (evidence-based) greater District and Local (Burton Overy village) need.
- 7.4 The development would preserve the special character and appearance of the Burton Overy Conservation Area and would not affect the setting of Listed or non-designated heritage assets.
- 7.5 The proposed subdivision (additional dwelling units in occupation), and the external alterations and extensions proposed would not give rise to adverse neighbouring or public realm amenity impacts.
- 7.6 Mindful of County Highway Authority parking guidelines, CHA advice on the proposal, on site planning officer assessment and relevant Development Plan policies, the lack of off street parking provided by 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. Fundamentally safe access, servicing and parking arrangements would be sufficiently maintained.
- 7.7 The proposal would not be detrimental to archaeological, biodiversity, flood risk, arboricultural, or other interests of acknowledged importance.
- 7.8 The proposed development is, on balance, judged to accord with Harborough Local Plan Policies GD4, GD8, HC1 and IN2 and Burton Overy Neighbourhood Plan Policies S1, H1, H3 and DBE1. The proposed development satisfactorily 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.
- 7.9 Therefore, the application is recommended for Approval, subject to the Conditions and Informative Notes proposed in Appendix A.

## **Appendix A – Recommended Planning Conditions & Informative Notes**

### **Conditions**

**1. Development to Commence Within 3 Years**

The development hereby approved shall begin within 3 years from the date of this permission.

REASON: To 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 approved shall be carried out in accordance with the following plans:

--Drawing Title: Proposed Plans & Elevations; Dwg No: 3699-02; Rev e; Dated October 2021.

REASON: For the avoidance of doubt and to ensure a satisfactory form of development.

**3. Matching External Materials**

The materials (bricks, tiles, fenestration, verge and eaves treatment, and rise and fall rainwater goods, as applicable) to be used in the external surfaces of the development hereby approved shall match the existing building.

REASON: In the interest of the character and appearance of the development and its surroundings (which includes the Conservation Area and public right of way visual amenities) and to accord with Harborough Local Plan Policies GD8 and HC1 and the Burton Overy Neighbourhood Plan.

**4. Conservation Rooflights**

The rooflights to be used in the development hereby approved shall be specialist conservation style rooflights (dark metal external finish, with vertical central glazing bar) and shall be fitted flush externally within the roof plane/s using profiling kits (for recessed installation).

REASON: In the interest of the character and appearance of the development and its surroundings (which includes the Conservation Area and public right of way visual amenities) and to accord with Harborough Local Plan Policies GD8 and HC1 and the Burton Overy Neighbourhood Plan.

### **Informative Notes:**

**1. Building Regulations**

The Applicant is advised that this proposal requires separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. 01858 821090). As such, please be aware that complying with Building Regulations does not mean that the Planning Conditions attached to this Planning Permission have been addressed and vice versa.

**2. Construction Hours**

To avoid potential statutory noise complaints, site works, deliveries, or any demolition and building works in connection with the development should only take place between the hours of 08:00-18:00 Monday to Friday, 09:00-13:00 Saturday and there should be no noisy work activities on Sundays and Public/Bank Holidays.

**3. Construction Vehicle Parking**

All vehicles associated with the development should park considerately within the public highway, in order to minimise conflict with vehicular, pedestrian and other movements within the public highway.

**4. Council Tax**

The applicant/developer must contact the Harborough District Council Tax department to report the creation of additional dwellings prior to the stage where the dwellings are capable of occupation (01858 82 82 82).

**Application Reference:** 21/01320/OUT

**Location:** 33 Dunton Road, Broughton Astley

**Proposal:** Outline application for the demolition of existing dwelling and commercial buildings and for the erection of seven dwellings (access to be considered)

**Application Validated:** 19.07.21

**Target Date:** 14.12.21 (Extension of time agreed)

**Consultations expire:** 17.03.22

**Site visit date:** 03.08.21, 18.08.21 and 17.01.22

**Reason for Committee decision:** Call in by Councillor Graves. This item was deferred by Committee on January 25th to resolve issues in line with Committee resolution.

### Recommendation

Planning Permission is **APPROVED** subject to the conditions set out in Appendix A.

#### 1. Site & Surroundings

- 1.1 The application site comprises approximately 0.25 hectares and sits at the south-eastern corner of Broughton Astley. The site contains a residential property (33 Dunton Road) fronting on to Dunton Road, and a former nursery site to the rear. The nursery originally supported a nearby garden centre, also on Dunton Road, which itself is currently being redeveloped for housing. Most of the site is in a state of disrepair and disuse since the nursery ceased operation.
- 1.2 The site is generally flat and is bound by residential dwellings on three sides, with open countryside beyond the eastern boundary. The site sits on a slightly lower level than the closest neighbouring dwellings to the south east (Thorneycroft Close) which can be seen on Photograph 5 later in this report. There is recent history of back land development near to the site at Thorneycroft Close, Fretter Close and Brockley Road. Local amenities include primary and secondary schools, shop/post office, doctors' surgery, and pub all within 1200m of the site.



*Aerial Photograph of the site*



Photograph 1: Facing north east towards the site access and No. 33 Dunton Road.



Photograph 2: Facing north across the site



Photograph 3: facing south-west towards the proposed access/Dunton Road.



Photograph 4: Facing north-west towards Fretter Close



## 2. Site History

None relevant.

## 3. The Application Submission

### a) Summary of Proposals

#### Layout

- 3.1 The initial proposal was for nine dwellings but has since been reduced to seven dwellings. This was following a Committee deferral where concern was raised over the previous tandem parking arrangements, separation distances between proposed and existing dwellings, and a general cramped and contrived layout which was not considered in keeping with the surrounding pattern of development.

A summary of the amendments to the layout are:

- A reduction from 9 dwellings to 7 dwellings (including replacement dwelling at 33 Dunton Road)
- Alteration to the internal access layout and parking spaces to wholly omit tandem parking and improve vehicular manoeuvring within the site.
- Re-siting of plots to maintain acceptable separation distances between dwellings within the site and the dwellings on neighbouring Thorneycroft Close.
- Dwellings and gardens are now generally larger, with double garages added to plots 3 and 4.

- 3.2 The application is submitted in outline form, to include access, with all other matters reserved for subsequent approval, thus it seeks to establish whether the principle of residential development for seven dwellings is acceptable, and the access suitable in respect of serving the development, and highway safety.



3.3 The planning statement is accompanied by:

- an illustrative layout, showing a development of seven dwellings and associated new access off Dunton Road
- an access junction layout transport statement
- swept path analysis
- preliminary ecological appraisal, together with a bat assessment and amphibian records

3.4 A revised illustrative layout was submitted which includes a 2m high timber fence to the rear of the gardens of Plots 4, 5 and 6 (indicated by the dashed yellow line in the plan below), whereas previously the garden boundary was formed by the hedgerow. The extent of the red line plan remains the same.

*Revised Illustrative layout (7 dwellings)*



*Previous illustrative layout (9 dwellings)*



- 3.4 The proposal is to create a new widened single access onto Dunton Road which is enabled by the demolition of No. 33 which is to be replaced with a new dwelling. This is demonstrated by a proposed access layout (Para 6.20) which has a width of 5m and a 0.5m margin either side, and visibility splays of 2.4m by 43m and pedestrian visibility splays of 1m x 1m.

#### **c) Pre-application Engagement**

- 3.5 No engagement.

#### **4. Consultations and Representations**

- 4.1 Consultations with technical consultees and the local community were carried out on the application.

#### **a) Statutory & Non-Statutory Consultees**

All comments relate to the revised scheme:

- 4.2 HDC Contaminated Land Officer/Environmental Health Officer  
No comments received.

- 4.3 Severn Trent Water:

No objection subject to drainage condition and informative regarding public sewer within the site.

#### 4.4 LCC Highways

*The site is served via an existing access from Dunton Road, which is a Classified B road, subject to a 30mph speed limit. The applicant is proposing to widen the access to 5m with a 0.5m wide margin strip on each side, and a 9.2m dropped kerb in a vehicular crossover arrangement.*

*Vehicular visibility splays of 2.4m x 43m have been demonstrated on Drawing No. ADC2495-DR-001 Rev P4, in accordance with the Leicestershire Highway Design Guide (LHDG).*

*Pedestrian visibility splays measure 1m x 1m have also been illustrated. Drawing No. ADC2495-DR-002 Rev P3 demonstrates a vehicle swept path analysis for the refuse vehicle type 'Phoenix 2-23W'. However it should be noted vehicular tracking for the refuse vehicle turning left into the site illustrates, it is required to cross the carriageway centre line, which would not be acceptable.*

*Nevertheless, given it is unclear if the internal layout will be put forward for adoption; the applicant is advised that prior to the reserved matters stage, to look at paragraph 3.219 of the LHDG for further information regarding refuse collection.*

*Therefore the LHA are satisfied with the proposed site access details and consider the development proposal is acceptable in highway terms subject to the conditions below.*

#### 4.5 Ecology (LCC):

No comment.

#### 4.6 Broughton Astley Parish Council

*The Parish Council continues to object to this application for the following reasons.*

*Previous development of backland housing along Dunton Road has led to a number of large dwellings. Whilst there is a market for this type of house it does not accommodate for the primary need in Broughton Astley which is to provide accommodation for single people and affordable housing. This site does neither, the five 4/5 bed dwellings which are listed as 8 person houses, does not provide for these requirements and only adds an increased impact on the highway and services within Broughton Astley.*

*The swept path analysis is still a challenge for the refuse vehicle turning left into the site and turning right out of the site due to the fact that cars consistently park on Dunton Road on the opposite side from this access. Parked cars have not been taken into consideration. The B581 is an extremely busy road and this access is at the most dangerous point. The Highways report also confirms that as "the refuse vehicle turning left into the site illustrates, it is required to cross the carriageway centre line, which would not be acceptable.*

*The Parish Council supports the neighbour's concerns regarding parking on the road at the entrance to the site. Also if parking occurs in the turning circle at unit 3 (as is frequently seen elsewhere) the refuse vehicle will be restricted.*

*The distances between properties have been increased due to a reduction of dwellings and although this looks better for the layout of the site, the increased size of each adds further problems regarding privacy and outlook for the neighbours. Their detailed comments highlight concerns which the Parish Council supports.*

*The frontage of unit 1 has been changed and now faces Dunton Road which is in keeping with*



*the street scene. The remaining units will not be so obvious from the main road and therefore will not change the character or appearance of the street scene.*

*However the neighbour's concerns regarding 'more than two storeys' will obviously change the character and appearance of this area. Tall buildings on such a narrow site will be overwhelming for neighbouring properties.*

## **b) Local Community**



*Neighbours consulted and responses received*

9 neighbouring dwellings were consulted and a site notice was erected on 03.08.21.

4.7 7 households have objected further to the revised scheme as follows:

1. Increased traffic entering and leaving the development on to Dunton Road.
2. Impact on the existing sewage network
3. Impact on water supply and surface water drainage
4. Impact on local environment from dust – including asbestos concerns
5. Extermination of vermin required on site
6. Parking issues
7. Inconsistent ridge heights
8. Noise pollution
9. Light pollution
10. Boundary is required to allow maintenance of boundaries and buildings
11. Excess nitrates and chemical deposits from previous use
12. Ecology impact
13. Impact on existing boundary treatment
14. Overbearing impact upon dwellings on Thorneycroft Close
15. Loss of privacy (Thorneycroft Close)
16. Quantum of development too large
17. Impact on character of the street scene due to proposed demolition of No. 33
18. Conflict with Policy H3 of the BA Neighbourhood Plan
19. Swept path analysis inadequate
20. Density is too high
21. Inadequate separation distances / neighbouring amenity impact

## **5. Planning Policy Considerations**

## **a) Development Plan**

### **5.1** *Harborough District Local Plan*

- SS1: Sustainable Development
- GD1: Achieving Sustainable Development
- GD2: Settlement Development
- GD8: Good Design in Development
- H1: Provision of New Housing
- H2: Affordable Housing
- CC3: Managing flood risk
- CC4: Sustainable drainage
- GI5: Biodiversity and geodiversity
- IN2: Sustainable transport

### *Development Management Supplementary Planning Document*

- 2 – Design Principles

## **b) Material Planning Considerations**

### **5.2** Material Planning Considerations relevant to this application:

- The National Planning Policy Framework (The Framework/NPPF), particularly Para.11 (presumption in favour of development), Section 5 (Delivering a sufficient supply of homes), Section 11 (Making effective use of land) Section 12 (Achieving well-designed places)
- National Planning Practice Guidance
- Supplementary Planning Guidance
- Five Year Housing Land Supply Statement
- Broughton Astley Neighbourhood Plan (2014)

## **c) Section 106 and Affordable Housing**

### **5.3** The proposal falls below the threshold for both section 106 contributions (10 dwellings or more) and affordable housing requirements (10 dwellings or more, or site area of 1000 sqm or more).

## **6. Assessment**

### **a) Principle of Development**

- 6.1 The Council has an up-to-date Local Plan (adopted April 2019) which makes provision for sufficient land for housing to 2031. A neighbourhood plan for Broughton Astley was made in 2014 and forms part of the development plan.
- 6.2 The Council's 5 Year Housing Land Supply Position Statement (September 2021) shows that as of 31<sup>st</sup> March 2021 the Council has 7.49 years housing supply. Therefore, the Council is not currently seeking additional sites for housing, as a sufficient supply of housing exists and is planned for in the development plan for Broughton Astley.
- 6.3 Policy SS1: The Spatial Strategy categorises Broughton Astley in the settlement hierarchy as a Key Centre. Consequently, this means that the proposal should be assessed against Policy GD2: Settlement Development. Part 1 of Policy GD2 states

development within the existing or committed built up area of Key Centres will be permitted where it meets two criteria. The proposed development is within the built-up area of Broughton Astley. Criteria a) requires the proposal to respect the form and character of the existing settlement and, as far as possible retain existing boundaries. Criteria b) allows development where it includes the redevelopment of redundant or disused buildings. The proposal is considered to satisfy criterion b), further assessment against criterion a) is included later in this report.

- 6.4 Policy H5: Housing density, mix and standards requires new housing development to a) make efficient use of land while respecting the character of the surrounding area and maximise the density on sites from where a full range of services and facilities are accessible by walking, cycling and public transport. Given the location of the proposal is in the built-up area of Broughton Astley, it is considered to be a sustainable location close to services and facilities.
- 6.5 The proposal lies within the Broughton Astley Neighbourhood Area and therefore policies within the made Broughton Astley Neighbourhood Plan (2014) apply. Of most relevance is Policy H3: Windfall and Back land development. Part i) of this policy states that small, well designed residential sites which do not have a detrimental effect on the surrounding area and neighbouring properties will be supported. Further assessment on the impact on the amenity of neighbouring residents will be required. Part ii) states that in principle development will be supported on sites of less than 5 dwellings on previously developed land. This part of the policy is different to policy H5 of the Harborough Local Plan. The Harborough Local Plan (2019) is the most recently adopted plan. Therefore, in accordance with Paragraph: 084 Reference ID: 41-084-20190509 of the NPPG it is considered that policy H5 of the Harborough Local Plan should be given greater weight in this aspect of the planning decision for this proposal.
- 6.6 The Local Plan spatial strategy is to direct residential development to the most sustainable settlements in accordance with the settlement hierarchy. Broughton Astley is a Key Centre and in accordance with policy GD2, the proposal is considered to be a suitable location for development in principle. Further to this, policy H5 also requires further assessment of the how the proposal respects the character of the surrounding area and whether it constitutes efficient use of land. Whilst Broughton Astley Neighbourhood Plan Policy H3 remains a relevant consideration in the decision making process, it is considered that greater weight should be given to policy H5 of the Harborough Local Plan regarding the potential quantum of development on the site.

## **b) Technical Considerations**

### **Design and visual amenity**

- 6.7 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.8 For windfall sites in Key Centres, Policy GD2 of the Local Plan indicates that development will be permitted where the proposals respect the form and character of the existing settlement, retaining existing natural boundaries or it includes the redevelopment or conversion of redundant or disused buildings and enhances its immediate setting. The site is currently overgrown and contains multiple disused outbuildings and greenhouses as part of its former operation as a nursery, The proposal is therefore considered to enhance the immediate setting of the site which is in a state

of neglect and disuse. The scale and massing of the proposals will lead to an increase in visual prominence from public vantage points in comparison to the existing situation. However, residential development in this location is considered to relate well to the surrounding area built-up area, whilst consideration for neighbouring amenity will ensure a well-designed minor development which enhances its setting and makes efficient use of the land.

- 6.9 Policy GD2 also requires new housing to be physically and visually connected to the existing settlement and to respect its form, character, and landscape. The proposal for 7 dwellings on a 0.25-hectare site results in a gross density of 28 dwellings per hectare or 11 dwellings per acre. This is considered to be a low-density proposal for a minor housing development in an urban location and broadly reflects the density of recent neighbouring developments which contain larger detached dwellings with detached garages.
- 6.10 As the proposal is in outline, the layout, appearance, scale, and landscaping of the scheme is reserved for future approval. However, the proposed layout and density has been assessed as part of this application as it would hold some weight ahead of a prospective reserved matters application. Concerns were raised regarding the previous submission for nine dwellings which was considered to have a contrived layout which attempted to maximise the development potential of a site constrained by its narrow access and irregular shape. The previous submission also featured tandem parking, private amenity space to the side of Plot 3, as well as insufficient separation distances between Plot 4 and No. 3 Thorneycroft Close. Following discussions at Planning Committee (18/01/2022) it was resolved to defer the application so that the applicant could revisit the layout and attempt to resolve the issues raised regarding the layout, parking, and neighbouring amenity. The revised layout reduces the quantum of development from 9 dwellings to 7, eliminating the tandem parking arrangements, resolving the separation distance issue concerning 3 Thorneycroft Close, and resulting in a generally more spacious development with more amenity space for individual dwellings.
- 6.11 It is acknowledged that the host dwelling is required to be demolished in order to facilitate suitable access arrangements for both vehicles and pedestrians to the site. The supporting planning statement confirms that the replacement dwelling is to be of a high-quality design which would ensure that the form of development along Dunton Road is maintained, and the character of the street scene is not harmed. The proposed layout indicates that the replacement dwelling will be significantly smaller in order to facilitate a suitable access for the development. This may appear slightly incongruous within the context of the wider street scene, however the potential minor harm caused to the character of the street scene does not outweigh the public benefit of the proposal. In any case, the elevations and materials are not a requirement at this stage, and the indicative size and type of the dwellings are considered to be suitable within a location which includes a variety of architectural styles and sizes of dwellings.
- 6.12 In summary, Officers consider that the revised submission and layout for seven dwellings improves the overall design and visual amenity of the proposal. On the basis of the above assessment and subject to compliance with recommended conditions 1 and 4, it is considered that the proposal satisfactorily meets the requirements of the Framework, and Local Plan Policies GD2 and GD8.

#### **Amenity impacts**

- 6.13 Policy GD8 of the Local Plan seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings and this is also reflected in the NPPF.

- 6.14 It is acknowledged that the outlook towards the northwest from properties on Thorneycroft Close will change as a result of residential development on this site. However, it is considered that, albeit on a smaller scale than what is proposed, there was previous commercial use on this site, and it has not always been in a state of disuse. Through applying Local Plan Policies and the Development Management Supplementary Planning Document relating to neighbouring amenity, it is considered that a suitable scheme can be achieved which does not cause unacceptable harm to neighbouring amenity.
- 6.15 The revised proposals ensure that the layout complies with minimum separation distances between the proposed dwellings within the site and the closest neighbouring dwellings on Thorneycroft Close and Fretter Close as outlined in SPD Chapter 2. An objection has been received in regarding the relationship between Plot 4 and 4 Thorneycroft Close. The blank side elevation of Plot 4 would be separated by 4.9m from the side elevation of 4 Thorneycroft Close which contains a small window on the first floor serving a study, as indicated by the objector. This is not the only window serving this room, and is not a principal window. The design and scale of Plot 4 is a reserved matter and this will be further assessed at reserved matter stage.



Photograph 5: Facing south east towards the rear of properties on Thorneycroft Close.





- 6.16 There are no other neighbouring amenity concerns between dwellings within the application site or between proposed dwellings and existing neighbouring dwellings. Furthermore, it is considered that the illustrative layout indicates suitable levels of private amenity space for each proposed dwelling.
- 6.17 In summary, a satisfactory relationship can be achieved through careful design, layout and boundary treatment at reserved matters stage, and there is adequate space to achieve a suitable layout including parking within the site. The proposal is therefore judged to comply with Local Plan Policy GD8 and SPG Note 2.

#### **Access and highway impact.**

- 6.18 The NPPF requires that the transport implications of development be examined in light of the following objectives:

“Plans and decisions should take account of whether:

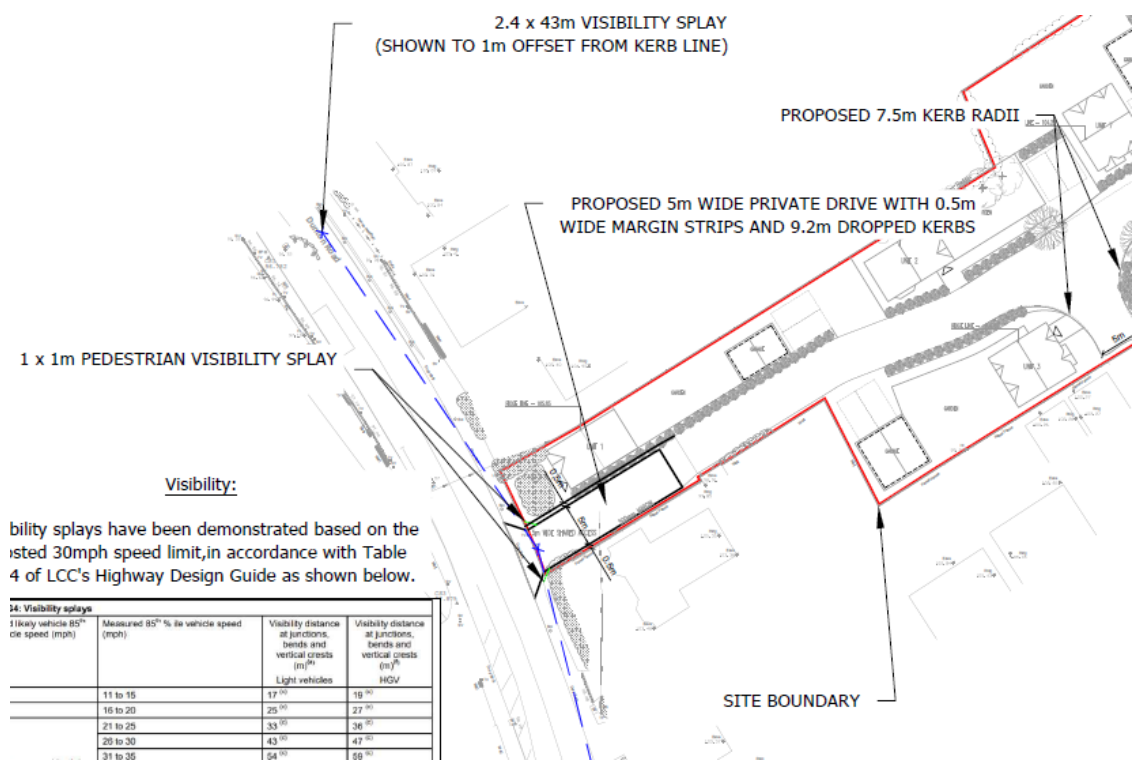
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure
- safe and suitable access to the site can be achieved for all people, and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe

In respect of location, the site is within easy walking distance of a range of local facilities and a local bus service.

- 6.19 The Local Highway Authority is satisfied with the proposed vehicular and pedestrian access which are both in accordance with Leicestershire Highway Design Guidance. The LHA note that the vehicular tracking for the refuse vehicle turning left into the site illustrates, it is required to cross the carriageway centre line, which would not be acceptable. However, as this is an outline application and it is not yet clear whether the internal layout will be put forward for adoption, there is no objection from the LHA and this matter can be addressed at reserved matters stage if required.

- 6.20 A total of 22 off street parking spaces are proposed, which includes a mix of driveway and garage space for each dwelling apart from Plot 2, which has two driveway spaces to the north east of the dwelling. The exact number of required parking spaces will be known once the number of bedrooms for each of the dwellings are confirmed as part of a prospective reserved matters application. This is secured via condition 8. The layout now contains no tandem parking throughout the site.
- 6.21 Based on the additional information and taking account of the comments of the Highways officer, it is concluded that the proposal is acceptable in highway safety terms and accords with GD8 of the Local Plan and the Framework.

Diagram 2: *Proposed access layout*



Ecology

- 6.22 The initial proposal included the hedgerow on the eastern boundary within the site boundary. LCC Ecology stated that the hedgerow should be retained, a minimum 5 metre buffer should be provided between this hedgerow and site boundaries, and that the hedgerow should not form garden boundaries. Failure to do so would impair the hedgerows value as a linear wildlife corridor and habitat, as well as harming landscape and appearance.
- 6.23 Following this, the masterplan was amended to add a 2m boundary fence (outlined in dashed yellow on the plan below) to the rear of the gardens of Plots 7, 8 and 9, therefore effectively removing the hedgerow from the respective garden boundaries of these properties. Future retention and maintenance will be covered by the landscape management plan and biodiversity enhancement requirements (Conditions 10 and 11).

Diagram 3: *Revised illustrative layout showing the proposed boundary treatment to Plots 4, 5 and 6*



## Drainage

- 6.24 The site is located in a Flood Zone 1, therefore an area that is at the lowest risk of flooding. In accordance with CC3 and CC4 of the Local Plan, an appropriate Sustainable Urban Drainage System (SUDS) should be incorporated as part of a future reserved matters proposal. Surface water drainage details will be required prior to the commencement of development and will form part of a prospective reserved matters application. This is secured by Condition 5.

## c) Planning Obligations

- 6.25 Given the size of the site proposed for residential development (less than 10 dwellings), the application does not trigger a requirement for Section 106 obligations. In the event of the total gross floorspace of the reserved matters scheme exceeding 1000 sqm, there will be a requirement of 40% affordable housing requirement (either on site or commuted sum).

## 7. The Planning Balance/Conclusion

- 7.1 Notwithstanding that the Council can demonstrate an up-to-date five-year supply of deliverable sites for housing, the proposal is supported by Policy GD2 which permits development where it includes the redevelopment or conversion of redundant or disused buildings, whilst enhancing the immediate setting of the site. The outline proposal is also judged to comply with Policy GD2 in terms of its physical and visual connection to Broughton Astley, where it respects the form and character of the settlement and landscape.
- 7.2 The proposed development is acceptable on the basis that the site occupies a sustainable location within the built-up boundary of a Key Centre, where the details of the scheme demonstrate that it is capable of being assimilated into its surroundings

without unacceptably affecting the character of the area, the amenities of occupiers of adjoining properties, highway safety, biodiversity, flooding, or any other interest of acknowledged importance. Therefore, it is considered that the proposed development satisfactorily complies with the Framework and relevant policies in the development plan and there are no material planning considerations sufficient to challenge the presumption in favour of development.

- 7.3 The revised proposal addresses all points of concern previously raised, resulting in a reduced density and an improved layout which now represents an acceptable scheme.
- 7.3 It is therefore recommended that the application be approved subject to the conditions in Appendix 1.

## **8. Appendix 1: Conditions and notes to applicant:**

1. Outline consent commencement:

No development shall commence on site until details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to accord with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Submission of reserved matters:

The development hereby approved shall commence prior to the expiration of two years from the date of approval of the last of the reserved matters to be approved. Applications for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

REASON: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

3. Permitted Plans:

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

- Proposed illustrative site plan – Drawing No. 201453-PL04 – Revision C
- Proposed site plan – Drawing No. 201453—PL05 – Revision B
- Proposed access junction layout - ADC2495-DR-001 – Revision P4
- Swept path analysis - ADC2495-DR-002 – Revision P3

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

4. Details of materials.

Prior to construction of any external walls, details of all external materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be carried out in accordance with the approved details.

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

5. Surface water drainage details:

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

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

6. Construction Management Statement:

No development shall commence on site (including any works of demolition), until a Construction Method Statement (CMS) is undertaken, which shall include 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) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment;
- i) hours of construction work, including deliveries; and
- j) measures to control the hours of use and piling technique to be employed
- k) measures to control and minimise noise from plant and machinery

The CMS must be submitted to, and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the construction period and verified where appropriate.

In terms of f), i), j), and k), please have consideration to the following:

f) Dust control

We are specifically concerned with environmental nuisance and ensuring that dust is controlled on-site so as not to cause nuisance to the local amenity. We would like to see information in relation to dust mitigation at source and how measures will be implemented on-site. Consideration should be given to the following:

- proactive monitoring of dust emissions; particular attention should be given to wind and weather conditions, especially during dry periods. Records should be kept and should be made available to the local authority at suitable notice upon request
- containing dust on site by covering materials and using water suppression
- implementation of a complaint procedure should complaints be received by local residents directly or via the local authority



i) Hours of construction work, including deliveries

The council's recommended construction hours are as follows:

- Monday to Friday: 8am to 6pm
- Saturday: 8am to 1pm
- Sundays, Public and Bank Holidays: No working on noisy activities

j) Control of Piling

Piling has the potential to cause statutory nuisance through excessive noise and vibration. Any notification to undertake piling should be given to the local authority at an early stage. Consideration should be given to the following:

- BS5228: Code of practice for noise and vibration control on construction and open sites (parts 1 and 2)
- method of piling to be employed and the reasoning behind the decision
- type of rig to be used (size, power etc.)
- type and size of the pile to be used
- the plan to be implemented including locations and duration
- hours of use including on/off time
- monitoring of both noise and vibration levels by a competent person having reference to noise and vibration limits specified in BS5228
- implementation of a complaint procedure should complaints be received by local residents directly or via the local authority
- communication with residents to inform/educate them

k) Noise control

Consideration should be given to the following:

- BS5228: Code of practice for noise and vibration control on construction and open sites (part 1)
- monitoring of noise levels by a competent person having reference to noise limits specified in BS5228
- implementation of a complaint procedure should complaints be received by local residents directly or via the local authority
- communication with residents to inform/educate them

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

7. Access and off site highway works:

No part of the development hereby permitted shall be occupied until such time as the access arrangements, visibility and off site highway works shown generally on drawing number ADC2495-DR-001 – Revision P4 have been implemented in full.

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

8. Parking:

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

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

9. Landscape scheme

Prior to the first occupation of the dwelling(s) a Landscape Scheme shall be submitted to and approved in writing by the Local Planning Authority.

The Landscape Scheme shall include full details of proposed hard and soft landscape works, including: access, driveway, parking, turning and all other surfacing materials; boundary treatments; retained planting/hedges/trees and new planting/hedges/trees; screened bin store area; and a timetable of implementation.

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

REASON: To ensure that the development includes landscaping, planting, boundary treatments and surfacing materials which are appropriate to the character and appearance of the development and the surrounding area, to protect drainage interests (promote sustainable drainage) and highway interests (prevent deleterious material and surface water entering the highway) having regard Harborough Local Plan Policies GD2, GD8 and the National Planning Policy Framework.

10. Landscape Management Plan:

Prior to the first occupation of any of the dwellings hereby permitted a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than privately owned domestic gardens or areas to be adopted by the Local Highway Authority), shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include:

- (a) retention and ongoing maintenance of the hedge to the eastern boundary

REASON: To ensure the proper management and maintenance of the approved landscaping in the interests of the character and appearance of the development and the surrounding area having regard to Harborough Local Plan Policies GD2, GD5 and GD8, and the National Planning Policy Framework.

11. Risk Based Land Contamination Assessment

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

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

- Or any documents which supersede these.

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

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

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

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

## 12. Completion/Verification Investigation Report

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

1) If no remediation was required by Condition 13, a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Planning Authority, or

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

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

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

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

### **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 01858 821 090). 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. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).
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. 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.

## Planning Committee Report

**Applicant:** Davidsons Developments Ltd – South Midlands

**Application Ref:** 21/02155/REM

**Location:** Land to The West Of Leicester Road, Market Harborough

**Parish/Ward:** Lubenham/Lubenham

**Proposal:** Erection of 315 dwellings and associated garage and parking (Reserved matters of 13/01483/OUT) (revised scheme of 17/01966/REM, including details of appearance, landscaping and layout for substitution of plot numbers 201-221, 223, 225-233, 235-249 in relation to Phase 2 only.

**Application Validated:** 20.12.2021

**Target Date:** 21.03.2022 (Extension of Time Agreed)

**Consultation Expiry Date:** 28.01.2022

**Site Visit Date:** 15.03.2021

**Reason for Committee Decision:** It is a 'major' application type.

## Recommendation

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

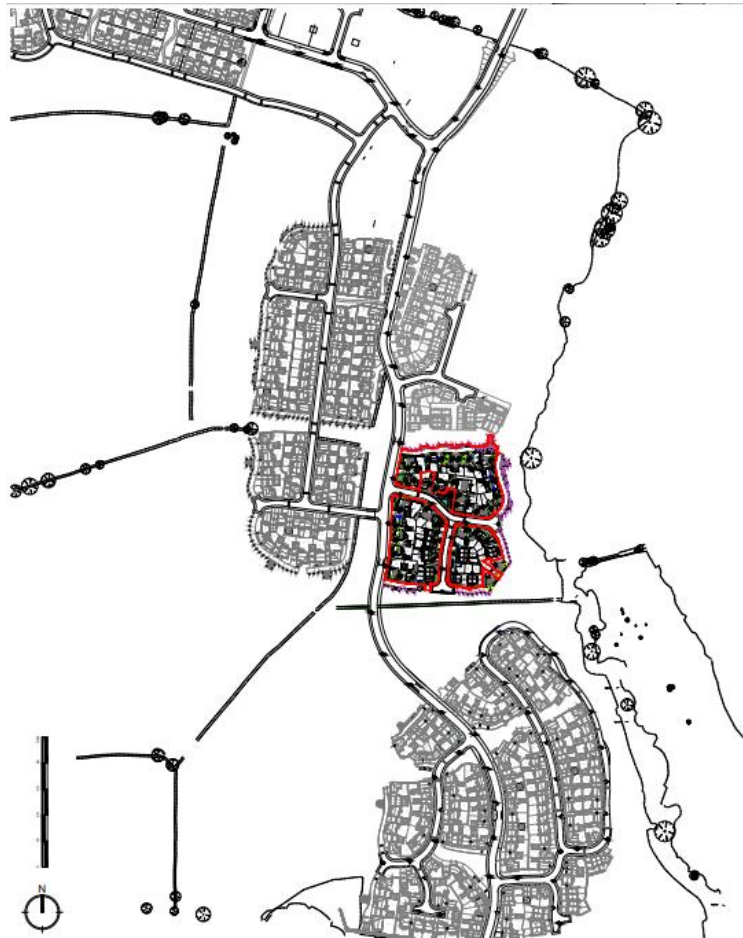
- The Planning Conditions and Informative Note detailed in Appendix A.

### 1. Site & Surroundings

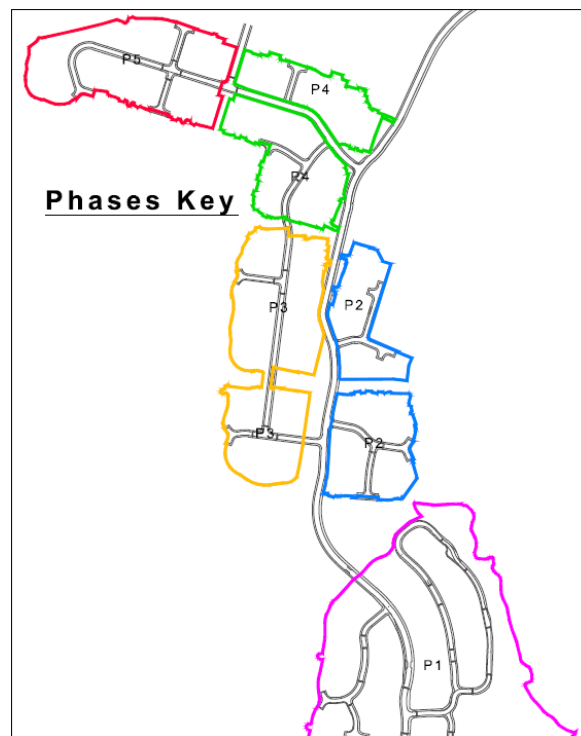
- 1.1 The application site forms part of the North West Market Harborough Strategic Development Area (SDA). The Strategic Development Area lies directly to the north west of Market Harborough between the A4304 Harborough Road/Lubenham Hill to the south, Gallowfield Road to the north and the B6047 Harborough Road to the east.
- 1.2 The site is part of 'Land to the West of Leicester Road' ("Manor Farm") (the middle section of the SDA). Outline planning was granted for 450 dwellings in March 2016. Reserved Matters for 135 dwellings was granted in February 2018, with the remaining 315 dwellings granted in January 2019. The reserved matters are currently being implemented.
- 1.3 The red line of this particular application relates to the southern part of Phase 2\*

\*Note; this part of Phase 2 is known as Phase 7 internally within Davidsons, hence the drawing register refers to Phase 7 – this is down to an internal restructure whereby the South Midlands office have inherited plots 201-249 from the East Midlands office and, therefore, required a new phase number as it is being treated as a separate site)





**Overall Planning Layout**



**Phasing Key Extract**

## **2. Planning History**

2.1 The following planning history is judged to be relevant. In chronological order:

- 13/01483/OUT: Erection of 450 dwellings, a local centre (to potentially include A1 (Retail), A3 (Food), A4 (Pub), A5 (Hot Food) D1 (day nursery/medical centre) and D2 (Leisure)), Public Open Space (to include outdoor sports pitches and children's play space, LEAP, allotments and community hall), Associated drainage infrastructure including SUDs features, highway infrastructure and new roads, including part of the new link road and the creation of pedestrian and cycle ways. (Approved)
- 17/00339/REM: Erection of 135 dwellings and associated garage and parking (Reserved matters of 13/01483/OUT) (Approved)
- 17/01523/REM: Installation of a road (Reserved matters of 13/01483/OUT (layout of the spine road to be considered only)) (Approved)
- 17/01966/REM: Erection of 315 dwellings and associated garage and parking (reserved matters of 13/01483/OUT) (Approved)
- 18/00008/PCD: Discharge of condition 2 (Phasing Programme) of 13/01483/OUT (Approved)
- 18/01262/PCD: Discharge of Condition 7 (land contamination) of 13/01483/OUT (Approved)
- 18/01326/PCD: Discharge of Conditions 2 (phasing programme), 9 (landscape management plan), 18 (levels), 19 (surface water drainage), 20 (foul drainage) and 21 (protection of retained trees/hedgerows) of 13/01483/OUT (Pending Decision)
- 18/01385/PCD: Discharge of Conditions 6 (construction management plan) and 15 (cycle storage) of 13/01483/OUT (Pending Decision)
- 18/01652/PCD: Discharge of conditions 14 (storage of refuse) and 17 (external lighting) of 13/01483/OUT (Approved)
- 18/01848/PCD: Discharge of condition 27 (archaeology) of 13/01483/OUT (Approved)
- 18/01902/PCD: Discharge of conditions 22 (Mitigation and Habitat Enhancement), 23 (Biodiversity), 24 (Badgers), 25 (Great Crested Newts) of 13/01483/OUT (Approved)
- 21/02085/PCD: Discharge of Conditions 7 and 8 (contamination) of 13/01483/OUT
- 21/02097/PCD: Discharge of Condition 26 (external lighting) of 13/01483/OUT
- 21/02098/PCD: Discharge of Condition 29 (Archaeology) of 13/01483/OUT
- 21/01669/VAC: Erection of 135 dwellings and associated garage and parking (Reserved matters of 13/01483/OUT) (revised scheme of 17/00339/REM to update house types to plots 2, 4-7, 16-17, 21-26, 29-40, 43-49, 51-66, 68-73, 75-76, 79-89, 92-99, 102, 104-109, 111-117, 118, 120-122, 125, 127-128, 132-135, house type substitutions to plots 1 and 125, repositioning of plot 50, repositioning of garages to plots 30 and 67, relocation of pumping station and amendments to attenuation pond

and landscaping proposals (Variation of Condition 4 (Landscaping Management Plan) of 19/01115/REM to create a new bund, updated Landscaping Plan and Landscaping Management Plan) **PENDING CONSIDERATION**

### **3. The Application Submission**

#### **a) Summary of Proposals**

- 3.1 This application seeks revisions to the previously approved Reserved Matters.
- 3.2 The revisions include:
- Removal of carports (218/219, 239)
  - Retaining walls removed
  - Removal of dormer and chimney, but single storey rear addition added to Plot 201 and 237
  - Plots 204, 235 and 236 complete house-type substitution
  - Plot 207/208 set further back from highway.
  - Parking bays and shared private drive altered between Plots 244-249
  - Plots 232 and 233 closer to highway;
  - Double garage proposed at Plots 246/247;
  - EV Charger positions added
  - Minor landscaping changes

#### **b) Schedule of Plans / Documents Submitted with Application**

- 3.3 The application has been submitted with a Drawing Schedule which lists the house types and plans to be approved.
- 3.4 The following additional information has been submitted since validation:
- Revised Drawing Schedule
  - Revised Planning Layout (2007-100 C07)
  - Overall Planning Layout (2007-110)
  - Material & Boundary Treatment Plan (2007\_200 P03)
  - E234-90-02 H Phase 7 External Works Sheets 1 & 2
  - House type comparison schedule
  - Confirmation to amend the application description.

#### **d) Pre-application Engagement**

- 3.5 No pre-application advice has been sought.

### **4. Consultations and Representations**

- 4.1 Consultations with technical consultees and the local community have been carried out on the application.
- 4.2 A summary of the technical consultee and local community responses which have been received is set out below. If you wish to view comments in full, please request sight or search via: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

## **a) Statutory & Non-Statutory Consultees**

### Anglian Water

The application is related to details of appearance, landscaping and layout therefore this application is outside of our jurisdiction to comment.

### Environment Agency

The EA have no comment to make on the request for the approval of reserved matters. We had requested a condition in 2013 on the outline application however this related to a surface water drainage scheme. We had requested to be consulted on reserved matters applications related to the surface water scheme for each parcel of land. However the remit for surface water now rests with the LLFA and therefore they should be consulted to see whether they have any further comments to make in this regard.

### LCC Planning Obligations

As a county we do not provide a consultation response on reserved matters as these are provided for full or outline applications. I understand the original outline application is 13/01483/OUT (Manor Farm) for 450 dwellings. I confirm that all obligations to the county have been fulfilled and discharged for this.

### Canals & River Trust

No comment to make on the proposal

### Contaminated Land and Air Quality Officer

This department has no comment regarding land contamination and the above

### LCC Ecology

I have no comments on these proposals. This phase of the development has little impact on biodiversity matters

### National Highways

Upon the review of the information submitted in support of the application, we note that the site in question does not bound the Strategic Road Network (SRN) and as such the boundary treatment associated with the application does not impact the SRN. There is no connection to any of the National Highways' drainage assets.

The principle of the proposed development has already been established in support of the outline application. We consider that this Reserved Matters application is unlikely to have a detrimental impact on the operation of the SRN, therefore National Highways raises no objections to this application.

### Severn Trent Water

I can confirm that the above site is out of Severn Trent Water's area for sewerage.

### LCC Highways

The LHA have reviewed Planning Layout 2006-100 Rev C02 and advise the following amendments are required:

- There is a direct conflict with the driveway of plot 208 driveway and the ramp.
- Road 202 requires further speed control as 40m spacing is exceeded e.g. ramp up at turning head outside plot 214.

### LLFA

Upon reviewing the amended site layout plan in comparison to the site layout plans formerly accepted for this phase it is advised that the layout has not been amended to a degree that

substantially alters the surface water drainage strategy. Therefore, the LLFA has no concerns to the approval of these reserved matters.

Leicestershire Police - Designing out Crime Officer

No formal objections, series of general recommendations suggested.

Neighbourhood and Green Spaces Officer

1. The species used in the landscaping scheme shown on dwg GL1685 901 are satisfactory. I am unable to identify any location where plants will unreasonably outgrow their location.
2. Plants have been specified to BS 3936
3. Topsoil depth specification is standard
4. The specification for planting are standard and acceptable
5. The Landscape Management Plan has been previously provided as part of 21/01669/VAC and I have commented that the LMP is acceptable.

In my view the landscape proposals are acceptable.

**b) Local Community**

- 4.3 No comments received.

**5. Planning Policy Considerations**

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 instructs that planning applications must be determined in accordance with the provisions of the Development Plan (DP), unless material considerations indicate otherwise.
- 5.2 The policies relevant to this application are set out below. More detail is provided in the "Common Planning Policy" section above.

**a) Development Plan**

- 5.3 The DP for Harborough relevant to this application includes:
- Harborough Local Plan, adopted April 2019 and Lubenham Neighbourhood Plan, adopted July 2017.

**b) Material Planning Considerations**

- 5.4 The National Planning Policy Framework (The Framework / NPPF)
- 5.5 National Planning Practice Guidance
- 5.6 Development Management Supplementary Planning Document (December 2021)
- 5.7 Circular 11/95 Annex A - Use of Conditions in Planning Permission

**6. Assessment**

**Technical Considerations**

- 6.1 The main material considerations are judged to be:
1. Design and Visual Amenity



- 2. Residential Amenities
- 3. Highway Safety
- 4. Landscaping
- 5. Section 106 Infrastructure Provisions
- 6. Planning Conditions

#### 1. Design and Visual Amenity

---

6.2 The approved 17/01966/REM layout and dwelling/garage type plans have been compared to the proposed plans. The proposed amendments as described in Para 3.2 above, would not affect the overall character and appearance of the development as already approved and have been proposed to enhance the marketability of the dwellings and to comply with current building regulations.

6.3 The proposal is judged to be acceptable in design and visual amenity terms.

#### 2. Residential Amenities

---

6.4 The proposed plans would not degrade the amenity relationships established by 17/01966/REM.

#### 3. Highway Safety

---

6.5 The alterations proposed would not reduce approved car parking levels. County Highways asked for an amended plan to address two minor points identified. This has been received and is currently with Highways for further review. Members will be updated accordingly via the Supplementary Paper

#### 5. Landscaping

---

6.6 The revised landscape plans show minor changes to that approved 17/01966/REM. The Council's Green Spaces Officer has confirmed the landscape plans are acceptable and no objections have been raised by County Ecology.

#### 6. Planning Conditions

---

6.12 The Decision Notices for 13/01483/OUT and 17/01966/REM have been reviewed to identify Conditions which should be applied to the current application. Planning Condition Discharge applications are also noted.

6.13 It is proposed to repeat Conditions in general accordance with these Decision Notices, as outlined below in Appendix A.

### 7. The Planning Balance / Conclusion

---

7.1 The proposal would maintain the standard of design and visual amenity of the development established by the Reserved Matters application.

7.2 Other material interests would not be affected by the proposed amendments. It is recommended that approval is granted.

## **APPENDIX A – Recommended Conditions and Informative Notes**

### **Recommended Conditions:**

#### **1. Approved Plans**

The development is hereby approved in accordance with the plans and details stipulated in the following document:

--Market Harborough, Phase 7 Drawing Schedule (submitted 24.03.2022)

REASON: For the avoidance of doubt.

#### **2. Construction Management Plan**

The development hereby approved shall be constructed fully in line with the construction management plan details approved under discharge of condition application 18/01385/PCD

REASON: To minimise detrimental effects to neighbouring amenities, the amenities of the area in general, the natural environment through pollution risks and dangers to highway safety during the construction phase and to accord with Policy GD8 of the Local Plan.

#### **3. Verification Investigation**

Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme (Ref: GRM; P6124 DD-003). relevant to either the whole development or that part of the development Prior to occupation of any part of the completed development, a report showing the findings of the Verification Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- ☐ Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- ☐ Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- ☐ Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- ☐ Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- ☐ Demonstrate the effectiveness of the approved Remedial Scheme; and
- ☐ Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the Framework.

**4. Landscape Management Plan**

The approved landscaping plans shall be implemented and managed for the lifetime of the development in accordance with the landscape management plan referenced within the Drawing Schedule in Condition 1 above.

REASON: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area and to accord with Policy GD8 of the Local Plan.

**5. Refuse and Recycling**

Prior to first occupation of the dwellings hereby approved, each dwelling shall be provided with storage for refuse and materials for recycling in accordance with the details approved under discharge of condition 18/01652/PCD and shall thereafter be retained for use at all times.

REASON: To ensure the adequate provision of facilities and in the interests of visual amenity and to accord with Policy GD8 of the Local Plan

**6. Secure cycle parking facilities**

Prior to first occupation of the dwellings hereby approved, each dwelling shall be provided with secure cycle parking facilities in accordance with the details approved under discharge of condition application 18/01385/PCD and shall thereafter be retained for use at all times

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to accord with Policy GD8 of the Local Plan

**7. External Lighting**

The development hereby approved shall be implemented in accordance with the external lighting details approved under discharge of condition application 18/01652/PCD

REASON: In the interests of the visual amenity of the area and to accord with Policy GD8 of the Local Plan

**8. Surface water drainage scheme**

The development hereby approved shall be implemented in accordance with the surface water drainage scheme approved under discharge of condition application 18/01326/PCD

**REASON:** To prevent the increased risk of flooding, both on and off site.

**9. Foul drainage**

The development hereby approved shall be implemented in accordance with the foul water drainage scheme approved under discharge of condition application 18/01326/PCD

REASON: To prevent pollution of the water environment.

**10. Protection of retained trees/hedgerows**

The development hereby approved shall be implemented in accordance with the approved tree and hedgerow protection measures details under discharge of condition application 18/01326/PCD

REASON: To protect trees/hedgerows which are to be retained in order to enhance the quality of the development, bio-diversity and the landscape of the area

**11. Mitigation measures and habitat enhancement**

The development hereby approved shall be implemented in accordance with the mitigation measures and habitat enhancement works approved under discharge of condition application 18/01902/PCD

REASON: To protect protected species identified and to ensure that adequate new habitat is created in compensation of the habitat lost to the development

**12. Biodiversity Management Plan**

The development hereby approved shall be implemented in accordance with the Biodiversity Management Plan approved under discharge of condition application 18/01902/PCD

REASON: To ensure the protection of existing species and habitats and establish specific enhancements, their maintenance and monitoring.

**13. Badger Survey**

The development hereby approved shall be implemented in accordance with the approved details (Aspect Ecology dated October 2018) under discharge of condition application 18/01902/PCD

REASON: To ensure the protection of wildlife during the course of this development and to ensure that there is appropriate mitigation for any ecological interest on the site

**14. Great Crested Newt Survey**

The development hereby approved shall be implemented in accordance with the approved details (Aspect Ecology dated October 2018) under discharge of condition application 18/01902/PCD

REASON: To ensure the protection of wildlife during the course of this development and to ensure that there is appropriate mitigation for any ecological interest on the site

**15. WSI – Archaeology**

The development hereby approved shall be implemented in accordance with the approved details under discharge of condition application 18/01848/PCD

REASON: To ensure satisfactory archaeological investigation and recording

**16. Materials**

The development shall be constructed entirely of the materials as stipulated in the approved Materials & Boundary Treatment Plan Ref 2007\_200 (December 2021)

REASON: In the interests of visual amenity and the character and appearance of the area and to accord with Policy GD8 of the Local Plan.

**17. Parking and Turning Facilities**

The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the submitted drawing Highways. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework

**18. No gates**

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

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

**19. Levels**

The development hereby approved shall be implemented in accordance with the approved level details under discharge of condition application 18/01326/PCD.

REASON: To ensure the development is implemented as agreed in the interests of visual amenity and the character and appearance of the area and to accord with Policy GD8 of the Local Plan.

**Notes to Applicant**

1. The Applicant is advised that the Condition imposed on 13/01483/OUT are still relevant and remain to be complied with.

2. This permission relates to the S106 Agreement dated 4<sup>th</sup> March 2016

3. Any garages must have minimum internal dimensions of 6 metres x 3 metres if they are to be counted as a parking space and once provided, shall thereafter permanently remain available for car parking.



## Committee Report

**Applicant:** Minster Property Group

**Application Ref:** 21/02020/VAC

**Location:** Allotments, De Verdon Road, Lutterworth

**Proposal:** Erection of 72 dwellings to include means of access from Coventry Road, public open space and all other ancillary works (variation of Conditions 2 (approved plans) and 21 (FRA compliance) of 19/00853/FUL to facilitate the delivery of the scheme as 100% affordable homes)

**Parish/Ward:** Lutterworth West

**Application Validated:** 17.11.2021

**Application Target date:** 16.02.2022

**Reason for Committee Consideration:** Variations to Conditions of a Major Application

## Recommendation

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

### 1. Introduction (including Site & Surroundings)

- 1.1 The application site is a parcel of 2.15ha of former allotment land that lies to the south west of Lutterworth. The site is bordered by Coventry Road to the north, De Verdon Road to the east, Cunningham Drive and Gibson Way to the south and Cunningham Way to the west. The site is located wholly within the existing built form of the surrounding residential areas, with an existing access from De Verdon Road to the north east of the site.

Site location:



- 1.2 The site is located in close proximity to recently completed and under development residential schemes, including Leaders Farm, 130 dwellings completed by Bellway Homes to the west of adjoining Cunningham Drive, with 250 dwellings under construction by Mulberry Homes also to the west of the site across Brookfield Way. The site is located within the existing built form of the settlement, and not located within a conservation area.

## **2. Site History**

- 2.1 The site has the following relevant planning history:
- 19/00853/FUL - Erection of 72 dwellings to include means of access from Coventry Road, public open space and all other ancillary works – Application approved 8<sup>th</sup> October 2020 (Subject to Section 106 Agreement)
  - 09/00543/OUT – Outline application for residential use of allotment land to include access (replacement allotments proposed) (Access to be considered) – Application refused 29<sup>th</sup> July 2009

## **3. The Application Submission**

### **a) Summary of Proposals**

- 3.1 This report confines itself to the assessment of the proposed amendments only. The proposed Variation of Condition 2 (approved plans) includes the key changes comprising:
- *minor amendments to the house types in terms of their architectural style and materials.*
  - *removal of detached garages on plots 1-4, 50, 62, and 64-67, resulting in larger gardens on these plots.*
  - *the corner turning house style has been removed and replaced with a pair of semi-detached dwellings (Plots 33 and 34)*
  - *Plot 63 was formerly a 4-bedroom detached dwelling and is now proposed to be a 5-bedroom detached, 2.5 storey dwelling with one rear dormer window (serving a landing) and two front dormer windows (serving 2 bedrooms).*
  - *The vehicular through route between plots 40-46 has been closed*
  - *Speed table to the north of the site is extended*
- 3.2 The proposed variation of Condition 21 involves an amended Flood Risk Assessment which addresses the flood risk permutations as a result of the changes to the approved plans.
- 3.3 The approved scheme proposed the following house types:

	Market	Affordable
2-bedroom dwellings	12	20
3-bedroom dwellings	21	9
4-bedroom dwellings	10	None

The proposed scheme is to be 100% affordable comprising:

2-bedroom dwellings	32
3-bedroom dwellings	30
4-bedroom dwellings	9
5-bedroom dwellings	1

The agreed tenure is as follows:

**Figure 1 – Affordable Housing tenure**

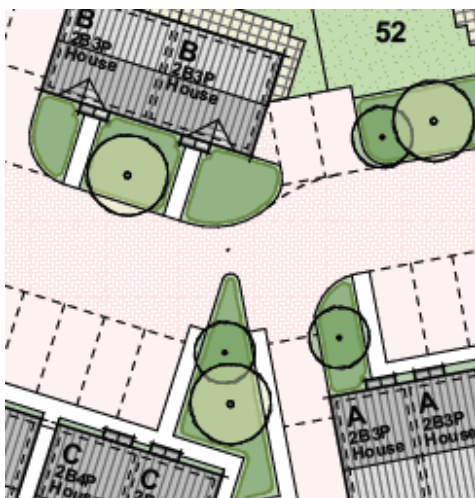
Unit Type	No. of units per tenure			
	Affordable Rent	Social Rent	Shared Ownership	Rent to Buy
2b3p Mais		6		
2b3p House	6			6
2b4p House	5			9
3b4p House	5		6	
3b5p House	10		9	
4b6p House		3		6
5b7p House		1		
<b>TOTAL</b>	<b>26</b>	<b>10</b>	<b>15</b>	<b>21</b>

- 3.4 The proposed housing mix results in a total site of 44% 2-bedroom dwellings, 42% 3 bedroom dwellings 13% 4 bedroom dwellings and 1 5 bedroom dwelling. These percentage of house types are significantly geared towards provision of 2- and 3-bedroom dwellings (86%), helping to provide a high number of starter homes and homes for downsizing, with a small percentage of 4 and 5 bedroom dwellings.

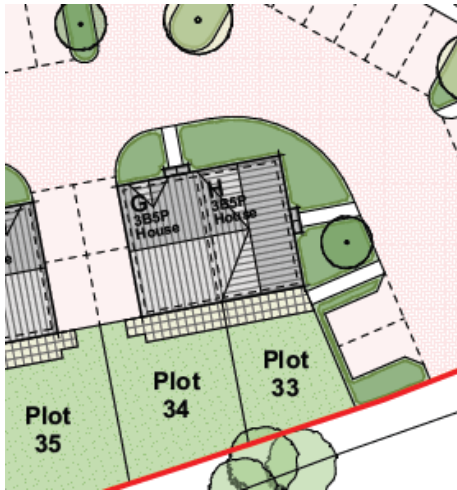
Figure 2 - Proposed layout



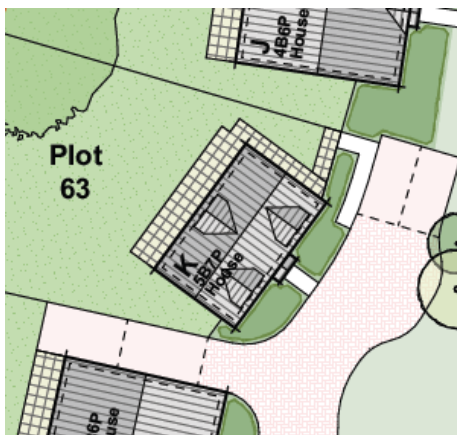
- The vehicular through route between plots 40-46 has been closed:



- the corner turning house style has been removed and replaced with a pair of semi-detached dwellings (Plots 33 and 34):



- Plot 63 was formerly a two storey 4-bedroom detached dwelling and is now proposed to be a 5-bedroom detached, 2.5 storey dwelling with one rear dormer window (serving a landing) and two front dormer windows (serving 2 bedrooms):



- Speed table to the north of the site is extended:





**Figure 3 - Approved layout 19/00853/FUL**



#### **b) Documents submitted in support of the application**

##### **i) Plans**

A schedule of revised plans has been submitted,

##### **ii. Supporting Statements**

The following supporting statements accompany the application

#### **c) Amended / Additional Plans / Drawings and Supporting Documents**

During the course of the application, the following amended/additional information has been received

### **4. Consultations and Representations**

- 4.1 A summary of the technical consultees and representations 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](http://www.harborough.gov.uk/planning)

## Statutory and Non-Statutory Consultees

### **LCC Highways**

21/12/21

Objection to the variation of condition 2.

The LHA have reviewed the revised Drawing Schedule 17.11.21 titled 'Proposed S.73 Amendments' and associated drawings, and advise the applicant the revised internal layout on Drawing No. 21028 0102 Rev. P02 is not considered suitable for adoption as publicly maintainable highway and therefore the following comments should be considered as part of any revised drawings:

1. The plan shows lengths of roads which would exceed the appropriate distance between speed control measures. Speed Control measures will need to be accordance with the Leicestershire Highway Design Guide (LHDG) part 3 Section DG5:Speed Control.

2. There should be a break in the private drive fronting plots 40 to 46, as the design stands this is currently creating a through route for vehicles between the two turning heads, which is not considered acceptable.

18/03/22

The LHA have reviewed the revised Drawing Schedule 16.03.2022 titled 'Proposed S.73 Amendments' and associated drawings in particular the proposed site plan on Drawing No. 21028 0102 Rev. P04.

The applicant has revised the internal layout and it is now considered suitable for adoption as publicly maintainable highway and therefore the LHA have no further comments to make.

### **HDC Environmental Health**

No comment.

### **Severn Trent Water**

*Foul is proposed to connect into the public foul water sewer, which will be subject to a formal section 106 sewer connection approval.*

*Surface water is proposed to discharge into an infiltration pond, which we have no comment. Please note that It is advised to discuss surface water proposals with the Lead Local Flood Authority for their requirements or recommendations regarding acceptable disposal methods or flow rates. The overflow from this pond will discharge to the public surface water sewer, which will be subject to a formal section 106 sewer connection approval.*

*To connect to these public sewers the applicant will need to gain permission from the landowner to cross third party land. For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).*

### **LCC Ecology**

No comment.

### **LCC Archaeology**

*Following our previous comments under application 19/00853/FUL we note that no new impact on the site is proposed and would advise the applicant that condition 12 of the previous permission should be adhered to.*

**LCC Primary Care**

No comment.

**LCC Developer Contributions**

No comment.

**HDC Strategic Housing and Enabling Officer**

*This scheme is now being brought forward as an all affordable housing scheme which will provide much needed affordable housing in one of Harborough's larger settlements and therefore this scheme is fully supported.*

**HDC Neighbourhood and Green Spaces Officer**

No comment.

**HDC Parish Liaison**

No comment as it is VAC.

**HDC Waste Management**

No comment.

**LCC Police**

No objection to the scheme and has provided guidance to the applicant on how to design out crime in addition to the following comments:

*I have now visited the site which is proposed to have a single vehicle entry point at Coventry Road which leads from the north end of the development directly through the length of the plot before splitting towards the west and continuing towards the southern boundary. Both internal roadways benefit from hammerhead turning points, which ultimately lead to all other dwellings via smaller access roads. There are no permeability issues as there is a single entry point and no escape routes.*

**Chief Fire Officer**

No comment

**Lead Local Flood Agency**

It is advised that the variation to the drawing schedule does not substantially affect flood risk as it concerns house types. The LLFA would therefore support the variation of Condition 2. The applicant has proposed to alter the wording of condition 21 to the following;

*"The development shall only be carried out in accordance with the requirements of the submitted Flood Risk Assessment (CRLW\_ZZ-XX-RP-C-0001 Rev P02) and Drainage Strategy (CRLWBSP-ZZ-ZZ-DRC-SK240 Rev P01)."*

Upon review of the above documents in comparison to the former versions accepted in 19/00853/FUL in the existing worded condition it is advised that the new documents bring up to date changes in the drainage strategy agreed with the LLFA in subsequent consultations of 19/00853/FUL. Therefore, the LLFA would therefore support the variation of Condition 21.

Local Community

**Lutterworth Town Council**

*LTC would like to place an objection on several grounds, one being the access or no access of Gibson Way has not been made clear as LTC believe this to be a ransom strip of land. Also with reference to reduced traffic as stated in the local plan and also LTC had to purchase new grounds for an allotment site with no consideration to the affects it would have.*

### **Public comments**

4 letters of objection received, including the following points:

- Loss of privacy/overlooking
- Air and noise pollution
- Additional traffic
- Inadequate public amenities
- Ecological harm

**Figure 10 – Neighbours consulted and responses received**



## **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 The DP for Harborough comprises:
- The Harborough District Local Plan adopted April 2019
  - Made Neighbourhood Plans.

5.3 Relevant Policies of SS1 – Spatial Strategy and GD2 – Settlement development –are considered most relevant to this application. Further policies considered to be relevant are:

- GD5 – Landscape character
- GD8 – Good design in development
- H1 – Provision of new housing
- H2 – Affordable housing
- H5 – Housing density, mix and standards
- HC1 – Built heritage
- GI2 – Open space, sport and recreation
- GI5 – Biodiversity and geodiversity
- CC1 – Mitigation climate change
- CC3 – Managing flood risk
- CC4 – Sustainable drainage
- IN2 – Sustainable transport

## 6. Officer Assessment

### a) Principle of Development

6.1 The principle of development is established by extant permission 19/00853/FUL, approved 8<sup>th</sup> October 2020.

### b) Design

6.2 The scale, layout and landscaping are considered acceptable as they do not materially differ from the approved scheme 19/00853/FUL.

6.3 The main design changes amount to:

- *minor amendments to the house types in terms of their architectural style and materials.*

Officers consider that the proposed house types and materials are not materially different to the approved designs, with comparable red and red 'multi' facing brickwork, a blend of slate and terracotta roof tiles, and white UPVC windows and doors. The designs are predominantly traditional two storey detached, semi-detached and terraced properties which closely follow the approved layout. The proposed boundary treatments also closely follow the approved scheme, with 1.8m close boarded fencing on garden boundaries, 1.5m close boarded fencing around parking spaces, 1.8m brick walls where property boundaries face the street, and a 1.2m post and rail fence around the attenuation basin in the south west corner of the site.

- *removal of detached garages on plots 1-4, 50, 62, and 64-67, resulting in larger gardens on these plots.*

The removal of 10 detached single garages from the site will result in a smaller footprint of development on the whole, and a more open scheme with additional amenity space for residents and is therefore supported in terms of design and visual amenity.

- *the corner turning house style has been removed and replaced with a pair of semi-detached dwellings (Plots 33 and 34)*



### House Type M (Plots 33/34 – 19/00853/FUL)



**Front Elevation**  
Scale: 1:100

### House Types GH (Plots 33/34 – 21/02020/VAC)



This results in a reduced street scene frontage, a more open layout, and improved garden layouts for Plots 33 and 34. The amendments are therefore acceptable.

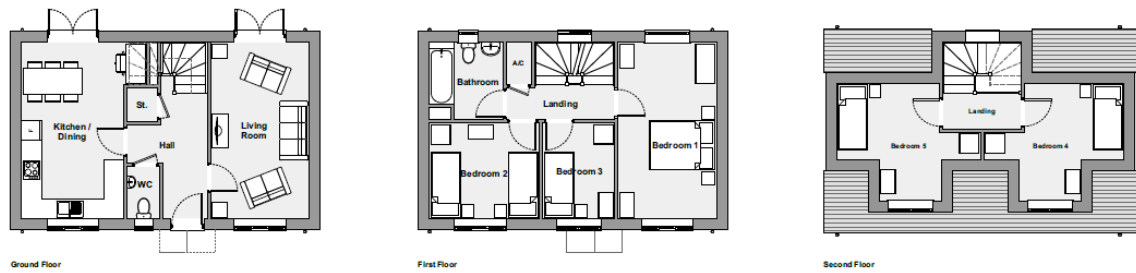
- *Plot 63 was formerly a 4-bedroom detached dwelling and is now proposed to be a 5-bedroom detached, 2.5 storey dwelling with one rear dormer window (serving a landing) and two front dormer windows (serving 2 bedrooms).*

Plot 63 is now the largest dwelling within the site and features two front dormers serving two bedrooms and one central rear dormer serving a landing. The design is in keeping with the wider site, and results in a dwelling with a smaller cubic massing than the previous house type in Plot 63.

### House Type K (Plot 63 - 21/02020/VAC)

Dimensions: Height – 8.5m (ridge) 5.9m (eaves), Width – 9.4m, Depth 6.1m





### House type J (Plot 63 – 19/00853/FUL)

Dimensions: Height – 9m (ridge) 5.2m (eaves), Width – 9.1m, Depth (max) 10.8m



- *Speed table to the north of the site is extended*

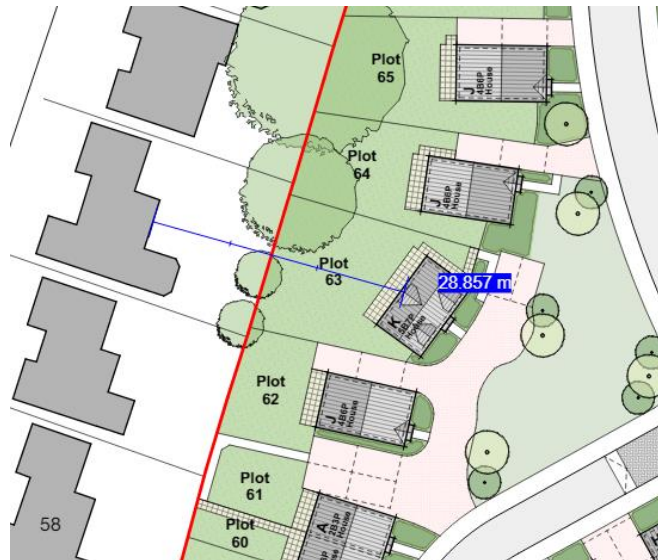
This is addressed in the Highways section below.

- 6.5 The design changes above are all considered to be minor and necessary for the implementation of the development as a 100% affordable scheme. None of the changes cause unacceptable harm to visual amenity, and the site is generally the same in terms of scale, layout and landscaping. It is therefore considered that the proposal to vary Condition 2 (approved plans) is acceptable and in compliance with Local Plan Policy GD8.

### c) Neighbouring amenity

- 6.6 Objections were received from neighbours on Cunningham Drive to the north west of the site, relating to loss of privacy and overlooking as a result of the additional rear dormer window serving a landing on Plot 63. The separation distance between the proposed window and the rear elevations of the relevant neighbouring rear elevations is 28m which more than exceeds the SPD requirement of 21m. Furthermore, the dwelling has an oblique relationship with the dwellings on Cunningham Drive, therefore the window does not directly overlook any private amenity areas or principal windows.

**Figure 11 – Separation distance example**



- 6.7 The removal of the detached garages from plots 1-4, 50, 62, and 64-67 results in additional amenity spaces for these dwellings, and results in a generally more open and attractive layout.
- 6.8 In summary, the proposed amendments are not considered to cause any harm to neighbouring amenity, and the proposals therefore comply with Local Plan Policy GD8.

#### **d) Highways**

- 6.9 LCC Highways objected to the initial plans due to the distance between the speed control measures which exceeds what is stipulated in LHDG, and the creation of a 'through route' between Plots 40 and 46 currently between the two turning heads to the south of the site, which is not considered acceptable. This has since been rectified through the revised plans which extend the size of the first speed table after entering the site, and closing the through route between Plots 40 and 46.
- 6.10 The site access and internal layout is proposed to remain broadly the same as the approved scheme, with a slightly larger speed table on the north side of the site. The detached single garages on plots 1-4, 50, 62, and 64-67 from the approved scheme have been removed, however the dimensions of the garages were not suitable for parked cars, so there is not considered to be a loss of off-street parking.
- 6.11 It is noted that the 4 and 5-bedroom dwellings have two off-street parking spaces when Leicestershire Highway Design Guidance recommends three for this size of dwelling. As the application has already been approved with 144 parking spaces in total (2 per dwelling) and the only change in mix is to substitute one 4-bedroom dwelling with one 5-bedroom dwelling, it is not considered necessary to request further parking provision. Furthermore, the site is in a sustainable location where alternative means of transport are readily accessible.
- 6.12 Lutterworth Town Council comments requested pedestrian access onto Gibson Way. This was considered during the determination of the approved scheme and was not considered necessary to approve the scheme. It is considered unreasonable to request it to be added as a requirement as there is an extant consent without the access.

## **e) Drainage / Flood risk**

- 6.13 As part of the previous approved application, the applicants submitted a Flood Risk Assessment and Drainage Strategy, Drainage Plan, soakaway test reports, storm sewer calculations, private drainage plans. Due to the changes to the approved plans, it was necessary to revise the previously approved Flood Risk Assessment. The LLFA were consulted and confirmed that the proposed changes to the approved plans do not substantially affect flood risk and the amended FRA is acceptable.
- 6.14 In summary, the proposed variation to condition 21 (revised flood risk assessment) is considered acceptable, with the site located within flood zone 1 and the drainage strategy designed to meet existing greenfield run off rates and a 1 in 100yr storm event plus climate change factors. The proposal for use of private soakaways and an attenuation basin has been accepted via the previous approval. The proposal is therefore considered to comply with Local Plan Policies CC3 and CC4.

## **7. Conclusion**

### **Appendix A – Suggested Conditions / Informative / Notes to Applicant**

- 7.1 The proposed variation of Conditions 2 (Approved plans) and 21 (Flood Risk Assessment) are not considered to be significant and do not conflict with the Harborough Local Plan, Development Management SPD or NPPF.
- 7.2 The revised proposals enable the site to become a 100% affordable housing development, delivering 72 affordable homes. This is a beneficial contribution to the district's affordable housing targets in accordance with Local Plan Policy H2 and is a key advantage of the revised scheme.
- 7.3 It is recommended that a Deed of Variation is entered into, to ensure that changes are reflected in the Section 106 Agreement.
- 7.4 If Members agree with the recommendation to Approve the application, the following conditions are suggested:

### **Conditions**

#### **Full Planning Permission Commencement**

- 1) 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).

#### **Permitted Plans**

- 2) The development hereby approved shall be carried out in accordance with the following approved plans/schedule:

Drawing schedule 16.03.2022

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

## **Construction Management Plan**

- 3) No development (including any site clearance/preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development:
- a) the parking of vehicles of site operatives and visitors;
  - b) loading/unloading and storage of construction materials
  - c) Road cleaning arrangements including the scheduled use of road sweepers, details of on -site wheel wash facilities and their planned usage and the use of hand brooms where necessary;
  - d) measures to control the emission of dust and noise during construction;
  - e) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
  - f) hours of construction work, site opening times, hours of deliveries and removal of materials;
  - g) full details of any piling technique to be employed, if relevant and the control of hours of use if relevant;
  - h) location of temporary buildings and associated generators, compounds, structures and enclosures
  - i) routeing of construction traffic
  - j) Contact details for site manager, including how these details will be displayed on site
  - k) full details of preventative measures to avoid surface water run-off during construction

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

## **External lighting**

- 4) No external lighting shall be installed on the site until details (including luminance levels and measures to minimise light spillage) have been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without the prior permission in writing of the Local Planning Authority.
- REASON: To avoid any potential indirect impacts on roosting bats in accordance with Harborough Local Plan Policy GI5 and the National Planning Policy Framework

## **Landscape Implementation**

- 5) All planting, seeding and turfing [relevant to each plot] comprised in the approved Landscape Scheme shall be completed [for each plot] in the first planting and seeding season prior to, or immediately following, the first occupation of the building to which it relates. All hard landscaping [relevant to each plot] comprised in the approved Landscape Scheme shall be completed prior to the first occupation of the building to which it relates.

All planting, seeding and turfing for the areas not within individual plots as comprised in the approved Landscape Scheme shall be completed in the first planting and seeding season prior to, or immediately following, first occupation of the last dwelling to be completed, or completion of the development, whichever is sooner. All hard landscaping not within individual plots as comprised in the approved Landscape



Scheme shall be completed prior to the first occupation of the last dwelling to be completed, or completion of the development, whichever is sooner.

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 the landscaping is implemented and maintained in the interests of the visual amenities of the development and its surroundings having regard to Harborough Local Plan Policies GD2, GD5 and GD8, and the National Planning Policy Framework.

### **Landscape Management Plan**

- 6) Prior to the first occupation of any of the dwellings hereby permitted a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than privately owned domestic gardens or areas to be adopted by the Local Highway Authority), shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include:

- (a) All areas of formal and informal open space within the development;
- (b) Children's play area/s;
- (c) Green Infrastructure linkages, including pedestrian and cycle links, and public rights of way.

The landscaped areas, once implemented, shall be maintained in perpetuity in accordance with the approved Landscape Management Plan.

REASON: To ensure the proper management and maintenance of the approved landscaping in the interests of the character and appearance of the development and the surrounding area having regard to Harborough Local Plan Policies GD2, GD5 and GD8, and the National Planning Policy Framework.

### **Screen planting scheme – Plot 70**

- 7) Prior to the first occupation/ of Plot 70 hereby approved a Screen Planting Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Screen Planting Scheme shall include detailed proposals for the planting of trees and/or hedges for screening Plot 70 to the rear of the garden to the west of the site. All trees and/or hedges shall be native species.

All planting comprised in the approved Screen Planting Scheme shall be completed in the first planting season prior to, or immediately following, the first occupation of Plot 70 and thereafter retained in perpetuity

REASON: To screen the development and to ensure the proper establishment and maintenance of screening, in the interest of visual amenity and the character and appearance of the development and the surrounding area, having regard to Harborough Local Plan Policies GD2, GD5 and GD8, and the National Planning Policy Framework.

### **Contaminated Land Assessment**

- 8) If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in

writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

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

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:

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

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

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

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

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

### **Completion/Verification report**

- 9) Prior to occupation of the completed development, or part thereof, either
- 1) If no remediation was required by Condition 8 a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Planning Authority, or
  - 2) A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to the whole development, or part thereof, shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
    - Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;

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

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

### **Ecology bio-diversity net gain**

- 10) Prior to any works for the construction of the development hereby approved, a scheme for the enhancement of the site for biodiversity purposes, and any off site bio-diversity enhancement required, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented and managed in accordance with the approved details.

REASON: To enhance the biodiversity of the area, having regard to Harborough Local Plan Policy GI15, and the National Planning Policy Framework.

### **Ecology mitigation measures**

- 11) All development on site shall be in accordance with the mitigation measures as set out in the Preliminary Ecological Appraisal Report (Brooks Ecological, April 2019), Tree Survey, Tree Constraints Plan, Bat emergence survey (Brooks Ecological June 2019) and hedgehog mitigation plan (Brooks Ecological June 2019).

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

### **Archaeology WSI**

- 12) No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

REASON: To ensure satisfactory archaeological investigation and recording and to comply with Harborough Local Plan Policy HC1 and the National Planning Policy Framework

### **Access**

- 13) Notwithstanding the submitted details, and prior to the commencement of any part of the development hereby permitted, a revised access design which shall incorporate a 3 metre wide combined footway/cycleway on the southern side of Coventry Road to tie in with the existing provision shall be submitted to and approved in writing by the Local Planning Authority. The approved site access and footway/cycleway shall be implemented in full prior to first occupation.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to mitigate the impact of the development, in the interests of general highway safety and in accordance with Harborough Local Plan Policy IN2 and the National Planning Policy Framework (2019).

### **Dropped crossing point**

- 14) No part of the development hereby permitted shall be occupied until such time as the existing dropped crossing point on Coventry Road to the west of the Cunningham Drive/Coventry Road junction has been removed.

REASON: In the interests of general highway safety and in accordance with Harborough Local Plan Policy IN2 and the National Planning Policy Framework (2019).

### **Off site highway works**

- 15) The development hereby permitted shall not be occupied until such time as an improvement scheme for the Coventry Road/A4303 junction has been implemented in accordance with details agreed in writing with the Local Planning Authority.

REASON: To mitigate the impact of the development, in the interests of general highway safety and in accordance with Harborough Local Plan Policy IN2 and the National Planning Policy Framework (2019).

### **Visibility splays**

- 16) No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 73 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 Harborough Local Plan Policy IN2 and the National Planning Policy Framework (2019).

### **Surfacing**

- 17) The development hereby permitted shall not be occupied until such time as the private access drives (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Harborough Local Plan Policy IN2 and the National Planning Policy Framework (2019).

### **Pedestrian visibility splays**

- 18) The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with BRP Architects drawing number W222-BRP-00-00-D-A-0101-P03. Thereafter the onsite parking provision shall be so maintained in perpetuity. 4

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 Harborough Local Plan Policy IN2 and the National Planning Policy Framework (2019).

#### **Closure of De Verdon Road access**

- 19) The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on De Verdon Road that becomes redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with Harborough Local Plan Policy IN2 and the National Planning Policy Framework (2019).

#### **Travel Plan**

- 20) No part of the development hereby permitted shall be first occupied until an amended 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 Harborough Local Plan Policy IN2 and the National Planning Policy Framework (2019).

#### **FRA Compliance**

- 21) The development shall only be carried out in accordance with the requirements of the submitted Flood Risk Assessment (CRLW\_ZZ-XX-RP-C-0001 Rev P02) and Drainage Strategy (CRLWBSP-ZZ-ZZ-DRC-SK240 Rev P01).

REASON: To prevent the increased risk of flooding having regard to Harborough Local Plan Policies CC3 and CC4 and the National Planning Policy Framework.

#### **SuDS Maintenance**

- 22) Prior to the first occupation of any of the dwellings hereby approved details of the long term maintenance of the surface water drainage system within the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the surface water drainage system shall be maintained in accordance with the approved details.

REASON: To establish a maintenance regime that may be monitored over time that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development having regard to Harborough Local Plan Policy CC4 and the National Planning Policy Framework.

#### **Surface Water during construction**



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

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

## **Informative**

### **Building Control**

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.

### **Drainage conditions**

In respect of Condition 22 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.

In respect of Condition 23 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 householder ownership.

### **Public highway works**

Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

### **Section 38 Highways**

If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing

maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

### **Advance payment codes**

If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) in the first instance.

### **Leicestershire Highways Design Guidance**

All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

### **STW – public sewers**

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.

### **LLFA Standing Advice – National Planning Policy Framework**

When determining planning applications, the local planning authority should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific Flood Risk Assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework and accompanying Planning Practice Guidance.

### **LLFA Standing Advice – Consent**

Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>  
Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

## Committee Report

**Applicant:** Davidsons Developments

**Application Ref:** 21/02182/REM

**Location:** Land South Of, Kettering Road, Market Harborough

**Proposal:** Erection of 123 dwellings and associated highways, landscaping, public open space, and pedestrian links (Phase 2 of the development, as shown on the phasing plan approved under 21/02259/PCD) (Reserved Matters of 19/01989/VAC including details of access, appearance, landscaping, layout and scale)

**Parish/Ward:** Market Harborough

**Application Validated:** 24.12.21

**Application Target date:** 25.03.22 **Extn. of Time** 08.04.22

**Reason for Committee Consideration:** Major application

## Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report, subject to conditions.

### 1. Introduction (including Site & Surroundings)

- 1.1 The overall development site is located to the south-eastern edge of Market Harborough settlement. It is positioned to the south-west of the A6, on the south side of the Kettering Road, close to the junction with the A6. The site is to the north side of the mainline railway line London- Market Harborough). Agricultural fields extend to the east (North Northamptonshire Council). To the west is the Little Bowden Rise, The Heights and Glebe Road residential development including the public open space. To the north is a wide verge (no footpath) to the Kettering Road, Clack Hill and a residential development beyond. The total site area is 35.7 hectares and slopes from the north-west corner to the south-eastern corner AOD 125 – 90 AOD.
- 1.2 The overall development site consists of three fields. The north-western field is the smallest piece of land, known locally as The Knoll (Clack Hill). The largest field is to the east and slopes down from the Kettering Road to the railway line. The third field is the west, the eastern section is currently under construction (phase 1).
- 1.3 This application (phase 2) relates to the western half of the western field, which is between phase 1 and the Redrow site off Glebe Road, with The Heights dwellings along the northern boundary sloping downward to the approved landscaped area (phase 1) adjacent to the railway line. There is the line of Oak trees running north-south across the field which forms the eastern boundary to phase 2 development. To the boundary with properties on The Heights and Little Bowden Rise are mature trees, hedgerow and low wire and timber fencing.
- 1.4 The site is designated under the Harborough Local Plan policy MH1 as a large-scale residential development site. The site has no national and local designations, and no rights of way cross the site.

- 1.5 Archaeological works on site have been completed and phase 1 construction works plus the infrastructure works for the whole site are being undertaken by the applicant and another company.

## **2. Site History**

- 2.1 The Site has the following site history:

15/02006/OUT Outline application for the erection of up to 600 residential dwellings, a primary school, a local centre comprising A1, A2, A3 and D1, provision of public open space and play areas, new roundabout access off Kettering Road, new vehicular link from Overstone House, construction of footways and cycleways, regrading of the site by means of 'cut and fill' and construction of structures to accommodate sustainable urban drainage systems (access to be determined). Approved subject to S106

19/01989/VAC Variation of Condition 4 (approved plans), 6 (proposed site access roundabout), 7 (link road), 8 (A6 junction with Kettering Road), 15 (lighting), 22 (housing mix), 24 (archaeology) and 32 (ground and finished floor levels) of 15/02006/OUT to seek minor amendments to the approved access details and other minor corrections/amendments to facilitate the delivery of housing Approved Subject to a Deed of variation.

20/01047/FUL Creation of temporary construction access, haul road, compound areas, vehicle parking and associated drainage infrastructure related to residential-led development approved under application reference 15/02006/OUT Approved

20/01342/REM Construction of main spine road through the site, connecting the main access roundabout through to Phase 1 and the adjacent housing development to which it connects (Reserved Matters of 19/01989/VAC including details of appearance, layout and scale) Pending Consideration

20/01480/FUL Earthworks reprofiling within the site to facilitate the construction of associated site infrastructure Approved

20/01612/REM Erection of 164 dwellings and associated highways, landscaping, public open space, play areas and pedestrian and cycle links (Phase 1) (Reserved matters of 19/01989/VAC, including details of access, appearance, landscaping, layout and scale) Approved

20/02076/NMA Proposed non-material amendment to 19/01989/VAC - Variation of condition 6 (site access roundabout) to be completed prior to the occupation of the first dwelling Approved

21/01792/ADV Installation of 1 non-illuminated hanging sign, 9 non-illuminated hoarding signs and 10 non-illuminated flag pole signs Refused

21/02258/NMA Substitution of Illustrative Masterplan and Illustrative Phasing Plan (proposed non-material amendments to 19/01989/VAC) Approved

22/00301/REM erection of 312 dwellings and associated highways, landscaping, public open space, pedestrian and cycle links (Phases 3 and 5) (Reserved matters of 19/01989/VAC, including details of access, appearance, landscaping, layout and scale) Pending Consideration

22/00302/REM Erection of a Primary School and Local Centre (comprising A1 Retail units, an A3 Cafe unit and a D1 Community Facility) and associated highways, landscaping, public open space, play area and pedestrian and cycle links (Phase 4) (Reserved matters of 19/01989/VAC including details of access, appearance, landscaping, layout and scale) Pending Consideration

22/00507/ADV Installation of 13 non-illuminated flag poles, 1 non-illuminated main sign, 2 non-illuminated small hoarding signs, 2 non-illuminated stack signs, 1 non-illuminated hanging sign, 2 non-illuminated V-board signs and 1 non-illuminated double sign Pending Consideration

Various PCD applications

### 3. The Application Submission

#### a) Summary of Proposals

- 3.1 The proposal is a reserved matters application for phase two of the larger site known as Overstone Park. This phase is for 123 dwellings with access, layout, appearance, scale and landscaping to be determined at this stage, following the approval of outline consent in 2015 and 2019 for 600 dwellings. This part of the site is mostly housing with two small areas of open space occupied by mature trees at the two major junctions, it will also complete Oaks Walk.

#### Proposed planning layout (as revised)





- 3.2 The parcel is served by two roads from phase 1, which are off the spine road through the whole site, these roads split forming two junctions where there are carefully considered housing design and layout and soft and hard landscaping features. One road serves the northern section of the development parcel, the other road serves the southern part of the development site, which then link onto a private drives. Both roads are linked by two private shared drives that orientate in a north-south direction.
- 3.3 Phase 2 due to the road layout is split into 6 small development parcels consisting of 101 market dwellings and garages and 22 affordable dwellings across the phase, these are a mixture of house types, detached, semi-detached, terrace, and bungalows.

#### **Market and Affordable Housing:**

	<b>Affordable Housing</b>	<b>Market Housing</b>	<b>Total</b>
<b>1 bedroom semi</b>	4		
<b>2 bedroom bungalows</b>	7		
<b>2 bedroom semi/terrace</b>	7	10	
<b>3 bedroom terrace/ semi-detached/detached</b>	2	38	
<b>4 bedroom detached</b>	2	41	
<b>5 bedroom detached</b>		12	
<b>Total</b>	<b>22</b>	<b>101</b>	<b>123</b>

- 3.4 There are three greenspaces within this phase, Oaks Walk incorporating the Tree Preservation Order Oak trees was approved as part of phase 1, it is included within this application for highways reasons. Heartwood Green is a near circular greenspace either side of the main road into this phase of development, with shared driveways and timber bollards defining the shape, with the remaining third of the circle expressed by longer front gardens of plots 292-294. The third open space is a small triangular parcel of green land at the head of the junction as you enter the site from the northern access road.
- 3.5 Along with the reserved matters details to be submitted that of scale, appearance, layout and landscaping, other conditions within 19/01989/VAC requested information to be submitted with each reserved matter. These were:
- Condition 5: a statement explaining how the proposal conforms with the Design Code; see Design code compliance statement dated Dec. 2021
  - Condition 12: a further noise assessment including implementation plan; Noise Assessment (25040-04-NA-02 December 2021)
  - Condition 15: lighting assessment achieving a max. 1 lux at the hedgerows; see adoptable street lighting plan.
  - Condition 18 : Landscape and Ecological management plan
  - Condition 31: full details indicating the method and nature of construction of the paths, drive/parking areas in relation to the trees; see tree and hedgerow protection plan.
  - Condition 32: details of existing and proposed ground levels and finished floor levels see FFL plan and Existing levels plan.
- 3.6 Amendments:
- relationship between plot 221 and 229 improved
  - Plot 203 garden space improved;

- Plots 252-254 have been changed to address concerns over relationship with existing dwellings on Page Road;
- additional bin collection points;
- Additional chimneys added; and
- Highways features added and omitted

#### **b) Documents submitted in support of the application**

##### **3.7 Documents:**

- Planning compliance Statement Dec. 2021
- Design Code Compliant Statement (nineteen47 dated December 2021)
- Landscape and Ecological Management plan Rev. A 24<sup>th</sup> March 2021
- Noise Assessment and appendices (dated Dec. 2021)

##### **3.8 Plans:**

Location plan: (revised)  
 Planning layout plan (revised)  
 Tree and hedgerow protection  
 Soft landscaping proposals 1-4 (revised)  
 Tree pit details  
 Affordable Homes plans  
 Garages  
 Highway layout (revised)  
 Market Homes Plans  
 Materials and boundary treatment (revised)  
 FFL & retaining wall plan  
 Existing levels plan  
 Adoptable lighting plan

#### **4. Consultations and Representations**

4.1 A summary of the technical consultees and representations 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](http://www.harborough.gov.uk/planning)

4.2 *Highways* no objection, subject to conditions relating to the approved plans, implementation of parking and turning, site drainage details, details of private access drive.

Holding objection 19.01.21 & 8.02.22 raised a number of points relating to speed control, visibility, bend widening, surface finishes and parking provision.

4.3 *Urban Design Consultant:* No objection, street and movement structure is largely well connected and the perimeter block structure with buildings and active frontages addresses street and open spaces. The scheme offers a good standard of design taking into account the considerable challenges associated with building on such as steeply sloping site. Aside from levels, I have had concerns that with so many homes by one developer, the development could become difficult to navigate. However, the use of simple street patterns combined with focal spaces on this phase is a very effective way of helping people to find their way around without a smart phone.

4.4 *LCC Ecology:* no comments on this - the landscape plans are satisfactory (have already accepted them for a previous application on this site). This phase has very little biodiversity content. No objection to the lighting.

- 4.5 *Neighbourhood and Greenspaces officer:* comments:
- The documents outlined above fulfil the obligation of clause 9.1 of the First Schedule of agreement dated 12/2/2019 to provide the on site open space area specification.
  - The species selected for soft landscaping are appropriate and the sizes of trees etc are satisfactory.
  - GL1290 912A indicates an avenue of *Malus trilobata*. This species is a relatively small tree and should not be a problem given the proximity to dwellings. Use of trees in street locations is welcomed. There are no other obvious locations where species will outgrow their planting position.
  - Other street avenue species are *Magnolia Kobus* and *Amelanchier arborea* 'Robin Hill', both of which are relatively small tree or slow growing
  - The Landscape Management Plan is comprehensive and sets out how trees, shrubs and grass areas should be managed and maintained post-planting.
  - The specification notes ensure that the plant material complies to BS3936.
  - The above give assurance that the landscaping will be undertaken and maintained appropriately in the future.
  - Informative on S106 requirements
- 4.6 *Network Rail:* Informative regarding electrification of line
- 4.7 *LCC Archaeology:* no objection/comment
- 4.8 *HDC Env. Health:* no objection
- 4.9 *HDC Waste:* no comment
- 4.10 *HDC Land contamination Officer:* no comment
- 4.11 *Severn Trent :* no comment
- 4.12 *Cadent Gas:* no objection
- 4.13 *Lead Local Flood Authority:* no concerns
- 4.14 *North Northamptonshire Council:* objection to the principle of development
- 4.15 *Police (Designing out crime officer:)* Informative covering street lighting columns, a appropriate fencing 1.8m high, CCTV coverage of key access points supported by lighting, appropriate signage, natural surveillance (maintain soft landscaping), parking is recommended to be in curtilage, Alarm System to BS with coverage of garages included where applicable, secure wheelie bin and cycle storage etc.
- 4.16 12 letters (including emails) of objections from 8 households were received in response to the initial consultation process. A summary of the representations received is outlined below:
- Missing 5 bedroom plans
  - Loss of light to garden on The Heights
  - TPO tree on The Heights protected
  - Please can there be a fence at the end of shared driveway to plots 261-262 [*officer comment-on the materials and boundary plan it shows a 1.8m fence*]
  - Failure to provide practical cycle routes into the town centre for sustainable travel
  - Concern over the protection of the tree roots, particularly of the four ancient oaks within the site [*previously dealt with in phase 1*]

- Failure to protect the natural migration routes of the badgers and provide distinct continuous wildlife corridors for this purpose [*previously addressed in outline and phase 1*]
- Failure to ensure that hawthorn hedges are specifically designated as protected.
- Loss of privacy dwellings on Page Road & Adcock Road
- Overshadowing on Page Road & Adcock Road
- Construction management plan condition [*officer comment on 19/01989/VAC and approved under 20/01040/PCD*]
- Noise & disturbance
- L&EMP is insufficient to protect oak tree roots and disruption to current wildlife corridor
- Brick wall to existing open space not appropriate, fence is better [*officer comment – 1.8m close boarded fence is proposed along the entire western boundary*]

4.17 **Civic Society:** no comment

4.18 **Braybrooke Parish :** no comment

## **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 The DP for Harborough comprises:

#### National Planning Policy Framework Sections:

- Section 2 Achieving Sustainable Development
- Section 4: decision making
- Section 5 Delivering a sufficient supply of homes
- Section 8 Promoting healthy and safe communities
- Section 9 Promoting sustainable transport
- Section 11 Making effective use of land
- Section 12 Achieving well-designed places
- Section 14 Meeting the challenge of climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment

#### Harborough Local Plan 2011-2031

- SS1 - The Spatial Strategy
- GD2 – Settlement Development
- GD8 – Good design in development
- H1 provision of new housing
- H2 – Affordable housing
- H5 – Housing mix, mix and standards.
- GI1 – Green Infrastructure networks
- GI5 - Biodiversity and geodiversity
- CC1 - mitigating climate change
- CC3 - Managing flood risk
- CC4 – Sustainable drainage
- IN1 - Infrastructure
- IN2 – Sustainable transport
- MH1 – Overstone Park

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

5.3 Material considerations include any consideration relevant in the circumstances which has a bearing on the use or development of land.

- The National Planning Policy Framework ('the Framework') 2019
- Planning Practice Guidance
- National Design Guide
- Circular 11/95 Annex A - Use of Conditions in Planning Permission
- The Leicestershire County Council Highways Design Guide (2018)
- Development Management SPD (December 2021)

## **6. Officer Assessment**

### **a) Principle of Development**

6.1 The principle of residential development across the site has been established under Policy MH1 – Overstone Park in the Harborough Local Plan and planning applications 15/02009/OUT and 19/01989/VAC both have a legal obligation relating to various off-site contributions, including the provision of on-site open space, affordable housing, school and community facility, and highways contributions.

6.2 Housing mix is to be informed by the Housing, Employment Development need Assessment HEDNA (Condition 22) meaning that overall the site should have greater numbers of 2 and 3 bedroom properties than 4 and 5 bedroom dwellings. It can be seen from the above table in the proposals section that breaks down the houses by type and bedrooms that there are a predominantly 1, 2 and 3 bedroom dwellings proposed in phase 2, with 55 four and five bedroom dwellings proposed. The proposed housing mix for phase two has on balance heeded the advice in the HEDNA and as such is welcomed. There are also 7 affordable bungalows spread across the site.

### **b) Layout and scale**

6.3 The scale and layout of the proposed development are two of the reserved matters to be dealt with following the approval of the outline consent.

6.4 The significant levels drop towards the railway line, was the main challenge for the developers, aligning the roads with the contours of the hill is one tool, to lessen the impact upon residents. It has inevitably resulted in a number of unavoidable retaining wall features across the development. In addition, the relationship with the new Redrow development was also carefully considered, ensuring the separation distances, dwelling height and design were acceptable. An Urban Design consultant has advised the Council throughout the detailed design process.

6.5 The overall layout of this phase of development is of dwellings close to the street with grass and shrubs to the front of the dwellings and modest rear gardens. Parking is generally to the side of the dwelling and garages located to the rear. Bin collection points are indicated across the site where necessary and show x2 bins per dwelling.

6.6 Two important urban design principles have been successfully executed on this phase. The proposed dwellings face/address the open space, this can be seen along the bottom of the site, Heartwood Green and Oaks Walk. Thereby resulting in open and verdant views from habitable rooms at the front and an enclosed private and quiet



amenity space to the rear. It also means in this particular case that back gardens are protected from the noise of the railway line. Secondly, '*internal vistas*' at entrances to the site, notably from Oaks Walk where dwellings present themselves to the phase entrance, therefore providing a welcoming view, as opposed to seeing garages or other secondary featureless structures. Plots at the end of adopted Road 3 and 8 now face the centre of the road '*now better respond to their important role within the development at the end of long street,*' explains the Urban Design Consultant.

- 6.7 When developing the layout and design for this phase it was important to retain existing landscape features, create localised character areas and feature dwellings that are way-markings for residents in a large-scale development, for example, at Oaks Walk, Heartwood Green and key dwellings (see \* on layout plan) and groups of dwellings. The Urban Design consultant points out that '*the scale of the buildings on Oaks Walk is limited to large, wide plots. This is a positive feature as house builders will often seek to have a mixed product in any one stretch of homes....The bias towards large wide fronted plots will help to create a very distinctive and memorable space*'
- 6.8 On the original outline consent following detailed analysis in the landscape and visual impact assessment, the parameter plans showed dwellings at maximum of 9 metres high. The level change across the site has been especially challenging to achieve at this and previous reserved matters. However, it is still a key consideration when dealing with the details of this scheme. On this site height is used in key positions to emphasis entrances to streets and key entrances. There are a total of 9 dwellings above 9m across this phase of development, these are primarily at the top and bottom of Oaks Walk, where there are other large well designed and detailed dwellings, at Heartwood Green and at the other main junctions. The location of these higher dwellings was carefully considered, as the dwellings would impact upon rear amenity spaces.
- 6.9 Due to the sloping nature of the site there are a number of retaining walls across phase 2 these vary in height from 0.6-1.8 metres. In order to deal with these significant levels differences the gardens have been stepped, to ensure that the gardens are still usable a narrow patio area is provided with steps down-to a garden area. The existing layout plan shows that levels drop steeply towards the bottom of the phase, this has resulted in the two bottom development parcels having 1.8m high retaining walls either to the sides or rear of the gardens. Whilst this is not ideal, it is inevitable on such a site where the topography is steep. The other 4 development parcels have lower retaining walls of 900mm and less, with some plots not needing any retaining walls.
- 6.10 Connectivity has been carefully considered through-out the design process, ensuring that desire lines for pedestrians are useable, attractive and safe, this is evident by a short stretch of footpath from Road 4 to private driveway 5 to ease connectivity through the southern part of the site and also paths onto the open space at the bottom of the site.
- 6.11 The affordable housing provision of 22 dwellings is approximately 12% of the overall number (approx. 180 dwellings). On this phase of the development the dwellings have been split into two separate areas. One area is at the end of a cul-de-sac/road 08 (plots 260/261). The other area is along the bottom of the site facing the open space plots 229-243 incl. and adjacent along the western boundary backing onto the Redrow public open space are plots 244-248. The dwellings are spread over 2 small development parcels within the site, this pepper-potting of the affordable housing units is acceptable as it integrates the housing across the site.

- 6.12 The affordable housing area along the southern and western edges allows 20 plots to have views (front and rear) of open space as they are adjacent to the public open spaces on and off site. In terms of the street scene, there are only 12 plots out of 23 that have parking spaces to the frontage, and 2 of these are tucked out of direct sight, thereby allowing soft landscaping to predominate in the street scene. The frontage parking to the affordable housing at the southern end of the site is screened by proposed hedging.

Character areas:

- 6.13 On the original outline consent the whole site was divided up into 5 character areas, however, with one housebuilder building out the whole site, this is difficult to achieve. On this phase there is an opportunity to utilise site entrances, plus individually designed properties that Davidsons have developed over the years to create small character areas within the phase. These character areas are assessed below.

*Heartwood Green*

- 6.14 As future residents approach the main junction in this phase, the dwellings, open space and shared driveway are designed to form a curved open space feature, that becomes a memorable part of the development. The Green as noted by the consultant features a number of 'special' house types in particular the three cottages: plots 291, 292 and 293 and a pair of 'turret' houses (plots 222 & 217).

*Small open space Road 3/8*

- 6.15 As you enter the site from central section of Oak Walk there are two large double fronted dwellings on plots 200/319, there is then a small open space area enclosed by resin bond driveway, timber bollards, raised herringbone speed table/footway and planted with mature trees. The dwellings that face the open space form a key feature (see image below).

**View:**



*Private Shared driveway 7*

- 6.16 This shared driveway has a similar street scene to Leticia Avenue in Scraftoft. The houses face each other at a fairly close distance of 15/16m. The road is tarmacked with 3 rows of granite setts edging the road edge. The front gardens are defined by a hedgerow and the driveways demarcated by low timber gates. The photinia *red robin* shrub is planted in the front gardens of the dwelling along the street, therefore unifying the street by clever use of soft landscaping (see image below).

***View (from road 3 at the entrance to the private driveway 7):***



***Private Shared driveway 9/10***

- 6.17 This driveway will be under a Management company. Again, the houses are close together with a front to front elevation distance of approximately 16m. The driveway is down to key-blockwork with Lebanese wild apple trees set within resin bound areas to the front of houses. At both the top and bottom of the street on both sides there is the same house-type, DH425H-4, therefore creating an entrance feature into the street, with screen walls abutting the rear gardens (see image below).

***View (from Road 3 looking north) :***



**c) Appearance**

- 6.18 The external appearance of the development is one of the reserved matters to be dealt with, following the outline approval. Davidson's dwellings tend to have a higher level of elevational detailing than other volume house builders. The dwellings across this phase also exhibit a variation in designs, there are the arts and craft design of dwellings adjacent to the Heartwood Green and Oaks Walk. Two turret houses on Heartwood Green are used as key buildings within the wider development, to allow people to orientate themselves within a large scale development.



- 6.19 Some, but not all dwellings have chimneys, however the properties with chimneys have been carefully chosen due to their prominence in the street scene i.e. on street corners and Oaks Walk, and more have been added to plots on the revised layout plan. Also, it should be noted that the design of the chimneys is quite detailed and appears like a traditional stack.
- 6.20 There are 9 dwellings out of 122 that are above 9metres high, and 1 are above 10metres high. In a large-scale housing development varying the height of the dwellings is one way to add interest to the street scene and whilst very high buildings can create problems in terms of residential amenity in the correct place they can be a very useful tool, and in this case allow for some very special architecturally designed dwellings in a modern residential housing estate (see images below).

### 1 bedroom (affordable).



### Selection of 2 bedroom market and affordable housetypes:

<p>Front Elevation</p> <p><b>DH200GE-4</b></p>	<p>Front Elevation</p> <p><b>DH202B-4</b></p>
--	---

 <p>Front Elevation</p> <p><b>DH291GI-4 affordable</b></p>	 <p>Front Elevation</p> <p><b>DB291BE-4-affordable</b></p>
---	--

- 6.21 Proposed garages are either single or double with a hipped or gable end roof design. Most of the garages are set alongside the dwellings or within the rear gardens. There are also small parking courtyards (south-west corner), which due to their proximity to dwellings have good surveillance and are very close to the dwellings they relate to and have direct access to gardens, therefore are likely to be utilised.
- 6.22 The private gardens are generally enclosed with high walls or fences. Where there are garden boundaries to the road, they have proposed walls with a curve rather than right angle, which positively adds to the overall design of the site. To the front gardens are mostly grass and shrubs, with some dwellings having a small hedgerow, dwellings to Oaks Walk have metal 4 bar railings and dwellings on Shared driveway 7 having timber five bar gates to the driveways. At the end of shared driveway 12 there is now a decorative wall rather than a fence.

### Selection of market and affordable 3 bedroom properties

 <p>Front Elevation</p> <p><b>DH301GE-4 – 9.3m high</b></p>	 <p>Front Elevation</p> <p><b>Affordable - DH391BE-4</b></p>
--	--



 <p>Front Elevation</p> <p><b>DH303GE-4</b></p>	 <p>Front Elevation</p> <p><b>DH308GE-4</b></p>
 <p>Front Elevation</p> <p><b>DH313</b></p>	 <p>Front Elevation</p> <p><b>DH320</b></p>
 <p>Front Elevation</p> <p><b>DH 328</b></p>	 <p>Front Elevation</p> <p><b>DH330</b></p>

6.23 Most of the dwellings are brick (5 varieties) and concrete tiles (4 varieties) with approximately 21 dwellings with render either to all or some of the elevations. Plot 208

& 297 dwellings has local stone and clay plain tiles materials, these materials are acceptable, and the use of stone and plain clay tiles are welcomed. The Design consultant pointed out that Gemini and SL8 tiles are to be welcomed as Gemini are small format and cambered; with SL8 larger but with a thin leading edge giving a slate effect. Another interesting elevational detailing is the addition of contrasting bricks, this has been added in two important positions on the phase: three dwellings at the end of road 08 plots 257-259, and the dwellings on the east side of shared driveway 9/10. The road surfacing is either tarmac or Marshall keyblok. Resin bound surfacing is also used to the shared driveway, at the main entrance to the phase, this again will elevate the areas urban design qualities.

**Selection of market 4 bedroom housetypes**

 <p>Front Elevation</p> <p><b>DH409 top of shared driveway 9/10</b></p>	 <p>Front Elevation</p> <p><b>DH 419</b></p>
 <p>Front Elevation</p> <p><b>Affordable - DH491GI-4</b></p>	 <p>Front Elevation      Side Elevation</p> <p><b>DH463 Corner house on Heartwood Green</b></p>



- 6.24 Some of the dwellings have a curved frontage as they address a curved section of road (see plot 208, 203 and 315). Others are semi-detached dwellings with the frontage at different angles to each other as they address a curve in the road (plots 238-241 and 242-244).
- 6.25 Dual aspect house-types are also important in this phase of development. Key plots that face the main road and Oaks Walk (plots 200/319, 290/270, 279/280, 220, 211) as exhibited below have two detailed frontages (front and side elevations) this provides interest to the street scene as well as surveillance.

#### Dual frontage housetypes (front and side elevations)



## Selection of five bedroom market dwellings

 <p>Front Elevation</p> <p><b>DH531</b></p>	 <p>Front Elevation</p> <p><b>DH532</b></p>
 <p>Front Elevation</p> <p><b>DH552</b></p>	

### Affordable Housing:

- 6.26 The elevational detailing is similar to market housing with window and door headers and cills treatment, therefore there is no obvious visual differentiation between market and affordable housing, which is a welcomed approach.

#### **d) Landscaping and play areas**

- 6.27 Landscaping of the site is the last reserved matters to be dealt with, and for phase two covers mainly the housing area plus two small public open spaces. Landscaping reserved matters deal with the soft landscaping details such as species, planting regime and size. The impact of the development upon the wider landscape and the site itself has already been addressed through the Landscape and Visual Impact Assessment which accompanied the Environmental Impact assessment.
- 6.28 It is worth noting that the overall site generated a requirement for 5ha. of open space and yet the proposal will eventually deliver over 12ha of parkland and other public open space, therefore the site significantly exceeded requirements. In so doing provides the public access to more local open space and will enhance bio-diversity of the site, due to the SuDs and parkland areas, which can be designed as semi-natural areas that includes meadow planting, which will encourage more wildlife. It should also be acknowledged that arable land has a low ecological value and most of the trees and hedgerows are retained.
- 6.29 A tree and hedgerow protection plan was submitted with the application, it details the root protection zones, protective fencing and the fencing design around all the trees and hedgerows, there are no trees to be felled in this phase. This includes some trees in the long gardens at The Heights. It was noted from the site visit that there are no substantial trees along this boundary. In addition, there are detailed drawings of the

ground protection and no-dig construction around the retained Oaks trees on the site, as approved under phase 1.

- 6.30 An important soft landscape theme throughout the whole site are street trees, this is mainly re-enforced along the main spine road through the site. On this phase trees are introduced firstly along Oak Walk, then at the road junction within the triangular piece of open space, where there is proposed a large Tulip tree, alongside some Turkish hazel trees. This space leads onto Heartwood Green where there are proposed 4 substantial Norway Maple trees set within the open space. From this space along the main road west, houses to the south side have narrow grass verges adjacent to the front boundary where 'Amelanchier' a small upright tree are proposed to be planted, this creates a tree corridor, through the phase. Trees also feature along the shared driveway and in-between parking bays, therefore breaking up the hard surfaced area.
- 6.31 Within the gardens of the dwellings are magnolias, amelanchier, apple and birch trees, along with an extensive selection of shrubs and herbaceous plants. With specimen shrubs and hedgerows to the frontages of dwellings on shared driveway 7, dwellings along the Oak Walk and some of the dwellings along the main road. The Strategic Greenspaces officer finds the landscape plans and Landscape management plan (LMP) acceptable.

<b>e) Residential amenity</b>
-------------------------------

- 6.32 In the main, the Councils separation distance guidelines as set out in Supplementary Planning Guidance (SPG) Note 2/3 have been adhered to across this phase of the development. In terms of the Councils 21metre rear to rear facing elevation separation distances, when there is a direct relationship, this distance has often been exceeded which is welcomed, particularly when there are retaining walls between. For example, between plots 223-226 on the southern main road and plots 232-237 on the southern shared road where there is a 1.8m retaining wall. There were two plots (221-229) where the relationship was too tight, this has been addressed by increasing the separation distance from 16 to 20metres.
- 6.33 Where the development turns a corner on some small development parcels the relationship between dwellings is a bit tighter, but this is not unusual for a modern housing estate. Plot 203 was of concern however, the garage has been changed to a car port and moved forward, to allow more useable rear garden space.
- 6.34 On shared driveway 7 and 9/10 the front-to-front distances are significantly shorter than 21m recommended in the Councils' SPG, however this is not a rear to rear distance that protects outdoor private amenity space. Also, this arrangement creates a different kind of modern streetscape, commonly seen and like terrace streets in old parts of towns and villages within this district. It also makes the best use of land and increases site density, therefore is acceptable in this instance.
- 6.35 The tall dwellings (over 9metres) generally back onto dwellings at an acceptable distance or are alongside dwellings, there is only 1 plot (plot 270) where the rear of the dwelling and back garden face north, a high dwelling on higher ground, however, the tall house is slightly mis-aligned, there is 14m separation distance and it is a corner plot so not entirely enclosed, therefore it is acceptable.
- 6.36 The rear elevation to side elevation separation distance ranges from 10-15metres, again there are a few plots where the distance is less than 14m in the Council guidance, however, this will be a buyer beware situation. It is noted that on some of the larger 5 bedroom housetypes there are very deep rooflights. There was concern that these were the type of rooflight to create a balcony feature, however, onsite inspection of the



housetype shows that they are split in half with the lower section fixed, this enables more light to enter the room, but with the same function as a normal rooflight in terms of views out.

- 6.37 The dwellings along the southern edge of phase 1 all face the railway line, thereby resulting in the rear amenity spaces that are consequently shielded from the intermittent noise of trains along the railway line by the proposed dwellings. The noise survey required with each reserved matter's application (Condition 12 of the 19/01989/VAC) recommended the raising of the garden wall from 1.8m to 2.2m high to plot 218. The installation of glazing and passive vents with sufficient sound reduction is also proposed. These mitigation measures are acceptable to the Environmental Health Officer and Condition 12 requires that these attenuation works which form part of the approved scheme will be completed before the dwellings are occupied and maintained as such.
6. 38 Plot 322 on Oaks Walk and in the top north-eastern corner is near Little Bowden Rise. The front elevation is 26m from the rear of No.9 Wordsworth Road, therefore exceeding the Council separation distance requirements. The proposed dwellings along the northern edge of the site abuts Windy Ridge off Shrewsbury Avenue and dwellings on The Heights. The closest dwelling is Windy Ridge at 33m, therefore the relationship with dwellings along this boundary is acceptable.
- 6.39 The proposed dwellings along the western boundary adjacent to Page Road and Adcock Road are mainly affected by the proposed development. Bungalows face the rear garden of No.35 Adcock Road and three terrace properties face the side wall of No.37 Adcock Road at a distance of 13metres and 8.6m high, this is acceptable. The next plot 256 faces the rear gardens of 37 Adcock Road and 21 Page Road, this dwelling is 8.1m high and has a 12m deep rear garden, views of the dwellings are at an angle at 20m and 24m, again this relationship is acceptable. Plot 255 (8.5m high) faces the rear and side elevation of No.21 Page Road at a distance of 21metres this is acceptable relationship.
- 6.40 Plots 254-252 have changed house type as the design, height and massing of these dwellings in relation to No.26 and 28 Page Road wasn't acceptable. The original dwellings were three storey, +9m high, with deep rear projections, deep rooflights and large garages. The revised house types on plots 253 and 254 are now two storey and 8.8high with 21/22m from plot 254 to the side and rear wall of No.28 Page Road, and 23m separation distance to the rear of No. 28 Page Road. In both cases the nearest window to the rear boundary on the first floor projection is obscure glazed bathroom window. Plot 252 is now a two storey 8.5m high dwelling, with a smaller garage, and 25m from the rear boundary with houses on Page Road. In addition, it can be seen from the revised finished floor levels plan, which also indicates the FFL of the adjacent Redrow houses that the proposed dwellings are at a lower FFL than the existing dwellings they are closest to on the plan.

#### **f) Highways**

- 6.41 The main accesses into the site off Kettering Road and Little Bowden Rise have previously been approved under 15/02209/OUT and 19/01989/VAC and the alignment of the spine road itself has already been approved under ref: 20/01342/REM. Also, the use of the roads through Little Bowden Rise to serve traffic from the resultant development site has also been approved at outline stage. Two roads off the spine road Road 3 and 4 cross the middle and bottom of Oaks Walk and then enter phase 2. The roads then split serving the top and bottom of the phase. At one junction there is a long raised table constructed of keyblocks. There is one other speed table on the top road due to the long length of a straight road. The north-south private drives that link

two adopted roads have been split by collapsible bollards. There are pavements on both sides of the road to the adopted roads, on the private driveways (5m wide) there are no pavements.

- 6.42 The Highways Officer initially had several queries relating to speed controls, visibility, bend widening and surface finishes. Revised plans addressed the above points and the Highways Officer now has no objection to the plans, subject to conditions relating to implementation of parking, turning and private driveway and details of site drainage.

#### **g) Ecology**

- 6.43 The County Ecologist has no objection to the scheme, explaining that the Landscape plans and Ecological Management plan area acceptable. Condition 15 relates to lighting of the phase and light spill over 1lux at the edge of retained hedgerows. Lighting profiles across the phase have been submitted with the application and there are very limited areas where the spill is over 1lux onto created habitats and no areas of spill at the edge of retained hedgerows.

#### **h) Other matters**

- 6.44 There was no requirement in the original outline planning permission (15/02006/OUT) or 19/01989/VAC, in terms of energy efficiency or use of energy. It would therefore be unreasonable for the Council to impose compliance with Policy CC1 on any phase of the development the subject of an application for reserved matters consent, with planning permission having already been granted. Notwithstanding this, however, the Agent explains that Davidsons takes sustainability considerations seriously, supporting the Government's 'Future Homes Standard' to future-proof homes with low carbon heating. In early 2018, the Applicant worked with one of the leading insulation manufacturers to deliver a 100% recyclable insulated structural board thermal floor system to its developments. The Applicant will have completed its first show home utilising an air source heat pump, which forms part of its journey towards delivering zero carbon homes.

### **7. Conclusion**

7. The proposal development delivers appropriate housing mix including affordable housing, a range of high quality character areas and distinctive dwellings, that provide way markers for residents on a large scale residential development scheme and an enhanced environment to live and play.
- 7.2 The proposal has resolved all technical matters in particular highways and residential amenity concerns relating to dwelling to the west of the site. It is therefore acceptable in terms of layout, scale, appearance and landscaping and accords with Local and National planning policies.
- 7.3 Condition 5 (Design Code Compliance); Condition 12 (a further noise assessment); Condition 15 (lighting assessment); Condition 18 (landscape & Ecological management plan) Condition 31 (details of the paths, drive/parking areas); see Tree & Hedge Protection Plan (GL1290 03E) and 32 (levels) are acceptable and discharged for phase 2.
- 7.3 If Members agree with the recommendation to Approve the application, the following conditions are suggested:

#### **Suggested Conditions:**

##### **1. Revised and approved plans:**

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

Location plan ref: KRPH2\_400 Rev. P03  
Planning layout plan ref: KRPH2\_100 Rev. P03  
FFL's and retaining walls plan ref: KRPH2\_102 Rev. P03  
Materials and boundary plan ref: KRPH2\_200 Rev. P03

Highway's layout sheet 1 KRPH2\_101 Rev. P03  
Highway's layout sheet 2 KRPH2\_101 Rev. P03

Phase 2 Soft landscape plans ref: GL1290 901C  
Phase 2 Soft landscape plans ref: GL1290 911C  
Phases 2 Soft landscape plans ref GL1290 912C

Tree pit details plan ref: GL1290 10  
Tree and hedge protection plan ref: GL 1290 03E

Market homes, Affordable Homes and Garages drawing schedule P03:

Design Code Compliance Statement (Dec 2021)  
Landscape & Ecological Management Plan Rev A dated 24.03.21  
Noise Assessment (Dec 2021)  
Lighting plan ref: 6513-MJA-SW-XX-DR-C-008 P1

**2. Remove PD rights**

Notwithstanding the provisions of Part 1 and Part 2 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure, and no building as defined in Section 336 of the Town and Country Planning Act 1990 other than those shown on the approved plans, shall be erected between the front or side wall of any dwelling and the new estate roads which the curtilage of the dwelling fronts or abuts.

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

**3. Implementation of parking/turning**

No residential unit shall be occupied until the parking and turning facilities associated with that unit have been implemented in accordance with Planning Layout drawing number KRPH2\_100 Rev P03. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

**4. Site drainage**

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

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021).

5. **Implementation of private access drives**

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

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

6. **High wall**

The rear boundary wall on plot 218 shall be 2.2m in height.

REASON: To preserve the residential amenity of future residents having regard to policy GD8 of the Harborough Local Plan.

7. **Remove PD**

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extension, buildings, structures or works as defined within Part 1 of Schedule 2, Classes A-E inclusive of that Order, shall be erected or undertaken on Plots 221-227.

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

**Informative:**

1. Police/crime prevention
2. Highways

## Committee Report

**Applicant:** Mrs J Vaughan

**Application Ref:** 22/00566/VAC

**Location:** 1 Angel Court, High Street, Market Harborough

**Proposal:** Change of use to a ladies only fitness centre (variation of condition 1 (opening hours) of 05/00939/FUL) to amend the opening hours to allow increased use of the premises

**Application Validated:** 22/02/22

**Target Date:** 19/04/22

**Consultation Expiry Date:** 31/03/22

**Site Visit Dates:** Saturday morning 12/03/22  
Monday evening 14/03/22

**Reason for Committee decision:** Public interest

## Recommendation

It is recommended that the application is **REFUSED** for the following reason:

1. The proposed extension of hours would generate a level of activity and noise that results in the use not integrating well with existing businesses and having an adverse impact on the amenity and living conditions of residents in nearby residential properties. The proposal is therefore contrary to Policy GD8 of the Harborough Local Plan and paragraphs 119, 130, 185 and 187 of the National Planning Policy Framework.

### 1. Site & Surroundings

- 1.1 The application site is located in Dairy Yard, which is immediately to the west of the shops and businesses facing the High Street within Market Harborough town centre. It is accessed through a passageway from the High Street and from the Angel Street public car park. There are signs saying Dairy Yard is private, though it has been observed to be used as a thoroughfare for pedestrians to and from the town centre.
- 1.2 The site is just within the Primary Shopping Area of Market Harborough and is within the Local/Town Centre. It is also within the Conservation Area and in very close proximity to a lot of Listed Buildings.
- 1.3 The building is two-storey and internally contains a studio at ground floor and one at first floor. The entrance faces west. The building has been used by The Core Dance Company since 12<sup>th</sup> March 2021 (according to business rate records). The company has recently changed its name to The Core Dance and Fitness Company. Previous to this it was used by an events company until 29<sup>th</sup> January 2021 and Curves fitness centre operated from the premises until 24<sup>th</sup> December 2018 after gaining planning consent in August 2005.





**Figure 1: Site Location (the yellow indicates the Listed Buildings and the green cross hatch indicates the Conservation Area)**



**Figure 2: Aerial photograph (2018)**

## **2. Site History**

- 2.1 05/00939/FUL Change of use to a ladies only fitness centre – Permitted  
 05/01320/ADV Erection of illuminated sign to the front – Refused  
 21/01100/VAC Change of use to a ladies only fitness centre (Variation/Removal of Conditions 1 Hours of Use and 3 Use as a Fitness Centre only of 05/00939/FUL

(Retrospective)) – Withdrawn as incorrect type of application as the uses are not the same  
21/01613/FUL Change of Use of Existing Fitness Centre to Dance and Performing Arts School – Withdrawn

### **3. The Application Submission**

#### **a) Summary of Proposals**

- 3.1 The proposal is to increase the opening hours that were granted as a condition of application 05/00939/FUL.
- 3.2 05/00939/FUL was for the 'Change of use to a ladies only fitness centre'. The following conditions were attached to the approval,
1. The use hereby permitted shall operate only within the hours specified on the application form: 9.00am to 7.30pm Mondays to Fridays, 9.00am to 1.00pm Saturdays and at no time on Sundays.
  2. The windows on the east elevation shall remain closed at all times when the use is in operation.
  3. The premises shall be used as a fitness centre and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987).
- The reason for these conditions was,
- To ensure that as far as possible the proposed use does not become a source of annoyance to the nearby residents and to ensure compliance with Policy IN/1 of the Harborough District Local Plan.
- 3.3 The existing business operating at the premises (dance, performing arts and fitness) commenced on 12<sup>th</sup> April 2021.
- 3.4 A Variation of Condition application was submitted on 14<sup>th</sup> June 2021 to apply for longer hours than previously approved (05/00939/FUL) and to allow for more than just a fitness centre use but remaining within the [old] use class D2.
- 3.5 The agent was advised that a full planning application was required as a dance school was not within the same use class as a fitness centre. The application was withdrawn on the 28<sup>th</sup> June 2021. The agent was advised to resubmit a full application and to include a Noise Impact Assessment and Supporting Statement. A full planning application was submitted on 6<sup>th</sup> September 2021, initially made invalid due to lack of a fee and floorplans, and then validated on 16<sup>th</sup> September 2021. A Noise Impact Assessment was submitted on 26<sup>th</sup> October 2021 and updated version 1<sup>st</sup> November 2021. This application was withdrawn 6<sup>th</sup> December 2021, the day before it was due to be discussed at Planning Committee.
- 3.6 The extended hours being applied for as part of this current application are,
- 09.00 – 20.00 Mondays
  - 09.00 – 19.30 Tuesdays
  - 09.00 – 21.00 Wednesdays
  - 09.00 – 20.30 Thursdays
  - 09.00 – 19.30 Fridays
  - 09.00 – 15.30 Saturdays

- No time on Sundays, Bank or Public Holidays

#### **b) Documents submitted**

##### **i. Plans**

3.7 The application has been accompanied by the following plans:

Site Layout 3120/1

##### **ii. Supporting Information**

3.8 No supporting information has been submitted.

#### **c) Pre-application Engagement**

3.9 No pre-application advice was sought or given but advice was given as part of 21/01100/VAC as to what application type was required and how it should be accompanied by a Noise Impact Assessment and Supporting Statement.

#### **d) Other Relevant Information**

3.10 The application is at Planning Committee due to the level of public interest.

### **4. Consultations and Representations**

4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 2<sup>nd</sup> and 8<sup>th</sup> March 2022. A site notice was put up on 4<sup>th</sup> March 2022 and a press notice placed in the Harborough Mail on 10<sup>th</sup> March 2022.

4.2 The last consultation expired 31<sup>st</sup> March 2022.

4.3 A summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning).

#### **a) Statutory & Non-Statutory Consultees**

##### **Contaminated Land and Air Quality Officer**

4.4 No comments regarding land contamination.

##### **Ward Councillor – Councillor Fosker**

4.5 Given the concerns raised by nearby residents and business about the operation of this premises to date, I would not be able to support an extension to the operating hours.

#### **b) Local Community**

4.6 22 neighbouring properties were consulted. Eleven objections have been received from ten addresses raising the following points,

- As per the Enforcement Notice issued on 17<sup>th</sup> January 2022 the Core Dance Company do not have planning permission to run their business from this premises.
- If the appeal is successful object strongly to any extension of hours.

- The 2005 conditions were to ensure that as far as possible the proposed use does not become a source of annoyance to the nearby residents and to ensure compliance with Policy IN/1 of the Harborough District Local Plan.
- The Company are already operating outside of the hours permitted and are very much a source of noise and annoyance.
- The comments made on applications 21/01613/FUL and 21/01100/VAC) remain valid.
- The Company have been operating without planning permission for eleven months and have always operated outside the hours permitted for the Curves Fitness Centre.
- Owns and works at the Dairy Yard Centre, 2 Dairy Yard which has been an education and meditation centre since 2016. Objects to the increase in hours due to noise and disturbance. This is caused by loud music and instructors' voices being heard in the courtyard and within premises and noise from people gathering and waiting in the courtyard outside the windows of the Dairy Yard Centre. Noise heard within the centre and can no longer open windows.
- The dance studio's high level of noise intrudes negatively on the peaceful environment in the premises, which has been specially designed for community activities, offered at cost, and for an educational/training business - Deep Listening Ltd.
- The community activities are educational and health-based, and Dairy Yard Centre runs meditation classes open to all residents of Harborough and in neighbouring areas. The long-term health benefits of learning and practising mindfulness meditation are now well-proven, showing there are mental and physical health benefits from a regular practice of meditation, supported with guidance from a regular class such as the Dairy Yard Centre offers.
- Hire rooms out for yoga and meditation. Some of these have complained about noise levels and it is difficult to hire out premises to new people as no control over noise and private meetings have been disrupted.
- Educational/training business Deep Listening Training has also been affected. Provide training in listening and communication internationally, bringing in professionals for several days, who in turn bring income to the hotels and restaurants of Market Harborough.
- If agreed, the extension of hours would intrude even more on the centre's activities and the activities of those who use Dairy Yard Centre, which need reasonable quiet and take place at weekends and evenings. The extended hours will give the centre less space or time when it can be guaranteed that it will be quiet enough to hold classes or activities.
- We want to keep to the current approved opening times of 9 am-7.30 pm of the Dance Studio Monday to Friday: 9 am - 1 pm Saturdays and hope these would be enforced.
- Attends the Dairy Yard meditation centre which is the only one in town. Should the proposal go ahead this valuable facility will be lost to the community as it will not be possible to maintain the calm, peaceful environment on which it depends. Objects as extending the hours will create unreasonable disturbance. Dairy Yard Centre is used by many Harborough residents and its teacher is internationally recognised in her field.
- Protecting Conservation Areas, such as Dairy Yard, is a key responsibility of the Council. When the peace in people's homes or existing businesses, such as a meditation centre, are harmed by excessive noise, it's clear that this is the wrong location for a loud dance studio - particularly one that has flouted planning rules. With other locations available, outside the Conservation Area, it makes little sense to have a dance studio next to homes and a meditation centre in a quiet courtyard.



- Sympathy for the members of Harborough District Council in the amount of time they must be having to spend on this case. Since the Core Dance Company took over 1 Angel Court and opened without planning permission, they have caused nothing but upset and nuisance to the users and residents of Dairy Yard, and have shown little or no interest in complying with measures placed upon them by the Council.
- Regular user of the Meditation Centre and find that the noise created by The Core Dance Company both during their classes and during the class changeover times are not conducive to any activities, and particularly not to those people who are trying to live a peaceful life there.
- The meditation Centre is finding it difficult to carry on as a business due to the noise from the Core Dance Company which has caused teachers who use the centre for classes cancelling their groups because they are unable to function with the current levels of noise.
- Parking for owners of properties is difficult at times and there must be safety issues with so many people arriving and leaving at the same time.
- Children attending summer courses sat out in Dairy Yard eating their food without to my knowledge the correct number of adults with them to meet safeguarding regulations. (I am an ex teacher with safeguarding responsibilities).
- We have other dance schools in the town in more suitable places where there is parking for parents and no disturbance for members of the public. I am sure there is a call for another school, but a quiet area in the centre of the town centre in my opinion is not the right place.
- I am a member of the Dairy Yard Meditation Centre, I have been part of the group for 4 years. Learning to meditate and attending classes both on Tuesday evening and occasional Saturdays is hugely beneficial for my mental and emotional health. Increasing the opening hours of the fitness centre will cause problems due to increased noise, very loud dance music and the noise from people entering and leaving the building. Dairy Yard Meditation Centre is a purpose built peaceful haven, supporting the health and wellbeing of people in Harborough and the surrounding area, myself and many others would be lost without it.
- I am writing as a resident of Market Harborough, a regular user of the meditation centre at Dairy Yard Centre, and as a psychotherapist practising in the town. I am motivated by concerns about the impact on the meditation centre if the hours of operation were to be extended. The two buildings are very close together, and the dance school creates a lot of noise both inside and outside the building where it is located.
- I have observed that the dance school uses the space in front of the Dairy Yard Centre as an outside reception area and busy waiting room for children and their parents. Obviously, this is very noisy and has completely changed the atmosphere of the space. I have also been inside the Dairy Yard Centre and heard loud noise coming from the dance school when teachers were playing music and giving instructions. This level of noise and the many hours it happens each week is disruptive to practising meditation in the Dairy Yard Centre.
- The Dairy Yard Centre offers meditation classes and courses at low-cost prices. It was bought and converted for this purpose. Within Market Harborough and for miles around, the Dairy Yard Centre is the only place that provides such helpful conditions for teaching and learning to meditate and to do similar activities. As a psychotherapist, I know about the role of mindfulness and meditation for recovering and sustaining good mental health. I often tell people about the Dairy Yard Centre because it is a wonderful and unique resource. In contrast, there are two other dedicated dance schools in Market Harborough



and several other places like schools where children and adults can learn to dance.

- As someone who works at the Meditation Centre, 2 Dairy Yard, helping to facilitate the meditation classes and maintain the building for other well-being classes that benefit the community, it is obvious to me, having heard it, that the noise generated by the "Core Dance Studio" will make it impossible for the classes at 2 Dairy Yard to take place, thus robbing the community of a unique and valuable resource. The noise from the Core Dance Studio and the gathering and milling around of people outside it is already way too much for this small, hitherto quiet area - to extend permission for longer hours to include evenings and weekends and Bank Holidays cannot be allowed as it will destroy the benefits of many people in the wider community who have come to rely on the Meditation Centre and the services it provides.
- Also distress inflicted upon the residents and other businesses of Dairy Yard.
- Subject of an Enforcement Notice issued on 17<sup>th</sup> January 2022. Should be relocated to a premises where the excessive noise created does not affect existing residents.
- The noise from the proposed extended opening hours of the Dance Studio would seriously make it impossible to meditate in the building across the yard. Since the Core Dance Studio opened, I have been walking through Dairy Yard regularly at various times. When a dance class is about to finish, Dairy Yard is full of chatting parents and children waiting to collect their children or siblings, and there is a lot of traffic on the car park at the back. This happens directly underneath the window of the Meditation Centre, which has been there for much, much longer than Core Dance Studio.
- Inconsiderate by the dance studio to ask for this change of the conditions of the Enforcement Notice. Reckless and a waste of tax payers money because of the time and effort by HDC staff who need to process this application (again). How many times do they want to contest this decision?

## **5. Planning Policy Considerations**

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

### **a) Development Plan**

- *Harborough Local Plan*

5.2 The following policies of the adopted Local Plan are considered most relevant in consideration of the application:

- GD8 – Good design in development
- RT2 – Town and local centres

### **b) Material Planning Considerations**

5.3 The following are considered material planning considerations:

- *National Planning Policy Framework (NPPF)*

## **6. Assessment**

### **a) Principle of Development**

- 6.1 The application site is within the primary shopping area and town centre of Market Harborough. The edge of the primary shopping area runs along the edge of the building and includes the meditation centre at 2 Dairy Yard. The businesses and residential property to the west are outside of the primary shopping area.
- 6.2 Due to its location Policy RT2 Town and local centres of the Harborough Local Plan is relevant. This policy states that within the town centre of Market Harborough development proposals for main town centre uses and residential uses will be permitted providing their scale and design reflects the role, function, distinctive qualities and historic/architectural heritage of the town centre. Development that would harm the vitality and viability of the town centre will not be permitted. Market Harborough's primary shopping area will be the focus for retail uses. Development which helps maintain the existing retail function of the area and does not lead to a concentration of non-retail uses which would undermine the vitality and viability of the area's primarily retail role, will be permitted.
- 6.3 This application is to extend the hours of a fitness centre. A fitness centre was granted consent in 2005. A fitness centre is not classed as a main town centre use. However, the supporting text to RT2 in paragraph 7.3.2 states that the way in which town centres are used is continually evolving and the NPPF emphasises that local plans should plan positively for the growth, management and adaptation of town centres to support the role they play at the heart of local communities. Paragraph 7.3.3 states that the NPPF emphasises that local plan policies should allow for growth and diversification in response to rapid changes in the retail and leisure industries, promote a suitable mix of uses (including housing) and promote the individuality and distinctive characters of town centres.
- 6.4 Paragraph 7.3.6 states that in Market Harborough there is a town centre boundary and a primary shopping area. The policy approach aims to guide most retail development to the primary shopping area, in order to support the existing retail function of the area, maintain the vitality and viability of the centre as a whole, keep its shopping offer within easy walking distance and avoid it being diluted by too many non-retail uses. It also ensures that other main town centre uses, such as leisure, hotels and offices, and secondary shopping take place within the wider town centre boundary where a greater variety of uses co-exist, or as a last resort in an edge of centre location.
- 6.5 Taking this guidance literally, as the site is within the primary shopping area, it should be a retail use. However, it is right on the edge of the primary shopping area and the building does not really lend itself obviously to be a retail unit. It has previously had consent for a fitness centre and is sited with other non-retail uses. Therefore, considering that the NPPF allows for growth and diversification in response to rapid changes in the retail and leisure uses it is considered that a non-retail use is acceptable in this location.
- 6.6 The fitness centre has a permitted use and is in accordance with the above policy guidance. Therefore, the principle would be acceptable. The main consideration of this application is whether the extension of hours that a fitness centre can be operational is appropriate given that the previous conditions were to ensure residential amenity was not harmed. This will be considered later in the report in the amenity section.
- 6.7 If consent were granted it would not give consent for the existing business at the site. The use of the existing business is considered to be sui generis. Dance and performing arts schools aren't specifically referenced as being within a particular use

class and therefore should be considered to be sui generis. Fitness classes are use class E(d) (which replaces D2) and ballet classes are use class F1(a) (educational). The regulations state that where there are two use classes then the use should be classed as sui generis. In this instance the business consists of use class E(d), F1(a) and sui generis and therefore overall should be regarded as a sui generis use.

## **b) Technical Considerations**

### **1. Design**

- 6.8 No operational development has been applied for. The external appearance of the building is remaining unchanged albeit for the unilluminated Core Dance Co signage that replaced the previous signage and is already in place. The criteria of Policy GD8 of the Local Plan does therefore not need to be assessed with regards to design.

### **2. Amenity**

- 6.9 Policy GD8 of the Harborough Local Plan states that the impact on the amenity of existing and future residents must be minimised by not generating a level of activity or noise which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions.
- 6.10 Paragraph 119 of the NPPF states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.11 Paragraph 130 f) supports creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.12 Paragraph 185 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 6.13 Paragraph 187 says that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.
- 6.14 Paragraph 188 states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
- 6.15 The use has been operating since April 2021. Initially planning permission was not sought as it was believed that the use was the same as previously but, notwithstanding that, during this period the use has been operating longer hours than those approved for the existing consent for a fitness centre.

- 6.16 The use quickly generated complaints as when it first opened the windows had to be open due to Covid regulations and with the loud music and instructors' voices being heard through these open windows disturbance to residential and business amenity occurred. People also congregated in the courtyard prior to and after classes which also caused disturbance.
- 6.17 A variation of condition application was submitted to apply for longer hours and an alternative [old] D2 use from the fitness centre. This was withdrawn as a dance school is not within the same use class as a fitness centre. A full application was subsequently submitted for a dance and performing arts school but then withdrawn before a decision could be made.
- 6.18 The windows are now kept closed as air conditioning units were installed that enabled this to be possible.
- 6.19 The building is sited within a courtyard along with offices, a hairdressers, a meditation centre and residential properties (above the shops on the High Street and at Bennets Place). Notwithstanding the noise from the traffic on the High Street, which is generally pretty constant even in the evening, and the noise of people parking in Angel Street car park and using the route as a through route into and from town, the area is reasonably quiet.
- 6.20 Complaints were made to and investigated by Environmental Health and a Community Protection Warning (CPW) letter was served on the company. This asked that noise from amplified music does not cause nuisance and that particular attention should be given to controlling the volume and low frequency content of the music (bass). It also stipulated that measures be implemented to manage and control the conduct and behaviour of all persons attending the premises, so that they do not cause a nuisance and/or anti-social behaviour.
- 6.21 Following this warning Environmental Health had a meeting on site with the applicant and measured noise levels both internally and externally. From this meeting it was concluded that internal noise levels were subjectively very loud (around 80dB internally) and 55dB externally in the courtyard, but that with windows closed, the noise reduced to around 46dB. Although closing windows alone resulted in a reduction in music noise of 9.3dB, the applicant was advised that the reduction required was more likely to be 12.5dB, and that this could be achieved by keeping windows closed and reducing the music level marginally.
- 6.22 Windows remained closed after this time but complaints were still received. Further monitoring by Environmental Health found that things had improved but that there was variation in the levels of noise, for example some evenings both song lyrics and voices from instructors were audible inside the complainant's property.
- 6.23 A Community Protection Notice (CPN) under the Anti-Social Behaviour, Crime and Policing Act 2014 therefore was served. This is currently being appealed.
- 6.24 Site visits carried out by the Planning Officer during the course of the previous application found levels of disturbance. An initial visit with the agent included going into the studios and the music volume was found to be uncomfortably loud and this could've been reduced and still maintained an atmosphere for the students. Other visits have been unaccompanied to the courtyard and Angel Street car park. The Planning Officer heard music word for word, especially on a Wednesday evening, and

the instructions from the instructors. This was heard when standing outside of the building at the entrance to the meditation centre.

- 6.25 In order to consider this current application anew the Planning Officer has visited the site again. On the morning of Saturday 12<sup>th</sup> March and the evening of Monday 14<sup>th</sup> March.
- 6.26 On the morning of Saturday 12<sup>th</sup> March two Junior Performance team classes were running. A bit of music could be heard and the instructors' voices from time to time but it was not considered that the level of noise would be harmful from the Planning Officer's point of view (not backed up by noise measuring equipment). These classes finished at 10.15am and the next classes commenced at 10.30am. The level of activity generated at those times did not appear to be demonstrably harmful.
- 6.27 The next two classes were Musical Theatre Jazz and Preschool Saturday (which is an introduction to dance). Again, the level of noise generated was not significant. It could be heard from time to time and mostly when close to the old windows on the east elevation. Traffic noise and general town centre noise was also apparent. It must be noted that none of these four classes are a fitness centre use (they are all sui generis) so would not have consent under this application.
- 6.28 As 11.45am approached and the two classes were coming to an end and two more would be starting immediately afterwards the level of activity and noise in the courtyard rose. It was considered that this was at a more harmful level. It did not last for too long but it would be disturbing. It was unfortunate as the applicant has put two clear posters up asking people to wait quietly so as to not disturb residents. It seemed beneficial earlier in the day that there was 15 minutes between the classes rather than no gap as at this time.
- 6.29 The Planning Officer visited on Monday evening when a Zumba class was on between 6.45pm and 7.30pm. The assessment of this is that it resulted in noise disturbance. The music and instructor's voice could be clearly heard when stood near to the flats to the east of the building and when stood near to the south end of the building where there are two windows. The noise level decreased the further to the west the officer moved, which could show the west window being blocked up has helped, but it could still be heard. This is a fitness centre use.
- 6.30 A Noise Impact Assessment was carried out as part of the previous application but no supporting information has been submitted with this current application. Therefore it is unknown what measures have been carried out and what impact these have made. The applicant advised that the first-floor window facing west was to be blocked off. It can be seen that this has occurred and though it seems to have made a difference when stood in differing parts of the yard no analysis has been received further to this and complaints of noise disturbance have still been made.
- 6.31 Mitigation measures were suggested during the course of the last application such as noise limiters on the amplification equipment and replacing the windows with double glazed windows. However, it is unknown whether any of this work has been undertaken and the windows on the east elevation have not been changed. These windows allow a lot of noise to travel through them.
- 6.32 As well as noise from the music and instructors, concern was raised through complaints from the disturbance caused by people waiting outside of the building before and after classes. The Planning Officer previously found (during application 21/01613/FUL) that at times this was quiet, at times children were noisy, at times



people were noisy but that this didn't last longer than ten minutes. During the course of the recent site visits it was seen that in the evening noise was less as the attendees were older and so parents didn't congregate outside to drop off and pick up but when four classes crossed over late Saturday morning the level of noise and activity was high. It is understood, and appreciated, that the applicant has asked parents to be mindful of the nearby residential and business uses and posters have been displayed but this is hard to control.

- 6.33 Policy GD8 of the Local Plan states that the impact on the amenity of existing and future residents must be minimised by not generating a level of activity or noise which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions. At present even with the mitigation in place of the windows being closed it is considered that there is an adverse impact on the amenity and living conditions of neighbouring properties. Action had to be taken by Environmental Health due to this and this, it is considered, shows the severity of the impact. The activity generated by the people waiting in the yard is also causing a harm to amenity. This is less easy to mitigate.
- 6.34 Due to the level of noise being generated by the classes in the evenings it is considered that allowing the fitness use to extend outside of the approved hours would be to the detriment of residential amenity. 7.30pm is the current time. The Monday evening 6.45pm to 7.30pm Zumba class would fall inside the fitness centre approval but due to the level of noise it was generating it would be unreasonable to allow this to continue later than that. From the east elevation windows the noise of music and the instructor's voice was clear, and these windows are right next to the residential windows of flats above and behind the shops on the High Street.
- 6.35 On Wednesdays it is proposed to extend the hours to 9pm and on Thursdays to 8.30pm. Due to the level of noise being generated by the classes allowing them to continue later into the evening than 7.30pm would not be acceptable.
- 6.36 Planning conditions could be used to condition that double glazing is installed, noise limiters added, methods of crowd control formulated. However, it is not considered that these conditions pass the six tests of when planning conditions can be used. This even applies if the applicant has suggested the condition. Financial burdens on an applicant fails the test of reasonableness and conditions relating to land not in the control of the applicant can fail the tests of reasonableness and enforceability. It is also considered not reasonable to condition that the applicant installs double glazed windows when it is not guaranteed that this will resolve the issues.
- 6.37 The NPPF states that development must safeguard and improve environments, ensure safe and healthy living conditions, ensure that development is appropriate for its location by taking into account the impact of pollution (such as noise) on health and living conditions and avoid noise giving rise to significant adverse impacts on health and quality of life. It is considered that allowing a fitness centre use to be operational later into the evening would have a negative impact on health, quality of life and living conditions and that therefore is not acceptable. It has been heard how much noise is generated through the existing fitness classes and to allow these to be later in the evening would be to the detriment of residential amenity.
- 6.38 The NPPF also states that it should be ensured that new development integrates effectively with existing businesses and community facilities. Opposite the building is the existing meditation centre that has been present since 2016. Any impacts on this very quiet business must therefore be considered seriously. Though it is important to support new businesses it is also important to support existing businesses. Both uses

benefit the community and both uses deserve our consideration. On Monday evening during the 6.45pm – 7.30pm Zumba class the meditation centre did not appear to be open. However, on Wednesday evening at 8pm it is and this would be when a Dance and Fitness class and a Musical Theatre class would be running. The Planning Officer found during their site visits of 21/01613/FUL that the Musical Theatre class generated noise disturbance.

- 6.39 During the course of the last application concerns were submitted regarding the negative impact on the existing meditation centre, its ability to organise classes and educational uses, and its impact on the participants of the classes. It was therefore considered that the two uses are not compatible. Allowing a fitness centre to operate later than the approved hours would have an impact on the meditation centre longer into the evening. The NPPF states that new development needs to integrate effectively with existing uses, no evidence has been submitted to demonstrate this impact has been mitigated and therefore it is considered that this is not the right location for a fitness centre with later hours than approved.
- 6.40 Paragraph 188 of the NPPF states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. This paragraph appears to conflict with the previous paragraphs of 185 and 187 that state that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and to avoid noise giving rise to significant adverse impacts on health and the quality of life and that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities.
- 6.41 It is appreciated that there are measures in place through Environmental Health legislation to monitor and prevent against noise pollution. However, four other paragraphs (detailed above) stress the need that planning decisions need to ensure that living conditions and amenity are not harmed and that developments integrate well and are appropriately located so as to not cause an impact on amenity. It is considered that this use does impact on the amenity of residents and businesses and though there may be solutions to address the noise from music and instructors they have not been implemented, the outcome of these measures if implemented is unknown, the use has been harming amenity for eight months, the use of conditions to make a use acceptable should not be relied on, and activity from crowds is difficult to mitigate and enforce. Therefore, allowing a fitness centre to operate later than the approved hours is not supported by planning policy.
- 6.42 For the reasons detailed in this section it is considered that allowing the fitness use to continue past the approved hours would have a harmful impact on residential amenity to the detriment of living conditions, would have a harmful impact on existing uses and is therefore not suitably located and contrary to Policy GD8 of the Harborough Local Plan and paragraphs 119, 130, 185 and 187 of the National Planning Policy Framework.

### 3. Heritage

- 6.43 The application site is in the Conservation Area and in close proximity to Listed Buildings. It is considered that an impact of a use on amenity and character of a Conservation Area would be more of a concern and more harmful if the area was quiet and known for its tranquillity. In this instance the area is an edge of town centre location close to a main road. Though the noise and activity is deemed to be unacceptable from a living conditions and amenity point of view (detailed above) it is not considered to

harm the ambiance of the Conservation Area due to its existing character and therefore will not have a harmful impact.

#### ■ 4. Highways

- 6.44 In the NPPF and Local Plan there is an overarching aim of achieving sustainable development. This site is considered to be a sustainable location. It is within an existing town centre, reuses an existing building and is accessible by foot, bike and bus passengers. Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Policy GD8 of the Local Plan states that there should be safe, efficient and convenient movement for all highway users. The site is well located for transport networks, pedestrians and cyclists. It is therefore considered that the proposal achieves the aims of being a sustainable form of development in a well-accessible location.

#### ■ 5. Fall-back position

- 6.45 Consent was granted for the change of use of the property to a ladies only fitness centre in 2005 (05/0939/FUL). The consent included the following planning conditions:

#### **Conditions**

1. The use hereby permitted shall operate only within the hours specified on the application form: 9.00am to 7.30pm Mondays to Fridays, 9.00am to 1.00pm Saturdays, and at no time on Sundays.
2. The windows on the east elevation shall remain closed at all times when the use is in operation.
3. The premises shall be used as a fitness centre and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987)

The reason for all three of these conditions was 'to ensure that as far as possible the proposed use does not become a source of annoyance to the nearby residents and to ensure compliance with Policy IN/1 of the Harborough District Local Plan.'

- 6.46 This use operated until December 2018. Due to this extant permission a fitness centre could open at the premises utilising the approved hours.
- 6.47 This fall-back position is a material consideration. A fitness centre could operate from 09.30 to 19.30 five days a week and on Saturday mornings and music could be played as part of this. However, even with this fall-back it is not considered enough of a justification to allow the use to continue later into the evening. The existing fitness classes create noise and allowing these to extend later into the evening would be to the detriment of residential amenity. The restriction on hours was placed on the previous consent to protect residential amenity and this should be upheld.

#### ■ 6. Health

- 6.48 Section 8 of the NPPF is with regards to promoting healthy and safe communities. Paragraph 92 states that decisions should enable and support healthy lifestyles.
- 6.49 The benefits of the fitness to its attendees is not disputed. Physical exercise is a well-known contributor to a healthy lifestyle. However, the impact on those attending the existing meditation centre and on those in nearby residential properties also needs to be considered with regards to the impact on their health.

- 6.50 Though the benefit of a fitness centre on the wellbeing of the participants is appreciated and valued this does not hold enough weight to outweigh the negative impact it is having on the existing residents and business uses participants wellbeing and therefore the extension of hours is not acceptable.

## 7. Options

- 6.51 The potential to grant a temporary consent for a year has been considered. This would potentially enable the applicant to install measures such as double-glazed windows. However, as discussed earlier in this report it is not considered reasonable to condition that measures to upgrade the building have to be carried out.
- 6.52 Since opening in April 2021 the level of noise and disturbance has reduced but there was still enough of an impact on residential amenity to warrant serving a CPN. Music and instructors' voices can still be clearly heard since that notice. The outcome of the CPN is currently awaited.
- 6.53 Due to the fact that the business has been operational for nearly a year, and this has included fitness classes, it is not considered justified to allow a fitness use a temporary consent for longer hours for another year when noise disturbance can be heard and whilst the outcome of a CPN is awaited. This would not be fair on the existing residential properties and business uses that have been impacted on by the use thus far.

## 7. The Planning Balance / Conclusion

- 7.1 The application is to be assessed against the policies of the development plan together with all material considerations. The above assessment concludes that the proposal fails Policies G8 of the Harborough Local Plan and paragraphs 119, 130, 185 and 187 of the National Planning Policy Framework and that there are no material considerations which outweigh the policies of the development plan.
- 7.2 The NPPF supports sustainable development, recognising three strands to this, economic, social and environmental.
- 7.3 The proposal will create economic benefits for the applicant and creates employment. The additional 2 and a half hours on a Saturday may contribute to use of the town centre but is not considered that the additional hours in the evening would contribute economically to the town centre.
- 7.4 Social benefits include the health and well-being benefits for the users. However, the use impacts on the health and well-being of existing residential properties and businesses such as the meditation centre (which itself if undisturbed offers health and well-being benefits to its users) and therefore the social benefits of the proposed use are given limited positive weight due to the negative impact on others.
- 7.5 The proposal's environmental benefits are that an existing building is being used and that it is in a sustainable location. These benefits are afforded some positive weight.
- 7.6 Given the failure to comply with all the policies of the development plan, and that all three strands of sustainability are not met as discussed above, officers consider that the extension of hours would result in a negative impact on amenity and therefore is recommended for refusal.

## Planning Committee Report

**Applicant:** Mr Reuben Arrowsmith

**Application Ref:** 21/01831/FUL

**Location:** Land Opposite Wild Meadow, Bowden Lane, Welham, Leicestershire

**Proposal:** Change of use of land for siting of 1 mobile home to provide 1 no. Gypsy and Traveller pitch

**Application Validated:** 15/12/2021

**Target Date:** 09/02/2022 (EoT Not Agreed)

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

## Recommendation

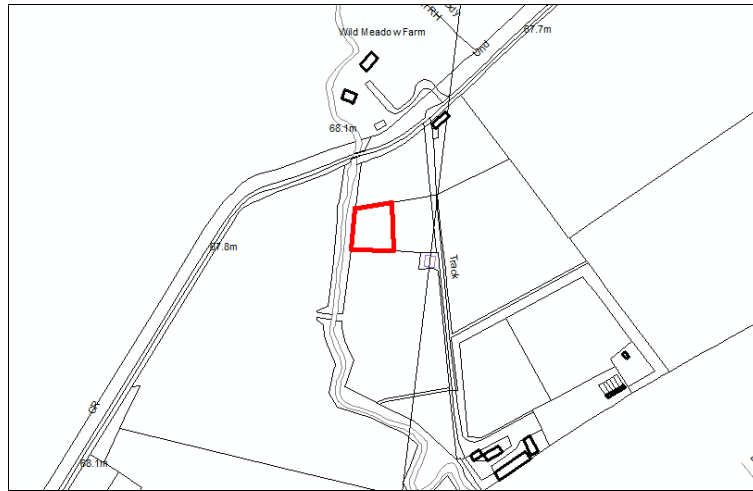
Planning permission is **REFUSED** for the following reasons.

1. The development falls within a flood risk vulnerability category (highly vulnerable) that is inappropriate to the Flood Zone in which the application site is located. Furthermore, the proposed flood risk mitigation measures are inadequate because they will not make the development resilient to the flood levels for the 1% plus 35% climate change level. The application is therefore contrary to Harborough Local Plan Policy CC3, the National Planning Policy Framework (2021) and National Planning Practice Guidance.
2. The site due to its remote location from services and facilities and walking distance in excess of 1km along an unlit, unclassified single-track road, would result in a high likelihood in reliance on the private motor vehicle. The proposed development would not therefore constitute sustainable development, contrary to the Development Plan policies GD1 and H6, Planning Policy for Traveller Sites (PPTS) (2015) read in conjunction with the National Planning Policy Framework (2021) and National Planning Practice Guidance.

## 1. Introduction (including Site & Surroundings)

- 1.1 The application site is located to the southeast of Bowden Lane, Welham. The site is adjacent to the District and County boundary, with Kettering BC / Northamptonshire CC on the opposite side of the river. The site forms part of a larger field which was subdivided into separate plots a few years ago and are primarily all under different ownership. The site is directly accessed via an existing access from Welham Lane. Directly opposite the site access there is an established Showmans plot and ancillary small holding.





**Site Location**



**Aerial Photo**



**View of site from Bowden Lane (Stable View forms a separate application under reference 21/01832/FUL)**

## 2. Site History

- 2.1 The relevant decisions specific to the application site are listed below, these cover the wider site area, outlined in blue/green on aerial map below.



**Application site outlined in red, adjoining decisions outlined in blue/green and referred to below**

- 20/01722/FUL - Change of use to equestrian erection of stables and hard standing (retrospective)
- 20/01723/FUL - Change of use to equestrian erection of stables and hard standing (part retrospective) – green area
- 17/01297/FUL - for change of use of land from agricultural to equestrian; erection of stables and the installation of hard standing (part retrospective), granted on 11 September 2017 (implemented) – blue area.

## 3. The Application Submission

### a) Summary of Proposals

- 3.1 This application seeks full permission to change the use of the land from equestrian use to one Gypsy/Traveller pitch. The proposed layout indicates the siting of one static mobile home with some hardstanding.

## **b) Documents submitted in support of the application**

### **3.2 Plans**

The following plans accompany the application:

- Location Plan
- Layout Plan

### **3.3 Supporting Statements**

The following supporting statements accompany the application

- Great Bowden Lane, Welham Speed Survey (7 February 2022)
- Flood Risk Assessment (STM Environmental – 2 December 2021)

## **c) Pre-application discussion**

- 3.4 The Applicant did not submit a formal pre-application enquiry prior to the submission of this application, although the applicant did speak to the LPA (Case Officer) to advise the application was being submitted.

## **4. Consultations and Representations**

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 17 December 2021 and included a site notice put up on the 11 January 2021. The overall consultation period expired on the 1 February 2022.
- 4.2 A summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning).

## **a) Statutory & Non-Statutory Consultees**

### **4.3 *Leicestershire Police Designing out Crime Officer (DOCO) – no formal objection***

There is a proposed vehicle access via an entry point at Bowden Lane to the north of the site. An internal road then allow access to the pitch. There are no permeability issues as the site only has one vehicle entry point. Vehicle parking will be in curtilage to the pitch.

Lighting throughout the site including the key vehicle entry point and other key areas such as open space should be to BS5489.

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

Foliage is recommended to be to a height of 1m and trees are recommended to be trimmed to have no foliage lower than 2m from the ground. This will provide a 1m clear field of vision. Bin and cycle storage is recommended to be within the perimeter of pitch.

4.4 ***HDC Environmental Health (inclusive of Land Contamination Officer) - no objection***

Should the application be approved, please can the below text be added as an advisory note within the planning decision notice.

'The applicant is advised that they must apply for a caravan site licence under the Caravan Sites and Control of Development Act 1960 prior to the caravan site being operational unless the site is exempt from licensing requirements as specified in the First Schedule of the Act. Application forms for a licence can be obtained from the Environment Team by emailing [EnvironmentTeam@harborough.gov.uk](mailto:EnvironmentTeam@harborough.gov.uk) or the Council's Website at [www.harborough.gov.uk/caravan-site](http://www.harborough.gov.uk/caravan-site)'

4.5 ***Environment Agency - Objection***

We object to the proposed development as it falls within a flood risk vulnerability category (highly vulnerable) that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework and its associated planning practice guidance. We recommend that planning permission is refused on this basis.

Reasons

The PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each Flood Zone. This site lies within Flood Zone 3, which is land defined by the PPG as having a high probability of flooding. (Greater than 1 in 100 (1%) annual probability of flooding). We would also like to note, this area has historical flooding records at the site (1998 flooding).

The development is classed as Highly Vulnerable (permanent residential static caravans) in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.

4.6 ***Leicestershire County Council, Traveller Sites & Liaison Officer - no objection***

The site is to provide accommodation for one family unit consisting of two adults (a married couple) and their two children, a son aged 10 years and a daughter aged 18 years.

The family have strong local ties with the area, the applicant has lived in Market Harborough for over 30 years, his children were all born here and they have all attended St Joseph's Catholic Voluntary Academy where his youngest son is currently a pupil.

The family are registered with local health care providers and it is important that they remain in the area for the continuation in care his wife is receiving following a serious accident. It is completely understandable that they want to remain in the Market Harborough area and this application, should it be approved, will provide an ideal location.

The applicant's daughter and her husband have submitted an application to Harborough District Council for a one pitch site on adjoining land and, in accordance

with Gypsy tradition, it is beneficial to both families that they live adjacent to each other as they are easily able to offer support to each other when required.

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

The PPTS states that:

The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

Should planning permission be granted for this small family site it would align with the above statement. It would allow them to raise a family on a site that would provide all the health and welfare benefits that having a stable and secure home would give to both adults and children living on the site.

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

**4.7 *Leicestershire County Council, Planning, Mineral Planning Authority - no objection***

Due to the nature of development proposed on the site, i.e., the siting of a mobile home, I do not consider that any remaining unworked mineral would be sterilised by this use. Therefore, a minerals assessment is not required and I have no objection to the proposal

**4.8 *Leicestershire County Council Highways - no objection***

The Local Highway Authority (LHA) 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.

**4.9 *Leicestershire County Council Ecology - no objection***

I have no objection in principle; however, the stables are located too close to the watercourse. A 10-metre buffer should be provided between the watercourse and the proposed buildings, and no development should take place on this buffer. The buffer should be managed with biodiversity in mind and natural vegetation retained and enhanced. This will ensure that the watercourse retains its value as a wildlife corridor.

## **b) Local Community**

**4.10 This application has generated 8 objections from the local community. A summary of the key points/concerns raised (in no order), are listed below:**

- The field was sold 13 years ago and now will become one very big Traveller site impacting the many businesses in the area



- The field will just not take all these applications – Bowden Lane is not suitable for this amount of traffic – it's a single-track lane
- The site is very close to Langton Brook – where will the waste go?
- The area is in a flood plain, and with all the hardstanding already laid where will the water drain?
- Many concerns already expressed by residents. Services have already been laid, retrospective applications always get approved. If permission is now granted for these pitches, it will set a precedent and more applications will follow
- Land on Bowden Lane, surrounding fields towards Welham and the village itself are at high risk of flooding according to UK Government website

## **5. Planning Policy Considerations**

- The Town and Country Planning Act 1990.
- National Planning Policy Framework (2021)
- National Planning Policy Guidance
- Planning Policy for Traveller Sites (PPTS) (2015)

### The Development Plan

Harborough Local Plan 2011 to 2031

- 5.1 Policy CC3 'Managing flood risk' of the Local Plan states that new development should take place in the areas of lowest risk of flooding, including the potential future risk due to climate change. It goes on to say at criterion 5 only uses which are less vulnerable, e.g., retail, business, agricultural and some non-residential institutions, (unless meeting the 'Exceptions Test') will be permitted in Flood Zone 3
- 5.2 Policy GD1 'Achieving Sustainable Development' of the Local Plan states that when considering proposals for development the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).
- 5.3 Policy H6 'Gypsy, Traveller and Travelling Showpeople accommodation' states that the identified need is a minimum (not maximum number) and that the adopted Local Plan allocations will meet all the identified need over the whole plan period (to 2031).

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

### Material considerations

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

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

## 6. Assessment

### *Principle of Development*

- 6.1 The NPPF indicates that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing development proposals planning authorities should apply the presumption in favour of sustainable development (Local Plan Policy GD1). Given the distance from the local shops in Welham, public transport and other facilities such as health and education, in locational sustainability terms the site would not provide future occupiers with a realistic option to choose walking and cycling as an alternative to private vehicle trips to access facilities and services. As such the location of the site is judged to not accord with local and national locational sustainability principles and weighs against the proposal.
- 6.2 The National planning policy for traveller sites is found in PPTS (2015) and sets out a number of “relevant matters” which planning authorities should consider in assessing applications for traveller sites which include; the existing level of local provision and need for sites, the availability (or lack) of alternative accommodation for applicants, the personal circumstances of the applicant, that the locally specific criteria used to guide the allocation of sites in plans should be used to assess applications that may come forward on unallocated sites, and that applications should be determined from any travellers, not just those with local connections (Local Plan Policy H6).
- 6.3 The current lawful use of the site is equestrian use which was afforded permission under reference 20/01722/FUL, for the change of use to equestrian, erection of stables and hard standing (retrospective). The current application is for the provision of a mobile home on the site for the applicant and his family to reside on the land. No day room or shower/toilet block is shown on the layout plan, just a mobile home and hardstanding.

The LCC Travellers sites and liaison officer confirms that the applicant with his family are Romany Gypsy/Travellers by birth, culture and descent, having been born and brought up in the traditional Gypsy way of life and therefore satisfy the definition of a Gypsy and Traveller for the purpose of Annex 1 of the PPTS. They currently reside elsewhere within the District on an existing and established Gypsy/Traveller site. So as such policy H6 is relevant.

- 6.4 Policy H6 Criterion 5a – 5g sets out the criteria by which any application for a new (unallocated site) or extension to an existing site should be assessed and states that development for new, and extensions/improvements to existing permitted or lawful, Gypsy & Traveller sites will be permitted where (of specific relevance to this application) :

#### *criterion 5b*

- *the site is located within safe walking distance to a settlement and has access to a range of services including health and education provision* – The site is not located within easy and safe walking distance to a settlement or transport links, Bowden Lane being a single track unlit, unclassified road.

#### *criterion 5g*

- *the development does not put the health and safety of occupants at risk through:*

- i. unsafe access*
- ii. unacceptable noise levels or air quality from existing land uses;*
- iii. unacceptable levels of contaminated land; or*
- iv. **flood risk***

- 6.5 As referred elsewhere in this report, the Environment Agency object to the application; they identify the development as falling within a flood risk vulnerability category (highly vulnerable) that is inappropriate to the Flood Zone in which the application site is located, Flood Zone 3, as such the proposal is contrary to the National Planning Policy Framework and its associated planning practice guidance.
- 6.6 Policy CC3 identifies development/uses suitable within a Flood Zone 3; these are generally non-residential uses, as such the proposal does not fall within a suitable use within Flood Zone 3.

## **7. The Planning Balance / Conclusion**

- 7.1 In conclusion, the proposal is contrary to Policy GD1, H6, specifically 5 b and g, and policy CC3, for the reasons set out in this report. Specifically, there are no material considerations (including policies that support new Gypsy/Traveller sites) which would outweigh the flood risk harm.
- 7.2 The decision has been reached taking into account the PPTS (2015) read in conjunction with the NPPF and associated NPPG.

## Planning Committee Report

**Applicant:** Mr Jamie Smith

**Application Ref:** 21/01832/FUL

**Location:** Land Opposite Wild Meadow, Bowden Lane, Welham, Leicestershire

**Proposal:** Change of use of land for siting of 1 mobile home to provide 1 no. Gypsy and Traveller pitch

**Application Validated:** 02/12/2021

**Target Date:** 27/01/2022 (EoT Not Agreed)

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

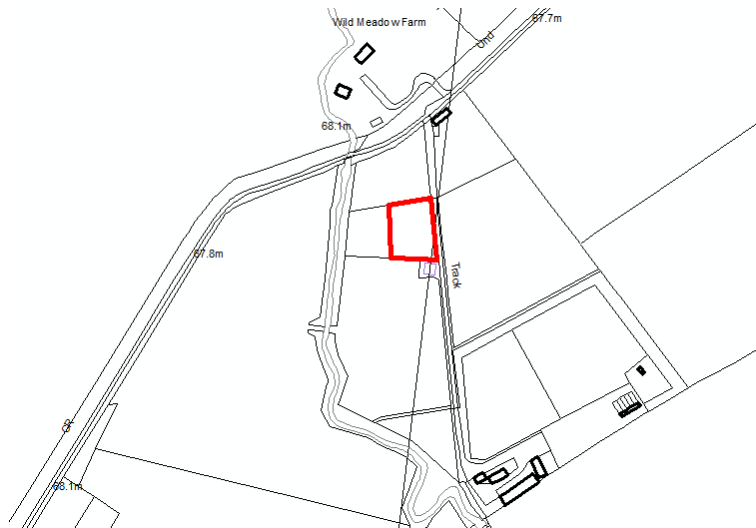
## Recommendation

Planning permission is **REFUSED** for the following reasons.

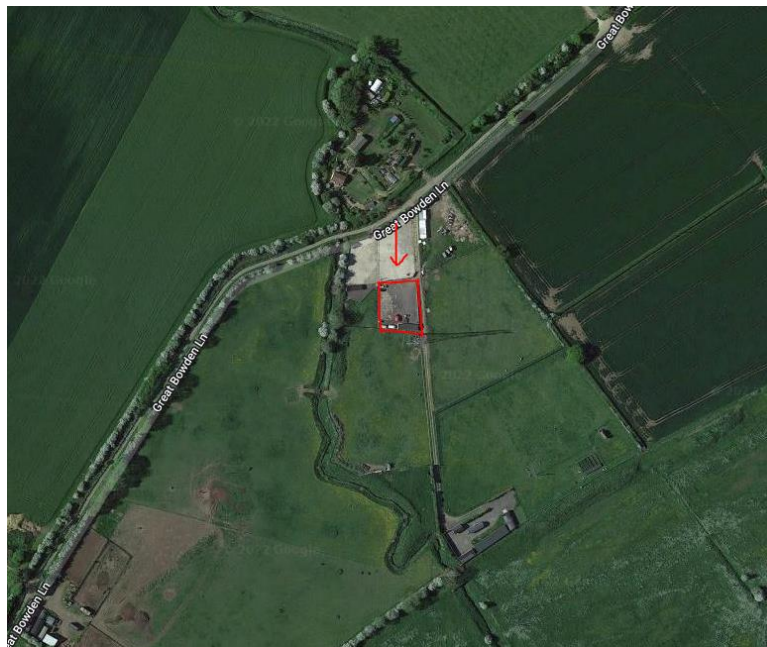
- 1 The development falls within a flood risk vulnerability category (highly vulnerable) that is inappropriate to the Flood Zone in which the application site is located. Furthermore, the proposed flood risk mitigation measures are inadequate because they will not make the development resilient to the flood levels for the 1% plus 35% climate change level. The application is therefore contrary to Harborough Local Plan Policy CC3, the National Planning Policy Framework (2021) and National Planning Practice Guidance.
- 2 The site due to its remote location from services and facilities and walking distance in excess of 1km along an unlit, unclassified single-track road, would result in a high likelihood in reliance on the private motor vehicle. The proposed development would not therefore constitute sustainable development, contrary to the Development Plan policies GD1 and H6, Planning Policy for Traveller Sites (PPTS) (2015) read in conjunction with the National Planning Policy Framework (2021) and National Planning Practice Guidance.

## 1. Introduction (including Site & Surroundings)

- 1.2 The application site is located to the southeast of Bowden Lane, Welham. The site is adjacent to the District and County boundary, with Kettering BC / Northamptonshire CC on the opposite side of the river. The site forms part of a larger field which was subdivided into separate plots a few years ago and are primarily all under different ownership. The site is directly accessed via an existing access from Welham Lane. Directly opposite the site access there is an established Showmans plot and ancillary small holding.



**Site Location**



**Aerial Photo**



**View of site from Bowden Lane**



## 2. Site History

- 2.1 The relevant decisions specific to the application site are listed below, these cover the wider site area, outlined in blue/green on aerial map below.



**Application site outlined in red, adjoining decisions outlined in blue/green and referred to below**

- 20/01723/FUL - Change of use to equestrian erection of stables and hard standing (retrospective)
- 20/01722/FUL - Change of use to equestrian erection of stables and hard standing (part retrospective) – green area
- 17/01297/FUL - for change of use of land from agricultural to equestrian; erection of stables and the installation of hard standing (part retrospective), granted on 11 September 2017 (implemented) – blue area.

## 3. The Application Submission

### a) Summary of Proposals

- 3.1 This application seeks full permission to change the use of the land from equestrian use to one Gypsy/Traveller pitch. The proposed layout indicates the siting of one static mobile home with some hardstanding.

### b) Documents submitted in support of the application

### 3.2 Plans

The following plans accompany the application:

- Location Plan
- Layout Plan

### 3.3 Supporting Statements

The following supporting statements accompany the application

- Great Bowden Lane, Welham Speed Survey (7 February 2022)
- Flood Risk Assessment (STM Environmental – 2 December 2021)

## c) Pre-application discussion

- 3.4 The Applicant did not submit a formal pre-application enquiry prior to the submission of this application, although the applicant did speak to the LPA (Case Officer) to advise the application was being submitted.

## 4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 17 December 2021 and included a site notice put up on the 11 January 2021. The overall consultation period expired on the 1 February 2022.
- 4.2 A summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning).

## a) Statutory & Non-Statutory Consultees

### 4.3 ***Leicestershire Police Designing out Crime Officer (DOCO) – no formal objection***

There is a proposed vehicle access via an entry point at Bowden Lane to the north of the site. An internal road then allow access to the pitch. There are no permeability issues as the site only has one vehicle entry point. Vehicle parking will be in curtilage to the pitch.

Lighting throughout the site including the key vehicle entry point and other key areas such as open space should be to BS5489.

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

Foliage is recommended to be to a height of 1m and trees are recommended to be trimmed to have no foliage lower than 2m from the ground. This will provide a 1m clear field of vision. Bin and cycle storage is recommended to be within the perimeter of pitch.

4.4 ***HDC Environmental Health (inclusive of Land Contamination Officer) - no objection***

Should the application be approved, please can the below text be added as an advisory note within the planning decision notice.

'The applicant is advised that they must apply for a caravan site licence under the Caravan Sites and Control of Development Act 1960 prior to the caravan site being operational unless the site is exempt from licensing requirements as specified in the First Schedule of the Act. Application forms for a licence can be obtained from the Environment Team by emailing [EnvironmentTeam@harborough.gov.uk](mailto:EnvironmentTeam@harborough.gov.uk) or the Council's Website at [www.harborough.gov.uk/caravan-site](http://www.harborough.gov.uk/caravan-site)'

4.5 ***Environment Agency - Objection***

We object to the proposed development as it falls within a flood risk vulnerability category (highly vulnerable) that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework and its associated planning practice guidance. We recommend that planning permission is refused on this basis.

Reasons

The PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each Flood Zone. This site lies within Flood Zone 3, which is land defined by the PPG as having a high probability of flooding. (Greater than 1 in 100 (1%) annual probability of flooding). We would also like to note, this area has historical flooding records at the site (1998 flooding).

The development is classed as Highly Vulnerable (permanent residential static caravans) in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.

4.6 ***Leicestershire County Council, Traveller Sites & Liaison Officer - no objection***

The site is to provide accommodation for one family unit consisting of two adults (a married couple) and their four children whose ages range from eight months to eight years.

The land has been in the applicants family for more than 15 years but the need to create a permanent home for this family has recently become more urgent. They are currently occupying a pitch owned by another family who want to return to Greenacres and when they leave the pitch they will have nowhere to live, there are no other vacant pitches on Greenacres or any other private site in Market Harborough.

The family have strong local ties with the area, the children of school age attend local schools and the family are registered with local health care providers. It is completely understandable that they want to remain in the Market Harborough area and this application, should it be approved, will prove to be an ideal location.

The families that will live on this site are Romany Gypsy/Travellers by birth, culture and descent, having been born and brought up in the traditional Gypsy way of life and

satisfy the definition of a Gypsy and Traveller for the purpose of Annex 1 Planning Policy for Travellers Sites (2015).

The PPTS states that:

The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

Should planning permission be granted for this small family site it would align with the above statement. It would allow them to raise a family on a site that would provide all the health and welfare benefits that having a stable and secure home would give to both adults and children living on the site.

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

**4.7 *Leicestershire County Council, Planning, Mineral Planning Authority - no objection***

Due to the nature of development proposed on the site, i.e., the siting of a mobile home, I do not consider that any remaining unworked mineral would be sterilised by this use. Therefore, a minerals assessment is not required and I have no objection to the proposal

**4.8 *Leicestershire County Council Highways - no objection***

The Local Highway Authority (LHA) 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.

**4.9 *Leicestershire County Council Ecology - no objection***

I have no objection in principle; however, the stables are located too close to the watercourse. A 10-metre buffer should be provided between the watercourse and the proposed buildings, and no development should take place on this buffer. The buffer should be managed with biodiversity in mind and natural vegetation retained and enhanced. This will ensure that the watercourse retains its value as a wildlife corridor.

## **b) Local Community**

**4.10** This application has generated 8 objections from the local community. A summary of the key points/concerns raised (in no order), are listed below:

- The field was sold 13 years ago and now will become one very big Traveller site impacting the many businesses in the area
- The field will just not take all these applications – Bowden Lane is not suitable for this amount of traffic – it's a single-track lane
- The site is very close to Langton Brook – where will the waste go?
- The area is in a flood plain, and will all the hardstanding already laid where will the water drain?

- Many concerns already expressed by residents. Services have already been laid, retrospective applications always get approved. If permission is now granted for these pitches, it will set a precedent and more applications will follow
- Land on Bowden Lane, surrounding fields towards Welham and the village itself are at high risk of flooding according to UK Government website

## **5. Planning Policy Considerations**

- The Town and Country Planning Act 1990.
- National Planning Policy Framework (2021)
- National Planning Policy Guidance
- Planning Policy for Traveller Sites (PPTS) (2015)

### The Development Plan

Harborough Local Plan 2011 to 2031

- 5.1 Policy CC3 'Managing flood risk' of the Local Plan states that new development should take place in the areas of lowest risk of flooding, including the potential future risk due to climate change. It goes on to say at criterion 5 only uses which are less vulnerable, e.g., retail, business, agricultural and some non-residential institutions, (unless meeting the 'Exceptions Test') will be permitted in Food Zone 3
- 5.2 Policy GD1 'Achieving Sustainable Development' of the Local Plan states that when considering proposals for development the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).
- 5.3 Policy H6 'Gypsy, Traveller and Travelling Showpeople accommodation' states that the identified need is a minimum (not maximum number) and that the adopted Local Plan allocations will meet all the identified need over the whole plan period (to 2031).

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

### Material considerations

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

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

## **6. Assessment**

### *Principle of Development*



- 6.1 The NPPF indicates that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing development proposals planning authorities should apply the presumption in favour of sustainable development (Local Plan Policy GD1). Given the distance from local shops in Welham, public transport and other facilities such as health and education, in locational sustainability terms the site would not provide future occupiers with a realistic option to choose walking and cycling as an alternative to private vehicle trips to access facilities and services. As such the location of the site is judged to not accord with local and national locational sustainability principles and weighs against the proposal.
- 6.2 The National planning policy for traveller sites is found in PPTS (2015) and sets out a number of “relevant matters” which planning authorities should consider in assessing applications for traveller sites which include; the existing level of local provision and need for sites, the availability (or lack) of alternative accommodation for applicants, the personal circumstances of the applicant, that the locally specific criteria used to guide the allocation of sites in plans should be used to assess applications that may come forward on unallocated sites, and that applications should be determined from any travellers, not just those with local connections (Local Plan Policy H6).
- 6.3 The current lawful use of the site is equestrian use which was afforded permission under reference 20/01723/FUL, for the change of use to equestrian erection of stables and hard standing (retrospective). The current application is for the provision of a mobile home on the site for the applicant and his family to reside on the land. No day room or shower/toilet block is shown on the layout plan, just a mobile home and hardstanding.

The LCC Travellers sites and liaison officer confirms that the applicant with his family are Romany Gypsy/Travellers by birth, culture and descent, having been born and brought up in the traditional Gypsy way of life and therefore satisfy the definition of a Gypsy and Traveller for the purpose of Annex 1 of the PPTS. They currently reside elsewhere within the District on an existing and established Gypsy/Traveller site. So as such policy H6 is relevant.

- 6.4 Policy H6 Criterion 5a – 5g sets out the criteria by which any application for a new (unallocated site) or extension to an existing site should be assessed and states that development for new, and extensions/improvements to existing permitted or lawful, Gypsy & Traveller sites will be permitted where (of specific relevance to this application) :

*criterion 5b*

- *the site is located within safe walking distance to a settlement and has access to a range of services including health and education provision* – The site is not located within easy and safe walking distance to a settlement or transport links, Bowden Lane being a single track unlit, unclassified road.

*criterion 5g*

- *the development does not put the health and safety of occupants at risk through:*
  - i. *unsafe access*
  - ii. *unacceptable noise levels or air quality from existing land uses;*
  - iii. *unacceptable levels of contaminated land; or*
  - iv. **flood risk**

- 6.5 As referred elsewhere in this report, the Environment Agency object to the application; they identify the development as falling within a flood risk vulnerability category (highly vulnerable) that is inappropriate to the Flood Zone in which the application site is located, Flood Zone 3, as such the proposal is contrary to the National Planning Policy Framework and its associated planning practice guidance.
- 6.6 Policy CC3 identifies development/uses suitable within a Flood Zone 3; these are generally non-residential uses, as such the proposal does not fall within a suitable use within Flood Zone 3.

## **7. The Planning Balance / Conclusion**

- 7.1 In conclusion, the proposal is contrary to Policy GD1, H6, specifically 5 b and g, and policy CC3, for the reasons set out in this report. Specifically, there are no material considerations (including policies that support new Gypsy/Traveller sites) which would outweigh the flood risk harm.
- 7.2 The decision has been reached taking into account the PPTS (2015) read in conjunction with the NPPF and associated NPPG.