

Planning Committee Report

Applicant: Telford Five Ltd

Application Ref: 21/01975/OUT

Location: Land North of Broughton Way, Broughton Astley

Proposal: Outline application for the erection of up to 34 dwellings (including 10 self-build dwellings) (access to be considered) (revised description)

Parish/Ward: Broughton Astley (Primethorpe and Sutton)

Application Validated: 09.11.2021

Application Target date: 08.02.2022 (extension of time agreed until 28 Oct 2022)

Reason for Committee Consideration: Major Development (25 or more dwellings)

Recommendation

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

The proposal is for major development on an unallocated site which is not previously developed land when the Council has a five-year supply of housing and the minimum housing requirement for the settlement has been met. It is located within a defined Area of Separation and would result in loss of the visual separation of Broughton Astley and Sutton in the Elms, and detract from the open character of the Area of Separation, including when viewed from the Public Right of Way through the site. The proposal is therefore contrary to Local Plan Policies GD2 and H5, and Broughton Astley Neighbourhood Plan Policies H3 and EH2 and there are no material considerations (including the provision of self-built plots and affordable housing) which outweigh the conflict with the development plan.

The proposal fails to respect natural boundaries including those which provide ecological habitat, does not reflect the character and appearance of the area, causes loss of countryside and landscape harm to the site itself and fails to protect and enhance the public right of way and access to the countryside. The proposal is therefore contrary to Local Plan Policies GD2, GD8, GI5 and GD5.

The proposal fails to demonstrate an acceptable sustainable drainage system or that it would mitigate the effects of climate change. The proposal is therefore contrary to Harborough District Local Plan policies CC1 and CC3.

1. Site & Surroundings

- 1.1 The application site consists of approximately 1.4ha (3.5 acres) of scrub grassland beyond the northern built-up area of Broughton Astley, between the B581 (Coventry Road) and the southern boundaries of dwellings on Leicester Lane, Sutton in the Elms to the north. The site is generally flat, with a short steep drop to the highway to the south, with a public right of way (W48) traversing the site from the southeast corner of the site to the middle of the western boundary. Established hedgerows and trees delineate all boundaries.



Figure 1: Site Location Plan



Figure 2: Aerial photograph (2018) showing site and Rights of Ways (dashed red)

- 1.2 The neighbouring land to the west has approval for four industrial/warehouse buildings with ancillary offices (19/00856/OUT and 21/01803/REM). The land to the east is equestrian/paddock land and includes stables.

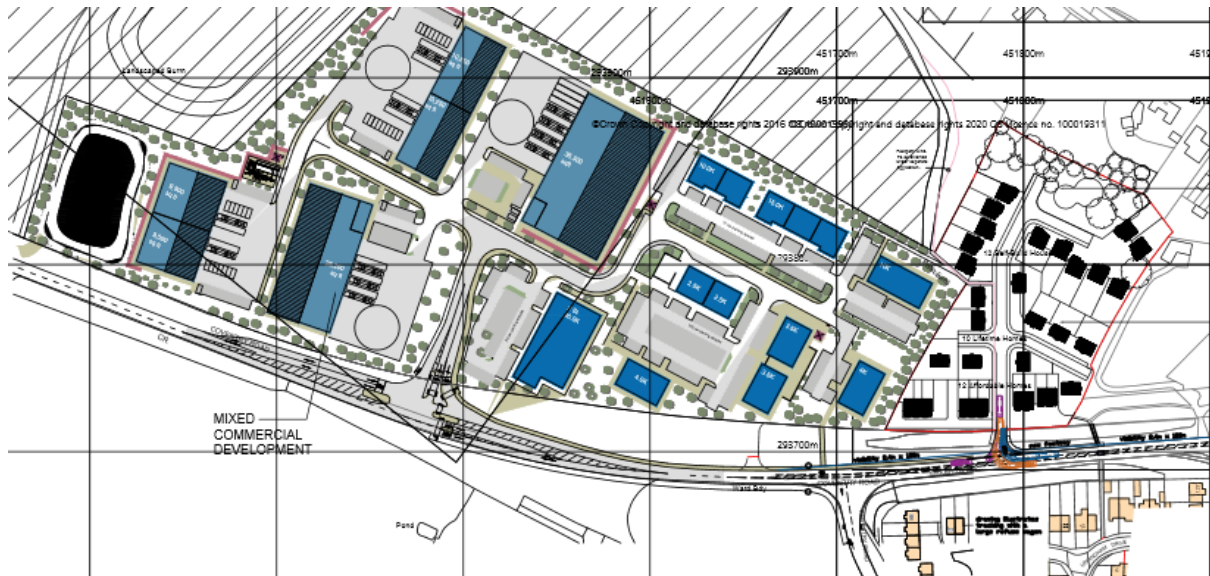


Figure 3: extract from (superseded) site layout plan, showing approved development to the west of the site

- 1.3 There are no Listed Buildings or designated heritage assets which lie within close proximity to the site such that their setting would be affected by the proposed development. Neither Broughton Astley nor Sutton in the Elms have designated Conservation Areas.
- 1.4 The site falls within a designated Area of Separation between Broughton Astley and Sutton-in-the-Elms.

2. Site History

- 2.1 67/00005P/LRDC – Erection of dwellings with garages and formation of accesses – refused March 1967

80/01916/3O – Erection of dwellings on approximately 1.35 acres of land – refused December 1980.

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal is in outline with only access to be considered, for the erection of up to 34 dwellings, with access from the B8581 to the south. Except for access, all other matters are reserved for future consideration as Reserved Matters. This includes appearance, landscaping, layout and scale.
- 3.2 Vehicular access to the development site would be via a two-way T-Junction on to the B581, as shown in Figure 2 below. It is intended that internal roads would be built to

adoptable standards, although this is a detailed matter for consideration at Reserved Matters stage.

- 3.3 A draft site plan has been provided, showing a suggested layout for the development. The dwellings are shown scattered throughout the site, served by a central spine road and intersecting streets. The applicant has stated that the Public Right of Way would be diverted although no details have been submitted of this.
- 3.4 The application form states that the housing mix would be 20no. three-bedroomed houses (market housing) and 14no. three-bedroomed houses (affordable dwellings). The amended indicative site plan (below, where S/B indicates self-build properties), together with the amended description states that 10 dwellings will be self-build. The applicant has also indicated their willingness to provide affordable housing on the site (10 units, with the final amount etc to be agreed at reserved matters stage). The drawing suggests that most of the dwellings will be detached.



Figure 4: Draft Site Plan (Thorne Architecture, drawing number 21112-001, submitted 5 January 2023)

b) Documents submitted in support of the application

i) Plans

- 3.5 The following plans accompany the application as amended:

~ Thorne Architecture drawing number: 21112-000, 'Site Location Plan and Block Plans - Land off Broughton Way, Sutton in the Elms', dated May 2021;

~ Thorne Architecture drawing number: 21112-001, 'Draft Siteplan', dated May 2021 (received as a revision January 2023);

~ Thorne Architecture drawing number: 21112-002 'Draft Masterplan', dated May 2021 (received 13th October 2022) [note: the indicative site layout shown on this drawing was superseded by drawing 2112-01 'Draft Siteplan' dated May 2021 and received January 2023 (above); some of the highways information on this plan however has not been superseded];

~ Roberts Highway Consultants drawing number RHC-22-092-02 rev A, 'Access Alterations, Geometries & PRoW Information, dated 8th December 2022;

~ Roberts Highway Consultants drawing number RHC-22-092-01 'Refuse Vehicle Tracking', dated September 2022;

~ Evans Rivers and Coastal, 'SUDS Strategy' drawing number 2870/RE/01 dated 14th November 2022 [note: this is based on a previous site layout which was superseded October 2022 and January 2023];

ii. Supporting Information

3.6 The following supporting statements and information accompany the application:

~ Brown Shore Management, Planning Statement, 'Land at Broughton Way, Broughton Astley', Revision 1, dated November 2021;

~ Brown Shore Management, Design and Access Statement, 'Land at Broughton Way, Broughton Astley', dated November 2021;

~ Banners Gate, Document Ref: P1587, Transport Statement (TS), 'Land off Broughton Way, Broughton Astley', dated February 2022 (2nd issue);

~ Evans Rivers and Coastal, Flood Risk Assessment and Surface Water Drainage Strategy, ref 2870/RE/01-22/01 revision B, dated November 2022;

~ Benchmark Archaeology, 'An Archaeological Field Evaluation 2022', undated, received October 2022;

~ Crestwood Environmental, 'Reptile Presence/likely Absence Survey', rec CE-SE-1999-RP02 FINAL, dated 18th October 2022;

~ Crestwood Environmental written note dated 13th September 2022;

~ Crestwood Environmental Preliminary Ecological Appraisal Report, reference CE-SE-1999-RP01, dated 11th November 2021;

3.7 The applicant's agent has also made a number of written responses to consultee comments; these are available on file.

c) Pre-application discussion

3.8 No pre-application advice was sought or given for the proposal.

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
- 4.2 Reconsultation on the amended plans and further information submitted was undertaken. The final reconsultation expired 10 February.
- 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.

a) Statutory & Non-Statutory Consultees

Broughton Astley Parish Council

- 4.4 Strongly object for the following reasons:
- i) not allocated for development in our Neighbourhood Plan.
 - ii) is part of designated Area of Separation.
 - iii) Highway safety
 - iv) Broughton Astley Neighbourhood Plan allocates more than enough housing land to meet its needs

LCC Highways

- 4.5 Highway safety impacts would not be unacceptable, and when considered cumulatively with other development, would not be severe. Based on the information submitted, the proposal does not conflict with NPPF paragraph 111.
- 4.6 Recommends conditions and S106 contributions, including provision of a footway to link the access with the existing pedestrian crossing point on Broughton Way to the east of the site; construction environmental management plan including routing; a scheme for the Right of Way; contributions to Travel Packs and bus passes.

LCC Ecology

- 4.7 District Level Licensing is an acceptable route to deal with any impact on Great Crested newts however a copy of an Impact Assessment and Conservation Payment Certificate countersigned by Natural England will be required prior to determination.
- 4.8 A baseline assessment and metric must be provided prior to determination as well as an indication of how Biodiversity Net Gain will be achieved.
- 4.9 I have reviewed the revised layout (5 Jan 2023) but our previous comments still do not appear to have been addressed (such as the hedgerow buffer area and the biodiversity net gain assessment). Therefore I have no further comments to add at this stage and our previous comments still stand.

Lead Local Flood Authority

- 4.10 Applicant has not provided sufficient evidence to demonstrate that the site can be drained, thus not satisfying the NPPF and NPPG which requires that all development must demonstrate that it would not increase risk on-site or to surrounding areas. Infiltration is proposed but it is not demonstrated that this is a viable option. Infiltration

basin is shown in the same space as proposed units and it has not been demonstrated that all parts of the site can drain to the proposed infiltration basin. Further information required.

Severn Trent Water

- 4.11 No objection, recommend condition requiring details of surface and foul water drainage prior to commencement of development.

HDC Environment Co-ordinator

- 4.12 Whilst I recognise that this is an outline planning application and all matters are reserved, it would be helpful to see the principles of the approach to climate change through the design of site and buildings. Policy CC1 requires the developer to consider the best ways to reduce emissions but also to adapt to climate change that is already occurring. This should be done early in the design to ensure that the most effective options can be included.

LCC Waste

- 4.13 Request planning condition for the provision of a 'waste minimisation and recycling pack' for residents of the new development.

HDC Parish and Community Facilities

- 4.14 Request S106 contributions

HDC Strategic Housing and Enabling Officer

- 4.15 40 of the dwellings shall be affordable, with these having a tenure mix of 60% social rented housing units (2x1-bed bungalows, 4x1-bed houses, 2x4-bed houses) and 40% intermediate or shared ownership (2x2-bed houses and 2x3-bed houses) unless an alternative percentage and/or number is agreed or requested by the Council. To be secured through a S106 agreement and transferred to a partner Registered Provider once complete.

HDC Environmental Health

- 4.16 Recommend Construction Method Statement pre-commencement condition

HDC Contaminated Land and Air Quality Officer

- 4.17 Due to nearby made ground and quarrying for sand and gravel, recommend re-commencement conditions for contaminated land surveys

West Leicestershire Clinical Commissioning Group

- 4.18 Request S106 contributions

LCC Developer Contributions (waste, schools, libraries)

- 4.19 request contributions for primary and secondary schools and libraries

HDC Neighbourhood Planning and Open Space officer

- 4.20 Request S106 contributions (all off-site).

Archaeology

- 4.21 Request field work (trial trenching) to be carried out prior to determination. Following receipt of the written report of the field work, state that the site lies in an area of significant archaeological potential. Request further archaeological work is carried out

prior to commencement of development (to be controlled by condition) as suitable mitigation for the loss of features.

b) Local Community

4.22 22 letters of objection received from 15 addresses, raising the following material planning concerns:

- Contrary to Neighbourhood Plan
- Within designated Area of Separation
- Highway safety
- Designed for cars, not other highway users
- Inaccurate/incorrect submission
- No need
- Harmful/loss of wildlife
- Hedges not retained as habitat in layout, also proposed hibernacular would be within residential gardens
- Overlooking/loss of privacy/loss of light
- Flooding and drainage
- Harmful impact on mental health of [existing] local residents due to loss of Right of Way through the countryside, loss of trees, flora and fauna
- No mention of sustainable forms of energy
- Existing pipework [drainage] insufficient
- Possible land instability
- Strain on local services from additional housing/residents

4.23 Other concerns raised relate to the alleged character of the applicant and question the ownership of the site.

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 (this is the statutory presumption), unless material considerations indicate otherwise.

a) Development Plan

5.2 The Development Plan for Harborough District comprises the Harborough District Local Plan (adopted April 2019) and the Broughton Astley Neighbourhood Plan (adopted 2014). This latter is currently under review although has not reached the Regulation 14 (pre-submission consultation) stage. The most relevant policies from the development for consideration of this proposal are as follows:

- *The Harborough District Local Plan*
 - SS1 – The Spatial Strategy
 - GD1 – Achieving Sustainable Development
 - GD2 – Settlement Development
 - 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

GI5 – Biodiversity and geodiversity
 CC1 – Mitigating climate change
 CC3 – Managing floodrisk
 CC4 – Sustainable drainage
 IN1 – Infrastructure provision
 IN2 – Sustainable transport
 IN4 – Water resources and services

- *Broughton Astley Neighbourhood Plan*
 - SD1 – Presumption in favour of Sustainable development
 - H1 – Housing allocations policy
 - H2 – Provision of affordable housing
 - H3 – Windfall and backland development
 - T1 – Transport and traffic management
 - EH2 – Area of Separation
 - CI1 – Contributions to new infrastructure and facilities

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'/NPPF) 2021
- National Planning Practice Guidance
- The Leicestershire Highways Design Guide (2018)
- Harborough District Landscape Character Assessment and Landscape Capacity Study (2007)
- Lutterworth and Broughton Astley Landscape Character Assessment and Capacity Study (2011)
- Planning Obligations Developer Guidance Note
- Development Management Supplementary Planning Document (December 2021)
- The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
- The Self-build and Custom Housebuilding Act 2015 (as amended)
- Appeal ref APP/F2415/W/22/3303898 Land at Sutton Lane, Sutton in the Elms, Broughton Astley, for the erection of 9 dwellings (all matters reserved except for access) – appeal allowed 2 February 2023 (hereafter 'the recent appeal'). The appeal decision is provided in full at Appendix B.
- Harborough District Council Self-Build and Custom Housebuilding Corporate Policy

6. Officer Assessment

a) Principle of Development

- *Harborough District Local Plan*

6.1 The Council has an up-to-date Local Plan (adopted April 2019) which makes provision for sufficient land for housing to 2031 and full weight should be afforded to its policies.

6.2 Policy SS1 of the Local Plan is the Spatial Strategy for the District. It sets the settlement hierarchy for the District and identifies Broughton Astley as a Key Centre. The policy does not allocate a specific number of dwellings to Broughton Astley, but does seek to develop the settlement, "providing housing, business, retail, leisure and community facilities" (SS1.6). (Sutton in the Elms is left out of the list of sustainable

locations, falling under 1.f as “other villages, rural settlements and the countryside where development will be strictly controlled”).)

- 6.3 As the site is adjoining the existing or committed built-up area of Broughton Astley, Policy GD2.2 is most relevant of the general development policies. This supports development in such areas, providing that a number of criteria (a-g) are met. Taking these in turn, Part 2.a. of the policy states that where there is no residual minimum housing requirement due to allocations, completions and commitments (as is the case for Broughton Astley), only minor additional residential development will be supported. As this proposed development is for up to 34 dwellings, under the NPPF definition this represents major development and therefore is not compliant with this criterion.
- 6.4 Part 2.b of GD2 supports development where it meets an identified district-wide housing need or a local housing need. The Council has a 7.43 year housing supply and thus there is no district-wide need. No evidence of a local housing need has been submitted (and see paragraph 6.7 below) and thus this criterion is not met.
- 6.5 Part 2.c of GD2 allows proposals which develop previously-developed land, or comprise the redevelopment or conversion of redundant or disused buildings. As the site has not been developed and conversion is not proposed, part 2.c of GD2 does not apply to this proposal.
- 6.6 The proposed development is on a site which adjoins the existing or committed built up area of Broughton Astley, a Key Centre. However, it does not meet any of the specific criteria a, b, or c of GD2.2 and there is therefore contrary to this policy. Criteria d-g are addressed elsewhere in this report.
- 6.7 Local Plan Policy H1 does not include a minimum housing requirement for Broughton Astley due to the substantial number of completions and commitments. Most of these commitments were because of substantial Neighbourhood Plan allocations which future-proofed the plan.
- 6.8 Policy H2 of the Local Plan requires provision of 40% affordable housing on the site, as it is for Major development of more than 10 dwellings. The applicant has indicated that this will be provided.
- 6.9 The proposal as amended includes 10 self-build plots. Policy H5 of the Local Plan supports this type of development “in any location suitable for housing, including allocated sites, committed sites, windfall sites and sites which are in accordance with Policy GD2.” As there is conflict with GD2 as described above, the policy is also considered to be contrary to H5.
- *Broughton Astley Neighbourhood Plan*
- 6.10 The Neighbourhood Plan was one of the first to be adopted in England, in 2014. It has delivered housing, commercial, leisure and other development in the Neighbourhood Plan Area. It is currently under review however it is understood by officers that that the Area of Separation in which the application site sits will be retained as this policy (EH2) is up to date and does not require modification, amendment or deletion. Other relevant policies from the Neighbourhood Plan are H1 and H3. The Inspector in the recent appeal finds that these are not out of date as they are consistent with the NPPF. Officers consider that the policies of the Neighbourhood Plan which are most relevant for the determination of this application (H1, H3 and EH2) are up to date and should be afforded full weight.

- 6.11 The Broughton Astley Neighbourhood Plan allocated three housing sites for development in policy H1 and these have been delivered and built out. The application site is not included in this policy. Policy H3 Windfall and Back Land Development accepts that some windfall sites may come forward but part (i) states that '*small, well designed residential sites which do not have a detrimental effect on the surrounding area and neighbouring properties will be supported*'. As the Inspector notes in the recent appeal (paragraph 13) 'small' is considered less than 5 dwellings. As the proposal is for major development of up to 34 dwellings it is not judged to be 'small' and thus is considered contrary to Broughton Astley Neighbourhood Plan policy H3.
- 6.12 The site is located entirely within the Area of Separation between Broughton Astley and Sutton in the Elms, as outlined in Broughton Astley Neighbourhood Plan Policy EH2. This states:

An area of separation lying to the north of Broughton Way and east of Sutton Lane, and amounting to approximately 7 ha of agricultural grazing land will be maintained between the two settlements of Broughton Astley and Sutton in the Elms. Development which would detract from the open character of this area or reduce the visual separation of Broughton Astley and Sutton in the Elms should not be permitted.

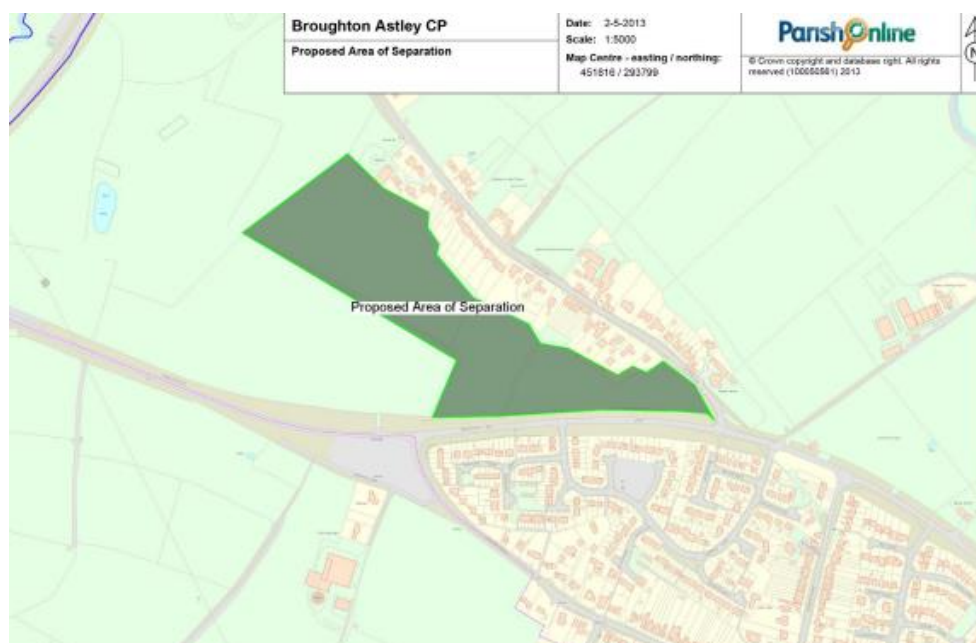


Figure 5: Area of Separation (Broughton Astley Neighbourhood Plan Policy EH2)

- 6.13 Not all the land between Broughton Astley and Sutton in the Elms is within the separation area. A part of the land is allocated in the Neighbourhood Plan for commercial development and planning permission has been granted for this. Nonetheless, there remains countryside between the two settlements, as Figure 5 demonstrates:

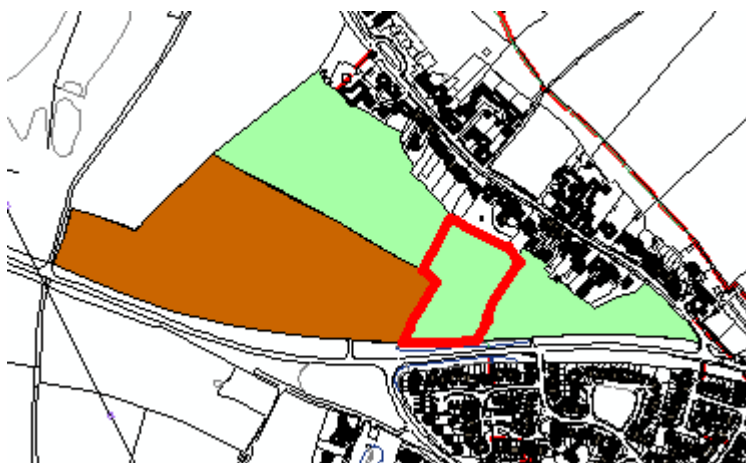


Figure 6: Area of Separation (green), commercial development (russet), site of proposal outlined in red

- 6.14 Due to the extent of the proposed site, the visual separation between Broughton Astley and Sutton in the Elms would be entirely lost in this part of the Area of Separation, along with the open and undeveloped character of the site. Particularly because of the retained Public Right of Way through the site, this loss of character and separation would be visible to and experienced by the public (see also paragraphs 6.28ff below). The proposal is contrary to Broughton Astley Neighbourhood Plan policy EH2.
- 6.15 In conclusion, the proposal is for major development on land which is not previously developed when the Council has a five-year supply of housing and the minimum housing requirement for the settlement has been met. It is located within a defined Area of Separation and would result in loss of the visual separation of Broughton Astley and Sutton in the Elms, and detract from the open character of the Area of Separation, including when viewed from the public Right of Way through the site. The proposal is therefore contrary to Local Plan Policies GD2 and H5, and Broughton Astley Neighbourhood Plan Policies H3 and EH2.

b) Design

- 6.16 Design (form/layout, mass, scale, proportions, style, materials) is not a matter which is currently for consideration. Design would be evaluated at Reserved Matters stage in the event of an Outline approval. Policies which relate to the principle of development (for example Local Plan policy GD2) also require consideration of amount of development and how it fits into its context. Furthermore, given that the proposal description specifies the number of dwellings and that an indicative layout has been provided, it is necessary to consider whether the site can accommodate up to 34 dwellings, albeit with a possibly different layout from that currently shown.
- 6.17 The Illustrative Layout shows a fairly even spread of dwellings across the site with some concentration to the north of the site, mostly set on short roads radiating east and west from a central spine road. Access for all highway users is roughly central to the southern boundary, with a new footway running east along Broughton Way to a crossing point, which links to an existing footpath onto Uppingham Drive. The Right of Way would follow internal pavements and entail crossing the central spine road.
- 6.18 Whilst the scale of development (up to 34 dwellings) is not considered disproportionate to the size of Broughton Astley as a whole or the level of service provision within the settlement (meeting GD2.2d), officers consider that the layout appears cramped with

a suburban design. Towards the north of the site, a row of 10 dwellings run across the site from east to west with very minimal distance between them. To the south of the site, the relationship between some dwellings does not appear to meet minimum separation distances. Some of the gardens appear very small and, due to the amount of dwellings proposed, large areas of tall hard boundary treatments (eg closeboarded fencing, brick walls) are likely to be required for privacy. Although indicative, the dense layout showing up to 34 dwellings would be incongruous with the countryside location and lead to harm to the character and appearance of the area, contrary to GD8.1.d and GD2.2.e.

- 6.19 The green edge to the northern side of Broughton Way (retained by the committed commercial site adjacent) is likely to be eroded: a tree survey has not been submitted to demonstrate that all or even most of the tree belt on the south boundary of the site can be retained, and works for the access are likely to necessitate the removal of trees. Hedgerow boundaries have been included as part of residential gardens. This is likely to lead to pressure for removal of the hedgerows and, as the response from County Ecology sets out, these should be retained (appropriately buffered) to ensure habitat for important species is protected. GD2.2.f requires that proposals retain as far as possible existing hedgerows and the proposal does not attempt to achieve this. Furthermore, loss of the hedgerows by incorporation into residential gardens is likely to lead to visual harm (particularly if replaced by suburban-looking close-boarded fencing) and due to loss of habitat is contrary to GI5. The surface water attenuation basin is likely to be required to be set at a further distance from residential properties.
- 6.20 The reduction in developable area is likely to mean that 34 dwellings cannot be accommodated on the site. Whilst officers recognise that the description is for “up to” 34 dwellings, and that the layout is indicative, the applicant and prospective purchasers would have a reasonable expectation that land with planning permission with this description would accommodate 34 dwellings, so it is necessary to consider this element. Taken all together, officers consider that the proposal does not demonstrate that up to 34 dwellings can be accommodated on site in a matter that respects the form and character of the existing landscape or retains natural boundaries. The proposal is considered to fail GD2.2 and GD8.1.d in this regard.
- 6.21 (GD2.2.g does not apply to this proposal as the criterion is to comply with GD6 and GD7. The latter relates to ‘green wedges’ elsewhere in the District; the former designates two Areas of Separation (in addition to those designated within Neighbourhood Plans) at Lutterworth and Market Harborough).

c) Landscape and Visual Impact

- 6.22 The site is currently agricultural field which, on the occasion of officers’ site visits, was grass, ungrazed and without crop. It sits on a plateau of land between the lower Broughton Way to the south and the properties along Sutton Lane to the north. It has mature trees and bushes to its boundaries, and, were it not for the public Right of Way running through it, would generally be screened from wider public view.
- 6.24 Local Plan policy GD5 requires that proposals respect their landscape setting, avoiding the loss or substantial harm to features of landscape importance, making restoration/mitigation as appropriate, and safeguarding important public views.

- 6.25 Nationally, the site is within the Leicestershire Vales National Character Area with no results on Defra's 'MAGIC' database for agricultural land classification or any other constraint. Locally, the site is within the Upper Soar (Broughton Astley Open Farmland) Landscape Character Area which has key characteristics of mixed farmland, generally low and clipped hedgerows within a relatively open landscape with wide visibility from surrounding areas. The Lutterworth and Broughton Astley Landscape Character Assessment and Capacity Study was carried out by the Council in 2011 as part of the evidence base for the Local Plan. The Assessment found that the aim for the landscape approach for the character area should be to seek to improve and conserve the landscape.
- 6.26 The site forms part of land Parcel 12 in the Assessment. The well-contained nature of the site was identified, and it was noted that some properties off Leicester Road have views overlooking the parcel. The Assessment stated that *"Built development would form some limited associations with the existing urban fabric. The alignment and the vegetation associated with the bypass [Broughton Way], which provides a strong edge to Broughton Astley, would make establishing a connection between the development and Broughton Astley difficult. Any development would cause complete coalescence between the two villages."* Landscape character was found to have moderate sensitivity to development and the site was judged to have medium capacity to accommodate development. Mitigation methods were recommended: these included retaining boundary hedgerows and existing rights of way through the site and careful consideration of access "due to strong coalescence factors"
- 6.27 As considered above, the site is designated as an Area of Separation within the Broughton Astley Neighbourhood Plan (policy EH2). This reflects the strong coalescence factors found in the Assessment and the wording of the policy requires that the visual separation between Broughton Astley and Sutton in the Elms is retained.
- 6.28 The proposed development of up to 34 dwellings would result in the loss of the visual separation between Broughton Astley and Sutton in the Elms, leading to coalescence between the two settlements, and would result in the loss of the undeveloped countryside. There would be a major detrimental landscape impact to the site itself which would be experienced as a harmful visual impact to users of the public Right of Way and users of Broughton Way. Currently the Right of Way appears well-used as a countryside walk which is close to settlements and easily accessible. Only parts of residential properties on Sutton Lane are visible from the Right of Way as it crosses the site, in part due to these properties being set on a lower ground level. As a result of the proposal, the route would be diverted along the busy Broughton Way and then through the internal roads of the housing estate proposed on the site. This would be a very different experience from that currently and is, in the opinion of officers, likely to be detrimental to the enjoyment of the countryside of users of the Public Right of Way, as mentioned in the representation, with possible concomitant mental-health and well-being adverse impacts. Whilst full details of a diversion of the Right of Way could be agreed at a later stage, nonetheless due to the amount of development proposed within the site officers consider that an adverse impact is unavoidable. Paragraph 100 of the NPPF requires that planning decisions should "protect and enhance public rights of way and access".
- 6.29 The harm to the landscape, the intrinsic value of the countryside, the rural character of the site and to the public enjoyment of the Right of Way at this point would be irreversible. The scale, layout and massing of the proposal (albeit indicative) would

be in stark contrast to the existing and historic built form of Sutton in the Elms with its Listed Buildings and linear form, causing harm to the character and appearance of the area and the distinctiveness of the existing settlement. The proposal is considered to be contrary to Harborough Local Plan Policies GD5 and GD8, and the Broughton Astley Neighbourhood Plan policy EH2.



Figure 7: view from Right of Way within the site, looking north, parts of properties along Sutton Lane just visible.



Figure 8: view along the Right of Way through the site, looking towards Broughton Lane



Figure 9: view northwest along the Right of Way, across the site

d) Climate Change

- 6.30 Harborough District currently has a 6.9 tonne carbon footprint per person, higher than the England, County and Regional per capita amount and primarily due to the rural nature of the District and the dependency on motorised transport. A projection of the District's emissions shows that we will only reach carbon neutrality by 2042. In June 2019 the Council declared a Climate Emergency with the aim that all council functions and decision-making should lead to the Council being carbon neutral by 2030.
- 6.31 Policy CC1 of the Local Plan sets standards for major development, requiring evidence of reduction in carbon emissions according to the energy hierarchy (supporting text paragraph 10.1.3), renewable energy technology, energy efficiencies, minimal carbon emissions during construction, justification for any demolition, and carbon-neutral building cooling if appropriate. Paragraph 157 of the NPPF requires new development to "take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption" when determining planning applications.
- 6.32 The submission does not include any sustainability statement nor information as to how the proposal aims to reduce carbon emissions and comply with CC1. Whilst some measures are suggested (for example SUDs, greywater harvesting etc) no principles of approach to overall design have been submitted (informed by, for example, land form, orientation etc). Given the Council's declaration of a Climate Emergency, the mitigation of the effects of climate change is very important and as indicated by CC1, should be central to a Major housing scheme. The proposal does not demonstrate that it will effectively mitigate the impacts of climate change and thus fails Local Plan policy CC1.

e) Highways

6.33 Access is a matter for detailed consideration as part of this application. The access layout is shown on drawing number RHC-22-092-02 revision A (with 5 notes) and on the amended site layout drawing (drawing 002, Thorne Architecture, with the internal layout subsequently superseded), and provides the following:

- Access to the south of the site, onto the B581
- Vehicular visibility splays of 2.4m x ?m
- New pedestrian footway to the east and west of the access (provided by the committed commercial site to the west)
- Kerb radii of 7.5m and 6m
- Tactile paving to both sides
- Pedestrian refuge within the carriageway of the B581 (provided by the committed commercial site to the west)

(It should be noted that the amended site layout drawing is at too small a scale to be readable therefore some information is missing from this summary).

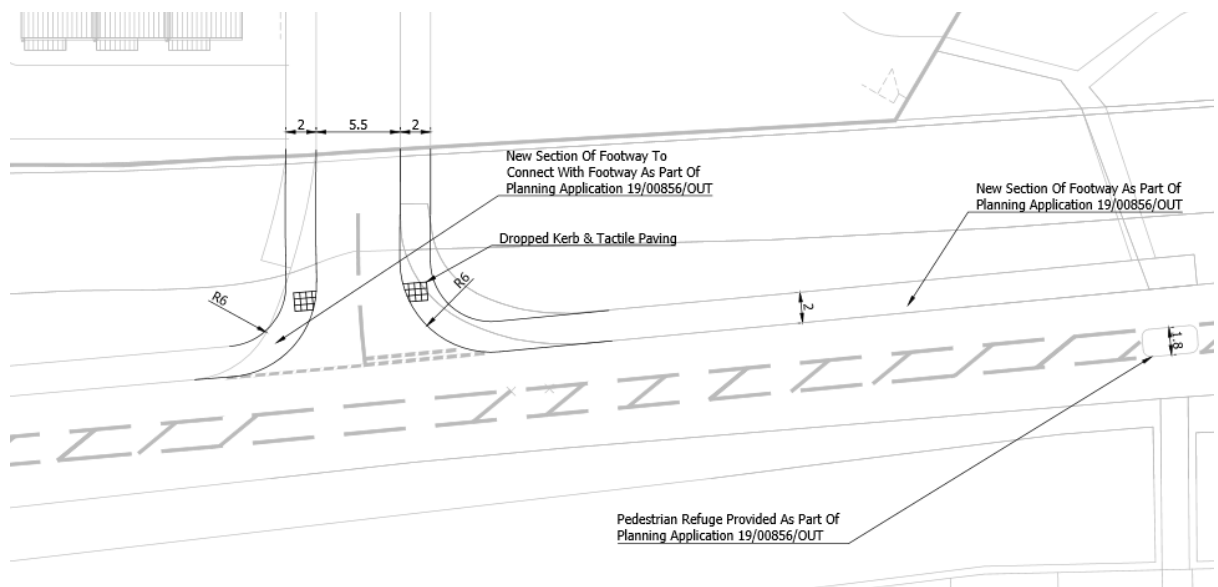


Figure 10: drawing number RHC-22-092-02 revision A (with 5 notes)

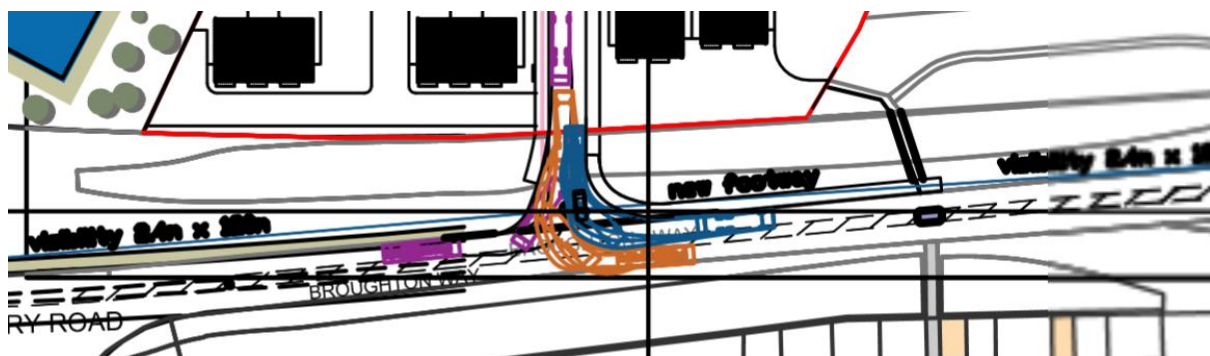


Figure 11: extract from the amended site layout drawing (drawing 21112-002, Thorne Architecture – site layout itself is superseded)

6.34 The submitted Transport Assessment show the background reasoning for the design and siting of the proposed access and uses various data including a Stage 1 Road Safety Audit, PICADY calculation, speed survey and TRICS data. The B581 (Broughton Way) is subject to a 40mph speed limit and is well-used. There is

hardstanding linking the Right of Way at its junction with the B581, to a bus stop to the east of the site. There is currently no footpath past the site.

- 6.35 Right of Way W48 which transverses the site is proposed to be diverted, with the indicative layout and annotation on the access plan suggesting that it will follow the routes of the proposed internal roads. Information on the layout plan is difficult to decipher, however the Right of Way would appear to cross the access point at the south of the site before continuing eastwards along Broughton Way. The proposed route does not follow LCC's adopted guidance which states that best practice is to route a PROW through public open space; however this may still be achievable at reserved matters stage.
- 6.36 The County Highway Authority has reviewed the proposal in full and, subject to condition, considers that a safe and suitable access can be provided. Concerns regarding the Public Right of Way could be addressed by condition and/or at reserved matters stage, were the proposal as a whole found to be acceptable. A footpath can be provided (with details by condition) to link the site's access to the existing pedestrian crossing point and refuge on Broughton Way. Officers judge that subject to condition, the proposal does not demonstrate severe harm to highway safety and provides an acceptable access, according with Local Plan policies GD8 and IN2 in this regard.

f) Drainage / Flood risk

- 6.37 The site lies wholly within Flood Zone 1 and has a low risk of surface water flooding. Local Plan policy CC3 requires that development be directed towards land within Flood Zone 1 and location of the site accords with this. In accordance with paragraph 169 of the NPPF and Local Plan policy CC4, and as the proposal is for Major development, SUDs are required, with the LLFA as a statutory consultee on the application. They require an acceptable drainage strategy (with supporting evidence), with details usually provided at a later date (for example by condition).
- 6.38 Soil and ground investigation has been carried out and as a result of this, surface water is proposed to drain by infiltration (soakaway). Permeable paving will be used with eventual discharge into an infiltration basin, located underground towards the centre of the site (see Figure 4) (note: the drawings within the revised FRA and drainage strategy Nov 2022 use the previous layout which has been superseded. The revised indicative layout 5 Jan 2023 was available to the LLFA for their latest comments).
- 6.39 The LLFA has reviewed the submitted information and still require further information on the drainage strategy, including the viability of infiltration drainage and how the infiltration basin can be accommodated in the centre of the site in the same space as proposed housing. They note that a Building Regulations requirement is that infiltration structures should not be placed within 5m of a building or highway.
- 6.40 In response, the applicant has requested that all these details be conditioned. The LLFA have set out in their latest response why they will not accept this.
- 6.41 For a Major application such as this, where SUDs are a requirement of National Planning Policy a drainage strategy acceptable to the statutory consultee (the LLFA) is necessary prior to the determination of the application. Indeed, paragraph 169 of the NPPF requires that SUDs should take account of advice from the LLFA. Once an acceptable drainage strategy has been provided, details of the drainage would be acceptable by condition. As an acceptable drainage strategy has not yet been

provided, the proposal fails to demonstrate an acceptable sustainable drainage system, contrary to CC4.

- 6.42 Foul drainage connections are proposed to the mains sewer and a Severn Trent sewer map provided shows these on land to the north and to the south. Details could be provided by condition, as recommended by Severn Trent in their consultation response. If upgrades to the existing network are required (as possibly indicated in the representation) then this is likely to be a matter for the water authority.
- 6.43 IN4 also requires that development should have access to an adequate water supply and that greywater and rainwater harvesting systems should be provided. Given the proximity of the proposal to Sutton in the Elms, the committed commercial site and to Broughton Astley, it is likely that a water supply would be achievable. Details of greywater and rainwater harvesting could be required by condition, were the proposal considered acceptable.
- 6.44 The proposal fails to demonstrate an acceptable sustainable drainage system, contrary to Local Plan Policy CC4.

g) Ecology, biodiversity and soils

- 6.45 The application site is made up of scrub grassland with hedgerows and trees along all boundaries. The site falls within the Natural England Amber Zone for Great Crested Newt (GCN) and within 500 metres of a pond known to support GCN. The applicant has carried out a Preliminary Ecological Appraisal (Crestwood Environmental Ltd, November 2021) and a survey for the presence/absence of GCN; and has submitted a letter from Crestwood Environmental addressing why further bat surveys are not required.
- 6.46 County Ecology has reviewed all the submitted information, including the latest revised indicative site layout plan. They are satisfied that the development will not result in harm to bats. They request a baseline biodiversity net gain calculation and the applicant has suggested that this can be made a condition, were the application to be approved. Similarly, the applicant has suggested that impact on Great Crested Newts could be appropriately mitigated through the District Level Licensing procedure provided by Natural England, although has not provided any information to demonstrate that an application for District Level Licensing has been made or accepted. County Ecology have considered these suggestions and all the information provided by the applicant and maintain their position that this information must be provided prior to determination.
- 6.47 As discussed above, the amount of dwellings together with the indicative layout strongly suggests that hedgerows will be incorporated into the gardens of dwellings. This is likely to lead to pressure to remove the hedgerows, with a concomitant loss of habitat as well as countryside harm. County Ecology do not support the indicative layout plan.
- 6.48 No assessment of the quality of agricultural land to be lost by the development has been submitted. Natural England's MAGIC database returns no results for this constraint. However, given that the site area is small (less than 5 ha) any loss of the best and most versatile agricultural land will not be significant and insufficient to warrant refusal on these grounds.
- 6.49 Officers consider that the proposal's impacts on bats is acceptable, and that there will be no significant or harmful loss of the best and most versatile agricultural land. No

evidence has been submitted to demonstrate that the impact on Great Crested Newts will be acceptable (either through District Level Licensing or by survey) and no baseline information submitted from which to calculate biodiversity net gain. Given the Inspector's approach in the recent appeal (9 dwellings, land at Sutton Lane, Sutton in the Elms, see paragraph 5.3 and Appendix B), officers consider that this information could be required by condition (and inform the design at reserved matters stage). However, the amount of housing proposed together with the indicative site layout does not demonstrate that the hedgerows surrounding the site can be satisfactorily retained as wildlife corridors and habitat. For these reasons, the proposal is considered to fail Local Plan policy GI5.

h) Heritage and Archaeology

- 6.50 The site is not within any designated Conservation Area and is sufficient distance from the nearest Listed Buildings to satisfactorily preserve their setting. However, archaeological remains have been found on the site and these are non-designated heritage assets. In accordance with the NPPF, the impact of the proposal on these must be considered, in proportion to their value and designation.
- 6.51 Archaeological desk-based assessments and field work (trial trenching, 13 trenches) have been carried out. These have demonstrated Iron Age, Romano-British and Early/Middle Saxon activity on the site, and conclude that there is high potential for the survival of further features or deposits of archaeological significance beyond the confines of the 13 trenches.
- 6.52 County Archaeology have been consulted on the archaeology work and recognise the significant archaeological potential on the site. They request further archaeological work prior to commencement of development, so that all the archaeological significance of the site is explored, mapped, understood and recorded by way of mitigation for the loss of these heritage assets.
- 6.53 The non-designated heritage assets present on the site are not considered of such national value to constrain the development (for example by Scheduling). However, to ensure that their extent, value and significance is mapped and recorded appropriately, a pre-commencement condition requiring further archaeological work is recommended. Subject to condition, officers judge that the proposal complies with Local Plan policy HC1 and the NPPF.

e) S106 Obligations/Contributions

- 6.54 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism for securing benefits to mitigate against the impacts of development. Those benefits can comprise, for example, monetary contributions (towards public open space or education, amongst others), the provision of affordable housing, on site provision of public open space / play area and other works or benefits that meet the three legal tests under Regulation 122 of the CIL Regulations.
- 6.55 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..
- 6.56 Policy IN1 of the Harborough District Local Plan provides that new development will be required to provide the necessary infrastructure which will arise as a result of the proposal. More detailed guidance on the level of contributions is set out in The Planning Obligations Supplementary Planning Document, January 2017.
- 6.57 Appendix A identifies the CIL compliant developer contributions sought by consultees, a summary of the CIL compliance of the requests and a suggested trigger point to indicate when the contribution should be made. 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.
- 6.58 The applicant's agent has accepted the requests (with the exception of Highways which was received just prior to the agenda publication) and confirms "the payments will be met as requested". Confirmation of the applicant's agreement to the Highways S106 contributions will be provided via the Supplementary Information available on the day of Committee, if applicable.

e) Other Matters

- *Unilateral Undertaking*
- 6.59 The applicant submitted a draft Unilateral Undertaking (UU) in September 2022 which sets out that all the dwellings shall be affordable (10 units), self-build (12 units) and retirement housing (12 units). The UU has not been updated since the change of description and latest amended site layout.
- 6.60 The UU requires the delivery of 34 dwellings on the site whereas no evidence has been provided to demonstrate that this can be achieved satisfactorily, with layout a reserved matter. No evidence has been submitted of any engagement with a Register Provider of affordable housing, nor any engagement with people wishing to build their own dwelling, nor any engagement with a provider of retirement homes (nor any definition what this may be). Without this evidence and as the UU is unsigned and has not been updated since the change of description, officers consider that the draft UU should be given limited weight and that in any event, the measures proposed within the UU do not overcome the scheme's conflict with the development plan.
- *Recent appeal*
- 6.61 Planning Permission has recently been granted at appeal for 9 dwellings on land near to the site, in Sutton-in-the-Elms. In the decision, the Inspector found conflict with the policies of the development plan but judged that a material consideration (the Council's "significant" under-delivery of self-build plots) outweighed the conflict with the development plan.
- 6.62 Under the Self-Build and Custom Building Act 2015 (as amended), the Council is required to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and also to grant enough suitable development permission for serviced plots to meet this demand. The demand registered in each 12 month base period from the end of October 2015 onwards must be met by 30 October 3 years after the end of each period. The current demand (as of 30 October 2022) is for 48 plots.

Twenty-seven have been provided (including those granted at the recent appeal) leaving an unmet need of 21 plots. The proposal will provide 10 self-build plots, helping to meet this identified need. Officers consider that the provision of 10 self-build units, at a time when the Council has a “significant” under-delivery of self-build plots is a benefit which should carry considerable weight.

7. Conclusion and the Planning Balance

- 7.1 The proposal is for major development on land which is not previously developed, at a time when the Council can demonstrate a five-year supply and the minimum housing requirement for the settlement has been met. It is located within a defined Area of Separation and would result in loss of the visual separation of Broughton Astley and Sutton in the Elms, and detract from the open character of the Area of Separation, including when viewed from the public Right of Way through the site. The proposal would lead to a cramped form of development which fails to respect natural boundaries including those which provide ecological habitat, does not reflect the character and appearance of the area, causes loss of countryside and landscape harm to the site itself and fails to protect and enhance the public right of way and access to the countryside. The proposal fails to demonstrate an acceptable sustainable drainage system or that it would mitigate the effects of climate change. For these reasons, the proposal conflicts with policies GD2, GD5, GD8, H5, CC1, CC4 and GI5 of the Harborough District Local Plan, policies H3 and EH2 of the Broughton Astley Neighbourhood Plan.
- 7.2 The proposal will provide employment opportunities during construction and possibly beyond (through management of landscaping etc), and income generation through Council Tax. It will provide affordable housing and self-build housing at a time when the Council has an under-provision. It will provide open-market housing for the District.
- 7.3 The most relevant policies of the Harborough District Local Plan and the Broughton Astley Neighbourhood Plan are up-to-date and can be afforded full weight. The Council has in excess of 5 years housing land supply and there is no under delivery. The ‘tilted’ balance of NPPF paragraph 11d does not apply and therefore the proposal must be determined against the policies of the development plan unless material considerations indicate otherwise.
- 7.4 The attribution of weight in determining planning applications is a matter for the decision maker. In this instance, officers find conflict with the policies of the development plan and consider that the material considerations (including the Council’s significant under-provision of self-build plots and the provision of affordable housing) do not outweigh this conflict. Officers recommend that the application is refused.

APPENDIX A – S106 OBLIGATIONS

Request by HDC	Obligation for Community Facilities contribution		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Community Facilities £29,002.00 for the purpose of funding improvements to existing community facilities in the vicinity of the Development (potential projects at Broughton Astley community centre building)	100 % to be paid to HDC prior to the Commencement of Development	See full CIL justification from HDC Parish and Community Facilities Officer on file The development would place additional demands on community facilities. The contribution request has been justified using evidence of need for the community facilities and the contribution would be allocated to projects supporting community facilities in the Parish of Lutterworth. The projects evidenced will benefit the new residents of the proposed development. This figure will alter according to the finalised housing mix. Currently based on the average figure for a 3 bedroom dwelling	Developer Contributions SPD January 2017 Community Facilities Refresh Assessment May 2017 HDC Parish Profiles March 2017 Harborough Local Plan Policy IN1. Broughton Astley Neighbourhood Plan policy C11
Request by HDC	Open Space		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£152,754.00 towards enhancements of existing provision or additional provision in Broughton Astley of parks & gardens, outdoor sports facilities, children & young people's provision, allotments, greenways,	100% of the off-site contributions to be made before 50% of the dwellings are occupied	See full CIL justification of HDC Neighbourhood and Green Spaces officer consultation response on file	Developer Contributions SPD January 2017 Harborough Local Plan Policy IN1. Broughton Astley Neighbourhood Plan policy C11

cemeteries and burial grounds. All contributions to be off-site			Open Spaces Strategy 2021 Playing Pitch strategy Provision for Open Space Sport and Recreation
Request by HDC	Affordable Housing		
Amount/Detail	Delivery	CIL Justification	Policy Basis
40% of the dwellings on site to be affordable. Equates to 14 units (rounded up). The tenure mix shall comprise 60% social rented housing units (2x1bed bungalows, 4x1bed houses, 2x4bed houses) and 40% intermediate housing units or shared ownership (2x2bedroom houses and 2x3 bedroom houses) unless an alternative percentage and/or number of affordable housing units is agreed or requested by the Council. As we count bungalows on a 1 for 2 basis our total requirement equates to 12 units)	Not to allow Occupation of more than 50% (fifty per cent) of the market housing units until 50% of Affordable housing Units have been completed, not to allow Occupation of more than 75% (seventy five percent) of the market housing units until the remaining 50% Affordable Housing Units have been completed. Affordable housing upon completion must be transferred to a	See full CIL justification of HDC Strategic Housing and Enabling officer consultation response on file	Developer Contributions SPD January 2017 Harborough Local Plan Policies IN1 and H2

	partner Registered Provider at open market values to be agreed between the developer and RP partner and approved by HDC.		
Request by LCC	Libraries		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£1030.00 towards increasing capacity at Broughton Astley Library		<p>See full CIL justification from LCC Libraries on file</p> <p>The proposed development on Broughton Way is within 0.8km of Broughton Astley Library on Main Street, being the nearest local library facility which would serve the development site.</p> <p>Post code analysis using 2015 mid-year population estimates demonstrates that the catchment population for Broughton Astley library is 9220. It is estimated that the proposed development will add 102 to the existing library's catchment population. This will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought to provide materials e.g. books, audio books, newspapers, periodicals for loan and reference use, and associated equipment or to reconfigure the library space to account for additional usage of the venue for residents to hold meetings, including book reading and activity sessions.</p>	<p>Leicestershire County Council Planning Obligations Policy (2019).</p> <p>Harborough Local Plan Policy IN1. Broughton Astley Neighbourhood Plan policy C11</p>
Request by LCC	Schools		

Amount /Detail	Delivery	CIL Justification	Policy Basis
£3,671.20 for primary schools in the local area.		See full justification from LCC Schools on file. The proposal generates 11 pupil places and the contribution is sought to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Orchard Church of England Primary School or any other school within the locality of the development.	Leicestershire County Council Planning Obligations Policy (2019). Harborough Local Plan Policy IN1. Broughton Astley Neighbourhood Plan policy C11
£101,499.93 for secondary schools in the local area.		The proposal generates 6 pupil places and the contribution is sought to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Thomas Estley Community College or any other school within the locality of the development.	
Request by LCC	Highways		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Travel packs, (one per dwelling). Can be supplied by LCC at (average) £52.85 per pack.	From first occupation	To inform all new residents what sustainable travel choices are in the surrounding area including incentives to encourage changes in travel behaviour towards the greater use of sustainable travel modes. To promote sustainable travel and to inform new residents what sustainable travel options are available in the surrounding area.	Leicestershire County Council Planning Obligations Policy (2019). Harborough Local Plan policy IN1
Two x six-month bus passes per dwelling (application forms to be included in the Travel Packs and funded by the developer). These can be supplied through LCC at	From first occupation	To encourage new residents to use the bus service; to establish changes in travel behaviour from first occupation and promote use of sustainable travel modes other than the car. To encourage new residents to use bus services as an alternative to the	Leicestershire County Council Planning Obligations Policy (2019). Harborough Local Plan policy IN1

current average cost of £360.00 per pass		private car to establish changes in travel behaviour from first occupation.	
Request by CCG	Healthcare		
Amount/Detail	Delivery	CIL Justification	Policy Basis
£9,449.04 towards providing additional clinical accommodation at the Orchard Medical Practice in Lutterworth	Prior to first Occupation	<p>See full CIL justification from the NHS CCG on file</p> <p>The development is proposing 34 dwellings which, when based on the average occupancy of a practice dwelling of 2.42 would result in an increased patient population of approximately 82.28. This growth will increase the combined list size by approximately 82 patients.</p> <p>An increase in the combined list will create additional pressure on clinicians and admin teams within the area.</p> <p>The contribution would support the practice in improving patient access and capacity.</p>	Harborough Local Plan Policy IN1. Broughton Astley Neighbourhood Plan policy C11
Request by HDC	Obligation for Monitoring Fee		
Amount /Detail	Delivery	CIL Justification	Policy Basis
15% of the Application fee or £250.00 per financial obligation payable to the District Council	Within 14 days of commencement	To cover the costs of monitoring payments and implementation of the developer contributions and scheme.	Developer Contributions SPD 2017.
Request by LCC	Obligation for Monitoring Fee		
Amount /Detail	Delivery	CIL Justification	Policy Basis

£300.00 or 0.5% (whichever is greater) per financial obligation in favour of the County Council	Within 14 days of commencement	To cover the costs of monitoring payments and implementation of the developer contributions and scheme.	Leicestershire County Council Planning Obligations Policy (2019).
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NOTE 1: Indexation may be applied to the above figures.



The Planning Inspectorate

Appeal Decision

Hearing held on 29 November 2022

Site visit made on the same day

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2023

Appeal Ref: APP/F2415/W/22/3303898

Land at Sutton Lane, Sutton in the Elms, Broughton Astley, Leicestershire LE9 6QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Davico Properties Limited against the decision of Harborough District Council.
 - The application Ref 21/00826/OUT, dated 22 April 2021, was refused by notice dated 10 March 2022.
 - The development proposed is an outline application for the erection of up to 9 dwellings (all matters reserved except for access).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 9 self-build dwellings, on land at Sutton Lane, Sutton in the Elms, Broughton Astley, Leicestershire LE9 6QF in accordance with the terms of the application, Ref 21/00826/OUT, dated 22 April 2021, subject to the conditions in the schedule at the end of this decision.

Applications for costs

2. An application for costs was made by Davico Properties Limited against Harborough District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The proposed development is described on the application form as an 'outline planning application for the erection of up to 9 dwellings (all matters reserved except for access)' omitting the term 'self-build'. However, from the documentation submitted at application and appeal stage, which includes the statement of common ground, it is evident that the appellant proceeded on the same basis as the Council determined the application, namely that the application was for self-build dwellings. Accordingly, I have dealt with the proposal on this basis.
 4. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on this basis and I have taken the layout of development shown in the submitted 'layout, access and visibility' plan (ref P1603/11) into account as indicative in relation to my consideration of the principle of the development on the appeal site.
 5. At application stage Leicestershire County Council advised that if planning permission was to be granted financial contributions would be sought from the developer in relation to affordable housing and education. However, that request has now been withdrawn and I have dealt with the appeal on this basis.
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6. At the site visit I was approached by a number of local residents who wanted to make verbal representations regarding the proposed development. I explained that as the hearing had been closed that this was not possible. Some of the residents said that they had not been notified of where and when the hearing was to take place and so had not been able to attend and participate.
7. In advance of the hearing, I was provided with copies of Harborough District Council's letters that notified that an appeal had been made and where and when the hearing was to take place. In addition, I was provided with the list of persons to whom these letters had been sent. This list included those who objected to the application. As a result, I am satisfied that the appeal and details of the hearing were properly notified. In any event, in determining this appeal I have taken into account the representations that were submitted at application and appeal stage.

Main Issues

8. The main issues in this appeal are:
 - whether the location of the proposed development would comply with the spatial strategy of the development plan, including in relation to the provision of self-build and custom-build dwellings;
 - the effect of the proposal on the character and appearance of the area;
 - the accessibility of services and facilities from the appeal site by sustainable modes of transport; and,
 - the self-build and custom housebuilding duty.

Reasons

Location of development

9. The development plan for the area includes the Harborough Local Plan 2011 – 2031 ('Local Plan'), adopted in 2019 and the Broughton Astley Neighbourhood Plan 2013 – 2028 ('Neighbourhood Plan') that was made in 2014.
10. The Local Plan has established a settlement hierarchy which identifies the settlements which are the most suitable in sustainability terms to meet the development needs of the District. At the top of the hierarchy is the urban area around the edge of Leicester followed by Market Harborough which is classified as a Sub-Regional Centre. As a Key Centre, Broughton Astley is located within the third tier. Sutton in the Elms is a small village separated from Broughton Astley by Broughton Way and has been placed in the category of 'other villages and rural settlements' which is the sixth and lowest tier of settlement. This category of settlement is considered by the Local Plan to be the least sustainable location for growth. As a result, new housing development is strictly controlled in such settlements.
11. Policy GD2 of the Local Plan in certain circumstances supports new housing on sites adjoining the built up area of Key Centres such as Broughton Astley. However, the appeal site is located towards the far end of Sutton in the Elms furthest away from Broughton Astley. In addition, an area of separation forming land with permission for a golf course separates the end of the village where the appeal site is located from the site adjacent to Broughton Way that has permission for a mixed use development. As a result, the appeal site is not adjacent to the committed built up area associated with Broughton Astley and the scheme would be contrary to policy GD2 of the Local Plan.

12. Policies GD3 and GD4 of the Local Plan relate to development including housing in the countryside and 'other villages and rural settlements' such as Sutton in the Elms. These policies support new housing on small sites of up to 4 dwellings that meets a local need for housing evidenced through a rural housing needs survey or a neighbourhood plan. The proposed scheme is for up to 9 self-build dwellings and the evidence of need for this type of dwelling does not originate from the sources specified. It forms no part of the appellant's case that the proposed scheme would benefit from the other types of housing that would be eligible for permission under policy GD4 or under policy H3 of the Local Plan which relates to rural exception sites for affordable housing. As a result the proposal would also be contrary to policies GD3, GD4 and H3 of the Local Plan.
13. As the appeal site is not an allocated housing site it is contrary to policy H1 of the Neighbourhood Plan. Policy H3 of the Neighbourhood Plan supports small, well designed residential windfall sites that do not harm the surrounding area or neighbouring properties subject to such development having a direct highway frontage. Guided by the second criterion of this policy, and policy GD4 of the Local Plan, I have taken 'small' to mean less than 5 dwellings. Hence, the proposal would also be contrary to policy H3 of the Neighbourhood Plan.
14. Given the location of the appeal site, the number of dwellings and the market tenure proposed the appeal scheme conflicts with the spatial strategy of the development plan, namely policy SS1 of the Local Plan. As a result, it would also be contrary to policy H5 of the Local Plan which, amongst other matters, is supportive of self-build and custom build housing in locations suitable for housing.
15. The location of the proposed residential scheme would therefore be contrary to the development plan and harm its spatial strategy. Although the Local plan and the Neighbourhood Plan predate the current National Planning Policy Framework ('the Framework'), the thrust of the development plan's spatial strategy, which focuses development on urban areas and settlements with a reasonable range of services and facilities, whilst seeking to protect the character and appearance is consistent with the Framework. As a result, the policies of the development plan that are the most relevant and relate to these two main issues, namely Local Plan policies SS1, GD2, GD3, GD4, GD5, GD8, H3, H5 and Neighbourhood Plan policies H1, H3 are not out of date.

Character and appearance

16. Of the various development plan policies cited in the reason for refusal in relation to this issue, I consider policies GD5 and GD8 of the Local Plan to be the most relevant. Sutton in the Elms is a small settlement separated from Broughton Astley by the Broughton Way bypass. As a result, it has its own separate identity. The justified reasoning to Policy SS1 explains that other villages and rural settlements' such as Sutton in the Elms are considered to be countryside.
 17. The village is characterised by linear development of closely spaced dwellings. On the western side of the village is an area of separation that creates a break between built development in the settlement and land where permission has been granted for a mixed use development along Broughton Way to the south. On the eastern side of the village are agricultural fields.
 18. The appeal site is an area of grassland located to the rear of dwellings on the northern side of Sutton Lane towards its north western end. In recent years the character and appearance of this part of the village has changed. Gaps between
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houses have been filled and backland development has taken place. As a result of the new houses in front of the site on Elm Crescent off Sutton Lane, the appeal site is completely enclosed by development on two sides and partly enclosed on two of its remaining sides. Consequently, in public views from Sutton Lane, other than for glimpsed views along the proposed site access, development of the appeal site would be screened from view.

19. From the public right of way to the rear, the roofs of the new houses in front of the appeal site can be seen above the height of the site's rear boundary hedge. With development extending beyond the north western side of the appeal site, and newly built housing consolidating development in depth close by to the south east, for all practical intents and purposes in views from the footpath the appeal site appears to be land within the built framework of the village rather than open countryside. An appropriate setback of dwellings on the site from the rear boundary would help the transition to the open countryside to the east, where the public right of way is located, and avoid a hard edge to the scheme.
20. As a result, whilst in policy terms the proposal would result in the loss of countryside to development, in practice, with the control that can be exerted at reserved matters stage and by condition, development of the site could complement the character and appearance of the village rather than cause harm.
21. Reference has been made to an outline application for nine dwellings on the opposite side of Sutton Lane that was dismissed on appeal in 2019. However, that proposal related to a site that was unenclosed by existing housing and so its development would have protruded into the countryside without integrating with the village. As a result, its context is quite different from that of the appeal site and reference to this appeal decision has not altered my assessment of the proposal before me.
22. For the reasons given above, I therefore conclude that whilst the proposal would result in the loss of countryside to development, with the control that can be exerted at reserved matters stage, the scheme would complement the character and appearance of the area. As a result, it would comply with policies GD5 and GD8 of the Local Plan which require the protection of the character and appearance of a locality through high quality design that respects local design features.

Accessibility of services and facilities

23. Whilst Sutton in the Elms is in the lowest tier of the Local Plan's development settlement hierarchy a number of services and facilities available in the Key Centre of Broughton Astley are within approximately 1km by road of the appeal site. This includes a primary school, post office and medical practice. A footway to the village centre with a crossing point and central reservation on Broughton Way at the end of Sutton Lane enables these services to be safely accessed on foot from Sutton in the Elms and the appeal site. Whilst the three services I have named are further than the 800m distance referred to in Leicestershire Local Transport Plan 3, as they are within a walking time of approximately 10 minutes they are within a reasonable walking and easy cycling distance.
24. In relation to public transport, regular bus services to towns in the county during the daytime Monday to Friday stop on Broughton Way near to Sutton Lane.
25. Permission for a mixed use development on land adjacent to Broughton Way to the south west of Sutton in The Elms has also been granted. If built out in accordance with the outline permission this development will provide some facilities and

services that will be accessible on foot from the appeal site without crossing the bypass.

26. Taking all these matters into account, I therefore conclude that services and facilities are accessible by sustainable modes of transport from the appeal site to an extent that is more akin to a location within a larger settlement higher up the settlement hierarchy of the Local Plan. This is a consideration that weighs in favour of the appeal.

Self-build and custom housebuilding duty

27. Notwithstanding Local Plan policy H5, the Self-build and Custom Housebuilding Act 2015 (as amended) ('the Act') places a statutory duty on the Council to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to also grant enough suitable development permissions for serviced plots to meet this demand. The demand registered in each 12 month base period from the end of October 2015 onwards must be met by 30 October 3 years after the end of each period. The Council's Self-Build and Custom Housebuilding Corporate Policy details its approach to this type of housing.
28. The current position, as of 30 October 2022, is that since the introduction of the Act 3 plots have been provided to meet the demand for 48 plots. This leaves an unmet demand for 45 plots. This is a considerable shortfall. It was agreed by the parties at the hearing that with permission having been granted for the Lutterworth East Strategic Development Area (SDA) that an additional 15 plots will be provided. However, as the Council's appeal statement notes, these plots are not yet available and so cannot be included.
29. It is anticipated that permission may well be granted in 2023 for the Scraftoft SDA which in time will provide 10 self-build plots. Considerably more plots though than those provided by the SDAs will be needed to address the burgeoning demand. Next year with the inclusion of register entries from 2019 – 2020 demand will almost double and in the following two years demand will continue to increase by significant amounts.
30. I recognise that the absence of a Community Infrastructure Levy has caused difficulties for the Council in identifying applications that could qualify as self-build plots. Nevertheless, in the absence of further submitted evidence in relation to this matter, my assessment of this issue must be based on the published figures produced by the Council.
31. The proposed scheme in providing up to 9 self-build dwellings would make a significant contribution to addressing the current shortfall in provision.

Other Matters

Highway safety

32. The planning application was partly refused on the grounds that information supporting the design of the proposed access, and a road safety audit demonstrating that the access would be safe, had not been received by officers. The Council has confirmed that the required information has now been received and addresses their concerns. In terms of highway safety, the highway authority has no objection to the proposal subject to further details regarding the site access shown on the submitted plans. Similarly, the highway authority has not raised any objections regarding the effect of the proposal on the capacity of the local highway

network. On the basis of what I have read and seen, I have no reason to disagree with these positions.

Living conditions – outlook, privacy, noise and disturbance

33. The outlook across the appeal site from neighbouring houses is currently of open grassland enclosed by a hedge with cultivated fields beyond. Development of the site would change this outlook. However, there is no right to a view. I have found no material harm in terms of the effect of the proposed development on the character and appearance of the area, and with the control that exists at reserved matters stage regarding layout and scale, development of the site would not be overbearing, overly dominant or harmful to privacy.
34. The proposed access would pass between two dwellings. Sufficient space would exist for suitable boundary treatments and landscaping to avoid this resulting in noise and disturbance to the occupiers of these properties. Development and construction can generate noise and disturbance. However, this could be addressed by a Construction Environmental Management Plan which, amongst other matters, controls the hours of operation and requires that measures are taken to control noise. Such a plan could be required by condition.
35. For all of these reasons, I am therefore satisfied that the proposed scheme would not cause material harm to the living conditions of neighbouring residents.

House prices

36. There is concern that loss of the view of open grassland and fields beyond to development will devalue houses around the site. Planning Practice Guidance though states that planning is concerned with land use in the public interest. As a result, the protection of purely private interests, such as the impact of a development on the value of neighbouring properties, is not a material consideration¹. For this reason, concerns regarding the effect of the development on the value of neighbouring houses has not altered my assessment of the development.

Ecology

37. One of the Council's reasons for refusal of the application related to a failure to demonstrate that the scheme would not adversely affect ecology. In particular, the site was considered to have the potential to support great crested newts, bats and badgers. Since then the necessary surveys have been carried out and progress has been made in relation to obtaining the appropriate licence from Natural England in relation to great crested newts. As a result, subject to the receipt of a copy of the license, the implementation of the approved wildlife mitigation strategies, and measures to enhance ecology on the site, the Council is satisfied that ecology has been properly addressed. I see no reason why such requirements could not be complied with and I have no reason to disagree with those conclusions.

Planning Balance

38. Applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons I have set out earlier, the location of the proposed development would be in conflict with the spatial strategy of the development plan. As a result, the

¹ Planning Practice Guidance Paragraph: 008 Reference ID: 21b-008-20140306

proposal would be contrary to policies GD2, GD3, GD4, H3 and H5 of the Local Plan and policies H1 and H3 of the Neighbourhood Plan which seek to focus new development on the largest settlements in the District in order to further sustainability objectives. In so doing the proposal would be contrary to the development plan considered as a whole.

39. Although placed in the category of 'other villages and rural settlements' in the Local Plan the location of Sutton in the Elms adjacent to Broughton Astley means that there is acceptable access on foot and by bicycle to a number of services and facilities within this Key Centre. A regular bus service also provides reasonable access to towns in the county. As a result of the accessibility of services and facilities from the site by such sustainable modes of transport, only moderate harm would be caused by the proposal to the spatial strategy of the development plan. In terms of the character and appearance of the countryside, as the appeal site is largely enclosed by existing development it appears to fall within the built framework of the village and is of only limited landscape value. The proposed development would therefore complement the village and no material harm to the character and appearance of the area would occur.
40. Taking all these matters into account, I attach moderate weight to the policy conflict between the proposed scheme and the development plan.
41. The statutory duty of the Council to meet the demand for self-build and custom housebuilding is an important material consideration. The Council is failing by a very large margin to meet this demand and the submitted evidence indicates that it will fail to do so in forthcoming years by an even larger extent as more recent register entries feed through into the base period calculations. I attach considerable weight in favour of the appeal to the contribution that the appeal scheme would make in helping to address this shortfall.
42. Having regard to all the merits of this case, I conclude that the Council's poor performance against its statutory duty in relation to self-build and custom housebuilding outweighs the scheme's conflict with the development plan. As a result, material considerations indicate that in the particular circumstances of this case planning permission should be granted for development that is not in accordance with the development plan.

Conditions

43. To take into account the self-build and custom housebuilding nature of the scheme the standard reserved matters conditions have been revised. In order to comply with the policy of the Local Plan in respect to the provision of affordable housing, the scheme needs to make provision for affordable housing should the combined gross floorspace of buildings on the site exceed 1000sqm. In the interests of certainty, I have imposed a condition specifying the relevant drawings that the development is to be carried out in accordance with.
44. To ensure that dwellings built on the site help meet the demand for self-build and custom housing evidence in relation to each unit needs to be submitted. As a self-build or custom house is exempt from a Community Infrastructure Levy (CIL) unless it changes hands within 3 years of being first occupied a section 106 obligation is usually necessary. However, as the Council does not have a CIL a condition is appropriate in this instance. Given the potential for inconvenience and disturbance, a Construction Environment Management Plan is also necessary.

45. To protect wildlife on the site construction materials need to be stored off the ground, further details on biodiversity enhancement need to be provided and the development need to be carried out in accordance with an ecological report. Confirmation of a district level licence from Natural England also needs to be provided in order that the effect of the development on Great Crested Newts is mitigated.
46. To ensure that the development complements its surroundings and caters for biodiversity housing needs to be set back from the rear (northern) boundary of the site and trees and hedges protected. Further details on site levels and boundary treatments are also required so that development complements surrounding development. In the interests of highway safety, further details on the design of the access are necessary.
47. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.
48. A condition was suggested requiring that details of foul and surface water drainage are provided for approval. However, as this would duplicate statutory Building Regulations such a condition is unnecessary. A condition was also suggested regarding the provision of a footpath as shown on the plans that define the development. However as layout is a reserved matter the only point at which a footpath needs to be considered is at the point at which the access to the site is formed over the existing footpath along Sutton Lane. As this matter is covered by a different condition relating to site access arrangements which includes the design response to the stage 1 Road Safety Audit this additional condition is unnecessary.

Conclusion

49. For the reasons given above I conclude that the appeal should be allowed.

Ian Radcliffe

Inspector

Committee Report

Applicant: Avery Healthcare Group and Aspexan Ltd

Application Ref: 21/02036/FUL

Location: Land adjacent to Brookfield Way, Bitteswell Road, Lutterworth

Proposal: Erection of 76 bed care home (Use Class C2) with associated communal and staff facilities, 10 one bedroom Specialist Supported Living Apartments and 12 one bedroom Specialist Supported Living Bungalows (Use Class C3b), together with access, car parking, landscaping and associated external works (revised scheme of 20/00863/FUL)

Application Validated: 19/11/2021

Target Date: 18/02/2022

Consultation Expiry Date: 14/12/2021

Site Visit Date: 26/11/2021

Ward: Lutterworth West

Reason for Committee decision:

1) Call in by Members Cllrs Robinson and Graves and County Councillor Mrs Page for the following reasons (summarised, for full text see paragraph 3.9 below):

- previous level of objection
- in the interests of transparency
- for a wider public debate
- development in the countryside and impact on the Area of Separation
- visual impact
- highway safety

2) Previously deferred from Planning Committee 15/02-2021. Reason for deferral was “to consider late representations on behalf of applicant received 10th February and 14th February by HDC. Deferral recommended as the size, nature and timing of these submissions gives inadequate time for officers to properly consider and respond to inform this Planning Committee.” (see paragraph 3.12 below)

Recommendation

It is recommended that the application is **REFUSED** for the following reasons:

1. The proposal will cause harm to the landscape and the character and appearance of the area, including the street scene. The effectiveness of the Area of Separation between Bitteswell and Lutterworth will be compromised, including loss of the ridge and furrow landscape forming part of the historical separation. Furthermore, the siting of the proposal, whilst adjoining the built up area of Lutterworth, is not conveniently located for local retail and service provision, and will not promote health and well-being from readily-accessible intergenerational contact. As such, the proposal is contrary to Local Plan policies H4, GD5 and GD6.

2. Opportunities to address and mitigate the effects of climate change have not been comprehensively planned for or designed across the scheme. The proposed design has a scale and siting which fails to respect local character, is not well-integrated into the street scene and will have an overbearing impact. As such the proposal is contrary to Local Plan policies CC1 and GD8.

3. The applicant has failed to demonstrate that the proposal has a safe and suitable access and failed to demonstrate the full impact of the proposed development on the local highway network including on the junction with Bitteswell Road and Brookfield Way. Insufficient off-street parking provision is proposed. If permitted, the development would lead to an unacceptable impact on highway safety. As such, the proposal is contrary to Local Plan policies GD8 and IN2 and paragraph 110 of the National Planning Policy Framework, and in accordance with paragraph 111 of the Framework must be refused.

4. The applicant has failed to demonstrate that the proposed development can be adequately drained and that surface water will be dealt with in an appropriate and sustainable manner. If permitted, the proposal could give rise to surface water flooding both on the site and elsewhere, and could lead to increased flooding/flood risk contrary to policies IN4, CC3 and CC4.

1. Site & Surroundings

- 1.1 The application site is located to the north side of Brookfield Way and to the western side of Bitteswell Road, on the northern edge of the town of Lutterworth. It is a rectangular shape of approximately 300m wide (along Brookfield Way) and 48 - 84m deep, being approximately 2 hectares in area. The site is bounded by hedgerows to all sides, and has a number of mature trees within these hedgerows. There are also areas of overgrown hawthorn bushes in the middle of the site, along the route of Right of Way footpath W95, which links the site to Bitteswell. Ground levels vary (partly due to the presence of historic earthworks) but generally slope down south to north, and east to west, with datum measurements of approximately 121AOD in the southeastern corner, 119AOD in the northeastern corner, 116AOD in the southwestern corner and 115.3AOD in the northwestern corner. The site is rough pasture land, grazed by horses at the time of the case officer's site visit. There is an existing vehicular access at the southeast corner of the site which appears little used.
- 1.2 To the south of the site, beyond Brookfield Way, is a 1990s residential development, comprising two storey dwellings and some bungalows towards the south corner of Brookfield way and Bitteswell Road. This road runs roughly north-south past the site. The southern part has dwellings on the west side and the playing fields of Lutterworth College on the east side. Further north along Bitteswell Road are residential properties from the 1980s/1990s, including on the development at Macaulay Road. Open fields used as pasture land lie to the north and west of the site. These drop down from the site towards Bitteswell Brook, before rising again towards the village of Bitteswell.
- 1.3 The Conservation Area of Bitteswell extends right to the Parish boundary with Bitteswell Brook. Bitteswell contains a number of Listed Buildings, some of which are visible in the wider area. The site is in an Area of Separation between Lutterworth and Bitteswell, designated under policy GD6 of the Harborough Local Plan. The site and land to the west and north of it has potential to be a Local Wildlife Site because of its (marshy) grassland.

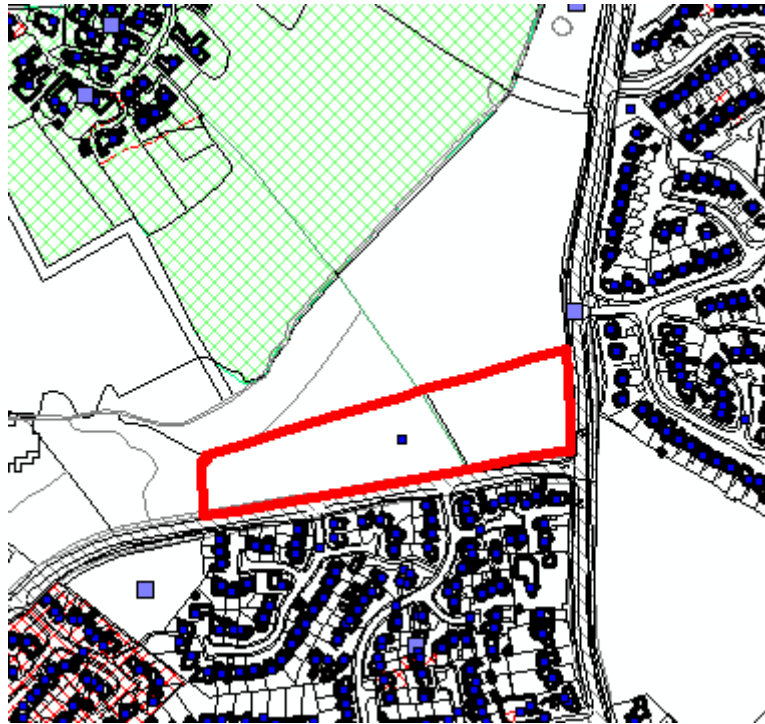


Figure 1: Site Location (Bitteswell Conservation Area hatched green, Right of Way indicated by a green line)



Figure 2: Aerial photograph (2018)

2. Site History

2.1 The Site has the following planning history:

- ~ 60/00017A/LRDC – Proposed site for the erection of a dwelling house with vehicular access and the use of land for the purposes of a market garden and for poultry keeping: Refused June 1960
- ~ 61/00039A/LRDC – The use of land as a site for a dwelling and formation of a vehicular access and for poultry farming and market gardening: Refused
- ~ 78/00619/30 – Erection of one dwellinghouse: Refused June 1978
- ~ 86/00999/30 – Erection of a bungalow: Refused July 1986

~ 87/02345/3O – Erection of 22 bungalows construction of estate roads on 1.2 ha (2.9 acres) and use of 0.63 ha (1.5 acres) as open space: Refused February 1988; appeal dismissed.

~ 20/00863/FUL – The erection of a 64 bed registered care home and 20 assisted living bungalows (all Use Class C2) together with a landscaped screen along the northern site boundary, further associated landscaping, parking and access from Brookfield Way and all other associated development works – refused 2nd December 2020. Refusal reasons were:

1. The proposal will cause harm to the landscape and the character and appearance of the area, including the street scene. The effectiveness of the Area of Separation between Bitteswell and Lutterworth will be compromised, and there would be harm to heritage assets, including the setting of the Church of St Mary, Bitteswell, the setting of Valley Farmhouse, Bitteswell, and the Bitteswell Conservation Area. Loss of ridge and furrow and earthworks from former brickworking would contribute to the heritage harm. Furthermore, the siting of the proposal, whilst adjoining the built up area of Lutterworth, is not conveniently located for local retail and service provision, and will not promote health and well-being from readily-accessible intergenerational contact. As such, the proposal is contrary to Local Plan policies H4, GD5, GD6, GD2 and HC1 and NPPF paragraphs 91, 92 and 127.
2. Ecological harm has not been mitigated against or compensated for and the proposal does not achieve biodiversity net gain. Opportunities to address and mitigate the effects of climate change have not been comprehensively planned for or designed across the scheme. As such the proposal is contrary to Local Plan policies GI5 and CC1.
3. The proposal does not have a safe and suitable access, does not provide sufficient off-street parking provision and, if permitted, would lead to an unacceptable impact on highway safety. As such, the proposal is contrary to Local Plan policies GD8 and IN2, and contrary to paragraphs 108 and 109 of the National Planning Policy Framework

2.2 20/00863/FUL proposed the following layout:



Figure 3: proposed site layout 20/00863/FUL

- 3.4 The proposed care home was 2 storey and sited at the eastern end of the site, with 12 semi-detached/detached bungalows interspersed throughout the remainder of the site.



Figure 4: sample proposed elevations 20/00863/FUL

3. The Application Submission

a) Summary of Proposals

3.1 The proposal is for the following:

- Erection of a care home. H-shaped plan form of approximately 51.2m x 39.6m, three storey with dual-pitched and hipped roof, eaves height of 6.6 - 8.5m, ridge heights of 10.3m – 11.9m. Provides 84 en-suite bedrooms, one communal dining room, three communal lounges/TV rooms, hydrotherapy room, kitchen, laundry room, hair and beauty salon, plant room, other ancillary/service rooms and staff rooms including offices.

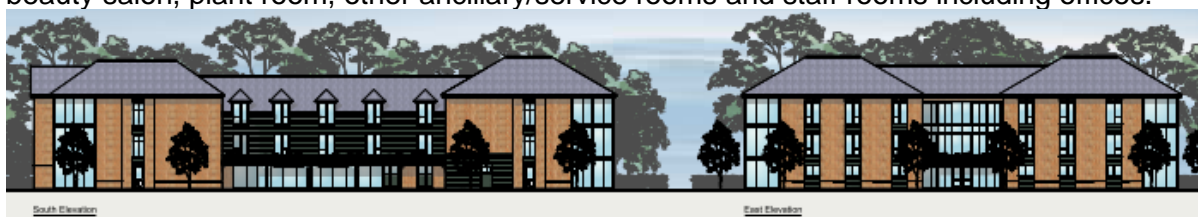


Figure 5: proposed care home, south and east elevations

- Erection of a detached house. Plan form of 20.3m x 10.1m (two and single storey) with two storey 7m deep rear projection. Maximum eaves height of 6.2m, dual-pitched gabled roof of 10.7m ridge height. Provides 10 one-bedroomed specialist supported living apartments, each including open-plan living room and kitchen, separate bedroom and bathroom.



Figure 6: proposed house, containing one-bedroomed specialist supported living apartments.

- Erection of twelve terraced specialist supported living bungalows. C-shaped design around a courtyard. Plan form of 50.41m x 43m, eaves of 2.6m, dual-pitched and hipped roofs of 5.7 – 5.68m. One feature archway to each elevation (of contrasting material and 1m projection), of which the two largest have eaves of 3.7m and dual-pitched ridge heights of 6.3m. Terraced single-level units, each having one double bedroom, an open-plan kitchen/hall/living room and a wet-room bathroom. Each self-contained with individual front door accessed from within the central courtyard, and individual back door leading to open space.

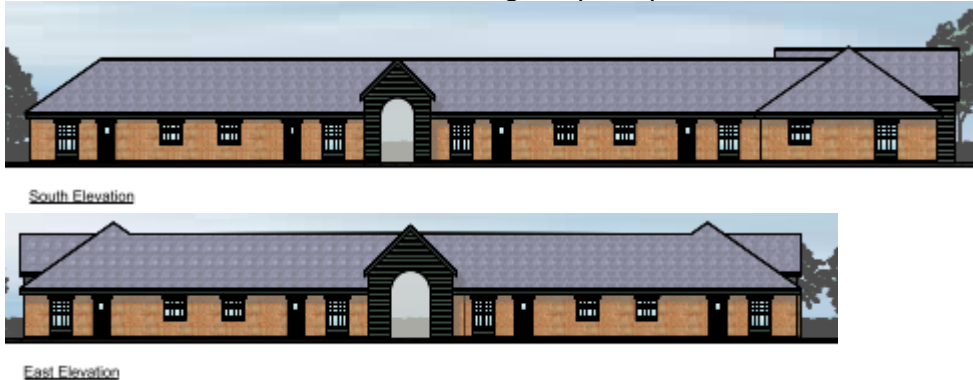


Figure 7: proposed terraced bungalows

- New vehicular access to the south of the site, onto Brookfield Way. Installation of hardstanding to form access, car parking and pathways. Parking for 43 vehicles with 15 of these spaces indicated as for blue badge holders. New footway approximately 2m wide running from the site's access eastward along Brookfield Way to join that existing by the Right of Way and leading onto Bitteswell Road.
- Proposed soft landscaping (indicative only) of hedging around the perimeters of the buildings and parking areas. New soft landscaping strips (buffers) to north and south boundaries. All existing hedges on the perimeter of the site strengthened with new planting. New planting within centre of the site to the west side of the public Right of Way. New tree planting.

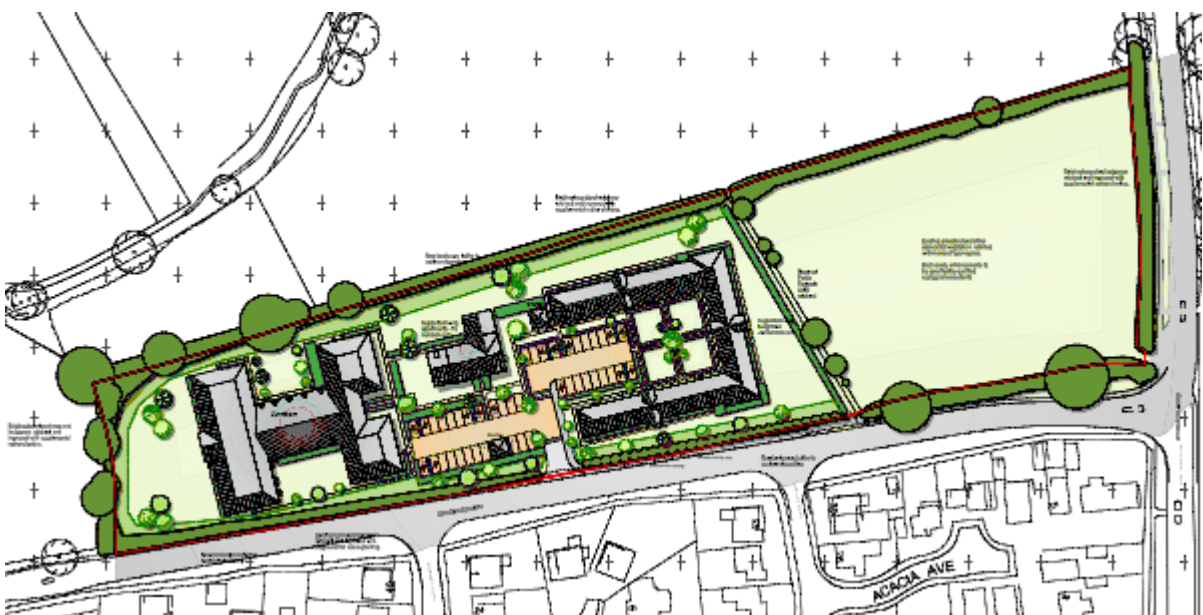


Figure 8: site layout plan

- 3.2 Officers note that there is a discrepancy in the submission regarding the number of units of the proposed care home. The application description states this is 76 units; the annotation on the proposed floor plans adds up to 78 bedrooms; and the number of physical beds shown on the proposed floor plan is 84. Consideration of the proposal by officers and consultees has been on the basis of the description. Were the proposal judged to be acceptable by Members, a condition would be necessary to require submission of floorplans showing 76 beds/units.
- 3.3 The terms ‘assisted living’ ‘extra care’ and ‘specialist supported living’ are considered to be different ways of expressing the same concept: that of a person in need of care living in their own dwelling which may or may not have been already adapted to meet their needs, and where an element of care is provided, usually by external carers. For further discussion of use class C2 and C3, see paragraphs 6.1 and 6.2 below.

b) Documents submitted

i. Plans

- 3.4 The application has been accompanied by the following plans:

Location plan (21-057/001)
Assisted Living Bungalows elevations (21-047/03/02)
Proposed Care Home elevations (21-057/05/02 rev A)
Assisted Living Bungalows floorplans (21-057/03/01)
Proposed Care Home floorplans (21-057/05/01 rev A)
Proposed Supported Living Apartments plans and elevations (21-057/04 rev A)
Planning Layout (21-057/002 rev A)

ii. Supporting Information

- 3.5 The application has the following supporting information:

Planning, Design & Access Statement (Cadsquare Midlands Ltd, October 2021)
Alternative Sites Assessment (Strutt & Parker, 207062/GW/SC, May 2020)
Arboricultural report & Tree Constraints Plan, including Tree Impact Plan (Ecolocation, 2020-03(19))
Crime Prevention Statement (Cadsquare Midlands Ltd, Nov 2021)
Ecology Impact Assessment (Ecolocation, 2019-05(13), rev E 02/02-2022)
Biodiversity Impact Assessment (Ecolocation, 2022-01(24), 24th Jan 2022)
Green Travel Plan (Cadsquare Midlands Ltd, November 2021)
Assisted Living Needs Assessment (HPC, Jan 2019)
Care Home Needs Assessment (HPC, March 2020)
Landscape Visual Appraisal (fpcr, May 2020) *officer note: neither appended photomontages for the previous scheme nor the current application were submitted with this.*
Landscape Appraisal concerning Area of Separation Designation (Pegasus, 31st January 2022)
Flood Risk Assessment (Herrington Consulting Limited, June 2020)
Waste Management Statement (Cadsquare Midlands Ltd, Nov 2021)
Supporting Statement (Cadsquare Midlands Ltd, Nov 2021)

Sustainability Statement (Harniss, 1st issue April 2020)
Transport Statement (Motion, rev C, August 2020)
Transport Statement (Motion, 31st Jan 2022)
Drainage Strategy (Cadquare Midlands Ltd, Jan 2022)
Drainage Strategy Revised appendices (28th Jan 2022)
Drainage Support Statement (28th Jan 2022)

- 3.6 Of the plans and supporting documentation submitted, it is only those highlighted in bold which are different from the previous scheme. Members should be aware that representation and consultee comments reflect this.
- 3.7 Since submission, some plans have been revised and supporting information updated. The lists and descriptions above reflect the amended plans.

c) Pre-application Engagement

- 3.8 No pre-application advice was sought or given for this application

d) Other Relevant Information

- *Call in*
- 3.9 The application has been called-in to Planning Committee for Committee determination at the request of Cllr Mrs Robinson, Cllr Mrs Page and Cllr Graves, for the following reasons:
- In the light of the previous strong opinions submitted by the general public, to ensure transparency and a wider public debate, I would like to request that this application will be considered by committee
 - Development in the countryside, significant visual affect on nearby properties, significant impact on the road highway safety with many vehicles turning onto roads very close to the nearby community college, impact on the area of separation green wedge between Lutterworth and Bitteswell.
- *Change of description*
- 3.10 On 31st January the applicant's requested that the description of the proposal be altered from "*Erection of 76 bed care home (Use Class C2) with associated communal and staff facilities, 10 one bedroom Assisted Living Apartments and 12 one bedroom Assisted Living Bungalows (Use Class C3b), together with access, car parking, landscaping and associated external works (revised scheme of 20/00863/FUL)*" to that at the top of this report. The change is simply to reflect the apartments and bungalows being for Specialist Supported Living rather than Assisted Living, and the reason given for the change by the applicant is in order to better reflect the residents that are planned for the scheme. Paragraph 3.3 above refers.
- *Environmental Impact Assessment*
- 3.11 The applicant has not submitted a request for screening under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Officers have assessed the proposal against this legislation and consider that the submission of a full Environmental Statement (EIA development) is not required.
- *Deferral*
- 3.12 Information was submitted just prior to the application being considered at Planning Committee 15 February 2022. This information is available in full on the file however to summarise:

10 February 2022 – Letter from applicant's agent

- Requesting deferral in order to narrow the issues
- Stating officer concerns and consultee responses have not been passed on to them
- Delay would not lead to uncertainty for all parties
- Requesting clarification regarding 'historic separation'
- Providing information regarding use class

14 February 2022 – Highways information

- Swept Path analysis drawing
- Stage 1 Road Safety Audit and Site Access Layout drawing

- 3.13 At Planning Committee 15 February 2022 Members resolved to defer determination of the application to consider this late information.
- 3.14 With regard to information submitted 10 February 2022, officers disagree with the various statements and, despite meeting with the applicant and his agents in July 2022, have not received any information to address their concerns.
- 3.15 Highways have been reconsulted on the information received 14 February 2022 and this report updated accordingly.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 23rd November 2021 and included three site notices put up on the same date.
- 4.2 Reconsultation on the amended plans and further information submitted was undertaken with County Highways, Ecology and the LLFA. This expired 4th February.
- 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.

a) Statutory & Non-Statutory Consultees

Lutterworth Town Council

- 4.4 Lutterworth Town Council wish to make an objection as the development is situated within an Area of Separation between Lutterworth and Bitteswell which has recently been eroded with a development at the Coventry Road end of Brookfield Way. However, the planning permission was given before the commencement of the Local Plan. The new proposed site at the Bitteswell Road end of Brookfield Way is already the narrowest point of separation between Lutterworth and Bitteswell. Further development would erode the Area of Separation to the point where the separation would be imperceptible. Policy GD6 allows development in Areas of Separation where "it would not compromise, either alone or in conjunction with other existing or proposed developments, the effectiveness of the Area of Separation in protecting the identity and distinctiveness of these settlements."

- 4.5 Brookfield Way is no more than a 5 minute walk across fields from Lutterworth to the nearest buildings in Bitteswell and allowing this development would mean that Lutterworth development on the northern side of Brookfield Way will be the only separating factor between the town and village [sic] would be a small field which is considerably smaller than a school playing field, a number of which can be found in and around Lutterworth. The point here is if houses on either side of a playing field are all considered to be within Lutterworth then why would the same impression not be given to buildings on adjacent edges of Lutterworth and Bitteswell if the space between them is smaller?
- 4.6 Policy H4 - Specialist Housing. Policy H4 requires a specialist housing development to be within existing residential areas and this one is not; it is in a horse field and should be conveniently situated in relation to local retail and community services. This development is on the very edge of Lutterworth town and should be sought as part of all residential developments with more than 100 dwellings, but this is a stand-alone development. We are currently awaiting a decision on the planning application for Lutterworth East which is a development of 2,750 houses with no such provision within the application for any form of sheltered or extra care accommodation. Especially somewhere where the occupants are to receive personal care and/or assisted living whilst being in a self-contained dwelling whilst continuing with a degree of independence.
- The explanation 5.7.4 in Policy H4 identifies that 1,267 such dwellings are required during the plan period for the entire District, and that HDC will seek provision for developments of 100 dwellings or more. It states that the provision of at least 10% of such units should generate 280 units through the plan period. Lutterworth East itself would generate 270 if HDC applied this principle to this development.
- 4.7 We are requesting that the application should be rejected due to the breach of Policy GD6 and the application should be refused due to the location of specialist housing and the subsequent purpose of the Local Plan must be questioned if it is allowed to proceed.
- 4.8 Traffic Issues. Should the planning permission be granted at the proposed site at the Bitteswell Road End of Brookfield Way it will only bring additional congestion issues to Brookfield Way and the Bitteswell Road areas including the mini roundabout at the junction of Brookfield Way & Bitteswell Road. Thus having a major impact on the traffic wishing to exit Lutterworth along the Bitteswell Road leading on to Bill Crane Way who are wishing to exit on to the main Leicester Road heading Northwards. Further-more it will be adding to already significant traffic heading onto the Leicester Road North which will have an impact on congestion especially once the East Lutterworth traffic has become established. Prior to the development of the Coventry Road end of Brookfield Way there had been discussions over an alternative route being determined to allow access via Toll Gate Cottage to avoid traffic becoming built up on the Bitteswell Road areas.
- 4.9 Further to these issues it will bring into force issues with pollution, loading/unloading obstructing traffic flow, reduces capacity at junctions and increased danger to those walking or cycling and issues with the safety of pedestrians & wheelchair users.

HDC Conservation Officer

- 4.10 The application is supported by a Built Heritage and Archaeology Statement. I consider that the built heritage element of this report is well considered and has addressed my key concerns. I cannot comment on the Archaeology section as this is beyond my remit.
- 4.11 In my comments on the previous proposal, my main concerns related to the loss of the view of Bitteswell from the old turnpike route. This revised proposal leaves the easternmost field as open grassland and as such the views of Bitteswell from the old turnpike route would be preserved.
- 4.12 There would likely be more of an impact on the views from Brookfield Way, but this is not an historic route and as such I do not consider the loss of these views would cause harm to the historic significance of the listed buildings or conservation area.
- 4.13 There would be some impact on the setting of the historic right of way, but I do not consider this would be significant enough to cause harm to the setting of the heritage assets in Bitteswell as previously identified.
- 4.14 As such I have no objections to this proposal, but would ask that a landscaping condition is included on any approval to ensure an appropriate treatment of the eastern field.

HDC Environment Co-ordinator

- 4.15 Thank you for asking for my comments. It is heartening to see in the Sustainability statement that energy and water efficiency have been considered and that the building should exceed building regulations. A commitment to renewable energy is also noted. However, the recent carbon budgets by the Committee on Climate Change show that we should be looking for deep cuts of at least 80% in carbon emissions, which is far in excess of current building regulations, and it is not clear what level of reduction this design can achieve. To meet the requirements of policy CC1 it would be helpful to quantify how much of a carbon reduction can be achieved, including during construction.

Historic England

- 4.16 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.

LCC Forestry and Arboricultural Officer

- 4.17 The survey provides a fair assessment of trees present on site which are mostly distributed to the boundary of the proposed site. With reference to the tree survey and revised site design it would appear that all trees present on site can be successfully retained and accommodated within the development. I note however that the arboricultural report has not been updated to include reference to the revised scheme and as such the impact assessment and tree impact plan are outdated.
- 4.18 The proposed site layout plan includes a number of proposed new trees throughout the site to increase and enhance overall tree cover. Wherever possible this should

include native species suitable of developing [a] large canopies such as Oak, Beech and Lime.

- 4.19 I would recommend that if planning consent is granted then a condition should be applied requiring that the trees be protected for the duration of the site clearance and development works. To include a tree protection method statement.

HDC Environmental Health

- 4.20 Owing to the size and close proximity of residential premises, recommend pre-commencement construction method statement condition.

Lead Local Flood Authority

- 4.21 More information required. *(Any comments on the most recently-submitted information will be provided on the Supplementary Information available on the day of Committee.)*

HDC Contaminated Land and Air Quality officer

- 4.22 Due to the findings of the submitted Contaminated Land report, further surveys are required and pre-commencement conditions recommended.

HDC Housing and Community Infrastructure officer

- 4.23 Request Affordable housing contribution of three Affordable bungalows, to be secured by S106 legal agreement.

HDC Neighbourhood and Green Spaces Officer

- 4.24 Raises concerns about impact on Area of Separation, impact on the Conservation Area. Landscape plans, general layout and species used are acceptable, retained trees will need protection during construction. Request S106 contributions.

HDC Environmental Services (Waste)

- 4.25 No comments received

HDC Community Facilities officer

- 4.26 Request S106 contribution

NHS East Leicestershire & Rutland CCG

- 4.27 Request S106 contribution

HDC Strategic Planning

- 4.28 No comments received.

The Landscape Partnership (HDC's consultant landscape architects)

- 4.29 Not consulted for this application. For comments on the previous scheme, see file

LCC Adult Social Care

- 4.30 no comments received. For comments on the previous scheme, see file.

Leicestershire Fire and Rescue Service

- 4.31 No comments received

Leicestershire Constabulary (police)

- 4.32 No comments received

LCC Highways (4th and final comments, in response to information submitted 14 February 2022)

- 4.33 Recommend refusal.
- 4.34 Site access drawing 1912052-11 shows a substandard access width; swept path analysis unsuitable for refuse vehicles (although may be acceptable if two-way tracking movements diagram for largest vehicles and fire vehicle using the access are submitted); no designers response to the Road Safety Audit; line marking omitted etc
- 4.35 Generally, the applicant has not addressed the concerns previously raised by the LHA, including impact on Brookfield Way/Bitteswell Road junction, trip generation, parking provision and access. If a resubmission is to be made, recommended points to address/information required.

Severn Trent Water

- 4.36 No objections raised. In the event of an approval, further consent will be required from Severn Trent under the Water Industry Act 1991. Informative note suggested.

HDC Building Control

- 4.37 No formal assessment undertaken or comments submitted however consider it likely that Building Regs Optional requirements G2 and M4(2) could be met.

LCC S106

- 4.38 Contributions requests for Libraries and Waste

LCC Waste Management Team

- 4.39 Recommend a condition to reduce waste from the proposed development (Waste Minimisation Packs).

Bitteswell with Bittesby Parish Council

- 4.40 Object and comment as previously: Bitteswell with Bittesby Parish Council object to this application on the basis that the development compromises the area of separation between Lutterworth and Bitteswell, the need for this type of development will be met in full as part of the proposed Lutterworth East SDA and because the site access off Brookfield Way would be dangerous on a road where vehicle and pedestrian visibility is already poor.

Councillor Mrs Page

- 4.41 (*Comments as previous scheme, namely*): Being mindful of the advent of Lutterworth East, there has been involvement of LCC Adult Social care to provide the required provisions in line with identified strategies. Any need for additional provisions should be fully substantiated and the location of these provisions should be in a position to be in easy access to facilities. The proposal does not respect form and landscape, is against the HDC LP and contravenes policies in particular SS1 and GD2. It sits in the separation area which should be retained at all cost.

LCC Senior Access Development Officer (Rights of Way)

- 4.42 No comments received.

LCC Archaeology

- 4.43 We welcome the desk-based assessment and agree that this application is less harmful due to the preservation of some of the ridge and furrow earthworks than the previous application. However we believe that the proposals will still have a detrimental/harmful impact upon the historic environment, including both buried archaeological deposits and the visible earthworks. In the current application only a small portion of ridge and furrow will be left which has already been partially destroyed by the brickworks (which is also interesting part of the industrial heritage of the area).
- 4.44 The buried archaeological interest has been appraised through the submission of the archaeological desk-based assessment. The site contains no known archaeological remains pre-dating the medieval period, however the presence of ridge and furrow earthworks, indicate a potential for earlier archaeological remains, undisturbed by modern agricultural practice. Clearly any earlier archaeological evidence will have been truncated both by the ridge and furrow earthworks and by the later extraction for the 19th (?) century brickworks. It is therefore unlikely that any buried

archaeological remains (non-designated heritage assets) will be of such quality or significance as to warrant significant variation to the proposed scheme, or require its refusal. It will however be necessary for the applicant to make provision for a two stage programme of archaeological investigation and recording (to first establish the presence and extent of any buried archaeological remains present, and second to mitigate the impact of development upon those remains), this should be secured by conditions on any planning approval, this being essential in order to sufficiently offset the development impact upon the archaeological resource NPPF paragraph 190, 197 and 199. Without provision for such work, I would recommend that application is refused in its present form.

- 4.45 The application will also impact upon earthwork remains, comprising an area of well preserved ridge and furrow lands. The evidence indicates that fragments of at least two furlongs survive within the development area, with a headland marking their division. The footpath bisecting the development site, may indicate the approximate position of a second division, separating two parallel furlongs. It also is very probably a historic route connecting Lutterworth to Bitteswell (1790 Enclosure Map; <https://lutterworthhistory.co.uk/index.php/enclosure-4/viewdocument>), the line of which is picked up by the historic N-S axis of Bitteswell (Valley Lane) and by a low causeway crossing the field to the north of the application site (visible on LiDAR). The survival of this fragment of ridge and furrow earthworks, is a tangible indicator of the former extent of the medieval and pre-enclosure field system, providing locally important evidence of the rural separation between the two communities.
- 4.46 The Lutterworth Brickworks is illustrated on the 1830's survey OS 1" mapping, and again on the 25" mapping of 1887. On the latter the site is marked 'Old Brick Works', indicating it had ceased production. The brick works itself, including a feature mapped in the late 19th century as an old kiln, was located to the south of the application site, beneath and to the south of Brookfield Way, with areas of extraction to the north. 'Lutterworth' stamped bricks are known from a number of contemporary sites and buildings across the town, and the industry is a typical example of small scale businesses supplying building materials to the local market. The brick pits are the only surviving evidence of this locally significant industry.
- 4.47 On balance the identified earthworks (ridge and furrow and extraction pits, both of which should be classified as non-designated heritage assets), must be regarded as of local significance. They contribute to an appreciation of the historic separation between the two settlements, providing an indication of the extent of the ridge and furrow furlongs that would have lined the meadow along the brook, since their establishment in the late Saxon period. The loss of these features will result in 'less than substantial' harm to the significance of the affected heritage assets and the local historic environment. In the event that the application is considered for approval, it is recommended that any permission is conditioned to allow for the topographic survey and archaeological investigation of the affected earthworks. It should be recognised however, that no survey of these features can effectively offset the harm their physical loss will cause to the historic landscape character and local distinctiveness, contrary to NPPF Para. 192(c), and should further be considered in respect of para 197.
- 4.48 If planning permission is granted, recommend pre-commencement conditions to safeguard any important archaeological remains potentially present.

- 4.49 These are interim comments pending the submission of a biodiversity metric for the proposal. This revised proposal is significantly different to the previous proposal in that the eastern field is undeveloped and instead has been allocated for biodiversity enhancement. Details of this have not been received, but the principle may be acceptable
- 4.50 The ecology report has been updated with a more detailed botanical survey by Brian Laney, which has similar results to a survey I and my colleague made last year when we visited the site to assess the previous application. Although the grassland is not without value or species diversity, its value is severely compromised by the overgrazing of the site by horses; it does not appear to meet our Local Wildlife Site criteria. I can therefore accept the loss of some of this habitat as long as the remainder is enhanced through improved management, etc. and that overall the proposal is demonstrated to be in 10% net-gain.
- 4.51 I feel that it may be possible for this development to demonstrate biodiversity net gain on-site to the required 10% but I cannot be sure of this until a metric and biodiversity improvement plan has been submitted. I will provide further comments once this has been received..
- 4.52 *Following receipt of further information comment:* Please can you send me the biodiversity metric spreadsheet, not just the summary page? I'm unable to review it without seeing the full document, as an Excel spreadsheet.. Any biodiversity enhancements proposed to address net-losses need to be incorporated into landscape plans, layout plans and LEMP. At the moment, they are presented as sketches and handwritten notes in the BIA report - have these notes been fully taken on board?

b) Local Community

- 4.53 29 letters of objection received from 29 households, expressing the following concerns:
- Undermine effectiveness of AOS
 - Countryside harm
 - Long way from shops and medical facilities
 - Better places (eg Lutterworth East SDA development)
 - Detract from historic views of Bitteswell including view of Listed Church building
 - No bus service
 - Pedestrian safety due to increased traffic
 - Loss of privacy/overlooking
 - Noise and disturbance during construction and post-development due to new, more intensive use
 - Visually intrusive, overbearing and imposing
 - Highway safety
 - Change to landscape and landscape character
 - Footpath well-used
 - Insufficient parking provision
 - Once gained consent, developer will use PD rights to 'general needs housing'
 - Incorrect/inaccuracies in the submission
 - Lack of cycle/pedestrian connectivity
 - Is there a local need? Flats for 55+ often advertised
 - Adverse ecological impact
 - Surface water flooding within the site, developing the site will lead to increased flooding elsewhere

- Increased traffic leading to increased air pollution
- Loss of ridge and furrow
- Rural aspects of the town are being eroded
- Doesn't meet Local Plan policy

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:

- GD2 – Settlement development
- GD5 – Landscape Character
- GD6 – Area of Separation
- GD8 – Good design in development
- GD9 – Minerals Safeguarding
- HC1 – Built Heritage
- GI5 – Biodiversity and Geodiversity
- H1 – Provision of new Housing
- H2 – Affordable Housing
- H4 – Specialist Housing
- H5 – Housing density, mix and standards
- CC1 – Mitigating Climate Change
- CC3 – Managing Flood Risk
- CC4 – Sustainable Drainage
- IN1 – Infrastructure Provision
- IN2 – Sustainable Transport
- IN4 – Water resources and services
- L1 – East of Lutterworth Strategic Development Area

b) Material Planning Considerations

5.3 The following are considered material planning considerations:

- *National Planning Policy Framework*
- *The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990*
- *Development Management Supplementary Planning Document Dec 2021*
- *Conservation Area Character Statement for Bitteswell*
- *National Planning Practice Guidance*
- *Leicestershire County Council Highway Design Guide*
- *Leicestershire County Council Adults & Communities Department Ambitions and Strategy 2020-2024*

- *Environment Act 2021*
- *High Court Judgement Rectory Homes Ltd and Secretary of State for Housing, Communities and Local Government and South Oxfordshire District Council ([2020]EWHC 2098 (Admin)) ('Rectory Homes judgement')*
- *Lutterworth and Broughton Astley Landscape Character Assessment and Landscape Capacity Study 2011*
- *Area of Separation Review 2017*
- *Climate Change Act 2008*
- *Harborough District Council Climate Local Action Plan 2015*
- *The Community Infrastructure Levy Regulations 2010 (No. 948) (as amended)*
- *HDC Declaration of Climate Emergency (June 2019)*

6. Assessment

a) Principle of Development

- *Use Class*
- 6.1 The proposal is for a care home (use class C2) and 22 one bedroom apartments (some within terraced bungalows, some within a house), with a use class of C3(b). The Use Classes Order 1987 as amended, defines C2 use as:

Class C2. Residential institutions

- Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).
- Use as a hospital or nursing home.
- Use as a residential school, college or training centre.

It is clear that the care home would have this use. Less obvious is the use of the bungalows: being self-contained individual units it must be considered whether they are a residential institution (C2) or as the applicant proposes, whether they fall within a C3 use. This is defined by the Order as:

C3 Dwellinghouses

- C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child
- C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems
- C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger

6.2 The submitted proposed floorplans do not bear out the applicant's assertion in the description that the Specialist Supported Living bungalows and apartments have a C3(b) use. All the units are self-contained with their own front and back door, kitchen, bathroom, lounge, bedroom (shown on the floorplans having one double bed) and kitchen. There are no shared facilities shown for any of the units. Officers consider that the plans therefore do not show "up to six people living as a single household" and that, judging on the floorplans alone, a C3(a) use class is more appropriate for each of these units. However, the applicant's Planning, Design and Access Statement indicates that the Specialist Supported Living bungalows and apartments are to be considered as having a C2 use, the same as the care home: parking provision has been calculated on this basis and is stated to be for "staff and visitors only", and the description refers to these units as for Specialist Supported Living. No details of how this would work in practice and the level of care provided have been submitted, although it is noted that these were submitted for the previous scheme and the applicant is the same and a care provider. Bearing in mind that the previous scheme found Assisted Living self-contained bungalows to be a use class C2, and in the light of the *Rectory Homes* judgement (which clarifies that C2 use need not be in a traditional care home), on balance officers consider that the Specialist Supported Living units have a C2 use, where the occupiers are in need of care. If the proposal was considered acceptable, a change of description and/or planning condition would be necessary to ensure this use was implemented, or if the applicant's description remained, revised floorplans would be required.

- *Local Plan policies*
- 6.3 Policy GD2.2 of the Local Plan allows for development adjoining the existing or committed built up area of Lutterworth which suggests that the principle of development could be acceptable, given the site's location adjoining existing residential development. Compliance with GD2.2 requires that a number of criteria are met, these being a **or** b **or** c and then d – g.

2. In addition to sites allocated in this Local Plan and neighbourhood plans, development 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 will be permitted where:
 - a. it does not disproportionately exceed the settlement's minimum housing requirement in Policy H1, taking into account allocations, completions and commitments (where there is no residual minimum housing requirement due to allocations, completions and commitments, only minor additional residential development will be supported); or
 - b. it is necessary to meet an identified district-wide housing need, or local housing need as evidenced through a housing needs survey or a neighbourhood plan; or
 - c. it comprises the redevelopment or conversion of redundant or disused buildings, or the development of previously developed land of low environmental value, and enhances its immediate setting;
 - d. its scale, individually or cumulatively with existing and committed development, reflects the size of the settlement concerned and the level of service provision within that settlement;
 - e. it is physically and visually connected to and respects the form and character of the existing settlement and landscape;
 - f. it retains as far as possible existing natural boundaries within and around the site, particularly trees, hedges and watercourses;
 - g. it complies with Policies GD6 and GD7.

Figure 9: Local Plan Policy GD2.2

- 6.4 Starting with GD2.2 a, Policy H1 of the Local Plan provides for about 1260 dwellings for Lutterworth, these to be sited on a Strategic Development Area to the east of the town. To date, the Council has received a planning application for this and made a resolution to grant Planning Permission (application reference 19/00250/OUT). There is therefore no residual minimum housing requirement for Lutterworth which could be satisfied by a major scheme such as this. The application is for major development so GD2.2 a is not met.
- 6.5 The Council has a 7.49 year supply of housing and no specific evidence of local housing need as evidenced by a housing needs survey or neighbourhood plan has been submitted by the applicant. The applicant has however submitted supporting documentation stating there is a need for specialist housing and care home provision in Lutterworth, and that there are no other suitable sites for this within a 3 mile radius of the site. The Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) and Local Plan both recognise that the population of the District is ageing and that the need for dementia care and housing for people with disabilities is increasing. The HEDNA calculates the need for specialist housing (importantly, not including C2 care home accommodation) to be 63 dwellings per annum (1267 over the plan period). The Council has planned for this by requiring sites of over 100 dwellings, including the Lutterworth East SDA, to provide at least 10% of specialist accommodation (policy H4 of the Local Plan). The resolution to grant planning permission for the Lutterworth East SDA includes a condition that a minimum of 10% of dwellings as specialist accommodation must be provided within that development. However this still leaves a residual need of approximately 600 units across the plan period, which are to come through suitably located windfall sites.
- 6.6 The HEDNA was published in 2017 and since then officers are not aware of any approvals for this sort of specialist housing (not including care homes) in our District. Although only 22 units, this site would make a contribution towards an identified District-wide need for this type of accommodation.

- 6.7 The HEDNA did not fully assess care home need. Anecdotally, and when considering the available care homes in and close to Lutterworth, there does appear to be a need for a care home although it is noted that care home provision is not the preferred option of the Leicestershire County Council Adults & Communities Department Ambitions and Strategy 2020-2024 document.
- 6.8 In the opinion of Officers, the proposal will help to meet the identified residual district-wide housing need of approximately 600 units of specialist accommodation, in accordance with GD2.2 b. The residual need from the HEDNA did not include C2 care home provision in its calculations (published before the Rectory Homes judgement and the updated NPPG) so officers judge that this contribution towards need is from the bungalows/apartments rather than the care home.
- 6.9 The proposal does not seek to convert or redevelop any existing buildings and, notwithstanding the earthwork evidence of former brickwork industry, the site is not considered to be previously developed land. Visual impact is assessed below. GD2.2 c is not considered relevant to the proposal.
- 6.10 Although the proposal is for major development, the amount of development proposed is not considered to be out of keeping with the size of Lutterworth as a whole, or the level of service provision within that settlement. Matters of visual impact, natural boundaries and compliance with GD6 are discussed below.
- *Location and connectivity*
- 6.11 The site is located on the northern edge of Lutterworth. Residential development lies to the immediate south on the other side of Brookfield Way, and to the east, on the other side of Bitteswell Road. To use the wording of GD2.2, the site is “adjoining the existing..built up area” of Lutterworth, a Key Centre. However, as it is on the edge of the settlement, it is some distance away from the town centre with its full range of shops and services. The applicants have provided a Green Travel Plan which seeks to promote staff access to the site by sustainable transport methods, including bus, cycle and walking. Officers note that all these methods of transport are available to staff (with the current possible exception of bus), and thus that the location has a variety of transport choices. This is further addressed below (paragraphs 6.52 and 6.53)
- 6.12 H4.3 however goes further than GD2 requiring “that any proposal for specialist accommodation should demonstrate that it is conveniently situated in relation to local retail and community services” (*inter alia*). The proposal appears to be approximately half a mile to both the Co-op shop on Linden Drive and the Londis corner shop on New Street, off Bitteswell Road. Community services (eg church, dentist, GP, swimming pool, leisure centre, café/restaurant, pub and shopping) are somewhat further, up to 1 mile. Officers do not consider that the proposal is conveniently situated in relation to local retail and community services. Although there is a bus stop nearby which could provide a regular connection to Lutterworth town centre, Leicester and Rugby, at the time of writing it may not, with the representation stating it is only a school service. Even if there was a regular bus service, officers consider that services and shops necessitating a bus journey could be said to not be conveniently located, especially for those in need of care. Accessing local retail and community services by mobility scooter which might be an option for some occupiers of the development, would necessitate crossing a number of roads up and down (dropped) kerbs for example, which may not give the smoothest or most convenient journey (see also paragraph 6.24 and Figure 7 below).

- 6.13 Best practice current dementia care seeks to allow residents to remain in their own home for as long as possible, to be within and part of an active community, allowing visits to/from schools, places of worship, community centres etc. The siting of the proposal is on the edge of Lutterworth, and thus is not considered to encourage community interaction and support. The comments from Leicestershire County Council Adult Social Care on the previous application bear this out and the Leicestershire County Council Adults & Communities Department Ambitions and Strategy 2020-2024 seeks to delay need for residential care home admission and to better understand how universal services can contribute to this.
- 6.14 The applicant has carried out an Alternative Sites Assessment, using the May 2016 SHLAA to identify possible sites for the proposal. Of these, they find that only one would be suitable (land off Gilmorton road, Lutterworth, ref A/LT/HSG08) and that recent planning approvals on the site suggests that the existing commercial use is to be retained going forward. This is slightly illogical as presumably the site would not have been put forward for consideration for housing in the SHLAA if the landowner intended to retain its commercial use. The Local Plan does recognise that no specific specialist housing sites came forward in the SHLAA, and recognises that there is a residual need for this type of accommodation, but that this has to be met by sites which are conveniently located, and meets all other requirements of H4 and GD2. Sites may still come forward which achieve this.
- 6.15 In the opinion of officers, the bungalows and apartments will provide specialist housing to meet an identified district-wide housing need, in accordance with GD2.2 b and H4.1. However, although the site is considered to adjoin the existing built-up area of Lutterworth, it is not considered to be conveniently situated in relation to local retail and service provision, and thus fails H4.3 a.

b) Technical Considerations

1. Design, Layout and Landscaping
- 6.16 The proposed care home is sited at the western end of the site with its closest point 5m from the southern boundary of the site. Although its massing is partly alleviated by the H plan form, hipped roofs and varied material palette, the building is still very large and tall, with a scale which is out of keeping with the surrounding development (51m long and a maximum of 11.9m high). The context is, firstly, one of domestic residential properties, with the nearest to the site (numbers 36 and 40 Mulberry Close) being approximately 7.5m tall. Furthermore, these dwellings are set back from the carriageway of Brookfield Way by approximately 15m and 8m respectively: at its closest point the care home would present an elevation of 11.6m in height (with eaves height of 8.5m) only 5m from the edge of the carriageway. Officers consider this will have an overbearing impact.
- 6.17 Similarly, the northern elevation is approximately 5.4m from the north boundary to the countryside and would be a minimum of 8.5m to eaves level (bearing in mind that proposed levels are unknown). Notwithstanding the revisions to the design, including pitched roof half dormers breaking the eaves line, increased areas of glazing and timber cladding, in the opinion of officers the design cannot be said to reflect or respect the second context of development, that of the rural and undeveloped countryside.

- 6.18 Levels details have not been provided however even if the building is set into the ground this would not, in the opinion of officers, significantly reduce the height of the building when seen in its context. Screening by way of planting would fail to reduce the adverse impact and in places where the development is close to the north and south boundaries may be ineffective/unsuitable. Officers therefore consider that, by virtue of its scale and siting, the care home does not have the high quality design required by GD8, failing to respect the context in which it is sited.
- 6.19 According to the Planning, Design & Access Statement, all the proposed buildings are designed to appear like a farmstead. The house forming 10 apartments is considered of generally acceptable design, having an appearance akin to a large farmhouse. Details of materials and elevation detailing could be controlled by condition to ensure a high quality design.
- 6.20 The C-shaped building forming 12 terraced bungalows is designed to be akin to a 'stable block' according to the Planning, Design & Access Statement. Whilst officers appreciate that such courtyard type barns are found within the District, and the proposal does have this plan form, such barns are rarely 50m long with hipped roofs and timber gabled entrances breaking the eaves line. Again, the scale of development is uncharacteristic of the area. When viewed from public viewpoints from the east and south in particular, the scale and amount of built form will seem incongruous and poorly related to the existing development on the edge of Lutterworth at this point.
- 6.21 The supporting text to Policy H4 requires proposals to meet the needs of those using wheelchairs and the Building Control officer's informal comments suggest that the design of the bungalows and apartments would be likely to meet the optional requirement Part M4(2) of the Building Regulations (accessible and adaptable dwellings). The applicant has not provided any statement or details as to how the apartments and bungalows comply with Part M4(2), or as to how they are sufficient to cater for the long-term health needs of residents, so that residents can stay in their home as long as possible.
- 6.22 Elevation details of the proposed bin stores have not been submitted and officers have concerns about the siting and design of these, as they are central in the site and each 5m x 5m in plan form. A better siting would reduce their prominence in the scheme and give an improved visual impact.
- 6.23 The scheme does not include details of landscaping, other than indicative areas of new soft landscaping, although the Planning, Design and Access Statement suggests that high-quality communal open space including gardens etc will be provided. All ground floor units and apartments have private external doors which open out to areas of open space. Were the proposal otherwise acceptable, details could be required by condition, although as noted above, any screen planting would be insufficient to soften the harmful visual appearance of the proposal. The scheme retains all trees, with the existing hedgerows retained and strengthened by new planting, including to the right of way through the site.
- 6.24 Officers also have some minor concerns about the connectivity elements of the layout. From the submitted plans, the proposed footway link along Brookfield Way, connecting to the existing pavement east of the Right of Way may be unattractive to the users of the development as it appears to rise up to join the Right of Way before sloping down

again to Brookfield Way. This may prove inaccessible or unattractive to people using mobility scooters or with reduced mobility. Connections could also be made internally in the site to the Right of Way. Such connections would help to increase the connectivity of the site and show a layout/development which was not highly dependent on the private motor vehicle. This is addressed further below.



Figure 10: southern entrance to Right of Way on Brookfield Way

- 6.25 The NPPF and Local Plan policy GD8 require a high standard of design. Officers therefore consider that, by virtue of its scale and siting, proposal does not have the high quality design required by GD8, failing to respect the context in which it is sited.

2. Impact upon the character and appearance of the area (including the countryside and area of separation)
- 6.26 The site is within the countryside and is undeveloped field. Other fields lie to the north and west. However, to the south and east, the area has a more suburban character, with late C20th housing development along the south side of Brookfield Road and the east side of Bitteswell Road. There is a green gap, to the immediate southeast of the site, this being the playing fields of Lutterworth College, bordered by mature trees and hedges. The site is therefore considered 'edge-of-settlement' as well as countryside.
- 6.27 Landscape work has previously been carried out by the Council on the fields around Lutterworth, with recent studies listed in paragraph 5.3 above. The Lutterworth and Broughton Astley LCALCS categorises the site as part of parcel 13 (the fields at this point between Lutterworth and Bitteswell), and as forming part of the 'Bitteswell Historic Farmland' designation. Field study notes of parcel 13 state "*Development of the parcel would compromise the separation between the two settlements of Bitteswell and Lutterworth, causing complete coalescence. The land parcel is considered to have low capacity to accommodate development. Given the visibility of the Parcel from the surrounding area, the limited scope for mitigation and the likely complete coalescence of Bitteswell and Lutterworth it is not considered appropriate to develop Land Parcel 13.*" Recommendation 6 of the study is to "Conserve and Restore" Bitteswell Historic Farmland. The LCALCS informed the former Core Strategy policy of a designated Area of Separation between Lutterworth and Bitteswell.
- 6.28 For the Local Plan, the AoSR was carried out. This categorised the site as Land Unit number 6, and the Appraisal of this unit states that both the views across the valley landform and Right of Way footpath W95 emphasise the close proximity of Lutterworth and Bitteswell. Paragraph 4.28 of the main report states that "The narrowest gap

between settlements is between Lutterworth and Bitteswell”, with Land Units 6 and 7 stated as “essential to maintain distinct identity of the two settlements and in particular *Bitteswell*” in paragraph 4.34. The site, as within Land Unit 6, was recommended to be included within a designated Area of Separation between Lutterworth, Bitteswell and Magna Park.

- 6.29 This recommendation was carried forward into the Local Plan, with policy GD6 designating land between Bitteswell, Lutterworth and Magna Park as an Area of Separation, stating that development in this area “will be permitted where 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”. It is important to note that the policy does not impose a blanket prohibition on all development within the Area of Separation (‘AoS’), it is only where the development will “compromise the effectiveness” of the AoS that it fails the policy.

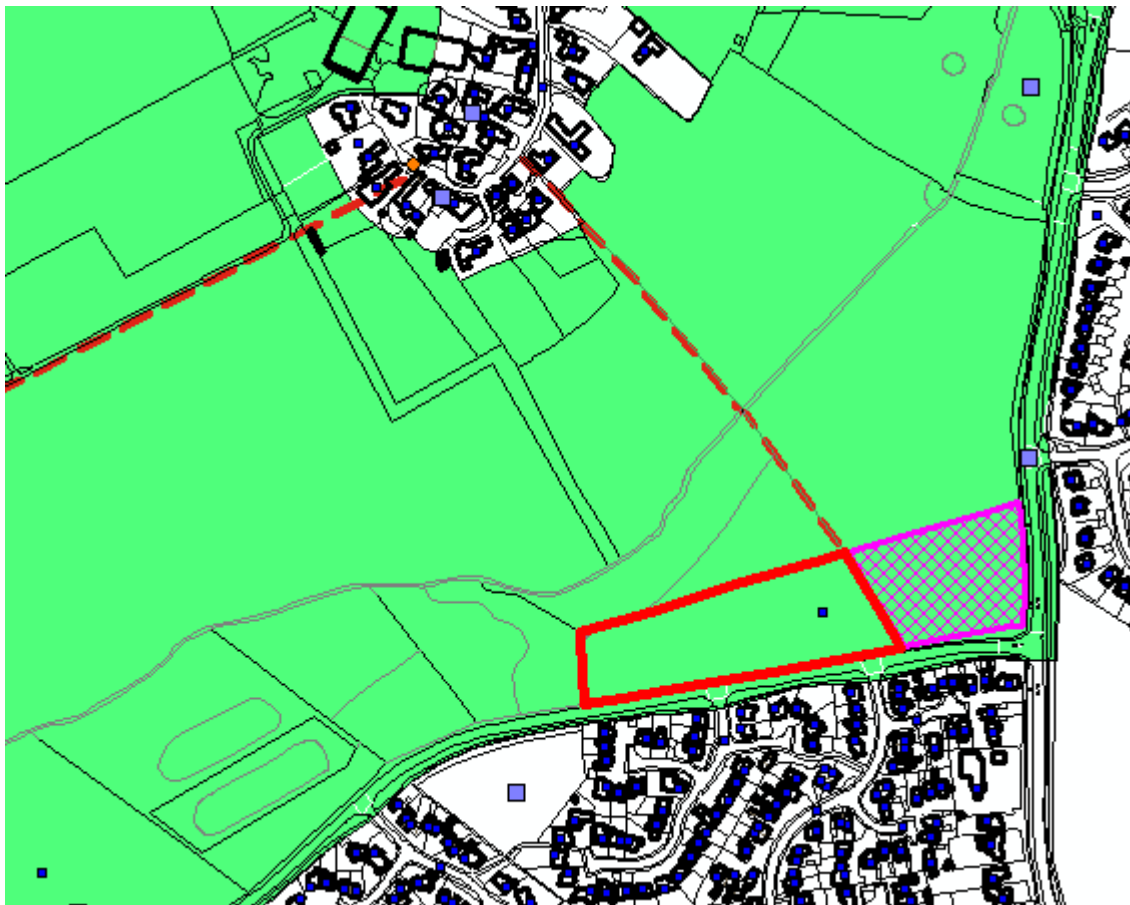


Figure 11: showing the site (red line/purple hatching) and Area of Separation (bright green shading)

- 6.30 As the site is within open countryside, policy GD5 is also relevant. This seeks to ensure development is “located and designed in such a way that it is sensitive to its landscape setting and landscape character area”. Development will be permitted where it meets 4 criteria.
- 6.31 The submitted Landscape and Visual Impact Assessment is unfortunately inadequate for this application, as it relates to the previous scheme. Photomontages have also

not been provided. For assessment of this aspect of the proposal, officers have used the proposed plans and elevations drawings, the submitted *Landscape Appraisal concerning the Area of Separation Designation* document (hereafter 'LAAoSD'), and the comments of the Council's landscape consultants (The Landscape Partnership, hereafter TLP) on the previous scheme where they have relevance to this current proposal.

- 6.32 Current views from Bitteswell both along the Right of Way southwards towards Lutterworth and from Valley Lane in Bitteswell will not, in the opinion of officers, be harmfully altered by the proposal. Single storey, two storey and taller buildings are currently visible in these views and this would be similar with the proposal. Details provided and controlled by a landscaping condition could strengthen tree planting etc on the north boundary of the site which would, in time, partly screen both the proposed development and some of the existing dwellings on Brookfield Way when viewed from Valley Lane and the Right of Way in/on the edge of Bitteswell.



Figure 12: views from Right of Way W95 at the Bitteswell end, looking south over the site



Figure 13: view from Valley Lane close to Right of Way W94 looking southwest over the site

- 6.33 Views across to Bitteswell from the corner of Brookfield Way/Bitteswell Road will be preserved by the proposal, as the eastern part of the site is retained free from development.

- 6.34 However, in the previous scheme TLP found a Major/Moderate Adverse impact on the users of Brookfield Way from that development, stating that, from Brookfield Way, “*the views to the north over the rural landscape towards Bitteswell would largely be lost, or significantly affected, by the extent of proposed development, and thereafter also contained by the proposed planting to the northern boundary*”. For that proposal, bungalows of maximum 6.6m in height were proposed between Brookfield Way and Bitteswell (see Figures 3 and 4 above)
- 6.35 Officers consider that the same impacts, if not worse, apply to this scheme. Users of Brookfield Way (pedestrians, cyclists and other highway users) would have any existing views over to Bitteswell significantly blocked by the three storey care home and the two storey house and views affected by the terraced bungalow building. There will also be an overbearing impact on these users, due to the height of the care home and its proximity to the public highway, as reflected in the representation. These roads are well-used, often busy, and have pavements.



Figure 14: photos from Brookfield Way looking north over the site towards Bitteswell

- 6.36 Landscape impacts are considered to be adverse or harmful, rather than respecting or enhancing local landscape and the landscape setting of settlements as required by GD5. Settlement distinctiveness is undermined and important public views are lost by the siting of the care home (at nearly 12m in height) on elevated ground close to the site's boundary, with views over to Bitteswell severely restricted. Ridge and furrow, a feature of local landscape importance which contributes to the character of historic

separation of Bitteswell and Lutterworth (paragraph 6.45) will be lost. For these reasons, officers consider that the proposal does not comply with policy GD5.

- 6.37 With regard to the impact of the proposal on the Area of Separation, the applicants argue in their LAAoSD that the proposed development “would dovetail into the north-western part of Lutterworth”. Officers disagree: the site is separated from the built form of Lutterworth by public highways, with no other built form to the north, west or east of the site. The LAAoSD assesses the impact of the proposal from various viewpoints within the AoS, which are shown on their plan below:



Revisions:
First Issue: 26/01/2022 AH

Viewpoint Location Plan
Bitteswell Road, Lutterworth

Figure 15: viewpoints from which impact on the Area of Separation has been assessed within the applicant’s *Landscape Appraisal concerning the Area of Separation Designation*.

- 6.38 None of these viewpoints include Brookfield Way itself (or for that matter Bitteswell Road). This road is within the designated AoS (Figure 11) and no consideration of the impact of the proposal on users of Brookfield Way has been given within the LAAoSD. There is consideration of the views from the southern end of the Right of Way crossing the site (where it meets Brookfield Way), with the LAAoSD arguing that views of Bitteswell are “*distant*” and would “*continue to remain*”, with the proposal not making “*an appreciable difference in terms of the physical separation between Lutterworth and Bitteswell as they pass through the countryside along this route*” (paragraph 3.6 in LAAoSD).
- 6.39 Officers disagree with this finding. Users of Brookfield Way (and Right of Way W95 at its southern end where it passes through the site) will experience a significant difference and major impact from the proposal. Rather than a highway (Brookfield Way) and then fields between Lutterworth and Bitteswell there will be built form of a design “*reflecting the urban form of residential development of Lutterworth*” (LAAoSD

para 3.6). Users of Brookfield Way will probably cease to feel like they are on the edge of the countryside: they are likely to feel that they are within Lutterworth, and therefore not experience a sense of separation from Bitteswell (with any views greatly restricted). The undeveloped nature of all the land between the two settlements at this point, together with the landscape and heritage qualities identified, is what makes this part of the AoS effective. By largely blocking views from Lutterworth to Bitteswell, developing even a small part of the AoS and causing heritage and landscape harm, officers consider that the proposal will compromise the effectiveness of the designated Area of Separation, contrary to GD6.

3. Heritage

- 6.40 Under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'), a Local Planning Authority must have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. Conservation Areas are afforded a similar protection, with a duty imposed on Local Planning Authorities to pay special regard/attention to Conservation Areas, including setting, when considering whether to grant planning permission for development. For Conservation Areas "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". Preservation in this context means not harming the interest in the building/asset, as opposed to keeping it utterly unchanged.
- 6.41 The NPPF and policy HC1 of the Local Plan require great weight to be given to a heritage asset's conservation. If 'less than substantial' harm to the asset or its setting is identified, then the decision-maker is to weigh up the public benefits of the proposal against this harm. Assets which do not currently have any statutory protection can be considered 'non-designated heritage assets' and these too are protected under the policies.
- 6.42 Designated Heritage Assets on or close to this site are the Conservation Area of Bitteswell, St Mary's Parish Church, Bitteswell (Grade II* Listed) and Valley Farmhouse, Bitteswell (Grade II Listed). Non-designated heritage assets are the visible earthworks within the site (brick pits from an historic use for brick working, and ridge and furrow from medieval field systems), and potentially any buried archaeological remains, although these are as yet unknown. The proposal has potential to affect the setting of, the character and appearance of, and (in the case of archaeological remains) the fabric of these assets. The site is such a distance from the Conservation Area of Lutterworth that the proposal is considered unlikely to affect the setting of this heritage asset.
- 6.43 The Conservation Area of Bitteswell extends southwards from the village, towards the site, with its boundary marked by the watercourse, approximately 47m from the closest point of the site's northern boundary. The Conservation Area Character Statement explains the inclusion of these fields as forming a "foreground to the village core". The Right of Way which crosses these fields and leads through the site to Brookfield Way is likely to be the historic route between Bitteswell and Lutterworth, prior to when the Turnpike (now Bitteswell Road) was created. Part of this historic route has already been lost by the housing development to the south of Brookfield Way, but the route is evident on historic mapping. This revised scheme application has removed development from the east part of the site, and thus the view across to Bitteswell from the corner of Brookfield Way and Bitteswell Road (by the roundabout and close to the historic route) that the Conservation Officer considers to be part of the significance of

the Conservation Area, the Church and Valley Farmhouse is retained. The Conservation Officer does not object to this revised scheme and in the opinion of officers, the scheme does not cause harm to the setting of Bitteswell Conservation Area or the settings of nearby Listed Buildings.

- 6.44 County Archaeology consider that any buried archaeology within the site can be satisfactorily preserved by investigation, analysis and recording, which could be controlled by pre-commencement condition, noting that it is unlikely that any buried archaeological remains would be of such quality or significance to require refusal of the scheme. They further note the earthworks on the site: the deep hollows in the ground to the east of the Right of Way which appear to be the last remaining fragment of a former and locally-significant brick working industry; and ridge and furrow earthworks providing an indication of the extent of the ridge and furrow furlongs that would have lined the watermeadow along the brook, since their establishment in the late Saxon period. Although the officer considers that pre-commencement conditions could allow topographic survey and archaeological investigation of the earthworks (with recording/mitigation), they consider that no condition can offset the harm their physical loss will cause to the historic landscape character and local distinctiveness. They consider that the harm caused by the proposal is less than substantial.
- 6.45 The proposal retains the 'brick pits' to the east of the site and retains a small part of the ridge and furrow. It is important to note that on its own, the ridge and furrow is not of high quality or particular historic significance: it is a fragment only. However, when taken in its wider historic context, it forms part of the historic landscape and separation between Lutterworth and Bitteswell, and its loss within this context would cause heritage harm, as well as landscape harm (paragraph 6.36 above). Heritage harm has been reduced since the previous scheme and officers consider it is now towards the lesser end of 'less than substantial' – noting that the NPPF does not make this distinction, still requiring great weight to be given to an asset's preservation, and only defining harm in terms of 'substantial' and 'less than substantial'.
- 6.46 As harm to heritage assets has been identified, it must be weighed against the public benefits. The applicant has listed what they consider to be benefits within their Planning, Design and Access Statement. These are as follows:
1. Demonstrable need for specialist accommodation and a lack of alternative available sites
 2. Provision of high quality care
 3. Contribution towards housing requirement
 4. Frees up 'general needs' housing
 5. Creates landscape benefits
 6. Improves the public footpath
 7. Creates economic benefits
 8. S106 contributions
- 6.47 Bearing in mind that S106 contributions would be required to mitigate the effects of development, officers consider that these should not be afforded positive weight. Landscape benefits are similarly disputed, given the harm identified. The quality of care cannot be controlled by planning condition so this is considered to attract neutral weight. The footpath may become more accessible, although officers note this is not shown on the plans, would only be for part of its length and the existing countryside character experienced by users of the footpath as it crosses the site will be lost, so officers consider that this should only be afforded neutral weight. The proposal will create economic benefits during construction, create employment opportunities and

generate Council Tax. Officers consider that this should be afforded some positive weight. The proposal will help to meet the Council's target of 600 (windfall) specialist homes over the plan period. Whether this releases 'general needs' housing in the District is uncertain (occupiers of the bungalows or care home could move from anywhere and this cannot be controlled by condition). It is also noted that the proposal is not conveniently located for this type of housing, contrary to H4. Officers consider that moderate positive weight should be given to this benefit.

- 6.48 Set against this is the harm to the historic environment by the loss of a non-designated heritage asset which is identified by officers as 'less than substantial'. Although the NPPF requires that "great weight should be given to the asset's preservation" (paragraph 199), officers note that the ridge and furrow itself does not have high heritage significance whereas there are some public benefits identified which would be delivered by the scheme. On balance, officers judge that the public benefits of the proposal do outweigh the (less than substantial) harm, and that the proposal accords with the Act and HC1.

4. Highways

- 6.49 The submitted Transport Statement (31st January 2022) shows a bell-mouth junction onto Brookfield Way with visibility splays of 2.4m x 43m to both east and west. A pedestrian footway of approximately 2m in width links the eastern side of the access to the existing pavement at the eastern end of Brookfield Way, appearing to join to this via an elevated connection at the Right of Way. 43 off-street parking spaces are proposed, of which 15 appear to be indicated as for blue badge holders.
- 6.50 County Highways have reviewed the proposal. They requested further information and, to date, this has not fully been provided by the applicant. Both County Highways and those making representation have noted that Brookfield Way is used as a 'cut-through' route by drivers and provides a direct route for some Magna Park traffic. This means that the mini-roundabout junction of Brookfield Way/Bitteswell Road frequently has queuing traffic, which may queue past the site's proposed access point. The proposal uses the TRICS database to calculate vehicle trips associated with the care home staff as 51 per day (with care home staff also staffing the Specialist Supporting Living units). It assumes no vehicle trips by the care home occupants or those living in the Specialist Supporting Living units, despite the floorplans of the latter showing independent living with no shared facilities, and with no supporting information to demonstrate how the occupiers of these units would be in need of care, or to be in such poor health as unable/unwilling to have a private motorvehicle. The previous application was considered to generate 371 two-way vehicular trips during a typical weekday. In the opinion of officers, taking into account the size of the proposed care home (noting paragraph 3.2 above) and the floorplans of the Specialist Supported Living apartments, it is likely that the proposal will generate more vehicle trips. The applicant has not submitted the information requested by Highways and thus failed to demonstrate that the scheme will not have a severe highway impact. Officers therefore consider that the proposal will result in a significant increase of turning movements onto/off Brookfield Way than the current existing situation, to the detriment of highway safety, and that this will have an adverse impact on the junction of Brookfield Way and Bitteswell Road.

- 6.51 Using Highway's requirement of 1 space per 3 care home residents + one for each staff member and allowing for a maximum of 12 staff on site at any one time, the applicant calculates the parking requirement as 38 spaces. Five spaces for visitors to the Specialist Supported Living units are also proposed, giving a total of 43 off street parking spaces, as shown on the proposed plan. The applicant considers this is sufficient as recruitment priority is given to local people and in their experience, employees tend to come from a 5-8 mile radius and use family members to drive them to the site, or use bus or bicycle. They consider that parking spaces are not required for any of the occupants of the scheme.
- 6.52 Officers consider that 43 spaces are insufficient for the proposal. If the whole site is considered to have a C2 use then the total number of units is 98, giving a requirement of 45 spaces (rounded up) according to Highways' methodology. If the care home is considered to be C2 and the Specialist Supported Living accommodation C3 as proposed by the applicant then this gives a requirement of 38 spaces for the care home, and 22 spaces for the Specialist Supported Living units (one for each double-bedroom apartment), a total of 60 spaces. Whichever is used, a shortfall in parking provision seems likely with the proposal. It is also noted that no provision for cycle storage, electric vehicle charging or mobility scooter parking has been shown on the plans, and there is no dedicated space for ambulances/service/delivery vehicles etc. It is also noted that the previous scheme (for a total of 84 units) provided 62 parking spaces for the whole development.
- 6.53 It appears that there is an element of "Occupier beware" to the proposal. Those moving into the Specialist Supported Living accommodation would need to be aware that by doing so they would have to relinquish any privately-owned motorvehicle, and would only be able to access any services, facilities or community groups by walking, cycling or (possibly) a bus journey. For example, to reach the nearest food convenience store (Co-op on Linden Drive) for a weekly shop [kitchens are shown for each of the Specialist Supporting Living units, there is no shared dining/cooking facilities] the occupiers in need of care will need to walk or cycle ca. 850m including with shopping, or ask a friend/relative to drive them. Whilst orders could be placed online, there is no provision on the plans for parking areas for deliveries.
- 6.54 Notwithstanding the Green Travel Plan and the long-term aim of reducing reliance on the private motor-vehicle, officers consider that the underprovision of off-street parking would lead to overspill parking on nearby roads and streets which, together with queuing traffic on Brookfield Way and pedestrians crossing the road from nearby on-street parking places is considered to be detrimental to highway safety.
- 6.55 At paragraph 109, the NPPF states that "*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*". Policy IN2 of the Local Plan requires suitable proposals to "have regard to" the Leicestershire Highway Design Guide, and where necessary provide mitigation to address the impacts of development on the transport network. As with GD8, this also requires a safe and suitable access, and the provision of measures which promote sustainable transport.
- 6.56 Bearing in mind that the previous application was refused on Highway grounds, with less/insufficient information being provided for this scheme, on the basis of the information submitted officers consider that the proposal does not demonstrate a safe

and suitable access, that it has insufficient parking provision and will lead to an unacceptable impact on highway safety. The proposal is therefore considered to fail Local Plan policies GD8 and IN2, and is found contrary to paragraphs 110 and 111 of the National Planning Policy Framework.

5. Residential Amenity

- 6.57 The distance between the nearest proposed buildings and the nearest existing dwellings (those to the south of the site, on Mulberry close, Magnolia Drive etc) is 24m minimum, with the public highway between. Minimum standard separation distances are met within the scheme. The plans indicate sufficient natural light for all habitable rooms proposed. Concerns raised in the representation are noted, however the nearest facing windows which could give rise to overlooking are on the second and third floor south elevation of the care home and serve landings and stairwells, not principal rooms, thus safeguarding privacy, and bearing in mind acceptable separation distance. The development is to the north of existing dwellings and due to this orientation is unlikely to cause any harmful loss of light to existing dwellings. Overbearing impact is more relevant to the street scene (and generally is expressed in these terms in the representation) rather than private dwellings, and is addressed above (paragraph 6.37). The proposal is considered to safeguard the residential amenity of current and future occupiers, in accordance with GD8. Residential amenity impacts arising from construction of the proposal could be controlled by a suitably worded condition, were the development considered acceptable.

6. Ecology

- 6.58 Recognising that Harborough District is relatively poor in biodiversity terms, policy GI 5 of the Local Plan seeks not only to safeguard and conserve protected species, their habitats and designated sites of biodiversity and geodiversity, but mitigate, relocate or compensate against unavoidable loss or damage to habitats, and to positively enhance biodiversity and geodiversity.
- 6.59 National policy within the NPPF takes a similar approach, and also promotes biodiversity net gain, stating in paragraph 175 (d) that, “*opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*” This is further strengthened by the NPPG which provides specific guidance for developers and planners on how to achieve biodiversity net gain (‘BNG’), a matrix for calculating this, guidance on conditions/obligations to secure BNG and guidance on achieving wider environmental net gain. The Environmental Act 2021 makes it law to achieve BNG when this part of the Act comes into effect.
- 6.60 The applicant has submitted an Ecological Impact Assessment which has been revised (to now rev E) during the progress of the application. A Biodiversity Impact Assessment was submitted towards the end of January 2022) showing that, post-development and with mitigation, Biodiversity Net Gain of 13.36% (habitat) and 90.91% (hedgerows) could be achieved on site. The Ecological Impact Assessment concludes that the site is still not suitable for designation as a Local Wildlife Site; that nearby ponds are dry and thus unsuitable habitat for great crested newts; that the badger and bats use the site but not for setts/roosts; that the site has potential to provide good foraging habitat for small mammals but not for ground nesting birds,

and that no birds nests were found by the ecologists surveying the site. Loss of areas of grassland on the site was identified, and other impacts to the land to the north and west of the site, including ponds and an area of woodland. Proposed mitigation includes ecology buffer strips of 5m to the boundaries of the site, new native tree and new native mixed hedgerow planting, additional planting 'scrub' to existing boundaries, manage and improve the pastureland, removing the horses and other animals from grazing, and limiting access to the site for humans and domestic animals.

- 6.61 The County Ecologist has reviewed the submitted information and considers that the principle of leaving the eastern part of the field for biodiversity enhancement is acceptable. County Ecology are also prepared to accept the loss of areas of moderately species-rich grassland, providing that BNG of 10% is achieved on the site, and that the remainder of the grassland is enhanced. Given that a third of the site will be undeveloped and that the applicant has indicated that this land will receive biodiversity enhancements, officers consider that there are insufficient grounds for refusal of the proposal, although it is noted that the applicant has not satisfactorily demonstrated BNG. It does appear that protected species and their habitat will not be adversely affected by the proposal. On balance, officers consider that the proposal could comply with GI5 and NPPF paragraph 180 subject to condition requiring on-site BNG with details. Any further comments from Ecology as a result of recently-submitted information will be provided to Members on the Supplementary Information available on the day of Committee.
- 6.62 The applicant has not submitted an assessment of the Agricultural Land Quality of the site, as 'best and most versatile agricultural land' is also protected under GI5.2 b, and NPPF paragraph 174 which seeks to protect sites of geological value and soils, and recognise the wider benefits of best and most versatile agricultural land, including its economic benefits. An assessment was submitted for the previous application (with the report dated July 2020) which found that just under half of the site is best and most versatile agricultural land (classification 3a). As seen by the map below, all this land is proposed to be developed under the current proposal. However, this is less than a hectare and is insufficient to trigger consultation with Natural England. The site is a small agricultural field and has only been used for grazing for a number of years. For these reasons, officers consider that the loss of 0.82 ha of the best and most versatile agricultural land does not justify a refusal on these grounds. The site is not within an area for Mineral interest or constraints and consultation is not required with the County Council for this.



Figure 16: Agricultural Land Classification map (Strutt and Parker, July 2020)

6.63 On balance officers consider that the proposal protects and is likely to enhance biodiversity, that it protects important and priority species and that thus a refusal on ecological grounds is not recommended.

7. Flooding & Drainage

6.64 The site is in flood Zone 1, with the land at the lowest probability of flooding. An area of land in flood zones 2 and 3 lies approximately 130m to the west of the site. The site slopes away to the north and land drainage is into the Bitteswell Brook, approximately 30m at its nearest point from the site's northern boundary. The brook and land beside it is an area of surface water flooding as notified to the Local Planning Authority, and as evidenced by its historic use as watermeadow (see paragraph 6.44 above). Anecdotal evidence in the representation also indicates that there may be occasional surface water flooding within the site.

6.65 Unfortunately, the Flood Risk Assessment submitted by the applicant is inadequate for assessing the proposals as it relates to the previous scheme. The Drainage Strategy is more relevant and proposes a foul drainage connection to a sewer north of the site, and cellular underground storage of surface water at the site, with subsequent discharge at green rates, either to Bitteswell Brook to the north of the site or via a pumped method to the stormwater sewers to the south of the site along Brookfield Way. Infiltration drainage (swales etc) are considered unsuitable for the site due to the soil/strata types. The Drainage Support Statement confirms that surface water will be discharged to the storm sewers on Brookfield Way via a pumped system as the applicant considers they are "unlikely to get consent from the adjoining landowner to drain the site by gravity" into Bitteswell Brook to the north of the site.

- 6.66 In accordance with the Drainage Hierarchy sustainable drainage should first be provided by infiltration, then to a watercourse and as a last resort to a sewer. The LLFA have been consulted and require evidence that consent to drain to a watercourse has been provided by the landowner. Their final comments on the recently-submitted information will be made available to Members on the Supplementary Information published on the day of Committee. As it stands, without the information required by the LLFA and without their support as a statutory consultee, officers cannot say with confidence that the site can be adequately drained as a result of the proposal and cannot say that surface water will be dealt with in an appropriate and sustainable manner. If permitted, the proposal could give rise to surface water flooding both on the site and elsewhere, and could lead to increased flooding/flood risk downstream, as the land levels drop beyond the site's north boundary to the brook. The proposal is thus considered contrary to policies IN4, CC3 and CC4.

8. Climate Change

- 6.67 Harborough District currently has a 6.9 tonne carbon footprint per person, higher than the England, County and Regional per capita amount and primarily due to the rural nature of the District and the dependency on motorised transport. A projection of the District's emissions shows that we will only reach carbon neutrality by 2042. In June 2019 the Council declared a Climate Emergency with the aim that all council functions and decision-making should lead to the Council being carbon neutral by 2030.
- 6.68 Policy CC1 of the Local Plan sets standards for major development, requiring evidence of reduction in carbon emissions according to the energy hierarchy (supporting text paragraph 10.1.3), renewable energy technology, energy efficiencies, minimal carbon emissions during construction, justification for any demolition, and carbon-neutral building cooling if appropriate.
- 6.69 The applicant has provided the same Sustainability Statement as the previous application which sets out proposed methods of building design for the care home, with reference to Building Regulations Part L2a (buildings other than dwellinghouses). Various renewable power sources are suggested as feasible (including air source heat pumps and solar panels), although these have not been shown on the proposed plans. Building Regulations Part L2a and other standards are proposed to be met and some exceeded. Although required by Local Plan policy IN4.2, greywater and rainwater harvesting have not been provided with no justification as to why these are not considered feasible. No similar Statement has been provided in relation to the terraced bungalows or house providing apartments. Whilst the previous scheme included electric charging points for mobility scooters these are not shown on the current plans. No overarching climate change strategy for the site has been submitted.
- 6.70 Officers have sought comment from the Council's Environment Co-ordinator on the scheme and whilst she supports the good intentions of the applicant, details of how much carbon reduction (including during construction) can be achieved on the site have not been provided.
- 6.71 Mitigating climate change is a key priority of the Council. It is vital for the District and globally. Notwithstanding the site's location on the edge of the Key Centre of Lutterworth, a green travel plan for staff, the apparently sustainable design of the care home (not shown on plans and much outside of planning control) and the possible provision of sustainable drainage systems, officers consider that the proposal does not

go far enough in mitigating climate change, reducing carbon footprint and providing renewable energy technology. As set out in the Local Plan, “new build development should be designed to reduce carbon emissions as close to zero as practicable” (officer emphasis). The information contained within the submission does not include sufficient detail to demonstrate compliance with CC1.

9 Affordable housing and S106

- 6.72 Planning obligations, also known as Section 106 Agreements (based on that section of the 1990 Town & Country Planning Act) are legal agreements made between local authorities and developers and can be attached to a planning permission to make a development acceptable (which would otherwise be unacceptable in planning terms).
- 6.73 Those obligations can encompass, for example, monetary contributions (towards healthcare, libraries or education), mechanisms for the provision of affordable housing, the on site provision of public open space / play areas, or off site works (highway improvements), as long as the obligation meets the three statutory tests of The Community Infrastructure Levy Regulations 2010 (No. 948) (as amended) – “CIL”.
- 6.74 As per CIL Regulation 122, planning obligations 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.
- 6.75 These legal tests are also set out as policy tests in Paragraph 56 of the Framework.
- 6.76 Policy IN1 states that new development will be required to contribute to funding the necessary infrastructure which arises as a result of the proposal, and that these will be in addition to the affordable housing requirement of H2. More detailed guidance on the level of District and County contributions is set out in the HDC Planning Obligations Supplementary Planning Document (Jan 2017) and the Leicestershire County Council Planning Obligations Policy (July 2019).
- 6.77 Policy H2 of the Local Plan requires a 40% affordable housing contribution for all housing sites of more than 10 dwellings. As this proposal includes 22 dwellings (the terraced bungalows and apartments) then H2 applies. This policy does not limit itself to a particular use class (whether C2, C3 or C4) although it is only relevant to proposals of more than 10 dwellings. For these reasons, it is considered necessary to require a 40% affordable housing contribution on site from the 22 specialist supported living units proposed. This is considered necessary to make the development acceptable in planning terms and is considered CIL compliant by officers. The applicant has agreed to make this provision which will mean that 5 of the 22 specialist supporting living units would be affordable dwellings (bungalows being on a one-for-two basis), and that the proposal would comply with H2 in this respect.
- 6.78 A number of other requests have been made for contributions to be secured through a section 106 legal agreement. The requests for S106 contributions are set out in Appendix A.
- 6.79 Were the proposal otherwise acceptable, officers consider that the requests as set out in Appendix A are CIL compliant, and would meet the LPA's and LCC's policy

requirements, the tests set out in Paragraph 56 of the Framework and the CIL Regulations 122 and 123.

7. The Planning Balance / Conclusion

- 7.1 In accordance with policy HC1 and NPPF paragraph 196, and as heritage harm has been identified, this must be weighed against the public benefits. This exercise has been undertaken at paragraphs 6.46 – 6.48 above and, in the opinion of officers, the public benefits of the proposal do outweigh the heritage harm identified. As this initial test is considered to be met, the overall planning balance must be considered.
- 7.2 The proposal will create economic benefits during construction, create employment opportunities, generate Council Tax, income for suppliers and those servicing the care home and may reduce pressure on existing healthcare settings. Officers consider that these should be afforded some positive weight.
- 7.3 Social benefits include the provision of affordable housing, the provision of a care home where there is at least an anecdotal need (enabling residents of Lutterworth and surrounding areas to perhaps stay in the town/District for longer), and particularly the provision of specialist housing including helping to meet the Council's residual requirement of 600 units over the plan period to 2031. Officers consider that this is a substantial benefit. However it is tempered by the siting of the proposal on the edge of Lutterworth and it not being conveniently located for local retail and service provision, or to achieve health and well-being benefits from intergenerational contact (e.g. proximity to schools, family housing and play areas, etc). It is also noted that the scheme has a reduced quality of accommodation and facilities to the previous application with elements such as private and communal open space, cinemas room, duplicate dining rooms and lounges, library and café omitted from this scheme. Officers consider that moderate positive weight should be given to the social benefits of the scheme.
- 7.4 The proposal's environmental benefits are less clear. The siting of the proposal, whilst adjoining the built up area of Lutterworth, is not conveniently located for local retail and service provision. Whilst it appears possible that ecological harm could be compensated for and biodiversity net gain achieved, opportunities to address and mitigate the effects of climate change have not been comprehensively planned for or designed across the scheme. The applicant has not demonstrated that the proposal will not cause severe harm to highway safety, that flooding and flood risk will not be increased and that satisfactory sustainable drainage can be provided. The design and scale of the proposal does not relate well to its context and it will have an overbearing and incongruous visual impact on the street scene. The proposal will cause harm to the landscape and the character and appearance of the area, including the street scene. The effectiveness of the Area of Separation between Bitteswell and Lutterworth will be compromised.
- 7.5 Officers consider that the proposal fails to meet Local Plan policies H4, GD5, GD6, IN2, GD8, IN4, CC3, CC4 and CC1.
- 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 proposal is not sustainable development and should be refused.

APPENDIX A – S106 OBLIGATIONS

Request by HDC	Obligation for Community Facilities contribution		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Community Facilities £38,756.00 for the purpose of funding improvements to existing community facilities in the vicinity of the Development (potential projects at Lutterworth Town Hall, the Pavilion and Lutterworth Town Council offices)	100 % to be paid to HDC prior to the Commencement of Development	See full CIL justification from HDC Parish and Community Facilities Officer on file The development would place additional demands on community facilities. The contribution request has been justified using evidence of need for the community facilities and the contribution would be allocated to projects supporting community facilities in the Parish of Lutterworth. The projects evidenced will benefit the new residents of the proposed development.	Developer Contributions SPD January 2017 Community Facilities Refresh Assessment May 2017 HDC Parish Profiles March 2017 HLP Policy IN1 Built Facilities Strategy December 2020
Request by HDC	Open Space		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£98,347.00 towards enhancements of existing provision or additional provision in Lutterworth of parks & gardens, outdoor sports facilities, children & young people's provision, allotments, greenways, cemeteries and burial grounds.	On-site open space to be provided before 50% of the dwellings are occupied; off-site contributions to be made before 50% of the dwellings are occupied	See full CIL justification of HDC Neighbourhood and Green Spaces officer consultation response on file	Developer Contributions SPD January 2017 HLP Policy IN1 Open Spaces Strategy 2021 Playing Pitch strategy

			Provision for Open Space Sort and Recreation
Request by HDC	Affordable Housing		
Amount/Detail	Delivery	CIL Justification	Policy Basis
40% of the 22 Assisted living units on site to be affordable. Equates to 9 units (rounded up). As bungalows being provided and these accepted on a one-for-two basis, 5 social rented units required, to be located close to the care home.	Not to allow Occupation of more than 50% (fifty per cent) of the bungalow Units until 100% of Affordable bungalow Units have been completed	See full CIL justification of HDC Strategic Housing and Enabling officer consultation response on file	Developer Contributions SPD January 2017 HLP Policies IN1 and H2
Request by LCC	Civic Amenity		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£5528.00 towards the acquisition of additional containers or the installation of additional storage areas and waste infrastructure at the Lutterworth Household Waste Recycling Site		See full CIL justification from LCC Waste Management on file A contribution would be required to ensure that the local waste facilities can continue to maintain the existing level of service and capacity for the residents of the proposed development. This would be provided through the development of additional capacity and infrastructure to handle the waste and vehicles delivering in/out as a result of the proposed development at the local waste facilities.	Leicestershire County Council Planning Obligations Policy (2019). HLP Policy IN1
Request by LCC	Libraries		

Amount /Detail	Delivery	CIL Justification	Policy Basis
£1480.00 towards increasing capacity at Lutterworth Library		<p>See full CIL justification from LCC Libraries on file</p> <p>The proposed development on Brookfield Way is within 0.82km of Lutterworth Library on George Street, being the nearest local library facility which would serve the development site.</p> <p>Post code analysis using 2015 mid-year population estimates demonstrates that the catchment population for Lutterworth library is 15,521. It is estimated that the proposed development will add 147 to the existing library's catchment population. This will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought to provide materials e.g. books, audio books, newspapers, periodicals for loan and reference use, and associated equipment or to reconfigure the library space to account for additional usage of the venue for residents to hold meetings, including book reading and activity sessions.</p>	<p>Leicestershire County Council Planning Obligations Policy (2019).</p> <p>HLP Policy IN1</p>
Request by PCT			
Amount /Detail	Delivery	CIL Justification	Policy Basis

£11,630.88 towards providing additional clinical accommodation at the Wycliffe Medical Practice and the Masharani Medical Practice in Lutterworth	Prior to first Occupation	<p>See full CIL justification from the NHS CCG on file</p> <p>The development is proposing a 76-bed care home, 10 one bedroom assisted living apartments and 12 double-bedroomed bungalows which based on the assumption of 1 per bedroom/bungalow could result in an increased patient population of 98.</p> <p>An increase in patients will create additional pressure on clinicians and admin teams within the area (South Leicestershire Medical Group)</p> <p>The contribution would support the practice in improving patient access and capacity.</p>	HLP Policy IN1
Request by HDC	Obligation for Monitoring Fee		
Amount /Detail	Delivery	CIL Justification	Policy Basis
15% of the Application fee or £250.00 per financial obligation payable to the District Council	Within 14 days of commencement	To cover the costs of monitoring payments and implementation of the developer contributions and scheme.	Developer Contributions SPD 2017.
Request by LCC	Obligation for Monitoring Fee		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£300.00 or 0.5% (whichever is greater) per financial obligation in favour of the County Council	Within 14 days of commencement	To cover the costs of monitoring payments and implementation of the developer contributions and scheme.	Leicestershire County Council Planning Obligations Policy (2019).

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

Planning Committee Report

Applicant: ALDI Stores Limited

Application Ref: 22/01104/OUT

Location: Glenmere Timber, Gores Lane, Market Harborough

Parish/Ward: Market Harborough/Little Bowden

Proposal: Hybrid application proposing full planning permission for the demolition of existing buildings and the erection of a new food retail store (Class E) with associated access, car parking, servicing and landscaping; and outline planning permission for the demolition of existing buildings and the erection of mixed class E(g), B2 and B8 development (all matters reserved except access)

Application Validated: 21.06.2022

Target Date: 20.09.2022 (Extension of time agreed)

Consultation Expiry Date: 09.02.2023

Site Visit Date: 15.08.2022

Ward: Market Harborough and Little Bowden

Reason for Committee decision: The application is contrary to Harborough Local Plan Policy BE3 and at the discretion of the Development Planning Manager as it is considered of significant local interest.

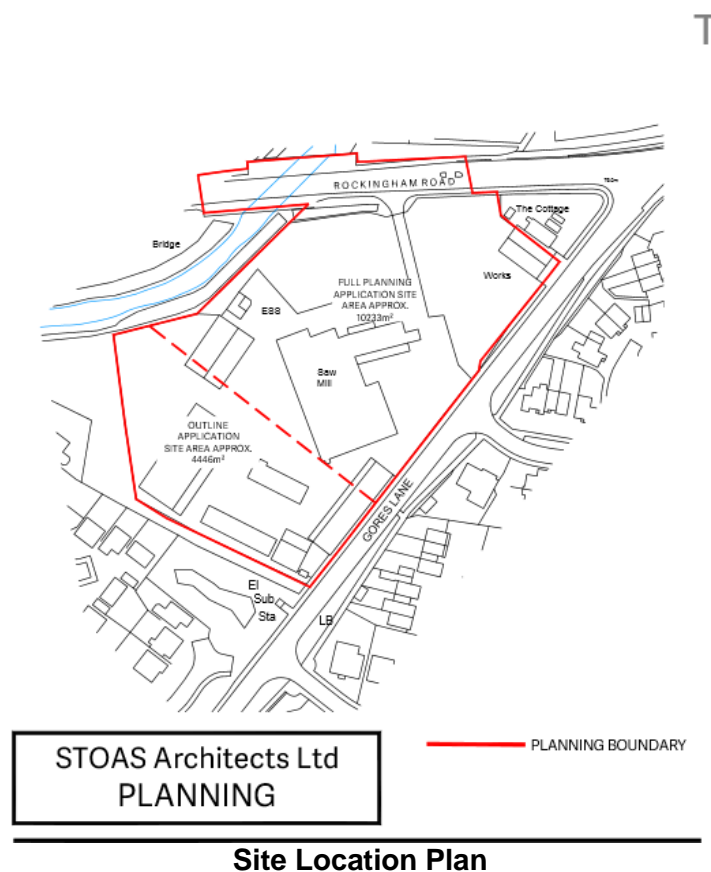
Recommendation

Planning Permission is **APPROVED**, for the reasons out in the report, and subject to the conditions outlined in Appendix A and the signing of a Unilateral Undertaking / S106 Agreement to facilitate the obligations set out in Appendix B.

1. Site & Surroundings

- 1.1 The application site (1.47ha) is located on land between Gores Lane and Rockingham Road (A4304), close to the junction of the two roads.
- 1.2 The site is brownfield and has been occupied by "Glenmere Timber Company" since 1979, which specialises in supplying hardwood. There is a mix of single storey buildings which are both industrial (saw mill) and storage (of timber products); a two-storey red brick office building a large yard area and car park. It was explained on site that due to the decline of the industry in the Harborough district, sawing no longer takes place and the site is predominantly used for storage purposes and limited dry kilning activity.
- 1.3 The site falls around 1m from +77.0m AOD at its south-eastern boundary to about +76.0m AOD in the north-west adjacent to the River Welland, a gradient of about 1 in 80.

- 1.4 To the east, south and west are predominantly residential properties. To the North (across Rockingham Road) is a large mixed employment area.
- 1.5 Approximately 300m from the site to the north-west is Market Harborough train station. The existing ALDI food store which is to be relocated to the site is approx. 650m from the site to the south- west. The town centre of Market Harborough lies approximately 1km to the east of the site.





Aerial view (2018) (Uniform, Spatial Database)

View from within and outside of the site (Officers own, unless stated)



View of yard and some of the industrial buildings on site



View of brick building within site and brick residential dwelling (known as 'The Cottage') outside site



View of 'The Cottage' (photo's supplied by Horton Estate Agents)



View of Rockingham Road from site access 1 (existing and to be utilised by the retail unit)



View of Gores Lane from site access 2 (existing and to closed)



View of site and site access 2 from Hartland Drive



View of site from Gores Lane



View of residential dwellings opposite site access 2 and from within the site



Boundary treatment between site and 5 Medway Close



View from within site towards residential dwellings within Claremont Drive





View of site from Rockingham Road

2. Site History

- 2.1 There have been no recent applications on the site. The last application was received in 2010 (planning ref: 10/00218/FUL) for the replacement of old timber drying klins and prior to this consent, a series of applications between 1979 and 1989.

3. The Application Submission

- 3.1 This is a hybrid application which seeks full planning permission for a new supermarket (use class Ea), together with associated car parking, servicing areas and landscaping and outline planning permission for employment development (mixed class E(g), B2 and B8), with all matters reserved except access.

<p>Class B2</p> <p>General industry</p> <p>Industrial process other than one falling within the uses described in Class E, sub-paragraph (g)</p>
<p>Class B8</p> <p>Storage and distribution</p>
<p>Class E</p> <p>Commercial, Business and Service</p> <p>Use, or part use, for all or any of the following purposes:</p> <p>a) Shop other than for the sale of hot food</p> <p>b) Food and drink which is mostly consumed on the premises</p> <p>c) the following kinds of services principally to visiting members of the public</p> <ul style="list-style-type: none"> i. financial services ii. professional services (other than medical services) iii. any other services which it is appropriate to provide in a commercial, business or service locality <p>d) Indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms)</p> <p>e) Medical services not attached to the residence of the practitioner</p> <p>f) Non-residential creche, day centre or nursery</p> <p>g) i) office ii) the research and development of products or processes or iii) any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)</p>

Extract of Use Class Order (amended September 2020) (Lichfields)

- 3.2 The site is proposed to be divided into two parts, with the northern area for retail use as a food store and a south-western area for industrial use. The proposed site plan is illustrated below:



Proposed Site Plan

Retail Unit

- 3.3 The proposed food store, will be occupied by Aldi. Aldi is known as a 'deep discount retailer'. It restricts the range of core product lines to approximately 2,000 products of mainly exclusive own labels at the lowest possible price. In addition to the core products, sold year round, each store will also sell a range of seasonal grocery products, which will vary throughout the year. The overall number of products sold within each Aldi store is considerably less than in the larger supermarkets operated by the mainstream UK operators, which stock in the region of 20,000 - 40,000 product lines.
- 3.4 Additional distinguishing features are that Aldi do not sell cigarettes and tobacco products, stationary products and pharmaceutical products. The Aldi trading philosophy does not include a specialist butcher, fishmonger, in-store bakery, delicatessen or hot food counter which are commonplace in larger supermarkets. Aldi stores also do not accommodate in store cafes / restaurants or franchises such as photo processing, dry cleaning or opticians.
- 3.5 Aldi's stores dedicate approximately 20% of their floorspace to comparison goods. These goods are sold as 'special purchases' on a 'when it's gone, it's gone' basis. This approach is highly seasonal and there is a continued variation in the type of goods that may be on offer. This is a key difference for Aldi when compared to larger supermarkets that typically have 30-40% of their floor area for comparison goods, the majority of which is occupied by permanent product ranges.
- 3.6 The proposed food store will have a Gross External Area (GEA) of 1863m²; a Gross Internal Area (GIA) of 1786m² and a Retail Sales Area of 1315m². In addition to the sales area, mainly for food, with a small range of non-food products; the store will

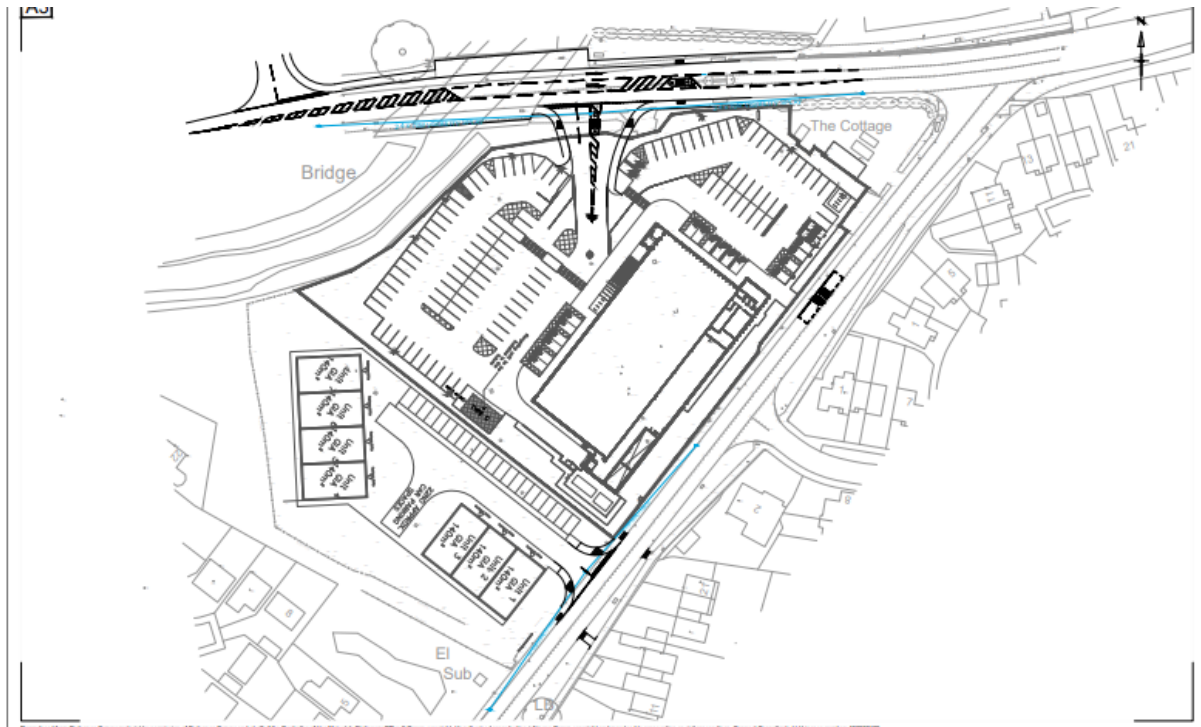
provide a customer accessible toilet, including Baby changing facilities; warehousing, plant room, cold rooms, servicing areas, staff areas including welfare and offices and a delivery bay.

- 3.7 The building will be single storey with a flat roof and parapet with overall height approx. of 5.46m to the top of the roof parapet from finished floor level (set at =77.0AOD; about 0.15m above existing average ground level). The roof plan shows approx. 192 solar panels. External treatment of the building has been amended during the course of the application as illustrated below.



Originally Proposed Elevations

- 3.10 The proposed site access (illustrated on the plan below) to the new food store will comprise a priority junction with right turn lane formed with the A4304 Rockingham Road. The Aldi site access will form the minor arm. There will be a two lane exit from the site. Customers and service vehicles will access the site via the aforementioned access. There will be direct footway connections between the entrance to the store and the A4304 Rockingham Road.



Proposed Site Access Plan

- 3.11 A total number of 129 car parking spaces will be provided, of which eight will be reserved for disabled users and six for parents with young children. Four of the 129 parking spaces will be active electric vehicle charging spaces. A further 22 spaces will be passive electric; i.e. they have the ability to be converted for EV use in the future
- 3.12 Store delivery vehicles will reverse down a ramp to the loading bay, which allows stock to be unloaded from the back of the delivery vehicle directly into the warehouse at the same level. This speeds up the process and minimises vehicle movements and noise levels. There is also a curtain that seals around the rear of the vehicle to reduce noise further.
- 3.13 Aldi generally have up to 5 deliveries per day including up to 3 main deliveries by HGV and up to 2 local delivery vehicles for products such as fresh milk. Aldi's deliveries are a mixture of items, rather than having separate deliveries of food, non-food, fresh etc.
- 3.14 The application form advises opening hours will be:
- Monday-Saturday 08:00-22:00 hours
 - Sunday:10:00-16:00

- 3.15 The application documentation advises that all existing Aldi employees (35 FTE jobs) will be relocated to the new store and the new floorspace will support an additional 10 FTE jobs at the site.

Employment Units

- 3.16 In addition to the proposed Aldi store, outline permission for up to 980sqm of employment floorspace is proposed (uses falling within Class B2, B8 and Eg (formerly use class B1)). The exact end users of the employment units have yet to be confirmed, but based on the suggestion floorspace, the proposal could generate an estimated 20 FTE jobs. The units will be accessed via a simple priority T-junction formed with Gores Lane (see above proposed access plan). The existing Gores Lane entrance would be closed.

Application Documentation

- 3.17 In addition to the application form and site location plan and existing plans; the following documentation has been submitted in support of the application:

- Design and Access Statement
- Planning Statement
- Arboricultural Impact Assessment
- Climate Change Statement
- Economic Benefits Statement
- Noise Impact Assessment
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Tree Schedule
- Land Contamination Assessment
- External Lighting
- Tree Protection Plan
- Preliminary Ecological Appraisal
- Flood Risk Assessment
- Landscaping Strategy
- Site Layout Masterplan
- Elevations/Floorplans
- Topographical Survey

- 3.18 During the course of the application, additional information has been submitted to address comments raised and includes:

31.08.22

Response to Firstplan (on behalf of Waitrose) objection

16.09.22

Updated Flood Risk Assessment & Drainage Strategy (September 2022)

Response to comments from Council's Environment Coordinator

21.09.22

Response to comments from Environmental Health Officer

26.09.22

Updated elevations to address visual appearance concerns. The render colour has been amended from white to grey. New timber panelling has also been added to the elevations alongside the render and glazing.

10.10.22

Rebuttal to the financial contribution requested by the Neighbourhood and Green Spaces Officer.

11.10.22

Otter and Water Vole Report

21.10.22

Technical Note 6 – Employment Trips & Swept Path Analysis

31.10.22

Response to Case Officer e-mail 10.10.22 (Briefing Note – October 2022)

Updated elevations to address visual appearance concerns.

26.01.23

Technical Note 8 – Traffic Flows and Assessment

Pre-application Engagement

- 3.19 Prior to submitting the planning application extensive pre-applications discussions took place between June 2021 and January 2022.
- 3.20 The initial proposal consisted of a foodstore (full planning permission) and residential (outline planning permission). This was later amended to consist of a hybrid application for a foodstore (full planning permission) and employment uses (outline planning permission) with the latter uses substituting for residential use. Advice was provided on the scheme's layout and design and the LPA's interpretation of HLP Policy BE3.

4. Consultations and Representations

Publicity

- 4.1 Site Notices were posted on 15.08.2022 (on Gores Lane and Rockingham Road) and an Advert was placed in the Harborough Mail on 25.08.2022.



Site Notice Posted on Rockingham Road

Consultation Responses

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

a) Statutory & Non-Statutory Consultees

Consultee	Date	Summary
<u>National Bodies</u>		
Environment Agency	-	Consulted; no comments received
<u>Regional / Local Bodies</u>		
Leicestershire Police	15/12/21	No formal objections in principle to the application however observations made in relation to CCTV coverage; lighting; secure perimeter enclosure and other secured by design recommendations
Anglian Water	02/12/22	No objections subject to condition (foul and surface water drainage) and informative
<u>LCC</u>		
Highways	16/02/23	No objections, subject to conditions and S106 contributions sought, to include travel packs, bus passes, travel plan coordinator and travel plan monitoring fee and improvements to junction signals; bus stop and cycleways
Archaeology	15/07/22	No objections, subject to condition requiring post-determination trial trenching
LLFA	16/12/21	No objections, subject to conditions (surface water drainage/management and maintenance) and informative.

Ecology	05/12/22	No objections, subject to conditions (and informative.
<u>HDC</u>		
Contaminated Land	07/12/22	Due to the historic use of the site and findings of the preliminary risk assessment, pre-commencement and pre-occupation conditions requested relating to contaminated land
Environmental Co-ordinator	29/09/22	<p>The provision of EV charge points and the potential to expand is welcome, as is the provision of bicycle parking.</p> <p>The additional information on the utilisation of PV on the roof, together with more information on the construction approach, does now ensure that the application is compliant with policy CC1.</p> <p>The development is very close to the River Welland and so an effective sustainable drainage system is also vital to ensure pollutants do not enter the river.</p>
Environmental Health Officer	16/02/23	Following the submission of additional information 15.02.22; no objections to the retail development from a noise perspective. Additional external lighting information is required and can be secured by way of condition. No objections to the outline application subject to conditions requiring a noise impact assessment and external lighting details.
Public Open Spaces Officer	29/07/22	Should the development be permitted the off site contribution sought for enhancement of watercourses in and around Market Harborough to improve ecological status, reduce flood risk and to enhance access to the water environment is £135,500.00
Parish Council / Other		
East Farndon Parish Council		Objects. The development / relocation of the Aldi supermarket to this site, further from the town centre will lead to fewer shoppers visiting the town centre, damaging the vitality and viability of the town centre, in direct contradiction to objectives of Policy RT2 of the adopted Harborough Local Plan.

Market Harborough Civic Society	<p>The Market Harborough Civic Society raises strong objections to this application for the reasons;</p> <p>1 The proposal is contrary to the Harborough Local Plan as the site is not allocated for retail development. The erection of a new store, particularly with this floor space, will be seriously detrimental to the viability and well being of the Town Centre.</p> <p>2 The Civic Society considers that the proposals to gain access to and from the site will cause serious congestion on the busy Rockingham Rd and will be a danger to other road users. Queues of traffic, that have backed up at the traffic lights to the east, will provide little opportunity for vehicles to turn right in and out of the store. Queueing traffic will also cause problems to the west for heavy and slow moving vehicles using Riverside and the low Railway Bridge.</p> <p>3 The Civic Society does not agree with the applicants statement (Para 1.6 of Statement) that "the site is within a highly sustainable location in relation to public transport provision". Traffic to and from the site will not use the railway. Bus services, in Market Harborough, are infrequent and unreliable and are not attractive to customers of this type of store. The development is designed to accommodate customers using a car and it is not SUSTAINABLE</p> <p>4 The proposed retail development will be detrimental to the neighbouring residential properties particularly as it has longer operating hours and requires floodlights.</p>
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b) Local Community

4.3 Direct neighbour consultation was undertaken with those properties adjacent to / opposite the Site..

7 x separate household objections:

- Locating a large store in a separate location would impact footfall within the independent stores at the centre of town- the thing that makes Harborough
- I can not see how there is space for a turning lane to be implemented.
- I have concerns about the impact on the local residents, particularly relating to noise & light. Including what controls are in place to restrict the delivery times
- It is the erection of mixed class units I object to. These are proposed to be for Industrial use. Due to their proximity to residential properties, Industrial use is not acceptable. Potential for noise pollution is high through industrial processes/machinery and heavy goods vehicles arriving and departing
- The development / relocation of the Aldi supermarket to this site, further from the town centre will lead to fewer shoppers visiting the town centre, damaging the vitality and viability of the town centre, in direct contradiction to objectives of Policy RT2 of the adopted Harborough Local Plan.
- Additional traffic will be generated, primarily on Rockingham Road, which already suffers from frequent congestion at busy times.
- The increased distance from the town centre will encourage a shift from more sustainable travel methods (for both customers and staff) to unsustainable car usage.
- It is likely that car parking provision at the proposed commercial units will be insufficient, leading to parked cars obstructing Gores Lane.
- The lack of onsite renewable electricity generation means the development will not contribute to addressing the climate change emergency.
- It is not clear in the application that the Retail Store development will provide good access to pedestrians which protects them from parking cars and lorries and doesn't mean they have to walk through car park; good access and covered storage for bicycles, with a good connection to the Harborough network of cycle paths; provision

of electrical car charging points, ideally including rapid charging station for visiting shopper

- The Transport Assessment:
 - presents an overly optimistic view of the share of trips to the site which will be foot, by bicycle or public transport (and therefore under-estimates the amount of car traffic
 - presents highway site access arrangements which are beneficial to cars entering and leaving the store but will adversely affect pedestrian cyclist safety, particularly children
 - Proposes measures to improve highway access, no measures to improve facilities for other modes
 - Lacks robust evidence on the likely traffic impacts, in particular congestion on Rockingham Road, in particular due to use of very old traffic count data
 - Presents analysis and proposes mitigation of the Gores Lane/Rockingham Road junction which has been based on a LINSIG computer model, which is flawed

1 x objection raised by Harborough Transport Action (a sub-group of Sustainable Harborough Community)

If cycling is deemed to be a viable mode of transport, particularly for staff and customers making 'top up' shopping trips, then this application should now fill the gaps between existing shared use cycleways, addressing cyclist safety and linking the proposed store with new estates on the outskirts of town. As a minimum, Harborough Transport Action proposes that the Planning Authority should use this application to create shared use cycleways, funded by s106 contributions: i) on the east side of Gores Lane linking Kettering Road and Rockingham Road and ii) filling the gap on Rockingham Road between Gores Lane and the railway station.

1 x objection raised by Welland Court Management Company

As management company for a number of businesses on Riverside Industrial Estate, we would agree with Market Harborough Civic Society's comments regarding this application. Riverside is a very busy estate throughout the day and especially at peak times it is difficult to exit the road for cars and lorries which have to swing out on to the opposite side of the road to make the turn onto Rockingham Road, can we suggest an extended turning lane for Riverside to be installed at the same time or can a roundabout be installed on Rockingham road/gores lane junction to serve this by purchasing the house on the corner ? or can the industrial unit scheme be reduced to allow a roundabout to be installed along Gores lane? Rockingham Road is very busy and will be difficult to exit Aldi's proposed Junction if turning Right as queued traffic would have to let cars from the development join the queue on Rockingham road at the traffic lights. We look forward to Highways comments on this application

1 x objection also raised by planning consultants, First Plan on behalf of Waitrose (Turley, on behalf of the Applicant, responded to this objection (31.08.2022) (an extract of this their response is provided in *italic*. No further comments from First Plan have been received)

- Insufficient evidence has been provided to demonstrate that the requirements of Aldi cannot be met in situ, through adaptation/rebuilding using the existing store/site.

The PRS provides a reasoned explanation as to why the existing store site cannot be considered sequentially preferable for the scale and type of development proposed at Rockingham Road/Gores Lane.

- Questions the robustness of the retail impact assessment presented and the use of a benchmark assessment to examine the impacts of the proposal on the Town Centre.

The retail assessment assumes that 80% of the convenience goods turnover of the enlarged replacement Aldi store will be derived from stores within the Town Centre. We disagree that this significant level of trade diversion represents an underestimate. Rather than drawing more than 10% of its trade from the Waitrose store, the replacement store is likely to draw a higher proportion of its trade from the Lidl store (40%) in accordance with the 'like for like' principles embodied within the PPG, as well as from the incentre Sainsbury's store (25%) and B&M Homestore at Rockingham Road (10%). In our view, the level of trade diverted from the town centre represents a conservative and robust estimate.

- Should planning permission be granted for the replacement Aldi store at Gores Lane, it should be subject to a condition which prevents the reoccupation of the unit by another convenience retailer.

There is no reasonable basis to seek to restrict the future occupation of the vacant Aldi unit to any user falling within the E Class use. That radical change to the Use Classes Order was introduced specifically to enable greater flexibility in the re-use of existing property within town centres in the face of changing shopping habits and economic uncertainties over the future role of shopping centres. Should the existing store play as important an edge of centre role as FP suggest, then the attraction of another food retailer into the town centre following the departure of Aldi would be a welcome boost to the centre health from linked trips on foot.

136 separate household letters of **support** have been generated via Aldi's on-line consultation:

<https://aldiconsultation.co.uk/marketharbrough> - which are then forwarded to planning@harborough.gov.uk

Key points raised include:

- A new food store regenerates a brownfield site and provides a more accessible store for local people
- The new store will offer more choice and better accessibility
- The new store will provide additional jobs while retaining existing jobs and provide further opportunities through the construction and supply chain
- The new store will enhance the surrounding area
- It will be good for Market Harborough
- A new store is needed
- Good quality and value for money supermarket
- Will help support the growing population of Market Harborough
- The new store will be built to new environmental standards reducing Aldi's carbon footprint

2 '**neutral**' comments have been received, points raised include:

- It is important that a cycle lane is implemented to keep cyclists safe when cycling to and from the store or passing through and it should link up to other nearby cycle routes
- Increased vehicle traffic will inhibit cycling unless infrastructure is put in place. The supermarket will also benefit from cycle access for smaller shopping trips.

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 (there is no NP for Market Harborough).

Harborough Local Plan

- 5.3 The relevant polices for this application are as follows:

Policy GD1 – Achieving sustainable development
Policy GD2 – Settlement development
Policy GD8 – Good design in development
Policy BE1 – Provision of new business development
Policy BE3 – Existing employment area
Policy RT1 – Provision of new retail uses
Policy RT2 – Town and local centres
Policy GI5 – Biodiversity and geodiversity
Policy CC1 – Mitigating climate change
Policy CC3 – Managing flood risk
Policy CC4 – Sustainable drainage
Policy IN1 – Infrastructure provision
Policy IN2 – Sustainable transport

- 5.4 The two most pertinent polices that relate to this application are Policy BE3 and Policy RT2. These polices are shown in full below:

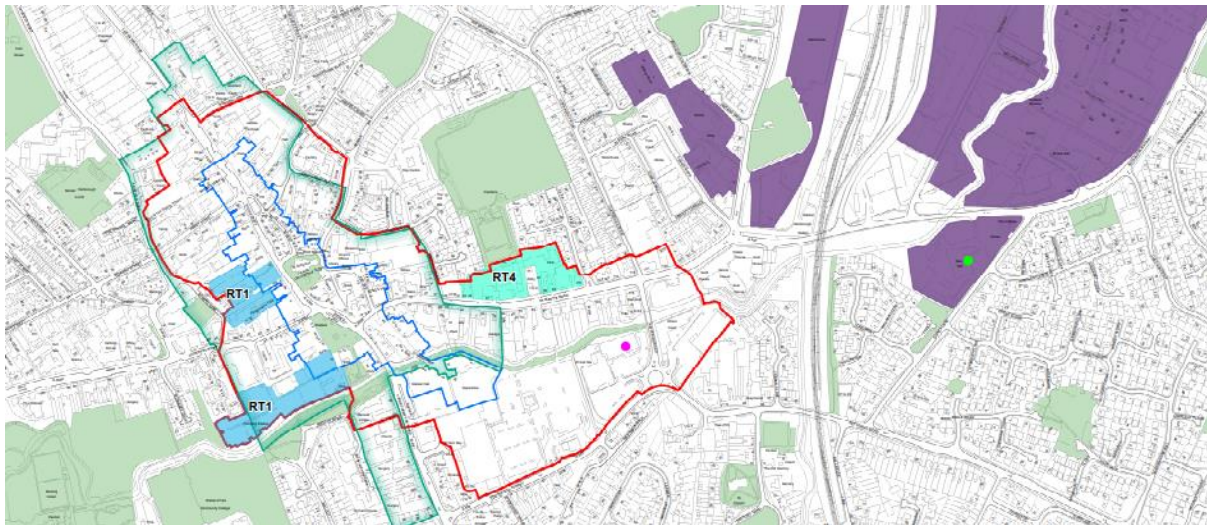
BE3 Existing employment areas

1. In Key Employment Areas, as identified on the Policies Map, development will only be permitted where it:
 - a. is for business use (Use Classes B1, B2, B8); or
 - b. is for small-scale uses providing services to support the business use; and
 - c. would not be detrimental to the quality and attractiveness of the Key Employment Area.
2. In General Employment Areas, as identified on the Policies Map, development will be permitted where it:
 - a. is for business use (Use Classes B1, B2, B8) or non-B class economic development uses subject to Policy RT2; or
 - b. is for small scale uses providing services to support the business or non-B class economic development use; and
 - c. would not prejudice the wider redevelopment or regeneration of the area;
 - d. would not result in any significant loss in employment;
 - e. would, where possible, enhance the quality and attractiveness of the General Employment Area; and
 - f. would not, alone or cumulatively, result in the General Employment Area ceasing to be predominantly in B class use.
3. Development of starter homes on industrial and commercial land that is considered under-used or unviable for future commercial uses and suitable for housing will be permitted providing that:
 - a. any such provision does not prejudice the use of other well-used or viable employment land or premises; and
 - b. the development would not result in unsatisfactory residential amenity for future residents.

RT2 Town and local centres

1. The vitality and viability of the following retail hierarchy of city, town, district and local centres will be maintained and enhanced:
Town centres: Market Harborough, Lutterworth;
District centre: Broughton Astley;
Local centres: Fleckney, Great Glen, Kibworth Beauchamp.
Town centres and primary shopping area
2. Within the town centres of Market Harborough and Lutterworth, as defined on the Policies Map, 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 either town centre will not be permitted.
3. Market Harborough primary shopping area, as defined on the Policies Map, 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.
4. Sequential test
Development, including extensions to existing facilities, for main town centre uses should be located in the defined Town Centres, then in edge of centre locations and only outside defined town centres if a sequential test shows that the development, having demonstrated appropriate flexibility in form and scale, cannot be accommodated within a suitable and available centre or edge of centre location.
5. Impact assessment
Development of main town centre uses outside the defined town centres, or of retail uses within Market Harborough town centre but outside the primary shopping area, will only be permitted if an impact assessment demonstrates that the proposal would not have a significant adverse impact on the vitality and/or viability of existing centres. An impact assessment will be required for development of, or in excess of:
 - a. 1,500 square metres gross in Market Harborough; and
 - b. 500 square metres gross elsewhere in the District.
6. Local centres
Within the local centres of Fleckney, Great Glen and Kibworth Beauchamp, as defined on the Policies Map, proposals for shopping and business uses, including mixed development with residential accommodation, will be permitted provided development proposals do not detract from the character of the area in terms of design, mass, material, height or location and the amenity of neighbouring residents is not adversely affected. Proposals outside the defined local centre will need to apply the sequential test and carry out an impact assessment in accordance with the threshold set out above.

5.5 Below is an extract of the Local Plan polices map; which is also pertinent to the application



Extract of Harborough Local Plan Proposals Map - Market Harborough

Key: Green dot – Application site; Purple Highlight – General Employment Areas (BE3); Red line – Town Centre Boundary (RT2); Blue Line – Primary Shopping Area (RT2); Green Line -Conservation Area; Purple Dot – Existing Aldi foodstore.

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

5.6 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
- Environment Act
- The National Planning Policy Framework ('the Framework' /NPPF) 2019
- National Planning Practice Guidance
- Circular 06/05: Biodiversity and Geological Conservation
- National Design Guide
- Community Infrastructure Levy Regulations
- Circular 11/95 Annex A - Use of Conditions in Planning Permission
- Leicestershire Planning Obligations Policy (July 2019)
- Leicestershire County Council 'Local Transport Plan 3' 2011-2026;
- The Leicestershire County Council Highways Design Guide (2018)
- Market Harborough Transport Strategy 2017 – 2031
- Planning Obligations Developer Guidance Note
- HDC Development Management SPD (December 2021)
- HDC Economic Strategy 2018-2023
- Harborough District Retail Study Update 2017
- Counsel Opinion's – Applicant and HDC's
- Case Law
- Town and Country Planning (Use Classes) Order 1987 (as amended) (effective from 1 September 2020)
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6. Assessment

Principle of Development

- 6.1 The application site is located within Market Harborough, identified as a Sub-Regional Centre in the district settlement hierarchy. Policy GD2 seeks to ensure that development is delivered in appropriate locations. Development is permitted within the existing or committed built up area of Market Harborough (which the site is) where:
- a. It respects the form and character of the existing settlement and, as far as possible, retains existing natural boundaries within and around the site, particularly trees, hedges and watercourses; or
 - b. It includes the redevelopment or conversion of redundant or disused buildings, or previously developed land or low environmental value, and enhances its immediate setting
- 6.2 The application will redevelop a brownfield site and as will be explained further within this report will enhance its immediate setting. The proposal is therefore judged to satisfy Policy GD2.
- 6.3 The town centre of Market Harborough lies approximately 1km to the east of the site and can be readily accessed on foot and by bike. In locational sustainability terms, the site is judged to offer a good level of accessibility by all modes of transport. In terms of walking, the site is surrounded by a pedestrian network that includes a number of crossing facilities, and a residential catchment within walking distance of the site. Small quantities of shopping ('top-up') can be carried on a cycle rack or within a rucksack and as such cycling is judged to also be a viable mode of transport to the site for potential customers and staff members and also for employees of the employment units.
- 6.4 The retail development will provide two separate cycle parking areas with total capacity for 18 cycles. One cycle storage area is located close to Rockingham Road providing storage for ten cycles via five Sheffield storage racks. The second cycle storage area is located next to the parent and child parking spaces and accommodates up to eight cycles via four Sheffield style racks. These facilities can be secured by way of condition. Cycling facilities for the employment units can be secured as part of a future reserved matters application.
- 6.5 Given the location of the development and the applicant highlighting the walking/cycling opportunities, the Local High Authority (LHA) consider it appropriate to secure improvements to the walking/cycling network along Gores Lane and Rockingham Road.
- 6.6 The nearest bus stop to the site is located to Gores Lane; adjacent to Hartland Drive, and approximately 400m from the centre of the food retail store. The stop accommodates northbound bus movement only. Bus service 33 can be accessed from this stop. Service 33 is operated by Centrebus and is a local Market Harborough circular service that operates hourly, from around 07:30 to 18:30 hours. The service operates 6 days a week which offers a viable mode of public transport, although Officers are aware Leicestershire County Council are currently reviewing a number of bus routes within the County, including Service 33.
- 6.7 This bus stop will be relocated to allow for the new access into the employment units. The LHA have advised the re-located bus stop (to be agreed as part of the Section 278 technical approval process) will include improvements including a raised kerb,

flag and pole and bus shelter to encourage a bus use as a more sustainable mode of travel (to be secured by way of condition).

- 6.8 Overall, the site is judged to be locationally accessible with opportunities to enhance the cycling/walking and public transport offering to be secured by way of condition/obligation.
- 6.9 The site is designated with the Harborough Local Plan Proposals Map as a “GEA”. The site is referred to under Policy BE3 as “Saw Mill Gores Lane”. Policy BE3 is broken down into 3 main parts: BE3(1) deals with ‘Key Employment Areas’ (‘KEAs’), BE3(2) with ‘General Employment Areas’ (‘GEAs’) and BE3(3) with starter homes.
- 6.10 Policy BE3(2) permits development where it:
- a. is for business use (Use Classes **B1***, B2, B8) or non-B class economic development uses subject to Policy RT2; or
 - b. is for small scale uses providing services to support the business of non-B class economic development use; and
 - c. would not prejudice the wider redevelopment or regeneration of the area;
 - d. would not result in any significant loss in employment;
 - e. would, where possible, enhance the quality and attractiveness of the General Employment Area; and
 - f. would not, alone or cumulatively, result in the General Employment Area ceasing to be predominantly in B class use.

***Case Officer Note:** This designation precedes changes to the Use Class Order which now means former B1 uses are within the new Class E.

- 6.11 Whilst the term ‘economic development’ is not defined, any such proposal is to be subject to Policy RT2, therefore it is appropriate to turn to RT2 and consider what forms of development it contemplates (i.e. what development would be ‘subject to’) Policy RT2 is concerned with maintaining and enhancing the vitality and viability of the town, district and local centres. It provides for the sequential and impact testing of ‘main town centre uses’ which are outside of those centres. The food store element of the proposed development is undoubtedly a main town centre use ‘subject to’ Policy RT2. As such the proposed foodstore falls within the types of uses envisaged by Policy BE3(2)(a).
- 6.12 There is a disagreement between the Applicant and Officers as to whether or not Policy BE3(2) (c)–(f) applies to proposals which fall within BE3(2)(a) or whether they are applicable solely to proposals which fall within BE3(2)(b). A matter which was discussed at length during pre-application discussions.
- 6.13 The LPA consider the criteria is applicable to proposals which fall within BE3(2)(a), whereas the Applicant does not and has submitted a Counsel opinion in support of their viewpoint. Officers have duly considered this advice and continue to contend the criteria is relevant to this proposal and sought Counsel advice to advise as to the correct approach to and interpretation of, Policy BE3. The LPA’s Counsel advice confirmed Officers view that the criteria is relevant to this proposal, but it also clearly showed a difference in legal opinions when interpreting this particular local plan policy.
- 6.14 The Applicant (and as confirmed by their Counsel opinion) also contends that Policy BE3 is out of date due to the changes to the Use Class Order which deleted Use Class B1 and subsumed it within the new Use Class E “Commercial, Business and

Service”; the same use class which includes class E(a) for the display or retail sale of goods other than hot food.

“Accordingly the Policy must be interpreted to allow uses within Class E on both KEAs and GEAs, and a change of use within that class is now not regarded as development. The practical effect of that position is that the weight to be afforded to Policy BE3 is likely to be reduced and the tilted balance may well be engaged in respect of the proposals such that permission should be granted unless the adverse effects significantly and demonstrably outweigh the benefits of the development.”
(Applicant’s Counsel Opinion)

- 6.15 However, the LPA disagree (a view shared by the LPA’s Counsel) that the reorganisation of the Use Classes Order and the creation of the new class E renders BE3 automatically out of date, although accept it is a material consideration.

“Whilst certain B class uses have changed (and now sit within Class E) it is quite clear by reference to the UCO as it was in force at the time of adopting the plan what those uses actually are.

Furthermore, simply because different uses are grouped together into a single use class does not preclude an LPA from granted a planning permission for specified uses within a use class. The purpose of the policy is to ensure the protection and revitalisation of identified employment sites. That purpose is not one which could be considered to be ‘out of date’.”

- 6.16 Notwithstanding these conflicting opinions, the Applicant has concluded that the proposal does not conflict with criteria c), d) or e), a view shared by Officers.

“In respect of criterion c), the Gores Lane GEA is self contained and there is no reasonable basis to suggest that its redevelopment for any purpose would prejudice the wider redevelopment or regeneration of the area (however defined). There are no planned or committed redevelopment or regeneration schemes in the vicinity of the site which would be affected by the proposals. In respect of criterion d), as we explain, the proposal, together with the relocation of the existing business on the site which will be enabled, should result in a net gain in local employment rather than a loss”

- 6.17 However, it would not satisfy criteria f *“would not alone or cumulatively, result in the General Employment Area ceasing to be predominantly in B Class use”*. Using the Cambridge English dictionary - predominantly = mostly or mainly.

- 6.18 There are different ways to calculate predominantly in this context and could include land area; floor space and job creation (although this is not an exhaustive list). In terms of land area; 37% of the site would be ‘B’ Class; with the non-B class economic development use (in this case retail) being 63%; so the site would not be predominantly B Class in land area terms. Next, floorspace; 35.3% of the site would be B Class an 64.7% non-B class economic development; so again the site would not be predominantly B Class in floorspace terms. Finally, in terms of job creation*, 24FTE B Class jobs would be created on site compared with 45 FTE jobs created for the non-B class economic development, so again the site would not be predominantly B Class in job creation terms. It is clear to Officers therefore that the proposal would *“result in the General Employment Area ceasing to be predominantly in B Class use”*.

* Glenmere Timber Company has a second site at Riverside Industrial. It is the intention of

the business to consolidate the site with Riverside, where there is the space to transfer the existing business and its four employees- so no jobs are intended to be lost from the current site as a result of the proposal.

- 6.19 Notwithstanding that Officers consider the proposal would not satisfy criteria (f) the proposal will stimulate economic development and employment opportunities by incorporating both Class B and non-B class economic development. Furthermore, it will significantly enhance and intensify the use of this brownfield site which is currently under utilised and has a poor visual appearance. The Applicant has also agreed to the Officers request to implement a marketing strategy for the employment land prior to the opening of the new store. In addition ALDI will ensure that the employment land is cleared and levelled as part of the initial preparatory works. This will include the demolition of all existing buildings and provision of a clear, levelled site ready for future development. This can be secured by means of a legal agreement.
- 6.20 It is important to note that non-compliance with one sub-criteria of a policy does not automatically lead to a breach of the Policy (in this case Policy BE3) or importantly, the development plan read as a whole; which now turns our attention to assessing whether the development satisfies the relevant retail policies of the Development Plan and NPPF.
- 6.21 Policy RT1 (Provision of New Retail Uses) states that during the plan period additional retail provision will be made for a minimum of 4,300sq m (gross) of convenience floorspace and a minimum of 10,100sqm (gross) of comparison floorspace. The Harborough Retail Study Update (2017) provides an update of the District wide needs assessment for retail floorspace in Harborough. Floorspace of 3,100 sq m (gross) convenience and 8,000sq m (gross) comparison is targeted for Market Harborough. Retail or mixed use developments contributing to the delivery of this retail floorspace targets to 2031 will be permitted provided they are in accordance with Policy RT2.
- 6.22 Policy RT2 (Town and Local Centres) is concerned with supporting the retail hierarchy and promoting the continued vitality and viability of the District's town and local centres, with particular emphasis on Market Harborough.
- 6.23 Market Harborough has a defined 'Town Centre Boundary' (TCB) and also has an identified 'Primary Shopping Area' (PSA) (see proposals map earlier in the report). The site is located within the TCB but outside the PSA. The proposed development would involve replacing the existing Aldi store with a larger store on an out of centre site.
- 6.24 Policy RT2 (as per the NPPF) sets out two key tests that should be applied when considering proposals for main town centre uses which are not in an existing town centre, namely the sequential test and the impact assessment. Both are designed to ensure that development does not undermine the health of exiting town centres.
- 6.25 The Sequential Test is considered first as it may identify more preferable sites in the town centre, referred to as a 'town centre first' approach. If no such sites are found, then the development is subject to the impact test to determine the likely adverse impacts of locating the development outside the town centre.

Sequential Test

- 6.26 The sequential approach to site selection for main town centre uses is set out in paragraphs 87 and 88 of the NPPF. The NPPF and PPG provide limited guidance on the appropriate area of search for sequential sites, but it is widely accepted that sequential sites should serve the same or similar catchment area when compared with the application site. The proposed replacement Aldi store is likely to have a relatively localised catchment area, with most trade coming from Market Harborough's urban area. Potential sequentially preferable sites within or on the edge of Market Harborough town centre should therefore be considered. The applicant is not required to demonstrate their proposals are needed, but the NPPF suggests an applicant must demonstrate the development cannot be met in sequentially preferable locations, allowing for flexibility. Applicants should be flexible in terms of the scale of development proposed together with customer car parking and servicing areas) - in this case a regular shaped site of about 0.6ha is potentially large enough to accommodate the proposed store of around 1,300sqm net. In terms of the availability of sequential sites, an alternative site should be available within a similar timeframe to the proposed development (which on the basis that the proposed development is likely to be completed by late 2023/ early 2024 and trading to its full potential by 2025, this timetable is likely to rule out sites that are not currently assembled, thereby allowing construction to commence in 2023/24).
- 6.27 Before looking into other sites, the Applicant has explained that it did consider whether it was feasible to either extend or rebuild the existing Aldi store to provide a larger store to meet their current needs and that various schemes have been drawn up, evaluated and rejected on the grounds of insufficient space to build an extension due to physical land constraints e.g. the river to the north; Kettering Road/Springfield Street to the east and south and commercial (Waitrose) to the west. An extension to the store by building into the existing car park area is possible but it would lead to a reduction in car parking spaces to 85 spaces (from 100) with existing provision already struggling to meet customer demand. High redevelopment costs were also mentioned. As a result of these constraints, Aldi has concluded it is not commercially viable to upgrade and expand the existing store. It should be noted, Aldi have not provided details or drawings of these potential schemes, however, the constraints are accepted by Officers and it would appear opportunities to extend or re-build the store are not suitable on this constrained site.
- 6.28 5 potential site opportunities in Market Harborough town centre have been considered by the Applicant as follows:
- Policy RT1 – allocation land off High Street;
 - Policy RT1 – allocation at the Commons Car Park;
 - Doddridge Road Car Park;
 - Site at Junction of Kettering Road and St Mary's Road; and
 - Site at St Mary's Road.
- 6.29 An analysis of each site has been provided by the Applicant and independently verified on behalf of the LPA by Lichfields* and based on the information provided there are no suitable and available sequential alternatives within or on the edge of Market Harborough town centre.

*Case Officer Note - Lichfields prepared the Council's Harborough Retail Study in 2013 and 2017

- 6.30 The NPPF (paragraph 90) indicates that impact assessments are required for applications for retail development located outside of town centres and not in accordance with an up-to-date plan. Paragraph 90 of the NPPF indicates where there is no locally set floorspace threshold within an up-to-date development plan, retail impact assessments will only be required for developments of 2,500 sq.m gross or more.
- 6.31 The NPPF states that planning applications for town centre uses should be assessed against the impact of the proposal on:
- existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.
- 6.32 If a proposal is likely to lead to a significant adverse impact, then it should be refused.
- 6.33 The proposed store is outside Market Harborough town centre but is below the NPPF impact threshold of 2,500 sq.m (GEA). However, Policy RT2 sets a lower threshold of 1,500 sq.m gross for retail development in Market Harborough, therefore a retail impact assessment is required in this case.
- 6.34 The Aldi store will have a gross floor area of 1,786sq.m (GIA). The net sales area is 1,315sq.m net, suggesting a net to gross ratio of just under 74%. 80% of the store's net sales floorspace will be devoted to convenience goods (food and grocery products) with the remaining 20% devoted to comparison goods, which is a reasonable assumption for a discount food store of the size proposed. Lichfields have advised the LPA the small element of ancillary comparison goods sales is insignificant and does not raise retail impact concerns.
- 6.35 The estimated convenience goods turnover of the new Aldi store is £11.92 million in 2025 (allowing for a two year period post completion of the store to achieve full and settled trading patterns). The Applicant's impact assessment assumes all of the existing Aldi store's turnover (£7.76 million convenience goods) will be diverted to the new Aldi store. No redistribution of trade to other town centre stores is assumed. In this respect Lichfields have advised the LPA the Applicant figures represent a worst case reduction in the town centre's turnover.
- 6.36 The net increase in sales floorspace compared with the existing Aldi store is 459sq.m net, split 367sq.m net of convenience goods sales and 92sq.m of comparison goods sales. Lichfields have advised the LPA the Applicant has not underestimated the increase in convenience or comparison goods turnover.

Trade diversion to the new Aldi store

- 6.37 Most of the net increase in turnover (£4.84 million) is expected to be diverted from stores/shops in Market Harborough. In total, the Applicant estimates 79% (£3.83 million) of the uplift in turnover will be diverted from Market Harborough town centre. The total loss of town centre trade, including diverted trade from the existing Aldi store is £12.85 million. Lichfields have advised the LPA that whilst these estimates are matters of judgement, this distribution of trade diversion appears to be reasonable, on the basis that like tends to compete with like and the food stores nearest to the proposal will be more affected than stores further away.

Trade diversion to the re-occupied Aldi store

- 6.38 The maximum comparison good turnover of the reoccupied Aldi premises is estimated to be £5.51 million. In total the Applicant estimates 75% (£4.13 million) of the comparison goods turnover will be diverted from Market Harborough town centre. Lichfields have advised the LPA as Lidl, Waitrose and Co-op stores are not within the primary shopping area, trade diversion from these stores to the reoccupied Aldi store should represent a neutral impact on the town centre's vitality and viability. Comparison goods trade diversion from the primary shopping area is not more than £3.45 million.
- 6.39 The maximum convenience good turnover of the reoccupied Aldi premises is estimated to be £11.02 million. In total the Applicant estimates 70% (£7.71 million) of the convenience goods turnover will be diverted from Market Harborough town centre. Again, Lichfields have advised the LPA trade diversion from the Lidl, Waitrose and Co-op stores outside the primary shopping area should represent a neutral impact on the town centre's vitality and viability. Convenience goods trade diversion from the primary shopping area is not more than £3.58 million.

Implications for the town centre

- 6.40 The Applicant has assessed four impact scenarios on the impact on the vitality and viability of the town centre as follows:
- 1 Replacement Aldi with no reoccupation of vacated Aldi unit;
 2. Replacement Aldi with reoccupation of vacated unit by comparison goods retail;
 - 3 Replacement Aldi with reoccupation of vacated unit by convenience goods retail;
 - 4 Replacement Aldi with reoccupation of vacated unit by mixed retail.
- 6.41 The impact results of these scenarios for the town centre are summarised in the Table below (produced by Lichfields on behalf of the LPA). The results are consistent with the figures shown within the Applicant's Briefing Note (October 2022):

Scenario	Primary shopping area turnover (£million)	Remainder of town centre turnover (£million)	All town centre turnover (£million)
Baseline - no development	97.18	47.18	144.36
Sainsbury's, Desborough	94.55	47.18	141.73
1. Replacement Aldi only	91.95	36.93	128.88
2. Replacement Aldi + comparison reoccupied unit	89.60	40.66	130.26
3. Replacement Aldi + convenience reoccupied unit	89.47	42.72	132.19
2. Replacement Aldi + mixed retail reoccupied unit	89.54	41.69	131.23
Scenario	Primary shopping area % change	Remainder of town centre % change	All town centre % change
Baseline - no development	0.0	0.0	0.0
Sainsbury's, Desborough	-2.7	0.0	-1.8
1. Replacement Aldi only	-5.4	-21.7	-10.7
2. Replacement Aldi + comparison reoccupied unit	-7.8	-13.8	-9.8
3. Replacement Aldi + convenience reoccupied unit	-7.9	-9.5	-8.4
2. Replacement Aldi + mixed retail reoccupied unit	-7.9	-11.6	-9.1

Market Harborough town centre impact summary (2025)

6.42 Lichfields have advised the LPA:

“Scenario 1 (with no reoccupation of the vacated Aldi) has the highest cumulative impact on the town centre as whole -10.7%. The cumulative impact on shops/stores in the primary shopping area (PSA) is -5.4%, primarily concentrated on the Sainsbury's food store. Impact on the rest of the town centre is much higher but most of this impact relates to the transfer of trade from the existing Aldi to the replacement store rather than a reduction in trade at the Lidl, Waitrose or Co-op stores. The overall cumulative impact on the town centre is marginally lower if the Aldi store is reoccupied for other retail uses, ranging from -8.4% to – 9.8%. The net loss of linked trips to the town centre is unlikely to significantly increase impact on the town centre, perhaps by only -£0.1 million. The potential for linked trips could be increased by allowing customers to park at the new store for up to 3 hours.

The main disbenefits of scenario 1 for the town centre are:

- *£3.84 million of additional trade diversion from stores/shops in the town centre;*
- *a reduction in the choice of food stores available in the town centre following the closure of the Aldi store; and*
- *a potential long-term vacant store in the town centre if the Aldi store is not reoccupied.*

The £3.84 million trade diversion represents an average reduction in retail trade for shops /stores in the town centre of -2.8%, which is lower than the projected +3.2% growth in convenience goods expenditure between 2022 and 2025. Existing food stores within the town centre are expected to continue to trade satisfactorily and are unlikely to experience trading difficulties.

The closure of the Aldi store, if not reoccupied by another food store operator, will reduce the

choice of food stores in the town centre. However, town centre customers will still have a good choice of food stores i.e. Sainsbury's, Lidl, Waitrose, Tesco and Co-op. The reduction in food store choice is not considered to be significant and should not disadvantage less mobile customers.

A large long-term vacant store is undesirable, but the existing Aldi store is in a relatively Peripheral position. A vacant unit in this location is unlikely to undermine investment confidence within the town centre or significantly alter footfall. However, Aldi as freehold owner of the store, has provided limited information on how they intend to secure a new use for the vacated unit to minimise the long term impact on the town centre.

The key concern relating to other scenarios involving the reoccupation of the vacated Aldi unit for retail use is the potential additional impact on the PSA. The Sainsbury's and Tesco stores are expected to trade below average but are not expected to close or experience trading difficulties. Worst case cumulative impact on other shops in the PSA is -6.1%, assuming a comparison goods retailer occupies the Aldi store, but this level of impact should be offset by comparison goods expenditure growth between 2022 and 2025 (+8.8%).

On balance, the closure and replacement of the Aldi store, with or without the reoccupation of the vacated unit, is not expected to have a significant adverse impact on the town centre's vitality and viability"

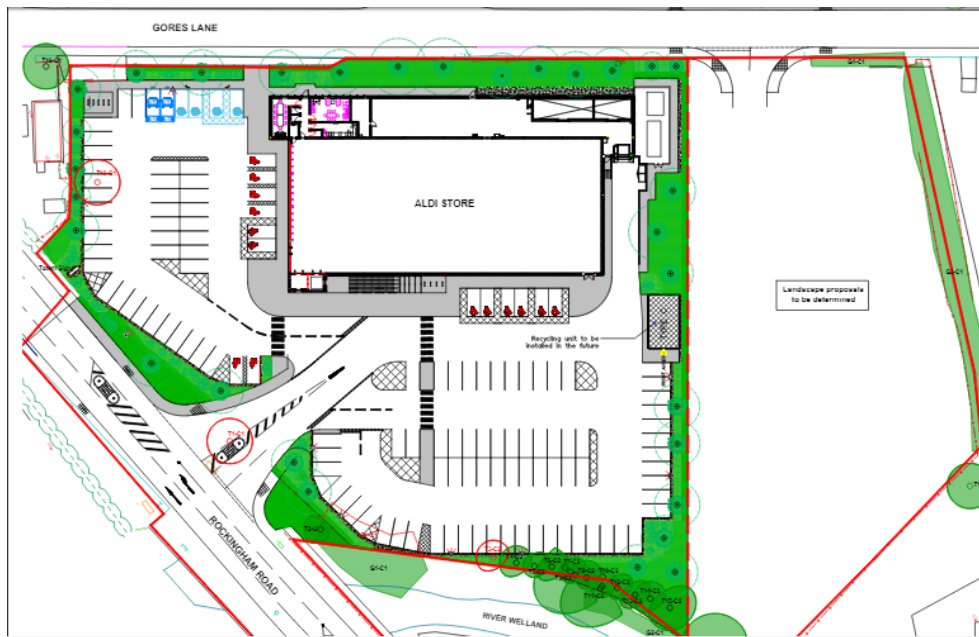
- 6.43 Officers agree with the overall conclusions made by Lichfields. Of particular note, is that the worst case scenario for the town centre could be the failure to find another retail occupier for the vacated store. This scenario will result in the most significant net reduction in total retail trade within the wider town centre area. The Applicant has therefore agreed to Officers request to implementing a marketing strategy to facilitate the reoccupation or redevelopment of the unit within 6 months of the opening of the new store, which can be secured by legal agreement. The Applicant has also agreed a 3-hour car park limit for ALDI customers (they would normally operate a 90 minute time limit for its car parks), subject to its operation being in accordance with an agreed Car Park Management Plan (to be secured by way of condition). The management plan would include a review mechanism that would be triggered should a demonstrable issue be identified. This would encourage linked trips by customers into the town centre.
- 6.44 With the advent of Use Class E, it is possible that some / all the E(g) use floorspace could change under Permitted Development Rights to other aspects of Class E use in future. Given that site is outside of the town centre and the scope for change within Class E includes shops, a condition is suggested that restricts such a change to further safeguard the vitality and viability of the town centre.
- 6.45 Objections from the local community, East Farndon PC, Market Harborough Civic Society and Waitrose are acknowledged. However the Applicant's retail assessment has been independently assessed by Lichfields which has concluded the proposal is "not expected to have a significant adverse impact on the town centre's vitality and viability". Officers are satisfied therefore that the proposal complies with Policy RT2 and the NPPF. Therefore overall, the principle of development is judged to be acceptable.

Design and Visual Amenity

- 6.46 Section 12 of the NPPF refers to achieving well designed places, specifically; paragraph 126 states that the creation of high quality, beautiful and sustainable

buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130, amongst other things states that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

- 6.47 Policy GD8 requires development to achieve a high standard of design which is inspired by, respects and enhances local character and distinctiveness.
- 6.48 The visual character and quality of the current site is relatively poor. The buildings (except for the red brick building adjacent to 'The Cottage') have little architectural merit and the site possesses very little landscaping. As such there is a real opportunity to enhance the character and appearance of the site.
- 6.49 The Planning Statement advises the site layout has been derived to maximise visibility of the store from Rockingham Road in order to improve passing trade and thus the commercial viability of the site. A low-level landscaped buffer with some trees is proposed to all boundaries, in particular, the boundary fronting on to Gores Lane to improve the overall aesthetics of the development and integration into its surroundings.
- 6.50 As previously mentioned, the proposed store will be single storey flat roofed building (with solar panels placed on the flat roof). The store entrance is to have a large glazed shopfront and canopy (which is illuminated from below) and also provides a covered well-lit area over the trolley store and cycle parking. The loading bay is located at the south west of the store. The loading bay is solely for unloading – it is not for storing stock or moving pallets or cages around which create unwanted noise.
- 6.51 The elevational treatment of the building has been amended during the course of the application from white render to timber cladding to address Officer concerns; which has helped to break up the mass of the building, improved the visual aspect when viewed from Gores Lane and also reflects the former history of the site as a saw mill/timber yard.
- 6.52 The submitted landscape strategy (see below plan) proposes small, medium and large specimen trees; a native mixed species hedgerow; clipped hornbeam hedging; native shrub planting; ornamental groundcover; large specimen shrubs, flower rich grass verge and bark chippings.



Proposed Landscape Strategy

- 6.53 The plan however lacks detail in terms of where it proposes the different size trees and shrubs and the different species listed. Officers would wish to see the 'medium and large specimen trees adjacent to Gores Lane and The Cottage to filter the views of the store and car park from residential dwellings. The plan does not provide precise details in terms of hard landscaping i.e. the type and height of perimeter fencing and bollards proposed.
- 6.54 The plan also indicates trees to be removed and retained, with those around the site boundary shown to be retained, although it should be noted these trees (and indeed all the trees surveyed) were identified as category C1 or c2 (trees of low quality) and have a low life expectancy (<10). It may be appropriate therefore, to remove some of these 'retained' trees and plant replacements instead.
- 6.55 As such whilst the landscape strategy is a good starting point, it lacks detail for it to be an 'approved plan' for implementation and as such a condition is suggested requiring a refined hard and soft landscaping scheme to be submitted.

Employment Units

- 6.56 In terms of the employment units which are to be sited in the south-western area of the site, matters relating to layout, appearance, scale and landscaping will be considered in a future reserved matters application. However, the proposed site plan does provide an indicative layout of how the site could be developed.
- 6.57 This shows 7 small (140 m²) 'starter' units with 26 car parking spaces and servicing. The supporting documentation advises the FFLs of these units will be set at +77.0m AOD, the same as that for the food store. The units appear to be satisfactorily positioned in relation to residential amenity impacts (subject to the buildings not being significantly taller at eaves and ridge compared to the existing sawmill buildings which in these S/SW site boundary areas); in addition a landscape buffer is proposed between the units and the site boundary to further reduce external noise from for example, lorry/vehicle movements and other external activities.

- 6.58 As the employment units will be accessed off Gores Lane, it will avoid potential conflicts through the retail unit access/car park. This part of the proposal will result in the removal of this short section of brick wall and the galvanised palisade security railings and high timber fencing (see below image) and replaces it with a landscaped and planted area, which improves the character and appearance of the streetscene. Boundary treatment is also proposed between the industrial area and the retail area.



- 6.59 The proposed access, will necessitate the re-location of the bus stop (as seen in the image above). Improvements to the re-located bus stop have been suggested by the LHA to encourage public transport use.
- 6.60 Overall, the retail store is judged to satisfy HLP Policy GD8 in terms of design and a future REM application could result in an acceptable form of development for the employment units.

Climate Change

- 6.61 Harborough District Council has declared a Climate Emergency (June 2019, post-adoption of the Local Plan) with the aim that all council functions and decision-making should lead to the Council being carbon neutral by 2030.
- 6.62 Policy CC1 sets standards for major development, requiring evidence of reduction in carbon emissions according to the energy hierarchy (supporting text paragraph 10.1.3), renewable energy technology, energy efficiencies, minimal carbon emissions during construction, justification for any demolition, and carbon-neutral building cooling if appropriate.
- 6.63 The Applicant has provided information on how the development will incorporate energy efficient design and appliances; provision of EV charge points and the potential to expand as demand grows and the provision of bicycle parking.
- 6.64 Following a request for additional information on the Applicants approach to reducing emissions by renewable or low carbon energy; details were supplied in terms of

reducing construction emissions; re-use of materials where possible and confirmation that the new store will include roof mounted PV panels.

- 6.65 The Council's Environment Coordinator advised Officers the application is now compliant with Policy CC1.

Residential Amenity

- 6.66 Policy GD8 of the HLP require that development should be designed to minimise impact on the amenity of existing and future residents through loss of privacy, overshadowing and overbearing impact. Nor should developments generate a level of activity, noise, vibration, pollution of unpleasant odour emission which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions. HDC's Development Management Supplementary Planning Document (SPD) also contains guidance relating to neighbouring amenity standards, including separation distances, however, such standards are applied flexibly as noted in the guidance.

Retail Unit

- 6.61 At the request of Officers, the Applicant supplied a "separation distance plan" as shown below.



Site Layout Masterplan – separation distances

- 6.62 This plan shows the Aldi store will be positioned a minimum of 24m from the nearest residential property (No.2 Hartland Drive – side elevation). Given these minimum distances to the retail store, combined with its single storey height (5.6m); flat roof design; proposed elevational treatment and proposed landscaping, it is judged neighbours will not be adversely affected in terms of outlook, daylight/sunlight provision or privacy.
- 6.63 The Cottage will be the closest residential property to the car park; however, with the exception of a 1st floor window which is a secondary window to what is believed to be a principle room (based on Floorplan provided by Hortons Estate Agents); the properties outlook and rear garden is towards Rockingham Road; not the application site. This combined with the existing lawful use of the site and proposed boundary treatment/ landscaping; it is judged the amenity of this property will be safeguarded.
- 6.64 In terms of the employment units, residential amenity will be considered in greater detail at reserved matters stage; but the indicative plan is judged to demonstrate an acceptable relationship.

Noise and disturbance

- 6.65 Given the nature of the proposed use and proximity of existing residential dwellings, a Noise Impact Assessment (NIA) has been carried out and a Lighting Plan submitted (in relation to the retail development only – as such when the reserved matters are received for the employment units, noise and lighting information will need to be submitted and assessed.
- 6.66 An environmental noise survey was undertaken to establish prevailing noise levels affecting the development site. Noise emissions from proposed plant have been predicted at the most affected noise sensitive receptors. Noise emissions from delivery activities have been predicted at the nearest noise sensitive receptors and assessed in accordance with National Policy
- 6.67 External plant will be located in a plant area at the south of the building and will comprise heating and refrigeration plant. The refrigeration plant will operate at all times. The heating plant will operate only when the store is open.
- 6.68 The delivery area is also to the south of the store. The delivery vehicles will approach the site from Rockingham Road, enter through the car park and reverse up to a roller shutter door, providing level access from the trailer bed. This negates the requirement for tail-lift operation and wheeling trolleys across rough external ground finishes which is a scenario that often occurs at other food stores. Trollies are only manoeuvred internally, either inside the trailer or within the store, on flat level surfaces. Lorries will also exit the site onto Rockingham Road. Up to four deliveries by articulated lorries are expected in any 24-hour period. Deliveries will be made at any time during the daytime and night-time periods.
- 6.69 The NIA advises, Aldi requires drivers to switch off refrigeration units when making store deliveries. In addition, reversing warning signals are disabled when headlights are switched on, so there are no audible warnings at night; vehicles are fitted with “traditional” beepers (rather than white noise or voice alarms).
- 6.70 The nearest houses to the proposed store are on Gores Lane (Receptor R1) to the south east. These are approximately 35-40m from the loading bay and plant area

and approximately 73m from the closest part of the lorry delivery route through the store car park

- 6.71 The results of the assessment have demonstrated that the noise impact associated with deliveries to the store, during both the daytime and night-time periods, will be below the level at which a 'low impact' is expected, when assessed in accordance with BS 4142:2014. When the correct context is taken into consideration, the BS 4142:2014 assessment demonstrates that the impact should be considered acceptable.
- 6.72 The Council's EHO initially raised concerns around some of the data contained within the NIA and requested further information. The Applicant supplied this additional information and the EHO advised that they still have concerns about the impact of deliveries at night in such a location.

"There is no proposal to limit the hours at all, and from the explanation below, the likely departure time for vehicles is between 1 and 6 am from the regional warehouse. This would mean an arrival time on site of potentially the quietest part of the night. I understand the need for the company to have 24 hour deliveries, they really need to ensure that they don't cause disturbance when doing so.

"As stated The BS4142 commentary notes that "the objective is not simply to ascertain a lowest measured background sound level, but rather to quantify what is typical during particular time periods". This is ok where the lowest levels don't equate to when the actual delivery takes place. The BS 4142 Rating Level being 1dB below background at night is not much if at all below the background level, given allowance for potential reporting accuracy. The daytime levels for deliveries seem acceptable, some more information needs to be provided to ensure confidence that night-time deliveries can also be undertaken without causing unnecessary loss of amenity to local residents"

- 6.73 In light of the EHO concerns, Officers considered recommending a condition restricting night-time deliveries (i.e. between 23.00 and 06.00). However, following a further response from the Applicant's noise consultant (17.02.23) (in full below), the Council's EHO has confirmed it is not necessary to restrict night-time deliveries.

Regarding the night-time background noise level used in the assessment (the result of which was the night-time deliveries would be of 'low impact'), we would note that the background noise level of 37dB(A) is considered a robustly representative level for the night-time period, based on three nights including a weekend period.

Indeed, there were only two fifteen-minute periods during the whole monitoring period where the background noise level dropped below 36dB(A). It would, therefore, not be appropriate to use these periods as values (namely 32dBA and 33dBA) on which to base the assessment. It is clear from both the time history graph in Appendix D of our Noise Impact Assessment report and the histogram at Section 6.4 that night-time background noise levels are generally 36dBA or higher, with the two lower values representing atypical periods.

We agree that BS4142:2104+A1:2019 notes that in establishing a background noise level "the objective is not simply to ascertain a lowest measured background sound level, but rather to quantify what is typical during particular time periods". Our survey included three night-time periods and only on two occasions did the L90,15min value drop below 36dBA. This includes two full night-time periods, inclusive of the quietest times of both of those nights, where the minimum recorded

(i.e. not representative) value was 36dBA. The use of a lower value can therefore only be considered unduly conservative.

It is noted that deliveries may occur at any time of the night, but it must also be appreciated that the quieter periods are unusual and representative night-time background levels are 36dB(A) or higher. Using 36dB(A) as the night-time background (even though 37dB(A) can reasonably be considered appropriate), would still result in a BS 4142 assessment of 'low impact'.

Again, regarding the refrigeration units, a typical delivery operation was recorded for our activity noise data. Whatever a typical delivery entails was recorded, including vehicle movements and any associated auxiliary equipment and activity.

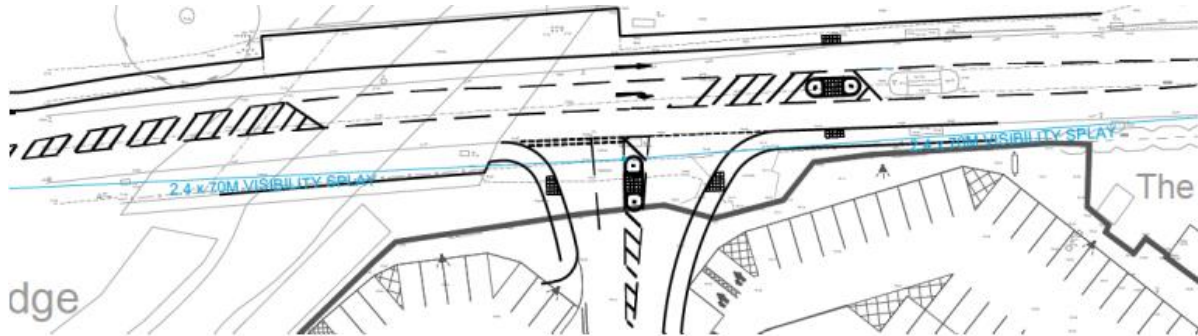
External Lighting

- 6.74 A Lighting Plan has been submitted for the retail store (external lighting information will be required for the employment units as part of the reserved matters).
- 6.75 It is accepted, that external lighting will be required on the building (internal and external), the loading bay and car park in order to complete activities safely, to prevent crime, and to meet highway safety standards. Illuminated advertising may also be used, although the latter would need Advertisement Consent (see Note to Applicant)
- 6.76 The lighting plan indicates that with mitigation (i.e. lighting shields with downward lighting) light intrusion from glare / light spill will be minimised.
- 6.77 Outside trading hours, when the store is closed to the public, lighting levels would be maintained at one-third of the usual levels for stocking shelves. When the store is completely unoccupied, all lights (external and internal) would be switched off. External car park lighting columns will be switched off by a time switch, one hour after the store has closed to minimise energy use.
- 6.78 The Council's EHO has assessed this lighting plan and advised that luminance levels off site are also needed before a judgement can be made whether the proposed external lighting is acceptable. A condition is therefore suggested seeking this information.

Highways

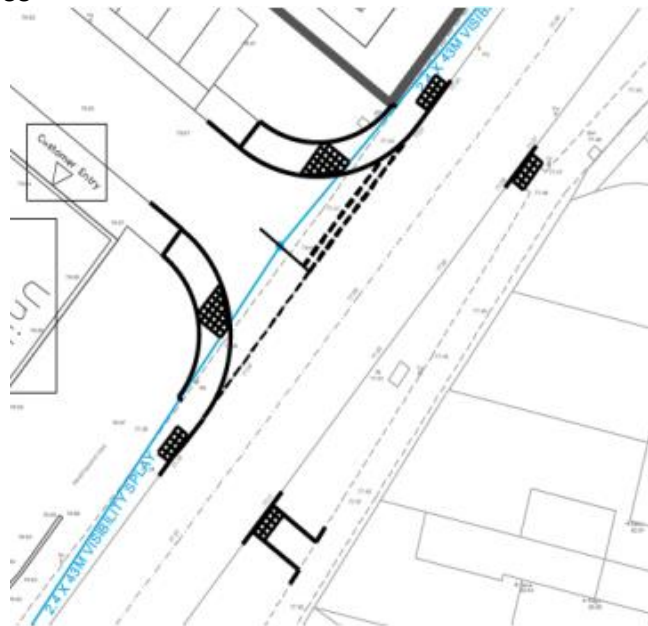
- 6.79 Policy GD8 states that development will be permitted where it ensures safe access, adequate parking and safe, efficient and convenient movement for highways users. Policy IN2 states that development proposals should have regard to the transport policies of the Local Transport Authority and that development should provide safe access and parking arrangements and where possible protect or connect to existing pedestrian and cycle routes
- 6.80 The application is supported by a Transport Assessment.
- 6.81 Existing access to the site is by way of a priority T-junction formed with the A4304 Rockingham Road, approximately 80m to the west of the A4304/Gores Lane signal junction.
- 6.82 The proposal site will have two site accesses. The Aldi store will be served by a priority T-junction with right turn lane formed with the southern side of the A4304

Rockingham Road. The Aldi site access will form the minor arm and there will be a two lane exit from the site. It is proposed both customers and service vehicles will access the site via the aforementioned access – below plan illustrates this site access.



Proposed Rockingham Road Access

- 6.83 The LHA are generally satisfied with the access arrangements for a priority T-junction and Ghost island right turn lane to serve the Aldi site.
- 6.84 Vehicular visibility splays of 2.4m x 70m are demonstrated at the proposed junction in both directions, which is in accordance with Leicestershire Highway Design Guide (LHDG).
- 6.85 Furthermore vehicular tracking has been provided which successfully demonstrates inbound/outbound manoeuvres left/right by a 10m rigid vehicle. Additionally the LHA are satisfied with the proposed footway connection with the existing footway on the A4304 Rockingham Road.
- 6.86 Access to the industrial units is proposed via a separate, simple priority T-junction formed with Gores Lane. The proposed priority T-junction formed with Gores Lane is 6m in width, with 6m junction radii, which is in accordance with the LHDG.. Furthermore vehicular visibility splays of 2.4m x 43m are demonstrated in both directions at the priority T junction in accordance with the LHDG - below illustrates this site access



Proposed Gores Lane Access

- 6.87 Stage 1 Road Safety Audit A Stage 1 Road Safety Audit (RSA) by TMS has been submitted alongside proposed actions by the designer, upon review of the RSA recommendations; the LHA is satisfied with the proposed actions, which have been incorporated into the submitted drawing, and agree the outstanding matters can be addressed at the detailed design stage.
- 6.88 Highway Safety The LHA has reviewed its Personal Injury Collision (PIC) data for the previous five years and there has been two recorded collisions within 500m radius of the proposed junctions of Rockingham Road and Gores Lane. The first was classified as slight and the second as serious, and were both located on Rockingham road.
- 6.89 The LHA have concluded that there are no patterns of PICs that would be exacerbated by the proposed development, subject to the delivery of a safe and suitable access at Gores Lane.
- 6.90 The applicant has tested the site access designs with the predicted flows in the 2027 Design Year + proposed development scenario. This predicts that the site accesses would operate within capacity in both the AM and PM peak hours. After a review of the site access arrangements for the proposed development the LHA consider them to be safe and suitable to serve the proposed developments on the site. Any minor issues with the site accesses can be addressed as part of the Section 278 technical approval process.

Trip Generation

- 6.91 Following the submission of additional information; the LHA are satisfied that the existing trip rates and trip generation are acceptable The LHA are also satisfied with the trip rates and distribution for the retail new retail store.

Junction Capacity/Assessments

- 6.92 The Applicant has carried out detailed assessments of the Rockingham Road/Gores Lane junction and the LHA agrees with the Applicants conclusion that a scheme of mitigation at this junction is required. The mitigation includes amending the signal timings and stages. A contribution for these improvements works has therefore been requested by the LHA

Internal Layout

- 6.93 The development proposes 129 parking spaces, of which 8 are accessibility spaces, 4 will be active Electric Vehicle (EV) changing spaces, and a further 22 spaces will have the ability to be converted for EV use in the future.
- 6.94 The LHA initially advised the parking provision was slightly below the guidance contained in the LHDG; nevertheless the LHA understands the level of car parking for the proposed Aldi store, is based on the level which the applicant considers they require from an operational perspective, and is a similar level of provision across Leicestershire and the country. Furthermore, there is a comprehensive package of on-street parking restrictions on the A4304 Rockingham Road and Gores Lane which will prevent overspill parking on the public highway.
- 6.95 The drawings also demonstrate there is sufficient space for a 10m rigid vehicle to drive forwards into the site, reverse into the service ramp and then drive out to exit the site in forward gear. The LHA have no comments regarding the internal layout for

the proposed industrial units up to 980sq.m, considering it is a reserved matter, with only access to be considered at this stage.

Travel Plan

- 6.96 The principle measures and targets within the Travel Plan (TP) are accepted by the LHA. The LHA have advised that the Applicant will need to
- a) provide details of the Travel Plan Co-ordinator once appointed
 - b) provide Travel Packs for each employee to inform them what sustainable travel choices are in the surrounding area - the cost of these are £52.85 each, with one pack per employee.
 - c) capture survey information using the preferred system to MODESHIFT STARS
 - d) pay a Travel Plan Monitoring Fee of £6000.
- 6.97 Based on the additional information submitted the applicant has demonstrated that safe and suitable accesses to serve the proposed development can be delivered in line with Paragraph 110 of the National Planning Policy Framework (2021) and local plan policies GD8 and IN2. The applicant has also tested the impact of the proposed development on the local highway network and the LHA considers that the residual cumulative impacts of development can be mitigated subject to the inclusion of conditions and contributions.

Flooding / Drainage

- 6.98 The NPPF states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere. Policy CC3 directs new sustainable development to flood Zone 1. Policy CC4 states that all major development must incorporate sustainable drainage systems (SuDS), use water as a resource and demonstrate that flooding would not occur to property in and adjacent to the development.
- 6.99 As part of the application, the applicants have submitted a Flood Risk Assessment (FRA) and drainage strategy
- 6.100 The site is largely located within Flood Zone 1 being at low risk of fluvial flooding with a small section in the northern part of the site in Flood Zone 2 being at a medium risk of fluvial flooding – although the Applicant having undertaken a comparison of the EA Flood Map with the flood levels from the Welland/Jordan 2016 hydraulic model and existing ground levels considers the whole site to be situated within Flood Zone 1.
- 6.95 The site is generally at a low risk of surface water flooding. The proposals seek to discharge the retail part of the site at 4.7 l/s and the industrial part of the site at 2.5 l/s via two underground attenuation tanks to the River Welland (a main river located to the north-west of the site). Approximately 0.76 ha of the retail part of the site will be impermeable - The site is entirely covered with buildings and concrete/hardcore hardstanding, making it effectively 100% impermeable. Geological and soil data suggests that infiltration would not likely be a suitable means of draining the site.

- 6.96 Notwithstanding the site being brownfield and effectively 100% impermeable, the proposed surface water drainage system will reduce flood risk by storing future runoff and discharging the attenuated flows via flow controls at the greenfield runoff rates. Foul sewage will be disposed of to the public sewer system, by pumping if necessary
- 6.97 The LLFA initially raised concerns that the proposed surface water drainage did not include sufficient SuDS treatment train. They also noted that Hauraton channels will be utilised to provide an element of treatment; however, the location of these channels had not been shown on the layout plan. They also suggested consideration should also be given to providing pervious paving within proposed parking spaces.
- 6.98 Following an updated FRA and Drainage Strategy, the LLFA have raised no objection to the proposal subject to condition. Anglian water still raised concerns, but are satisfied these can be addressed by way of condition. As mentioned above, the site is adjacent to the River Welland and the EA were consulted, however no comments have been received.
- 6.100 Given that no comments have been received by the EA but the Applicants view that the whole site is actually Flood Zone 1, Officers considered it appropriate to take a precautionary view and undertake the sequential and exception test – which is required for sites within Flood Zone 2 and 3.
- 6.101 The purpose of the Sequential Test is to guide development to those areas at less risk of flooding. Taking the conclusions from the retail sequential test it is understood there are no potential reasonably available sites at a lower risk of flooding that could accommodate the proposed development and existing business enterprise. As the sequential test has shown that it isn't possible to use an alternative site, it is then necessary to consider whether the exception test is required.
- 6.102 An exception test is required if the development is: • highly vulnerable and in flood zone 2 • essential infrastructure in flood zone 3a or 3b • more vulnerable in flood zone 3a 6. Applying the Flood Risk Vulnerability Classification in Table 2 of the NNPG, the proposed development does not fall within the above criteria:
- 6.103 Subject to the conditions / informative suggested the proposal is therefore considered to comply with HLP Policies CC3 and CC4.

Ecology

- 6.104 Policy GI5 of the HLP states that developments will be permitted when there will be no adverse impact on the conservation of priority species, irreplaceable habitats, nationally designated or locally designated sites, unless in all cases, the need for, and benefits of, the development clearly outweigh the impacts. Developments should also contribute towards protecting and improving biodiversity through protecting and enhancing habitats and populations of priority species.
- 6.105 With regards to Biodiversity Net Gain (BNG) there is currently no mandatory minimum level of 10% BNG, however, as outlined in policy G15 developments should contribute to improving biodiversity. Furthermore, the NPPF (180. d)) states that 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'
- 6.106 The application is supported by a Preliminary Ecological Appraisal Report, which concludes that:

- The site is generally of limited botanical interest and poor species diversity.
- No invasive species were recorded during the survey.
- No protected or Priority plant species were observed, and all plant species encountered were common, widespread, and characteristic of the common habitat types they represent.
- No badger setts or field signs were recorded on site. Some suitable foraging habitats were recorded, but little sett building opportunity.
- No ponds were located on site and little suitable terrestrial habitat for Great Crested Newt. Ponds identified within a 250m zone of influence were beyond barriers to dispersal – therefore unlikely newts would persist or pass through the site.
- Trees onsite had negligible bat roosting potential.
- One existing building was identified as having high bat roosting potential. All other buildings are considered to have negligible bat roosting potential. Nocturnal surveys are currently being undertaken (to be completed in June) and will be reported separately.
- Terrestrial habits on site are dominated by hardstanding and buildings. There are some suitable habitats for reptiles, but these are small in area, the site is largely unsuitable and is surrounded by barriers to dispersal. Impacts on reptiles are therefore considered unlikely.
- Records of water voles were identified within the search radius, with the closest 110m north of site within the River Welland (which runs adjacent to the site). Records of otters were also returned during the desk study, with the closest record 145m west of site within the same watercourse. Surveys for water vole and otters will be undertaken in June 2022 and reported separately.
- The site contains 0.82 baseline biodiversity units for habitat areas and 0.15 baseline hedgerow units. There will be quantified net gain in biodiversity of 1.01 habitat units (24.12%) across habitat areas and 0.16 (4.77%) gain in hedgerows.

6.107 Following the additional water vole and otters surveys, County Ecology have raised no objection to the proposal subject to conditions. The proposal is therefore judged to comply with HLP Policies GI5

7. S106 Obligations/Contributions

- 7.1 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.
- 7.2 Those benefits can comprise, for example, monetary contributions (towards public open space or education, amongst others), the provision of affordable housing, on site provision of public open space / play area and other works or benefits that meet the three legal tests under Regulation 122 of the CIL Regulations.
- 7.3 These legal tests are also set out as policy tests in the NPPF 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..
- 7.4 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.

- 7.5 The Local Highway Authority have sought contributions/obligations in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets and mitigating the impacts of the development. These contributions are judged to be CIL compliant and are outlined further in **Appendix B**
- 7.6 In addition to the obligations requested by the LHA, the legal agreement should also secure the marketing strategy for the employment units and the vacated Aldi unit. It should also secure the initial preparatory works for the employment land (including the demolition of all existing buildings, provision of a clear, levelled site and creation of the access, ready for future development.
- 7.7 A developer contribution was sought by the Council's POS Officer given the sites location adjacent to the River Welland and its use for a drainage solution.
- 7.8 However, the Applicant submitted a rebuttal to this request advising in their view the financial contribution requested would not meet the relevant tests and would not be necessary to make the scheme acceptable in planning terms. The POS Officer was made aware of this rebuttal, but no further comment has been made. Officers have considered the rebuttal and agree with the Applicant's reasoning.

8. The Planning Balance / Conclusion

- 8.1 The site is located within Market Harborough a sustainable location for new development. The site itself is also within an accessible location, served by public transport and can be readily reached by walking and cycling.
- 8.2 The retail use is proposed within a designated General Employment Area and would be contrary to HLP Policy BE3f.
- 8.3 However, the development also proposes an area for employment units. Collectively, it would provide economic, social and environmental benefits. It would retain existing jobs and create additional jobs – both during the construction period but also once the store is opened. It would also redevelop an under-utilised brownfield site located on one of the key routes into and out of Market Harborough with an attractively designed, carbon reducing development. These are significant benefits which are judged to outweigh the conflict with BE3f. The change in the use class order is also an important material consideration. Furthermore, conflict with a development plan policy (or in this case one of the sub-criteria of a policy) does not, of itself, render a proposal in conflict with the development plan overall. Having had regard to the relevant policies with the development plan, the proposal is judged to be in conformity with the development plan taken as whole.
- 8.4 There is likely to be some adverse impact on the existing supermarkets, but this is not deemed severe (conclusion is supported by the Retail Impact Assessment and has been ratified with the Council's independent advisor). The impact on the vitality and viability of the town centre will also not be significantly undermined.
- 8.5 There are no technical reasons, for example, flooding/ drainage; highways, ecology, residential amenity to refuse the application subject to conditions and obligations outlined.

- 8.6 The development proposal is judged to therefore represent sustainable development and should be **APPROVED**.

9. Recommended conditions and Section 106 requirements

Appendix A – Suggested Conditions / Informative

- 9.1 If Members agree with the recommendation to Approve the application, the following conditions are suggested:

RETAIL UNIT (FULL CONSENT)

1. Commencement

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

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

2. Permitted Plans

The development hereby approved shall be implemented in accordance with the approved plans

- Proposed Roof Plan G19A51-P202
- Trinasolar “Vertex S” product document
- Proposed Elevations G19A51 -P201 Rev B
- G19A51 - P003
- 21001-010 Rev A
- Site Layout Masterplan
- Proposed Floorplan – G19A51-P200
- Location Plan – G19 A51 P001

REASON: For the avoidance of doubt

3. Materials as per approved plans

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

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

4. Use class restriction

The development hereby approved shall only be used as a Class E(a) retail food store and shall be restricted to ‘limited product line deep discount retailing’ and shall be used for no other purpose falling within Class E of the Town and County Planning (Use Classes) (Amendment) Regulations 2020 (or any order revoking or re-enacting or amending that order with or without modification). ‘Limited product line deep discount retailing’ shall be taken to mean the sale of no more than 4,500 product lines, except for the Christmas period where up to 5,000 products lines can be sold.

REASON: To safeguard the vitality and viability of Market Harborough Town Centre having regard to Harborough Local Plan policy RT2

5. Net sales area restriction

The net sales area hereby permitted shall not exceed 1315sqm

REASON: To safeguard the vitality and viability of Market Harborough Town Centre having regard to Harborough Local Plan policy RT2

6. Comparison goods restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), the Class Ea floorspace hereby permitted shall be used primarily for the sale of convenience goods with a maximum 20% of the net sales area devoted to comparison goods.

REASON: To control the extent of comparison goods and to safeguard the vitality and viability of Market Harborough Town Centre having regard to Harborough Local Plan policy RT2

7. Opening hours

The use hereby permitted shall not be open to customers outside the following times: 0700 2200 on weekdays, Saturdays and Bank and Public Holidays and any 6 hours between 1000 and 1800 on Sundays

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

8. Landscaping

Prior to the first occupation of any of the dwellings hereby approved, a Landscape Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall include the following details

- o planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes, types, forms and proposed numbers/densities where appropriate;
- o means of enclosure and retaining structures;
- o boundary treatments;
- o hard surfacing materials;
- o lighting, floodlighting and CCTV;
- o an Implementation and Management Programme.

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

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

REASON: To ensure the development includes structural landscaping, maximises habitat creation, tree and hedgerow planting, boundary treatments and surfacing materials which are appropriate to the character and appearance of the development and the surrounding area, to help the development assimilate into the environment, to minimise visual impact, to benefit biodiversity, and to ensure that the work is carried out within a reasonable period and is allowed to establish and to ensure the landscaping is implemented and maintained in the

interests of the visual amenities of the development and its surroundings having regard to with Harborough Local Plan Policies GD2, GD5, GD8 and GI5.

9. Protection of trees/hedges during construction;

All of the trees and hedges on the site which are shown in the Landscape Scheme as being retained and/or any trees and hedges with Root Protection Areas within the site shall be protected by fencing (and ground protection where necessary) which complies in full with "BS5837:2012 Trees in relation to design, demolition & construction -Recommendations". The fencing (and ground protection) shall be installed before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, unless the Local Planning Authority gives written approval.

REASON: To safeguard existing trees and hedges in the interests of the character and appearance of the development and the surrounding area having regard to Harborough Local Plan Policies GD2, GD8 and the National Planning Policy Framework.

10. Flood risk mitigation:

The development shall be carried out in accordance with the submitted flood risk assessment and the mitigation measure it details. The mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is not required.

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:

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

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

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

- o Or any documents which supersede these.

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

12. Completions/Verification Investigation Report

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

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

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

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

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

13. Surface water drainage scheme

No development approved by this planning permission shall take place until such time as a surface water drainage scheme and management strategy has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

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

14. Management of surface water during construction

No development (except any demolition permitted by this permission) approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase.

15. Long-term maintenance of the surface water drainage

No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.

16 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.

17. Foul drainage

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

Reason To prevent environmental and amenity problems arising from flooding

18. CEMP: Biodiversity

No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:

- A) Identification of potentially damaging construction activities
- B) identification of biodiversity protection zones
- C) practical measures and sensitive working practices to avoid or reduce impacts during construction
- D) timing of works to avoid harm to nesting birds
- E) responsible persons for overseeing sensitive works
- F) use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

REASON: To safeguard known or potential protected species during the construction period

19 Landscape and Ecological Management Plan (LEMP)

No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the LPA. The LEMP shall be based on the Defra biodiversity metric by Laura McClelland (14/04/2022) and include the following details:

- A)** description of the features to be created
- B)** species/seed mixes to be planted/sown
- C)** ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details.

No demolition or development shall take place until a Method Statement for bat mitigation has been submitted to and approved in writing by the LPA. All works are to proceed strictly in accordance with the approved Method Statement.

REASON: To enhance biodiversity on site and to ensure it is appropriately managed during the lifetime of the development

20. WSI

No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation 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.

REASON: To ensure satisfactory archaeological investigation, recording, dissemination and archiving

21. Car Park Management Plan

Prior to the first occupation of the use of the premises hereby approved, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. The car park management plan shall include the following details:

- details of any signage to be displayed
- details of maximum length of stay (a maximum stay of 3hrs)
- details of the review mechanism, including details of how any changes to the maximum length of stay will be implemented

Thereafter, the car park management plan shall be implemented in accordance with the approved details.

REASON: To ensure the development encourages linked trips to the town centre and in the interests of visual amenity having regard to Harborough Local Plan Policies RT2 and GD8

22. Access Arrangements

No part of the retail development hereby permitted shall be occupied until such time as the A4304 Rockingham Road access arrangements for the new food retail store shown on Connect Consultants drawing number: 21001-010 Rev A have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

23 Bus stop improvements

No part of the retail development hereby permitted shall be occupied until such time as offsite works for a new/relocated bus stop and associated infrastructure including raised kerbs, flag, pole and bus shelter on Gores Lane, south of Hartland Drive have been implemented in full, unless otherwise agreed in writing by the Local Planning Authority.

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

24. Walking/Cycling improvements

Notwithstanding the submitted plans a highway improvement scheme for improved walking / cycling facilities on Gores Lane from the mixed class development site access to the site access for the new retail development on Rockingham Road shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall then be available for use prior to first use of the retail development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

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

25. Parking and turning facilities

The retail development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Stoas Architects Planning Ltd Drawing No. G19A51 - P003, dated 11 May 2022. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

26. Cycle parking

The retail development hereby permitted shall not be occupied until such time as secure (and under cover) cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use in perpetuity.

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

27. Travel Plan

The measures and incentives included in Connect Consultants Travel Plan (TP), 'Proposed Aldi Foodstore - A4304 Rockingham Road, Market Harborough', dated May 2022 and submitted to the Local Planning Authority on 26 May 2022 shall be implemented in full from first occupation of the retail development hereby permitted unless an alternative timetable is submitted to and approved in writing by the Local Planning Authority.

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

28. External Lighting

Notwithstanding the lighting plan submitted, no external lighting shall be installed on the site until details (including luminance levels off site 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 safeguard the residential amenity having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

EMPLOYMENT UNITS (OUTLINE CONSENT)

1. Reserved Matters Commencement/Submission

The development hereby approved shall commence prior to the expiration of two years from the date of the last of the reserved matters to be approved. The first application for approval of reserved matters shall be submitted no later than three years from the date of this permission and all subsequent reserved matters applications shall be submitted by no later than seven years from the date of this permission.

REASON: To encourage the early development of the site and to give the applicant sufficient time to submit reserved matters applications because of the scale of the development it will take a number of years for it to be fully implemented and to accord with Policy MH4 of the Harborough Local Plan.

2. Reserved Matters

Details of the appearance, landscaping, layout, and scale of the relevant phase of development (or sub-phase) (hereinafter called "the reserved matters") shall be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory form of development as these details are reserved for later approval and to accord with Policy BE3 and GD8 of the Harborough Local Plan and to meet Section 92 of the Town and Country Planning Act.

3. Reserved Matters details / Permitted Plans

The development including applications for the approval of the reserved matters shall be in accordance:

- Site Location Plan
- Access Drawing

REASON: For the avoidance of doubt

4. Levels

The layout and landscape details required in condition 2 above, shall include details of existing and proposed site levels, including finished floor levels of the buildings, the adjacent highway, together with details of the levels of all accesses (to include pathways, driveways, steps and ramps). The development shall be undertaken in accordance with the approved details.

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

5. Landscaping Details

The landscape details required by condition 2 (reserved matters) above, shall include the following:

- Retained and created habitats including SudS
- Structural landscaping to the site boundaries
- the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure;
- hard surfacing materials;
- landscape and biodiversity management plan, which shall include the specification, the timing of the completion of and the arrangements for the management and maintenance of all soft and hard landscape works and biodiversity.

REASON To ensure the development includes structural landscaping, maximises habitat creation, tree and hedgerow planting, boundary treatments and surfacing materials which are appropriate to the character and appearance of the development and the surrounding area, to help the development assimilate into the environment, to minimise visual impact, to benefit biodiversity, and to ensure that the work is carried out within a reasonable period and is allowed to establish, having regard to with Harborough Local Plan Policies GD2, GD5, GI5.

6. Materials

The external appearance details to be submitted in accordance with Condition 2 shall include details of all the materials to be used externally in the construction of the buildings. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

Reason: In the interest of visual amenity, to ensure that the materials are appropriate to the character and appearance of the development and the surrounding area having regard to with Harborough Local Plan Policies GD2, GD5, GI5.

7. Construction Environmental Management Plan

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

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

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

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

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

8. Surface water drainage scheme

No development approved by this planning permission shall take place until such time as a surface water drainage scheme and management strategy has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

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

9. Management of surface water during construction

No development (except any demolition permitted by this permission) approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase.

10. Long-term maintenance of the surface water drainage

No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.

11. 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.

12. Foul drainage

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

Reason To prevent environmental and amenity problems arising from flooding

13. BREEAM Report

The Eg units should be designed to achieve BREEAM “excellent” and the B2 and B8 units BREEAM “very good”. Prior to the occupation of any building, a post construction review shall be carried out by a licensed assessor and submitted to the LPA for approval confirming these BREEAM level have been achieved.

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

14 Renewable Energies

Prior to the commencement of any phase the development details of renewable and low carbon technologies to be used in that phase shall be submitted to and approved in writing by the District Planning Authority. Where it is not proposed to install such measures details of why it is not appropriate to do so shall be submitted to and approved in writing by the District Planning Authority

REASON: To ensure that the development is sustainable as possible and appropriate technologies are employed and to accord with Policy CC1 of the Harborough Local Plan

15 PD Restriction

Notwithstanding the provisions of the Use Class Order (September 2021), the Class Eg (units shall be limited to this Class only and for no other E use class.

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

16 Storage of Refuse and Recycling

No building shall progress above slab level, until details of the provision to be made for the storage of refuse and materials to be recycled have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the storage and recycling facilities shall be implemented in accordance with the approved details prior to first occupation of each building and retained thereafter.

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

17 Secure Cycle Parking Facilities

No building shall progress above slab level, until details of the provision to be made for secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. Thereafter, these facilities shall be implemented in accordance with the approved details prior to first occupation of each building and retained thereafter.

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 GD8 and IN2

18 Tree/Hedgerow Protection

No tree or hedgerow shown as being retained in the landscape details to be submitted shall be removed, uprooted or destroyed. If any retained tree or hedgerow dies within 5 years from the date of the commencement of development, another tree / hedgerow of the same size and species shall be planted at the same place within the first planting season following the loss of the retained tree or hedgerow. Any trees/hedgerows within or overhanging the site, which are retained as a part of the approved development should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works.

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

19. Contaminated Land Assessment

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

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

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

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

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

20 Verification Report

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

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

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

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

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

21 External Lighting

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 safeguard the residential amenity having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

22 Noise Report

No development (except any demolition permitted by this permission) shall commence on site until a Noise Impact Assessment has been submitted to and approved in writing by the Local Planning Authority. Any mitigation which is required shall be completed before the first occupation of the each building and shall be maintained in accordance with the approved details at all times thereafter.

REASON: To safeguard the residential amenity having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework

23. Access Arrangements

No part of the mixed use development hereby permitted shall be occupied until such time as the Gores Lane access arrangements for the mixed class development shown on Connect Consultants drawing number: 21001-010 Rev A have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

Notes to Applicant (Informative)

1. You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been

obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.

2. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

3. Anglian Water 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.

4. 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. 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.

6. 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.

7. 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.

8. 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.

9. 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. 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.

10. The Applicant's attention is drawn to the observations by Leicestershire Police Designing out Crime Officer (dated 19.07.22)

11. This development will require a European Protected Species licence to make it lawful. You must be aware that to proceed with the development without first obtaining an EPS Licence could result in prosecution.

12. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any permanent and/or temporary construction activities which will take place:
on or within 8 metres of a main river (16 metres if tidal)
on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
on or within 16 metres of a sea defence
involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity (submitting any permit applications a minimum of 3 months before the proposed start date of the permanent and or temporary construction activity requiring a permit).

13. The Applicant is advised that this Planning Permission does not grant consent for signs/advertisements, for which separate consent under the Control of Advertisement Regulations (2007) may be required. Should signs/advertisements be proposed, refer to the Control of Advertisement Regulations (2007) to establish whether the proposed signs/advertisements require an Advertisement Consent application to be submitted to Harborough District Council.

Section 106 requirements:

Amount /Detail	CIL Justification	Policy Basis
Legal to confirm fee	It is appropriate for the Council to recover the costs associated with the negotiation, production and subsequent monitoring of developer payments. This covers the legal costs of creating agreements, any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and costs of monitoring.	Planning Obligations SPG (Jan 2017)

Request by LCC Highways

- Full Consent		
Amount /Detail	CIL Justification	Policy Basis
1.Travel Packs; to inform new employees from first site use of the available sustainable travel choices in the surrounding area. These can be provided through Leicestershire County Council (LCC) at a cost of £52.85 per pack. If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.	Justification: To inform new employees from first site use of the available sustainable travel choices available in the surrounding area.	IN1 Infrastructure provision IN2: Sustainable Transport Planning Obligations SPG (Jan 2017)
2. Six-month bus passes, one per employee (one application form to be included in Travel Packs and funded by the developer); to encourage new	Justification: To encourage employees to use bus	Leicestershire Planning Obligations Policy

employees to use bus services, to establish

services as an alternative to the private car.

changes in travel behaviour from first site use and to promote usage of sustainable travel

modes other than the car (can be supplied through LCC at (average) £360.00 per pass.
NOTE

it is very unlikely that a site will get 100% take-up of passes, 25% is considered to be a high take-up rate).

3. Appointment of a Travel Plan Coordinator from commencement of development until 5 years

after first use. The Travel Plan Coordinator 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

4. A Travel Plan monitoring fee of £6,000 for LCC's Travel Plan Monitoring System.

support of the planning application.

Justification: To enable LCC to provide support to the

<p>5. A contribution of £71,300 for the cost of renewing the traffic lights with extra low voltage (ELV) equipment and near-sided pedestrian facilities (including traffic management) at the A4304 Rockingham Road / Gores Lane junction</p>	<p>appointed Travel Plan Coordinator, audit</p> <p>annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.</p> <p>Justification: To accommodate the impact from this development on the highway network.</p>
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Request by LCC Highways

- Outline Consent Amount /Detail

1.Travel Packs; to inform new employees from first site use of the available sustainable travel choices in the surrounding area. These can be provided through Leicestershire County Council (LCC) at a cost of £52.85 per pack. If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.

2. Six-month bus passes, one per employee (one application form to be included in Travel

CIL Justification

Justification: To inform new employees from first site use of the available sustainable travel choices available in the surrounding area.

Policy Basis

IN1 Infrastructure provision

IN2: Sustainable Transport

Planning Obligations SPG (Jan 2017)

Leicestershire Planning Obligations Policy

Packs and funded by the developer); to encourage new employees to use bus services, to establish

changes in travel behaviour from first site use and to promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass. NOTE

it is very unlikely that a site will get 100% take-up of passes, 25% is considered to be a high take-up rate).

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

NOTE: In addition to the obligations requested by the LHA shown above, the legal agreement whether that be a UU or S106 should also secure the marketing strategy for the employment units and the vacated Aldi unit. It should also secure the initial preparatory works for the employment land (including the demolition of all existing buildings, provision of a clear, levelled site and creation of the access from Gores Lane, ready for future development within a timescale to agreed with the Applicant.

Planning Committee Report

Applicant: William Davis Limited

Application Ref: 22/01258/REM

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

Parish/Ward: Lubenham/Lubenham

Proposal: Erection of 179 dwellings (Phase 4) (Reserved Matters of 11/00112/OUT including details of appearance, landscaping, layout and scale)

Application Validated: 19.11.2021

Target Date: 03.03.2023 (Extension of Time Agreed)

Committee Decision: Major Application (>25 units)

Recommendation

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

- The Planning Conditions 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 at Airfield Farm (the top section of the SDA), which was granted Outline permission in May 2016 (Ref: 11/00112/OUT)
- 1.3 The site relates to Phase 4 which is located towards the western edge of the wider development proposal. Additional phases of residential development bound the site to the north and west.
- 1.4 Adjacent to the southern boundary is an area allocated for a future local centre and to the east of the site is a large area designated as green infrastructure.

2. Planning History

2.1 Relevant Planning History (all approved):

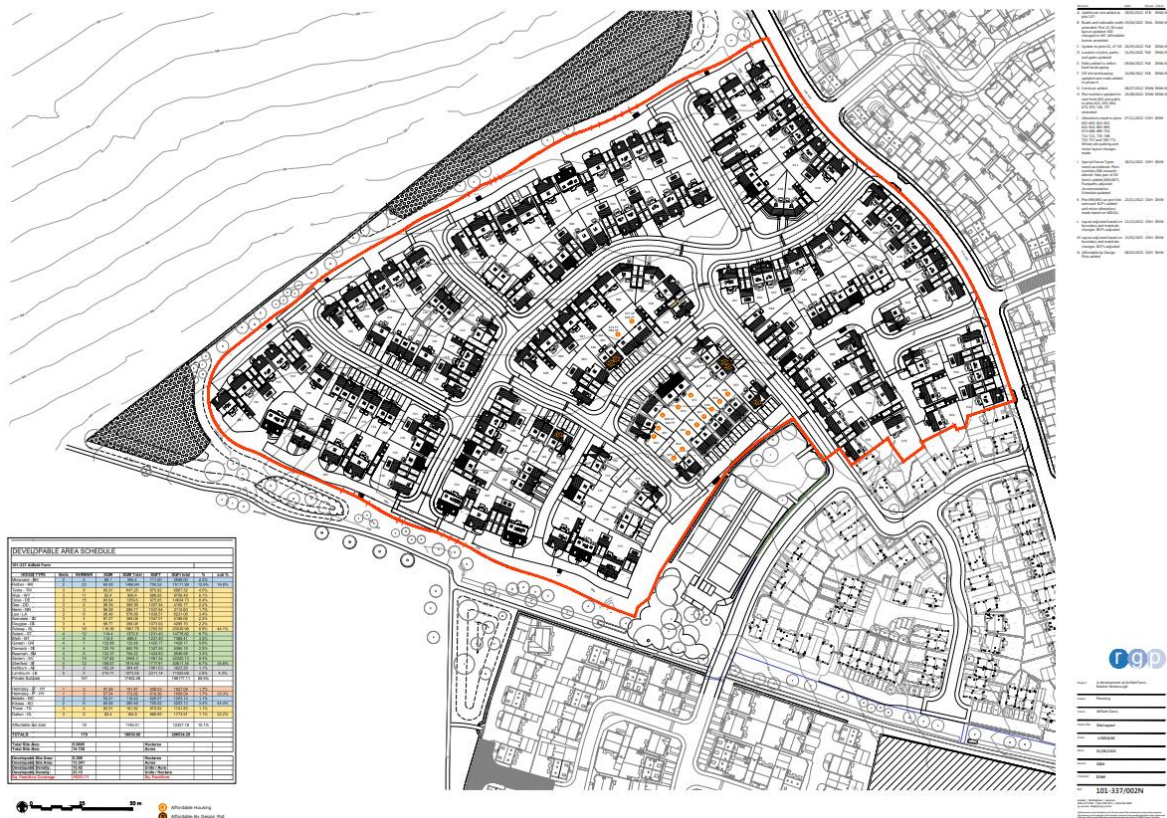
- 11/00112/OUT Outline application for residential development (up to 924 dwellings), construction of access roads including bridge across the Grand Union Canal, demolition of footbridge and diversion of footpath 24, local centre with retail (A1, A3, A4, A5), healthcare (D1) and community (D2) uses, primary school, construction of marina with hotel (C1) and retail leisure uses (A1, A3, A4, D2), provision of open space

including country park, sports fields, allotments, parks, play areas and other open space, landscaping and formation of surface water storage ponds

- 17/00177/REM - Erection of 79 dwellings (Phase 1A and 1B) (Reserved Matters of 11/00112/OUT) (William Davis)
- 18/00878/REM – Erection of 479 dwellings and associated infrastructure (Phases 2, 3 and 4) (Reserved Matters of 11/00112/OUT) (Taylor Wimpey)
- 18/00987/REM – Erection of 22 dwellings (Phase 2) (Reserved Matters of 11/00112/OUT) (William Davis)
- 19/01872/REM – Erection of 22 dwellings (Phase 2) (Revised scheme of 18/00987/REM) (Reserved Matters of 11/00112/OUT) (William Davis)
- 19/02003/REM - Erection of 79 dwellings (Phase 3) (Reserved Matters of 11/00112/OUT) (William Davis)
- 21/02035/REM - Erection of 52 dwellings (Phase 5) (Reserved matters of 11/00112/OUT) (William Davis)
- 22/02057/NMA – Plots and housetypes (Plots 424, 425, 426, 427 and 428) to be to be substituted on Phase 5 of the consented development from market dwellings to equivalent affordable housing (proposed non-material amendment of 21/02035/REM)

a) Summary of Proposals

- 3.1 This is a Reserved Matters application for the erection of 179 dwellings and associated carparking, secondary roads and incidental landscape planting.
- 3.2 Access into the site is from the approved Spine Roads that will link through the development eventually connecting Leicester Road with Harborough Road.
- 3.3 During the course of the application revised plans have been submitted with the final set of amended plans submitted on the 19th and 23rd January respectively. The amended drawings seek to address highway, ecology, POS and affordable housing comments as well as those raised by the case officer.
- 3.4 The amended Site Plan is illustrated below:



Amended Site Plan

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community have been undertaken. The application was published in the *Harborough Mail* (14.07.2022) and 3 x Site Notices were erected on site (as can be seen from the photos below)





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

a) Statutory & Non-Statutory Consultees

Anglian Water

No drainage strategy submitted with the application, therefore unable to make any comment

Case Officer Note 1

A drainage strategy for the wider site was submitted as part of the outline application and subsequent discharge of condition application - 17/00725/PCD

Lead Local Flood Authority (LLFA)

Originally requested further details with regards to surface water drainage. However, following confirmation from the Applicant that the drainage strategy for Phase 4 is in accordance with the proposed drainage strategy for the outline application (11/00112/OUT), and the discharge of conditions (17/00725/PCD) placed on the outline application and that the information submitted with the Phase 1 application is still correct and representative of the plans for Phase 4, the LLFA confirmed they are “happy to support the approval of the above application”

LCC Highways

Initially raised concerns that that the internal layout would not be suitable for adoption as they did not fully accord with the Leicestershire Highway Design Guide (LHDG). However, following the submission of amended plans...

LCC Archaeology

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

LCC Ecology

Initially raised concerns raised that the landscape plans submitted had no significant biodiversity enhancements. However, following the submission of amended plans...

HDC Public Open Spaces Officer

Initially raised concerns about the species chosen for the NW and SW boundaries of the site and the proposed hedge species. However, following the submission of amended plans...

HDC EHO

No comments from a noise perspective

HDC Strategic Housing and Enabling Officer

William Davis intend to provide 18 units as part of phase 4 which I interpret as follows: 6 x 1 bed; 8 x 2 bed and 4 x 3 bed. I would liked to have seen a better integration on the affordable units in smaller clusters dispersed through this phase in locational terms, but note what has been permitted in other phases. In accordance with the S106 Agreement these 18 units will be split as 50% Affordable rented units and 50% Intermediate units.

Another matter that needs attention and a response is the overall delivery of the Affordable units for this site as a whole which should be 135 AH units and 19 what is defined in the S106 Agreement as 'Affordable by Design' Units. To date, reserved matters have approved 67 affordable units provided by Taylor Wimpey and 60 by William Davis (if you include this Phase 4 application) (total 127 AH units). From the William Davis AH delivery, we seem to be missing 8 Affordable Units and 19 Affordable by Design. Can William Davis confirm when and where these units are to be provided?

Case Officer Note 2

The quantum of affordable housing to be provided by William Davis is set out in the able below:

Phase	Quantum of affordable housing	Quantum of market housing	Total number of plots
Phase 1	11	68	79
Phase 2	3	19	22
Phase 3	10	69	79
Phase 4	18	161	179
Phase 5	18	34	52
Total	60	351	411

The outline consent was for 924 dwellings; Taylor Wimpey will build out 479 dwellings and William David 411, which combined totals 890 dwellings, leaving a balance of 34 dwellings to still come forward for reserved matters and where potentially the 8 affordable units could be located.

With regards to the 'Affordable by Design' units, these units do not meet the 'affordable housing' definition as outlined within The Framework, however, they were proposed to assist in attracting first time buyers with the potential of keeping (young) people living in the District.

Case Officer Note 3

Lubenham PC; Ward Cllrs; Police and Cadent Gas were directly consulted but no comments were received.

b) Local Community

1 comment received neither objecting nor supporting the application has been received:

We live on the Wellington Place development (phase 1) and have done so since September 2020. While we have no objection to the details of the reserved matters application, we do wish to comment that none of the proposed community facilities that were sold to residents as an integral part of the development appear to be close to construction or have had any detailed planning permission applied for. The primary school was initially due to open in September 2021, and there are no shops on the site despite hundreds of houses having now been completed, necessitating multiple car journeys by residents to the nearest local shop over a mile away. Works that have been completed, such as the playground, bear little resemblance to the design promised (i.e. areas of natural play) While we appreciate Covid will have played a part in delays, we do feel the Council should gain commitment from the developers to set a timescale for construction of community facilities necessary for the development to properly function before granting planning permission for a further houses.

Case Officer Note 4:

The outline approval included a “local centre with retail (A1, A3,,A4, A5), healthcare (D1) and community (D2) uses, primary school, construction of marina with hotel (C1) and retail leisure uses (A1, A3, A4, D2)”

Reserved matters - 18/01023/REM - have been approved which identify the location of the Primary School Land. The S106 advises no more than 150 dwellings can be occupied on the ‘Airfield Farm’ site until the owner (i.e. William Davis) has paid the Primary School Contribution to Leicestershire County Council (LCC) and entered into a contract for the transfer of the Primary School Land as a serviced site.

William Davis have advised that are in discussions with LCC over the transfer of the Primary School Land. It is also understood that LCC are finalising the tender document for the primary school on the above site which will determine the future owners of the primary school.

With regards to the other facilities (i.e. the local centre / hotel), the Applicant advised these parcels were been marketed for sale but there was no interest. It will therefore be down to the market as to when these parcels may come forward.



- **Parcel A** - A local centre (900 square metres) on a site of 0.6ha with 2 to 3 storey development.
- **Parcel B** - A two storey 50 bed hotel/pub (2,150 square metres), and a further building of up to 3,100 square metres on a 1.14ha site. A care provider would also be suitable for this plot.
- **Parcel C** – Residential use on a 1.48ha site

Extract of plan and details from Sale Particulars

5. Planning Policy Considerations

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 instructs that planning applications must be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 5.2 The policies relevant to this application are set out below. More detail is provided in the “Common Planning Policy” section above.

a) Development Plan

- 5.3 Harborough Local Plan and Lubenham Neighbourhood Plan

b) Material Planning Considerations

Primary national policy & guidance and other material considerations:

- 5.4 The National Planning Policy Framework (The Framework / NPPF)
- 5.5 National Planning Practice Guidance (NPPG)

- 5.6 Circular 11/95 Annex A - Use of Conditions in Planning Permission
- 5.6 Development Management SPD
- 5.7 LCC Highways Design Guide (LHDG)

6. Assessment

Principle of Development

- 6.1 The principle of the development of the North West Market Harborough Strategic Development Area (Airfield Farm Development) has already been established following the grant of outline planning permission on 13 May 2016 under reference 11/00112/OUT.
- 6.2 In considering the outline proposals, issues such as traffic generation and impact of the development on the surrounding highway network, flood risk, ecological, archaeological and landscape issues and the impact of such an extensive development on local amenities and services were considered and addressed.
- 6.3 Following the grant of the outline consent (which is also the subject of a Section 106 Agreement securing a variety of essential infrastructure contributions consent) a number of the planning conditions attached to the outline consent have been discharged. These deal with such issues as the overall drainage strategy for the development, contamination issues and remediation strategy, the phasing of the development and a construction environment management plan which deals with such issues as Site Specific and Environmental Control Measures and Control of Construction Processes.
- 6.4 Reserved matters have been submitted and approved for several residential phases and a school. The development is at an advanced stage with primary infrastructure completed and early phases of the housing plots occupied.
- 6.5 This current application is the final phase for William Davis.

Layout and Design

- 6.6 The application site covers 5.9ha. The developable site area is 5.3ha and the developable density is 33.15ha.
- 6.7 Of the 179 dwellings, 161 will be Private and 18 will be Affordable.
- 6.8 In term of the % Private Mix:

Bedrooms	Total	%
2	27	16.8%
3	71	44.1%
4	56	34.8%
5	7	4.3%
- 6.9 The Private housing will include a mixture of detached, semi-detached and terrace.
- 6.10 In terms of % Affordable Mix:

Bedrooms	Total	%
1	6	33.3%
2	8	44.4%
3	4	22.2%

- 6.11 The Affordable housing will include semis and terraces and are located in a cluster close to the allotments. Whilst pepper-potting of affordable units would be preferred; it is acknowledged that Registered Providers (RPs) prefer a cluster as it is easier for management. Officers are also mindful, that this is not an overly large cluster when compared to the number of open market houses provided within this phase and the size of cluster reflects those permitted in other phases.



Location of Affordable Housing

- 6.12 This phase comprises a series of perimeter blocks that define streets and open spaces and create public and private space.
- 6.13 Blocks A, B, C & D are formed by dwellings arranged to face onto both the northern edge of the site and to create internal streets running north-south and east-west.
- 6.14 Blocks E, F, G and H complete the central section of the parcel, with dwellings defining the 'main street' through it (3) and overlooking open space to the south (6) and east (7). Blocks I, J and K complete the parcel (9) (in conjunction with block A to the north) and create an internal mews court (10).
- 6.15 The main street enters the parcel from the east off the 'High Street' (1) (one of the character areas mentioned within the outline DAS) and runs east-west through it, providing connections to side streets and private drives on the edges of the parcel.
- 6.16 Houses are arranged to overlook the allotments and play area on the south eastern edge of the parcel.
- 6.17 Dwellings are typically arranged at lower densities around the edges of the parcel and with more variation in set back and alignment. Those on the High Street and main street are typically paired with more consistency of built form and set back and laid out

at slightly higher densities. This pattern is repeated on side streets, but with slightly smaller dwelling types.



General arrangement plan



Character Area Plan (based on outline Masterplan)

- 6.18 A wide range of house types are proposed that reflect architectural styles approved within other phases. They include features such as brick or stone cills, stone headers, brick soldier course headers, brick detail courses; door canopies, brick chimneys, bay windows, dormer windows, projecting gables and porches.

- 6.19 In terms of materials, it is proposed to use 4 different brick types (Forterra Worcestershire Red Mix; Harvest Buff; Terca Abbeydale Red Multi and Forterra Fulwood Multi) and 3 different roof tiles (Russell Galloway Slate Grey; Peat Brown and Cottage Red) Contrast will be provided through the use of render (Ivory) and tile hanging (to match roof colour).
- 6.20 This phase includes both 2-storey (min. height 7.6m; max height 8.7m) and 2 ½ storey (min height 9.4m; max. height 10.3m), with the majority of 2.5 storey houses on the 'High Street'. The heights proposed for this phase are reflective of other approved phases within the SDA and would not be out of keeping.
- 6.21 The majority of landscaping that relates to the parcel is outside of the red line (but within the Applicant's ownership, blue line), e.g. northern edge landscape buffer, southern edge landscape buffer, allotments and children's play area, although the dwellings have been designed with these spaces in mind.
- 6.22 Concerns were initially raised by County Ecology and the Council's POS Officer over the suitability of the species chosen. The landscape plans were duly amended to provide different tree species; and introduced meadow grassland and species rich native planting (instead of native hedgerow) around the northwest and southwest boundaries; which provide good transitional habitat from the development parcel into the wider green infrastructure areas. County Ecology and the Council's POS Officer have been re-consulted and comments are awaited. Members will be updated via the Supplementary Paper.
- 6.23 A small space green is proposed to break up the development and marking the point in the layout where two primary roads meet. It is not a functional spaces but serves as a way finding device to help with legibility.
- 6.24 On plot landscaping is proposed and includes a mix of street trees, hedgerow boundaries and soft landscaping.
- 6.25 Overall, the proposal is judged to be acceptable in design and visual amenity terms.

Highways and Parking

- 6.26 Each property will have on- site car parking provision and where possible, a "bar and hook" will be provided on unexposed rear and side elevations to accommodate cycle parking
- 6.27 The Applicant is proposing 2 parking spaces for both 2 and 3 bedroom dwellings, and 3 spaces for dwellings with 4 or more bedrooms throughout the site.
- 6.28 The Highway Authority initially raised concerns around the adoptability of the internal highways layout. Amended Plans have been submitted and The LHA re-consulted. Revised comments are awaited. Members will be updated via the Supplementary Paper.

7. The Planning Balance / Conclusion

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

APPENDIX A – Recommended Conditions and Informative Notes

Recommended Conditions:

1. Approved Plans

The development is hereby approved in accordance with the following:

- Location Plan
- Block Plan Rev.A
- Site Layout 101-337 002 Rev. M
- Boundary Treatment 101-337 003 Rev. F
- Hard Landscaping 101-337 004 Rev. F
- Materials Plan 101-337 005 Rev.G
- Adoption Plan 101-337 006 Rev. E
- Soft Landscaping Proposals (GL1905 01A; 02A;03A;04A)
- House Type Drawing Pack v.2 October 2021
- Design Compliance Document Rev. B

REASON: For the avoidance of doubt.

2. Parking

No residential unit shall be occupied until the parking and turning facilities associated with that unit have been implemented in accordance with the approved plans. 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).

3. Remove PD rights (open plan)

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.

Note to Applicant

1. The Applicant is reminded that LCC Archaeology are still awaiting the final report for the archaeological works for this site as required under the outline consent.

Committee Report

Applicant: McDonalds Restaurants Ltd

Application Ref: 22/01318/FUL

Location: Leaders Farm , Coventry Road, Lutterworth.

Proposal: Erection of a restaurant with drive-thru facility and coffee shop with drive-thru facility, hard and soft landscaping, car park and associated work

Application Validated: 07.07.22

Target Date: 01.09.22 (extension of time agreed)

Consultation Expiry Date: 05.01.23

Site Visit Dates: 26.07.22

Reason for Committee decision: Contrary to adopted Local Plan Policy.

Parish & Ward: Lutterworth West

Recommendation

It is recommended that the application is **APPROVED** for the reasons set out in this report and subject to the conditions at Appendix A and subject to a section 106 Agreement (highways contributions) as set out in Appendix B.

1. Site & Surroundings

- 1.1 The application site is located to the south of the A4303, on the site known as “Leaders Farm”. The site is located beyond the built development limits of Lutterworth, and it is bounded by the A4303 (Coventry Road) to the north, the established “Fairacres” Travelling Showpersons site to the south, allotments and the River Swift to the west, and open countryside to the east.
- 1.2 The site is owned by Leicestershire County Council and is 0.64ha in size, comprises the western part of a larger site which remains vacant grass land (previously granted permission for a B1 business/light industrial use).

Aerial photograph (2018)



- 1.3 The site is accessed from an existing vehicular access road off the roundabout which serves Fairacres. This road provides direct vehicular access to the A4303/Coventry Road roundabout which, in turn, provides access to Lutterworth to the north, Junction 20 of the M1 to the east, and Magna Park to the west.
- 1.4 As illustrated within an extract from the Policies Map below, the site is not subject to any landscape designation. The site lies close to, but outside of, the area of separation between Magna Park, Bitteswell and Lutterworth within an area considered to have high to medium capacity for development in terms of landscape character.

Figure 1: Extract from Policies Map showing site location:



Entrance from roundabout off A4303:



Site entrance (spur road) (August 2022)



2. Most relevant Site History

- 2.1 16/01288/OUT Outline application for B1 employment uses and 70 full sized allotments including car parking, landscaping and surface water drainage infrastructure. Approved August 2017
Illustrative Master Plan of scheme approved:



17/01670/LCC Erection of B1 office space (1,610m²) including installation of 125 car parking spaces, erection of external plant compound, refuse area, external lighting, electrical substation, vehicular access, 2no. attenuation basins and associated landscaping (LCC ref: 2017/Reg3Ma/0280/LCC). Approved January 2018

18/01089/LCC Erection of B1 office space (1,610m²) including installation of 125 car parking spaces, erection of external plant compound, refuse area, external lighting, electrical substation, vehicular access, 2no. attenuation basins and associated landscaping (LCC ref: 2017/Reg3Ma/0280/LCC). Approved January 2018 2.9

- 2.2 Neither of those consents were built out due to lack of operator/market interest and have now expired.
- 2.3 The new vehicular access off Fairacres Coventry Road, subject to the last consent, has, however, been implemented and the allotments were implemented as part of a separate consent.

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal is for the erection of 2 takeaway restaurants, with associated drive thru units for occupation by Costa Coffee and McDonalds along with associated car parking, servicing and landscaping works

Access to the site will be taken from the spur road leading from Fairacres, which forms the southern boundary of the site (see photo above).

- 3.2 The McDonalds drive-thru unit will occupy the westernmost part of the site, running parallel to Fairacres Coventry Road and will total @412m²; whilst the smaller Costa Coffee drive-thru unit will be sited towards the north-eastern corner of the site and will total@.167m². The units will be set in from the boundaries of the site to allow for the drive-thru lanes and suitable vehicular circulation, etc. The central sector of the site will provide a car park, vehicular circulation and a pedestrian route/zebra crossing between the two units.

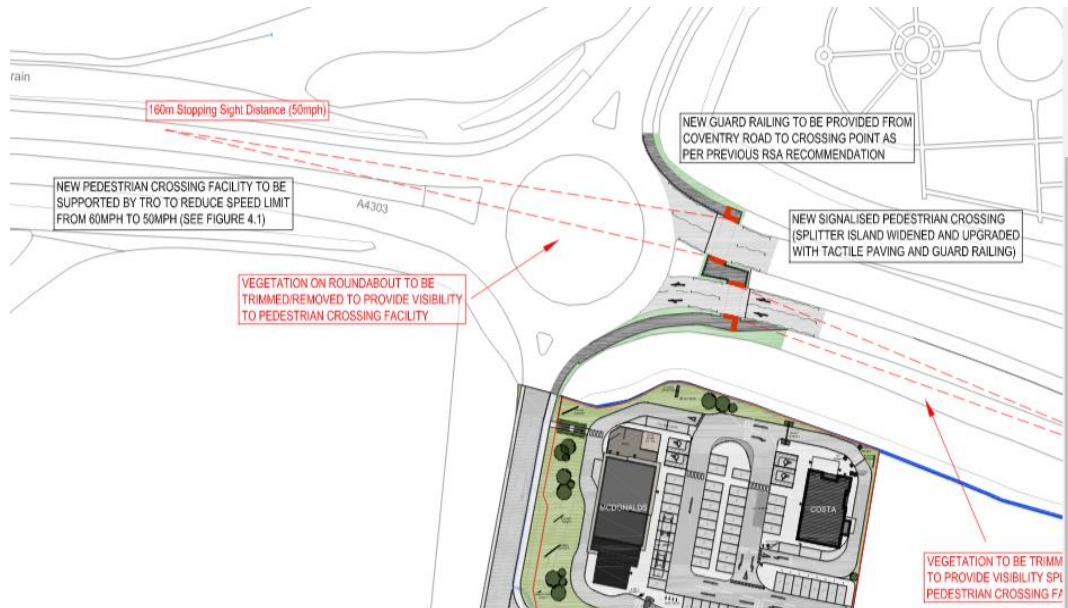


- 3.3 The design of both buildings is modern flat roofed, with a mixture of glazing, cladding in Corporate colours and cedar cladding, with the main roof height 5.3m and maximum drive thru height 6.035m (Costa) and 5.8 (McDonalds).



- 3.4 The development will provide a total of 56 car parking spaces, 4 of which will be for disabled use. Cycle parking will also be provided within the site

A new pedestrian crossing is shown on the Eastern side of the roundabout, linking to Coventry Road. Other highways safety measures are outlined in the highways section of this report.



Landscaping

3.5 The proposed plan shows most of the trees/existing landscaping to be retained along the Northern boundary (to Bypass) and a landscape buffer created between the buildings and the Fairacre site and the access road. This buffer will be used as part of the Bio-diversity net gain area.

3.6. Adverts:

There are a series of applications for adverts which are pending with the Local Authority. Officers have suggested several amendments, but the Agent prefers to await the outcome of this planning application before making any changes. These can be dealt with under delegated powers.

b) Documents submitted

i. Plans

3.7 The application as finally amended is accompanied by the following proposed plans:
Layout Plan and elevations.
Pedestrian crossing plan.

ii. Supporting Information

Retail Impact Assessment (Savills)

Sequential Assessment

Transport Assessment

Road Safety Audit

Travel Plan and travel assessment

Environmental Noise Assessment and outdoor lighting report.

Drainage Strategy report.

Ecology report, including BNG metric and post development ecology.

Archaeology report.

c) Pre-application Engagement

- 3.8 Advice (PREAPP/19/00187), was given prior to the submission of the scheme, was that officers raised a policy objection to the principle of the use. Concerns were also raised about impact on the Showpersons site, in respect of residential amenity.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local Parishes were carried out on the application.
- 4.2 A summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

- 4.3 **Lutterworth Town Council:**
No comments received.
- 4.4 **HDC Environmental Health;**
Concerns about noise impact from the development affecting the travelling showman's site to the rear. The noise assessment has looked at plant and machinery noise, and looking at the numbers, that should not be a major cause of disturbance. The report states that the site is unlikely to be busy outside the hours 23.00 to 07.00 hours but it is assumed they are applying for 24 hour use. My concern would be the activity in the car park, ancillary to the restaurants, and how the applicants are going to control this to avoid antisocial behaviour at the site.

If the bund on site is retained this really does help in terms of noise protection.

Reply from Agent;

A management plan can be provided to control this.

Typically, McDonald's look for unrestricted hours, as opening past midnight will require a licence from your council, and is within your council's control, albeit through different legislation.

EHO further comments:

Draft management plan for the site would be very useful and help to provide that reassurance in terms of late-night noise and potential ASB. Refers to the bund and its retention. (PO comment; The bund is included as part of the landscaping buffer and can be retained as such-management plan required by way of condition 17).

Contaminated land: No requirement.

4.5 LCC Highways

Following the submission of additional information, including Road Safety Audit, recommend conditions and S106 in regard to monitoring of travel plan, travel packs, bus passes, Traffic Regulation Order in relation to proposed speed limit change on A4303 Lutterworth Road.

4.6 LCC Ecology

Refers to previous protected species survey that concluded protected species likely to be absent, and unlikely to have changed.

However, the site contains semi-improved neutral grassland, which does have biodiversity value. No report detailing how Biodiversity Net Gain will be achieved has been submitted. This will be required before I can comment further on this application. A copy of the metric spreadsheet (in the form of an Excel file) will need to be provided. If the net gain is to be achieved wholly or partly on site, then a detailed landscaping scheme will need to form part of the information required.

Information subsequently supplied and a net-gain of **0.84%** shown.

Conditions recommended.

4.7 Severn Trent Water

Recommend condition.

4.8 LCC (Minerals and Waste)

No objection.

4.9 LLFA:

Site is considered a minor development in flood zone 1, being considered of low risk of fluvial flooding and a very low risk of surface water flooding-refer to Standing advice.

4.10 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 or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).

4.9 Local Community

13 comments of objection (summary of key points-see on-line for full details):

1. Extra noise from deliveries, staff, customers, stopping/starting engines, etc.
2. Amount of litter.
3. Jobs not needed, Lutterworth has virtually no unemployment.
4. Adverse impact on residents.
5. Vermin.
6. Concerned about safety of children walking down the access.
7. Negative impact on town centre and local businesses.
8. The new cemetery is close by and a drive thro so close inappropriate.
9. Adverse impact to nearby residents from increased traffic.
10. Additional noise and light pollution.
11. Reduction in open space for wildlife.
12. Concerned about the amount of duplicate supporting comments received.

In the region of 190 comments of support:

1. Boost to local economy and will provide jobs.
2. To 65 jobs and create further employment opportunities during construction and in supply chain.
3. Would reduce journeys outside of Lutterworth, helping the environment.

- 5.0 Councillor Page: Should HDC be minded to approve, I believe the mitigation/traffic lights will enhance safety /curb speeding.

5. Planning Policy Considerations

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

a) Development Plan

- *Harborough Local Plan*

5.2 The following policies of the adopted Local Plan are considered most relevant in consideration of the application:

- SS1 – Spatial Strategy
- GD1 – Achieving Sustainable Development
- GD5 – Landscape Character
- GD8 – Good Design in Development
- BE1 – Business and Employment
- RT1 – Provision of New Business Development
- RT2 – Town and Local Centres
- GI5 – Biodiversity and Geodiversity
- CC1 – Mitigating Climate Change
- CC3 – Managing Flood Risk
- CC4 – Sustainable Drainage
- IN2 – Sustainable Transport
- IN4 – Water Resources and Services
- L2 – Land South of Lutterworth Road/Coventry Road

b) Material Planning Considerations

5.4 The following are considered material planning considerations:

- *National Planning Policy Framework*
- *National Planning Practice Guidance*
- *Development Management Supplementary Planning Guidance*
- *Leicestershire County Council Highway Design Guide*
- *The Environment Act*
- *Leicester & Leicestershire Economic Growth Strategy 2021-2030 (Leicester and Leicestershire Enterprise Partnership Limited, November 2021)*
- *Lutterworth Town Centre Masterplan (Sept 2021)*
- *Section 149 of the Equality Act 2010 created the public sector equality duty. It states:*
 -
- *“A public authority must, in the exercise of its functions, have due regard to the need to:*

- *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*
- *Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act, 2010, in the determination of this application*

6. Assessment

a) Principle of Development

- 6.1 The Local Plan seeks to support and promote sustainable development throughout the District. The primary means to achieve this is through policy SS1, the Spatial Strategy, setting out the most sustainable locations for development, down to the least sustainable. By directing development towards the most sustainable locations, the Plan seeks to reduce reliance on the private motor vehicle and to support local communities and settlements. Lutterworth is identified as a sustainable settlement and the site is allocated for Class B1 (business/light industrial uses under Policy L2.)

L2 Land south of Lutterworth Road/Coventry Road

1. Land to the south of Lutterworth Road (A4303)/ Coventry Road, Lutterworth, as shown on the Policies Map, is allocated for Class B1 (business/ light industrial). Development that complies with other relevant policies and meets the following requirements will be permitted:
 - a. access from the existing Fairacres Road off Lutterworth Road;
 - b. provision of transport infrastructure and other measures as identified by a transport assessment and travel plan, including road and junction improvements and necessary pedestrian crossings to the Coventry Road roundabout;
 - c. provision of footpath and cycle path links to local services, residential areas and the wider rights of way network;
 - d. identification and mitigation of any contaminated land;
 - e. parking provision, including cycle parking, and servicing for each development parcel to have regard to Leicestershire County Council Highway Design Guide;
 - f. archaeological and ecological assessment of the site and required mitigation, including the retention of existing hedgerows and protection of habitats and species;
 - g. provision of an adequate and appropriate landscaping buffer, and any necessary noise attenuation, to protect the residential amenity of the occupiers of the adjacent Fairacres Travelling Showpeople site;
 - h. the retention of green corridors throughout the site and at least a 10m buffer between the Bitteswell Brook and the development;
 - i. provision of any required flood mitigation measures as identified by a flood risk assessment, together with a sustainable drainage system (SuDs) and the appropriate management of surface water run-off during construction and in perpetuity;
 - j. mitigation of any landscape impacts as identified by a landscape visual impact assessment; and
 - k. provision of a suitable lighting scheme to minimise light pollution from the development.

The explanatory text to Policy L2 identifies an expectation that in total the site will

deliver up to 10,000sq.m. of B1 employment floor-space, and also that the site will provide new employment land prior to the provision made as part of the Lutterworth east SDA (Policy L1).

- 6.2 The proposed use is clearly contrary to the Development Plan, and this is the advice given by Officers over a number of years. The proposed use is considered Sui Generis which refers to hot food takeaway uses, which were taken out of the more general Class E use Classes order 2020. The LP was adopted prior to The Town and Country Planning (Uses Classes) (Amendment) (England) Regulations 2020 coming into force. Class E uses, except for E(g)(i)(ii) and (iii), on this employment allocation site are contrary to the Development Plan.

Use Class E detailed below:

USE CLASS	DESCRIPTION	PERMITTED CHANGE
Class E - Commercial, business and service	<p>Use, or part use, for all or any of the following purposes:</p> <ul style="list-style-type: none"> (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public, (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, (c) for the provision of the following kinds of services principally to visiting members of the public: <ul style="list-style-type: none"> (i) financial services, (ii) professional services (other than health or medical services), or (iii) any other services which it is appropriate to provide in a commercial, business or service locality, (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public, (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner, (f) for a crèche, day nursery or day centre, not including a residential use, principally to visiting members of the public, 	<p>Land and buildings in Class E will continue to benefit from any permitted development rights that it was entitled to on or before 31 August 2020.</p> <p>These 'transitional provisions' will remain in place until 31 July 2021 when new, revised permitted development rights will be introduced.</p> <p>These provisions also apply to relevant Article 4 Directions.</p>

- 6.3 **Loss in the potential for B1 class use:** the proposal affects approx. 23% (0.69Ha of 3Ha) of the allocated employment site providing no Class B1 employment floor-space, this represents a loss of potential for B1 floorspace of up to 2,600sq.m (based on HEDNA 2017 average plot density) in Lutterworth. Policy L2's assumed contribution to plan requirements is up to 10,000sqm. In principle the remainder of the allocated site could be developed more intensively to offset any such loss.

The proposed development has come forward in isolation without the benefit of a comprehensive masterplan such as there is no planning mechanism to safeguard against an overall cumulative loss. This would need to be assessed at the time of any new application, with the aim of meeting the policy requirement, subject to compliance with other criteria. In any event the figure is a maximum figure.

- 6.4 The Harborough Local Plan covers the period 2011-2031 and confirms, at paragraph 6.1.8, that Policy BE1 allocates a total of 59ha of employment land against the HEDNA's upper assessment for the period of 51ha. Commenting on this overprovision, the Plan (6.1.8) says "This is more than the minimum 51 hectares of gross need, identified by the HEDNA (using the upper end of the range identified for office use). The additional supply provides for flexibility in order to; strengthen Market Harborough's established role as the District's primary economic centre; achieve a balance between jobs and areas of housing provision; provide for a suitable distribution of sites; and off-set potential future losses of existing employment sites."

- 6.5 Policy BE1 allocations expressly built in over provision to allow for flexibility and the policy allowed for the higher predicted need for B1 a/b floorspace.

If the application is permitted, there would remain in excess of the required 51ha of available employment land required by the HEDNA. Even after loss of a small part of this allocated site, there will remain 58.36ha against the defined target of 51ha

- 6.6 On balance, it is considered that the loss of a small proportion of this allocated B1 site to an alternative, proportionally high, employment generating use would not undermine the Local Plan's employment strategy. This is particularly the case in this instance, given the history of the site's allocation for B1 use, including two planning consents, and its failure to deliver such development (despite the access road being constructed and the site marketed since 2017). Allowing the proposed development may "kick start" development of the site, which in turn, may enhance the prospect of the balance of the site being developed for other employment generating development. It would also create considerable local employment opportunities (80 full and part time staff) and promote Lutterworth as a Key Centre.

- 6.7 The particular use is quite site specific, relying heavily on the location with good access onto the wider road network, and proximity to nearby town, and its acceptance would be based on the individual circumstances identified, such that it would not set an unwanted prejudice for other employment sites.

6.8 Impact on vitality / viability of Lutterworth Town Centre:

The sequential approach is set out in Paragraph 87 of NPPF:

“Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out-of-centre sites be considered.”

Paragraph 88 continues: “When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”

Policy RT2 of the Local Plan requires that the development meets the sequential test:

4. Sequential test

Development, including extensions to existing facilities, for main town centre uses should be located in the defined Town Centres, then in edge of centre locations and only outside defined town centres if a sequential test shows that the development, having demonstrated appropriate flexibility in form and scale, cannot be accommodated within a suitable and available centre or edge of centre location.

6.9 To meet this requirement, the application is supported by a Sequential Assessment (Simply Planning Ltd)

The Sequential Assessment reviews a total of 8 edge-of-centre and comparable out-of-centre sites within Lutterworth, alongside vacant units within Lutterworth Town Centre.

The report draws the following conclusions:

- “ ▪ “There are no sites within the centre of Lutterworth, edge of centre or wider environment that are, in any way, capable of accommodating the proposed development, or a flexible format of it. Furthermore, all of the vacant units within the centre are too small to accommodate 2no. Coffee shop with drive-thru facility/café when suitable and direct access by car is a major factor which must be considered.
- The constrained nature of Lutterworth Town Centre renders any drive-thru development in the centre itself clearly impractical.
- Taking the business model requirements for a drive-thru proposal and roadside food and drink operator into account, as described above, and the fact that the proposed development cannot be disaggregated and delivered on separate sites, there are no other sites within the centre which could be considered as sequentially preferable for any component of the scheme.
- Accordingly, the sequential test is passed and planning consent can, and should be, granted to the proposals (in retail policy terms), subject to satisfaction of the impact test.

In short, it is demonstrated that there is no available, suitable or viable alternative sequentially preferable site to which the proposals might otherwise locate. Indeed,

given the highly specific roadside characteristics of the trading format, a town centre site, even if available, would not be suitable for the intended use and this feature of certain retail uses continues to be recognized in the NPPG, paragraph 012 (ref ID: 2b-012- 20190722)".

- 6.10 Officers would agree with the basic findings, and that no alternative town centre site would appear suitable, or available. As such, then the development is subject to a retail impact test, to determine the likely impact of locating the development outside of the centre.

- 6.11 Retail Impact Assessment: (as required by RT2)

5. Impact assessment

Development of main town centre uses outside the defined town centres, or of retail uses within Market Harborough town centre but outside the primary shopping area, will only be permitted if an impact assessment demonstrates that the proposal would not have a significant adverse impact on the vitality and/or viability of existing centres. An impact assessment will be required for development of, or in excess of:

- a. 1,500 square metres gross in Market Harborough; and
- b. 500 square metres gross elsewhere in the District.

This was carried out by Savills (May 22)

The report considers the adopted Masterplan for Lutterworth town centre 2021, which forms the baseline for vitality and viability to be assessed against. It demonstrates that the health of Lutterworth Town Centre is robust, which means that the proposed development is less likely to trigger a significant adverse impact upon the vitality and viability of those centres. The area is not considered as one which is at a tipping point where it might be more vulnerable to the effects of a proposed development.

The Plan identifies potential demand to accommodate new national retail or leisure operators, however existing vacancies can not meet this demand.

Based on the Harborough Retail Study Update (2017) by Lichfield's, the expenditure of residents in Lutterworth on food and beverages, exceeds the turnover of existing businesses, and the majority of expenditure leaks outside of the town. (for example the nearest McDonalds are Rugby and Hinckley, or Market Harborough, whilst there is a small Costa in Lutterworth, which would be retained)

Relevant excerpts of report submitted:

"Given the nature of the drive-thru restaurant industry, coupled with the location of the site along a prevalent vehicular route, it is considered that a large proportion of the turnover of the proposed businesses will be drawn from passing trade, rather than from the expenditure of residents in Lutterworth. For example, employees at Magna Park industrial estate may choose to order food or beverages from the site on their way to or from work. It follows that the turnover of the proposed drive-thru restaurants is derived from a much wider area than that of Lutterworth. Accordingly, the impact of that turnover is also dispersed across a much wider area.

Furthermore, it is also the case that drive-thru restaurants provide a different function and do not compete directly with traditional restaurants. A drive-thru restaurant provides a purely convenience function, which is typically undertaken as part of a

linked trip (i.e. between home and work). A meal at a restaurant, by contrast, is a social activity for which a dedicated trip is generally undertaken to meet with people outside of one's own household.

It follows that the proposed development will not result in any impact upon the vitality and viability of existing food and beverage businesses in Lutterworth Town Centre – let alone an impact which could be categorised as significantly adverse”.

Further, there are no planned and committed developments proposed in Lutterworth which will be impacted by the proposed development. As a result, the proposal will not have a significant adverse impact on any planned or committed investment in any relevant centre.

It is concluded that the proposed development will not result in a significant adverse impact on the vitality and viability of Lutterworth, it would offer choice to residents and to those travelling on the road network, including users of Magna Park”.

- 6.12 Officers have considered the information presented and agree that the impact is harder to assess than the traditional impact on retail, as the spending associated with trips to the proposed uses are usually lower and more unpredictable. They are often a snap decision from those passing, or in the vicinity, as opposed to a planned trip which would divert custom away from the town centre.

Officers would also agree with the conclusions of the report as presented by Savills.

- 6.13 Whilst Officers recognise the flexibility introduced by Class E, the proposed McDonalds hot food takeaway use (Unit 1) is not considered to fall within this (Sui Generis), and there would be no scope for any permitted change of use, although another similar end user could occupy the premises, as this would be outside of the planning remit. However, Unit 2 could benefit from Permitted development rights as it would fall within Class E of the Use Classes Order. As other “permitted uses”, such as retail may not be acceptable in this location, Condition 4 would restrict use to the coffeeshop/takeaway/restaurant applied for.

- 6.14 Thus, on balance, taking all the above factors into account, there are considered to be adequate material considerations which would justify an exception to the specific site policy being made.

b) Technical Considerations

1. Design, Layout and Landscaping

- 6.15 The proposed layout respects the existing site context and layout, placing built form on areas where it is very unlikely to be seen within the wider countryside. The proposed buildings have an acceptable low-key design with suitable materials, and a lighting plan has been submitted.

Photo looking north towards bypass from internal access spur:



- 6.16 Officers consider that the proposal has a layout which respects the context in which the development is sited and subject to detailed design and additional landscaping will have a harmonious appearance, in accordance with Local Plan policy GD8. Given that levels are quite varied on site, a levels condition is required (C 13 refers)

2. Impact upon the character and appearance of the area and the countryside

- 6.17 Due to the set back from the road with carpark to front and presence of trees, the proposed development is unlikely to be visually prominent, even though the site rises up gently from the road. Any glimpses of the proposed buildings will not be viewed as unsympathetic however, due to the low key design and additional landscaping proposed (and to be secured by way of condition). The immediate area is characterised by the adjoining road network, the expanding Magna Park, and the large housing development to the North which is in close proximity. The site has already been

adjudged as suitable for commercial development and the height of the buildings now proposed is more akin to the scale of low key residential development (max @6m).

- 6.18 Officers consider that the proposal preserves the character and appearance of the countryside and landscape, in accordance with GD8 and GD5 of the Harborough Local Plan.

3. Heritage

- 6.19 Under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'), a Local Planning Authority must have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. Similar applies to Conservation Areas. Preservation in this context means not harming the interest in the building/asset, as opposed to keeping it utterly unchanged.
- 6.20 The NPPF and policy HC1 of the Local Plan require great weight to be given to a heritage asset's conservation. If 'less than substantial' harm to the asset or its setting is identified, then the decision-maker is to weigh up the public benefits of the proposal against this harm. Assets which do not currently have any statutory protection can be considered 'non-designated heritage assets' and these too are protected under the policies.
- 6.21 The proposal is not in a Conservation Area, or adjacent to one and does not affect any listed buildings or other heritage assets and will therefore accord with HC1, the NPPF and the Act

4. Highways

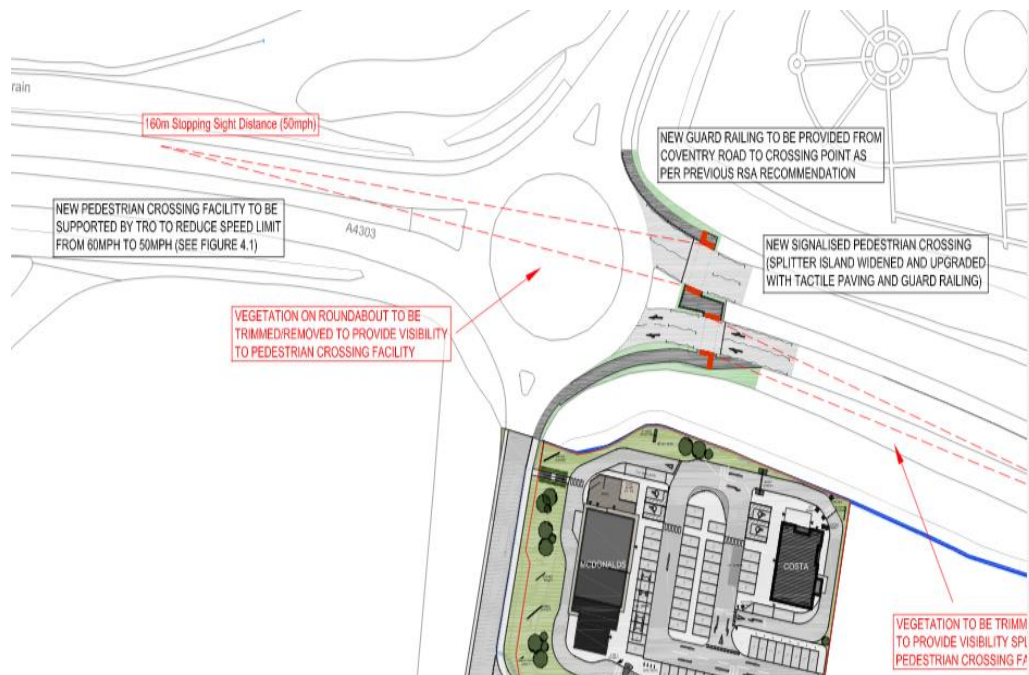
○ *Highway impacts*

- 6.22 Due to the nature of the proposal, the use is likely to attract pedestrians (especially children and young adults) from Lutterworth.

To ensure pedestrians/cyclists have safe access to the proposed development from Lutterworth and its residential neighbourhoods the applicant has submitted a scheme of mitigation at the A4303 / Coventry Road junction as shown on HUB Transport Planning Limited drawing number: T19539-005 Revision C. This shows a signalised pedestrian crossing facility including:

- reduction of speed limit to 50mph on A4303 Lutterworth Road on approaches to roundabout;
- the existing footway around the roundabout exit radius will be widened to provide a 3.0m shared footway/cycleway facility;

– widening and upgrading of splitter island with guard railing and tactile paving; and – vegetation to be trimmed / removed where appropriate to improve / provide visibility.



- 6.23 The scheme of mitigation has been supported by a Stage 1 RSA which identified three problems. The applicant has reviewed the problems identified in the RSA and provided a Designer's Response to each problem is in Appendix B of Stage 1 Road Safety Audit.
- 6.24 After a review of the proposed highway works the LHA accepts the applicant's conclusions. There are likely to be some minor elements of the highway improvement scheme that require amending, but these can be addressed at Section 278 stage should planning permission be granted. A relevant condition is advised below with the improvement works required prior to first occupation of any part of the development. (C 6 refers)
- 6.25 Internal Layout

The applicant has submitted a Site Plan as shown on RGP Architects drawing number: 41085-003, revision B. The layout of the site is based on a single point of access and the internal road has been designed so that it splits within the site to serve the separate Drive-Thru facility and Costa coffee shop. The on-site parking will serve both elements of the proposed development. There is a total of 60 parking spaces proposed within the site to serve the proposed development. Parking provision is made up of 50 car parking spaces, four accessible parking spaces and six other parking spaces i.e. electric vehicle charging point bays, two grill bays (McDonald's) and two awaiting order bays (Costa). In addition to the various car parking spaces the applicant has confirmed there will be eight cycle parking spaces on site.

- 6.26 This approach includes undertaking parking surveys of the Bourne McDonalds site to understand parking demand and duration of stay. A review of the results of the surveys is in paragraphs 4.31 – 4.33 and the parking survey data is included in Appendix F of the TA.

Based on the evidence submitted the LHA consider the level of parking to be appropriate to serve the proposed development. A condition to secure the parking and turning facilities is included (C 7 refers).

6.27 Transport Sustainability

Public Transport;

The applicant has reviewed existing public transport service provision in Lutterworth (services 8 and X84) and concluded that public transport is a genuine alternative for employees.

The LHA noted that the nearest bus stop to the site is located over 800m away which is over the maximum distance that LCC would consider to be reasonably accessible.

Any trips by public transport will assist in encouraging a modal shift away from the private car trips and help with targets in the travel plan. (Travel Plan and bus passes included as part of the recommended section 106 Contributions).

6.28 Travel Plan

The applicant has prepared a Travel Plan (TP) to accompany the submitted application. The submitted TP identifies several measures in the action plan (Table 2 of the TP) to promote and encourage use of walking, cycling and public transport. The LHA has reviewed the TP and although the TP generally provides a good overview of objectives, local facilities, targets, and an action plan it does not give specific details demonstrating commitment to delivering a comprehensive programme of initiatives, or details of how the TP will be communicated wider.

A revised TP can be submitted as required by Condition 20.

- 6.29 Based on the information submitted the applicant has demonstrated that a safe and suitable access to serve the proposed development can be delivered in line with Paragraph 110 of the National Planning Policy Framework.

Furthermore the applicant has tested the impact of the proposed development compared to the extant permission 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.

County Highways are satisfied with the proposal and consider that that it will not lead to severe highway harm, including from cumulative impacts on the wider highway network. For these reasons, the proposal is considered to comply with GD8 and IN2, and paragraphs 85 and 101 of the NPPF, together with the Leicestershire Highway Design Guide.

5. Residential Amenity

- 6.30 Noise:

Given the location, the main residential amenity impact is on Fairacres site to the South. An Environmental Noise Assessment (BSP Consulting) forms part of the submission, with the key intention to assess such impact). As part of the process 24 noise surveys were carried out at the nearest dwelling points, even though night-time noise would be minimal (23:00-07.00). The report concludes that the location is suitable and that the difference between current ambient noise levels (traffic noise mainly) and new levels would be minimal. The Council's Environmental Health Officer raises no objection, and has requested the Management Plan, which would deal with mitigation of more unexpected noise (such as from Anti-social behaviour) (C 17 refers). Further, details of any new mechanical plant and ventilation systems would also be conditioned as these are not detailed. (C18 refers)

It should be noted that there is a bund between the application site and the residential site and this will be retained and incorporated in the landscape buffer, as required by way of Condition 14.

Photo looking towards Fairacres from access spur-roof visible over bund.



- 6.31 The Agent has suggested that a management plan may overcome concerns from nearby residents. This would detail how any issues would be avoided and dealt with. This could also include a strategy for litter management.

“ Following discussion with residents the following have been added;

An entrance barrier on the site to restrict access out of hours

20mph restriction on access

Speedhump on access with a defined crossing.

Crossing across the main entrance.

In addition, the existing left hand slip road has also been included on the drawings where previously omitted in error.

Whilst outside of planning and outside of this application my clients also intends to yellow line the western side of the access. In addition, the temporary barriers will be move to the eastern side of our site access to stop vehicles progressing further into the wider site”.

6.32 Lighting:

The application includes full details of the proposed external lighting to serve both the units themselves and the car park. It demonstrates how light spillage will be controlled through intensity and design

6.33 A Construction Management Plan (C5), is required to control hours of construction and wheel washing, but the construction period for such low key structures (often pre-built) is typically relatively short.

Officers consider that the proposal, and suggested conditions will safeguard residential amenity, in accordance with GD8. The previous site history and the allocation for commercial use must also be given due weight

6. Ecology, biodiversity, trees and soils

6.34 The Framework places great importance on the protection and enhancement of biodiversity, stating that development plans should identify and pursue opportunities for securing measurable net gains for biodiversity. Furthermore, when determining planning applications, opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

6.35 Local Plan Policy GI5 states that development will be permitted where, amongst other things, opportunities for improving habitats are incorporated, and 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. The policy also states that development should, as relevant, provide contributions to wider biodiversity improvements in the vicinity of the site.

6.36 Although the submitted surveys demonstrated that the proposal would not adversely impact on protected species, the overgrown, neglected state of the site has made it an ideal habitat for a variety of plant species and invertebrates. The amount of disturbance to this habitat likely to be caused by the development is substantial and, therefore, the County Ecologist requested a biodiversity impact assessment be carried out.

The impact assessment concluded that the development would result in a net gain of biodiversity on the site amounting to 8-10 biodiversity units. The County Ecologist stated that the principle of measurable net-gain when considering applications is covered in the Framework and the planning system should provide biodiversity net-gains wherever possible

6.37 Biodiversity Net Gain will be provided on site, on land within the Applicants control (shown in blue on the site plan). A condition is recommended to secure this (C16 refers)

Additional landscaping and future management can be controlled by way of condition (C14 &15 refers).

7. Flooding, Drainage and Water

6.38 The site is in flood zone 1, with the land at the lowest probability of flooding.

Surface water drainage can be conditioned during and after construction

(Conditions 10-12 refers) No contamination is identified. For these reasons, officers consider that the proposal complies with CC3, CC4 and IN4 of the Local Plan.

8. Climate Change and electronic connectivity

6.39 Harborough District currently has a 6.9 tonne carbon footprint per person, higher than the England, County and Regional per capita amount and primarily due to the rural nature of the District and the dependency on motorised transport. A projection of the District's emissions shows that we will only reach carbon neutrality by 2042. In June 2019 the Council declared a Climate Emergency with the aim that all council functions and decision-making should lead to the Council being carbon neutral by 2030.

- 6.40 Local Plan policy CC1 relates to major development (the site area means this proposal is for major development) requiring proposals to demonstrate passive design, best-practice accreditation, renewable energy technology and minimised carbon emissions during construction (*inter alia*). Whilst this scheme is not classified as major development, in accordance with Para 85 of the NPPF (to make the development sustainable), a condition will require a package of “Green” measures to be agreed (C 9 refers).

7. The Planning Balance / Conclusion

- 7.1 The Framework identifies three dimensions to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached.

o Economic: The proposal will support economic growth, including in relation to Lutterworth, and will help to make Lutterworth a more sustainable settlement. It will provide additional employment opportunities, including locally. It may help to “kick-start” development on the rest of the site, with associated benefits to other businesses and the local economy. This has to be balanced against the possible loss of office floorspace for which the site is allocated and may prejudice future delivery targets of the Local Plan.

o Social: The proposal will enhance the local choice of places to meet and socialise and will provide job opportunities, including part-time. The site can be accessed by sustainable modes of transport and the highway improvements, and reduction in speed limit will improve connectivity and highway safety, including for the residents of Fairacres.

o Environmental: The proposal is in keeping with the character and appearance of the surrounding countryside and will retain existing boundary trees and there will be landscape enhancement and bio-diversity net gain has been demonstrated. The highway improvements will improve pedestrian and cycle connectivity to Lutterworth and journeys to alternative outlets outside of the district may reduce. There is a potential in reducing travel for passing drivers and Magna Park staff, who may have had to drive further previously. During development there may be some short-term disturbance/inconvenience to residents.

- 7.2 The proposal is considered to meet all three strands of sustainable development and the overall long-term benefits of the scheme are considered to outweigh the conflict with the development plan.

The proposed development is acceptable on the basis that the site occupies a sustainable location on the edge of a key centre. The details of the scheme, subject to conditions, demonstrate that it is capable of being assimilated into its surroundings without adversely affecting the character and appearance of the area, the vitality and viability of the existing town centre, the amenities of occupiers of nearby properties,

highway safety, biodiversity, archaeology, flooding, or any other interest of acknowledged importance.

- 7.3 It is therefore recommended that the application be approved subject to the conditions in Appendix A and the S106 obligations in Appendix B.

Appendix A – conditions

Conditions and Reasons

1. **Commencement:**

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

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

2. **Plans schedule**

The development hereby permitted shall be carried out in complete accordance with the approved plans listed in schedule:

Schedule provided by Mat Carpenter (Agent) dated 13.02.23.

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

3. **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.

4. **Restriction of use:**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2020 (as amended) (or any order revoking and re-enacting that order with or without modification) Unit 2 hereby approved shall only be used for coffee shop/takeaway/restaurant, and no other use as defined within Class E shall be carried out on the site.

REASON: In order to protect the vitality and viability of Lutterworth town centre, and to retain the integrity of the allocated employment site in accordance with Local Plan policies RT2 and L1 and relevant NPPF policies.

5. **CEMP:**

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) 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
- 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, and the control of hours of use if relevant;
- h) location of temporary buildings and associated generators, compounds, structures and enclosures
- i) measures for controlling surface water during construction.
- j) routeing of construction traffic and indication of signage locations to assist those delivering to the site
- k) Contact details for site manager, including how these details will be displayed on site.
- l) full details of preventative measures to avoid surface water run-off during construction
- m) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- n) full details of any floodlighting to be installed associated with the construction of the development

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.

6. **Pedestrian Crossing:**

No part of the development hereby permitted shall be brought into use until such time as the signalised pedestrian crossing of the A4303 and associated works as generally shown on HUB Transport Planning Limited drawing number: T19539-005 Revision C has been implemented in full and is available for use, unless otherwise agreed in writing by the LPA.

Reason: To provide pedestrians with safe access to the site and to promote travel by sustainable modes in accordance with the National Planning Policy Framework (2021).

7. **Parking and turning:**

The development hereby permitted shall not be brought into use until such time as the parking and turning facilities have been implemented in accordance with RGP Architects drawing number:

41085-003, revision B.

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).

8. **Cycle parking:**

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

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

9. **Sustainability improvement measures:**

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

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

10. **Surface Water drainage:**

No development shall commence on site until details of a surface water drainage scheme/system have been submitted to, and approved in writing by, the Local Planning Authority. These details shall include evidence of infiltration testing on the site to establish the suitability of the site for the use of infiltration as a drainage element (unless evidence is submitted to preclude the need for testing). The surface water drainage scheme shall be implemented in accordance with the

approved details prior to the first use of any part of the development hereby approved.

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

11. Surface Water drainage management:

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 run-off quality, and to prevent damage to the final surface water management systems through the entire development construction phase

12. Surface Water maintenance;

Prior to the first occupation of any part of the development 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

13. Levels;

No development shall commence on site until details of existing and proposed levels have been submitted to and approved in writing by the Local Planning Authority. The details shall include finished ground floor levels of all buildings in relation to the existing and proposed site levels, the adjacent highway and adjacent properties (if relevant), together with details of the levels of all accesses (to include pathways, driveways, steps and ramps). The development shall only be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and the amenities of occupiers of adjoining dwellings, having regard to Harborough Local Plan Policies GD2, GD5 and GD8, and the National Planning Policy Framework.

14. Landscape scheme:

Prior to the first occupation of the unit(s) a Landscape Scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape Scheme shall include the retention of the earth mound to the South of the site and 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 to Harborough Local Plan Policies GD2, GD8 and the National Planning Policy Framework.

15. Landscape management:

Prior to the first use of any of the units/buildings hereby granted permission, a management plan for the landscaped areas of the site as a whole shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaped areas shall be managed in accordance with the approved plan.

REASON: To safeguard these natural features in the interests of the appearance of the locality and to enhance the biodiversity of the area in accordance with Harborough District Local Plan Policies GD8 and GI5 and the National Planning Policy Framework.

16. LEMP

No development shall take place (including ground works) until a Landscape and Ecological Management Plan (LEMP), in accordance with the BNG: V2 Post-Development plan and Biodiversity Net Gain metric spreadsheet completed by Practical Ecology (Alex Jessop 12/12/2022), has been submitted to and approved in writing by the LPA. The LEMP shall include the following details:

- A) description and evaluation of the features to be created/managed
- B) aims and objectives of management
- C) appropriate management options for achieving aims and objectives
- D) prescriptions for management actions
- E) work schedule
- F) species/seed mixes to be planted/sown
- G) ongoing monitoring and remedial measures

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 GI5, and the National Planning Policy Framework.

17. General management plan:

Prior to the commencement of the use, a management plan shall be submitted and approved in writing by the LPA, to include:

1. Regime for dealing with any anti-social behaviour

2. Litter management and picking regime.
 3. Contact for dealing with complaints to be displayed on site at all times.
- The agreed plan shall be implemented thereafter in perpetuity.

Reason: To protect the residential amenity of nearby residents, in accordance with GD8 of the Harborough District local Plan and the NPPF.

18. Details of plant:

Prior to the first use of the development hereby approved, details of any mechanical plant and extraction equipment required shall be submitted to and approved in writing by the Local Planning. All equipment shall thereafter be operated and maintained in accordance with the approved details and retained for so long as the use continues.

REASON: To preserve the residential and visual amenities of the locality having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

19. External lighting:

External lighting shall only be installed in accordance with the approved details (Outdoor lighting report -Pick Everard) and shall not be replaced with any alternative lighting without the prior permission in writing of the Local Planning Authority.

REASON: To safeguard the rural and residential amenities of the locality having regard to Harborough Local Plan Policies GD3 and GD8 and the National Planning Policy Framework.

20. Travel Plan:

Before the first operation of the development hereby approved, an updated Travel Plan, shall be submitted to and approved by the Local Planning Authority. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site. The plan shall also make provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities and shall be implemented and subject to regular review in accordance with the above approved details. Such details shall be retained as approved in perpetuity.

REASON: To encourage the use of alternative forms of travel to reduce car dependence and vehicle emissions having regard to Harborough Local Plan Policies GD8 and IN2, and the National Planning Policy Framework.

Notes to Applicant

1. Building Regs.
2. Temporary directional signage you must seek prior approval from the Highway Authority in the first instance (telephone 0116 305 0001)

3. Work on the public highway.
4. The Applicant is advised to liaise with the Highways Authority in regard to any new highway signage required to warn drivers of any highway alterations/changes to speed limit/pedestrian crossing route.

Appendix B:

Section 106 requirements:

To comply with Government guidance in the National Planning Policy Framework (NPPF) and Leicestershire County Council Planning Obligations Policy the following contributions and obligations would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets and mitigating the impacts of the development:

1. A contribution of £11,337.50 prior to commencement of development for the of the Travel Plan and the effects of the development using the County monitoring Council's monitoring programme payable prior to the occupation of any part of the development hereby permitted of any part of the development hereby permitted.

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 targets are met.

2. Travel Packs to inform all new employees, one per employee, from first occupation what sustainable travel choices are in the surrounding area including incentives to encourage changes in travel behaviour towards the greater use of sustainable travel modes can be supplied through LCC at (average) £52.85 per pack.

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

3. Six month bus passes, one per employee (application form to be included in Travel Packs and funded by the developer); to encourage new employees to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car.

Justification: To encourage new employees to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation.

4. A contribution of £8,985.00 payable prior to commencement of development to facilitate consultation on a Traffic Regulation Order for a proposed speed limit change on A4303 Lutterworth Road.

Justification: In the interests of highway safety

Planning Committee Report

Applicants: GLP

Application Ref: 22/01481/REM

Location: Land Adj Glebe Farm, Coventry Road, Lutterworth

Proposal: Application for approval of reserved matters (layout, scale, appearance and landscaping) part of zone A/B (western portion) (MPS11) of outline application 15/00865/FUL

Application Validated: 10th August 2022

Site Visit Dates: 30th September 2022

Ward: Lutterworth West

Target Date: 9th November 2022 (EoT Agreed – 1st March 2023)

Recommendation

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

1. Site & Surroundings

- 1.1 The Reserved Matters application site boundary has been drawn to fall within the Zone A/B of the outline planning application site. The application site comprises an area of land which extends to 2.39 hectares (see **Figure 1**). The Reserved Matters application site lies within the site boundary of the outline application (see **Figures 2 & 3**).

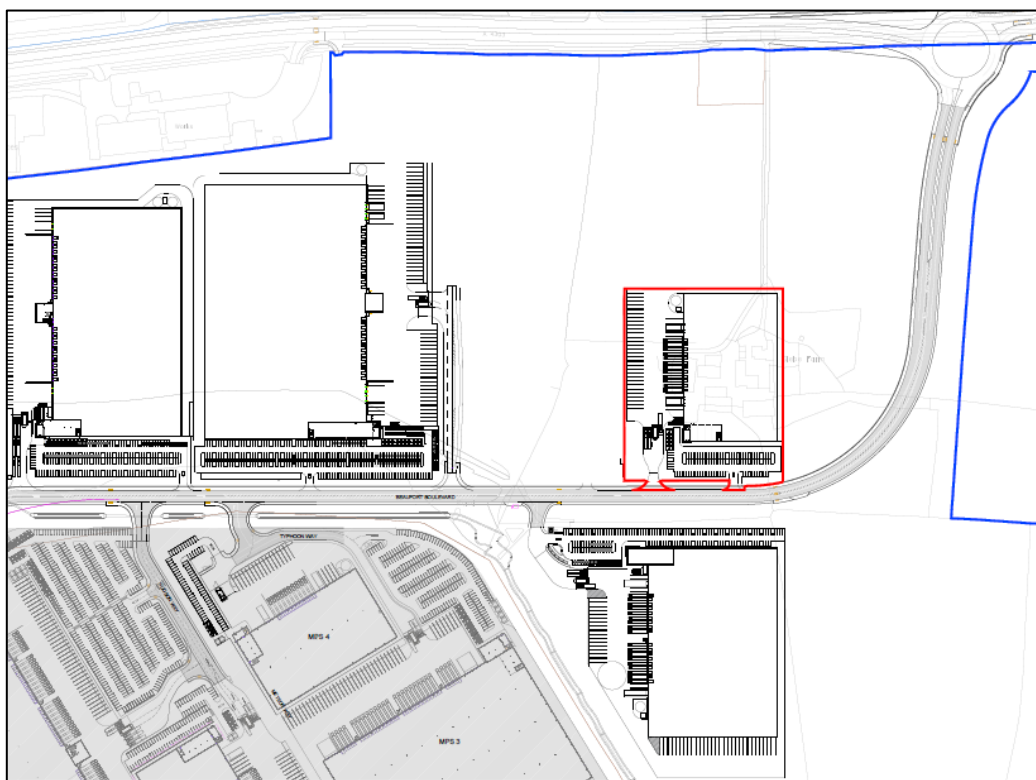


Figure 1: Application site plan

- 1.2 A full assessment of the characteristics of the site and its surroundings was carried out as part of the outline planning permission. This included consideration of such matters as the site's geology, hydrology, ecology, historic features (above and below ground)

and landscape value. These considerations informed the parameters that have been consented as part of the outline permission and inform the consideration of this Reserved Matters application.

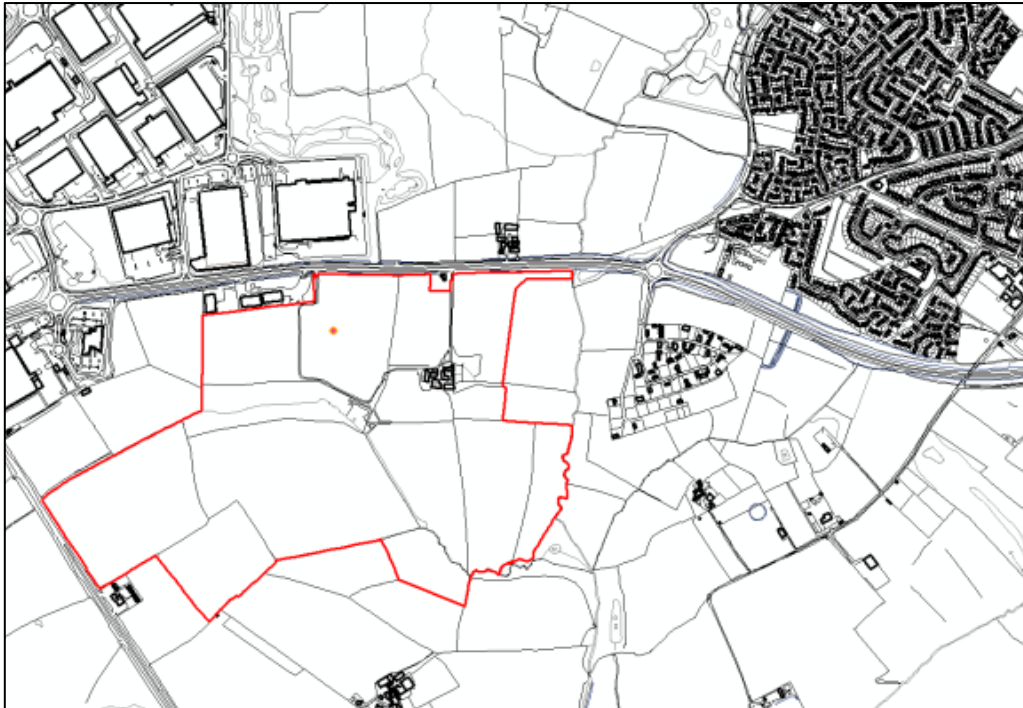


Figure 2: Overall Site Location Plan



Figure 3: Aerial Photo of overall site

2.	Site History
2.1	The site has Outline Planning Permission for the erection of up to 278,709sqm of Storage, Distribution buildings (B8) with ancillary B1(a) offices, creation of access onto A4303 and emergency services only access onto A5, formation of a Lorry Park, creation of SuDS facilities and other associated infrastructure and the demolition of

Glebe Farmhouse (Means of access only to be considered) which was approved 05/07/18 following the completion of the S106 agreement.

- 2.2 In 2019, Reserved Matters approval was granted for primary infrastructure, including estate road and associated landscaping, drainage and utilities and open space in relation to the Outline scheme. Furthermore, Reserved Matters approval has been granted for four buildings on Plot D (MPS1 – 4, these have now all been completed and occupied), and a further two buildings on Plots C & E (MPS5 & 6). Reserved Matters approval has also been granted on the adjacent part of Plot A/B for two buildings (MPS7 & 8). A further REM application for Plot A/B (MPS10) is also pending consideration.

3. The Application Submission

a) Summary of Proposals

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

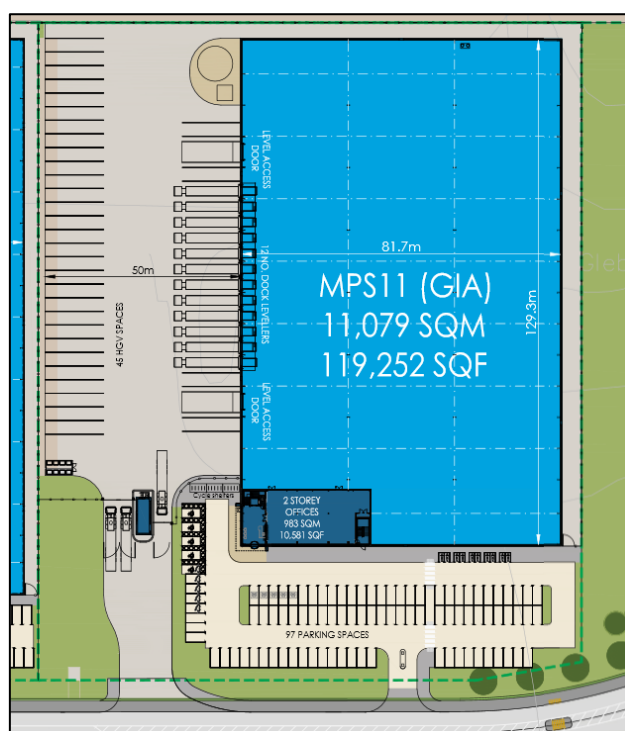


Figure 4: Plot B (MPS11) proposed layout

- 3.2 The Parameters Plan which was approved as part of the Outline consent sets out the maximum development parameters in terms of use, floor area, height and maximum floor plate and finished floor levels. This established a framework within which a range of reserved matters options can be accommodated. In terms of the current application, the pertinent Parameters are set out in detail below:
- ZONE A/B
 - Number of Units: 1 to 5 units
 - Proposed Unit Floor Level: Highest FFL <122.00m
 - Proposed Unit height: 18m to ridge
 - Maximum Floorspace: 120,709sqm GEA
 - Proposed Unit Dimensions: Ranging from 70 to 195m long and 190 to 620m wide

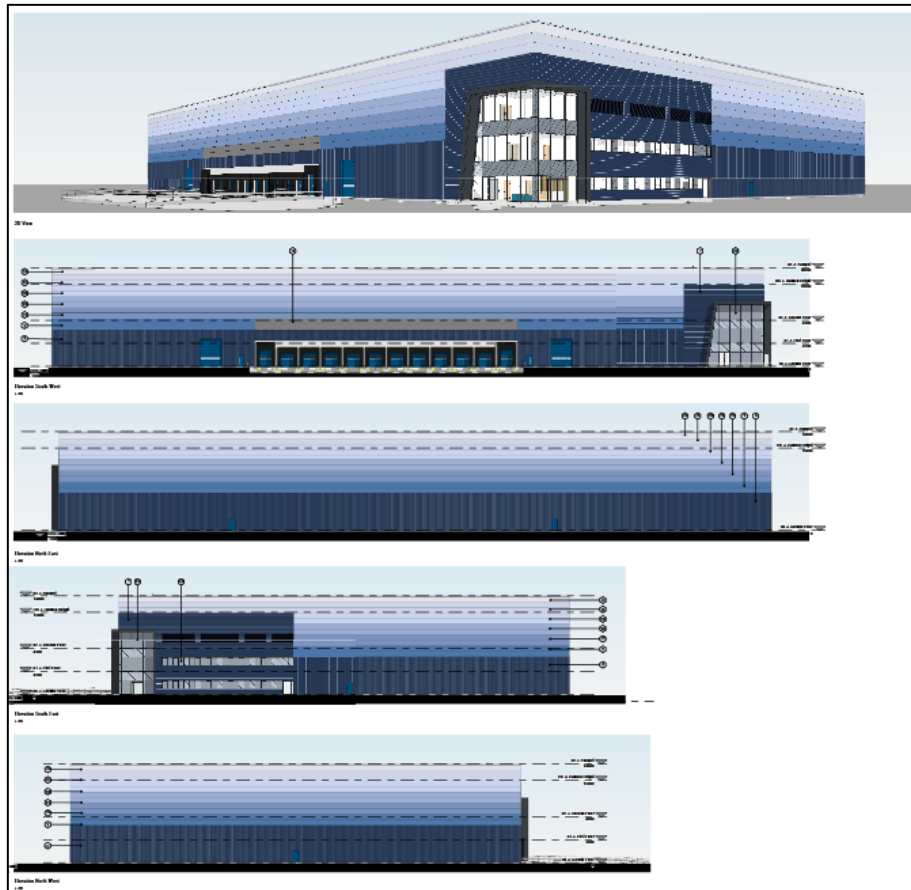


Figure 5: Plot B (MPS11) proposed elevations

3.3 The submitted details with regards these parameters are set out below:

- PLOT B (MPS11)
 - Number of Units: 1
 - Proposed Floor Area 11,370sqm
 - Proposed Unit height: 18m to ridge.
 - Proposed Unit Floor Level: 121.250m AOD.
 - Proposed Unit dimensions: 129.3m wide and 81.7m long

b) Documents submitted

i) Plans

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

ii. Supporting Statements

3.5 The following supporting statements have also been submitted for consideration as part of the application submission:

- EIA Compliance Statement
- Landscape Management Plan
- Landscape Statement
- Sustainability Report

4. Consultations and Representations

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

Consultee	Date	Summary
<i>National Bodies</i>		
Historic England	22/08/22	No comments
Natural England	04/09/22	No comments
National Highways	22/09/22	No objections
Environment Agency	19/08/22	No comments
<i>Regional / Local Bodies</i>		
Leicestershire Police	30/08/22	General comment in relation to security through design
Anglian Water	24/08/22	No Comment
<i>LCC</i>		
Highways	13/09/22	Recommend conditions (parking provision and cycle storage) on any approval
Archaeology	06/09/22	No further archaeological action necessary
LLFA	12/09/22	No concerns
Ecology	07/09/22	no comments
S106	22/08/22	No Comments
<i>Parish Council / Cllrs / MP</i>		
Willey	30/08/22	No Comments
Pailton	03/09/22	As this application deals only with Reserved Matters we have no further comments to make
<i>Other Local Authorities</i>		
Warwickshire Highways	08/09/22	No Comment
North Northants	19/08/22	No Objections or Comment
Nuneaton & Bedworth	25/08/22	No Objection
Coventry	02/09/22	No Comment

b) Local Community

1. Objections
- 4.2 19 letters were distributed to properties adjacent to the application site, and site notices were erected in the vicinity of the site. No letters of objection or support have been received.

5. Planning Policy Considerations

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

a) Development Plan

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

b) Material Planning Considerations

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

c) Other Relevant Information

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

6. Officer Assessment

a) Principle of Development

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

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

1. Proposed Scale

- 6.1.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of one building forming part of Plot A/B of the wider development (as per the approved Outline parameters, see **Para 3.2**).
- 6.1.2 The Parameters Plan which was approved as part of the Outline consent sets out the maximum finished floor levels and the range of units and the sizes for each parcel of the development. This established a framework within which a range of reserved matters options can be accommodated.
- 6.1.3 The scale of the building is below the maximum parameters set out in the outline planning application. The proposals provide one unit of 11,370sqm GEA B8 (storage and distribution) floorspace including ancillary office space, servicing, parking and landscaping. Crucially, the proposed building does not exceed the approved parameters. The maximum ridge heights of the building is 18 metres above the proposed maximum finished floor levels.
- 6.1.4 The offices are located on the gable ends facing the estate road. This will create a sense of activity along the estate road, create a strong frontage and will help to break down the scale of the warehouse behind to limit the visual impact. The height of this element, positioned where possible on the main access, helps to break up the mass of the building when viewed upon arrival.
- 6.1.5 As set out above, the Reserved Matters proposals are broadly in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed scale will not result in a development which results in any greater impact than that which was considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed scale for MPS11 is considered to be acceptable.

2. Proposed Layout (including access and parking)

- 6.2.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of one building forming part of Plot A/B of the wider development (as per the approved Outline parameters).
- 6.2.2 The overall layout accommodates a range of unit sizes, integrated into what will become an extensively landscaped setting. The proposed building is orientated to

present the short gable end to the south (see **Figure 7**). Access to and egress from the development plot is via the new estate road which was approved as part of 18/02148/REM. The applicants have aimed to provide inclusive access throughout the site with paths leading pedestrians from the car parks to the main office entrance. A link to the cycle lanes will be provided to cycle shelters located near to the office main entrance. As far as possible, pedestrian and cycle routes are segregated from routes used by motorised vehicles. A condition is recommended to secure the provision of cycle parking facilities (see **Section 8 – Condition 3**)

- 6.2.3 Within the Design and Access Statement submitted in support of the Outline application, the applicants set out how development could appear on the site using the ranges within the parameters as set out in the parameters plan. The second option of these is indicated at **Figure 6**. **Figure 7** indicates the proposed buildings, car parking and yard areas for which Reserved Matters approval is currently sought. As can be seen by comparing these plans, the layout of Plot A (MPS11) accords with the indicative layout seen as part of the Outline application so far as submitted.



Figure 6: Indicative Layout B from Design and Access Statement

- 6.2.4 Car parking access roads will be surfaced with block paving with parking bays surfaced in a flexible bituminous material. These measures have been proposed in an attempt to avoid large unsightly areas of “black-top” and also help to control surface water run-off rates. It is not proposed to surface parking bays with any material that may be adversely affected by spills from standing vehicles. A condition is recommended to secure the provision of vehicle parking facilities (see **Section 8 – Condition 2**)



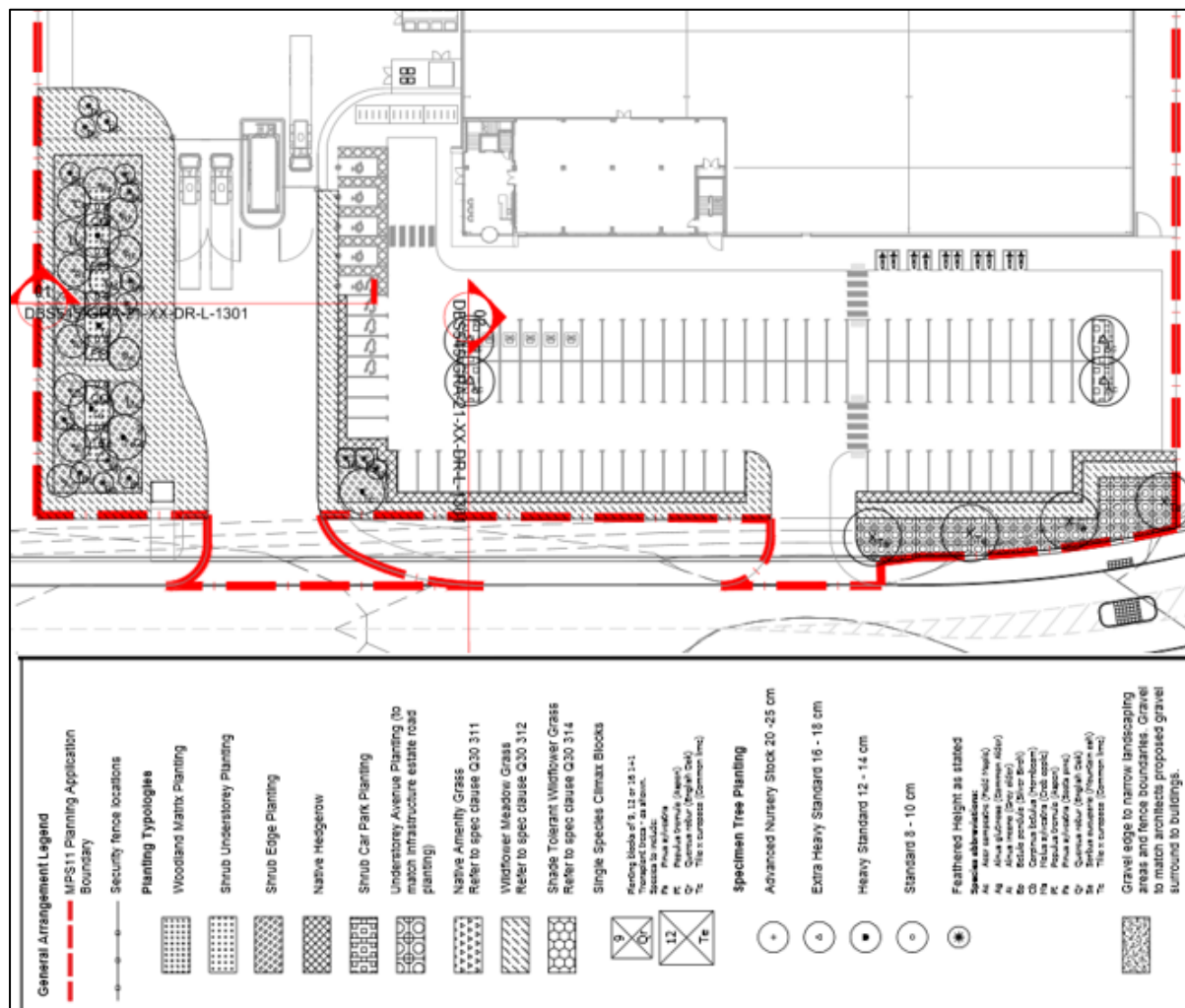
Figure 7: Contextual Illustrative Masterplan

- 6.2.5 Pedestrian links through car park areas are proposed to be picked out in a contrasting material with rumble strips being introduced at transition points. The applicants have aimed to enhance visual cohesion not only by the careful integration of the building and planting but also by use of a furniture palette that provides a consistency throughout the site.
- 6.2.6 Security/boundary fencing is incorporated into the soft landscape boundary treatment and is set back from the public side of the landscaping belt. To ensure site security around the yard area, a 2.4m high paladin security fence will be provided. Additionally, security/demise fencing will be provided around the car park area.
- 6.2.7 The proposed development description is principally the same in terms of land use, the proposed layout parameters, access and general layout as that which was detailed and assessed within the existing Environmental Statement submitted in support of the outline planning application, and therefore it is considered to be an acceptable form of development.
- 6.2.8 As set out above, the Reserved Matters proposals are broadly in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed layout should not result in a development which results in any greater impact than was considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed layout for MPS11 is considered to be acceptable.

3. Proposed “on plot” Landscaping

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

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



4. Proposed appearance (including design, lighting and visual impact)
- 6.4.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of a building forming part of Plot A/B of the wider development (as per the approved Outline parameters).
 - 6.4.2 The proposed finished floor level is AOD 121.25m. These levels have been approved as part of 18/02148/REM and are no higher than those stipulated in the approved Parameters plan. The height of the building is set out as 18m. Again this complies with the approved parameters plan.
 - 6.4.3 The logistics units will include elements of cladding panels on the external elevations as well as built up profiled cladding systems laid both horizontally and vertically. This will provide variety to the elevation by producing a change in texture. To reduce the impact of the warehouse building upon the surrounding environment, a selection of recessive and neutral blue to white colours is proposed. The colours recede to white at the higher levels to reduce visibility against the sky line (see **Figure 9**). This mirrors the buildings recently completed on the adjacent Plot D (see **Figure 10**).
 - 6.4.4 The controlled use of stronger colours in feature bands, flashings, fascias and glazing at lower levels offers contrast and relief. Vertically laid composite cladding in a darker blue is proposed to create a further element of contrast at ground floor level. At low level, dock doors add interest and definition to the ground level loading and servicing area. The roofs will be a colour coated profiled steel. A light colour will be used to reduce the effect of the mass of the building. The office elements of the building is entirely clad in dark blue which gives a contrast to the rest of the building.

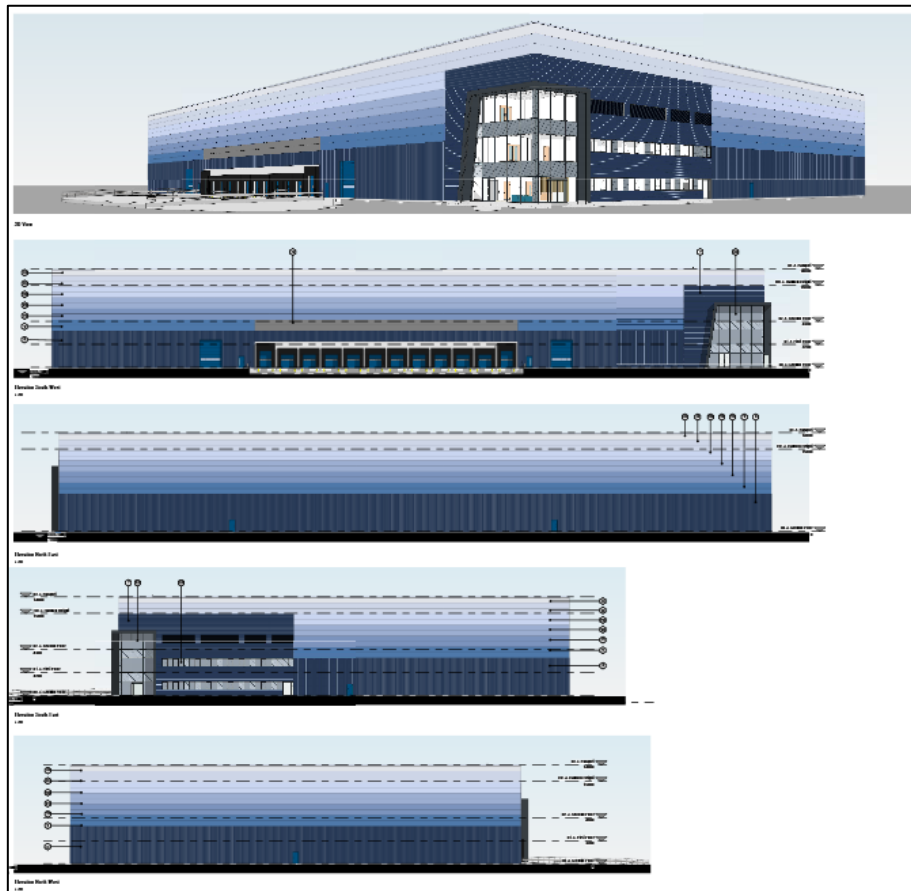


Figure 9: Plot B (MPS11) proposed elevations

- 6.4.5 The construction method offers south facing roof slopes, which have the potential to accommodate PV installation to all these south-facing areas and concealed behind the parapets. In coordination with the PVs, roof lights are also provided to optimize daylight and minimize the need for artificial lighting within the warehouses.



Figure 10: Recently constructed Movianto building on MPL South

- 6.4.6 The applicants have chosen the lighting fittings from a range offering an appropriate degree of design consistency and quality. The car parks and principal pedestrian areas are lit to ensure the safety and convenience of users. Service yard lighting is designed so as to minimise light pollution. Furthermore there will also be building mounted units providing lighting to both areas. The proposed lighting equipment complies with current standards and to the greatest extent possible, the luminaries and their settings are optically set to direct light only to where it is required and to minimise obtrusive effects and if necessary, additional shielding will be considered.
- 6.4.7 It is considered that the design of the proposal is acceptable in its context and that it sits well as an extension to Magna Park, and that, in terms of warehouse development, the design of the proposal is of high quality. It is therefore considered that the proposal accords with Policy BE2 of the Harborough District Local Plan. The acknowledged quality of the design of the building weighs in favour of the proposal and must be assessed against the harm of the development in the overall planning balance.
- 6.4.8 As set out above, the Reserved Matters proposals are broadly in accordance with the submissions considered at Outline stage. As such, it is considered that the proposed landscaping should not result in a development which results in any greater impact than was considered at Outline stage. It is therefore considered that the Reserved Matters detail of the appearance of MPS11 is considered to be acceptable.

7. Conclusion – The Planning Balance

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

complies with the above regulations and that sufficient information has been provided to assess the environmental impact of the proposals.

8. Suggested Planning Conditions

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

Suggested Conditions

- 1 Approved Plans**
- 2 Parking and Turning facilities**
- 3 Cycle Storage facilities**
- 4 Motorcycle storage facilities**

Suggested Informative Notes

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

Planning Committee Report

Applicants: GLP

Application Ref: 22/01523/REM

Location: Land Adj Glebe Farm, Coventry Road, Lutterworth

Proposal: Reserved matters application of 15/00865/OUT for approval of appearance, landscape, layout and scale in respect of the eastern part of Zone A/B at the Magna Park South, Lutterworth development for one building, internal roads, footways/cycleway, maintenance strips, foul and surface water drainage, landscaping, associated utilities and land profiling (MPS10)

Application Validated: 17th August 2022

Site Visit Dates: 30th September 2022

Ward: Lutterworth West

Target Date: 16th November 2022 (EoT Agreed – 1st March 2023)

Recommendation

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

1. Site & Surroundings

- 1.1 The Reserved Matters application site boundary has been drawn to fall within the Zone A/B of the outline planning application site. The application site comprises an area of land which extends to 2.64 hectares (see **Figure 1**). The Reserved Matters application site lies within the site boundary of the outline application (see **Figures 2 & 3**).

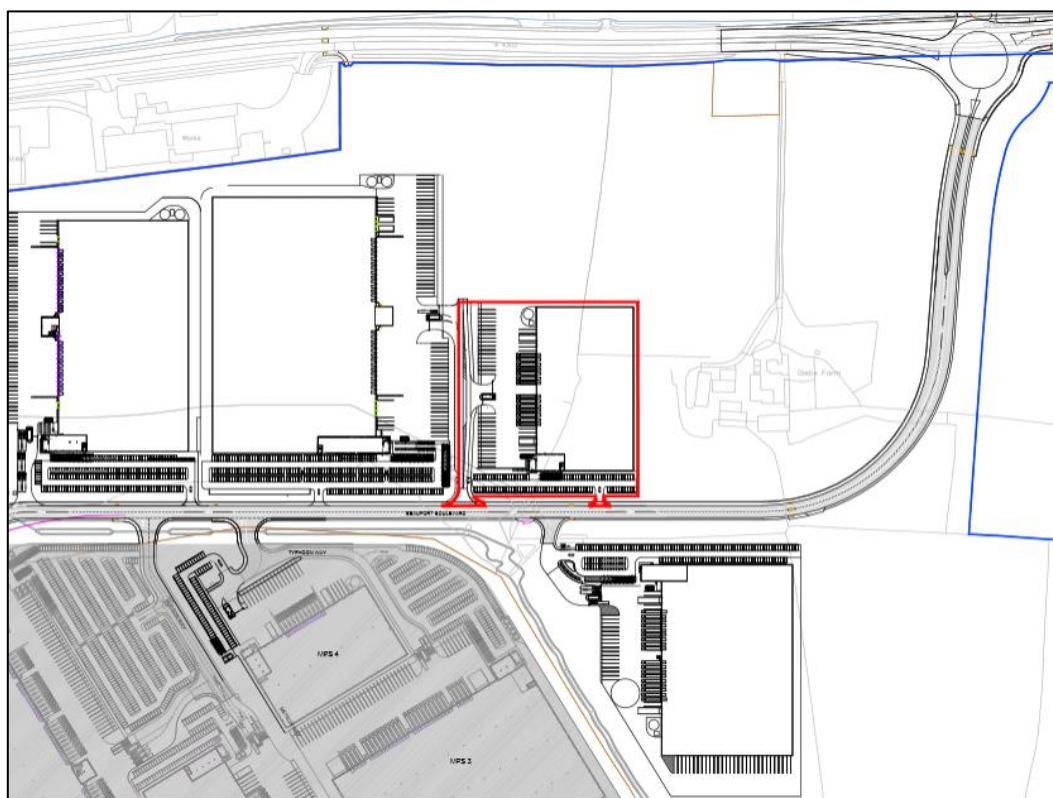


Figure 1: Application site plan

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

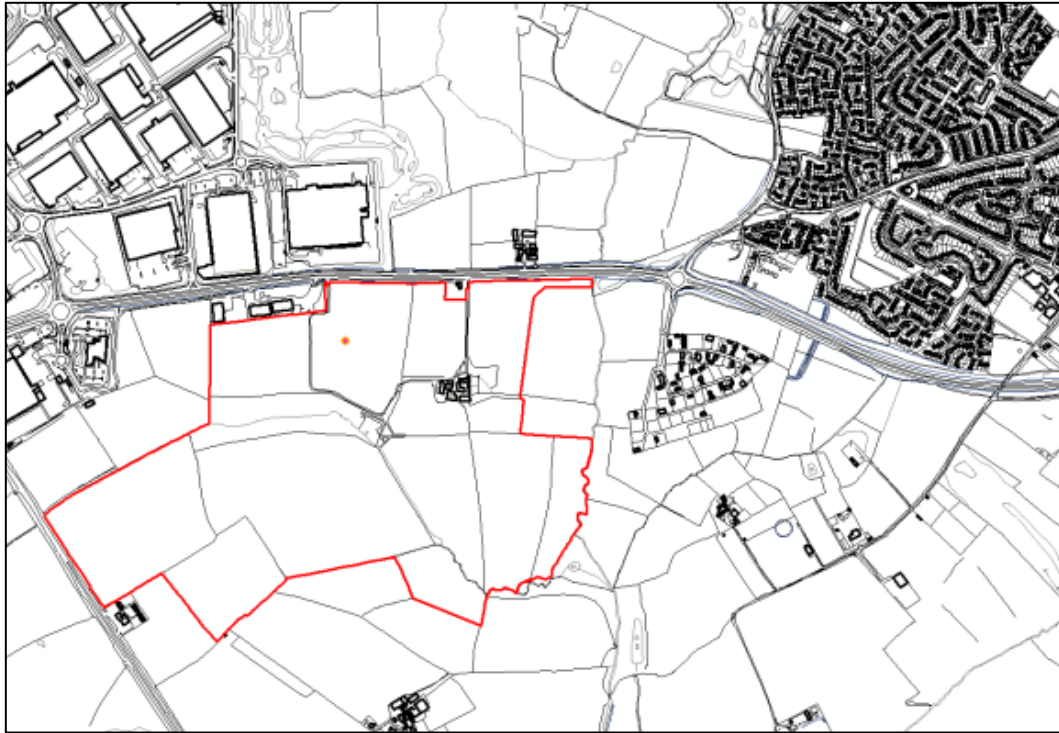


Figure 2: Overall Site Location Plan



Figure 3: Aerial Photo of overall site

2. Site History

- 2.1 The site has Outline Planning Permission for the erection of up to 278,709sqm of Storage, Distribution buildings (B8) with ancillary B1(a) offices, creation of access onto A4303 and emergency services only access onto A5, formation of a Lorry Park, creation of SuDS facilities and other associated infrastructure and the demolition of Glebe Farmhouse (Means of access only to be considered) which was approved 05/07/18 following the completion of the S106 agreement.
- 2.2 In 2019, Reserved Matters approval was granted for primary infrastructure, including estate road and associated landscaping, drainage and utilities and open space in relation to the Outline scheme. Furthermore, Reserved Matters approval has been granted for four buildings on Plot D (MPS1 – 4, these have now all been completed and occupied), and a further two buildings on Plots C & E (MPS5 & 6). Reserved Matters approval has also been granted on the adjacent part of Plot A/B for two buildings (MPS7 & 8). A further REM application for Plot A/B (MPS11) is also pending consideration.

3. The Application Submission

a) Summary of Proposals

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

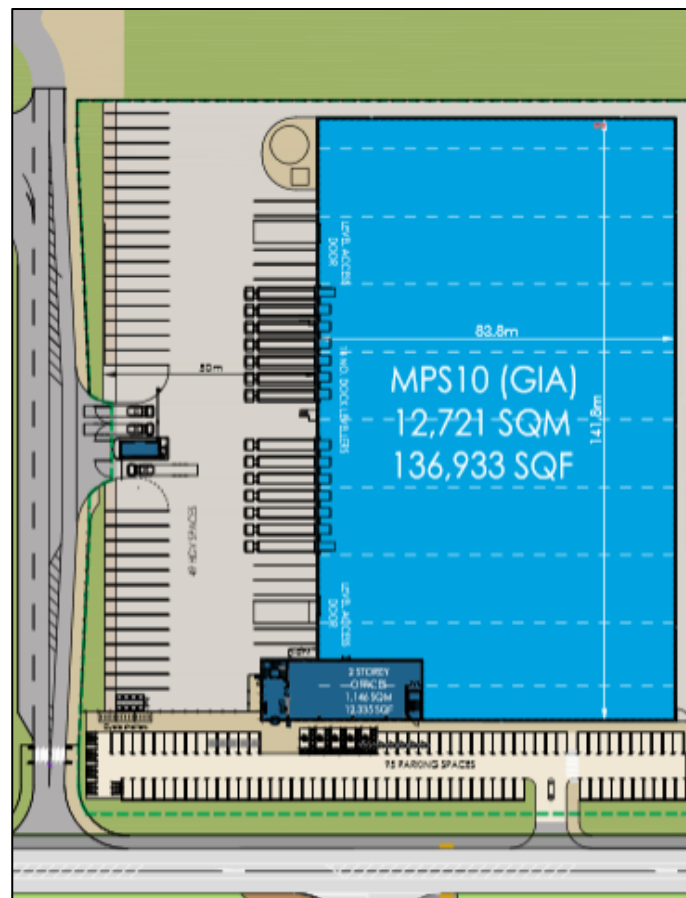


Figure 4: Plot B (MPS10) proposed layout

3.2 The Parameters Plan which was approved as part of the Outline consent sets out the maximum development parameters in terms of use, floor area, height and maximum floor plate and finished floor levels. This established a framework within which a range of reserved matters options can be accommodated. In terms of the current application, the pertinent Parameters are set out in detail below:

- ZONE A/B
 - Number of Units: 1 to 5 units
 - Proposed Unit Floor Level: Highest FFL <122.00m
 - Proposed Unit height: 18m to ridge
 - Maximum Floorspace: 120,709sqm GEA
 - Proposed Unit Dimensions: Ranging from 70 to 195m long and 190 to 620m wide

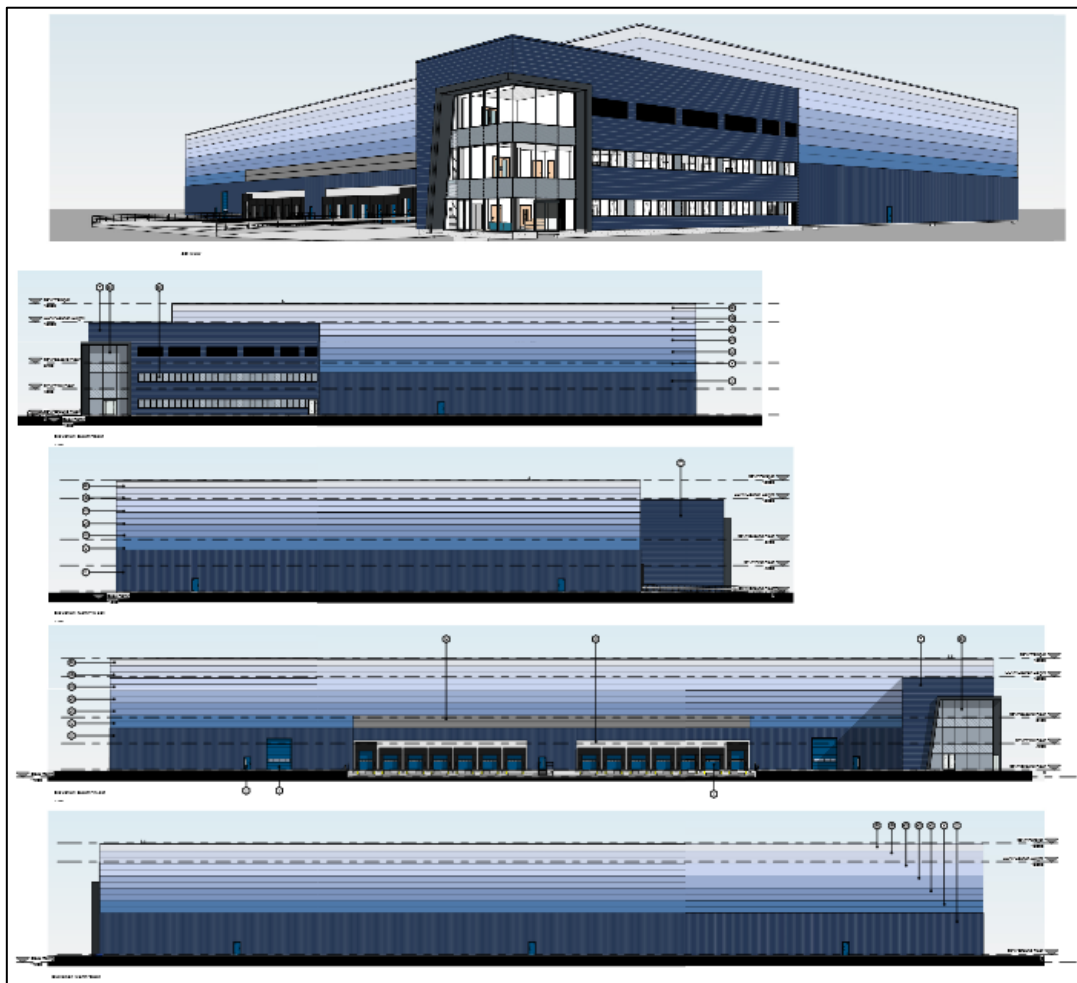


Figure 5: Plot B (MPS10) proposed elevations

3.3 The submitted details with regards these parameters are set out below:

- PLOT B (MPS10)
 - Number of Units: 1
 - Proposed Floor Area 12,995sqm GEA
 - Proposed Unit height: 18m to ridge.
 - Proposed Unit Floor Level: 121.250m AOD.
 - Proposed Unit dimensions: 141m wide and 83.8m long

b) Documents submitted

i) Plans

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

ii. Supporting Statements

- 3.5 The following supporting statements have also been submitted for consideration as part of the application submission:

- EIA Compliance Statement
- Landscape Management Plan
- Landscape Statement
- Sustainability Report

4. Consultations and Representations

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

Consultee	Date	Summary
<i>National Bodies</i>		
Historic England	15/09/22	No comments
Natural England	22/09/22	No comments
National Highways	28/09/22	No objections
<i>Regional / Local Bodies</i>		
Leicestershire Police	17/11/22	General comment in relation to security through design
Anglian Water	13/09/22	No Comment
<i>LCC</i>		
Highways	03/10/22	Recommend conditions (parking provision and cycle storage) on any approval
Archaeology	23/09/22	No further archaeological action necessary
LLFA	27/09/22	No concerns
Ecology	28/09/22	No comments
S106	14/09/22	No Comments
<i>Other Local Authorities</i>		
North Northants	14/09/22	No Objection
Nuneaton & Bedworth	15/09/22	No Comment
Coventry	14/09/22	No Objection
Rugby	07/10/22	No objections
Hinckley & Bosworth	29/09/22	No Comments

b) Local Community

1. Objections
- 4.2 11 letters were distributed to properties adjacent to the application site, and site notices were erected in the vicinity of the site. No letters of objection or support have been received.

5. Planning Policy Considerations

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

c) Development Plan

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

d) Material Planning Considerations

- *The National Planning Policy Framework ('The Framework') 2021*

5.3 Paragraphs 7, 8, 10, 11, 39, 47, 56, 81, 180 and 185 are particularly relevant.

c) Other Relevant Information

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

6. Officer Assessment

a) Principle of Development

6.1 The application site has outline permission (access only) for up to 278,709sqm of Storage, Distribution buildings (B8) with ancillary B1(a) offices, creation of access onto A4303 and emergency services only access onto A5, formation of a Lorry Park, creation of SuDS facilities and other associated infrastructure and the demolition of Glebe Farmhouse. The principle of development of the site for strategic distribution development has therefore been accepted.

6.2 The application site is identified within the Local Plan as a commitment under Policy BE2 and is subject to an extant Outline consent (15/00865/OUT). Whilst written in relation to development to the North-West of the existing Magna Park, Parts 3a, d, j, l and n are also useful aids in the consideration of the current application.

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

1. Proposed Scale

6.1.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of one building forming part of Plot A/B of the wider development (as per the approved Outline parameters, see **Para 3.2**).

6.1.2 The Parameters Plan which was approved as part of the Outline consent sets out the maximum finished floor levels and the range of units and the sizes for each parcel of the development. This established a framework within which a range of reserved matters options can be accommodated.

6.1.3 The scale of the building is below the maximum parameters set out in the outline planning application. The proposals provide one unit of 12,995sqm GEA B8 (storage and distribution) floorspace including ancillary office space, servicing, parking and landscaping. Crucially, the proposed building does not exceed the approved parameters. The maximum ridge height of the building is 18 metres above the proposed maximum finished floor levels.

6.1.4 The offices are located on the end facing the estate road. This will create a sense of activity along the estate road, create a strong frontage and will help to break down the scale of the warehouse behind to limit the visual impact. The height of this element, positioned where possible on the main access, helps to break up the mass of the building when viewed upon arrival.

6.1.5 As set out above, the Reserved Matters proposals are broadly in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed scale will not result in a development which results in any greater impact than that which was considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed scale for MPS10 is considered to be acceptable.

2. Proposed Layout (including access and parking)

- 6.2.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of one building forming part of Plot A/B of the wider development (as per the approved Outline parameters).
- 6.2.2 The overall layout accommodates a range of unit sizes, integrated into what will become an extensively landscaped setting. The proposed building is orientated to present the short end to the south (see **Figure 7**). Access to and egress from the development plot is via the new estate road which was approved as part of 18/02148/REM. The applicants have aimed to provide inclusive access throughout the site with paths leading pedestrians from the car parks to the main office entrance. A link to the cycle lanes will be provided to cycle shelters located near to the office main entrance. As far as possible, pedestrian and cycle routes are segregated from routes used by motorised vehicles. A condition is recommended to secure the provision of cycle parking facilities (see **Section 8 – Condition 3**)
- 6.2.3 Within the Design and Access Statement submitted in support of the Outline application, the applicants set out how development could appear on the site using the ranges within the parameters as set out in the parameters plan. The second option of these is indicated at **Figure 6**. **Figure 7** indicates the proposed buildings, car parking and yard areas for which Reserved Matters approval is currently sought. As can be seen by comparing these plans, the layout of Plot A (MPS10) accords with the indicative layout seen as part of the Outline application so far as submitted.



Figure 6: Indicative Layout B from Design and Access Statement

- 6.2.4 Car parking access roads will be surfaced with block paving with parking bays surfaced in a flexible bituminous material. These measures have been proposed in an attempt

to avoid large unsightly areas of “black-top” and also help to control surface water run-off rates. It is not proposed to surface parking bays with any material that may be adversely affected by spills from standing vehicles. A condition is recommended to secure the provision of vehicle parking facilities (see **Section 8 – Condition 2**)



Figure 7: Contextual Illustrative Masterplan

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

considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed layout for MPS10 is considered to be acceptable.

3. Proposed “on plot” Landscaping

- 6.3.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of one building forming part of Plot A/B of the wider development (as per the approved Outline parameters).
- 6.3.2 Whilst the current submissions do not relate to the whole site, they do constitute what is considered to be the “on plot” landscaping for the building for which consent is currently sought. In essence, the current details relate to the landscaping of the areas which are inside of the individual development parcel (see **Figure 8**). The native planting proposed in this Reserved Matters application comprises a mixture of fast growing species, such as birch, to provide initial height and slower growing species, such as oak, to provide filtering and screening over the longer term.

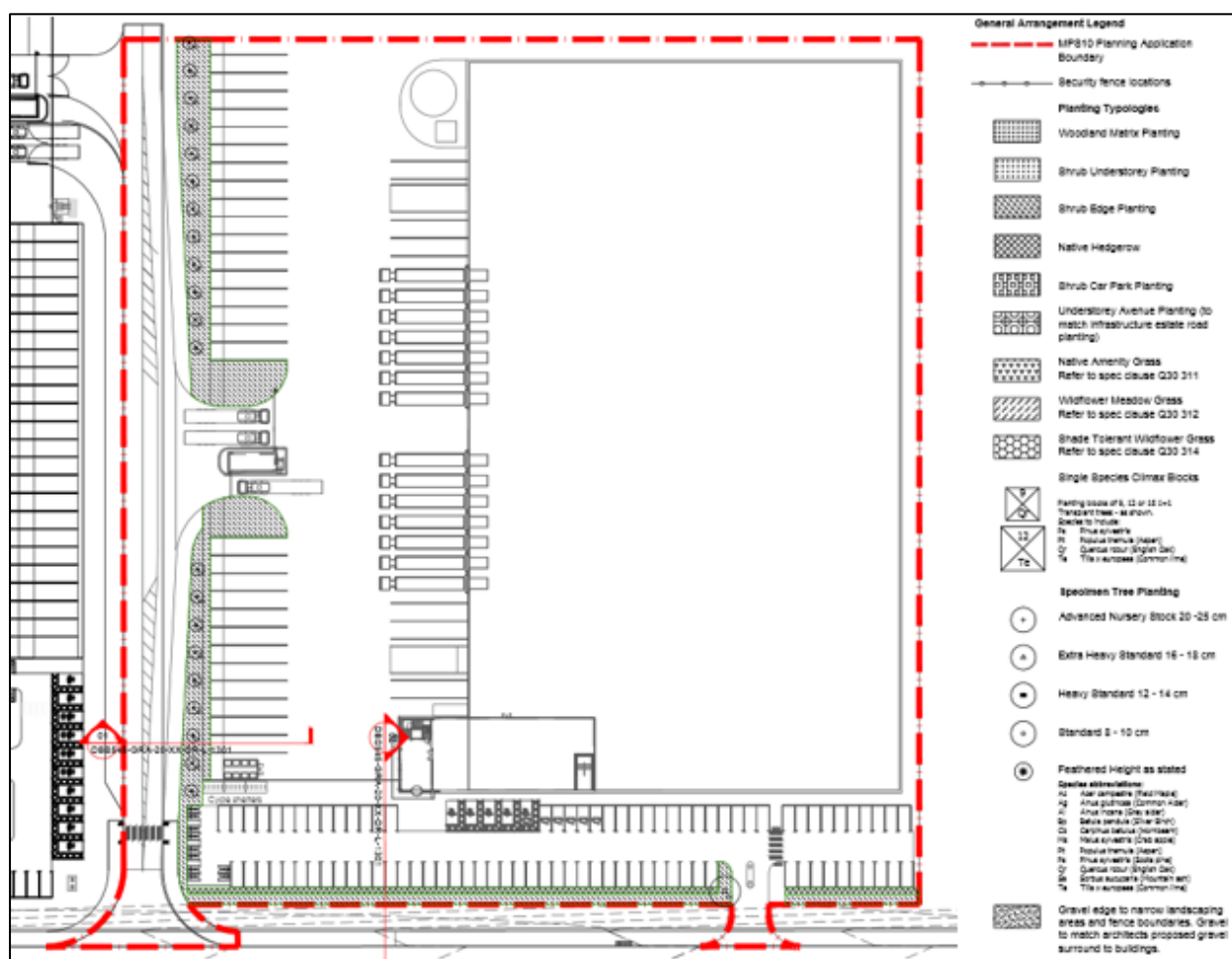


Figure 8: Proposed landscaping for Plot A (MPS10)

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

6.3.5 As set out above, the Reserved Matters proposals are broadly in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed landscaping should not result in a development which results in any greater impact than was considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed landscaping of MPS10 is considered to be acceptable.

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

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

6.4.2 The proposed finished floor level is AOD 121.25m. These levels have been approved as part of 18/02148/REM and are no higher than those stipulated in the approved Parameters plan. The height of the building is set out as 18m. Again this complies with the approved parameters plan.

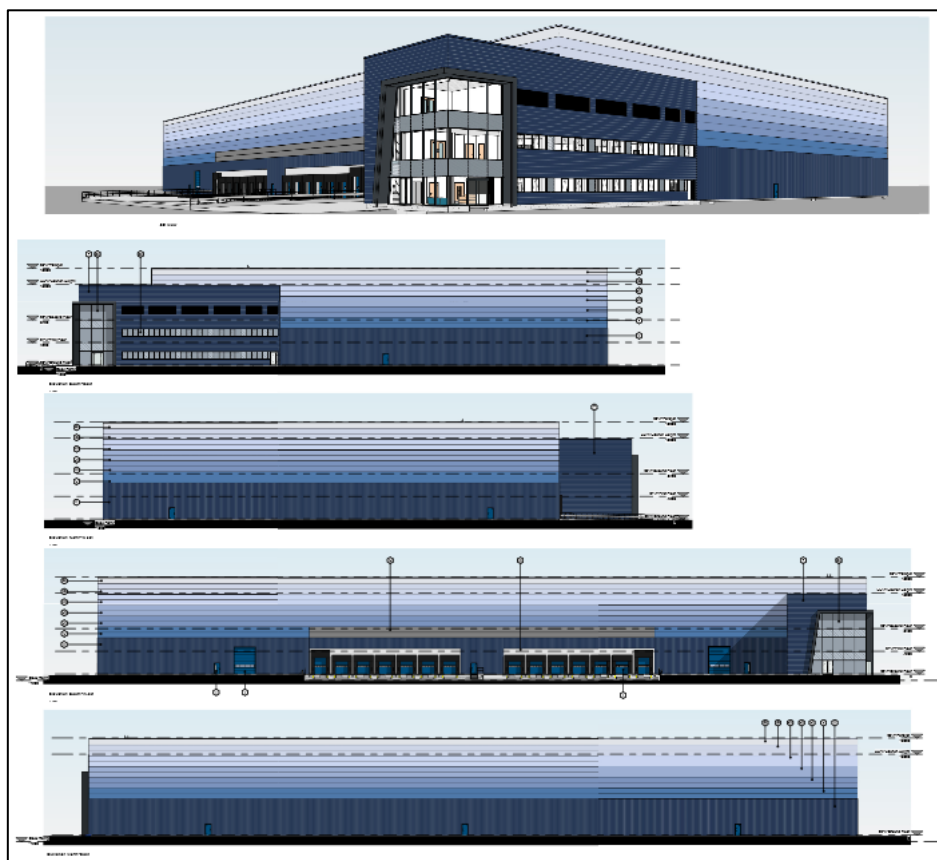


Figure 9: Plot B (MPS10) proposed elevations

6.4.3 The logistics units will include elements of cladding panels on the external elevations as well as built up profiled cladding systems laid both horizontally and vertically. This will provide variety to the elevation by producing a change in texture. To reduce the impact of the warehouse building upon the surrounding environment, a selection of recessive and neutral blue to white colours is proposed. The colours recede to white at the higher levels to reduce visibility against the sky line (see **Figure 9**). This mirrors the buildings recently completed on the adjacent Plot D (see **Figure 10**).

6.4.4 The controlled use of stronger colours in feature bands, flashings, fascias and glazing at lower levels offers contrast and relief. Vertically laid composite cladding in a darker blue is proposed to create a further element of contrast at ground floor level. At low

level, dock doors add interest and definition to the ground level loading and servicing area. The roofs will be a colour coated profiled steel. A light colour will be used to reduce the effect of the mass of the building. The office elements of the building is entirely clad in dark blue which gives a contrast to the rest of the building.



Figure 10: Recently constructed Movianto building on MPL South

- 6.4.5 The construction method offers south facing roof slopes, which have the potential to accommodate PV installation to all these south-facing areas and concealed behind the parapets. In coordination with the PVs, roof lights are also provided to optimize daylight and minimize the need for artificial lighting within the warehouses.
- 6.4.6 The applicants have chosen the lighting fittings from a range offering an appropriate degree of design consistency and quality. The car parks and principal pedestrian areas are lit to ensure the safety and convenience of users. Service yard lighting is designed so as to minimise light pollution. Furthermore there will also be building mounted units providing lighting to both areas. The proposed lighting equipment complies with current standards and to the greatest extent possible, the luminaries and their settings are optically set to direct light only to where it is required and to minimise obtrusive effects and if necessary, additional shielding will be considered.
- 6.4.7 It is considered that the design of the proposal is acceptable in its context and that it sits well as an extension to Magna Park, and that, in terms of warehouse development, the design of the proposal is of high quality. It is therefore considered that the proposal accords with Policy BE2 of the Harborough District Local Plan. The acknowledged quality of the design of the building weighs in favour of the proposal and must be assessed against the harm of the development in the overall planning balance.
- 6.4.8 As set out above, the Reserved Matters proposals are broadly in accordance with the submissions considered at Outline stage. As such, it is considered that the proposed landscaping should not result in a development which results in any greater impact than was considered at Outline stage. It is therefore considered that the Reserved Matters detail of the appearance of MPS10 is considered to be acceptable.

7. Conclusion – The Planning Balance

- 7.1 As set out in **Section 6** of this report, the proposals comply with the approved Parameters Plan forming part of 15/00865/OUT, and therefore also with Policy BE2 of the Harborough Local Plan. Members are therefore asked to endorse the Officer recommendation that Reserved Matters approval should be granted subject to conditions as set out in **Section 8** of the report.

- 7.2 In reaching this recommendation, Officers have taken into account the ES which was submitted in support of the outline consent under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations, the two further statements submitted under Regulation 22(1) and the further clarification and errata statements. Officers consider that the ES and the further information provided complies with the above regulations and that sufficient information has been provided to assess the environmental impact of the proposals.

8. Suggested Planning Conditions

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

Suggested Conditions

- 1 Approved Plans**
- 2 Parking and Turning facilities**
- 3 Cycle Storage facilities**
- 4 Motorcycle storage facilities**

Suggested Informative Notes

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

Committee Report

Applicant: S Magdani

Application Ref: 22/01917/FUL

Location: 16 Ashby Rise, Great Glen

Proposal: Erection of a single storey rear extension, replacement of existing flat roof with pitched roof, partial conversion of garage to habitable space and addition of render to existing property (revised scheme of 22/01281/FUL)

Parish/Ward: Great Glen

Application Validated: 03.11.22

Application Target date: 29.12.22

Reason for Committee Consideration: Cllr Mahal call in- to consider impact on neighbouring residential amenity and parking.

Parish / Ward: Glen

Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report, subject to the conditions at Appendix A.

1. Introduction (including Site & Surroundings)

- 1.1 The site relates to No.16 Ashby Rise and its residential curtilage, located within the built-up form of Great Glen in a predominantly residential area. The dwelling is a detached, two storey dwelling, the original part of which has a dual pitched roof with gables to the front and rear. There is a 1970s two storey, flat roofed extension to the side of the original dwelling. External materials comprise of red/terracotta painted brickwork at ground floor with cream render at first floor and hanging tiles to the front gable.
- 1.2. There is a driveway and small lawn to the front and long garden to the rear. The dwelling is not within a Conservation Area and there are no heritage assets in the immediate area.
- 1.3 The surrounding street scene comprises of dwellings of a similar age, but there is a high degree of variety in the built form as many dwellings have been extended or altered over time.

Location Plan :

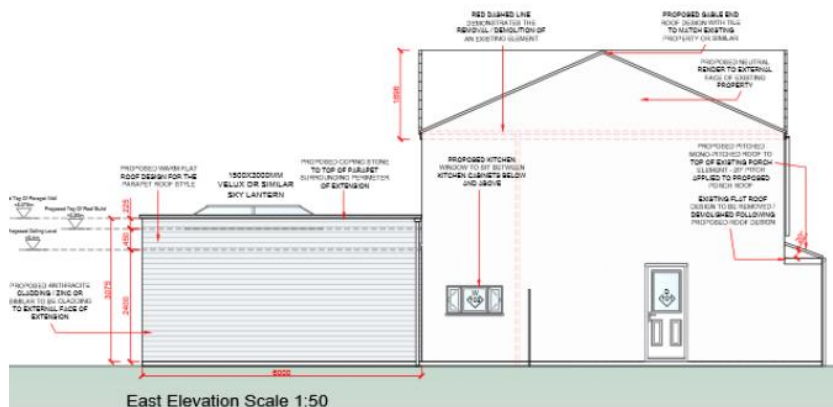


Application site

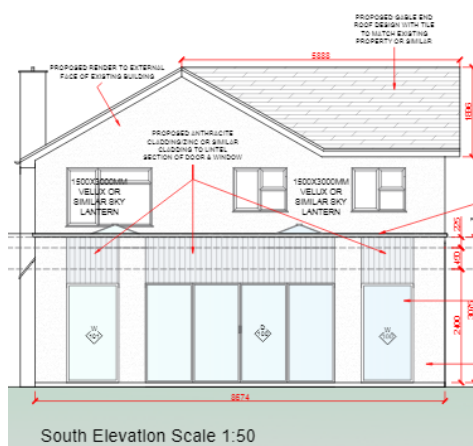


2. Site History

- 2.1 There is no planning history for the existing two-storey flat roof side extension – however neighbours recall that this was built around 1970.
- 2.2 22/00929/FUL - Erection of a single storey rear extension, replacement of existing flat roof with pitched roof (gable end), partial conversion of garage to habitable accommodation and addition of render to existing property – Refused due to impact on neighbour amenity (both no.14 and no.18).



SIDE



REAR

REFUSED SCHEME

(22/00929/FUL)

- 2.3 22/01281/FUL - Erection of a single storey rear extension, replacement of existing flat roof with pitched roof (gable end), partial conversion of garage to habitable accommodation and addition of render to existing property (revised scheme of 22/00929/FUL with a lesser projection to the rear extension and lower ridge to first floor gable roof). Refused due to impact on neighbour amenity (both no.14 and no.18).
- 2.4 The table below sets out the differences between the 3 schemes with regard to the single storey extension:

	22/00929/FUL	22/01281/FUL	Current
Height of single storey rear extension (metres)	3.2	3.2	2.7
Length (rear projection) of single storey rear extension (metres)	6.0	4.0	4.6

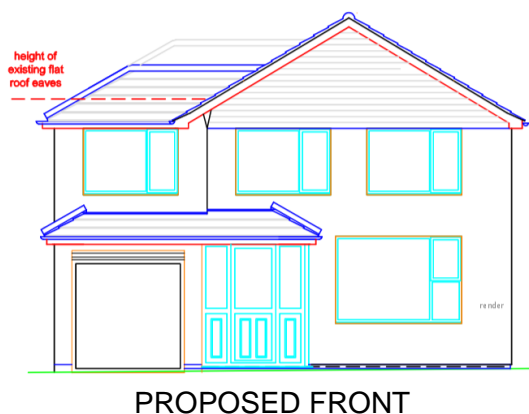
3. The Application Submission

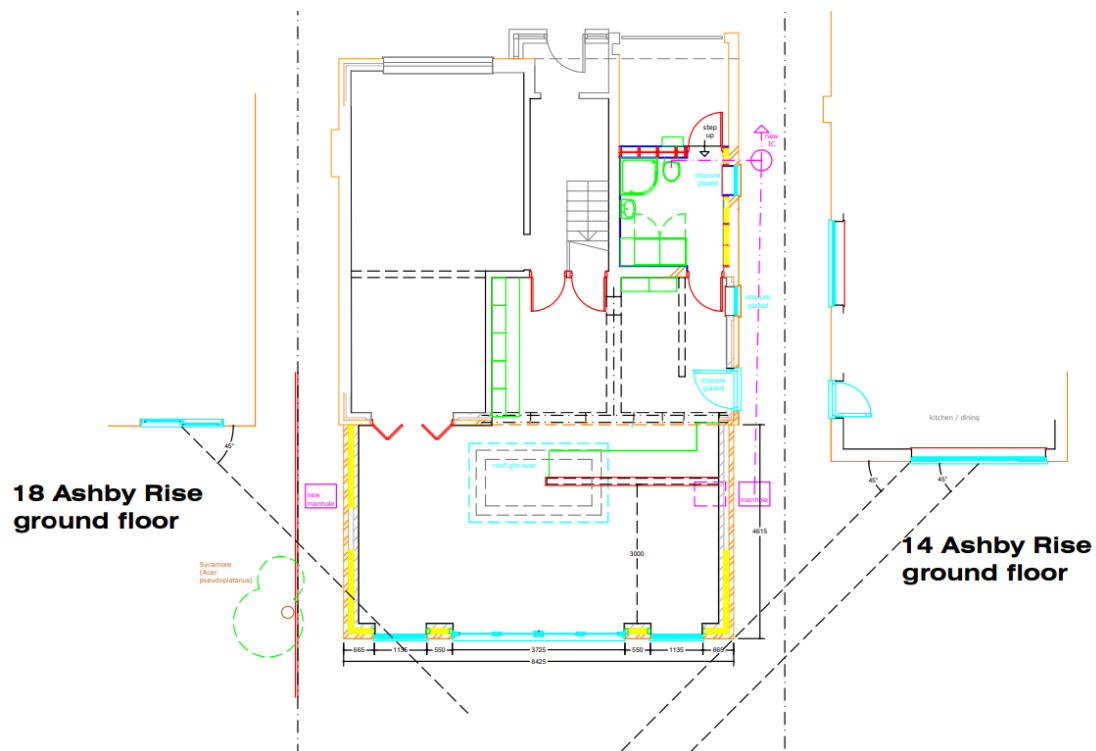
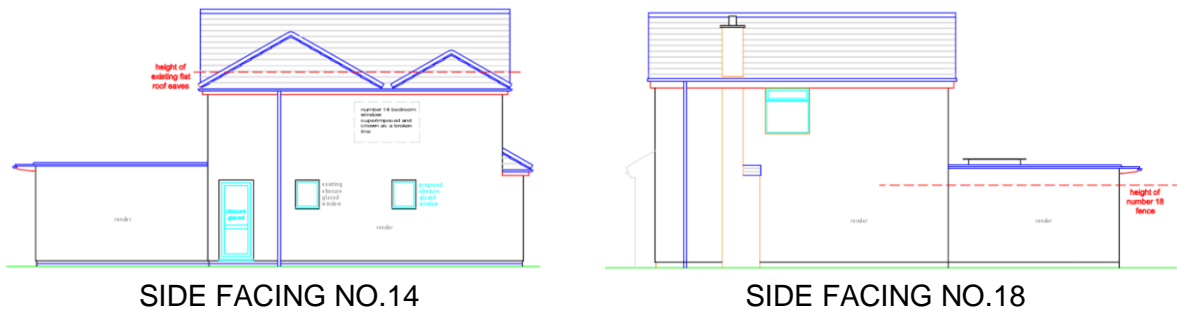
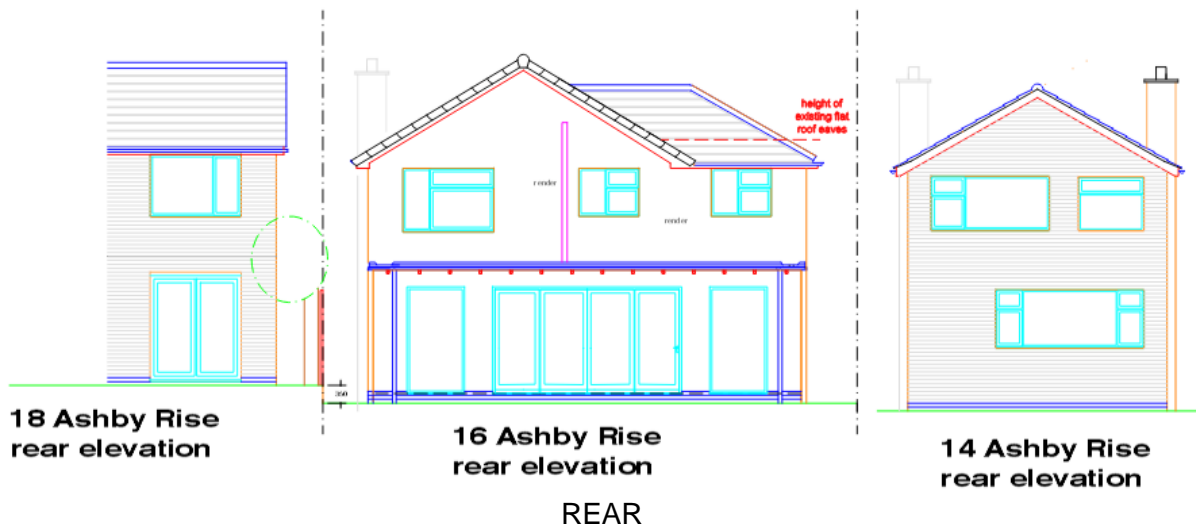
a) Summary of Proposals

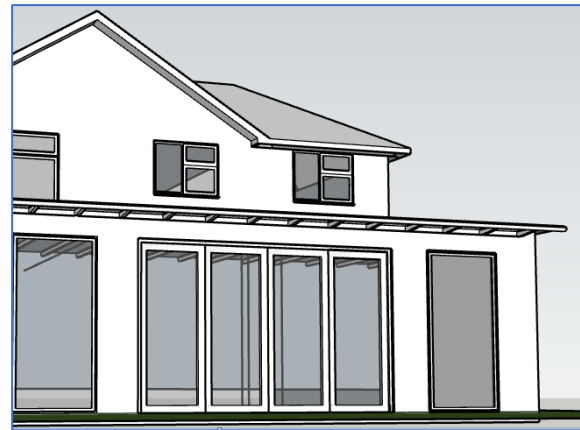
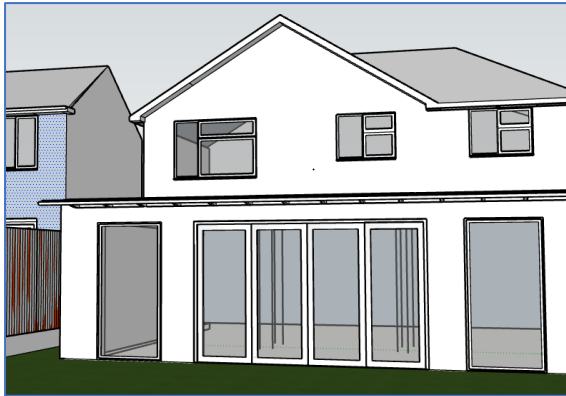
3.1 The main elements of the proposal are:

- a) flat roof single storey rear extension along the entire width of the dwelling, projecting 4.6 metres from the rear elevation with a height of ~2.7m.
- b) a double pitched hipped roof is proposed above the existing flat roof area, with both sections of the new pitched roof being hipped away from the neighbouring dwelling. The existing eaves of the two storey side element would be lowered by 0.5m as a result of this roof alternation.
- c) a new pitched roof is proposed above the existing porch at the front.
- d) render is proposed to be applied to all elevations of the existing dwelling and the proposed extension.
- e) the garage is proposed to be partially converted internally to a shower room / utility with the garage door opening remaining to the front.
- f) a new kitchen window and door are proposed in the side elevation at ground floor level.

3.2 Revised plans were submitted during the course of the application amending the proposals for the ground floor side windows and door – this was to overcome the officer's initial concern about having a door (which could be left open) exposing a shower/wc area to the side of the neighbour's property. The revised plans also serve to better clarify (by way of dashed red lines) the difference between the existing situation and the proposed alterations.







Images to illustrate hipped roof (first floor) and slender eaves detailing (ground floor)

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
- 4.2 Objections were received from two neighbouring dwellings raising the following:
- Massing of the ground floor rear extension is disproportionate making it visible and overbearing to both no.14 and no.18
 - Loss of light to the dining room/kitchen of No.18 Ashby Rise due to the size of the ground floor rear extension
 - Loss of light to the kitchen, dining room and bedroom at No.14 Ashby Rise due to both the ground floor rear extension and the addition of the hipped roof at first floor
 - Privacy concerns for no.14 due to the new ground floor side window and door
 - Noise disturbance to no.14 arising from increased pedestrian movement up the side of the house to and from the new side door
 - If bin storage is to the side of the house this would be visible and unsightly to no.14
 - Concern about subsidence and impact on tree roots due to proximity of foundations to boundary fence
 - Issues about drainage/sewerage
- 4.3 Parish Council: Objection: The alteration to the garage fails to comply with the Neighbourhood Plan policy GG21 residential parking (3 spaces are required for dwellings with 4 or more bedrooms).
- 4.4 Despite the amendments made during the course of the application, the Parish Council and both objectors confirm that they maintain all of their initial objections.

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
 - Great Glen Neighbourhood Plan Review 2011-2031 (Made).

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') 2021
 - Planning Practice Guidance
 - The Leicestershire County Council Highways Design Guide (2018)
 - Development Management SPD (December 2021)

6. Officer Assessment

a) Design and Impact on the Character of the Area

- 6.1 Policy GD8 of the Harborough Local Plan and GG6 of the Great Glen Neighbourhood Plan require development to achieve a high standard of design which is inspired by, respects and enhances local character and distinctiveness. HDC has an adopted Supplementary Planning Document, of which sections 2 and 6 are considered most relevant. Whilst section 6 relates to 'Residential Extension Design' in particular, it clearly states that the design principles set out at section 2 'Design principles' should be adhered to. As outlined in the SPD the Council seeks a high standard of design to house extensions and alterations, to ensure that proposed new work is appropriate to the character and appearance of an existing property and to the streetscene and landscape around a property.
- 6.2 The addition of the pitched roof to the existing 1970s two storey extension would result in a far more attractive design which would be better in keeping with the original house and other roof forms in the street scene. The new pitched roof is subordinate in height compared to the main part of the dwelling, as advocated in the SPD, and would not result in any perceived terracing impact. The new roof to the first floor side extension amounts to good design that enhances the appearance of the property and reflects the characteristics of the surrounding area. Similarly the addition of a pitched roof to the existing front porch would also be acceptable in visual terms.
- 6.3 The addition of render to all external elevations, subject to the colour (which would be ensured via condition), would not be out of keeping with the surrounding area given the high prevalence of render in the locality at present.
- 6.4 The proposed single storey rear extension would span the width of the entire dwelling (as already extended to the side) and would measure 4m in depth. Despite third party concerns about the scale of the extension, this size is not considered to be excessive. The extension would not be readily visible from the public realm as it is solely to the rear of the property. More distanced views may be possible from high vehicles travelling along Stackley Rd to the west, but for pedestrians and average vehicles the boundary fence at No.14 would prevent most public views towards the extension. Flat roof rear extensions are present in the immediate area (eg. Nos 20 and 24) and as a single storey extension it would appear subordinate in height to the

original dwelling. The proposed materials and finishes are judged to be visually acceptable.

- 6.5 Overall the proposed extensions/alterations are judged to follow the principles of good design and reflect local distinctiveness and the general character of the surrounding area. The proposals would not disrupt the visual amenities of the street scene, rather it would be an acceptable form of development which would be in accordance with the relevant provisions of Policy GD8 of the Harborough Local Plan, policy GG6 of the GGNP and the HDC SPD.

b) Residential amenity

- 6.6 Policy GD8 of the Harborough Local Plan requires that developments should be designed to minimise impact on the amenity of existing and future residents. There should be no significant adverse effect on the living conditions of residents through loss of privacy, overshadowing or overbearing impact. In addition, proposals should not generate a level of activity, noise, vibration, pollution or unpleasant odour which cannot be mitigated to an appropriate standard.

No.14 Ashby Rise

- 6.7 No.14 is the detached neighbouring property to the west of the application site. Objections have been raised with regards to loss of light, overbearing and loss of privacy to this dwelling.
- 6.8 At first floor, No.14 has a sole bedroom window within the east side elevation which faces directly on to the side elevation of the application property. At ground floor there is a dining room window in this east side elevation (the dining room forms part of an open plan living area which also has windows within the front and west elevation of No.14). No.14 also has an obscure glazed kitchen door in the east side elevation (the kitchen is also served by a large window in the rear elevation of the property).
- 6.9 The outlook and daylighting for no.14's first-floor bedroom window is already compromised by the existing 1970s flat roof extension – this is a pre-existing situation that is beyond our control. The two earlier (refused) applications to construct a vertical side gable above this flat roof would have significantly worsened the situation for no.14's side windows. However, the current proposal to add a pair of hipped roofs sloping away from no.14 would not have the same harmful impact as the previous refused proposals for the following reasons:
- The current proposal would have the benefit of lowering the existing eaves height of the side elevation (see red dashed lines on the proposed plans), hence slightly reducing the overall height and massing of the two storey side wall onto which no14's side bedroom window faces.
 - The hipped nature of the proposed new pitched roof and the inclusion of a valley feature opposite the neighbours window is intended to minimise the solid roof mass that would be viewed from the neighbours bedroom window so that it is not visually overbearing.
 - The angles for daylight to this window would be no worse with the addition of the pitched roof, and could be said to bring an improvement given the lower eaves.

- 6.10 The proposed single storey rear extension would project 4.6 metres, of which approximately ~3.8m would protrude beyond the rear elevation of No.14. HDC adopt the 45° guideline as outlined in Chapter 6 of HDC's SPD. The proposed rear extension would not breach the 45° guideline (which is drawn from the centre of the neighbouring kitchen window), indicating that the impact on the kitchen is acceptable.
- 6.11 The 45-degree test cannot be applied to no.14's side dining (temporary bedroom) window, however, the impact of the ground floor rear extension on this window will be negligible considering how it's outlook and daylighting is already so affected by the pre-existing 1970s extension. It should also be noted that this is a secondary window to a larger room that also benefits from daylight and outlook to the front.
- 6.12 In terms of privacy, the officer negotiated amended plans during the course of the application to ensure that the proposed side door did not open onto the shower /wc area as originally proposed - this would not have been appropriate in the event that the door was left open. Despite the amendments, neighbour objections still remain raising concerns about the privacy impact of the proposed utility window and kitchen door that would be added into the side elevation of the existing dwelling. Given that all these openings are proposed to be obscure glazed there would be no casual views possible between the habitable spaces of opposing rooms when they are occupied.
- 6.13 It is not unusual for neighbouring properties to have windows or glazed doors on ground floor side elevations that face each other at relatively close proximity. Indeed, the insertion of such a window or door at ground floor level could even be done under permitted development. Usually, the existence of a higher boundary screen between properties serves to protect privacy but in this case the privacy concern has arisen due to the low nature of the hedge that currently divides the two properties. That said, permitted development (PD) would allow for the erection of boundary treatment up to 2m in this location without the need for planning permission, and this PD right could be utilised by either property to overcome privacy concerns if they so wish. Given the above, there is no justifiable planning reason to refuse consent for the ground floor openings that are proposed. However, it is reasonable to include a condition to require that these openings be obscure glazed in perpetuity, given the current close relationship between these properties.
- 6.14 The alterations to the front of the dwelling (garage conversion and amendments to ground floor roof) would not adversely impact the amenity of residents at No.14. Internal alterations generally fall outside planning control in any case.

18 Ashby Rise

- 6.15 No.18 is the detached neighbouring property to the east of the application dwelling. Objections have been raised with regards to the scale of the single storey rear extension, being visible over the boundary fence and causing a loss of light and overbearing impact to this dwelling.
- 6.16 As no.16 and no.18 currently have a very similar rear building line, no.18 would experience the full 4.6m depth of the proposed extension. When adopting the 45° guideline from no.18s dining/kitchen window, the last ~1.0m of the extension would breach the guidance. There is a ~2m high close boarded fence between the two dwellings, and given the slightly lower land level of the application site, only a small amount of the 2.7m high extension actually be visible above the neighbours fence (see red dashed line on proposed drawings). It is not considered that this would be so dominant to create an adverse overbearing impact on the neighbouring property,

despite the small breach of the 45 degree line. Furthermore, it is noted that the rear gardens are north facing, so given the relative orientation of the extension the potential for overshadowing or loss of light would be minimal and again would not have a significant adverse impact.

- 6.17 The alterations to the front of the dwelling (garage conversion and amendments to ground floor roof) and addition of the pitched roof to the existing two storey extension would not adversely impact the amenity of residents at No.18.
- 6.18 In conclusion, and applying the planning guidance in the SPD, none of the proposals that form part of the application would have an unacceptable impact on the residential amenity on 14 or 18 Ashby Rise. The proposal would accord with policy GD8 of the HLP, GG6 of the GGNP and the HDC SPD.

c) Access and parking

- 6.19 The proposal would result in the loss of much of the garage space, however, the existing garage does not meet LCC Highways Guidance in terms of the internal space and would not therefore be counted as a formal parking space at present. The proposal would not lead to additional bedrooms and there are no changes to the existing parking area. The proposal is therefore unlikely to lead to additional on street parking, or highway safety harm. Therefore the proposal accords with policies GD8 and IN2 of the HLP.
- 6.20 It is noted that Great Glen Parish Council refer to policy GG21:Residential parking within their objection, however, this policy specifically refers to new dwellings as such is not applicable for this householder development.

POLICY GG21: RESIDENTIAL PARKING

At least two off-street car parking spaces should be provided within the curtilage for each new dwelling developed within the Village of Great Glen. Three such spaces should be provided for four-bedroom or larger dwellings.

d) Drainage

- 6.21 Concerns have been raised regarding drainage at and surrounding the site. The site is within Flood Zone 1 and is not identified as having critical drainage issues from a surface water perspective. The granting of this consent would not impinge on the neighbours civil rights in terms of allowing access to their properties and for a development of this nature drainage would be handled through building regulations practices. It is not judged to be necessary to seek drainage plans in this case.

e) Boundary issues and trees

- 6.22 Objections mention the potential for foundations to damage the roots of a tree that is close to the boundary in the neighbouring garden. This is not a protected tree – at the time of the officer's site visit it had been heavily coppiced but is undoubtedly a mature specimen judging by the girth of the trunk. The applicant's agent has indicated a willingness to incorporate an alternative foundation to the normal trench foundation, such as a pile and beam solution which is known to be effective in protecting tree root

systems as well as protecting the new building itself from being adversely impacted by roots. A condition to this effect is recommended.

- 6.23 Concerns about whether foundations close to the neighbouring boundary may cause subsidence of neighbouring garden land or similar issues is not a planning consideration, but would be a matter for the construction team to address in liaison with Building Control Inspectors. The granting of this consent would not impinge on the neighbours civil rights.

7. Conclusion

- 7.1 The plans do not adversely affect the character or appearance of the street scene, and are considered acceptable in respect of residential amenity and highway safety. The proposal therefore accords with Policy GD8 of the Harborough Local Plan and Policy GG6 of the Great Glen Neighbourhood Plan Review.

Appendix A – Suggested Conditions / Informative / Notes to Applicant

If Members agree with the recommendation to Approve the application, the following conditions are suggested:

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).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location plan ref: 001;
Block plan ref: 001;
Proposed floor plans and elevations ref: 012G; and
Proposed elevation plans ref: 013C.

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

3. The roof tiles used in the construction of the development hereby approved shall match in material, profile, colour and texture those used on the existing building.

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

4. The render to be applied to the external walls of the dwelling and extension shall be light in colour to match the existing finish of the dwelling's front elevation.

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. The ground floor window(s) and door serving the utility, shower/wc and kitchen in the side west elevation of the dwelling shall be glazed with obscure glass (at a minimum

of Level 3) only and the window(s) and door shall be permanently maintained with obscure glazing at all times thereafter.

REASON: To safeguard the privacy of the occupiers of the adjoining property having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

6. The foundations for the rear extension hereby approved shall be of the pile and beam design, installed to avoid the root system of the tree in the rear garden of no.18. Trench foundations shall not be used.

REASON: To safeguard existing trees in the interests of the character and appearance of the development and the surrounding area having regard to Harborough Local Plan Policies GD2, GD8 and the National Planning Policy Framework.

Informative:
Building Regulations.

Planning Committee Report

Applicant: Mr and Mrs Thorpe

Application Ref: 23/00036/FUL

Location: 34 Horsefair Close, Market Harborough

Proposal: Erection of a single storey front extension, first floor front dormer extension and installation of canopies to rear elevation

Application Validated: 10/01/23

Target Date: 07/03/23

Consultation Expiry Date: N/A

Site Visit Date: 31/1/23

Ward: Market Harborough Logan

Reason for Committee decision: The applicant was previously employed by Harborough District Council.

Recommendation

Approve - The development hereby approved, by virtue of its nature, siting and use would not adversely affect the character and appearance of the dwelling, or residential amenity. The proposal is therefore considered to comply with the Harborough Local Plan. It is not considered that there are any material considerations which would outweigh the policies of the development plan or indicate that the proposal would result in demonstrable harm to interests of acknowledged importance.

1. Site & Surroundings

- 1.1 The application relates to a dormer bungalow located on Horsefair Close, a cul-de-sac in a residential area NW of the town centre of Market Harborough. To the rear of the property is the cricket field, with a bungalow and dormer bungalow either side of the application site and properties opposite. The land levels appear to rise between No. 32 and the site. The rear garden is accessed from the side of the property. The property is not Listed and does not lie within a Conservation Area.



Site Location and neighbours notified (Uniform)



Location plan



Proposed block plan



Front elevation of application site (No. 34) to right, with adjoining neighbour No. 36 to left



Rear of nos. 30 to 36 (left to right)



Rear elevation (including No. 36 to right)

2. Site History

2.1 None

3. Reason for Referral to Committee

3.1 The application has been referred to Committee as the applicant was recently employed by Harborough District Council.

4. Proposal

- 4.1 The proposal is to erect a single storey front extension, first floor dormer extension and installation of canopies to rear elevation.
- 4.2 The proposal also originally included a single storey side/rear extension to form a garage (with car port to front and lean-to greenhouse to rear). Following an objection, and a request from the officer to reduce the depth of the garage and to detach the greenhouse from the proposal due to the negative impact on neighbouring amenity, the applicant has removed the garage, car port and greenhouse in their entirety from the proposal.

4.3 Proposed Dimensions

Front

The front extension will extend 2.2m further forward on the NW elevation (nearest to No. 32) and will have a dual pitched roof, and 1.4m on the NE elevation (nearest to adjoining property No. 36) and will have a flat roof. It will be clad in a white/off-white/light grey render. The eaves height of the extension will match the existing eaves.

The front dormer will be clad in Anthracite Grey and will be set-in from the sides of the existing roof.

Neither proposal has any side windows.

Rear

A Brise-Soleil is proposed above the existing dormer window, which will extend to a depth of 0.8m.

An open sided canopy is proposed to the ground floor, which will extend to a depth of 1m.

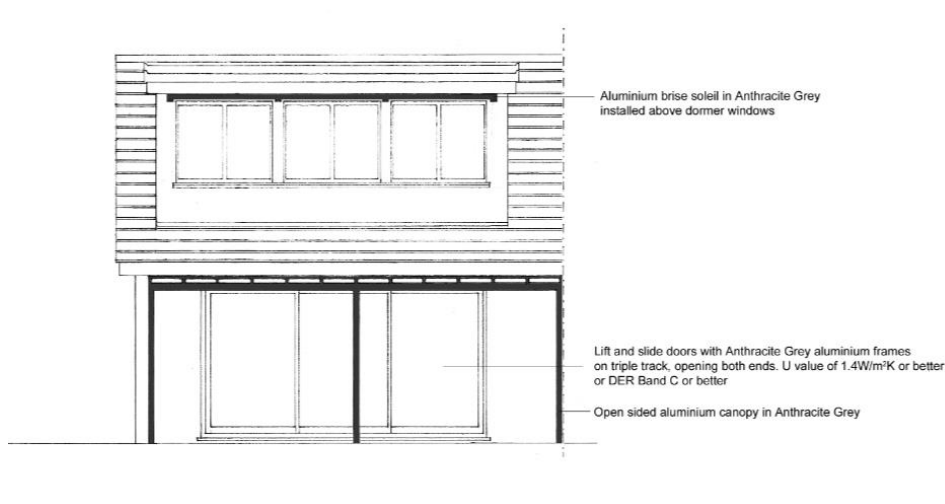
'Lift and slide' doors are proposed to the rear.

All in aluminium in Anthracite Grey.

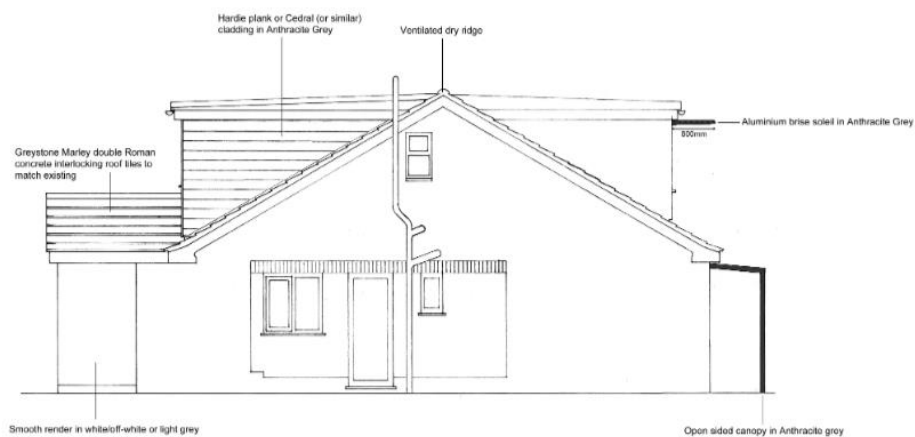
4.4 Proposed elevations



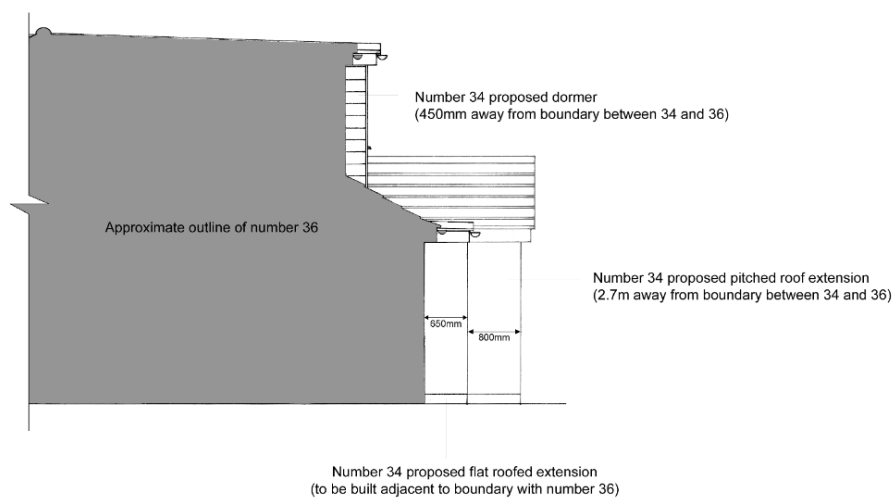
Front (north-west)



Rear (south-east)



Side (south-west)



Side (north-east)

5. Consultations and Representations

5.1 Ten neighbouring dwellings/properties consulted_– One objection:

The proposed Utility extends past the current building line on the front and will provide a loss of privacy and loss of light to my front room window and my lounge front window that is facing the property.

The proposed Garage has an overbearing impact and would provide a huge loss of light and privacy to my rear lounge, kitchen windows & garden.

The proposed garage pitched roof would also provide loss of light to my lounge flat roof skylight window.

6. Planning Policy Considerations

6.1 Policy Assessment:

Policy GD8 of the Local Plan states that design must be of a high standard and be inspired by, respect and enhance local character and distinctiveness of the settlement, where appropriate be individual and innovative yet sympathetic to the local vernacular, including in terms of building materials, in areas with high heritage value reflect those characteristics that make these places special, respect the context and characteristics of the individual site, street scene and the wider local environment to ensure it is integrated as far as possible into the existing built form, and minimise impact on the amenity of existing and future residents by not having a significant adverse effect on the living conditions of existing and new residents through loss of privacy, overshadowing and overbearing impact.

6.2 Neighbouring Amenity

6.21 The objection states that there will be a loss of privacy. The proposed windows are front facing within the front dormer, it is not considered that these will lead to a loss of privacy or overlooking.

6.22 There is no significant adverse effect through loss of light to any neighbouring property.

6.23 The rear proposals do not cause any adverse impact to neighbouring properties.

6.24 it is considered that residential amenity is safeguarded, and that the proposal therefore complies with Policy GD8 of the Harborough Local Plan.

6.3 Design and Visual Impact

6.31 The proposal will be visible in the street scene. Horsefair Close is a mixed street with houses and bungalows, with many alterations and extensions visible, particularly side dormers.

6.32 HDC's Supplementary Planning Document Note 6 states that dormer roof extensions on the front of non-detached properties are generally not acceptable, due to the unbalancing effect on adjoining houses and the general street scene. Exceptions are limited only to where an original front dormer already exists. Flat roofs should be resisted.

6.33 The adjoining property No. 36 has a dormer window to the front with a flat-roof. The proposed dormer is set-in from the roof edge and will project approximately 300-350mm further forward beyond the adjoining property's dormer.

6.34 The proposed ground-floor extension offers some similarities and symmetry to that of the adjoining property.

6.35 In conclusion, although flat-roofed dormers are not favoured, on balance the proposal would have a neutral impact due the adjoining property's dormer and the mixed street scene. The proposal is considered to comply with Policy GD8 of the Local Plan.



Boundary with No. 32



Boundary with No. 36

7. Conclusion

7.1 The development hereby approved, by virtue of its nature, siting and use would not adversely affect the character and appearance of the dwelling, or residential amenity.

The proposal is therefore considered to comply with the Harborough Local Plan. It is not considered that there are any material considerations which would outweigh the policies of the development plan or indicate that the proposal would result in demonstrable harm to interests of acknowledged importance.

Conditions / Reason:

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).

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

Proposed block plan EW0b - revised
Proposed ground floor plan EW2c - revised
Proposed first floor plan EW4
Proposed front elevation EW6c – revised
Proposed side elevation EW8b - revised
Proposed rear elevation EW10a - revised
Proposed house section EW13a
Proposed NE side elevation EW16

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

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

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