



# Planning Committee

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**To: All Members of the Planning Committee on Monday, 03 June 2024**  
**Date of meeting: Tuesday, 11 June 2024**  
**Time: 18:30**  
**Venue: Harborough Innovation Centre**  
**Harborough Innovation Centre, Wellington Way, Airfield**  
**Business Park, Market Harborough, LE16 7WB**

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

## Agenda

- 1 Election of Chairman for 2024/25
- 2 Election of Vice Chairman for 2024/25
- 3 Apologies for Absence and Notification of Substitutes.
- 4 Declarations of Members' Interests
- 5 DRAFT Planning Minutes 14.05.2024 3 - 12
- 6 To answer Written Questions or Receive Petitions Submitted by the Public
- 7 Referral up to Council by the Planning Committee.  
To consider any referrals under Part 3 Section B1.4 of the Council's Constitution.
- 8 Index of Applications- 11 June 2024 13 - 14
- 9 Applications for Determination - 11 June 2024 15 - 220
- 10 Any Urgent Business  
To be decided by the Chairman.

**Voting at Planning Committee Options Paper**

**221  
224**

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JOHN RICHARDSON  
CHIEF EXECUTIVE AND HEAD OF PAID SERVICE  
HARBOROUGH DISTRICT COUNCIL

Contact:

[democratic.services@harborough.gov.uk](mailto:democratic.services@harborough.gov.uk)

Telephone: 01858 828282

Circulate to: Neil Bannister - Member, Amanda Burrell - Member, Peter Elliott - Member, David Gair - Member, Peter James - Member, Barbara Johnson - Member, Sindy Modha - Member, Simon Whelband - Member, Joshua Worrell - Member

**HARBOROUGH DISTRICT COUNCIL**  
**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE**

Held at The Council Chamber,  
The Symington Building, Adam & Eve Street,  
Market Harborough, LE16 7AG

On 14<sup>th</sup> May 2024  
commencing at 6.30pm

**Present:**

Councillors: Elliott, Finan, Gair, Galton, James (Chair), Mahal, Modha, Whelband,  
Worrell.

Officers present: D. Atkinson – Director of Planning, A. Eastwood – Head of Development Management, R. Meddows-Smith – Planning Officer, Sam Hammonds – Senior Planning Officer, M. Patterson – Strategic Growth Manager, J. Felton – Locum Solicitor, E. Newman – Democratic Services Officer.

**1. Apologies for Absence and Notification of Substitutions**

Apologies were received from Cllr Asher, who was substituted by Councillor Finan, and Councillor Burrell, who was substituted by Cllr Galton.

**2. Declarations of Members Interests**

Councillor James declared an interest in 24/00388/FUL and due his professional relationship with the applicant, he would remove himself from the debate and not vote on this application.

**3. Minutes**

It was noted that draft minutes noted the wrong date of the previous meeting. This would be updated prior to publication.

The minutes were proposed by Councillor Gair and it was **RESOLVED** that the minutes of the Planning Committee meeting held on the 26<sup>th</sup> March 2024 be approved and signed by the Chairman as a true record.

#### **4. Questions and Petitions Received by the public.**

There were no questions and petitions by the public received.

#### **5. Referrals up to Council by the Planning Committee**

There were no referrals.

Prior to reviewing the applications, it was proposed by Councillor Whelband, and seconded by Councillor Modha, that each application be subject to a recorded vote by each member of the committee. It was confirmed by the Locum Solicitor, that this could be applied to every application being discussed at this meeting. This was **RESOLVED**, and thus going forward, each vote at this committee meeting would be recorded.

#### **6. Applications for Determination**

The Chair of the committee stated that in regard to the application concerning the new Gartree Prison, the item would be debated and considered as usual. He also stated that Officers have given consideration to four discharge of condition applications relating to the prison and have waived their delegated powers in order to ensure they can be brought to the next Planning Committee in June. Officers wish to ensure that as many matters as practicable are considered by planning committee members in an open public forum due to the significant nature of this application.

The Strategic Growth Manager introduced application 24/00200/REM, Land Adj HM Prison, Welland Avenue, Gartree, Lubenham, Reserved Matters for the construction of a new Category B prison of up to 82,555sqm within a secure perimeter fence, together with access, parking, landscaping and associated engineering works (appearance and layout to be considered, pursuant to outline planning permission ref: 21/01600/OUT (access, scale and landscaping)).

Support was heard from the applicant's agent, Katherine Morgan, and Phil Cronshaw.



Objections were heard from Diana Cook on behalf of Lubenham Parish Council, David Hickie on behalf of Gartree Action group, and Ward Member Councillor Jo Asher.

The Committee was given the opportunity to question the speakers, and the officers.

It was proposed by Councillor Worrell that the application be **REFUSED**. There was no seconder for this.

The discussion continued.

It was proposed by Councillor Gair that the application be **DEFERRED** to the next meeting of the Planning Committee for reasons as to consider:

- Layout and positioning
- Colour of fence
- Traffic & access.

This was seconded by Councillor Galton.

A recorded vote was taken and supported by the requisite number of Councillors and the result was:

**For:** Elliott, Finan, Gair, Galton, James, Modha, Whelband, Worrell (8)  
**Against:** Mahal (1)  
**Abstentions:** 0

Following the Committee's discussion and recorded vote, it was **RESOLVED** that;

Planning Permission was **DEFERRED**, for reasons as to consider the layout of the built form, and colour of the built form.

The Senior Planning Officer introduced the next application 23/01104/OUT, Land at Gaulby Road, Billesdon - Outline application for up to 48 dwellings, including 30 custom house build plots and 18 affordable First Homes, with associated vehicular access, school drop-off area with 40 spaces, landscaping, and drainage infrastructure (access only to be considered).

Support was heard from the applicant's agent Chris Green, and John Golby

Objections were heard from Simon Ford on behalf of Billesdon Parish Council, and Yvette Veitch.

The Committee was given the opportunity to question the speakers, and the officers.

It was proposed by Councillor Modha that the application be **REFUSED** on the basis that it goes against GD2 (d) of the Harborough Local Plan, and this was seconded by Councillor Elliott.

A recorded vote was taken and supported by the requisite number of Councillors and the result was:

**For:** Elliott, Finan, Gair, Galton, James, Mahal, Modha, Whelband, Worrell (9)

**Against:** 0

**Abstentions:** 0

Following the Committee's discussion and recorded vote, it was **RESOLVED** that;

Planning Permission was **REFUSED** as the proposal by virtue of its size, scale and layout does not respect the existing form and character of this edge of Billesdon and it will not well integrate into the existing built form. This will be especially harmful in views from the public right of way crossing through the south of the site. It is therefore contrary to Harborough Local Plan policies GD2 (e) & GD8 (d).

*It was voted that standing orders be suspended, and the meeting continue after 21:30 to allow the committee to review the full agenda of the meeting.*

The Planning Officer introduced the next report, 23/01536/FUL, Land at Former Quarry, Dunton Road, Dunton Bassett - Erection of 31 holiday lodges, 13 accommodation pods, a management building, equestrian facilities, alterations to existing vehicular access, parking, internal access roads, landscaping and the creation of fenland habitats (revised scheme of 20/01203/FUL).

Objection was heard from Ward Member Councillor Neil Bannister.

The Committee was given the opportunity to question the speakers, and the officers.

It was proposed by Councillor Gair and seconded by Councillor Galton that the application be **REFUSED** for the reasons set out in the report.

A recorded vote was taken and supported by the requisite number of Councillors and the result was:

**For:** Elliott, Finan, Gair, Galton, James, Mahal, Modha, Whelband, Worrell  
(9)  
**Against:** 0  
**Abstentions:** 0

Following the Committee's discussion and recorded vote, it was **RESOLVED** that; Planning Permission was **REFUSED** for the following reasons and as set out in the report:

The proposal, if permitted, will cause harm to a Local Wildlife Site including at least two Priority Habitats and harm to an Irreplaceable Habitat and there are no public benefits which outweigh the harm. Satisfactory mitigation proposals have not been provided for the impact on the Local Wildlife Site and the protected species which use it for habitat. Improvements and enhancements to biodiversity may not be achievable, deliverable or viable. For these reasons, the proposal is considered to have an unacceptable impact on biodiversity, protected species, Priority and Irreplaceable Habitats and a Local Wildlife site, contrary to Local Plan policy GI5, Dunton Bassett Neighbourhood Plan policies ENV3 and ENV5 and Leire Neighbourhood Plan policies ENV3, ENV4 and ENV11, and in accordance with paragraphs 186 a) and c) of the NPPF, the proposal must be refused.

The scale of the proposal is disproportionate and harmful to the rural and quiet character of the site and will have an urbanising appearance which fails to respect the character and appearance of the countryside and the surrounding environment and, if permitted, would have a detrimental effect on the distinctive rural character of this part of the parish of Dunton Bassett, contrary to Local Plan policy RT4.2.c, GD8 and Dunton Bassett Neighbourhood Plan policies H2 and E4.

The Planning Officer introduced the next report 24/00229/VAC (it was confirmed that this should be taken as 24/00229/FUL), Sutton Circuits, Sutton Lane, Sutton in the Elms, Broughton Astley - Change of use from holiday accommodation to a retirement village.

Support was heard from the applicant's agent, Joe Nugent.

Objection was heard from Ward Member, Councillor Clive Grafton-Reed.

The Committee was given the opportunity to question the speakers, and the officers.

It was proposed by Councillor Whelband that this application be **REFUSED**. This was seconded by Councillor Worrell.

A recorded vote was taken and supported by the requisite number of Councillors and the result was:

<b>For:</b>	<b>Elliott, Finan, Gair, Galton, James, Mahal, Modha, Whelband, Worrell</b>
	<b>(9)</b>
<b>Against:</b>	<b>0</b>
<b>Abstentions:</b>	<b>0</b>

Following the Committee's discussion and recorded vote, it was **RESOLVED** that;

Planning Permission was **REFUSED** for the following reasons and as set out in the report:

The proposal would create permanently occupied dwellings in a countryside location which does not have convenient access to key services and facilities and which fails to meet any of the specific criteria under which new dwellings in the countryside are allowed. The proposal is not within or adjacent to the existing or committed built form of a sustainable settlement and is not small-scale windfall development as defined by the Broughton Astley Neighbourhood Plan. For these reasons, the proposal conflicts with policies GD2, GD4 and H4 and of the Harborough District Local Plan, and policy H3 of the Broughton Astley Neighbourhood Plan.

The proposal will potentially result in the loss of tourist accommodation and employment for the District. It therefore does not achieve the economic objective of sustainable development as required by policy GD1 of the Harborough Local Plan, policy SD1 of the Broughton Astley Neighbourhood Plan and paragraph 8 of the National Planning Policy Framework.

By virtue of its siting and scale the proposal fails to respect and enhance Sutton in the Elms and fails to integrate into the existing built form, causing harm to the character and appearance of the area. By virtue of the permanent occupation proposed together with its level of activity and suburban scale and appearance, the proposal will appear incongruous in its rural setting, causing harm to the character and appearance of the countryside, contrary to Local Plan policy GD8.

The proposal fails to demonstrate that it will not have an adverse impact on protected or priority species and habitats, and fails to demonstrate biodiversity improvements. BNG is required by statute and no baseline has been submitted from which biodiversity net gain can be calculated. The proposal fails Local Plan policy GI5 and paragraph 186 of the NPPF.

The proposal does not include an executed planning obligation which would secure the necessary financial obligations to mitigate the impact of the proposal. The proposal is therefore unsustainable development which conflicts with Local Plan policies GD1 and IN2 and Broughton Astley Neighbourhood Plan policies CI1 and SD1.

*As Councillor James (Chair) had declared an interest in application 24/00388/FUL, he proposed that Councillor Modha assume the chair for the duration of the debate on this application. This was seconded by Councillor Whelband and Councillor Modha assumed the Chair. Councillor James left the meeting.*

The Head of Development Management introduced the report 24/00388/FUL, 32A Clarke Street Market Harborough - Demolition of existing outbuilding and erection of a new dwelling (to be built as custom/self-build)(revised description).

Support was heard from the applicant's agent Matthew Cooper.

Objections were heard from John and Linda Edwards (whose objection was read out by the Director of Planning as a neutral figure), and Pauline Andrews. A statement from Ward Member Councillor Barbara Johnson was read on her behalf (by the Director of Planning as a neutral figure), as she could not attend the meeting.

The Committee was given the opportunity to question the speakers, and the officers.

It was proposed by Councillor Whelband that the application be **REFUSED**. This was seconded by Councillor Gair.

A recorded vote was taken and supported by the requisite number of Councillors and the result was:

**For:** Elliott, Finan, Gair, Galton, Mahal, Modha, Whelband, Worrell (8)  
**Against:** 0  
**Abstentions:** 0

Following the Committee's discussion and recorded vote, it was **RESOLVED** that;

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

The proposal would cause unacceptable harm to the amenity of neighbouring properties, 32 and 34 Clarke Street due to an overbearing impact due to proximity and intensification of use, and including loss of light/loss of privacy. The proposal would be an unneighbourly form of development, conflicting with Policy GD8 of the Harborough Local Plan, Harborough District Council Supplementary Design Guidance and Section 12 of the NPPF 2021.

*Councillor James re-entered the meeting at 21:58 and resumed the Chair.*

The Head of Development Management introduced the final report 24/00245/VAC, Land off Arnesby Road, Fleckney - Erection of 150 dwellings and associated works (Reserved Matters of 18/00579/OUT, including details of appearance, landscaping, layout and scale) (Variation of Conditions 1 (permitted plans), 2 (electricity substation), 3 (parking and turning facilities), 7 (CEMP), 8 (Landscaping), 10 (footpath material) and 11 (Birdcage Cottage) of 21/01222/REM to amend/redesign the layout and housetypes and accordingly amend the Conditions/wording). Variation of Conditions 1 (Plans) and 2 (Parking) of 22/01620/VAC.

Support was heard from Applicant Richard Henderson.

The Committee was given the opportunity to question the speakers, and the officers.

It was proposed by Councillor Galton that the application be **APPROVED**. This was seconded by Councillor Modha.

A recorded vote was taken and supported by the requisite number of Councillors and the result was:

<b>For:</b>	<b>Elliott, Finan, Gair, Galton, James, Mahal, Modha, Whelband, Worrell</b>
	<b>(9)</b>
<b>Against:</b>	<b>0</b>
<b>Abstentions:</b>	<b>0</b>

## **7. Any Urgent Business**

There was no urgent business.

Meeting closed at 22:09.





# Index of Applications for Determination

Meeting of the Planning Committee, 11<sup>th</sup> June 24

Application Ref	Parish/Ward	Applicant	Page Number
24/00200/REM (MPA)	Lubenham	Ministry of Justice	15 - 93
24/00244/PCD	Lubenham	Ministry of Justice	94 - 141
24/00299/PCD			
24/00409/PCD			
24/00489/PCD			
22/002188/FUL	Neville	Brudenell Estates	142 - 194
24/00453/FUL (NWH)	Market Harborough - Welland	Mr And Mrs Screaton	195 - 202
24/00488/FUL (NPA)	Billesdon & Tilton	Mrs Sushma Saigal	203 - 219



## Planning Committee Report

**Applicants:** Ministry of Justice

**Application Ref:** 24/00200/REM

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

**Proposal:** Reserved Matters for the construction of a new Category B prison of up to 82,555sqm within a secure perimeter fence, together with access, parking, landscaping and associated engineering works (appearance and layout to be considered, pursuant to outline planning permission ref: 21/01600/OUT (access, scale and landscaping))

**Application Validated:** 20th February 2024

**Site Visit Dates:** 26<sup>th</sup> February 2024

**Amended Plan Consultation Expiry Date:** 1<sup>st</sup> May 2024

**Target Date:** 30<sup>th</sup> April 2024 (10 week determination period due to the application being for Public Service Infrastructure<sup>1</sup>) (EoT Agreed through Planning Performance Agreement – 12<sup>th</sup> June 2024)

## 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. Introduction and Site & Surroundings

- 1.1 Members will be aware that this application was presented to Planning Committee on the 14<sup>th</sup> May 2024. The application was deferred for the following reasons:
- Layout and positioning
  - Colour of fence
  - Traffic & access

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<sup>1</sup> Part 2, Schedule 3(5) of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 (<https://www.legislation.gov.uk/ukxi/2021/746/made>) adds the following into the Town and Country Planning (Development Management Procedure) (England) Order 2015.

“public service infrastructure development” means major development, which is not EIA development, where the main purpose of the development is—

- (a) the provision of—
  - (i) a health service hospital;
  - (ii) a school or institution within the further education sector; or
  - (iii) an institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992(10); or
  - (iv) criminal justice accommodation; or
- (b) works for the extension or alteration of—
  - (i) a health service hospital;
  - (ii) a school or institution within the further education sector; or
  - (iii) an institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992; or
  - (iv) criminal justice accommodation;

Part 2 Schedule 3(2) of the 2021 order defines criminal justice accommodation as

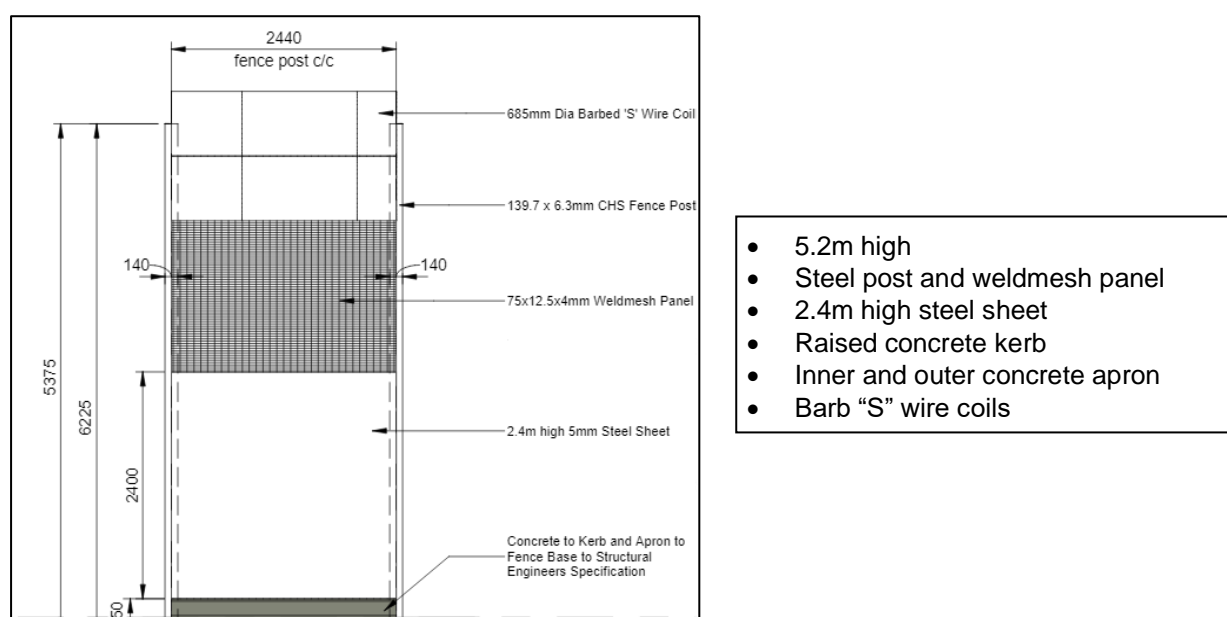
- (a) a prison within the meaning of the Prison Act 1952(6); or
- (b) a place for the detention of young persons within the meaning of section 43 of that Act

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- 1.2 In terms of the layout of the prison, and the potential to revise the proposed layout, this is explored at **Paras 6.1.2 to 6.1.4** of this report, where it states the reasons for the layout. Of particular relevance is **Para 6.1.3** which states:

*“The layout of the buildings in respect of their scale and massing has also been considered as part of the Landscape and Visual Impact Assessment (LVIA) submitted with the outline planning application. The LVIA provided key viewpoints and demonstrated that the proposed screening (tree belt) will provide screening over time. Therefore, whilst the layout is a reserved matter it has already been extensively assessed as part of the outline planning permission for the new prison. There is, therefore, no scope to significantly amend the layout design without revisiting the already approved Outline consent.”*

- 1.3 In relation to the appearance of the outer perimeter fence, the applicants have confirmed that, whilst the submitted plans are confidential in nature, the below extract can be presented (see **Figure A**). The extract provides an elevational appearance of one section of the fence. When read in conjunction with the below description, this should provide Members with assurances over the appearance of the fence. It must be noted that, due to the nature of the development, there are strict security and operational parameters and requirements regarding the fence which weigh considerably in favour of the appearance presented being considered to be acceptable.



**Figure A: Extract of Fence plan indicating appearance of outer perimeter fence**

- 1.4 Issues around traffic and access to the site were assessed as part of the outline application, 21/01600/OUT and also discussed at length during the associated Public Inquiry. Access was a matter for consideration as part of the Outline application as set out at **Para 2.4** of this report. Because of this, matters of access to the operational development cannot be assessed any further. In terms of construction traffic access to the site during the construction phase of the development, this is for consideration at part of the Construction (Traffic) Environmental Management Plan (CTEMP) which has been submitted in response to Condition 29 of 21/01600/OUT and is being considered under 24/00244/PCD which is to be considered by Planning Committee later on this Agenda.
- 1.5 Since the deferral of the application at the May meeting of the Planning Committee, the Applicants have provided a number of GCI's and a "fly-through" of the proposal providing a clear image of layout and appearance of the development. A selection of

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these CGI's are reproduced at **Figures B – D**. The applicants have also provided a response to the reasons for deferral which can be seen at **Appendix D** of this report.



**Figure B: CGI of Aerial view of proposed Prison**



**Figure C: CGI of proposed Houseblock viewed from inside the Prison**



**Figure D: CGI of proposed Entrance Hub building viewed from car park**

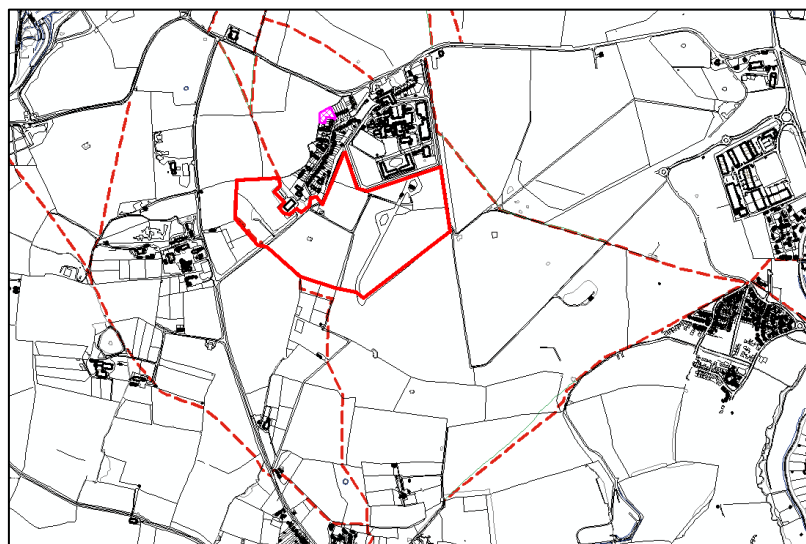
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- 1.6 The Reserved Matters application site boundary has been drawn to correspond with the Outline planning application site. The application site comprises an area of land which extends to 28.9 hectares situated to the South of the existing HMP Gartree (a Category B Prison) (see **Figures 1 & 2**) and comprises three land parcels (see **Figure 1**). Parcel 1 comprises farmland to the south east of Welland Avenue, Parcel 2 is open space to the north west of Welland Avenue and Parcel 3 is an area of open space within Gartree and to the north of Welland Avenue which was previously identified as having potential for amenity/play space for Gartree<sup>2</sup>. The site is accessed via Welland Avenue.



**Figure 1: Land Parcels**



**Figure 2: Site Location Plan**

- 1.7 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

<sup>2</sup> This is discussed in more detail in **Figure 48**

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.

## 2. Site History

- 2.1 The site has Outline Planning Permission for the erection of a new Category B prison of up to 82,555sqm within a secure perimeter fence, together with access, parking, landscaping and associated engineering works (Means of access and scale to be considered). The outline application, 21/01600/OUT was initially recommended for approval by Officers, however, this recommendation was overturned by The Council and the application was refused in April 2022 on the basis that the Proposals would result in unjustified harm to the character and appearance of the surrounding area and the Area of Separation. The Applicants subsequently appealed against the refusal of the Planning Application, and an Inquiry was held to consider the Appeal in October 2022. The Appeal was subsequently recovered by the Secretary of State. In January 2023, the Planning Inspector recommended that the Secretary of State dismiss the Appeal on the basis that the site was not reasonably accessible and that there would be unjustified harm to the character and appearance of the surrounding area and the Area of Separation. In November 2023, the Secretary of State issued his decision, agreeing with the Inspector's conclusions, but, at Para 4 of his Decision Letter, disagreed with the Inspector's recommendation<sup>3</sup> and decided to allow the Appeal and grant Planning Permission. As part of his decision letter, the Secretary of State included several conditions (see **Appendix A**). Of particular note is Condition 4 which lists the approved plans<sup>4</sup> as follows:
- 2.2 Since the approval of the Outline Consent by the Secretary of State, a number of further submissions have been made by the Applicants. These include applications to discharge a number of "pre-commencement" conditions and a non-material amendment submission relating to the approved Landscape Masterplan. These submissions will be referred to periodically throughout this report.
- 2.3 The Design and Access Statement submitted as part of the Outline application included a detailed assessment of the level of floorspace which could be provided. Whilst it is acknowledged that this is not an Approved Document or Plan, and that it was stated within the Design and Access Statement that these figures are subject to change, it is considered that this provided a provided a clear indication as to the direction of travel of any subsequent scale of development. Furthermore, the Inspector stated at Para 4 of her Report<sup>5</sup> that the Design and Access Statement set out that the scale of the proposals would be buildings which range between 6m – 17.5m and that the Gross External Area of the facility would be up to 82,555sqm. Condition 5 of the Outline consent restricted the height of any building on the site to no more than 17.5m,

<sup>3</sup> "4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, but disagrees with the Inspector's recommendation. He has decided to allow the appeal and grant planning permission, subject to conditions. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report."

<sup>4</sup> 4) "The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 661277-00-PEV-GTX0011-ZZ-DR-A9000 PO5, Existing Block Plan 661277-0000-PEV-GTX0011-ZZ-DR-A-9001 PO5, Block Plan Demolition 661277-0000-PEV-GTX0011-ZZ-DR-A-9101 PO4, Landscape Masterplan 661277-0000-PEV-GTX0011-XX-DR-L-0301 P05 (insofar as it relates to landscaping matters and not layout), Proposed New Access GARTATK-HGN-WELL-DR-D-0001 Rev P1"

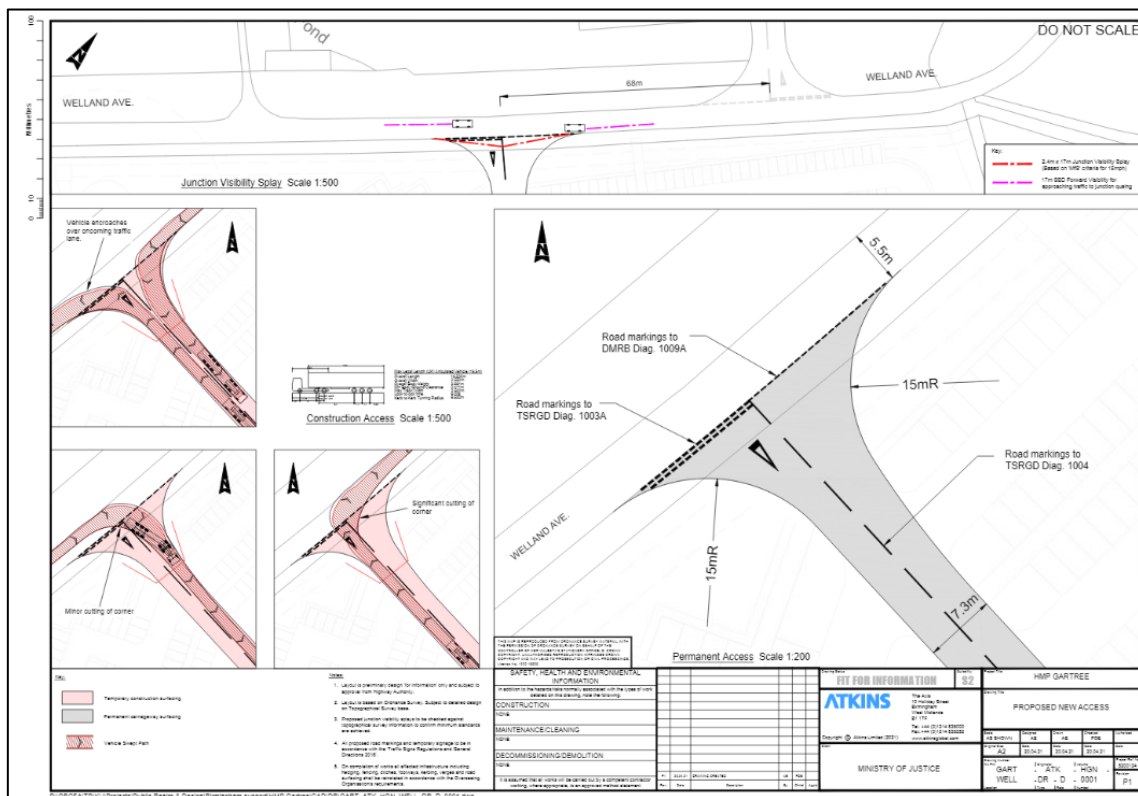
<sup>5</sup> "4. The application is made in outline with only access and scale to be determined at this stage. Details of the proposed new access are included at Appendix D of the Transport Assessment, Drawing Reference GART-ATK-HGN-WELL-DR-D0001 Rev P1. As set out in the Design and Access Statement the scale/height of the buildings would range from 6m-17.5m. The Gross External Area (GEA) as per the description of development, and as confirmed at the Inquiry, would be 82,555m2. I have therefore considered the appeal on this basis."

2.4 Access to the site was also approved as part of the Outline consent. Access to the site will be gained via a new, dedicated point of access via Welland Avenue. As part of the consideration of the access proposals, consideration was given to the impact of

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additional traffic upon Welland Avenue. The submitted access plan (see **Figure 5**) indicated the impact of vehicle movements on the access point, and on this basis it was considered that the proposed access point would function satisfactorily. As such, the proposed access was considered to be acceptable at Outline stage, with the access plans being named as approved plans within the Secretary of State's decision letter.



**Figure 5: Approved Access arrangements**

- 2.5 It should also be noted that, whilst the outline application was made on the basis of means of access and scale to be considered, the Inspector concluded<sup>6</sup> (at Para 5 of her Report) that as the Comprehensive Landscape Masterplan (see **Figure 6**) submitted in support of the application had not been marked as being for “illustrative” or “indicative” purposes, landscaping must also be treated as forming part of the outline application rather than a reserved matter.

<sup>6</sup> “5. The appellant has also submitted a detailed Comprehensive Landscape Masterplan<sup>5</sup>. Landscaping is identified as a ‘reserved matter’ on the application form. However, the Landscape Masterplan has been put forward by the appellant for approval at outline stage. This plan is also not marked as being for ‘illustrative’ or ‘indicative’ purposes. In accordance with National Planning Practice Guidance, landscaping must, therefore, be treated as forming part of the outline application rather than a reserved matter.”

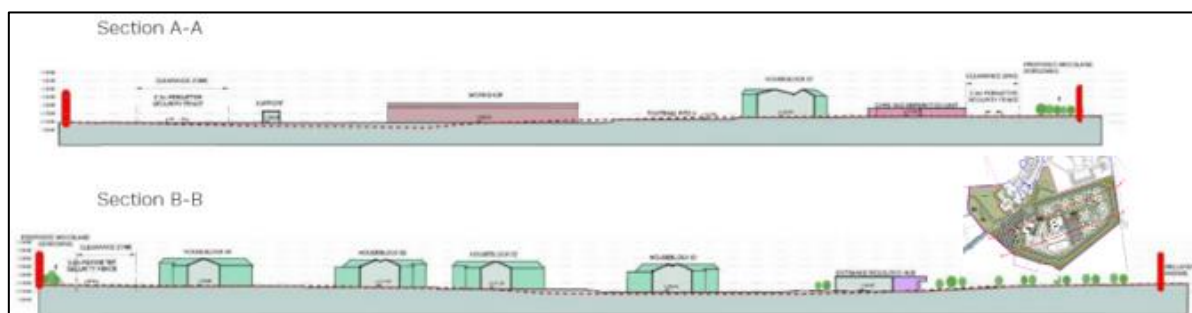


**Figure 6: Approved Landscaping Masterplan (submitted with 21/01600/OUT)**

### 3. The Application Submission

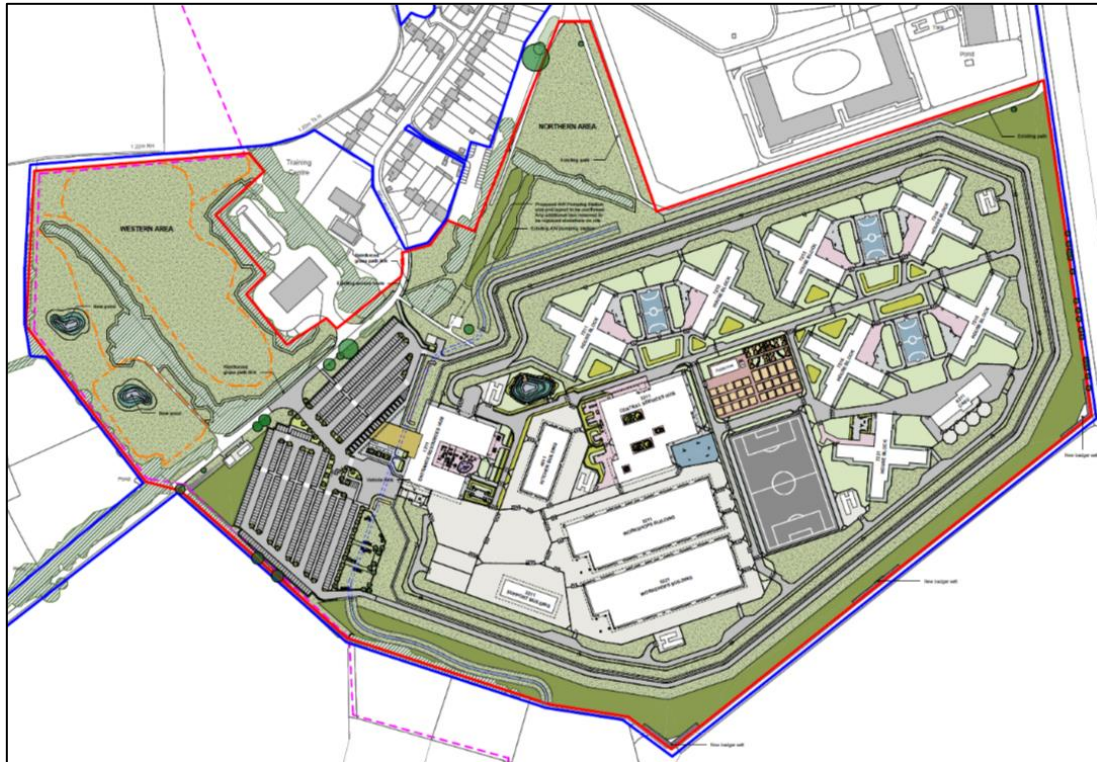
#### a) Summary of Proposals

- 3.1 The proposal seeks reserved matters approval for the layout (see **Figure 8**), and appearance for the construction of a new Prison and the laying out of parking areas and other infrastructure.
- 3.2 As set out above, the Outline consent approved the Means of Access, Scale and Landscaping for the proposal. As can be seen at **Figure 8**, the proposed point of access is in the same location as approved by the Outline consent. **Figures 7 and 9** indicate that the maximum height of the proposed buildings (the proposed houseblocks are the tallest buildings proposed) on the site is 17.3m which is slightly lower than the 17.5m considered at the Outline stage. Finally, **Figure 10** indicates that the proposed floorspace for the development would equate to 81,142.83m<sup>2</sup>, which is less than the 82,555m<sup>2</sup> that the Inspector confirmed was considered to be the scale of the Proposed Development at Outline stage. As such, it is considered that the proposed development complies with the approved elements of the Outline consent in terms of Means of Access and Scale. Furthermore, it follows that the submitted Reserved Matters are in accordance with Conditions 5 & 6 of 21/01600/OUT.

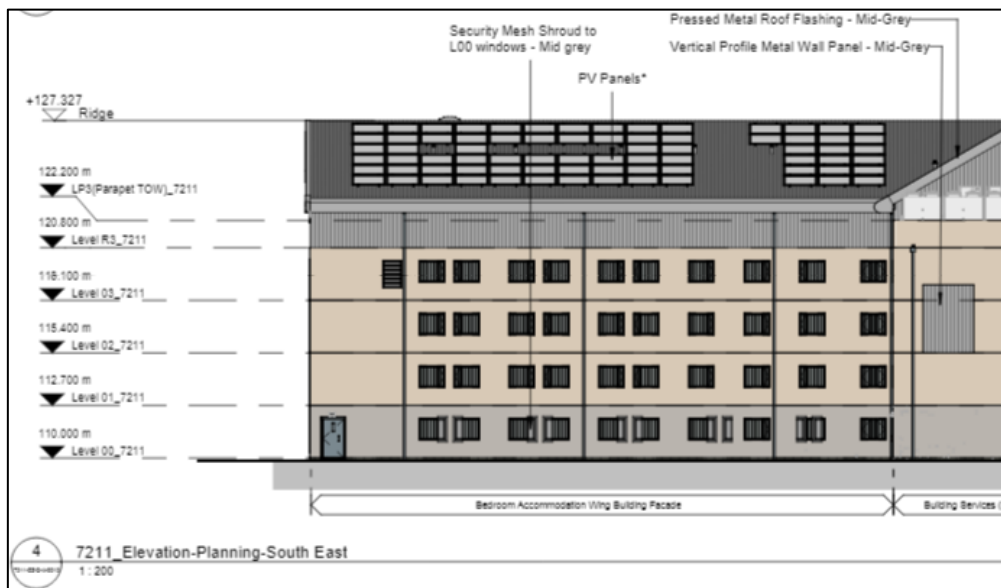


**Figure 7: Proposed Cross Sections**

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**Figure 8: Proposed layout**



**Figure 9: Extract of Proposed Houseblock elevations**

- 3.3 In terms of Landscaping, conditions 7 & 8 of the Outline consent (see **Appendix A**) require the submission of detailed Landscaping Plans and a Landscape Management Plan prior to the commencement of development. As such, there are no landscaping elements for consideration as part of this application, and it therefore considered that, subject to consideration of the Layout of the Proposed Development later in this report, the Reserved Matters submissions remain in accordance with the Outline consent in this regard. The applicants have sought consent to slightly amend the approved Landscape Masterplan<sup>7</sup>. These amendments relate to the following:

<sup>7</sup> Approved under 24/00336/NMA



- Minor amendments to the landscaping around the sports pitches – as the pitches are now vertical rather than sloped. Landscaping is provided at the sides of the respective pitches.
- Minor amendments to amenity grassland (i.e. more amenity grassland and less flowering lawn).
- Minor amendments to the landscaping on the western area.

The applicants have also submitted details required by Conditions 7 (Detailed Landscape Plan) and 8 (Landscaping Management Plan) of 21/01600/OUT<sup>8</sup>.

G2 Building GEA and Total Developed GEA (m <sup>2</sup> )							
Name	Ground	First	First (Mezz)	Second	Third	Roof	Building Total (m <sup>2</sup> )
Building 1211 (ERH)	2669.16	1146.40		913.10			4728.66
Building 2211 (Support)	588.18	193.70				15.50	797.39
Building 3211 (CSH)	3750.91	1917.06					5667.97
Building 4211 (Kitchen)	1195.19	908.93	288.63				2392.76
Building 5211 (Workshops)	4635.13	2019.30					6654.43
Building 5222 (Workshops)	4635.13	2019.30					6654.43
Building 6211 (CASU)	658.62					466.44	1125.06
Building 7211 (HB)	1586.33	1449.74		1586.33	1478.58	1487.89	7588.88
Building 7212 (HB)	1586.33	1449.74		1586.33	1478.58	1487.89	7588.88
Building 7213 (HB)	1586.33	1449.74		1586.33	1478.58	1487.89	7588.88
Building 7214 (HB)	1586.33	1449.74		1586.33	1478.58	1487.89	7588.88
Building 7215 (HB)	1586.33	1449.74		1586.33	1478.58	1487.89	7588.88
Building 7216 (HB)	1586.33	1449.74		1586.33	1478.58	1487.89	7588.88
Building 7227 (HB)	1586.33	1449.74		1586.33	1478.58	1487.89	7588.88
						Total Developed GEA (m <sup>2</sup> )	81142.83

**Figure 10: Floorspace schedule**

- 3.4 On the basis of the above, there are two remaining matters for consideration as part of this Reserved Matters application, namely Layout and Appearance. Layout includes the internal layout of the site (but not the internal layout of the individual buildings) the layout of the parking area and internal movement arrangements. As part of the consideration of Layout, the impact of the proposals upon the residential amenity of neighbouring properties (in terms of loss of privacy or overbearing by virtue of the layout) will be assessed. Layout is considered in **Section 6b1** of this report. Appearance includes the design of the buildings and materials to be used in their construction, the lighting of the site and the visual impact of these matters. Appearance is assessed in **Section 6b2** of this report.

#### **b) Documents submitted**

- 3.5 A number of plans and documents have been submitted which relate to different conditions imposed on the Outline consent. In terms of this Reserved Matters application, these documents are for information only, and are not for approval or consideration. These documents and plans are as follows:
- Noise Impact Assessment<sup>9</sup>
  - Construction Traffic and Environmental Management Plan (CTEMP)<sup>9</sup>
  - Updated BREEAM report (Pre-assessment)<sup>10</sup>
  - Levels Plan<sup>9</sup>
  - Public Rights of Way Plan<sup>9</sup>
  - Drainage plans<sup>9</sup>

<sup>8</sup> being considered under 24/00299/PCD

<sup>9</sup> being considered under 24/00244/PCD

<sup>10</sup> being considered under 24/00123/PCD

- Watercourse Plans<sup>9</sup>

#### i) Plans

- 3.6 Plans have been submitted showing the extent of the site, the layout of the plot, the appearance and design of the buildings, the proposed levels across the site, the proposed drainage layout for the site, details of the lighting, vehicle tracking and tree survey of the site.
- 3.7 Due to the nature of the proposals (a Category B Men's training prison), some of the detailed designs and internal layouts cannot be shared in the public domain as this would constitute a security risk. National Planning Guidance (NPG)<sup>11</sup> allows for this information to be kept off the public register *'The applicant can request that the local planning authority does not publicise the application on their website (if that is their practice) and that sensitive information is kept separately from the main Register, so that it is only available on special request'*. Notwithstanding this, the majority of documents submitted with the application have been made publicly available, with the primary plans which are not available relating to the internal layout of buildings, the design and specification of the perimeter fence, and the lighting / services plans for the facility.

#### ii. Supporting Statements

- 3.8 The following supporting statements have also been submitted for consideration as part of the application submission:
- Planning Statement
  - Design and Access Statement
  - Energy and Sustainability Statement
  - Biodiversity Net Gain Report
  - Geo-Environmental Assessment

### 4. Consultations and Representations

- 4.1 Firstly, a summary of the technical consultees responses received is set out in **Figure 11** below. Where appropriate the responses will be discussed in more detail within the main body of the report. If you wish to view the comments in full, please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

Consultee	Date	Summary
<i>National / Regional Bodies</i>		
Environment Agency	n/a	No comments received
Anglian Water	15.03.24	<p>We have reviewed the applicant's submitted Foul Drainage Sheets 1-13 and consider that the impacts/strategy (via a pumped regime direct to the Water Recycling Centre) on the public foul sewerage network are acceptable to Anglian Water at this stage.</p> <p>We have reviewed the applicant's submitted surface water drainage information and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge.</p> <p>The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system</p>

<sup>11</sup> Crown development - GOV.UK ([www.gov.uk](http://www.gov.uk)) (<https://www.gov.uk/guidance/crown-development#sensitive-information-in-planning-applications>)

		directly or indirectly involves the discharge of water into a watercourse.
<b><u>LCC</u></b>		
Highways	15.03.24	No objections subject to conditions regarding provision of indicated parking and turning facilities, cycle storage facilities and secure motorcycle parking facilities
Archaeology	18.03.24	Following our previous comments under application 21/01600/OUT we note that no new impact on the site is proposed and would advise the applicant that conditions 23 & 24 of the outline permission should be adhered to.
LLFA	14.03.24	Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are sufficient for the LLFA to support the approval of the reserved matters.
Ecology	<i>n/a</i>	<i>No comments received</i>
<b><u>MP's / Cllrs / PC's</u></b>		
Lubenham PC (correspondence relates to suite of applications, only elements relating to matter of consideration under 24/00200/REM are summarised here)	15.04.24	<p>There seems to be little improvement that will lead to a 10% improvement in bio-diversity. Given the amount of green field, habitats, hedgerows etc being lost little seems to be being replaced by the proposed 2 ponds in an already saturated, boggy piece of land and another within the walls of the prison.</p> <p>Condition 4 Proposed Community Play space - the outline planning permission 21/01600/OUT requires 'The development hereby permitted shall be carried out in accordance with the following approved plans: Landscape Masterplan 661277-0000-PEV-GTX0011-XX-DR-L-0301 P05 (insofar as it relates to landscaping matters and not layout)...' The approved Landscape Masterplan shows the small patch of land off Welland Avenue (behind nos. 21-23) as 'Play area for community use'. Indeed, it is still shown that way on the Site Block Plan accompanying the Reserved Matters application. However, the Planning Statement accompanying the reserved matters application says at paragraph 6.14 'This space is intended to be used to provide biodiversity net gain for the new prison'. This is incorrect and although the play area land should be included within the biodiversity net-gain scores its principal use is recreation. No mapping has been provided to check how this area has been treated in the metric how it is to be subsequently developed or how trees etc will be retained on the site. The removal of this promised amenity for residents is particularly disappointing – Gartree residents will now have much of their amenity benefits taken away from them and in return will look out on a facility that will provide many amenities for the inmates but provide no replacements for the loss of amenity for local people.</p> <p>Drainage - Inconsistencies have been identified in the drainage plans and how existing drainage channels running from Welland Avenue and Gartree 1 through the site are being dealt with. No routes for foul water sewerage are shown. Foul water drainage appears to be inadequate for the number of toilets on the site - Only allows for about 2 flushes a day by inmates - Are there enough toilets for staff and visitors and where are allowances for flushing of these? It must be ensured no sewage overflow is going into local rivers</p> <p>Design of buildings - Residents are concerned that some windows will be overlooking gardens and properties and request that the orientation of buildings is changed so that windows do not overlook properties and obscure glass is used in properties that face towards Welland Avenue.</p>
Foxton PC	15.04.24	The new planning applications do not contain non-technical summaries; hence it is very difficult to map out 1) what has stayed

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		<p>the same as the outline planning application; 2) what has changed since the outline planning application; 3) why these changes have been made; and 4) how these changes relate to the planning approval and its conditions. This lack of transparency will not help the passage of these planning applications.</p> <p>Foxton Parish Council fully supports the concerns and objections raised by the Rule 6(6) Party Gartree Action. The Council also agrees with the objection submitted by the Market Harborough Civic Society.</p> <p>In addition to the objections raised by Gartree Action and the Civic Society, Foxton Parish Council would like to raise a number of issues for your attention:</p> <p>6. Turning to the reserved matters application 24/00200/REM: provisions to keep our children safe appear to be non-existent. There can be no foundation to the applicant's claims that there will be no increase in traffic at all past Foxton School during drop off/collection times. Given the massive increase in traffic on Foxton Road, there is the very realistic probability that existing traffic flows will re-route past Foxton School in a bid to avoid Foxton Road and the likely queues mentioned in point 5 above. The MoJ had reserved funds as part of the outline planning application to reduce the risks to our children via the Section 106 mechanism. The specific plans put forward at the time were inadequate and were rejected by the Planning Inspector. We ask that the LPA works with the applicant to provide a permanent solution to the issue of Foxton schoolchildren being put at risk by increased traffic flows. Space is available for off-road parking by the school. Additionally, we request that the LPA re-examines the footpath from Gartree village to Foxton to assess whether this is a safe route for the children of Gartree to get to Foxton School</p> <p>This development was unanimously rejected by HDC's planning committee; a position supported by the independent Planning Inspectorate. Notwithstanding such rejections, we are now faced with assessing the impact of a development that will likely be standing one hundred years from now. These plans require full scrutiny by planning inspectors, consultees and the broader electorate. This process will take time and we reserve the right to make additional comments as new information comes to light.</p>
Market Harborough Civic Society	03.04.24	<p>Total objection to the proposals is maintained.</p> <p>The new Prison will cause harm to the Character and Appearance of the surrounding area, will harm the rural setting of the Gartree Estate and conflicts with policies in the Local Plan and National policies.</p> <p>You cannot make a silk purse out of a sow's ear.</p> <p>Landscape proposals provide no relief for the height of the houseblocks.</p> <p>Painted concrete construction is suited to an urban location not a rural area.</p> <p>Strain on local finance to oversee the building, monitoring and enforcement of these proposals.</p> <p>Proposals are not acceptable, the MoJ should be advised to submit proposals for layout and appearance which are more suited to this rural area.</p>
<i>Other Local Groups</i>		
Armstrong Rigg Planning (obo Gartree Action)	09.04.24	<p>I once again write to you on behalf of clients, Gartree Action, which represents all of the communities most local to the prison. On this basis we wish to raise several objections in respect of the suite of</p>

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<p>(correspondence relates to suite of applications, only elements relating to matter of consideration under 24/00200/REM are summarised here)</p>	<p>applications listed above which have been submitted pursuant to Application Reference 21/01600/OUT for a new Category B prison, allowed by the Secretary of State on 15th November 2023.</p> <p>Our clients were obviously extremely disappointed with the outcome of the outline application, one where the combined community had worked so hard and committed no little expense to successfully demonstrate to both the Council and the Inspector that the proposed prison will be at entirely the wrong location. However, it is appreciated that following the intervention of the Secretary of State the matter of principle has been settled. To this end Gartree Action remains resolute in seeking to ensure that every detail pertaining to the reserved matters is in accordance with the expectations of the outline permission.</p> <p>Our clients have several specific concerns that have arisen on review of the detailed proposals. We request that each is reviewed in greater detail by officers with further clarification requested from the applicant to overcome our client's objection to this application:</p> <ul style="list-style-type: none"> <li>• The outline planning permission included a measure (albeit deeply flawed) to mitigate the risk of staff and visitors using vehicles along the residential part of Welland Avenue. To recap, this flawed measure was a restriction in the width of the road between the two halves of the avenue, along with signage inviting local traffic to turn right out of the prison. The reason why our clients consider this measure to be deeply flawed is that not only does the vehicular access to site allow for traffic to turn right onto Welland Avenue, the signage actively invites local road users to do so. As part of this application, both the road restriction and the signage have been removed. Hence, road users will be faced with a 50/50 choice of turning left towards Foxton Road or turning right, through Gartree village.</li> </ul> <p>Our clients suggest that the MoJ has openly promised that no vehicles will pass along the residential part of Welland Avenue, but they have removed every element of their mitigation plan that was present in the outline planning permission. There are now no measures whatsoever to back this promise up. Whilst it is noted from the response of LCC Highways that they consider this to be an internal matter that rests with the MoJ due to Welland Avenue comprising a private road it is surely incumbent on the Council to ensure that even traffic movement internal within a site or on private roads is safe. To this end our clients request that this matter is raised with the applicant as a matter of urgency.</p> <ul style="list-style-type: none"> <li>• Condition 4 of the outline permission states that the development must comply with the Proposed New Access plan, which specifies that Welland Ave needs be 5.5m wide. Having measures the carriageway width at this point our client can confirm that it is currently 4.7m wide for the whole distance between Foxton Road and the site access. No mention is made anywhere that the MoJ is proposing to widen Welland Avenue to 5.5m for the c.360 metres from the site to Foxton Road including in Appendix E of the Transport Assessment considered as part of the outline application. It does, however, show the introduction of a footway alongside a road of substandard width which would give rise to a dangerous pedestrian environment. Indeed, without carriageway widening, the swept path analysis is wrong and longer vehicles will likely need to use the pavement. Any works to widen Welland Ave will need to take place outside of the Site Location Plan on private land as established and as such no planning permission has been sought</li> </ul>
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		<p>or granted. This is a significant concern to our client.</p> <ul style="list-style-type: none"> <li>• Condition 4 also requires that ‘the development hereby permitted shall be carried out in accordance with the following approved plans: ... Landscape Masterplan 661277-0000-PEV-GTX0011-XX-DR-L-0301 P05 (insofar as it relates to landscaping matters and not layout)...’. The approved Landscape Masterplan shows the small patch of land off Welland Avenue (behind nos. 21-23) as a ‘play area for community use’. Indeed, it is still shown that way on the Site Block Plan accompanying the reserved matters application.</li> </ul> <p>However, the Planning Statement accompanying the reserved matters application says at paragraph 6.14 that “this space is intended to be used to provide biodiversity net gain for the new prison”. This is incorrect and although the play area may be included within the biodiversity net-gain metric its principal use is recreation which would significantly reduce its biodiversity potential. It is then noted that the Landscape Strategy submitted in response to Conditions 7 and 8 refers to the land as “potential recreation”. Which is it to be: the provision of a recreation space, which was offered as a benefit of the outline application and one which would have been weighed in the overall balance, or biodiversity net gain? There is a risk of double counting and a reduction of one benefit or the other as part of the eventual delivery of the proposal.</p> <ul style="list-style-type: none"> <li>• The proposed parking scheme does not reflect the demands calculated by the Transport Assessment submitted in support of the outline application in the slightest. Figure 6.1 of the TA identified through the application of a parking accumulation model that the peak demand at the site would give rise to a need for just over 500 spaces (10:30am). The split of demand would be approximately 440 staff to 60 visitors. Indeed, the maximum number of visitors at the site at any moment in the day was modelled to be at this time – 60. In which case the designated split proposed by drawing reference 661277_5057-HLM-0011-ZZ-D-L-9008 submitted as part of the reserved matters of 341 staff spaces and 189 visitor spaces seems utterly unjustified and likely to cause significant issues in respect of parking on verges and on the street.</li> </ul>
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**Figure 11: Summary of responses from technical consultees**

<b>b) Local Community</b>	
1.	Objections
4.2	<p>Approximately 100 letters were distributed to properties within Gartree and the surrounding locality, with 3 site notices being posted in the vicinity. 20 letters have been received the sources of which are set out in the table at <b>Figure 12</b>. Officers note that several of the representations are very detailed and whilst regard has been had to these in assessing this application, it is impractical to copy these verbatim and therefore a summary of the key points is provided at <b>Figure 13</b> below. Full copies of all representations can be viewed at <a href="http://www.harborough.gov.uk/planning">www.harborough.gov.uk/planning</a></p>
Area	Number received
Gartree	14 (from five properties)
Foxton	4 (from three properties)
Lubenham	2
Outside of District	Leicester (1)

**Figure 12: Source of objections**

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<p><b>Issues of Principle raised through representations</b></p> <p><i>(Addressed in Section 6a of the report unless otherwise stated)</i></p>	<ol style="list-style-type: none"> <li>1) Will the Secretary of State visit to explain his decision? How he can overrule Planning Inspectorate and HDC Planning Committee with one hand and tell us he is in favour of Local Government on the other. <i>(This point is addressed in Section 6b:3 of the report)</i></li> <li>2) The Secretary of State should explain how he came to the conclusion that need trumps all in this instance, even though the MoJ's own data does not back this up. And should HDC Planning Committee decide this is not an issue for planning, they are wrong. The only reason the prison is being built is because of this misguided idea that there is a need. <i>(This point is addressed in Section 6b:3 of the report)</i></li> <li>3) I strongly urge HDC to fight this tooth and nail. What we are seeing is dictatorial leadership from Central Government for political reasons and they are not in the least bit serious about reducing reoffending. <i>(This point is addressed in Section 6b:3 of the report)</i></li> <li>4) Terrible idea. Will ruin the local area, countryside, quality of life for residents and wildlife.</li> </ol>
<p><b>Layout issues raised through representations</b></p> <p><i>(Addressed in Section 6b:1 of the report unless otherwise stated)</i></p>	<ol style="list-style-type: none"> <li>1) Can you confirm which blocks will have a direct view into my home? At the moment it appears to be Block 1 only but wanted to confirm.</li> <li>2) On the Tree and Hedgerow Protection Plan the proposal is to remove the hedgerow behind house numbers 54 to 60 (Welland Ave) where the old garages used to be. This hedgerow gives some privacy and noise and disturbance protection, not to mention habitat for birds. This hedgerow is nowhere near where the new prison is going to be built and I can see no good reason why it would need to be removed.</li> <li>3) The Transport Assessment in 21/01600/OUT stated that 447 car park spaces will be required for staff. 24/00200/REM has limited the number of staff parking spaces to 341. No accessible spaces have been made available for staff. Staff parking spaces are insufficient; staff will need to look for parking spaces elsewhere.</li> <li>4) I would also like to request that House Block 1 is moved or at the very least that no windows are overlooking the houses or at the very least that frosted glass is used for any window that would overlook the house</li> <li>5) Also the noise from prisoners shouting to each other from blocks could be mitigated better if they relocated. I would rather have the football pitches near the house as at least they are not visible, and the noise is in the day and not at night.</li> <li>5) Condition 4 of 21/01600/OUT requires 'The development hereby permitted shall be carried out in accordance with the approved Landscape Masterplan (insofar as it relates to landscaping matters and not layout)...' The approved Landscape Masterplan shows the small patch of land off Welland Avenue (behind nos. 21-23) as 'Play area for community use', this is incorrect and although the play area should be included within the biodiversity net-gain metric its principal use is recreation. <i>(This point is addressed in Section 6b:3 of the report)</i></li> <li>6) Condition 4 states that the development must comply with the Proposed New Access plan, which specifies that Welland Ave needs to be 5.5m wide. It's currently 4.7m wide for the whole distance between Foxton Road and the site access. Any works to widen Welland Ave will need to take place outside of the Site Location Plan and as such, no planning permission has been sought or granted. Works to widen Welland Avenue are not considered as part of BNG. <i>(This point is addressed in Section 6b:3 of the report)</i></li> <li>7) No details relating to the storage of refuse and recycling materials have been provided, so Condition 12 has not been discharged. <i>(This point is addressed in Section 6b:3 of the report)</i></li> <li>6) This is a very rural quiet area with a hamlet of houses that are not used to noise, the blocks at the existing prison are not overlooking houses and the design is much more considerate of the houses. As the planning inspectorate says this new prison will cause significant harm to the area!! The least the MOJ can do is work with residents on the design of the inside and make it as less intrusive as possible!</li> </ol>

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	7) They should go back to the drawing board with the inside design and consider the residents as they are the innocent taxpayers who's lives will be ruined through no fault of their own!
<b>Appearance issues raised through representations</b>	<i>No issues raised</i>
<b>Other issues raised through representations</b>  <i>(Addressed in Section 6b:3 of the report unless otherwise stated)</i>	1) The Reserved Matters application is incomplete. The MoJ has submitted a "BREEAM 2018 New Construction Design Stage Review Report" in an attempt to discharge planning condition 10. However, this is not a BREEAM assessment report. It is a pre-assessment report. The assessment has not yet started. The pre-assessment submitted by the MoJ is not a BREEAM assessment and is insufficient evidence to discharge the planning obligation. 2) HDC should throw out this non-report and request that the MoJ now submits a detailed BREEAM assessment. This needs to happen before HDC can approve it, and in turn, this approval needs happen before any submission of a reserved matters planning application 3) Can you please confirm what the acronym CASU is for? <i>(This point is addressed in Section 6b:2 of the report)</i> 4) Could you explain why the MoJ contractors have been instructed not to converse with residents? 5) Will the MoJ will be duty bound to maintain property they are responsible for outside of the prison walls 6) How will the MoJ be penalised in the event of either the MoJ or their contractors not abiding by the Construction Management Plan? 7) Please don't even consider the idea of insulting the residents by asking for ideas for a new name for the prison. It already has a new name locally and I am not sure you would like it. 8) The MoJ informed us that the build would take 2-3 years. Now you are saying 4 years? Which is it? More like 5-6 years. 9) What guarantees will the MoJ offer that they will not make the flooding worse? <i>(This point is addressed in Section 6b:1 of the report)</i> 10) Before you have even started building you are going to traffic light our road? This is obviously someone at the MoJ having a joke at our expense and you're not really going to do this? It's the countryside. We don't have traffic lights in the countryside. 11) Can you confirm what Market Harborough companies you will be using in the build as you committed to a certain % of work will be carried out by local tradesmen? 12) Can you please give me the OS reference for North Kilnworth as I am unaware of any such place? 13) We were assured that although the 2 fields to the north of the site were in the plan, that they would remain free for locals to walk their dogs. Thank heaven for small mercies. Apart from they're not according to your Management Plan. On one of the fields you are now creating 406 car parking spaces for contractors! 14) Can you guarantee that piling activities will not damage any of our houses? 15) When Foxton Road becomes impassable in the rush hour as 400 vehicles attempt to turn right into a single track road only to stopped by a red light, will you consider that you are preventing me from getting to work? Will you write a letter to my Manager stating that [REDACTED] will be late to work for the next 4-6 years as we are building a prison locally against the will of the local population and have jammed up the local area a little bit? 16) Can you confirm what dates one of you contractors will "accidentally" cut of utilities to the village over the coming years? Do we need to hoard water or buy a generator to cover for this eventuality? 17) In light of your commitment to reducing carbon emissions, how many of your contractors will be arriving in diesel vehicles? 18) Is there a liaison available between residents and the MoJ? I notice mentions of contractor details but the MoJ appear to be conspicuous by their absence?

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	<p>19) Your Management Plan and other documents you have produced are very contradictory with regards to hours of operation. Let me help your disjointed organisation out.</p> <p>a. Weekdays. No work to start before 08:00 and no work will continue beyond 17:00. All staff will be off site by 17:30.</p> <p>b. Weekends and Bank Holidays. No work allowed.</p> <p>20) I note a detail in your bird report stating that a Barn Owl used to live in a broken tree north of the site but doesn't have potential to live there any more due to the tree snap. You might want to let him know, because as of last month he's still there.</p> <p>21) I do praise the report in that there are 22 pages on our local wildlife population. Admittedly there are quite a few errors but the thought was there. However, when it comes down to how many pages are dedicated to the residents of Gartree village? And therein lies the truth of this whole debacle. The residents of Gartree are thought of less than the local wildlife. The wildlife have legal protection. The residents of Gartree have none.</p> <p>22) Loss of privacy by virtue of construction traffic.</p> <p>23) Then there is the fact of the noise from said vehicles I am a nightshift worker and the noise could well effect my sleep and therefore my health the road is only a dirt track not suitable for HGV. We have lived here for 17 years and apart from an odd car the dirt track has not been used</p> <p>24) Overbearing impact from construction traffic accessing development at the bottom of our garden This has never been in any of the previous proposals, therefore was never in consultation.</p> <p>25) The road (<i>Gallow Field Road</i>) approaching is on a blind bend onto an untested dirt track. Insufficient vision of splay.</p> <p>26) The dirt track is currently being used as a contract's car park for HMP Gartree. The noise and disturbance begins at approx. 06:30, even though notices forbid access on site until 08:00.</p> <p>27) The wilful destruction of the landscaped areas (unfortunately there are areas that have been destroyed under the "Estate Management" Guise. This only includes the dirt track, with this never before being subject to "estate management" in my 17 years here and no other areas on the Gartree Hamlet being maintained. (Coincidental?)</p> <p>28) The ecology reports (bat surveys) did not include this area of trees.</p> <p>29) Sheer volume and weight of traffic affecting tree roots. (TPO pending).</p> <p>30) The Gartree crossroad onto the old A6, can often be difficult to negotiate at busy times and a roundabout on this junction would mean the flow of traffic would be much better than at present.</p> <p>31) Also within Lubenham, the Foxton Road/ Main Road junction already gets backed up at busy times and again a roundabout would ease the flow of traffic.</p> <p>32) A chicane on entering Lubenham from Foxton would slow traffic on entering the village and also those leaving it via Foxton Road and make the road much safer for local residents even with the extra traffic anticipated</p> <p>33) Where in the planning application that supports access being moved? Safety issues with proposed access. There is a well-used public footpath that crosses at exactly that point. During summer months it's busy - how will the safety of walkers be looked after?</p> <p>34) The water survey isn't current.</p> <p>35) The staff car park and the temporary construction car park will make the surface water run off worse and will further add more water to the already struggling waterways. More flooding can be expected down the hill.</p> <p>36) Where in the planning is the fuel store whilst the building goes on?</p> <p>37) Since the plan now shows the removal of a road narrowing / chicane how are the MOJ / contractors going to ENSURE that NO construction workers or associated traffic uses the residential end of Welland Avenue. Road signs are not enough and are show a distinct lack of regard for the residents.</p> <p>38) The removal of any play area for the children is a disgrace. A great message for the youngsters when the inmates get a fantastic "all singing all dancing" football / recreational pitch and they get nothing. The MOJ in the VERY LEAST need to give the residents a piece of land so we can build our own.</p>
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	<p>39) It has been my understanding from 2001, that access during the construction of Gartree 2, was only ever proposed via Welland Avenue. NO MENTION of this proposed new route (dirt track off Gallow Field Road) until February this year. I think that is a major change in planning, is it not?</p> <p>40) The MOJ and its contractors must be fairly confident of being granted permission to create this "new" access route, as they have from 5/2/24 removed some small trees, and cleared ALL undergrowth from an area of 100s of square meters, along their "new" route, including working directly on top of active badger setts.</p> <p>41) When asked about the need for so much machinery on the site of active badger setts, the MOJ said it was "to speed up the process" of removing undergrowth. Why the rush?</p> <p>42) If this new access road is not granted planning, What then? All that destruction for nothing. Will this count towards the developments B.N.G. Figures. This parcel of land was never in the initial wildlife surveys.</p> <p>43) PRIVACY. This "new" access road, runs directly past No's 1 to 4 Stuart Crescent. The 1000 HGVs will have full view into residents gardens and rear aspect of their houses. What about their privacy</p> <p>44) Loss of daylight or sunlight. This may apply if, in mitigation of the privacy issue, MOJ may suggest the erection of hoardings. The hoardings used on the site of Gartree 2 are shown to be 2.4 m in height.</p> <p>45) Overbearing impact from development. 1000 HGVs daily travelling within inches of peoples properties. I'd say that's overbearing. What thought has been given to air pollution, noise, dust, vibrations and what about the health and wellbeing of the 9 households that make up Stuart Crescent?</p> <p>46) Another concern is, how will any residents get onto Gallow Field Road in a vehicle. The amount of traffic expected, HGVs, LGVs, cars and vans on top of existing traffic, will make it a dangerous journey.</p> <p>47) Part of this "new" route, is currently used as a contractors car park under 21/01469/FUL. I have seen as many as 30 vehicles in this car park. What will happen to them. There is definitely no room in Gartree 1s car park, which is regularly over subscribed.</p> <p>48) We have photographic evidence of workers digging on top of a badger sett, contrary to The Protection of Badgers Act 1992.</p> <p>49) Condition 17 states that the development shall be carried out in accordance with the submitted ecology reports. However, the reports did not reference the construction plans including the access road and the massive new car park on the western area.</p> <p>50) If the figures quoted for the expected daily rate of lorries coming onto the site are accurate that means that during the peak rates every hour there will be:- 19.5 vehicles per hour the site is open Discharging / loading 1 vehicle every 3.07 minutes</p> <p>51) What is in place for a vehicle breakdown? What assurances are there that the vehicles won't be backed up the road behind Stuart Road or onto Gallow Field Road?</p> <p>52) The air pollution from all the lorries is unacceptable to the residents both outside or inside the current prison.</p> <p>53) The Traffic light system at Foxton Road &amp; Welland Avenue is going to cause chaos to traffic in the surrounding area. When was it passed with Leicestershire Highways?</p> <p>54) The MOJ have no regard for their neighbours, alarms going off at all hours for over 2 years and nothing has been done</p> <p>55) The Government sold these houses off and are now reducing their value by building this unsuitable huge monstrosity of a building with no compensation for residents.</p> <p>56) The roads are not suitable or made to cope with over 900 extra vehicle's a day coming in during construction and 500 pus when built.</p> <p>57) Welland Avenue as a private road and has not been considered by LCC highways and it is way too narrow for 2 large vehicles to pass and I see no plans for extending this when operational and this will not only put prisoners at risk for emergency vehicles not being able to get through but also residents and staff!</p>
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	<p>58) There is not a safe access via foot to the site for contractors or when operational. Will a path be put in place as it can't go on land that residents own so this leaves limited options for safe travel on foot for contractors, staff and visitors.</p> <p>59) The nearest bus stop is on Gallow Field road and not on Welland Ave, this is incorrectly shown on the documents provided and this makes the site unsustainable.</p> <p>60) I have read the comments submitted by LCC highways dept but they appear not to have considered the new proposed access off Gallow Field Road.</p> <p>61) Both LCC and HDC requested that HGVs access the site via the A4303 to the south to avoid the Gallow Field Road/ Foxton Road junction.</p> <p>62) The Systra report, commissioned by HDC, identified that at the time that there was another application 21/00545/OUT pending, that would, if passed, also affect the route B6047/ Gallow Field Road. 21/00545/OUT application has now been passed and therefore the junction capacity should be re surveyed taking into account the traffic that will be generated from the 2 sites together when operational and the impact both are likely to have on the junction with both developments likely to be in a construction phase at the same time.</p> <p>63) The local Highways authority did not consider that an arrangement on routing the development traffic to avoid the Northern section of Welland Avenue can be secured by planning condition. Physical barriers have now been removed from the plans so how can this be achieved?</p> <p>64) If traffic is to access the existing stores this will entail a right turn from the new prison.</p> <p>65) The recent highways response states that it is unlikely there will be any overspill parking on the public highway because of the proposals now being considered, however this does not include that there will be no overspill on the private road, Welland Avenue which will prove disruptive and dangerous to residents on the private road. How will this be mitigated?</p> <p>66) The latest documents have been published on 17/04/2024, the same date as the letter I have received from yourselves, giving me two weeks' notice to make comment on these amended plans. How is that fair?</p> <p>67) Lack of certainty regarding legal status of Welland Avenue</p> <p>68) Lack of certainty over exact width of Welland Avenue</p>
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**Figure 13: Issues raised in Objection through consultation with local residents**

<b>5. Planning Policy Considerations</b>	
5.1	Section 38 <sup>12</sup> (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.
<b>a) Development Plan</b>	
5.2	Section 38(3)(b) of the 2004 Act defines the DP as the DP documents (taken as a whole) that have been adopted or approved in that area.
5.3	<p>The DP for Harborough comprises:</p> <ul style="list-style-type: none"> <li>The Harborough District Local Plan adopted April 2019<sup>13</sup> (Relevant Policies are: GD3, GD5, GD8, GI4, GI5, CC2, CC4)</li> </ul>

<sup>12</sup> [Planning and Compulsory Purchase Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2004/5/section/38)  
<https://www.legislation.gov.uk/ukpga/2004/5/section/38>

<sup>13</sup> [Adopted Local Plan | Harborough Local Plan 2011-2031 | Harborough District Council](https://www.harborough.gov.uk/info/20004/planning_strategy/220/harborough_local_plan_2011-2031)  
[https://www.harborough.gov.uk/info/20004/planning\\_strategy/220/harborough\\_local\\_plan\\_2011-2031](https://www.harborough.gov.uk/info/20004/planning_strategy/220/harborough_local_plan_2011-2031)

- Made Neighbourhood Plans. (Relevant Lubenham Neighbourhood Plan<sup>14</sup> Policies are: LNP01, LNP09, LNP13, LNP14 and LNP16)

#### **b) Material Planning Considerations**

- *The National Planning Policy Framework ('The Framework') 2023*<sup>15</sup>

5.4 Section 12 is particularly relevant to the consideration of the Reserved Matters.

#### **c) Other Relevant Information**

5.5 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 site has Outline Planning Permission for the erection of a new Category B prison of up to 82,555sqm within a secure perimeter fence, together with access, parking, landscaping and associated engineering works (Means of access, scale and landscaping having already been approved). The principle of development of the site for strategic distribution development has therefore been accepted.

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

##### **1. Proposed Layout (including access and parking)**

6.1.1 The detail before the Council for consideration at the moment is the layout and appearance of a new Prison.

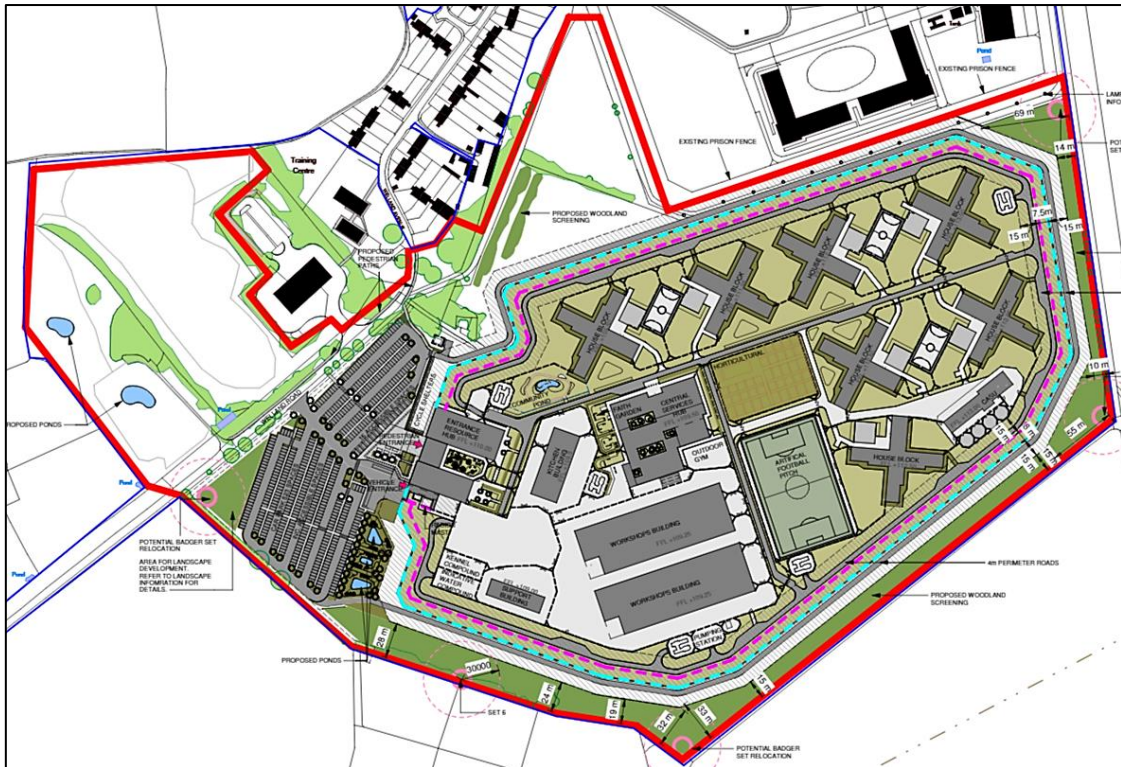
6.1.2 In general terms, the layout seen as part of the indicative plans for 21/01600/OUT (see **Figure 14**) has been largely replicated as part of the Reserved Matters submission for Layout (see **Figure 15**). The overall layout accommodates a range of building sizes, integrated into what will become a well framed landscaped setting. The proposed entrance building is orientated to present its principal elevation towards the access to the site from Welland Avenue (see **Figure 15**). Access to and egress from the development is via the existing Welland Avenue and the access point which was approved as part of 21/01600/OUT.

6.1.3 The layout of the buildings in respect of their scale and massing has also been considered as part of the Landscape and Visual Impact Assessment (LVIA) submitted with the outline planning application. The LVIA provided key viewpoints and demonstrated that the proposed screening (tree belt) will provide screening over time. Therefore, whilst the layout is a reserved matter it has already been extensively assessed as part of the outline planning permission for the new prison. There is, therefore, no scope to significantly amend the layout design without revisiting the already approved Outline consent.

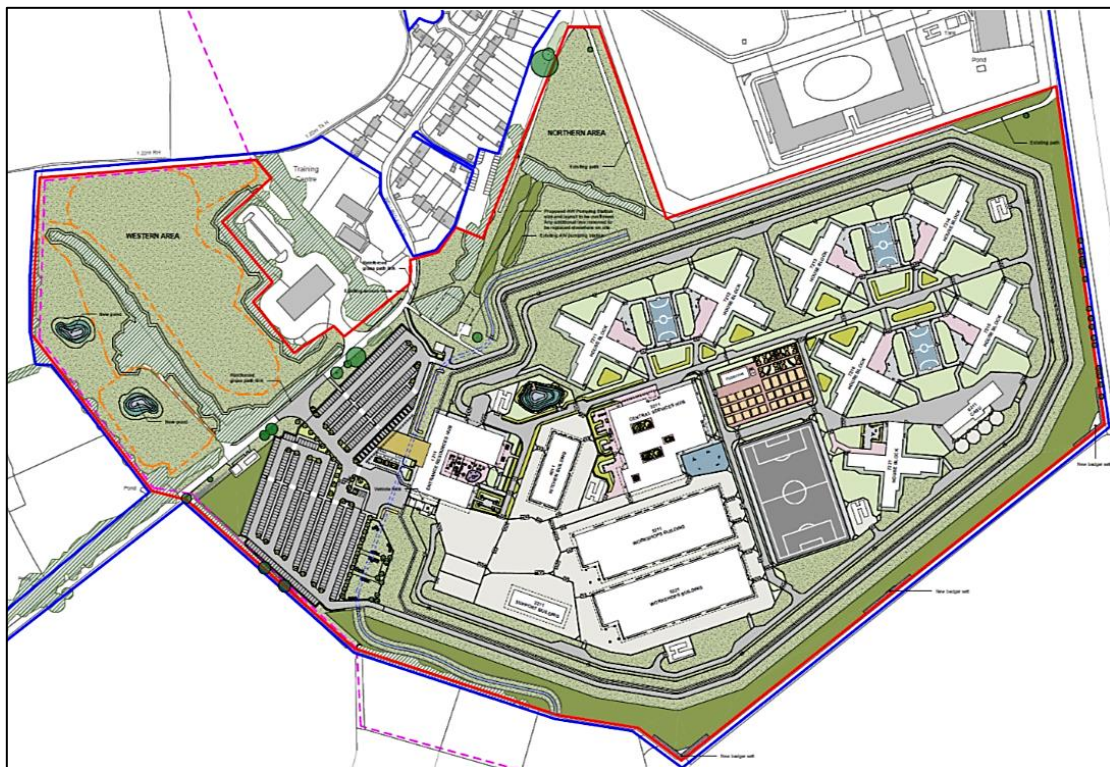
<sup>14</sup> [Neighbourhood Planning - Lubenham Neighbourhood Plan | Harborough District Council](https://www.harborough.gov.uk/directory_record/2250/lubenham_neighbourhood_plan)  
[https://www.harborough.gov.uk/directory\\_record/2250/lubenham\\_neighbourhood\\_plan](https://www.harborough.gov.uk/directory_record/2250/lubenham_neighbourhood_plan)

<sup>15</sup> [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/national-planning-policy-framework--2)  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>





**Figure 14: Proposed Site Block Plan submitted in support of 21/01600/OUT**



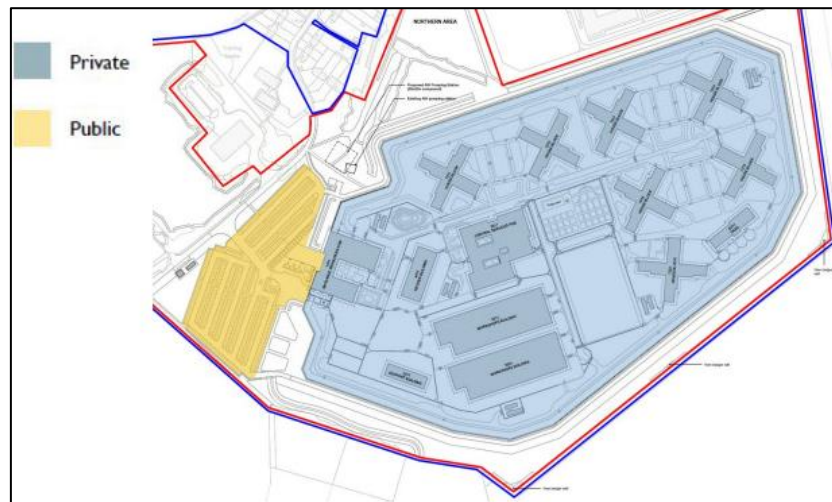
**Figure 15: Proposed Site Layout Plan**

6.1.4 The Layout Plan proposes the delivery of 14 buildings within the main prison compound. The total proposed developed footprint of the site is 81,142.83sqm GEA. The scheme shown on the submitted drawings has been prepared in accordance with Prison Service guidelines in order to maintain the level of security for a Category B prison. The buildings inside the secure compound have been organised so that there

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is a progression from the Entrance Resource Hub into the site with resident only areas towards the rear of the site and have been positioned to provide the efficient and secure operation of the prison.

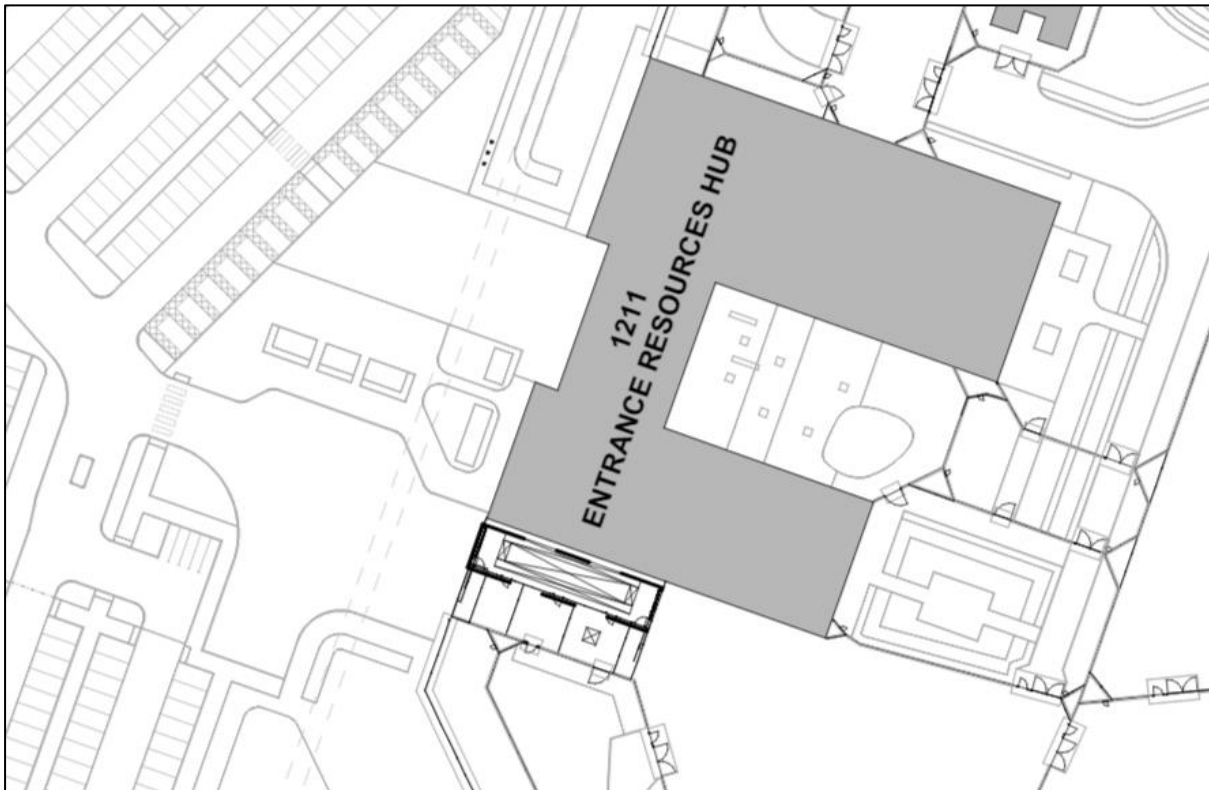


**Figure 16: Private vs Public areas**

- 6.1.5 The car park is situated adjacent to the prison entrance off Welland Avenue. The site is divided into public and private areas. The car park and open space are in the public area. The remainder of the prison site is within the private/secure area. This is illustrated **Figure 16**. The entrance resource hub building is situated adjacent to the car park. This building is the main entrance to the prison. All visitors will access the building through this entrance and prison visits will take place in this building.
- 6.1.6 There is a proposed pedestrian footpath from the site that connects to the existing footpath on Welland Avenue. The existing public right of way to the western boundary is to be retained. Landscaping comprises wildflower meadow, ponds and new vegetation including native shrub coppice and trees, in addition to the perimeter woodland screening, full detail of this landscaping will be considered through the discharge of the condition via 24/00299/PCD.
- 6.1.7 The prison secure (or private) area (see **Figure 16**) is sub-divided into distinct areas, which have been organised to enable internal prison movement with the requisite level of security. The circulation network is organised to give direct access from the residential areas to the central facilities zone. The connection is simple and easy to understand allowing the prison to be easily navigable by residents and staff alike. The overall circulation layout will contribute to a higher degree of autonomy and will allow prisoners to take advantage of improved access to services. Good visibility in areas where high flows of prisoners will pass is important to achieve operational safety. The routes from residential areas to the central hub retain clear sightlines wherever possible to allow unimpeded visual control by staff. Internal zoning is achieved by using the building envelope itself as far as possible, minimising the use of fences to increase visibility.
- 6.1.8 Within the secure area, vehicle movement is segregated from pedestrian routes and prisoner areas. The Vehicle Lock adjacent to the Entrance Resource Hub (see **Figure 17**) is the sole access point for vehicles into the prison for control and vetting. Once through the Vehicle Lock, a sterile compound provides a holding point that links to multiple other compounds. These include the Support Building, Kitchen, Workshops and Central Services Hub. Waste management will be handled at a facility within the Workshops, adjacent to the Kitchen, to deal with all waste generated on the site. This is positioned to benefit from the vehicular access provision described above.

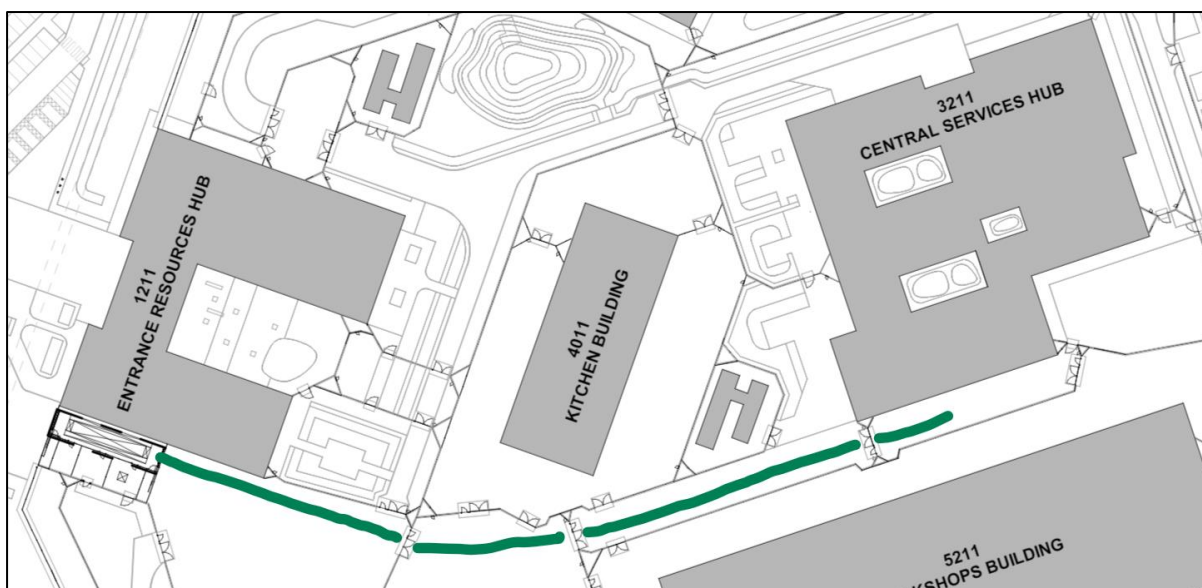
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Allowance for mobile scanning vehicles associated with healthcare has also been included.

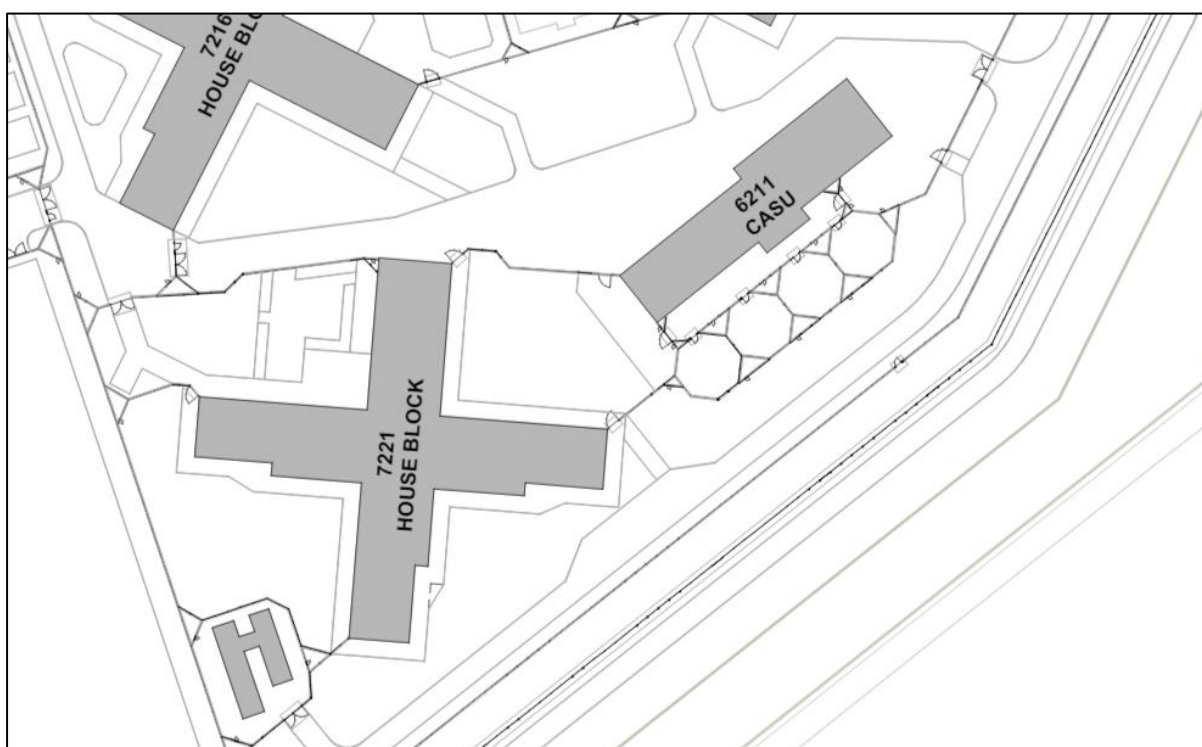


**Figure 17: Extract of layout plan showing vehicle lock**

- 6.1.9 Emergency vehicles will generally navigate around the perimeter road in the Prisoner Free Area. This provides an unhindered route to each residential building and avoids disruption within the prison.
- 6.1.10 The Entrance Resource Hub is located on the west of the secure site and forms the public frontage of the establishment and the main entrance for visitors, staff and prisoners. The Central Services Hub is located centrally to the site and is the building which receives prisoners arriving in prison vans (see **Figure 18**). The Ancillary Buildings are accessible from a sterile vehicle manoeuvring compound for direct access and segregated from pedestrian movement. The Kitchen is central, between the Entrance building and central building (see **Figure 18**). For this particular prison there will be two Workshop buildings, positioned to the south of central building and the Support building in the south-western corner.
- 6.1.11 The Accommodation Buildings within the facility site are located to the eastern half of the site, along the northern and southern boundaries (see **Figure 15**). The Care and Separation Unit (or CASU) is adjacent to Houseblock 7 in the southeastern corner of the site (see **Figure 19**). Each of the Houseblocks is four storeys high and consists of three Accommodation wings and one Ancillary wing. Apart from bedroom accommodation, the Houseblocks are also where the prisoners receive teaching and healthcare provisions and these facilities are provided in the Ancillary wing. On the Ancillary wing, there are Cardio Rooms, Staff Offices and Laundry on every level, with medical facilities on the Ground Floor, the Second Floor has a Triage Room only, and Group Rooms for prisoners on the First and Third Floors.



**Figure 18: Extract of layout plan indicating route from vehicle lock to central building in green**



**Figure 19: Extract of layout plan indicating location of Houseblock 7 (7221) and CASU**

6.1.12 Houseblock 7 (see **Figure 19**) will form a dedicated Older Person's Unit, which will provide the same ancillary accommodation with additional medical and accessible bedrooms. The CASU (see **Figure 19**) is a smaller Houseblock with accommodation and support facilities arranged across a single floor level for vulnerable or violent prisoners. For this prison there will be additional cells to increase the provision of dirty and special protest requirements.

6.1.13 One element of the scheme for which details have not been submitted are the four proposed substations. The substations are indicated on the submitted layout plan as an "H-shaped" feature (see **Figures 15, 18 & 19**). It is understood that the substations will be one storey, however, detailed plans for these substations are as yet not

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available, and as such, a condition is recommended so as to ensure details of these are submitted prior to the commencement of above ground works<sup>16</sup> (see **Condition 3**).

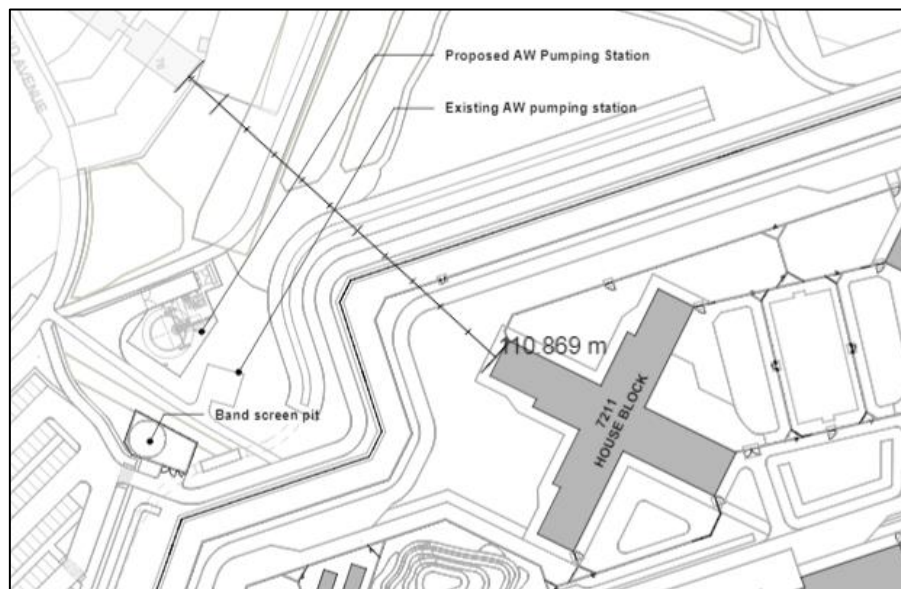
- 6.1.14 The Entrance Resource Hub is the point of contact for families with the prisoners on their visit. The building consists of facilities for families to prepare for their visit and wait in a relaxing environment until they pass through security. The Central Services Hub houses the core services that the prisoners require on a frequent basis. It contains spaces for educational purposes, provision of counselling, and a venue for religious practice and meetings. The building also contains staff facilities in the form of open plan offices for specialist staff to work with the individual needs of the prisoners. There is a Healthcare Facility and there is also the main reception suite for the prisoners.
- 6.1.15 The Workshop building at this prison has been designed to suit the Category B Trainer requirements and consists of 12 “heavy” workshops with double height spaces at ground level, and 4no. smaller “light” workshops at ground and first floor levels. There will be 2 Workshop buildings at this prison, one of which will contain the Waste Management Unit. The Kitchen building operates the preparation and cooking of food for prisoners in the Houseblocks and the CASU. The function of the Support building is administrative with storage and is purely occupied by staff, with some limited function performed by trustees (trusted prisoners)
- 6.1.16 The houseblocks have been designed to a cruciform design situated directly south of the existing HMP Gartree. The houseblocks are aligned so as to allow natural light into the buildings and are interspersed with Multi Use Games Area (MUGA) pitches. Prisoners located in the houseblocks will have controlled access to dedicated MUGA pitches which will reduce circulation around the prison. The houseblocks have been designed to maximise security and surveillance. The houseblock windows do not open with an external ventilation system providing heating and cooling as appropriate.
- 6.1.17 The layout of the new prison has been carefully considered in respect of Gartree Village and the surrounding area. It was established during the consideration of the Outline planning application and subsequent appeal for the new prison that the distance from nearest houseblock to the nearest property on Welland Avenue (no 76) is over 100 metres with open space and a secure fence in between. There is, therefore, minimal risk of overlooking from the houseblocks. As can be seen at **Figure 20**, the separation distance indicated on the Reserved Matters Layout Plan submission is approximately 111m with mature landscaping within the intervening distance. Whilst the principal elevation of the adjacent property is orientated away from the houseblock, the property does feature a 2 storey side extension, which in turn, features a Juliette balcony serving a bedroom in the side end gable facing the houseblock. The closest element of the houseblock to this property is the gable end of a wing, with bedroom windows being orientated away from the property. The end gable does however feature a landing window to each floor. These landing windows are accessible to all residents on that particular floor. The landing windows do not open, however, there is still likely to be a perception of the potential for a loss of privacy to existing residential properties from this window, and this has been raised through representations. Officers subsequently requested that the landing windows to all floors in this gable end be fitted with obscure glass. Given that the windows do not serve bedrooms, it is not considered that such a request would be detrimental to living conditions of prisoners, but it is considered that it would further mitigate the perception of any loss of privacy. Whilst Officers acknowledge that, from a residents perspective, there may be a perceived loss of privacy from these windows, it is also acknowledged that the separation distance indicated on the Layout Plan submission is approximately

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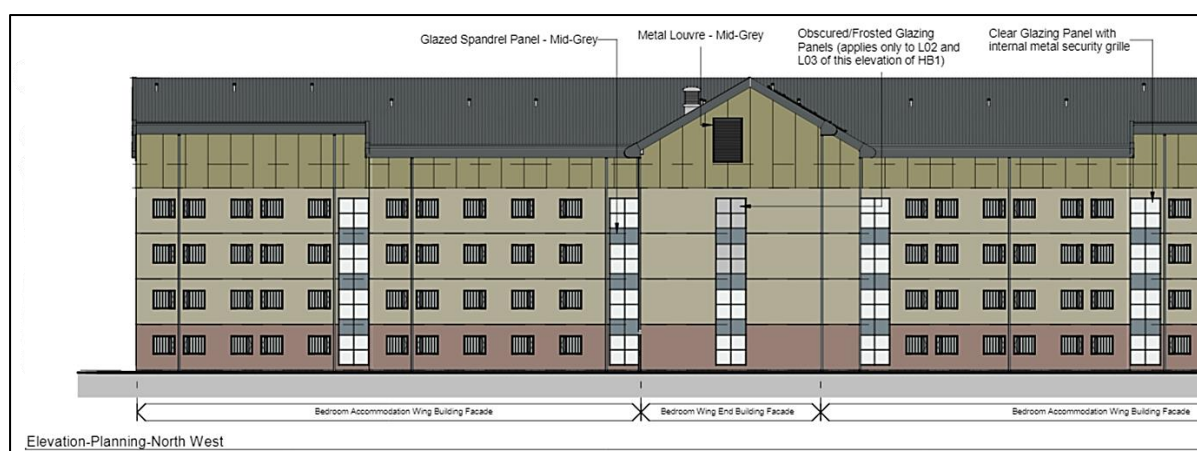
<sup>16</sup> Defined as being operational construction works above the external ground level for that particular part of the site approved under 24/00244/PCD



111m with mature landscaping within the intervening distance. As such, it is not considered that the presence of these windows will result in any demonstrable harm to the residential amenity of the neighbouring property. Notwithstanding this, the amended elevational drawings submitted by the applicant in April 2024 reflect this request, with obscure glass being provided to the landing windows of the 2<sup>nd</sup> and 3<sup>rd</sup> floors on the wing on Houseblock 1 closest to the existing properties (See **Figure 21**).



**Figure 20: Extract of layout plan indicating location of Houseblock 1 (7211) and closest neighbouring property (76 Welland Avenue)**



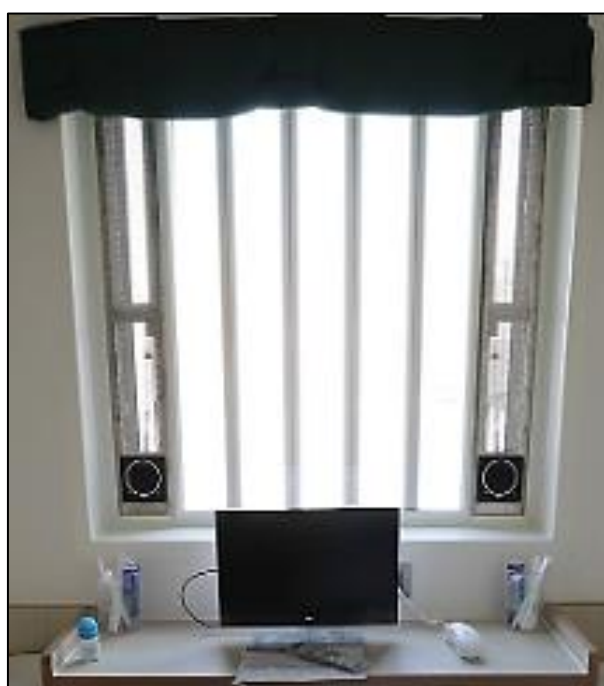
**Figure 21: Extract of amended elevational treatment for Houseblock 1 indicating provision of obscure glass to landing windows at second and third floor levels**

6.1.18 As well as being submitted in order to discharge condition 28<sup>17</sup>, a Noise Assessment has been undertaken and submitted in support of the application to assess the noise levels in new buildings, from road traffic, the external sports facilities, the car park, construction and from fixed plant. Whilst not for consideration as part of this Reserved Matters application, it was found that the required noise levels can be achieved to ensure there would not be any unacceptable impacts on amenity as a result of the noise. The report also assessed the noise impact due to fixed plant on a number of the buildings and how it would impact the amenity of prisoners and staff. The development was found to achieve the required levels both during the day and at night time in

<sup>17</sup> Being considered under 24/00244/PCD

accordance with BS4142. The development has been assessed to satisfactorily achieve the required noise levels across all aspects of the development including the construction phase and is therefore in accordance with Local Plan Policy GD8.

- 6.1.19 One issue which was raised through representation as part of the Outline consent (and again through the Reserved Matters) is the issue of noise from bedrooms. A significant advance in design in comparison with the existing HMP Gartree is the innovation of ventilated, non-opening windows (see **Figure 22**). These windows allow for ventilation without the window being opened. This reduces the amount of noise which would normally be transmissible through a normal window, but also brings other benefits. Firstly, the use of such windows prohibits the potential delivery of contraband by drone direct to residents in their bedroom. Secondly, the fact that the windows do not open removes the opportunity for residents to dispose of contraband, food waste and other rubbish directly out of the window, therefore reducing the potential for waste related pest issues, and also allowing easier detection of contraband by staff.



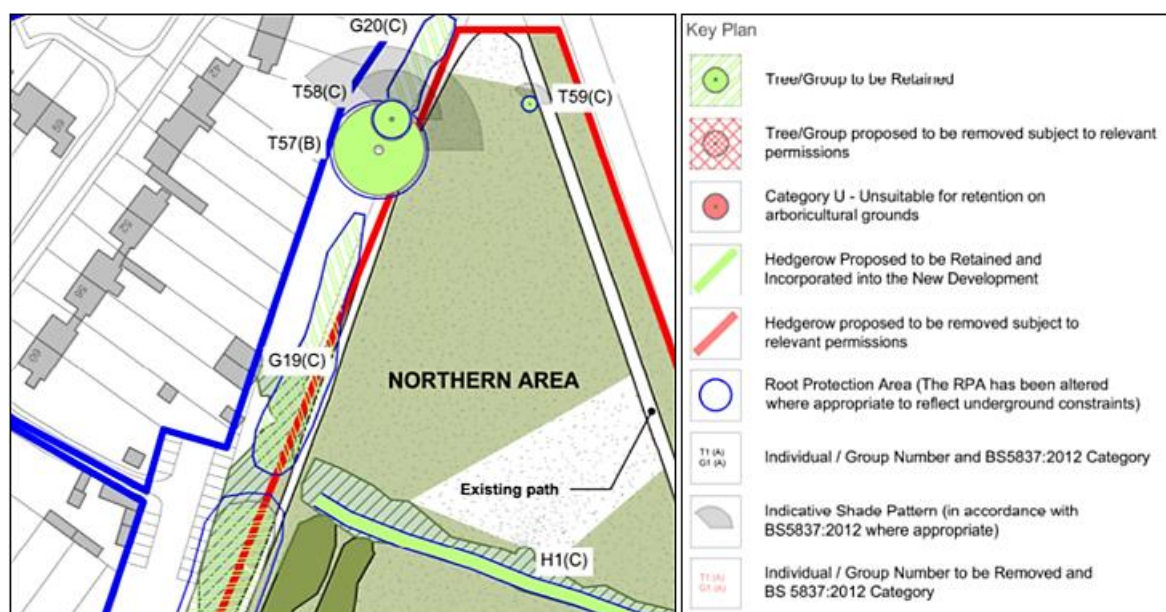
**Figure 22: Example of non-opening windows (source: The Times, example of window at HMP Berwyn)**

- 6.1.20 As part of the outline planning permission for the new prison, land to the west of the new prison was identified as open space. This space is allocated for open space within the Harborough Local Plan (Policy GI2). This space is intended to be used to provide biodiversity net gain for the new prison. This land is shown as open space within the proposed layout plan submitted with the reserved matters planning application. Landscaping was approved as part of the outline planning permission<sup>18</sup> for the new prison and therefore, the detailed landscape design has been submitted to discharge key conditions attached to the outline planning permission<sup>19</sup>.
- 6.1.21 Concerns have been raised through representations that the Tree and Hedgerow Protection Plan indicates a proposal to remove the hedgerow behind house numbers 54 to 60 Welland Ave. Residents are concerned as this hedgerow provides an element of privacy as well as noise and disturbance protection for the aforementioned houses

<sup>18</sup> 24/00336/NMA has been submitted seeking confirmation that some very minor amendments to the approved Landscape Masterplan are “non-material”. This was approved on 30/04/24

<sup>19</sup> 24/00299/PCD

on Welland Avenue as well as habitat for birds. As can be seen from **Figure 23**, this is not the case, with all existing hedgerows and trees to the rear of 38 – 62 Welland Avenue being marked as retained on the Tree and Hedgerow Protection Plan



**Figure 23: Extract of Tree and Hedgerow Protection Plan**

6.1.22 The proposed car park layout (see **Figure 24**) provides for 530 car parking spaces, of which 104 will be EV Charging bays, 16 will be accessible bays (including 4 which will be accessible EV bays) and 28 will be Car Share bays. Concerns have been raised that the level of staff parking indicated is insufficient. Whilst the main “staff” car park has 341 spaces, the “visitors” car park has a further 189 spaces. Whilst visitors won't be able to access the staff car park, staff will be able to park in the visitor's car park. As part of the TA submitted in support of 21/01600/OUT, a parking accumulation study was carried out, this demonstrated that peak demand for car parking was anticipated to be at 10:30 on a weekday. This demand would equate to 225 uniformed staff, 210 non-uniformed staff and 65 visitor spaces, a total of 500 spaces. The overall level of provision at 530 spaces is in excess of this demonstrated need and is broadly in accordance with that indicated on the plans submitted in support of 21/01600/OUT<sup>20</sup>. Furthermore, the level of provision of both EV and Car Share bays is in excess of that indicated on the indicative plan submitted in support of 21/01600/OUT<sup>20 21</sup>. The main staff car park will feature a controlled access point. Pedestrian linkages are designed and specifically demarcated to create 'pedestrian friendly' routes through car parks. LCC Highways have assessed the submitted Car Park layout plan and have confirmed that the level of car parking provision set out is considered to be acceptable.

6.1.23 Cycle storage areas are located in close proximity to the entrance building to encourage use as well as enhance security. Car park areas are softened through the use of planting around the perimeter. Soft landscaping is integrated into the car parking areas to enhance the visual appearance as well as blend the site into its context.

<sup>20</sup> “219. As set out in the Outline Travel Plan 53 charging points for electric vehicles are proposed. That is c. 10% of the 523 on-site parking spaces to be provided. This is broadly compliant with the relevant provisions of policies IN2 of the LP and LNP16 of the NP which encourage inclusion of electric vehicle charging points on larger developments.”

<sup>21</sup> “220. Twenty-seven parking spaces would also be provided for car sharers which amounts to c. 5% of the total parking spaces proposed.”

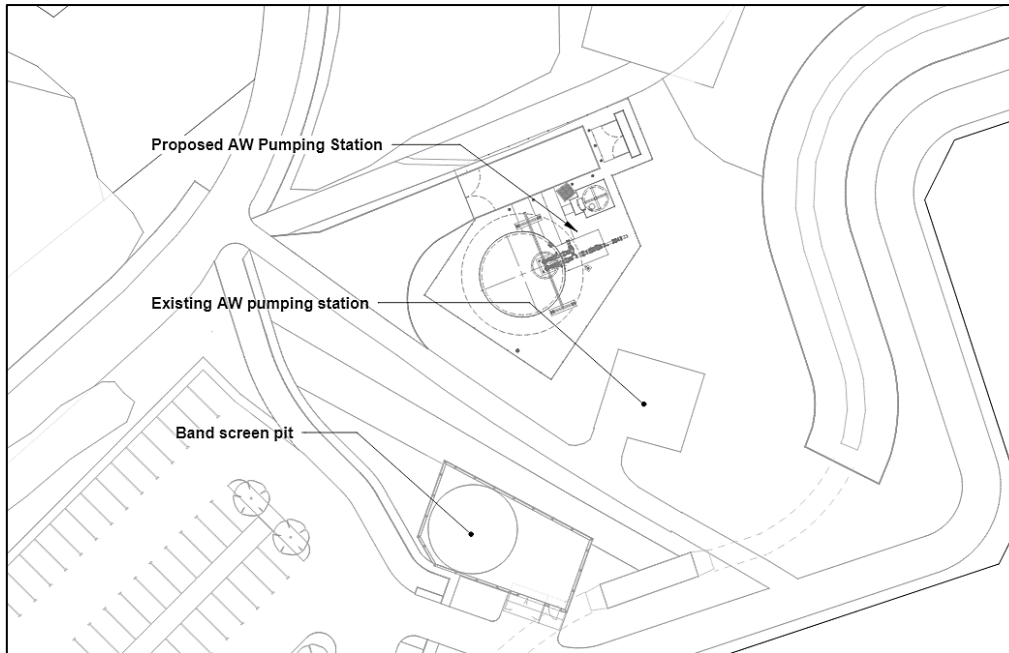




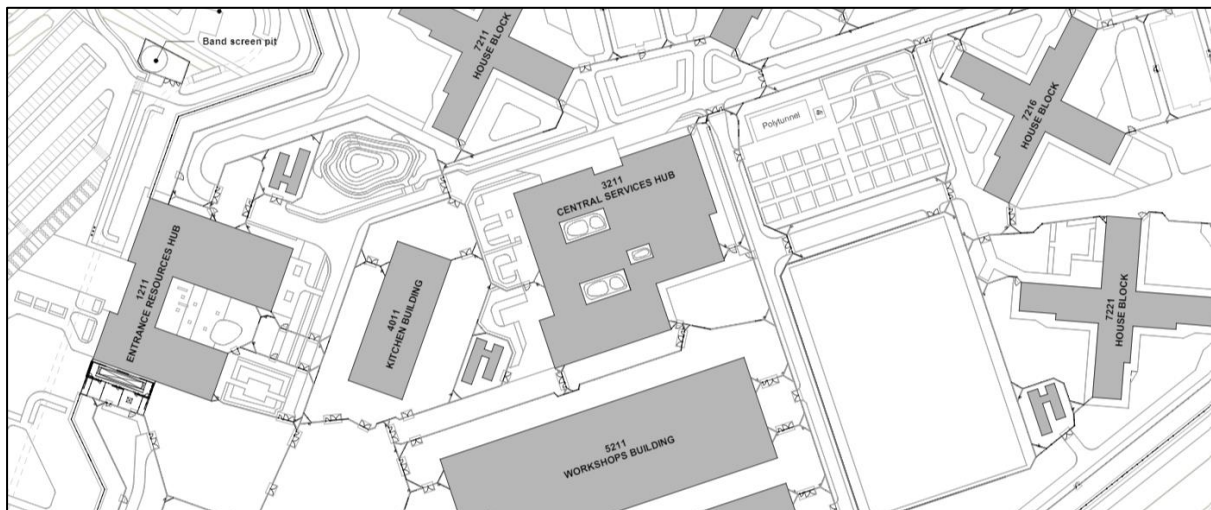
**Figure 24: Proposed Car Park layout**

- 6.1.24 Another element of the scheme is the provision of a new Anglian Water pumping station to service the facility (see **Figure 25**). This will be located adjacent to the existing station and will utilise the existing point of access for the existing station. Additionally, detailed drainage plans have been submitted for consideration and have been assessed by the LLFA and Anglian Water. Anglian Water have stated that they are happy with the proposals in so far as they relate to Foul Water drainage, and that they will defer to the LLFA with regards to Surface Water drainage. The LLFA have stated that they have no concerns with the proposal in terms of Surface Water drainage.
- 6.1.25 Security fencing will take the form of an inner and outer perimeter fence (see **Figure 26**) which will be set inside behind the soft landscape boundary treatment approved in principle as part of the Outline consent. The entrance building provides for the only point of access into the secure element of the site. To ensure security throughout the site, each distinct area features its own security fence with locked gates.





**Figure 25: Proposed pumping station layout**



**Figure 26: Extract of layout plan indicating provision of security fencing and security gates within the site**

6.1.26 The proposed development description is principally the same in terms of land use, the proposed access and general layout is the same as that which was detailed and assessed within the documentation submitted in support of the outline planning application, and therefore the proposed Reserved Matters are considered to be an acceptable form of development in terms of their Layout.

6.1.27 As set out above, the Reserved Matters proposals are 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 the new Prison is considered to be acceptable.

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

6.2.1 The detail before the Council for consideration at the moment is the layout and appearance of a new Prison.

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6.2.2 The proposed finished floor levels range between AOD 109.00m for the Support building to the southwest of the site to AOD 113.25m for the easternmost houseblock. These levels are in accordance with those considered as part of 21/01600/OUT and are no higher than those indicated in the Cross Sections submitted in support of the Outline consent. The height of the buildings range from 10m for the CASU to 17.3m for the Houseblocks. Again this complies with the Condition 5 of 21/01600/OUT.

6.2.3 There are 7 principal building types which constitute the proposed Prison. These are the Entrance building, the 7 Houseblocks, the Support Building, the Central building, the Kitchen building the CASU and 2 Workshop buildings. The Appearance of each of these is set out below with images to demonstrate their appearance.

6.2.4 Entrance building (see **Figure 27**)

- Brickwork below DPC to be blue.
- Main brickwork to be buff with natural mortar.
- Vertical profile metal panelling to be goosewing grey.
- Doors, gates, windows, curtain walling, metal cappings and louvre plant screen to be mid grey.
- Vehicle gate to be mid brown panels.
- Vehicle lock walls to be galvanised welded mesh
- Maximum Dimensions – 78m by 57m and 14.7m in height



**Figure 27: North west (Car Park) and south west elevations of main Entrance building**

6.2.5 Houseblocks (see **Figure 28**)

- Brickwork below DPC to be blue.
- Painted smooth concrete façade to be painted light grey to ground floor.
- Painted smooth concrete façade to be painted buff to upper floors.
- Vertical profile metal panelling to be mid grey.
- Doors, gates, windows, louvres, profile metal gutters, fascias and square down pipes to be mid grey.
- Profile metal roof panels and wind catchers to be dark grey.
- Maximum Dimensions – 73m by 68m and 17.3m in height



**Figure 28: Representative elevation of Houseblock**

#### 6.2.6 Support Building (see **Figure 29**)

- Brickwork below DPC to be blue.
- Main brickwork to be buff with natural mortar.
- Vertical profile metal panelling to be goosewing grey.
- Doors, gates, windows, louvres, profile metal gutters, fascias and square down pipes to be mid grey.
- Profile metal roof panels and wind catchers to be dark grey.
- Maximum Dimensions – 17m by 6m and 9.8m in height



**Figure 29: Representative elevations of Support building**

#### 6.2.7 Central Building (see **Figure 30**)

- Brickwork below DPC to be blue.
- Main brickwork to be buff with natural mortar.
- Brickwork feature panel to be grey with natural mortar.
- Vertical profile metal panelling to be goosewing grey.
- Doors, gates, windows, curtain walling and metal cappings to be mid grey.
- Maximum Dimensions – 78m by 67m and 10.1m in height



**Figure 30: Representative elevations of Central building**

#### 6.2.8 Kitchen Building (see **Figure 31**)

- Brickwork below DPC to be blue.
- Main brickwork to be buff with natural mortar.
- Vertical profile metal panelling to be goosewing grey.
- Doors, gates, louvres, profile metal gutters, fascias and square down pipes to be mid grey.
- Profile metal roof panels and wind catches to be dark grey.
- Maximum Dimensions – 55m by 21m and 9.8m in height



**Figure 31: Representative elevations of Kitchen building**

#### 6.2.9 Workshop Buildings (see **Figure 32**)

- Brickwork below DPC to be blue.
- Main brickwork to be buff with natural mortar.
- Vertical profile metal panelling to be goosewing grey.
- Doors, gates, windows, louvres, profile metal gutters, fascias and square down pipes to be mid grey.
- Profile metal roof panels and wind catches to be dark grey
- Maximum Dimensions – 120m by 40m and 11.85m in height

[Click here to enter text.](#)



**Figure 32: Representative elevations of Workshop building**

#### 6.2.10 CASU Building (see **Figure 33**)

- Brickwork below DPC to be blue.
- Painted smooth concrete façade to be painted light grey.
- Vertical profile metal panelling to be mid grey
- Doors, gates, windows, louvres, profile metal gutters, fascias and square down pipes to be mid grey.
- Profile metal roof panels and wind catchers to be dark grey.
- Maximum Dimensions – 54m by 16m and 10m in height



**Figure 33: Representative elevations of CASU building**

6.2.11 Officers have raised concerns regarding the proposed materials. The future choice of the materials palette to be used in the construction of the buildings was clearly flagged within the Cttee report for the outline application (at Para 6.9.11) as an area where Officers would seek to work with the applicants to identify an appropriate solution, however, the proposed materials, on the face of it, appear to be the same as can be seen at HMP Five Wells and HMP Fosse Way (see **Figures 34 & 35**) – i.e. beige coloured concrete houseblocks, a beige or buff coloured brick and metal clad entrance building and buff brick and grey metal panel for the workshops – and not at all responsive to the locality within which the application is sited. Officers do not consider that such an approach would reinforce Government guidance, aims and ambitions,



and it is difficult to understand how an identikit facility promotes the Government program of Building Better, Building Beautiful.



**Figure 34: Extract from MoJ Consultation document indicating Appearance of Houseblocks at HMP Five Wells and HMP Fosse Way**



**Figure 35: Extract from MoJ Consultation document indicating Appearance of HMP Five Wells Entrance building**

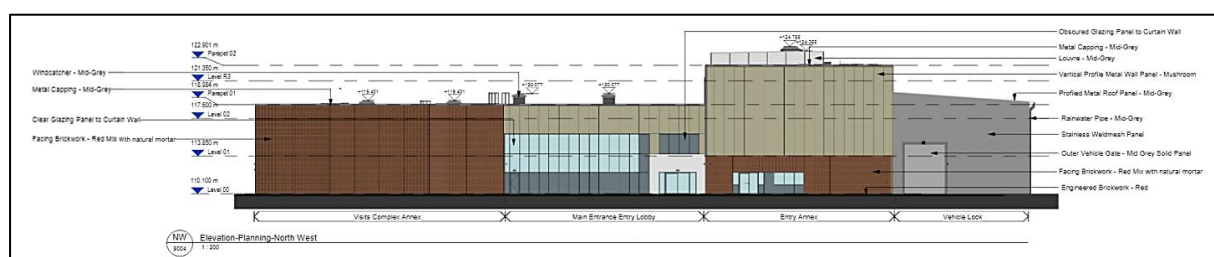
6.2.12 One of the key material considerations when determining a Reserved Matters submission for “Appearance” is Section 12 of the 2023 NPPF, and in particular Paras 135 and 137. Officers originally held concerns that, based on the original submissions as set out above, there could have been grounds to argue that the proposals did not comply with Paras 131-141. Para 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents. Whilst not using visual tools such as design guides and codes, HDC's DM SPD clearly states that choice of materials should be related to the character of the area, and whilst there are limited examples of buff brick properties within the Gartree settlement, it certainly doesn't form the character of the area which is predominantly red brick in nature. Also, whilst written in relation to different forms of development (Employment & Commercial and Agricultural) The SPD also states that *"the choice of materials and their colouring will be particularly important aspects in the design of such buildings. Gradated light grey and blue cladding has been successfully implemented at Magna Park on large buildings"*, and this has previously been raised with the applicants as an example of how to mitigate the

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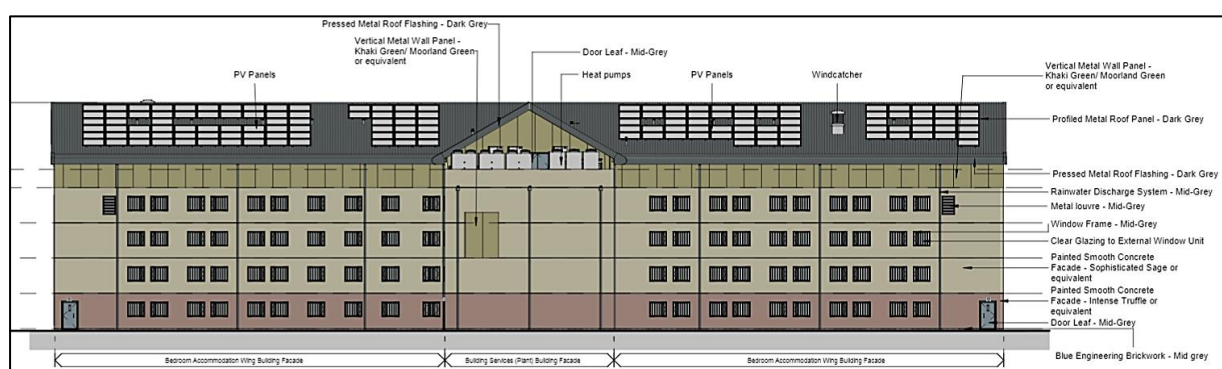
appearance of the scale of the buildings. Furthermore, (again, in relation to a different type of building, but with equally relevant intentions) the SPD states "*careful attention must be given to the materials proposed for the agricultural building. Colours such as dark green, dark brown and dark grey are encouraged and preferred to lighter colours.*"

6.2.13 Through negotiations, Officers have secured an alternative materials palette in order to help minimise the impact of the development on the wider landscape and to help it integrate into the new boundary landscaping without compromising the very particular and stringent development brief in light of the nature of the proposed development. The materials palette which has been agreed is as follows:

- Entrance Building – red brick in lieu of proposed buff brick; “Mushroom” vertical profile metal panelling in lieu of “Goosewing Grey” vertical profile metal panelling (see **Figure 36**)
- Houseblocks and CASU – “Sophisticated Sage” painted concrete in lieu of proposed “buff” painted concrete to upper floors; “Intense Truffle” painted concrete in lieu of proposed light grey painted concrete to ground floor; Khaki or Moorland green vertical profile metal panelling in lieu of mid grey vertical profile metal panelling (see **Figures 37 & 38**)
- Workshops, kitchen buildings, Central Services Hub and Support Building – “Mushroom” vertical profile metal panelling in lieu of mid grey vertical profile metal panelling; red brick in lieu of proposed buff brick (see **Figure 39 - 42**)



**Figure 36: Revised elevational appearance of main Entrance Building**



**Figure 37: Revised elevational appearance of Houseblocks**

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Figure 38: Revised elevational appearance of CASU

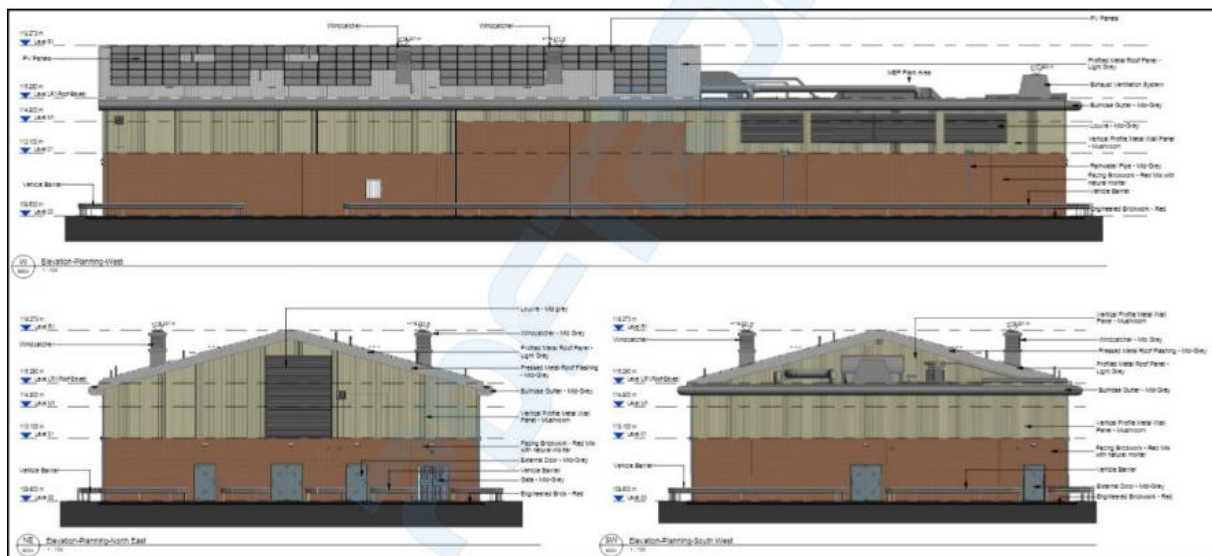


Figure 39: Revised elevational appearance of Kitchen Building



Figure 40: Revised elevational appearance of Workshop Building

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**Figure 41: Revised elevational appearance of Support Building**



**Figure 42: Revised elevational appearance of Central Services Hub**

6.2.14 Officers are of the opinion that amended material palette will aid the development to, in time, integrate into the surrounding landscape (both existing and that secured as part of 21/01600/OUT) more readily than the original palette would have done by virtue of the fact that the colour tones of the green concrete and metal cladding will sit more comfortably within the approved landscape belt than the lighter colours would have done. The experience of Officers of HMP Five Wells is that, on a bright sunny day, the light colour palette which has been implemented turns the facility into a beacon (see **Figure 43**) which is highly prominent in the surrounding landscape. The more muted, natural tones secured should help to avoid such a scenario.

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**Figure 43: View of HMP Five Wells from B570 to east of the site**

- 6.2.15 The use of a red brick in lieu of the proposed buff brick on the entrance building – which will be the only building which will be seen from floor to roof within the public realm – will help integrate the building into the local vernacular by using a more traditional and appropriate colour brick. The upper levels of the building will now be finished in “mushroom” vertical profile metal panelling. This type of feature, coupled with the fact that the entrance building will be sited in excess of 3.3m lower than the access to the site and Welland Avenue, will help to reduce the effect of the mass of the building and will also give a contrast to the rest of the building.
- 6.2.16 The appearance of the buildings, in conjunction with the layout of the buildings, has been considered by the applicants from the earliest design stages. As previously set out, the LVIA submitted with the outline planning application considered the appearance of the proposed buildings from key viewpoints. This was also assessed during the planning inquiry.
- 6.2.17 Notwithstanding the above, the primary use of the buildings dictates that (with the exception of the entrance resource hub) the buildings will be contained within a double perimeter security fence. The submitted fencing plans (which, for security purposes have to remain confidential) indicate that these will both be 5.2m in height.
- 6.2.18 The design of the buildings is considered to be functional in appearance whilst also – subject to the amended colour palette as described above – incorporating materials that are appropriate for their intended setting whilst also using sustainable materials that reduce the energy requirements of the development. Notwithstanding this, the appearance of the buildings is ultimately driven by the security needs of the prison, and this is a material consideration that has to form part of the Planning Balance.
- 6.2.19 Renewable technologies have been incorporated into the design of the proposed development primarily through the addition of Photovoltaic (PV) panels to the roofs of the buildings. The positioning of the PV panels in relation to wider views of the site ensure they do not detract from the appearance of the development due to the limited viewpoints in the wider area. As well as the PV panels, there are also proposals to include Air Source Heat Pumps (AHSP's) and windcatchers as part of the proposals.
- 6.2.20 As can be seen from the plans in **Figures 36 – 42**, all of the proposed buildings incorporate “windcatchers” on the roof. Two types of windcatchers are proposed. On the Entrance Resources Hub and Central Services Hub, it is proposed to install the

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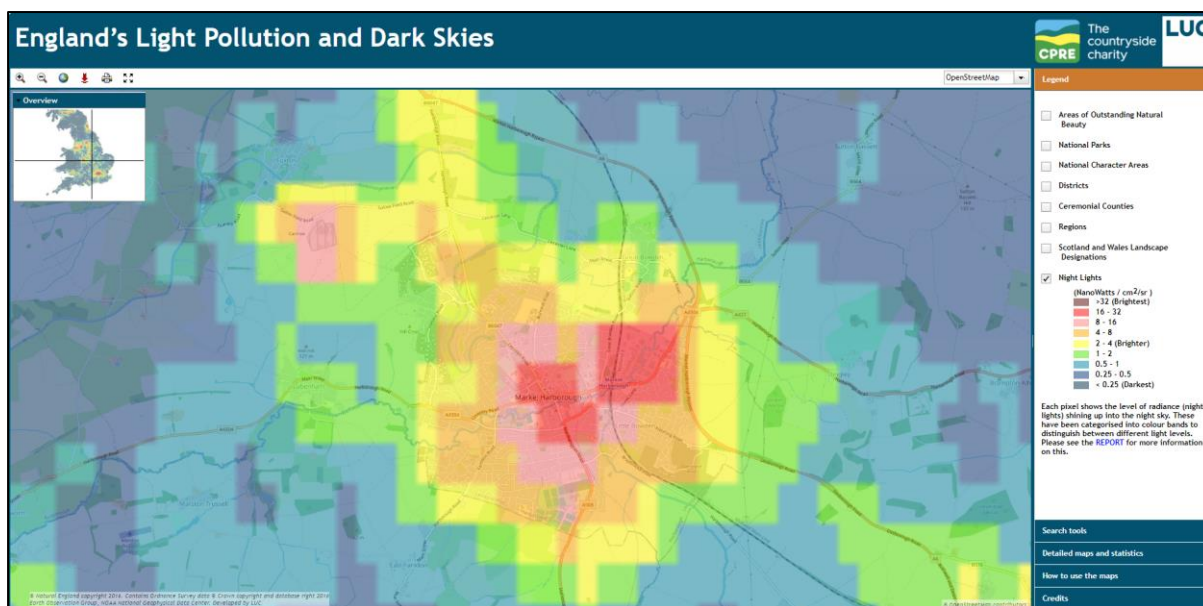
“Monodraught Windcatcher Zero” model. These are natural ventilation systems that provides comfort and exceptionally low energy consumption through a range of optimised heat recovery modes. The units use an integrated counterflow heat exchanger and a robust intelligent control strategy with adaptive controls which sense air quality in real time and seamlessly switch between energy efficient modes. Integrated solar PV panels run boost ventilation fans, and ventilation requirements are achieved efficiently without consuming electricity even during periods of very low wind speed. A volume control damper, inlet air filters and datalogging are provided as standard. With Windcatcher Zero smaller and fewer heat emitters are necessary within the occupied spaces and overall heating loads are reduced.

- 6.2.21 On the Workshops, Support Building, Kitchen and Residential buildings, the “Monodraught Windcatcher Classic” units will be installed. These units provide a sustainable natural ventilation solution that provides fresh air during the day as well as night-time cooling. It combines the benefits of both top-down and passive stack ventilation with very low electrical consumption by means of very low energy motorised volume control dampers. Fresh air is brought into the building and stale air is expelled using the natural energy of buoyancy and stack effect common to all-natural ventilation systems.
- 6.2.22 In order to help soften the appearance of the development and aid it to assimilate into the surrounding landscape, Condition 7<sup>22</sup> of 21/01600/OUT requires the submission of a detailed landscaping scheme. This scheme will need to be designed so as to help screen views of the site from the adjoining residential area in proximity to the site as well as the wider area as a whole. Careful consideration will need to be given to landscaping scheme so as to ensure that the appearance of the development is able to integrate into the site’s setting. Landscaping is approved as part of the outline planning permission (subject to discharge of the relevant planning conditions). This detailed landscaping scheme is being considered as part of 24/00299/PCD.
- 6.2.23 Whilst security is obviously the principal concern with such a development, night-time light pollution is a matter which is of significant concern to local residents. 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. Furthermore, security lighting has been designed so as to minimise light pollution. 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. It is unavoidable that such a facility will achieve dark skies, however, it must be remembered that there is already a prison within its associated lighting adjacent to the application site and located on higher land than the site, and that the site already does not benefit from “dark skies” (see **Figure 44**). The submitted lighting plans (which, for security purposes have to remain confidential) indicate that light spill beyond the secure boundary of the site will be minimal. It is anticipated that lighting pollution will be kept to a minimum to prevent disturbance to the local neighbourhood and to reduce the visual impact on the surrounding countryside.

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<sup>22</sup> 7) Prior to the commencement of development a detailed Landscape Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include: Details of any trees/hedgerows to be retained; Detailed specification of all new planting within the development, including planting within the perimeter landscape belt; Details of the landscape proposal within the Biodiversity Net Gain area (Parcel 2) and; Enhanced boundary treatment between the proposed development and PRoW A22.





**Figure 44: CPRE UK Dark Skies map**

- 6.2.24 It is considered that the appearance of the proposed prison, subject to the amended material palette secured through negotiation, is acceptable in its context and that it sits comfortably adjacent to the existing HMP Gartree and the residential settlement at Gartree, and that, in terms of prison development, the design of the proposal is of a 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 facility weighs in favour of the proposal and must be assessed against the harm of the development in the overall planning balance.
- 6.2.25 As set out above, the Reserved Matters proposals are in accordance with the submissions considered at Outline stage. As such, it is considered that the proposed Appearance 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 the Prison is considered to be acceptable.

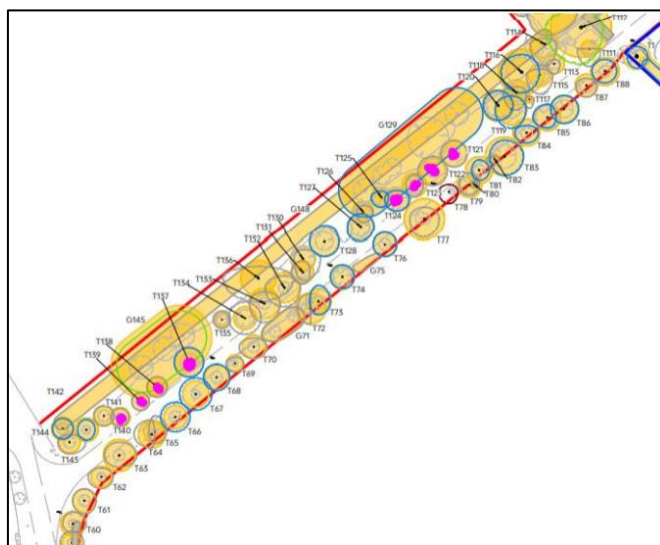
### 3. Other Issues raised

- 6.3.1 As part of the recommendation to Planning Committee for the consideration of 21/01600/OUT, a number of S106 obligations were proposed by Officers and agreed by the applicants. Whilst the application was initially refused by HDC, these recommendations were followed through to the Planning Appeal. As part of the appeal, the Planning Inspector made an assessment as to the CIL Compliance of each of these suggested obligations and found that a number of them were not, in her opinion, necessary to mitigate the impact of the development. As such, she recommended to the Secretary of State that, in the event that he allow the appeal and grant planning permission for the proposal, those obligations that she did not consider to be CIL Compliant should be struck out of the S06 agreement<sup>23</sup>. The Secretary of State had regard to the Inspector's analysis of the obligations, and agreed with the Inspector's conclusion that the obligations in Schedules 2 (Social Value obligations), 4 (Travel Plan), and 6 (Biodiversity Enhancement Plan) to the Agreement comply with the CIL Regulations, but that the obligations in Schedules 3 (Footpath contribution and LCC Monitoring Contribution) and 5 (Community

<sup>23</sup> "178. In summary, therefore, the obligations in Schedules 2, 4 and 6 of the Agreement under s.106 meet the test of the Framework and fully comply with the requirements of Regulation 122 of the CIL Regulations 2010. The obligations in Schedules 3 and 5, however, do not."

Engagement scheme) did not<sup>24</sup>. Therefore, as per paragraph 3.3<sup>25</sup> of the final S106 Agreement (see **Appendix B**), the obligations in Schedules 3 and 5 are therefore null and void.

- 6.3.2 A number of concerns have been raised through representations regarding the Construction Traffic and Environmental Management Plan submitted as part of this application. Whilst this has been submitted with the application, it is for information purposes only, and **is not for consideration as part of this Reserved Matters application**. The CTEMP is being considered separately under 24/00244/PCD by virtue of the fact that it is required by a condition imposed upon 21/01600/OUT and does not form a Reserved Matter of the Outline consent.



**Figure 45: Plan indicating trees to be removed on Welland Avenue**

- 6.3.3 Throughout the consideration of the application, other matters related to the site have been considered by the LPA. This includes:

- 1) the serving of a Tree Preservation Order on trees along Welland Avenue between the approved point of access to the site and Foxton Road; and
- 2) considering if a TPO is merited on a group of trees at the proposed construction access to Gallow Field Road.

In respect of (1) this TPO is expected to be confirmed following this decision and the determination of 24/00244/PCD (CTEMP condition). The applicant has shown (see **Figure 45**) in response to the TPO that a relatively small number – eight – of those trees of low quality require removal to provide passing bays for construction vehicles using the access. This removal shall not undermine the greater role of the TPO, and it is therefore anticipated it shall be confirmed omitting these eight trees (shown pink in following illustration). The group of trees at the proposed construction access from Gallow Field Road (see **Figure 46**) do not merit TPO by virtue of their small size and limited contribution to the visual amenity of the area. This process should not

<sup>24</sup> “31. The Secretary of State has had regard to the Inspector’s analysis at IR170-179, the planning obligation dated 26 October 2022, paragraph 57 of the Framework, and the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended. He agrees with the Inspector’s conclusion at IR178 that the obligations in Schedules 2, 4, and 6 to the Agreement comply with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 57 of the Framework, but that the obligations in Schedules 3 and 5 do not.”

<sup>25</sup> “3.3 In the event that the Secretary of State grants the Planning Permission pursuant to the Appeal but expressly states in his Decision Letter that any Planning Obligation (or part thereof) contained in this Deed:

3.3.1 Is not a material planning consideration; or

3.3.2 Otherwise fails to comply with Regulation 122 of the CIL Regulations

then such Planning Obligation (or part thereof) will be deemed to be null and void and to be severed from the remainder of this Deed which shall remain in full force and effect.”

influence the consideration of this Reserved Matters application as it does not affect the Layout or Appearance of the development.



**Figure 46: Area of trees adjacent to proposed construction traffic access from Gallow Field Road**

6.3.4 A number of other issues have been raised through representations. These have been summarised above. Those issues that are outstanding and have not been addressed through the consideration of the Reserved Matters are tabulated below with a response to the issue raised (see **Figure 47**).

<b>Issue Raised</b>	<b>Response to Issue</b>
Will the Secretary of State visit with residents to explain his decision?	The Secretary of State's decision letter of 15 <sup>th</sup> November set out his reasons for the decision, it is not anticipated that any visit will be made. Furthermore, this is not a determining factor in the consideration of this Reserved Matters application
The Secretary of State should explain how need trumps all in this instance, even though the MoJ's own data does not back this up.	The Secretary of State's decision letter of 15 <sup>th</sup> November set out his reasons for the decision, it is not anticipated that any visit will be made. When weighing matters in the Planning Balance, it is for the Decision Maker to determine the weight to be given to different considerations. Furthermore, this is not a determining factor in the consideration of this Reserved Matters application
I strongly urge HDC to fight this tooth and nail as the data does not add up.	HDC sought legal advice upon receipt of the SoS decision letter. The advice was that there was no reasonable chance of any challenge being successful. Furthermore, the 6-week period within which any party can challenge such a decision by Judicial Review has now long passed.
Issues related to the BREEAM submission and Condition 10 of the Outline consent	Matters related to the BREEAM submission will be addressed as part of 24/00123/PCD. In terms of the requirement for Condition 10 <sup>26</sup> to be discharged prior to the submission of any Reserved Matters, HDC sought legal advice on this matter, the outcome of which was that there were no Legal grounds to refuse to accept and validate the application on these

<sup>26</sup> "10) Prior to the submission of reserved matters an updated BREEAM assessment report shall be submitted to and approved in writing by the Local Planning Authority. All buildings shall be constructed to meet a BREEAM score of Excellent. No later than 3 months after the occupation of any non-residential building a certificate following a post-construction review shall be issued by an approved BREEAM Assessor to the Local Planning Authority, indicating that the relevant BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development."

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	grounds. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Could you explain why the MoJ contractors have been instructed not to converse with residents?	This is an operational decision between the MoJ and its Contractors, HDC cannot reasonably be expected to comment on this matter.
Will the MoJ will be duty bound to maintain property they are responsible for outside of the prison walls post build.	Condition 8 of 21/01600/OUT requires submission of a Landscape Management Plan for the site, this includes all land within the application site, including that outside of the prison walls. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
How will the MoJ be penalised in the event of either the MoJ or their contractors not abiding by the Construction Management Plan?	The CTEMP is being considered under 24/00244/PCD as it was a requirement of Condition 29 <sup>27</sup> of 21/01600/OUT and is not for consideration as part of this Reserved Matters application. Notwithstanding this, failure to adhere to the CTEMP will open up the potential for Enforcement Action against the contractors by HDC. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Please don't even consider the idea of insulting the residents by asking for ideas for a new name for the prison. It already has a new name locally and I am not sure you would like it.	This is an operational decision for the MoJ, HDC cannot reasonably be expected to comment on this matter.
How long will the construction period be?	This is an operational decision between the MoJ and its Contractors, HDC cannot reasonably be expected to comment on this matter.
Traffic lights on Welland Avenue? This is the countryside. We don't have traffic lights in the countryside.	There are numerous examples of traffic lights in rural locations during periods of highway maintenance and construction. This matter is being considered as part of the CTEMP under 24/00244/PCD which sets out that the mitigation of construction traffic on Welland Avenue prior to the one-way system being in place will be either by traffic lights or stop / go boards during the early enabling works. Once the one-way system for construction traffic is operational these will no longer be required. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Loss of privacy from construction traffic.	Construction traffic routing is being considered as part of the CTEMP under 24/00244/PCD and is not for consideration as part of this Reserved Matters application. Notwithstanding this, this would only be a temporary measure during the construction period and would not form the main access route to the prison. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
What Market Harborough companies will be used in the build as you committed to a certain % of work will be carried out by local tradesmen?	Schedule 2 of the S106 agreement (see <b>Appendix B</b> ) – a legally binding document – obligates the MoJ to work directly with local employment / training agencies to provide employment and training opportunities for people within the locality of the Site including measures to be implemented to secure employment opportunities for local people both during the construction and Operational phases of the development. <b>This matter is not for consideration as part of this Reserved Matters application.</b>

<sup>27</sup> “29) Prior to the commencement of development a Construction (Traffic) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:

- The means of access and routing for demolition and construction traffic and indication of signage locations to assist those delivering to the site, and;
- Details of a Construction Communications Strategy which contains points of contact and details for residents to report HGVs utilising inappropriate routes.”

Where is North Kilnworth as I am unaware of any such place?	There is reference to a "North Kilnworth" in Table 3.1 of the CTEMP. This was obviously a typographical error, with North Kilworth being the intended place name. Furthermore, the CTEMP is being considered under 24/00244/PCD and therefore <b>this matter is not for consideration as part of this Reserved Matters application.</b>
Two fields north of Welland Avenue no longer open, will be car parking for contractors	Contractor parking is being considered as part of the CTEMP under 24/00244/PCD and is not for consideration as part of this Reserved Matters application. Notwithstanding this, this would only be a temporary measure during the construction period, as part of the S106 and Condition 29 <sup>20</sup> of 21/01600/OUT, the MoJ are obligated to use this area as part of the BNG post construction. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Will piling damage our houses	This is being considered as part of the CTEMP under 24/00244/PCD and is not for consideration as part of this Reserved Matters application. Notwithstanding this, the CTEMP indicates that CFA (continuous flight auger) Piling methods will be implemented. CFA is quicker than the traditional driven method and <b>provides minimal levels of vibration and lower noise levels from the piling rig itself. This matter is not for consideration as part of this Reserved Matters application.</b>
Will MoJ apologise to businesses for staff being late to work due to construction traffic	As with any construction project or any other roadworks, road users will have to factor any delays into their travel time
Can MoJ confirm when utilities to the village will be accidentally cut off?	Any scheduled disruption to services is likely to be notified by the service providers. Accidental disruption, by its very nature, cannot be notified.
How many contractors will use diesel vehicles?	The use of private vehicles or those used for deliveries to the site, or the fuel type of said vehicles, cannot be controlled by the Planning Process.
Is there a liaison between the MoJ and residents?	Yes. The MoJ have established a Stakeholder Liaison group which will run throughout the construction period of the Development. Stakeholders include the Parish Councils, Foxton School and local Ward Members.
Contradictory statements within the Construction Management Plan	Any discrepancies within the CTEMP will be addressed as part of 24/00244/PCD. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Ecology reports are incorrect	Ecological reports were submitted and assessed by LCC Ecology as part of 21/01600/OUT. This was further considered as part of the appeal and Condition 17 of 21/01600/OUT requires compliance with these reports with no requirement for further reports to be submitted. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Wildlife is given more protection than residents	Biodiversity is statutorily protected by the Environment Act 2021 <sup>28</sup> . Notwithstanding this, Planning Policy and Guidance also protects the amenity of neighbouring residents against demonstrable harm. Furthermore, outside of the Planning regime, statutory protection does exist for residents (for example Environmental Protection Act 1990 <sup>29</sup> )
Inadequate visibility at access to construction route	Construction traffic routing is being considered as part of the CTEMP under 24/00244/PCD and is not for consideration as part of this Reserved Matters application. Notwithstanding this, this would only be a temporary measure during the construction period and would not form the main access route to the prison. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Off-site highway improvements (Gartree)	"Means of Access" was a consideration of the Outline application, 21/01600/OUT. As part of this, LCC Highways considered the need for

<sup>28</sup> [Environment Act 2021 \(legislation.gov.uk\) https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted](https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted)

<sup>29</sup> [Environmental Protection Act 1990 \(legislation.gov.uk\) https://www.legislation.gov.uk/ukpga/1990/43/contents](https://www.legislation.gov.uk/ukpga/1990/43/contents)


crossroads, Foxton Road / A4304, traffic calming on approach into Lubenham from Foxton) needed before Prison is complete	improvements to both of the junctions referred to however, it was not considered that the Proposed Development was required to provide for improvements to these junctions.
The dirt track is currently being used as a contract's car park for HMP Gartree. The noise and disturbance begins at approx. 06:30, even though notices forbid access on site until 08:00.	Whilst the MoJ and their contractors may stipulate hours of use in relation to car parking in this area at the moment, there are no Planning conditions restricting the hours during which people can park in this area which can currently be enforced. 21/01600/OUT restricts hours of construction for the new Prison as set out above, and once work commences on the development, HDC will be able to enforce these conditions. Furthermore, as can be seen within the CTEMP being considered as part of 24/00244/PCD, a dedicated contractor parking area will be provided for the development, adjacent to Welland Avenue, and located further from existing residential development than the area referred to.
The wilful destruction of the landscaped areas under the "Estate Management" Guise.	These issues have been brought to the attention of HDC Planning Enforcement and have been investigated accordingly. To date, no breach of Planning Control has been established in this regard.
The ecology reports (bat surveys) did not include this area of trees.	This comment relates to the construction traffic route to the east of Stuart Crescent, and therefore will be considered as part of 24/00244/PCD. Notwithstanding this, no lighting is proposed in this area, no significant trees are proposed to be removed and the permitted working hours for the development are predominantly during daylight hours. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Sheer volume and weight of traffic affecting tree roots. (TPO pending).	This comment relates to the construction traffic route to the east of Stuart Crescent, as outlined in Para 6.3.3, separate consideration has been given to whether or not these trees should be subject to a TPO, this consideration concluded that they did not merit such protection. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Increased noise and overbearing impact of construction traffic	Construction traffic routing is being considered as part of the CTEMP under 24/00244/PCD and is not for consideration as part of this Reserved Matters application. Notwithstanding this, this would only be a temporary measure during the construction period and would not form the main access route to the prison
Following cuts to bus routes, how is public transport going to be able to offer a service to the prison?	This matter was considered as part of the Appeal into HDC's refusal of the Outline Planning Application. Whilst the Inspector, and subsequently the Secretary of State, held concerns regarding the accessibility of the Proposed Development, the SoS considered that his was outweighed by the need for the development when making his decision to Allow the Appeal and grant Planning Permission for the Proposed Development
'Play area for community use' and it is still shown on the Site Block Plan, however, the Planning Statement says 'This space is intended to be used to provide biodiversity net gain for the new prison'.	This application is for the Appearance and Layout of the proposed development, and as such, the only consideration which can be given is whether or not the layout or appearance of the proposed development will materially alter the BNG and ecological mitigation and enhancements. It is not considered that the layout shown is so materially different from that considered as part of 21/01600/OUT so as to result in such an impact.
No details relating to the storage of refuse and recycling materials have been provided, so Condition 12 has not been discharged.	This matter will be considered by way of a separate condition in due course. Condition 12 requires the details to be submitted to and approved by the LPA prior to the first use of the development. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Welland Ave needs to be 5.5m wide but it's currently 4.7m wide for the whole	This matter was considered as part of 21/01600/OUT and the Inspector concluded that the proposed access (including the route to the adopted

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distance between Foxton Road	Public Highway) was sufficient for the development. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Construction access being moved is not supported by 21/01600/OUT? Safety issues with proposed access and conflict with public footpath	Construction traffic routing (including the provision of an altered access point from Gallow Field Road) is being considered as part of the CTEMP under 24/00244/PCD. Officers have requested further detail on the matter of potential conflict between construction traffic and PRoW users. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
The water survey isn't current.	This matter was considered as part of 21/01600/OUT. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
The staff car park and the temporary construction car park will make the surface water run off worse	Construction traffic routing (including the provision car parking for contractors) is being considered as part of the CTEMP under 24/00244/PCD. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Where in the planning is the fuel store whilst the building goes on?	This matter is being considered as part of 24/00244/PCD. Officers have requested further detail on this matter. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
How are the MOJ / contractors going to ensure that no construction traffic uses the residential end of Welland Avenue.	Construction traffic routing is being considered as part of the CTEMP under 24/00244/PCD. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
The removal of any play area for the children is a disgrace.	As part of the consideration of 21/01600/OUT Officers considered that the provision of such a facility would be a benefit of the proposal to the local community. Unfortunately, the Inspector considering the Appeal did not share this opinion and felt that the provision of the play area did not pass the "necessity test" for conditions, and as such, recommended that the condition not be imposed.
Loss of daylight or sunlight from 2.4m high hoardings.	This matter relates to the provision of hoardings around the development site and is being considered as part of 24/00244/PCD. The matter was raised specifically in relation to screening the construction route from Gallow Field Road. If such hoarding is necessary, given the length of the gardens in question, it is anticipated that any loss of light would be to the far end of the gardens, well removed from the dwellings themselves. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Overbearing impact from construction traffic travelling within inches of peoples properties.	Construction traffic routing is being considered as part of the CTEMP under 24/00244/PCD. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Part of this "new" route, is currently used as a contractors car park under 21/01469/FUL. I have seen as many as 30 vehicles in this car park. What will happen to them.	Construction traffic routing is being considered as part of the CTEMP under 24/00244/PCD. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
We have photographic evidence of workers digging on top of a badger sett, contrary to The Protection of Badgers Act 1992.	Leicestershire Police have investigated this matter and have concluded that no breach of The Protection of Badgers Act 1992 (and therefore no crime) has occurred.
Condition 17 states that the development shall be carried out in accordance	The provision of development compounds on or adjacent to a development site for the duration of the construction phase of the development are Permitted Development under Class A of Part 4 of Schedule 2 of the Town

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with the submitted ecology reports. However, the reports did not reference the construction plans including the access road and the massive new car park on the western area.	and Country Planning (General Permitted Development) (England) Order. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
What is in place for a vehicle breakdown?	Construction traffic routing is being considered as part of the CTEMP under 24/00244/PCD. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
If traffic is to access the existing stores this will entail a right turn from the new prison.	The new Prison will be serviced by its own dedicated "stores" or "Support Building" which is located within the secure area of the prison.
The air pollution from all the lorries is unacceptable to the residents both outside or inside the current prison.	Air Quality was assessed as part of 21/01600/OUT. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
The MOJ have no regard for their neighbours, alarms going off at all hours for over 2 years and nothing has been done	This is an operational decision for the MoJ, HDC cannot reasonably be expected to comment on this matter.
The Government sold these houses off and are now reducing their value with no compensation for residents.	Impact on property prices is not a Planning Consideration. Furthermore, Outline consent has already been granted.
The roads are not suitable or made to cope with over 900 extra vehicle's a day coming in during construction and 500 pus when built.	This matter was considered as part of 21/01600/OUT and the Inspector concluded that the proposed access (including the route to the adopted Public Highway) was sufficient for the development. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
There is not a safe access via foot to the site for contractors or when operational. Will a path be put in place as it can't go on land that residents own so this leaves limited options for safe travel on foot for contractors, staff and visitors.	Construction traffic routing (including consideration of contractor traffic) is being considered as part of the CTEMP under 24/00244/PCD. Officers have requested further detail on this matter. Notwithstanding this, as can be seen below, the pavement through Gartree does terminate before the last dwelling with a hedgerow on the alignment of the path, beyond this there is grass verge in lieu of the pavement. The Landscape Plan attached to 21/01600/OUT indicates the provision of a reinforced surface to the grass verge section leaving only a short section in front of 76 Welland Avenue where pedestrians will have to walk in the road.

	 <p><b>This matter is not for consideration as part of this Reserved Matters application.</b></p>
The nearest bus stop is on Gallow Field road and not on Welland Ave, this is incorrectly shown on the documents provided and this makes the site unsustainable.	Construction traffic routing (including consideration of contractor traffic) is being considered as part of the CTEMP under 24/00244/PCD. Officers have requested that the CTEMP be amended to reflect the true position. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Are the Welland Avenue passing places going to be permanent? Where will they be?	Construction traffic routing (including the provision of any necessary traffic management facilities such as passing bays on Welland Avenue) is being considered as part of the CTEMP under 24/00244/PCD. Officers have requested further detail on the location of any proposed passing bays (an indication of their proposed location can be seen at <b>Figure 45</b> ) and confirmation as to whether these will be permanent or not. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
LCC highways comments have not considered the new proposed access off Gallow Field Road.	Construction traffic routing (including the provision of an altered access point from Gallow Field Road) is being considered as part of the CTEMP under 24/00244/PCD. <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Traffic surveys should be redone due to additional development having been consented	This matter was considered as part of 21/01600/OUT and the Inspector concluded that the proposed access (including the route to the adopted Public Highway) was sufficient for the development. Whilst the SYSTRA report commissioned by HDC may have highlighted this, the application and the subsequent Appeal were considered solely on the basis of LCC Highways advice which took into consideration all committed development (including allocated sites). <b>This matter is not for consideration as part of this Reserved Matters application.</b>
Consultation period on amended plans	A 14 day consultation period for amended plans is in accordance with Para 7.3.8 of the Harborough District Council Statement of Community Involvement 2020. As the amended plans related to an amended colour palette and the inclusion of obscure glass, 14 days is considered to be proportionate to the level of information being reconsulted upon.

**Figure 47: Table of outstanding issues and responses**

## **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 21/01600/OUT, and therefore also with Policies GD3 and GD8 of the Harborough Local Plan. Members are therefore asked to endorse the Officer recommendation that Reserved Matters approval should be granted subject to

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conditions as set out in **Section 8** of the report. In reaching this recommendation, Officers have taken into account the supporting documentation which was submitted in support of the outline consent and the further clarification and supplementary statements.

## **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 Materials**
- 3 Details of substations to be submitted**
- 4 Roof materials – dark grey**
- 5 Obscure glass HB1**
- 6 Parking and Turning Provision**
- 7 Cycle Parking**
- 8 Motorcycle Parking**

### **Suggested Informative Notes**

- 1 Conditions and Legal Agreement**  
The applicants are reminded that the conditions (see **Appendix A**) and S106 obligations (see **Appendix B**) relating to 21/01600/OUT are still relevant and fall to be complied with as the development proceeds.
- 2 Highways - Directional Signage**
- 3 Highways - Network Management**
- 4 LLFA Standing Advice – Consent**
- 5 LLFA Standing Advice – Maintenance**



## APPENDIX A – 21/01600/OUT Conditions

### Annex B – Conditions

- 1) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 2 years from the date of this permission.
- 3) Details of the appearance and layout (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 661277-00-PEV-GTX0011-ZZ-DR-A-9000 PO5, Existing Block Plan 661277-0000-PEV-GTX0011-ZZ-DR-A-9001 PO5, Block Plan Demolition 661277-0000-PEV-GTX0011-ZZ-DR-A-9101 PO4, Landscape Masterplan 661277-0000-PEV-GTX0011-XX-DR-L-0301 P05 (insofar as it relates to landscaping matters and not layout), Proposed New Access GART-ATK-HGN-WELL-DR-D-0001 Rev P1.
- 5) Building heights shall not exceed 17.5m (to ridge height).
- 6) The gross external area of the built development shall not exceed 82,555m<sup>2</sup>.
- 7) Prior to the commencement of development a detailed Landscape Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include: Details of any trees/hedgerows to be retained; Detailed specification of all new planting within the development, including planting within the perimeter landscape belt; Details of the landscape proposal within the Biodiversity Net Gain area (Parcel 2) and; Enhanced boundary treatment between the proposed development and PRoW A22.
- 8) Prior to the commencement of development a Landscape Management Plan setting out the timing of the completion, and the ongoing management and maintenance, of all landscaping within the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 9) The buildings shall not be occupied until the means of access for vehicles/pedestrians/cyclists including visibility splays has been constructed in accordance with the approved plans. The access and visibility splays shall be permanently retained thereafter.
- 10) Prior to the submission of reserved matters an updated BREEAM assessment report shall be submitted to and approved in writing by the Local Planning Authority. All buildings shall be constructed to meet a BREEAM score of Excellent. No later than 3 months after the occupation of any non-residential building a certificate following a post-construction review shall be issued by an approved BREEAM Assessor to the Local Planning Authority, indicating that the relevant BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.
- 11) Prior to the first use of the development details of secure cycle parking facilities shall have been submitted to and approved in writing by the Local Planning Authority, and implemented on site. These facilities shall thereafter be permanently retained.

- 12) Prior to the first use of the development details of the storage of refuse and recycling materials shall have first been submitted to and approved in writing by the Local Planning Authority, and implemented on site. The refuse and recycling storage shall thereafter be permanently retained.
- 13) Prior to the commencement of development full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
- 14) The 'appearance' Reserved Matters required in condition 3 shall include details showing all ventilation and extraction equipment on the buildings, and a scheme for the external lighting of the development set out in general accordance with the submitted Pick Everard External Lighting Report (dated 27.8.21) and associated lighting drawings.
- 15) Prior to the commencement of development a scheme for the protection and enhancement of the relevant section of PRoW A22 which passes through the appeal site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved prior to first occupation of the prison.
- 16) The development hereby permitted shall not commence until a pre-development condition survey of Foxton Road between A4304 Lubenham and the application site (the route for HGVs as set out in the Framework Construction Traffic Management Plan) has been carried out and submitted to and approved in writing by the Local Planning Authority.  
  
Within three months of the completion of the development a post-development condition survey of Foxton Road, between the A4304 Lubenham and the appeal site, shall be carried out, and submitted to and approved in writing by the Local Planning Authority, along with a method statement identifying how any damage to the highway or highway verge caused as a result of the development will be made safe and remediated in full by the developer. Any works required to the highway shall be completed within 6 months of the completion of the development.
- 17) The development shall be carried out in accordance with the submitted reports from CGO Ecology Limited as related to bats, birds, reptiles, and badgers, and the Badger Survey by Ramboll UK Limited, and the mitigation measures included therein.
- 18) Demolition of building/structures, felling of trees, and removal of shrub and scrub as part of the commencement of any enabling works for the development shall not be carried out during the nesting season unless confirmation that a nest check has been carried out by a suitably qualified ecologist and found to be clear has been submitted to and approved in writing by the Local Planning Authority.
- 19) Prior to the commencement of development, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority to include the management of water during construction and post development. The scheme shall include infiltration testing to confirm or otherwise the suitability of the site for the use of infiltration as a drainage element. The scheme shall be implemented as approved upon first occupation of the development.
- 20) Prior to occupation of the development a long-term maintenance plan for the surface water drainage system approved under condition 19 shall have been



submitted to and approved in writing by the Local Planning Authority. The maintenance plan shall be adhered to as approved.

- 21) No development shall commence until a scheme for on-site foul water drainage works, including connection points and discharge rate, has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the development the foul water drainage works must have been carried out in complete accordance with the approved scheme.
- 22) Prior to the commencement of development full details of diverted and removed watercourses are to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 23) No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  - i) A statement of significance and research objectives;
  - ii) the programme and methodology of site investigation and recording;
  - iii) the nomination of a competent person(s) or organisation to undertake the works;
  - iv) the programme for post investigation assessment and subsequent analysis, publication and dissemination of the analysis and records of the site investigation, and;
  - v) the provision to be made for archive deposition of the analysis and deposition of resulting material.
- 24) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 23.
- 25) No development shall take place until a Remedial Scheme and a Verification Plan to deal with any land contamination has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Remedial Scheme and Verification Plan.
- 26) If during the course of the development previously unidentified contamination is discovered development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
- 27) Prior to first occupation of the development 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.
- 28) Before any fixed plant is used on the premises it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure-borne sound in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The measures implemented as approved shall be permanently retained thereafter.

- 29) Prior to the commencement of development a Construction (Traffic) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
- The means of access and routing for demolition and construction traffic and indication of signage locations to assist those delivering to the site, and;
  - Details of a Construction Communications Strategy which contains points of contact and details for residents to report HGVs utilising inappropriate routes.
- 30) Demolition, construction and/or remediation works shall take place only between 0800 to 1800 Monday to Friday and at no time on weekends or Bank Holidays.

## APPENDIX B – 21/01600/OUT S106 Agreement

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24<sup>th</sup> October 2022

Deed of Agreement made pursuant to Section 106 of the Town and  
Country Planning Act 1990  
relating to  
Land to the South of HMP Gartree, Gallow Field Road, Leicestershire,  
LE16 7RP  
(21/01600/OUT and APP/F2415/W/22/3300227)

Harborough District Council <sup>(1)</sup>  
Leicestershire County Council <sup>(2)</sup> and  
The Secretary of State for Justice <sup>(3)</sup>

Womble Bond Dickinson (UK) LLP  
Tel +44(0)345 415 0000  
www.womblebonddickinson.com

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DATE 24<sup>th</sup> October 2022

#### **PARTIES**

- (1) **Harborough District Council** of Council Offices, Adam and Eve Street, Market Harborough, Leicestershire, LE16 7AG (**District Council**).
- (2) **Leicestershire County Council** of County Hall, Glenfield, Leicester, LE3 8RA (**County Council**).
- (3) **The Secretary of State for Justice** of MOJ Property Directorate, 10.41, 102 Petty France, London, SW1H 9AJ (**Owner**).

#### **BACKGROUND**

- (A) By virtue of section 1 of the 1990 Act the District Council is the local planning authority for the area in which the Site is situated.
- (B) The District Council and the County Council are both Principal Councils within the meaning of the Local Government Act 1972 (as amended).
- (C) The County Council is the Highways Authority for the area in which the Site is situated.
- (D) The Owner is the proprietor of the freehold titles to the Site which are registered at the Land Registry under Title Numbers LT331114 and LT331115.
- (E) The Owner has submitted the Application to the District Council for planning permission for the Development. The District Council issued a decision notice on 7 April 2022 refusing planning permission.
- (F) The Owner has lodged the Appeal with the Secretary of State in respect of the District Council's refusal of the Application.
- (G) The Owner by entering into this Deed does so to create planning obligations in respect of the Site pursuant to section 106 of the 1990 Act and agrees to be bound by and to observe and perform the covenants agreements conditions and stipulations hereinafter contained.
- (H) The parties to this Deed have given due consideration to the provisions of Regulation 122 of the CIL Regulations (to the extent relevant to the obligations in this Deed) and the advice set out at paragraph 57 of the National Planning Policy Framework and agree that the planning obligations contained within this Deed are:
  - (i) Necessary to make the Development acceptable in planning terms;
  - (ii) Directly related to the Development; and
  - (iii) Fairly and reasonably related in scale and kind to the Development.

#### **AGREED TERMS**

##### **1. DEFINITIONS AND INTERPRETATION**

- 1.1 In this Deed the following expressions shall have the following meanings:

**1990 Act** the Town and Country Planning Act 1990 (as amended).

<b>Appeal</b>	the appeal against the District Council's refusal of the Application by way of a decision notice dated 7 April 2022 as made by the Owner and allocated appeal reference number APP/F2415/W/22/3300227.
<b>Application</b>	the application for outline planning permission for the Development which was submitted to the District Council on behalf of the Owner and which was validated by the District Council on 20 September 2021 under reference number 21/01600/OUT.
<b>Base Index Date</b>	the date of this Deed.
<b>Base Index Figure</b>	the figure published in respect of the Index immediately prior to the Base Index Date.
<b>CIL Regulations</b>	the Community Infrastructure Levy Regulations 2010 (as amended).
<b>Commencement of Development</b>	the date upon which the Development is begun by the carrying out on the Site pursuant to the Planning Permission of a material operation as specified in section 56(4) of the 1990 Act <b>SAVE THAT</b> for the purposes of this Deed the term "material operation" shall not include any operations undertaken in connection with or associated with demolition, site clearance, archaeological investigations, investigations for the purpose of assessing ground conditions, remediation works, environmental investigation, site and soil surveys, diversion and laying of services, erection of a contractor's work compound, erection of a site office, erection of fencing to the site boundary and/or the temporary display of site notices or advertisements and <b>Commence Development</b> shall be construed accordingly.
<b>Contributions</b>	the County Council Monitoring Contribution, the Footpath Contribution and the Travel Plan Monitoring Contribution.
<b>County Council Monitoring Contribution</b>	the sum of £300.00 (Three Hundred Pounds) or 0.5% (whichever is the greater) per obligation to be paid by the Owner to the County Council towards the County Council's costs of monitoring compliance with the obligations contained in this Deed and due to the County Council.
<b>Decision Letter</b>	the decision letter issued by the Secretary of State confirming whether or not the Appeal is allowed.
<b>Development</b>	the construction of a new Category B prison of up to 82,555sqm within a secure perimeter fence, together with access, parking, landscaping and associated engineering works.
<b>Expert</b>	a person of at least 10 (ten) years post qualification continual and continuing experience in the subject matter of the dispute.
<b>Final Index Figure</b>	the figure published immediately prior to the date upon which the Footpath Contribution is payable or is paid if paid earlier than the due date.
<b>Footpath Contribution</b>	the sum of £102,898.00 (One Hundred and Two Thousand, Eight Hundred and Ninety Eight Pounds) (Index Linked) to be paid to the County Council for improvement works to footpath A22 between Gallow Field Road and Swingbridge Street, Foxton in accordance with Schedule 3.

<b>Index</b>	the All in Tender Price Index of Building Cost Information Services ("BCIS") as published by the Royal Institute of Chartered Surveyors ("RICS") or in the event that the RICS shall change the basis of compilation or cease to compile or publish the said Index such other Index as the parties hereto shall agree or in default of agreement such Index as shall be determined by an arbitrator appointed by the President of the RICS for the purposes of this Deed in all cases to ensure as nearly as possible that the sums of money involved shall fluctuate in accordance with the general level of the building industry costs.
<b>Index Linked</b>	<p>the Footpath Contribution shall be increased by such sum, in pounds sterling, as shall be equal to the sum calculated according to the following formula:-</p> $\text{Increased Sum} = \frac{A \times C}{B}$ <p>Where:</p> <p>"A" equals the Footpath Contribution payable under this Deed</p> <p>"B" equals the Base Index Figure</p> <p>"C" equals the Final Index Figure</p> <p>If after the Base Index Date there should be any increase in the Base Index Figure by reference to which changes in the Index are calculated, the figure taken to be shown in the Index after such change shall be the figure which would have been shown in the Index if the said Base Index Figure had been retained and the appropriate reconciliation shall be made.</p>
<b>Interest</b>	interest at 2% above the base lending rate of Barclays Bank Plc from time to time.
<b>Occupation</b>	occupation for the purposes permitted by the Planning Permission but not including occupation for the purposes of fit out, decoration, marketing, display or security operations and the term <b>Occupy</b> and <b>Occupied</b> shall be construed accordingly.
<b>Plan 1</b>	drawing reference 681277-00-PEV-GTX0011-ZZ-DR-A-9000 Rev PO4 attached hereto at Schedule 1.
<b>Planning Obligations</b>	the obligations, conditions and stipulations set out in Schedules 2, 3, 4, 5 and 6 of this Deed and the term <b>Planning Obligation</b> shall be construed accordingly.
<b>Planning Permission</b>	an outline planning permission subject to conditions permitting the Development which may be granted by the Secretary of State pursuant to the Appeal.
<b>Secretary of State</b>	the Secretary of State for the Ministry of Levelling Up Housing and Communities from time to time charged with determining the Appeal or (as applicable) any inspector appointed by the Secretary of State in accordance with Schedule 6 of the 1990 Act to determine the Appeal.



<b>Site</b>	all that Site shown edged red on Plan 1.
<b>Statutory Undertaker</b>	any company corporation board or authority at the date of this Deed authorised by statute to carry on an undertaking for the supply of telephone or television communications, electricity, gas, water, or drainage and any authorised successor to any such undertaking.
<b>Travel Plan</b>	the travel plan prepared on behalf of the Owner dated 12 August 2021 and submitted to the County Council on 20 September 2021 and as may be amended from time to time with the County Council's prior written approval.
<b>Travel Plan Co-ordinator</b>	a travel plan co-ordinator to carry out the duties described in the Travel Plan to be appointed by the Owner and approved in writing by the County Council.
<b>Travel Plan Monitoring Contribution</b>	the sum of £6,000.00 (Six Thousand Pounds) to be paid by the Owner to the County Council for the purposes of monitoring the implementation of and compliance with the Travel Plan.
<b>Working Day</b>	any day from Monday to Friday inclusive which is not Christmas Day, Boxing Day, Good Friday, Easter Monday or a Statutory Bank Holiday.

- 1.2 Reference in this Deed to any enactment shall be construed as a reference to that enactment as amended extended or re-enacted or repealed by or under any other enactment and shall include all instruments orders and regulations for the time being made, issued or given under that enactment.
- 1.3 Words importing one gender shall be construed as importing any gender and words importing the singular shall be construed as importing the plural and vice versa.
- 1.4 Any words denoting natural persons shall include legal persons and vice versa.
- 1.5 References to clauses paragraphs and schedules are references to clauses paragraphs and schedules to this Deed.
- 1.6 The expression **Owner** shall include their successors in title and assigns.
- 1.7 The expression **District Council** and/or **County Council** shall include any successor authority to its statutory functions.
- 1.8 Where a party includes more than one person any obligations of that party shall be joint and several.
- 1.9 Clause headings shall not affect the construction of this Deed.
- 1.10 Any phrase introduced by the terms 'including' 'include' 'in particular' or any similar expression shall be construed as illustrative and shall not limit the sense of the words preceding those terms.

## 2. STATUTORY BASIS

- 2.1 This Deed secures planning obligations made pursuant to section 106 of the 1990 Act and is enforceable pursuant to section 106(3) of the 1990 Act against the Owner and any person claiming or deriving title to the Site (or any part or parts thereof) through or under the Owner as if that person had been an original covenanting party to this Deed.
- 2.2 This Deed is enforceable by the District Council as local planning authority for the purposes of the 1990 Act and is also enforceable by the County Council.



- 2.3 To the extent that the covenants, restrictions and requirements in this Deed are not made under section 106 of the 1990 Act they are made under section 1 of the Localism Act 2011 (as amended), section 111 of the Local Government Act 1972 (as amended) and all other powers so enabling.

### **3. CONDITIONS PRECEDENT**

- 3.1 Save for Clause 16 this Deed is conditional upon and does not become effective unless and until the Planning Permission is granted.
- 3.2 Clause 4 of this Deed is further conditional upon and does not become effective unless and until the Commencement of Development save unless the covenants are expressed to come into effect immediately or before the Commencement of Development.
- 3.3 In the event that the Secretary of State grants the Planning Permission pursuant to the Appeal but expressly states in his Decision Letter that any Planning Obligation (or part thereof) contained in this Deed:
- 3.3.1 Is not a material planning consideration; or
- 3.3.2 Otherwise fails to comply with Regulation 122 of the CIL Regulations

then such Planning Obligation (or part thereof) will be deemed to be null and void and to be severed from the remainder of this Deed which shall remain in full force and effect.

### **4. COVENANTS & DECLARATIONS**

- 4.1 The Owner covenants with the District Council and the County Council to give them both 14 (fourteen) days' notice in writing in advance of the Commencement of Development and Occupation of the Site.
- 4.2 The Owner covenants with the District Council to comply with Schedules 2, 5 and 6 of this Deed.
- 4.3 The Owner covenants with the County Council to comply with Schedules 3 and 4 of this Deed.
- 4.4 The County Council covenants with the Owner to comply with the obligations in Schedule 7 of this Deed.

### **5. EXCLUSIONS AND RELEASE**

- 5.1 No party shall be bound by the terms of this Deed or be liable for the breach of any Planning Obligation:
- 5.1.1 after it has parted with its interest in the Site or the part in respect of which such breach occurs (but without prejudice to liability for any subsisting breach prior to parting with such interest); or
- 5.1.2 if it is a Statutory Undertaker which has an interest in any part of the Site for the purposes of its undertaking.
- 5.2 If the Planning Permission:
- 5.2.1 expires before the Commencement of Development; or
- 5.2.2 is at any time revoked or modified (without the consent of the Owner) pursuant to Part IV of the 1990 Act

this Deed shall determine and cease to have effect.

- 5.3 No obligation in this Deed shall be binding on or enforceable against any chargee or mortgagee from time to time who shall have the benefit of a charge or mortgage of or over any part of the Site (or any receiver appointed by such chargee or mortgagee) unless and until such chargee, mortgagee or receiver (or any person appointed by them) has taken or entered into possession of the Site or part thereof in which case it shall also be bound by the covenants, restrictions and obligations in this Deed as if it were a person deriving title from an original covenanting party.

## **6. REGISTRATION**

- 6.1 This Deed is a local land charge and shall be registered as such by the District Council.

- 6.2 Following either:

6.2.1 the performance and satisfaction of all the Planning Obligations contained in this Deed; or

6.2.2 the determination of this Deed in accordance with Clause 5.2;

the District Council shall upon the written request of the Owner as soon as reasonably practicable effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.

## **7. NON-FETTER AND WAIVER**

- 7.1 Nothing in this Deed restricts or is intended to restrict the proper exercise at any time by the District Council and/or the County Council of any of its statutory powers, functions or discretions.

- 7.2 No waiver (whether expressed or implied) by the District Council and/or the County Council of any breach or default in performing or observing any of the covenants, terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the District Council and/or the County Council (as applicable) from enforcing any of the relevant terms or conditions or from acting upon any subsequent breach or default.

- 7.3 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted before or after the date of this Deed.

## **8. SECTION 73 OF THE 1990 ACT**

If an application is made under section 73 of the 1990 Act in respect of the Planning Permission to carry out the Development without complying with a condition or conditions to which the Planning Permission is subject (a **S73 Application**) then in the event that the District Council is minded to approve such S73 Application:

- (a) if the District Council considers that the planning obligations contained in this Deed are both sufficient and necessary to make the development proposed by such S73 Application acceptable in planning terms then references to **Application** and **Planning Permission** in this Deed shall be deemed to also be references to that new application and planning permission and the parties agree that this Deed shall apply to and remain in full force in respect of both that new planning permission and the Planning Permission without the need for a further deed to be made pursuant to section 106 of the 1990 Act; or
- (b) if the District Council considers that additional or modified planning obligations are necessary to make the development proposed by such S73 Application acceptable in planning terms then for the avoidance of doubt nothing in this Clause 8 shall fetter the District Council's ability in the exercise of its proper planning judgment to require the completion of such further deed made pursuant to section 106 of the 1990 Act as it considers necessary and in such case Clause 8(a) shall be disregarded.

**9. VAT AND INTEREST**

- 9.1 All payments given in accordance with this Deed shall be exclusive of any value added tax properly payable.
- 9.2 If any payment due to the District Council or the County Council is paid late interest shall be added from the date payment is due to the date of payment.

**10. SEVERANCE**

If any provision in this Deed shall in whole or in part be held to be invalid, illegal or unenforceable under any enactment or rule of law such provisions shall to the extent required be severed from this Deed and shall not affect the validity or enforceability of the remaining provisions of this Deed.

**11. CHANGE OF OWNERSHIP**

The Owner agrees with the District Council and the County Council to give the District Council and the County Council written notice within 10 (ten) Working Days of any change in proprietorship of any of its interests in the Site occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site purchased by reference to a plan.

**12. NOTIFICATION**

- 12.1 Any notice, request, demand or other written communication to be given or served under this Deed must be in writing and must be:

- 12.1.1 delivered by hand; or
- 12.1.2 sent by pre-paid first class post or other next Working Day delivery service.

- 12.2 Any notice, request, demand or other written communication to be given or served under this Deed must be sent to the relevant party as follows:

- 12.2.1 to the District Council at Harborough District Council, The Symington Building, Adam and Eve Street, Market Harborough, LE16 7AG marked for the attention of Adrian Eastwood;
- 12.2.2 to the County Council at Leicestershire County Council, County Hall, Glenfield, Leicester LE3 8RA marked for the attention of the Planning Obligations Team Manager, Planning Obligations Team, Historic and Natural Environment Department;
- 12.2.3 to the Owner at FAO: Suky Atwal care of MOJ Property Directorate, 10.41, 102 Petty France, London, SW1H 9AJ

at or as otherwise specified by the relevant party by notice in writing to each other party whether or not in accordance with Clause 12.

- 12.3 Any notice, request, demand or other written communication given or served in accordance with Clause 12.1 or Clause 12.2 shall be deemed to have been received:

- 12.3.1 if delivered by hand, on signature of a delivery receipt provided that if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice shall be deemed to have been received at 9.00 am on the next Working Day; or
- 12.3.2 if sent by pre-paid first class post or other next working day delivery service, on the Working Day after posting.

12.4 A notice, request, demand or other written communication given under this Deed shall not be validly given if sent by e-mail.

12.5 This Clause 12 does not apply to the service of any proceedings or other documents in any legal action.

### 13. DISPUTE RESOLUTION

13.1 Where the agreement, approval, consent or expression of satisfaction is required by any party under the terms of this Deed such agreement, approval, consent or expression of satisfaction shall not be unreasonably withheld or delayed.

13.2 Any dispute or disagreement arising under this Deed which has been identified by notice in writing by one party to the other(s) and which has not been resolved within 20 (twenty) Working Days (or such lesser period as may be agreed) of the date of receipt by the other party(s) of such written notice may be referred at the instance of any party for determination by an Expert whose decision (except in cases of manifest error or fraud) shall be final and binding on the parties.

13.3 The following provisions and terms of appointment shall apply to such disputes or disagreements:-

13.3.1 the Expert shall be agreed between the parties or, in default of agreement within 10 (ten) Working Days of receipt of the notice in Clause 13.2 above, shall be appointed or identified by the following persons:

- (a) in the case of disputes relating to land or valuation matters the President of the Royal Institution of Chartered Surveyors;
- (b) in the case of disputes relating to planning or design matters the President of the Royal Town Planning Institute; or
- (c) in the case of any other dispute the President of the Bar Council.

13.3.2 the Expert shall act as an expert and not as an arbitrator.

13.3.3 the Expert shall be required to give notice of their appointment to each of the parties (Expert's Notice) and thereafter;

- (a) the persons calling for the determination shall make written submissions to the Expert and the other parties within 20 (twenty) Working Days of receipt of the Expert's Notice;
- (b) the other parties shall have 20 (twenty) Working Days from the receipt of such written submission (or such extended period as the Expert shall allow) to respond;
- (c) the Expert shall disregard any representations made out of this time;
- (d) the Expert may request further information or documentation and the parties shall comply with any requests by the Expert for further information or documentation within a reasonable time; and
- (e) to the extent not provided for by this clause the Expert may in their reasonable discretion determine such other procedures to assist with the conduct of the determination as they consider just or appropriate including (to the extent considered necessary) instructing professional advisers to assist them in reaching their determination.

13.3.4 the Expert shall make his decision within 20 (twenty) Working Days of the close of the period for submissions of written representations;

13.3.5 the Expert's decision shall be in writing and shall give reasons for the decision; and



13.3.6 each party shall bear its own costs and the Expert's costs will be payable in the determination of the Expert.

13.4 If the Expert dies or becomes unwilling or incapable of acting, or does not deliver the decision within the time required by this clause then:

13.4.1 either party may apply to the relevant body as per Clause 13.3.1 to discharge the Expert and appoint a replacement Expert with the required expertise; and

13.4.2 Clause 13.3 shall apply to the new Expert as if they were the first Expert appointed.

#### 14. THIRD PARTY RIGHTS

No person who is not a party to this Deed may enforce any terms hereof pursuant to the Contracts (Rights of Third Parties) Act 1999 (as amended) **PROVIDED THAT** this clause shall not affect any right of action of any person to whom this Deed has been lawfully assigned or becomes vested in law including successors in title to the Site.

#### 15. JURISDICTION

This Deed is governed by and interpreted in accordance with the laws of England and the parties submit to the exclusive jurisdiction of the courts of England.

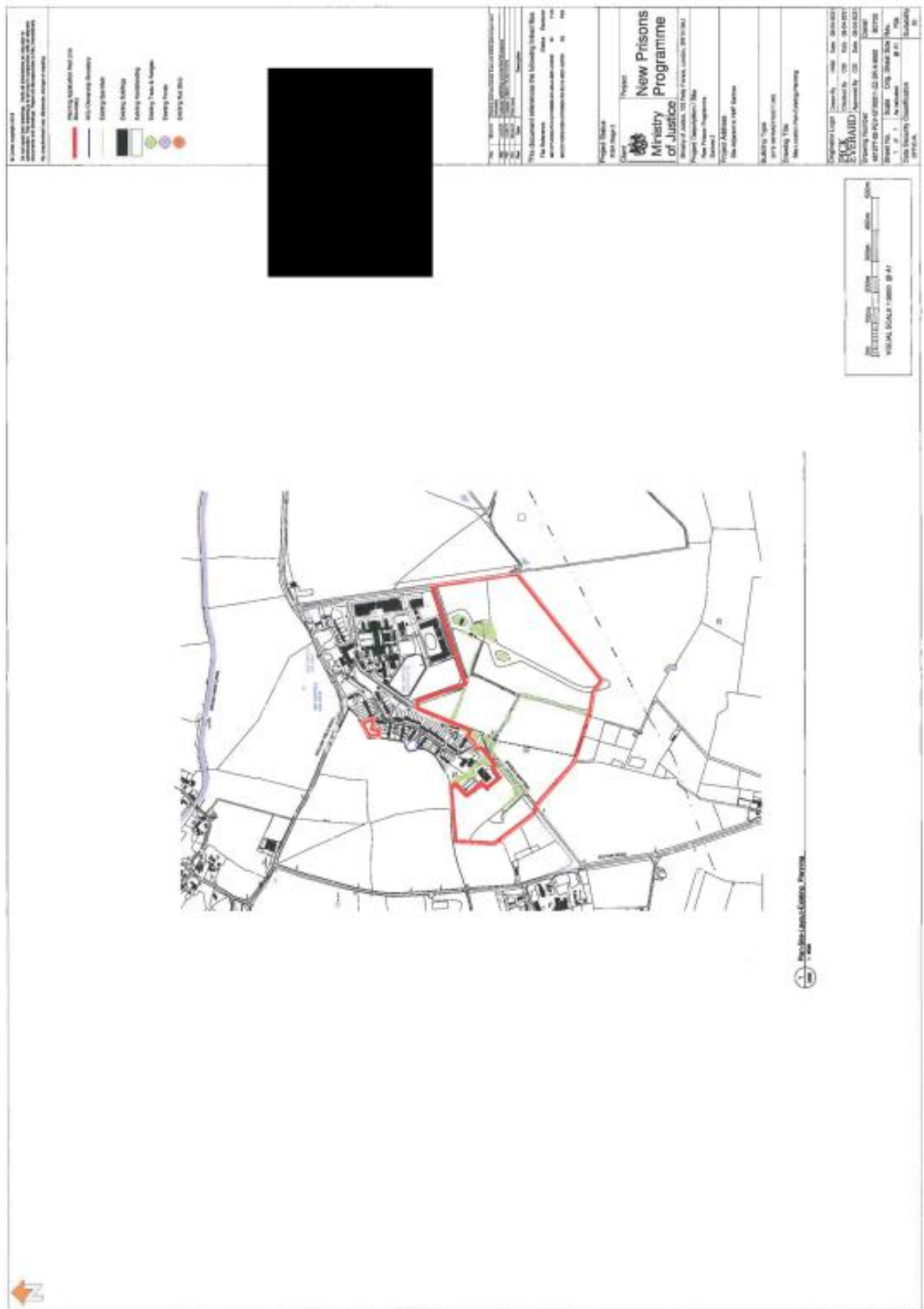
#### 16. LEGAL COSTS

16.1 The Owner shall pay to the District Council its reasonable legal costs, subject to an upper limit of £1,500.00, in connection with the preparation and completion of this Deed on completion of the same.

16.2 The Owner shall pay to the County Council its legal costs, subject to an upper limit of £1,500.00, in connection with the preparation and completion of this Deed on completion of the same.



### Plan 1



## SCHEDULE 2

### Social Value Obligations

<b>Social Value Plan</b>	the social value plan to be prepared on behalf of the Owner and as may be amended with the District Council's consent.
<b>Social Value Manager</b>	a social value manager to carry out the duties described in the Social Value Plan to be appointed by the Owner and approved in writing by the District Council.

#### 1. SOCIAL VALUE PLAN

1.1. The Owner covenants with the District Council that it shall, not less than three months from Commencement of the Development, submit the Social Value Plan for approval by the District Council (such approval not to be unreasonably withheld or delayed).

1.2 The Owner covenants that, following written approval of the Social Value Plan by the District Council, it will be implemented 3 months prior to the first Occupation of the Development and shall thereafter keep implemented the approved Social Value Plan for a period of 30 years from the date of first approval.

1.3. The Owner covenants with the District Council that it will implement and comply with the Social Value Plan in accordance with the timescales and time periods contained therein and (without prejudice to any other requirements of the Social Value Plan) shall:

- (a) appoint a nominated Social Value Manager and notify the details of the Social Value Manager to the District Council;
- (b) use reasonable endeavours to procure that the Social Value Manager complies with its obligations and duties set out in the Social Value Plan for the duration of its appointment;
- (c) Include arrangements within the Social Value Plan setting out how the Owner and its contractors will work directly with local employment/training agencies to provide employment and training opportunities for people within the locality of the Site including measures to be implemented to secure employment opportunities for local people during both the Construction and Operational phases of the development; and
- (d) Provided that the District Council has submitted a written request to the Owner that it does so, provide the District Council with an annual summary written report on, or within 30 days of, the anniversary of the Commencement of the Development detailing the progress made and measures taken towards achieving the objectives described in the Social Value Plan. For the avoidance of doubt the District Council is to submit a separate written request to the Owner for each summary written report it requires, limited to one request per annum.

## SCHEDULE 3

### The Footpath Contribution and the County Council Monitoring Contribution

- 1. The Owner covenants with the County Council that it shall:
  - 1.1 Prior to Commencement of Development pay to the County Council the Footpath Contribution.
  - 1.2 Not Commence Development until it has paid to the County Council the Footpath Contribution.
  - 1.3 Prior to Commencement of Development pay to the County Council the County Council Monitoring Contribution.
  - 1.4 Not Commence Development until it has paid to the County Council the County Council Monitoring Contribution.

## **SCHEDULE 4**

### **Travel Plan**

1.1. The Owner covenants with the County Council that it shall implement and comply with the Travel Plan in accordance with the timescales and time periods contained therein and (without prejudice to any other requirements of the Travel Plan) shall:

- (a) appoint a nominated Travel Plan Co-ordinator and notify the details of the Travel Plan Co-ordinator to the County Council forthwith;
- (b) use reasonable endeavours to procure that the Travel Plan Co-ordinator complies with its obligations and duties set out in the Travel Plan for the duration of its appointment;
- (c) procure that the Travel Plan Co-ordinator remains appointed from Commencement of Development until 5 (five) years after first Occupation and that it complies with its obligations and duties set out in the Travel Plan for this period;
- (d) review the Travel Plan annually in accordance with the provisions of the approved Travel Plan for the duration set out therein and submit the results of each review to the County Council without undue delay;
- (e) have regard to any reasonable recommendations made by the County Council from each annual review and incorporate and implement such recommendations without undue delay; and
- (f) prior to Commencement of Development pay the Travel Plan Monitoring Contribution to the County Council and not Commence Development until it has paid to the County Council the Travel Plan Monitoring Contribution.

## **SCHEDULE 5**

### **Community Engagement Scheme**

**Community Engagement Scheme** a scheme detailing initiatives to promote engagement with the local community in the use of the Development.

#### **1. COMMUNITY ENGAGEMENT SCHEME**

1.1. The Owner covenants with the District Council that not less than three months prior to Commencement of the Development it will submit the Community Engagement Scheme for approval by the District Council (such approval not to be unreasonably withheld or delayed) and:

- (a) that it shall implement and comply with the Community Engagement Scheme from the date it is approved and shall thereafter keep implemented the approved Community Engagement Scheme for a period of 30 years from the date of first approval;
- (b) the Community Engagement Scheme will be reviewed and resubmitted every 5 years from first approval by the District Council for a period of 30 years;
- (c) should the security category of the Development be proposed to change, the Owner covenants to, where practicable, revisit the Community Engagement Scheme and resubmit it to the District Council for approval no later than 6 months prior to the potential change in security category; and
- (d) Provided that the District Council has submitted a written request to the Owner that it does so, shall provide the District Council with an annual summary written report on, or within 30 days of, the anniversary of the Commencement of the Development detailing the progress made and measures taken towards achieving the objectives described in the Community Engagement Scheme. For the avoidance of doubt the District Council is to submit a separate written request to the Owner for each summary written report it requires, limited to one request per annum.

## APPENDIX C - 14<sup>th</sup> May Supplementary Information.

### PLANNING COMMITTEE: 14<sup>th</sup> May 2024

#### SUPPLEMENTARY INFORMATION

The "Supplementary Information" report supplements the main Planning Agenda. It is produced on the day of the Committee and is circulated at the Committee meeting. It is used as a means of reporting matters that have arisen after the agenda has been completed/circulated, which the Committee should be aware of before considering any application reported for determination.

**Correspondence received is available for inspection.**

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24/00200/REM	Reserved Matters for the construction of a new Category B prison of up to 82,555sqm within a secure perimeter fence, together with access, parking, landscaping and associated engineering works (appearance and layout to be considered, pursuant to outline planning permission ref: 21/01600/OUT (access, scale and landscaping))  Land Adj HM Prison, Welland Avenue, Gartree
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#### Additional representation received.

One additional letter of objection has been received (from a property which from which an objection had previously been received) raising the following points:

- I have never seen a report which dismisses so many important comments as not being considered as part of the application.
- The report dismisses genuine concerns that relate to the range of documents presented and - it is unclear why these documents have been presented if they have no relevance to the application being considered. Is this done on purpose to confuse the general public?
- It is impossible to thoroughly consider layout without also being able to have relevant comments on the other documents considered. The layout plans relate in the main to what happens within the walls of the prison and do not mention the layout of the proposed 'Western area and play area for community use - these are both within the application boundary but not mentioned.
- The statement of community involvement states that five new ponds will be created - I cannot see space allowed for five new ponds on the plans presented.
- We are given information on colours of buildings - all look extremely drab. Given that the outlook for residents used to be green fields and foliage perhaps something more in keeping with the rural area would be more appropriate.
- While details of the external secure perimeter fencing are withheld for security reasons, this will be the construction that is most seen from across the fields - why have colours of this not been included?
- The proposed bus stop seems to have disappeared as has the proposed chicane to prevent vehicles turning right out of the new prison.
- The documents presented for this application show a wide range of information including the transport management. The committee report disregards every reference to this document - if it is relevant to the application to be presented as supporting information any reference to it in comments should be taken into account. Most comments refer to this document so many respondents have thought the same way.

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- New documents have been uploaded to the application number without explanation of changes - this is very confusing for concerned members of the public to understand

Following a request from the Parish Chair, Lubenham PC comments are report in full below, including comments on matters outside the remit of 24/00200/REM:

#### Response to Gartree Planning Applications from Lubenham PC

24/00123/PCD Partial discharge of Condition 10 (BREEAM)

24/00200/REM Reserved Matters

24/00244/PCD Discharge of Conditions 13 (Levels), 14 (Ventilation), 15 (PRoW), 21 (Foul Water Drainage), 22 (Watercourse), 28 (Sound Insulating) and 29 (CEMP) 24/00299/PCD Discharge of Conditions 7 (Detailed Landscape Plan) and 8 (Landscaping Management Plan)

24/00336/NMA Minor changes to the landscape design (proposed non-material amendments of 21/01600/OUT)

#### 24/00123/PCD Discharge of Condition 10 (BREEAM)

Condition 10 of the decision notice required that the Reserved matters (24/00200/REM) should not be submitted until the first part of condition 10 had been fulfilled. The BREEAM report submitted is not a full report but a pre assessment design stage report – a full BREEAM report, carried out by an independent licenced assessor, should be submitted before reserved matters are considered.

#### 24/00200/REM Reserved Matters

1. **Condition 29** – the outline planning application (21/01600/OUT means of access and scale) granted by the Secretary of State defined the access to be off Welland Avenue.  
The Atkins report included in the CTEMP (p89) states at 4.2 **Construction access** *All construction vehicles associated with the proposed development will travel to and from the site using A4304, Foxton Road, and Welland Avenue as shown on Figure 4-1*  
**New access** being proposed - The applicant now seeks to make a second access off Gallow Field Road claiming this to be for construction, however a new bell mouth is to be created making a permanent access and therefore we consider that the additional access requires a separate planning application. We cannot see any detailed plans for this access or any highways survey results. How has this route for construction vehicles been assessed? This is misleading and statements untrue if the proposed access off Gallow Field Road will be used in addition to Welland Avenue.  
If Gallow Field Road is to be used for access – similar dilapidation surveys as conditioned on Foxton Road will be required.  
We have noted the response from LCC highways – this does not mention the second proposed access – please can further consultation be undertaken in relation to all of the additional and changed highways proposals. **Condition 29 is not fulfilled.**
2. **Widening of Access track off Gallow Field Road** - Information seems to be lacking of how the widening of this access track from Gallow Field Road will affect the Bio-diversity metric scores as undergrowth has already been cut down and suggestions are that further trees (possibly 21) will be felled to widen the access. No plans are shown for this
3. **Welland Avenue Access** It is now proposed that passing places will be incorporated into Welland Avenue – there is no design for these nor indication if they are to be permanent. More detail is required especially on effect on biodiversity, their design, their permanence and reinstatement. The original swept path analysis for this road was incorrect due to the

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width of the road, if these passing places are to be permanent a new planning application for access will be required, if not it will be impossible for large vehicles to pass in the road once the prison is operational.

4. **Proximity of access to footpath A25** – This proposed access off Gallow Field Road is adjacent to footpath A25 which will pose a danger to pedestrians and footpath users especially those from Foxton and Gartree
5. **Condition 9 requires** *means of access for vehicles/pedestrians/cyclists including visibility splays has been constructed in accordance with the approved plans. The access and visibility splays shall be permanently retained thereafter.* There are no details in the plans for any cycleways or footways on any route towards the site.
6. **Welland Avenue Northwards** - plans state *Construction vehicles will not be permitted to use the northern section of Welland Avenue or route north via the Gallow Field Road / Foxton Road junction* the barriers put in place to prevent vehicles turning right out of the new prison have been removed from the plans, why have these been removed and how can this be successfully enforced without some kind of physical barrier, chicane?
7. **Offsite Construction Vehicle Routes** Whilst suggestions are that vehicles from the site needing to make a return trip will take a roundabout journey via M1 A14 A6 to get back to the site in order to access via Gallow Field Road. They will likely find short cuts and possibly route via Lubenham and Harvest Road (which should be open by the time of construction), or go through the town or attempt the return route via Foxton Road and past Foxton School. The distances along suggested routes are not environmentally friendly
8. **Road Junctions**
  - a) **Laughton Road/ Foxton Road/ Main Street Junctions** – The increased traffic here has not been assessed. We seek clarity and openness about how this traffic increase will be mitigated. It is a route used by children on the way to school, residents accessing the Village Hall and horse riders among others.
  - b) **Foxton Road / Gallow Field Road Junction and proximity to Foxton School** - There is considerable concern about increased traffic near to Foxton School both during construction and afterwards.
9. **Signage Map** showing transport routes around the town is out of date Table 7.5: Off-Site Signage and Routing Plan does not recognise new development of houses at Airfield Farm and Manor Farm or the route through Harvest Road. Prison construction traffic should not be able to use the route but the estate is not shown on the plan and no signage proposed. New traffic surveys should be undertaken to take account of safety and transport routes to and from the site to take account of all proposed highway changes.
10. **Biodiversity** there seems to be little improvement that will lead to a 10% improvement in bio-diversity. Given the amount of green field, habitats, hedgerows etc being lost little seems to be being replaced by the proposed 2 ponds in an already saturated, boggy piece of land and another within the walls of the prison. Other areas of green are shown on the plan around the training centre, have these been included in the bio-diversity gain calculations as they are outside the development area. The area (sometimes referred to as parcel 2 or parcel 3 behind nos 21- 23) within the development area to the north set aside as Community Space is not shown in any of the plans (figures 1 – 5) within this bio-diversity report. However - the

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biodiversity report has been 'estimated on a different plan from that presented as the current landscape plan. *'the post-development on-site proposed biodiversity value has been estimated using the information provided in the Landscape Strategy Plan for the Site (Drawing 661277\_5057-HLM0011-ZZ-D-L-0001 Rev 05, HLM Architects, November 2023)* while Drawing number 661277\_5057-0011-ZZ-D-L-9009 02.02.24 has been presented for discharge of condition 7. **Please re-evaluate using the correct plan.**

11. **Condition 7 requires** details of the landscape proposal within the Biodiversity Net Gain area (Parcel 2) please advise where this can be found
12. **Badgers** - Comprehensive badger surveys identified a large number of badgers on the site including some on the Western Area It was proposed to add more new badger setts to this area but now it is proposed that much of this area will be a car park for contractors. Where will the badgers go during the 4-5year build period? The new details do not include much detail on badger provision and do not follow through from the earlier surveys. We are aware that new setts have already been built without the necessary licences. A sett shown at the edge of the car park on the site block plan within the CTEMP refers readers to the landscape plan for more information only to see that this proposed sett is not included. It seems to be assumed that badgers will have to move to neighbours property as no allowance is allowed for their hunting movements within MoJ property.
13. **Condition 4 Proposed Community Play space** - the outline planning permission 21/01600/OUT requires *'The development hereby permitted shall be carried out in accordance with the following approved plans: Landscape Masterplan 661277-0000- PEV-GTX0011-XX-DR-L-0301 P05 (insofar as it relates to landscaping matters and not layout)...'* The approved Landscape Masterplan shows the small patch of land off Welland Avenue (behind nos. 21-23) as 'Play area for community use'. Indeed, it is still shown that way on the Site Block Plan accompanying the Reserved Matters application. However, the Planning Statement accompanying the reserved matters application says at paragraph 6.14 'This space is intended to be used to provide biodiversity net gain for the new prison'. This is incorrect and although the play area land should be included within the biodiversity net-gain scores its principal use is recreation. **No mapping has been provided to check how this area has been treated in the metric how it is to be subsequently developed or how trees etc will be retained on the site.**

The removal of this promised amenity for residents is particularly disappointing – Gartree residents will now have much of their amenity benefits taken away from them and in return will look out on a facility that will provide many amenities for the inmates but provide no replacements for the loss of amenity for local people.

14. **Condition 4** of the outline planning permission 21/01600/OUT requires *'The development hereby permitted shall be carried out in accordance with the following approved plans: Landscape Masterplan 661277-0000-PEV-GTX0011-XX-DR-L-0301 P05 (insofar as it relates to landscaping matters and not layout)* Non Material Amendment - Application number 24/00336/NMA proposes *'Minor changes to the landscape design'* and seeks to replace the Landscape Plan in the SoS conditions with an alternative plan. The explanatory letter accompanying the request to substitute the plan is missing various details including

- a) The new document does not reference the documents listed in the inset box on the top right of the original document. These contain a considerable amount of detail including that pertaining to bio-diversity.
- b) Three ponds proposed for the car park area have been missed off – this will surely affect bio-diversity metric scores. These are shown in the CTEMP diagrams.
- c) The key to the plan is different from the plan on the original document which states among other items ‘vegetation and trees to be retained’ while the new one states just ‘vegetation’.
- d) A number of trees seem to have been missed of the new plan especially in the proposed community areas
- e) The Northern area plan is different from the original plan

**The substitution of the plan is more than a minor amendment as it changes a condition of the outline application and the substitutions will affect biodiversity. It significantly varies from the original description in the planning permission and especially condition 4**

- 15. Condition 15 states Prior to the commencement of development a scheme for the protection and enhancement of the relevant section of PRoW A22 which passes through the appeal site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved prior to first occupation of the prison.

- No scheme for protection or enhancement is shown in the plans

**Condition 15 is not fulfilled as no details of enhancement to this boundary are provided**

- 16. **Traffic lights** it appears that traffic lights will be used on Welland Avenue affecting Foxton Road – this will influence the routes the traffic will take and could entail tail backs as construction vehicles and staff vehicles exit and enter the site. Vehicles will likely use Welland Avenue northwards to avoid the traffic control. One vehicle will be exiting every 6 mins during working hours so there will be frequent hold ups for residents and users of Foxton Road especially at rush hours. Tailbacks onto Foxton Road which is a clearway will pose a danger as this is a busy national speed limit road.
- 17. **Temporary Parking on Western area** – Please could details of the preparation of this area for car parking be provided. The area is very wet and the installation of hard standing will affect the wildlife and biodiversity scores. Is there to be a wheel wash on this part of the site?
- 18. **Drainage** – Inconsistencies have been identified in the drainage plans and how existing drainage channels running from Welland Avenue and Gartree 1 through the site are being dealt with. No routes for foul water sewerage are shown. Foul water drainage appears to be inadequate for the number of toilets on the site
  - Only allows for about 2 flushes a day by inmates
  - Are there enough toilets for staff and visitors and where are allowances for flushing of these?

It must be ensured no sewage overflow is going into local rivers

19. **Flooding** – Lubenham already floods across the Foxton Road, Laughton Road and Rushes Lane (at the river) additional pumped water during the construction phase will exacerbate this issue and increase the ingress into more properties, it is already close to the school access necessitating school closures. **Clarity is sought as to how further flooding of areas outside the site will be prevented.**

20. **Design of buildings** – Residents are concerned that some windows will be overlooking gardens and properties and request that the orientation of buildings is changed so that windows do not overlook properties and obscure glass is used in properties that face towards Welland Avenue.

21. **Welland Avenue** – The condition of parts of Welland Avenue that are the responsibility of the MoJ (particularly outside the training centre) are in a very bad state of repair with deep potholes. It is requested that the issue of the condition of Welland Avenue is addressed by them without delay.

**Planning conditions from outline planning permission 21/001600/REM):**

The following submissions to discharge planning conditions are outstanding. These are separate to 24/00200/REM, with decisions expected this month.

Application	Weekly list date	Condition Details
24/00244/PCD	29.02.2024	Condition 13 (Levels), 14 (Ventilation), 15 (PRoW), 21 (Foul Water Drainage), 22 (Watercourses), 23 (Archaeology), 28 (Sound Insulation) and 29 (CEMP)
24/00299/PCD	19.03.2024	Condition 7 (Detailed Landscape Plan) and 8 (Landscaping Management Plan)
24/00409/PCD	09.04.2024	Conditions 19 (Surface Water Drainage) and 25 (Land Contamination)
24/00489/PCD	19.04.2024	Condition 16 (Pre Development Condition Survey)

As representations to this 24/00200/REM include reference to some of these conditions and associated submissions **it is now intended as a matter of public interest to report these to planning committee for a decision.** The target planning committee for these decisions shall be 12<sup>th</sup> June 2024. Delaying decisions on planning conditions may offer the applicant opportunity to apply for a deemed discharge notice via the procedure: [Articles 27 to 30 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015.](#)

## APPENDIX D – Additional Information submitted by Applicants in response to Reasons for Deferral



### Gartree New Prison – Reserved Matters planning application.

May 2024

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#### Introduction

The reserved matters planning application for Gartree New Prison (ref: 24/00200/REM) was deferred to the next planning committee meeting (11<sup>th</sup> June 2024) for the following reasons:

1. Layout and positioning
2. Colour of fence
3. Traffic & access.

#### 1. Layout and Positioning

The layout of the new prison is largely fixed by the outline planning permission (ref: 21/01600/OUT). The outline planning permission included scale, and the height of the buildings has greatly influenced their configuration on the site. As part of the outline planning permission a Landscape Visual Impact Assessment (LVIA) was prepared assessing the visual impact of the new prison from a series of agreed viewpoints. As part of this assessment, extensive screening (a tree belt) will be provided largely screening the prison to the south and east. This landscaping is also approved as part of the outline planning permission for the new prison.

The rationale for the layout of the new prison is provided below:

The layout of the development was considered from the earliest stages of the design of the new prison. The layout has been designed considering three key elements:

- Operational requirements – i.e. the type of houseblocks, educational and vocational spaces, recreational and open space needed for a new Category B men's prison.
- Surrounding area – interface with Gartree Village and wider surrounding area.
- Public open space – western area of open space which will be enhanced as part of Biodiversity Net Gain proposals.

#### Operational Requirements

The MoJ technical standards provided guidance for the architects to design the buildings which will comprise the new prison.

The houseblocks (T60's) are a cruciform design situated directly south of HMP Gartree. The houseblocks are rotated to allow natural light and are interspersed with MUGA pitches. Prisoners located in the houseblocks will have controlled access to dedicated MUGA pitches which will reduce circulation around the prison. The houseblocks have been designed to maximise security and surveillance. The houseblock windows do not open with an external ventilation system providing heating and cooling as appropriate. This houseblock design has been used successfully elsewhere in the HM prison estate (i.e. at HMP Five Wells and HMP Foss Way).

The workshops are situated to the south west of the new prison site and will provide vocational training and work opportunities for the prisoners.



The kitchen and central services hub buildings are situated in the centre of the site.

The entrance resource hub building is situated adjacent to the car park. This building is the main entrance to the prison. All visitors will access the building through this entrance and prison visits will take place in this building.

The car park is situated adjacent to the prison entrance off Welland Avenue.

The site is divided into public and private areas. The car park and open space are in the public area. The remainder of the prison site is within the private/secure area.

#### Prison design in operation.

The layout of the prison has been designed with an emphasis on being operationally safe, secure and efficient but also supports the development of an environment and regime which is as normalised as possible for prisoners.

The houseblocks will each hold approximately 240 prisoners, across 4 floors, with three wings per floor, resulting in around 20 prisoners on each wing (60 per floor). This creates smaller communities on each wing and floor of the houseblocks compared to older prisons, enabling prisoners and staff to interact more frequently and effectively on a personal level and will help prisoners and staff to feel safer than they would in much larger communities. The cell windows are sealed units which rely on a ventilation system which operates without the need to open a window in the conventional manner, thereby preventing noise from cells or the houseblocks transferring to the outside and this also underpins security and safety, for example by preventing the ingress of contraband.

The houseblocks are all located reasonably close to each other to minimise the amount of unnecessary movement of prisoners and staff in order to access the houseblocks and regime activities. Each pair of houseblocks will share a Multi-Use Games Area (MUGA) pitch, so that prisoners can maximise their daily exercise time in close proximity to their cells; this limits the amount of movement throughout the grounds and is operationally practical and supports safety and security. By locating the MUGAs and individual exercise yards as intended places them further from the perimeter fence, and in most cases effectively shielded by a houseblock which will help to reduce noise transfer towards the neighbouring residential area and act as a defence against the ingress of contraband via throwovers; this is particularly so with the houseblock nearest the Gartree Estate.

The ancillary buildings such as the Central Services Hub, in which education, healthcare and faith services will be delivered, are located towards the centre of the prison to provide easier access to staff (from the entry building and the houseblocks). This supports the creation of a normalised environment for prisoners by requiring them go to a place of education, to receive medical treatment or to practice their faith away from their living accommodation, in the same way similar services are accessed in the community by the general public.

The two workshop complexes will be the noisiest buildings in which up to 750 prisoners will be engaged in work and learning (containing light and heavy industrial type workshops) and have been located as far away as possible from the residential properties on the Gartree Estate; noise from these buildings will be additionally shielded by the Central Services Hub and the houseblocks. The workshops are strategically located on the site; close enough to each other to minimise prisoner and staff movements around the prison; their positioning close to the Entrance Resource Hub will also help facilitate the

movement of vehicles delivering and collecting goods from the workshops via the large vehicle turning area adjacent to prison entrance.

The Entrance Resource Hub, which is the only point of entry and egress from the prison is located close to the car park for ease of access for both staff and visitors. It is also designed so that visitors do not need to pass any further into the prison than necessary.

#### Surrounding Area

The layout of the new prison has been carefully considered in respect of Gartree Village and the surrounding area. It was established during the planning appeal for the outline planning permission for the new prison that the distance from nearest houseblock to the nearest property on Welland Avenue (no 76) is over 100 metres with open space and a secure fence in between. There is, therefore, minimal risk of overlooking from the houseblocks. Notwithstanding this, the upper floor windows of the stairwell of the nearest houseblock will be obscure glazed following consultation with Harborough District Council (HDC).

#### Public Open Space

As part of the outline planning permission for the new prison, land to the west of the new prison was identified as open space. This space is intended to be used to provide biodiversity net gain for the new prison. This land is shown as open space within the proposed layout plan submitted with the reserved matters planning application. Landscaping was approved as part of the outline planning permission for the new prison.

The layout of the proposed prison has been carefully considered throughout the process. As stated by HDC officers at the planning committee meeting on 14<sup>th</sup> May 2024, it is not possible to extensively change the layout of the proposed new prison as to do so would necessitate the submission of a new outline planning application. Therefore, the layout design is unamended from the committee meeting of 14<sup>th</sup> May 2024.

## 2. Colour of Fence

The colour of the fence will be galvanised (see image below). There is no British standard colour for the fence but the image below shows that it will be grey.



**Figure 1 – Example of boundary fence material and colour**

## 3. Traffic and Access

Traffic and access were assessed as part of the outline planning permission for the new prison. Access was approved as part of the outline planning permission. It is noted that comments have been made in respect of traffic and access but is not possible for these matters to be considered as part of the reserved matters planning application. The reserved matters relate to layout and appearance only.

It is noted that there may be comments in respect of the Construction Traffic Management Plan submitted to discharge condition 29 of the outline planning permission. However this is the subject of a separate application to discharge conditions attached to the outline planning permission and should not form part of discussions in respect of the reserved matters planning application.

## Committee Report

**Applicants:** Ministry of Justice

**Application Ref:** 1) 24/00244/PCD 2) 24/00299/PCD 3) 24/00409/PCD 4) 24/00489/PCD

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

### Proposals:

- 1) Discharge of Condition 13 (Levels), 14 (Ventilation), 15 (PRoW), 21 (Foul Water Drainage), 22 (Watercourse), 23 (Archaeology) 28 (Sound Insulating) and 29 (CEMP) of 21/01600/OUT
- 2) Discharge of Condition 7 (Detailed Landscape Plan) and 8 (Landscaping Management Plan) of 21/01600/OUT
- 3) Discharge of Conditions 19 (Surface Water Drainage) and 25 (Land Contamination) of 21/01600/OUT
- 4) Discharge of Condition 16 (Pre Development Condition Survey) of 21/01600/OUT (Partial discharge of condition)

**Valid Date:** 1) 22.02.2024 2) 06.03.2024 3) 28.03.2024 4) 19.04.2024

**Target Date:** 1) 18.04.2024 2) 01.05.2024 3) 23.05.2024 4) 14.06.2024

**Reason for Presentation to Planning Committee:** As a matter of Public Interest, Officers have waived their Delegated Powers to enable Planning Committee to consider the submissions

## Recommendation

- 1) Applications 24/00244/PCD and 24/00409/PCD are **APPROVED (in part)** and Application 24/00489/PCD is **APPROVED** and Conditions 15, 16, 21 and 25 of 21/01600/OUT are **discharged** for the reasons set out in the report.
- 2) Delegated Authority is sought for the Development Management Head of Service to **discharge** conditions 19, 22, 23 & 28 in agreement with the Planning Committee Chairman upon receipt of confirmation that details submitted are acceptable to LCC Archaeology (Condition 23) HDC EHO's (Condition 28), Environment Agency (Condition 19) and LCC LLFA (Conditions 19 & 22).
- 3) Delegated Authority is sought for the Development Management Head of Service to **discharge** condition 29 (CTEMP) in agreement with the Planning Committee Chairman upon receipt of confirmation that details submitted are acceptable to LCC Highways and LCC LLFA.

Members should **note** that Conditions 7, 8 13 and 14 have been Approved via a Deemed Discharge Notice<sup>30</sup>

## 2. Site History

- 2.1 The site has Outline Planning Permission for the erection of a new Category B prison of up to 82,555sqm within a secure perimeter fence, together with access, parking, landscaping and associated engineering works (Means of access and scale to be considered). The outline application, 21/01600/OUT was initially recommended for approval by Officers, however, this recommendation was overturned by The Council and the application was refused in April 2022 on the basis that the Proposals would result in unjustified harm to the character and appearance of the surrounding area and

<sup>30</sup> See Para 2.3 of this report for further details on this matter

the Area of Separation. The Applicants subsequently appealed against the refusal of the Planning Application, and an Inquiry was held to consider the Appeal in October 2022. The Appeal was subsequently recovered by the Secretary of State. In January 2023, the Planning Inspector recommended that the Secretary of State dismiss the Appeal on the basis that the site was not reasonably accessible and that there would be unjustified harm to the character and appearance of the surrounding area and the Area of Separation. In November 2023, the Secretary of State issued his decision, agreeing with the Inspector's conclusions, but, at Para 4 of his Decision Letter, disagreed with the Inspector's recommendation<sup>31</sup> and decided to allow the Appeal and grant Planning Permission. As part of his decision letter, the Secretary of State included several conditions.

- 2.2 Since the approval of the Outline Consent by the Secretary of State, a number of further submissions have been made by the Applicants. These include the submission of the Reserved Matters<sup>32</sup>, applications to discharge a number of "pre-commencement" conditions many of which<sup>33</sup> are the subject of this report, and a non-material amendment submission relating to the approved Landscape Masterplan<sup>34</sup>. These submissions will be referred to periodically throughout this report.
- 2.3 On the 16<sup>th</sup> May, HDC received notice from the MoJ's representatives that under the provisions of Section 29 of the DMPO<sup>35</sup>, deemed discharge of Conditions 7 (Detailed Landscape Plan), 8 (Landscape Management Plan), 13 (Finished Floor Levels) and 14 (details of external ventilation, extraction and lighting) would come in to force on the 31<sup>st</sup> May 2024. As such, **Conditions 7, 8 13 & 14 are now considered to be Discharged** and therefore will not be addressed in this report.

### 3. The Application Submission

#### a) Conditions to be Discharged

- 3.1 The application seeks approval for details in relation to the following conditions:
  - 15) Prior to the commencement of development a scheme for the protection and enhancement of the relevant section of PRoW A22 which passes through the appeal site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved prior to first occupation of the prison<sup>36</sup>.
  - 16) The development hereby permitted shall not commence until a pre-development condition survey of Foxton Road between A4304 Lubenham and the application site (the route for HGVs as set out in the Framework Construction Traffic Management Plan) has been carried out and submitted to and approved in writing by the Local Planning Authority.  
Within three months of the completion of the development a post-development condition survey of Foxton Road, between the A4304 Lubenham and the appeal site, shall be carried out, and submitted to and approved in writing by the Local Planning Authority, along with a method statement identifying how any damage to the highway or highway verge caused as a result of the development will be made safe and remediated in full by the developer. Any

<sup>31</sup> "4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, but disagrees with the Inspector's recommendation. He has decided to allow the appeal and grant planning permission, subject to conditions. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report."

<sup>32</sup> 24/00200/REM

<sup>33</sup> 24/00123/REM – Discharge of Condition 10 (BREEAM) was discharged on 26.03.24

<sup>34</sup> 24/00336/NMA – Approved 30.04.24

<sup>35</sup> Town and Country Planning Development Management Procedure (England) Order 2015 (as amended)

<sup>36</sup> Being considered under 24/00244/PCD



works required to the highway shall be completed within 6 months of the completion of the development<sup>37</sup>.

- 19) Prior to the commencement of development, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority to include the management of water during construction and post development. The scheme shall include infiltration testing to confirm or otherwise the suitability of the site for the use of infiltration as a drainage element. The scheme shall be implemented as approved upon first occupation of the development<sup>38</sup>.
- 21) No development shall commence until a scheme for on-site foul water drainage works, including connection points and discharge rate, has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the development the foul water drainage works must have been carried out in complete accordance with the approved scheme<sup>36</sup>.
- 22) Prior to the commencement of development full details of diverted and removed watercourses are to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details<sup>36</sup>.
- 23) No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  - i) A statement of significance and research objectives;
  - ii) the programme and methodology of site investigation and recording;
  - iii) the nomination of a competent person(s) or organisation to undertake the works;
  - iv) the programme for post investigation assessment and subsequent analysis, publication and dissemination of the analysis and records of the site investigation, and;
  - v) the provision to be made for archive deposition of the analysis and deposition of resulting material<sup>36</sup>.
- 25) No development shall take place until a Remedial Scheme and a Verification Plan to deal with any land contamination has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Remedial Scheme and Verification Plan<sup>38</sup>.
- 28) Before any fixed plant is used on the premises it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure-borne sound in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The measures implemented as approved shall be permanently retained thereafter<sup>36</sup>.
- 29) Prior to the commencement of development a Construction (Traffic) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
  - The means of access and routing for demolition and construction traffic and indication of signage locations to assist those delivering to the site, and;
  - Details of a Construction Communications Strategy which contains points of contact and details for residents to report HGVs utilising inappropriate routes<sup>36</sup>.

## **b) Documents submitted**

<sup>37</sup> Being considered under 24/00489/PCD

<sup>38</sup> Being considered under 24/00409/PCD

3.2 A number of plans and documents have been submitted across the suite of applications being considered which relate to different conditions imposed on the Outline consent. These documents and plans are as follows:

- Hard and Soft Landscape Plans – **DEEMED DISCHARGED** (*Condition 7*)
- Landscape Management Plan – **DEEMED DISCHARGED** (*Condition 8*)
- Finished Floor Levels plan – **DEEMED DISCHARGED** (*Condition 13*)
- Details of Ventilation and Extraction Equipment – **DEEMED DISCHARGED** (*Condition 14*)
- External Lighting Plans – **DEEMED DISCHARGED** (*Condition 14*)
- PRow A22 Protection Plan – **Section 6a:1** (*Condition 15*)
- Highway Condition Survey (partial) – **Section 6a:2** (*Condition 16*)
- Surface Water Drainage plans – **Section 6a:3** (*Condition 19*)
- Infiltration Testing results – **Section 6a:4** (*Condition 19*)
- Foul Drainage plans – **Section 6a:5** (*Condition 21*)
- Watercourse Diversion and Removal plans – **Section 6a:6** (*Condition 22*)
- Archaeological Written Scheme of Investigation – **Section 6a:7** (*Condition 23*)
- Ground Contamination Remedial Scheme and Verification plan – **Section 6a:8** (*Condition 25*)
- Fixed Plant Sound Insulation – **Section 6a:9** (*Condition 28*)
- Construction (Traffic) Environmental Management Plan CTEMP – **Section 6a:10** (*Condition 29*)

3.3 For ease of reference, the table at **Figure 2** provides a summary of the current status of each submission;

Condition Number / Detail	Status
7 – Detailed Landscape Plan	Deemed Discharged
8 – Landscape Management Plan	Deemed Discharged
13 – Finished Floor Levels	Deemed Discharged
14 – Extraction equipment and Lighting	Deemed Discharged
15 – ProW protection	Acceptable – Can be discharged
16 – Highway pre-devt condition survey	Acceptable – Can be discharged
19 – Surface Water Drainage	Awaiting LLFA confirmation – Delegation sought
21 – Foul Water Drainage	Acceptable – Can be discharged
22 – Watercourse diversion	Awaiting LLFA confirmation – Delegation sought
23 – Archaeological WSI	Awaiting LCC Archaeology confirmation – Delegation sought
25 – Land Contamination	Acceptable – Can be discharged
28 – Plant Sound Insulation	Awaiting HDC EHO confirmation – Delegation sought
29 – CTEMP	Awaiting LCC Highways and LLFA confirmation – Delegation sought

**Figure 2: Submission Status**

#### 4. Consultations and Representations

4.1 Firstly, a summary of the technical consultees responses received is set out in **Figure 3** below. Where appropriate the responses will be discussed in more detail within the main body of the report. If you wish to view the comments in full, please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

Consultee	Date	Summary
<u>National / Regional Bodies</u>		
Environment Agency (in response to 24/00244/PCD)	14.05.24	The EA will not be making any formal comment on the submission as we did not request the planning conditions the applicant is seeking to discharge.
Environment Agency (in response to		NO RESPONSE TO DATE

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24/00409/PCD)		
Anglian Water (in response to 24/00244/PCD)	25.04.24	<b>Foul Water Comments:</b> We have reviewed the submitted details and can confirm the submitted drainage strategy is acceptable to AW therefore condition 21 Foul Water Drainage can be discharged. <b>Surface Water Comments:</b> This application does not include surface water conditions
Anglian Water (in response to 24/00409/PCD)	18.04.24	<b>Foul Water Comments:</b> This consultation is related to surface water condition 19-surface water drainage strategy. <b>Surface Water Comments:</b> We have reviewed the submitted plans and the proposed method of surface water discharge for the site, does not relate to an AW owned asset. As such, the condition 19 for surface water drainage strategy is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The LPA should seek the advice of the LLFA. The EA should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.
<u>LCC</u>		
Highways (in response to 24/00244/PCD) (2 <sup>nd</sup> set of comments)	24.05.24	Based on the information submitted, the LHA has no objection should the LPA wish to discharge of condition 15. However, the LHA would ask the LPA not to discharge condition 29 at this time until the additional information regarding the construction site access arrangements on Gallow Field Road has been reviewed by the LHA.
Ecology (in response to 24/00244/PCD)	21.05.24	Section 12 of the CEMP covers the ecological mitigation strategy and is acceptable.
LLFA (in response to 24/00244/PCD)	28.03.24	Leicestershire County Council as the LLFA advises the LPA that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage in relation to Condition 22. In order to provide a substantive response, the following information is required: <ul style="list-style-type: none"> <li>• Details of the connection to the diverted watercourse from the existing storm drainage network serving the prison to the north of the site.</li> <li>• Details of the connection of the existing watercourse</li> <li>• Details relating to the outfall headwall at the end of the proposed ditch diversion.</li> </ul>
Archaeology (in response to 24/00244/PCD)	24.04.24	While the bulk of the WSI is satisfactory we have some concerns around the scale of the proposed mitigation. <ul style="list-style-type: none"> <li>• Area 1 - Trenching: Previous area of ecological constraint containing untested geophysical remains. Trench and followed up as necessary with targeted excavation once trenching is complete.</li> <li>• Area 2 - excavation: Extended excavation area to cover main area of Iron Age archaeological interest.</li> <li>• Area 3 - contingency: Area untested by geophysical survey and trenching owing to previous structural and ecological constraints. In the event the core excavation area demonstrates a potential for archaeological remains to extend into this area, the excavation Area 2 should be extended accordingly.</li> </ul> We are also concerned that area 1 and 3 may be disturbed by the ecological mitigation requirements and would like the potential archaeology to be taken into consideration if impacted by ecological mitigation works
LLFA (in response to 24/00409/PCD)		NO RESPONSE TO DATE
Highways (in response to 24/00489/PCD)	14.05.24	No objection to partial discharge of condition 16 The LHA acknowledge the applicant has undertaken an initial dilapidation survey in line with their responsibility in the condition.

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		<p>The LHA has reviewed the contents of the dilapidation survey and welcome the level of detail provided. However, the LHA would advise the applicant that given the level of construction vehicles required the LHA will closely monitor the condition of the roads in the vicinity of the site.</p> <p>The LHA would also welcome regular meetings during the construction works to discuss any ongoing or emerging issues and how any repairs that may be required will be delivered for example through a Section 59 agreement of the Highways Act 1980.</p> <p>Notwithstanding the above, the LHA will need to review and agree the improvements that are proposed for the Gallow Field Road site access as part of the Construction Environment Management Plan (condition 29).</p>
<u>HDC</u>		
Environmental Health (in response to 24/00244/PCD)	17.05.24	<p>The report acknowledges the cumulative impact of the plant and machinery operating during day and nighttime periods. What it doesn't acknowledge is that by allowing levels (for the plant and machinery) at current background noise levels, the overall background noise levels will 'creep'. Ideally a benchmark of at least 5 dB(A) below background should be the level designed to the plant and machinery.</p> <p>Background noise levels have been taken at 3 measurement points, and position 3 has been chosen as a worse case position. The representative background for daytime is given as 37 dB(A), and the nighttime background given as 24 dB(A). Again it is useful to err on the side of caution with representative background noise levels. Generally the concern would be the nighttime level and the chosen level of 24 dB(A) is close to the minimum recorded.</p> <p>I would therefore amend the table 10 to detail that backgrounds should be at a lower level (daytime) and that the assessment accounts for any background creep once this development is in situ. The aim should therefore be daytime &gt;30 dB(A), and nighttime &gt;19 dB(A).</p> <p>In terms of proposed levels the consultants have detailed daytime of 30 dB(A) and nighttime of 22 dB(A). The daytime levels are unlikely to be an issue, however although the nighttime levels are only 3 dB(A) above the amended requirements, there could be other noise effecting them. The report details that some plant and machinery are due not to be operating, this cannot be guaranteed, and the proposed plant and machinery should be on a timer to ensure they are switched off at night.</p> <p>The noise report aims to detail how the plant and machinery will not cause an impact to local residents. What it doesn't do (unless this is contained elsewhere) is detail what the insulation scheme is for the plant and machinery? At the moment I am not sure we can answer that the applicant has shown this condition can be discharged?</p>
Contaminated Land and Air Quality Officer (in response to 24/00409/PCD)	18.04.24	The information submitted is sufficient to discharge condition 25
<u>MP's / Cllrs / PC's</u>		
Lubenham PC (in response to 24/00244/PCD and 24/00299/PCD)		<p>1. Condition 29 - the outline planning application (21/01600/OUT means of access and scale) granted by the Secretary of State defined the access to be off Welland Avenue.</p> <p>The Atkins report included in the CTEMP (p89) states at 4.2 Construction access All construction vehicles associated with the proposed development will travel to and from the site using A4304, Foxton Road, and Welland Avenue as shown on Figure 4-1 New access being proposed - The applicant now seeks to make a</p>

		<p>second access off Gallow Field Road claiming this to be for construction, however a new bell mouth is to be created making a permanent access and therefore we consider that the additional access requires a separate planning application. We cannot see any detailed plans for this access or any highways survey results. How has this route for construction vehicles been assessed? This is misleading and statements untrue if the proposed access off Gallow Field Road will be used in addition to Welland Avenue. If Gallow Field Road is to be used for access - similar dilapidation surveys as conditioned on Foxton Road will be required. We have noted the response from LCC highways - this does not mention the second proposed access - please can further consultation be undertaken in relation to all of the additional and changed highways proposals. Condition 29 is not fulfilled.</p> <p>2. Widening of Access track off Gallow Field Road - Information seems to be lacking of how the widening of this access track from Gallow Field Road will affect the Bio-diversity metric scores as undergrowth has already been cut down and suggestions are that further trees (possibly 21) will be felled to widen the access. No plans are shown for this</p> <p>3. Welland Avenue Access It is now proposed that passing places will be incorporated into Welland Avenue - there is no design for these nor indication if they are to be permanent. More detail is required especially on effect on biodiversity, their design, their permanence and reinstatement.</p> <p>The original swept path analysis for this road was incorrect due to the width of the road, if these passing places are to be permanent a new planning application for access will be required, if not it will be impossible for large vehicles to pass in the road once the prison is operational.</p> <p>4. Proximity of access to footpath A25 - This proposed access off Gallow Field Road is adjacent to footpath A25 which will pose a danger to pedestrians and footpath users especially those from Foxton and Gartree</p> <p>5. Condition 9 requires means of access for vehicles/pedestrians/cyclists including visibility splays has been constructed in accordance with the approved plans. The access and visibility splays shall be permanently retained thereafter. There are no details in the plans for any cycleways or footways on any route towards the site.</p> <p>6. Welland Avenue Northwards - plans state Construction vehicles will not be permitted to use the northern section of Welland Avenue or route north via the Gallow Field Road / Foxton Road junction the barriers put in place to prevent vehicles turning right out of the new prison have been removed from the plans, why have these been removed and how can this be successfully enforced without some kind of physical barrier, chicane?</p> <p>7. Offsite Construction Vehicle Routes Whilst suggestions are that vehicles from the site needing to make a return trip will take a roundabout journey via M1 A14 A6 to get back to the site in order to access via Gallow Field Road. They will likely find short cuts and possibly route via Lubenham and Harvest Road (which should be open by the time of construction), or go through the town or attempt the return route via Foxton Road and past Foxton School. The distances along suggested routes are not environmentally friendly</p> <p>8. Road Junctions</p> <p>a) Laughton Road/ Foxton Road/ Main Street Junctions - The increased traffic here has not been assessed. We seek clarity and openness about how this traffic increase will be mitigated. It is a route used by children on the way to school, residents accessing the Village Hall and horse riders among others.</p> <p>b) Foxton Road / Gallow Field Road Junction and proximity to</p>
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		<p>Foxton School - There is considerable concern about increased traffic near to Foxton School both during construction and afterwards.</p> <p>9. Signage Map showing transport routes around the town is out of date Table 7.5: Off-Site Signage and Routing Plan does not recognise new development of houses at Airfield Farm and Manor Farm or the route through Harvest Road. Prison construction traffic should not be able to use the route but the estate is not shown on the plan and no signage proposed. New traffic surveys should be undertaken to take account of safety and transport routes to and from the site to take account of all proposed highway changes.</p> <p>10. Biodiversity there seems to be little improvement that will lead to a 10% improvement in bio-diversity. Given the amount of green field, habitats, hedgerows etc being lost little seems to be being replaced by the proposed 2 ponds in an already saturated, boggy piece of land and another within the walls of the prison. Other areas of green are shown on the plan around the training centre, have these been included in the bio-diversity gain calculations as they are outside the development area.</p> <p>The area (sometimes referred to as parcel 2 or parcel 3 behind nos 21- 23) within the development area to the north set aside as Community Space is not shown in any of the plans (figures 1 - 5) within this bio-diversity report. However - the biodiversity report has been 'estimated on a different plan from that presented as the current landscape plan. 'the post-development on-site proposed biodiversity value has been estimated using the information provided in the Landscape Strategy Plan for the Site (Drawing 661277_5057-HLM0011-ZZ-D-L-0001 Rev 05, HLM Architects, November 2023) while Drawing number 661277_5057-0011-ZZ-D-L-9009 02.02.24 has been presented for discharge of condition 7. Please re-evaluate using the correct plan.</p> <p>11. Condition 7 requires details of the landscape proposal within the Biodiversity Net Gain area (Parcel 2) please advise where this can be found</p> <p>12. Badgers- Comprehensive badger surveys identified a large number of badgers on the site including some on the Western Area It was proposed to add more new badger setts to this area but now it is proposed that much of this area will be a car park for contractors. Where will the badgers go during the 4-5year build period? The new details do not include much detail on badger provision and do not follow through from the earlier surveys. We are aware that new setts have already been built without the necessary licences. A sett shown at the edge of the car park on the site block plan within the CTEMP refers readers to the landscape plan for more information only to see that this proposed sett is not included. It seems to be assumed that badgers will have to move to neighbours property as no allowance is allowed for their hunting movements within MoJ property.</p> <p>13. Condition 4 Proposed Community Play space - the outline planning permission 21/01600/OUT requires 'The development hereby permitted shall be carried out in accordance with the following approved plans: Landscape Masterplan 661277-0000-PEV-GTX0011-XX-DR-L-0301 P05 (insofar as it relates to landscaping matters and not layout)...'</p> <p>The approved Landscape Masterplan shows the small patch of land off Welland Avenue (behind nos. 21-23) as 'Play area for community use'. Indeed, it is still shown that way on the Site Block Plan accompanying the Reserved Matters application. However, the Planning Statement accompanying the reserved matters application says at paragraph 6.14 'This space is intended to be used to provide biodiversity net gain for the new prison'. This is incorrect and although the play area land should be included within</p>
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		<p>the biodiversity net-gain scores its principal use is recreation. No mapping has been provided to check how this area has been treated in the metric how it is to be subsequently developed or how trees etc will be retained on the site.</p> <p>The removal of this promised amenity for residents is particularly disappointing – Gartree residents will now have much of their amenity benefits taken away from them and in return will look out on a facility that will provide many amenities for the inmates but provide no replacements for the loss of amenity for local people.</p> <p>14. Condition 4 of the outline planning permission 21/01600/OUT requires 'The development hereby permitted shall be carried out in accordance with the following approved plans: Landscape Masterplan 661277-0000-PEV-GTX0011-XX-DR-L-0301 P05 (insofar as it relates to landscaping matters and not layout) Non Material Amendment - Application number 24/00336/NMA proposes 'Minor changes to the landscape design' and seeks to replace the Landscape Plan in the SoS conditions with an alternative plan. The explanatory letter accompanying the request to substitute the plan is missing various details including</p> <ul style="list-style-type: none"> <li>a) The new document does not reference the documents listed in the inset box on the top right of the original document. These contain a considerable amount of detail including that pertaining to bio-diversity.</li> <li>b) Three ponds proposed for the car park area have been missed off - this will surely affect bio-diversity metric scores. These are shown in the CTEMP diagrams.</li> <li>c) The key to the plan is different from the plan on the original document which states among other items 'vegetation and trees to be retained' while the new one states just 'vegetation'.</li> <li>d) A number of trees seem to have been missed of the new plan especially in the proposed community areas</li> <li>e) The Northern area plan is different from the original plan</li> </ul> <p>The substitution of the plan is more than a minor amendment as it changes a condition of the outline application and the substitutions will affect biodiversity. It significantly varies from the original description in the planning permission and especially condition 4</p> <p>15. Condition 15 states Prior to the commencement of development a scheme for the protection and enhancement of the relevant section of PRoW A22 which passes through the appeal site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved prior to first occupation of the prison. - No scheme for protection or enhancement is shown in the plans. Condition 15 is not fulfilled as no details of enhancement to this boundary are provided</p> <p>16. Traffic lights it appears that traffic lights will be used on Welland Avenue affecting Foxton Road - this will influence the routes the traffic will take and could entail tail backs as construction vehicles and staff vehicles exit and enter the site. Vehicles will likely use Welland Avenue northwards to avoid the traffic control. One vehicle will be exiting every 6 mins during working hours so there will be frequent hold ups for residents and users of Foxton Road especially at rush hours. Tailbacks onto Foxton Road which is a clearway will pose a danger as this is a busy national speed limit road.</p> <p>17. Temporary Parking on Western area - Please could details of the preparation of this area for car parking be provided. The area is very wet and the installation of hard standing will affect the wildlife and biodiversity scores. Is there to be a wheel wash on this part of the site?</p>
Foxton PC (in response to 24/00244/PCD)	15.04.24	<p>The new planning applications do not contain non-technical summaries; hence it is very difficult to map out</p> <ul style="list-style-type: none"> <li>1) what has stayed the same as the outline planning application;</li> <li>2) what has changed since the outline planning application;</li> </ul>

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		<p>3) why these changes have been made; and</p> <p>4) how these changes relate to the planning approval and its conditions.</p> <p>This lack of transparency will not help the passage of these planning applications.</p> <p>Foxton Parish Council fully supports the concerns and objections raised by the Rule 6(6) Party Gartree Action. The Council also agrees with the objection submitted by the Market Harborough Civic Society. In addition to the objections raised by Gartree Action and the Civic Society, Foxton Parish Council would like to raise a number of issues for your attention.</p> <p>1. Foxton Parish Council objects to the CTEMP document submitted as an attempt to discharge Condition 29 as part of 24/00244/PCD. This document contains a new idea for construction traffic access that is completely different from the information provided thus far. Specifically, the MoJ is proposing the construction of a new access route off Gallow Field Road in the Parish of Foxton. The Council has not been consulted on "the construction of a new bell-mouth junction" (CTEMP 7.14) and we request that any new or improved road junction in our Parish is subjected to proper scrutiny via a dedicated planning application.</p> <p>2. Further, the CTEMP contains no measures whatsoever to mitigate the risk that the village of Foxton is used as an access route for construction vehicles. Please could you ensure that effective measures are put in place to eliminate any risk that vehicles route through Foxton; the hump back bridge on Main Street is simply not wide enough to cope with commuting traffic flows.</p> <p>3. The CTEMP differs from materials submitted as part of 21/01600/OUT in many respects. One important matter to note is that Gallow Field Road floods regularly at a point next to the entrance to Airfield Farm. Flooding occurs regularly in periods of high rainfall and is deep enough to prevent traffic from using the road and as such, a new solution will be required to ensure the passage of vehicles to the building site during the winter months. This stretch of road is in Foxton Parish; the Council did not object on this issue as part of 21/01600/OUT as the Transport Assessment committed that no construction traffic would use Gallow Field Road.</p> <p>4. The CTEMP is silent on one important question: how might HGVs get to Gallow Field Road? The most likely option would be via the Leicester ring road and along the A6 through Kibworth. If so, such a route would effectively block Foxton off as there would be significant traffic flows on all three roads to the village during peak hours (A6, Gallow Field Road and Foxton Road). We request that the LPA works with the applicant to update the transport assessment so that the plans can be subject to scrutiny.</p> <p>5. The CTEMP suggests that the MoJ plans to install traffic lights on Welland Avenue for about four years. This would be a massive imposition on the residents of Foxton; it is hard to see how these traffic lights would not result in queuing traffic on Foxton Road.</p> <p>6. Turning to the reserved matters application 24/00200/REM: provisions to keep our children safe appear to be non-existent. There can be no foundation to the applicant's claims that there will be no increase in traffic at all past Foxton School during drop off/collection times. Given the massive increase in traffic on Foxton Road, there is the very realistic probability that existing traffic flows will re-route past Foxton School in a bid to avoid Foxton Road and the likely queues mentioned in point 5 above. The MoJ had reserved funds as part of the outline planning application to reduce the risks to our children via the Section 106 mechanism. The specific plans put forward at the time were inadequate and were rejected by the Planning Inspector. We ask that the LPA works with</p>
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		<p>the applicant to provide a permanent solution to the issue of Foxton schoolchildren being put at risk by increased traffic flows. Space is available for off-road parking by the school. Additionally, we request that the LPA re-examines the footpath from Gartree village to Foxton to assess whether this is a safe route for the children of Gartree to get to Foxton School.</p> <p>Finally: there are many documents associated with the multiple planning applications that are being considered in parallel. This development was unanimously rejected by HDC's planning committee; a position supported by the independent Planning Inspectorate. Notwithstanding such rejections, we are now faced with assessing the impact of a development that will likely be standing one hundred years from now. These plans require full scrutiny by planning inspectors, consultees and the broader electorate. This process will take time and we reserve the right to make additional comments as new information comes to light.</p>
Market Harbourough Civic Society	03.04.24	<p>Total objection to the proposals is maintained.</p> <p>The new Prison will cause harm to the Character and Appearance of the surrounding area, will harm the rural setting of the Gartree Estate and conflicts with policies in the Local Plan and National policies.</p> <p>You cannot make a silk purse out of a sow's ear.</p> <p>Landscape proposals provide no relief for the height of the houseblocks.</p> <p>Painted concrete construction is suited to an urban location not a rural area.</p> <p>Strain on local finance to oversee the building, monitoring and enforcement of these proposals.</p> <p>Proposals are not acceptable, the MoJ should be advised to submit proposals for layout and appearance which are more suited to this rural area.</p>
<u>Other Local Groups</u>		
Armstrong Rigg Planning (obo Gartree Action) (in response to 24/00244/PCD)	09.05.24	<p>Our clients have several specific concerns that have arisen on review of the discharge details, mostly relating to construction access (Condition 29 specifically). Taken together they amount in a clear objection to this submission.</p> <p>We request that each of the following points is reviewed in greater detail by officers with further clarification requested from the applicant:</p> <ul style="list-style-type: none"> <li>• In terms of site construction access the CEMP states at paragraph 7.1.4 that: "Once the 'one-way' system is established we will then look to construct a new bellmouth junction on to Gallow Field Road with the appropriate signage and traffic management in place to improve traffic safety again whilst traffic volumes are still reasonably low. These works as well as the new bellmouth junctions and passing places on Welland Avenue will all be complete before the main construction activity commences with the bulk excavation." It reads as if these works are all sought for approval as part of the discharge of condition submission – however, construction of an improved site access (even temporary) will need an additional planning permission. It is then also unclear what additional "traffic management" measures are involved but it is likely that these will be for longer than a standard temporary period. Our clients are entirely unclear what works these comments refer to, whether they benefit from any form of planning approval under 21/01600/OUT (we cannot find any evidence that they do), or indeed what the additional impact on the highways would be for patterns of trip generation not previously envisaged by the approved Transport Assessment. In the absence of full clarity provided by both the applicant and Council in terms of how this detail will be delivered and managed our client objects strongly to</li> </ul>

		<p>these proposals.</p> <ul style="list-style-type: none"> <li>• Then, in respect of temporary parking (or at least as far as a 3-year construction period can be described as temporary) our clients have concerns that the 406-space area of parking identified at page 27 of the CEMP is on an area of land that was not considered by the Ecological Appraisal at application stage or indeed the Geo-Physical Assessment in respect of its suitability for this volume of traffic. Currently without this prior investigation there is the potential that 406 cars on this land daily may cause lasting damage to the local environment.</li> <li>• Condition 16 requires a survey of Foxton Road between A4304 and the application site, as this was to be the route for HGVs set out in the Framework Construction Traffic Management Plan. The original plan assumed all construction traffic would route via Foxton Road. The MoJ has now realised what was made clear by objectors to the application that this route is unsuitable for two-way traffic and alternative routing is now proposed. In which case the survey required pursuant to Condition 16 needs to be applied to the correct road network, including Gallow Field Road. Indeed, it could be argued that any amended routing would in fact necessitate a variation of what is a very specific condition. Specifically, the CEMP now assumes a one-way system. All traffic will leave via the route presupposed in the original transport assessment. However, all HGVs are now to arrive at the site via the new proposed entrance on Gallow Field Road (it is worth noting that the original Transport Assessment promised that no traffic would use Gallow Field Road at all!). Beyond this localised system there is then no clarity as to how the trucks will get there. We can only therefore suppose that they will leave the motorway network at Leicester and navigate the Leicester Ring Road, or approach from the opposite direction along the A14 to Kettering. Either way, the LHA was previously notified in the initial suite of transport information that no traffic will use these roads.</li> </ul> <p>In respect of an application that drew a significant level of scrutiny from a wide range of parties, not least the appointed Inspector Ms Butcher, these revisions represent a significant change of circumstances not otherwise envisaged when the outline application was eventually allowed by the Secretary of State. This should surely cause officers a similar level of concern to that felt by our clients.</p> <ul style="list-style-type: none"> <li>• Consequent to the above, a high number of HGVs will be routed down the proposed construction access road off Gallow Field Road. This is close to a PRow walking route (A25). There is no suggestion that this PRow will be diverted or closed during construction, raising the question as to how it can be safe to route HGVs down a track that operates so close to a footpath. In the interests of pedestrian safety, the applicant should prepare a scheme of signage and separation of uses which mitigates any potential impact.</li> <li>• The MoJ has not disclosed that the speed limit along Welland Avenue is 15mph. At this speed, it will take 1 minute to traverse Welland Ave from the site access point to the junction with Foxton Road (a distance of c.360 metres). Hence, traffic lights will need to delay vehicles for up to 2 minutes to clear the road and allow free transit of vehicles across this section. At rush hour, there will be one HGV leaving the site on average every six minutes. In other words, the ingress to Welland Ave will need to be closed with a red traffic light for two minutes every six minutes during rush hour. Alongside the HGV movements there will be an average of 16 cars and LGVs arriving on site every two minutes. The MoJ has presented no evidence of traffic modelling on Foxton Road to confirm how queuing will be avoided or mitigated to avoid the creation of an</li> </ul>
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		<p>unsafe traffic environment.</p> <ul style="list-style-type: none"> <li>• A point of technical detail identified by our clients but one that should be raised by the MoJ for further clarification: Condition 21 states that the LPA needs to agree the foul water drainage plan. The foul water drainage strategy acknowledges in Appendix 8 of document 661277_5057-RAM-0010-ZZ-T-C-0101 that the majority of discharge needs will come from flushing toilets. However, the number of toilets assumed on the site is 1,737. Given that each of the 1,715 bedrooms will have a toilet, the total number seems woefully low considering the extent of social facilities for staff, visitors, and residents alike. There will be many toilets available at the Entrance Hub, Workshops, CASU, etc. The assumed usage of these toilets states that there will be 3,474 flushes across a 24-hour period. That is insufficient for 1,715 prisoners, 858 staff members and dozens of visitors unless no member of staff ever uses the facilities and prisoners only go twice a day maximum. The MoJ should revise these figures and resubmit to ensure that any impact on foul water drainage – a system shared by the local villages – is guaranteed to be avoided.</li> </ul>
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**Figure 3: Summary of responses from consultees**

<b>b) Local Community</b>	
1.	Objections
4.2	<p>Due to their nature, no public consultation was carried on these applications. Notwithstanding this, 11 letters (with many from repeat properties) have been received against the suite of applications, the sources of which are set out in the table at <b>Figure 4</b>. Also included in the table (in <i>brackets and italics</i>) are comments made against 24/00200/REM which relate to the discharge of conditions rather than the Reserved Matters. Officers note that several of the representations are very detailed and whilst regard has been had to these in assessing this application, it is impractical to copy these verbatim and therefore a summary of the key points is provided at <b>Figure 5</b> below. Full copies of all representations can be viewed at <a href="http://www.harborough.gov.uk/planning">www.harborough.gov.uk/planning</a>.</p>

Area	24/00244/PCD	24/00299/PCD	24/00409/PCD	24/00489/PCD
Gartree	0	0	0	0
Foxton	4	3 (from 2 properties)	0	0
Lubenham	0	2 (from 1 property)	1	1

**Figure 4: Source of objections**

<p><b>Landscape issues raised through representations</b></p> <p><i>(Addressed in Para 2.3 of this report)</i></p>	<p>8) No reference to details of the landscape proposal within the Biodiversity Net Gain area and details of the enhanced boundary treatment between the proposed development and PRoW A22</p> <p>9) Condition 8 requires the Landscape management plan to give details of the timing of completion - this does not appear to be defined in the document now presented.</p> <p>10) No reference to the documents detailed in the inset box on the top right of the original document</p> <p>11) The key to the plan is different from the plan on the original document which states among other items 'vegetation and trees to be retained' while the new one states just 'vegetation'</p> <p>12) A number of trees seem to have been missed of the new plan.</p> <p>13) Three ponds proposed for the car park area have been missed off - this will surely affect bio-diversity</p> <p>14) The Northern area plan is different from the original plan</p>
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	<p>15) Trees have been missed off the proposed community play space.</p> <p>16) Why are details given for vegetation in the area around the training centre which is outside the red line of the development, likewise Welland Avenue - if these are to be included in development, they will require a separate application.</p> <p>17) The information on badger setts gives little or no information</p>
<p><b>PRoW A22 issues raised through representations</b></p> <p><i>(Addressed in Section 6a:1 of the report unless otherwise stated)</i></p>	<p>1) Large numbers of HGVs will be routed down the proposed construction access road off Gallow Field Road. This is close to a PRoW (A25). There is no suggestion that this PRoW will be diverted or closed during construction.</p>
<p><b>Highway condition issues raised through representations</b></p> <p><i>(Addressed in Section 6a:2 of the report unless otherwise stated)</i></p>	<p>1) <i>(The roads are not suitable or made to cope with over 900 extra vehicle's a day coming in during construction and 500 plus when built.)</i></p> <p>2) The precondition survey seems to provide no information on structures along the route. As HGV and wide loads are due to be using this route it will be necessary to safeguard any structures - particularly those that carry utilities also pedestrian refuge and associated signage at the Main Street / Foxton Road junction.</p>
<p><b>Drainage issues raised through representations</b></p> <p><i>(Addressed in Sections 6a:3, 6a:4, 6a:5 and 6a:6 of the report unless otherwise stated)</i></p>	<p>1) The number of toilets assumed on the site is 1,737. Given that each of the 1,715 bedrooms will have a toilet, the total number seems woefully low - perhaps by 50%. The assumed usage of these toilets states that there will be 3,474 flushes across a 24-hour period. That is insufficient for 1,715 prisoners, 858 staff members and dozens of visitors unless no member of staff ever uses the loo and prisoners only go twice a day.</p> <p>2) The size of the new prison will mean a huge increase in the amount of sewage passing through this treatment works. It is already at capacity and the building of a new pumping station without increasing the size of the treatment works is unlikely to provide sufficient capacity.</p> <p>3) The existing drainage map is wrong and has missed an important drain. The existing surface water drainage system for Welland Ave and surrounding fields could be compromised by the proposed new development</p> <p>4) Where the surface water discharges from the site, there is no working infrastructure to drain the discharged water. At present the planned water course the discharged water will be entering is a collapsed land drain.</p> <p>5) A full survey of the drainage which the site discharges into will be required</p>
<p><b>Construction Management issues raised through representations</b></p> <p><i>(Addressed in Section 6a:10 of the report unless otherwise stated)</i></p>	<p>1) The CTEMP is not backed up by a Transport Assessment. The new construction access road (off Gallow Field Road) was never mentioned in any consultations, documents or planning. This NEW access road is a short distance from a blind bend</p> <p>2) Condition 16 requires a survey of Foxton Road between A4304 and the application site, as this is the route for HGVs set out in the Framework Construction Traffic Management Plan. Please apply the survey to the correct road network. Given that this instruction comes from the SoS, it is only reasonable to return the decision back to his desk following consultation with the LHA.</p> <p>3) Construction traffic routing is different from the agreed plan and more intensive during peak times.</p> <p>4) The MoJ acknowledges that during early stages of construction, ingress and egress will take place exclusively via the track to the east of HMP Gartree onto Gallow Field Road. The LHA has not accepted the use of this track for egress as visibility is insufficient.</p> <p>5) The HGV access route (including works to create a permanent visibility splay) is outside of the development plan and as such, no planning permission has been sought or granted.</p> <p>6) The plan presupposes that the MoJ will be able to install traffic lights on the highway (Welland Avenue). The CTEMP is dependent upon this. The</p>

	<p>competent authority for such matters is the County Council; the MoJ should apply for planning permission for traffic lights first, please.</p> <p>7) The MoJ has not disclosed that the speed limit along Welland Ave is 15mph. At this speed, it will take 1 minute to travel along Welland Avenue from the site access point to the junction with Foxton Road (a distance of c.360 metres). Hence, traffic lights will need to delay vehicles for up to 2 minutes to clear the road and allow free transit of vehicles across this section. At rush hour, there will be one MGV/HGV leaving the site every six minutes. In other words, the ingress to Welland Ave will need to be closed with a red traffic light for two minutes every six minutes during rush hour. There will be an average of 16 cars/LGVs arriving on site per two minutes. The MoJ has presented no evidence of traffic modelling on Foxton Road to confirm that there will be no queuing on Foxton Road</p> <p>8) The MoJ states that the introduction of passing places along Welland Avenue is required during construction to provide safe two-way access for all vehicle users. As per the General Permitted Development Order, such passing places will need to be reinstated at the end of the construction phase.</p> <p>9) The proposed passing places along Welland Ave have not been detailed and it is impossible to scrutinise the plans. However it is hard to see how passing places can be created without damaging mature trees (that are subject to TPO) or mature hedgerows. This has not been included in the BNG calculation, please ensure this happens.</p> <p>10) The CTEMP proposes a 406-space car park for contractors on the boggy field next to A22 to the north of the main site. There are no plans as to how they plan to prepare this field for the purpose of car parking.</p> <p>11) The plans don't contain any measures to restrict or prohibit construction traffic using the A6/Langton Road in Foxton village. Signs should be erected on the A6/Langton Road junction stating 'NOT SUITABLE FOR CONSTRUCTION TRAFFIC'.</p> <p>12) It is my view that the traffic management plans submitted as part of the 'discharge of conditions submission' require an additional planning application. It is unclear what additional 'traffic measures' are involved</p> <p>13) <i>(How will the MoJ be penalised in the event of either the MoJ or their contractors not abiding by the Construction Management Plan?)</i></p> <p>14) <i>(Can you guarantee that piling activities will not damage any of our houses?)</i></p> <p>15) <i>(Loss of privacy by virtue of construction traffic.)</i></p> <p>16) <i>(Increased noise from construction traffic)</i></p> <p>17) <i>(Overbearing impact from construction traffic accessing development at the bottom of our garden.)</i></p> <p>18) <i>(Sheer volume and weight of traffic affecting tree roots. (TPO pending)).</i></p> <p>19) <i>(The staff car park and the temporary construction car park will make the surface water run off worse and will further add more water to the already struggling waterways. More flooding can be expected down the hill.)</i></p> <p>20) <i>(Where in the planning is the fuel store whilst the building goes on?)</i></p> <p>21) <i>(Loss of daylight or sunlight. This may apply if, in mitigation of the privacy issue, MOJ may suggest the erection of hoardings. The hoardings used on the site of Gartree 2 are shown to be 2.4 m in height.)</i></p> <p>22) <i>(If the figures quoted for the expected daily rate of lorries coming onto the site are accurate that means that during the peak rates every hour there will be:- 19.5 vehicles per hour the site is open Discharging / loading 1 vehicle every 3.07 minutes)</i></p> <p>23) <i>(What is in place for a vehicle breakdown? What assurances are there that the vehicles won't be backed up the road behind Stuart Road or onto Gallow Field Road?)</i></p> <p>24) <i>(The nearest bus stop is on Gallow Field road and not on Welland Ave, this is incorrectly shown on the documents provided and this makes the site unsustainable.)</i></p> <p>25) <i>(There is not a safe access via foot to the site for contractors or when operational. Will a path be put in place as it can't go on land that residents own.)</i></p>
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	26) (How will the MoJ be penalised in the event of either the MoJ or their contractors not abiding by the Construction Management Plan)
<b>Other issues raised through representations</b>  <i>(Addressed in Section 6b:11 of the report unless otherwise stated)</i>	1) Provisions to keep our children safe are woefully inadequate. Despite the MoJ's unrealistic claims that there will be no increase in traffic past Foxton Primary School, residents know that the provision for parking at the school is already at breaking point and there can be no reason to place any additional risks onto parents and children. 2) The MoJ had reserved money in its S106 provision for measures such as widening PRow A22 between the school and Foxton. We ask that these funds are diverted into providing a permanent, meaningful contribution to child safety, by creating a safe, off-road drop-off point for children next to the school and improving the footpath from Gartree village to the school. 3) Lack of certainty regarding legal status of Welland Avenue 4) Lack of certainty over exact width of Welland Avenue

**Figure 5: Issues raised in objection by local residents**

## **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.

### **c) Development Plan**

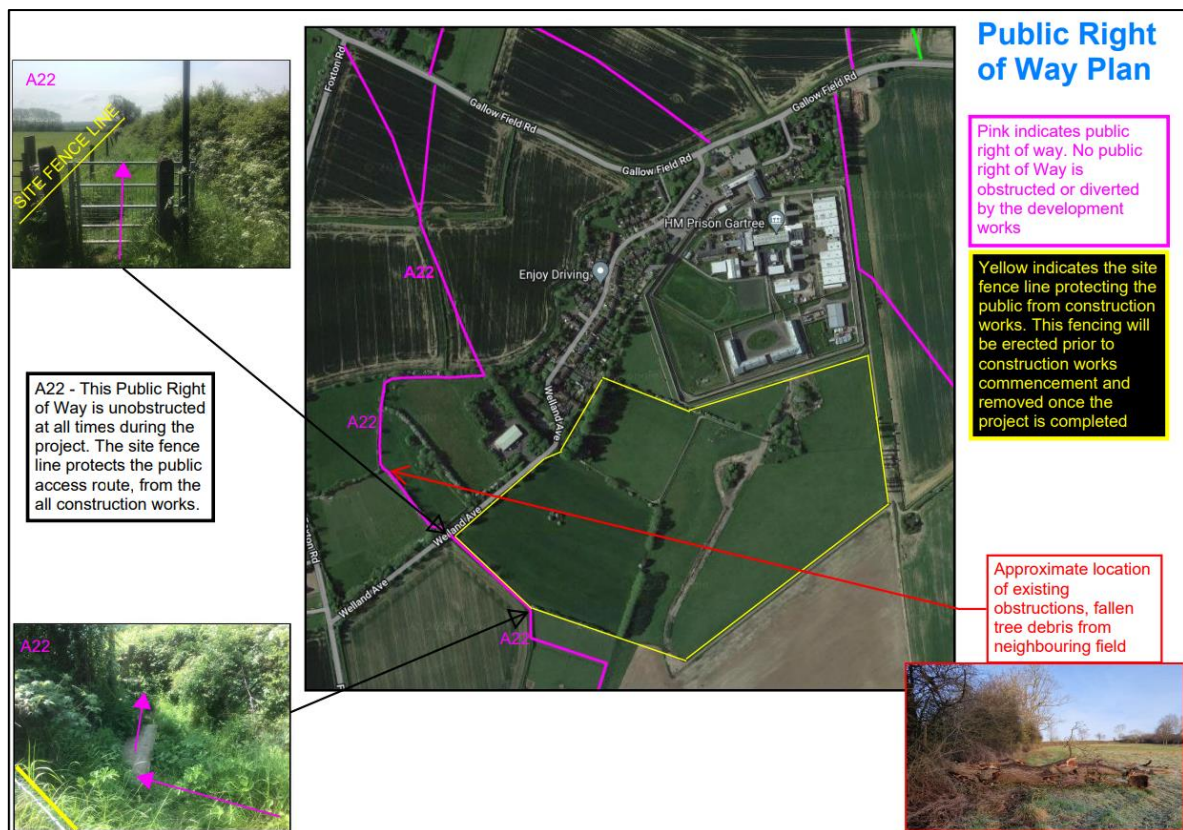
- 5.2 Section 38(3)(b) of the 2004 Act defines the DP as the DP documents (taken as a whole) that have been adopted or approved in that area.
- 5.3 The DP for Harborough comprises:
- The Harborough District Local Plan adopted April 2019 (Relevant Policies are: GD3, GD5, GD8, GI4, GI5, CC2, CC4)
  - Made Neighbourhood Plans. (Relevant Lubenham Neighbourhood Plan Policies are: LNP01, LNP09, LNP13, LNP14 and LNP16)

### **d) Material Planning Considerations**

- *The National Planning Policy Framework ('The Framework') 2023*
- 5.4 Section 12 is particularly relevant to the consideration of the Reserved Matters.

## **6. Officer Assessment**

1. PRow A22 Protection Plan (Condition 15)
- 6.1.1 The detail before the Council for consideration at the moment is the measures to be put in place to protect and enhance PRow A22 which runs adjacent to the south western boundary of the new Prison.



**Figure 6: PRow Protection plan**

6.1.2 The Applicants have confirmed that the construction works required for development require no temporary diversions, closures or crossings of Public Rights of Way, specifically A22. There is no intention to use or affect the operation of the Public Rights of Way adjacent to the site in any way, and no plan to provide any additional landscaping, fencing, signage or similar. The application site itself will be surrounded for the period of construction by a security fence, and this is detailed within the CTEMP. On inspection of the A22 PRow, the Applicants have advised that there are existing obstructions such as fallen tree debris which will be removed prior to the development taking place. **Figure 6** outlines the measures proposed.

6.1.3 The content of the document has been assessed by LCC Highways and is considered to be acceptable in respect of the requirements of Condition 15. As such, it is considered that the details submitted pursuant to condition 15 of 21/01600/OUT are sufficient to enable a full consideration of the detail, and as such, it is recommended that this condition is **discharged** in accordance with the details as submitted.

## 2. Highway Condition Survey (partial) (Condition 16)

6.2.1 The detail before the Council for consideration at the moment is the pre-development condition survey of Foxton Road between the A4304 at Lubenham and Welland Avenue. The submission also surveys Gallow Field Road between the B6047 Melton Road and the proposed construction traffic access. The submission only seeks to discharge the first part of Condition 16, the latter part falls to be discharged post development.

6.2.2 A pre-development condition survey of Foxton Road was undertaken in April 2024. A copy of the survey report together with the video files of the survey (Point Cloud and Imagery) were included in the submission. The Point Cloud file requires specific software to be able to view the file. To this end, the Applicants arranged a meeting

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with the sub consultant and the Council (both HDC and LCC Highways) so that they could go through the condition survey.

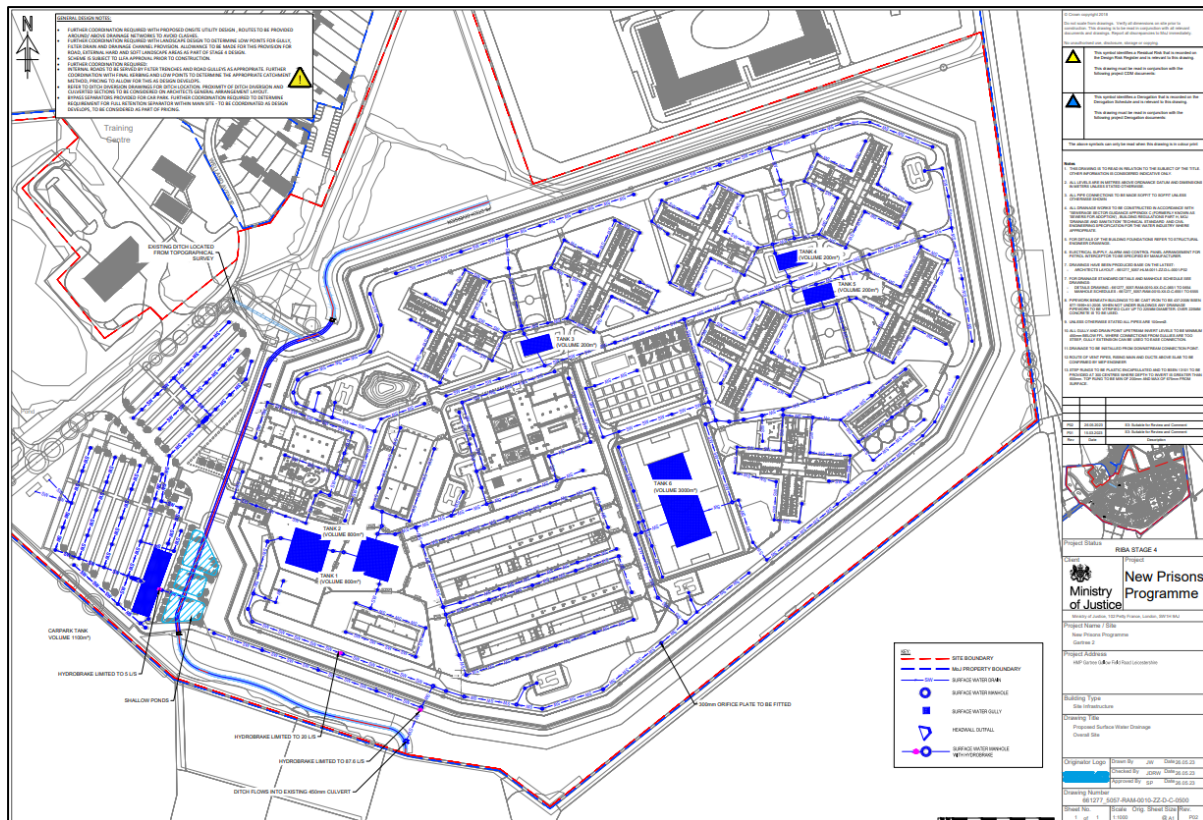
- 6.2.3 Subsequent to this, LCC Highways confirmed that they have no objection to the partial discharge of condition 16. The LHA acknowledge the applicant has undertaken an initial dilapidation survey in line with their responsibility in the condition. The LHA has reviewed the contents of the dilapidation survey and welcome the level of detail provided. However, the LHA would advise the applicant that given the level of construction vehicles required the LHA will closely monitor the condition of the roads in the vicinity of the site. The LHA would also welcome regular meetings during the construction works to discuss any ongoing or emerging issues and how any repairs that may be required will be delivered for example through a Section 59 agreement of the Highways Act 1980. LCC have confirmed that the initial survey provides an acceptable baseline for future assessment.
- 6.2.4 The content of the report has been assessed by LCC Highways and is considered to be acceptable in respect of the requirements of Condition 16. As such, it is considered that the details submitted pursuant to condition 16 of 21/01600/OUT are sufficient to enable a full consideration of the detail, and as such, it is recommended that this condition is **discharged** in accordance with the details as submitted.

### 3. Surface Water Drainage plans (Condition 19)

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- 6.3.1 The detail before the Council for consideration at the moment is the surface water drainage proposals for the new Prison.
- 6.3.2 In accordance with the requirements of Chapter 10 of the NPPF consideration has been given both to risk to the site, and to risk elsewhere caused by the anticipated development. Based on the Applicants understanding of the site setting and the proposed development, it is considered that the proposed development can be constructed and operated safely and will not increase flood risk elsewhere. Ground investigations for the development site are required in advance of any construction to highlight any risks not picked up within the submitted report.
- 6.3.3 The Flood Risk Assessment confirms the site is in Flood Zone 1 (land having less than 1 in 1000 annual probability of fluvial flooding). SuDS techniques such as filter trenches and below ground tanks have been considered viable for this development and have been integrated within the proposals.





**Figure 7: Proposed Surface water Drainage layout**

- 6.3.4 The proposed drainage system (see **Figure 7**) is capable of managing runoff from all rainfall events up to and including the critical duration of a 1 in 100-year storm event plus 40% allowable for climate change. Surface water discharged from the site will be treated to an acceptable standard as informed by CIRIA Guidance Document C753.
- 6.3.5 Surface water collected from vehicular areas will be treated with a petrol interceptor in accordance with best practice to provide treatment for contaminants to a quality suitable for discharging to a surface water course.
- 6.3.6 Anglian Water have assessed the report and plans and have confirmed that the proposed method of surface water discharge for the site does not relate to an AW owned asset. As such, it falls to the LLFA to respond on the matter. AW also stated that the EA should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.
- 6.3.7 Comments from the EA and the LLFA are still awaited and will be reported via the Supplementary Information List.
- 6.3.8 The content of the report and plans has been assessed by AW and is being assessed by the LLFA the EA and is currently not considered to be sufficient to allow Condition 19 to be discharged at this time. As such, it is recommended that delegated authority be given to the Development Management Head of Service (in liaison with the Planning Committee Chairman) to discharge Condition 19 upon receipt of confirmation from the LLFA and the EA that the details submitted pursuant to condition 19 of 21/01600/OUT are sufficient to enable a full consideration of the detail.

#### 4. Infiltration Testing results (Condition 19)

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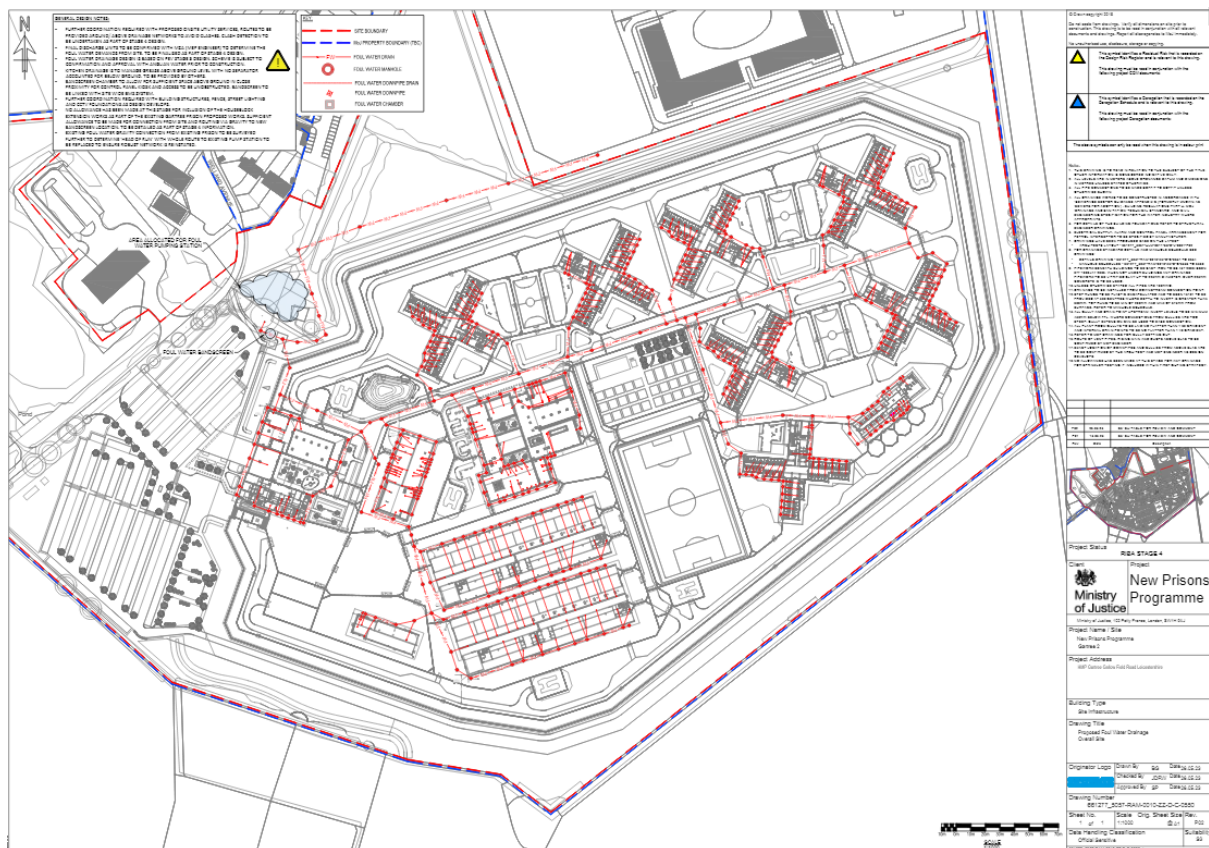
- 6.4.1 The detail before the Council for consideration at the moment is the surface water infiltration testing results for the new Prison.
- 6.4.2 The information obtained about the ground conditions, through successive phases of investigation, has confirmed that the site is unsuitable for soakaway (infiltration) drainage. The strata are predominantly cohesive, and the poor drainage characteristics have been demonstrated by soakaway tests. The permanent Gartree Drainage Strategy Report for the development has therefore been developed based on attenuation of drainage water, without reliance on infiltration. The surface water drainage strategy is outlined in Section 6a:3 of this report. Temporary drainage measures during the construction works have been developed, and these measures do not rely on infiltration. These are included within the CTEMP submitted in response to Condition 29 and are set out in **Section 6a:10 at Para 6.10.36**.
- 6.4.3 Comments from the EA and the LLFA are still awaited and will be reported via the Supplementary Information List.
- 6.4.4 The content of the report and plans has been assessed by AW and is being assessed by the LLFA the EA and is currently not considered to be sufficient to allow Condition 19 to be discharged at this time. As such, it is recommended that delegated authority be given to the Development Management Head of Service (in liaison with the Planning Committee Chairman) to discharge Condition 19 upon receipt of confirmation from the LLFA and the EA that the details submitted pursuant to condition 19 of 21/01600/OUT are sufficient to enable a full consideration of the detail.

## 5. Foul Drainage plans (Condition 21)

- 6.5.1 The detail before the Council for consideration at the moment is the foul water drainage scheme for the new Prison.
- 6.5.2 The proposed foul water drainage strategy (see **Figure 8**) has considered the site wide demands within the development for drainage. A gravity drainage system will direct foul water towards a newly constructed Anglian Water pump station located next to an existing Anglian Water pump station located north-west of the proposed development site, near Welland Avenue.
- 6.5.3 Due to the nature of the development, a bandscreen<sup>39</sup> will be provided before the outfall into the new pump station. The foul sewer screening system will be installed upstream of any sewage ejector, macerator, or pumping system for the site. The screening system will be positioned outside of the secure perimeter and within its own secure compound. The bandscreen will remove debris from the water and protect the downstream network. The strategy of the pump station, new incoming proposed foul sewer and diversion of existing infrastructure is to be agreed through discussions with Anglian Water. The demands expected for foul water are only associated with the buildings provided as part of the main site works for houseblocks and associated ancillary/ support buildings.

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<sup>39</sup> A band screen is a type of equipment that is installed in a channel or a pipeline to extract suspended solids of a certain size that accompany the effluent. It has a series of filtering surfaces in continuous movement. There are several types of band screens, depending on the characteristics of the effluent and the installation



**Figure 8: Proposed foul water Drainage layout**

- 6.5.4 The proposed peak foul water discharge rate from the site has been calculated based on site demands to 37.76 l/s, the average flow rate which is a more realistic representation of the daily usage is 6.29 l/s. This flow rate has been prepared in accordance with BS EN 12056-2 and based on the proposed development use and buildings.
- 6.5.5 The content of the plans and report has been assessed by AW who have confirmed the submitted drainage strategy is acceptable in respect of the requirements of Condition 21. As such, it is considered that the details submitted pursuant to condition 21 of 21/01600/OUT are sufficient to enable a full consideration of the detail, and as such, it is recommended that this condition is **discharged** in accordance with the details as submitted.
6. Watercourse Diversion and Removal plans (Condition 22)
- 6.6.1 The detail before the Council for consideration at the moment is a plan of the alterations to existing watercourse on the site of the new Prison.
- 6.6.2 The existing site is largely greenfield, with a surface water ditch that crosses the site roughly in at the midpoint. There are also ditches running from the west boundary with Welland Avenue and from the north boundary by the existing prison. The ditches converge towards the middle of the existing site and surface water flows south through a drainage ditch (see **Figure 9**). The ditches outfall from the site via a 450mm diameter pipe culvert.





**Figure 9: Existing ditches on site**

- 6.6.3 As part of the development project, it is necessary to redirect an existing ditch See **Figure 10**). To facilitate this, the Applicants are in the process of submitting an application for Ordinary Watercourse Land Drainage Consent to the LLFA (Local Lead Flood Authority). A meeting was conducted with the LLFA, who provided preliminary approval for the proposed diversion. The plan involves diverting the ditch along the northern boundary of the site and then culverting it beneath the western edge of the prison secure line. From there, it will discharge back into a southern ditch, which connects to the existing ditch responsible for site drainage. Eventually, the water will be discharged from the site through an existing 450-diameter piped culvert, following a southern route.



**Figure 10: Proposed ditch network**

- 6.6.4 The LLFA have confirmed that the proposals seek to divert an existing ditch along the northern boundary and culverting a section beneath the western edge of the

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prison secure line. It is advised that these works will additionally require ordinary watercourse consent under Section 23 of the Land Drainage Act 1991. The drainage survey by Dyno-Rod dated June, 2022 shows an existing storm drainage network from the existing prison to the north of the site which is shown to outfall to the existing ditch. Further details are required to show this connection into the diverted watercourse. The drawing titled 'Proposed Ditch Diversion Layout' dated Sept 2023 shows the connection of the existing watercourse to the northwest of the site at chainage 175.000. Further information will need to be provided on this connection as the angle appears to be discharging against the flow. Scour protection is a noted requirement on the drawing, but no detail is provided. Regardless, a connection to the existing ditch should be made at an angle that reduces the risk of scour and blockage. The LLFA is aware that the headwall where the ditch connects to the existing 450mm diameter culvert which heads off-site to the south is in poor condition and likely requires replacement. No details in relation to this element has been submitted.

6.6.5 The EA have confirmed that they will not be making any formal comment on the submission as we did not request the planning conditions the applicant is seeking to discharge.

6.6.6 The content of the report and plans has been assessed by the LLFA and the EA and is currently not considered to be sufficient to allow Condition 22 to be discharged at this time. As such, it is recommended that delegated authority be given to the Development Management Head of Service (in liaison with the Planning Committee Chairman) to discharge Condition 22 upon receipt of confirmation from the LLFA that the details submitted pursuant to condition 22 of 21/01600/OUT are sufficient to enable a full consideration of the detail.

## 7. Archaeological Written Scheme of Investigation (Condition 23)

6.7.1 The detail before the Council for consideration at the moment is the Written Scheme of Investigation (WSI) for the archaeological works associated with the construction of the new Prison.

6.7.2 The submitted WSI sets out the provisions for the necessary site investigation and recording as well as the post investigation assessment, analysis and archive deposition.

6.7.3 LCC have requested further information regarding mitigation, and also the potential for Ecology work to create further disturbance. The Applicants have provided additional information to address these concerns and LCC Archaeology are assessing the submissions.

6.7.4 The content of the WSI has been assessed by the LCC Archaeology and is currently not considered to be sufficient to allow Condition 23 to be discharged at this time. As such, it is recommended that delegated authority be given to the Development Management Head of Service (in liaison with the Planning Committee Chairman) to discharge Condition 23 upon receipt of confirmation from LCC Archaeology that the details submitted pursuant to condition 23 of 21/01600/OUT are sufficient to enable a full consideration of the detail.

## 8. Ground Contamination Remedial Scheme and Verification plan (Condition 25)

6.8.1 The detail before the Council for consideration at the moment is the scheme for mitigation of potential ground contamination at the site of the new Prison.

6.8.2 Phased ground investigation and contamination risk assessments have been undertaken and submitted in support of the scheme. The submitted Remedial Method

Statement provides further details regarding the remediation methods, validation techniques / requirements and environmental controls to be applied during the development works.

- 6.8.3 The content of the report has been assessed by HDC Env Services and is considered to be acceptable in respect of Condition 25. As such, it is considered that the details submitted pursuant to condition 25 of 21/01600/OUT are sufficient to enable a full consideration of the detail, and as such, it is recommended that this condition is **discharged** in accordance with the details as submitted.

## 9. Fixed Plant Sound Insulation (Condition 28)

- 6.9.1 The detail before the Council for consideration at the moment is the method to provide sound insulation to the Fixed Plant of the new Prison where necessary.
- 6.9.2 The purpose of the submitted report is to provide an assessment of the existing site noise levels based on a site noise survey undertaken in May 2023. Results of the noise survey have been used to inform sound insulation requirements to achieve suitable indoor ambient noise levels for residential areas and consider noise impact due to the development on surrounding areas. A baseline noise survey has been undertaken at the site over a representative period to assess the prevailing noise climate. The noise climate at the development site was noted to be primarily controlled by road traffic noise and noise from livestock and wildlife. Measured noise levels have been used to inform an assessment of the minimum building envelope sound insulation requirements for the proposed development. The assessment indicates that good practice internal noise levels can be achieved within all areas, based on proposed building envelope, glazing and ventilation strategy. The internal noise criteria for residential areas set out in BS 8233 will be met.
- 6.9.3 A noise impact assessment has been undertaken to consider operational noise due to the development including noise associated with road traffic, car parking and use of external sports provision within the prison site as well as the necessary fixed plant. Assessments indicate a negligible noise impact at the closest offsite noise sensitive receptors. Limits for external noise emission from items of externally audible fixed plant have been proposed based on the measured noise levels having regard to relevant guidance in BS 4142, indicating a low noise impact. It is proposed the noise due to fixed building services plant should not exceed the existing site representative sound level as assessed in line with BS 4142 guidance. An assessment of fixed plant noise and attenuation measures indicates that the proposed plant noise criteria will be met.
- 6.9.4 HDC EHO's have assessed the initial noise report, and have raised issues around background noise levels and have recommended that a cautionary approach is adopted. They have also suggested that timers should be installed on equipment so as to ensure that it is shut off when not needed at night so as to ensure that night time noise levels remain acceptable. They have also requested details of any sound insulation to be installed to the equipment. These comments have been relayed to the applicants in order that they can address them.
- 6.9.5 The content of the report has been assessed by the HDC Env Services and is currently not considered to be sufficient to allow Condition 28 to be discharged at this time. As such, it is recommended that delegated authority be given to the Development Management Head of Service (in liaison with the Planning Committee Chairman) to discharge Condition 28 upon receipt of confirmation from HDC Env Services that the amended details submitted pursuant to condition 28 of 21/01600/OUT are sufficient to enable a full consideration of the detail.

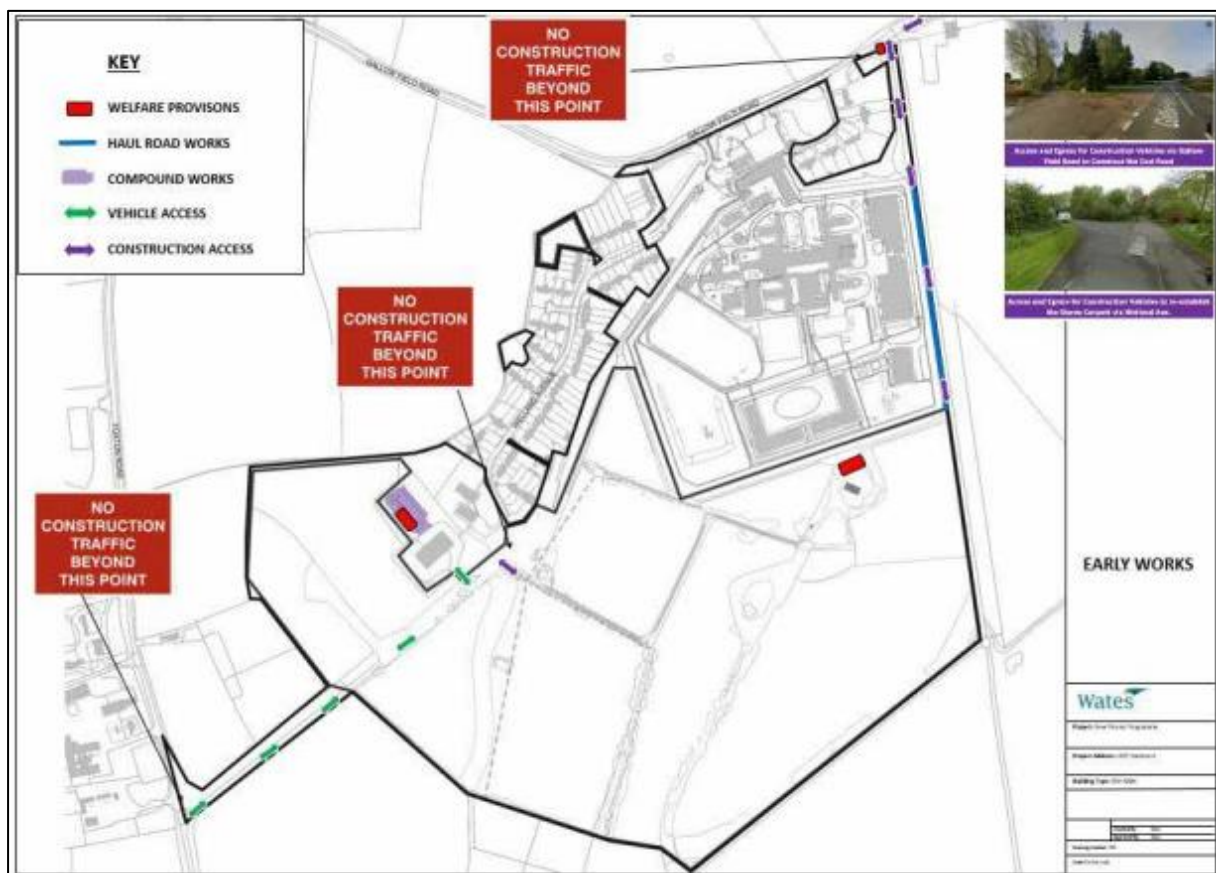


## 10. CTEMP (Condition 29)

- 6.10.1 The detail before the Council for consideration at the moment is the Construction (Traffic) Environmental Management Plan for the construction phase of the new Prison.
- 6.10.2 The submitted CTEMP details procedures and plans for the avoidance, minimisation and mitigation of potential environmental and transport impacts as a result of the construction phase of the Proposed Development. The document should be regarded as a guidance document subject to change and review as environmental risks and potential impacts change during project progression.
- 6.10.3 The CTEMP provides the framework through which the transport and environmental impacts associated with the construction works will be managed. In summary the CTEMP includes:
- Details of access and vehicle routing to and from the construction site.
  - Details of the construction site layout and operations.
  - The construction programme and phasing of works.
  - Methodology for assessing the suitability of traffic routes and monitoring procedures.
  - Highway mitigation measures.
  - Environmental management and mitigation measures.
  - A communications strategy
  - Details of environmental monitoring procedures.
  - Details of how the CTEMP will be implemented and monitored.
- 6.10.4 The applicants have confirmed that the CTEMP will be distributed to organisations / personnel within the construction phase supply chain, to ensure that traffic routes and management measures are adhered to. This document will be provided to the suppliers on the placement of orders and the restrictions laid out within the document will form part of that contract or order agreement.
- 6.10.5 A number of issues have been raised by local residents through representations, and also by LCC Highways as well as Officers within Development Management. These issues have subsequently been addressed by the applicants through the submission of an amended CTEMP. **Para's 6.10.6 – 6.10.36** set out the key elements of the revised CTEMP. The assessment of the submissions is set out at **Paras 6.10.37 to 6.10.43** of this report.
- *Phasing*
- 6.10.6 The construction period commences with Early Works, through to Enabling Works, and finally completion of the Main Works construction. The table at **Figure 11** summarises the construction phases and estimated number of weeks for each phase.
- 6.10.7 **Figures 12 to 15** shows indicative phasing plans with a summary of activities listed for each phase.

Phase	Indicative Duration*	Indicative Summary of Main Activities
Early Works	20 weeks	This phase encompasses site mobilisation, service diversions, introduction of new incoming supplies, ecological and archaeological activities, as well as the creation of haul roads within the site and passing places and access points off Welland Avenue via bellmouths.
Enabling Works	44 weeks	During this phase, the main site compound and parking areas will be finalised, site accommodation will be installed, site haul roads and access points off Gallow Field Road will be completed, bulk excavation works will commence, and culvert diversion will begin.
Main Works	138 weeks	Commences from piling through to completion of the project.
Decant Works	13 weeks	Once the project is finished, all temporary measures will be dismantled and reinstated. This includes the removal of temporary car parks, passing places on Welland Avenue, and access roads.
<b>Total Duration of Construction</b>	<b>215 weeks</b>	

\*NB: The duration of each phase is subject to change due to various factors. The estimates are to provide context to the overall construction programme.



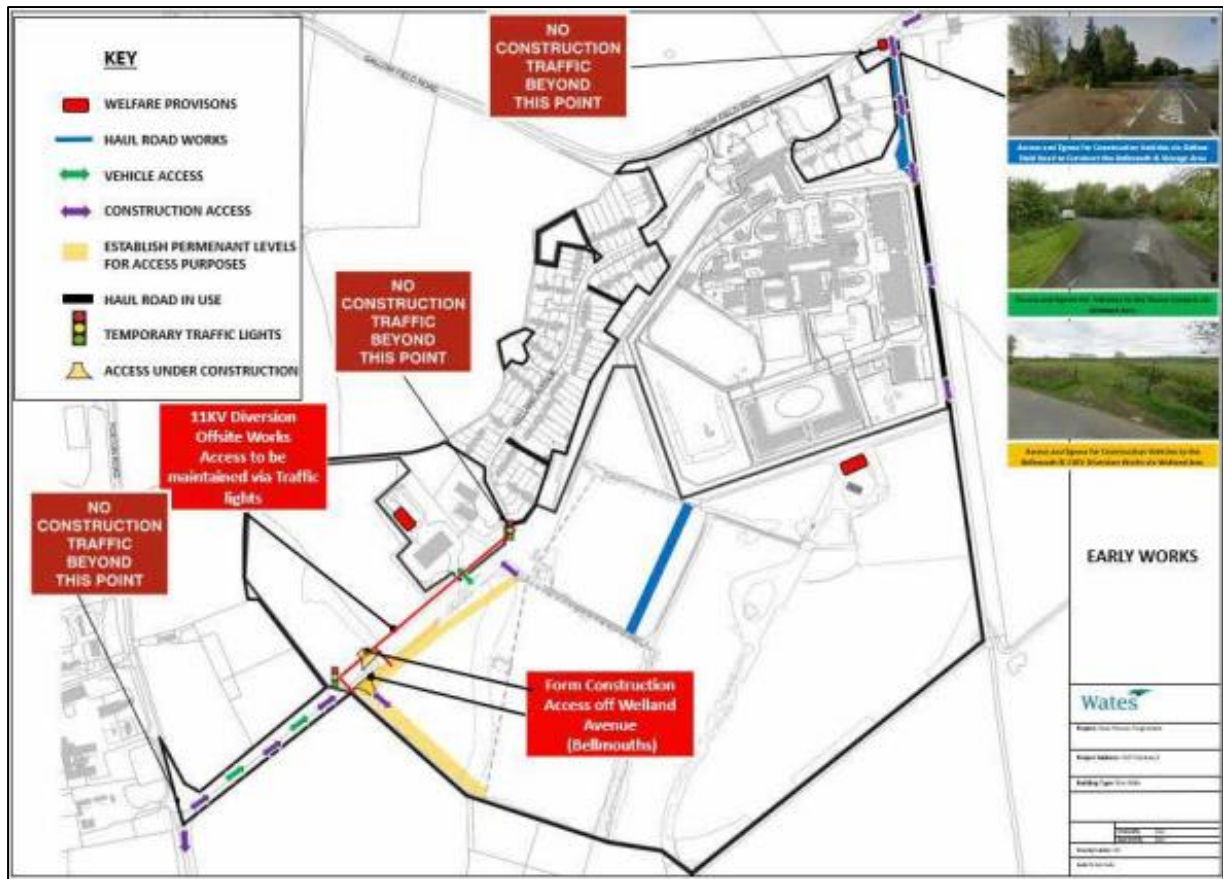


Figure 12b: Early Works

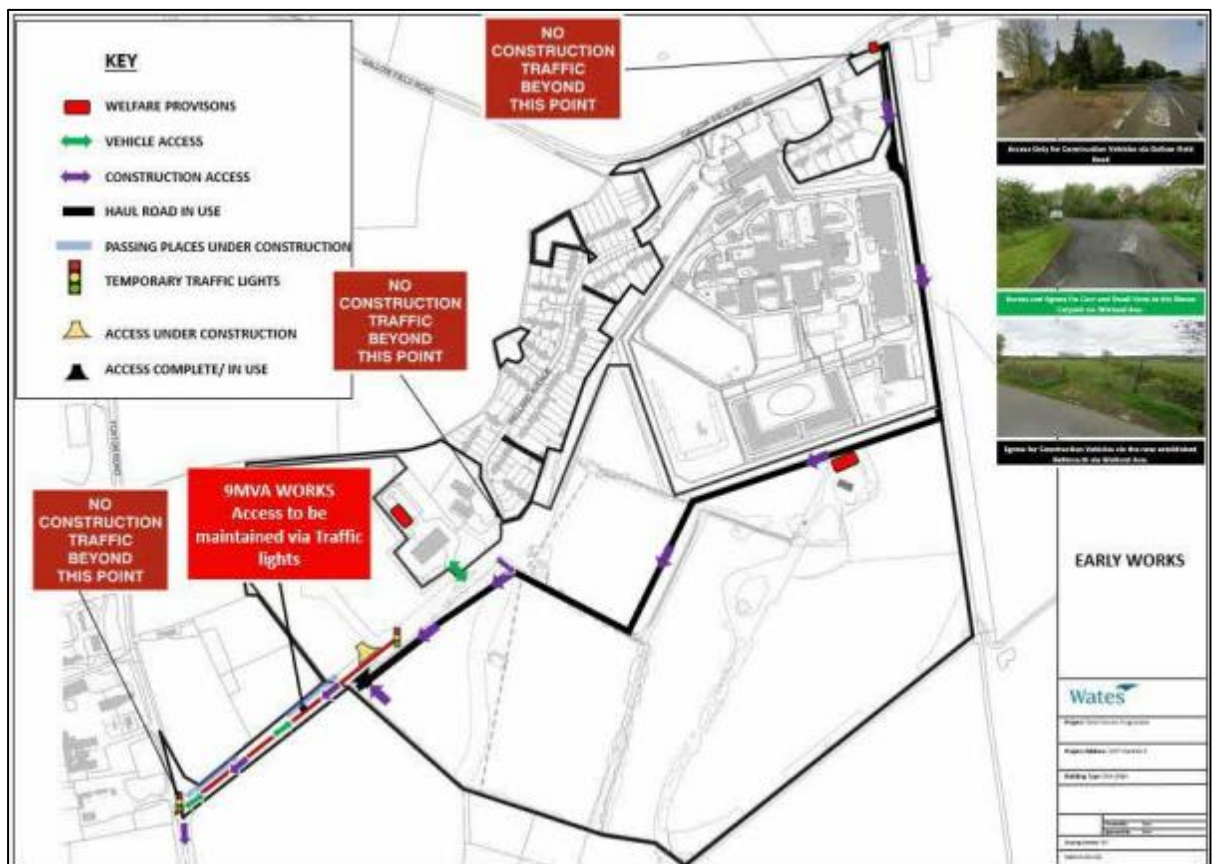


Figure 12c: Early Works

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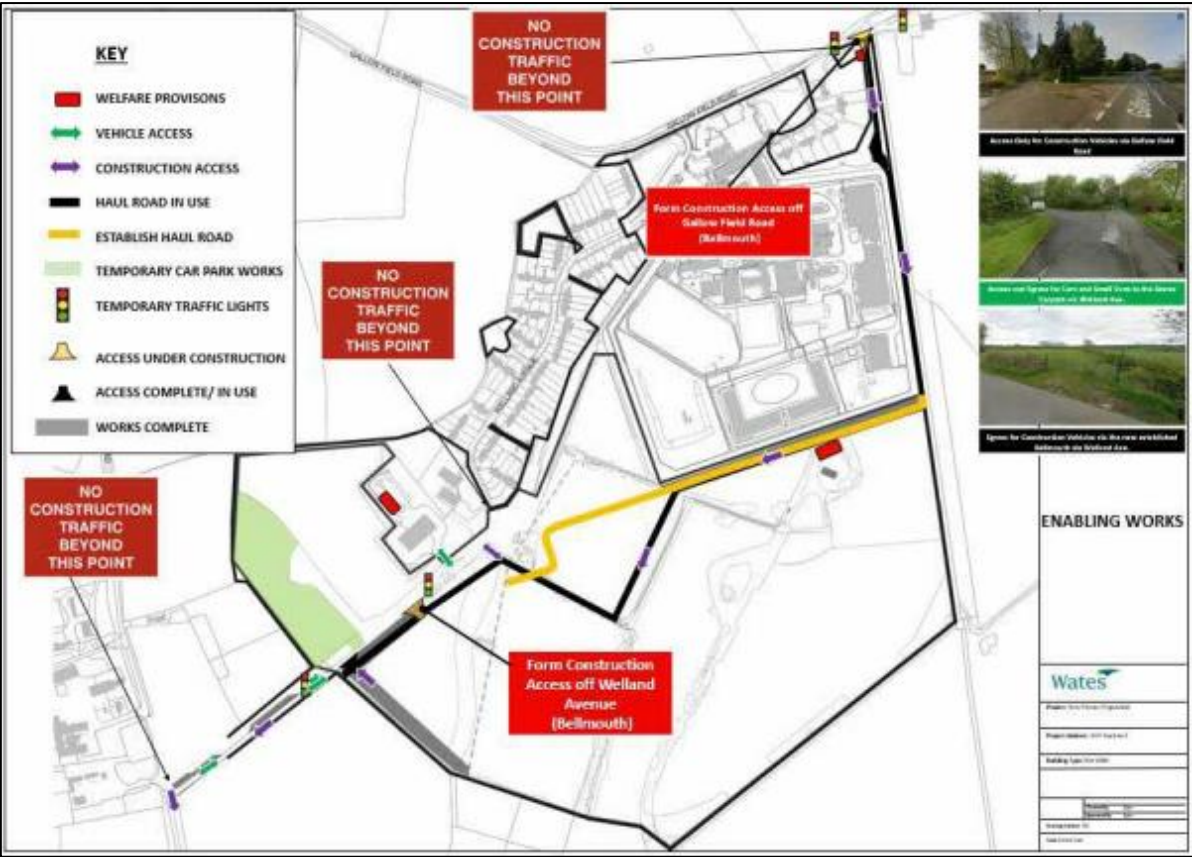


Figure 13a: Enabling Works

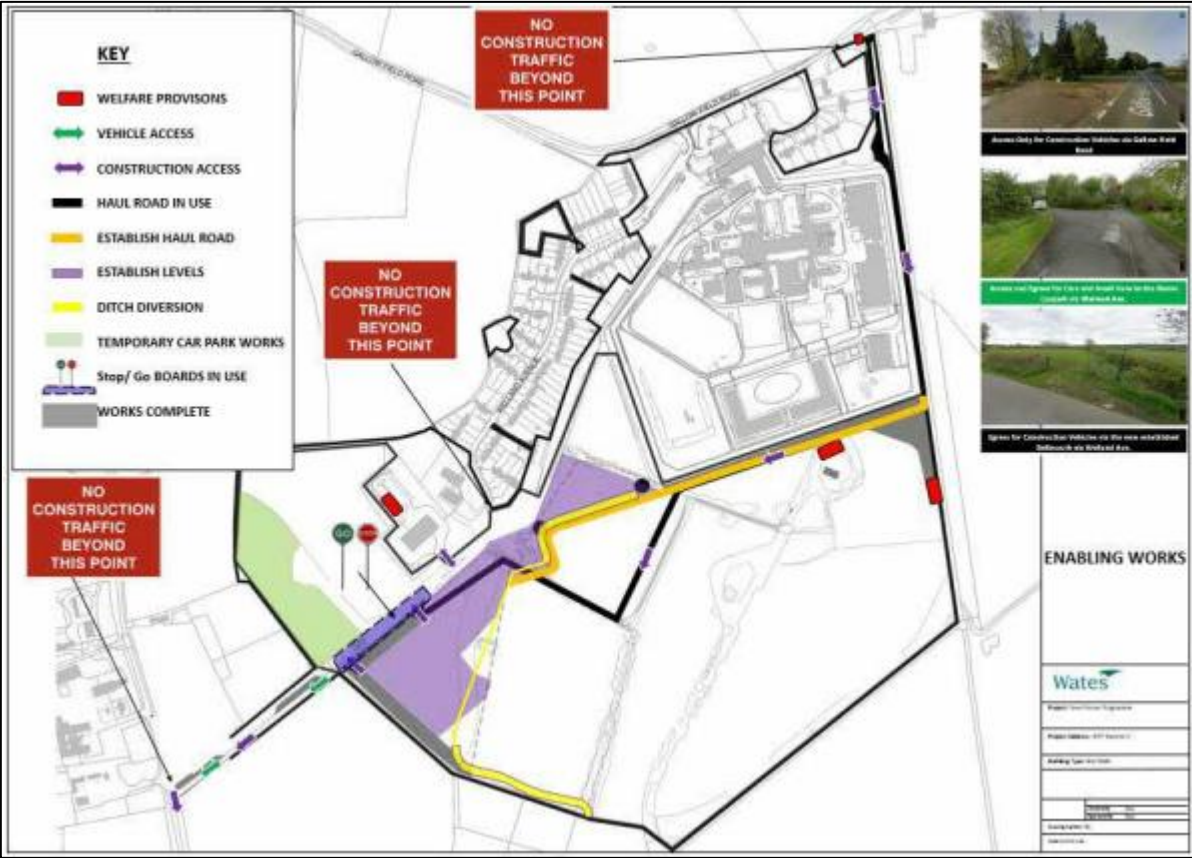


Figure 13b: Enabling Works

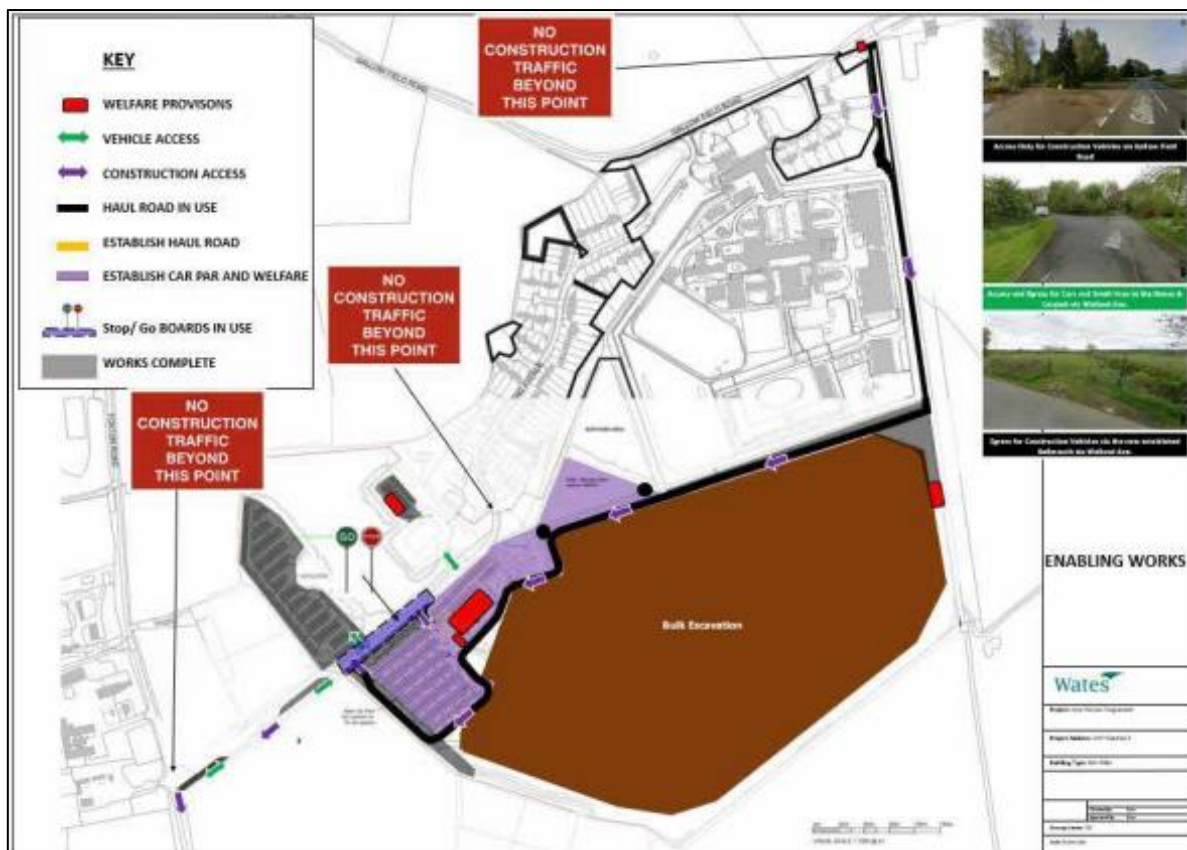


Figure 13c: Enabling Works

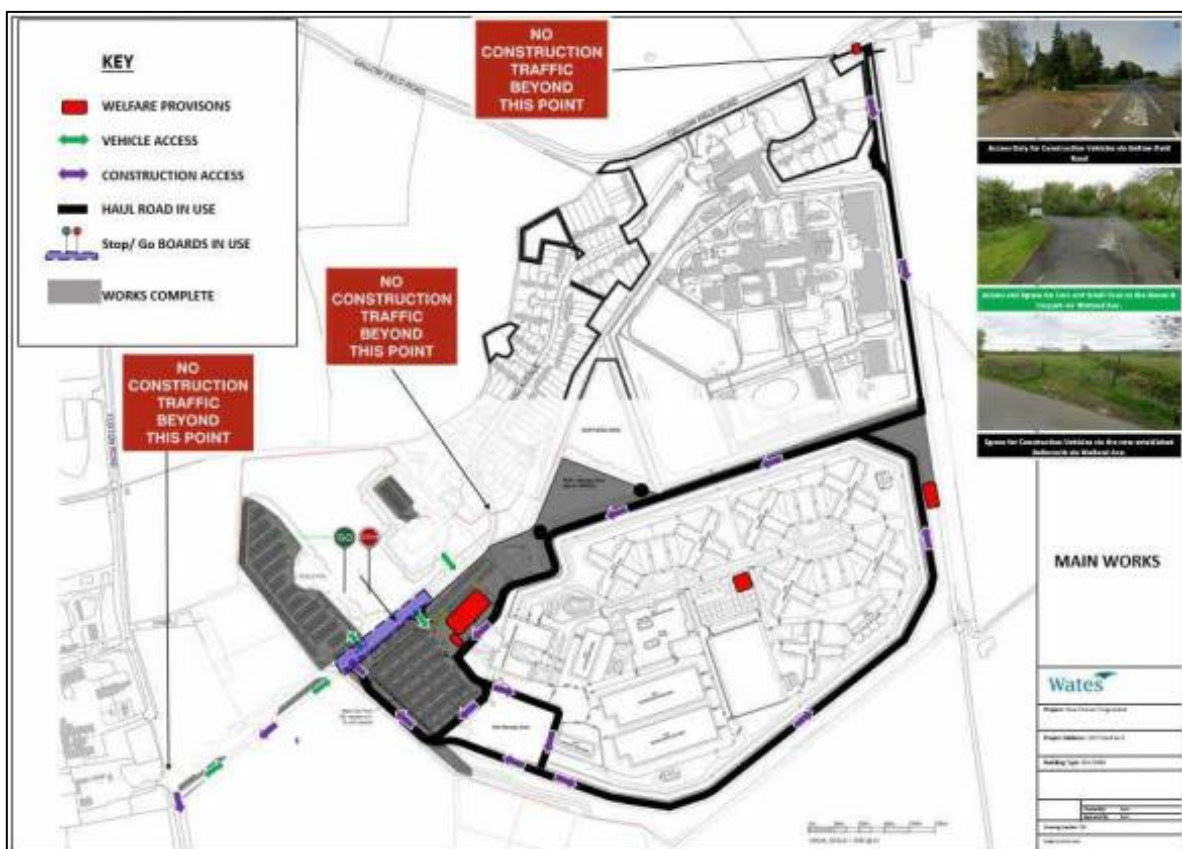
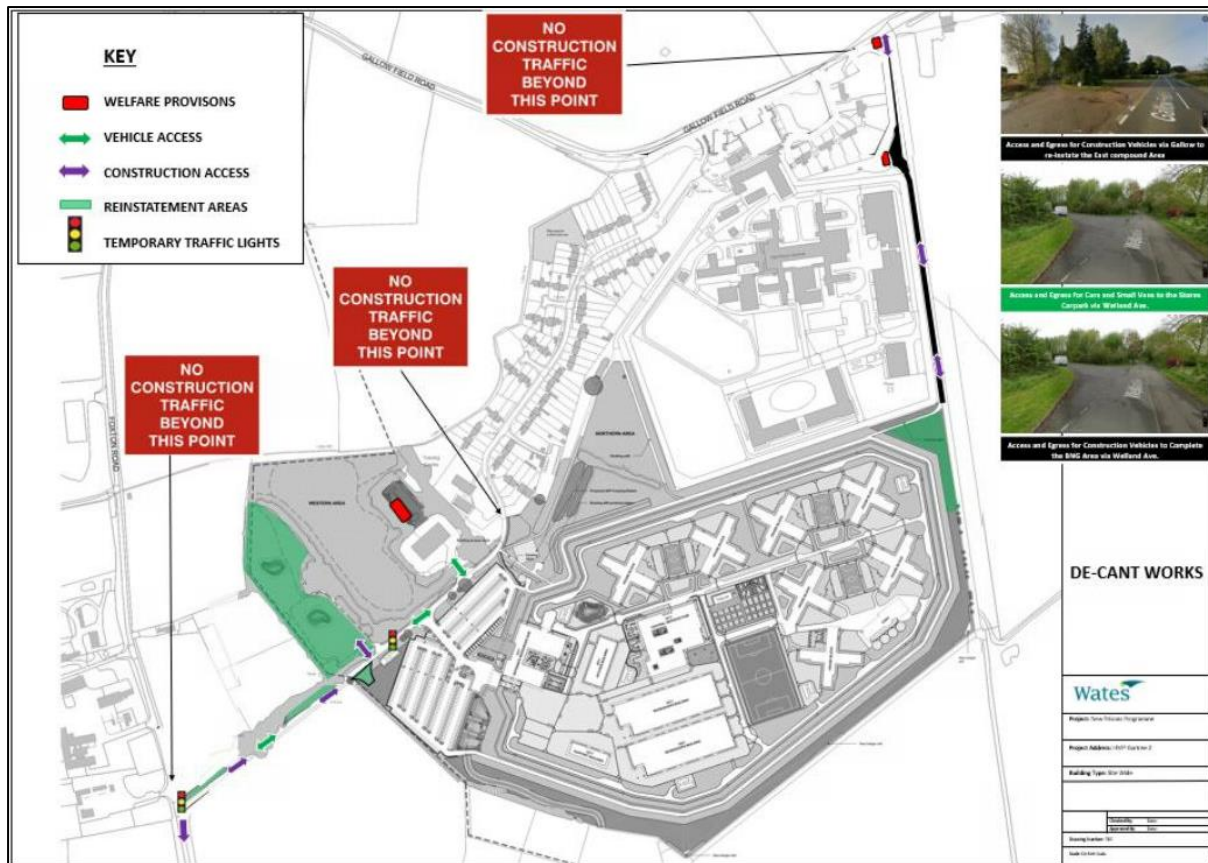


Figure 14: Main Works

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**Figure 15: Decant Works**

○ *Construction Traffic Routing*

6.10.8 In summary the principles of HGV routing to and from the construction site are as follows and shown in **Figure 16**.

- Entry into the site from A6, B6047 Harborough Road, Gallow Field Road
- Exit from the site via Welland Avenue, Foxton Road and A4304

6.10.9 During pre-application discussions for the planning application and through the submission of the draft Construction Traffic Management Plan dated August 2021 The principle of construction access and routing was accepted by LCC Highways. This agreed to the construction access off Welland Avenue and routing via the A4304 and Foxton Road (to Welland Avenue). It was agreed that no HGV traffic would route through Foxton Village or the residential section of Welland Avenue.

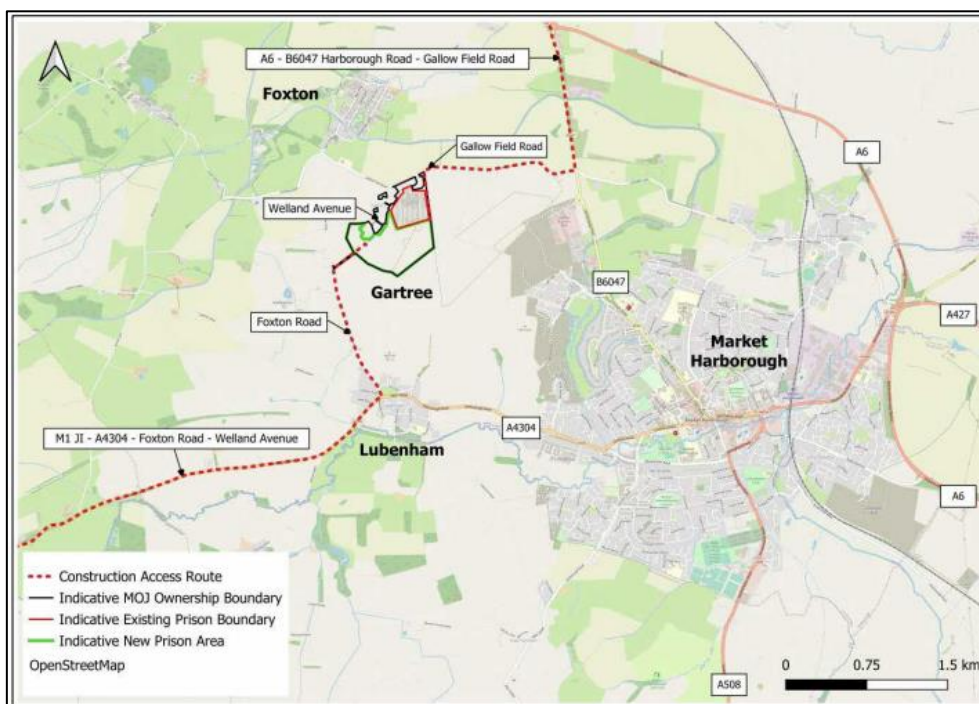
6.10.10 The primary route for HGV construction vehicles arriving to the site will be via the A6, Harborough Road, Gallow Field Road and into the site using the access to the east of the existing HMP Gartree site (see **Figure 16**). All construction vehicles will then exit left onto Welland Avenue, south along Foxton Road to join the A4304. HGV traffic will be directed to use the primary routes of A6 and M1 / A4304 depending on where the spoil is to be disposed of, and new imported materials sourced from. The above routes have been assessed with swept path analysis for the vehicles requiring access to the site. Abnormal loads will require escort and will be managed through the AIL advanced notifications (which is common for abnormal load management).

6.10.11 In accordance with Condition 16, thorough surveys of highway dilapidation conditions have been conducted<sup>40</sup>, and regular monitoring will be carried out along both Foxton Road and Gallow Field in close proximity to the site. Signage to prevent unauthorised

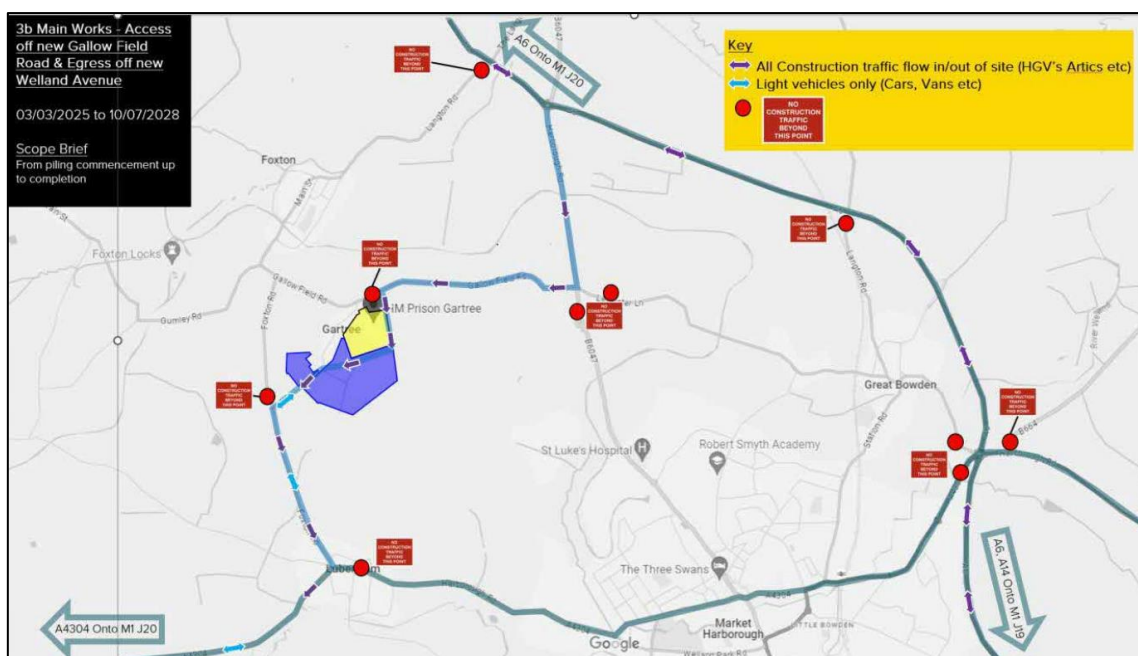
<sup>40</sup> Submitted as part of 24/00489/PCD and discussed at **Section 6a:2** of this report



HGV traffic routing through residential areas will be provided as required (see **Figure 17**). Improvement works on Welland Avenue (passing places, access points and incoming services) will be managed via temporary traffic lights to maintain safety for road users at all times. Once these works are completed Traffic Marshalls will be utilised to better manage traffic entering and leaving the site during operating hours only. This will also include the use of traffic lights or 'stop/go' boards to maintain safe traffic flow along Welland Avenue.



**Figure 16: Construction Traffic Routes**



**Figure 17: Off site signage and routing plan**

6.10.12 Temporary signage will be erected along designated Construction Access Routes on the local highway network to provide access (directional) routing information. These will be placed to ensure that construction vehicles and staff are able to travel directly

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**Figure 19: Tree protection plan for Gallow Field Road access**



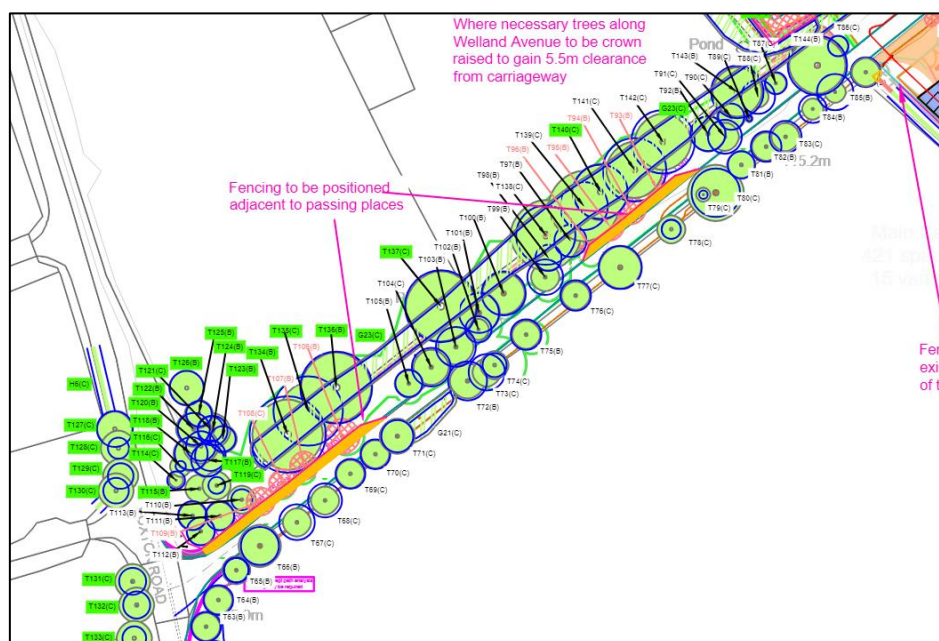
**Figure 20: Area of trees adjacent to proposed construction traffic access from Gallow Field Road**

6.10.16 As the volume of abnormal loads will be reasonably low then it is proposed that these will exit the site via Gallow Field Road to avoid the narrow sections on Welland Avenue and Foxton Road. This will be a managed and controlled process. The applicants propose introducing passing places along Welland Avenue to manage construction traffic flows safely when leaving the site (see **Figure 21**). The passing places on Welland Avenue serve as a temporary measure to ensure safe access and egress during the operational phase of the development. Following completion of the development and reinstatement of the BNG area, restoration of these passing places will occur. These areas will be restored to grass verge, including tree planting, with additional time required for seeding to mature. Passing places along Welland Avenue

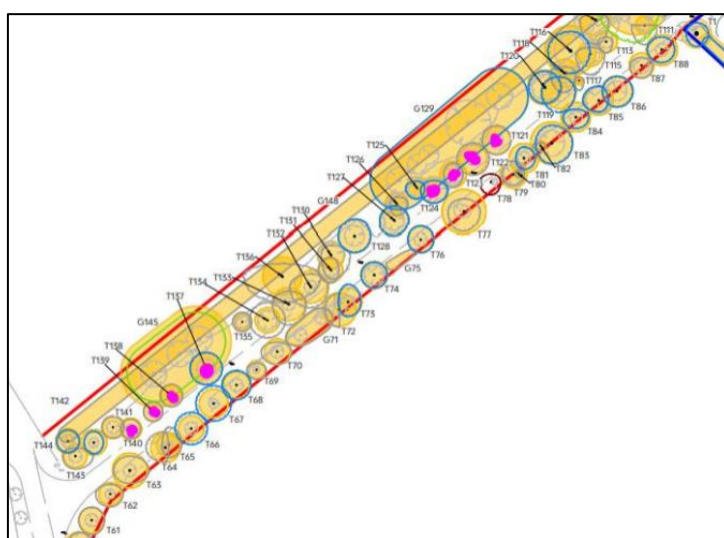
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have been strategically located to minimise the impact on existing trees; the positioning of the two passing places will affect eight trees (see **Figure 22**).



**Figure 21: Plan indicating trees provision of passing bays on Welland Avenue**



**Figure 22: Plan indicating trees to be removed on Welland Avenue**

6.10.17 The secondary temporary access off Gallow Field Road discussed above will be used by HGV's entering the site (from the east of Gallow Field Road) along with light vehicle traffic only. This proposed routing would capture vehicles travelling from the A6 via the B6047 Harborough Road and allow for a more efficient/safer route than travelling through Market Harborough.

- *Construction phase parking*

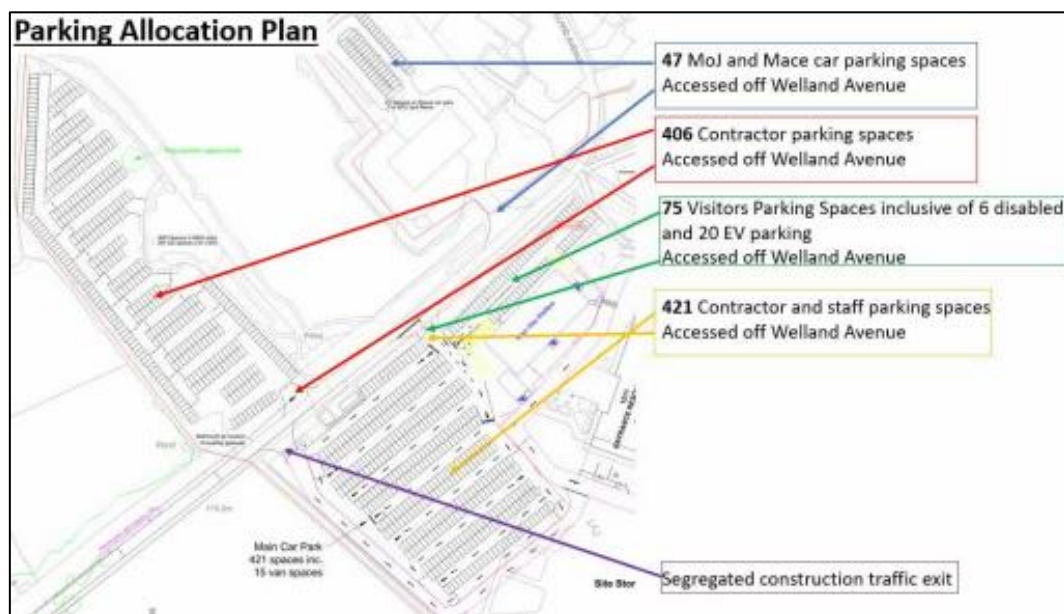
6.10.18 The project labour forecast for on-site based staff, operative's and visitors averages at circa 550 total per day with a peak of circa 1037 total per day. The below facilities have been designed to accommodate these volumes.

6.10.19 **Figure 23** shows the parking provision that will be provided within the construction site boundary. The contractor car parking areas facilitates 827 spaces including car

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and van spaces. Further 75 parking spaces are provided for staff and visitors to the frontage of the construction site offices building which includes circa 20 spaces with access to Electrical Vehicle Charging points and 6 disabled accessibility bays. The existing HMP Gartree maintenance storage rear car park provides a further 47 parking spaces for client's usage. In total there is 949 available parking spaces at peak.

- 6.10.20 The temporary car park located off Welland Avenue will be constructed using a traditional method, consisting of a stone base capped with tarmac, pending site investigation surveys. Drainage will be provided. White lining will delineate parking bays. Lighting will ensure sufficient visibility during low-light conditions, automatically turning off outside of operating hours. Additionally, a segregated footpath, demarcated by a low-level barrier or fence, will provide safe entry and exit for car park users. Continuous supervision by a traffic marshal will regulate traffic flow, ensuring authorised access and preventing unauthorised entry. Temporary car park location shown in the Parking Allocation Plan at **Figure 23**.



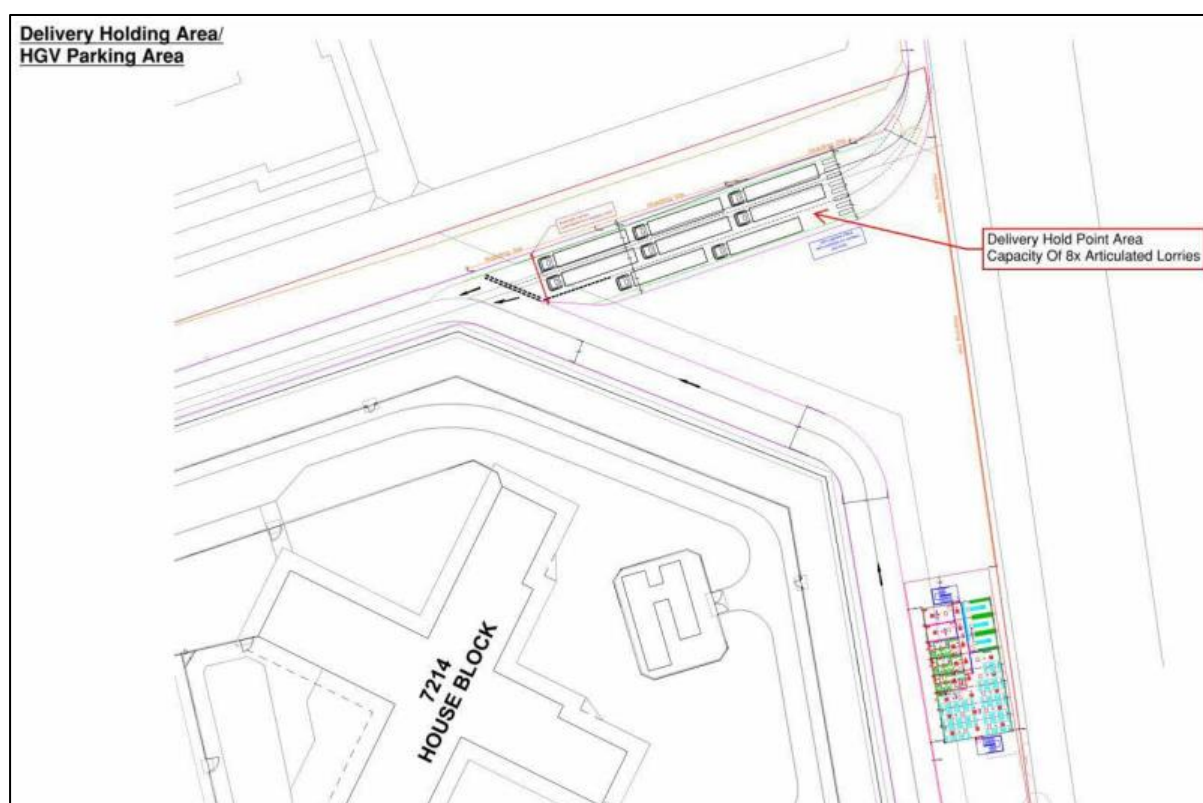
**Figure 23: Indicative Construction Site car park layout**

- 6.10.21 The site will implement a Reward and Discipline procedure, which includes adherence to rules regarding off-site highways and following the agreed-upon routes into, and out of, the site and associated car parks. Contractors will receive incentives for compliance and face disciplinary action for non-compliance. Traffic Marshalls will be stationed at both the junctions off Gallow Field Road and Welland Avenue to oversee traffic flow to and from the site. If anyone approaches the site from the wrong direction, such as Gartree Village, they will be directed to report to security. The issue will be discussed with them and their supervisor, and they will receive re-education on the correct procedures and re-induction on the site-wide rules. Repeat offenders will be asked to leave the site permanently.
- 6.10.22 During operating hours, employees will be encouraged to remain on site through various incentives. For example, on-site welfare amenities will include a subsidised canteen offering hot and cold food and beverages, along with both indoor and outdoor relaxation areas, eliminating the need for anyone to leave the site during the working day.



6.10.23 The restoration of the temporary car park area will adhere to the landscape architect's design and specifications. These reinstatement works will commence following the project handover. Additionally, a subsequent period will be necessary for the seeding in the area to fully mature after the initial reinstatement phase.

6.10.24 **Figure 24** shows the HGV parking within the construction site boundary. This is located to the north east of the site and is accessed via the site entrance off Gallow Field Road. This area will hold up to eight Articulated HGV's. There is a perimeter road around the project which will be approximately 9m wide which is ample space to have HGV's travel around and park up whilst still having access for others to pass by. There will be offloading areas adjacent to each building construction area and there will also be a Pre-Cast Concrete (PCC) storage area in the centre of the site (where the majority of deliveries will be offloaded).

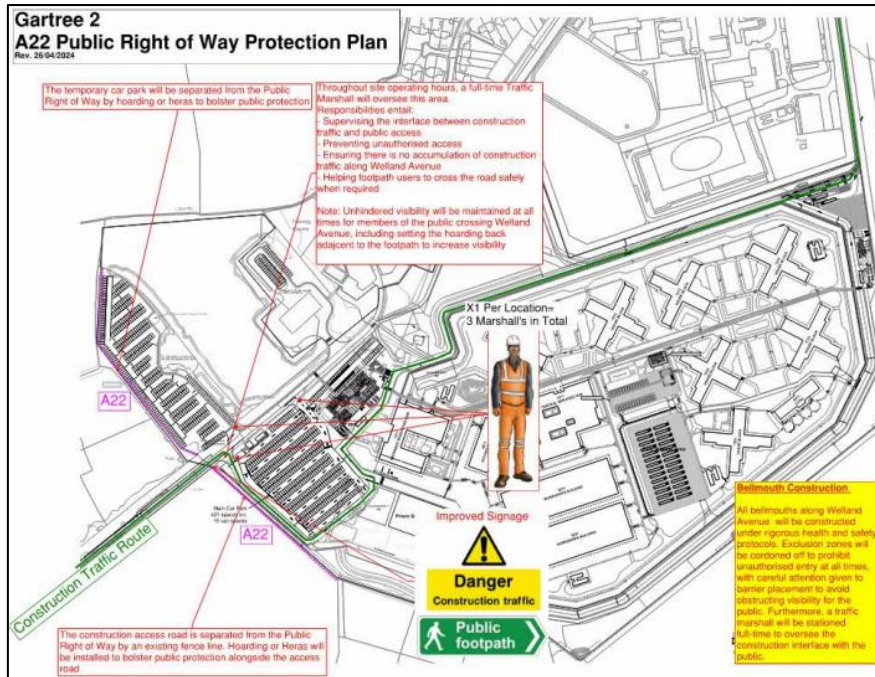


**Figure 24: Indicative HGV Parking**

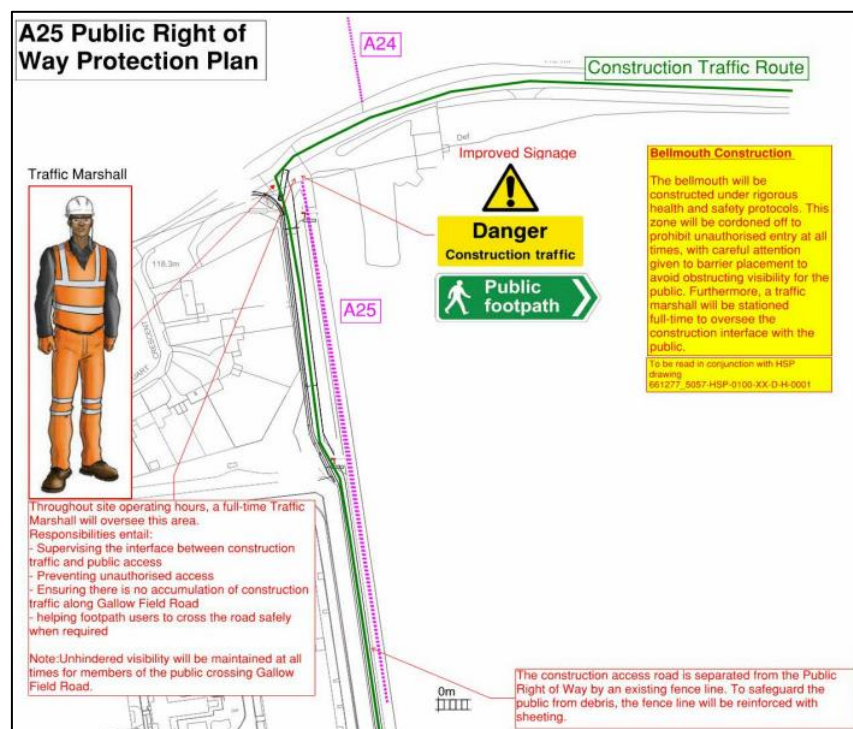
6.10.25 The car/ LGV and HGV parking areas are designed to accommodate the required number of vehicles for each phase of the works. No vehicles will be held off site on either public or private highways approaching the site. All vehicles once parked will turn off their engines and report to security.

- *Pedestrian protection*

6.10.26 Pedestrian access to the construction site will be from Welland Avenue where a marked-out walkway will direct personnel to the site offices. Within the construction site pedestrian routes segregated to protect site personnel from passing vehicles and hazards. Site associated interfaces with public footways will be carefully managed by competent persons at all times most notably during vehicle movements within site operating hours. This responsibility will fall to Traffic Marshalls (see **Figures 25 & 26**).



**Figure 25: Pedestrian interface provisions at Welland Avenue**



**Figure 26: Pedestrian interface provisions at Gallow Field Road**

○ *Construction phase welfare facilities*

6.10.27 Initially, welfare facilities will be set up behind the HMP Gartree stores building, two units centrally positioned on the main site and a further unit servicing the Gallow Field Road entrance. From this setup, the construction team will prepare the projects main welfare setups for enabling and main works phases. The welfare provisions behind the stores will include a temporary double-storey cabin setup, offering canteen, changing, and office facilities.

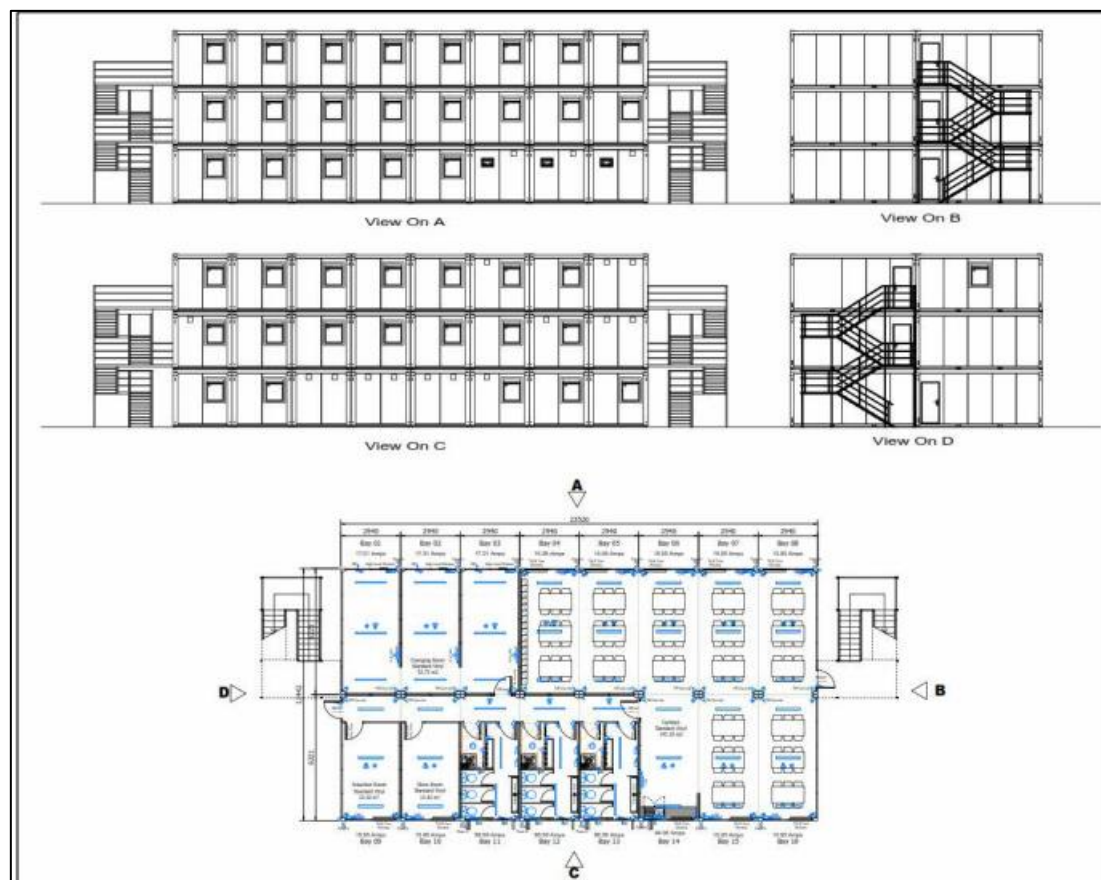
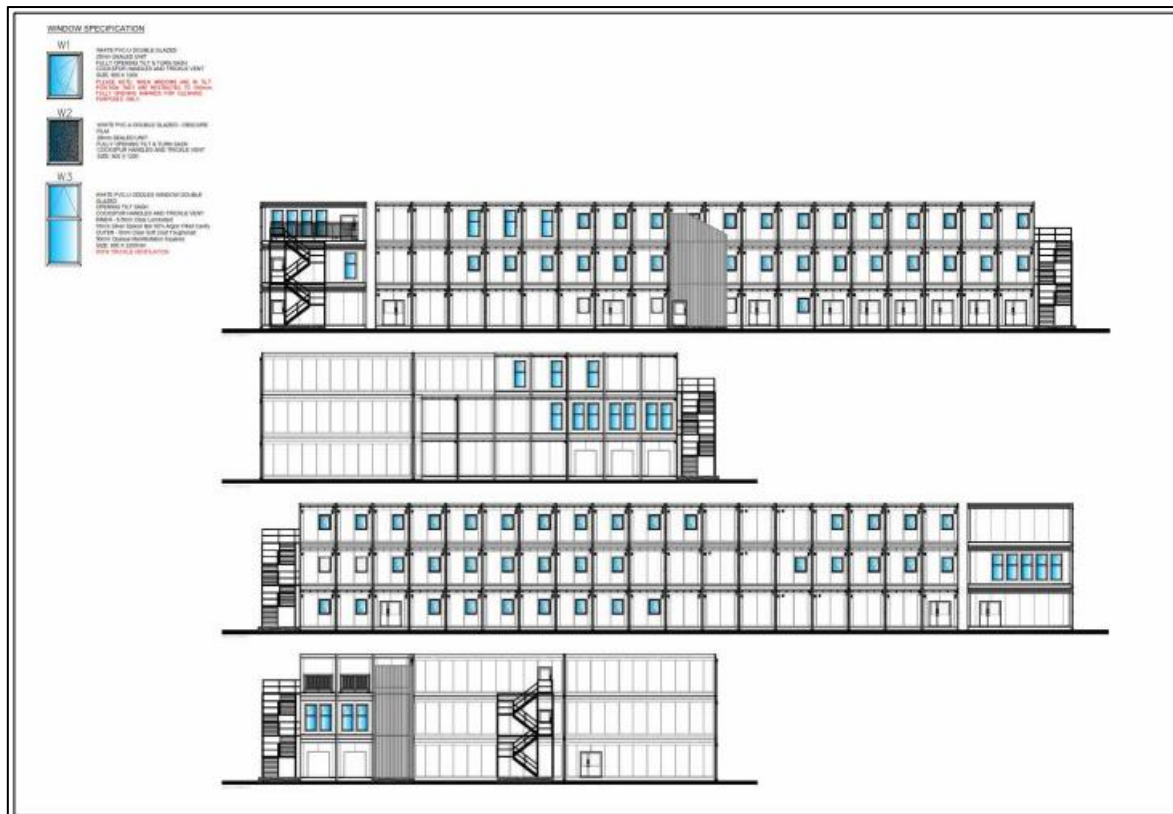
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**Figure 27: Location of Welfare building**

- 6.10.28 The site offices and welfare facilities for the main construction phase (see **Figure 27**) will be located within the site boundary to the west (West welfare), adjacent to the vehicle access and egress off Welland Avenue. The main site offices will provide facilities such as office space, meeting rooms, changing rooms, canteen, kitchen, first aid, induction/ briefing rooms, toilets, showers, health and wellbeing facilities, security and logistics hub etc. The inclusion of a fully serviced kitchen provides site with self-sufficiency, with the intention of keeping site staff and operatives on site during working hours.
- 6.10.29 The facility will be a temporary modular structure of three stories, **Figure 28** shows the elevations of the structure. The structure will be positioned such that it is partially screened via a line of existing trees and scrub, reducing the visual impact of the structure on the local surroundings. The West welfare setup will be installed during enabling works.
- 6.10.30 Secondary site offices (East welfare) and welfare facilities will be provided to the east of the site, this facility will be the first major operational welfare facility. East welfare will provide facilities such as office space, meeting rooms, changing rooms, canteen, first aid, induction room, toilets, showers etc. Again, the facility will be a temporary modular structure of three storeys, the ground floor layout and elevations are shown in **Figure 29**. The structure is positioned on the eastern boundary of the site directly adjacent agricultural land.





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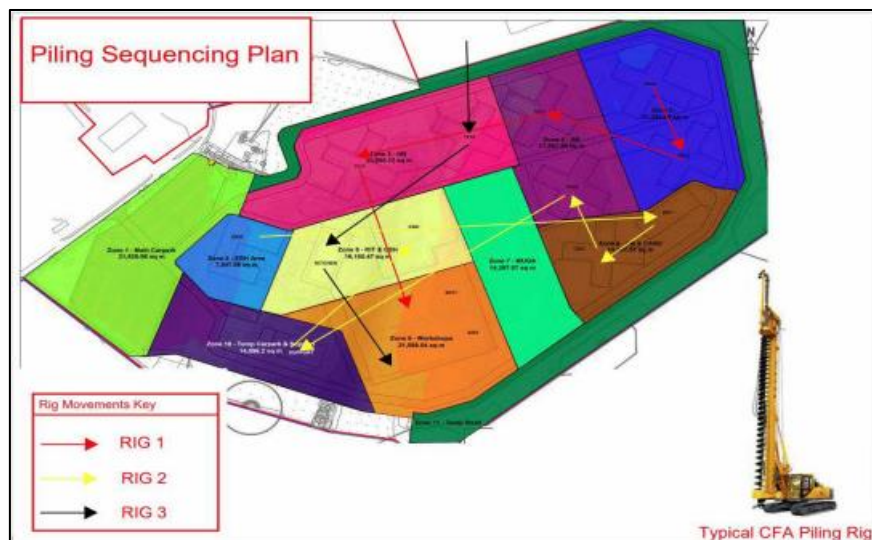
6.10.31 The approximate dimensions of the welfare compounds are as follows:

- Main/ West Compound: Length 62m, Width 33m, Height 11m.
- East Compound: Length 23m, Width 12m, Height 9m

○ *Piling areas*

6.10.32 The Main Works construction phase will commence with piled foundations which will be constructed across various zones. The site will be divided into 11 zones in total of which 8 zones will require piling. Zone 1 (Main Car park), Zone 7 (MUGA) and Zone 11 (Temporary Road) are not piled. The piling activity will require numerous large piling rigs to undertake the works. These will be classed as abnormal loads and will be managed as set above.

6.10.33 Piling sequence of works will involve three CFA<sup>41</sup> rigs working simultaneously as per the below sequencing plan shown in **Figure 30**. Rig 1 movement will begin from Zone 5 to Zone 4 and through to Zone 3 and finally Zone 9. Rig 2 movement will begin from Zone 2 to Zone 6 and Zone 4, then to Zone 10 and finally Zone 8. Rig 3 movement will begin from Zone 3 to Zone 8 and finally Zone 9.



**Figure 30: Piling Sequencing Plan**

○ *Dust suppression and road cleansing*

6.10.34 Dust and dirt will be generated on site during construction. A series of measures will be adopted to mitigate the migration of dust and dirt from the site into the public road network and surrounding area. Dust suppression bowsters will be utilised within the site boundary to prevent dust migration from the project. The process of wheel washing for construction vehicles leaving the project will initially involve operatives using jet washes before exiting onto public highways during the early and enabling phases of the project. As the project's logistics infrastructure advances, an automated wheel wash system will be introduced. Vehicles exiting the site will be mandated to use this facility, with further visual inspections conducted by Traffic Marshalls prior to leaving the site. Regular inspections of both Welland Avenue and Gallow Field Road will take place, and if additional cleaning is deemed necessary, it will be performed manually using jet wash equipment. Typical wheel wash can be seen at **Figure 31**.

<sup>41</sup> CFA (continuous flight auger) Piling methods will be implemented. CFA is quicker than the traditional driven method and provides minimal levels of vibration and lower noise levels from the piling rig itself. A typical CFA Piling Rig can be seen at **Figure 30**.





**Figure 31: Example of Wheel Wash facility to be installed**

6.10.35 Tarmac car parks, compounds and haul roads will be installed to mitigate mud and dust transfer from site. Road sweepers will be employed on the site haul road and along Welland Avenue, Gallow Field Road, and Foxton Road as needed. The frequency of this activity will be adjusted according to program requirements and weather conditions, with daily review by the Logistics project manager. On site vehicle wheel washing and a road cleaning programme to include Welland Avenue. Staggered start and finish times for construction personnel to limit impact of traffic on nearby roads and junctions. The deployment of road sweepers aligns with on-site activities; for instance, during muck-away operations, a road sweeper will be present at all times. As the project progresses to the fit-out (ie internal) stage, road sweeping provisions may decrease, possibly transitioning to daily visits rather than continuous attendance.

○ *Construction phase surface water run off*

6.10.36 A Temporary Works Water Management Strategy has been produced as part of the CTEMP. The conclusions of the temporary works water management strategy report are:

1. Rainwater landing on the site during the temporary construction works needs to be appropriately managed to minimise disturbance to construction works, prevent pollution of the watercourse running through the site, and be attenuated to prevent flooding of the watercourse downstream of the site.
2. The low permeability of natural ground at the Site means that rainwater infiltration rates are likely to be relatively low. As such, it is critical that rainwater is appropriately intercepted, attenuated and treated on site, before being discharged from site.
3. A surface water management strategy has been developed for three phases of the construction works, which are summarised below.

Enabling Works – during topsoil strip and cut and fill works, runoff of silty surface water into the diverted ditch is to be minimised by utilising silt fences and a low permeability bund along the south boundary of the site. An attenuation lagoon is to be constructed and will be used to temporarily store rainwater prior to discharge from the site via a settlement tank.

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Piling Mat Construction – the piling mat provides attenuation of rainwater during a storm event. Piling mat drains will assist in draining the water out of the piling mat over time and direct the flow of water into a catchpit chamber. Water can then be pumped from the catch-pit chamber into a water treatment plant prior to discharge from site at a controlled rate no greater than 92.6 lit/s. In practice, the maximum discharge rate during the temporary works is expected to be less than the maximum permissible rate due to system constraints on site such as the capacity of the water treatment system.

Building Phase – As building works progress and the attenuation volume in the piling mat decreases, the permanent surface water drainage network is to be utilised including using the attenuation tanks for rainwater attenuation during storm events.

4. An Inspection, Testing and Monitoring (ITM) Plan (Appendix III of OGI report) has been developed to continually assess and identify issues early, and to enable implementation of mitigation measures where necessary

- *Assessment of submissions*

6.10.37 LCC Highways have assessed the submitted CTEMP and have commented as follows:

*“During the early works and while the accesses onto Welland Avenue are being formed, construction vehicles would use the existing access from Gallow Field Road to the north east of HMP Gartree. According to the applicant, this access is currently utilised by HMP Gartree for commercial vehicles parking within the existing contractor car park and access for HGV’s.*

*The applicant has not submitted a drawing of the site access and the LHA would need this access improving to accommodate the type and volume of construction vehicles that will need to use it during the initial construction phase of the development. Therefore, the applicant should submit a scaled site access drawing including details of width, surfacing etc. for consideration by the LHA.*

*The applicant should also include a Stage 1 Road Safety Audit; Designers Response to any issues raised and amended design if required.*

*The LHA note that Public Footpaths A22 and A25 run adjacent to the development as shown on an extract from the Definitive Map of Public Rights of Way. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works. Furthermore, Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation.*

*Following a review of the site access arrangements and if planning permission is granted the applicant will then need to apply for the appropriate licence from Leicestershire County Council to improve the site access arrangements.*

*Throughout the duration of the construction period, there will be two vehicular accesses formed on Welland Avenue. The LHA understands that one of the accesses will accommodate construction vehicles (HGV’s etc) exiting the site off the site haul road, and the other new access will be for cars and LGV’s. The applicant is intending to provide passing places along Welland Avenue along with the use of stop/go boards to facilitate safe two-way traffic movement for all vehicle users, this will be to the section of Welland Avenue between the site and Foxton Road junction. Welland Avenue is a private road and management of the construction accesses is the applicant’s responsibility.*

*Construction Routing*

*The applicant has confirmed that vehicles will access the site from the east via Harborough Road and A6. To ensure that construction traffic uses the designated Construction Access Routes, the applicant has confirmed that appropriate signage will be erected on the local highway network prior to the*

*start of construction. Construction vehicles will then follow the one-way system through the site and exit via Welland Avenue, Foxton Road and A4304.*

*The LHA welcome the applicants commitment to provide signage prior to start of construction, nevertheless the LHA would strongly advise the applicant that no construction vehicles should go through Market Harborough town centre.*

*In summary, the applicant has set out the following principles to mitigate the impact of the development on the highway:*

- Introduction of a 'one-way' system as early as possible within the construction programme to better manage traffic flows in and out of the site and to avoid two-way HGV movement along*
- Welland Avenue and Foxton Road due to their limited width;*
- Introduction of passing places along Welland Avenue (section under MoJ ownership) to facilitate efficient two-way traffic flow;*
- Pre-start highway condition survey and regular monitoring of Foxton Road and Gallow Field near to the site with reporting and remediation procedures adopted;*
- Signage to prevent HGV traffic routing through Foxton Village (i.e. Foxton Road north of Welland Avenue and Gallow Field Road west of Welland Avenue);*
- Signage to prevent HGV traffic routing through the residential section of Welland Avenue;*
- Traffic Marshalls on Welland Avenue to better manage traffic entering and leaving the site*
- during operating hours only. This will also include the use of 'stop/go' boards to maintain safe*
- two-way traffic flow along Welland Avenue;*
- On site vehicle wheel washing and a road cleaning programme to include Welland Avenue;*
- Staggered start and finish times for construction personnel to limit impact of traffic on nearby roads and junctions;*

*The LHA would ask the LPA not to discharge condition 29 at this time until the additional information regarding the construction site access arrangements on Gallow Field Road has been reviewed by the LHA."*

6.10.38 LCC Ecology have assessed the submitted CTEMP and have confirmed that it is acceptable in terms of its Ecological mitigation measures.

6.10.39 Comments from the LLFA in relation to the Construction Phase Surface Water run off strategy at Appendix A of the CTEMP are still awaited and will be reported via the Supplementary Information List.

6.10.40 HDC Planning Enforcement have assessed the submitted CTEMP and have confirmed that, subject to the receipt of an Addendum clarifying issues related to Road Sweeping and Leaflet drops, the CTEMP as amended is acceptable.

6.10.41 Officers have assessed the submitted CTEMP. In respect of the Construction Traffic Routing, it is acknowledged that the alternative access route via Gallow Field Road has raised concern amongst part of the community, in particular residents of Stuart Crescent who will experience construction traffic passing to the rear of their properties for the majority of the construction phase of the development. Notwithstanding this, it is considered that this impact has been minimised by the measures set out and is off set by the fact that operating a one way system will minimise the impact of construction traffic upon the wider community as a whole. Furthermore, Officers acknowledge concerns raised regarding the removal of trees to facilitate the access route, and also to allow for the provision of passing places on Welland Avenue. The

limited number of trees to be removed along the access route are not considered to be worthy of a TPO, particularly in light of the substantial row of trees on the eastern side of the access route which are to be retained, and which largely screen views from the public realm of those to be removed. The trees identified to be removed in order to allow for the provision of the passing places along Welland Avenue are the smaller trees within this area, with the larger, more prominent trees being retained. This is set out in more detail at **Para 6.11.1** of this report.

6.10.42 Officers have raised concerns over the scale of the welfare buildings, however, it is acknowledged that the provisions of buildings required temporarily in connection with a development are considered to be Permitted Development for the duration of the works, and that there is no restriction on the size of any such building<sup>42</sup>. The proposed use of CFA piling rigs will help to minimise any disruption caused during this stage of the development so far as is reasonably possible.

6.10.43 Subject to the receipt of satisfactory outstanding responses, and in light of the comments received from technical consultees and the submitted amendments, Officers are content with the submissions and are satisfied that the measures outlined within the CTEMP will provide a satisfactory framework within which construction phase of the development can be monitored and controlled.

6.10.44 In terms of comments received from residents that have not been addressed already in this section, the table at **Figure 32** provides a short response on these matters:

Issue	Response
Increased noise and overbearing impact of construction traffic	Whilst it is acknowledged that there will undoubtedly be an intensification of the use of this point of access and the associated access track, and a resultant impact upon the amenity space of the properties adjacent to the track, this would only be a temporary measure during the construction period and would not form the main access route to the prison once operational. Furthermore, plan ref 10363-T-10 at Appendix G of the amended CTEMP indicates that acoustic Heras fencing will be installed along this boundary during the construction phase of the development.

<sup>42</sup> [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/4/made#:~:text=Class%20A%20%E2%80%93%20temporary%20buildings%20and%20structures%20Permitted,that%20and%20or%20on%20land%20adjoining%20that%20land.)  
<https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/4/made#:~:text=Class%20A%20%E2%80%93%20temporary%20buildings%20and%20structures%20Permitted,that%20and%20or%20on%20land%20adjoining%20that%20land.>

**Schedule 2 PART 4 Temporary buildings and uses**

**Class A – temporary buildings and structures**

*Permitted development*

**A.** The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.

*Development not permitted*

**A.1** Development is not permitted by Class A if—

- (a) the operations referred to are mining operations, or
- (b) planning permission is required for those operations but is not granted or deemed to be granted.



*Conditions*

**A.2** Development is permitted by Class A subject to the conditions that, when the operations have been carried out—

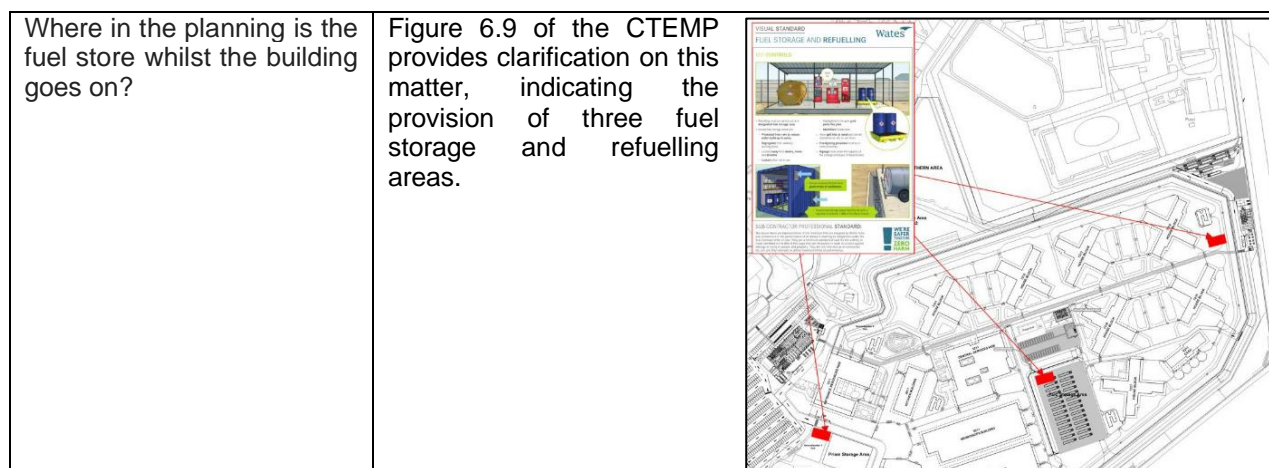
- (a) any building, structure, works, plant or machinery permitted by Class A is removed, and
- (b) any adjoining land on which development permitted by Class A has been carried out is, as soon as reasonably practicable, reinstated to its condition before that development was carried out.

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<p>Loss of daylight or sunlight from 2.4m high hoardings.</p>	<p>The matter was raised specifically in relation to screening the construction route from Gallow Field Road. If such hoarding is necessary (it is not indicated within the submitted CTEMP as being so), given the length of the gardens in question (approx. 28m), it is anticipated that any loss of light would be to the far end of the gardens, well removed from the dwellings themselves, and mitigated by the retained trees along this boundary.</p> 
<p>Safe routes to site for contractor staff from bus stops</p>	<p>Officers have requested further detail on this matter. Notwithstanding this, as can be seen below, the pavement through Gartree does terminate before the last dwelling with a hedgerow on the alignment of the path, beyond this there is grass verge in lieu of the pavement. The Landscape Plan attached to 21/01600/OUT indicates the provision of a reinforced surface to the grass verge section leaving only a short section in front of 76 Welland Avenue where pedestrians will have to walk in the road.</p> 
<p>The nearest bus stop is on Gallow Field road and not on Welland Ave, this is incorrectly shown on the documents provided and this makes the site unsustainable.</p>	<p>Officers requested that the CTEMP be amended to reflect the true position. The revised CTEMP submitted in May 24 reflected this request. The sustainability of the site was assessed as part of 21/01600/OUT and cannot be revisited.</p>
<p>Condition 16 Highway Condition Survey only covers Foxton Road, the new route will cause damage to Gallow Field Road as well</p>	<p>Para 3.2.1 of the CTEMP includes a commitment that prior to commencement of construction related works on the site, a road condition survey will be carried out on parts of Gallow Field Road (east of HMP Gartree), Foxton Road (south of Welland Avenue) and the MoJ owned section of Welland Avenue (between Foxton Road and the construction site boundary). This will involve a visual survey and record of pre-commencement highway conditions (including road surfaces and markings, verges, street furniture and utility covers) which will then be monitored throughout the construction period and any damage or defects resulting from Gartree New Prison construction traffic, reported to Leicestershire County Council Highways and remediated appropriately. This survey has been submitted to LCC Highways as part of the submission under Condition 16 (24/00489/PCD). LCC have confirmed that the initial survey provides an acceptable baseline for future assessment.</p>



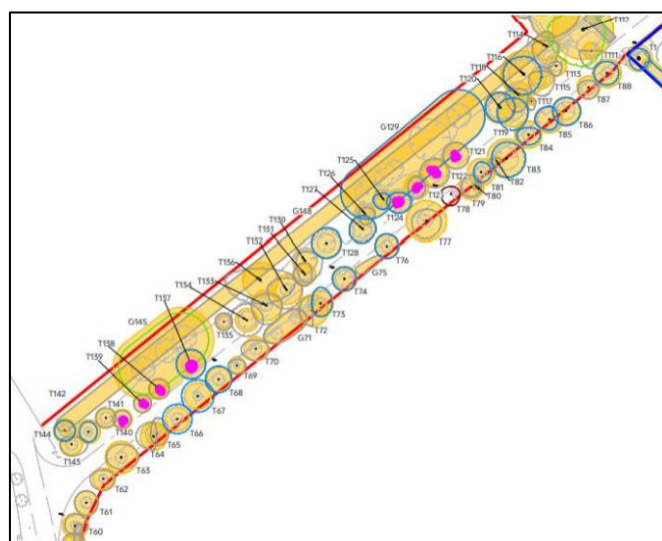


**Figure 32: Outstanding CTEMP matters raised through representations**

6.10.42 The content of the report has been assessed by Officers, HDC Planning Enforcement, HDC Env Services, LCC Highways and LCC Ecology and is currently not considered to be sufficient to allow Condition 29 to be discharged at this time. As such, it is recommended that delegated authority be given to the Development Management Head of Service (in liaison with the Planning Committee Chairman) to discharge Condition 29 upon receipt of confirmation from HDC Env Services and LCC Highways and LLFA that the amended details submitted pursuant to condition 29 of 21/01600/OUT are sufficient to enable a full consideration of the detail.

## 11 Other Issues raised

- 6.11.1 Throughout the consideration of the suite of applications, other matters related to the site have been considered by the LPA. This includes:
- 1) the serving of a Tree Preservation Order on trees along Welland Avenue between the approved point of access to the site and Foxton Road; and
  - 2) considering if a TPO is merited on a group of trees at the proposed construction access to Gallow Field Road.



**Figure 33: Plan indicating trees to be removed on Welland Avenue**

6.11.2 In respect of (1) this TPO is expected to be confirmed following this decision and the determination of 24/00244/PCD (CTEMP condition). The applicant has shown (see **Figure 33**) in response to the TPO that a relatively small number – eight - of those trees of low quality require removal to provide passing bays for construction vehicles

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using the access. This removal shall not undermine the greater role of the TPO, and it is therefore anticipated it shall be confirmed omitting these eight trees (shown pink in following illustration). The group of trees at the proposed construction access from Gallow Field Road (see **Figure 34**) do not merit TPO by virtue of their small size and limited contribution to the visual amenity of the area. This process should not influence the consideration of this Reserved Matters application as it does not affect the Layout or Appearance of the development.



**Figure 34: Area of trees adjacent to proposed construction traffic access from Gallow Field Road**

6.11.3 A number of other issues have been raised through representations. These have been summarised above. Those issues that are outstanding and have not been addressed through the consideration of the Discharge of Conditions are tabulated below with a response to the issue raised (see **Figure 35**).

<b>Issue Raised</b>	<b>Response to Issue</b>
Can monies previously set aside by the MoJ for footpath enhancements be used to provide car parking for school drop offs at Foxton School?	Such a proposal, whilst having considerable merit, is outside the remit of the consideration of the current suite of Discharge of Conditions applications, and any mechanism to secure such an enhancement is beyond the scope of the Planning regime. Notwithstanding this, the MoJ are aware of the desire of the community to see such improvements and may seek to investigate this in the future through different channels. <b>This matter is not for consideration as part of this suite of Discharge of Condition applications.</b>
Sheer volume and weight of traffic affecting tree roots. (TPO pending).	This comment relates to the construction traffic route to the east of Stuart Crescent, as outlined in <b>Para 6.11.1</b> , separate consideration has been given to whether or not these trees should be subject to a TPO, this consideration concluded that they did not merit such protection. <b>This matter is not for consideration as part of this suite of Discharge of Condition applications.</b>

**Figure 35: Table of outstanding issues and responses**

<b>7. Conclusion</b>
7.1 Officers consider that the details submitted pursuant to conditions 15 (PRoW protection), 16 (in part), 21 and 25 (in part) of 21/01600/OUT is sufficient to enable a full consideration of the detail, and as such, it is recommended that these conditions

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are **discharged** in accordance with the details as submitted (and subsequently amended).

- 7.2 Officers request that Planning Committee give Delegated Authority to the Development Management Head of Service in liaison with the Planning Committee Chairman) to discharge conditions 19, 22, 23, 28 & 29 of 21/01600/OUT upon receipt of confirmation that the relative technical consultees confirm that the submitted detail is sufficient to allow the discharge of the conditions.
- 7.3 Conditions 7 (Detailed Landscape Plan), 8 (Landscape Management Plan), 13 (Finished Floor Levels) and 14 (details of external ventilation and lighting equipment) benefit from Deemed Approval as set out at the beginning of this report, and therefore are not for consideration by Planning Committee.

## Planning Committee Report

**Applicant:** Brudenell Estates

**Application Ref:** 22/02188/FUL

**Location:** Manor House Farm, Main Street, Cranoe

**Proposal:** Demolition of existing agricultural buildings, conversion of vacant outbuildings to 6 residential dwellings and erection of 5 new build dwellings, new double garage to Grange Farmhouse and new driveway to Manor House Farmhouse, in addition to the delivery of public open space, traffic calming measures, creation of a new access and alterations to existing accesses, drainage infrastructure and landscaping improvements.

**Application Validated:** 23.12.2022

**Target Date:** 24.03.2023 **EOT AGREED**

**Overall Consultation Expiry Date:**

**Reason for Committee decision:** Contrary to Development Plan

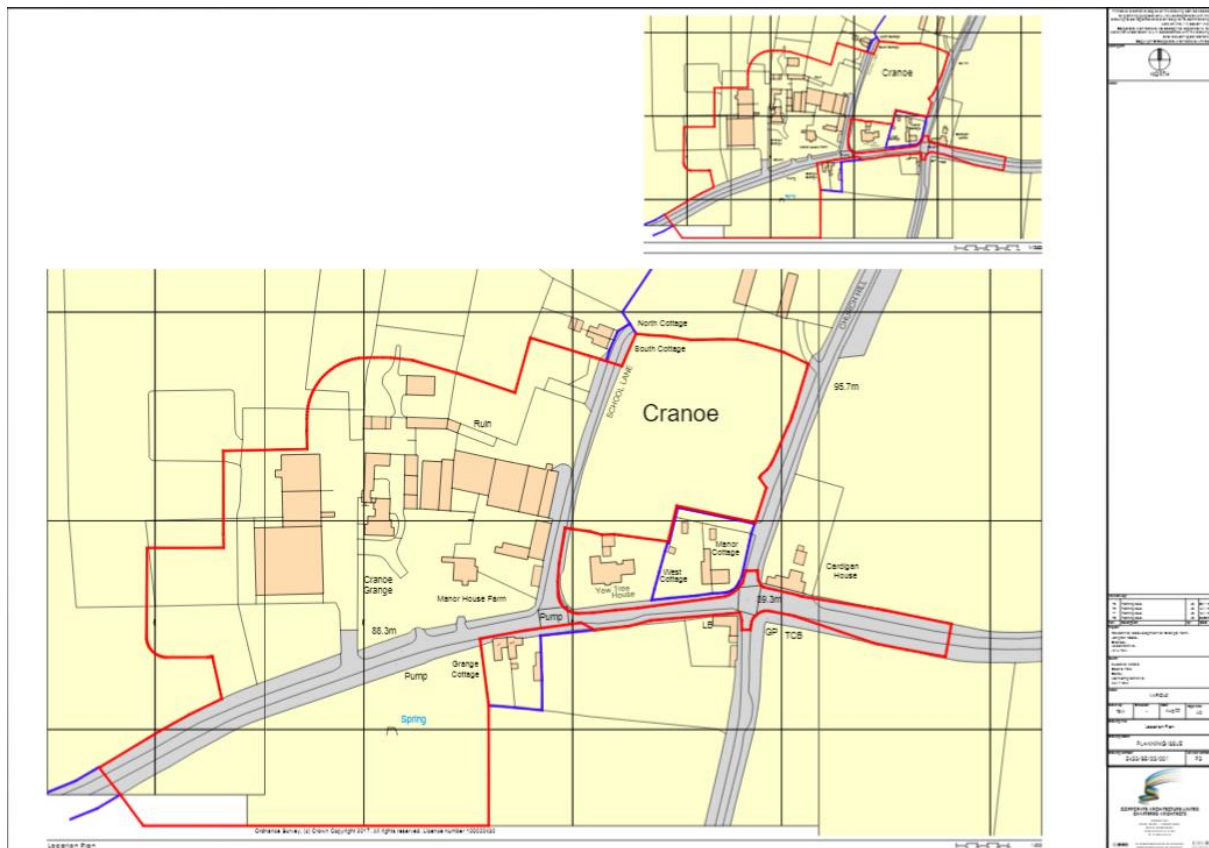
**RECOMMENDATION: APPROVE**

Subject to Conditions outlined in Appendix A and the completion of a S106 Agreement to secure the Heads of Terms as set out within the report

### 1. Site and Surroundings

- 1.1 The application site lies south-west of the village of Cranoe and comprises agricultural land of two agricultural units – Manor Farm and Grange Farm.





**Site Location**



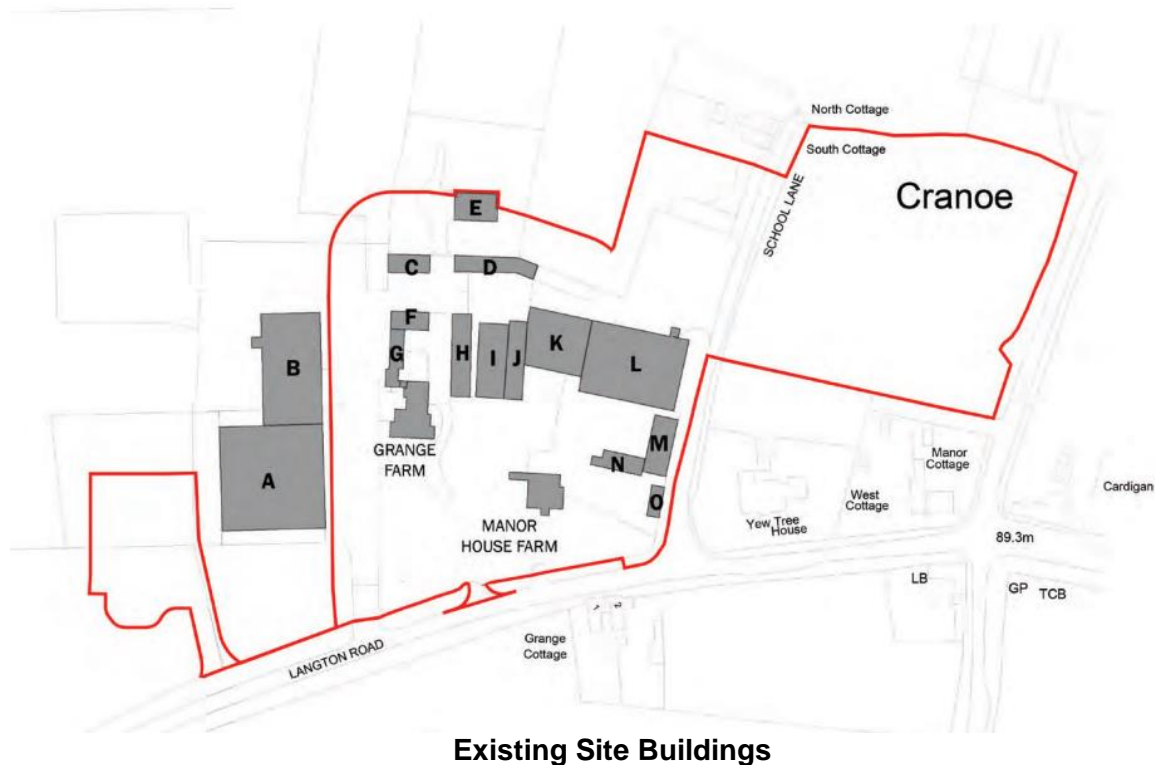
**Aerial Photo of Site**

- 1.2 The site benefits from 5no. separate accesses, from Langton Road and School Lane. 2no. of these accesses serve Grange Farm, with the other 3no. accesses serving Manor House Farm.

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- 1.3 The site comprises land north of Langton Road which contains a series of barns (constructed from red brick, steel portal and block work); 2 mid-to late 19<sup>th</sup> century farm houses (Grange Farm (a large two storey detached red brick farmhouse; currently occupied by the tenant farmer) and Manor House Farm (a large two storey detached dwelling with walls constructed from local ironstone and limestone and slate roof, understood to be currently unoccupied); a storage building, a dilapidated building; a yard area; and a large green space off School Lane. South of Langton Road is a large agricultural field.



**Existing Site Buildings**

**Case Officer Note:** Barns G,F,H, I and D and Barns A and D are within Grange Farm agricultural unit; with Barns J, K, L, M, N and O within Manor House Farm agricultural unit

- 1.4 To the north of the site lie agricultural fields, some of which are associated with the two farmsteads.
- 1.5 Topographically the site falls from north to south from approx. 95m down to 85.5m along Langton Road.
- 1.6 The farmyard is surrounded by areas of hard surfacing, amenity grassland and pastoral land for grazing animals, bounded by mature hedges. There are also a number of large trees at the primary entrance on Langton Road.
- 1.7 There is a Public Right of Way to the north-east of the site, leading into the proposed open space area. The footpath (B35) meets School Lane and travels northwards to Church Hill Road.
- 1.8 Cranoe is not located within or adjacent to a Conservation Area. There are however, four listed assets: Church of St Michael (Grade II\*); Old Rectory (Grade II); The Old School and Master's Cottage (Grade II) and a water Pump (Grade II) (located within the site boundary)

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- 1.9 The village of Cranoe contains several agricultural buildings, a small number of residential farmhouses/cottages, and St Michaels Church. The village is immediately surrounded by undeveloped fields associated with agricultural use, with a number of other small villages including Slawston, Hallaton, Glooston and Thorpe Langton in relatively close proximity.

**Site Photos:**



View 1: Barn E



View 2: Barn C



View 3: Barn D



View 5: Manor Farm House



View 4: Barn A



View 6: Barns M, N, and O

**Source: Design and Access Statement**

**Officer Photo's:**

[Click here to enter text.](#)



Access into Grange Farm, north of Langton Road



View from Langton Road towards the Grange Farm



View from Langton Road towards showing ground works for approved new agricultural buildings

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View of field to the south of Langton Road



View of rear of site; looking south and south west



View of rear of site; looking east

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Grange Farm House and Manor House Farm



Looking up and down from School Lane



View from School Lane looking south-west across rear of site

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View of North and South Cottage, Red Barn and X from School Lane



View of rear of site and immediate surroundings from Public Footpath B35 – looking south

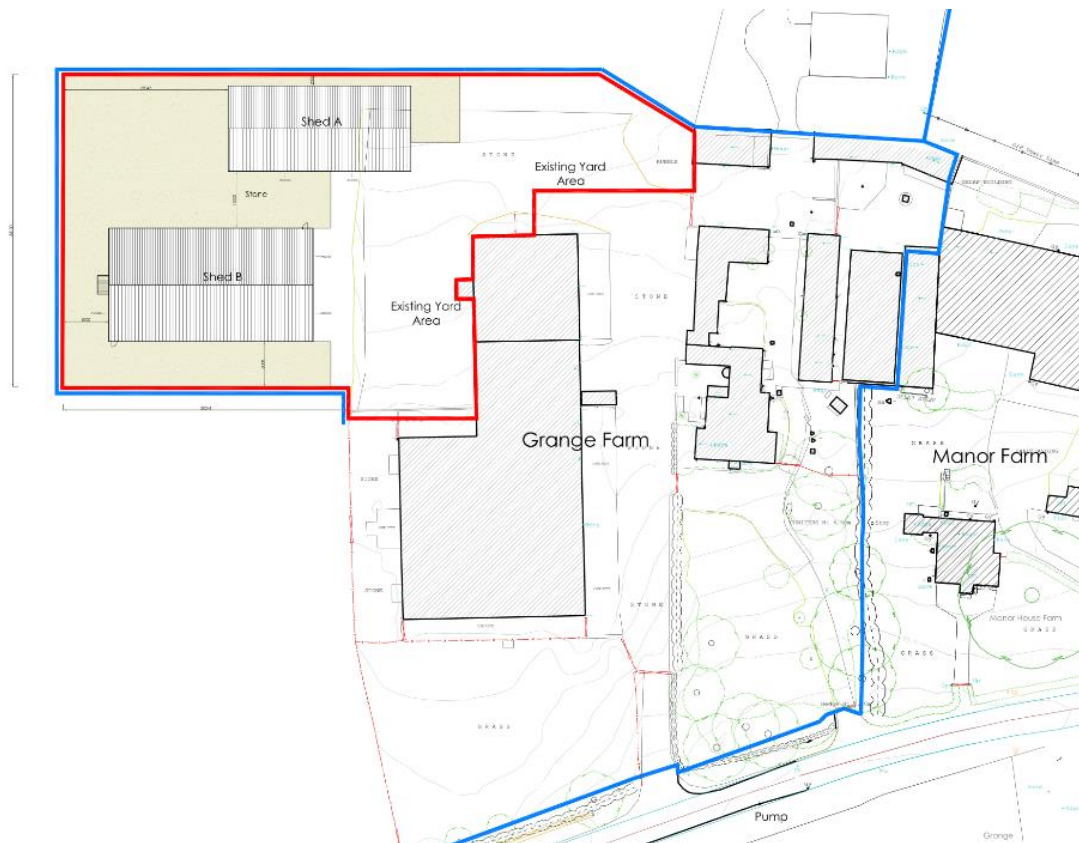
## 2. Site History

2.1 The site has the following recent (and relevant) planning history (all approved):

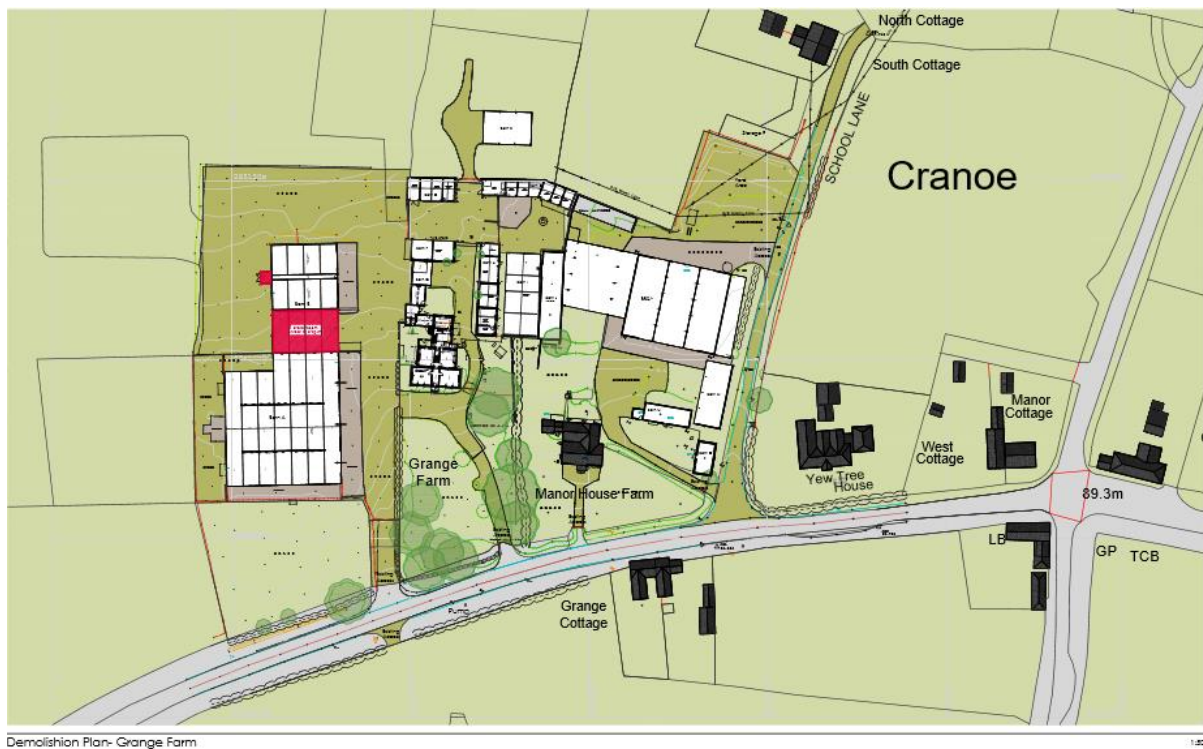
### **Grange Farm**

**19/01054/FUL:** Erection of two agricultural buildings with associated hardstanding

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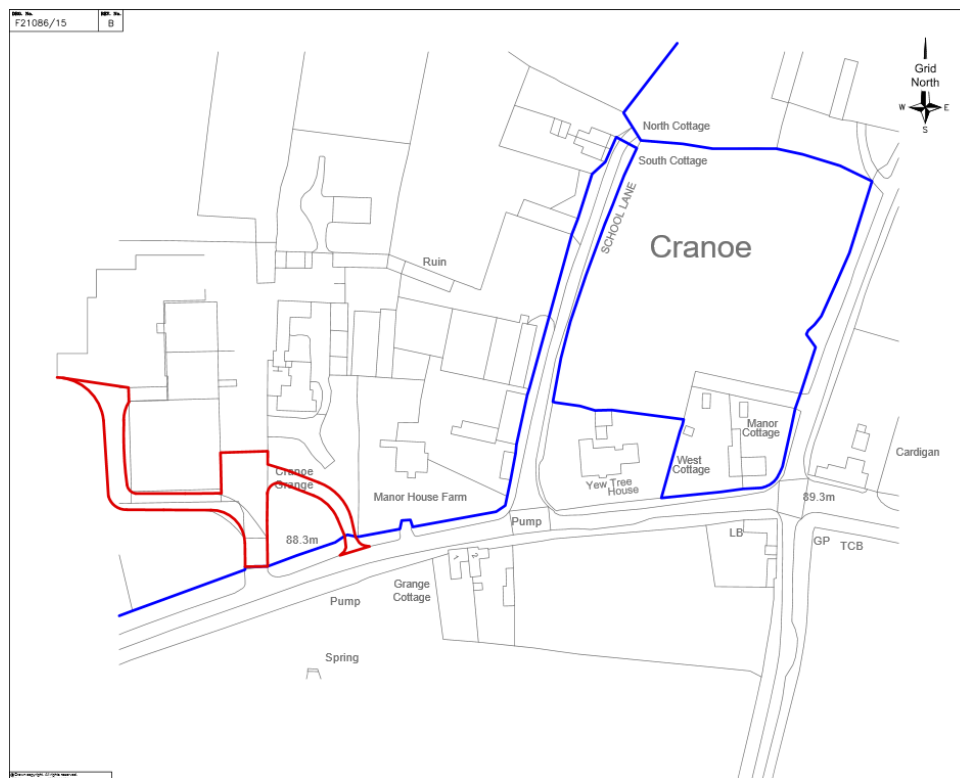


**22/00064/DEM:** Prior Notification for the demolition of agricultural building

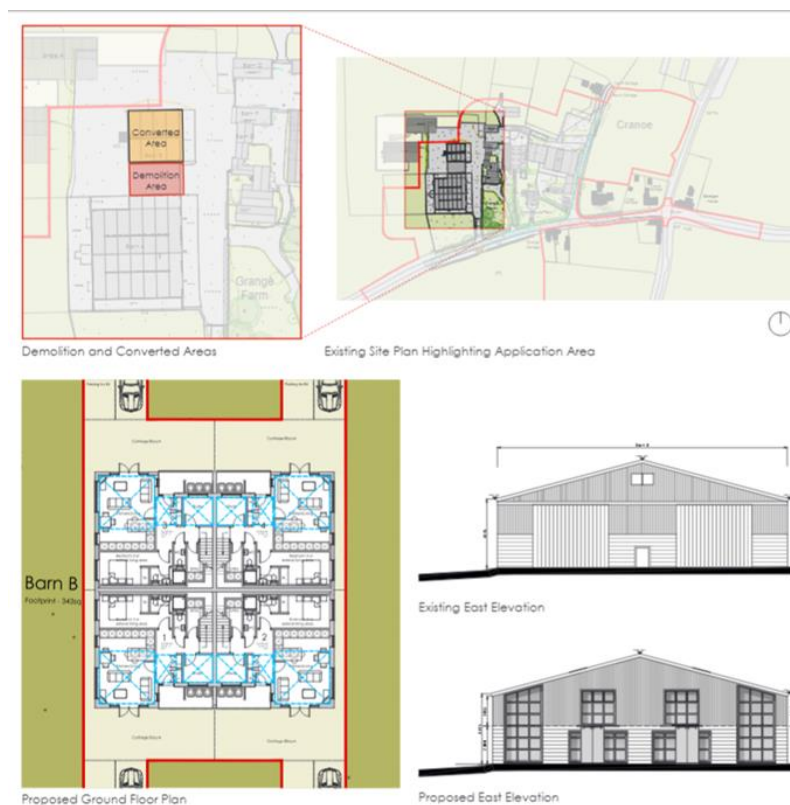


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**22/00862/FUL:** Creation of a new access track to serve the existing farmstead



**22/01058/PDN:** Notification to determine if Prior Approval is required for the proposed change of use of an agricultural building to 4 smaller dwellinghouses (C3) and for associated operational development (Class Qa and Qb)

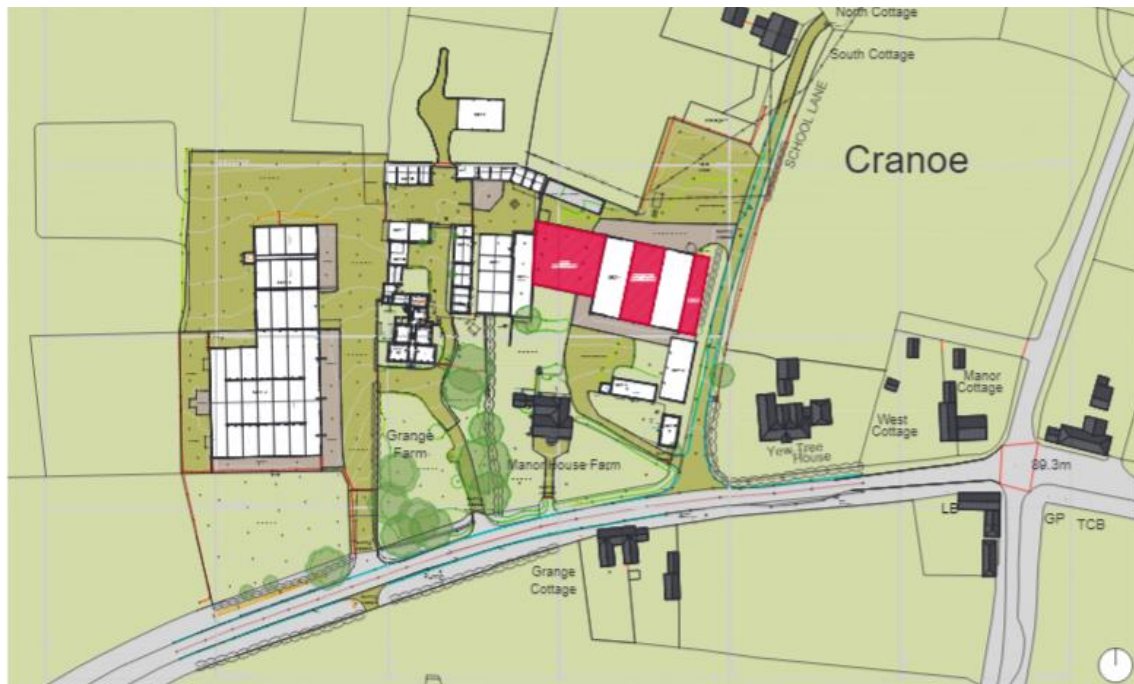


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## Manor House Farm

**22/00065/DEM:** Prior Notification for the demolition of agricultural building (Barn K) and two sections of another agricultural building (Barn L)



**22/01059/PDN:** Notification to determine if Prior Approval is required for the proposed change of use of an agricultural building to 2 larger dwellinghouses and 3 smaller dwellinghouses (total of 5 dwellinghouses) (C3) and associated operational development (Class Qa and Qb)



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## PREAPP/21/00311

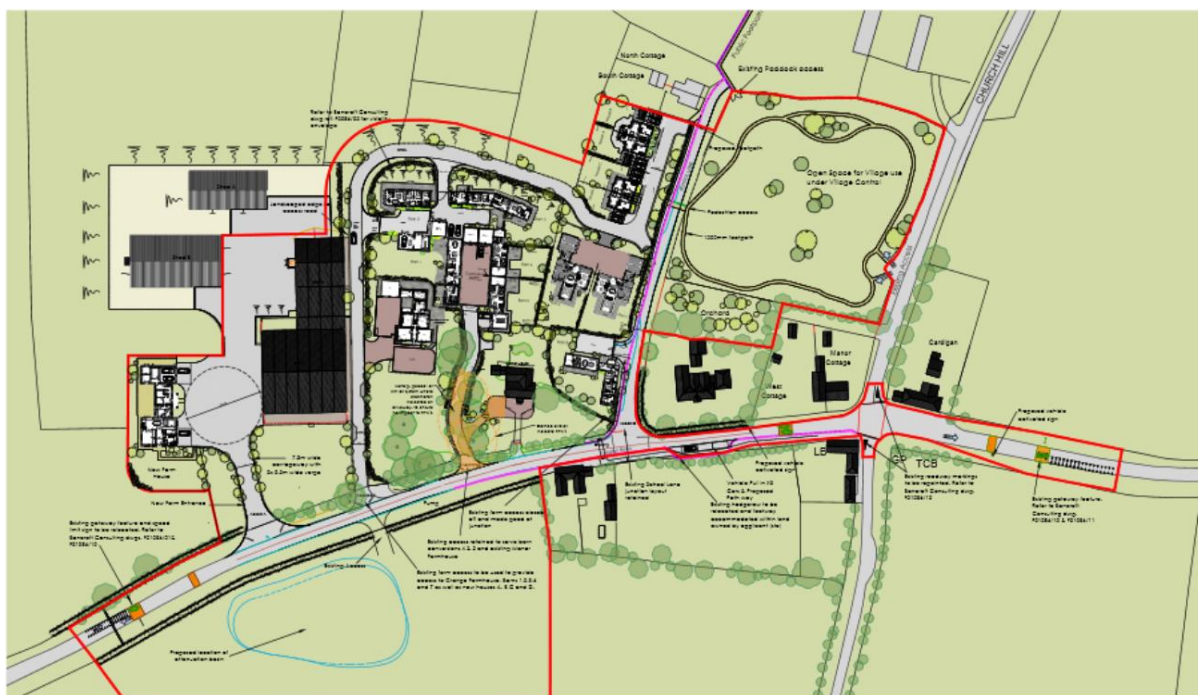
A pre-application enquiry for proposed 'Residential Development at Cranoe to include no.7 new build dwellings and no.6 conversions from agricultural to residential use, in addition to the delivery of public open space and landscaping improvements' was submitted to the LPA on 22nd September 2021. No formal written response was provided, although Officers did recommend securing the Class Q permissions to achieve a viable fallback position against which to assess the proposals.

It should also be noted that the prior to submission of the current application, the Applicant has held discussions with the Parish Meeting.

### 3. Proposal

3.1 The application as originally proposed was for:

Demolition of existing agricultural buildings, conversion of vacant outbuildings to **6** residential dwellings and erection of **7** new build dwellings, new double garage to Grange Farmhouse and new driveway to Manor House Farmhouse, in addition to the delivery of public open space, traffic calming measures, creation of a new access and alterations to existing accesses, drainage infrastructure and landscaping improvements.

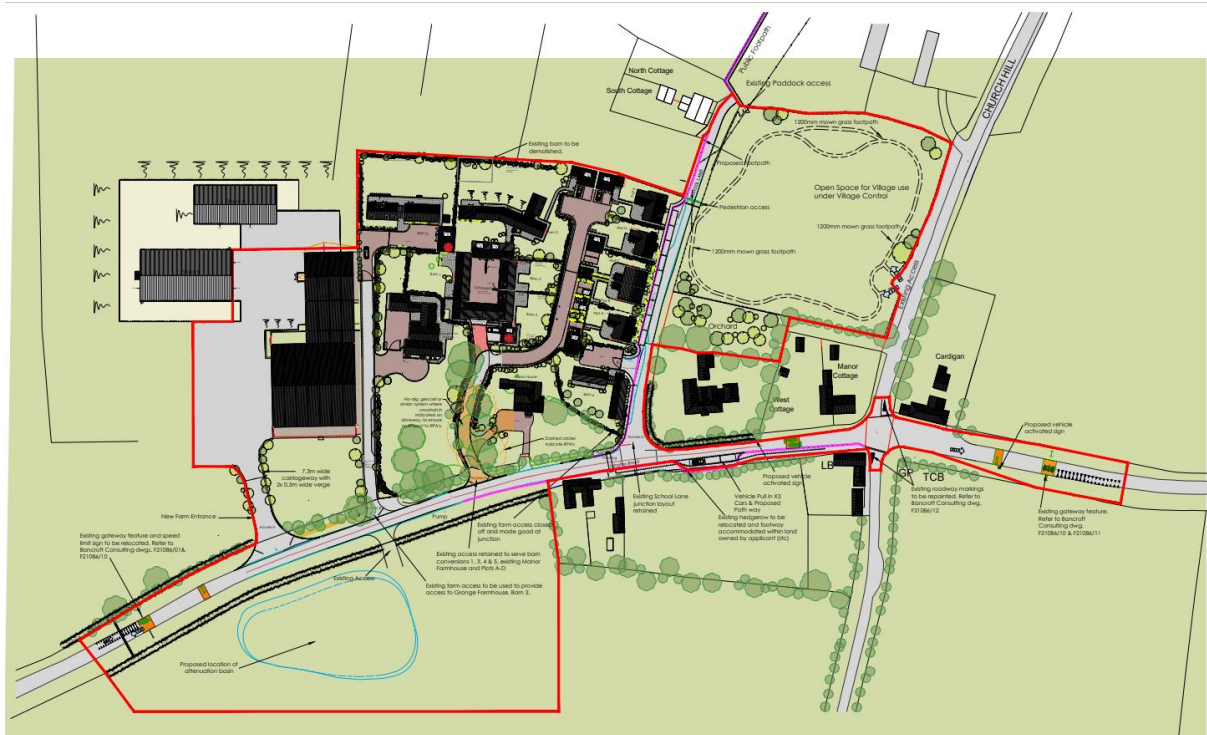


**PROPOSED SITE PLAN (December 2022)**

- 3.2 Officers raised several concerns with the original plan and thereafter discussions were undertaken to address the concerns raised, including the submission of an informal amended plan, which was judged by Officers to be a significant improvement.
- 3.3 However, as a result of the design amendments, the Agent advised that they would need to consider increasing the development capacity in order to make the scheme deliverable. This resulted in the formal submission of Amendment A (October 2023).

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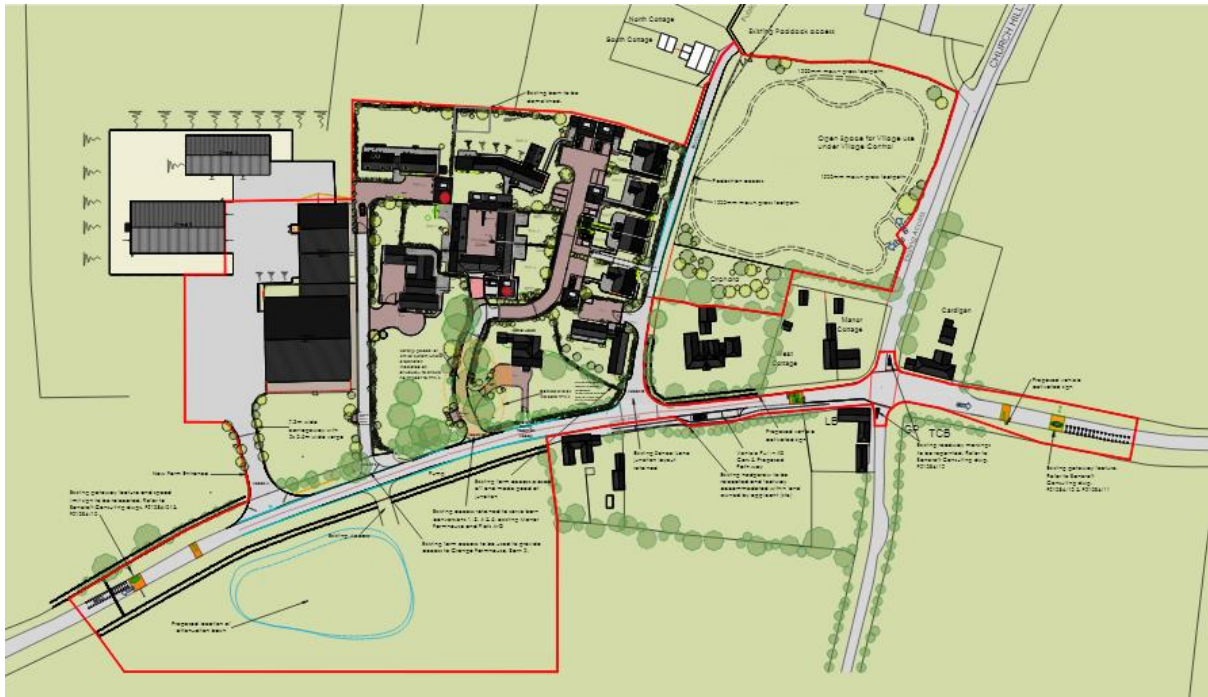


**PROPPSED SITE PLAN (October 2023)**

3.4 The amendments made can be summarised as follows:

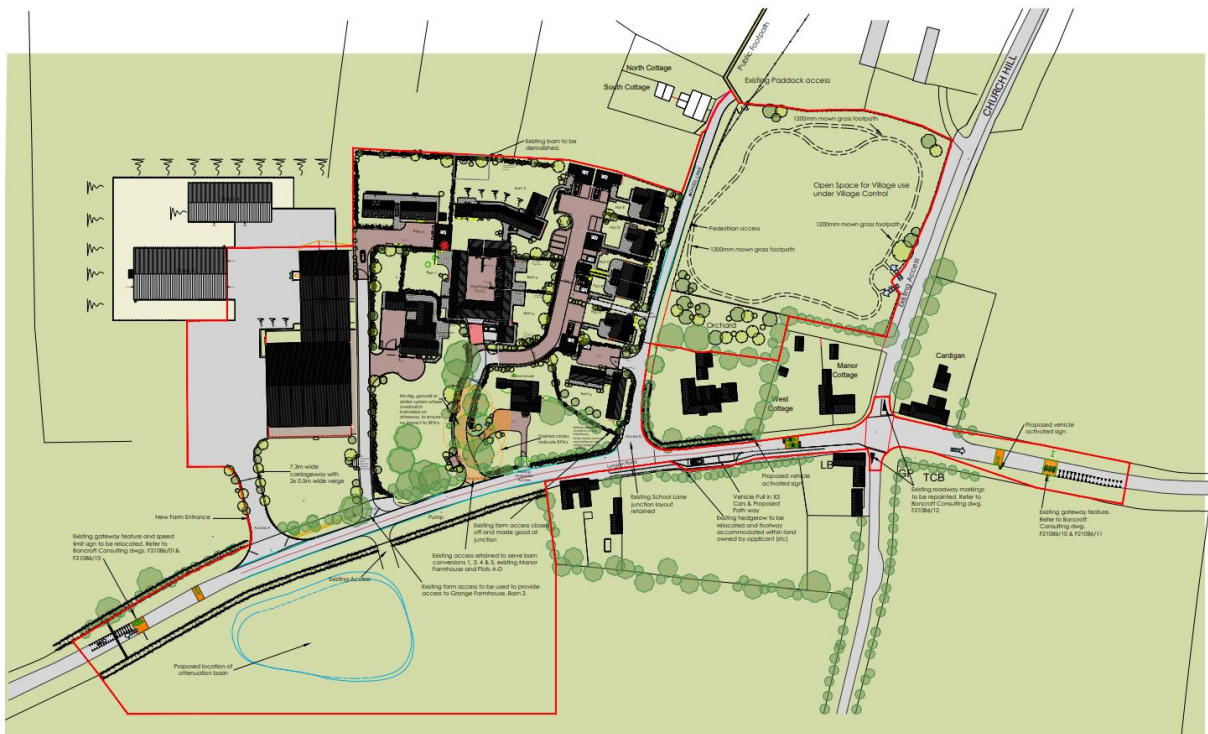
- Omission of new 415m<sup>2</sup> Farmhouse for Grange Farm
- Omission of the proposed road access to the north of Barn 2 and Barn 3
- Omission of Plot 7 and re-vised layout and design of the Plots 1-6; notable reduction in scale of dwellings and re-positioned further south
- Barn 2 – now a 4-bed dwelling with an element of two-storey accommodation. A central glazed link entrance hall connects the barn to be converted (eastern side) with the proposed new-build element (western side);
- Barn 3 – now a 4-bed dwelling with an element of two-storey accommodation. It has been extended slightly to the east, and a new single-storey extension added to the northern side
- Barn 1 & 5 – these are now linked with an undercroft access into the courtyard, providing a small level of additional floorspace at ground floor level, as well as additional en-suite bedrooms to both properties at first floor level.
- Amended Red line, to encompass the footprint of the northern-most barn to be demolished and provide a larger garden area to the now-extended Barns 2 & 3

3.5 Following highway comments, the site plan was amended slightly again in January 2024



**PROPOSED SITE PLAN (January 2024)**

- 3.6 Following Officer comments, the barn conversion plans were amended (May 2024); reducing the amount of new fenestration; altering the style of fenestration (multi-panes to single/plain panes) a reduction in size of the proposed two storey side extension and re-siting of proposed rear extension to Barn 4



**PROPOSED SITE PLAN (May 2024)**

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### **Supporting documentation**

3.7 In addition to the drawings, the application was initially supported by the following technical documents:

- Design and Access Statement
- Planning Statement
- Heritage Impact Assessment
- Landscape Character Assessment
- Ecological Appraisal
- Bat Survey Report
- Biodiversity Net Gain
- Biodiversity Metric,
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- FRA and Drainage Strategy
- Contaminated Land (Phase 1 and 2)
- Desk-Based Archaeology Report,
- Structural Inspection Report,
- Highway Impact Assessment

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

March 2023

- Bat Roosting Details – Response to Ecology Comments
- Technical Note, complete with Stage 1 RSA – Response to Highway Comments

April 2023

- Affordable Housing Statement

October 2023

- Details of air source heat pumps and EV charging facilities – Response to Environmental Coordinator Comments

January 2024

- Viability Appraisal

February 2024

- Archaeological Trial Trench Evaluation

March and April 2023

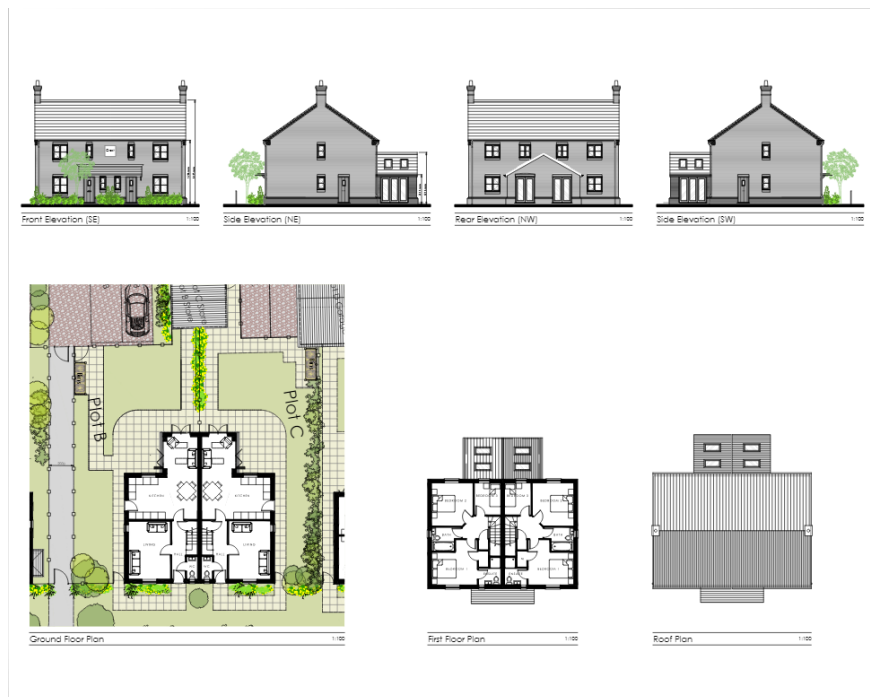
- Rebuttal to objection

3.9 The proposed plans for the 5 new dwellings are shown below:

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**Plots A & D Floorplans and Elevations (3 bed)**



**Plots B & C Floorplans and Elevations (2 bed)**

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**Plot E Floorplans and Elevations (4 bed)**

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

- 4.1 Consultation with the technical consultees and local community has been carried out on the application submission.
- 4.2 A Site Notice was placed at the site entrance and an advert placed in the Harborough Mail in January 2023.
- 4.3 A second Site Notice was placed at the site entrance (17.05.2024) and an advert placed in the Harborough Mail (16.05.2023) advising the Development was a *'Departure to the Development Plan'*

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17.05.24

- 4.4 A summary of the technical consultee responses which have been received are set out below. If you wish to view comments in full, please request sight or go to [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

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

Consultee	Date	Comment
Environment Agency	13.10.23	The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.
LCC S106 Obligations Officer	25.01.2023	S106 contributions sought towards libraries, Waste, Primary Education, Secondary Education and Post 16 Education
Highways	03.02.2023  08.02.2024	The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required.  The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework subject to the conditions and/or planning obligations outlined.
LLFA	25.01.2023	The 4.63 ha brownfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a very low to medium risk of surface water flooding. The proposals seek to discharge at 10.2 l/s via interception swales and an attenuation basin to the off-site watercourse which is shown

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		<p>to be in land under the applicant's control Proposals are supplemented with a drainage design plan and matching design calculations to a suitable standard.</p> <p>The proposals are considered acceptable to the LLFA subject to the conditions outlined.</p>
Ecology	<p>18.01.2023</p> <p>09.04.2023</p>	<p>I have reviewed the Bat Survey Report produced by Chris Vine (October 2021 &amp; September 2022), the Ecological Appraisal (FPCR, December 2022), the Ecology Technical Note – Biodiversity Net Gain Calculations (FPCR, December 2022) and the accompanying Biodiversity Metric.</p> <p>The habitats are generally low value, and Biodiversity Net Gain will be achievable onsite.</p> <p>However, I do not feel the impacts to bats have been adequately assessed. The bat survey guidelines were not followed and only September visits were carried out. I do not find the report overly clear on whether there was adequate coverage of the buildings by surveyors. There is no real justification to why the survey effort is considered sufficient to be able to form conclusions about the way bats utilise the building given the sub-optimal surveys. Given the numbers of bats recorded roosting, it cannot be ruled out that maternity roosts of bats is present, which could require a change of plans such as bespoke bat lofts. It is not clear why the report rules out breeding roosts when 11 Natterer's bats and 5 brown long-eared bats were recorded roosting within Building 6 in the middle of September.</p> <p>I recommend that either the application is delayed until sufficient survey information has been provided (two further bat activity surveys in May to August) in order to fully assess the impacts on bats. This will then inform an accurate mitigation / compensation plan and fully determine the extent that bats will be impacted. Alternatively it may be acceptable to design a 'worst case scenario' mitigation plan, including a bespoke bat loft which would need to be approved prior to planning permission being granted, with then the further bat activity surveys being conditioned in order to inform the EPS licence.</p> <p>Either way I recommend that the application is delayed until my comments have been addressed.</p> <p>I am pleased to see that there is now provision for the replacement bat roosts incorporated into the designs. These may have to be altered depending on Natural England requirements but I am happy that provision has been provided.</p> <p>I will still expect to see details of the further surveys carried out at optimal times of the year with a mitigation strategy, but this can be dealt with via a condition.</p>
Archaeology	17.01.2023	<p>We welcome the desk based assessment and agree that there is a high potential for archaeological remains to be located on the site and be impacted by the development.</p> <p>Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the</p>

	28.02.2024	<p>planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals</p> <p>We welcome the trial trenching report, although we believe it underplays the archaeological potential particularly in the areas of trench 1 and 2. Both these trenches contained features which in the report isn't explained why they believe they are modern and not just undated. They contained abraded medieval or roman pottery which are residual however this does not mean the features are modern.</p> <p>While the area to the north of Langton Road has been truncated by the modern farm use of the site, the area to the south still has archaeological potential shown by the features described above and the finding of roman and medieval pottery.</p> <p>The applicant must make arrangements for and implement an appropriate programme of archaeological investigation. This will involve an archaeological strip and excavation to the south of Langton Road.</p> <p>We therefore recommend that any planning permission be granted subject to planning condition</p>
NHS Integrated Care Board		S106 contributions sought GP practice
HDC Waste Mgt		S106 contributions sought towards waste and recycling receptacles
Environmental Health Officer	14.01.2023	<p>Request the following condition be attached to the consent notice:</p> <p>No development shall commence on site (including any works of demolition), until a Construction Method Statement (CMS) is undertaken</p>
Contaminated Land Officer	12.01.2023	<p>The permission should be conditioned as outlined below:</p> <ul style="list-style-type: none"> <li>• Risk Based Land Contamination Assessment</li> <li>• Completion/Verification Investigation Report</li> </ul>
Environment Coordinator	11.01.2023	<p>I note that the application is making use of existing buildings, which is a positive approach to resource use and reducing emissions.</p> <p>Planning Statement – Part 1 indicated that provision to meet policy CC1 will be met by insulation and double glazing. However, to meet the requirements of policy CC1, the applicant needs to demonstrate that they have considered all aspects of reducing emissions from the development during construction and in subsequent use. This includes identifying how site waste could be reused, the opportunities for renewable energy (such as PV or heat pumps), and increasing energy efficiency to reduce the requirements for a heating system (passive heating). In addition, the development of properties at a remote village like Cranoe will lead to increased need to travel, so the provision of electric vehicle charging infrastructure should be identified, as well as opportunities to promote cycling and low carbon forms of transport.</p>

		<p>The information provided so far is not sufficient to meet the needs of Policy CC1 and as such is not acceptable</p> <p>I have looked at the new plans and note the EV charge points and air source heat pumps on the plan. This new information is helpful to show that the development will meet the requirements of Policy CC1.</p>
	17.10.2023	
Housing Enabling Manager	27.04.2023	<p>I have read the Affordable Housing statement with interest and on this occasion I also agree with the argument being put forward and given the current circumstances with RP's reluctance to take on board small affordable housing schemes particularly in very small settlements - it may prove very difficult to find a partner to take any affordable units in Cranoe.</p>
Neighbourhood and Green Spaces Officer	25.01.2023	<p>The site generates the requirement for off site open space S106 contributions as the proposal is for more than 10 dwellings.</p> <p>I note the provision of an open space for village use and under village control. Please note the currently adopted policy of the Council does not require this provision but it is of course the developers decision to provide the facility.</p> <p>This may indeed be acceptable to the village residents to have open space provision in Cranoe. It may mean that contributions for Parks and Gardens, Amenity Greenspace and allotments (orchard provision on site) are not required as an off site contribution. However, off site contributions will still be required for other typologies to take account of the demand generated by the site.</p> <p>The management and maintenance of this space is, however, going to need to be discussed by the developer with the village community because I do not believe the village currently has responsibility for any open space and may not have capacity to take responsibility for this new land.</p> <p>A landscape management plan and plan for ongoing maintenance will need to be provided by the developer, as will a mechanism for funding the ongoing maintenance of the site.</p> <p>If open space is provided to the community, then the respective off site contributions will not be required (probably Parks and Gardens, Amenity Green space, Natural and Seminatural greenspace and allotments (community orchard) for example). However, the developer will need to provide a commuted sum for maintenance to the local authority (parish meeting) that takes responsibility for the POS. HDC do not routinely adopt POS.</p>

## b) Local Community

4.5 The following comments have been received from the local community.

1 x comment from a property in Stonton Wyville

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This application has the merit of retaining and extending agricultural activity in the village of Cranoe which is to be applauded. It is however too extensive given the existing size of the village. Cranoe, currently little more than a hamlet of nine dwellings, will be more than doubled to twenty two by virtue of this application. Such growth will impact on the neighbouring villages in the Welland Valley by further increasing traffic along the already busy Hallaton-Langtons Road with the addition of twenty plus cars.

It will also impact negatively on local services in the locality, notably doctors' surgeries. I ask the Planning Officers of MHDC to diligently check the following points:-

Firstly does the local plan really envisage growth of this volume in the number of dwellings outside the core designated villages such as Hallaton and Church Langton?

Secondly a specific point. A section Q consent relating to Barn B at Grange Farm has apparently been abandoned and Barn B will be retained for agricultural use. Instead four new semi-detached dwellings are proposed on what is mostly green field land about two hundred yards distant from the original barn. Is this planning manoeuvre permitted by law?

Thirdly the Manor Farmhouse is a fine historic house and would benefit from and be protected by retaining its, also historic, stone barn situated to the east and also its original driveway. Future residents would be able to enjoy gardens to the south and west.

#### 1 combined comment from 2 x properties in Cranoe

- The current revised submission increases the number of bedrooms by 13/17 and the residential gross internal floor space by 621m<sup>2</sup> over that approved in both the prior approval 6 schemes. To put this in perspective this is a 58.86% increase in the gross internal residential floorspace, without including garage space or stores.
- When balanced against the "fall back" position in the form of the two prior approval schemes that the proposed scheme is excessive in scale, and that the proposal would not provide a suitable location for housing having regard to the Council's spatial strategy and accessibility to services and facilities. The proposed scheme would therefore be in conflict with policies SS1, GD2 and GD3 of The Harborough Local Plan 2011 to 2031 (HLP), as well as paragraph 8 of the National Planning Policy Framework (NPPF).
- Given the substantial extensions proposed to the barns (in some cases over double the size) it is clear that the proposals cannot be described as conversions as per HLP Policy GD3 Development in the Countryside.
- The sheer mass and scale of residential development upon the site along with the associated required works is of such an extent that it would have a harmful effect on the rural character and appearance of the area. The proposed scheme would therefore be in conflict with HLP policies GD5, GD8 as well as paragraph 130 of the NPPF.
- The village of Cranoe, which would be identified on size as a hamlet if it wasn't for the presence of St Michaels Church currently contains 15 households all of which are 100% reliant on car travel for their access to services and facilities. The current proposal of 11 dwellings would increase the percentage of households by 73.3%.
- The "fall back" position fails the three tests, and is clearly excessive in scale, considering the site's unsustainable and rural location, as well as the size and scale of the two prior approval schemes.
- The proposed application is clearly in conflict with policies SS1, GD1, GD3, GD4, GD5, GD8, and H5 of the Harborough Local Plan 2011 to 2031 (HLP). It would also not meet the aims of paragraphs 8 and 130 of the National Planning Policy Framework (NPPF). The application should therefore be refused.



- 4.6 The Agent has submitted a detailed rebuttal to the above initial objection of 26<sup>th</sup> January 2024 and the objection addendum of 26<sup>th</sup> March 2024. The rebuttal includes 4 appeal decisions which reinforce the relevance of the fallback position, and highlight the requirements for the decision maker to place significant weight on the fallback position, having regard to the advice set out in *Mansell v Tonbridge and Malling Borough Council* 2017.
- 4.7 The rebuttal also includes a floorspace comparison methodology and schedule. The schedule (see below table) shows that the proposed development will ultimately lead to less gross external floorspace (13.3%) than the existing development on the site. It will also lead to less volume (7.3%) than the existing development on the site. The fallback position delivers 1.7% less gross external floorspace than the proposed scheme. The comparators show that there is no significant gross increase arising.

Table 1 below: Existing, Proposed, and Fallback Position Quantities

Comparative table of Existing, Fallback and Proposed Floorspace and Volumes						
	Floorspace (GEA) (m <sup>2</sup> )	% of existing	Floorspace (GIA) (m <sup>2</sup> )	% of existing	Volume (m <sup>3</sup> )	% of existing
Existing Development	3,973	100	3,938	100	20,649.4	100
Fallback Permission	3,377	85	3,725	94.6	16,626.2	80.5
Proposal scheme	3,445.6	86.7	3,937.1	99.9	19,159.3	92.7

## 5. Planning Policy Considerations

- 5.1 Planning decisions must be made in accordance with the Development Plan unless there are material considerations that indicate otherwise. The Development Plan relevant to this application is the *Harborough Local Plan (HLP) 2011-2031*
- 5.2 The below policies are considered most relevant to this application:
- SS1- The spatial strategy
  - GD1- Achieving sustainable development
  - GD3- Development in the countryside
  - GD4- New housing in the countryside
  - GD5- Landscape character
  - GD8 – Good design in development
  - GI5- Biodiversity and geodiversity
  - CC3- Managing flood risk
  - CC4- Sustainable drainage
  - IN2- Sustainable Transport
- 5.3 The below material considerations are considered relevant to this application:
- National Planning Policy Framework
  - National Planning Policy Guidance
  - Development Management SPD (December 2021) – Section 3 (Residential Development in the Countryside); Section 9 (Conversion of Redundant and Disused Buildings) and Section 10 (Landscaping and Development)
  - Landscape Character Assessment (District Wide) (2007)
  - Court of Appeal decision in *Mansell vs Tonbridge & Malling Borough Council* [2017] EWCA Civ 1314
  - Appeal decisions referred within supporting documentation

## 6. Assessment

## **a) Principle of Development**

- 6.1 Policy SS1 of the Harborough Local Plan (HLP) identifies the Spatial Strategy for Harborough District. Housing growth is directed to appropriate locations in accordance with the District's settlement hierarchy. The settlement hierarchy identifies the settlements which are most suitable in sustainability terms (this is set out in detail in Appendix F of the HLP). Settlements at the top of the hierarchy are considered to be the most sustainable in terms of accessibility to services, facilities, shops, employment and public transport provisions. Cranoe is categorised as an 'Other village or rural settlement', the village is considered to be unsustainable for growth.
- 6.2 In terms of the 6 conversions to residential dwellings, in principle this is supported by Policy GD4c "the re-use of redundant or disused buildings that results in enhancement to their immediate setting". However, the proposed 5 new dwellings would not accord with the spatial strategy outlined in the HLP.
- 6.3 Notwithstanding the above, the applicant has secured two planning permissions ref: 22/01059/PDN at Manor House Farm (5 units) and ref: 22/01058/PDN at The Grange (4 units). Therefore, the site has the capacity for at least 9 no. residential units across the application site under Class Q, alongside the existing residential farmhouses.
- 6.4 This creates a fallback position of three more dwellings (9) than that sought by the masterplan (5 new build).
- 6.5 It has been established in law that a fall-back is an important material consideration in the decision-making process. The "fall-back position" refers to what development could take place if planning permission under an application currently being considered is not granted. Of particular note is the Court of Appeal decision in *Mansell vs Tonbridge & Malling Borough Council* [2017] EWCA Civ 1314. The judgement recognised that Permitted Development rights under Class Q (whether prior notification has been sought or not) may represent a realistic fall-back position when it comes to developing the site with an alternative form of development. Where a fall-back development is possible decision-makers must be satisfied this is a "real prospect" in order for it to be a material consideration. There is extensive case law regarding "real prospects", whether a fall-back is realistic is based on the individual merits of the site/development.
- 6.6 The Class Q permissions could lawfully be implemented upon discharge of the relevant pre-commencement conditions (Conditions 4 & 5 on both permissions) and thus form a highly material fallback position when considering the current proposal. It is considered realistic that should the current application be refused the site would be developed through the Class Q consents for 9 residential units.
- 6.7 The alternative quantum of development sought (11 units, as opposed to the 15 achievable via the fallback position and Policy GD4 1.c of the Local Plan), would as will explained further within the report, deliver higher quality housing, better living conditions for occupants, deliver public open space (including an orchard), significant biodiversity net gain benefits; heritage improvements to the setting of surrounding listed buildings insofar as the settlement character will benefit from high quality, development and traffic calming measures along Langton Road.
- 6.8 These benefits would not be secured through the Class Q permissions.

## **b) Design**

- 6.9 Section 12 of the NPPF refers to achieving well designed places, specifically; paragraph 124 states that good design is a key aspect of sustainable development.

Developments should be sympathetic to local character and history, including the surrounding built environment. Policy GD8 of the HLP outlines that development should achieve a high standard of design, be inspired by, respect and enhance local character and the context of the site, street scene and local environment. Where appropriate development can be individual and innovative, yet sympathetic to local vernacular.

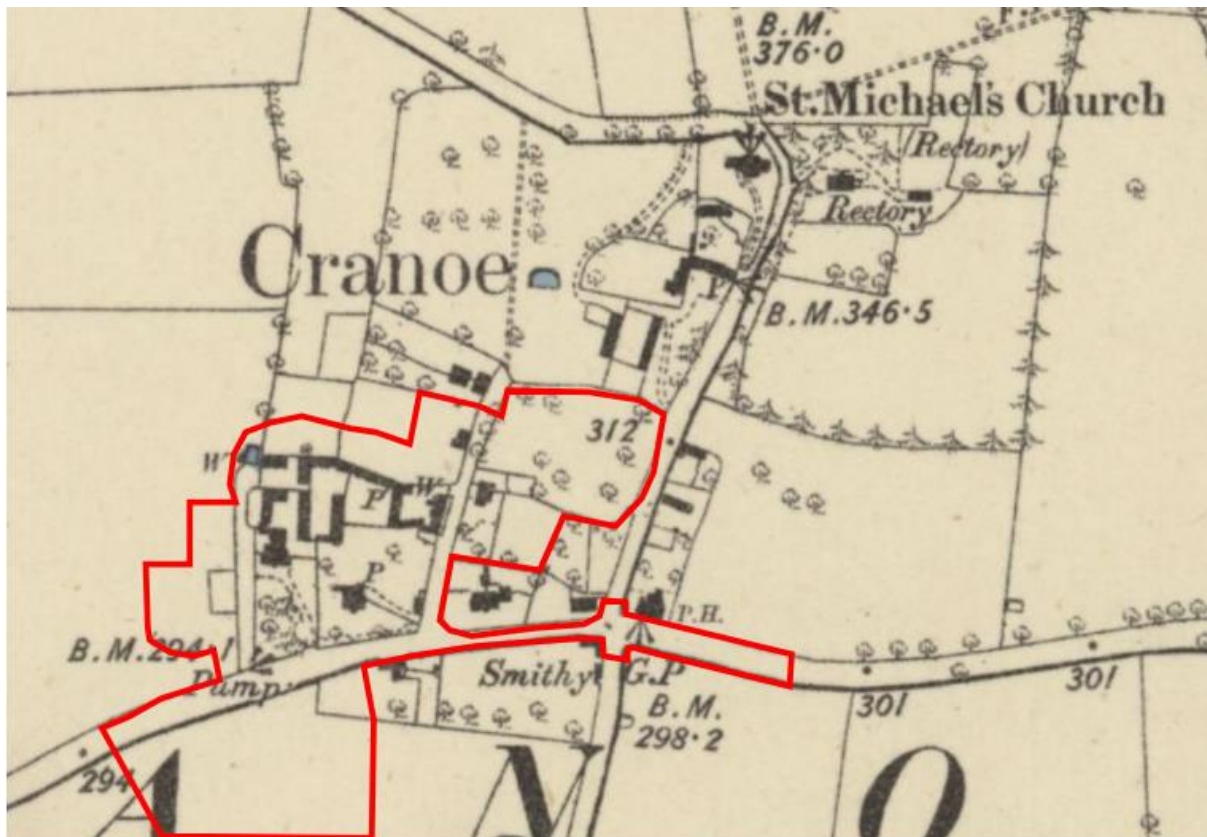
### *Barn Conversions*

- 6.10 The proposal includes the change of use, alteration and extension to 6 traditional barns. The location of these barns are shown below (Barns C, D, F, H, J, N and O)



Barn Conversions (Structural Inspection Report)

- 6.11 As can be seen from the map below; all of these barns (except N) have been on site since at least 1885.



**Extract of 1885 OS Map (Heritage Impact Assessment)**

6.12 The Structural Inspection Report submitted in support of the application, concludes *"the barns are considered to be structurally suitable and sufficiently robust and strong enough, subject to building operations reasonably necessary, for conversion from use as an agricultural building to a use as a domestic dwelling"*

6.13 The plan below indicates the barns to be converted.

**Barn C** is single storey and is to be converted to form "Barn 2", a 4-bed dwelling. A two storey extension to its western elevation is proposed; connected via a light weight single storey glazed link.

[Click here to enter text.](#)



South Elevation

1:100



East Elevation

1:100



North Elevation

1:100



West Elevation

1:100

## PROPOSED BARN 2

**Barn D** is to be converted to become “Barn 3”, a split-level, 4-bed dwelling. A two storey extension to the eastern elevation is proposed (where a dilapidated building is located; and where historic mapping indicates a longer linear barn once stood); together with a single storey extension to the north elevation.



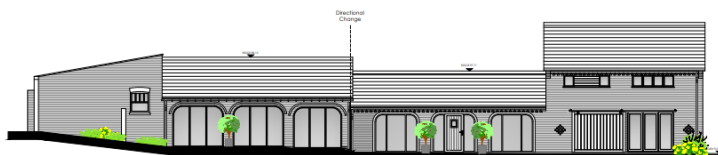
North Elevation

1:100



East Elevation

1:100



South Elevation

1:100



West Elevation

1:100

## PROPOSED BARN 3

**Barn H** is part two storey; part single storey and is to be converted to form “Barn 1”, a 4-bed dwelling.

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### PROPOSED BARN 1

**Barn J** is two storey and is to be converted to form 2 dwellings, a 3 and 4 bed, Barns 4 and 5.

Extensions are proposed to the north and south of Barns 1, 4 and 5 to form a courtyard arrangement and to provide additional living accommodation and garaging. Historic mapping indicates a building was located at a right angle to Barn J (Barn 5).

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## PROPOSED BARN 4 AND 5

**Barn N** and **Barn O** are single storey structures and are to be converted and connected via a new single storey glazed link to form a 3-bed dwelling.

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## PROPOSED BARN 6

- 6.14 To facilitate the conversions; a number of modern/dilapidated barns are to be demolished. In addition; it is proposed to insert several new openings; the majority of which reflect existing fenestration within the barns or those seen on similar barns within the District. All existing openings have been retained.
- 6.15 It is acknowledged that the extensions proposed to the existing barns are substantial; which Chapter 9 of the Council's Development Management SPD, which is a material consideration; advises should be avoided.
- 6.16 However, Officers have considered the specific site circumstances; namely:
- Comprehensive re-development of site with Class Q fallback 'new dwellings' which is judged to enhance the immediate setting of the site and its surroundings and result in an overall 'betterment'.
  - Ensure the optimum viable use of these non-designated heritage assets; without the extensions (whether that be for residential or commercial use); they are unlikely to be attractive to the market; which may result in further deterioration of the historic barns and eventually their loss which would be to the detriment of the District
  - Limited landscape harm (discussed in more detail later on within this report)
  - Viability (discussed in more detail later on within this report)
  - Notwithstanding the 'scale'; the extensions have been designed to reflect the architectural character of the existing barns and other barns elsewhere within the District.

[Click here to enter text.](#)

- Permitting the extensions now will prevent the likely possibility of future occupiers wanting to add future additions for example garaging / store areas etc.

#### *New Dwellings*

- 6.17 The 5 new dwellings provide a good housing mix offering 2 x 2 bed dwellings; 1 x 3 bed dwelling and 1 x 4 bed dwelling. They are positioned adjacent to and facing directly onto School Lane; with access via a new internal access way within the site itself. The dwellings reflect the footprint, massing; scale of North and South Cottage located to the north of the site and the architectural detailing of surrounding development. Their positioning reflects historic built form and are located on and close to the site of the Class Q Manor Farm House consent.
- 6.18 The residential curtilages proposed for the 5 new dwellings and 6 barn conversions on are modest do not present inappropriate incursion into the surrounding countryside; given the majority of the proposed gardens are on current hardstanding or areas used to store agricultural machinery and other miscellaneous paraphernalia.
- 6.19 The indicative landscaping proposals include soft planting, hedging and post and rail and estate rail fencing which would be appropriate to the surroundings. In terms of driveways to the individual dwellings, the majority will be surfaced in gravel. The exceptions are the courtyard area to Barns 1, 4 and 5, which will be resin-bound gravel, and the driveways of Houses which will be tarmac.
- 6.20 It is recommended that full landscaping conditions and material details should be requested by condition to ensure the boundary treatments, planting and materials would be appropriate for the rural location. Officers also consider it would also be necessary and reasonable to remove householder Permitted Development Rights. This would enable the LPA to assess any further extensions/alterations to the dwellings and within their curtilage and ensure development continues to respect the character of the area.

#### *Grange Farm Farmhouse*

- 6.21 It is proposed to demolish the adjoining store rooms to the west and north to facilitate a new double garage. The garage will be single storey with a pitched roof, materials to match that of the existing. The remainder of the farmhouse will remain in its current form, unaltered, bar from the insertion of 2no. rooflights and a small window to the west elevation, to provide additional natural light over the landing and to bedroom 6. It is understood the tenant farmer will continue to reside in this property.
- 6.22 Overall, the proposal is judged to represent good design and as a whole an improvement to the Class Q fall-back position. On balance, the proposal therefore accords with policies GD8 of the HLP and Para 135 of the NPPF

### **c) Landscape/Visual Amenity**

- 6.23 Policy GD5 of the HLP states that development should be located in such a way that it is sensitive to its landscape setting and landscape character and will be permitted where it respects, and where possible, enhances local landscape, the landscape setting of settlements and settlement distinctiveness.

#### *Landscape Character*

- 6.24 In September 2007, Harborough District Council carried out a comprehensive Landscape Character Assessment covering the whole of Harborough District. It

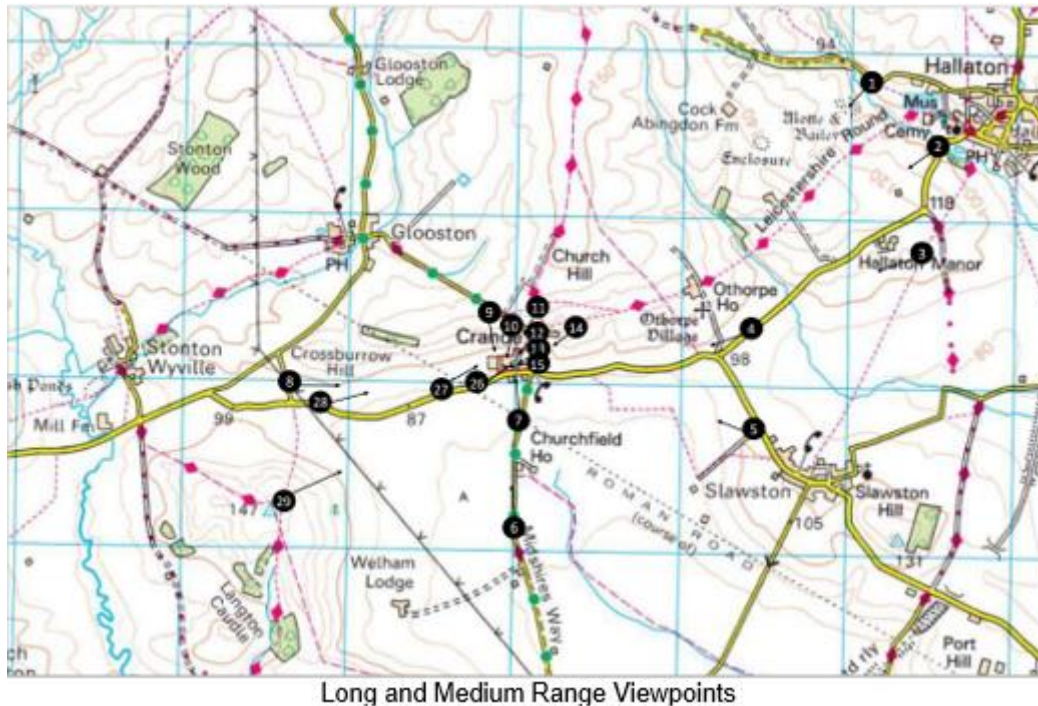
identifies the application site within the High Leicestershire Landscape Character Area, near to the boundary of the adjoining Welland Valley Landscape Character.

- 6.25 The site has some of the characteristics described in the National Landscape Character Assessment and the Harborough District Landscape Character Assessment (High Leicestershire Landscape Character Area). These include:
- Steep undulating hills
  - Rural areas with a mix of arable farming on lowlands and pasture on hillsides
    - Sparse settlement of small villages with little modern development. Ironstone and limestone churches and vernacular buildings but also abundant red brick with some survival of timber frame and thatch;
  - Network of quiet green lanes linking rural communities and a remote, sometimes empty character.
- 6.26 Due to its close proximity to the Welland Valley Landscape Character Area, the site contains a number of these key features also. For example, it is notable that there is not significant tree coverage on the site save for the gardens to the front of the two farmhouses, and the wider landscape is characterised by agricultural fields enclosed by mixed hedgerow.
- 6.27 Under the Class Q permissions, there would be no requirement for planting or landscaping schemes under this development. By delivering no significant areas of landscaping as part of the proposals, the fallback Class Q permission would result in the permitted development not reflecting the key landscape characteristics of NCA: 93 High Leicestershire (NE497), nor the regional characteristics of the High Leicestershire Landscape Character Area or the Welland Valley Landscape Character. As a result, these permissions would result in the site appearing as a much more prominent parcel of built development within the landscape when compared to what is applied for under this current application.
- 6.28 A landscape scheme has been produced. The landscape proposals enhance existing landscape features at the Site, using mainly native species and seeking to mitigate against any losses. The site landscape enhancements include:
- The retention of existing mature trees on site, and the proposed planting of 143 new trees
  - The proposed community orchard to the east of the site
  - Provision of mixed native species hedgerow planting across the site
  - All new planting to be indigenous and in character with the existing landscape structure which will increase the ecological and natural biodiversity, including wildflower grassland
  - Net reduction in hardstanding across the site, and increase in green areas and landscaping including residential gardens
- 6.29 These enhancements will help to assimilate the new development into the wider landscape, and deliver upon the key landscape features of the High Leicestershire Hills and Welland Valley Character Areas.
- 6.30 The development proposals also include the provision of an area of formal public open space. This comprises the parcel of land to the east of School Lane, and will involve the change of use from pasture. This will also serve to improve the pedestrian connectivity between School Lane and Church Hill, and therefore access to PROW B35 and the wider countryside.



## Visual Impact Assessment

- 6.31 The site itself is not publicly accessible and the submitted Landscape Assessment demonstrates that the site is not visible from long and medium distance views assessed – see map below indicating viewpoint locations; due to the undulating topography of the landscape.



- 6.32 Intermittent views of parts of the site are visible from the surrounding road network.
- 6.33 The site and proposed development is most noticeable from Viewpoint 10 (figure 4), taken from a public footpath (PROW: B35) located to the north of the site.



Figure 4: Viewpoint 10

- 6.34 The landscape assessment says:

*This is the most prominent viewpoint of the site from a public footpath. North and South Cottage are in the forefront of the view and these buildings are not within the red line boundary and are therefore retained. The existing agricultural barns toward the north of the site (Barns B, C, D and E in particular) are visible to the right of the view, with limited screening from the existing hedgerow. Barns K, L and M are also visible. They are large modern agricultural barns*

[Click here to enter text.](#)

*whose appearance is anomalous to the immediate built environment. These barns are proposed to be demolished and replaced with dwellings of a more modest massing and footprint.*

- 6.35 The proposed development has been designed taking into consideration the current and historic built form on site and its wider surroundings.
- 6.36 The difference in built volume and footprint across the site arising from the proposed development is marginal at 3.7%. Taken together with the landscaping proposed, the proposed development would be largely contained within its local setting and within the confines of the existing farms.
- 6.37 Overall, the proposed development is judged to respect and enhance the local landscape and visual appearance of the countryside in accordance with Policies GD5 and GD8 and Section 15 of the Framework.

#### **d) Heritage**

- 6.38 Policy HC1 of the Local Plan aims to protect, conserve and enhance heritage assets and their settings, which reflects the wording contained within section 16 of the Framework.
- 6.39 Paragraph 189 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance. Paragraph 202 deals with less than substantial harm; harm in this category should be weighed against the public benefits of the proposal. The National Planning Practice Guidance (NPPG) describes public benefits as “anything that delivers economic, social or environmental progress”
- 6.40 According to paragraph 203, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

#### *Built heritage*

- 6.41 The application has been accompanied by a Heritage Impact Assessment (HIA), which identifies that there are three heritage assets within 200m of the application site\*, and one heritage asset within the site boundary (although it is important to note that no works are proposed to the asset within the site boundary (Grade II listed Pump – no.4 on the image below), nor are any works proposed in its vicinity).

\*The Grade II\* Listed Church of St Michael (No.1 on the image below) is located circa 130m north-east of the site. The Grade II listed Old Rectory (No.2 of the image below) is located opposite the Church, circa 145m north east of the site. To the east of the application site, adjacent to the eastern boundary of the site at School Lane is the Grade II listed Old School and Master's Cottage (present day address “Yew Tree House” – no.3 on the image below)).



Location of Listed heritage assets.

- 6.42 There are also two non-designated heritage assets within 40m of the application site, to the north-east - Cranoe Manor and the associated Red Barn. Also, as previously mentioned, Officers consider the barns by virtue of their age and architectural character are also non-designated heritage assets. Officers also consider Manor House Farm to be a non designated heritage asset.
- 6.43 In terms of the most notable heritage asset within the village, the Grade II\* listed Church of St Michael, the HIA concludes that *“its setting will be preserved as a result of the proposals, and there will be a small enhancement to the setting of this heritage asset by the demolition of agricultural barns K and L, which are the two most notable barns when viewed from the setting of the Church. The dwellings proposed in the location of these barns, are of a lesser footprint and overall massing than these barns, and will bring visual continuity to the site and the wider village”*.
- 6.44 The HIA concludes that “the proposals would preserve the significance of the nearest heritage assets through appropriately scaled and high quality residential development. The overall height and scale of the proposals is very similar to the existing built form on-site, and by using appropriate architectural features and a scheme of soft landscaping, would result in a small enhancement in the character of the setting of these assets”.
- 6.45 Officers would also add that the proposed development would enhance the setting of The Manor House and the barns to be converted through removal of the modern / dilapidated agricultural barns and scheme of soft landscaping.
- 6.46 In terms of the level of harm, the HIA concludes that there would be no harm (using the terminology of the NPPF). Officers concur with this view.

#### Archaeology

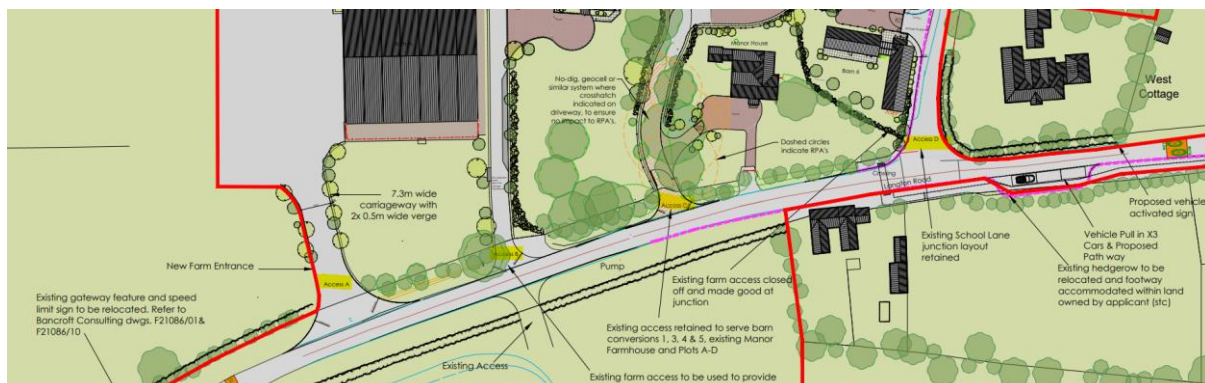
- 6.47 During the course of the application, an Archaeological Trial Trench Evaluation Report was submitted in February 2024 (York Archaeology). The Report concludes:

[Click here to enter text.](#)

- 8.2.1 Features at the site were limited to agricultural furrows and modern features associated with waste dumping. Residual Roman pottery was present but no features were attributed to this period. The site appears to have undergone substantial truncation between the medieval and modern period, through agriculture as well as modern landscaping, particularly in the field to the north of the farm.
- 6.48 LCC Archaeology have considered this Report and advised further trial trenching will be necessary on the south side of Langton Road but have advised this can be dealt with by way of condition.
- 6.49 Overall, the proposed development is judged to preserve and enhance built heritage assets and buried archaeology can be satisfactorily safeguarded by way of condition. The proposal therefore accords with Policy HC1 and Section 16 of the Framework.

## e) Highways

- 6.50 Paragraph GD8 of the HLP states that developments should ensure safe access, adequate parking and servicing areas including the safe, efficient, and convenient movement for all highway users. Policy IN2 of the HLP states that residential development proposals will be permitted subject to the provision of safe access, servicing and parking arrangements having regard to highways authority guidance and standards.
- 6.51 The development proposes new and altered access arrangements as illustrated on the plan below.



**Zoomed in extract of Proposed Site Plan; showing Access A-D and annotations of Highway improvement work**

### *Site Access A - new agricultural access on to Langton Road*

The provision of a new access on Langton Road will serve existing sheds A&B which would be used for general agricultural use. The LHA has reviewed the drawings which confirms they are in accordance with the Leicestershire Highway Design Guide (LHDG).

An amendment to the existing Traffic Regulation Order (TRO) is proposed to facilitate the development. Drawing Number 5433/BE/22/020 revision P18 demonstrates how the existing signage on the approach to the western edge of the village would be relocated 40 metres west (due to the proposed location of Access A) and improved to include a new village gateway feature with associated reflective signage, 'dragon teeth' road markings and contrasting coloured road surface, with a '30' roundel road marking. An amendment to the TRO is required to relocate the 30mph terminals. The LHA have advised a contribution of £7,500 would be required for the amendment to the TRO. A vehicle activated sign (VAS) is also proposed; although the exact position still needs to be agreed with the LHA.

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#### *Access B – residential access on to Langton Road*

Access B is intended to serve Grange Farm and Barn 2.

#### *Access C – increased use of existing access to Grange Farm*

It is proposed to retain the location of the existing access to Grange Farm farmhouse and be improved to serve ten dwellings, including Manor House which will have its existing access on School Lane stopped up. To avoid impact on existing trees; this access would not accommodate internal refuse collection. Occupiers will therefore have to take and collect their bins at Langton Road.

The LHA note that the January 2024 drawings indicate amendments to the existing access from Manor Farm onto Main Street. The existing access is bound by mature hedgerows that would impede visibility. Therefore, the LHA would not support the continued use of this access due to concerns over highway safety. Given the intention for Manor Farm to be served from Access C, the LHA request a revised drawing is submitted which details the permanent closure of the existing access onto Langton Road.

#### *Access D - new access provided on School Lane*

Access D would retain the existing junction layout and carriageway off School Lane. The existing access to Manor House would also be stopped up and a new access provided on School Lane to serve a single dwelling. The LHA would not support the proposed planting within the highway boundary and recommend that the planting is relocated into land within the applicants ownership.

#### *Existing Access to Manor House Farm*

The existing access to Manor House Farm onto Langton Road is to be closed permanently and the highway reinstated. The existing access is bound by mature hedgerows that would impede visibility. Therefore, the LHA welcome the permanent closure of this access.

#### *Off Site Highway improvements:*

##### *Parking Bay*

The existing location of the parking bay would be utilised and improved to become 3.5 metres wide and accommodate three 6 metre long parallel parking spaces. Whilst the proposed parking bay falls below the minimum requirements; the LHA advise the proposed parking bay does represent an improvement when assessed against the existing provision and is supported by a Road Safety Audit which raised no safety concerns.

##### *Footway to Langton Road*

The existing footway would be improved and widened along the full distance of the vehicle parking bay. The improved footway would then connect to the existing footway infrastructure along Langton Road. The proposed works are located partially within the highway boundary and not solely within the applicant's land. Therefore, they must be designed to an adoptable standard or the proposed footpath should be located solely within the applicant's land and remain private in perpetuity. The LHA are satisfied an appropriate scheme can be achieved during the Section 278 process.

##### *Internal Layout*

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The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the LHA.

#### *Parking/Turning*

Sufficient parking and turning provision has been provided to serve the proposed development.

- 6.52 The LHA are satisfied the proposed development will not give rise to an unacceptable highway safety situation subject to condition and planning obligation. As such the proposal is in accordance with Policies GD8 and IN2 and Para 114 and 115 of The Framework.

#### **f) Flooding and Drainage**

- 6.53 The application site is located within Flood Zone 1, meaning it is at the lowest risk of flooding. The proposed development is therefore in accordance with the objectives of Policy CC3, which aims to steer development towards the areas at least risk. A site-specific FRA has been produced to accompany the application and confirms that the proposals would not be at undue risk from flooding of any type, nor would it exacerbate any flooding issues elsewhere.
- 6.54 The Environment Agency Flood Risk from Surface Water Map indicates that the majority of the site is at a very low risk of surface water flooding. The application site falls naturally on a north to south basis, and there are localised flow routes that follow this, with a yearly chance of flooding over the 1-in-30-year rainfall event.
- 6.55 Policy CC4 of the Local Plan states that all 'major' developments must incorporate sustainable drainage systems (SuDS). The accompanying Drainage Strategy confirms that the site can be adequately drained, via a series of swales and an attenuation pond.
- 6.56 The attenuation pond has been proposed to the south of Langton Road, to utilise the natural lay of the land. Surface water stored within the proposed attenuation basin will discharge into an existing ditch network along the southern boundary of the applicant's land at a discharge rate of 10.2l/s.
- 6.57 A series of swales are also proposed to the northern and southern edges of Access Road A, to prevent an excess of surface water traversing across the residential curtilages of Barns 2 and 3. The proposed attenuation basin will be lined to prevent any groundwater ingress and has 0.2m of permanent water for ecological purposes
- 6.58 The water consumption of the proposed dwellings has also been considered, and measures will be incorporated such as low-flow sanitary ware and eco-sanitary products to achieve a low water consumption rate that is permanent in nature, in accordance with Policy IN4 of the Local Plan.
- 6.59 Due to the levels on site, the disposal of foul water will be via 3 new connections into the existing foul water sewer network. No formal comments have been received from Anglian Water to the application, but the Applicant has submitted a developer enquiry from Anglian Water within the supporting drainage documentation which states that the Cranoe Water Recycling Centre currently does not have the capacity to accommodate the flows from the site, however, Anglian Water has confirmed to accept the foul flows from the development and will undertake the necessary upgrades once planning permission has been granted.

- 6.60 The LLFA have considered the proposals and advised conditions if planning permission is granted. As such the proposal is in accordance with Policies CC4 and IN4

## g) Ecology

- 6.61 A Phase I Preliminary Ecology Assessment has been submitted in support of the application. A large proportion of the site is covered by hardstanding or buildings (see habitats plan below). These areas of the site therefore have limited ecological value.



Phase 1 Habitats (from Ecological Appraisal, December 2022)

- 6.62 An extensive indicative soft landscaping scheme accompanies the proposals, which demonstrates significant Biodiversity Net Gain. This is in clear accordance with HLP Policy G15 and paragraph 180d) of the Framework, which aims to secure measurable biodiversity enhancements through the incorporation of soft landscaping within the design of proposals. This clearly exceeds the minimum requirement of 10% set out in the Environment Act 2021. The development will deliver a comprehensive scheme of landscape and biodiversity enhancements which will have a long term positive impact. To secure the intended BNG, a condition requiring the submission of a LEMP will be necessary.
- 6.63 A series of bat emergence surveys have taken place, due to a number of the buildings on site being identified as having roosting potential. Five of the buildings on site were found to be utilised by bats (of the common pipistrelle, Natterer's and brown long-eared variety), predominantly as day roosts. A Licence prior to any demolition and conversion works taking place on site will therefore be required.
- 6.64 To mitigate the proposed works, the installation of bat boxes are proposed.
- 6.65 County Ecology have considered the supporting information and advised further bat surveys are required (to be undertaken at the optimal time of year) but have advised this can be dealt with by way of condition.

[Click here to enter text.](#)

- 6.66 Therefore subject to appropriate conditions; protected species will be safeguarded and on-site bio-diversity significantly enhanced. The proposal is in accordance with HLP Policy GI5 and Section 15 of The Framework.

#### **h) Trees**

- 6.67 An Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted in support of the application.
- 6.68 There are a number of trees, groups and hedges present on and adjacent to the site of this development. However, the majority of the trees have been categorised as Category C or U. The hedges around the site are considered good amenity value however due to their stem size they are categorised as C. However the hedges adjacent the road do provide a good level of amenity value and their retention should be sought where possible.
- 6.69 Two Category A trees have been identified: T13 (Sycamore) and T21 (Atlas Cedar); together with a number of B category trees, all of these trees are present along and close the road side and are therefore highly viable and bring a good level of amenity value to the area.
- 6.70 The proposed development requires the removal of several trees and some sections of hedges in order to be developed. However all but two of the trees are Category C or lower and their removal will not be detrimental to the amenity value of the site. The two Category B trees that require removal, T55 (Common Ash) and T58 (Common Ash), require removal in order to facilitate the construction of the two westerly access routes. The trees, although visible from the road are not of high stature and their loss will not be detrimental to the amenity value of the area. There is sufficient room within the site in order to undertake mitigation planting for these losses.
- 6.71 The proposed development of the driveway to existing Grange Farm and Manor House dwelling will encroach into the RPA of trees T12 (Sycamore – Cat B2), T13 (Sycamore – Cat A1) and T14 (Horse Chestnut – Cat.C1). It will be necessary therefore to construct the driveway using a “No Dig” cellular confinement system to ensure the longevity of these trees. Furthermore, it is suggested that the retained Cat A and Cat B trees have a TPO placed upon them, to safeguard their future retention.

#### **i) Contamination**

- 6.72 The applicant has provided a Phase 1 and 2 Contamination report. These have been reviewed by the Council's Contaminated Land Officer whom has advised planning permission should be approved subject to condition requiring further contaminated land reports.

#### **j) Climate Change**

- 6.73 HLP Policy CC1 considers how development can mitigate against climate change.
- 6.74 The re-use of existing buildings is a sustainable use of existing structures in terms of minimising waste and emissions. The converted buildings will be insulated and double

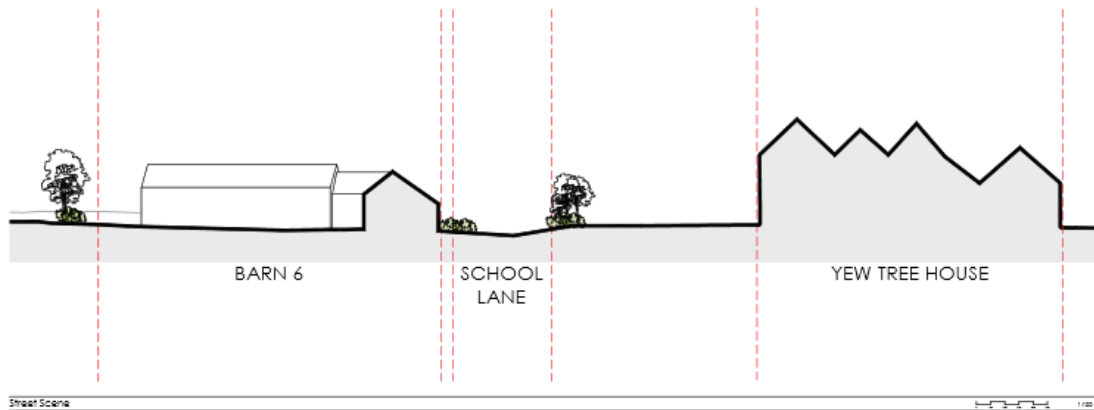
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glazing fitted, increasing the energy efficiency of the structures and minimise energy consumption.

- 6.75 In addition, the conversions and the new dwellings are to be fitted with Air Source Heat Pumps and EV Charging points which the Council's Environmental Coordinator has confirmed is satisfactory to address Policy CC1.

#### **k) Residential Amenity**

- 6.76 Policy GD8 requires developments to be designed to minimum 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 impacts. Nor by generating levels of activity, noise, vibration etc which cannot be mitigated to an appropriate standard. In order to objectively assess the impact of the proposed development upon existing residential amenity, the Council has adopted Development Management Guidance. Chapter 6 of this guidance is of relevance.
- 6.77 The nearest neighbours (excluding the existing properties within the red line; Manor House Farm and Grange Farm) that could be affected by the proposed development are:
- Yew Tree House
  - South and North Cottage
- 6.78 Taking each neighbour in turn; the following conclusions have been made
- *Yew Tree House*
- 6.79 As can be seen below; proposed Barn 6 is closest to Yew Tree House. Due to the single storey scale of Barn 6, combined with the proposed landscaping and the existing landscaping to Yew Tree House, the intervening road in between and the separation distance, no adverse impact can be identified to Yew Tree House in terms of loss of privacy, loss of light or overbearing.



### Relationship between Barn 6 and Yew Tree House.

- 6.80 To the north of Yew Tree House, an orchard is proposed. No adverse impact to Yew Tree House can be identified as a result.
- *South and North Cottage*
- 6.81 These semi-detached cottages are located to the north of and on higher land than the application site.
- 6.82 South Cottage contains two ground floor side windows which overlook the site to the south. The detached garages serving Barn 3 and Plot E and the side Elevation of Plot E will be the closest built structures to these windows.
- 6.83 The outlook from these windows will clearly change. However, firstly these windows are understood to be secondary windows. Secondly, there is no right to a view. Finally, whilst the development will clearly be visible; due to the separation distance of xm no significant adverse harm to the occupier of this property can be identified such to warrant refusal.
- 6.84 Internally within the site; separation guidelines are not achieved. However, a relaxation in separation distances is accepted on a development such as this; given the site constraints and it is also accepted there is an element of 'buyer beware'.
- 6.85 Overall, the proposed development is judged to safeguard residential amenity and as such accords with HLP Policy GD8e and Para 135 of The Framework.

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## I) Affordable Housing and S106

- 6.86 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).
- 6.87 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”.
- 6.88 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.
- 6.89 These legal tests are also set out as policy tests in Paragraph 56 of the Framework.
- 6.90 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 and the Leicestershire County Council Planning Obligations Policy.
- 6.91 Policy H2 of the Local Plan requires a 40% affordable housing on housing sites:
- a. of more than 10 dwellings; or
  - b. with a combined gross floorspace of more than 1,000 square metres.
- 6.92 The proposal seeks to convert vacant outbuildings to 6 residential dwellings and 5 new build dwellings. So a total of 11 dwellings.
- 6.93 However, the site has two Class Q permissions. One for 5 new units ref: 22/01059/PDN in the case of Manor Farm and one for 5 new units in the case of Grange Farm ref: 22/01058/PDN. So, the site could develop 10 new build dwellings with no requirement for Affordable Housing. The site could also develop 6 dwellings under barn conversion policy – again without providing any Affordable Housing. The total number of dwellings on site could realistically be 16.
- 6.94 Given the significant reduction in the number of houses proposed across both planning units (reduction of 5 dwellings), which is welcomed by Officers, it is accepted given the fallback position that Affordable Housing would not be required in this instance. Furthermore, even if Affordable Housing was provided on site, the Council’s Housing Enabling Manager has advised that a Registered Provider partner would not be interested in this site due to its size and location.
- 6.95 A number of other requests have been made for contributions to be secured through a section 106 legal agreement, these have been requested from the following consultees:

Section 106 Contribution Requested	Amount
------------------------------------	--------

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HDC Green Spaces	£58,895.90
HDC Waste	£1,562.08
HDC Community Facilities (inc. Indoor Sports)*	£16,480 £13 849.00 (indoor sports)
PCT/NHS*	£1,562.08
County Libraries	£392.57
County Education:	
Primary	£71,588.40
Secondary	£38,808.80
Post 16	£8,291.28
County Highways	£7,500.00
County Civic Amenity Sites	£579.93

### Requested S106 Contributions

\*The figures provided have been based on the original scheme for 13 dwellings; not the amended proposal of 11 dwellings, so the amount will be slightly less.

6.96 The requests made are considered CIL compliant and Officers consider that these 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. However, as set out in below, the majority of these requests are not being requested as the proposal is not judged to be viable.

6.97 The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) provide guidance on viability and decision taking. Paragraph 57 of the NPPF states that:

*Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.*

6.98 A viability assessment (VA) is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.

6.99 The Applicant submitted a Financial Viability Appraisal (FRA) (prepared by Intali in January 2024) which assessed the viability of the scheme from the Applicant's perspective and concludes that the residual land value is lower than the benchmark land value and therefore the scheme is not viable.

6.100 The Applicant's Agent has explained "There are a number of factors which are contributing to the negative value and it principally relates to inflationary costs and the

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extensive highways & SUDs works. The values are impacted by some of the units being slightly cramped and some of the conversions are not garnering a return”.

- 6.101 The submitted FRA took into consideration a Marketing Report prepared by King West and a Cost of Road Improvement Works prepared by ADM Surveyors on behalf on the Applicant to justify the explanation provided above.
- 6.102 The Applicant’s FRA was independently reviewed on behalf of the LPA by Aspinall Verdi; whom advised Officers (April 2024):

*“Our appraisals have shown the proposed scheme to produce a residual land value of -£11,070 against our Benchmark Land Value (BLV) of £637,201. The scheme is therefore unviable, producing a deficit of -£648,271 against the BLV, and is therefore not capable of supporting the requested S106 contributions”*

- 6.103 As the scheme is unable to support the level of requested S106 contributions, Aspinall Verdi recommended the implementation of a viability review mechanism and also recommended the mechanism considers the scheme’s actual sales values achieved and incurred costs, this will allow the Council to benefit from any uplifts resulting from any costs engineering or improvements to the sales markets by the time the units are released to the market.
- 6.104 Planning Practice Guidance sets out when review mechanisms are appropriate. Para 009 PPG Viability states:

*‘Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy compliant means development which fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies.’*

- 6.105 It is clear therefore that local plans must set out circumstances where Review Mechanisms are appropriate, as well as a clear process and terms of engagement for the implementation of such reviews. The HLP contains no specific policy outlining the use of review mechanisms, and as such there is no basis for seeking for a Review Mechanism to be imposed in order for the application to be considered policy-compliant.
- 6.106 Furthermore, it is accepted that a review mechanism simply makes the development all the more unattractive for investors/developers. The mechanism would effectively undermine the ability to secure finance; and this will discount much of the market.
- 6.107 Notwithstanding the above conclusions, Officers still consider it important that contributions which are essential to enable the development to come forward should be included in a s106 agreement. The Agent agreed the Local Highway Authority contribution of £7,500 to amend the Traffic Regulation Order on Main Street and £1,562.08 for the provision of household waste and recycling receptacles are essential and has confirmed that these contributions will be met.

- 6.108 As previously mentioned, the scheme includes a large area of open space; which the Neighbourhood and Green Spaces Officer had advised would be used in lieu of the off-site contributions (i.e. Parks and Gardens, Amenity Green space, Natural and Seminatural greenspace and allotments (community orchard) for example).
- 6.109 However, Officers had concerns surrounding its management and maintenance because Officers do not believe the village currently has responsibility for any open space and may not have capacity to take responsibility for this new land.
- 6.110 The Agent advised that the Applicant was minded to retain ownership and manage the land in perpetuity in accordance with a landscape management plan, foregoing the need for a management company.
- 6.111 The landscape management plan (the details of which can be secured by way of condition) should include the incorporation of kissing gates on School Lane and Church Lane for public access over the field/open space. Provision to allow for sheep grazing and to include topping twice a year. Details of managing the orchard would also be necessary.

#### **m) Other Matters**

- 6.112 The application has been advanced on the 'fall-back' position of Class Q approvals: 22/01059/PDN at Manor House Farm (5 units) and ref: 22/01058/PDN at The Grange (4 units).
- 6.113 The proposal development if approved would result in the demolition of the agricultural building related to 22/01059/PDN; however, it is intended to retain the agricultural building related to 22/01058/PDN for use agricultural use. As such it is judged necessary for the Heads of Terms to include a provision relinquishing the site's use of Class Q rights. This will prevent any retained agricultural building from being converted into residential use.

### **7. Conclusion**

- 7.1 There is clear conflict with the Development Plan in respect of location for new housing and in terms of the size of the extensions proposed to the barn conversions; however, the proposed scheme is judged to result in an overall 'betterment' than when compared the fallback position.
- 7.2 The proposed development represents a net reduction in the overall number of dwellings capable of being delivered on site when set against the no.9 deliverable permitted under the Class Q permissions.
- 7.3 The scheme will deliver significant biodiversity benefits, as well as a comprehensive drainage solution which itself brings ecological and landscape improvements not otherwise deliverable under the Class Q permissions
- 7.4 The hard and soft landscaping improvements shown would not otherwise be deliverable under the permitted Class Q development.
- 7.5 The scheme delivers on open space provision, not otherwise deliverable under the Class Q permissions
- 7.6 The scheme delivers highway safety improvements which are neither necessary, nor are they deliverable under the Class Q scheme.

- 7.7 The scheme would result in a higher quality development and better living conditions for the prospective occupants of the development when assessed against the Class Q alternative.
- 7.8 On balance, when assessed against the Development Plan as a whole and the environmental; social, and economic strands of The Framework, the proposal would represent sustainable development.
- 7.9 The approval is subject to the following Heads of Terms:
- Relinquishment of Class Q rights on the site.
  - Local Highway Authority contribution of £7,500 to amend the Traffic Regulation Order on Main Street and
  - HDC Waste Management contribution of £1,562.08 for the provision of household waste and recycling receptacles

### **Suggested Conditions & Informative Notes**

#### **1.Full Planning Permission 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.Approved Plans**

The development hereby permitted shall be carried out in accordance with the submitted Drawing Register (May 2024).

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

#### **3. Ecology Recommendations**

The development hereby approved shall be implemented in strict accordance with the recommendations contained within the Ecological Appraisal (FPCR, December 2022).

REASON: To ensure there is no adverse impact on ecological assets and enhance the biodiversity of the area in accordance with Harborough Local Plan Policy GI5 and the National Planning Policy Framework.

#### **4. Arboricultural Recommendations**

The development hereby approved shall be implemented in strict accordance with the recommendations contained within the Arboricultural Impact Assessment and Arboricultural Method Statement (Bramley Tree Consultancy Ltd)

REASON - To protect trees and hedgerows, and to safeguard the character and appearance of the area in accordance with Harborough Local Plan Policy GI5 and the National Planning Policy Framework

#### **5. CEMP**

No demolition / development shall commence on site (including any site clearance/preparation works), until a Construction Environmental Management Plan has

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been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period.

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of plant, materials, oils, fuels, and chemicals
- c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- d) wheel washing facilities and road cleaning arrangements;
- e) hours of construction work, including deliveries and removal of materials;
- f) full details of any piling technique to be employed, if relevant;
- g) location of temporary buildings and associated generators, compounds, structures and enclosures
- h) routing of construction traffic
- i) full details of any floodlighting to be installed associated with the construction of the development
- j) demolition method statement

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

## **6. Further Archaeology Investigation**

No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

REASON: To ensure satisfactory archaeological investigation and recording

## **7. Updated Bat Surveys**

No development / demolition shall commence on site until further bat activity surveys are completed at the optimal time of year (May to August) and a mitigation plan produced and has

been submitted to and approved by the local planning authority in writing. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: To ensure the impact on bats have been adequately assessed and mitigated.

### **8.Surface water drainage scheme**

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

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

### **9.Management of surface water**

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

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

### **10.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.

### **11. Risk Based Contamination 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.

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

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the

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

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 170, 178 and 179 of the NPPF

## **12. Biodiversity Management Plan**

No development shall commence on site until a Biodiversity Monitoring Plan has been submitted to, and approved in writing by, the local planning authority. Thereafter the development shall be managed in accordance with the approved details.

REASON: To ensure that the net gain in biodiversity as identified within the submitted Biodiversity Net Gain and Biodiversity Metric documentation is provided and to ensure its long-term management (minimum 30 years).

## **13. Landscape Management Plan**

No development shall commence on site until a landscape, and ecological management plan (LEMP) for public open space, public realm; front garden and communal areas of landscape associated with approved development has been submitted to, and approved in writing by, the local planning authority. Thereafter the development shall be managed in accordance with the approved details.

REASON: To ensure the

## **14. Landscaping scheme**

No above ground works shall commence on site until a Landscape Scheme shall be submitted to and approved in writing by the Local Planning Authority.

The Landscape Scheme shall include full details of proposed hard and soft landscape works, including: access, driveway, parking, turning and all other surfacing materials; boundary treatments; retained planting/hedges/trees and new planting/hedges/trees; screened bin store areas; 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 GD5 and GD8 and the National Planning Policy Framework.

## **15. Details of materials to be submitted**

No above ground works shall commence on site until a schedule indicating the materials to be used on all external elevations of the development hereby approved (and material samples if requested) has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include all bricks (including brick bond style and mortar type), elevation infill panels, tiles (including ridge tiles), any date stones, retained and proposed barn/garage doors and other doors, windows, rooflights (including manufacturer, size and method of flush fitting), sills and lintels, any corbel/dentil/string course brickwork, rainwater goods (material and style), bargeboards, fascias, soffits, finials and other external materials.

Thereafter, the development shall be implemented in accordance with the approved details.

REASON: To ensure that materials, design and craftsmanship are appropriate to the character and appearance of the development and the surrounding area having regard to Harborough Local Plan Policy GD8.

#### **16. Residential curtilage**

No above ground works shall commence on site until details of the residential curtilage for each residential plot have been submitted to and approved in writing by the LPA. Thereafter the residential curtilage shall be implemented in accordance with the approved details and retained as such in perpetuity.

REASON: To protect the character and appearance of the site and the surrounding area having regard to Local Plan Policy GD8

#### **17. Long-term maintenance of the surface water**

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.

#### **18. Completion/Verification Investigation Report**

Prior to occupation of the completed development, or part thereof, Either 1) If no remediation was required by Condition 8 a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Planning Authority, or 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 to accord with the aims and objectives of Paragraph 170, 178 and 179 of the NPPF

## **19. Offsite Highway Works**

No part of the development shall be occupied until such time as the offsite works shown on Proposed Master Site Plan drawing number 5433/BE/22/020 revision P18 have been implemented in full.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

## **20. Proposed Footway**

Notwithstanding the submitted plans, no part of the development hereby permitted shall be occupied until such time as proposed footway on Langton Road and School Lane has provided in accordance with a scheme first submitted and approved in writing by the Local Planning authority.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

## **21. Access arrangements**

No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Master Site Plan drawing number 5433/BE/22/020 revision P18 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 (2023).

## **22 Vehicular Access**

The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular accesses on School Lane and Langton Road that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2023).

## **23. External lighting**

No external lighting including any lighting for the construction and decommissioning phases of the development, shall be installed on the site unless a lighting strategy (designed for the



protection of biodiversity and residential amenity and including a timetable for implementation) has first been submitted to and approved in writing by the Local Planning Authority.

The lighting strategy shall:

- a) Include elevation information of the lighting to be installed as well as illumination levels to ensure there is no light spill to existing residential receptors;
- b) Identify those areas/features on the site that are particularly sensitive to ecological species;
- c) Show how and where external lighting will be installed so that it can be clearly demonstrated (through the provision of a lighting contour plans and technical specifications) that areas to be lit will not disturb ecological species using the site.

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 having regard to Harborough Local Plan Policy GD8.

REASON: To prevent light pollution, to protect the character of the area, and to avoid harm to bats.

## **24. Garages/Parking**

The parking spaces, including garages hereby approved shall be retained for parking purposes on a permanent basis.

REASON: To ensure that adequate parking facilities are provided to prevent on-road parking in the locality having regard to Harborough Local Plan Policies GD8 and IN2, and the National Planning Policy Framework.

## **25. Householder PD Removal**

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and reenacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, Classes A-H and Part 2, Class A inclusive of that Order, shall be erected or undertaken on the dwelling hereby approved or within its curtilage.

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

## Committee Report

**Applicant:** Mr And Mrs Screation

**Application Ref:** 24/00453/FUL

**Location:** 38 Lathkill Street, Market Harborough, Leicestershire, LE16 9EY

**Proposal:** Erection of a two storey side extension and new brick boundary wall

**Parish/Ward:** Market Harborough Welland

**Application Validated:** 04.04.2024

**Application Target date:** 30.05.2024 (EoT agreed to 07.06.2024)

**Reason for Committee Consideration:** Applicant is an employee of HDC.

## Recommendation

Planning Permission is **APPROVED**, for the reasons set out in this report and subject to the Conditions and Informative Note in Appendix A.

### 1. Site & Surroundings

- 1.1 The application relates to No.38 Lathkill Street, a two storey semi-detached dwelling which dates from a 2013 reserved matters planning approval (13/01488/REM).
- 1.2 The application site lies directly opposite Caxton Street, which increases the conspicuousness of the site.
- 1.3 Residential properties surround the site. Dwellings of a similar era lie to both sides and to the rear of the site, while older terraced housing lies on the opposite side of Lathkill Street and along Caxton Street.

#### Applicant's Site Location Plan extract:



[Click here to enter text.](#)

- 1.4 The site is not within a Conservation Area and there are no designated/Listed and non-designated heritage assets in the immediate area.
- 1.5 The site is not subject to fluvial or surface water flood risks.
- 1.6 No significant trees or foliage would be affected by the proposal.
- 1.7 Land levels do not significantly affect the assessment.
- 1.8 The site does not lie within ecological, archaeological or other planning constraint areas.

#### **Planning Officer Site Visit Photographs**



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## 2. Site History

- 2.1 There is no planning history since the dwelling was constructed. The original OUT and REM permissions are:

**10/01669/OUT** – Erection of 47 dwellings (means of access to be determined) – Approved 02.11.2011.

**13/01488/REM** – Erection of 47 dwellings and associated garages, landscaping and infrastructure (reserved matters of 10/01669/OUT) – Approved 23.12.2013.

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### 3. The Application Submission

#### a) Summary of Proposals

- 3.1 The proposal is for a two storey extension to the north side of the dwelling, consisting of a bedroom at first floor with parking undercroft.
- 3.2 A side boundary wall is proposed to replace existing fencing.
- 3.3 Existing parking provisions for the dwelling (a single garage and two spaces in front) are not significantly affected by the proposal.
- 3.4 Amended plans have been submitted to include the mid-level stone banding to the front of the extension, amend a brick window sill to stone (front only), and centralise the front window.

Original Front Elevation:

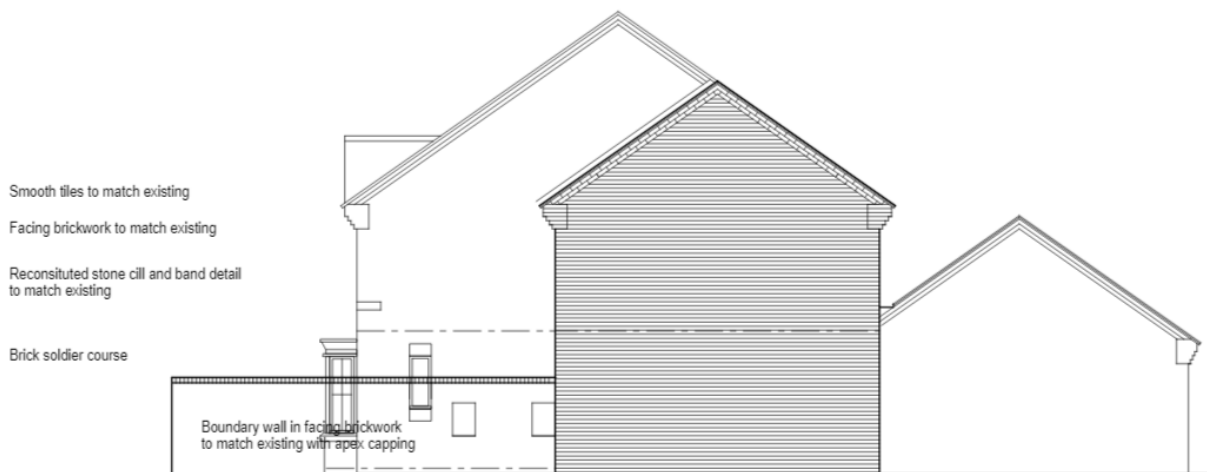


Front (East) Elevation

Amended Front Elevation:



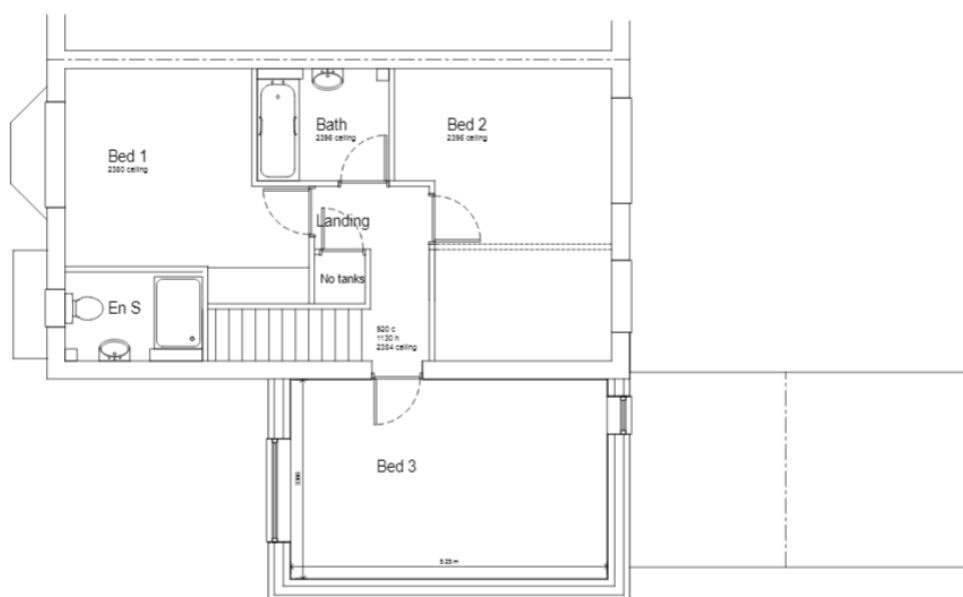
Front (East) Elevation



Side (North) Elevation

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Outline Proposal - First Floor - Scale 1:50

Scale 1:50



Rev: Date: Revision Note:  
1: 10/01/2024: Initial design (10/01/24)  
2: 10/01/2024: Initial design (10/01/24)

All dimensions to be checked on site and to be scaled for Planning Purposes		
Drawn by:	BC	
Date:	Mar 2024	
Project:	38 Larkhill Street Market Harborough	
Drawing:	Outline Proposal First Floor	
Scale:	1:50	5226 6 B

## 4. Consultations and Representations

- 4.1 A summary of the technical consultee responses and public representations received is set out below. Where appropriate the responses are discussed in more detail within the report. If you wish to view the comments in full please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)
- 4.2 MH Civic Society has not elected to comment on the proposal.
- 4.3 No comments from neighbours.

## 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 (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) – Policy GD8

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

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5.3 Material considerations include any matter relevant in the circumstances which has a bearing on the use or development of land.

- The National Planning Policy Framework ('the Framework')
- National Planning Practice Guidance
- Leicestershire County Council Highways Authority Design Guide and Standing Advice
- HDC Development Management SPD (December 2021)
- Circular 11/95 Annex A – Use of Conditions in Planning Permission
- ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)

## **6. Officer Assessment**

### **a) Design and Impact on the Character and Appearance of the Area**

- 6.1 Policy GD8 of the Harborough Local Plan requires developments to meet a high standard of design. Development should be inspired by, respect, and enhance local character. Developments should also respect the context and characteristics of the individual site, street scene and wider local environment to ensure that it is integrated as far as possible into the existing built form.
- 6.2 The side extension is well set-back and set down relative to the existing dwelling – it is considered to be a subordinate and harmonious design. A streetscene terracing effect would not result.
- 6.3 The proposed side boundary brick wall would replace a close boarded timber fence and is judged to be acceptable.
- 6.4 Matching fenestration, external materials and architectural details are proposed for the extension, with matching bricks and an apex capping for the boundary wall. A Condition is recommended to control external materials.
- 6.5 The proposal is judged to accord with Policy GD8 of the Harborough Local Plan in this respect.

### **b) Residential amenity**

- 6.6 Policy GD8 of the Harborough Local Plan requires that developments should be designed to minimise impacts on the amenity of existing and future residents.
- 6.7 A small rear-facing first floor window is considerably placed furthest away from the boundary, which would reduce overlooking to the north. There are no side elevation first floor windows.
- 6.8 The side elevation windows in the adjacent dwelling (No.28 Lathkill Street) do not serve habitable rooms. It is judged that they would not be harmed by the proposed development.

- 6.9 Given the position, scale and design of the proposed extension, its orientation and relationship to neighbouring dwellings and gardens, and intervening boundary treatments, the proposal is not judged to harm neighbouring amenities through loss of privacy, overshadowing, overbearing or other amenity impacts.
- 6.10 The proposal is judged to accord with Policy GD8 of the Harborough Local Plan and the HDC SPD in this respect.

#### **c) Highway Matters**

- 6.11 The proposal would not have a significant effect on current parking arrangements. The existing and proposed floor plans show that the dwelling currently has 3 bedrooms and the proposal would not increase bedroom numbers, only sizes.
- 6.12 Double yellow line parking restrictions along Lathkill Street and the Caxton Street junction are noted.
- 6.13 The proposal is, therefore, unlikely to lead to additional on street parking pressures or highway safety harm. The proposal is judged to accord with Policy GD8 of the Harborough Local Plan in this respect.

#### **d) Drainage**

- 6.14 Existing drainage provisions would be utilised. The area of the extension is already hard standing. No concerns are identified.

### **7. Conclusion**

- 7.1 The proposed development is satisfactorily designed. The proposal is in keeping with the site & its surroundings, would not adversely affect the amenity of existing or future residents, and would not be detrimental to highway safety or other material interests. Therefore, the proposal accords with the Harborough Local Plan. No material considerations indicate that the policies of the Development Plan should not prevail.

## **Appendix A – Recommended Conditions & Informative Notes**

### **Conditions:**

#### **1. Development to Commence Within 3 Years**

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

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

#### **2. Approved Plans**

The development hereby approved shall be carried out in accordance with the following plans:

- Drawing Title: Block Plan and Location Plan; Drawing No. 1; Dated Feb 2024.
- Drawing Title: Ground Floor; Drawing No. 5; Dated Mar 2024.
- Drawing Title: First Floor; Drawing No. 6B; Rev. B; Dated May 2024.
- Drawing Title: Elevations; Drawing No. 7B; Rev. B; Dated May 2024.

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

**3. Matching External Materials**

The materials (bricks, tiles, stone detailing, fenestration, gable verge, soffits, fascias and rainwater goods, as applicable) to be used in the external surfaces of the development hereby approved shall match the existing dwelling (tiles to be the same size, colour, texture and coursing as existing, and bricks to be the same size, colour, texture, coursing, bond, mortar and pointing as existing).

REASON: In the interest of the character and appearance of the development and its surroundings and to accord with Harborough Local Plan Policy GD8.

**Informative Notes:**

**1. Building Regulations**

The Applicant is advised that this proposal requires separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Leicestershire Building Control Partnership (building.control@blaby.gov.uk / 0116 272 7533). As such, please be aware that complying with Building Regulations does not mean that the Planning Conditions attached to this Planning Permission have been addressed and vice versa.

## Planning Committee Report

**Applicant:** Mrs Sushma Saigal

**Application Ref:** 24/00488/FUL

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

**Proposal:** Demolition of existing outbuildings and erection of residential self-build dwelling and garage/cart lodge

**Application Validated:** 24.04.2024

**Target Date:** 19.06.2024

**Reason for Committee decision:** Applicant is close relation to Cllr Modha

### RECOMMENDATION: REFUSE

1. The proposed will introduce a new dwelling and curtilage out of keeping with the character of Illston on the Hill conservation area, by virtue of its design and appearance, and causing less than substantial harm that is not outweighed by public benefit including provision of a self-build dwelling. The proposal is therefore contrary to Harborough Local Plan policy HC1 and the National Planning Policy Framework.
2. The dwelling by virtue of its design and size will cause significant harm to the living conditions of the host dwelling, Firs Farm, and the future occupiers of the proposed dwelling itself by way of loss of light, loss of privacy and overbearing. The proposal is therefore contrary to Harborough Local Plan policy GD8e and the National Planning Policy Framework

## 1. Site and Surroundings

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







Rear elevation of outbuilding



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



View of front elevation of host dwelling

[Click here to enter text.](#)



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



Closer view of host dwelling/outbuilding from rear garden



View between side elevation of host dwelling and outbuilding

[Click here to enter text.](#)





Relationship with the Fox and Goose Pub



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

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View from access point 1



View from access point 2



View from St Michael and All Angels Church

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View from Public Right of Way



View from New Road

## 2. Site History

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

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

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- 22/00795/FUL - Demolition of existing outbuildings and erection of a two storey side extension for residential accommodation including an annex and garaging with a single storey link to the main dwelling (WITHDRAWN)
- 23/00329/FUL - Demolition of existing outbuildings and erection of residential annex and garage/cart lodge
- 23/01455/FUL – Demolition of existing outbuildings and erection of residential annex and garage/cart lodge (Resubmission of 23/00329/FUL)

2.2 The site has the benefit of 3 extant approvals which could be implemented:

- 21/01353/FUL (Expires 08.09.2024)
- 23/00329/FUL (Expires 05.05.2026)
- 23/01455/FUL (Expires 15.12. 2027)

Note: 20/01546/FUL Lapsed on 09.12.2023

### 3. Proposal

3.1 This application seeks full planning permission for the following proposal:

*“Demolition of existing outbuildings and erection of residential self-build dwelling and garage/cart lodge”*

3.2 Planning permission was approved (Ref:23/01455/FUL) on 15<sup>th</sup> December 2023 for demolition of existing outbuildings and erection of residential annex and garage/cart lodge. As part of this approval the following condition was imposed on the decision notice:

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

*REASON: For the avoidance of doubt. The development hereby approved is not for the creation of a new dwelling planning unit. The additional accommodation is situated and designed such that the Local Planning Authority, having regard to reasonable standards of locational sustainability, design, residential amenity, access, parking, highway safety and planning policies pertaining to the area, may not permit a separate dwelling. This Condition accords with Policies GD3, GD4 and GD8 of the Harborough Local Plan.*

3.3 The Applicant's Design and Access Statement says:

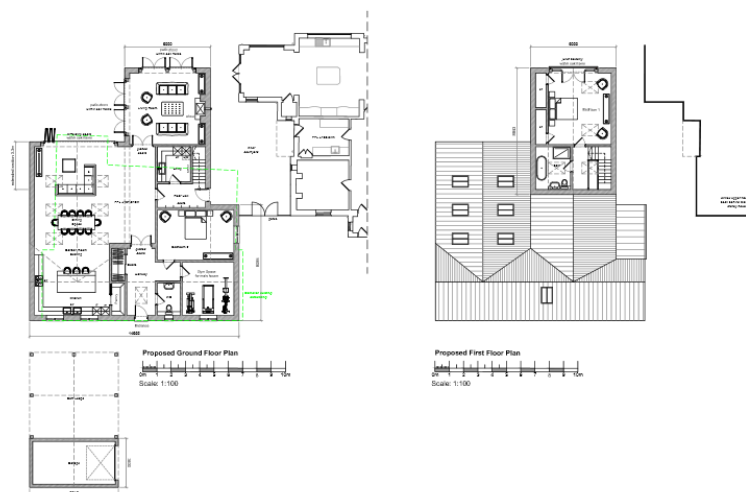
The proposal is for the Change in description of the existing Planning Permission to read, 'Demolition of existing outbuildings and erection of a Self-Build Dwelling'. This being the only change. Nothing else will alter in the actual build. It will remain the same building, in size and will be inhabited by the same people. The reason for coming back for this change in description is a financial one. Due to the current description, it will cost us over £100,000 more in VAT. As a self-build, this would be more cost effective for us.

3.4 As stated by the Applicant, the dwelling and cart lodge would be as per the previous approval – please see submitted plans below, which align with the previous approval:

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## Proposed Site Plan



## Proposed Floorplans

Click here to enter text.



## Proposed Elevations

### 4. Consultations and Representations

#### Illston on the Hill Parish Council

Originally the permission was granted for this building as an Annex and condition 4 of that permission was that the annex shall not be let, leased, sold, split in title or otherwise occupied such as to constitute the formation of an independent/separate dwelling planning unit. Separate utilities, utility meters, oil tanks or septic tanks shall not be installed.

The latest application, ref. 24/00488/FUL, has been submitted on the basis that the proposed development now constitutes a self-build dwelling, rather than an annex. There is a fundamental difference between the two. The annex can not be sold off independently of the main house, whereas a self-build dwelling can. Illston Parish Council object to this application on the basis that it contravenes condition 4 of the original permission. In addition, the current application is not supported by a Housing Need Survey, which means it does not comply with Policy GD4.

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**Copy of Site Notice – posted 02.05.2024**

### Neighbours

4 x letters of objection have been received for 4 separate households in Illston on the Hill:

- Applicant is related to an Elected Member of the Council and who is also a member of Planning Committee \*
- Since 20.10.20 there have been 4 planning applications, each one approved, to build an Annex on the above site. Each time the application has grown in size from a small single story annex to culminating in a 5th application which is now a stand alone 2 story self build house. Was this series of progressive applications intentional in order to achieve the end result, of a stand alone saleable property
- The additional cost of £100000 is put forward in mitigation for changing the whole character of the planning application from annex to stand alone self build. This should not be the case. If the £100,000 is unaffordable, perhaps a smaller annex would be appropriate.
- As a stand alone property:
  - this is not supported by a Housing Need Survey, which means it does not comply with Policy GD4.the proposed new dwelling would occupy a position which has not been identified as a sustainable location for new housing.
  - the distance of separation between the existing and proposed properties would result in an over shadowing and overbearing effect on occupants of both properties as well as impacting on their amenities such as privacy, outlook and sunlight thus being contrary to HLP
  - The resulting development would cause harm in an unsustainable area which is not outweighed by the public benefit of its important contribution to provision of self-build housing
- A recent refusal\*\* within Illston on the Hill has confirmed that the village is not a suitable location for housing growth, which reflects the position in the adopted Harborough Local Plan, specifically relating to the settlement hierarchy and locations for growth. For consistency this application should be refused.

*\*for this reason the application is being reported to Planning Committee for a decision*

*\*\* The refusal referred to is 23/01553/OUT (Straun Cottage, Main Street, Illston on the Hill). An Appeal against the Council's refusal has been made.*

## **5. Planning Policy Considerations**

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- Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.
- Section 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Self-Build and Custom Housebuilding Act (as amended)
- Levelling-up and Regeneration Act 2023

*Government Documents:*

- National Planning Policy Framework
- National Planning Policy Guidance

*Harborough Local Plan 2011 to 2031 (Development Plan):*

- GD3 Development in the countryside
- GD4 Housing in the countryside
- GD8 Good design in development
- H5 Housing density, mix and standards
- HC1 Built heritage
- GI5 Biodiversity & Geo-diversity
- IN2 Sustainable transport

*Other:*

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

## **6. Assessment**

### **Principle of Development**

- 6.1 HDC LP Policy SS1 “The Spatial Strategy” it is stated “Rural villages and other settlements which do not meet the criteria for identification as Selected Rural Villages are not considered sustainable locations for development and are at the bottom of the settlement hierarchy. They are considered countryside and proposals and will be assessed against policies GD3 Development in the Countryside and GD4 New Housing in the Countryside.”
- 6.2 HLP Policy GD3(f) allows for rural housing in accordance with GD4.
- 6.3 Policy GD4.1.a says:

*“Outside Market Harborough, Key Centres, the Principal Urban Area, Rural Centres and Selected Rural Villages, but excluding Green Wedges, new residential development will only be permitted either where it is in accordance with Policy GD2, or where it is for:*

*Housing on small sites of no more than 4 dwellings which are within or physically and visually connected to settlements and which meet a local need for housing of a*

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*particular type, including small dwellings for the elderly and starter homes, providing this has been evidenced through a rural housing needs survey or a neighbourhood plan;*

- 6.4 The proposal is for 1 dwelling; it located within and is physically and visually connected to the settlement and is of a “housing of a particular type” (self-build). The Applicant has not submitted a Housing Needs Survey. However, a Housing Needs Survey (CNB Housing, January 2023) was submitted in support of application 23/01553/OUT. Based solely on the household data survey, the five-year parish level housing need from both existing and newly forming households is as follows:

<b>Table 5.7 Self and Custom Build Dwelling Characteristics</b>		
Type	Number of Bedrooms	Quantity
Detached	2	1
	3	2
	4	5
	5	2
Bungalow	3	1
		<b>Total: 11</b>

Source: household survey 2022

<b>Table 5.8 Summary of 5-year need for Illston on the Hill by tenure sought</b>	
Tenure	Total households
Market owner occupied	10
Market rented	0
Affordable rented	0
Affordable home ownership inc. First Homes and shared ownership	2
<b>Total</b>	<b>12</b>

Source: household survey 2022

**Table 5.9 Summary of the 5-year housing need for Illston on the Hill by bedrooms required**

Dwelling Type	Number of bedrooms	Market number required	Affordable number required
Detached	2	1	0
	3	2	1
	4	5	0
	5	2	0
Bungalow	3	0	1
Total	n/a	10	2

Source: household survey 2022

- 6.5 The dwelling proposed would satisfy the need for a 2-bedroom detached dwelling as evidenced through the above housing needs survey. The proposed dwelling would therefore accord with HLP Policy GD4.1.a.
- 6.6 Furthermore, the proposal is advanced on the basis that it is a self-build dwelling. The Council has a statutory duty to meet the need arising from its Self-Build Register and Section 2(A) of the 2015 Self-Build and Custom Housebuilding Act (as amended) deals with the statutory duty.
- 6.7 The Council has not met its statutory duty to have issued enough suitable development permissions to meet demand arising from its Self-Build Register.
- 6.8 The proposal for one self-build dwelling therefore attracts significant positive weight as a material consideration.

### Impact on the Character of the Area and Heritage Assets

- 6.9 Good design is a key aspect of sustainable development. Planning decisions should ensure developments “function well and add to the overall quality of the area”; “are visually attractive”; are sympathetic to local character and history; including the surrounding built environment and landscape setting” (NPPF, Para 135)
- 6.10 Policy GD8 of the HLP outlines that development should achieve a high standard of design, be inspired by, respect and enhance local character and the context of the site, street scene and local environment.
- 6.11 As the proposed development site lies within the Illston on the Hill Conservation Area and in close proximity to a listed building, it must be considered in the light of the relevant planning policies and statutory duties relating to the historic environment.
- 6.12 These are Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 *requires decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* And Section 72(1) of same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

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- 6.13 HLP Policy HC1; reflects the above Act and NPPF Section 16.
- 6.14 The Conservation Area character appraisal notes the linear pattern along Main Street, its mix of housing types and open spaces and comments notable buildings within the Conservation Area.
- 6.15 Due to topography, views of the existing dwelling and to a lesser extent the existing outbuilding are possible from the rural roads leading from Gaulby and Kings Norton and wider surrounding countryside, including from public rights of way. Views into the site are also possible from Main Street, although limited to some degree due to the established front boundary hedgerow. Views are also possible from the village church, a listed building.
- 6.16 Given the distance from the Church combined with the intervening host dwelling and adjacent paddock in between, the proposal given its positioning (on a similar footprint to the existing outbuilding and the 1<sup>st</sup> floor part set back behind the front elevation of the host dwelling) and scale will preserve the setting of the Church.
- 6.17 As an Annex, the proposal was judged to preserve the character and appearance of the Conservation Area; given its set back from Main Street; the retention of the established front boundary hedge, its design and scale.
- 6.18 However, as an independent dwelling; it will be necessary to cut back and reduce the height of the hedgerow in order to provide appropriate vehicular and pedestrian visibility splays as there will be a material difference in terms of intensity of use; activities and comings and goings associated with the dwelling – notwithstanding the Applicant advising they intend to live at the dwelling and ‘co-live’ with the occupants with the host dwelling. If permission is granted it will be for a separate individual dwelling. The LPA cannot control the future occupiers and as such have to consider the impacts accordingly.
- 6.19 As an independent dwelling this would appear cramped in appearance to the host dwelling and reduce the gap between the host dwelling and the adjacent Public House, this would be at odds with the spacious character Main Street, thereby harming the character of the area and the significance of the Conservation Area.
- 6.20 The harm to the Conservation Area is less than substantial harm. Great weight should be given the asset’s conservation (NPPF, Para 205).
- 6.21 Where a development would lead to less than substantial harm, to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.22 Public benefits identified are the standard benefits arising from any development such as:
- 1) Small contribution to local housing supply
  - 2) Economic benefits associated with the building works and future spending power of the occupants.
- 6.23 The other public benefit identified is that the proposal is for a self-build dwelling, which as has been mentioned above attracts significant positive weight.
- 6.24 However, these benefits are insufficient justification to outweigh the harm identified to designated heritage assets.

## **Impact on Residential Amenity**

- 6.25 Policy GD8e.i. of the HLP outlines that development should achieve a high standard of design, “by not having a significant adverse effect on the living conditions of existing and new residents through loss of privacy, overshadowing and overbearing impact”.
- 6.26 Furthermore, Para 135 of the Framework advises planning decisions should “create places...with a high standard of amenity for existing and future users”
- 6.27 The building is located in between the host dwelling ‘Firs Farm’ and the pub and a small part of the extended residential garden area of ‘The Knoll’.
- 6.28 Due to the design, positioning and scale of the dwelling, no adverse harm has been identified to either The Knoll or the Public House.
- 6.29 However, the dwelling will cause significant harm to the living conditions of the host dwelling, Firs Farm, and the future occupiers of the dwelling by way of loss of light, loss of privacy and overbearing.
- 6.30 The site photos indicate the host dwelling contains several windows that will be adversely affected as a result of the positioning and scale of the dwelling. The host dwelling would also result in an unacceptable level of overlooking into to the rear garden area of the new dwelling and the new dwelling will also cause an unacceptable level of overlooking to be immediate private garden area of the host dwelling by virtue of the Juliet balcony window on the rear elevation of the proposed dwelling.
- 6.31 The proposed dwelling would not therefore satisfy Policy GD8e or NPPF Para 135”

## **Highway Matters**

- 6.32 Currently, the site is served by two accesses of Main Street. It would be possible therefore for both dwellings to be served via their own individual access points and sufficient space for both dwellings to park vehicles off the highway and for turning and existing the site in a forward gear.
- 6.33 However, in order to satisfy LCC Highway design standards; it would necessitate the cutting back of the established hedgerow at the site frontage in order to provide appropriate vehicular and pedestrian visibility splays and as mentioned earlier within this report; this would be harmful to the character of the area.

## **Conclusion**

- 6.34 I have found conflict with the Development Plan policies set out within this report, which are consistent with the Framework and attract significant weight. The proposed dwelling would result in less than substantial harm to the Conservation Area, to which great weight should be attached. Furthermore, the proposal would result in significant harm to the living conditions of the host dwelling, Firs Farm, and the future occupiers of the dwelling.
- 6.35 Against the harm identified, the proposal would provide one-self build dwelling which is a significant material planning consideration in light of the Council’s significant shortfall. The proposal would also bring economic and social benefits; but these are no more than one would expect from any development. The proposal’s benefits are insufficient justification to grant planning permission contrary to development plan policies. The proposal is therefore contrary to Local Plan Policies HC1 and GD8e.i. and the National Planning Policy Framework Para 135 and Section 16.

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6.36 Therefore, for the reasons given within this report, the application is recommended for **REFUSAL**



## **Planning Committee Voting Process – Options for Consideration**

### **1. Background**

- 1.1 At the meeting of the Planning Committee of 14<sup>th</sup> May 2024 the Committee decided to vote on the applications for development permission being considered by the Committee by recorded vote.
- 1.2 At the meeting of Annual Council on 20<sup>th</sup> May a further debate was held about this issue and the need to ensure that the votes cast at Planning Committee and the result obtained are clear to all.
- 1.3 It was agreed that an options paper would be brought to the next available meeting of the Planning Committee for the Committee to consider and potentially make recommendations to the next available meeting of the Constitutional Review Committee, depending on the option favoured.

### **2. The Options**

- 2.1 Following consideration with the Chair of the Planning Committee and the Council's Corporate Management Team (CMT) three potential options have been identified for the consideration of the Planning Committee this evening. These are:
  - **Option 1** – to continue as voting was administered prior to the 14<sup>th</sup> May Planning Committee meeting. That Committee members raise their hands to indicate their voting intentions following the proposing and seconding of a proposal concerning an application for development permission. Members of the committee could seek a recorded vote on a particular application, by exception, provided such a motion was proposed, seconded, and supported by at least 5 other members of the Committee in accordance with the provisions laid out in the Council's constitution ***(this way of operating has mainly worked well in the past and Planning Committee may consider there is not a need to change it: if Committee do wish to consider a change Options 2 and 3 are presented for Committee's consideration)***.
  - **Option 2** – to continue as above with the addition of a Planning Committee Voting Record Sheet, which would be administered by the Democratic Services officer at the meeting. This sheet is appended to this paper as Appendix A for members information. This recording sheet would be an administrative tool to

enable Democratic Services and the Chair of the Committee to improve the recording of votes on applications for development permission. ***(if Planning Committee consider a change is needed, then this option is favoured by officers and the Chair of Planning Committee).***

- ***Option 3*** – for Planning Committee to make a recommendation to the next available Constitutional Review Committee to make an amendment to the Council's Constitution to enable a recorded vote to be taken concerning every application for development permission considered by the Planning Committee ***(this latter option is not considered necessary or appropriate by officers as the scale of many applications for development permission do not merit such an approach, and such an approach could be seen to be an administrative overburden to the work of the Committee).***

2.2 Planning Committee are asked to consider the three options set out above and decide on their preferred one moving forward. Democratic Services will implement the preferred option of the Committee from the next meeting of the Planning Committee on 16<sup>th</sup> July 2024.

**David Atkinson**

**Director of Planning**

**June 2024**



## Planning Committee Voting Record Sheet

APPLICATION NUMBER	REC. PROPOSED AND SECONDED BY	PROPOSED & SECONDED REC.	FOR	AGAINST	ABSTAIN	RESULT: APPROVE A REFUSE R DEFER D

REC. = Recommendation



