



# Planning

**To: All Members of the Planning Committee on Monday, 28 November 2022**  
**Date of meeting: Tuesday, 06 December 2022**  
**Time: 18:30**  
**Venue: The Council Chamber**  
**The Symington Building, Adam and Eve Street, LE16 7AG**

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

## Agenda

- 1 Introductions**
- 2 Apologies for Absence and Notification of Substitutes.**
- 3 Declarations of Members' Interests**
- 4 Draft Minutes of the Planning Committee Meeting - 25th October 2022 3 - 6**
- 5 To answer Written Questions or Receive Petitions Submitted by the Public**
- 6 Referral up to Council by the Planning Committee.**  
To consider any referrals under Part 3 Section B1.4 of the Council's Constitution.
- 7 Index of Applications for Determination 6th December 2022 7 - 8**
- 8 Applications for Determination 6th December 2022 9 - 154**
- 9 Any Urgent Business**  
To be decided by the Chairman.

LIZ ELLIOTT  
INTERIM CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

## HARBOROUGH DISTRICT COUNCIL

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

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

On 25<sup>th</sup> October 2022

commencing at 6.30pm

**Present:**

Councillors: Champion (Chairman)

Ackerley, Bilbie, Burrell, Galton, James, Liquorish and Modha

Officers present: D. Atkinson (remote) – Director, Planning and Regeneration, A.  
Eastwood – Development Planning Manager, J. Felton (remote) – Planning Solicitor,  
N. Kwasa – Senior Democratic Officer, N. Parry - Area Planning Officer

**1. INTRODUCTIONS**

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

**2. APOLOGIES FOR ABSENCE AND NOTIFICATIONS OF SUBSTITUTIONS**

Apologies were received from Councillor Frenchman.

**3. DECLARATIONS OF MEMBERS' INTERESTS.**

There were none.

**4. MINUTES**

**RESOLVED** that the minutes of the Planning Committee meeting held on the 6<sup>th</sup> September 2022 be approved and signed by the Chairman as a true record.

**5. REFERRALS UP TO COUNCIL BY THE PLANNING COMMITTEE**

There were none.

## **6. QUESTIONS AND PETITIONS SUBMITTED BY THE PUBLIC**

There were none.

## **7. TO CONSIDER APPLICATIONS FOR DEVELOPMENT PERMISSION**

- i. The Area Planning Officer introduced the report in respect of application 21/02089/REM, Land at Uppingham Road, Billesdon - *Erection of 35 dwellings (Reserved Matters of 16/01819/OUT, including details of access, appearance, landscaping, layout and scale).*

She directed Members to the Supplementary Information. Representations were heard in objection to the application from Sally Torkington and in support of the application from the Applicant's Agent, Chris Lindley. The Committee had the opportunity to question the speakers and Officers.

Following consideration of the report it was;

**RESOLVED that**

**Planning Permission is APPROVED\* for the reasons set out in this Committee report, subject to**

- **The Planning Conditions detailed in Appendix A**

**\*Subject to amended plans satisfying LCC Highway comments.**

- ii. The Development Planning Manager introduced the report in respect of application 22/00301/REM, Land South Of, Kettering Road, Market Harborough - *Erection of 313 dwellings and associated highways, landscaping, public open space, pedestrian and cycle links (Phases 3 and 5) (Reserved matters of 19/01989/VAC, including details of access, appearance, landscaping, layout and scale).*

He directed Members to the Supplementary Information. Representations were heard in support of the application from the Applicant's Agent, Carl Stott. The Committee had the opportunity to question the speaker and Officers.

Following consideration of the report it was;

**RESOLVED that,**

**Planning Permission is APPROVED, for the reasons set out in the report, subject to conditions.**

- iii. The Area Planning Officer introduced the report in respect of application 22/01200/FUL, Horseshoe Lodge, 5 Alexander Close, Great Bowden - *Erection of a boundary fence (retrospective)*.

She directed Members to the Supplementary Information. Representations were heard in objection to the application from Peter Mitchell, and in support of the application from Jill Houghton and Roger Scott, who also read a written submission from Sally Scott. A further representation was heard from Ward Member Councillor Phil Knowles. The Committee had the opportunity to question the speakers and Officers.

Following consideration of the report it was;

**RESOLVED that;**

**Planning Permission is APPROVED for the reasons set out in this Committee report, subject to the conditions outlined in Appendix A.**

- iv. The Area Planning Officer introduced the report in respect of application 22/01447/FUL, 4 Roman Way, Market Harborough, Leicestershire - *Demolition of existing dwellinghouse and construction of 9no. studio apartments for temporary housing and associated bin storage area including renovation and internal alterations to the existing retained structure within the curtilage of 4 Roman Way forming part of 2 Roman Way.*

She directed Members to the Supplementary Information. Representations were heard in support of the application from the Applicant Ian Pennington. A further representation was heard from Ward Member Councillor Phil Knowles. The Committee had the opportunity to question the speakers and Officers.

Following consideration of the report it was;

**RESOLVED that,**

**Planning Permission is APPROVED for the reasons set out in this Committee report, subject to the conditions outlined in Appendix A.**

- v. The Development Planning Manager introduced the report in respect of application 22/01519/FUL, Land North Of Leisure Centre, Northampton Road, Market Harborough - *Change of use from amenity greenspace to cemetery extension.*

A representation was heard in support of the application from the Applicant, Caroline Averill. The Committee had the opportunity to question the speakers and Officers.

Following consideration of the report it was;

**RESOLVED that,**

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

- vi. The Development Planning Manager introduced the report in respect of application 22/01609/FUL, 4 Trefoil Close, Broughton Astley - *Erection of a single storey rear extension.*

The Committee had the opportunity to question the Officers.

Following consideration of the report it was;

**RESOLVED that,**

**The Application is APPROVED - The development hereby approved, by virtue of its nature, siting and use would not adversely affect the character and appearance of the dwelling, or residential amenity. The proposal is therefore considered to comply with the Harborough Local Plan. It is not considered that there are any material considerations which would outweigh the policies of the development plan or indicate that the proposal would result in demonstrable harm to interests of acknowledged importance.**

## **8. ANY URGENT BUSINESS**

There was none.

The Meeting closed at 20.05

## PLANNING COMMITTEE

6<sup>th</sup> December 2022

## APPLICATIONS FOR DETERMINATION

## **Index of Applications for Determination**

### **Meeting of the Planning Committee, 6<sup>th</sup> December 2022**

Application Ref	Parish / Ward	Applicant	Page Number
20/02075/OUT	Bitteswell with Bittesby / Ullesthorpe	GLP	9
21/02060/OUT	Ullesthorpe	Ullesthorpe Court Hotel	68
22/00814/FUL	Kibworth	Clarity Property Gamma Limited	87
22/01596/FUL	Kibworth	Mr G H Robinson	134
22/01733/FUL	Kibworth	Mr and Mrs Farquhar	146



## Planning Committee Report

**Applicants:** GLP

**Application Ref:** 20/02075/OUT

**Location:** Land former Mere Lane, Bitteswell

**Proposal:** Outline application for biomethane refuelling station, petrol filling station with ancillary retail, drive through restaurants (Class E/sui generis), ancillary car parking and associated works (all matters reserved)

**Application Validated:** 23<sup>rd</sup> December 2020

**Application Target Date:** 24<sup>th</sup> March 2021 (Extension of Time agreed)

**Site Visit Dates:** 2<sup>nd</sup> June 2020, 9<sup>th</sup> February 2021 and 30<sup>th</sup> September 2022

**Reason for Committee Decision:** The application is to be determined by Planning Committee due to the scale and nature of the proposed development

**Parish / Ward:** Bitteswell with Bittesby / Ullesthorpe

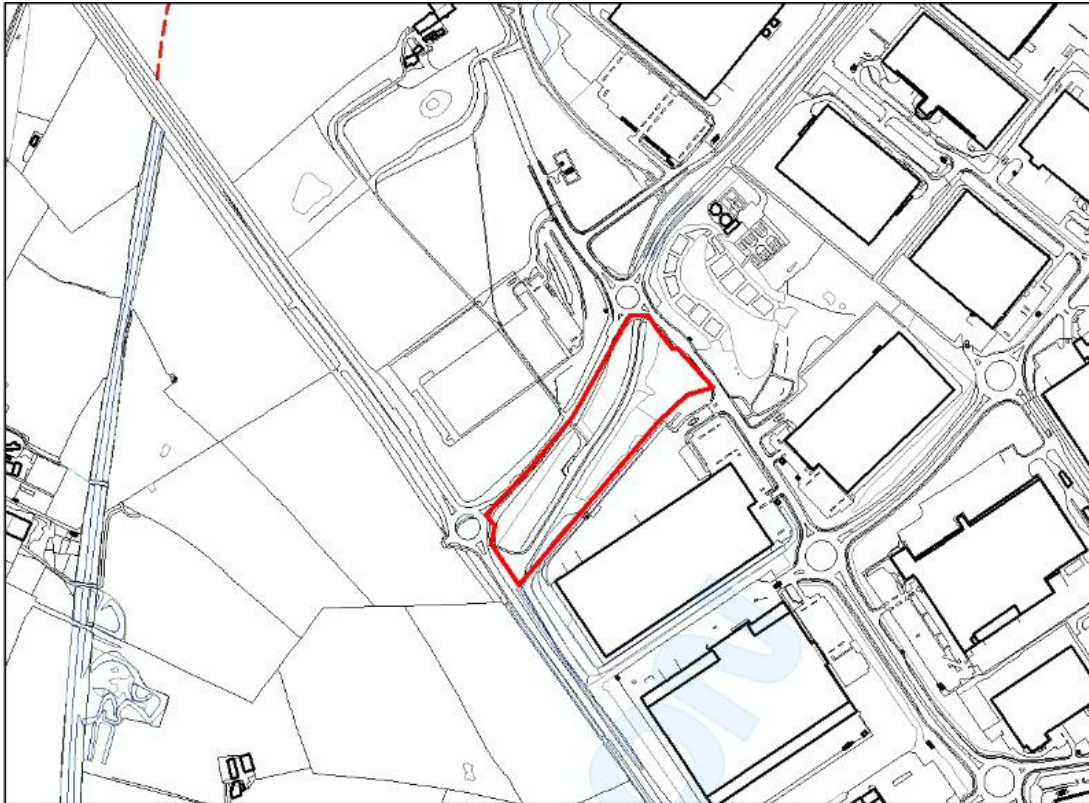
## Recommendation

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

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

### 1. Site & Surroundings (including site history)

- 1.1 The application site is located to the east of the A5, on the site of the former Mere Lane (which has recently been re-routed following the approval of 15/00919/FUL (see **Figures 1, 2 and 3**). The site is partly located within the Harborough District Local Plan BE2 allocation. The application site is currently wooded with a footpath running along its length. Immediately to the south and east lies the original Magna Park strategic distribution park, with the recently approved extension to this (15/01531/OUT) to the north. The western side of the site is bounded by open countryside beyond the A5 (see **Figure 3**).
- 1.2 The site extends to 4.41 ha. The site itself is comprised of areas of shrubbery and groups of trees, and grassland. There is a footpath (albeit NOT a designated Public Right of Way) which runs through the centre of the site. The site is located in an area of predominantly B8 use class buildings. The surrounding buildings have large footprints, located around road infrastructure and with varying footprints of generally large B8 units.



**Figure 1: Site Location Plan**



**Figure 2: Site Aerial Photo (photo show previous infrastructure, with new approved infrastructure over-layed)**

- 1.3 The site is relatively flat and is not subject to any landscape designations. There are no international statutory designated sites for ecology within 6 km of the site. There



are no statutory designated sites for ecology within 2 km of the site centre. The site falls within the Site of Special Scientific Importance (SSSI) Impact Risk Zone (IRZ) for Misterton Marshes SSSI, located 5 km east of the site boundary (at the heart of the Lutterworth East SDA site). There are four Non-Statutory Designated sites within 2 km of the Site centre, these are:

- Bittesby House Trees Local Wildlife Site (LWS); 560m north-west of the site;
- Bitteswell, Magna Park Grassland LWS; 920m south-east of the site;
- Bittesby, Mere Lane Lagoon and Trees LWS; 1.13km north-east of the site;
- Magna Park Hedgerow LWS; 1.43km south of the site



**Figure 3: Site Aerial Photo (Google Maps aerial photo shows newly installed infrastructure)**

- 1.4 There are no designated built heritage assets located within the site. The site is partially situated within an area recorded on the Leicestershire Records as Bitteswell Airfield. Areas of the site historically formed part of Bitteswell Aerodrome from 1941 where it was located to the periphery of the airfield. However, there are no extant features or structures associated with the airfield within the site and the surrounding area has now largely been developed for Magna Park. The only built heritage asset located within the locality that is visible from some areas of the site is Bittesby House which is located approximately 580m to the north of the site (located due north of the site at the top of **Figures 1 and 2**). The Church of St Leonard (Grade II\* Listed Building), is located approximately 711m to the west of the site in the settlement of Willey.

## **2. Site History**

- 2.1 The site history relevant to the application is as follows:

- 15/00919/FUL - Erection of 100,844sqm Storage and Distribution centre (B8) with ancillary B1(a) offices on land adjoining and linked to Magna Park, including formation of access road from Magna Park, erection of gatehouse, creation of roundabouts, partial realignment of Mere Lane and upgrading of A5

to dual carriageway, creation of SuDS facilities and associated infrastructure and landscaping works – **Approved**

- 15/01531/OUT - Hybrid Planning Application comprising:  
Outline application for the demolition of Lodge, Emmanuel and Bittesby Cottages and erection of up to 419,800 sq m Storage and Distribution (B8) with ancillary offices (B1a), up to 3,700 sq m for a Logistics Institute of Technology (D1) with associated playing field, up to 9,000 sq m small business space (B1a, B1b), change of use of Bittesby House barns to exhibition centre (D1), the creation of a Country Park, other open space and landscaping works on land to the north of Mere Lane, formation of access road from Magna Park, creation of roundabouts, partial realignment of Mere Lane, upgrading of A5 to dual carriageway, creation of roundabout access on A5, creation of SuDS facilities and associated infrastructure and landscaping works (siting, extent and use of the defined parcels, the maximum quanta and height of buildings, the restriction on the siting of yards, demolitions and means of access to be considered only); and  
Detailed application for the creation of a 137 space HGV parking facility, associated gatehouse and HGV Driver Training Centre, vehicle wash and fuelling facilities, and a rail freight shuttle terminal, with associated hardstanding, landscaping works and SUDS facilities on land adjacent to Asda George Headquarters, A4303 – **Approved**
- 22/02002/OUT – Outline planning application for HGV Parking Facility, Roadside Amenity Building (Use Class E/Sui Generis), Refuelling Facilities, Car Parking, Landscaping and Associated Works (All Matters Reserved Except Means of Access (Not Internal Roads)) – **Received 21/11/22 – Pending Consideration**

### 3. The Application Submission

#### a) Summary of Proposals

- 3.1 The application in in Outline form and relates to the installation and operation of a Biomethane Refuelling Station and for a petrol filling station, two drive through restaurants and a MOT Centre. Following a request from Officer's the MOT Centre element of the proposal has been removed from the scheme.
- 3.2 The development will provide the necessary infrastructure for the HGVs visiting Magna Park in order to facilitate the fuelling of gas powered vehicles and facilitate a shift from diesel powered HGVs to cleaner HGVs powered by Natural Gas and Biomethane.
- 3.3 The development will be set within the existing landscape. The illustrative proposals for access are that access to the Service Station will be from Mere Lane via a new ghost island priority junction. Separate access arrangements will be provided for the Biomethane Refuelling Station, with a left-in only entry from Mere Lane and exit onto Argosy Way.
- 3.4 Currently, a footpath runs through the site. It is proposed to divert this footpath as part of the proposals. The indicative route is identified on the Parameter Plan. It is proposed for the footpath to run along Mere Way and then cut through the site, essentially dissecting Zone 1 (Biomethane Refuelling Station) and Zone 2 (petrol filling station and two restaurants).
- 3.5 The Biomethane Refuelling Station will be located to the north of the site and will be accessed from Argosy Way, the exit will be onto Mere Lane. The station will provide a refuelling facility for HGVs operated by Magna Park tenants and others from

distribution centres based on Magna Park and elsewhere, to distribute goods and groceries. The facility will operate along the same principles as a conventional fuelling station and will supply Biomethane and Natural Gas (in liquefied and compressed forms) rather than diesel.

- 3.6 Although the proposals are illustrative, the Refuelling Station will comprise a station compound, tanker off-loading bay and 7 fuel pumps. 7 refuelling dispensers would be laid out in the forecourt area to allow multiple trucks to use the station. A similar use has already been accepted by the Council on another at Magna Park. On the 10th May 2016 Planning Permission was granted (ref: 16/00767/FUL) for the 'installation of biomethane 11ng refuelling dispensers and ancillary equipment and creation of new site exit' as this was secured by Gasrec on the ASDA fuel and wash site adjacent to George House.
- 3.7 To the south of the site will be other facilities originally including a conventional fuel station, two drive through restaurants and tyre service/MOT station with service yard, each with an associated car parking area. Access to these facilities will be from Mere Lane.

#### **b) Documents submitted in December 2020**

- i) Plans
- 3.8 Plans have been submitted showing the extent of the site, the existing site layout and the proposed parameters of the proposed development. An Illustrative Masterplan has also been submitted indicating how the development could appear.
- ii) The Design & Access Statement
- 3.9 The Design and Access Statement (hereafter referred to as DAS) provides information to explain and understand the proposals, to demonstrate the decision making process used to help develop them and the reasoning behind key decisions that have shaped the proposed development.
- iii. Supporting Statements
- 3.10 The planning application is accompanied by the following documents which together with the application drawings, should all be read in conjunction with each other
- Planning Statement
  - Transport Assessment
  - Air Quality Assessment Report
  - Flood Risk Assessment
  - Noise Assessment
  - Landscape and Visual Appraisal
  - Built Heritage Assessment
  - Archaeological Desk Based Assessment
  - Utilities Statement
  - Preliminary Ecological Appraisal
  - Retail Impact Assessment
  - Geo-environmental Investigation and Assessment
  - Arboricultural Impact Assessment and Tree Protection Plan
  - Statement of Community Involvement

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

- 3.11 In response to Consultee and Officer comments during the course of the application, a series of additional / amended plans, reports and information has been submitted to address concerns of different parties. These include:

- Amended Parameters Plan and description of development to omit the capacity for the site to accommodate a tyre service/MOT station
- Additional and updated Transport Plans and Assessments
- Additional Information regarding the HSE comments on the application
- Updated Bio-Diversity Net Gain information

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

##### *o LPA Engagement*

3.12 Pre-application discussions were undertaken with planning officers at the Council in June 2020. The pre-application response acknowledged that:

- The provision of biomethane refuelling facilities at the scale proposed would be proportionate in scale to the strategic storage and distribution use and ancillary beneficial to the functioning of the site as a strategic storage and distribution park;
- The provision of re-fuelling facilities, small scale “convenience” retail, and food outlets could be considered to be beneficial to the welfare of staff based at Magna Park; and,
- Subject to material considerations and justification of the need, it was considered that a case could be justified for a comprehensive roadside services facility which included a MOT Testing Centre as part of the provision.

The pre-application response requested that any submission should include “an analysis of similar service facilities along the A5, both to the north and the south in order to assess how the proposals fit with the DfT’s circular in relation to the optimum distance between services. This analysis has been submitted at Appendix 2 of the Planning Statement. Pre application discussion have also taken place with the HSE and the relevant highway authorities.

##### *o Community & Stakeholder Engagement*

3.13 In place of traditional public engagement, following Government and Public Health England’s advice relating to the COVID-19 pandemic, GLP carried out a remote public consultation, involving a range of alternative engagement techniques in September 2020. The remote consultation was advertised to 2890 residents and businesses via a newsletter sent out on Friday 4 September 2020. Recipients were provided with a range of options for accessing consultation materials, including:

- A dedicated project webpage:  
<https://lutterworth.magnapark.co.uk/site-information/future-plans/> on which the proposals were displayed, alongside an online feedback form;
- A four-page A4 newsletter booklet, with a tear-off and freepost feedback form;
- A free post address to write to request copies of the newsletter and printed feedback forms;
- A consultation email address ([magnaparklutterworth@newgatecomms.com](mailto:magnaparklutterworth@newgatecomms.com)), to make direct contact with the project team; and,
- A free phone consultation phone number

The submitted Statement of Community Involvement includes a summary of the consultation undertaken.

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

4.1 The Council has undertaken extensive consultation in respect of this planning application. Technical consultees and the local community were consulted at the initial consultation stage (January 2021) with the relevant technical consultees being reconsulted following the receipt of additional information throughout 2021 and 2022. The application was also advertised in the local press (Harborough Mail) and through the posting of Site notices.

- 4.2 A summary of the technical consultee's responses received is set out below. Where appropriate the responses will be discussed in more detail within the main body of the report. Where there have been multiple iterations of consultee comments, only the most recent have been reported. If you wish to view all the comments in full, please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

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

##### **1. National Bodies**

###### **4.1.1 *Natural England (11/01/21)***

Natural England has no comments to make on this application.

###### **4.1.2 *Environment Agency (05/02/21)***

We have reviewed the 'Geo-environmental Investigation and Assessment', dated December 2020, which has been submitted in support of this application. The site overlies the Oadby Member Till above the Blue Lias Mudstone. These are classified as Secondary undifferentiated and Secondary A aquifers respectively.

- 4.1.3 The report did not find any significant contamination and concludes that "the risk associated with land contamination at the site is low, and that environmental remediation of soil or groundwater is unlikely to be required." Based on the information submitted we are in agreement with this statement.

- 4.1.4 Limited information has been presented regarding the proposed petrol filling at this stage. It is not clear yet whether the applicant is proposing above or underground storage of fuel

- 4.1.5 Underground storage of polluting substances poses particular risks to groundwater because of the problems of leak detection. Groundwater is moderately sensitive in this location because the proposed development site is located above a Secondary A aquifer.

- 4.1.6 Further detailed information will be required before any development is undertaken.

- 4.1.7 In light of the above, the proposed development will be acceptable if a planning condition is included requiring submission and subsequent agreement of further details as set out below. Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

###### **4.1.8 *National Highways (previously known as Highways England) (6<sup>th</sup> set of comments) (14/09/22)***

The SRN in the vicinity of the proposed development is the A5 trunk road.

- 4.1.9 Our previous responses of 27 April 2022, 11 May 2022, and 27th July 2022 summarised our discussions with the applicant to date. Following on from those responses, this letter summarises our current position with respect of this application.

- 4.1.1 Trip Generation. No further comments.

- 4.1.11 Trip Distribution. No further comments.

- 4.1.12 Committed Developments. No further comments.

4.1.13 Collision Data. No further comments.

4.1.14 Junction Capacity Assessments

Our previous response highlighted that National Highways had requested clarification on how the junction geometries had been calculated and the junction drawings to be submitted for a review. Since that update, National Highways attended a meeting with the applicant where the junction geometry calculations were discussed and explained. National Highways is now content that the junction geometries have been calculated correctly.

4.1.15 Following the agreement of the slightly higher level of trip generation for HGV movements, it was agreed that the applicant will re-run the modelling assessment and finally re-analyse the traffic impacts at the two A5 roundabouts (Cross in Hand and Mere Lane). This has now been done and National Highway has reviewed the outputs.

4.1.16 Based on this assessment, National Highways is now content that the proposed development will not have a negative impact on the strategic road network. As such, we are removing our holding recommendation and can advise that our response is now one of **No Objection**.

4.1.17 *Health and Safety Executive (HSE) (29/10/21)*

HSE is a statutory consultee for certain developments within the consultation distance (CD) of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to HSEs Planning Advice WebApp <https://pa.hsl.gov.uk>

4.1.18 I should therefore be grateful if you would arrange for HSEs Planning Advice WebApp to be used to consult HSE for advice on this application.

4.1.19 *Cadent Gas (08/01/21)*

The apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment

As your proposal is in proximity to apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:

- Cadent Pipelines Team

We request that you take no further action with regards to your proposal until you hear from the above. We will contact you within 28 working days from the date of this response. Please contact us if you have not had a response within this timeframe.

4.1.20 *Cadent Gas (Pipelines) (12/01/21)*

Looking at the above planning application, we (Cadent) would not object but we have a high pressure gas pipeline running through the middle of the development.

4.1.22 We would be most grateful if you could raise an informative with the applicant that Cadent must be approached and liaised with before any work commences, we have pipeline plant protection measures that will need to be adhered to such as loading calculations and possible load bearing slabs constructed, we possess a deed of grant for an easement on the HP gas pipeline and we will need to be approached and give written permission for any development in the easement, our depth of cover over the HP gas pipeline must be sufficient as per TD/1 and we will need to provide our input throughout the construction phase

4.1.23 *Cadent Gas (28/10/21)*



We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application which is in the vicinity of our gas asset/s. We are placing a holding objection on the proposal whilst our engineering team reviews the available information. We will be in touch once we have reviewed the proposals in more detail. In the meantime, we may contact you for more information to help us make the decision. *(Officer Comment – Above comments dated 12/01/21 are from the relevant Cadent team, 28/10/21 comments we automated response to a re-consultation on Highways information)*

## 2. Regional / Local Bodies

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### 4.2.1 Leicestershire Police (10/11/21)

I have now visited, and have reviewed the proposed development. There is a proposed main vehicle access at a central point on the north edge of the site. The entry road leads to the south side and access to all zones of the proposed development. There are two entry and exit points leading to the biomethane refuelling station which is separated by open space with existing woodland. There is no through route to the remainder of the site and as a result no permeability issues in my opinion.

4.2.2 Open space is all proposed to be covered by foliage and trees reducing the potential for natural observation. Vehicle parking is in curtilage throughout the site in close proximity to each zone of the site.

4.2.3 I recommend that a Section 38 Agreement be requested to add an electrical spur to the key vehicle entry points to allow quick and cost-effective installation of CCTV cameras as I recommend their requirement. (General Data Protection Regulation 2018 signage would be required) The ability to capture number plate images of vehicles entering would deter unauthorised entry and provide police with a direct line of enquiry in the event of crime. Also in this case natural observation is minimal. A monitored alarm system is recommended to cover all zones of the site, including a personal attack capability to allow a monitored response for on site staff.

4.2.4 Lighting throughout the site including the key vehicle entry point and other key areas such as open space should be to BS5489

4.2.5 Commercial Wheelie bin storage and Cycles should be stored in secure areas where possible to avoid the potential for criminal use, as a ladder, mode of removal or arson risk for Bins or mode of escape in respect to Cycles.

## 3. Leicestershire County Council

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### 4.3.1 Leicestershire County Council Highways (6<sup>th</sup> set of comments) (14/11/22)

The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

4.3.2 This document forms the Local Highway Authority's (LHA) sixth response on the application. In the last set of highway observations dated 7 June 2022 the LHA confirmed that the applicant had provided satisfactory information on the following issues:

- Safe access to the site for all users, albeit this would be subject to a future Reserved Matters
- application;

- Personal Injury Collision data;
- Committed Developments included in assessments;
- Trip Generation / Distribution;
- Internal Layout;
- Travel Plan; and
- Transport Sustainability.

However the LHA and National Highways (NH) sought confirmation / clarification on the impact of the proposed development on the local highway and strategic network:

- Clarification on trip generation; and
- Junction capacity assessments

- 4.3.3 The applicant has submitted further information in AECOM Technical Note, 'TN004: Response to National Highway Comments', dated 10 August 2022. The LHA has reviewed the revised information and provides further observations below. The reader may also wish to refer to the LHA's previous highway observations (January 2021, March 2021, November 2021, February 2022 and June 2022) for a fuller understanding on the LHA's views on the application.
- 4.3.4 The LHA understands the applicant has met with NH to discuss the outstanding information and following these meetings NH has agreed that the use of average of the weekday peak flows was acceptable, although the applicant would test the impact of the proposed development with slightly higher level of trip generation for HGV movements. Furthermore the applicant confirmed how the junction geometries had been calculated which NH has accepted in its observations dated 27 July 2022.
- 4.3.5 The applicant and NH agreed an approach to assess the impact of the proposed development but the applicant still needed to submit CAD drawings of the junction and re-run the modelling assessment and re-analyse the traffic impacts at the two A5 roundabouts (Cross in Hand and Mere Lane).
- 4.3.6 The applicant has submitted this information and the NH confirmed they were satisfied with the junction models and impact of the proposed development in their response dated 14 September 2022.
- 4.3.7 The LHA has spot checked the junction capacity flows and then reviewed the results of the junction capacity assessments specifically on the arms which are under the jurisdiction of Leicestershire County Council. The LHA agrees with the applicant's conclusion that the proposed impact of the development could not be considered severe on the local highway network and would not require a highway scheme of mitigation at either the A5 / A4303 Coventry Road / B4027 Lutterworth Road / Coal Pit Lane (Cross in Hand roundabout) or the A5/Mere Lane junction.
- 4.3.8 Based on the additional information submitted the applicant has demonstrated that a safe and suitable access to serve the proposed development can be delivered as part of any future Reserved Matters application in line with Paragraph 110 of the National Planning Policy Framework. The applicant has also tested the impact of the proposed development on the local highway network and the LHA considers that the residual cumulative impacts of development can be mitigated subject to the inclusion of the following conditions and contributions.
- 4.3.9 *Leicestershire County Council Planning Ecologist (28/01/21)*  
The Preliminary Ecological Appraisal (DeltaSimons, December 2020) is satisfactory and I agree that no further survey work is required at this time.

- 4.3.10 The recommendations in section 6 of the PEA must be followed and made a condition of any planning permission should it be granted. Regarding GCN, the PEA states that a length of scrub must be retained along Argosy Way; looking at the Illustrative masterplan this doesn't appear to have been included?
- 4.3.11 There are Great crested newt EPSLs associated with this, and the wider Magna Park development. It is important that any proposed mitigation for GCN is not in conflict with any current/valid GCN licenses that cover this current development. This should be made a condition of any planning permission should it be granted.
- 4.3.12 This development appears to be in conflict with the original masterplan for Magna Park which allocates this development site as proposed woodland mitigation planting, implying it was part of the overall mitigation? This needs clarification.
- 4.3.13 As confirmed in section 5 of the PEA, it is anticipated that the majority of the site is to be cleared. Compensatory planting is required, and the development should achieve a net gain in biodiversity. Having reviewed the plans it appears that this will not be achieved, and the development will result in biodiversity net loss. A biodiversity net gain calculation/assessment will help to establish whether biodiversity net gain will be achieved.
- 4.3.14 I object to this planning application pending submission and clarification of the above.
- 4.3.15 *Leicestershire County Council Planning Ecologist (Further Comments) (06/12/21)*  
Thank you for re-consulting us on this planning application followed submission of the Biodiversity Metric and Net Gain Calculations report (Delta-Simons, November 2021) which confirms that the development will not achieve biodiversity net gain and has recommended that off-site compensation is provided. Although the submitted report is acceptable, I need be able to review it alongside the Metric in Excel format; please can you arrange for this to be sent to me.
- 4.3.16 *Leicestershire County Council Lead Local Flood Authority (01/02/21)*  
The application site is greenfield totalling 4.4ha in size. The site is within Flood Zone 1 (low risk of fluvial flooding) and at low to medium risk of surface water flooding, with several surface water flow paths shown to cross the site in a north westerly direction. The surface water proposals seek to discharge to an onsite attenuation basin before being discharged at a QBar discharge rate of 13.3l/s from two separate outfalls to an existing ordinary watercourse. Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA and we advise the following planning conditions be attached to any permission granted.
- 4.3.17 *Leicestershire County Council Archaeologist (15/01/21)*  
Thank you for your consultation on the above planning application. Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 189-190).
- 4.3.18 *Leicestershire County Council Planning (28/01/21)*  
The application site is located along the boundary with a minerals consultation area for sand and gravel. However due to the scale of mapping it remains unclear whether the site falls within this designation. This notwithstanding, the submitted geotechnical

report indicates that the site contains limited or no workable mineral. The County Council has no objections to the scheme on the basis.

4. Harborough District Council

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4.4.1 *Harborough District Council Contaminated Land and Air Quality Officer (29/10/21)*  
This department has no comment regarding land contamination and the above

4.4.2 *HDC Waste Management (14/01/21)*  
No comments

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

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4.5.1 *Ullesthorpe Parish Council (29/10/21)*

Whilst we acknowledge it is not within our remit, we are very mindful of the impact of the traffic, accumulative impact of the traffic, retail facilities and the biomethane refuelling station, of this application and the Rugby application. The Parish Council objects to further growth of the Magna Park site. The Parish Council is concerned in relation to any negative impacts of the biomethane fuelling station on the environment and parishioners

4.5.2 *Willey Parish Meeting (22/01/21)*

As I am sure you are aware there is a very similar application logged with Rugby Borough Council (R20/0259) for the development of a truck stop with restaurants and so on at the Cross in Hand Roundabout a few miles from this site. We have also objected to that application on the grounds of traffic, noise and rubbish. I have copied Joanne Orton into this email as she is dealing with the RBC application just in case they are not aware of this one.

4.5.3 This application seems to have appeared out of no where - perhaps as a challenge to the one sited above? In past discussions held on the future plans outlining the expansions to Magna Park I have no recollection of this one? The fact that a new pathway was put in at Mere Lane during the last major piece of work is another factor that points to this application being an after thought.

4.5.4 There is absolutely no need for two similar type of sites/facilities within a mile of each other. There are plenty of takeaway/food premises in Lutterworth which employees in Magna Park use and drivers pass many other facilities on the A5 and Motorway networks. We do not wish to have either of them developed but certainly not two!

4.5.5 As part of the Magna Park recent expansion (North of the original Magna Park) currently the Wayfair building a new pathway was put in on the old Mere Lane. This has been used on a regular basis by the villagers as a safe way of walking from Willey village, via the footpath (highlighted in yellow on the attached diagram) which exits onto the edge of the A5 south of the new roundabout at Mere Lane, and links with the new pathway. This allows residents to walk/ride/cycle over in front or behind the Wayfair building and walk/ride/cycle on the land the other side of the A5.

4.5.6 All of this land opposite the village is proposed to be developed (although the land is currently open, there is extant permission for a significant extension to the business park to the north of the Site (ref. APP/F2415/W/18/3206289) which incorporates large B8 units with building heights of 18m. As part of this there should be a country park left for us to use. As things are looking currently we are going to have to drive from the village in order to enjoy it as there will be no safe way left for residents to walk/cycle or ride to get to it. This would be a ridiculous situation and not help in the fight against reducing our carbon footprint.

- 4.5.7 I was annoyed to read in the Landscape and Visual Document produced with this application (PRoW 4.19 and 5.9 ) that the footpaths and bridle ways, shown on the attached diagram and an appendix in the document, from Willey are "overgrown and rarely used". They are indeed all used and the new footpath at Mere Lane.
- 4.5.8 I attach a copy of the plan showing the paths. Two of them (which I have marked in red) are not overgrown at all until they reach the A5. Due to the latest work done on the A5 it is now impossible to cross the A5. Both these terminate on the edge of the A5 with no access option available to cross it. Even without dogs, bikes or horses the central barrier closes those routes to walkers - so it is absolutely obvious they cannot be used. This is not through choice. The footpath I have highlighted in Yellow is not at all over grown (photos also attached) and is used regularly as said earlier by the villagers to access the new pathway at Mere Lane and cross the A5 safely. The only other route now for residents to get onto the land opposite the village to walk/cycle/ride is to cross at the Willey turning from the A5. This is a very busy road and the gap often used for U turns but at least with the two options it gives the facility of a circular route in and out of the village. which is done regularly. To walk from the Village we have to cross either (or both) the A5 and the Coalpit lane.
- 4.5.9 If approved perhaps the developers could have a condition applied which could make a path (marked in blue) on the "overgrown" land they own which runs parallel to the A5 and joins the new roundabout at Mere Lane - which would link the three footpaths/Bridleways. This would give us an option to walk a circular route the Willey side of the A5. Additionally if permission is given to remove the new pathway at Mere Lane and allow this development perhaps a new pathway could be put in to enable villagers to get safely over the A5 and access to the footpaths on the other side of the A5? It would appease us somewhat.
- 4.5.10 This latest application would not only add more building, traffic, light pollution (all of which affect the village) but adds the likelihood of rubbish blowing over in the fields from fast food takeaway outlets. This is both concerning environmentally but additionally as these fields are often grazed by sheep and cattle rubbish could easily be ingested with grave consequences.
- 4.5.11 The traffic through the village has also been an issue for us, not just rat run traffic but also HGVs who miss the turning and their Satnavs send them through the village. This is despite signage that specifies Willey Village only and Unsuitable for HGVs. Back in 2016 I had a letter from our MP Mr Pawsey, who said and I quote " Additionally the Council have requested that both planning application (15/00919/FUL and 15/01531/OUT) at Mere Lane, Bittesby are to provide reasonable financial obligations and a clear HGV routing strategy. One such funding arrangement is to support the implementation of weight restrictions to help reduce HGV impacts on the highways network; such as through the villages of Willey, Pailton, Monks Kirby etc".
- 4.5.12 We have had no such weight limit signs installed and it seems this is the only way to stop the lorries coming through the village. We appeal to you that should you approve this application it is with conditions that issues such as weight limit signs and new walkway access is given to the village.
- 4.5.13 If this application is approved the new pathway at Mere Lane, the one useful thing that Magna Park has done for us - is to be removed.

4.5.14 *Willey Parish Meeting (08/11/21)*

On behalf of the residents of Willey we are concerned about the noise, light interference, & any increase of traffic in the area (particularly cutting through the village) which is likely to be 24/7 due to the nature of the site. The farmers are concerned about rubbish coming from the site into the fields and also any effect this development may have on the water courses which may increase the flooding risks in the fields. The one public footpath that is able to exit safely onto the A5 is used and currently users continue onto the new path installed on this site during the development of the Mere lane roundabout. The RBC application R20/0259 @ the Cross in Hands roundabout - no more than one mile away - is still also ongoing and there is certainly no requirement for two such developments.

**4.5.15 Pailton Parish Council (01/02/21)**

Pailton Parish Council record no objections to this application

**4.5.16 Monks Kirby Parish Council (16/11/21)**

Monks Kirby Parish Council supports this application, on the proviso that a substantial lorry park is provided on the site as soon as possible

**4.5.17 Monks Kirby Parish Council (26/01/21)**

Monks Kirby Parish Council have asked me to feedback to you that they support the above application.

**b) Local Community**

**1. Objections**

- 4.2 Letters were distributed to neighbouring properties. Furthermore, 3 site notices were posted on the site's north, east and west boundaries. 6 objections have been received, predominantly from the village of Willey. Officers note that several of the representations are very detailed and whilst regard has been had to these in assessing this application, it is impractical to copy these verbatim and therefore a summary of the key points is provided at **Figure 4** below. Full copies of all representations can be viewed at [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning).

<b>Issues of Principle raised through representations</b>	<ol style="list-style-type: none"> <li>1) As I am sure you are aware there is a very similar application logged with Rugby Borough Council (R20/0259) for the development of a truck stop with restaurants and so on at the Cross in Hand Roundabout a few miles from this site.</li> <li>2) This application seems to have appeared out of no where - perhaps as a challenge to the one sited above?</li> <li>3) In past discussions held on the future plans outlining the expansions to Magna Park I have no recollection of this one?</li> <li>4) There is absolutely no need for two similar type of sites/facilities within a mile of each other.</li> <li>5) There are plenty of takeaway/food premises in Lutterworth which employees in Magna Park use and drivers pass many other facilities on the A5 and Motorway networks.</li> <li>6) Finally, of particular concern is the environmental impact of dispensing fuel to drive diesel powered vehicles, when recent reports have highlighted the adverse impact of particulates in diesel fumes as impacting on children health - and being attributed as a contributory factor in a recent death / coroner's report.</li> <li>7) I do not see how granting permission for garage facilities can support the environmental targets that the council should be aiming to meet, instead the council should be encouraging moves to greener transport.</li> </ol>
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	<p>8) The last thing we need is two competing service stations- both of which will be accessible to both north and south bound traffic - within a few hundred yards of each other, but covered by differing county and local councils!</p> <p>9) There is no reason for needing these types of facilities on Magna Park (or at the Cross In hands roundabout). There is already a large HGV park on the A5 (travelling south within 10 miles, before the M1). Further garage and restaurant facilities can be found near Hinckley, and in Lutterworth –these are already sufficient to serve the existing HGV traffic, so why we need more applications is not clear</p> <p>10) The development site, with footpath, has only recently been landscaped in order to provide a green barrier along Mere Lane, which will be lost. As this application was not part of the original expansion plan, it would seem to be highly speculative and in response to a similar application submitted in Warwickshire at the nearby Cross in Hand roundabout</p>
<b>Heritage issues raised through representations</b>	<p>1) We feel very strongly that the preservation of our village and it's church which dates back to The Doomesday book should be taken seriously and more thought and sympathetic consideration given when these massive constructions are going to be built.</p>
<b>Highways issues raised through representations</b>	<p>1) The traffic through the village has also been an issue for us, not just rat run traffic but also HGVs who miss the turning and their Satnavs send them through the village. This is despite signage that specifies Willey Village only and Unsuitable for HGVs.</p> <p>2) Both 15/00919/FUL and 15/01531/OUT at Mere Lane, Bittesby are to provide reasonable financial obligations and a clear HGV routing strategy. One such funding arrangement is to support the implementation of weight restrictions to help reduce HGV impacts on the highways network. We have had no such weight limit signs installed and it seems this is the only way to stop the lorries coming through the village.</p> <p>3) We would also like to request that you install road signs at the top and bottom of our village (<i>Willey</i>) stating that the road is unsuitable for HGVs and lorries</p>
<b>Landscape and Visual Impact issues raised through representations</b>	<p>1) This is a further expansion of the Magna Park complex which currently lies outside the perimeter earth banks and tree screening of Magna Park. These banks and screening were a major mitigation that was made and stressed by the developers when Magna Park was built.</p> <p>2) It seems that current banks and trees which have been planted for mitigation will be removed and nothing will take their place. Some of the structures will be tall and carry lighting they will be intrusive</p> <p>3) Other operations and facilities will require lighting all night, not occasionally. Already Magna Park can be seen from many miles (just fly into Birmingham to see how bright it is). The night lighting will further aggravate the current brightness. The village of Willey is severely affected by this night light.</p>
<b>Noise issues raised through representations</b>	<p>1) Noise will be produced by all the planned activities 24/7. Many lorries will be manoeuvring day and night. Lorries laid up at night which have cool/cold transport will have their refrigeration units running continually throughout the night.</p>
<b>Flooding issues raised through representations</b>	<p>1) We are most concerned that the amount of concrete laid down near to us will give rise to flooding in Willey.</p>
<b>Residential Amenity issues raised through representations</b>	<p>1) Willey residents already have first-hand experience of the consequences of light and the noise from lorries and operations at the current Magna Park development – which occurs throughout the day and night. There seems little or no mitigation to reduce noise, light, or visual effects in the planning application.</p>
<b>Footpath issues raised through representations</b>	<p>1) I was annoyed to read in the Landscape and Visual Document produced with this application that the footpaths and bridle ways from Willey are "overgrown and rarely used". They are indeed all used and the new footpath at Mere Lane.</p>

	<p>2) As part of the Magna Park recent expansion a new pathway was put in on the old Mere Lane. This has been used on a regular basis by the villagers as a safe way of walking from Willey village, via the footpath which exits onto the edge of the A5 south of the new roundabout at Mere Lane, and links with the new pathway. This allows residents to walk/ride/cycle over in front or behind the Wayfair building and walk/ride/cycle on the land the other side of the A5.</p> <p>3) As part of this (<i>Magna Park North</i>) there should be a country park left for us to use. As things are looking currently we are going to have to drive from the village in order to enjoy it as there will be no safe way left for residents to walk/cycle or ride to get to it.</p> <p>4) If approved perhaps the developers could have a condition applied which could make a path on the "overgrown" land they own which runs parallel to the A5 and joins the new roundabout at Mere Lane - which would link the three footpaths/Bridleways. This would give us an option to walk a circular route the Willey side of the A5. Additionally if permission is given to remove the new pathway at Mere Lane and allow this development perhaps a new pathway could be put in to enable villagers to get safely over the A5 and access to the footpaths on the other side of the A5? It would appease us somewhat.</p> <p>5) I am keen that the existing footpaths are not impacted, I know our Willey Parish council has raised this objection, and I support the objection, recognising the existing paths are regularly used.</p>
<b>Other issues raised through representations</b>	<p>1) If this application is approved the new pathway at Mere Lane, the one useful thing that Magna Park has done for us - is to be removed.</p> <p>2) Object on the basis that the local area (Mere Lane, the A5) is already consumed by litter, much of which comes from fast-food outlets. This application, if allowed, will inevitably make this situation much worse.</p> <p>3) This latest application would not only add more building, traffic, light pollution (all of which affect the village) but adds the likelihood of rubbish blowing over in the fields from fast food takeaway outlets. This is both concerning environmentally but additionally as these fields are often grazed by sheep and cattle rubbish could easily be ingested with grave consequences.</p> <p>4) This is all under your planning department in Market Harborough which is an awful long way away from this little village, which we believe is not being taken into consideration .</p>

**Figure 4: Issues raised in Objection through consultation with 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.

### **a) Development Plan**

- 5.2 Section 38(3) (b) of the 2004 Act defines the DP as the DP documents (taken as a whole) that have been adopted or approved in that area.
- 5.3 The DP for Harborough comprises:
- The Harborough District Local Plan adopted April 2019
  - Made Neighbourhood Plans.
- 5.4 Material considerations include any consideration relevant in the circumstances which has a bearing on the use or development of land. The other material considerations to be taken into account in considering the merits of these applications include the National Planning Policy Framework and the National Planning Policy Guidance,



together with responses from consultees and representations received from all other interested parties in relation to material planning matters.

○ *Harborough Local Plan*

- 5.5 The Local Plan<sup>1</sup> (hereafter referred to as the 'HLP') was adopted on April 30<sup>th</sup> 2019 and covers the period from 2011 to 2031. The Local Plan identifies 14 objectives as being central to the delivery of the vision for the District and are the guiding principles for the policies set out in the Local Plan. The 14 objectives set out below are intended to address the strategic priorities, deliver the Local Plan Vision and deal with the key issues. Of the 14 objectives, the following are relevant to the consideration of this application to varying extents

**Objective 2. Employment:** Promote sustainable economic growth by facilitating the sustainable growth of businesses, fostering new local enterprise and helping to create more jobs that meet local employment needs. Contribute to reducing the need for out commuting and thereby help to increase the sustainability and self-containment of communities, while encouraging the development of a vibrant, diverse and sustainable business community.

**Objective 3. Location of development:** Locate new development in sustainable locations that respect the environmental capacity of the local area. Encourage the appropriate and efficient re-use of previously developed land and buildings where such re-use achieves the objectives of sustainable development.

**Objective 4. Infrastructure:** Support local communities and maintain a high quality of life by ensuring that new development delivers the necessary infrastructure including that relating to health, education, security, culture, transport, open space, recreation, water supply and treatment, power, waste and telecommunications (incorporating high speed broadband connectivity).

**Objective 6. Natural environment:** Protect, maintain, restore and enhance the quality, diversity, character, local distinctiveness, biodiversity and geodiversity of the natural environment, creating links between wildlife sites ensuring that open countryside is protected against insensitive and sporadic development, the characteristics of the local landscape are respected and the unnecessary loss or sterilisation of natural resources is prevented.

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

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

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

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

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

- 5.6 Policy SS1 sets out the spatial strategy for Harborough which includes managing planned growth to direct development to appropriate locations, in accordance with the settlement hierarchy; identifying sites to meet future economic development needs; consolidating Market Harborough's role as a focus for development within the District, subject to traffic and environmental constraints, while promoting its historic function as a market town and safeguarding its compact and attractive character; and strictly controlling development in the countryside.
- 5.7 Local Plan Policies GD1 to GD9 are general development policies.
- GD1 reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).
  - GD3 addresses development in the countryside setting criteria whereby development in the countryside is acceptable
  - GD5 states that development should be located and designed in such a way that it is sensitive to its landscape setting and landscape character.
  - GD8 Good design in development sets out that Development will be permitted where it achieves a high standard of design, including meeting criteria set out.
  - GD9 sets out Minerals Safeguarding Areas
- 5.8 Local Plan Policies BE1 – BE5 relates to Business and Employment.
- BE2 states that any non "B8" development at Magna Park shall be small-scale and beneficial to the functioning of the area as a strategic storage and distribution park.
- 5.9 Local Plan Policies HC1 – HC3 relates to Heritage and community assets.
- HC1 sets out that Development affecting heritage assets and their settings will a. be appraised in accordance with national policy; and be permitted where it protects, conserves or enhances the significance, character, appearance and setting of the asset, including where possible better revealing the significance of the asset and enabling its interpretation. It includes that where proposed development would lead to less than substantial harm to the significance of a designated heritage asset and/or its setting, this harm will be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.10 Local Plan Policies GI1 – GI5 sets out Green infrastructure policy. GI1 provides for Green infrastructure networks.
- GI1 provides for Green infrastructure networks.
  - GI5 Biodiversity and geodiversity includes for nationally and locally designated biodiversity sites to be safeguarded.
- 5.11 Local Plan Policies CC1 – CC4 relate to climate change.
- CC1 relates to Major development and Strategic Development Areas.
  - CC2 relates to renewable energy generation
  - CC3 manages flood risk
  - CC4 provides for major development sustainable drainage.
- 5.12 Local Plan Policies IN1 – IN4 relate to Infrastructure.
- IN1 includes that major development will be permitted where there is, or will be when needed, sufficient infrastructure capacity to support and meet all the requirements arising from it.
  - IN2 provides for sustainable transport.
  - IN4 states water resources will be protected and water services provided and what development will be permitted in respect of this.

- *Neighbourhood Plans*
- 5.13 Made Neighbourhood Plans are part of the Development Plan (see above). The District currently has 27 'made' Neighbourhood Plans (October 2022). The Ullesthorpe Neighbourhood Plan area was defined in 2017, and extends along the southern edge of the original route of Mere Lane and therefore includes part of the application site. Notwithstanding this, no further substantive progress has been made in relation to this Neighbourhood Plan.

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

- *Planning (Listed Buildings and Conservation Areas) Act 1990*<sup>2</sup>
- 5.14 Sections 66 & 72 impose a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings/ heritage assets and Conservation Areas, including setting, when considering whether to grant planning permission for development. For Listed Buildings/assets, the Local Planning Authority shall “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” (Section 66) and for Conservation Areas “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” (Section 72).
- *The Ancient Monuments and Archaeological Areas Act 1979*<sup>3</sup>
- 5.15 This Act provides for a consenting regime in respect of works to SAMs but it does not provide any statutory protection for their setting. SAM's are however designated heritage assets for the purposes of the NPPF and the protection of their significance is governed by its policies. There is a strong presumption in favour of the preservation of all designated heritage assets.
- *Public Sector Equality Duty*<sup>4</sup>
- 5.16 Section 149 of the Public Sector Equality Act 2010, introduced a public sector equality duty that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- *The National Planning Policy Framework*<sup>5</sup>
- 5.17 The National Planning Policy Framework (hereafter referred to as ‘The Framework’) was most recently published in July 2021. What are considered to be the relevant sections are set out below in the order they appear in the document
- 5.18 The overarching policy objective of the Framework is the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: economic, social and environmental (paragraph 8). These are mutually dependent and in order to achieve sustainable development economic, environmental and social gains should be sought jointly and simultaneously through the planning system (paragraph 10). The presumption in favour of sustainable development is at the heart of the Framework.

<sup>2</sup> [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1990/29/section/66)

<sup>3</sup> [Ancient Monuments and Archaeological Areas Act 1979 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1979/30/section/1)

<sup>4</sup> [Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/equality-act-2010-guidance)

<sup>5</sup> [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/91264/nppf-2021.pdf)

- 5.19 The Framework indicates that where development accords with an up to date DP it should be approved without delay (paragraph 11). The weight to be accorded to development plans depends on whether they are up to date. The ability of the Local Planning Authority to demonstrate a 5 year housing land supply is relevant to this issue and this is discussed in more detail below.
- 5.20 Paragraph 11 of the Framework states Plans and decisions should apply a presumption in favour of sustainable development. For **decision-taking** this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.21 The Framework advises LPAs to approach decision-taking in a positive way to foster the delivery of sustainable development (paragraph 38) and seek to approve applications for sustainable development where possible
- 5.22 Paragraph 47 reiterates Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which requires all applications to be determined in accordance with the DP unless there are material considerations which indicate otherwise and advises the Framework is a material consideration in planning decisions.
- 5.23 Paragraph 55 states that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition
- 5.24 Paragraph 56 advises planning conditions should be kept to a minimum and imposed only where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects
- 5.25 In respect of planning obligations, the Framework (57) advises that these should only be used where it is not possible to address unacceptable impacts through a planning condition. They should, in addition, meet all of the following tests, which mirror those in the Community Infrastructure Levy Regulations 2010:
- 1. necessary to make the development acceptable in planning terms;
  - 2. directly related to the development; and
  - 3. fairly and reasonably related in scale and kind to the development.
- 5.26 Paragraph 100 seeks to protect and enhance existing public rights of way and access, whilst Paragraph 101 recognises the importance of local Green Space to local communities.
- 5.27 Paragraph 106e states that planning policies should provide for any large scale transport facilities that need to be located in the area<sup>(44)</sup>, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such

development is likely to be a nationally significant infrastructure project and any relevant national policy statements. Footnote 44 states that examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).

- 5.28 Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
- 5.29 Paragraph 119 advises that decisions should create promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.30 Paragraph 132 states applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 5.31 Paragraph 152 seeks to support the move to a low carbon future, new development should comply with adopted local plan policies on the requirements for decentralised energy supply and seek to minimise energy consumption.
- 5.32 Paragraph 158 states that LPA's should approve applications for renewable and low carbon development if its impacts are or can be made acceptable.
- 5.33 Paragraphs 170(d), 174(b) and 175(d) of The Framework refer to the Biodiversity Net Gain policy requirement.
- 5.34 Paragraph 174 establishes some general principles of particular note are the following sub-sections;
  - a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
  - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- 5.35 Paragraph 180 sets out the principles to be applied when making planning decisions. Of particular relevance is sub-sections d:
  - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 5.36 Paragraphs 185 and 192 state that LPAs should take account of the desirability of new development making a positive contribution to local character and distinctiveness, as well as opportunities to draw on the contribution made by the historic environment to the character of a place. The positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality, should be taken into account in decision taking.

- 5.37 Paragraph 194 states that LPAs should require applicants for planning permission to describe the significance of any affected assets (including their setting), providing a level of detail appropriate to their significance, using appropriate expertise to do so where necessary.
- 5.38 Paragraph 195 states that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.39 Paragraph 197 states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.

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

- *Community Infrastructure Levy Regulations*<sup>6</sup>
- 5.40 The Community Infrastructure Levy (hereafter referred to as 'CIL') is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities to help deliver infrastructure to support the development of their area.
- 5.41 Regulation 122 of the CIL Regulations 2010 provides that to be capable of being a material consideration in the determination of a planning application obligations should be:-
- necessary to make the development acceptable in planning terms
  - directly related to the development
  - fairly and reasonably related in scale and kind to the development
- *Circular 11/95 Annex A - Use of Conditions in Planning Permission*<sup>7</sup>
- 5.42 Although publication of the PPG cancelled Circular 11/95, Appendix A on model conditions has been retained. These conditions are not exhaustive and do not cover every situation where a condition may be imposed. Their applicability will need to be considered in each case against the tests in paragraph 206 of the Framework and the guidance on the use of planning conditions in the PPG.
- *Department for Transport Circular 02/2013 "The Strategic road network and the delivery of sustainable development"*<sup>8</sup>
- 5.43 Appendix B: Roadside facilities for road users on motorways and all-purpose trunk roads in England" of this Circular sets out policy on the provision, standards and eligibility for signing of roadside facilities on the strategic road network. This policy

<sup>6</sup> [Community Infrastructure Levy - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

<sup>7</sup> [Circular 11/95: Use of conditions in planning permission \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

<sup>8</sup> [The strategic road network and the delivery of sustainable development \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

applies to all existing signed roadside facilities, and to all proposed signed roadside facilities. It goes on to state that all such proposals will be considered in the context of the National Planning Policy Framework and, in particular, the statement that it includes regarding the primary function of roadside facilities being to support the safety and welfare of the road user.

- *Environment Act 2021*<sup>9</sup>
- 5.44 Mandatory biodiversity net gain as set out in the Environment Act applies in England only by amending the Town & Country Planning Act (TCPA) and is likely to become law in 2023. The Act sets out the following key components to mandatory BNG:
  - **Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan**
  - **Habitat secured for at least 30 years** via obligations/ conservation covenant
  - Habitat can be delivered on-site, off-site or via statutory biodiversity credits
  - There will be a national register for net gain delivery sites
  - The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss
  - Will also apply to Nationally Significant Infrastructure Projects (NSIPs)
  - Does not apply to marine development
  - Does not change existing legal environmental and wildlife protections
- *Leicestershire Planning Obligations Policy (July 2019)*<sup>10</sup>
- 5.45 The purpose of the planning system is to contribute to the achievement of sustainable development. The County Council has an important role in this process, not only as a planning authority, but as a provider of physical and social infrastructure that contributes to economic and social wellbeing that helps make development sustainable. The purpose of this planning obligations policy document is to explain the requirements for, and the approach to, the type and level of infrastructure the County Council will seek through planning obligations given by applicants (usually developers) applying to Leicestershire district councils as LPAs or to the County Council for planning permission to make it acceptable in planning terms. This builds upon the policy requirement set out within each individual LPAs development plans. The main types of infrastructure required by the County Council typically include Schools, Roads and transportation, Social care, Libraries, Waste management facilities.
- *Leicestershire County Council Highways Design Guide*<sup>11</sup>
- 5.46 The Leicestershire Highway Design Guide deals with highways and transportation infrastructure for new developments
- *Harborough District Open Spaces Strategy 2016 to 2021*<sup>12</sup>
- 5.47 This strategy has been written to inform all those people who live, work and visit Harborough District about how we want to improve and develop open spaces. The Strategy takes account of all green spaces of public value, whether owned by Harborough District Council or in private ownership; however it must be acknowledged that its greatest influence can be over those open spaces owned by Harborough District Council or managed by partner organisations. This is a strategic level document and does not consider the maintenance and management of individual open spaces. It will influence how the Council manages and secures the future of open spaces in its ownership, and how we will work in partnership with others to create new open space in the future.

<sup>9</sup> [Environment Act 2021 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>10</sup> [Planning Obligations Policy \(leicestershire.gov.uk\)](https://leicestershire.gov.uk)

<sup>11</sup> [Leicestershire Highway Design Guide | Leicestershire County Council Professional Services Portal](#)

<sup>12</sup> [Open Spaces Strategy 2016 to 2021 | Harborough District Council](#)



- *Harborough District Landscape Character Assessment and Landscape Capacity Study (Sept 2007)*<sup>13</sup>
- 5.48 This Assessment included an identification of Landscape Character Areas across the District.
- *Supplementary Planning Guidance*<sup>14</sup>
- 5.49 This Supplementary Planning Document (SPD) provides additional guidance to assist with the interpretation and implementation of Harborough Local Plan Policies. This SPD will be taken into account as a material consideration when appropriate as the Council makes decisions on planning applications. The National Design Guide (October 2019) and National Design Code (July 2021) is taken into account and similarly applies as a consideration.
- *Planning Obligations Developer Guidance Note*<sup>15</sup>
- 5.50 The Planning Obligations Supplementary Planning Document (SPD) was adopted September 2016 and published January 2017. It sets out the range of infrastructure, services and facilities that the Council will normally seek to secure via planning obligations in relation to development proposals within the District.
- 5.51 The SPD advises if the requirement for developer contributions or for the provision of infrastructure result in viability concerns being raised it will be the responsibility of the applicant to provide an independent financial viability assessment to substantiate the situation. If the assessment is accepted as reasonable the Council may request lower contributions for a particular Site provided that the benefits of developing the Site outweigh the loss of the developer contribution.
- 5.52 There are two supporting documents associated with this SPD:
  - Provision for Open Space, Sport and Recreation 2015 which provides details of the arrangements for assessing contributions to open space; and
  - Assessment of Local Community Provision and Developer Contributions (October 2010) which provides additional evidence to support the case for developer contributions to local indoor community and sports facilities.
- *Barnwell vs East Northamptonshire DC 2014*<sup>16</sup>
- 5.53 The Court of Appeal decision in the case of Barnwell vs East Northamptonshire DC 2014 made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.

## 6. Officer Assessment

### a) Principle of Development

- 6.1 This section of the report assesses the Proposed Development against relevant planning policy and material considerations relevant to the planning application. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 stipulates that in determining planning applications, determination must be in accordance with the development plan unless material considerations indicate otherwise. The development plan for Harborough District Council ('the Council') is the Harborough Local Plan 2011-2031 (HLP) (adopted April 2019). This site also sits within the defined Ullesthorpe

<sup>13</sup> [Landscape Character Assessments | Harborough District Council](#)

<sup>14</sup> [Our policies, plans and strategies - Supplementary Planning Documents | Harborough District Council](#)

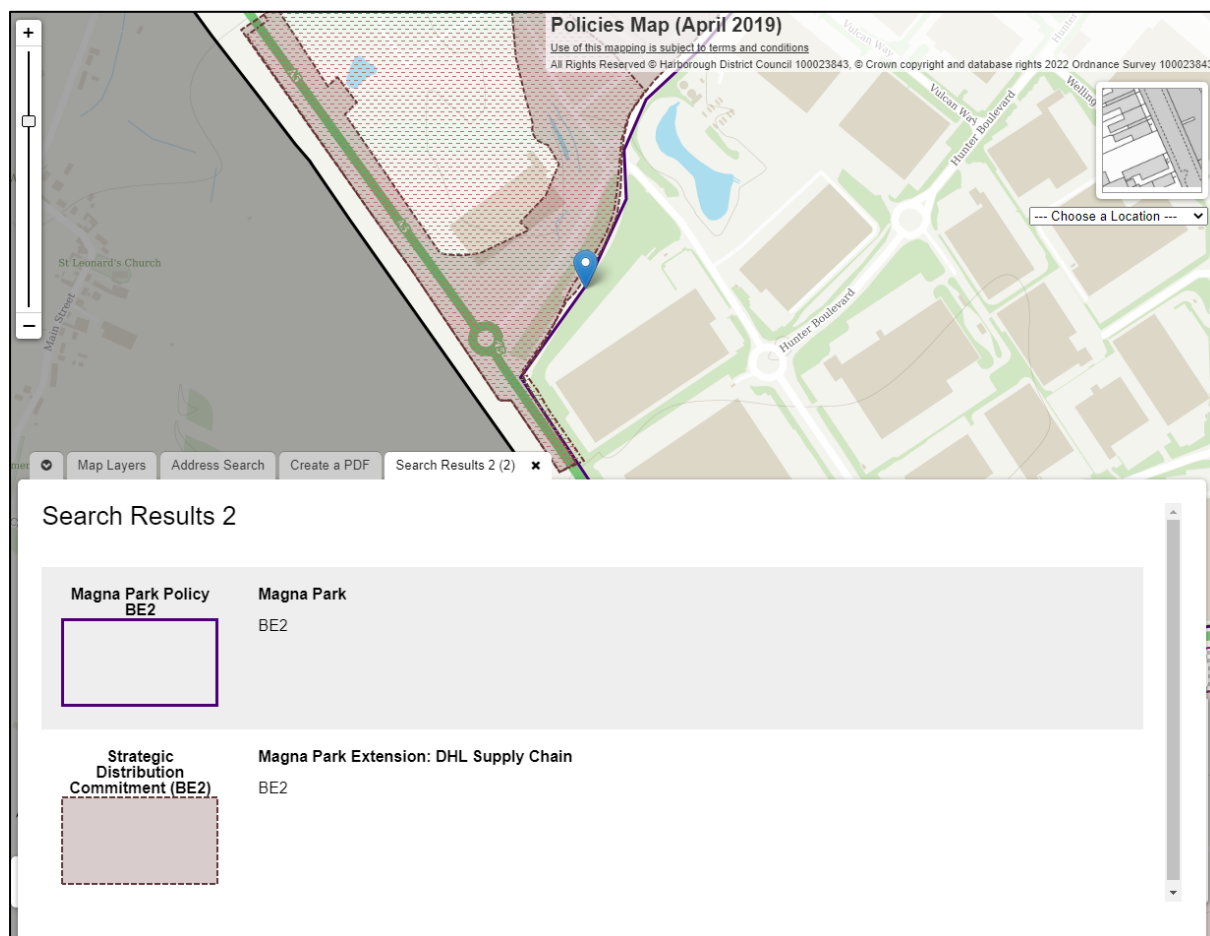
<sup>15</sup> [Our policies, plans and strategies - Supplementary Planning Documents | Harborough District Council](#)

<sup>16</sup> [Court of Appeal Judgment Template \(cornerstonebarristers.com\)](#)



Neighbourhood Development Plan area, and as such, this also forms part of the Development Plan in this instance. Notwithstanding this, it must be noted that no substantive progress has been made with this Plan, and as such, no Policies currently exist against which development within the defined area can be assessed.

- 6.2 The National Planning Policy Framework (NPPF) is also a material consideration in the determination of planning applications. Paragraph 2 of the NPPF reiterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including neighbourhood plans) permission should not usually be granted. Paragraph 11 of the National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise.
  - 6.3 A significant material consideration is that Paragraph 106 of the NPPF states that *“Planning Policies should provide for any large scale transport facilities that need to be located in the area<sup>(44)</sup>, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements”*. Footnote 44 of the NPPF states that *“Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user”*. Whilst it is acknowledged that this Paragraph relates to plan making rather than decision taking, it is considered that the aims and objectives of this paragraph can equally be related to the decision making process.
  - 6.4 Other material considerations in the determination of the application are set out in **Section 5b** of this report, the pertinent document in this matter being Annex B of the DfT Circular 02/2013.
- i. Harborough Local Plan**
- 6.5 The application site is located in a position which is partly within the existing defined Magna Park area, and partly within the Magna Park Extension area as defined in the Local Plan (see **Figure 5**). As such, the relevant Local Plan Policy to be considered in the determination of the application is Policy BE2.
  - 6.6 In such circumstances the broad General Development Policies still apply. Policy SS1 sets out the spatial strategy for Harborough which is to manage planned growth to direct development to appropriate locations, in accordance with the settlement hierarchy. Policy GD1 and BE2 are of particular relevance in this case, however, Policies GD5 and GD8 are also relevant. It could also be argued GD3 has some relevance as the application site is located *“Outside Market Harborough, Key Centres, the Principal Urban Area (PUA), Rural Centres and Selected Rural Villages”* and therefore in the open countryside, however, the fact that Policy BE2 is engaged overrules this. Policy GD1 – *Achieving sustainable development* reiterates paragraph 11 of The Framework in respect of sustainable development and states:
    2. *Planning applications that accord with the Development Plan (including this Local Plan) will be approved without delay unless material considerations indicate otherwise.*



**Figure 5: Local Plan Proposals map of site**

- 6.7 Policy BE2 – *Strategic Distribution* states (only the relevant clauses are reproduced):
1. *Magna Park and adjoining committed or allocated sites, as identified on the Policies Map, are safeguarded for strategic storage and distribution (Class B8). Proposals for redevelopment at the existing, committed or allocated sites will be permitted where:*
    - c. *the proposal for any non-strategic storage and distribution use is small-scale, proportionate in scale to the strategic storage and distribution use and ancillary to the use of individual plots or beneficial to the functioning of the area as a strategic storage and distribution park.*
  3. *Land to the North and West of Magna Park, as identified on the Policies Map, is allocated for 320,000 sq.m of strategic storage and distribution (Class B8) floorspace. This development will be guided by a master plan and form an extension to Magna Park that enhances the high quality commercial environment as far as possible. The development will mitigate adverse impacts and deliver net environmental, social and economic gains where possible. Proposals that comply with other relevant policies and meet the following will be permitted:*
    - b. *proposals for any non-strategic storage and distribution use are small-scale, proportionate in scale to the strategic storage and distribution use and ancillary to the use of individual plots or beneficial to the functioning of the site as a strategic storage and distribution park;*
    - c. *heritage assets and their settings are protected and where possible enhanced, including Bittesby Deserted Mediaeval Village (DMV) which is a Scheduled Monument and non-designated heritage assets including*

*Bittesby House which forms part of the setting of the DMV. Any planning application will be informed by a heritage impact assessment, which forms the basis for approaches to design, scale and layout of development. Green space, such as a community park, is to be provided to protect the setting of the DMV;*

- d. the layout and design is informed by a landscape visual impact assessment to minimise the impact on the character of the immediate and wider landscape;*
- e. impacts on the highway are mitigated through:
 
  - v. provision of a Travel Plan, to incorporate measures and targets for reducing single car occupancy use; and*
  - vi. provision of HGV parking facilities, including overnight lorry parking facilities;**
- f. impacts on Lutterworth Air Quality Monitoring Area are minimised and an HGV routing agreement (to include a monitoring and enforcement scheme) is to be submitted to and approved by the Local Planning Authority*
- g. impacts of construction on air quality through dust and other emissions are mitigated and a dust management plan is to be submitted to and approved by the Local Planning Authority;*
- h. impacts on nature conservation are mitigated and a Biodiversity Management Plan (specifying the mitigation requirements) is to be submitted to and approved by the Local Planning Authority;*
- i. impacts of construction and operation on noise and vibration are mitigated and a Construction Environmental Management Plan is to be submitted to and approved by the Local Planning Authority;*
- j. impacts on hydrology and flood risk, during both the construction and operational phases, are mitigated in accordance with Policies CC3 and CC4 and to the satisfaction of the Environment Agency and the Lead Local Flood Authority;*
- k. impacts of construction and future operation on sources of contamination are mitigated and a Risk Based Land Contamination Assessment is to be submitted to and approved by the Local Planning Authority;*
- l. provision of a suitable lighting scheme to minimise light pollution from the development; and*
- n. the development, including 24-hour operations, does not have an unacceptable impact on the immediate and wider surrounding area.*

6.8 Compliance of the Proposed Development with Policies GD1 and BE2 will be assessed throughout **Section 6c** of the report on the basis of a number of technical issues, however, an assessment of the compliance of the Proposed Development with Policy GD3 can be carried out separately to this.

6.9 In their Planning Statement submitted in support of the Proposed Development, the Applicants have stated that the Biomethane Refuelling Station will provide a refuelling facility for HGVs operated by Magna Park tenants and others from distribution centres based on Magna Park and elsewhere, to distribute goods and groceries. The facility will operate along the same principles as a conventional fuelling station and will supply Biomethane and Natural Gas (in liquefied and compressed forms) rather than diesel. Biomethane, is a 100% renewable fuel derived from waste-only sources under the Department for Transport's Renewable Transport Fuel Obligation scheme and will be the station's headline offering. Biomethane and Natural Gas are fully interchangeable. Furthermore, the site area of Zone 1 of the Proposed Development is proportionate in scale at approx. 0.7Ha in comparison to the 223Ha of the original Magna Park, or the approx. 220Ha of MPL North. It is therefore considered that Zone 1 of the Proposed Development would be proportionate in scale to the existing and committed

developments, and would be beneficial to the functioning of Magna Park. As such, it is considered that the Zone 1 of the proposed development complies with Policy BE2(1c) and BE2(3b) of the Harborough District Local Plan. Officers consider this accordance with the relevant Policy to be a major beneficial consideration to be weighed in the Planning Balance when determining the application.

■ ii. Material Considerations

6.10 As outlined in paragraph 6.1, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations in the determination of the application are set out in **Section 5b** of this report. With regards to the principle of development, a significant material consideration is that Paragraph 106 of the NPPF and DfT Circular 02/2013 support the delivery of roadside services. Specifically, Annex B of the Circular sets out policy on the provision and standards of roadside facilities on the strategic road network, the A5 (as a Trunk Road) being part of that network.

6.11 Annex B states that Government advice is that motorists should stop and take a break of at least 15 minutes every two hours. The network of service areas on the strategic road network has been developed on the premise that opportunities to stop are provided at intervals of approximately half an hour. The Highways Agency therefore recommends that the maximum distance between motorway service areas should be no more than 28 miles. Speed limits on the strategic road network vary and therefore, applying the same principles, the maximum distance between signed services on trunk roads should be the equivalent of 30 minutes driving time. Table B1 of Annex B (see **Figure 6**) sets out the minimum requirements for a “signed” Service Area on All-Purpose Trunk Roads (APTR). Currently, in terms of facilities which meet these requirements, to the north west, the closest facility is at Dordon where a combination of an Esso fuel station, a Starbucks and a Subway provide the facilities to meet the minimum requirements. To the south east, the closest facility is at Towcester, where the A5 passes through the town centre whereby all of the necessary facilities can be where utilised. There is a Truck Stop (Rugby Truck Stop) on the A5 between Magna Park and DIRFT which appears to provide the required facilities, however, this facility (operated by Eddie Stobart) is clearly aimed at the HGV market rather than cars (see **Figure 7**), and the fuel facilities in particular appear to be solely for HGV use (see **Figure 8**), and it is on this basis that this facility has been discounted.

6.12 The drive time from the Dordon facility to Towcester is approximately 1hr 10mins, significantly in excess of the recommended 30mins. The drivetime between the proposed development and the Dordon facility is approx. 34mins, and between Towcester and the proposed development it is approximately 36mins. As such, the proposed development appears to be in the optimum location to meet the Govt desire for APRT service areas to be sited approximately 30mins drive time from each other.

6.13 Referring to Table B1 of Annex B of the DfT Circular (see **Figure 6**) again, it is possible to see the minimum requirements for such a facility. Zone 2 of the Proposed Development has the potential to provide the following:

- Fuel filling facilities
- Hot food and drinks
- Open for a minimum of 12hrs a day
- Free parking for up to 2 hours
- Free toilet and hand wash facilities
- Access to a cash operated telephone

This would meet the minimum mandatory requirements of an APTR service area. As previously discussed, Officers held concerns regarding the MOT Test Centre which

formed part of the original proposals. Such a use is not included within the mandatory or permissible facilities for a APTR Service Station, nor could it easily be argued to be ancillary to the use of individual plots or beneficial to the functioning of the site as a strategic storage and distribution park. At pre-application stage, Officers suggested that, if this element were to form part of any subsequent application, it would need to be supported by strong and convincing justification for its inclusion. No such evidence was submitted in support of the application, and following discussions between Officers and the Applicants, this element of the proposals has been removed.

<b>Table B1: Minimum requirements for the various types of roadside facility that may be eligible for signing from the strategic road network</b>						
Minimum requirements to be eligible for signing <b>M= Mandatory</b> <b>P = Permitted</b>	Motorway		APTR service area *	Truckstops on Motorways	Truckstops signed from SRN #	Truckstops on All-Purpose Trunk roads
	Service Area	Rest Area				
Open 24 hrs a day 365 days a year	M	M	N/A	M	N/A	N/A
Open minimum 12 hours per day between 8am and 8pm every day except Christmas Day, Boxing Day and New Year's Day.	N/A	N/A	M	N/A	M	M
Free parking for up to 2 hours minimum for all vehicles permitted to use the road served by the facility.(see schedule 1)	M	M	M	M	M	M
Free toilets/hand washing facilities with no need to make a purchase.	M	M	M	M	M	M
Shower and washing facilities for HGV drivers, including secure lockers in the shower/washing area.	M	P	P	M	M	M
Fuel	M	P	M	M	P	P
Hot drinks and hot food available at all opening hours for consumption on the premises.	M	P	P	M	P	P
Hot drinks and hot food available 8am to 8pm for consumption on the premises.	N/A	P	M	N/A	M	M
Access to a cash operated telephone.	M	M	M	M	M	M
Use as an operating centre for the purposes of the Goods Vehicles (Licensing of Operators) Act 1995 or the Public Passenger Vehicles Act 1981.	Prohibited	Prohibited	Prohibited	Prohibited	P	P

\* Limited to a single or exceptionally 2 adjoining interconnected premises, accessed directly from the trunk road or directly from a junction on the trunk road.

**Figure 6: Table B1 of Annex B of DfT Circular 02/2013**

- 6.14 Members may be aware of an application submitted to Rugby Borough Council in 2020 for a similar (albeit larger) facility<sup>17</sup> at the Cross in Hands roundabout (application ref: R20/0259) immediately adjacent to the District boundary (see **Figure 9**). This

<sup>17</sup> APPLICATION DESCRIPTION: Redevelopment of the site to a HGV facility, including the demolition of agricultural outbuilding and formation of HGV parking spaces, fuel station, vehicle inspection station, vehicle maintenance unit, petrol filling station, electric charging points, convenience store, coffee shop, creche, overnight accommodation, ancillary car parking and associated works (Outline – Principle and Access Only) (see **Figure 10**)

application was refused by RBC in March 2022<sup>18</sup> and is currently the subject of an Appeal<sup>19</sup>. The Appeal was submitted in September 2022 and will be considered at an Inquiry which is scheduled to commence on 10<sup>th</sup> January 2023. Due to the uncertainty around the status of this scheme, no weight can be given to it as an alternative proposal if any kind.



**Figure 7: Gateway signage of Rugby Truck Stop**



**Figure 8: Fuel station at Rugby Truck Stop**

- 6.15 Overall, it has been identified that there is a need for an APTR service area in this locality, and that the Proposed Development has the ability to meet the definition of an APTR service area. It is therefore considered that the proposed facility would fulfil the Government's aim to provide a minimum 30min drivetime between APTR service facilities, and as such, would be in accordance with the aims and objectives of the DfT Circular and Para 106 of the NPPF and the proposal would therefore have a major beneficial impact in this regard.

<sup>18</sup> REASON FOR REFUSAL: In the opinion of the Local Planning Authority, having regard to the prominent position of the development within the countryside, the proposed development would, by virtue of its scale, massing, visual appearance and lack of adequate mitigating landscaping, result in an unacceptable form of development that would have a materially adverse impact on the character and appearance of the surrounding countryside and wider general landscape within which it is located. As such the development would be contrary to Policy SDC1 and NE3 of the Rugby Local Plan 2011 - 2031, June 2019 and therefore constitutes unsustainable development which is contrary to the NPPF

<sup>19</sup> Reference: APP/E3715/W/22/3306652



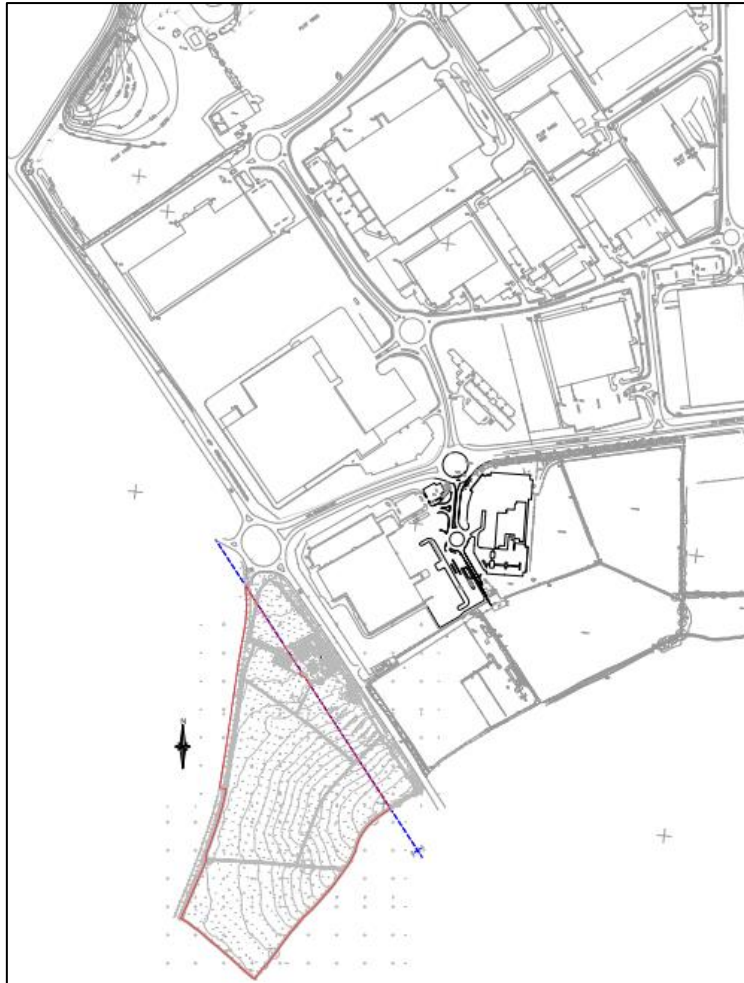


Figure 9: RBC application ref: R20/0259 Site Location



Figure 10: RBC application ref: R20/0259 Illustrative Site Plan

## **b) Sustainability Considerations**

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

## **c) Planning Considerations**

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

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

- 6.1.1 There are no designated built heritage assets located within the site. Parts of the site historically formed part of Bitteswell Aerodrome from 1941 where it was located to the periphery of the airfield. However, there are no extant features or structures associated with the airfield within the site and the surrounding area has now largely been developed for Magna Park. As such, the heritage interest of the airfield is predominately understood from documentary sources and there will be no impact on its significance from the proposed development. It is not considered further within this



report. The only built heritage asset located within the locality that is visible from some areas of the site is Bittesby House which is located approximately 580m to the north of the site. The Scheduled Monument at Bittesby DMV lies beyond Bittesby House. The Church of St Leonard (Grade II\* Listed Building), is located approximately 711m to the west of the site in the settlement of Willey. The tower of this Church can be seen during the winter months, through existing landscaping in long distance views from the western end of the site.

- 6.1.2 The Ullesthorpe conservation area lies approximately 2.5km to the north of the site with intervening MPL development within the immediate foreground, whilst Bitteswell Conservation Area lies approx. 3km to the east, again, with intervening MPL development within the immediate foreground. Monks Kirby Conservation Area lies approx. 3.5km to the west of the site across open countryside. Relevant Heritage Policy and Guidance is set out in **Section 5** of this report.

- *Assessment of Impacts upon Designated and Non-Designated Heritage Assets*
- 6.1.3 As set out above, Bittesby House is in relatively close proximity to the site. The building is not Listed, but is considered to be a non-designated heritage asset, and a key element of the setting of the Bittesby DMV, a Scheduled Monument. As can be seen at **Figure 11**, until relatively recently, Bittesby House could be seen from the break in the trees on the northern boundary of the site at the point where the existing driveway from Mere Lane broke through. However, since development of Planning Permission 15/01531/OUT has commenced, this is no longer the case, as can be seen at **Figure 12**, taken from a similar position in September 2022. Given the fact that the proposed development will be located beyond the tree screen, with a considerable distance between the development and Bittesby House and B8 development has occurred in the intervening area, it is not considered that there will be any impact upon the setting of the House or the DMV as a result of this development.



**Figure 11: Site Photos (View from within site to Mere Lane (Bittesby House in distance between lamppost and car))**



**Figure 12: 2022 view from same viewpoint as Figure 11**

- 6.1.4 As set out above, the top of Willey Church tower is visible from the site at certain times of the year, through existing vegetation, across open countryside. From the Church and within its setting, views back towards MPL are extremely limited, and it is not possible to distinguish the application site amongst the surrounding MPL development when visible. As such, it is considered that the proposed development will have no impact upon the setting of Willey Church.
- 6.1.5 Ullesthorpe and Bitteswell Conservation Areas are the closest CA's to the application site. However, due to the presence of existing MPL buildings in the intervening landscape, it is not considered that the Proposed Development will have any impact upon the character of these CA's. Monks Kirby Conservation Area lies approx. 3.5km to the west of the site across open countryside with minimal development in the intervening landscape. Notwithstanding this, in light of the distance between the CA and the Proposed Development, and given the backdrop of MPL against which the Proposed Development would be seen, it is not considered that the Proposed Development will have any impact upon the character of this CA. On the basis of the above, it is considered that there will be no impact on either Designated or Non-Designated built heritage assets.
- *Non-Designated Heritage Assets (Archaeology)*
- 6.1.6 The application contains an assessment of the impact of the development on archaeology. The application site, until recently, was developed as part of the highway Network, with other parts of the site previously have been part of the greater Bitteswell Airfield, a detailed understanding of which was gained during the development process of the original MPL. Following consultation with the Leicestershire County Council Archaeologist, it has been confirmed that there are no objections to the Proposed Development and that no additional works – either pre-determination or pre-development – are required.
- *Summary*
- 6.1.7 On the basis of the above, Officers consider that the outline planning application has demonstrated that the proposed development will protect the importance and significance of heritage assets in the vicinity of the site. It is therefore considered that the proposals will have a neutral impact upon Heritage and Archaeology and would therefore accord with the Policy HC1 of the Harborough District Local Plan in this respect.

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

6.2.1 There are no international statutory designated sites for ecology within 6 km of the site. There are no statutory designated sites for ecology within 2 km of the site centre. The site falls within the Site of Special Scientific Importance (SSSI) Impact Risk Zone (IRZ) for Misterton Marshes SSSI, located 5 km east of the site boundary (at the heart of the Lutterworth East SDA site). There are four Non-Statutory Designated sites within 2 km of the Site centre, these are:

- Bittesby House Trees Local Wildlife Site (LWS); 560m north-west of the site;
- Bitteswell, Magna Park Grassland LWS; 920m south-east of the site;
- Bittesby, Mere Lane Lagoon and Trees LWS; 1.13km north-east of the site;
- Magna Park Hedgerow LWS; 1.43km south of the site

Relevant Ecology Policy and Guidance is set out in **Section 5** of this report.

### ○ *Assessment of Impacts*

6.2.2 In support of the applications, the applicants have submitted a Preliminary Ecological Assessment (PEA). LCC Ecologists have assessed the PEA and consider it to be satisfactory. The PEA considers that there is limited potential for GCN's on site. Furthermore, none of the trees on site offered roosting opportunities. There is some potential for trees to offer a commuting habitat for Bats, and therefore appropriate mitigation will be put in place to ensure bats are not deterred from the site by lighting and this will be secured by condition. There was no evidence of badgers recorded on site. It has been recommended that a further check is undertaken prior to the commencement of any construction works on site, again, this can be secured by Condition (see **Appendix A – Condition 18**). The PEA considers that the "the proposed landscaping should provide compensatory habitat and achieve a net gain in biodiversity at the Site".

6.2.3 LCC Ecology have confirmed that compensatory planting is required to mitigate the loss of the existing planting to be cleared, however, they have commented that it appears that net gain will not be achieved, and the development will result in biodiversity net loss. As such, biodiversity net gain calculation/assessment has been submitted in order to help to establish whether biodiversity net gain will be achieved. Additional information has been supplied by the Applicants with regards the potential BNG offsetting that could be achieved. Given that applicants control significant landholdings in the immediate vicinity of the site, land which includes significant and diverse areas of open space (including woodland, wetland, hedgerows etc), it is considered that the necessary compensation can be provided within their land holding. As such, a condition is recommended (see **Appendix A – Condition 17**) requiring the submission of a BNG Compensation report prior to the commencement of any development on the site.

### ○ *Summary*

6.2.4 On the basis of the above, Officers consider that the outline planning application has demonstrated that the development can be designed to minimise the impact on ecology and biodiversity and the mitigation secured would have the potential to have long term benefits through habitat creation, improvement and appropriate management of the green infrastructure. It is therefore considered that the proposals will have a minor beneficial impact upon ecology and bio-diversity<sup>20</sup> and would therefore accord with the Environment Act and Policies GI5 and BE2.3h of the Harborough District Local Plan in this respect.

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<sup>20</sup> At this stage. This benefit may increase dependant upon the level of mitigation and BNG off-setting to be provided as part of the required BNG Compensation Report

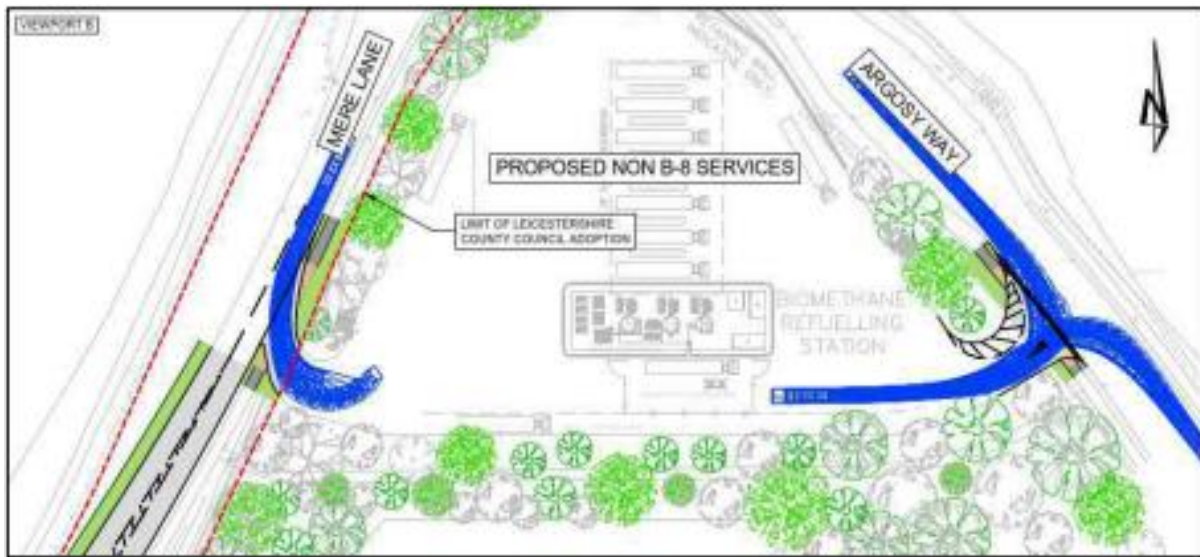


### 3. Highways

6.3.1 The Site is located to the south of Mere Lane, on undeveloped land between the road and the existing Magna Park strategic distribution park. The site is bounded to the west by the A5 and to the east by Argosy Way, a distributor road that runs through the Magna Park site. Relevant Highways Policy and Guidance is set out in **Section 5** of this report

- *Access proposals*

6.3.2 Access to the Biomethane facility will be left in only from Mere Lane, and egress will be left or right onto Argosy Way (see **Figure 13**). Access to the road side services facility will be from Mere Lane which will be widened at the access point to allow for a right hand turning lane into the site (see **Figure 14**). There will be no direct vehicular access from or egress onto the A5.



**Figure 13: Proposed access arrangements for Zone 1**



**Figure 14: Proposed access arrangements for Zone 2**

- *Assessment of Impact on the Highway Network*

6.3.3 The proposed roadside facilities will attract existing traffic passing the site and will not generate new trips to the area other than a limited number in terms of staff for the facilities. The illustrative proposals for access are that access to the Service Station will be from Mere Lane via a new ghost island priority junction. Separate access arrangements will be provided for the Biomethane Refuelling Station, with a left-in only

entry from Mere Lane and exit onto Argosy Way. The Transport Assessment considers that the Proposed Development has negligible impact on the operation of the A5/Mere Lane, Cross in Hand and A4303/Hunter Boulevard junctions. The new junctions serving the Proposed Development and the existing Mere Lane/Argosy Way junction are predicted to operate within capacity in all scenarios. The Transport Assessment concludes that “the Proposed Development would not have a significant detrimental impact on the local highway network, and therefore the Proposed Development is considered to be acceptable from a traffic and transport perspective”.

6.3.4 National Highways and LCC Highways have both assessed the TA and accompanying documentation, and following a number of submissions of additional and updated information the Applicants have satisfactorily addressed concerns initially held with regards to the following:

- Traffic surveys (NH and LCC)
- Trip generation (NH and LCC)
- Committed developments (NH and LCC)
- Sensitivity test (NH)
- Traffic flows diagrams (NH)
- Junction capacity assessments (NH)
- Sustainable travel (NH)
- Signing (NH)
- Boundary considerations (NH)
- Traffic Data (LCC)
- Junction Design (LCC)
- Travel Plan (LCC)

NH now hold no objections to the proposal with no recommended conditions, whilst LCC have also removed their objection on the basis that condition and S106 obligations are secured.

○ *Summary*

6.3.5 The submitted TA has assessed the impact of the proposed development on the strategic and local transport network. The evidence presented within the TA has demonstrated that safe and suitable access to the site can be achieved for all users, and that the predicted impacts from the development on the transport network can be mitigated. It is concluded that there would not be an unacceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be severe. It is therefore considered that the proposals will have a neutral impact upon the highway network and would therefore accord with Policies GD8, IN2 and BE2.3n of the Harborough District Local Plan in this respect.

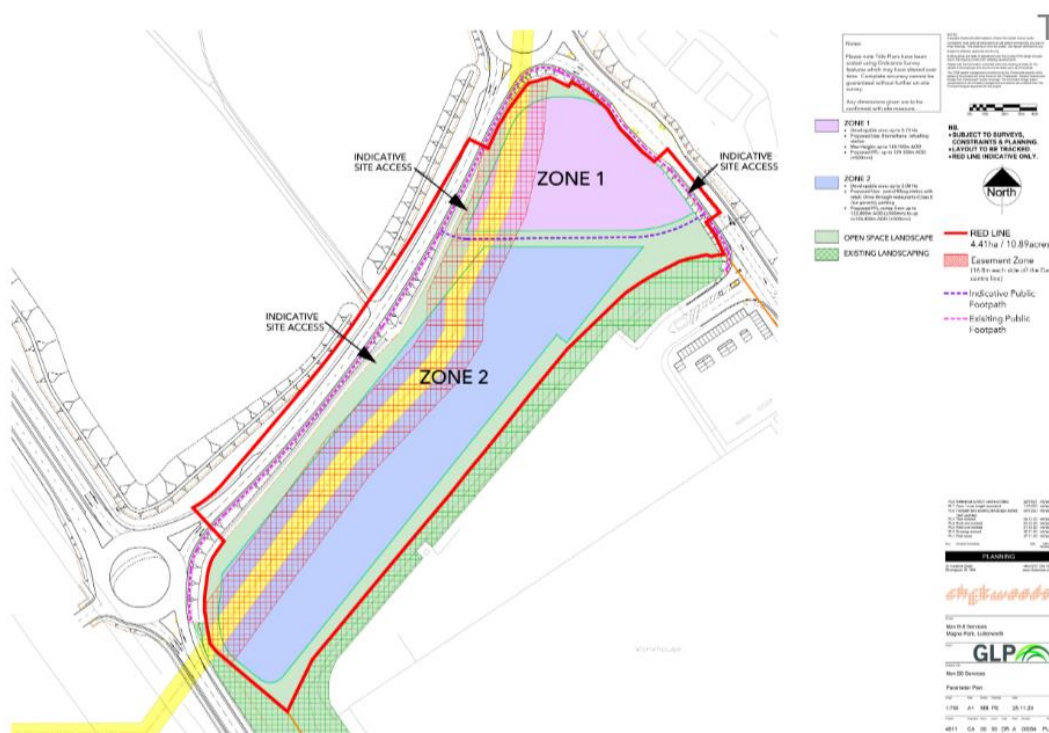
#### 4. Design and Landscape & Visual Impact

6.4.1 The site is relatively flat and is not subject to any landscape designations. The character area falls within the ‘The Leicestershire Vales’ Natural England Character Area. The relevant Landscape Policy and Guidance is set out in **Section 5** of this report.

○ *Assessment of Design and Landscape & Visual Impact*

6.4.2 A Landscape and Visual Impact Assessment (LVIA) formed part of the application submission. The LVIA includes a methodology section, a description of the baseline, definitions for sensitivity, magnitude and then makes judgements of significance for impacts on both landscape and visual receptors arising from the proposals. It also includes measures to assess the nature of the effects i.e. whether they are positive or adverse. The application has also been supported by a Parameters Plan (see **Figure 15**)

6.4.3 As set out above, Zone 1 will include substantial gas storage facilities measuring up to 19m in height (see **Figure 16**). Whilst these are of a considerable height, they will be seen against the backdrop of the existing buildings on Magna Park. Whilst the ridge height of these buildings may well be comparable (indeed, the Wayfair building is 21m in height), as part of any subsequent REM submission, care will need to be given to ensure that any the AOD heights of the storage tanks are comparable to the AOD heights of the surrounding buildings so as to ensure that changes in ground levels are taken into consideration.



**Figure 15: Proposed Parameters Plan**



**Figure 16: Representative images of similar Biomethane facilities**



- 6.4.4 As can be seen on the site photos (see **Figures 17 & 18**), there is a significant level of screening present on site at the moment. The proposed Parameter Plan indicates that a landscape buffer of between 8 and 12m in depth will be retained along the western and northern boundaries of the site. **Figure 18** shows the north eastern boundary of the site, where the Parameters Plan indicates that no landscape buffer would be retained, however, this boundary is effectively an internal boundary onto Argosy Way and into the existing MPL Central. Further to this, landscape condition is recommended (see **Appendix A – Condition 4**) which will require the submission of additional details of proposed landscaping in order to aid the screening of the Proposed Development. This will also aid the screening of any security fencing which may be necessary.



**Figure 17: Site Photos (Panoramic view of site from Mere Lane)**

- 6.4.5 As set out previously, the proposed site is located adjacent to Magna Park, and it is considered that in a number of views, particularly those from the west towards the site, the proposal would be seen against the backdrop of Magna Park (see **Figure 19**). Magna Park itself has been subject to significant screening by means of a bund with significant planting on and in front of it. This has, over the years since it was established, resulted in a successful screening of the development from the close range views, particularly along the A5. Whilst it is acknowledged that screening of the proposed development, and in particular Zone 2, would not need to be of the same scale, nor would such screening necessarily be conducive to attracting trade to the facility, it is nonetheless considered that a reasonable level of screening along the A5 boundary should be provided. The proposed Parameters Plan (see **Figure 15**) indicates that a buffer of existing landscaping (ranging from 10m in depth along the Mere Lane boundary (reducing to 7m at the point where the Bittesby House access used to punctuate the woodland) to 21m along the A5 boundary). Again, similar to Zone 1, a landscape condition is recommended (see **Appendix A – Condition 4**) which will require the submission of additional details of proposed landscaping in order to aid the screening of the Proposed Development.



**Figure 18: Site Photos (View of Zone 1 site from Argosy Way)**



**Figure 19: Site Photos (View from A5 looking towards site and Magna Park North)**

- 6.4.6 It is acknowledged that if the development is to be largely sited behind a tree screening belt, there will be a need for some signage on the periphery of the site. Examples have previously been provided of similar signage elsewhere (see **Figure 21**), however, due to the angle of the photographs, it is not possible to see the context within which these are located. The Indicative Masterplan plan (see **Figure 20**) indicates that a potential location for such a sign would be in the north-eastern quadrant of the A5 / Mere Lane roundabout or opposite the application site to the south of the A5. It is acknowledged that this signage would be subject to a separate consenting regime, and as such, should have no bearing upon the consideration of this application
- 6.4.7 As already discussed earlier in this report, an application was submitted to Rugby Borough Council in 2020 for a similar (albeit larger) facility<sup>21</sup> at the Cross in Hands roundabout (application ref: R20/0259) immediately adjacent to the District boundary

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<sup>21</sup> APPLICATION DESCRIPTION: Redevelopment of the site to a HGV facility, including the demolition of agricultural outbuilding and formation of HGV parking spaces, fuel station, vehicle inspection station, vehicle maintenance unit, petrol filling station, electric charging points, convenience store, coffee shop, creche, overnight accommodation, ancillary car parking and associated works (Outline – Principle and Access Only)



(see **Figure 15**). This application was refused by RBC in March 2022<sup>22</sup> and is currently the subject of an Appeal<sup>23</sup> which was submitted in September 2022 and will be considered at an Inquiry. Due to the uncertainty around the status of this scheme, no weight can be given to it in terms of precedence. Notwithstanding this, the circumstances of the two applications are contrasting. As set out above, the Mere Lane site sits within a niche surrounded on three sides by Magna Park, and is well related, both physically and visually to the existing and ongoing development. The RBC site contrasts to this significantly in that it is set within and surrounded by open countryside and does not relate well to the adjacent built form



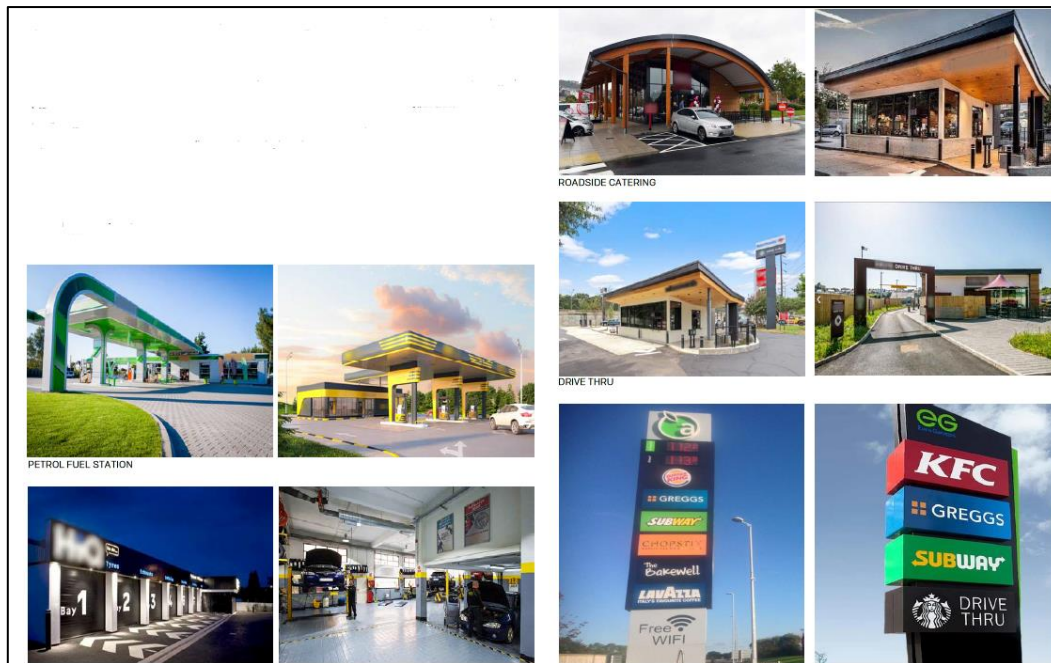
**Figure 20: Indicative Masterplan**

○ *Lighting*

6.4.8 Lighting at the existing site is one of the main concerns for local residents, it is also a key theme which has come through the consultation on the application. Conditions are recommended so as to ensure that any proposed lighting of the development is subject to further approval so as to enable the LPA to opportunity to adequately assess the impact of lighting at the site (see **Appendix A – Condition 13**).

<sup>22</sup> REASON FOR REFUSAL: In the opinion of the Local Planning Authority, having regard to the prominent position of the development within the countryside, the proposed development would, by virtue of its scale, massing, visual appearance and lack of adequate mitigating landscaping, result in an unacceptable form of development that would have a materially adverse impact on the character and appearance of the surrounding countryside and wider general landscape within which it is located. As such the development would be contrary to Policy SDC1 and NE3 of the Rugby Local Plan 2011 - 2031, June 2019 and therefore constitutes unsustainable development which is contrary to the NPPF

<sup>23</sup> Reference: APP/E3715/W/22/3306652



**Figure 21: Representative images of similar roadside facilities and signage**

○ *Summary*

- 6.4.9 Overall there would be a limited number of adverse effects which could potentially arise from the proposals on both landscape character and visual receptors within the surrounding area. Bearing in mind the substantive scale of the overall development this effect is relatively localised and is likely to be relatively contained due to the surrounding development, and as such, would be sensitive to its landscape setting and character. The adverse effects would reduce over time with the delivery of an enhanced landscape planting scheme which relates well to the existing screening, and as such, the proposals would minimise the impact on the character of the immediate and wide landscape. On the basis of the above, it is considered that the proposals will have a minor negative impact upon the landscape of the surrounding area, but would accord with Policies GD5 and BE2.3c of the Harborough District Local Plan in this respect.

## 5. Noise and Vibration

- 6.5.1 A Noise Assessment (NA) has been undertaken to survey existing noise levels at the Site and neighbouring, noise sensitive, locations. The NA considered the effect of operational activity noise, road traffic noise, and construction noise upon existing and proposed residential receivers due to the proposed development. Relevant noise Policy and guidance is set out in **Section 5** of this report. The nearest dwellings to the site are located approximately 750m to the west in Willey, on the other side of the A5. There are other buildings approximately 550m to the west of site, however these would appear to be farm buildings with no residential element.

○ *Assessment of Impact*

- 6.5.2 Construction noise has the potential to cause an adverse noise impact at existing noise sensitive receptors. The level of impact cannot be determined until a construction programme has been finalised which will occur once a contractor has been appointed. At this stage, it is considered that a Construction & Environment Management Plan (CEMP) (see **Appendix A – Condition 24**) could adequately minimise any potential noise impacts during the construction phase.
- 6.5.3 Based on the Proposed layout, the main noise sources from the operation of the development are expected to be from vehicle movements on/around the site along with

mechanical services items associated with the new facilities. In terms of Vehicle Noise, the nature of the roadside facilities proposed is such that they will attract existing traffic passing the site and will only generate negligible new trips to the area in so far as staff employed at the site needing to access the facility. The only other likely exception to this is a small proportion of the trips generated by the Biomethane Refuelling Station. The impact from noise associated with vehicle movements on the site is expected to be negligible due to the significant noise reduction between the site and closest residential property due to the 750m between the two. In addition to this the noise levels generated by the vehicles when moving slowly on the site would be expected to be significantly lower than the noise already generated by cars and HGV's travelling quickly on the A5.

- 6.5.4 In terms of mechanical services plant associated to the proposed facilities on the site, it is expected that this would be installed as part of the fitout of the commercial units. As details of the equipment will not be available until the units have been fully designed, noise from this cannot be assessed at this stage, and can be controlled at reserved matters stage and via conditions attached to the planning permission (see **Appendix A – Condition 12**). Based on the proposed size of the commercial units and the distance between the units and dwellings the noise impact is from this source is expected to be negligible.

- *Summary*

- 6.5.5 The scheme is currently in Outline form, and as such, the finer detail of noise impact upon surrounding properties falls to be fully assessed as part of the consideration of any future Reserved Matters application. There is also scope for screening along the noise sensitive boundaries of the site as set out in **Section 6.4** (Landscape) of this report and the recommended conditions address this (see **Appendix A – Condition 4**). Given the distances involved, the living conditions of existing residents would not be unduly affected by the development. On the basis of this, Officers consider that the noise environment for existing residents will be acceptable and that the development would have a neutral impact upon the noise environment and would therefore accord with Policies GD8 and BE2.3i of the Harborough District Local Plan in this respect, for the reasons set out above.

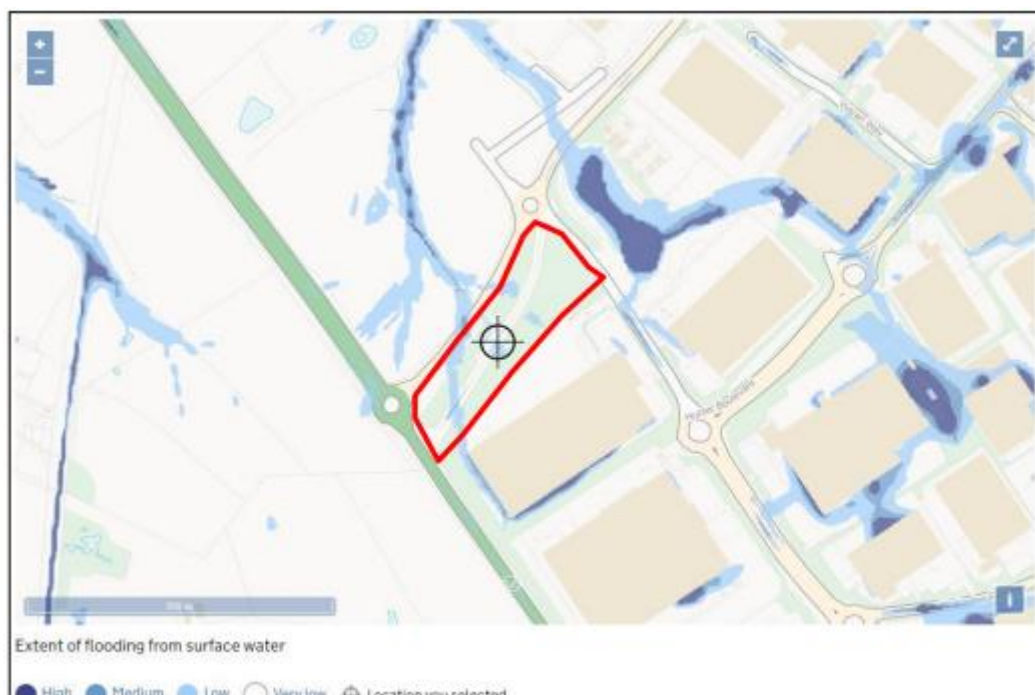
## 6. Drainage and Hydrology

- 6.6.1 The submitted FRA confirm that the whole of the site falls within Flood Zone 1 (low risk of flooding) as defined in Environment Agency (EA) flood maps (see **Figure 22**). The relevant Drainage and Flood Risk Policy and Guidance is set out in **Section 5** of this report.

- *Assessment of Impact*

- 6.6.2 As set out above, the whole of the site lies within Flood Zone 1 so is at low risk of flooding from fluvial sources. Surface water flood risk from site-generated rainfall runoff (ie run-off from hard surfaces within the site) has been addressed via a surface water drainage strategy which has been agreed by the LLFA. This is proposed to comprise a combination of below-ground and above-ground storage, with off-site runoff being attenuated to greenfield rates. Flows are to be directed into an existing surface water course on the site's north-western boundary, replicating pre-development arrangements. The drainage network is designed to accommodate runoff up to the 1 in 100 year storm event plus a 20% allowance for climate change.
- 6.6.3 A condition is recommended to require the submission of a Construction Environmental Management Plan (CEMP) (see **Appendix A – Conditions 24**) prior to the commencement of development of any zone. The CEMP will include measures

ensuring marked effects on flood risk and surface water drainage do not arise during the construction phase of the development



**Figure 22: Environment Agency Flood Map for site**

- 6.6.4 Overall there are no significant residual effects of the development. With the implementation of the measures required by the CEMP and the mitigation measures set out above the potential effects are considered to be negligible. Overall flood risk would be managed by the implementation of a SUDS scheme and its management as outlined in the FRA.
- 6.6.5 The EA and the LLFA are satisfied with the FRA and drainage strategy and have no objections subject to suitably worded conditions relating to surface water drainage and infiltration testing (see **Appendix A – Conditions 20 - 22**)
- *Summary*
- 6.6.6 On the basis of the above, it is considered that the proposals will have a neutral impact upon hydrology and flood risk and would therefore accord with Policies CC3, CC4 and BE2.3j of the Harborough District Local Plan in this respect.

## 7. Air Quality

- 6.7.1 The NPPF, paragraph 181 requires that planning policies take into account the presence of Air Quality Management Areas (AQMA) and the cumulative impacts on air quality from individual sites in local areas. Opportunities to improve air quality or mitigation of impacts should be identified, such as through traffic and travel management and green infrastructure provision and enhancement. Local Plan policy GD8 requires development does not generate a level of pollution which cannot be mitigated to an appropriate standard. Policy BE2.3.f. requires that impacts on the Lutterworth Air Quality Monitoring Area are minimised.

- *Assessment of Impacts*
- 6.7.2 The Air Quality Assessment submitted with the planning application concludes that due to the limited number of additional vehicle movements which will be created by the Proposed development, it is “consistent with Paragraph 180 of the NPPF, being

appropriate for its location in terms of its effects on the local air quality environment. It is also consistent with Paragraph 181, as it will not affect compliance with relevant limit values or national objectives". Furthermore, on the basis of the above, it is not considered that the Proposed Development, in its own right, will have any detrimental impact upon the Lutterworth AQMA.

- 6.7.3 In addition to this, the proposed development will facilitate the use of biomethane and natural gas as fuel sources. Thus, trips which would otherwise be fuelled by combustion of diesel will, instead, potentially be fuelled by the combustion of methane. While the filling station is not expected to significantly change the numbers of vehicles on the road network, the change in the fuel source has the potential to change the emissions from pre-existing vehicles, and therefore bring beneficial improvements to Air Quality in the locality.

- *Summary*

- 6.7.4 In light of the above, it is considered that no significant Air Quality issues will occur as a result of the proposed development. Furthermore, the proposed development would have the potential to contribute towards improvements to local air quality near to the proposed development. It is therefore considered that the proposals will have a minor beneficial impact upon air quality and would therefore accord with Policies IN2 and BE2.3f of the Harborough District Local Plan in this respect.

## 8. Residential Amenity

- *Assessment of Impacts*

- 6.8.1 The proposed development is in outline form, and as such, the detailed design and layout of the development is a Reserved Matter for later consideration, however, from the information provided it is possible to provide general observations on whether or not the amenity of existing residential areas/properties located adjacent to or within close proximity will be affected.

- 6.8.2 As set out in **Section 6.5** of this report, the closest residential properties to the site are located approximately 750m to the west in Willey, on the other side of the A5. There are other buildings approximately 550m to the west of site, however these would appear to be farm buildings with no residential element. Due to this intervening distance, it is not considered that any element of the proposed development would result in an overbearing impact or any loss of privacy to these dwellings. Furthermore, as discussed in **Section 6.5**, it is not considered that the development will result in unacceptable noise levels at these properties. Furthermore, as set out in Section 6.4, lighting of the site is a matter for consideration at any subsequent REM submission stage, however, due to the nature of the lighting anticipated as part of the Proposed Development and the distances involved between the site and the closest properties and the presence of mature landscaping in the intervening area, it is not considered that there will be any detrimental impact resulting from the lighting of the site.

- *Summary*

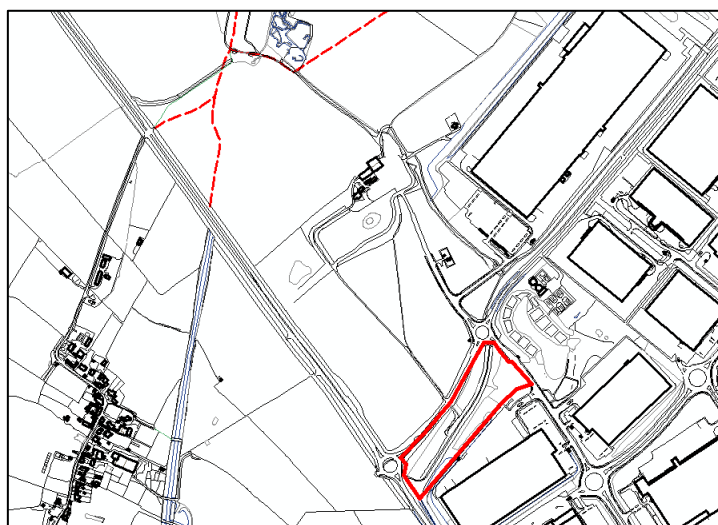
- 6.8.3 On the basis of the above, Officers consider that there will be no identifiable adverse effects on the residential amenity of the neighbouring properties based on the information available at the moment. As such, it is considered that there will be a neutral impact upon residential amenity. It is therefore considered that the proposals would accord with Policy GD8 of the Harborough District Local Plan.

## 9. Footpaths

- 6.9.1 There are no Public Rights of Way within the site (see **Figure 23**). Notwithstanding this, as a result of the access and highways works carried out as part of 15/00919/FUL, in particular the realignment of Mere Lane between the two new roundabout



junctions, the original route of Mere Lane was retained and converted to a footpath through the site (see **Figure 24**). This work was carried out at the wish of GLP and was not required as part of the planning consent, and the route hold no formal role and as such, has no formal protection.



**Figure 23: Existing Rights of Way around the site**



**Figure 24: Site Photo (View from A5, looking east into site along former Mere Lane)**

- *Assessment of Impacts*
- 6.9.2 Due to the fact that there are no Public Rights of Way passing through the site, there will be no physical impediment or diversion of any Public Right of Way as result of development. Concerns have been raised through representations regarding the loss of the route through the application site. As set out above, this route holds no formal status, and as such has no formal protection. Access to the site and along the route is a good will gesture by GLP and could be withdrawn at any time with no notice being given. The submitted Parameters Plan does indicate a route which could be provided to replace the current route, and a condition is recommended to ensure that any subsequent Reserved Matters submissions be in accordance with the Parameters Plan.
- *Summary*
- 6.9.3 On the basis of the above, balancing the fact that there are no impacts on the PRow network, and that the informal route through the site will be re-provided as part of any development, it is considered that the proposals will have a neutral impact upon public rights of way and would therefore accord with Policies GI1 and IN2 of the Harborough District Local Plan in this respect.

## 10. Contamination

6.10.1 The application was accompanied by Geo-environmental investigation and assessment. This has been informed by a risk assessment, a desk top study and a series of bore holes, to determine whether any contamination from historic uses could have adverse impacts during construction or occupation of the site.

- *Assessment of Land Contamination Impacts*

6.10.2 Based on the findings of the submitted report, and due to the nature of the Proposed Development, following consideration of the report, HDC EHO's have raised no objections to the Proposed Development, with no conditions recommended.

- *Summary*

6.10.3 On the basis of the information reviewed as part of the submitted Geo-environmental investigation and assessment, it is considered that the risk of significant pollutant linkages with respect to ground contamination is minimal. It is therefore considered that the proposals will have a neutral impact upon ground contamination and would therefore accord with Policies GD8 and BE2.3k of the Harborough District Local Plan in this respect.

## 11. Other Matters

- *Gas pipeline*

6.11.1 There is a Gas Pipeline running through the middle of the site, following the alignment of the original part of Mere Lane. It is acknowledged that the Gas Pipeline represents a significant constraint to the layout of the scheme. HSE and Cadent have been consulted regarding the Proposed Development, and following discussions with the applicants, they are satisfied that the pipeline does not represent a risk to employees and users at the facility, and that the potential layout of the facility does not represent a risk to the operation and maintenance of the pipeline.

- *Trees*

6.11.2 As set out above, the existing trees on site, whilst being a constraint to the development, also represent intrinsic mitigation against the visual impacts of the scheme, and as such, have been indicated to be retained where possible, particularly around the fringes of the Proposed Development. As recommended at Pre-App stage, the indicative location of the access point to Zone 2 is where the existing Bittesby House access created a break in the trees. As set out above, a condition is recommended relating to tree protection and the enhancement of landscape planting.

- *Benefits of CO2 reduction*

6.11.3 The Biomethane Refuelling facility will operate along the same principles as a conventional fuelling station and will supply Biomethane and Natural Gas (in liquefied and compressed forms) rather than diesel. Biomethane, is a 100% renewable fuel derived from waste-only sources. Running commercial vehicles on gas offers many benefits to the operator and the environment. For commercial vehicles, gas offers the only tried and tested way of reducing vehicle emissions in the short- to medium-term. Gas vehicles running on biomethane will emit between 75% and 90% less CO2 than diesel vehicles.

6.11.4 However, of potential greater significance, especially regarding air quality (as set out in **Section 6.7** of this report), are the reductions in particulates and other air quality emissions. Particulates are known to give rise to respiratory tract problems and these emissions reductions through using gas vehicles would be a significant step in improving air quality in the surrounding area. The commercial case for gas is strong and secure with fuel duty paid on gas being half that of diesel until at least 2032. The Applicants state in their submissions that, at Magna Park, several businesses are

looking at, or already own, gas vehicles and may begin to replace diesel-powered HGVs for gas-powered HGVs in a phased manner to coincide with the Biomethane Refuelling Station being built. The applicants go on to suggest that it is likely that other companies based at Magna Park will follow suit once a refuelling station becomes available.

○ *Public Sector Equality Duty*

- 6.11.5 The Equality Act contains the Public Sector Equality Duty (PSED), which came into force on 5 April 2011. Public authorities are required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010. The Equality Duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. This proposal (through the submission of REM applications) has the potential to provide for facilities which, subject to separate approvals such as building regulations, enable suitable access to the facilities for all users. The PSED is satisfied by this approach.

○ *Construction Management Plan*

- 6.11.6 As referred to throughout the report, particularly in the Highways and Noise sections, many issues during the construction phase can be controlled through the submission and agreement of a Construction Management Plan. Consequently, a condition is recommended requiring the submission of a Construction Management Plan (CEMP), covering all issues throughout the construction phase (see **Appendix A – Condition 24**). The condition also requires that this CEMP be agreed by the LPA and that, once agreed, construction works on the site are carried out in accordance with the agreed CEMP.

#### **d) Section 106 Obligations & Viability**

○ *Developer Contributions Legislation / Policy*

- 6.19 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism for securing benefits to mitigate against the impacts of development.
- 6.20 These legal tests are also set out as policy tests in paragraph 56 of the Framework whereby Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development..
- 6.21 Policy IN1 of the Harborough District Local Plan provides that new development will be required to provide the necessary infrastructure which will arise as a result of the proposal. More detailed guidance on the level of contributions is set out in The Planning Obligations Supplementary Planning Document, January 2017.
- *Assessment of Developer Contributions*
- 6.22 **Appendix B** identifies the CIL compliant developer contributions sought by consultees, a summary of the CIL compliance of the requests and a suggested trigger point to indicate when the contribution should be made. With regards to the trigger points they should not necessarily be seen as the actual or final triggers points for the S106 agreement but treated as illustrative of the types of trigger points which may be appropriate. It is recommended that the determination of the trigger points in the Section 106 Agreement be delegated to the Development Services Manager. The



assessment carried out by Officers concludes that all stakeholder requests are CIL compliant.

**e) Article 2(3) Development Management Procedure (Amendment) Order 2012**

- 6.23 In assessing this application, the Case Officer has worked with the Applicant's in a positive and proactive manner consistent with the requirements of paragraph 38 of the NPPF. This included the following:-
- Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
  - Have encouraged amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
  - Have proactively communicated with the Applicant's through the process to advise progress, timescales or recommendation.

**7. Conclusion – The Planning Balance**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications are determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan for the district is The Harborough Local Plan 2011-2031. **Section 5a** of this report sets out the relevant local plan policies.
- 7.2 The application site is located in a position which is partly within the existing defined Magna Park area, and partly within the Magna Park Extension area as defined in the Local Plan. As such, the relevant Local Plan Policy to be considered in the determination of the application is Policy BE2. It is considered that Zone 1 of the Proposed Development would be proportionate in scale to the existing and committed developments, and would be beneficial to the functioning of Magna Park. As such, it is considered that the Zone 1 of the proposed development complies with Policy BE2(1c) and BE2(3b) of the Harborough District Local Plan. Officers consider this accordance with the relevant Policy to be a moderate beneficial consideration to be weighed in the Planning Balance when determining the application.
- 7.3 Overall, it has been identified that there is a need for an APTR service area in this locality, and that the Proposed Development has the ability to meet the definition of an APTR service area. It is therefore considered that the proposed facility would fulfil the Government's aim to provide a minimum 30min drivetime between APTR service facilities, and as such, would be in accordance with the aims and objectives of the DfT Circular and Para 106 of the NPPF and the proposal would therefore have a major beneficial impact in this regard.
- 7.4 As set out in Section 6 of the report, Officers consider that the proposed development would result in a neutral impact in terms of Heritage, Highways, Noise, Drainage and Flood Risk, residential Amenity, Footpaths and Contaminated Land
- 7.5 Mitigation measures are proposed to minimise any potential impact upon Ecology. Furthermore, in accordance with the Environment Act, the proposed Development (by virtue of recommended conditions) provides for a Biodiversity Net Gain through the ecological enhancement of land within the application site. As the level of compensation to be provided is as yet unknown, and therefore there is the potential that only the minimum required to comply with the Environment Act may be provided, no weight should be given to the potential benefits of the proposal upon Ecology.

- 7.6 Overall there would be a limited number of adverse effects which could potentially arise from the proposals on both landscape character and visual receptors within the surrounding area. This effect is relatively localised and is likely to be relatively contained due to the surrounding development, and as such, would be sensitive to its landscape setting and character. The adverse effects would reduce over time with the delivery of an enhanced landscape planting scheme which relates well to the existing screening, and as such, the proposals would minimise the impact on the character of the immediate and wide landscape. On the basis of the above, it is considered that the proposals will have a minor negative impact upon the landscape of the surrounding area, but would accord with Policies GD5 and BE2.3c of the Harborough District Local Plan in this respect.
- 7.7 Due to the nature of the development, it is considered that no significant Air Quality issues will occur as a result of the proposed development. Furthermore, through the provision of a Biomethane HGV fuelling facility, the proposed development would have the potential to contribute towards improvements to local air quality near to the proposed development. It is therefore considered that the proposals will have a minor beneficial impact upon air quality and would therefore accord with Policies IN2 and BE2.3f of the Harborough District Local Plan in this respect.
- 7.8 It is acknowledged that the proposal has caused some concern within the local community, and this is evidenced by the nature of objections which has been received. Notwithstanding this, the need for and benefits of the proposed development are substantial, and Officers are satisfied that these regional benefits outweigh the limited harms caused. As such Members are asked to endorse the Officer recommendation that planning approval should be granted (subject to the suggested conditions and the signing of the S106 agreement / S38 / S278 agreement)
- 7.9 In reaching this recommendation, Officers has taken into account the adopted Harborough District Local Plan 2011 to 2031, the Ullesthorpe Neighbourhood Plan, the NPPF, the PPG and other material considerations as well as the technical reports and subsequent additional information which was in support of the application. Officers are satisfied that this provides sufficient information to assess the impact of the proposals.

## **Appendix A – Recommended Conditions and Informatives**

### **1. Outline- Time Limit for Submission of REM detail**

The development hereby approved shall commence prior to the expiration of two years from the date of approval of the last of the reserved matters to be approved. Applications for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

### **2. Outline Planning Permission- Approval of Details**

No development shall commence on site until details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to accord with the provisions of Section 92 of the Town and Country Planning Act 1990.

### **3. Approved plans/parameters**

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

- Red Line Plan Existing Site plan ref. 4811 CA 00 DR A 00051 PL2
- Parameter Plan ref. 4811 CA 00 DR A 00054 PL7

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

### **4. Landscaping**

The layout and landscape details required in the reserved matters applications (condition 2) shall include a detailed Landscape Plan for the development relevant to that Zone which shall include (but not be limited to) details of:

- a) Details of planting within the internal landscape belt
- b) Details of planting within the perimeter landscape belt
- c) Details of soft and hard landscaping within the development

REASON: To ensure the provision of suitable landscaping in the interests of amenity and the character and appearance of the area and to accord with Core Strategy Policy CS11

### **5. Landscape Management**

The layout and landscape details required in the reserved matters applications (condition 2) shall include a Landscape Management Plan for that phase which shall include the specification, the timing of the completion of and the arrangements for the management and maintenance of:

- I. All areas of informal and formal open space to be included within the development (to include the internal and perimeter landscape belts)
- II. Sustainable Urban Drainage Systems, watercourses and other water bodies
- III. Green Infrastructure linkages including any pedestrian and cycle links, public rights of way and bridleways.

The Landscape Management Plan shall thereafter be complied with at all times.

REASON: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area and to accord with Core Strategy Policy CS11

## **6. Hedgerow / Tree Protection**

In respect of any tree/hedgerow shown to be retained as part of any reserved matters approval scheme:

- a) no tree shall be cut down, uprooted or destroyed within 5 years of the date of the commencement of the respective Phase of development.
- b) If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the commencement of development, another tree of the same size and species shall be planted at the same place within the first planting season following the loss of the retained tree.
- c) No development hereby approved shall begin until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with the British Standard 5837 (2005): Trees in relation to construction has been submitted to and approved in writing by the local planning authority. Protective fencing in accordance with the approved scheme shall be erected prior to any equipment, machinery or materials being brought onto the site for the purpose of the approved development.
- d) Fencing shall be maintained until all construction equipment, machinery and surplus materials have been removed from the development site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

REASON: To protect trees/hedgerows which are to be retained in order to enhance the quality of the development, bio-diversity and the landscape of the area

## **7. Materials**

Prior to construction of any external walls, details of all external materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be carried out in accordance with the approved details.

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

## **8. EV Charging points**

As part of the Reserved Matters submission details indicating the provision of Electric Vehicle Charging Points at a minimum of 10% of all car parking spaces shall be submitted.

REASON: To ensure that the development is sustainable as possible and appropriate technologies are employed and to accord CC1 and L1 of the Harborough Local Plan

## **9. REMs in accordance with D+A**

The development hereby permitted shall be carried out in general accordance with the Design and Access Statement December 2020

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

## **10. Renewable Energy**

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

REASON: To ensure that the development is sustainable as possible and appropriate technologies are employed and to accord CC1 and L1 of the Harborough Local Plan

#### **11. Refuse and Recycling**

No development shall commence on a phase until details of the provision for the storage of refuse and materials for recycling have been submitted and approved in writing by the Local Planning Authority. The details shall be implemented as approved.

REASON: To ensure the adequate provision of facilities and in the interests of visual amenity and to accord with Core Strategy Policy CS11

#### **12. Extraction Equipment and Air Conditioning Units**

The appearance details required in Condition 2 shall include details showing ventilation and extraction equipment for the individual buildings.

REASON: To protect the amenities of existing and future residents and to accord with Core Strategy Policy CS11

#### **13. External Lighting**

The appearance details required in Condition 2 shall include a scheme for the external lighting of that phase (including details of permanent external lighting including layout plan, contour plan, a virtual plan, lighting type, luminaire type, intensity, mounting height, aiming angles and luminaire profiles). The scheme shall be implemented as approved and retained as such in perpetuity.

REASON: In the interests of the visual amenity of the area and to accord with Core Strategy Policy CS11

#### **14. Levels**

The layout and landscape details required in the reserved matters applications (condition 2) shall include details of existing and proposed site levels, including finished floor levels of any buildings. The development shall thereafter be implemented in accordance with the approved details.

REASON: To ensure that the work is carried out at suitable levels in relation to adjoining properties and the wider surroundings, having regard to amenity, landscape, biodiversity, access, highway and drainage requirements.

#### **15. Underground fuel storage tanks**

The development hereby permitted may not commence until such time as a scheme to install the underground tanks has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the local planning authority.

REASON: To ensure that the underground storage tanks do not harm the water environment in line with paragraph 170 of the National Planning Policy Framework and Position Statement D1, D2 & D3 of the [‘The Environment Agency’s approach to](#)

[groundwater protection](#)’, and to ensure compliance with Policy BE2.3k of the Harborough District Local Plan.

#### **16. Travel Plan**

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

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

#### **17. Biodiversity Net Gain**

Concurrent to the submission of any Reserved Matters application required by Condition 2, a final Biodiversity Net Gain Report demonstrating Biodiversity Net Gain and a long term management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be implemented in accordance with the approved plans and no later than 1 year following commencement of development.

REASON: To enhance the biodiversity of the area, having regard to the Environment Act, Harborough Local Plan Policy GI5, the National Planning Policy Framework

#### **18. Ecological Mitigation**

The hereby approved development shall be carried out in accordance with the recommendations of the Preliminary Ecology Assessment (in particular in section 6). This shall include further checks of the site for Badgers (with reports to be submitted to the LPA for approval indicating the results of these checks) and the provision of a length of scrub along the Argosy Way boundary at mitigation for Great Crested Newts.

REASON: To ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Harborough Local Plan Policy GI5, and the National Planning Policy Framework.

#### **19. Nest Seasons**

Felling of trees and removal of shrub and scrub and commencement of other enabling works shall not be carried out during the nesting season. If any works are required during the nesting season, this shall be carried out following the all clear from a nest check carried out by a suitably qualified ecologist. Any active nests must be safeguarded with a 5m stand off using road pins and hazard tape or fencing.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Harborough Local Plan Policy GI5, and the National Planning Policy Framework.

#### **20. Surface Water drainage**

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

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure compliance with Policies BE2.3j, CC3 and CC4 of the Harborough District Local Plan.

#### **21. Surface Water Management**

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

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase and to ensure compliance with Policies BE2.3j, CC3 and CC4 of the Harborough District Local Plan.

#### **22. Surface Water Maintenance**

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

REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development and to ensure compliance with Policies BE2.3j, CC3 and CC4 of the Harborough District Local Plan.

#### **23. Noise**

Concurrent to the submission of the Reserved Matters, an updated noise survey shall be submitted to the LPA for approval. This survey should take account of the fixed limits which were set in noise assessment for fixed plant and any potential mitigation that can be provided in terms of screening.

REASON: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general and to ensure compliance with Policy GD8 of the Harborough Local Plan.

#### **24. Construction EnviMP**

No development shall take place, including any site works, until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The CEMP shall provide for, and include details of the timing of the provision of:

- a) the parking of vehicles for site operatives and visitors;
- b) The means of access and routing for demolition and construction traffic and indication of signage locations to assist those delivering to the site
- c) details of a Construction Communications Strategy which contains points of contact and details for residents to report HGVs utilising inappropriate routes;
- d) temporary highway works;
- e) a detailed reactive and proactive road cleaning schedule, incorporating the use of road sweepers, on-site wheel wash facilities and the use of hand brooms on wheels and roads where necessary.
- f) Proposed mitigation schemes on the highway network where necessary
- g) measures to protect the trees and hedges to be retained within the site during the construction works (having regard to British Standard 5837 (2012) 'Trees in relation to design, demolition and construction – recommendations')

including the periods before and after materials, machinery and equipment are brought onto site;

- h) measures to protect the wildlife habitats and wildlife corridors during the duration of the construction works;
- i) measures to control the emission of dust and dirt during construction;
- j) measures for the control of lighting of compounds and works during construction;
- k) details of the management of surface water run-off on site during construction of the development, to include details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction;
- l) hours of operation, including the hours of construction and the hours for the loading/unloading of materials;
- m) details of any piling operation to be undertaken;
- n) loading and unloading of plant and materials;
- o) storage of plant and materials used in constructing the development;
- p) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- q) location, layout and scale of contractors compound;
- r) the storage of fuel and chemicals;
- s) Sustainable site waste management plan for recycling/disposing of waste resulting from demolition and construction work;
- t) routing of construction traffic; and
- u) full details of any floodlighting to be installed associated with the construction of the development

The approved CEMP shall be adhered to throughout the construction period for that phase of development to which it relates.

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 and to ensure compliance with Policy GD8 of the Harborough Local Plan.

## **Informatives**

### **1. Drainage**

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending Discharging the condition:

Foul water:

Feasible drainage strategy agreed with Anglian Water detailing the Discharge solution including:

- Development size
- Proposed Discharge rate (Should you require a pumped connection, please note that our minimum pumped
- Discharge rate is 3.8l/s)
- Connecting manhole Discharge location (No connections can be made into a public rising main)
- Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information
- can be found on our website)
- Feasible mitigation strategy in agreement with Anglian Water (if required)



Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

## **2. Protection of existing assets**

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

## **3. Building near to a public sewer**

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

## **4. Drainage adoption**

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

## **5. Network Management**

The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk)

## **6. SUDS**

The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

## **7. Surface Water Management**

Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

## **8. Surface Water Maintenance Plan**

Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

## **9. Pipeline Protection**

Cadent must be approached and liaised with before any work commences, we have pipeline plant protection measures that will need to be adhered to such as loading calculations and possible load bearing slabs constructed, we possess a deed of grant for an easement on the HP gas pipeline and we will need to be approached and give written permission for any development in the easement , our depth of cover over the HP gas pipeline must be sufficient as per TD/1 and we will need to provide our input throughout the construction phase

## Appendix B – S106 Obligations

Request by LLC	Obligation for Highways		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Appointment of a Travel Plan Co-ordinator.	From commencement of development until 5 years after the first occupation of the facility	To ensure effective implementation and monitoring of the Travel Plan submitted in support of the Planning Application.  The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.	Planning Obligations SPG (Jan 2017)  Leicestershire Planning Obligations Policy Adopted 10 July 2019
Travel Plan monitoring fee  <b>£11.337.50</b>	Prior to first use of the development	To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.	
One Travel Pack per employee	From first use of the hereby approved development	To inform new employees from first occupation what sustainable travel choices are available in the surrounding area.	
One six-month bus pass per employee	From first use of the hereby approved development	To encourage employees to use bus services as an alternative to the private car.	

## Committee Report

**Applicant:** Ullesthorpe Court Hotel

**Application Ref:** 21/02060/OUT

**Location:** Ullesthorpe Court, Frolesworth Road, Ullesthorpe

**Proposal:** Outline application for the erection of 6 holiday accommodation units and related car parking and pathways (access and layout to be considered)

**Application Validated:** 24.11.21

**Target Date:** 19.01.22 (extension of time agreed)

**Consultation Expiry Date:** 23.09.22

**Site Visit Dates:** Various

**Reason for Committee decision:** Call in by Cllr Graves for the following reasons; Concerned about residential use “by the back door”, highway impacts on fast road, and development in the countryside. (see paragraph 3.6 below)

**Parish & Ward:** Ullesthorpe

## Recommendation

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

### 1. Site & Surroundings

1.1 The application site is located approximately 730 metres north of the village of Ullesthorpe, to the east of Frolesworth Road, approximately 864m north of its junction with the Claybrooke Road, and is part of the site of the Ullesthorpe Court Hotel and golf club. The site itself is largely hardstanding, formerly a tennis court, located behind the carpark which serves the hotel and Spa, as shown below on the plans and photos.

**Figure 1: Site Location**



limited (restricted by the bollards shown in below photo). There is a further main access which serves the Hotel and Golf Course to the South of the site, where the main golf carpark is.



Construction access prior to commencement of golf course related development.





Site entrance (November 2022)



Looking back towards site entrance and tennis court.

## **2. Site History**

2.1 The site has been subject to various planning applications relating to extensions to the hotel, club house and golf course.

### **2.2 18/00093/FUL**

Erection of an extension to clubhouse, installation of a golf driving range, pitching area and putting green (approved and under construction).

The proposal included improvement works to the construction access and its closure following completion of works, as detailed below:

#### Condition 5:

Prior to commencement of development, save works associated with improvements to the temporary construction access, the proposed construction access shall be provided in general accordance with drawing number 021.00/18/0093/03/H/Design Rev A. The access once provided shall be so maintained for the period of construction on site before being closed and reinstated in accordance with a scheme that shall have been first submitted to and approved in writing by the Local Planning Authority.

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 Paragraph 32 of the National Planning Policy Framework 2012.

### **2.3 22/01830/VAC**

Erection of an extension to clubhouse, installation of a golf driving range, pitching area and putting green (Variation of Condition 5 (temporary construction access) to allow for the construction access to be used for a subsequent development of holiday lets at the hotel and remove the need to close off the access once the construction phase of work is completed)

Pending consideration.

## **3. The Application Submission**

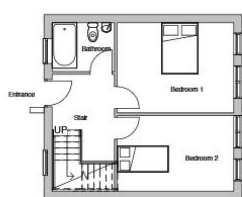
### **a) Summary of Proposals**

3.1 The proposal is for 6 holiday accommodation units and associated parking and pathways and is in outline form with access and siting to be considered.

V







Ground floor plan scale 1:100



First floor plan scale 1:100



Typical 3D view of holiday accommodation unit



Rear elevation scale 1:100



Front elevation scale 1:100

Approx 5.8m x 6.7m height 7m. 2 bed. Timber cladding and large areas of glazing indicated.

### Highways and footpaths

- Carpark re-organised to provide 98 spaces, including 3 disabled spaces. Each holiday unit also has one designated space. Sloping path from units to main carpark to provide disabled access/ push chair friendly.
- 4 electric charging points in main carpark

### Landscaping

- 3.2 The proposed plan shows most of the trees/existing landscaping to be retained. Any new areas of car parking to be constructed over root areas to be constructed with Terram Geocell panel root protection system or similar. Both landscaping and tree protection to be conditioned.

## **b) Documents submitted**

### **i. Plans**

- 3.3 The application as finally amended is accompanied by the following proposed plans:
- Proposed car park and site layout
  - Revised access arrangement plan
  - Typical holiday accommodation unit

### **ii. Supporting Information**

- 3.4 The application as amended has the following supporting information:  
Additional highways information to demonstrate that the access can be upgraded and provide suitable visibility to meet highway requirements, such that it is suitable to be retained as a permanent access to serve the development.  
A variation of condition has also been submitted to allow the temporary construction access to remain open following the completion of the golf club development.

#### **c) Pre-application Engagement**

- 3.5 Advice (PREAPP/21/00083), was given prior to the submission of the scheme (although for 3 units), was that officers judged the proposal to be acceptable in principle, subject to details and highways acceptance.  
This was on the basis that there would be linked trips and the accommodation was well related to the existing site and would be for tourism uses.

#### **d) Other Relevant Information**

- 3.6 The application has been called-in to Planning Committee at the request of Cllr Graves, for the following reasons:
1. • risk of the holiday properties then being used as dwellings or changing status going forward and all of the various planning issues that come from that. I would like the committee to review the assurances and conditions that any planning permission can use to ensure this is not the building of 6 residential properties "by the back door".
  2. • extra traffic using a very narrow, very winding, 60mph road. This road is dangerous when wet and has reduced visibility from significant numbers of unmaintained shrubs and bushes that lean into the carriageway. I believe this is one of the lowest statuses or classifications of road that exists.
  3. • development in the countryside

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

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

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

#### 4.3 **Ullesthorpe Parish Council**

Object:

No identified need for further holiday accommodation on this site, the current access arrangements are inadequate, unnecessary development in the countryside.

Concerned about further applications and creation of a holiday park.

Concerned that individual units are being created, rather than extending hotel-will they be sold as private residences in the future?

Concerns about access and sewerage

The driving range development has been extremely disruptive.

No comments received from Frolesworth, Claybrooke Parva and Claybrooke Magna Councils (all consulted).

#### 4.4 **HDC Environmental Health**

No comments regarding land contamination.

#### 4.5 **LCC Highways**

Following the submission of additional information, recommend conditions.

Condition 8 requires that the access is brought up to permanent standard, including hard bound surfacing and kerbed radii, whilst C9 requires retention of required visibility splays, whilst C10 refers to retention of parking.

#### 4.6 **LCC Ecology**

The development is predominantly on hardstanding and is of limited ecological value, therefore no survey required or comments to make.

#### 4.7 **Severn Trent Water**

Recommend condition.

#### 4.8 **LCC (Minerals and Waste)**

No objection.

#### 4.9 **Local Community**

No comments received.

### 5. **Planning Policy Considerations**

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

#### **a) Development Plan**

- *Harborough Local Plan*

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

- SS1 – Spatial Strategy
- GD3 – Development in the countryside
- GD5 – Landscape Character
- GD8 – Good design in development
- GD9 – Minerals Safeguarding
- RT4 – Tourism and Leisure
- HC1 – Built Heritage
- GI5 – Biodiversity and Geodiversity
- CC1 – Mitigating Climate Change
- CC3 – Managing Flood Risk
- CC4 – Sustainable Drainage
- IN2 – Sustainable Transport
- IN4 – Water resources and services

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

5.4 The following are considered material planning considerations:

- *National Planning Policy Framework*
- *National Planning Practice Guidance*
- *Development Management Supplementary Planning Guidance*
- *Leicestershire County Council Highway Design Guide*
- *The Environment Act*
- *Leicester & Leicestershire Economic Growth Strategy 2021-2030 (Leicester and Leicestershire Enterprise Partnership Limited, November 2021)*

### **6. Assessment**

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

6.1 The Local Plan seeks to support and promote sustainable development throughout the District. The primary means to achieve this is through policy SS1, the Spatial Strategy, setting out the most sustainable locations for development, down to the least sustainable. By directing development towards the most sustainable locations, the Plan seeks to reduce reliance on the private motor vehicle and to support local communities and settlements. The application site is not adjacent to the committed

or built-up area of an identified sustainable settlement (Ullesthorpe is a Selected Rural Village) and is thus in the open countryside, where SS1 says development shall be 'strictly controlled'.

GD3 (development in the countryside) however recognises the importance of tourism to the District, supporting proposals for: "tourist accommodation, if it is of a scale that is proportionate to the identified tourism need and subject to policies RT2 and RT4." (GD3.1.a.iii). This policy also supports outdoor sport and recreation uses and associated buildings in the countryside.

- 6.2 The proposal will support an existing business and provide local employment opportunities and will encourage visits to the District, with potential benefits to local businesses. With regard to the need for new tourist accommodation, the Tourism Action Plan for Leicester and Leicestershire advises that tourism is the fastest growing sector in the local economy since 2010 with the Leicester & Leicestershire Economic Growth Strategy 2021-2030 also seeking to build tourism and the visitor economy:

"We will continue to support the Leicester and Leicestershire Tourism Growth Plan and Tourism Advisory Board which sets out actions for the sector's recovery while strengthening and differentiating it in the long-term. This includes developing the potential of the region's tourism assets to welcome more visitors, increase tourist spending, enable profitable businesses, create jobs and deliver positive economic impact" (p 23, *LLEP Economic Growth Strategy 2021 -2030*)

- 6.3 Policy RT4 of the Local Plan supports the development of tourism and leisure attractions "that are well connected to other leisure destinations and amenities, particularly by public transport, walking and cycling" (RT4.1 b). The policy also allows for new tourist accommodation outside of sustainable settlements, subject to compliance with certain criteria:

*"a. an initiative requires a countryside location or setting or it is directly related to a specific tourist destination and, where possible, it re-uses previously developed land and existing buildings; or*

*b. it involves the diversification of agricultural uses or otherwise benefits rural businesses and communities; and*

*c. its scale and appearance respects the character of the countryside, the local landscape and the surrounding environment; and*

*d. it does not adversely affect the local transport infrastructure" (RT4.2)*

The site is well connected to an existing leisure destination (golf course and hotel) and will potentially reduce some journeys as it enables users of these facilities to stay on site, and offers an alternative to hotel accommodation, which some customers may

prefer. It is also on areas of predominantly existing hardstanding and does not extend further into the countryside.

The scale is considered relatively low key and is seen in the context of the hotel and Golf Course with good landscaping to the Frolesworth Road.

- 6.4 Paragraph 85 of the NPPF recognises that proposals to serve local businesses in rural locations may have to be in areas that are not well-served by public transport or within an existing settlement. In these instances however, proposals are expected to be sensitive to their surroundings, “exploit” opportunities to increase the environmental sustainability of the site, and not have an unacceptable impact on local roads. The Applicant has indicated that they are willing to look at energy saving measures, such as the use of solar panels, ground heat source pump, re-cycling and use of sustainable materials and this can be conditioned accordingly.
- 6.5 In the opinion of officers, the proposal finds support from Local Plan policies RT4 2 b) and GD3 and paragraph 85 of the NPPF and is considered an acceptable use in principle of the site. Concerns have been raised by Cllr Graves and Ullesthorpe Parish Council about the proposal leading to future residential use on the site. A condition (C4) restricts the use specifically to holiday accommodation, and this use is considered acceptable in this location and relates well to the other uses on site as already discussed.

## **b) Technical Considerations**

1. Design, Layout and Landscaping
- 6.6 The proposed layout respects the existing site context and layout, set behind the carpark and on unused hardstanding in the main, placing built form on areas where it is very unlikely to be seen within the wider countryside. The proposed illustrative buildings have an acceptable low-key design with suitable materials/lighting to be conditioned so as to minimise impact.
- 6.7 Officers consider that the proposal has a layout which respects the context in which the development is sited and subject to detailed design and additional landscaping will have a harmonious appearance, in accordance with Local Plan policy GD8.
2. Impact upon the character and appearance of the area and the countryside
- 6.8 Due to the set back from the road with carpark to front and presence of trees, the proposed development is unlikely to be visually prominent, even though the site rises up gently from the road. The lodges relate well to the existing hotel building. Any glimpses of the proposed buildings will not be viewed as unsympathetic however, subject to good design and materials.
- 6.9 Officers consider that the proposal preserves the character and appearance of the countryside and landscape, in accordance with GD8 and GD5 of the Harborough Local Plan.

### 3. Heritage

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

### 4. Highways

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#### ○ *Highway impacts*

- 6.13 Discussions have been taking place for some time between the Highways Consultant and LCC Highways Officers to ensure that the access can be made up to a satisfactory standard such that it can be retained permanently. As previously detailed, the last permission required it to be closed after the construction works were complete. Officers have taken into account TRICS data in relation to traffic movements associated with this type of use and conclude that an access with 6m kerbed radii on both sides would be suitable, with appropriate visibility splays to be secured by way of condition (C9 refers).
- 6.14 County Highways are satisfied with the proposal and consider that that it will not lead to severe highway harm, including from cumulative impacts on the wider highway network. Giving weight to the response of this statutory consultee, and also bearing in mind the use and layout of the existing access, Officers consider that the applicant has satisfactorily demonstrated a safe and suitable access and that the use would not generate levels of traffic which would be harmful to highway safety. As the proposal has been assessed based on the traffic flow from this particular use, a Condition (11) is proposed to restrict it accordingly.



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

## 5. Residential Amenity

- 6.27 Given the location which is some distance to any residential property, and the low key nature of the use in the overall context of the site, no adverse impact in respect of noise, disturbance, etc is identified. Previous concerns have been raised regarding the importation of soil associated with the driving range, but the current proposal would not require any soil movement.

A minor Construction Management Plan (C6), is required to control hours of construction and wheel washing, but the construction period for such low key structures (often pre-built) is typically quite short. External lighting also to be controlled (C5 refers).

Officers consider that the proposal will safeguard residential amenity, in accordance with GD8.

## 6. Ecology, biodiversity, trees and soils

- 6.28 No tree survey has been submitted, however the plan submitted shows the retention of the majority of trees which are to site boundaries. It is indicated that any new areas of parking under trees will use a root protection system membrane and this can be conditioned (C7 refers).

- 6.29 Given the nature of the site and position of accommodation on existing hardstanding there are no ecological requirements, but a landscaping scheme will help to enhance the environment.

## 7. Flooding, Drainage and Water

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

. Foul sewage drainage and surface water drainage can be conditioned (C13 refers) No contamination is identified. For these reasons, officers consider that the proposal complies with CC3, CC4 and IN4 of the Local Plan.

## 8. Climate Change and electronic connectivity

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

- 6.32 Local Plan policy CC1 relates to major development (the site area means this proposal is for major development) requiring proposals to demonstrate passive design, best-practice accreditation, renewable energy technology and minimised carbon emissions during construction (*inter alia*). Whilst this scheme is not classified as major development, in accordance with Para 85 of the NPPF (to make the development sustainable), a condition will require a package of “Green” measures to be agreed (C12 refers).

## **7. The Planning Balance / Conclusion**

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

*o Economic:* The proposal will support the existing golf course, hotel and associated businesses and provide additional employment opportunities, including locally. It will also encourage people to visit the District, with associated benefits to other businesses and the local economy.

*o Social:* The proposal will support local businesses and encourage visits to the District. It will also help to support the existing Golf Club which provides sporting opportunities for the community, including encouraging youngsters to play golf.

*o Environmental:* The proposal is in keeping with the character and appearance of the surrounding countryside, but there may be some short-term negative impacts during the construction period.

### *Material considerations*

- 7.2 Section 149 of the Equality Act 2010 created the public sector equality duty. It states:-

*“A public authority must, in the exercise of its functions, have due regard to the need to:*

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act, 2010, in the determination of this application.

- 7.3 The development will respect the local character and distinctiveness of the area in which it is located and will respect the landscape setting. The siting of the accommodation will not damage the character of the area and residential amenity will be safeguarded. The proposal will support a local, established golf course and hotel

and promote visits to the District and enhance tourism opportunities for the District and will not lead to an unsafe highway situation. The overall long-term benefits of the scheme are considered to outweigh any short-term negative impact during the construction period

- 7.9 The proposal is considered to meet all three strands of sustainable development, and complies specifically with paragraphs 85, 101, 174, 180 and 183 of the NPPF.
- 7.10 The proposal is considered to comply with the policies of the Harborough District Local Plan and is considered sustainable development. There are no material considerations which are judged to outweigh the policies of the development plan and thus the proposal is recommended for approval.

## **Appendix A – conditions**

### **Conditions and Reasons**

#### **Commencement:**

1. No development shall commence on site until details of the appearance, including materials,, landscaping, and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to accord with the provisions of Section 92 of the Town and Country Planning Act 1990.

#### **Reserved matters:**

2. The development hereby approved shall commence prior to the expiration of two years from the date of approval of the last of the reserved matters to be approved. Applications for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

#### **Plans:**

3. The development hereby permitted shall be carried out in accordance with the following approved plans:  
21/34 05 (Layout) 21/24 07 (Site Plan), 021.00/18/0093/03/h/design (dated May 22)

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

4. **Tourist accommodation:**

The guest/tourist accommodation hereby approved shall be limited to one unit (shepherds hut), with no tents, caravans, motorhomes etc. on site and be occupied for holiday purposes only and in accordance with the following terms:

- a.) Such occupation shall not exceed a continuous period of 30 days;
- b.) The units shall not be occupied as a person's sole, or main place of residence; and
- c.) A register of all guests shall be kept, including dates and durations of each stay by each guest, and the register shall be made available for inspection by the Local Planning Authority at 48 hour's notice.

REASON: The site is in a position where the Local Planning Authority, having regard to planning policies pertaining to the area, would not permit permanent residential accommodation and to preserve the development as short-term tourist accommodation to accord with Harborough Local Plan Policies GD3, GD4, GD8 and RT4 and the National Planning Policy Framework.

**External lighting:**

5. No external lighting shall be installed on the site until details (including luminance levels and measures to minimise light spillage) have been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without the prior permission in writing of the Local Planning Authority.

REASON: To safeguard the rural amenities of the locality and in the interests of protected species (bats) having regard to Harborough Local Plan Policies GD8 and the National Planning Policy Framework.

**C.M.S**

6. No development (including any site clearance/preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development:

- a) hours of construction work, site opening times, hours of deliveries and removal of materials;
- b) full details of wheel washing facilities/regime;
- c) contact details for site manager, including how these details will be displayed on site.

REASON: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general, having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

**Tree protection:**

7. No development shall commence to carparking areas until a plan showing details of root protection areas, and measures to protect trees, including "no-dig" techniques along with associated use of geotextiles, and an indication of the methodology for necessary ground treatments to mitigate compacted areas of soil has been submitted and approved in writing by the LPA.

All works shall be implemented in accordance with the approved details and, thereafter, retained in perpetuity.

REASON: To safeguard the character and appearance of the development and the surrounding area including Green

Infrastructure Assets having regard to Harborough Local Plan Policies GD2, GD8, and the National Planning Policy Framework.

**Access:**

8. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 6 metres, a gradient of no more than 1:12 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with 6m kerbed radii. The access once provided shall be so maintained at all times.

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

**Visibility splays:**

9. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 73 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety and to accord with Harborough District Local Plan policies GD8 and IN2 and the National Planning Policy Framework

**Parking layout:**

10. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Proposed site layout - 05. Thereafter the onsite parking and turning provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally, and to enable vehicles to enter and leave the site in a forward direction, in the interests of highway safety and to accord with Harborough

District Local Plan policies GD8 and IN2 and the National Planning Policy Framework

**Access:**

11. The access shall be used in connection with the proposed use only.  
REASON: In the interests of general highway safety, having regard to Harborough Local Plan Policies GD8 and IN2, and the National Planning Policy Framework.

**Sustainability:**

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

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

13. **Drainage:**

No development approved by this permission shall commence on site until full details of the means of foul water and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

REASON: To ensure adequate drainage measures are in place to serve the site having regard to Harborough Local Plan Policy CC4.

**Notes to Applicant**

1. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

2. Refer to note from STW (13.12.21)



## Committee Report

**Applicant:** Clarity Property Gamma Limited

**Application Ref:** 22/00814/FUL

**Location:** 4 Station Street, Kibworth Beauchamp, Leicestershire

**Parish/Ward:** Kibworth Beauchamp/Kibworths

**Proposal:** Demolition of existing house, alteration to existing access and erection of 11 units

**Application Validated:** 31.03.2022

**Target Date:** 30.06.2022 Extension of time agreed

**Consultation Expiry Date:** 24<sup>th</sup> November 2022

**Reason for Committee decision:** Conflict with policy H1 of the existing KNP

**Parish / Ward:** Kibworth

## Recommendation

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

- The Planning Conditions details in Appendix A; and
- The Applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to provide for the obligations set out in Appendix B (*With delegation to the Development Planning Manager to agree the final wording and trigger points of the obligations*)

## 1. Site & Surroundings

- 1.1 The application site is close to the centre of Kibworth Beauchamp. The site lies to the west of Station Street and north of The Bank (Fig.1). The site is roughly L-shaped in form and consists of a detached two-storey dwelling to the front of the site facing Station Street, a range of outbuildings to the rear along the southern boundary of the site and an overgrown garden extending to the rear. The existing access to the site is to the north of the dwelling.

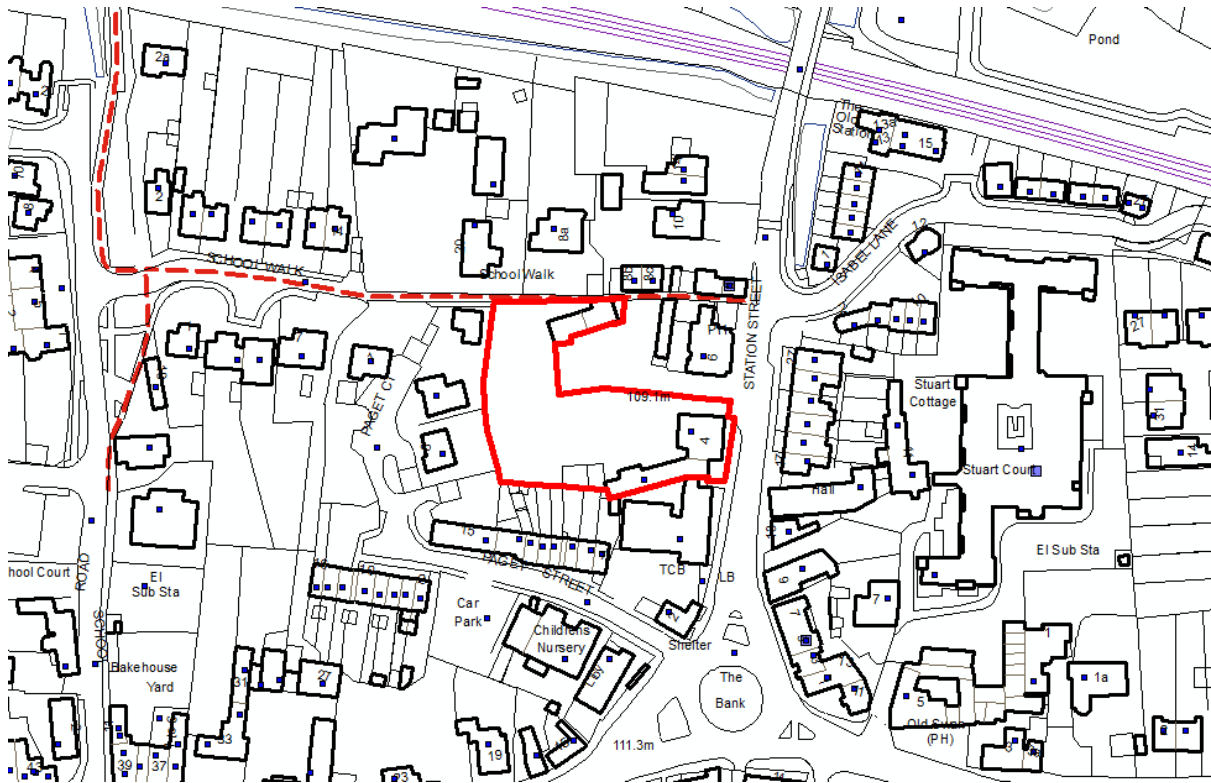


Figure 1. Site location



Figure 2. Site location aerial Image

- 1.2 There are residential properties to the south (Paget Street), west (Paget Court) and northwest of the site (School Walk). 'The Railway' pub lies to the north/northeast, part of the application includes the replacement of an existing single storey ancillary building to the public house. A PRow lies immediately to the north of the site linking Station Street to School Walk, this is separated from the site by a close boarded fence.
- 1.3 The existing dwelling is a two-storey dwelling, built of brick now painted white with render and mock-timber framing to the front gables and side (north facing) gable, under a slate roof. The property is not Listed but is of some historic merit. The dwelling has been vacant for a number of years and visually shows signs of deterioration/disrepair (Fig.3).



*Figure 3. Existing dwelling (front elevation)*

- 1.4 The gardens to the rear are overgrown as a result of the building being vacant. The rear of the site has historically been engineered and as a result there is a significant drop in ground levels to the rear (Fig.4). There are a number of large trees along the western and northernmost boundary of the site.



Existing Section A

*Figure 4. Existing site section (east to west) with site shown approximately by red line*

- 1.5 The site is within the Kibworth Beauchamp Conservation Area. There are no Listed assets in the immediate area which would be impacted because of the development.

## **2. Site History**

2.1 There is no previous planning history

## **3. The Application Submission**

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

3.1 On 6<sup>th</sup> September 2022, Planning Committee resolved to grant full planning permission (subject to S106) for:

*Demolition of existing house, alteration to existing access, erection of 6 dwellings and 4 apartments, alterations to adjacent pub car park and outbuildings including the erection of a replacement outbuilding*

3.2 The Applicant has since advised they “*need remove the works and overall inclusion of the public house next door, as they have informed us they don’t want to sell the identified strip of land. As such we need amend the scheme to remove them – which ideally requires a change to the red line and the scheme footprint and quantum of housing*”.

3.3 The changes include:

1. To amend the description to “Demolition of existing house, alteration to existing access and erection of 11 units”
2. To reduce the redline to remove the pub land.
3. A change from 10 units to 11 (as was originally submitted prior to later change requests):

--To swap the 4 houses (plots 7-10 inclusive) for 2 houses – a 4bed and a 3bed – sitting in the most part in the location of the 4 previously approved houses.

--To swap plots 5 & 6 – 2 no 3bed houses for a block of flats which delivers 5 flats – 2 no 2beds and 3 no 1beds.

4. Slight amendment to the parking to reflect these changes.

3.4 The proposals include widening of the existing access from Station Street as a result of the demolition of the existing building and 22 car parking spaces in total. The parking provision includes 2 visitor spaces and a car stacker which would provide two spaces for both plot 1 and 3. A biodiversity zone to create a wildlife buffer is proposed around the southern and western boundaries of the site (to be managed by a management company). Some raising of the ground levels in the lower parts of the site is proposed (by around 1m).



- 3.5 The Committee approved proposed site plan (Fig.5) and the proposed site plan (following a further amendment in November 2022) (Fig.6) are shown below



Figure 5. Committee Approved Proposed site plan



Figure 6: Proposed Site Plan (November 2022) – the red dash line denotes the outline of the committee approved schme

- 3.6 The overall aesthetic of the scheme can be separated into two styles. The front replacement building is traditional in form and seeks to reflect the architectural style and proportions of the existing building as guided by the pre-application advice. The rear new-build dwellings are more modern in style, although the applicants state they intend to reflect the traditional brick built, pitched roofs houses which surround the site.



Figure 6. Proposed replacement building elevations (top) and floor plans (bottom)





Figure 7. Proposed replacement building illustrative visuals



Figure 8. Proposed new build (Plots 10 and 11) elevations (top), floor plans (middle) and visuals (bottom)



Figure 9. Proposed new build (Plots 5-9) elevations (top), floor plans (middle) and visuals (bottom)

## HOUSING SCHEDULE

House Type	Beds	GIA/m <sup>2</sup>	Total	Parking
Plot 1	2	84.5	1	2
Plot 2	1	58.4	1	1
Plot 3	2	70.2*	1	2
Plot 4	1	50.0*	1	1
Plot 5	2	73.1	1	2
Plot 6	2	70.3	1	2
Plot 7	1	53.5	1	1
Plot 8	1	51.1	1	1
Plot 9	1	53.5	1	1
Plot 10	4	136	1	4
Plot 11	3	107.6	1	3
				2 visitor
<b>Total</b>	<b>20</b>	<b>808.2</b>	<b>11</b>	<b>22</b>

\*excludes balcony

Figure 10. amended proposed housing schedule

## **b) Documents submitted**

### **i. Plans**

- 3.4 The application has been accompanied by a suite of proposed and existing plans, including proposed and existing floorplans and elevations, site sections, contextual elevations and perspective views. A list of proposed plans can be viewed in Condition 2.

### **ii. Supporting Information**

- 3.5 The application has been accompanied by the following supporting information –
- Design and access statement
  - Planning statement
  - Biodiversity net gain assessment
  - Tree surveys/plans
  - Transport assessment
  - Heritage Statement
  - Ecology surveys
  - Archaeological assessment
  - Flood risk assessment and SuDS strategy
  - Noise report
  - Land contamination assessments

## **c) Amended Plans and/or Additional Supporting Statements/Documents**

- 3.6 During the application officers raised concerns with the density and design of the proposal and potential neighbouring impacts. As a result, the proposal has been amended. As a result, the layout and proposed plans have been amended. The applicants also submitted a noise survey and additional drainage/flooding information and responded to consultee requests for information.

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

- 3.7 The applicants have engaged in two pre-application enquiries:
- PREAPP/21/00283- Demolition of a dwelling within a conservation area and erection of a similar replacement building  
Officer advice summary:  
*The principle of development would be acceptable (for the demolition and replacement of the dwelling- officers noted the development of the wider site may conflict with the KNP)*  
*Turning to the design and impact on the Conservation Area. Officers consider the proposals as presented would cause harm to the character of the Conservation Area. As such, in line with local and national policy, this harm would need to be balanced by the public benefits provided by the wider proposal. This cannot be assessed without a more detailed proposal setting out how the site would be developed.*

- PREAPP/21/00393- Demolition of existing house, replacement with 11 new dwellings, along with alteration to adjacent pub car park

Officer advice summary:

- Principle of development

*Whilst the principle of major development in this location would comply with the HLP, at present the proposal would conflict with the current KNP in principle.*

*The revised Neighbourhood Plan does signal the intent of the Parish to allocate the site for residential development. However, the revised KNP would carry limited weight at present.*

*The proposed revision to policy H1 of the KNP proposes to allocate the site as follows:*

Site 3 – Rear of 4 Station Street for 11 mixed-sized dwellings (net 10 allowing for demolition and replacement of existing building). Development to be low density and designed to be sympathetic to the Conservation Area.

*In terms of the number of dwellings the proposal complies with the above. However, the density of development is not judged to be low. It should be noted that officers are concerned with the potential allocation of the site for 11 mixed-sized dwellings*

- Design/Impact on Heritage Assets

*See previous advice (PREAPP/21/00296). The loss of the existing building would cause an element of harm to the character and appearance of the Conservation Area. This would be balanced by the public benefit of the proposals, subject to the development coming forward with policy compliant S106 contributions and housing mix, this could overcome the harm in principle.*

*Significant concerns were raised with the density and scale of the proposed development, and it was advised that the number of units were reduced and that more of the units should be apartments to reduce the built form on site.*

*Concerns with the removal of trees along the site boundaries*

- Residential Amenity

*Concerns were raised with the proposed separation distances to surrounding residential properties and potential noise and disturbance from The Railway Arms.*

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

- 4.1 A site notice was displayed on the 21<sup>st</sup> April 2022 and a press notice displayed on the 21<sup>st</sup> April 2022.
- 4.2 Consultations with technical consultees and the local community have been undertaken. The first occurred on 6<sup>th</sup> April 2022, with three further re-consultations occurring on the 29<sup>th</sup> July 2022; 21<sup>st</sup> October 2022 and 17<sup>th</sup> November 2022 (the latter re-con being with neighbours and the Parish only). The consultation period expired on 24<sup>th</sup> November 2022.
- 4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to:  
[www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning).

## a) Statutory & Non-Statutory Consultees

### 1. National Bodies

#### **Historic England**

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

### 2. Regional/Local Bodies

#### **Anglian Water (06.11.2022)**

##### *Assets Affected*

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

##### *Wastewater Treatment*

The foul drainage from this development is in the catchment of Kibworth Water Recycling Centre that will have available capacity for these flows

##### *Used Water Network*

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection

##### *Surface Water Disposal*

Anglian Water has reviewed the submitted documents, Flood Risk Assessment and SuDS Strategy CO22/077/02, and can confirm that the proposed strategy is acceptable.

### 3. Leicestershire County Council (LCC)

#### **Lead Local Flood Authority (03.11.2022)**

Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 0.2 ha brownfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low risk of surface water flooding. The proposals seek to discharge at 2 l/s via pervious paving and a series of attenuation tanks to an existing combined sewer.

The applicant has been in correspondence with Anglian Water (AW) and has submitted these emails in an appendix as part of a flood risk assessment. This shows AW providing acceptance in principle of the proposed connection into the combined sewer at the designed discharge rate and this satisfies the LLFA's requirements in the first response.

Subsequent to the previous LLFA response the applicant has submitted a revised flood risk assessment that does not substantially alter the LLFA's response, as below;

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

### **Highways (07.11.2022)**

The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

#### *Site Access*

The LHA are satisfied that newly submitted drawing No. 07 Rev. B shows the same access arrangements as drawing No. 07 Rev. A to which the LHA previously advised approval subject to conditions. The LHA have recreated the previously advised conditions below in relation to newly submitted drawing No. 07 Rev. B.

#### *Highway Safety*

There has been four recorded Personal Injury Collisions within 500 metres in all directions of the proposed access. The LHA are satisfied that there are no patterns in the data which could be exacerbated by the proposals.

#### *Trip Generation*

The Applicant has submitted no further trip generation data for which the LHA provided a detailed analysis in the response dated 19 May 2022.

#### *Off-Site Implications*

**A6 Cumulative Impact Study** The LHA has identified several key junctions in the A6 Cumulative Development Traffic Impact Study which are operating over capacity. The main junctions which will be affected by the cumulative impact of developments in the surrounding area are listed below: - A6 / Wistow Road roundabout; - A6 / Church Road / Marsh Drive priority junction; and - A6 / New Road priority junction. Given the location of the development the LHA is satisfied that there is a material impact on the junctions identified within the study. Following discussions with the LPA a contribution of £7,000 has been agreed based on the proposed development generating an increase of approximately two AM peak vehicular movements. The LHA consider this contribution to be reasonable and proportionate based on the scale of development and impact of the proposed development on the highway and is included at the end of these formal observations.

#### *Internal Layout*

The proposed development entails five x one bedroom dwellings, four x two bedroom dwellings, one x three bedroom dwelling and one x four bedroom dwelling. Drawing No. 07 Rev. B shows that each one bedroom dwelling has been allocated one parking space, each two bedroom dwelling has been allocated two parking spaces, the three bedroom dwelling has been allocated three parking spaces and the four bedroom dwelling has been allocated four parking spaces. There are then a further two unallocated visitor parking spaces. The total proposed parking provision is 22 spaces to serve a 20 bedroom development. The LHA welcome that each dwelling is proposed to have an electric vehicle charging point. The LHA are satisfied that the proposed parking provision accords with the Leicestershire Highway Design Guide (LHDG) and that the proposed car stacker to serve Plots 1 and 3 is suitably located so that it is not directly accessed from the public highway and that space has been afforded to allow vehicles to safely wait within the site for the opportunity to park.

### *Transport Sustainability*

The LHA are satisfied that the Applicant has demonstrated that the proposed development provides appropriate opportunities to promote sustainable transport and provide good access to key services. The LHA would ask the Applicant to consider including cycle storage within the development. Part 3, Paragraph 3.179 of the LHDG advises that cycle parking must be secure, weather protected, be well lit and enjoy good natural observation.

### *Public Rights of Way*

Public Footpath B2 (School Walk) runs adjacent to the proposed development. The LHA request that prior to construction the Applicant submits a scheme and timetable for delivery for the treatment of the footpath. This should include provision for the management of Footpath B2 during the construction phase and should be approved in writing by the Local Planning Authority before works commence.

## **Archaeology**

We welcome the desk-based assessment and agree that there is a high potential for archaeological remains to be located within the site.

In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 194, the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application (NPPF paragraph 195).

While the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme.

**Officer note:** A condition requiring the submission of a programme of archaeological work was suggested and included.

## **Ecology**

The bat survey undertaken by Arbtech in 2021 found one bat roosting under the tiles of the building proposed for demolition. This means removal of the roof will require a licence from Natural England, and although a low impact class licence will be sufficient, further surveys will still be required to inform the licence application. There is no specific mention in the recommendation/mitigation section (table 5: evaluation of the buildings on site) of any replacement roost features within the new buildings, only that bat boxes could be erected on site. In my view replacement bat roosts are an easy feature to incorporate into new dwellings, and are preferable to bat boxes placed on trees (or other buildings), which can easily be removed. All new bat features need to be shown on all relevant plans (including elevation plans) to ensure they are not missed out.

With regards to the BNG proposals - the habitats proposed for creation, and their target condition (as scored with the metric) are extremely over ambitious and as such I cannot take the 23% net gain as having any validity. As just one example, it is proposed to create lowland meadow grassland (with very high distinctiveness, and in good condition) – a type of habitat that would automatically be a SSSI, and which requires very specific soil/hydrological conditions, as well as appropriate management. A small area of grassland, shaded by trees and hedges, adjacent to the car parking areas and dwellings is never going to be lowland



meadow grassland, or in fact any kind of species-rich wildflower grassland. These edge areas may as well be incorporated into the residential gardens, as their wildlife value will always be low in this kind of setting.

I understand that getting net gain onto the site has been difficult since it is so constrained, and as such the green roofs are welcome. However, they will most likely not be able to be 'wildflower' green roofs as shown on the drawings, since that type of green roof is actually quite difficult to establish and maintain, especially in small areas and on slopes. It also requires greater structural support which can increase the costs by up to 25%. A sedum type of green roof would be more appropriate in this situation. A copy of the Green Roof Guidelines can be downloaded here: [Green Roof Guidelines](#)

Given that this is the third iteration of the BNG metric and it's a small site, I will not be asking for another (more realistic) version to be produced. But once net gain becomes mandatory greater consideration will need to be given to the skill level of the person undertaking the metric calculations, as a minimum level of 10% gain will need to be demonstrated. Therefore as long as all new trees and sections of hedgerow comprise native species, bat roosting features are incorporated into some of the new dwellings (in appropriate locations/aspects) and that green roofs that can actually be constructed are specified, then I will assume that the development can achieve some net gain.

As such I recommend the following Conditions are attached to any permission.

**Officer note:** Conditions include the submission of a bat mitigation scheme and a detailed landscape plan. Informatives are included relating to a protected species licence and nesting birds.

## **LCC S106**

### *Civic Amenities*

The nearest RHWS to this development is Kibworth Recycling and Household Waste Site (RHWS) and the proposed development of 10 dwellings would create additional pressures on the site. The contribution is determined by multiplying the proposed dwellings by the current rate for the above RHWS, which is £446.00

### *Education Developer Contributions*

An education contribution will not be requested for this development as the number of dwellings with two or more bedrooms is below the threshold of ten.

If the configuration of the site should change to include at least ten dwellings with two or more bedrooms, we would expect to be consulted again.

### *Libraries Services*

No claim required for library services. The proposed development would not have any adverse impact on current stock provision at the nearest library which is Kibworth

## **4. Harborough District Council (HDC)**

### **Contaminated Land and Air Quality Officer**

The submitted land contamination assessment is insufficient and further risk assessment and remediation scheme and verification plan is required. The permission should be conditioned.

(Conditions requested for contamination assessments) An informative regarding burning of waste was recommended. A condition relating to construction hours is requested:

**Officer Note:** *These have been addressed in the suggested conditions/informatives.*

## **Environmental Health Officer (Noise)**

### Final Comments

The report submitted for noise is fine and covers all the issues I would expect. I had another look at the site yesterday, and the old air conditioning unit on the side of the pub is certainly in need of upgrading. I am still concerned about overheating in the properties, the report states that they have used open windows to allow for cooling. This is fine if the acoustic report doesn't require closed windows. They have assumed a 15 dB(A) reduction for a partially open window, and this should be 10-15 dB(A), and erring on the side of caution I would expect the report to use 10 dB(A). As stated in the report at this stage no assessment of overheating has been undertaken, but a broad-brush assessment used instead.

The report states that requiring mechanical ventilation would be disproportionate to the benefit that would be derived to the occupants. Yet states that where an assessment has been undertaken and indicates the possibility of overheating, measures to remove the excess heat from the bedrooms that do not necessitate the opening of windows may be required. It is very difficult to assess the proposals without an overheating assessment. As has been seen this summer temperatures are continuing to rise, there is clear need to protect the amenity of future residents from overheating where closed window acoustic treatment is proposed.

## **Environment Coordinator**

The proposed development meets the requirements of policy CC1. The use of renewable energy is particularly welcome, as is the inclusion of EV charging equipment.

I would welcome clarification on the energy efficiency of the properties, will it be higher than building regulations. In addition, has the issue of overheating in future warmer summer conditions been addressed.

## **HDC S106**

### **Affordable Housing**

The proposal is based on a development of 11 units and demolition of an existing house which implies a net gain of 10 additional units. This is under the threshold for seeking an Affordable Housing Contribution unless the Sqm of the proposed development exceeds 1,000Sqm in total.

**Officer note-** The Sqm of the proposed development does not exceed 1,000Sqm in total, no affordable housing contribution is therefore requested.

## **Waste Management**

Effective household waste management is important in developing sustainable communities. One of the demands on a growing community is the need to be able to deal with household waste management. A developer contribution of £1108.58 is sought from the development

## **Community Facilities**

A community facilities contribution is required (£7261.00) to make this development acceptable in planning terms as additional demands will be placed on key facilities in the Kibworth area as a result of the proposed development

## Open Space

Because the net gain in dwellings is 10, it does not attract s106 contributions towards open space

### 4 Parish Council/Meeting

#### 4.16 Kibworth Beauchamp Parish Council (via Dr Fletham) (29.09.2022)

Andrew Munro, chairman of KBPC, the parish clerk, Maria Smith, and I (Dr Feltham) were briefed on the proposed changes to the approved plans for 4 Station Street on Tuesday by the architect, Lee Staniforth. We understand that the rebuilding of the outbuilding at The Railway pub is no longer included, and have no objections to this. We were also shown the detail of the changes to accommodation which would be comprising 5 x 1 bedroom, 4 x 2 bedroom, 1 x 3 bedroom and 1 x 4 bedroom dwellings and this is very much in line with the review version of the Kibworths Neighbourhood Plan providing more accommodation for young couples. This site was included as one of the allocated development sites for housing and, together with other allocated sites, will help the provision to meet local needs. We therefore have no objections to the proposed variations which are fully compliant with KNP policies.

### b) Local Community

- 4.17 The application before Committee on the 6<sup>th</sup> September generated objections from 4 households and general comments from 2 households. Several of the representations were 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 in the tables below. Full copies of all representations can be viewed at [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning).

#### Table of Objection Comments:

<b>Issues of Principle/Housing mix</b>	1) Kibworth is well provided for in terms of 3 bed family homes. With nearly a quarter of the local population being aged 60+, the demand for bungalow style properties (or properties for downsizing) is not well catered for, or indeed for single residents and those who may have mobility or disability issues and would benefit from more of this style property being available on the housing market. Thereby meeting the needs of a mix of more affordable, or starter and downsizing properties in the village, in line with the windfall site development policies.
<b>Ecology issues</b>	1) The trees are important for the natural environment, we should be preserving them
<b>Highways issues</b>	1) The build and infrastructure will lead to excessive traffic 2) It is only possible for car size vehicles to pass one another easily in both directions on Station Street. This is a regular bus route and any large van, lorry or bus can only pass in single file, causing waiting traffic at the bottom by the railway bridge or at the Bank end of the street, with queues backing up. 3) The above may cause a risk to safety of pedestrians 4) Parking and access for delivery drivers, refuse collection etc is limited and restricted
<b>Noise issues</b>	1) Increased traffic will cause increase noise
<b>Residential Amenity issues</b>	1) I object to big/mature trees being planted as it reduces light 2) Proximity of plots 8/9/10/11 to Paget Court will impact on residents privacy and natural light (especially in the evening)

	<p>3) I object to the proposed positioning of Plots 5, 6 &amp; 7 along the boundary of the Paget St terraced cottages, the overbearing nature is unacceptable and the feeling of being hemmed in and loss of light this will cause to my property, which is already overlooked to the eastern aspect by the Old School Surgery complex. Plot 5 in particular appears to be situated within less than a metre from my boundary and at 7.5m in height will affect what is a north facing aspect detrimentally.</p> <p>4) The solar panels to the pitched roof will cause a glint and glare hazard and noise disturbances, especially with a westerly prevailing wind direction and being directly above my outdoor seating area. They will be unsightly and a visual intrusion on the outlook of properties on Paget Street.</p> <p>Post amendments</p> <p>5) Please to see one dwelling has been removed, but the semi-mature trees will adversely affect light into the gardens on Paget Street</p>
<b>Design, landscape and visual issues</b>	<p>1) I object to big/mature trees being planted as it reduces light</p> <p>2) The existing property is a historic house with important architectural design, its demolition will damage the landscape of Kibworth's character and charm</p> <p>3) The trees are important for the natural environment</p> <p>4) The new build dwellings are not in keeping with the Georgian/Victorian period properties and detract from the character of the area</p> <p>5) The proposal for 7 new dwellings is not low density as required by the Local Plan</p> <p>6) The proposal will result in a loss of green space</p>
<b>Other issues</b>	<p>1) The removal of trees may disturb the bank and disturb surrounding ground levels/vegetation</p> <p>2) The use of new materials and little recycling of reclaimed materials from the demolition of the existing buildings does not seem environmentally friendly.</p> <p>3) Why have single storey dwellings, or the footprint of existing outbuildings not been used.</p> <p>4) There is Japanese Knotweed on the site, will the plan to eradicate this still be the case?</p> <p>5) What will happen to the ivy that grows at the back of the gardens on Paget Street</p> <p>6) The new trees may damage foundations</p>

4.18 Since the Committee resolution, the amended plan has generated a 1 additional objection raising the following concerns:

- I am concerned to see that the development behind the cottages on Paget Street has now become 5 flats, with the wall facing my property being of black/dark coloured render which will be unsightly, cause loss of light, and the new larger building will now be closer to the boundary again.
- The planned bio diversity buffer planting (as per illustrations) is also going to cause loss of light and overhang what is the only part of the gardens with seating areas that receive direct sun light – this is unacceptable and inappropriate, considering the height of the proposed trees and proximity to the boundary / wall foundations in a very narrow and confined space.
- The site is affected by Japanese knotweed, will conditions be placed on the developer to ensure this is fully eradicated before works commence, to avoid the risk of this highly invasive plant spreading onto surrounding properties?

**Case Officer Note** – the above comments were received based on the October 2022 plans not the November 2022 plans – this neighbour and other neighbours have been re-consulted on the latest plan and to date no additional comments have been received.

## **5. Planning Policy Considerations**

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

### **a) Development Plan**

5.2 Relevant policies to this application are:

- ***Harborough Local Plan (HLP) 2011-2031***
- SS1 The spatial strategy
- GD1 Achieving sustainable development
- GD2 Settlement development
- GD3 Development in the countryside
- GD4 New housing in the countryside
- GD5 Landscape character
- GD8 Good design in development
- H1 Provision of new housing
- H4 Specialist Housing
- H5 Housing density, mix and standards
- GI2 Open space, sport and recreation
- GI5 Biodiversity and geodiversity
- CC1 Climate Change
- CC3 Managing flood risk
- CC4 Sustainable drainage
- IN1 Infrastructure provision
- IN2 Sustainable transport
- IN4 Water resources and services

These are detailed in the policy section at the start of the agenda.

- ***The Kibworth Villages' Neighbourhood Development Plan 2017-2031 (KNP)***
- SD1 Limits to development
- H1 Windfall sites
- H3 Housing mix
- H4 Building design principles
- ENV2 Important trees and woodland
- ENV3 Biodiversity
- ENV5 Important hedges
- ENV8 Watercourses and flooding
- T4 Improvements to road safety
- T5 Traffic management
- T6 Air Quality

The Kibworth Beauchamp Harcourt Parish Councils are formally reviewing their Neighbourhood Plan. The Kibworth Villages Neighbourhood Plan Review was

submitted to HDC for examination on 8th April 2022. A six-week consultation on the proposed Neighbourhood Plan expired on 29<sup>th</sup> June 2022. The plan has passed through Examination (fact checking report received 4<sup>th</sup> November 2022)

The draft policy for the site has been provisionally accepted by the Examiner as meeting the basic conditions with minor modifications and is set out below.

### **Original Policy**

Policy H1 : Residential Site Allocations Site 3 – Rear of 4 Station Street for 11 mixed-sized dwellings (net 10 allowing for demolition and replacement of existing building). Development to be low density and designed to be sympathetic to the Conservation Area.

### **Modified Policy**

Policy H1 : Site 3 – Rear of 4 Station Street for at least 11 mixed-sized dwellings (net at least 10 allowing for demolition and replacement of existing building). Development to be designed to be sympathetic to the Conservation Area.

The above policy can therefore be afforded significant weight once the final report is received.

## **b) Material Planning Considerations**

### 5.3

- The National Planning Policy Framework (NPPF)
- HDC Development Management Supplementary Planning Document (SPD)
- Five Year Housing Land Supply Position Statement
- HDC Planning Obligations SPD (June 22)
- Leicestershire Planning Obligations Policy
- Leicestershire Highways Design Guide and associated Standing Advice
- The Housing and Planning Act (2016)
- National Design Guide
- Leicester & Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (January 2017)
- Leicester & Leicestershire Housing and Economic Needs Assessment (HENA) (June 2022) (Yet to be considered by HDC Members)
- Fleckney, Great Glen and the Kibworths Harborough District Council and Leicestershire County Council Cumulative Development Traffic Impact Study 2017

## **6. Assessment**

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

- Harborough Local Plan (HLP)

- 6.1 The spatial strategy for Harborough District to 2031 (as outlined in policy SS1 of the Harborough Local Plan (HLP)) is to manage planned growth to direct development to appropriate sustainable locations. The Kibworths are identified as a Rural Centre, a focus for rural development to serve both the settlements themselves and the

surrounding rural area. Owing to the level of services on offer within The Kibworths it is judged a sustainable location as a whole. The site is within the existing built-up area of Kibworth as such policy GD2.1 is most relevant. The development is acceptable in principle providing it respects the form and character of the existing settlement and, as far as possible, it retains existing natural boundaries within and around the site, particularly trees, hedges and watercourses. Design matters are assessed later in the report, subject to this the principle of the development complies with policy GD2.

- 6.2 The site lies partially within the allocated Kibworth Beauchamp 'Local Centre'. Policy RT2 states that within the local centres, proposals for shopping and business uses, including mixed development with residential accommodation will be permitted provided development proposals do not detract from the character of the area and the amenity of neighbouring residents is not adversely affected. The latter items are discussed later in the report. In principle residential development is not prohibited within the Local Centre and there is no conflict with policy RT2.

- The Kibworth Villages' Neighbourhood Development Plan 2017-2031 (KNP)

- 6.3 The site lies within the Limits to Development (LtD) in accordance with policy SD1 of the KNP. Policy H1 of the KNP allows for small scale development for infill and redevelopment sites where, amongst other matters discussed elsewhere in the report, the site is within the LtD. The proposal is judged to be an infill development considering it is fully surrounded by built form and is within the LtD therefore complies with policy H1 in this regard. There is, however, no definition of 'small scale development' within the KNP. Taking 'small-scale development' to mean minor residential development (less than 10 units) the proposal as a whole does not strictly comply with policy H1 of the KNP as 11 units (net gain of 10) are proposed. However, the Parish Council fully support the amended (October 2022) proposal and it is judged to comply with the spirit of the policy.

- 6.4 The site is partially located within the Kibworth 'Primary Shopping Centre', within this area policy E1 of the KNP states that new retail development will be supported. Policy E1 does not prohibit residential development and the NPPF and HLP recognise that residential use has a part to play in town and village centres.

- The emerging Kibworth Villages' Neighbourhood Plan 2017-2031 Review 2022

- 6.5 As outlined earlier in the report the Kibworth Beauchamp and Harcourt Parish Councils are formally reviewing their Neighbourhood Plan and has passed Examination. Significant weight can be attributed to the emerging policies.

- 6.6 Emerging policy SD1 defines updated LtD, the site remains within the LtD and in compliance with this emerging policy. A key difference between the current and emerging KNP is the allocation of several sites for housing as outlined in the emerging Policy H1 : *Site 3 – Rear of 4 Station Street for at least 11 mixed-sized dwellings (net at least 10 allowing for demolition and replacement of existing building). Development to be designed to be sympathetic to the Conservation Area.* The proposal accords, in principle, with the emerging policy H1. Issues of housing mix, density and design are assessed later in the report.

- 6.7 Policy E1 remains as existing and as assessed in paragraph 6.4.

- Housing Mix



6.8 Policy H5 of the HLP requires that major housing development provides a mix of house types that is informed by up to date evidence of housing need. Policy H1 *Windfall Sites* of the existing KNP states that windfall sites must help to meet the identified required housing mix. Policy H3 *Housing Mix* reiterates this point stating that housing development proposals should provide a mixture of housing types to meet local need. Priority should be given to dwellings of three bedrooms or fewer and to homes for older people. Policy H1 *Residential Site Allocations* of the emerging KNP requires mixed-size dwellings. Whilst Policy H5 *Housing Mix* of the emerging KNP states that *'...Proposals will be required to demonstrate how they have taken account of the most up to date published evidence on housing need at a local or district level. The provision of smaller dwellings (3 bedrooms or less) or specialised housing suitable to meet the needs of young families, disabled people, young people and older residents will be supported within housing developments to meet a local housing need.'*

6.9 The development proposes the following mix

- 1 x 4 bedroom house (Plot 10);
- 1 x 3 bedroom house (Plot 11);
- x 2 bedroom flats (Plot 1;3;5 and 6)
- x 1 bedroom flats (Plots 2;4;7-9)

Both the existing and emerging revised KNP support the provision of smaller dwellings (3 bedrooms or less) and dwellings which would be suitable for older residents. Regarding the latter point, the apartment building contains two ground floor units which may be suited to older residents. The proposed mix is judged to comply with the aforementioned policies of the HLP and KNP.

○ *Principle of Development Summary*

6.10 The site is in a sustainable location within the existing built form of Kibworth Beauchamp, the principle of development and mix accords with the HLP. The proposal by virtue of it being 'major development' does not strictly comply with policy H1 of the existing KNP, however, does accord with the site allocation within the emerging KNP which can be given significant weight now it has passed Examination and no objections to the principle of development have been raised by Kibworth Beauchamp Parish Council. Therefore overall, the principle of development is judged to be acceptable.

## **b) Design, Visual Amenity, Landscape and Heritage**

○ *Policy Summary*

6.11 Section 12 of the NPPF refers to achieving well designed places, specifically; paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130, amongst other things states that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

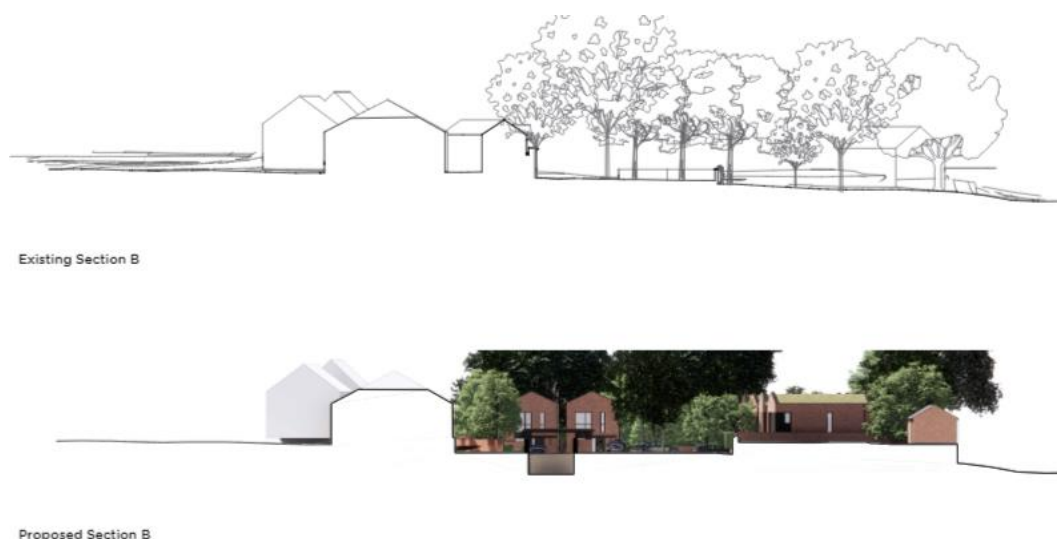
6.12 Policy GD2(1a) requires that developments respect the form and character of the existing settlement and as far as possible retains existing natural boundaries within and around the site, particularly trees, hedges and watercourses. Policy GD5 of the HLP requires developments to be located and designed in such a way that it is sensitive to its landscape setting and landscape character area and will be permitted

where it respects and where possible enhances local landscape, the landscape setting and settlement distinctiveness. Policy GD8 requires development to achieve a high standard of design which is inspired by, respects and enhances local character and distinctiveness. Where appropriate development can be individual and innovative yet sympathetic to local vernacular in terms of building materials. Development should respect the context and characteristics of the individual site, street scene and wider local environment to ensure that it is integrated as far as possible into the existing built form. Furthermore, development should protect existing landscape features, wildlife habitats and natural assets.

- 6.13 The site lies within the Kibworth Beauchamp Conservation Area, which was first designated in 1982, and generally includes the historic settlement core. The Conservation Area Character Statement provides a summary of the area's historical development, noting that 'it has almost the character of a small town' and it notes that 'the existence of the railway has influenced the development and function of the village', which is particularly 'seen in (the) extensive growth northwards to the railway. This includes the terraced houses of Station Road with their elaborate brickwork...', which is a reference to Beauchamp Terrace, nos. 17 – 27 Station Street opposite the application site. In areas with high heritage value such as Conservation Areas policy GD8 of the HLP states that developments should reflect the characteristics which make the place special. Policy HC1 of the HLP states that development within or affecting a Conservation Area will be permitted where it preserves or enhances the character or appearance of the Conservation Area, including local design and materials. Development affecting heritage assets and their settings will be permitted where it protects, conserves or enhances the significance, appearance and setting of the asset. Where the proposed development would lead to less than substantial harm to the significance of a heritage asset or its setting the harm will be weighed against the public benefits of the proposal.
- 6.14 Policy H1 of the emerging KNP allocates the site for 11 mixed-size dwellings, but also states the development should be low density and designed to be sympathetic to the Conservation Area. Policy H4 of the existing KNP and policy H6 of the emerging KNP states that the character, scale, mass, density and layout of developments should fit with the surrounding area, including external roof and wall materials, and should not adversely impact on the visual amenity of the street scene or wider landscape views. Innovative and inventive designs with varied house types, building widths, styles, details, facing and roofing materials reflecting a varied street scene will be supported. On developments of ten or more dwellings, housing development should be predominantly two-storey with any three-storey dwellings being spread throughout the development. Schemes, where appropriate, should contain a fully worked up landscape proposal. Hedges and native trees should be retained and plot enclosures should, where possible, be native hedging, wooden fencing or stone/brick wall of local design. Policy ENV2 of the existing and emerging KNP states that development proposals should be laid out and designed to avoid damage to or loss of woodland and trees of arboricultural and ecological significance and amenity value will be resisted. Proposals should be designed to retain such trees where possible. Trees that are lost or damaged should be replaced on a two-for-one basis using semi mature trees planted in accordance with the British Standard on Trees BS5837:2012. Major developments including residential development of ten or more dwellings should include a contribution to Green Infrastructure, the characteristic wooded appearance of the villages, and the principle of 'allowing space for trees' in the form of new planting,

including street trees, spinneys and individual trees, at a scale appropriate to the size of the development, and on land allocated for the purpose.

- *New build dwellings to rear*
- 6.15 The proposals have two distinct components, the 5 flats and 2 detached dwellings to the rear and the replacement of the existing detached dwelling with the new apartment building. In terms of the impact on the Conservation Area it is considered that given the discreet location of the new build dwellings, set back from Station Street and screened by the existing and proposed frontage development, that this element of the proposed development will have no adverse impact on the character and appearance of the Conservation Area. The back-land nature of the proposals in principle would not be out of keeping with the surrounding settlement form when considering the development at School Walk, Paget Court and Isabel Lane in the vicinity.
- 6.16 The site is allocated in the emerging KNP for 11 mixed-sized dwellings, officers raised concerns with the resultant density and conflict between the requirement within the policy for the development to also have a low density during pre-application discussions and on review of the originally submitted plans as part of this application. As a result, the applicants removed a dwelling and amended the layout of the development. This has reduced the built form proposed to the rear and as a result of the amendments, a Biodiversity zone to create a wildlife buffer is proposed to the south and western boundaries and a landscaped area is included in the centre of the site (visible from the site access on Station Street). Whilst officers still consider there is some conflict between the intended KNP allocation for 11 dwellings and a low-density development, the amendments are judged to have overcome initial concerns and the density and layout is judged to be acceptable. Whilst objection comments suggest the proposal should include single storey units, two storey dwellings are prevalent in the surrounding area. The scale/height of the dwellings are judged to be in keeping with the surrounding built form and would be set below the properties on Paget Street and Paget Court for example (Fig.9).



*Figure 9. Existing (top) and proposed (bottom) site sections. Paget Street properties to the south are on the left with the new build dwellings in the centre and to the right of the image.*

- 6.17 The design of the dwellings to the rear are more modern in design than the surrounding built form, concerns have been raised about this in objection comments. The surrounding built form is varied but on Station St is clearly driven by the Victorian railway era (Fig.10). Paget Street to the south is more traditional and is characterised by a row of terraced cottages, with a mix of brick, render and painted brick work. Paget Court to the west is a small close of modern, large, detached two storey dwellings. Innovative or individual design is not prohibited, including within Conservation Areas providing that development is sympathetic to local vernacular. In this case, whilst the dwellings are modern they are two storey in height, are proposed to have pitched roofs and to be predominantly construction from brickwork with some timber features. Specific concerns have been raised about the inclusion of solar panels on the new build dwellings, whilst the panels may be visible from surrounding residential properties, they would not be readily visible from publicly accessible areas and therefore would not harm the character of the Conservation Area/street scene. The quality of design is judged to be acceptable and to comply with the aforementioned policies of the HLP, KNP and emerging KNP.



Figure 10. Station Street street view

- *Replacement apartment building*
- 6.18 The principal heritage issue in determining this application is considered to be the impact of the replacement of no. 4, Station Street on the character and appearance of the Conservation Area and its overall significance. Officers are aware that No. 4 Station Street has been marketed for at least 2 1/2 years, including reductions in the asking price to seek interest which has been unsuccessful. It is likely that any purchaser looking to bring the house forward to a single dwelling would have to invest significantly in the repairs of the dwelling, outbuildings and garden - the applicants assume the costs to redevelop the site in this way would be prohibitive. Policy H1 of the emerging KNP has 'earmarked' the site for residential development, the primary issue restricting the retention of the building and development of the site is that the existing access would not be suitable for the resultant residential development. Policy H1 of the emerging KNP therefore in principle allows for the replacement of the existing building, which would in turn allow for an increase to the access width.

- 6.19 Officers consider that the existing building is of its era and represents the influence of the railway on the settlements form and development. Unlike the properties on the opposite side of Station Street (nos. 17 – 27, Station Street), no. 4, Station Street is not mentioned in the Conservation Area appraisal and whilst it may not have the degree of architectural interest in contrast to nos. 17-27 Station St, the property is prominent in the street scene and does in the officer's opinion positively contribute to the character and appearance of the Conservation Area and the railways influence to the village. The replacement building is of a similar scale to the existing dwelling and is judged to be a well-designed replacement which respects the features of merit on the existing building such as the porch, timber features to the gable and decorative chimneys (see Fig.3 and Fig.6).
- 6.20 The replacement dwelling is of an appropriate scale and design which would be in keeping with the built form and goes some way to preserve the character of the Conservation Area, however, would not wholly alleviate harm. The harm is judged to be at the lower end of less than substantial harm and must be weighed against the public benefits of the proposal. In this case the public benefits are judged to outweigh the less than substantial harm as outlined in paragraph 7.3.
- *Landscaping/Levels*
- 6.21 The site contains a number of mature trees, particularly along the western and northern boundaries, the larger of these trees positively contribute to the character of the area and Conservation Area offering a verdant backdrop to the site/area. A tree survey has been carried out, most of the trees are categorised as category C trees (of lower arboricultural value). One Goat Willow along the northern boundary was identified as a category B tree. Two trees a sycamore and poplar tree are categorised as category U and are advised for removal. The below site plan (Fig.12) identifies the trees to be removed via a red dashed line and those to be retained and their root protection areas (RPA) via a green line. The category B tree is to be retained with a suitable RPA. It is noted that several category C trees would be removed as a result of the proposal, category C trees are judged to be of low arboricultural value and as such whilst regrettable their removal is unlikely to cause significant harm to the character of the area and Conservation Area. A sufficient number of trees are to be retained along the western and northernmost boundaries to retain the verdant character to the sites backdrop. Furthermore, owing to concerns about overshadowing and potential future pressure to remove the retained trees, plots 5 and 6 were moved away from the site boundary enabling larger gardens and less shading to these properties. All retained trees would be protected by being located in the Conservation Area which offers further control to the LPA and a degree of protection to the trees in the future.





Figure 12. Site plan showing tree details

- 6.22 Whilst full soft landscaping details (ie planting mix and a timetable of implementation) have not been submitted, the amended plans propose new semi-mature trees and hedgerow planting on site. The landscaping scheme is judged to mitigate the loss of existing trees on site and would help to soften the parking and turning area in the centre of the site which would be visible from Station Street and overall re-introduce a green, verdant feel to the site which is judged to be acceptable providing full landscaping details are provided by condition.
- 6.23 In terms of hard landscaping, full details of surfacing and hard boundary treatments have not been submitted. The site plan does state the existing boundary wall between the site and 'The Railway' would be retained which is acceptable. The front boundary wall to No.4 Station Street would also largely be retained, which again is appropriate for the Conservation Area. The internal plot divisions would be a mix of brick boundary walls and 1.8m high fencing and some hedgerow to the north of Plot 6. The indicative proposals appear acceptable but full details would be required by condition.

- *Summary*
- 6.24 To conclude, officers consider that following the amendments the scale, density and layout of the proposed development is acceptable and would be in keeping with the surrounding built form. The loss of the existing building would lead to less than substantial harm to the character of the Conservation Area but this would be outweighed by the public benefits of the proposal as detailed later in the report. Therefore, subject to conditions the proposal is judged to comply with policies GD2, GD5 and GD8 of the HLP and H1, H4, ENV2 and of the KNP and emerging KNP.
- 6.25 Should members be minded to approve the application for reasons of design and visual amenity, conditions are recommended requiring the submission of:
  - A levels plan providing full details of the finished ground floor level/s of the buildings and proposed site levels owing to the difference in land levels on the site
  - An arboricultural method statement ensuring the protection of retained trees during construction
  - A landscaping scheme and management plan
  - Details of external materials

#### **c) Highways**

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- 6.26 Policy GD8 of the HLP states that development will be permitted where it ensures safe access, adequate parking and safe, efficient and convenient movement for highways users. Policy IN2 states that development proposals should have regard to the transport policies of the Local Transport Authority and that development should provide safe access and parking arrangements and where possible protect or connect to existing pedestrian, cycle and equestrian routes. Policy H1 of the existing KNP requires windfall developments to provide for a safe vehicular and pedestrian access to the site and any traffic generation and parking impact created does not result in an unacceptable direct or cumulative impact on congestion or road and pedestrian safety. Policy T4 of the KNP states that the proposals in the KNP to address safety concerns identified by Parishioners will be supported involving the provision of new cycleways and footpaths, accessible to people with disabilities, linking village facilities and amenities. Policy T5 states that the provision of traffic management solutions to address the impacts of traffic arising from development will be strongly supported. This includes either directly provided solutions or the use of contributions from development to contribute towards the costs of provision.
- 6.27 Officers refer to LCC highways comments for full details. The existing site access would be substandard to serve the development, partially owing to its width. As a result the existing dwelling is proposed to be demolished to accommodate a wider access to the site. The existing access on to Station Road, Kibworth which is an adopted 'C' classified road subject to a 30mph speed limit would therefore be altered. LCC highways are satisfied with the proposed vehicular (2.4 metres by 43 metres) and pedestrian visibility splays (2 metres by 2 metres). The LHA are satisfied that the proposed access is safe and suitable for the proposed development and accords with Part 3, Paragraph 3.192 and Table DG4 of the Leicestershire Highway Design Guide (LHDG).
- 6.28 The Applicant has undertaken an assessment of the existing highway safety situation on the immediate local road network. The submitted 'Transport Statement' states that



there has been one Personal Injury Collision (PIC) within the previous five years within the immediate vicinity of the proposed development that was recorded as 'slight' in severity. LCC have undertaken a review of PIC data instances within 500 metres of the site access in all directions. In addition to the PIC stated above to the north of the proposed development there has been one further PIC that occurred at the access to the Public House that is next to the proposed development. This PIC was recorded as 'serious' in severity and involved a reversing vehicle colliding with a pedestrian on the footway. No further PIC's have been recorded to the north of the proposed development. To the south of the proposed development there has been two recorded PIC's in the previous five years with one recorded as 'serious' in severity and the other recorded as 'slight' in severity. These all occurred on High Street. LCC are satisfied that the proposed development as stated above has been designed with an access that should not result in any reversing manoeuvres on to or from the public highway and that there are no patterns in the data which could be exacerbated by the proposed development.

- 6.29 Concerns have been raised about the impact of additional movements to/on Station Street, which at times acts as a single track road owing to parked cars. The LHA has assessed the submitted trip generation data (for 11 units) and are satisfied that although the proposed development will lead to an intensification of the access, the material increase or material change in the character of traffic in the vicinity of the site would not create any highway safety issues or result in a severe impact on the existing highway network in accordance with paragraphs 110 & 111 of the National Planning Policy Framework 2021.
- 6.30 Parking provision includes one space for each one bedroom dwelling, two spaces for each of the two bedroom dwellings, three spaces for the three bedroom dwelling and four spaces for the four bedroom dwelling. There are then a further two unallocated visitor parking spaces. The total proposed parking provision is 22 spaces to serve a 20 bedroom development. The LHA welcome that each dwelling is proposed to have an electric vehicle charging point. The amount of parking provision accords with the existing and proposed KNP parking policies. The proposal includes a car stacker to serve Plots 1 and 3, LHA have confirmed this is suitably located so that it is not directly accessed from the public highway and that space has been afforded to allow vehicles to wait within the site for the opportunity to park, this approach is therefore acceptable.
- 6.31 Conditions are recommended requiring that the parking, turning and access arrangements are implemented suitably. Furthermore, to ensure that the PRoW to the north of the site is protected during and post construction.
- 6.32 LCC has also identified several key junctions in the A6 Cumulative Development Traffic Impact Study which are operating over capacity. The main junctions which will be affected by the cumulative impact of developments in the surrounding area are listed below:
- A6 / Wistow Road roundabout;
  - A6 / Church Road / Marsh Drive priority junction; and
  - A6 / New Road priority junction.
- Given the location of the development the LHA is satisfied that there is a material impact on the junctions identified within the study. A S106 contribution of £7,000 is requested based on the proposed development generating an increase of approximately two AM peak vehicular movements. LCC consider this contribution to be reasonable and proportionate based on the scale of development and impact of the proposed development on the highway and is included at the end of these formal observations.

6.33 Overall, the impact on the highway network is not considered to be unacceptable, the proposal is considered (subject to conditions) to comply with policies GD8 and IN2 of the HLP and policies T4 and T5 of the KNP.

**d). Residential Amenity**

6.34 Policy GD8 of the HLP and H1 of the existing KNP require that development should be designed to minimise impact on the amenity of existing and future residents through loss of privacy, overshadowing and overbearing impact. Nor should developments generate a level of activity, noise, vibration, pollution or unpleasant odour emission which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions. HDC's Development Management Supplementary Planning Document (SPD) also contains guidance relating to neighbouring amenity standards, including separation distances, however, such standards are applied flexibly as noted in the guidance.

6.35 The internal site layout is judged to be acceptable.

6.36 The replacement apartment building would not give rise to additional overlooking, overdominance or loss of light to surrounding properties considering the existing presence of the dwelling and similar proportions and fenestration layout of the proposed building. The proposals would not adversely impact the dentist surgery which is located to the south east of the site existing boundary treatments would be retained and made good.

6.37 Objections have been raised with regards to overdominance and loss of light to properties on Paget Street to the south of the site. The amended scheme (November 2022), does bring the footprint of Plots 5-9 marginally closer to the southern boundary.

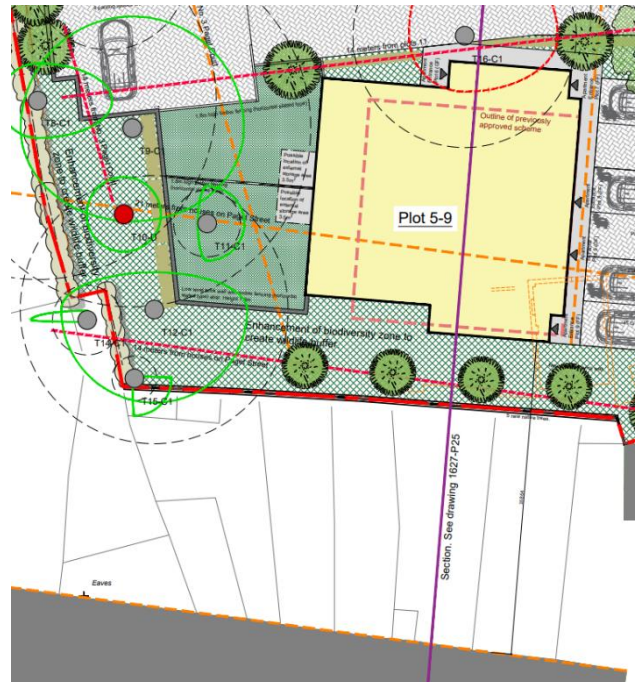


Figure 13- Site Plan with proximity to dwellings on Paget Street

- 6.38 However, the separation distance between the rear elevation windows on Paget Street and the side elevation of Plots 5-9 is still in excess of the Council's minimum 14m guidance - being 16.8m. It is acknowledged the proposals would introduce built form in an otherwise open garden and would therefore alter the outlook for residents, but given the separation distance, combined with the blank elevation facing Paget Street, the difference in levels and the proposed planting of trees, the development is judged to result in a satisfactory relationship with existing residents.
- 6.39 It is further noted that many of the properties on Paget Street have their garden seating areas close to the northern boundary of their gardens and these areas are likely to feel more enclosed as a result of the proposal, however, there is no separation distance guidance for garden spaces. Furthermore, the proposed dwellings would be sited on lower ground levels than the Paget Street properties, which would further reduce the sense of enclosure. No windows are proposed in the side elevation and the garden would be on much lower ground level as such there would be no adverse loss of privacy to the dwellings on Paget Street.

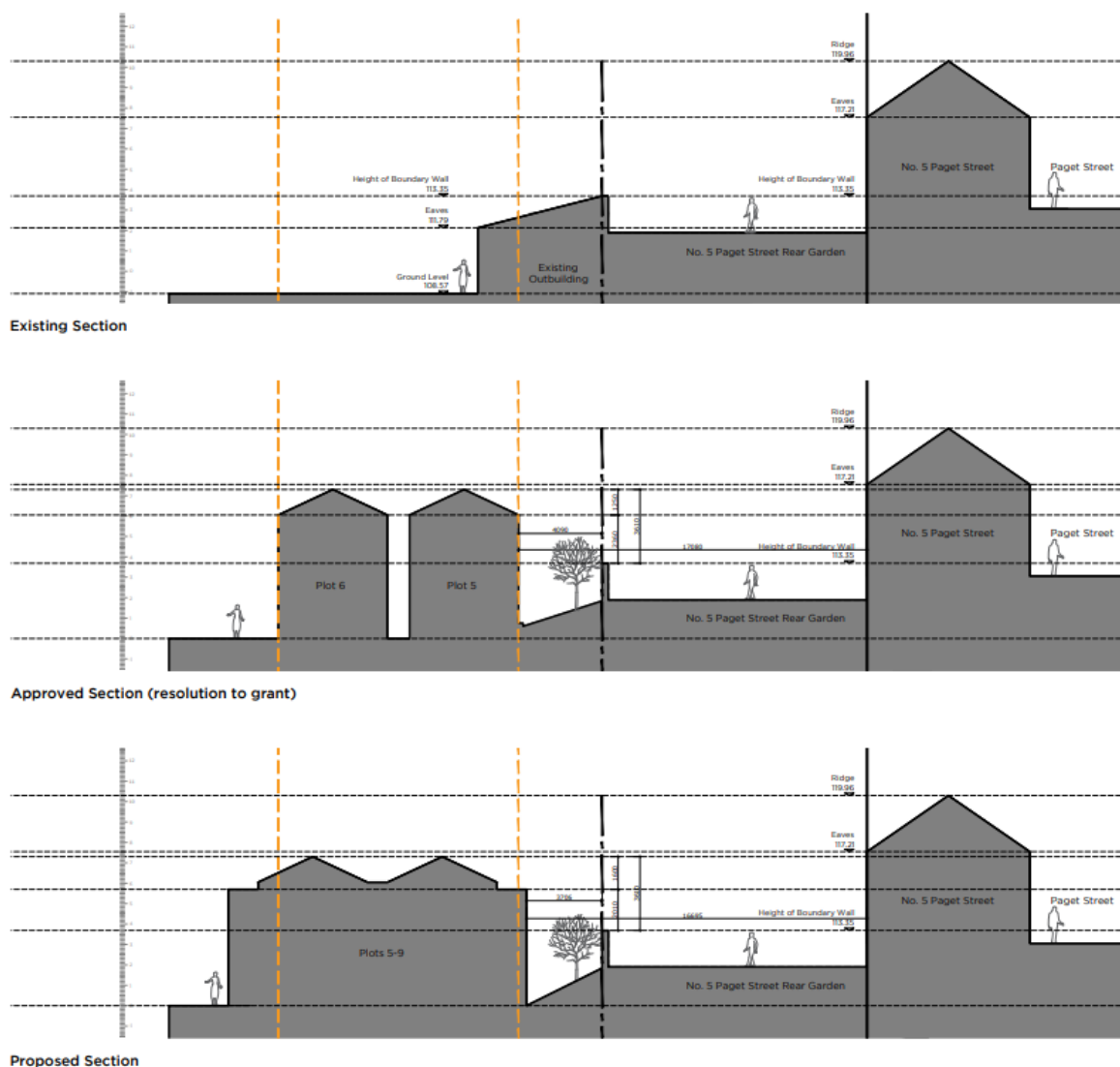


Figure 14- Site section showing the existing, approved and proposed relationship between No.5 Paget Street Plots 5-9

- 6.38 Concerns have been raised about potential glare/light reflecting from the proposed solar panels on the south roof slope of plot 5-9 facing the rear elevations of Paget Street. Modern solar panels are designed to absorb as much light as possible and minimise reflection to increase electricity production efficiency. To limit reflection panels tend to be dark and covered with an anti-reflective coating- although some reflection is still likely to occur. In this case, whilst the panels will be visible from Paget Street because of the change in land levels, they are unlikely to give rise to adverse glare considering the modest scale of solar panels, separation distance and orientation of the panels in relation to the neighbouring windows.
- 6.39 Objections have also been raised regarding potential neighbouring amenity impacts to the dwellings at Paget Court to the west of the application site. The rear elevations of Nos 2 and 3 Paget Court face the site. The separation distances between the proposed dwellings and No.3 Paget Court all accord with SPD guidance and the dwellings are unlikely to lead to adverse loss of light, overdominance or loss of privacy to this dwelling. Adequate separation distances are achieved between plot 10 and the original elevation of No.2 Paget Court. However, the separation distance between the single storey extension at No.2 and closest corner of Plot 10 is substandard at 10.3m as opposed to the 14m SPG guidance. Plot 10 is therefore likely to cause some additional overdominance to No.2 Paget Court. However, as seen in figure 15, much of No.2s extension is sited further south than Plot 10 meaning the rear elevation would retain much of the same outlook/openness as existing. Furthermore, there are a number of existing trees and proposed trees along the shared boundary. Therefore overall, the additional overdominance is unlikely to be adverse. For the same reasons, whilst some early morning light may be lost, it is unlikely to be adverse. No windows are proposed in the side elevation therefore no adverse loss of privacy would occur.

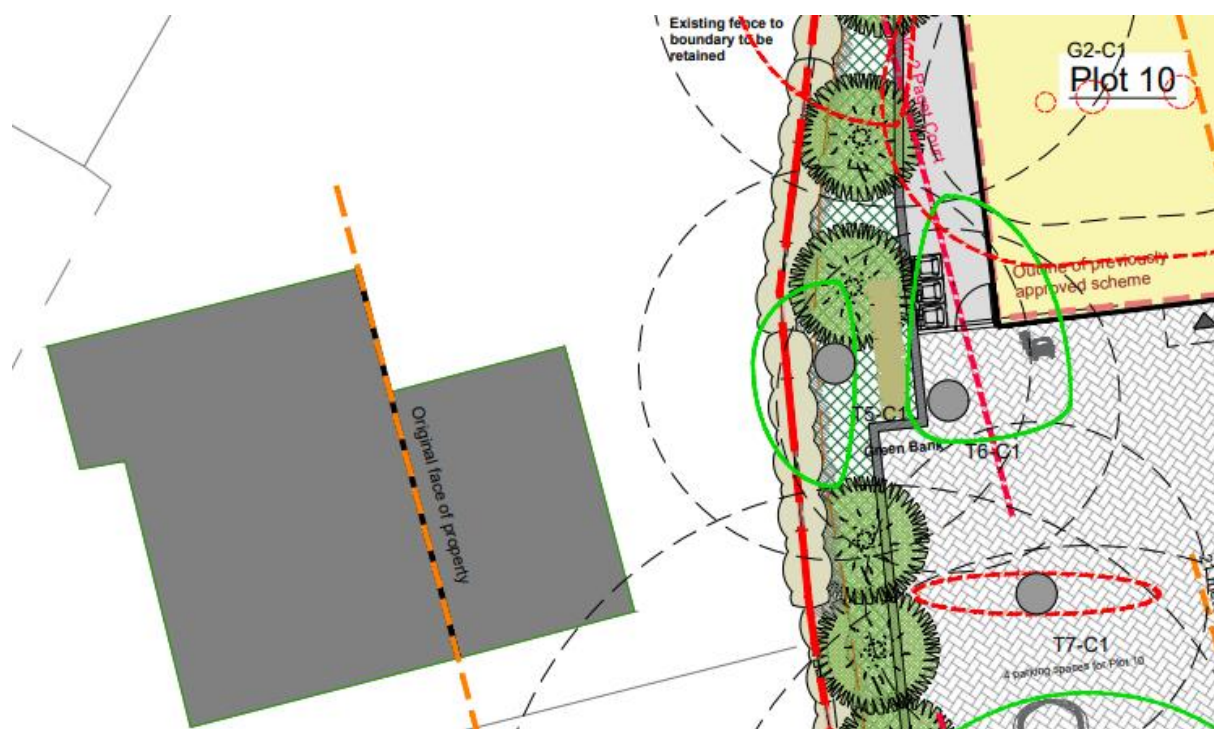


Figure 15. Relationship between No.2 Paget Court and Plot 10

- 6.40 Concerns have been raised about the tree planting along the western boundary and potential loss of light. The existing western boundary is well-treed and therefore the indicative planting proposals are unlikely to adversely worsen this.
- 6.41 Owing to the separation distances and orientation to the properties on School Walk/Station Street to the north, the proposed development would not give rise to adverse amenity harm to these dwellings.

*Noise and Disturbance*

- 6.42 The site is located close to 'The Railway' pub, its parking area and beer garden. A noise assessment was requested by HDC's Environment Team.
- 6.43 The noise survey included an assessment of the existing noise climate in the vicinity of the proposed residential development. The assessment of the existing noise climate in the immediate vicinity of the site indicated that it is typical of a sub-urban to semi-rural environment. During both the day and night time survey periods the existing noise climate was primarily influenced by road traffic and activity from the beer garden serving the adjacent Railway Arms public house. With reference to the night time period, as the survey was undertaken on one of the warmest evenings of the year, during which the beer garden was busy, it is anticipated that the survey conducted at this time captured possibly the worst case noise emission situation from this source.
- 6.44 The survey states 'Using the obtained noise levels from the assessments of the existing noise climate, calculations have been undertaken to assess the likely internal noise levels within the proposed residential dwellings, resulting from external noise break-in. The calculation results have highlighted that, applying the obtained noise levels relating to the existing noise climate and the sound insulation values assumed for the proposed building envelopes, the calculated internal noise climate within the proposed dwellings, resulting from external noise break-in, would not exceed the adopted design guide values. It should however be remembered that these calculations have been performed assuming closed windows but open ventilation provision. In addition it has been demonstrated that the existing afternoon/early evening noise climate would also comply with the adopted design guide values for external amenity areas. Based on the measured noise levels relating to the existing noise climate combined with the recommended sound insulation measures detailed in this report, it is suggested that the existing noise climate in the vicinity of the proposed development should not be regarded as an impediment to the granting of planning permission.'
- 6.45 As can be read in the final Environmental Health Officer's comments, they are satisfied with the submitted noise report and levels, however, are concerned that the report does not address potential overheating and whether this would require windows to be opened (in turn impacting the internal noise levels). Therefore officers recommend that a condition is imposed requiring an overheating assessment to be submitted to protect the amenity of future residents from overheating where close window acoustic treatment is proposed.
- 6.46 Should members be minded to approve the application it is recommended that a construction management plan be submitted to control noise/disturbance during the construction of the development given the constrained site, likely change in land levels and proximity to residential dwellings.

- 6.47 To conclude, conditions are recommended with regards to noise, overheating and construction management, subject to these conditions the proposal is judged to comply with policy GD8 of the HLP and H1 of the existing KNP.

#### **e) Flooding/Drainage**

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- 6.48 Policy CC4 of the HLP refers to sustainable drainage, the policy requires all major development to incorporate sustainable drainage systems (SuDS). Policy ENV8 of the KNP requires development to take account of its location, to includes SuDS where appropriate and not increase the risk of flooding downstream.
- 6.49 The application site is located in Flood Zone 1 with no identified critical drainage issues. The applicants have submitted a Flood Risk Assessment and SuDS strategy. The report shows that infiltration to ground is unlikely owing to clay soil found within the ground strata. The surface water strategy includes rainwater storage (through water butts), permeable paving, green roofs and the use of an attenuation tank. Surface water runoff is restricted for the entire development before it would then be discharged to the public combined sewer at a suitable rate.
- 6.50 Both the LLFA and Anglian Water have reviewed the proposals and drainage strategy and have raised no objection subject to conditions.

#### **f) Ecology**

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- 6.51 Policy GI5 of the HLP states that developments will be permitted when there will be no adverse impact on the conservation of priority species, irreplaceable habitats, nationally designated or locally designated sites, unless in all cases, the need for, and benefits of, the development clearly outweigh the impacts. Developments should also contribute towards protecting and improving biodiversity through protecting and enhancing habitats and populations of priority species. Policy ENV3 of the KNP states that development proposals should protect local habitats and species, in accordance with the status of the site, especially those identified as candidate (cLWS), proposed (pLWS) or validated Local Wildlife Sites (LWS), or those covered by relevant English and European legislation, and, where possible, to create new habitats for wildlife. Policies ENV2 and ENV5 relates to the protection of trees and hedges as outlined in para. 6.13.
- 6.52 Officers refer to the LCC Ecology consultee comments for full details. The bat survey of the existing building found one bat roost in the building proposed for demolition. The removal of the roost will require a licence from Natural England separate from the planning process. Officers recommend a condition requiring a bat mitigation scheme to be submitted, this should include integrated bat boxes within at least two of the new dwellings. Otherwise, the proposal would not harm other protected species.
- 6.53 With regards to Biodiversity Net Gain (BNG) there is currently no mandatory minimum level of 10% BNG, however, as outlined in policy G15 developments should contribute to improving biodiversity. Furthermore, the NPPF (180. d)) states that 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'. The applicants have submitted a BNG calculation and plan which suggest a 23% net gain. The LCC ecologist suggests this is "extremely over ambitious" and as such they would not take

the 23% net gain as having any validity. Notwithstanding this, the ecologist has not requested another BNG metric/plan to be produced. LCC are satisfied that providing all new trees and sections of hedgerow comprise native species, bat roosting features are incorporated into some of the new dwellings (in appropriate locations/aspects) and that green roofs that can actually be constructed are specified that the development can achieve some Net Gain. As requested by LCC a condition is recommended requiring a detailed landscape plan for enhancing biodiversity (including details of the green roofs) to be submitted and approved.

- 6.54 As referenced in the objection comments Japanese Knotweed was historically found on the site. This was initially dealt with in January 2021. Following concerns raised during the planning application that it had resurfaced the applicants investigated the matter and found that it had. The control of Japanese Knotweed is covered by separate legislation and the applicants have contacted specialists to handle its removal, an insurance policy is in place. It is however important that invasive species are managed during the construction of the development, therefore as part of the Construction Management Plan condition it is recommended that the details submitted include measures for the eradication of and monitoring of invasive non-native species.
- 6.55 Subject to the aforementioned conditions the proposal is judged to comply with policies GI5 of the HLP and ENV2 and 3 of the KNP and emerging KNP.

#### **g) Archaeology**

- 6.56 An archaeological desk-based assessment was submitted with the application. The desk-based assessment found that on review of the Historic Environment Record and location, potential for finding archaeological remains is moderate. LCCs archaeology department therefore recommend that a WSI is submitted (by condition). Subject to this condition the application complies with policy HC1 of the HLP.

#### **h) Climate Change**

- 6.57 As a major development policy CC1 of the HLP is also relevant to this proposal. The policy states that development will be permitted where it demonstrates:
- a. how carbon emissions would be minimised through passive design measures;*
  - b. the extent to which it meets relevant best practice accreditation schemes to promote the improvement in environmental and energy efficiency performance;*
  - c. how the development would provide and utilise renewable energy technology;*
  - d. whether the building(s) would require cooling, and if so how this would be delivered without increasing carbon emissions;*
  - e. how existing buildings to be retained as part of the development are to be made more energy efficient;*
  - f. how demolition of existing buildings is justified in terms of optimisation of resources in comparison to their retention and re-use; and*
  - g. how carbon emissions during construction will be minimised.*



- 6.58 Policy H4 of the KNP states that developments, where appropriate, should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency.
- 6.59 HDC's Environment Coordinator is satisfied that the development complies with policy CC1. The dwellings are designed to be zero carbon and net-zero homes ie they will generate as much energy as they consume in a year. The submitted 'Design and Access Statement' details the use of 'Wondrwall'- who are said to be the world leader in intelligent home management and renewable energy technology. The company has a range of home automation, clean energy and efficient heating products. Specifically, the plans include solar panels (with battery storage), EV charging points for all dwellings and intelligent light, heating and hot water systems.
- 6.60 Officers consider that the proposal complies with policy CC1 of the HLP and H4 of the KNP. A condition is recommended ensuring compliance with the submitted Design and Access Statement.

#### **i) Air Quality and Land Contamination**

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- 6.61 Policy GD8 of the HLP requires that developments identify the need for any decontamination and implement this to an agreed programme and that they should ensure that any contamination is not relocated elsewhere. Policy T6 of the KNP states that planning decisions should take account of the impact on air quality in the Plan area, supporting proposals which will result in the improvement of Air Quality or minimise reliance upon less sustainable forms of transport.
- 6.62 HDCs Environment Team have reviewed the proposal and have raised no concerns with regards to air quality. In terms of land contamination, conditions are recommended in Appendix A requiring submission of contamination reports. Subject to this condition the proposal complies with the aforementioned policies.

#### **i) Land stability**

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- 6.63 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to land instability. In this case whilst the land levels vary between the site and the surrounding residential properties there are no identified issues with land instability and existing retaining structures would be retained. The suggested landscaping condition includes a requirement for details of retaining structures to be submitted which is considered to satisfy this issue.

#### **k) S106 Obligations and Affordable Housing**

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- 6.64 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).
- 6.65 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”.

6.66 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.

6.67 These legal tests are also set out as policy tests in the NPPF.

6.68 Policy IN1 of the HLP 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 policy H2. More detailed guidance on the level of District and County contributions is set out in the HDC Planning Obligations Supplementary Planning Document (2022) and the Leicestershire County Council Planning Obligations Policy (July 2019).

6.69 As the net gain of dwellings is 10 dwellings (rather than 11) affordable housing and public open space obligations are not triggered. LCC Education and Libraries' have also advised no contributions are necessary. The PCT has been consulted but no comments have been received. Financial contributions are however sought from Highways, Civic Amenities, Waste Management and Community Facilities.

6.70 The requests received are considered CIL compliant as outlined in Appendix B.

## **I) Material Considerations**

6.71 Section 149 of the Equality Act 2010 created the public sector equality duty. It states:-  
*“A public authority must, in the exercise of its functions, have due regard to the need to:*

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

6.72 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act, 2010, in the determination of this application.

## **7. The Planning Balance / Conclusion**

7.1 The site is in a sustainable location within the existing built form of Kibworth Beauchamp, the principle of development and mix accords with the HLP. The proposal by virtue of it being ‘major development’ does not strictly comply with policy H1 of the existing KNP, however, the net gain in residential units is 10 thus the proposal does adhere to the spirit of the policy. The proposal accords with the site allocation within the emerging KNP which can be given limited to moderate weight and no objections to the principle of development have been raised by Kibworth Beauchamp Parish Council. Therefore overall the principle of development is judged to be acceptable.

- 7.2 Officers consider that following the amendments the scale, density and layout of the proposed development is acceptable and would be in keeping with the surrounding built form. However, the loss of the existing building would lead to less than substantial harm to the character of the Conservation Area which must be weighed against the public benefits of the proposed development.
- 7.3 In terms of the three strands of sustainable development, social benefits include that the proposal would contribute to the supply of housing in a sustainable location, close to the village centre and in particular small residential units on a site which is allocated in the emerging KNP. Future residents may use and support local services, facilities and businesses and therefore the proposal is likely to make a positive contribution to the local economy. The construction of the development would also create opportunities for local builders, tradesmen and merchants. The environmental benefits are less defined as it is unclear as to the level of net gain, however, it is clear that some level of net gain could be achieved and no ecological harm has been identified. The dwellings would achieve net-zero and would utilise renewable energy proposals and the applicants have addressed how they would mitigate against the effects of climate change. The public benefits are considered to outweigh the less than substantial harm identified.
- 7.4 Officers consider that following amendments, the proposal would not give rise to adverse residential amenity harm. And subject to conditions the highway arrangements and other technical matters comply with the relevant policies of the HLP and KNP.

## **Appendix A- Conditions/Informatives**

### **APPENDIX A- Planning Conditions and Informatives**

#### **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 is in accordance with the approved plans and documents:

Site Location Plan 1627 LOC Rev B

Proposed Site Plan 1627 P07 Rev D

Proposed Flats 5-9 1627 P09-1 Rev C

Proposed Plot 10 & 11 1627 P09-2 Rev B

Proposed Apartment Building 1627 P10 Rev A

Proposed Visibility Splays 1627 P24 Rev A

Flood Risk Assessment and SuDS Strategy (C022/077/02)

**REASON:** For the avoidance of doubt.

### **3. Construction Method Statement**

No development (including any site clearance/preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development:

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of construction materials
- c) wheel cleaning facilities and road cleaning arrangements;
- d) measures to control the emission of dust and noise during construction;
- e) a timetable for the provision of the above measures (a-d)
- f) scheme for recycling/disposing of waste resulting from site preparation and construction works;
- g) hours of construction work, site opening times, hours of deliveries and removal of materials;
- h) full details of any piling technique to be employed, if relevant;
- i) location of temporary buildings and associated generators, compounds, structures and enclosures
- j) routing of construction traffic
- k) measures for the eradication of invasive non-native species
- l) details of ongoing invasive non-native species monitoring
- m) Contact details for site manager, including how these details will be displayed on site.

The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general, to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users and to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area and to ensure the control of invasive non-native species. Having regard to Harborough Local Plan Policy GD8 and GI5 and the National Planning Policy Framework.

### **4. Public Right of Way Treatment**

No development shall take place until a scheme and timetable for delivery for the treatment of Public Rights of Way B2 has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction (including any arrangements for a temporary diversion) fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the approved scheme and timetable.

REASON: To protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2021 and having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5

### **5. Levels**

No development shall commence on site until details of existing and proposed levels have been submitted to and approved in writing by the Local Planning Authority. The

details shall include finished ground floor levels of all buildings in relation to the existing and proposed site levels, the adjacent highway and adjacent properties (if relevant), together with details of the levels of all accesses (to include pathways, driveways, steps and ramps). The development shall only be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and the amenities of occupiers of adjoining dwellings, having regard to Harborough Local Plan Policy GD8 and HC1, The Kibworth Villages' Neighbourhood Development Plan Policy H4 and the National Planning Policy Framework.

## **6. Risk Based Land Contamination Assessment**

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

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

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

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings • Or any documents which supersede these.

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

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014
- Or any documents which supersede these.

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

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 170, 178 and 179 of the NPPF and Harborough Local Plan Policy GD8.

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

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

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

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

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

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 170, 178 and 179 of the NPPF and Harborough Local Plan Policy GD8.

#### **8. Overheating Assessment**

No above ground development shall commence on site until an overheating assessment has been submitted to and approved by the Local Planning Authority. The assessment shall have regard to the submitted Noise Assessment by Leema Technologies Ltd. Should the overheating assessment require amendments to the noise assessment, a revised noise assessment shall be submitted to and approved by the Local Planning Authority.

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

#### **9. Bat Mitigation Scheme**

No development (including ground works, vegetation clearance or demolition) shall take place until a bat mitigation scheme has been submitted to and approved in writing by the LPA. This is to include details of integrated bat boxes within at least two of the new dwellings. The location and type of boxes to be used shall be detailed on all relevant plans. All works are to proceed strictly in accordance with the approved scheme.

REASON: To enhance the biodiversity of the area, having regard to Harborough Local Plan Policy G15, and the National Planning Policy Framework.

#### **10. Written Scheme of Investigation**



No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. 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, recording, dissemination and archiving.

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of Harborough Local Plan Policy HC1 and the National Planning Policy Framework .

## **11. Arboricultural Method Statement**

No development shall commence on site, including site clearance and preparation works, until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall include numbering and categories of all trees, details of trees to be retained, details of root protection areas, routeing of service trenches, overhead services and carriageway positions and any details of “no-dig” techniques for roadways, paths or other areas, along with associated use of geotextiles, and an indication of the methodology for necessary ground treatments to mitigate compacted areas of soil.

No development shall commence on site, including site clearance and preparation works, until the trees have been protected in accordance with the approved Arboricultural Method Statement.

REASON: To safeguard the character and appearance of the development and the surrounding area having regard to Harborough Local Plan Policies GD2, GD8, The Kibworth Villages’ Neighbourhood Development Plan Policies H4 and ENV2 and the National Planning Policy Framework.

## **12. Landscaping plan**

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

- a statement setting out the design objectives and how these will be delivered and how they will enhance biodiversity
- planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes, types, forms and proposed numbers/densities where appropriate;
- earthworks showing existing and proposed finished levels or contours;
- details of the type of green roofs to be installed
- means of enclosure and retaining structures;
- boundary treatments;
- hard surfacing materials;
- lighting, floodlighting and CCTV;

- an Implementation and Management Programme, including phasing of work where relevant

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

REASON: To ensure that the development includes landscaping, planting, boundary treatments and surfacing materials which are appropriate to the character and appearance of the development and the surrounding area, to protect drainage interests (promote sustainable drainage) and highway interests (prevent deleterious material and surface water entering the highway) having regard to Harborough Local Plan Policies GD2, GD5, GD8, and CC4, The Kibworth Villages' Neighbourhood Development Plan Policies H4, ENV2, ENV3 and ENV8 and the National Planning Policy Framework.

### **13. Materials to be submitted/approved**

Prior to construction of any external walls, details of all external materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be carried out in accordance with the approved details.

REASON: To safeguard the appearance of the development and the character and appearance of the area, having regard to Harborough Local Plan Policy GD8 and HC1, The Kibworth Villages' Neighbourhood Development Plan Policy H4 and the National Planning Policy Framework.

### **14. Access Arrangements**

No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Staniforth Architects drawing number 1627-07 Rev.B 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 having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5 and the National Planning Policy Framework.

### **15. Vehicular Visibility Splays**

No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5 and the National Planning Policy Framework.

### **16. Pedestrian Visibility Splays**

No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5 and the National Planning Policy Framework.

**17. No gates, barriers, bollards etc to the access**

Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5 and the National Planning Policy Framework.

**18. Parking and Turning**

The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Staniforth Architects drawing number 1627-07 Rev.B. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5 and the National Planning Policy Framework.

**19. Compliance with Energy Efficiency Strategy**

The development hereby approved shall be carried out in accordance with the submitted Energy Efficiency details outlined in the 'Design and Access Statement'.

REASON: To ensure that the development is designed to reduce carbon emissions, contributes to the reduction of greenhouse gases and incorporates renewable energy technology having regards to Harborough Local Plan Policy CC1, Kibworth Neighbourhood Plan Policy H4 and the National Planning Policy Framework.

**20. Compliance with the Noise Assessment**

Unless otherwise agreed in writing when discharging condition 8, the development shall be carried out in accordance with the submitted Noise Assessment by Leema Technologies Ltd.

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

**21. 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.

## **22. 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.

## **23. Long term maintenance of 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.

## **Informatives**

Building Regs

Party Wall

Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

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.

The Public Right of Way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

The Public Right of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.

If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.

Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

No new gates, stiles, fences, or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway

Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way, and the County Council may be obliged to require its immediate removal.

It is noted that new pedestrian gates leading from the proposed new properties are proposed to be installed. These must not interfere with free passage of pedestrians along the public footpath.

It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of dark smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.

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

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

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

Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/scrub/hedges should take place outside the breeding season (March - July inclusive) unless carefully checked beforehand by a suitably qualified person.

## **Appendix B- S106 Table**

<b>Request by LCC</b>	<b>Highways</b>		
<b>Amount /Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
1. Contribution towards improvements to the wider highway network along the define A6 corridor  £7,000	TBC	1. To accommodate the wider growth in the areas identified within the A6 study report.	Harborough District Local Plan  Harborough District Council Planning Obligations Supplementary Planning Document 2022  Leicestershire Planning Obligations Policy Adopted 10 <sup>th</sup> July 2019
<b>Request by LCC</b>	<b>Waste/Civic Amenities</b>		
<b>Amount /Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
1. Contribution of £446.10 towards the Kibworth RHWS	TBC	The nearest RHWS to this development is Kibworth RHWS and the proposed development of 10 dwellings would create additional pressures on the site.	Harborough District Local Plan  Harborough District Council Planning Obligations Supplementary Planning Document 2022  Leicestershire Planning Obligations Policy Adopted 10 <sup>th</sup> July 2019
<b>Request by HDC</b>	<b>Waste Management</b>		
<b>Amount /Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
£1108.58	TBC	Effective household waste management is important in developing sustainable communities. One of the demands on a growing	Harborough District Local Plan

		community is the need to be able to deal with household waste management	Harborough District Council Planning Obligations Supplementary Planning Document 2022
<b>Request by HDC</b>	<b>Community Facilities</b>		
<b>Amount /Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
£7621  Projects identified in the Built Facilities Strategy – <b>Section 14 Village and Community Centres</b> for the Kibworth Area.	100% prior to commencement of development	HDC Planning policy states that for a development of this scale, a community facilities contribution is required to make this development acceptable in planning terms	Harborough District Local Plan  Harborough District Council Planning Obligations Supplementary Planning Document June 2022  Community Facilities Refresh Assessment May 2017  Built Sports Facilities Strategy 2019



## Planning Committee Report

**Applicant:** Mr G H Robinson

**Application Ref:** 22/01596/FUL

**Location:** Woodhouse Farm, Back Lane, East Langton

**Proposal:** Conversion of existing agricultural building into 2 holiday lets

**Application Validated:** 31.08.2022

**Target Date:** 26.10.2022

**Consultation Expiry Date:** 13.10.2022

**Site Visit Date:** 15.09.2022

**Case Officer:** Adrian Eastwood

**Reason for Committee Decision:** Call in by Cllr Knowles on grounds of transparency.

**Parish / Ward:** Kibworth

## Recommendation

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

### 1. Site & Surroundings

- 1.1 The application site is located to the west of East Langton. It is accessed via Back Lane.
- 1.2 There is an existing agricultural building on the site. It has dimensions of 8.7 x 15.1. The building is of metal frame & sheet construction and is located to the south of the site. It is in use for general equipment storage. The site itself appears a smaller part of the larger Woodhouse Farm with its small grouping of agricultural buildings.



*Figure 1. Aerial View*

- 1.3 The site has an existing access track leading to Back Lane. This track also forms the western boundary and serves other properties to the south (shown as Grange Farm on some plans – now a residential courtyard development). The site has a sylvan character having a group of trees and a hedge to the western boundary.

## **2. Site History**

2.1 The site has the following relevant planning history:

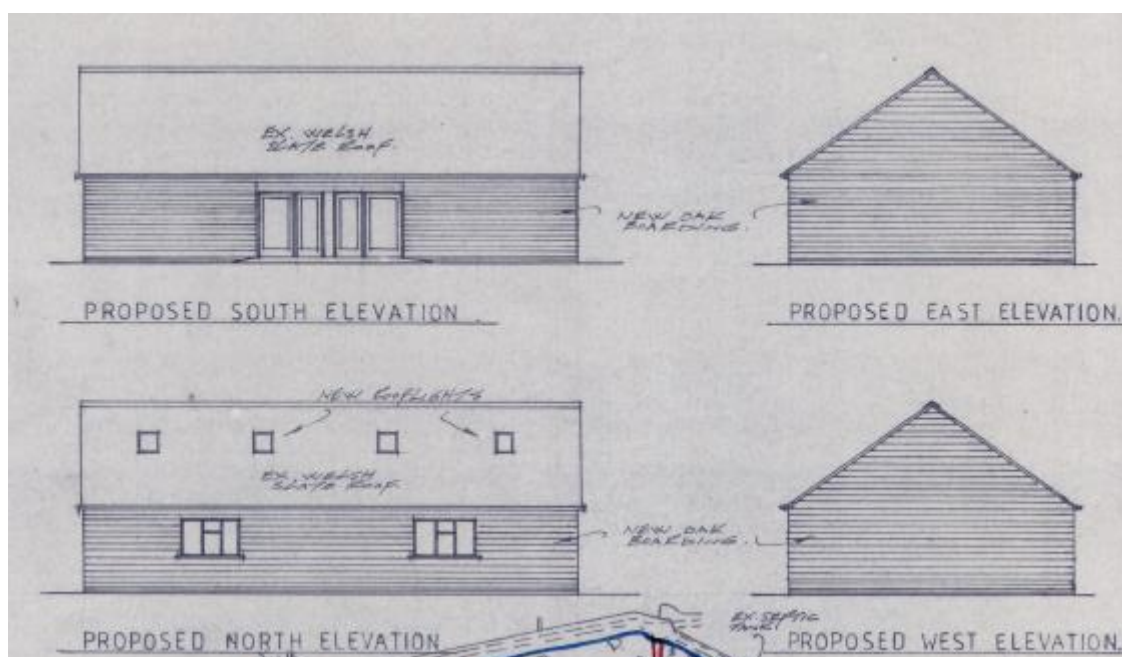
- 16/00869/AGR - Erection of an agricultural storage building. Approved.
- 13/00842/AGR - Erection of agricultural building for machinery storage and feed. Permitted development.
- 17/01754/FUL. Change of use of agricultural storage building to include housing livestock (retrospective). Approved.

## **3. The Application Submission**

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

3.1 The proposal seeks to convert the agricultural shed into 2 holiday lets.

- 3.2 The holiday lets are each proposed with two bedrooms in the roof space over a ground floor kitchen/ dining lounge. Relatively small window openings and rooflights are to be created.



- 3.4 There is space within the site for vehicular parking.

## b) Documents submitted

### i. Plans/Documents

- 4.1 The application has been accompanied by the following plans and documents –
- Site Location Plan
  - Proposed Site Plan
  - Proposed Elevations
  - Proposed Floor Plans

## c) Pre-application Engagement

- 4.2 No pre-application advice given.

## 5. Consultations and Representations

- 5.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 8<sup>th</sup> September 2022 including a site notice put up on 15<sup>th</sup> September 2022.
- 5.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

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

##### **East Langton Parish Council**

- 5.3 No objection.

##### **HDC Environment Team**

- 5.4 No objections from a noise perspective. Suggest conditions for assessment of any contamination.

##### **LCC Highways**

- 5.5 **Advice to Local Planning Authority**  
Site Access/Highway Safety

The Applicant is proposing to utilise the existing access onto Back Lane. The existing access is on the southern extent of Back Lane, approximately 290m to the east of the junction of Back Lane/Melton Road. Back Lane is an adopted, unclassified road subject to a 60mph speed limit. Whilst the LHA acknowledge the Applicant is proposing to use the existing access, it is evident that visibility splays in both directions are substandard in terms of Table DG4 of Part 3 of the Leicestershire Highway Design Guide (LHDG), which requires visibility splays of 2.4m by 215m in both directions at the site access. However, the LHA accept that given the road is single track and rural in nature, speeds are likely to be lower than posted. It is also accepted that the agricultural nature of the existing building will have created trips in its own right, and that that proposals are likely to lead to a decrease in turning movements of slow moving vehicles into the site. The LHA has checked its Personal Injury Collision (PIC) database and find there have been no recorded PICs along the length of Back Lane within the last five years. The LHA therefore has no pre-existing highway safety concerns regarding this location.

##### Internal Layout

The Applicant is proposing 2 x two bedroom holiday lets, given the location of the site it is likely to be vehicle reliant. The 'Existing and Proposed Plans' demonstrates there is adequate provision to the front of the holiday lets for 4 vehicles, this is in accordance with LHDG standards in terms of paragraph 3.151 (quantity) and 3.165 (Dimensions). Whilst the Applicant has not demonstrated turning, the LHA are satisfied there is adequate space within the site to ensure vehicles can access and egress the site in a forward gear. Taking the above into consideration, the LHA would not be able to demonstrate the proposals would have a severe impact on the highway contrary to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) 2021. As such the LHA would not seek to resist the proposals.

## **b) Local Community**

5.6 No comments have been received from residents.

## **6. Planning Policy Considerations**

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

### **a) Development Plan**

6.2 The DP for Harborough comprises:  
The Harborough District Local Plan adopted April 2019

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

East Langton Parish Neighbourhood Plan Review 2011-2031 (Made).

The below policies are considered most relevant to this application

- H2 – Settlement boundaries and appropriate development in countryside.
- E2 – Re-use of agricultural or commercial buildings.
- DBE3 – Design
- ENV8 – electric vehicles.
- T1 – traffic management

### **b) Statutory Duties, Material Planning considerations and other relevant documents**

6.3 Material considerations include any consideration relevant in the circumstances which has a bearing on the use or development of land.

- Planning (Listed Buildings and Conservation Areas) Act 1990-Sections 66 (1) & 72 (1).
- The National Planning Policy Framework ('the Framework') 2019
- Planning Practice Guidance
- The Leicestershire County Council Highways Design Guide (2018)
- Development Management SPD (December 2021)
- *National Planning Practice Guidance*

## 7. Assessment

### a) Principle of Development

7.1 Policy SS1 of the Harborough Local Plan (HLP) identifies the Spatial Strategy for Harborough District. As the application site is within the countryside, it is assessed under policy GD3 of the Local Plan. This policy allows for appropriate development such as tourist accommodation. The principle of a holiday let in this location does not accord with the spatial strategy outlined in the HLP, policies SS1 and GD3. East Langton Parish Neighbourhood Plan (ELPNP) Review 2011-2031 policy H2 (c) states that appropriate development in countryside includes rural tourism that respects the character of the countryside. ELPNP policy E2 states re-use of agricultural or commercial buildings will be supported subject to criteria (a- e) including the use is appropriate to the location and the local road system is capable of accommodating traffic.

### b) Design and Visual Amenity

7.2 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. 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. ELPNP policies DBE3 – Design requires all development to reflect character and context of existing and sets out criteria a) to i).

7.3 The site itself is not publicly accessible and is well screened by trees and vegetation. Only glimpsed views at best shall be available from surrounding land. The site is rural in nature, the existing agricultural shed does not have architectural merit but is a typical agricultural building which is commonplace within the rural landscape.





- 7.4 The design is simple with new openings minimal. It is considered to respect the agricultural nature of the wider site and the current building. The material choice both reflects the existing building (timber cladding and slate) and materials found locally.
- 7.5 In terms of the wider landscape impact, there are no formal landscape designations and officers don't consider that the landscape setting represents a "valued landscape". Views of the proposal would be localised and whilst seen against the backdrop of the trees and Woodhouse Farm. It will not be harmful to the wider landscape. The localised landscape is attractive countryside. There are scattered residential developments in the immediate landscape such as that at nearby Mallard House and The Barn. The proposal is similar to the existing building, the scheme is not considered to cause additional harm to the landscape. The design, drawing from that existing agricultural building, and the materials are appropriate for the area.
- 7.6 Therefore overall, the design of the proposals is considered to respect and be inspired by the surroundings. The scale of the building is modest within context of area. Considering the presence of the existing building and the comparable siting of the



proposed dwelling, the scheme is not considered to harm the landscape setting. Therefore, the proposal accords with policies GD5, GD8 of the HLP and ELPNP policies H2, E2 and DBE3.

#### c) Highways

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7.7 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.

7.8 The application site would be served by the existing access onto Back Lane, which is an adopted, unclassified, derestricted road. As Back Lane is derestricted it is subject to a 60mph speed limit, although given the nature of the road it is very unlikely vehicles using the road would achieve these speeds. LCC Highways have recorded no Personal Injury Collisions within the last five years.

7.9 LCC Highways query availability of visibility but note the type and nature of vehicular use. Its advice offers no objection. Sufficient space for vehicular parking is available within the site. To satisfy ENPNP ENV8 a condition can require a scheme for electric vehicle charging points at the site.

7.10 To conclude, officers consider that the proposal would ensure safe access, adequate parking and servicing areas including the safe, efficient, and convenient movement for all highway users and therefore complies with policies GD8 and IN2 of the HL and ENPNP T1.

#### d) Residential Amenity

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7.11 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 a level of activity, noise, vibration etc which cannot be mitigated to an appropriate standard. To objectively assess the impact of the proposed development upon existing residential amenity, the Council has adopted Supplementary Planning Guidance.

7.12 The proposed dwelling would be sited in excess of 100m from the nearest residential property. Therefore, the proposal is unlikely to give rise to significant harm to residential amenity.

#### e) Flooding/Drainage

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- 7.13 The site is within Flood Zone 1, with low probability of flooding as such accords with Policy CC3 of the HLP. As a minor development policy CC4 does not stipulate the provision of SuDS.

**f).. Contamination**

- 7.14 The HDC Environment Team has suggested conditions to effectively research and if necessary, mitigate any contamination. The current agricultural use will have introduced fertiliser and oil – from vehicles- to the site. As such subject to a condition requiring that the Environment Team recommendations of the report are adhered to, the proposal accords with policy GD8 of the HLP.

## **8. Conclusion**

- 8.1 The location of the proposal satisfies the aims of the Local Plan and East Langton Parish Neighbourhood Plan (ELPNP) Review 2011-2031 policy specifically contrary to GD3 of the Local Plan and (ELPNP) Review 2011-2031 policy H2 (c ) as the holiday let is appropriate in the countryside. The holiday let is modest in scale and considering the presence of the existing building the development is considered to respect local character and will not harm the appearance of the landscape. By virtue of the design, size and positioning the proposal would not adversely affect the amenity of local residents, nor lead to an unsafe highways situation, the proposal would not cause contamination risks, and is not at risk from flooding. The proposal is considered in accordance with Development Plan including Policies GD3, & GD8 of the HLP and ENLP H2 (c ).

## **ANNEXE A- PLANNING CONDITIONS**

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

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

- o Or any documents which supersede these.

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

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

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

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

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

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

3. Prior to occupation of the completed development, or part thereof, either
  - 1) If no remediation was required by Condition [insert Condition No.] a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Planning Authority, or
  - 2) A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to the whole development, or part thereof, shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
    - o Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
    - o Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
    - o Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;

- o Contain Test Certificates of imported material to show that it is suitable for its proposed use
- o Demonstrate the effectiveness of the approved Remedial Scheme; and
- o Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

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

4. The guest/tourist accommodation hereby approved shall be limited to one unit (shepherds hut), with no tents, caravans, motorhomes etc. on site and be occupied for holiday purposes only and in accordance with the following terms:
  - a.) Such occupation shall not exceed a continuous period of 30 days;
  - b.) The units shall not be occupied as a person's sole, or main place of residence; and
  - c.) A register of all guests shall be kept, including dates and durations of each stay by each guest, and the register shall be made available for inspection by the Local Planning Authority at 48 hour's notice.

REASON: The site is in a position where the Local Planning Authority, having regard to planning policies pertaining to the area, would not permit permanent residential accommodation and to preserve the development as short-term tourist accommodation to accord with Harborough Local Plan Policies GD3, GD4, GD8 and RT4 and the National Planning Policy Framework.

5. The development hereby permitted shall be carried out in complete accordance with the approved plans listed in schedule:  
'Existing and Proposed Plans', published on 31 August 2022

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

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with 'Existing and Proposed Plans', published on 31 August 2022. Thereafter the onsite parking provision shall be so maintained in perpetuity.

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

- 7 A scheme for the provision of electric vehicle charging within the site shall be submitted to and approved by the Local Planning Authority prior to first use of the holiday lets hereby approved and shall be permanently maintained thereafter.

Reason: To provide a sustainable transport option and comply with East Langton NP policy T1

Informative:

## 1. Building Regulations

## Committee Report

**Applicant:** Mr and Mrs Farquhar

**Application Ref:** 22/01733/FUL

**Location:** Silverdale, Stonton Road, Church Langton

**Proposal:** Erection of a two storey and single storey rear extensions, first floor rear extension, single storey side extension and erection of a front entrance lobby

**Parish/Ward:** East Langton

**Application Validated:** 28.09.22

**Application Target date:** 23.11.22

**Reason for Committee Consideration:** Cllr King call in- to consider design, impact on the adjoining Conservation area and impact on neighbouring residential amenity.

**Parish / Ward:** Kibworth

## Recommendation

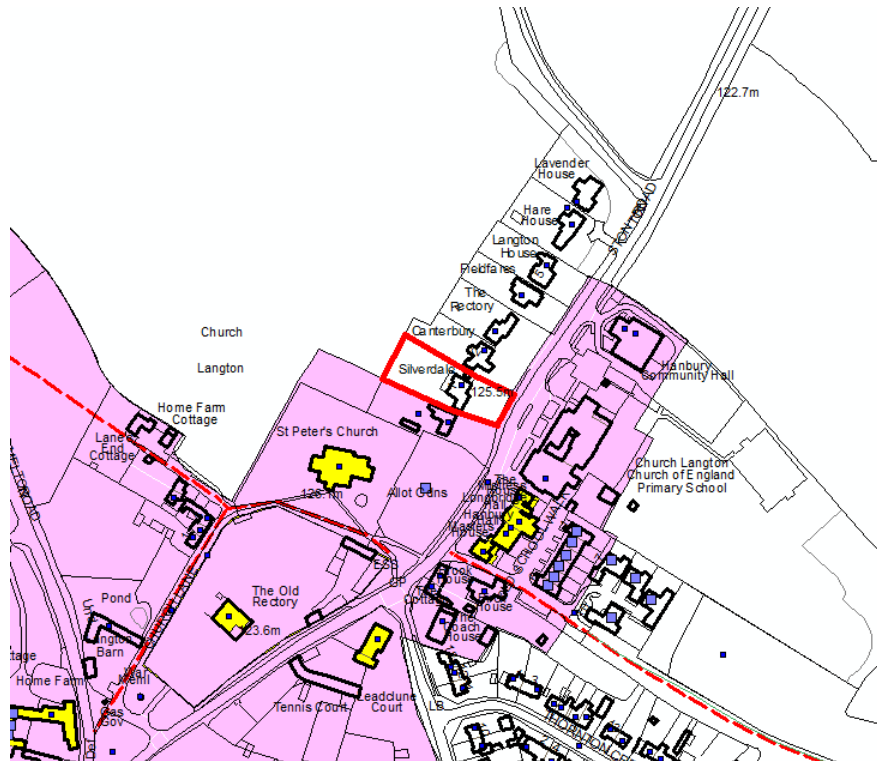
Planning Permission is **APPROVED**, for the reasons set out in the report, subject to

- Conditions at Appendix A.
- End of the consultation on amended plans which expires 30<sup>th</sup> November (see Supplementary Information for any further representations & update)

### 1. Introduction (including Site & Surroundings)

- 1.1 The site is within the village centre of Church Langton on the west side of Stonton Road. The site consists of a 1970's detached four bedroom dwelling with attached double garage set in a large plot with a deep front and rear garden, with an alleyway to both sides of the house.
- 1.2 The site has residential dwellings to both sides, a field to the rear and opposite is Church Langton primary school.

**Location Plan :**



**Application site**



## **2. Site History**

2.1 90/01083/3P Rear extension and alterations Approved

## **3. The Application Submission**

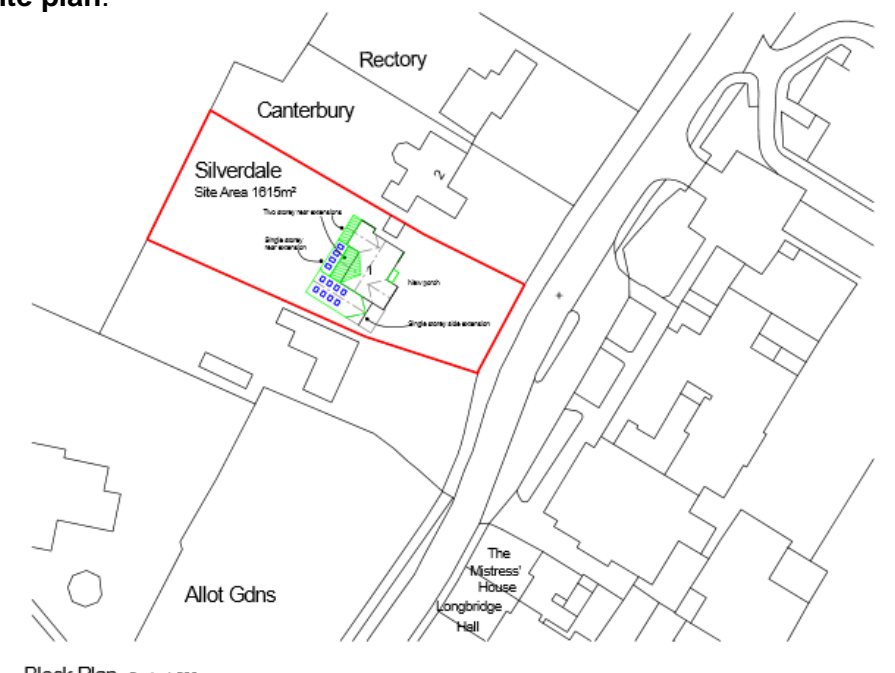


## a) Summary of Proposals

- 3.1 The original proposal involved the erection of a two storey side extension, single storey rear extension and porch to create a 5 bedroom property with games and TV room downstairs.
- 3.2 Revised plans were submitted removing the first-floor section of the side extension and erecting a two storey and first floor rear extension instead, therefore losing a bedroom, but making the existing bedrooms at the rear larger. In addition, the kitchen/diner has been enlarged. The porch extension remains unchanged.
- 3.3 There was no pre-application discussion with the Council on the proposal before submission.

Original scheme	Revised plans
	
	

### Revised Site plan:



## 4. Consultations and Representations

- 4.1 A summary of the technical consultees and representations received is set out below. Where appropriate the responses will be discussed in more detail within the main body of the report. If you wish to view the comments in full, please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)
- 4.2 5 Objections (one from a resident living outside of Church Langton village)
- Silverdale is visible from the old school buildings in the conservation area and from the rear of St. Peter's church
  - the scale and height of the extension would make Silverdale overbearing and visually intrusive to the conservation area and adjacent property
  - design is contrary to Neighbourhood Plan does not consider the dominating and extensive height, scale and mass of the house in relation to the surroundings
  - Silverdale has a height and footprint that exceeds the neighbouring property, therefore making Silverdale out of proportion, obtrusive and incongruous.
  - Overdevelopment due to width of plot with development towards the conservation area
  - loss of privacy
  - loss of natural light and overshadowing
  - noise from the proposed games room
  - Policies DBE3 'Design' and DBE1M 'Protection of the built environment, conservation areas and listed building of the recently Made East Langton Neighbourhood Plan
- 4.3 Parish: Neutral: Although the development is next to the Conservation Area do not consider the proposal unduly affects the street scene as most of its to the rear. However, more consideration should be given to the increase in height and potential loss of privacy, daylight, visual intrusion and noise.

Revised plans (consultation runs until 30<sup>th</sup> November – see Supplementary Information for any further representations & update)

- 4.4 3 Objections (two from the same household)
- house extended beyond the buildings line to the rear, extensive scale and mass will make the rear extension obtrusive and overbearing affecting visual amenity and privacy, and there is a clear view from churchyard and other structures of local significance.
  - Impact of rooflights on the conservation area;
  - lack of spacing between plots would mean they appear joined.

## **5. Planning Policy Considerations**

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

### **a) Development Plan**

- 5.2 The DP for Harborough comprises:
- The Harborough District Local Plan adopted April 2019
  - East Langton Parish Neighbourhood Plan Review 2011-2031 (Made).

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

5.3 Material considerations include any consideration relevant in the circumstances which has a bearing on the use or development of land.

- Planning (Listed Buildings and Conservation Areas) Act 1990-Sections 66 (1) & 72 (1).
- The National Planning Policy Framework ('the Framework') 2019
- Planning Practice Guidance
- The Leicestershire County Council Highways Design Guide (2018)
- Development Management SPD (December 2021)

## **6. Officer Assessment**

### **a) Impact upon the street scene.**

- 6.1 As this application is for the erection of an extension to a dwelling-house within the village boundary, the site is also adjacent to the conservation area boundary (see purple area on Location Plan). Policies GD8 and HC1 of the Harborough Local Plan are relevant in the consideration of the above proposal.
- 6.2 Policy GD8 states that development will be permitted where it achieves a high standard of design, by ensuring development is inspired by, respects and enhances the local character and distinctiveness of the settlement, is sympathetic to local vernacular, and respects the context and characteristics of the individual site, street scene and wider local environment. In addition, the policy seeks to minimise the impact upon the amenity of future and existing residents and provide safe access and adequate parking.
- 6.3 HC1 Built Heritage states that development affecting heritage assets and their setting will be permitted where it protects, conserves and enhances the significance, character and setting of the asset. Development within or affecting a conservation area will be permitted where it preserves and enhances the character and appearance of the conservation area.
- 6.4 SPD Note 6 states that extensions should be in keeping with and subservient to the original building in terms of scale, mass and design. Extensions should also not result in an adverse loss of privacy or have an adverse overbearing or overshadowing impact.
- 6.5 East Langton Parish Neighbourhood Plan Review (ELPNPR) (Made) relevant policies are DBE1 Protection of the built environment: conservation areas and listed buildings and DBE3 – Design, although extensions are not mentioned, however the list isn't exhaustive, and the policy states all development.

**Policy DBE1: PROTECTION OF THE BUILT ENVIRONMENT: CONSERVATION AREAS AND LISTED BUILDINGS** - Proposals within a Conservation Area as defined in figures 5 and 6 above or affecting the setting of these Conservation Areas or a Listed Building will be expected to preserve and enhance them, in accordance with local and national planning policies.

**Policy DBE3: DESIGN** - This policy will apply to all new commercial and residential developments, including one or more houses, and replacement dwellings.

All development should continue to reflect the character and historic context of existing developments within the Parish. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from this historic context. The following criteria should be met:

- a) The design of developments should recognise the distinctive local character of the Parish and sensitively contribute to creating dwellings of a high architectural and rural quality;
- b) Materials in any new development should complement the established vernacular in the use of natural, local resources and colours;
- c) Height should be restricted to two storey with careful design of roof elevations particularly on rising ground. In general, clay, slate or stone roofing materials should be used;
- d) Flat roof dormer windows and Velux-style windows, where permission is required, should be avoided;
- e) Enclosure of plots should be of native hedging, rural wooden fencing, or brick wall of rural design;
- f) Developments should be enhanced by landscaping with existing trees and hedges preserved whenever possible;
- g) Any new development adjacent to a listed building or buildings of historic interest and/or open space as defined in Policy DBE1 & DBE2 should be sensitively designed to conserve and enhance the setting form and character of the building and/or space;
- h) Development should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, as appropriate; and
- i) The following items must also be considered early in the design process and sympathetically integrated into the overall scheme:
  - 1. Screened bin stores and recycling facilities
  - 2. Cycle stores
  - 3. Meter boxes
  - 4. Flues and ventilation ducts
  - 5. Gutters and pipes
  - 6. Satellite dishes and telephone lines
  - 7. Lighting

6.6 The proposed long cat-slide roof results in a subordinate extension to the main dwelling, due to the design (sloping roof raking away from the frontage) and as it is set behind the existing front gable to the house. It is also noted that the proposed roof ridge is set lower than the existing roof ridge and it is only marginally forward of Trinity House, plus there is a 3m gap, therefore it is not considered visually overbearing upon Trinity House.

6.7 The proposed extension is also designed in keeping with the design of the house and the property is similar in design and age as the other dwellings northwards of the site. It is noted that Canterbury (adjacent to the site) and The Rectory have long cat slide roofs projecting forward of the main dwelling. The proposed cat-slide roof is therefore in keeping with the existing dwelling and surroundings.

6.8 The proposed porch is small scale and designed in keeping with the existing dwelling, therefore it does not adversely affect the visual amenities of the area.

**View of Canterbury and The Rectory, Stonton Road, Church Langton (neighbouring properties to the application site-north) [Google street-view]**



- 6.9 The site is not within the conservation area and views of the Church as you enter the village will not be affected by the proposal as the extension comes no further forward than the existing garage, the house is already well set back from the road and there is an intervening house beyond (Trinity House), which on the site visit was noted to be very deep. Whilst Trinity House is a well-designed modern house, it is not protected for its own sake as it is not a listed or non-designed heritage asset. Both dwellings are also of a similar height of 7.55m and the gap of two alleyways between dwellings means that they do not appear as one, as the proposed extension is a sloping roof to the front and not a wall.
- 6.10 Revised plans were submitted following residential amenity concerns (see section below). This removed the first-floor side extension, therefore the only extensions visible from the road now is the proposed porch (see para.6.8). Consequently, the front rooflights that are mentioned in the ELPNPR DBE3 (d) are removed and the rear rooflights that remain are only on the single storey section, therefore hardly visible.
- 6.11 However, third party concerns were raised about the massing of the rear extensions and the impact upon the conservation area. At present there is one existing rear gable the proposal will result in two rear gables. The dwellings at the rear have various rear projections, Trinity House has a very deep rear projection creating a dwelling 12m deep (two storey) 16m deep in total. Silverdale proposed extensions will also result in 12m deep dwelling and are designed in the similar way to Trinity House.
- 6.12 The southern rear gable is only 2.3m deep, the other gable adds 1.7m depth to create a rear gable 4.6m deep. Trinity House is closer to heritage assets, therefore has a greater impact upon views from the Church than the proposed extensions. The proposed rear extensions are designed in keeping with the existing dwelling, set lower than the existing roof ridge and the massing broken up by the gables. They are seen against the existing built form of the dwelling and do not interrupt views of heritage assets. Therefore, the revised proposal does not adversely affect the visual amenities of the area and the setting of the Conservation Area, and as such



conforms with Policies HC1 and GD8 of the Harborough Local Plan and DBE1 and DBE3 of the East Langton Neighbourhood Plan Review.

#### **b) Residential amenity**

- 6.13 Policy GD8 of the Local Plan states that development will be permitted where it is designed to minimise impact on the amenity of existing and future residents.
- 6.14 The two nearest and only neighbouring properties affected by the proposal are Trinity House to the south and Canterbury to the north. Trinity House is a modern detached dwelling constructed approximately 3 years ago. Canterbury House is like the application site a 1970's detached dwelling.
- 6.15 Trinity House sits alongside and slightly forward of Silverdale's garage and alleyway. In the side elevation of Trinity House at first floor level are three windows; two ensuite windows and a bedroom window and at ground floor a secondary kitchen window. The Council doesn't protect light to non-habitable rooms, however, in this case the bedroom window with obscure glazing is the only window to this room. It is considered that the window due to its north facing aspect will not be adversely affected by loss of sunlight, however, the proposed wall to the first-floor extension will result in an adverse overbearing impact upon existing residents. Therefore, amended plans were sought.
- 6.16 Revised plans have now set the two-storey extension directly behind the house, the resultant separation distance of approximately 8m means it is now not considered adversely overbearing, particularly as the obscure glazing limits visibility.
- 6.17 The views from the rear windows are angled and of the middle of the garden, as views of the private amenity space of Trinity House are obscured by the existing dwelling, therefore there is no adverse loss of privacy.
- 6.18 Canterbury House was not adversely affected by the original single storey rear extension. The addition to the existing two storey rear gable extension of 1.7m two storey rear extension is still acceptable due to the separation distance of 6m and limited projection beyond the rear elevation of Canterbury House. The juliet balcony will have angled views of the middle and end of the rear garden, therefore there is no loss of privacy.
- 6.19 The revised proposal therefore does not adversely affect existing residents amenity and as such is in accordance with Policy GD8 of the Harborough Local Plan.

#### **c) Access and parking**

- 6.20 The existing dwelling has four bedrooms, the revised proposal has four bedrooms, therefore there is no additional requirement for parking spaces. Although it should be noted that there are plenty of off-street parking spaces. The proposal therefore accords with Policy GD8 of the Harborough Local Plan.

#### **7. Conclusion**

- 7.1 The revised plans do not adversely affect the visual amenities of the street scene, setting of the conservation area, residential amenity and highway safety. The proposal therefore accords with Policies HC1 and GD8 of the Harborough Local Plan and Policies DBE1 and DBE3 of the East Langton Neighbourhood Plan Review.

#### **Appendix A – Suggested Conditions / Informative / Notes to Applicant**

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved revised plans:  
Location plan ref: 4926 1;  
Block plan ref: 4926 02B;  
Proposed elevation plans ref: 4926 07B & 08A; and  
Proposed floor plans ref: 4926 9 & 10.

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

3. All external materials used in the construction of the development hereby approved shall match in material, coursing, colour and texture those used on the existing building.

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

Informative:  
Building Regulations.