



## **Harborough Local Plan 2011-2031 Examination**

### **Responses to the Inspector's Initial Questions**

**Q24 – Q38**

**17<sup>th</sup> August 2018**

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## QUESTION 24

Q24.

*In Policy BE4, is “ancillary” the right word, since this would imply that development would be restricted to existing businesses? Should the policy say “for”?*

The use of ‘ancillary’ may not be the correct word, and ‘for’ would be more appropriate. BE4(1)a is intended to enable small scale development required to support the Bruntingthorpe Proving Ground uses listed. These uses are generally relatively low intensity in terms of built floorspace, jobs and thus traffic. The range of uses is closely controlled through the policy because of the rural location of the site and its limited accessibility.

BE4(2)a is intended to allow small scale development of existing uses at Bruntingthorpe Industrial Estate.

### Proposed modification to Policy BE4:

*1. Within the area of Bruntingthorpe proving Ground as defined on the Policies Map, development will be permitted where:*

*a. the proposed use is ~~ancillary to~~ **for** an existing legal and authorised use, namely the proving and testing of motor vehicles, vehicle storage, the aircraft museum and related tourism activity, car auctions, and aircraft recycling, maintenance and storage; or*

*. . . . .*

*2. Within the area of Bruntingthorpe Industrial Estate, as defined on the Policies Map, development for Class B1b, B1c, B2 and B8 uses only will be permitted if:*

*a. it is ~~ancillary to~~ **minor development for** an existing use, or*

## QUESTION 25

**Q25.**

*Is part 2 of the policy too restrictive to knowledge and creative businesses falling within Class B1(a)? Similarly should it not allow for incremental improvements?*

In accordance with the Framework, the Local Plan makes sufficient provision for Class B1(a) on other, more sustainable sites to accommodate office requirements, without needing to use relatively remote locations such as Bruntingthorpe.

Large-scale extension to the Bruntingthorpe Industrial Estate does not form part of the Plan's provision for employment uses due to the site's relatively remote location and is only justified in accordance with the criteria set out. The Local Plan's business allocations are sufficient to cater for knowledge and creative businesses, although they could be included in a proposed redevelopment of the industrial estate if they fall within Classes B1b (research and development) or B1c (light industrial).

Incremental improvements would be allowed under BE4(2)a. Improvements to the physical environment of the estate could be delivered as part of a comprehensive scheme included in a development brief or master plan in accordance with BE4(2)b.

## QUESTION 26

**Q26.**

*In respect of criterion f., what other modes of transport did the Council have in mind and how would these measures be implemented?*

This would be a matter for the Travel Plan to explore, but could potentially include provision of a dedicated bus service, enhancements to existing services or new provision also serving villages in the locality, as well as facilities to encourage and support cycling. Moreover the Travel Plan does not necessarily need to be just about other modes but could also cover such initiatives as car-sharing and electric vehicle charging facilities. Implementation would be through a condition or section 106 agreement attached to the planning permission for the development.

## QUESTION 27

*Q27.*

*Do Policy RT1 and the Harborough Retail Study and Update take into account the substantial existing and forecast changes to retail spending patterns, notably the growth in online sales?*

The Retail Study and Updates did make allowance within sales forecasts for on-line shopping, e-tailing and other Special Forms of Trading: see paras 3.14 – 3.21 of the 2013 Study, 2.14- 2.16 of the 2016 Update and 2.10- 2.12 of the 2017 Update.

The 2013 Retail Study states that “internet shopping figures for Harborough appear to be lower than the current national average, however internet sales in Harborough should increase in the future and this assumption is reflected in the allowance made for a growth in the proportion of non-store spending”.

It also states that “the implications [of online shopping] on the demand for retail space are unclear... growth in on-line sales may not always mean there is a reduction in the need for retail floorspace. Given the uncertainties relating to internet shopping and the likelihood that it will increase in proportional terms, this assessment has adopted relatively cautious growth projections for retail expenditure.”

The study adopts projections provided by Experian that suggest that the percentages of expenditure lost through online and other forms of shopping not using retail premises could increase to 5.6% and 16% for convenience and comparison goods respectively by 2030.

The 2016 Update states that “For both convenience and comparison spending, a reduction has been made for special forms of trading such as mail order, e-tail (non-retail businesses) and vending machines...[Experian] projections have been used to exclude expenditure attributed to e-tailing through non-retail businesses, which will not directly impact on the demand for retail floorspace.” The percentage shares adopted from Experian forecasts were 5.8% convenience and 14.6% comparison by 2031.

The 2017 Update uses the latest Experian projections which suggest that these percentage shares could be 5% convenience and 16.3% comparison by 2031.

The retail floorspace need figures set out in paragraph 7.1.3 of the Explanation to Policy RT1 are based on evidence provided by the Retail Study Update 2017. In identifying allocations to help meet these need forecasts, RT1 takes into account the latest available projections in relation to changes to retail spending patterns.

## QUESTION 28

Q28.

*Whilst there is a reference to housing in Policy RT2, it is not an “encouraging” policy and Policy RT1 in referring to retail schemes makes no mention of achieving town centre residential development as part of any scheme. There is a need to boost the supply of housing, locate housing in sustainable locations to minimise the need for travel, create mixed use development to sustain life in town centres, build at higher housing densities and protect greenfield land as far as possible. Against this background, the plan does not go far enough to promote residential development in the town centres to further these objectives.*

The Council supports residential development in town centres. Policy RT1 refers to ‘mixed use’ developments on the two allocated sites in Market Harborough town centre, in order to enable the inclusion of residential and / or office elements and they could include residential development on upper floors. However, this is not a requirement so as to avoid unnecessarily constraining development proposals, should this not form part of the developer’s business model or not be desirable in the light of design, heritage and flooding considerations. A minor modification to paragraph 7.1.9 of the Explanation is proposed to add a third sentence to the effect that preparation of development briefs would include consideration of the inclusion of residential development as part of the mix of uses.

Policy RT2(4) is intended to enable residential development within Market Harborough and Lutterworth town centres. However, its subsequent qualifying criteria differ unnecessarily to those set out in RT2(2) in relation to development proposals for main town centre uses. As such, a modification is proposed to insert ‘and residential uses’ after ‘main town centre uses’ in RT2(2) to clearly place residential uses within the mix of potential uses within Market Harborough and Lutterworth town centres. RT2(4) would therefore no longer be required, with GD8(1)e providing suitable safeguards regarding residential amenity.

Policy RT2(7) relates to local centres in Fleckney, Great Glen and Kibworth which already comprise a mixture of retail, commercial and residential use. A modification is proposed to support residential accommodation, as detailed below.

Proposed modification 9 of the schedule submitted with the Local Plan proposes to add to paragraph 7.7.7 of the Explanation for Policy RT4(3): “An element of residential and office development would be acceptable on the site providing it is small scale and complementary to the allocated uses (leisure, entertainment and tourism), and secures the viability of the overall redevelopment scheme.”

### Proposed modification to Policy RT2:

*2. Within the town centres of Market Harborough and Lutterworth, as defined on the Policies Map, development proposals for main town centre uses **and residential uses** will be permitted provided their scale and design reflects the role, function, distinctive qualities and historic/architectural heritage of the town centre.*

*Development that would harm the vitality and viability of either town centre will not be permitted.*

~~*4. Residential development within the defined town centres of Market Harborough and Lutterworth will be permitted, subject to the creation of a satisfactory residential environment and so long as it does not undermine the functionality and heritage of the town centres.*~~

.....

*7. Within the local centres of Fleckney, Great Glen and Kibworth Beauchamp, as defined on the Policies Map, proposals for shopping and business uses, **including mixed development with residential accommodation** will be permitted provided development proposals do not detract from the character of the area in terms of design, mass, material height or location and the amenity of neighbouring residents is not adversely affected. Proposals outside the defined local centre will need to apply the sequential test and carry out an impact assessment in accordance with the threshold set out above.*



## QUESTION 29

**Q29.**

*It is noted that the Council intend to modify Policy HC1 to bring it into compliance with Government policy. On that basis I make no comment at this stage.*

Noted. The proposed modification has been amended from that included in the submitted Schedule of Proposed Modifications (S4) to reflect the new Framework and is set out below:

### Proposed modification to Policy HC1:

~~2. Development will be refused where the proposal would lead to harm to or the loss of significance of a heritage asset and/or its setting, unless it can be demonstrated that the harm or loss is clearly outweighed by the public benefits of the proposal.~~

**2. Where the proposed development would lead to substantial harm to (or total loss of significance of) a designated heritage asset, planning permission will not be granted unless:-**

**a) The proposed development demonstrates that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss; or**

**b) The nature of the heritage asset prevents all reasonable uses of the site; and**

**c) No viable use of the heritage asset can be found in the medium term through appropriate marketing that will enable its conservation; and**

**d) Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and**

**e) The harm or loss is outweighed by the public benefits of bringing the site back into use.**

**Where the proposed development would lead to less than substantial harm to a heritage asset and/or its setting, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.**

## QUESTION 30

Q30.

*I am concerned that Policy GI1(2) protects “green infrastructure assets” without being clear about what this means in practice, for landowners, residents or the planners who would have to implement the policy. Are the assets defined on the Policies Map? The policy needs to be much clearer about what is meant by the policy and how it would be applied.*

The policy is intended to relate to the strategic green infrastructure network, which comprises the following assets:

- Welland, Sence, Soar, Swift and Avon river corridors;
- Grand Union Canal;
- Dismantled railway lines;
- Saddington, Stanford and Eyebrook reservoirs; and
- Traffic free cycle routes, and long-distance recreational paths and bridleways.

Whereas public open space, Local Green Space and designated biodiversity and geodiversity sites are protected through policies GI2, GI4 and GI5, other elements of GI, in particular the linking parts of the network are not. Policy GI1 attempts to do this, as well as being proactive through securing improvements through ‘planning gain’ or partnership working. It is suggested that the policy would be clearer if it focussed more closely on the network characteristics of GI.

A re-ordering of the policy to place the list of assets at the beginning of the policy may help to clarify this, with subsequent criteria specifically referring to this list. It has not been possible to map these assets on the Policies Map because of their scale and multifarious character.

GI1(1) is considered to be sufficiently covered by GD8(1)j in terms of creating links between development and the wider green infrastructure network and by GI2(4) in relation to the creation of new green space. As such, it is proposed that this criterion could be deleted.

### Proposed modification to Policy GI1

~~1. — Development will be permitted where it ensures green infrastructure is fully integrated into the proposal, maximising existing green assets and creating new green space.~~

**1. Development which supports the potential of the following strategic green infrastructure assets to contribute to the aims of the wider green infrastructure network will be permitted:**

- a. Welland, Sence, Soar, Swift and Avon river corridors;**
- b. Grand Union Canal;**

**c. Dismantled railway lines;**

**d. Saddington, Stanford and Eyebrook reservoirs; and**

**e. Traffic free cycle routes, and long-distance recreational paths and  
bridleways.**

2. The ~~Green~~ **green** infrastructure assets **listed above** will be safeguarded **and, where possible, enhanced** by ensuring that:

a. development does not compromise their integrity or value;

b. development contributes wherever appropriate to improvements in their quality, use and multi-functionality; and

c. opportunities to add to or improve ~~the~~ **their contribution** to the green infrastructure network are maximised through partnership working.

3. ~~Development which supports the potential of the following strategic green infrastructure assets to contribute to the aims of the wider green infrastructure network will be permitted:~~

~~—— a. Welland, Sence, Soar, Swift and Avon river corridors;~~

~~—— b. Grand Union Canal;~~

~~—— c. Dismantled railway lines;~~

~~—— d. Saddington, Stanford and Eyebrook reservoirs; and~~

~~—— e. Traffic free cycle routes, and long-distance recreational paths and  
bridleways.~~

## QUESTION 31

Q31.

*Does the reference to “public and private open spaces and recreation spaces” in Policy GI2(2) mean those shown on the Policies Map? “The defined” should precede “public and private...”*

Yes.

Proposed modification to Policy GI2:

*2. Development resulting in the loss of or reduction in ~~public and private~~ **defined** open spaces, **sport** and recreation ~~spaces~~ **sites** will not be permitted unless it can be clearly demonstrated that:*

## QUESTION 32

Q32.

*Policy CC2(1)c. does not reflect the policy in the Framework. In fact, many of these criteria are covered by their own policies in the plan so there is no need to try to cover them again in this policy.*

Agreed. A modification is proposed deleting CC2(1) criteria b, c, and d.

Proposed modification to CC2:

*1. Development for renewable and low carbon energy generation will be permitted where:*

- a. it is an appropriate technology for the site;*
- ~~*b. it avoids harm to important bird and animal species;*~~
- ~~*c. it avoids substantial harm to any heritage asset, designated or not, and its setting and any less than substantial harm is clearly outweighed by the other benefits of the development;*~~
- ~~*d. it minimises the impact on local and historic landscape character;*~~
- be. it does not create a significant noise intrusion for existing dwellings;*
- cf. it includes measures to mitigate against any adverse impacts on the built and natural environment resulting from the construction, operation and decommissioning of any equipment/infrastructure;*
- dg. it does not contribute towards an unacceptable cumulative visual impact from renewable energy developments when considered in conjunction with nearby developments and permitted proposals within the District or adjoining local authority areas; and*
- eh. adequate conditions are imposed and/or a legal agreement is entered into ensuring that once the use ceases operating permanently, it is fully decommissioned and the site appropriately restored.*

*2. Small scale single wind turbines (less than 30m) will be permitted subject to the above criteria. Larger wind turbine developments will only be permitted, subject to the above criteria, in the following areas:*

- a. medium scale development (1-3 turbines up to 65 metres): Welland Valley, Lutterworth Lowlands and Upper Soar landscape areas;*
- b. large wind farms (4 or more turbines up to 125 metres): Lutterworth Lowlands and Upper Soar landscape areas;*

## QUESTION 33

**Q33.**

*With regard to CC2(2), does the Council have evidence to demonstrate consultation and the backing of the local community in respect of wind turbines in these locations? (See footnote 49 of the new Framework.)*

It is considered that the consultation referred to in footnote 49 of the new Framework (and previously in the Ministerial Statement of 18<sup>th</sup> June 2015) is more meaningful in relation to a specific proposal as part of the development management process. Indeed, footnote 49 relates to para 154 which sets out a local planning authority's responsibilities when determining planning applications for renewable and low carbon development, rather than in respect of the plan-making process.

Footnote 40 distinguishes the two requirements for a proposal to be considered acceptable: firstly that the area has been identified in the development plan, and secondly that, following consultation, the planning impacts of the proposal have been fully addressed. In order to meet the second requirement, it is considered that local consultation must take place on the specific proposal being considered. This is not considered to be possible through the plan-making process, which only requires consultation on general areas and size. It is considered that local consultation in order to identify specific planning impacts to be addressed could only be done in relation to a particular scheme through the development management process.

## QUESTION 34

Q34.

*There is something wrong with the wording in Policy CC3(2) since it appears to exclude non-major development from Flood Zone 1.*

Agreed. CC3(1) currently states that development should take place in Flood Zone 1. CC3(2) then goes on to state that major development in Flood Zone 1 would be subject to the provisos set out in a. and b. This is elaborated on in paragraph 10.5.7 of the Explanation. Non-major development would not be subject to these provisos (but of course would be allowed as stated in CC3(1)). In order to improve the clarity of the policy the following modification is proposed.

Proposed modification to CC3:

*1. New development should take place in the areas of lowest risk of flooding, including the potential future risk due to climate change. ~~Development should take place within Flood Zone 1, wherever possible.~~ The Sequential Test and, where necessary, the Exceptions Test should be used to assess the suitability of proposed development. **Site-specific flood risk assessments of all sources of flood risk on the site and downstream of the site will be required as appropriate.***

*~~2. Major development in Flood Zone 1, and all development in Flood Zones 2 or 3, will be permitted where:~~*

*~~a. it satisfactorily addresses the mitigation, flood management and design requirements identified in a site-specific Flood Risk Assessment of all sources of flood risk on the site and downstream of the site; and~~*

*~~b. its design incorporates flood resilience measures to allow for increased risk due to climate change.~~*

***2. Development should take place within Flood Zone 1, wherever possible. Within Flood Zone 1 a site-specific flood risk assessment will be required for proposals relating to:***

***a. major development;***

***b. land with critical drainage problems;***

***c. land at increased flood risk in the future; or***

***d. a more vulnerable use on land subject to other sources of flooding.***

***3. All development proposals in Flood Zones 2 or 3 will require a site-specific flood risk assessment.***

***4. Development proposals subject to a site-specific flood risk assessment will only be permitted where:***

***a. the mitigation, flood management and design requirements identified are satisfactorily addressed; and***

***b. the design incorporates flood resilience measures to allow for increased risk due to climate change.***

***35. Development in Flood Zone 3, unless meeting the Exceptions Test, will only be permitted as follows:***

- a. Flood Zone 3a: 'less vulnerable' uses, including retail and business uses (A and B Use Classes), agriculture and some non-residential institutions (Use Class D1) other than for health services, nurseries and education; and water compatible development;*
- b. Flood Zone 3b: water compatible development; this zone will be safeguarded to ensure protection of the functional floodplain.*



## QUESTION 35

Q35.

*Regarding Policy IN2, the local transport authority's policies and those of Highways England are not part of the development plan and have not been examined in the same way as a local plan. Consequently the text should read "have regard to" rather than "support".*

Agreed.

Proposed modification to Policy IN2:

*1. Development proposals should ~~support~~ **have regard to** the transport policies of the Local Transport Authority (and where appropriate adjoining transport authorities) and where there are impacts on the national road network be aligned with policies of Highways England . . . .*

## QUESTION 36

Q36.

*A similar point arises in respect of criterion 2a, access, servicing and parking. The policy should say "having regard to" rather than "in accordance with" highway authority guidance and standards.*

Agreed.

Proposed modification to Policy IN2(2):

*2. Residential and commercial development proposals will be permitted, subject to the provision of:*

*a. safe access, servicing and parking arrangements ~~in accordance with~~ **having regard to** highways authority guidance and standards;*

## QUESTION 37

**Q37.**

*The same point applies to the relevant criteria in all the site allocation policies.*

Agreed.

Proposed modifications to Policies SC1, MH1, MH2, MH3, MH4, MH5, MH6, L1, L2, F1, F2, K1:

*SC1(3)p replace 'in accordance with' by 'having regard to'.*

*MH1(1)l replace 'be in accordance with' by 'have regard to'.*

*MH2(1)d replace 'be in accordance with' by 'have regard to'.*

*MH3(1)g replace 'be in accordance with' by 'have regard to'.*

*MH4(1)e replace 'be in accordance with' by 'have regard to'.*

*MH5(1)f replace 'be in accordance with' by 'have regard to'.*

*MH6(1)e replace 'be in accordance with' by 'have regard to'.*

*L1(3)t replace 'in accordance with' by 'having regard to'.*

*L2(1)e replace 'be in accordance with' by 'have regard to'.*

*F1(1)c replace 'be in accordance with' by 'have regard to'.*

*F2(1)c replace 'be in accordance with' by 'have regard to'.*

*K1(1)d replace 'be in accordance with' by 'have regard to'.*

## QUESTION 38

Q38.

*Developers cannot make a broadband “service” available for prospective residents – that is a matter for the service provider. Rather, the policy should refer to the provision of suitable broadband infrastructure for each dwelling.*

Agreed.

Proposed modification to IN3(1):

*1. Major development will only be permitted where adequate broadband ~~services~~ **infrastructure is** to be made available to all residents and/or users of the development.*