

Matter 5 Written Statement – Meeting Employment Needs – Lynn & Malcolm Stringer

Policy BE2.

The exchanges between the Inspector and HDC on matters and issues would seem to echo the concerns of individuals and the communities relating to the provision for B8 warehousing and distribution in the locality of Magna Park. Particularly following the consenting of DBSymmetry's development adjoining Magna Park.

This consent together with that for the notional DHL/Gazeley site on Mere Lane, Bittesby will more than soak up the unsubstantiated predicated need from not unbiased studies for a considerable period of years.

The message which is clearly coming through after 4.5 years of involvement with the proposed expansion of Magna Park is that the perceived need for a B8 user of this order of magnitude is not substantiated in terms of empirical evidence.

The HDC proposed policy BE2 would seem to recognise this and the absence of a specific proposal or allocation for this, seeks to obfuscate the issue since the contention of future need remains entirely speculative.

The further and manifestly gross provision of road led distribution parks is contrary to the main thrust of modal transport to be provided from rail led parks. The continued proliferation of road led developments can only militate against the incentive for developing more rail led parks given the very high up front infrastructure costs.

The impact on the local communities, resources, environment with amenity and well being cannot be regarded as four square with sustainable development.

The employment market in the HMA is already strained with local businesses competing with Magna Park employers for a very limited pool of staff. The staffing situation at Magna Park is reliant on considerable in commuting and given the lower quality jobs on offer there it is unlikely to mitigate the out commuting from the HMA. The provision of more jobs will only increase the pressures on the locality and infrastructure. We do question also whether the improvements in automated handling in the B8 sector will only serve to maintain current employment levels, notwithstanding a massive increase in the number buildings which would be needed to generate jobs in a time of full employment and shortage of labour supply.

Policy BE2 is also inextricably linked to the application by (15/01530/OUT) Gazeley currently under appeal for speculative development and expansion of Magna Park contrary to the current HDC Plan and retained policies.

We attach a submission we have made to the Inspector in the case of this appeal which we consider also rehearses the major issues here.

Lynn and Malcolm Stringer



**██████████ TO THE ENQUIRY INTO PLANNING APPEAL
APP/F2415/W/18/3206289 TO BE HELD ON 26
MARCH 2019.
HARBOROUGH DISTRICT COUNCIL AND GAZELEY**

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I understand that material presented to the LPA previously will automatically be taken into account as part of the Enquiry, but I feel given the very individual situation we are in here, it is not inappropriate to further rehearse and expand on the above issues, and which together with enclosed diagrams and photographs are worthy of further inclusion to demonstrate the considerable adverse impact the proximity of this development would cause to individual and community well being and amenity.

This submission also attempts to collate what we consider to be the macro and micro issues associated with the application.

INTRODUCTION.

These submission is made by Lynn and Malcolm Stringer **objecting** to the proposed hybrid applications for development by Gazeley on land at Bittesby, being the joint and several owners of three residential properties, Bittesby Stables, Bittesby Coach House and Orchard Lodge and pasture land extending to approximately 8.25 acres situated juxta position to the northern western boundary of the application site.

We also support the refusal of the application by Harborough District Council given on 16 January 2018.

We have lived in this location since 1998 and when we bought the property this and the adjoining land was shown as open countryside on the Local Land Charges plans and is I believe still the case.

During the last 20 years we have spent considerable time, personal effort and money in upgrading and converting redundant buildings to provide residential accommodation together with a small lake and wildlife habitat corners. These have been very successful and attract a wide variety wildlife and water life (including water voles) to the lake and its environs.

Our last conversion started in 2007 and completed in 2013 is the house known as Bittesby Stables which is our home. This was built to enjoy the wide landscape vistas and open countryside. From the footpaths across our land we are also able to enjoy access to the adjoining countryside.

Although the impacts (which I will address later) in various dimensions are referred to in the Gazeley supporting documents it is considered these are manifestly understated particularly visual and audial and the points of reference used are not exclusively relevant.

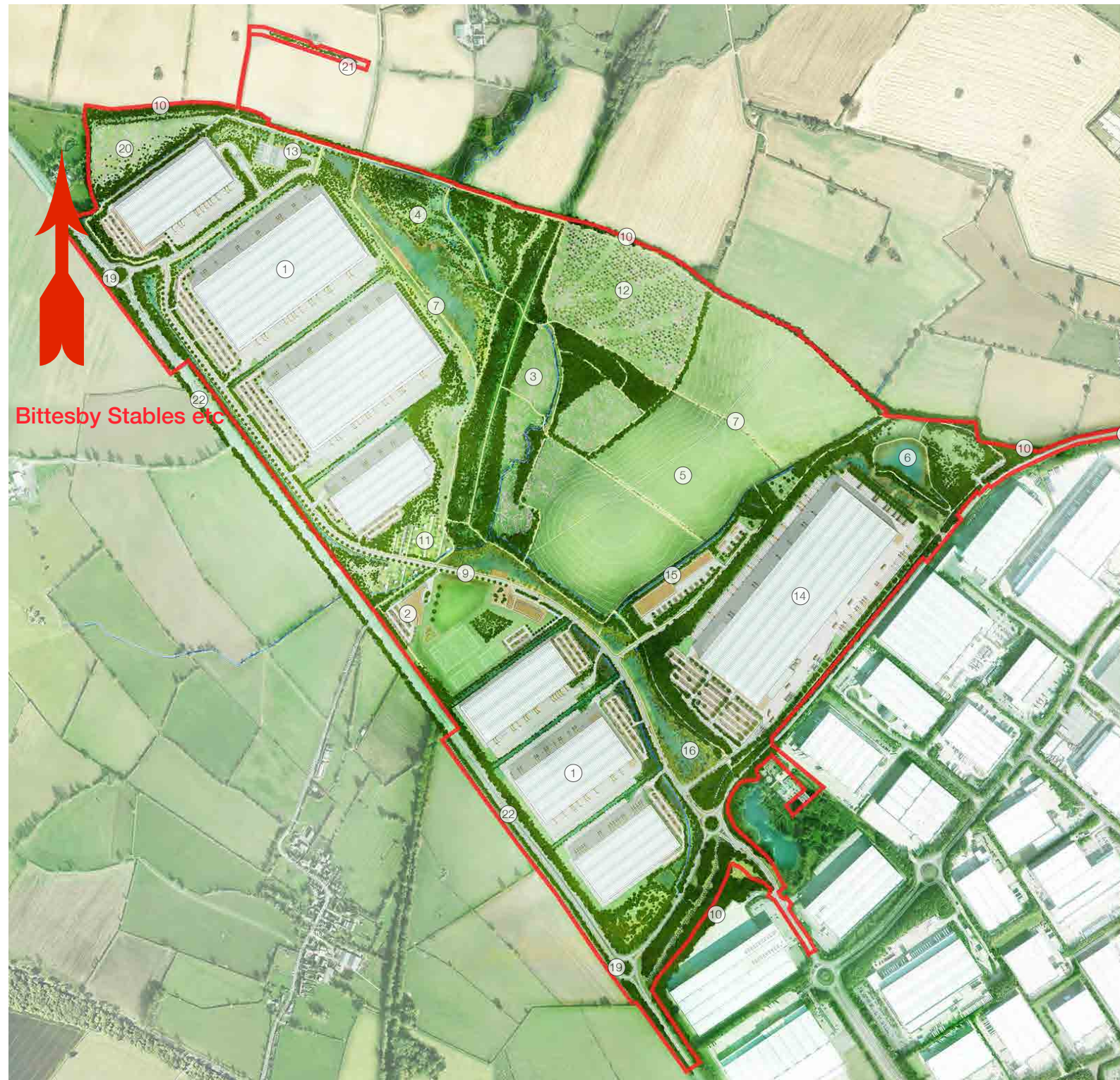
Greater significance seems to be attributed to the users of the A5, walkers on footpaths and the very few who would view the horizon from Ullesthorpe windmill.

Indeed in the Gazeley Statement of Case at Section 3 (Description of the Site) there is no specific mention of this or adjoining properties and we seem to have been airbrushed from the scene as of no significance. Even a wind turbine merits mention above us.

Whereas the residents here do not claim to be a local settlement it is our view that four substantial residential properties at least warrant consideration in the equation.

The plan below demonstrates the proximity of this cluster of houses in relation to the proposed ultimate extent of the development and associated road works.

The perceived impact of various factors will be dealt with later in the submission.



Bittesby Stables etc

Plan showing the location of Bittesby Stables, Bittesby Coach House, Orchard Lodge and White House, Watling Street, Bittesby, Nr Claybrooke Parva, LE17 5BQ in relation to the hybrid application.

A. OVERVIEW OF THE CURRENT HDC LOCAL DEVELOPMENT PLAN AND RETAINED POLICIES (CORE STRATEGIES) IN PARALLEL WITH THE EMERGING HDC STRUCTURE PLAN AND SUSTAINABLE DEVELOPMENT.

The application/appeal is seeking to preempt the debate on the proposed policy BE2 in the New HDC Local Plan in terms of the extent of development required in relation to a predicated, but yet unproven additional need for additional B8 development, particularly following the consenting of 278,709 m² (79ha) at Symmetry Park adjoining Magna Park. (15/00869/OUT)

This consent together with that permitted under 15/00919/FUL (100,844 m².) (55ha gross cosmetically adjusted to 37ha net) more than provides for the Leicester and Leicestershire projected need up to 2026 and beyond.

The application is as admitted by the applicants to be “speculative” which is defined as “based on conjecture rather than knowledge involving high risk of loss”. It is respectfully submitted that this is indicative of its prematurity and has no regard to any proven market forces demonstrating need.

The studies predicating a need for further road led strategic storage and distribution have been carried out by not entirely unbiased consultants, when having regard to the very specialised and restricted nature of the user, and have not yet been subjected to any empirical scrutiny by an Examination in Public. **The right information is paramount in good decision making.**

Policy CS7 clearly states that no further phase of development nor large scale expansion of the site beyond the existing development footprint will be supported at Magna Park. The Symmetry Park consent is acknowledged to be a departure from policy as is the so called DHL consent on Mere Lane. These two consents alone have soaked up any excess of anticipated need for road led development.

The overarching imperative for establishing need should extend beyond this location and take into account the undeveloped potential of other parts of Leicestershire needing employment opportunities and the region as whole including the following:

- a East Midlands Distribution Centre, Castle Donnington, Leicestershire.
- b East Midlands Gateway, Lockington, Leicestershire.
- c East Midlands Intermodal Park, Etwell, Derbyshire.
- d Daventry international Rai Freight Terminal (DIRFT) Phase 3, Lilbourne, Northants
- e. South Northants, Milton Malsor, Northants.
- f. Corby Eurohub, Corby Northants.
- g. Corby International Rail Freight Terminal, Corby, Northants.
- h. Coventry Gateway and development adjoining Coventry Airport, Coventry, West Midlands.
- i. Recently consented development for DPD of 142,000 m² at Burbage House Farm adj J1 of the M69 and A5 at Hinckley, Leicestershire.
- f. A proposed development of 158 ha by DBS at Sapcote, Leicestershire adjoining J2 of the M69 with a rail hub of 15 ha.

The applicant agrees that the application is consistent with the HDC development plan as a whole but seeks to pray in aid inconsistencies when related to the NPPF. This is a change of step from previously, when it was argued the plan is out of date and has no status. This contention being based initially on the failure of HDC to provide an agreed housing strategy as required by the NPPF.

CS7h,CS7f,CS17 and CS11d are entirely consistent with the NPPF. (2018)

Policy CS7(h) is clear and unequivocal in respect of Magna Park stating that:
“No further phase of development or large-scale expansion of the site, beyond the existing development footprint (to be defined in the Allocations DPD) will be supported.”

The recent consents have been acknowledged as a departure from policy.

The New HDC Structure Plan still does not support a definitive allocation of this land but keeps it open for review in the event a need is demonstrated and subject to a list of preconditions.

The proposals outlined seek to obfuscate the primary speculative rationale for the application in extending the range of uses predicated to those where there is either no proven need or there is a conflicting provision (as demonstrated in the case of B1/B2 and educational users where there are institutions already in place or unchallenged allocations made). Policy BE2 of the HDC Structure Plan advocates on the existing Magna Park site that any new building or change of use is for B8 only, or any non B8 is small scale or ancillary to the B8 users. This application does not even follow that thesis.

There is great play on the provision of a Railfreight shuttle, which in essence is a form of road train, but there is no evidence available as to whether terminal owners/operators at DIRFT have agreed to a concept which would conceivably be in conflict with their own developments. East Midlands Gateway demonstrated disproportionately high up front infrastructure costs allowing development of substantial areas before the rail head is built. Also the HDC Structure Plan proposals do carry a qualification that any road led development in the present location should not threaten the viability or deliverability of existing or further Rail Freight Interchanges within the county or region.

If this appeal were allowed this would lead to an over provision of land, 225 hectares plus other consented sites as compared to the stated need of 107 hectares. Therefore by implication it would suggest in the best interests of ensuring an even opportunity to all locations in the HMA, that the need is at least tailored to the availability of land adjoining deprived employment communities. Indeed the proposed designation in the emerging HDC Structure Plan is that of a strategic led potential site rather than an allocation arising from an unestablished need.

This speculative application is predicated solely on the basis of giving the appellant the facility to land bank in readiness to develop should it be seen that a market emerges over an unspecified period of time.

We consider this application/appeal ill founded in terms of the current Local Plan and is so substantial any grant of consent would undermine and be prejudicial to the interests of sustainable development and proper formulation of the New Local Structure Plan. (paragraph 49 NPPF)

B. AGRICULTURAL LAND, LANDSCAPE AND OPEN COUNTRYSIDE

A presumption in favour of sustainable development does not change the statutory status of a development plan. Where a planning application conflicts with a current development plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Having regard to the above we submit that the retained Core Strategy Policy CS17 of the HDC Local Plan militates against any presumption in favour of a change of use from agriculture and having further regard to CS17 there are no material considerations which would indicate otherwise.

A proposal of this nature does not fit with supporting a prosperous rural economy.

AGRICULTURAL LAND

This development would entail the loss of a large tract of agricultural land which although not of the highest quality is well managed and produces good yields of mainly arable crops.

The applicants in their SoC once again seek to understate the position with regard to the classification of this land.

Although a substantial area of the application site falls within subgrade 3b of the Agricultural Land Classification for England and Wales the sub grading is not indicative per se of status but part of the overall Grade3 - (good to moderate quality agricultural land) and is included in the discrete definition as follows:

Subgrade 3b - moderate quality agricultural land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year.

Thus not by implication land that is not economically productive.

The NPPF states at paragraph 15.170 that decisions should contribute to and enhance the natural and local environment by 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.

It does not however advocate that lower quality land is not worth retaining and should thereby become sacrificial to the aspirations of speculative developers.

Given the present policy and drive associated with the provision of housing nationally and in the Lutterworth HMA there will be a significant loss of agricultural land to the east of Lutterworth. The present uncertain economic/political situation would seem to exhort prevention of the further loss of agricultural to alleviate the ever increasing pressure on food production.

LANDSCAPE AND OPEN COUNTRYSIDE

It is considered this land validly the rates the attribution of a “valued landscape” in its present form and there would be no enhancement of this nor gain for the local community in the creation of a Country Park, or the rather nebulous environmental and ecological improvements suggested by the applicant, when having regard to the impact on the environment, ecology and biodiversity which would be occasioned by a development of this magnitude. The land has benefited over the last twenty years from investment via the High Level Stewardship Scheme which would be lost to the community.

The planning is inefficient as a development requiring massive infrastructure and upheaval of the countryside. It is elongated and extends unnecessarily into the open countryside. The recently consented DBSymmetry Park is evidence of a logically located, compact and efficient use of land.

The context of retained policies and a valued landscape was considered in the case of *Cawrey v. Secretary of State for the Environment (2016)* where it was held inter alia the development would harm the character and appearance of the landscape, spilling out into the wider countryside and would be in conflict with the development plan as a whole.

It is contended the circumstances in the present case are not dissimilar in particular having regard to CS17 especially as it is now considered that HDC has in excess of a 5 year housing supply.

The Conclusions in *Cawrey v. SoS for the Environment (2016)* are shown below:

26. The development would harm the character and appearance of the landscape by spilling out into the wider countryside, removing the characterful steep paddock next to Stamford Street, and failing to respect existing landscape features. It would not conform with 'saved' Policies RES5 and NE5 of the Hinckley and Bosworth Local Plan 2001 which, though many years old, still have relevance as a means of protecting the countryside from urban encroachment.

27. Policies RES5 and NE5 of course rely on defined settlement boundaries which affect the supply of housing land. These may need adjustment where housing allocations are made, but given my conclusion that there is currently an adequate supply of housing land in the Borough for the next 5 years, I continue to give them full weight as far as the appeal site is concerned.

28. The scheme would provide benefits in terms of the provision of a range of housing in Ratby, including affordable housing, which would help to meet local needs, and it would generally support local facilities, so it would not be in conflict with Policy 8 of the adopted Hinckley and Bosworth Core Strategy 2009. However, I consider that the harm to the landscape overrides these benefits.

29. I therefore consider that the scheme would be in conflict with the development plan taken as a whole. I have taken into account all the other matters raised but they do not alter my conclusion that the appeal should be dismissed.”

It is also considered Policy C11(d)(iv) is of relevance in this context:

“iv) Safeguarding Scheduled Monuments and non-scheduled nationally important archaeological remains, and other areas of archaeological potential or importance and areas of historic landscape;” As part of the setting to the DMV of Bittesby the historic significance of this landscape cannot be ignored.

HERITAGE ASSETS

NPPF paragraphs 193 and 194 are clear in considering the impacts on designated heritage assets irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any of these should require a clear and convincing justification and in particular paragraph 194(b) this should be wholly exceptional in the case (inter alia) of scheduled monuments.

There are voluminous studies submitted on behalf of the applicant in respect of the degree of harm to the SAM of Bittesby Village and its setting which in the general view seem to indicate this aspect has again been underplayed. To this extent I refer below to the conclusions of a report which I commissioned by Woodhall Planning and Conservation.

“Conclusion

As a result of the above review of the three documents that contain heritage impact assessments (see 4 above), we consider that their scope is generally appropriate, although the Watling Street, Roman Road should not have been scoped out of Chapter 11 of the Environmental Statement.

We have major concerns regarding the failure to make use of the methodology suggested in the Good Practice Advice Note 3: The Setting of Heritage Assets (English Heritage 2015) or its equivalent. This has led to a failure to properly assess the contribution of setting to the significance of a number of heritage assets and the impact that the proposed development would have on those settings. We therefore consider that the methodology adopted within these three documents is not appropriate and, as a result, their conclusions should not be considered to be reasonable.

In particular, we consider that the impacts of the proposed development upon Bittesby Deserted Medieval Village (a scheduled ancient monument), Ullesthorpe Mill (a Grade II listed building), the Watling Street Roman Road, Bittesby House, its former Lodge, and Bittesby Cottages (non-designated heritage assets) have been significantly underplayed.

In addition, there are a number of inconsistencies within the Archaeological Desk-Based Assessment and Chapter 11 of the Environmental Statement.

As a result of our assessment, we consider that the harm to the significance of Bittesby Deserted Medieval Village (a scheduled ancient monument) would be considerable (see Table One above). In relation to the definitions in the National Planning Policy Framework, we consider this to be very close to being substantial harm. This level of harm to the significance of a designated heritage asset would need to be assessed in relation to paragraph 134 of that document, together with some consideration of paragraph 135 (as the harm is so close to being substantial harm).

The harm that has been identified to the significance of various listed buildings around the site would be less than substantial and would therefore need to be considered against paragraph 134 of the National Planning Policy Framework. The harm to the setting of these listed building would also need to be considered in relation to the statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that special regard be given to the desirability of preserving the setting of listed buildings.

We also consider that there is the potential for some direct harm to the Watling Street Roman Road, and considerable harm to Bittesby House, its former Lodge, and Bittesby Cottages. The harm to the significance of these non-designated heritage assets would need to be assessed in relation to paragraph 135 of the National Planning Policy Framework.”

Now paragraph 194(b) NPPF 2018

DISPROPORTIONATE IMPACT ON NEIGHBOURING RESIDENTIAL PROPERTIES, PROPOSED LANDSCAPE MITIGATION WORKS AND PLANNING CONDITIONS

There are four residential properties immediately adjoining the north western point of the application. *Bittesby Stables, Bittesby Coach House, Orchard Lodge and White House Farm.*

This is not a settlement in the conventional sense of the word but a significant cluster of residences whose amenity and well being will be adversely affected by various aspects of a development of this size. The impact of the sheer critical mass of this number of very large buildings, highway alterations and the activity associated with them would be unavoidable.

The various factors of impact (landscape, visual, light, noise and air quality) have been reported on as part of the applicant's Environmental Statement with a general consensus that the properties located at the post code LE17 5BQ will experience high to moderate adverse effects, which then (dependent on the professional view being given) **could** be lower after allowing for landscaping and mitigation works over time. The time scale propounded is in fact of quite lengthy duration and it would seem relies to a great extent on the receptors becoming inured to the effects of the impacts. It is also argued even without landscaping existing trees would provide a filter for the visual impacts.

Photographs below demonstrate the very limited amelioration effect of this.

There has been no empirical assessment of the situation with a view point actually taken from our home **Bittesby Stables**. The viewing stations referred do not provide the sensitivity that is appropriate. Nor are we aware of any other impact studies which have been made specifically at this location. The applicant's consultant's broad brush contentions are therefor in no way absolute.

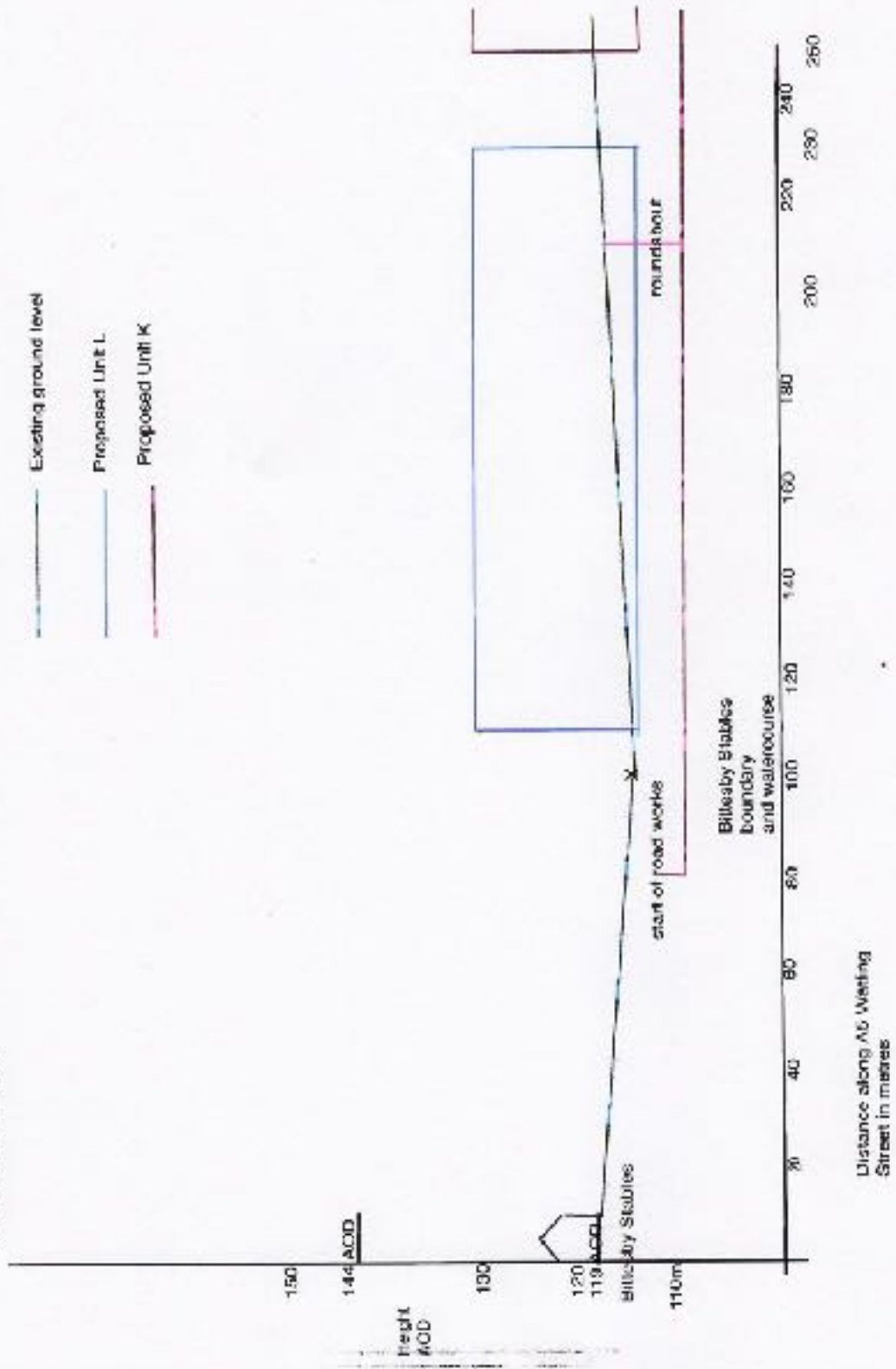
The only place to make a proper assessment of the situation is to stand on the terrace at the rear of our house, first to appreciate the intention behind the orientation and design of the house and then to assess the picture when there would be a building within 110 metres standing 7 metres higher than the ridge line of the house together with the attendant activity associated with lights, 24 hour working and a new road junction close by.

The proximity of the proposed buildings K and L still gives us great cause for concern and notwithstanding the landscape mitigation works proposed by the applicant and together with the retention of conditions 9 and 10 of the officers' report of 10 January 2018 in respect of landscaping, we still feel the overall impact of the proximity of such development would have a considerable adverse impact on our amenity and well being and is **disproportionate**.

The plans produced by the applicant for the landscape mitigation works in respect of the above endeavour to present a more anodyne situation by the use of distance and the relationship of horizontal and vertical scales. These are required to accord with Policy CS11(c)(iv)

Thus the policy exists and is relevant - it is the degree to which the application is in disaccord which is in dispute.

CROSS SECTION SHOWING GROUND LEVELS AND BUILDING PROFILE ADJOINING BITTESBY STABLES AND ORCHARD LODGE



PHOTOGRAPH SHOWING THE ELEVATED POSITION OF BITTESBY STABLES



Photograph showing minimal filtering effect of planting when the trees are not in leaf



Photograph and Line drawing of the anticipated outline, parapet height and relative bulk of Building L



GROUNDNS OF THE APPLICATION AND LIMITS

Applications 15/01531/OUT

The application seeks consent inter alia for “the siting, extent and use of 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”

When we asked as an alternative to the consenting of the whole for a limitation to the extent of the development (the siting, extent and use of defined parcels, the restriction on the siting of the yards) the Planning Committee of HDC did not consider that the application could be considered in parts and it should be considered as whole for consent or refusal.

We are a little confused by this as the terms of the application ask for individual aspects to be considered, ie. “the siting, extent and use of defined parcels”. This by implication means in our view that there are variables here, which can be modified or excluded.

In that case if the application were to be considered for approval in the present highly qualified speculative scenario which seems to prevail, we would reiterate our request that parcels K and L are not included for approval in any consent and for conditions 9 and 10 of the report to HDC on 16 January to be also retained with the emphasis that we are fully involved in the consultation process in respect of the landscape mitigation works contained therein.

We consider it important that HDC require that 24 hour operations do not have an unacceptable environmental, community or landscape impact in the immediate or surrounding area. We feel that would certainly be the case if this development is permitted.

It still remains our primary contention that this speculative application is contrary to the present HDC Local Plan and retained policies and should not be approved.

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