

Committee Report

Applicant: Davidsons Developments

Application Ref: 21/01519/FUL

Location: Land to The West Of Leicester Road, Market Harborough

Parish/Ward: Market Harborough Parish / Lubenham Ward

Proposal: Erection of a local centre comprising retail units (Class E), 13 apartments and 6 dwellings with associated parking, creation of overflow parking area, landscaping and supporting infrastructure

Application Validated: 24.10.2022

Consultation Expiry Date: 10.02.2023

Neighbour Expiry Date: 21.11.2022

Site Notice Expiry Date: 26.12.2022

Advert Expiry Date: 15.12.2022

Target Date: 23.01.2023 – EOT Agreed

Committee Decision: The proposal is a departure to that approved by planning application 13/01483/OUT in two respects:

- 1) The re-location for the local centre
- 2) Additional dwellings

Recommendation

Planning Permission is **APPROVED** for the reasons set out in this report and subject to the recommended Planning Conditions and Informative Notes in Appendix A and the signing of a legal agreement to secure the obligations set out in Appendix B

1. Site & Surroundings

- 1.1 The application Site is located to the west of Market Harborough, on land which forms part of the permitted allocation of 1,500 dwellings at the North-west Market Harborough Strategic Development Area (SDA).
- 1.2 The middle section of the SDA is the most relevant to this proposal. This section of the SDA was granted outline planning permission in March 2016 (ref. 13/01483/OUT). Pursuant to that permission, a number of reserved matters consents have been approved (see planning history)

Officer Site Visit Photos (taken 05.12.22)



2. Site Planning History

2.1 The site has the following relevant planning history:

- **13/01483/OUT** - Erection of 450 dwellings, a local centre (to potentially include A1 (Retail), A3 (Food), A4 (Pub), A5 (Hot Food) D1 (day nursery/medical centre) and D2 (Leisure)), Public Open Space (to include outdoor sports pitches and children's play space, LEAP, allotments and community hall), Associated drainage infrastructure including SUDs features, highway infrastructure and new roads, including part of the new link road and the creation of pedestrian and cycle ways. **APPROVED**



Extract of Approved Parameters Plan (Figure 2.1A) – note the indicative location of the local centre (yellow dot)

Condition 5 of the 13/01483/OUT Decision says:

5. The reserved matters submitted under Condition 2 shall be in accordance with the principles and parameters described and illustrated in the Design and Access Statement dated 25.09.13 & Addendum dated August 2014, the Strategic Development Area Master Plan dated December 2013 and the following Plans:
 - Figure 2.2A - Illustrative Master Plan
 - Figure 2.1A - Parameter Plan

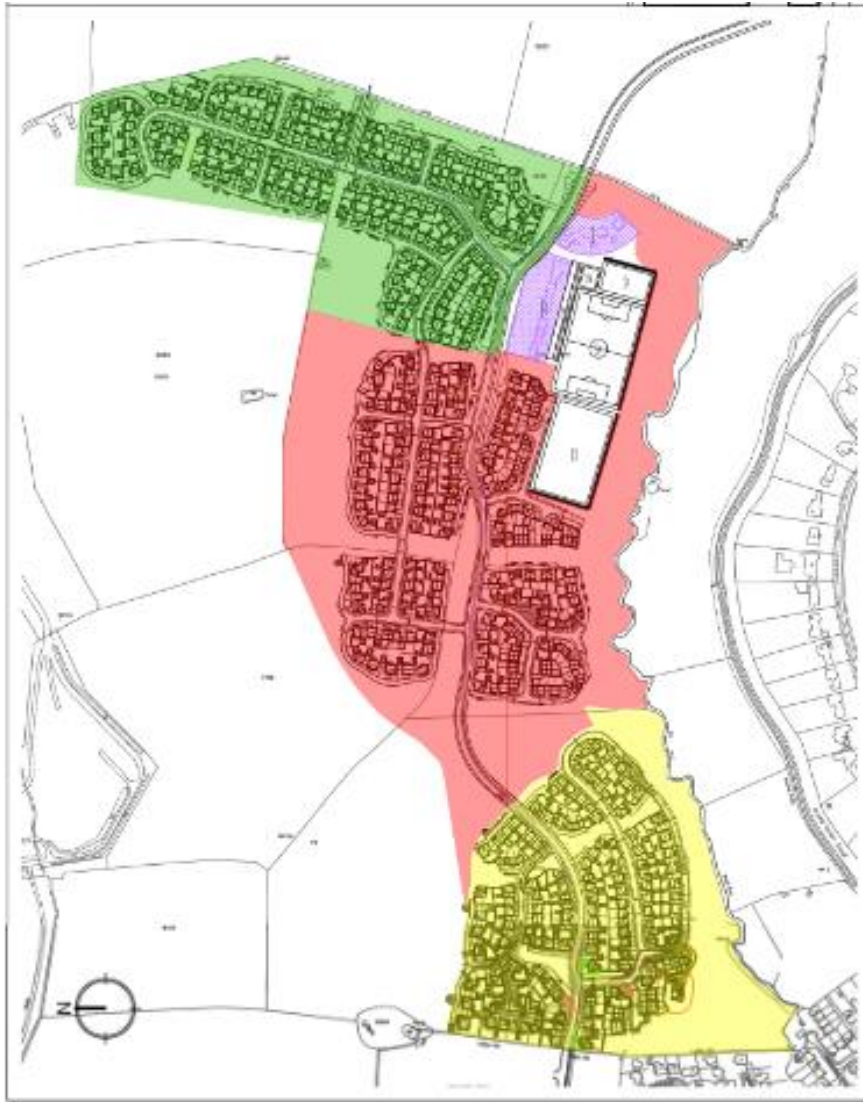
Reason To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development.

- **17/00339/REM** – Erection OF 135 dwellings **APPROVED – 13.02.2018**
- **17/01966/REM** - Erection of 315 dwellings and associated garage and parking (reserved matters of 13/01483/OUT) **APPROVED - 18.01.2019**



Extract of Approved Phase 4 Layout Plan – note the cross hatched light purple section which indicates an ‘Additional Phase’ for the local centre

- **18/00008/PCD** – Discharge of Condition 2 (Phasing Programme) of 13/01483/OUT
APPROVED – 06.02.2018



Extract of Approved Phasing Plan – note the light purple section which indicates an ‘Additional Phase’ for the local centre

Both the approved Phasing Plan for the 450 units and original reserved matters approval for the 315 units (Phases 2-5) show the position of the local centre in a different location to that shown on the Parameters Plan and SDA Masterplan.

- **21/01520/REM** - Installation of three outdoor sports pitches, erection of changing room facility and LEAP (Reserved Matters of 13/01483/OUT, including details of appearance, landscaping, layout and scale) **PENDING CONSIDERATION**
- **23/00308/REM** - Forestry Planting Proposal (Reserved Matters of 13/01483/OUT, including details of appearance, landscaping, layout and scale) **PENDING CONSIDERATION**
- **23/00360/NMA** - Amendment to the wording of condition 5 to reflect the altered components of the layout (proposed non-material amendment of 13/01483/OUT) **PENDING CONSIDERATION**

a) Summary of Proposal

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- The site plan illustrates the proposed playground layout. A red boundary encloses the main play area, which includes a central play structure, a pond, and various landscaping elements like trees and shrubs. The plan also shows a parking lot, a building, and a 'Trucking Area'.

Proposed Planning Layout 1 of 2



3.2 The proposed schedule of accommodation is shown below:

<u>Building</u>	<u>No. of Bedrooms</u>	<u>Type</u>
<u>MHB1</u>		
Apartment 1a	1 Bedroom	Residential Apartment
Apartment 1b	1 Bedroom	Residential Apartment
Yoga Studio	-	Retail
<u>MHB2</u>		
Apartment 2a	1 Bedroom	Residential Apartment
Apartment 2b	1 Bedroom	Residential Apartment
Café	-	Retail
<u>MHB3</u>		
Apartment 3a	1 Bedroom	Residential Apartment
Apartment 3b	1 Bedroom	Residential Apartment
Apartment 3c	1 Bedroom	Residential Apartment
Apartment 3d	2 Bedrooms	Residential Apartment
Apartment 3e	1 Bedroom	Residential Apartment
Apartment 3f	1 Bedroom	Residential Apartment
Retail Shop	-	Retail
<u>MHB4</u>		
Apartment 4a	1 Bedroom	Residential Apartment
Apartment 4b	1 Bedroom	Residential Apartment
Apartment 4c	1 Bedroom	Residential Apartment
Retail Shop	-	Retail
<u>MHB5</u>		
H5a	1 Bedroom	Residential Dwelling
H5b	1 Bedroom	Residential Dwelling
H5c	1 Bedroom	Residential Dwelling
H5d	1 Bedroom	Residential Dwelling
H5e	1 Bedroom	Residential Dwelling
H5f	1 Bedroom	Residential Dwelling
Residential Apartment Total:		13
Residential Dwelling Total:		6
Retail Units Total:		4

Schedule of Accommodation

Pre-application Engagement

- 3.3 The principle of relocating the southern local centre was discussed with Officers on 09.03.2020. Officers viewed the re-location positively, particularly given the sense of community that linking the local centre to the proposed formal sports fields could engender and placing the local centre more centrally within the development. Initial ideas of form and approach to scale, massing and appearance were also presented.

4. Consultations and Representations

Publicity

- 4.1 A Site Notice were posted on 05.12.2022 and an Advert was placed in the Harborough Mail on 15.12.2022



Site Notice Posted on 05.12.2022

Consultation Responses

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

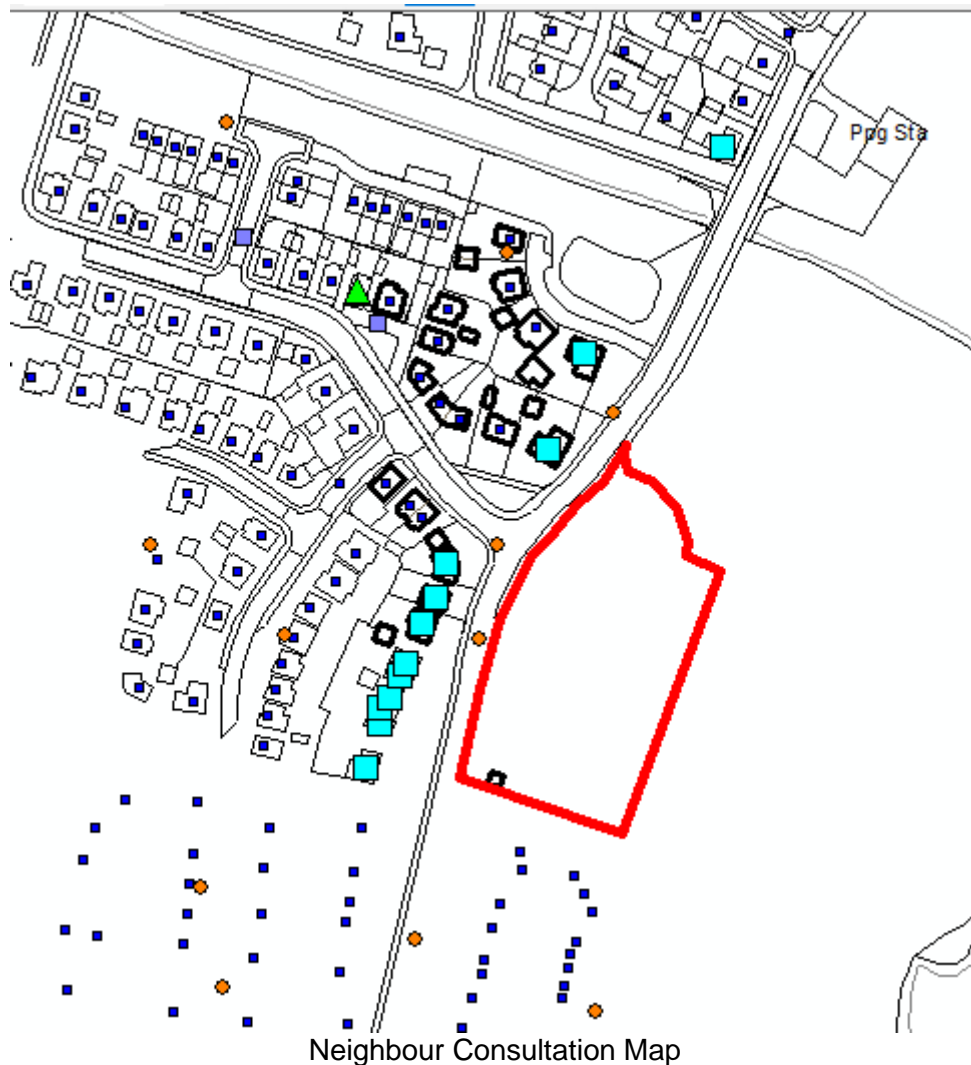
4. Consultations and Representations

Consultee	Date	Summary
<u>Regional / Local Bodies</u>		
Anglian Water	13.01.23	We have no additional comments to add to our previous response. - Request a condition requiring a scheme for on-site foul water drainage works and surface water management strategy
PCT	-	Consulted 31.10.22 – no comments received
Fire & Rescue	16.11.22	Leicestershire Fire and Rescue Service do not consult on plans or provide direct comment on access facilities for new domestic building developments. Legislative guidance and supporting information for planners and developers can be accessed via our website.
<u>LCC</u>		
Highways	10.03.23	No objections subject to conditions
Archaeology	03.11.22	The application warrants no further archaeological action
LLFA	07.02.23	The 0.6ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding. To support proposals the applicant has submitted a drainage technical note. The proposals seek to discharge as part of an overall phase scheme at 19.7 l/s to a dry detention basin which flows into an adjacent watercourse at average greenfield runoff rates committed to in the wider developments

		surface water drainage strategy. Subsequent to the previous LLFA response the applicant has submitted a new drainage strategy plan with accompanying simulation results. These are advised to be acceptable.
Ecology	12.12.22	No objections as it does not significantly change from the original plans from an ecological perspective. Recommend condition ensuring the development is implemented in strict accordance with the measures stated in the Ecological Mitigation, Enhancement and Management Plan (Aspect Ecology October 2018).
S106	22.11.22	Contributions requested for waste and libraries
HDC		
Contaminated Land	-	
Environmental Co-ordinator	-	Consulted 31.10.22 – no comments received
Environmental Health Officer	-	
Public Open Spaces Officer	29.11.22	Contribution Requested for the provision of on site and off site POS - see Appendix B for further information
Community Facilities Officer	22.11.22	Contribution Requested for the provision of community facilities - see Appendix B for further information
Housing Enabling Officer		On-site Affordable Housing request - see Appendix B for further information
Waste Management	01.11.22	Contribution Requested for the provision of household waste and recycling receptacles per household – see Appendix B for further information
Parish Council / Other		
Lubenham Parish Council	16.11.22	Comment: We are pleased to see that the promised village centre has at last reached planning stage as we feel sure residents on the estate will welcome having the promised facilities. However we consider that Harvest Road should be fully opened before further plans are agreed. This was an agreement made in the Section 106 agreement and it should be implemented.
Cllr Bremner	-	Consulted 31.10.22 – no comments received

b) Public Representations

- 4.4 Neighbouring properties adjacent to the site were directly consulted, as indicated by the large light blue square on the map below.



Neighbour Consultation Map

Light Blue Square = Neighbour consulted; Green Triangle = support comment

4.5 The overall consultation (letters, press and site notice) generated, 1 support comment raising the following points:

- I wholeheartedly support the application. To have such facilities will be a fantastic addition.
- New families require more amenities such as these and having them in this area will support families, reducing travel time and expense needed to travel further afield when this can be difficult or costly.

a) Development Plan

5.1 The Development Plan consists of the Harborough Local Plan (HLP), adopted April 2019.

HLP key policies:

- Policy SS1 The spatial strategy
- Policy GD1 Achieving sustainable development
- Policy GD2 Settlement Development
- Policy GD8 Good design in development

- Policy H1 Provision of New Housing
- Policy RT2 Town and Local Centres
- Policy RT3 Shop fronts and Advertisements
- Policy HC3 Public houses, post offices and village shops
- Policy HC2 Community facilities
- Policy G12 Open Space, Sport and Recreation
- Policy GI5 Biodiversity and geodiversity
- Policy CC1 Mitigating climate change
- Policy CC3 Managing flood risk
- Policy CC4 Sustainable drainage
- Policy IN2 Sustainable transport

b) Material Planning Considerations

5.3 Material considerations include any matter relevant to the application which has a bearing on the use or development of land. The material considerations to be taken into account when considering this application include the DP referred to above, the National Planning Policy Framework, the national Planning Policy Guidance, further materially relevant legislation, policies and guidance, appeal decisions, planning case law and High/Appeal court judgements, together with responses from consultees and representations received from all other interested parties in relation to material planning matters. Some key documents are cited as follows.

- **National Planning Policy Framework (NPPF) (July 2021)**
- **National Planning Practice Guidance (PPG)**
- **Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (2017)**
- **Development Management SPD (December 2021)**
- **The Leicestershire Highways Design Guide (2018)**
- **Planning Obligations Developer Guidance Note**
- **5 Year Land Supply Position Statement - 7.49 years**
- **SDA Masterplan (2013)**



Extract of the SDA Illustrative Masterplan: Purple areas highlight the suggested locations for the local centres within the SDA, one to the north and the other to the south of the SDA

- **Supreme Court decision Hillside Parks Limited v Snowdonia National Park 2022**

This case concerned the potential impact of individual planning permissions such as this on the ability to implement an extant planning permission on a wider site where there is a material departure caused by implementation of the later permission, from the approved plans that forms part of the original planning permission.

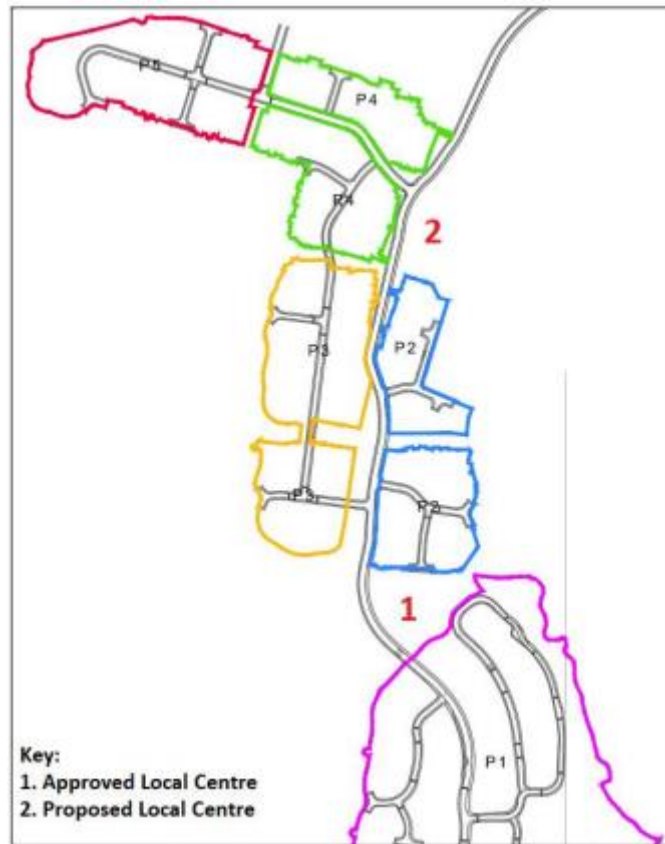
6. Assessment

a) Principle of Development

6.1 As previously mentioned, the application departs from the approved illustrative masterplan and the design and access statement (DAS) which accompanied the original outline planning application:

- 1) The proposal is to locate the local centre within a different part of the site than that shown on the approved illustrative masterplan and DAS, see figure below which

illustrates the location of the approved and proposed local centres in the context of the Phases approved by virtue of reserved matters consent application ref. 13/01483/OUT:



Existing and proposed Local Centre

- 2) 19 additional residential units are to be created within this part of the site. The majority of these are apartments located in the upper floors above the units within the local centre. The outline consent granted permission for the erection 450 dwellings; this proposal will increase the dwelling number to 469
- 6.2 Due to these differences, a Full rather than Reserved Matters application has been submitted.
- 6.3 The principle of a local centre on the wider site is in accordance with the SDA Masterplan and outline planning permission
- 6.4 As identified by the North-West Market Harborough Strategic Development Area Masterplan (2013), the primary purpose of the southern service centre is to provide or offer services to those dwellings located on the southern side of the site.

The SDA master plan identifies two sites providing local services to the community. The first is a 0.6ha site in the northern half of the layout, close to the marina development. A further 0.4ha site is also provided offering facilities to those at the southern side of the site. The local centres have capacity to provide a number of small shops offering uses such as a pharmacy, newsagents, off-licence, local convenience store, bakery, café, fast food takeaway, hairdressers, drycleaners etc. Community uses could include a dental surgery, place of worship or children's day nursery. Ultimately these uses will be subject to demand.

- 6.5 The re-located local centre will remain to provide and offer services to the dwellings located on the southern side of the site. However, the Applicant considers that by relocating the centre so that it is situated directly adjacent to the proposed sports fields, it offers a real opportunity to improve the masterplan in terms of how it provides for residents in the southern part of the site.
- 6.6 Officers agree with the Applicant that the re-located local centre will provide significant benefits to the local community through the delivery of a more complete offer of services and facilities in one place. This will not only provide a more focused community hub in the southern part of the site which will help generate greater patronage for the local centre, but it will also increase linked trips between the local centre and the sports fields thus avoiding the need for unnecessary travel between the two elements of the site. The improved connectivity as a result of re-located local centre will assist in reducing the reliance on car travel as people will be less likely to drive if they can access all the necessary facilities and services in one place rather than having to move between the two different parts of the site. It will also provide an opportunity to connect the local centre with the proposed play area and bus route that enters the area from the north. In addition, it will, if the other proposed local centre does not come forward, serve as a central focal point for wider SDA community. Additionally, the re-located local centre will continue to provide quick and easy links to and from the open spaces of the site situated along the western edge and the countryside beyond.
- 6.7 Should members be minded to approve the application it is recommended that the uses of the local centre are restricted to ensure a) appropriate uses to serve the wider SDA development come forward and b) are not dominated by one particular use.
- 6.8 Policy SS1 sets out the settlement hierarchy for the District and identifies Market Harborough as a Sub-Regional Centre.
- 6.8 As the site is within the existing or committed built up area of Market Harborough, GD2 permits development where 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.
- 6.9 The site forms part of a wider residential development within a sustainable location and developing the site for residential would not undermine the SDA Masterplan or prejudice the required on-site sport fields adjacent to the site which are currently being considered under planning reference Ref:21/01520/REM.
- 6.10 The addition of 20 residential units in a sustainable and accessible location would help to maintain the Council's healthy 5 year land supply position and provide additional housing choice to people by providing smaller accommodation (1 and 2 bedroom apartments).
- 6.11 Officers have, in conjunction with the applicant, considered the implications of this change as a result of the Supreme Court decision in Hillside Parks Limited v Snowdonia National Park [2022] UKSC 30.
- 6.12 As stated, the effect of the planning permission to be granted is to locate the local centre in a different part of the site to that which was shown on the approved illustrative masterplan and DAS and to create additional dwellings. Play areas are also shown within the site but these formed part of the original plans and DAS in this location in any event.

- 6.13 The change arising from this new planning permission is not considered to be a material departure from the original permission and its terms for several reasons:
1. The proposal remains the same in terms of the overall type and scale of development as envisaged in the original planning permission.
 2. The intention is still to create a local centre to serve the development.
 3. The location of the local centre in an alternative part of the site is acceptable in planning terms and offers a more suitable location to serve residents of the development.
 4. Whilst the proposal does create 19 additional dwellings (13 of which are in the form of apartments) these are located primarily on upper floors of the local centre. They do not prevent delivery of the approved scheme or key components of it. The additional units supplement rather than detract from what has been approved to date.
- 6.14 Officers are satisfied that in all the circumstances the proposal would not lead to a material departure from the approved plans and can be permitted without any adverse implications for the remainder of the development authorised pursuant to the outline planning permission.
- 6.15 Furthermore, and in any event, the applicant is proposing, by way of a Section 96A (Non-Material Amendment) application to vary both the illustrative masterplan and the DAS to reflect the proposed relocation of the local centre and its mixed use development including housing, parking and play areas. Whilst that application remains pending, should the current full application be permitted there should be no reason on the face of it not to approve the changes proposed in the Section 96A application. In those circumstances the proposed development of the local centre and housing will at the date of implementation accord with the revised illustrative masterplan and DAS in any event.

b) Design and Visual Amenity

- 6.16 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.
- 6.17 The buildings are located on a sweeping bend of a main street through the wider area and form a strong building line. They are set back from the street to define an attractive area. Buildings have been carefully designed so that the additional height of gabled end features to building A3A and A2 addresses views toward the local centre from adjacent streets. Most buildings are two storeys tall, with a section of taller 2½ storey proposed centrally to enhance the overall massing of the proposals. Eaves levels across the two storey buildings are set to different heights, as too are ridge heights in order to give the impression the group of buildings have evolved organically, whilst also creating visual interest. The proposed buildings have been designed to address corners at both ends of the scheme, with an attractive curved façade proposed in the north and a traditional secondary elevation treatment that includes windows in the south.
- 6.18 The appearance of the buildings has taken inspiration from the historic core of Market Harborough town centre; namely the upper part of the High Street. In order to create a successful streetscene, red brick typical of the area is the predominant material,

which is then broken up with white and pastel coloured render. The roofscape is similarly treated, with a grey tile used as the main material and a red proposed for variety. Chimneys are also proposed which provide interest, particularly to the feature gable at the side/ end of building A2. Architectural detailing to all elevations of the proposed buildings is intentionally varied in order to create variety and interest with; a projecting stone feature course, Georgian cornice eaves detail and Georgian style fenestration shown to the northern and southern terraces and Regency-inspired parapet detailing and proportions, an oriel window to the feature stepped-gable end and diamond-pattern bluebrick brickwork detailing;

- 6.19 Shop fronts are proposed that are traditional in style and respect the proportions of the buildings within which they are located, inclusive of subtle signage and/or well-proportioned facias and pilasters and with glazing that reflects existing vertical divisions on the upper floors.
- 6.20 Boundary treatments are purposely minimal in order to create an open feel to the frontage of the local centre, with low timber posts linked with chains proposed along the edge of the footpath, black Bristol Bollards between car parking spaces and the footpath and a low hedge defining a private space to the front of A1A. A hedgerow is also proposed along the back of the footpath in the south of the site which will help to obscure the resident parking area from the street scene. Hedges and 4-bar black estate railings are also proposed to the frontage of H7A-H7F, defining a defensible private space at the front of these dwellings. Due to the levels across the site, a retaining wall will be required along the eastern edge of the site in order to ensure the creation of a level plateau for the proposed sports pitches. 0.9m high black ball top railings are proposed at the top of the retaining structure adjacent to the site of the proposed changing facilities (separate application), whilst 1.8M V Mesh security fencing is proposed further south to enclose the sports pitches.
- 6.21 The CGI's contained with the Design and Access Statement help to illustrate how the development will appear once built.





CGI's of proposed development (Design and Access Statement)

- 6.22 Officers consider the design of the development to be both in keeping with the residential development of the wider site and reflective of the historic core of Market Harborough town centre. The design is therefore judged to satisfy Policy GD8.

d) Highways

- 6.23 Vehicular access is proposed both to the frontages and the rear of the local centre buildings. To the front, a narrow street is proposed which provides access to six accessible car parking spaces located close to the shop fronts as well as a ten standard visitor car parking spaces. Two groups of cycle hoops are also proposed along the frontage to enable secure storage of cycles. The route to the rear provides a wider carriageway and gives access to further parking spaces for visitors and staff of the shops and also to allocated residents parking bays. Serving vehicles will access here and a dedicated drop-off area for deliveries is proposed, off-line of the main carriageway to avoid congestion. This route has also been designed to facilitate further access to additional car parking associated with the sports pitches and changing facilities and to allow emergency access to the pitches should an ambulance be required. A total of 97 car parking spaces will be provided across the development. The internal roads within the site would not be adopted and would remain private.
- 6.24 The Local Highway Authority reviewed the initial application and requested further drawings for the site accesses / egress; a Stage 1 Road Safety Audit and swept path analysis. These details have been supplied and the LHA have advised *"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"*
- 6.25 It is therefore judged that a safe and suitable access and parking can be provided to serve the development which satisfies policies GD8 and IN2 in this regard.

c) Residential and General Amenities

- 6.26 Policy GD8 require that development should be designed to minimise impact on the amenity of existing and future residents through loss of privacy, overshadowing and overbearing impact. Nor should developments generate a level of activity, noise, vibration, pollution of unpleasant odour emission which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions. HDC's Development Management Supplementary Planning Document (SPD) also contains guidance relating to neighbouring amenity standards, including separation distances, however, such standards are applied flexibly as noted in the guidance.
- 6.27 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 proximity to residential dwellings.
- 6.28 Additionally, to safeguard both existing and future residents, conditions limiting opening hours and delivery hours are suggested, together with details of ventilation and extraction equipment.
- 6.29 Subject to conditions, the proposal is judged to satisfy policy GD8 in terms of residential amenity.

d) Climate Change

- 6.30 Policy CC1 (Mitigating Climate Change), requires major development to demonstrate how CO2 emissions will be reduced. The Applicant has submitted a statement in respect of mitigating climate change.
- 6.31 The Applicant intends to follow the 'fabric first approach' as the primary approach (i.e. high quality insulation; increased air tightness) and will :
- 1) Provide thermally efficient glazing
 - 2) Provide adequate ventilation throughout dwellings to ensure healthy environments within each home
 - 3) Will target a water consumption rate of 110 litres p/p per day for residential properties
 - 4) Provide electrical car charging points within the development
 - 5) Provide Cycle parking within the development
- 6.32 These measures, together with other design features proposed, including energy efficient boilers, appliances and lighting, as well as Broadband provision, will make a contribution to reducing emissions and will deliver environmentally friendly homes and premises.
- 6.33 The Applicant has also explained how CO2 emissions can be reduced during the construction phase through the use of construction materials.
- 6.34 Additionally, the Applicant also explains that the location of the development will provide good connectivity for both pedestrians and cyclists and the central location should reduce the need for vehicular trips outside of the development, thereby reducing CO2 emissions. Furthermore the bus route and proposed Bus Stop area is on the Main Spine Road just outside the Local Centre. This allows residents at the Local Centre area and the wider site to make trips using public transport and reduces the need to use private cars.
- 6.35 Officers are satisfied that the fabric first approach and provision of on site measures directly or indirectly associated with the Local Centre area will ensure that the development can make a positive contribution toward Climate Change objectives and as such Policy CC1 is satisfied.

e) S106 Obligations/Contributions

- 6.36 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism for securing benefits to mitigate against the impacts of development. Those benefits can comprise, for example, monetary contributions (towards public open space or education, amongst others), the provision of affordable housing, on site provision of public open space / play area and other works or benefits that meet the three legal tests under Regulation 122 of the CIL Regulations.

- 6.37 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..
- 6.38 Policy IN1 of the Harborough District Local Plan provides that new development will be required to provide the necessary infrastructure which will arise as a result of the proposal. More detailed guidance on the level of contributions is set out in The Planning Obligations Supplementary Planning Document, January 2017.
- 6.39 Appendix A identifies the CIL compliant developer contributions sought by consultees, a summary of the CIL compliance of the requests and a suggested trigger point to indicate when the contribution should be made. With regards to the trigger points they should not necessarily be seen as the actual or final triggers points for the S106 agreement but treated as illustrative of the types of trigger points which may be appropriate. It is recommended that the determination of the trigger points in the Section 106 Agreement be delegated to the Development Services Manager. The assessment carried out by Officers concludes that all stakeholder requests are CIL compliant.
- 6.40 The Applicant has confirmed (via email 15.03.22) that they are *“happy to proceed with Heads of Terms to cover the following: Affordable Housing at 40%; Open Space (on and off site); Waste; Libraries; Sports Hall; Swimming Pool; Monitoring Fees. It is acknowledged that the final figures will need to reflect the total number of dwellings, and final agreed Section 106 will reflect this”*.
- 6.41 It will also be important that the S106 ties in with the S106 document signed in March 2016.

7. Conclusion / Planning Balance

- 7.1 The local centre will provide a community hub to serve the new residents of the SDA. It will provide facilities which will reduce the need to travel further afield. Additionally, the development will provide residential accommodation to cater for either first time buyers and/or downsizers (1 and 2 bed apartments) and 40% affordable housing on a sustainable site.
- 7.2 The layout, scale and appearance of the buildings have been inspired by the historic core of Market Harborough and reflect and respect the surrounding residential development.
- 7.3 There are no technical objections (see consultation section) to the development subject to the conditions and obligations set out in Appendix A and B.
- 7.4 The development is judged to comply with the policies of the Development Plan and therefore represents sustainable development and should be approved.

Appendix A

8.1 If Members are minded to approve the application, the following conditions and informative are suggested:

1. Commencement

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

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

2. Permitted Plans

The development hereby approved shall be implemented in accordance with the approved Drawing Register

REASON: For the avoidance of doubt

3. Materials as per approved plans

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

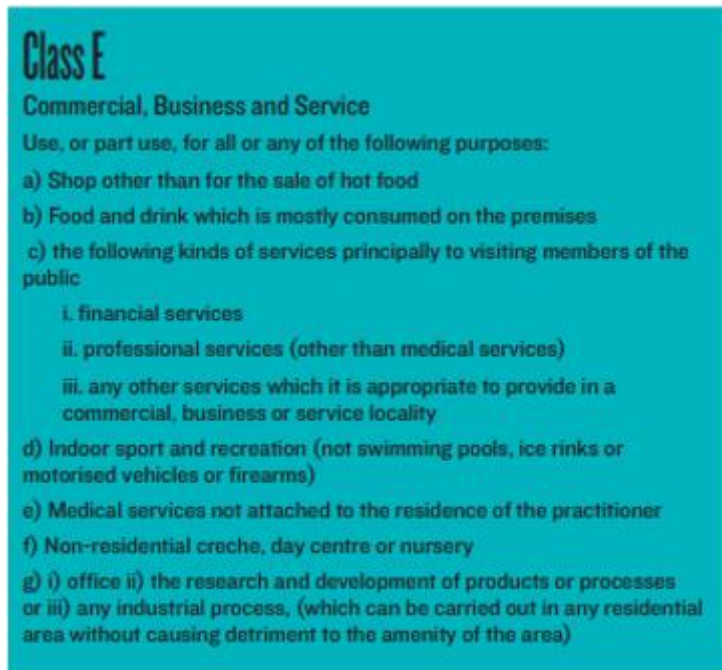
REASON: To safeguard the appearance of the development and the character and appearance of the area, having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

4. Use class restriction*

The commercial uses hereby approved shall only be used as a Class E(a) (b) or (e) and shall be used for no other purpose falling within Class E of the Town and County Planning (Use Classes) (Amendment) Regulations 2020 (or any order revoking or re-enacting or amending that order with or without modification) or for a Hot Food Takeaway (sui generis).

REASON: To ensure the uses within the local centre are appropriate to the surrounding area and serve the needs of local residents.

***Case Officer Note 1: Class E uses shown below**



Case Officer Note 2: Pubs & Drink Establishments and Hot Food Takeaways fall under 'Sui Generis'

5.Restriction on number of hot food takeaways

The commercial uses hereby approved shall contain no more than two hot food takeaway units.

REASON: To ensure that the development has the right mix of use and is not dominated by hot food takeaways.

6.Opening hours

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

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

7. Delivery Times

No deliveries shall be taken at or despatched from the commercial uses hereby approved or activities within service yards shall take place outside of the hours of 0700 and 2200 on weekdays, Saturdays and Bank and Public Holidays and any 6 hours between 1000 and 1800 on Sundays.

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

8. Landscaping

The landscaping details shown on the approved plans (Condition 2) shall be implemented in during the first planting and seeding season prior to, or immediately following, the first occupation of the building to which it relates. All hard landscaping comprised in the approved Landscape Scheme shall be completed prior to the first occupation of the building to which it relates.

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

REASON: To ensure that the work is carried out within a reasonable period and is allowed to establish and to ensure the landscaping is implemented and maintained in the interests of the visual amenities of the development and its surroundings having regard to with Harborough Local Plan Policies GD2, GD5, GD8 and GI5.

9. Construction Environmental Management Plan

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

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development
- d) Location of Contractor compound(s)
- e) Screening and hoarding details
- f) a detailed reactive and proactive road cleaning schedule, incorporating the use of road sweepers, on-site wheel wash facilities and the use of hand brooms on wheels and roads where necessary.
- g) Measures to control the emission of dust and dirt during construction
- h) Hours of operation - the details shall include the hours of construction and the hours for the loading/unloading of materials.
- i) Construction noise and vibration strategy
- j) Earthworks and soil management strategy
- k) Sustainable site waste management plan
- l) The means of access and routing for demolition and construction traffic and indication of signage locations to assist those delivering to the site
- m) A construction travel plan
- n) Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction
- o) The storage of fuel and chemicals
- p) details of any piling operation to be undertaken
- q) details of a Construction Communications Strategy which contains points of contact and details for residents to report HGVs utilising inappropriate routes;
- r) full details of any floodlighting to be installed associated with the construction of the development

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

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

10) Ventilation / Extraction Equipment

No external extraction or ventilation flues shall be installed, until details have been submitted to and approved in writing by the Local Planning Authority. Details shall include the positioning, design, materials and colour of the extractor duct/flue and noise attenuation measures for the ventilation machinery.

REASON: To safeguard residential and visual amenities of the locality having regard to Harborough Local Plan GD8.

11) 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.

12) Management of surface water on site during construction

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

13) Long-term maintenance of surface water drainage system

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.

14) Scheme for on-site foul water drainage works

Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate to the public network, shall be submitted to and approved in writing by the Local Planning Authority. Reason To prevent environmental and amenity problems arising from flooding

15) Ecological Mitigation, Enhancement and Management Plan

The development hereby approved shall be implemented in strict accordance with the measures stated in the Ecological Mitigation, Enhancement and Management Plan (Aspect Ecology October 2018).

Reason: To safeguard protected species and to ensure biodiversity net gain having regard to Harborough Local Plan policy GD8 and GI5.

16) Access Arrangements

No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Davidsons drawing number: LHLC-101, 'Little Harborough, Local Centre - Highways Plan Sheet 1 of 3', Revision P01, have been implemented in full.

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

17) Parking and turning facilities

The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Davidsons drawing number: LHLC-100, 'Little Harborough, Local Centre - Planning Layout Sheet 1 of 2', Revision P02. Thereafter the onsite parking and turning provision shall be kept available for such use(s) 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)

Suggested Informative

1) Advertisement Consent for signage

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

2) Section 278 Agreement

Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

3) Temporary Directional Signage

To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

4) Private Roads

The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

APPENDIX B – S106 OBLIGATIONS

Request by HDC	Obligation for Community Facilities contribution inc. Indoor Built Sports Facilities		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>Community Facilities</p> <p>£11,968 for the purpose of funding improvements to existing community facilities in the vicinity of the Development</p> <p>NOTE: The figure will alter according to the finalised housing mix. Currently based on the average figure for a 3 bedroom dwelling</p> <p>Indoor Built Sports Facilities</p> <p>£5,798 Sports Halls and £6412 Swimming Pools</p> <p>1st trigger point - 100 % to be paid to HDC prior to the Commencement of Development</p>	<p>100 % to be paid to HDC prior to the Commencement of Development</p>	<p>See full CIL justification from HDC Parish and Community Facilities Officer on file</p> <p>The development would place additional demands on community facilities.</p> <p>The contribution request has been justified using evidence of need for the community facilities and the contribution would be allocated to projects supporting community facilities in the Market Harborough</p> <p>The projects evidenced will benefit the new residents of the proposed development.</p> <p>The additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.</p> <p>Sport England's Sports Facilities Calculator (SFC)</p>	<p>Developer Contributions SPD January 2017</p> <p>Community Facilities Refresh Assessment May 2017</p> <p>Built Sports Facility Strategy</p> <p>HDC Parish Profiles March 2017</p> <p>Harborough Local Plan Policy IN1.</p>

Request by HDC	Open Space		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£85,355.00 towards enhancements of existing provision or additional provision in Market Harborough of parks & gardens, outdoor sports facilities, children & young people's provision, allotments, greenways, cemeteries and burial grounds.		<p>See full CIL justification of HDC Neighbourhood and Green Spaces officer consultation response on file.</p> <p>NOTE: Because the development is less than 50 dwellings all contributions would normally be off site; however this proposal is part of a larger development and it may be that the developer can demonstrate that sufficient provision has been made for the typologies of open space</p>	<p>Developer Contributions SPD January 2017</p> <p>Harborough Local Plan Policy IN1.</p> <p>Open Spaces Strategy 2021</p> <p>Playing Pitch strategy</p> <p>Provision for Open Space Sport and Recreation</p>
Request by HDC	Affordable Housing		
Amount/Detail	Delivery	CIL Justification	Policy Basis
<p>40% of the dwellings on site to be affordable. Equates to 8 units</p> <p>4x WHB1 units Apartment 1a and 1b = 2 units 4x WHB5 units H5 a,b,c,d,e,f = 6 units</p>	Not to allow Occupation of more than 50% (fifty per cent) of the market housing units until 50% of Affordable housing Units have been completed, not to allow	See full CIL justification of HDC Strategic Housing and Enabling officer consultation response on file	<p>Developer Contributions SPD January 2017</p> <p>Harborough Local Plan Policies IN1 and H2</p>

	<p>Occupation of more than 75% (seventy five percent) of the market housing units until the remaining 50% Affordable Housing Units have been completed.</p> <p>Affordable housing upon completion must be transferred to a partner Registered Provider at open market values to be agreed between the developer and RP partner and approved by HDC.</p>		
Request by LCC	Libraries		
Amount /Detail	Delivery	CIL Justification	Policy Basis

£333.04 towards increasing capacity at Market Harborough Library		<p>See full CIL justification from LCC Libraries on file</p> <p>The nearest library to this development is Market Harborough Library and it is estimated that the total assumed occupancy of 33 arising from the development will create additional pressures on the availability of the facilities at that library, and others nearby. The contribution is sought to provide improvements to the library and its facilities, including, but not limited to, books, materials, or associated equipment or to reconfigure the internal or external library space to account for additional usage of the venue arising from an increase in members to the library as a result of this development</p>	<p>Leicestershire County Council Planning Obligations Policy (2019).</p> <p>Harborough Local Plan Policy IN1.</p>
Request by LCC	Waste		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£1,600.80		The nearest RHWS to this development is Market Harborough RHWS and the proposed development of 20 dwellings would create additional pressures on the site.	
Request by LCC	Highways		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Travel packs, (one per dwelling). Can be supplied by LCC	From first occupation	To inform all new residents what sustainable travel choices are in the surrounding area including incentives to encourage changes in travel	Leicestershire County Council Planning Obligations Policy (2019).

at (average) £52.85 per pack.		behaviour towards the greater use of sustainable travel modes. To promote sustainable travel and to inform new residents what sustainable travel options are available in the surrounding area.	Harborough Local Plan policy IN1
Two x six-month bus passes per dwelling (application forms to be included in the Travel Packs and funded by the developer). These can be supplied through LCC at current average cost of £360.00 per pass	From first occupation	To encourage new residents to use the bus service; to establish changes in travel behaviour from first occupation and promote use of sustainable travel modes other than the car. To encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation.	Leicestershire County Council Planning Obligations Policy (2019). Harborough Local Plan policy IN1
Request by HDC	Obligation for Monitoring Fee		
Amount /Detail	Delivery	CIL Justification	Policy Basis
15% of the Application fee or £250.00 per financial obligation payable to the District Council	Within 14 days of commencement	To cover the costs of monitoring payments and implementation of the developer contributions and scheme.	Developer Contributions SPD 2017.
Request by LCC	Obligation for Monitoring Fee		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£300.00 or 0.5% (whichever is greater) per financial obligation in favour of the County Council	Within 14 days of commencement	To cover the costs of monitoring payments and implementation of the developer contributions and scheme.	Leicestershire County Council Planning Obligations Policy (2019).

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

Committee Report

Applicant: Mr Ian Fenny

Application Ref: 22/00719/FUL; 22/00759/VAC; 22/00764/VAC; 22/00767/VAC

Location: Land at Ate Farms Ltd, Moorbarns Lane, Lutterworth

Proposal:

(1) 22/00719/FUL Erection of 21 residential holiday lodges and a management building with associated parking, gallops and landscaping

(2) 22/00759/VAC-Variation of Condition 2 (private only use of stabling) of 13/00829/FUL to enable the stables, tack room and hay barn to be used by horses other than the applicant's own including horses owned by visitors staying in lodges which are proposed under planning application 22/00719/FUL)

(3) 22/00764/VAC Change of use of land from agricultural to equestrian, including formation of horse exercising gallop (Variation of Condition 2 (private exercising of horses) of 14/01336/FUL to enable the land and gallops to be used by horses other than the applicant's own including horses owned by visitors staying in lodges which are proposed under planning application 22/00719/FUL)

(4) 22/00767/VAC- Variation of condition 2 attached to 15/00277/FUL. To enable the exercise arena to be used by horses other than his own including horses owned by visitors staying in lodges which are proposed under planning application 22/00719/FUL.

Application Validated: 31.03.22

Target Date: 30.06.22 (extension of time agreed)

Consultation Expiry Date: 18.11.22

Site Visit Dates:

Reason for Committee decision: Call in by Cllr Ackerley highway impacts (see paragraph 3.6 below)

Parish & Ward: Lutterworth West

Recommendation

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

1. Site & Surroundings

- 1.1 The application site is located on the Southern side of Moorbarns Lane, approximately 1.5 km from the centre of Lutterworth, with part of the Lutterworth Golf Course abutting it to the East. Moorbarns Lane serves Lutterworth High School and John Wycliffe Primary school at its northern end and also the Civic amenity site (opposite site), Old and new Showperson's site and some new residential development. It narrows before the application site as the road crosses the A4303 Bypass and becomes a dead-end road further past the application site.

1.2



- 1.3 The site comprises 13.4 hectares and is used for equestrian uses and has a range of stables and other equestrian related structures on it. Adjacent is the house, and agricultural buildings belonging to the site owner, which has a separate site access.

Existing site entrance:



- 1.4 Land levels within the site are quite varied, falling away from the top of the site closest to Moorbarns Lane down to the brook forming the Southern boundary.





- 1.5 The site comprises of two fields of improved grassland. A species-poor intact hedge and a fence was present along the middle of the two fields; it also formed the north-eastern site boundary. Surrounding landscape included arable fields, lines of trees, and small blocks of deciduous woodland.
- 1.6 The site is mostly located within Flood Zone 1 (low risk of fluvial flooding), with the minor southern portion of the site being within Flood Zone 3 (high risk of fluvial flooding).

2. Site History

- 2.1 13/00829/FUL-Erection of a ten-bay stable block including tack room and a hay barn (app) (Condition 2 refers to “private use only”).
“The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides. REASON: In the interests of highway safety and to protect the rural character of the area and to accord with Harborough District Core Strategy Policies CS11 & CS17”.

The haybarn has subsequently been converted to additional stables (8) and livery use is taking place on site.



14/01336/FUL-Change of use of land from agricultural to equestrian, including formation of horse exercising gallop (Condition 2 refers to “private use only”)

“The development hereby permitted shall only be used for the private exercising of horses and shall at no time be used for any commercial purpose whatsoever in connection with equestrian tuition or leisure rides. REASON: In the interests of highway safety and to accord with Harborough District Core Strategy Policies CS11 & CS17”.

15/00277/FUL-Erection of horse exercise arena at Moorbarns Lane adjacent to site of existing stable block. (Condition 2 refers to “private use only”)

The development hereby permitted shall only be used for the private exercising of horses, ancillary to the existing stables, and shall at no time be used for any commercial purpose whatsoever in connection with equestrian tuition or leisure rides. REASON: In the interests of highway safety and to accord with Harborough District Core Strategy Policies CS11 & CS17

Further to the conversion of the haybarn to 8 stables, a further stable block has been added, such that there are a further 9 stables on site, 2 horse walkers and storage containers (subject of a separate enforcement case). A tenant has been using the land for a livery business for around 38 horses (February 2022).

The menage has been used for dressage lessons and has been available for private hire (all in connection with the livery business). The commercial use has prompted the submission of the Variation of condition applications.

The Agent has stated that the horse walkers were erected over 6 years ago, so are immune from Enforcement actions and the additional stable block and storage containers have been removed from site.

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal is for a new leisure use in the countryside and comprises a number of elements:

Use of part of the site for holiday lodges (Southeastern corner) with new access tracks and all weather gallop around paddock land. A management lodge is shown to the top of the site.

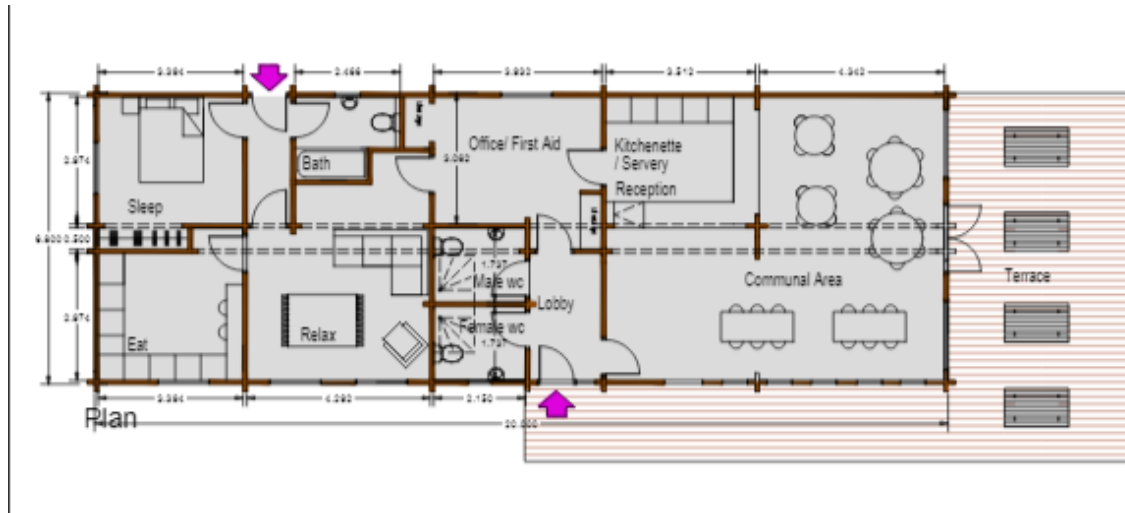


Accommodation

Erection of 21 holiday lodges (2-bed each 86sq m internal floor area), Materials are Timber, with grey profiled metal sheeting roofing. External decking. Maximum height 3.55m.



A management building (approx. 136 sq.) Height and materials as previously. The majority of the building is shown as communal area/kitchenette/reception/office/first aid, whilst approximately, one third is ancillary accommodation (for manager).



3.2 Highways and parking:

- The Applicant proposes minor amendments to the existing access which will be shared with the existing stables on to Moorbarns Lane, an adopted unclassified road with a 60mph speed limit. Approximately 50 metres to the south of the access on the opposite side of the carriageway is the access to Lutterworth Household Waste Site. After serving Moorbarns Farm and the main entrance for ATE Farms, Moorbarns Lane eventually terminates to the south at the Severn Trent Treatment Works. Moorbarns Lane is approximately five metres wide from the site access to the treatment works to the south and from the access to the access to Bond Street/ the Grange Residential Park to the north

Individual parking for each lodge is provided.

3.3 Landscaping:

Whilst the layout plan shows a spacious layout on the site, with the existing hedge across site and boundary hedges and trees retained, further planting and details can be conditioned so as to enhance the development further, provide screening and enhance the biodiversity of the site.

3.4 Equestrian uses on site; (Variation of conditions applications).

There are existing stables, manege and exercise equipment on the site, all of which are subject to a private, non-commercial condition. The applicant is also applying to vary the relevant conditions such that a commercial use can take place, including use by holiday makers who wish to use the facilities. Riding school use would be excluded

as this is likely to create additional traffic which has not been fully assessed and is a more intensive use in respect of traffic movements than a livery use.



b) Documents submitted

i. Plans

3.5 The application as finally amended is accompanied by the following proposed plans:

Site layout and lodges

- ii. Site access plan
Supporting Information
-

3.6 The application as amended has the following supporting information:

Noise Assessment
Tree Survey
Transport Assessment (revised)
Ground Investigation Report
Flood Risk Assessment (revised)
Ecology Report
Topological survey

c) Pre-application Engagement

3.7 No pre-application advice was sought or given for this application.

d) Other Relevant Information

3.8 The application (for holiday lodges) has been called-in to Planning Committee at the request of Cllr Ackerley for the following reasons:

1. Access to this site goes past two schools and the County Council waste site. There has been a great deal of concern from local residents about development on Moorbarns lane.

The other items are reported for completeness, given the linkages.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application, including site notices.
- 4.2 Reconsultation has been carried out on amended plans with relevant consultees as and when the amended information has been submitted, this being chiefly with Highways, Ecology and LLFA..
- 4.3 A summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

- 4.4 **Cotesbach Parish Council**
Object:

1. Site is very visible from Cotesbach as on open land, and from footpaths. Would be harmful to the landscape. No planting scheme is shown which would screen the site.
2. Site is visible from the grounds of listed church with views through to Lutterworth Church.
3. Concerns about the design of the lodges which could result in a series of obtrusive dwellings without adequate screening.
4. No waste facilities, business plan and would question how it would be run?
5. Concerned about additional traffic, including horse boxes.
6. If minded to approve, would like to see conditions in regard to;
Screening, lighting, duration of stays, noise and event management.
7. Raise issue of Ragwort on site.

4.5 Lutterworth Town Council;

None received

4.6 Lead Local Flood Authority

Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 13.39ha greenfield site is mostly located within Flood Zone 1 (low risk of fluvial flooding), with the southern portion of the site being within Flood Zone 3 (high risk of fluvial flooding). The site is also at low risk of surface water flooding. The proposals seek to discharge at 10.4l/s discharge rate via natural processes and a controlled outfall to the River Swift, an on-site main river. Newly clarified information has satisfied the LLFA's concerns over the site layout and drainage strategy for this application. As such the LLFA is happy to condition the remaining outstanding information (maintenance and management of assets)

4.7 Environment Agency:

Recommend that the development is carried out in accordance with the Flood Risk assessment and condition recommended;

Development entirely with Flood zone 1 and finished floor levels of lodges.

4.8 HDC Environmental Health

No contaminated land requirement.

4.9 LCC Highways

Following the submission of further information, highways are satisfied that it is unlikely that the additional trips generated by the proposed development would have a material impact on the existing highway network during the weekday or weekend highway network peak hours. (refers to all applications).

Conditions recommended.

4.10 LCC Archaeology

Welcome the archaeological desk-based assessment provided with the application and agree that there is a potential for archaeological remains to be located within the application area and to be impacted by the proposed development. 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.
Recommend condition.

4.11 **LCC Ecology**

The site was comprised of two fields of improved grassland. A species-poor intact hedge and a fence was present along the middle of the two fields; it also formed the north-eastern site boundary. Surrounding landscape included arable fields, lines of trees, and small blocks of deciduous woodland.

4.12 **LCC Minerals and Waste:**

It is unlikely that a minerals assessment would have revealed any need to object to the proposal.

b) Local Community

4.13 One letter of objection received from resident in Dunton Bassett, expressing the following concerns:

- Highway safety, already over developed on a no through road with schools at one end.
- Loss of open countryside
- Residential development in the countryside should be resisted.

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

5.3 The following are considered material planning considerations:

- *National Planning Policy Framework*
- *National Planning Practice 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 Lutterworth an identified key Centre settlement 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, iv). This policy also allows for equestrian uses, outdoor sport and recreation uses and associated buildings in the countryside.

- 6.2 The proposal is considered to comply in principle with GD3, noting that there are already equestrian uses and facilities on the site (albeit restricted usage). GD3 1.a supports farm diversification and gives tourist accommodation as an example of this. 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)

- 6.4 The holiday lodges, and overall leisure/tourism use including stables and other equine development is considered appropriate in the countryside. The proposal will provide an additional tourist attraction linked with the equine usage and help to support the role of Lutterworth as a key centre. The land is already in equine use and the lodges will support this by offering linked accommodation, reducing potential traffic movements. The proposal will diversify the applicant’s existing agricultural use. Matters of visual impact and transport infrastructure are addressed below.

- 6.5 Paragraph 85 of the NPPF recognises that proposals to serve local businesses (and officers consider this includes the proposed tourism use by way of farm diversification) 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. These matters are further addressed below.

- 6.6 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.

b) Technical Considerations

1. Design, Layout and Landscaping

- 6.7 The layout respects the existing contours of the land and retains these with the levels falling across the site from North (top) to South by some 17m overall. The lodges are low key (3.55m max) and timber construction and are well spaced to allow for additional landscaping. They can be dug into the ground where required to mitigate further, and to this end, a further levels plan will be required by way of condition. The proposed buildings have an acceptable low-key design with suitable materials for the countryside location. The siting of the equestrian development, at the top of the site will keep activity and development associated with that use within the existing built form, close to the road. Additional planting is required for screening given the visibility of the site from Cotesbach and neighbouring footpaths will help to improve the biodiversity and green nature of the site.

Boundary treatment looking towards Cotesbach from bottom of site.



Areas of hard landscaping (tracks, car parking etc) have been kept to a minimum and sensitive materials will be required (C8 refers).

- 6.8 Officers consider that the proposal has a layout, design and landscaping which respects the context in which the development is sited and has a harmonious appearance, in accordance with Local Plan policy GD8.

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

- 6.9 Due to existing varying land levels the proposed development can be mitigated with careful positioning. Any glimpses of the proposed buildings will not be viewed as unsympathetic however, given the good design and materials. Officers note the concerns of Cotesbach Parish Council regarding impact on the character and appearance of the countryside. It is noted however that the proposal retains all existing trees and hedges and a further landscape plan will be required to include new planting and future maintenance. This can be controlled by condition and can be enforced if necessary. The trees already on site are not protected under the Planning system and their protection by way of this consent (if granted) is considered a benefit of the proposal, particularly given the sensitivity of the site in ecological terms.
- 6.10 Officers consider that the proposal preserves the character and appearance of the countryside and landscape, in accordance with GD8 and GD5 of the Harborough Local Plan.

3. Heritage

- 6.11 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.
- 6.12 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.
- 6.13 Whilst there are not any designated heritage assets on or close to this site, the Parish Council refer to concerns that the proposal may disturb views between Cotesbach and Lutterworth churches. However it is considered that the nature of the low key structures, combined with their positioning within the land contours and existing and proposed boundary/landscaping will mitigate any impact and the site is offset also from the main line of vision, with more significant development between.
- 6.14 Non-designated heritage assets are firstly any below-ground archaeology. County Archaeology have no objection to the proposal but have requested an archaeological condition (C 9 refers).

- 6.15 The proposal is judged to have no harmful impact on designated or non-designated heritage assets, to preserve the setting of Listed Buildings and Conservation Areas. It thus accords with HC1, the NPPF and the Act.

4. Highways

- *Highway impacts*

- 6.16 Plans submitted show an access width of 7.6 metres which reduces in width to 6.1 metres within the site and a five metre junction radii. Also demonstrated is the safe passing at the access of two landrovers travelling in opposing directions that are each towing a large horsebox. The Applicant has also demonstrated the achievement of vehicular visibility splays of 2.4 x 43 metres to the south and 2.4 x 54 metres to the north. These splays are based on an Automatic Traffic Count undertaken between 9 - 15 February 2022 adjacent to the proposed site access, which indicated 85%ile speeds of 31mph southbound and 29mph northbound. The LHA are satisfied that the access is safe and suitable to serve the proposed development

Photograph 1: Existing Site Access



- 6.17 The Applicant undertook a review of the TRICS database to determine suitable weekday trip rates from other similar sites. Selected were two sites, one in Derbyshire from which the survey results for 29 July 2011 were analysed and one in Norfolk from which the survey results for 17 August 2021 were analysed. The resulting proposed weekday vehicular trip rates for the development are detailed in Table 1. Table 1:

	Trip Rates (per unit)		Trip Generation (21 units)		
	Arrive	Depart	Arrive	Depart	2-Way
AM Peak (08:00-09:00)	0.045	0.058	1	1	2
PM Peak (17:00-18:00)	0.214	0.179	4	4	8

Weekday vehicular trip rates, 21 holiday lodges. In addition to the AM and PM peak trips generated as shown above the data contained in Appendix F of the 'Transport Statement' shows that the proposed development may generate a total of 69 weekday two-way movements. The Applicant has undertaken a further review of the TRICS database to determine suitable weekend (Saturday) trip rates from other similar sites. Again two sites were selected, one in Derbyshire from which survey results for 28 July 2018 were analysed and one in Moray from which the survey results for 17 July 2021 were analysed. The LHA note that the site in Moray is unlikely to provide a direct comparison with the proposed development. However taking into consideration the limited number of surveys for holiday lodges available in the TRICS database the LHA is minded to accept the submitted rates for holiday lodges. The resulting proposed weekend (Saturday) vehicular trip rates for the development are detailed in Table 2:

	Trip Rates (per unit)		Trip Generation (21 units)		
	Arrive	Depart	Arrive	Depart	2-Way
AM PEAK (11:00-12:00)	0.077	0.103	2	2	4
PM PEAK (17:00-18:00)	0.112	0.092	2	2	4

In addition to the AM and PM peak trips generated as shown above the data contained in Table 6 of the 'Transport Statement' shows that the proposed development may generate a total of 46 weekend (Saturday) two-way movements. The LHA are satisfied that it is unlikely that the additional trips generated by the proposed development would have a material impact on the existing highway network during the weekday or weekend highway network peak hours.

- 6.18 Officers consider that this “worst-case” scenario is extremely unlikely to occur in practice. Trips are much more likely to be staggered throughout the day, and are unlikely to occur at peak hours when the road is busiest (weekdays 8-9am, 3-4pm) due to the nature of the uses. The trips are also likely to vary according to season and in the winter months for example there may be fewer vehicle movements associated with the holiday use proposal. The tourist use is likely to only reach its peak in holiday periods when (for example) school traffic will be limited. With the different equestrian facilities available on the site, the accommodation is likely to be attractive to those

who wish participate in equine activities whilst on holiday, also reducing the number of trips in and out of the site.

The Transport Statement shows the distance to key amenities/facilities from the site:

Table 2: Accessibility Assessment

Facility	Approx. Distance (m)	Approx. Journey Time (minutes)*	
		Walking	Cycling
Health			
Fortnams Chemist Alphega Pharmacy	1500	18	7
Feilding Palmar Hospital	1900	23	9
Retail			
Onsite Shop	N/A	-	-
Morrisons	1700	21	9
Aldi	1800	23	9
Waitrose & Partners Lutterworth	1900	23	9
Leisure			
The Fox Inn	1400	17	6
Lutterworth Cricket Club	1600	19	7
Lutterworth Sports Centre	1700	20	7

*Assumes a walking speed of 1.4m/s (3.2mph or 5.0kph) taken from the Guidance for Providing for Journeys on Foot (IHT, 2000) and cycling speed of 4m/s (9mph or 14.4kph), taken from Local Transport Note 1/86.

**Closest facility of each type shown, additional facilities may be present at a further distance.

The Department for Transport (DfT) found that whilst walking constitutes around 25% of all journeys made in a year, it found that approximately 80% of all walking trips were under one mile (1.6km). On average, people are willing to travel 16 minutes per walking trip. Table 2 demonstrates that some key facilities and amenities future visitors and staff may require within the local area are located within a realistic walking distance of the site (within 1.6km). There is no separate footpath on this section of Moorbarns Lane.

Photograph 2: Moorbarns Lane Carriageway



There are also opportunities for cycling and the nearest bus service is on Woodmarket, approximately 1.1 km away.

- 6.19 County Highways consider that the assessment is both robust and a worst-case scenario, acknowledging that in practice, the number of trips is likely to be lower. Having considered all the evidence, including concerns raised by Members and residents, 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.
- 6.20 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.

- 6.21 The nearest residential properties to the site are Spring Farm (opposite) and the adjoining dwelling (owned by site owner). The equestrian use is already in operation and provides a buffer to the road, whilst the holiday lodges are relatively low key and some distance away such that no loss of amenity is identified.
- 6.22 The proposed holiday lodges would be well insulated and noise would be mitigated internally by this and by the inclusion of well fitted windows and doors. The submitted noise assessment confirms that the impact of the motorway would not be significantly adverse to the occupiers
- 6.23 The management lodge will enable the use of the site to be controlled, such that any issues of noise or nuisance can be adequately dealt with. Further details of external lighting and a minor Construction management plan to control hours of construction and wheel washing is also required, but the construction period for such low key structures (often pre-built) is typically relatively short. Officers consider that the proposal will safeguard residential amenity, in accordance with GD8.

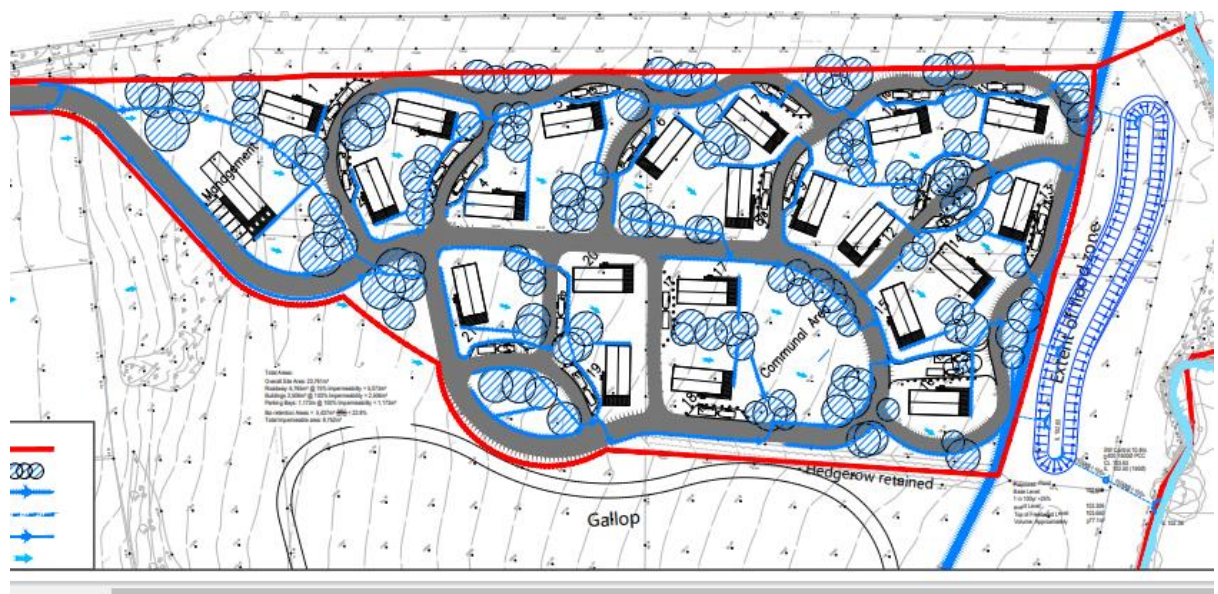
6. Ecology, biodiversity, trees and soils

- 6.24 The Framework places great importance on the protection and enhancement of biodiversity, stating that development plans should identify and pursue opportunities for securing measurable net gains for biodiversity. Furthermore, when determining planning applications, opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 6.25 Local Plan Policy GI5 states that development will be permitted where, amongst other things, opportunities for improving habitats are incorporated, and unavoidable loss or damage to habitats, sites or features is addressed through mitigation, relocation or, as a last resort, compensation to ensure there is no net loss of environmental value. The policy also states that development should, as relevant, provide contributions to wider biodiversity improvements in the vicinity of the site.
- 6.26 The applicant has submitted an ecology survey which County Ecology consider to be acceptable. A scheme to enhance biodiversity net gain required by way of landscaping condition 17.
- 6.27 The site is of mineral interest with the soil in an area of sand and gravel value. However, the County Council Minerals Planning team have raised no objection to the proposal.

- 6.28 A tree survey has been submitted, and the proposal will not harm veteran, aged or good-quality trees, retaining the existing trees on site boundaries.
- 6.29 For these reasons and subject to conditions, the proposal is considered to protect and enhance biodiversity on the site, to not result in the loss of the best and most versatile agricultural land, to protect aged and good-quality trees, to provide biodiversity net gain, to not lead to the loss of minerals and to ensure that the land is not contaminated, in accordance with Local Plan policies GI5 and GD9 and paragraphs 174, 180 and 183 of the NPPF.

7. Flooding, Drainage and Water

- 6.30 Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 13.39ha greenfield site is mostly located within Flood Zone 1 (low risk of fluvial flooding), with the southern portion of the site being within Flood Zone 3 (high risk of fluvial flooding). The site is also at low risk of surface water flooding. The proposals seek to discharge at 10.4l/s discharge rate via natural processes and a controlled outfall to the River Swift, an on-site main river. Newly clarified information has satisfied the LLFA's concerns over the site layout and drainage strategy for this application. As such the LLFA is happy to condition the remaining outstanding information (maintenance and management of assets)



- 6.31 Both the LLFA and the Environment Agency are satisfied with the information submitted and relevant conditions are recommended (C5-7 refer). This includes that there is no development in flood zone 3, and that the lodges are a certain level to avoid the chances of flooding. Further a scheme for rainwater harvesting is included as part of Condition 15. Officers consider that the proposal complies with CC3, CC4 and IN4 of the Local Plan.

8. Climate Change and electronic connectivity

- 6.46 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.
- 6.47 Local Plan policy CC1 relates to major development (the site area means this proposal is for major development) requiring proposals to demonstrate passive design, best-practice accreditation, renewable energy technology and minimised carbon emissions during construction (*inter alia*). Whilst this scheme is not classified as major development, in accordance with Para 85 of the NPPF (to make the development sustainable), a condition will require a package of "Green" measures to be agreed (C 15 refers).

7. The Planning Balance / Conclusion

- 7.1 The application is to be assessed against the policies of the development plan together with all material considerations.
- *Development plan*
- 7.2 The above assessment concludes that the proposal complies with policies GD3, GD5, GD8, GD9, HC1, RT4, GI5, IN2, IN4, CC1, CC3 and CC4 of the Harborough District Local Plan.
- *Material considerations*
- 7.3 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.

7.4 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 create economic benefits for the applicant (farm diversification) and for the wider area, as it is for tourist accommodation for visitors to the District. There may be some benefits from Business Rates. The proposal will create some limited employment and this is likely to be both permanent and seasonal jobs. Officers consider that the economic benefits are modest however they should be afforded some positive weight.

o Social: benefits include health and well-being benefits for the users, including equestrian users and holiday makers, and offer an opportunity to combine the two. Officers consider that social benefits should be given modest positive weight.

o Environmental: The proposal is in keeping with the character and appearance of the surrounding countryside and will retain existing boundary trees and there will be landscape enhancement and bio-diversity net gain can be achieved. During development there may be some short-term disturbance/inconvenience to residents. Horse owners in Lutterworth will be able to keep their horses in a relatively sustainable Location, avoiding longer journeys elsewhere.

7.5 The proposal is considered to meet all three strands of sustainable development and represents an acceptable use in the countryside. Conditions are proposed that would restrict the use of the accommodation to that linked with holiday purposes and its management, as residential accommodation is not justified in this location (Conditions 11 and 12 refer).

The proposed development is acceptable on the basis that the site occupies a sustainable location on the edge of a key centre. The details of the scheme, subject to conditions, demonstrate that it is capable of being assimilated into its surroundings without adversely affecting the character and appearance of the area, the amenities of occupiers of nearby properties, highway safety, biodiversity, archaeology, flooding, or any other interest of acknowledged importance.

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).

- 7.6 It is also recommended that the relevant conditions relating to the private equestrian use of the site are varied, such that the existing equestrian facilities can be used by horses other than the applicant's own including horses owned by visitors staying in lodges which are proposed under planning application 22/00719/FUL). This is on the basis, that highways are satisfied that the impact of doing so will not be harmful (as demonstrated), and that the variation will not have a harmful impact on the character of the countryside. (Appendix B conditions)

Appendix A – conditions

1. Commencement

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

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

2. Permitted plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location (1002A), Block Plan (1003), log05, log03

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

3. Materials

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

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

4. Surface water drainage scheme

The surface water drainage scheme shall be carried out in accordance with the FRA and drainage strategy (BSP including amendments and updates) and retained in perpetuity.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water drainage and to accord with Harborough District Local Plan policies CC3 and CC4, and the National Planning Policy Framework.

5. Surface water management during construction

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 approved scheme shall be adhered to throughout all construction works prior to first use of the development hereby permitted.

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 accord with Harborough District Local Plan policies CC3 and CC4 and the National Planning Policy Framework.

6. SUDs management

No use 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 approved maintenance scheme shall 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 approved development and to accord with Harborough District Local Plan policies CC3 and the National Planning Policy Framework.

7. Flood Risk Assessment

The development shall be carried out in accordance with the submitted flood risk assessment (ref MLLL-BSP-ZZ-XX-RP-C-0001- 01_Flood_Risk_Assessment, dated 28 Feb 2022) and the following mitigation measures it details:

- In order to mitigate fluvial flood risk on-site the proposed development should be constrained to areas that are entirely within Flood Zone 1 (as shown on DRAFT drawing No. 1002) - sections 4.1.2, 9.0 and Appendix B.
- Finished floor level of the lodges shall be set no lower than 104.85 metres above Ordnance Datum (AOD) or 150mm above external finished ground levels, whichever is the higher (the latter in order to prevent internal surface water flooding). Where possible ground levels should fall away from the proposed lodges and towards the surrounding land which falls towards to River Swift - sections 4.1.2 and 9.0

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

8. Hard surfacing areas

Prior to the erection of any building approved by this permission on the site, details of all areas of hard surfacing, parking, trails, turning, internal roads and tracks shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first use of the site and retained in perpetuity.

REASON: To ensure a satisfactory form of development in the interests of the character and appearance of the countryside having regard to Harborough District Local Plan policies GD8 and GD5, and the National Planning Policy Framework.

9. Archaeology:

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 The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor

10. Holiday let occupation

The tourist accommodation (holiday lodges) hereby approved shall only be occupied for holiday purposes, in accordance with the following terms:

a) The tourist accommodation shall be used for no other purpose (including any other purpose within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order, with or without modification).

b) Occupation of the tourist accommodation shall not exceed a continuous period of 30 days.

c) The tourist accommodation shall not be occupied as a person's or persons' sole or main place of residence.

d) The site/premises owners or operators shall maintain an up-to-date register of the names of all occupiers of the tourist accommodation, their main home address/es and telephone and/or email contact details, the purpose of their stay, and the dates of their stay, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON: To prevent unrestricted residential development in the open countryside, to support local tourism development and its associated economic benefits, to ensure that the holiday let unit remains available for tourist accommodation and to accord with Harborough Local Plan Policies GD3 and RT4 and the National Planning Policy Framework.

11. Management Building:

The management building hereby approved shall be set out and thereafter retained as shown on the plans, primarily for management purposes in association with the holiday lodges, and any occupation shall be ancillary to this purpose by someone employed to manage the accommodation.

REASON: To prevent unrestricted residential development in the open countryside, to support local tourism development and its associated economic benefits, to ensure that the holiday let unit remains available for tourist accommodation and to accord with Harborough Local Plan Policies GD3 and RT4 and the National Planning Policy Framework.

12. External Lighting

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

REASON: To safeguard the 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.

13. Access

No part of the development hereby permitted shall be brought into use until such time as the access arrangements shown on the following drawings have been implemented in full:

M-EC drawing number 27061_08_020_01

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 to accord with Harborough District Local Plan policies GD8 and IN2 and the National Planning Policy Framework

14. Parking/turning

The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the BHC drawing 1003. 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

15. Sustainability improvement measures:

Within two months of the commencement of development, full details of the sustainability improvement measures including rainwater harvesting, re-cycling, solar/heat ground source energy, electric charging points, shall be submitted to the Local Planning Authority. The approved details shall be implemented prior to first use of the development, 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.

16. Levels;

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

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

17. Landscape scheme:

Prior to the first occupation of the unit(s) a Landscape Scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape Scheme shall include measures for biodiversity net-gain, and full details of proposed hard and soft landscape works, including: access, driveway, parking, turning and all other surfacing materials; boundary

treatments; retained planting/hedges/trees and new planting/hedges/trees; screened bin store area; and a timetable of implementation.

Thereafter, the landscape scheme shall be carried out in accordance with the approved details prior to the first occupation of the dwelling(s). Any trees, shrubs, hedges or plants which, within a period of five years from their date of planting, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

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

18. Landscape management:

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

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

19. CEMP (minor)

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) details of wheel washing facilities on site and regime to be implemented.
- 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.

Notes to Applicant:

1. Refer to Correspondence from LLFA dated 18.11.22

2. EA:

Although we are satisfied that the development will take place in Flood Zone 1, we would wish to highlight that the Extent of the Flood Zone adjacent to the development at the upstream end

of the site has been incorrectly plotted on all site plan and block plan drawings submitted (Drawing Nos. 1003 to 1006), the correct plotting of the Flood Zone extents is as shown on DRAFT drawing No. 1002 in Appendix B of the FRARAFT drawing No. 1002 in Appendix B of the FRA.

Appendix B– conditions:

22/00759/VAC

(2) Variation of Condition 2 (private only use of stabling) of 13/00829/FUL to enable the stables, tack room and hay barn to be used by horses other than the applicant's own including horses owned by visitors staying in lodges which are proposed under planning application 22/00719/FUL)

Conditions:

1. The stables, tack room and hay barn may be used by horses other than the applicant's own including horses owned by visitors staying in lodges which are proposed under planning application 22/00719/FUL) No commercial riding school use is permitted.

REASON: To safeguard the amenities of the locality and the safety of persons and vehicles using the adjoining highway having regard to Harborough Local Plan Policies GD3 and GD8 and the requirements of the National Planning Policy Framework.

22/00764/VAC

(3) Change of use of land from agricultural to equestrian, including formation of horse exercising gallop (Variation of Condition 2 (private exercising of horses) of 14/01336/FUL to enable the land and gallops to be used by horses other than the applicant's own including horses owned by visitors staying in lodges which are proposed under planning application 22/00719/FUL)

Condition:

1. The land and gallops may be used by horses other than the applicant's own including horses owned by visitors staying in lodges which are proposed under planning application 22/00719/FUL) No commercial riding school use is permitted.

REASON: To safeguard the amenities of the locality and the safety of persons and vehicles using the adjoining highway having regard to Harborough Local Plan Policies GD3 and GD8 and the requirements of the National Planning Policy Framework.

22/00767/VAC

(4) - Variation of condition 2 attached to 15/00277/FUL. To enable the exercise arena to be used by horses other than his own including horses owned by visitors staying in lodges which are proposed posed under planning application 22/00719/FUL.

Condition:

1. The horse exercise arena may be used by horses other than the applicant's own including horses owned by visitors staying in lodges which are proposed under planning application 22/00719/FUL) No commercial riding school use is permitted.

REASON: To safeguard the amenities of the locality and the safety of persons and vehicles using the adjoining highway having regard to Harborough Local Plan Policies GD3 and GD8 and the requirements of the National Planning Policy Framework.

Planning Committee Report

Applicant: Mr & Mrs P Grady

Application Ref: 22/01106/FUL

Location: Land at Nether Green, Great Bowden

Proposal: Erection of detached dwelling (revised scheme of 20/00820/FUL)

Application Validated: 23.05.2022

Site Visit Date: 10.06.2022

Consultation Expiry Date: 18.08.2022

Target Date: 18.07.2022 (EoT agreed)

Reason for Cttee decision: Application has been called in for consideration by Cllr Champion due to previous concerns and public interest

Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report and subject to the Planning Conditions set out in Section 9 of this report.

1. Update from 6th September Planning Committee

- 1.1 Following consideration of the application by Planning Committee on the 6th September, the application was deferred to allow HDC the opportunity to seek specialist advice regarding the potential heritage impact of the proposals. In response to this, Officers sought advice from HDC's Strategic Planning Heritage and Conservation Officer (SPHCO). As a result of this, a Heritage Impact Assessment was requested from the applicant. This report was subsequently submitted to and assessed by the Strategic Planning Heritage and Conservation Officer, with comments available to view at **Figure 18** of this report.
- 1.2 In response to these comments, Officers further requested amendments to the proposals to reduce the ridge height of the proposed garage (following an unsuccessful request on design grounds during the initial consideration of the application). The Applicant's subsequently provided a rebuttal response to the SPHCO's comments (See **Appendix A**). The SPHCO has reviewed this response, and their final position statement in relation to the application can be viewed at **Figure 18**. These additional deliberations are concluded at **Para 7.1.13**. Additionally, Officers can clarify that a condition requiring details of how the gateway in the historic wall between the application site and The Rectory will be treated (see **Section 9: Condition 4**).
- 1.3 At the meeting of 06/09/22, a local resident requested that the Planning Committee carry out a site visit to view the site from their property. This request has been agreed and a site visit will be offered to members of the Planning Committee prior to the meeting.

2. Site & Surroundings

- 2.1 The application site is a 0.3 hectare plot of land which lies within the village settlement of Great Bowden (see **Figures 1 and 2**). The site is a paddock / grazing area associated with Rectory House, which lies to the southwest of the site. A tall brick wall forming part of the walled rear gardens of Rectory House demarcates the southern boundary of the site. A mud wall (with more modern pantile coping), runs along the eastern site boundary.

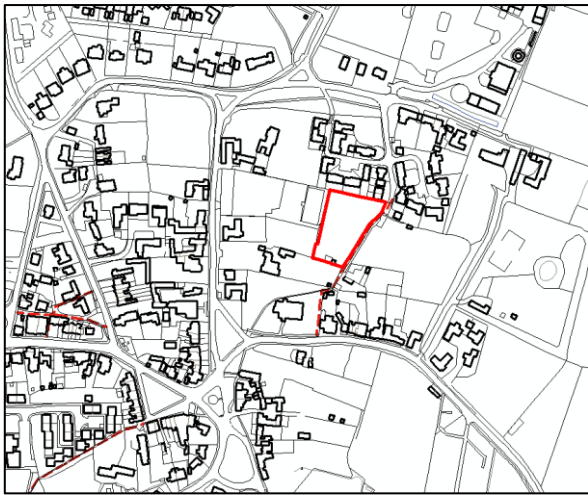


Figure 1: Site Location



Figure 2: Aerial Photo

- 2.2 The western boundary of the site is demarcated by timber post and rail / wire fencing and, for the majority of its length, a dense line of conifer trees. A tennis court belonging to Rectory House lies just outside the site adjacent to the conifers.
- 2.3 Land to the west of the site is under the applicant's control. It is noted that the applicant has obtained planning permission for the erection of 2x new dwellings on land to the west of the site; under 15/00535/FUL, which is now built and occupied, and 15/01534/FUL which is currently under construction.
- 2.3 Land to the north of the site is demarcated by an approximately 1.9m high brick wall that separates the site from the recent development of "Lime Tree Place" (part of the "Fernie Hunt Stables" development), which is a relatively new housing development. Land to the east of the site, beyond the public footpath, is undeveloped paddock / agricultural land.



Figure 3: Listed Buildings in the vicinity of the site

- 2.4 Vehicular access to the site is proposed through an existing field gate (in the northeast corner of the site) which connects to a private drive running between the Fernie Hunt Stables development and the Middlebrook Mushrooms development and linking to the public highway at “Nether Green”.
- 2.5 As can be seen at **Figure 3**, there is a wide range of Listed assets in the immediate locality of the site (shown by yellow shading). Foremost amongst these is the Grade I Listed St. Peter and St. Paul Church, and its independently Listed surrounding walls. The Church’s spatial, social and cultural relationship with Grade II* Rectory House, as well as its wider surroundings, is of great importance. It is also considered that the historic brick and mud walls surrounding the site are heritage assets and that great weight should also be afforded to the protection of their significance. Development of the application site has the potential to impact on the setting and significance of Listed and non-designated heritage assets and special regard must be paid to the desirability of preserving their setting and significance.
- 2.6 The site lies inside the Conservation Area of the settlement and special regard must be paid to the proposal’s effects on the character and appearance of the Conservation Area.
- 2.7 There are no significant trees or foliage within, or immediately surrounding, the application site which are shown to be affected or removed. The proposed Site Layout plan shows the existing conifer hedge along the western site boundary as being mainly outside the site, but retained. The conifer hedge is of no significant arboricultural merit, although it does provide a strong private boundary screen with the rear garden boundary of the extant dwelling approval 15/01534/FUL.

3. Site History

- 3.1 The relevant site history is set out in **Figure 4**.

Application No.	Decision / Date	Nature of Development
16/01533/FUL	WITHDRAWN 17.11.16	Erection of two detached dwellings
16/02028/FUL	WITHDRAWN 30.01.17	Erection of two detached dwellings (revised scheme of 16/01533/FUL)
17/00970/FUL	APPROVED 06.09.17	Erection of detached dwelling (revised scheme of 16/01533/FUL and 16/02028/FUL)
20/00820/FUL	WITHDRAWN 17.07.20	Erection of a detached dwelling and garage (revised scheme of 17/00970/FUL)
20/01295/PCD	APPROVED 26.10.20	Discharge of Condition 3 (External Materials Schedule), 5 (Proposed Site Levels and Site Sections) and 6 (Written Scheme of Investigation) of 17/00970/FUL
21/00730/CLU	APPROVED 28.06.21	Certificate of Lawfulness of Existing Development to confirm that development has commenced in line with planning permission 17/00970/FUL within 3 years from the date of the permission (as extended by the Business and Planning Act 2020 to 1 May 2021)

Figure 4: Site History

4. The Application Submission

a) Summary of Proposals

- 4.1 The proposal seeks detailed planning permission for the erection of a 5 bedroom detached dwelling laid out across 2 floors (see **Figure 5**), with a link attached triple garage, associated car parking, turning and landscaping (see **Figure 6**).

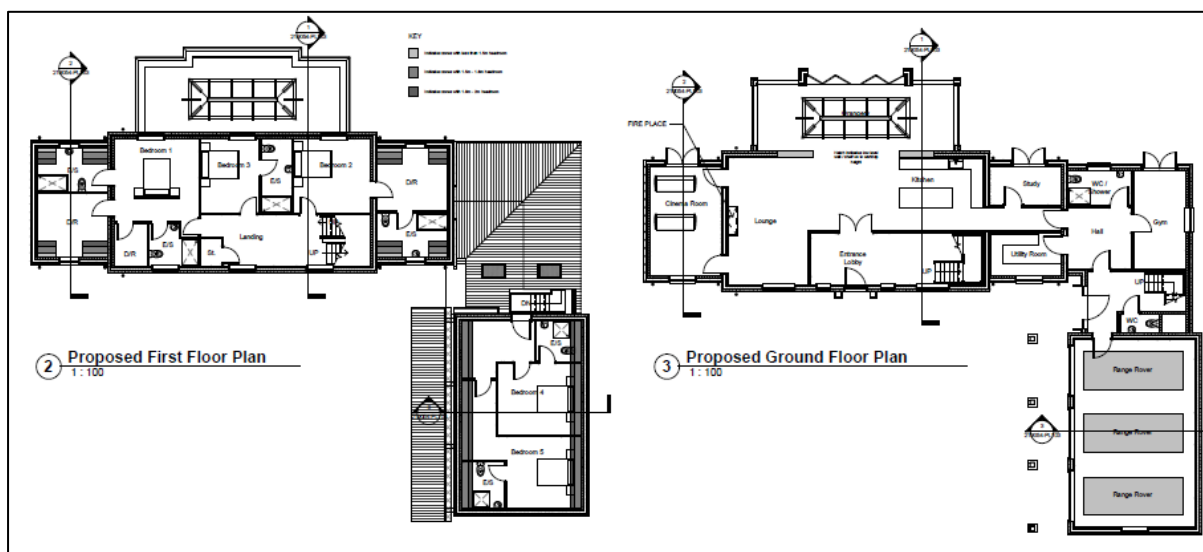


Figure 5: Proposed Floorplans

- 4.2 Access to the site would be in its northeast corner, through an existing field gate, connecting to a private drive which runs into the Nether Green public highway (see **Figure 6**).

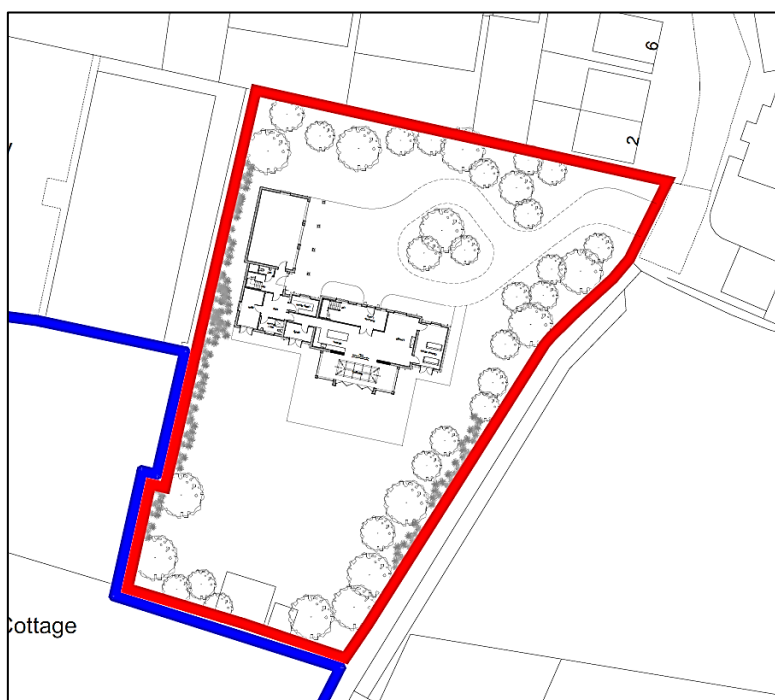


Figure 6: Proposed Layout

- 4.3 The proposed dwelling measures approximately 14m in principal two storey front elevation breadth by 7.3m in depth, with a subordinate set back & set down element to either side, giving the dwelling a symmetrical appearance and a total front elevation breadth of 22.3m. The principal two storey mass of the dwelling is approximately 5.4m to eaves height and 9m to ridge height. The subordinate wings are 4.5m to eaves and 7.4m to ridge, amended plans have been submitted reducing the scale of the dormer windows to a more subordinate scale in keeping with the scale of the wings in which they are placed following a request from Officers. A single storey orangery is proposed centrally on the rear elevation (see **Figure 7**).

- 4.4 The dwelling is proposed in coursed ironstone for the principal two storey element, red brick for the subordinate wings and natural slate to all roofs (see **Figure 7**). High quality materials are indicated throughout (and would be expected at Condition Discharge stage if approval is granted).
- 4.5 The proposed link attached garage measures approximately 10.5m in breadth by 7m in depth, an eaves height of 2.7m at the front and 4.5m at the rear and a 7.6m ridge height (see **Figure 7**). The garage building would accommodate bedrooms 4 and 5 of the dwelling at first floor, with staircase access being gained via the single storey link element level (see **Figure 5**). Materials are proposed as timber boarding and natural slate (see **Figure 7**). The front (east) roof of the garage is proposed to accommodate 2 velux style windows (see **Figure 7**). Amended plans have been submitted removing the first floor bedroom window in the northern elevation following a request from Officers.

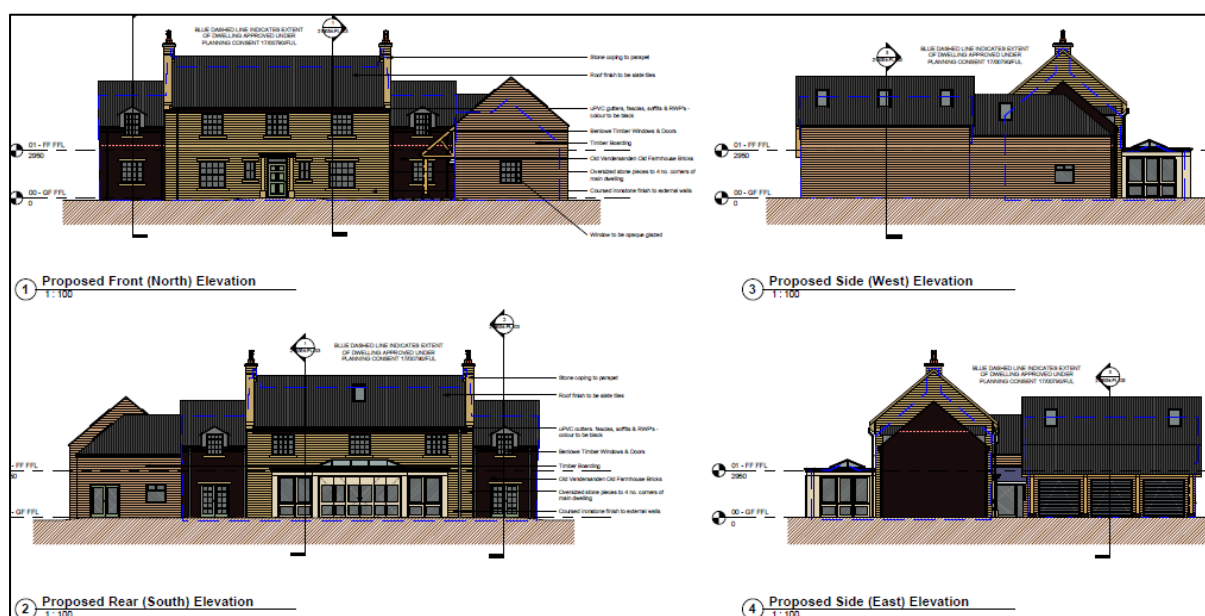


Figure 7: Proposed Elevations

- 4.6 The applicant's Design and Access Statement states the following regarding the Design Concept of the proposed dwelling:

"The key aspect of the design being put forward was to ensure a suitable balance between the requirements of the applicant, the uses & detailing of surrounding buildings and ensuring the design takes into account the previously consented scheme.

The design being put forward ensures compliance with all 3 of these aspects to ensure that the key points from the previous planning consent will still apply to this scheme, ensuring suitable compliance with all relevant planning policy.

A high quality palette of external materials are being put forward for use on this building, which ensures the character of the village is adhered to and the design does not seek to detract from any of the historic buildings within the village

The use of stone & brickwork as the main materials for the external wall construction seeks to address this, by using materials which feature heavily in the village to ensure that the general design aesthetic of the unit will not be out of character with the area.

This also follows the principles & design parameters which were set by the previous planning consent, with this application seeking to follow those principles.

Another aspect of the previous scheme which follows through with this application is the use of a central wing of gable end construction, with smaller wings to either gable which sit lower than the main gable. This provides a key design aspect for the dwelling and follows the parameters set by the previous scheme.

*Figure 3.1 (see **Figure 8**) shows an illustrative CGI view of the property from the front, looking from the main entrance into the plot.*



Figure 8: Figure 3.1 from DAS – Proposed Illustrative CGI

b) Application Background

4.7 This current application is a revised scheme of 4 previous proposals. The first 2 applications were submitted in 2016, and both proposed the erection of two dwellings. The 2017 application scaled down the development and proposed the erection of a single dwelling (see **Figures 9 & 10**). This was approved in 2017.

4.8 In 2020, the applicants submitted a revised scheme for the development, proposing a significantly larger dwelling than that approved (see **Figures 11-13**). This scheme was withdrawn following the receipt of HDC Conservation Officer comments in relation to the proposal. These stated:

The application relates to a plot of land within the Great Bowden Conservation Area. The land was historically associated with the Old Rectory, which is a grade II listed building and the adjacent Church of St Peter and St Paul, which is grade I listed. A historic mud wall runs along the side of the plot adjacent to the footpath which links Nether Green to the village centre through the churchyard. The mud wall appears to be part of a larger wall, which now exists in two distinct sections, the other being close to the Old Rectory along its boundary with the churchyard.*

As such the site is historically sensitive and any development here would affect the conservation area, mud wall and the setting of the church and rectory.

It is understood that planning permission has previously been granted on the site for a two-storey house and detached garage and during that application process it was found that no harm would be caused to the setting of surrounding heritage assets as the design, scale and proposed materials were appropriate to its context.

The proposed new dwelling would have some design similarities to the approved scheme, however be taller, both the core of the house and the wing elements and have a two storey projecting rear wing as well as having more contemporary design features.

Any dwelling on this site would have an impact on the character of the conservation area and the surrounding heritage assets and I have concerns that given its size, the proposed dwelling would form too much of a dominant feature within the plot and wider conservation area, I consider that this would cause harm to the character and appearance of the conservation area, the setting of the mud wall and the setting of the church and old rectory as it would be so prominent on the historic approach along the right of way from the north. Given the sensitivity of the site, I do not consider it would be possible to achieve a dwelling any larger than what has already been granted permission without causing harm.

Paragraph 193 of the NPPF requires great weight to be given to the conservation of heritage assets while paragraph 196 and policy HC1 of the local plan require less than substantial harm to heritage assets to be weighed against the wider public benefits of the proposal.

I do not consider the public benefits of a new dwelling would be likely to provide public benefits and as such I raise an objection to this proposal on the harm caused to the designated heritage assets as set out above.

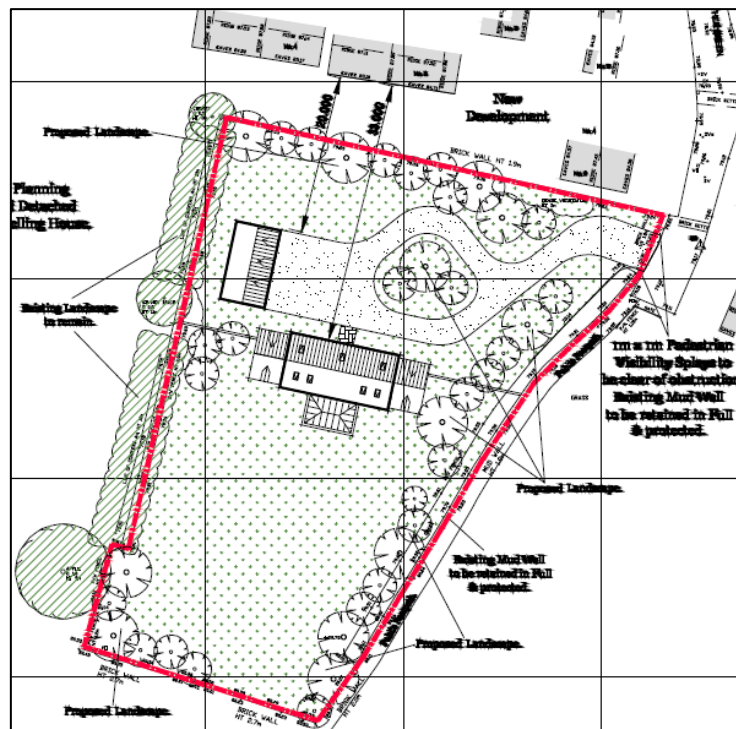


Figure 9: Approved site layout

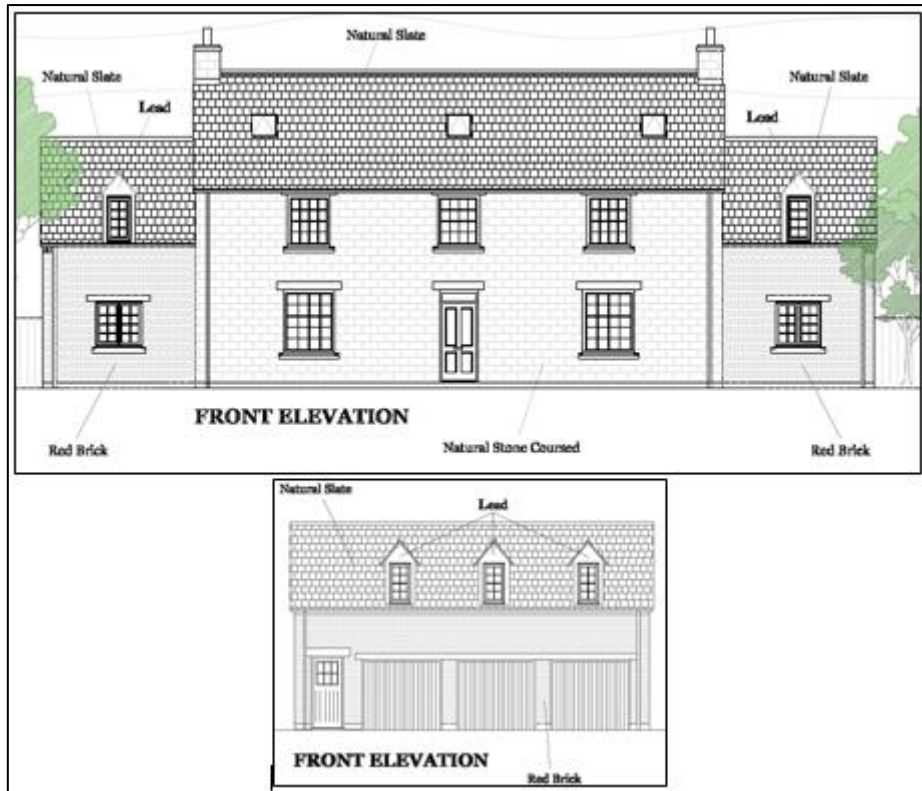


Figure 10: Approved elevations

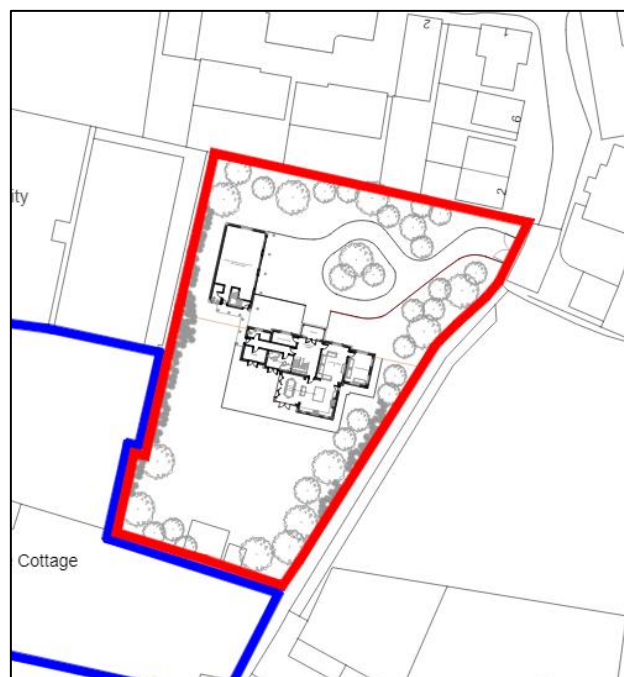


Figure 11: Withdrawn site layout

- 4.9 In 2020, the applicants submitted a discharge of condition application in relation to the 2017 consented scheme which was subsequently approved. In 2021 a Certificate of Lawful Existing Development was submitted in order to confirm that development of the 2017 consent had been implemented. Again, this was approved, and evidence of the commencement works can be seen at **Figure 14**.



Figure 12: Withdrawn dwelling elevations

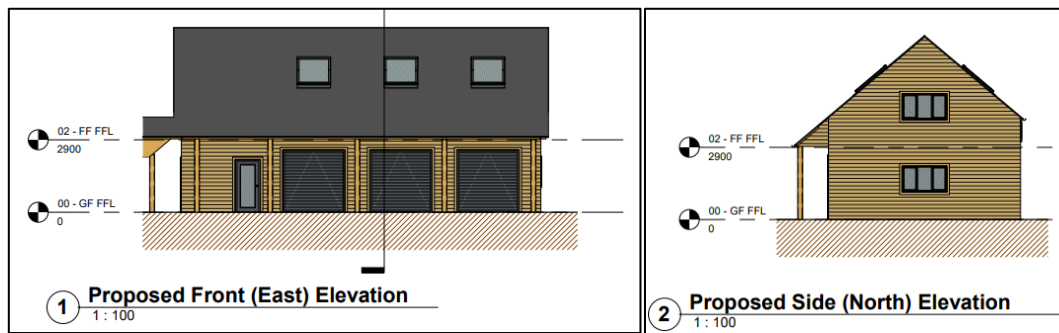


Figure 13: Withdrawn garage elevations



Figure 14: Google aerial image indicating work undertaken on site

- 4.10 In response to a request from the Case Officer, the applicants have provided a comparison of the approved (and subsequently implemented) scheme, the withdrawn scheme and the current proposal. These can be seen at **Figures 15 to 17**.

	Consented 17/00970/FUL	Withdrawn 20/00820/FUL	Current 22/01106/FUL
Ridge height of main house	8.3m	9.7m	8.9m
Ridge height of "wings"	6.6m	8.6m	7.4m
Ridge height of garage	6.3m	7.4m	7.4m
Footprint of main house	154m ²	247m ²	154m ²
Footprint of garage	69m ²	111m ²	73m ²
Sub Total	223m ²	358m ²	227m ²
Footprint of orangery	24m ²	N/A	41m ²
Footprint of link	N/A	N/A	56m ²
Overall footprint	247m ²	358m ²	324m ²
Distance to Mud Wall	9.8m	6m	9.8m

Figure 15: Comparison Table

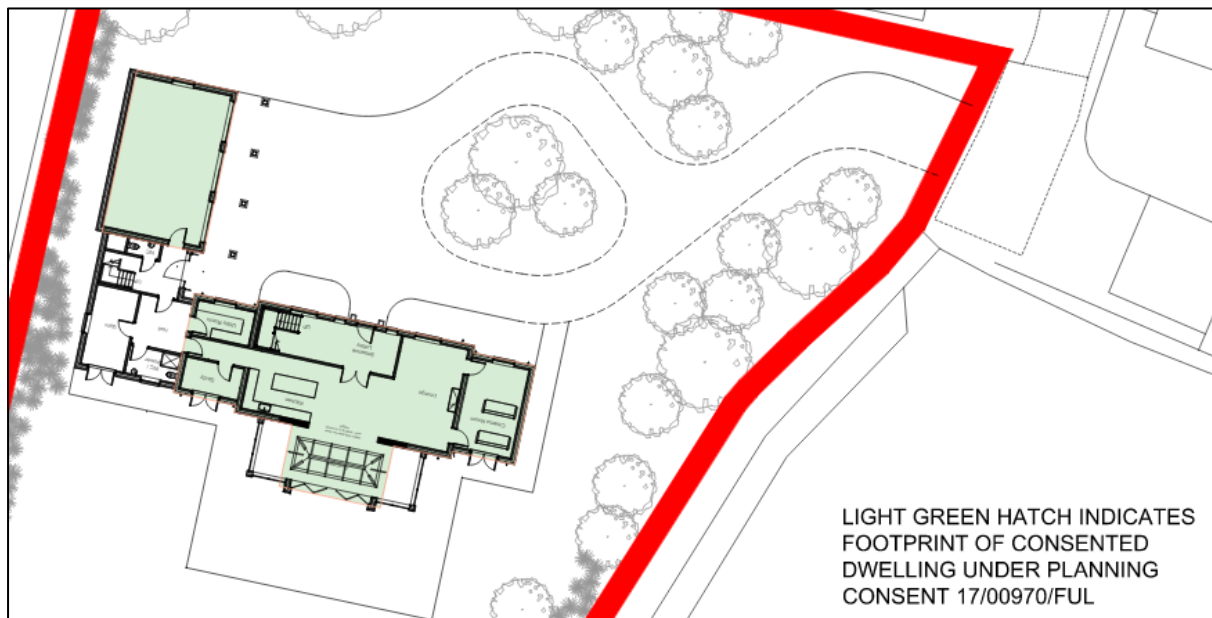


Figure 16: Comparison site plan



Figure 17: Comparison elevations

c) Pre-application Engagement

- 4.11 Since 20/00820/FUL was withdrawn, informal advice has been provided on matters of design (preserving the character and appearance of the Conservation Area and the setting of Listed assets and non-designated heritage assets) and reducing neighbouring amenity and highway impacts, to which the applicant has been responsive.

4. Consultations and Representations

- 5.1 Consultations with technical consultees and the local community have been carried out on the application.
- 5.2 A summary of the technical consultee and local community responses which have been received is set out below at **Figure 18**. If you wish to view comments in full, please request sight or search via: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

Consultee	Date	Summary
<u>National Bodies</u>		
Historic England	07/06/22	We suggest that you seek the views of your specialist conservation and archaeological advisers.
<u>LCC</u>		
Highways	16/06/22	<p>The Local Highway Authority (LHA) refers the Local Planning Authority (LPA) to current standing advice provided by the LHA dated September 2011.</p> <p>The LPA should consider the following:</p> <ul style="list-style-type: none"> • Car parking provision should be provided as three spaces for a dwelling with four or more bedrooms located in a suburban or rural area. • Parking spaces should measure a minimum of 2.4 metres by 5.5 metres, with an additional 0.5 metre strip were bound by a wall/hedge/fence or other similar obstruction. • Whilst the LHA does not have specific size guidance for triple garages, the LPA may wish to consider the size guidance for single and double garages when considering whether the proposed garage would be large enough to be counted towards the required parking provision. Single garages should have minimum internal dimensions of 3 metres by 6 metres, and double garages should have minimum internal dimensions of 6 metres by 6 metres. Single garage doors should have a minimum width of 2.3 metres
Archaeology	16/06/22	<p>We recommend that you advise the applicant of the need for archaeological mitigation, the scope of which requires the submission of further detailed development plans.</p> <p>We therefore recommend that any planning permission be granted subject to the following planning conditions to safeguard any important archaeological remains potentially present</p>
Ecology	16/06/22	Our comments to previous planning applications on this site still stand for this current planning application. <i>(Previous comments - Previous applications on this site, including 17/00970/FUL, have established that ecological surveys are not required for this site. I therefore have no comments on, or objections to, this application)</i>
<u>HDC</u>		
Strategic Planning and Heritage	06/12/22	This is a sensitive site which is specifically mentioned in the Conservation Area Statement: - "Nether Green is separated from

Conservation Officer		<p>the main village centre of the Church and Rectory House by a large tree-fringed paddock, bounded by brick and mud walls forming an important open space”.</p> <p>The land was historically associated with the Grade II* listed, Old Rectory, and the adjacent Church of St Peter and St Paul which is Grade I listed. An historic mud wall runs along the side of the plot adjacent to the footpath linking Nether Green to the village centre through the churchyard. The mud wall appears to be part of a larger mud wall which now exists in two sections. The 54m of mud wall that runs from the Old Rectory along its boundary with the churchyard is noted as a ‘subsidiary feature’ in the HE listing entry for the Grade I Church of St Peter and St Paul. This section of mud wall, along with the section adjacent to the plot are both identified as non-designated heritage assets in the Great Bowden Neighbourhood Plan and have an associative group value.</p> <p>It is recognised that this application is no closer to the mud wall than the consented application, however, given the proximity of the wall to the entrance to the site, particular care should be taken to protect the wall when large vehicles will need access to the site during the construction period.</p> <p>At present, coming from the north and walking along the footpath it is possible to see the mature trees along the western boundary of the site. Trees are a notable characteristic of the conservation area in general and are specifically mentioned in relation to this site as noted above (‘a large tree-fringed paddock...’). Whilst it is difficult to demonstrate greater harm in the increase in the ridge height of the main house and the wings, a 1.1m increase in the ridge height of the garage will impact on this view. During my site visit I found this footpath to be well used. As it features in walking guides to the village, use and enjoyment of this part of the conservation area is likely to remain high.</p> <p>The Design and Access Statement states that the pedestrian access to the south of the application site as a link through to Rectory House, is a point of access which would become redundant as a result of this proposal’. This is an historic wall to the garden of the Grade II* listed Old Rectory but no detail is provided on what will physically happen to this access point. Such detail is important in order to afford appropriate protection of the heritage asset.</p> <p>With the exception of the points noted above, in general the proposed scheme does not appear to be demonstrably more harmful than the consented scheme or cause harm to the setting of the listed Church of St Peter and St Paul or the Old Rectory.</p>
Strategic Planning Heritage and Conservation Officer (response to Applicants rebuttal)	08/02/23	<p>I have now spoken to Stephen Bradwell (Trigpoint Conservation and Planning Ltd). We both discussed the work we had undertaken to reach our respective views on the site.</p> <p>As previously noted, (and accepted by Stephen Bradwell) trees are a notable characteristic of the conservation area. The trees at Nether Green receive specific mention in the Conservation Area Statement. The sales particulars for the Great Bowden Rectory Estate of 3 August 1926 also refer to a ‘well timbered paddock’ (Record Office Leicestershire and Rutland: DE688/27). Whilst arboriculturally the trees at the western edge of the site may not be considered of the highest quality, conservation or cultural value,</p>

		<p>they do contribute to the character of the conservation area. They are seen and enjoyed by the users of the historic footpath.</p> <p>A 1.1m increase in the ridge height of the garage will have an impact on the view of these trees from the footpath. The tree line reference point diagram shows the difference in impact between the consented scheme and the proposed scheme.</p> <p>Although the garage will be dominant, given the height of the existing trees, some trees will still be visible from the historic footpath. Consequently, in my opinion, the impact of the proposed increase in ridge height is not so significantly worse than the consented scheme as to cause demonstrably greater harm to the character and appearance of the Great Bowden Conservation Area as a whole.</p>
<u>Parish Council / Cllrs / MP</u>		
Great Bowden	05/09/22	<p>We share the neighbours very real concerns regarding site access through Lime Tree Place. The proposal is for a substantial development which is likely to be on site for several months as evidenced by similar nearby development in this part of the village. This will create unacceptable disruption potential health & safety issues, and loss of amenity for the nearby residents. Lime Tree Place is unsuitable as an access road to the site and an alternative should be sought. If the planning committee choose to ignore these concerns then a robust set of conditions covering hours of work, traffic movements and weight of vehicles should be included and enforced</p>

Figure 18: Consultee response summary

b) Local Community

1. Objections

- 5.26 22 letters were distributed to surrounding properties. Furthermore, a site notice was posted at the site access. 21 objections have been received, including some from repeat addresses. 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 19** below. Full copies of all representations can be viewed at www.harborough.gov.uk/planning.

<p>Issues of Principle raised through representations</p> <p><i>(Comments on Amended plans)</i></p>	<p>1) The Great Bowden Neighbourhood Plan states: "Because of this disproportionately high level of commitments for a Selected Rural Village, HLP Policy H1 does not set any housing target for Great Bowden. Therefore under HLP Policies H1, GD1 and GD2, clause 2a only minor additional development will be supported". How is a property of this size considered a minor additional development?</p> <p>2) A property of this size is in conflict with Policy H3: Windfall Sites of the GBNP: "They help to meet the identified housing requirement for Great Bowden in terms of housing mix (Policy H4)". How is adding another millionaires house adding to the housing mix?</p> <p>3) <i>These revised plans demonstrate a complete abuse of planning and an insult to immediate neighbours. The architects summary clearly demonstrates this. It states garage and building footprint 60 % bigger than outline plans. What a complete waste of council and tax payers funds. A deliberate attempt to "test the water". Any further plans from this architect should be refused on principle. The new plans now go back to close to original plan but the height ridge is still 25 % higher. These plans should be rejected as they still do not follow original approval.</i></p>
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Heritage issues raised through representations	<ol style="list-style-type: none"> 1) I strongly object to the desecration of this once beautiful historic walled paddock. Development of this land would constitute a major loss of local amenity and loss of character for the village. 2) This planning application must be refused and the land returned to its previous pristine state, with the historic mud wall on its boundary protected, as it is an important element of our village's heritage. 3) There needs to be a clause to prevent road and wall damage and immediate repair. The ancient wall has already been damaged
Highways issues raised through representations <i>(Comments on Amended plans)</i>	<ol style="list-style-type: none"> 1) The road is not really wide enough to accommodate wide, heavy construction traffic, and there are a number of properties whose front doors open directly onto it. There is no pavement as it has been until now a quiet drive but adding additional traffic sources to it will change this. 2) The road needs cleaning every day. 3) Full protection and safety measure on the busy adjoining footpath need implementing. This is a busy footpath and used by young children going to school. 4) There needs to be more car parking and drive way for a residence of this size. 5) <i>This application has taken too long. The current timescale does not consider all the new housing and increased house extensions near Hursley Park now built with many suited to young families.</i> 6) <i>The access is used as a walkway to the nursery schools and school bus collection point in the village. The Highways and application does not consider this. A full road and pedestrian survey needs to be carried out.</i> 7) <i>Parking for contractors should ONLY be on the site itself or in the large grounds of the applicants existing house. Nether Green and Lime Tree access roads should be banned for contractors .</i> 8) <i>This really is a terrible badly planned application with build and safety guidelines completely ignored .</i>
Residential Amenity issues raised through representations <i>(Comments on Amended plans)</i>	<ol style="list-style-type: none"> 1) These plans with windows now on each floor of the garage on the north side there is an immediate Loss of Privacy. It should be noted here that the approved planning doesn't have any windows on the north side of the garage. 2) The first floor window in particular will look directly into our property and garden, as well as the two adjacent properties. There is no justification for a window here given the immediate and obvious Loss of Privacy that would be incurred. 3) Should this Loss of Privacy be addressed by the trees to be planted in the Design & Access Statement, this immediately creates a Loss of Daylight or Sunlight. The height of the trees would need to be at least level with the top of the first floor garage window on the north side. This would create an increase from the existing 6 foot wall to an unacceptable height. 4) Both above points combine to generate an Overbearing Impact from Development. 5) I share a southern garden wall with the proposed property and the introduction and the height of the trees will greatly reduce the sunlight to my garden. I appreciate the desire for privacy however planting multiple large trees/hedges against their northern garden wall will block much of the sun for my family and also our neighbours. 6) In addition due to the positions of my neighbours properties, sunlight is already restricted at certain times of the day and these tall trees/hedges etc will only increase to the lack of sunlight during the day. I am concerned that our garden will only have sunlight during the midday and even less in they winter months. 7) The impact of traffic coming and going on residents will be great, and does not appear to have been taken into consideration. 8) The raising of the garage roof will at certain time's of year block the light from neighbouring housings Also the window to the gable end will impact on the privacy of the neighbouring houses

	<p>9) <i>Although the objection of the window above the garage has been addressed I still object to the raising of the proposed dwelling This could prove to be a "back door" way of applying for planning permission at a future date to install a window</i></p> <p>10) <i>The proposed property has now gained in size this further restricts our and our neighbours right to privacy and reduces our view.</i></p>
Design issues raised through representations	<p>1) The house in itself is already a large detached dwelling but adding a large triple garage to the side is excessive.</p>
Other issues raised through representations <i>(Comments on Amended plans)</i>	<p>1) On a side point regarding the trees the plans here seem vague. It would be useful to understand a proposal around tree choices, an exact height agreement and a maintenance plan on how often the trees will be cut back. The current ever- green hedge which is on the site is massively overgrown and unkept. In the 8 years we have lived at our property nothing has been done with this hedge.</p> <p>2) Access to the property is via a private road where myself and the other residents are responsible for the maintenance and the upkeep. I am concerned that the heavy machinery required to build the property will certainly damage the road.</p> <p>3) In fact, damage to the road has already taken pace during the laying of the foundations last year. Will the owner of the property be paying for the damage to the road?</p> <p>4) Increased activity from heavy vehicles will further damage the road and I would like assurance in writing that this will be rectified as part of the building process.</p> <p>5) I am not wholly opposed to the house being built, but I would like to see the points above addressed.</p> <p>6) <i>Initially, it should be noted that we do appreciate the removal of the first floor garage gable end window and the ground floor being made opaque.</i></p> <p>7) <i>There were three common themes across the objections:</i> <i>I. Garage gable end windows</i> <i>II. Increase in height of building and garage</i> <i>III. Lack of confirmed height/tree planting strategy</i> <i>All three of the above impacted the first three material planning considerations mentioned on the planning letter:</i> <i>1. Loss of privacy</i> <i>2. Loss of daylight or sunlight</i> <i>3. Overbearing impact from development</i> <i>Why has the applicant/architect only addressed the first issue when all three need to be addressed to resolve the situation?</i></p>

Figure 19: Issues raised in Objection through consultation with local 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 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.

6.3 The DP for Harborough comprises:

- The Harborough District Local Plan adopted April 2019¹, the policies of which that are relevant to this application are SS1, GD1, GD2, GD5, GD8, H1, HC1, GI5, CC3, IN2 and IN4
- Made Neighbourhood Plans².
 - Policy H1 – Housing provision

“New housing development will be limited to commitments, windfall development within the Settlement Boundary, Rural Exceptions Sites and housing in the countryside that satisfies NPPF paragraph 79. Additional sites for housing development will be brought forward in a review of the Neighbourhood Plan following an increase of the housing target for Selected Rural Villages in a review of the Harborough Local Plan or the failure of a housing commitment to be developed.”
 - Policy H2 – Settlement boundary

‘Development proposals within The Plan area on sites within the Settlement Boundary, or in terms of new sporting or recreational facilities close or adjacent to the Settlement Boundary as identified on the Policies Map, will be supported where they respect the shape and form of Great Bowden and comply with the policies of The Plan. Land outside the defined Settlement Boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.’
 - Policy H3 – Windfall sites

‘Development proposals for infill and redevelopment sites will be supported where:

 - a. They are within the Settlement Boundary of Great Bowden;*
 - b. They help to meet the identified housing requirement for Great Bowden in terms of housing mix (Policy H4);*
 - c. They reflect the character and historic context of existing developments within Great Bowden;*
 - d. They retain existing important natural boundaries such as trees, hedges and streams;*
 - e. They provide for a safe vehicular and pedestrian access to the site and any traffic generation and parking impact created does not result in a severe direct or cumulative impact on congestion or road and pedestrian safety unless appropriate mitigation measures are undertaken;*
 - f. They do not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise; and*
 - g. They do not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the occupiers of the dwelling.’*
 - Policy H6 – Design standards

‘Development proposals should demonstrate a high quality of design, layout and use of materials in order to make a positive contribution to the special character of the parish. Development proposals should have regard to the Great Bowden Village Design Statement and are encouraged to have regard to the following design principles to a degree that is proportionate to the development:

 - a. New development should enhance and reinforce the local distinctiveness and character of the area in which it is situated and proposals should clearly show how the general character, scale, mass, density and layout of the site, of the building or extension fits in with the*

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

² The Great Bowden Neighbourhood Plan (GBNP) (2016 – 2031) is the relevant Plan in this instance.

aspect of the surrounding area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views;

- b. New buildings should follow a consistent design approach in the use of materials, fenestration and the roofline to the building. Materials should be chosen to complement the design of the development and add to the quality or character of the surrounding environment;*
- c. New housing should 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 the historic context;*
- d. Redevelopment, alteration or extension of historic farmsteads and agricultural buildings within the parish should be sensitive to their distinctive character, materials and form;*
- e. Proposals should minimise the impact on general amenity and give careful consideration to noise, odour and light. Light pollution should be minimised wherever possible. Proposals to install street lighting in undeveloped areas of the parish that are currently dark at night (more than 50 metres from an existing street light) will not be supported. The use of on-street lighting will be appropriate and sympathetic to the context and consistent with the density and output of the lighting used in the surrounding area;*
- f. Development should be enhanced by biodiversity and relate well to the topography of the area, with existing trees and hedges preserved whenever possible. Provision should be made for wildlife including roof design, bird boxes and the use of hedges;*
- g. Where possible, enclosure of plots should be of native hedging, wooden fencing, or stone/brick wall. Any enclosures that are necessarily removed through the development process should be reinstated in keeping with the original;*
- h. Housing plots should accommodate storage containers compliant with the refuse collection system;*
- i. 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; and*
- j. Development should incorporate sustainable drainage systems with maintenance regimes to minimise vulnerability to flooding and climate change.'*
- Policy ENV2 – Protection of Local Green Space
"The following areas shown on the Policies Map are designated as Local Green Space:
 - A. Churchyard of St Peter and St Paul parish church*
 - B. Great Bowden Cemetery*
 - C. Green Lane*
 - D. Great Bowden Recreation Ground*
 - E. Community Wood**Development that would be harmful to the openness of a Local Green Space will only be permitted in very special circumstances."*
- Policy ENV3 – Other important open space
"The following areas are designated as Important Open Spaces and shown on the Policies Map. The areas shall be safeguarded as open spaces and enhanced to improve their quality and usage as open spaces.
 - F. Upper Green (Common Land CL70; and roadside verges)*

- G. Central Village Greens (Common Land and Registered Village Green VG81)
- H. Nether Green (Common Land CL75)
- I, J, K. Middle Green (Common Land CL71, 72 and 73)
- L. Leicester Lane verge
- M. Great Bowden Academy playing fields and woodland
- N. Market Harborough lawn tennis club courts and facilities
- O. Main Street verge
- P. Main Street verges (four)
- Q. Leicester Lane Allotments”
- Policy ENV6 – Non-designated heritage assets

The structures and buildings listed as shown on the Policies Map are non-designated heritage assets and their features and settings will be protected wherever possible. Any harm arising from a development proposal, or a change of land use requiring planning approval, will need to be balanced against their significance as heritage assets.

 1. Canal bridge, Leicester Lane (NGR SP 732891)
 2. Railway over-bridge, Langton Road (NGR SP 743894)
 3. Railway footbridge
 4. Disused railway embankment south of A6 By-Pass (NGR SP 743896)
 5. Bridge over Langton brook (NGR SP 741908)
 6. Old turnpike Road (NGR SP 720904)
 7. Cemetery, Dingley Road
 8. Village Hall
 9. Bowden Stores – façade
 10. Bishop’s House
 11. Nos. 74 - 108 Main Street
 12. Green Lodge
 13. Navvies’ Row, Leicester Lane
 14. Nether Green Lodge
 15. Nether House
 16. Upper House
 17. Mud walls, Rectory House
 18. J.G. Pears factory site (NGR SP 720902)³
 19. Victorian letterbox
- Policy ENV9 – Biodiversity
 - a. *Development proposals will be expected to protect local habitats and species and where possible and viable, to create new habitats for wildlife and promote and increase biodiversity;*
 - b. *The wildlife corridors shown on the Policies Map and listed in the supporting information will be maintained, promoted and supported as a biodiversity resource. Development proposals which impact on the corridors will be resisted.’*
- Policy T1 – Parking provision and new dwellings

‘The provision of tandem parking in new developments is not supported.’

b) Statutory Duties and Material Planning Considerations

- *Planning (Listed Buildings and Conservation Areas) Act 1990*
- 6.4 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

³ Site 18 only includes the three storey 18th century building currently used as an office and the factory chimney.

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 National Planning Policy Framework*

6.5 Whilst read as a whole of particular relevance are:

- Chapter 2- Achieving sustainable development
- Chapter 4- Decision making
- Chapter 5- Delivering a sufficient supply of homes
- Chapter 8- Promoting healthy and safe communities
- Chapter 9- Promoting sustainable transport
- Chapter 11- Making effective use of land
- Chapter 12- Achieving well-designed places
- Chapter 14- Meeting the challenge of climate change, flooding and coastal change
- Chapter 15- Conserving and enhancing the natural environment
- Chapter 16- Conserving and enhancing the historic environment

○ *National Design Guide*

6.6 This guide (published in October 2019) illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. The Design Guide states that the long-standing, fundamental principles for good design are that it is: fit for purpose; durable; and brings delight. It is relatively straightforward to define and assess these qualities for a building.

c) Other Relevant Documents

- Circular 11/95 Annex A - Use of Conditions in Planning Permission
- Leicestershire County Council Highways Design Guide
- Housing Land Supply Statement
- Development Management Supplementary Planning Document (Dec 2021)
- Planning Obligations Developer Guidance Note

c) Other Relevant Information

6.7 *Reason for Committee Decision*

This application is to be determined by Planning Committee at the request of Cllr Champion.

7. Assessment

a) Principle of Development

7.1 As previously set out in **Sections 2 and 3** of this report, the site benefits from an extant consent for the erection of a dwelling, and this consent has subsequently been implemented as demonstrated by 21/00730/CLU. This is considered to be a very strong “fall back position” which should be given considerable weight in the Planning Balance.

7.2 Paragraph 103 of The Framework, states that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Harborough Local Plan (HLP) Policy SS1: ‘The Spatial Strategy’ therefore seeks to direct development towards the most sustainable locations, identified by the level of ‘key services’ provided within the village/town, with the aim of reducing reliance on private motor vehicle to access key services. Great Bowden is identified within the Local Plan as a ‘Selected Rural Village’

(SRV) on the basis of the presence of at least 2 of the 6 key services (food shop, GP surgery, library, post office, primary school and pubs) together with a scheduled bus service.

- 7.3 HLP Policy GD2 advises residential development will be permitted where it is within the existing or committed built up area of SRV's where
- a) *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;*
- 7.4 The Great Bowden Neighbourhood Plan (GBNP) designates a 'Settlement Boundary' for the built-up area of Great Bowden. GBNP Policy H2 advises:
- "Development proposals within The Plan area on sites within the Settlement Boundary...as identified on the Policies Map, will be supported where they respect the shape and form of Great Bowden and comply with the policies of The Plan"*
- The application site is within the 'Settlement Boundary' of Great Bowden as identified in fig 2 of the GBNP (see **Figure 20**).

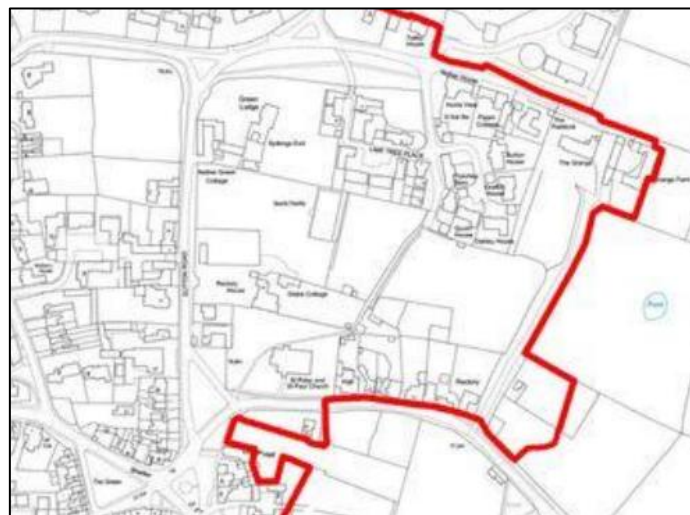


Figure 20: Extract from GBNP (fig.2 Settlement Boundary, p.79)

- 7.5 The proposed dwelling would be a 'windfall development' which is defined in the glossary of The Framework as "sites not specifically identified in the development plan". GBNP Policy H3 supports windfall developments where they are a) within the Settlement Boundary of Great Bowden (which this is); b. help to meet the identified housing requirement for Great Bowden in terms of housing mix (this is only for one dwelling, so it is not possible to provide for a mixture of housing types); c. reflects the character and historic context of existing developments within Great Bowden (the remaining sections of this report will explain how it does); d. They retain existing important natural boundaries such as trees, hedges and streams (this proposal does); e. provides for a safe vehicular and pedestrian access to the site and any traffic generation and parking impact created does not result in a severe direct or cumulative impact on congestion or road and pedestrian safety unless appropriate mitigation measures are undertaken (it does, no objections have been received from the Highway Authority); f. do not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise (the remaining sections of this report will explain how it does not adversely harm residential amenity); and g. do not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the occupiers of the

dwelling (the remaining sections of this report explains how it does not adversely harm the character of the area/residential amenity)

- 7.6 The proposed dwelling will be built within the curtilage land of Rectory House. The definition of previously developed land in the Framework excludes private residential gardens, and so the proposed house would be on greenfield land. The Framework encourages the use of previously developed land for development, and it also states at Para 70 “Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”
- 7.7 However, the Framework does not prohibit the construction of new houses on residential gardens or curtilage land. The same is true of the HLP and GBNP, there are no policies which rule out development of garden land. The proposal for one new dwelling is therefore acceptable in principle.
- 7.8 On the basis of the above, it is considered that the proposals comply with both the Local Plan and the Neighbourhood Plan in terms of the principle of development, and will have a minor beneficial impact upon housing delivery for the District and would therefore accord with Policy GD2 of the Harborough District Local Plan and Policies H1, H2 and H3 of the Great Bowden Neighbourhood Plan in this respect.

b) Technical Considerations

1. Heritage and Archaeology
- 7.1.1 For most of the length of the footpath it is hard to see into the site owing to the close proximity of the tall mud wall. A dense belt of evergreen and deciduous trees along Sutton Road, to the west of the site, as well as the evergreen hedgeline adjacent to the western site boundary, prevent views being obtained of the site from this direction. Furthermore, two new dwellings have been built in these western land parcels, which further blocks views.
- 7.1.2 The development of one dwelling & garage on the application site, with associated access and landscaping, would not result in the overt urbanisation of the parcel of land. It is a spacious plot with room for generous landscaping. Views of the dwelling, garage and driveway would mainly be obtained in conjunction with one's experience of the dense Lime Tree Place / Fernie Stables residential development. From elsewhere, the development would be reasonably discreet; the site would retain a reasonably open and green character, unlike the Lime Tree Place development which presents a dense wall of development pressing up against this open space. The countryside to the east of the site would not be compromised.
- 7.1.3 Views from the Church, churchyard and footpaths to the south would not be significantly affected, owing to intervening boundary walls, the proposal being set a satisfactory distance away from these southern boundary walls, as well as the proposal's other design aspects – for example, the mass and height of the proposal. The garage would barely be seen from these directions, if at all. Partial sight of the roof of the dwelling would be obtained, but the roof would sit in front of existing partial-views of the near-contiguous roofs of Lime Tree Place dwellings. The large rear garden of the proposed dwelling would likely lead to foliage developing over time and offering further screening. The conspicuousness of the proposal would be limited. **Figure 21**, taken from roughly centrally within the application plot, demonstrates that views of the Church are limited, particularly during leaf-bearing months (the small part of the Church spire which can be seen is circled).



Figure 21: View from site towards Church

- 7.1.4 For similar reasons, it is judged that the proposal would not harm the setting of the Grade II* Rectory House or its historic curtilage. The proposal is situated a reasonable distance away from Rectory House and its walled garden, as well as being angled / designed so as not to be overbearing to the Listed asset's setting. Although the application site has an historic and functional relationship to Rectory House and is an attractive feature of its surroundings, the extent to which this is observable from the public realm is limited – surrounding walls block views and distance separations are relatively large. As mentioned, the proposal would not lead to dense or overt urbanisation of the plot and it would retain a healthy balance of green and open character. The historic mud wall, which is a locally listed non-designated heritage asset and a key feature contributing to the attractiveness of using the public footpath (see **Figure 22**), would be retained unaltered.



Figure 22: View across the site from footpath adjacent to eastern site boundary

7.1.5 The proposal is for a large dwelling and large garage, but within a proportionately substantial plot. Furthermore, the footprint of the main dwelling is as per the previously approved – and implemented – scheme and a similar design ethos has been followed.

7.1.6 **Figure 23** is taken adjacent to the northeast buttress corner of the Church and shows the Grade II Listed mud wall to the Churchyard, with the brick walled rear garden of Rectory House beyond. The site lies between that brick wall and the Lime Tree Place / Fernie Hunt Stables development, parts of the roofs of which can be seen in the distance.



Figure 23: View towards site from Church

7.1.7 The dwelling is proposed in coursed ironstone for the principal two storey element, red brick for the subordinate wings, natural slate roofing throughout. High quality materials would be expected throughout, including black metal rainwater goods. This is because of: the proposal's proximity to Listed assets; the significance of the site in terms of its core location in the Conservation Area; its spatial relationship to other historic assets (e.g., the ancient mud wall); the site's location adjacent to a public right of way; and the scale and excellence which the design and appearance of the proposal deserves. It is recommended that these matters are controlled by a detailed Materials Schedule Condition.

7.1.8 As can be seen from **Para 3.8 of this report**, HDC's Conservation Officer previously raised concerns regarding the impact of the withdrawn proposal on the setting of the Conservation Area and other heritage assets, specifically stating:

"Any dwelling on this site would have an impact on the character of the conservation area and the surrounding heritage assets and I have concerns that given its size, the proposed dwelling would form too much of a dominant feature within the plot and wider conservation area, I consider that this would cause harm to the character and appearance of the conservation area, the setting of the mud wall and the setting of the church and old rectory as it would be so prominent on the historic approach along the right of way from the north. Given the sensitivity of the site, I do not consider it would be possible to achieve a dwelling any larger than what has already been granted permission without causing harm."

7.1.9 Notwithstanding this, considerable weight in the planning balance has to be given to the existence of the extant consent as set out in **Para's 3.9 and 3.10 of this report**, and any proposal would have to be considered to be demonstrably more harmful than this consented scheme in order to justify its refusal. It is appreciated that the current proposal is 77m² larger than the consented scheme, and only 34m² smaller than the withdrawn scheme, and that this increase in floorspace over the consented scheme could be considered so significant so as to refuse the scheme. However, in order to fully establish the harm of the increased floorspace, you need to look at how and where the additional floorspace has been provided, and assess the impact of that in the context of the approved scheme. **Figure 24** demonstrates where this additional floorspace has been achieved. It is clear that the majority of the additional footprint is to be provided in the space between the main house and the garage, providing a link between the two structures (albeit there is also a small increase in the single storey rear "extension" element of the proposal). This part of the site is removed from the mud wall along the eastern boundary of the property. As can be seen from **Figures 15 & 24**, the current application is no closer to the mud wall than the implemented scheme. **Figure 25** is a CGI taken from the site access, adjacent to the mud wall (albeit from an elevated position). Officers are of the opinion that this image clearly demonstrates that the increase in footprint over the consented scheme is barely perceptible from this location in the context of the approved buildings, and therefore, Officers do not consider that the increased footprint of the proposal results in any increased harm to heritage assets over that that may have been caused by the implemented scheme.

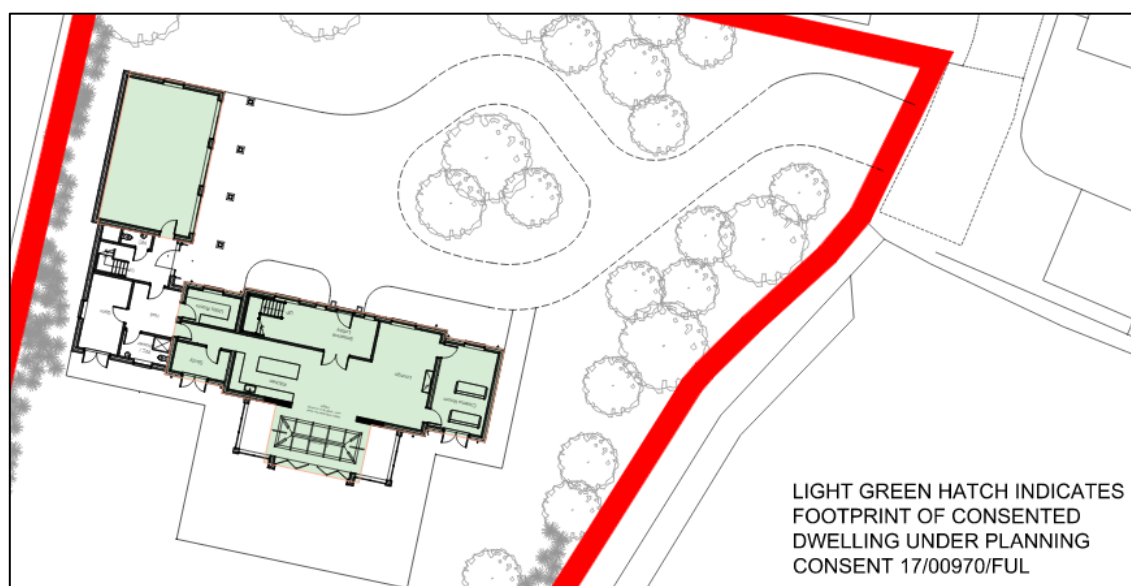


Figure 24: Footprint comparison between the implemented scheme and the current proposal

7.1.10 Further to the above, another element of the Conservation Officer's concerns with the withdrawn scheme was:

"The proposed new dwelling would have some design similarities to the approved scheme, however be taller, both the core of the house and the wing elements and have a two storey projecting rear wing as well as having more contemporary design features." (see **Figure 26**)

The current proposal has removed the two storey projecting wing, and the contemporary design features, returning to a more classically proportioned and designed property. This has been further improved by the reduction in the scale

of the dormer windows from those seen in **Figure 25**, to those indicated in **Figure 28**, therefore maintaining a subordinate nature to the “wings” of the proposed dwelling. It is therefore considered that the design of the proposed dwelling is not demonstrably more harmful to the setting of the surrounding heritage assets than the implemented scheme (see **Figure 27**).



Figure 25: CGI image of proposal from site access



Figure 26: Previously withdrawn scheme

7.1.11 Finally we turn to the increase in height. As set out in **Figure 15**, the proposal represents a 0.6m increase in the height of the main part of the approved dwelling, and 0.8m increase in the “wings” (this is also demonstrated in **Figure 28**), but a reduction in height of 0.8m in the height of the main part of the withdrawn proposal, and a 1.2m reduction in the height of the “wings”.

7.1.12 It is acknowledged that the Conservation Officer previously stated (in his assessment of the withdrawn scheme) that:

“Any dwelling on this site would have an impact on the character of the conservation area and the surrounding heritage assets and I have concerns that given its size, the proposed dwelling would form too much of a dominant feature within the plot and wider conservation area, I consider that this would cause harm to the character and appearance of the conservation area, the setting of the mud wall and the setting of the church and old rectory as it would be so prominent on the historic approach along the right of way from the north. Given the sensitivity of the site, I do not consider it would be possible to achieve a dwelling any larger than what has already been granted permission without causing harm.”

Whilst he talks about the size of the dwelling, he doesn't specifically state that the increased height of the withdrawn scheme was, in its self, harmful to the character of the area or the setting of the heritage assets, rather, his concerns lie around the scale of the scheme. With this in mind, and considering that the increase in height of the current proposal over the implemented scheme is not due to any increase in plan depth of the building (there is none), rather due to the increased eaves height (as can be seen at **Figures 28 & 29**), Officers are of the opinion that the increase in the scale of the building is not so significantly worse than that of the implemented scheme so as to result in any demonstrable harm to the character of the Conservation Area or the setting of the adjacent heritage assets.

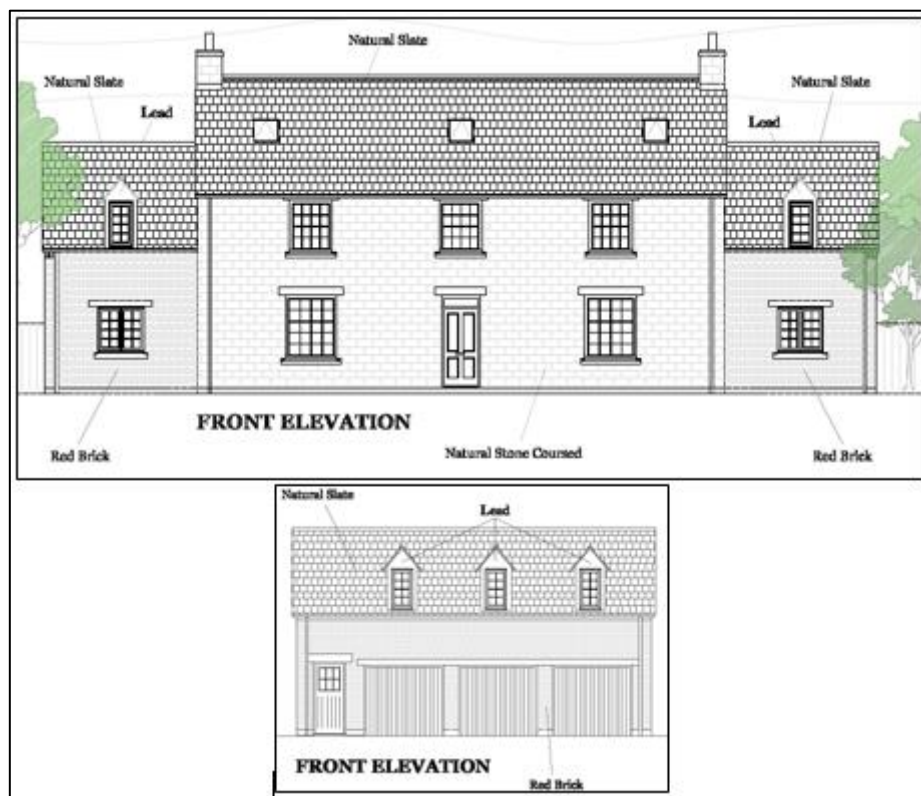


Figure 27: Implemented scheme

7.1.13 The above assessment of the proposal's design and its impact on the setting of listed assets also largely articulates the proposal's impact on the special character and appearance of the Conservation Area. The proposed dwelling is attractive in its own right, proposes high quality materials and is designed to respond to the character of its surroundings. The sense of openness which the plot generates would not be unacceptably reduced by the erection of one dwelling & garage. The land remaining for gardens would retain openness and greenery for the site and locality. Following the September meeting of the Planning Committee, HDC's SPHCO was engaged to

consider the application, and has ultimately concluded that the impact of the proposed increase in the ridge height of the garage is not so significantly worse than the consented scheme as to cause demonstrably greater harm to the character and appearance of the Great Bowden Conservation Area as a whole.



Figure 28: Proposed front elevation as amended, indicating reduced scale of dormer windows

7.1.14 With regard to Planning Conditions, in addition to the aforementioned materials Condition further Conditions are recommended to control final landscaping details (including the retention of the existing historic opening in the garden wall) and to restrict Schedule 2, Part 1 Permitted Development Rights for extensions and alterations (Class A), roof alterations (under Classes B and C), outbuildings etc. (Class E) and chimneys/flues etc (Class G). As the dwelling fronts on to private land there is a need to prevent uncontrolled front extensions. Also, rear extensions and front or rear roof alterations could lead to visual harm in this sensitive locality, thus should be controlled.

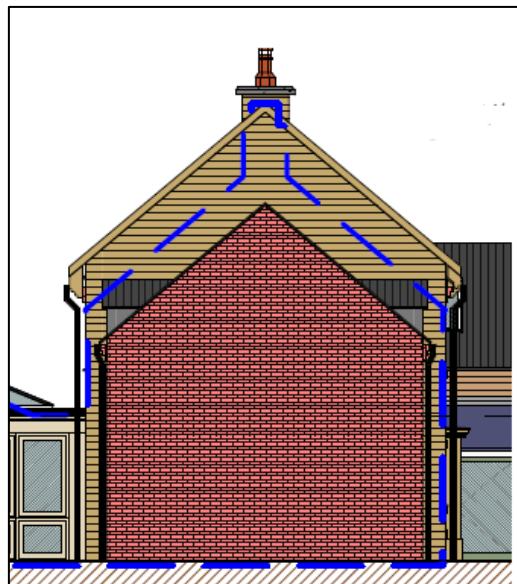


Figure 29: Comparison plan of end gable of implemented scheme and current proposal

7.1.15 For the avoidance of doubt, a further Condition is recommended to control proposed levels and ensure that they are harmonious with existing site levels, however this requirement was fulfilled as part of 20/01295/PCD, and a condition is recommended

so as to tie the proposed development to this detail. Furthermore, LCC Archaeology have requested the submission of a WSI condition, however this requirement was fulfilled as part of 20/01295/PCD, and a condition is recommended so as to tie the proposed development to this detail.

- 7.1.16 The proposal is judged to be well designed. The proposal would be in keeping with the character and appearance of the site and its surroundings; it would preserve the character and appearance of the Conservation Area and the setting of Listed and non-designated heritage assets. Special regard has been given to these considerations. The aesthetic / visual amenities of users of the public footpath would be preserved. The proposal is judged to accord with Policy HC1 of the Harborough District Local Plan and Policies H6 and ENV6 of the Great Bowden Neighbourhood Plan in the above respects.

■ 2. Ecology and Biodiversity

- 7.2.1 The site is presently predominantly mown grassland. With the additional planting and garden establishment that the proposal would likely generate, it is judged probable that the proposal would lead to an enhancement in species and habitat diversity within the site. There is no evidence to demonstrate that the proposal would significantly compromise fauna and broader ecological interests in the locality.
- 7.2.2 LCC Ecology has previously reviewed the scheme and advised that there are no known ecological constraints to development. No ecological Conditions are recommended. One Informative Note is recommended to remind the applicant / developer of their obligations under the Wildlife and Countryside Act 1981 (see Appendix A).
- 7.2.3 The proposal is judged to comply with Policy GI5 of the Harborough District Local Plan and Policy ENV9 of the Great Bowden Neighbourhood Plan in the above respects.

■ 3. Highways

- 7.3.1 LCC HA has not raised any concerns about the proposal and has referred the Local Planning Authority to its Standing Advice. Taking into account the scale of development proposed – one dwelling – it would not represent a significant intensification of the local highway network. The proposal is unlikely to give rise to adverse effects from increased traffic which would cause significant and demonstrable harm to the public highway network. Whilst the application site does not directly abut the highway, there is currently a right of access over the intervening land to the highway, and consent has already been granted for the previously approved – and now implemented – scheme on the same basis.
- 7.3.2 The safety of users of the public footpath which runs immediately in front of the site's access has been considered. Vehicular access to the site already exists in this location; without planning permission the access could be more intensively used in conjunction with the lawful use of the land. Mindful of the proposed scale of development (which would generate a small amount of private traffic), as well as the proposed 5m width of the access and the 1x1m visibility splays shown on the plans for vehicles and pedestrians / cyclists (see plan extract below), it is judged that the proposal would not result in significant harm to the public right of way. Vehicles exiting the driveway would naturally be inclined to exit centrally and at low speed. There are other accesses, driveways, garages and parking areas in the immediate locality which have the same impact on pedestrians and cyclists (and the public right of way) in terms of generating potential conflict between users. However, traffic volumes and speeds are sufficiently low for this to not create an unacceptably unsafe pedestrian / public right of way environment. The proposal would not change the current situation.

Furthermore, Members are reminded that there is an extant Planning Consent on the site which utilises the same point of access, both for the completed development and its construction.

- 7.3.3 The plans show that satisfactory on site parking and turning would be provided, with no tandem parking proposed. The landscape Condition recommended above would control the access surfacing material, but a Condition is recommended to ensure that it is 5m in width for at least the first 5m behind the site boundary and that 1x1m pedestrian visibility splays are provided on both sides of the access. This Condition should be worded so the access width and visibility is delivered to serve construction vehicles, as well as future occupiers.
- 7.3.4 There is no evidence that the proposal would lead to demonstrable detriment to highways safety in the locality which is sufficient to warrant refusal of planning permission. The proposal is judged to accord with Policy GD8 of the Harborough District Local Plan and Policy T1 of the Great Bowden Neighbourhood Plan in the above respects.

4. Residential Amenity

- 7.4.1 Relative to the extant approved scheme on the site, the proposal has not been significantly amended. The original submission included a first floor window in the end gable of the garage which raised concerns with neighbouring residents, however, this feature has subsequently been removed from the scheme through negotiations and a Permitted Development Rights restriction condition is recommended so as to ensure that no window can be placed in this elevation in the future. The proposed layout plan demonstrates that the front elevation of the proposed dwelling would be approximately 33m away from the rear elevation of No.3 Lime Tree Place, and farther from No.4 Lime Tree Place (see **Figure 30**) and other neighbouring dwellings.



Figure 30: View from within the site (prior to commencement of development) looking towards the Lime Tree Place / Fernie Hunt Stables / Middlebrook Mushrooms development

- 7.4.2 The north side elevation of the proposed garage building would be approximately 20.5m away from the closest Lime Tree Place dwelling. These distance separations are suitably in excess of HDC Supplementary Planning Guidance recommended minimum separations (which are 21m and 14m respectively). Mindful of the unfavourable northern orientation of Lime Tree Place and other dwellings, the proposal is not judged to give rise to significant harm to neighbouring amenities in terms of loss-of-privacy, loss-of-light, overbearing or other amenity impacts.
- 7.4.3 The applicant is proposing supplementary landscaping along the northern site boundary in order to enhance privacy for these dwellings and the site. A landscape condition is recommended so as to ensure that this occurs in a satisfactory form.
- 7.4.4 The proposal is a comfortable distance away from other neighbouring dwellings and properties in the locality such that it would not lead to harm to amenities.
- 7.4.5 The proposal is judged to be acceptable in terms of its residential and general amenity impacts; the proposal complies with Policy GD8 of the Harborough District Local Plan in these respects.

5. Design

- 7.5.1 The design being put forward ensures compliance with all the key points from the previous planning consent will still apply to this scheme, ensuring suitable compliance with all relevant planning policy, whilst addressing the concerns raised in relation to the withdrawn application. **Figure 31** shows the proposed elevations for the new dwelling submitted as part of this application
- 7.5.2 A high quality palette of external materials are being put forward for use on this building, which ensures the character of the village is adhered to and the design does not seek to detract from any of the historic buildings within the village. The use of stone & brickwork as the main materials for the external wall construction seeks to address this, by using materials which feature heavily in the village to ensure that the general design aesthetic of the unit will not be out of character with the area.

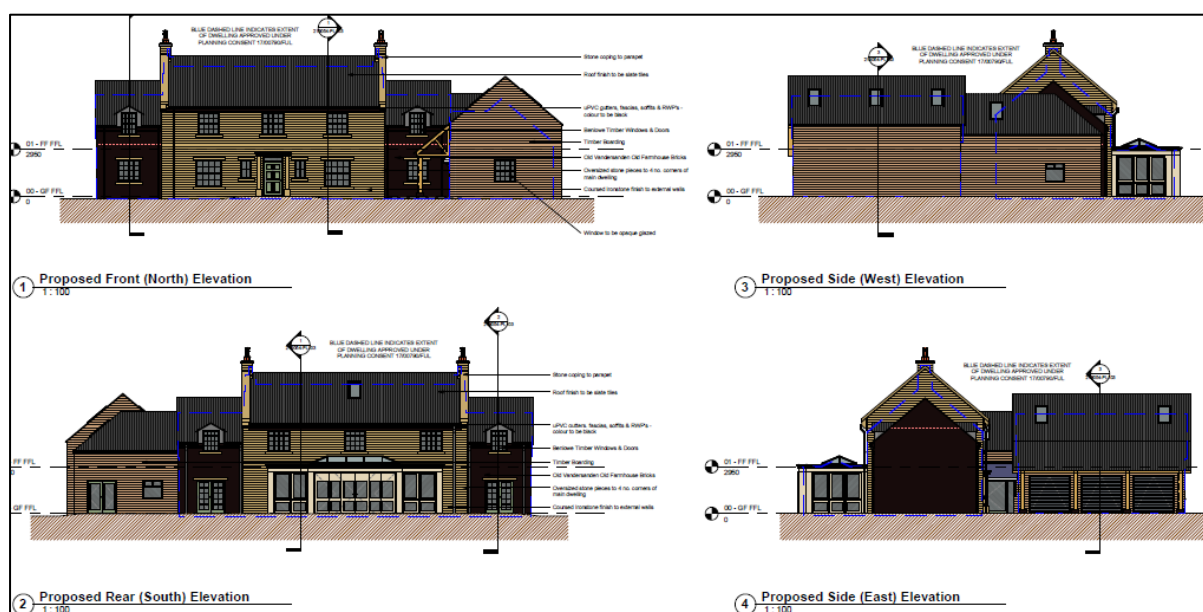


Figure 31: Proposed Elevations

- 7.5.3 Another aspect of the previous scheme which follows through with this application is the use of a central wing of gable end construction, with smaller wings to either gable which sit lower than the main gable. This provides a key design aspect for the dwelling and follows the parameters set by the previous scheme. Amended plans have been submitted providing for a reduced scale of dormer window in these wings to compliment the subordinate nature of the wings. **Figure 32** shows an illustrative CGI view of the property from the front (albeit without the aforementioned amendments), looking from the main entrance into the plot.



Figure 32: Illustrative CGI

- 7.5.4 **Figure 33** shows a further illustrative CGI of the building. The main central wing has feature parapets at either end which will be complete with stone copings, which again is a key character point for buildings of this nature in this area and seeks to enhance the aesthetic of the unit to a higher level. Stonework features to the corners of the dwelling, with oversized pieces of ironstone being used to provide an enhancement to the design. It is considered that the use of oversized ironstone will provide a design more in-keeping with surrounding buildings than using more of a formally cut stone quoin. This is seen as key part of the dwelling to provide an element of detailing to the corners of the building. The windows & doors within the external walls will be provided with stone heads & cills, again a design aspect which features on dwellings such as this where the primary external material is stonework, as it provides a neat detail at the head and cill of the windows.
- 7.5.5 A garage is also provided which will allow for the parking of 3 no. cars, with 2 no. bedrooms provided above the garage. The garage is linked to the main dwelling via a single storey link. Suitable access into, and out of, the garage is provided at the front of the property.



Figure 33: Illustrative CGI

- 7.5.6 The proposal is judged to be acceptable in terms of its design, the proposal complies with Policy GD8 of the Harborough District Local Plan and Policy H6 of the Great Bowden Neighbourhood Plan in this respect.

6. Arboriculture

- 7.6.1 There are no significant trees within the site or surrounding the site which would be affected. While the row of evergreen conifers is proposed to be retained to form an established landscape screen, this line of conifers is not of significant public visual merit – it would not be worthy of Tree Preservation Order. Therefore, Conditions regarding tree / root protection measures are not necessary.
- 7.6.2 The indicative landscaping scheme shows planting of new trees and foliage, to create structural foliage screening along the northern and eastern boundaries. The site is large enough to permit a number of trees to establish over time and for the site to take on a more leafy aspect.

7. Drainage

- 7.7.1 The site lies in a low risk flood zone. The HDC Drainage Engineer was previously consulted and no comments / objections have been received. Notwithstanding, there are no known flood risk concerns affecting the site.
- 7.7.2 The Applicant is proposing a “soakaway” method of disposing of surface water (Application Form, Section 12). Foul drainage is proposed by mains sewer connection – “Connection to existing foul drains serving Nether Green and/or Sutton Road” (Application Form, Section 11).

- 7.7.3 At Building Regulations stage there is a requirement for developers to employ a sustainable method of drainage which mitigates flood and pollution risks. 'Soakage testing' or 'percolation testing' is required on sites where it is intended to use a soakaway. The test determines the rate at which the ground absorbs a known volume of water. It ensures that the ground is suitable for a soakaway and that the soakaway is designed properly. If a soakaway is not practicable, the Regulations allow for alternative drainage solutions.
- 7.7.4 Given that the site lies in a low risk flood zone and is for a single dwelling, matters of foul and surface water drainage are judged to be satisfactorily controlled under the Building Regulations. Further control by Planning Condition is judged to represent duplication and would not be necessary or reasonable as per the '6 tests' which Planning Conditions must satisfy.
- 7.7.5 The proposal can reasonably be expected not to lead to increased flood risks, pollution or drainage problems. The application is judged to comply with Policy CC3 of the Harborough District Local Plan in these respects.

8. Other Matters

○ *Broadband Infrastructure*

- 7.8.1 GBNP Policy EMP 3 advises "every individual dwelling in new housing developments should have access to superfast broadband of at least 30Mbps, or faster to reflect higher minimum speeds that may be prevalent through the lifetime of The Plan." A condition is suggested to ensure compliance with this policy.

c) Sustainable Development

- 7.9 The NPPF requires LPAs to grant planning permission for sustainable development, unless otherwise justified. Paragraph 7 of the NPPF states: "There are three dimensions to sustainable development: economic, social and environmental".
- 7.10 In terms of economic considerations, the proposed dwelling would provide employment during the construction period and future occupiers would contribute to the local economy.
- 7.11 In social terms, the development would provide an additional dwellinghouse, helping to maintain a supply of housing. The proposal would deliver satisfactory amenity relationships.
- 7.12 In terms of environmental considerations, there are no significant adverse visual / environmental impacts to the proposal. The site is in a sustainable location. The proposal would preserve the special character and appearance of the Conservation Area and the setting of Listed and non-designated heritage assets in the locality.
- 7.13 On the basis of the assessment in Section 7 of this report, the proposal is judged to represent sustainable development which complies with the NPPF.

8. The Planning Balance / Conclusion

- 8.1 The proposal will provide a dwelling within a sustainable location. By virtue of its siting and design, the dwelling will, on balance, assimilate into its surroundings without affecting the character and appearance of the immediate and wider environment. Furthermore, the proposal will not affect the setting of the Great Bowden Conservation Area (a designated heritage asset) or the mud wall along the eastern boundary of the site (a non-designated heritage asset), the amenities of occupiers of adjacent properties or give rise to a road safety hazard.

- 8.2 The proposal is therefore considered to comply with Local Plan policies GD2, GD8 and HC1 and Great Bowden Neighbourhood Plan Policies H1, H2, H3 and H6 subject to the conditions highlighted in Appendix A.

9. Suggested Planning Conditions

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

Recommended Conditions

1. Development to Commence Within 3 Years

2. Approved Plans

3. Materials Schedule / Details

4. Landscaping Scheme

Prior to implementation, full details of proposed hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority (including access, driveway, parking, turning and all other surfacing materials, e.g., patios, pathways and lawns; boundary treatments [including dimensions, materials, bonding and mortar type]; new planting; and a timetable of implementation). The landscaping scheme shall include suitably positioned native species trees, providing space for them to establish and mature. The doorway opening and door in the southern boundary garden wall with Rectory House shall be retained; fixed shut. Prior to first occupation of the dwelling, the hard and soft landscape works shall be completed in accordance with the approved plans/details. All planted material shall be maintained and replaced as necessary by the applicant(s) and/or owner(s) of the land at the time for a period of not less than 5 years from the date of planting.

5. Levels

6. Archaeology

7. Permitted Development Restriction – Part 1, Classes A, B, C, E and G

8. Permitted Development Restriction – Part 2, Class A

9. Access Width and Visibility Splays

10. No windows / openings north gable of garage

11. Broadband

12. Construction Method Statement

No further development shall be carried out until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development:

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of construction materials
- c) a detailed reactive and proactive road cleaning schedule, incorporating the use of road sweepers, on-site wheel wash facilities and the use of hand brooms on wheels and roads where necessary
- d) measures to control the emission of dust and noise during construction;
- e) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- f) hours of construction work, site opening times, hours of deliveries and removal of materials;
- g) routing of construction traffic and indication of signage locations to assist those delivering to the site

- h) Contact details for site manager, including how these details will be displayed on site.
- i) full details of preventative measures to avoid surface water run-off during construction

Recommended Informative Notes

- 1. **Building Regulations**
- 2. **Party Wall Act**
- 3. **No Burning of Waste**
- 4. **Construction Hours & Vehicles**
- 5. **Archaeology Advice**
- 6. **LCC Footpaths Advice**
- 7. **Conservation Rooflights**
- 8. **Wildlife and Countryside Act 1981**

APPENDIX A: Supplementary Heritage Statement

Supplementary Statement reference Planning Application Ref. 22/01106/FUL

Erection of a Detached Dwelling, Land at Nether Green, Great Bowden

Further to our submission of the Heritage Impact Statement dated October 2022 in relation to the above referenced application, I have been provided with a copy of the comments you have received from your appointed conservation officer Sally Hartshorne.

There is no dispute that this is a sensitive site, it lies within the Conservation Area in relative close proximity to a number of listed buildings. As is pointed out in various reports, there is an extant planning approval for the erection of a dwelling and garage on this site.

Whilst Sally has generally agreed with my conclusions in respect of the potential impact of the proposed development on the setting of these listed buildings, she has raised a concern about its impact on the character and appearance of the Conservation Area.

In particular Sally has suggested that the increased ridge height of the garage will impact on the view from the footpath of the trees along the western boundary of the site.

Whilst I would accept that trees are a notable characteristic of the conservation area, these specific trees consist of a poorly maintained conifer / leylandi hedge (which are not of any cultural or conservation value, see Note 1 below), and as they lie outside of the application site will not be directly affected by the proposed development.

Notwithstanding the conservation officer's concerns, it is our considered opinion that the proposed increase in height of the garage by 1.1m (from 6.3m to 7.4m) when seen from the footpath, a distance of over 40m, would be barely perceptible, would not materially diminish the views of this conifer hedge or its contribution to the Conservation Area, and would not discourage people from using the footpath or lessen their enjoyment/experience of it.

It is therefore my professional opinion that the increase in ridge height of the garage does not harm the character or appearance of the Conservation Area as a whole.

Stephen Bradwell, MA MRTPI IHBC

December 14, 2022

Note 1: these Leyland Cypress trees when referenced in the arboricultural report submitted in support of the adjacent site 15/01534 FUL were listed as falling into BS5837 retention category C (being of low quality and value) in subcategory 2 (being of landscape value but not of any cultural or conservation value).

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