

PLANNING COMMITTEE: 17th January 2023
SUPPLEMENTARY INFORMATION

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

Correspondence received is available for inspection.

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| 22/00847/FUL | Extensions and alterations to the existing buildings to be used as one dwelling house (No. 28), including the erection of a single storey front extension, the erection of a single storey side extension and the erection of a detached garage. Erection of a replacement dwelling (No 28a) 28 And 28A London Road, Great Glen |
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Section 5. Planning Policy Considerations – update

For clarity Great Glen Neighbourhood Plan Policy GG2: Settlement Boundary is shown in full below:

POLICY GG2: SETTLEMENT BOUNDARY - Development proposals will be supported within the Settlement Boundary as identified in Figure 3.

Land outside the defined Settlement Boundary will be treated as open countryside, where development will be carefully controlled.

Appropriate development in the countryside includes:

- a) For the purposes of agriculture – including farm diversification and other land-based rural businesses;
- b) For the provision of affordable housing through a rural exception site, where local need has been identified;
- c) For the provision of a formal recreation or sport use or for rural tourism that respects the character of the countryside.

As stated within the report, the site is outside the defined Settlement Boundary. The proposal therefore does not comply with this policy as the development does not meet one of the “appropriate developments” listed (sub-category a; b; and c).

The development would however comply with the Development Plan when read as a whole. The Development Plan consisting of both the Harborough Local Plan and Great Glen Review Neighbourhood Plan. The HLP permits development in the countryside (see Policy GD3 and GD4) and Officers have judged the development complies with these policies.

The NPPG is helpful when advising on the approach to be taken when there is a conflict between Neighbourhood Plan and Local Plan policies:

What approach must be taken where development plan policies conflict with one another?

Under [section 38\(5\) of the Planning and Compulsory Purchase Act 2004](#) if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Conflicts between development plan policies adopted, approved or published at the same time must be considered in the light of all material considerations, including local priorities and needs, as guided by the National Planning Policy Framework.

Paragraph: 012 Reference ID: 21b-012-20140306

Revision date: 06 03 2014

Officers consider the development would comply with Great Glen Review Policy GG3c by being a re-development site.

POLICY GG3: HOUSING PROVISION WINDFALL SITES

Small residential development proposals on infill and redevelopment sites will be supported subject to proposals being well designed and meeting all relevant requirements set out in other policies in this Plan and District-wide planning policies and where such development:

- a) Comprises a restricted gap in the continuity of existing frontage buildings or on other sites within the settlement boundary or where the site is closely surrounded by buildings;*
- b) Does not involve the outward extension of the built-up area of Great Glen;*
- c) Respects the shape and form of Great Glen in order to maintain its distinctive character and enhance it where possible;*
- d) Retains existing important natural boundaries such as trees, hedges and streams;*
- e) Does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the existing and future occupiers of the dwelling where relevant;*
- f) Does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise in line with Harborough District Council Supplementary Planning Guidelines;*
- g) If it involves two or more dwellings, provides for at least one small dwelling with two or fewer bedrooms for every one larger dwelling (i.e. three or more bedrooms).*

As per the second para of the NPPG, the conflict between Neighbourhood Plan policies GG2 and GG3 requires an evaluation of other material consideration in this case the NPPF being an important consideration. The NPPF supports the proposal as it has been judged to represent sustainable development and therefore on balance the application is recommended for approval.

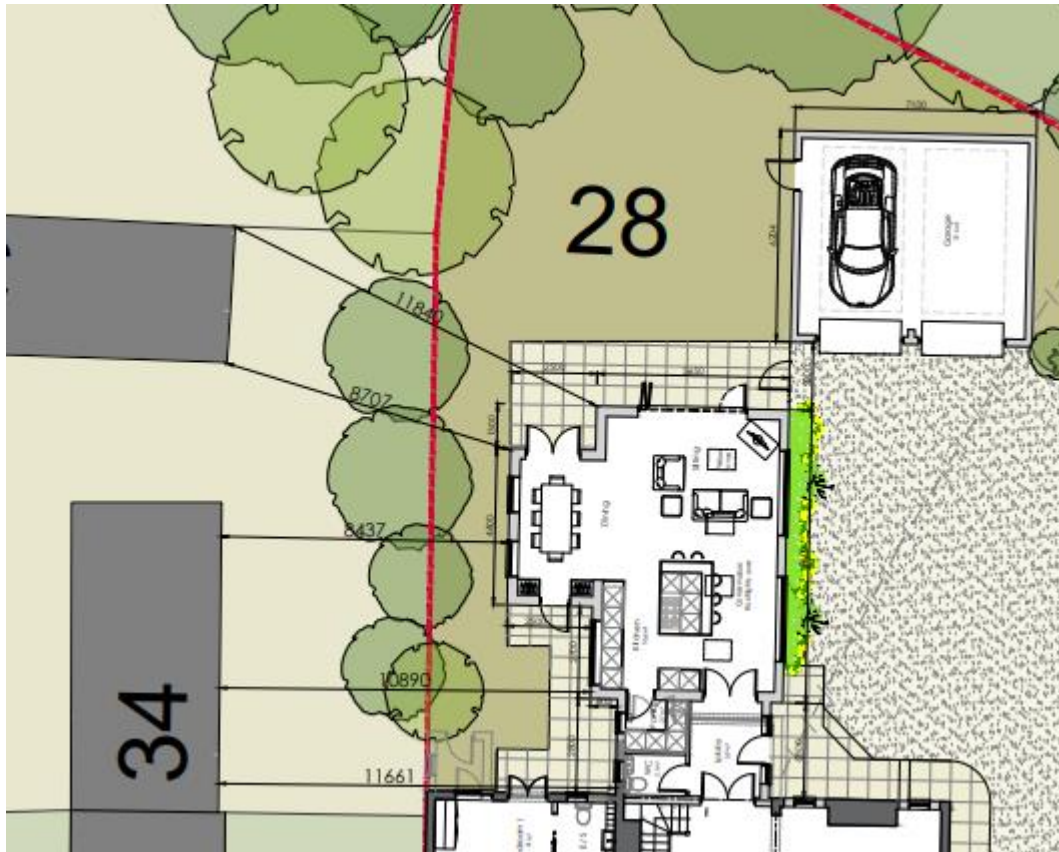
Section 6. Assessment

Design

During Member Site Visits, Members asked if the existing UPVC windows on the property could be replaced with a more sympathetic/traditional material and whether the existing chimney and pot could be re-instated. The Agent has confirmed they are agreeable to both.

Residential Amenity update

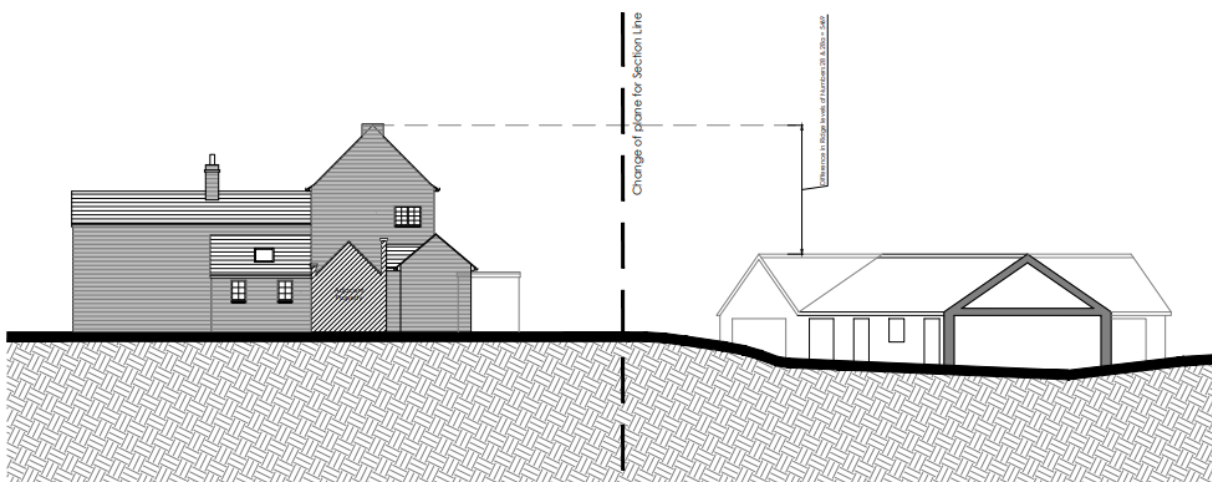
During Member Site Visits, Members asked to know the separation distance between the proposed extension and No.30/34 London Road. The annotated plan below helpfully shows this relationship:



Site Plan extract showing relationship between proposed extension and No.30/34 London Road

The existing planting will be replaced with new soft landscaping, which over time will filter the views of the extension from No.30/34, which is single storey. The proposed side windows of the extension will look onto the 1.8m high boundary fence.

Members also asked to know the height difference between No.28 (to be refurbished/extended) and the replacement dwelling (No.28A). The cross-section plan below shows that the proposed ridge of No.28A will be over 5m lower than the ridge height of No.28.



Cross-section showing height difference between No.28 (existing) and No.28A (proposed)

Ecology update

Following the submission of an updated Biodiversity Net Gain (BNG) from the Applicant 19.12.2022; LCC Ecology advised the LPA 13.01.2022

The metric submitted is basically the same as previously. So my comments from the 19th December are still valid.

In summary, the Applicant has failed to undertake the BNG assessment appropriately, so the percentage of net gain shown in the metric (41.21%) is essentially meaningless, given how the baseline should be calculated according to the Environment Act 2021. So whilst opportunities to improve biodiversity around the development have been proposed (new tree and wildflower planting), it does not demonstrate a measurable net gain for biodiversity given the large scale of tree removal on site prior to the BNG assessment being made.

I therefore recommend the following Condition as a way of ensuring some biodiversity enhancement:

No development shall take place (including ground preparation works) until a detailed Landscape plan has been submitted to and approved in writing by the LPA. This is to include details on trees/shrubs to be planted and the native wildflower species mix(es) to be sown. All species to be used must be native to the UK.

For bats, I recommend the following Condition:

No works impacting the roof, external walls or loft voids (including ceiling) of the existing main building (building 1 in the Preliminary Bat Roost Assessment report by RammSanderson Nov 22) shall take place until the findings of three bat activity surveys, and a bat mitigation scheme or precautionary method of working statement (if applicable), have been submitted to and approved in writing by the Local Planning Authority. This is also to detail whether or not a Natural England licence will be required, and show any mitigation/enhancement features on a plan. All works are to proceed strictly in accordance with the approved document.

Officer Comment

With regards to Biodiversity Net Gain (BNG) there is currently no mandatory minimum level of 10% BNG, however, as outlined in Harborough Local Plan policy G15 developments should contribute to improving biodiversity. Furthermore, the NPPF (180. d)) states that 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'. The applicants have submitted a BNG calculation but as you will have seen above LCC Ecology have advised it does not demonstrate a measurable net gain. Notwithstanding this, LCC Ecology are satisfied that biodiversity enhancement can be secured by way of condition.

LCC Ecology were advised that a landscape plan had been submitted. However, LCC Ecology advised that it contains a lot of ornamental non-native species so cannot really be considered as an ecological 'enhancement', although they did recognise the plan does also contain native hedgerows and native specimen trees. The LPA suggested tweaking the suggested condition to request more native ornamental planting; for the specimen trees to be planted as heavy-standards so they establish faster and to remove the need for wildflower grassland under the trees as this would be unrealistic within a residential garden (as it requires specific management). LCC agreed with this approach 16.01.2022.

Therefore, subject to the below condition the proposal is judged to comply with policy GI5 of the HLP.

Notwithstanding the submitted landscape plan, no development shall take place (including ground preparation works) until a revised Landscape plan has been submitted to and approved in writing by the LPA. In particular, the revised plan shall ensure all species to be planted are native to the UK and in terms of the proposed native hedgerow(s) and specimen trees these shall be detailed as being heavy-standard. The plan shall also provide details on the post and rail fence to be erected adjacent to London Road. Thereafter, the landscape plan shall be implemented as approved, with the soft landscaping completed during the first available planting season, prior to, or immediately following first occupation of the extension or dwelling (whichever is sooner) and thereafter maintained. Any trees, shrubs, hedges or plants which, within a period of ten 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. The post and rail fence shall be erected prior to first occupation of the extension or dwelling (whichever is sooner) and thereafter maintained in perpetuity.

REASON: To ensure the landscaping is implemented and maintained in the interests of the visual amenities of the development and its surroundings having regard to Harborough Local Plan Policies GD2, GD5 and GD8, and the National Planning Policy Framework.

Appendix A – Conditions – Amendments

Condition 2. Approved Plans – shall remove the following plan reference: Soft Landscape Proposals (2210-PL1-02 Rev A)

Condition 4. Landscaping plan implementation – shall be replaced with wording as set out above.

Extra Conditions

Notwithstanding the details shown on the approved plans, the right hand side chimney and chimney pot shall on the front elevation of No.28 be re-instated to match the chimney and chimney pot on the left hand side of the front elevation.

REASON: In the interests of good design and preserve the character of the undesignated heritage asset having regard to Harborough Local Plan policies GD8 and HC1.

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| 22/01395/CLU | Certificate of Lawfulness of proposed use or development for the use of the land as a mixed use residential caravan site and travelling showpersons site James Bond Caravan Park, Moorbarns Lane, Lutterworth, Leicestershire, LE17 4QJ |
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Cllr Geraldine Robinson

Previous applications have been refused on the showman's site and refusal upheld by the Inspector, stating that showman's provisions should be preserved.

I would like the committee to note that if this provision is lost and in the event of a new local plan an alternative will have to be found elsewhere in the district.

This site is now a commercial endeavour and does not appear to be providing a 106 agreement. I find the statement in 2.2 of your report to be misleading and cavalier because the site is not of mixed use. There are no showman's guild members, it is all commercial.

In recent years area A had very few travellers homes on the site and a bungalow which had been demolished some years ago. Meanwhile permission for a new site close by was given by HDC under delegated officer decision due to need of additional showman's pitches.

Site B is an addition which was purchased years and is/would be development in open countryside and should never have been included.

Furthermore 2.2 states that all the site would be "of mixed use for showmen and residential caravan site". This could be seen to be perceived by the public to be a devious move to add to the value of the main site A.

Site A was already emptied of showman's units, ready to sell for development a long time ago.

I fail to understand why officers are supporting this application as there is no evidence of use over the last 12 years.

I would like the committee to note that site A is already built on by Leisure Luxury Homes with homes being sold to the public costing £300,000.00 none of which are showman's homes and there is no storage for showman equipment.

I find it totally unacceptable that HDC gave permission for a further site in Moorbarns Lane in open countryside due to need, only to allow the sale of the original site to developers for huge profit. Especially after the previous applications were refused by the Inspector due to need of showman's sites.

Officer comment:

Whilst not material to the determination of the certificate of lawfulness for information the 20/21 [HDC Authority Monitoring Report](#) shows a 6.13 year supply of Travelling Showpeople plots (page 15 of that study)

Planning appeal APP/F2415/A/14/2225280 is mentioned.

- That appeal was decided on planning policy which this Certificate of Lawfulness (CLU) decision is not.
- Furthermore, the CLU previously granted, and this applied for does not result in loss of show persons use (ie it becomes mixed residential/show person use if 22/01395/CLU is granted)

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| 22/01738/FUL | Permanent retention of converted storage container for serving outdoor food and drink, Red Lion, 5 Main Street, Great Bowden |
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Additional Supporting Information

The Applicant has submitted a Heritage Impact Assessment

The Assessment outlines the heritage context of the site and its surroundings and considers the impact of the proposal upon the Great Bowden Conservation Area as well as the adjacent listed building (11 Main Street).

Summary of heritage impact:

- 4.6 It is considered that, viewed from the public realm within the highway of Main Street, and from the vicinity of the grade II listed 11 Main Street, the re-purposed storage container does not form a prominent feature within the conservation area, or in the setting of the neighbouring listed building. Nor does it form an unduly prominent or incongruous feature from within the publicly accessible grounds of the Red Lion Public House itself. Only a small portion of the external shell of the container is visible from the street and from within the gravelled area to the side of the public house. The garden-facing frontage is not visible from the public realm of Main Street.
- 4.7 For the above reasons it is considered that the re-purposed storage container has a negligible impact on the character and appearance of the conservation area, and causes no material harm to the setting and significance of the neighbouring listed building. It also has no adverse impact on the setting of the Red Lion Public House as a non-designated heritage asset.
- 4.8 In this context it should be noted that, when the application for temporary consent for the storage container was originally submitted, Harborough District Council's Conservation Officer did not object. At that stage the Council's officers did not see fit for conditions relating to colour to be imposed. The condition requiring the container to be painted matt white was imposed by members of the Planning Committee.
- 4.9 It is considered that the continued maintenance of the container in a matt white finish, as imposed through condition by members, does not best serve the interests of the character and appearance of the Great Bowden Conservation Area. On the contrary, it is considered that, although not especially prominent, retaining the white finish tends to draw attention to the corrugated profile of the steel shell of the container. For this reason, it is proposed that the structure be painted in a matt dark grey colour, similar to that of the end gable wall of the public house and the immediately adjoining fencing. This would mean that the structure would blend most successfully with its immediate surroundings, and thereby further diminish its visual prominence within the conservation area.
- 4.10 Having regard to the duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the character and appearance of the Great Bowden Conservation Area would be preserved and by the application proposals. Similarly, having regard to the duties under s66 of the Act, it is considered that the setting and significance of nearby listed buildings would be preserved.

- 5.1 In the terms of the NPPF, it is considered that no material harm would be caused to the setting or significance of either the Great Bowden Conservation Area or the neighbouring listed building as a result of the application proposals. On the contrary, the application proposals would preserve the character and appearance of this part of the conservation area and the settings of heritage assets in the immediate vicinity. Accordingly, the proposals comply with the heritage policy principles set out in section 16 the NPPF as well as the heritage objectives set out in Policy HC1 of the Harborough Local Plan 2011-2031.

Officers concur with HIA report authors that the converted storage container, particularly if its is painted dark matt grey, will not result in harm to the character and appearance of the conservation area or harm the significance of the adjacent listed building.

Additional Conditions

Following Members site visit, the Applicant has informed Officers that they would accept conditions relating to:

1. A requirement to clad the container in timber and if required to specify that timber will be Siberian Larch vertical boards to tie in with the rest of the development; and
2. A limitation in hours that the container is in use. The garden use is limited to 11.00pm by the premises licence but I would be happy to accept a limitation that the container is only used between the hours of 9.00am and 10.00pm on Mondays to Saturdays and 9.00am to 9.00pm on Sundays if that addresses any concerns raised by members of the planning committee.

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| 22/02048/FUL | Erection of a garage (retrospective) (revised scheme of 22/01301/FUL) – Yew Tree House, Elms Lane, Burton Overy |
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Additional Representations

8 additional letters of objection have been received (2 further letters (with images) from The Elms and 6 from addresses in Market Harborough, Scarborough, Birmingham, Haverfordwest and Tonbridge. Many points replicate those already reported, additional comments are reported below:

- Any development should “protect, conserve or enhance the significance, character, appearance and setting of the asset, including where possible better revealing the significance of the asset and enabling its interpretation.” However, the garages built (even with the proposed modifications) achieve the opposite of this policy as they dominate the setting on Elms Lane, block the view of the heritage assets of both Yew Tree House & The Elms and the design and materials used do not compliment the setting.
- It also fails other policies in the local plan as follows:
 - 1) GD5 which provides that development should be sensitive to its landscape setting and should safeguard important public views, skylines and landmarks.
 - 2) GD3 part 1.h which provides that structures must be subordinate in scale and appearance.
 - 3) GD8 which provides that development should respect “the context and characteristics of the individual site, street scene and the wider local environment to ensure that it is integrated as far as possible into the existing built form”.
- Policy GD8 of the Local plan also specifies that development should not have a significant adverse effect on existing residents through overshadowing and an overbearing impact. The garages have a hugely overbearing impact on The Elms and its gardens due to its excessive size. They can be seen from almost all of the front facing windows of The Elms and this will still be the same with the modifications proposed. Further to this, the structure can be seen from most aspects of the garden (even the back garden).
- I understand that previous Conservation Officers at HDC were very protective of this area when other development projects were discussed.
- Policy DBE1 of the Burton Overy Neighbourhood Plan provides that care must 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. However, the garages built have changed Elms Lane significantly, from a beautiful country lane to a road that is dominated by an excessively large building very close to the road.
- As can be seen from the photographs, the garage is overbearing, out of scale and is out of character with the setting and creates a significant harm to the heritage asset and the Conservation area.
- The proposed modifications only take the very top off the building and change the slope of the roof, meaning that the mass of the building will still be significant and will destroy the beautiful view of the building.



Photo 1: Yew Tree House & The Elms prior to development

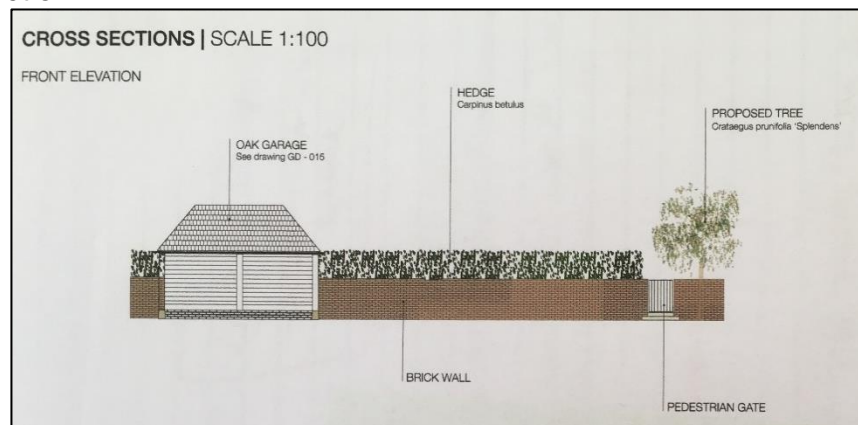


Photo 2: Current view of Yew Tree House and The Elms

- In recent years, Harborough District Council have been incredibly generous by allowing a significant amount of development on Yew Tree House, despite it being a listed building in a Conservation area, including the garages, the garden and the kitchen (despite the kitchen development being refused by the Conservation officer). However, the owners have:
 - 1) Ignored the planning permission granted in 2017 for the garages and built a much larger structure.
 - 2) Ignored the advice of the enforcement officer to stop working on the garages when it had been determined that they were in breach of the planning permission granted.
 - 3) Built a kitchen that is not consistent with the design and access statement in that it was supposed to “not be visible from neighbouring dwellings”. In fact, the side of the kitchen can be seen from the back garden of The Elms and because a path was built around the property instead of building the land back up to the roof which was indicated in the planning application, anyone at Yew Tree House can now look into the back garden of The Elms and into the rooms.



- The impact on The Elms should therefore be taken in context of the 2 development projects carried out at Yew Tree House. There has been a significant impact at the back of the house due to the kitchen as mentioned above (a complete loss of privacy and a change of character from seeing countryside views to seeing the brick side wall of a modern kitchen) and now a significant impact at the front due to the garages which tower above the country garden boundary wall. This is changing the character of The Elms significantly and making the property feel hemmed in by the modern developments imposed upon it by Yew Tree House.
- Misleading information in the original application in 2017 meant that objections were not made where they would have been if the information was correct. For example, the original application for the garages in 2017 showed the following cross section:



This suggests a small building in a large space which is what we were expecting to be built. However, this is what was actually built:



- Overall, what has happened here is that the applicants have modernized their property to the detriment of The Elms. The view from the kitchen of Yew Tree House is now a beautiful view of the church and the countryside. The view from the kitchen in The Elms is now the brick side of their kitchen at the back (as shown above) and their massive garage at the front. In fact, this is the same from all aspects of The Elms, all rear facing windows now overlook the side of their kitchen and all front facing windows overlook their garages. Previously both aspects were countryside.
- However, if they had adhered to each of the planning permissions granted and the details in their applications, The Elms would not have been able to see the kitchen at all and would have a limited view of the garages.
- If the application is accepted, the precedent set could be so harmful. What would happen if the owners of The Elms decided to build a similar structure on their property, again right next to the road i.e. just on the other side of the wall on the approach to Yew Tree House and The Elms? How could it be refused if it was only half a metre away from the one at Yew Tree? Then there would be 2 massive garages along Elms Lane.
- The original approved application specified oak cladding, but this was not adhered to by the applicant. Surely this could be corrected quite easily.
- There seems to be no regret or apology from the applicant for the breach despite it being in such a sensitive setting, that of a listed building and a conservation area. The concern is that if permission is granted, it sets a precedent for the village which is a conservation area and has many listed buildings. If local councils don't take action against breaches in such protected areas, it could be extremely harmful as others will follow suit.
- Is it possible to walk all the way around the building as indicated in the drawing and is the back door staying?
- There are now 2 large modern buildings surrounding the lovely old house, so the house no longer dominates the setting. As the photos in the application show, this will still be the case with the proposed amendments to the roof.
- The applicants have made amendments to protect themselves and their buildings from the negative impact of their garages, but have not made any attempt to protect The Elms (a listed building) or the Conservation area.
- Are the rules in Burton Overy:
 - 1) Build what you want to regardless of planning permission & hope you get away with it.

- 2) When you get caught and the enforcement officer advises you to stop - just carry on.
 - 3) Put in a request for retrospective planning permission hoping that now that it is built it won't get refused because of the cost and inconvenience of taking it down?
 - 4) When the retrospective planning application is refused, make minor adjustments and apply again using inaccurate and misleading documents.
- We all pay our council tax, but it should not be spent on having to enforce an application and then reassessing this new application, just because the applicant wants more than was agreed. The applicant should know better, the rules apply to all of us.
 - What has been built is an eyesore, even with the small amendments, it is still far too big and ruins the beautiful setting. The Council should refuse this application.