

PLANNING COMMITTEE: 6th September 2022
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.

Page: 1

22/00814/FUL	Demolition of existing house, alteration to existing access, erection of 6 dwellings and 4 apartments, alterations to adjacent pub car park and outbuildings including the erection of a replacement outbuilding 4 Station Street, Kibworth Beauchamp
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LCC S106 Contributions

LCC have confirmed the only S106 contributions requested are those outlined in Appendix B (pg.46) of the report. No further updates are required.

Anglian Water/LLFA Surface Water Update

The applicants have submitted updated drainage plans and a drain survey to the LPA. Re-consultation has occurred with Anglian Water and the LLFA, however, formal final comments have yet to be provided by either consultee.

Notwithstanding this email correspondence between Anglian Water and the applicant has been shared with officers whereby Anglian Water stated:

“The CCTV evidence clearly indicates an unrestricted surface water connection to the public combined sewer and so any strategy that proposes a reduction in flow to the network, as yours does, will be acceptable to Anglian Water.

This response will be officially stated in the response to the planning report once the assessment results have been published.”

In light of this, officers remain satisfied that the strategy is likely to be acceptable and the recommendation remains as per the committee report with a light amendment as outlined below.

Updated Recommendation

Recommended updated text is underlined.

Planning Permission is **APPROVED** for the reasons set out in the report and subject to:
• The submission of a Developer Enquiry response from Anglian Water to show acceptance in principle to connect to their combined sewer at the proposed discharge rate for surface water to the satisfaction of the LLFA (or some alternative) and subject to any further conditions requested by the LLFA and Anglian Water.

- The Planning Conditions details in Appendix A; and
- The Applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to provide for the obligations set out in Appendix B

With delegation to the Development Planning Manager to agree the final wording and trigger points of the obligations.

Update to Condition 8- Overheating Assessment

Additional text inserted is underlined

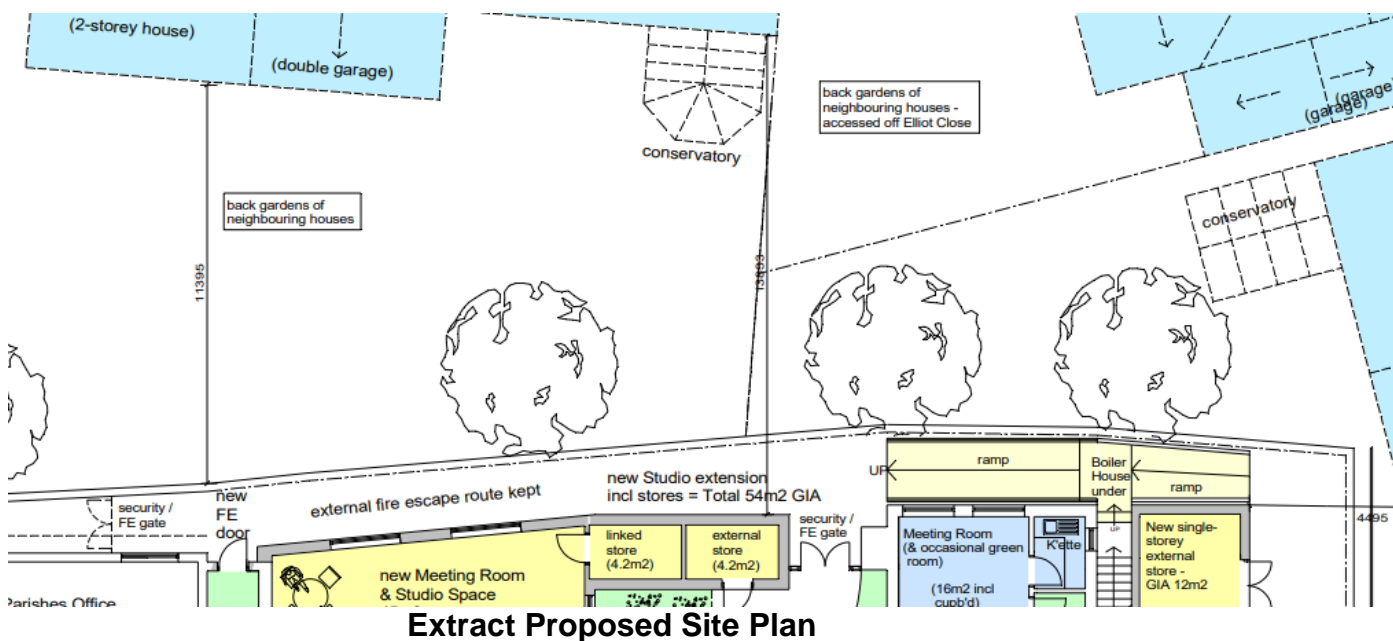
No above ground development shall commence on site until an overheating assessment has been submitted to and approved by the Local Planning Authority. The assessment shall have regard to the submitted Noise Assessment by Leema Technologies Ltd. Should the overheating assessment require amendments to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

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

22/00873/FUL	<p>Building renovations and extensions to the current Kibworth Grammar School Hall to create a Kibworth Community Hub, continuing as F2(b) use, including co-location of the Kibworth Community Library; and change of use of a small area of the School Lane Car Park to cycle parking with a widened disabled and fire escape access</p> <p>Old Grammar School Hall, School Road, Kibworth Beauchamp</p>
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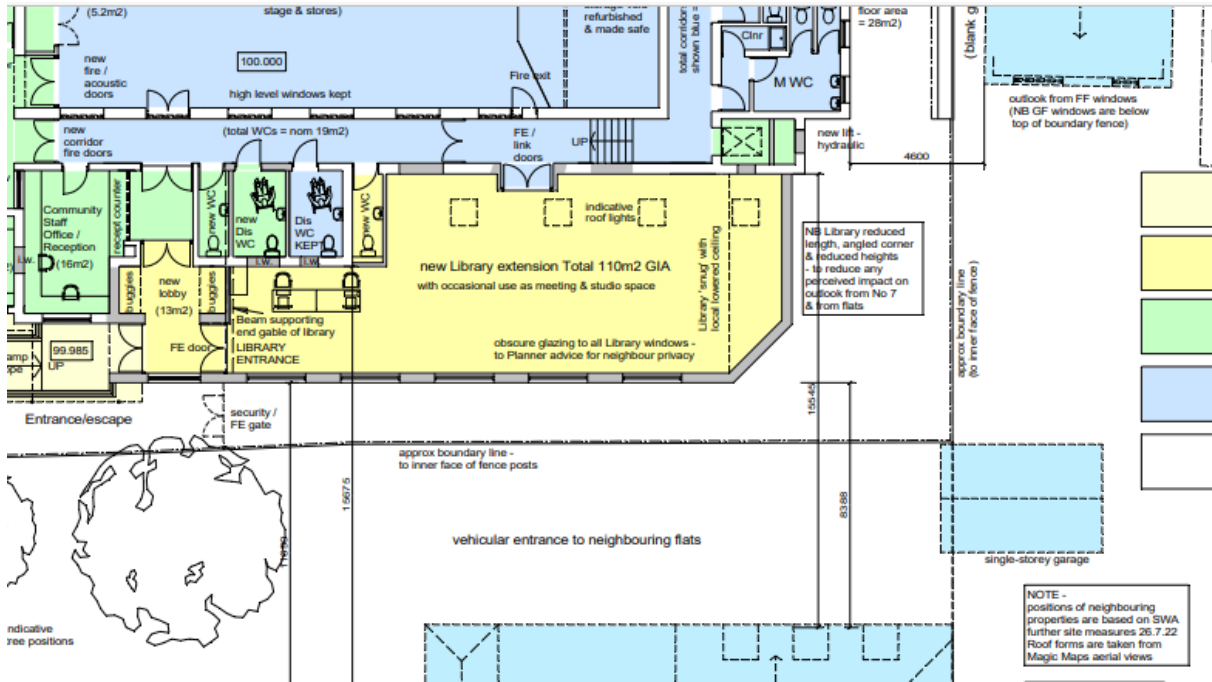
Additional Information – Residential Amenity Section

Separation Distances between the rear elevations of No.17 Elliott Close and No.19 Elliott Close to the boundary with the site is 13.8m and 11.3m respectively.



Extract Proposed Site Plan

Separation Distances between the front elevations of No.2 and No.3 Grammar School and the proposed extension to house the library is 8.3m (currently the separation distance between these properties and the Hall is 15.5m)

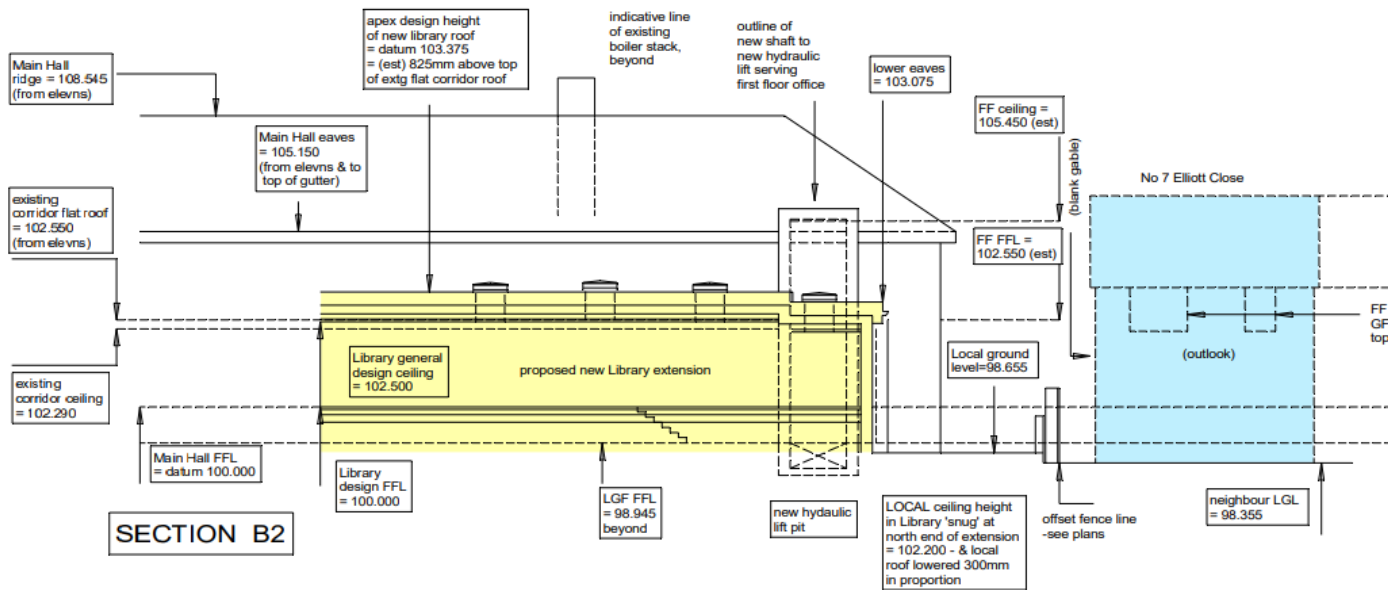


Extract Proposed Site Plan

Updated Cross Sections – The Applicant has supplied updated cross sections to show the relationship between adjacent properties and the proposed extensions. Some of these are illustrated below

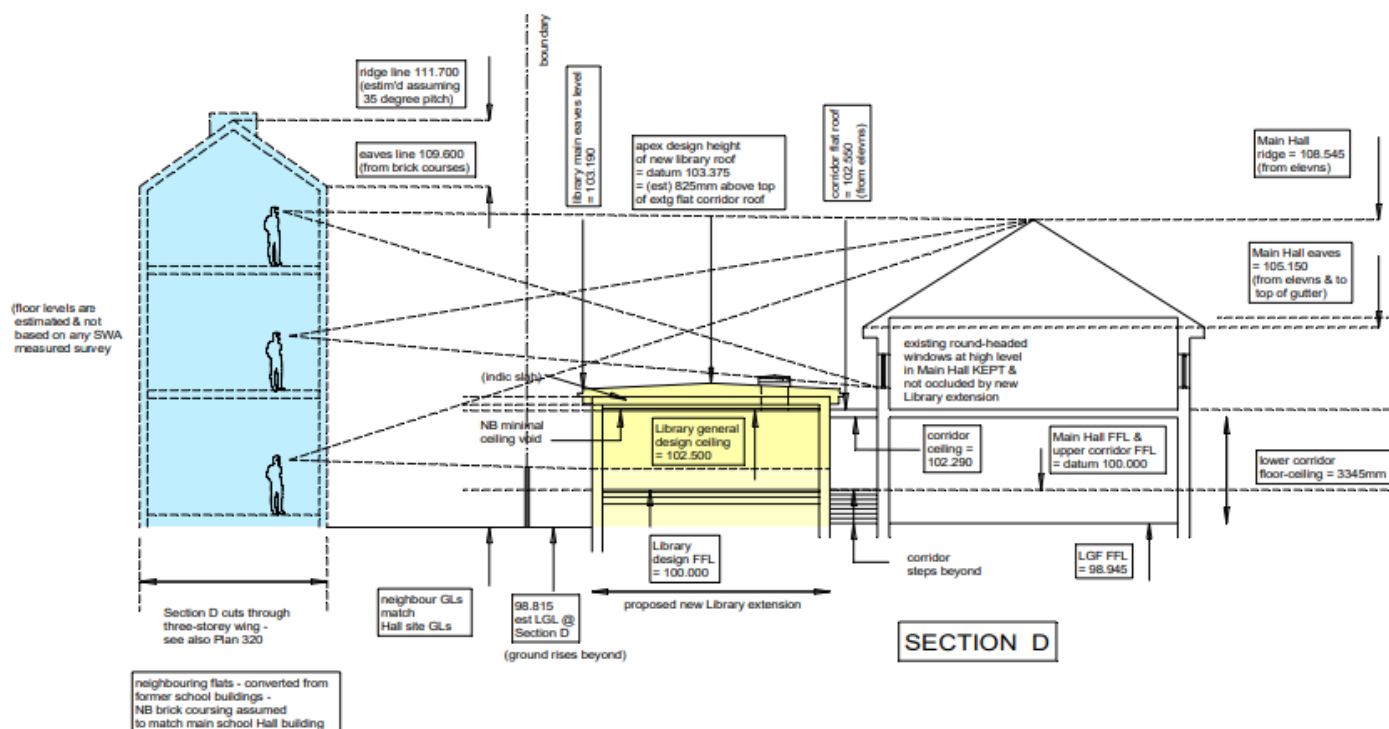
NB: The heights shown on the Section drawings, against proposed and existing parts of the building, are all measured in reference to a nominal datum level at the existing main ground floor, of 100.000.

So, taking *Section B2* (below) as an example, you’ll see that the top of the proposed library extension closest to No.7 Elliott close is shown as 103.075; the estimated local ground level is shown as 98.655; thus the height of building at this section line becomes $(103.075 - 98.655 = 4.42m)$.



Extract of Section B2

Next, taking *Section D*, (below) you'll see that the top of the library closest to No.2 Old Grammar School is shown as 103.375; the estimated local ground level (FFL) is shown as 98.815; thus the height of building at this section line becomes (103.375 – 98.815 = **4.56m**).



Extract of Section D

Heritage Impact

Historic England were consulted upon the application and no comments were received.

As mentioned within the report, Officers consider the proposal is judged to lead to less than substantial harm to the setting/significance of the adjacent listed building due to the position of the library extension. Finding harm to a listed building is a consideration to which the decision maker must give “considerable importance and weight” when carrying out the balancing exercise (para’s 193 and 194 of the NPPF). Officers consider the community benefits of the proposal outweigh the harm identified and Members should carry out the same assessment i.e. are you convinced the public benefits (in this case the community benefits) outweigh the harm identified to the listed building?

Conditions

Condition 2 – amended

The development hereby permitted shall be implemented in accordance with the approved plans listed within the Stanhope Wilkinson Associates Architects Document/Drawing Issue 24.08.2022

REASON: For the avoidance of doubt.

Condition 9

The Applicant has requested the removal of Condition 9 which imposes a 7pm limit of one of the two main entrances to the proposed Kibworth Community Hub.

“The Condition is not seen to be ‘necessary’ or ‘reasonable’ and so does not meet the NPPF tests, for the reasons set out below.

The existing situation is that if any users congregate outside the current entrance immediately at the bottom of the steps, they will do so at a distance from the nearest part of the Grammar School house of about 12m to 13m, and usually on average there will be one or more one person that will be nearer to the flats, typically 10m distance. However, a small group of people on the proposed covered walkway will, at the very nearest, only be physically able to congregate at a distance about 13.5m, and on average likely to be further away. There is also an existing 2m high close boarded fence between the entrance and the flats. (Measurements are scaled from the submitted plans).

Any people talking on the covered walkway will be talking under a new roof which, compared to the current situation, will reduce noise travelling upwards (e.g. towards bedrooms).

People congregating are actually more likely to stay in the proposed extended and enclosed lobby rather than on the sloping ramp, but even more likely to congregate out on the car park at the end of the walkway away from the flats.

People cannot come out of the door and spill onto the driveway as at present.

The net level of use of either of the two entrances will be less than the use of the current single entrance.

When large events (e.g. theatre, fairs, etc) are taking place in the main hall, then for most of the time it can expected that users will exit via the car park entrance. The site operators can actively manage this (as they can all uses). This would be another net reduction in any noise nuisance to the occupiers of the flats.

The first key point is therefore that it is not logical, necessary, or reasonable to seek to impose a new onerous Condition where there is no worsening of the current permitted use, but likely a betterment.

The second key point is that the existing entrance onto which this Condition is proposed is an essential entrance and is not secondary to the other new entrance.

The building is designed for flexible and multiple uses, needing both doors fully operating, with the ability to separate users, e.g. for, user management, staff security, child safeguarding, and energy management.

The new front entrance goes into the café/lounge, which is a functioning space and not designed per se as corridor. For example, on some evenings the Lounge will be in use as a meeting room, perhaps along with the studio and the main hall and library will be closed off; at other times activities will take place in the main hall or library but the front of the building will be closed; or only the library meeting room will be in use and the front door closed; or only the community/health offices will be in use, accessed via the side entrance. Each zone of the building is designed to operate separately.

This building is also used for elections and has effectively three polling stations inside – Kibworth Beauchamp is divided into 2 sections and use the main hall, and the Kibworth Harcourt electorate are guided to the Lounge (as next biggest room). Polling stations open 7am to 10pm. So we couldn’t have KB electors coming in and out of the Lounge after 7pm if current main door is to be closed at 7pm.

Require closure of what is the current main door will severely affect the operation of the facility, lead to reductions in flexibility of use as a Community Hub and so user numbers, and increase net cost so affecting viability.

So, on this second operation and design point, it is also not logical, necessary, or reasonable to seek to impose a new onerous Condition where there is no worsening of the current permitted use, but likely a betterment not only to residential amenity for the likely one residential property's concerns, but also in the planning balance a significant benefit the wider community."

Officer Response

In Officers opinion the condition offers a betterment to neighbours, particularly No.2 and No.3 Old Grammar School, and this has been considered as part of the overall planning balance. The LPA is unlikely to take Enforcement Action for breaching the condition for a one-off event such as a General or Local election.

Officers have advised the Applicant it will be for Committee to decide whether to retain, remove or alter the recommended condition.

Additional Note to Applicant

Cadent Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

22/01106/FUL	Erection of detached dwelling (revised scheme of 20/00820/FUL Land at Nether Green, Great Bowden
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Additional Consultee Comments

Great Bowden Parish Council

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

Additional Representations

2 additional letter of representation has been received from a neighbouring property

(1)

The Elevation and scale of the building are still considerably larger than outline? Is this a deliberate attempt to try and manipulate the original outline consent? What next a tower? Outline is outline... it should be followed.

If the applicant wants to continually keep re submitting perhaps he could address in more detail contractors car parking and the safety issues of the approach to Lime Tree on a private road and the footpath. No nearby neighbours and village concerns have been addressed at all on these points.... just the desire of the applicant and architect to build a building larger than outline.....

(2)

It is a surprise to see that planning permission has been recommended for approval for the Planning Committee meeting on 6th September 2022, especially as the recommendation comments on the ongoing communication with the applicant prior to this process - a courtesy which wasn't extended to ourselves despite trying to initiate this from our side. I'm not sure that anyone quite appreciates the impact this overbearing building will have on our (and our neighbours) house and garden.

The proposed property impacts us in 3 ways and so the objections fell into 3 main areas - 1. a window on the gable end of the garage (loss of privacy) 2. the increased height of the building (overbearing) and 3. the planting of trees (loss of light/sunlight).

Whilst the window has been removed the other 2 areas have not been addressed. Why? They are equally relevant.

It appears the recommendation for approval is more concerned with privacy for the new build rather than protecting existing residents daylight and sunlight. If you compare figure 31 and figure 32 on pages 123 and 124 of the Planning Committee

Report for the 6th September 2022 meeting you can clearly see the existing view vs the proposed view. This is even more obvious from our side of the boundary line.

I appreciate this is different when the site is visited in person and we would really like you to come and have a look at this from our perspective. If the trees that are to be planted are allowed 'to establish and mature' (pg 128 of the Planning Committee Report for the 6th September 2022 meeting) as per the Design and Access statement then we will have trees taller than our house and, as we have a small, shallow, south facing garden this will block out sunlight for most of the year. As a loss of daylight and sunlight is a material planning consideration I'm not sure why it hasn't been given more attention? Add to this the increased height of the building and our garden goes from bright and open all year round to enclosed and dark all year round.

In summary we feel disappointed, frustrated and ignored and stand to lose significantly if the planning application is approved as it stands. Please engage with us. We understand that a house will be built on the site but we would welcome the opportunity to reach a mutually agreeable solution. Surely that is what is best all round and in keeping with the culture of Great Bowden.

Please let me know when someone is free to visit prior to the meeting on the 6th September. We are available Thursday afternoon and all of Friday and Monday

And

To reiterate, the revised proposed plans negatively impact our property and others within Lime Tree Place significantly -

1. The size and height of the building (+17.5% in height vs previous plans) will be overbearing vs our properties. We have shallow gardens and with the garage being so close to our boundary wall the size and height of this building will be imposing, dominating and overbearing. If you visited our homes you would get some perspective of what this would mean for us. It will also vastly reduce the light to our house and garden.

2. The tree planting strategy is vague. What does allows them 'to establish and mature' mean? What height will they be left to grow? An aggressive approach here could be hugely detrimental to the light and sunlight to our garden and home all year round.

I do not understand how both these points aren't being treated as material planning considerations which should result in the recommendation to refuse planning permission.

Further, regarding point 6.4.1 on page 122 of your recommendation for approval it states: *'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.'*

Why is our orientation unfavourable? Contrary, why isn't it that the location of the proposed application is unfavourable? Because it is bigger does that mean it supersedes our opinion? If the architect consistently states Lime Tree Place is

relatively new and our opinion shouldn't be given weight, why should an opinion of the architect/applicant be given any weight if a house isn't even built yet? As an aside point 6.1.4 also states that the applicant was conscious of placing the house with the Old Rectory in mind, which is his residence. In order to do that he has placed the house that has been approved as close as possible to the northern border and we are now told that 'our' orientation is unfavourable. I fail to see the logic here.

Point 6.4.2 states: '*The applicant is proposing supplementary landscaping along the northern site boundary in order to enhance privacy for these dwellings and the site.*' It is 100% clear that the landscaping is not for the benefit of 'these dwellings'. Back to my original point, we have not been consulted about tree management and an agreed monitoring strategy. We have opposed the tree planting every time and that the application can state they are effectively doing us a favour (without consulting us or listening to our objections) is to suggest that their opinion is more important than ours.

In the Harborough Development Management Supplementary Planning Document (December 2021) that is referenced by your applicant's architect, point 2.6 on page 8 specifically states that consideration should be given to: '*Orientation and especially minimising impact of development south of neighbouring property.*' We are the neighbouring property and the development is to the south. Where is the minimising impact to us considered here? If it was then we wouldn't be having this conversation.

Once again, I'm requesting that one of your team visit the site before the committee meeting and see it from our perspective. Without visiting, and seeing the impact for yourself, I fail to see how a recommendation can be accurately submitted without all the facts.

Amended Conditions

Recommended condition 9 required visibility splays to be provided prior to the commencement of development as part of the access provision, however, the Applicant's Agent has confirmed that these splays were provided as part of the implementation works carried as part of 17/00970/FUL, as such, it is recommended that Condition 9 be amended so as to ensure that these splays are retained as part of the new development

9. Access Width and Visibility Splays

The visibility splays indicated on Site Layout plan (Drawing No. 1021/009/003, Revision J, dated 22.08.17) forming part of 17/00970/FUL and provided as part of the implementation of this development shall be retained and maintained clear of obstruction in perpetuity.

REASON: In the interest of highway safety, to ensure provision of adequate access width and visibility and to accord with Policies GD8 of the Harborough District Local Plan and Policy H3 of the great Bowden Neighbourhood Plan.

Additional Condition

12. Construction Management Plan

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

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.

22/01144/VAC	Change of use of C3 outbuilding to F1/mixed use to provide 1 to 1 swimming lessons (retrospective) (removal of condition 1 (temporary consent) of 20/01832/FUL to allow F1/mixed use to provide 1 to 1 swimming lessons permanently) Mels Swim Hub, 1 Sandringham Way, Market Harborough
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Additional representations.

Representation 1

Regarding the above planning application that is to be heard at 1830 on Tuesday 6th September 2022, I thought as a resident OBJECTING to this application it would be prudent to write to you. The aim is to highlight some errors that the HDC Planning Department have included within their report as well as invite you, the committee, to view the issues from inside our homes and outside. In addition, I have provided a further document to highlight some of the objections.

The key issues with the HDC Planning Department Report are as follows:

- After 18 months of monitoring by the Planning Department, they have decided to ignore the two upheld cases of noise. We had sound monitoring installed by the Environmental Health Department which concluded the noise was excessive. They have also ignored the request of the Environmental Health Department that *“No development shall take place until an acoustic report has been submitted that includes the results of a noise survey to determine the existing background noise level at the nearest residential façade(s)”*.
- Incorrect photos have been used; this misleads the committee by showing our garage (as the ‘garden room’ rather than the ‘garden room’ itself).
- The report cites several planning policies for which the objections and evidence fulfil, yet the recommendation is still for approval.
- The recommendation for conditions on hours is in essence every waking hour, 365 days a year!

During this monitoring period we have attempted to cooperate with the applicant directly and using a third-party surveyor (at our expense). The result being that the applicant raised a harassment case with the Police against my husband – this was completely unfounded and the investigating Officer stated that no harassment has ever taken place. This leaves us in a position where we can no longer communicate with the applicant and have had to block all telephone numbers, emails and IP addresses as recommended by the Police and solicitor.

We have involved both of our Ward Councillors, Cllrs James & Critchley who both agree that the location for such a business is unsuitable.

We strongly urge you to come and visit and see for yourselves what an imposing and intrusive business this is in our residential area.

Representation 2

I am writing to you to convey the impact that planning applications 16/00334/FUL, 17/01659/FUL, 20/01832/FUL and the latest 22/01144/VAC have caused me. Ever

since the initial application for a “garden room” back in 2016 I feel that the Planning Department have ignored and rubbished all my objections and concerns. I stated back in 2020 that the applicant had fraudulently used the planning system and I stand by that statement today; it is quite clear to see the intent when the applicant applied for ‘hydropool’ building control after planning approval for the building.

The building stands today at 30sq m, built with the incorrect finishing materials and the use of breeze block which did not feature in the plans. In addition, huge protruding roof lights are fitted (2) that are not on the plans – these exceed the height of the ridgeline. All less than 30cm from a boundary (not on the boundary), which makes access to walls and the building impossible without accessing from my land.

As a garden room was approved, the planning office did not consider the impact of the pool that was built at the same time (2018). This is NOT a swimming pool but is a hydropool that requires pumps and machinery to operate and to create water flow. Noise have never been considered an issue by the Planning Department even though it has been raised and proven with two noise cases, the third I am led to believe is ongoing, but once again is being ignored by the Planning Department.

I now find myself on edge all the time, the industrial whines from the pool can come at any time of the day from as early as 0545 to 2100hrs! I have tried to resolve issues with the applicant and use a third party to mediate. The lack of understanding by the Planning Department massively compounded the issue. I have seen how much this application has affected all the immediate neighbours.

I beg you to refuse this application for the peace and sanity of our neighbourhood.

Officer clarification

Image of outbuilding:



Planning Committee Speakers List – 6th September 2022

Speakers please note that the Council's Constitution requires evening meetings to end after three hours unless the Committee votes to continue the meeting. If a meeting does adjourn, remaining business will be considered at a time and date fixed by the Chairman or at the next ordinary meeting of the Committee and the existing speakers list will be carried forward.

Application	Parish	Speaker	Type	Time (mins)
22/00814/FUL EBA	Kibworth Beauchamp	Andrew Munro	S	3
		Ronan Donohoe	A	3
		Lee Staniforth	AG	3
22/00873/FUL NPA	Kibworth Beauchamp	Andrew Munro	PC	3
		Paul Scourfield	S	3
		Martyn Wyburn	S	3
		Keith Gibbons	S	3
		Cllr Hollick	WM	5
22/01106/FUL MPA	Great Bowden	Sam Lewis	O	3
22/01144/VAC MJE	Market Harborough	Sonia Jackson	O	3
		Diana Sanderson	O	3
		Melissa Aldridge	A	6

Key to Speaker Type:

O = Objector, S = Supporter, PC = Parish Council, A = Applicant/to speak on behalf of applicant, AG = Agent, STC = subject to consent, WM = Ward Member

PLANNING COMMITTEE MEMBERSHIP 2023/2023

Councillors Mrs Ackerley, Bilbie, Burrell, Champion, Frenchman, Galton, James, Liquorish, Modha.

Please note – any Councillor unable to attend a meeting can be substituted with prior notice being given. Any substitutions will be announced at the start of each meeting.