

Planning Committee Report

Applicant: Clarity Property Gamma Limited

Application Ref: 22/00814/FUL

Location: 4 Station Street, Kibworth Beauchamp, Leicestershire

Parish/Ward: Kibworth Beauchamp/Kibworths

Proposal: 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

Application Validated: 31.03.2022

Target Date: 30.06.2022 Extension of time agreed

Consultation Expiry Date: 19.08.2022

Site Visit Date: 21.04.2022 (Prior visits as part of pre-application discussions)

Reason for Committee decision: Conflict with policy H1 of the existing KNP

Recommendation

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.
- 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.

1. Site & Surroundings

- 1.1 The application site is close to the centre of Kibworth Beauchamp. The site lies to the west of Station Street and north of The Bank (Fig.1). The site is roughly L-shaped in form and consists of a detached two-storey dwelling to the front of the site facing Station Street, a range of outbuildings to the rear along the southern boundary of the site and an overgrown garden extending to the rear. The existing access to the site is to the north of the dwelling.

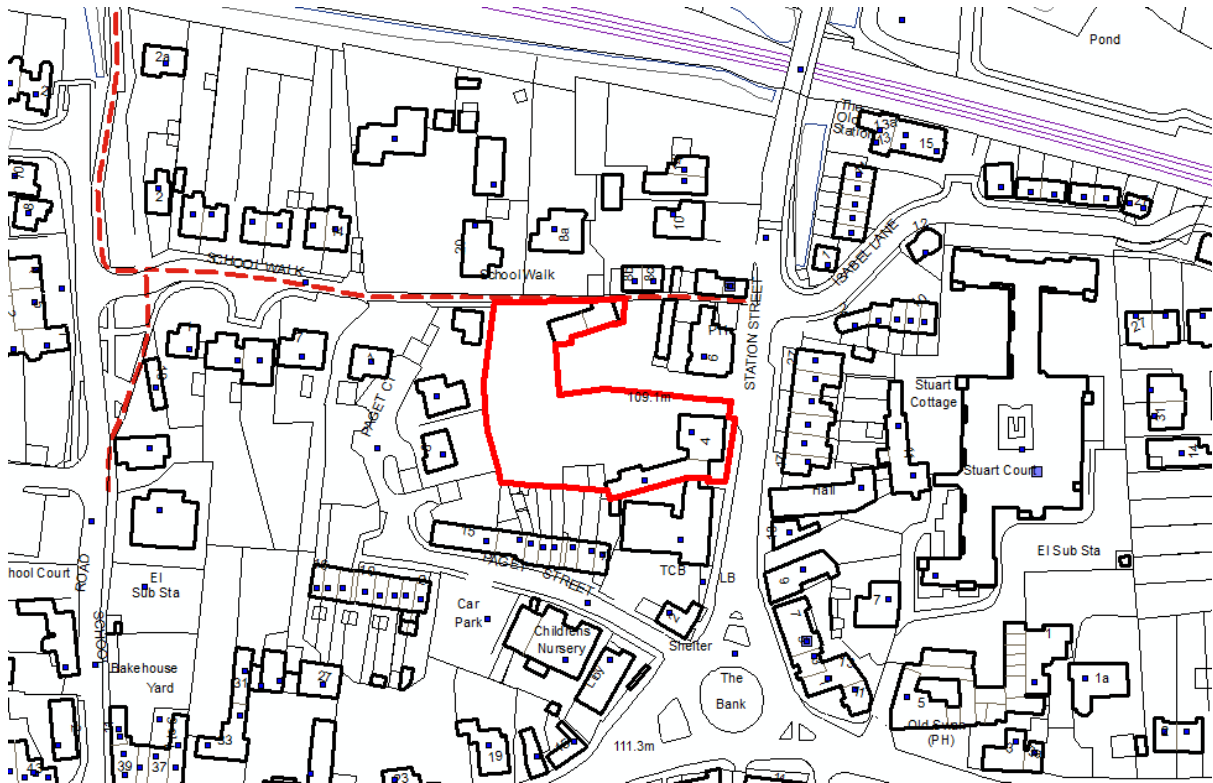


Figure 1. Site location



Figure 2. Site location aerial Image

- 1.2 There are residential properties to the south (Paget Street), west (Paget Court) and northwest of the site (School Walk). 'The Railway' pub lies to the north/northeast, part of the application includes the replacement of an existing single storey ancillary building to the public house. A PRow lies immediately to the north of the site linking Station Street to School Walk, this is separated from the site by a close boarded fence.
- 1.3 The existing dwelling is a two-storey dwelling, built of brick now painted white with render and mock-timber framing to the front gables and side (north facing) gable, under a slate roof. The property is not Listed but is of some historic merit. The dwelling has been vacant for a number of years and visually shows signs of deterioration/disrepair (Fig.3).



Figure 3. Existing dwelling (front elevation)

- 1.4 The gardens to the rear are overgrown as a result of the building being vacant. The rear of the site has historically been engineered and as a result there is a significant drop in ground levels to the rear (Fig.4). There are a number of large trees along the western and northernmost boundary of the site.



Figure 4. Existing site section (east to west) with site shown approximately by red line

- 1.5 The site is within the Kibworth Beauchamp Conservation Area. There are no Listed assets in the immediate area which would be impacted because of the development.

2. Site History

2.1 There is no relevant planning history.

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposals include the demolition of the existing house and construction of a replacement building housing four apartments (two 2-beds and two 1-beds). Six, two storey dwellings (3 beds) are also proposed to the rear of the site.
- 3.2 The proposals include widening of the existing access from Station Street as a result of the demolition of the existing building and 19 car parking spaces in total. The parking provision includes a car stacker which would provide two spaces for both plot 1 and 3. A biodiversity zone is proposed around the southern and western boundaries of the site. Some raising of the ground levels in the lower parts of the site is proposed (by around 1m).
- 3.3 The overall aesthetic of the scheme can be separated into two styles. The front replacement building is traditional in form and seeks to reflect the architectural style and proportions of the existing building as guided by the pre-application advice. The rear new-build dwellings are more modern in style, although the applicants state they intend to reflect the traditional brick built, pitched roofs houses which surround the site.

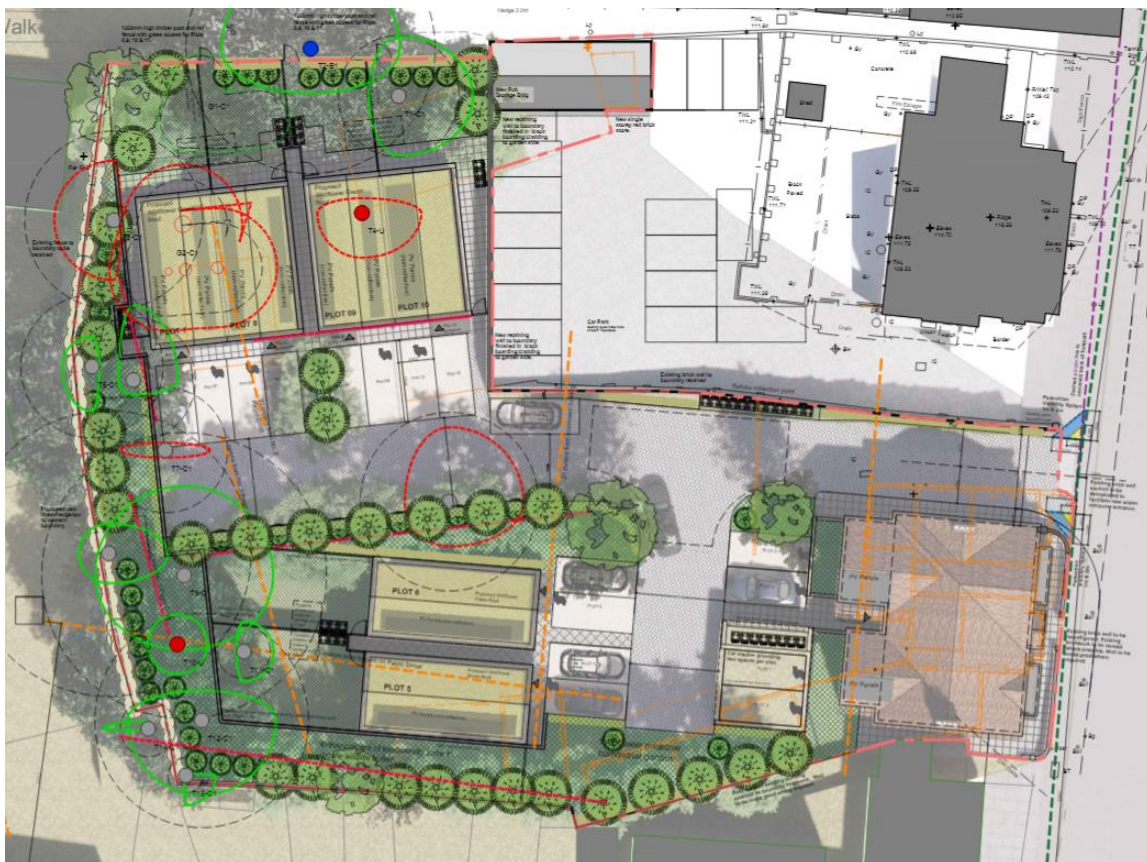


Figure 5. Proposed site plan



Figure 6. Proposed replacement building elevations (top) and floor plans (bottom)



Figure 7. Proposed replacement building illustrative visuals



Figure 8. Proposed new build elevations (top), floor plans (middle) and visuals (bottom)

b) Documents submitted

i. Plans

- 3.4 The application has been accompanied by a suite of proposed and existing plans, including proposed and existing floorplans and elevations, site sections, contextual elevations and perspective views. A list of proposed plans can be viewed in Condition 2.

ii. Supporting Information

- 3.5 The application has been accompanied by the following supporting information –

- Design and access statement
- Planning statement
- Biodiversity net gain assessment
- Tree surveys/plans
- Transport assessment
- Heritage Statement
- Ecology surveys
- Archaeological assessment
- Flood risk assessment and SuDS strategy
- Noise report
- Land contamination assessments

c) Amended Plans and/or Additional Supporting Statements/Documents

- 3.6 During the application officers raised concerns with the density and design of the proposal and potential neighbouring impacts. As a result, the proposal has been amended. Notably, the applicants removed a unit from the proposal (the initial proposal included 7 new build dwellings, 11 units in total). As a result, the layout and proposed plans have been amended. The applicants also submitted a noise survey and additional drainage/flooding information and responded to consultee requests for information.

d) Pre-application Engagement

- 3.7 The applicants have engaged in two pre-application enquiries:

- PREAPP/21/00283- Demolition of a dwelling within a conservation area and erection of a similar replacement building

Officer advice summary:

The principle of development would be acceptable (for the demolition and replacement of the dwelling- officers noted the development of the wider site may conflict with the KNP)

Turning to the design and impact on the Conservation Area. Officers consider the proposals as presented would cause harm to the character of the Conservation Area. As such, in line with local and national policy, this harm would need to be balanced by the public benefits provided by the wider proposal. This cannot be assessed without a more detailed proposal setting out how the site would be developed.

- PREAPP/21/00393- Demolition of existing house, replacement with 11 new dwellings, along with alteration to adjacent pub car park

Officer advice summary:

- Principle of development

Whilst the principle of major development in this location would comply with the HLP, at present the proposal would conflict with the current KNP in principle.

The revised Neighbourhood Plan does signal the intent of the Parish to allocate the site for residential development. However, the revised KNP would carry limited weight at present.

The proposed revision to policy H1 of the KNP proposes to allocate the site as follows:

Site 3 – Rear of 4 Station Street for 11 mixed-sized dwellings (net 10 allowing for demolition and replacement of existing building). Development to be low density and designed to be sympathetic to the Conservation Area.

In terms of the number of dwellings the proposal complies with the above. However, the density of development is not judged to be low. It should be noted that officers are concerned with the potential allocation of the site for 11 mixed-sized dwellings

- Design/Impact on Heritage Assets

See previous advice (PREAPP/21/00296). The loss of the existing building would cause an element of harm to the character and appearance of the Conservation Area. This would be balanced by the public benefit of the proposals, subject to the development coming forward with policy compliant S106 contributions and housing mix, this could overcome the harm in principle.

Significant concerns were raised with the density and scale of the proposed development, and it was advised that the number of units were reduced and that more of the units should be apartments to reduce the built form on site.

Concerns with the removal of trees along the site boundaries

- Residential Amenity

Concerns were raised with the proposed separation distances to surrounding residential properties and potential noise and disturbance from The Railway Arms.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out for the application, this first occurred on 6th April 2022, with a re-consultation occurring on the 29th July 2022. A site notice was displayed on the 21st April 2022 and a press notice displayed on the 21st April 2022. The consultation period expired on 19th August 2022.
- 4.2 Firstly, 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

1. National Bodies

4.3 Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

2. Regional/Local Bodies

4.4 Anglian Water (*pre-amendments- no comments received post amendments*)

Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. (Informative requested)

Wastewater Treatment

The foul drainage from this development is in the catchment of Kibworth Water Recycling Centre that will have available capacity for these flows

Used Water Network

The foul drainage from this development is in the catchment of Kibworth Water Recycling Centre that will have available capacity for these flows. (Informative requested)

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

3. Leicestershire County Council (LCC)

4.5 Highways

The Local Highway Authority Advice is that, in its view, 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. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

Site Access

The Applicant proposes changes to the existing access on to Station Road, Kibworth which is an adopted 'C' classified road subject to a 30mph speed limit.

Staniforth Architects drawing number: 1627-07 Rev.A, 'Proposed Site Plan' shows an access that is not immediately bound by a wall, fence, hedge, line of trees or other similar obstruction on either side and measures five metres in width for at least five metres from the public highway and is surfaced in a hardbound material.

Drawing 'Proposed Visibility Splays' created by Staniforth Architects (drawing No. 1627-24 Rev.A) provides demonstration that the desired vehicular visibility splays of 2.4 metres by 43 metres and pedestrian visibility splays of two metres by two metres can be achieved.

The LHA are satisfied that the proposed access is safe and suitable for the proposed development and accords with Part 3, Paragraph 3.192 and Table DG4 of the Leicestershire Highway Design Guide (LHDG).

Highway Safety

The Applicant has undertaken an assessment of the existing highway safety situation on the immediate local road network using the Crashmap database. Paragraph 3.7 of the 'Transport Statement' created by Lennon Transport Planning states that there has been one Personal Injury Collision (PIC) within the previous five years within the immediate vicinity of the proposed development that was recorded as 'slight' in severity.

The LHA have undertaken a review of PIC data held by Leicestershire County Council for PIC instances within 500 metres of the site access in all directions. In addition to the PIC stated above to the north of the proposed development there has been one further PIC that occurred at the access to the Public House that is next to the proposed development. This PIC was recorded as 'serious' in severity and involved a reversing vehicle colliding with a pedestrian on the footway. No further PIC's have been recorded to the north of the proposed development.

To the south of the proposed development there has been two recorded PIC's in the previous five years with one recorded as 'serious' in severity and the other recorded as 'slight' in severity. These all occurred on High Street.

The LHA are satisfied that the proposed development as stated above has been designed with an access that should not result in any reversing manoeuvres on to or from the public highway and that there are no patterns in the data which could be exacerbated by the proposed development.

Trip Generation

The Applicant has submitted no further trip generation data for which the LHA provided a detailed analysis in the response dated 19 May 2022*. The LHA acknowledge that there will be one less dwelling generating trips and remain satisfied that the proposed development will not create any highway safety issues or result in a severe impact on the existing highway network in accordance with paragraphs 110 & 111 of the National Planning Policy Framework 2021.

Off-Site Implications- A6 Cumulative Impact Study

The LHA has identified several key junctions in the A6 Cumulative Development Traffic Impact Study which are operating over capacity. The main junctions which will be affected by the cumulative impact of developments in the surrounding area are listed below:

- A6 / Wistow Road roundabout;
- A6 / Church Road / Marsh Drive priority junction; and
- A6 / New Road priority junction.

Given the location of the development the LHA is satisfied that there is a material impact on the junctions identified within the study. Following discussions with the LPA

a contribution of £7,000 has been agreed based on the proposed development generating an increase of approximately two AM peak vehicular movements. The LHA consider this contribution to be reasonable and proportionate based on the scale of development and impact of the proposed development on the highway and is included at the end of these formal observations.

Internal Layout

The proposed development entails two x one bedroom dwellings, two x two bedroom dwellings and six x three bedroom dwellings. Drawing 'Proposed Site Plan' shows a parking provision of one space for each one bedroom dwelling and two spaces for each of the two and three bedroom dwellings with an additional unallocated visitor parking space resulting in a total parking provision of 19 parking spaces to serve 10 dwellings. The LHA are satisfied that the proposed parking provision accords with LHDG standards.

Furthermore the proposed car stacker to serve Plots 1 and 3 is suitably located so that it is not directly accessed from the public highway and that space has been afforded to allow vehicles to wait within the site for the opportunity to park.

Transport Sustainability

The LHA are satisfied that the Applicant has demonstrated that the proposed development provides appropriate opportunities to promote sustainable transport and provide good access to key services.

The LHA would ask the Applicant to consider including cycle storage within the development. Part 3, Paragraph 3.179 of the LHDG advises that cycle parking must be secure, weather protected, be well lit and enjoy good natural observation.

Public Rights of Way

Public Footpath B2 (School Walk) runs adjacent to the proposed development. The LHA request that prior to construction the Applicant submits a scheme and timetable for delivery for the treatment of the footpath. This should include provision for the management of Footpath B2 during the construction phase and should be approved in writing by the Local Planning Authority before works commence.

Conditions recommended

*LCC Highways 19th May Trip Generation Response

Trip Generation Paragraph 3.5 of the 'Transport Statement' states that the residential property has a gross internal floor area (GIA) of 215 sq.m and the commercial buildings have a GIA of 262 sq.m. Although vacant for some time the Applicant has advised that the commercial buildings were in regular use from the 1970's until circa 2010 employing between five and eight full-time employees.

Through a review of the TRICS database the Applicant has selected sites to demonstrate the existing trip generation for a combination of Class B2 and Class C3 usage. The resulting existing vehicular trip rates for the development are detailed in Table 1 and show a total of approximately five (two-way) vehicle movements during the AM and PM peak hours for the existing site use.

Development	Peak	Trip Rates		Total Peak Trip Generation		
		In	Out	In	Out	2-way Total
B2 262 m²	AM (0800-0900)	0.776	0.349	2.033	0.914	2.947
	PM (1700-1800)	0.039	0.194	0.102	0.508	0.610

Development	Peak	Trip Rates		Total Peak Trip Generation		
		In	Out	In	Out	2-way Total
Detached House	AM (0800-0900)	0.212	0.455	0.212	0.455	0.667
	PM (1700-1800)	0.242	0.091	0.242	0.091	0.333

Table 1: Vehicular trip rates, combination of GIA of 262 sq.m and one detached dwelling.

The Applicant has selected comparable sites from the TRICS database that demonstrate the predicted future trip generation created by the proposed development. Table 2 shows the combined peak trip generation for four flats and seven dwellings with approximately ten (two-way) vehicle movements during the AM and PM peak hours.

Development	Peak	Trip Rates		Peak Trip Generation		
		In	Out	In	Out	2-way Total
4 Flats	AM (0800-0900)	0.057	0.149	0.228	0.596	0.824
	PM (1700-1800)	0.190	0.115	0.760	0.460	1.220

Development	Peak	Trip Rates		Peak Trip Generation		
		In	Out	In	Out	2-way Total
7 Dwellings	AM (0800-0900)	0.185	0.423	1.295	2.961	5.472
	PM (1700-1800)	0.351	0.216	2.457	1.512	5.103

Table 2: Proposed development vehicular trip rates; four flats and seven dwellings.

The proposed development therefore is predicted to result in an increase of six combined AM and PM peak hour trips. This is displayed in Table 3 below through which the Applicant has subtracted the existing generated trips from the proposed generated trips.

Proposed Residential V's B2 & Detached dwelling	Combined Nett Trip Generations					
	Weekday AM Peak Hour			Weekday PM Peak Hour		
	Arrive	Depart	Total	Arrive	Depart	Total
Proposed Residential Trips	+2	+4	+6	+3	+2	+5
Minus Existing B2 Trips	-2	-1	-3	0	-0.5	-0.5
Minus Existing Detached Dwelling	-1	-0.5	-1.5	0	0	-0.5
Nett Trip Increases	-1	+2.5	+1.5	+3	+1.5	+4

Table 3. Demonstration of peak trip increase by subtracting existing from proposed trips.

The LHA has assessed the submitted trip generation data and are satisfied that although the proposed development will lead to an intensification of the access the material increase or material change in the character of traffic in the vicinity of the site would not create any highway safety issues or result in a severe impact on the existing highway network in accordance with paragraphs 110 & 111 of the National Planning Policy Framework 2021.

4.6 **Civic Amenities**

The nearest RHWS to this development is Kibworth RHWS and the proposed development of 10 dwellings would create additional pressures on the site. The contribution is determined by multiplying the proposed dwellings by the current rate for the above RHWS, which is £446.

4.7 **Education Developer Contributions**

An education contribution will not be requested for this development as the number of dwellings with two or more bedrooms is below the threshold of ten.

If the configuration of the site should change to include at least ten dwellings with two or more bedrooms, we would expect to be consulted again.

4.8 **Libraries Observations**

Awaiting comments on the revised dwelling numbers- to be reported in the Supplementary Information

4.9 **Archaeology**

Thank you for your consultation on this application. We recommend that you advise the applicant of the following archaeological requirements.

We welcome the desk-based assessment and agree that there is a high potential for archaeological remains to be located within the site.

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.

Officer note: A condition requiring the submission of a programme of archaeological work was suggested and included.

4.10 **Ecology**

The bat survey undertaken by Arbtech in 2021 found one bat roosting under the tiles of the building proposed for demolition. This means removal of the roof will require a licence from Natural England, and although a low impact class licence will be sufficient, further surveys will still be required to inform the licence application. There is no specific mention in the recommendation/mitigation section (table 5: evaluation of the

buildings on site) of any replacement roost features within the new buildings, only that bat boxes could be erected on site. In my view replacement bat roosts are an easy feature to incorporate into new dwellings, and are preferable to bat boxes placed on trees (or other buildings), which can easily be removed. All new bat features need to be shown on all relevant plans (including elevation plans) to ensure they are not missed out.

With regards to the BNG proposals - the habitats proposed for creation, and their target condition (as scored with the metric) are extremely over ambitious and as such I cannot take the 23% net gain as having any validity. As just one example, it is proposed to create lowland meadow grassland (with very high distinctiveness, and in good condition) – a type of habitat that would automatically be a SSSI, and which requires very specific soil/hydrological conditions, as well as appropriate management. A small area of grassland, shaded by trees and hedges, adjacent to the car parking areas and dwellings is never going to be lowland meadow grassland, or in fact any kind of species-rich wildflower grassland. These edge areas may as well be incorporated into the residential gardens, as their wildlife value will always be low in this kind of setting.

I understand that getting net gain onto the site has been difficult since it is so constrained, and as such the green roofs are welcome. However, they will most likely not be able to be 'wildflower' green roofs as shown on the drawings, since that type of green roof is actually quite difficult to establish and maintain, especially in small areas and on slopes. It also requires greater structural support which can increase the costs by up to 25%. A sedum type of green roof would be more appropriate in this situation. A copy of the Green Roof Guidelines can be downloaded here: [Green Roof Guidelines](#)

Given that this is the third iteration of the BNG metric and it's a small site, I will not be asking for another (more realistic) version to be produced. But once net gain becomes mandatory greater consideration will need to be given to the skill level of the person undertaking the metric calculations, as a minimum level of 10% gain will need to be demonstrated. Therefore as long as all new trees and sections of hedgerow comprise native species, bat roosting features are incorporated into some of the new dwellings (in appropriate locations/aspects) and that green roofs that can actually be constructed are specified, then I will assume that the development can achieve some net gain.

As such I recommend the following Conditions are attached to any permission.

Officer note: Conditions include the submission of a bat mitigation scheme and a detailed landscape plan. Informatives are included relating to a protected species licence and nesting birds.

4.11 **Lead Local Flood Authority**

Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 0.2 ha brownfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low risk of surface water flooding. The proposals seek to discharge at 2 l/s via pervious paving and a series of attenuation tanks to an existing combined sewer.

Subsequent to the previous LLFA response the applicant has provided amended sections and elevations that have no material impact on flood risk and surface water drainage. However, the outfall acceptance requested in the last response has not been provided. Therefore, the LLFA's advice remains the same, as below;

Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following information is required:

- 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.

Officer note- Awaiting the submission of the Development Enquiry and final LLFA comments.

4. Harborough District Council (HDC)

4.12 Contaminated Land and Air Quality Officer

The submitted land contamination assessment is insufficient and further risk assessment and remediation scheme and verification plan is required. The permission should be conditioned. (Conditions requested for contamination assessments)

An informative regarding burning of waste was recommended.

A condition relating to construction hours is requested: Building works, deliveries, clearance or any works in connection with the development shall take place on site between the hours of 08.00 – 18.00 hours Monday to Friday, 08.00 – 13.00 Saturday and at No time on Sunday or Bank Holidays.

Officer Note: *These have been addressed in the suggested conditions/informatives.*

4.13 Environmental Health Officer (Noise)

First comments

I have concerns that noise from licensed premises be harmful to occupiers of the proposed development. This has not been addressed in the application, and consequently I recommend that the application, as submitted, be refused.

I recommend that, as part of a revised or future application, the applicant provides the results of an acoustic survey undertaken to assess noise from the licensed premises. The report shall;

- a) Confirm that internal noise levels achieve details of guideline values as specified in British Standard BS 8233:2014 “Sound insulation and noise reduction for buildings” with windows open OR
- b) Provide details of an insulation scheme to prevent the transmission of noise into the development.

Should the acoustic survey conclude that an acoustic insulation scheme is required, then it is important that the applicant takes full account of the following:

1. The insulation scheme shall ensure that the Indoor ambient noise levels fall within the guideline values as specified in British Standard BS 8233:2014 “Sound insulation and noise reduction for buildings”.
2. The scheme shall ensure that the LAmax does not exceed 45dB(A) on more than 15 occasions during any night time period.

3. With regard to ventilation arrangements, it is expected that if a good acoustic design of the development does not allow acceptable internal noise levels with windows open, then an assessment of overheating, such as a TM59 assessment, in particular taking account of solar gain, shall be undertaken. This shall take account of any design features that mitigate overheating, including orientation and location, and shall include details of ventilation arrangements that adequately mitigate overheating.

4. If no assessment of overheating is submitted, then, to prevent overheating, ventilation shall equate to open windows, deemed to be 4 air changes per hour on demand (to prevent overheating), if necessary using mechanical ventilation, in all habitable rooms where windows must be closed to maintain acceptable internal noise levels. Windows shall not be sealed closed.

5. Noise from the ventilation system shall not exceed 30dB(A) in bedrooms, and 35dB(A) in living rooms.

Final Comments

The report submitted for noise is fine and covers all the issues I would expect. I had another look at the site yesterday, and the old air conditioning unit on the side of the pub is certainly in need of upgrading. I am still concerned about overheating in the properties, the report states that they have used open windows to allow for cooling. This is fine if the acoustic report doesn't require closed windows. They have assumed a 15 dB(A) reduction for a partially open window, and this should be 10-15 dB(A), and erring on the side of caution I would expect the report to use 10 dB(A). As stated in the report at this stage no assessment of overheating has been undertaken, but a broad-brush assessment used instead.

The report states that requiring mechanical ventilation would be disproportionate to the benefit that would be derived to the occupants. Yet states that where an assessment has been undertaken and indicates the possibility of overheating, measures to remove the excess heat from the bedrooms that do not necessitate the opening of windows may be required. It is very difficult to assess the proposals without an overheating assessment. As has been seen this summer temperatures are continuing to rise, there is clear need to protect the amenity of future residents from overheating where closed window acoustic treatment is proposed.

4.14 Environment Coordinator

The proposed development meets the requirements of policy CC1. The use of renewable energy is particularly welcome, as is the inclusion of EV charging equipment.

I would welcome clarification on the energy efficiency of the properties, will it be higher than building regulations. In addition, has the issue of overheating in future warmer summer conditions been addressed.

4.15 Strategic Housing and Enabling Officer

Final comments

The proposal is based on a development of 10 units and demolition of an existing house which implies a net gain of **9 additional units**. This is under the threshold for seeking an Affordable Housing Contribution unless the Sqm of the proposed development exceeds 1,000Sqm in total.

Officer note- The Sqm of the proposed development does not exceed 1,000Sqm in total, no affordable housing contribution is therefore requested.

5 Parish Council/Meeting

4.16 **Kibworth Beauchamp Parish Council**
Pre-amendments

The Parish Council has already committed to the principle of development on this site by listing it as a development site in the revised NP.

There are neighbouring houses to the North, South and West of the site. The distance between facing windows needs to be proved on the West side of the scheme for plots 6 and 7.

The scheme incorporates part of the car park from The Railway Public House. This is, at the moment, a large area which is rarely fully used. However turning arrangements are not illustrated for the pubs new car park layout.

The housing proposal is a dense scheme which involves the demolition of the large house at the front of the site and then reconstructed as four flats in a slightly different position in order to allow access to and from the site. At the rear we have 7 houses. The flats have access to a communal garden and all houses have small private gardens.

The scheme complies with the NP on parking. There is a small under-provision of parking against national standards calculated by the applicant. However, the parking is only achieved by stacking 4 cars in a purpose designed garage building. This seems not to be an acceptable solution where the scheme overall only has 1 parking space (for visitors) which is not allocated to a residence. It has to be recognised that there is no capacity for extra parking on the main road. This solution to parking will realistically lead to cars searching for temporary parking within and outside of the site.

The proposals indicate locations for external storage as required by the NP for houses but not for the flats. Although there does appear to be an area provided for bin storage. The turning head for cars within the site is at the centre of the site. This will lead to cars having to reverse past other houses before they can turn. The turning head also has an unfortunate relationship with the nearest parking space. All of these issues are a direct result of the high density chosen for the site.

Highways official view on visibility splays on to the main road have not been shared with us but we understand that there are concerns.

KBPC object to the proposal.

Reason: Further information is required for pub car park turning, turning within the site, unacceptable parking arrangements for the flats, proof of compliance on facing windows for plot 6 and 7 and lack of outside storage provision as required by the NP for the flats

Post-amendments

KBPC objected to original plans. These new plans reduce number of dwellings by one and moves the houses closest to Paget St further away. They now provide external storage, so they have responded to ours and other objections.

KBPC now support this application as it meets the Neighbourhood Plan policy for allocated sites and will improve this part of village centre.

b) Local Community

- 4.17 Objections from 4 households and general comments from 2 households have been received. 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 in the tables below. Full copies of all representations can be viewed at www.harborough.gov.uk/planning.

Table of Objection Comments:

Issues of Principle/Housing mix	1) Kibworth is well provided for in terms of 3 bed family homes. With nearly a quarter of the local population being aged 60+, the demand for bungalow style properties (or properties for downsizing) is not well catered for, or indeed for single residents and those who may have mobility or disability issues and would benefit from more of this style property being available on the housing market. Thereby meeting the needs of a mix of more affordable, or starter and downsizing properties in the village, in line with the windfall site development policies.
Ecology issues	1) The trees are important for the natural environment, we should be preserving them
Highways issues	1) The build and infrastructure will lead to excessive traffic 2) It is only possible for car size vehicles to pass one another easily in both directions on Station Street. This is a regular bus route and any large van, lorry or bus can only pass in single file, causing waiting traffic at the bottom by the railway bridge or at the Bank end of the street, with queues backing up. 3) The above may cause a risk to safety of pedestrians 4) Parking and access for delivery drivers, refuse collection etc is limited and restricted
Noise issues	1) Increased traffic will cause increase noise
Residential Amenity issues	1) I object to big/mature trees being planted as it reduces light 2) Proximity of plots 8/9/10/11 to Paget Court will impact on residents privacy and natural light (especially in the evening) 3) I object to the proposed positioning of Plots 5, 6 & 7 along the boundary of the Paget St terraced cottages, the overbearing nature is unacceptable and the feeling of being hemmed in and loss of light this will cause to my property, which is already overlooked to the eastern aspect by the Old School Surgery complex. Plot 5 in particular appears to be situated within less than a metre from my boundary and at 7.5m in height will affect what is a north facing aspect detrimentally. 4) The solar panels to the pitched roof will cause a glint and glare hazard and noise disturbances, especially with a westerly prevailing wind direction and being directly above my outdoor seating area. They will be unsightly and a visual intrusion on the outlook of properties on Paget Street. Post amendments

	5) Please to see one dwelling has been removed, but the semi-mature trees will adversely affect light into the gardens on Paget Street
Design, landscape and visual issues	1) I object to big/mature trees being planted as it reduces light 2) The existing property is a historic house with important architectural design, its demolition will damage the landscape of Kibworth's character and charm 3) The trees are important for the natural environment 4) The new build dwellings are not in keeping with the Georgian/Victorian period properties and detract from the character of the area 5) The proposal for 7 new dwellings is not low density as required by the Local Plan 6) The proposal will result in a loss of green space
Other issues	1) The removal of trees may disturb the bank and disturb surrounding ground levels/vegetation 2) The use of new materials and little recycling of reclaimed materials from the demolition of the existing buildings does not seem environmentally friendly. 3) Why have single storey dwellings, or the footprint of existing outbuildings not been used. 4) There is Japanese Knotweed on the site, will the plan to eradicate this still be the case? 5) What will happen to the ivy that grows at the back of the gardens on Paget Street 6) The new trees may damage foundations

5. Planning Policy Considerations

5.1 Please see above for planning policy considerations that apply to all agenda items.

a) Development Plan

5.2 Relevant policies to this application are:

- ***Harborough Local Plan (HLP) 2011-2031***

- SS1 The spatial strategy
- GD1 Achieving sustainable development
- GD2 Settlement development
- GD3 Development in the countryside
- GD4 New housing in the countryside
- GD5 Landscape character
- GD8 Good design in development
- H1 Provision of new housing
- H4 Specialist Housing
- H5 Housing density, mix and standards
- GI2 Open space, sport and recreation
- GI5 Biodiversity and geodiversity
- CC1 Climate Change
- CC3 Managing flood risk

- CC4 Sustainable drainage
- IN1 Infrastructure provision
- IN2 Sustainable transport
- IN4 Water resources and services

These are detailed in the policy section at the start of the agenda.

- ***The Kibworth Villages' Neighbourhood Development Plan 2017-2031 (KNP)***

- SD1 Limits to development
- H1 Windfall sites
- H3 Housing mix
- H4 Building design principles
- ENV2 Important trees and woodland
- ENV3 Biodiversity
- ENV5 Important hedges
- ENV8 Watercourses and flooding
- T4 Improvements to road safety
- T5 Traffic management
- T6 Air Quality

The Kibworth Beauchamp Harcourt Parish Councils are formally reviewing their Neighbourhood Plan. The Kibworth Villages Neighbourhood Plan Review was submitted to HDC for examination on 8th April 2022. A six-week consultation on the proposed Neighbourhood Plan expired on 29th June 2022 the plan will now need to be reviewed by an examiner.

At this stage, comments have been made on the Plan as a whole as well as specific emerging policies. As the emerging Neighbourhood Plan is yet to be reviewed by an examiner the Plan cannot be given significant weight. The emerging policy of most relevance to the proposed development is considered to be:

- Policy H1: Housing Site Allocations
- The above policy proposes that the site is allocated for *'11 mixed-sized dwellings (net 10 allowing for demolition and replacement of existing building). Development to be low density and designed to be sympathetic to the Conservation Area'*

The only specific Neighbourhood Plan consultation comment in relation to policy H1 was made by LCC who stated *'The LHA (Local Highway Authority) have provided pre-application advice for this site. However, it is noted the existing site access is substandard for the scale of development, and improvements are likely to be required.'* The comment is considered to be minor and could be addressed through a planning application such as that which is under consideration, therefore policy H1 can be given limited to moderate weight.

b) Material Planning Considerations

5.3

- The National Planning Policy Framework (NPPF)
- HDC Development Management Supplementary Planning Document (SPD)
- Five Year Housing Land Supply Position Statement

- HDC Planning Obligations SPD (June 22)
- Leicestershire Planning Obligations Policy
- Leicestershire Highways Design Guide and associated Standing Advice
- The Housing and Planning Act (2016)
- National Design Guide
- Leicester & Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (January 2017)
- Leicester & Leicestershire Housing and Economic Needs Assessment (HENA) (June 2022) (Yet to be considered by HDC Members)
- Fleckney, Great Glen and the Kibworths Harborough District Council and Leicestershire County Council Cumulative Development Traffic Impact Study 2017

6. Assessment

a) Principle of Development

- Harborough Local Plan (HLP)

6.1 The spatial strategy for Harborough District to 2031 (as outlined in policy SS1 of the Harborough Local Plan (HLP)) is to manage planned growth to direct development to appropriate sustainable locations. The Kibworths are identified as a Rural Centre, a focus for rural development to serve both the settlements themselves and the surrounding rural area. Owing to the level of services on offer within The Kibworths it is judged a sustainable location as a whole. The site is within the existing built-up area of Kibworth as such policy GD2.1 is most relevant. The development is acceptable in principle providing 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. Design matters are assessed later in the report, subject to this the principle of the development of 6 dwellings and 4 apartments complies with policy GD2.

6.2 The site lies partially within the allocated Kibworth Beauchamp 'Local Centre'. Policy RT2 states that within the local centres, proposals for shopping and business uses, including mixed development with residential accommodation will be permitted provided development proposals do not detract from the character of the area and the amenity of neighbouring residents is not adversely affected. The latter items are discussed later in the report. In principle residential development is not prohibited within the Local Centre and there is no conflict with policy RT2.

- The Kibworth Villages' Neighbourhood Development Plan 2017-2031 (KNP)

6.3 The site lies within the Limits to Development (LtD) in accordance with policy SD1 of the KNP. Policy H1 of the KNP allows for small scale development for infill and redevelopment sites where, amongst other matters discussed elsewhere in the report, the site is within the LtD. The proposal is judged to be an infill development considering it is fully surrounded by built form and is within the LtD therefore complies with policy H1 in this regard. There is, however, no definition of 'small scale development' within

the KNP. Taking 'small-scale development' to mean minor residential development (less than 10 units) the proposal as a whole does not strictly comply with policy H1 of the KNP as 10 units are proposed. However, it is noted that the net gain in residential units is 9, thus the proposal does adhere to the spirit of the policy.

- 6.4 The site is partially located within the Kibworth 'Primary Shopping Centre', within this area policy E1 of the KNP states that new retail development will be supported. Policy E1 does not prohibit residential development and the NPPF and HLP recognise that residential use has a part to play in town and village centres.

o The emerging Kibworth Villages' Neighbourhood Plan 2017-2031 Review 2022

- 6.5 As outlined earlier in the report the Kibworth Beauchamp and Harcourt Parish Councils are formally reviewing their Neighbourhood Plan. The Kibworth Villages Neighbourhood Plan Review was submitted to HDC for examination on 8th April 2022. A six-week consultation on the proposed Neighbourhood Plan expired on 29th June 2022, the plan will now need to be reviewed by an examiner. Consultation comments have been made on the Plan as a whole as well as specific emerging policies. Given these have yet to be reviewed by an examiner neither significant or full weight can be attributed to the emerging policies.

- 6.6 Emerging policy SD1 defines updated LtD, the site remains within the LtD and in compliance with this emerging policy. A key difference between the current and emerging KNP is the allocation of several sites for housing as outlined in the emerging Policy H1: Housing Site Allocations. The application site is allocated for '*11 mixed-sized dwellings (net 10 allowing for demolition and replacement of existing building). Development to be low density and designed to be sympathetic to the Conservation Area*'. This policy can be attributed limited to moderate weight given no major objections have been raised in the KNP consultation process. The development proposes the erection of 10 dwellings in total (net 9 when including the demolition and replacement of the existing building) and therefore accords, in principle, with the emerging policy H1. Issues of housing mix, density and design are assessed later in the report.

- 6.7 Policy E1 remains as existing and as assessed in paragraph 6.4.

o Housing Mix

- 6.8 Policy H5 of the HLP requires that major housing development provides a mix of house types that is informed by up to date evidence of housing need. Policy H1 *Windfall Sites* of the existing KNP states that windfall sites must help to meet the identified required housing mix. Policy H3 *Housing Mix* reiterates this point stating that housing development proposals should provide a mixture of housing types to meet local need. Priority should be given to dwellings of three bedrooms or fewer and to homes for older people. Policy H1 *Residential Site Allocations* of the emerging KNP requires mixed-size dwellings. Whilst Policy H5 *Housing Mix* of the emerging KNP states that '*...Proposals will be required to demonstrate how they have taken account of the most up to date published evidence on housing need at a local or district level. The provision of smaller dwellings (3 bedrooms or less) or specialised housing suitable to meet the needs of young families, disabled people, young people and older residents will be supported within housing developments to meet a local housing need.*'

- 6.9 The development proposes a mix of 6 no. 3 beds (dwellings) (30%), 2 no. 1 beds (flats) (20%) and 2 no. 2 beds (flats) (20%). This mix offers a higher percentage of 1 bed units than is identified in the HEDNA 2017 (0-10%) and HENA 2022 (5%) which in turn means the number of 2 and 3 bed units is marginally lower than the suggested mix for the District as a whole. Given the small number of units proposed, the mix is judged to broadly accord with the suggested mix. Furthermore, officers are mindful that both the existing and emerging revised KNP support the provision of small dwellings (3 bedrooms or less) and dwellings which would be suitable for older residents. Regarding the latter point, the apartment building contains two ground floor units which may be suited to older residents. Overall, the proposed mix is judged to comply with the aforementioned policies of the HLP and KNP.
- *Principle of Development Summary*
- 6.10 The site is in a sustainable location within the existing built form of Kibworth Beauchamp, the principle of development and mix accords with the HLP. The proposal by virtue of it being 'major development' does not strictly comply with policy H1 of the existing KNP, however, the net gain in residential units is 9 thus the proposal does adhere to the spirit of the policy. The proposal accords with the site allocation within the emerging KNP which can be given limited to moderate weight and no objections to the principle of development have been raised by Kibworth Beauchamp Parish Council. Therefore overall, the principle of development is judged to be acceptable.

b) Design, Visual Amenity, Landscape and Heritage

- *Policy Summary*
- 6.11 Section 12 of the NPPF refers to achieving well designed places, specifically; paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130, amongst other things states that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.12 Policy GD2(1a) requires that developments respect the form and character of the existing settlement and as far as possible retains existing natural boundaries within and around the site, particularly trees, hedges and watercourses. Policy GD5 of the HLP requires developments to be located and designed in such a way that it is sensitive to its landscape setting and landscape character area and will be permitted where it respects and where possible enhances local landscape, the landscape setting and settlement distinctiveness. 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. Furthermore, development should protect existing landscape features, wildlife habitats and natural assets.
- 6.13 The site lies within the Kibworth Beauchamp Conservation Area, which was first designated in 1982, and generally includes the historic settlement core. The Conservation Area Character Statement provides a summary of the area's historical development, noting that 'it has almost the character of a small town' and it notes that

'the existence of the railway has influenced the development and function of the village', which is particularly 'seen in (the) extensive growth northwards to the railway. This includes the terraced houses of Station Road with their elaborate brickwork...', which is a reference to Beauchamp Terrace, nos. 17 – 27 Station Street opposite the application site. In areas with high heritage value such as Conservation Areas policy GD8 of the HLP states that developments should reflect the characteristics which make the place special. Policy HC1 of the HLP states that development within or affecting a Conservation Area will be permitted where it preserves or enhances the character or appearance of the Conservation Area, including local design and materials. Development affecting heritage assets and their settings will be permitted where it protects, conserves or enhances the significance, appearance and setting of the asset. Where the proposed development would lead to less than substantial harm to the significance of a heritage asset or its setting the harm will be weighed against the public benefits of the proposal.

- 6.14 Policy H1 of the emerging KNP allocates the site for 11 mixed-size dwellings, but also states the development should be low density and designed to be sympathetic to the Conservation Area. Policy H4 of the existing KNP and policy H6 of the emerging KNP states that the character, scale, mass, density and layout of developments should fit with the surrounding area, including external roof and wall materials, and should not adversely impact on the visual amenity of the street scene or wider landscape views. Innovative and inventive designs with varied house types, building widths, styles, details, facing and roofing materials reflecting a varied street scene will be supported. On developments of ten or more dwellings, housing development should be predominantly two-storey with any three-storey dwellings being spread throughout the development. Schemes, where appropriate, should contain a fully worked up landscape proposal. Hedges and native trees should be retained and plot enclosures should, where possible, be native hedging, wooden fencing or stone/brick wall of local design. Policy ENV2 of the existing and emerging KNP states that development proposals should be laid out and designed to avoid damage to or loss of woodland and trees of arboricultural and ecological significance and amenity value will be resisted. Proposals should be designed to retain such trees where possible. Trees that are lost or damaged should be replaced on a two-for-one basis using semi mature trees planted in accordance with the British Standard on Trees BS5837:2012. Major developments including residential development of ten or more dwellings should include a contribution to Green Infrastructure, the characteristic wooded appearance of the villages, and the principle of 'allowing space for trees' in the form of new planting, including street trees, spinneys and individual trees, at a scale appropriate to the size of the development, and on land allocated for the purpose.

○ *New build dwellings to rear*

- 6.15 The proposals have two distinct components, the six new build dwellings to the rear and the replacement of the existing detached dwelling with the new apartment building. In terms of the impact on the Conservation Area it is considered that given the discreet location of the new build dwellings, set back from Station Street and screened by the existing and proposed frontage development, that this element of the proposed development will have no adverse impact on the character and appearance of the Conservation Area. The back-land nature of the proposals in principle would not be out of keeping with the surrounding settlement form when considering the development at School Walk, Paget Court and Isabel Lane in the vicinity.

- 6.16 The site is allocated in the emerging KNP for 11 mixed-sized dwellings, officers raised concerns with the resultant density and conflict between the requirement within the policy for the development to also have a low density during pre-application discussions and on review of the originally submitted plans as part of this application. As a result, the applicants removed a dwelling and amended the layout of the development. This has reduced the built form proposed to the rear and as a result of the amendments plots 5 and 6 gained larger deeper gardens, a Biodiversity Net Gain (BNG) buffer is proposed to the south and western boundaries and a landscaped area is included in the centre of the site (visible from the site access on Station Street). Whilst officers still consider there is some conflict between the intended KNP allocation for 11 dwellings and a low-density development, the amendments are judged to have overcome initial concerns and the density and layout is judged to be acceptable. Whilst objection comments suggest the proposal should include single storey units, two storey dwellings are prevalent in the surrounding area. The scale/height of the dwellings are judged to be in keeping with the surrounding built form and would be set below the properties on Paget Street and Paget Court for example (Fig.9).

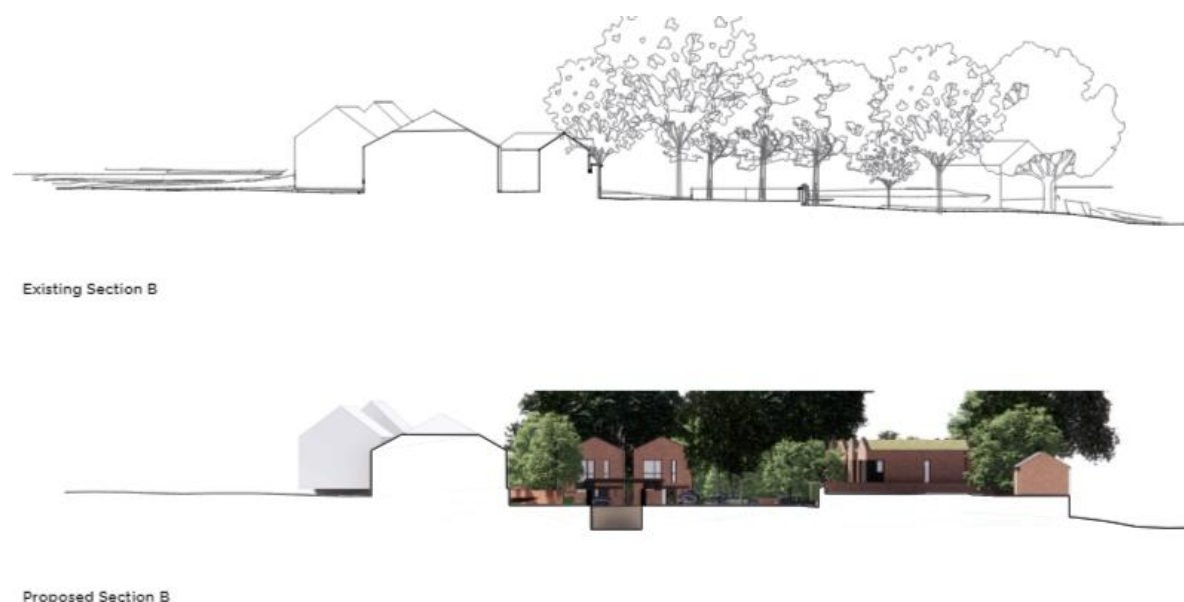


Figure 9. Existing (top) and proposed (bottom) site sections. Paget Street properties to the south are on the left with the new build dwellings in the centre and to the right of the image.

- 6.17 The design of the new build dwellings are more modern in design than the surrounding built form, concerns have been raised about this in objection comments. The surrounding built form is varied but on Station St is clearly driven by the Victorian railway era (Fig.10). Paget Street to the south is more traditional and is characterised by a row of terraced cottages, with a mix of brick, render and painted brick work. Paget Court to the west is a small close of modern, large, detached two storey dwellings. Innovative or individual design is not prohibited, including within Conservation Areas providing that development is sympathetic to local vernacular. In this case, whilst the dwellings are modern they are two storey in height, are proposed to have pitched roofs and to be predominantly construction from brickwork with some timber features.

Specific concerns have been raised about the inclusion of solar panels on the new build dwellings, whilst the panels may be visible from surrounding residential properties, they would not be readily visible from publicly accessible areas and therefore would not harm the character of the Conservation Area/street scene. The quality of design is judged to be acceptable and to comply with the aforementioned policies of the HLP, KNP and emerging KNP.



Figure 10. Station Street street view

- *Replacement apartment building*
- 6.18 The principal heritage issue in determining this application is considered to be the impact of the replacement of no. 4, Station Street on the character and appearance of the Conservation Area and its overall significance. Officers are aware that No. 4 Station Street has been marketed for at least 2 1/2 years, including reductions in the asking price to seek interest which has been unsuccessful. It is likely that any purchaser looking to bring the house forward to a single dwelling would have to invest significantly in the repairs of the dwelling, outbuildings and garden - the applicants assume the costs to redevelop the site in this way would be prohibitive. Policy H1 of the emerging KNP has 'earmarked' the site for residential development, the primary issue restricting the retention of the building and development of the site is that the existing access would not be suitable for the resultant residential development. Policy H1 of the emerging KNP therefore in principle allows for the replacement of the existing building, which would in turn allow for an increase to the access width.
- 6.19 Officers consider that the existing building is of its era and represents the influence of the railway on the settlements form and development. Unlike the properties on the opposite side of Station Street (nos. 17 – 27, Station Street), no. 4, Station Street is not mentioned in the Conservation Area appraisal and whilst it may not have the degree of architectural interest in contrast to nos. 17-27 Station St, the property is prominent in the street scene and does in the officer's opinion positively contribute to the character and appearance of the Conservation Area and the railways influence to the village. The replacement building is of a similar scale to the existing dwelling and is judged to be a well-designed replacement which respects the features of merit on

the existing building such as the porch, timber features to the gable and decorative chimneys (see Fig.3 and Fig.6). The replacement dwelling is of an appropriate scale and design which would be in keeping with the built form and goes some way to preserve the character of the Conservation Area, however, would not wholly alleviate harm. The harm is judged to be at the lower end of less than substantial harm and must be weighed against the public benefits of the proposal. In this case the public benefits are judged to outweigh the less than substantial harm as outlined in paragraph 7.3.

○ *Replacement pub outbuilding*

- 6.20 The existing pub outbuilding is a single storey brick built building under a slate roof, it is understood that part of the building is structurally unsafe. The replacement building would be slightly smaller in its footprint and would be located along the northern boundary in a similar position to the existing building. The replacement building would be red brick under a slate roof and would appear similar to the existing building, it is of a simple, traditional form. The removal and replacement of the building would not adversely harm the character of the area or Conservation Area and is acceptable.

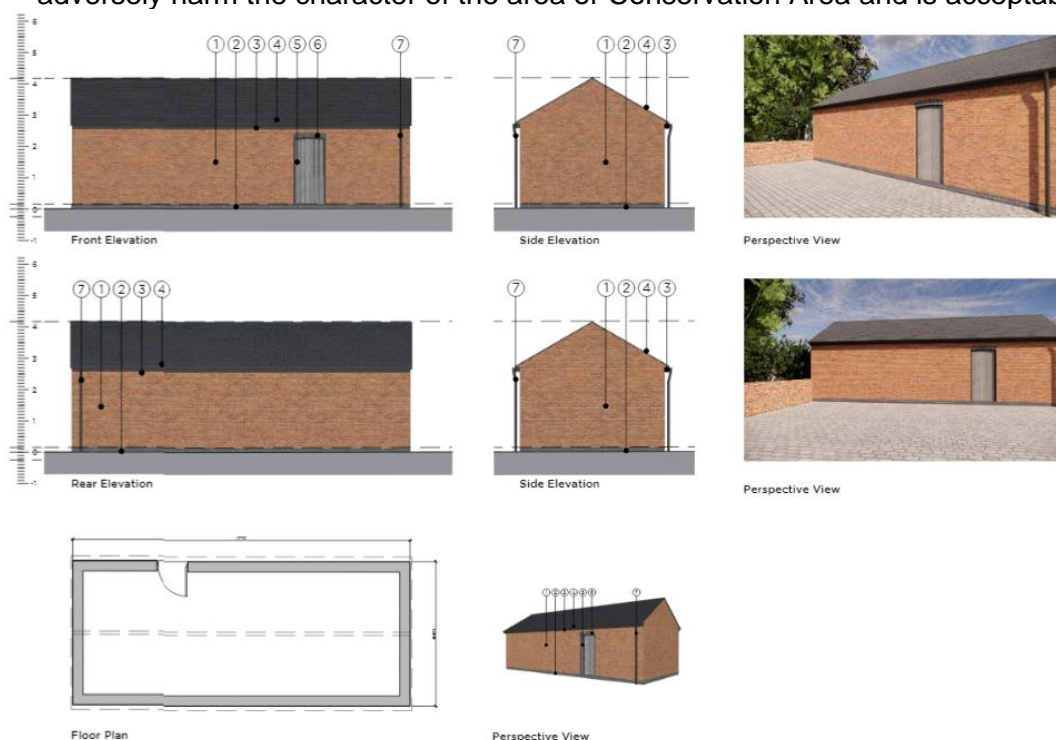


Figure 11. Replacement pub outbuilding

○ *Landscaping/Levels*

- 6.21 The site contains a number of mature trees, particularly along the western and northern boundaries, the larger of these trees positively contribute to the character of the area and Conservation Area offering a verdant backdrop to the site/area. A tree survey has been carried out, most of the trees are categorised as category C trees (of lower arboricultural value). One Goat Willow along the northern boundary was identified as a category B tree. Two trees a sycamore and poplar tree are categorised as category U and are advised for removal. The below site plan (Fig.12) identifies the trees to be removed via a red dashed line and those to be retained and their root protection areas (RPA) via a green line. The category B tree is to be retained with a suitable RPA. It is

noted that several category C trees would be removed as a result of the proposal, category C trees are judged to be of low arboricultural value and as such whilst regrettable their removal is unlikely to cause significant harm to the character of the area and Conservation Area. A sufficient number of trees are to be retained along the western and northernmost boundaries to retain the verdant character to the sites backdrop. Furthermore, owing to concerns about overshadowing and potential future pressure to remove the retained trees, plots 5 and 6 were moved away from the site boundary enabling larger gardens and less shading to these properties. All retained trees would be protected by being located in the Conservation Area which offers further control to the LPA and a degree of protection to the trees in the future.



Figure 12. Site plan showing tree details

- 6.22 Whilst full soft landscaping details (ie planting mix and a timetable of implementation) have not been submitted, the amended plans propose a total of 33 new semi-mature trees and hedgerow planting on site. The landscaping scheme is judged to mitigate the loss of existing trees on site and would help to soften the parking and turning area in the centre of the site which would be visible from Station Street and overall re-introduce a green, verdant feel to the site which is judged to be acceptable providing full landscaping details are provided by condition.
- 6.23 In terms of hard landscaping, full details of surfacing and hard boundary treatments have not been submitted. The site plan does state the existing boundary wall between the site and 'The Railway' would be retained which is acceptable. The front boundary wall to No.4 Station Street would also largely be retained, which again is appropriate

for the Conservation Area. The internal plot divisions would be a mix of brick boundary walls and 1.8m high fencing and some hedgerow to the north of Plot 6. The indicative proposals appear acceptable but full details would be required by condition.

○ *Summary*

- 6.24 To conclude, officers consider that following the amendments the scale, density and layout of the proposed development is acceptable and would be in keeping with the surrounding built form. The loss of the existing building would lead to less than substantial harm to the character of the Conservation Area but this would be outweighed by the public benefits of the proposal as detailed later in the report. Therefore, subject to conditions the proposal is judged to comply with policies GD2, GD5 and GD8 of the HLP and H1, H4, ENV2 and of the KNP and emerging KNP.
- 6.25 Should members be minded to approve the application for reasons of design and visual amenity, conditions are recommended requiring the submission of:
- A levels plan providing full details of the finished ground floor level/s of the buildings and proposed site levels owing to the difference in land levels on the site
 - An arboricultural method statement ensuring the protection of retained trees during construction
 - A landscaping scheme and management plan
 - Details of external materials

c) Highways

- 6.26 Policy GD8 of the HLP states that development will be permitted where it ensures safe access, adequate parking and safe, efficient and convenient movement for highways users. Policy IN2 states that development proposals should have regard to the transport policies of the Local Transport Authority and that development should provide safe access and parking arrangements and where possible protect or connect to existing pedestrian, cycle and equestrian routes. Policy H1 of the existing KNP requires windfall developments to provide for a safe vehicular and pedestrian access to the site and any traffic generation and parking impact created does not result in an unacceptable direct or cumulative impact on congestion or road and pedestrian safety. Policy T4 of the KNP states that the proposals in the KNP to address safety concerns identified by Parishioners will be supported involving the provision of new cycleways and footpaths, accessible to people with disabilities, linking village facilities and amenities. Policy T5 states that the provision of traffic management solutions to address the impacts of traffic arising from development will be strongly supported. This includes either directly provided solutions or the use of contributions from development to contribute towards the costs of provision.
- 6.27 Officers refer to LCC highways comments for full details. The existing site access would be substandard to serve 10 units, partially owing to its width. As a result the existing dwelling is proposed to be demolished to accommodate a wider access to the site. The existing access on to Station Road, Kibworth which is an adopted 'C' classified road subject to a 30mph speed limit would therefore be altered. LCC highways are satisfied with the proposed vehicular (2.4 metres by 43 metres) and pedestrian visibility splays (2 metres by 2 metres). The LHA are satisfied that the proposed access is safe and suitable for the proposed development and accords with

Part 3, Paragraph 3.192 and Table DG4 of the Leicestershire Highway Design Guide (LHDG).

- 6.28 The Applicant has undertaken an assessment of the existing highway safety situation on the immediate local road network. The submitted 'Transport Statement' states that there has been one Personal Injury Collision (PIC) within the previous five years within the immediate vicinity of the proposed development that was recorded as 'slight' in severity. LCC have undertaken a review of PIC data instances within 500 metres of the site access in all directions. In addition to the PIC stated above to the north of the proposed development there has been one further PIC that occurred at the access to the Public House that is next to the proposed development. This PIC was recorded as 'serious' in severity and involved a reversing vehicle colliding with a pedestrian on the footway. No further PIC's have been recorded to the north of the proposed development. To the south of the proposed development there has been two recorded PIC's in the previous five years with one recorded as 'serious' in severity and the other recorded as 'slight' in severity. These all occurred on High Street. LCC are satisfied that the proposed development as stated above has been designed with an access that should not result in any reversing manoeuvres on to or from the public highway and that there are no patterns in the data which could be exacerbated by the proposed development.
- 6.29 Concerns have been raised about the impact of additional movements to/on Station Street, which at times acts as a single track road owing to parked cars. The LHA has assessed the submitted trip generation data (for 11 units) and are satisfied that although the proposed development will lead to an intensification of the access, the material increase or material change in the character of traffic in the vicinity of the site would not create any highway safety issues or result in a severe impact on the existing highway network in accordance with paragraphs 110 & 111 of the National Planning Policy Framework 2021.
- 6.30 Parking provision includes one space for each one bedroom dwelling and two spaces for each of the two and three bedroom dwellings with an additional unallocated visitor parking space resulting in a total parking provision of 19 parking spaces to serve 10 dwellings. LCC are satisfied that the proposed parking provision accords with LHDG standards and the proposal complies with the existing and proposed KNP parking policies. The proposal includes a car stacker to serve Plots 1 and 3, LCC have confirmed this is suitably located so that it is not directly accessed from the public highway and that space has been afforded to allow vehicles to wait within the site for the opportunity to park, this approach is therefore acceptable.
- 6.31 Conditions are recommended requiring that the parking, turning and access arrangements are implemented suitably. Furthermore, to ensure that the PRoW to the north of the site is protected during and post construction.
- 6.32 LCC has also identified several key junctions in the A6 Cumulative Development Traffic Impact Study which are operating over capacity. The main junctions which will be affected by the cumulative impact of developments in the surrounding area are listed below:
- A6 / Wistow Road roundabout;
 - A6 / Church Road / Marsh Drive priority junction; and
 - A6 / New Road priority junction.
- Given the location of the development the LHA is satisfied that there is a material impact on the junctions identified within the study. A S106 contribution of £7,000 is requested based on the proposed development generating an increase of approximately two AM peak vehicular movements. LCC consider this contribution to

be reasonable and proportionate based on the scale of development and impact of the proposed development on the highway and is included at the end of these formal observations.

- 6.33 Overall, the impact on the highway network is not considered to be unacceptable, the proposal is considered (subject to conditions) to comply with policies GD8 and IN2 of the HLP and policies T4 and T5 of the KNP.

d). Residential Amenity

- 6.34 Policy GD8 of the HLP and H1 of the existing KNP 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.
- 6.35 The internal site layout is judged to be acceptable. The front elevation of plots 9 and 10 face the side elevation of Plot 6 which is blank. The separation distance of at least 15m exceeds the SPG guidance of 14m between habitable windows and a two storey blank elevation. The front elevation of plots 5 and 6 face the rear elevation of the apartment building, both elevations contain habitable room windows. Here the separation distance is 20m, which is slightly less than the SPD guidance of 21m. Plots 5 and 6 have been moved slightly further forward as a result of officer's concerns about garden size and shading from the trees to the rear. In this case, the breach of separation distances is minor, there is a parking area between the two properties and officers consider the amendments improve the private amenity area to the rear which outweighs the reduced separation distance, the layout is therefore judged to be acceptable.
- 6.36 The replacement apartment building would not give rise to additional overlooking, overdominance or loss of light to surrounding properties considering the existing presence of the dwelling and similar proportions and fenestration layout of the proposed building. The proposals would not adversely impact the dentist surgery which is located to the south east of the site existing boundary treatments would be retained and made good.
- 6.37 Objections have been raised with regards to overdominance and loss of light to properties on Paget Street to the south of the site. The originally submitted proposal included a dwelling approximately 1m from the rear boundary of these dwellings- this has been removed and plot 5 moved further away from the shared boundary. The proposed dwellings, particularly plot 5 would not cause a loss of light to the dwellings on Paget Street or their gardens as they are sited to the north. The proposals would introduce built form in an otherwise open garden and would therefore alter the outlook for residents. However, the separation distance of at least 16.4m between the dwellings exceeds the SPD guidance of 14m between habitable windows and a blank elevation (Fig.13). It is noted that many of the properties on Paget Street have their

garden seating areas close to the northern boundary of their gardens and these areas are likely to feel more enclosed as a result of the proposal, however, there is no separation distance guidance for garden spaces. Furthermore, the proposed dwellings would be sited on lower ground levels than the Paget Street properties (Fig.14), which would further reduce the sense of enclosure. No windows are proposed in the side elevation of Plot 5 and the garden would be on much lower ground level as such there would be no adverse loss of privacy to the dwellings on Paget Street.

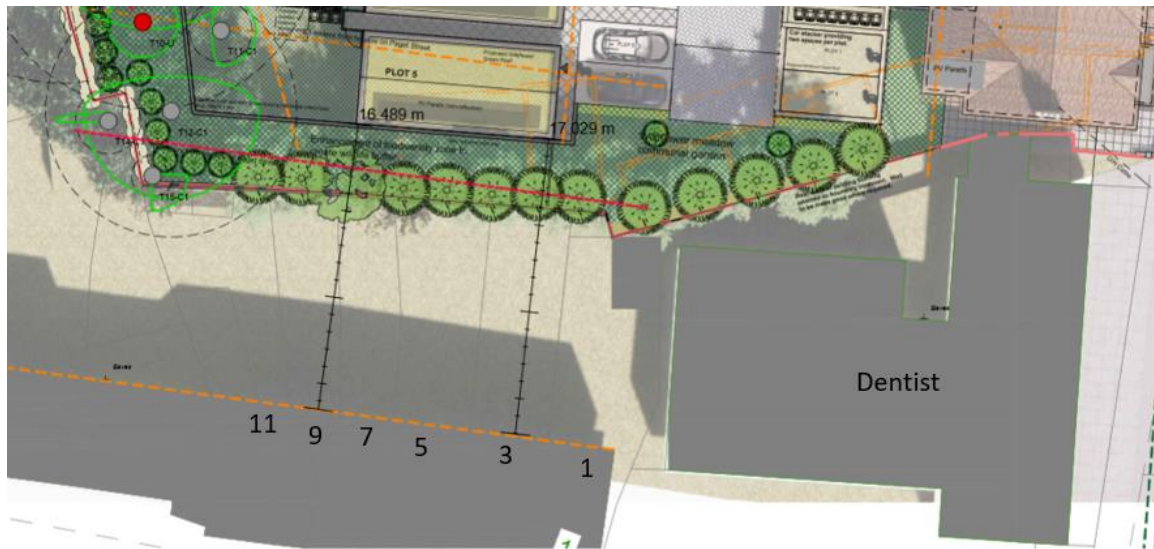


Figure 13- Site Plan with proximity to dwellings on Paget Street



Figure 14- Site section showing the proposed dwellings in context with Paget Street

- 6.38 Concerns have been raised about potential glare/light reflecting from the proposed solar panels on the south roof slope of plot 5 facing the rear elevations of Paget Street. Modern solar panels are designed to absorb as much light as possible and minimise reflection to increase electricity production efficiency. To limit reflection panels tend to be dark and covered with an anti-reflective coating- although some reflection is still likely to occur. In this case, whilst the panels will be visible from Paget Street because of the change in land levels, they are unlikely to give rise to adverse glare considering the modest scale of solar panels, separation distance and orientation of the panels in relation to the neighbouring windows.

6.39 Objections have also been raised regarding potential neighbouring amenity impacts to the dwellings at Paget Court to the west of the application site. The rear elevations of Nos 2 and 3 Paget Court face the site. The separation distances between the proposed dwellings and No.3 Paget Court all accord with SPD guidance and the dwellings are unlikely to lead to adverse loss of light, overdominance or loss of privacy to this dwelling. Adequate separation distances are achieved between plot 7 and the original elevation of No.2 Paget Court. However, the separation distance between the single storey extension at No.2 and closest corner of Plot 7 is substandard at 10.3m as opposed to the 14m SPG guidance. Plot 7 is therefore likely to cause some additional overdominance to No.2 Paget Court. However, as seen in figure 15, much of No.2s extension is sited further south than Plot 7 meaning the rear elevation would retain much of the same outlook/openness as existing. Furthermore, there are a number of existing trees and proposed trees along the shared boundary. Therefore overall, the additional overdominance is unlikely to be adverse. For the same reasons, whilst some early morning light may be lost, it is unlikely to be adverse. No windows are proposed in the side elevation therefore no adverse loss of privacy would occur.

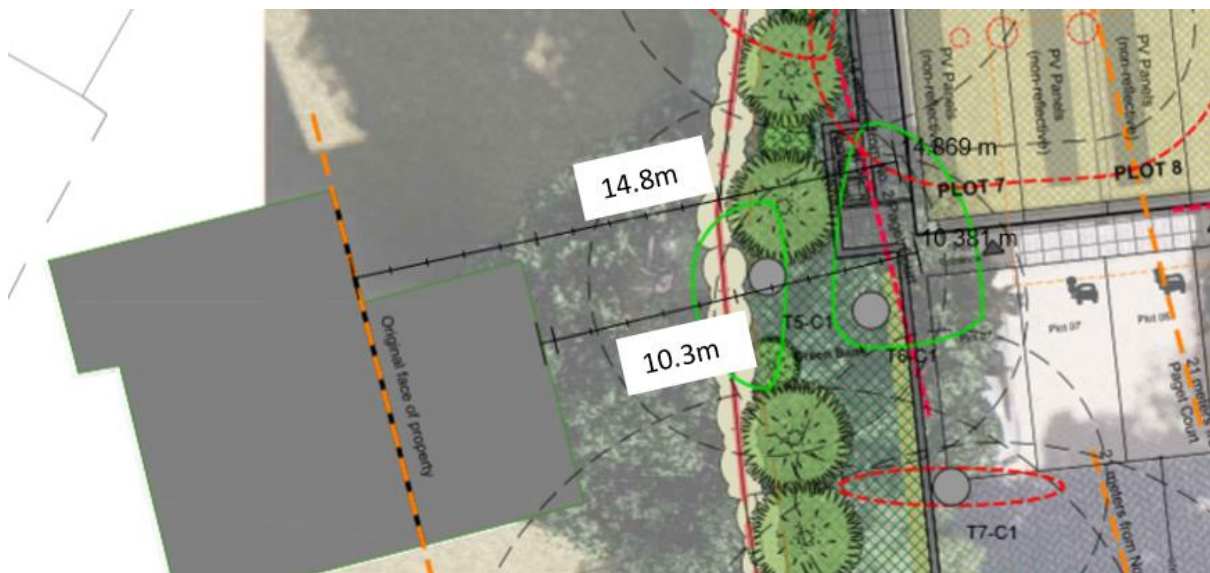


Figure 15. Relationship between No.2 Paget Court and Plot 7

- 6.40 Concerns have been raised about the tree planting along the western boundary and potential loss of light. The existing western boundary is well-treed and therefore the indicative planting proposals are unlikely to adversely worsen this.
- 6.41 Owing to the separation distances and orientation to the properties on School Walk/Station Street to the north, the proposed development would not give rise to adverse amenity harm to these dwellings.

Noise and Disturbance

- 6.42 The site is located close to 'The Railway' pub, its parking area and beer garden. A noise assessment was requested by HDC's Environment Team.

- 6.43 The noise survey included an assessment of the existing noise climate in the vicinity of the proposed residential development. The assessment of the existing noise climate in the immediate vicinity of the site indicated that it is typical of a sub-urban to semi-rural environment. During both the day and night time survey periods the existing noise climate was primarily influenced by road traffic and activity from the beer garden serving the adjacent Railway Arms public house. With reference to the night time period, as the survey was undertaken on one of the warmest evenings of the year, during which the beer garden was busy, it is anticipated that the survey conducted at this time captured possibly the worst case noise emission situation from this source.
- 6.44 The survey states 'Using the obtained noise levels from the assessments of the existing noise climate, calculations have been undertaken to assess the likely internal noise levels within the proposed residential dwellings, resulting from external noise break-in. The calculation results have highlighted that, applying the obtained noise levels relating to the existing noise climate and the sound insulation values assumed for the proposed building envelopes, the calculated internal noise climate within the proposed dwellings, resulting from external noise break-in, would not exceed the adopted design guide values. It should however be remembered that these calculations have been performed assuming closed windows but open ventilation provision. In addition it has been demonstrated that the existing afternoon/early evening noise climate would also comply with the adopted design guide values for external amenity areas. Based on the measured noise levels relating to the existing noise climate combined with the recommended sound insulation measures detailed in this report, it is suggested that the existing noise climate in the vicinity of the proposed development should not be regarded as an impediment to the granting of planning permission.'
- 6.45 As can be read in the final Environmental Health Officer's comments, they are satisfied with the submitted noise report and levels, however, are concerned that the report does not address potential overheating and whether this would require windows to be opened (in turn impacting the internal noise levels). Therefore officers recommend that a condition is imposed requiring an overheating assessment to be submitted to protect the amenity of future residents from overheating where close window acoustic treatment is proposed.
- 6.46 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 constrained site, likely change in land levels and proximity to residential dwellings.
- 6.47 To conclude, conditions are recommended with regards to noise, overheating and construction management, subject to these conditions the proposal is judged to comply with policy GD8 of the HLP and H1 of the existing KNP.

e) Flooding/Drainage

- 6.48 Policy CC4 of the HLP refers to sustainable drainage, the policy requires all major development to incorporate sustainable drainage systems (SuDS). Policy ENV8 of the KNP requires development to take account of its location, to include SuDS where appropriate and not increase the risk of flooding downstream.
- 6.49 The application site is located in Flood Zone 1 with no identified critical drainage issues. The applicants have submitted a Flood Risk Assessment and SuDS strategy.

The report shows that infiltration to ground is unlikely owing to clay soil found within the ground strata. The surface water strategy includes rainwater storage (through water butts), permeable paving, green roofs and the use of an attenuation tank. Surface water runoff is restricted for the entire development before it would then be discharged to the public combined sewer at a suitable rate.

- 6.50 As outlined in the LLFA consultee comments, whilst no principle objection has been raised, the LLFA require that a Developer Enquiry Response is submitted by the Applicants from Anglian Water to ensure they agree to the discharge rates to the public sewer. At the time of writing the report this is yet to be submitted. Final details shall either be provided in the Supplementary Information, or, officers would advise that approval is granted subject to the submission of the Developer Enquiry Response and any subsequent conditions recommended by the LLFA.

f) Ecology

- 6.51 Policy GI5 of the HLP states that developments will be permitted when there will be no adverse impact on the conservation of priority species, irreplaceable habitats, nationally designated or locally designated sites, unless in all cases, the need for, and benefits of, the development clearly outweigh the impacts. Developments should also contribute towards protecting and improving biodiversity through protecting and enhancing habitats and populations of priority species. Policy ENV3 of the KNP states that development proposals should protect local habitats and species, in accordance with the status of the site, especially those identified as candidate (cLWS), proposed (pLWS) or validated Local Wildlife Sites (LWS), or those covered by relevant English and European legislation, and, where possible, to create new habitats for wildlife. Policies ENV2 and ENV5 relates to the protection of trees and hedges as outlined in para. 6.13.
- 6.52 Officers refer to the LCC Ecology consultee comments for full details. The bat survey of the existing building found one bat roost in the building proposed for demolition. The removal of the roost will require a licence from Natural England separate from the planning process. Officers recommend a condition requiring a bat mitigation scheme to be submitted, this should include integrated bat boxes within at least two of the new dwellings. Otherwise, the proposal would not harm other protected species.
- 6.53 With regards to Biodiversity Net Gain (BNG) there is currently no mandatory minimum level of 10% BNG, however, as outlined in 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 and plan which suggest a 23% net gain. The LCC ecologist suggests this is "extremely over ambitious" and as such they would not take the 23% net gain as having any validity. Notwithstanding this, the ecologist has not requested another BNG metric/plan to be produced. LCC are satisfied that providing all new trees and sections of hedgerow comprise native species, bat roosting features are incorporated into some of the new dwellings (in appropriate locations/aspects) and that green roofs that can actually be constructed are specified that the development can achieve some Net Gain. As requested by LCC a condition is recommended requiring a detailed landscape plan for enhancing biodiversity (including details of the green roofs) to be submitted and approved.

- 6.54 As referenced in the objection comments Japanese Knotweed was historically found on the site. This was initially dealt with in January 2021. Following concerns raised during the planning application that it had resurfaced the applicants investigated the matter and found that it had. The control of Japanese Knotweed is covered by separate legislation and the applicants have contacted specialists to handle its removal, an insurance policy is in place. It is however important that invasive species are managed during the construction of the development, therefore as part of the Construction Management Plan condition it is recommended that the details submitted include measures for the eradication of and monitoring of invasive non-native species.
- 6.55 Subject to the aforementioned conditions the proposal is judged to comply with policies GI5 of the HLP and ENV2 and 3 of the KNP and emerging KNP.

g) Archaeology

- 6.56 An archaeological desk-based assessment was submitted with the application. The desk-based assessment found that on review of the Historic Environment Record and location, potential for finding archaeological remains is moderate. LCCs archaeology department therefore recommend that a WSI is submitted (by condition). Subject to this condition the application complies with policy HC1 of the HLP.

h) Climate Change

- 6.57 As a major development policy CC1 of the HLP is also relevant to this proposal. The policy states that development will be permitted where it demonstrates:
- a. how carbon emissions would be minimised through passive design measures;*
 - b. the extent to which it meets relevant best practice accreditation schemes to promote the improvement in environmental and energy efficiency performance;*
 - c. how the development would provide and utilise renewable energy technology;*
 - d. whether the building(s) would require cooling, and if so how this would be delivered without increasing carbon emissions;*
 - e. how existing buildings to be retained as part of the development are to be made more energy efficient;*
 - f. how demolition of existing buildings is justified in terms of optimisation of resources in comparison to their retention and re-use; and*
 - g. how carbon emissions during construction will be minimised.*
- 6.58 Policy H4 of the KNP states that developments, where appropriate, should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency.
- 6.59 HDC's Environment Coordinator is satisfied that the development complies with policy CC1. The dwellings are designed to be zero carbon and net-zero homes ie they will generate as much energy as they consume in a year. The submitted 'Design and Access Statement' details the use of 'Wondrwall'- who are said to be the world leader in intelligent home management and renewable energy technology. The company has a range of home automation, clean energy and efficient heating products. Specifically,

the plans include solar panels (with battery storage), EV charging points for all dwellings and intelligent light, heating and hot water systems.

- 6.60 Officers consider that the proposal complies with policy CC1 of the HLP and H4 of the KNP. A condition is recommended ensuring compliance with the submitted Design and Access Statement.

i) Air Quality and Land Contamination

- 6.61 Policy GD8 of the HLP requires that developments identify the need for any decontamination and implement this to an agreed programme and that they should ensure that any contamination is not relocated elsewhere. Policy T6 of the KNP states that planning decisions should take account of the impact on air quality in the Plan area, supporting proposals which will result in the improvement of Air Quality or minimise reliance upon less sustainable forms of transport.
- 6.62 HDCs Environment Team have reviewed the proposal and have raised no concerns with regards to air quality. In terms of land contamination, conditions are recommended in Appendix A requiring submission of contamination reports. Subject to this condition the proposal complies with the aforementioned policies.

i) Land stability

- 6.63 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to land instability. In this case whilst the land levels vary between the site and the surrounding residential properties there are no identified issues with land instability and existing retaining structures would be retained. The suggested landscaping condition includes a requirement for details of retaining structures to be submitted which is considered to satisfy this issue.

k) S106 Obligations and Affordable Housing

- 6.64 Planning obligations, also known as Section 106 Agreements (based on that section of The 1990 Town & Country Planning Act) are legal agreements made between local authorities and developers and can be attached to a planning permission to make a development acceptable (which would otherwise be unacceptable in planning terms).
- 6.65 Those obligations can encompass, for example, monetary contributions (towards healthcare, libraries or education), mechanisms for the provision of affordable housing, the on-site provision of public open space / play areas, or off site works (highway improvements), as long as the obligation meets the three statutory tests of The Community Infrastructure Levy Regulations 2010 (No. 948) (as amended) – “CIL”.
- 6.66 As per CIL Regulation 122, planning obligations must be:
- 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.

- 6.67 These legal tests are also set out as policy tests in the NPPF.
- 6.68 Policy IN1 of the HLP states that new development will be required to contribute to funding the necessary infrastructure which arises as a result of the proposal, and that these will be in addition to the affordable housing requirement of policy H2. More detailed guidance on the level of District and County contributions is set out in the HDC Planning Obligations Supplementary Planning Document (2022) and the Leicestershire County Council Planning Obligations Policy (July 2019).
- 6.69 As the amended proposed development presents a net gain of 9 dwellings, the proposal would not trigger the requirement for affordable housing provision nor most S106 contributions. Officers are awaiting revised requests from LCC which will be reported within the Supplementary Information.
- 6.70 The requests received to date which are considered CIL compliant are outlined in Appendix B.

I) Material Considerations

- 6.71 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. The Planning Balance / Conclusion

- 7.1 The site is in a sustainable location within the existing built form of Kibworth Beauchamp, the principle of development and mix accords with the HLP. The proposal by virtue of it being 'major development' does not strictly comply with policy H1 of the existing KNP, however, the net gain in residential units is 9 thus the proposal does adhere to the spirit of the policy. The proposal accords with the site allocation within the emerging KNP which can be given limited to moderate weight and no objections to the principle of development have been raised by Kibworth Beauchamp Parish Council. Therefore overall the principle of development is judged to be acceptable.
- 7.2 Officers consider that following the amendments the scale, density and layout of the proposed development is acceptable and would be in keeping with the surrounding built form. However, the loss of the existing building would lead to less than substantial harm to the character of the Conservation Area which must be weighed against the public benefits of the proposed development.
- 7.3 In terms of the three strands of sustainable development, social benefits include that the proposal would contribute to the supply of housing in a sustainable location, close to the village centre and in particular small residential units on a site which is allocated

in the emerging KNP. Future residents may use and support local services, facilities and businesses and therefore the proposal is likely to make a positive contribution to the local economy. The construction of the development would also create opportunities for local builders, tradesmen and merchants. The environmental benefits are less defined as it is unclear as to the level of net gain, however, it is clear that some level of net gain could be achieved and no ecological harm has been identified. The dwellings would achieve net-zero and would utilise renewable energy proposals and the applicants have addressed how they would mitigate against the effects of climate change. The public benefits are considered to outweigh the less than substantial harm identified.

- 7.4 Officers consider that following amendments, the proposal would not give rise to adverse residential amenity harm. And subject to conditions the highway arrangements and other technical matters comply with the relevant policies of the HLP and KNP.

Appendix A- Conditions/Informatives

APPENDIX A- Planning Conditions and Informatives

1. Full Planning Permission 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. Approved Plans

The development hereby permitted is in accordance with the approved plans:

Proposed Site Plan 1627 P07 Rev A
Proposed Dwellings 1627 P09 Rev B
Proposed Apartment Building 1627 P10 Rev A
Proposed Visibility Splays 1627 P24 Rev A

REASON: For the avoidance of doubt.

3. Construction Method Statement

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) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of construction materials
- c) wheel cleaning facilities and road cleaning arrangements;
- d) measures to control the emission of dust and noise during construction;
- e) a timetable for the provision of the above measures (a-d)
- f) scheme for recycling/disposing of waste resulting from site preparation and construction works;
- g) hours of construction work, site opening times, hours of deliveries and removal of materials;
- h) full details of any piling technique to be employed, if relevant;

- i) location of temporary buildings and associated generators, compounds, structures and enclosures
- j) routing of construction traffic
- k) measures for the eradication of invasive non-native species
- l) details of ongoing invasive non-native species monitoring
- m) Contact details for site manager, including how these details will be displayed on site.

The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general, to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users and to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area and to ensure the control of invasive non-native species. Having regard to Harborough Local Plan Policy GD8 and G15 and the National Planning Policy Framework.

4. Public Right of Way Treatment

No development shall take place until a scheme and timetable for delivery for the treatment of Public Rights of Way B2 has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction (including any arrangements for a temporary diversion) fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the approved scheme and timetable.

REASON: To protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2021 and having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5

5. 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 Policy GD8 and HC1, The Kibworth Villages' Neighbourhood Development Plan Policy H4 and the National Planning Policy Framework.

6. Risk Based Land Contamination Assessment

No development (except any demolition permitted by this permission) shall commence on site, or part thereof, until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175:2011+A2:2017 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8576:2013 Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs) and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- Or any documents which supersede these.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings • Or any documents which supersede these.

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- CIRIA C735, “Good practice on the testing and verification of protection systems for buildings against hazardous ground gases” CIRIA, 2014
- Or any documents which supersede these.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 170, 178 and 179 of the NPPF and Harborough Local Plan Policy GD8.

7. Completion/Verification Investigation Report

Prior to occupation of the completed development, or part thereof, Either

- 1) If no remediation was required by the above condition a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Planning Authority, or
- 2) A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to the whole development, or part thereof, shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;

- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 170, 178 and 179 of the NPPF and Harborough Local Plan Policy GD8.

8. Overheating Assessment

No 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.

9. Bat Mitigation Scheme

No development (including ground works, vegetation clearance or demolition) shall take place until a bat mitigation scheme has been submitted to and approved in writing by the LPA. This is to include details of integrated bat boxes within at least two of the new dwellings. The location and type of boxes to be used shall be detailed on all relevant plans. All works are to proceed strictly in accordance with the approved scheme.

REASON: To enhance the biodiversity of the area, having regard to Harborough Local Plan Policy G15, and the National Planning Policy Framework.

10. Written Scheme of Investigation

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.

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of Harborough Local Plan Policy HC1 and the National Planning Policy Framework .

11. Arboricultural Method Statement

No development shall commence on site, including site clearance and preparation works, until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall include numbering and categories of all trees, details of trees to be retained, details of root protection areas, routing of service trenches, overhead services and carriageway positions and any details of “no-dig” techniques for roadways, paths or other areas, along with associated use of geotextiles, and an indication of the methodology for necessary ground treatments to mitigate compacted areas of soil.

No development shall commence on site, including site clearance and preparation works, until the trees have been protected in accordance with the approved Arboricultural Method Statement.

REASON: To safeguard the character and appearance of the development and the surrounding area having regard to Harborough Local Plan Policies GD2, GD8, The Kibworth Villages’ Neighbourhood Development Plan Policies H4 and ENV2 and the National Planning Policy Framework.

12. Landscaping plan

Prior to the first occupation of any of the dwellings hereby approved, a Landscape Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall include the following details:

- a statement setting out the design objectives and how these will be delivered and how they will enhance biodiversity
- planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes, types, forms and proposed numbers/densities where appropriate;
- earthworks showing existing and proposed finished levels or contours;
- details of the type of green roofs to be installed
- means of enclosure and retaining structures;
- boundary treatments;
- hard surfacing materials;
- lighting, floodlighting and CCTV;
- an Implementation and Management Programme, including phasing of work where relevant

Thereafter, the landscape scheme shall be implemented in accordance with the approved details.

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, GD5, GD8, and CC4, The Kibworth Villages’ Neighbourhood Development Plan Policies H4, ENV2, ENV3 and ENV8 and the National Planning Policy Framework.

13. Materials to be submitted/approved

Prior to construction of any external walls, details of all external materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be carried out in accordance with the approved details.

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 HC1, The Kibworth Villages' Neighbourhood Development Plan Policy H4 and the National Planning Policy Framework.

14. Access Arrangements

No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Staniforth Architects drawing number 1627-07 Rev.A 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 having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5 and the National Planning Policy Framework.

15. Vehicular Visibility Splays

No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5 and the National Planning Policy Framework.

16. Pedestrian Visibility Splays

No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5 and the National Planning Policy Framework.

17. No gates, barriers, bollards etc to the access

Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5 and the National Planning Policy Framework.

18. Parking and Turning

The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Staniforth Architects drawing number 1627-07 Rev.A. Thereafter the onsite parking 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 having regard to Harborough Local Plan Policies GD2, H4, GD8 and IN2, The Kibworth Villages' Neighbourhood Development Plan Policies T4 and T5 and the National Planning Policy Framework.

19. Compliance with Energy Efficiency Strategy

The development hereby approved shall be carried out in accordance with the submitted Energy Efficiency details outlined in the 'Design and Access Statement'.

REASON: To ensure that the development is designed to reduce carbon emissions, contributes to the reduction of greenhouse gases and incorporates renewable energy technology having regards to Harborough Local Plan Policy CC1, Kibworth Neighbourhood Plan Policy H4 and the National Planning Policy Framework.

20. Compliance with the Noise Assessment

Unless otherwise agreed in writing when discharging condition 8, the development shall be carried out in accordance with the submitted Noise Assessment by Leema Technologies Ltd.

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

Informatives

1. Building Regs
2. Party Wall
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
5. The Public Right of Way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
6. The Public Right of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
7. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
8. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

9. No new gates, stiles, fences, or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way, and the County Council may be obliged to require its immediate removal.
10. It is noted that new pedestrian gates leading from the proposed new properties are proposed to be installed. These must not interfere with free passage of pedestrians along the public footpath.
11. It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of dark smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.
12. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
13. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
14. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
15. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
16. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
17. This development will require a European protected Species licence to make it lawful. You must be aware that to proceed with the development without first obtaining an EPS Licence could result in prosecution.
18. Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/scrub/hedges should take place outside the breeding season (March - July inclusive) unless carefully checked beforehand by a suitably qualified person.

Appendix B- S106 Table

Request by LCC	Highways		
Amount /Detail	Delivery	CIL Justification	Policy Basis

1. Contribution towards improvements to the wider highway network along the define A6 corridor £7,000	TBC	1. To accommodate the wider growth in the areas identified within the A6 study report.	Harborough District Local Plan Harborough District Council Planning Obligations Supplementary Planning Document 2022 Leicestershire Planning Obligations Policy Adopted 10 th July 2019
Request by LCC	Waste/Civic Amenities		
Amount /Detail	Delivery	CIL Justification	Policy Basis
1. Contribution of £446.10 towards the Kibworth RHWS	TBC	The nearest RHWS to this development is Kibworth RHWS and the proposed development of 10 dwellings would create additional pressures on the site.	Harborough District Local Plan Harborough District Council Planning Obligations Supplementary Planning Document 2022 Leicestershire Planning Obligations Policy Adopted 10 th July 2019

Planning Committee Report

Applicant: Kibworth Beauchamp Parish Council

Application Ref: 22/00873/FUL

Location: Old Grammar School Hall, School Road, Kibworth Beauchamp

Parish/Ward: Kibworth Beauchamp /Kibworth Beauchamp

Proposal: 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

Application Validated: 22.07.2021

Consultation Expiry Date:

Neighbour Expiry Date: 12.08.2022 (amended plans)

Site Notice Expiry Date: 30.05.2022

Advert Expiry Date: 26.05.2022

Target Date: 16.09.2021 (Extension of Time Agreed)

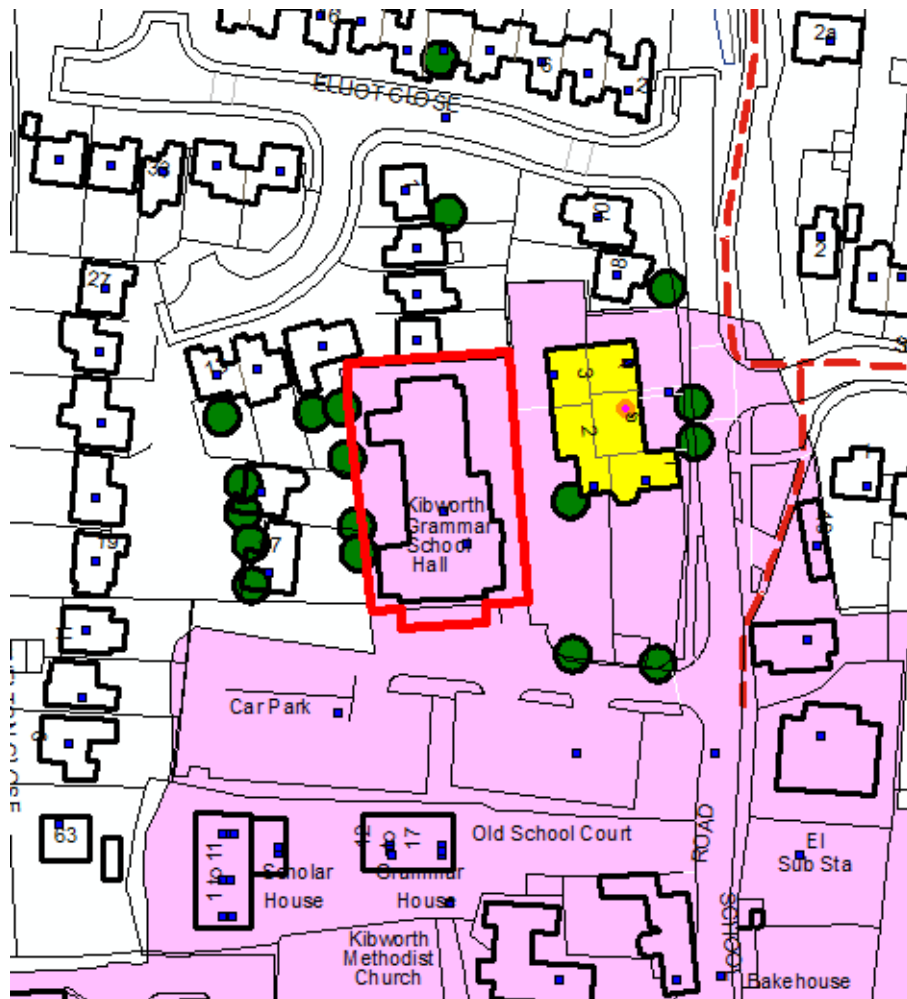
Reason for Committee Decision: At the discretion of the DM Manger, due to the level of public interest

Recommendation

Planning Permission is **APPROVED** for the reasons set out in this Committee report and subject to the recommended Planning Conditions and Informative Notes in Appendix A.

1. Site & Surroundings

- 1.1 The application site, formerly a school hall and built in 1936, has been a recognised community centre since 1999 and is owned by the Kibworth Beauchamp Parish Council. It is leased to the Kibworth Grammar School Hall trust.
- 1.2 Harborough District Council (HDC) owns and manages the large adjacent public car park to the south, which has capacity for 80 vehicles.
- 1.3 To the north and west are residential dwellings within Elliott Close (some of which contain trees that have Tree Preservation Orders placed on them) and to the east is The Old Grammar School, a Grade II Listed Building which has been converted into 5 residential apartments
- 1.4 The site lies within the village's Conservation Area
- 1.5 Levels fall from south to north



Red Outline = site; Purple highlight = Conservation Area; Green circle = TPO and Yellow highlight = Listed Building

PO Site Visit Photos











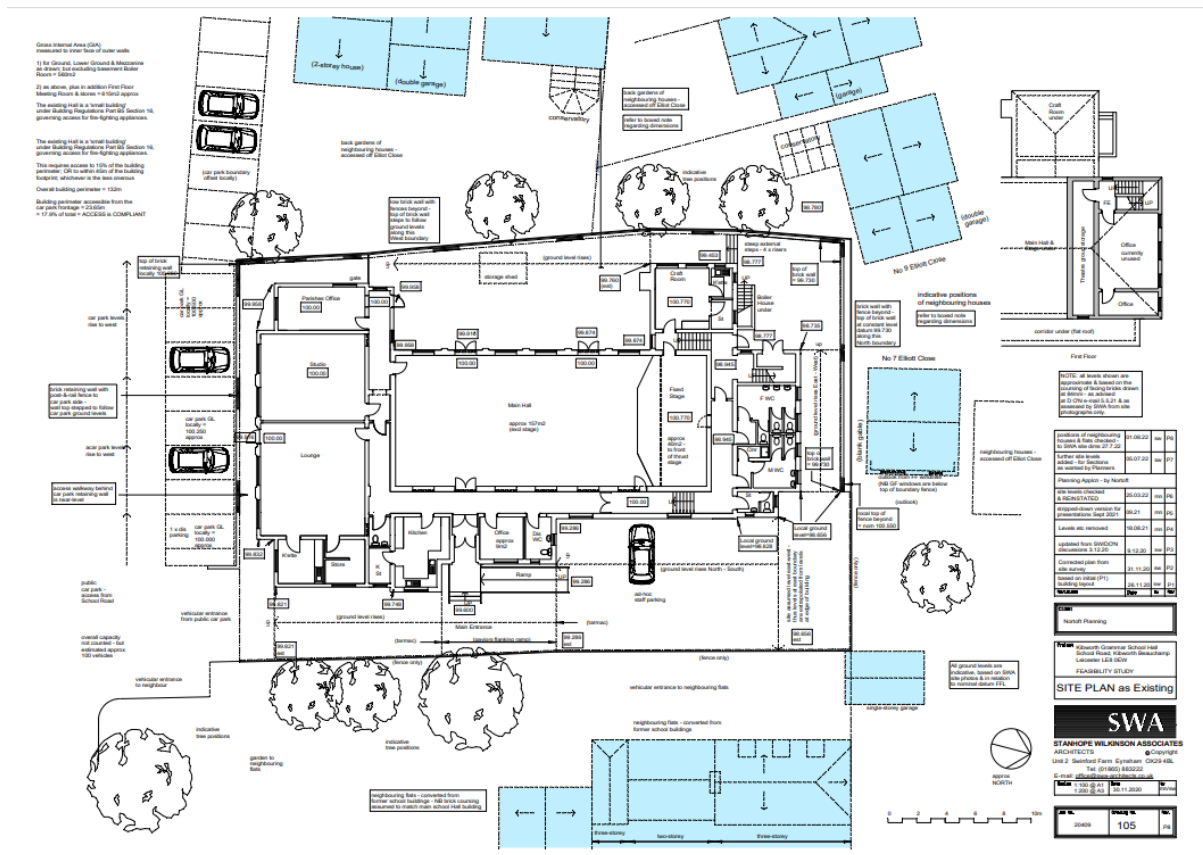
2. Site Planning History

2.1 None relevant to current proposal

3. The Application Submission

a) Summary of Proposal

3.1 The application seeks planning permission to internally alter and extend the existing building to create what will be known as the 'Kibworth Community Hub'. The existing site plan shows the current layout:



Site Plan as Existing

- 3.2 The proposed site plan (as originally submitted) shows the internally alterations and the extensions (yellow highlight); which can be summarised as follows:
- New main entrance
 - New studio/meeting room extension
 - Library extension and covered walkway
 - Rear store room extension
- 3.3 In addition, there is a minor (about 16 sqm) change of use from car parking (sui generis) to use for cycle parking and widening of a fire escape/access route

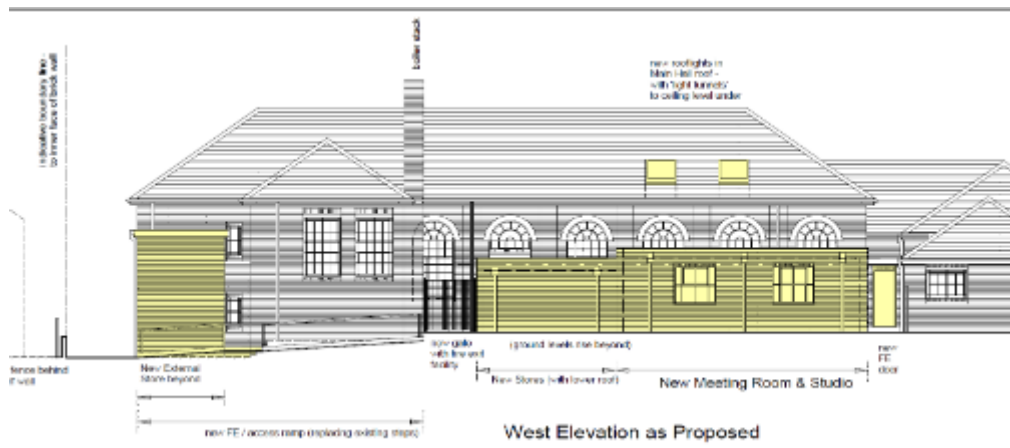
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- New studio/meeting room extension
- Library extension and covered walkway
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- Library extension and covered walkway

- Rear store room extension

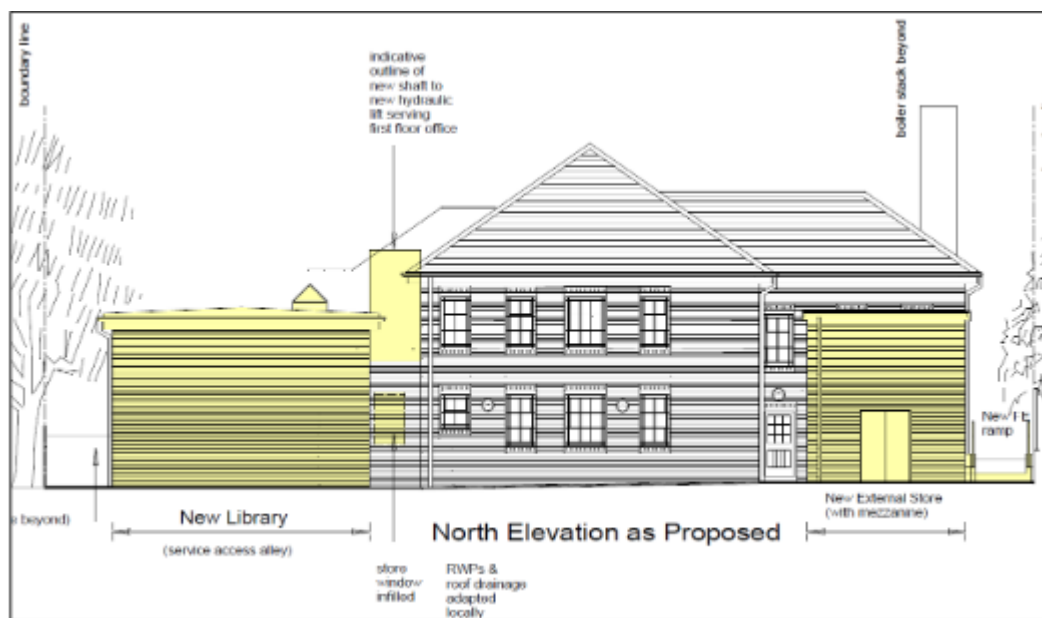
- 3.3 In addition, there is a minor (about 16 sqm) change of use from car parking (sui generis) to use for cycle parking and widening of a fire escape/access route



New studio/meeting room extension

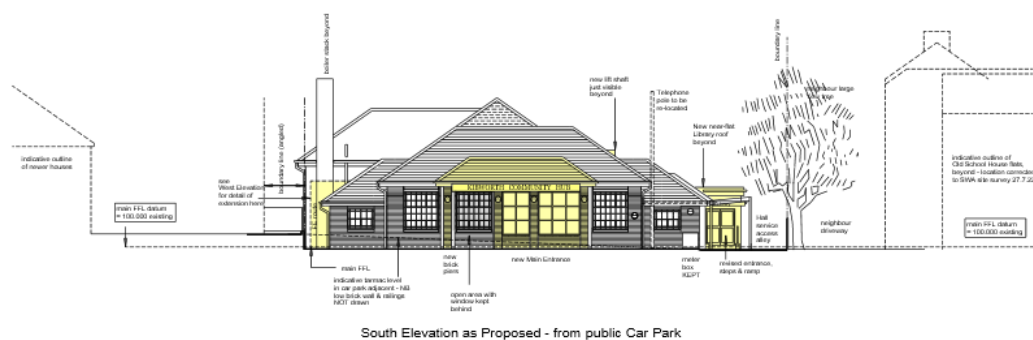
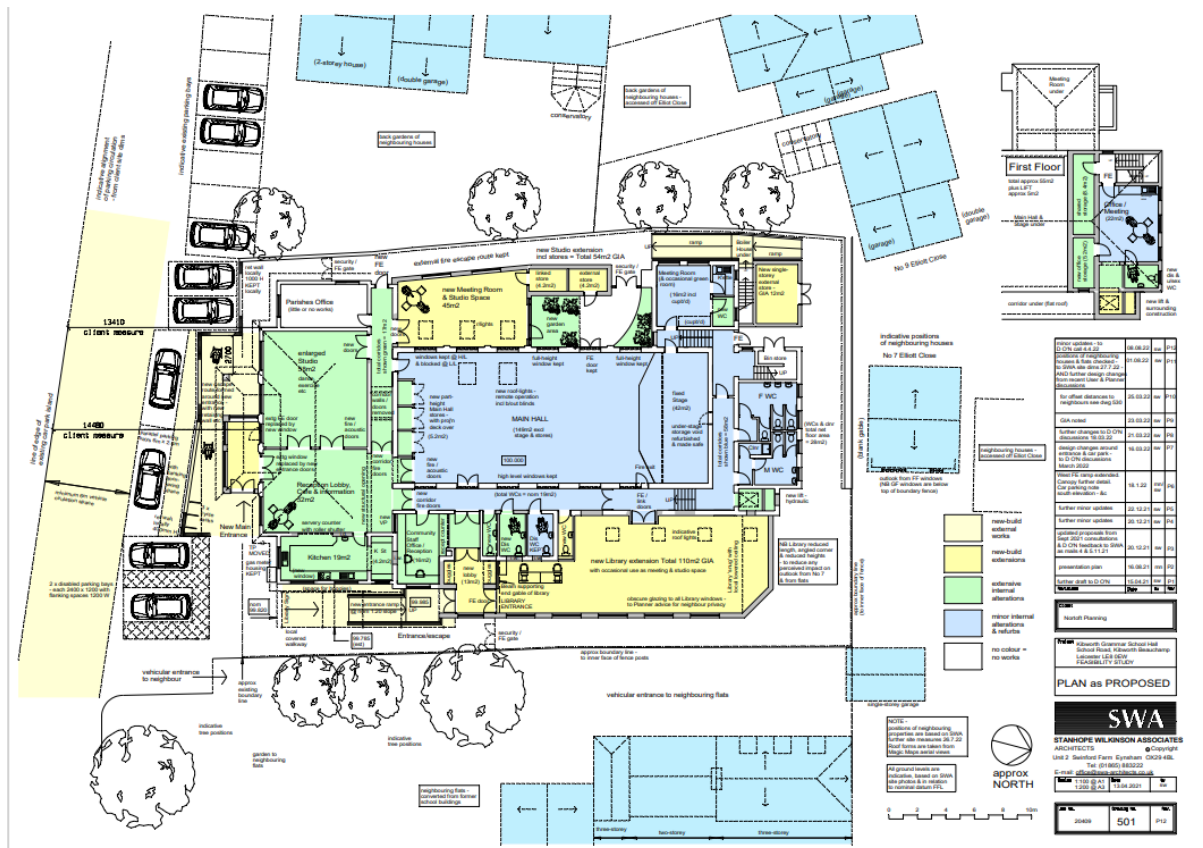


Library extension and covered walkway

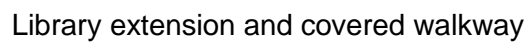


Rear store room extension

- 3.5 During the course of the application amended plans have been received (09.08.2022). The amendments include minor changes to the 'as existing' plans, but only in terms of some more on-site survey measurements. The changes mean that the actual distances to neighbours are further away than were previously shown:
- The rear of the nearest property in Elliot Close to the West is 2m further away from the proposed studio extension.
 - The Grammar School House flats are up to 1.5m further away from the previous version of the library extension.
 - No7 and No 9 Elliot Close are the same or very slightly further away.
- 3.6 On the proposed plans changes have been made to the library extension and the external store. These changes are in response to officers' concerns relating to neighbouring amenity.
- 3.7 In summary the changes are:
- The previously 2-storey store has been reduced from a two storey to a single storey, flat-roofed building
 - The library northern elevation has been moved away from No7 Elliot Close by up to 4m. The design now takes off the protruding corner, with a minimum increased set back of 2m.
 - The set-back library northern elevation roof has also had its roof height reduced by 700mm and the remainder of the library roof height has been reduced by 400mm.
 - In addition, the library pyramidal roof lights have been reduced to normal flat rooflights.
 - The floor area of the library has been reduced by 12% compared to earlier plans, down to the bare minimum (110sqm) that still allows the library to function.
- 3.8 The Kibworth Community Library Trustees have confirmed that the library cannot function with any less floor area, or any further reduction in ceiling level. They are clear that any further changes than those set out below would mean they feel that they could not relocate from their current building; even if this means eventual closure of the library and noting the current facility will soon not be fit for purpose.



New main entrance



d) Pre-application Engagement

3.7 Pre-application advice was sought/provided in 2021 and early 2022.

4. Consultations and Representations

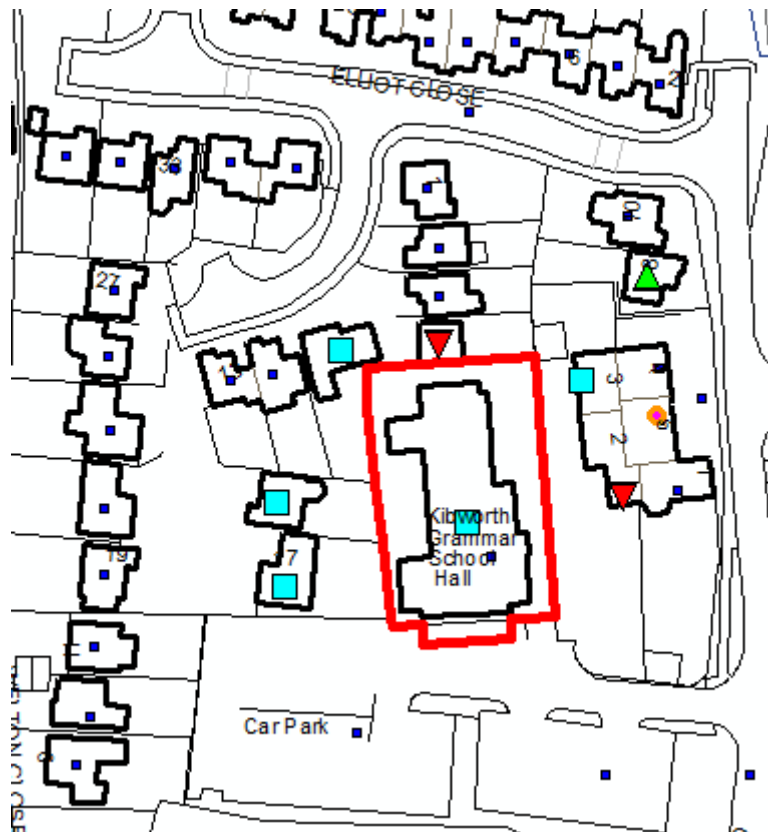
- 4.1 Consultations with technical consultees and the local community have been carried out on the application.
- 4.2 A summary of the technical consultee and local community responses which have been received is set out below. If you wish to view comments in full, please request sight or search via: www.harborough.gov.uk/planning
- 4.3 Where relevant, final re-consultation responses only are reported.

a) Statutory & Non-Statutory Consultees

- 4.4 **Cadent Gas**
No objection, informative note required
- 4.5 **Leicestershire County Council Minerals and Waste**
No objection to the proposed plan
- 4.6 **Leicestershire County Council Ecology**
Recommend conditions re bat mitigation and enhancements for Swifts
- 4.7 **Leicestershire County Council Highway Authority**
Refers the LPA to current standing advice. Consideration should be given to parking provision and turning space.
- 4.8 **Leicestershire County Council Archaeology**
Recommends condition for Written Scheme of Archaeological Investigation
- 4.9 **HDC Environmental Services (Contaminated Land and Air Quality Officer)**
- No comment to make.

b) Public Representations

- 4.10 7 properties were consulted originally (these being: 7, 9, 15 and 17 Elliott Close; Beech Tree Nursery; 2 The Old Grammar School; The Clock House, 3 The Old Grammar School).
- 4.11 The consultation has resulted in 13 comments from separate households; of which 9 are objections (2 of which are from properties directly adjacent to the site) and 4 are support.



Blue Square = Neighbour consulted; Green Triangle = Neighbour comment; Red Triangle = Neighbour objection

4.12 In summary, the objections are:

- Effect on Conservation Area and nearby Listed Building
- Car park space limitations.
- Loss of internal activity space
- Not enough consultation – many users still have no idea this is going on
- The proposed library extension will be very close to the boundary and large enough to intrude on the sight lines of many neighbours
- In the past complaints from neighbours about noise have been received, the new proposal would make matters much worse.
- The proposed front entrance onto the public car park for the main buildings will be very dangerous from traffic.
- Nuisance from noise from proposed Garden Room
- This studio extension will restrict the light to the main hall
- New doors will be provided but the present fire escape route will be compromised due to the proximity of the boundary fence
- Feasibility studies and business case.
- Need for an ecology and bat survey.
- Need for more storage
- Lift and toilet disabled access issues.
- Upstairs storage access issues
- Closeness of library extension to neighbours
- Library extension may cause flooding
- No plan has been put into place for the people who utilise this venue and what happens to them when building work goes ahead.

- This proposed extension will not be much used by the villagers - the present building is much under-used now - and the money given to the community will be wasted. Much better use could be made of it for the large community of Kibworth.
- Internal alterations proposed not practical – moving the kitchen away from the main hall
- The most viable room after the hall namely the lounge will be sacrificed to make way for a coffee bar that's totally unnecessary. There are several in the village already.
- I am a bit concerned about the height of the library... Could the height be re-considered as this will overlook my property's garden, even though I am told there will not be windows my side.
- There will be a significant loss of privacy for me and your neighbours, so the side windows to the new library should at least be obscured.
- The design of the new entrance canopy is inappropriate, the existing grand windows would mostly be lost or obscured
- This will have a detrimental effect on the setting of the Grade II listed Old School Building, so the planning department does need to take this into account.
- The Grammar School Hall was within the curtilage of the Listed Old Grammar School Properties at the time of the listing and it's features and facade are deemed to be art of this listing. The canopy detracts from the buildings aesthetics and heritage.

4.13 In summary the support comments are:

- This plan will give Kibworth Beauchamp and Harcourt a new library whilst the Community Hub will enable more services and facilities for the villages delivered on a single site.
- The Grammar School Hall is centrally located with adjacent parking and ideal for a development of this nature.
- The incorporation of the library into the existing building and its subsequent development will provide an important facility for the village and help to safeguard the future of the hall.
- The building in which the library is currently located is of prefabricated construction and is over 50 years old so is nearing the end of its viable life. It is also much smaller than the minimum size per 1000 head of population recommend for a library by Leicestershire County Council. Relocating the Library to the KCH would provide more space in a new building which would enable the Library to better serve the requirements of the growing population of the Kibworths as well as expanding the social activities which it currently offers.

4.14 In addition, to the individual support comments, a joint letter (dated 28.04.2022) of support (see extract below) has also been received from Chair of the Kibworth Hub Steering Group; Chair of the Kibworth Grammar School Hall Trustees; Trustees of the Kibworth Community Library; Chair of Kibworth Beauchamp and Chair of Kibworth Harcourt Parish Council

This is a letter of support for the planning application for building renovations and extensions to the current Kibworth Grammar School Hall to create a Kibworth Community Hub, including co-location of the Kibworth Community Library.

All our organisations support this essential community project. It is backed by extensive feasibility studies and a detailed business case. There has been very extensive consultation to date that has confirmed the high level of community support.

We are planning to evolve the current Grammar School Hall hire space into a 'Community Hub'. This would support community development by enabling wider activity that improves community resilience, health and wellbeing. It will include a public-facing information and advice point and relevant family services. The new community hub would also have an integrated and streamlined operation for all its uses, under a single management and governance, and be more viable.

We ask not only for your support for this application, but ongoing support for its delivery.

- 4.15 Following re-consultation of the amended plans, 1 objection has been received re-iterating previous concerns in relation to consultation and impact on existing users.

a) Development Plan

- 5.1 The current Development Plan consists of the Harborough Local Plan (HLP), adopted April 2019 and The Kibworth Villages' Neighbourhood Plan (KNP)

HLP key policies:

- Policy SS1 The spatial strategy
- Policy GD1 Achieving sustainable development
- Policy GD8 Good design in development
- Policy RT4 Tourism and leisure
- Policy HC1 Built heritage
- Policy HC2 Community facilities
- Policy GI5 Biodiversity and geodiversity
- Policy CC1 Mitigating climate change
- Policy CC3 Managing flood risk
- Policy CC4 Sustainable drainage
- Policy IN2 Sustainable transport

- 5.2 KNP key policies

- SD1 Limits to development
- H4 Building design principles
- ENV2 Important trees and woodland
- ENV3 Biodiversity
- T4 Improvements to road safety
- T5 Traffic management
- T6 Air Quality

- 5.3 The Kibworth Beauchamp Harcourt Parish Councils are formally reviewing their Neighbourhood Plan. The Kibworth Villages Neighbourhood Plan Review was submitted to HDC for examination on 8th April 2022. A six-week consultation on the proposed Neighbourhood Plan expired on 29th June 2022 the plan will then be reviewed by an

examiner. At this stage, given the level of objection to any policies is unknown limited weight is attributed to the emerging policies. The review is considered to be a material consideration and it shows a direction of travel for development in Kibworth. The emerging policies of most relevance to the proposed development are considered to be:

- Policy SD1 Limits to Development- the policy remains the same

b) Material Planning Considerations

5.4 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.

5.5 *The National Planning Policy Framework (The Framework / NPPF) (July 2021)*

Key Chapters:

- 2. Achieving sustainable development
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment

Given the site's Conservation Area location and adjacent listed building, Paragraph 199 in particular is noted:

"199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

5.6 *National Planning Practice Guidance (PPG)*

5.7 *Planning (Listed Buildings and Conservation Areas) Act 1990 Sections 66 and 72*

Section 66(1) relates to Listed assets and applications for planning permission and states: *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 imposes a duty on Local Planning Authorities to pay special regard/attention to Conservation Areas when considering whether to grant planning permission for development. Section 72(1) states: *"with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

5.8 *Development Management Supplementary Planning Document (SPD)*

- 5.9 *Institute of Highways and Transport “Guidelines for Providing for Journeys on Foot” (2000)*
- 5.10 *Chartered Institute of Highways and Transport “Planning for Walking” (2015)*
- 5.11 *Leicestershire County Council Local Transport Plan*
- 5.12 *Leicestershire County Council Highway Design Guide*
- 5.13 *ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)*
- 5.14 *Circular 11/95 Annex A - Use of Conditions in Planning Permission*

6. Assessment

a) Principle of Development

- 6.1 NPPF Para 84(d) advises

“Planning policies and decisions ... should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship”.

- 6.2 The application proposals enable the retention and development of local services and a key community facility (meeting place and cultural venue).
- 6.3 HLP Policy HC2(2) permits development at existing community facilities in order to assist in their diversification and improved accessibility where the proposal seeks to sustain the future of the facility. Furthermore, HC2 (3) permits the provision of new community facilities and the flexible use of existing space for community uses where they are within easy and safe walking distance of the majority of the community they will serve. The site lies in a sustainable settlement, located within the village centre.
- 6.4 Kibworth NP Policy CSA7 requires Kibworth Grammar School Hall (a community facility) to be safeguarded and enhanced. The proposals will safeguard and enhance the community offer currently provided.
- 6.5 The Design and Access Statement provides the following ‘background’ information on the ‘need’ for the development:

The challenges of Covid have spotlighted many of existing issues and needs within the Kibworth communities. These have been, and will continue to be, amplified by the major new housing growth in and around the two main villages. This new housing has led to a significant growth in population, estimated to have grown by about 19% since 2011, which was on top of previous significant growth. However, over the same period there has been no increase in community hall type facilities.

There are a number of existing organisations and community venues in Kibworth, providing good services, but there is still a gap in the provision of facilities and insufficient opportunities to

support known community needs. At this critical time of challenging health and economic pressures, the Kibworth Grammar School Hall (KGSH) is under financial pressure. Also the separate library building is too small for current needs as it was built in 1968 when the Kibworths were a fraction of the size they are now, and is of an age where it is expected that there will be increasing and significant repair bills for its prefabricated structure. Both buildings also have low energy efficiency and high heating costs due to their design and age. This cost is an increasing and significant viability issue.

A 'Feasibility Study for Community Facilities' report produced Nortoft in June 2020 provided a detailed analysis of the current supply and demand for the existing Kibworth community facilities. The recommendation of the report was that investment into the KGSH location would be the best way of meeting the requirements of the community in the future, in particular providing for new community hall space and bringing the library functions into a new integrated facility. This recommendation was endorsed by Kibworth Beauchamp Parish Council and Kibworth Harcourt Parish Council in autumn 2020.

Based on the findings now set out within a subsequent "Needs Assessment Report, Consultation Results and Analysis" (November 2021 'Needs Assessment') and as supported by national good practice, it is recommended that KGSH should evolve into a 'Community Hub'. This would support community development by enabling wider activity that improves community resilience, health and wellbeing. This will include a public-facing information and advice point and relevant family services. The expanded community hub facility would become multi-functional and would provide a better offer for the community, attracting a wider range of users, more footfall, and improved income. It is envisaged that the new community hub would also have an integrated and streamlined operation for all its uses, under a single management and governance.

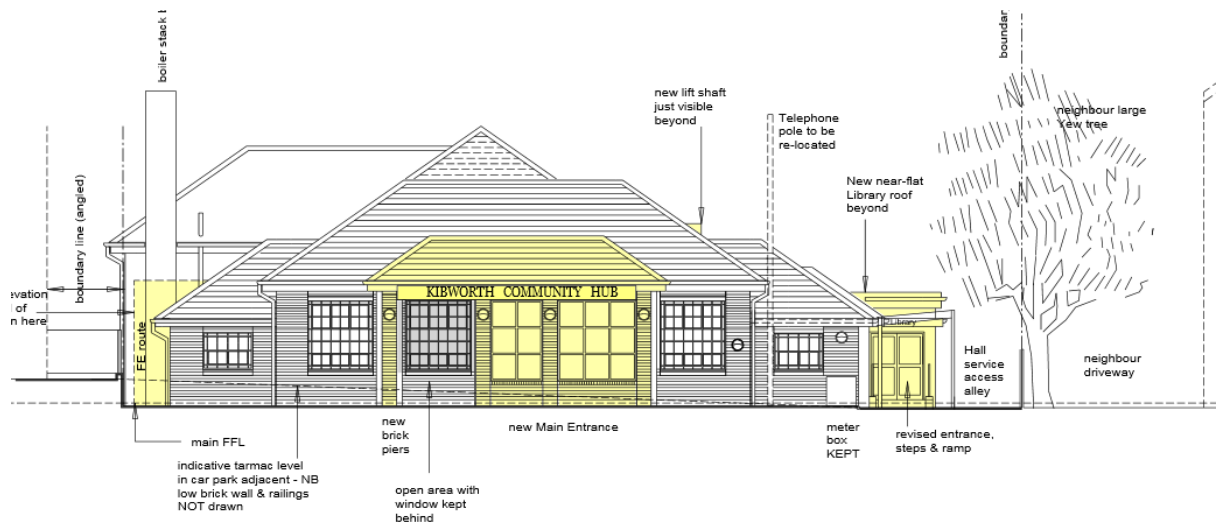
- 6.6 The extensions and refurbishment works, including the proposed uses, would enhance the building overall quality and use, with mutual / symbiotic social benefits for a wide cross section of the community and is judged to accord with NPPF Para 84(d), HLP Policy HC2 (2 and 3) and KNP CSA7

Design and Visual Amenity

- 6.7 Section 12 of the NPPF refers to achieving well designed places, specifically; paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130, amongst other things states that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.8 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. 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. In areas of high heritage value, such as conservation areas, it expects new development to reflect the characteristics of the area. Furthermore, development should protect existing landscape features, wildlife habitats and natural assets

Main entrance

- 6.9 A new signed (separate advertisement consent required) main entrance from the car park is proposed which will emphasise the use of the building for the community. The new entrance design sensitively compliments the existing roof line, and its central position maintains the building's symmetry. The open (left) portion of the entrance allows the existing windows to be seen, and the new front windows compliment these and other windows. The materials are of matching brick and tile. The new windows will be white doubled-glazed UPVC, with cills to match existing. Gutters and downpipes will match existing. The main door will be glass in a wooden frame. The removal of the telegraph pole will enhance the view of the current building from the public car park.

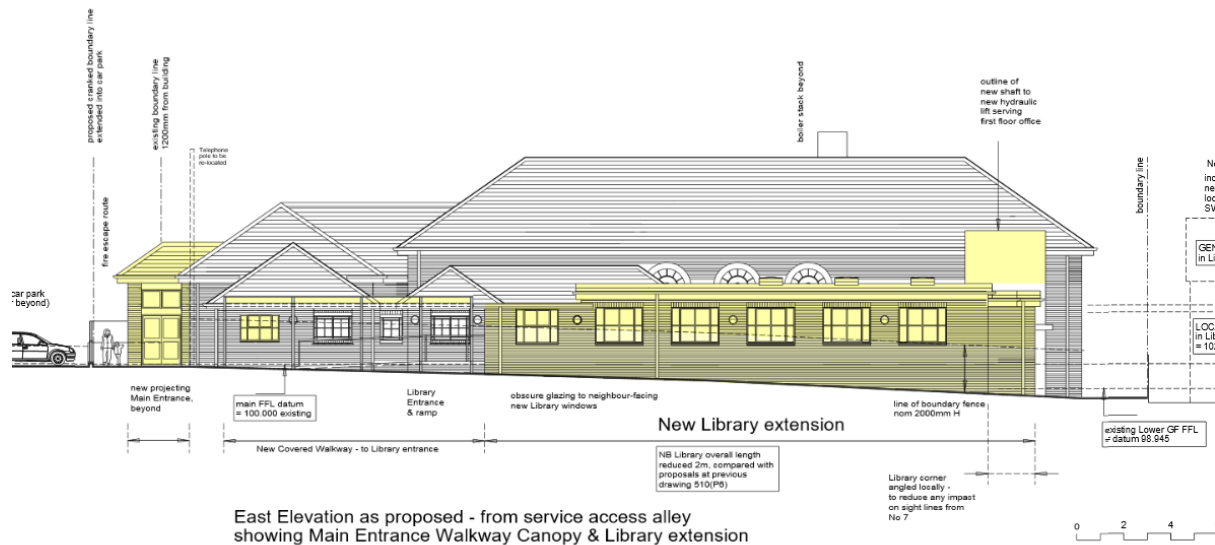


South Elevation as Proposed - from public Car Park

South elevation showing the new Main Entrance

New studio/meeting room extension

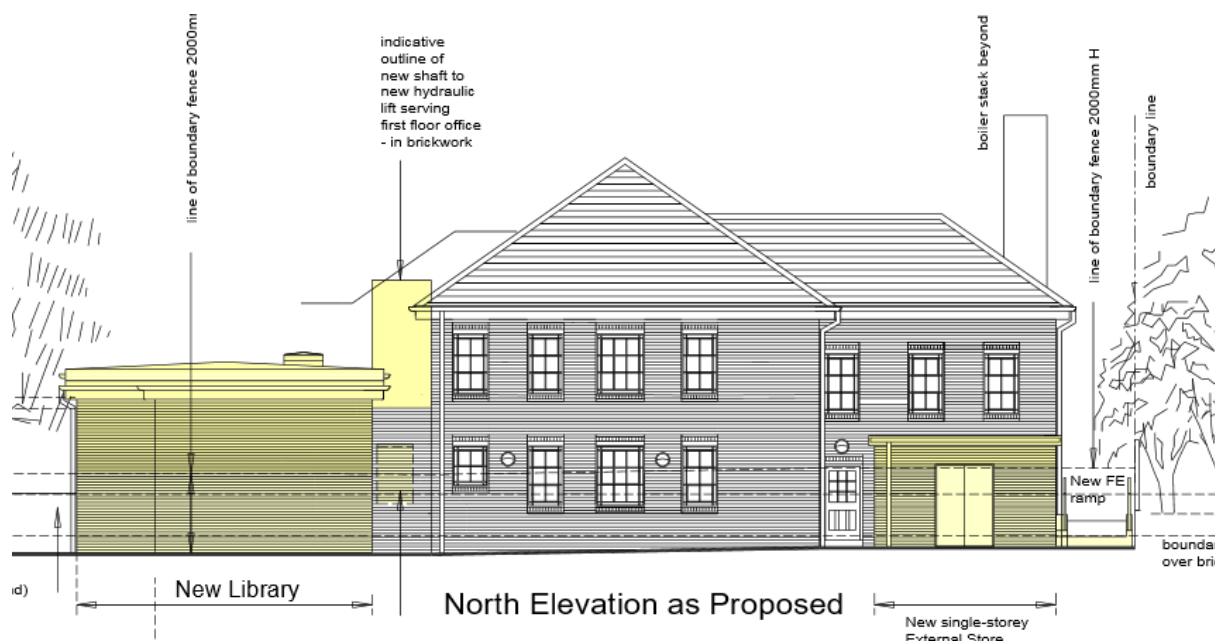
- 6.10 This is a small studio extension in the area of the old playground; where a wooden storage shed currently sits. The extension has a flat roof with light domes on the flat roof and velux windows on the main hall roof. The extension encloses a small secure garden area, that will be available for gardening therapy, break out space and act as a fire escape route. The extension will be constructed from matching facing brick. The new windows will be white doubled-glazed UPVC, with cills to match existing. Gutters and downpipes will match existing.



East elevation showing the new library extension and covered walkway

Rear store room extension

- 6.13 This is a very small extension for use as a long-term store (e.g. for books and theatre equipment) at the back/north end of the building. It will have no side windows, only a roof light on its flat roof. It has a fire exit ramp on its east side. The structure does not extend beyond any of the existing building elevations



North elevation showing the library extension (left) and the small store extension (right)

- 6.14 Given the site constraints, namely the limited space to expand, with the space requirements needed to make the redevelopment viable, the need to retain the view of the upper part of the semi-circular window frames, together with adjacent neighbouring properties; the flat roof design solution for three of the extensions is judged to be

acceptable. The main entrance has been designed with a hipped which respects the design of the existing building. With the exception of the covered walkway is lightweight and 'see through' and is judged to be appropriate. When the proposal is evaluated in the round, it is judged to achieve a good standard of design.

Heritage

- 6.15 The Planning (Listed Buildings and Conservation Areas) Act, 1990 requires decision makers when determining application to have special regard to the desirability of preserving a listed building or its setting or of any features of special architectural or historic interest it possesses (section 66) and also to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area (section 72)
- 6.16 The NPPF seeks to conserve and enhance the historic environment. Para 189 of the NPPF advises that in considering the potential impact of a development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset.
- 6.17 The PPG recognises that heritage assets may be affected by direct physical change but is also makes clear that what matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. The PPG also points out that it is the degree of harm, rather the scale of development that is to be assessed.
- 6.18 Policy HC1 states that development within or affecting a Conservation Area will be permitted where it preserves or enhances the character or appearance of the Conservation Area, including local design and materials. Development affecting heritage assets and their settings will be permitted where it protects, conserves or enhances the significance, appearance and setting of the asset. Where the proposed development would lead to less than substantial harm to the significance of a heritage asset or its setting the harm will be weighed against the public benefits of the proposal.
- 6.19 The Old Grammar School Hall is not listed. One of the comments received, considers the Old Grammar School Hall to be curtilage listed. However, the former HDC Conservation Officer advised the Case Officer as part of pre-app discussions that in his opinion the building is not curtilage listed. Notwithstanding, this advice, it is acknowledged there is a visual and historic relationship between the Hall and the School.
- 6.20 The site lies within Kibworth Beauchamp Conservation Area (designated 1982) and includes the historic settlement core the village. The Conservation Area Character Statement says (amongst other things)

"The Conservation Area excludes the 20th century housing estates and the late 19th century development to the west, but includes the former Grammar School (founded 1726) and its grounds now developed for housing"
- 6.21 The significance of the Conservation Area when (having read the Conservation Area Character Statement) is largely derived from the village's historic form, street pattern and influence from the railway. The Old Grammar School Hall, whilst within the Conservation Area boundary is not specifically mentioned. It is acknowledged that the extensions to the Hall will result in some change to the Conservation Area, but this does

not equate to harm. In Officers opinion, the Conservation Area as a whole area would be preserved.

- 6.22 The site lies adjacent to the Grade II Listed Building (1-5, The Old Grammar School. List Entry Number 1061573)
- 6.23 The library extension and covered walkway would bring The Old Grammar School Hall closer to the Listed Building and in Officers opinion there would be some harm to its significance/setting as a result. This harm is considered to be less than substantial.



- 6.24 Para 207 of the NPPF advises where a decision maker identifies less than substantial harm, this should be weighed against the public benefits of the proposal.
- 6.25 As already mentioned within this report, the re-development of the Hall would provide social benefits for a wide section of the community and these public benefits are judged to outweigh the harm identified.

Residential and General Amenities

- 6.26 Policy GD8 of the HLP 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 or 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 As previously mentioned, amended plans have been received in order to address Officer concerns with regard to residential amenity.
- 6.28 Below is an assessment of the proposal's impact upon existing residents amenity.

No.2 and 3 Old Grammar School

- 6.29 As can be seen from the photo below, the front elevations of No.2 and No.3 Old Grammar School face towards the side of the Hall. No.2 and No.3 are accessed via private drive leading from the public car park. No.2 is two storey and No.3 is 3 storey.



View of No.2 and No.3 Old Grammar School from the site

- 6.30 Below are photos taken inside No.2 and No.3 Old Grammar School looking towards the Hall.



View from No.2 ground floor window



View from No.2 1st floor



View from No.3 Ground Floor

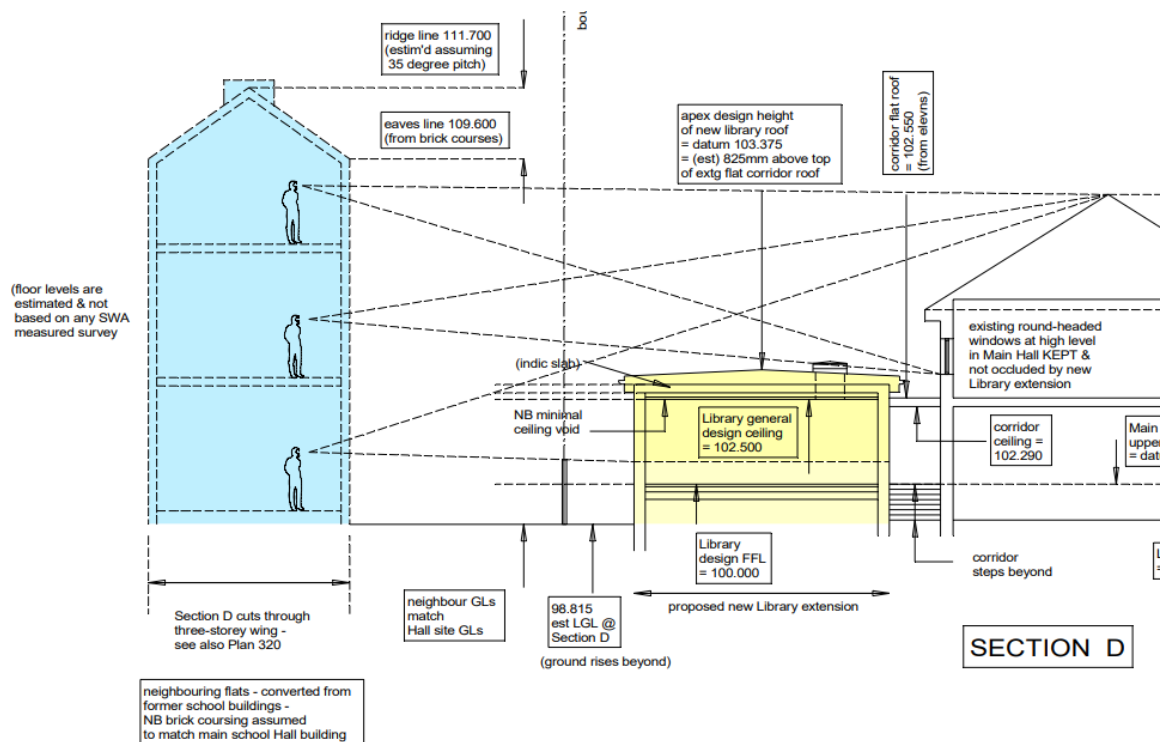


View from No.3 1st floor

- 6.31 At its closest, the Hall is 12.37m from No.2 and 15.45m from No.3. At its closest, the library extension will be 8.388m from No.2 and No.3



Extract of Proposed (Amended) East Elevation showing relationship of proposal with No.2 and 3 Old Grammar School



Cross Section Proposed

- 6.32 It is therefore acknowledged, the outlook from the ground floor windows of No.2 and No.3 will be affected as a result of the proposed extension. Although the impact on No.3 will be reduced as the corner of the extension closest to them will angled. However, the above cross section illustrates that it will still be possible to see beyond the extension and light can still penetrate into these windows. It is also noted there is a 2m high fence and access drive in between.
- 6.33 The windows in the library extension that face towards No.2 and No.3 will be fitted obscure glazing to minimise avoid overlooking/minimise loss of privacy. Further, it should be noted that as a result of the extension, it will prevent staff/users of the building parking in this area as the access will be too narrow to fit a car down the side, furthermore a security gate is proposed to prevent access by members of the public. This will reduce noise and disturbance to No.2 and No.3.
- 6.34 On balance, the amendments made to the library extension are sufficient enough not to warrant refusal of the scheme, particularly given the community benefit of proposal.

No.7 Elliott Close

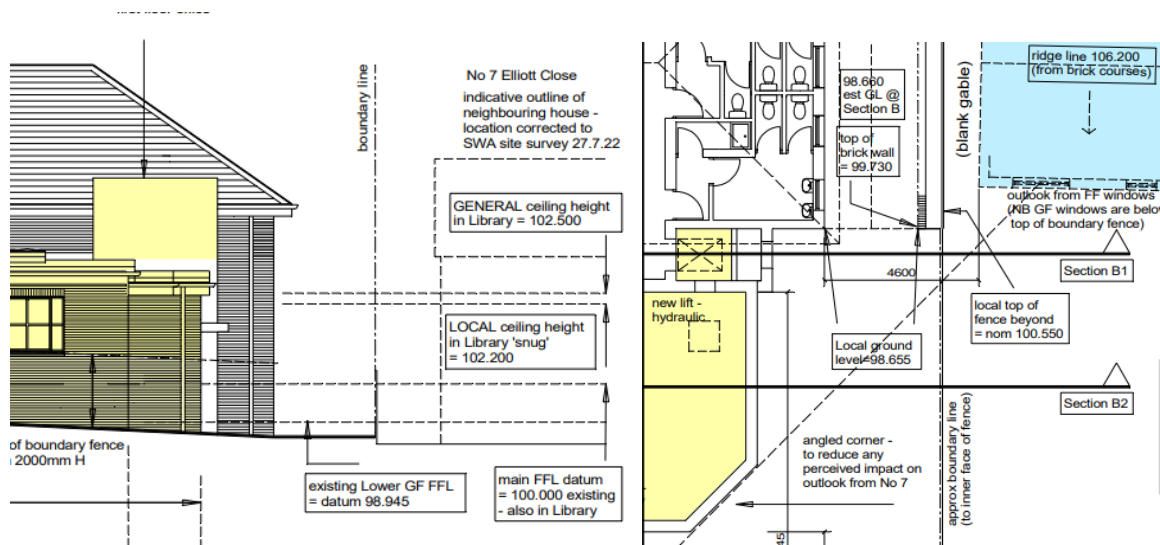
- 6.35 No.7 is a two storey property, positioned to the north of the site. No.7's rear elevation faces east.



View towards No.7



View from No.7's garden



Extract of Proposed (Amended) Site Plan and Elevation showing relationship of proposal with No. 7 Elliott Close

- 6.36 The amended proposal has moved the library extension further from the No.7's side boundary, has a lower height and has an angled corner. These adjustments, are considered to reduce the impact upon No.7 to an acceptable level
- 6.37 At its closest, the new store will be 5.545m from the front elevation of No.7 Elliott Close. As the store will be single storey and because the existing boundary treatment between No.7 and the store. No adverse impact can be identified from this proposed element.

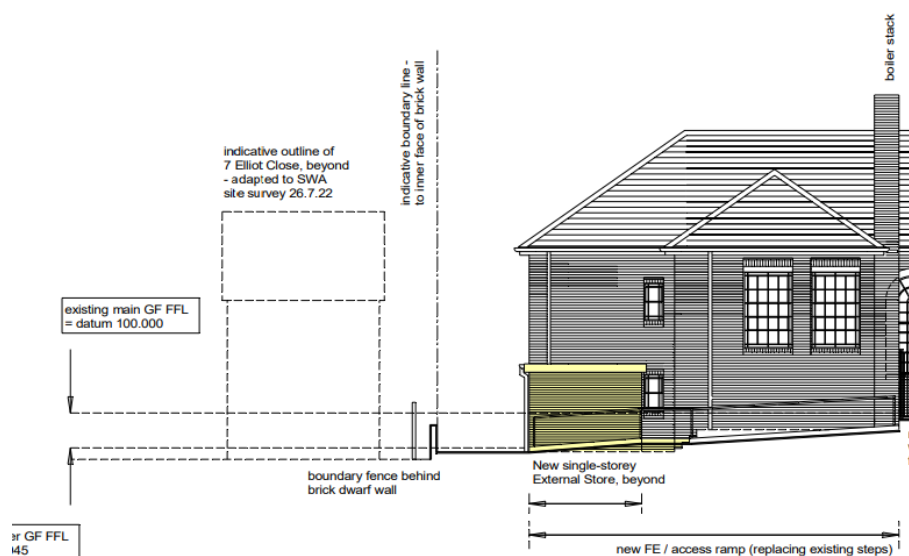
No.9 Elliott Close

- 6.38 No.9 is a two storey property, positioned to the north-west of the site. Its rear elevation faces south.



View towards No.9

- 6.39 The store extension has been amended to be single storey only. This adjustment, is considered to reduce the impact upon No.9 to an acceptable level.

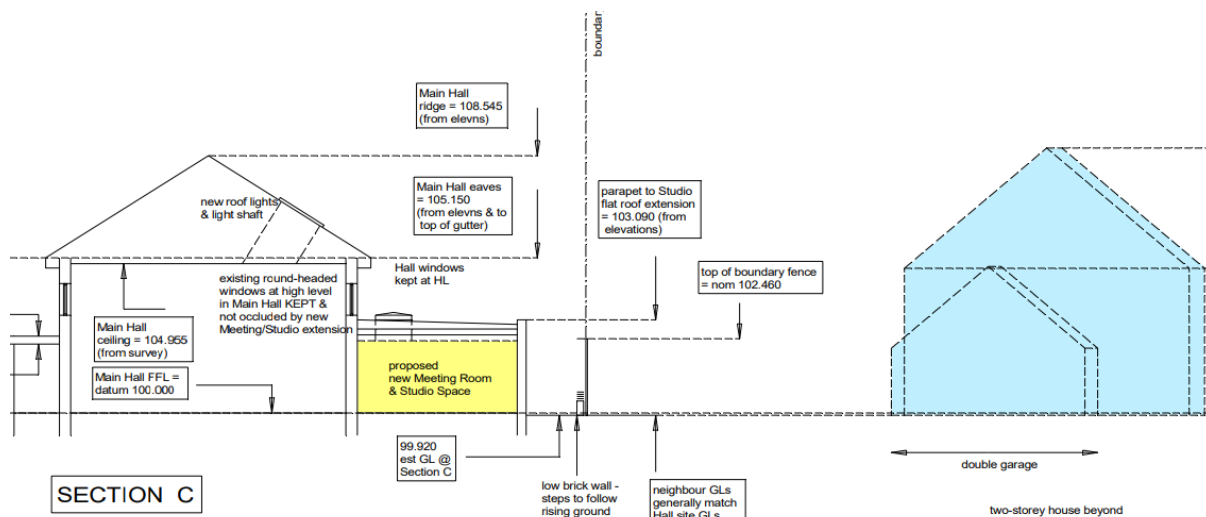


No. 15 and 17 Elliott Close

6.40 These are two storey properties positioned to the west of the site. The rear elevations and rear gardens face east.



View from No.19 Elliott Close



Extract of Proposed (Amended) Site Plan showing relationship of proposal with No.15/17 Elliott Close

- 6.41 Given the single storey nature of the new meeting room and studio space, separation distance from the rear elevations to the extension, together with the existing boundary treatment (c/b fence and vegetation inc. trees). No significant adverse impact can be identified upon either of these occupiers.
- 6.42 In addition to the extensions, it is also proposed to install a new security gate to stop access to the rear of the building, and so keep people away from neighbours' back gardens.

Hours of use

- 6.43 The Design and Access Statement advises the current hours of use will not change. These being:
- Monday 8am–11:30pm
 - Tuesday 8am–11:30pm
 - Wednesday 8am–11:30pm
 - Thursday 8am–11:30pm
 - Friday 8am–11:30pm
 - Saturday 8am–11pm
 - Sunday 8am–11pm
- 6.44 Officers agree with the Applicant that the extensions will help to reduce the noise from the main hall, which is used largely for weddings, children parties, theatre events, fairs etc, as they will act an acoustic barrier. It is also agreed that the noise from the library or new studio will be any more intrusive than current noise levels The Applicant also advises that people exiting the venue in the evenings will now exit direct to the car park or via the new entrance or via the covered walkway, which will reduce the number of people standing and talking outside the current entrance and so being close to the boundary of No.2 and No.3 Old Grammar School. Whilst Officers agree that exiting via the main entrance will be beneficial, the same cannot be said with the covered walkway given its position close to these neighbours. As such, should members be minded to approve the application it is recommend a condition is imposed preventing use of the covered walkway from/to the car park after 7pm.

- 6.45 Finally, it is recommended that a construction management plan be submitted to control noise/disturbance during the construction of the development given the constrained site, and proximity to residential dwellings.

Access and Highway Safety

- 6.46 Policy GD8 of the HLP states that development will be permitted where it ensures safe access, adequate parking and safe, efficient and convenient movement for highways users. Policy IN2 states that development proposals should have regard to the transport policies of the Local Transport Authority and that development should provide safe access and parking arrangements and where possible protect or connect to existing pedestrian, cycle and equestrian routes.
- 6.47 The access to the building will remain as current, being from School Lane into School Lane car park (HDC operated).
- 6.48 KNP Policy T3 (Public car parking) says:

Development proposals that would result in the loss of off-street car parking on the areas shown on the Proposals Map would only be acceptable where: 1) It can be clearly demonstrated that there is no longer any potential for the continued use of the land for car parking and that the loss of parking will not aggravate an existing shortfall of spaces in the vicinity; or 2) Adequate and convenient replacement car parking spaces will be provided elsewhere in the vicinity

- 6.49 The Grammar School Hall Car Park has 82 spaces. Three car parking spaces are lost as a result of the proposal (to provide a widened access and improved fire escape route) but these will be replaced by three others that currently have the large community recycling bins placed on them. The bins will be moved to a grass area near the car park entrance. There are two improved disabled spaces by the new entrance. In addition there will be new parking for 6 cycles (3 steel hoops) by the new entrance, so providing secure sustainable transport options.
- 6.50 The supporting text within the KNP explains for the vast majority of time there is a surplus of available parking spaces at Grammar School Hall. The D&A advises “...*the proposed increased use of the extended community hall will very largely be focused on off peak usage*”.
- 6.51 Given that the proposal results in no net loss of parking spaces, the planned peak time use of the hall being outside normal peak traffic and use of the mainly be by village residents who will be increasingly encouraged to walk and cycle to the venue, it is considered the proposal will not result in on street parking problems within the immediate vicinity.

Arboriculture

- 6.52 A Tree Survey Report (DunnKirk Consultancy Ltd, 5th April 2022) has been submitted in support of the application.
- 6.53 The trees identified are all situated on third party land on the east and west boundaries. Of the 11 trees surveyed, there are 3 A Category trees (T4, T8, T10) and 8 B Category trees T1, T2, T3, T5, T6, T7, T9, T11).

- 6.54 The overall conclusion from the Tree Survey Report “*is that the arboricultural impact is low, and can be mitigated with supervised tree works, landscaping, protective barriers, specified working procedures; and a methodology to mitigate the effects of the proposed development*”.
- 6.55 A planning condition is suggested to ensure this mitigation is undertaken.

Archaeology

- 6.56 LCC Archaeology have reviewed the application and advised the LPA:

The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies in an area of archaeological interest, within the historic settlement core of Kibworth Beauchamp (MLE9147). 3 sherds of Medieval pottery and 12 sherds of post-medieval pottery were recovered from test-pitting in 2009 (MLE19969, MLE19970) 13m NE of the application area, and it is thought the site was used from the 12th century onwards. As such there is good potential for Medieval and Post-Medieval remains to be present within the site.

The villages of Leicestershire and the wider English Central Midlands, appear to have evolved alongside their open field systems, during the later 1st millennium AD. Buried archaeological evidence, constituting one or more as yet unidentified heritage asset(s) spanning the period from the earliest evolution of the village to its more recent past can be expected within the development area. Consequently, there is a likelihood that buried archaeological remains will be affected by the development...

...To ensure that any archaeological remains present are dealt with appropriately, the applicant must obtain a suitable written scheme for the investigation and recording... This should be submitted to HNET, as archaeological advisors to your authority, for approval before the start of the development”

- 6.57 A planning condition is suggested to deal with the request from LCC Archaeology.

Ecology

- 6.58 A Bat Scoping Survey was submitted in support of the Application (Pear Tree Ecology, April 2022). The survey found evidence of Pipistrelle spp. and Brown Long-eared Bat. Emergence surveys were undertaken as a result on 0th May 2022 (evening survey), 2nd June 2022 (evening survey) and 21st June 2022 (predawn survey) with a further report submitted in July 2022.
- 6.59 Bat activity recorded throughout all three bat activity surveys was deemed to have no association to this building or other buildings on site or adjacent to it. However, given that a small number of droppings were found during the scoping survey at two locations within the roofspace of this structure, it is believed that the site has in occasional use by one or two bats over several years. However, as no activity was gained during bat activity surveys of where and how bats use the building then a precautionary avoidance approach is recommended in the report.
- 6.60 LCC Ecology have reviewed the survey and have suggested two conditions; one referring to the mitigation measures stated in the survey and the other relating to the enhancements for swifts.

Flooding and Drainage

- 6.61 The application site is located in Flood Zone 1 with no identified critical drainage issues. The Application Form indicate the following
- Surface water drainage from building to be to “*Main sewer*”.
 - Foul sewage to be to “*Mains sewer*” (as at present).
- 6.62 Sustainable drainage techniques for additional surface (roof) water capture from the building should be investigated before turning to discharge to main sewer. As this is not a major application, this can matter controlled be reasonably controlled by Building Regulations.

Climate Change

- 6.63 The proposal is not obligated to mitigate climate change under Local Plan Policy CC1 (as the proposal is not “major development”). However, some positive weight is attached to the proposal to retain, refurbish and extend the existing rather than to demolish and rebuild.
- 6.64 The works would improve heating systems and the thermal efficiency of the building. Increased usage would improve cost-effectiveness.

7. Conclusion / Planning Balance

- 7.1 The re-development of the Old Grammar School Hall, into a community hub should result in a net increase in usage, a wider range of users, a more viable facility long term, enhanced accessibility to its resources and an overall improvement in the quality of life of the Kibworth communities.
- 7.2 The proposal is sustainably located and would not cause significant and demonstrable harm to highway safety interests.
- 7.3 The proposal would not be detrimental to ecological, arboricultural, archaeological, drainage and flood risk, or other material interests
- 7.4 The proposal has been amended, such that, on balance, the development would not harm neighbouring amenities in the area
- 7.4 The proposal has been satisfactorily designed and would preserve the character and appearance of the Conservation Area.
- 7.5 The proposal would result in less than substantial harm to the Listed Building for which great weight should be attached. The public benefits of the proposal (see para 7.1) are judged to outweigh this harm.
- 7.6 The proposal complies with the policies of the Harborough Local Plan (Development Plan) and the NPPF taken as a whole and the Planning (Listed Buildings and Conservation Areas) Act 1990. No other material considerations indicate that the policies of the Development Plan should not prevail. As the proposal accords with an up-to-date development plan it should be approved without delay.

Appendix A - Suggested Conditions

8.1 If Members are minded to approve the application the following conditions are recommended:

- 1) 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) The development hereby permitted shall be implemented in accordance with the amended plans submitted 9th August 2022:

--510(P8) – South and East Elevations

--515(p5) – North and West Elevations

--501(p12) – Site Plan as Proposed

REASON: For the avoidance of doubt.

- 3) 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) the parking of vehicles of site operatives and visitors;
 - b) loading/unloading and storage of construction materials
 - c) wheel cleaning facilities and road cleaning arrangements;
 - d) measures to control the emission of dust and noise during construction;
 - e) a timetable for the provision of the above measures (a-d)
 - f) scheme for recycling/disposing of waste resulting from site preparation and construction works;
 - g) hours of construction work, site opening times, hours of deliveries and removal of materials;
 - h) full details of any piling technique to be employed, if relevant;
 - i) location of temporary buildings and associated generators, compounds, structures and enclosures
 - j) routing of construction traffic
 - k) Contact details for site manager, including how these details will be displayed on site.

The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general, to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users and to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area, having regard to Harborough Local Plan Policy GD8

- 4) The development hereby approved shall be implemented in strict accordance with the bat mitigation measures stated in section 5.1.1 Bats - Recommendations of the Bat Scoping & Activity Surveys report (Pear Tree Ecology, July 2022).

REASON: To safeguard bats, a protected species, having regard to HLP GI5

- 5) No development shall take place until a plan showing the locations of a minimum of four new swift nest boxes has been submitted to and approved in writing by the local planning authority. All works are to proceed strictly in accordance with the approved plan

REASON: In the interests of nature conservation, having regard to HLP GI5

- 6) The development hereby approved shall be implemented in strict accordance with the tree mitigation measures stated in the Tree Survey Report (DunnKirk Consultancy Ltd, 5th April 2022).

REASON: To safeguard the adjacent trees and in the interests of visual amenity

- 7) No demolition/development shall take place/commence until a written scheme of investigation (WSI) 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 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 and recording

- 8) The windows in the library shall be fitted with obscure glass (minimum level 4) and be non-openable and shall be retained in perpetuity. Further, no additional windows shall be inserted in the library beyond that shown on the approved plans

REASON: To safeguard residential amenity having regard to HLP Policy GD8

- 9) Users of the Old Grammar School Hall shall not use the covered walkway/secondary entrance after 7pm.

REASON: To safeguard residential amenity having regard to HLP Policy GD8

Note to Applicant

- 1) You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
- 2) If the plans deposited involve the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.
- 3) The applicant is advised that this permission does not grant consent for the proposed advertisement(s) for which separate consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 is necessary.

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 appended Planning Conditions (Appendix A).

1. Site & Surroundings

- 1.1 The application site is a 0.3 hectare plot of land which lies within the village settlement of Great Bowden. The site is a paddock / grazing area associated with Rectory House, which is a Grade II* (star) Listed Building lying 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. An ancient delineation, by way of mud wall (with more modern pantile coping), runs along the eastern site boundary (see **Figures ++ & --**). The tall garden wall and the mud wall are contiguous with the Listed mud wall demarcating the northern boundary of the Grade I Listed St. Peter and St. Paul Church and southern boundary of Rectory House. It is considered that the historic brick and mud walls surrounding the site are heritage assets and that great weight should also be afforded to their protection.

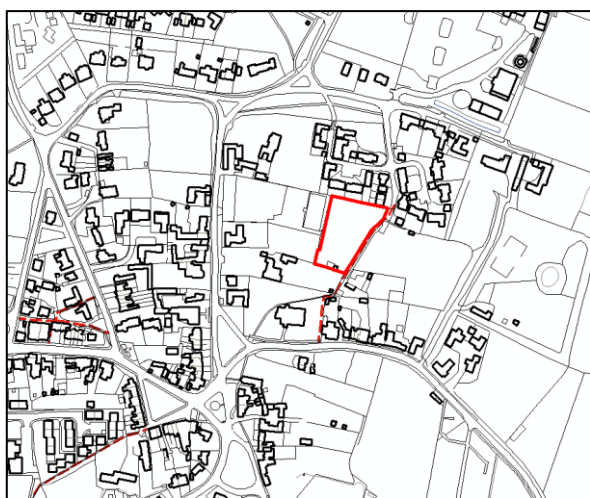


Figure 1: Site Location



Figure 2: Aerial Photo

- 1.2 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.
- 1.3 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.
- 1.3 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 "Ferne 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.
- 1.4 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 Ferne Hunt Stables development and the Middlebrook Mushrooms development and linking to the public highway at "Nether Green".
- 1.5 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. 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.



Figure 3: Listed Buildings in the vicinity of the site

- 1.6 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.

- 1.7 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.

2. Site History

- 2.1 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

3. The Application Submission

a) Summary of Proposals

- 3.1 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**).

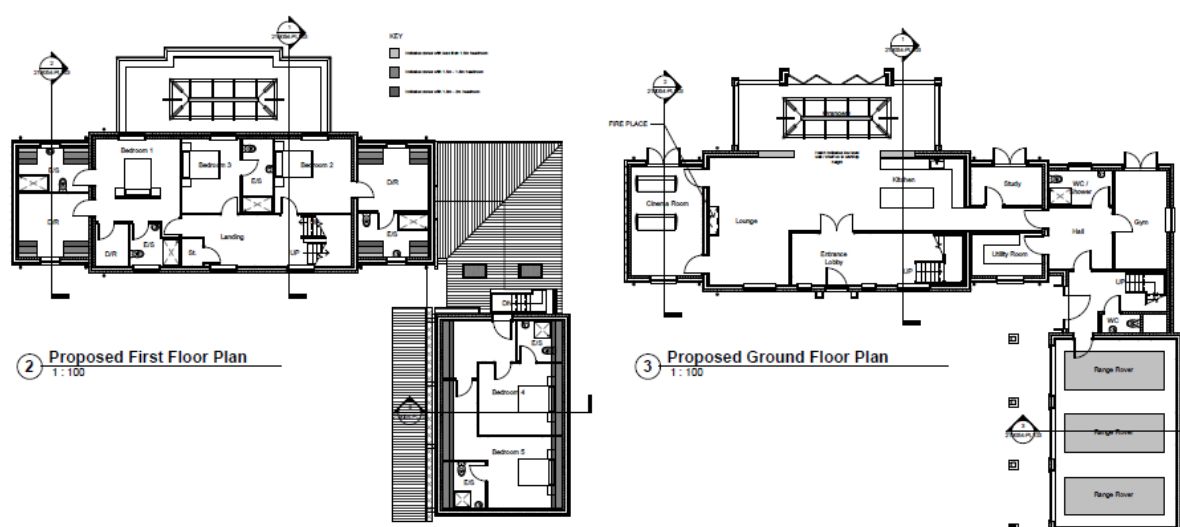


Figure 5: Proposed Floorplans

- 3.2 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**).
- 3.3 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**).
- 3.4 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).
- 3.5 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.

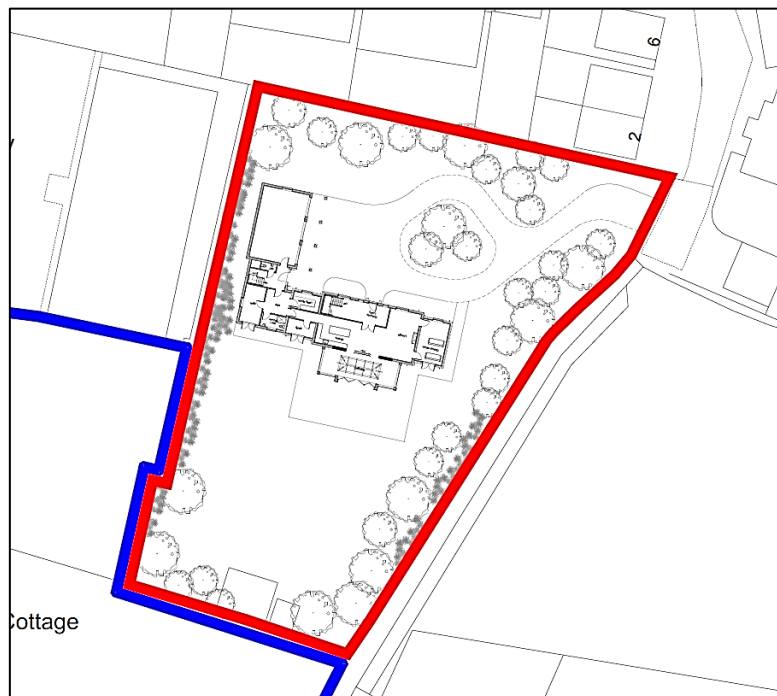


Figure 6: Proposed Layout

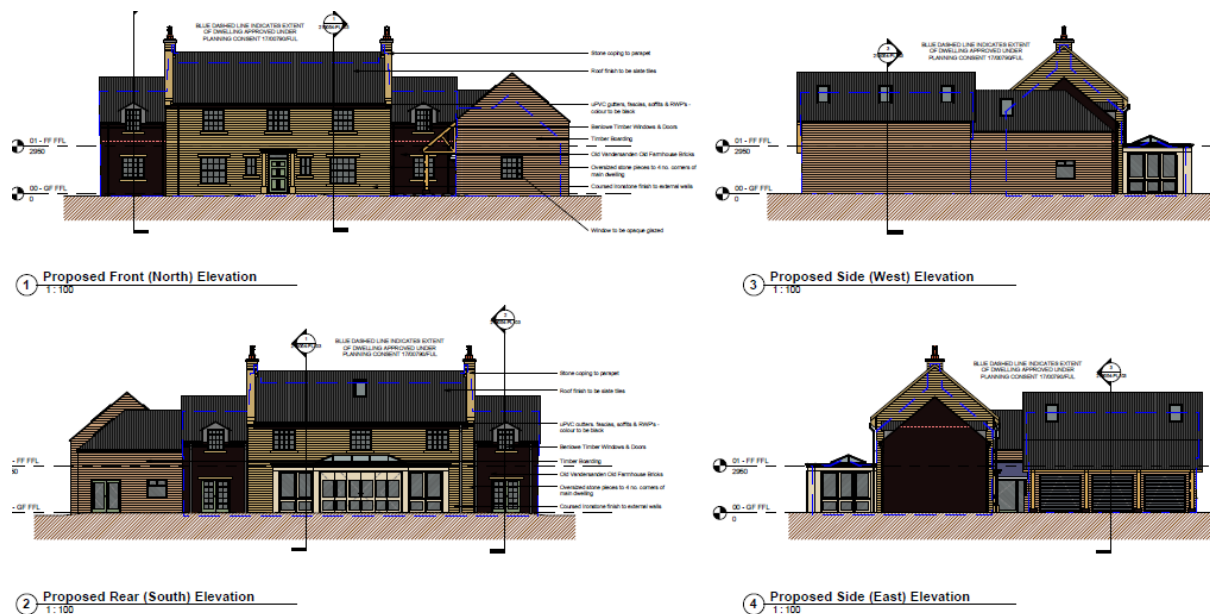


Figure 7: Proposed Elevations

- 3.6 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

- 3.7 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.

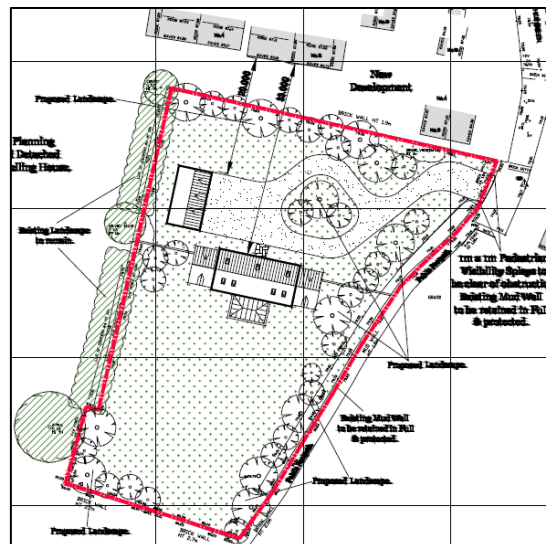


Figure 9: Approved site layout

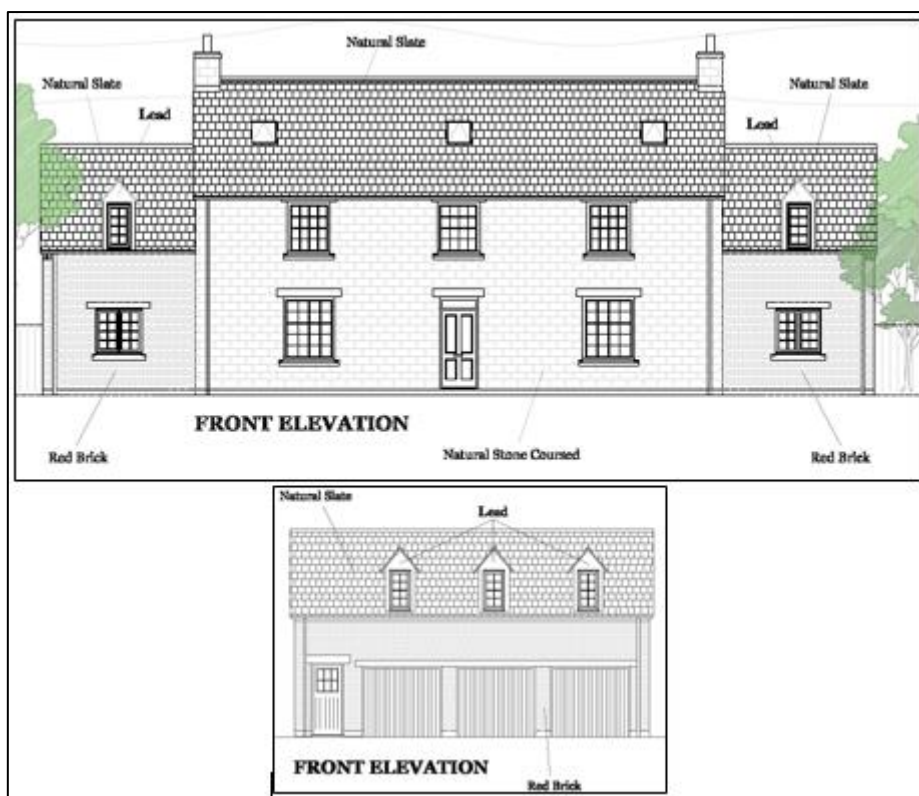


Figure 10: Approved elevations

- 3.8 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.

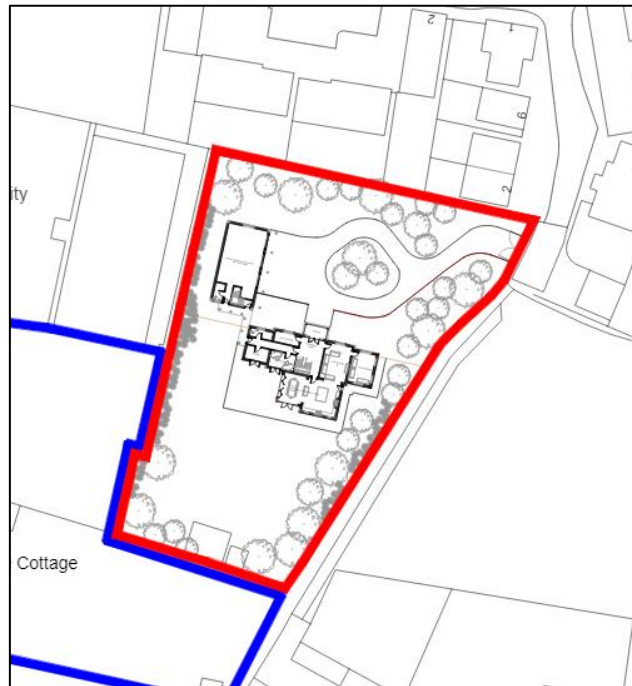


Figure 11: Withdrawn site layout



Figure 12: Withdrawn dwelling elevations

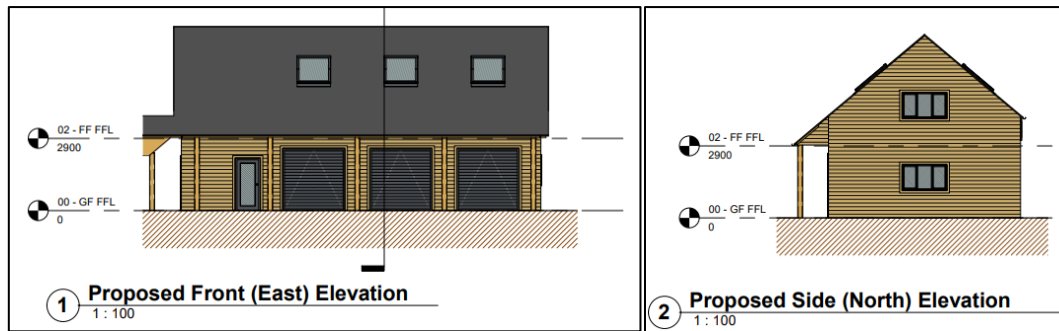


Figure 13: Withdrawn garage elevations

- 3.9 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 14: Google aerial image indicating work undertaken on site

- 3.10 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

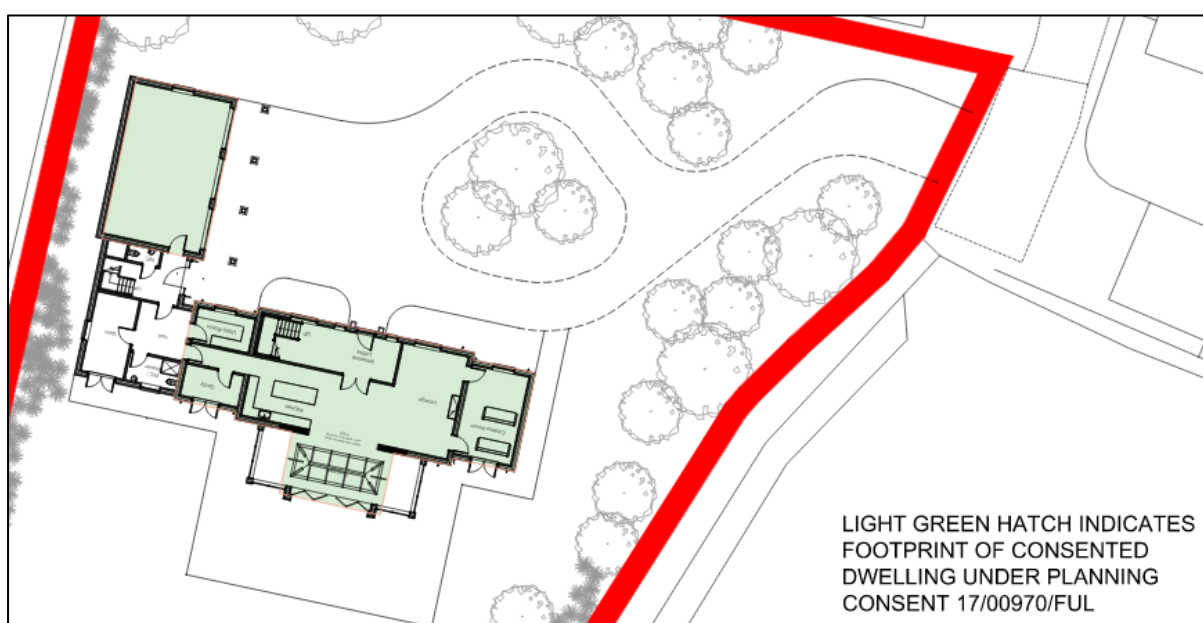


Figure 16: Comparison site plan



Figure 17: Comparison elevations

b) Plans and Statements / Documents for Assessment

i. Plans

3.11 The following plans are being considered:

- Site Location Plan and Proposed Site Layout Plan – 219054-PL100
- Proposed Floorplans – 219054-PL101
- Proposed Elevations – 219054-PL102
- Proposed Sections – 219054-PL103

ii. Supporting Statements / Documents

3.12 The applicant has submitted the following supporting documents:

- Design and Access Statement
- External Materials Schedule

c) Pre-application Engagement

3.13 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

4.1 Consultations with technical consultees and the local community have been carried out on the application.

4.2 A summary of the technical consultee and local community responses which have been received is set out below. If you wish to view comments in full, please request sight or search via: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

4.3 *Historic England (07/06/22)*

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

4.4 *LCC Ecology (16/06/22)*

Our comments to previous planning applications on this site still stand for this current planning application.

4.5 *LCC Ecology (Comments on previous application)*

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.

4.6 *LCC Highways (16/06/22)*

The Local Highway Authority (LHA) refers the Local Planning Authority (LPA) to current standing advice provided by the LHA dated September 2011.

4.7 The LPA should note that 'Nether Green' is only partially adopted and that the application site boundary - as shown on the Site Location Plan & Proposed Site Layout Plan (ima architects drawing number 219054-PL100) - does not form a common boundary with the adopted highway. The LPA may therefore wish to obtain a revised red line boundary plan accordingly. Information on the public highway extents can be found by contacting hre@leics.gov.uk.

4.8 The LPA should consider the following:

- 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

4.9 *LCC Archaeology (16/06/22)*

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.

- 4.10 Assessment of the Leicestershire and Rutland Historic Environment Record (HER), supported by the results of a previous archaeological evaluation of the development area, undertaken by the University of Leicester Archaeological Services (ULAS) on behalf of the applicant (ULAS ref.: 2017-056), shows that the site lies in an area of significant archaeological potential.
- 4.11 The fieldwork comprised a phase of trial trenching targeting the house, garage and access proposed in the previous scheme 17/00970/FUL. Archaeological remains were identified in all three trenches, comprising a series of ditches, a pit and a possible post-hole, with pottery dating some of the features to the earlier medieval period; although Roman pottery may indicate a continuation of archaeological remains previously recorded to the south, during test-pitting undertaken by the Great Bowden Heritage Group.
- 4.12 The preservation of archaeological remains is, of course, a material consideration in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information.
- 4.13 We note that our recommendation for the previous scheme 17/00970/FUL was informed by the submission of amended plans showing a reduced impact of construction and therefore lower potential damage to the archaeology. This included a slab foundation for the garage, reduced foundation cuts and reduced depth of excavation for construction. As with 17/00970/FUL, our recommendation on the scope of archaeological works would be determined by the details of the development plans, particularly the impact depths of the current proposal.
- 4.14 In accordance with the NPPF (Section 16, paragraph 205), the Local Planning Authority should require a developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance.
- 4.15 If planning permission is granted the applicant must obtain a suitable written scheme for the investigation and recording from an archaeological organisation acceptable to the planning authority. This should be submitted to HNET, as archaeological advisors to your authority, for approval before the start of development.
- 4.16 The Specification should comply with the above mentioned Brief, with this Departments Guidelines and Procedures for Archaeological Work in Leicestershire

and Rutland and with relevant Institute for Archaeologists Standards and Code of Practice. It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

- 4.17 We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraph 37 of Historic Englands Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present: 1. No demolition/development shall take place/commence until a written scheme of investigation (WSI) 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 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 and recording 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. The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

- 4.18 *Great Bowden Parish Council*
Consulted. No comments received.

b) Local Community

1. Objections

- 4.19 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 18** below. Full copies of all representations can be viewed at www.harborough.gov.uk/planning.

Issues of Principle raised through representations <i>(Comments on Amended plans)</i>	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? 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? 3) <u><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</i></u>
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	<u>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.</u>
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 <u>(Comments on Amended plans)</u>	<ol style="list-style-type: none"> 5) 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. 6) The road needs cleaning every day. 7) 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. 8) There needs to be more car parking and drive way for a residence of this size. 9) <u>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.</u> 10) <u>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.</u> 11) <u>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 .</u> 12) <u>This really is a terrible badly planned application with build and safety guidelines completely ignored .</u>
Residential Amenity issues raised through representations <u>(Comments on Amended plans)</u>	<ol style="list-style-type: none"> 6) 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. 7) 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. 8) 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. 9) Both above points combine to generate an Overbearing Impact from Development. 10) 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. 11) 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.

	<p>12) The impact of traffic coming and going on residents will be great, and does not appear to have been taken into consideration.</p> <p>13) 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> <p>14) <u>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</u></p> <p>15) <u>The proposed property has now gained in size this further restricts our and our neighbours right to privacy and reduces our view.</u></p>
Design issues raised through representations	<p>7) 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 <u>(Comments on Amended plans)</u>	<p>7) 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>8) 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>9) 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>10) 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>11) I am not wholly opposed to the house being built, but I would like to see the points above addressed.</p> <p>12) <u>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.</u></p> <p>13) <u>There were three common themes across the objections:</u> <u>I. Garage gable end windows</u> <u>II. Increase in height of building and garage</u> <u>III. Lack of confirmed height/tree planting strategy</u> <u>All three of the above impacted the first three material planning considerations mentioned on the planning letter:</u> <u>1. Loss of privacy</u> <u>2. Loss of daylight or sunlight</u> <u>3. Overbearing impact from development</u> <u>Why has the applicant/architect only addressed the first issue when all three need to be addressed to resolve the situation?</u></p>

Figure 18: Issues raised in Objection through consultation with local residents

5. Planning Policy Considerations

- 5.1 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

- 5.2 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.

- 5.3 The DP for Harborough comprises:
- The Harborough District Local Plan adopted April 2019
 - Made Neighbourhood Plans.
- 5.4 Material considerations include any consideration relevant in the circumstances which has a bearing on the use or development of land. The other material considerations to be taken into account in considering the merits of these applications include the National Planning Policy Framework and the National Planning Policy Guidance, together with responses from consultees and representations received from all other interested parties in relation to material planning matters.
- 5.5 The Local Plan¹ (hereafter referred to as the 'HLP') was adopted on April 30th 2019 and covers the period from 2011 to 2031. The Local Plan identifies 14 objectives as being central to the delivery of the vision for the District and are the guiding principles for the policies set out in the Local Plan. The 14 objectives set out below are intended to address the strategic priorities, deliver the Local Plan Vision and deal with the key issues. Of the 14 objectives, the majority are relevant to the consideration of this application to varying extents
- Objective 1. Housing:** Meet the housing requirements of the District in full by providing a range of market and affordable housing types, tenures and sizes in appropriate and sustainable locations to meet local needs. Recognise the specific accommodation requirements of the young and the elderly populations, including starter homes to help first time buyers, shared ownership and rented housing to help those who cannot afford to buy, and specialist housing such as sheltered and extra care accommodation.
- Objective 2. Employment:** Promote sustainable economic growth by facilitating the sustainable growth of businesses, fostering new local enterprise and helping to create more jobs that meet local employment needs. Contribute to reducing the need for out commuting and thereby help to increase the sustainability and self-containment of communities, while encouraging the development of a vibrant, diverse and sustainable business community.
- Objective 3. Location of development:** Locate new development in sustainable locations that respect the environmental capacity of the local area. Encourage the appropriate and efficient re-use of previously developed land and buildings where such re-use achieves the objectives of sustainable development.
- Objective 4. Infrastructure:** Support local communities and maintain a high quality of life by ensuring that new development delivers the necessary infrastructure including that relating to health, education, security, culture, transport, open space, recreation, water supply and treatment, power, waste and telecommunications (incorporating high speed broadband connectivity).
- Objective 5. Protection of local services:** Protect, enhance and, where appropriate, secure the provision of additional accessible community services and local facilities, supporting innovation in their delivery across the District.
- Objective 6. Natural environment:** Protect, maintain, restore and enhance the quality, diversity, character, local distinctiveness, biodiversity and geodiversity of the natural environment, creating links between wildlife sites ensuring that open countryside is protected against insensitive and sporadic development, the characteristics of the local landscape are respected and the unnecessary loss or sterilisation of natural resources is prevented.
- Objective 7. Historic environment:** Protect and enhance the character, distinctiveness and historic significance of settlements and their wider landscape and townscape settings, thereby recognising the important contribution that

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

heritage assets and their settings make to securing a high quality public realm and supporting tourism and the economy.

Objective 8. Town/village centres: Support and enhance the vitality and viability of market town and larger village centres as places for shopping, leisure, cultural, commercial and community activities, thereby recognising and embracing their valued role as the hearts of their communities. This will be achieved by encouraging retail, leisure and commercial development in appropriate locations and at appropriate scales.

Objective 9. Design: Ensure that new development is of high quality and sustainable design which reflects local character and distinctiveness, provides attractive, healthy and safe environments, respects residential amenity and promotes sustainable behaviours including renewable energy technologies, and waste reduction.

Objective 10. Transport: Provide greater opportunities to reduce car use, thereby reducing the impacts of road traffic on local communities, the environment and air quality, by locating development where there is good access to jobs, services and facilities, and by supporting improvements in public transport, walking and cycling networks and facilities.

Objective 11. Flood risk: Locate new development in areas which will not put life or property at risk of flooding and build associated resilience by requiring the use of appropriate sustainable drainage systems in new developments and allowing for the provision of infrastructure associated with minimising flood risk, including in relation to future risk from climate change.

Objective 12. Environmental impact: Minimise the environmental impact of development and its vulnerability to the impacts of climate change, by reducing pollution and waste as much as possible, maximising water and energy efficiency, and promoting the use of low carbon, renewable energy, and other alternative technologies, with sustainable construction methods.

Objective 13. Tourism and Culture: Promote the sustainable growth of tourism, cultural activities and access to the countryside for the benefit of both residents and visitors. Enable the interpretation of the cultural assets of the District in order to enrich people's experiences.

Objective 14. Neighbourhood Planning: Encourage and support communities to make decisions at the local level through the preparation of neighbourhood plans and facilitate this process by setting out a clear strategic framework.

- 5.6 Policy SS1 sets out the spatial strategy for Harborough which includes managing planned growth to direct development to appropriate locations, in accordance with the settlement hierarchy; identifying sites to meet future economic development needs; consolidating Market Harborough's role as a focus for development within the District, subject to traffic and environmental constraints, while promoting its historic function as a market town and safeguarding its compact and attractive character; and strictly controlling development in the countryside.

- 5.7 Local Plan Policies GD1 to GD9 are general development policies.

- GD1 reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).
- GD2 sets out where in addition to sites allocated by the Local Plan and neighbourhood plans, development will be permitted within and adjoining the existing or committed built up area of Market Harborough, Key Centres, the Leicester Principal Urban Area (PUA), Rural Centres and Selected Rural Villages.
- GD5 states that development should be located and designed in such a way that it is sensitive to its landscape setting and landscape character.

- GD8 Good design in development sets out that Development will be permitted where it achieves a high standard of design, including meeting criteria set out.
- 5.8 Local Plan Policies H1 – H6 relates to Housing.
- H1 states that, in addition to delivery of existing commitments and completions and the allowance for windfalls, land for a minimum of 3,975 new homes will be provided during the plan period to 2031 in the following locations:
 6. at the following Selected Rural Villages, a minimum of:
 - a. Bitteswell - 30,
 - b. Church and East Langton - 30,
 - c. the Claybrookes - 12,
 - d. Dunton Bassett - 40,
 - e. Hallaton - 30,
 - f. Lubenham - 5,
 - g. Medbourne - 30,
 - h. South Kilworth - 19,
 - i. Swinford - 31,
 - j. Tilton on the Hill - 35,
 - k. Tugby - 15.
- 5.9 Local Plan Policies HC1 – HC3 relates to Heritage and community assets.
- HC1 sets out that Development affecting heritage assets and their settings will
 - a. be appraised in accordance with national policy; and be permitted where it protects, conserves or enhances the significance, character, appearance and setting of the asset, including where possible better revealing the significance of the asset and enabling its interpretation. It includes that where proposed development would lead to less than substantial harm to the significance of a designated heritage asset and/or its setting, this harm will be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In addition, it includes that development within or affecting a Conservation Area will be permitted where it preserves or enhances the character or appearance of the Conservation Area, including local design and materials
- 5.10 Local Plan Policies GI1 – GI5 sets out Green infrastructure policy. GI1 provides for Green infrastructure networks.
- GI5 Biodiversity and geodiversity includes for nationally and locally designated biodiversity sites to be safeguarded.
- 5.11 Local Plan Policies CC1 – CC4 relate to climate change.
- CC3 manages flood risk
 - CC4 provides for major development sustainable drainage.
- 5.12 Local Plan Policies IN1 – IN4 relate to Infrastructure.
- IN2 provides for sustainable transport.
 - IN4 states water resources will be protected and water services provided and what development will be permitted in respect of this.
- *Neighbourhood Plans*
- 5.13 Made Neighbourhood Plans are part of the Development Plan (see above). The District currently has 22 'made' Neighbourhood Plans (January 2020). The Great Bowden Neighbourhood Plan (GBNP) (2016 – 2031) is the relevant Plan in this instance.

- 5.14 The Great Bowden Neighbourhood Plan area (see **Figure 19**) corresponds to the Parish Boundary and includes all parts of the Parish. Great Bowden was designated as a Neighbourhood Area in December 2015. The Plan was prepared by the Neighbourhood Plan Advisory Committee, with the subsequent Review in 2020 being carried out by the Neighbourhood Plan Monitoring and Review Committee.

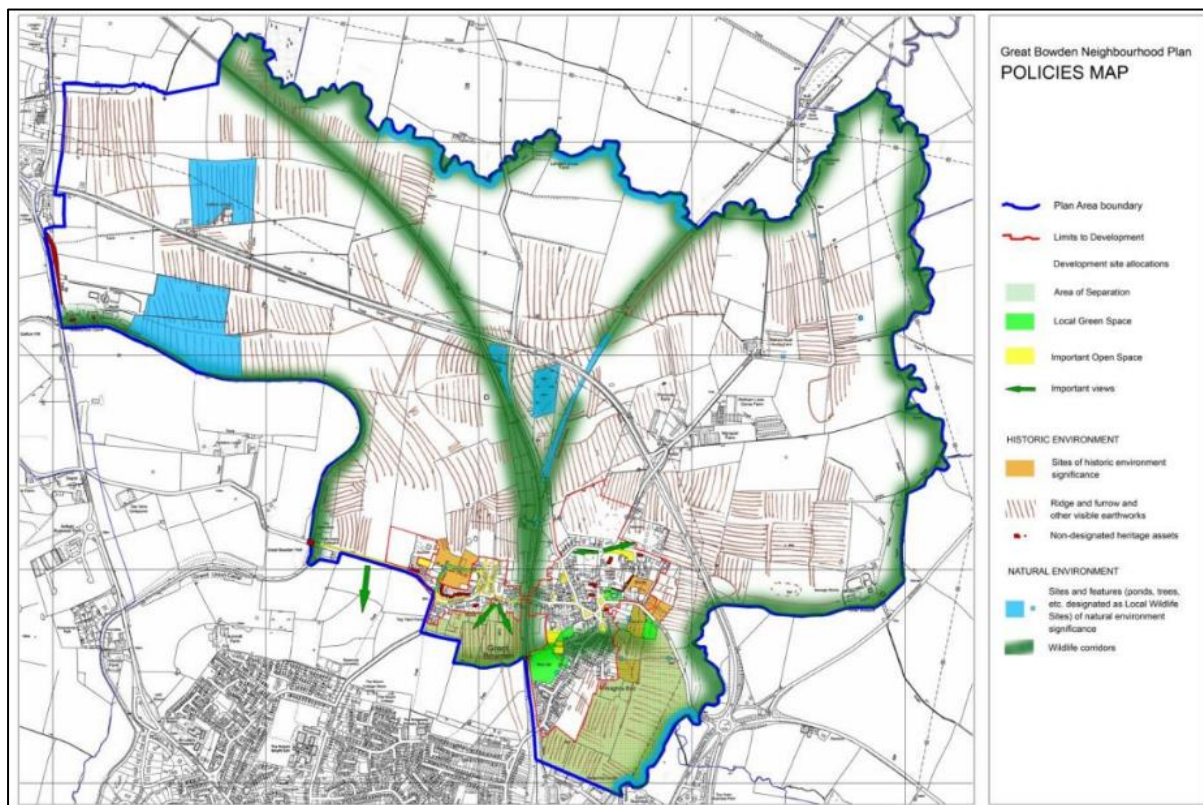


Figure 19 – Great Bowden Neighbourhood Plan area

- 5.15 The original GBNP was prepared in accordance with the development plan at the time, The Harborough Core Strategy, and was developed to cover a slightly longer period than this plan i.e. up to 2031. Harborough District Council has subsequently prepared and adopted a new Local Plan, the Harborough District Local Plan, which was adopted in April 2019 and covers the plan period up until 2031. The 2020 GBNP Review ensured that the GBNP remains compliant with the current Local Plan and therefore remains up to date.
- 5.16 Below is the vision statement that provided the framework for the preparation of the Neighbourhood Plan.:

'Our vision for Great Bowden, in 20 years' time, is that it will still be a pleasant and thriving place to live and an enjoyable place to visit, offering a range of local activities to a diverse, multi-generational population.'

It will have increased in size through managed and sustainable growth in keeping with Great Bowden's village character. New housing developments will have been located on sites that minimise negative impacts on the environment, existing traffic, parking or community resources while providing the residents who live there with all of the attractions that Great Bowden can offer. New residents will be enabled to contribute positively to the social and commercial life of the village. New housing developments will also provide opportunities for existing residents to find accommodation suitable to their circumstances.'

The village will feel a safe place in which to live and move around, whether by car or bicycle or on foot, offering easy and continuing access to a range of countryside activities such as walking, cycling, horse-riding and exercising dogs.

Because of its setting, there will be a continuing risk that the village will be taken into the wider urban development of Market Harborough. Our vision sees Great Bowden, in 20 years' time, remaining an independent and distinct separate settlement within attractive countryside, thereby maintaining its character and agricultural setting.

Transport connections and other community resources appropriate to a village population will continue to be available. It will feel socially inclusive and have its own school, shops and pubs which will continue to serve an important integrating function for the community. Great Bowden will offer all of the residents the opportunity to have a sense of well being and to be proud to live in the village.'

- 5.17 Policy H1 relates to Housing provision within the GBNP area. The plan states that it is recognised that the provision of new housing helps to support existing community facilities such as shops and pubs and helps to achieve the aim of providing a balanced and sustainable community. Under HLP Policy H1 Provision of new housing, Great Bowden has been set a zero settlement requirement as during and immediately preceding the period that The Plan was developed, 203 dwellings were granted planning permission which included 62 dwellings on land east of Berry Close, 5 dwellings on land at Dingley Road, 50 dwellings on land north of Leicester Lane, 6 dwellings on land at Langton Road and 50 dwellings on land off Welham Lane. Because of this, HLP Policy H1 does not set any housing target for Great Bowden. For this reason, no additional residential allocation is proposed in The Plan. Any new housing development will be secured through windfall development (see page 29) in line with HLP Policy H3 Rural exception sites. The Plan will be kept under review and any increase in housing need will trigger a reconsideration of this situation. GBNP Policy H1 states:

"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."

- 5.18 GBNP Policy H2 relates settlement boundaries. The Plan states that the purpose of the Limits to Development is to ensure that sufficient housing and economic activity is available in appropriate locations that will avoid overloading the transport infrastructure and intruding into the local countryside. However, HDC in their latest strategic local development plan has removed references to Limits to Development, thus making their general development criteria, housing, and spatial strategy plans more flexible (See HLP Policies: SS1, The spatial strategy; GD2: Settlement development; GD3: Development in the countryside; GD4: New housing in the countryside). The focus of the criteria in those policies remains to ensure that sites put forward for development are suitable and sustainable in relation to the settlement concerned. Therefore, in carrying out a 'general conformity' review of The Plan, the Great Bowden Parish Council has taken the opportunity to replace the term Limits to Development with the term Settlement Boundary. In drawing up the boundary of the settlement, The Plan has adopted the following principles:

- Clearly defined physical features such as walls, fences, hedgerows and roads have been followed;

- Residential gardens are within the boundary;
- Allotments are outside the boundary;
- Generally, open areas of countryside – agricultural land, meadows, woodland and other greenfield land (with the exception of residential land) – have been excluded;
- Planning permissions that already exist for residential or employment development on the fringes of the settlement are included; and
- Isolated or sporadic development that is detached from the main built-up area is excluded.

GBNP Policy H2 states:

'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.'

- 5.19 GBNP Policy H3 relates to Windfall sites. The Plan states that windfall sites are small infill or redevelopment sites that come forward. These sites can comprise redundant or vacant buildings including barns, or gaps between existing properties in a built-up area. Such sites have made a regular contribution towards the housing supply in the parish. For example, in the last four years, 17 units have been provided. There remain opportunities for windfall development within the updated Settlement Boundary, and it is recognised that they will continue to make a contribution to housing provision in the parish over the lifetime of The Plan. GBNP Policy H3 states that:

'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 (PolicyH4);*
- 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.'*

- 5.20 GBNP Policy H6 states that Great Bowden Parish has a rich and attractive built environment from its long history, resulting in a wide range of heritage assets, attractive landscapes and distinctive character, as reflected, in part, by the Conservation Area. The Plan seeks to protect this character and heritage. Policy H6 states that

'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 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.'*

5.21 GBNP Policies ENV2 and ENV3 deal with the protection of Local Green Space and other Important Open Space. Previously the application site was designated in the old Local Plan as Important open Land, however, the site has no such status currently, as can be seen at **Figure 20**.

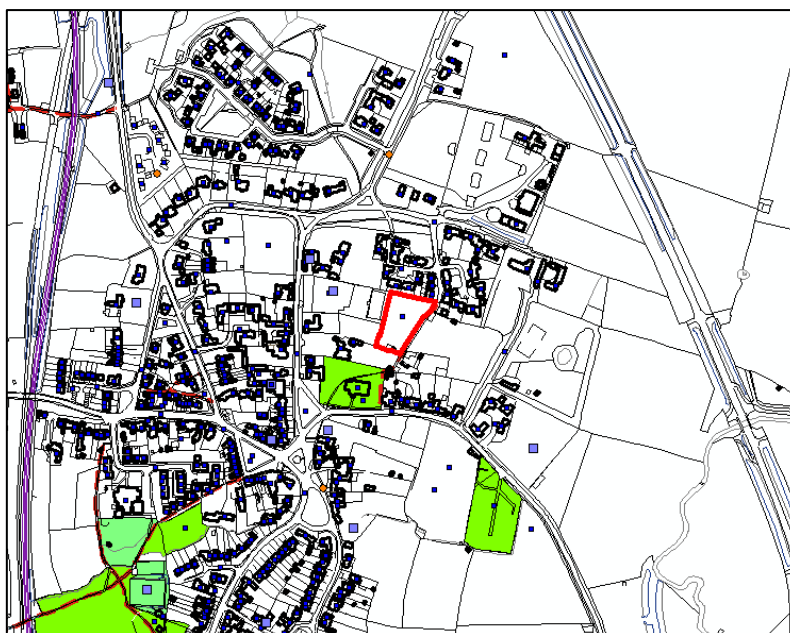


Figure 20: Local Green Space and other Important Open Space

- 5.22 GBNP Policy ENV6 considers non-designated heritage assets. The Plan states that a number of buildings and other structures were identified, from local knowledge, consultation and in inventory fieldwork, as being of local importance for their historical, architectural or aesthetic merit. They will be recognised as non-designated heritage assets for planning purposes. The Policies Map shows the buildings and structures in the built-up area; a further six features are outside the built-up area and details of all of the buildings and structures can be found in the supporting information. Policy ENV6 states:

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)²
19. Victorian letterbox

² Site 18 only includes the three storey 18th century building currently used as an office and the factory chimney.

- 5.23 GBNP Policy ENV9 considers biodiversity. The Plan states that, for a relatively small parish, there is a variety of different habitats, environmentally important wildlife sites and wildlife corridors, and these support a fine array of species of flora and fauna. Together this extensive collection ensures that the parish has a high level of biodiversity which enhances community wellbeing generally, and can provide opportunities for recreation and leisure (e.g. birdwatching). Thus the biodiversity of the parish is worthy of protection for these reasons, as well as for nature's intrinsic value. Policy ENV9 states:
- '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.'*
- 5.24 GBNP Policy T1 considers car parking. The Plan states that car usage continues to grow and many households own more than one car. Residents' parking is a serious concern for Great Bowden. New developments which do not have enough parking provision will not be supported. Off street car parking spaces shall be provided in new residential development in accordance with the Leicestershire County Council Parking Standards and Guidance. Alongside an increase of new residents with the volume of new cars that new housing will bring, parking is of major concern, especially in the village centre, and this is reflected in the responses to the village questionnaire. Policy T1 states:
- '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*
- 5.25 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 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).
- *Public Sector Equality Duty*
- 5.26 Section 149 of the Public Sector Equality Act 2010, introduced a public sector equality duty that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- *The National Planning Policy Framework*
- 5.27 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*
- 5.28 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.
- 5.29 The Framework sets out that achieving high quality places and buildings is fundamental to the planning and development process. It also leads to improvements in the quality of existing environments. The National Planning Policy Framework expands upon the fundamental principles of good design to define what is expected for well-designed places and explain how planning policies and decisions should support this.
- 5.30 The Framework is supported by a suite of planning practice guidance that is relevant to both design quality and quality in delivery. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities. It also includes people at different stages of life and with different abilities – children, young people, adults, families and older people, both able-bodied and disabled.
- 5.31 The National Design Guide addresses the question of how we recognise well-designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. It is based on national planning policy, practice guidance and objectives for good design as set out in the National Planning Policy Framework. Specific, detailed and measurable criteria for good design are most appropriately set out at the local level. They may take the form of local authority design guides, or design guidance or design codes prepared by applicants to accompany planning applications.

c) Other Relevant Documents

- *Circular 11/95 Annex A - Use of Conditions in Planning Permission*
- 5.32 Although publication of the PPG cancelled Circular 11/95, Appendix A on model conditions has been retained. These conditions are not exhaustive and do not cover every situation where a condition may be imposed. Their applicability will need to be considered in each case against the tests in paragraph 206 of the Framework and the guidance on the use of planning conditions in the PPG.
- *Leicestershire County Council Highways Design Guide*
- 5.33 The Leicestershire Highway Design Guide deals with highways and transportation infrastructure for new developments

- *Housing Land Supply Statement*
- 5.34 Due to the fact that The Council now has a Local Plan, it now produces annual (rather than bi-annual) monitoring reports on the level of housing supply within the District. These reports include a five year housing land supply calculation and a housing trajectory for the remainder of the DP period. The latest report covers the period from 1st April 2021 to 31st March 2026 and demonstrates a housing supply of 7.49 years.
- *Development Management Supplementary Planning Document (Dec 2021)*
- 5.35 This Supplementary Planning Document (SPD) provides additional guidance to assist with the interpretation and implementation of Harborough Local Plan Policies particularly:
 - GD1: Achieving sustainable development;
 - GD3: Development in the countryside;
 - GD8: Good design in development;
 - BE1: Provision of new business development;
 - CC1 to CC3: Climate change;
 - HC1: Built heritage;
 - H4 & H5: Specialist Housing, self build and custom housing;
 - RT3: Shop fronts and advertisements.

This SPD will be taken into account as a material consideration when appropriate as the Council makes decisions on planning applications. The National Design Guide (October 2019) and National Design Code (July 2021) is taken into account and similarly applies as a consideration.
- *Planning Obligations Developer Guidance Note*
- 5.36 The Planning Obligations Supplementary Planning Document (SPD) was adopted September 2016 and published January 2017. It sets out the range of infrastructure, services and facilities that the Council will normally seek to secure via planning obligations in relation to development proposals within the District.
- 5.37 The SPD advises if the requirement for developer contributions or for the provision of infrastructure result in viability concerns being raised it will be the responsibility of the applicant to provide an independent financial viability assessment to substantiate the situation. If the assessment is accepted as reasonable the Council may request lower contributions for a particular Site provided that the benefits of developing the Site outweigh the loss of the developer contribution.
- 5.38 There are two supporting documents associated with this SPD:
 - Provision for Open Space, Sport and Recreation 2015 which provides details of the arrangements for assessing contributions to open space; and
 - Assessment of Local Community Provision and Developer Contributions (October 2010) which provides additional evidence to support the case for developer contributions to local indoor community and sports facilities.

c) Other Relevant Information

- 5.39 *Reason for Committee Decision*
This application is to be determined by Planning Committee at the request of Cllr Champion.

6. Assessment

a) Principle of Development

- 6.1 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

- 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)
- 6.6 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.”
- 6.7 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.
- 6.8 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
 - 6.1.1 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.
 - 6.1.2 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.
 - 6.1.3 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 22**, 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 22: View from site towards Church

- 6.1.4 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 23**), would be retained unaltered.
- 6.1.5 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.
- 6.1.6 **Figure 24** 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 across the site from footpath adjacent to eastern site boundary



Figure 24: View towards site from Church

- 6.1.7 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.
- 6.1.8 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.”

- 6.1.9 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 ** 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 & 25**, the current application is no closer to the mud wall than the implemented scheme. **Figure 26** 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.

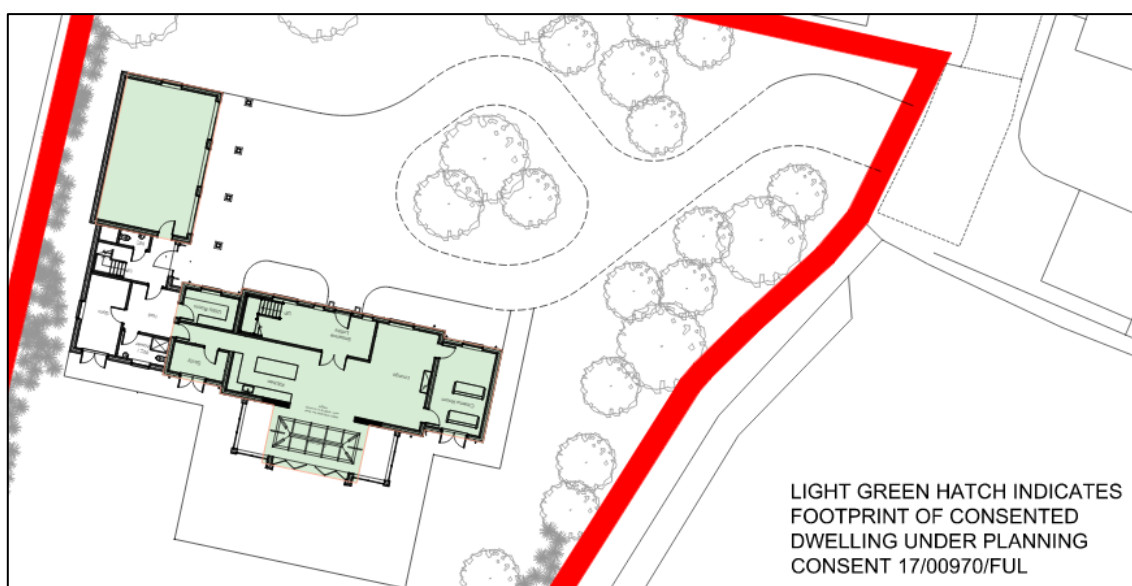


Figure 25: Footprint comparison between the implemented scheme and the current proposal



Figure 26: CGI image of proposal from site access

6.1.10 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 27**)

The current proposal was 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 26**, to those indicated in **Figure 29**, 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 28**).

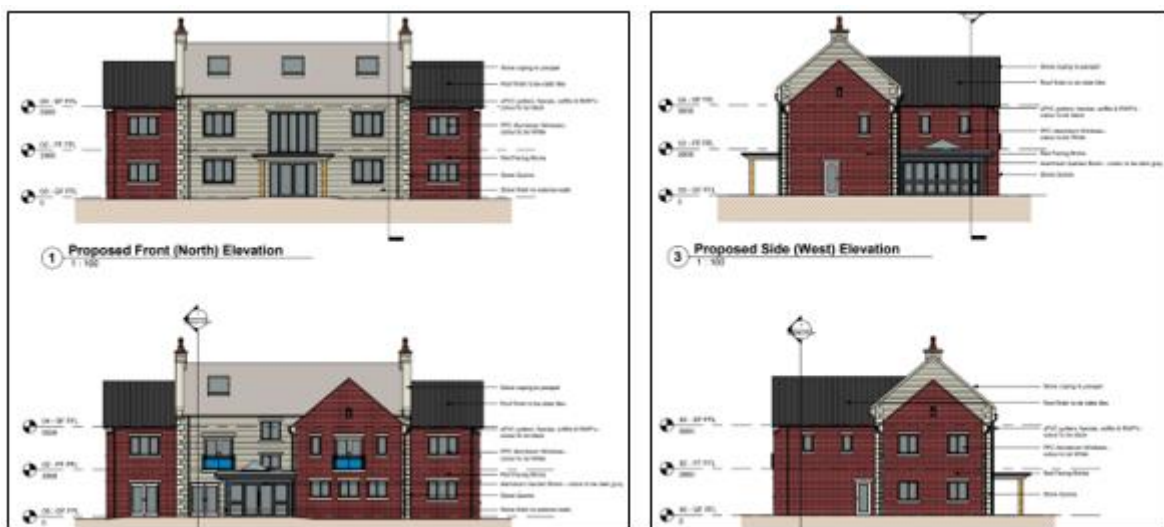


Figure 27: Previously withdrawn scheme

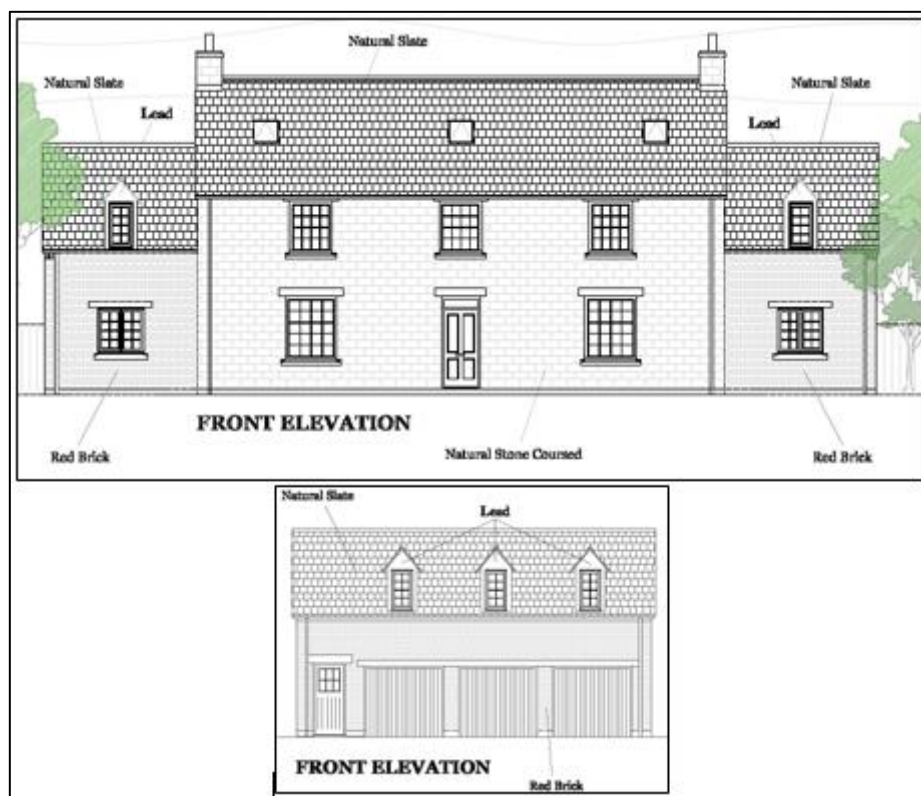


Figure 28: Implemented scheme

6.1.11 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 29**), 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”.



Figure 29: Proposed front elevation as amended, indicating reduced scale of dormer windows

6.1.12 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 29 & 30**), 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.

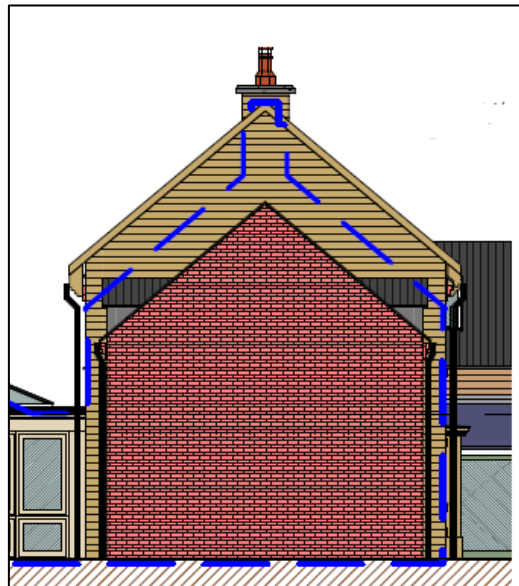


Figure 30: Comparison plan of end gable of implemented scheme and current proposal

6.1.13 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.

6.1.14 With regard to Planning Conditions, in addition to the aforementioned materials Condition further Conditions are recommended to control final landscaping details 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.

- 6.1.15 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.
- 6.1.16 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

- 6.2.1 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.
- 6.2.2 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).
- 6.2.3 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

- 6.3.1 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.
- 6.3.2 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.

- 6.3.3 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.
- 6.3.4 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

- 6.4.1 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 31**) and other neighbouring dwellings. 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.
- 6.4.2 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.
- 6.4.3 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.



Figure 31: View from within the site (prior to commencement of development) looking towards the Lime Tree Place / Fernie Hunt Stables / Middlebrook Mushrooms development

- 6.4.4 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

- 6.5.1 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 32** shows the proposed elevations for the new dwelling submitted as part of this application
- 6.5.2 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.

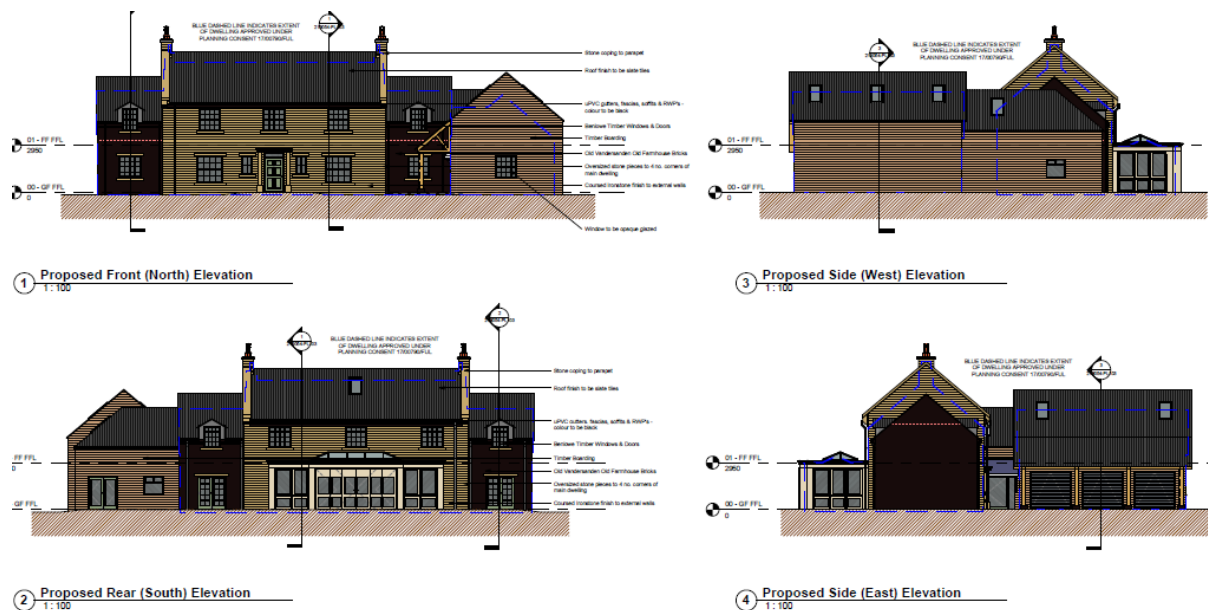


Figure 32: Proposed Elevations

6.5.3 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 33** 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 33: Illustrative CGI

6.5.4 **Figure 34** 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.



Figure 34: Illustrative CGI

- 6.5.5 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.
- 6.5.6 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

- 6.6.1 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.

- 6.6.2 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

- 6.7.1 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.
- 6.7.2 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).
- 6.7.3 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.
- 6.7.4 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.
- 6.7.5 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

o *Broadband Infrastructure*

- 6.8.1 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

- 6.9 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”.
- 6.10 In terms of economic considerations, the proposed dwelling would provide employment during the construction period and future occupiers would contribute to the local economy.
- 6.11 In social terms, the development would provide an additional dwellinghouse, helping to meet housing needs at a time of undersupply. The proposal would deliver satisfactory amenity relationships.
- 6.12 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.

- 6.13 On the basis of the Section 6 assessment of this report, the proposal is judged to represent sustainable development which complies with the NPPF.

7. The Planning Balance / Conclusion

- 7.1 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.
- 7.2 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.

8. Planning Conditions and Notes

- 8.1 If Members are minded to Approve the application, a list of recommended Planning Conditions and Informative Notes follows in **Appendix A**.

Appendix A

Recommended Conditions

1. Development to Commence Within 3 Years

The development hereby approved shall begin within 3 years from the date of this permission.

REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. Approved Plans Reference

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

- Site Location Plan and Proposed Site Layout Plan – 219054-PL100 Rev A
- Proposed Floorplans – 219054-PL101 Rev A
- Proposed Elevations – 219054-PL102 Rev B

REASON: For the avoidance of doubt.

3. Materials Schedule / Details

No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved dwelling (and material samples if requested) has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include all stones (including stone bond style and mortar type), all bricks (including brick bond style and mortar type), tiles (including ridge tiles), any date stones, garage door and other doors, windows, rooflights (including manufacturer, size and method of flush fitting), sills and lintels, any corbel/dentil/string course brickwork, rainwater goods (material and style), bargeboards, fascias, soffits, finials and other external materials. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

REASON: To ensure that materials, design and craftsmanship are appropriate to the character and appearance of the development and the surrounding area (which includes green infrastructure PROW), to preserve the character and appearance of the Conservation Area and the setting of Listed assets and non-designated heritage assets, and to accord with Policies GD8 and HC1 of the Harborough District local Plan and Policy H6 of the great Bowden Neighbourhood Plan.

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.

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 (which includes green infrastructure PROW), to preserve the character and appearance of the Conservation Area and the setting of Listed assets and non-designated heritage assets, to ensure that the work is carried out within a reasonable period and is adequately maintained, and to accord with Policies GD8 of the Harborough District Local Plan.

5. Levels

The development shall be carried out in accordance with the details of the existing and proposed ground levels and finished floor levels of the development approved under 20/01295/FUL. Thereafter, the development shall be implemented in accordance with the approved details.

REASON: In the interests of the character and appearance of the development and the surrounding area (which includes green infrastructure PROW), to preserve the character and appearance of the Conservation Area and the setting of Listed assets and non-designated heritage assets, and to accord with Policies GD8 and HC1 of the Harborough District Local Plan.

6. Archaeology

The development shall be carried out in accordance with the Written Scheme of Investigation approved under 20/1295/PCD. Furthermore, the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation, provision made for analysis, publication and dissemination of results and archive deposition has been secured.

REASON: To ensure satisfactory archaeological investigation and recording and to accord with Policy HC1 of the Harborough District Local Plan.

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

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or

amending that Order, with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, E and F shall take place to the hereby approved dwelling and its curtilage.

REASON: In the interests of the character and appearance of the development and the surrounding area (which includes green infrastructure PROW), to preserve the character and appearance of the Conservation Area and the setting of Listed assets and non-designated heritage assets, and to accord with Policies GD8 and HC1 of the Harborough District local Plan and Policy H6 of the Great Bowden Neighbourhood Plan.

8. Permitted Development Restriction – Part 2, Class A

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order, with or without modification), no development within Schedule 2, Part 2, Class A (gates, fences, walls etc.) shall take place to the hereby approved development.

REASON: In the interests of the character and appearance of the development and the surrounding area (which includes green infrastructure PROW), to preserve the character and appearance of the Conservation Area and the setting of Listed assets and non-designated heritage assets, and to accord with Policies GD8 and HC1 of the Harborough District local Plan and Policy H6 of the Great Bowden Neighbourhood Plan.

9. Access Width and Visibility Splays

Prior to commencement of construction of the development, the access to the site shall be provided with a usable width of 5 metres for at least the first 5 metres behind the site boundary and with 1x1 metre visibility splays on either side of the access, in accordance with the approved (under 17/00970/FUL) Site Layout plan (Drawing No. 1021/009/003, Revision J, dated 22.08.17).

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.

10. No windows / openings north gable of garage

Notwithstanding the provisions of Part 1 to Schedule 2 of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order) no windows other than those expressly authorised by this permission shall be constructed on the northern gable end elevation of the garage. Furthermore, no dormer windows shall be inserted into the roof-slope of any part of the hereby approved dwelling.

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

11. Broadband

Prior to the completion of the hereby approved dwelling, details of the provision of Superfast Broadband Infrastructure (of at least 30Mbps) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: To ensure that adequate provision is made to enable the occupiers to access superfast broadband, and to ensure the proposal accords with Policy EMP3 of the Great Bowden Neighbourhood Plan

Recommended Informative Notes

1. **Building Regulations**

The Applicant is advised that this proposal requires separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. 01858 821090). As such, please be aware that complying with Building Regulations does not mean that the Planning Conditions attached to this Permission have been discharged and vice versa.

2. **Party Wall Act**

If the permitted plans involve the carrying out of building work along or close to a boundary, you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner/s of your intentions before commencing this work.

3. **No Burning of Waste**

No burning of waste should be undertaken on site unless an exemption is obtained from the Environment Agency. The production of Dark Smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above, the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.

4. **Construction Hours & Vehicles**

Site works, deliveries, or any building works in connection with the development should only take place between the hours of 08:00-18:00 Monday to Friday, 09:00-13:00 Saturday and at no time on Sunday or Public/Bank Holidays. All vehicles associated with the development shall be parked within the site.

5. **Archaeology Advice**

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

The LCC Historic and Natural Environment Team, as advisors to the Local Planning Authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the Local Planning Authority.

6. **LCC Footpaths Advice**

a. Prior to construction, any changes to the existing boundary treatment currently separating the application site from the Public Right of Way, must be approved by the Local Planning Authority following consultation with the Highway Authority.

b. No trees or shrubs should be planted within 1 metre of the edge of the Public Rights of Way. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species.

c. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.

d. The Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

e. The Public Right of Way must not be further enclosed in any way without undertaking discussions with the County Council's Safe and Sustainable Travel Team (0116) 305 0001.

f. If the developer requires a Right of Way to be temporarily diverted or closed, for a period of up to six months, to enable construction works to take place, an application should be made to roadclosures@leics.gov.uk at least 8 weeks before the temporary diversion / closure is required.

g. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

h. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

7. Rooflights

The rooflights to be used shall be specialist conservation style rooflights (dark metal external finish, with central vertical glazing bar) and shall be fitted using 'profiling / rebating' kits so that they are fitted flush (externally) within the roof planes.

8. Wildlife and Countryside Act 1981

The Applicant is advised that Protected Wildlife Species may be using the site as a nesting place and/or habitat. All such species are protected under the Wildlife and Countryside Act 1981. Should Protected Wildlife Species, or evidence of them, be present or be suspected (and potentially affected by the development), the applicant should cease development immediately and contact Natural England, The Maltings, Wharf Road, Grantham, Lincs., NG31 6BH (tel. 01476 584800). All workers should be made aware of the above.

Committee Report

Applicant: Mrs Aldridge

Application Ref: 22/01144/VAC

Location: 1 Sandringham Way, Market Harborough

Proposal: 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)

Application Validated: 06.06.2022

Application Target date: 01.08.2022

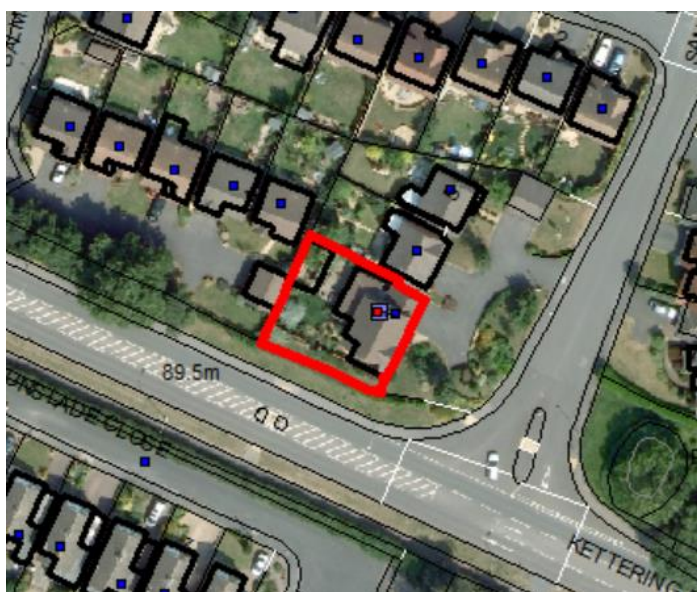
Reason for Committee Consideration: Call in by Cllr James

Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report, subject to:-

1. Introduction (including Site & Surroundings)

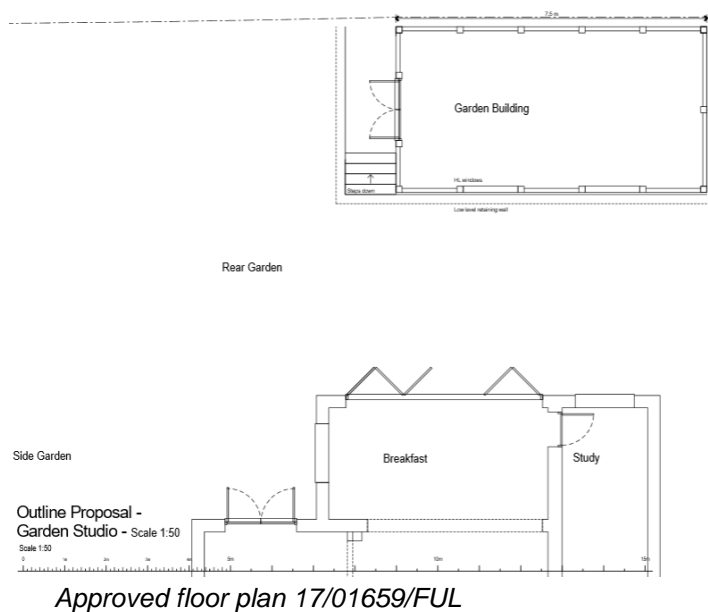
- 1.1 The property occupies a corner plot of Kettering Road and Sandringham Way and is surrounded by residential properties of similar age but different styles. The property is a detached two storey dwelling with single storey attached garage to the north-east elevation. To the front is a parking area and landscaping; to the rear is a large garden with 2m high fence to rear and 2m fencing to the side. The ground level drops significantly from the front to the rear of the property and there is an approximate 1m level difference between the application site and property to the rear (4 Balmoral Close). Within the rear garden is a sunken patio with existing pergola structure within the north-west corner, along with the garden room (17/01659/FUL) which has been converted to an indoor swimming pool, which backs on to the western boundary of 4 Balmoral Close.



Location Plan

2. Site History

2.1 - 17/01659/FUL - Erection of a detached garden room – Approved



2.2 - 20/01832/FUL - Change of use of C3 outbuilding to F1/mixed use to provide 1 to 1 swimming lessons (retrospective) - Approved

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal is to remove condition 1 (temporary consent) of approval 20/01832/FUL to allow F1/mixed use to provide 1 to 1 swimming lessons permanently.

4. Consultations and Representations

- 4.1 A summary of the technical consultees and representations received is set out below. Where appropriate the responses will be discussed in more detail within the main body of the report. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

HDC Environmental Health

Request that the following condition be attached to the consent notice:

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). The report shall detail the predicted noise emissions from the site at the nearest residential façade(s) which demonstrates that the development shall not cause the

existing background noise level as specified in the report to be exceeded, taking into account the proposed operating times of the development.

REASON: To protect the Amenity of the area.

LCC Ecology

No comment.

LCC Archaeology

We do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).

LCC Highways

No comment.

b) Local Community

A total of 47 representations have been received:

- 35 in support: The majority of supporting representations are from people who have used the service, expressing the importance of the service offered and that there is always safe, ample parking space on the street.
- 12 objections, 6 from neighbouring households on Sandringham Way and 2 from other households within the district.
 - Loss of parking
 - Highways safety impacts
 - Noise and disturbance caused by users visiting the site
 - Unsuitable location for a commercial use

4 objections were received from households outside of the district in Hinckley, Winchester, Corsham, and Rotherham.

5. Planning Policy Considerations

5.1 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

5.2 The DP for Harborough comprises:

- The Harborough District Local Plan adopted April 2019
- Made Neighbourhood Plans.

The part of Local Plan Policy GD8 relevant to this application states:

Development will be permitted where it achieves a high standard of design, including being designed to minimise impact on the amenity of existing and future residents by not generating a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions.

b) Statutory Duties, Material Planning Considerations and other relevant documents

5.22 Material considerations include any consideration relevant in the circumstances which has a bearing on the use or development of land.

- The National Planning Policy Framework ('the Framework') 2019
- Planning Practice Guidance
- Development Management SPD (December 2021)

Paragraph 11 of the NPPF states:

Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 127 of the NPPF states:

Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

SPD Chapter 6 (working from home) states:

Whilst appropriate types of home working will be encouraged by the District Council it is important that the nature of the work carried out at home is compatible with a residential environment and does not lead to problems of noise, disturbance, excessive traffic generation or have a visual impact which would be out of keeping with a residential environment.

6. Officer Assessment

- 6.1 The application seeks to remove Condition 1 (temporary permission) attached to the original temporary consent (20/01832/FUL) and seeks permission for a permanent consent. This condition was attached when approved in order to assess the impacts of the use within 18 months of operation from consent being granted. It is therefore considered that the assessment of this application is similar to that of the original application, and to determine whether the principle of the commercial use for private swimming lessons is acceptable within the specific residential area.
- 6.2 The test for determining whether a business operating from home is considered acceptable or not, is to determine whether the overall character and use of the site remains as primarily residential and is not undermined or adversely impacted upon by the commercial use.
- 6.3 The LHA have stated that they have no comments to make on the application. The LHA commented on the previous application (20/01832/FUL) stating that there is sufficient on-street parking capacity if overspill were to occur. There is also an acknowledgement that previous evidence submitted by objectors of parked cars on Sandringham Way are not necessarily using the swim hub, and in any case do not contribute to unsafe use of the highway. Further, no Personal Injury Collisions have been reported in the two years that the swim hub has been in operation, and there have been no reported complaints relating to highway issues.
- 6.4 It is acknowledged that the nature of the proposal may lead to operational hours which could result in disturbance to neighbouring dwellings if not controlled. For this reason, a condition has been recommended to restrict the hours of operation to ensure that restrict early morning/late evenings. Officers considered what would be a reasonable window for the operation of the business, acknowledging that the realistic fallback position is the applicant using the pool with family/friends at any time of the day. A further condition is recommended to ensure that the service provided is strictly 1 to 1 and ancillary to the residential use of the dwelling. This ensures that the nature of the commercial use remains low-key both in terms of frequency of visits and general activity/noise on the site.



Interior of the outbuilding



Outbuilding – facing west from rear elevation of the property

- 6.5 The Council's Environmental Health team have requested a noise assessment as a condition should the application be approved. This has been considered by the LPA and is ultimately not seen as necessary or reasonable as the permission sought is not for the swimming pool itself (which would be permitted development), but for a change of use to determine whether the principle of the commercial use is acceptable. As the proposal is for 1 to 1 lessons, the noise and general level of activity on the site should be limited so that the residential nature of the area is not undermined or adversely impacted in a manner which would harm neighbouring amenity. Furthermore, the restriction on the operational hours of the business will serve to limit activity on the premises during early mornings and late evenings.
- 6.6 Overall, it is considered that there are economic and social benefits of a business which provides swimming tuition in an inclusive and private environment, which is considered to provide a valuable service. Whilst the neighbouring amenity issues have been considered at length, it is judged that the 1 to 1 nature of the proposal along with the operational time restriction will ensure that there are not unacceptable levels of noise and disturbance to neighbouring dwellings. It is judged that the residential nature of the area is not undermined or adversely impacted by the commercial use. Therefore, on balance, the additional footfall, general activity, and vehicular movements are not considered to result in an unacceptable level of activity, noise or disturbance which would cause unacceptable harm to neighbouring amenity. The proposal is therefore in compliance with Local Plan Policies GD8, IN2 and SPD Chapter 6.

7. Conclusion

Appendix A – Suggested Conditions

6.1 If Members agree with the recommendation to Approve the application, the following conditions are suggested:

1. The outbuilding shall be used for 1 to 1 swimming lessons and residential purposes which are ancillary to the residential use of the application dwelling, 1 Sandringham Way, Market Harborough only and for no other use.

REASON: For the avoidance of doubt. The outbuilding is situated and designed such that the Local Planning Authority, having regard to reasonable standards of locational sustainability, design, residential amenity, access, parking, highway safety and planning policies pertaining to the area, may not permit a different use of the building. This Condition accords with Policies GD8 and IN2 of the Harborough Local Plan.

2. The use hereby permitted shall take place only between the hours of 0730 and 1930 from Mondays to Fridays and between 0800 and 1930 on Weekends and Bank Holidays.

REASON: To protect the amenity of neighbouring dwellings having regard to the National Planning Policy Framework and Harborough Local Plan Policy GD8.