

Delegated Report

Planning Ref: 24/00229/FUL

Applicant: Mrs Nicola Lea AR Cartwright Ltd

Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Oddfellows Arms 25 Main Street Higham on the Hill

Proposal: Proposed development of 7 dwellings – the conversion of the existing building into 2 dwellings and 5 new build properties

1. Recommendations

1.1. Refuse planning permission for the reasons set out at the end of this report.

2. Planning Application Description

2.1. The application is the latest in a series of applications relating to development of the wider Oddfellows Arms site. This application relates to the pub and its car park and proposes demolition of all of the extensions to the pub and then the erection of a small single storey side extension and a two storey rear extension and its conversion to two dwellings with the erection of five new dwellings, one to the east on the road frontage and four to the rear of the site.

2.2. The small side extension is on the eastern side elevation and provides a front door and toilet. The two storey rear extension covers half the width (5.6m) of the main original pub building and extends back by 4m. It replaces a larger single storey extension and is level with a two storey element to the west which is removed along with all non-original parts of the pub.

2.3. A new access, designed to adoptable standards, is proposed in the centre of the site frontage. This provides access to the parking areas for the five additional dwellings and one of the dwellings in the converted pub as well as allowing access to the paddock to the rear of the site.

2.4. The proposed dwellings are traditional in design and are faced in brick with smaller elements of render with brick detailing, chimneys and pitched tiled roofs. The mix of dwellings is as follows:

- Plot 1 – 3 bedrooms in the eastern half of the pub; two parking spaces off the main road frontage
- Plot 2 – 2 bedrooms in the western half of the pub; two parking spaces to the rear of the garden
- Plot 3 – 3 bedrooms; two storeys; detached; fronting Main Street; two parking spaces plus a single garage to the rear of the garden
- Plot 4 – 3 bedrooms; two storeys; detached; behind plot 3; two parking spaces to the front of the property
- Plot 5 – 3 bedrooms; detached; behind the pub at the back of the site facing north; two parking spaces adjacent to the northern boundary
- Plot 6 – 2 bedrooms; semi-detached; to the rear of the pub; two parking spaces in front of the property
- Plot 7 – 2 bedrooms; semi-detached; to the rear of the pub; two parking spaces to the front of the property

2.5. The application is supported by the following reports and documents:

- Design and Access Statement
- Planning Statement
- Archaeological Heritage Statement

- Transport Statement
- Foul and Storm Water Drainage Strategy
- Tree Survey
- Ecology Reports
- Preliminary Bat Roost Assessment
- Dusk Emergence Survey for Bats
- Building Condition Survey

3. Description of the Site and Surrounding Area

- 3.1. The site covers an area of 0.29 hectares and is located on the northern side of Main Street within the Higham on the Hill Conservation Area. It includes the vacant Oddfellows Arms public house and its hard-surfaced parking area to the rear. The site has two access points from Main Street, one to the east and one to the west of the pub building.
- 3.2. To the north is an area of grassland that was used informally as a beer garden and beyond that a paddock which extends up to the rear boundary of dwellings on Hilary Bevins Close is also within the ownership of the applicant. To the east the site borders residential property and to the west is the King George V Playing Field and its access from Main Street. To the immediate south, beyond Main Street, is a small, grassed area containing five trees to the east of which is Nuneaton Lane with residential property to the east.
- 3.3. The site is predominantly level with a slight fall from east to west. Levels are such that the distant countryside can be seen from the footway running along the site frontage.
- 3.4. The defined settlement boundary of Higham on the Hill includes the pub and its car park, with the grassed area beyond the car park lying within the countryside. All but a small part of the rear garden of proposed plot 4 lies within the settlement boundary of Higham.
- 3.5. In the Council's Site Allocations and Development Management Policies Development Plan Document (SADMP), the pub and its car park are designated as a community facility where Policy DM25, which relates to community facilities, applies.
- 3.6. Other identified community facilities in Higham include the Methodist church, St Peter's Church and the school. There are no other public houses in Higham on the Hill.
- 3.7. The public house, including its car park, is registered as an Asset of Community Value (ACV).
- 3.8. As stated above the pub and car park are located within the Higham on the Hill Conservation Area and the pub is identified as a significant local building within the Conservation Area Appraisal. The Conservation Area Appraisal also identifies views and vistas of the site from Main Street looking north which are to be protected. There are listed buildings close to the site on the southern side of Main Street (60, Methodist Church, 68 and Elms Farmhouse – all Grade II) and to the east of the site is St Peter's Church (Grade II*). The pub is considered to be a non-designated heritage asset. All of the proposed dwellings are located within the Conservation Area.
- 3.9. The Higham on the Hill Conservation Area Appraisal identifies the view from Main Street to the west of the pub looking north as a vista to be protected. It is the only vista so marked other than those from the Grade II* Listed Church of St Peter. To

the east of the pub the Conservation Area Appraisal shows a view to be protected. It should be noted though that since the Conservation Area Appraisal was undertaken the development of dwellings at Hilary Bevins Close has been completed.

4. Relevant Planning History

22/00124/FUL – Full application for the residential development of nine dwellings with associated access, parking and landscaping. Refused December 2023. The application excluded the pub and its car park and was refused on five grounds – detrimental effect on heritage assets, countryside location and detrimental effect on the site and surrounding area, scale and massing and detrimental effect on public views, detrimental effect on biodiversity and insufficient information regarding trees.

20/01065/HYB - Hybrid application consisting of full permission for the part demolition/part conversion of former public house to a dwelling house and construction of five dwellings with access and outline permission for the erection of up to 20 dwellings and associated infrastructure. Withdrawn November 2021

20/00153/FUL - Demolition of the former Oddfellows Arms public house the erection of eight dwellings and associated infrastructure. Withdrawn April 2020

15/00381/COU - Change of use of land from agricultural to equestrian (re-submitted application). Approved June 2016

14/00367/OUT - Erection of 10 dwellings (outline - access and layout). Refused October 2014. The application was refused on the grounds that it exceeded the allocated housing requirement for Higham and that it would cause harm to the rural setting of the village and to the setting of the Conservation Area.

5. Publicity

- 5.1. The occupiers of 53 properties have been notified of the application which has included neighbouring properties and all those who submitted comments regarding the most recent application relating to the site. In addition the application has been advertised by means of both site and press notices.
- 5.2. Representations have been received from 58 separate addresses. A total of 75 representations are objecting to the application and two are in support. The following comments have been made:
 - The fact that the public house is an Asset of Community Value (ACV) is being ignored by the developers – the Council should be doing all it can to enhance community assets. The need for a village pub as a community centre outweighs the need for extra housing. This would be contrary to Policy DM25 which says that the Council will resist the loss of community facilities
 - This would destroy an Asset of Community Value
 - The village desperately needs a pub for the community much more than it needs a few more homes
 - Higham needs to retain its identity as a country village – over the years the village has lost so much, the village garage, the Fox Inn, the Post Office, the corner shop. Elderly people struggle as there are no shops
 - We moved to the village two weeks after the Oddfellows closed. Since then the shop has closed and we only know our immediate neighbours – it has

turned out to be nothing like the village life we imagined when we moved because of the lack of facilities

- There is too much traffic in the village already on narrow country lanes - there have been several accidents that have resulted in damage to property and in one instance a car being written off
- The site is at a particularly busy and narrow road junction, neighbours opposite have had their boundary wall rebuilt three times after it was damaged by traffic
- Estimates of traffic flow ignore that traffic ownership is higher in rural areas. Traffic calming measures have been implemented in the village for reasons that suggests concerns regarding volume and speed of traffic and highway safety
- Higham has no shop and a limited and unreliable bus service (no evenings, Sundays or Bank Holidays) – residents would rely on private cars
- The applicant has promoted the proposed development by highlighting all the facilities of other surrounding villages but mentions nothing about Higham apart from it being a lovely village
- The community voted in a Parish Council referendum to increase the parish precept to support and fund plans to buy the pub and over the last five years the local community has shown a determination to try and retain the Oddfellows as a community hub. The STOP group are fully supported in the work they are doing to try and save the pub. The cooperation of the applicants in this task has been lacking and this application is proof that they have no consideration for what the community needs and wants.
- Grant funding has been secured in the form of a Public Works Loan, and in the form of funding from the Co-op Share Booster programme and the Government's Community Fund. The only reason the building has not been purchased and refurbished by the community is the unwillingness of the Applicant to seriously engage
- The community is not against development if it retains the pub as a community asset
- The proposal would be detrimental and unsympathetic to the Conservation Area – the village cannot lose this historic building to the developers. The Conservation Area Appraisal gives protection to views out into the countryside which would be lost as a result of the additional houses
- The present owner has not maintained the building and has allowed it to deteriorate to the point where it will be too difficult and expensive for the village to repair and is using its state of disrepair as an excuse to justify the conversion to houses
- Views of the countryside would be lost
- There is no recognition on the plans of the access to the Recreation Ground. The Parish Council have a right of access and this needs to be sufficient to ensure the safety of pedestrians and maintain access for emergency and maintenance vehicles
- The argument that the pub is unviable is not due to its unprofitability but rather the reluctance of the current owners to sell it to the community
- The intention to install uPVC windows is not appropriate in a heritage building
- The proposal disregards the significance of preserving our architectural heritage – there is a priest hole in the old cellar
- Surrounding the former pub with new buildings is detrimental to the Conservation Area and to the pub which is designated as a Significant Local Building within the Conservation Area. It would be contrary to Policy DM13

- This is the village's last chance to have any amenities since the shop was dropped from the Owl Homes development on Wood Lane
- This is contrary to paragraphs 78 and 79 of the National Planning Policy Framework (NPPF) which state that in rural areas planning decisions should support housing developments that reflect local needs and that housing should be located where it will enhance or maintain the vitality of rural communities
- The NPPF calls for sustainable developments but this proposal does not promote environmental, economic or social sustainability as it does not create dwellings where people can live close to local amenities
- Approval of the application would increase the use of the private car thus increasing greenhouse gas emissions and not mitigating for climate change
- The application says that the village don't mind losing the pub but this is blatantly untrue given the vote in favour of supporting plans to but the building and create a community hub
- The applicant has a history of buying public houses and waiting for them to deteriorate and then be converted to flats or demolished for more housing (the Fox and Crane in Weddington)
- Paragraph 202 of the NPPF says that where there is evidence of deliberate neglect of a heritage asset, the deterioration of the heritage asset should not be taken into account in any decision
- The village does not need more houses given that 60 houses have been approved recently at Wood Lane
- People in rural communities often face issues of loneliness and social isolation which impact significantly on physical and mental health. Were this application granted, an opportunity to help address some of these issues would be lost irretrievably

5.3. A letter of objection has been received from the Save The Oddfellows Pub (STOP) group/Higham Community Benefit Society Limited on the following grounds:

- The application is contrary to a series of important policies and designations, notably Policies DM12 and DM25 as well as the NPPF. These are pivotal given that approval of the application would mean the permanent loss of a vital community asset and have a significant negative impact on the community.
- The Oddfellows Arms is a designated Asset of Community Value and it is very frustrating that the application returns to focus on the very area of land that has been the focus of discussions with the developer for the past two years given that the most recent application had at least provide some acceptance of the significance of the pub. The current application clearly signals a return to an attempt to ignore/undermine the designation and the wishes of the local community to keep the building in community use.
- The claims made by the applicant that they have made their best efforts and that they have worked with the community are inaccurate and misleading. It is not the case that the pub ceased operating on viability grounds. The previous tenant has stated that the owner of the building applied constraints to the running of the pub which made it almost impossible to maintain the business.
- STOP/Higham CBS has developed a business plan for the purchase, refurbishment and running of The Oddfellows Arms as a Community Pub and Hub, which was developed with the input of professional advice and

was included in a successful application to the Governments Community Ownership Fund.

- The development of the business plan and submission of successful applications for funding and support that include the Community Ownership Fund, a bursary from Plunkett UK and a Community Shares Booster fund; the commissioning of two independent valuations and a buildings condition survey; the creation of a Community Shares Prospectus and an application for a Public Works Loan by the Parish Council following a referendum of local residents that agreed to a precept to facilitate the Loan all indicate that considerable tangible action and progress has been made by the local community since the pub closed. The only reason that further progress has not been made lies with the inaction of the applicant/owner and the repeated attempts to develop the wider site for housing development.
- It is telling that the application does not refer to a jointly commissioned (between the applicant and STOP/Higham CBS building survey undertaken in 2022 which stated that “considering the building has been boarded up and disused since 2018, it is in surprisingly good condition”. Instead the application is accompanied by an earlier survey undertaken in 2019 and updated in 2020. The 2022 survey made recommendations that “should be carried out urgently to prevent further deterioration”, but no action has been taken by the applicant.
- Neither the poor state of the building or its vacant nature should be viewed as reasons to approve the application and doing so would reward the owner for their failure to maintain the property. Paragraph 196 of the NPPF states that “where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deterioration of the heritage asset should not be taken into account in any decision”.
- The applicants claim that the closure of the pub is evidence that there is a sufficient level of existing facilities is absurd.
- Higham on the Hill has featured in a Channel 4 documentary on the adverse impacts of service decline on village residents (Dispatches: Britain’s Forgotten Pensioners). The Planning Statement fails to recognise the loss of services in the village, incorrectly asserting that there is a convenience store within the preferred maximum walking distance.
- The claim that there is a surplus of existing comparable facilities sufficient to meet the requirements of Policy DM25 is not substantiated in any meaningful analysis.
- The notion that the proposal would result in wider community benefits is rejected.
- The proposal will have a detrimental effect on the Higham on the Hill Conservation Area. The community would seek funding from the Architectural Heritage Lottery Fund should the building be acquired to seek to ensure that the heritage value of the building was both preserved and enhanced
- Letters of support for STOP/Higham CBS are submitted from Dr Luke Evans MP and from Leicestershire Rural Community Council.

- We reiterate that some associated development such as was outlined in the previous planning application would most likely be acceptable to the community as long as the pub is acquired for community use.

5.4. Objections have been received from the local branch of CAMRA (Campaign for Real Ale) making the following points:

- The application is no different to previous applications with regard to its detrimental effect on the pub and should be refused.
- The proposal is contrary to the NPPF and to local planning policy; the applicant's contention that there is a surplus of public houses within the immediate locality is laughable and disingenuous to say the least. CAMRA have studies that conclude that public houses should be within a reasonable walking distance of 800 metres.
Officer comment: The applicant does not claim that there are other pubs in the immediate locality but lists pubs within the vicinity, which is a slightly different point.
- The marketing strategy is out of date and fails to consider other methods of sustainability and fails to acknowledge that there is a community group well advanced in the formulation of a business model that would see the pub re-open as a hub for the village.
- Pubs are vital spaces for socialisation, community activities and cultural exchange, often hosting community meetings, evening classes, sports and social clubs and activities. National and local policies have been passed to protect these important and valuable assets and prevent their loss to other, less sustainable uses, which would diminish the community's ability to meet its day to day needs. To allow the application would consign Higham on the Hill to becoming an entirely dormitory settlement and if adopted policies are to mean anything at all then the application should be refused.

5.5. The two representations in support of the application make the following points:

- The pub is in a Conservation Area and is in a disgraceful condition, preventing neighbouring properties from selling
- The seven houses are better than renovating the buildings
- The STOP group are not capable of raising monies for both purchase and future running of a community hub
- If nothing happens to the pub it would be an eyesore and a target for vandalism, arson and anti-social behaviour
- The long-term viability of the pub would remain an issue
- A shop is planned on the Owl Homes estate

Officer comment: While the Owl Homes permissions 21/01147/OUT and 23/00712/REM included a shop the permission does not guarantee that a shop will be provided. In seeking to vary a condition regarding the provision of a ventilation strategy for the shop, the agent stated that Owl Homes were yet to find an occupier for the shop.

6. Consultation

- 6.1. **Higham on the Hill Parish Council** – objects to the application. “From the first planning application submitted by Cartwrights the Parish Council were quick to ensure that we could do everything to try and save our last remaining public house. We immediately applied for an Asset of Community Value. We also had a public meeting that showed the community were keen to save this facility. Out of this meeting the STOP group was formed to initiate a campaign to save the Oddfellows. Together we have shown over the last five years a determination to try and retain the Oddfellows as a community hub for the village. Cartwrights have been well

aware of our efforts, and we have met on two occasions to persuade them of our wishes. Their cooperation has not been readily forthcoming, and this recent planning application proves that they have no consideration for what the community wants and needs. We have not been against some development if it means we have a chance of obtaining the Oddfellows for the village and we were hopeful that we could work with Cartwrights to this end. To say that we are disappointed that they have put in this planning application is an understatement.”

The Parish Council objects on the following grounds:

- The pub is an asset of Community Value. Without it there would be permanent loss of services to the village covered by Policy DM25
- The community does not want to lose the pub
- It is an important part of the street scene and is in the Conservation Area
- The community voted in a Parish Council public meeting to support plans to purchase the pub. Allowing the application would go against the wishes of numerous residents and local people
- We need more services in the village not less. We certainly do not need the houses proposed
- We do not want to see an historic building converted to dwellings
- Leaving the pub and its surroundings unmaintained has been an eyesore for the village and an almost deliberate attempt to justify conversion. The owners have shown little regard for the village and its community
- Extra traffic generated by this development would put a strain on highways through the village
- The access to the recreation ground needs to be maintained to ensure the safety of pedestrians, maintenance and emergency vehicles

6.2. **LCC Highway Authority (LHA)** – The impacts on highway safety would not be unacceptable and the impacts on the road network would not be severe.

Main Street at the site access is an adopted, unclassified road subject to a 20mph speed limit. Two access points are proposed, one to the west and one to the east of the existing pub. The LHA has no objections to either access.

There have no personal injury collisions within 500m of the site within the last five years up to the end of December 2023

The conversion of the pub to residential use and the provision of the additional dwellings is likely to generate less traffic than the pub use albeit that the peak times would be different.

Although designed to adoptable standards the LHA does not adopt roads that serve fewer than five dwellings.

The number and dimensions of the parking spaces are acceptable but gates and paving to access the parking spaces from the rear gardens are advised for plots 2 and 3.

The centre of the site is 300m from Higham Primary School and 100m from a bus stop with an hourly service to Hinckley. The village does not have a shop and the proposals convert the only pub to residential use. This means that residents would either be reliant on public transport or their own vehicles.

Conditions are requested regarding a construction management plan, implementation of the access arrangements, visibility splays, surfacing, drainage and the provision of parking spaces.

- 6.3. **LCC Ecology** – The Dusk Emergence Survey for Bats Report produced by All Ecology (July 2024) is acceptable and found no bat roosts to be present. Adherence to the mitigation recommendations should form a condition of any permission. Furthermore to provide enhancements for bats and birds, a suitable biodiversity enhancement scheme should be submitted and approved prior to development. As the application was submitted prior to April 2024 no formal biodiversity net gain is required.
- 6.4. **HBBC Drainage** – No objection subject to conditions regarding surface water drainage.
- 6.5. **HBBC Environmental Services** – No objections.
- 6.6. **HBBC Conservation** - Overall, the proposals will cause no harm to the significance of the Oddfellows Arms as a non-designated heritage asset through changes to its fabric or setting, but the permanent change of use of the building resulting in the permanent loss of its longstanding community interest and value and associated historic interest does have an adverse impact upon its significance. Due to the considerable contribution this aspect makes to the local heritage significance of the building the level of harm is considered to be moderate.

Paragraph 209 of the NPPF requires a balanced judgement when weighing applications that affect non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset. Policy DM12 of the SADMP states that development proposals should make every effort to retain the significance of locally listed heritage assets.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), such as:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- Reducing or removing risks to a heritage asset
- Securing the optimum viable use of a heritage asset in support of its long term conservation

Considerations to take into account in this judgement would be the moderate scale of the harm to the significance of the non-designated heritage asset, the heritage benefits resulting from the proposed renovations (if secured via a planning condition) and the removal of the poor quality appearance extensions to the original building, and the likely non-heritage public benefits arising from the provision of dwellings to meet housing requirements and some short-term employment during construction. The above list is not exhaustive and additional social, environment and economic public benefits resulting from the proposed development may be relevant and identified by the decision taker. Part b of Paragraph 203 of the NPPF also recognises the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality. The ultimate outcome of this overall judgement and a determination as to the whether the

proposal complies with paragraph 209 of the NPPF and Policies DM11 and DM12 of the SADMP is one for the decision-taker.

As identified above the permanent change of use of the Oddfellows Arms to a residential use will result in the loss of the longstanding community interest and value of the building, thus having an adverse impact upon its historic interest and reducing the positive contribution this makes to the significance of the Higham on the Hill Conservation Area. The proposed development of plots 4 – 7 within the northern section of the application site would not reflect the traditional urban grain of the conservation area with the siting of these plots eroding its existing open character and appearance. The proposed development would have an urbanising effect, introducing considerable change into important views and vistas, and whilst the importance of these views has been diminished by recent changes the proposed development would still reduce the ability to appreciate the rural setting of the conservation area. The limited details regarding boundary treatments suggest those facing the public realm would be of poor quality and appearance, but any adverse impacts can be avoided through design revisions and further details.

The proposal would fail to preserve the character and appearance of the Higham on the Hill Conservation Area, and given the minor and moderate levels of adverse impacts arising from the above components of the development the level of harm upon the significance of the conservation area is considered to be less than substantial and towards the middle of that spectrum of harm.

As currently proposed the harm caused to the Higham on the Hill Conservation Area must be carefully weighed up against the public benefits of the proposal as required by Policies DM11 and DM12 of the SADMP and paragraphs 205, 206 and 208 of the NPPF.

Paragraph 205 of the NPPF states that great weight should be given to the conservation of designated heritage assets, and the more important the asset, the greater the weight should be. Paragraph 206 of the NPPF states that any harm to the significance of a designated heritage asset should require clear and convincing justification. The need for justification is re-iterated in Policy DM11 of the SADMP. However the Archaeological Heritage Statement identifies no clear harmful effect from the proposal upon the significance of the conservation area and its setting, so this differs from the opinion of the local planning authority and Historic England, and the Statement makes no reference to the harm caused to the conservation area from the loss of the historic use of the Oddfellows Arms. In my opinion, the aspect of harm caused to the conservation area via the change of use of the Oddfellows Arms could be avoided by maintaining its historic use as a public house, and this should be taken into account when considering the impact of the proposal upon the conservation area in line with paragraph 201 of the NPPF.

There are heritage benefits to the Oddfellows Arms as a non-designated heritage asset, and to the Higham on the Hill Conservation, resulting from the proposed renovations (if secured via a planning condition) and the removal of the poor quality appearance extensions to the building. The proposed siting and layout of plot 3 is appropriate, and in general terms in my opinion the form, appearance and construction materials of the new dwellings generally reflect some of the traditional characteristics of the conservation area, thus sustaining its significance. The likely non-heritage public benefits arise from the provision of dwellings to meet housing requirements and some short-term employment during construction, but as referenced above additional social, environment and economic public benefits

resulting from the proposed development may also be relevant and identified by the decision taker.

The weight afforded to the public benefits arising from the proposal should be determined. The ultimate conclusion of the balancing exercise lies with the decision-taker, with consideration required as to if there is clear and convincing justification for the less than substantial harm to the significance of the designated heritage asset and giving great weight to the conservation of the designated heritage asset. Consideration must also be given to the requirements of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Should the balancing exercise not come out in favour of the proposal it should be refused due to its conflict with Policies DM11 and DM12 of the SADMP and the relevant paragraphs of the NPPF. In addition, should the application of paragraph 11d of the NPPF be relevant for decision taking then it should be recognised that the conservation area and listed building are designated heritage assets of particular importance (as referenced in footnote 7).

If the application is to be progressed towards a positive recommendation, then the following design amendments should be sought to better reflect the traditional character and appearance of the conservation area:

- For plot 3 utilise a facing brick construction material and for ground floor windows add segmental arch detailing.
- The use of brick walls as boundary treatments facing into areas of public realm rather than close boarded timber fencing (these details could also be secured as part of a pre-commencement landscaping condition).

If this application is to be approved, then it is requested that planning conditions are placed on the permission to secure:

- A programme of Historic Building Recording of the Oddfellows Arms in line with the requirements of Leicestershire County Council Planning Archaeology recommendations
- Confirmation of construction materials for the external elevations of the rear and side extensions to the Oddfellows Arms and the new dwellings (plots 3-7)
- The submission of a revised schedule of works specifying appropriate conservation-led renovations to the Oddfellows Arms building (external only) with a suitable trigger point to ensure the works are completed (such as being in accordance with a phase of works document or ensuring they are completed prior to the occupation of the last dwelling of the full permission).
- The submission of soft and hard landscaping details and boundary treatment details (if not already provided as per the comment above).

- 6.7. **Historic England** – Has concerns regarding the application on heritage grounds. Whilst the proposal involves the retention of the existing building of local significance and is much reduced from previous schemes that have been put forward for the site we consider the proposals would fail to preserve or enhance the character and appearance of the conservation area, causing a lower level of less than substantial harm to the significance of the conservation area.

Higham on the Hill is an agricultural settlement set out as a ridge top linear village. Main Street consists of a series of subtle bends and gentle curves which are reinforced by key buildings, including the Oddfellows Arms.

The public house has a strong street presence and is clearly a building of interest and age within the conservation area. In addition to being a significant local building the conservation area appraisal also identifies a protected view on the east side of the public house from Main Street to the fields behind.

Historic England has raised concerns about earlier schemes at the site, some of which included the field to the rear. It is noted that this application excludes this field, would retain and convert the Oddfellows Arms to two dwellings, with some alterations, and reduce the number of houses within the site. Three dwellings are proposed to the rear of the existing building and two detached buildings to the west, one a frontage building and the other to the rear.

The dwellings proposed to the rear of the Oddfellows Arms would interrupt the protected view to the east of the premises, identified in the Conservation Area Appraisal. The frontage building to the west of the Oddfellows Arms and the dwelling proposed to the rear of that would include part of the protected vista to the west of the pub. Harm to these views through development would have a harmful impact to the character and appearance of the conservation area.

In addition, the buildings in the northern half of the site would go against the grain of development for the conservation area and the wider village. This would erode the existing character and appearance of the conservation area. A revised layout and reduction of units could reduce this impact, and better respect the historic grain of the settlement.

Notwithstanding the reduction in the quantum of development and the local distinctiveness consideration that are put forward by the applicant, it is our view that the proposals would fail to preserve the character and appearance of the Higham on the Hill Conservation Area and would cause harm to its significance through erosion of the open character at this location, albeit at a lower level of less than substantial harm.

We note that the proposed road is consistently wide and the turning head at the northern boundary suggests an opportunity for future development beyond the red line of the current application. We have previously expressed concerns about separate proposals in the field to the north in respect of harm to the significance the Grade II* Church of St Peter derives from its setting. Whilst we appreciate the potential for future development cannot be taken into account as part of the current application considerations we would wish to lay a marker in respect of the road layout and curtilage boundaries at this time.

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages
- Policy 14: Rural Areas: Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 17: Rural Needs
- Policy 19: Green Space and Play Provision

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery

- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM9: Safeguarding natural and semi-natural open spaces
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (Dec 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)
- Landscape Character Assessment (2017)
- Leicestershire Highway Design Guide
- Higham on the Hill Conservation Area Appraisal and Map (2009)

8. Appraisal

8.1. It is considered that the key issues in the determination of this application are:

- Principle of Development
- Impact on Heritage Assets
- Design and Impact upon the Character of the Area
- Residential Amenity
- Ecology, Biodiversity and Trees
- Highway Safety
- Flood Risk and Drainage

Principle of Development

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (Dec 2023) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) and the Site Allocations and Development Management Policies DPD (2016) (SADMP). There is no Neighbourhood Plan for Higham on the Hill.

- 8.4. On 29 July 2024 the Council published its revised five year housing land supply calculation. This updates the five year housing land supply position from March 2023 and demonstrates a 5.6 year supply of housing with a surplus of 145 dwellings over the five year period.
- 8.5. For decision taking, a five year housing land supply is a material consideration in all relevant applications for dwellings in the Borough. Despite being able to demonstrate the necessary housing land supply, due to the age of relevant housing policies in the Core Strategy, in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.6. Higham on the Hill is a rural village. The Core Strategy sets out that rural villages have more limited services than key rural centres and that a primary school and bus service are considered essential and that a public house is considered desirable. These services are considered key to the functioning of a village as they provide a community 'heart'. Higham on the Hill used to benefit from all three of these services until the Oddfellows Arms closed in 2018.
- 8.7. To support local services in rural villages, Policy 12 of the Core Strategy states that the Council will support housing development within settlement boundaries, that provides a mix of housing types and tenure (which is not required in this instance given that the scheme relates to seven dwellings rather than ten and the developable site area is less than 0.5 hectares). Paragraph 8.1 of the SADMP states that rural villages are the focus of limited development to ensure existing services are supported and community cohesion is maintained.
- 8.8. Policy 12 states that the loss of local shops and facilities will be resisted unless it is demonstrated that the business or facilities can no longer operate in a viable manner. It also states that initiatives to establish local stores and facilities will be supported. The policy states that a minimum of 40 dwellings will be allocated in Higham on the Hill and that new development will be required to respect the character and appearance of the Higham on the Hill Conservation Area.
- 8.9. The SADMP explains that at 1 September 2014, the 40 dwelling minimum requirement for Higham on the Hill had been met and so no housing sites were allocated in that Plan. Planning permission for up to 61 dwellings on land to the south of Wood Lane, to the west of the application site, was issued in September 2022 and reserved matters application 23/00712/REM which was approved at Planning Committee on 7 November 2023 is currently in the process of being constructed.
- 8.10. The vast majority of the site and all proposed built development lies within the settlement boundary of the village as set out in the SADMP inset map. Only the rearmost part of the garden of Plot 4 lies within the countryside. The development is therefore supported by the first bullet point of Policy 12 of the Core Strategy.
- 8.11. The fourth bullet point of Policy 12 states that the loss of local shops and facilities will be resisted unless it is demonstrated that the business or facilities can no longer

operate in a viable manner. In addition, Policy DM25 of the SADMP states that the Council will resist the loss of community facilities, including ancillary areas. The policy states:

“The loss of community facilities will only be appropriate where it can be demonstrated that:

- (a) An equivalent range of replacement facilities will be provided in an appropriate location within a reasonable distance of the local community; or*
- (b) There is a surplus of the facility type within the immediate locality exceeding the needs of the community; or*
- (c) The loss of a small portion of the site would result in wider community benefits on the remainder of the site.*

Where replacement facilities will not be provided or a surplus cannot be demonstrated and the scheme would not result in wider community benefits on the remainder of the site, the loss of a community facility would only be considered acceptable where it can be demonstrated that:

- (d) The facility has been proactively marketed for a community use for a reasonable period of time at a reasonable marketed rate as supported and demonstrated through a documented formal marketing strategy.*
- (e) It has been offered to the local community for them to take ownership of the facility.”*

- 8.12. The NPPF is also a key material consideration. Importantly, paragraph 3 states that the Framework should be read as a whole (including its footnotes and annexes).
- 8.13. Paragraph 83 states that to promote sustainable development, housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.14. Paragraph 88(d) states that to support a prosperous rural economy, decisions should enable the retention and development of accessible local services and community facilities such as public houses.
- 8.15. Paragraph 97 states that to provide the services the community needs, decisions should: plan positively for the use of community facilities such as public houses to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs, and ensure that established facilities are able to develop and modernise and are retained for the benefit of the community.
- 8.16. As set out at paragraph 3.7 the pub and its car park are registered as an Asset of Community Value (ACV). The effect of this is that the pub cannot be sold to a third party without the local community first having the opportunity to purchase the site. It is also recognition that both the pub and its car park are assets of community value. While the application accords with the first part of paragraph 79 of the NPPF in that all the housing lies within the settlement boundary of Higham it would fail to enhance or maintain the vitality of the community in that it would result in the loss of the only remaining pub from the village.
- 8.17. The ‘Save The Oddfellows Pub’ group (STOP) are a group of local residents and they have submitted lengthy objections to the proposed development, as they did to the previous applications. The group is long established and has succeeded in securing multiple funding sources. It is considered that the STOP group has shown that it is a local community group willing and keen to take on ownership of the facility and have formally offered to purchase it. The group has recognised that

some development to the rear of the pub is a necessary compromise that would enable the community to purchase the pub and car park – that though does not form part of these current application proposals.

- 8.18. The proposed development now retains the pub building, removes the unsympathetic extensions and converts it to two dwellings and develops a further five detached dwellings on the car parking. As set out in detail above, Policy DM25 states that the Council will seek to retain existing community facilities including ancillary areas. In this instance the ancillary area includes the pub car park. Policy DM25 also states that the Borough Council will seek to support the formation of new community facilities across the borough.
- 8.19. Policy DM25 goes on to state that the redevelopment of community facilities will only be appropriate where it can be demonstrated that replacement facilities are provided or where there is a surplus of the type of facility or the loss of a small part of the site would result in wider community benefits on the remainder of the site. It is considered that in this instance none of those three instances is the case as no replacement facility is proposed, the Oddfellows being the only pub in the village and there being no wider community benefits that result from development other than the retention and improvement of the pub building that includes the removal of the unsympathetic extensions.
- 8.20. The STOP/Higham CBS group has previously acknowledged that the operation of the pub as a community facility can be undertaken with the small loss of parking that results from the provision of the access to some residential development to the rear of the site. It is clearly the case that the proposed development results in the loss of the community facility. The proposal is therefore contrary to the requirements of Policy 12 of the Core Strategy and Policy DM25 of the SADMP.
- 8.21. Officers have previously pointed out to the applicant that securing the use of the pub as a community facility in accordance with Policy DM25 is a matter that is likely to carry significant weight in the planning balance.
- 8.22. As set out above only a small part of the rear garden of the proposed dwelling on plot 4 lies outside of the settlement boundary of Higham. Given that the part of the application that does lie within the countryside is so small and contains no built development it is not considered that Policy DM4 which is concerned with safeguarding the countryside is material to the consideration of the application.
- 8.23. The applicant, in the Planning Statement submitted with the application, does not include Policy DM25 in the list of policies that are considered relevant to the application although the policy is referred to in the section of the Statement that appraises the proposal. The applicant's view regarding Policy DM25 is the pub is no longer a community facility as it is closed. The applicant also argues that there is a surplus of pubs in the immediate locality, stating that there is no definition of what constitutes 'immediate locality'. The applicant lists pubs in Stoke Golding, the closest of which is approximately 1.8 miles from the application site in support of their view and argue that the closure of the Oddfellows is evidence that there is a sufficient level of pubs in the area.
- 8.24. Officers disagree with the applicant on these point. A pub does not cease to be a community facility simply because it is closed. In this instance the local community has actively sought to acquire the pub from the owners over a long period. This desire has been clearly evidenced. The fact that the pub is not in the ownership of the community is at least in part down to the unwillingness of the owners and

current applicants to sell the pub, which, it should be noted is a perfectly reasonable stance to take. The applicant cannot though reasonably seek to argue that the pub is not a community facility. Despite the clearly evidenced efforts of the local community to acquire the building the Applicant simply asserts that the operation of the building as a pub is not viable. This does not amount to demonstration that the pub can no longer operate in a viable manner as required by Policy 12 of the Core Strategy. The proposed would result in the permanent loss of the only remaining public house within the village contrary to the requirements of Policy 12 of the Core Strategy and Policy DM25 of the SADMP.

- 8.25. While there is no definition of 'immediate locality' any common sense meaning of the words cannot reasonably mean that pubs in other villages, that are at least 1.8 miles away, constitute a surplus of pubs within the immediate vicinity of the site as required by Policy DM25 of the SADMP.
- 8.26. It is considered that while the principle of development within the settlement boundary may usually be supported in principle in this instance the clear conflict with Policy 12 of the Core Strategy and with Policy DM25 of the SADMP results in the proposed development being unacceptable in principle.
- 8.27. Due to the age of the development plan policies paragraph 11(d) of the NPPF is engaged which requires that a 'tilted balance' assessment must be made. This must take into account all material considerations and any harm arising from the proposal must be weighed in the planning balance along with a detailed assessment of the other relevant planning considerations in this case. Other material considerations are set out within the next sections of the report.

Impact on Heritage Assets

- 8.28. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications to pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area. Section 66 of the Act places a duty on the local planning authority when determining applications that affect a listed building or its setting, to 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.
- 8.29. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. In determining planning applications, local planning authorities should take account of paragraph 197 of the NPPF and:
 - a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.30. Paragraph 205 of the NPPF sets out that 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, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 8.31. Paragraph 206 of the NPPF states that any harm to, or loss of significance of a designated heritage asset should require clear and convincing justification.
- 8.32. Paragraph 208 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.33. Policy DM11 of the SADMP states that the Council will protect, conserve and enhance the historic environment throughout the Borough. Development with the potential to affect a heritage asset or its setting will be required to demonstrate and understanding of the significance of the asset and its setting, the impact of the proposal on the asset and its setting, how benefits of the proposal may outweigh any harm caused and any impact on archaeology in accordance with Policy DM13.
- 8.34. Policy DM12 states that all development proposals affecting heritage assets and their setting will be expected to secure their continued protection or enhancement, contribute to the distinctiveness of the location and contribute to the wider vibrancy of the Borough. Proposals need to accord with DM10 and the DM11. Development should ensure the significance of a Conservation Area is preserved and enhanced through consideration and inclusion of important features, as identified in the Conservation Area Appraisal and Management Plan, including consideration of boundary treatments, views, trees/hedgerows, street pattern and plan form, street furniture, local materials and key spaces. Locally important heritage assets should be retained and enhanced where possible.
- 8.35. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.36. The Higham on the Hill Conservation Area Appraisal (HCAA) provides general guidance and states that to maintain the distinctive character and appearance of the conservation area it will be necessary to (aspects of relevance to this proposal are listed only):
- retain buildings of local interest;
 - ensure new development contributes positively to the character of appearance of the conservation area in terms of siting, scale, design and materials used; and
 - ensure views out into the countryside are protected.
- 8.37. The Council's Good Design Guide (2020) also identifies design objectives for the settlement of Higham on the Hill to retain its key characteristics.
- 8.38. In determining applications, paragraph 200 of the National Planning Policy Framework (NPPF) and Policy DM11 of the Site Allocations and Development Management Policies (SADMP) DPD require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 201 of the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset. That required assessment has been undertaken in the body of these comments. An Archaeological Heritage Assessment has been prepared to accompany the application which identifies the significance of affected heritage assets; this document is proportionate and meets the requirements of paragraph 200 of the NPPF and Policy DM11 of the SADMP.

Higham on the Hill Conservation Area

- 8.39. The Higham on the Hill Conservation Area Appraisal (HCAA) identifies that the prevailing image of Higham is that of an agricultural settlement. The conservation area boundary covers the historic core of the village as well as part of its immediate setting, including fields and open spaces to the north and south of the historic linear ridge top development along Main Street.
- 8.40. In the vicinity of the application site the conservation area can be approached by road from the west via Main Street and from the south via Nuneaton Lane. There are also several public footpath approaches including from the north via a public footpath (T49) which spurs off in two directions slightly beyond the north-eastern corner of the application site, where one footpath flanks most of the eastern boundary of the site. The HCAA also indicates the location of key views and vistas within, to, and from the conservation area.
- 8.41. The special character and appearance, and hence the significance of the conservation area is derived from a number of key elements, below is a list of those considered relevant to this proposal:
- The linear settlement pattern which is of historic interest in illustrating the development of the village from the medieval period onwards;
 - The positive contribution that the many non-designated heritage assets (identified as significant local buildings within the HCAA) within the area boundary make to the historic and architectural interest of the area; and
 - The importance of key spaces, including green spaces, all of which contribute to the historic interest of the area, allowing for its mixed domestic and agricultural character and the character of the streetscape of Main Street to be appreciated.
- 8.42. In addition, it is also considered that elements of its setting also contribute to the heritage significance of the conservation area. These include:
- The King George Playing Field to the north-west which is an important area of green space immediately adjacent to the conservation area boundary; and
 - The wider rural landscape which is visible from parts of the conservation area and is illustrative of the agricultural origins and setting of the village.
- 8.43. The application site is located within the western part of the conservation area. The HHCAA identifies the Oddfellows Arms, especially the original building, as a significant local building. Its local heritage significance has been defined in the section above. It follows a local vernacular style and is a prominent landmark building in views along Main Street. Although the character and appearance of the building has been undermined by the unattractive modern alterations and extensions to the original building, for the above reasons it is still considered that the original building makes a positive contribution to the significance of the conservation area. The porch to the front elevation and car park surroundings, which allows for a sense of openness around the public house, are considered to make a neutral contribution to the significance of the conservation area.
- 8.44. The HCAA acknowledges that the village's prominent ridge top location enables good views out into the countryside which reinforces the rural character of Higham on the Hill. From Main Street a vista and a view are identified on the HCAA map, either side of the pub, where at the time of adoption in 2009 there were clear views of the countryside to the north when positioned on Main Street over the open space and car park either side of the Oddfellows Arms and over the land to the rear which includes the application site. The subsequent residential development at Hilary Bevins Close immediately to the north of the application site since the adoption of the HCAA has materially altered the view and vista, and although the extent and nature of the countryside view and vista have been diminished due to the presence of the dwellings in the middle ground, due to the elevated position of the observer

on the ridge top, the countryside remains clearly viewed in the long distance and the rural setting of the Conservation Area continues to be appreciated and experienced from these positions. Despite the material changes within wider views it is considered that the importance of these views remains, as does the ability to appreciate the rural setting of the Conservation Area.

- 8.45. The HCAA also identifies an additional important vista looking westwards from the churchyard of the Church of St Peter, which is located within the northern section of the Conservation Area. Again there have been material changes in this vista since the adoption of the HCAA with a small number of dwellings constructed within the rear of plots along Main Street (key space G within the HCAA), the construction of the new dwellings at Hilary Bevins Close, and the establishment of a manege immediately to the west of the churchyard. The new dwellings along Main Street are relatively dominant within the vista, whilst the new dwellings at Hilary Bevins Close are largely concealed by boundary vegetation and the position of this development on lower ground. The application site is viewed in the middle distance in views from the churchyard over the boundary blue brick wall, adjacent manege and intervening paddocks. The application site reflects the rural character of the setting of the Conservation Area and this can be clearly appreciated in the important view from the churchyard, so these characteristics make a moderate positive contribution to the significance of the Conservation Area.
- 8.46. The field to the north of the site is grassland and has a rural character. As identified within the section above when positioned within the field and upon the public footpath to the east which is immediately adjacent, the undeveloped and open nature of these parcels of land and the associated topography allow for clear views of the rear elevation and form of the Oddfellows Arms and surrounding development along Main Street. The field to the north of the application site and adjacent paddock to the east therefore makes a minor contribution to the significance of the conservation area by reinforcing its rural character and allowing for the observer to appreciate the heritage interest of the Oddfellows Arms and the historic linear and ridge top development of the village when positioned within the immediate setting of the conservation area.

The Oddfellows Arms

- 8.47. The Oddfellows Arms is located within the western part of the historic settlement core of Higham on the Hill. The Higham on the Hill Conservation Area Appraisal (HHCAA) (2009) identifies the building as a significant local building. It concludes that The Oddfellows Arms was built in 1791 as two cottages but in 1862 was converted into one property. It was subsequently purchased by William Webb in 1874 and became a public house. It is thought that the name of Oddfellows is associated with Manchester Unity Oddfellows Club, a Friendly Society whose members contributed when employed and were helped when needed.
- 8.48. The Leicestershire and Rutland Historic Environment Record (HER) describes the building as “public house, apparently built as cottages in the late 18th century, becoming a pub in the late 19th century. 2 ½ storeys high, three bays with a central modern porch projecting. Rendered. Gable end stacks.”
- 8.49. Despite the reference to two cottages within the HHCAA and HER the building has an arrangement that is more typical of single premises with a central door. It does reflect the form and scale of a typical late-18th to early-19th century Leicestershire farmhouse, although the earliest detailed map of the Parish of Higham on the Hill (Eagle’s 1807 Map) defines a clear boundary between the curtilage of the building and an agricultural parcel of land beyond, so although the building may have had

slightly earlier agricultural origins it cannot be confirmed that this was the original purpose of the building.

- 8.50. Further documentation strongly suggests that the building was a purpose built public house, known as The Gardeners Arms, which may have been functioning as early as 1822 with references to such a public house in early trade directories and journals. It is common ground that the Oddfellows Arms is referred to within an 1871 edition of the Leicester Chronicle and the Oddfellows Arms is identified on the first edition 1888 Ordnance Survey map.
- 8.51. The principal building is a two and half storeys in scale (with one storey partly in the roof) and of three bays. It has a dual pitched roof laid with artificial slate tiles. The main elevations are of brick, although other than for a section on the rear elevation the brick has been rendered and painted white during the latter half of the 20th century. It has brick gable end chimney stacks and further brick detailing including retained dentil eaves courses. The core fabric of the principal building has largely been retained but it has seen some alterations (such as the rendering and replacement roof tiles), had significant extensions to the original footprint, and seen the loss of original outbuildings and ranges. During the mid-20th century replacement painted white casement windows were installed within the second floor and a dual pitched clay tile roof central porch added to the front elevation. During the latter half of the 20th century various mainly single storey flat roofed extensions have been added to the building in phases resulting in a substantial footprint of development projecting from its western (side) and northern (rear) elevations. The ground and first floor windows to the building have also been replaced with upvc windows during this period.
- 8.52. The heritage significance of the Oddfellows Arms is largely embodied within the original late 18th to early 19th century 2.5 storey building, which possess historic and architectural interest as a prominent and landmark building, symmetrically formed and of some age. Its architectural interest has been diminished by the subsequent alterations so is considered to be of low value, and whilst the extensions illustrate the 20th century development of the public house they do not make any particular contribution to the historic interest of the building, rather they are considered to detract from the overall significance of the building due to their poor quality appearance.
- 8.53. Paragraph 006 Ref ID 18a-006-20190723 of the Planning Practice Guidance (Historic Environment section) defines that heritage assets with historic interest can provide meaning for communities derived from their collective experience of a place. Until its recent closure the public house use and function of the building has been of community value for at least 150 years, likely longer, with the building also possibly purpose built for this function. A considerable number of representations refer to the importance of the public house to the community. These suggest that the building is perceived as a source of social interaction and cohesion. Furthermore, the public house has been designated an Asset of Community Value and therefore its potential use to further the social wellbeing of the local community has been recognised. It is therefore considered that it holds some community interest and value in its own right, and such interest also makes a contribution to the historic interest of the building.
- 8.54. When considered against the Council's adopted selection criteria for identifying local heritage assets the Oddfellows Arms has heritage significance which derives from the combination of its historic interest, its value to the community, its architectural interest of the original building and its landmark quality.
- 8.55. The setting of the building also makes some contribution to its heritage significance. The NPPF (Annex 2) defines the setting of a heritage asset as "the surroundings in

which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." Historic England provide advice on the setting of heritage assets in their Good Practice in Planning Note 3 (2015).

- 8.56. The curtilage of the building makes a minor contribution to its heritage significance by illustrating the historic function of the building, providing physical separation from neighbouring plots, and creating a sense of openness around the building. Main Street is the main historic thoroughfare that the public house was designed to front onto and attract passing trade so is therefore a positive element of the building's setting to the south. The historic settlement core of Higham on the Hill was the community that the public house historically served and also contributes to the significance of the building by being part of its setting. Whilst the field to the rear of the Oddfellows Arms (to the north of the site) makes no direct contribution to the significance of the building as there is no clear evidence of relationship with the public house in terms of landownership or functional use, its currently undeveloped and open nature does allow for clear views of the rear elevation and form of the building when positioned within this field and also from the public footpath T49 that runs alongside the eastern boundary of the field, both from which a minor appreciation of the historic and architectural interest of the building can be obtained.

Listed Buildings (including the Church of St Peter)

- 8.57. There are six listed buildings located within Higham on the Hill. These are the grade II* Church of St Peter and the grade II Higham Hall, 60 Main Street, 66 Main Street, 68 Main Street and 70 Main Street.
- 8.58. Due to both the topography and the presence of intervening built form and vegetation there is no inter-visibility between the application site and any of the grade II listed buildings located within the village, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and due to the form of the proposal and the extent of the application site boundary it is considered that these heritage assets would not be affected by the development.

Impact of the proposal upon heritage assets

Higham on the Hill Conservation Area

- 8.59. The removal of the poor quality modern extensions to the side and rear of the original Oddfellows Arms building and replacement with a two-storey rear extension and single storey side extension of appropriate siting, scale, form and appearance will have a minor positive impact upon the architectural interest of conservation area. Further details confirming the acceptability of materials for the extension should be request via planning condition if the application is to be approved. As concluded in the section above, if the renovations of the building are appropriately specified these are also likely to have a minor positive impact upon its character and appearance. The porch to the front elevation is to be retained as is to a certain extent the openness around the building so the neutral contribution these elements make to the significance of the conservation area will be retained. There is the potential for landscaping and boundary treatments to the front, sides and rear of the building that reflects the characteristics of traditional boundary treatments within the wider area that would provide a minor enhancement to the character and appearance of the conservation area. As assessed above, the dominance of the original building as a landmark within Main Street will also be generally maintained

as its scale is retained as part of the proposed conversion, although its prominence as a whole will be diminished to a minor extent by the loss of the associated extensions and paraphernalia (e.g. public house signage) that served the function of the public house.

- 8.60. The design concept for each of the new dwellings is a simple rectangular plan form, dual pitched roof and domestic style front elevation with appropriately styled fenestration and architectural detailing. The proposed construction materials are a mixture of red brick and render for facing walls with the type of roof tiles to be determined; further details confirming the acceptability of materials should be requested via planning condition if the application is to be approved. The HHCAA identifies within character space D (Main Street) that unfortunately some facades have recently been changed from their traditional brick appearance by the addition of rendering and flat window heads in place of segmental arches. This is pertinent to the proposed materials and detailing for plot 3, where a facing brick construction material and addition of segmental arches should be considered to provide a more traditional appearance to this plot. However, in general terms the form, appearance and construction materials of the new dwellings generally reflect some of the traditional characteristics of the conservation area, and thus this design component of the proposal would preserve its significance.
- 8.61. Despite the positive and neutral aspects of the proposal identified above the permanent change of use of the Oddfellows Arms to a residential use will result in the loss of the longstanding community interest and value of the building, thus having an adverse impact upon its historic interest and reducing the positive contribution this makes to the significance of the conservation area. It is considered that the level of this adverse impact upon the significance of the conservation area as a whole is relatively minor.
- 8.62. The proposed new dwellings are positioned behind small front gardens at the back edge of the footpath and are orientated so their front elevation faces into Main Street or the new access road. The siting of plot 3 follows the layout and urban grain of traditional and historic development within the conservation area, which is characterised by built form facing Main Street. Built form behind these frontage plots is traditionally limited to domestic outbuildings and agricultural buildings, such as barns, and only more recently have a small number of backland or infill developments occurred. It is therefore considered that the proposed layout of plots 4 to 7, situated behind the frontage development of Main Street, would not reflect the traditional urban grain of the conservation area with the siting of these plots being uncharacteristic and eroding the existing open character and appearance of the area. It is considered that the level of this adverse impact upon the significance of the conservation area is moderate.
- 8.63. Whilst boundary treatment details are to be confirmed, the proposed street scene drawing indicates a tall fence to bound the garden to the side of plot 1 and due to the presence of the fence the important long distance view northwards of the countryside from Main Street when positioned to the east of the Oddfellows Arms will be lost.
- 8.64. No revised details of boundary treatments have been provided but it is highly likely that the height of any boundary treatments between the rear gardens of the plots located to the rear of the Oddfellows Arms and the pub car park would have to be of a sufficient height to maintain amenity and privacy. In the earlier version of the scheme a 1.8m high close boarded fence was proposed; a red brick wall would be more appropriate as it would reflect traditional boundary treatments in the

conservation area. Whatever boundary treatment was chosen though the important long distance views of the countryside from Main Street when positions to the east of the pub would be lost.

- 8.65. Due to the positioning of the new site access road there is the possibility that some of the elements of the countryside would remain discernible in views along this road between plots 4 and 5 and over the recent development at Hilary Bevins Close beyond. The proposed street scene drawing indicates the presence of a mature tree within the channel of the access, but there are no such trees currently within the site or on that visual line beyond, so it is assumed this is a drawing error. What is clear is that the width of the important vista currently available looking northwards when positioned to the west of the former Oddfellows Arms would be interrupted by the presence of plots 3 – 7 and its immediate context greatly altered from one where the semi-rural character of the site and its setting can be appreciated to the site being clearly domesticated. The domestication of the site through the uncharacteristic siting of the plots to the rear of Main Street would also be evident on the approach to the village from the public right of way to the north and north-east of the site. The proposed development would urbanise the site and by introducing considerable change into important views and vistas, and whilst the importance of these views has been diminished by recent changes, the proposed development would still reduce the ability to appreciate the rural setting of the conservation area and is therefore considered to have a moderate adverse impact upon its significance.
- 8.66. The street scene drawing indicates that the close boarded fencing is the prevalent boundary treatment dividing the amenity areas of each plot from public spaces and the footway. This would provide the development with a poor-quality appearance and brick walls (of a traditional appearance that reflect those prevalent elsewhere in the area) rather than close boarded fencing should be selected as boundary treatments facing into the public realm (such as to the rear of the car parking spots for plot 1, and along the side boundaries to the gardens for plots 2 and 3).

Oddfellows Arms

- 8.67. The removal of the poor quality modern extensions to the side and rear of the original building and replacement with a two-storey rear extension and single storey side extension of appropriate siting, scale, form and appearance will have a positive impact upon the architectural interest of the building. The impact of the loss of the existing extensions upon any future viability of the public house is a determination for others and in my opinion is not a heritage matter.
- 8.68. The dominance of the original building as a landmark within Main Street will also be generally maintained as its scale is retained as part of the proposed conversion, although its prominence as whole will be diminished to a minor extent by the loss of the associated extensions and paraphernalia (e.g. public house signage) that served the function of the public house.
- 8.69. Some of the proposed renovations to facilitate the conversion of the building, especially those that seek to reinstate traditionally styled materials such as the replacement roof tiles and re-rendering (if specified appropriately) would also have a positive visual impact, with such works secured and implemented via a planning condition tied to the development of the wider site if required. Any internal works specified within the indicative schedule of work within the submitted Building Condition Survey are beyond the control of Planning. Although indicative only some of the works, in particular the suggestion of using damp proof treatments to external

walls, do not appear to follow sound conservation practices for dealing with issues within historic buildings. If the application is approved I would suggest that a detailed schedule of works is submitted for approval to the local planning authority identifying any proposed renovation works that affect the exterior appearance of the building, with such works being properly informed based on detailed inspection and sound conservation practice and methods to ensure that any positive effect from the renovations is achieved.

- 8.70. Due to the siting of the new dwellings being set back from the Oddfellows Arms building a reasonable sense of openness around it and physical separation from neighbouring plots will be maintained. The extent of the views of the rear elevation of the building will be reduced following the development of the northern section of the application site, but views of this elevation would still be achievable from a reasonable extent of the new access road and further within the site due to the raised position of the building. It is therefore considered that any impact upon the significance of the building resulting from changes to its setting are considered to be negligible. There is the potential for high quality boundary treatments to be specified to the immediate frontage and to the side and rear amenity areas, such as brick walls, which may provide a minor enhancement to the setting of the building, but as yet no such details have been provided.
- 8.71. As summarised above, it is considered that the proposal would have no adverse impacts upon the architectural interest of the building, it will generally maintain its landmark qualities, and subject to details regarding landscaping would largely maintain its setting. However, the proposal to change the use of the remaining original building from a public house to residential use will result in the permanent loss of the longstanding community interest and value of the building, thus removing the positive contribution this makes to its historic interest and having an adverse impact upon its local heritage significance.

Harm vs benefits exercise and summary

- 8.72. The conclusions of Historic England and the Council's Conservation Officer are agreed with. Overall, the proposals will cause no harm to the significance of the Oddfellows Arms as a non-designated heritage asset through changes to its fabric (subject to further details being secured via a planning condition) or its setting, but the permanent change of use of the building resulting in the permanent loss of its longstanding community interest and value and associated historic interest does have an adverse impact upon its significance. Due to the considerable contribution this aspect makes to the local heritage significance of the building the level of harm is considered to be moderate.
- 8.73. Paragraph 209 of the NPPF requires a balanced judgement when weighing applications that affect non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset. Policy DM12 of the SADMP states that development proposals should make every effort to retain the significance of locally listed heritage assets.
- 8.74. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting;

- Reducing or removing risks to a heritage asset; or
- Securing the optimum viable use of a heritage asset in support of its long term conservation.

- 8.75. Considerations to take into account in this judgement include the moderate scale of the harm to the significance of the non-designated heritage asset, the heritage benefits resulting from the proposed renovations (if secured via a planning condition) and the removal of the poor quality appearance extensions to the original building, and the likely non-heritage public benefits arising from the provision of dwellings which are detailed below. Paragraph 203 limb b) of the NPPF also recognises the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality.
- 8.76. As identified above, the permanent change of use of the Oddfellows Arms to a residential use will result in the loss of the longstanding community interest and value of the building, thus having an adverse impact upon its historic interest and reducing the positive contribution this makes to the significance of the Higham on the Hill Conservation Area. The proposed development of plots 4 to 7 within the northern section of the application site would not reflect the traditional urban grain of the conservation area with the siting of these plots eroding its existing open character and appearance. The proposed development would have an urbanising effect, introducing considerable change into important views and vistas, and whilst the importance of these views has been diminished by recent changes the proposed development would still reduce the ability to appreciate the rural setting of the conservation area. The limited details regarding boundary treatments suggest those facing the public realm would be of poor quality and appearance, but any adverse impacts can be avoided through design revisions and further details.
- 8.77. The proposed would fail to preserve the character and appearance of the Higham on the Hill Conservation Area, and given the minor and moderate levels of adverse impacts arising from the above components of the development the level of harm upon the significance of the conservation area is considered to be less than substantial and towards the middle of that spectrum of harm.
- 8.78. As currently proposed the harm caused to the Higham on the Hill Conservation Area must be carefully weighed up against the public benefits of the proposal as required by Policies DM11 and DM12 of the SADMP and paragraphs 205, 206 and 208 of the NPPF.
- 8.79. Paragraph 205 of the NPPF states that great weight should be given to the conservation of designated heritage assets, and the more important the asset, the greater the weight should be. Paragraph 206 of the NPPF states that any harm to the significance of a designated heritage asset should require clear and convincing justification. The need for justification is re-iterated in Policy DM11 of the SADMP. However the Archaeological Heritage Statement identifies no clear harmful effect from the proposal upon the significance of the conservation area and its setting, so this differs from the opinion of the local planning authority and Historic England, and the Statement makes no reference to the harm caused to the conservation area from the loss of the historic use of the Oddfellows Arms. The aspect of harm caused to the conservation area via the change of use of the Oddfellows Arms could be avoided by maintaining its historic use as a public house, and this is taken into account in considering the impact of the proposal upon the conservation area in line with paragraph 201 of the NPPF.

- 8.80. There are heritage benefits to the Oddfellows Arms as a non-designated heritage asset, and to the Higham on the Hill Conservation, resulting from the proposed renovations (if secured via a planning condition) and the removal of the poor quality appearance extensions to the building. The proposed siting and layout of plot 3 is appropriate, and in general terms the form, appearance and construction materials of the new dwellings generally reflect some of the traditional characteristics of the conservation area, thus sustaining its significance.
- 8.81. The non-heritage public benefits that result from the proposed development are: the provision of market dwellings in the circumstance where the local planning authority is able to demonstrate a 5.6 year housing land supply; short term economic benefits during the construction phase and then the economic benefits resulting from future residents using local facilities; and the social benefits arising from new residents.
- 8.82. Where a potential development will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal. Moderate weight is given to the heritage benefits arising from the development. Paragraph 205 of the Framework requires that great weight is given to the heritage assets conservation. As set out above, the permanent change of use of the Oddfellows Arms to a residential use will result in the loss of the longstanding community interest and value of the building, thus having an adverse impact upon its historic interest and reducing the positive contribution this makes to the significance of the Higham on the Hill Conservation Area. Therefore great and substantial, weight is given to the harm caused to the significance of the Higham Conservation Area. Given that the proposal is for seven market dwellings and the Council is able to demonstrate a five-year housing land supply only limited weight is given to the non-heritage public benefits.
- 8.83. No clear and convincing justification for the identified harm has been provided and the harm in this instance outweighs the benefits. Consequently, the policies set of in the Framework provide a clear reason for refusing the proposed development. In addition, the proposal is in conflict with Policies DM11 and DM12 of the SADMP

Design and Impact upon the Character of the Area

- 8.84. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.85. The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment. The SPD sets out minimum separation distances between dwellings and a general guideline for garden sizes of 7.0m minimum length and of 80sqm in area for a 3 bed house.
- 8.86. The SPD states that Higham on the Hill is a linear, early medieval village situated on a ridge-top overlooking rolling farmland. Two design objectives are set out:
- Protecting the main approaches focussing on low-density development, reflecting the rural agricultural precedent.

- Retaining the diverse but unified character of the undulating Main Street, halting the encroachment of generic modern styles/elements that will ultimately lead to a disjointed street scene, instead responding to a rural vernacular style.
- 8.87. Paragraph 139 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.88. All buildings lie within the settlement boundary of Higham and only a small part of one garden lies within the countryside. The 2.5 storey pub building, set back slightly from the road, with a key vista to the west and a key view to the east, and set within a large open car park, clearly stands out in the street scene. The pub and car park are relatively level with Main Street but the land falls to the north towards the dwelling in the distance on Hilary Bevins Close. Due to levels changes and trees/hedges, the roofs and part of the upper storeys of those dwellings are visible from Main Street.
- 8.89. The Council's Good Design Guide (GDG) sets out that Higham is an early medieval agricultural village set on a ridge overlooking rolling farmland. As the village has expanded the GDG points out that the village has lost its intrinsic historic character in places as a result of modern development. The Higham on the Hill Conservation Area Appraisal (HCAA) points out at paragraph 4.7 that specifically with regard to this western stretch of Main Street long distance views of the countryside and hedge boundaries reinforce the rural character of the settlement. It is considered that while those views will be most readily perceived when travelling along the highway as dwellings peter out and views of the countryside open up they are also importantly viewed when walking along the street and looking north through gaps between buildings.
- 8.90. Two of those key vistas and views, which the HCAA, at paragraph 5.1 states it is important to protect, are set out on the Appraisal's map as being to the immediate west and east of the Oddfellows Arms where views of the field to the rear of the car park that links with other fields through to the countryside to the north and east as well as long distance views of the wider countryside over the tops of the roofs of dwellings on Hilary Bevins Close are considered to be very apparent. These key vistas and views and the strong visual links to the countryside and the original linear character of the settlement would be significantly reduced as a result of the proposal.
- 8.91. The proposed development would also be prominent in views from the network of public rights of way in and around the village that form several circular routes making use of the local road network. In particular the development would be prominent in views from the north when heading south on footpath T49. The footpath runs along the edge of the Hilary Bevins development and then emerges into the countryside that border the village on its northern flank. The Grade II* listed St Peter's Church would be prominent in its countryside setting in views to the east with the historic core of the village on the ridge of higher ground in the foreground. In these views the linear origins of the village are clearly discernible. The proposal, in so clearly departing from the existing linear character of development in this part of the village, would detrimentally intrude into those views.
- 8.92. It is considered that the proposed development fails the requirement set out in Policy DM10 that development is required to complement or enhance the character of the surrounding area with regard to scale, layout, density and mass.
- 8.93. The proposed development, as a result of its urbanising effect, would have a significantly harmful effect on the character of the site and surrounding area

contrary to the requirements of Policy DM10 of the SADMP, the Good Design Guide SPD and the requirements of the NPPF.

Residential Amenity

- 8.94. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.95. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.96. Paragraph 135 of the NPPF states that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.97. Paragraph 139 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance.
- 8.98. The nearest residential properties to the site are to the south and west on the Main Street frontage. Plot 3 is set back from the back of pavement and has an acceptable relationship with the existing dwelling on the opposite side of Main Street, which has no windows at ground floor level facing the street. Plot 7 is oriented at right angles to the rear elevations of the closest dwelling at 29 Main Street and the building is at least 6.9 metres from the closest point of no.29's curtilage. The three gardens that back on to the western boundary of the site are all at least 8 metres in depth, therefore providing an acceptable relationship to this boundary and to the large garden beyond it.
- 8.99. There are no other existing neighbouring dwellings that might be affected by the proposed development. Given the layout and distances between the proposed dwellings and those neighbouring properties that border the site it is considered that, subject to conditions, existing neighbouring residents would benefit from adequate levels of amenity with regard to garden space and issues of privacy and overlooking.
- 8.100. With regard to the amenity of future residents the layout is such that all dwellings would be provided with sufficient sized gardens. In terms of interface distances, the ground floor windows in the rear extension to Plot 1 in the pub building face the black two storey side elevation of Plot 7 at a distance of just 11 metres. This falls significantly below the standard set out in the Council's Good Design Guide which states that a principal window to a habitable room (in this case the main living room) should ideally not be less than 14 metres from the blank side of a two storey elevation.
- 8.101. The Council's Environmental Services Team has been consulted and has no objections to the proposal.
- 8.102. As set out above paragraph 139 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance.

Both the rear extension to Plot 1 and Plot 7 are new-build elements. No justification has been put forward for why a relationship that falls so far below the guidance set out in the Council's Good Design Guide is warranted. The proposed therefore fails to provide the future occupiers with a satisfactory outlook from their main living space as it would be dominated by the blank two storey side elevation of the dwelling on Plot 7. This is contrary to both the requirements of paragraph 135 of the Framework and the advice set out on page 44 of the Council's Good Design Guide.

Ecology, Biodiversity and Trees

- 8.103. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.104. Paragraph 180 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity and by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, which includes trees.
- 8.105. The proposed dwellings sit mainly on the pub car park and the dwellings therefore have minimal impacts on existing habitats. As the proposal includes the conversion of the pub a bat survey has been submitted and while the building has a low potential for roosting habitats a bat activity survey has been undertaken as required by good practice guidelines. While this recorded bats foraging in the area no bats were recorded emerging from or entering the building during the hour long survey.
- 8.106. With regard to trees the submitted tree report shows that no trees are proposed to be removed from the site and that a grown out hedge on the western boundary with the recreation ground would require pruning back to a modest hedge.
- 8.107. It is considered that sufficient information has been submitted to demonstrate that the built development would not result in the loss of any trees and that a net gain in biodiversity, as required by Policy DM6 of the SADMP, could be secured via condition.
- 8.108. As such it is considered that the application accords with the requirements of Policy DM6 of the SADMP and to the requirements of the NPPF.

Highway Safety

- 8.109. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)). Dwellings of 3 beds or less require 3 parking spaces and dwellings of 4 beds or more require 3. For a garage to be classed as a parking space, it requires an internal measurement of 6m by 3m for a single and 6m by 6m for a double (minimum door width 2.3m) and a planning condition will be required to restrict its loss/conversion. Parking spaces should be 2.4m by 5.5m minimum (with an extra 0.5m width if bounded by a wall/fence etc.).
- 8.110. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development. Developments within the town centre should demonstrate that they would not exacerbate existing problems in the vicinity with

increased on-street parking. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible. This would be assessed and secured at reserved matters stage.

- 8.111. Paragraph 115 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.112. The objections to the application also raise concerns about the impacts of the development on highway safety close to a junction in the centre of the village on a narrow section of Main Street.
- 8.113. The applicant has submitted a Transport Statement. It notes that the site is located on an unclassified road within a 20mph home zone, and the development is proposed to be accessed from Main Street via a 4.8m wide carriageway with 2m wide footways on both sides. The site fronts onto Main Street which already has a pavement which abuts the southern site boundary. Visibility splays of 25m by 2.4m are provided at the site entrance. The internal road layout would be built to relevant standards. The site contains an existing pedestrian link to the adjacent park to the south-western corner. This would be retained. The Statement concludes that there are opportunities for sustainable travel although it does, even though it was written in March 2024, also refer to the presence of a convenience store within the village that closed in 2020.
- 8.114. As set out above the County Highway Authority has been consulted and while the road would not be adopted it has no objections to the application on highway safety grounds subject to conditions. The garage size and the amount of parking proposed for the plots accords with the Highway Design Guide.
- 8.115. As such, it is considered that the proposal will not have any significant negative impact on the highway network to the extent that refusal or amendment of the application is required. The proposal therefore satisfies Policy DM17 and DM10(g) of the SADMP and the NPPF.

Flood Risk and Drainage

- 8.116. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.117. Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.118. The site is located within flood zone 1 indicating a low risk of surface water flooding. The public comments have raised concerns regarding drainage issues.
- 8.119. The applicant has submitted a Foul and Storm Water Drainage Strategy. A SuDS scheme using permeable paving, raised storm planters, water butts, filter strips, soft landscaping and large diameter pipes with a Hydrobrake chamber is proposed. Combined these measures are reported to provide a 50% betterment over the existing brownfield run-off rates. It is proposed that the foul drainage and surface water drainage will connect to the existing system under Main Street.
- 8.120. The HBBC drainage officer has no objection and recommends that a condition is imposed to secure a scheme for surface water drainage.
- 8.121. Subject to this condition the development is considered to be acceptable with respect to flooding and surface water runoff issues and satisfies Policy DM7 of the SADMP and the NPPF.

Other matters

- 8.122. Archaeology – the interests of the archaeology of the site could be secured via condition.

Planning Balance and Conclusion

- 8.123. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.124. This application relates to the conversion of the pub building into two dwellings and the erection of five additional dwellings on a site which, apart from part of one garden, lies within the settlement boundary of Higham on the Hill and within the Higham on the Hill Conservation Area. There is a planning history on the site and the paddock to the north that includes the refusal of applications for nine and ten dwellings and the withdrawal of an application for twenty dwellings before the application was recommended for refusal. There is also a history of the local community seeking to retain the village's last remaining public house as a community hub and pub.
- 8.125. As required by paragraph 207 of the Framework, where a development would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. That exercise has been undertaken above. Given the impact of the proposed development on the significance of the Higham on the Hill Conservation Area it is considered that applying the policies of the National Planning Policy Framework for protected area provides a clear reason for refusing the proposed development. Therefore, the balance in this case is the normal balance set out at paragraph 2 of the Framework as opposed to the tilted balance required by paragraph 11d) of the Framework.
- 8.126. Paragraph 8 of the NPPF sets out three overarching objectives for sustainable development which are interdependent and need to be pursued in mutually supportive ways.
- 8.127. The most recent housing land monitoring statement indicates that the Council can demonstrate a 5.6-year housing land supply. This is also a key material consideration. Limited weight is given to the benefits of an additional seven market dwellings.
- 8.128. The scheme would provide economic benefits through the creation of jobs and demand for services during the construction phases and from the future occupation of the development supporting the local economy. As the proposal is for just seven dwellings the economic benefits of the scheme are considered to carry little to moderate weight.
- 8.129. Socially, the scheme would provide a modest increase to the population of the community. This social benefit of the scheme is significantly outweighed by the permanent loss of Higham's last remaining public house.
- 8.130. Environmentally, the limited benefits of the refurbishment of the building and the removal of unsympathetic extensions are significantly outweighed by the construction of five additional dwellings as set out below.
- 8.131. In addition to the heritage findings there would also be significant harm caused to character and appearance of the site and wider area. It is considered that the impact

on the character and appearance of the area would be severe given the nature of the site and the important role that it plays in connecting the village to its origins as an agricultural settlement with views and vistas over rolling countryside.

- 8.132. Following the closure of Higham's only convenience store in 2022, the permanent loss of the village's only remaining public house would be clearly contrary to the requirement to resist the loss of local facilities that is set out in both Policy 12 of the Core Strategy and Policy DM25 of the SADMP.
- 8.133. The proposal would also fail to provide occupiers of the plot 1 dwelling with adequate amenity as a result of the proximity of the two storey side elevation of the proposed dwelling at Plot 7.
- 8.134. The proposal conflicts with Policy 12 of the Core Strategy and Policies DM10, DM11, DM12 and DM25 of the SADMP and the relevant paragraphs of the NPPF as it results in the permanent loss of a key community facility and as a result of the less than substantial harm to the setting of the Higham on the Hill Conservation Area and the significant harm to the character and appearance of the site and surrounding area.
- 8.135. The proposal conflicts with paragraph 135f) of the Framework and with the Council's Good Design Guide as a result of the inadequate standard of amenity provided for future occupiers of the dwelling at Plot 1.
- 8.135. Having assessed the application it is considered that the adverse impacts of the proposal significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the development plan and the NPPF as a whole. Consequently the presumption in favour of development set out within policy DM1 and the NPPF does not apply, and material considerations do not indicate that planning permission should be granted for a scheme that is not in accordance with the Framework or with the development plan.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and

family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Recommendation

10.1 Refuse planning permission for the reasons set out below.

10.2 Reasons:

- 1.** The change of use of the remaining original building from a public house to residential use will result in the permanent loss of the longstanding community interest and value of the building, thus removing the positive contribution this makes to its historic interest and having an adverse impact upon its local heritage significance. Furthermore, the introduction of significant new built form onto the site within the Higham on the Hill Conservation Area would not reflect the traditional urban grain of the conservation area and would be uncharacteristic and would erode the existing open character and appearance of the area. Additionally the proposal would have a significantly detrimental urbanising effect on important views and vistas that would reduce the ability to appreciate the rural setting of the Higham on the Hill Conservation Area. For these reasons the proposal has adverse impacts upon the significance of this designated asset and this significant but less than substantial harm is not outweighed by the identified public benefits of the scheme. The proposal is therefore contrary to Policies DM11 and DM12 of the SADMP, section 16 of the National Planning Policy Framework (Dec 2023) and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 2.** The proposal would result in the permanent loss of a key community facility contrary to the requirements of Policy 12 of the Core Strategy and Policy DM25 of the Site Allocations and Development Management Policies Development Plan Document (2016).
- 3.** By virtue of its scale and massing the proposal for the additional five new dwellings would result in an incongruous form of development that would be prominent in views from public vantage points and would detract significantly from the character and appearance of the application site and the area, contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (Dec 2023).
- 4.** The application fails to provide the occupiers of the dwelling on plot 1 with an adequate level of amenity as required by paragraph 135f) of the National Planning Policy Framework and the Council's Good Design Guide (2020).