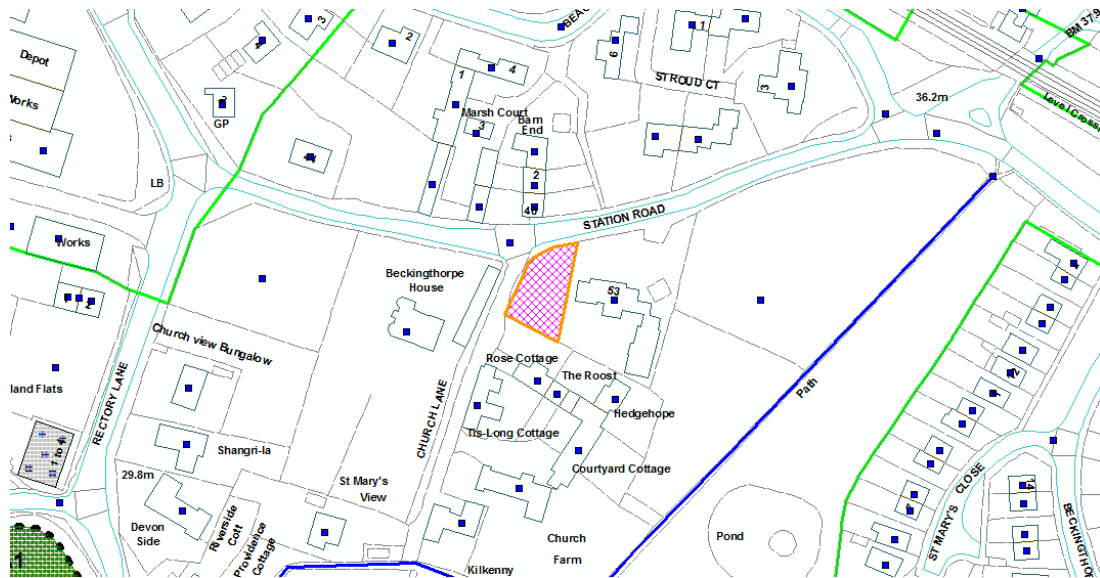


Reference: 14/00418/FUL
Date submitted: 19th May 2014
Applicant: Mr A Mellor
Location: Mulberry House, 53 Station Road, Bottesford
Proposal: Construction of two semi-detached dwellings part demolition of a wall and fence to create vehicular access removal of trees and crown lift of one tree.



Introduction:-

The application is for the erection of two semi-detached dwellings on land within the curtilage, and to the west of Mulberry House, 53 Station Road, Bottesford. The site is located within the village envelope and the Conservation Area for Bottesford, and is on the corner of Station Road and Church Lane. Mulberry House is a large, two storey, relatively modern detached dwelling set within a substantial plot and accessed from Station Road. The site is bound to the north and the west by a thick conifer hedge and the proposed access to the site would be from Church Lane. Whilst the site is elevated above both Church Lane and Station Road it is relatively level within the confines of the site.

It is considered that the main issues relating to the application are:

- **Impact upon the Conservation Area and Heritage Assets**
- **Impact upon Highway Safety**

The application is required to be considered by the Committee due to the level of representation received. **Members may recall that this application was presented to Committee in September 2014, further information was sought in regards to land levels and the elevation onto Church Lane, this information has been received with amended plans and is now presented to Committee for further consideration. Commentary on the amended plans and levels are highlighted bold within the report.**

Relevant History:

There is no relevant history at the site.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS1, BE1

OS1 states that planning permission will only be granted for development within village envelopes where:

- The form, character and appearance of the settlement is not adversely affected;
- The form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality;
- The development would not have a significantly adverse effect upon the historic built environment or nature conservation features including trees;
- The development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity;
- Satisfactory access and parking can be made available.

BE1 states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provisions.

Policy H6 states that planning permission for residential development within Village Envelopes shown on the proposals map will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; *or*
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that **whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.**

It establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to respond positively to wide opportunities for growth.
- Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

On Specific issues relevant to this application it advises:

Delivering a wide choice of high quality homes

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. At paragraph 50 it states that local planning authorities should deliver a wide choice of high quality homes, widen opportunity for home ownership and create sustainable, inclusive and mixed communities. Local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. In addition they should identify the size, type, tenure and range of housing that is required in particular locations reflecting local demand.

Paragraph 55 states that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development in rural areas, and to avoid the development of new isolated homes in the countryside unless there are special circumstances.

Requiring good design

The Government attached great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 64 the NPPF goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Conserving and enhancing the historic environment

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness

At paragraph 132 the NPPF states 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 137 offers further advice for development within the conservation areas, and within the settings of heritage assets, and states that local planning authorities should look for opportunities for new developments in these areas to enhance or better reveal their significance. Where proposals preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset, they should be treated favourably.

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF paragraph 12).

Consultations:-

| Consultation reply | Assessment of Head of Regulatory Services |
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| Highway Authority: No Objections The Officer notes that whilst Church Lane is not ideal for a new access, it may be difficult to sustain a highway reason for refusal to justify that the addition of 2 further properties would cause severe harm, especially as the site is quite sustainable in transport terms. In regards to | Noted. Access to the site is proposed from Church Lane, to the south west boundary. The access would be in the approximate location of the existing brick pier which at one stage formed an access in to the plot. The creation of the access would lead to the removal of |

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| <p>the amended plans, the Officer noted that the details are generally acceptable, however the parking spaces for plot 1 are located too close to the existing retaining wall, and as such it would be difficult for occupants of the vehicles to get into and out of the vehicle. Therefore the plan needs to be amended to show the minimum clear margin of at least 0.5 metres around all parking spaces, to allow full access to the parked vehicles.</p> <p>Therefore, the application is recommended for approval, subject to conditions, including a condition requiring an amendment to the car parking provision to show a minimum clear margin of 0.5 metres around the parking area to be submitted to the local planning authority prior to commencement of development.</p> <p>Further comments were received from the Highways Officer in regards to the amended plans. The Officer advises that the levelling of the existing verge to provide a safe refuge for pedestrians is considered generally acceptable, however due to the works being within the highway a separate license from LCC would be needed to carry out the works. The Officer continues to recommend approval subject to conditions.</p> | <p>part of the brick wall, part of the post and rail fence, and a section of conifer hedgerow.</p> <p>The proposed access would be 2.7 metres wide and would lead to a shared driveway and four designated car parking spaces (2 per dwelling). The area is proposed to be laid with semi-porous gravel.</p> <p>The Officer's comments are noted with regards to the access on to Church Lane, and it is recognised that the new access may not be ideal. However, it is not considered that an access in this location would lead to severe harm to highway safety, and the proposal is therefore considered to be able to be accommodated within the highway network and would not have a negative impact on highway safety. The requirement for clear margins of 0.5 metres around the parking spaces can be conditioned accordingly, and the proposal is therefore considered to comply with policies OS1 and BE1 in this respect.</p> <p>With regards to the updated plans and comments, the revised plan numbered 201(08)001 rev B now shows sufficient clear margins around the parking spaces so that a condition to this effect is no longer required. The revised conditions required by the Highways Officer are as set out below.</p> |
| <p>Parish Council: Object</p> <p>The Parish Council objected to the application in its original submitted form (with the two proposed dwellings turned 90 degrees to face the north), however they have not registered an objection to the revised proposals.</p> <p>The Parish Council objected to the application as they considered that it was an over intensive use of the land. They also had concerns with regards to the drainage due to the level of hard standing being proposed.</p> <p>They did however positively note within their representation that the proposed houses are bungalows which are typically in short supply in the area.</p> <p>No further comments have been received from Bottesford Parish Council in regards to the amended plans.</p> | <p>Noted.</p> <p>The two dwellings proposed within the site are not considered to be an over intensive use of the site. The applicant has demonstrated that sufficient parking and turning space can be provided within the site, and the development also allows for a reasonable amount of amenity space for garden and storage for the individual dwellings, as required by policy BE1 of the Melton Local Plan which seeks to ensure that adequate space around and between dwellings is provided.</p> <p>With regards to the drainage of the site, the hard standing proposed within the parking and shared driveway area would be constructed of semi-porous gravel which would help to lessen the amount of drainage required from the site. A condition requiring the submission of plans to demonstrate the drainage at the site could also be requested should the application be successful. The proposal shows some flagstone paving around the dwellings and to the rear to provide patio spaces, however this is considered to be minimal in area and would not significantly contribute to a flooding risk in the area. The site is not considered to be within a flood risk area by the Environment Agency (see below).</p> |

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| | <p>The dwellings proposed are not bungalows (and were not bungalows on the original submission), they are a pair of semi-detached two storey dwellings. As stated below, these are also considered to be in short supply in the rural north of the Borough.</p> |
| <p>Conservation Officer: Approve</p> <p>The development site forms part of the well presented garden area to 53 Station Road, a large relatively modern dwelling situated at the junction of Station Road and Church Lane.</p> <p>The Conservation Officer objected to the original scheme proposed as he noted that the proposed semi-detached dwellings in the original location were somewhat alien to the overriding character of the properties within the area, and unbalanced the grounds / garden associated with the host dwelling. With regards to the design of the dwellings, the Officer stated that they complemented the local vernacular, but taking all things into consideration stated that the proposal in this location would have an adverse effect on the streetscene, visual amenity and conservation area setting of the site and advocated refusal of the initial plan.</p> <p>Following a meeting on site with the agent and Conservation Officer, revisions were discussed which resulted in the submission of the amended plans now to be determined. In response to the amended plans, the Officer has revised his recommendation.</p> <p>The Officer considers that the repositioning of the dwellings onto the roadside continues the line of development of Church Lane and ‘announces’ the entrance to it by enclosing the junction and balancing the farm building opposite. In some ways the Officer considers that the new buildings could frame the view towards the Church. The barn opposite the proposals, although single storey, has a relatively high ridge height, and therefore the introduction of 1 ½ storey cottages are not necessarily out of place.</p> <p>The revised positioning preserves the space between the host dwelling and the new builds. In design terms, the Conservation Officer considers that aspects of the local vernacular have been included, and on this basis has removed the earlier objection to the proposal.</p> <p>With regards to the amended plans the Conservation Office has advised that the step-down effect from the host dwelling (Mulberry House) to the new building onto Church Lane is acceptable, and works well.</p> | <p>Noted.</p> <p>Members are reminded of the general duty to give special attention to the desirability of preserving or enhancing the character or appearance of Conservation areas (s72 of the LB and CA Act 1990).</p> <p>The dwellings would stand a maximum of 6.46 metres high to the ridge, with an eaves height of 2.95 metres and are proposed to be constructed of red facing bricks, red clay pantiles and black cast iron effect rain water pipes. The proposed materials and design are considered to be consistent with the local vernacular.</p> <p>The dwellings would be located on the western boundary of the host dwelling, facing onto Church Lane, with parking provided to the south of the dwellings in a shared driveway with allocated parking spaces (four in total). The existing hedge to the southern boundary would be maintained to ensure the privacy of the residents to the south, whilst the existing hedge to the west would be lowered in front of the new dwellings to provide light to the front windows.</p> <p>The proposal would require the removal of a total of 5 trees within the garden to provide the parking and both dwellings. Whilst the loss of trees within the Conservation Area would be regrettable, it is not considered that the three trees proposed to be removed would be worthy of a Tree Preservation Order due to their type and size.</p> <p>It is accepted that in design terms the two new dwellings complement the local vernacular, in particular in responding to the mass, height and designs of dwellings to the west and north. The barn to the west abuts the highway, along with other buildings along Church Lane, as these dwellings also would.</p> <p>The applicant has considered that the land to which the proposal relates stands above the level of Church Lane, and has proposed to build the dwellings at the lower level, cut into the garden, to ensure that the levels remain in keeping with the other buildings along Church Lane.</p> |

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| | <p>The design has been carefully considered, and the siting of the dwellings has been altered to better fit the Conservation Area, as described by the Conservation Officer. The proposal is therefore considered to meet the requirements of s72 and satisfy the aims of the NPPF in ensuring the ongoing protection of the Conservation Area and to provide sustainable development, and the overall aims and objectives of policies OS1 and BE1 in relation to design.</p> <p>The amended plans show clearly how the proposal will sit within the land levels and current topography of the site. This is considered to be acceptable in line with the above policies.</p> |
| <p>Environment Agency: No Comment</p> <p>The Agency have reviewed the application and advise that as presented, the development is less than a hectare and falls within flood zone 1. It does not fall under the categories of being a high risk to the environment, and does not offer significant environmental benefit, therefore they do not wish to comment further on the proposal.</p> <p>The Environment Agency were consulted on the amended plans and have advised that the advice given previously still stands.</p> | <p>Noted.</p> |
| <p>Building Control: No Objections</p> <p>The development appears satisfactory in terms of access for fire and refuge appliances.</p> | <p>Noted.</p> |
| <p>Housing Policy: No Objections</p> <p>The Leicester and Leicestershire Strategic Housing Market Assessment (Bline Housing, 2009) supports the findings of the Housing Market Analysis and states that controls need to be established to protect the Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing). It continues to state that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and the sparsely populated rural areas.</p> <p>This application proposes a development of a pair of two bedroom, semi-detached dwellings which are considered to meet the housing needs of the rural north of the Borough where there is a significant shortfall of this type of dwelling.</p> | <p>Noted.</p> <p>The proposed dwellings are a pair of semi-detached, two storey, two bedroom homes. The Melton Borough Housing Stock Analysis (2006) showed that there is a significant shortfall of two bedroom dwellings in the rural north of the Borough. There is a significant surplus of three and four bedroom dwellings.</p> <p>The NPPF introduces the presumption in favour of sustainable development. Bottesford is considered to be a particularly sustainable location for new housing as it has a high level of facilities available locally that reduce residents' reliance upon the private car.</p> <p>The proposal is considered to meet the housing needs of the rural north of the Borough, and to meet the objectives of the Housing Market Analysis to encourage a balanced supply of suitable family housing. The proposal is also considered to be within a sustainable location.</p> |

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Representations:

The application was advertised in the press, a site notice was posted and neighbouring properties were notified. As a result **fifteen letters of representation** were received in response to the initial consultation, and eight letters of representation have been received in response to the amended plans.

In response to this latest amendment presented to committee, the amendments were notified to interested parties, at the time of writing the report five further letters of representation have been received. New points raised are highlighted in bold.

| Consideration | Assessment of Head of Regulatory Services |
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| <p>Impact Upon Conservation Area & Heritage Assets</p> <ul style="list-style-type: none"> • The dwellings would have an adverse impact upon the character and appearance of the Bottesford Conservation Area, would be an encroachment of grotesque proportions and would permanently harm the heart of the highly regarded, ancient part of the village. • The proposed development would be a gross disfigurement of the area, contrary to the aims of the NPPF which seeks to maintain established streetscenes and fit new developments in with what is existing. • View to the Grade I Listed Church would be obstructed by the new dwellings adversely impacting it. • New dwellings would tower above the dwellings to the north • Church Lane is a gateway to the church, dwellings along the lane are preserved to retain their agricultural heritage, these dwellings will be detrimental to the area. All dwellings in Church Lane are single storey, a pair of semi-detached dwellings would be out of character. • This application is incompatible with the conservation ideals of the character and appearance and should be refused. • The land level is considerably elevated above the road height making the new dwellings highly visible from every direction. • The proposed dwellings would spoil the view down Church Lane • The development would dominate the end of Church Lane / Station Road and alter the view towards St Mary’s Church. | <p>Conservation Areas are 'areas of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance'. Conservation Area status does not mean that new development may not take place but must reflect the ‘special character’ defined by local architectural vernacular scale, siting, massing, details and materials. Special attention should be paid to not only building form but also fenestration and materials.</p> <p>The Conservation Officer considers that the alteration of the siting of the dwellings, with them constructed at the level of Church Lane would provide a ‘framing’ of the view towards the Church, rather than obstructing the view. The dwellings have been carefully designed to reflect the local vernacular, and it is not considered that the dwellings would tower above the dwellings to the north as the separation distance is approximately 16 metres, and the maximum height of these dwellings would be under 6.5 metres in total. This is considered to be very modest in height and relates well to the barn to the west.</p> <p>With regards to the levels, the dwellings will be built at a level more consistent with Church Lane, rather than the level of the garden of the host dwelling, which is significantly raised. This will help to ensure that the dwellings do not tower over the bungalows to the south, or the single storey barn to the west and the dwellings to the north.</p> |

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| <ul style="list-style-type: none"> • The need to provide affordable housing should not outweigh the need to preserve a beautiful Conservation Area • Fenestration has been kept to a minimum on both sides of Church Lane to maintain an agricultural feel of the (once) farm track / entrance to Church Farm. • The new dwellings, despite a retained fence, would be highly visible from all directions, especially given that the ground on which they are to be built is considerably elevated above the road height. • The fence proposed is unsightly and more out of keeping with neighbouring properties. • Previous applications and appeals have been refused in the Conservation Area (extension to Tis-Long Cottage (2002), dwellings to the east of Mulberry House, dwellings in the grounds of 18 Station Road). • The application proposes to remove mature trees which doesn't make sense when the Council encourages the planting of trees | <p>As stated above, it is not considered that the proposal would cause harm to the Conservation Area. The housing proposed would be market dwellings, albeit on the more affordable end of the scale.</p> <p>The amended plans show a cross section of the site including Mulberry House, Church Lane, the proposed dwellings and Beckingthorpe House. This clearly shows that the dwellings will only be 0.2 metres higher than Church Lane, similar to Beckingthorpe House. The eaves height of the new dwellings would be 0.09 metres higher than the eaves of Beckingthorpe House. Whilst the dwellings would be visible, as discussed above, this is not considered to cause harm to the Conservation Area, and complies with the relevant policies of the NPPF.</p> <p>The fence is proposed to be softened with low level planting to the front of the dwellings, and is not considered to be harmful to the Conservation Area.</p> <p>All applications are determined on their individual merit, taking into consideration the policy position at the time of determination. The applications referred to were determined between the years of 2001 and 2007. With regards to Tislong Cottage, this dwelling is located closer to the Church where it is considered that raising the height to 6.8 metres would be detrimental to the view to the Church. The application site is located further to the north of the Church, and proposes a maximum height of 6.46 metres which is not considered to have the same effect on the view towards the Church or the setting of it.</p> <p>Trees located within Conservation Areas are afforded some level of protection. In this instance it is not considered that the trees proposed to be removed make a significant contribution to the street scene, and would therefore not be worthy of a tree preservation order which is the only mechanism with which the Council can ensure their on-going protection.</p> <p>It is concluded that the proposal would make a positive contribution to the conservation area and the local character and distinctiveness, providing further accommodation that is needed in the rural north of the Borough. The loss of some garden trees is regrettable, but as stated above they are not considered to be worthy of the protection of a tree preservation order.</p> <p>It is not considered that the proposal would cause harm to the Conservation Area or the</p> |
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| | setting of the Grade I listed church. |
| <p>Amenity & Privacy</p> <ul style="list-style-type: none"> • The new dwellings would be significantly higher than the existing dwellings to the north, affecting light, privacy and views • Dwellings would overlook the gardens of 40 Station Road, other dwellings to the north, and the windows on the side elevation. • Dwellings would tower above existing properties to the south • Dwellings to the south of the proposal would suffer visual intrusion from the proposed windows facing towards them and would suffer a lack of privacy. • Removal of trees will mean dwellings to the south overlook a brick wall and lose the rural aspect • The plot is not large enough for the dwellings proposed • The plans state that the existing hedge on the southern boundary will be removed and a border replanted for privacy and to preserve character / setting; cut back to allow 0.5m margin for parking. Therefore this is going | <p>As explained above, the new dwellings would be constructed at a similar level to Church Lane, which was part of the amendments received to the plans. This will help to ensure that the dwellings are not any higher than the dwellings to the north. The dwellings have also been turned 90 degrees, so there is now only a bathroom window facing towards the north. This is not considered to adversely affect the residential privacy of the dwelling to the north of the site. The separation distance between the proposal and the neighbour being approximately 16 metres, and since the proposed dwellings have been lowered there should be no particular loss of light or views. As the dwellings have now been turned to face Church Lane they will also no longer overlook the gardens of 40 Station Road.</p> <p>Whilst it is acknowledged that the proposed dwellings would be taller than the bungalows to the south, there would be a separation distance of around 17 metres, and the proposed dwellings have a very modest height as they are only 1½ storeys. The dwellings would be to the north, therefore not affecting the light to the bungalows, and the separation distance is also considered to be satisfactory in terms of residential amenity and privacy.</p> <p>The dwellings are considered to meet the overall objectives of Melton Local Plan policies OS1 and BE1 in regards to residential privacy and amenity.</p> <p>Whilst it is acknowledged that the removal of trees on site (as marked on the amended plan provided) would be regrettable, the trees are not considered to be worthy of a tree preservation order due to their type and location. The applicant proposes to retain the hedgerow above the existing wall on the southern boundary, retaining some of the ‘green’ feel of the area.</p> <p>The plans show that both dwellings have adequate parking space and garden space to ensure that the residential amenity of the dwellings would not be compromised. The proposal is considered to meet with the objectives of policies OS1 and BE1 in this respect.</p> <p>Noted. The Highways Officer requires that there is a 0.5 metre margin to allow cars to open doors; therefore this is necessary to gain the required level of space in the site. It is not considered that this would cause any issues for</p> |

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| <p>to be replaced with a thinner hedge so that there is more room for cars.</p> | <p>residential privacy and amenity.</p> |
| <p>Highways Safety</p> <ul style="list-style-type: none"> • Access and parking included in the application is inadequate and potentially dangerous. There is not enough space for them to turn around on site, so they will reverse out on to the lane. • If the hedge is retained along the western boundary this will restrict vision for those exiting the dwellings. • The new access is close to the junction with Station Lane and will pose danger to pedestrians, particularly children going to / from school. • Church Lane is not safe, it already serves 8 dwellings and has no footpath and is already busy. • Church Lane is regularly used for parking, deliveries, a route to school by children and general pedestrian activity. Four more cars will make the road dangerous to use. • The junction of Station Road / Church Lane has poor visibility ('blind') and is not safe, traffic travels too fast on Station Road • If the Council is not prepared to build a pavement they will in part be responsible for a serious, probably fatal accident on Station Road / Church Lane. • Traffic at the far end of Church Lane already uses private drives to turn around in as it is a dead end. More traffic will cause more of these problems. • Visitor parking already causes blockages, more would exacerbate the problem. • The amendments do not address the objections raised by residents in regards to highways safety • When the River Devon floods over the road at the bridge beside the Church this often forces all traffic that would normally use Normanton Road along Station Road making it even more hazardous for pedestrians and cars trying to negotiate the junction at | <p>Noted.</p> <p>As stated above, the Highways Officer does not object to the proposals, and has recommended approval subject to conditions. It is not considered that two additional dwellings would create severe harm as to warrant a refusal in highways terms.</p> <p>The hedge on the western boundary will have been cut back for the windows to the dwellings, therefore visibility would be satisfactory for use of the new driveway.</p> <p>Whilst it is acknowledged that the layout of the junction of Station Road / Church Lane is not ideal, the Highways Officer does not consider that the addition of two further dwellings would create such severe harm as to warrant a refusal of planning permission.</p> <p>The proposed dwellings provide four parking spaces on site which is considered satisfactory for two dwellings of this size.</p> <p>The proposal is not considered to cause highways safety issues, and therefore amendments were not requested in respect of this.</p> <p>The Highways Officer has been consulted upon the proposals and does not consider that the erection of two dwellinghouses on Church Lane would cause highways safety issues. The flooding of Normanton Road is not a frequent occurrence.</p> |

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| <p>Church Lane.</p> | |
| <p>Design</p> <ul style="list-style-type: none"> • It is unclear from the plans provided as to what will happen with the hedge. It states on the amended plans that the hedge on the corner of Station Road / Church Lane will be replaced with a 10 ft fence, but the height has not been made clear. | <p>A further plan was requested to clarify the boundary treatment, in addition to the site sections that were received. This shows a post and rail fence standing at approximately 1.2 metres high in front of the proposed dwellings. The applicant proposes to install this fence and some planting beneath the fence to enhance the setting and appearance of the dwellings.</p> |
| <p>Accuracy of Plans</p> <ul style="list-style-type: none"> • The site sections provided are sketchy line drawings with unclear scales and no measurements, detail or explanation and are useless. • The amended plans section B-B seems to remove all of the hedge on Church Lane all the way to Station Road – there is a long stretch of fencing to the left of the proposed dwellings which is at the existing hedge line at 3 metres high, then 1 metre high, then 2 metres high. This will look hideous. • The original plan stated that the existing hedge would be retained, this has been removed. Is it now the plan to remove some length of hedge from Station Road as well? | <p>The site sections are informed from the topographical survey undertaken and numbered as plan 201(08)001 rev B. This clearly shows the land levels as surveyed on 9th October 2014 by a site surveyor taken at multiple points around the site. This provided two section drawings as shown on the topographical survey as A-A and B-B which are then shown on their own site section plans as existing and proposed. All of the plans provided are to a recognised scale as detailed on the plans.</p> <p>As such, the plans are considered to be an accurate representation of the site levels and the site sections.</p> <p>There is a discrepancy in the section B-B drawing appearing to show the fence at the same height as the hedge. This is not the case; it will be a low height post and rail fence at approximately 1.2 metres high as clarified on plan 201(08)003. This is considered to be in keeping with the Conservation Area as discussed above.</p> <p>The hedge will not be removed on Station Lane. The block plan (also showing the land levels) shows where the hedge will finish and the fence with planting would start. This is on the corner of Station Lane / Church Lane and would be at the point of the first dwelling.</p> |
| <p>Consultation Strategy</p> <ul style="list-style-type: none"> • Neighbour notification was not sufficient. | <p>The application site is within the garden to the west of the dwelling known as Mulberry House. All neighbours who share a boundary with the application site (as outlined in red on the site location plan) were consulted. This was four dwellings in total. As the site is within a Conservation Area, a site notice was also displayed on the corner of Station Road and Church Lane, and the application was also advertised in the local</p> |

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| | <p>press on 5th June 2014.</p> <p>This approach complies with the level of consultation required by the law and this local authority as part of the adopted Consultation Strategy/SCI.</p> |
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Other Material Considerations Not Raised In Consultations:

| Consideration | Assessment of Head of Regulatory Services |
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| Design | <p>The two proposed dwellings are semi-detached, two bedroom homes, with a relatively simple layout. On the ground floor there would be a kitchen / dining space, hallway, WC and living room. On the first floor there would be two bedrooms and a family bathroom. The dwellings have their main access on the side elevations into the hall, with the kitchen / dining area occupying the principal elevation, overlooking Church Lane. To the rear would be the living room, with patio doors out into the rear garden where there would be a modest patio area.</p> <p>The dwellings can be accessed from new pathways directly off Church Lane, whilst the parking and shared driveway would be sited to the south of the properties.</p> <p>There will be windows for the kitchen / dining area and the bedroom above overlooking Church Lane, including a conservation style roof light,, and bathroom windows above the door on the north and south elevations. There will also be windows on the rear elevation to the bedrooms, and an additional conservation rooflight.</p> <p>The design of the two dwellings is considered to be acceptable within the Conservation Area, and meets with the overall objectives of the NPPF and policies OS1 and BE1 of the Melton Local Plan.</p> |
| Residential Privacy & Amenity | <p>The separation distances between the proposal and the existing dwellings to the north and south is approximately 16 metres. The only windows to be inserted on the north and south elevations are to bathrooms, and there are no bedroom windows facing towards the site.</p> <p>The barn to the west of the site, sited on Church Lane has no windows, and the separation distance would be approximately 9 metres between the existing barn and the proposed dwellings. Whilst this is lower than that which would normally be expected, it is considered acceptable as there are no windows on the barn to the west.</p> <p>Rose Ccottage faces the proposed site, however it does not directly face the proposed dwellings, and the separation distance of 16 metres (minimum) is</p> |

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| | <p>considered to be acceptable and not to cause harm to the amenity and residential privacy of this dwelling.</p> <p>The proposed dwellings are considered to meet the overall objectives of policies OS1 and BE1 in regards to residential privacy and amenity.</p> |
| <p>Policy</p> | <p>The proposed dwellings are within the Bottesford village envelope, and within the designated Conservation Area. As such, saved policies OS1 and BE1 of the Melton Local Plan apply. The dwellings are considered to meet the requirements as set out in these policies in terms of the form, character and appearance of the settlement, and the form, size, scale, mass, materials and architectural detailing of the development. It is not considered that the development would have a significantly adverse effect upon the historic built environment, and the removal of a total of 5 garden trees would not have a significant impact upon the Conservation Area.</p> <p>It is also not considered that the development would cause undue loss of residential privacy, outlook or amenity to occupants of existing dwellings in the vicinity, and satisfactory access and parking can be provided, subject to conditions.</p> <p>Policy H6 supports residential development within the village envelopes, if they are confined to small groups of dwellings or single plots. The proposal is considered to meet with the objectives of policies OS1, BE1 and H6.</p> <p>With regards to the NPPF, Bottesford is considered to be a sustainable location for new housing development. The village has a good level of facilities and services that reduce reliance upon the private motor car for day-to-day needs. The NPPF advises that there is a presumption in favour of sustainable development, and that for decision taking this means that development proposals that accord with the development plan should be approved without delay.</p> <p>The application is therefore considered to be supported by both the saved policies of the Melton Local Plan, and the National Planning Policy Framework</p> |

Conclusion

The application seeks full planning permission for two semi-detached dwellings on the corner of Station Road / Church Lane, Bottesford. The site currently forms the residential garden to the west of Mulberry House, a large, relatively modern, detached dwelling accessed from Station Road.

The proposed dwellings are considered to meet the assessed housing needs of the Borough and would not have a detrimental impact on highway safety. Bottesford is considered to be a sustainable location for new

housing due to the wide range of facilities available locally which reduce reliance upon the private car. The proposal is considered to not have any adverse impact on surrounding residential properties and has been designed to preserve the character and appearance of the Conservation Area.

The amended plans clarify the details with regards to the existing and proposed site levels, the proposed boundary treatment and planting. It is considered that the application meets the requirements of the saved policies OS1, BE1 and H6 of the Melton Local Plan, and accords with the objectives of the NPPF in promoting sustainable development. Accordingly the proposal is recommended for approval.

RECOMMENDATION: Permit, subject to conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. This decision relates to the approved, amended plans numbered 201(08)002 (revised floor plan) received at these offices 13th August 2013, 201(08)001 Rev B (revised site plan) received at these offices on 21st October 2014, 201(08)005 proposed site sections received at these offices on 21st October 2014 and 201(08)003 Rev B (revised proposed elevations) received at these offices on 14th November 2014.
3. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
4. The car parking provision shown on the amended plan, including the clear margins around the parking spaces shall be provided, hard surfaced and made available for use before the dwellings are first occupied and shall thereafter be permanently so maintained.
5. No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.
6. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
7. Before first occupation of either dwelling, the proposed access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
8. Before development commences, visibility splays of 2.4 metres by 43 metres shall be provided at the junction of Church Lane with Station Road across the site frontage. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
9. Before first occupation of either dwelling hereby permitted, visibility splays shall have been provided in each direction out of the site access on to Church Lane, in accordance with details that shall first have been submitted to and approved by the lpa. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
10. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) in respect of the dwelling hereby permitted no development as specified in Classes A, B, D & E shall be carried out unless planning permission has first been granted by the Local Planning Authority.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.

3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
4. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
5. To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway.
6. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
7. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
8. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
9. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
10. To enable the Local Planning Authority to retain control over any further development of the site due to the density of the development proposed.

Officer to contact: **Mrs Sarah Legge**

Date: 14th November 2014