

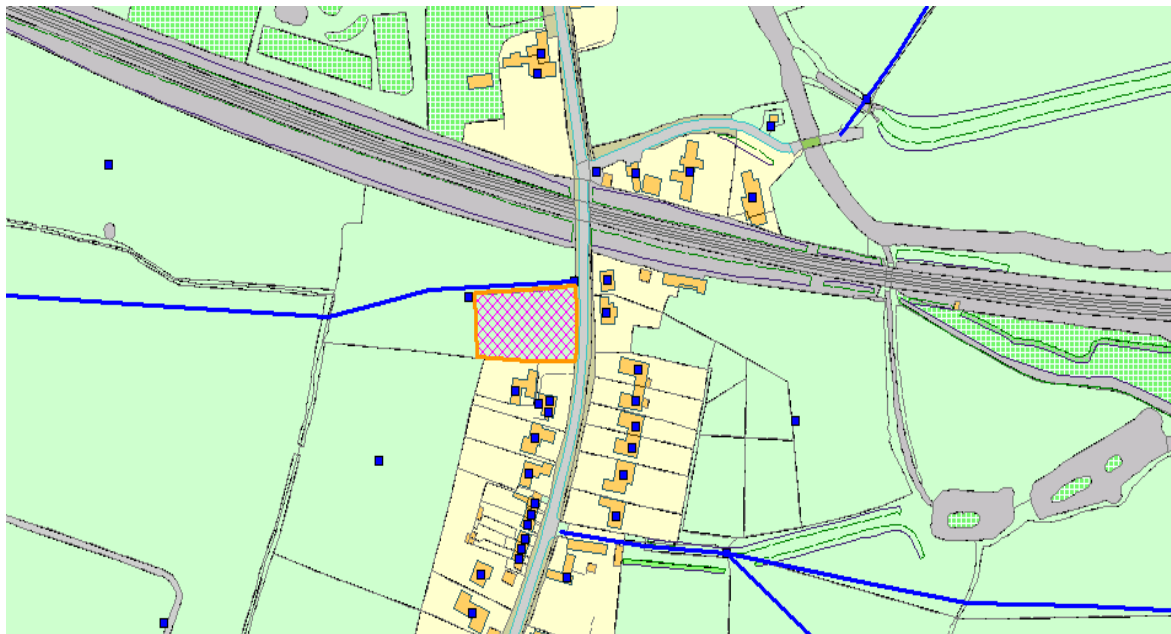
Reference: 14/00841/FUL

Date Submitted: 15th October 2015

Applicant: Mrs J E Dolan

Location: Field OS6700, Main Street, Kirby Bellars

Proposal: Erection of 3 Holiday Homes and on Land adjoining Hawthorn House, 53 Main Street, Kirby Bellars



Introduction:-

The application seeks planning permission for the erection of three 2 bedroom holiday barns on a site on the edge of the village of Kirby Bellars. To the north of the site is a public footpath that links the Kirby Bellars to Frisby on the Wreake, and the train line between Leicester and Melton Mowbray is also to the north of the site. There are residential dwellings to the south and east of the site that are within the defined village envelope for Kirby Bellars; this site is outside of the village envelope.

It is considered that the main issue relating to the application is:

- **Compliance to the development plan: whether it is justified to make an exception to Development Plan policies**
- **Impact on the character of the area**

The application is required to be considered by the Committee due to the level of representations received.

Relevant History:-

Members may recall that application 13/00563/FUL was heard at Committee on 17th October 2013 for the erection of four 2 bedroom holiday homes on the same site. The application was refused as it was considered to represent unsustainable tourism, the design and appearance of the development was considered to be unacceptable, and the lack of archaeological assessment.

Planning application 13/00394/OUT for a single dwelling on the plot was withdrawn on 31st July 2013.

Planning Policies:-

Adopted Melton Local Plan (Saved Policies)

Policy OS2 states that planning permission will not be granted for development outside village envelopes except for:-

- Development essential to the operational requirements of agriculture
- Limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside
- Change of use of rural buildings

Policy BE1 Siting and Design of Buildings: Allows for new buildings subject to criteria including the design harmonising with the surroundings, no adverse impact on neighbouring properties by loss of privacy or outlook, adequate space around and between buildings being provided and adequate access and parking arrangements being made.

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

- supporting sustainable economic development
- recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it
- promote mixed use development, encouraging multiple benefits from the use of land in urban and rural areas.
- 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:

Building a Strong Competitive Economy

- Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth.

- Significant weight should be given to the need to support economic growth

Supporting a Prosperous Rural Economy

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through new buildings and conversions
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside

Promoting Sustainable Transport

- Safe and suitable access to the site can be achieved for all people.
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.
- Securing high quality and inclusive design goes beyond aesthetics considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment.

As stated above, s38(6) requires determination to be in accordance with the Development Plan unless other material considerations indicate otherwise. This is reinforced by paragraph 11 of NPPF. These form the relevant Development plan policies and they remain extant.

Good Practice Guide on Planning for Tourism 2006

Provides guidance on the role of planning in tourism development. It also underlines the importance of protecting and enhancing the visual quality of site to ensure the development fits in well with its environs. Annex 1 addresses accommodation and advises that:

- Planners should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites.
- New sites that are close to existing settlements and other services will generally be more sustainable as some local services may be accessed by means other than the car.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No objections</p> <p>The proposal is similar to the previous planning application for four holiday homes, and therefore the observations made on the previous application would equally apply to this application.</p> <p>Leicestershire County Council do not consider Kirby Bellars to be a sustainable location, as it lacks facilities such as a shop, and the public house is away from the village. Therefore, users of the proposal are likely to be heavily reliant upon the private car which is undesirable. However, as the NPPF encourages tourism, the Local Planning Authority may be minded to grant consent, therefore conditions would be recommended covering the following issues:</p> <ul style="list-style-type: none"> • The gradient of the access drive • Drainage 	<p>Noted.</p> <p>The sustainability credentials of the proposal are discussed separately within this report (below).</p> <p>With regards to the proposal and its access / parking arrangement, the application proposes 3 holiday barns each with two bedrooms. The parking arrangement is two parking spaces per holiday home which is adequate for the size of development proposed.</p> <p>The access to the site is proposed from Main Street along a shared driveway between the three barns. It is considered that there is adequate turning space within the site to allow vehicles to enter and exit the site in a forwards direction, and it is not considered that the proposal would lead to any on street parking problems within Kirby Bellars.</p>

<ul style="list-style-type: none"> • Car parking and turning facilities • Surface of the driveway • Visibility splays • Width of the driveway 	<p>The applicants have shown that the driveway would be constructed of pavers for the first 6 metres into the site, and then gravel. This would ensure that there would be no deleterious material entering the highway from the site.</p> <p>It is not considered that the proposal would lead to any highways safety issues within the village, or add to any on-street parking issues in the area. Consequently, in this respect the proposal meets the objectives of policy BE1 of the Melton Local Plan.</p>
<p>Archaeology:</p> <p>The previous application (13/00563/FUL) was refused for the lack of archaeological assessment of the site. Since this advice was received from the archaeology department further information has come forward.</p> <p>The archaeology department have advised that whilst they previously considered that the site would have been of great archaeological significance it is apparent that the site has fairly recently been associated with Network Rail's recent bridge improvement schemes. The works included substantial top soil stripping and material storage, followed by a subsequent reinstatement. A description of the works and photographic evidence was submitted to the archaeology department and these imply that significant and damaging works have been undertaken on site that were likely to have compromised the survival of archaeological remains.</p> <p>The archaeology department have advised that whilst they feel that there remains an archaeological interest on site, they are in agreement that any surviving interest can be adequately addressed via a planning conditions if the Local Planning Authority are minded to permit the application.</p>	<p>Noted</p> <p>It is agreed that it is unfortunate that significant and potentially damaging works have been undertaken on site by Network Rail, however conditions can be placed on any approval given at the site to ensure the protection of any remaining archaeological interest.</p>
<p>Environmental Health:</p> <p>No objections to the proposal</p>	<p>Noted.</p>
<p>Melton Mowbray District Civic Society: Object</p> <p>The Civic Society states that the reduction of holiday homes from 4 to 3 does not alter the fact that Kirby Bellars is an unsustainable location (referring to the previous planning application at the site). They acknowledge that the Melton Local Development Framework Core Strategy, February</p>	<p>Noted.</p> <p>The Melton Local Development Framework Core Strategy was withdrawn following advice from a Planning Inspector. The work on the hierarchy of villages primarily related to the sustainability of villages to support new housing development. Further work is now being undertaken in regards to the hierarchy of settlements in preparation of</p>

<p>2012 was withdrawn following concerns by the Inspector that it was unsound, the hierarchy of development locations that reflected the services and facilities within a settlement is still relevant.</p> <p>In the Core Strategy Kirby Bellars was identified as neither a rural centre nor a sustainable village. In paragraph 5.22 the document stated that we would not allow a village with limited or no services or facilities to receive new development in the hope that services and facilities would follow. In paragraph 7.37 it states that holiday accommodation (holiday lodges, caravans) linked to existing attractions may also be acceptable; this proposal is not linked to an existing attraction and would cause harm to the character and appearance of the area.</p> <p>The Civic Society's main reason for objecting to the proposal is that the buildings are a new development in an unsustainable location; a secondary but nevertheless important reason is the very dangerous access to the busy main Leicester to Melton road (A607). Holiday makers would be unfamiliar with this junction and unaware of the hazards.</p>	<p>the New Melton Local Plan. Nevertheless, the Council has been successful in defending appeals for housing development in Kirby Bellars in recent years in relation to sustainability</p> <p>This application is, however, for holiday lodges, not residential dwellings, therefore the contribution that the proposal would make to the rural tourism economy needs to be considered.</p> <p>The NPPF gives specific guidance at paragraph 28 in regards to supporting a prosperous rural economy, stating that to support a strong rural economy, local plans should support sustainable rural tourism to benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should support the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.</p> <p>The applicants have supplied additional information in support of their application showing all of the tourist attractions and facilities in the area that could be benefited by this development. This also shows the public footpaths available to visitors staying within Kirby Bellars.</p> <p>They have also supplied additional information highlighting the existing tourism activity in the Borough, and the Council's Tourism STEAM Report showing tourism trends for the Borough.</p> <p>Following the submission of this information, it is considered that there is sufficient evidence that further tourism facilities are required, and that Kirby Bellars would be an appropriate location for a small scale development to support local business and attractions in the area. In addition, the village has access to local public footpaths popular with walkers linking to other villages with further facilities.</p> <p>Policy OS2 of the Melton Local Plan allows for small scale development for tourism which is not considered to be significantly detrimental to the appearance and rural character of the open countryside. The design of the proposal will be discussed further in a following section of the report, along with the impact upon the character and appearance of the countryside.</p> <p>In respect of the comments regarding the highways safety, as confirmed above the proposal is not considered to cause additional highways safety concerns.</p>
<p>Rights of Way Officer: No Objection</p>	<p>Noted.</p>

<p>The Officer has no objection to the proposal given that the footpath runs adjacent to the site and its use would be largely unaffected by the development. The northern boundary treatment could have a significant impact on the enjoyment of the route, and it is noted that it is intended to simply repair and restore the existing post and rail fence and perhaps enhance the existing hedgerow. Having read the accompanying notes, the Officer has no concerns, but requests that certain conditions regarding any new trees or shrubs being planted should be set back by a minimum of 1 metres from the boundary and to be a species that does not spread. This will prevent the right of way being encroached upon and reduced in width by overhanging vegetation in future.</p> <p>Further information is also included within the advice received.</p>	<p>Conditions to this effect can be included on any decision notice issued should the application be permitted. The additional information can also be included on the notice should permission be granted.</p>
<p>Kirby Bellars Parish Council: Object</p> <p>The Parish Council objects to the application as it is outside of the village envelope, the area is recognised as a valuable public open space in the village, and Kirby Bellars is considered an unsustainable village in planning terms. Previously, the land was an orchard and this has been removed by the owner. There is also concern as to whether there is any demand for such a commercial development of this type. It is understood that where such commercial development has taken place in the past it has been found to be unsustainable and the properties have been used in other ways.</p>	<p>Noted.</p> <p>The proposed site is outside of the village envelope for Kirby Bellars, however it does sit immediately adjacent to it. The NPPF advises at paragraph 14 that where a development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole, or specific policies in the Framework indicate development should be restricted.</p> <p>Please see below for discussion on the sustainability of the site.</p> <p>As part of the supporting documentation for the Melton Local Plan, the land was considered to form one of the open areas in the village, contributing to the character of the village. There is further discussion below with regards to the design of the proposal within the space, and the impact upon the character of the village and the countryside.</p>
<p>Environmental Health:</p> <p>The Officer has advised that the land may be affected by contamination, and as such has recommended conditions regarding investigation and risk assessment. In addition, conditions regarding the timing of work to minimise disturbance to neighbours has also been requested.</p>	<p>Noted</p> <p>These conditions can form part of a decision should permission be granted.</p>
<p>Ecology:</p> <p>No comments</p>	<p>No comments</p>

Representations:

A site notice was posted at the site, neighbours were informed. In response to the consultations, twelve representations have been received from eight separate households.

Consideration	Assessment of Head of Regulatory Services
<p>Sustainability & Tourism</p> <p>The land is outside of the village envelope, which whilst has declining strength, it defines the boundary of the village.</p> <p>There are no amenities in Kirby Bellars for tourists</p> <p>The village is unsustainable, noted as category 3 in the Melton Core Strategy, unsuitable for new housing development.</p> <p>The economic benefit of the proposal to Kirby Bellars is minimal and far outweighed by the overall loss of amenity. Breaching the village envelope is not justified in this case.</p> <p>The proposal makes no mention of the energy efficiency of the design or its construction methods or materials.</p> <p>The holiday homes are a ploy, there will be nothing to prevent their use being changed in the future.</p> <p>There is sufficient holiday accommodation at Eye Kettleby</p> <p>The proposal will compete with existing</p>	<p>Noted.</p> <p>As stated above, the land is outside of the village envelope for Kirby Bellars, however the site is immediately adjacent to the village envelope so cannot be considered to be in the open countryside, away from the village. Policy OS2 supports small scale development for tourism that is outside of the village envelopes which is not significantly detrimental to the appearance and rural character of the open countryside. This will be discussed further below.</p> <p>With regards to the sustainability of Kirby Bellars, it is acknowledged that the village has few facilities and services to support new dwellings. Accommodation for tourism is however a different matter, as it is acknowledged that tourism will generally result in more trips by car or public transport than people would necessarily take if they were not on holiday. Kirby Bellars has a regular bus service to Melton / Leicester and has a public house within walking distance of the proposal which may reduce the amount of trips by car. There is also good access to a local public footpath network which is highly valued by visitors. The tourism case is discussed in further detail below.</p> <p>With regards to the economic case of the proposal, it is likely that someone will be employed to clean and maintain the holiday lodges at changeover. Further economic benefits may be felt over a wider area than within Kirby Bellars.</p> <p>The holiday lodges, if approved, will have to be built in accordance with the most up to date Building Regulations which specify a level of energy efficiency for insulation etc. They have also been sited to take advantage of the southern aspect to allow solar gain.</p> <p>Should the applicants decide at a future point that they wish to change the use of the buildings (if permitted) any future planning application would be determined on its individual merits, alongside the planning policies at the time.</p> <p>Melton Borough Council has no development plan policy that expressly seeks to promote tourism, which is encouraged within the NPPF. The Council's Rural, Economic and</p>

<p>agricultural conversions elsewhere in the County</p> <p>Tourists will contribute nothing to the village and could compromise the safety and security of existing residents.</p> <p>There is no demand for tourism facilities – a B&B in Main Street Kirby Bellars recently closed down because of a lack of demand.</p> <p>The case put forward for tourism in the area is tenuous.</p> <p>The additional information provided by the applicants has not changed the fact that the site is outside of the village envelope and is on an important open area.</p>	<p>Environmental Affairs Committee recently considered the Tourism STEAM Trend Report 2009-13, which highlighted that there has been an increase in tourism in Melton of 7.1% in 2012, with a significant trend in visitors that stay. The Council encourages the conversion of day time visitors to staying visitors, and whilst this is not yet articulated within local planning policy, the Council’s position is that of supporting tourism.</p> <p>Further information has been submitted in support of the planning application, including a map showing all potential attractions and services available to visitors staying in Kirby Bellars within a 2km, 4km and 6km radius of the village. These include within the 2km radius, 2 public houses, regular bus routes and public footpaths towards Frisby on the Wreake, Asfordby and Melton Mowbray. Eye Kettleby Lakes is at 2km from the site. Within 4km are the main attractions within Melton town centre including the Museum, restaurants, public houses, leisure centre, rail station, country park, Egerton park and children’s play areas.</p> <p>Whilst tourists may not contribute directly towards the village, their economic contribution to the area may help to ensure that the facilities and services already available to residents continue, or increase.</p> <p>It is considered that there has been a significant level of research into the proposal to show that there is a demand for this type of tourist accommodation in the area. Therefore, it is considered that the proposal meets the objectives as outlined in the NPPF at paragraph 28 which seeks to support sustainable rural tourism.</p>
<p>Design of Buildings</p> <p>The proposals imitate agricultural buildings, in no way represents re-development of a brownfield site. It is development of greenfield land (former orchard) and will take it out of agriculture permanently.</p>	<p>Noted.</p> <p>The proposals have been designed to imitate agricultural buildings so as to lessen their impact upon the character of the village and the countryside. The proposed materials are similar to surrounding buildings.</p> <p>It is acknowledged that the proposal does not represent the redevelopment of a brown field site, and if the proposal is allowed and built it would result in the loss of the land for any future agricultural use.</p>
<p>Impact Upon the Character of the Area</p> <p>The land is currently an attractive open space, the holiday lodges will be detrimental to the visual appearance of the village and detract existing visitors to the village, including walkers.</p>	<p>Noted.</p> <p>The settlement appraisal from the 1999 Melton Local Plan identified that there are several open areas within the village that provide important breaks between buildings. The site is not however</p>

<p>The development would occupy the entire site of the historic orchard that formed part of the grounds of Hawthorn House. It is an important open space that preserves the rural character of the village and provides valuable visual amenity.</p> <p>The loss of the orchard has degraded the rural environment, some apple trees remain, it is unclear whether these would survive the development. The applicant pulled up the Orchard and the hedgerows when they purchased the land</p> <p>The photographic evidence submitted distorts the true nature of the scene of the village.</p>	<p>identified on the inset map for the village as an Important Open Area.</p> <p>Whilst the site is open at present, the proposed holiday lodges have been planned in such a way that a reasonably large open area to the front of the site would be retained. It is considered that the retained open area to the front (east) of the site will minimise the impact of the proposal on the character and appearance of the area. In addition, leaving a part of the site open at the front will allow for the area facing Main Street to be landscaped.</p> <p>A site visit confirmed the results of the Landscape and Visual Appraisal submitted in support of the application which states that the site can only be seen along a limited length of Main Street, with more apparent views directly opposite the site and further to the north. It is considered that whilst there are open areas between buildings in Kirby Bellars that are important to provide breaks between buildings, this site cannot be considered as such in this context.</p> <p>Whilst it is regrettable that the orchard was lost some years ago, the site is not the subject of a tree preservation order, nor is it within a conservation area. Trees are therefore not offered protection in this area. The existing apple trees on site may be affected by the proposal, however they are not considered to be worthy of protection by a tree preservation order.</p> <p>The proposals include some indicative landscaping, however a condition could be attached to any permission granted to ensure that a landscaping scheme is agreed and implemented. At present the site is not considered to contribute to the streetscene in a positive way, and the proposals could ensure that the appearance of the site in the streetscene is improved and would further contribute to the character of the area in a positive way.</p> <p>With regards to the photographic evidence submitted with the application, this forms part of the application, but does not replace a site visit for Officers and Members to independently assess the application.</p>
<p>Residential Amenity</p> <p>Three, two bedroom holiday cottages could cater for group parties of up to 12 adults at any time, this would be noisy and result in loss of amenity for adjacent dwellings. Group holidays are not in keeping with the character of the village.</p>	<p>Noted.</p> <p>Group holidays could occur at the site, however the noise generated could not be considered to be in excess of that normally generated within a residential area. Changeover days might cause more noise, but this would likely be during the day, and temporary in nature.</p>

<p>There will be noise on the changeover (transfer) days of holiday makers</p> <p>There would be a significant increase in traffic movements causing noise and air pollution.</p>	<p>The separation distance between the residential dwellings to the east and the holiday lodges is approximately 23m at the closest point. This is considered to be an acceptable separation distance in terms of residential privacy and amenity. The dwellings to the south of the proposal are closer, but the impact upon the residential privacy and amenity is not considered to be detrimental to these dwellings.</p> <p>The lodges would likely attract 1-2 cars per lodge when occupied. This is not considered to be a significant increase in traffic, nor would it cause a significant increase in noise or air pollution (max 6 cars)</p>
<p>Footpath</p> <p>The footpath runs through the site yet there is no mention of it being diverted</p> <p>The development would adversely impact the public footpath along the northern boundary of the site.</p>	<p>Noted.</p> <p>The footpath does not run through the site, it is adjacent to the site and runs east to west along the northern boundary of the site. As such, no diversion is required.</p> <p>Conditions have been requested by the Rights of Way Officer to ensure that the footpath remains usable in the event of the application being successful.</p>
<p>Highways Safety</p> <p>The addition of three holiday homes would cause an increase in traffic along a narrow road. The junction with the A607 is dangerous.</p> <p>Overspill parking from the development would cause additional congestion on Main Street.</p>	<p>Noted.</p> <p>The highways officer has advised that subject to conditions the proposal will not cause any additional highways safety risks.</p> <p>The parking provided within the site is sufficient, and it is considered to be unlikely that the proposal would cause problems with regards to on street parking in the area.</p>
<p>Ecology</p> <p>Owls will stop using the site.</p> <p>The development will result in further loss of wildlife habitat.</p>	<p>Noted.</p> <p>Ecology has made no objections to the application as no protected species are believed to be threatened by the development. If protected species are found on site they are afforded protection by the Wildlife and Countryside Act 1981.</p>
<p>Flood Risk</p> <p>The site has been known to flood, including the ditch at the back of the site.</p>	<p>Noted.</p> <p>There is no known flood risk at the site.</p>
<p>Other Material Considerations</p> <p>The application would set a precedent for further development in the village</p> <p>Nothing has changed since the previous application was refused in 2014.</p>	<p>All further applications in the village will be determined on their individual merit.</p> <p>The application is different to that which was refused in 2013, and is to be determined on its individual merit.</p>

<p>The village has inadequate sewers, which are overloaded and subject to malfunction. Adding three more properties to this will result in problems with sewerage, blockages and foul odour.</p> <p>Disagreement with paragraph 2.3 of the Landscape and Visual Assessment: Prior to the works by Network Rail the site was flat, some of the hardcore has been left in situ.</p> <p>A map provided with the application is old, it does not show Sunnyside or the railway.</p>	<p>Should the application be permitted, the management of waste and sewers will be dealt with separately under the Building Regulations.</p> <p>It can be seen from historic mapping that the site has always risen slightly up and away from the road. The works undertaken by Network Rail disturbed the land, and some of the hard core may have been left in situ.</p> <p>The HM Land Registry plan submitted with the application identifies the land to which the application relates and is old. It does however remain valid for identifying the land. Other documentation submitted alongside the application shows the neighbouring dwellings and the railway bridge and line. The neighbouring dwellings have also been identified by the site visit.</p>
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Design</p>	<p>The proposed barns are all of the same design, with two bedrooms both with en-suites, a kitchen / dining area, lounge and store with WC, accessed from the garden.</p> <p>Barns A and B will be perpendicular to Main Street, with Barn C at the rear facing towards Main Street. Each barn would have two parking spaces and space to the rear to have a private patio area.</p> <p>The barns will each measure 4.65 metres to the ridge, 2.39 metres to the eaves, and will have a dual pitched roof. The floor plan will be arranged in a cross shape, where the kitchen and lounge / dining space will be provided. Overall each barn will have a footprint of 100 square metres, with a length of 18.74 metres. The materials are proposed to be dark concrete pantiles and mellow red brick facings to match so far as possible the neighbouring buildings.</p> <p>The buildings have been designed to give the impression of converted farm buildings, and accord with the size and scale of many of the existing buildings in Kirby Bellars, where there are many buildings that are relatively small in scale with narrow gables. Similar features are considered to have been incorporated into the proposed barns.</p> <p>In addition, the barns have all been sited to ensure that there are no issues regarding loss of privacy or amenity between the individual barns or the nearby dwellings.</p>

	<p>The barns are considered to comply with policy BE1 of the Melton Local Plan which seeks to ensure that new buildings harmonise with their surroundings, and have no adverse impact on neighbouring properties by loss of privacy or outlook. There is adequate space between the barns and the access and parking arrangements are considered to be satisfactory.</p>
<p>Impact Upon Countryside</p>	<p>The site is immediately adjacent to the village envelope, as such careful design and landscaping can ensure that the proposal would not have a harmful impact upon the countryside.</p> <p>As discussed above, the buildings have been designed to have the appearance of having been converted from existing redundant farm buildings which will also ensure a minimal impact upon the countryside. The development is single storey in scale, therefore the mass of the development is not considered to have a harmful impact upon the countryside.</p> <p>As such, the proposal is supported by the NPPF which at paragraph 28 seeks to support sustainable rural tourism which respects the character of the countryside.</p>
<p>Impact Upon Streetscene</p>	<p>The application site is rectangular in shape, and located immediately to the north of Hawthorn House on the west side of Main Street. The boundaries of the site are post and rail fences to the north, west and east, and a brick wall to the south.</p> <p>As stated above, the land to which the application relates is not a protected open area, but does make an important contribution to the character of the streetscene of the settlement. The proposed barns are to be set back approximately 11 metres. This would also be an end elevation, minimising the mass of buildings closely related to the streetscene.</p> <p>As stated above, the site visit confirmed the results of the Landscape and Visual Appraisal submitted in support of the application which states that the site can only be seen along a limited length of Main Street, with more apparent views directly opposite the site and further to the north. It is considered that whilst there are open areas between buildings in the village that are important to provide breaks between buildings, this site cannot be considered as such in this context. The site is not between buildings, and it is not protected as an open space. The proposed site layout will ensure that the frontage of the site remains open as the building line is set back approximately 11 metres from the street retaining the feel of an open frontage.</p>

	<p>It is considered, on balance, that the location of the barns set back within the plot will ensure that the site retains an open feel towards the street. As such, the proposal is not considered to have a detrimental impact on the streetscene.</p>
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Conclusion

The application seeks planning permission for three holiday barns on land immediately adjacent to the village envelope for Kirby Bellars on land considered to be countryside. The applicant has set out the tourism case for the barns, and whilst the village is considered to be unsustainable for additional housing, there is considered to be a demand in the area for this type of holiday accommodation. The barns are considered to relate well to the linear pattern of the village, are of a traditional design and do not impact negatively upon the character of the streetscene. The proposal is also not considered to harm the character and appearance of the countryside. On balance, the proposal is considered to meet the objectives of the NPPF in promoting sustainable tourist development, and the requirements of policies OS2 and BE1 of the Melton Local Plan.

RECOMMENDATION: Permit, subject to the following 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 plans numbered 14-2934-202 rev B received at these offices on 14th October 2014, and 14-2934-201 rev A received at these offices on 21st October 2014, in addition to the site location plan showing the site outlined in red.
3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
4. The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.
5. 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.
6. The car parking and turning facilities shown within the curtilage of each dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.
7. Before first occupation of any dwelling, the shared 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 building works commence, minimum visibility splays of 2.4 metres by 45 metres shall be provided in each direction out of the access on to Main Street. 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. The shared private access drives shall have a minimum width of 4.25 metres with 0.5 metres wide clear margins for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before the development is first brought into use and shall thereafter be permanently so maintained

10. if any new trees or shrubs are to be planted adjacent to the boundary then they should be set back by a minimum of 1 metres from the boundary and be of a species which do not spread.

11. The accommodation hereby permitted for holiday lets shall not be used other than for holiday letting. For the purpose of this condition 'holiday let' means letting to the same person, group of persons or family for a period not exceeding 28 days in any one calendar year and the accommodation shall not be used as the main residence of any occupant.

12. No development shall take place until an investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on site and to identify and control any unacceptable risks to human health or the environment taking into account the sites actual or intended use, whether or not the contamination originates on the site. The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and must be undertaken by competent persons and a written report of the findings must be produced and submitted to the Local Planning Authority. The written report is subject to the approval in writing of the Local Planning Authority.

In the event that it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme, the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Planning Authority shall be used on site.

13. Construction work, demolition work and deliveries to the site are only permitted between the hours of 07:00-19:00 Monday to Friday and 08:00-13:00 Saturday. No works are to be undertaken on Sundays or Bank Holidays.

14. No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

- o The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- o The programme for post-investigation assessment
- o Provision to be made for analysis of the site investigation and recording
- o Provision to be made for publication and dissemination of the analysis and records of the site investigation
- o Provision to be made for archive deposition of the analysis and records of the site investigation
- o Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

15. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 14.

16. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 14 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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 ensure a satisfactory standard of external appearance.

4. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
5. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
6. 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
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 ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.
10. To minimise the likelihood of the Right of Way being encroached upon and reduced in width by overhanging vegetation in the future.
11. To ensure that new dwellings in the countryside are restricted.
12. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
13. In order to minimise noise disturbance to the occupiers of adjacent dwellings in the interests of residential amenity.
14. To ensure satisfactory archaeological investigation and recording
15. To ensure satisfactory archaeological investigation and recording
16. To ensure satisfactory archaeological investigation and recording

Officer to contact: **Mrs Sarah Legge**

20th March 2015