

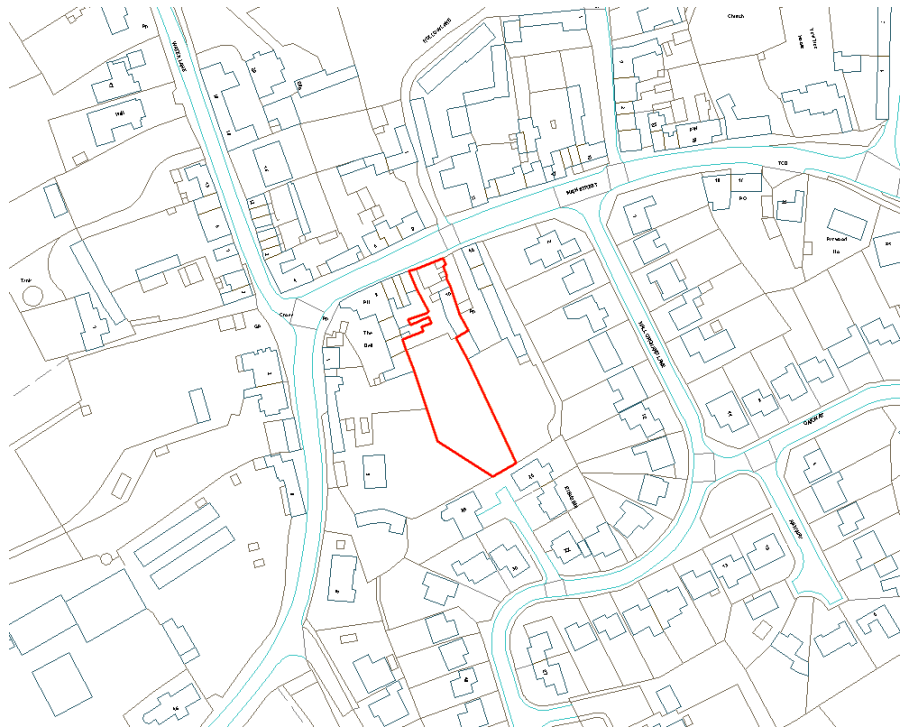
**Reference:** 12/00262/FUL

**Date submitted:** 12.04.2012

**Applicant:** Mr Richard Gennard

**Location:** Former Allotments Main Street, Frisby on the Wreake, LE14 2NJ

**Proposal:** Demolition of outbuildings and erection of 4 small dwellings and associated new access and parking facilities



**Proposal :-**

**This application relates to full planning permission and Conservation Area Consent for demolition of outbuildings and the redevelopment of the allotment gardens with a mews development of four two bedroom dwellings.** The site sits within the designated Conservation Area and is within the heart of the village. The allotments are currently in use and the site has a level of protection as a designated Protected Open Area within the local plan and includes neighbouring land. Access to the site is from Main Street with the land level sloping considerably up the site from north to south. The site is considered to be of high archaeological value and the application has been supported with a desk base study and a protected species survey as the proposal seeks consent to demolish the existing outbuildings on the site.

The applicant is prepared to offer alternative land for use as allotment gardens should approval be granted this would be behind the primary school and adjacent to the village envelope.

**It is considered that the main issues for consideration of the application are:-**

- **Compliance with and currency of development plan policies in respect of development on a designated Protected Open Area and loss of a community facility**

- **Compliance with NPPF policies**
- **Impact upon Heritage assets**
- **Impact upon the Character of the Area**
- **Impact upon Neighbouring Properties**
- **Impact upon Highway Safety**
- **Meeting the Borough's Housing Needs**

The application is presented to Committee due to the number of representations received.

**Relevant History:-**

**09/00470/FUL** - Erection of dwelling and associated works, including demolition of existing redundant building on site. – Application withdrawn.

**09/00471/CON** - Demolition of current building to allow erection of new dwelling, part of rear wall and some boundary walls retained. Application permitted.

**09/00807/FUL** - Erection of new dwelling and associated works including demolition of existing redundant building on site. Application permitted.

**11/00772/OUT** - Outline application for 4 two bedroom dwellings and associated car parking. The application was withdrawn following a request for a full application under regulations 4 of The Town and Country Planning (Development Management Procedure)(England) Order 2010. The site lies within the designated Conservation Area.

**12/00322/CON – Pending** – Conservation Area Consent to demolish the outbuilding on the site to allow redevelopment of the site.

**Planning Policies:-**

**The National Planning Policy Framework was published 27<sup>th</sup> March 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 offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver homes and business that local areas need
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it
- encourage the effective use of land by reusing land that has been previously developed (brownfield land)
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- 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
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs

**On Specific issues relevant to this application it advises:**

**Delivering a Wide choice of High Quality Homes**

- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
- Set out own approach to housing densities to reflect local circumstances
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- Deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

**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.

**Conserving and Enhancing the Historic Environment**

- Recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- 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.

**Conserving and Enhancing the Natural Environment**

- encourage the effective use of land by re-using land that has been previously developed

(brownfield land), provided that it is not of high environmental value

- take into account the economic and other benefits of the best and most versatile agricultural land
- aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

### **Promoting Healthy Communities**

Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Local communities through local and **neighbourhood plans** should be able to identify for special protection green areas of particular importance to them. The NPPF advises that the Local Green Space designation will not be appropriate for most green areas or open space and that the designation should only be used:

- Where the green space is in reasonably close proximity to the community it serves;
- Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field),
- Tranquillity or richness of its wildlife; and
- Where the green area concerned is local in character and is not an extensive tract of land.

This 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 para. 12)

### **East Midlands Regional Plan**

**Policy 1** – Regional Core Objectives – to secure the delivery of sustainable development within the East Midlands which includes a core objective to ensure that new affordable and market housing address the need and choice in all communities in the region.

**Policy 2 – Promoting Better Design** – states that the layout, design and construction of new development should be continuously improved.

**Policy 3** – relates to the distribution of new development and states that development in rural areas should;

- maintain the distinctive character and vitality of rural communities;
- shortening journeys and facilitating access to jobs and services;
- strengthening rural enterprise and linkages between settlements and their hinterlands; and
- respecting the quality of the tranquillity, where that is recognised in planning documents

In assessing the suitability of sites for development priority is given to making best use of previously developed and vacant land or under-used buildings in urban or other sustainable locations, contributing to the achievement of a regional target of 60% of additional dwellings on previously developed land or through conversions.

**Policy 26 and 27** sets out the regional priorities regarding the Historic and Natural Environment. The historic environment should be understood, conserved and enhanced, in recognition of its own intrinsic value, and its contribution to the Region's quality of life. Across the Region and particularly in areas where growth or regeneration is a priority, development should promote sensitive change of the historic environment. To achieve this, Local Planning Authorities should:

- Identify and assess the significance of specific historic assets and their settings;
- Use characterisation to understand their contribution to the landscape or townscape in areas of change;
- Encourage the refurbishment and re-use of disused or underused buildings of some historic or architectural merit and incorporating them sensitively into regeneration schemes;
- Promote the use of local building materials; and
- Recognise the opportunities for enhancing existing tourism attractions and for developing the potential of other areas and sites of historic interest as part of Green Infrastructure,

**Melton Local Plan (saved policies):**

**Policies OS1 and BE1** allow for development within Village Envelopes providing that:-

- 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 its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

**Policy BE12:** Planning permission will not be granted for development within a protected open area except when a proposal is in conjunction with or associated with an existing use and the development would not adversely affect the intrinsic character of the area.

**Policy CF4:** States that planning permission will not be granted for development which would result in the loss of local community facilities unless there is no local need or replacement sites or buildings can be made available.

**Policy H6:** 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 Melton LDF Core Strategy (Publication) Development Plan document:**

The Core Strategy (CS) has been published and has come to the end of a 6 week consultation period. The CS seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations.

There are a number of policy objectives contained within the Core Strategy which apply to this proposal and will attract some weight given its close reflection to the NPPF.

**CS3 Sustainable Villages:**

To qualify as a sustainable village there will have to be at least three public services available to support new housing development. Frisby on the Wreake has been identified as a sustainable village and therefore is capable of supporting new infill development.

**CS4 Making Effective use of Land:** Supports the use of brownfield land which will assist in meeting the target of 50% of development on brownfield land by 2026.

**CS5 Strategic Housing:** Seeks to manage the delivery of homes to provide a balanced housing market taking into account local needs. Promoting accessible design and apply Lifetime Homes Standards where appropriate to ensure new dwellings are flexible and able to meet the housing of a wider section of society, including people with disabilities and older people.

**CS12 Better Design:** Seeks to ensure that the design of all development makes a positive contribution to the character of the area. New development should integrate successfully into established settlements or rural areas without harming their character, appearance or setting. It also promotes the most effective use of land having regards to the form, pattern, scale and character of the area, provide safe environments whilst protecting residential amenity; and protect important heritage assets located within the borough.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highways Authority:</b> No objection subject to conditions relating to:</p> <ul style="list-style-type: none"> <li>• Visibility splays out of the access being provided</li> <li>• Gates to be set back from the highway by no less than 5 metres</li> <li>• Provisions for surface water drainage to prevent run off into the highway</li> <li>• Provision of parking and turning to be provided and maintained</li> <li>• The use of hard surfacing to prevent deleterious materials being deposited on the highway</li> </ul>	<p>To the front of the site are outbuildings which are to be removed to allow for an appropriate access off Main Street. Currently there is a grassed track between the outbuildings and no. 8 Main Street which gives access to the allotments to the rear. Allocated parking areas have been proposed to the front of the site with steps leading up to the dwellings which are presented as a mews development which is to be stepped to exploit the topography.</p> <p><b>The Highways Authority has not raised any concerns or objections to the proposal and is satisfied that the required parking and visibility can be achieved. There are no grounds for refusal based upon highway safety.</b></p>
<p><b>Conservation Officer:-</b> Comments awaited and will be reported verbally to the Committee,</p> <p>Comments were received by the Conservation Officer for application 11/00772/OUT which was withdrawn to allow more information to be prepared to support a fresh application. The Conservation Officer considered that Protected Open Area was important within the street scene and the conservation area of the village and was not convinced that the new development would make a positive contribution to the character and appearance of the Conservation Area</p>	<p>This site is used as allotment gardens and has a wide grassed access leading from the main street, which also gives access to the rear of properties fronting Main Street. The site rises considerably from Main Street which gives a degree of visibility from Main street and is considered to have a valuable contribution to the character of the village and one that is still worthy of protection.</p>
<p><b>Ecology:-</b> No objection</p>	<p>The application is supported by an Ecology survey which concluded that there were no bats present in the buildings and no protected species on the allotment site. A recommendation that any works close to the hedge or trees are carried out outside of the nesting season.</p>
<p><b>Archaeology:-</b> The Historic Environment Record (HER) shows that</p>	<p>The earliest map available is the 1<sup>st</sup> edition Ordnance Survey Map dated 1886 and it shows</p>

<p>the application site lies in an area of archaeological interest, situated within the medieval and post-medieval historic settlement core of Frisby on the Wreake (HER ref.: MLE3741). Documented in the Domesday Book, Frisby is likely to have originated in the 9<sup>th</sup>-10<sup>th</sup> century, along with the majority of Leicestershire's villages. The place name is of combined Anglo-Saxon and Scandinavian origin, translating as the farmstead or settlement of the Frisians. The HER also notes the former presence of earthworks in the vicinity of Hall Orchard Lane, the latter have been interpreted as enclosures and a fishpond, thought to form part of a manorial complex (MLE3737).</p> <p>With the exception of the street frontage, the development site appears not to have been recently developed. It is therefore likely that buried archaeological remains, where present, will be reasonably well preserved. Residential development of the application area is likely to result in significant and intrusive ground works, consequently, there is a likelihood that archaeological remains will be detrimentally affected by the proposals.</p> <p>The submitted Desk-Based Assessment concludes that there is a high likelihood that medieval and/or post-medieval archaeological remains have been preserved on the site. However, the nature and significance of these remains is currently unknown. It is recommend that a field evaluation (trial trenching) is undertaken on the site <b>prior to determination of this application</b>, to ascertain the presence of significant archaeological remains and to identify the appropriate course of mitigation, if necessary.</p> <p>In addition, the Desk-Based Assessment has highlighted the potential heritage interest of structures that are proposed to be demolished as part of this scheme. These structures appear to be illustrated on early Ordnance Survey maps of the 19th century. It is recommend that an Historic Building Assessment is undertaken to ascertain the significance of these structures and to determine whether further mitigation would be appropriate.</p>	<p>that the site in a form very similar to the present day with the exceptions of the dwellings on Hall Lane; shown on the historical maps as Hall Orchard, and no. 6 Rotherby Lane which is a bungalow possibly built in the 70's which also sits in the adjacent Protected Open Area.</p> <p>The NPPF (para 128) states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.</p> <p>Whilst the application has been supported with an Archaeology desk based assessment it is considered insufficient to establish the likely impact upon the archaeological heritage assets. A field evaluation is necessary to establish what the likely impacts would be which would allow for an appropriate level of mitigation to reduce the harm to the heritage asset of significance.</p> <p>The collection of outbuildings to the front of the site sits within a prominent position in the village and are present on the earlier maps. Conservation Area Consent (09/00471/CON) was granted for the demolition of the later addition single storey red brick building and courtyard walls with the retention of the outbuildings running perpendicular to Main Street sitting opposite the row of dwellings that also run at an angle to the street. The consent has now expired.</p> <p>The Conversation Officer when considering the earlier conservation area consent considered that the later addition of the road frontage outbuilding with enclosing walls did not contribute to the character of the Conservation Area and supported the demolition however he welcomed that the retention of the western boundary wall which has remnants of a stone base and handmade bricks.</p>
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	<p>Comments relating to the demolition and redevelopment of the site are still awaited by the Conservation Officer however it is clear from the Archaeology desk based assessment that collectively the buildings could be considered of some significance to the history of the village.</p>
<p><b>Parish Council:-</b></p> <p><b>Policy</b> The Parish Council strongly opposes any development of any "Protected Open Spaces", a view backed unanimously by the members of the public present at an open meeting of the Parish Council.</p> <p>The Councils Core Strategy (Preferred Options) Report 2008 identifies a potential need for small-scale housing developments. The report also identifies the preferred option to allow "exception" site developments to secure affordable housing in rural areas. It was presented to us that this was a rare opportunity to provide additional housing within the village. As Frisby is a category 2 village such a proposal would be likely to be supported by Melton Borough Council. However, the Parish Council is of the opinion that, whilst there may be a perceived need and in some cases small infills are acceptable within the village, this should not be at the expense of "Protected Open Areas" as these are valuable areas that cannot be replaced once lost. Therefore, the statement note 4.1 within the D &amp; A statement should not be considered to be acceptable.</p> <p><b>Community facility</b> The proposals are sited on an allotment. They have been actively used for at least sixty years and are still worked by residents from the village.</p> <p>An alternative site was offered during a presentation given to the Parish Council by the developers' agent, albeit outside the village envelope. The suggested site does not appear to be as readily</p>	<p>The area to the rear of the application site is currently in use by residents as allotment gardens and is designated as Protected Open Area. Therefore policy BE12 of the adopted local plan applies. The policy only supports development if it is associated or in conjunction with an existing use on the site. However development has to be in keeping with the character and not have a detrimental impact upon the intrinsic character.</p> <p>This site is used as allotment gardens and has a wide grassed access leading from the main street, which also gives access to the rear of properties fronting Main Street. The site rises considerably from Main Street which gives a degree of visibility from Main street and is considered to have a valuable contribution to the character of the village and one that is still worthy of protection. The NPPF supports local communities to prepare Neighbourhood Plans to identify special protection of green areas that are important to them and advises that good design should be measured by its response to local characteristics.</p> <p>It is considered that the Local Plan designation of Protected Open Area close reflects the NPPF policy and as such can continue to carry significant weight in the decision. It is considered that the site contributes to the character of the village and there have been no factors that render the 'Protected Open Area' (POA) designation no longer appropriate. Furthermore the POA designation includes the land to the west and east which is currently residential garden to properties fronting Rotherby Lane and properties off Main Street. <b>To allow development of this site would seriously alter the intrinsic character of the site when viewed as a whole which is undeveloped greenfield land.</b></p> <p>Local plan policy CF4 states that planning permission will not be granted for development which would result in the loss of local community facilities unless there is no local need or replacement sites or buildings can be made available. The allotments are well used so there is clearly a demand. The NPPF also gives advice on protecting community facilities advising that having access to high quality open spaces and</p>



<p>accessible as the current site, the current site being in the centre of the village. The Parish Council does not accept that this is a viable alternative.</p> <p><b>Trees</b> The proposals do not take into account the trees located on neighbouring properties, some of which are mature specimens, and therefore contravenes the recommendations of BS5837. This is contrary to the information provided in section 16 of the planning form.</p> <p><b>Residential Amenity</b> The proposals appear to have not taken into account the rear accesses to the terraced properties abutting Main Street and the car park areas could lead to a compromising of the security of these same properties.</p> <p><b>Highways</b> The access road to the proposed shared car park area has a blind entry/exit onto Main Street resulting in a potential safety hazard.</p> <p><b>Heritage</b> The Archaeological report note 3 states that there is a moderate to high probability of finding medieval or post-medieval remains on the site and that some of the outbuildings scheduled for demolition may add some interest as vernacular buildings within the Conservation Area.</p>	<p>opportunities for sport and recreation can make an important contribution to the health and well-being of communities. In regards to existing open space, including recreational land the NPPF is in conformity with the local plan policy CF4.</p> <p><b>The applicants have suggested that they will relocate to another location however no further details have been provided and no assurances of the ability to ensure suitable replacement facilities has been supplied.</b></p> <p>Should development be permitted landscaping conditions could be imposed which will seek further details of existing trees and hedges. Works carried out to those areas would be required to be carried out in accordance with the appropriate British Standards.</p> <p>The plans show parking areas to the rear for the development only. It is understood that the land is in the ownership of the applicants and any rights of way afforded to the residents of the properties fronting Main Street would remain a private matter and not one for consideration under this planning application. However it is not considered that redevelopment of the site would introduce a further security risk than the existing arrangement.</p> <p>The Highways Authority have been consulted and raised no objection to the proposal which relies on the demolition of the road frontage outbuildings in order to get the appropriate width of access to facilitate the development of 4 dwellings with associated parking.</p> <p>The site is considered to have potential for significant archaeology interest given that the site lies within the medieval core of the village and is suspected of being part of the old manor. Whilst a desk based survey has been conducted it has been recommended that trial trenching takes place to establish what that potential is. The NPPF seeks to ensure that heritage assets of significance are conserved this relates to conservation areas, listed buildings and other buildings of historic interest and protection of buried remains/artefacts.</p> <p>The collection of buildings to the front of the site have been considered by the County Archaeology Officer to have some significance and a historic building assessments has been advised to be</p>
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<p><b>Ecology</b> Contrary to item 3.3 in the D &amp; A statement, the Ecology report states that there is a potential for bird and bat nesting/roosting on the site.</p> <p><b>Flooding</b> The drawings do not show how the storm and foul drainage will be disposed of, and therefore does not discharge item 12 of the planning application. The village already suffers from localised flooding indicating that the drainage system may be at capacity. Therefore, at the very least a Flood Risk Assessment should be carried out before making any firm decisions on the suitability of the development, a point not considered in item 13 of the planning application.</p>	<p>undertaken prior determination of the proposal. (see comments above).</p> <p><b>It is considered that there has been insufficient information provided in order to advise of the level of mitigation required in order to preserve the heritage of the village.</b></p> <p>No objection has been received by the County Ecology Officer but a condition requiring any work to the trees and hedges to be carried out outside of the nesting season.</p> <p>The site lies within flood zone 1 which has the lowest level of probability of flooding and is therefore acceptable for housing development. Matters relating to on site drainage would be covered under Building Regulations and can be controlled by condition to ensure run off is no greater than at present..</p>
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**Representations:**

A site notice and press notices were posted and neighbouring properties consulted. To date 13 letters of objection from 13 separate households, including a letter which contains 65 names (unsigned) and addresses have been received. Their objections on the following grounds are summarised below:

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Planning Policy:</b></p> <ul style="list-style-type: none"> <li>• Not compliant with development plan policies BE1, BE2 and BE12</li> <li>• Inside the village envelope and within a Preserved Open Space (POA) where development is restricted</li> <li>• Granting permission would set an unacceptable precedent for POAs</li> <li>• NPPF planning guidance puts emphasis on local plans to protect character of villages</li> <li>• Within the Village Envelope there is large number of 1 and 2 bedroomed dwellings already, therefore the Housing Stock Analysis of 2006 is irrelevant</li> <li>• No local support for it</li> </ul>	<p>Policy BE2 is not a saved policy however BE1 and BE12 have been saved and are relevant to this proposal. The proposal of four dwellings on Protected Open Area which is considered to have an historic interest does not accord with policy BE12 or the NPPF as stated above. Development on this site would affect the intrinsic character of the area which is also a greenfield site. There is no presumption in favour of development and whilst the design is appropriate to the village the principle of development here is not supported.</p> <p>Each application is to be considered on its own merits however policy BE12 would still be relevant to any development proposal within a designated Protected Open Area.</p> <p>Frisby on the Wreake sits within the Rural West of the Borough along with Asfordby and Old Dalby where it is known to have a marginal shortfall of 25 two bed dwellings and 158 three bed dwellings within the whole of the Rural West however there is a high level of need for affordable housing with an identified shortfall of</p>

	<p>138 dwellings. The development proposes a mews development of 4 no. Two bed dwellings to run perpendicular from main street similar to cottages to the east (nos. 10, 12 &amp; 14 Main Street) with plot four at the top facing down the site rear onto the cul-de-sac on Hall Orchard Lane. The house types proposed fulfil the identified need but will be market housing and not affordable housing. However whilst the development is within the village envelope where infill development is considered to be acceptable in principle under policy OS1 and H6, meeting the housing need alone is not of significant weight to warrant a departure of the local plan policy BE12 and CF4 which are in conformity with the NPPF. The intrinsic character is one of being relatively unspoilt from development and is considered to contribute to the local distinctiveness of the village of which has a benefit to the whole community as a valued space.</p>
<p><b>Highway Safety:</b></p> <ul style="list-style-type: none"> <li>• Parking for the development will hinder the safe movement of local residents to the rear access of existing dwellings</li>   <li>• The proposals would lead to traffic entering Main Street through a restricted entry, compromising safety as there are already obstructions from existing on-street parking</li> <li>• Parking arrangements are not ideal and will limit space for turning</li> <li>• The development will lead to an increase in traffic and noise on Main Street</li> <li>• The location of the proposed access will further reduce residents parking</li> <li>• With residents parking along both sides of Main Street, any traffic attempting to join Main Street from the proposed development will have limited views and reaction time to safely proceed</li> </ul>	<p>It is not known what agreements are in place with the existing residents and the land owner however this would remain as a private matter and not one the planning system could control. However the proposal seeks to provide a parking court to the north of the site off Main Street which will still afford access to the rear of the dwellings fronting Main Street.</p> <p>In order to gain access into the site it is required to demolish the road frontage buildings in order to get the required visibility splays in order to satisfy the Highways Authority who has not objected to the proposal. It is considered that the parking arrangements within the site are satisfactory and a refusal could not be substantiated on grounds of highway safety.</p>
<p><b>Rights of access over the site:</b></p> <ul style="list-style-type: none"> <li>• Local residents have enjoyed access over the site for a period of over 60 years, the application takes no account of this</li> </ul>	<p>This is a private matter over which the Planning Act has no jurisdiction</p>
<p><b>Out of Keeping with the character of the area:-</b></p> <ul style="list-style-type: none"> <li>• The development will be visually intrusive on the surrounding area and will have a adverse impact upon the Conservation Area</li> <li>• Over-intensive parking will affect the character of the Main Street</li> <li>• The development will alter the character of</li> </ul>	<p>The demolition of the road frontage buildings will open up the site area which will make the development more visible within the streetscene. Notwithstanding the area is designated as Protected Open Area and is a Greenfield site. The development of the four dwellings in the proposed arrangement and design of the houses</p>

<p>this central part of the village, producing a high density of dwellings that are more in keeping in an urban area</p> <ul style="list-style-type: none"> <li>• Infill development is damaging the character of the village</li> </ul>	<p>themselves is not considered to be out of keeping and mirrors features that are within the village such as pitched roof dormer windows, stepped ridge lines, corbelling eaves detail, small windows and brick banding however the parking court is more akin to a ‘car park’ and would not have a positive contribution to the Conservation Area. The character of the village, in this location, would be altered from one of openness to one of a developed area which is contrary to the purpose of the designated open space.</p> <p><b>It is therefore considered that the development would have a detrimental impact upon the character of the Conservation Area.</b></p>
<p><b>Impact upon Neighbouring properties:-</b></p> <ul style="list-style-type: none"> <li>• Parking proposals will result in loss of privacy, outlook and amenity to occupiers of 8 Main Street especially</li> <li>• Runoff from the site due to an increase of hard standing will cause flooding to lower areas and the application does not indicate how it will deal with this or storm drains</li> <li>• Visually intrusive due to elevated position</li> <li>• Dormer windows and first floor windows would overlook dwellings particularly on Rotherby Lane</li> </ul>	<p>No. 8 Main street would be surrounded by parking bays however there would be separation distance from the main dwelling and there are no windows on the end elevation facing on to the access drive. It is considered that there would not be a unacceptable loss of residential amenity from the coming and goings to the site provided the use of gravel is avoided.</p> <p>A condition stipulated by the Highway Authority should approval be granted is that drainage is provided within the site to prevent run off into the highway. Matters relating to drainage would be covered under Building Regulation however the site is a Greenfield site and the run off rate could be controlled by conditions so as to be consistent with the existing rate.</p> <p>The dwellings would be stepped up the site to take into account the steep topography which is also evident with the surrounding dwellings in the vicinity. The overall height of the dwellings is not excessive and are proposed at ranges between 7.2 on the lower level to 6.6 on the higher level. The development would be visible from some advantage points such as Hall Orchard Lane and the access on Main Street but it is not considered to be visually intrusive.</p> <p>The dwellings are of sufficient distance to not create undue overlooking. Properties fronting Rotherby Lane are set back from the boundary of the site by 30 metres whereas No. 5 Rotherby Lane which is a bungalow is at distance of 22 metres to the boundary. The dwellings are set further into the site to give a small rear amenity area thus increasing the separation distances to an acceptable level.</p> <p>No 26 Hall Orchard Lane (single storey dwelling) sits in a cul-de-sac backing onto the site. Plot 4</p>

	<p>will be positioned on the top of the site, further to the west of no. 26 backing on to the head of the cul-de-sac, facing down towards Main Street. The separation distance would be 12.5 metres corner to corner which is considered to be acceptable. Plot 4 has an overall height of 6.1 metres with an eaves height of 3.7 metres which is not considered to have an overbearing impact on residents of no. 26 Hall Orchard Lane. No 28 is further to the west and is a two storey dwelling side onto the application site and has a steep roof slope with rooms in the roof space. Due to the location and separation distance it is considered that the arrangement would be acceptable.</p>
<p><b>Impact upon Ecology:-</b></p> <ul style="list-style-type: none"> <li>• The ecology report suggests that there is potential for bird and bat nesting on the site</li> <li>• The report omits mention of at least one pond within 100m that has breeding frogs and newts each year</li> <li>• The loss of the green open space and allotments will impact local wildlife</li> </ul>	<p>The Council's Ecological advisors is satisfied with the submitted ecology reports and the mitigation measures proposed.</p>
<p><b>Other Matters:-</b></p> <ul style="list-style-type: none"> <li>• Several large trees on the boundary of site are not accounted for in the application</li> <li>• The site is actively used as an allotment by local residents and should be protected as a local accessible amenity</li> <li>• The archaeology report points out that medieval and post medieval remains are likely to be on the site, also buildings to be demolished have a vernacular interest to the Conservation Area: this should warrant an appraisal or survey</li> <li>• Misleading information relating to previous approvals adjoining site contained in the D&amp;A statement</li> <li>• Many inaccuracies in the application documents mislead the reader and are unprofessional</li> <li>• Block valued views of local residents</li> </ul>	<p>The trees are not within the site boundary and no works have been proposed. Matters relating to landscape would be grounds for conditions.</p> <p>It is considered that loss of the community facility is not supported and whilst the applicant has suggested an alternative site no means of securing the replacement have been put forward. The allotments are privately owned and their future usage is outside of the remit of the planning system. However the site would still be considered as a protected open area even if the use stopped. The NPPF makes it clear that deliberate neglect would not justify permanent loss of a community facility.</p> <p>Noted- please see above.</p> <p>Once this was brought to the Councils attention amended information was requested and key documents were corrected. The consultation was restarted.</p>

<ul style="list-style-type: none"> <li>Alternative allotment proposals cause concerns for residents adjoining these new areas</li> <li>Poor design of the development leads to accessibility issues. Steps throughout the site may result in difficulties for people with wheelchairs, pushchairs, deliveries and emergency services.</li> </ul>	<p>No details have been provided for consideration although reference is made to land at the rear of the village primary school off Orchard Hall Lane. The previous proposal which was withdrawn sought to relocate behind the school with the access of Rotherby Lane but due to the topography being so steep access to the site would be difficult and would not be well integrated into the community. The location is not considered to be an appropriate alternative and in any event no mechanism is proposed to ensure their availability..</p> <p>The design has made best use of the topography which inevitably leads to access difficulties for some. The dwellings would be market housing and the future purchasers would be aware of the situation. Building Regulations requirements would ensure that development would be compliant with fire services/requirements.</p>
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**Other Matters (not raised through consultation or in representations received)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
The presumption in favour of sustainable development	Whilst the location is sustainable in terms of access to facilities and public transport, there is no presumption in favour of developing on a greenfield site which would result in the loss of a valued open area.
Housing supply issues – the NPPF seeks to increase housing supply in a manner consistent with the other aspects of the policy	Whilst there is a general demands for housing it is not considered to be so great, nor are there specific pressures in the area of the development, sufficient to outweigh the concerns to other planning considerations set out in the report above.

**Conclusion**

The proposal seeks consent for a ‘mews’ development of 4 no. Two bed dwellings on a site which is in use as allotment gardens and has protected status through the local plan. The site is considered to have a positive contribution to the character of the Conservation Area and provides a community facility which is well used. Local plan policy BE12 is considered to remain relevant due to its consistency with the content of the NPPF and seeks to prevent development on Protected Open Areas unless it is in associated or in conjunction with an existing use and then only if the intrinsic character is not affected.

The use of the site is allotment gardens and policy CF4 of the local plan seeks to prevent the loss of a community facility unless the provisions can be met elsewhere. This is similarly considered to retain relevance as it follows closely the objectives of the NPPF. Whilst the applicant has offered to provide the use elsewhere within the village, the suggested site is not considered to be suitable and has access difficulties which would limit the users, nor has there been developed a mechanism to ensure they will come forward as replacement facilities.

The offer to provide housing to meet the local need is not considered to be a material consideration of sufficient weight to warrant an approval contrary to the development plan policies OS1, BE12 and CF4 and aspects of the NPPF that balance against the granting of permission. The NPPF seeks to boost housing

growth and supports sustainable development. Whilst the location is sustainable there is no presumption in favour of developing on a greenfield site which would result in the loss of a valued open area.

**RECOMMENDATION:- Refuse:-**

1. The proposed development would result in the erection of a housing development on a Protected Open Area which makes a significant positive contribution to the form and character of the area. The development would adversely affect the area's intrinsic open character and would be harmful to the character and appearance of the area and would therefore be contrary to policies OS1, BE1 and BE12 of the adopted Melton Local Plan. The house types provided, whilst considered to support the Borough's housing needs, are not considered to represent a benefit of sufficient weight to outweigh the impacts on character and appearance and departure from these local plan policies.
2. The proposed development would result in the loss of a valuable community facility for residents of Frisby on the Wreake to the detriment of the community, contrary to policy CF4 of the adopted Melton Local Plan and suggested alternative facilities are not considered to represent an adequate replacement.
3. Insufficient information has been submitted by the applicant for the Local Planning Authority to be able to assess the impact the proposed development will have upon buried archaeological remains, contrary to the NPPF "Conserving and Enhancing the Historic Environment" and the East Midlands Plan Policy 26 "Protecting and Enhancing the Regional's Natural and Cultural Heritage" and 27 "Regional Priorities for the Historic Environment"

**Officer to contact: Mrs Denise Knipe**

**Date: 30.05.12**