

# Agenda

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 30 April 2020</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>This meeting will held by video conference</b>
<b>Other information</b>	<b>This meeting is open to the public</b>

Members of the Planning Committee are invited to attend the above meeting to consider the following items of business.

**Edd de Coverly**  
**Chief Executive**

## Membership

<b>Councillors</b>	M. Glancy (Chair)	P. Posnett MBE (Vice-Chair)
	P. Chandler	P. Cumbers
	J. Douglas	P. Faulkner
	L. Higgins	E. Holmes
	J. Illingworth	M. Steadman
	P. Wood	

**Quorum:** 6 Councillors

<b>Meeting enquiries</b>	Democratic Services Team
<b>Email</b>	democracy@melton.gov.uk
<b>Agenda despatched</b>	Wednesday, 22 April 2020

No.	Item	Page No.
	<p><b>REMOTE MEETING ARRANGEMENTS</b>  <b>Meeting Participants :</b></p> <p><u>Zoom video conferencing webinar:</u>  An invitation will be sent to Members and registered public speakers* for this meeting</p> <p><b>Public Access :</b></p> <p><u>You Tube:</u>  The meeting will be available to view at this link:  <a href="https://youtu.be/6oU28ahINrY">https://youtu.be/6oU28ahINrY</a></p> <p><b>*Should you wish to register to speak on an application, please register by 5 p.m. on Monday 27 April 2020 by email to:</b>  <a href="mailto:democracy@melton.gov.uk">democracy@melton.gov.uk</a></p>	
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<b>MINUTES</b> To confirm the minutes of the meeting held on 9 April 2020	1 - 8
3.	<b>DECLARATIONS OF INTEREST</b> Members to declare any interest as appropriate in respect of items to be considered at this meeting.	9 - 10
4.	<b>SCHEDULE OF APPLICATIONS</b>	
4.1	<b>APPLICATION 19/00707/FUL</b> Land at Butt Close, adjacent Hay Barn, Riverside Road, Melton Mowbray	11 - 26
4.2	<b>APPLICATION 19/00606/FUL</b> Land adjacent 25 Mill Lane, Frisby on the Wreake	27 - 46
4.3	<b>APPLICATION 20/00192/FUL</b> 1 Belvoir Avenue, Ab Kettleby	47 - 58
5.	<b>URGENT BUSINESS</b> To consider any other items that the Chair considers urgent	

# Minutes

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 9 April 2020</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>This meeting was held by remote access due to the social distancing requirements of the Covid 19 pandemic</b>

## Present:

**Chair** Councillor M. Glancy (Chair)

**Councillors**

P. Posnett MBE (Vice-Chair)	P. Chandler
P. Cumbers	J. Douglas
P. Faulkner	L. Higgins
E. Holmes	J. Illingworth
M. Steadman	P. Wood

## **Observers**

**Officers**

- Assistant Director of Planning and Delivery
- Solicitor to the Council (RP)
- Development Manager
- Democratic Services Manager
- Democratic Services Officer (SE)

Minute No.	Minute
	<p><b>Chair's Introduction</b></p> <p>The Chair welcomed everyone to the first remote conferencing meeting held at Melton Borough Council. She introduced Members and Officers taking part as well as referred to the public speakers who would be speaking on individual applications.</p> <p>It was confirmed that all Members could hear the proceedings and apart from two Members joining the meeting by telephone, Members could also see the Chair and each other.</p> <p>The Chair explained that Members would use the functionality of the software to raise their hands to speak and each Member would be asked in turn for their vote at the appropriate time. The speaking process would involve a slight delay in opening the speaker function for individual Members as and when required as well as consulting those Members who had joined by telephone.</p> <p>The Chair explained that should the remote conferencing connection be lost there would be an adjournment.</p>
PL188	<p><b>Apologies for absence</b></p> <p>There were no apologies for absence.</p>
PL189	<p><b>Minutes</b></p> <p>(a) <u>Minute PL185 – Application 19/00245/REM</u></p> <p>Councillor Cumber requested that Minute PL185 be amended to reflect that she asked for her vote to be recorded as being for the motion and not against as stated in the minutes.</p> <p>(b) Subject to the foregoing, the minutes of the meeting held on 27 February 2020 were confirmed and authorised to be signed by the Chair.</p>
PL190	<p><b>Declarations of Interest</b></p> <p>Councillor Posnett declared a personal interest in any matters relating to the Leicestershire County Council due to her role as a County Councillor.</p> <p><u>Application 19/01376/OUT - OS 4250, Burdetts Close, Great Dalby</u></p> <p>Councillor Higgins advised that as he had not attended the site visits in respect of this and the previous similar application he would not take part in the debate nor vote and would leave the meeting when the application was considered.</p> <p>Councillor Steadman advised that as she had not attended the site visit for this application, she would not take part in the debate nor vote but would remain in the meeting.</p> <p><u>Application 19/01371/VAC - Spinney Campus - Brooksby Melton College, Melton Road, Brooksby</u></p> <p>Councillor Holmes stated that although it had been suggested that she had an interest in this application due her son in law being a Hobby with Rotherby Parish Councillor, she had no personal interest in this application and would therefore take part in the usual way.</p>

PL191	<b>Schedule of Applications</b>						
	Councillor Higgins here left the meeting due to having not attended site visits in respect of this development.						
PL192	<p><b>Application 19/01376/OUT</b></p> <table border="1" data-bbox="288 342 1431 604"> <tr> <td><b>Reference:</b></td> <td>19/01376/OUT</td> </tr> <tr> <td><b>Location:</b></td> <td>OS 4250, Burdetts Close, Great Dalby</td> </tr> <tr> <td><b>Proposal:</b></td> <td>Outline planning application for the construction of 35 no. dwellings (Class C3) with associated open space, landscaping and access, drainage and services infrastructure; to include details of layout and access off Burdetts Close, with all other matters reserved</td> </tr> </table> <p>The Development Manager addressed the Committee and provided a summary of the application. She explained that the Committee had previously approved an application for the same development in December 2018 subject to a Section 106 Agreement and which was now the subject of a pending Judicial Review initiated by the Parish Council and that this had no bearing on determining this application. She added that the Inspector had concluded that there would be limited harm to the heritage assets and this would be outweighed by the benefits of the application. The application was recommended for approval subject to an amendment to condition 18 as follows:</p> <p>No development approved by this planning permission shall take place until such a time a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Where a pumped solution is proposed the full evidence demonstrating that a gravity solution is not viable must be submitted. Where pumping is demonstrated to be required the scale of the pumped catchment must be minimised as much as practicable. The permission should also secure, through a Section 106 Agreement, contributions towards education provision, sustainable transport, maintenance of open space, affordable housing, expansion of health service facilities in the area and waste services.</p> <p>In response to a concern regarding flooding at the site, the Development Manager referred to the comments in the report on managing any such risk and also advised that more information would be supplied at the reserved matters stage should permission be granted.</p> <p>Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a four minute presentation:</p> <ul style="list-style-type: none"> <li>• Councillor Beth Johnson, Burton and Dalby Parish Council</li> </ul> <p>Following Members' questions, it was confirmed by Councillor Johnson that the Parish Council's concerns related to the layout and character of the site and although there had been communication with the applicant for the first application, there had been none for this application.</p> <ul style="list-style-type: none"> <li>• John Moore, Objector</li> </ul>	<b>Reference:</b>	19/01376/OUT	<b>Location:</b>	OS 4250, Burdetts Close, Great Dalby	<b>Proposal:</b>	Outline planning application for the construction of 35 no. dwellings (Class C3) with associated open space, landscaping and access, drainage and services infrastructure; to include details of layout and access off Burdetts Close, with all other matters reserved
<b>Reference:</b>	19/01376/OUT						
<b>Location:</b>	OS 4250, Burdetts Close, Great Dalby						
<b>Proposal:</b>	Outline planning application for the construction of 35 no. dwellings (Class C3) with associated open space, landscaping and access, drainage and services infrastructure; to include details of layout and access off Burdetts Close, with all other matters reserved						

- Dan Hatcher, Applicant

Following a Member's query, it was confirmed that there had been engagement with the Parish Council on the first application but due to differing opinion and attempting to find a balance, consultation on this application had been with Planning officers and other consultees.

- Councillor Robert Child, Ward Councillor

(Councillor Chandler left the meeting, resumed connection and re-entered the meeting within approximately a 3 minute period.)

It was noted by the Development Manager and Assistant Director of Planning and Delivery that the points made by speakers on heritage were addressed in the report at paragraph 3.3 and the references relating to potential alternative schemes were not material planning considerations on this application.

During discussion the following points were noted:

- Concern as to the narrow, bottle-neck access point and on-street parking of the neighbouring properties at the access for such a large development although it was mentioned that there was parking provision included in the proposal
- Concern that the development did not meet the character, historical and conservation aspirations of the village for future generations and considered there was opportunity for better design and an improved scheme
- Councillor Illingworth proposed that the application be deferred to allow further consideration with the Parish Council and Ward Councillor on the access, style of dwellings in the context of the conservation area and the need for more detail on the proposal. Councillor Faulkner second the motion
- The Solicitor to the Council pointed out that style of dwellings was not part of this application and would form part of reserved matters and therefore should be removed from the motion
- Councillor Illingworth added that he did not wish to dilute his motion by removing the design of dwellings
- It was agreed that the Chair and Vice Chair be also involved in the discussions to consider the access, layout, design within the context of the conservation area

### **RESOLVED**

That application 19/01376/OUT be **DEFERRED** to allow consultation with the Parish Council, Ward Councillor, Chair and Vice of the Committee on the layout and access in the context of the conservation area.

(9 in favour, 1 abstention)

Councillor Higgins here re-entered the meeting.

The Chair advised that the meeting would adjourn for the Clap for our Carers campaign at 8 pm for 5 minutes should the meeting not have ended by then.

**Application 19/00707/FUL**

<b>Reference:</b>	19/00707/FUL
<b>Location:</b>	Land at Butt Close, Adjacent Hay Barn, Riverside Road, Melton Mowbray
<b>Proposal:</b>	Construction of new dwelling

The Development Manager addressed the Committee and provided a summary of the application.

It was noted that the development was in the Egerton Ward and not in the Newport ward as indicated in the report.

The Development Manager responded to Member queries relating to the bridleway being on a private road, the materials for the proposal were the subject of a specific condition, the mobile home was to be removed however this could be amended by Members should they wish to and the archaeology of the site which was detailed in the report.

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a four minute presentation:

- Richard Cooper, Agent, HSSP Architects

Mr Cooper responded to a Member query as to the carbon footprint credentials of the proposal and explained that the building had a southerly aspect, the roof overhung the building which helped prevent overheating and the building was fit for the future in so far as the site allowed.

During discussion the following points were noted:

- It was felt the design was well thought out, designed for the future with climate change features and would look attractive in the setting
- Councillor Illingworth proposed that the application be permitted and Councillor Holmes seconded

*During the consideration of this application, public participants in the meeting indicated a desire to speak on the application using the messaging function of the software.*

- The Democratic Services Manager advised members of the public who were observing the meeting, that they could not speak at the meeting as they had not registered to do so in advance of the meeting as set out in the Public Speaking Scheme set out in the Constitution
- The advice was supported by the Solicitor to the Council who explained that speakers normally needed to register to speak in advance of the meeting
- It was noted that no members of the public had registered to speak and yet there had been several letters of objection
- It was noted that the adjacent land could not be conditioned as to use as it was not part of this application

The meeting was adjourned at 8 pm for 5 minutes to allow those present to take part in the Clap for our Carers campaign. The meeting reconvened at 8.05 pm.

- Members felt that the democratic process should be followed and there should be transparency in the speaking process and there may have been some confusion in people registering for the remote meeting implying there would be an opportunity for the public to speak
- Due to this meeting being the first held in remote circumstances, Councillor Illingworth felt the most democratic way forward was to withdraw his motion
- Councillor Holmes proposed that the application be deferred to allow the public to register to speak at a future meeting. Councillor Cumbers seconded the motion
- It was proposed, seconded and carried that the application be deferred to allow further opportunity for members of the public to register to speak on the application.

**RESOLVED**

That application 19/00707/FUL be **DEFERRED** to allow further opportunity for members of the public to register to speak.

(Unanimous)

PL194 **Applications 19/01379/VAC and 19/01380/VAC**  
These applications had been withdrawn.

PL195 **Application 19/01371/VAC**

<b>Reference:</b>	19/01371/VAC
<b>Location:</b>	Spinney Campus - Brooksby Melton College, Melton Road, Brooksby
<b>Proposal:</b>	<ul style="list-style-type: none"> <li>• Removal of Condition 20 (phasing for implementation of the whole development and requirement of the completion of the shop and industrial units prior to occupation of 75% of the proposed residential dwellings).</li> <li>• Proposed amendments to s106 obligations</li> </ul>

The Assistant Director for Planning and Delivery addressed the Committee and provided a summary of the application and updated Members on the amendments that had been made since the application had been deferred to provide an opportunity for further discussions with the Parish Council and Ward Councillor. Following those discussions, he advised the application now offered 6 affordable homes comprising 4 shared ownership and 2 discount market homes, all of which to be provided on the applications site.

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council’s Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a four minute presentation:

- Stuart Robinson of Hoby and Rotherby Parish Council
- Dawn Whitemore, Principal of Brooksby Melton College

Ms Whitemore responded to Members’ questions that the theatre provided a valuable contribution to the college in educational provision and was a key component for the foreseeable future of the college. With regard to the King Street site, she referred to three organisations having approached the college with development proposals although due to the Covid 19 pandemic the position



could not be confirmed. She advised that one of the college's requirements for any development was to retain the archaeological merits including the frontage.

- Councillor Ronan Browne, Ward Councillor

In responding to a Member's query, Councillor Browne confirmed that a part off-site contribution would be acceptable should 12 affordable homes not be approved however he would accept whatever the Committee determined.

At 8.57 pm, there was a motion to continue the meeting beyond the 3 hour threshold as set out in the Constitution and Members voted unanimously to continue the meeting.

During discussion the following points were noted:

- Following the appeal, a Member felt there was a significant loss of benefits including a reduction in funding to develop the theatre as well as the loss of affordable homes and the development of the King Street site. The Councillor considered that the college should make an off-site contribution to meet affordable housing need in rural housing for the Borough due to their reduced investment in this application
- Farming was a base industry of the area and the application should be supported as it brought positive improvements to the hall as well as the provision of 6 affordable homes
- There was also support for the college's educational offering and outstanding rural activities and the way the college kept up to date in a changing farming environment
- There were Members that felt that the loss of the King Street development and other services was regrettable and an off site contribution to affordable housing was still needed

Councillor Holmes proposed recommendations 1 and 2 of the report and Councillor Posnett seconded the recommendations.

**RESOLVED** that

(1) application 19/01371/VAC be **APPROVED**;

(2) the proposed variations to the s106 agreement are authorised.

(9 in favour, 2 against)

(Councillors Faulkner and Higgins requested that their votes against the preceding application be recorded.)

**REASONS**

In the opinion of the Local Planning Authority the proposal presents a composite package of measures that would allow substantial investment in the College facilities at both the Brooksby and Melton Mowbray campus locations. Investment accruing from the development in the College's primary heritage asset, Brooksby Hall, would not be affected by the proposals. The NPPF advises great weight should be assigned to heritage assets and their conservation.

The investment would facilitate and significant enhancement of the educational and

cultural acumen and offer of the Borough, contributing to its priorities in terms of sustainable and inclusive growth and for which there is no realistic alternative means of funding. This is considered to outweigh the harm resulting from the loss of the 'village shop' and employment space in sustainability terms.

Evidence has been provided that indicates the existing planning requirements (on which the grant of permission in 2017 is based) are unattractive to the market and would provide limited receipt, such that no meaningful re-investment in facilities would be realised.

The affordable housing, both on and off site, is not required in full, due to the Vacant Building Credit component of national planning policy. This would allow a 'discount' from the level of Affordable Housing provided to approx. 12 (from 27 previously incorporated – 21 of which would have been 'off site' at King St, Melton Mowbray). The proposed provision of 6 units at Brooksby is considered appropriate to meet identified local needs and an acceptable compromise within the context of the background to the application.

The proposal would sever dependency of the King St site on the progress made at The Spinney, allowing it to be pursued as a development and regeneration opportunity independent of events at The Spinney.

PL196	<b>Urgent Business</b> There was no urgent business.
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The meeting closed at: 9.22 pm

Chair

## Advice on Members' Interests

### **COUNCIL MEETINGS - COMMITTEE MINUTES : DECLARATION OF INTERESTS**

Interests need not be declared at Council in relation to Committee Minutes which do not become the subject of debate at Council (i.e. Minutes referred to solely on a page by page basis when working through the Minutes of each Committee.)

An interest must be declared at Council as soon as it becomes apparent that a relevant Committee Minute is to be debated – this applies even if an interest has been declared at Committee and is recorded in the Minutes of that Committee.

### **PERSONAL AND NON-PECUNIARY INTERESTS**

If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

**You must state that you have a personal and non-pecuniary interest and the nature of your interest.** You may stay, take part and vote in the meeting.

### **PERSONAL AND PECUNIARY INTERESTS**

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room\***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Governance Committee.

### **DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

**If you are present at any meeting of the Council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.**

You may not attend a meeting or stay in the room as either an Observer Councillor or \*Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest\*.

### **BIAS**

If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.\*

\*There are some exceptions – please refer to paragraphs 3.12(2) and 3.12(3) of the Code of Conduct

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# Planning Committee

30 April 2020

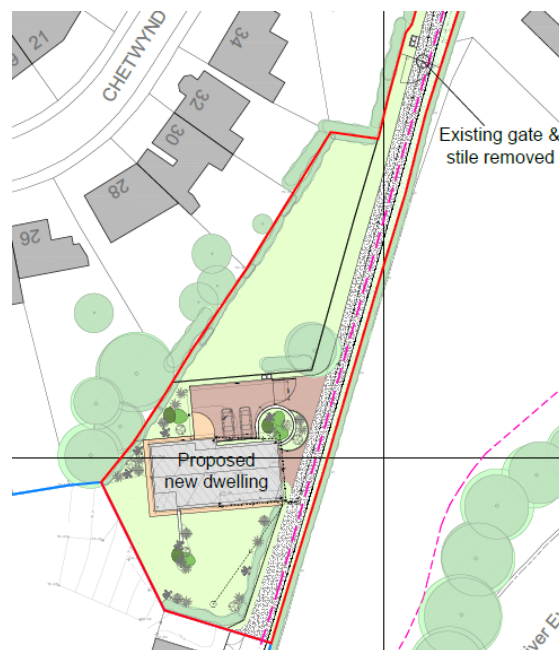
Report of: Assistant Director for Planning and Delivery

## 19/00707/FUL – Land At Butt Close, Adjacent Hay Barn, Riverside Road, Melton Mowbray - Construction of new dwelling

Applicant: Edren Homes Limited

<b>Corporate Priority:</b>	3: Delivering Sustainable and Inclusive Growth in Melton
<b>Relevant Ward Member(s):</b>	Egerton : Councillors Faulkner and Smedley
<b>Date of consultation with Ward Member(s):</b>	3 October 2019
<b>Exempt Information:</b>	None

### 1 Summary



- 1.1 The application site is approximately 0.19 hectares and currently comprises an unused parcel of land at the end of Riverside Road in Melton Mowbray. Land slopes down from north to south with the previously approved hay barn constructed further to the south. The proposed dwelling would sit on land between the existing properties on Chetwynd Drive and the hay barn to the south.
- 1.2 The properties on Chetwynd Drive consist of two storey semi detached properties which sit higher than the application site. A hedgerow including a number of trees separates the site from these properties.
- 1.3 Riverside Road is currently a footpath which is in the process of being upgraded to a bridleway under a separate, previously approved planning application, and as such, not under this application.
- 1.4 Access would be from Riverside Road to the north where it meets Asfordby Road. Parking would remain available for the hay barn to the south and access remains available from St Leonards Close for this.
- 1.5 A number of listed buildings lie further to the south west of the application site, on St Leonards Close. The application lies close to Sysonby deserted medieval village.
- 1.6 The application site currently sits in Flood Zone 1.
- 1.7 Amended plans have been received during the course of the application altering the design and materials of the proposed dwelling and providing an amended landscape and boundary treatments plan. Section drawings have also been provided showing the development and levels of the site in relation to the surrounding properties on Chetwynd Drive.
- 1.8 It should be worth noting that a mobile home currently sits on the application site in the location of the proposed dwelling. Members should be aware that this does not have any bearing on the application before you and should permission be granted, it is anticipated that this mobile home would be removed from the site. Conditions to this effect could be applied.

<b>2</b>	<b>Recommendation(s)</b>
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- |            |   |
|------------|---|
| <b>2.1</b> | <p><b>It is recommended the application is APPROVED, subject to:</b></p> <ul style="list-style-type: none"> <li>• <b>Conditions as set out in Appendix B</b></li> </ul> |
|------------|---|

### **3 Reasons for Recommendations**

- 3.1 The proposal would represent a sustainable form of small scale residential development that would be considered acceptable under the provisions of Policies SS1 and SS2 of the Melton Local Plan.
- 3.2 The proposal as revised would result in a form of development that would be sympathetic to the character of the locality by virtue of its appearance, design, layout and scale and would not compromise residential amenity or be prejudicial to highway safety. The development would also raise no significant, adverse impact on ecology or archaeology grounds that would warrant refusal. For these reasons, the proposal is considered to comply with the relevant policies of the Melton Local Plan and the National Planning Policy Framework, and no harm is considered to arise following the giving of special attention to avoiding harm to heritage assets required by s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **4 Key Factors**

### **4.1 Reason for Committee determination**

4.1.1 This application is being considered by the Committee due to receiving more than 10 letters of objection which are contrary to the recommendation.

### **4.2 Relevant policy context**

4.2.1 The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

4.2.2 Adopted Melton Local Plan (MLP) 2011-2036

4.2.3 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

4.2.4 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.

4.2.5 Please see Appendix D for a list of all applicable policies.

4.2.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses.

4.2.7 There is no 'made' Neighbourhood Plan which covers the application site.

### **4.3 Relevant history**

4.3.1 17/00718/FUL - Hay barn and horse shelter – Permitted – 08.08.2017

4.3.2 The above application approved a relatively large, single storey hay barn and horse shelter on land immediately to the south of the application site. This has been constructed.

4.3.3 Notwithstanding the comments received, there are no other previous applications on the site or the adjoining field to the west.

### **4.4 Main issues**

4.4.1 The key issues for this application are considered to be:

- Principle of development
- Impact upon the character of the area, existing landscape and surrounding area
- Impact upon heritage assets (Listed Buildings)
- Impact upon residential amenities of neighbouring properties
- Impact upon highway safety and parking
- Impact upon ecology
- Impact upon archaeology
- Flooding and drainage
- Climate change consideration
- Other issues

## **5 Report Detail**

### **5.1 Principle of development**

- 5.1.1 The site lies adjacent to an established residential area within the town of Melton Mowbray and in close proximity to the town centre. Policy SS2 sets out the development strategy for the Borough for housing and employment and states development will be distributed across the Borough in accordance with the spatial strategy and Melton Mowbray Main Urban Area is the priority location for growth and will accommodate approximately 65% of the Borough's housing need. Development will be expected to contribute positively to the provision of key infrastructure, including traffic relief within the town, to support its growing population and economy.
- 5.1.2 The application site is considered to be within the main built up part of Melton, in close proximity to the town centre, and in a highly sustainable location. The proposal would propose one dwelling on a visually poor parcel of land that could be considered to be having negative effect on the enjoyment of users of the public footpath.
- 5.1.3 Given the location within the town of Melton Mowbray, the principle of development for the erection of one dwelling is considered to be acceptable and would comply with Policies SS1 and SS2 Local Plan, subject to satisfying all other material planning considerations.
- 5.1.4 Windfall sites are an important element of housing supply and calculations on the likely amount of windfall housing as a realistic proportion of overall delivery is estimated through the Local Plan process but there is no ceiling for windfall housing provision.

### **5.2 Impact upon the character of the area, existing landscape and surrounding area**

- 5.2.1 The land currently comprises a visually poor parcel of land to the south east of the existing properties on Chetwynd Drive and to the west of the existing public footpath. The proposed dwelling would be sited on land between these properties on Chetwynd Drive and the hay barn to the south. As such the proposed development of the land for one dwelling would to an extent 'infill' this parcel of land and would not appear unduly prominent or highly incongruous in the context of the surrounding area.
- 5.2.2 The application site is neither public open space nor is it identified as an important green space and indeed the land has no designation registering a specific importance.
- 5.2.3 Given the siting of the land behind the existing properties on Chetwynd Drive and to the south of Riverside Road, the land is not visible from Asfordby Road and is only visible from the public footpath. Limited views of the application site from St Leonards Close could be had, however this is hindered by the significant bank of land between the application site and St Leonards Close and the adjacent barn.
- 5.2.4 Therefore, views of the proposed dwelling would be restricted unless arriving from the north on the public footpath or from St Leonards Close to the south. Due to the land levels, when viewed from St Leonards Close, the proposed dwelling would be viewed against the backdrop of existing properties on Chetwynd Drive which sit significantly higher than the application site.
- 5.2.5 Due to the change in levels in the site, it is proposed to dig the dwelling into the site to reduce the prominence of the dwelling in the context of the surrounding area. This would allow the dwelling to appear to be a single storey property when viewed from the footpath from the north and would be two storey when viewed from the south – albeit the lower floor would partially hidden from view due to the existing hay barn, the existing raised land



to the south west and the proposed landscaping and boundary treatments on the southern boundary.

- 5.2.6 As such, the development is considered to be of an appropriate scale and well-integrated into the existing built form. Site section drawings indicate that the development would follow the rise in levels but would be significantly lower than the existing properties on Chetwynd Drive.
- 5.2.7 Although the proposal would be in close proximity to the adjacent footpath, the dwelling would be orientated at an angle to the footpath to soften the potential visual impact upon users of the footpath.
- 5.2.8 The surrounding properties are mixed in terms of style, design, scale and layout. With the application site located on land away from the immediately adjoining properties, it is proposed to provide a majority timber clad property which would reflect the existing hay barn to the south and the slightly rural setting with which the proposed dwelling would sit within. Stone is proposed for the lower ground floor of the property which again is considered acceptable. The proposed materials would be considered acceptable for this urban – rural fringe site with further details to be submitted via condition. The design of the house itself is again proposing to reflect the rural fringe setting within it sits.
- 5.2.9 Boundary treatments of the site are to remain soft and open, consisting of timber post and rail fences at a height of 1.2 metres and native hedge planting on the southern boundary and retention of the hedgerow on the north west boundary. Permeable block paving driveway is proposed on the northern part of the site however this is limited to as minimum as possible whilst ensuring sufficient parking and turning space is available. A full landscaping scheme is to be submitted via condition.
- 5.2.10 It is not considered that lighting would be excessive given that the proposal comprises the development of one dwelling only and parking is retained on the northern part of the site, away from the open areas to the south.
- 5.2.11 It is concluded that the proposal as revised has been largely designed to fit in to its surrounding context and providing a high level of soft landscaping. Given the siting of the proposal within a rural setting, and due to the high quality design proposed, it is considered necessary and reasonable to remove permitted development rights to ensure any additions do not have an adverse visual impact upon the surrounding area.
- 5.2.12 **Overall it is considered that the proposal would be acceptable and not have a detrimental impact upon the character of the area and therefore would comply with the relevant policies of the Melton Local Plan.**

### 5.3 Impact on heritage assets

- 5.3.1 The application site is not within a conservation area and would be sited approximately 130 metres and 145 metres from the listed buildings located to the south west of the application site – Grade II listed Riverside Cottage and Barn and Grade II listed Church of St Mary respectively.
- 5.3.2 As stated previously, views of the application site from the St Leonards Close (where these listed buildings sits) are restricted due to the large area of raised ground and the existing hay barn which sits between St Leonards Close and the application site. In addition, by digging the dwelling down, the proposal would not appear out of context within the surrounding area given the existing properties on Chetwynd Drive sitting higher than the application site.

- 5.3.3 Views from the public footpath towards the church and the listed buildings are not considered to be significantly impacted by the introduction of the dwelling given the existing raised ground and the significant separation distances involved. Only when users of the public footpath travel further south past the existing hay barn would the listed church and buildings become visible.
- 5.3.4 As such, due to the existing ground levels within and adjacent the application site and the separation distances, views of the aforementioned listed buildings would not be adversely impacted from the relevant viewpoints.
- 5.3.5 **Overall it is considered that the development would have a neutral impact upon the setting of the nearby listed buildings given the nature, scale and design of the development and the separation distances to the listed buildings. The proposal is therefore considered to accord with Policy EN13 and satisfies the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.**
- 5.4 **Impact upon residential amenities**
- 5.4.1 The application proposes the erection of a two storey dwelling. The nearest residential properties to the site are located to the north west of the application site, nos. 26 and 28 Chetwynd Drive. Both properties sit significantly higher than the application site with their rear gardens dropping down toward to the application site. An existing hedgerow separates the application site to these properties, along with a number of trees.
- 5.4.2 The proposed dwelling would have a front elevation facing towards these properties however would be single storey only and as such afford no direct views over the private rear garden areas of nos. 26 or 28 Chetwynd Drive. Due to the levels and separation distances, it is not considered that the proposal would have a significantly adverse impact upon the residential amenity of these two properties in respect of overlooking, overbearing or loss of light. Although the parking area for the proposed dwelling is located on the northern side of the site, it is not considered that shining from car headlights would adversely impact upon these properties, given the level change, separation distances and the siting of the driveway.
- 5.4.3 Private amenity space is provided to the south of the proposed dwelling away from neighbouring properties. The proposed amenity space would be sufficient and private enough for the future occupiers.
- 5.4.4 Notwithstanding that loss of view is not a material planning consideration, the proposed dwelling would be set significantly lower than the properties on Chetwynd Drive, as indicated on the proposed section drawings. In addition there is a considerable distance between the existing properties and the proposed dwelling.
- 5.4.5 It is not considered that there would be any adverse impact upon any other residential properties given the separation distances involved. The limited number of additional vehicles using Riverside Road is not considered to impact upon the existing properties on Riverside Road.
- 5.4.6 **Overall, it is therefore considered that the proposal would comply with Policy D1 of the Melton Local Plan which requires new development to ensure that the amenity of future occupiers and of neighbouring properties should not be compromised.**
- 5.5 **Impact on highway safety and parking**
- 5.5.1 The application proposes the erection of one, 4 bedroomed property. Parking is provided within the site for 3 vehicles, one garage and two driveway spaces. Turning space is also

available to allow vehicles to manoeuvre and leave in a forward gear. As such, parking provision is considered acceptable for the proposed development.

- 5.5.2 It is proposed to access the development via the existing Riverside Road where it meets Asfordby Road. The Local Highways Authority considers that the development of one dwelling would add no major intensification to Riverside Road to the detriment of highway safety. It is considered that the existing road, and access onto Asfordby Road and relevant visibility from the access is acceptable and would be able to cater for the proposed development.
- 5.5.3 Concerns have been raised regarding disruption and impact from construction traffic. Whilst concerns are acknowledged, this is considered to be short term in nature and the development of one dwelling would not significantly impact upon highway safety or residential amenity.
- 5.5.4 It is not considered that the additional vehicles from the development or construction traffic would adversely impact upon pedestrian or highway safety given the existing access arrangements where Riverside Road meets Asfordby Road.
- 5.5.5 Concerns have been received regarding the loss of the existing parking area for the hay barn. It has been indicated on the submitted plans that parking and turning area has been provided to the south of the hay barn with access from St Leonards Close.
- 5.5.6 The Local Highways Authority raise no objections to the proposal subject to a condition which requests that the applicant dedicates the proposed bridleway prior to occupation of the dwelling. It is not considered that this is either reasonable or necessary given the scale and nature of the development within this application. In addition, this has previously been agreed under a previous planning application and is indicated on the plans submitted within this application. Furthermore, the development is sited so as to not adversely impact upon users of the existing footpath. Vehicles exiting the garage would be at a slow speed so as to not impact upon pedestrian safety.
- 5.5.7 Concerns have also been raised regarding the existing state of Riverside Road and the maintenance of the road. Given the existing number of vehicles and properties using the road, it is not considered that one additional vehicle would result in additional maintenance issues to the detriment of the road.
- 5.5.8 **As such, the development is considered to be acceptable in terms of Highway safety concerns.**

## 5.6 Impact on Ecology

- 5.6.1 This application site falls within a potential Local Wildlife Site (historic). This indicates that the site was found to have biodiversity value when surveyed in the 1980s-90s. However, the application has been supported by a Phase 1 and Protected Species Survey which indicates that whilst some local wildlife site indicator species are present, this area of the site does not have sufficient indicators to meet the current local wildlife site criteria.
- 5.6.2 No protected species were recorded during the survey and the site was generally considered not to have potential to support protected species.
- 5.6.3 **As such, LCC Ecology raises no objections to the application and the development is considered to have no adverse impact upon ecological or biodiversity features.**

## 5.7 Impact on archaeology

- 5.7.1 The application lies close to Sysonby deserted medieval village (HER ref: MLE3963), a village included within the Domesday book but by 1807 only a hall house and a few cottages remained. Butt Close (HER ref: MLE3966) presumably marks the site of medieval archery butts where the village archers would have practiced. Recent works (HER ref: ELE10668) in 2017 close to the application site identified a 19th century metaled trackway leading to the church of St. Mary. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.
- 5.7.2 To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide professional archaeological Attendance for inspection and recording during the groundworks for the proposed development. A suitable written scheme of investigation shall be submitted to the Local Planning Authority via condition.
- 5.7.3 LCC Archaeology raise no objections subject to a condition which recommends the provision of archaeological work to be undertaken prior to commencement of development. As such, it is not considered reasonable to refuse the application as a result of the lack of archaeological work or request that this additional work is carried out prior to determination of the application.
- 5.7.4 **Overall, subject to conditions, it is not considered that the application would have an adverse impact upon archaeological matters.**

## 5.8 Flooding and drainage

- 5.8.1 The site is located within Flood Zone 1 being at low risk of fluvial flooding and as such, no significant concerns are raised in respect of flooding or drainage.
- 5.8.2 Concerns have been raised regarding the existing sewer network which runs through the application site. Whilst concerns are noted, drainage has been indicated and any impacts to the existing sewer network would be covered during the building control stage.
- 5.8.3 **As such, no concern is raised regarding drainage impacts resulting from the development.**

## 5.9 Climate change consideration

- 5.9.1 A sustainability statement has been submitted by the agent on behalf of the applicant in respect of climate change. The full document is available for members to view online however the highlights are bullet pointed below –
- The house has been located to the south of the site to optimise access to solar gain during the winter months
  - The majority of the glazing is on the South façade
  - Living spaces are located on the first floor where they can benefit from more solar gain
  - Bedrooms and service spaces which have less demand for day/sun lighting are located on the ground floor
  - The topography to the SW of the site will help to reduce prevailing wind speeds across much of the buildings surface
  - Building is an elongated solar-orientated form
  - A large proportion of the building envelope is set into the ground, so will have reduced heat losses (approx. 50% less)
  - The plans have been drawn with thicker walls to allow for more insulation
  - Timber cladding and timber frame-will store carbon

- Local stone—has low embodied carbon
- Profiled metal sheeting –can be reused/recycled
- Topography to the SW of the site will help to reduce prevailing wind speeds but still provide a good supply of fresh air
- The glazing proportion for the solar exposed elevations (E, S, W) is around 25% which is low risk
- Water efficient fittings and appliances can be specified at detail design stage
- Water butts can easily be incorporated into the design
- Electric charging points can be incorporated in the garage
- The plan allows for flexible use, home office, lifetime homes, multi-generational living

5.9.2 **As such it is considered that the applicant has demonstrated how the need to mitigate and adapt to climate change has been considered, in accordance with Policy EN8 of the Melton Local Plan.**

## 5.10 Other issues

- 5.10.1 Given the history of the site, it is considered reasonably necessary to condition that should contamination be found, details shall be submitted to the local planning authority via condition.
- 5.10.2 Smells or odour from the adjacent hay barn are considered to be limited and not adversely impact the future occupiers of the development.
- 5.10.3 Comments have been received regarding the setting of a precedent, potential for further development / expansion of the application proposal and development not in accordance with the approved plans. Each application is considered on its own merits and will be determined against the national and local plans which are in place at the time of determination.
- 5.10.4 Devaluation of adjacent properties is not a material planning consideration.
- 5.10.5 Concerns have been raised regarding the adjacent hedgerow and trees and potential impact upon neighbours due to the height of the hedge and safety should the trees fall over. The existing hedge and trees are existing and proposed to remain in situ. It is not considered that the development would result in adverse safety impacts or loss of light due to the height of the hedge. In addition, other legislation is in place which would allow neighbouring properties to request the hedge to be reduced in height.
- 5.10.6 Rights of access and ownership disputes are civil matters between the parties involved and are not material planning considerations.

## 6 Conclusion

- 6.1 The development is considered to represent sustainable 'windfall' development and is considered acceptable in principle subject to all other material planning considerations. It is considered that the revised proposals have been designed to be reasonably sympathetic to the local character and nearby heritage assets and would not have any adverse impact upon residential amenity, highway safety, ecology, archaeology, drainage to conditions securing further details.

6.2 **It is considered that the proposal would comply with the relevant policies of the Melton Local Plan and the overall principles of the National Planning Policy Framework.**

## **7 Consultation & Feedback**

7.1 Immediately adjoining occupiers were notified and a site notices posted at the site.

7.2 Approximately 28 letters of objections have been received from 17 separate addresses and these are detailed below.

7.3 The comments raised have been addressed in the report detail section.

- Existing boundary hedge should be retained at maximum height of 2 metres
- Existing mobile home on the site not indicated on the plans, unclear about the future of the mobile home
- Loss of parking area for the existing hay barn
- Existing Riverside Road unsuitable and would fall into disrepair as a result of additional traffic
- Access via St Leonards Close is not within the ownership/rights of access of the applicant
- New building too large for the plot / overdevelopment
- Out of keeping with the character of the area and surrounding properties
- Visually intrusive to neighbouring properties
- Loss of views from neighbouring properties
- Permission is required from private Riverside Road access
- Existing Riverside Road is in a poor condition
- Impact from vehicles leaving the double garage onto users of the footpath
- Lack of access for emergency vehicles
- Site located on a sensitive edge of Melton Mowbray
- Sets a precedent for future development on land to the south
- Site of archaeological interest
- Storm drain runs under the application site
- Adverse noise impact and loss of privacy on adjoining properties
- Existing road unsuitable for vehicles
- Previous applications refused on the site
- Application site is on covenant land for old sysonby village
- Additional development has impact upon local infrastructure
- The building could be hit by adjacent trees
- Inadequate parking
- Should be developed as a town dwelling, not agricultural
- Increased danger to hotel residents
- Reduced /impact upon natural habitats



- Lighting would impact upon neighbours and wildlife
- Devaluation of adjacent properties
- If approved, ground work and construction should be delayed until lock down and government restrictions keeping neighbours at home are lifted due to the potential noise and disruption

## 8 Financial Implications

8.1 None identified

**Financial Implications reviewed by: N/A**

## 9 Legal and Governance Implications

9.1 Legal implications have been included in the main body of the report. No specific issues are identified. This application is being considered by the Committee under the scheme of delegation within the Constitution due to receiving more than 10 letters of objection which are contrary to the recommendation. Legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Deputy Monitoring Officer**

## 10 Background Papers

10.1 None

## 11 Appendices

A: Summary of Statutory Consultation responses

B: Summary of Recommended Planning Conditions

C: Informatives

D: List of applicable Development Plan policies

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## Appendix A : Summary of Statutory Consultation Responses

### LCC Highways

- No objection subject to conditions.

### LCC Ecology

- No objection subject to conditions.

### LCC Archaeology

- No objection subject to conditions.

## Appendix B : Summary of Recommended Planning Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

7785-01-00 Site Location Plan

received by the Local Planning Authority on 26<sup>th</sup> June 2019

7785-03-02 A Proposed Floor Plans and Sections

received by the Local Planning Authority on 9<sup>th</sup> January 2020

7785-03-03 A Proposed Site Plan

received by the Local Planning Authority on 27<sup>th</sup> February 2020

7785-03-01 D Proposed Block Plan and Elevations

received by the Local Planning Authority on 25<sup>th</sup> March 2020

Reason: To ensure a satisfactory form of development in accordance with Policies SS1 and D1 of the Melton Local Plan.

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwelling hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be



implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies SS1 and D1 of the Melton Local Plan.

4. Notwithstanding the submitted information, no development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory appearance and to ensure that the work is carried out within a reasonable period and thereafter maintained in accordance Policies SS1 and D1 of the Melton Local Plan.

5. Notwithstanding the submitted information, no development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and to safeguard the amenities of neighbouring properties in accordance with Policies SS1 and D1 of the Melton Local Plan.

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in full in accordance with approved 7785-03-01 D Proposed Block Plan and Elevation received by the Local Planning Authority on 25<sup>th</sup> March 2020. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policies D1 and IN2 of the Melton Local Plan.

7. Prior to occupation of the dwelling hereby permitted, the existing gate to the vehicular access on Riverside Road as indicated on approved 7785-03-01 D Proposed Block Plan and Elevation shall be removed.

Reason: To protect the safe passage of users of the adjacent Public Right of Way in accordance with Policy IN2 of the Melton Local Plan.

8. If during development, contamination not previously identified is found to be

present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to any dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 170, 178 and 179 of the National Planning Policy Framework.

9. No demolition/development shall take place/commence until a written archaeological scheme of investigation (AWSI), which has been submitted to and approved in writing by the local planning authority. For land that is included within the AWSI, no demolition/development shall take place other than in accordance with the approved AWSI, which shall include the statement of significance and research objectives, and
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy EN3 of the Melton Local Plan.

10. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no development within Classes A to E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance and to ensure there would be no adverse impact upon the character of the immediate and wider area in accordance with Policies SS1 and D1 of the Melton Local Plan.

11. The residential curtilage of the dwelling hereby permitted shall be as defined on the approved 7785-03-01 D Proposed Block Plan and Elevation received by the Local Planning Authority on 25<sup>th</sup> March 2020.

Reason: To protect the residential amenity of surrounding properties in accordance with Policy D1 of the Melton Local Plan.

## Appendix C : Informatives

1. The Written Archaeological Scheme of Investigation (AWSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
2. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
3. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
4. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
5. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.
6. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
7. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
8. The application should be drawn the recommendations within section 7 of the submitted protected species survey.

## Appendix D: List of applicable Development Plan policies

- **Policy SS1 – Sustainable Development** seeks to secure development proposals which promotes and improves economic, social and environmental conditions in an area;
- **Policy SS2 - Development Strategy** sets out how development will be distributed across the Borough in accordance with a spatial strategy that states that Service centres and Rural Hubs will accommodate up to 35% of new housing on a proportionate basis through allocated sites and the delivery of a proportion of windfall development, and allows smaller scale housing within or adjacent to

Service Centres and Rural Hubs.

- **Policy EN1 – Landscape** states that the character of Melton Borough’s landscape and countryside will be conserved and, where possible enhance by ensuring new development is sensitive to its landscape setting and requiring new developments to respect existing landscape character and features
- **Policy EN2 – Biodiversity and Geodiversity** states that development proposals will protect and enhance biodiversity, ecological networks and geological conservation interests
- **Policy EN3 – The Melton Green Infrastructure Network** states that new development proposals will be supported where they retain and enhance important green infrastructure elements such as areas of geological and archaeological interest.
- **Policy EN6 – Settlement Character** states that development proposals will be supported where they do not harm open areas which; Contribute positively to the individual character of a settlement; Contribute to the setting of historic built form and features; Contribute to the key characteristics and features of conservation areas; and Form a key entrance and/or gateway to a settlement.
- **Policy EN8 – Climate Change** sets out that all new development proposals will be required to demonstrate how the need to mitigate and adapt to climate change has been considered, subject to considerations of viability.
- **Policy EN11 – Minimising the Risk of Flooding** sets out that development proposals do not increase flood risk and will seek to reduce flood risk to others.
- **Policy EN12 – Sustainable Drainage Systems** ensures that development proposals undertake surface water management and have acceptable run-off rates.
- **Policy EN13 – Heritage Assets** The Council will take a positive approach to the conservation of heritage assets and the wider historic environment
- **Policy IN2 – Transport, Accessibility and Parking** sets out that all new developments should, where possible, have regard to supporting and promoting an efficient and safe transport network which offers a range of transport choices
- **Policy D1- Raising the Standard of Design** requires all new developments to be of high quality design.



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## Planning Committee

30 April 2020

Report of: Assistant Director for Planning and Delivery

### 19/00606/FUL - Land Adj 25 Mill Lane, Mill Lane, Frisby On The Wreake

Proposed New Build Dwelling  
Applicant : Mr Freeman

<b>Corporate Priority:</b>	3: Delivering Sustainable and Inclusive Growth in Melton
<b>Relevant Ward Member(s):</b>	Frisby on the Wreake : Councillor Ronan Browne
<b>Date of consultation with Ward Member(s):</b>	25 June 2019
<b>Exempt Information:</b>	None

#### 1 Summary

- 1.1 The application site is currently an unused parcel of land located within the north east corner of the village of Frisby on the Wreake. The application site sits adjacent to the railway line, adjacent to a public footpath, opposite a Grade II Listed Mill House, located within the Conservation Area of Frisby on the Wreake and partly within the defined Limits to Development within the Neighbourhood Plan (the proposed dwelling and carport sits mainly within). The application site sits within Flood Zone 3b (the functional flood plain).
- 1.2 This is a full planning application for the erection of one dwelling including a carport and outbuilding.
- 1.3 Amended plans and documents have been received during the course of the application to address concerns raised regarding the scale, size and design of the dwelling, the style of the carport and the impact upon flooding/drainage.
- 1.4 This application follows a number of previous approvals for one dwelling on the site and as such, this proposal is very similar to the extant permission, albeit considered to be an improved design.

#### 2 Recommendation(s)

- 2.1 It is recommended that the Planning application is **APPROVED** subject to conditions

### 3. Reason for Recommendations

- 3.1 The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel. Frisby on the Wreake is a 'Rural Hub' under policy SS2 and identified as appropriate for a limited quantity of development in the form of allocations and accommodation of 'windfall'.
- 3.2 The proposed dwelling sits mainly within the limits to development within the Neighbourhood Plan as identified within Policy H3 of the Neighbourhood Plan.
- 3.3 The application is a revision to a number of previous and **extant planning permissions** on the site for the development of one dwelling. As such, **the principle of development is established** subject to appropriate design and appearance and other material planning considerations.
- 3.4 The access and parking is deemed acceptable, Network Rail have no concerns subject to conditions, there would be no adverse impact upon the adjacent public footpath and sufficient residential amenity is safeguarded for the adjacent property and the future occupiers.
- 3.5 Whilst the Environment Agency state the application is contrary to the NPPF and should not be permitted, it is also acknowledged within their response that the permission for one dwelling on the site is in place. Given that this development is similar to the previous extant planning permission, it is considered acceptable on grounds of flooding subject to conditions and mitigation measures outlined within the submitted Flood Risk Assessment.
- 3.6 The proposal is considered to be sympathetic to the Conservation Area and setting of heritage assets given the similarities to the previously approved scheme in terms of height and scale, however the new design, materials and appearance proposed within this scheme is considered to be of higher quality.





## **4 Key Factors**

### **4.1 Reason for Committee Determination**

4.2 The application is required to be presented to the Committee due to receiving more than 10 letters of objection contrary to the recommendation, and the application has been called into Committee at the request of the local Ward Member.

### **4.3 Relevant Policies**

4.3.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

4.3.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.

4.3.3 The Frisby on the Wreake Neighbourhood Plan was adopted on 1<sup>st</sup> August 2018.

4.3.4 The Local Planning Authority has a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Considerable importance and weight should be applied to these duties, even where the harm identified is less than substantial.

4.3.5 Please see Appendix E for a list of all applicable policies

### **4.4 Main Issues**

4.4.1 The main issues for this application are considered to be:

- Compliance with Development Plan Policies.
- Impact upon the character of the area and heritage assets
- Impact upon residential amenities
- Impact upon highways and parking
- Impact on ecology
- Impact on flood risk
- Network Rail

## **5 Report Detail**

### **5.1 Position under the Development Plan Policies**

5.1.1 The site is on the north eastern edge of the settlement of Frisby on the Wreake and policies SS1 and SS2 apply. These two policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and sets out the strategy of delivering housing across Melton borough through identifying the most suitable locations for new housing within a settlement hierarchy, devised from sustainable credentials. Frisby on the Wreake is identified in the Local Plan as a Rural Hub.

5.1.2 Policy SS2 of the Melton Local Plan sets out the development strategy for the Borough for housing and employment and states development will be distributed across the Borough in accordance with the spatial strategy.

5.1.3 Service Centres and Rural Hubs will accommodate approximately 35% of the Borough's housing residual requirement\* (1822) on a proportionate basis. This will be delivered by

planning positively for the development of sites allocated within and adjoining the Service Centres and Rural Hubs by 2036, and by encouraging small scale residential ‘windfall’ development.

- 5.1.4 Policy H1 of the Neighbourhood Plan states that planning permission will be granted in Frisby on the Wreake for new dwellings though allocations and windfall sites within the Limits of Development as set out in Policy H3. Policy H3 of the Neighbourhood Plan states that residential development proposals will be approved on sites within the Limits to Development as identified in the Neighbourhood where it complies with the policies of the Development Plan. The site lies half within and half outside of the Limits of Development. There are no policies within the Neighbourhood Plan which guide development that sits outside of the Limits of Development.
- 5.1.5 Other material considerations are the National Planning Policy Framework (NPPF) and the Frisby on the Wreake Conservation Area Appraisal.

## 5.2 Principle of Development

- 5.2.1 The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel and make appropriate provision for parking and ensure that there is not a significant impact caused to the Highway network.
- 5.2.2 Frisby on the Wreake is considered to be a sustainable location and is identified as a ‘Rural Hub’ and as such is appropriate for a limited quantity of development in the form of allocations and accommodation of smaller sites.
- 5.2.3 Given the siting within Frisby on the Wreake, a Rural Hub, this development is considered to be fall under the provisions of ‘windfall’ development within the Melton Local Plan.
- 5.2.4 The development is partly within and partly outside of the limits to development of the Neighbourhood Plan. Notwithstanding this, the site has the benefit of an extant planning permission for the erection of one dwelling through the following previous applications –

DC	16/00639/FUL	PER	12.09.2016	22.12.2016	New single storey private dwelling
DC	17/00498/FUL	PER	20.04.2017	16.08.2017	New Dormer Bungalow Private Dwelling (Re-
DC	17/00625/NONMAT	PER	19.05.2017	14.07.2017	Non-materials amendments for approved dwelling
DC	17/01037/DIS	PER	18.08.2017	10.10.2017	Discharge of conditions 1 to 11 for planning
DC	18/00479/NONMAT	PER	20.04.2018	20.08.2018	Non-material Amendment to application

- 5.2.5 As such, the principle of development has been firmly established.

## 5.3 Impact upon the character of the area, Conservation Area and setting of listed buildings

- 5.3.1 The location of the site is on the north eastern edge of the village of Frisby on the Wreake. Users of Mill Lane will see the proposed development when travelling east out of the village. The site lies on the edge of the village and although separated from the existing properties on Mill Lane would still be considered to be within the confines of the village given the existing property on Mill Lane opposite the application site and the existing property on the northern side of the railway line.
- 5.3.2 Whilst the proposal will be highly visible from Mill Lane, due to the slight separation in built form from the existing properties to the West, the proposal provides the opportunity



to provide a stark and more individual property, as has been the case in the earlier permissions it seeks to supersede.

- 5.3.3 The height of the dwelling is relatively tall but would be relatively narrow which would help alleviate significant concerns regarding its visual prominence. The plans provided indicate that the footprint of the dwelling is almost identical to that of the approved scheme and is also similar in terms of height and scale. This proposal is smaller in width and offers a much higher quality of design than the previous scheme. For example there is a vertical emphasis throughout the design of the dwelling to react to the height and depth of the dwelling.
- 5.3.4 The materials proposed are again of a high quality with a use of brick and timber cladding as well as aluminium windows, cill detailing and natural slate roof. Whilst that would not immediately reflect that of the wider area, Policy H4 of the Neighbourhood Plan allows for sympathetic designs with varied house types, building widths, styles, details, facing and roofing materials reflecting a varied street scene.
- 5.3.5 There is a range of property types in the village and this would add another type to the mix and as such the proposal is considered to be visually acceptable. Full specification of materials can be controlled via a condition.
- 5.3.6 Landscaping has been indicated and can be conditioned for full details to be submitted to ensure adequate soft landscaping and planting features are proposed as well as retaining the existing hedgerows and trees on the boundaries.
- 5.3.7 The Frisby Conservation Area appraisal makes reference to this Mill House and that its associated grounds are well treed and contribute to the peaceful and tranquil atmosphere in this more remote part of the village. It is not considered that this is the case currently given the existing appearance of the site and views of the site are limited given the existing boundary treatments. As such the development of this site is not considered to erode this important characteristic to an unacceptable degree. In addition, there is open space retained within the site and soft landscaping features throughout.
- 5.3.8 Being of stark contrast to the listed building and a good distance from it is considered to result in the proposal having a neutral impact upon the listed building.
- 5.3.9 By virtue of the current appearance of the site and introducing new development on this untidy parcel of land, it could be considered that the proposal would overall improve the visual appearance of the site.
- 5.3.10 Overall, given the existing nature of the site, and the significantly differing appearance of the dwelling to the listed building, it is considered that the development would have a neutral impact upon the historic setting within which the application site sits.
- 5.3.11 In addition, the proposal is considered to be similar, but superior in design terms, to the previously approved development on the site for one dwelling. This application proposes various improved design features throughout as detailed above.
- 5.3.12 The existing hedgerow boundary treatment on the western boundary of the site is to be retained thus reducing the impact of the proposed development. The proposed carport has been amended to a two-bay open fronted timber framed car port in the style of a traditional cart shed. As such, this element is considered to have a neutral impact upon the setting of the listed building, given its open sided appearance.

- 5.3.13 The proposed garden room to the front of the site would be sat between the existing garage at the front of the site and the front elevation of the proposed dwelling, thus this element would be considered to be acceptable in the context of the wider site.
- 5.3.14 Due to the proposed dwelling's modest scale, and its siting within the plot combined with the use of suitable materials, and given the previous approval on the site, it is not considered that the proposed development would adversely impact on the character of the surrounding area.
- 5.3.15 Due to the separation distance and existing vegetation, the proposal is considered to have a neutral impact upon the setting of the nearby Grade II Listed Mill Lock and Bridge which is located to the north east of the application site on the northern side of the railway line.
- 5.3.16 LCC Archaeology have reviewed the application and does not consider that the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. As such, it is not considered that the proposal would adversely impact upon archaeological assets.
- 5.3.17 The application would not conflict with the provisions of policies EN1, EN4 or EN6 of the Melton Local Plan and would not result in the loss of high quality farm land.
- 5.3.18 The application would also not conflict with the provisions of Policies ENV1, ENV3, ENV6 of the Neighbourhood Plan given its location, siting and proposed appearance. It is not considered that the development would impact upon 'important view C' within Neighbourhood Plan Policy ENV7, given the site's siting adjacent to the existing Mill Lane away from the direct viewpoints identified in the plan.
- 5.3.19 The application site and proposed development is, therefore, considered to be appropriate in relation to landscape character and visual amenity

#### 5.4 Impact upon Residential Amenities

- 5.4.1 The proposed dwelling is sited of a sufficient distance so as to not result in any adverse overlooking, overbearing or loss of light impacts upon the occupiers of the nearby property known as 25 Mill Lane which is located to the west of the application site. It is not considered that any other properties would be adversely impacted by the proposal. Sufficient amenity space is provided for the occupiers of the dwelling.
- 5.4.2 It is not considered that there would be significant impact on properties on Mill Lane from construction vehicles in respect of noise and disturbance, given the separation distance between the properties and the application site.
- 5.4.3 **The proposal would not have an adverse impact on the amenity of neighbouring land uses and as such the proposal would comply with Policy D1 of the Local Plan.**

#### 5.5 Highway Safety

- 5.5.1 Policy D1 states that development proposals should include appropriate, safe connection to the existing highway network and should make adequate provision for car parking. Policy IN2 requires that development does not unacceptably impact on the safety and movement of traffic on the highway network and provides appropriate and effective parking provision and servicing arrangements.

- 5.5.2 Policy H6 of the Neighbourhood Plan states that development should provide safe vehicle access to the site.
- 5.5.3 Access is provided to the front of the site which is considered to be suitable to cater for the development. Three off street parking spaces are proposed which is considered acceptable and turning space has been provided to allow vehicles to manouvere and leave the site in a forward gear.
- 5.5.4 As parking is provided within the site, it is not considered that the development would lead to on street parking problems in the vicinity. Concerns have been raised regarding the intensification of Mill Lane. The development of one dwelling in this location is not considered to result in an intensification of Mill Lane that would result in severe highway safety impacts. The Local Highways Authority raises no objections with the proposal.
- 5.5.5 The development would not impact upon users of the public footpath and the boundary treatment proposed would be acceptable.
- 5.5.6 **As such, subject to conditions the proposal would be acceptable in highway safety terms.**

## 5.6 Ecology

- 5.6.1 As the site and Mill Race itself is not wet, it is unlikely that otters or water voles would be impacted by the development. As such, no survey requests have been made and LCC Ecology raise no objection to the proposal.
- 5.6.2 **The proposed development complies with the relevant policies and advice within the NPPF relating to ecology and biodiversity**

## 5.7 Flood Risk/Drainage

- 5.7.1 A Flood Risk Assessment and Surface Water Strategy Report has been submitted in support of the application given its location of Flood Zone 3b (the functional flood plain).
- 5.7.2 The key mitigation measures and conclusions from the reports to ensure there is no subsequent increase in flood risk elsewhere are as follows :

The floor level of the proposed dwelling will be set no lower than 64.42mAOD, 0.6m above the peak flood level of 63.82mAOD in the 1%AEP+CC(HC) event at the location of the proposed dwelling.

The raised pedestrian footpath along Mill Lane will flood with an expected depth of 0.2 – 0.3m, which offers an appropriate access for the proposed use. To mitigate the residual risk to residents, a flood warning and evacuation plan has been included in Appendix E linked to an Environment Agency Flood Warning.

While the proposed house will impact on floodplain storage, a suitable level-for-level and volume-for-volume floodplain compensatory scheme is proposed, which provides nett betterment.

The increased impermeable area has the potential to increase runoff rates and volumes from the site. This risk will be mitigated by an appropriate SuDS drainage strategy as outlined in Section 4.3.2.

It is concluded that the proposed development is appropriate for the flood risk and is not expected to increase the flood risk elsewhere.

All surface water arising can be managed on site. Exceedence flows and flows arising from system failure can be accommodated on site. Run-off rates are controlled to as low an outfall rate as is currently technically feasible whilst minimising the risk of blockage

Surface water from the roofed areas will be directed to an area of bio retention planting.

All areas of hard standing on the site will be constructed using a permeable medium.

“off line” rainwater butt(s) to collect water for external use.

All SuDS on site will be installed with full consideration to long term maintenance.

5.7.3 The Environment Agency have commented on the revised reports stating that as the proposed development is sited in flood zone 3b (the functional flood plain), the application is therefore contrary to the NPPF. Notwithstanding this, the Environment Agency are aware that permission exists for this type of development at this location. If Melton Borough Council are minded to approve this application then conditions should be considered.

5.7.4 As the Environment Agency note, planning permission has indeed been granted for the proposed development in this location previously. Therefore it would be considered unreasonable to recommend refusal on this application on flooding matters given the history of the site. Therefore as a result, it is important to ensure that this proposal does not result in additional flood risk elsewhere, as demonstrated within the submitted Flood Risk Assessment.

5.7.5 Finished floor levels provided is considered acceptable as well use of Flood Warning Alerts to reduce the risk of flooding to the proposed development and future occupants and compensatory flood storage will be provided to ensure that there are no detrimental impacts to flood storage of flood flow routes in the vicinity.

5.7.6 As such, notwithstanding the siting within Flood Zone 3b, the development is considered to be acceptable in regards to Flood Risk and Drainage subject to condition securing the mitigation measures set out within the submitted Flood Risk Report.

## 5.8 Network Rail

5.8.1 The site is located in close proximity to the main railway line connecting Leicester to Melton Mowbray.

5.8.2 Network Rail no objection to the proposal in principle subject to a number of conditions and informatives.

## 6 Impact on Infrastructure

6.1 None.

## 7 Consultation & Feedback

7.1 A site notice was posted and neighbouring properties consulted. As a result 22 letters of objections were received from twelve properties.

## 8 Financial Implications

8.1 None.

**Financial Implications reviewed by: N/A**

## 9 Legal and Governance Implications

- 9.1 The application is required to be presented to the Committee due to receiving more than 10 letters of objection contrary to the recommendation and being called into Planning Committee at the request of the Local Ward Member.
- 9.2 The application engages the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 9.3 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Deputy Monitoring Officer**

## 10 Background Papers

- 10.1 16/00639/FUL
- 10.2 17/00498/FUL
- 10.3 17/00625/NONMAT
- 10.4 18/00479/NONMAT
- 10.5 The most recent approval on the site (18/00479/NONMAT) approved a dwelling of a similar size, height and scale as that is proposed within this application.

## 11 Appendices

- A: Summary of Statutory Consultation responses
- B: Summary of representations received
- C: Recommended Planning Conditions
- D: Informatives
- E: List of applicable Development Plan policies

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## Appendix A : Consultation replies summary

### Parish Council:

#### Amended Plans Response

The Parish Council wishes to object to these amended proposals

1. The amended plan shows 3 buildings, the original had 2. A garden room has been added. The footprint of the building is larger than previously, although the main house is narrower, it is longer. This length means that the building is obtrusive to the adjacent public footpath for a significant distance.
2. The plan shows a decrease in bedrooms. 4 bedrooms are on the plan and a further significantly sized room, with full door and window, is titled as a dressing room. This appears to be a fifth bedroom by another name.
3. The design of the building is out of character with the adjacent listed building.
4. Since the initial permission for a smaller dormer bungalow, the bus service to the village had ceased. This has been replaced by a driver responsive service which reduces the sustainability of this site. The highways department have commented regarding the unsustainability of another proposed property on Mill Lane as there is no pedestrian footpath to the bus stop for a great length of Mill Lane. There now is no bus.
5. The access to the property has been subject to repeated, significant episodes of flooding since the previous application. The road was inaccessible by car and the depth of the water reached the level of the raised pedestrian footpath.

All previous Parish Council comments remain applicable.

#### Initial Response

Frisby Parish Council Members have considered the proposed new building application and, as a result, are opposed to this application for the following reasons:

The original planning application for this development was to demolish outbuildings and rebuild a two-bed bungalow. This small single storey building was not significantly intrusive and the application was approved by MBC. The design was later modified and re-submitted as a dormer bungalow, against the wishes of the community who felt that a two storey building was inappropriate in this historic and iconic area of the village.

Nonetheless, the application was approved.

This latest application is for a substantially greater increase in size, being for a five-bedroom property and detached garage.

This significant increase in size (both laterally and vertically) would dominate the immediate surrounding area, including the footpath and the historic Grade II listed Mill House, to which it is adjacent. It will be completely out of character.

The view along Mill Lane is beautiful, and an important part of Frisby's Conservation Area and village edge. The modern design and the height and size of the proposed building particularly the associated roof structure, would be unsympathetic and completely out of keeping with the character of the area, and other traditional



designed properties located on Mill Lane.

The proposed building does not comply with Frisby on the Wreake Neighbourhood Plan Policies H4 (Housing Design), or H6 (Windfall Sites), which state:

#### Policy H4

Sympathetic designs with varied house types, building widths, styles, details, facing and roofing materials reflecting a varied street scene will be supported. Heritage assets and their setting will need to be preserved and enhanced through the layout, design and detailing of schemes.

The character, scale, mass, density and layout of the development must have regard to the characteristics of the surrounding area, including external roof and wall materials, and there must be no disruption to the visual amenity of the street scene or wide landscape views.

#### Policy H6 (part)

k) too large a house to fit in required housing mix.

o) doesn't provide a safe vehicular and pedestrian access (due to flooding events) and impact on congestion and pedestrian safety.

p) visual intrusion for neighbours and users of the footpath.

r) it is an area of flooding.

- This specific plot of land and the immediate surrounding area including Mill Lane itself, is prone to flooding. The original bungalow design was required to have an evacuation route as a result of the flood risk and this was conditioned. Such a substantial increase in building footprint and related landscaping has the potential to further increase the impact of flooding on other dwellings along Mill Lane.

- Where flooding has previously impacted this specific area (as recently as this summer), it has resulted in access to this plot and neighbouring properties, at the end of Mill Lane, being impassable, such that residents' vehicles were forced to park further up Mill Lane. This added to the congestion on what can be a heavily trafficked narrow lane.

- Irrespective of flooding, a larger property will inevitably result in a further increase in traffic movements, adding to the congestion on Mill Lane. Mill Lane, which is narrow, already serves 29 properties. Some 60 residents vehicles currently use the lane on a regular basis. In addition, the lane serves National Grid, Network Rail, equine stabling and allotments. In addition, walkers on nearby footpaths park their vehicles in the lane, and the past five years has seen a significant increase in home shopping deliveries.

- The original permit contained a condition that the hedge alongside the footpath should remain. Despite this, the owner removed it, with a consequent loss of amenity and ecological value. The current application appears to propose a close-boarded wooden fence. This is unacceptable. The hedge must be replanted with typical native hedge species.

- Finally, the Parish Council notes that the proposed boundary fence appears to encroach upon and impede the adjacent lane / footpath. This is unacceptable.

Parish Council strongly objects to this application.

**Environment Agency:**

The proposed development is sited in flood zone 3b (the functional flood plain). The application is therefore contrary to the National Planning Policy Framework and its associated planning practice guidance and should not be permitted.

However, permission exists for this type of development at this location If Melton Borough Council are minded to approve this application then the following condition should be considered.

Condition The development to be carried out in accordance with the submitted flood risk assessment (prepared by RAB Consultants Limited referenced RAB\_2401L, dated 20 February 2020) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 64.42 metres above Ordnance Datum (AOD) as detailed in section 4.1.1 of the FRA, and
- Compensatory flood storage shall be provided as detailed in section 4.3.1 and Appendix F of the FRA

**Reasons**

- To reduce the risk of flooding to the proposed development and future occupants
- To ensure that there are no detrimental impacts to flood storage or flood flow routes

**Historic England:**

No comments received.

**Conservation Officer:****Network Rail:**

No objection subject to conditions.

**LCC Highways:**

No objection subject to conditions.

**LCC Archaeology:**

No objection.

**LCC Lead Local Flood Authority:**

Standing advice only.

**LCC Ecology:**

No objection.

**Appendix B : Summary of representations received**

Twenty-two letters of objections have been received from local residents raising the following concerns:



- Increase in size from approved development
- Unsympathetic addition to the street scene and surrounding area
- Boundary treatments unacceptable
- Impact upon the character of the area, dominant and oppressive proposal
- Impact upon heritage assets including conservation area and listed buildings
- Lack of ecology survey undertaken
- Flood Risk Assessment inadequate
- Development within the flood zone and subsequent increase in flood risk
- Existing parking and congestion in the vicinity and along Mill Lane
- Future applications may result in further additions
- Impact upon view to and from the village
- Proposal is too modern and therefore out of keeping with the area
- Elevated floor levels do not overcome concerns regarding flood risk
- Unacceptable removal of hedges and trees on the boundary and within the site

## Appendix C: Recommended Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

726 003 J Detached Garage Proposed Floor Plans, Elevations and Site Plan  
 762 001 L Proposed Floor Plans, Site Block Plan and OS Plan  
 762 002 O Proposed Elevations, Site Plan, Site Block Plan and OS Plan  
 received by the Local Planning Authority on 20 February 2020

Reason: To ensure a satisfactory form of development in accordance with Policies SS1 and D1 of the Melton Local Plan and Policies H4 and H6 of the Frisby on the Wreake Neighbourhood Plan.

3. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies SS1, SS2 and D1 of the Melton Local Plan and Policies H4 and H6 of the Frisby on the Wreake Neighbourhood Plan.

4. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies SS1, SS2 and D1 of the Melton Local Plan and Policies H4 and H6 of the Frisby on the Wreake Neighbourhood Plan.

5. No development shall commence until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance Policies SS1 and D1 of the Melton Local Plan and Policies H4 and H6 of the Frisby on the Wreake Neighbourhood Plan.

6. The development hereby permitted shall not be occupied until such time as the access arrangements and parking and turning facilities have been implemented in full in accordance with the approved 762 002 O Proposed Elevations, Site Plan, Site Block Plan and OS Plan received by the Local Planning Authority on 20 February 2020. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policies IN2 and D1 of the Melton Local Plan and Policies H4 and H6 of the Frisby on the Wreake Neighbourhood Plan.

7. Prior to any ground works, any changes to the existing boundary treatment currently separating the application site from the Public Right of Way, must be submitted to and approved in writing by the Local Planning Authority. The proposed changes to the boundary treatment must then be carried out in accordance with the approved scheme.

Reason: In the interests of protecting the Public Footpath and access in accordance with Policies IN2 and D1 of the Melton Local Plan and Policies

H4, H6 and ENV8 of the Frisby on the Wreake Neighbourhood Plan.

8. The development shall be carried out in full accordance with the submitted flood risk assessment (prepared by RAB Consultants Limited referenced RAB\_2401L, dated 20 February 2020) received by the Local Planning Authority on 20 February 2020.

Reason: To prevent adverse flooding impacts in accordance with Paragraph 163 of the National Planning Policy Framework 2019 and Policies H4 and H6 of the Frisby on the Wreake Neighbourhood Plan.

9. Notwithstanding the submitted details, no development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include, but not be limited to, the following points

- There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
- All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
- There should be no connection to existing railway drainage infrastructure without agreement with Network Rail prior to work commencing on site.

The development shall take place in accordance with the approved scheme.

Reason: In the interest of safety of those using the railway network.

10. Prior to occupation of the dwelling hereby permitted, details of the proposed boundary treatment separating the application site with Network Rail's boundary must be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment must be completed prior to occupation of the dwelling hereby permitted and remain in situ in perpetuity.

Reason: In the interest of safety of those using the railway network.

11. No development shall commence on site until a Method statements detailing the proposed method of construction, risk assessment in relation to the railway, management of construction traffic and details of any excavations/piling/buildings that will be located within 10m of the railway boundary has been agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of safety of those using the railway network.

12. Prior to commencement of development, details of proposed soundproofing for the proposed dwelling shall be submitted to and approved in writing to the Local Planning Authority. The approved soundproofing scheme shall be in

place prior to occupation of the dwelling and maintained in perpetuity.

Reason: To safeguard the future occupiers of the development from unacceptable noise and disturbance from the adjacent railway network.

13. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: In the interest of safety of those using the railway network.

## Appendix D : Informatives

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
2. The Environmental Permitting (England and Wales) Regulations 2016 require a permit End 2 or exemption to be obtained for any activities which will take place:
  - on or within 8 metres of a main river
  - on or within 8 metres of a flood defence structure or culverted main river
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
  - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure and you don't already have planning permission

For clarity, this would include at least the proposed bridging point over the mill race, and any bank stabilisation works.

3. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted.

4. All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. The site is adjacent to two user worked level crossings (Mill Deeping and Woods), neither of which the developer would have vehicular access over.
5. The safety of level crossings and their users is of paramount concern to us and it is essential that the crossing approaches remain clear and unobstructed at all times both during and after construction to ensure that traffic and pedestrians are able to leave the crossing area safely. Similarly any crossing signage must not be obscured during or after works, for example by the parking of vehicles on the crossing approaches.
6. Level crossing safety leaflets are included in information/welcome packs provided to the new homeowners at the site. These can be provided by ourselves upon request from the developer or the information is available online at <https://www.networkrail.co.uk/communities/safety-in-the-community/level-crossing-safety/>.
7. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a fail safe manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.
8. All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network RAILS infrastructure or railway land.
9. Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.
10. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

11. The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

12. All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular approaches to the railway level crossing as indicated above.

13. Network Rail is required to recover all reasonable costs associated with facilitating these works.

14. The method statement will need to be agreed with:

Asset Protection Project Manager  
Network Rail (London North Eastern)  
Floor 3B  
George Stephenson House  
Toft Green  
York  
Y01 6JT

## Appendix E : Applicable Development Plan Policies

### Melton Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy IN2 Transport, Accessibility and Parking
- Policy D1 Raising the Standard of Design.
- Policy EN1 Landscape
- Policy EN2 Biodiversity
- Policy EN6 Settlement Character
- Policy EN9 Energy Efficient and Low Carbon Development
- Policy EN11 Minimising the risk of Flooding
- Policy EN12 Sustainable Drainage Systems
- Policy EN13 Heritage Assets

#### Frisby on the Wreake Neighbourhood Plan

- Policy H1: Housing Provision
- Policy H3: Limits To Development
- Policy H4: Building Design Principles
- Policy H6: Windfall Sites
- Policy ENV1: Protection of Local Green Space
- Policy ENV2: Protection of Other Sites of Environmental(Natural and Historical) Significance
- Policy ENV3: Important Open Space
- Policy ENV4: Important Woodland, Trees and Hedges
- Policy ENV5: Biodiversity
- Policy ENV6: Ridge and Furrow Fields
- Policy ENV7: Protection of Important Views
- Policy ENV8: Footpaths and Cycleways
- Policy ENV9: Sustainable Development

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Helping people | Shaping places



## Planning Committee

30 April 2020

Report of: Assistant Director for Planning and Delivery

### 20/00192/FUL - 1 Belvoir Avenue, Ab Kettleby

Full planning application for the erection of bungalow to the rear of 1 Belvoir Avenue (amended scheme)

Applicant: Mr and Mrs Watkinson

<b>Corporate Priority:</b>	3: Delivering Sustainable and Inclusive Growth in Melton
<b>Relevant Ward Member(s):</b>	Old Dalby : Councillor Joe Orson
<b>Date of consultation with Ward Member(s):</b>	13 January 2020
<b>Exempt Information:</b>	None

#### 1 Summary

- 1.1 The application site is currently rear garden land associated with the property known as no. 1 Belvoir Avenue. The application site faces onto Quorn Avenue and open countryside lies to the west of the site. The land rises up from Quorn Avenue to the north where the site meets the boundary with no. 3 Belvoir Avenue.
- 1.2 This is a full application for the erection of 1 dwelling. This is a revised scheme, following a previously refused application on the same site for a similar development. This application proposes revisions to the scheme seeking to overcome the previous reason for refusal.

#### 2 Recommendation(s)

- 2.1 It is recommended that the Planning application is **APPROVED** subject to conditions.

#### 3 Reason for Recommendations

- 3.1 The proposal accords with the requirements of Policies SS1 and SS2 which emphasises the need to provide housing in locations that can take advantage of sustainable travel and make appropriate. Ab Kettleby is a 'Rural Hub' under policy SS2 and identified as appropriate for a limited quantity of development in the form of allocations and accommodation of 'windfall'.

- 3.2 The proposal is also sited within the limits to development for Ab Kettleby and is considered to be 'windfall' development as defined under the provisions of Policies S1 and H3 of the recently adopted Ab Kettleby Neighbourhood Plan.
- 3.3 The proposed development of the site of 1 bungalow would not have any adverse impact upon the character of the streetscene, given its small scale nature and relationship to the streetscene.
- 3.4 Due to the separation distances, revised siting, 'dug down' nature of the proposal, and the single storey nature with the proposed dwelling pitching away from the boundary with no. 3, it is not considered that the development would have a significant adverse impact upon the residential amenity of no. 3 Belvoir Avenue or any surrounding properties.



## **4 Key Factors**

### **4.1 Reason for Committee Determination**

4.2 The application is required to be presented to the Committee due to being a revised scheme of an application previously determined at Planning Committee.

### **4.3 Relevant Policies**

4.3.1 The Melton Local Plan 2011-2036 was adopted on 10<sup>th</sup> October 2018 and is the Development Plan for the area.

4.3.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.

4.3.3 The Ab Kettleby Neighbourhood Plan was made on 12<sup>th</sup> November 2019.

4.3.4 Please see Appendix D for a list of all applicable policies

### **4.4 Main Issues**

4.4.1 The main issues for this application are considered to be:

- Principle of development; compliance with Development Plan Policies.
- Impact upon the character of the area
- Impact upon residential amenities
- Impact upon highways and parking
- Other issues

## **5 Report Detail**

### **5.1 Position under the Development Plan Policies**

5.1.1 The site is on the edge of the settlement of Ab Kettleby adjacent to the existing residential properties on Quorn Avenue and Belvoir Avenue. Given the siting within the settlement of Ab Kettleby, Policies SS1 and SS2 of the Melton Local Plan and Policies S1 and H3 of the Neighbourhood Plan apply.

5.1.2 Policy SS2 of the Melton Local Plan sets out the development strategy for the Borough for housing and employment and states development will be distributed across the Borough in accordance with the spatial strategy.

5.1.3 Service Centres and Rural Hubs will accommodate approximately 35% of the Borough's housing residual requirement\* (1822) on a proportionate basis. This will be delivered by planning positively for the development of sites allocated within and adjoining the Service Centres and Rural Hubs by 2036, and by encouraging small scale residential 'windfall' development.

5.1.4 Policy S1 of the Neighbourhood Plan states that development proposals within the Limits to Development will be supported where they comply with other policies in this Plan. Policy H3 of the Neighbourhood Plan states that residential development proposals on infill and redevelopment sites will be supported subject to proposals being well designed and meeting relevant requirements set out in other policies in this Plan and other development plan policies, and where such development meets certain criteria including where the development fills a gap in an otherwise built up frontage or on other sites within the Limits to Development of Ab Kettleby.

5.1.5 Other material considerations are the National Planning Policy Framework (NPPF).

### **5.2 Principle of Development**

- 5.2.1 The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel. Ab Kettleby is considered to be a sustainable location and is identified as a 'Rural Hub' and as such is appropriate for a limited quantity of development in the form of allocations and accommodation of smaller sites.
- 5.2.2 Given the siting within Ab Kettleby, a Rural Hub, this development is considered to be fall under the provisions of 'windfall' development within the Melton Local Plan.
- 5.2.3 The development is within the limits to development of the Neighbourhood Plan and is therefore considered to fall under the provisions of windfall development under the provisions of Policies S1 and H3 of the Neighbourhood Plan, subject to satisfying other material planning considerations.
- 5.2.4 As such, the principle of development is considered to be acceptable subject to satisfying all other material planning considerations.

### **5.3 Impact upon the character of the area**

- 5.3.1 The location of the site is on the edge of the village of Ab Kettleby with views to the countryside to the west. The application would involve the subdivision of the existing rear garden serving no. 1 Belvoir Avenue and would result in a single storey property which faces onto Quorn Avenue. As such, the development is not considered to be a form of inappropriate backland development given the relationship to the street.
- 5.3.2 The development is considered to fit within 'confines' of the village, contained by the surrounding development to the north and the surrounding landscape provided by the boundaries of the site. Levels on the site rise from Quorn Avenue to the north and the proposed dwelling is to be 'dug down' into the site which reduces the prominence of the proposal. Views of the dwelling from afar are limited and if any would be seen against the backdrop of the existing properties.
- 5.3.3 The proposed dwelling itself would be modest in scale, and unobtrusively sited within the plot and constructed from materials that would allow the proposal to integrate well with its surroundings.
- 5.3.4 Due to the proposed dwelling's modest scale, and its siting within the plot combined with the use of suitable materials, it is not considered that the proposed development would adversely impact on the character of the surrounding area.
- 5.3.5 Amended plans have been received revising the boundary treatments of the site, ensuring that the site frontage remains as open as possible with 1 metre high boundary fence at the front of the site.
- 5.3.6 The application would also not conflict with the provisions of Policies ENV1, ENV2, ENV3, ENV6 of the Neighbourhood Plan given its location and siting in the rear garden of an existing residential property. It is not considered that the development would impact upon the important view 6 within the Neighbourhood Plan (Policy ENV7) given the site's location within the village.
- 5.3.7 The application site and proposed development is, therefore, considered to be entirely appropriate in relation to landscape character and visual amenity.

### **5.4 Impact upon Residential Amenities**

- 5.4.1 This application is a resubmitted scheme from a previously refused application on the site. The reason for refusal was as follows –

1. The proposed dwelling, by virtue of its length, height and proximity to the boundary of the site, would result in an unacceptable intrusion into the amenities enjoyed by the adjacent property, no 3 Belvoir Avenue. It would therefore compromise the amenity of the neighbouring properties and would be contrary to policy D1 of the Adopted Melton Local Plan 2011-36.

5.4.2 This revised application has re-sited the dwelling further away from the boundary with no. 3 and more significantly, proposes to 'dig down' the dwelling into the site so it sits level with Quorn Avenue, taking account into the rise in levels to the north.

5.4.3 The dwelling is now proposed to be sited approximately 7 metres away from the boundary with no. 3, with the dwelling moved further to the west, away from the rear elevation of no. 3 and their immediate garden area.

5.4.4 A site section drawing has been provided with the application which demonstrates that the dwelling would be significantly set down from the ground level of the garden area serving no. 3 and as such, the eaves of the dwelling would be approximately level with the height of the boundary fence separating the application site with no. 3.

5.4.5 In addition, the dwelling would have a roof that pitches away from the boundary of no. 3 which further reduces the potential for the development to have an overbearing impact on the occupiers of no. 3.

5.4.6 It is not considered that the development would adversely impact upon the amenity of the properties to the south on the opposite side of Quorn Avenue, as a result of the significant separation distances involved. It is acknowledged however that the development would alter their outlook to an extent, however this is not considered sufficient to warrant refusal.

5.4.7 While it is recognised that the proposed development would alter the outlook of no. 3, due to the separation distance, revised siting of the property further away from the boundary, 'dug down' nature of the proposal, and the roof of the proposed dwelling pitching away from the boundary with no. 3, it is not considered that the development would have a significant adverse impact upon the residential amenity of any surrounding properties.

5.4.8 To protect the residential amenity of no. 3, it is considered reasonable and necessary to remove permitted development rights for the property to protect the potential impact extensions and additions to the garden area may have on no. 3.

**5.4.9 The proposal would not have an adverse impact on the amenity of neighbouring land uses and as such the proposal would comply with Policy D1 of the Local Plan and Policy H3 of the Neighbourhood Plan.**

## 5.5 Highway Safety

5.5.1 Policy D1 states that development proposals should include appropriate, safe connection to the existing highway network and should make adequate provision for car parking. Policy IN2 requires that development does not unacceptably impact on the safety and movement of traffic on the highway network and provides appropriate and effective parking provision and servicing arrangements. Policy H3 of the Neighbourhood Plan states that development should provide safe vehicle access to the site and Policy H4 states that adequate off-road parking should be provided as a minimum of two car parking spaces for properties with up to three bedrooms and three spaces for dwellings of up to four bedrooms or more.

5.5.2 Access is provided to the front of the site which, notwithstanding the public comments raised, is considered to be suitable to cater for the development. Two off street parking spaces are proposed which is considered acceptable under the provisions of the Neighbourhood Plan. Although vehicles would be reversing out onto Quorn Avenue, given the limited number of vehicles using Quorn Avenue and anticipated slow moving nature of vehicles, it is not considered that this would result in severe highway safety impacts. Pedestrian visibility splays have been provided as a result of tapering the boundary fence.

5.5.3 **As such, subject to conditions the proposal would be acceptable in highway safety terms and would comply with the policies D1 and IN2**

## 5.6 Other issues

5.6.1 Comments have been received regarding the village already containing sufficient bungalows. However there is no policy in place restricting the number of bungalow type properties, and there is considered to be a high demand for bungalows in the Borough as a whole.

5.6.2 Comments have been received regarding the fence that has been erected around the site without obtaining planning permission. The existing fence would be amended if planning permission is granted for the proposed development and subject to further enforcement matters if required.

## 6 Impact on Infrastructure

6.1 None.

## 7 Consultation & Feedback

7.1 A site notice was posted and neighbouring properties consulted. As a result letters of representations were received from three properties, two objecting and one supporting the proposal.

## 8 Financial Implications

8.1 None.

**Financial Implications reviewed by: N/A**

## 9 Legal and Governance Implications

9.1 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Deputy Monitoring Officer**

## 10 Background Papers

10.1 18/01464/FUL – Erection of a detached bungalow to the rear of 1 Belvoir Avenue  
Refused - 05.04.2019

## Appendices

A: Summary of Statutory Consultation responses

B: Summary of representations received

C: Recommended Planning Conditions

D: List of applicable Development Plan policies

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## Appendix A : Consultation replies summary

### Parish Council:

Ab Kettleby Parish Council having heard submissions from the applicant and taken into consideration objections made by the owner of 3 Belvoir Avenue, **raises no objection** to the above application.

### Revised Plans -

No further comments

## Appendix B : Summary of representations received

### Neighbours:

Two objections have been received from local residents raising the following concerns:

- Lack of clarification on the plan
- Overbearing impact upon adjacent property
- Request for committee to undertake a site visit
- Adverse residential impact upon adjacent properties
- Site inadequate size to accommodate a dwelling
- Fence erected on the boundary of the site without planning permission
- Unsympathetic addition to the character of the area
- Overlooking and loss of privacy
- Over development of the site
- Dominant and oppressive environment created by the proposal
- Highway safety and traffic impact as the road is too narrow at this point
- Village is already well serviced with bungalows.

One letter of support received stating that the addition of a bungalow with an attractive garden will make the surrounding area more aesthetically appealing.

## Appendix C: Recommended Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

A1-23-01-2020 Sheet 1 of 2 Location Plan, Site Plan, Proposed Plan and Proposed Elevations

received by the Local Planning Authority on 13 February 2020

A1-23-01-2020 Rev 2 Sheet 2 of 2 - Existing and Proposed Site Section, Proposed Front Street Scene and Landscape Plan



received by the Local Planning Authority on 18 March 2020

Reason: To ensure a satisfactory form of development in accordance with Policies SS1 and D1 of the Melton Local Plan and Policies H3 and H4 of the Ab Kettleby Neighbourhood Plan.

3. The materials to be used on the external elevations of the proposal shall accord with the approved A1-23-01-2020 Sheet 1 of 2 Location Plan, Site Plan, Proposed Plan and Proposed Elevations and details contained within the submitted Application Form received by the Local Planning Authority on 13 February 2020.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies SS1 and D1 of the Melton Local Plan and Policies H3 and H4 of the Ab Kettleby Neighbourhood Plan.

4. The proposed development shall be implemented in accordance with the proposed ground levels of the site and proposed finished floor levels of the development as detailed on approved A1-23-01-2020 Rev 2 Sheet 2 of 2 - Existing and Proposed Site Section, Proposed Front Street Scene and Landscape Plan received by the Local Planning Authority on 18 March 2020.

Reason: To ensure that the development has a satisfactory external appearance and to protect the residential amenity of adjacent properties, in accordance with Policies SS1 and D1 of the Melton Local Plan and Policies H3 and H4 of the Ab Kettleby Neighbourhood Plan.

5. Prior to the first occupation of the dwelling hereby permitted, all boundary treatments of the site shall be erected in accordance with the details submitted on approved A1-23-01-2020 Rev 2 Sheet 2 of 2 - Existing and Proposed Site Section, Proposed Front Street Scene and Landscape Plan received by the Local Planning Authority on 18 March 2020 and once provided shall be permanently so maintained and retained at all times thereafter.

Reason: To safeguard the privacy and amenity of the existing dwelling and the future occupiers of the site and to ensure the development has a satisfactory external appearance in accordance with Policy D1 of the Melton Local Plan and Policies H3 and H4 of the Ab Kettleby Neighbourhood Plan.

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

Reason: In the interests of pedestrian safety and in accordance with Policies IN2 and D1 of the Melton Local Plan and Policies H3 and H4 of the Ab

Kettleby Neighbourhood Plan.

7. The development hereby permitted shall not be occupied until such time as the parking facilities have been implemented in accordance with the approved A1-23-01-2020 Rev 2 Sheet 2 of 2 - Existing and Proposed Site Section, Proposed Front Street Scene and Landscape Plan received by the Local Planning Authority on 18 March 2020. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policies IN2 and D1 of the Melton Local Plan and Policies H3 and H4 of the Ab Kettleby Neighbourhood Plan.

8. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policies IN2 and D1 of the Melton Local Plan and Policies H3 and H4 of the Ab Kettleby Neighbourhood Plan.

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

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policies IN2 and D1 of the Melton Local Plan and Policies H3 and H4 of the Ab Kettleby Neighbourhood Plan.

10. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no development within Classes A, B, C, D and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

Reason: To retain the appearance of the development, the overall character of the surrounding area and to protect the residential amenity of the future occupiers of the dwelling, in accordance with Policies SS1 and D1 of the Melton Local Plan and Policies H3 and H4 of the Ab Kettleby Neighbourhood

Plan.

## **Appendix D : Applicable Development Plan Policies**

### Melton Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy IN2 Transport, Accessibility and Parking
- Policy D1 Raising the Standard of Design
- Policy EN1 Landscape
- Policy EN2 Biodiversity
- Policy EN6 Settlement Character
- Policy EN9 Energy Efficient and Low Carbon Development

### Ab Kettleby Neighbourhood Plan

- Policy S1: Limits to Development
- Policy H3: Windfall Sites
- Policy H4: Housing Design
- Policy ENV7: Safeguarding Important Views
- Policy ENV8: Renewable Energy Generation Infrastructure
- Policy T1: Traffic Management

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