

Agenda

Meeting name	Planning Committee
Date	Thursday, 12 November 2020
Start time	6.00 pm
Venue	By remote video conference
Other information	This meeting is open to the public

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

Councillors	M. Glancy (Chair)	P. Posnett MBE (Vice-Chair)
	R. Bindloss	R. Browne
	P. Chandler	P. Faulkner
	A. Hewson	L. Higgins
	E. Holmes	M. Steadman
	P. Wood	

Quorum: 6 Councillors

Meeting enquiries	Democratic Services Team
Email	democracy@melton.gov.uk
Agenda despatched	Wednesday, 4 November 2020

No.	Item	Page No.
	<p>REMOTE MEETING ARRANGEMENTS</p> <p>Meeting Participants:</p> <p><u>Zoom video conferencing webinar:</u> An invitation will be sent to Members and registered public speakers* for this meeting</p> <p>Public Access:</p> <p><u>You Tube:</u> The meeting will be available on You Tube</p> <p>*Should you wish to speak on an application, please register by 5 p.m. on Monday 9 November 2020 by email to democracy@melton.gov.uk</p>	
1.	APOLOGIES FOR ABSENCE	
2.	<p>MINUTES To confirm the minutes of the meeting held on 15 October 2020</p>	1 - 8
3.	<p>DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.</p>	9 - 10
4.	SCHEDULE OF APPLICATIONS	
4.1	<p>APPLICATION 20/00652/REM Field OS 3500, Hecadeck Lane, Nether Broughton</p>	11 - 24
4.2	<p>APPLICATION 19/00256/FUL Land north of 55 Main Street, Kirby Bellars</p>	25 - 36
5.	<p>URGENT BUSINESS To consider any other business that the Chair considers urgent</p>	

Minutes



Meeting name	Planning Committee
Date	Thursday, 15 October 2020
Start time	6.00 pm
Venue	By remote video conference

Present:

Chair Councillor M. Glancy (Chair)

Councillors	P. Posnett MBE (Vice-Chair)	R. Bindloss
	R. Browne	P. Chandler
	P. Faulkner	A. Hewson
	L. Higgins	E. Holmes
	M. Steadman	P. Wood

Officers Assistant Director for Planning and Delivery
 Locum Planning Solicitor
 Planning Development Manager
 Planning Policy Manager
 Democratic Services Manager
 Democratic Services Officer (SE)

Minute No.	Minute						
	<p>Chair's introduction</p> <p>The Chair welcomed everyone to the Planning Committee meeting. She introduced Members and Officers as well as referred to the public speakers who would be speaking on individual applications.</p> <p>It was confirmed that all Members present could hear and see the proceedings and Members could also see the Chair and each other. 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.</p> <p>The Chair explained that should the remote conferencing connection be lost there would be an adjournment. She advised that the meeting would be recorded and live-streamed on YouTube.</p>						
PL58	<p>Apologies for Absence</p> <p>There were no apologies for absence.</p>						
PL59	<p>Minutes</p> <p>(a) The minutes of the meeting held on 25 August 2020 were confirmed and authorised to be signed by the Chair.</p> <p>(b) The minutes of the meeting held on 3 September 2020 were confirmed and authorised to be signed by the Chair.</p>						
PL60	<p>Declarations of Interest</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>Minute PL62: 19/01302/FUL - Land West Of Main Street, Stathern</u></p> <p>Councillor Steadman confirmed that she would be representing her ward on this application by making a representation to the Committee. She would therefore leave the meeting during debate and not vote on this item in accordance with the Council's Procedure Rules.</p>						
PL61	<p>Schedule of Applications</p>						
PL62	<p>Application 19/01302/FUL</p> <table border="1" data-bbox="288 1816 1433 2033"> <tr> <td data-bbox="288 1816 496 1861">Reference:</td> <td data-bbox="496 1816 1433 1861">19/01302/FUL</td> </tr> <tr> <td data-bbox="288 1861 496 1906">Location:</td> <td data-bbox="496 1861 1433 1906">Land West of Main Street, Stathern</td> </tr> <tr> <td data-bbox="288 1906 496 2033">Proposal:</td> <td data-bbox="496 1906 1433 2033">Demolition of agricultural buildings and the erection of 74 dwellings, together with access into the site from Main Street, and open space, landscaping and drainage infrastructure</td> </tr> </table>	Reference:	19/01302/FUL	Location:	Land West of Main Street, Stathern	Proposal:	Demolition of agricultural buildings and the erection of 74 dwellings, together with access into the site from Main Street, and open space, landscaping and drainage infrastructure
Reference:	19/01302/FUL						
Location:	Land West of Main Street, Stathern						
Proposal:	Demolition of agricultural buildings and the erection of 74 dwellings, together with access into the site from Main Street, and open space, landscaping and drainage infrastructure						

(Councillor Steadman declared her intention to speak as Ward Councillor on this application and here left the Committee and moved into the public speaking gallery.)

The Assistant Director for Planning and Delivery addressed the Committee and provided a summary of the application. He advised that one further objection had been received which referred to despite the amendments the plot 8 bungalow was still very close to the boundary of the Walnut Close properties, the development was considered to be too suburban and too dense containing 74 properties instead of the 65 referenced in the Local Plan, absence of maintenance for the rundle beck and that presentation to the Committee was premature as there were still matters requiring resolution.

He updated the Committee on consultations which remained the same as in the report with a further comment from the Highway Authority that impact on the wider road network would not be severe.

He conveyed Ward Councillor Evans' views to the Committee as follows:

- Condition be added for solar cell insulation capability
- Condition be added for capability for electric car parking points
- He supported the Parish Council's view on the footbridge given its contribution to connectivity

The Assistant Director referred to potential updates to the Section 106 Agreement relating to play equipment and the footbridge. He referred to a request for offsite play equipment and although the applicant had already included onsite play equipment, they would make a contribution for offsite play equipment instead if Members were in agreement and that the onsite equipment was not needed. The footbridge link could also be included in the Section 106 should Members determine this was required. To be included in the Section 106 Agreement, Members needed to include these items in their decision.

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 3 minute presentation:

- Kenneth Bray, Stathern Parish Council
In response to a Member question which queried whether £10,000 could fund a substantial footbridge, Mr Bray responded that a quote had been received for that amount.
- Guy Longley, Pegasus Group
- Councillor Steadman, Ward Councillor

During discussion the following points were noted:

- Members were impressed by the positivity of the speakers and how far they had come since the application was last presented to the Committee in September. They had all worked together to bring a mutually beneficial application for the

Committee to consider for approval

- It was felt to be a great example of the Parish Council and Ward Councillor showing leadership and being a beacon example of what could be achieved through dialogue together and with the applicant. Additional benefits had come forward in the form of the footbridge and offsite play equipment which would of great community value

Councillor Faulkner proposed the recommendations in the report in addition to an update to the Section 106 agreement for a contribution to offsite play equipment in place of the onsite play equipment and to fund and construct a connecting footbridge link. Councillor Holmes seconded the motion.

RESOLVED that

Planning application 19/01302/FUL be APPROVED subject to conditions and a Section 106 Agreement to secure contributions towards:

- (i) **Affordable housing including local priority**
- (ii) **Funding Traffic Calming on Mill Hill**
- (iii) **Primary and secondary education provision***
- (iv) **Contribution to sustainable transport options**
- (v) **Contribution towards waste services**
- (vi) **NHS contribution**
- (vii) **Contribution to the War Memorial Institute upgrading and expansion***
- (viii) **Contribution towards additional play equipment at the Stathern recreation area***
- (ix) **Footbridge link**

(sums as set out at section 6 of the original report comprised in Appendix B, as amended by the sums conveyed at para 2.8 of the report (amendments marked with *))

(Unanimous)

REASONS:

The application site is allocated for housing in the Melton Local Plan and Neighbourhood Plan. The proposal provides adequate access and is satisfactory in terms of layout, design, provision of open space etc.

The proposal can proceed without undue impact on surrounding properties and an infrastructure capacity can be maintained through developer contributions. The development would make a contribution to current parking issues on Main Street through the Planning Report 19/00741/FUL - Field OS 4011, Tofts Hill, Stathern provision of 12 additional parking spaces and traffic calming being introduced for traffic approaching Stathern from Mill Hill travelling north west, to the benefit of traffic conditions generally as well as those directly associated with the development.

The amendments to the application (21st September 2020) further enhance the development and are of benefit to the impact on surrounding residential property.

(Councillor Steadman here re-joined the Committee.)

PL63

Application 19/00245/REM

Reference:	19/00245/REM
Location:	Land off Field OS 0002, Leicester Road Melton Mowbray
Proposal:	Approval of reserved matters for 233 dwellings (appearance, landscaping, layout and scale) related to Phase 1 of the outline approval 15/00910/OUT for the erection of a total of 520 dwellings (the wider approved development) and provision of drainage associated infrastructure and public open space (Phase 1 of 17/00717/VAC /15/00910/OUT

The Planning Policy Manager addressed the Committee and provided a summary of the improvements and amendments to the site following design workshops and meetings between the developer and officers since the application had first been considered by the Committee in November 2019. She advised that tandem parking had been addressed where possible, visitor parking spaces and open spaces had been added as well as some connectivity to the Kirby Fields Park.

It was noted that the housing mix was top heavy with 4 bed homes as there was no agreement on the breakdown at the outline application stage. 25 affordable units were included in the housing mix also agreed at the outline stage, the detail of which was included in a condition which would not specify tenure split until the condition was discharged. Therefore the tenure mix had not yet been determined as the condition had not been discharged. It was expected that the breakdown would be in accordance with the Affordable Housing SPD but Members could make their wishes known at the meeting and these may be taken into account.

The Planning Policy Manager was complimented on her presentation skills and sound advice to Members.

Due to the Highway Authority's condition relating to drainage being considered ultra vires as it should have been agreed at the outline stage, there was concern as to the drainage arrangements on the site. The Planning Policy Manager responded that the lead flood authority had raised no concerns and the site levels would be raised where needed in accordance with the plans.

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 3 minute presentation:

- Robert Galij, Planning Director, Barratt David Wilson Homes

It was noted that although there was some open space as well as the green attenuation plot on the site, it was expected that residents would use the adjoining Kirby Fields Park as recreational space and there was no contribution for offsite recreational space.

During discussion the following points were noted:

- It was felt that the developer had met the minimum standard that was requested and there was no generosity in the development
- There was concern as to whether all the roads were to be adopted and it was noted that some smaller roads were not
- It was considered whether there could be a condition to stop those with a garage instead of a parking space converting the garage into other accommodation as this would have a knock on effect to street parking and it was understood that permitted development rights could be removed to help with this
- There weren't enough green areas for all ages of people to meet up and children to play nor a contribution to recreation for the town
- It was felt that the design was poor, houses were small, parking was still an issue and there was a lack of open space
- Being the third time before the Committee, it was still felt to not meet the NPPF standard and national design guide nor policy D1. The changes made so far were appreciated but the applicant had not gone far enough to create a good quality design for Melton to live with for the next 50 years
- It would have been worthwhile for the developer to have met with the Ward Councillors and Planning Officers at the outset to understand what was expected
- It was felt the road network within the development would be busy and children from the opposite side of the development would have to walk across the estate to reach the Kirby Fields Park

Councillor Higgins proposed the application be refused for the following reason :

'The Reserved Matters application has not sufficiently demonstrated that it would result in a form of development that would deliver good quality design and be sympathetic to the character of the locality by virtue of its appearance, landscaping, layout and scale. As such the proposal is considered to conflict with the criteria set out within Policies D1 of the Melton Local Plan, and design matters as set out within the revised National Planning Policy Framework (2019) and the advice set out within the National Design Guide.'

Councillor Holmes seconded.

RESOLVED that

Application 19/00245/REM be refused for the following reason:

'The Reserved Matters application has not sufficiently demonstrated that it would result in a form of development that would deliver good quality design and be sympathetic to the character of the locality by virtue of its appearance, landscaping, layout and scale. As such the proposal is considered to conflict with the criteria set out within Policies D1 of the Melton Local Plan, and design matters as set out within the revised National Planning Policy Framework (2019) and the advice set out within the National Design Guide.'

	(Unanimous)
PL64	Urgent Business There was no urgent business.

The meeting closed at: 7.25 pm

Chair

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Advice on Members' Interests

COUNCIL MEETINGS - COMMITTEE MINUTES : DECLARATION OF INTERESTS

Interests need not be declared at Full Council in relation to Committee Minutes which do not become the subject of debate at Full 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 Full 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 Audit and Standards 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

12 November 2020

Report of: Assistant Director for Planning and Delivery

20/00652/REM - Erection of 20 dwellings relating to the approval of reserved matters being access, appearance, landscaping, layout and scale following the grant of outline permission reference 15/01019/OUT (Residential development of up to 25 dwellings)

Field OS 3500 Hecadeck Lane Nether Broughton

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Old Dalby: Councillor Joe Orson
Date of consultation with Ward Member(s):	25 June 2020
Exempt Information:	No

1 Summary



Site Plan

- 1.1 The application site is on the edge of Nether Broughton and is currently a green field site. Outline planning permission was granted in 2017 for residential development of up to 25 dwellings with all matters reserved. Permission was granted by the Planning Committee subject to conditions, one of which restricted the number of dwellings to 20 and it was also subject to a Section 106 Agreement.
- 1.2 The site is adjacent to the settlement of Nether Broughton and the outline permission was granted before the adoption of the Local Plan. Nether Broughton is identified in the Melton Local Plan as a Rural Settlement. Policies SS1, SS2 and SS3 apply. Nether Broughton is not one of the areas identified in the Local Plan as being the most sustainable for new housing development. However, there is outline permission in place for 20 dwellings granted in June 2017 which remains extant.
- 1.3 The application is for 'reserved matters' being access, layout, scale, external appearance and landscaping. It proposes twenty dwellings with vehicular access off Hecadeck Lane, which is one way at this point. A further pedestrian only access is proposed at the Nottingham Road end of the site, which would provide further access to the lane on foot. The Section 106 Agreement in place at outline stage secures affordable housing (40%: 8 units) and also financial contributions towards education, waste, libraries, travel packs and a contribution to the village hall.

RECOMMENDATION(S)
<ol style="list-style-type: none"> 1. It is recommended the application is approved subject to no objections being received from the Local Highway Authority and Lead Local Flood Authority in response to the amendments and additional information provided and: <ol style="list-style-type: none"> i) conditions as set out in Appendix C and ii) conditions required by the Local Highways Authority or Lead Local Flood Authority.

2 Reason for Recommendations

- 2.1 The application is recommended for approval as the principle of residential development is established and the amended plans have demonstrated a satisfactory housing mix in accordance with local needs. The layout, scale and design of the development is in keeping with the area and would not have a significant adverse impact on neighbouring residential amenity. The house type designs are traditional and suitably reflect the rural vernacular. Outstanding issues of highway safety and biodiversity are addressed through the submission of amended plans.

3 Key Factors

3.1 Reason for Committee Determination

- 3.1.1 The application is required to be presented to the Committee due to being a reserved matters application where the outline was determined by the Committee. Outline permission was approved following a deferral and amendments to the scheme to reduce the number of dwellings to 20 and increase the margin of the wildlife buffer to 10m.

3.2 Relevant Policies

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

- 3.2.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.
- 3.2.3 The Nether Broughton and Old Dalby Neighbourhood Plan was made in 2018.
- 3.2.4 Please see Appendix D for a list of all applicable policies.

3.3 **Main Issues**

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

- Housing mix
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highways and parking
- Impact on ecology
- Impact on heritage assets
- Impact on flood risk

4 **Report Detail**

4.1 **Position under the Development Plan Policies**

- 4.1.1 The site is within the Parish of Nether Broughton and Old Dalby and has outline planning permission for residential development. All matters of scale, layout, external appearance, access and landscaping are for consideration at this 'reserved matters' stage.
- 4.1.2 The Nether Broughton and Old Dalby Neighbourhood Plan was made in 2018 and carries full weight.
- 4.1.3 Other material considerations include the NPPF and the adopted MBC Housing Mix and Affordable Housing Supplementary Planning Document.

4.2 **Housing mix (Policies C2)**

- 4.2.1 Housing Mix was specifically required to be addressed by the 'reserved matters' application at outline stage and as such is within the scope of the application. Policy C2 relates to Housing Mix Residential proposals for developments of 10 dwellings or more should seek to provide an appropriate mix and size of dwellings to meet the needs of current and future households in the Borough having regard to the latest evidence of housing need.
- 4.2.2 The Nether Broughton and Old Dalby Neighbourhood Plan highlights that the Parish has a higher than average representation of older people (aged 65+) and that that people living in the Parish are more likely to be living in dwellings with 4 or more bedrooms. There is an under representation of housing for single people with less than 2% of dwellings having one bedroom against 6% for the Borough. There is a high level of under-occupancy which suggests a need for smaller homes suitable for residents needing to downsize, small families and those entering the housing market. Providing suitable accommodation for elderly residents would enable them to remain in the local community.
- 4.2.3 Policy H4 of the Neighbourhood Plan (NP) states that new housing development proposals should provide a mixture of housing types specifically to meet identified local needs. The provision of 1, 2 and 3 bedrooms and homes suitable for older people

including bungalows and dwellings suitable for those with restricted mobility including those with disabilities or special needs requiring support in the community, will be supported.

- 4.2.4 The proposed development provides four bungalows for open market sale. Two of these also have a bedroom(s) in the roofspace and two have ground floor accommodation only. There are also two one bed units, one of which is located on the ground floor and one on the first floor. These six house types out of a total of 20 dwellings provide a good opportunity for both downsizing and for those with limited mobility in accordance with the identified local housing needs.
- 4.2.5 In terms of Policy C2 of the Local Plan, the associated table 8 sets out the overall optimum proportion of accommodation that should be provided in housing developments, being:
1 bed 15%, 2 bed 30-35%, 3 bed 35-40%, 4+ bed 15%
- 4.2.6 The original plans were considered to have too many large properties and amendments were requested. The housing mix proposed has now been revised to provide an additional bungalow with two bedrooms and study, all on the ground floor in preference to a 4 bed two storey unit which thus now provides overall:
1 bed (2no) 10%, 2 bed (4no) 20%, 3 bed (9no) 45%, 4+ bed (5no) 25%
- 4.2.7 Whilst the housing mix still does not fully accord with table 8, as stated above the provision of the four bungalows does mean there is a good mix and variety of choice across the site. In addition, three quarters of the total number of proposed dwellings (15no) have 1, 2 or 3 bedrooms in accordance with the needs of the Parish as identified in the Neighbourhood Plan. The Parish Council have confirmed they are supportive of the housing mix. Therefore, the development is considered to be acceptable in terms of its overall housing mix.
- 4.2.8 To summarise, it is considered that the development provides an acceptable housing mix across the site therefore is compliant with Policies C2 of the Local Plan and Policy H4 of the Neighbourhood Plan.
- 4.3 **Impact upon the character and appearance of the area (Policies D1 of the Local Plan and H6 of the Neighbourhood Plan)**
- 4.3.1 Policy D1 of the Local Plan requires new developments to be of high quality design regarding layout, context, amenity, landscaping and connectivity. Policy H6 of the Neighbourhood Plan relates to housing design and states that development proposals should have regard to density, size, scale, massing and height that reflects the character of the settlement, giving an impression of space, pleasant street scenes and an inclusive road layout with short cuts linking existing roads together. In addition attention should be given to design and materials and retaining the integrity of the rural character of the individual settlement.
- 4.3.2 The proposed development has a low density which is appropriate for this edge of village location and incorporates existing areas of landscaping as well as providing an extensive open area of landscaping on the eastern side around the pond and SuDS feature attenuating surface water from the development. Although accessed from the internal road there are three dwellings facing directly on to Hecadeck Lane, (plots 1, 2 and 3) which ensures that the scheme positively addresses the street scene in accordance with good design practice. These three dwellings are all single storey bungalows, although one has a front dormer window and one has rooflights to facilitate accommodation in the roofspace.

This end of Hecadeck Lane is characterised by mainly mid 20th century dwellings of both one and two storeys. Plots 1, 2 and 3 have quite a traditional cottage style appearance rather than a typical bungalow form, with a narrow plan depth, chimneys, porches and brick detailing around the eaves and window arches. The scale, layout and appearance of these house types sits well with the housing opposite but provides a more traditional character and appearance, in keeping with the rural vernacular of older parts of the Nether Broughton. Samples of materials are required as part of a condition on the outline permission.

- 4.3.3 The larger detached dwellings further along the lane are visually separated from the site by open areas and are mainly set back from the road. This separation, the low profile of plots 1-3, the soft landscaping and the retention of a hedgerow along the frontage of the site as provided on the amended plans, all help the development to complement the existing built form in this part of the village and retain the spacious rural feel. The western end of the site also has an area of existing trees and a boundary hedge visible from Main Road and upon entering Hecadeck Lane. These are retained within the layout and this further reinforces the edge of village character of the lane.
- 4.3.4 A pumping station enclosed with fencing is proposed behind an existing gas governor station (outside the site) close to the corner of Nottingham Road and to the rear of plots 7 and 8. This area is also subject to additional landscaping to screen the fencing from Hecadeck Lane. A footpath into the site in this location provides permeability in accordance with good design principles.
- 4.3.5 The remaining two storey house types within the site also have traditional proportions, roof pitches and detailing such as brick arched windows and chimneys. Amendments have been secured to the affordable units to ensure their detailing reflects that on the market housing. In terms of detailing there is no disparity between the quality of the affordable units when compared to the market units. The changes to the layout, housing mix and parking areas have reduced the definition between the market and affordable house types and allowed some additional landscaping to the front of the smaller units. Whilst most of the smaller units are grouped together, the introduction of a bungalow in this group and two of the smaller semi detached units being moved onto the main access road adjacent to larger detached houses, has provided more variation in the street scene. The previous large parking areas serving the affordable housing (in stark contrast to the driveways on the larger plots) have now been broken up.
- 4.3.6 The proposed layout, scale and design of the proposed development is now considered to be appropriate for its context and in accordance with Policy D1 of the Local Plan and Policy H6 of the Neighbourhood Plan.
- 4.3.7 The Parish Council is largely supportive of the application, subject to concerns regarding pedestrian safety in Hecadeck Lane (discussed later in this report).
- 4.4 **Impact upon residential amenities (Policies D1 of the Local Plan and H6 of the Neighbourhood Plan)**
- 4.4.1 The siting of the new dwellings lie to the other side of Hecadeck Lane from existing properties and there is a distance of at least 20m between facing buildings. The three properties facing the lane are all single storey, although two have bedroom(s) in the roofspace and one has a front dormer window. The smaller units close to Nottingham Road back onto the lane and so have rear gardens facing the lane which are set back from the highway. Due to the distance and orientation between the existing and proposed dwellings on Hecadeck Lane / Nottingham Road there would be no significant loss of

residential amenity in terms of loss of light or privacy which would indicate the proposal is contrary to the requirements of Policy D1 of the Local Plan. The loss of a view is not a planning consideration as there is no right to a specific view.

4.4.2 The properties on Hecadeck Lane adjacent to the site lie to the other side of the extensive landscape buffer associated with the existing wildlife pond and the surface water attenuation area. Therefore there would be no loss of amenity to these occupants. The relationship of the new dwellings to each other is satisfactory and being a low density scheme, a good level of amenity and outdoor space is available.

4.4.3 Overall therefore, it is considered that the development can safeguard residential amenity in accordance with Policy D1 of the Local Plan.

4.5 **Highways Issues (Policies D1, IN1, IN2 of the Local Plan and Policy H6 of the Neighbourhood Plan)**

4.5.1 Hecadeck Lane is largely one way and there is a surfaced footpath along the other side of the road to the application site, running from Nottingham Road as far as numbers 6/8 Hecadeck Lane. There is no dedicated footway on either side of the road after that. The main site access provides a footpath which continues along Hecadeck Lane towards Nottingham Road as far as the existing path on the other side so that pedestrians are able to cross safely and link to the existing footpath network. A second path provides a direct crossing point at the other end of the development adjacent to plot 7 between Nottingham Road and Parnham's Close.

4.5.2 The Local Highway Authority have no objections to the proposal in principle and the vehicular access to the development from Hecadeck Lane was established at the outline stage. There are several conditions on the outline permission relevant to highways matters, relating to the closure of the existing field access and a construction traffic management plan. Also that the development should be served from a single vehicular access from Hecadeck Lane and that no direct access to Nottingham Road would be permitted. The proposal complies with these requirements. There is also a condition requiring details of off site works for footway facilities on Hecadeck Lane (condition 14).

4.5.3 Following comments from the Parish Council and local representations, the Highways Authority has confirmed that the requirements of condition 14 are satisfied by the footpath from the development extending along Hecadeck Lane towards Parnham's Close (outside the original site boundary) which will provide the opportunity for pedestrians from the new housing to cross to the existing footpath safely. The discussion regarding the off site footpath requirement at outline stage also indicates that this relates to a path along the frontage. The location of the footpath is indicated below.



- 4.5.4 A footpath extending the whole length of Hecadeck Lane towards Church End is therefore not required to make the scheme acceptable. Whilst this may be desirable to enhance the safety of all pedestrians travelling in this direction, this is not a proportionate or reasonable requirement for a development of 20 dwellings, particularly bearing in mind there are options for pedestrians to link into the existing footpath network at two points from the development.
- 4.5.5 Parking for each dwelling is provided in accordance with the standards within the Leicestershire Highways Design Guide and Policy H6 of the Neighbourhood Plan. As this is a low density development there is both garaging and at least 2/3 parking spaces as appropriate for the market housing and two dedicated parking spaces each for the affordable units. This is acceptable and the layout provides in excess of the required parking in several instances.
- 4.5.6 In response to the reserved matters application, the Local Highway Authority (LHA) asked for amendments to the internal access road to accord with their Design Guide (width, radii and speed control measures). The LHA response to the amended plans will be reported to the committee as an update. Subject to the amendments satisfying their concerns and any conditions they may request it is considered that the proposal is acceptable in terms of highway safety and therefore accords with Policy D1 and IN2 of the Melton Local Plan and Policy H6 of the Broughton and Old Dalby Neighbourhood Plan.
- 4.6 **Ecology (Policy EN2 Local Plan Policy ENV 3 and ENV9 Neighbourhood Plan)**
- 4.6.1 There is an existing population of Great Crested Newts (GCN) on and around the site. The proposal retains the existing pond on the eastern boundary and a minimum 10m buffer around the pond which extends northwards along the whole of this side of the application site. This area incorporates a SuDS feature, hibernation features suitable for GCN as well as habitat for insects and small reptiles, areas of wetland planting and native species landscaping. The layout also enables a buffer along the remainder of the hedges around the site to provide a wildlife corridor in accordance with condition 19 of the outline permission. The plans have been amended to also now retain a hedge along Hecadeck Lane to the southern boundary.
- 4.6.2 The protected species survey originally carried out in 2015 was updated in June 2019 and the County ecologist has confirmed that the mitigation proposed in this document is broadly in line with the layout now proposed. A condition is proposed requiring that the development is carried out in accordance with the GCN mitigation strategy. A Natural England licence will also be required for this.
- 4.6.3 As well as the retention of the hedgerows and several trees to safeguard as much biodiversity on the site as possible, additional landscaping is provided, both within the development and the large buffer area to the eastern end of the development. Native species landscaping provides enhancement to the biodiversity of the site and the ecologist has confirmed that the landscaping is acceptable. A condition on the outline permission requires the submission of a Landscape Management Plan, including a maintenance schedule and proposals for the long term management of landscape areas (other than small privately occupied domestic garden areas).
- 4.6.4 The proposed development is considered to accord with Policy EN2 of the Local Plan and Section 15 of the NPPF.
- 4.7 **Heritage Assets (Policy EN13 Local Plan Policy ENV2 Neighbourhood Plan)**

- 4.7.1 Nether Broughton does not have a Conservation Area but nearby Mill House is a listed building and there is a record of a listed milestone on the grass verge. Mill House lies to the other side of Nottingham Road and is some distance from the site. The approach to the village from the north has the application site on the left and Mill House on the right, albeit more visually related to the existing buildings on the other side of Main Road rather than being directly opposite the site. In addition, the new dwellings closest to the road are the smaller units which are set back and also buffered by the existing hedgerow. It is considered that on the approach to the village and also when leaving the village, the proposed development would have minimal change on the relationship of the listed structures to the village. The setting of the heritage assets would not be adversely affected and any harm would be at the lower end of less than substantial. In accordance with para 196 of the NPPF any harm would be outweighed by the public benefits of providing new housing and the economic, social and environmental benefits that would bring.
- 4.7.2 A comment was received regarding a well on the site. Conditions relating to archaeological investigation and recording are imposed on the outline planning permission and so this would be established during this process.
- 4.7.3 The proposed development would not have an adverse impact on the significance of heritage assets and as such complies with the relevant Local Plan and Neighbourhood Plan policies and also advice within the National Planning Policy Framework.
- 4.8 **Flood Risk/Drainage (Policy EN11 Local Plan ENV5 Neighbourhood Plan)**
- 4.8.1 The site is within flood risk zone 1 (low risk). The outline permission is subject to conditions relating to the submission and approval of a detailed drainage scheme to accommodate the drainage needs of the site. However, the Lead Local Flood Authority have asked for some further information to demonstrate that the layout does not prejudice the implementation of the surface water drainage scheme to be developed through the next stages of design, such as demonstrating that the SuDS features are of a suitable size and location. Further information relating to this has been provided and comments from the LLFA are awaited. These will be reported to the committee as an update. Subject to no further issues raised by the LLFA and subject to any conditions they recommend, the proposal accords with Policy EN11 of the Local Plan and ENV5 of the Neighbourhood Plan.

5 Consultation & Feedback

- 5.1 A site notice was posted and neighbouring properties consulted.
- 5.2 As a result 8 letters of objection / comment were received as summarised in Appendix B.

6 Financial Implications

- 6.1 None

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

- 7.1 No specific issues are identified. The application is being considered by the Committee under the scheme of delegation within the Constitution. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Legal Advisor (Planning)

8 Background Papers

15/01019/OUT: Residential development of up to 25 dwellings permitted subject to a S106 Agreement.

19/01379/VAC: Variation of condition 24 (numbers of dwellings) application withdrawn

19/01380/VAC: Variation of conditions 19 and 25 (wildlife corridor) application withdrawn

9 Appendices

9.1 A : Consultation responses

B : Representations received

C : Recommended conditions

D : Applicable Development Plan Policies

Report Author:	Amanda Haisman, Planning Officer
Report Author Contact Details:	01664 502453 ahaisman@melton.gov.uk
Chief Officer Responsible:	Jim Worley, Assistant Director for Planning and Delivery
Chief Officer Contact Details:	01664 502359 jworley@melton.gov.uk

Appendix A : Summary of Statutory Consultation Responses

Ward Members:No comments

Parish Council: The Parish Council are pleased to see a good mix of bungalows, affordable and larger family housing. However, we have concerns regarding a pavement in Hecadeck Lane as there is a need for one. Pedestrian access into the heart of the village will be along a narrow unpaved road and pedestrians would be in danger. Construction traffic is also likely to be problematic as the lane is one way and all traffic will have to pass through the centre of the village. Therefore we would like to see a condition that no work is to be done prior to a traffic plan which minimises disruption.

Housing Policy: The Section 106 Agreement secured 40% of the total homes to be affordable housing and specifies 75% (6) are required to be for affordable rent and 25% (2) for intermediate tenure.

Grace Homes have accepted Platform Housing Group's offer for the 8 x affordable homes to fulfil this obligation. A local connection for the let and sale of the affordable homes will be needed..

LCC Highways: In response to the original plans the Local Highway Authority advised that further information was required and that whilst the access width is more than adequate no vehicular or pedestrian visibility splays have been demonstrated. The radii of the junction to the internal layout appears to be in excess of what is required as is the carriageway width between plots 3-4. A 4.8m carriageway width will suffice. The access way will need to have adequate speed control features (currently showing none). They further commented that a 2m footway west from the site access is demonstrated and appears to be suitable.

Amended plans have been provided in accordance with advice from County Highways and a further response will be provided in response to these as an update to the committee. The LHA have confirmed that the offsite highway works required as part of condition 14 on the outline permission relate to the footway currently demonstrated, which would allow users to cross onto the opposite footway on the lane. There is no requirement for a footway along the length of Hecadeck Lane. There are also no objections to the second footpath exiting onto the lane in the vicinity of the lay-by.

LCC Lead Local Flood Authority (LLFA): The original response requested further information on drainage. Whilst it is noted surface water drainage matters are conditioned separately, sufficient information should be provided within the reserved matters to demonstrate that the proposed site layout does not prejudice the implementation of the surface water drainage scheme to be developed through the next stages of design.

Therefore a strategy to demonstrate the proposed SuDS features are of a suitable size and location, together with discharge rates and locations with supporting calculations should be provided.

A drainage strategy has been provided and a response from the LLFA will be reported to the committee as an update.

LCC Ecology: The layout is quite different to the outline application and we believe it is a better solution. The on-site pond has great crested newts and is part of a wider pond cluster. The pond is being retained in situ with a buffer zone of natural open space around it, linked to a widened corridor along the hedgerow which will serve to link with other ponds. The landscape plans are also satisfactory. We have a GCN mitigation report as part of the

discharge of condition 22 of the outline permission which is broadly appropriate to the new layout. Recommend that mitigation in accordance with this report is a condition of planning approval. An EPS licence will be required.

Environment Agency: No comments

Appendix B : Summary of representations received.

Letters of objection / comments from 8 nearby residents raising concerns have been on the following matters:

- Increased traffic in the village leading to increased risk of accidents
- Hecadeck Lane is one way and not able to accommodate more traffic
- There is a well in the field
- Outline permission granted despite local objections
- The buildings fronting Hecadeck Lane were going to be bungalows and the plan now shows large houses fronting Hecadeck Lane which are intrusive and not in keeping with the existing buildings
- Adverse impact on the look and character of the village
- Smaller affordable housing is located in one area
- Affordable housing more likely to cause social problems and anti social behaviour
- Overlooking and loss of privacy
- Loss of view over fields
- Pedestrians are at risk when walking the full length of Hecadeck Lane away from the development without a pavement and with a blind bend
- There is no pavement for the portion of road where visibility is restricted and also where the entrance will be situated
- Vehicles often travel the wrong way down the lane and in excess of 30mph
- Large HGVs use the lane despite the weight limit
- Loss of hedge
- Lack of detail on pumping station
- Lack of detail on maintenance of planting and green areas
- Concerns regarding construction traffic
- No objection subject to no obstruction of a (private) right of way
- Concerns regarding choice of plants which will not encourage wildlife

Appendix C : Recommended Conditions

1. The development hereby permitted shall be carried out in accordance with drawings numbered PL00 and PL136 rev B received by the Local Planning Authority on 17th June 2020 and drawings PL01 rev P, PL03 rev A, PL110 rev C, PL111 rev C, PL112 rev D, PL113 rev C, PL114 rev D, PL115 rev D, PL116 rev B, PL117 rev B, PL118 rev D, PL119 rev D, PL120 rev B, PL121 rev B, PL122 rev B, PL123 rev C, PL124 rev B, PL125 rev C, PL126 rev B, PL127 rev C, PL128 rev D, PL129 rev E, PL132 rev B, PL133 rev B, PL134 rev C, PL135 rev C received by the Local Planning Authority on 20th October 2020. Great Crested Newt Strategy
Reason: For the avoidance of doubt.
2. The development hereby approved shall be carried out in accordance with the Mitigation Strategy for Great Crested Newts set out in the protected species report by Brindle & Green reference BG19.196 dated June 2019
Reason: To accord with the National Planning Policy Framework and Policy EN2 of the Melton Local Plan
3. No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of protective fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. In addition all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.
Reason: To ensure that existing trees and hedges are adequately protected during construction in the interests of the visual amenities of the area and biodiversity.
4. The existing hedgerows on the site shall retain a minimum 4m buffer from the boundary of residential gardens as long as the development remains.
Reason: To provide a buffer and corridor for wildlife habitat and foraging in the interests of biodiversity and to accord with the National Planning Policy Framework and Policy EN2 of the Melton Local Plan.
5. All construction work, demolition work and deliveries to the site during the construction period shall take place between the hours of 7.00 - 19.00 Monday to Friday 8.00 - 13.00 on Saturday and at no time on Sundays or public holidays.
Reason: In the interests of the amenity of nearby residents

Appendix D : Applicable Development Plan Policies

Melton Local Plan

SS1 – Sustainable development

SS2 – Development strategy

C2 – Housing mix

C3 – National space standards and smaller dwellings

EN2 – Biodiversity

EN11 – Minimising the risk of flooding

EN13 – Heritage Assets

IN2 – Transport

IN3 – Infrastructure contributions

D1 – Raising the standard of design

Nether Broughton and Old Dalby Neighbourhood Plan

S2 – Settlement boundary

H4 – Housing mix

H6 – Housing design

ENV3 – Wildlife corridors and habitat connectivity

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Helping people | Shaping places



Planning Committee

12 November 2020

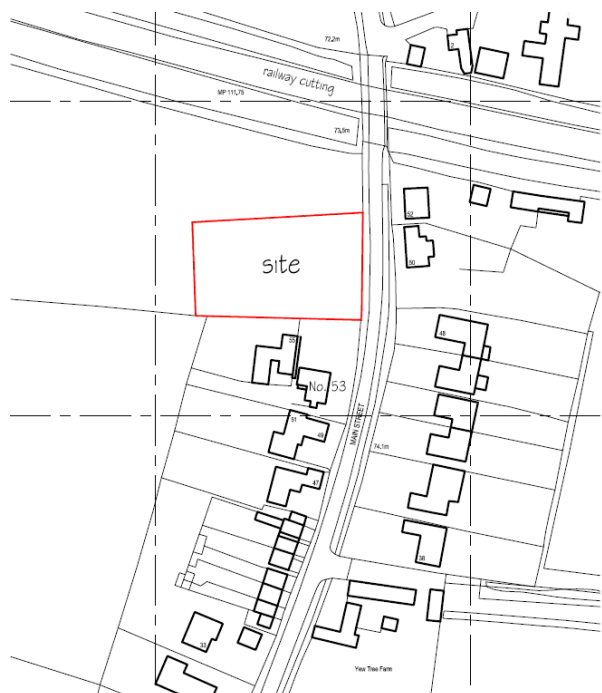
Report of: Assistant Director for Planning and Delivery

19/00256/FUL - Erection of 3 two bed single storey detached dwellings and associated access and landscaping. Land North Of 55 Main Street Kirby Bellars

Applicant: Mrs JE Dolan

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Ronan Browne (Frisby on the Wreake)
Date of consultation with Ward Member(s):	2 April 2019
Exempt Information:	No

1 Summary



- 1.1 Members will recall the application was considered at the meeting of the Committee in October 2019 and was deferred pending the submission of further information on housing need in Kirby Bellars.
- 1.2 Following this, a housing needs survey has been provided in support of the application, carried out by Midland Rural Housing in April 2020. After submission of this survey, the applicant was requested to provide more specific information relating to housing needs for the village but no further information was forthcoming and the Agent requested the application now be referred back to Committee.
- 1.3 The submitted housing needs survey comprised a detailed study into the current housing needs in Kirby Bellars and investigated the affordable housing needs of the village including for shared ownership and open market housing. The report concluded that there is an identified need for one affordable rented home, one shared ownership home and six open market homes for people with a local connection to Kirby Bellars. Four of these six households would like to relocate to two bedroom bungalows.
- 1.4 The submitted housing needs survey has been assessed. It is noted that the survey identifies several respondents stating a need for a dwelling which could potentially be secured on this site. Whilst the survey provides a basis for assessing the local proven need in general terms, it is considered that further work is then subsequently required to take the specific cases forward in developing a case for the proven local need for this application, i.e. whether the houses proposed for this site are appropriate for and will be available to those who comprise the need.. No such information has been provided in this case.
- 1.5 The Agent stated “the results of this survey provide clear evidence of a local need for three 2-bed bungalows in Kirby Bellars which should be taken on board in the decision making process. We understand that your previous position on this has been that we’ll need to identify individuals for whom the housing would be required. However, we maintain that this housing needs survey alone should be considered sufficient enough to prove a local need. In addition, the Committee Members did not request details of first occupants either, but clearly steered the applicant towards undertaking a housing needs survey in order to satisfy Policy SS3. Therefore we would like to put this new evidence in front of Committee Members for consideration. To note, the applicant is still keen to offer one of the dwellings as an affordable starter home as we previously discussed at Committee last year. This should be seen as a real public benefit to the scheme, particularly in light of the survey findings which demonstrate a need for 2 affordable homes in the Village”.
- 1.6 In dismissing an appeal for housing in a comparable Policy SS3 village recently, the Planning Inspector stated:
- “A number of responses received to the survey were positive in nature. The reasons for the interest of these respondents largely concern downsizing, family and relationship matters, and being closer to land or business interests. Such reasons, in my view, though reflect more of a desire and personal circumstances rather than what can be considered to be of necessity for housing....This does not though equate to a proven local need for the purposes of Policy SS3....If the bar was set at this level in allowing new housing development in rural settlements, it would undermine the overall plan-led approach of where new housing development should be provided.....I conclude that the proposal

would not meet a proven local need and accordingly, it would also not comply with Policy SS3 in this regard”.

- 1.7 Taking that appeal decision into account, including the fact that additional information had been provided in that case, it is considered that further evidence is required in order to demonstrate a clear proven local need as opposed to a case based on desire or preference. Those residents who responded identifying that a bungalow of the nature proposed by this application all cited downsizing as the basis of their ‘need’. It is considered that this is lifestyle choice or preference of the nature referred to at the above appeal and as such is not ‘proven need’ as required by Policy SS3.
- 1.8 Based on the evidence submitted there is not a convincing case to demonstrate a proven local need for the proposal. As such, the recommendation to refuse planning permission on the grounds of being contrary to Policy SS3 remains.
- 1.9 The application site lies on the edge of the village of Kirby Bellars. To the north of the site is a public footpath that links Kirby Bellars to Frisby on the Wreake, and the train line between Leicester and Melton Mowbray is also to the north of the site. There are residential dwellings to the south and to the east of the site, albeit separated by the highway. The application site is outside of the built form of the village. The application site is accessed from Main Street which lies to the north of the A607 Leicester Road.
- 1.10 The application description has been amended and comprises the erection of three detached dwellings and associated access and landscaping. The accommodation of each would be an open plan kitchen/diner, lounge, two ensuite bedrooms and an externally accessed store with w.c. All buildings would be single storey and the design and layout is as the approved holiday cottages.

RECOMMENDATION(S)

It is recommended that the Planning application is REFUSED for the reason below

2 Reason for Recommendations

- 2.1 In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of three market dwellings without a convincing case to demonstrate a proven local need for the proposal. The development is in a village location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of the private motor vehicle. The proposal is therefore contrary to Policy SS3 of the Melton Local Plan which states the Rural Settlements a local proven need is required to justify new housing proposals.

3 Key Factors

3.1 Reason for Committee Determination

- 3.1.1 The application is required to be presented to the Committee due to a call in request from Councillor Browne.

3.2 Relevant Policies

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

- **No inconsistency with the NPPF has been identified that would render Local Plan policies ‘out of date’.**

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

3.3 **Main Issues**

- The main issues for this application are considered to be:
- Principle of development
- Impact upon the character of the area
- Impact upon residential amenities
- Impact upon highways and parking

4 **Report Detail**

4.1 **Position under the Development Plan Policies**

4.1.1 The site is adjacent to the settlement of Kirby Bellars and policies SS1-SS3 apply.

4.2 **Principle of Development**

4.2.1 The site occupies a position adjacent to the settlement of Kirby Bellars and is a paddock with housing to the south and the railway line to the north. Although undeveloped, the site is adjacent to the built up part of the village which is predominantly residential. The proposal would result in the erection of three two bedroom dwellings.

4.2.2 Policy SS2 sets out the development strategy for the Borough for housing. It identifies a sustainable approach to development, establishes settlements as Service Centres, Rural Hubs or Rural Settlements and sets out the type of development appropriate to each. Kirby Bellars is identified as a Rural Settlement. Policy SS2 states alongside Service Centres and Rural Hubs, Rural Settlements will accommodate a proportion of the Borough’s housing need, to support their role in the Borough through planning positively for new homes as windfall sites within and adjoining settlements by 2036. This development will be delivered through small unallocated sites which meet the needs and enhance the sustainability of the settlement in accordance with Policy SS3. Policy SS3 supports new dwellings in or adjoining such villages only where there is a proven local need. The policy requires a demonstration that the development provides housing which meets a proven local need as identified by substantive evidence, for example within a Neighbourhood Plan or appropriate community-led strategy or a housing needs assessment or other evidence provided by the applicant.

4.2.3 The history on the site is relevant in the assessment of the principle of development. Application 17/01584/FUL for the erection of two market dwellings was refused on the grounds of occupying an unsustainable location, not providing a suitable housing mix to reflect the needs of the Borough and the visual impact. The Inspector dismissed the appeal but raised no objection to the visual impact of the proposal. In dismissing the appeal the Inspector considered the sustainability of Kirby Bellars and stated there are very limited services and facilities within the village and future occupants of the dwellings would need to travel to meet their day to day needs of education, work, recreation and shopping. However, it was noted the settlement was close to Melton, Asfordby Hill and Frisby and had a frequent bus service. The Inspector acknowledged Kirby Bellars would appear to be a relatively accessible settlement in comparison to other Rural Settlements

and that traffic generation and greenhouse gas emissions attributable to the development were likely to be similar to the then fall back position of the holiday development which was approved under 14/00841/FUL.

- 4.2.4 The Inspector noted the Council has a 5 year housing land supply and there would be some economic benefits to the proposal. However, the information submitted did not demonstrate there was a proven local need for four bedroom dwellings within the settlement and that the housing mix did not comply with Policy C2.
- 4.2.5 The appeal decision therefore raised no objection on visual grounds and as the current proposal is identical in design and layout to the approved holiday cottages this current application could also not be resisted on visual grounds. Furthermore, as the current proposal relates to the erection of two bedroom dwellings, this also overcomes the housing mix issue. The proven local need requirement for the development proposed however remains.
- 4.2.6 Whilst mindful of the Planning Inspector's views on the sustainability credentials of Kirby Bellars and accepting that it is more sustainable than some other such category villages given its proximity to Melton, the bus service etc., the Local Plan has progressed through its examination where the village categorisation was discussed at length and the Inspector agreed with the now adopted Local Plan village categorisation. As such, Policies SS2 and SS3 has passed a robust examination and Kirby Bellars, as part of this process, has been deemed an unsuitable location for new housing unless in compliance with Policy SS3. This policy requires a robust proven local need. Therefore, notwithstanding the discussion on the sustainability or otherwise of Kirby Bellars, Policy SS3 must be complied with. The views of the Inspector in a single appeal for a different proposal are not considered alone to outweigh this policy especially as the Council has its five year land supply.
- 4.2.7 In order to address the policy requirements the Agent has made the following points:
- The site is relatively sustainable, bearing in mind its rural location, given that it lies on the edge of the village. Kirby Bellars benefits from some services such as a public house, village hall, church and a regular bus service, all of which are within walking distance of the site. The village is also in close proximity (circa 3 miles) of Melton Mowbray Town Centre which provides an abundance of services, amenities and employment opportunities;
 - The Inspector, in allowing the appeal for the holiday cottages, noted "the future occupiers of the appeal proposal would help to support businesses, facilities and services in rural areas. Whilst it is acknowledged that there are limited facilities and services locally, it would benefit those present, such as the local public house, local buses and some delivery services such as milk and meat, although those services would need to be pre-ordered. It would also benefit the wider rural area, such as the shops and facilities in Asfordby and Frisby on the Wreake, and local facilities including Eye Kettleby Lakes, attractions in Melton Mowbray and further afield";
 - The Inspector concluded that "the appeal development would fall within the definition of sustainable development as set out throughout the Framework". The Inspector stated that the information available did not offer sufficient clarity and robustness that there was a proven local need for 4-bed dwellings within the settlement and that a housing mix to meet the clear policy emphasis of the recently adopted LP could not be provided on the appeal site. It was concluded the proposal would conflict with LP Policies SS3 and C2 and in these respects the proposed development would not be suitable for housing;

- The Agent states there are stark similarities between Asfordby Hill and Kirby Bellars with the latter being one of the closest villages on the west of Melton Mowbray and is serviced by the same buses (and further services) as Asfordby Hill. Consequently, it is submitted that the village is sustainable enough to accommodate this small scale proposal for three dwellings;
- Kirby Bellars is serviced by the same buses as Asfordby Hill and in particular the 5A service stopping at Station Road every 20 minutes. This is an excellent frequency of public transport for a village. The Station Road bus stop is within reasonable walking distance on the centre of Kirby Bellars and the appeal site and there is a good footpath along the route to the bus stop. There is also an additional regular morning and evening service to the local Brooksby College amongst other additional services around rush hour which run into the heart of the village;
- With specific regard to Local Plan Policy SS3, it is noted that this policy permits small scale development within or on the edge of rural settlements such as Kirby Bellars where it would be in keeping with the character of the settlement and would enhance the sustainability of the settlement;
- Of the settlements referenced within the Council's Review of Settlements Roles and Relationships Report (May 2016), there are approximately 27 settlements that are identified as being less sustainable than Kirby Bellars. Furthermore, within the Review of Settlements Roles and Relationships Report (May 2016) Appendix 1, Kirby Bellars receives 8 points; the same score as Old Dalby, which is identified as a Service Centre within the adopted Local Plan.
- Taking all of this into account, it is clear that Kirby Bellars is one of the better performing Rural Settlements in the Borough and that a small-scale development of 3 dwellings on the edge of the urban area of Kirby Bellars is policy compliant;
- The Housing Needs Survey carried out in 2016 should be used to inform the determination of planning applications, this stated household sizes are expected to fall slightly in the future and therefore the provision of additional two-bedroom dwellings would help to rebalance the housing stock;
- The Leicestershire Enterprise Partnership Housing and Economic Development Needs Assessment published in January 2017 finds a slight shift towards a requirement for smaller dwellings and confirms some demand for medium sized two-three bedroom properties for older households downsizing;
- A letter from Shouler & Son has been submitted. This states there appears to be two types of buyers predominantly looking at properties in villages such as Kirby Bellars and the proposal for three single storey two-bedroom dwellings would suit the second of these groups, those people looking to downsize or who want a more manageable property but to remain part of the village. They state the only bungalows in the village comprise some on Main Street on large plots, some in Priory View or much older properties in Hunters Rise, many of which have been extended. They also state there is good demand from parents/grandparents who want to move closer to their families once retired and live in a different area to the children/grandchildren; bungalows would also fill that need well. With regard to people actively seeking bungalows in the village or surrounding villages they are aware of two specific people who currently live in the village and are looking to downsize to a smaller bungalow but to stay in the village. There are also three people on their mailing list seeking bungalows within the villages and there may be many others;
- Reference is made to appeal decision 17/00507/COU for the conversion of the pub/restaurant into two dwellings where the Planning Inspector opined that the proposal would not materially conflict with the objectives of Policy SS3.

- 4.2.8 Policy SS3 sets a high test in order for proposals to comply and requires a proven local need to demonstrate the type and number of dwellings proposed meets the identified needs. In this case, general market trends for the type of property proposed has been identified and support in the form of a local estate agent has been submitted which demonstrates a general need for such properties. Reference has also been made to a future potential occupier. However, the policy requires demonstration of need not just preference. In this case, it is not considered sufficient evidence has been provided to demonstrate a proven local need as required by Policy SS3. Although the appeal Inspector commented on the sustainable merits of the settlement, Kirby Bellars is a 'rural settlement' in the Local Plan and a proven local need remains a requirement. This has not been supplied and the proposal is therefore contrary to Policy SS3. Furthermore, the comments by a single Planning Inspector in the case at Barkestone le Vale, is not considered a sufficient basis to approach Policy SS3 cases in a materially different way.
- 4.2.9 The proposal is based on information stating there is a general desire for additional properties in this village; however, the case does not demonstrate a local need. Furthermore, although small scale housing would be provided, this need will be addressed through housing sites coming forward which require a suitable housing mix and this benefit does not therefore outweigh the principle of Policy SS3.
- 4.2.10 The Borough wide housing needs survey established a general, Borough wide need, for two and three bedroom properties and this proposal seeks permission for three x two bedroom properties. As such, the housing mix proposed is considered to be acceptable and to comply with Policy C2. However, the principle of development is not considered acceptable.
- 4.3 **Impact upon the character of the area**
- 4.3.1 Policy D1 of the Local Plan states that all new developments should be of high-quality design. Development proposals will be assessed against this policy which includes siting and layout and a design to reflect the wider context of the local area and respect the local vernacular without stifling innovative design. Policy EN1 requires development to be sensitive to its landscape setting and to respect existing landscape character and features. In addition, development will be supported where it does not have an unacceptable adverse effect upon an area's sense of place and local distinctiveness or upon areas of tranquility.
- 4.3.2 Policy EN6 relates to settlement character and states that development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement.
- 4.3.3 Approval has been granted for the three buildings currently under consideration and these were deemed, on appeal, to be acceptable (albeit as holiday accommodation). Furthermore, at the appeal under 17/01584/FUL the Inspector considered the erection of the two dwellings sought under that application would have a similar visual impact to the fall back position of the three holiday cottages.
- 4.3.4 As such, the previous grounds for refusal on visual grounds on this site have been overcome and the proposal is considered now to comply with Policies D1, EN1 and EN6.

The proposals are considered to acceptable on the grounds of visual amenity and comply with the above policies.

4.4 **Impact upon residential amenities**

- 4.4.1 Policy D1 of the Local Plan states that the amenity of neighbours and neighbouring properties should not be compromised. The proposal, albeit as holiday cottages, has been assessed at the application stage and at appeal and no objection was raised to the proposal on the grounds of residential amenity. The dwellings would be single storey with adequate separation distances to existing neighbouring properties and would also provide adequate amenity for future occupants.

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.

4.5 **Highway Safety**

- 4.5.1 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.

- 4.5.2 The site has had the benefit of permission for three holiday cottages and the same plans, albeit for market housing, are now proposed. The Highway Authority raise no objection subject to conditions and informatives.

As such, subject to conditions the proposal would be acceptable in highway safety terms and would comply with the above policies.

4.6 **Archaeology**

- 4.6.1 A condition can be imposed in light of permission being granted to satisfy the archaeological requirements on the site.

4.7 **Ecology**

- 4.7.1 A condition can be imposed in light of permission being granted to satisfy the ecological issues on site (GCN's).

5 **Impact on Infrastructure**

- 5.1 None.

6 **Consultation & Feedback**

- 6.1 A site notice was posted and neighbouring properties consulted. As a result, 2 representations have been received, one in support and one objecting.

7 **Financial Implications**

- 7.1 There are no financial implications identified.

Financial Implications reviewed by: N/A

8 **Legal and Governance Implications**

- 8.1 The application is required to be presented to the Committee due to being called into Planning Committee at the request of the Local Ward Member.

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

Legal Implications reviewed by: Planning Legal Advisor

9 Background Papers

9.1 13/00563/FUL Erection of four holiday homes – Refused.

9.2 14/00841/FUL three holiday homes – Refused and allowed on appeal.

9.3 17/01584/FUL Erection of 3 detached dwellings and associated access and landscaping – Refused and appeal dismissed.

10 Appendices

A: Consultation responses

B: Representations received

C: Applicable Development Plan Policies

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Appendix A : Consultation replies summary

Parish Council

The Parish Council support this application as it will allow for organic growth within the village and will allow some villagers to downsize but remain in the village and release existing properties onto the market.

Highways

No objection subject to conditions and informatives.

LCC Archaeology

No objection subject to a condition.

LCC Ecology

The same ecological survey (Ramm Sanderson, October 2017) has been submitted in support of this application as was submitted in support of application 17/01584/FUL. Whilst this survey was satisfactory in support of the previous application, additional surveys of the area have now recorded great crested newts (GCN) within 100m of the application site (see surveys submitted in support of application 18/00621/FUL). I do not consider that the nearby population of GCN will be significantly impacted by the development, but it does increase the potential for GCN to be found on site. However, given that the site comprises sub-optimal habitat for GCN any risk can be minimised by the use of a working methodology. The measures to be followed should include all materials to be stored off the ground (for example on pallets) to minimise the likelihood of GCN accessing them for refugia, all spoil/waste materials to be removed from site at the end of each working day (or stored in a skip), the site should be maintained as sub-optimal prior to the commencement of works, all involved in the construction should be aware of the possible presence of great crested newts, and know what they look like.

Appendix B : Summary of representations received

Neighbours

One representation in support of the application as the proposal would enhance the village and is in keeping with the street scene. One representation objecting on the grounds of the loss of green space within the village, neighbours views will be ruined and the road will be even more cluttered and busy at the narrowest point possible. The village has always been classed as unsustainable as it offers no facilities other than a village hall and a pub on the main road, neither offer any real job opportunities and a car is required to access any nearby shops. Melton and Asfordby offer far better facilities and are more ecologically and environmentally sustainable than Kirby Bellars.

Appendix C : Applicable Development Plan Policies

Melton Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy SS3 Sustainable Communities (Unallocated Sites)
- Policy C2 Housing Mix.
- Policy EN1 Landscape.
- Policy EN6 Settlement Character.
- Policy EN8 Climate Change.
- Policy IN2 Transport, Accessibility and Parking.
- Policy IN4 Broadband.
- Policy D1: Raising the Standard of Design.

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