

Agenda

Meeting name	Planning Committee
Date	Thursday, 3 February 2022
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH
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	P. Posnett MBE (Chair)	M. Steadman (Vice-Chair)
	R. Browne	P. Chandler
	J. Douglas	E. Holmes
	J. Illingworth	D. Pritchett
	R. Smith	T. Webster
	P. Wood	

Quorum: 6 Councillors

Meeting enquiries	Democratic Services
Email	democracy@melton.gov.uk
Agenda despatched	Wednesday, 26 January 2022

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES To confirm the minutes of the meeting held on 13 January 2022	1 - 6
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	7 - 8
4.	SCHEDULE OF APPLICATIONS	
4.1	APPLICATION 21/00834/FUL Meadow Cottage, 37 New Road, Burton Lazars	9 - 24
5.	URGENT BUSINESS To consider any other business that the Chair considers urgent	



Minutes

Meeting name	Planning Committee
Date	Thursday, 13 January 2022
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor P. Posnett MBE (Chair)

Councillors

M. Steadman (Vice-Chair)	R. Browne
P. Chandler	J. Douglas
E. Holmes	J. Illingworth
D. Pritchett	R. Smith
T. Webster	C. Evans (Substitute)

Officers

- Assistant Director for Planning and Delivery
- Solicitor
- Senior Planning Officer (RR) (via remote connection)
- Senior Democratic Services & Scrutiny Officer

Minute No.	Minute						
PL60	<p>Apologies for Absence An apology for absence was received from Councillor Wood and Councillor Evans attended as his substitute.</p>						
PL61	<p>Minutes The minutes of the meeting held on 9 December were confirmed as a true record.</p>						
PL62	<p>Declarations of Interest Councillor Posnett held a standing personal interest in any matters relating to the Leicestershire County Council due to her role as a County Councillor.</p> <p>Minute PL65 – 21/01035/FUL – Field End, 10 The Green, Stathern Councillor Steadman advised that she would be representing her ward on this application by making a representation to the Committee. She would therefore take no part in the debate nor vote on this item in accordance with the Council’s Procedure Rules.</p>						
PL63	<p>Schedule of Applications</p>						
PL64	<p>Application 21/00834/FUL - Withdrawn This application was withdrawn from the agenda.</p>						
PL65	<p>Application 21/01035/FUL</p> <table border="1" data-bbox="288 1227 1442 1397"> <tr> <td data-bbox="288 1227 504 1267">Application:</td> <td data-bbox="504 1227 1442 1267">21/01035/FUL</td> </tr> <tr> <td data-bbox="288 1267 504 1308">Location:</td> <td data-bbox="504 1267 1442 1308">Field End, 10 The Green, Stathern -</td> </tr> <tr> <td data-bbox="288 1308 504 1397">Proposal:</td> <td data-bbox="504 1308 1442 1397">Demolition of existing barn and 2 existing dwellings and their replacement with 3 new dwellings</td> </tr> </table> <p>(At 6:04 pm, Councillor Chandler entered the meeting.) (Councillor Steadman declared her intention to speak as Ward Councillor and moved into the public gallery, took no part in the debate nor voted on this application.)</p> <p>The Assistant Director for Planning and Delivery addressed the Committee and provided a summary of the application and advised that since publication of the report, the Highway Authority had responded that they were happy with the parking provision despite mentioning that the access was not desirable but given the low traffic flow and small scale development they did not object to the application and provided conditions which were already included in the recommendation. Mr Worley also advised that a letter of objection had been received from the Parish Council which reiterated comments in the report about the age of the technical documents around flood, archaeology and wildlife and they related to the wider site rather than directly to the proposal. It was also queried as to whether the mains</p>	Application:	21/01035/FUL	Location:	Field End, 10 The Green, Stathern -	Proposal:	Demolition of existing barn and 2 existing dwellings and their replacement with 3 new dwellings
Application:	21/01035/FUL						
Location:	Field End, 10 The Green, Stathern -						
Proposal:	Demolition of existing barn and 2 existing dwellings and their replacement with 3 new dwellings						

sewerage system could accommodate this development and that an application had been made to the relevant authority to make a connection, during which they would assess capacity to be able to this demand.

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:

- Councillor Cherry Underwood of Stathern Parish Council
- Helen Broadhurst of Vale Planning Consultants
The Chair advised that an apology had been from Ms Broadhurst due to illness and the Chair read out her presentation.
- Councillor Mel Steadman, Ward Councillor

During discussion the following points were noted:

- It was disputed that the existing building was categorised as a barn and was considered to be a shed.
- There was concern that the application's supporting material mainly related to the previous application for 9 houses.
- The Assistant Director advised that the same issues were relevant from the previous report for 9 dwellings as the current report for 3 dwellings in relation to archaeology, geology and viewpoints. The drainage arrangements had changed as the new application referred to mains connection and the previous application included an attenuation pond.
- Emergency vehicles access was considered a concern as was turning into the development.
- It was felt the site was over-developed and offered 3 dwellings in an area where there should be 2 and there was no lack of housing supply in Stathern.
- It was considered parking was tight on the development and tandem parking was not desirable and went against the aim to raise standards.
- The development was considered to be in conflict with Local Plan Policies SS1, SS2, SS3, D1, EN1, EN6 and EN13. The emerging Neighbourhood Plan was included initially but this was not felt relevant at this time.
- It was felt the applicant should reconfigure the application and work with the Parish Council for a less intensive development.
- It was felt there was no justification for extending any building beyond the village and into the hillside.
- The Assistant Director advised that SS3 was not relevant to this site.

Councillor Browne proposed that the application be refused due to being in conflict with Local Plan Policies SS1, SS2, D1, EN1, EN6 and EN13. Councillor Pritchett seconded the motion.

RESOLVED

That the application be REFUSED, contrary to the Officer recommendation. The application represents overdevelopment which is out of character and unsympathetic to the site and its surroundings and would be harmful to the

character of this part of Stathern and the nearby Conservation Area. It is therefore in conflict with Local Plan Policies SS1, SS2, D1, EN1, EN6 and EN13.

(Unanimous)

(Councillor Steadman re-joined the Committee.)

PL66

Application 21/00056/FUL

Application:	21/00056/FUL
Location:	Penman Spicer Community Hall, Park Lane, Melton Mowbray, LE13 0PT
Proposal:	Conversion of existing Penman Spicer Community Hall to provide x5 studio 1 bed and 2 bedroom apartments and associated alterations and extensions

The Senior Planning Officer (RR) addressed the Committee and provided a summary of the application and that there had been further discussions between the Case Officer and the agent regarding the location of the wheelie bins storage which the conditions would cover. There was also reference to the scooter charging and cycle storage.

It was also noted from dialogue with the agent that there had been a decline in community use at the site and the investment, repair and upgrade needed to make it fit for purpose was not viable hence this application for redevelopment.

The Senior Planning Officer reported that a letter of objection had been received which disputed the lack of use of the community facility and considered that the decline had been due to a lack of maintenance and promotion of the site which had made potential users look elsewhere.

With regard to the proposed flats meeting the decent homes standard, this was covered by condition 6 and there would need to be assurances signed off by Environmental Health and any breaches could be subject to enforcement action.

The Senior Planning Officer did not know who owned the brick wall at the rear of the property.

It was raised that with regard to paragraph 4.11 of the report which referred to alternative community facilities being Springfield Street and The Cove, these were currently not available for community use and their future was unknown. Clarification was provided that the statement had come from the agent that these other community sites were available for use.

Members were concerned that such a statement was published in a report that was untrue and had not been checked or validated. Clarification was provided that this part of the report conveyed the applicant's justification as submitted.

There was also concern that the development would impact upon a sense of place, heritage, use of the town, importance to visitors, economy and crime.

Due to the above concerns, there was a suggestion as to deferring the application however it was noted that the speakers needed to address the Committee before a proposal could be put.

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:

- Laura McMullen of Hayward McMullen, Agent
Ms McMullen responded to a Member query that it had been the Planning Officer who had added the specific alternative community facilities into the report and not the agent as suggested.
She advised that the wall at the rear of the property would be landscaped as part of the scheme and the target audience was the smaller, starter homes' market.
- Councillor Chris Fisher, Ward Councillor

During discussion the following points were noted:

- Clarification was provided to demonstrate that the references to alternative community facilities were drawn directly from the applicant's Design and Access Statement submitted in January 2021 by means of reading its content.
- There was a view that the Council should be looking to improve community centres and assets and provide more space for leisure and activities for young people and young families.
- It was felt that covid had increased people's desire to spend more time with those in their communities and this proposal would create a significant loss when the Council should be cultivating community cohesion.
- The proposal was for squashed housing and was to the detriment of enhancing and promoting well-located community space.
- There was concern at the health and safety as well as fire risk in housing the wheelie bins in porches.
- It was noted that older people also could make use of this type of community space should it be retained.
- There was concern at the current dilapidated condition of the facility and whether it was viable to refurbish and be maintained in the future.
- It was felt that 5 units was too many in such a space and there were inconsistencies in that there was only cycle access for 2 of the units.
- Members considered that they needed to raise standards and although smaller housing was needed, this proposal was not fit for purpose and was poorly designed.
- It was felt that more time and thought was needed to design something that fitted with the heritage of the building and took into account better and safer storage arrangements for bins and cycles etc.

Councillor Browne proposed that the application be refused due to being in conflict with Local Plan Policies D1 and EN13. Councillor Pritchett seconded the motion.

RESOLVED

That the application be REFUSED, contrary to the Officer recommendation, due to being in conflict with Local Plan Policies D1 and EN13. The proposal represents overdevelopment resulting in inadequate provision of facilities for residents such as storage for bins and cycles and would be contrary to Policy D1 of the Adopted Melton Local Plan.

The development would fail to make a positive contribution to the character and distinctiveness of the Conservation Area with which it is located and is not a use which would contribute to the conservation of the special character of the Conservation Area. It would therefore be contrary to Policy EN13 of the Adopted Melton Local Plan.

(Unanimous)

PL67

Urgent Business

The Committee was reminded of the mandatory planning training session to be held on Monday 31 January 2022 at 6.30 pm and to respond to Democratic Services regarding their attendance.

The meeting closed at: 7.22 pm

Chair

Advice on Members' Interests

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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Helping people | Shaping places



Planning Committee

3 February 2022

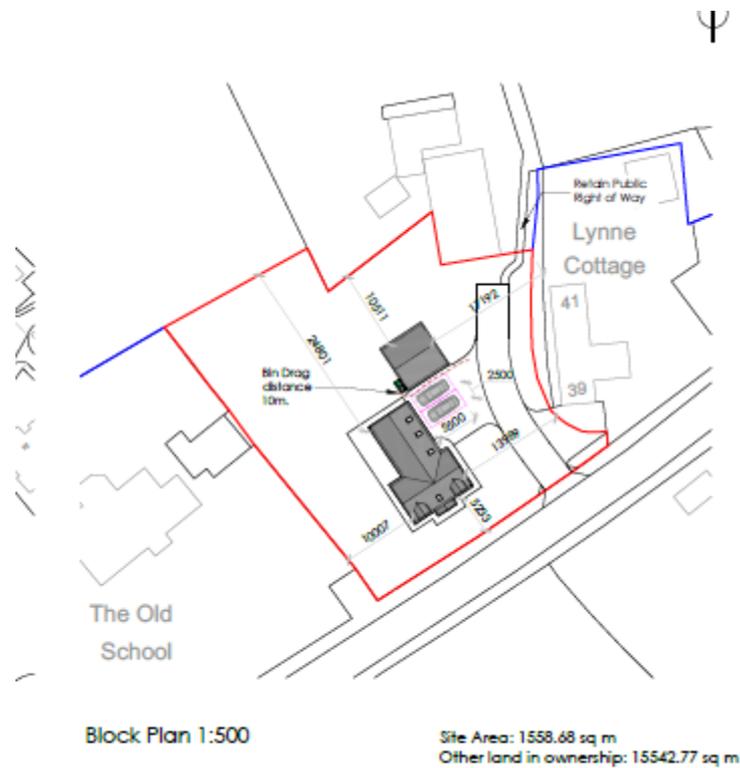
Report of: Assistant Director for Planning and Delivery

21/00834/FUL: Demolition of existing dwelling and outbuilding and erection of a replacement three-bedroom dwelling

Meadow Cottage 37 New Road Burton Lazars

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Robert Child
Date of consultation with Ward Member(s):	2 August 2021
Exempt Information:	No

1 Summary



- 1.1 The application relates to a 0.15 hectare site consisting of the residential curtilage of Meadow Cottage, part of an adjoining paddock to the west, and an access drive to the east. Meadow Cottage is a single storey detached dwelling finished in brick and timber cladding, with brick chimneys and a red pantile roof. The site is located within the main built up area of the settlement and is bounded to the east and west by existing dwellings. It is accessed off New Road which adjoins the site's southern boundary. There is a substantial hedgerow along this boundary which extends along the site's western boundary shared with The Old School, a neighbouring dwelling. Its east boundary adjoins the residential curtilage of Lynne Cottage, a detached dwelling. There is close boarded fence along the boundary between the existing dwelling and the site access. To the north of the site is a small group of paddocks in equestrian use.
- 1.2 The section of paddock within the site measures approximately 15m in width, adjoining the highway boundary to the south. The existing vehicle access is not currently finished with hardstanding being compacted earth topped with loose gravel. As well as Meadow Cottage this access serves the neighbouring dwelling to the east Lynne Cottage, the agricultural storage building to the rear of the site, and the paddocks themselves. There is an existing field access serving the paddock within the application site off New Road, it has grown over with vegetation and appears not to have been in use for a number of years.
- 1.3 There is a public right of way, footpath E1 which crosses the site north to south along the line of the existing vehicle access.
- 1.4 Planning application ref.16/00614/OUT for the demolition of the existing dwelling and outbuildings and the erection of up to 6 dwellings, with means of a new access was withdrawn.
- 1.5 This application seeks full planning permission for the demolition of the existing dwelling and outbuilding within the site and the erection of a replacement three-bedroom dwelling

house with a detached double garage, associated landscaping and means of access. The new dwelling would be traditional in design with side gables and a dual pitched roof, as would the detached garage. The dwelling would be located centrally within the plot's site frontage, its front building line would be similarly positioned to the existing dwelling within the site, and the dwelling would have a t-shaped floor plan. Limited details have been provided of the proposed landscaping scheme. The existing vehicle access would be widened, the scheme has been amended to remove the 2m wide footway which was included either side of the access.

RECOMMENDATION(S)

It is recommended the application is approved subject to conditions.

2 Reason for Recommendations

- 2.1 The application seeks full planning permission for the erection of a 3 bed, detached dwelling on the site of 37 New Road. The scheme has been amended to address concerns raised regarding the proposed site access. The scale of the access has been reduced and the 2m wide footways included either side of the access have been removed.
- 2.2 The site is located in a 'Rural Settlement' as defined by the Local Plan however, the proposal is for a replacement dwelling. A two bedroom bungalow would be replaced by a three bedroom house. Therefore it would not result in a significant increase in pressure on local infrastructure and services or less sustainable pattern of development over and above the existing situation. The new 3 bedroom house would meet a need and aspiration as identified in the results of the 2020 Questionnaire Survey completed as part of the draft Neighbourhood Plan, for 57% of respondents from Burton Lazars 3 bedroom houses was a top priority.
- 2.3 The proposal would raise the standard of design, while still reflecting the character of the surrounding area, including reflecting the local pallet of materials. On balance, due to its height, orientation and the separation distances involved the proposed dwelling would not adversely affect the amenity of neighbouring properties and would provide an adequate living environment for future occupiers of the proposed dwelling. The impact of the proposal on protected species would be mitigated through the inclusion of planning conditions to secure the measures identified in the submitted Ecology Report (2019). It is considered likely that the proposal would provide a safe site access and that sufficient parking space could be provided within the site, subject to comments from the LHA on the amended plans submitted.
- 2.4 To further mitigate the impacts of the proposed development a landscaping scheme including details of any means of enclosure, and details of how trees and hedgerows within and adjoining the site would be adequately mitigated, would be secured by planning conditions.
- 2.5 The proposed development would therefore accord to Policies C3, D1, EN1, EN2, EN6, EN8, EN12 and IN2 of the Melton Local Plan, the draft 'Design of Development' SPD, and the overall aims of the National Planning Policy Framework 2021. The proposal would be contrary to Policy SS1 - SS3 but an exception to that policy is considered justified because the proposed dwelling would replace and improve on the current situation.

3 Key Factors

3.1 Reason for Committee Determination

3.1.1 The application is required to be presented to the Committee due to receiving more than 10 letters of objection contrary to the recommendation.

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 Design of Development Supplementary Planning Document (SPD) is reaching its final stage of adoption, it was approved by cabinet on 13th October 2021 and is due to be adopted by full Council in December 2021, therefore significant weight can be afforded to this document. It will form part of the Development Plan.

3.2.4 The Draft Burton and Dalby Neighbourhood Plan is currently in the pre-submission consultation period which runs from Monday 11th October to Monday 22nd November 2021. As this document is only in the early stages very limited weight can be given to it.

3.3 **Main Issues**

3.3.1 The main issues presented by this application are considered to be:

- Principal of the development (Development plan policies)
- Character of the area
- Impact on Heritage assets
- Road safety
- Design quality

4 **Report Detail**

4.1 **Position under the Development Plan Policies**

4.1.1 The site is located within the main built up area of the settlement of Burton Lazars and is not allocated for development.

4.2 **Principle of Development**

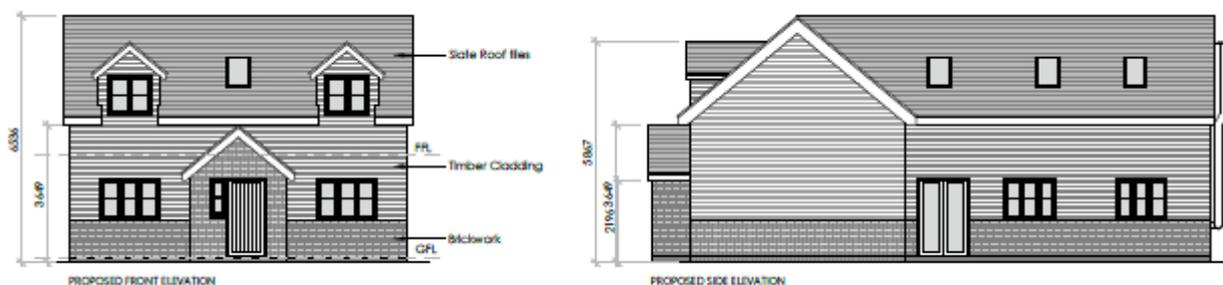
4.2.1 The development strategy for new development in Melton Borough is set out in LP policy SS2 which states (inter alia): "Alongside Service Centres and Rural Hubs, Rural Settlements will accommodate a proportion of the Borough's housing need, to support their role in the Borough through planning positively 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." New homes will be delivered on allocated and other sustainable sites in accordance with Policy SS1. Policy SS1 provides: "*When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*"

- 4.2.2 Burton Lazars is identified as a rural settlement in the Local Plan, development in rural settlements will be delivered through small unallocated sites which meet the needs and enhance the sustainability of the settlement in accordance with Policy SS3.
- 4.2.3 Inclusion as a 'Rural Settlement' reflects that Burton Lazars has been found to have less sustainability for new residential development and this has been reinforced in a number of recent appeal decisions. The main difference between the current proposal and the previously refused schemes for new residential development within the settlement, is that this application seeks permission for a single replacement dwelling rather than the provision of additional housing. It is noted that although planning application ref.12/00507/FUL was described as: 'Erection of replacement dwelling and new double garage', it was determined by the Planning Inspector that insufficient evidence had been submitted to substantiate that the timber structure was a dwelling and they dealt with the appeal on the basis that it was not for a replacement dwelling.
- 4.2.4 It appears that the existing dwelling within the application site has not been used for a period of around 10 years, according to comments made by local residents. The design and access statement indicates that it could not be occupied without substantial modernisation. However, it is not considered to be an abandonment of use, there is no suggestion that the existing building is structurally unsound or that it is not connected to basic utilities. It therefore seems possible that someone could take up residence in the existing dwelling following some renovations. The principle of residential development within the site is therefore established by the existing dwelling within the site and the re-use of the existing dwelling becomes the fall-back position in this case. It should also be noted that there are no restrictions on the existing dwelling's permitted development rights so it could easily be extended to create a larger dwelling within the site. As part of the early stages of the Neighbourhood Plan process the Parish Council in their 2020 Questionnaire Survey asked residents about their housing needs and aspirations. In response to their survey nine households (or someone currently living in that household) from Burton Lazars expected to need to move within the Parish within the next ten years. All this housing need came from people who wanted to buy on the open market or wanted affordable routes to home ownership. The 2020 survey also asked residents to identify their top three priorities for housing in the Parish. 70% of respondents from Burton Lazars identified two or three bedroom bungalows as a top three priority, 59% wanted two-bedroom houses and 57% three-bedroom houses. It is therefore considered that the proposal for a 3 bedroom house would accord with this aspiration. However it is not considered that this equates to the establishment of 'proven need' as required by Policy SS3 and further investigation may have provided a robust justification for a new dwelling of this size and tenure within the settlement if this policy was to be met..
- 4.2.5 While it has been acknowledged that the settlement has been considered unsustainable for additional housing development the proposal would not increase the number of dwellings within the settlement, it would replace a 2 bed single storey dwelling with a 3 bed two storey dwelling. The proposal would not put existing local services and infrastructure under any additional pressure than could result from the existing dwelling and as such would not lead to less sustainable pattern of development than at present.
- 4.3 **Impact upon the character of the area**
- 4.3.1 Policy D1 states (inter-alia) for all new development: "*a) Siting and layout must be sympathetic to the character of the area,*" and "*c) Buildings and development should be*

designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design;”

- 4.3.2 In addition to the residential curtilage of the existing dwelling at 37 New Road the application site extends to include a small section of paddock and a shared access track. The paddock within the application site represents a small break in what is otherwise a continuous street frontage. The land within the paddocks to the north of the site slopes up steeply towards the dwellings on Cross Lane. However, this green space is not readily visible from either New Road or Cross Lane other than slight glimpses between the existing dwellings.
- 4.3.3 The area of green space created by the paddocks to the north of the site is identified in the draft Neighbourhood Plan as a local green space. Two narrow fingers of green space extend down either side of the residential curtilage of the existing dwelling and adjoin the highway boundary. The finger to the west consists of the existing access track. The scheme has been amended to reduce the scale of the proposed new access and although it would be slightly widened into the residential curtilage of the existing dwelling its appearance would remain relatively unchanged. To the east the section of paddock which would be included in the residential curtilage of the new dwelling measures approximately 15m in width by 45m in length, terminating level with the northern boundary of the neighbouring dwelling The Old School. This area of green space is predominantly screened from the street by the existing boundary hedge and therefore makes a fairly limited contribution to the street scene. In addition, the majority of the paddock would remain open, as garden serving the proposed dwelling. The plans indicate that the hedge along the highway boundary would be retained which is welcomed, with new hedgerow planting proposed adjacent to the existing site access which is also a public right of way. The bulk of the identified local green space would be retained.
- 4.3.4 Within the street there is a wide variety of building styles, ages and sizes. There is not a defined building line with some dwellings built up to the highway boundary and others set well back into their plots. What unifies the street and gives the area a strong rural character is the greenery including the mature hedges and tree planting visible along the highway boundary. The retention and enhancement of the existing boundary hedge and the additional planting within the site is therefore welcomed, and it is suggested that a landscaping scheme, and tree and hedge protection measures are secured by planning conditions.
- 4.3.5 The built form of the dwelling would be located centrally within the plot, drawing the built development away from the adjacent public right of way. The footprint of the proposed dwelling would be similar in size to that of the existing dwelling, and its front elevation would be 0.7 metres narrower. The new dwelling would be taller measuring 6.5 metres in height to the ridge, an increase of about 2m on the existing. However, despite its increased height the new dwelling would remain over a metre lower than the adjacent dwellings The Old School House and Lynn Cottage, which it would be viewed in the immediate context of. The new dwelling would be set slightly further back into the site than the existing, located a similar distance from the highway boundary as Lynn Cottage. Its impact upon the street and the adjacent public right of way would be softened by the boundary hedge and other screen planting.
- 4.3.6 The design of the new dwelling would include a dual pitched roof with side gables, gabled dormers and a gabled porch in the front elevation. These design features are common within the street and the front elevation of the proposal would be similar in appearance to

the adjacent dwelling The Old School House, albeit smaller in scale. The materials proposed include facing bricks, with timber cladding above and a slate roof, which are all materials visible within the street scene.



- 4.3.7 The proposed detached garage would be located at the rear of the dwelling. It would have a small footprint and a lower height than the dwelling so that it appears suitably subservient to it. The materials used would match those of the dwelling ensuring continuity of design. The garage would be visible from New Road along the public footpath, but would be viewed in the context of the neighbouring agricultural building and neighbouring residential properties.
- 4.3.8 On balance it is considered that the siting and layout of the proposed dwelling and garage would be sympathetic to the character of the area, and their design reflects the wider context of the local area and respects the local vernacular.

4.4 Impact on heritage assets

- 4.4.1 Both of the neighbouring dwellings Lynne Cottage and The Old Schoolhouse are identified as locally listed buildings in the draft Neighbourhood Plan. Although only very limited weight can be afforded to the neighbourhood plan, the buildings do appear to have some historic significance and so can be considered non-designated heritage assets.
- 4.4.2 Policy EN13 states (inter-alia): “The Council will take a positive approach to the conservation of heritage assets and the wider historic environment through: A) seeking to ensure the protection and enhancement of Heritage Assets including non-designated heritage assets when considering proposals for development affecting their significance and setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.” The proposed access would be located adjacent to Lynn Cottage. The access road as originally proposed would have contrasted with the strong rural character of New Road which has narrow footpaths, grass verges, and green boundary treatments. Its urban character would also have harmed the setting of Lynn Cottage. To address these concerns the scheme has been amended so that the site access has been reduced to what is necessary to serve the two dwellings and the small agricultural building at the rear of the site.
- 4.4.3 For the reasons outlined above the proposal would protect the setting of the adjacent non-designated heritage assets. The landscape improvements proposed including the extension of the boundary hedge would enhance their rural setting.

4.5 Impact upon residential amenities

- 4.5.1 Policy D1 states (inter-alia) for all new development: “d) *Amenity of neighbours and neighbouring properties should not be compromised;*”

- 4.5.2 The new dwelling would be set in from the shared boundary with The Old Schoolhouse by 10 metres. It would be set forward of the front building line of the neighbouring dwelling but the layout would provide a separation distance in excess of 21m, which in accordance with the Design SPD should provide high standards of privacy and outlook for both existing and proposed residents.
- 4.5.3 The separation distance provided between the proposal and the neighbouring dwelling Lynn Cottage would fall below 21, at a minimum of 15.3 metres measured from the front corner. The facing elevation of Lynn Cottage includes both ground and first floor windows serving habitable rooms. Two ground floor windows serving an open plan kitchen are proposed in the east elevation of the new dwelling facing Lynn Cottage, they would be separated by at least 21 metres. Therefore, it is not considered that the proposal would compromise the neighbour's privacy or the privacy of future occupiers.
- 4.5.4 Due to its siting, the new dwelling would reduce outlook from the windows in the west elevation of Lynn Cottage. The separation distances between the windows in Lynn Cottage and the new dwelling would range between around 16 metres to 23 metres. Harm would be mitigated by new dwellings low height and the location of its eaves adjacent to the facing elevation of Lynn Cottage. This loss of outlook is very finely balanced but overall it is considered that the outlook from Lynn Cottage would not be adversely affected to an unacceptable extent.
- 4.6 **Highway Safety**
- 4.6.1 The importance of providing a safe access and sufficient on-site parking is set out in Policy D1, all development will be assessed against criteria including: "*i) Proposals include appropriate, safe connection to the existing highway network; and k) Makes adequate provision for car parking;*"
- 4.6.2 It is noted that the Local Highway Authority (LHA) initially raised some questions over the use of the proposed access which the Applicant has answered, confirming it would be used by the proposed dwelling, Lynn Cottage and by users of the paddocks at the rear including proportionately sized agricultural vehicles used periodically to maintain the grass. These vehicles are stored in the adjacent agricultural storage building and would be unaffected by the proposed development.. The LHA also requested additional information including pedestrian and vehicle and visibility splays be submitted. An amended site access drawing was submitted along with details of the future use of the site access and the LHA were been re-consulted.
- 4.6.3 The amended plans include the provision of a less formal access arrangement and address the detailed matters originally raised by the Highways Authority. In response the Highways Authority raises no objections to the proposed site access and considers the proposal would not result in a significant increase in vehicle trips. They request that the applicant is reminded that no obstruction above a height of 0.6m should be provided within the visibility envelope, a condition has been suggested for inclusion to ensure this. The treatment of the public right of way (PROW) Footpath E1 which runs in a north to south direction through the site access could also be secured by condition. The Highways Authority advises if the applicant wishes to divert the Footpath on a permanent basis then this can be discussed as a separate matter, outside of the planning process.
- 4.6.4 With regards to the internal layout of the site the Highways Authority confirms two parking spaces would be required for a dwelling with up to three beds. The parking spaces should

measure a minimum of 2.4 x 5.5 metres with an additional 0.5 metre strip where bounded by a wall/ hedge/ fence etc. which can be accommodated within the site.

4.7 Ecology

4.7.1 Policy EN2 states: “The Borough Council will seek to achieve net gains for nature and proactively seek habitat creation as part of new development proposals. It will protect and enhance biodiversity, ecological networks and geological conservation interests”. The application is supported by an Ecology Report dated June 2019. The comments received from County Council’s Senior Ecologist are supportive of the proposal. Although concerns were raised by some local residents, no concerns were raised by this expert consultee over the impact of the proposed development on protected species or wildlife generally within the site. As recommended in the Ecology Report mitigation on impacts on badgers, hedgehogs, and bats will be required, it is recommended on the advice of the Senior Ecologist that these are secured by planning conditions.

4.8 Flood Risk/Drainage

4.8.1 With regards to drainage Policy EN12 provides: “All developments will be expected to be designed to achieve, where appropriate, a net decrease in surface water run-off rates, including through green infrastructure provision such as the planting of native trees and bushes and the consideration of using ‘green roofs’.” And “All developments on greenfield sites will be expected to achieve greenfield run-off rates. All developments will be required to manage surface water through keeping to a minimum the creation of non-permeable areas.”

4.8.2 The Environment Agency’s surface water flooding maps show the site to be at very low risk of surface water flooding (Flood Zone 1). The proposal would result in an increase in hard surfaces within the site but surface water run off rates would be mitigated through the proposed hedge planting. Residential gardens are greenfield sites and so there is an expectation that the proposal achieves green-field run-off rates. To address this it is suggested that a landscaping plan detailing all hard and soft surface treatments proposed is to be submitted and approved prior to commencement of the development. The Agent has agreed to the inclusion of this condition.

5 Consultation & Feedback

5.1 A site notice was posted on 10.08.2021 with responses due by 31.08.2021 with the proposal also being advertised in letters sent to the immediate neighbours of the site. A total of 17 letters of objection and 3 letters in support of the application have been received from 20 households. Details are contained within Appendix B.

6 Financial Implications

6.1 No financial implications have been identified.

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

7.1 No legal or governance issues have been identified.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

8 Background Papers

8.1 None

9 Appendices

- 9.1 A: Consultation responses
B: Representations received
C: Recommended Conditions
D: Applicable Development Plan Policies

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Appendix A : Summary of Statutory Consultation Responses

Parish Council: Object to the application, in summary on the following grounds:

- a. Conflicts with LP Policy SS3, the development does not provide housing which meets a proven local need; does not respect the Borough's landscape and settlement character such that it conforms with policies EN1, EN4 & EN6; and that (where relevant), the design conforms with policy D1; the development will be served by sustainable infrastructure; the development respects ecological, heritage and biodiversity features.
- b. The Local Plan identifies Burton Lazars as a Rural Settlement that is not served by sustainable infrastructure and service; where there is no proven local need for housing and where future residents are likely to depend highly on the use of the car.
- c. Recent application have been refused on the grounds of the unsustainable nature of the village. An application opposite the site failed at appeal (APP/Y2430/A/12/2189008) because it failed to present substantive evidence of a local need for the proposed development.
- d. The Local Plans initial consultation confirmed that 56% of respondents to the 2020 Questionnaire Survey wanted to see no new homes built in Burton Lazars. It also confirmed there was no local need for housing of the type identified in this application.
- e. The pattern of development on New Road becomes more open towards the east away from Melton Road with large landscaped plots and gaps in the frontage giving the road a pleasant spacious character. The application site, along with the paddock and trees behind, forms an attractive feature in the street scene.
- f. The replacement structure is not proportionate to the size, scale, mass, or footprint of the original dwelling, nor is it situated within the original curtilage. It would bring the building line closer to the road and due to its height would be visible in all directions. It would increase the built form and remove a gap in the street frontage. The character of the area would be eroded with a detrimental impact on the settlement.
- g. The character of New Road at this location is defined by two of the oldest buildings in the village. The Old School House (1835), and Lynne Cottage which is a locally important heritage asset recorded on the HER, and thought to be the second oldest building in the village after the church.
- h. Policy EN13 seeks to ensure the enhancement of heritage assets when considering development affecting their significance and setting. The proposed east elevation does

not relate to the character of nearby Lynne Cottage, the design and selection of materials is not visually harmonious with either The Old School or Lynne Cottage.

- i. The proposal fails to protect or enhance the neighbouring heritage assets.
- j. It makes no meaningful contribution to the borough's housing targets or the identified housing need in the village.
- k. Any need for this type of development will be met by the proposed Melton South development for over 1000 new homes.
- l. It stands outside the draft Neighbourhood Plan.
- m. The design is unsympathetic to the character and appearance of the area.
- n. No need for additional housing in a village which is not served by sustainable services or infrastructure.

LCC Ecology: Do not object. On reviewing the up to date ecology survey the Senior Ecologist commented, in summary: even though the survey is just over 2 years old not much has changed since the earlier survey. Mitigation on impacts on badgers, hedgehogs, and bats will be required. As per the recommendations made in the report section 6.3.2 – 6.3.13 (Baker Consultants, June 2019). This mitigation should be secured by planning condition. The applicant should note that it is likely that an EPS licence will be required to disturb the bat roost in the garage building.

LCC Highways as the Local Highway Authority (LHA): The Highways Authority initially objected to the proposal on the grounds that the proposed access including 2m wide pedestrian footpaths would be over engineered, in addition they requested additional information on the use of the access in terms of the properties it would serve and the vehicles that would use it. In response to the amended plans submitted and received on the 14th December the Highway Authority withdrew their objection. In summary they advised the impacts of the proposed development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. The plans show a 4.25m wide access alongside pedestrian visibility splays of 1 x 1m. Vehicular visibility splays of 2.4 x 43m were previously shown on drawing ref.WIE10344 06 001C Rev.A01. The applicant is reminded that no obstruction above a height of 0.6m should be provided within the visibility envelope. The LHA have had confirmation that the buildings and fields served by the existing access track, including the adjacent dwelling 39 New Road, will be accessible from the proposed access. The LHA requests that the treatment of the Public Right of Way which runs north/south through the site access is secured by condition. They confirmed no Personal Injury Collisions (PICs) have taken place in close proximity to the site within the most recent five-year period. And the development of a replacement dwelling would be unlikely to result in a significant increase of trips. Finally with regards to the internal layout the LHA set out that 2 parking spaces would be required on site and the dimensions of these spaces. A number of conditions and informatives have been suggested for inclusion.

Appendix B: Summary of representations received.

A total of 17 objections, and 3 letters in support of the application have been received on the following grounds:

- Not suitable
- The replacement should be another bungalow not a house

- Small affordable properties are needed in the village for older people looking to downsize
- The village has no facilities for families
- To encroach on the adjoining paddock would be detrimental to local wildlife
- Our water supply runs through this site to the houses on Cross Lane, the proposal would mean disruption
- A bungalow would be preferable to save as much green space as possible
- Burton Lazars is identified in the LP as a rural settlement that is not served by sustainable infrastructure or services
- No substantive evidence to demonstrate a proven local need
- The proposal would not be served by or provide new infrastructure or services to benefit the village
- The existing property has not been lived in for many years therefore the proposal would be contrary to LP policies SS1, SS2 and SS3.
- The proposal would lead to further development on this important and unique part of the village.
- The existing property needs redevelopment but any replacement should be within the current footprint of the existing property and garden, and be of a similar height.
- The current building is an eyesore and something needs to be done to improve the site but the proposed development is not suitable.
- This will cause more problems along New Road which is very narrow in places.
- When we purchased our property we were advised no property would ever be built in the paddock.
- The application is in an area where recent applications have been refused on the basis that need is not shown.
- The new development would clearly be visible from the footpath to the north of the site
- Any on street parking would be a real problem for emergency services in the area and grain lorries which pass through the village as the width of the road is narrow, and there is only a shallow pavement. There must be adequate visitor parking and passing/turning spaces provided.
- The use of soakaway drainage may not work due to the existence of small natural springs in the area.
- Such valuable spaces within the village currently support the grazing, stabling and recreational opportunities for residents who own horses, sheep and dogs.
- The building is much loved by local residents of the village and regular users of the footpath.
- The significant portion of the new building visible above the hedgerow would increase the built form evident in the street scene and thus and the modernised entrance would intrude on the visible gap in the street frontage.
- The materials proposed are not visually sympathetic to the neighbouring dwellings.

- The proposal is a detached house exceeding the height and footprint of the current bungalow increasing footfall to the village and traffic.

Support

- The existing property is in keeping with what?
- It is a health and safety accident waiting to happen
- The current property is awful to look at, I should know living next to it
- It should be demolished and replaced with something which strikes a balance between being interesting on the eye and in keeping with the village
- The current property is tiny and preventing the increase in the footprint makes little sense
- A bungalow would not serve any younger families wanting to move to the village
- Using a small portion of the paddock would not infringe on wildlife or create a precedent for further mass dwellings to be built.
- The idea of a house causing a bigger increase in footfall and traffic than a house is laughable, they both will but it would be minor.
- The proposed building would not hugely alter the amount of light to the neighbouring properties and doesn't block current access points to driveways.
- I feel it is in the village's best interests to support this application.
- It would be sensible to replace the existing building with something habitable and adds to the area, the application does both in a way that is in character with the surrounding properties.

Appendix C : Recommended Conditions

1. The development 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 S51 of the Planning and Compulsory Purchase Act 2004

2. The proposed development shall be carried out strictly in accordance with the following documents and drawings;

- Application forms;
- Design and Access Statement;

Drawings numbered -

- P/001
- P/002
- P/003

- P/004
- P/005
- P/006

And amended drawing -

- P 002 Rev B

Submitted to and received by the Local Planning Authority on 12 July and 14 December 2021.

Reason: For the avoidance of doubt.

3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details

Reason: To ensure a satisfactory standard of external appearance.

4. Prior to the commencement of development a written scheme the hard and soft landscaping of the site (including the location, number, size and species of any new trees/shrubs to be planted and means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority. The scheme must be carried out in accordance with the approved details no later than during the first planting season (October-March) following either the substantial completion of the development or the new dwelling being brought into use, whichever is sooner. Once completed all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

Reason: To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area.

5. The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted shall take place until tree protection measures have been submitted to and agreed in writing. The details of the approved tree protection measures shall be fully implemented prior to the commencement of development. Thereafter the approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected areas without the written agreement of Local Planning Authority.

Reason: To ensure that the work is carried out to satisfactory standard to minimise any adverse impact on the health of the identified trees and hedges.

6. All works shall be in accordance with the recommendations of the Ecological Appraisal (June 2019) and Update Survey Report and Biodiversity Net Gain (October 2021) submitted and received by the Local Planning Authority on 31 July and 13 October 2021.

Reason: To ensure satisfactory provision is maintained for the protection of Protected Species.

7. No part of the development hereby permitted shall be occupied until such time as the

access arrangements shown on Drawing P/002 Rev. B have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

8. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43.0 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

9. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Drawing P/002 Rev. B. 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 the National Planning Policy Framework (2019).

10. No development shall take place until a scheme for the treatment of the Public Right of Way has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (2021).

Appendix D : Applicable Development Plan Policies

Melton Local Plan

SS1 – Presumption in favour of sustainable development

SS2 – Development Strategy

SS3 – Sustainable Communities (unallocated sites)

C2 – Housing mix

C3 – National Space Standard and Smaller Dwellings

D1 – Raising the standard of Design

EN1- Landscape

EN2 – Biodiversity and Geodiversity

EN6 – Settlement character

EN9 – Low Carbon and Energy Efficiency

IN2 – Transport, accessibility and parking

Draft Burton and Dalby Neighbourhood Plan

Policy B&D1: Landscape Character

Policy B&D4: Burton Lazars Character

Policy B&D8: Ecology and Biodiversity

Policy B&D9: Local Green Spaces

Policy B&D11: Non-Designated Heritage Assets

Policy B&D12: Design

Policy B&D16: Windfall Housing in Burton Lazars