

Agenda

Meeting name	Planning Committee
Date	Thursday, 11 July 2024
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	A. Thwaites (Chair)	J. Mason (Vice-Chair)
	P. Allnatt	I. Atherton
	S. Atherton	R. Browne
	P. Cumbers	M. Glancy
	M. Gordon	L. Higgins
	D. Pritchett	

Quorum: 6 Councillors

Meeting enquiries	Democratic Services
Email	democracy@melton.gov.uk
Agenda despatched	Wednesday, 3 July 2024

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES To confirm the minutes of the meeting held on 6 June 2024.	1 - 4
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	5 - 6
4.	SCHEDULE OF APPLICATIONS	
4.1	APPLICATION 23/00164/DIS Land east of Jericho Covert, Jericho Lane, Barkestone Le Vale	7 - 24
4.2	APPLICATION 21/00085/FUL The Lodge, Ashby Folville	25 - 48
4.3	APPLICATION 22/00063/FUL Land OS 481195 338112, Castle View Road, Easthorpe	49 - 66
4.4	APPLICATION 24/00332/TPO King Edward VII Upper School Community Sports Centre (Melton Sports Village), Burton Road, Melton Mowbray	67 - 74
5.	URGENT BUSINESS To consider any other business that the Chair considers urgent	



Minutes

Meeting name	Planning Committee
Date	Thursday, 6 June 2024
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor A. Thwaites (Chair)

Councillors J. Mason (Vice-Chair) P. Allnatt
 I. Atherton S. Atherton
 P. Cumbers M. Glancy
 M. Gordon D. Pritchett
 A. Freer (Substitute) R. Sharp (Substitute)

Officers Assistant Director for Planning
 Planning Development Manager
 Legal Services Manager
 Senior Planning Officer (AC)
 Planning Officer (AS)
 Senior Democratic Services and Scrutiny Officer
 Democratic Services Officer (SE)
 Democratic Services Officer (CB)

Minute No.	Minute
PL1	<p>Apologies for Absence Apologies for absence were received from Councillors Browne and Higgins.</p> <p>Councillor Freer was appointed as substitute for Councillor Browne and Councillor Sharp was appointed as substitute for Councillor Higgins.</p>
PL2	<p>Minutes</p> <p>Application 23/01159/FUL – Land off Ashby Road, Twyford Councillor Gordon requested that her vote against the decision for the above application be recorded and this be added to the minutes.</p> <p>Subject to the foregoing, the Minutes of the meeting held on 14 May 2024 were approved as a true record.</p>
PL3	<p>Declarations of Interest There were no declarations of interest.</p>
PL4	<p>Schedule of Applications</p>
PL5	<p>Application 23/00479/FUL Location: Field OS8695, Brooksby Road, Hoby Proposal : One detached dwelling with associated access and landscaping</p> <p>The Planning Officer (AS) addressed the committee and provided a summary of the application together with putting forward an additional condition as follows:</p> <p>‘No development shall commence on site until such time as the existing and proposed ground levels of the site and proposed finished floor levels including full finished site sections showing the development and site have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.</p> <p>Reason: To ensure that the development minimises the risk of flooding elsewhere and to safeguard against adverse effects on the landscape character of the area in accordance with policies D1, EN6 and EN11 of the Melton Local Plan and Neighbourhood Plan Policies 1, 8 and 14.’</p> <p>Following the presentation, Members asked questions for clarification.</p> <p>Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council’s Constitution in relation the public speaking at Planning Committee, the Chair allowed the following to give a three minute presentation:</p>

- Councillor James Falconer Smith, Hoby with Rotherby Parish Council
- John Coleman, Objector
- Jacqueline Jackson, Planning Consultant, Marrons
- Councillor Ronan Browne, Ward Councillor

During debate the following points were raised:

- It was put forward that Hoby was an unsustainable village with no support or regular transport services and therefore under policy SS3, development should not be approved
- It was mentioned that the Planning Inspector had advised that the principle of development was acceptable as the site was on the edge of the village which aligned with the Neighbourhood Plan Policy 14
- The most recent housing needs survey had said there was a need for at least 4 new homes in the Parish of Hoby with Rotherby and Brooksby forming the wider Parish area
- It was felt that the speakers had provided local knowledge and evidence that the site flooded which did not appear to align with the statutory response and risk rating therefore some Members were uncomfortable to approve unless there were mitigating circumstances
- There was concern at the hydrology of the site and the impact of the construction as well as the materials needing to be approved prior to construction
- There was a suggestion for a wide culvert to be built to help the drainage of the site and it was noted that this was outside of the Committee's remit
- The Planning Development Manager advised that most flooding concerns could be addressed by conditions

Due to concerns regarding the risk of flooding and the potential impact on others, an amendment to condition 10.14 was put forward as follows:

‘Prior to the commencement of the development hereby permitted a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the development does not increase the risk of flooding elsewhere by ensuring that the run off from the site does not exceed greenfield run-off rates. The development must not be occupied or first brought into use until the drainage scheme has been implemented and completed in accordance with the approved details.

Reason: To include both policies EN11 and EN12 of the Melton Local Plan.’

Councillor Thwaites proposed the recommendation in the report including the new condition as outlined within the presentation and the amended condition 10.14, both of which are as set out above, along with amending condition 10.3 so that materials are submitted prior to commencement of development. Councillor Mason seconded the motion.

RESOLVED

That the application be approved subject to the conditions in the report as

well as the new condition as outlined within the presentation and the amended condition 10.14 and 10.3 as set out above.

(7 For, 4 Against, 0 Abstentions)

(Councillor Gordon requested that her vote against the decision be recorded.)

REASONS

The reasons for approval were as outlined in the report.

PL6

Urgent Business

There was no urgent business.

The meeting closed at: 7.40 pm

MEMBER INTERESTS

Do I have an interest?

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

A “Disclosable Pecuniary Interest” is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land/Property, Licences, Tenancies and Securities.

A Disclosable Pecuniary Interest is a Registerable Interest. Failure to register a DPI is a criminal offence so register entries should be kept up-to-date.

2 OTHER REGISTERABLE INTERESTS (ORIs)

An “Other Registerable Interest” is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

3 NON-REGISTRABLE INTERESTS (NRIs)

“Non-Registrable Interests” are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.

Declarations and Participation in Meetings

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

- 1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:
- you must disclose the interest;
 - not participate in any discussion or vote on the matter; and
 - must not remain in the room unless you have been granted a Dispensation.

2 OTHER REGISTERABLE INTERESTS (ORIs)

- 2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:
- you must disclose the interest
 - may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - must not remain in the room unless you have been granted a Dispensation.

3 NON-REGISTRABLE INTERESTS (NRIs)

- 3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:
- you must disclose the interest;
 - may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - must not remain in the room unless you have been granted a Dispensation.

4 BIAS

- 4.1 Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or 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):
- you should not take part in the decision-making process
 - you should state that your position in this matter prohibits you from taking part
 - you should leave the room.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.



Planning Committee

11 July 2024

Report of: Assistant Director for Planning

Reference: 23/00164/DIS

Proposal: Application for the approval of details reserved by Condition 4 - Written Scheme of Investigation (WSI) Condition 5 - Construction Method Statement Condition 11 - Passing Bay Details on Castle View Road Condition 22 - Construction Traffic Management Plan (CTMP) of Planning Permission 20/01182/FUL

Site: Land East Of Jericho Covert Jericho Lane Barkestone Le Vale

Applicant: Green Farm Solar Ltd.

Planning Officer: Andrew Cunningham

Report Author:	Andrew Cunningham , Senior Planning Officer
Report Author Contact Details:	01664 502474 ancunningham@melton.gov.uk
Chief Officer Responsible:	Sarah Legge , Assistant Director for Planning
Chief Officer Contact Details:	01664 502380 slegge@melton.gov.uk

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillors Simon Orson and Christopher Evans (Long Clawson and Stathern) Councillors Donald Pritchett and James Mason (Bottesford)
Date of consultation with Ward Member(s):	10 March 2023
Exempt Information:	No

Reason for Committee Determination:

Letters of representation have been received from more than 10no. households, contrary to the Officer recommendation and Councillor Evans has requested that the application be reported to Planning Committee.

Web Link:

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=RQDTS8KOMKZ00>

What 3 words:

<https://w3w.co/uproot.crafted.acoustics> (location of the construction access point)

<https://w3w.co/dock.nightlife.fancy> (location of the substation access point)

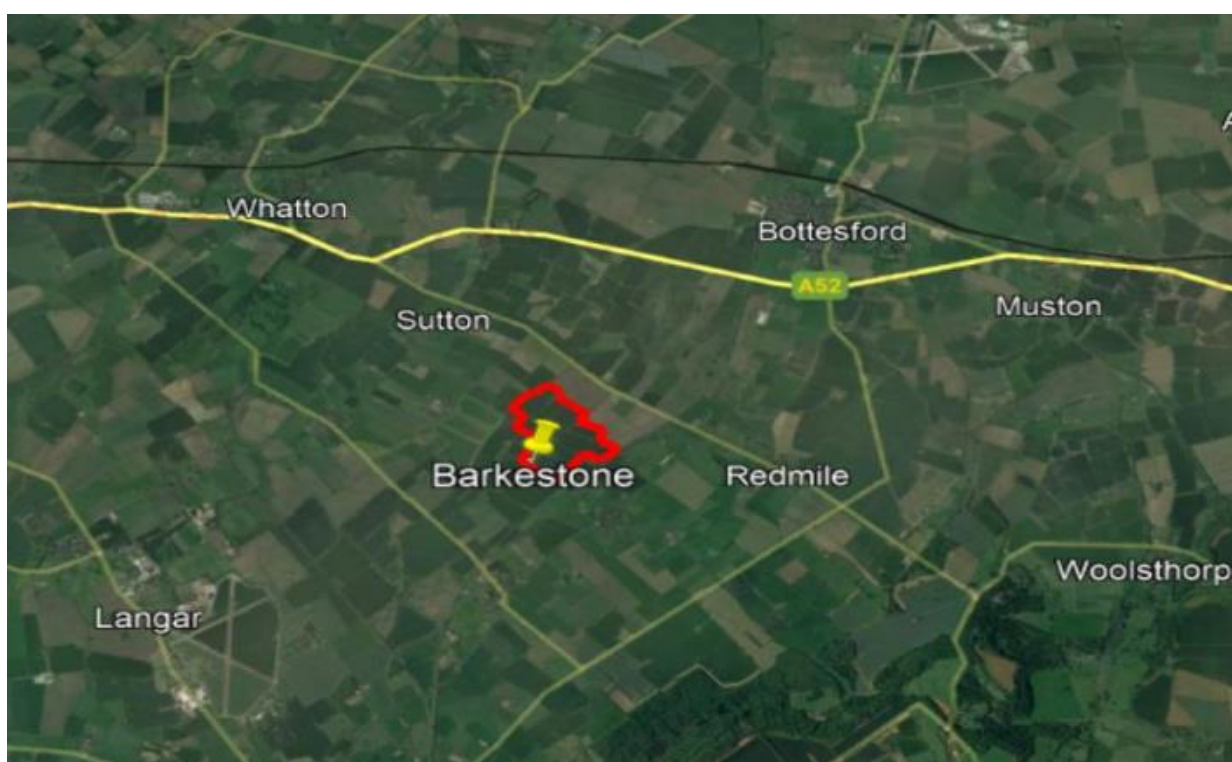
Previous committee report:

20/01182/FUL -

<https://democracy.melton.gov.uk/ieListDocuments.aspx?CId=134&MId=1402&Ver=4>

RECOMMENDATION(S)
1. Approves the detail submitted.

1 Executive Summary



1.1 Planning permission reference 20/01182/FUL was granted by Planning Committee on 19th August 2022 for:

‘Installation of a solar farm comprising ground mounted solar PV panels with a net generating capacity (AC) of up to 49.9MW, including mounting system, battery storage units, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements for a temporary period of 40 years and a permanent grid connection hub.’

1.2 This application seeks to approve details reserved by Conditions 4, 5, 11 and 22 of the 20/01182/FUL planning permission as follows

Condition 4 - Written Scheme of Investigation (WSI)

Condition 5 - Construction Method Statement

Condition 11 - Passing Bay Details on Castle View Road

Condition 22 - Construction Traffic Management Plan (CTMP)

- 1.3 With applications seeking to approve details reserved by condition, the Local Planning Authority (LPA) are predominantly reliant upon and guided by responses from statutory consultees on the information that is submitted, given that the conditions are normally requested by the relevant consultees.
- 1.4 In this instance, condition 4 was recommended by LCC Archaeology, condition 5 by a number of consultees including relevant highway authorities and LCC Ecology, condition 11 by LCC Highways and condition 22 by relevant highway authorities. The relevant highway authorities are LCC Highways, Nottinghamshire Highways and National Highways.
- 1.5 For members' reference, condition 11 (passing bays) sits within the Bottesford Ward and relates to Castle View Road and access to the substation site.
- 1.6 Although there is no requirement to undertake consultation with neighbouring properties or Parish Councils, Barkestone Redmile and Plungar Parish Council, Long Clawson and Stathern Ward Members have been consulted as well as Bottesford Parish Council and Bottesford Ward Members in relation to condition 11.
- 1.7 Following receipt of positive consultee responses from those statutory and technical consultees that requested the conditions, as well as consideration of the detail by the LPA, it is considered that the details submitted are acceptable, in line with the provisions and requirements of the condition and can be satisfactorily discharged.

Main Report

2 The Site

- 2.1 The solar farm site comprises approximately 74 hectares of agricultural fields to the north west of the village of Barkestone Le Vale and to the south east of the village of Granby, and currently used for agricultural purposes. The grid connection point is sited off Castle View Road to the south of the A52.
- 2.2 The main site construction access is via a temporary haul road from Sutton Road to the northeast of the site via an existing field access.
- 2.3 The proposed grid connection point is connected to the proposed solar farm via a trenched cable beneath the intervening farmland as shown on the submitted block plans. Condition 6 of the original permission required details of cabling works to be submitted. The details for this condition (number 6 of the planning approval) are not submitted for consideration at this time.

3 Planning History

- 3.1 20/01182/FUL – Planning Permission Permitted 19th August 2022 - 'Installation of a solar farm comprising ground mounted solar PV panels with a net generating capacity (AC) of up to 49.9MW, including mounting system, battery storage units, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements for a temporary period of 40 years and a permanent grid connection hub.'

4 Proposal

- 4.1 The application is to approve details reserved by conditions associated with planning permission reference 20/01182/FUL. The process for a Discharge of Condition is to consider the acceptability of the details submitted. In this instance, the submission relates

to the Written Scheme of Investigation, Construction Method Statement, Passing Bay Details on Castle View Road and Construction Traffic Management Plan, the details of which will be considered below.

- 4.2 The process of considering the acceptability of details submitted to discharge planning conditions does not allow for further consideration of, or re-determination of the original planning consent.

5 Amendments

- 5.1 Several amendments have been undertaken to the Construction Method Statement and Construction Traffic Management Plan during the submission, seeking to address requests from LCC Highways. A further technical note was also submitted to provide clarification regarding the Barkestone, Redmile and Plungar Parish Council comments and specifically in relation to construction traffic numbers.

6 Planning Policy

6.1 National Policy

- 6.1.1 National Planning Policy Framework (NPPF)

- 6.1.2 National Planning Policy Guidance (NPPG)

6.2 Melton Local Plan

- 6.2.1 Policy SS1. Presumption in favour of Sustainable Development

- 6.2.2 Policy SS2. Development Strategy

- 6.2.3 Policy EN1. Landscape

- 6.2.4 Policy EN2. Biodiversity and Geodiversity

- 6.2.5 Policy EN3. The Melton Green Infrastructure Network

- 6.2.6 Policy EN6. Settlement Character

- 6.2.7 Policy EN8. Climate Change

- 6.2.8 Policy EN9. Ensuring Energy Efficient and Low Carbon Development

- 6.2.9 Policy EN10. Energy Generation from Renewable and Low Carbon Sources

- 6.2.10 Policy EN11. Minimising the Risk of Flooding

- 6.2.11 Policy EN12. Sustainable Drainage Systems

- 6.2.12 Policy EN13. Heritage Assets

- 6.2.13 Policy IN2. Transport, Accessibility and Parking

- 6.2.14 Policy D1. Raising the Standard of Design

6.3 Neighbourhood Plan

- 6.3.1 Neighbourhood Planning Policy 1: Sustainable Development and the Village Envelopes

- 6.3.2 Neighbourhood Plan Policy 2: Protecting the Landscape Character

- 6.3.3 Neighbourhood Plan Policy 3: Protecting and Enhancing Biodiversity

- 6.3.4 Neighbourhood Plan Policy 6: Reducing the Risk of Flooding

- 6.3.5 Neighbourhood Plan Policy 7: Improving Connectivity

- 6.3.6 Neighbourhood Plan Policy 8: Ensuring High Quality Design
- 6.3.7 Neighbourhood Plan Policy 9: Renewable Energy and Low Carbon Technologies
- 6.3.8 Neighbourhood Plan Policy 12: Protecting Heritage Assets

6.4 **Other**

- 6.4.1 National Planning Policy Framework (2023)
- 6.4.2 National Planning Policy Guidance (NPPG)
- 6.4.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 6.4.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7 Consultation Responses

7.1 Summary of Technical Consultation Responses

Full responses are available on the website

7.1.1 LCC Highways

- a) No objection to Discharge of Conditions 5, 11, and 22.
- b) Condition 4 was not advised by the Local Highway Authority (LHA) who therefore have no comments to make on these details.

7.1.2 LCC Archaeology

- a) Thank you for the submission of the Written Scheme of Investigation (WSI) for the investigation of the above site. The document proposes a satisfactory programme of archaeological work which, upon completion, will meet the requirements for the investigation of the development site. Only issue is the figures seem to be backwards but I have seen an acceptable version with normal figures.

7.1.3 National Highways

- a) In summary, National Highways has no comments to make on the discharge of conditions 4. 5. 11 and 22, and therefore has no objections to those conditions being discharged.

7.1.4 MBC Environmental Health

- a) Has no comment to make on this application.

7.1.5 Historic England

- a) In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

7.1.6 LCC Ecology

- a) I have no objections to the discharging of any of these conditions from an ecology perspective.

7.1.7 Environment Agency

- a) The Environment Agency did not request the planning conditions the applicant is seeking to discharge. We advise you seek the views of the consultee who requested the condition on the information submitted.

7.1.8 Lead Local Flood Authority

- a) Given the nature and extent of the full application (ref. 20/01182/FUL), the LLFA did not make formal comment to the full application. As such the LLFA has no formal comment to make in relation to application 23/00164/DIS.

7.1.9 Rushcliffe Borough Council

- a) Rushcliffe Borough Council have no formal comments to make and would defer to comments made by statutory consultees in relation to the discharge of the above conditions.

7.1.10 Nottinghamshire Highways Authority

- a) The Highway Authority considers that the information contained in the Construction Traffic Management Plan is satisfactory to discharge the condition.
- b) Nottinghamshire County Council Highway Authority has no further comments to make on the revised/additional information as it has no bearing on the local highway network in the Nottinghamshire County Council area.

7.2 Summary of Representations

7.2.1 Long Clawson And Stathern Ward Members

- a) Councillor Evans - As discussed recently, I believe that the recent variations requested by the applicant are serious and material changes to those presented to the committee originally. In particular the length of construction has been increased significantly and access is suggested via Jericho Lane through the village of Barkestone past the Helping Hands establishment. I fully endorse the case sent to you by the Parish Council.
- b) No comments received from Councillor S Orson.

7.2.2 Barkestone, Plungar and Redmile Parish Council

- a) Initial response (24.04.2023) - BPRPC strongly objects to this application on the basis that it seeks to completely change the original application and consents. The detailed reasons for this objection are set out later in this document. However there are three core elements that needs to be considered and addressed.
 - i) Access
 - ii) Solar Farm Capacity
 - iii) Scale and Period of the Development and Construction phase
- b) Further response (23.02.2024) - Barkestone Plungar Redmile Parish Council objects to this application. Many points raised in our comments submitted in 2023 remain accurate and these should still be considered by the MBC Planning team.
 - i) Impact On Traffic and the Community
 - ii) Unresolved Conditions
 - iii) Access
- c) Further response (03.05.2024) - Our previous comments still stand, and we remain of the view that
 - i) the entire scheme is so different to the plans that were approved, that a full hearing is required,
 - ii) the applicant is still seeking to gain access via Jericho Lane by default and

iii) experience has shown that the applicant will use access route that they have specifically not been allowed to be used.

7.2.3 **Bottesford Ward Members**

a) No comments received.

7.2.4 **Bottesford Parish Council**

a) No comments received.

7.2.5 **Granby c Sutton Parish Council**

a) Further to the emails below Granby cum Sutton Parish Council have no objections to application reference 23/00164/DIS.

7.2.6 **Neighbours**

14 letters of objection received from 14 separate addresses summarised below.

- a) Noise from construction
- b) Location of the compound
- c) Increase in light pollution
- d) Traffic volumes and increase in trip generations
- e) Highway safety impacts
- f) Extension of construction hours
- g) Vehicles already using the incorrect construction routes
- h) Jericho Lane is unsuitable for construction traffic
- i) Significant variation from the details submitted in the original application
- j) Land should be used for agriculture
- k) Maximum output of the solar farm has increased from 49.9MW
- l) Proposal should be classed as a Nationally Significant Infrastructure Project
- m) Number of inconsistencies and discrepancies in the documents
- n) Other conditions haven't been discharged pre-commencement

7.3 **Response to Consultations and Representations**

7.3.1 Concerns are raised about noise, light, traffic, highway safety and construction activities including hours, routes and numbers, all are assessed in the relevant sections below.

7.3.2 Concerns are raised about the use of Jericho Lane and/or other routes which is not in accordance with condition 13 of the original permission which requires certain routes to be used. The information submitted with this application continues to provide detail that the construction routes will be via the approved routes under condition 13 and any use of alternative routes can be investigated by the Planning Enforcement team accordingly should the matter arise.

7.3.3 An objection has been received stating that the land should be used for agriculture. Planning permission has been granted already for the use of the land as a solar farm and this application only seeks to approve the technical details reserved by conditions.

- 7.3.4 The fact that only a certain number of conditions have been submitted and others are still required is not a material planning consideration. We can only consider the conditions that have been submitted for approval, any further information reserved by condition will come forward through a further application for discharge.
- 7.3.5 Concerns are raised that there are several inconsistencies and discrepancies in the documents originally submitted as part of this current application and the original approved application reference 20/01182/FUL. This application has been revised during the submission to address concerns raised by consultees, neighbour representations and the planning officer.
- 7.3.6 Regarding the expected construction hours, working patterns and trip generation, the initial vehicle movements within the documentation at the original planning application stage were based on real life data taken from previous projects of a similar scope and size. It's worth noting that at the original application stage, it was confirmed that even if there were an increase in movements above that set out in the transport statement, that there would not be a severe highway safety impact given the construction access and routing proposed, which was conditioned accordingly.
- 7.3.7 The applicant confirms that the project proposes a total construction period of 44 weeks, but this includes works such as commissioning and the dilapidation survey (assessing the current state of the access roads), whilst the majority of works take place within a 3-4 month period. When estimating the vehicle numbers at the original application stage, it was deliberately assessed on a condensed construction period of 6 weeks in order that this would represent a worst case scenario in terms of daily movements. As stated above, the original committee report set out that even there is an increase in movements or length of construction in any particular fashion, the construction site access would still be acceptable from a highways safety perspective, and LCC Highways raise no objection to the detail submitted in relation to trip generation or construction hours/working patterns.
- 7.3.8 Concerns are raised about the proposal and documentation stating that the development is increased from 49.9MW and should be classed as a Nationally Significant Infrastructure Project. The original description of development states that the net generating capacity (AC) is up to 49.9MW and it is the AC output that is controlled by the consent, which is different to some forms of generation which is measured in DC capacity. Nevertheless the agent has confirmed that the maximum capacity of the installed inverters is below 50MW and irrespective of this, is not for consideration here.

8 Planning Analysis

8.1 Main Considerations

8.1.1 The main considerations are whether the information submitted is satisfactory to discharge the submitted details in relation to the four conditions sought for approval. As such each condition detail is considered separately below.

8.1.2 Therefore the main considerations are

- Written Scheme of Investigation (Condition 4)
- Construction Method Statement (Condition 5)
- Passing Bays on Castle View Road (Condition 11)
- Construction Traffic Management Plan (Condition 22)

8.2 Written Scheme of Investigation (WSI) (Condition 4)

8.2.1 Condition 4 stated the following

No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- i) The programme and methodology of site investigation and recording including details of a watching brief
- ii) The programme for post investigation assessment.
- iii) Provision to be made for analysis of the site investigation and recording.
- iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- v) Provision to be made for archive deposition of the analysis and records of the site investigation.
- vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

8.2.2 A geo-physical survey including field evaluation by trial trenching was submitted with the original planning permission (reference 20/01182/FUL) which did not identify the presence of probable archaeological features. Nonetheless, it was recommended by LCC Archaeology to include provision of further archaeological work by way of a watching brief as part of a Written Scheme of Investigation.

8.2.3 The aims of the watching brief are to determine the presence or absence of any archaeological remains which may survive and to produce an adequate record of any remains should these be encountered.

8.2.4 The document submitted shows an appropriate programme of works in line with the condition requirements and includes the methodology of the work as well as an understanding of how the investigation and any finds will be recorded, reported and archived.

8.2.5 LCC Archaeology raise no objection to the document that is submitted. A revised WSI was submitted during the course of the application to ensure that the maps contained within the WSI were correctly orientated.

8.2.6 As LCC Archaeology are content with the submission, and it is considered that the detail submitted is sufficient and in accordance with Policies EN10 and EN13 of the Melton Local Plan. Once the archaeological programme set out in the document is completed, the condition will be fully discharged.

8.3 **Construction Method Statement (Condition 5)**

8.3.1 Condition 5 stated the following

Development must not commence until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The construction

method statement shall set out details of all on-site construction works together with details of their timetabling. It shall include details of, and measures to secure:

- o the phasing of construction works;
- o the formation and position of the temporary construction compounds;
- o dust management and suppression;
- o cleaning of site entrance, facilities for wheel washing and cleaning the adjacent public highway;
- o pollution control, including the protection of water courses and ground water; subsoil surface water drainage; bunding and siting of fuel storage areas; sewage and foul water drainage and disposal; and emergency procedures and pollution response plans;
- o temporary site illumination during the construction period;
- o the methods to be adopted to reduce the effects of noise occurring during the construction period to the lowest practicable levels and in accordance with B.S. 5228: Noise control on construction and open sites;
- o storage of materials and disposal of surplus materials;
- o the construction of the accesses into the site, the erection of any entrance gates and the creation and maintenance of associated visibility splays;
- o method of working cable trenches, including soil storage and back-filling; and details of cable boring methodologies below roads, water courses and hedges;
- o general soil storage and handling;
- o post-construction restoration/reinstatement of the working areas, including cable trenches and area covered by any matting or other areas where the soil has been disturbed or compressed;
- o the sheeting of all heavy goods vehicles construction materials to, or spoil from, the site to prevent spillage or deposit of any materials on the highway;
- o details of control of surface water to prevent it entering the public highway or carrying sediment to the surface water drainage network in the vicinity of the site.
- o identification of buffer strips adjacent to water courses or retained vegetation features such as hedges or trees and sites where birds are nesting;
- o Details of proposed measures to protect root protection areas during construction
- o means to exclude small animals from excavations.

Construction works must be carried out in full accordance with the agreed construction method statement.

8.3.2 Taking each in turn, the phasing is acceptable and includes relevant steps along the construction process to ensure compliance with other conditions of the permission. The timing and length of the construction, whilst may be different to that stated at the original application stage, can only be fully known once a construction contractor is appointed and depends on their circumstances. As the construction contractor is now known, the project proposes a total construction period of 44 weeks which includes works such as commissioning and the dilapidation survey. The majority of construction works take place within a 3-4 month period which is the installation of the panels themselves. It is not

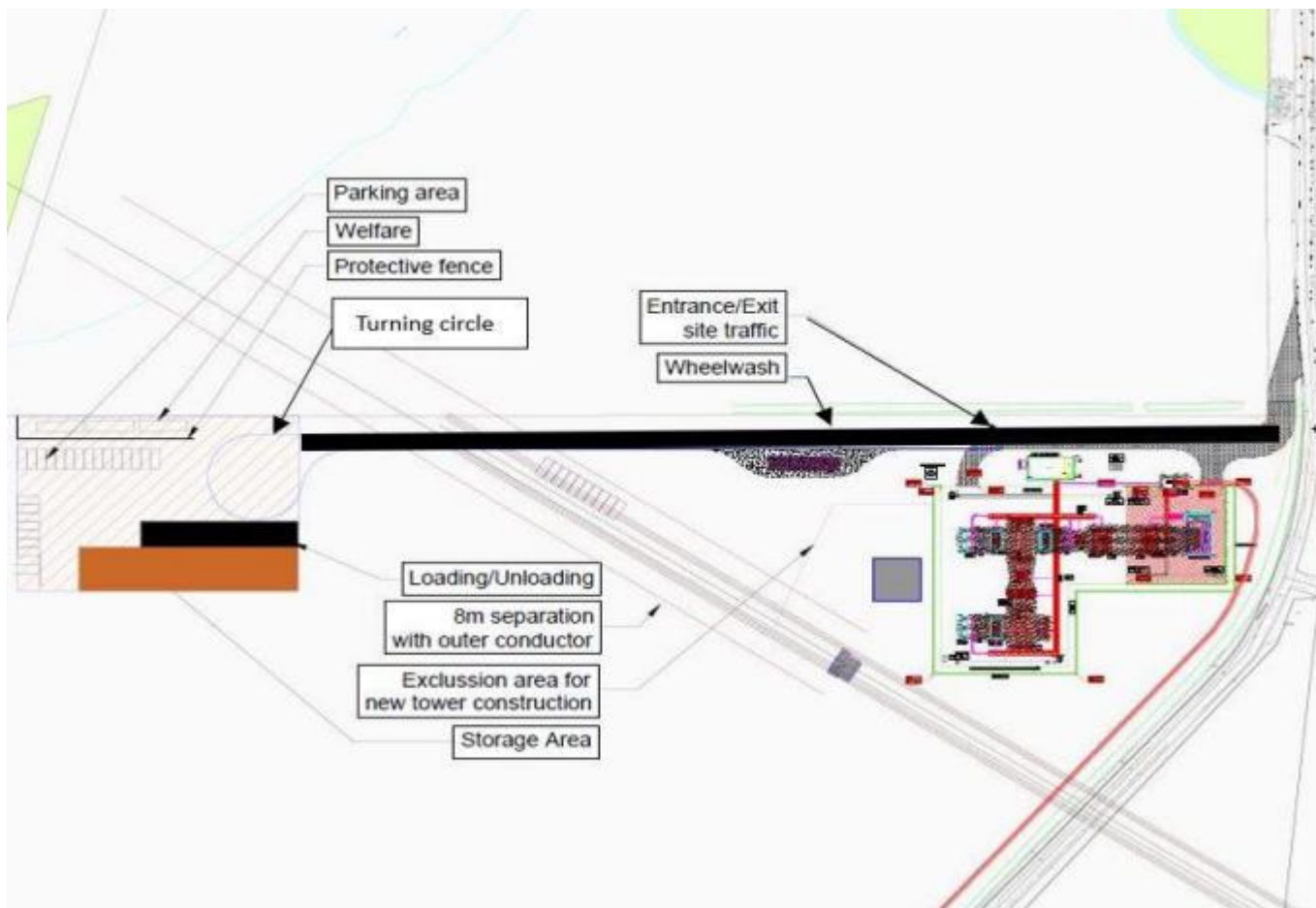
considered that the phasing submitted is contrary to any requirements or conditions on the original application and is acceptable to ensure no adverse impacts upon noise disturbance to nearby properties or highway safety.

- 8.3.3 The revised phasing plan has also been amended to ensure that the access road is in situ for construction, to ensure that the correct construction routing is used throughout the construction of the development in line with condition 13 of the original permission. The purpose of the phasing plan is to provide detail on the construction activities and the anticipated programme of works which provides understanding of the considerations during the construction period.
- 8.3.4 The internal compound area is shown on the map below and includes loading, unloading, storage area, staff parking, welfare and wheelwash facilities, all aspects are considered to be acceptable including the location of the compound itself.



- 8.3.5 Dust will be managed by dampening down the site entrance and access tracks and by managing the location of stockpiles, limiting vehicle speeds and wheel cleaning. HGV's carrying loose material will be sheeted and there will be road construction techniques to reduce dust. As such, dust is considered to be managed accordingly.
- 8.3.6 Wheel cleaning and wash facilities would be installed at the exit of the compound and again at the exit of the site to ensure that debris is removed from the underside of the vehicle. All vehicles exiting the site will require wheel washing to prevent spread of mud and similar substances onto Main Road. The public highway condition will be monitored by the construction manager and road sweeper in place if required to maintain road cleanliness, however this can also be reviewed by the Planning Enforcement Team if required.
- 8.3.7 Details of pollution control and collection of sewage and foul water has been detailed as well as emergency procedures and response plans, all of which are considered to be appropriate and acceptable for the development.

- 8.3.8 Lighting during construction will be directed away from field boundaries and ecological habitats to ensure no adverse impact upon biodiversity. Ecology have been consulted and raise no objections to the details submitted.
- 8.3.9 Although no residential properties are in the vicinity of the site, noise reduction methods will be in line with regulated methods and construction activities will take place within construction working hours (07:00 - 19:00) to minimise disruption. No construction traffic will occur on Sundays/Bank Holidays.
- 8.3.10 No surplus materials are expected to be produced on site with excavated materials to be used for backfilling and topsoil to be spread around site to create a smooth end surface. Stripped topsoil/subsoil will be temporary stockpiled in locations away from ponds and dry ditches. As such the proposed construction work would take place in a way to avoid any potential impact upon protected species or local wildlife.
- 8.3.11 The submitted plan confirms visibility splays 2.4m by 125m to the left and 2.4m by 126m to the right will be created prior to any other construction activity commencing on the main site, this is in line with condition 17 of the original permission and ensures satisfactory visibility is achieved at the construction site entrance to ensure no adverse impact upon highway safety.
- 8.3.12 The cable route will be trenched at a depth of 1.4m in stages of approximately 300m by an excavator, followed by the cable and fibre being laid, the trench will then be filled and the ground reinstated. Excavated soil will sit approximately 2m from the trench whilst the work is being undertaken. Where the cable crosses roads, hedges and watercourses a separate method is proposed as detailed in the submitted plan. Both methods proposed are suitable to ensure limited impact upon biodiversity and, landscape character and highway safety. Condition 6, specific to where the Grantham Canal is crossed by the cable is not for consideration here.
- 8.3.13 It is confirmed in the document that surface waters will not enter the public highways or carry sediments to existing water drainage network during construction, to ensure no adverse impact upon highway safety.
- 8.3.14 Suitable and adequate buffer strips are provided to water courses and retained vegetation features as well as provision of root protection areas to ensure no adverse impact upon biodiversity.
- 8.3.15 Sufficient and suitable details have also been provided for the substation site as detailed on the plan below.



8.3.16

8.3.17 Overall, it is considered that the Construction Phase Plan submitted adequately details how the proposed construction would protect the interests of the rural character of the area, the integrity and safety of the highway network, provide sufficient protection to the amenity of residents and not result in any adverse ecological interests. No objections are raised by the relevant consultees and as such the detail submitted is acceptable for condition 5 in accordance with Policies EN1, EN2, EN3, EN6, EN10 and EN13 of the Melton Local Plan.

8.4 Passing Bays on Castle View Road (Condition 11)

8.4.1 Condition 11 stated the following

Prior to the commencement of development details of passing bays to be sited and constructed along Castle View Road from the A52 to the substation access points shall be submitted to and agreed in writing with the Local Planning Authority. The approved passing bays shall be constructed and made available for use prior to the commencement of construction of the substation site.

8.4.2 The reason for inclusion of condition 11 on the original planning permission was due to the width of Castle View Road and to allow vehicles to satisfactorily pass each other prior to the commencement of construction of the substation site.

8.4.3 The submitted plan demonstrates that four proposed temporary passing places can be located between the A52 and the substation site. The passing places are proposed to be surfaced in asphalt and bounded by a landscaped verge.



8.4.4 It is considered that the size, location and treatment of the passing places are acceptable and LCC Highways raise no objection to the discharge of condition 11. As such, no concerns are raised with the proposed passing place with respect to highway safety in accordance with Policies D1, IN2 and EN10 of the Melton Local Plan and Policy 9 of the Bottesford Neighbourhood Plan.

8.5 Construction Traffic Management Plan (Condition 22)

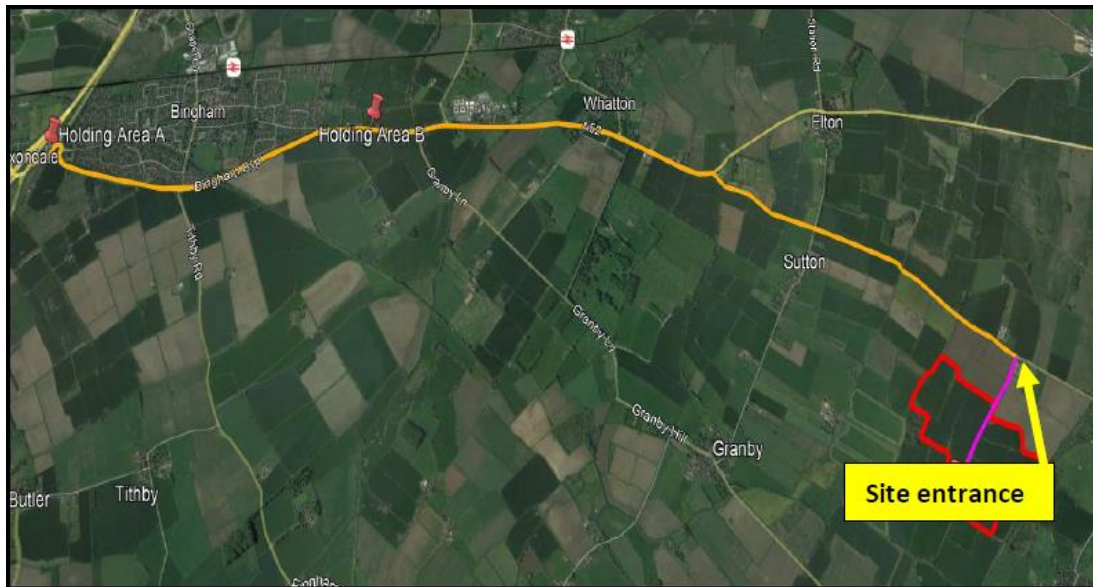
8.5.1 Condition 22 stated the following

No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, arrangements for banksmen and temporary signage, arrangements for dilapidation surveys at Sutton Road culverts, Sutton Road, and Castle View Road, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

8.5.2 Condition 22 was recommended by LCC Highways and is to ensure there are no adverse impacts upon highway safety during the construction of the development. A number of revisions to the submitted Construction Traffic Management Plan have been undertaken during the course of the submission to address the concerns of LCC Highways.

8.5.3 Again, consideration is given to each of the points listed within the condition.

8.5.4 Routing of construction traffic is in line with that secured under condition 13 of the original planning permission which is via a temporary stone aggregate haul road from Sutton Road to the northeast via an existing field access as shown on the map below. Additional measures (signage within the site compound, detail within the Drivers' Brief and a barrier across the operational site access road throughout the construction phase) would ensure HGV construction traffic utilises the main site entrance and does not use the operational site access to the south.



- 8.5.5 Wheel cleansing facilities are provided both at the exit of the internal compound and also at the exit of the application site, prior to vehicles going onto Sutton Road. Underbody washing facilities also are proposed throughout the duration of the project and road sweeper available to use if required in certain circumstances. As such, the detail for ensuring that mud and debris are not carried onto the public highway is considered to be satisfactory.
- 8.5.6 Vehicle parking facilities for staff are contained within the internal compound and following concerns raised by officers, additional parking provision has been provided to accommodate staff to park within the site. It is also noted that subcontractors will car share and utilise 7/8 - seater vehicles to reduce the number of vehicles that require to park within the welfare compound area.



- 8.5.7 Similarly, an appropriate level of parking and wheel washing facilities are provided at the sub-station construction site to ensure there would be no on street parking nor debris or mud being deposited onto the highway.
- 8.5.8 Details of banksmen and temporary signage at the construction site access and the substation construction site are provided within the submitted information to ensure that vehicles are not obstructing other vehicles wishing to pass on either Castle View Road or Sutton Road. Holding areas for vehicles to await before being instructed to the relevant site are to be utilised and vehicles arriving unannounced will be sent back to the holding areas. Booked deliveries for other logistics will also be part of the construction process. As such given the detailed arrangements of banksman, signage and other measures as outlined, it is considered that the details will ensure that construction vehicles would not result in severe highway safety impacts.
- 8.5.9 Dilapidation surveys are also to be carried out on Sutton/Main Road, the culvert at Main Road and Castle View Road as well as Byways G4 and G9 to identify any remedial construction work that is required prior to commencement of construction. A final survey will be conducted on completion of the construction phase to ensure that the relevant roads are not deteriorated throughout the course of the development, and any works required will be undertaken to ensure that the road condition does not result in severe highway safety impacts.
- 8.5.10 LCC Highways raise no objection to the proposed details for condition 22. As such, no concerns are raised with the proposed construction traffic management plan with respect to highway safety in accordance with Policies D1, IN2 and EN10 of the Melton Local Plan.

9 Reason for Recommendation

- 9.1 The proposed WSI sets out an acceptable programme of works which, upon completion, will meet the requirements for the investigation of the development site. The proposed 4 temporary passing bays are considered suitable from a highway safety perspective to allow vehicles to pass one another during the construction of the substation.
- 9.2 The construction traffic management plan provides details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, arrangements for banksmen and temporary signage, arrangements for dilapidation surveys at Sutton Road culverts, Sutton Road, and Castle View Road and is considered acceptable to ensure no severe impacts upon highway safety.
- 9.3 The construction method statement also satisfactorily provides details of all on-site construction works to ensure no severe impacts upon highway safety and to protect the amenity of residents and ecological impacts.
- 9.4 As such it is recommended that the detail as follows is approved and request to discharge the conditions is accepted

- Condition 4

Written Scheme of Investigation for Archaeological Watching Brief Issue No: 2

Received by the Local Planning Authority on 8th January 2024

- Condition 5

Construction Phase Plan MEG/HSE/HSP/0001/BARKESTONE Issue No: 6

Received by the Local Planning Authority on 22nd March 2024

- Condition 11

Proposed Highway Works 27133-HYD-XX-00-DR-C-0104 Revision P01

Received by the Local Planning Authority on 20th February 2023

- Condition 22

Construction Traffic Management Plan MEG_HSE_HSF_0064 Revision No: 9

Received by the Local Planning Authority on 19th June 2024

Castle View Road Highway Condition Survey Dated May 2024

Received by the Local Planning Authority on 3rd July 2024

- 9.5 The development must be carried out in accordance with the documents detailed above to ensure compliance with the relevant conditions attached to planning permission 20/01182/FUL.

10 Financial Implications

- 10.1 There are no financial implications associated with this planning application.

Financial Implications reviewed by: N/A

11 Legal and Governance Implications

- 11.1 Legal and Governance issues are considered and assessed within the report where relevant.

Legal Implications reviewed by: Tom Pickwell (Deputy Monitoring Officer)

12 Background Papers

- 12.1 Planning Committee Report 20/01182/FUL – 11th August 2022.

13 Appendices

- 13.1 None.

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Planning Committee

11 July 2024

Report of: Assistant Director for Planning

Reference Number: 21/00085/FUL

Proposal: Partial demolition and remodelling of derelict lodge building; construction of 2no. new dwellings; reinstatement of the former driveway and gates to the Manor and reinstatement of parkland in place of modern driveway; resurfacing of driveway and hardstanding surrounding the Manor; and restoration of bridge over the Gaddesby Brook

Site: Ashby Folville Manor, Gaddesby Lane, Ashby Folville, LE14 2TG

Applicant: Mr Jamie Lewis

Planning Officer: Mark Ketley

Report Author:	Mark Ketley , Planning Officer
Report Author Contact Details:	01664 504274 mketley@melton.gov.uk
Chief Officer Responsible:	Sarah Legge , Assistant Director for Planning
Chief Officer Contact Details:	01664 502418 slegge@melton.gov.uk

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Robert Child (Gaddesby)
Date of consultation with Ward Member(s):	24 February 2021
Exempt Information:	No

Reason for Committee Determination:

The Assistant Director for Planning considers this application as likely to raise matters which should be referred to the Committee.

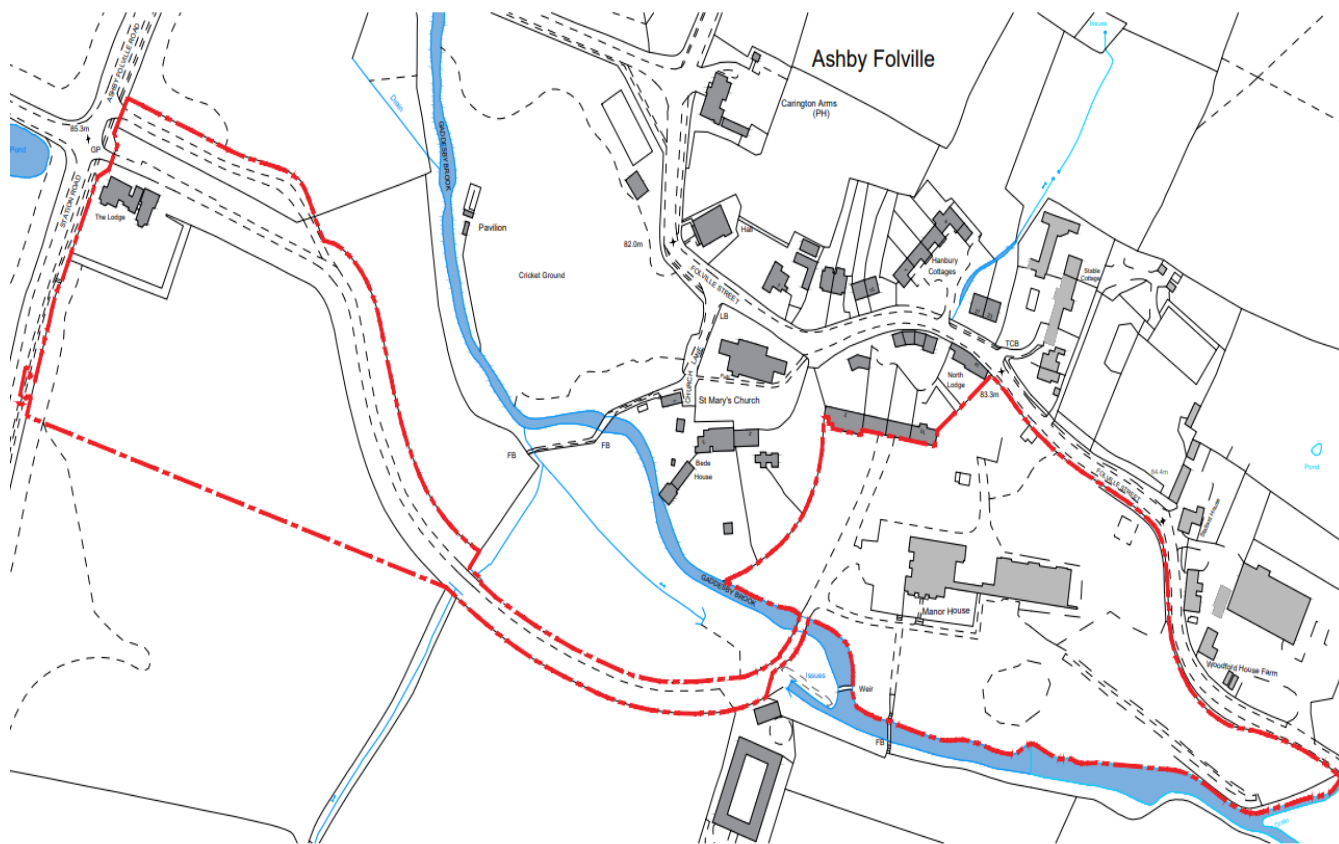
Web Link:

<https://pa.melton.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

What 3 words:

<https://what3words.com/beaten.duty.boring>

Site Location Plan



Location Plan

RECOMMENDATION

It is recommended that the application is **APPROVED** subject to:

1. Conditions detailed in Section 10 of this Report; and
2. Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) requiring completion of the heritage restoration works prior to any material operations being commenced in the construction of the new-build dwellings.

1 Executive Summary

- 1.1 Planning permission is being sought in this case for a range of heritage restoration works in association with the Grade II listed Ashby Folville Manor and for the construction of two new-build dwellings in its parkland grounds to help fund the restoration proposals.
- 1.2 Whilst the Grade II listed Ashby Folville Manor itself is located immediately adjacent to the southern edge of the village of Ashby Folville, the application proposals relate to a derelict lodge building which is a substantial detached former dwelling that was originally the gatehouse to the Manor along with an area of extended garden/parkland to the south and east of the lodge that are, by definition, in the open countryside.
- 1.3 The proposed development is neither necessary nor appropriate in terms of the countryside location of the site and therefore the fundamental starting point in this case is that the proposal conflicts with Local Plan Policies SS1, SS2 and SS3 and, in turn, Policy HBE1 of the Neighbourhood Plan which makes clear that development will be carefully controlled in line with local strategic planning policies [as set out in the Local Plan]
- 1.4 This fundamental policy conflict has not been contested by the Applicant with the application instead being presented on the basis that it would deliver significant heritage restoration benefits through the proposed renovation of the derelict lodge building; reinstatement of the original entrance and driveway to the listed Manor House; return of the existing modern driveway back into part of the original parkland landscape; restoration of the bridge over the Gaddesby Brook on the main approach to the house; and resurfacing of the driveway and hardstanding area around the Manor itself.
- 1.5 The Applicant has stated that all of these proposals in combination would help to restore the Manor back to its original glory but that the cost of these works require a substantial amount of funding. The proposed development, in terms of the value created by the proposed new-build dwellings, would make a significant contribution towards those costs.
- 1.6 The long-term future of the listed building is not dependent on the works being proposed in this application and therefore, strictly speaking, the application does not constitute enabling development. However, it is nonetheless considered that the application offers an important opportunity to secure the refurbishment of the historic lodge building and the reinstatement of the historic driveway to the Manor House and the parkland to the north of the lodge which, together, would positively enhance the character and appearance of the Ashby Folville Conservation Area and restore the overall setting and significance of the Grade II listed building.
- 1.7 There is also a fallback position in this case that weighs in favour of the form of development being proposed due to planning permission having previously been granted in May 2016 (ref: 16/00202/FUL; amended by non-material amendment application 17/00180/NONMAT) for the partial demolition, conversion, remodelling and extension of the derelict lodge building to create two separate residential properties. This permission remains extant and, if it were ever to be fully implemented, it would prevent the reinstatement of the original driveway that served the Manor House due to the approved extension projecting towards and up to the line of the original driveway.
- 1.8 These latest proposals present a far more acceptable solution in heritage terms which would ensure that the route of the original driveway can be reinstated. In these respects the

proposal is fully compliant with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 along with the NPPF, Policy EN13 of the Local Plan, and Policy ENV3 of the Neighbourhood Plan. It is therefore the case that substantial positive weight attaches to these heritage outcomes in the overall planning balance.

- 1.9 Balanced against the significant heritage benefits is the inherent policy conflict arising from the proposed construction of two new-build dwellings in the open countryside. This also has substantial weighting in the overall planning balance in this case, not least due to the fact that new housing in this location would be completely at odds with the strategic policies of the Local Plan. However, whilst finely balanced, it is considered that the benefits of allowing an element of new-build development in order to fund the proposed heritage restoration works would outweigh the disbenefits of departing from Local Plan Policies SS1, SS2 and SS3, and Policy HBE1 of the Neighbourhood Plan.
- 1.10 The quantum of new-build development required to support the proposed heritage restoration works has been the source of lengthy discussions between Officers and the Applicant since this application was submitted along with another recently refused application (ref: 21/01318/FUL). No detailed viability information has been submitted specifically in relation to this application for the construction of two new-build dwellings on the site but, in the context of the previous viability appraisal which concluded that the construction of 7no. cottages on the site would leave a financial deficit in funding of the proposed heritage restoration works, it is reasonable to conclude in this case that the construction of two dwellings, albeit larger detached properties, would leave a similar if not greater deficit when compared with the viability appraisal of the recently refused scheme.
- 1.11 Nevertheless, the Applicant remains keen to restore the relationship between the Manor, the lodge, the driveway and the gates and is willing to undertake these works even if sufficient value is not realised by the two proposed new dwellings. Moreover, the Applicant has submitted a Unilateral Undertaking with the application under Section 106 of the Town and Country Planning Act 1990 (as amended) which gives a legal commitment to completing the heritage restoration works prior to any material operations being commenced in the construction of the new-build dwellings. This is considered to be an entirely acceptable approach and gives confidence that there is a genuine commitment to carrying out the proposed heritage restoration works prior to any works being commenced in relation to the new-build housing development.
- 1.12 In relation to design and visual impacts, subject to the recommended conditions the development proposals are considered to be acceptable in terms of siting, scale, design, use of materials, potential impacts on the landscape character of the area and neighbouring amenity impacts therefore according with Local Plan Policies D1 and EN1, and Policies HBE5 and ENV7 of the Neighbourhood Plan, in these respects.
- 1.13 It is also the case that the development would be acceptable from a highway safety perspective, impact on protected species and their habitat, and in terms of not being at risk of flooding or increasing flood elsewhere, thereby demonstrating compliance with the NPPF; Policies EN2, EN11 and IN2 of the Local Plan; and Policies EN6 and T1 of the Neighbourhood Plan, in respect of these technical and environmental matters.

Main Report

2 The Site

- 2.1 The application relates to land and property associated with Ashby Folville Manor which is a Grade II listed building located on the southern edge of the village of Ashby Folville.
- 2.2 Specifically, the proposals relate to a derelict lodge building which is a substantial detached former dwelling that was originally the gatehouse to Ashby Folville Manor along with an area of extended garden/parkland to the south and east of the lodge. This building and the part of the grounds to which the application principally relates are located approximately 415m north-west of the Manor and some 300m west of the village core.
- 2.3 The application site also incorporates the driveway that runs to the front (north) of the lodge building which leads off the crossroads junction between Ashby Folville Road, Ashby Road and Station Road. This currently provides vehicular access to the lodge but was historically part of the original driveway serving the Manor House and extends to a bridge crossing over the Gaddesby Brook on the main approach to the house.
- 2.4 Whilst the lodge is not itself a listed building, it does occupy a position within the designated Ashby Folville Conservation Area whose boundary then follows a relatively arbitrary line to the south of the lodge that does not follow any physical or historic boundaries. As a result, the extended garden/parkland area on which the proposed new housing development would take place falls outside of the Conservation Area.
- 2.5 Planning permission has previously been granted in May 2016 (ref: 16/00202/FUL; amended by non-material amendment application ref: 17/00180/NONMAT) for the partial demolition, conversion, remodelling and extension of the derelict lodge building to create two separate residential properties. This permission remains an extant consent and, if it were ever to be fully implemented, it would prevent the reinstatement of the original driveway that served the Manor House (which forms part of these latest proposals) due to the approved extension projecting towards and up to the line of the original driveway.

3 Planning History

- 3.1 16/00202/FUL - Conversion, remodelling and extension of single residential dwelling into two separate residential dwellings; and part demolition required to separate building - Approved 27.05.16 (Permission remains extant)
- 3.2 17/00180/NONMAT - Amendments to permission ref: 16/00202/FUL to allow for changes to the windows and doors on the rear elevations of both properties - Approved 30.03.17
- 3.3 19/01206/FUL - Erection of two residential dwellings and the partial demolition and redevelopment of the Lodge House along with the reinstatement of a former access route to Ashby Folville Manor House and further reinstatement of parkland to the north in place of the current access road - Refused 02.07.20
- 3.4 21/01318/FUL - Partial demolition and remodelling of the Lodge to create annex to the Manor including access works; erection of 7no. cottages; reinstatement of the former driveway and gates to the Manor and reinstatement of parkland in place of modern driveway; resurfacing of driveway and hardstanding surrounding the Manor; and restoration of bridge (Amended Description) - Refused 05.04.24

4 Proposal

4.1 The proposed development for which planning permission is being sought in this case would involve a number of elements which can be summarised as follows:

- **Partial demolition and remodelling of the derelict lodge building**

The proposed works to the derelict lodge building adjacent to the entrance to the site would involve the removal of later additions to the building to leave only the original portion of the property. A new extension to the rear of the building is proposed along with a detached garage to the rear. The proposed extension would take the form of a new wing that would link to the original building, strongly referencing the design language of the building but with clear definition between old and new. The link would help to emphasise this definition with a change in roof finish (zinc) sitting between the original building and new wing (both slate)

- **Reinstatement of the former driveway and gates to the Manor**

Demolition of the later additions to the derelict lodge building and the reinstatement to its original form would allow for the original entrance to the site to also be restored with the current access that is located slightly further to the north being stopped up. The former entrance and access drive to the Manor would be reinstated on its original line with new tree planting being proposed to define the route of the driveway.

- **Reinstatement of parkland in place of modern driveway**

Following reinstatement of the original entrance and driveway to the Manor it is proposed to stop up the current driveway that is located slightly further to the north and reinstate this to part of the parkland landscape that it originally formed an integral part of which provides a key component of the driveway approach to the Manor.

- **Resurfacing of driveway and hardstanding surrounding the Manor**

As part of the proposed works the existing section of driveway nearest to the Manor and an area of hardstanding around the Grade II listed building would be resurfaced to ensure a consistent new surfacing treatment throughout the site from the entrance all the way up to the Manor House.

- **Restoration of bridge**

Part of the original driveway serving the Manor extends to a bridge crossing over the Gaddesby Brook on the main approach to the house which is currently in a poor physical condition. As part of the proposed restoration works this bridge would be rebuilt to mirror its original form and therefore ensure that it continues to play an integral part in the driveway approach to the listed building.

- **Construction of 2no. dwellings**

The final aspect of the proposed development would involve the construction 2no. new detached dwellings on an area of land to the south-east of the derelict lodge building. The dwellings would run parallel with but would be set back from the reinstated original driveway to the Manor with proposed tree planting along the route of the driveway providing an element of physical and visual separation. The dwellings would replicate the architectural language of the original lodge building and would take the form of two-storey dwellings of brick construction under a pantile roof with attached single storey

triple garages. The dwellings would both be accessed from a separate new entrance off Station Road and they would face north onto their internal access road. At their rears each dwelling would benefit from private gardens enclosed by brick walls that would extend towards the southern boundary of the site.

- 4.2 The application has been presented by the Applicant on the basis that it would deliver significant heritage restoration benefits through the proposed renovation of the derelict lodge building; reinstatement of the original entrance and driveway to the listed Manor; return of the existing modern driveway back into part of the original parkland landscape; restoration of the bridge over the Gaddesby Brook on the main approach to the house; and resurfacing of the driveway and hardstanding area around the Manor itself.
- 4.3 The Applicant has stated that all of these proposals in combination would help to restore the Manor back to its original glory but that the cost of these works require a substantial amount of funding. The proposed development, in terms of the value created by the proposed new dwellings, would make a significant contribution towards those costs.

5 Amendments

- 5.1 Additional information has been provided during the course of the application in the form of an Arboricultural Impact Assessment following a request for such by LCC Forestry.
- 5.2 Minor design amendments were also received on 10th May 2024 which replaced previously proposed detached garages to the front of each of the new-build dwellings with attached single storey side garages instead.

6 Planning Policy

6.1 National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- National Design Guide

6.2 Heritage Legislation

- 6.3 The Local Planning Authority has a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings and their setting, and any features of special architectural or historic interest which they possess, and to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas under Section 72(1) of the same Act. Considerable weight should be applied to these duties even in cases where any identified resultant harm would be less than substantial.
- 6.4 Paragraph 203 of the latest version of the NPPF published in December 2023 is also a significant material consideration in this case and in relation to matters of heritage interest this states that, in determining applications for planning permission and listed building consent, Local Planning Authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness.

6.5 Paragraph 205 of the Framework further requires that, when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm would amount to substantial harm, total loss or less than substantial harm to its significance.

6.6 Paragraph 206 advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

6.7 Paragraph 207 goes on to state that in cases where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.8 Paragraph 212 makes clear that Local Planning Authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

6.9 Finally, in relation to enabling development proposals, paragraph 214 of the Framework advises that Local Planning Authorities should assess whether the benefits of a proposal, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

6.10 **Melton Local Plan**

- The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the development plan for the area.
- The Local Plan is consistent with the National Planning Policy Framework published in December 2023 and, whilst it is now being updated, its policies remain relevant and up to date for the determination of this application.
- The relevant policies to this application include:
 - Policy SS1 Presumption in Favour of Sustainable Development
 - Policy SS2 Development Strategy
 - Policy SS3 Sustainable Communities (Unallocated Sites)
 - Policy EN1 Landscape
 - Policy EN2 Biodiversity & Geodiversity
 - Policy EN6 Settlement Character
 - Policy EN11 Minimising the Risk of Flooding
 - Policy EN13 Heritage Assets
 - Policy IN2 Transport, Accessibility and Parking
 - Policy D1 Raising the Standard of Design

6.11 Neighbourhood Plan

- The Gaddesby Parish Neighbourhood Plan (2019-2036) which was made on 23rd June 2021 also forms part of the Development Plan for this area.
- The relevant policies to this application include:
 - Policy HBE1 Settlement Boundary
 - Policy HBE2 Housing Mix
 - Policy HBE3 Windfall Sites
 - Policy HBE5 New Housing Design
 - Policy ENV3 Built Environment - Non Designated Heritage Assets
 - Policy ENV4 Ridge and Furrow
 - Policy ENV6 Biodiversity
 - Policy ENV7 Protection of Important Views
 - Policy T1 Traffic Movements

7 Consultation Responses

7.1 Please note the below is a summary of responses and representations received. To view the full details please follow the web link on the first page.

SUMMARY OF TECHNICAL CONSULTATION RESPONSES

7.2 LCC Highways

The Local Highway Authority advice is that, in its view, the impacts of the 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. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019) [now paragraph 115 of the NPPF updated in December 2023], subject to the conditions and/or planning obligations set out below.

Having reviewed the information supplied within 21/00085/FUL, the LHA note the proposed scheme appears to be identical to that refused on non-highway grounds under 19/01206/FUL. It is also noted that Public Footpath I91 runs through the site and the developer intends to divert this. Therefore the LHA has included the conditions previously advised in highway observations dated 15 April 2020 attached to 19/01206/FUL, albeit will amended plan numbers.

7.3 Historic England

No comments to make on this application.

7.4 Conservation Officer

Fully support the proposal to refurbish the gatehouse.

7.5 LCC Archaeology

Response awaited and this will be reported as a verbal update at the meeting of the Planning Committee.

7.6 LCC Ecology

The ecology survey submitted in support of this application is satisfactory. This included a roost assessment of the buildings to be demolished and recorded the dwelling as of low bat potential. As the building was recorded to have some bat potential, an updated emergence survey should be carried out and suggest that this is required as a condition of development. It is also suggested that the precautionary recommendations from the ecology report regarding bats and great crested newts are conditioned.

7.7 Lead Local Flood Authority (LLFA)

Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA and we advise the planning conditions set out in this report.

7.8 LCC Forestry

Arboricultural Impact Assessment that has been submitted addresses initial concerns.

7.9 Cadent Gas

Looking at the planning application we (Cadent) would not object as the intermediate and high pressure gas pipelines in the area would not be affected by the application.

SUMMARY OF REPRESENTATIONS

7.10 Ward Member(s)

No comments received

7.11 Parish Council

Object to the erection of two dwellings. Although we would support the partial demolition and remodelling of the Lodge House along with the reinstatement of a former access route to Ashby Folville Manor House:

- a) The description of the site for the proposed new houses (the Houses) as being, 'predominantly domestic in character' (see para 6.14 of the Heritage Statement and para 7.5 of the Planning Statement) is incorrect. Firstly, we do not understand what is meant by 'domestic'? It would appear to suggest that this is currently a residential area. Nothing could be further from the truth. This land is pasture and any building on the site would be considered development in open countryside.
- b) The site is open countryside which has significant ridge and furrow. This does not appear to be referred to in the Heritage Statement.
- c) The Heritage Statement suggests that the site would provide a 'pocket of development set within a mature landscape at the entrance to the village'. The landscape is open countryside and not near to the entrance to the village, which is a few hundred yards from the site. As the Heritage Statement states Ashby Folville is a small open-textured lineal village. There is no connection between the village and the site.
- d) The Planning Statement suggests at para 3.2 that the removal of the newest drive to Ashby Folville Manor would provide a gain of grazing land. This ignores the fact that the proposed development would remove a much larger area of agriculture.
- e) The Planning Statement at para 7.5 suggests that there would be no interruption of views from the Conservation Area. The Lodge House, which is inside that area, would in fact have the view to the south obscured.

- f) At para 2.1 of the Planning Statement there is reference to 'the village envelope'. It is the opinion of Gaddesby Parish Council that no such envelope exists.
- g) A public footpath crosses the site and Gaddesby Parish Council would support the objection of Melton Ramblers in that regard.
- h) With reference to the design of the proposed dwellings, Gaddesby Parish Council consider that they are extremely large and over bearing. In addition, they are not in keeping with the built nature of the historic village of Ashby Folville.
- i) The Housing Needs Survey of 2017 conducted by Midlands Rural Housing identified that 53% of respondents were of the opinion that no further homes were required in Ashby Folville. Of those which believed more homes were required; the most popular choices being:
 - Homes for young people (41%)
 - Small family homes (29%)
 - Homes for single people (24%)
- j) The Gaddesby Neighbourhood Development Plan has now reached referendum stage. The referendum will take place on Thursday, 6th May 2021 [Conflict identified with Policies HBE2, HBE3, HBE5 and ENV7]
- k) The field survey carried out during the preparation of the Neighbourhood Development plan indicated that the houses would be built on land consisting ridge and furrow. Over the years a great deal of ridge and furrow has been lost. The construction of these two houses would further erode the heritage that ridge and furrow provides.
- l) In his letter of 17th August 2020, Mr Bradwell suggests that the houses would replace some of The Lodge outbuildings. However, the houses would stand well away from The Lodge and its outbuildings and could in no way be regarded as replacement either in position or size.
- m) Furthermore, Mr Bradwell suggests that there would be heritage and public benefits in the event that this application were to be granted and the proposed development carried out. He relies on the current disrepair of the entrance to The Manor and The Lodge. However, this is somewhat disingenuous as the applicant owns The Lodge and the drive and has thereby created this situation by inaction.

Gaddesby Parish Council would ask that the Planning Officers and the Planning Committee visit the site so that they can fully appreciate the proposal.

7.12 Melton Ramblers

Footpath I91 passes through the proposed site. Diverting this footpath to where is shown on Plan P07C will remove the continuity of the path where it continues on the opposite side of Station Road. On Plan P07C the "diverted footpath" is shown to have an open aspect to one side however the current path is open on both sides. Running the path next to a proposed hedge will greatly effect the enjoyment of anyone using the path.

7.13 Neighbours

Five letters of objection have been received from five separate households in response to consultation on the application raising the following issues:

- Application site is located in the open countryside;

- No local requirement/need for the housing being proposed'
- Development is out of scale and keeping with the character of the area;
- Highway safety concerns arising from new access off Station Road;
- Re-routing of public right of way will be required; and
- Conflict with the Melton Local Plan and Gaddesby Parish Neighbourhood Plan

7.14 **Response to Consultations and Representations**

All of the issues raised that are material planning considerations are addressed in detail under Section 8 'Planning Analysis' below.

8 Planning Analysis

8.1 The main considerations in determining this application are as follows:

- Principle of Development
- Heritage Considerations
- Design & Impact on the Character of the Area
- Impact on Amenity
- Highway Matters
- Ecological Impacts
- Flood Risk & Drainage

8.2 **Principle of Development**

8.3 Whilst the Grade II listed Ashby Folville Manor itself is located immediately adjacent to the southern edge of the village of Ashby Folville, the application proposals relate to a derelict lodge building which is a substantial detached former dwelling that was originally the gatehouse to the Manor along with an area of extended garden/parkland to the south and east of the lodge that are located approximately 415m north west of the Manor and some 300m west of the village core. The proposed development is therefore classed as being in the open countryside for the purpose of applying relevant planning policy.

8.4 Policies SS1 and SS2 of the Local Plan state that new development in the countryside will be restricted to that which is necessary and appropriate for the open countryside. This is further reflected by Policy HBE1 of the Neighbourhood Plan which establishes similar limits to development in open countryside locations across the Neighbourhood Plan area.

8.5 Local Plan Policy SS3 supports new dwellings in existing villages but only in cases where there is a proven local need. In this case the Applicant has not made any attempt to demonstrate that there is a local need for the housing development being proposed and, in any event, as explained above the land which is proposed to be developed is physically separate from the village of Ashby Folville and therefore located in the open countryside.

8.6 The proposed development is neither necessary nor appropriate in terms of the location of the application site and therefore the fundamental starting point in this case is that the proposal conflicts with Local Plan Policies SS1, SS2 and SS3 and, in turn, Policy HBE1 of the Neighbourhood Plan which makes clear that development will be carefully controlled in line with local strategic planning policies [as set out in the Local Plan].

8.7 Whether there are material considerations that would otherwise justify granting permission for the proposal as a departure from Policies SS1, SS2 and SS3 of the Local Plan, and Policy HBE1 of the Neighbourhood Plan, is dependent on an assessment of all other planning-related matters pertaining to the development as set out in detail below.

8.8 **Heritage Considerations**

8.9 It has been established above that the application includes proposals for new residential development in an open countryside location contrary to Policies SS1, SS2 and SS3 of the Local Plan, and Policy HBE1 of the Neighbourhood Plan, which is a policy position that has not been contested by the Applicant. As explained earlier in the report however, the application has been presented on the basis that it would deliver significant heritage restoration benefits through the proposed renovation of the derelict lodge building; reinstatement of the original entrance and driveway to the listed Manor House; return of the existing modern driveway back into part of the original parkland landscape; restoration of the bridge over the Gaddesby Brook on the main approach to the house; and resurfacing of the driveway and hardstanding area around the Manor itself.

8.10 The Applicant has stated that all of these proposals in combination would help to restore the Manor back to its original glory but that the cost of these works require a substantial amount of funding. The proposed development, in terms of the value created by the proposed new dwellings, would make a significant contribution towards those costs.

8.11 Paragraph 214 of the NPPF outlines that “enabling development” is development that would not be in compliance with planning policies, and would not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset. Local Planning Authorities are required by paragraph 214 to assess whether the benefits of a proposal for enabling development would outweigh the disbenefits of departing from the policies where there is conflict.

8.12 Paragraph 84 of the Framework in making clear that planning decisions should avoid the development of isolated homes in the countryside also provides exceptions to this policy of constraint with one such exception (criterion (b)) being that the development proposal would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset.

8.13 The problem which enabling development typically seeks to address occurs when the cost of repairing a heritage asset exceeds its market value on completion of repair when taking into account all appropriate development costs. This means that the subsidy to cover the difference i.e. the conservation deficit, is necessary to secure the future of the asset.

8.14 The amount of enabling development that can be justified will be the minimum amount necessary to address the conservation deficit and to secure the long-term future of the asset(s) in question. There is no specific planning policy on how to assess enabling development proposals however nor is there a single methodology or approach prescribed in national or local planning policy and guidance.

8.15 The application proposals in this case present a scenario which has some of the hallmarks of a typical enabling development case i.e. new-build housing within grounds that are associated with a significant Grade II listed Manor House to assist financially in the delivery of heritage restoration proposals that would reinstate original parkland features and help return the grounds, and in particular the driveway approach to the listed building, back to its former glory. However, it cannot be said that the long-term future of the designated heritage asset is dependent on the restoration works being proposed in this application being

implemented and therefore it is questionable whether the proposals are representative of an enabling form of development in their truest sense.

- 8.16 Nevertheless, it is recognised by Officers that there are significant heritage benefits to be gained from the proposed development overall, both in terms of enhancements to the significance and legibility of the listed building and its associated parkland setting, and also in terms of a more general enhancement to the character and appearance of the Conservation Area. Indeed, the existing driveway is not reflective of the original layout of the site whilst the lodge building at the entrance to the site is in such a damaged and derelict state that it poses a significant visual eyesore within the Conservation Area at the original entrance to Ashby Folville Manor and immediately adjacent to the coming together of three roads that provide access to and from the main core of the village.
- 8.17 Whilst not strictly speaking an enabling development proposal therefore given that the long-term future of the listed building is not dependent on the works being proposed in this application, it is nonetheless considered that the application offers an important opportunity to secure the refurbishment of the historic lodge building and the reinstatement of the historic driveway to the Manor House and the parkland to the north of the lodge which, together, would positively enhance the character and appearance of the Ashby Folville Conservation Area and restore the overall setting and significance of the Grade II listed building. There is also a fallback position in this case that weighs in favour of the form of development being proposed in this application due to planning permission having previously been granted in May 2016 (ref: 16/00202/FUL; amended by non-material amendment application ref: 17/00180/NONMAT) for the partial demolition, conversion, remodelling and extension of the derelict lodge building to create two separate residential properties. This permission remains extant and, if it were ever to be fully implemented, it would prevent the reinstatement of the original driveway that served the Manor House due to the approved extension projecting towards and up to the line of the original driveway. These latest proposals present a far more acceptable solution in heritage terms which would ensure that the route of the original driveway can be reinstated.
- 8.18 In these respects the proposal is fully compliant with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 along with the NPPF, Policy EN13 of the Local Plan, and Policy ENV3 of the Neighbourhood Plan.
- 8.19 Substantial positive weight attaches to these heritage outcomes in the overall planning balance, but, balanced against the significant heritage benefits that would be derived from the application proposals is the inherent policy conflict arising from the proposed construction of two new-build dwellings in the open countryside. This also has substantial weighting in the overall planning balance in this case, not least due to the fact that new housing in this location would be completely at odds with the strategic policies of the Local Plan. However, whilst finely balanced, it is considered that the benefits of allowing an element of new-build development in order to fund the proposed heritage restoration works would outweigh the disbenefits of departing from Local Plan Policies SS1, SS2 and SS3, and Policy HBE1 of the Neighbourhood Plan, in this case.
- 8.20 The quantum of new-build development required to support the proposed heritage restoration works has been the source of lengthy discussions between Officers and the Applicant since this application was submitted along with another recently refused application (ref: 21/01318/FUL) that initially proposed the construction of a terrace of 12no. new-build cottages on the site before being reduced down to 7no. cottages.

- 8.21 A detailed viability assessment was originally submitted in relation to the proposal for 12no. cottages and this satisfactorily demonstrated that this quantum of new-build development was the minimum required in order to fully fund the works to the rest of the site. The viability report was reviewed on behalf of the Council by BPS Chartered Surveyors and they concluded that the scheme involving 12no. cottages was borderline in terms of being financially viable when assessed in respect of the cost of the proposed heritage restoration works to be carried out. The subsequent reduction in that refused scheme to 7no. cottages (following concerns raised by the Case Officer over the scale of new-build development being proposed in the context of the inherent conflict with strategic policies set out in the Local Plan) therefore left a financial deficit in that case.
- 8.22 No detailed viability information has been submitted specifically in relation to this application for the construction of two new-build dwellings on the site but in the context of the previous viability appraisal which concluded that the construction of 7no. cottages on the site would leave a financial deficit in funding of the proposed heritage restoration works, it is reasonable to conclude in this case that the construction of two dwellings, albeit larger detached properties, would leave a similar if not greater deficit when compared with the scheme previously assessed from a viability perspective.
- 8.23 Nevertheless, the Applicant remains keen to restore the relationship between the Manor, the lodge, the driveway and the gates and is willing to undertake these works even if sufficient value is not realised by the proposed new dwellings. This is clearly a commendable position to take in the circumstances which would ensure that the heritage restoration benefits of the proposals could still be realised despite a substantial reduction in the scale of new-build development compared to that previously proposed and accepted as being necessary to cover the full extent of restoration costs. Moreover, the Applicant has submitted a Unilateral Undertaking with this application under Section 106 of the Town and Country Planning Act 1990 (as amended) which gives a legal commitment to completing the heritage restoration works prior to any material operations being commenced in the construction of the new-build dwellings. This is considered to be an entirely acceptable approach and gives confidence to the Local Planning Authority that there is a genuine commitment to carrying out the proposed heritage restoration works prior to any works being commenced in relation to the new-build housing element.
- 8.24 In relation to other heritage-related matters it is recognised that the application site forms part of a wider area that is designated as historic ridge and furrow under the provisions of Policy ENV4 of the Neighbourhood Plan. In assessing development proposals that would involve any loss or damage to an identified area of ridge and furrow earthwork, the policy requires the benefits of the development to be balanced against the significance of the feature concerned as a heritage asset.
- 8.25 As already set out in detail above, the heritage restoration benefits in the context of the Ashby Folville Conservation Area and setting of the listed Manor House are considered to be significant in this case. In contrast, the application site forms part of a much wider area of ridge and furrow and it is located on the very edge of the designated area where the significance of the earthworks is far less than in the more central areas of the designation. There is some evidence of ridge and furrow in the area of the application site but the loss of a small area on the very edge of a much larger designated area of ridge and furrow is considered to be outweighed by the substantial heritage gains to be achieved in this case thus the proposed scheme complies with Neighbourhood Plan Policy EN4.

8.26 **Design & Impact on the Character of the Area**

- 8.27 Policy D1 of the Local Plan seeks to raise the standard of design from new developments and it states that, amongst other things, siting and layout must be sympathetic to the character of the area. Local Plan Policy EN1 meanwhile seeks to ensure that new development is sensitive to its landscape setting whilst also being respectful of an area's sense of place and local distinctiveness.
- 8.28 These objectives are reinforced by Policy HBE5 of the Neighbourhood Plan which seeks to ensure that residential developments enhance and reinforce local distinctiveness and the character of the area, whilst Policy ENV7 in seeking to safeguard the natural beauty of the area's landscape identifies a number of key views that should be preserved.
- 8.29 As explained in Section 4 above, the proposed works to the derelict lodge building adjacent to the entrance to the site would involve the removal of later additions to the building to leave only the original portion of the property. A new extension to the rear of the building is proposed along with a detached garage to the rear. The proposed extension would take the form of a new wing that would link to the original building, strongly referencing the design language of the building but with clear definition between old and new thereby following good design principles in this respect.
- 8.30 Not only would the proposed works reverse previous unsympathetic additions and alterations to the building and therefore allow the original structure to become more legible, they would also breathe new life into this derelict building which in recent years has become a visual eyesore at the entrance to the Manor and which has also attracted antisocial behavioural problems with the Police having been called to the site on a number of occasions. The proposed remodelling of the building and its future use for residential purposes would therefore not only eliminate existing antisocial behaviour problems at the site but it would also represent a significant visual enhancement in this prominent roadside location with the proposed works overall being proportionate in scale to the original building and in keeping with its prevailing architectural form.
- 8.31 Turning to the proposed two new-build dwellings to the south-east of the derelict lodge it is considered that a high quality and visually sensitive design outcome that responds positively to the historic setting and significance of the site would be achieved. The dwellings would be positioned on an east-west axis and would be north-facing whilst being a mirror image of one another running parallel with, but set back from, the reinstated original driveway to the Manor. Proposed tree planting along the route of the driveway would provide an element of physical and visual separation.
- 8.32 The dwellings would replicate the architectural language of the original lodge building and would take the form of two-storey dwellings of brick construction under a pantile roof with attached single storey triple garages. The proposed materials would be high quality and authentic, closely following the English vernacular theme, in the form of a carefully chosen facing brickwork, timber windows and pantile roofs with this aspect of the development being considered appropriate for both the application site and the wider locality. The scale of the dwellings being proposed is also considered to be acceptable and from a visual perspective it would assist in strengthening a hierarchy of accommodation on the site starting with the restored lodge building at the entrance to the driveway, leading to the proposed new dwellings which would be set back and have a subservience in visual terms, before culminating with the Grade II listed Manor House. The result would be a new-build aspect

of the development that would not be visually overpowering and instead would blend successfully into the historic context of the site.

8.33 With regards to visibility from beyond the application site, the grounds associated with Ashby Folville Manor benefit from extensive mature tree and hedgerow coverage on most of their boundaries which provide a strong degree of visual screening from all nearby public receptors. Glimpse/slot views towards the proposed location for the new-build dwellings are possible through the trees and hedgerow running along the boundary of the site with Station Road to the west but these are only fleeting views where any resultant visual or landscape harm would not be to an extent that would justify withholding planning permission. In addition, whilst the site is located within one of the key views identified in Policy ENV7 of the Neighbourhood Plan (View 7) it is again considered that any resultant harm to this view would be negligible and certainly not sufficient to justify refusing the planning application for this reason. Indeed, the vantage point in question is referenced in the Neighbourhood Plan as being important for the view provided from near to Field 365 facing north-east down the hillside into the Gaddesby Brook valley, over the village of Ashby Folville, and toward the woodlands of Ashby Pastures on the northern horizon. Within this view the application site sits very discreetly in a natural dip in the landform and, as explained above, it is heavily screened by mature trees and hedgerow coverage along the majority of its boundaries. The proposed development would not be particularly visible on the landscape when viewed at distance from locations near to Field 365 and it would have no impact at all on views over Ashby Folville or towards Ashby Pastures which are the key defining characteristics and features of this identified public vantage point.

8.34 Overall therefore the development proposals are considered to be acceptable in terms of siting, scale, design, use of materials and their potential impacts on the landscape character of the area therefore according with Local Plan Policies D1 and EN1, and Policies HBE5 and ENV7 of the Neighbourhood Plan, in these respects.

8.35 **Impact on Amenity**

8.36 Given the relatively isolated nature of the application site and its distance from the nearest residential properties in Ashby Folville, there are no residential properties in the vicinity that would be affected by the proposed development through loss of light, outlook, privacy or other associated disturbance. This being the case it is considered that the proposal would have no adverse residential amenity impacts therefore according with Policy D1 of the Local Plan, and Policy HBE5 of the Neighbourhood Plan, in this respect.

8.37 **Highway Matters**

8.38 As explained earlier in the report, the original entrance and driveway serving the Manor would be reinstated as part of the application proposals and this would provide access to the remodelled lodge building. The proposed new-build dwellings meanwhile would be served by a new access that would be created off Station Road at a point approximately 120m south of the proposed reinstated entrance and original driveway.

8.39 The Highway Authority (LHA) have confirmed that the traffic likely to be generated by the proposed development would not be significant and would be acceptable in terms of its potential impact on traffic flows on the local road network whilst the proposed new access has been confirmed as being acceptable from a design and highway safety perspective.

8.40 Subject to the recommended conditions and informatives set out below, the LHA have confirmed that the proposals are acceptable and, this being the case, the proposal accords with the NPPF, Local Plan Policy IN2 and Neighbourhood Plan Policy T1.

8.41 In relation to another matter, both the Highway Authority and Melton Ramblers have advised that Public Footpath I91 runs through the proposed site for the new-build dwellings and would therefore need to be diverted as part of the scheme. The Highway Authority have raised no objection to this requirement and have recommended conditions securing the necessary diversion. Subject to these conditions the proposal would not prevent the continued use of a public footpath through the site ensuring that there is also accordance with Policy IN2 of the Local Plan in this respect.

8.42 **Ecological Impacts**

8.43 An ecological appraisal incorporating bat surveys and great crested new surveys has been submitted with the application and the County Ecologist has confirmed acceptance of the recommendations set out in the report in relation to mitigation measures that are intended to be put in place to avoid any adverse impacts on protected species or their habitat.

8.44 As the derelict lodge building was recorded to have some bat potential, an updated emergence survey is required to be carried out. A condition in relation to this is recommended for imposition should Members be minded to approve the application. Further conditions requiring the implementation of precautionary recommendations from the submitted ecological appraisal are also recommended.

8.45 Subject to the recommended conditions the proposal accords with Local Plan Policy EN2, and Policy ENV6 of the Neighbourhood Plan, in respect of the potential impacts of the proposed development on matters of ecological interest.

8.46 The application was submitted prior to the introduction of mandatory biodiversity net gain and is therefore not required to fulfil this statutory requirement.

8.47 **Flood Risk & Drainage**

8.48 The application site is located entirely within Flood Zone 1 and is therefore at a low risk of flooding itself. Drainage information for the site has also been submitted and neither the Environment Agency nor the Lead Local Flood Authority (LLFA) have raised any objection in relation to the drainage proposals for the site. It is therefore the case that the proposal does not give rise to any concerns over increasing the risk of flooding elsewhere in accordance with the NPPF and Policy EN11 of the Local Plan.

9 **Conclusion & Reason for Recommendation**

9.1 Whilst the Grade II listed Ashby Folville Manor itself is located immediately adjacent to the southern edge of the village of Ashby Folville, the application proposals relate to a derelict lodge building which is a substantial detached former dwelling that was originally the gatehouse to the Manor along with an area of extended garden/parkland to the south and east of the lodge that are, by definition, in the open countryside.

9.2 The proposed development is neither necessary nor appropriate in terms of the countryside location of the site and therefore the fundamental starting point in this case is that the proposal conflicts with Local Plan Policies SS1, SS2 and SS3 and, in turn, Policy HBE1 of the Neighbourhood Plan which makes clear that development will be carefully controlled in line with local strategic planning policies [as set out in the Local Plan]

9.3 This fundamental policy conflict has not been contested by the Applicant with the application instead being presented on the basis that it would deliver significant heritage restoration benefits through the proposed renovation of the derelict lodge building; reinstatement of the original entrance and driveway to the listed Manor House; return of the existing modern

driveway back into part of the original parkland landscape; restoration of the bridge over the Gaddesby Brook on the main approach to the house; and resurfacing of the driveway and hardstanding area around the Manor itself.

- 9.4 The Applicant has stated that all of these proposals in combination would help to restore the Manor back to its original glory but that the cost of these works require a substantial amount of funding. The proposed development, in terms of the value created by the proposed new-build dwellings, would make a significant contribution towards those costs.
- 9.5 The long-term future of the listed building is not dependent on the works being proposed in this application and therefore, strictly speaking, the application does not constitute enabling development. However, it is nonetheless considered that the application offers an important opportunity to secure the refurbishment of the historic lodge building and the reinstatement of the historic driveway to the Manor House and the parkland to the north of the lodge which, together, would positively enhance the character and appearance of the Ashby Folville Conservation Area and restore the overall setting and significance of the Grade II listed building. There is also a fallback position in this case that weighs in favour of the form of development being proposed due to planning permission having previously been granted in May 2016 (ref: 16/00202/FUL; amended by non-material amendment application ref: 17/00180/NONMAT) for the partial demolition, conversion, remodelling and extension of the derelict lodge building to create two separate residential properties. This permission remains extant and, if it were ever to be fully implemented, it would prevent the reinstatement of the original driveway that served the Manor House due to the approved extension projecting towards and up to the line of the original driveway. These latest proposals present a far more acceptable solution in heritage terms which would ensure that the route of the original driveway can be reinstated. In these respects the proposal is fully compliant with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 along with the NPPF, Policy EN13 of the Local Plan, and Policy ENV3 of the Neighbourhood Plan. It is therefore the case that substantial positive weight attaches to these heritage outcomes in the overall planning balance.
- 9.6 Balanced against the significant heritage benefits is the inherent policy conflict arising from the proposed construction of two new-build dwellings in the open countryside. This also has substantial weighting in the overall planning balance in this case, not least due to the fact that new housing in this location would be completely at odds with the strategic policies of the Local Plan. However, whilst finely balanced, it is considered that the benefits of allowing an element of new-build development in order to fund the proposed heritage restoration works would outweigh the disbenefits of departing from Local Plan Policies SS1, SS2 and SS3, and Policy HBE1 of the Neighbourhood Plan.
- 9.7 The quantum of new-build development required to support the proposed heritage restoration works has been the source of lengthy discussions between Officers and the Applicant since this application was submitted along with another recently refused application (ref: 21/01318/FUL). No detailed viability information has been submitted specifically in relation to this application for the construction of two new-build dwellings on the site but, in the context of the previous viability appraisal which concluded that the construction of 7no. cottages on the site would leave a financial deficit in funding of the proposed heritage restoration works, it is reasonable to conclude in this case that the construction of two dwellings, albeit larger detached properties, would leave a similar if not greater deficit when compared with the viability appraisal of the recently refused scheme.

- 9.8 Nevertheless, the Applicant remains keen to restore the relationship between the Manor, the lodge, the driveway and the gates and is willing to undertake these works even if sufficient value is not realised by the dwellings. Moreover, the Applicant has submitted a Unilateral Undertaking with the application under Section 106 of the Town and Country Planning Act 1990 (as amended) which gives a legal commitment to completing the heritage restoration works prior to any material operations being commenced in the construction of the new-build dwellings. This is considered to be an entirely acceptable approach and gives confidence that there is a genuine commitment to carrying out the proposed heritage restoration works prior to any works being commenced in relation to the new-build housing development.
- 9.9 In relation to design and visual impacts, subject to the recommended conditions the development proposals are considered to be acceptable in terms of siting, scale, design, use of materials, potential impacts on the landscape character of the area and neighbouring amenity impacts therefore according with Local Plan Policies D1 and EN1, and Policies HBE5 and ENV7 of the Neighbourhood Plan, in these respects.
- 9.10 It is also the case that the development would be acceptable from a highways safety perspective, impact on protected species and their habitat, and in terms of not being at risk of flooding or increasing flood elsewhere, thereby demonstrating compliance with the NPPF; Policies EN2, EN11 and IN2 of the Local Plan; and Policies EN6 and T1 of the Neighbourhood Plan, in respect of these technical and environmental matters.

10 Planning Conditions

- 10.1 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.

- 10.2 The development hereby permitted shall be carried out in accordance with following approved drawings and documents:

Dwg No 1546(4) P08 - Proposed Site Plan 1 of 2 - received 10.05.24

Dwg No 1546(4) P09 - Proposed Site Plan 2 of 2 - received 10.05.24

Dwg No 1546(4) P10 - Proposed Ground Floor Plan (Gatehouse) - received 10.05.24

Dwg No 1546(4) P11 - Proposed First Floor Plan (Gatehouse) - received 10.05.24

Dwg No 1546(4) P12 - Proposed Elevations (Gatehouse) - received 10.05.24

Dwg No 1546(4) P13 - Proposed Elevations (Gatehouse) - received 10.05.24

Dwg No 1546(4) P14 - Proposed Garage (Gatehouse) - received 10.05.24

Dwg No 1546(4) P15 - Proposed Dwelling (Plot 1) - received 10.05.24

Dwg No 1546(4) P16 - Proposed Dwelling (Plot 2) - received 10.05.24

Dwg No 1546(4) P17 - Proposed Bridge Plan & Elevation - received 10.05.24

Dwg No 1546(4) P18 - Proposed Bridge Elevation - received 10.05.24

Dwg No 1546(4) P19 - Proposed Visibility Splays - received 10.05.24

Ashby Folville Gates Horizontal Top - received 10.05.24

Reason: For the avoidance of doubt and to ensure that the development is in accordance with Policy D1 of the Melton Local Plan.

10.3 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 then be carried out in strict accordance with those external materials approved.

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

10.4 No works on the restoration of the gatehouse/lodge building hereby approved shall commence until full details of all new windows, doors and dormer windows have been submitted to and approved in writing by the Local Planning Authority. Such details shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The development shall thereafter be carried out in accordance with these approved details and retained as such.

Reason: To ensure a satisfactory appearance of the development which does not detract from the historic fabric and character of this rural buildings and its prominent setting at the entrance to the site in accordance with Policies D1 and EN13 of the Melton Local Plan.

10.5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking and re-enacting the Order with or without modification) no development falling within Schedule 2 Part 1 Classes A-F and Part 2 Class A shall be erected/carried out without the prior permission of the Local Planning Authority.

Reason: To safeguard the appearance of the development and the privacy and living conditions of future residents in accordance with Policy D1 of the Melton Local Plan.

10.6 Within one month of the commencement of works on site, a plan showing a detailed soft and hard landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include details of:

(a) any existing trees, shrubs, hedges and water bodies to be retained and measures for their protection in the course of development;

(b) new tree and shrub planting, including plant type, size, quantities and locations;

(c) other surface treatments;

(d) fencing and boundary treatments; and

(e) any changes in levels or contours.

Reason: To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity in accordance with Policy D1 of the Melton Local Plan.

10.7 The approved landscaping scheme pursuant to Condition 6 above shall be carried out within one year of completion of the development and any trees, hedges, shrubs or plants which within a period of five years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity in accordance with Policy D1 of the Melton Local Plan.

10.8 The development hereby approved shall only be carried out in accordance with the mitigation measures contained in the Updated Ecological Appraisal Report prepared by Skilled Ecology Consultancy Ltd (dated May 2022; received 14th June 2022). In addition, during the demolition and construction phases, all materials shall be stored off the ground (for example on pallets) to minimise the likelihood of Great Crested Newts accessing them for refuge. All spoil/waste materials shall be removed from site at the end of each working day (or stored in a skip) and the site should be maintained as sub-optimal prior to the commencement of works.

Reason: To ensure that the development does not have an adverse impact on protected species or their habitat in accordance with Policy EN2 of the Melton Local Plan.

10.9 No development shall take place until an updated bat emergence survey report has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with any mitigation measures identified as being required in the update emergence survey report.

Reason: To ensure that the development does not have an adverse impact on protected species or their habitat in accordance with Policy EN2 of the Melton Local Plan.

10.10 The development hereby approved shall only be carried out in accordance with the mitigation and protection measures contained in the report BS 5837 Tree Survey leading to an Arboricultural Impact Assessment for Planning prepared by Robert Parker Projects (ref: 2404-1_Tree Survey; dated 26th April 2024; received 3rd May 2024)

Reason: To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity in accordance with Policy D1 of the Melton Local Plan.

10.11 No development shall take place until a scheme for the treatment of Public Footpath I91 has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for its management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in Leicestershire County Council's Guidance Notes for Developers. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: To protect and enhance Public Rights of Way and access in accordance with Paragraph 104 of the National Planning Policy Framework (December 2023) and Policy IN2 of the Melton Local Plan.

10.12 No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, and to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area, in accordance with Policy IN2 of the Melton Local Plan.

10.13 No part of the development shall be occupied until such time as the offsite works shown on Dwg No 1546(4) P08 (Proposed Site Plan 1 of 2) received on 10.05.24 have been implemented in full.

Reason: To mitigate the impact of the development in the general interests of highway safety and in accordance with the National Planning Policy Framework (December 2023) and Policy IN2 of the Melton Local Plan.

- 10.14 No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 215 metres to the south, and 2.4m by 130m to the north, have been provided at the new 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 (December 2023) and Policy IN2 of the Melton Local Plan.

- 10.15 The reinstatement of the access to Ashby Folville Manor hereby permitted shall not be used for a period of more than one month from first being brought into use unless the vehicular access onto Ashby Road that becomes redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (December 2023) and Policy IN2 of the Melton Local Plan.

- 10.16 The development hereby permitted shall not be occupied until such time as parking and turning facilities have been implemented in accordance with Dwg No 1546(4) P08 (Proposed Site Plan 1 of 2) received on 10.05.24. Thereafter, the onsite parking and turning provision shall be kept available for such uses 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 (December 2023) and Policy IN2 of the Melton Local Plan.

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

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023) and Policy IN2 of the Melton Local Plan.

11 Informatives

- 11.1 Prior to construction, measures should be taken to ensure that users of the Public Footpath are not exposed to any elements of danger associated with construction works.
- 11.2 A separate application for diversion of the Public Footpath is required. This should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.

- 11.3 If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
- 11.4 No new gates, stiles, fences, or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
- 11.5 Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
- 11.6 The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

12 Financial Implications

- 12.1 There are no financial implications associated with this planning application.

Financial Implications reviewed by: N/A

13 Legal and Governance Implications

- 13.1 Legal implications are set out in the report where relevant and legal advisors will also be present at the meeting.
- 13.2 The Legal Team will need to review the unilateral undertaking to ensure it provides the required obligations and covenants prior to any grant of permission.

Legal Implications reviewed by: Tom Pickwell (Deputy Monitoring Officer)

14 Background Papers

- 14.1 The planning history is contained within Section 3 of the report and the details of which are available to view on-line.



Planning Committee

11 July 2024

Report of: Assistant Director for Planning

Reference Number: 22/00063/FUL

Proposal: Change of use of agricultural land to accommodate 2no. gypsy and travellers pitches for a total of 2no. mobile homes, 3no. touring caravans, 1no. utility block, 1no. sewage treatment plant and area of hardstanding

Site: Land OS 481195 338112, Castle View Road, Easthorpe

Applicant: Mr Thomas Maughan

Planning Officer: Mark Ketley

Report Author:	Mark Ketley , Planning Officer
Report Author Contact Details:	01664 504274 mketley@melton.gov.uk
Chief Officer Responsible:	Sarah Legge , Assistant Director of Planning
Chief Officer Contact Details:	01664 502418 slegge@melton.gov.uk

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor James Mason (Bottesford) Councillor Donald Pritchett (Bottesford)
Date of consultation with Ward Member(s):	10 February 2023
Exempt Information:	No


Reason for Committee Determination:

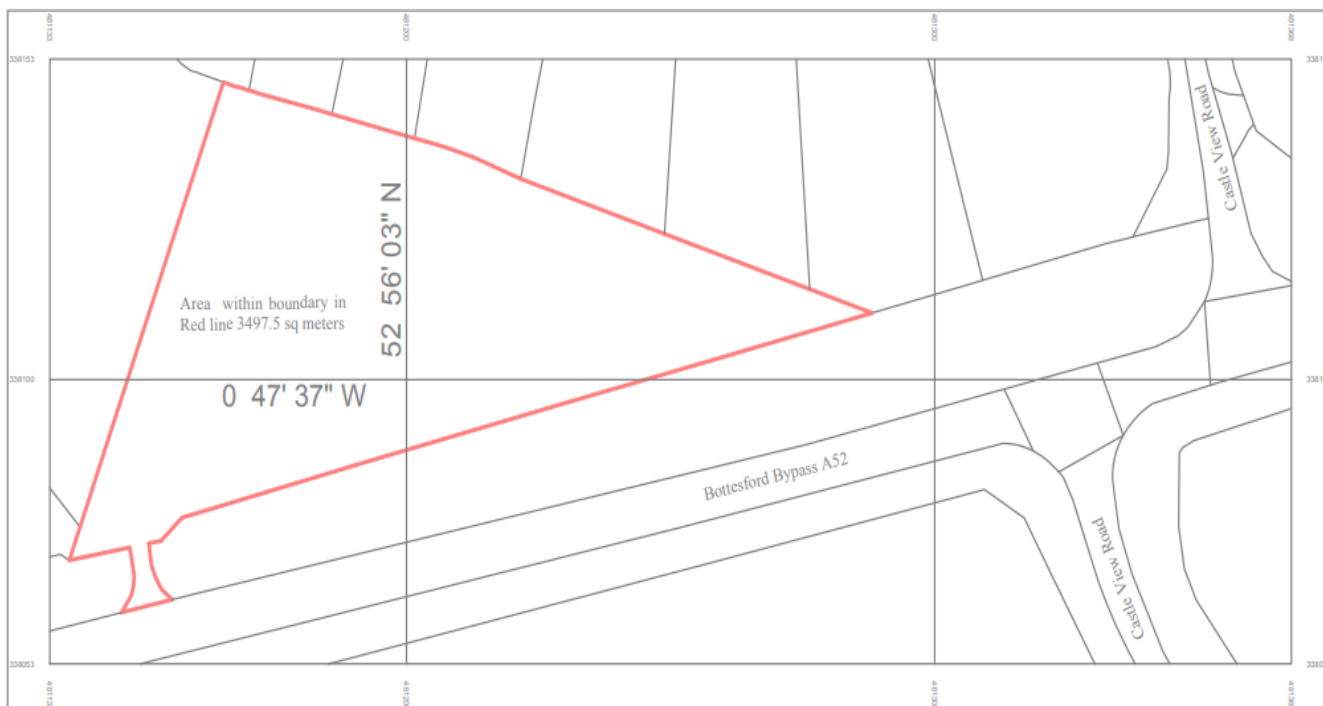
The Ward Councillor has requested the application be considered and determined by the Planning Committee on the grounds of local interest.

Web Link: [Melton Borough Council Planning Online](https://www.melton.gov.uk/planning)

What 3 words: <https://w3w.co/hitters.winners.thickened>

Site Location Plan

Ordnance Survey 
Ukmapcentre.com



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Note: Co-ordinate notation is OS Mapping



RECOMMENDATION

It is recommended that the application is **APPROVED** subject to:

1. Conditions detailed in Section 10 of this Report

1 Executive Summary

- 1.1 This application was presented to Planning Committee at its meeting on 14th May 2024 when it was deferred to establish the legality of an agricultural tenancy claim relating to the site and to enable an associated Court judgement to be brought forward as well as the history to the arrangement. Since the application was deferred a copy of the Court Order and bundle has been provided by solicitors acting on behalf of those claiming the agricultural tenancy and this has been reviewed by both the Case Officer and the Council's Legal Services Manager. However, whilst the papers show that possession was required to be given up, there is nothing definitive in the papers provided to confirm the agricultural tenancy arrangement.
- 1.2 The relevance of an agricultural tenancy in the validation of an application is to ensure that anyone with an interest in a site is made aware of the application and therefore has the opportunity to comment. Without commenting on whether or not such a tenancy exists, the third party are aware of the application and have indeed commented upon it. They are therefore aware of and have been able to comment on the application. They are not prejudiced by having not been served formal notice (in the event that a tenancy does exist) and it is therefore the case that the application can be determined in its current form.
- 1.3 The application seeks planning permission for the change of use of a triangular shaped piece of paddock/grazing land measuring approximately 0.54ha in area located in the open countryside immediately north of the A52 Bottesford Bypass, approximately 0.6km east of Bottesford and 0.2km south of the village of Easthorpe. The proposal would accommodate 2no. gypsy and travellers pitches for a total of 2no. mobile homes, 3no. touring caravans, 1no. utility block and an area of hardstanding.
- 1.4 The site is located beyond the village envelopes of both Bottesford and Easthorpe as defined in the Bottesford Neighbourhood Plan and is therefore classed as being in the open countryside for the purpose of applying relevant planning policy.
- 1.5 Policies SS1 and SS2 of the Local Plan state that new development in the countryside will be restricted to that which is necessary and appropriate for the open countryside. This is further reflected by Policy 1 of the Neighbourhood Plan which establishes similar limits to development in open countryside locations across the Plan area.
- 1.6 The Council is currently unable to demonstrate with evidence a five-year supply of deliverable land for gypsy and traveller sites which is a matter that attracts significant weight in favour of a grant of planning consent in this case. This, combined with the fact that the proposal would allow the Applicant and their family to settle for the reasons explained by the Travellers Sites & Liaison Officer, whilst still facilitating the traditional and nomadic life of travellers, ensures that the proposed development accords, in principle, with the requirements of national planning policy and criterion (i) of Local Plan Policy C6. In addition, being located just 0.6km from Bottesford and 0.2km from Easthorpe, the site is well-related to the local infrastructure and services of these nearby villages also ensuring compliance with criterion (iv) of Policy C6. It is therefore considered that the proposal is acceptable as a matter of principle in line with the requirements and expectations of national and local planning policy in relation to gypsy and traveller sites. In turn, this ensures that compliance with Policies SS1 and SS2 of the Local Plan, and Policy 1 of the Neighbourhood Plan, is achieved in terms of the development being a necessary and appropriate form of development for this open countryside location.

- 1.7 Subject to the recommended conditions as set out below, it is considered that the development is acceptable in terms of its siting and design and, on balance, would not adversely impact on the landscape character of the area to the extent that would justify withholding planning permission. This being the case it is considered that the proposal accords with Local Plan Policies D1, EN1 and C6 (criterion (ii)), along with Policies 2 and 8 of the Neighbourhood Plan, in these respects.
- 1.8 The proposal would promote the peaceful and integrated co-existence between the site and the local community ensuring accordance with Policies D1 and C6 (criterion (v)) of the Local Plan, and Policy 2 of the Neighbourhood Plan, in respect of amenity impacts.
- 1.9 National Highways have confirmed that the proposed development is acceptable from a road safety perspective subject to the conditions recommended below ensuring accordance with Policies IN2 and C6 (criterion (iv)) of the Local Plan.
- 1.10 The proposed development is unlikely to have an adverse impact on protected species or their habitat and it is therefore the case that the application accords with Policy EN2 of the Local Plan and Policy 3 of the Neighbourhood Plan.
- 1.11 The application site is located entirely within Flood Zone 1 and at a low risk of flooding itself whilst drainage information submitted with the application has satisfactorily demonstrated that the development does not give rise to any concerns over increasing the risk of flooding elsewhere, including on the adjacent A52, through surface water run-off. The proposal therefore accords with the NPPF, Policies EN11 and C6 (criterion (iii)) of the Local Plan, and Policy 6 of the Neighbourhood Plan, in this respect.

Main Report

2 The Site

- 2.1 The application relates to a triangular-shaped piece of paddock/grazing land measuring approximately 0.54ha in area located in the open countryside approximately 0.6km east of Bottesford and 0.2km south of the village of Easthorpe.
- 2.2 The site which is located immediately north of the A52 Bottesford Bypass is heavily screened from this main road by mature trees and a hedgerow within the highway verge. Otherwise the site is generally flat and enclosed on all other sides by lower level hedging which assists in preventing views into the site from the surrounding area despite it being surrounded by open agricultural land. Access to the site is from the A52 where there is an existing field gate entrance with a gravel/hardcore surface.

3 Planning History

- 3.1 There is no relevant planning history relating to the application site.

4 Proposal

- 4.1 Planning permission is being sought in this case for the change of use of the land to accommodate 2no. gypsy and travellers pitches for a total of 2no. mobile homes, 3no. touring caravans, 1no. utility block and an area of hardstanding.
- 4.2 The plans submitted with the application indicate that the proposed development would take place within the western half of the site with the eastern portion remaining as grazing/paddock land. The proposed utility block would be sited in the north-western corner

of the site and this would feature a kitchen and dining area along with a bathroom. The building would be a square shaped structure measuring 6m in length and depth and it would be timber clad with a tiled pitched roof measuring 4m to the height of its ridge.

4.3 The proposed mobile homes would be positioned either side of the utility block with one being positioned adjacent to the northern site boundary and running on an east-west axis; and the other being positioned adjacent to the western site boundary and running on a north-south axis. Both mobile homes would be rectangular in shape with space for the parking of touring caravans being provided alongside them.

4.4 The whole western part of the site would be changed to hardstanding as part of the proposal with the development intended to be served by a sewage treatment plant.

5 Amendments

5.1 There have been no amendments to the proposal itself during the course of the application. However, additional information has been submitted to address concerns raised by both National Highways and the County Highways Authority in the form of a Stage 1 Road Safety Audit which has been re-consulted upon.

6 Planning Policy

6.1 National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Planning Policy for Traveller Sites

6.2 Melton Local Plan

- The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the development plan for the area.
- The Local Plan is consistent with the National Planning Policy Framework published in December 2023 and, whilst it is now being updated, its policies remain relevant and up to date for the determination of this application. The Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) evidence base is currently being updated alongside Harborough District Council and Oadby & Wigston Borough Council to provide an updated evidence base for the Local Plan Update.
- The relevant policies to this application include:
 - Policy SS1 Presumption in Favour of Sustainable Development
 - Policy SS2 Development Strategy
 - Policy C6 Gypsies & Travellers
 - Policy EN1 Landscape
 - Policy EN2 Biodiversity & Geodiversity
 - Policy EN11 Minimising the Risk of Flooding
 - Policy EN12 Sustainable Drainage Systems
 - Policy IN2 Transport, Accessibility and Parking
 - Policy D1 Raising the Standard of Design

6.3 Neighbourhood Plan

- The Bottesford Parish Neighbourhood Plan (2020-2036) which was made on 14th October 2021 also forms part of the Development Plan for this area.
- The relevant policies to this application include:
 - Policy 1 Sustainable Development and the Village Envelopes
 - Policy 2 Protecting the Landscape Character
 - Policy 3 Protecting & Enhancing Biodiversity
 - Policy 6 Reducing the Risk of Flooding
 - Policy 8 Ensuring High Quality Design

7 Consultation Responses

7.1 Please note the below is a summary of responses and representations received. To view the full details please follow the web link on the first page.

SUMMARY OF TECHNICAL CONSULTATION RESPONSES

7.2 Travellers Sites & Liaison Officer

- The family that will live on this site are Romany Gypsy/Travellers by birth, culture and descent, having been born and brought up in the traditional Gypsy way of life.
- The proposal would allow them to raise a family on a site that would provide all the health and welfare benefits that having a stable and secure home would give to both adults and children living on the site.
- The family have not had a permanent home for many years and have travelled extensively living on the roadside and staying, occasionally, with family and friends. It became apparent that the family needed a secure and settled base to access education for the children and health care facilities for the whole family. The two children are enrolled in a local school, and it is the first time that they have ever been to school. Their eight-year-old son has learning difficulties and his Consultant Paediatrician has recommended that he attend school on a full time basis to help establish the full extent of his issues and to help form a correct diagnosis.
- The applicant's family have various health issues, and the ability to access health care is of paramount importance. Additional information was submitted alongside the application, however that information is of a sensitive nature and general data protection regulations prevent that being reported.
- The most recent GTAA for Melton Borough Council is contained with the Leicester City and Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, published in March 2017. This Accommodation Assessment with regard, specifically, to Melton Borough indicates that additional requirement can be met by unimplemented pitches on existing sites. This does not consider any provision for new families who wish to relocate to Melton and for new sites to accommodate them. This data was collected in 2016 and the general advice is that Accommodation Needs Assessment should be reviewed every five years.
- Melton Borough Council is at present unable to demonstrate a five-year supply of deliverable land for gypsy and traveller sites, which is a national requirement. The lack

of a five-year land supply is a matter that should attract significant weight in favour of a grant of planning permission.

7.3 **National Highways**

Initially responded to this application in March 2022 confirming that due to the proximity of the proposals to the strategic road network (SRN), further information should be provided regarding the operation of the development. In the response they set out areas of concern that they would wish to see considered prior to any planning permission being granted including the proposed access and drainage arrangements. These details have now been provided and National Highways are satisfied that the impact of the development proposals can be suitably mitigated against. The response has therefore been revised to one of no objection subject to conditions.

7.4 **LCC Highways**

Given that the proposed development is to be accessed from A52 Bottesford Bypass, which is part of the strategic road network falling under the purview of National Highways, the LHA would only wish to comment with respect to Public Rights of Way (PRoW). PRoW footpath F74 is noted to utilise the site access. The PRoW should be shown on any future drawings alongside details regarding its retention and treatment. The LHA request that details regarding the proposed width, surfacing and spacing of the route are provided in accordance with the "Leicestershire County Council Development and Public Rights of Way: Guidance Notes For Designers, Developers And Planners" document. Measures to protect the PRoW should also be provided for during the construction stage.

7.5 **Historic England**

No comments to make on this application.

7.6 **Natural England**

No comments to make on this application.

7.7 **LCC Ecology**

The proposals are unlikely to significantly impact ecology therefore ecology surveys are not required. As a condition, any trees and hedgerows on the site should be retained and adjacent vegetation must not be impacted.

7.8 **LCC Forestry**

The site is bordered to the north-east and north-west by mature field hedges. A dense buffer of scrub & trees is established to the south on the A52 verge. Within the north-western hedge line a mature ash and occasional field trees are established. The proposed layout indicates the main utility block and static caravans will be concentrated to the corner of the site underneath the mature ash. A foul water drain is also indicated along the north-western boundary to serve the structures. The placement next to the ash and requirement for any foundations/ installation of underground services would have a potential impact on the root protection area (RPA) of the tree and increase the likelihood of conflict/concerns relating to the proximity of the mature tree which could lead to unnecessary pruning etc. It is recommended that the design be amended to take the ash tree into account and the RPA requirements. This could incorporate additional landscaping/tree planting to enhance the site and screen the site along the north-west and north-eastern boundary.

7.9 **Lead Local Flood Authority (LLFA)**

No Objection – Leicestershire County Council as LLFA advises the LPA that the proposed development is considered a minor application and therefore the LLFA is not a statutory consultee for this development. Please refer to standing advice.

7.10 **Severn Trent Water**

Foul is proposed to connect into a sewage treatment plant, which we have no comment. Surface water is proposed to discharge into Winter Brook, which we have no comment.

7.11 **Trent Valley Internal Drainage Board**

The Board maintained Winterbeck, an open watercourse, exists to the West of the site and to which Byelaws and the Land Drainage Act 1991 applies. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent. The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works.

7.12 **Environmental Health**

No Objection - The area is close to the A52 main road but it is not envisaged that there would be any adverse noise issues for the development. The site should be subject to guidance under the Caravan Sites and Control of Development Act 1960.

SUMMARY OF REPRESENTATIONS

7.13 **Ward Member(s)**

No comments received

7.14 **Parish Council**

Object to the application on the following grounds:

1. This scheme proposes an additional junction on to an already dangerous stretch of the A52. This proposed additional junction would also have the impact of making the existing adjacent junction even more dangerous by negatively impacting the visibility for road users.
2. Cllrs also object to the proposal to change the use of this land which is currently agricultural and in the stewardship program.

7.15 **Parish Council (Further Comments)**

The Parish Council recently considered and approved a request from its Road Safety Advisory Committee that it express its concern that the proposed ghost island outlined in this application will not provide safe access and egress. It was noted that a recent accident on this dangerous stretch of the A52 had resulted in another fatality and the need to ensure that no additional hazards are introduced was agreed. The Road Safety Committee noted an assertion, during consideration by the Planning Committee that a clear distance of 8-9 metres will exist to facilitate vehicles to pull off the highway. The Council would like clarification that this is considered acceptable given the length of some larger vehicles or towing vehicles.

7.16 **Neighbours**

1no. letter of support has been received from a local resident whose reasons for supporting the application can be summarised as follows:

- Nice to see a fixed site because everybody is entitled to have a proper stable home;
- Would fit right in to the village and you wouldn't even know the site is there; and
- National Highways have deemed the access to be safe.

11no. letters of objection have been received from 10no. separate households raising issues that can be summarised as follows:

- Application site is outside of the development envelope of Easthorpe and in an area of high landscape sensitivity;
- Impact on the open landscape between Bottesford and Easthorpe;
- Safety concerns arising from the proposed access to the site on a dangerous section of the A52 Bottesford Bypass;
- Potential impact on the future use of the public footpath;
- Land is the subject of a life-long agricultural tenancy agreement and is also in the agricultural stewardship program therefore the applicant has incorrectly completed the planning application form by declaring that there is no agricultural tenancy relating to the site; and
- Loss of good quality agricultural land contrary to the interests of food production and environmental and nature preservation.

7.17 Response to Consultations and Representations

7.18 The majority of the issues raised are material planning considerations and are addressed under Section 8 'Planning Analysis' below.

7.19 Suggestion has been made that the application site is the subject of a life-long agricultural tenancy agreement and part of the agricultural stewardship program. Some information has been received that shows there was some form of legal action over the site however this did not 'prove' an agricultural tenancy itself.

8 Planning Analysis

8.1 The main considerations in determining this application are as follows:

- Principle of Development
- Impact on the Character of the Area
- Impact on Amenity
- Highway Matters
- Ecological Impacts
- Flood Risk & Drainage

8.2 Principle of Development

8.3 The application site is located beyond the village envelopes of both Bottesford and Easthorpe as defined in the Bottesford Neighbourhood Plan and is therefore classed as being in the open countryside for the purpose of applying relevant planning policy.

- 8.4 Policies SS1 and SS2 of the Local Plan state that new development in the countryside will be restricted to that which is necessary and appropriate for the open countryside. This is further reflected by Policy 1 of the Neighbourhood Plan which establishes similar limits to development in open countryside locations across the Plan area.
- 8.5 Local Plan Policy C6 relates specifically to proposals involving gypsy and traveller related development and this states that the most recent Gypsy and Traveller Accommodation Assessment (GTAA) will be used to identify pitch and plot requirements and that, where a need is found, the Council will take steps to deliver the necessary sites in a timely manner in order to support the Gypsy and Traveller and Travelling Showpeople community.
- 8.6 Policy C6 also states that the GTAA will be used as a basis for determining planning applications together with the criteria within the most up-to-date national planning policy. Support is given by Policy C6 for gypsy and traveller sites that:
- (i) facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community;
 - (ii) are appropriate in scale, well designed, and provide suitable landscaping and boundary treatments;
 - (iii) provide an acceptable living environment for occupiers and are free from flooding, pollution, hazards or other adverse impacts on standards of living;
 - (iv) are well-related to local infrastructure and services of a nearby town or village, including safe and convenient access to the road network; and
 - (v) promote peaceful and integrated co-existence between the site and the local community.
- 8.7 Nationally, paragraph 63 of the updated version of the NPPF published in December 2023 is clear that the size, type and tenure of housing needed for different groups in the community should be assessed with such groups listed as including, amongst many others, those from the travelling community. Footnote 28 in support of this paragraph of the Framework cross refers to the Government's Planning Policy for Traveller Sites that was published in 2015 which sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document (which is the case here).
- 8.8 Paragraph 24 of the document states that in making decisions on planning applications, Local Planning Authorities should consider, amongst other relevant matters, the existing level of local provision and need for sites; the availability (or lack) of alternative accommodation for the applicants; and other personal circumstances of the applicant.
- 8.9 Paragraph 25 goes on to make clear that Local Planning Authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements and ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community and avoid placing undue pressure on local infrastructure.
- 8.10 The Travellers Sites & Liaison Officer has confirmed that the Applicant and his family in this case are Romany Gypsy/Travellers by birth, culture and descent having been born and brought up in the traditional gypsy way of life. They have advised that the proposal would allow the Applicant to raise a family on a site that would provide all the health and welfare benefits that having a stable and secure home would give to both adults and children living on the site and in this context it is considered that the proposal would allow the family to benefit from a more secure and settled base whilst still facilitating the traditional and

nomadic life of travellers. The proposal is therefore compliant with criterion (i) of Policy C6 of the Local Plan in this respect.

- 8.11 The Travellers Sites & Liaison Officer has also explained that there are personal circumstances in this case, particularly involving a member of the applicant's family who requires frequent access to healthcare, and their eight-year-old son who has learning difficulties and is advised to attend school on a full-time basis, which need to be given weight in the determination of this application in line with the guidance set out in paragraph 24 of the Government's Planning Policy for Traveller Sites.
- 8.12 The most recent Gypsy and Traveller Accommodation Assessment (GTAA) for the Borough of Melton is contained within the Leicester City & Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment published in March 2017. This assessment with regard, specifically, to Melton Borough indicates that additional requirement can be met by unimplemented pitches on existing sites. However, this assessment was undertaken 7 years ago, using data collected 8 years ago in March 2016, and it does not consider any provision for new families who wish to relocate to the Borough and for new sites to accommodate them. The assessment is required to be updated every five years which is an exercise that has not been undertaken in this instance, but it is now being undertaken. Consequently, the Council is currently unable to demonstrate with evidence a five-year supply of deliverable land for gypsy and traveller sites which is a national requirement.
- 8.13 This lack of supply is a matter that attracts significant weight in favour of a grant of planning consent in this case. This is consistent with the findings of an Inspector in relation to an appeal against Melton Borough Council's decision to refuse planning permission for the use of land north of Plungar Lane, Plungar, NG13 0JN (LPA ref: 19/00225/FUL, PINS ref: APP/Y2430/W/20/3246224) which was decided in May 2023 and in which case the Inspector noted in paragraph 21 of their decision that *"there is a need for these two families to live somewhere and the Council confirmed that there are not any other suitable and available pitches in the borough. This is indicative of an immediate unmet need for sites in the Council area and I therefore attach considerable weight to the need for pitches in favour of the development."*
- 8.14 The absence of a five-year supply of deliverable land for gypsy and traveller sites combined with the fact that the proposal would allow the family to settle for the reasons explained by the Travellers Sites & Liaison Officer, whilst still facilitating the traditional and nomadic life of travellers, ensures that the proposed development accords, in principle, with the requirements of national planning policy and criterion (i) of Local Plan Policy C6. In addition, being located just 0.6km from Bottesford and 0.2km from Easthorpe, the site is well-related to the local infrastructure and services of these nearby villages also ensuring compliance with criterion (iv) of Policy C6. Subject therefore to the proposal being acceptable in terms of its design, impacts on the character of the area, amenity impacts and other environmental effects as assessed below, it is considered that the proposal is acceptable as a matter of principle in line with the requirements and expectations of national and local planning policy in relation to gypsy and traveller sites. In turn, this ensures that compliance with Policies SS1 and SS2 of the Local Plan, and Policy 1 of the Neighbourhood Plan, is achieved in terms of the development being a necessary and appropriate form of development for this open countryside location.

8.15 **Impact on the Character of the Area**

8.16 Policy D1 of the Local Plan seeks to raise the standard of design from new developments and it states that, amongst other things, siting and layout must be sympathetic to the character of the area. Local Plan Policy EN1 meanwhile seeks to ensure that new development is sensitive to its landscape setting whilst also being respectful of an area's sense of place and local distinctiveness.

8.17 These objectives are reinforced by the Neighbourhood Plan with Policy 2 making clear that the key views, areas of separation and the significant green gaps as identified in the Neighbourhood Plan contributing to the distinctive landscape character of the Parish with the expectation being that development proposals will respect these designations and take account of them in their designs and layouts. Policy 8 more generally requires proposals to demonstrate a high design quality that responds to and contribute positively to the character of the Parish.

8.18 As explained above, the proposal would involve the creation of a hardstanding area on the western half of the site and the siting of two mobile homes and a utility block on the land alongside space for the parking of up to three touring caravans. From a design perspective it is accepted that the proposed development would appear relatively basic in its appearance. However, on the basis of the plans submitted with the application it is considered that the site would be laid out in a neat and tidy manner with the proposed buildings/structures being consolidated into one part of the site and the use of timber cladding for the buildings being appropriate for this rural location.

8.19 The visibility of the site within the wider landscape is also very limited and therefore it is considered that any resultant harm arising from the proposed development from a visual perspective would be negligible. Indeed, the site is extensively screened from the adjacent A52 Bottesford Bypass by mature trees and hedging within the highway verge to the extent that views into the site are not possible from this nearest public receptor with the exception being just a slot/glimpse view through the site entrance. The other boundaries of the site also benefit from mature hedgerow planting and this assists in reducing its visibility within the wider landscape setting when compared with the more open agricultural field network surrounding the site to the north and west.

8.20 There may be some visibility of the upper parts of the proposed mobile homes and utility block above the hedge line, but any views would be at distance across open fields with the development therefore appearing as just a minor visual incursion into the countryside. An appropriately worded condition (proposed at 10.7) can be imposed to ensure that the existing trees and vegetation on the site are retained and protected throughout the construction phase in the interests of ensuring that the existing level of visual screening is maintained. This will also ensure that a scheme to protect the ash tree as identified by LCC Forestry is implemented. Subject to this condition it is considered that the development is acceptable in terms of its siting and design and, on balance, would not adversely impact on the landscape character of the area to the extent that it would justify withholding planning permission. This being the case it is considered that the proposal accords with Local Plan Policies D1, EN1 and C6 (criterion (ii)), along with Policies 2 and 8 of the Neighbourhood Plan, in these respects.

8.21 **Impact on Amenity**

8.22 Given the rural nature of the application site and its distance from the nearby villages of Bottesford and Easthorpe, there are no residential properties in the vicinity that would be affected by the proposed development through loss of light, outlook, privacy or other

associated disturbance. This being the case it is considered that the proposal would promote the peaceful and integrated co-existence between the site and the local community ensuring accordance with Policies D1 and C6 (criterion (v)) of the Local Plan, and Policy 2 of the Neighbourhood Plan, in respect of potential amenity impacts.

8.23 **Highway Matters**

8.24 Access to the application site is from the A52 Bottesford Bypass where there is an existing field gate entrance with a gravel/hardcore surface. Concerns have been raised by the Parish Council and local residents objecting to the application that the use of this access for the purpose of serving the proposed development would give rise to road safety issues. However, the proposal has been scrutinised by National Highways who have the responsibility for ensuring that there would be no adverse impacts on the strategic road network (which the A52 forms a part of) and, whilst initially raising concerns, a subsequent Road Safety Audit submitted by the Applicant has alleviated any potential issues.

8.25 National Highways have therefore confirmed that the proposed development is acceptable from a road safety perspective subject to the conditions recommended below which require the carrying out of improvements to the site entrance and the provision of a Construction Environmental Management Plan (CEMP), incorporating a Construction Traffic Management Plan (CTMP), prior to development commencing in the interests of ensuring that the A52 can continue to operate safely and effectively in line with Policies IN2 and C6 (criterion (iv)) of the Local Plan.

8.26 In relation to another matter, the Highway Authority have highlighted that the entrance to the site also provides access to Public Footpath F74 and that this access should not be affected by the proposed development either during or following its construction. Informatives are therefore recommended in the event that any works that would affect the future use of the footpath are proposed to ensure that the continued use of the footpath is not impeded in accordance with Policy IN2 of the Local Plan.

8.27 **Ecological Impacts**

8.28 The County Ecologist has advised that the proposals are unlikely to significantly impact matters of ecological concern and therefore no ecology surveys have been required in this instance. Natural England have also confirmed that they have no comments to make on the application. As such it is considered that the proposed development is unlikely to have an adverse impact on protected species or their habitat and it is therefore the case that the application accords with Local Plan Policy EN2 and Policy 3 of the Neighbourhood Plan.

8.29 **Flood Risk & Drainage**

8.30 The application site is located entirely within Flood Zone 1 and is therefore at a low risk of flooding itself. Drainage information for the site has also been submitted and it has been confirmed by the Lead Local Flood Authority (LLFA) and National Highways that the proposed development does not give rise to any concerns over increasing the risk of flooding elsewhere, including on the adjacent A52, through surface water run-off. The proposal therefore accords with the NPPF, Policies EN11 and C6 (criterion (iii)) of the Local Plan, and Policy 6 of the Neighbourhood Plan, in this respect.

8.31 **Other Issues**

8.32 Concerns have been raised by objectors to the application that the proposal would result in loss of high quality agricultural land. However, the site is located within an area where agricultural land is identified as being Grade 3 (Good to Moderate) therefore the proposal

would not result in the loss of best quality agricultural land in this case. In addition, there is no specific policy requirement to avoid best and most versatile agricultural land and in any event the size and shape of the application site is such that it would be unlikely to be used for any meaningful arable purpose even if it were to be deemed high quality land.

9 Conclusion & Reason for Recommendation

- 9.1 The application site is located beyond the village envelopes of both Bottesford and Easthorpe as defined in the Bottesford Neighbourhood Plan and is therefore classed as being in the open countryside for the purpose of applying relevant planning policy.
- 9.2 Policies SS1 and SS2 of the Local Plan state that new development in the countryside will be restricted to that which is necessary and appropriate for the open countryside. This is further reflected by Policy 1 of the Neighbourhood Plan which establishes similar limits to development in open countryside locations across the Plan area.
- 9.3 The Council is currently unable to demonstrate with evidence a five-year supply of deliverable land for gypsy and traveller sites which is a matter that attracts significant weight in favour of a grant of planning consent in this case. This, combined with the fact that the proposal would allow the Applicant and their family to settle for the reasons explained by the Travellers Sites & Liaison Officer, whilst still facilitating the traditional and nomadic life of travellers, ensures that the proposed development accords, in principle, with the requirements of national planning policy and criterion (i) of Local Plan Policy C6. In addition, being located just 0.6km from Bottesford and 0.2km from Easthorpe, the site is well-related to the local infrastructure and services of these nearby villages also ensuring compliance with criterion (iv) of Policy C6. It is therefore considered that the proposal is acceptable as a matter of principle in line with the requirements and expectations of national and local planning policy in relation to gypsy and traveller sites. In turn, this ensures that compliance with Policies SS1 and SS2 of the Local Plan, and Policy 1 of the Neighbourhood Plan, is achieved in terms of the development being a necessary and appropriate form of development for this open countryside location.
- 9.4 Subject to the recommended conditions as set out below, it is considered that the development is acceptable in terms of its siting and design and, on balance, would not adversely impact on the landscape character of the area to the extent that it would justify withholding planning permission. This being the case it is considered that the proposal accords with Local Plan Policies D1, EN1 and C6 (criterion (ii)), along with Policies 2 and 8 of the Neighbourhood Plan, in these respects.
- 9.5 The proposal would promote the peaceful and integrated co-existence between the site and the local community ensuring accordance with Policies D1 and C6 (criterion (v)) of the Local Plan, and Policy 2 of the Neighbourhood Plan, in respect of amenity impacts.
- 9.6 National Highways have confirmed that the proposed development is acceptable from a road safety perspective subject to the conditions recommended below ensuring accordance with Policies IN2 and C6 (criterion (iv)) of the Local Plan.
- 9.7 The proposed development is unlikely to have an adverse impact on protected species or their habitat and it is therefore the case that the application accords with Policy EN2 of the Local Plan and Policy 3 of the Neighbourhood Plan.
- 9.8 The application site is located entirely within Flood Zone 1 and at a low risk of flooding itself whilst drainage information submitted with the application has satisfactorily demonstrated that the development does not give rise to any concerns over increasing the risk of flooding

elsewhere, including on the adjacent A52, through surface water run-off. The proposal therefore accords with the NPPF, Policies EN11 and C6 (criterion (iii)) of the Local Plan, and Policy 6 of the Neighbourhood Plan, in this respect.

10 Planning Conditions

10.1 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.

10.2 The development hereby permitted shall be carried out in accordance with following approved drawings and documents:

Dwg No 1 - Site Plan Layout showing Public Footpath - received 06.07.23

Dwg No 2 - Static Home Plans - received 22.01.22

Dwg No 3 - Utility Block Floor Plan - received 22.01.22

Dwg No 4 - Utility Block North and South Elevations - received 22.01.22

Dwg No 5 - Utility Block East and West Elevations - received 22.01.22

Stage 1 Road Safety Audit Report (prepared by RKS Associates) - received 16.02.23

RSA Designers Response (prepared by Hub Transport Planning Ltd) - received 16.02.23

Sustainable Drainage Assessment (prepared by Geosmart) - received 06.03.23

Reason: For the avoidance of doubt and to ensure that the development is in accordance with Policies C6, EN1 and D1 of the Melton Local Plan.

10.3 There shall be no more than two pitches on the site and on each of the pitches hereby approved no more than one mobile/static home and two touring caravans shall be stationed at any one time; and no more than three touring caravans in total shall be stationed on the site at any one time.

Reason: To avoid an intensification in the use of the site over and above that for which planning permission is being granted in accordance with Policy C6 of the Melton Local Plan.

10.4 The site shall not be occupied by any persons other than Gypsies and Travellers defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: To avoid an intensification in the use of the site over and above that for which planning permission is being granted in accordance with Policy C6 of the Melton Local Plan.

10.5 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 then be carried out in strict accordance with those external materials approved.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies C6, EN1 and D1 of the Melton Local Plan.

10.6 No lighting shall be installed on any part of the development hereby approved or on any part of the land associated with the development as defined by the red line boundary shown on the submitted Site Location Plan received 22.01.22

Reason: To prevent undue impact on the character and appearance of the site and the surrounding countryside in accordance with Policies C6 and EN1 of the Melton Local Plan.

10.7 Before works commence on the development hereby permitted a scheme of tree protection measures to retain and safeguard those trees within the area of the works for the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the protection measures shall be installed in accordance with the approved details and retained for the full duration of the construction works.

Reason: To safeguard the retained trees on the site in the interests of protecting the character and appearance of the village and in accordance with Policies C6, EN1 and D1 of the Melton Local Plan.

10.8 The development hereby approved shall not be commenced until such time that the scheme of works for the A52 site access as shown on Hub Transport Dwg No T22569-001 (or as amended by a Road Safety Audit or Detailed Design) has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways and the agreed works have thereafter been fully completed in accordance with the approved details.

Reason: To ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in the interests of road safety and in accordance with Section 10(2) of the Highways Act 1980 and Policy IN2 of the Melton Local Plan.

10.9 Prior to the commencement of any construction work, a Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. Thereafter, the approved plan shall be adhered to throughout the full duration of the construction period.

Reason: To ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in the interests of road safety and in accordance with Section 10(2) of the Highways Act 1980 and Policy IN2 of the Melton Local Plan.

11 Informatives

11.1 Prior to construction, measures should be taken to ensure that users of the adjacent Public Right of Way F74 are not exposed to any elements of danger associated with construction works.

11.2 The Applicant is advised that Public Right of Way F74 must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

11.3 Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the Applicant to repair at their own expense to the satisfaction of the Highway Authority.

12 Financial Implications

12.1 There are no financial implications associated with this planning application.

Financial Implications reviewed by: N/A

13 Legal and Governance Implications

- 13.1 Legal implications are set out in the report where relevant and legal advisors will also be present at the meeting.

Legal Implications reviewed by: Tom Pickwell (Deputy Monitoring Officer)

14 Background Papers

- 14.1 The planning history is contained within Section 3 of the report and the details of which are available to view on line.

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Reference number: 24/00332/TPO

Proposal:

- T1 Red Chestnut Crown lift 5.2m over highway and 2.5m over grass.
- T2 Red Chestnut Crown Lift 5.2m over highway and 2.5m over grass.
- T3 Red Chestnut Remove to ground level.
- T4 Red Chestnut Crown lift 5.2m over highway and 2.5m over grass.
- T5 Apple Remove to ground level.
- T6 Beech Crown lift 3m.
- T9 Red Chestnut Crown lift 2.5m.
- T10 Red Chestnut Crown lift 2.5m.
- T11 Red Chestnut Crown lift 2.5m.
- T12 Red Chestnut Crown lift 2.5m.
- T26 Lime Crown lift 3m.
- T27 Lime Crown lift 3m.
- T28 Beech Crown lift 3m.
- T29 Lime Crown lift 3m.
- T30 Lime Crown lift 3m.
- T31 Lime Crown lift 3m.
- T33 Sycamore Crown lift 3m.
- T34 Beech Crown lift 3m.
- T35 Lime Crown lift 3m.
- T36 Lime Crown lift 3m.
- T37 Sycamore Remove to ground level.
- T38 Whitebeam Remove to ground level.
- T39 Lime Crown lift 3m.
- T40 Beech Crown lift 3m.

- T41 Lime Crown lift 3m.
- T42 Ash Remove to ground level.
- T43 Field Maple Crown lift 3m.

Site: King Edward VII Upper School Community Sports Centre (Melton Sports Village), Burton Road, Melton Mowbray, LE13 1DR

Applicant: Melton Borough Council

Planning Officer: Alex Coy

Report Author:	Alex Coy , Planning Development Officer
Report Author Contact Details:	01664 502566 ACoy@melton.gov.uk
Chief Officer Responsible:	Sarah Legge , Assistant Director for Planning
Chief Officer Contact Details:	01664 502380 slegge@melton.gov.uk

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Cllr Ian Atherton, Cllr Sharon Butcher (Melton Craven)
Date of consultation with Ward Member(s):	29 April 2024
Exempt Information:	No

Reason for Committee Determination:

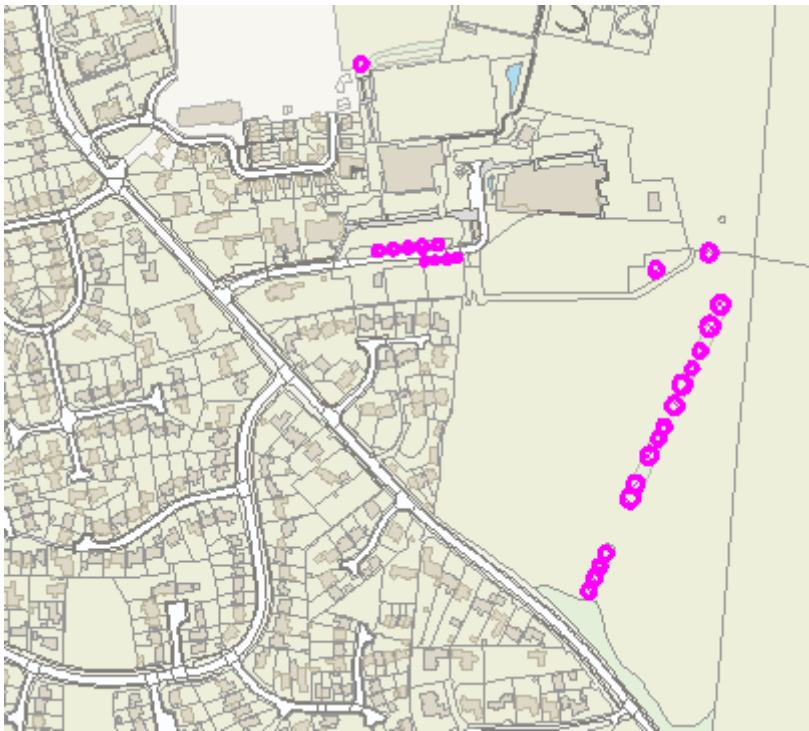
The applicant is Melton Borough Council. The application requires consideration by the Committee as it is an application submitted by the Council itself (Constitution Chapter 2, Part 9. 'Planning Committee functions and procedures').

Web Link: <https://pa.melton.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

What 3 words: <https://w3w.co/nods.zooms.things>

RECOMMENDATION(S)
1. It is recommended that the application is APPROVED subject to conditions set out in section 11 of this report.

Site Location Plan (Pink circles show location of trees)



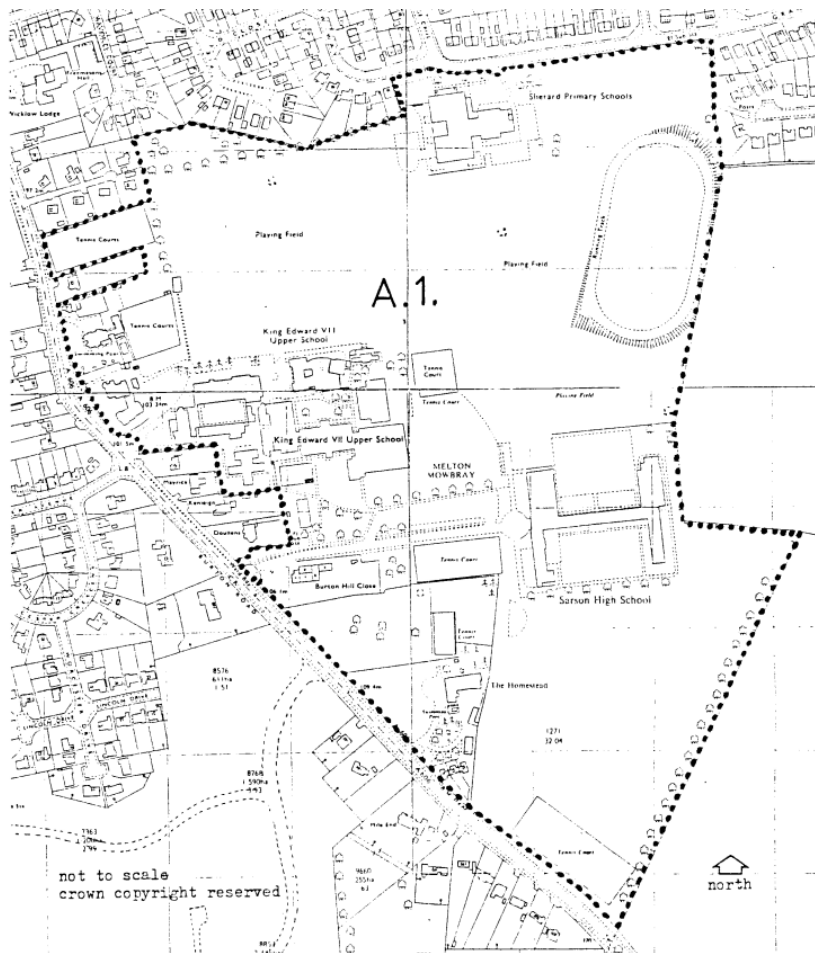
1 Executive Summary

- 1.1 The application site is located to the south of Melton Mowbray Town Centre, the trees are located over a large area within the grounds of King Edward VII Upper School Community Sports Centre, otherwise known as Melton Sports Village.
- 1.2 This application seeks to undertake a variety of works to 27 trees within the area, and there is currently a blanket TPO on all trees within the area covered by reference TPO 151/900/18. The majority of the works are crown lifts and 5 trees are proposed to be removed as part of the application. The agent and applicant have confirmed that all 5 trees being removed would be replaced and this is secured by condition.
- 1.3 LCC Forestry have raised no objections to the proposed works, the works are considered to be for general maintenance and not to impact the amenity of the trees. LCC Forestry advise that the trees to be removed are in poor health and their removal is acceptable.
- 1.4 Therefore, the proposal is recommended for approval subject to conditions.

Main Report

2 The Site

- 2.1 The application site is located south of Melton Mowbray Town Centre, the trees are located over a large area within the grounds of King Edward VII Upper School Community Sports Centre, otherwise known as Melton Sports Village. The site is east of Burton Road. Some of the trees are located adjacent to Rugby Pitches and some are located near a car park and tennis courts, one tree is located behind the 3G pitches.
- 2.2 The Blanket TPO that covers the site is referenced as 151/900/18 and can be viewed below, this was confirmed in 1984.



3 Planning History

- 3.1 17/00713/TPO - To trim one ash tree by 33% - Permit - 02.08.2017
- 3.2 18/01441/TPO - Trees adjacent to the car park to be crown lifted to 3m to give clearance to the car parking area and two Horse Chestnut trees to be felled due to being diseased – Permit - 01.04.2019
- 3.3 22/00579/TPO - T1 - Ash tree pollard down to around 30ft as has signs of decay at base and upper areas so pollard to reduce weight on crown and decaying structures that are present – PERMIT - 08.06.2022

4 Proposal

- 4.1 This application seeks to undertake a variety of works to 27 trees within the area, there is currently a blanket TPO on all trees within the area covered by TPO 151/900/18. The works proposed as part of this application would be carried out to a variety of Chestnut, Apple, Lime, Beech, Sycamore, Whitebeam, Ash and Maple trees.
- 4.2 The proposed works to 22 trees are crown lifts to a variety of heights carried out as ongoing maintenance of the trees. The remaining 5 trees are proposed to be removed as part of the application. The agent and applicant have confirmed that all 5 trees would be replaced.

5 Amendments

- 5.1 No amendments have been required or sought in relation to this application.

6 Planning Policy

- 6.1 The normal approach to the assessment of policies does not apply to applications for works to trees protected by a Tree Preservation Order. Consideration should be limited to the impacts of the proposed works on the contribution to amenity made by the tree.

7 Consultation Responses

7.1 Summary of Technical Consultation Responses

7.1.1 LCC Forestry

- a) Have reviewed the application and can confirm that all tree works specified are proportionate and reasonable to maintain the tree stock in good condition whilst ensuring appropriate canopy height over the footpath/roadway. Where trees are proposed for removal, these are in poor health and removal is valid. Replacement trees should be planted at the next planting season between Nov-Feb. All tree work should be undertaken in accordance with BS3998:2010 – Tree Work Recommendations

7.2 Summary of Representations

7.2.1 Ward Member(s)

- a) No comments received

7.2.2 Neighbours

- a) No comments received

7.3 Response to Consultations and Representations

- 7.3.1 Comments from LCC Forestry are noted and a condition regarding replacement would be placed on the permission if permitted.

8 Planning Analysis

8.1 Main Considerations

- 8.1.1 It is considered the sole issue relevant to this application is the necessity and impact of the proposed work on the trees.
- 8.1.2 The trees are spread across a large area of the Melton Sports Village site, it is considered that they are all highly visible within the public realm, due to the nature of the site itself and their location within it.
- 8.1.3 The proposed works are considered acceptable in terms of maintenance and the undertaking of these works will enable the trees to continue to grow in this location without causing nuisance to the adjoining buildings and users of the site. LCC Forestry have confirmed this and raised no objections.
- 8.1.4 The 5 trees that are to be removed are considered to be in poor health and show signs of decay. This has been confirmed by LCC Forestry. These trees would be replanted following the removal of the trees and this would be conditioned. The proposed wording of the recommended conditions can be found at section 11 of this report.
- 8.1.5 It is considered that the proposed works would be proportionate and acceptable whilst ensuring that they would not result in a negative impact upon the overall amenity of the trees in the long term.

9 Conclusion

- 9.1 As such, the works proposed are acceptable given that they would not visually impact upon the amenity of the trees and is part of ongoing maintenance of the trees. Replacement trees will be planted to replace the trees that are removed as part of the proposal.

10 Reason for Recommendation

- 10.1 The works proposed are modest and are considered acceptable in order to maintain the trees. The trees proposed to be removed are in poor health and would be replaced.
- 10.2 The works are part of a maintenance programme to ensure the trees remain healthy and do not compromise the usability of the site.

11 Planning Conditions

- 11.1 All tree works shall be carried out in accordance with BS3998, 2010.

Reason: To ensure that the works are carried out to a satisfactory standard to safeguard the trees.

- 11.2 The works hereby approved shall be begun before the expiration of 2 years from the date of this permission.

Reason: To ensure that the works are begun within a reasonable period.

- 11.3 This consent is granted subject to the planting of a replacement tree(s) for trees T3, T5, T37, T38 and T42. The replacement trees shall be of native species and they shall be planted at the first available planting season following the removal of the trees. The replacement trees shall be suitably maintained. If the tree(s) dies or becomes seriously damaged or diseased it shall be replaced with a tree(s) of similar species and size.

Reason: To preserve the visual amenities of the locality.

12 Informatives

- 12.1 This consent authorises only the works shown in the application. Any changes should be immediately reported to the Planning Development Manager for further consideration and should not be carried out until authorised in writing. Failure to adhere precisely to the approved details may result in this Council using enforcement action to remedy any breach of planning control.

- 12.2 You are advised that nesting birds and bats, their roosts and their access to these roosts are protected under The Wildlife and Countryside Act 1981. Therefore should birds or bats be present in the trees concerned in this application the felling should be deferred until late summer/autumn.

- 12.3 Trees may support roosting bats, which are protected by law from harm. As a precaution, the applicant should ensure that tree works are undertaken by a competent tree surgeon who is aware of the possibility of encountering bats and their protected status, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. In addition, all birds, their nests and eggs are protected by the Wildlife and Countryside Act. We recommend that work to trees is done outside the bird-nesting season - i.e. between the end of August and the beginning of March - or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA.

13 Financial Implications

- 13.1 No financial implications identified

Financial Implications reviewed by: N/A

14 Legal and Governance Implications

14.1 No legal implications are presented by this report.

Legal Implications reviewed by: Tom Pickwell (Deputy Monitoring Officer)

15 Background Papers

15.1 N/A

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