

# Agenda

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 1 August 2024</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH</b>
<b>Other information</b>	<b>This meeting is open to the public</b>

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

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

## Membership

<b>Councillors</b>	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

<b>Meeting enquiries</b>	Democratic Services
<b>Email</b>	democracy@melton.gov.uk
<b>Agenda despatched</b>	Wednesday, 24 July 2024

No.	Item	Page No.
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<b>MINUTES</b> To confirm the minutes of the meeting held on 11 July 2024.	1 - 6
3.	<b>DECLARATIONS OF INTEREST</b> Members to declare any interest as appropriate in respect of items to be considered at this meeting.	7 - 8
4.	<b>SCHEDULE OF APPLICATIONS</b>	
4.1	<b>APPLICATION 22/00590/FUL</b> East End Farm, Wrights Lane, Wymondham	9 - 28
4.2	<b>APPLICATION 22/00408/FUL</b> North Lodge Farm, Longcliff Hill, Old Dalby	29 - 44
4.3	<b>APPLICATION 23/01003/FUL</b> Old Ivy House, 1 Chapel Street, Barkestone Le Vale	45 - 58
5.	<b>URGENT BUSINESS</b> To consider any other business that the Chair considers urgent	

# Minutes

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 11 July 2024</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH</b>

## Present:

**Chair** Councillor A. Thwaites (Chair)

**Councillors**

J. Mason (Vice-Chair)	I. Atherton
S. Atherton	R. Browne
P. Cumbers	M. Glancy
M. Gordon	L. Higgins
D. Pritchett	

**Officers**

- Assistant Director for Planning
- Planning Development Manager
- Legal Services Manager
- Senior Planning Officer (AC)
- Planning Officer (AGC)
- Planning Officer (MK)
- Senior Democratic Services and Scrutiny Officer
- Democratic Services Officer (HA)
- Democratic Services Officer (SE)

Minute No.	Minute
PL7	<p><b>Apologies for Absence</b> An apology for absence was received from Councillor Allnatt.</p>
PL8	<p><b>Minutes</b> The minutes of the meeting held on 6 June 2024 were approved as a true record.</p>
PL9	<p><b>Declarations of Interest</b> There were no declarations of interest.</p>
PL10	<p><b>Schedule of Applications</b></p>
PL11	<p><b>Application 23/00164/DIS</b> <b>Location : Land East Of Jericho Covert Jericho Lane Barkestone Le Vale</b> <b>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</b></p> <p>The Senior Planning Officer (AC) addressed the committee and provided a summary of the application. 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> <ul style="list-style-type: none"> <li>• Councillor Steve Exwood, Barkestone, Plungar &amp; Redmile Parish Council</li> <li>• Nick Beddoe, Agent, Lighthouse Development Consulting</li> </ul> <p>Councillor Ian Atherton proposed that the application be approved. Councillor Cumbers seconded the motion.</p> <p><b>RESOLVED</b></p> <p><b>That the detail be approved as submitted.</b></p> <p>(Unanimous)</p> <p><b>REASONS</b> The reasons for approval were as outlined in the report.</p>

**Application 21/00085/FUL**

**Location : Ashby Folville Manor, Gaddesby Lane, Ashby Folville**  
**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**

The Planning Officer (MK) addressed the committee and provided a summary of the application. Following the presentation, Members asked questions for clarification.

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:

- Councillor John Simon, Gaddesby Parish Council
- Mr Brian Fare, Supporter
- Mr Jamie Lewis, Applicant
- Councillor Robert Child, Ward Councillor

Councillor Browne proposed that the application be refused for the reasons given below. Councillor Pritchett seconded the motion.

**RESOLVED**

**That the application be refused, contrary to the officer recommendation, for the reasons given below.**

(6 For, 4 Against, 0 Abstentions)

(Councillors Cumbers, Glancy and Higgins requested that their vote against the decision be recorded).

**REASONS**

In the opinion of the Local Planning Authority the proposal would, if approved, result in the provision of two additional dwellings in an unsustainable location. The development occupies an unsustainable location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of a private motor vehicle. The proposal does not meet an identified proven local need and would be contrary to Policies, SS1, SS2 and SS3 of the Local Plan which seeks to restrict development in such settlements to that which is based on a local proven need. The proposal would also be contrary to Policies HBE1 and HBE3 of the adopted Neighbourhood Plan. The limited heritage benefits of the proposal do not outweigh the significant harm that would be caused by the unsustainable location of the development.

(There was a 5 minute adjournment at 7.39 pm.)

PL13

**Application 22/00063/FUL**

**Location: Land OS 481195 338112, Castle View Road, Easthorpe**

**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**

The Planning Officer (MK) addressed the committee and provided a summary of the application. He also advised on including the following additional condition around site access to prevent reversing onto the A52:

- No gates or other form of enclosure shall be erected at the entrance to the site from the A52 and turning facilities for all vehicles inclusive of construction, refuse and delivery vehicles to allow such vehicles to access from and exit on to the highway in a forward gear shall be provided within the site in accordance with details being first submitted to and approved by the Local Planning Authority before development commences.
- No development shall take place until the turning facilities have been provided in accordance with the approved details and thereafter such turning provision shall be kept clear of obstruction and be available for this purpose for the duration of the construction period and in perpetuity.

Following the presentation, Members asked questions for clarification.

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:

- Ben Wills, 360 Rural Limited, Objector

Councillor Browne proposed that the application be approved with the new conditions as set out above and the amended condition 10.8. Councillor Glancy seconded the motion.

**RESOLVED**

**That the application be approved subject to conditions detailed in Section 10 of the report in addition to the new conditions as set out below and amended condition 10.8 to include 'that construction should not be commenced nor the site occupied until the road works are completed' :**

- **No gates or other form of enclosure shall be erected at the entrance to the site from the A52 and turning facilities for all vehicles inclusive of construction, refuse and delivery vehicles to allow such vehicles to access from and exit on to the highway in a forward gear shall be provided within the site in accordance with details being first submitted to and approved by the Local Planning Authority before development commences.**

- **No development shall take place until the turning facilities have been provided in accordance with the approved details and thereafter such turning provision shall be kept clear of obstruction and be available for this purpose for the duration of the construction period and in perpetuity.**

(Unanimous)

**REASONS**

The reasons for approval were as outlined in the report.

PL14

**Application 24/00332/TPO**

**Location: King Edward VII Upper School Community Sports Centre (Melton Sports Village), Burton Road, Melton Mowbray**

**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**

The Planning Officer (AGC) addressed the committee and provided a summary of the application.

It was noted that as the applicant was Melton Borough Council, the application required consideration by the Planning Committee.

There were no public speakers

Councillor Higgins proposed that the application be approved. Councillor Glancy seconded the motion.

**RESOLVED**

**That the application be approved subject to conditions detailed in Section 11 of the report.**

(Unanimous)

**REASONS**

The reasons for approval were as outlined in the report.

PL15	<p><b>Urgent Business</b></p> <p>The committee paid tribute to the contribution and dedication of Andrew Cunningham, Senior Planning Officer, to the Planning Team as he was shortly to leave Melton Borough Council to take up a more senior role at another authority. The committee wished him well in his new position.</p>
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The meeting closed at: 8.25 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.

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**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:
- a) you must disclose the interest;
  - b) not participate in any discussion or vote on the matter; and
  - c) 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:
- a) you must disclose the interest
  - b) 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
  - c) 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:
- a) you must disclose the interest;
  - b) 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
  - c) 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):
- a) you should not take part in the decision-making process
  - b) you should state that your position in this matter prohibits you from taking part
  - c) you should leave the room.

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**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

1 August 2024

Report of: Assistant Director for Planning

**Reference Number: 22/00590/FUL**

**Proposal: Conversion of remaining former agricultural barns into two single-storey dwellings and replacement of removed former agricultural Dutch barn with a new dwelling (Amended Description)**

**Site: Land Rear Of East End Farm, Wrights Lane, Wymondham**

**Applicant: The Trustees of 2009 Peggy Drewry Discretionary Settlement**

**Planning Officer: Mark Ketley**

<b>Report Author:</b>	<b>Mark Ketley</b> , Planning Officer
<b>Report Author Contact Details:</b>	01664 504274 <a href="mailto:mketley@melton.gov.uk">mketley@melton.gov.uk</a>
<b>Chief Officer Responsible:</b>	<b>Sarah Legge</b> , Assistant Director for Planning
<b>Chief Officer Contact Details:</b>	01664 502418 <a href="mailto:slegge@melton.gov.uk">slegge@melton.gov.uk</a>

<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Councillor David Chubb (Wymondham)
<b>Date of consultation with Ward Member(s):</b>	5 October 2023
<b>Exempt Information:</b>	No

**Reason for Committee Determination:**

Letters of objection have been received from more than 10no. households contrary to the Officer recommendation.

**Web Link:**

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

**What 3 words:**

<https://what3words.com/scorching.gender.shots>

**Site Location Plan**



**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 Planning permission is being sought in this case for the redevelopment of land and buildings previously associated with East End Farm which is located off Wrights Lane on the eastern edge of the village of Wymondham.
- 1.2 The site is not allocated for housing in either the Local Plan or the Neighbourhood Plan. The proposal seeks permission for the redevelopment of the site, creating 3no. dwellings through a combination of converting the existing former barns into two dwellings and the effective reinstatement of a Dutch barn-style property. This would constitute a housing windfall opportunity that would be commensurate with the scale of the settlement, and it would make effective use of land that is previously developed, albeit with former agricultural buildings. The development would be sustainable in these respects and acceptable as a matter of principle when considered in the context of the NPPF; Policies SS1 and SS2 of the Local Plan; and Policy SD1 of the Neighbourhood Plan.
- 1.3 Furthermore, the proposed new dwellings would be located entirely within the identified development limits for Wymondham as defined by Policy SD3 of the Neighbourhood Plan and so would not result in the outward extension of the built-up part of the village. The site is also closely surrounded by other buildings/properties and it would not result in the loss of any domestic garden space or public open space. It is therefore the case that the proposal is acceptable, in principle, as a housing windfall site under the provisions of Policy H5 of the Neighbourhood Plan.
- 1.4 The proposal would be acceptable in terms of its design and resultant impacts on the streetscene and character of the surrounding area in accordance with the requirements of Local Plan Policy D1. In addition, the proposal would have positive impacts on the character, appearance, setting and significance of the Conservation Area such that there would be no harm caused to the designated heritage asset and demonstrable enhancements would be achieved in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the NPPF; Policies D1 and EN13 of the Local Plan; and Policies H7 and H8 of the Neighbourhood Plan.
- 1.5 Subject to the recommended conditions, the proposal is also considered to be acceptable in terms of its potential impacts on neighbouring residential occupiers, access, car parking provision, impacts on the local highway network, matters of ecological interest and the proposed drainage arrangements thereby also according with Local Plan Policies D1, EN2, EN11 and IN2 and Policies H5, H7, T1 and ENV5 in these respects.

## **Main Report**

### **2 The Site**

- 2.1 The application relates to land and buildings previously associated with East End Farm which is located off Wrights Lane on the eastern edge of the village of Wymondham.
- 2.2 The site is accessed from its southern boundary off Wrights Lane and there are three distinct areas within the site with these being clearly identifiable as:
- (i) Redundant former agricultural buildings in the north-west corner of the site which comprise a range of single storey structures that vary in height between 5m - 5.6m and are constructed from brick with a mix of pantile and slate roofing;

- (ii) Central area of the site where the remnants (concrete flooring) of a former Dutch barn are still visible with two former grain silos positioned either end of the former building that was positioned on a north-south axis; and
- (iii) Area of paddock land on the eastern side of the access track leading into the former farmstead where initially two new dwellings were proposed to be constructed prior to these being removed from the scheme in September 2023.

- 2.3 The site has a gentle gradient falling from the north-west to the south-east corner with the southern and eastern boundaries being particularly well screened by mature trees and hedgerow planting. The western boundary of the site meanwhile is flanked by existing residential properties at No's 15 and 15A Wrights Lane whilst to the north are more dwellings that are also accessed off Wrights Lane and from Main Street.
- 2.4 The boundary of the Wymondham Conservation Area includes the built extent of the former farmstead with the redundant barns to which this application relates, and the remnants of the former Dutch barn being located inside of the Conservation Area boundary. The paddock area to the eastern side of the site access track lies outside of the designated Conservation Area and it is outside of the limits to development for Wymondham as defined in the Wymondham & Edmondthorpe Neighbourhood Plan. The access track leading into the site off Wrights Lane in effect forms the boundary of both the defined settlement limits and its designated Conservation Area.

### **3 Planning History**

- 3.1 There is no planning history relating to the current application site, however the following applications have previously been determined on the wider former East End Farm site:
- 3.2 13/00536/FUL - New dwelling land adjacent to No 15 Wrights Lane - Approved 11.10.13
- 3.3 16/00645/FUL - Detached dwelling - Approved 27.10.16

### **4 Proposal**

- 4.1 The proposed development for which planning permission is being sought in this case would involve the redevelopment of the former farmstead for residential purposes with the proposal involving a combination of converting the former agricultural buildings in the north-west corner of the site into two properties; and the construction of a third dwelling which effectively would be a new-build designed to appear as a reinstatement of the former Dutch barn that occupied the central part of the site.
- 4.2 As noted earlier in the report, the application as originally submitted also proposed the construction of two new detached dwellings within the paddock area to the east of the access/driveway into the site off Wrights Lane. This aspect of the proposal was subsequently removed from the scheme in September 2023 following concerns raised by both the Case Officer and members of the public during the original consultation period over a lack of conformity with the Local Plan and Neighbourhood Plan due to this part of the site sitting beyond the defined development limits of the village.
- 4.3 The former barn in the very north-west corner of the site is a linear single storey structure in two parts that sits on the boundary of the site with Wrights Lane to the west. This building would be retained and converted into a three-bedroomed dwelling as part of the proposed redevelopment of the site with all of its existing door and window openings being retained and incorporated into the scheme with just a small number of new window and rooflight insertions being proposed. Additionally, there would be a single storey link

extension to join the two parts of the building and create a courtyard entrance, with all of the proposed interventions being limited to those that would ensure the provision of acceptable levels of natural light internally. There would be no changes to the elevation facing towards Wrights Lane to the west to ensure that any potential impacts on the character, appearance and setting of the wider village context and its Conservation Area are minimised when the development is viewed externally.

- 4.4 The other former barn in the north-west part of the site which sits alongside the first barn to be converted is a brick and slate structure with double pitched roof that is sited on the northern site boundary. This building has particular interest architecturally with two arched openings in its south facing double-gabled elevation and full height vaulted space internally with oak trusses that would be retained as part of the scheme. This building would again be converted into a three-bedroomed dwelling with all existing openings being re-used and additional window and rooflight insertions again being kept to a minimum.
- 4.5 The third proposed dwelling would be sited within the central part of the former farmstead and would be positioned on the same footprint as the former Dutch barn that previously occupied this part of the site and whose concrete flooring remains evident. The two redundant grain silos that flanked the northern and southern ends of the former Dutch barn would be removed from the site as part of the proposals with a new-build dwelling being constructed that has been designed to appear as a modern/contemporary Dutch barn conversion. The proposed dwelling would be a two storey five-bedroomed unit with a rectangular shaped footprint that would be sited on a north-south axis in keeping with the orientation of the former Dutch barn. The dwelling would feature large expanses of glazing in its east-facing elevation to take advantage of views across the countryside to the east of Wymondham whilst its other elevations would be timber boarded featuring more traditional-style window and door openings. The roof of the dwelling would be arched to appear in keeping with the architectural style of Dutch barns and it would be constructed using profiled metal sheeting with open louvered elements at either end to break up the massing of the structure and reflect inset elements of the structure beneath.
- 4.6 Access to the site would continue to be taken from Wrights Lane to the south with the existing access/driveway leading to the former farmstead being upgraded with a new surface and widened as part of the proposal to satisfy Highway Authority requirements.

## **5 Amendments**

- 5.1 The proposal has been amended since the application was originally submitted with two detached dwellings that were initially proposed to be constructed on the area of paddock land to the east of the site access being removed from the scheme. Amended plans showing this revision were received on 29th September 2023 and a full re-consultation exercise has subsequently been undertaken.
- 5.2 Additional information has also been provided during the course of the application in the form of a Stage 1 Road Safety Audit and Designer's Response to address concerns raised by the Highway Authority over the safety of the proposed means of access to the site. The width of the internal access road leading to the proposed development has also been widened to 4.25m for the first 5m back from the adopted highway, and to 3.7m for the remainder of the road, through amended plans requested by the Highway Authority.



## **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 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. 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 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

## 6.10 Neighbourhood Plan

- The Wymondham & Edmonthorpe Neighbourhood Plan (2017-2036) which was made on 6th June 2018 also forms part of the Development Plan for this area.
- The relevant policies to this application include:
  - Policy SD1 Presumption in Favour of Sustainable Development
  - Policy SD2 General Policy Principle
  - Policy SD3 Limits to Development
  - Policy H5 Housing Provision Windfall Sites
  - Policy H7 Building Design Principles
  - Policy H8 Nationally Designated Heritage Assets
  - Policy ENV5 Biodiversity
  - Policy T1 Transport Requirements for New Developments

## 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 Conservation Officer

The dilapidated barns are located on the fringes of the Wymondham Conservation Area. The conversion of the barns appears to be appropriate, with sensitive materials employed in the construction, all new apertures are aligned and the overall scheme is modestly

scaled. The conversion of the barns will secure the longevity of these heritage assets, which make a positive contribution to the streetscene of the Wymondham Conservation Area. As such this offers public benefits which may serve to counterbalance any identified harm to the streetscene of the Conservation Area, or the principle of over development in a village setting, in accordance with paras 208 and 212 of the NPPF.

The retention of the open paddock land will also allow for greater visual permeability when viewed from the open countryside beyond. The Dutch style barn is a contemporary design which features an innovative curved roof. This will not be unduly prominent when viewed from the streetscene of the Conservation Area. As such, the works are deemed acceptable and the following conditions are recommended:

- There must be no visible trickle vents used in any of the fenestration proposed to the barn conversions or the new build dutch barn
- All facing materials for the barn conversion and the dutch barn must be submitted to the LPA prior to commencement of works
- The timber cladding for all elements of the works must incorporate natural timber - composite timber which is blended with uPVC is not permitted

It is considered that the streetscene of the conservation area will be preserved following completion of the works. The works are considered acceptable, in accordance with Paras 212 of the NPPF, which states: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, 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.

Conclusion: No Objection - The scheme demonstrates a 'clear and convincing justification' for the proposed works which would not result in harm to the special significance of the streetscene of the Wymondham Conservation Area, in accordance with para 212 of the NPPF. The proposal therefore would preserve the special significance of the conservation area and would achieve the desirable objectives as described within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the application should be approved.

### 7.3 LCC Highways

The Local Highway Authority (LHA) required an internal access road width of 4.25m for a minimum distance of 5m behind the highway boundary and a minimum internal access road width of 3.7m to enable access by emergency vehicles. These requirements have been satisfactorily addressed on amended plans submitted on 12th January 2024.

A Stage 1 Road Safety Audit (RSA) and Designer's Response has been submitted to accompany the proposed access design on 9th February 2024.

A Restricted Byway (E50g) runs adjacent to the southern boundary of the proposed development. This route is a 'restricted byway', this means pedestrians, cyclists, horse riders and anyone with a horse and carriage/trap could use the Public Right of Way.

The LHA are satisfied that the level of traffic will not be of significant concern to safety subject to the conditions set out at the end of this report.

### 7.4 LCC Ecology (Original Consultation Response)

The bat activity survey found no evidence of bats using the buildings proposed for conversion, and since they are considered to have low potential for them, no further mitigation measures are required. I note that bat and bird boxes, and other enhancements

have been proposed, which is welcomed. However, the location of some of the integrated boxes does not appear to be suitable for the species, therefore I am happy to advise further, as can their ecological consultant. For example, the swift nest boxes are spread around the site, on both north and south elevations. Bird boxes should not be placed on south facing elevations since they can over-heat (potentially fatal for the chicks) and swifts prefer to nest in groups so their boxes should be placed in groups rather than individually. Swifts also need an open area in front of the nest entrance, and some appear to be very close to trees, which would make them unlikely to be used

#### 7.5 **LCC Ecology (Reconsultation Response following Amended Plans)**

No objection to the proposed changes. The revised bird and bat box plan is acceptable.

#### 7.6 **Severn Trent Water**

No objection subject to a condition requiring details of the proposed foul and surface water drainage arrangements being submitted prior to development commencing.

### **SUMMARY OF REPRESENTATIONS**

#### 7.7 **Ward Member(s)**

No comments received.

#### 7.9 **Parish Council (Original Consultation Response)**

The Wymondham and Edmondthorpe Neighbourhood Plan (W&E NP) Policy SD3 Limits to Development states that development within the Limits to Development will be supported (subject to design and amenity considerations. Plots 1 and 2 are outside the Limits to Development and therefore the Parish Council objects.

Policy H7 of the W&E NP requires:

- New buildings should follow a consistent design approach in the use of materials, fenestration and the roofline to the building. Materials should be chosen to complement the design of the development and add to the quality or character of the surrounding environment and of the Conservation Areas.
- Redevelopment, alteration or extension of historic farmsteads and agricultural buildings within the Parish should be sensitive to their distinctive character, materials and form. Therefore the Parish Council asks that the development of Barn 1 and Barn 2 be subject to these requirements.

Similarly Policy H7 of the W&E NP requires:

- All new housing should reflect the character and historic context of existing developments within the Parish. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context.

Therefore the new Dutch Barn be subject to these requirements.

The W&E NP Policy ENV7 Protection of Important Views reflects the widely held wish to protect the rural settings. Thus there is concern that the development will impact materially and adversely on W&E NP Policy ENV7 in the direction of the Waddlings (item g page 44)

Finally the site is surrounded on its boundaries by significant heritage trees and hedges, particularly on the eastern boundaries. W&E NP Policy ENV4 Woodland Trees and

Hedges requires that such biodiversity and amenity value be protected from loss or damage as a result of development.

Therefore in conclusion the Parish Council objects to Plots 1 and 2 and asks that the remaining items Barns 1 and 2 and the Dutch Barn be reconsidered in the light of the above references to the W&E NP

#### 7.10 **Parish Council (Reconsultation Response following Amended Plans)**

The Parish Council considered this application at their meeting on 6th November 2023 and whilst they have no objections they wish to remind you of their comment in their response to the first application in May 2022:

*that the application be allowed only if the new works are similar in style and materials to the existing building to conform to the Wymondham and Edmondthorpe Neighbourhood Plan Policy H7 Building Design Principles*

#### 7.11 **Neighbours (Original Consultation Response)**

11no. letters of objection were received from 10no. separate households in response to the original consultation on the application raising the following issues:

- Application site is outside of the village development limits and is therefore in conflict with the Neighbourhood Plan that was agreed on by the villagers of Wymondham;
- Approval of the application would undermine the purpose of the Neighbourhood Plan and the hundreds of hours of input from the local community in its preparation;
- Plots 1 and 2 would set an unwelcome precedent for future developments to be allowed outside of the defined village curtilage;
- Access lane to the site is dangerous for pedestrians and other road users;
- Inadequate parking provision to be provided for each of the properties; and
- Concerns raised over the adequacy of the proposed ecological mitigation measures.

#### 7.12 **Neighbours (Reconsultation Response following Amended Plans)**

3no. letters of objection have been received from 2no. separate households in response to the amended plans re-consultation raising the following issues:

- Design of the Dutch barn replacement is out of keeping with the local area;
- Visual impact of the Dutch barn replacement on the approach into Wymondham;
- Impact on neighbouring residential amenity; and
- Access lane to the site is dangerous for pedestrians and other road users.

#### 7.13 **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.

It is important to highlight however that many of the objections in response to the original consultation on the application were specifically in relation to the proposed new-build dwellings on the paddock area to the eastern side of the site access (referred to as

Plots 1 and 2 on the original plans submitted) with these subsequently being removed from the scheme through amended plans received on 29th September 2023.

## 8 Planning Analysis

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

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

### 8.2 Principle of Development

8.3 Policy SS1 of the Local Plan makes clear that, when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). The policy goes on to state that planning applications which accord with the policies in the Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay unless material considerations indicate otherwise.

8.4 Local Plan Policy SS2 sets out the future development strategy for the Borough in relation to housing and employment proposals for the period up to and including 2036. It identifies a sustainable approach towards development and defines settlements as being either Service Centres, Rural Hubs or Rural Settlements before then going on to set out the type of development that is considered appropriate for each.

8.5 The application site is located within the built-up part of the village of Wymondham which is defined as a Service Centre in the Local Plan. Policy SS2 explains that Service Centres and Rural Hubs will accommodate approximately 35% of the Borough's residual housing requirement (1822 units) over the Plan period on a proportionate basis and that this will be delivered by planning positively for the development of sites allocated within and adjoining the Service Centres and Rural Hubs, and by encouraging small scale residential windfall development, where it would represent sustainable development under Policy SS1.

8.6 Policies in the Wymondham & Edmondthorpe Neighbourhood Plan are also relevant in this context with Policy SD1 similarly establishing a presumption in favour of sustainable development consistent with the overarching aims and objectives of the NPPF.

8.7 Policy SD3 sets limits to development and this makes clear that development proposals within Wymondham will be supported on sites within the Limits to Development as identified in Figure 2 of the Neighbourhood Plan where they comply with all relevant policies in the Plan and subject to design and amenity considerations.

8.8 Policy H5 relates specifically to housing windfall sites and this states that small residential development proposals on infill and redevelopment sites will be supported subject to proposals being well designed and meeting all relevant requirements set out in other policies in the Neighbourhood Plan and the Borough-wide planning policies and where such development would satisfy the following criteria:



- Comprises a restricted gap in the continuity of existing frontage buildings or on other sites within the built-up area of Wymondham and Edmondthorpe where the site is closely surrounded by buildings;
- Will not involve the outward extension of the built-up area of Wymondham and Edmondthorpe as defined in Policy SD3 of the Neighbourhood Plan; and
- Does not reduce garden space or open space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the occupiers of the dwelling.

8.9 In this case the application site is not allocated for housing in either the Local Plan or the Neighbourhood Plan and therefore its proposed redevelopment with 3no. dwellings through a combination of converting the existing former barns into two dwellings and effective reinstatement of a Dutch barn-style property would constitute a housing windfall opportunity that would make a small but meaningful contribution towards the Borough's overall housing supply and which would help to support the role of Wymondham as a rural service centre. In addition, the development being proposed is of a scale that would be commensurate with the scale of the settlement that it would be located within and it would make effective use of land that is previously developed, albeit with agricultural buildings.

8.10 The proposed development would be sustainable in these respects and, subject to the design and amenity considerations that are assessed in detail below, it would be acceptable as a matter of principle when considered in the context of the NPPF; Policies SS1 and SS2 of the Local Plan; and Policy SD1 of the Neighbourhood Plan.

8.11 Furthermore, the proposed new dwellings would be located entirely within the identified development limits for Wymondham as defined by Policy SD3 of the Neighbourhood Plan following deletion of the originally proposed new-build dwellings on the paddock area to the east of the site access in September 2023 and so would not result in the outward extension of the built-up part of the village. The site is also closely surrounded by other buildings/properties and it would not result in the loss of any domestic garden space or public open space. It is therefore the case that the proposal is acceptable, in principle, as a housing windfall site under the provisions of Policy H5 of the Neighbourhood Plan.

#### 8.12 **Design & Visual Amenity Impacts**

8.13 Policy D1 of the Local Plan seeks to raise the standard of design from new developments and it states that, amongst other things, proposals should be sympathetic to the local area in terms of scale, massing, design, materials, landscaping and architectural detailing. This is reinforced by Policy H7 of the Neighbourhood Plan which requires all new development proposals involving one or more houses, replacement dwellings and extensions to satisfy a number of building design principles with the aim of these being to ensure that new development enhances and reinforces the local distinctiveness and character of the area in which it is situated, particularly within Conservation Areas.

8.14 The proposed development areas within the site can effectively be split into two parts with these involving redundant former agricultural buildings in the north-west corner of the site that would be converted into 2no. three-bedroomed dwellings; and the central area of the site where the remnants (concrete flooring) of a former Dutch barn are still visible and where 1no. five-bedroomed detached dwelling would be constructed that would have the form and appearance of a Dutch barn reinstatement.

8.15 Neither of these parts of the site are particularly visible from Main Street to the north which is the main route through Wymondham due to the site being located behind existing

residential properties that front onto Main Street. It is therefore the case that the proposed redevelopment of the site would not have a significant impact on the established character, appearance or setting of the main core of the village.

- 8.16 The site becomes more visible after turning off Main Street onto Wrights Lane with the barns in the north-west corner of the site starting to become visible approximately 70m into the distance. The barns naturally become increasingly noticeable when travelling south along Wrights Lane towards the site but the external façade of the barn forming the western site boundary presents a plain and traditional stone elevation backing onto Wrights Lane that would not be altered during the conversion process other than the insertion of rooflights within the rear roof slope.
- 8.17 The intrinsic character, appearance and setting of Wrights Lane would therefore be largely preserved with the changes to the elevation of the barn backing onto Wrights Lane being kept to a minimum and ensuring that the experience when travelling along the lane would not be unduly affected by the conversion scheme. In this respect the sympathetic treatment of this particular elevation of the site is welcomed and, otherwise, it is considered that the levels of intervention with the buildings have been limited to those elevations that are inward-facing and restricted to a level that is reasonably necessary to ensure the provision of acceptable levels of natural light internally and living standards generally within the two proposed conversion units.
- 8.18 Turning to the proposed new-build dwelling in the central part of the site this, as explained earlier in the report, would be positioned on the same footprint as the former Dutch barn whose concrete flooring remains evident. The two redundant grain silos that flanked the northern and southern ends of the former Dutch barn would be removed as part of the proposal which would result in a substantial visual enhancement within the site with the new-build dwelling being designed to appear as a modern/contemporary Dutch barn reinstatement. This is considered to represent an interesting, attractive and high quality design approach to this part of the application site that would not only reflect and respond positively to the existing agricultural setting but that would also ensure that the three properties forming the development proposal can be read as a coherent group of buildings that reinforce the historic built form of the site and allow for both the original elements of the former farmstead and its subsequent evolution to remain legible.
- 8.19 In terms of its wider visual impacts it is the case that the application site is only visible in one longer range view on the approach into Wymondham from the east. From here views of the site are at a distance of approximately 150m with intervening fields and other residential properties that sit closer to the edge of the village being the dominant visual features. Only the proposed Dutch barn reinstatement would be visible in this view and any visual impact is considered to be minor given that the building would be seen sitting behind and in context with the residential properties that sit closer to the road.
- 8.20 Overall it is considered that the proposed development would enhance the character and appearance of the application site and its immediate surroundings. Retention of the barns in the north-west part of the site is a welcomed part of the scheme and their sympathetic conversion, particularly the treatment of their elevation backing onto Wrights Lane which is the only visible element from beyond the boundaries of the site, would help to safeguard the original built form and allow for the original elements of the farmstead to remain legible. The effective reinstatement of the former Dutch barn in the central part of the site with a new-build dwelling that would feature all of the key characteristics of a Dutch barn but with a modern/contemporary approach would also represent a visually stimulating and

sensitive addition to the site that would help to restore the built form of the former farmstead thus also being a welcomed part of the scheme. The proposal is therefore considered to be acceptable in terms of its design and resultant impacts on the streetscene and character of the surrounding area in accordance with the requirements of Local Plan Policy D1 and Neighbourhood Plan Policy H7.

#### 8.21 **Heritage Considerations**

8.22 Given the above design and visual amenity considerations it is considered that the proposed redevelopment of the site overall would preserve and enhance the character, appearance and significance of the Wymondham Conservation Area. Indeed, from Main Street (which is the main route through the core of the village and this part of the Conservation Area) it is the case that the application site is not particularly visible due to being located behind existing residential properties that front onto Main Street.

8.23 The removal of the two redundant grain silos from the central part of the site would be of benefit to both the site and the Conservation Area whilst what would, in effect, be a reinstatement of the former Dutch barn with a high quality modern interpretation of a similar structure that reflects and reinstates the evolution of the site would also have a positive impact on the character, appearance, significance and setting of the designated heritage asset. Moreover, whilst not listed, the barns to be converted in the north-west part of the site form an integral part of the setting of Wrights Lane. The proposed development of this part of the site therefore represents an important opportunity to secure the long-term future use and upkeep of these buildings that would not only allow for the original elements of the farmstead to remain legible but would also ensure that historic views along Wrights Lane and in this part of the Conservation Area are safeguarded.

8.24 The positive impacts on the character, appearance, setting and significance of the Conservation Area that would prevail in this case are such that there would be no harm caused to the designated heritage asset and demonstrable enhancements would be achieved. The proposal therefore accords with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the NPPF; Policies D1 and EN13 of the Local Plan; and Policies H7 and H8 of the Neighbourhood Plan in these respects.

#### 8.25 **Impact on Amenity**

8.26 There are a number of existing residential properties surrounding the application site and therefore potential amenity impacts arising from the proposed development are an important consideration in this instance.

8.27 Although there are neighbouring residential properties to the north of the site it is the case that the positioning and orientation of these properties in relation to the barns to be converted in the north-west corner are such that there would be no issues arising from potential overlooking, overbearingness or loss of privacy. Indeed, from outside of the site there would be minimal intervention with these single storey buildings as existing with all new window and door openings being proposed within the inward-facing elevations of the development. Similarly, although there are residential properties on the western side of Wrights Lane that face towards the barns to be converted, the only window insertions on this façade of the proposed development would be rooflights at a height that would not afford opportunities for overlooking from within the respective properties.

8.28 The proposed new-build dwelling in the central part of the site would be more closely located towards No's 15 and 15A Wrights Lane. However, the former of these two



neighbouring properties is the original farmhouse and it still features former agricultural outbuildings on the boundary with the application site whilst the latter property is positioned more than 40m away from the location of the proposed new dwelling. Consequently, it is considered that the proposed new-build property within the site would not cause any concerns in relation to neighbouring residential amenity impacts.

8.29 On the basis of the above assessment it is considered that the proposed redevelopment of the site would not have an unacceptable impact on neighbouring residential amenity thus ensuring accordance with Policy D1 of the Local Plan, and Policies H5 and H7 of the Neighbourhood Plan, in this respect.

### 8.30 **Highway Matters**

8.31 The Highway Authority (LHA) are satisfied that residential development would be an appropriate use of the application site in this case.

8.32 In assessing the potential highway impacts of the scheme the LHA have had regard to the current lawful use of the site whereby it could be brought back into use for agricultural purposes without any form of planning approval being needed which naturally would involve use of the access by much larger and heavier vehicles than would be the case if the site was to be redeveloped with 3no. dwellings in the manner being proposed.

8.33 Notwithstanding this, the LHA have requested the provision of an internal access road width of 4.25m for a minimum distance of 5m behind the highway boundary and a minimum internal access road width of 3.7m for the remainder to enable access by emergency vehicles. These requirements have been satisfactorily addressed through the submission of amended plans on 12th January 2024.

8.34 A Stage 1 Road Safety Audit (RSA) and Designer's Response have also been submitted on 9th February 2024 to accompany the design of the access road improvements and these confirm that safe and suitable access can be achieved. The LHA have also confirmed that adequate turning and parking provision would be made within the site that enables vehicles to park off the public highway and enter/exit the site in a forward gear.

8.35 Subject to the recommended conditions the proposed development is considered to be acceptable in terms of access, impacts on the local highway network and parking provision within the site in accordance with the NPPF, Policy IN2 of the Local Plan and Policy T1 of the Neighbourhood Plan.

### 8.36 **Ecological Impacts**

8.37 Protected species survey information submitted with the application has identified the presence of bats on the application site along with the potential for bird nesting.

8.38 Following consultation the County Ecologist has advised that, subject to a condition securing the installation of bat boxes and bird boxes on the site as part of the proposed redevelopment scheme it would be unlikely to impact negatively upon any matters of ecological interest. Subject to the recommended condition the proposal accords with Local Plan Policy EN2, and Policy ENV5 of the Neighbourhood Plan, in respect of the potential impacts of the proposed development on protected species and their habitat.

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

## 8.40 **Flood Risk & Drainage**

- 8.41 The application site is located entirely within Flood Zone 1 and is therefore at a low risk of flooding itself nor does the proposed development give rise to any initial concerns over increasing the risk of flooding elsewhere. However, Severn Trent Water in consultation have requested the imposition of a condition requiring details for both foul and surface water discharges from the site to be provided before development commences.
- 8.42 Subject to this condition it is considered that the proposal accords with both the NPPF and Policy EN11 of the Local Plan in respect of flood risk and drainage considerations.

## 9 **Conclusion & Reason for Recommendation**

- 9.1 The application site is not allocated for housing in either the Local Plan or the Neighbourhood Plan and therefore its proposed redevelopment with 3no. dwellings through a combination of converting the existing former barns into two dwellings and effective reinstatement of a Dutch barn-style property would constitute a housing windfall opportunity that would be commensurate with the scale of the settlement that it would be located within and it would make effective use of land that is previously developed, albeit with former agricultural buildings. The development would be sustainable in these respects and acceptable as a matter of principle when considered in the context of the NPPF; Policies SS1 and SS2 of the Local Plan; and Policy SD1 of the Neighbourhood Plan.
- 9.2 Furthermore, the proposed new dwellings would be located entirely within the identified development limits for Wymondham as defined by Policy SD3 of the Neighbourhood Plan and so would not result in the outward extension of the built-up part of the village. The site is also closely surrounded by other buildings/properties and it would not result in the loss of any domestic garden space or public open space. It is therefore the case that the proposal is acceptable, in principle, as a housing windfall site under the provisions of Policy H5 of the Neighbourhood Plan.
- 9.3 The proposal otherwise would be acceptable in terms of its design and resultant impacts on the streetscene and character of the surrounding area in accordance with the requirements of Local Plan Policy D1. In addition, the proposal would have positive impacts on the character, appearance, setting and significance of the Conservation Area such that there would be no harm caused to the designated heritage asset and demonstrable enhancements would be achieved in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the NPPF; Policies D1 and EN13 of the Local Plan; and Policies H7 and H8 of the Neighbourhood Plan.
- 9.4 Subject to the recommended conditions, the proposal is also considered to be acceptable in terms of its potential impacts on neighbouring residential occupiers, access, car parking provision, impacts on the local highway network, matters of ecological interest and the proposed drainage arrangements thereby also according with Local Plan Policies D1, EN2, EN11 and IN2 and Policies H5, H7, T1 and ENV5 in these respects.

## 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 8293-03-002 Rev B - Proposed Site Layout - received 29.09.23
  - Dwg No 8293-03-003 Rev B - Proposed Site Layout - received 29.09.23
  - Dwg No 8293-03-004 - Proposed Barn Conversion 1 - received 04.05.22
  - Dwg No 8293-03-005 - Proposed Barn Conversion 2 - received 04.05.22
  - Dwg No 8293-03-006 - Proposed Dutch Barn - received 04.05.22
  - Dwg No 8293-03-009 Rev B - Bat and Bird Boxes - received 29.09.23
  - Dwg No 8293-03-010 Rev D - Proposed Highways Details - received 12.01.24
- Stage 1 Road Safety Audit prepared by Midlands Road Safety Ltd, dated February 2024, report ref: 24-1643-RSA1 - received 09.02.24
- Designer Response to Stage 1 Road Safety Audit prepared by Edwards & Edwards Consultancy Ltd, dated February 2024 - received 09.02.24
- 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 No development shall take place until samples of the external materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved external materials.
- Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policy D1 of the Melton Local Plan.
- 10.4 All new doors and windows shall be timber or aluminium framed; no uPVC shall be used in any of the window fenestration or door openings.
- Reason:** To ensure a satisfactory standard of external appearance and to ensure that the development is 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 intrinsic character and appearance of the development and the wider Conservation Area in accordance with Policies D1 and EN13 of the Melton Local Plan.
- 10.6 Notwithstanding any indication which may otherwise be given on the plans hereby approved, there shall be no visible trickle vents used in any of the fenestration of the dwellings hereby permitted.
- Reason:** To safeguard the intrinsic character and appearance of the development and the wider Conservation Area in accordance with Policies D1 and EN13 of the Melton Local Plan.
- 10.7 The dwellings hereby permitted shall not be occupied until such time as the access arrangements for the dwellings as shown on Dwg No 8293-03-010 Rev D - Proposed Highways Details (received 12.01.24) have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety in accordance with Policy IN2 of the Melton Local Plan and the National Planning Policy Framework (2023).

- 10.8 The dwellings hereby approved shall not be occupied until such time as the parking and turning facilities for the dwellings have been implemented in accordance with Dwg No 8293-03-010 Rev D - Proposed Highways Details (received 12.01.24). Thereafter, the on-site 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 Policy IN2 of the Melton Local Plan and the National Planning Policy Framework (2023)

- 10.9 The development hereby approved shall be implemented in strict accordance with the Bat and Bird Boxes Plan (Dwg No 8293-03-009 Rev B, received 29.09.23) unless otherwise agreed in writing with the Local Planning Authority. Photographs of the installed bird and bat boxes shall be provided to the Local Planning Authority in order to discharge this condition.

**Reason:** To ensure that the proposed development would not have an adverse impacts on species protected by law and their habitat, and to maintain and enhance the biodiversity value of the site, in accordance with Policy EN2 of the Melton Local Plan.

- 10.10 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Planning Practice Guidance and Section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public combined water sewerage system is considered.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy EN11 of the Melton Local Plan.

## 11 Informatives

- 11.1 Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001.
- 11.2 It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit soil, mud or similar materials on the public highway or to fail to carry out works to prevent soil, mud or similar materials on the highway when required to do so, and therefore you should take every effort to prevent this occurring.

- 11.3 Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended) therefore the applicant is advised that building works with nesting bird potential and any vegetation removal should only take place outside of the breeding season (March - August inclusive) unless carefully checked beforehand by a suitably qualified person.
- 11.4 All bat species are afforded full protection under UK and European legislation including the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended). Together, this legislation makes it illegal to: intentionally or recklessly take, kill or injure a bat; intentionally or recklessly damage, destroy or obstruct access to bat roosts; and intentionally or recklessly disturb bats. A bat roost is defined in the legislation as “any structure or place which a bat uses for shelter or protection”. Roosts are protected whether or not bats are present at the time.
- 11.5 Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

## **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 The legal implications are largely set out in the report as they apply to the issues covered, and legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Clive Tobin, 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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## Planning Committee

1 August 2024

Report of: Assistant Director for Planning

**Reference: 22/00408/FUL**

**Proposal: Demolition of existing agricultural buildings, erection of 6 No. new dwellings**

**Site: North Lodge, Longcliff Hill, Old Dalby**

**Applicant: HSSP Architects Ltd**

**Planning Officer: Andrew Cunningham**

<b>Report Author:</b>	<b>Andrew Cunningham</b> , Senior Planning Officer
<b>Report Author Contact Details:</b>	01664 502474 ancunningham@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Sarah Legge</b> , Assistant Director for Planning
<b>Chief Officer Contact Details:</b>	01664 502418 slegge@melton.gov.uk
<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Cllr Joe Orson (Old Dalby)
<b>Date of consultation with Ward Member(s):</b>	7 April 2022
<b>Exempt Information:</b>	No

**Reason for Committee Determination:**

The application is required to be presented to the Committee as the application has received more than 10 letters of objection from separate households which conflict with the recommendation. It should also be noted that whilst not the applicant for this application, Cllr J Orson is the land owner and has been served notice for this application.

**Web Link:**

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

**What 3 words:**

<https://w3w.co/tend.elect.tower>

**RECOMMENDATION(S)**

1. It is recommended that the Planning Application be **APPROVED** subject to conditions, as listed in detail at section 10 of this report.



# 1 Executive Summary



- 1.1 The application site is located on the edge of the village of Old Dalby but outside of the limits of development as identified within the Neighbourhood Plan and therefore would constitute open countryside. The redundant farm complex comprises a number of outbuildings and silos and a farmhouse nearby together with hardstanding areas and grassland.
- 1.2 The development would be accessed via an existing entrance from the recently constructed wider development accessed off Longcliff Hill.
- 1.3 The nearest adjacent farmhouse, North Lodge Farm, lies to the south outside of the application site and 8 dwellings have been approved to the west of the site. A larger residential development has been granted to the southeast of the site.
- 1.4 Conversion of Agricultural buildings to dwellings under permitted development Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows the change of use of a building to be undertaken without express planning permission, known as permitted development.
- 1.5 Planning reference 18/00568/GDOCOU granted prior approval for the conversion of 2 barns to 5 dwelling houses. An outbuilding located at the entrance of the site is a brick structure which has been granted planning permission for the demolition of the outbuilding and construction of a new residential dwelling under planning reference 21/00024/FUL.
- 1.6 The site has already had prior approval via Class Q for the conversion of two barns to five dwelling houses, and permission through a full application has already been granted for one dwelling, equalling 6 dwellings on the site.



This current application does not unacceptably exceed those already allowed via permitted development within class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and equates to the same number of residential units already approved. As such the proposal remains within the general scope of the extant prior-approvals for barn conversions. Furthermore, the redesign proposed by this application, alongside the architectural detailing and layout would be to the betterment of the rural location providing high quality residential dwellings.

## **Main Report**

### **2 The Site**

- 2.1 The application site comprises a rectangular parcel of land which houses several agricultural buildings within a farm complex. Access is provided to the site from the adjacent new residential development which is accessed off Longcliff Hill on the edge of the village of Old Dalby.
- 2.2 The site is bound by residential development to the west and southeast, and the existing farmhouse to the south. Open countryside lies to the north. A Public Right of Way (PRoW) runs west to the east along the far rear of the site but remains in situ and is not impacted. The site is not within the Conservation Area and is sited away from listed buildings.

### **3 Planning History**

- 3.1 18/00506/FUL - Conversion of existing brick and tile building to form one dwelling and associated garden and parking area - Application Permitted – 22.10.2018
- 3.2 18/00568/GDOCOU - Conversion from agricultural use to use for five dwellings – General Development Order Approval – 15.08.2018
- 3.3 21/00024/FUL - Demolition of existing barn and construction of one new dwelling on the same footprint - Application Permitted – 07.05.2021

### **4 Proposal**

- 4.1 Permitted development has been granted for the conversion of two large barns into 5 residential dwellings, and in 2021 a further application was approved to erect one new dwelling on the site, giving a total of six residential units.
- 4.2 This application seeks an alternative proposal to those granted which would demolish all buildings on site and erect 6 new dwellings, effectively combining the two previously approved schemes into one comprehensive application. The siting of the dwellings within the site and the relationship between the dwellings would be vastly improved by this proposal.
- 4.3 Access is through the existing access but improved and altered in line with the highway authority's recommendations.

### **5 Amendments**

- 5.1 A number of revisions have been made during the course of the application to address officer concerns in relation to the design of the dwellings. Revisions have also been made in response to objections and further requests for information from LCC Highways and LCC Ecology.

## **6 Planning Policy**

### **6.1 National Policy**

6.1.1 National Planning Policy Framework (NPPF)

6.1.2 National Planning Policy Guidance (NPPG)

6.1.3 National Design Guide

### **6.2 Melton Local Plan**

6.2.1 The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the development plan for the area.

6.2.2 The Local Plan is consistent with the National Planning Policy Framework and whilst it is now being updated, its policies remain relevant and up to date for the determination of this application.

6.2.3 The relevant policies to this application include:

Policy SS1. Presumption in favour of Sustainable Development

Policy SS2. Development Strategy

Policy EN1. Landscape

Policy EN2. Biodiversity and Geodiversity

Policy EN6. Settlement Character

Policy EN8. Climate Change

Policy EN9. Ensuring Energy Efficient and Low Carbon Development

Policy EN12. Sustainable Drainage Systems

Policy IN2. Transport, Accessibility and Parking

Policy D1. Raising the Standard of Design

### **6.3 Neighbourhood Plan**

6.3.1 The Nether Broughton and Old Dalby Neighbourhood Plan was 'Made' on the 6th June 2018 and forms part of the development plan for the area.

6.3.2 The relevant policies to this application include:

Policy S1: Limit to Development

Policy S2: Development Proposals outside the Defined Limits to Development

Policy H6: Housing Design

Policy ENV9: Biodiversity

### **6.4 Other**

6.4.1 Design of Development SPD

## **7 Consultation Responses**

### **7.1 Summary of Technical Consultation Responses**

7.2 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.

### 7.2.1 **LCC Highways**

a) No objection subject to conditions.

### 7.2.2 **LCC Ecology**

a) No objection subject to conditions.

### 7.2.3 **LCC Forestry**

a) No objection.

### 7.2.4 **Housing Policy Officer**

a) Comments received prior to amendments, an affordable housing requirement of 2 dwellings (25%) is required. This would be for 2 affordable rented houses, 1 x 2 bed and 1 x 3 bed.

## 7.3 **Summary of Representations**

### 7.3.1 **Ward Member(s)**

a) No comments received.

### 7.3.2 **Parish Council**

#### **Further Response (12 January 2024) (previous responses available online)**

a) As in our previous email dated 22 April 2022, our position has not changed on this application. This site is outside the current limits to development for Old Dalby as shown in the Nether Broughton and Old Dalby neighbourhood plan and as such represents a proposal in open countryside, which is strictly controlled, we therefore still object to this application

### 7.3.3 **Neighbours**

22 letters of objection have been received summarised as follows:

- Outside of limits to development within the Neighbourhood Plan.
- Lack of available facilities (school, healthcare etc) to cope with the additional housing.
- Lack of services within the village itself, being an unsustainable place to live.
- Previous permissions and prior-approvals have expired and no longer extant.
- Setting of a precedent for future development outside limits to development.
- Fails to provide adequate measures to protect ecology/biodiversity.
- Over development in the village and no need for additional development.
- This application is not similar to, or an improved proposal from the previous approvals.
- Insufficient consultation period.
- Impact upon highway safety through additional movements and poor access/junction.
- Development situated on green belt land.
- Devaluation of adjacent properties.

## 7.4 Response to Consultations and Representations

- 7.4.1 Comments raised from the Housing Policy Officer are noted however this request was made initially based on the total floor space of the dwellings proposed being greater than 1000sqm. However amended plans have been received during the course of the application which confirm that the total floor area of the development sits below 1000sqm (total 966.1sqm) and therefore there is no requirement for affordable housing.
- 7.4.2 S106 contribution requests to local infrastructure are not triggered given that the development is a minor proposal less than 10 dwellings.
- 7.4.3 Setting of a precedent is not a matter for consideration as each application is considered on their own merits.
- 7.4.4 The previous Part Q Prior Approvals on this site have established a fall back position for 6 dwellings in this location and is a material planning consideration for this proposal.
- 7.4.5 Concerns have been raised regarding an insufficient consultation period. A full consultation has been undertaken and a further re-consultation in response to the amended plans has also been undertaken.
- 7.4.6 Concerns are raised regarding the development being situated on green belt land. The site is not within the green belt, the site is located on land associated with former agricultural operations.
- 7.4.7 Devaluation of adjacent properties is not a material planning consideration.
- 7.4.8 All other matters are considered below in the relevant sections of the planning analysis.

## 8 Planning Analysis

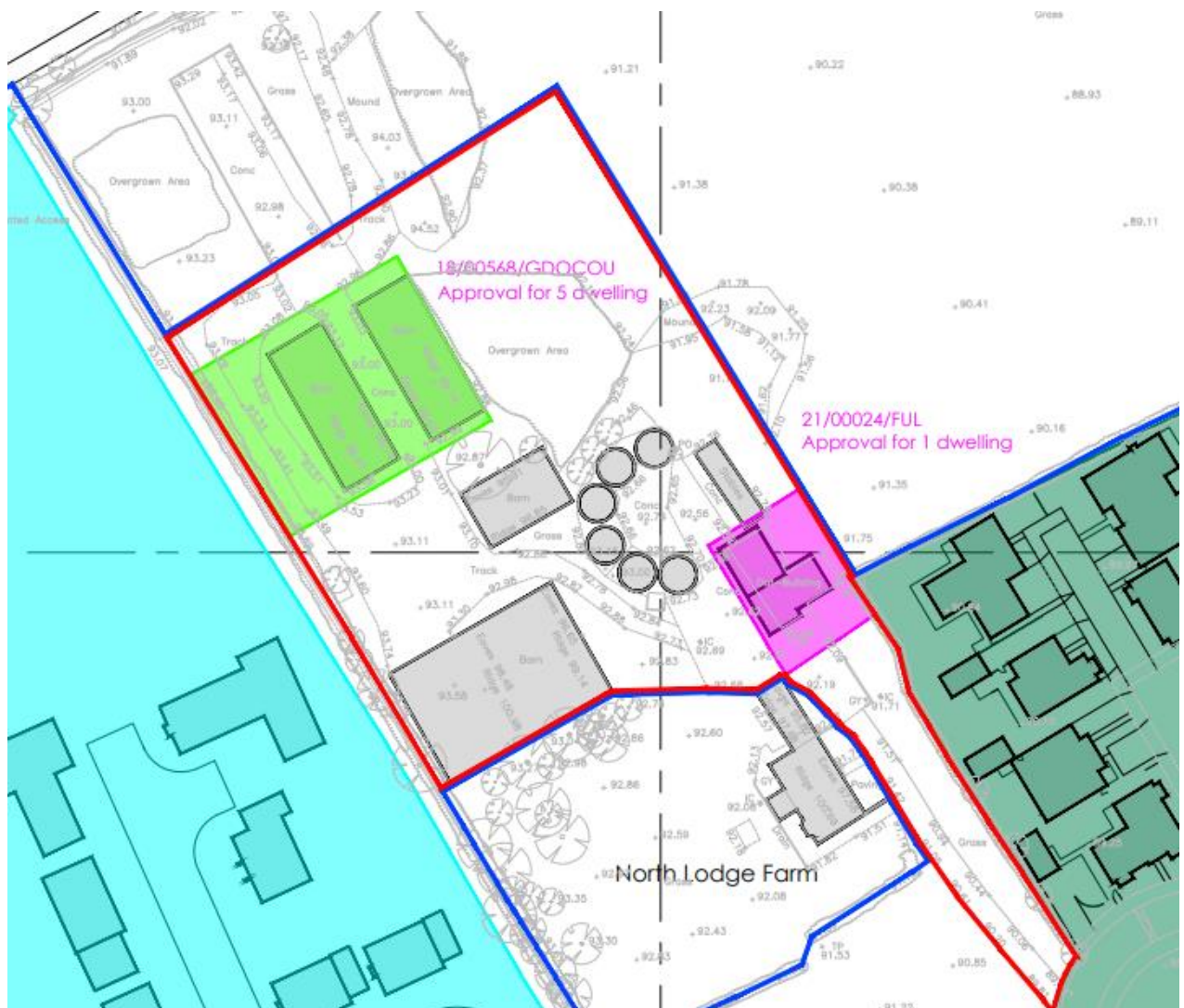
### 8.1 Main Considerations

- The main considerations are
- Principle of Development
- Housing mix
- Design and impact upon the character of the area
- Residential amenities
- Highways
- Biodiversity and protected species
- Drainage

### 8.2 Principle of Development

- 8.2.1 The site lies within open countryside and beyond the Limits to Development in the Neighbourhood Plan. Policy SS2 of the Local Plan states that in the open countryside, new development will be restricted to that which is necessary and appropriate in the open countryside. Policy S1 of the Neighbourhood Plan seeks to support proposals within the Limits to Development, and Policy S2 states that land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies

- 8.2.2 The proposed new dwellings, being sited outside of the limits to development, are therefore considered to be contrary to those policies, and can only be approved if material considerations are present to justify a departure from them.
- 8.2.3 The site already has prior approval for the conversion of two barns to 5no. Dwelling houses and full planning permission for the demolition of one other building and erection of 1no. Dwelling. Therefore 6no. Dwellings have previously been granted on the site.
- 8.2.4 Whilst this does not secure the principle of development in this location, the granting of Class Q prior approval does establish the precedent for residential use on the site and is a material consideration in the determination of this proposal.
- 8.2.5 It is noted that one of the conditions of the prior approval requires the development to be carried out within 3 years of the approval and therefore is no longer extant. However there has been no intervening change on the site or changes to legislation within the previous years and there is therefore a very realistic prospect that a general development order would be approved for the conversion of the same barns again to 5no. Dwellings, thus having the same material consideration as when the prior-approval was extant.
- 8.2.6 Below is a plan of the site permitted under prior notification 18/00568/GDOCOU (highlighted on western boundary) and construction of a new residential dwelling under planning reference 21/00024/FUL (highlighted in south eastern corner at the entrance of the site).





8.2.7 The dwellings proposed would be on the site of the agricultural buildings which would necessitate their demolition and also the new dwelling at the entrance of the site would no longer be implementable given the proposed masterplan shown below.



8.2.8 The Parish Council objects to the proposal stating that the site does not meet the criteria for sustainable development as defined in the Neighbourhood Plan given the siting of dwellings outside the limits to development.

8.2.9 The comments of the Parish Council are noted, and without the Class Q approval, it is likely that the application would be refused due to this policy conflict. However, as set out above, there are significant material considerations that in this case are considered to justify a departure from the Neighbourhood Plan. Case law has established that a Class Q approval provides a 'fall back position' to which future development can be compared and balanced even where the approved work has not been carried out.

8.2.10 Looking into the detail of case law, The Court of Appeal in *Mansell V Tonbridge and Malling Borough Council* (2017) EWCA Civ 1314 clarified when a 'fall back' development may be a material planning consideration for an alternative development scheme. The court also re-examined the correct interpretation of Class Q general permitted development rights (i.e. agricultural building to residential dwelling).

- 8.2.11 The case concerned an appeal of the first instance decision of Garnham J in dismissing a claim for judicial review of a planning permission granted by Tonbridge and Malling Borough Council. The development being the demolition of a barn and bungalow and the construction of four detached dwellings. Of relevance to this application, the Court of Appeal considered the view presented by the Planning Officer in the report relating to the application that, “A scheme confined to taking advantage of permitted development would, in my view, be to the detriment of the site as a whole in visual terms, the current proposal therefore in my view, offers an opportunity for a more comprehensive and coherent redevelopment of the site as opposed to a more piecemeal form of development would arise should the applicant seek to undertake to implement permitted development rights.”
- 8.2.12 The Court of Appeal dismissed the appeal and thereby did not quash the council’s grant of planning permission. The Rt Hon Lord Justice Lindblom confirmed the legal considerations in determining the materiality of a fall-back position as a planning judgement were:
- “The basic principle is that for a prospect to be a “real prospect”, it does not have to be probably or likely: a possibility will suffice.”
- 8.2.13 There is no rule of law, that in every case, the “real prospect” will depend, for example, on the site having been allocated for the alternative development or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the necessary General Permitted Development Order. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker’s planning judgement in the particular circumstances of the case in hand.
- 8.2.14 He then concluded that the clear desire of the landowner to develop, and maximise the value of the site was sufficient to demonstrate there was a real prospect of the Class Q GPDO fall-back position in this case. Therefore, the Council made no error in law in giving material weight to such fall-back position.
- 8.2.15 Taking account of the Court of Appeal’s decision in the Mansell case, this application presents a similar scenario whereby the desire of the landowner to develop is considered sufficient to demonstrate there is a real prospect of the Class Q GPDO fall-back position and should be given material weight as a fall-back position.
- 8.2.16 This is particularly relevant in this instance given that the Class Q is no longer extant however there is a real prospect that the developer could resubmit a prior-approval and therefore the fall-back position of the site achieving 5no. Dwellings through this process forms a material consideration in the determination of this application (total of 6 achieved on the site through the independent application of 1 x dwelling).
- 8.2.17 In addition, the proposal would provide significant visual benefits for the site and surroundings providing a cohesive layout and visually pleasing design overall, the demolition and erection of new buildings allows an integrated layout whereby the development is viewed as one and the design of the dwellings are reflective of one another.
- 8.2.18 It is considered that the proposed scheme remains within the general scope of the previously permitted prior-approval and its proposed redesign, architectural detailing and layout would be to the betterment of its rural location. The development would provide

high quality residential dwellings and the scheme is considered acceptable for development of 6 dwellings as proposed given the material considerations that are present, subject to other considerations set out below.

### 8.3 **Housing mix**

- 8.3.1 In terms of housing mix, Policy H4 of the Neighbourhood Plan states that new housing development proposals should provide a mixture of housing types specifically to meet identified local needs. The provision of dwellings of 1, 2 and 3 bedrooms and to homes suitable for older people including bungalows and dwellings suitable for those with restricted mobility including those with disabilities or special needs requiring support in the community, will be supported. Melton Local Plan Policy C2 which seeks to achieve a mix of house types can only be considered on schemes of 10 or more and therefore does not influence the determination of this application.
- 8.3.2 The development proposes 3x 2beds, 1 x 3bed and 2 x 4beds. Four of the properties are bungalows.
- 8.3.3 Despite Policy H4 of the Neighbourhood Plan and Policy C2 of the Melton Local Plan not being the appropriate policies for this determination, it is considered the application achieves a suitable housing mix for smaller properties with bungalows and therefore very welcomed as a design preference in this location.

### 8.4 **Design and impact upon the character of the area**

- 8.4.1 The demolition of the existing barns will be replaced with 4 bungalows on the western part of the site with two traditional two storey dwellings on the eastern part of the site. The proposed design adopts a very traditional style, representing that of a former farm complex of buildings in terms of layout, siting and scale – with two storey buildings acting as the focal point with single storey range buildings former in a U shape courtyard stemming out from the larger buildings.
- 8.4.2 The design of the dwellings themselves are very traditional, akin to barn conversion properties with a traditional level of glazing, openings, headers, cills and timber cladding, along with a mix of blue and red pantile roof tiles with red facing brickwork. The two storey dwellings are akin to a traditional large scale barn with a central opening with a large double storey opening with glazing and timber shutters.
- 8.4.3 The cohesive design of the dwellings are considered to be of an appropriate scale for the nature of the location, and whilst acknowledging that this would not be an appropriate location for new development in usual circumstances, the layout and parking are of an acceptable design, enhancing the context of the site and wider street view, whilst still reflecting the previous agricultural use of the site. Conditions have been recommended that will further secure the design of the proposals, including the submission of materials and finished site levels.
- 8.4.4 Permitted development rights are also proposed to be removed so that the development retains its character moving forward and so that consideration can be given to any amendments or extensions which may subsequently alter the scale and form of the development.
- 8.4.5 Views both in and out of the site are considerably softened due to the existing landscape features and with the addition of the proposed landscaping to be conditioned the landscaping will be further improved.



- 8.4.6 There are trees on site of some significance which are proposed to be retained. The trees to be removed have been identified as category U and therefore not worthy of retention.
- 8.4.7 The proposal is therefore considered to be sympathetic and in keeping with its countryside location and neighbouring amenity, together with details of site levels which will ensure the proposal would continue to comply with Policies D1 and EN1 of the Melton Local Plan and Policy H6 of the Neighbourhood Plan.
- 8.5 Residential amenities**
- 8.5.1 This new proposal will enable a better spatial arrangement of the dwellings across the site compared to the prior approval conversion thereby improving levels of amenity, privacy and natural light and outlook for the future occupiers.
- 8.5.2 Their separation distance and relationship of fenestration are considered acceptable so as not to overlook or be overbearing to the adjacent developments being constructed nor the existing farmhouse and as such that the proposal meets with the objectives of Policy D1 of the Melton Local Plan and Policy H6 of the Neighbourhood Plan.
- 8.6 Highways**
- 8.6.1 Following concerns raised by The Local Highways Authority the plans were amended to show that the current access is proposed to be widened and amended to ensure that it is of a sufficient width, gradient and design to accommodate the number of dwellings proposed and also provision of emergency vehicles and refuse vehicles. Sufficient vehicular and pedestrian visibility splays have also been demonstrated from the access point and have been revised so they are now wholly within the applications red line boundary.
- 8.6.2 A pedestrian crossover point is also proposed as part of the development to allow pedestrian connectivity from the development and the adjacent development to the village.
- 8.6.3 Two parking spaces are provided to all properties with 3 bedrooms or less and three parking spaces are provided for the 4 bedrooomed properties which complies with Policy H6 of the Neighbourhood Plan.
- 8.6.4 The Local Highways Authority have no objection to the use of this access to serve the development subject to the requested conditions. The access and parking arrangements are therefore considered acceptable and raise no issues under Policy IN2 of the Melton Local Plan and Policy H6 of the Neighbourhood Plan.
- 8.7 Biodiversity and protected species**
- 8.7.1 A bat activity survey report and Extended Phase 1 Habitat Survey has been undertaken and submitted in support of the application in relation to Great Crested Newts.
- 8.7.2 No bat roosts were recorded and therefore no concerns are raised from a bat perspective.
- 8.7.3 However, LCC Ecology raised concerns with the outcomes, results and evaluations made regarding great crested newt and recommended that further survey is undertaken or that the applicant goes down a district level licencing route, as updated surveys would not be required for this approach.
- 8.7.4 Natural England's district level licensing scheme enables the applicant to comply with the legal duty to protect great crested newts by contributing to off-site compensation ponds instead of carrying out detailed surveys and applying for a mitigation licence. In order to secure this through the planning process, the applicant needs to submit a copy of their

Impact Assessment and Conservation Payment Certificate (IACPC), which has been countersigned by Natural England, to the LPA prior to determination.

8.7.5 A copy of the IACPC certificate has been provided to the Council and therefore there is no further requirement from an ecology perspective and LCC Ecology raise no objections subject to conditions.

8.7.6 The proposal is therefore considered in accordance with Policy EN2 of the Melton Local Plan and Policy ENV9 of the Neighbourhood Plan.

## 8.8 Drainage

8.8.1 The site is within Flood Zone 1 and there are no significant concerns from a flood risk/drainage perspective and the development would provide a betterment to the existing situation which currently runs off without a requirement. A condition is recommended that a drainage strategy shall be provided prior to commencement of development.

## 9 Conclusion

9.1 The principle of the development in this location is contrary to Policy SS2 of the Melton Local Plan and Policy S2 of the Neighbourhood Plan, however prior notification granted on the site for residential use previously is a material planning consideration in this instance and the proposed redesign, architectural detailing and layout of the site for 6 dwellings would be to the betterment of its rural location providing high quality residential dwellings and an overall cohesively designed development.

9.2 No concerns are raised in respect of highway safety, biodiversity, residential amenity or the proposed design of the development.

## 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 approved development shall be carried out in accordance with the submitted details and following plans:

8507-03-003 P8	proposed site plan
8507-03-004 P6	proposed block plan
8507-03-010 P1	floor plan plot 1
8507-03-011 P1	elevations plot 1
8507-03-020 P2	floor plan plot 2
8507-03-021 P2	elevations plot 2
8507-03-030 P1	floor plan plot 3
8507-03-031 P1	elevations plot 3
8507-03-040 P1	floor plan plot 4
8507-03-041 P1	elevations plot 4
8507-03-050 P2	floor plan plot 5

8507-03-051 P2 elevation plot 5

8507-03-060 P1 floor plan plot 6

8507-03-061 P1 elevations plot 6

Received by the Local Planning Authority on 6<sup>th</sup> December 2023

8507-03-001 P8 site location plan

8507-03-007 P10 proposed site plan

8507-03-008 P6 vehicle swept analysis

Received by the Local Planning Authority on 4<sup>th</sup> July 2024

**Reason:** For the avoidance of doubt and to ensure the development is in accordance with in accordance with Policy D1 of the Melton Local Plan and Policy H6 of the Broughton and Dalby Neighbourhood Plan.

- 10.3 Notwithstanding the details shown on the approved plans and documents, details and samples of the materials to be used in the construction of the external surfaces shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of any works above damp proof course level of the building(s) hereby permitted is carried out. The development shall be carried out in accordance with such agreed details.

**Reason:** To ensure a satisfactory standard of external appearance in accordance with Policy D1 of the Melton Local Plan and Policy H6 of the Neighbourhood Plan.

- 10.4 No development shall take place on site until details of existing and finished site and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with such approved details.

**Reason:** To safeguard the local environment by ensuring an appropriate relationship to adjoining land uses in accordance with Policy D1 of the Melton Local Plan and Policy H6 of the Neighbourhood Plan.

- 10.5 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

**Reason:** To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water in accordance with Policy EN12 of the Melton Local Plan and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policies D1 and IN2 of the Melton Local Plan, Policy H6 of the Broughton and Dalby Neighbourhood Plan and with the National Planning Policy Framework (December 2023).

- 10.6 No development above ground level shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, and details of tree protection measures during construction has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or

seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority. The tree protection measures shall be in place prior to commencement of development and for the duration of the construction works.

**Reason:** To ensure that the development is acceptable form of development within the landscape setting and that work is carried out within a reasonable period and thereafter maintained in accordance Policies EN1, EN6 and D1 of the Melton Local Plan and Policy H6 of the Neighbourhood Plan.

- 10.7 No development shall take place until a biodiversity enhancement scheme has been submitted to and approved in writing by the Local Planning Authority. Enhancements shall include (but is not limited to) the incorporation of bird and bat boxes and native planting. Any enhancement measures need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

**Reason:** In the interests of biodiversity and protected species in accordance with Policy EN2 of the Melton Local Plan and Policy ENV9 of the Neighbourhood Plan.

- 10.8 If during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a Remediation Method Statement has been submitted by the developer and approved in writing by the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. The development shall proceed with the approved scheme.

**Reason:** In the interests of future occupiers in the event of unexpected contaminants being found on site in accordance with Paragraph 189 of the NPPF.

- 10.9 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order) in respect of the dwellings hereby permitted no development as specified in Classes A, AA, B, C, D, E, F, G or H shall be carried out unless planning permission has first been granted by the Local Planning Authority.

**Reason:** To enable the Local Planning Authority to retain control over future extensions to ensure the development remain sympathetic to its countryside location in accordance with Policy D1 of the Melton Local Plan and Policy H6 of the Neighbourhood Plan.

- 10.10 No part of the development shall be occupied until such time as the offsite works shown on Proposed Site Plan drawing number 8507-03-007 Rev P10 have been implemented in full.

**Reason:** To mitigate the impact of the development, in the general interests of highway safety and in with accordance Policies D1 and IN2 of the Melton Local Plan, Policy H6 of the Broughton and Dalby Neighbourhood Plan and with the National Planning Policy Framework (December 2023).

- 10.11 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Plan drawing number 8507-03-007 Rev P10 have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policies D1 and IN2 of the Melton Local Plan, Policy H6 of the

Broughton and Dalby Neighbourhood Plan and with the National Planning Policy Framework (December 2023).

- 10.12 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan (Drawing number 8507-03-003 Rev P8). Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policies D1 and IN2 of the Melton Local Plan, Policy H6 of the Broughton and Dalby Neighbourhood Plan and with the National Planning Policy Framework (December 2023).

## 11 Informatives

- 11.1 Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of vegetation should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
- 11.2 Great crested newts and their habitat are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Together, this legislation makes it illegal to: Deliberately capture, kill, disturb or injure a great crested newt; Disturb a great crested newt whilst it is occupying a structure or place for shelter or protection; Intentionally or recklessly damage, destroy or obstruct access to habitats used by great crested newts for protection or sheltering; and damage or destroy a breeding site or resting place. As such, works may only proceed under an EPS licence or District Level Licence for great crested newts.
- 11.3 Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

## 12 Financial Implications

- 12.1 No known financial implications.

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

## 13 Legal and Governance Implications

- 13.1 Legal implications have been included in the main body of the report and legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Clive Tobin, Monitoring Officer.**

## 14 Background Papers

- 14.1 None.

## 15 Appendices

- 15.1 None.

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## Planning Committee

1 August 2024

Report of Assistant Director for Planning

**Reference: 23/01003/FUL**

**Proposal: Change of use of existing dwellinghouse (Class C3) to a children's home (Class C2) for up to 4 young people**

**Site: Old Ivy House 1 Chapel Street Barkestone Le Vale**

**Applicant: Mrs Marina Gough – Anchor Care and Education Ltd**

**Planning Officer: Andrew Cunningham**

<b>Report Author:</b>	<b>Andrew Cunningham</b> , Senior Planning Officer
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<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Cllrs Chris Evans and Simon Orson (Long Clawson and Stathern)
<b>Date of consultation with Ward Member(s):</b>	29 November 2023
<b>Exempt Information:</b>	No

**Reason for Committee Determination:**

The application is required to be presented to the Committee as the application has received more than 10 letters of objection from separate households which conflict with the recommendation. Additionally, a request has been made from Councillor Chris Evans to call the application into Committee.

**Web Link:**

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S3CHEQKOJSK00>

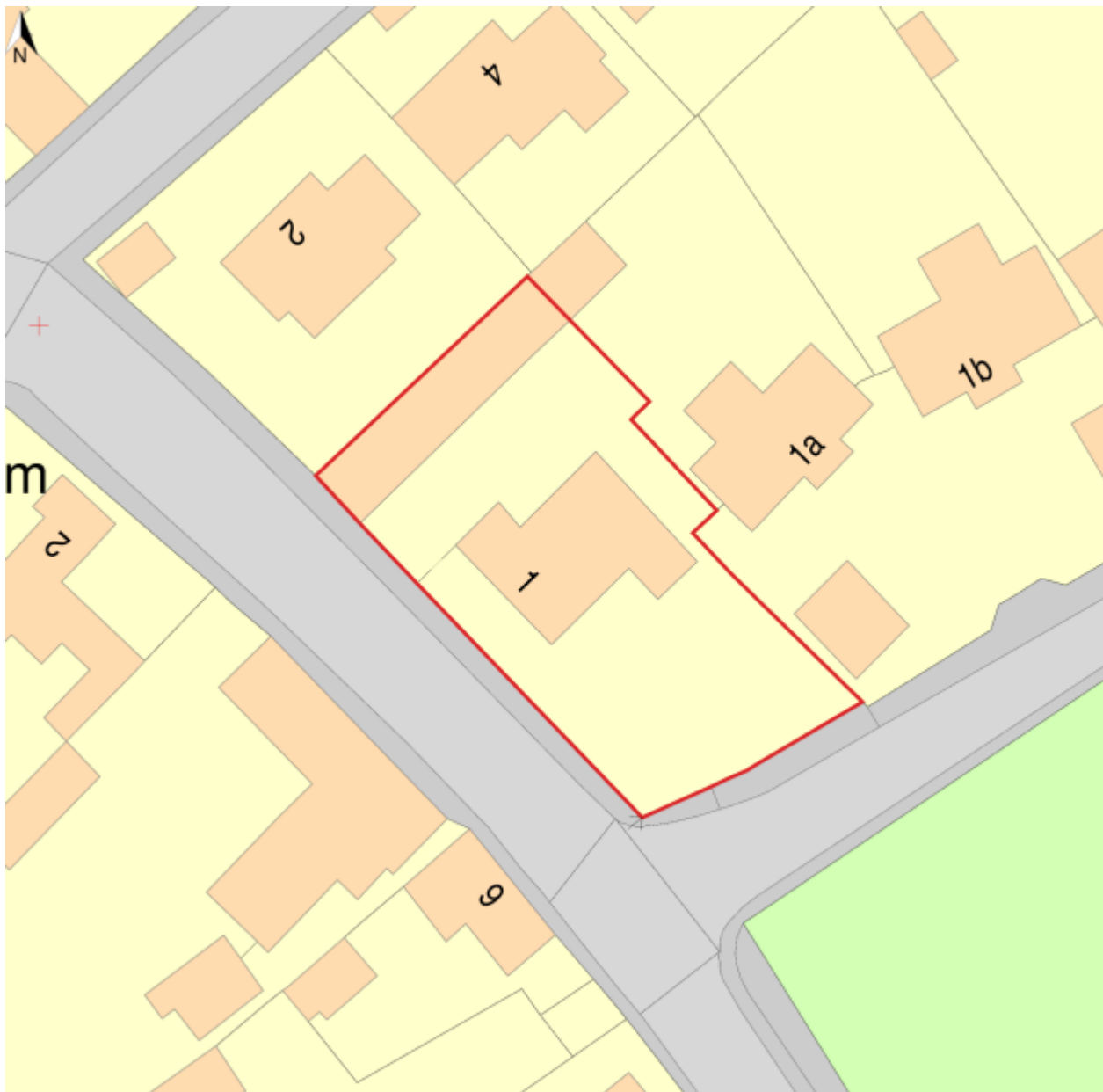
**What 3 words:**

<https://w3w.co/fairly.slippers.cleansed>

**RECOMMENDATION(S)**

1. It is recommended that the Planning Application be **APPROVED** subject to conditions, as listed in detail at section 10 of this report.

**1 Executive Summary**



- 1.1 The application seeks full planning permission for the change of use of a residential property (Use Class C3) to a children’s care home (Use Class C2) for up to 4 young people.
- 1.2 The application site is located within the rural settlement of Barkestone Le Vale and comprises a 5 bedroomed detached property which also has 4 bathrooms on the first floor. Downstairs the house has 2 large reception rooms, a cloakroom, a large kitchen diner, an office and a large utility room.

- 1.3 No physical alterations are proposed to the existing building which would constitute development in accordance with Section 55 of the Town and Country Planning Act 1990. The application is for a change of use to the property from a residential dwelling to a children's care home, planning use class change from C3 to C2.
- 1.4 There is ample outdoor space at the application site to allow for off-street parking provision for 6-7 vehicles, in excess of that which would be required by the local highway authority for a dwelling of this size in accordance with the Leicestershire Highway Design Guide (LHDG). The LHDG requires dwellings with more than three bedrooms to have three or more parking spaces available for use in perpetuity.
- 1.5 The impact of the proposal on the amenity of neighbouring residents has been assessed and is considered to be acceptable. This is due to the residential nature of the proposed development, and the limitations of the number of residents receiving care to be secured by planning conditions.
- 1.6 The proposed development would therefore accord with Policies SS1, C7, EN13, D1 and IN2 of the Melton Local Plan and the overall aims of the National Planning Policy Framework

## **Main Report**

### **2 The Site**

- 2.1 The application site comprises an existing two storey, detached five-bedroom dwelling with associated domestic curtilage within the rural settlement of Barkestone Le Vale.
- 2.2 Access is provided from Chapel Street (a C-Class Road) and comprises a large area of hardstanding for multiple vehicles. Chapel Street is also a very open and wide road with suitable and easily available on street parking which would still allow vehicles to pass one another on the road.
- 2.3 There are a number of outbuildings within the private parking area which are used for ancillary storage.
- 2.4 The two storey dwelling overlooks its private garden to the south east, adjacent to Middle Street. There are multiple trees contained within the curtilage of the dwelling which are to be maintained.
- 2.5 The boundary treatments of the site are predominantly a brick wall, however a private fence is also round the initial rear courtyard providing safe and secure access to outdoor space.
- 2.6 Residential properties surround the site except to the south east where a large paddock lies opposite Middle Lane.

### **3 Planning History**

- 3.1 None.

### **4 Proposal**

- 4.1 Full planning permission is sought for the change of use of an existing dwelling to Use Class C2. It is intended to operate the property as a Children's Care Home by the applicant for up to 4 young people.
- 4.2 No physical alterations are proposed to alter the external appearance of the building.

- 4.3 The supporting information to the application notes that the proposed development will provide care to children between 8-17 years old, 24 hours a day, 7 days a week. Staff will run the home through shift patterns. The number of care staff will be determined by the needs of each child and will vary depending on their support requirements.
- 4.4 The supporting information document states it is the intention to have young people placed on a 2:1 staffing ratio, a 1:1 staffing ratio or in 'group living' where the ratio of staff to young people might be 1:2. The applicant states that if the home is fully occupied with 4 young people then they will be living as a 'group' with 2 or 3 members of staff supporting them on site daily. If there are 2 young people accommodated within the home there will be 3 or 4 staff on site during the daytime as when 2 young people are accommodated they are usually staffed on a 2:1 basis. Additionally during the daytime there will be a manager on site. As such there would be a maximum of five members of staff on a typical day.
- 4.5 No staff will live at the property, but night time supervision will be provided by care workers with bedroom spaces available for staff to use during overnight shifts however there will also be one waking member of staff.
- 4.6 The Operational Information document states that occasional visits will take place from other professionals involved in the care of the children. Fully supervised visits from friends are also occasionally permitted.

## **5 Amendments**

- 5.1 During the application, a revised site plan was submitted correctly identifying the site and the outbuildings within the rear of the site.
- 5.2 Additional supporting information was also submitted by the applicant in April 2024 which set out further operational information of the proposed use and addressing key matters for consideration, including impact upon character and amenity and suitability of the location of the children's home when considering the Council's Planning Guidance for Children's Homes.

## **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 The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the development plan for the area.
- 6.2.2 The Local Plan is consistent with the National Planning Policy Framework and whilst it is now being updated, its policies remain relevant and up to date for the determination of this application.
- 6.2.3 The relevant policies to this application include:
- Policy SS1: Presumption in Favour of Sustainable Development
  - Policy C7: Rural Services
  - Policy EN13: Heritage Assets
  - Policy IN2: Transport, Accessibility and Parking

### 6.3 **Neighbourhood Plan**

6.3.1 There is no adopted Neighbourhood Plan.

### 6.4 **Other**

6.4.1 Leicestershire Highway Design Guide

6.4.2 Planning guidance for applicants of children's homes

## 7 **Consultation Responses**

### 7.1 **Summary of Technical Consultation Responses**

7.2 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.

#### 7.2.1 **LCC Highways**

a) 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 111 of the National Planning Policy Framework (2023), subject to conditions.

#### 7.2.2 **LCC Police Designing Out Crime Officer**

a) At the time of my visit the site was unoccupied but was able to see it is a suitable building for the purpose proposed. General recommendations proposed.

### 7.3 **Summary of Representations**

#### 7.3.1 **Ward Member(s)**

a) No comments received.

#### 7.3.2 **Parish Council (full comments are available on line)**

- Barkestone Plungar & Redmile Parish Council Objects to this application
- Barkestone Le Vale is a remote/isolated village and is classed as an Unsustainable Community.
- The roads to and from the village are mostly single track, causing access problems, particularly at peak times for the existing care facility in the village and increasingly as a main access route to the Belvoir Castle site and events.
- All children need to have external activities
- The children who are likely to be housed in this facility most likely will not be used to rural living and lifestyle.
- The applicant's business model relies wholly on transport to and from the location. Staff will need to drive some distance, and most likely individually, to work every day.
- Every function will require car transport all the time. This means that the business is as much a transport operation as it's a children's care facility
- There is currently a bus service to Barkestone Le Vale. However, this only runs to and from Bottesford and Melton only 6 times a day and takes an hour to reach Melton.

- The business model requires a significant level of staff at a level that is well beyond a common family of any size.
- The application is for four children. We therefore must work on this basis as of course this is a profit-making business.
- It is likely that 15 cars plus will be commonly coming and going during the day, every day and over the weekends.
- As the applicant has set out there will be a regular shift change. This requires double the number of cars each time and for a reasonable time.
- The car parking cannot cope with this huge level of cars making the site inappropriate and placing pressure on off-street parking and road safety.
- There is an area for a limited car park in the grounds.
- Experience shows that the cars will be parked on the road, creating a hazard as it is easier than moving 9 other cars every time.
- The Parish Council is considering traffic calming measures at this location, and it is a cause of real concern for the community.
- The school bus often parks outside the applicant site as there is no other location.
- The police report indicates that additional all-night lighting and CCTV cameras must be installed on the streets adjacent to the site and increased fencing. The lighting will cause significant disturbance to the community and the village will change in character to a secure lockdown zone.
- The site is in the middle of the village, with extraordinarily little separation between Neighbours.
- Barkestone already has one care facility business located in the village. The business managers have made representations to the Parish Council about this application, and they support our objections.

### 7.3.3 Neighbours (full comments are available on line)

1 letter of support has been received which is from the applicant.

33 letters of objection have been received as set out below;

- Lack of facilities within the village and unsuitable location for the development.
- Parking area unsuitable for the required number of vehicles.
- Vehicles unable to turn and manoeuvre in the site.
- Vehicles unable to leave the site without other vehicles in the way.
- On street parking issues within the surrounding area.
- Bus services are very poor.
- Garden is not securely fenced.
- General increase in vehicle movements and highway safety impacts.
- Already one other similar facility within the village.
- Village is not the right environment for the use.
- Other villages in the area experience crime, danger and anti-social behaviour from similar uses.



- Document submitted states need planning for 4 but only intend to home 3 young people.
- Staffing levels are unclear.
- Noise disturbance from vehicle movements.
- Noise disturbance from the proposed use.
- Close proximity to the school bus stop.
- No communication undertaken to neighbouring properties.
- Application location plan is incorrectly submitted

#### 7.4 **Response to Consultations and Representations**

7.5 Anti-social behaviour is not a material planning consideration and shall be handled by appropriate authorities separate from the planning system. Paragraph 135(F) of the NPPF refers to crime and disorder and the fear of crime in relation to residential amenity. Impacts on amenity are material considerations and are discussed below under the heading 'Impact upon Neighbour Amenity'.

7.6 The applicant has been made aware of the advice from the Designing out Crime Officer. The installation of such security features may not require planning permission or can be considered under a separate planning application, if necessary.

7.6.1 Concerns have been raised about inaccuracy of the plans submitted and that no communication has been undertaken by the applicant with neighbouring properties. The plans have been amended during the course of the application process and reflect the application site and proposal. Pre-engagement with neighbouring properties is not a requirement through the planning process but is encouraged to take place at the applicant's discretion.

7.6.2 The remaining concerns raised by public representations and the Parish Council are considered in the relevant sections of the planning analysis below.

## 8 **Planning Analysis**

### 8.1 **Main Considerations**

The main considerations are

- Principle of Development
- Impact upon the Character of the Area
- Impact upon Neighbouring Amenity
- Highway Safety

### 8.2 **Principle of Development**

8.2.1 Melton Local Plan Policy SS1 sets out the principle in favour of sustainable development. Echoing Paragraph 11 of the NPPF, Policy SS1 states that where planning applications are in accordance with the relevant planning policies of the Development Plan, they should be approved without delay, unless material considerations indicate otherwise.

8.2.2 Barkestone Le Vale is considered a 'Rural Settlement' within the adopted Melton Local Plan. Rural settlements are defined as small villages or hamlets that have little or no local

services, where residents are entirely dependent upon travelling to a nearby settlement or town or city for work, recreation and service provision.

8.2.3 Section 55 of the Town and Country Planning Act 1990 sets out the meaning of development:

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

8.2.4 Although there is no statutory definition of 'material change of use'; as set out in National Planning Policy Guidance: "it is linked to the significance of a change and the resulting impact on the use of land and buildings." Due to the specific circumstances of this proposal, and the operations of the children's care home as per the submitted information by the applicant, it is considered the proposal is a material change of use.

8.2.5 Policy SS2 sets out the development strategy for new residential and employment development in the Borough and distributes development in accordance with the spatial strategy contained within. The existence of the residential property at 1 Chapel Street means that there is no consideration required for the proposal under Policy SS2, as the proposal seeks for the change of use between residential uses (Use Class C3 to Use Class C2). The proposal is therefore not 'new residential' nor 'employment development', thus Policy SS2 is not engaged.

8.2.6 Policy SS3 of the Melton Local Plan relates to windfall residential development, and states that in rural settlements outside the main urban area, the Council will seek to protect and enhance existing services and facilities and will support sustainable development proposals in accordance with Policy SS2. However, as stated at 8.4.5 in reference to Policy SS2, Policy SS3 also refers to 'new residential development'. The existence of the residential property at 1 Chapel Street means that there is no consideration required for changes of use between residential uses (Use Class C3 to Use Class C2). Policy SS3 is therefore not engaged.

8.2.7 The application site is an existing residential property falling within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposed change of use of the property to Use Class C2, for use as a children's care home, would ultimately retain its residential function and would operate similarly to a family home in that it will serve as a primary residence for a maximum of four looked-after children, albeit cared for by typically between 3 to 5 adults for the majority of the time.

8.2.8 Objections have been received relating to the existence of one care home facility in the settlement. The policies of the Melton Local Plan are however silent with regards to the consideration of the impacts of the concentration of similar uses on a settlement. Furthermore, the policies do not seek to restrict Use Class C2 uses in specific locations.

8.2.9 The protection, retention or enhancement of community services and facilities (such as care homes) in the rural area is supported by Policy C7 of the Local Plan. Primarily the policy seeks to ensure that community facilities are not lost, but also provides support in respect of the provision of additional assets that improve community cohesion and well-being to encourage sustainable development.

8.2.10 It is therefore considered that in the residential area of Barkestone Le Vale, the proposed use of the subject property as a small children's home would fall within Use Class C2 but

to all intents and purposes would still be residential in terms of its functional nature – albeit a material change of use would occur requiring planning permission.

- 8.2.11 In this predominantly residential area and given the existing residential use of the building, albeit as a single dwelling, it is considered that the proposed use as a children’s home is acceptable as a matter of principle and would meet a specific and specialised local housing need in accordance with Policies SS1 and C7 of the Melton Local Plan.

### **8.3 Impact upon the Character of the Area**

8.3.1 The site is located within the rural settlement of Barkestone Le Vale.

8.3.2 Policy C7 is relevant in that it supports proposals and activities that protect, retain or enhance existing community services and facilities (which includes ‘care homes’ as listed in the footnote of the Policy), or that lead to the provision of additional assets that improve community cohesion and well-being to encourage sustainable development.

8.3.3 Like other children who reside in Barkestone Le Vale, the children cared for at the proposed development will need to travel to other locations to access other facilities, including schools and libraries. The proposed use of the site as a children’s care home is therefore considered no less sustainable in relation to accessibility to services than its current use as a single dwellinghouse.

8.3.4 The application site is located in close proximity to other residential properties. Given the functional characteristics of the children’s care home as a primary residence for children in need of care, and the supporting information of the daily operations at the home, it is considered that the proposed use would operate similarly to that of a generic family dwelling and therefore would not result in material harm to the character of the rural settlement.

8.3.5 The proposed development does not seek permission for any internal or external alterations to the building which require planning permission in their own right. The appearance of the dwelling would therefore be maintained as a single dwellinghouse, with large private garden, private access and on-site parking provision. The domestic nature of the proposal would therefore not be out-of-keeping with its surroundings within the rural settlement of Barkestone Le Vale.

8.3.6 It is recommended that a condition is placed on the permission restricting the number of children at the care home to four children. This would allow the Council to retain control in order to reduce the activity at the application site by minimising the number of people required to visit the property on a frequent/daily basis, this would also reduce the perceived impact on residential amenity that has been raised through consultation of the application.

8.3.7 The proposed development therefore accords with Policies D1 and EN13 of the Melton Local Plan which seeks to protect and enhance the character of settlements.

### **8.4 Impact upon Neighbouring Amenity**

8.4.1 Residential amenity is not defined in law. Residential amenity considers elements that are particularly relevant to the living conditions of a dwelling.

8.4.2 Residential amenity has a significant and valuable impact on the way in which people use their homes. The health and well-being of residents is often directly related to the level of residential amenity occupants can enjoy. When assessing how a development proposal

may impact on the existing amenity of an area and living conditions of nearby occupiers, the following issues would be significant;

- Privacy
- Overbearing effects
- Natural light and outlook
- Environmental effects

- 8.4.3 Policy D1 of the Melton Local Plan seeks to protect the amenity of neighbouring properties from potential impact as a result of development.
- 8.4.4 Policy C7 of the Melton Local Plan states that proposed development will be supported where the development leads to the provision of additional assets that improve community cohesion and well-being to encourage sustainable development. Objections have been received amounting to concern relating to the cumulative impact of the proposed development alongside the presence of an existing care home in the village.
- 8.4.5 Whilst anti-social behaviour is not a material planning consideration, the impact of the proposed use and the fear of crime attributed to similar uses in the village can be considered as part of the cumulative impact of the proposed development alongside existing facilities in close proximity to it.
- 8.4.6 Paragraph 135(f) of the NPPF states that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.4.7 It is acknowledged that residents of Barkestone Le Vale have raised concerns regarding the potential for an increase of anti-social behaviour associated with the proposed use of the dwelling as a children's care home. It would be unreasonable to consider that crime and anti-social behaviour are an inherent part of the character of children's care homes. Instances of anti-social behaviour in the settlement cannot be attributed to future occupants of the proposed development and if nuisance and anti-social behaviour should occur, the instances shall be handled by the appropriate authorities outside of the planning arena including but not limited to Melton Borough Council Safer Communities and Leicestershire Police.
- 8.4.8 Paragraph 135(f) seeks for planning decisions to lessen the fear of crime in the community. Whilst the planning system cannot control behaviour, it does enable the decision makers to address the concerns of the proposed use impacting upon the amenity of nearby residents, and to address the potential fear of crime attributed to the cumulative impact of the proposed development alongside existing care homes in the settlement.
- 8.4.9 The applicant has prepared a supporting statement which sets out the general operations of the care home, stating that the daily operations of the home with four children in residence would require a maximum of five care staff on a typical day. Carers and the home manager would move to and from the property at the beginning and ends of their shifts, meaning that for a limited period of time at shift changeover in the morning and evening, there would be additional staff on site for a short period for handover only.
- 8.4.10 The Operational Information document also provides clarification on the business model, how the property would operate on a daily basis and how the management would respond

should an emergency occur. Officers are content that it demonstrates the security and management of the home has been carefully considered by the applicant and seeks to reduce the likelihood of the occurrence of crime.

- 8.4.11 Further, the Leicestershire Police Designing out Crime Officer has visited the site and specifically states that the site is a suitable building for the purpose proposed.
- 8.4.12 The reason for the planning condition restricting the number of cared for children would be to protect the amenity of nearby residents; it is considered that the daily activities relating to the operations of the Care Home with four children in residence would not result in significant degree of noise or disturbance that would unacceptably affect the amenity of neighbouring residential properties. The noise and disturbance from the proposed development would unlikely be substantially different from that created from its existing use as a single dwellinghouse, which with 5 bedrooms could easily accommodate a family with 4 children and therefore a similar level of noise and movement associated with the proposed use.
- 8.4.13 A further condition is recommended providing details of boundary treatments to the rear gardens to ensure that sufficient information is provided to ensure that the use of the garden is appropriately secure and to limit noise to adjoining properties. The site is a large detached dwelling and by definition given that the functional characteristics of the children's home would not be dissimilar to those of a typical family household occupying a property of this size, the amenity of neighbouring properties is not considered to be adversely impacted.
- 8.4.14 It is considered that the planning conditions limiting the number of occupants residing at the property and for the home to be operated in accordance with the details of the supporting information document would sufficiently protect the amenity of neighbouring residents, and therefore the proposed development would be in accordance with Policy D1 of the Melton Local Plan.

## 8.5 Highway Safety

- 8.5.1 Policy IN2: Transport, Accessibility and Parking of the Melton Local Plan states that all new development shall provide appropriate and effective parking provision and servicing arrangements.
- 8.5.2 The Highway Authority have no objections to the proposal and have provided a substantive response referring the Local Planning Authority to their standing advice.
- 8.5.3 The application site benefits from an existing vehicular access from Chapel Street. No alterations are proposed to this existing access and the Highways Authority raise no objection with the access arrangements for the proposed use. The Highways Authority are also satisfied that the development proposal would not exacerbate the likelihood of Personal Injury Collision within the vicinity.
- 8.5.4 The applicant states that the site has ample parking and enough for 6 or 7 vehicles. Concerns have been raised by objectors and the Parish Council regarding the ability for vehicles to park on the site.
- 8.5.5 A planning condition is attached to the Officer's recommendation to ensure that parking provision shall be shown, maintained and kept available for use throughout the lifetime of the development to reduce the possibilities of the proposed development leading to on-street parking problems in the area.



- 8.5.6 Notwithstanding this, Chapel Street is a wide road with large areas of on-street parking available and would not be considered to result in on-street parking implications to the detriment of highway safety.
- 8.5.7 The Local Highways Authority has reviewed the parking arrangements and are satisfied given the size of the parking area and that there are no parking restrictions in the local area and evidence of unrestricted on-street parking.
- 8.5.8 Taking the above assessment into consideration, the proposal meets the criteria of the Highways Authority standing advice and the requirements of Policy IN2 of the Melton Local Plan and provides a sufficient level of off street parking provision.
- 8.5.9 Although manoeuvrability of the vehicles in the site may be difficult to allow vehicles to leave in a forward gear, again Chapel Street is a road with good visibility to allow vehicles to exit the site safely and no different to how a residential dwelling would utilise the parking and access arrangements.
- 8.5.10 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Based on the information provided for the application, the proposal does not conflict with Paragraph 115 of the NPPF, subject to the planning condition ensuring the provision of off-street parking recommended in this report.

## **9 Conclusion and Reason for Recommendation**

- 9.1 Section 38(b) of the Planning and Compulsory Purchase Act, 2004 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 9.2 The proposal does not seek planning permission for any internal or external alterations to the building. The appearance of the dwelling would therefore be maintained as a single dwellinghouse, with large private garden, private access and on-site parking provision. The domestic nature of the proposal would therefore not be out-of-keeping with its surroundings within the rural settlement of Barkestone Le Vale.
- 9.3 As there are no physical alterations proposed, it is considered that the proposal would preserve the character and appearance of the area.
- 9.4 The recommended planning conditions limit the occupation of the property to a maximum of four children under Use Class C2, and in accordance with the daily operations as set out in the supporting information submitted by the applicants. The limitations seek to reduce the activity of the proposed use, ensuring the use would not result in a significant degree of noise or disturbance that would unacceptably affect the amenity of neighbouring residential properties. The limitations would also allow an element of control by the Local Planning Authority of the proposed use, to address the potential fear of crime.
- 9.5 The existing vehicular access into the site from Chapel Street would be utilised and is not proposed to be altered. The proposed use includes off-street parking provision. As such, there are no highway safety concerns and the proposal accords with Policy IN2 of the Melton Local Plan.
- 9.6 Therefore, the proposal accords with relevant policies in the Melton Local Plan and is considered not to unacceptably impact the character of the settlement, neighbouring amenity or highways.



9.7 In accordance with Policy SS1 of the Melton Local Plan, the application is recommended for approval, subject to planning conditions.

## 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 the details outlined within Amended site plan and 'Planning Statement' received by the Local Planning Authority on 3<sup>rd</sup> January 2024 and document titled 'Information in support of planning application' received by the Local Planning Authority on 26<sup>th</sup> April 2024.

**Reason:** For the avoidance of doubt.

10.3 The development hereby approved shall be limited to a children's care home that will offer residential accommodation for no more than four children, and for no other purposes including any other purpose within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

**Reason:** For the avoidance of doubt and to ensure the development is carried out on the basis of the information submitted, considered and approved to protect the amenity of neighbours and the character of the settlement in accordance with Policy D1 of the Melton Local Plan.

10.4 Prior to the hereby approved development first being brought into use, details showing the location of six car parking spaces within the site shall be submitted to and approved in writing by the Local Planning Authority. The individual spaces shall be clearly and permanently always be available for use by the occupants and visitors of the site and be in place prior to the hereby approved development first being brought into use.

**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 in the interests of highway safety and in accordance with Policy IN2 of the Melton Local Plan and the National Planning Policy Framework (2023).

## 11 Financial Implications

11.1 There are no financial implications associated to this planning application.

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

## 12 Legal and Governance Implications

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

**Legal Implications reviewed by: Clive Tobin, Monitoring Officer.**

## 13 Background Papers

13.1 None.

## 14 Appendices

14.1 None.

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