

# Agenda

|                          |  |
|--------------------------|--|
| <b>Meeting name</b>      | <b>Planning Committee</b>  |
| <b>Date</b>              | <b>Thursday, 26 September 2024</b>   |
| <b>Start time</b>        | <b>6.00 pm</b>   |
| <b>Venue</b>             | <b>Parkside, Station Approach, Burton Street,<br/>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, 18 September 2024 |

| No. | Item  | Page No. |
|-----|---|----------|
| 1.  | <b>APOLOGIES FOR ABSENCE</b>  |          |
| 2.  | <b>MINUTES</b><br>To confirm the minutes of the meeting held on 29 August 2024.   | 1 - 6    |
| 3.  | <b>DECLARATIONS OF INTEREST</b><br>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 23/01124/FUL</b><br>Land Opposite 52 Main Street, Kirby Bellars  | 9 - 26   |
| 4.2 | <b>APPLICATION 23/00720/FULHH</b><br>2 South View, Burrough on the Hill   | 27 - 36  |
| 5.  | <b>URGENT BUSINESS</b><br>To consider any other business that the Chair considers urgent  |          |



# Minutes

|                     |  |
|---------------------|--|
| <b>Meeting name</b> | <b>Planning Committee</b>  |
| <b>Date</b>         | <b>Thursday, 29 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> |

## Present:

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

**Councillors**

|                       |              |
|-----------------------|--------------|
| J. Mason (Vice-Chair) | P. Allnatt   |
| 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
- Planning Officer (RG)
- Planning Officer (MK)
- Planning Officer (AS)
- Democratic Services Officer (HA)
- Democratic Services Officer (SE)

| Minute No. | Minute  |
|------------|---|
| PL24       | <p><b>Apologies for Absence</b><br/>There were no apologies for absence.</p>  |
| PL25       | <p><b>Minutes</b><br/>The minutes of the meeting held on 1 August 2024 were approved as a true record.</p>  |
| PL26       | <p><b>Declarations of Interest</b></p> <p><b>Minute PL30 - Application 24/00134/FUL - Gardens rear of 249 to 251 Asfordby Road, Melton Mowbray</b></p> <p>Councillor Siggy Atherton declared a potential for a perception of bias due to previous discussions and involvement on this application and therefore would leave the meeting during its consideration.</p>   |
| PL27       | <p><b>Schedule of Applications</b></p>  |
| PL28       | <p><b>Application 22/00590/FUL</b><br/><b>Location : Land rear of East End Farm, Wrights Lane, Wymondham</b><br/><b>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)</b></p> <p>The Planning Officer (MK) 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 to public speaking at Planning Committee, the Chair allowed the following to give a three minute presentation:</p> <ul style="list-style-type: none"> <li>• James Botterill, Agent, HSSP Architects</li> </ul> <p>Councillor Browne proposed the recommendation in the report. Councillor Mason seconded the motion.</p> <p><b>RESOLVED</b></p> <p><b>That the application be approved subject to conditions as listed at section 10 of the report with an amendment to Conditions at 10.4 of the report which requests for details of the materials to be used for windows and doors to be submitted and approved in writing by the LPA.</b></p> <p>(Unanimous)</p> |

## REASONS

The reasons for approval were as outlined in the report.

PL29

### **Application 20/00388/OUT**

**Location: Field OS 4930 Normanton Lane, Bottesford**

**Proposal : Outline planning application for residential development of up to 215 dwellings, associated infrastructure and landscaping**

The Planning Officer (RG) addressed the committee and provided a summary of the application. She advised that there had been 5 further objections received relating to infrastructure, highways impact, flood risk, impact to existing properties as well as a neutral comment regarding the limit of expansion to Bottesford all received as a result of the notification of the application coming to the Planning Committee, these raised no new issues that were not already covered in the report. The Parish Council had sent in a further letter of objection which related to flood risk, sequential testing, traffic and pedestrian access and housing density which were already covered in the report. A consultation response had also been received from National Highways that raised no objections to the proposal.

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 to public speaking at Planning Committee, the Chair allowed the following to give a three minute presentation:

- Councillor Bob Bayman, Bottesford Parish Council
- Bob Sparham, Objector, Bottesford Forum Residents Group
- David Pendle, Agent, Marrons

(There was a 5 minute adjournment at 7.50pm)

Councillor Browne proposed that the application be approved subject to the below:

- (1) Conditions detailed in section 10 of the report with an additional condition for the market housing mix to come forward in accordance with policy 10 of the Bottesford Neighbourhood Plan;
- (2) Entering of a s106 to secure
  - Obligations detailed at paragraph 7.1.2 of the report plus the footbridge requirement
  - Open Space
  - 14% affordable housing (tenure split to be agreed)
  - Late stage review mechanism
- (3) Discussions with the local Highway Authority to ascertain if an onsite bus stop could be provided by the developer;

- (4) Confirmation that the speed test undertaken at the junction of Long Hedge Lane and Nottingham Road has been undertaken in accordance with and meets the relevant Leicestershire County Council Highway Authority requirements for speed tests taken by hand held device to be agreed by the Chair (in consultation with the Vice Chair) of the Planning Committee.

Councillor Glancy seconded the motion.

## **RESOLVED**

**That the application be approved subject to:**

- (1) Conditions detailed in section 10 of the report with an additional condition for the market housing mix to come forward in accordance with policy 10 of the Bottesford Neighbourhood Plan;**

- (2) Entering of a s106 to secure**

- **Obligations detailed at paragraph 7.1.2 of the report plus the footbridge requirement**
- **Open Space**
- **14% affordable housing (tenure split to be agreed)**
- **Late stage review mechanism**

- (3) Discussions with the local Highway Authority to ascertain if an onsite bus stop could be provided by the developer;**

- (4) Confirmation that the speed test undertaken at the junction of Long Hedge Lane and Nottingham Road has been undertaken in accordance with and meets the relevant Leicestershire County Council Highway Authority requirements for speed tests taken by hand held device to be agreed by the Chair (in consultation with the Vice Chair) of the Planning Committee.**

(9 for, 1 against, 1 abstention)

(Councillor Cumbers requested that her vote against the motion be recorded.)

## **REASONS**

The reasons for approval were as outlined in the report.

(Councillor Allnatt left the meeting at 7.44pm and returned at 7.46pm)

(Councillor Siggy Atherton here left the meeting due to the interest declared at Minute PL26.)

PL30

**Application 24/00134/FUL**

**Location : Gardens rear of 249 to 251 Asfordby Road, Melton Mowbray**

**Proposal : Erection of 1no. dwelling with associated access from Chetwynd Drive**

The Planning Officer (AS) 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 to public speaking at Planning Committee, the Chair allowed the following to give a three minute presentation:

- Graham Spencer, Local resident
- David Homewood, Applicant

Councillor Gordon proposed that the application be refused due to being unacceptable on highway and safety issues under policy D1 and not being able to exit in forward gear and the development being overbearing with undue shadowing of neighbouring properties being contrary to policy D1 of the Local Plan. Councillor Cumbers seconded.

The motion failed at the vote being 4 for, 5 against, and 1 abstention.

Councillor Allnatt proposed that the application be deferred to enable more detail to be available on the height of the development; the impact of scale and mass in relation to neighbouring properties on Asfordby Road, Chetwnyd Drive and Riverside Road; clarification on number and dimensions of car parking spaces; to determine any observations of wildlife in the area.

Councillor Higgins seconded the motion.

#### **RESOLVED**

**That the application be deferred to enable more detail to be available on the height of the development; the impact of scale and mass in relation to neighbouring properties on Asfordby Road, Chetwnyd Drive and Riverside Road; clarification on number and dimensions of car parking spaces; to determine any observations of wildlife in the area.**

(8 for, 1 against, 1 abstention)

|      |   |
|------|---|
| PL31 | <b>Urgent Business</b><br>There was no urgent business. |
|------|---|

The meeting closed at: 9.34 pm

This page is intentionally left blank



## MEMBER INTERESTS

### Do I have an interest?

#### 1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

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

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

#### 2 OTHER REGISTERABLE INTERESTS (ORIs)

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

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

#### 3 NON-REGISTRABLE INTERESTS (NRIs)

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

---

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

# Declarations and Participation in Meetings

## 1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

- 1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:
- 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.

---

**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

26 September 2024

Report of: Assistant Director for Planning

**Reference Number: 23/01124/FUL**

**Proposal: Proposed development of a single 3-bed bungalow, under affordable discounted market sale, with associated access (re-submission of 22/01264/FUL)**

**Site: Land Opposite 52 Main Street, Kirby Bellars**

**Applicant: D Matthews (The Matthews Trust)**

**Planning Officer: Sarah Matthews**

|                                       |  |
|---------------------------------------|--|
| <b>Report Author:</b>                 | <b>Sarah Matthews</b> , Planning Development Officer                                 |
| <b>Report Author Contact Details:</b> | 01664 502440<br><a href="mailto:smatthews@melton.gov.uk">smatthews@melton.gov.uk</a> |
| <b>Chief Officer Responsible:</b>     | <b>Sarah Legge</b> , Assistant Director for Planning                                 |
| <b>Chief Officer Contact Details:</b> | 01664 502380<br><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>                  | Cllr Browne   |
| <b>Date of consultation with Ward Member(s):</b> | 24 January 2024                                       |
| <b>Exempt Information:</b>                       | No  |

**Reason for Committee Determination:**

The application is required to be presented to the Committee as it has received more than 10no. letters of objection from separate households which conflict with the recommendation.

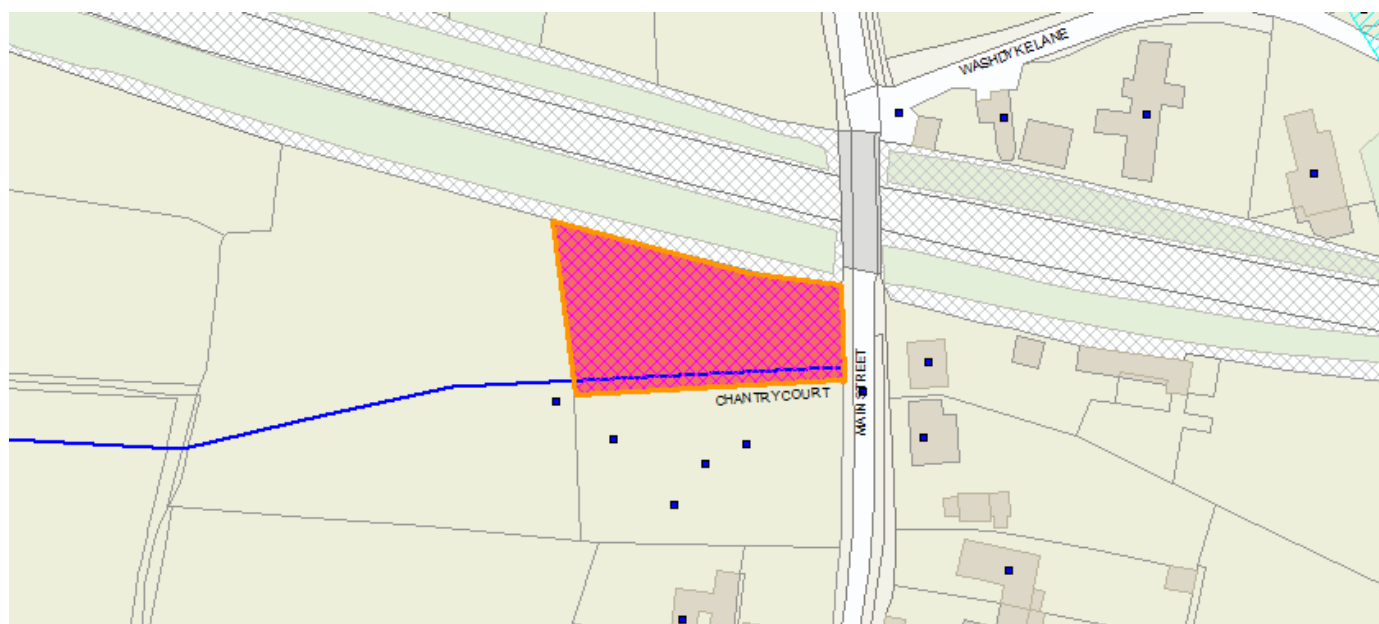
**Web Link:**

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

**What 3 words:**

<https://what3words.com/performed.backward.curable>

## Site Location Plan



### RECOMMENDATION(S)

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

1. Conditions detailed in Section 10 of this Report; and
2. Section 106 Agreement to secure the proposed dwelling as discounted market housing in perpetuity.

## **1 Executive Summary**

- 1.1 The application seeks full planning permission for the construction of a discounted market sale bungalow on land opposite No 52 Main Street in Kirby Bellars. The scheme includes a detached garage, associated landscaping and new vehicular access from Main Street.
- 1.2 The site is located to the west of the highway towards the northern edge of Kirby Bellars but is within the built extent of the village which is defined in the Local Plan as a rural settlement. Public Right of Way H38 intersects the proposed access to the site.
- 1.3 The site was the subject of a refused planning application in 2022 (ref: 22/01264/FUL) which sought permission for a single open market dwelling. That application was refused on the grounds that there was no identified local need for an open market dwelling in this location at that time. The decision was subsequently upheld on appeal by the Planning Inspectorate on the grounds that the proposal conflicted with the development plan in that there was no identified need for an open market dwelling in this location contrary to Policies SS1, SS2 and SS3 of the Local Plan. Those policies seek to ensure that developments are in accordance with the spatial strategy for the Borough as well as providing the right mix and tenure of housing to meet identified local housing needs.
- 1.4 Whilst the overall decision was to dismiss the appeal (i.e. refuse planning permission), the Inspector acknowledged that a rural location is not automatically an unsuitable location for a dwelling and development can help to support existing local services. The Inspector also acknowledged that the construction of a single dwelling would not have a significant effect in its positive contribution to local services and would provide limited contribution to local infrastructure and, consequently, limited benefit to Kirby Bellars.
- 1.5 The current proposal is a resubmission of the previously refused application. However, the application differs from the previous application in that the proposal is for a single affordable discounted market dwelling in the form of a bungalow, the details of which would be secured through the use of a Section 106 Legal Agreement.
- 1.6 The proposal is supported by a Housing Needs Survey (HNS) prepared by Midlands Rural Housing in 2023 which evidences the need for affordable discounted market housing in this location and therefore the recommendation is that the application is approved subject to the completion of a Section 106 Agreement securing the proposed bungalow as an affordable discounted market sale property in perpetuity.
- 1.7 The development would otherwise accord with Policies SS1, SS2, SS3, C2, C5, EN1, EN6, IN2 and D1 of the Local Plan along with the overall aims and objectives of the National Planning Policy Framework (Dec 2023)

## **Main Report**

### **2 The Site**

- 2.1 The application site comprises a rectangular parcel of pasture land which widens slightly from east to west, extending to 1424.50 square metres positioned to the west of the highway towards the northern edge of the village of Kirby Bellars.
- 2.2 Public Right of Way H38 is located to the south of the site along the side of the access but the proposed development would not affect the route of the footpath which links the village to Frisby-on-the-Wreake to the west.

- 2.3 The land level of the site is slightly raised from the level of the public highway. The northern site boundary abuts a deep cut serving a working railway line, while Main Street continues north of the site, crossing the railway line over a small humped bridge where the road narrows down to a single track. Detached from the main settlement, north of the railway line and west of the highway, are three further dwellings whilst to the east of the highway is the Grade II listed Manor House and Grade I listed Church of St Peter.
- 2.4 According to the Environment Agency flood maps the application site is located entirely in Flood Zone 1. The nearest Flood Zone 2 and 3 areas are recorded as being located approximately 140m to the east of the application site.
- 2.5 There are neighbouring properties to the south and east of the application site, whilst to the west is open countryside. To the north of the site is an operational railway line beyond which are other dwellings that are not considered to form part of the built-up settlement.

### **3 Planning History**

- 3.1 18/00621/FUL - Erection of Three Dwellings  
Withdrawn
- 3.2 22/01264/FUL - Proposed development of a single 3 bed dwelling  
Refused and Dismissed at Appeal

### **4 Proposal**

- 4.1 The proposed development would involve the construction of an affordable discounted market sale dwelling in the form of a three-bedroomed bungalow with detached carport.
- 4.2 The proposed design of the dwelling is simple in form set out with an “L” shaped footprint. Internally the accommodation would comprise of an open plan kitchen dining and living area with separate utility room and WC. An entrance/hallway would provide a division from an area with three bedrooms (one en-suite) and a shared bathroom.
- 4.3 A detached carport is proposed which would be set forward of the principal elevation providing two useable parking spaces to serve the property. Creation of a new access point from Main Street is also proposed to serve the new dwelling.
- 4.4 Currently there is a lack of boundary screening of the site from the public highway and the adjacent public right of way. Landscaping of the site has been shown on the proposed block plan, however a fully detailed landscaping scheme/plan would be required to be submitted in line with the recommended conditions set out at the end of this report.

### **5 Amendments**

- 5.1 The proposed scheme has not been amended since the original submission of the application, but additional information has been provided in relation to separation distances between the proposed dwelling and the neighbouring properties to the south. This was in order to address initial concerns raised by way of a neighbour objection in relation to potential privacy issues.

### **6 Planning Policy**

#### **6.1 National Policy**

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

National Design Guide

## 6.2 **Melton Local Plan**

Policy SS1: Presumption in Favour of Sustainable Development

Policy SS2: Development Strategy

Policy SS3: Sustainable Communities (Unallocated Sites)

Policy C2: Housing Mix

Policy C5: Affordable Housing through Rural Exception Sites

Policy EN1: Landscaping

Policy EN6: Settlement Character

Policy EN8: Climate Change

Policy EN11: Minimizing the Risk of Flooding

Policy IN2: Transport, Accessibility and Parking

Policy D1: Raising the Standard of Design

## 6.3 **Neighbourhood Plan**

There is no made Neighbourhood Plan in this location.

## 6.4 **Other**

The Design of Development Supplementary Planning Document (SPD) was adopted by the Council on 24<sup>th</sup> February 2022 and is a material consideration in this case.

# 7 **Consultation Responses**

7.1 The below is a summary of responses and representations received. The full responses can be found on the web portal:

### 7.1.1 LCC Highways

- a) The Local Highways 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 115 of the National Planning Policy Framework (December 2023), subject to the conditions and/or planning obligations outlined in this report.
- b) Conditions are suggested for the following;
  - The development should not be occupied until the access arrangements have been implemented in full;
  - The development should not be occupied until the vehicular visibility splays have been provided and thereafter should be permanently retained and there that nothing higher than 0.6m should be positioned above within the splays;
  - No occupation of the dwelling shall take place until the parking and turning facilities are fully implemented and thereafter the parking and turning provision should be retained in perpetuity; and

- A pre-commencement condition that no development shall take place until a scheme for the treatment of the Public Footpath H38 has been submitted and approved by the Local Planning Authority.
- c) A number of informatives are detailed regarding measures taken to protect the users of the public right of way are outlined within the consultation response from Highways Authority dated 14<sup>th</sup> February 2024

#### 7.1.2 LCC Ecology

- a) The site consists of closely grazed grassland with limited ecological value; however the site is adjacent to a vegetated railway embankment to the north and there is potential for badgers to be present within the area... As a result the following condition has been requested by LCC Ecology to be attached to any decision
- b) Condition - No development shall take place (including ground works or vegetation clearance) until an updated badger survey has been submitted to and approved in writing by the Local Planning Authority. This survey is to be carried out within 3 months of the likely commencement of works on site. It is to include details on mitigation measures for badgers if necessary (such as badger gates). All works are to proceed strictly in accordance with the approved document.

#### 7.1.3 Lead Local Flood Authority

- a) The site is located within Flood Zone 1 and the proposed development is not considered a major application and therefore the LLFA is not a statutory consultee for this application. The LPA are required to refer to only Standing Advice:
- Standing Advice - National Planning Policy Framework
  - Standing Advice - Consent
  - Standing Advice - Maintenance
  - Standing Advice - Ground Floor Levels
  - Standing Advice - Overland Flow Routes
  - Flood Resilient Construction

#### 7.1.4 Network Rail

- a) Development Construction Phase and Asset Protection - Due to the proximity of the proposed development to an operational railway boundary, it is imperative that the developer liaise with our Asset Team prior to any work taking place. Drainage associated with the site should not impact on or cause damage to the adjacent railway asset. The following Conditions is requested in this regard:
- Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.
- b) Drainage - It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by



Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail. Please note, further detail on Network Rail requirements relating to drainage and works in proximity to the railway.

- c) It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.
- d) Boundary Treatments, Landscaping and Lighting - The developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rail's existing fencing/wall must not be removed or damaged.
- e) Vehicle Incursion Measures - Given the nature of the proposals and location of turning areas/car parking, we would expect that a condition securing the design and installation of suitable vehicle incursion measures by the developer is included in any consent. This is for the safety, operational needs and integrity of the railway.
- f) Landscaping - Condition required; landscaping detail should be submitted to the Local Planning Authority and approved in conjunction with Network Rail.
- g) Lighting - Condition required; detail of any external lighting should be provided to the Local Planning Authority to be approved in conjunction with Network Rail.
- h) Railway Noise Mitigation - The developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

## 7.2 **Summary of Representations**

### 7.2.1 Ward Member(s)

- a) No written comments received.

### 7.2.2 Parish Council

- a) The proposed development would be located beyond the edge of Kirby Bellars within the open countryside.
- b) The proposed additional dwelling is considered to not fall within a development type that is necessary or appropriate within the open countryside and is contrary to Policy SS2 of the Melton Local Plan.
- c) There are no identified wider public benefits to the scheme as required by Policy SS3 of the Melton Local Plan, or an identified need for the proposed development which would outweigh the clear conflict with the core aims of the Local Plan.
- d) In the current Local Plan Kirby Bellars does not have any allocation of housing or identified need.
- e) Kirby Bellars has a significant wildlife corridor and this would be again starting to damage that.
- f) The development is contrary to NPPF 2 – Achieving Sustainable Development, NPPF 13 – Protecting the Green Belt, NPPF 15 – Conserving and Enhancing the Natural Environment.

- g) There are no local facilities, play area or facilities for young families in the village and people have to travel to access them.
- h) The village already struggles with the number of vehicles using its roads, especially Main Street that is narrow and crowded and would result in increased pressure on the ability for emergency services to use the road as required.
- i) This application was previously rejected and no details have changed that change our objections.

### 7.2.3 Neighbours

29no. letters of representation raising objection to the proposed development have been received from 19no. households which can be summarised as follows:

### 7.2.4 Objections

- a) There is no requirement or need for additional properties in the village. There are properties currently on the market and have been for a long time which shows no more properties are required.
- b) Concerns raised over the quality and reliability of the housing need survey carried out in March 2023.
- c) The planning statement submitted is paid for by the applicant and surely cannot be seen as unbiased.
- d) The parcel of land floods during prolonged periods of rain and due to extensive downfalls of rain run off occurs onto Main Street and will cause localised flooding. We have noticed an increase in flooding on the road since the construction of 3 new dwellings close to the site.
- e) The village has no facilities
- f) The size of the property is excessing for the elderly or a first-time buyer and is a way of gaining planning permission without being affordable.
- g) The village is not well served by public transport making the use of cars essential and the recent addition of three bungalows being built on the field adjoining the proposal will have already increased the traffic resulting in increased congestion and affect an already very busy and dangerous junction which will not be reduced by the proposed bypass. Potentially impact on access for Emergency vehicles.
- h) It is a dangerous location for an access due to restricted views over the bridge.
- i) Delivery drivers and lorries struggle to navigate the narrowness of the road due to parked vehicles on Main Street. Very congested street with residents and service providers constantly up and down with cars parked all the way up and down the street which can cause parking on pavements.
- j) No cycle paths to allow for more environmental modes of travel.
- k) The plan shows an access road extending beyond the proposed dwelling, there is no other reason than to plan for further development at a later date which will result in the village losing all of its green space
- l) Sewage system was upgraded a few years ago due to the inadequacy – this may no longer be adequate to deal with additional housing at the bottom end of the village with the 3 new bungalows already causing problems.

- m) The public right of way is used regularly and the land is a sanctuary for wildlife and grazing and would spoil the views of the fields. This further development would turn the public footpath into an alleyway. The footpath was impassable without trespass onto private land during December and January due to flooding and if planning allows this would be indirectly allowing closure of a public footpath during a flood.
- n) Objection to siting of bi-fold doors due to loss of amenity to properties at Chantry Court.
- o) The site is green field land which the government is opposed to building on and is currently used for grazing cattle by a local farmer. To lose the grazing land would mean outsourcing previously locally produced meat for villages.
- p) The development is out of character with the streetscene.

## **7.3 Response to Consultations and Representations**

- 7.3.1 The development as proposed is adjacent to the existing built form of Kirby Bellars with further properties to the north, east and south and is considered not to be located within open countryside and is therefore assessed against the relevant Local Plan policies. In addition, there is made Neighbourhood Plan in this location which defines any development limits or village envelope for the settlement of Kirby Bellars.
- 7.3.2 The site has been the subject of previous applications for development including an appeal to the Planning Inspectorate which was subsequently dismissed. However, it is the case that each application must be considered on its own merits.
- 7.3.3 The principle of development, including the housing for the proposed dwelling, and whether on the basis of what is being considered is in accordance with the Development Plan is assessed as part of the Planning Analysis section of the report below.
- 7.3.4 The site is located in Flood Zone 1 and is at the lowest risk of flooding. It is also not at risk of surface water flooding.
- 7.3.5 The site is considered to be well related to the Rural Settlement of Kirby Bellars as defined in the Local Plan and will be addressed as part of the Planning Analysis below.
- 7.3.6 The layout and design of the property is considered below.
- 7.3.7 The vehicular access which would include parking and turning within the site have been assessed by the Local Highway Authority and the impact of the development upon the highway network is discussed in the relevant section below.
- 7.3.8 Currently the development being considered relates to the construction of a three bedroomed property within the boundaries of the site as identified. Future development of land adjacent to or surrounding the site does not form part of the current application.
- 7.3.9 The site is not a designated Local Green Space in the Development Plan nor is the land located in the Green Belt.
- 7.3.10 The public right of way is managed by the Local Highway Authority who have provided comment and this will be addressed in the Planning Analysis section below.

## **8 Planning Analysis**

### **8.1 Main Considerations**

- Principle of Development (including previous appeal decision)

- Highways Impact and Impact upon the PROW
- Flooding and Drainage
- Ecology
- Impact upon the Character and Appearance of the Streetscene
- Impact upon Residential Amenity

## 8.2 Principle of Development

- 8.2.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. So that sustainable development is pursued in a positive way, at the heart of the Framework, there is a presumption in favour of sustainable development. For decision-taking this means approving development that accords with an up-to-date development plan for the area without delay.
- 8.2.2 The application site is situated on the edge of the built form of the village of Kirby Bellars which is defined as a Rural Settlement in the Local Plan and, as such, has limited local services where residents are largely dependent upon travelling to a nearby settlement or town or city for work, recreation and service provision.
- 8.2.3 The Local Planning Authority is currently able to demonstrate a 5 year housing land supply in this case and therefore, whilst additional housing is a priority, it can only be considered on sites that perform well in terms of sustainability amongst other matters.
- 8.2.4 Policy SS2 of the Local Plan states that rural settlements will accommodate a proportion of the Borough's housing need to support their role in the Borough through planning positively for new homes as "windfall sites" within and adjoining settlements by 2036. It identifies a sustainable approach to development; identifies settlements as either Service Centres, Rural Hubs and Rural Settlements; and establishes the type and scale of development appropriate to each.
- 8.2.5 Kirby Bellars is identified as a Rural Settlement and the application site is closely related to the existing built form of the village and so is considered policy compliant in this regard. However, the Local Plan makes clear in Policy SS3 that whilst housing proposals can be supported within defined rural settlements this is only in cases where they would contribute towards meeting a local housing need as identified by substantive evidence. Substantive evidence as referenced in Policy SS3 can include, for example, within in a Neighbourhood Plan or appropriate community-led strategy [not applicable in this case], or a housing assessment or other evidence provided by the applicant.
- 8.2.6 In terms of the extent to which the planning application complies with Policy SS3 of the Local Plan, it is important to bear in mind, the test for compliance with this policy is set high to ensure only a limited number of new dwellings in such settlements are approved and only when they meet a proven local need as identified by substantive evidence.
- 8.2.7 The previously refused application (ref: 22/01264/FUL) was specific in applying for an "open market" dwelling. Although the Housing Needs Survey 2023 submitted in support of the application identified a need for a three-bedroomed dwelling specifically in the village of Kirby Bellars, this related to a "discounted market dwelling" and not an open market dwelling therefore the proposal under the previous application was non-compliant with Policy SS3.
- 8.2.8 The current application seeks now permission for a single "discounted market sale dwelling" identified as being required within the HNS submitted in support of the application.

- 8.2.9 The Planning Inspector for the recent appeal decision made clear that the HNS 2023 provided by the Appellant demonstrated a need for affordable housing in respect of two- and three-bedroomed properties in Kirby Bellars. The Inspector went on to state that what was applied for was an “open market dwelling” and there was no supporting evidence or details before them, such as a legal undertaking, to ensure the development would be either “first home” or a “discounted marketing scheme”. Therefore, they concluded that they were not satisfied that the development would meet the housing need as identified in the submitted Housing Needs Survey 2023 contrary to Local Plan Policy SS3.
- 8.2.10 This current application differs from the previous 2022 application and seeks permission for an affordable discounted market sale property on a site which closely relates to the built form of the village. In support of the application the HNS 2023 has been submitted again with Table 5 (page 20) of the report evidencing that there is a proven local need for a 2/3 bedroomed property and that the “likely Allocation or Purchase” to meet that need would be the provision of a discounted market sale property.
- 8.2.11 The previous appeal Inspector accepted the findings of the HNS 2023 report and did not question the accuracy or reliability of the data and evidence presented in concluding the need for a three-bedroomed discounted market sale property specifically in Kirby Bellars.
- 8.2.12 The proposed development would now align with and would help to meet this identified local housing requirement ensuring compliance with Policy SS3 of the Local Plan and establishing the proposal as being acceptable in planning terms as a matter of principle.
- 8.3 Highways Impact and Impact on the PROW**
- 8.3.1 Policy IN2 of the Local Development Plan states that all new development shall provide safe and suitable access, and appropriate and effective parking provision.
- 8.3.2 A new access to serve the dwelling is proposed and a detached car port is proposed to provide two useable car parking spaces within the site.
- 8.3.3 As the Local Highways Authority Leicestershire County Council have been consulted in respect of the proposed access and parking arrangements for the site. No concerns have been raised in respect of the parking and access arrangements as proposed and are satisfied that the visibility splays at the site as detailed are plan can be achieved. The LHA supports the application subject to Conditions as outlined above.
- 8.3.4 The level of detail submitted regarding any impact upon the adjacent Public Footpath during development is considered insufficient and have recommended additional information be submitted prior to commencement of works be conditioned to ensure that the public footpath is restored following any development and that whilst any works are taking place the safe passage for users of the footpath is provided for.
- 8.4 Flooding and Drainage**
- 8.4.1 Policy EN11 of the Local Plan aims to locate development on land with the lowest risk of flooding (Flood Zone 1 and outside surface water flood risk)
- 8.4.2 The scale of the development does not require a flood risk assessment to be provided in this case as it is located within Flood Zone 1 and the site area is less than 1ha.
- 8.4.3 The Lead Local Flood Authority do not provide specific comments on this type of application as the development is not major in accordance with the Town and Country Planning (Development Management Procedure) Order 2015. However, it is usual to refer the decision maker to Standing Advice.

- 8.4.4 The application site is located approximately 140m from the nearest watercourse to the eastern of the boundary of the site. Policy EN11 states that no buildings shall be constructed within 8m of the banks of watercourses to allow for access for maintenance and to provide an ecological corridor and to avoid loss of open water features. The development would not be contrary to policy in this regard due to the distances involved.
- 8.4.5 The development itself is wholly within Flood Zone 1 with Flood Zones 2 and 3 existing to the east of the site but located approximately 140m away.
- 8.4.6 The Environment Agency's Flood Map for Planning does not identify the site as being at risk of flooding in relation to flood events from rivers and seas.
- 8.4.7 The site is not identified as being at high risk from surface flooding. Numerous objections have been received by the Local Planning Authority in relation to recent flood events that have affected land on or adjacent to the application site.
- 8.4.8 With regards to drainage, Local Plan Policy EN12 'Sustainable Drainage Systems' states: *"All developments will be expected to be designed to achieve, where appropriate, a net decrease in surface water run-off rates, including through green infrastructure. Provisions such as the planting of native trees and bushes and consideration of 'green roofs'. All developments will be required to manage surface water through keeping to a minimum the creation of non-permeable areas."*
- 8.4.9 As a greenfield site, the Applicant should demonstrate that greenfield run-off rates can be achieved. Given the scale of the proposed development it is considered appropriate for this information to be secured by way of planning condition with details to be submitted and agreed prior to the commencement of development on-site. Subject to such a condition the proposal is considered to accord with Local Plan Policies EN11 and EN12 in respect of matters concerning flood risk and drainage.

## 8.5 Ecology

- 8.5.1 Policy EN2 of the Local Plan proactively seeks to protect and enhance biodiversity and ecological networks. LCC Ecology have been consulted and have concluded that the use of the land for grazed grassland currently has limited ecological value, however it is situated adjacent to a vegetated railway embankment and a survey in 2018 found two suspected badger setts within close proximity of the site. A condition requiring the undertaking of an updated badger survey has been requested by the County Ecologist and any decision should therefore include a condition requiring an up-to-date survey to be carried out within 3 months of the likely commencement of works on site. This survey should include mitigation measures and all works should proceed strictly in accordance with the approved document to ensure compliance with Local Plan Policy EN2.

## 8.6 Impact upon the Character and Appearance of the Streetscene

- 8.6.1 The proposal is for the construction of a single storey dwelling (bungalow) with detached carport on land to the west of Main Street. The current use of the land is pasture/agricultural with a public right of way running adjacent to the southern boundary of the site. Given the widening of the site from east to west the proposed dwelling would be positioned at a slight angle to the public highway.
- 8.6.2 The proposed carport would be positioned forward of the principal elevation and whilst appearing as an urbanising feature the development when viewed within the context of the site and neighbouring properties would not result in a significant adverse impact upon the character of the area or the streetscape subject to an appropriate level of landscaping. The

dwelling as proposed would be no larger than other dwellings in the wider location and the village has no single locally distinctive character. As a consequence, the design of the property itself is not inappropriate and is therefore considered to be acceptable in terms of siting, scale and design in accordance Policy D1 of the Local Plan which seeks to ensure that new developments are sympathetic to the character of an area.

## **8.7 Impact upon Residential Amenity**

- 8.7.1 The site is located amongst other residential uses to the south and east and is considered acceptable in this regard. Any noise impact to future occupiers of the property can be mitigated via planning condition that a Noise Assessment is submitted prior to commencement of the development to ensure sufficient acoustic protection is used during construction of the dwellinghouse given the close proximity to an operational railway line.
- 8.7.2 The single storey nature of the development and set off from the boundary of the site in combination with the intervening public right of way would present no opportunity for overlooking. A plan has been submitted demonstrating the separation distance between the fenestration of the property to any openings within the neighbouring property at No 3 Chantry Court which would be approximately 27m. Nor it is considered that there would be any material impact through issues of overbearingness given the separation distances involved from that of the neighbouring dwellings in this location.
- 8.7.3 An objection has been received stating that the bi-fold doors as proposed would overlook the bathroom of a neighbouring property. It is considered the separation distances from the neighbouring dwellings on Chantry Court provide satisfactory standards of separation and the boundary treatment on the adjacent site is planted native hedgerow which is establishing a natural screen between the two sites.
- 8.7.4 Overall, it is not considered that the proposal would have an undue adverse impact on the residential amenities of the occupiers of neighbouring properties and it is therefore considered to comply with Policy D1 of the Local Plan in this respect.

## **9 Reasons for Recommendation**

- 9.1 Policy SS2 of the Local Plan provides support for new homes as “windfall” development sites within and adjoining settlements within the Borough. It is considered the site of the proposed development, to the northern edge of the village, closely relates with the existing built form and as such is policy compliant in this regard. This is subject to meeting the criteria for development within Policy SS3 of the Local Plan in that the development must provide a form of housing that meets a proven local need as identified either in a Neighbourhood Plan, an appropriately community-led strategy, or a local housing need assessment provided by the Applicant.
- 9.2 The previous scheme at the site proposed an “open market” dwelling for which there was no evidenced requirement and it was therefore considered non-compliant with Policy SS3 of the Local Plan and permission was refused and upheld on appeal for this reason.
- 9.3 The current proposed scheme seeks to provide a form of development which has been identified as being required in this location within the Housing Need Survey submitted in support of the application identifying the need for 2/3 bedroom affordable units in the village. The proposal would involve the construction of a detached three-bedroomed bungalow on the site which would be marketed as an affordable discounted market sale property. This would be secured by way of a Section 106 agreement, the details of which

would be negotiated and assessed by the Council's Housing Policy Officer to ensure that the property represents affordable housing and is secured as such in perpetuity.

- 9.4 The submission of the HNS has demonstrated a proven local need for a three-bedroomed affordable dwelling in this location and as such the proposal represents an appropriate and necessary form of development within a rural settlement in accordance with Policies SS1, SS2, SS3 and C5 of the Local Plan.
- 9.5 The siting, scale and design of the proposal is considered acceptable and would not result in an incongruous form of development in this location. There are also no identifiable adverse impacts on the character of the application site or wider settlement. Furthermore, the proposal is acceptable in terms of its potential impacts on neighbouring residential amenity, highway safety and ecology. The development therefore also accords with Policies EN1, D1 and IN2 of the Local Plan 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 S.51 of the Planning and Compulsory Purchase Act 2024.

- 10.2 The development hereby permission shall be constructed entirely in accordance with the Site Location Plan and Block Plan demonstrating separation distances from the neighbouring site submitted to and received by the local Planning Authority on 28<sup>th</sup> August 2021 and drawing numbers 216062 – SK04 Rev A, 216062 – SK01 Rev C and 216062 – SK02 Rev B submitted to and received by the Local Planning Authority on 5<sup>th</sup> December 2023

Reason: for the avoidance of doubt.

- 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 and fenestration details 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 hereby permitted is carried out.

Reason: To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.

- 10.4 No development shall take place (including ground works or vegetation clearance) until an updated badger survey has been submitted to and approved in writing by the Local Planning Authority. This survey is to be carried out within 3 months of the likely commencement of works on site. It is to include details on mitigation measures for badgers if necessary (such as badger gates). All works are to proceed strictly in accordance with the approved document.

Reason: In the interests of a protected species.

- 10.5 No development shall commence on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in



writing by the Local Planning Authority, together with measures for their protection in the course of development.

Reason: To ensure satisfactory landscaping is provided within a reasonable period.

- 10.6 The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide a reasonable period for the replacement of any planting.

- 10.7 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Highway Consultants drawing number RHC-23-006-01 have been implemented in full.

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

- 10.8 No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 24.5 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (December 2023).

- 10.9 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with ima Architects drawing number 216062 - SK04 Rev. A. Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

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

- 10.10 No development shall take place until a scheme for the treatment of the Public Footpath H38 has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

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

- 10.11 No development shall take place on site above ground level until details of existing and finished site levels, together with levels of the adjacent sites, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with such agreed details.

Reason: To ensure the development is integrated into the environment.

- 10.12 No development shall commence on site until details of 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 prior to first occupation of the dwelling hereby approved.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site

- 10.13 Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: The safety, operational needs and integrity of the railway.

- 10.14 The developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rail's existing fencing/wall must not be removed or damaged.

Reason: To ensure the health and safety of the occupiers of the site and the users of the adjacent railway.

- 10.15 No development shall exceed the level of damp proof coursing until final details of the proposed soundproofing to be used in the development hereby permitted has been agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the residential amenity of future occupants, in particular in regards to noise from the railway adjacent to the site.

- 10.16 Details of any floodlighting or other external illumination shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences. Development shall be carried out in accordance with the approved details.

Reason: To ensure the safety, operational needs and the integrity of the adjacent railway.

- 10.17 No development shall take place until details of vehicle incursion measures to be implemented to ensure the safety, operational needs and integrity of the adjacent railway line have been submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The development shall not be occupied until the agreed vehicle incursion measures have been installed in full and thereafter they should be maintained as such in perpetuity.

Reason: To ensure the safety, operational needs and the integrity of the adjacent railway.

## **11 Informatives**

- 11.1 This decision shall be read in conjunction with the Section 106 Agreement securing the proposed dwelling as discounted market housing in perpetuity.

## **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: Tom Pickwell (Deputy Monitoring Officer)**

### **14 Background Papers**

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

This page is intentionally left blank



## Planning Committee

26 September 2024

Report of: Assistant Director for Planning

**Proposal: Approval of details reserved by Condition 4 of Planning Permission 23/00720/FULHH - Provision of 3 off-street parking spaces.**

**Site: 2 South View, Burrough on the Hill, Leicestershire, LE14 2JJ**

**Applicant: Mr Jack Beddall Melton Borough Council**

**Planning Officer: Mrs Deirbhile Blair**

|                                       |  |
|---------------------------------------|--|
| <b>Report Author:</b>                 | <b>Deirbhile Blair</b> , Planning Officer            |
| <b>Report Author Contact Details:</b> | 01664 502577<br>dblair@melton.gov.uk                 |
| <b>Chief Officer Responsible:</b>     | <b>Sarah Legge</b> , Assistant Director for Planning |
| <b>Chief Officer Contact Details:</b> | 01664 502418<br>slegge@melton.gov.uk                 |

|  |   |
|--|---|
| <b>Corporate Priority:</b>                       | Delivering sustainable and inclusive growth in Melton |
| <b>Relevant Ward Member(s):</b>                  | Cllr Leigh Higgins                                    |
| <b>Date of consultation with Ward Member(s):</b> | 7 June 2024   |
| <b>Exempt Information:</b>                       | No  |

**Reason for Committee Determination:**

The applicant is Melton Borough Council. The constitution therefore requires the application to be determined by Planning Committee.

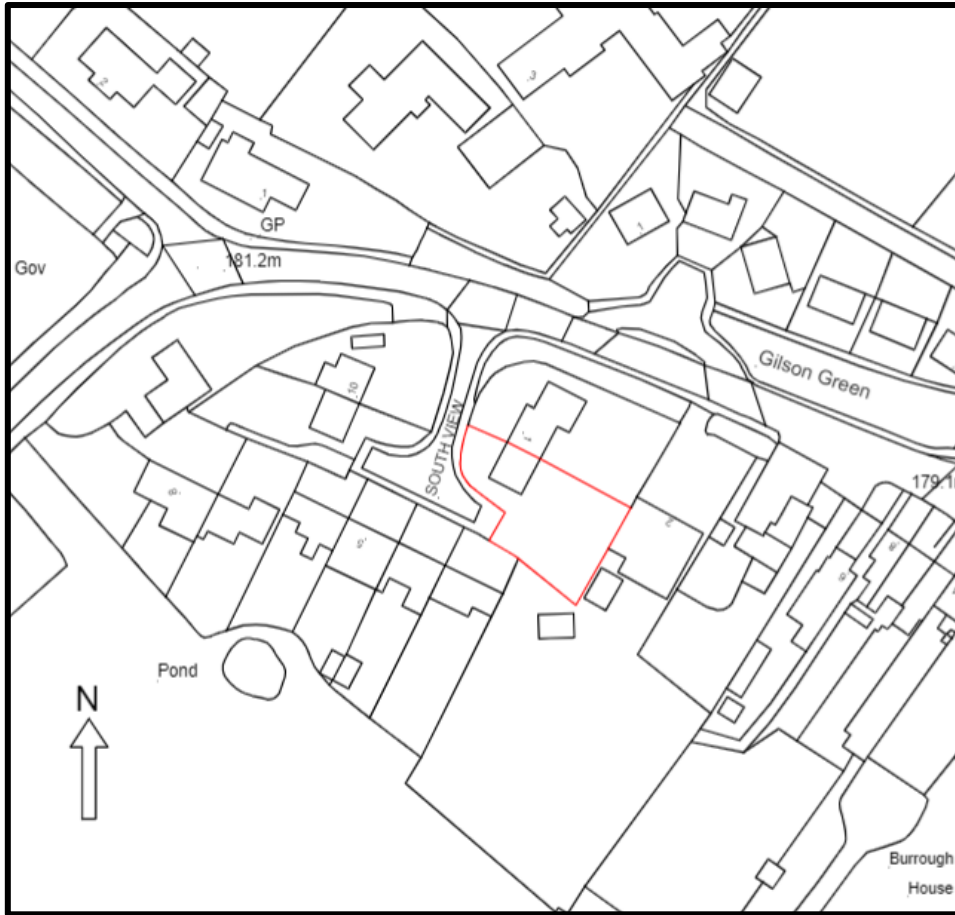
**Web Link:**

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

**What 3 words:** <https://what3words.com/acute.typified.straws>

**Previous committee report:**

<https://democracy.melton.gov.uk/ieListDocuments.aspx?CId=134&MId=2485&Ver=4>



**RECOMMENDATION(S)**

1. It is recommended that the details submitted are approved.

# 1 Executive Summary

- 1.1 Planning permission ref: 23/00720/FULHH was granted by Planning Committee on 9 November 2023 for the erection of a ground floor rear extension. The approved development resulted in the increase in the number of bedrooms from 3 to 4 and so the minimum on-site parking requirements increased from 2 to 3. At the recommendation of Committee Members an additional condition was attached to this planning permission, Condition 4 (Parking), to ensure sufficient on-site parking was provided. The condition states “Prior to first occupation of the extension hereby permitted a plan demonstrating that x3 off street parking spaces can be provided shall be submitted to the Local Planning Authority. The spaces shall be hard surfaced and maintained in perpetuity.”
- 1.2 This application seeks to discharge Condition 4 (Parking) attached to planning permission ref: 23/00720/FULHH. It was recommended to attach this condition to the originally approved permission in order to secure x3 off street parking spaces for a 4 bedroom property in this location.
- 1.3 Revised drawings were submitted on the 15 July 2024. The Ward Councillor, Parish Council and adjoining neighbours have been consulted.
- 1.4 The proposed development is considered to accord with Policies D1 and IN2 of the Melton Local Plan, Policies CD1 and TI1 of the Somerby Neighbourhood Plan, S72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the overall aims of the National Planning Policy Framework 2023.

## Main Report

### 2 The Site

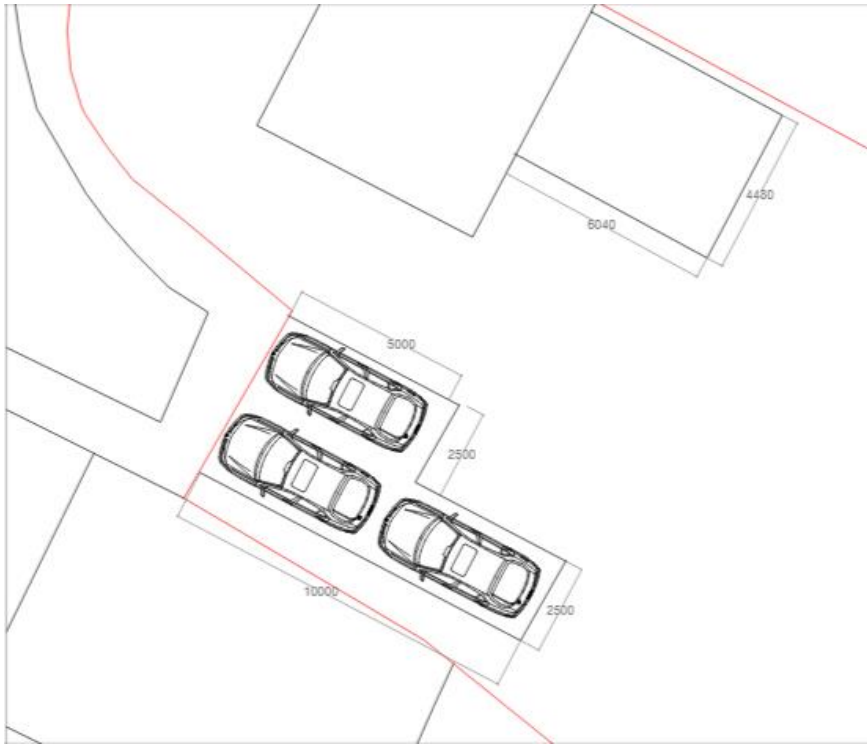
- 2.1 The application site is within a residential cul-de-sac in Burrough on the Hill village. The area is characterised by semi-detached dwelling houses which have a uniformed design and facing materials. The site lies within Burrough on the Hill Conservation Area. As the area consists of more modern development, it makes a limited contribution to the historic significance of the Conservation Area. There are no significant variations in levels between the application site and the surrounding properties. The dwelling has an existing extension attached to the north-eastern elevation, which is a small store measuring approximately 2600mm in height, 1900mm in length and 1300mm in width. This extension has a shared boundary with an identical extension to the neighbouring property to the north of the application site.

### 3 Planning History

- 3.1 23/00720/FULHH – Planning permission was granted for the erection of a ground floor rear extension on the 9<sup>th</sup> November 2023 by the Planning Committee.

### 4 Proposal

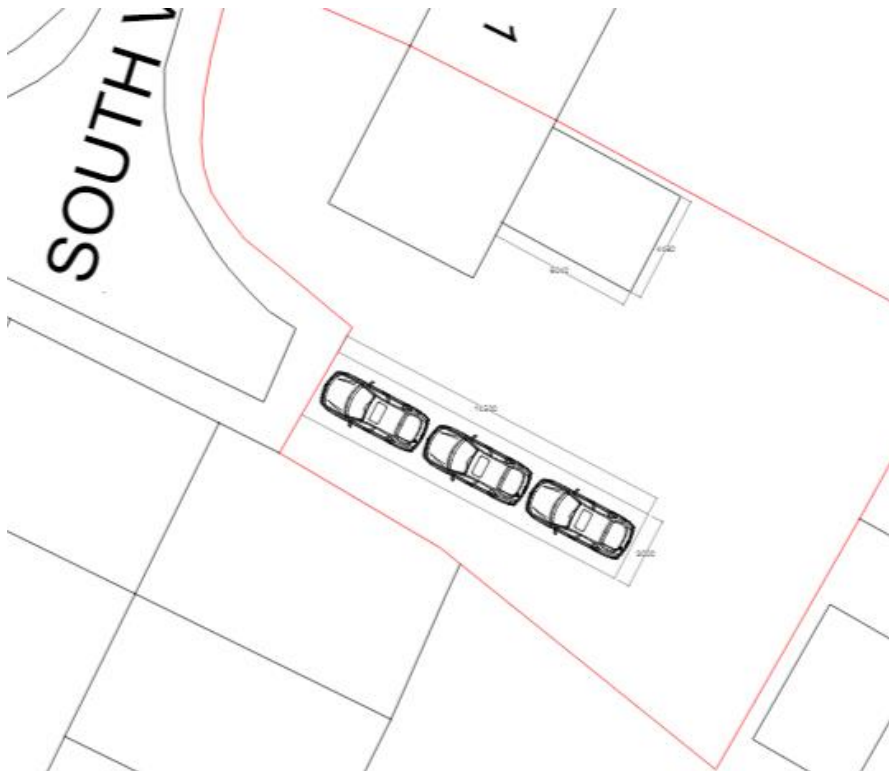
- 4.1 The application is to approve details reserved by condition 4 associated with planning permission ref. 23/00720/FULHH. The process for a Discharge of Condition is to consider the acceptability of the details submitted; in this instance the submission relates to parking spaces, the details of which will be considered below.
- 4.2 The process of considering the acceptability of details submitted to discharge planning conditions does not allow for further consideration of, or re-determination of the original planning consent. The proposed parking layout is shown on the plan below:



4.3

## 5 Amendments

- 5.1 The application originally consisted of three parking spaces laid out in a tandem arrangement, shown on the plan below. Following consultation with the Parish Council and the Ward Councillor, Cllr. Higgins, the scheme has been amended to provide a mixed layout including two side by side parking spaces are provided adjacent to the highway boundary, with a single additional space behind. The proposed parking layout is considered to represent a betterment to the existing informal on-site parking arrangement.





- 5.2 In addition, negotiations have taken place to ensure the parking area would be surfaced in permeable materials. The materials would consist of grass grid parking; a reinforced plastic permeable driveway eco paving grid which is a permeable hardstanding.

## **6 Planning Policy**

### **6.1 National Policy**

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

### **6.2 Melton Local Plan**

6.2.1 The Melton Local Plan 2011-2036 was adopted by Full Council on 10<sup>th</sup> October 2018 and is the development plan for the area. 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. The relevant policies to this application include:

- Policy SS1 – Sustainable Development
- Policy D1 – Raising the Standard of Design
- Policy EN13 – Heritage Assets
- Policy IN2 – Transport, Accessibility and Parking

### **6.3 Neighbourhood Plan**

6.3.1 Plan made 23 June 2021. The following policies are relevant:

- CD1 – Building Design Principles
- ENV7 – Settlement Character
- ENV8 – Local Landscape Character Area
- TI1 – Traffic Volume, Road Safety and Parking

### **6.4 Other**

- Planning (Listed Buildings and Conservation Areas) Act 1990 S72
- Melton Borough Design Supplementary Planning Document (SPD) (Adopted October 2018)
- Burrough on the Hill Conservation Area (designated May 1986)
- Leicestershire Highway Design Guide

## **7 Consultation Responses**

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

#### **7.1.1 MBC Conservation Officer**

- a) No objections to the application. They advise, in summary, this would result in the proposed surface having a similar/the same appearance of the existing. Either grass or gravel is a softer surface treatment that is preferable to hardstanding such as tarmac. On that basis, there is no objection to the proposed layout of the parking. The streetscene of the conservation area will not be unduly harmed.

- b) 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 Burrough on the Hill 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 there is no objection to the condition being discharged.

#### 7.1.2 LCC Highways

- a) Condition 4 was not advised by the Local Highway Authority (LHA) therefore they have no comments to make on these details.

### 7.2 Summary of Representations

#### 7.2.1 Ward Member

7.2.2 Revised comments, based on the amended plans submitted, were received from Cllr Leigh Higgins on the 15<sup>th</sup> August 2024, in summary:

- a) Parking on the road and drainage matters.
- b) I am still not fully understanding the reasons for extending the house for the reasons given
- c) Any development here is sensitive to change.
- d) I would like the applicant or Local Planning Authority to consult all residents of South View to understand the position.

Initial comments were received from Cllr Higgins on the 8<sup>th</sup> July 2024 in relation to the now superseded plans:

- e) I believe this style of tandem parking in this specific area, to be entirely ridiculous and would not serve people well by moving cars on a very narrow highway.
- f) The Parish Council's comments are very strong, and I agree with a lot what they are stating.
- g) It appears there is not enough thought gone into the application as aligned with the Design Supplementary Planning Document. It appears this has not paid any reference to the SPD which discourages tandem parking, but to have three is inappropriate.
- h) The SPD states "Don't include tandem parking". This would really encourage on-street parking and is inappropriate by design and fails to meet policy (D1) of the MLP.
- i) I would like the applicant to present a better design of parking as this will cause issues for neighbours by encouraging on-street parking for a larger dwelling.
- j) I also believe the Council should reflect that any off-street parking provided must be used on any tenancy agreement.
- k) Is the surface going to be permeable?
- l) Could I ask if neighbours have been sent this Discharge information?

#### 7.2.3 Parish Council

- a) The proposal is contrary to both of these policies, MLP Policy IN2 and Somerby Neighbourhood Plan Policy TI1. 'Tandem' parking is usually discouraged and this 'tandem plus one' arrangement of three cars is a wholly bad design.

- b) The regular shuffling of the three vehicles in forward and reverse gear would be unsafe and adversely affect the amenity of other residents of the cul-de-sac. This brings the proposal into further conflict with policy IN2 as it would 'unacceptably impact on the safety and movement of traffic'.
- c) Paras 1.3 and 9.1 of the report to Planning Committee state that the proposal accords with relevant policies of the MLP and SNP, and specifically SNP policy TI1. Those statements are not true.
- d) Adaptations for a person living with a disability may be a material consideration, but the creation of a 4-bed house with permanently inadequate and dangerous parking and access arrangements (contrary to all relevant policies) is disproportionate, unjustified and contrary to Section 38(6).
- e) Applications by private householders are rightly refused if parking provision is inadequate. We do not think a private householder would obtain approval for parking provision as bad as this.

#### 7.2.4 Neighbours

- a) Due to the conservation status of the village and the proximity to a breeding great crested newt pond, we feel that it would be detrimental to the wildlife and countryside act 1984 to disturb and disrupt this sensitive protected area with a concrete parking area, which seems out of proportion with the property.
- b) The drainage problem with rainfall sloping towards the drain on the road would have an adverse impact with blockage/flooding etc.
- c) Loss of habitat for such a rural/sensitive area, let alone an eyesore.
- d) Vehicles coming and going, which would be close to our only access point front gate. We worry that multiple vehicles entering may create a hazard.
- e) Would there be rules regarding what type of vehicle could use the parking area? Previously, a full-size tractor, range rover, and trailer plus other vehicles have already caused issues by parking overnight. For example: I, had to be taken to hospital and an ambulance had great difficulty accessing our home.
- f) Myself and my husband qualify for blue badge parking it is a struggle to park for us, and unload shopping in that area. If parking for no.2 South View is given it would compound the difficulties we already face for access.
- g) No.2 have rarely used the existing gate access gravel hardstanding over the last 10 years, instead they've used it to store a horse box, large paddling pool, trampoline etc. and have parked on the kerb with multiple vehicles opposite no.9 South View, who have also experienced access issues.
- h) Also, we notice there was a compulsory purchase mention in the application, but we are unclear where.
- i) Concerns that the surface water run-off from the hard-standing will be directed towards the rear of this property and will ingress through the boundary and onto my property. I already suffer with water ingress through that boundary during periods of heavy rain. I do not want it to increase. Any surface water run off should be routed towards the front of the property.
- j)

## 7.3 Response to Consultations and Representations

- 7.3.1 Concerns raised by local residents which relate to the impact of the parking area on Burrough on the Hill Conservation Area are noted. The principle of creating an area of hardstanding for parking within the site was established through planning permission ref. 23/00720/FULHH. The site is not identified as making a positive contribution to the character and appearance of the area. The proposed surfacing material would remain similar in appearance to the existing, and the parking spaces would be located in an area of the site which has previously been used for parking vehicles. For these reasons it would have a neutral impact on the character and appearance of the conservation area. In addition, the Conservation Officer raises no objections to the scheme and welcomes the use of a form of hardstanding which would have a softer appearance than tarmac.
- 7.3.2 The neighbour's comments regarding great crested newts (GCN) are noted. The parking area would be provided on an area of existing hardstanding and managed garden, and would have a small surface area. For these reasons it is considered the likelihood that the proposal would have an adverse impact upon GCN is low.
- 7.3.3 With regards to the comments relating to vehicles coming and going, and also the type of vehicles to park in this area, this is not a relevant planning consideration for the current application which seeks to provide details of three on-site parking spaces. These concerns were not raised in response to the consultation on the householder planning application.
- 7.3.4 The information submitted seeks to demonstrate how x3 parking spaces would be provided within the site, which is a betterment to the existing situation where there are no formal on-site parking spaces. As a result, less vehicles would be parked on street on South View which should improve access to the neighbouring dwelling houses. However, it is noted that some of the neighbouring properties have none or limited on-site parking.
- 7.3.5 With regards to the comments raised by Cllr Higgins in regard to the reasons for extending the property. Planning permission has already been granted for a single storey rear extension. The process of considering the acceptability of details submitted to discharge planning conditions does not allow for further consideration of, or re-determination of the original planning permission.

## 8 Planning Analysis

### 8.1 Main Considerations

- 8.1.1 The main consideration is whether the information submitted is satisfactory to discharge the submitted details in relation to the condition sought for approval

- **Parking (Condition 4)**

Condition 4 states:

- Notwithstanding the submitted plans, prior to first occupation of the extension hereby permitted a plan demonstrating that x3 off street parking spaces can be provided shall be submitted to the local planning authority. The spaces shall be hard surfaced and maintained in perpetuity.
- **Reason:** To ensure that sufficient on-site parking is provided and retained in accordance with standards.

- 8.1.2 A revised plan (reference: R3537-003 rev A) was submitted on the 23 July 2024 which illustrates x3 mixed on plot parking spaces to the south of 2 South View. The original plan that was submitted with the application illustrated x3 tandem parking spaces. This was

viewed as unacceptable and therefore a revised plan was submitted illustrating x2 parking spaces side by side with one additional space behind. This mixed plot arrangement is supported in the Design for Developments SPD. No change to the location of the parking area is proposed.

- 8.1.3 The parking spaces provided are considered acceptable as they would meet with the Leicestershire Highway Design Guide. It states that the minimum acceptable dimensions for a car parking spaces are 5m in length by 2.4m in width. The revised plan (ref: R3537-003 rev A) illustrates that the overall dimensions of the proposed spaces of 5m x 2.5m would meet the LHA's parking requirements.
- 8.1.4 It is considered that the provision of x3 parking spaces in this location would not have any undue impact on neighbouring amenity. The proposed parking spaces would be provided in an area of the residential curtilage currently used as a driveway, although in the past it has housed play equipment. The property would benefit from x3 off-street parking spaces and therefore would result in a betterment to South View as a whole in terms of on-street parking. Following the previously approved scheme for a single storey rear extension to accommodate an additional bedroom, the property would benefit from 4 bedrooms. The Leicestershire Highways Authority requests a minimum of x3 off street parking spaces should be provided for a property of 4 or more bedrooms. There is currently no formal on-site parking; as highlighted by a neighbour the applicant currently parks their vehicle on street. This condition would secure x3 on-site parking spaces. In this instance, the proposal would meet the LHA's parking requirements.
- 8.1.5 It is proposed that the driveway would be finished in a grass park permeable grid to provide the car parking spaces which is considered acceptable. Whilst the surface proposed is permeable in nature, the grid element is also considered to be hard standing and therefore would comply with the approved condition.
- 8.1.6 As a permeable surface, this would help prevent surface water runoff... At present, the area is currently grass with some gravel. It is considered that the proposed materials, which would be installed to provide a permeable surface would not result in increased surface water runoff from the application site onto neighbouring properties or the adjacent highway.
- 8.1.7 In this instance, it is considered that the applicant has sufficiently demonstrated that the proposed parking layout would meet with the Leicestershire Highway Design Guide as outlined above and therefore, the details submitted are considered acceptable and would accord with Policies D1 and IN2 of the Melton Local Plan and TI1 of the Somerby Neighbourhood Plan.

## **9 Reason for Recommendation**

- 9.1 Condition 4 attached to planning permission ref. 23/00720/FULHH seeks to secure the details of x3 on-site parking spaces within the site, the residential curtilage of 2 South View. The reason behind condition 4 is to ensure that sufficient on-site parking is provided and retained in accordance with standards. The proposed x3 parking spaces are considered acceptable in this location and their design would meet with Leicestershire Highways Design Guide. As a result they would ensure that sufficient on-site parking is provided, and prevent on-street parking within South View resulting from the approved development. In addition the siting and design of the x3 parking space would preserve the character of Burrough on the Hill Conservation Area, and raise no concerns relating to impact upon GCN and surface water run-off.

## **10 Financial Implications**

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

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

## **11 Legal and Governance Implications**

11.1 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: Tom Pickwell (Deputy Monitoring Officer)**