



## 20/00811/REM Reserved matters of layout, appearance, scale and landscaping for the development of 40 houses (phase 1 of the development)

**Location:** Land South of Frisby on the Wreake, Leicester Road, Frisby on the Wreake.

**Applicant:** Bowbridge Homes (Frisby) Ltd: Mr Oliver Purday.

<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Ronan Browne (Frisby on the Wreake)
<b>Date of consultation with Ward Member(s):</b>	7 April 2021
<b>Exempt Information:</b>	No

### 1 Summary



- 1.1 The application site is on the edge of the village of Frisby on the Wreake and is currently a green field site. The site lies to the South of the village and part of it is identified in the Local Plan as a housing allocation for up to 48 dwellings (FRIS3). The area is characterised by quite dramatic changes in levels, with the topography of the site itself falling steeply towards the village.
- 1.2 An existing access from Gaddesby Lane serves agricultural buildings to the South and there is a notable area of Ridge and Furrow at the Eastern end of the application site. The Leicestershire Round public right of way runs adjacent to the Western boundary of the site. There are views towards the village nestled in the valley below from both the public right of way and the application site. The Conservation Area and Grade I Listed Church of St Thomas of Canterbury lie to the north on the other side of the Hall Orchard Lane housing estate but, due to the topography there are views into and out of the conservation area.
- 1.3 Outline planning permission was granted for up to 48 dwellings in 2018 (16/00704/OUT) with access approved from Gaddesby Lane. The permission is subject to conditions and a Section 106 Agreement providing contributions towards Infrastructure and Affordable Housing. This application seeks approval of the 'reserved matters' which are layout, scale, external appearance and landscaping in respect of phase 1 (40 dwellings).
- 1.4 The application proposes a mix of house types. The Section 106 Agreement requires a scheme for 37% affordable housing to be agreed, and whilst this is outside the scope of the reserved matters application, the layout provides for 8 x discounted market houses on site at 75% of market value. A commuted sum is proposed for the remaining 9 houses to meet the required affordable housing contribution which is to be dealt with separately under s106 submissions as it is not a 'reserved matter'.

<b>RECOMMENDATION(S)</b>
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| 1. It is recommended that the application is approved, subject to the conditions set out in Appendix A |
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## **2 Reason for Recommendations**

- 2.1 The application site is allocated for housing and outline planning permission for the development has been granted. The principle of the access and the number of units proposed were approved at the outline stage.
- 2.2 The proposal as revised would result in a form of development that would be sympathetic to the character of the locality by virtue of its appearance, landscaping, layout and scale and would not unduly compromise residential amenity, or be harmful to highway safety.
- 2.3 The scheme is considered to be respectful of, and responds to, the topography of the site with limited intrusion upon the landscape arising from engineering works. It is considered that the proposal would not cause substantial harm to the significance of designated and non-designated heritage assets.
- 2.4 It is demonstrated that greater harm to the non-designated heritage assets and the appearance of the landscape would accrue if full compliance with the Local Plan and Neighbourhood Plan policies was proposed.

2.5 It is considered that for these reasons, there is sufficient justification for the access road of the proposal to depart from the applicable policies within the Melton Local Plan and Frisby Neighbourhood Plan.

### **3 Key Factors**

#### **3.1 Reason for Committee Determination**

3.1.1 The application is required to be presented to the Committee due to receiving more than 10 objections and the application being a reserved matters application where the outline was determined by the Planning Committee as requested by the Chair of the Committee.

#### **3.2 Relevant Policies**

3.2.1 The Melton Local Plan (LP) 2011-2036 was adopted on 10<sup>th</sup> October 2018 and is the Development Plan for the area.

3.2.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.

3.2.3 The Frisby Neighbourhood Plan (NP) was made on 1<sup>st</sup> August 2018, and carries full weight.

3.2.4 Please see Appendix D for a list of all applicable policies.

### **4 Main Issues**

4.1.1 As the principle of residential development is established, the main issues for this application are considered to be:

- Position within the provisions of the Local Plan and Neighbourhood Plan
- Housing Mix
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highways and parking
- Impact on ecology
- Impact on heritage assets, 'ridge and furrow' in particular
- Impact on flood risk

### **5 Report Detail**

#### **5.1 Position under the Development Plan Policies**

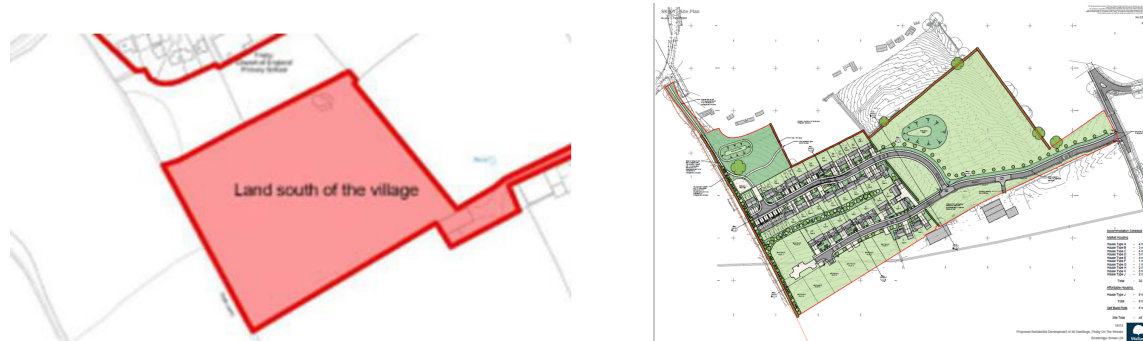
5.1.1 The site has outline planning permission for residential development. Matters of scale, layout, external appearance and landscaping are for consideration at this 'reserved matters' stage.

5.1.2 Other material considerations include the NPPF and the adopted MBC Housing Mix and Affordable Housing Supplementary Planning Document, July 2019

5.1.3 The principle of residential development on the site is established by the outline permission which was granted on 2<sup>nd</sup> May 2018 before either the Local Plan or the Neighbourhood Plan was adopted. The outline permission is subject to a condition (no. 26) which restricts the location of dwellings to the part of the site identified by the Neighbourhood Plan as being

within the village settlement boundary (Policy H3 of the NP). This boundary also corresponds to the housing allocation FRIS3 in the Local Plan (48 dwellings).

- 5.1.4 Condition 26 states, 'Details submitted under condition 2 above (reserved matters) shall provide for the erection of houses limited to the area identified by the extent of the village envelope as defined by the Frisby Neighbourhood Plan Referendum version (April 2018), as depicted below'. However the area covered by the outline planning permission is wider and is illustrated below (Green shaded area) for the purposes of comparison.



- 5.1.5 The current application accords with the limitation for location of houses to the area identified by condition 26. The permission did not prescribe or restrict any other aspect of the layout or other reserved matters except for the point of access on to Gaddesby Lane which was established as part of the outline permission.
- 5.1.6 The site benefits from an outline permission and this applies to the whole site so the principle of development is established. That this was granted prior to the adoption of the Local Plan and Neighbourhood Plan has no bearing on its legal standing or authorisation (of development) that it conveys.
- 5.1.7 With regard to the location of the road, part of the internal access road from the approved access with Gaddesby Lane lies within the area of the approved planning permission but it is outside the settlement boundary defined in the Neighbourhood Plan and the site allocation boundary in the Local Plan. In contrast to the housing area, the outline planning permission neither defines nor restricts the route of the internal road and it should be considered (as part of the layout) alongside the other reserved matters. Arguments that because it is not specified (prescribed or limited) by the outline permission and therefore there is no discretion on this matter are not accepted as it remains a reserved matter and is subject to the Committee's consideration like all other aspects of the reserved matters. It should therefore be considered in the normal manner, i.e. determination should be in accordance with the development plan unless material indications indicate otherwise.
- 5.1.8 Therefore it is appropriate at this reserved matters stage to consider whether or not the location of the internal access road in its current proposed location is acceptable in terms of the layout, as a departure from planning policy set out in both Local and Neighbourhood Plan, justified by other material considerations such as visual impact on the area and its impact on heritage assets (including the loss of ridge and furrow).
- 5.2 **Housing mix (Local Plan Policies C2, C4 and Neighbourhood Plan Policy H5 )**
- 5.2.1 Housing mix can be legitimately considered under this application as a result of a condition specifically applied at outline stage. Policy C2 relates to Housing Mix. Residential proposals for developments of 10 dwellings or more should seek to provide an appropriate mix and

size of dwellings to meet the needs of current and future households in the Borough having regard to the latest evidence of housing need.

5.2.2 The Frisby Neighbourhood Plan highlights that the housing need in the village is in respect of 1/2 bed bungalows and 2/3 bed houses.

5.2.3 The proposed development as shown on the amended layout plan provides

Bedrooms	Total
1	0
2	13
3	19
4+	8
Self-Build Plots	8
Total	48

5.2.4 In terms of Policy C2 of the Local Plan, the associated table 8 sets out the optimum proportion of accommodation that should be provided in housing developments being 1 bed 15%, 2 bed 30-35%, 3 bed 35-40%, 4+ bed 15%

The scheme provides

1 bed 0%, 2 bed 32%, 3 bed 48%, 4+bed 20%

5.2.5 A number of first floor studies have been included within the proposed details to align with both the requirement and choice to work from home, it is noted that in some circumstances these are of a size which could constitute a bedroom, should the studies be considered as a bedroom this would then alter the housing mix to as follows

1 bed 0%, 2 bed 25%, 3 bed 37.5%, 4+bed 37.5%

5.2.6 A number of revisions have been sought in relation to the proposed office space at first floor to ensure that the bedrooms proposed are a true reflection and the mix as close to Policy requirement as possible, office space has been reduced in size where possible and also moved to the ground floor again where possible but due to the topographical challenges of the site which has resulted in the house types having wide frontages and shallower depths to reduce the amount of engineering/retaining walls, in certain instance it has been necessary to locate studies upstairs to as to ensure the frontages do not become unduly wide and/or involve a substantial amount of cut/fill and retaining, of the dwellings that have a designated office space 12 of these are downstairs and 10 are upstairs.

5.2.7 It should be noted that 10% of the units proposed are bungalows (House Type A) which is a material planning consideration in this proposal. Policy C2 of the Melton Local Plan states that residential developments which include bungalows will be particularly supported.

5.2.8 In terms of siting of the affordable units, these are grouped as a row of 6 and a row of 2. They will be of similar design to those of market dwellings and not identifiable as affordable units. The Affordable Housing SPD makes reference to clustering as below

“Affordable homes should be integrated with, and not readily distinguishable from open market dwellings. However, the Council accepts that grouping together a number of

affordable homes is practical, from a construction and management perspective. Clustering arrangements will vary on a site by site basis, but the following guidance sets out our general expectations. Site with a mix of market and affordable houses:

- *Affordable homes, particularly of the same tenure or size, should be in small groupings (approximately 6 dwellings) spread evenly across a development;*
- *Clustering should be proportionate to the size of the development and the ratio of affordable homes; 100% affordable developments:*
- *Avoid unbalanced, large numbers of particular size and type of unit in one area (e.g. rented 1 bed flats).*

5.2.9 The location of the affordable units is therefore considered acceptable and the design proposals put forward, ensure that the dwellings are 'tenure blind' and harmonise as part of the development as a whole.

### **5.3 Impact upon the character and appearance of the area (Local Plan Policy D1, FRIS3 and EN1, Neighbourhood Plan Policy H4 )**

5.3.1 Policy D1 of the Local Plan requires new developments to be of high quality design regarding layout, context, amenity, landscaping and connectivity.

5.3.2 The proposed house types have been amended a number of times during the application process and feature details added such as chimneys and porches added to ensure a rural feel to the proposal.

5.3.3 The dwellings vary both in style and size with a range of 2 – 5 bedroom dwellings and all having varying floor spaces with the same bedroom number ensuring that the proposal does not appear standard in design. Dwellings have garages where appropriate along with associated pedestrian and vehicular access to plots and parking. The proposals are in the form of semi-detached, detached, terraced and bungalow style.

5.3.4 The layout has been amended to be condensed within the development site and therefore reduced to the east of the development site. The estate road design branches into two access roads due to the existing gradient and levels of the site. One of the access roads serves the plots to the south on the higher ground and one serves the plots on the lower ground, by doing this it has created a landscaped bank and tree area through the core of the site and reduce significant overlooking to those situated lower down to the north.

5.3.5 They layout has been designed and amended to take into consideration the topography of the site. A verge has been introduced between the road and footpath to achieve what the agent has described as a 'boulevard type street scene', with planting within these areas providing softness to the road layout. This feature has increased the separation distances to exceed the minimum requirements giving a more open nature to the proposal.

5.3.6 The amended design of the road to form a fork with the central plots back to back has enabled the design to have the least amount of retaining structures possible while maintaining a minimum of 30 metres back to back distance.

5.3.7 Plots situated to the east of the development have been designed to address the estate road and a feature to the entrance of the site.

5.3.8 A linked footpath will allow pedestrian access to and from the centre of the village with a green space provided to the north of the site including an area for play equipment.

- 5.3.9 The proposed development includes open public spaces and planted buffers to provide a rural feel to the development and bio diversity gain as you pass within it.
- 5.3.10 The dominant material featured within this proposal is red brickwork with off white render used on the majority of house types creating focal points at defined positions within the development and assisting with a sense of place as you make your way through the development.
- 5.3.11 All houses include either a traditional timber style porch or canopy creating defensible space and providing a varied street scene.
- 5.3.12 Windows will be casement style with brick heads and concrete roof tiles incorporated to match in with traditional clay and slate tiles.
- 5.3.13 22 garages will be provided and the required parking spaces per property to meet the parking standards.
- 5.3.14 The proposed layout including the alignment of the road is below



- 5.3.15 The outline planning permission gave an indicative outline plan as below, however the area containing the houses was restricted from that shown by condition 26 as described above.



5.3.16 It should be noted that if the proposed development was built in line with the indicative outline a number of retaining walls and features would be required due to the topography of the site.

5.3.17 The street scene would be viewed as follows if the indicative outline plans were developed



5.3.18 Due to the amount of retaining features and implications of the topography of the site as shown above, these plans are not considered appropriate with dominating features obscuring and shadowing the proposed dwellings, Plot 1 for example is overshadowed up to the first floor window similarly, plots 3, 4 and 11 will have a large proportion of overshadowing to the ground floor.

5.3.19 Instead the layout as proposed demonstrates a development style which avoids major earthworks and retaining features and allows the buildings to respond more naturally to the changing levels of the site. It is considered this is more suitable for this rural location the plots as mentioned 3, 4 and 11 as presented below would have light to all ground floor windows should the road be constructed in this location.





- 5.3.20 The developers have provided the above supporting information seeking to justify the location of the road, which they maintain is necessary to address the significant levels difference across the site and provide acceptable gradients within the road network serving the development. It is also designed to minimise the number and height of retaining walls required within the house plots which would be an unattractive consequence of the road running along the southern boundary and inside the settlement boundary as defined in the Neighbourhood Plan and extent of the Local Plan site allocation Plan.
- 5.3.21 Officers have worked closely with both the Developer and the Parish Council assisted by the Ward Member to achieve a compromise whereby the gradients of the land have been fully considered and assessed and a proposal which is visually more acceptable achieved in this location.
- 5.3.22 Several road layouts have been submitted and assessed which have taken into consideration road safety within the site, earthworks, alongside drainage and attenuation within the site. The final amended submission takes into consideration concerns raised during the process and responses received at each additional consultation stage in the consideration of this proposal.
- 5.3.23 The Highway Authority have confirmed that gradients in excess of 1 in 9 would be required as a result of positioning the road wholly within the settlement boundary which are far from their adoptable gradient standards of max 1 in 20.
- 5.3.24 Having considered the information presented regarding road appearance, it is considered that whilst the proposed layout would cause harm, it would be less than the alternatives suggested and less than substantial overall.
- 5.3.25 When considering the visual impact of the scheme whilst travelling through the proposal, the layout as proposed without the retaining walls and other engineering works would make it more rural in its nature and allow for a proposal that would sit more compatible with the rural surroundings whilst preserving a greater quantity of ridge and furrow and protecting other surrounding designated heritage assets, through the allowance of views through the site and the increased level of landscaping.

#### 5.4 Impact upon residential amenities (Policy D1)

- 5.4.1 The siting of the new dwellings is some distance from adjacent residential properties due to the intervening open space and primary school. Due to the topography of the site and surrounding area, the new properties will be visible on higher ground.
- 5.4.2 This in itself, due to the distances would not result in an unacceptable loss of light or privacy. Whilst any new development introduces potential noise and lighting the proposed layout and scale of the development would not have a significant impact on residential amenity.
- 5.4.3 Overall therefore, it is considered that the development can safeguard residential amenity in accordance with Policy D1 of the Local Plan.
- 5.5 **Highway Issues (Policies D1, IN1, IN2)**
- 5.5.1 Access onto the existing highway at its junction with Gaddesby Lane was approved at outline planning stage. In response to the original layout plan provided with this application the Local Highway Authority requested further information on the road detailing.
- 5.5.2 Following on from the initial concerns raised by the County Highway Authority additional information has been provided and comprises the below
- Raised speed tables have been introduced to control the speed within the developed area of the site at the required distances.
  - All ramps have been designed so the plateau are at least 8m in length and so that the ramps either end of the plateau does not clash with any access drives.
  - All bends have been widened where required according to the LHDG Part 3 para 3.3
  - All junctions radii are 6m for side roads, this has been annotated on the SK001 Site Plan
  - All junctions radii are 7.5m for turning heads, this has been annotated on the SK001 Site Plan
  - 2m footways are provided on both sides of the carriageway where plots are fronting on to it. The design has been revised so that the 2m footway runs adjacent to the access road as you enter the site. Within the residential portion of the site the applicant has left the design as was with sections of the footway offset from the carriageway to promote a design feature of the site.
  - 1m service margins now provided at the end of turning head.
  - Refuse tracking has now been provided
  - 1m service margins now provided at the end of turning head
  - The new footpath to the North West of the site will be a 2m tarmac surface with 1m grass verges either side this will be managed by a management company for the site.
  - Connection from the site has been added to the existing Footpath H46.
- 5.5.3 The proposed estate road serving the development has been designed to be 5.5m wide with a 2m pavement to the south side. The road includes a number of bends to reduce vehicle speeds whilst maintaining forward visibility. Both access roads will terminate with a turning head to provide adequate turning facilities for refuse vehicles and emergency service vehicles to turn and exit the site in a forward gear.
- 5.5.4 Pedestrian access to the site will be maintained with the proposed footpath joining up with the existing footpath on Great Lane. A further pedestrian access will be provided to the north west of the site allowing access to Rotherby Lane and the school.

5.5.5 **Amended Plans** - A further revised layout plan (revision Z) as shown at 4.3.14 (received 1.4.2021) has been submitted which has amended the two points above, therefore it is likely that the road would now meet an adoptable standard. The highways Authority is content with the highways proposals and recommends conditions requiring:

- Parking and turning provision to be provided alongside occupation of the houses
- The footpath 2m wide of tarmacadam construction

## 5.6 Ecology

5.6.1 There is an existing hedgerow along the western boundary and some notable trees on the eastern part of the site which is to remain largely undeveloped. There are three ponds on the site, one of which is within the developed area. The application is accompanied by a Preliminary Ecological appraisal which identifies a range of habitats including improved grassland, ponds, scrub, scattered broadleaved trees and hedgerows. A survey accompanying the outline application carried out in 2016 found no DNA evidence of Great Crested Newts (GCN) in the onsite ponds or those nearby. The current appraisal concludes that the on-site ponds all have a 'poor' score rating for potential suitability for GCN but no updated survey for the presence of protected species has been carried out.

5.6.2 Concern was initially raised by the County Ecologist regarding the buffer on the site and retention of hedging and proposed species of planting, the proposal has now been amended to include the following detail.

- The entrance road includes a tree lined avenue of native Field Maple (*Acer campestre*)
- Both attenuation basins are to be seeded with Wetland grass mixture (Emorsgate EG8). A swale is proposed to the northern side of pedestrian footpath into the development and includes wetland grass seed appropriate to soil conditions.
- The majority of open space areas are to be seeded (or over-seeded if appropriate) with the Meadow grass mixture (Emorsgate EM1).
- Where possible existing native hedgerows are to be retained and enhanced with a native species shrub mix. The species list is in with the comments and recommendations from LCC Ecology.
- The hedge to the western boundary is to be retained and protected by the inclusion of a 5m planting buffer which incorporates a variety of fruit trees along its length and meadow grass mixture suitable for hedgerows (Emorsgate EH1).
- Existing trees will be retained as far as possible and specifically include those highlighted with the response from LCC Ecology.
- To the southern boundary of the development, to the rear of Plots 1 and 2 and Self Build plots 1-6, a new native hedgerow is proposed along the entire boundary. The new hedgerow will create both an effective boundary and will link with existing field hedges to create an important green corridor around the development edge.

5.6.3 A schedule and proposals for the long term management of landscape areas (other than privately occupied domestic garden areas) is required by condition 5 of the outline permission and also a condition requiring development to be carried out in accordance with the Great Crested Newt mitigation Strategy (condition 20). Condition 22 on the outline permission requires the protected species survey to be updated prior to commencement of development and Condition 23 requires a management plan for enhanced bio-diversity and a 5m buffer along the western boundary of the site.

- 5.6.4 **Amended Plans (1.4.2021):** ecological advisors no objections to these amendments – the basic principles of the acceptable landscape treatment in the eastern part of the site are still being applied.
- 5.6.5 The amendments put forward to this proposal are considered to accord with Policy EN2 of the Local Plan, Policy ENV5 and H4 of the Neighbourhood Plan and Section 15 of the NPPF.
- 5.7 **Heritage Assets (Policy EN13, FRIS3 LP and Policy ENV6 NP)**
- 5.7.1 The site is some distance from the village Conservation Area and any designated heritage assets, although views to and from the Conservation Area are possible due to the levels on the site. Policy FRIS3 states that development will be supported provided the design, scale, layout and boundary treatment of any reserved matters application must conserve and enhance heritage assets, including the Conservation Area and the Grade 1 Listed Church of St Thomas of Canterbury. The amended proposals put forward provide for a rural development with appropriate landscaping and materials that would conserve and enhance heritage assets, with the retention of mature trees and revised landscaping proposals ensuring the proposals harmonises with the existing built form and does not harm the nearby designated heritage assets or their settings..
- 5.7.2 The eastern field is identified in the NP as being an area of historic ridge and furrow and is a non-designated heritage asset. The housing allocation FRIS3 shows access to Gaddesby Lane as running adjacent to the southern boundary of the site which minimises the impact upon the area of ridge and furrow in the eastern field, although there will inevitably be some loss if the site were to be developed. This interacts with NP Policy ENV6 which identifies the site (along with others in the Parish) as significant ridge and furrow and applies the following policy requirement: “any harm arising from a development proposal will need to be balanced against their significance as heritage assets.”
- 5.7.3 This was acknowledged during the consideration of the outline application. However, the current location of the access road extends further into the field which contains notable ridge and furrow. However, having compared the approach proposed to that alternative of close adherence to the site allocation boundary, there is evidence that the extent of loss would be less (see paras. 4.1.21 – 4.1.27 above for details).
- 5.7.4 The National Planning Policy Framework (NPPF) states in paragraph 192 Local Planning Authorities should take account of:
- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - c) *the desirability of new development making a positive contribution to local character and distinctiveness.*
- 5.7.5 Paragraph 197 relates specifically to non-designated heritage assets and states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 5.7.6 In this instance the access on to Gaddesby Lane was approved at outline stage and the location of the housing in the western field will require an access link road to join the two. This will result in some loss of ridge and furrow whichever route the road takes.
- 5.7.7 The location of the road now bisects the eastern field to a greater degree, although significantly less from the initial proposal and will have an impact upon the ridge and furrow. However, the harm to the significance of the non-designated heritage asset as a whole is considered to be less than substantial, with the majority of the field still remaining undeveloped and the ridge and furrow that it contains remaining largely intact. In accordance with paragraph 197 of the NPPF, on balance, the scale of the harm and loss of significance as a result of moving the road compared to the harm or loss of it being located adjacent to the southern boundary is considered to be relatively minor.
- 5.7.8 Evidence has been provided by the applicant that strict adherence to the Local Plan allocation and Neighbourhood Plan defined Limit to Development would result in greater harm to the surviving ridge and furrow in the eastern part of the site than the submitted revised plans. On this basis it is considered that the balance of the issues – in relation to ridge and furrow - falls in favour of a departure from these policies.

## 5.8 Flood Risk/Drainage (Policy EN11)

- 5.8.1 The site is within flood risk zone 1 (low risk). The Lead Local Flood Authority has no objections to the layout as submitted with this application. The outline permission is subject to conditions numbers 24 and 25 relating to the submission and approval of a detailed drainage scheme to accommodate the drainage needs of the site and this will necessitate a further 'discharge of condition' submission consultation with the LLFA at that time to ensure that drainage is satisfactorily accommodated, including the risk of increased flooding elsewhere.

## 6 Consultation & Feedback

- 6.1 A site notice was posted and neighbouring properties consulted
- 6.2 As a result 86 letters of objection/comment were received from 62 separate households as summarised in Appendix B.

## 7 Financial Implications

- 7.1 None

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

## 8 Legal and Governance Implications

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

**Legal Implications reviewed by: Tom Pickwell, Solicitor**

## 9 Background Papers

**16/00704/OUT:** Outline approval for up to 48 dwellings with access was granted on 2<sup>nd</sup> May 2018 subject to a Section 106 Agreement.

**19/00605/VAC:** An amendment to the outline approval was approved on 15<sup>th</sup> July 2020 through the Variation of conditions 2 and 4 to allow the phased approval of reserved matters and submission of materials enabling the addition of self build plots to the scheme.

## 10 Appendices

- 10.1 A: Consultation responses  
 B: Representations received  
 C: Recommended conditions  
 D: Applicable Development Plan Policies

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### Appendix A : Summary of Statutory Consultation Responses

#### **Ward Member: Amended Plan (01.04.2021)**

Revised Comments awaited.

**Previous plans:** Overall in relation to this application both myself and the Parish Council have had a good relationship with the Developer ironing out most issues with also the addition of a footpath to the A607. We have asked on numerous occasions for the road to be moved within the limits to development or closer to the LTD as both the PC and residents feel this is an important issue.

Following the legal advice and if the developer is unwilling to move the road I feel that the application can be strongly refused on Env Policy 6 in the Neighbourhood Plan as the damage that will be caused to the ridge and furrow greatly outweighs the benefit of any road over that area of land. Ridge and Furrow is a non-designated heritage asset and we should try and protect as much as possible.

The road can be moved and there is nothing saying that it can't. I would have liked to have seen other drawings with engineering but this has not been forthcoming.

**Parish Council:** Amended Plan (01.04.2021)

**The Parish Council was unable to meet to provide its comments due to restrictions on public meetings during the mourning period. It is meeting shortly after the publication of this report and update will be provided to the Committee.**

Objection (Original Plans)

The Parish Council have a number of significant concerns, in particular in relation to the conflict with the Frisby Neighbourhood Plan and the Melton Local Plan. The villagers have overwhelmingly voiced objections to this application, in particular the application proposes development outside the Limits of Development, including an access road that is shown to bisect a ridge and furrow field.

It is argued that the road must bisect the field in order to ensure a safe gradient but that is not sufficient reason to align the road so far outside the LTD, rendering much of the ridge and furrow field unusable for pasture. The road should be located within the LTD, as drawn by the Examiner and an engineering solution is possible. The fact that this is more costly is not relevant and the Local Plan / Neighbourhood Plan should not be ignored.

It is recognised that the Local Plan contains an allocation with a capacity of 40 dwellings on the land south of the village (FRIS3). The site boundary is an integral part of the Frisby on the Wreake Neighbourhood Plan identified by Policy H2 for approximately 48 dwellings. The Neighbourhood Plan also establishes a 'Limits to Development' with Policy H3. The purpose of the LTD is to ensure that sufficient sites for new homes that avoid impinging into the local countryside. This was supported by an Independent Examiner for the Neighbourhood Plan. Land outside the LTD is to be controlled in line with local and national policies relating to the countryside.

The layout proposed is significantly in conflict with the site boundary as shown in the Local Plan and the Neighbourhood Plan. It therefore fails to conform to the development plan for Melton. The layout falls foul of Local Plan Policy SS2 as it represents development in the countryside which must be restricted to that which is necessary and appropriate in the open countryside. It is contrary to Section 15 of the NPPF and in particular paragraph 170 which seek to conserve and enhance the natural environment.

Neighbourhood Plan Policy ENV6 relates to the 19 surviving areas of well preserved ridge and furrow and identifies them as non-designated heritage assets. Any harm arising from a development proposal should be balanced against their significance as heritage assets. The layout cuts through one of the remaining ridge and furrow fields and is in conflict with the NP and also the LP and NPPF as it fails to protect and respect a valued landscape.

The access to the site is via a single track road with no passing points. There is no access to the school shown on the drawings so schoolchildren will have to walk onto narrow Gaddesby Lane or additional traffic will cause more parking and traffic issues at the school gates and surrounding roads of Hall Orchard and Main Street.

There is currently a lack of school capacity. Frisby no longer has a bus service since December 2019. When walking to the bus stop on the A607, pedestrians must walk along the single track lane where there are no footpaths. There is no play area. The layout shows all affordable housing in one area of the site contrary to planning principles.

Houses are shown with a 'study' upstairs. The size of the study is such as to render it effectively a likely further bedroom which is an underhand way of ensuring that the housing mix complies with the outline planning conditions, yet allows for a mix of housing that comprises a higher proportion of larger houses than required in the village.

NP Policy H5 relates to Housing Mix. Priority should be given to dwellings of 3 bedrooms or fewer. The identified local need is therefore for smaller dwellings of up to 3 bedrooms. On the face of it the mix appears to meet this requirement but upon closer examination 7 of the 3 bed dwellings are shown with studies upstairs. This will allow its use as an additional upstairs bedroom and change the overall mix to a predominance of large, 4 bed dwellings not in line with local housing need.

The Design and Access Statement falls a long way short of the level of detail stipulated in the Neighbourhood Plan. The standard housing types have nothing to do with the character of the local area.

We question the validity of the Reserved Matters Application as it is markedly different from the Outline Application. The decision notice makes it clear that the Reserved Matters should provide for the erection of houses limited to the area identified by the extent of the village envelope as defined in the Frisby NP. The application fails to follow the proposals contained within the outline application and fails to comply with very specific conditions and will cause harm to important local environmental features which are specifically safeguarded in the NP the LP and the NPPF.

We urge the Borough Council to refuse the application and require the developers to follow the conditions set when the outline application was approved and to comply with the statutory planning policies that are in place within the Local Plan and the Neighbourhood Plan.

**Housing Policy:** Affordable rent and shared ownership need has been met at the Bellway site off Great Lane in the village. EMHG who have both the rented and shared ownership properties at the site have advised that they have had some difficulties with selling some of the shared ownership properties and our Housing Options team have advised that there were also difficulties in letting the last few homes. Instead, I recommend the 6 x 2 bed homes proposed as affordable to be Discounted Market Sale (DMS). A 25% discount would need to be applied and held in perpetuity. Additionally, 17 DMS homes would be too many to gain interest in sales and recommend a financial commuted sum in lieu of the remaining 7 x 3 bed homes to be paid for use in the delivery of affordable homes elsewhere, where there is a greater need. I recommend the affordable homes to be in small clusters not exceeding 6 homes together.

**LCC Highways:** Following the submission of further revised plans the Local Highway Authority advice is that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the Nation Planning Policy Framework (2019), subject to the conditions proposed. Which include implementation of the parking prior to occupation and the Footpath link to Rotherby Lane comprising of a 2 metre tarmacadam surface with 1 metre grass verge either side,

**LCC Lead Local Flood Authority (LLFA):** The application falls within Flood Zone 1, being low risk of main river flooding. There is some minor surface water flood risk within the site which should be considered as part of the site layout proposals as 3 surface water flow paths running from south to north run through the site. The housing layout avoids these flow paths, one being



at the site boundary, one being retained as a drainage ditch and the other within public open space.

The site features two attenuation basins with calculations to demonstrate that sufficient space has been provided. On this basis, the LLFA have no concerns with the proposed layout.

**LCC Ecology:** Following amendments to the proposal the landscape plans are now acceptable (refs. GL1096 01C/02C/03C/04C). A pre-commencement planning condition requiring details of the methodology used to enhance the biodiversity value of retained ridge and furrow grassland as shown on the landscape plans, along with previously recommended conditions which include the retention of 4 existing trees within the eastern part of the site, removal of vegetation to be carried out outside bird-nesting season, precautionary works to minimise potential harm to amphibians and reptiles, and the submission of a lighting scheme which should not be subject to light spillage of more than 1 lux.

**Environment Agency:** No comments.

**Designing out Crime Officer:** Parking in curtilage reduces the potential for problems with access of emergency services. Permeability is not a problem due to the single vehicle access to the site. Gable end windows to view these areas are recommended. Lighting should accord with BS5489 and CCTV should be considered. Recommendations for door and window sets and bin /cycle storage recommended.

## Appendix B: Summary of representations received.

86 Letters of objection and representations on the following grounds:

- Increased traffic in the village leading to increased risk of accidents
- No bus service to the village
- Insufficient road capacity
- No access to the school leading to increased traffic and congestion near the school
- Road layout invites speeding
- Pedestrian access to Rotherby Lane not provided
- Access road deviates from the outline permission
- Road approved at outline stage and cannot be changed
- Contrary to Local Plan and Neighbourhood Plan as outside Limits to Development
- Loss of farmland and historic ridge and furrow
- Insufficient detail on junction of Gaddesby Lane and Great Lane
- School drop off point removed from plans
- Lack of play area / play area removed from plans
- Increased pollution and noise
- Increased light pollution and inadequate information on lighting

- Adverse impact on wildlife
- Swift boxes and bat bricks should be conditioned
- Loss of green buffer
- Removal of pond is unjustified
- Pond should not be removed due to loss of drainage provision
- Pond removal results in loss of habitat for grass snakes, newts and frogs
- No evidence of net gain in biodiversity
- Adverse impact on the look and character of the village
- Unimaginative layout
- Housing is neither attractive or imaginative
- Urban appearance not in keeping with the village
- No chimneys or traditional features
- Affordable housing is all grouped together
- Layout promotes social division
- Three bedroom properties also have a study to get around the housing mix policy
- Housing mix does not comply with Policy C2 Melton Local Plan / H4 Neighbourhood Plan
- Too many large houses
- Loss of amenity for houses in Great Lane
- Loss of privacy and direct sunlight for nearby properties due to new houses being higher
- Loss of security for existing houses
- Inadequate drainage information and possible increase in flooding
- Surface water runoff from the site already causes problems
- Inadequate foul drainage in the village
- Unsustainable demands on village infrastructure
- Lack of school places

Comments received from a further two parties as follows:

- Highlight the lack of bus service, the affordable properties being cramped in one corner and questioning the adequacy of the road width and surface water attenuation basin.
- Drainage details and fencing responsibility query.
- Subsidence and reinforcement of existing land
- Nature and function of attenuation basin

#### **Comments received following latest revisions (1.4.2021)**

- Thanks given to Bowbridge for listening and adapting the many and various requests of residents and statutory consultees.

- Recognise that the amended plans represent compromise solutions in which no single party can be 100% satisfied
- Appreciate that many points of concern have been addressed and improved on from the original plans
- The amendment the layout have no impact upon the traffic generation and the effect on Gaddesby Lane. Landscaping will not assist with the safety of the lane.
- ATTENUATION BASIN. We have concerns over the positioning of the attenuation basin. It appears to be very close to two or three rear garden boundaries. Better to position it within the existing large natural gully which can be seen during site visits.
- SCHOOL ACCESS PATH. We still believe the most sensible route for the footpath is between the existing protected hedge and the side of plot 40 , all on Bowbridge land, but following the protected gap as required between hedge and development to the gate. The cost to Bowbridge would be reduced as this path length is approx half length of route on site plan. (Thus maybe Bowbridge could be encouraged to fund a path 10m down to corner of flat playing field). School could then fund the creation of straight path over flat clear ground to playground.
- Importantly this path is very much more likely to be used by residents/pupils from the other new, Steeple Chase estate, thus reducing yet more car useage in the village which MBC strongly support.
- STORAGE OF CONSTRUCTION MATERIALS/MACHINERY. Will we be confronted with storage of masses of equipment directly behind our homes, or will it be stored on Bowbridge land nearer to site entrance , where it will affect nobody.

## Appendix C : Recommended Conditions

1. The development hereby permitted shall be carried out in accordance with drawings numbered received by the Local Planning Authority as follows:
  - SK001RevZ received on 01.04.2021
  - GL 1096 01E, GL 1096 02E, soft landscaping plans received on 6<sup>th</sup> April 2021
  - Amended House type plans received 11<sup>th</sup> January 2021: SK 101 REVD, SK 102 REV E, SK 103 REVD, SK 104 REVD, SK 105 REVC, SK 106 REVE, SK 107 REVD, SK 108 REVC, SK 110 REVa

Reason: For the avoidance of doubt.

2. No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of protective fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. In addition all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any

materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left un-severed.

Reason: To ensure that existing trees and hedges are adequately protected during construction in the interests of the visual amenities of the area and biodiversity.

3. All construction work, demolition work and deliveries to the site during the construction period shall take place between the hours of 7.00 - 19.00 Monday to Friday 8.00 - 13.00 on Saturday and at no time on Sundays or public holidays.

Reason: In the interests of the amenity of nearby residents

4. The houses hereby approved until the parking facilities indicated on plan SK 101 REVX Site Layout are provided for the house concerned. The parking shall be maintained and available for use at all times thereafter.

Reason: To ensure adequate provision for parking is provided and remove the possibility of the development leading to on street parking problems locally

5. The footpath leading to Rotherby Lane shall be 2m wide tarmacadam with 1m grass verge either side.

Reason: To provide all weather useable access to encourage walking with clear legible routes and encourage sustainable travel.

6. Prior to the commencement of development, details of a methodology to improve the biodiversity value of the retained ridge and furrow grassland shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the continued bio diversity of the undeveloped land

7. The development shall be undertaken in accordance with the recommendations of the Construction Environmental Management Plan submitted with this application (Midland Ecology May 2020).

Reason: To ensure the protection of ecological interests on the site and secure biodiversity improvement.

## Appendix D : Applicable Development Plan Policies

### Melton Local Plan

SS1 – Sustainable development

SS2 – Development strategy

C2 – Housing mix

EN1 – Landscape

EN2 – Biodiversity

EN11 – Minimising the risk of flooding

EN13 – Heritage Assets

IN2 – Transport

D1 – Raising the standard of design

FRIS3 – Housing allocation for up to 48 dwellings

**Frisby Neighbourhood Plan**

H1 – Housing provision

H2 – Housing allocations

H3 – Limits to Development

H4 – Building Design Principles

H5 – Housing mix

ENV 6 – Ridge and Furrow