

20/01157/OUT Residential Development of 2no 1.5 storey dwellings at 19B High Street Waltham on the Wolds

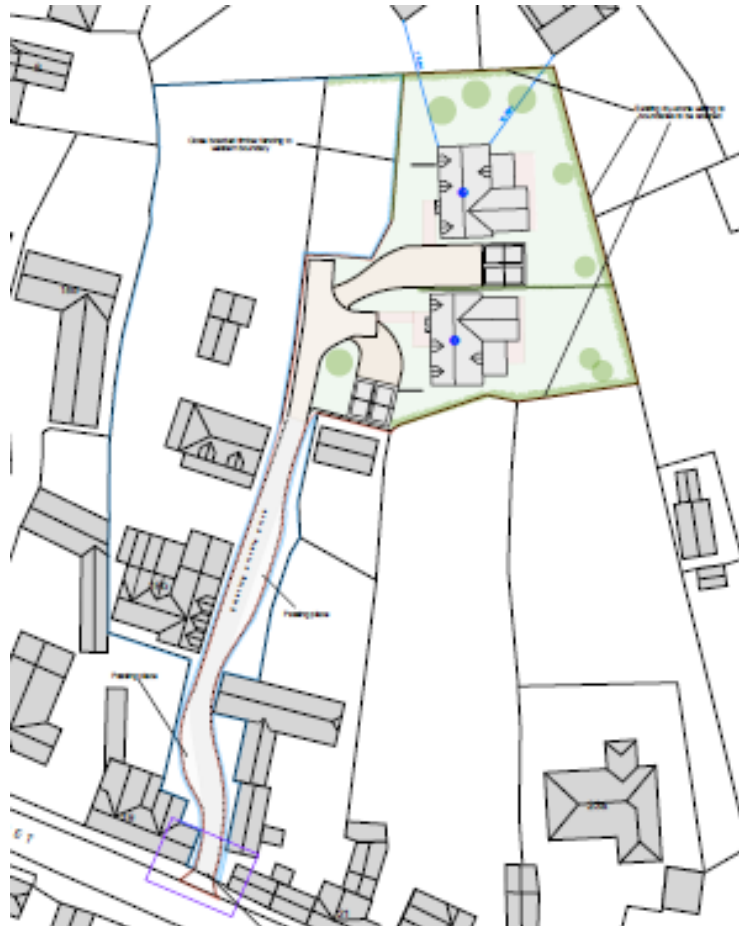
Applicant: Mr R Pilkington

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Elaine Holmes (Waltham on the Wolds)
Date of consultation with Ward Member(s):	28 October 2020
Exempt Information:	No

1 Summary

The site comprises a parcel of land to the north of High Street, set well back from the highway (High Street) behind the existing buildings.

- 1.1 Access is to the east of 19 High Street and surrounded by housing on all sides
- 1.2 The proposal comprises an outline application to construct 2 x 1.5 storey dwellings, with only access to be considered at this stage.



RECOMMENDATION(S)

It is recommended the application is approved, subject to conditions in Appendix C.

2 Reason for Recommendations

- 2.1 In the opinion of the Local Planning Authority the proposed development, by reason of siting and design, would result in a development that would appear complimentary to the existing built form and would be sympathetic to the character of the area, thus having no detrimental impact on the visual amenity of the site.
- 2.2 The proposed development would not appear alien in form and respects the wider character of the area and would not be considered to have a detrimental impact on its users or the occupiers of neighbouring units.
- 2.3 The proposed development would therefore accord to Policies D1, SS1, EN6 and EN13 of the Melton Local Plan, Policy S1, H1, H4, H6 and H8 of the Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan and the overall aims of the National Planning Policy Framework 2019

3 Key Factors

3.1 Reason for Committee Determination

- 3.1.1 The application has been 'called in' to Committee by the Ward Councillor, Cllr Holmes due to concerns relating to loss of a green area and constrained access. The 'call in' was in time and has been accepted by the Chair.

3.2 Relevant Policies

- 3.2.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area. Policies SS1, D1, EN6 and EN13 apply.
- 3.2.2 No inconsistency with the NPPF has been identified that would render Local Plan Policies 'Out of Date'.
- 3.2.3 The Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan was made in 2018 and carries full weight. Policies S1, H1, H4, H6 and H8 apply.
- 3.2.4 Please see Appendix D for a list of all applicable policies.
- 3.2.5 At paragraph 194 the NPPF states local planning authorities should require an applicant to describe the significance of any heritage assets affected and the level of detail should be proportionate to the assets' importance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed.
- 3.2.6 Paragraph 195 states local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.
- 3.2.7 Paragraph 197 states in determining applications local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities the desirability of new development making a positive contribution to local character and distinctiveness.
- 3.2.8 Paragraph 199 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets' conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.
- 3.2.9 Paragraph 200 states any harm to the significance of a designated heritage asset (from its alteration or destruction or from development within its setting) should require clear and convincing justification. Paragraph 201 states where a proposed development will lead to substantial harm to a designated heritage asset local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm.
- 3.2.10 Paragraph 202 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum use.
- 3.2.11 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires Local Planning Authorities to give special attention to the desirability to preserve or enhance the character or appearance of Conservation Areas.

3.3 Main Issues

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

- Principle of development
- Impact upon the character of the area
- Impact upon residential amenities
- Impact upon highways and parking

4 Report Detail

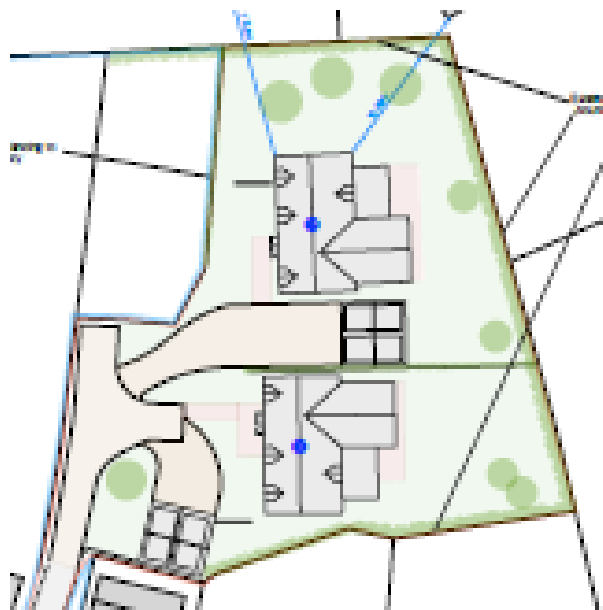
4.1 Principle of development

- 4.1.1 The proposal comprises an outline application for two 1.5 storey dwellings. Policy SS2 sets out the development strategy for the Borough for housing and employment and identifies a sustainable approach to development, establishes settlements as Service Centres, Rural Hubs or Rural Settlements and sets out the type of development appropriate to each.
- 4.1.2 Waltham is identified as a Service Centre, a settlement type that is expected to accommodate a proportion of the Borough's housing need. This is reflected in the NPPF.
- 4.1.3 The site is located within the Limits to Development in the NP and Policy S1 supports the principle of development within these limits. The site is considered to be small scale and a windfall site and therefore complies with Policies H1 and H8 of the NP in principle. Policy H3 seeks a suitable housing mix and the proposal could achieve this at the reserved matters stage.
- 4.1.4 The site is not protected in the Local Plan or Neighbourhood Plan as a local green space or important open space and the site is not specifically highlighted as an important undeveloped space in the Neighbourhood Plan or Conservation Area Appraisal. The site is enclosed with views into the site from the public realm limited by the surrounding development.
- 4.1.5 As such, the principle of the development is considered acceptable and complies with the intentions of the NPPF and the policies in the Local Plan and Neighbourhood Plan.
- ### **4.2 Impact upon the character of the area**
- 4.2.1 Policy EN6 seeks development to respond to local characteristics. Policy D1 states all new developments should be of high quality design, siting and layout must be sympathetic to the character of the area. Policy H6 of the NP relates to design.
- 4.2.2 The site is set well back from the highway with housing fronting onto High Street obscuring clear views from the south, housing fronting Burgins Lane to the west preventing clear views and housing on Windsor Road blocking clear views from the north. The site borders gardens of neighbouring dwellings to the east. As such, the site is backland and is not significantly visible from the public realm.
- 4.2.3 It is considered the site could accommodate the proposed dwellings without harm to the visual appearance of the site or locality. Furthermore, the site is of a sufficient size to satisfactorily accommodate two such dwellings.

- 4.2.4 The part of the site that would accommodate the dwellings abuts the Conservation Area. Given the mixed character of the surroundings, it is not considered the proposals would harm the character, appearance or setting of the designation. The access falls within the Conservation Area; however, this is existing and the proposals would have no impact.
- 4.2.5 As such, the proposal accords with the above policies, guidance and the considerations required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.3 **Impact upon residential amenities**

- 4.3.1 The application is in outline form with all matters reserved for future consideration with the exception of the access. An indicative layout has been submitted which illustrates the properties adjacent to each other and to the north-east of the access.
- 4.3.2 The southern plot would be close to the southern boundary of the site; however, the height would be 1.5 storeys and the dwelling to which the adjacent garden serves is set a significant distance away. The dwellings would be set off all other boundaries and although indicative it is considered the proposal could be achieved without undue harm to the amenity of occupiers of neighbouring dwellings.
- 4.3.3 The use of the access would be intensified; however, it is not considered this would lead to such additional noise and disturbance as to warrant a refusal.
- 4.3.4 Therefore, it is not considered that the proposal would have a negative effect on the amenity of any neighbouring properties, occupiers of the future dwellings could have adequate amenity and the proposal complies with Policy D1.



4.4 **Impact upon highways and parking**

- 4.4.1 The dwellings would be accessed via an access point to the south; the Highway Authority raised no objection subject to conditions and Informatives. Turning and parking would be provided within the site.
- 4.4.2 The application is in outline with only the access details submitted for full consideration at this stage. The access opening would have an overall width of 6.2 metres with the tarmac drive a minimum width of 4.25 metres for a minimum distance of 5 metres from the

highway boundary and centred between the shop and 19 High Street. The access would be surfaced in tarmac with the pedestrian visibility splays surfaced with granite setts to provide a clear delineation for the pedestrian visibility splays of 1 x 1 metre. The submitted plan annotates the removal and relocation of the cable guard on the telegraph pole.



4.4.3 As such, the proposal is acceptable on the grounds of highway safety and accords with the above policies and guidance.

4.5 **Housing mix/house size**

4.5.1 Policy H2 of the Neighbourhood Plan states “Dwellings of 3 bedrooms or fewer and single-storey accommodation suitable for older people are supported”. The Parish Council has objected on the basis that the houses are “three plus” bedrooms. The proposal indicates 2 x 3 bedroom houses of 1.5 storey which would meet this policy. The houses are not affordable as per definition and do not therefore draw support from Policy H3.

4.6 **Important Woodland, Trees and Hedges, Biodiversity and Protection of important Views (NP Policy ENV6: Policy ENV9 and Policy ENV12)**

4.6.1 The site is not considered to impact on the Important Views identified in the Neighbourhood Plan as it would be effectively screened from view by existing development. The development would not result in the loss of any trees or hedges nor have there been any significant ecological features identified on the site.

4.7 **Other Matters**

4.7.1 Comments have been made by neighbours objecting to the proposal. These comments include objecting to the loss of what was a green open space. It is noted that the site is not protected by the current Development Plan at Local or Neighbourhood Plan or specifically highlighted in the Conservation Area Appraisal or description of Waltham Conservation Area in the Neighbourhood Plan.

4.7.2 An objection states the proposal would result in the loss to village structure and would be harmful to business. It is not considered that the proposed development would affect the structure important the village otherwise it would have been identified as significant on one

or more of the above descriptions. It would result in the erection of two modest dwellings in spacious grounds and local business would not be adversely affected by the proposals.

- 4.8 It has been stated the housing needs of the village have been exceeded; however, policies allow for windfall development within the village and the allocations do not set maximum numbers for housing. The site is not considered to be at risk from flooding. The site is not located in an area at risk of flooding and with sustainable drainage would not add to flood risk off site. It is not considered there are grounds to refuse on residential amenity through additional use of the access or loss of sunlight.
- 4.9 Concern has been raised about access for emergency and refuse vehicles. Building Control has reviewed the application and stated that the minimum required width between road kerbs for fire appliance access is 3.7 metres with either a 19.2 metre turning circle or hammerhead when the road is longer than 20 metres. Building Control comment that the proposed access appears to comply with this provided a 3.7 metre width is maintained throughout.

5 Consultation & Feedback

- 5.1 A site notice was posted and 6 neighbours were notified. As a result, 4 representations have been received.
- 5.2 Statutory Consultee comments are reported below

6 Financial Implications

- 6.1 None identified

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

- 7.1 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)

8 Background Papers

- 8.1 There are no relevant historic applications

9 Appendices

A: Consultation responses

B: Representations received

C: Recommended conditions

D: Applicable Development Plan Policies

E: Site Photographs

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Chief Officer Responsible:	Jim Worley , Assistant Director for Planning and Delivery

Appendix A : Summary of Statutory Consultation Responses

Parish Council: Object on the grounds the proposal is contrary to Policy H2 Housing Mix, contrary to H3 Affordable Housing Provision, H4 Conservation and would affect biodiversity in the village. The proposal does not meet Parish needs (H8), does not respect the shape and form of the village or provide safe vehicular access to the site, would affect the amenity of neighbours, loss of important open space and loss of important views.

Policy ENV6: Important Woodland, Trees and Hedges: The development borders the Conservation Area and as a result the views of the Conservation Area both inward and outward looking would be adversely affected and would lose linking areas of green space.

Policy ENV9: Biodiversity: The proposal would damage and adversely affect the Biodiversity and does not comply with protecting habitats.

Policy ENV12: Protection of important Views: The NP identifies important views which this proposal would adversely affect.

Historic England: No objections or comments.

LCC Highways: No objection subject to conditions and Informatives.

Ecology: No objection subject to a condition relating to gaps in the fencing and related to being in a Swift alert area.

Archaeology: No objection subject to conditions.

Appendix B : Summary of representations received

Four objections were received which stated the following

- Width of the access is incorrect
- Harm to pedestrians using the access
- Bins outside the deli could be a risk to pedestrians
- Requires a turning area
- The area has always been a green open space
- Adds to the loss of the village structure
- Serious damage to business
- Activity within the village
- Residents health and their standard of living
- Housing need already exceeded in the village
- Would harm the conservation area and setting of listed buildings

- Risk of flooding
- Overlooking and loss of privacy to Windsor Road
- Loss of sunlight
- Loss of important green corridor
- Noise and disturbance from traffic using the access drive
- There are no benefits to the scheme
- No access for emergency traffic

Appendix C : Recommended Conditions

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

- Appearance
- Landscaping
- Layout
- Scale

The development shall be implemented in accordance with the approved details.

To ensure a satisfactory appearance and impact of the development.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Location Plan MSP.1683/001
MSP.1683/010A

To ensure a satisfactory form of development.

4. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with those approved materials.

To ensure that the development has a satisfactory appearance in the interests of visual amenity.

5. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The approved proposed ground levels and finished floor levels shall

then be implemented in accordance with the approved details.

To ensure that the development has a satisfactory appearance in the interests of visual amenity.

6. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site have been submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The development shall thereafter be carried out in accordance with the approved details.

To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme.

7. No development shall commence until drainage details for the disposal of surface water (incorporating sustainable drainage principles) and foul sewage have been submitted in writing to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

8. Within the approved boundary treatments, spaces of at least 130mm x 130mm shall be provided at suitable intervals in order to avoid disrupting the normal foraging and commuting routes of small wildlife such as hedgehogs.

In order to protect the protected wildlife species and their habitats that are known to exist on site.

9. Prior to the first occupation of any dwelling hereby approved, at least 3 swift boxes shall be erected on the buildings.

In order to protect accommodation for swifts.

10. No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

To ensure satisfactory archaeological investigation, recording, dissemination and archiving.

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

arrangements shown on Mike Sibthorp Planning drawing MSP.1683/010A have been implemented in full. Visibility splays shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

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 (2019).

12. 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.

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

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

To preserve the amenities of the locality.

14. The proposed housing mix shall meet the identified needs of the Borough.

In order to comply with the Neighbourhood Plan.

Appendix D : Applicable Development Plan Policies

Melton Local Plan

Policy SS1 Presumption in favor of Sustainable Development
Policy SS2 Development Strategy
Policy EN2 Biodiversity and Geodiversity
Policy EN6 Settlement Character
Policy EN8 Climate Change
Policy EN13 Heritage Assets
Policy IN2 Transport, Accessibility and Parking
Policy IN4 Broadband
Policy D1 Raising the Standard of Design

Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan

Policy S1 Limits to Development
Policy H1 Housing Provision
Policy H2 Housing Mix Policy

Policy H4 Waltham Conservation Area
Policy H6 Housing Design Principles
Policy H8 Windfall Development
Policy ENV9 Biodiversity
Policy T1 Transport Requirements for New Development
Policy E3 Broadband Infrastructure

NPPF

At paragraph 194 the NPPF states local planning authorities should require an applicant to describe the significance of any heritage assets affected and the level of detail should be proportionate to the assets' importance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed.

Paragraph 195 states local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Paragraph 197 states in determining applications local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets' conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.

Paragraph 200 states any harm to the significance of a designated heritage asset (from its alteration or destruction or from development within its setting) should require clear and convincing justification.

Paragraph 201 states where a proposed development will lead to substantial harm to a designated heritage asset local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm.

Paragraph 202 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum use.

Under the 1990 Act, section 72 requires development to preserve or enhance the character or appearance of the Conservation Area.

Appendix E : Site Photographs



