



**Melton
Borough
Council**

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Planning Committee

7 October 2021

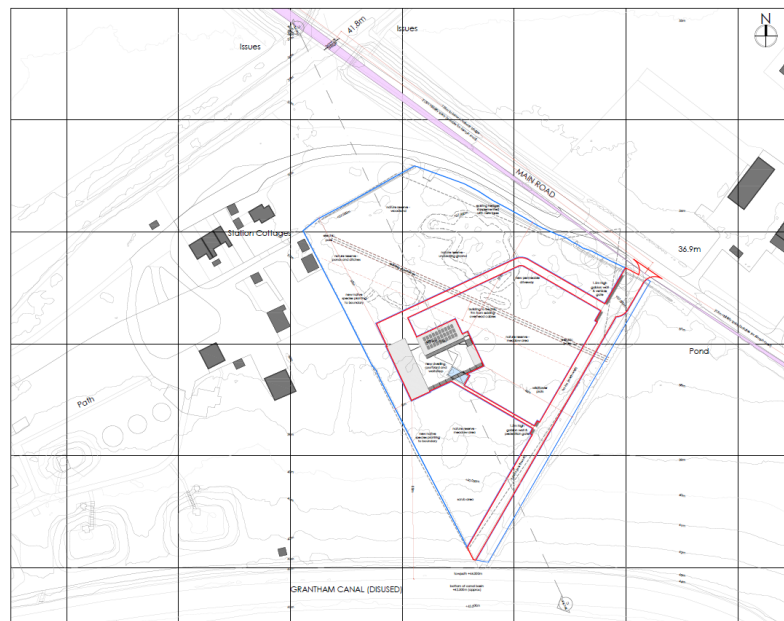
Report of: Assistant Director for Planning and Delivery

20/01265/FUL New sustainable dwelling and private nature reserve, Former Army Camp, Main Road, Redmile.

Applicant: Mr Alan Baggaley

Corporate Priority:	Protect our climate and enhance our rural, natural environment
Relevant Ward Member(s):	Christopher Evans (Long Clawson and Stathern) Mel Steadman (Long Clawson and Stathern)
Date of consultation with Ward Member(s):	19 November 2020
Exempt Information:	No

1 Summary





- 1.1 The application seeks permission for 1 x sustainable dwelling and private nature reserve which is promoted by the Applicant and their Agents as falling under one of the exceptions allowed by with Paragraph 80 of the National Planning Policy Framework regarding isolated dwellings in the countryside.
- 1.2 The site lies detached, approximately over 900 metres from the edge of the village of Redmile and comprises an area of overgrown scrubland. The land was formerly part of an Army Camp and contains the ruins of the former officers' mess however, this building is not currently visible due to it being overgrown.
- 1.3 The submitted design and access statement states that the site housed a number of other buildings however, these had been removed in approximately 1974 and the land had been unused for approximately the last 70 years.
- 1.4 There are other residential properties located to the north-west with access to these properties served by a private road close to the proposed new access for this development. Main Road is a 60mph road with the proposed access in close proximity to a road bridge over a dismantled railway and canal.
- 1.5 The proposal is unique in its presentation, whereby it presents the dwelling as a 'passivhaus plus' project. Full details with regards to this and the assessment of compatibility with paragraph 80 of the NPPF 2021 are contained later in the report.

RECOMMENDATION(S)

It is recommended the application is refused for the reasons set out at paragraphs 2.1 – 2.3 below

2 Reason for Recommendations

- 2.1 By virtue of the location of the application site, the proposed scheme would result in unsustainable and unjustified new residential development in the countryside where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of a private motor vehicle. The proposal would therefore not represent sustainable development and would be in conflict with Policies SS1 and SS2 of the Melton Local Plan.
- 2.2 By reason of its isolated nature, the introduction of one residential dwelling and associated residential paraphernalia into this open, rural site would result in significant and permanent visual impact that would neither complement nor enhance the character of the surrounding area. The proposal would therefore be contrary to Policy SS2 of the Melton Local Plan. The proposal therefore does not accord with any of the exceptions for residential development in isolated locations provided by of Policy 80 of the National Planning Policy Framework and Policy SS2 of the adopted Melton Local Plan.

Key Factors

2.3 Reason for Committee Determination

- 2.3.1 Previous planning application 19/00659/OUT was deferred by Planning Committee in 2019 to allow for greater detail and clarification of the proposed environmentally friendly aspects of the design and development to be provided, and it was subsequently withdrawn. The Director for Growth and Regeneration (in consultation with the Chair of Planning Committee) considers the application raises matters which should be referred to the Planning Committee, in this case the credentials of the proposal within the scope of Policy SS2 and NPPF paragraph 80 regarding 'isolated homes'.

2.4 Relevant Policies

- 2.4.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.
- 2.4.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.
- 2.4.3 There is no made or emerging Neighbourhood Plan for Barkestone, Redmile and Plungar Parish within which the site lies.
- 2.4.4 Please see Appendix D for a list of all applicable policies.

2.5 Main Issues

- 2.5.1 The main issues presented by this application are considered to be:
- Principle of development
 - Compliance with Policy SS2 of the adopted Melton Local Plan and Paragraph 80 of the National Planning Policy Framework 2021 and proposed sustainability credentials.
 - Impact upon the Character of the area
 - Impact upon highways and parking
 - Ecology

3 Report Detail

3.1 Principle of development

3.1.1 The spatial strategy in the Melton Local Plan directs new housing towards the most sustainable locations in the Borough, being Melton Mowbray and the settlements identified as Service Centres and Rural Hubs. Redmile is not identified as a Rural Hub or a Service Centre and therefore there would need to be a special identified need for new development in this location.

3.1.2 Given the siting in the countryside, away from the centre of Redmile, it is considered that the development would not fall under the considerations of Policy SS3 of the Melton Local Plan as this relates to development within or adjacent to the existing rural settlements. Redmile itself is identified as a 'Rural Settlement' in the Local Plan owing to the low level of services, and residential development is restricted to only that where there is a proven local need under Policy SS3.

3.1.3 Melton Local Plan policy SS2 states that "Outside the settlements identified as Service Centres, and those villages identified as Rural Hubs and Rural Settlements, new development will be restricted to that which are necessary and appropriate in the open countryside". This is a cross reference to NPPF para. 80 which lists limited circumstances on which dwellings are considered 'necessary and appropriate'. The detail of these are addressed in following paragraphs of this report.

3.2 Compliance with Paragraph 80 of the National Planning Policy Framework 2021, Melton Local Plan Policy SS2, and proposed Sustainability Credentials.

3.2.1 The policy framework for the types of dwellings that would be acceptable in the Countryside is also contained within the National Planning Policy Framework (NPPF). Policy SS2 is interpreted as a cross reference to this content. Paragraph 80 sets out that development of isolated homes in the countryside **should be avoided unless** one or more of the following circumstances apply;

- a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place or work in the countryside;
- b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) The development would re-use redundant or disused buildings and enhance its immediate setting;
- d) The development would involve the subdivision of an existing residential building; or
- e) The design is of exceptional quality, in that it:
 - Is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - Would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

3.2.2 **In order to meet Paragraph 80, the proposed development, in the first instance must be considered to be isolated.** It is considered the site is sufficient distance from Redmile and other groups of buildings to be regarded as 'isolated'. The nearby dwellings are few in number, dispersed and themselves a considerable distance from the proposed dwelling.

The form no relationship or pattern of development linked to the proposal. Therefore, it is considered that the proposed dwelling can correctly be considered to be 'isolated'

- 3.2.3 None of the criteria of (a) – (d) of Paragraph 80 above are applicable to this case. The Supporting Statement sets out the applicant's agent wish to pursue the proposal through criterion (e) of Paragraph 80. The following is information submitted by the applicant which proposes a 'passive house plus' dwelling. Paragraph 80 refers to 'the highest standards of architecture' and it is considered that this is reference not only to the aesthetic qualities of a proposal but should be considered 'in the round' taking into account also its qualities associated with technical and engineering design techniques, use of material etc.

Passivhaus Assessment

- 3.2.4 Kinetic Engineers have prepared a planning stage assessment of the design. The key results of this report are that the proposed house:
- Achieves Passivhaus Plus standard at design stage
 - Will use 11 times less energy to run than the average UK home
 - Will emit 8 to 10 times less CO₂ than the average UK home
 - Will use 6 times less energy to construct than the UK average
 - Will not experience any overheating (no cooling system will be required)
 - Has levels of insulation between 19-33% higher than UK average
 - Will produce all the energy needed by the users and potentially more, due to the photovoltaic system.
 - The reduced levels CO₂ emissions from construction and operation of the house will be further compensated through regeneration of the site with tree planting and habitat creation.
- 3.2.5 To demonstrate that the proposals is towards the 'leading edge' of eco- friendly projects of this nature, the applicant has explained that there are currently 8 Passivhaus Plus projects in the UK
- 6 single family houses
 - 1 apartment building
 - 1 semi detached
- 3.2.6 The applicant has also added that architectural expression for energy efficient building comes from:
- choice of cladding materials
 - simple contemporary detailing
 - features outside the thermal envelope, such as frames supporting balconies and shading devices.

3.2.7 The submission contains details of materials proposed which the applicant considers to be innovative materials namely Hemp Corrugated Sheeting and Rockpanel

- A hemp fibre based corrugated sheet that can be used for both exterior and interior wall cladding.
- The fibres sequester carbon, locking in in and stopping it releasing back into the atmosphere, resulting in a very low-carbon product.
- The high cellulose content (60-70%) of the plant makes it a very strong and durable material.
- The sheet is bound with a sugar based resin made entirely from agricultural waste.
- The hemp sheets are a natural alternative to corrugated steel, PVC, bitumen and cement.
- The sheets can be used externally to form a rain screen or internally as ceiling or wall linings or other acoustic treatments. The product is natural and like timber exposed to UV the colour will lighten over time
- Rockpanel is to be used which is produced from basalt, with recycled material and is recyclable itself, panels come in a range of colours and finishes.

Artist impressions shows how the proposal may look below

Proposed Visuals



Birds eye view of proposed house and landscape design

3.2.8 Referring back to criteria (e) of paragraph 80 of the National Planning Policy Framework, a proposal is required to be “truly outstanding, reflecting the highest standards in architecture **and** would help to raise standards of design more generally in rural areas **and** would significantly enhance its immediate setting, **and** be sensitive to the defining characteristics of the local area”.

- 3.2.9 Within the submission and details provided the applicant has committed to achieving the passivhaus plus accreditation and would accept a condition requiring submission of evidence of meeting this standard pre-commencement. A planning design stage report has been submitted and the next stage would be the submission of the full technical details - again there agreement to this approach by the applicant. These measures would provide further assurance that the 'outstanding' qualities of the development would be achieved.
- 3.2.10 The low carbon and energy efficient nature of the proposal is welcomed and is considered to be truly outstanding, reflecting the highest standards in architecture as a result of its eco-friendly credentials as described above (see paras 3.2.3 – 3.2.7) and will help to raise the standard of design more generally in rural areas as an exemplar and reference point..
- 3.3 Impact upon the character of the area**
- 3.3.1 The final parts of Paragraph 80 require a proposal to “significantly enhance its immediate setting, and to be sensitive to the defining characteristics of the local area”.
- 3.3.2 The applicant’s agent has submitted information with regards to the historic settlement of Redmile and identifying a number of traditional farmsteads around the village being established between 1750-1880, made up of farmhouses, outbuildings, yards, worker accommodations and access routes and commenting that both the buildings and layout of buildings and yards being historically significant.
- 3.3.3 Particular reference is made to irregular enclosures, piecemeal or gradual enclosures and regular or planned enclosures all of which contain a courtyard design of development.
- 3.3.4 The proposal is submitted as a courtyard development having an open area enclosed by the new dwelling and workshop, the proposed layout has been designed with the historic layout of the village in mind and reflecting on the character of the area which was commonly found in the late 1800’s and could be considered as sensitive to the defining characteristics of the local area.
- 3.3.5 The proposed development will be visible from outside of the site location and will appear prominent against the rural backdrop, however that does not equate to a conclusion that the proposal is visually unacceptable.
- 3.3.6 The choice of materials and design would appear satisfactory and could be considered as good design certainly in terms of assessment under Policy EN1 of the adopted Local Plan , however, in order to meet the requirements of Paragraph 80, the design would need to significantly enhance its immediate setting. There are a number of enhancements proposed largely around the private nature reserve which is considered in more detail later in this report however, the design of the dwelling in terms of its built form appearance is not considered to be one that would 'significantly enhance' its immediate setting.
- 3.3.7 Paragraph 80 of the National Planning Policy Framework is considered to be a 'high bar' test and whilst this proposal maybe appropriate and indeed welcomed in a different location, when considered against all of the criteria required to be applied in this particular location, it is not considered to be the necessary of exemplary standard that is required in line with Paragraph 80 of the NPPF. Paragraph 80 includes requirement to “significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area” and it is not considered these expectations are fully met.



View proposed house and landscape design from new permissive footpath

3.4 Impact upon highways and parking

- 3.4.1 Access from the site will be from Main Road which is a Class C road subject to the national speed limit. Main Road has soft verges either side of the carriageway and there is no footway present in either direction.
- 3.4.2 The applicant proposes to create a new access and from the submitted drawing, the access width will be approximately 4m which is acceptable in accordance to guidance detailed with Figure DG20 of Part 3 of the Leicestershire Highway Design Guide (LHDG) for a single dwelling.
- 3.4.3 The LHA acknowledge that a visibility splay of only 173m west of the access can be achieved due to the brow of the nearby railway bridge.
- 3.4.4 While the proposed visibility splay is below the length required within the LHDG, it is noted that it is above guidance detailed within Table 3 of the Design Manual for Roads and Bridges One Step below Desirable Minimum lengths of 160m.
- 3.4.5 Usually when an applicant cannot meet the required visibility splays as per guidance within the LHDG, the LHA would usually insist on speed survey being conducted and visibility splays in accordance with the measured 85%ile speeds demonstrated. The LHA acknowledge the proposed development is for a single dwelling and note from the applications blue/red line place that the applicant could utilise the existing access west of the site which serves a small number of dwellings where visibility would be significantly less. The LHA would be unlikely to resist such an application given that the applicant would be utilising an existing access and the development would result in an intensification of one dwelling therefore a minimal increase in trips.
- 3.4.6 The proposed development will comprise three bedrooms therefore in accordance to guidance detailed within paragraph 3.173 of the LHDG, and the provisions of Policy D1 of the Melton Local Plan the applicant should provide a minimum of two car parking spaces. Although not indicated on any of the submitted drawings, acknowledging the footprint of the site both the Local Planning Authority and Local Highway Authority are satisfied that the site can adequately accommodate the required parking and suitable turning can be achieved to allow for vehicles to enter and exit the site in a forward gear.

3.5 **Ecology**

3.5.1 A detailed and large planning schedule has been submitted as part of this submission, including

- Specimen Trees
- Mixed Native Hedgerow Mix (species Rich)
- Mixed Native Hedgerow Mix (More Evergreen and Less Hawthorn)
- Native Woodland Expansion
- General Purpose Meadow Mix (sowing rate 4g/m²)
- Annual Meadow Mix (sowing rate 2g/m²)
- Ornamental Grasses Mix

3.5.2 The proposal in terms of ecology is welcomed and would have a net gain in biodiversity of over 17% for habitats and 71% for hedgerows which is welcomed.

4 **Consultation & Feedback**

4.1 A site notice was posted and consultations undertaken, no letters of representation have been received at the time of writing this report.

5 **Financial Implications**

5.1 None identified

Financial Implications reviewed by: N/A

6 **Legal and Governance Implications**

6.1 Legal implications have been included in the main body of the report. No specific issues are identified. Legal advisors will also be present at the meeting.

6.2 This application is being considered by the Committee under the scheme of delegation within the Constitution due to the issues it presents.

Legal Implications reviewed by: Tom Pickwell, Solicitor

7 **Background Papers**

7.1 19/00659/OUT application withdrawn.

8 Appendices

Appendix A Consultation responses

Appendix B Representations received

Appendix C Proposed Conditions

Appendix D Applicable Development Plan Policies

Report Author:	Louise Parker , Planning Development Manager
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Appendix A : Consultation responses

MBC Environmental Protection:

The site and/or immediately adjacent area has an established history of industrial, military and transport use. Having checked the contaminated land: strategic database the site is listed as being potentially contaminated.

The former MOD petroleum storage and distribution centre is of particular concern. Storage tanks and a piped distribution network is noted. MOD facilities of this era also had a propensity to deposit waste on land, e.g. Clinker, fly ash, batteries. The site in question is likely to be comprised of 'made ground' of unknown origins. The landscape topography also suggests significant made ground.

A contaminated land assessment is required in order to ensure that the land is fit for residential end use. Full conditions are recommended however the results of the phase 2 survey will determine if land remediation and subsequent validation is required.

- No development shall take place until a phase 2 site investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site and to identify and control any unacceptable risks to human health or the environment taking into account the sites actual or intended use, whether or not the contamination originates on the site. The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination: Risk Management', CLRM 2020' or any subsequent guidance which replaces it and must be undertaken by competent persons. The Local Planning Authority may require further investigatory works to be carried out if the assessment is found to be inconclusive. The results of the investigation(s) shall be provided to and approved by the Local Planning Authority'.
- No development approved by this planning permission shall be commenced until a remediation method statement, detailing the remediation requirements to protect human health and the environment, has been submitted to the Local Planning Authority. The remediation method statement shall use the information obtained from the site investigation

and include details of all works to be undertaken, proposed remediation objectives and remediation criteria. The remediation method statement must be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.'

- Upon completion of the remediation detailed in the Method Statement, a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statements. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. The remediation method statement once approved by the Local Planning Authority shall be implemented in full and written evidence to confirm completion of the work provided and approved by the Local Planning Authority.
- In the event that it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme. The results shall be submitted to the Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

LCC Highways:

The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other development, the impacts on the road network would not be severe. Based on the information provided, the development, therefore, does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and/or planning obligations outlined in the report.

- No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on HSSP Architects drawing number 8069 03-01 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 (2019).

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

Reason: to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

Historic England:

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However if you would like detailed advice from us, please contact us to explain your request.

LCC Archaeology:

We have reviewed the new evidence and while the new information includes further information, it does not adequately assess the impact on the below ground archaeology.

Buried archaeological evidence, constituting one or more as yet unidentified heritage asset(s) (National Planning Policy Framework (NPPF) Section 16, paragraph 189-190 and Annex 2), can be expected within the development area, including but not linked to the post-medieval remains relating to the WW2 camp. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.

In accordance with the NPPF (Section 16, paragraph 199), the Local Planning Authority should require a developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance.

To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide professional archaeological attendance for inspection and recording during the ground works for the proposed development. A contingency provision for emergency recording and detailed excavation should be made, to the satisfaction of your authority in conjunction with your archaeological advisors in this Department's Historic and Natural Environment Team (HNET). HNET will provide a formal brief for the work at the applicant's request.

If planning permission is granted the applicant must obtain a suitable written scheme for the investigation and recording from an archaeological organisation acceptable to the planning authority. This should be submitted to HNET, as archaeological advisors to your authority, for approval before the start of development.

The Specification should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment (GPA 2), to safeguard any important archaeological remains potentially present:

1. No demolition/development shall take place/commence until a written scheme of investigation (WSI) 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 conditions shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: to ensure satisfactory archaeological investigation and recording.

2. The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

Natural England

Grantham Canal Site of Special Scientific Interest: Based on the information submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

LCC Ecology:

The preliminary ecological appraisal and barn owl survey (EMEC Ecology, February 2021) are satisfactory. A barn owl was recorded emerging from the derelict building on site but the building is considered unlikely to be used for nesting, precautionary mitigation for the barn owl is proposed, which is agreed with. No other evidence of protected species including badger was recorded. A reptile mitigation strategy has been submitted (EMEC Ecology, February 2021), which is satisfactory. The biodiversity net gain calculations found that if all proposed habitat enhancement and creation is implemented the site will have a net gain in biodiversity of over 17% for habitats and 71% for hedgerows, which is welcomed. No further survey work is required, and no objection is raised to the application.

It is recommended that the following are made conditions of the development:

- The mitigation and further survey recommendations from the barn owl survey report (EMEC Ecology February 2021, Sections 5&6).
- The reptile mitigation strategy (EMEC Ecology, February 2021).

Note to application: The applicant's attention is drawn to the other mitigation and enhancement recommendations in the ecology report (section 6).

Canal and River Trust:

We are a charity who look after and bring to life 2000 miles of canals and rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways

and promoting their use we believe we can improve the wellbeing of our nation. The trust is a statutory consultee in the Development Management process.

Based on the additional information now available our substantive response (as required by the Town and Country Planning (Development Management Procedure) England) Order 2015 (as amended)) is that the Trust has no further comment to make on the proposal.

Appendix B : Representations Received

None

Appendix C : Proposed Conditions

Not applicable in this instance

Appendix D : Applicable Development Plan Policies

Melton Local Plan:

Policy SS2: Development Strategy

Policy D1: Raising the Standard of Design

Policy IN2: Transport, Accessibility and Parking

Policy EN1: Landscape

Policy EN2: Biodiversity and Geodiversity

National Planning Policy Framework - Paragraph 80