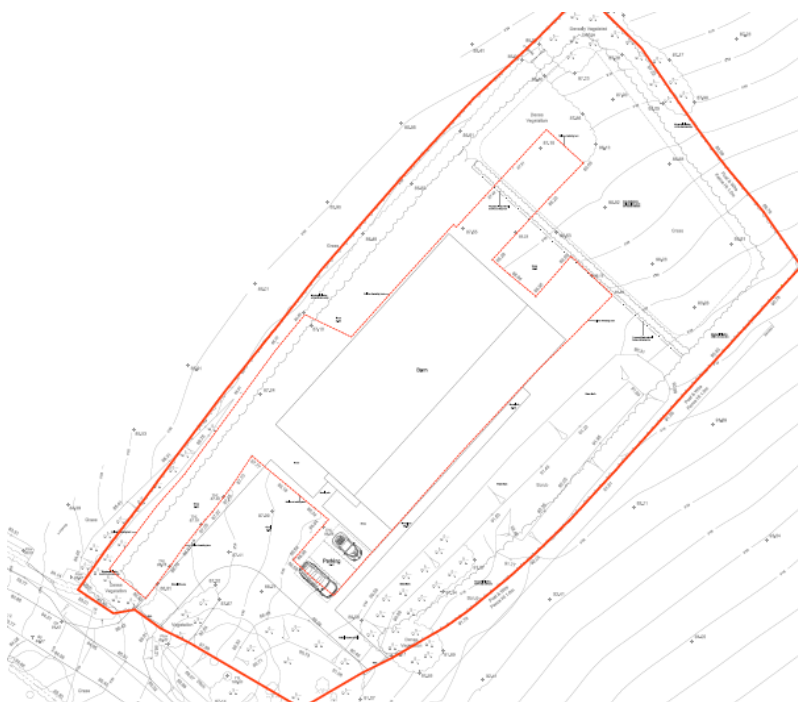


## 21/01060/FUL - Demolition of redundant barns and their replacement with a single dwelling house (Class C3)

### Tofts Hill Stathern

<b>Corporate Priority:</b>	Delivering Sustainable and Inclusive Growth in Melton
<b>Relevant Ward Member(s):</b>	Stathern : Councillor M Steadman and Councillor C Evans
<b>Date of consultation with Ward Member(s):</b>	17 September 2021
<b>Exempt Information:</b>	None

### 1 Summary



- 1.1 The application site sits on the eastern edge of the village of Stathern and currently comprises large redundant barns which have previously been used for agricultural and equestrian use. The barns are in extremely poor condition and it is proposed to seek full planning permission to demolish all buildings on site and replace with a two storey dwelling.
- 1.2 The land sits detached from the existing residential development on this (northern) side of Tofts Hill with a gap to the existing dwelling no. 7. Dwellings project further up Tofts Hill than the application site on the opposite side of the road.
- 1.3 Levels rise significantly as you leave Stathern and travel up Tofts Hill to the application site from the centre of the village. As such, the existing barns sit higher than the village and can be seen from numerous points within the village and from further afield.
- 1.4 The site is not within but is near to the Conservation Area of Stathern and there are no listed buildings immediately in the vicinity of the application site with the nearest being the Grade II Listed Bassingdean (Number 3) And Adjoining House To North (Number 1, Church Corner and The Manor House And Blacksmiths Cottage.
- 1.5 There is relevant recent planning history at the site which is important for understanding the context of this application. Most recently, planning permission was refused for the demolition of the existing barn and the erection of a single dwelling in December 2020 (Planning Application Ref. 20/01095/FUL). A subsequent appeal was dismissed.
- 1.6 Prior to this application, planning permission was sought for the demolition of existing agricultural buildings and erection of one detached house, one bungalow and outbuildings in 2016 (Application Ref. 16/00223/FUL). This application was refused by the Borough Council and dismissed at appeal.
- 1.7 This current application is a resubmission of the previous scheme in 2020 for the demolition of the existing agricultural barn and the erection of a single dwelling, albeit with a significantly different design. The application seeks to overcome the reasons for the previous refusal of planning permission.
- 1.8 The proposed dwelling would be single storey, with metal sheet cladding as the external finish. The design of the proposed dwelling is utilitarian and agricultural in appearance, with the overall design aim being to take on the form of a barn structure.

<b>RECOMMENDATION(S)</b>
<b>1. It is recommended that the Planning application is REFUSED :</b>

## **2 Reason for Recommendations**

- 2.1 The development would raise no significant, adverse impacts on ecology, archeology or highway safety grounds that would warrant refusal.
- 2.2 In the opinion of the Local Planning Authority the proposed development would result in the introduction of residential development that would occupy a detached location outside of the built up confines of Stathern. The site is adjacent to the Conservation Area and contributes to the rural setting of the village of which the introduction of residential development and associated paraphernalia, by virtue of its scale, form and mass, would disrupt. As such, the proposal would have adverse impacts upon the character of the local area, wider landscape and setting of the Conservation Area. For these reasons, the proposal is considered to conflict with Policies EN1, EN6 and EN13 of the Melton Local

Plan and as such would not represent a form of suitable windfall residential development as stated in Policies SS1 and SS2 of the Melton Local Plan. Key Factors

### **2.3 Reason for Committee Determination**

2.3.1 The application is required to be presented to the Committee due to receiving more than 10 letters of representations from separate households which are contrary to the recommendation.

2.3.2 The Ward Member has also requested that the application be determined by Planning Committee and the request has been accepted by the Chair.

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

2.4.4 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

2.4.5 There is no 'made' Neighbourhood Plan which covers the application site. Comments have been received that the proposal conflicts with a number of Policies within the Neighbourhood Plan. The draft Stathern Neighbourhood Plan is currently subject to Examination, with a Referendum to follow and therefore weight can be attributed to this in the determination of this application. This is addressed in greater detail below.

### **2.5 Main Issues**

2.6 The main issues for this application are considered to be;

- Position under the Development Plan Policies.
- Principle of development, Impact upon the character of the area and heritage assets
- Impact upon residential amenities
- Impact upon highways and parking
- Impact on ecology
- Impact on archaeology
- Impact on flood risk/drainage

## **3 Report Detail**

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

3.1.1 The site lies on the edge of the village of Stathern. Stathern is defined as a Service Centre within the Melton Local Plan and therefore Policies SS1-SS2 apply. These two policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and sets out the strategy of delivering housing across Melton Borough through identifying the most suitable locations for new housing within a settlement hierarchy, devised from sustainable 'credentials'.

3.1.2 Windfall sites are an important element of housing supply and calculations on the likely amount of windfall housing as a realistic proportion of overall delivery is estimated through the Local Plan process but there is no ceiling for windfall housing provision

- 3.1.3 The PPG states that an emerging neighbourhood plan is likely to be a material consideration and paragraph 48 of the NPPF sets out that weight may be given to relevant policies in emerging plans. according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- and
- c) the degree of consistency of the relevant policies in the emerging plan to the NPPF
- 3.1.4 The emerging Stathern Neighbourhood plan is at Examination stage and as such is well advanced in terms of its progression. However the policies applicable to this application are contested in representations and will form part of the Examiner's adjudication. It therefore is a material consideration that it is considered attracts moderate weight under this guidance.
- 3.2 Principle of Development**
- 3.2.1 The site is on the edge of the settlement of Stathern where Policies SS1-SS2 apply. Stathern is defined as a Service Centre within the Melton Local Plan
- 3.2.2 Policy SS2 provides support to sustainable development within Service Centres and Rural Hubs: i.e. that housing needs will be met by 'planning positively for the development of sites allocated within and adjoining the Service Centres and Rural Hubs by 2036, and by encouraging small scale residential development where it would represent sustainable development under Policy SS1 above or would enhance the sustainability of the community in accordance with Policy SS3'.
- 3.2.3 Policy SS2 is therefore applicable for small scale development in Service Centres and Rural Hubs and Policy SS3 provides a further opportunity for small scale development in Rural Settlements only. Policy SS3 is therefore not considered to be applicable to this application.
- 3.2.4 The supporting text in the Local Plan states that for windfall sites, schemes of up to about 10 dwellings may be appropriate within or on the edge of Service Centres, schemes of up to about 5 dwellings for Rural Hubs, and schemes of up to about 3 dwellings for Rural Settlements.
- 3.2.5 The NPPF nor Local Plan do not seek to place a limit on development quantities and each application must be considered on its own merits. Within the glossary of the NPPF 'windfall' sites are defined as 'Sites not specifically identified in the development plan'.
- 3.2.6 This development would result in the erection of 1 dwelling and is sited on the edge of a Service Centre.
- 3.2.7 It is for these reasons that the proposal is considered to fall under the provisions of small scale development subject to satisfying all other material planning considerations.
- 3.2.8 The emerging Stathern Neighbourhood Plan proposed a defined Limits to Development and associated policy which restricts development outside its delineation. This site is outside and is therefore contrary to this policy (Policy H1) and as such this is a consideration that weighs against the proposal.

- 3.2.9 Similarly Neighbourhood Plan policy CFA4 relates specifically to Tofts Hill and its immediate environment and seeks to protect it as a valued natural asset by resisting development on, or alongside, Tofts Hill. For the same reason it is considered this consideration weighs against the development.
- 3.3 Impact upon the character of the area and Heritage Assets**
- 3.3.1 The application site currently comprises a significantly large redundant barn of which it is proposed to demolish and replace with the erection of a dwelling which would span across a significant footprint of the existing barn. It is also proposed to site the dwelling back into the site, set back from the road and therefore further into the rural setting
- 3.3.2 The adjacent part of Stathern to the west comprises a cluster of dwellings fronting onto adjacent highways. This existing built form then ceases at no. 7 Tofts Hill with an area of agricultural land separating the application site from what would be considered the conclusion of the village's residential edge at present. The proposal would result in new residential use and the domestication of the site that would appear at odds and contrasting to the surrounding rural character of the area.
- 3.3.3 Overall, the visual intrusion of the proposed residential development, resulting in the development of a site detached from the village, would be unduly harmful in terms of land use and visual impact. The site is not adjacent to the dwellings to the west, would be separated by the field/paddock and would therefore be considered to not be well related to the settlement.
- 3.3.4 Furthermore, the resultant residential development would result in a significant visual incursion into the countryside that would be out of place with the character of the site and the role the site plays on the edge of the village and the rural gateway to the adjacent countryside. In addition, the existing buildings are clearly farm buildings and as such are of a type of associated with such a location. The proposed dwelling although of a 'barn style' proposal would still be read as and seen as a new dwelling, given the formalisation of the site including driveway, parking and lights associated with a residential use.
- 3.3.5 The site also has a significantly greater depth compared to the adjacent housing with the proposed dwelling to be set well into the site, at odds with the prevailing characteristic of dwellings fronting onto the highway.
- 3.3.6 The development would bring a sense of formality to this site which would impact upon the part this parcel of land plays within the village. The transition role that the site performs between the village and the rural surroundings and the adjacent countryside and escarpment would be notably lessened. Indeed reference is given within Appendix 1 of the Melton Local Plan stating that.
- “The village lies at the foot of the escarpment which forms the Vale of Belvoir. The existing pattern of development spreads up the lower parts of this slope; however it would be inappropriate in landscape and development pattern terms to continue this pattern of development. Therefore sites on lower lying land are considered most appropriate for allocation”.
- 3.3.7 Taking the above into consideration, the development of this land as currently proposed with the dwelling sited at depth and further up Tofts Hill could be considered as inappropriate in the landscape, as detailed above and therefore contrary to Policy EN1 of the Melton Local Plan.



- 3.3.8 It is worthy of note that in assessing the application site, the Planning Inspector determining the previous scheme describes the site in Para 6 of the report as ‘inherently rural’ and that the transition from village to open countryside was apparent at this location of Tofts Hill.
- 3.3.9 It is also worthy to note that the Inspector was of the view that the site made a positive contribution to the character of the area, despite the poor condition of the barn.
- 3.3.10 In dismissing the appeal, the Inspector had also found that the harm to the character of the area resulting from the design of the proposed dwelling was also compounded by the proposed areas of hardstanding, parking, formal garden and inevitable domestic paraphernalia.
- 3.3.11 In terms of scale and design, the proposed development shows a development that would be set within the footprint of the existing building and would be of a similar height to that of the existing building. In addition, the proposal is to be metal clad in order to reflect the existing barn structure at the site. The consideration given for the proposed design and appearance of the dwelling in order to overcome the design based concerns expressed by the Inspector is noted, however it would still be evident from passing views that the proposal would be of a residential use with a domestic character.
- 3.3.12 This impact is worsened further by the associated residential paraphernalia that comes with a dwelling. For example the garden area, extensive amount of gravel forecourt, paved footpaths and paved terracing surrounding the dwelling would further make it evident of the residential use. As mentioned above, these characteristics of the previous scheme were highlighted by planning inspector in coming to overall conclusion to dismiss the previous appeal and would remain features of this current scheme.
- 3.3.13 Whilst landscaping is proposed and there is existing vegetation on the boundary with Tofts Hill which would help screen the development from view, the development would still be visible when leaving the village and for the reasons identified above would be to the detriment of the setting of Stathern as viewed from Tofts Hill, and harm the existing outward views of open countryside rising away from the village.
- 3.3.14 The site sits near to the Conservation Area of Stathern. The Stathern Conservation Area Character Appraisal states that the Conservation Area largely derives its significance from loose knit development interspersed with green open spaces. Tofts Hill has scatterings of buildings before opening up to countryside.
- 3.3.15 As identified above, the development is considered to result in adverse impacts upon the character of the area and due to the role the site plays within the village and the wider area, it is considered that the impacts of the development would result in less than substantial harm to the character and appearance of the conservation by virtue of the development failing to preserve or enhance the character and appearance of the Conservation Area contrary to Policy EN13.
- 3.3.16 Although the development would result in minor benefits from the contribution of one dwelling to the local housing supply and the removal of existing poor-quality barns, it is considered that the harm to the Conservation Area identified above would outweigh the public benefits of the proposal.
- 3.3.17 Due to the siting of the application site and separation distances, it is not considered that the proposal would adversely impact upon the setting of the nearby listed buildings. Views of the listed buildings and the further afield listed Church of St Guthlac would still be available and not adversely impacted from the relevant viewpoints.

3.3.18 Overall, due to the concerns highlighted above, it is considered that the development would not contribute positively to the individual character of the settlement, would not be sensitive to its landscape setting and would not enhance the character of the Conservation Area. As such, by virtue of the development being contrary to Policies EN1, EN6 and EN13, the development would not represent a form of suitable windfall residential development as stated in Policies SS1 and SS2 of the Melton Local Plan as well as Policies H1, H2 and CFA4 of the emerging Stathern Neighbourhood Plan

### 3.4 **Impact upon residential amenities**

3.4.1 There are no neighbouring properties that immediately border the site and the dwellings to the west are set a sufficient distance away so as not to be adversely impacted by the development.

3.4.2 Dwellings located to the south are separated by Tofts Hill itself and are a sufficient distance away so as not to result in any adverse impacts.

3.4.3 The proposal would not have an adverse impact on the amenity of neighbouring land uses and as such the proposal would comply with Policy D1 of the Local Plan.

### 3.5 **Highway Safety**

3.5.1 Policy D1 states that development proposals should include appropriate, safe connection to the existing highway network and should make adequate provision for car parking. Policy IN2 requires that development does not unacceptably impact on the safety and movement of traffic on the highway network and provides appropriate and effective parking provision and servicing arrangements.

3.5.2 Access to the site for the occupiers of the dwelling would be via the existing access onto Tofts Hill. It is proposed to provide an access and drive that would be of sufficient width to cater for the proposed development. Given that it is an existing access with a permitted agricultural use, the proposed development of one dwelling is not considered to be of a significant scale to result in severe highway safety impacts, subject to the implementation of the proposed access drive.

3.5.3 Sufficient off street parking is proposed to cater for the development and turning space is provided to allow vehicles to manoeuvre and leave in a forward gear.

3.5.4 As such, subject to conditions the proposal would be acceptable in highway safety terms and would comply with the policies D1 and IN2.

### 3.6 **Ecology**

3.6.1 An Ecology Survey (Curious Ecologists, May 2019) has been submitted in support of this application. There was no evidence of bats found during the survey and the building was assessed as having negligible potential for roosting bats.

3.6.2 There was at least one active nest found in the area of the proposed development, plus there were buildings (open fronted outbuildings) and vegetation in the vicinity of the proposed development that would be suitable for birds to nest in, particularly in the large hedgerows and hedgerow trees. No evidence of barn owls was found during the survey and there was no evidence of badgers found on site.

3.6.3 As such, no objection is raised on ecology grounds subject to vegetation clearance taking place outside the bird-nesting season.

3.6.4 Overall, it is not considered that the application would have an adverse impact upon ecological matters.

### 3.7 Archaeology

- 3.7.1 The application area is located just outside the Historic Settlement Core (HER ref: MLE8887) and therefore there is the chance for associated remains with the historic village to lie within the area.
- 3.7.2 As such, an appropriate archaeological mitigation programme and methodology of site investigation and recording should be undertaken prior to commencement of development and this could be secured by condition should the application be approved contrary to the recommendation in this report
- 3.7.3 Overall, subject to conditions based on the advice of expert advisors, it is not considered that the application would have an adverse impact upon archaeological matters to warrant refusal.

### 3.8 Flood Risk

- 3.8.1 A drainage strategy has been submitted in support of the application and the proposed drainage is as follows:

Roof drainage from building. Soakaways are not a practical solution due to limited infiltration. As such, a traditional piped system will be used to link with the crate storage system. It is proposed that catch pit manholes are used to collect silts and grits from the roofs as a form of pre-treatment.

Road/parking area drainage. The paved areas adjacent to the building will drain to ACCO drains and then into the crate tank. The access drive will be constructed from permeable gravel and SUDs statement has been supplied with the application.

- 3.8.2 The application site sits within Flood Zone 1 being at low risk of fluvial flooding. There is a very low risk of surface water flooding across the site and as such subject to compliance with the proposed drainage strategy which would be secured by condition, **the proposal complies with policy EN11 and EN12 of the Local Plan.**

## 4 Consultation & Feedback

- 4.1 A site notice was posted and neighbouring properties consulted. As a result, 25 letters of objection, and 19 letters of support have been received

## 5 Financial Implications

- 5.1 None identified.

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

## 6 Legal and Governance Implications

- 6.1 The application is required to be presented to the Committee due to receiving more than 10 letters of representation which are contrary to the recommendation.
- 6.2 The application engages the statutory duty under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 6.3 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Tom Pickwell (Solicitor)**

## 7 Background Papers



- 7.1 16/00223/FUL Demolition of existing agricultural buildings and erection of one detached house, one bungalow and outbuildings. - Field Nos 5000 And 5812, Tofts Hill, Stathern
- 7.2 20/01095/FUL Demolition of redundant barns and their replacement with a single dwelling house (Class C3) - Field OS 5000 And 5812 Tofts Hill, Stathern

## 8 Appendices

- 9.1 A: Summary of Statutory Consultation responses
- B: Summary of representations received
- C: Reason for Refusal
- D: List of applicable Development Plan policies

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## Appendix A : Consultation replies summary

### Parish Council:

It is very disappointing to see yet another application for this site after two previous applications have been refused and appeals rejected by inspectors. Although some of the more intrusive parts of the previous application have been removed it is still asking to place a dwelling in a very inappropriate place. There are many incorrect statements in the application and it should be rejected on the same grounds as earlier. The inspector was very clear in supporting the Council officers view that (5.2 in officer's report) Overall, it is considered that the development would not contribute positively to the individual character of the settlement, would not be sensitive to its landscape setting and would not enhance the character of the Conservation Area. As such, by virtue of the development being contrary to Policies EN1, EN6 and EN13, the development would not represent a form of suitable windfall residential development as stated in Policies SS1 and SS2 of the Melton Local Plan.

This is in line with the assessment for the Local Plan that it would be inappropriate to continue development up the hill in any way. This has also been supported in appeals on a field below this site.

It is worth remembering that the earlier refusal and Appeal, which the applicant seeks to discount, was made under NPPF before LP was approved.

A claim is made to be adjacent to a house opposite and this makes it acceptable in some way. This is incorrect. This site is only adjacent to open countryside (adjacent means sharing a boundary). In any case that dwelling was approved before the Melton LP was in place. Also the contours mean that the proposed site is significantly higher on the hillside and visible from other

directions and from further off.

The Inspector clearly says (point 6) in his refusal of the latest appeal that " While it is argued this is a 'plot width' in size, this gap is part of an expanse of open countryside to the north broken only by the barn itself to one side and houses on The Green. From here, Tofts Hill rises steeply from the village and the transition from village to open countryside is apparent." This is in full knowledge of other developments.

The proposed dwelling is over twice the size of the average four-bedroom house and significantly intrusive into open countryside. The activity and light pollution associated with this dwelling would be significant and not appropriate.

In addition the Stathern Neighbourhood Plan, although not fully made, can be given weight by the decision makers as it is fully in line with the Melton Plan on this issue and is at a late stage. This has a specific policy for Toft's Hill. Policy CFA4, which seeks to protect Toft's Hill and its views in line with the Melton LP.

The bought in Heritage Statement (Built Heritage Consultancy) appears to claim the new design overcomes all the previous objections with no basis. We would disagree. The policies quoted above are still, in no way, satisfied. The inspector went beyond merely being critical of the cladding and large glazed areas.

To quote from both Appeal inspectors statements it "in stark contrast to the more compact forms of housing ..... it would not appear visually as part of the built-up part of Stathern and would detract from the established character of this village" I have concluded that the proposal would detract from the rural character and appearance of the local area within which it is located" and "the site makes a positive contribution to the setting of the heritage asset due its transitional and gateway function from built form to open countryside and vice versa".

None of these statements are invalidated by the new design. We can only quote the Inspectors judgement in Point 14

" To conclude, the proposal would harm the character and appearance of the area and setting of the SCA. This would be contrary to Policies EN1, EN6, EN13, SS1 and SS2 of the LP. Amongst other things, these seek to ensure new development: does not have an unacceptable adverse effect on an area's sense of place and local distinctiveness; new development in conservation areas is consistent with its identified special character; and ensure windfall sites in Service Centres represent sustainable development. The proposal would also conflict with the Framework which advises great weight should be given to the conservation of heritage assets"

This is the judgement of the Stathern Parish Council and this application should be refused.

### **LCC Highways:**

The LHA note that the site was previously the subject of a similar application, reference 20/01095/FUL, which was refused and subsequently dismissed at appeal. However, the refusal was not for highway related reasons.

### **Site Access**

The proposed development seeks to retain the existing agricultural field access. The LHA consider that the site access requires amendments to be suitable for use in accordance with the Leicestershire Highway Design Guide (LHDG) to be commensurate with Paragraph 110 of the

National Planning Policy Framework (NPPF). Therefore a suitably worded condition has been recommended.

#### Highway Safety

No Personal Injury Collisions (PICs) have taken place in close proximity to the site within the most recent five-year period.

#### Trip Generation

The proposed development of a single dwelling is not considered to give rise to significant concerns regarding highway impact.

#### Internal Layout

Internally, the LHA require three parking spaces for a dwelling with four or more bedrooms.

Parking spaces should measure a minimum of 2.4 x 5.5 metres with an additional 0.5 metre strip where bound by a wall/ hedge/ fence etc.

The LHA are satisfied that sufficient parking and turning space is to be provided within the proposed development.

#### Conditions

1. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 2.75 metres, a gradient of no more than 1:20 for a distance of at least 5.0 metres behind the highway boundary and shall be surfaced in a bound material for the same distance with a minimum 3.7m dropped crossing. The access once provided shall be so maintained at all times.

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 (2021).

2. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43.0 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

3. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5.0 metres of the highway boundary. Any erected provisions beyond this distance must be hung to open horizontally or to open away from the highway.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).

4. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the 'Proposed Site Plan' (portal reference P101\_Proposed Site Plan). Thereafter the onsite parking provision shall be so

maintained in perpetuity.

**REASON:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

### **LCC Archaeology:**

The application area is located just outside the Historic Settlement Core (HER ref: MLE8887) and therefore there is the chance for associated remains with the historic village to lie within the area.

The villages of Leicestershire and the wider English Central Midlands, appear to have evolved alongside their open field systems, during the later 1st millennium AD. 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), spanning the period from the earliest evolution of the village to its more recent past can be expected within the development area. 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 groundworks 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 & 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.

### **LCC Ecology:**

Thank you for consulting us on this planning application.

The ecology report (Curious Ecologists, May 2019) is still valid for this current planning application and no further surveys are required.

20/01095/FUL that 'vegetation clearance must either take place outside the bird-nesting season

(March to July inclusive), or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA'.

Existing trees and hedgerows on the site should be retained, where this is not possible, compensatory tree/hedgerow planting should be provided on the site. I note from the proposed site plan that new planting is proposed; this should be of locally native species which will help to ensure the requirement of the NPPF (180. d)) that 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate' is met. A landscape plan should be submitted which provides details of existing and

proposed planting to demonstrate how biodiversity net gain will be achieved on the site.

The site is in a 'Swift Alert Area' where swift have been recorded in the recent past; as a planning condition I recommend installation of 1 group of 3 boxes/bricks in a suitable position. Further guidance on this can be found here [https://www.swift-conservation.org/Leaflet\\_1\\_Swifts\\_Nestboxes\\_at\\_Your\\_Home-small.pdf](https://www.swift-conservation.org/Leaflet_1_Swifts_Nestboxes_at_Your_Home-small.pdf). The locations of these should be marked on the plans, details of box specification provided, and photographs submitted after they have been installed to enable the condition to be discharged.

## Appendix B : Summary of representations received

**Neighbours:** 25 letters of objection, and 19 letters of support have been received

Letters of objections have been received on the following grounds:

- Large and bulky design
- Contrary to Policies EN1, EN2, EN6, EN11 and EN12 and as a result does not represent sustainable development under SS1 and SS2.
- Outside limits to development in the neighbourhood plan
- Inappropriate development of the site which has been previously refused and dismissed at appeal
- Light pollution would be significant
- Visual impact of the dwelling being above the roofline of the village
- Tofts Hill regularly used by walkers and horse riders
- Setting of a precedent if approved outside of the limits of development
- Drainage issues resulting from the topography of the site
- Increased water run off and flooding
- Outward views from the village would be impacted
- No need for any more houses nor is there an identified need for this dwelling
- Local Plan discourages building up Tofts Hill
- Urbanisation of the rural area
- Loss of wildlife
- Development would not be integrated into the settlement edge
- Impact upon views back towards the village from further afield
- Scheme is more intrusive and larger than previously refused application
- Dominate the village and conservation area
- Insufficient off street parking

Letters of support have been received raising the following comments:

- Proposal well thought out and is of particular architectural merit or worth
- Building is smaller footprint and lower roofline than existing buildings
- Removal of old unsightly and unsafe barns would be a benefit
- Dwelling would be no further up Tofts Hill than neighbouring properties
- High quality and well designed proposal
- Wildlife enhancements
- Proposal fits in with the character of the local area
- Impact upon traffic will be negligible
- Removal of barns will reduce anti-social behavior

## Appendix C: Reason For Refusal

1. In the opinion of the Local Planning Authority the proposed development would result in the introduction of residential development that would occupy a relatively detached location outside of the built up confines of Stathern. The site is adjacent to the conservation area and contributes to the rural setting of the village of which the introduction of residential development and associated paraphernalia, by virtue of its scale, form and mass, would disrupt. As such, the proposal would have adverse impacts upon the character of the local area, wider landscape and Conservation Area. For these reasons, the proposal is considered to conflict with Policies EN1, EN6 and EN13 of the Melton Local Plan and as such would not represent a form of suitable windfall residential development as stated in Policies SS1 and SS2 of the Melton Local Plan.

## Appendix D : Applicable Development Plan Policies

### Melton Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy IN2 Transport, Accessibility and Parking
- Policy D1 Raising the Standard of Design.
- Policy EN1 Landscape
- Policy EN2 Biodiversity
- Policy EN6 Settlement Character
- Policy EN8 Climate Change
- Policy EN9 Energy Efficient and Low Carbon Development
- Policy EN11 Minimising the risk of Flooding
- Policy EN12 Sustainable Drainage Systems
- Policy EN13 Heritage Assets

### Emerging Stathern Neighbourhood Plan policies

- Policy H1 Limits to Development
- Policy H2 Windfall Sites
- Policy CFA4 Protection of Tofts Hill Environment