



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

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

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

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

**Planning Officer: Sarah Matthews**

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<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Cllr Browne
<b>Date of consultation with Ward Member(s):</b>	24 January 2024
<b>Exempt Information:</b>	No

**Reason for Committee Determination:**

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

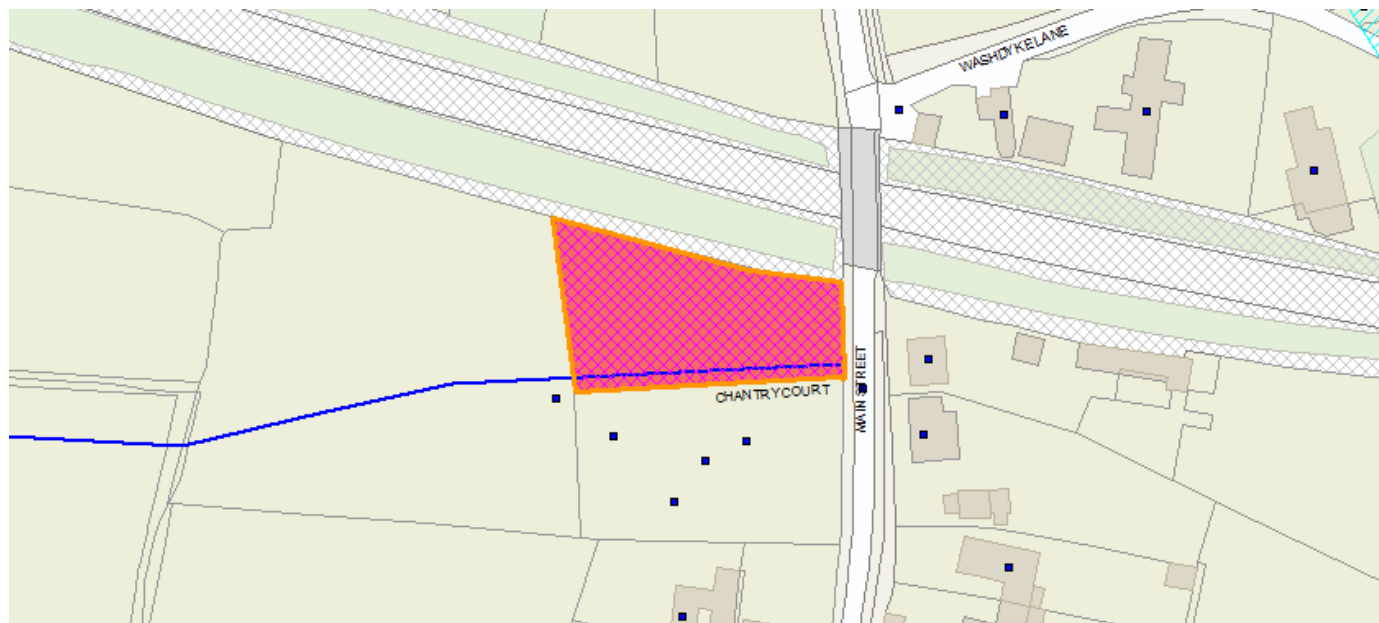
**Web Link:**

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

**What 3 words:**

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

## Site Location Plan



### RECOMMENDATION(S)

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

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

# 1 Executive Summary

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

## Main Report

### 2 The Site

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

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

### **3 Planning History**

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

### **4 Proposal**

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

### **5 Amendments**

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

### **6 Planning Policy**

#### **6.1 National Policy**

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

National Design Guide

## 6.2 **Melton Local Plan**

Policy SS1: Presumption in Favour of Sustainable Development

Policy SS2: Development Strategy

Policy SS3: Sustainable Communities (Unallocated Sites)

Policy C2: Housing Mix

Policy C5: Affordable Housing through Rural Exception Sites

Policy EN1: Landscaping

Policy EN6: Settlement Character

Policy EN8: Climate Change

Policy EN11: Minimizing the Risk of Flooding

Policy IN2: Transport, Accessibility and Parking

Policy D1: Raising the Standard of Design

## 6.3 **Neighbourhood Plan**

There is no made Neighbourhood Plan in this location.

## 6.4 **Other**

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

# 7 **Consultation Responses**

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

### 7.1.1 LCC Highways

- a) The Local Highways Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023), subject to the conditions and/or planning obligations outlined in this report.
- b) Conditions are suggested for the following;
  - The development should not be occupied until the access arrangements have been implemented in full;
  - The development should not be occupied until the vehicular visibility splays have been provided and thereafter should be permanently retained and there that nothing higher than 0.6m should be positioned above within the splays;
  - No occupation of the dwelling shall take place until the parking and turning facilities are fully implemented and thereafter the parking and turning provision should be retained in perpetuity; and

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

#### 7.1.2 LCC Ecology

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

#### 7.1.3 Lead Local Flood Authority

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

#### 7.1.4 Network Rail

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



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

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

## 7.2 **Summary of Representations**

### 7.2.1 Ward Member(s)

- a) No written comments received.

### 7.2.2 Parish Council

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

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

### 7.2.3 Neighbours

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

### 7.2.4 Objections

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



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

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

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

## **8 Planning Analysis**

### **8.1 Main Considerations**

- Principle of Development (including previous appeal decision)

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

## 8.2 Principle of Development

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

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

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

## 8.5 Ecology

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

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

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

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

## **8.7 Impact upon Residential Amenity**

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

## **9 Reasons for Recommendation**

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



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

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

## **10 Planning Conditions**

- 10.1 The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S.51 of the Planning and Compulsory Purchase Act 2024.

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

Reason: for the avoidance of doubt.

- 10.3 Notwithstanding the details shown on the approved plans and documents, details and samples of the materials to be used in the construction of the external surfaces and fenestration details shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of any works above damp proof course level of the building hereby permitted is carried out.

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

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

Reason: In the interests of a protected species.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 10.12 No development shall commence on site until details of drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of the dwelling hereby approved.

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

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

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

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

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

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

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

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

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

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

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

## **11 Informatives**

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

## **12 Financial Implications**

- 12.1 There are no financial implications associated with this planning application.

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

### **13 Legal and Governance Implications**

- 13.1 The legal implications are largely set out in the report as they apply to the issues covered, and legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Tom Pickwell (Deputy Monitoring Officer)**

### **14 Background Papers**

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