

18/01434/FUL: Penlan, 21 Baggrave End Barsby LE7 4RB

Proposed demolition of existing dwelling, erection of a replacement dwelling, demolition of outbuildings/farm buildings and erection of three dwellings, alterations to access, provision of parking and associated works

1. Summary:

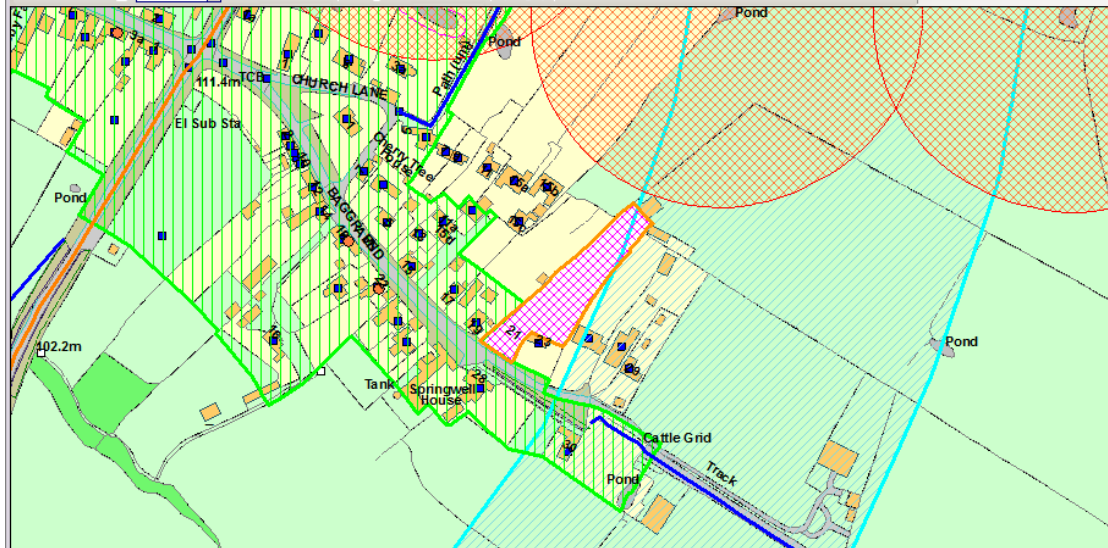
The application seeks full planning permission for the demolition of the existing dwelling house known as Penlan, and its replacement with a new 3 bed house, the demolition of existing outbuildings/farm buildings to the rear, and the erection of three further houses (two 3 bed and one 4 bed) on that rear land, together with alterations to access, provision of parking and associated works, at Penlan, 21 Baggrave End, Barsby, and that land lying to the rear of the curtilage of Penlan, described as farm yard and farm buildings.

The site is located immediately adjacent to the defined Conservation Area for Barsby.

The originally submitted application showed an improved private driveway leading off the existing access onto Baggrave End, running close to the sites north-western boundary, serving 4 new dwellings, one of which (Plot 4) is a replacement two storey house to be built on the site of the existing 4 bed house known as Penlan. The other Plots 3,2, and 1 are shown with two storey houses, located in a linear form behind the frontage dwelling at Plot 4 on that rising land currently occupied by a range of derelict farmyard/buildings, which are to be demolished. Following concerns expressed by the Local Highway Authority(LHA), amended plans and an Accompanying Highway Report prepared by consultants for the applicant, were submitted showing slight changes in the proposed access alterations and turning circle arrangements. The LHA have subsequently indicated that they will no longer seek to resist the proposal in the light of these amendments.

In support of the proposal, the Agent has submitted various supporting documents, Reports and Statements, and has referred to the results of a Housing Needs Survey in the Parish carried out by the applicant. Due to the sensitive nature of the personal information contained in the Survey responses, these have been made available on a confidential basis.

The Housing Needs Survey has been undertaken in an effort to provide evidence that the new housing proposed will meet a proven local need, as required by the provisions of Policy SS3 of the Melton Local Plan, given that the site is situated within Barsby, which is defined as a Rural Settlement in the Local Plan, where Policy SS3 seeks to restrict new housing in such settlements to that which is based on a proven local need as identified by substantive evidence



2: Recommendations:

It is recommended that planning permission is Refused

3: Reasons for Recommendation:

1. Other than the replacement dwelling proposed, the proposal would result in the erection of three market dwellings, without a convincing case to demonstrate a proven local need for the proposal. The development is in a location 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 is therefore contrary to Policy SS3 of the Melton Local Plan which states that in Rural Settlements, such as Barsby, new housing development has to meet a proven local need as identified by substantive evidence. In the opinion of the Local Planning Authority, the proposal is not supported or justified by the required substantive evidence that would demonstrate compliance with Policy SS3, and would justify the granting of planning permission in this case.

2. In the opinion of the Local Planning Authority, the scheme, by reason of its form, scale, design and layout, would give rise to an over intensive, cramped development that is urban in nature and out of character with this village location, and not sympathetic to the site surroundings. The proposal, by reason of the siting, design and massing of the proposed dwellings, with their restricted amenity areas, would result in an obtrusive development that would be over bearing, and detrimental to the outlook, privacy and amenity of neighbours and neighbouring properties. For these reasons, the proposal is considered to conflict with Policy D1 of the Melton Local Plan, which requires all new development to be sympathetic to the character of the area, and that the amenity of neighbours and neighbouring properties should not be compromised.

4: Key factors:

Reason for Committee Determination

The application is required to be presented to the Committee because the applicants Agent is a member of staff.

Relevant Policies

The Melton Local Plan (MLP) 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

- . No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date' in reaction to this application**

Please see Appendix C for a list of all applicable policies

Main Issues

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
- Impact upon residential amenities
- Highway safety
- Impact upon the Conservation Area

5: Report Detail:

5.1 Position under the Development Plan policies

The site occupies a location within Barsby and policies SS1-SS3 apply

Relevant Planning History

Under reference 18/00430/FUL an application for the demolition of the dwelling, outbuildings and farm buildings and the erection of four dwellings was refused in 2018 on the following grounds:-

1. The dwellings proposed are considered to be located in an unsustainable location. Barsby as a village lacks many amenities that facilitates sustainable development and therefore the proposed occupants are likely to rely on the private motor vehicle, which is against the advice in the NPPF (paragraph 17) and overall aims in creating sustainable development; and
2. The applicant has failed to identify a required need for the development which would meet a local need either identified in a Neighbourhood Plan or appropriate community-led strategy, housing assessment or other source of evidence and therefore is contrary to policy SS3 of the emerging Melton Local Plan 2011-2036

5.2 Principle of Development

The site is within the built up part of Barsby, Barsby itself is defined as a Rural Settlement in the Local Plan. Policy SS1 supports the principle of sustainable development. Policy SS2 sets out the development strategy for the Borough and states that alongside Service centres and Rural Hubs, 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. This development will be delivered through small unallocated sites which meet the needs and enhance the sustainability of the settlement in accordance with Policy SS3. Policy SS3 supports new dwellings in such villages **only where there is a proven local need**. This policy requires a demonstration that the development provides housing which meets a proven local need otherwise unfulfilled, as identified by substantive evidence, for example within a Neighbourhood Plan or appropriate community-led strategy or a housing needs assessment or other evidence provided by the applicant.

In confirming the nature of the proposal and to address the policy requirements, the Agent has confirmed that the scheme relates to the erection of three dwellings, and the replacement of the existing dwelling. As regards the three new dwellings, the applicant has carried out a housing needs survey in the Parish in support of the application in terms of satisfying Policy SS3. Due to the sensitive nature of the information contained in the survey responses these have been provided on a confidential basis.

In terms of the issue of whether the proposed housing meets a local need, the Agent has referred to the Housing Needs Survey which was carried out by Midlands Rural Housing in conjunction with Melton Borough Council in February 2017 covering

Barsby. This was part of a group of surveys which also covered Gaddesb. In May 2017 they were followed by a detailed investigation into the Housing needs of Gaddesby, Barsby and Ashby Folville. The outcome demonstrated a need for the next five years of up to five affordable dwellings and eight market houses for local people enabling them to be suitably housed in the community. Of these eight dwellings two sought three-bedroom dwellings. The Agent also refers to the Housing Needs Study conducted for the Borough by JG Consulting in 2016, which concluded that there remained a surplus of larger family homes, with additional small two and three-bedroom properties being particularly required to rebalance the existing stock.

The Agent refers to the previous decision on 18/00430/FUL and that following this refusal, discussions between the applicant and the Local Planning Authority, suggested that a housing needs assessment would be required to demonstrate a proven local need for the dwellings sought. The applicant therefore carried out a survey of households within the Parish of Gaddesby, to include the villages of Barsby, Ashby Folville and Gaddesby. The survey was based on the questionnaire sent by Midlands Rural housing in 2017. A covering letter to explain the purpose of the survey ie to identify local housing needs in the Parish, was sent with each questionnaire together with a stamped addressed envelope. While a number of positive respondents were received three were chosen to demonstrate compliance with Policy SS3

For Barsby specifically, two respondents stated a need for housing in the village:

- the first currently lived in Syston and had a local connection with the village through owning land in the village. The house required could only be provided in Barsby as that is where the agricultural holding is located. A three-bedroom dwelling or bungalow was required by the respondent.
- A second respondent stated that they required another house in the Parish as their present house is too small. They currently lived in Barsby and did not wish to leave the village. The respondent worked from home and required a larger house which would provide an office, and it was stated that a four-bedroom was sought.
- a current resident of Gaddesby identified a need for a house in Barsby due to owning agricultural land there and would be happy to move to Barsby should a suitable property become available. They required a three or four bedroom dwelling.
- A further respondent stated former members of their household had left the Parish in the last 5 years and someone currently living in their household needs to set up home separately in the Parish in the next 5 years and stated a three bedroom dwelling would be required and that Barsby would be acceptable.
- Another respondent stated an occupant of the current household would need to set up a home separately within the next five years who was born in the Parish and have family living in the Parish. A two- or three-bedroom dwelling was sought in Barsby to satisfy this requirement. The respondent currently resides in Ashby Folville.

- A further correspondent, also living in Ashby Folville and following a family break up also seeking a two or three bedroom dwelling and would accept Barsby as a location.

Following this, the applicant has carried out follow up work with a number of respondents who expressed a need for housing in Barsby. The Agent has submitted a Table setting out the respondents who have identified a need for housing in Barsby. Of these new respondents, two local residents of Barsby residing at the same address, are 76 and 74, reside in a 4 bed dwelling and have lived in the Parish for between 2 and 5 years, and have identified a need for another home in Barsby within 1-3 years as their present home is too expensive to maintain in their retirement. They have family who live nearby and seek to downsize to a smaller property, and their current garden is becoming too large to manage. They wish to stay in the village they love with their son and grandchildren living close by, and consider the proposed dwellings are ideal to their future needs in retirement, providing a modern dwelling with limited maintenance, and their daughter is returning to the area, and may be interested in one of the other properties, to assist in looking after them. A second new respondent is a Barsby resident who currently lives with his wife, and has lived there for between 5 and 10 years. They are divorcing and while one partner of this couple is to stay in the current dwelling, the other partner requires a new 3 bed house as soon as possible and ideally within the next year, and both have close family in the area. The final new respondent is a resident of Gaddesby who lives there with her husband and 2 young children (aged 1 and 5). They have lived in the Parish for 5-10 years and seek a larger house which provides a greater area of family room. The children go/will go to Gaddesby school, and they have family living in neighbouring villages, and their current village does not currently have suitable properties available.

In all of the above 3 cases, the agent points out that efforts have been made to find suitable properties in Barsby (in the first two cases) and in the Parish in the third case., but no suitable properties have become available. In addition to these 3 new respondents, the cases of some of the original respondents have been investigated further. A couple aged 58 and 62, parents of a 34 year who lives with them, currently own a 2 bed bungalow in Syston and have lived there for more than 10 years having moved away from the Parish. They now wish to return and want to be closer to land they own in Barsby next to the application site. They have owned this land for 27 years during which time it has been used for a small farming operation. They would now like a dwelling close by to support and help their son expand the family business as they are approaching retirement age and would like to support and advise their younger family. Their son was also an original respondent who with his partner own their own 3 bed house in Gaddesby, and having lived there for less than 3 years, now need to be closer to livestock on the land at Barsby. The family own this land next to the application site which was purchased originally by his grandfather and has been in the family ever since (the grandfather is actually buried on the site). They use the land as a smallholding with 30-40 cattle, 70-150 sheep, 6-10 pigs and a large number of ducks. Livestock is bred for meat with business being one of the main suppliers to butchers in Mountsorrel. They also sell meat and eggs to individuals. They are in the process of buying more land adjacent and the intention is to double the livestock numbers to expand the family business. They have been looking to move to Barsby for 10 years but suitable houses for purchase or rent

rarely become available in the open market, especially in close proximity to this land. They consider it increasingly important to be close to land as it is a 24 hour job in order to carry out the day to day process, reduce the chance of theft, react to weather changes. This is a key element in their expansion plans which also involve them expecting their first child and wish to sort out the housing requirement. One of the plots proposed would suit this requirement and would negate the need for an application for a temporary and then hopefully a permanent farmhouse on the land.

A further original respondent, is 54 years old and currently rents a cottage in Ashby Folville with her 20 year old son. They are renting a 2 bed house from a private landlord and have lived there for 5-10 years. This respondent is now looking to buy a new home for the two of them, and is seeking a 2-3 bed dwelling, semi-detached or detached, with the stipulation it must be within the parish as she works close by, has family and friends in the Parish and was born and grew up in the Parish, and does not want to rent any longer.

The Agent highlights that there has been a significant positive response to the housing needs survey for Barsby. The analysis, he claims, demonstrates a number of the original respondents are still requiring a dwelling in Barsby and the new respondents demonstrate how fluid the need for housing can be as they are in addition to the original survey. It is stated that the results demonstrate there is significant proven local need for the proposed housing (albeit with Plot 1 needed to be revised to a 3 bed dwelling from a currently proposed 4 bed, to reflect the proven local need). This, it is stated, is in addition to the demonstration of local need arising from the Midland Rural Housing survey and the Borough wide survey which highlighted a general need for 2 and 3 bed dwellings.

The Agent states that, the survey work has demonstrated that there is a proven local need for more than three 3 x three-or four-bedroom houses in Barsby. The application seeks permission for three/four bed dwellings in Barsby and this number and mix is reflected in the results of the housing needs survey. It is therefore considered that the application is now supported by a proven local need and that the grounds for refusal on the previous application have been overcome, and that the proposal complies with the proven local need element of Policy SS3. Due to the confidential nature of the questionnaire, containing private information, the Agent confirmed that the returned questionnaires did not form part of the submission of the planning application. However, it was stated that the applicant was happy to meet with the Planning officer to discuss the results and to provide evidence of the results which included the actual returned questionnaires.

In terms of the other criteria set out in Policy SS3, which are unrelated to the matter of 'housing which meets a proven local need', the Agent sets out his conclusion that the scheme adequately meets these criteria requirements. In terms of Policy C2 of the Local Plan which sets out to manage the delivery of a mix of house types, tenures and sizes to balance the current housing offer, the Agent states that the proposal would provide a housing mix which reflects the housing mix needs of the Borough and complies with the local and national policies and guidance. The existing four bedroom dwelling would be replaced by a new four bedroom dwelling and the erection of three additional dwellings all with three bedrooms, would in the Agents view, provide a suitable mix of housing.

As a background to the application, the Agent has referred to the previous application being formulated to the adoption of the Local Plan and prior to this being in the latter stages of adoption, understanding and interpretation of Policy SS3, the weight afforded to the emerging Local Plan, the Councils 5 year housing land supply etc were somewhat different to the current situation. The original application was submitted for the replacement of the existing dwelling and the erection of 3 dwellings. This relied on a general Borough wide need for housing and the material considerations of the proposal enhancing the site and conservation area. The application was refused on the basis that Barsby was an unsustainable location for new housing and insufficient evidence was provided to demonstrate proven local need. This background led to the carrying out of the Parish wide housing needs survey to supplement the Midland Rural Housing Survey carried out before.

The Agents submitted, with the current planning application, a Planning and Design and Access Statement states the following conclusion:-

“As demonstrated within the Statement and the Heritage Impact Assessment the proposal is considered to be compliant with the Framework and local policies in terms of visual impact, residential amenity, highway safety and ecology. There would be a significant visual gain through the removal of the 1960’s dwelling including the flat roof elements to the front of the property and the removal of the unsightly and extensive range of dilapidated agricultural buildings to the rear. These would be replaced with attractive, well designed dwellings which would enhance the site and surroundings and lead to an enhancement of the adjacent Conservation Area. The housing to be provided would comprise three three-bedroom dwellings to meet a proven local need together with a single four-bedroom dwelling. The dwellings would have a satisfactory relationship with neighbouring properties and the ecological survey demonstrates that there would be no harm to protected species, subject to an emergence survey. The proposal would lead to a highway gain through the access improvements, removal of the garage and the removal of the agricultural use which could potentially lead to access by large and slow-moving vehicles. The most pertinent policy issue is the principle of the three additional houses on this site in light of the sustainability credentials of Barsby. The housing needs survey demonstrates a proven local need for the three additional houses proposed and therefore complies with Policy SS3 and overcomes the previous grounds for refusal”

In terms of the extent to which the planning application (with its supporting survey and material submitted by the Agent) complies with Policy SS3, it is important to bear in mind, that the test of compliance with this policy is set high to reflect the limited number of dwellings that are to be provided under this policy and to ensure new dwellings in such settlements, are approved only when they meet a proven, local need as identified by substantive evidence. In this case, it is considered that what has been submitted does not demonstrate that the test has been met. The ‘exception’ within Policy SS3 is to meet very special local need circumstances that are over and above the general housing need that is catered for within Policy SS2 and housing allocations provided in the Local Plan. The survey returns referred to, are not specific to the localised area, and refer to the Parish, which includes Gaddesby where there may be several sites available to meet housing need and significant housing allocation (34) have been provided.. The requests for new housing in Barsby more reflect personal desires to live in this village location including those arising from varied personal

circumstances, or what could be termed market demand including a desire to live in a more appropriate type of dwelling such as a bungalow or smaller 2 bed dwelling, or do not demonstrate why respondents have to live in Barsby, rather than in more sustainable locations, elsewhere in the Parish. The submitted proposal, in general, does not tie the proposed dwellings to particular persons needs, and in the absence of such ties (for example, personal occupancy restrictions), the dwellings could be bought and sold on the open market. The 'exception' within Policy SS3 is to meet very special local need: circumstances that are over and above the general housing need that is catered for in Policy SS2. In consequence, the requests for new housing in this location, and the terms of the planning application, are not considered to constitute the necessary substantive evidence to meet the strict proven local need criterion framed within Policy SS3.

As regards, the issue of housing mix and the terms of Policy C2, given that no objections are raised to the principle of a one for one replacement dwelling, the other elements of the scheme for 3 dwellings represent a limited number, and it is not considered that an objection should be raised on C2 grounds given this limited scale.

However, it is not considered sufficient and compelling evidence has been provided to demonstrate a proven local need will be met, as required by Policy SS3, and as such, the proposal is considered to be contrary to Policy SS3, and as such the principle of development is not acceptable

5.4 Impact upon the character of the area

While it is considered that the proposed one for one replacement of the neglected dwelling known as Penlan is, in principle, a reasonable element of the application, when one considers the scheme as a whole, it is proposing a form, scale and layout, that is out of character with the local area, representing an excessive, over intensive development with an urban form in this village location. The replacement dwelling for Penlan is shown with a siting that shows a long side elevation close to the side boundary of the plot, and the 3 dwellings to the rear with their parking, garaging and restricted amenity areas, combine to show a cramped form of development that is not sympathetic to the character of the area.

It is considered that the proposal would not comply with Policy D1 of the Melton Local Plan which requires new development to be of high quality design where siting and layout must be sympathetic to the character of the area

5.5 Impact upon residential amenities

Given the layout of the proposed development with the siting and number of dwellings of two storey form with restricted rear gardens, set in a linear arrangement extending rearwards, it is considered that this would give rise to an obtrusive development that would be over bearing, and detrimental to the outlook, privacy and amenity of neighbours and neighbouring properties. The submitted drawings show a small area of land to the rear of Penlan with the notation 'Donated to neighbour if planning granted', thereby increasing the domestic garden to the adjacent dwelling, assumed to be No 23 Baggrave End, which indicates an intention to change land

ownership, to the benefit of this adjacent dwelling.

It is considered the proposal would not comply with Policy D1 of the Melton Local Plan which requires new development to be of high quality design where the amenity of neighbours and neighbouring properties should not be compromised.

5.6 Highway Safety

The locally expressed concerns regarding highway safety and related parking issues are noted. In view of the finalised comments of the Local Highway Authority who have confirmed that they would no longer seek to resist the proposal, it is not considered appropriate to raise objection to the scheme in terms of the highways aspects.

It is considered that the proposal does not conflict with Policy IN2 and Policy D1 of the Melton Local Plan in relation to highway safety and access matters

5.7 Impact upon the Conservation Area

In view of the site's location adjacent to the Conservation Area, rather than being within it, and by virtue of the relatively limited scale of the proposed development, it is not considered that there would be an adverse impact upon the wider character and appearance of the Conservation Area. Indeed, a suitable redevelopment of the site, putting aside the details of any such scheme, would lead to the removal of these neglected former pig farm buildings, which are semi-derelict.

Overall, it is considered that the proposal does not conflict with Policy EN13 of the Melton Local Plan in relation to heritage assets

Consultation & Feedback

A site notice was posted and the Gaddesby Parish Council and neighbouring occupiers were consulted on the original plan, and the amended plans. As a result 15 letters of objection were received on the original consultation with one letter of no objections in principle, and then 6 letters of objection received on the second consultation.

Financial Implications:

None identified

Background Papers:

- Planning Application File 18/00430/FUL-Proposed demolition of the dwelling, outbuildings and farm buildings and the erection of four dwellings-Refused

Appendices:

A; Consultation responses
 B: Representations received
 C: Applicable Development Plan Policies

Report Timeline:

Assistant Director Approval

2019

Report Author: Mr Stephen King, Planning Officer, Development Management

☎: 01664 502364

Appendix A : Consultation replies

The Gaddesby Parish Council (incorporating the villages of Ashby Folville, Barsby and Gaddesby):

a.The proposed site is far too small and narrow to accommodate four dwellings. The site would not allow for sufficient space for the provision of parking motor vehicles. In general terms, most households nowadays, own more than two vehicles. Baggrave End, is extremely narrow so would not allow for the parking of motor vehicles outside the site.

b.The entrance and exit to the site is narrow, so vision would be limited when exiting the site

c.If new dwellings are positioned on the site as per the plans received, there would be a loss of privacy to the existing nearby properties, ie numbers 19, 23 and 25

d.it has been reported to Gaddesby Parish Council that Great Crested Newts have been seen in the garden of Penlan

e.The village of Barsby has, in the last few years, seen a number of new properties being built. An additional four new dwellings would, in our opinion, take away the character of the small rural village

Leicestershire County Council are currently carrying out a consultation on the current 100

bus service. This service is indicated to be 'at risk' of being discontinued, therefore, if necessary the new homeowners would have to own a motor vehicle.

g. The water pressure of Baggrave End, Barsby is very low. Gaddesby Parish Council understand that many years ago, Severn Trent Water were planning to replace the existing water main-this was never carried out. It is understood that Severn Trent Water are unable to increase the water pressure because the main would burst. We would ask if the current pressure would be adequate to accommodate four additional properties?

h. Finally, we would ask that the Planning Officers and the Planning Committee visit the site so that they can fully appreciate the scale and size of the site.

We additionally note that the application has been refused on the following reasons:

- a. The dwellings proposed are considered to be located in an unsustainable location. Barsby as a village lacks many amenities that facilitates sustainable development and therefore the proposed occupants are likely to rely on the private motor vehicle, which is against the advice in the NPPF (paragraph 17) and overall aims in creating sustainable development
- b. The applicant has failed to identify a required need for the development would meet a local need either identified in a Neighbourhood Plan or appropriate community-led strategy, housing assessment or other source of evidence and therefore is contrary to policy SS3 of the emerging Melton Local Plan 2011-2036

Gaddesby Parish Council are of the opinion that for these reasons would still apply

LCC Highways

The Local Highway Authority advice is that the residual cumulative impacts of the development are severe in accordance with the National Planning Policy framework (2018) and the Local Planning Authority is advised to consider refusal on transport/highway grounds for the reasons outlined in this report

Background

The County Highway Authority (CHA) are in receipt of full planning application for a demolition of an existing dwelling, erection of a replacement dwelling, demolition of outbuildings/farm buildings and erection of three dwellings, alterations to access, provision of parking and associated works at the site of Penlan, 21 Baggrave End, Barsby, Leicester, LE7 4RB. Baggrave End road is an adopted unclassified road subject to a 30 mph speed limit.

Site Access

The visibility at the existing access does not comply with the Leicestershire Highway Design Guide(LHDG). This sets 43 metres visibility splays to the left and right direction from 2.4m setback of the middle of the access where highway boundary ends for roads that are subjected 30mph speed limit. Therefore, the County Highway Authority has concerns relating to highway safety for all highway users.

Access to the site will be served by the existing accesses to the Baggrave End Road. From

a setback of 2.4 metres, the existing visibility to the left is greater than 43 metres to access the Baggrave End Road. In accordance with LHDG, the required visibility splays to the left can be achieved. However, the visibility to the right is entirely restricted.

The CHA have reviewed the most recent 5 year collision data along the Baggrave End Road. There have been no record injury collisions within 500m in either direction of the access. Nonetheless, the increased use on the Baggrave End Road by way of the additional new three dwellings will lead to the increase use of an substandard access which does not afford appropriate visibility.

The applicant should consider optimising the location of the access to achieve required visibility.

LCC Ecology

This application will have a similar impact to the previous application on this site (18/00430/FUL). Comments remain the same:

The Ecological Survey submitted in support of the application (B J Collins, April 2018) identified that the main dwelling on site had a low potential to support roosting bats. The applicants attention should be drawn to the recommendations in the report for further survey, but these will not be required in support of the planning application, based on the Leicestershire and Rutland Bat Protocol. However we would recommend that an advisory note is added to any permission granted outlining the need to cease works in the unlikely event that protected species are discovered. The buildings also had some support nesting birds, The demolition works should therefore take place outside of the bird-breeding season.

Cadent Gas Ltd

The Network Technician has stated that Cadent Gas would not object as the LHP gas pipeline would not be affected..

In response to the amended proposal, the following consultation replies have been submitted:-

Gaddesby Parish Council

The previous comments submitted by Gaddesby Parish Council still apply

However, we would like to add in response to the additional information that the report is inaccurate, as it states that there are 'only four properties' accessed from the Lane beyond Penlan. Where in fact a working farm is situated at the top end of Baggrave End past the entrance to the site. Farm machinery uses Baggrave End on a daily and regular basis.

LCC Highways

The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required. Without this information the Local Highway Authority is unable to provide final highway advice on this application.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) previously advised refusal of this application for the demolition of existing dwelling, erection of a replacement dwelling, demolition of outbuildings/farm buildings and erection of three dwellings, alterations to access, provision of parking and associated works at Penlan, 21 Baggrave End, Barsby on 17th January 2019.

The advised refusal was on the basis that visibility splays in accordance with the Leicestershire Highway Design Guide (LHDG (available at <https://resources.leicestershire.gov.uk/lhdg>)) for a 30mph speed limit could not be achieved at the site access.

The LHA has noted that the position of the proposed access has been amended by a Rev G drawing which has been submitted alongside an Accompanying Highway Report (AHA), and that the red line boundary of the site has also been amended. The LHA comments that this revision increases visibility...but also that while the AHA states that visibility splays of 2.4m x 40m and 2.4mx 20m are achievable to the south- east and north-west respectively, it remains that this has not been demonstrated on a drawing. The LHA is satisfied that appropriate visibility to the south-east can be achieved. Notwithstanding this, the LHAs assessment of available visibility to the north-west, based on the submitted plans, show that 2.4m x 18m to a point 1m offset from the kerblines is achievable to the north-west.

The proposed 4.8m wide access is acceptable. Should the proposal be permitted, the LHA comment that they will seek to secure the reinstatement of any redundant access by way of planning condition. Parking throughout the site is acceptable. Whilst there is a turning facility to the south of Plot 3, therefore enabling turning within the site to allow for vehicles to enter and exit in forward gears only, due to the layout of the site it is likely that turning would occur on the private curtilage of Plot 1. Whilst the design does not accord with the LHDG, since the site is intended to remain in private ownership it is considered to be acceptable.

It is unlikely that the proposed residential development would create a significant intensification of trips compared to a pig farm (former use) and one residential dwelling. As the development cannot be considered as resulting in a significant intensification of use of a substandard access, and given the improved visibility following amendments to the site access, the LHA would no longer seek to resist the proposal.

The LHA concludes the following

The amendment to the red line boundary and site access has improved the available visibility to the north-west of the proposed site access. Notwithstanding this, the available splay of 2.4m x 20m, outlined as achievable in the submitted Accompanying Highway Report has not been demonstrated on a drawing. Furthermore, the LHAs assessment of this indicates that only 2.4m x 18m is achievable without encroaching on third- party land. For the purposes of clarity and ensuring that accurate conditions could be advised to the LPA, a site access drawing detailing visibility splays and a revised red line boundary of the site is required. Upon its receipt, the LHA should be in a position to advise the LPA that the

impact of the development proposal could be mitigated subject to suitable planning conditions.

Appendix B : Summary of representations received

Principle of Development

Reference to Barsby already having had its allocation of new housing built and more would be detrimental to the character of the village

The scheme does not aid in the delivery of a wide choice of high quality homes or widen opportunities for home ownership since the proposed dwellings are on a similar scale to existing properties. No opportunities for local younger people to own their own homes.

This proposal does not address the concerns and objections that the first planning application encountered and which was refused. This proposal is virtually identical, and previously stated objections remain, including the problems it would generate.

There are zero services in the village so this add to the population of the village that will need to rely on private transport, as public transport keeps being reduced. The property could be developed as a single dwelling as it is used today, which would add to the village

Little evidence to support the need for this type of dwelling in the village, and no real change in the circumstances since the previous refusal of planning permission. This new proposal will not have any less impact than the previous refused scheme.

Objection on grounds of sustainability, and services already inadequate with low water pressure, telecommunication speeds. There has already been excessive development of Baggrave End and it is now creating an oppressive environment.

One representation stating no objections subject to the assumption that the current trees and bushes that run along the eastern side of the paddock are not removed and hence still provide an adequate shield/barrier.

Highways aspects including issue of car parking

Numerous objections and concerns expressed over likely highways hazards and highway safety, including lack of parking here with likely problems for emergency and service vehicles being able to gain access to persons and properties. This could cause health risks, if emergency vehicles cannot gain access

Proposed entrance is substandard, and is a highway hazard. Access and visibility when turning from Penlan onto Baggrave End is very limited.

Increased traffic to this already overcrowded cul-de-sac which is unsuitable for such an increase from 4 additional houses. The current off-street parking provision is not sufficient for the size and number of houses. As a result more cars will end up being parked on an already overcrowded street, and this will have a material impact on

ability to get farm machinery to and from farm land at the end of Baggrave end.

The additional information submitted contains factual inaccuracies when it says there are only four properties accessed from the lane beyond Penlan-there is in fact a fifth property, an agricultural property at the end of the lane. Access to this farm is required several times a day, and even at night, so the claim that the proposal will remove potential farm traffic.... and provide an overall safety gain, is not accurate, as there is already daily farm traffic passing frequently along this narrow lane. Also, the current plot is not accessed by any agricultural machinery at present, so the proposal will not be remove this non-existent traffic.

Plans propose parking spaces that appear to be suitable for small vehicles only, with no visitor parking facilities, which will worsen the existing congestion problems.

Young children currently play in the street safely, and this benefit will be compromised by the resultant traffic increase

that cars will be parked on Ashby Road,

Traffic is already causing chaos in this area, and objections not overcome

These new houses and vehicles would increase traffic quantity and pose a real danger to the road safety of children

Scale and density of development

Numerous objections and concerns over the excessive number of sizeable dwellings proposed that represent an over development of this village site.

Impact on neighbouring properties and occupiers

Objections given scheme would cause detrimental effect through overlooking and loss of residential privacy. The land rises significantly and some of the proposed properties will lie on higher land than neighbours and look down in the direction of existing property. Two storey residences will be replacing single storey agricultural buildings will be to extreme detriment of privacy.

Undesirable increase in noise, dust and pollution, during and after construction.

Detrimental impact upon local residents and businesses being able to gain access to their properties, and existing residents and neighbours, would face problems of access

Detrimental increased drain on the already low water pressure, to the detriment of residents. Potential adverse impact of 16-20 new residents on the current water and sewage infrastructure

Adverse effect on the residential amenity of existing neighbours who would suffer noise, disturbance, overlooking, loss of privacy, overshadowing and road congestion

Following the submission of the first amended plan, objection expressed over likely detrimental effect caused to occupiers of adjacent houses including overlooking and loss of privacy so bungalows would be better. Siting of the 3 dwellings at the rear of the plot would be over bearing to neighbours, and it is not agreed that there are

sufficient separation distances involved in terms of impact on neighbouring properties. Comment that quality of life would be ruined to the detriment of existing residents.

Impact on character of area

Undesirable precedent being set making the areas character that of a modern housing estate rather than a rural community, and therefore no positive contribution being made to the character and distinctiveness of the area, or making Barsby a better place for its existing residents

Proposed new housing is not in keeping with the character of this small farming village, and scale and location is not appropriate. Excessive and undesirable density proposed for a small and attractive, historic village which is inappropriate. The village is a Conservation village and part of a Conservation Area, and this will damage the character of the local area. This aspect has been documented by the Borough Council, and barsby, as a Conservation Area, is an area of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance.

This mini-estate scheme will be to the detriment to the character and appearance and the conservation rights of Barsby. Unacceptable high density and over development of the area in comparison to what is already in place at the site. Over bearing and out of scale to what a cul-de-sac could sustain both in population and implications of increased traffic and congestion.

Appendix C: Applicable Development Plan Policies

Melton Local Plan

Policy SS1: Presumption in favour of Sustainable Development

Policy SS2: Development Strategy

Policy SS3: Sustainable Communities (unallocated sites)

Policy D1: Raising the Standard of Design

Policy IN2: Transport, Accessibility and Parking

Policy EN13: Heritage Assets