



20/00421/FUL - Field OS 8900, Folville Street, Ashby Folville

Use of land for the siting of two Habitat Park Homes to form two single storey semi-detached dwellings.

Applicant: Mr And Mrs Cardus

Corporate Priority:	3: Delivering Sustainable and Inclusive Growth in Melton
Relevant Ward Member(s):	Gaddesby : Councillor Robert Child
Date of consultation with Ward Member(s):	3 June 2020
Exempt Information:	None

1 Summary

- 1.1 The application site comprises a paddock on the northern side of Folville Street with a number of dwellings located to the west of the site and a large outbuilding to the east of the site. Mature trees are located on the southern boundary of the site with the land rising gradually to the north from the road. The application site sits in the conservation area of Ashby Folville and there are a large number of listed buildings in the vicinity.
- 1.2 This is a full planning application for the erection of two Habitat Park Homes to form two single storey semi-detached dwellings.
- 1.3 Amended plans have been received during the course of the application to address concerns raised regarding the design and appearance of the dwellings.
- 1.4 This application follows a previous approval for two dwellings on the site. The revised plans submitted within this application would have the same appearance, detailing and choice of materials as previously approved, including the siting of the dwellings, access, parking and landscaping. The only change since the previous application is the method of construction.

2 Recommendation(s)

- 2.1 It is recommended that the Planning application is **APPROVED** subject to conditions

- 4.3.3 There is no adopted Neighbourhood Plan for the area. The Gaddesby Neighbourhood Plan has recently completed 'Regulation 16' consultation and is being prepared for independent Examination.
- 4.3.4 The Local Planning Authority has a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Considerable importance and weight should be applied to these duties, even where the harm identified is less than substantial.
- 4.3.5 Please see Appendix E for a list of all applicable policies

4.4 Main Issues

- 4.4.1 The main issues for this application are considered to be:
- Principle of development; compliance with Development Plan Policies.
 - Impact upon the character of the area and heritage assets
 - Impact upon residential amenities
 - Impact upon highways and parking
 - Impact on ecology
 - Impact on flood risk

5 Report Detail

5.1 Position under the Development Plan Policies

- 5.1.1 The site is within the village of Ashby Folville and Policies SS1, SS2 and SS3 apply. These 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. Ashby Folville is identified in the Local Plan as a Rural Centre.
- 5.1.2 The Local Plan has progressed through its Examination where the village categorisation was scrutinised at length and the Inspector agreed with the now adopted Local Plan village categorisation. As such, the policies in the Local Plan which identify the category of each village have passed a robust examination.
- 5.1.3 Policy SS2 of the Melton Local Plan sets out the development strategy for the Borough for housing and employment and states development will be distributed across the Borough in accordance with the spatial strategy. Policy SS2 states that Rural Settlements are expected to accommodate a proportion of the Borough's housing need through windfall sites and small unallocated sites which would enhance the sustainability of the settlement.
- 5.1.4 Policy SS3 provides support on these unallocated sites where it is demonstrated the proposal enhances the sustainability of the settlement provided the development would meet a local need identified in a Neighbourhood Plan or appropriate community led strategy, SHMA or economic needs assessment, the proposal is visually acceptable, would be served by sustainable infrastructure and/or provide new infrastructure or services to the wider benefit of the settlement, the proposal is acceptable in terms of

heritage assets and biodiversity, the proposal would not result in the loss of the best and most versatile agricultural land and would not increase the risk of flooding.

5.1.5 Other material considerations are the National Planning Policy Framework (NPPF) and the Ashby Folville Conservation Area Appraisal.

5.2 Principle of Development

5.2.1 The site lies within Ashby Folville which is a small village that has limited local services and residents are largely dependent upon travelling to a nearby settlement or town or city for work, recreation and service provision. The Local Planning Authority can demonstrate a 5 year housing land supply 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.

5.2.2 Policy SS2 sets out the development strategy for the Borough for housing and employment. It identifies a sustainable approach to development, establishes settlements as Service Centres, Rural Hubs or Rural Settlements and sets out the type of development appropriate to each. Policy SS3 supports new dwellings in such villages only where there is a proven local need. Ashby Folville is identified as a Rural Settlement where housing proposals can be supported but only where they contribute to meeting a local need. The policy requires a demonstration that the development provides housing which meets a proven local need 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.

5.2.3 Planning permission has been granted previously (reference 18/01435/FUL) for the erection of two dwellings on the site on the basis that the applicant demonstrated proven local need under the provisions of Policy SS3 and the development of two modest and sensitively designed semi-detached bungalows would meet the local housing need for the area. In addition, the development was sensitive in design, unobtrusively sited and modest in scale so as to not adversely impact upon the character of the area, conservation area and heritage assets.

5.2.4 It is proposed through this application to erect two, single storey semi-detached dwellings, which would be a replacement of the existing, previously approved two dwellings on the site.

5.2.5 The proposed dwellings would be very similar to the approved and extant planning permission on the site which did demonstrate a local need under the aforementioned Policies. As such, no concerns are raised on principle grounds as this proposal would be a revision to the previously approved and extant planning permission.

5.3 Impact upon the character of the area, conservation area and setting of listed buildings

5.3.1 The application site is located within the Ashby Folville Conservation Area and is situated in the proximity of 5. No listed buildings. The site and the proposed dwellings would be visible when approaching the site from the south however due to the mature trees on the south west boundary, the site would not be easily visible from Folville Street.

5.3.2 Revised plans have been submitted addressing officer concerns regarding the design and appearance of the dwellings and the lack of the high quality detailing that was evident in the previously approved scheme. For example, oak beams, curved headers,

timber panelling and brick detailing as well as use of appropriate materials and conservation style rooflights.

- 5.3.3 The revised plans now incorporate all of the above design detailing that was included in the previous approval, including the use of the same materials as previously. As such, the development would have the same appearance as before, only the method of construction would be different.
- 5.3.4 Habitat Park Homes are providing the development, a specialist timber frame company. Timber panels are produced in the workshop and assembled on site which allows a higher build quality. Each home is uniquely designed and finished to the requirements of each proposal, this therefore allows the proposal to have the same appearance and high quality design features as previously approved. The structures offer the same wall thickness and insulation value as a conventional new build house comprising 200mm insulated walls and an overall wall finish 0.3 metres deep. The structures would not be constructed with wheels and would sit flush with the detailed finished floor levels.
- 5.3.5 The proposed dwellings would be modest in scale, and unobtrusively sited within the plot and constructed from a palette of traditional materials that would allow the proposal to integrate well with its surroundings. Therefore it is not considered that the proposed development would adversely impact on the character of Ashby Folville in line with the provisions of Policy EN6.
- 5.3.6 Due to the proposed developments sensitive design, unobtrusive siting and modest scale, it is not considered that the proposed development would have a significantly adverse impact on the Ashby Folville Conservation Area and would have a neutral impact upon the nearby Listed Buildings.
- 5.3.7 There is also a high level of soft landscaping and planting proposed on the western boundary which will help screen the development. Full landscaping proposals will be conditioned for full details to be submitted. In addition, the level of hard landscaped areas has been kept to a minimum as much as possible.
- 5.3.8 The application would not conflict with the provisions of Policies EN1 or EN6 of the Melton Local Plan and would not result in the loss of high quality farm land.
- 5.3.9 To ensure there would be no adverse impact upon the character of the area and associated heritage impacts it is considered necessary and reasonable to remove permitted development rights for the proposed development.
- 5.3.10 The application site and proposed development is, therefore, considered to be appropriate in relation to landscape character and visual amenity.

5.4 Impact upon residential amenities

- 5.4.1 By virtue of the single storey nature of the dwellings, siting of the dwellings in from the boundary and sufficient separation distances, it is not considered that the proposal would result in significant overbearing, overlooking or loss of light impacts upon the adjacent neighbouring properties.
- 5.4.2 In addition, the neighbouring property to the east (Stallard House) have outbuildings on the boundary with the application site which separates the proposed development from the main dwelling and private amenity space at Stallard House.
- 5.4.3 Sufficient private amenity space is provided for the future occupiers of the proposed dwellings.

5.4.4 **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.**

5.5 **Highway Safety**

5.5.1 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.

5.5.2 The development would utilise the existing access to the site onto Folville Street which would be the same access the previously approved development utilised.

5.5.3 Folville Street is a classified C Road subject to a 30 mph speed limit. The proposed access width is approximately 4.25m wide. There will be a clear margin of 0.5m on the southeastern side of the access, however the northwest will be bound. Therefore in accordance to Leicestershire Highways Design Guidance, an additional 0.5m should be added to each side which is bound and therefore the access has a shortfall of 0.5m.

5.5.4 The applicant is unable to address this shortfall however the Local Highways Authority (LHA) have considered the quantum of the development proposed and are satisfied that the noted above shortfall would not be detrimental to highway safety

5.5.5 The LHA are satisfied that suitable pedestrian and vehicular visibility can be achieved at the site in accordance with the Leicestershire Highway Design Guide.

5.5.6 Sufficient off street parking and turning area is provided within the development.

5.5.7 **As such, subject to conditions the proposal would be acceptable in highway safety terms.**

5.6 **Ecology**

5.6.1 No objections have been raised by LCC Ecology. A high level of planting/landscaping is proposed to promote biodiversity.

5.6.2 **The proposed development complies with the relevant policies and advice within the NPPF relating to ecology and biodiversity**

5.7 **Flood Risk/Drainage**

5.7.1 The application site is located within Flood Zone 1 and is not therefore considered to be at risk of flooding, nor would the proposed development result in any significant increase in surface water run off or adversely impact on the water table, therefore no objections are raised with regard to the provisions of Policy EN11.

6 **Impact on Infrastructure**

6.1 **None.**

7 **Consultation & Feedback**

7.1 A site notice was posted in the vicinity of the site, notice posted in the local newspaper and neighbouring properties consulted. 10 letters of objections and 22 letters of support have been received.

8 **Financial Implications**

8.1 **None.**

Financial Implications reviewed by: N/A

9 Legal and Governance Implications

- 9.1 The application is required to be presented to the Committee due to receiving more than 10 letters of objection contrary to the recommendation.
- 9.2 The application engages the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 9.3 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Legal Advisor (Planning)

10 Background Papers

- 10.1 18/01435/FUL

11 Appendices

- A: Summary of Statutory Consultation responses
- B: Summary of representations received
- C: Recommended Planning Conditions
- D: Informatives
- E: List of applicable Development Plan policies

Report Author:	Andrew Cunningham , Planning Officer
Report Author Contact Details:	01664 502474 ancunningham@melton.gov.uk
Chief Officer Responsible:	Jim Worley , Assistant Director for Planning and Delivery
Chief Officer Contact Details:	01664 502359 jworley@melton.gov.uk

Appendix A : Consultation replies summary

Parish Council:

Amended Plans Response

Not received to date.

Initial Response

It is understood that planning permission has already been granted for this development under application no: 18/01435/FUL and that this is still applicable. It is therefore, assumed that this subsequent application, in the same location, is submitted in view of a change to the original method of construction and build of the houses, being of pre-fabricated wooden structures manufactured off site, with subsequent assembly and positioning taking place on site.

This being the case, Gaddesby Parish Council would like to request that the Conservation Planning Department of Melton Borough Council take particular care in assessing these proposals with respect to the various policies set out in the Melton Open Plan. Noting that this development is located within the 'historic centre' of the village on Folville Street, within the proximity of several listed buildings and within a designated Conservation area.

Gaddesby Parish Council would like to request that serious consideration is given to all of these policy statements by the Conservation Planning Department of Melton Borough Council when assessing the suitability of the submitted proposals.

Conservation Officer:

Amended Plans Response

No objections to the revised proposal submitted today.

Initial Response

Conservation objects to the proposal on the grounds of impact to the character of the Conservation Area and adjacent listed buildings. The previous approval was granted on the basis of the a traditional styled pair of dwellings that were to be built in accordance with the following principles:

Traditional lintels: either segmental arched or timber beams

Rustic brickwork: In accordance with the character of adjacent buildings located within the CA

Honeycomb patterned ventilators: Affecting the appearance of a traditional barn

Rosemary clay tile roof: In accordance with vernacular character details

The new proposal moves away from these principles, and while still modest in terms of scale, would appear incongruous within its historic location. As such it is recommended that the proposal is revised to the original palette of materials.

LCC Highways:

No objection subject to conditions.

LCC Ecology:

It appears that there is already a permission in place for dwellings on this site. We therefore have no comments on the current application.

Appendix B : Summary of representations received

Ten letters of objections have been received raising the following concerns:

- Out of character /keeping with the surrounding area/ village
- Impact upon the Conservation Area and Listed Buildings
- Development unacceptable in principle, lack of need for new dwellings
- Setting of a precedent for further infill development or development of mobile homes
- Poor and unsafe intensification of the access
- Restrictive covenant preventing the deliverability of the site

Twenty-two letters of support have been received raising the following comments:

- Dwellings built to a higher standard than the normal static home
- Applicants need the dwelling and have been in the village for many years
- Only method of construction different, no material difference to the approved scheme
- Would not look out of character with the surrounding area
- Improve the appearance of the site by virtue of the development
- Less time to construct so less noise and disturbance impacts
- Provision of single storey dwellings needed within the village

All the above representations have been submitted on the basis of the originally approved plans. A reconsultation has been undertaken on the revised plans however no comments have been received to date.

Appendix C: Recommended Conditions

1. The development hereby permitted 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 the Planning and Compulsory Purchase Act 2004.

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

Site Location Plan 18.3564
Proposed Site Plan 18.3564.05

received by the Local Planning Authority on 8 April 2020

Proposed Floor Plans and Elevations 18.3564.06
received by the Local Planning Authority on 1 June 2020

Reason: To ensure a satisfactory form of development in accordance with Policies SS1 and D1 of the Melton Local Plan.

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

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies SS1, SS2 and D1 of the Melton Local Plan.

4. The proposed development shall be implemented in accordance with the proposed ground levels of the site and proposed finished floor levels of the development as detailed on approved Proposed Site Plan 18.3564.05 received by the Local Planning Authority on 8 April 2020.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies SS1, SS2 and D1 of the Melton Local Plan.

5. No development shall commence until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance Policies SS1 and D1 of the Melton Local Plan.

6. The development hereby permitted shall not be occupied until such time as the access arrangements and parking and turning facilities have been implemented in full in accordance with the approved Proposed Site Plan 18.3564.05 received by the Local Planning Authority on 8 April 2020. 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 Policies IN2 and D1 of the Melton Local Plan.

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

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policies IN2 and D1 of the Melton Local Plan.

8. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order, no development within Class A, B, C and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance and to ensure there would be no adverse impact upon the character of the immediate and wider area in accordance with Policies SS1, D1 and EN13 of the Melton Local Plan.

Appendix D : Informatives

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

Appendix E : 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 EN9 Energy Efficient and Low Carbon Development
- Policy EN11 Minimising the risk of Flooding
- Policy EN12 Sustainable Drainage Systems
- Policy EN13 Heritage Assets