



**Melton
Borough
Council**

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Planning Committee

23 June 2022

Report of: Interim Assistant Director for
Planning

Demolition of existing dwelling and outbuilding and erection of a replacement three-bedroom dwelling with detached double garage, associated landscaping and means of access at Meadow Cottage 37 New Road, Burton Lazars

Reference 21/00834/FUL

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Robert Child
Date of consultation with Ward Member(s):	2 August 2021
Exempt Information:	No

1 Summary



- 1.1 This application was reported to Planning Committee on the 3rd February 2022 however was deferred to allow for discussions with the Parish Council, the Agent, and Officers to address the concerns raised by the Parish Council which are reflective of the concerns of local residents.
- 1.2 Amended plans have been submitted which aim to address the concerns raised by the Parish Council. The amendments are as follows
- The dwelling has been reduced from a one and a half storey dwelling to include a single storey rear wing measuring 5m in height, a reduction of 1.4m.
 - The footprint of the dwelling would be located wholly within the residential curtilage of the existing bungalow. The distance to the shared boundary with The Old School House has been increased to 16.6m from 10m, and the width of the dwelling has been reduced from 9.9m to 9m. As a result the dwelling would be closer to the facing elevation of Lynn Cottage a reduction in the separation distances from a minimum of 13.9m to 9.9m, but as a result of the garage being removed the maximum separation distance is increased from 17.2m to 18m.
 - The double garage has been consolidated into the main dwelling as a single attached garage. As a result the length of the building has increased from 15.1m to 17.6m.
 - Visually reduced scheme with a reduction of 89 sqm compared to that of the previously submitted scheme, and the dwelling would be set back further into the site from the highway boundary by 3m
 - Amended design with the introduction of a mixture of slate and pantiles, brick quoins and wooden cladding

- 1.3 Subsequent to this a meeting was held on site with the planning officer, planning agent, a representative of the Parish Council, an adjacent neighbour, and the Ward Councillor, Cllr Child which took place on the 17th May 2022.
- 1.4 The original Committee report for 3rd February Planning Committee is provided at Appendix B for information and only the above factors for reasons why the application was deferred will be considered within this further report.

RECOMMENDATION(S)
1. It is recommended the application is approved, subject to: (i) Conditions as set out in Appendix A

2 Reason for Recommendations

- 2.1 Appendix B contains the Committee report considered at the 3 February 2022 meeting of the Planning Committee and is included to provide information on the other material planning considerations, issues and representations raised in respect of this application separate from how the scheme has been re-designed to address the Parish Council's concerns and concerns of the neighbouring residents.
- 2.2 The reasons behind Committee's resolution to defer the application on 3 February are considered to have been addressed. Two additional conditions have been included (conditions 11 and 12 of Appendix A) to mitigate harm through controlling any future built form within the land currently in use as a paddock by removing permitted development rights for extensions and outbuildings. The officer's recommendation remains as approval subject to conditions.

3 Key Factors

3.1 Reason for Committee Determination

- 3.1.1 The application is required to be presented to the Committee due to receiving more than 10 letters of objection contrary to the recommendation.

4 Report Detail

4.1 Response to Parish Council's Concerns

- 4.2 To reduce the proposal's impact upon the street scene and the visual amenity of immediate neighbours and walkers the scale of the dwelling has been reduced to a combination of a one and a half storey principal building with a one storey rear wing. The detached double garage has been replaced with a single integral garage. The floor area of the replacement dwelling has been reduced by 89 square metres or 38%.

- 4.3 The 2020 Questionnaire Survey, which is one of the documents underpinning the Neighbourhood Plan, questioned the future housing needs of residents. As set out in para.8.6 of the Neighbourhood Plan: "70% of respondents from Burton Lazars identified two or three bedroom bungalows as a top three priority, 59% wanted two-bedroom houses and 57% three-bedroom houses". To address the Parish Council's desire for the replacement dwelling to also be a two bedroom bungalow the scheme now includes a ground floor bedroom and bathroom, in addition to two first floor bedrooms, so that it offers flexible living arrangements that would suit a range of future occupants. Whilst it is acknowledged that the proposal would still be a 3 bed property, given the flexible living

arrangements and the revised design, it is considered that the proposal would not put existing local services and infrastructure under any additional pressure than could result from the existing dwelling. It must also be recognised that a 3 bedroom house would meet one of the top 3 priorities for future housing needs identified in the Neighbourhood Plan and is therefore considered acceptable.

- 4.4 The Parish Council requested that the design and materials should be a close match with Lynn Cottage, to be sympathetic with this important heritage asset. A mixture of slate and pantiles, brick quoins and wooden cladding have been introduced to acknowledge and complement Lynn Cottage. In addition, the reduced scale of the proposal aims to be more balanced and harmonious with Lynn Cottage. Overall the revised design is considered to be acceptable within the site's setting and the proposal reflects the wider context of the local area and local vernacular in accordance with Local Plan Policy D1 and Neighbourhood Plan Policy B&D12.
- 4.5 In response to the Parish Council's concerns to stop the new dwelling encroaching into the adjoining important Open Green Space, which the draft Neighbourhood Plan is seeking to protect, the footprint of the replacement dwelling would be located wholly within the residential curtilage of the existing bungalow. This approach also aims to mitigate the concerns of local residents who have critical services for water and sewerage running through the part of this open space that the Applicant had planned to build on. The Applicant has agreed to the inclusion of a condition to remove permitted development rights for extensions and outbuildings to the new dwelling so that it would not be possible to erect any built form within the area of paddock (which would, as a result of the proposal, be included as residential curtilage) without applying for planning permission. Thus, the inclusion of this land within the curtilage of the proposal is considered acceptable and not to adversely impact upon the local character of the area.
- 4.6 In response to concerns raised by the Parish Council regarding the impact of the proposed development upon the street scene and the visual amenity of immediate neighbours and users of the public footpath. The applicant has been confirmed that prior to the summer of 2021 the existing bungalow was completely covered by foliage, which combined with the height of the hedge on the New Road boundary meant it was almost invisible. The applicant cleared the foliage and reduced the height of the hedge to make the existing dwelling more visible.
- 4.6.1 With regards to the proposal's impact upon the street scene, it is noted that the character of New Road is varied in its building designs, and building heights vary between one and three storeys. The amended scheme aims for the proposal to sit coherently within the existing street scene. The dwelling would be substantially set back from New Road, includes no principal windows facing Lynn Cottage to the east, and will include landscaping around the curtilage. A sketch image has been provided by the applicant below.



- 4.6.2 The double garage has been removed and rearranged as a single garage extending from the linear profile of the dwelling, all of which has improved the overall massing of the proposed dwelling. It is considered that the proposal would have a limited impact upon the amenity of the neighbouring properties and would enhance the street scene. In addition, the applicant has agreed to the inclusion of a condition to provide screening along the shared boundary with the neighbouring dwelling known as The Old School to the west. Due to the site's rural location and the contribution that green boundary treatments make to the character of the area it is recommended that this takes the form of screen planting rather than a solid boundary fence or wall.
- 4.6.3 The Parish Council has requested the existing market bungalow within the site is replaced by an affordable home to comply with the draft neighbourhood plan policy B&D17: Windfall Housing in Burton Lazars which requires all new dwellings shall be first homes (sold at a minimum discount of 50%). The proposal does not meet the formal criteria for affordable housing. The Neighbourhood Plan is at an early stage and so can be afforded very limited weight. In addition as a replacement dwelling the proposal would not need to comply with Policy B&D17.

5 Consultation & Feedback

- 5.1 In response to the re-consultation undertaken comments have been received from the Parish Council, the adjacent neighbour and the Local Highway Authority.
- 5.2 The Parish Council appreciate the effort made to address their concerns and acknowledge that they wish to see the site re-developed especially if it sees a building which is sympathetic in tone and style to Lynn Cottage. The Parish Council appreciate the move to keep the proposal within the existing curtilage of Meadow Cottage so as not to encroach on the open space of the paddock. They could support the scheme if provisions could be confirmed around the restriction of any future building (including the withdrawal of permitted development) on the land and the inclusion of appropriate screening between Meadow Cottage and the Old School House.
- 5.3 The adjacent neighbour, in summary, would prefer the existing bungalow to be replaced like for like with a two bedroom bungalow as they feel it would better meet the needs of the village. They also feel the height of the amended two storey house would still have a

significant impact on street scene compared to the existing structure. However, in their view the site is in a form to be developed, especially if it provides a replacement dwelling which is sympathetic in design and style to the neighbouring Lynn Cottage. To address their residual concerns they request screening is provided along the shared boundary with their dwelling, and any future development on the area of green space is prevented by planning conditions.

5.4 The Local Highway Authority do not object. In summary they consider the proposals do not alter the proposed access or massing, continuing to provide a single three-bedroom dwelling. The proposals do alter the parking arrangement, however this remains in accordance with Section DG13 of Part 3 of the interim Leicestershire Highway Design Guide (LHDG). As such, the LHA have no concerns but have updated the conditions to the current drawing references.

5.5 County Council Ecology have confirmed that they have no further comments to make.

6 Financial Implications

6.1 No financial implications have been identified.

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

7.1 No legal or governance issues have been identified.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

8 Appendices

8.1 Appendix A – Recommended Planning Conditions

8.2 Appendix B – Committee report from 28 April 2022 Planning Committee

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Appendix A : Recommended Conditions

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 S51 of the Planning and Compulsory Purchase Act 2004

2. The proposed development shall be carried out strictly in accordance with the following amended drawings -

- P/001 Rev E
- P/002 Rev D
- P/003 Rev C
- P/004 Rev B

Submitted to and received by the Local Planning Authority on 14 April 2022.

Reason: For the avoidance of doubt.

3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details

Reason: To ensure a satisfactory standard of external appearance.

4. Prior to the commencement of development a written scheme the hard and soft landscaping of the site (including the location, number, size and species of any new trees/shrubs to be planted and means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority. The scheme must be carried out in accordance with the approved details no later than during the first planting season (October-March) following either the substantial completion of the development or the new dwelling being brought into use, whichever is sooner. Once completed all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

Reason: To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area.

5. The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted shall take place until tree protection measures have been submitted to and agreed in writing. The details of the approved tree protection measures shall be fully implemented prior to the commencement of development. Thereafter the approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected areas without the written agreement of Local Planning Authority.

Reason: To ensure that the work is carried out to satisfactory standard to minimise any adverse impact on the health of the identified trees and hedges.

6. All works shall be in accordance with the recommendations of the Ecological Appraisal (June 2019) and Update Survey Report and Biodiversity Net Gain (October 2021) submitted and received by the Local Planning Authority on 31 July and 13 October 2021.

Reason: To ensure satisfactory provision is maintained for the protection of Protected Species.

7. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing P/002 Rev. B 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 (2021).

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

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

9. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Drawing P/002 Rev. B. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

10. No development shall take place until a scheme for the treatment of the Public Right of Way has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (2021).

11. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order) in respect of the replacement dwelling hereby permitted no development as specified in Classes A, B, C, D, E or F shall be carried out unless planning permission has first been granted by the Local Planning Authority

Reason: To enable the Local Planning Authority to retain control over any future outbuildings and other structures within its curtilage that may harm the amenities of neighbouring properties or the character of the area.