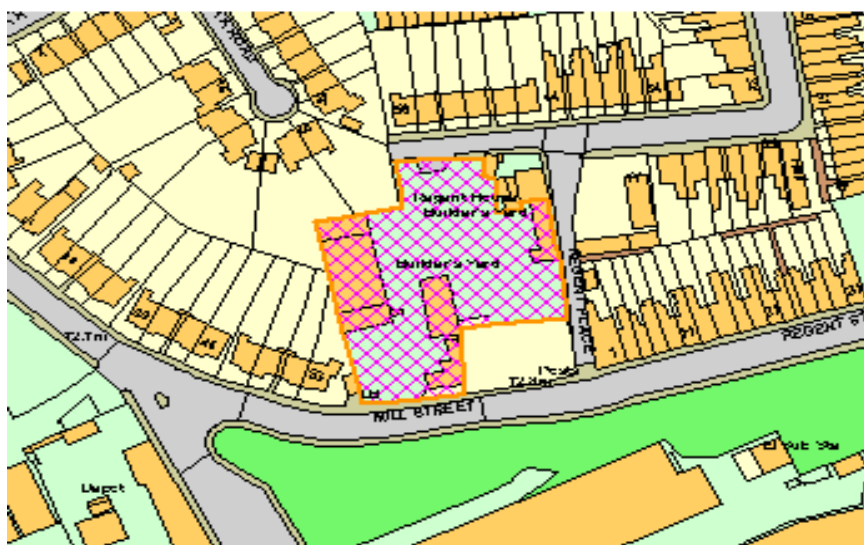


Reference: 13/00844/FUL
Date submitted: 03.12.13
Applicant: Mr M Duffin – M Duffin Builders Limited
Location: Travis Perkins Trading Co Ltd, 59 Mill Street, Melton Mowbray
Proposal: New Housing Development



Proposal :-

This application seeks full planning permission for the erection of 16 dwellings on vacant land formally occupied by Travis Perkins Builders Merchants on a residential street within the Town Envelope for Melton Mowbray. The site is accessed from Mill Street and there is a secondary access on to Roseberry Avenue to north. To the north, east and west of the site is housing with industrial development to the south. The site is currently vacant with a collection of run down buildings which are falling into a state of disrepair. The site lies in close proximity to the town centre.

It is considered that the main issues arising from this proposal are:

- **Compliance or otherwise with the Development Plan**
- **Impact upon the character and appearance of the area**
- **Impact upon residential amenities**
- **Flooding**

The application is required to be presented to the Committee as it is a major development.

History:-

No relevant history

Planning Policies:-

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within Town Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.
- .

Policy H10: planning permission will not be granted for residential development unless adequate amenity space is provided within the site in accordance with standards contained in Appendix 5 (requires developments of 10 or more dwellings to incorporate public amenity space for passive recreation with 5% of the gross development site area set aside for this purpose).

Policy H11: requires developments of 15 or more dwellings to make provision for playing space in accordance with standards contained in Appendix 6 (requires developments of 15 or more dwellings to include a LAP within 1 minute walk (60m straight line distance) of dwellings on the site and extend to a minimum area of 400 sq m.

Policy C15: states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; **or**
 - specific policies in this Framework indicate development should be restricted

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.

It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

On Specific issues it advises:

Promoting Sustainable Transport

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Meeting the Challenge of Climate Change:

- Adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.
- Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- Apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by: applying the Sequential Test and if necessary, applying the Exception Test.

Conserving and Enhancing the Natural Environment

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
LCC Highways – no objection The amended layout now provides adequate space for vehicles to manoeuvre into and out of each parking space.	Amended plans have been submitted respect of the housing layout. The proposed development would be served by a

<p>The layout does provide a pedestrian link on to Regent Place, adjacent to and under the first floor of plot 11. This link helps with making the site more sustainable and helps increase the likelihood that occupants will walk to the town centre rather than need to drive.</p> <p>Conditions: Recommends conditions in relation to visibility, footway, gates/obstruction, drainage, surfacing, width of driveway, parking and turning.</p>	<p>new access point, moved to the eastern edge of the Mill Street boundary to provide improved forward visibility splays. There will be a drop kerb access to provide parking to Plot 10 from Rosebery Avenue. There is no vehicular route through from Rosebery Avenue to Mill Street. The layout of the site proposes a pedestrian access to Regent Place.</p> <p>The access will serve all of the proposed dwellings, with the exception of Plot 10 which is accessed from Rosebery Avenue. The access road will provide two turning heads and one parking space per dwelling. One parking space per dwelling has been provided due to the close distance to the town centre and local amenities. The proposal provides some cycle parking to encourage the use of sustainable transport options. The access and parking provision is considered adequate for the developments location and existing parking restrictions in the area will prevent on street parking.</p> <p>The Highways Authority has no objection to the proposed development and it is not considered that the proposal would have an impact on highway safety.</p>
<p>LCC Ecology – no objection</p> <p>The ecology report submitted in support of this application (CBE Consulting, September 2013) is satisfactory. No protected species were identified.</p> <p>However, it is recommended that a note to the applicant is added to any permission granted to draw the applicants’ attention to the recommendations in the report.</p>	<p>Noted.</p> <p>A Protected Species Survey has been submitted and there has been no objection to the proposal from our specialist Ecological advisors.</p>
<p>Environment Agency- no objection</p> <p>The proposed development will be acceptable if a planning conditions are included;</p> <ul style="list-style-type: none"> • Surface water drainage scheme • Finished ground floor levels as per the Flood Risk Assessment • Contamination 	<p>The proposed site sits within flood zone 2. As a residential development it is necessary to undertake a flood Sequential Test as defined by the NPPF Technical Guidance as the use is considered to be ‘more vulnerable’.</p> <p>Local Planning Authorities should apply the sequential test in determining development in a flood zone to demonstrate that there are no reasonably available sites in areas with a lower probability of flooding that would be appropriate to the type of development or land use proposed. The sequential approach should locate development in Flood Zone 1 first (lowest flood risk), but if there is no reasonably available site in Flood Zone 1, the flood vulnerability of the proposed development can be taken into account in locating development in Flood Zone 2 and then following that in Flood Zone 3. Within each</p>

	<p>zone, new development should be directed to sites at the lowest probability of flooding (NPPF Technical Guidance). If it is not possible to locate development in zones of lower probability of flooding, the Exception Test can be applied, which provides a method of managing flood risk while still allowing necessary development to occur.</p> <p>It is accepted that the area of search should be restricted to the town. Alternative development sites at lower flood risk (i.e. Flood Zone 1) have been examined across the local area. The sites have been sourced from Melton Borough Council's planning website, Melton Borough Council's Strategic Housing Land Availability Assessment 2012 (SHLAA) and from land sales websites. Flood risk has been ascertained from the Environment Agency's indicative flood map. It is considered that there are no sequentially preferable sites currently available in lower flood risk locations that would be suitable for the proposed development of 12 semi-detached family dwellings and as such the proposal is considered to have satisfied the sequential test.</p> <p>The application has been supported with a Flood Risk Assessment (FRA) which concludes that the development should actually increase the permeability of the land due to the removal of the current tarmac surface and the provisions of gardens. In addition, SuDS techniques have been identified that can potentially be incorporated into the development to further reduce runoff from the site. It concludes that the proposal is not expected to increase the risk of flooding elsewhere. The FRA recommend finished ground floor levels no lower than 73.10m AOD, SuDs techniques to reduce surface water run off and improve management of rainwater at the site and advice to new resident to register for flood warnings.</p> <p>The Environment Agency are satisfied that the proposal would not pose a flood risk elsewhere and can successfully mitigate flood risk to the site. Any contamination in the site can be successfully controlled through the use of conditions and therefore the EA have no objection to the proposal.</p>
<p>Severn Trent Water Authority – No objections subject to conditions requiring full details of drainage plans for the disposal of foul sewage and surface water.</p>	<p>Noted – conditions can be applied to this effect.</p>
<p>MBC Housing Policy Officer–</p> <p>Housing Mix: David Coultie Associates conducted a Housing</p>	<p>The National Planning Policy Framework (NPPF) recognises that housing should meet the needs of present and future generations (Para 10). The</p>

<p>Market Analysis for Melton Borough Council (Housing Stock Analysis 2006-2011; 2006) which clearly demonstrated that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough. Future development has therefore to address the imbalance of stock type and size, both by tenure and location to create a more sustainable and balanced housing market. This will require a bias in favour of small units to address both the current shortfall and future demographic and household formation change which will result in an increase in small households and downsizing of dwellings.</p> <p>Within Melton Mowbray there is a strong need for smaller market housing such as 2 bedroom houses as well as 3 bedroom older people/downsizing accommodation and a surplus of medium to large family accommodation.</p> <p>The Leicester and Leicestershire Strategic Housing Market Assessment (Blinc Housing, 2009) supports the findings of the Housing Market Analysis and states that controls need to be established to protect the Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing). It continues to state that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and the sparsely populated rural areas.</p> <p>The application seeks planning permission for the redevelopment on a now vacant builders merchant site for 16 houses. The application proposes four 1-bedroom units, nine 2-bedroom units, two 2-bedroom bungalows and a 1-bedroom detached coach house. The application offers a good mix of smaller housing and types of housing that are required in Melton.</p> <p>Affordable Housing: The affordable housing requirement on this site is 40% of 16 dwellings or 6.4 units. We would anticipate an onsite contribution for 6 units and a financial contribution for the .4. However, the design and access statement stipulates that the application will provide plots 3, 4, 15 and 16 for affordable housing or 25%. This is not in</p>	<p>NPPF continues to recognise the importance for local planning authorities to understand the housing requirements of their area (Para 28) by ensuring that the scale and mix of housing meets the needs of the local population. This is further expanded in Para 110 – 113, which follows the principle of PPS3; in seeking to ensure that housing mix meets local housing need.</p> <p>The proposed housing mix would be as follows; 23 x 4 bedroom dwellings 35 x 3 bedroom dwellings 6 x 2 bedroom dwellings</p> <p>With regards to Affordable Housing mix 4 x 1 bedroom units 9 x 2 bedroom units 2 x 2 bedroom bungalows 1 x 1 bedroom detached coach house</p> <p>It is considered that the proposal offer a very good mix of much needed smaller unit and bungalows that are required in Melton. The proposal would contribute positively to meeting our identified housing need.</p> <p>Saved policy H7 of the Melton Local Plan requires affordable provision ‘on the basis of need’ and this is currently 40%. This proportion has been calculated under the same processes and procedures which have previously set the threshold and contribution requirements for affordable housing within the Melton Borough.</p>
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<p>accordance with the saved policy of the Melton Local Plan and therefore cannot be supported from a housing policy perspective. If the applicant were willing to pursue an independent viability assessment, this might evidence the need to depart from policy and reduce the affordable housing requirement, but without this evidence it is not possible or reasonable to depart from the policy position of 40% affordable housing on this application and for this reason the application is recommended for refusal on the grounds of failure to provide sufficient affordable housing.</p>	<p>The Applicant having been made aware of the concerns of the Housing Officer has now confirmed that;</p> <ul style="list-style-type: none"> • Four of the one bed units would be allocated as affordable housing for rent and then they would pay a developer contribution to make up the 0.8 remainder required to achieve 30% affordable housing. <p>It is considered that the affordable housing does not meet the development plan (40%).</p> <p>The applicant has stated that with regards to the number of social housing units provided they have attempted to supply a good cross section of differing house types on the site as its central location would be appealing to various age groups. The provision of the bungalows in particular – a much needed house type - means that the percentage of units to be given over to Social housing, has to be reduced to make the scheme financially viable.</p> <p>No financial viability has been submitted, nor requested at this stage. It is considered that a balanced judgement is required on this site to consider whether 30% affordable housing is acceptable.</p> <p>The proposed scheme is considered to meet our housing need requirement providing much needed smaller units and bungalows, however, it falls short on meeting affordable housing requirements.</p>
<p>LCC Developer Contributions-</p> <p>Waste - The County Council considered the proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity waste facilities within the local area. The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of £1,420 (to the nearest pound). The contribution is required in light of the proposed development and was determined by assessing which civic amenity site the residents of the new development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local civic amenity facilities. The increased need would not exist but for the proposed development.</p> <p>Libraries – The County Council consider the</p>	<p>Noted – If the development is considered acceptable a Section 106 Agreement to secure developer contributions would be needed.</p> <p>It is considered that these contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement.</p> <p>The applicant has agreed to these payments.</p> <p>S106 payments are governed by Regulation 123 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p>It is considered that the payments satisfy these criteria and are appropriate for inclusion in a s106 agreement.</p>

<p>proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area. The proposed development on Mill St, Melton Mowbray is within 0.7 km of Melton Mowbray Library on Wilton Rd being the nearest local library facility which would serve the development site. The library facilities contribution would be £730 (rounded to the nearest £10).It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought to purchase additional items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service.</p> <p>Education- no contribution is requested.</p> <p>Highways – no contribution is requested.</p> <p>Ecology, Landscape: no requirements</p>	
<p>Melton Mowbray and District Civic Society</p> <p>The Society welcomes the beneficial reuse of a brownfield site but would like to raise two issues:</p> <ol style="list-style-type: none"> 1. Would the architects be prepared to re-consider the use of sections of timber cladding on the elevations? According to R.W. Brunskill timber cladding is not typical of Leicestershire vernacular architecture and also it may create maintenance problems. It should be possible to provide visual interest in other ways. 2. .It is intended that the frontage of the properties will be hard-landscaped and that the rear area will be turfed. Geodyne found contamination of the soil by arsenic. Levels of arsenic higher than those currently recommended for sites for residential use were detected; the remedial measures suggested are to cap gardens and soft landscaped areas. The depths of capping recommended for the rear gardens are top soil 0.15m, subsoil 0.45m, total 0.60m; this may be sufficient if the rear gardens remain as initially set out. However, future residents may decide, for example, to dig a pond in their back garden which may be deeper than the capping or to grow deep rooted plants, such as leeks. To avoid this eventuality perhaps appropriate restrictive covenants could be made on the properties. Residential is the most sensitive end-use for brownfield sites. If 	<p>Noted</p> <p>It is proposed to build the dwellings in facing brick to match the surrounding area with the addition of timber cladding which is intended to delineate the mass of the building and to provide visual interest. It is proposed to use roofing materials to match surrounding properties.</p> <p>Noted, see comments and recommended conditions above from the Environment Agency.</p>

the level of contamination is such that the clean-up costs become too high to make the project feasible could an alternative end-use (e.g. offices) be considered?	
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Representations:

A site notice was posted and neighbouring properties consulted. As a result 3 letters of objection have been received, the representations are detailed below:

Representations	Assessment of Head of Regulatory Services
<p>Parking and Access</p> <p>Rosebery Avenue and Regent Place are the closest free parking roads to the town centre and it is utilised by every shopper who knows about it. Much to the frustration and dismay of residents, all attempts to resolve the appalling traffic and parking issues have been futile.</p> <p>Clearly, such a large development will have the potential to bring a huge amount of traffic into Rosebery Avenue. Would hope that any decision made will be to the benefit of the existing residents and suitable measures taken to help to ease the current traffic and parking situation by providing enough spaces for the new residents and their visitors.</p> <p>Ideally it may be a good opportunity to be able to incorporate at least some additional parking for existing local residents in the scheme if at all possible. This may provide a way forward to a residents only parking scheme which, due to lack of space cannot even be considered at present.</p> <p>We feel it is vital that there should not, (and never will be) a general vehicle or pedestrian access from either Rosebery Avenue or Regent Place into this development.</p> <p>Pedestrian access in itself will attract convenience parking and will encourage new residents and their visitors to this new build to park on Rosebery/Regent Place causing yet further congestion and misery. Any vehicle access will create a dangerous and undesirable shortcut through to Mill St.</p> <p>Regent Place is a convenient thoroughfare for all on the southern estates of town. In particular, it is used by youths visiting McDonalds and late night revelers returning inebriated from the town centre. Both of whom have been proven to cause serious issues and disruption to residents. Example; persistent hammering on windows as they go by, damage to vehicles, litter etc.</p> <p>Any access from Regent Place into the new development will only serve to lower the security of the new development and give these types of</p>	<p>Noted.</p> <p>The Highway Authority raises no objections subject to conditions, see assessment above.</p> <p>The proposed development would be served by a new access point on Mill Street which will improved forward visibility splays. The main vehicular access will be off Mill Street.</p> <p>There will be a drop kerb access to provide parking to Plot 10 from Rosebery Avenue. There is no vehicular route through from Rosebery Avenue to Mill Street.</p> <p>The layout of the site proposes a pedestrian access to Regent Place. This access has been encouraged by the Highway Authority to encourage linking of the site through to the town.</p> <p>One parking space per dwelling has been provided due to the close distance to the town centre and local amenities. The proposal provides some cycle parking to encourage the use of sustainable transport options.</p> <p>The access and parking provision is considered adequate for the developments location and existing parking restrictions in the area will prevent on street parking.</p> <p>It should be noted that due to size and density of the development there is limited parking on the site and there is no provision for visitor parking. However, the site is in close proximity to the town and a number of public car parks are close by should there be no on site parking available for visitors. Located this close to the town centre parking requirements are lessened due to encouraging alternative transport modes and a reduction in the reliance on the car. Whilst the concerns of the residents in regards to on street and current parking is noted it is not considered in this location that a refusal could be sustained due to limited parking.</p> <p>The Highways Authority has no objection to the proposed development and it is not considered that the proposal would have an</p>

<p>people opportunity to cause further anti social issues for more residents.</p> <p>Any possible increase in traffic and parking in Rosebery Avenue as at present it is often hard for residents to find a place to park and perhaps more importantly the junction with Sherrard Street is already congested with traffic exiting from McDonalds trying to pull out at the same time as all the Morrisons traffic exiting from Rutland Street opposite. Hopefully, however, the site will be 'ring-fenced' and all traffic will enter and leave the development via Mill Street.</p> <p>Access to the site from the direction of Burton Road is immediately following a totally blind bend.</p>	<p>impact on highway safety.</p>
<p>Residential amenity: Overlooking/loss of amenity</p> <p>Properties, other than bungalow type, will cause a significant loss of privacy to property on Oak Road where the back garden and patio back immediately onto the site.</p> <p>The brick building at the rear of the site is, since 1936, the established boundary to two properties whose gardens back onto the proposed site from two houses in Oak Road. Any attempt to remove this building must provide the same brick built</p>	<p>The application proposes the erection of 16 dwellings arranged in effectively four groups. There are two groups proposed fronting Mill Street, Plots 1 – 4 continue the built form along Mill Street and would not create and overlooking or loss of privacy to the occupier of properties on Mill Street. Plots 5 -8 form a row of terrace properties orientated east to west. These properties will face into the site and the rear gardens of Mill Street/Oak Road. Due to the orientation no overlooking would be created to dwellings on Mill Street and the main fenestrations face away from Oak Road. The rear gardens of Oak Road will face onto a side elevation which has a ground floor kitchen window. The rear of properties on Oak Road would be over 20 metres from the side elevation of the proposed dwelling. The distance separations involved are sufficient to ensure that there would be no unacceptable loss of privacy to properties on Oak Road.</p> <p>To the north of the site are two proposed bungalows which have been designed to avoid overlooking or have an adverse impact on adjoining residential properties, (plots 9 -10) and the proposed 1 bed coach house again is orientated to have no adverse impact on Regent Place.</p> <p>Plots 12 – 16 sit behind a private car park and have been designed to front Mill Street with no windows facing Regent Place.</p> <p>Boundary issues or disputes are a private legal matter. However, it is common practice boundary treatment to be required to be agreed. The application is supported with a site plan and landscaping scheme which shows the boundary to</p>

<p>boundary wall as now exists.</p>	<p>the west and northern boundary to be a 1.8 metre close boarded fence which is considered to be an acceptable boundary treatment.</p> <p>Having assessed the relationship between the proposed and existing properties it is not considered that the proposal would have a unduly detrimental impact on the residential amenities of adjoining properties and is considered to comply with Policy BE1 of the Local Plan.</p>
<p>Bats The site is the subject of a crime scene investigation. This relates to the visually confirmed evidence of an established bat roost in the roof of the brick building.</p> <p>There are "transient" bats and regular siting of pipestrels on Summer evenings, exiting from and returning to the rear of the buildings on the left of the site as look at them from Oak Road. Their are a number of buildings , yet the report only mentions and shows a photo of one.</p> <p>Concerned about bats and suggesting that the Ecology report is inaccurate. Adamant that there are bats on site.</p>	<p>There is a strong objection to the proposed development in relation to the demolition of the existing buildings and destroying of bat roosts.</p> <p>The application was accompanied by a ecology survey and the Ecological advisor consulted (see above). In view of the concerns of the objector further advice was sought from the Ecologist and the Police (in relation to the crime scene allegation). LCC Ecology advised that they were satisfied with the ecology survey submitted, the survey seems complete, with all buildings assessed and searched for evidence of bats. It seems that all areas of the buildings were accessible. The buildings were assessed as having low bat roost potential and therefore, in accordance with our Bat Protocol, no further survey work was completed.</p> <p>The Ecological advisor has advised that as the internal inspection was completed during the summer, an emergence survey could have been completed. This activity survey may have identified any bat foraging over the site, and identified where bats were coming from (buildings or the general direction of travel).They further state that the only way to be sure that there are no bats on site is to complete a bat activity survey. However, the ecology report submitted does recommend a precautionary approach when dismantling the buildings.</p> <p>The Police Wildlife Crime Officer was also contacted in relation to the crime scene allegation and they have advised that they looked at crime records and cannot find any reference. They advice that if the County and the Council are happy protocol has been followed and there's no bat evidence from the ecology report then they have no further comment to make.</p> <p>The concern of the neighbour is considered to be genuine however there is no evidence to suggest that bats are roosting in the site. To be certain an emergence survey could be requested but these can only be undertaken from May-September and could be considered to bring unnecessary delay to the application. A judgement is required as to</p>

	<p>whether this would be reasonable. It is also necessary to consider that the buildings on the site can be demolished without requiring planning permission (and some have already been demolished to date) and that bats are protected in law, not just by the planning process.</p> <p>Therefore, on balance, it is considered that the applicants have followed the correct protocol and no evidence has been found. The County Ecologist is satisfied with the survey and the so is the Police Wildlife Crime Officer. It is considered unnecessary for the Council to require an emergence survey based on so little evidence and would add unnecessary delay to the application process. Should bats be found during demolition the applicant by law would have to cease demolition while advice from Natural England is sought.</p> <p>A informative can be added with regards to care when demolishing and ceasing work immediately should bats be found.</p> <p>Appropriate surveys have been submitted and have been independent reviewed by the Council’s Ecological advisor and there is no evidence of any bats.</p>
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Other Material Considerations, not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Policy Compliance</p> <p>Planning law required that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the local plan comprises the development plan and the Framework and other material considerations.</p> <p>Local Plan Policies OS1 and BE1 state that planning permission should only be applied for development where the form, character and appearance of the settlement is not adversely affected; the form size and scale of the development is in keeping with the character of the locality; and that the buildings harmonise with the surroundings etc.</p> <p>Policies H10 and H11 of the Adopted Melton Plan state that planning permission will not be granted for new residential development unless amenity open space and outdoor playing space is provided within the site in accordance with Appendix 5 and 6 of the Local Plan. Appendix 5 states that the Council will require the provision of public amenity space for passive recreation in</p>	<p>For the purpose of local decision making the saved policies of the Local Plan forms the development plan. The relevant policies for this proposal are OS1, BE1, H10 and H11 (as stated above under ‘Planning Policies’).</p> <p>The site lies within the Town Envelope where there is a presumption in favour of development and is an extremely sustainable location given the close location to the town centre and the provision of services available. The application proposes the redevelopment of a brownfield site within a highly sustainable location and in this respect accords with the provisions of Policies OS1 and BE1 and the requirements of the NPPF.</p> <p>The application proposes no open space within the site. It is therefore considered that the proposal would not comply with policies H10 and H11 of the adopted Melton Local Plan. However, the applicants have stated that the site has been designed with good pedestrian links to the town centre and its amenities. They have also stated that in order to maximize the number and type of</p>

<p>residential development of 10 dwellings or more. Provision of open space should be made at the rate of 5% of the gross development site area. Appendix 6 of the Local Plan states that on developments of 15 or more dwellings, every dwelling must be within a 1 minute walk (60m straight line distance) of a Local Area for Play (LAP).</p>	<p>low cost housing units (including the bungalows) it is not possible to provide general amenity space within the site.</p> <p>There are facilities within a short walk of the site at Park Close, Priors Close and Wilton Park, where there is informal recreation and children's equipped plays areas.</p> <p>It is considered that the proposal meets the requirements of Melton Local Plan policies OS1 and BE1, and the NPPF. However, the lack of open space is not considered to comply with Policy H10 and H11 of the Local Plan.</p>
<p>Character of the Area</p>	<p>The application proposes 16 small 1 and 2 bed properties within the town centre. The area is predominately residential with commercial activity to the south. The surrounding properties are a mixture of terrace and semi-detached dwellings.</p> <p>The application proposes smaller units arranged in predominantly terrace formation with the addition of a pair of semi-detached bungalows and a one bed coach house.</p> <p>It is considered the size and the design of the properties are appropriate in this location.</p> <p>The application is accompanied with a landscaping plan which denotes hardscaping to the frontage of the dwellings, with feature planting to the perimeter, and rear areas turfed. The properties have been designed with small front garden areas which are either turfed or finished with decorative rock and stones.</p> <p>Overall, the layout, design and landscaping is considered to be appropriate in this area and will enhance the streetscene. The redevelopment of the site will visually improve a previously developed site which has recently become derelict.</p>
<p>Layout</p>	<p>The application proposes the erection of 16 dwellings arranged in effectively four groups. The principle access is off Mill Street.</p> <p>The housing has been designed to respect the existing building lines along Mill Street/Regent Street, Regent Place and Rosebery Avenue. There are two terrace blocks proposed fronting Mill Street to create the sense of a continuous streetscene along Mill Street/Regent Street. The housing within the site has been designed to respect the workshops and office buildings previously on the site.</p> <p>Overall the layout of the proposal is considered to be acceptable. It respects the character and form of the surrounding area. The layout of</p>

	the proposal is considered to be acceptable and in accordance with Policy BE1 and the requirements of the NPPF.
Design	<p>The proposed dwellings are predominately two storey with the exception of plots 9 and 10 which are semi-detached bungalows. The dwellings have been designed to be terrace and semi-detached in keeping with the surrounding area.</p> <p>It is proposed to build the dwellings in facing brick to match the surrounding area with the addition of timber cladding which is intended to delineate the mass of the building and to provide visual interest. It is proposed to use roofing materials to match surrounding properties.</p> <p>Some of the properties have been amended to address concerns of the planning officer over massing and scale. The properties have a variety of roof lines, with hipped roofs added to reduce the massing. The properties have been designed with chimneys and porches to pick up features on surrounding properties. The properties fronting Mill Street have low hedge and brick walls to replicate similar boundary treatments in the area.</p> <p>From a design point of view the dwellings are considered to be traditional in appearance with some modern design features to reduce massing and are considered to be acceptable.</p>

Conclusion

It is considered that the application presents a balance of competing objectives and the Committee is invited to reconcile these in reaching its conclusion. The proposal represents the redevelopment of a derelict brownfield site within the town centre, a highly sustainable location. This application also presents housing in a quantity and type that satisfies identified local needs. Accordingly, the application presents a vehicle for the delivery of housing of the appropriate quantity, type and location to meet identified local need. The proposal is also considered to be acceptable with regards to access/road safety, residential amenity, layout and design. Balanced against these are the concerns raised with regards to the insufficient amount of affordable housing, falling short of the Councils requirement by 10%, and the lack of open space provision within the site. There is also some concern over the presence of a protected species, bats. It can be judged that the application is providing some affordable housing and the shortfall is only 10%. With respect of open space the site is within the town centre and is within walking distance of existing play facilities.

On the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance of the Development Plan and in the NPPF in terms of location, sustainability and housing need in particular. The balancing issues, insufficient affordable housing and lack of open space are considered to be of limited harm in this location due to the merits of the application. Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that permission can be granted.

Recommendation: PERMIT, subject to:

- (a) The completion of an agreement under s 106 as set out above to secure:
- (i) Contribution for the improvement to civic amenity sites.
 - (ii) Contribution for the improvement to library facilities.
 - (iii) The provision of affordable housing on the site and off site monetary contribution.
 - (iv) and the following conditions;

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The proposed development shall be carried out strictly in accordance with plan drawing numbers 6688P-40, 6688P-20, 6688P-30 rev P1, 6688P-102 rev P1, 6688P-100 rev P1, 6688P-101 Rev P4, 6688P-103 rev P1, 6688P-50 Rev P2 and 6688P-10 rev P2 received by the Authority on 26th November 2013, 3rd December 2013, 23rd January 2014 and 6th February 2014.
3. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
4. The development shall be built in accordance with the landscape scheme submitted to the Local Planning Authority on the 6th February 2014 plan reference 6688P-101 Rev P4.
5. The approved landscape and boundary 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.
6. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected across the proposed vehicular access drive, they shall be set back a minimum distance of 15 metres behind the highway boundary and shall be hung so as to open inwards only.
7. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
8. The existing vehicular access that becomes redundant as a result of this proposal shall be closed permanently and the existing vehicular crossing reinstated as footway with a full height kerb in accordance with Highway Authority standards before any dwelling hereby permitted is first occupied.
9. The car parking and any turning facilities shown within the curtilage of the site, serving each dwelling shall be provided, hard surfaced and made available for use before the dwelling to which they serve is occupied and shall thereafter be permanently so maintained.
10. Before first occupation of any dwelling, the shared access drive shown serving the site shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and shall be so maintained at all times.
11. Before first occupation of plot 10, its access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
12. The shared private drive shown serving the site from Mill Street, shall be provided with a minimum width of 4.8 metres (with 0.5 metre wide clear margins) for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.
13. Before any dwelling hereby permitted is first occupied, the proposed footpath link from the site on to Regent Place shall have been provided hard surfaced, be free from obstruction and available for the use/enjoyment of all dwellings within the site. Once so provided the footpath link shall thereafter be permanently so maintained.
14. Notwithstanding the details submitted, before building works commence visibility splays of 2.4 metres by the maximum that can be achieved within the site frontage, shall have been provided in each direction out of the proposed access on to Mill Street. These splays shall be cleared of any obstruction that exceeds a height of 600mm above the level of the adjacent carriageway and shall thereafter be permanently so maintained.

15. Before first use of the development hereby permitted, 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access within land under the applicants control, with nothing within those splays higher than 0.6 metres above the level of the adjacent footway in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.
16. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
17. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
 - Surface water leaving the site shall be no greater than existing Brownfield rates;
 - The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations;
 - Provision of appropriate levels of surface water treatment; and
 - Responsibility for the future maintenance of drainage features.
18. Finished ground floor levels shall be set at 73.10 metres above Ordnance Datum (mAOD) in accordance with Paragraph 5.1 of the approved Flood Risk Assessment (Reference 613 Version 1.0, dated October 2013) unless otherwise agreed in writing by the Local Planning Authority.
19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
20. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - 1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

21. Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order), no window or opening, other than any that may be shown on the approved drawing, shall be formed in the north elevation of the building denoted as Plot 8, unless planning permission has first been granted by the Local Planning Authority.

Officer to contact: **Mrs J Wallis**

Date: 21st March 2014