

Supplementary Agenda



Rural Capital of Food

Meeting name	Meeting of the Planning Committee
Date	Thursday, 11 January 2018
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH
Other information	This meeting is open to the public

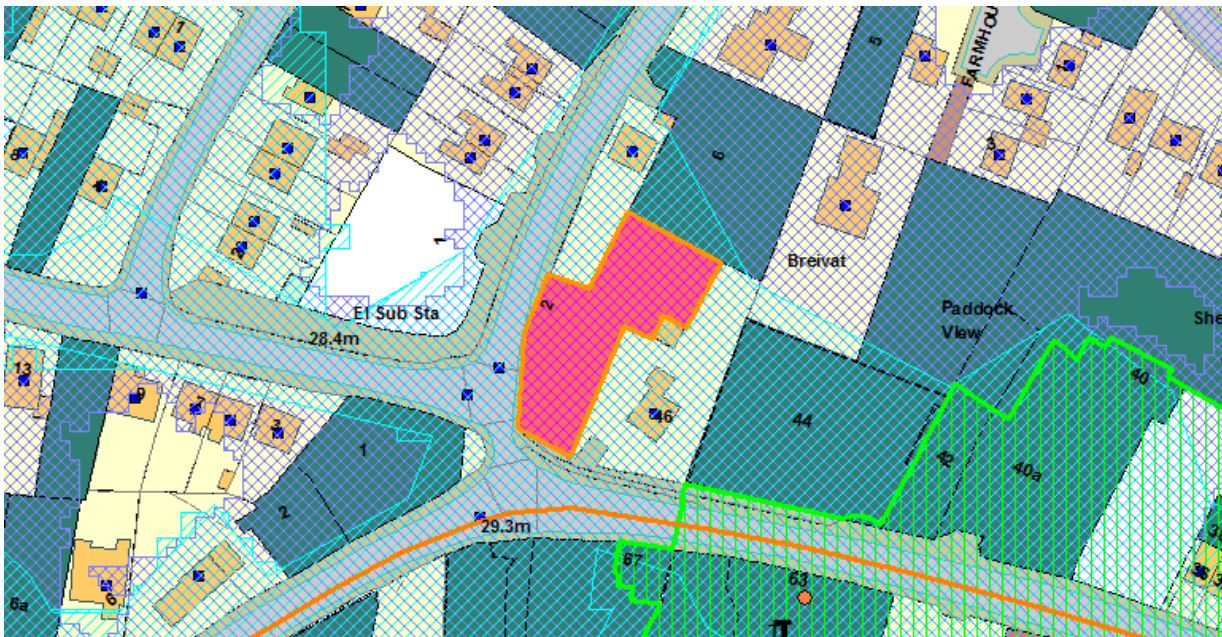
Meeting enquiries	Development Control
Direct Dial	
Email	externaldevelopmentcontrol@melton.gov.uk

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COMMITTEE DATE: 11th January 2018

Reference: 17/00982/OUT
Date submitted: 02.08.2017
Applicant: Mr Gamble
Location: Sunny Cottage, 2 Pinfold Lane, Bottesford NG13 0AR
Proposal: Demolition of existing dwelling house and garage. Replacement development of residential units to include four dwelling houses (C3 use) (amended proposal for four dwellings not five as previously submitted.)



Proposal :-

This application seeks outline planning permission for four dwellings (revised from an original submission of five) and associated infrastructure, all matters reserved for future submission.

The application site is 929 square metres in area of primarily residential land situated to the western of the built-up area of Bottesford. The site just lies outside of the conservation area and in flood zone 2.

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area ,open countryside and heritage assets**
- **Impact upon highway safety.**
- **Sustainable development**

The application is required to be presented to the Committee due to the level of public interest.

History:-

None relevant

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS1 - allows for development within the village envelope provided that the form, character and appearance of the settlement are not adversely affected, the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality; the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity.

Policy OS3: The Council will impose conditions on planning permissions or seek to enter into a legal agreement with an applicant under section 106 of the Town and Country Planning Act 1990 for the provision of infrastructure which is necessary to serve the proposed development.

Policy BE1 - allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

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 impacts 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 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;
- recognising the intrinsic character and beauty of the countryside
- 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
- 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.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

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.

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

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
<p>LCC Highways Authority (CHA) No objection subject to conditions The Applicant indicates that the site will be directly accessed from Pinfold Lane as shown in the Proposed Site Plan (Drawing No. 364(08) S01).</p> <p>As the details of site access will be considered at the appropriate reserved matters stage, the LHA currently advises that an access according with the principles shown on the submitted plan could, in theory, be acceptable and hence offer no objections to the principle of the proposed development.</p> <p>Additional details on the site access, including those of width, radii and visibility splays in accordance with the 6Cs Design Guide, would be necessary at the relevant reserved matters stage.</p> <p>Further interrogation of the information:- Traffic speeds and the collision information are the things that are normally looked at when considering the need for traffic calming.</p>	<p>The consultation exercise has found that there are no significant issues with the access as proposed. Through a reserved matters application, full details of the access will be confirmed and implemented.</p> <p>Subject to confirmation from the HA through the submission of a reserved matters application, There are considered to be no grounds to resist permission based on highways issues.</p>

<p>There have not been any collisions in this location which would suggest that speeds were a problem which requires the implementation of traffic calming to resolve.</p> <p>On reading the comments it appears that the movement in question is from High Street to Bowbridge Lane. Given the location of the site, this movement would not be affected or intensified as a result of the development.</p>	
<p>Leicestershire Lead Flood Authority (LLFA) Acceptable subject to conditions :</p> <p>When determining planning applications, Melton Borough Council as the local planning authority should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (PPG).</p> <p>The application is for the development of 5 dwellings, with gardens and parking in a prominent position within Bottesford.</p> <p>The site is identified to be at risk of fluvial flooding, surface water flooding, and although an extremely rare occurrence it is also within an area that may be at risk from reservoir flooding. A detailed Flood Risk Assessment (FRA) has been provided which identifies the flood mechanisms and a number of mitigation measures including raising all finished floor levels above the 1 in 1,000 year flood level.</p> <p><i>Conditions</i></p> <p>1. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p> <p>2. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason To prevent an increase in flood risk, maintain the</p>	<p>Noted - considered acceptable subject to conditions</p> <p>It is agreed that permission could be subject to the conditions, reasons and technical advice recommended by the LLFA.</p>

<p>existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.</p> <p>3. No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development.</p>	
<p>Bottesford Parish Council – Objects to the proposal. Comments are due to density of housing, issue with traffic and dangerous junction</p>	<p>Comments noted Full responses to the objections can be found at the relevant sections of the report above.</p>

Representations:

All adjoining neighbouring were properties notified. As a result **23 letters of** objection have been received.

Representations	Assessment of Head of Regulatory Services
<p>Consideration of the Sequential Test</p> <p>National Planning Policy sets out the objectives of the sequential test. “The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding)” and that</p> <p><i>“The flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test” but also that “other sources of flooding also need to be taken into account in applying the sequential approach.”</i></p> <p><i>“This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible”.</i></p> <p>It also states that the Sequential test should be applied to all sources of flooding, including development in an area which has critical drainage problems, as notified by the Environment Agency, and where the proposed location of the development would increase flood risk elsewhere. This site does not fall into these</p>	<p>The applicants Flood Risk Assessment concludes that the site lies within Flood Zone 2.</p> <p>The applicant has undertaken research on this and has reported that the site is identified to be at risk of fluvial flooding, surface water flooding, and although an extremely rare occurrence it is also within an area that may be at risk from reservoir flooding. Limited information regarding the extent of this flood risk or potential mitigation measures has been provided.</p> <p>A Sequential Test has been sought, but the applicant has responded by providing justification that there will be no severe flooding issues at this site.</p> <p>In response to the request of the Council for a Sequential Test, the applicant refers to their Flood Risk Assessment which provides an assessment of flood risk using the best available Environment Agency data and mapping. The assessment of fluvial flood risk (page 4) derives an estimated flood level and flood depths at the site. The applicant states all sources of</p>

<p>descriptions but part of it does suffer from surface water flooding.</p>	<p>flooding have been assessed and their report includes a section on Mitigation (page 8). The mitigation measures include raised finished floor levels and flood resilience measures. The submitted report has provided a detailed assessment of flood risk from all sources along with details of mitigation measures. The only limitation with the report is the Environment Agency flood level data. The EA are updating their model however this is not due for completion until Autumn 2018. It is not reasonable to expect the client to wait for this information or to undertake their own modelling study (at significant expense).</p> <p>However, the FRA also provides a very limited Sequential Test in which it is stated that “there are no readily available sites within Bottesford at lower flood risk”. It is considered that evidence is required to justify this conclusion.</p> <p>Therefore, should approval be granted, it is considered that it should be ‘subject to’ a satisfactory sequential test will be carried out to ensure that the all available options have been taken in relation to this.</p>
<p>Character of the area</p> <p>The proposed dwellings are inappropriate in number - Four houses are too many for a plot of this size which currently holds one small, two-storey cottage and a small garage, even with the slight enhancement to it which is proposed.</p> <p>This type of high density accommodation is also completely out of character for both Pinfold Lane, the High Street beside it and the Bowbridge Lane 'estate' area. The design of the complex is out of keeping with the character of the area. The aforementioned 'parking lot' is not in keeping with this village area, it is more inline with blocks of flats in town/ city areas.</p> <p>The Build density is too high - The building of four dwellings on an area of 929 square metres gives a density of 43 dwellings per hectare far higher than should be countenanced in a village and more in line with town housing densities.</p> <p>The unattractive form of parking that is proposed is more akin to town developments and reducing the number of houses will give parking arrangements more in keeping with other properties in the area.</p> <p>I have already reluctantly given up on our dream of living in the beautiful village of Bottesford, as Melton has approved the building of hundreds of more houses over the next decade, (in addition to the Wickets,) thereby turning us into a</p>	<p>It is considered that the development is unusual as a courtyard style development for four dwellings, but that the character of the area is not materially adversely impacted by the proposed development.</p> <p>This plot is unusual to have quite a large expanse of land that could accommodate additional uses and/or development and therefore the proposal for four new dwellings is acceptable.</p> <p>No full details of the design of the houses has been put forward but through a successful reserved matters scheme, a fully responsive development can be achieved.</p> <p>Having vehicles parked out of the view and therefore unobtrusive from the visual realm is deemed to be a satisfactory design feature that forms part of Building for Life guidance.</p> <p>The setting adjacent to the conservation area has been considered in full and through a successful reserved matters scheme, a fully sensitive design can be achieved.</p>

<p>town.</p> <p>I have already reluctantly given up on our dream of living in the beautiful village of Bottesford, as Melton has approved the building of hundreds of more houses over the next decade, (in addition to the Wickets,) thereby turning us into a town.</p> <p><i>Conservation Area</i> The site is not in the conservation area but is within a few metres of that area. It is surrounded by interesting properties that do not overly detract from those in the conservation area in style or spaciousness. This proposal would detract in terms of spaciousness and we, at present, do not know what is proposed in terms of style.</p>	<p>It is not considered that this small scale development will remove the ‘village feel’ of the area. Other important factors of increased housing of need to the local area are deemed important factors.</p>
<p>Suitability of Bottesford and Infrastructure There does not seem to be any thought given or planning to increase the infrastructure to cater for the inevitable demands on existing services as a result of the increasing number of successful planning applications, dwellings and subsequent population surge.</p>	<p>Bottesford is well served in terms of employment, retail and service provision, education, library, health and dental services, community and leisure facilities. It has good access to transport choice with an hourly bus service to Grantham and Melton Mowbray (weekdays) and train services to Grantham and Nottingham. Please note comments above from the Education Authority reporting a surplus of places at the Primary and Secondary schools</p> <p>It is considered that the development would bring benefits in terms of support to local facilities and generation of housing supply and choice, including meeting local needs. Additional residents can only be to the benefit of the viability existing businesses/services and assist in the case for new/improved public transport.</p>
<p>Amenity Issues Privacy/Amenity issues of the properties proposed</p> <p>Refuse site directly at the end of property</p> <p>Additionally there will be a significant increase in noise, not only during the construction process, but also the net increase of up to, perhaps, 12 or more people and their pets living on this, currently quiet, corner.</p>	<p>The indicative site plan shows that a good separation distance remains from the proposed properties and that already close to the site. A full appraisal of this will be conducted at reserved matters.</p> <p>Noted but the covered area should mitigate against associated issues and will be made part of any subsequent reserved matters application.</p> <p>This is not considered strong enough to balance the benefits of he proposal.</p>
<p>Flooding Issues Finally, the paving over of even more green open space will only increase the amount of impermeable surfaces and thus the chance of flooding. Surely a more appropriate plan would be to replace the single dwelling that is already in situ.</p> <p>Flooding - The location is in flood zone 2 which should indicate a lower area of hard surfaces than</p>	<p>The Lead Local Flood Authority have required additional information to satisfy their requirements to ensure there will not be any significant impacts caused by the development in terms of flood risk.</p>

proposed and consideration given to the effect on neighbouring houses of such a reduction in the permeable surface area	
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Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Planning Policy</p>	<p>The application is required in law to be considered against the Local Plan and other material considerations. The proposal is contrary to the local plan policy OS2 however as stated above the NPPF is a material consideration of some significance because of its commitment to boost housing growth.</p> <p>The 1999 Melton Local Plan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p> <p>This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in para 14 which requires harm to be balanced against benefits and refusal only where “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.</p> <p>The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5 year land supply and where proposals promote sustainable development objectives it should be supported.</p> <p>The Council can demonstrate a five year land supply however this on its own is not considered to weigh in favour of approving development that is contrary to the local plan where harms are identified, such as being located in an unsustainable location. A recent appeal decision (APP/Y2430/W/16/3154683) in Harby made clear that ‘a supply of 5 years (or more) should not be regarded as maximum.’ Therefore any development for housing must be taken as a whole with an assessment of other factors such as access, landscape and other factors...”</p> <p>The site is a greenfield site. It also lies within open countryside being located outside of the village of Bottesford. However the harm attributed by the development are required to be considered against the benefits of allowing the development in this location. The provision of affordable units with the house types that meet the identified housing needs is considered to offer some benefit, along with the promoting housing growth.</p> <p>The proposal would provide both market and</p>

	<p>affordable housing in the Borough and would contribute to land supply. There would be some impact upon the appearance of the area and technical matters which require mitigation. The form of development is considered be acceptable and the benefits of the proposal outweigh these concerns. It is therefore considered to be in accordance with the core planning principles of the NPPF.</p>
<p>Bottesford Neighbourhood Plan</p>	<p>The Neighbourhood Plan is at a very early stage still awaiting initial publication for consultation and no sites for housing have been allocated. It is not yet at a stage that can form the basis for decision making so it can be given limited weight. The status of this Plan and also the emerging Local Plan are assessed below.</p>
<p>The (new) Melton Local Plan – Pre submission version.</p> <p>The Pre Submission version (as amended by ‘Focussed Changes’) was submitted for Examination on 4th October 2017.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> ● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); ● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and ● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). <p>The Pre Submission version of the Local Plan identifies Bottesford as a ‘Service Centre’, The new local plan relevant policies are as follows:- SS1 - When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p> <p>SS2 Small-scale Unallocated Development Outside of those sites allocated through the Local Plan, planning permission will be granted for small scale development in service centres.</p>	<p>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>When assessed against the NPPF criteria opposite:</p> <p>The Local Plan is submitted for Examination and has the following steps to complete:</p> <ul style="list-style-type: none"> • Examination for its ‘soundness’ under the NPPF • Examination results to be published and any ‘modifications’ to be the subject of consultation • Further examination to take place into Modifications • Final Inspectors Report and recommendations • Adoption by MBC <p>There are several hundred representations to the local plan covering very many aspects, including the quantity of housing provided, its distribution and contention in respect of site allocations. It can only be reasonably concluded that very many relevant objections remain unresolved</p> <p>Whilst it is the Council’s view that the Local Plan is consistent with the NPPF (as this is a requirement allowing its submission) this is contested by many parties. As with the NP above, this will be the subject of consideration by the Examination process.</p> <p>It is therefore considered that it can attract weight but this is limited at this stage.</p> <p>The proposal is in accordance with the emerging local plan in terms of its location (see applicable policy opposite) which it is considered adds to the issues that add limited weight in support of the proposal.</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 Borough is not deficient in terms of housing land supply however this does not mean that proposals in sustainable locations such as Bottesford should be resisted.

The housing proposed is for identified local needs and therefore the application represents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the housing need. Bottesford is considered to be one of the most sustainable locations in the Borough, with a good range of facilities and capacity to accommodate growth. It is considered that there are material considerations **of significant weight in favour** of the application.

The site is considered to perform well in terms of access to facilities and transport links.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the development of the site from its garden site'. The scheme proposes a 'courtyard style' development which offers something different in the local area whilst not compromising on amenity space for the proposed residents of this scheme and those living nearby.

In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular. The balancing issues – development of a green field site and impact upon setting of village and heritage assets – are considered to be of limited harm.

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) A satisfactory sequential test being carried out in relation to flood risk in accordance with the Planning Practice Guidance.

B) The following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "layout, scale, external appearance of the building(s), access and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority.
4. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
5. No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of

the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.

Reasons:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. The application is in outline only.
3. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
4. To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.
5. To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development.

Officer to contact: **Mr G Baker-Adams**

Date: **19th December 2017**

