

# Agenda

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 19 December 2019</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH</b>
<b>Other information</b>	<b>This meeting is open to the public</b>

Members of the Planning Committee are invited to attend the above meeting to consider the following items of business.

**Edd de Coverly**  
**Chief Executive**

## Membership

<b>Councillors</b>	M. Glancy (Chair)	P. Posnett MBE (Vice-Chair)
	P. Chandler	P. Cumbers
	J. Douglas	P. Faulkner
	L. Higgins	E. Holmes
	J. Illingworth	M. Steadman
	P. Wood	

**Quorum:** 6 Councillors

<b>Meeting enquiries</b>	Democratic Services Team
<b>Email</b>	democracy@melton.gov.uk
<b>Agenda despatched</b>	Wednesday, 11 December 2019

No.	Item	Page No.
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<b>MINUTES</b> To confirm the minutes of the meeting held on 28 November 2019	1 - 12
3.	<b>DECLARATIONS OF INTEREST</b> Members to declare any interest as appropriate in respect of items to be considered at this meeting.	13 - 14
4.	<b>SCHEDULE OF APPLICATIONS</b>	
4.1	<b>APPLICATION 19/01193/OUT</b> Field OS 3254, Blacksmith End, Stathern	15 - 28
4.2	<b>APPLICATION 19/00709/FUL</b> Buildings adjacent to The Hall, Hose Lane, Long Clawson	29 - 44
5.	<b>URGENT BUSINESS</b> To consider any other items that the Chair considers urgent	

# Minutes

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 28 November 2019</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>Pera Business Park, Nottingham Road, Melton Mowbray, LE13 0PB</b>

## Present:

**Chair** Councillor M. Glancy (Chair)

**Councillors**

P. Cumbers	J. Douglas
P. Faulkner	L. Higgins
E. Holmes	J. Illingworth
M. Steadman	P. Wood
R. Smedley (Substitute)	

**Officers**

- Assistant Director for Planning and Delivery
- Solicitor to the Council (RP)
- Planning Policy Manager
- Planning Officer (RN)
- Democratic Services Officer (SE)

Minute No.	Minute								
PL152	<p><b>Apologies for Absence</b></p> <p>Apologies for absence were received from Councillors Chandler and Posnett MBE.</p> <p>Councillor Smedley was appointed as substitute for Councillor Posnett.</p>								
PL153	<p><b>Minutes</b></p> <p>The minutes of the meeting held on 31 October 2019 were confirmed and authorised to be signed by the Chair.</p>								
PL154	<p><b>Declarations of Interest</b></p> <p>There were no declarations of interest.</p>								
PL155	<p><b>Schedule of Applications</b></p>								
PL156	<p><b>Application 19/00377/REM</b></p> <table border="1" data-bbox="288 887 1433 1104"> <tr> <td><b>Reference:</b></td> <td>19/00377/REM</td> </tr> <tr> <td><b>Applicant:</b></td> <td>Pegasus Group</td> </tr> <tr> <td><b>Location:</b></td> <td>Field OS 0002, Leicester Road, Melton Mowbray</td> </tr> <tr> <td><b>Proposal:</b></td> <td>Development of 266 dwellings with associated landscaping and drainage</td> </tr> </table> <p>The Local Plans Manager addressed the committee and provided a brief summary of the application. Mrs Legge also confirmed :</p> <ul style="list-style-type: none"> <li>• Following the publication of the Officer’s report, the applicant had submitted details of the proposed materials including a materials plan, and the highway authority had responded to the consultation. This information had been circulated to Members by email</li> <li>• In addition to this updated information, a further public comment had been received stating that in determining the access onto Leicester Road the highway authority had failed to take into consideration the access to the Westleigh housing development to the north of Leicester Road. However, the Committee was aware that this application related only to the reserved matters; the access was approved under the 2015 planning application, at a similar time to the Westleigh housing application</li> <li>• This application had been reviewed by a design review panel in September 2019, and amendments had been made to the scheme in response to this. The path along the north south link to the west of the site had been reinforced as a continuous green corridor and pedestrian footpath from the attenuation basin towards the public open space</li> </ul>	<b>Reference:</b>	19/00377/REM	<b>Applicant:</b>	Pegasus Group	<b>Location:</b>	Field OS 0002, Leicester Road, Melton Mowbray	<b>Proposal:</b>	Development of 266 dwellings with associated landscaping and drainage
<b>Reference:</b>	19/00377/REM								
<b>Applicant:</b>	Pegasus Group								
<b>Location:</b>	Field OS 0002, Leicester Road, Melton Mowbray								
<b>Proposal:</b>	Development of 266 dwellings with associated landscaping and drainage								

- Overall the design review concluded that subject to those amendments, the masterplan was a well-considered response to the site constraints and made the most of the opportunities that the topography and existing vegetation provided
- Recently following further discussions with Bellway and their agents, to further enhance the 'green credentials' of the site the developer had agreed to offer the provision of wiring for car charging points to all of the private 4 bedroom dwellings (amounting to 79 dwellings, which was around 30% of the site) in an attempt to satisfy policy EN9 of the Local Plan. This was not however a requirement of the outline permission

Pursuant to Chapter 2, Part 9, Para 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a four minute presentation :

James Hicks of Pegasus Planning Group, Agent on behalf of Applicant

Following questions from Members, Mr Hicks confirmed:

- Duration of the build programme would be 4-5 years, dependent on market response and work would commence on site in the first quarter of the new year
- There was no obligation to use greener methods of heating for the homes than those proposed at the current time however building regulations could change during the build period and homes would be built to the latest standard required
- He was satisfied that there were sufficient drainage arrangements on the site
- Electric car wiring had been added for the larger houses in response to purchaser demand

During discussion the following points were noted:

- The internal highways of the site were currently not adopted but developers were working with the Council and Highways on the requirements to ensure adoption such as widening on corners and bends, speed controls and changing gradients etc
- CCTV was not a planning requirement although had been suggested by the Police. There was a concern how this would affect the look and feel of the estate
- Members were in agreement that the developers had listened to the Council's concerns, made the required improvements and worked with officers to bring a good application
- Carbon neutrality was considered and there was a request for more trees on the site and it was agreed that this could be included as part of consideration of the soft and hard landscaping scheme
- Councillor Illingworth would be included in the working group that considered the landscaping proposals

Councillor Higgins proposed the recommendations in the report and to incorporate

the additional conditions reported by the Lead Planning Officer. This was seconded by Councillor Steadman.

### **RESOLVED**

That application 19/00377/REM be **APPROVED** in accordance with the conditions set out in the report and the additional conditions as follows:

- Notwithstanding the submitted plans, any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors/ 6.1 metres for up-and-over doors / 6.5 metres for doors opening outwards and thereafter shall be so maintained
- Notwithstanding the submitted plans, any new / replacement windows and/or doors within 0.5 metres of the footway shall not open so to overhang the public highway and shall thereafter be maintained in perpetuity
- No development which obstructs or affects the existing public footpath (E9) that crosses the site shall take place until a scheme for its treatment has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, boundary crossing points, signing and landscaping in accordance with the principles set out in the Leicestershire County Councils Guidance Note for Developers. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable
- Where a Public Right of Way crosses a Carriageway, drop kerbs should be installed at the crossing points
- Prior to the first occupation of each 4 bedroom market dwelling the wiring for an electric car charging point shall be provided in a location close to the parking provision for that plot

(Unanimous)

### **REASONS**

- The application site is allocated for housing and outline planning permission for the development has been granted. The principle of the access and the number of units proposed were debated, considered and approved by Members at the outline stage.
- The proposal as revised would result in a form of development that would be sympathetic to the character of the locality by virtue of its appearance, landscaping, layout and scale and would not unduly compromise residential amenity or be prejudicial to highway safety. For these reasons, the proposal is considered to comply with the relevant paragraphs of the NPPF, the National Design Guidance and Policy D1 of the Melton Local Plan which requires all new

development to be sympathetic to the character of the area in which the site is located.

PL157

**Application 19/00245/REM**

<b>Reference:</b>	19/00245/REM
<b>Applicant:</b>	Barratt Homes
<b>Location:</b>	Land off Field OS 0002, Leicester Road Melton Mowbray
<b>Proposal:</b>	Approval of reserved matters (appearance, landscaping, layout and scale) related to Phase 1 of the outline approval 15/00910/OUT for the erection of a total of 520 dwellings (the wider approved development) and provision of drainage associated infrastructure and public open space (Phase 1 of 17/00717/VAC /15/00910/OUT)

The Planning Officer addressed the committee and provided a brief summary on progress of the application. Mr Nallamilli also explained :

- This proposal followed on from the planning application just considered and was linked to the wider site
- The report set out the key design policies and identified some faults with the design approach taken by the developer on pages 7 and 8
- Since the circulation of the report recommending refusal the applicants had submitted new images of the site access which were displayed to the Committee
- The applicants had submitted a whole series of sectional landscaping plans to demonstrate why their landscaping was acceptable. The updated plans did not address the landscaping issues identified
- Boundary Wall – the applicants were proposing a boundary wall as a design feature at the entrance off Kirby Lane, it would be more appropriate for this to be a green filtered screen
- Recommendation - Officers met with Barratts in the previous week, the agricultural land owner's representative Mr Granger and a representative from Gladmans who secured the outline scheme and were still involved in the subsequent transactions, however since circulation of the report, Officers had received further correspondence from Barratts. They still requested that the Reserved Matters application (Ref: 19/00245/REM) be considered by the committee in its current submission
- Barratts had committed themselves to working with officers positively to improve the scheme in terms of the layout and offered to negotiate on the second application if this scheme was refused
- Officers welcomed the commitment from the developer to get their design team to resolve the design's issues which had been identified and as such he proposed that the recommendation be changed to deferral. This was to enable the developers to meet with officers and negotiate an improved scheme with a focus on the following :

(a) a scheme that will function well and add to the overall quality of the area, not

- just for the short-term but over the lifetime of the development;
- (b) produce something that is visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - (c) produce something which is sympathetic to local character and history, including the surrounding built environment and landscape setting;
  - (d) establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and a distinctive places to live, and visit;
  - (e) produce a sustainable development which also recognises the implications arising from the effects of climate change.

To achieve and secure these objectives the Planning Officer suggested a change to the recommendation :

That the Planning application be deferred to enable the Assistant Director for Planning and Delivery in consultation with the Chair and Vice Chair of the Planning Committee to facilitate a series of design workshops with Barratts Design Team to secure the design objectives referred to above and then to report the Revised Scheme back to Planning Committee for further consideration.

Pursuant to Chapter 2, Part 9, Para 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a four minute presentation :

Robert Galij of Barratt Homes

Following questions from Members, Mr Galij confirmed:

- In his speech he had tried to put the other side of the story to the application but wished to continue dialogue and working with the Council to reach an amicable settlement
- There was a second application, similar to the one under consideration, in progress and the developers were satisfied with the second scheme

During discussion the following points were noted:

- The developers' second application was almost identical and was in the planning system and this was a strategy adopted by some developers, however the committee needed to focus on the current application before them
- Planning Officers had worked as a team on this application in a professional way; by sharing information and offering different views Officers had to express their views to improve the scheme even if they were not popular with the developer. A deferral would help all sides continue to move forward with this application
- The developer could submit an appeal on the basis of being over time in determining the application, however it was considered that the amendments to the recommendation would provide a positive way forward for the Developer and the Planning authority to work together



- Members were supportive of a deferral to allow discussions to continue and to ensure the best scheme possible was approved that met all their aspirations
- Ward Councillors be invited to future meetings concerning the application

Councillor Holmes proposed that the application be deferred to allow officers to work with the developer to address the issues highlighted in the report. This was seconded by Councillor Higgins.

**RESOLVED**

That application 19/00245/REM be **DEFERRED** to enable the Assistant Director for Planning and Delivery in consultation with the Chair and Vice Chair of the Planning Committee and the Ward Councillors to facilitate a series of design workshops with Barratts Design Team, for all parties to work positively and proactively to secure the design, sustainability and climate change objectives set out in the Adopted Local Plan and to specifically address and deliver the following objectives;

- (a) a scheme that will function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development;
- (b) produce something that is visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) produce something which is sympathetic to local character and history, including the surrounding built environment and landscape setting;
- (d) establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and a distinctive places to live, and visit;
- (e) produce a sustainable development which also recognises the implications arising from the effects of climate change.

(Unanimous)

PL158

<b>Reference:</b>	19/00890/FUL
<b>Applicant:</b>	Mr and Mrs Edwards
<b>Location:</b>	Brambles, 35 Bolton Lane, Hose
<b>Proposal:</b>	Erection of detached building to rear garden to form small cattery business with residential use of dwelling

**Application 19/00890/FUL**

The Planning Officer addressed the committee and provided a brief summary of the application and the issues it gave rise to.

Pursuant to Chapter 2, Part 9, Para 2.8-2.28 of the Council’s Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a four minute presentation :

- (1) Mr and Mrs Edwards, the Applicants

Following questions from Members, Mrs Edwards responded :

- Specialist cleaning agents for pets would be used to cleanse the drains and avoid smells. The spray used would remove all contamination. Wipes and all waste would be treble bagged before disposal. Environmental Health had indicated approval to the cleansing plan. Fortnightly specialist bin collection would be arranged and the applicants would monitor smells and arrange weekly collection if there was unpleasant odour from the cattery
- The bins were located next to a fence shared by the neighbours and their garden was on the other side of the fence
- There was car parking at the house for multiple cars, however an appointment system would be in operation, therefore only one car being the cat owner would visit at a time
- There was heating and ventilation for the cats to accommodate all outdoor temperatures

(2) Councillor Chris Evans, Ward Councillor made a four minute presentation

A point of order was raised by Councillor Higgins who requested that Councillor Evans refrain from approaching Members of the Committee during the meeting in the interests of transparency and impartial decision-making.

During discussion the following points were noted:

- The applicants lived in the house adjoining the garden in question therefore they wished to maintain the same high standards in the business as was evident in their home (from the Planning Officer's visit)
- No objections had been received from the Highway Authority nor Environmental Health however the scheme had been slightly amended to deal with ventilation issues raised
- There would be some impact on neighbours but not enough to warrant refusal
- The applicants were investing in a high quality building and materials therefore a temporary permission was not viable
- The majority of Members were supportive of the venture and had evidence from their own experiences with cats that it was not usual for cats to smell
- It was mentioned that individuals could have 8 cats of their own with no regulation and no recourse for dealing with complaints
- It was felt that small rural businesses such as this were to be welcomed
- Neighbours' concerns were understood by most Members but they were not felt to be strong enough for refusal
- Should there be concerns in the future, residents could contact Licensing or Environmental Health with their complaints
- Concerns were raised at the site being in the middle of the village and there being potential for dangerous traffic manoeuvres whilst accessing the site
- With regard to the concern on siting and collection of refuse bins early in the morning, the Planning Officer advised that these matters could be resolved by

management conditions added to the application

- The Ward Councillors did not support the application due to the impact on the village and neighbours in spoiling the amenity of neighbouring gardens, smell, refuse siting, refuse collection times and highway concerns

Councillor Cumbers proposed the recommendations in the report with the addition of appropriate conditions in relation to refuse arrangements. This was seconded by Councillor Illingworth.

### **RESOLVED**

That application 19/00890/FUL be **APPROVED** in accordance with the conditions set out in the report and a further condition requiring appropriate management for the siting and collection of refuse.

(7 in favour, 3 against)

### **REASON**

- It is considered that the small scale nature of the cattery is acceptable subject to conditions, the proposal would not result in significant detrimental harm to residential amenity, nor harm to the setting of the conservation area or be prejudicial to highway safety.

(Councillors Holmes and Steadman requested that their vote against the preceding application be recorded.)

PL159

<b>Reference:</b>	19/00500/VAC
<b>Applicant:</b>	-
<b>Location:</b>	Levesley House, 14 City Road, Stathern
<b>Proposal:</b>	Proposed variation of conditions 2 and 10 of application 18/00980/FUL for the erection of 8 dwellings and the formation of vehicular access

### **Application 19/00500/VAC**

The Assistant Director for Planning and Delivery addressed the committee and provided a summary of the application, explaining the principal changes between it and the existing approval on the site and highlighting in particular:

- Changes to the layout of plot 1
- Changes to the site layout resulting in the loss of a length of hedge
- Changes to the height of plot 6
- The changes were not considered to be unduly detrimental and the application was still recommended for approval

Pursuant to Chapter 2, Part 9, Para 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a

four minute presentation :

(1) Ken Bray, Chair of Stathern Parish Council

Following questions from Members, Mr Bray confirmed:

- The Parish Council wished to remain with the existing permission and not approve the changes proposed to the development
- The Parish Council felt the latest changes made to plot 1 in particular made it look taller, despite being the same height to ridge, to the detriment of the two neighbouring listed buildings

(2) Caroline Chave, Agent on behalf of Applicant

Following questions from Members, Ms Chave confirmed:

- There were windows on the third floor in the roof area as the purchaser wished to use that area as a bedroom
- The development had been designed to accommodate individual purchaser's requirements, similar to a self build, hence the request for the changes to the previous application
- The net change of bedrooms across the site was 3 additional bedrooms, there were some change to the size of rooms as well as utility spaces and playrooms above garages introduced

(3) Councillor Chris Evans, Ward Councillor

During discussion the following points were noted:

- There was concern regarding the introduction of skylights and that these might stand out in the night sky and were not appropriate in a conservation area
- As the development was at the edge of the village, it was felt that the buildings should be at a lower level
- The removal of a historic hedgerow was a concern but other Members felt this was more than compensated for by the new landscaping scheme which included new hedging
- The majority of Members felt that the changes were not so impactful that the application did not warrant approval
- There had been incremental design changes to make the homes larger, some Members felt this undermined the previous approval and the planning system but amendments were commonplace and the differences proposed were not adverse so as to warrant a refusal

Councillor Illingworth proposed the recommendations in the report. This was seconded by Councillor Douglas.

**RESOLVED**

That application 19/00500/VAC be **APPROVED** in accordance with the conditions set out in the report.

(8 in favour, 2 against)

**REASONS**

- The proposals seek to vary the design and layout of the approved scheme and following the receipt of revised plans the proposals are deemed to be visually acceptable and adequately safeguard the residential amenities of neighbouring properties.

PL160

**Application 19/00709/FUL**

<b>Reference:</b>	19/00709/FUL
<b>Applicant:</b>	-
<b>Location:</b>	Buildings adjacent to The Hall, Hose Lane, Long Clawson
<b>Proposal:</b>	Proposed residential redevelopment of former farm complex comprising the conversion of existing equestrian buildings to form 3 dwellings and the replacement of all non-traditional former agricultural buildings with 3 'self/custom build' homes (in lieu of the 5 new dwellings approved under LPA reference 18/00872/GDOCOU)

This item was withdrawn from the agenda.

PL161

**Planning Committee : Development Management Performance 2019 20 - Quarter 2**

The Assistant Director for Planning and Delivery submitted a report which advised the committee of current national performance indicator outcomes related to the determination of planning applications for Quarter 2 (July to September 2019). It also covered appeal results in the period concerned and section 106 agreements.

Members felt this was a good report with helpful statistics and looked forward to receiving updates on section 106 contributions each quarter.

**RESOLVED** that the report be noted.

PL162

**Urgent Business**

There was no urgent business.

The meeting closed at: 8.36 pm

Chair

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## Advice on Members' Interests

### **COUNCIL MEETINGS - COMMITTEE MINUTES : DECLARATION OF INTERESTS**

Interests need not be declared at Full Council in relation to Committee Minutes which do not become the subject of debate at Full Council (i.e. Minutes referred to solely on a page by page basis when working through the Minutes of each Committee.)

An interest must be declared at Full Council as soon as it becomes apparent that a relevant Committee Minute is to be debated – this applies even if an interest has been declared at Committee and is recorded in the Minutes of that Committee.

### **PERSONAL AND NON-PECUNIARY INTERESTS**

If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

**You must state that you have a personal and non-pecuniary interest and the nature of your interest.** You may stay, take part and vote in the meeting.

### **PERSONAL AND PECUNIARY INTERESTS**

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room\***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Governance Committee.

### **DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

**If you are present at any meeting of the Council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.**

You may not attend a meeting or stay in the room as either an Observer Councillor or \*Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest\*.

### **BIAS**

If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.\*

\*There are some exceptions – please refer to paragraphs 3.12(2) and 3.12(3) of the Code of Conduct

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## Planning Committee

19<sup>th</sup> December 2019

Report of: Assistant Director of Planning and Delivery

**19/01193/OUT: Field OS 3254 Blacksmith End Stathern**

**Residential development for 9 houses**

### 1. Summary:

The application site is around 0.6 hectares of grazing land on the edge of the village. A public footpath runs northwards diagonally across the site to join a network of other paths in the locality.

The proposal is an outline application for 9 dwellings with access only for approval at this stage. If approved, a reserved matters application would be required at a later stage for the approval of scale, layout, appearance and landscaping details. Foul drainage is proposed via connection to mains drainage and surface water to a sustainable drainage system, including an above ground detention basin. A small area of public open space is included, with the line of the public right of way diverted to accommodate the development. Vehicular access is from Blacksmith End and it is proposed that the access road serving the development remains private and not adopted by the Local Highway Authority. The housing is indicated as a mix of 3 x 2 bed, 3 x 3 bed and 3 x 4+ bed market housing.

### 2: Recommendations:

**That planning permission is APPROVED subject to conditions.**

### 3: Reasons for Recommendation:

In the opinion of the Local Planning Authority the proposal represents a sustainable and proportionate addition to Stathern and would provide a suitable mix of dwellings that are well related to the existing built form of the village. Subject to detail provided in a future reserved matters application, there are no in principle objections that would justify a refusal of the application. Access from Blacksmith End can be provided in accordance with Local Highway Authority standing advice and subject to conditions there would be no significant adverse impact on highway safety. The

Local Highway Authority has no objection in principle. The application therefore accords with Policy SS2 of the adopted Melton Local Plan and there are insufficient grounds to indicate this should be departed from.

#### 4: Key factors:

##### **Reason for Committee Determination**

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

##### **Relevant Policies**

**The Melton Local Plan 2011-2036 was adopted on 10<sup>th</sup> October 2018 and is the Development Plan for the area.**

- **No inconsistency with the NPPF has been identified that would render Local Plan policies ‘out of date’.**

Please see Appendix D for a list of all applicable policies

##### **Main Issues**

The main issues for this application are considered to be:

- Principle of development/policy compliance
- Impact upon the character of the area
- Impact on ecology
- Impact upon residential amenities
- Impact upon highways and parking
- Impact on heritage assets
- Flood risk

#### 5: Report Detail:

##### **5.1 Position under the Development Plan policies**

The site is adjacent to the settlement of Stathern and Policies SS1-SS2 apply. These two policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and sets out the strategy of delivering housing across Melton borough through identifying the most suitable locations for new housing within a settlement hierarchy, devised from sustainable credentials.

Stathern is identified as a Service Centre within the Local Plan, which is a sustainable location for housing and it has an allocation of 75 dwellings over two sites (STAT1 and STAT2 under Policy C1(A) and a ‘reserve site’ ‘STAT3’ under Policy C1(B) with an estimated capacity of 45 dwellings). This site falls within the

STAT3 site.

The Local Plan has progressed through its Examination where the village categorisation was scrutinised at length and the Inspector agreed with the now adopted Local Plan village categorisation. As such, the policies in the Local Plan which identify the category of each village has passed a robust examination and Stathern, as part of this process, has been identified as a Service Centre and a sustainable location for new housing. Although a figure of 75 new dwellings is given in Policy C1(A), this is not a maximum (as indeed are none of the targets stated in the Local Plan, including the provision of 6125 houses over the plan period).

An application submitted in 2018 for 45 dwellings on the reserve site was not considered acceptable as the Local Plan is at a relatively early stage of its life and there was a good chance that both STAT1 and STAT2 would be developed (STAT 1 is under construction and STAT2 is the subject of an application). The application was withdrawn. The current application has been submitted as a 'windfall' development of 9 dwellings and this is discussed further in section 5.2 of this report.

**Policy SS3 is not relevant to this application** as it relates to rural settlements, identified in the Local Plan rather than Service Centres or Rural Hubs. Stathern is a Service Centre. There is no requirement for a local need in Stathern to be demonstrated in respect of new housing proposals under Policy SS2.

## **5.2 Principle of Development**

Policy SS2 states that Service Centres and Rural Hubs will accommodate approximately 35% of the Borough's residual housing requirement on a proportionate basis, delivered by planning positively for the development of sites allocated **within and adjoining** the Service Centres and Rural Hubs by 2036, and by encouraging small scale residential 'windfall' development, where it would represent sustainable development under Policy SS1. It is explained that in Service Centre windfall development would be appropriate for "up to about 10 dwellings".

**The site adjoins the built up area of Stathern and is for 9 dwellings. It is therefore in compliance with the approach of SS2 in principle, though attention is required to be given to its site-specific implications** under other policies (EN6 Settlement Character, D1 Design etc).

Windfall sites are an important element of housing supply and calculations on the likely amount of windfall housing as a realistic proportion of overall delivery is estimated through the Local Plan process but, again, there is no ceiling for windfall housing provision.

The NPPF does not seek to place an arbitrary limit on development quantities and each application must be considered on its own merits. Within the glossary of the NPPF 'windfall' sites are defined as '*Sites not specifically identified in the development plan*'. As this site is part of a wider area identified as a reserve site in the Local Plan, it has been suggested that it cannot also be a windfall site. However, whilst it cannot be both and by the same token it cannot be neither. It would undermine the presumption in favour of sustainable development set out in the

NPPF and the objective of Policy SS2 if the site were to be excluded despite its acceptability as a reserve site.

Other windfall sites in Stathern may come forwards in the future and within the plan period. If these proposals represented sustainable development they could potentially be approved unless it was considered that the adverse impacts of approval would be contrary to the Local Plan and/or give rise to adverse in impact. Such a rigid application of the definition of windfall used to prevent development is not reflected in the actual policy content of the Local Plan or the NPPF and is not considered likely to be supported at appeal, despite the definition in the NPPF glossary.

An approval does not set a precedent for approval of further small developments within STAT3 as each application would be considered on its merits and in terms of the overall proportionality of development within Stathern and their respective impact(s).

The scheme provides a mix of dwellings as required by Policy C2 of the Local Plan (though C2 is s not strictly applicable due to the scale of the development under 10).

As an application of less than 10 dwellings, no financial contributions through a Section 106 Agreement are required and as such the lack of specific infrastructure contributions such as future school capacity is expected nor therefore can it be a valid reason for refusal. However, the allocated sites at Stathern will need to provide contributions towards infrastructure, such as education, healthcare, affordable housing etc. in accordance with the requirements of the relevant infrastructure providers due to their larger scale.

**Therefore, the principle of development is considered acceptable.**

### **5.3 Impact upon the character of the area (Policies D1 and EN1)**

**Policy D1 of the Local Plan** states that all new developments should be of high-quality design and EN6 addresses settlement character in terms of valuable opens spaces, the built form and the character of Conservation Areas etc... Development proposals will be assessed against these policies which includes siting and layout and a design to reflect the wider context of the local area and respect the local vernacular without stifling innovative design.

The land is currently used for grazing and there is a public footpath across the site. However, it is not public open space nor is it identified as important green space. Subject to making suitable provision for the continued use and enjoyment of the public footpaths, there are no 'in principle' issues resulting from its loss as agricultural land.

The layout provided at this outline stage is indicative and the appearance of the buildings and final layout would be assessed as part of any future reserved matters application. The density is low and the indicative layout shows ample opportunity for the retention of the hedges and trees (except in the location of the vehicular access),

together with enhancement of planting, open areas and the provision of a water attenuation area. Permission would be subject to a landscaping scheme to provide visual enhancement together with biodiversity gains. The public footpath would probably need to be diverted but there is scope to provide a good quality replacement route from Blacksmith End and link to the current footpath network nearby.

**Policy EN6** of the Melton Local Plan states that development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement or form a key entrance and/or gateway to a settlement. The site is part of open grazing land and as such part of this would be developed. It is acknowledged that this would alter its character. However, it is a significantly smaller proposal than the 2018 application (withdrawn) for 45 dwellings on what is identified as a reserve site for housing in the Local Plan. Currently the existing modern dwellings facing onto the site on this side of Blacksmith End have an open outlook but do not present a remarkable or particularly sensitive character to the village approach. A well designed development of nine dwellings is not considered to harm the character of the village or adversely affect gateway views or long distance views.

Whilst the cumulative impact of recent and proposed development in Stathern overall would be noticeable, it is not considered to be so adverse an impact as to result in harm to the area or the objectives of the Local Plan in terms of its provision via the settlement hierarchy owing to its limited scale (9).

**The proposals are considered to acceptable on the grounds of visual amenity and comply with the above policies.**

#### **5.4 Impact upon ecology (Policy EN2)**

The ecological value of the grazing land is limited, as confirmed by the reports submitted with the application and the response of the County Ecologist. Whilst the hedgerows in particular provide good foraging and nesting opportunities, these are retained in the most part, with removal only necessary in the location of the access road. The low density of the development provides good opportunities for additional landscaping, tree planting, a surface water attenuation pond and opportunities for significant biodiversity enhancements in accordance with the requirements of the NPPF.

**The proposals are considered to comply with Policy EN2.**

#### **5.5 Impact on residential amenity**

Policy D1 of the Local Plan states that the amenity of neighbours and neighbouring properties should not be compromised. The layout of the proposed dwellings is indicative. However, due to the distances involved and orientation of the nearby dwellings, no close or direct views of private areas would result and there would be no unacceptable loss of amenity as a result of the development which would warrant

refusal of the application. Loss of a view is not a planning consideration.

**The proposal would not have an unduly adverse impact on the amenity of neighbouring land uses and as such the proposal would comply with Policy D1 of the Local Plan.**

### **5.6 Highway Safety**

Policy D1 states that development proposals should include appropriate, safe connection to the existing highway network and should make adequate provision for car parking. Policy IN2 requires that development does not unacceptably impact on the safety and movement of traffic on the highway network and provides appropriate and effective parking provision and servicing arrangements.

The site is accessed from Blacksmith End which is a narrow unclassified road. Whilst a development of nine dwellings would increase vehicle movements to some degree, this is considered by the Local Highway Authority not to be significant. Although a Highways Statement has been provided with this application the LHA have confirmed trip generation is not required for this scale of development and so no specific comments relating to this information has been provided.

Several of the representations received have cited a refusal of permission for the change of use of a dwelling on Blacksmith End to a children's day nursery on highway safety grounds. The current application is not directly comparable, being a development of nine dwellings rather than a commercial use and which can provide ample off street parking within the site. Each application must be considered on its own merits. There are no sustainable grounds for refusal of this application on highway safety grounds, subject to the receipt of sufficient information regarding the detailed design of the access onto Blacksmith End. This is proposed as a condition.

**As such, subject to conditions the proposal would be acceptable in highway safety terms and would comply with the above policies.**

### **5.7 Heritage Assets**

The site has no close relationship or direct inter-visibility with the conservation area or listed buildings. The land does have some archaeological interest and the County Archaeologist is satisfied that further archaeological investigation can be addressed through the imposition of conditions.

**The proposal would comply with Policy EV13.**

### **5.8 Flood Risk (Policies EN 11 and 12)**

The site is not within a high or medium risk flood zone as identified by the Environment Agency. Surface water disposal is proposed via a sustainable drainage system (SUDS) which would attenuate surface water runoff from the development to green field rates allowing for climate change. The Lead Local Flood Authority has no objections to the proposal subject to the imposition of conditions relating to details of the scheme. Whilst evidence of localised flooding nearby is acknowledged there is no reason to suppose that the development would exacerbate this subject to the

robust provision of surface water drainage on the site.

**The proposal would comply with Policy EN11 and EN12.**

### **Consultation & Feedback**

A site notice was posted and neighbouring properties consulted. As a result 35 representations have been received as summarised in this report.

### **Financial Implications:**

There are no financial implications identified.

### **Background Papers:**

A previous application for 45 houses reference 18/01533/OUT was withdrawn.

### **Appendices:**

- A: Consultation responses
- B: Representations received
- C: Recommended conditions
- D: Applicable Development Plan Policies

### **Report Timeline:**

<b>Assistant Director Approval</b>	
------------------------------------	--

**Report Author: Ms Amanda Haisman, Planning Officer, Development Management**

: 01664 502453

## Appendix A : Consultation replies summary

### **Parish Council:** Objection (summary) -

The site should not be considered a 'windfall' as this is in direct conflict with the NPPF which states that "*windfall sites are sites not specifically identified in the development plan*". The site is part of STAT3, an identified reserve site in the adopted Melton Local Plan. With allocations STAT 1 and STAT 2 there is no proven local need for any more housing. Policy SS3 of the Local Plan states that permission will be granted where the development provides housing which meets a proven local need as identified by substantive evidence, for example within a Neighbourhood Plan or appropriate community-led strategy, or a housing assessment or other evidence provided by the applicant. There is no substantive evidence.

The proposal would also require the removal of established ancient hedgerow which is an important site for biodiversity and is used as a predation and hunting ground for owls and other birds of prey.

### **Lead Local Flood Authority:** No objections subject to conditions -

The site is within flood zone 1, being at low risk of fluvial flooding. The proposals are acceptable subject to conditions relating to submission of a surface water drainage scheme, surface water management, maintenance and infiltration testing.

### **LCC Archaeology:** No objections subject to conditions -

Whilst the proposals are smaller than previously, the advice given in relation to the earlier application stands. The desk based assessment and geophysical survey indicated that there is potential for archaeological remains to be encountered. It is recommended that the current application is approved subject to conditions for archaeological mitigation, including necessary intrusive and non-intrusive investigation and recording (earthwork survey of the ridge and furrow and trial trenching). If planning permission is granted the applicant must obtain a suitable written scheme of investigation (WSI) prior to the start of development.

### **LCC Highways:** Comments -

The site will be accessed from Blacksmith End which is an unclassified road with a 30mph / national speed limit change fronting the site.

There have been no Personal Injury Collisions recorded within 500m of the site within the last 5 years. Trip generation assessment is not required for the quantum of this development. Parking should be provided in accordance with the Design Guide. Footpath G19 runs through the centre of the site and G24 runs adjacent to the proposed development. A separate application for diversion is required under the Town and Country Planning Act if these are impracticable to retain on existing lines.

A request was also made for a scaled drawing detailing the proposed access arrangements in addition to the site layout plan, including the achievable visibility splays. However, following further discussions the Local Highway Authority has confirmed that this information could be a condition of any approval granted.

### **Ecologist:** Comments -

The survey identifies that the site comprises species-poor grassland. Hedgerows



surrounding the site provide some habitat connectivity in the area. No evidence of protected species was recorded on site, but a number of ponds were identified nearby. The indicative site layout shows the retention and buffering of the boundary hedgerows. We welcome this and request that this is retained. The areas of open space also provide opportunities for ecological enhancement.

(Note: Following additional information submitted relating to Great Crested Newts any further comments from the ecologist will be reported to the committee).

**Melton Ramblers:** Objection -

At present G19 runs diagonally across the site and continues to Plungar. Diverting the path would increase the distance and result in the loss of yet more open space.

## Appendix B : Summary of representations received

### Neighbours:

Representations from 35 local residents have been received objecting to the application on the following grounds:

- Increased traffic on a single track road with farm access
- Limited passing place and no footpath / dangerous for pedestrians and horses
- More cars, more children, more people
- Parked vehicles obstruct view
- Blacksmith End poorly lit and has poor visibility
- Previous application for a children's nursery on Blacksmith End refused on grounds of traffic and parking
- Traffic generation figures are unrealistic (3 departures in peak period)
- Urbanisation / re-routing of public footpath
- Loss of agricultural land
- Loss of open space
- Loss of hedgerow
- Loss of wildlife and foraging areas for bats, birds, newts etc.
- Historical flooding in the area and on Blacksmith End would be exacerbated
- Properties on Blacksmith End would increase by 31%
- Harm to the character and appearance of the village and the wider landscape
- Makes no contribution to the character or sustainability of the village
- Loss of view and outlook
- There are brownfield sites available nearby
- Lack of infrastructure in Stathern
- School will shortly be over capacity, bus service reduced and shops are closing
- Currently houses for sale in the village
- Stathern should not be identified as a Service Centre as infrastructure is poor
- The site is not a windfall as it is identified as a reserve site in the Local Plan
- Contrary to policy C1(B) of the Local Plan (reserve sites)
- Does not comply with the definition of windfall in the NPPF glossary
- It would set a precedent for additional 'windfall' proposals on the land
- Several smaller developments would avoid Section 106 contributions and is

an attempt to get approval by the back door

- Contrary to policy SS3 of the Local Plan (unallocated sites) as there is no local need
- Housing supply and delivery in Melton Borough is strong so there is no need for this development to meet targets
- The Local Plan allocates 71 new dwellings for Stathern and there will be 104 so the target is exceeded and there is no need for more housing
- The housing target period is up to 2036 and the allocation for Stathern has already been met / is exceeded
- The Local Plan makes an allowance of no more than 10% windfall equalling 25 per year which is far exceeded
- A further 9 dwellings on top of the others approved and under construction in Stathern is not proportionate as required by policy
- Paragraph 49 of the NPPF requires that refusal of permission is justified where cumulative effects would be significant and undermine the plan making process (relates to emerging Local Plans).

## **Appendix C: Recommended 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.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

2. No development shall commence on the site until approval of the details of the layout, scale, external appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

3. Prior to submission of any reserved matters application a written scheme of investigation will be submitted to and approved in writing by the local planning authority. It will define a programme of trial trenching assessment of the application area. This work will be undertaken in full and its results used to inform the preparation of a suitable Archaeological Mitigation Strategy (AMS) for the development area, to be submitted with any future reserved matters scheme.

Reason: To identify and to secure the appropriate level of work that is necessary to

record the significance of any heritage assets in accordance with the requirements of the NPPF.

4. No development shall take place until the Archaeological Mitigation Strategy (AMS) has been submitted to and approved in writing by the local planning authority. For land that is included within the AMS, no development shall take place other than in accordance with the provisions of the agreed AMS, which shall include a) the statement of significance and research objectives b) the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works and c) the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the AMS.

Reason: To safeguard the significance of any heritage assets in accordance with the requirements of the NPPF.

5. The development shall provide a dwelling mix to provide choice within the market comprising 3 x 2 bed units, 3 x 3 bed units and 3 x 4+ bed units.

Reason: To cater for a range of housing needs and to accord with policy C2 of the Melton Local Plan and Section 5 of the NPPF.

6. No development shall take place until scaled and fully detailed plans of the construction and layout of the access onto Blacksmith End, together with inter vehicular visibility splays, are submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the approved plans.

Reason: To ensure a satisfactory access for vehicular traffic is provided in the interests of highway safety and to accord with Policy IN2 of the Melton Local Plan.

7. On plot parking for vehicles associated with the development shall be provided for each dwelling in accordance with the Local Highway Authority Design Guidance, together with electric vehicle charging points for each dwelling and each parking space shall be retained as such for the parking of motor vehicles as long as the development remains.

Reason: To ensure adequate provision is made for vehicular parking within the site and to accord with Policies EN9 and IN2 of the Melton Local Plan.

8. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To ensure a properly planned construction phase in the interests of highway safety and the residential amenity of nearby dwellings.

9. The development shall provide for a range of ecological enhancement measures incorporated within the development comprising bird and bat boxes, native species landscaping and refugia for amphibians, reptiles and hedgehogs in accordance with the opportunities identified in the Extended Phase 1 Habitat Survey by CBE Consulting dated December 2018.

Reason: To provide biodiversity enhancements in accordance with Policy EN2 of the Melton Local Plan and Section 15 of the NPPF.

10. No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. In addition all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.

Reason: In the interests of visual amenity.

11. 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 and thereafter the scheme shall be complied with.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

12. No development approved by this planning permission shall take place until such time as details of a scheme 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 and thereafter the scheme shall be complied with.

Reason: 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.

13. No occupation of the development approved by this planning permission shall take place until such time as details of a scheme in relation to the long-term maintenance of the surface water drainage system (including the SUDs) within the development have been submitted to and approved in writing by the Local Planning Authority and thereafter the scheme shall be complied with.

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 surface water drainage system (including sustainable drainage systems) within the proposed development.

14. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

15. The development hereby permitted shall be carried out in accordance with drawings numbered 7705-01-01 and 7705-10-10 received by the Local Planning Authority on 25th October 2019.

Reason: For the avoidance of doubt.

## **Appendix D : Applicable Development Plan Policies**

### **Local Plan**

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy C1(A) Housing Allocations
- Policy C1(B) Reserve Sites
- Policy C2 Housing mix
- Policy IN2 Transport, Accessibility and Parking.
- Policy D1 Raising the Standard of Design.
- Policy EN1 Landscape
- Policy EN2 Biodiversity
- Policy EN6 Settlement Character
- Policy EN9 Energy Efficient and Low Carbon Development
- Policy EN11 Minimising the risk of Flooding
- Policy EN12 Sustainable Drainage Systems
- Policy EN13 Heritage Assets

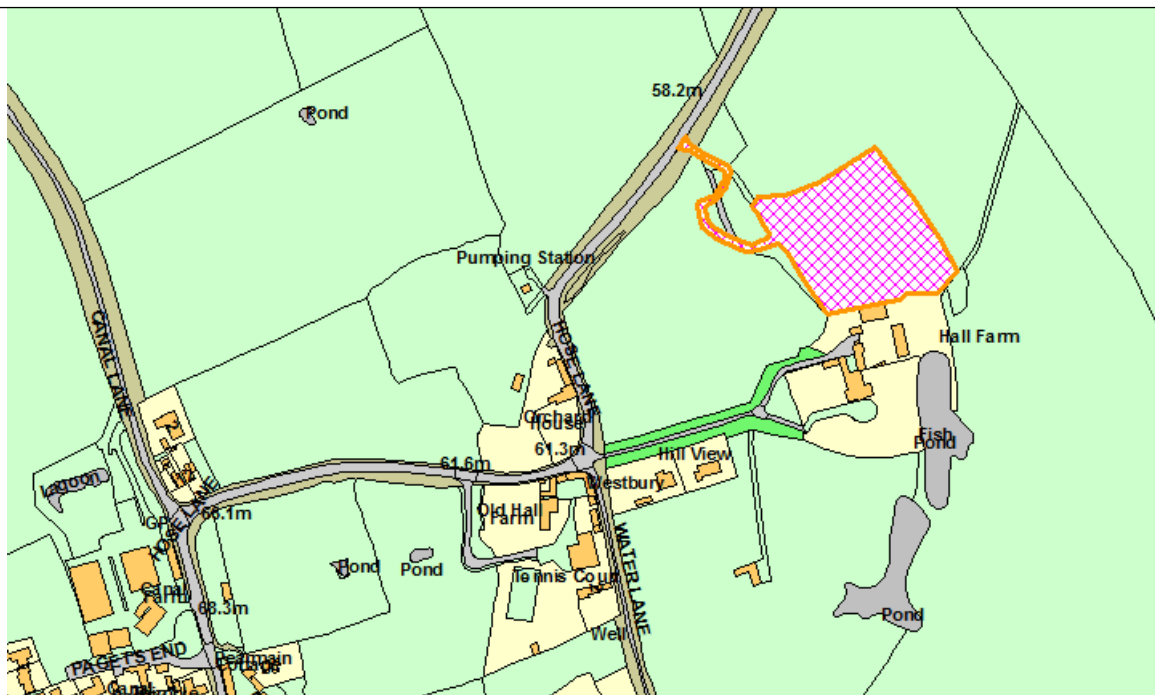
Stathern was designated as a Neighbourhood Plan Area in May 2019 but is at a very early stage of preparation.

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#### 19/00709/FUL: Buildings adjacent to The Hall, Hose Lane, Long Clawson

Proposed residential redevelopment of former farm complex comprising the conversion of existing equestrian buildings to form 3 dwellings and the replacement of all non-traditional former agricultural buildings with 3 'self/custom build' homes (in lieu of the 5 new dwellings approved under LPA reference 18/00872/GDOCOU)

#### 1. Summary:



The site lies to the east of Long Clawson and to the north of Hall Farm, a grade II listed building. The site is accessed from Hose Lane to the north-west and the site accommodates a collection of redundant farm buildings and a substantial brick equestrian building.

The proposal comprises the redevelopment of the former farm complex comprising the existing equestrian buildings being converted to form three dwellings and the replacement of all the non traditional former agriculture buildings with three self/custom build homes.

## 2: Recommendations:

### It is recommended that:

- (i) **the application is approved, subject to a s.106 agreement for the provision of a financial contribution in lieu of affordable housing provision on site, details of which are delegated to the Assistant Director for Growth and Delivery**

## 3: Reasons for Recommendation:

The agricultural buildings **have approval for conversion into five dwellings** as Permitted Development (under Class 3 'Part Q' of the Town and Country Planning (General Permitted Development) Order 2015 "the GDPO". The proposal is to remove these buildings and **erect three new-build dwellings instead**. This would reduce the number of dwellings on this part of the site and would result in a significant visual improvement to the site with a higher standard of dwelling.

**In addition, the equestrian building has permission for two dwellings** restricted to occupation by the stable manager and the groom. **The proposed conversion of the equestrian buildings into three dwellings** would replace the remaining two extant dwellings and 2 holiday lets by the provision of an additional dwelling.

Therefore, there would not be an increase in the number of dwellings overall (9 permitted at present (including the holiday lets); 6 proposed)

A case has been made to demonstrate the extant residential uses are no longer needed and that the proposal would lead to a visual gain with part of the large equestrian building being demolished.

## 4: Key factors:

### Reason for Committee Determination

The application is required to be presented to the Committee due to the proposal conflicting with the Neighbourhood Plan.

### Relevant Policies

**The Melton Local Plan 2011-2036 was adopted on 10<sup>th</sup> October 2018 and is the Development Plan for the area. The Clawson, Hose and Harby Neighbourhood Plan is made and forms part of the Development Plan.**

**No inconsistency with the NPPF has been identified that would render Local Plan or Neighbourhood Plan policies 'out of date'.**



Please see Appendix D for a list of all applicable policies

### **Main Issues**

The main issues for this application are considered to be:

- Principle of development : position in terms of Local and Neighbourhood Plan Policy
- Impact upon the character and appearance of the area, including the adjacent listed building
- Impact upon residential amenities
- Impact upon highways and parking

## **5: Report Detail:**

### **5.1 Position under the Development Plan policies**

The site is close to the settlement of Long Clawson and policies SS1-SS3 apply. The site is outside of the Limits to Development as set out in Policy H3 of the Neighbourhood Plan.

### **5.2 Principle of Development (LP policy SS2; NP Policy H3)**

The proposal comprises the provision of a total of six dwellings. These would be delivered through the demolition of the farm buildings and the erection of three dwellings and the part demolition and conversion of the equestrian building to provide three dwellings. The former three dwellings would be custom/self build.

The site lies within the countryside and beyond the Limits to Development in the Neighbourhood Plan. Policy SS2 of the Local Plan states new development will be restricted to that which is necessary and appropriate in the open countryside. Policy H3 of the Neighbourhood Plan states land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.

**The proposed new dwellings are considered to be contrary to both policies, and can only be approved if material considerations are present to justify a departure from them.** The site has an extant permission, via the 'Part Q' approval referred to above, to convert the farm buildings into five dwellings as permitted development, and permission for a further two in the stable block. These provide a 'fall back' position which is a material consideration that must be considered in assessing future development on a site.

On a 'unit by unit basis', the provision of five dwellings on the site in lieu of the permitted dwellings can be supported in principle as a quid pro quo. **The dwellings proposed would be on the site of the agricultural buildings which would necessitate their demolition and extinguish the existing 'Part Q' permission for the five dwellings.**

In terms of the proposed additional dwelling, the adjacent equestrian building, which has been built but never used, includes permission for a groom's dwelling, a managers dwelling and two holiday lets. It is proposed to convert this whole building into market dwellings. The approved groom's accommodation and holiday lets could not be provided in addition to the dwellings now sought as they occupy the same buildings/the adjacent building and again the current proposal would extinguish and replace these units. **Although the grooms/managers/holiday lets have restrictive uses, the extinguishing of these units would result in the loss of four units, to be replaced by one additional unit.**

Therefore, in terms of traffic generation, sustainability etc., there would be a net reduction with six units on site rather than nine.

**Two of the proposed dwellings would be conversions of the exiting stable block.** The Local Plan and Neighbourhood Plan refer to National Policy for such matters and the **NPPF states at paragraph 79 that the re-use of redundant or disused buildings where the immediate setting would be enhanced is to be supported.** The equestrian building is of a considerable size and the proposal would result in elements being demolished which would benefit the visual amenity of the site. Furthermore, the conversion details are sympathetic to the building and would significantly reduce the massing of the building.

As such, given the fall back position, the existing permissions on site and the support of the NPPF for conversions where there would be visual benefits, it is concluded the proposals can be supported in principle. **There would be a net reduction in the number of units on the site and overall the conversion element of the proposals would not conflict with the Local Plan or the NPPF.**

The equestrian use was first approved in 2008 but due to the recession, the evolving nature of equestrian requirements and storm damage, the originally planned operator of the complex pulled out. Given the size of the building, it is unlikely to ever be used for equestrian purposes. However, the building is on the site and requires a suitable re-use. **Furthermore, the proposals would result in a substantial reduction in the overall footprint of buildings on the site.**

The Parish Council object to the principle of development with the site being outside of the Limits to Development and that the proposal is contrary to the Neighbourhood Plan (interpreted to be a reference to the new build elements). **However, as set out above, there are significant material considerations that in this case are considered to justify a departure from the Neighbourhood Plan.** Case law has established that a Class Q approval provides a 'fall back position' to which future development can be compared and balanced even where the approved work has not been carried out.

In addition, the proposal provides significant visual benefits for the site and surroundings. The proposed new dwellings in place of the approved conversions would provide visual benefit and the conversion of the existing building would result in the removal of part of this large structure.

The Parish Council has also raised an objection on the sustainability of the site and the absence of a pedestrian footpath to the village. However, given the established fall back position of the Class Q approvals and the approved grooms accommodation and holiday lets, it is not considered that the proposal could reasonably be refused on these issues especially as there would be a net loss of units on the site.

It is therefore concluded that in this case, these material considerations outweigh the conflict with the Neighbourhood Plan.

**Housing Mix (NP Policy H5):** In terms of housing mix, five of the units would have five bedrooms and the other four bedroom. Policy H5 of the Neighbourhood Plan seeks a housing mix that meet identified local needs and priority given to dwellings of 1, 2 and 3 bedrooms (n.b. Local Plan Policy C2 which seeks to achieve a mix of house types can only be considered on schemes of 10 or more and therefore does not influence the determination of this application).

The proposals are considered to be in conflict with Policy H5. However, it is considered that the benefits of the scheme, i.e. the visual enhancement for the site, outweighs the concerns over the units being larger than the ideal mix. The application seeks to balance the number of dwellings with the fall back position and although smaller units could be created this could result in a larger number of dwellings being sought in this location. This could lead to a greater number of journeys using private vehicles and a greater visual impact through smaller plots, boundary treatment, ancillary buildings, domestic paraphernalia etc and an adverse impact on sustainability in terms of travel. **It is therefore considered the application achieves a suitable balance between the provision of housing based on the fall back position and visually enhancing the site.**

On balance, it is not considered the proposal could reasonably be refused on this point as the scheme has significant other benefits which in this case outweigh the merits of the sought housing mix. Furthermore, the sought housing mix is being achieved through the allocated sites in the Borough.

**The principle of development is therefore acceptable.**

Policy C4 of the Local Plan states affordable housing provision will be required on all sites of 11 or more units and/or where the floor space exceeds 1000 m<sup>2</sup>. In this case, the floor area of the proposal exceeds the 1000m<sup>2</sup> threshold.

The applicant has confirmed agreement to providing a financial lump sum in lieu of on-site provision and this would be secured through a s.106 agreement. The sum involved would be calculated through the methodology specified in the Council's adopted Affordable Housing SPD, taking into account the need to be 'discounted' by the provisions of Vacant Building Credit as required by national planning policy.

### **5.3 Impact upon the character of the area (LP Policies EN1, D1, NP Policy H7)**

Policies EN1, D1 and H7 all refer to visual amenity and landscape and settlement characteristics. The Parish Council object on the grounds that the proposal would be

contrary to Neighbourhood Plan Policy H7b which relates to the visual impact of development.

The site has an extant approval for conversion of the farm buildings into five dwellings. These farm buildings are of little visual or architectural merit and the proposal to demolish them is not considered adverse.

The proposed replacement dwellings would comprise detached, two-storey dwellings formed around an internal courtyard. The design proposed is of modern buildings echoing the agricultural origins of the site with the massing and heights minimised through effective footprints and designs. The buildings would be of acceptable size and scales and would reflect agricultural buildings through the use of the proposed materials.

**It is considered the proposed dwellings would result in a significant visual gain on the site** over the extant conversions and would result in dwellings which would be visually appropriate to the site and surroundings.

The proposed conversion of the equestrian building would result in the removal of part of this building and the change of the eastern end from two-storey to single storey. The current building is extremely large and out of scale with any other building in the locality. **The proposal to demolish part of the building, to reduce the scale of other parts and to convert sympathetically, would result in a significant visual gain through a considerable reduction in the massing.**

The replacement building on Plot 6 would complete the enclosure of the inner courtyard and would be of an appropriate size, scale and design to reflect the rural nature of the site and surroundings.

The proposal is considered to result in a visual gain compared to the Class Q conversions and the extant existing equestrian building. The existing unsightly agricultural buildings would be removed from the site, the proposed replacement dwellings are considered to be well designed and appropriate for this rural site and the equestrian building would be reduced in size and scale. Given these material considerations it is not considered the proposal could be resisted on the grounds of visual impact or over-intensive development.

**In light of the above, it is considered the proposal would result in a significant enhancement of the site and on the wider rural landscape, in compliance with policies EN1, D1 and H7.**

Section 66 of the Planning (listed Buildings and Conservation Areas) Act 1990 states in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

The site is in relatively close proximity to Hall Farm, a grade II listed building. The barns form part of the historic farmstead of the farm house although they are of little architectural or historic merit. The proposed buildings would not be set closer to the

historic building or be appreciably larger than those already approved under 11/00647/FUL and 18/00372/GDOCOU. As such, the proposal would not be harmful to the setting of the listed building and the requirements of section 66 are considered to be met.

**The proposal therefore complies with Policy EN13, the NPPF and the above mentioned Act in terms of visual amenity.**

#### **5.4 Impact upon residential amenities (LP Policy D1 and NP Policy H7)**

LP Policy D1 and NP Policy H7 relate to residential amenities. The site occupies a relatively isolated location with Highfield Farm set a considerable distance to the north-east, separated by a field. To the east, Hall Farm is set in its own considerable grounds and the separation distances are such that there would be no undue adverse impact on the amenities of occupiers of that property. To the south-west, Hill View and Westbury View are also separated sufficiently to ensure there would be no undue adverse impact. No other existing neighbouring property would be unduly affected.

The proposed new dwellings and conversions have been designed to ensure there would be no undue adverse impacts on the future occupants of the units. Adequate private garden areas would also be provided. Although the shapes and sizes of the gardens vary, this is due to the constraints of the site and converting the existing building without extending the curtilages into the adjacent countryside. On balance, no objection is raised on this point.

**Therefore, it is not considered that the proposal would have a negative effect on the amenity of any neighbouring properties and complies with Policy D1 of the Local Plan and Policy H7 of the Neighbourhood Plan.**

#### **5.5 Highway Safety (LP Policy IN21 and NP Policy H7 and T4)**

Policies IN2, H7 and T4 are relevant. The Highway Authority raised no objection on the grounds of access and recommend conditions. Given the access has approval for use to serve the five units already permitted on the site and the approved use of the equestrian building, the proposals would lead to a reduction in traffic generation as the equestrian use has the potential to generate significant traffic and this use would be extinguished.

**No objection is raised on highway grounds subject to conditions and the proposal complies with the above policies and guidance.**

#### **5.6 Ecology (LP Policies EN2 and NP ENV4)**

Policies EN2 and ENV4 are relevant. A bat survey has been submitted and found evidence of bats within three buildings that would be converted or demolished. Only a daytime survey of the buildings was initially carried out and the report identified additional activity surveys would be needed in order to establish the type and size of roost, as well as the species present.

A follow up report has been submitted stating Building 1 was assessed as having negligible potential and as such no further surveys were required. Buildings 2, 3 and 4 were assessed as confirmed roosts due to the presence of droppings, feeding remains and suitable roosting features. However, the construction and materials present within building 2 were not consistent with typical buildings utilised by roosting bats as such the building was classified as having low potential for roosting bats and one nocturnal survey recommended. As per best practice guidelines three nocturnal surveys were recommended for Buildings 3 and 4 (including one dawn re-entry survey as a minimum) to fully determine bat presence / likely absence.

The additional surveys confirmed that bat roosts are present in Buildings 3 and 4. Whilst a single dropping was identified during the daytime inspection of Building 2, the subsequent nocturnal surveys have demonstrated a likely absence of bats and the dropping is attributed to a bat conducting foraging flight within the building. The report states Buildings 1 and 2 can be demolished without further constraint in respects to bats, However, a European Protected Species Licence will be necessary for the redevelopment of Building 3 and the demolition of Building 4.

County Ecology has stated the information submitted has demonstrated that the proposed mitigation can be incorporated into the development, which is satisfactory at this stage. They seek that pre-commencement conditions are added to any permission granted, requiring the submission of a bat mitigation plan and a GCN method statement, to be in accordance with the information submitted on 25.10.

This information suggested mitigation to demonstrate it could be achieved and included potentially the installation of a loft in Plot 5 as the ingress can easily be incorporated on both a gable wall and as a bat tile to provide a range of ingress opportunities. There is also scope for a range of bat boxes that could be integrated into the brickwork of the other plots, particularly Plot 4 and 6. In respects of delivery of amphibian mitigation this could include a site briefing once a contractor is in place pre commencement.

In terms of great crested newts (GCN) County Ecology initially stated the development is within 100m of a pond. GCN have been recorded in the wider area and, if they are present in this pond, they may be impacted by the development and a survey of the pond was sought.

The Applicant's Ecological Consultants have undertaken a thorough review of the site which is formed of an existing farm yard formed of hardstanding and subject to large scale disturbances. They acknowledge that Long Clawson is an area known for GCN; however, the pond identified is not one to which we have former knowledge (i.e. presence / absence / suitability for breeding amphibian). They consider in light of the limited terrestrial value of the site it was considered that further survey of the pond was disproportionate to the scheme. GCN will not persist in hard standing areas such as the survey site and at most may traverse the site at night and so risks to individual GCN (if present) is considered to be extremely limited.

Furthermore, the overall scheme will result in losses of hardstanding areas and formation of private gardens etc. and so impacts in respect of the species ability to survive and breed (Favourable Conservation Status) is considered likely to be improved as a result of the proposals and the increase if terrestrial habitats of value.

It is therefore considered that a more proportionate means of progressing would be under a precautionary method of works with detailed mitigation in respects to timing of works and appropriate means of preventing adverse impacts to any individuals which may pass through the site. The failsafe to the PMW approach would be that if a GCN is encountered during the works, the works would cease whilst a Low Impact Lass Licence is sought for the continuation of works. This would only limit the site for 10 working days whilst a licence is achieved. The low Impact thresholds apply in this situation as the site is small scale, and will be completed within a short time frame and have no impact to dispersal/migration routes for GCN should they be present.

In response, County Ecology stated acceptance of the proposal subject to conditions. **As such, no objection is raised on the grounds of ecology.**

### Consultation & Feedback

A site notice was posted and neighbouring properties consulted. No representations have been received.

### Financial Implications:

There are no financial implications identified.

### Background Papers:

The planning history on the site includes:

- 11/00452/FUL Conversion of existing stables hay loft into holiday lets and construction of a new end block to southern end of stables containing holiday lets – Refused.
- 11/00647/FUL Conversion of barn to holiday let – Refused. 12/00561/FUL Conversion and change of use of the hay loft in existing stable building into part-holiday let accommodation and part staff accommodation for a stable manager and groom – Permitted.
- 18/00372/GDOCOU Change of use from agricultural use to 5 dwellings – Prior Notification approved.

### Appendices:

A: Consultation responses  
B: Representations received  
C: Recommended conditions  
D: Applicable Development Plan Policies

## Report Timeline:

Assistant Director Approval

6<sup>th</sup> December 2019

**Report Author: Mr Joe Mitson, Planning Officer, Development Management**

☎: 01664 502395

## Appendix A : Consultation replies

### Parish Council

Object on the grounds that the proposal is an over-intensive development of the site and does not comply with NP Policy H7b), is outside the Limits to Development and there is no pedestrian access as the application does not include a footway from the site into the village.

### Highways

No objection subject to conditions and informatives.

### LCC Ecology

(Original Comments) The Bat Survey submitted in support of the application found evidence of bats within 3 buildings that will be converted or demolished in support of the application. Only a daytime survey of the buildings have been completed so far and section 4 of the report identifies that additional activity surveys will be needed in order to establish the type and size of roost, as well as the species present.

We are in agreement with this recommendation and it complies with national and local guidance. We would therefore recommend that these additional surveys are completed in advance of the determination of the application. This will allow any necessary mitigation to be incorporated into the design of the development.

Additionally, I note that the development is within 100m of a pond. GCN have been recorded in the wider area and, if they are present in this pond, they may be impacted by the development. For these reasons, in accordance with Trigger F of our local validation criteria, we recommend that a survey of the pond and Great Crested Newt terrestrial habitats is carried out and submitted before the planning application can be determined. This should involve an assessment of the suitability of the pond for harbouring Great Created Newts, using a nationally recognised scheme such as the HSI. Depending on the results of this, a full survey for Great



Crested Newts may also be required. Great Crested Newt surveys can only be carried out between February/March and May. Further guidance on the scope of surveys can be found in the attached Great Crested Newt Protocol. A list of consultants able to do this work can be supplied on request.

Please note that ODPM Regulations require protected species surveys to be submitted prior to determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. (Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)).

I would therefore recommend that this application is withdrawn or refused on the grounds of inadequate information on protected species.

Latest Comments: Raise no objection subject to mitigation conditions.

### **Melton Ramblers**

No comments received.

## **Appendix B : Summary of representations received**

### **Neighbours**

No comments received.

## **Appendix C: Recommended Conditions**

01

The development shall be begun before the expiration of three years from the date of this permission.

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.

02

The development hereby permitted shall be carried out in accordance with the following plans: 17.025 S01.02 Rev C Site Plan, 17.025 S03.02 Rev C Proposed Site Plan, 17.025 S03.01.2 Rev C Plot 1 Elevations, 17.025 S03.1.1 Rev D Plot 1 Proposed Plans, 17.025 S03.02.2 Rev A Plot 2 Proposed Elevations, 17.025 S03.02.1.Rev D Plot 2 Proposed Plans, 17.025 S03.03.2 Plot 3 Proposed Elevations, 17.025 S03.03.1 Rev D Plot 3 Proposed Plans, 17.025 S03.04.2 Rev C Plot 4 Proposed Elevations, 17.025 S03.04.1 Rev D Plot 4 Proposed Plans, 17.025 S03.05.2 Rev B Plot 5 Proposed Elevations, 17.025 S03.05.1 Rev D Plot 5 Proposed Plans, 17.025 S03.06.2 Rev B Plot 6 Proposed Elevations, 17.025 S03.06.1 Rev D Proposed Plans.

For the avoidance of doubt.

03

No development shall take place above ground level until details of all external materials to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details

In the interests of visual amenity.

04

No development shall take place above ground level until details of drainage plans for the disposal of surface water and foul sewage have 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.

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

05

No development shall take place above ground level until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected (including any changes to the boundary treatment adjacent to the public footpath. The boundary treatment shall be completed in accordance with these approved details before the Development is occupied .

To preserve the amenities of the locality.

06

No development shall take place on site above ground level until details of existing and finished site levels, together with levels of the adjacent sites, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with such agreed details.

To safeguard the local environment by ensuring an appropriate relationship to adjoining land uses.

07

No development shall take place on site above ground level until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development. The landscape scheme shall be carried out and completed in accordance with these approved details before the Development is occupied.

To ensure satisfactory landscaping is provided within a reasonable period.

08

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

In the interests of visual amenity.

09

The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Landscape Masterplan Drawing No. (08)010 Revision A. Thereafter the onsite parking provision shall be so maintained in perpetuity.

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

Notwithstanding the submitted plans, the proposed access to the Development shall have a width of a minimum of 4.8 metres, a gradient of no more than 1:12 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material. The access once provided shall be so maintained at all times.

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 (2019).

11

Where the Public Footpath crosses the access road it should be waymarked with Leicestershire County Council standard waymark posts.

To ensure a clear and legible Public Footpath in accordance with Paragraph 91 of the National Planning Policy Framework 2019.

12

No trees or shrubs should be planted within 1 metre of the edge of the Public Right(s) of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

To prevent overgrowth of the path in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2019.

13

Prior to first occupation of the Development the existing Public Right of Way furniture at Hose Lane shall be improved in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. These works shall be implemented prior to the first occupation of any dwelling hereby approved. The works shall accord with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

To improve access and provide better facilities for users of the Public Footpath in accordance with Paragraph 98 of the National Planning Policy Framework 2019.

14

Before the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) a bat mitigation plan;
- b) a GCN method statement

These shall be in accordance with the information submitted in the email from Nick Sanderson dated 25.10.2019 which set out the broad approach to the required mitigation. The development shall only be carried out in accordance with the approved mitigation.

In the interests of safeguarding the ecological interests of the site.

## **Appendix D : Applicable Development Plan Policies**

### **Local Plan**

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy C2 Housing Mix.
- Policy C4 Affordable Housing
- Policy C8 Self Build and Custom Build Housing.
- Policy EN1 Landscape.
- Policy EN2 Biodiversity and Geodiversity.
- Policy EN6 Settlement Character.
- Policy EN8 Climate Change.
- Policy EN12 Sustainable Drainage Systems.

- Policy EN13 Heritage Assets.
- Policy IN2 Transport, Accessibility and Parking.
- Policy IN4 Broadband.
- Policy D1: Raising the Standard of Design.

### **Neighbourhood Plan**

- Policy H1 Housing Provision.
- Policy H2 Housing Site Allocations For 2016 to 2036.
- Policy H3 Limits To Development.
- Policy H5 Housing Mix.
- Policy H7 Housing Design.
- Policy ENV4 Biodiversity.
- Policy T4 Parking.
- Policy E5 Broadband.

### **Other**

Section 66 of the Planning (listed Buildings and Conservation Areas) Act 1990 states in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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