

# Agenda

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 26 March 2020</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>

Please note this meeting is now being held remotely on Thursday, 9 April 2020, please see [link here](#).

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>	<a href="mailto:democracy@melton.gov.uk">democracy@melton.gov.uk</a>
<b>Agenda despatched</b>	Wednesday, 18 March 2020

No.	Item	Page No.
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<b>MINUTES</b> To confirm the minutes of the meeting held on 27 February 2020.	1 - 8
3.	<b>DECLARATIONS OF INTEREST</b> Members to declare any interest as appropriate in respect of items to be considered at this meeting.	9 - 10
4.	<b>SCHEDULE OF APPLICATIONS</b>	
4 .1	<b>APPLICATION 19/01376/OUT</b> OS 4250, Burdetts Close, Great Dalby	11 - 32
4 .2	<b>APPLICATION 19/00707/FUL</b> Land at Butt Close, Adjacent Hay Barn, Riverside Road, Melton Mowbray	33 - 48
4 .3	<b>APPLICATIONS 19/01379/VAC AND 19/01380/VAC</b> Field OS 3500 Hecadeck Lane Nether Broughton	49 - 56
4 .4	<b>APPLICATION 19/01371/VAC</b> Spinney Campus, Brooksby Melton College, Melton Road, Brooksby  To follow.	
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, 27 February 2020</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>

## Present:

**Chair** P. Posnett MBE (Vice-Chair) in the Chair

**Councillors**

P. Cumbers	P. Chandler
P. Faulkner	J. Douglas
J. Illingworth	L. Higgins
P. Wood	M. Steadman
R. Smedley (Substitute)	A. Hewson (Substitute)

## **Observers**

**Officers**

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

Minute No.	Minute						
	<i>The Vice Chair, Councillor Posnett MBE, in the Chair</i>						
PL178	<p><b>Apologies for Absence</b> Apologies for absence were received from Councillors Glancy and Holmes.</p> <p>Councillor Smedley was appointed as substitute for Councillor Glancy and Councillor Hewson was appointed as substitute for Councillor Holmes.</p>						
PL179	<p><b>Minutes</b> The minutes of the meeting held on 23 January 2020 were confirmed and authorised to be signed by the Chair.</p>						
PL180	<p><b>Declarations of Interest</b> Councillor Posnett declared a personal interest in any Leicestershire County Council matters due to her role as a County Councillor.</p>						
PL181	<p><b>Schedule of Applications</b></p>						
PL182	<p><b>Application 18/01343/FUL</b></p> <table border="1" data-bbox="288 1055 1430 1440"> <tr> <td data-bbox="288 1055 491 1099"><b>Reference:</b></td> <td data-bbox="491 1055 1430 1099">18/01343/FUL</td> </tr> <tr> <td data-bbox="288 1099 491 1144"><b>Location:</b></td> <td data-bbox="491 1099 1430 1144">Long Clawson Dairy, Hickling Lane, Long Clawson</td> </tr> <tr> <td data-bbox="288 1144 491 1440"><b>Proposal:</b></td> <td data-bbox="491 1144 1430 1440">Proposed demolition of the existing redundant packing building, erection of new cheese maturation buildings and relocation of dairy offices. Formation of a new village green space and change of use to existing buildings to West End frontage. Hybrid application, Phase 1B full planning application, Phase 2 outline application with all matters reserved for future approval apart from layout</td> </tr> </table> <p>The Development Manager addressed the Committee and provided a summary of the application. She advised that concerns raised by the Parish Council were included in the report in relation to Phase 2 and discussions were ongoing between Planning Officers and Long Clawson Dairy on these matters. She mentioned that the comment concerning the ‘village green’ on page 30 referred to a genuine facility for the community which would be accessible by all villagers.</p> <p>Pursuant to Chapter 2, Part 9, Paragraphs 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:</p> <p>Richard Cooper, the Agent and Ashley Reek of Long Clawson Dairy shared the 4 minute allocation.</p>	<b>Reference:</b>	18/01343/FUL	<b>Location:</b>	Long Clawson Dairy, Hickling Lane, Long Clawson	<b>Proposal:</b>	Proposed demolition of the existing redundant packing building, erection of new cheese maturation buildings and relocation of dairy offices. Formation of a new village green space and change of use to existing buildings to West End frontage. Hybrid application, Phase 1B full planning application, Phase 2 outline application with all matters reserved for future approval apart from layout
<b>Reference:</b>	18/01343/FUL						
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Following questions from Members, it was confirmed:

- Should the application be refused, the company would struggle to expand further. Mr Reek explained that some parts of the buildings proposed for development were 90 years old and were no longer fit for purpose nor in line with the technical standards required
- The Dairy would be happy to work with the Parish Council and villagers to achieve a mutually agreeable solution to the development

During discussion the following points were noted:

- Members were impressed by the business and its processes demonstrated at the site visit and felt the company's approach was both sympathetic and collaborative in working with others
- The proposals represented sustainable growth for a business that was important to the Borough's economy

Councillor Chandler proposed the recommendation for approval as Long Clawson Dairy was one of the Borough's largest and well respected employers and the Council should support its development. Councillor Steadman seconded the motion and agreed that the Vale of Belvoir was reliant on the business the Dairy brought to the rural area.

### **RESOLVED**

That application 19/00573/REM be **APPROVED** subject to the conditions set out in the report and for the following reasons :

(Unanimous)

The proposal comprises the rationalisation of the process carried out by the dairy which would ensure the continued operation from this site, a reduction in vehicles accessing the main village thoroughfare, the removal of buildings of limited visual merit and the erection of suitable replacement buildings. The proposal is therefore considered acceptable in principle, would be visually acceptable and would not be detrimental to residential amenity or highway safety.

PL183

### **Application 19/00741/FUL**

<b>Reference:</b>	19/00741/FUL
<b>Location:</b>	Field OS 4011, Tofts Hill, Stathern
<b>Proposal:</b>	Demolition of 2 existing dwellings and a barn, and their replacement with 9 new dwellings and associated private access driveways

This item was withdrawn from the agenda.

PL184

### **Application 19/01371/VAC**

<b>Reference:</b>	19/01371/VAC
<b>Location:</b>	Spinney Campus - Brooksby Melton College, Melton Road, Brooksby, Melton Mowbray
<b>Proposal:</b>	<ul style="list-style-type: none"> <li>• Removal of Condition 20 (phasing for implementation of the whole development and requirement of the completion of the shop and industrial units prior to occupation of 75% of the proposed residential dwellings).</li> <li>• Proposed amendments to s106 obligations</li> </ul>

The Assistant Director for Planning and Delivery addressed the Committee and provided a summary of the application. He advised that since despatch of the agenda Hoby and Rotherby Parish Council had expressed their disappointment that due to the recent changes in Government policy, the application did not now need to meet a sustainable housing requirement and this meant there would be no opportunity for this type of housing in the area.

During discussion the following points were noted :

- Since the Government had amended the obligations for affordable housing, the applicant had become a fortuitous beneficiary of the change in regulations
- There was disappointment that the appeal had been granted against the Committee's wishes and since then the most significant benefits of the application had been removed
- There was cynicism expressed about the application due to the change in the policy on the requirement for sustainable housing and that the Inspector's decision had been undermined
- The King Street site was deteriorating and the opportunity for sustainable housing in the town centre had now been lost which raised questions as to what would happen to the site. It was understood the site could meet the need for student accommodation but there was no reference to this in the college's application
- The Ward Councillor's views were not included in the report and it was understood that although the Ward Councillor had arranged to speak at the meeting, he had been delayed. It was mentioned that Members were aware that he had concerns regarding the removal of the benefits, particularly the affordable housing. Mr Worley advised that no comments had been received from the Ward Councillor but he had been in touch since the report was published
- When the previous decision was made the Local Plan was part way through its development process and the planning balance applied at that time would have outweighed any adverse impact as it took into account the significant community benefits to be gained from the application

Councillor Higgins proposed that the application be deferred to enable the applicant to engage with the Ward Councillor and Parish Council on the potential for community benefit including the provision of sustainable housing. Councillor Cumpers seconded the motion.

The Ward Councillor, Councillor Browne, here entered the meeting.

The Legal Advisor explained that the proposer and seconder could change the proposal after hearing the Ward Councillor's presentation should they wish to do so.

Pursuant to Chapter 2, Part 9, Paragraphs 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 :

- Councillor Browne, Ward Councillor

Following the Ward Councillor's presentation, the proposer and seconder maintained their position to defer the application and on being put to the vote the motion was carried.

### **RESOLVED**

That application 19/01371/VAC be **DEFERRED** to enable the applicant to engage with the Ward Councillor and Parish Council on the potential for community benefit including the provision of sustainable housing.

(10 in favour, 1 abstention).

PL185

### **Application 19/00245/REM**

<b>Reference:</b>	19/00245/REM
<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 Assistant Director for Planning and Delivery addressed the Committee and provided a summary of the application. He advised that since despatch of the agenda an update had been received from the Highways Authority being a small criticism which could easily be conditioned and its content would have no impact on the remainder of the application.

Pursuant to Chapter 2, Part 9, Paragraphs 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:

- Mr Galij, Planning Director, North Midlands Division, Barratt David Wilson Homes

It was confirmed by the Legal Advisor that in his view condition 5 was proper and not ultra vires as stated by the agent. It was explained that a condition for the protection of residential amenity relating to the timing of construction activities on site was usual in planning applications.

During discussion the following points were noted:

- It was felt to not be unreasonable to extend the Saturday hours to 8 a.m. to 4 p.m.
- It was mentioned that the application had been vastly improved since it was last presented to the Committee but there were still concerns as to the tandem parking and the potential for parking on pavements and roadsides by those with families and visitors, which was felt to be a symptom of the whole development being too close and needing more care to make it a pleasant place to live
- Traffic calming and screening and frontages had been improved
- There was a discussion as to whether road widths could be increased which could ease the on-street parking situation and there could be staggered passing places
- It was noted that road widths were as expected for a development such as this with the spine road being wider than the subsidiaries. The agent advised that the road widths were in line with the Leicestershire County Council's requirements and no negative comments had been received from the Highways Authority on the road network
- Other Members expressed support for tandem and double parking and in their experience this was not a problem on a residential estate and at times it encouraged drivers to take more care and was a speeding deterrent
- It was understood that the County Council usually only objected where there were severe circumstances and this situation was more about the cramped design all the way around the development and how it would look and feel in 20-30 years
- There was the opportunity to continue to work with the developer to achieve a desirable development to attract people to want to live and work in the Borough

Councillor Illingworth proposed the recommendation in the report to approve the application. Councillor Douglas seconded as she felt there was a need for this type of smaller style development which often brought good community cohesion. The vote was lost with 4 in favour, 6 against and 1 abstention. Councillor Cumbers requested her vote against the motion be recorded.

Councillor Higgins proposed to defer the application for communications with the developer to continue to address concerns around parking arrangements to mitigate as far as possible the need for on-street parking, to review the density of the built form, introduce more greenery and a feeling of spaciousness and to blend in the affordable housing so as to feel part of the estate. Councillor Posnett seconded the motion.

**RESOLVED**



	<p>That application 19/00245/REM be <b>DEFERRED</b> for communications with the developer to continue to address concerns around parking arrangements to mitigate as far as possible the need for on-street parking, to review the density of the built form, introduce more greenery and a feeling of spaciousness and to blend in the affordable housing so as to feel part of the estate.</p> <p>(10 in favour, 1 abstention)</p>
PL186	<p><b>Development Management Performance 2019/20 Quarter 3</b></p> <p>The Development Manager presented the Assistant Director for Planning and Delivery's report which advised the Committee of current national performance indicator outcomes related to the determination of planning applications for Quarter 3 (October to December 2019). It also covered appeal results in the period concerned and section 106 agreements.</p> <p>The team was congratulated on its hard work in meeting government targets. It was noted that policy SS3 decisions would be included in the next performance report.</p> <p><b><u>RESOLVED</u></b> that the report be noted.</p>
PL187	<p><b>Urgent Business</b></p> <p>There was no urgent business.</p>

The meeting closed at: 7.29 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

26 March 2020

Report of: Assistant Director for Planning and Delivery

### 19/01376/OUT - OS4240 Burdetts Close, Great Dalby

Outline planning application for the construction of 35 no. dwellings (Class C3) with associated open space, landscaping and access, drainage and services infrastructure; to include details of layout and access off Burdetts Close, with all other matters reserved

<b>Corporate Priority:</b>	3: Delivering Sustainable and Inclusive Growth in Melton
<b>Relevant Ward Member(s):</b>	Gaddesby : Councillor Robert Child
<b>Date of consultation with Ward Member(s):</b>	13 January 2020
<b>Exempt Information:</b>	None

#### 1 Summary

- 1.1 The application site is currently greenfield, located central to the village of Great Dalby and partly within the Conservation Area. There are several listed buildings in the vicinity, including the grade II\* listed church of St Swithun. Public footpath D98G runs across the site. The proposed access is from Burdetts Close to the north with a footpath link to Main Street. The application site is identified in the Local Plan as a housing allocation with an estimated capacity of 37 dwellings 'GREA1'.
- 1.2 This is an outline application for 35 dwellings, with access and layout only for consideration at this stage. The housing mix comprises 21 market dwellings and 14 affordable which represents 40% affordable units across the site.
- 1.3 An application for the same development was approved by the Committee in December 2018 subject to a Section 106 Agreement. An application for permission to apply for a Judicial Review was made by the Parish Council and this permission was granted in November 2020. The initial hearing for the Judicial Review has been listed for Thursday 2nd April 2020.

#### 2 Recommendation(s)

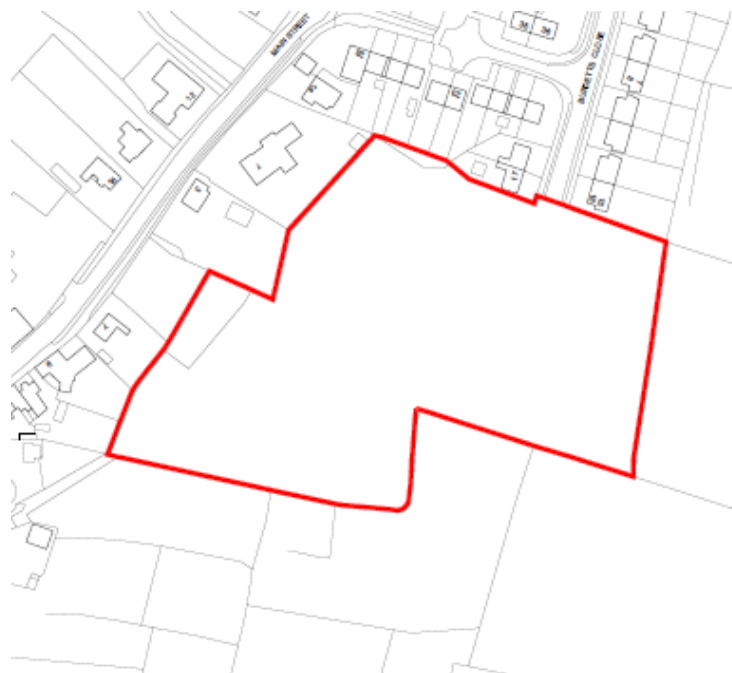
2.1 It is recommended that the Planning application is **APPROVED** subject to conditions and a Section 106 Agreement to secure contributions towards:

- (i) Primary and secondary education provision.

- (ii) Contribution to sustainable transport options.
- (iii) Contribution to maintenance of open space.
- (iv) The provision of affordable housing, including the quality, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs.
- (v) Contribution to the expansion of health service facilities in the area .
- (vi) Contribution towards waste services.

### 3 Reason for Recommendations

- 3.1 The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel and make appropriate provision for parking and ensure that there is not a significant impact caused to the Highway network. Great Dalby is a 'rural hub' under policy SS2 and identified as appropriate for a limited quantity of development in the form of allocations and accommodation of 'windfall'.
- 3.2 The site is identified for housing purposes in the Local Plan for an estimated number of 37 and the site is capable of meeting all of the design criteria of 'GREA1'. The access has been deemed acceptable by the Highway authority and there are no objections in principle from the Environment Agency or the Lead Local Flood Authority (subject to conditions). Contributions towards improvements to infrastructure can mitigate the impact of development and affordable housing is proposed to help meet identified local needs.
- 3.3 The proposal is considered to be sympathetic to the Conservation Area and setting of heritage assets with a stringent design code applied. Whilst there is some 'less than substantial harm' to the Conservation Area and setting of the Grade II\* Listed Church of St Swithun, this limited harm (individually and collectively) is outweighed by the public benefits of providing additional dwellings in a sustainable location. In carrying out that balance, the Council has had regard to the great weight that should be given to the conservation of heritage assets (NPPF, para 193), and having regard to the statutory duties set out in sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.



## **4 Key Factors**

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

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

### **4.3 Relevant Policies**

4.3.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

4.3.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'

4.3.3 Please see Appendix D for a list of all applicable policies

### **4.4 Main Issues**

4.4.1 The main issues for this application are considered to be:

- Principle of development; compliance with Development Plan Policies.
- Impact upon the character of the area
- Impact on heritage assets
- Impact upon residential amenities
- Impact upon highways and parking
- Impact on ecology
- Impact on flood risk
- Implications on infrastructure

## **5 Report Detail**

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

5.1.1 The site is adjacent to the settlement of Great Dalby and policies SS1 and 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. Great Dalby is identified in the Local Plan as a Rural Hub and has a housing allocation with estimated capacity 37 dwellings 'GREA1'. This application proposes 35 dwellings on GREA1.

5.1.2 The Local Plan has progressed through its Examination where the village categorisation was scrutinised at length and the Inspector agreed with the now adopted Local Plan village categorisation. As such, the policies in the Local Plan which identify the category of each village has passed a robust examination.

5.1.3 The Burton and Dalby Neighbourhood Plan is at an early stage (Regulation 14) and therefore attracts little weight.

5.1.4 Other material considerations are the National Planning Policy Framework (NPPF) and the Great Dalby Conservation Area Appraisal 2014.

### **5.2 Principle of Development**

5.2.1 The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise the need to provide housing in locations that can take advantage of

sustainable travel and make appropriate provision for parking and ensure that there is not a significant impact caused to the Highway network. Great Dalby is considered to be a sustainable location having access to, primary education, village hall, play group and regular bus services. The village is identified as a 'Rural Hub' under Policy C1(A) of the Local Plan and as such is appropriate for a limited quantity of development in the form of allocations and accommodation of smaller sites.

5.2.2 This site is identified for housing purposes in the Local Plan (GREA1) for an estimated number of 37 dwellings. This application proposes 35 dwellings.

5.2.3 Policy GREA1 states that:

Development of site GREA1 will be supported provided:

- *The proposal includes the suitably designed access in accordance and agreement with the Highways 6Cs design guide;*
- *local educational capacity is available, or can be created through developer contributions, to meet the needs of the site;*
- *the future development is sympathetic and limits the impact on the Conservation Area through appropriate choice of materials and high quality, well considered design;*
- *development proposals for the site should conserve and enhance existing heritage assets including the Conservation Area and the Grade II\* Listed Church of St Swithun, and it should not facilitate additional housing or other development in the remainder of the open land that forms part of the Conservation Area between Burrough End and Nether End, and should be so designed as to appropriately enclose the site.*

5.2.4 The site is capable of meeting all of the design criteria of 'GREA1'.

5.2.5 The site includes a suitably designed access and local education capacity can be created through developer contributions through a Section 106 Agreement as requested by the Local Education Authority. The impact on Heritage Assets is discussed in detail in paragraph 5.4 of this report but it is concluded that overall and on balance, the benefits of the scheme outweigh that harm. Whilst there is some less than substantial harm to the setting of the grade II\* listed church and the Conservation Area, it is considered that the public benefits of meeting housing need outweigh the limited harm in accordance with paragraph 196 of the NPPF.

5.2.6 The proposal does not facilitate additional housing or other development in the remainder of the open land and does appropriately enclose the site. It is not part of this application to have any adjoining site development and therefore any future application would necessarily be assessed on its own merits. There is an established access to the field to the south which needs to be maintained at all times. It is unrealistic to require no access at all to this agricultural land. Any application for proposals to the south and owing to this strong position as stipulated by the Inspector would be undesirable.

5.2.7 In terms of enclosure, the site terminates with a cul-de-sac of affordable homes at the south east corner and a similar street design along the south west. This closes off the site and it would be fairly assessed that in current decision making, any further development will be refused owing to these decisions and the comments by the Local Plan Inspector.



- 5.2.8 The layout proposed is the only realistic layout of a rather unusually shaped site that would provide a satisfactory active frontage facing the open land to the south which, it is generally accepted, contributes significantly to the rural character of the village. The removal of the plots to the south west and reduction in number of dwellings to 35 during the consideration of the previous (permitted) planning application was specifically designed to allow the development to appear more open and protect views from / to the church and to address concerns relating to the impact on the setting of these heritage assets resulting from the original layout. Thus a development which enclosed the site entirely with built form would not only be poor design practice in failing to relate well to its surroundings, but it would also re-create the previous harm to the heritage assets. The current layout is therefore considered to be a good compromise between safeguarding the heritage assets and providing an attractive development which contributes positively to its edge of village context.
- 5.2.9 Given that the Local Plan is adopted and the site is allocated for development, the benefits that would arise from it should be given significant weight in the determination of the application. Policy GREA1 makes it quite clear that whilst the sensitivity of the site is fully acknowledged, the heritage issues are not so insurmountable as to prevent its allocation. Notably the Local Plan Inspector highlighted (para 121) that development of the application site would be consistent with the spatial strategy, would provide support for the maintenance and enhancement of local services, contribute to the choice of a range of housing sites in sustainable locations in the Borough and “offer significant benefits by helping to meet housing needs”. The Inspector finally concluded (para 121) that *“the limited harm that would be caused to heritage assets would be clearly and convincingly outweighed by the benefits of the allocation”*.
- 5.2.10 There are a number of other positive benefits of the scheme which include surface water management in the form of a sustainable drainage system and a new play area for the village.
- 5.2.11 **The development provides potential for sympathetic design in keeping with the character of the Conservation Area, careful landscaping, biodiversity, an acceptable access, contributions towards infrastructure and sustainable drainage opportunities and as such is considered to accord with Policies SS1, SS2, C1(A) and GREA1 of the Melton Local Plan.**

### 5.3 Impact upon the character of the area

- 5.3.1 Policies EN1 and EN6 remain relevant as they guide the anticipated content of the development (along with ‘site specific’ policy GREA1). The former requires key features such as hedgerows and trees to be respected and it is considered the proposals do this sufficiently. Policy EN6 requires that development contributes to the key features that contribute to the character of the settlement and similarly it is considered that this is achieved, particularly with reference to the previous amendments made to the application to protect setting and views of the Church and measures proposed to prevent further intrusion into the open area which is enclosed by the built form of Great Dalby.
- 5.3.2 The location of the site is contained within the village of Great Dalby with views to countryside beyond. It is considered to fit within ‘confines’ of the village, contained by the surrounding development to the north and the surrounding landscape provided by the hedges and trees around the site. Levels on the site do mean the open land is visible from the wider area but the site is not subject to any landscape designation.

Views from within the site are from the west looking towards the church and from the higher ground at its southern limits to the countryside.

- 5.3.3 In this way the development proposals respond (as per Policy EN1) to the existing landscape character as set out in the Landscape and Historic Urban Character Assessment Report (2006) and the later (2015-2016) study referred to above. The proposed scheme will provide appropriate development offsets along boundaries and additional tree planting (as highlighted by the Masterplan) with the retained vegetation will screen and filter views, break up the urban edge to help soften the impact of the proposed development on the wider landscape character and integrate it into the existing settlement edge. There continues to be open land to the south and an extensive public footpath network which the development provides links to from Main Street and Burdetts Close. Whilst the public right of way would require diversion this is not in itself grounds for refusal of the application.
- 5.3.4 The site is not public open space but private land, with no requirement to safeguard it for public recreation. However, the new development does provide new public open space and public routes through to the countryside beyond. The application site and proposed development is, therefore, considered to be entirely appropriate in relation to landscape character and visual amenity.

#### 5.4 Impact upon Heritage Assets

- 5.4.1 The Local Planning Authority has a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Considerable importance and weight should be applied to these duties, even where the harm identified is less than substantial.
- 5.4.2 In addition, paragraph 192 of the NPPF states that in determining applications, Local Planning Authorities should take account of:
- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - c) *the desirability of new development making a positive contribution to local character and distinctiveness.*
- 5.4.3 Paragraph 193 of the NPPF requires that:
- When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

- 5.4.4 Paragraph 194 of the NPPF advises that:

*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

5.4.5 Paragraph 196 of the NPPF states:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

5.4.6 The church of St Swithun has a grade II\* listing and as such the weight given to its conservation is clearly considerable under para 193. Similarly, the Conservation Area is an asset of the highest significance given the assets it contains within it. A clear and convincing justification must be made for any harm to their significance under para 194.

5.4.7 The response from Historic England (HE) identifies that the current scheme retains open space in the south west corner of the site in order to avoid an undue adverse impact on the setting of the Church. Despite this, plots 18 and 19 would still be visible from the church, albeit this is a very limited view and the harm is considered by HE to be 'at the lower end of less than substantial'. Para 196 therefore requires an assessment to be made whether the proposal is justified and/or outweighed by public benefits.

5.4.8 When the Borough Council determined to allocate the application site for development to meet the identified housing need, it accepted that there would be "less than substantial harm" to the heritage assets in the village arising from its development and Policy GREA1 seeks to mitigate this through a requirement that:

*...the future development is sympathetic and limits the impact on the Conservation Area through appropriate choice of materials and high quality, well considered design;*

And:

*...development proposals for the site should conserve and enhance existing heritage assets.....*

5.4.9 The Local Plan Inspector explicitly recognised (para 120 of her examination Report) that development would occur in the Conservation Area. Importantly, the Inspector also considered that the proposal would be likely to cause limited harm to Great Dalby's designated heritage assets. Notably she also recognised that the development would not be strictly in keeping with the linear form of the village, and that it would have some adverse impact on the setting of the listed church and on views into and out of the site. She concluded that the allocation policy should ensure that "the design respects the settings of nearby heritage assets" in order to minimise any detrimental impacts. Nonetheless, having regard to all material considerations, the Inspector concluded that: *"the limited harm that would be caused to heritage assets would be clearly and convincingly outweighed by the benefits of the allocation."* (para 121).

5.4.10 The current application is an outline application where details of the external appearance of the dwellings will be considered at the reserved matters stage. However, it proposes a layout which responds positively to its rural context on the edge of the village and carefully safeguards the views towards and from the listed church. Through a further application for reserved matters with a strict design code it is anticipated that further enhancements can be made to the historic setting. The proposal is expected to

make a positive contribution to local character and distinctiveness in accordance with paragraph 192 of the NPPF.

- 5.4.11 With regard to the conservation area, the Great Dalby Conservation Area Appraisal (2014) identifies that the open land between Burrough End and Nether End is an important characteristic of the village. However, the development sits between existing properties in Burdetts Close and frontage properties along Main Street. It is not considered to erode this important characteristic to an unacceptable degree. There is open space retained within the site and public footpath links to the existing rights of way network. Additional landscaping and ecological enhancements will be provided. There are therefore several positive elements which will conserve and enhance the Conservation Area. The evolution of the scheme layout and design has ensured that the impact of built form on both the setting of the church and Conservation Area is minimised. Furthermore, the detailed design code set out in the Design and Access Statement will provide further mitigation to be developed in the detailed design of the scheme in due course. In terms of design; choice of materials etc will serve to conserve the character of the Conservation Area and enhance it through the introduction of landscaping and the reduction of the prominence of nearby buildings that are out of character.
- 5.4.12 While there is therefore some tension with one part Policy GREA1 which requires development to “conserve and enhance” existing heritage assets, having regard to context of the allocation, the nature of the proposals, and the potential for specific mitigation, the proposals do not offend the policy or the development plan read as a whole. The development remains sympathetic to, and limits the impacts of the new development on the Conservation Area.
- 5.4.13 It is considered that a degree of “less than substantial harm” (in NPPF terms) would arise from the proposed development in terms of the minor impact on the setting of the church and the conservation area, and it is necessary to weigh this harm against the public benefits of the development (NPPF para 196).
- 5.4.14 The scheme’s evolution has resulted in a reduction in the number of dwellings , but the scheme still seeks to ensure that the capacity of the site is optimised with a policy compliant level of affordable housing provision that reflects the established local need and will also facilitate the provision of a play area in the village.
- 5.4.15 Notably the Local Plan Inspector highlighted (para 121) that development of the application site would be consistent with the spatial strategy, would provide support for the maintenance and enhancement of local services, contribute to the choice of a range of housing sites in sustainable locations in the Borough and “*offer significant benefits by helping to meet housing needs*”.
- 5.4.16 In light of the above matters, whilst the duty to safeguard heritage assets requires that great weight should be given to the asset’s conservation, it can be concluded that there would be very limited harm in this instance. Furthermore, the socio-economic and environmental benefits of the application proposals referred to above, on a site allocated for residential development in the Local Plan, outweigh the “less than substantial” harm to the Conservation Area and to the grade II\* listed church. Therefore, the development of the application site as proposed accords with all relevant Development Plan policies and advice in the NPPF.
- 5.4.17 Archaeological assets can be addressed through further investigation and recording and this is proposed through a suitably worded planning condition.

**5.4.18 The proposal would comply with Policy EV13 and Policy GREA1 of the Local Plan and section 16 of the NPPF.**

## **5.5 Impact upon Residential Amenities**

5.5.1 A full appraisal has been carried out of the site layout to ensure that anyone living nearby would not be adversely impacted by the development in terms of creating an unacceptable loss of amenity.

5.5.2 Distances between the existing houses of the development and the proposed layout have been checked and meet the expected standards. Further conditions on landscaping and levels will ensure that more will be done to make improvements to ensure the scheme does not result in unacceptable impact to those living nearby.

5.5.3 In terms of the construction work, a full construction management plan will need to be submitted which will detail the hours of construction and other methods to ensure the development is run smoothly without excessive disturbance to those living in close proximity to the development site.

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

## **5.6 Highway Safety**

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

5.6.2 The Local Highway Authority confirm that there would be no objections to the proposal subject to the imposition of conditions.

**5.6.3 As such, subject to conditions the proposal would be acceptable in highway safety terms and would comply with the policies D1 and IN2**

## **5.7 Ecology**

5.7.1 The proposal would not have an adverse impact on protected species or their habitats subject to an additional Great Crested Newt Survey submitted with the reserved matters application. The development can provide biodiversity enhancements in accordance with the requirements of Policy EN2 of the Local Plan and the NPPF. This is a benefit of the scheme.

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

## **5.8 Flood Risk/Drainage**

5.8.1 A drainage strategy has been supplied with the application and the inclusion of a Sustainable Urban Drainage pond to the north of the site. The site is not in a flood risk zone although there is undoubtedly evidence that flooding occurs in the village, particularly in view of the difference in levels between the site and the adjacent properties. The runoff rate is restricted to the greenfield rate through a Sustainable Urban Drainage System (SUDs). Whilst this may not alleviate all of the existing issues with runoff from the site, the Lead Local Flood Authority will still need sufficient technical information to demonstrate that the development will not increase flood risk.

5.8.2 The LLFA has indicated that the general drainage strategy is suitable, subject to further information on detail to ensure that there are no undue flooding issues caused by the development elsewhere. A series of conditions will be included that will need to give further detail on any sustainable method of drainage to ensure that flooding is not an issue for this site nor existing issues exacerbated elsewhere.

5.8.3 **Subject to conditions and further technical information the proposal complies with policy EN11 and EN12 of the Local Plan**

## **6 Impact on Infrastructure**

6.1 A Section 106 Agreement relating to contributions towards education, sustainable travel, affordable housing, healthcare, open space and a new play area is proposed in line with the requests outlined above and the Agreement previously signed as part of 18/00721/OUT. The impact of the development on local infrastructure can be mitigated and the benefits of the proposal enhanced.

## **7 Consultation & Feedback**

7.1 A site notice was posted and neighbouring properties consulted. As a result letters of representations were received from thirty properties, including the village primary school.

## **8 Financial Implications**

8.1 The recommendation proposes a s106 agreement collecting developer contributions for various aspects (see above for details).

**Financial Implications reviewed by: N/A**

## **9 Legal and Governance Implications**

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

9.2 The application engages the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

9.3 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Deputy Monitoring Officer**

## **10 Background Papers**

10.1 18/00721/OUT Outline planning application for the construction of up to 35 no. dwellings (Class C3) (amended from 38) with associated open space, landscaping and access, drainage and services infrastructure; to include details of layout and access off

Burdetts Close, with all other matters reserved (Permitted subject to a Section 106 Agreement in July 2019).

## 11 Appendices

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

<b>Report Author:</b>	<b>Amanda Haisman</b> , Planning Officer
<b>Report Author Contact Details:</b>	01664 502453 AHaisman@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Jim Worley</b> , Assistant Director for Planning and Delivery
<b>Chief Officer Contact Details:</b>	01664 502359 jworley@melton.gov.uk

## Appendix A : Consultation replies summary

**Parish Council:** The Parish Council objects to the application on the following grounds:

The development would cause harm to the settlement character, Great Dalby conservation area and the setting of the grade II\* listed church contrary to EN6 and EN13. It would allow further development to the south, contrary to the requirement of policy GREA1 that the site should be enclosed. The public benefits should be weighed against paragraphs 192, 193, 194 and 196 of the NPPF 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss of less than substantial harm to its significance'.

The proposed layout does not sufficiently resolve surface water or adequately address that there is a flooding risk elsewhere to its drainage and runoff. In determining planning applications it is the statutory duty of local planning authorities to have special regard to the desirability of preserving a listed building or its setting and the character and appearance of a conservation area (Planning (Listed Buildings and Conservation Areas) Act 1990, sections 66(1) and 72(1)). The NPPF also recognises the importance attached to significance and setting with respect to heritage assets. Court decisions make it clear that in enacting sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it was Parliament's intention that decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings and the character and appearance of conservation areas, even in findings of less than substantial harm.

The site specific policy in the local plan, GREA1, supports development on the site, but crucially with the condition that "...development proposals for the site should conserve and enhance existing heritage assets, including the Conservation Area and grade II\* listed Church of St Swithun" The impact of Proposed Layout of 19/01376/OUT would not conserve and enhance the heritage assets.

The church is plainly visible from footpath D98G. The field OS4240 is largely within the conservation area. The field forms an important part of the rural landscape in which the church has always been experienced. The layout proposed would have an adverse impact on the way that the church is experienced in its setting and would result in a loss of significance would amount to less than substantial harm.

The land between Nether End and Burrough End (which includes the development site) is of particular significance in maintaining the separation of Nether End from Upper End. The Conservation Area appraisal makes express reference to the importance of this area. The impact of the proposed development has been underestimated. The significance of this tract of land is its very openness. The layout, with its urbanising character, would lead to a considerable loss of significance.



The proposal would significantly alter the relationship between the built form of the village and the natural elements which make such a positive contribution to the settlement character. The proposal is contrary to EN6, the proposed layout would urbanise the village fringe and introduce a sweeping layout of roads and an uncharacteristic cul de sac layout which the authority has previously wished to avoid.

The proposal is contrary to Local Plan Policy GREA1 which requires that the development should not facilitate additional housing on the remainder of the open land and that the scheme should be designed to enclose the site. Access to plots 30-35 run alongside the site's southern boundary hedge. Removal of the hedge could give access to the adjacent fields.

Great Dalby is located in a steep-sided valley surrounded by farmland. The proposed layout would introduce many impermeable surfaces and reduce ground capable of absorbing rainfall. The Flood Risk Assessment states that run off migrates to the ditch on the eastern boundary but this statement is incorrect. There is considerable runoff from the field to the west towards Main Street. Greenfield rates already cause problems for both residents and pedestrians. The FRA disregards topography and underestimates the likelihood of surface water flowing in a westerly direction. The cellular attenuation basis appears to have a low capacity, given the volume of surface water known to flow from the site. There are concerns that the outflow into Great Dalby brook has not been properly considered. There are similar concerns about the reliance on a management company.

Flood risk should not be increased elsewhere and vulnerability should be minimised when taking planning decisions. Connection to the public sewer should accord with Severn Trent advice.

The fact that site GREA1 is an allocation in the Local Plan does not justify laying aside the national policy framework, Local Plan policy or site specific policy. The particulars of the scheme require no less scrutiny than an application for an unallocated site.

#### In conclusion

- the design and layout would not enhance or protect the intrinsic character and appearance of the settlement
- it would erode the visual and historic relationship between the built form and the surrounding countryside
- it would fail to enclose the site
- there would be a change in character from rural green space to urban and the proposed layout with its cul-de-sacs would introduce a pattern of development alien to the historic grain and linear form which remains predominant within the Conservation Area
- the development would be significantly detrimental to the Conservation Area and the setting of grade II\* Church of St Swithun
- the impacts of unmanaged surface water have been underestimated

**Ward Member Councillor Robert Child:** Objects to the application on the following grounds:

The proposed layout conflicts with the local plan site specific policy GREA1 in particular, the proposals do not conserve and enhance the present heritage assets which include the conservation area and the Grade II listed church. The Local Plan makes it clear that development will only be supported where it does not facilitate additional housing or other development in the remainder of the open land that forms part of the conservation area between Burrough End and Nether End and should be designed as to appropriately enclose the site.

The proposal would harm the character of the village and Great Dalby conservation area which is contrary to National Planning Policy Guidance and in particular policies in the local plan EN6 and EN13.

Great Dalby has a history of surface water flooding issues. This application does not appear to address these matters. New development shouldn't be approved if it is likely to cause problems elsewhere. Despite the history of flooding onto Main Street and other properties, the applicants flood risk assessment fails to adequately address these problems.

The site has rights of way across the fields, these are valued amenity to villagers. The layout does not respect the present footpaths.

**Environment Agency:** From a flood risk perspective, the development falls within flood zone 1. There are no environmental constraints associated with the application site which fall within the remit of the Environment Agency.

**Historic England:** The current scheme shows a master plan of 35 dwellings with public open space in the south west corner of the site as we recommended in our previous advice. The proposals would cause harm to the significance that St Swithun's church derives from its setting and the character and appearance of the conservation area. We consider the level of harm is at the lower end of less than substantial harm. Your authority should assess whether the proposals for 35 dwellings would be justified or outweighed by public benefits in line with paragraphs 192, 193, 194 and 196 of the NPPF.

Previously, we expressed concerns about the impact on the significance of St Swithun's Church and the character and appearance of the Great Dalby Conservation Area. The amended scheme shows a master plan with public open space in the south west corner of the site as we recommended in our previous advice. This has gone some way in addressing our concerns and reducing the impact of the proposed development to the significance of that St Swithun's Church derives from its setting and to the character and appearance of the conservation area. Nevertheless we consider that dwellings number 18 and 19 would be visible in views from St Swithun's Church and would still have a degree of impact on the character of the landscape. While the proposals would still cause harm to the significance we consider that the level of harm has been reduced to the lower end of less than substantial harm.

Historic England has concerns regarding the application on heritage grounds and consider the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 192, 194 and 196 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

**Conservation Officer:** The reduction in the number of dwellings to 35, in conjunction with the reduced overall footprint of new built form has addressed concerns. The impact on the setting of the church, and the character of the conservation area will be reduced and as such is considered to be in accordance with Section 72 (part II) of the Listed Building and Conservation Areas Act (1990) and the NPPF. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

**Housing Policy:** The planning application details the mix of housing and the indicative plans show an indicative mix of house types, however these matters are not to be agreed in this outline application. It is noted that the indicative mix of housing is not considered to be sufficiently in line with local needs and additional comments have been provided below to help the applicant and inform the development of their reserved matters application. At this stage, to ensure a suitable mix of housing is achieved at the reserved matters stage, it is requested that a planning condition be included to ensure that a mix of housing to meet local housing needs is provided to ensure the development is in accordance with Melton Local Plan policies C2 and C3.

The development is in affordable housing area 1 and as such 40% of dwellings should be affordable housing. The s106 agreement should set out a tenure mix of 80% affordable rented housing and 20% affordable home ownership (caveat being that overall a minimum of 10% of the homes on the development site should be affordable home ownership having regard to the NPPF; para 64). The S106 agreement should also set out that an affordable housing scheme should also be required to be submitted and approved for the layout, exact tenure types and mix of affordable housing as well as details of the registered provider and nomination agreements for the rented homes and how affordable home ownership will be secured in perpetuity. Given the difficulties in securing affordable rural homes, affordable home ownership tenure which can be retained over the long term is preferred. The previous S106 agreement for this site also provided a local lettings preference for the local community and this should also be included in any new S106 agreement.

There are some concerns that the indicative plans over provide larger market house types, 29% of the market housing is of this type. Local housing needs suggest limited requirements for larger houses with 4 or more bedrooms; 15-20% of the market housing would be a more appropriate level on this development site. Bungalows are encouraged and needed on this site, they address a longstanding

shortfall in such accommodation and they will be able to support a wide variety of household, including local people with a need for level access accommodation, which is a growing cohort as our local population continues to age.

The six 4+ bedroom homes proposed might not be considered unacceptable, it would depend of the scale of these dwellings and whether there were improvements to the overall mix. It would be recommended that some of the 3-4 bedroom market houses are substituted for 2 or 3 bedroom bungalows, there appears to only be a single bungalow in the indicative plans. We would wish to see a minimum of 20% market housing bungalows on the site, but would support higher numbers, given local need for such accommodation. Dormer style bungalows are less land intensive and acceptable as long as one double bedroom and a WC/bathroom of sufficient size (to at least incorporate a shower in the future) is provided to the ground floor. We would encourage and support consideration of building all dwellings to M(4)(2) accessibility standards (or the lifetime homes standard) to further improve the sustainability of the dwellings. Agreeing to provide dwellings that are able to meet these standards can also help mitigate a lack of bungalows in proposals. Great Dalby has a limited number of existing social housing, there are some Council houses, but unusually a significant proportion of these are flats, this in addition to the fact that the housing need for 1 bedroom affordable housing is dominated by the need for housing for older people suggests that the provision of bungalows would be more appropriate than flats in this development.

**LCC Highways:** No objections subject to conditions relating to construction management plan, access, parking and public rights of way.

The impacts of development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe. Given that the application is the same in highway and transport terms, and nothing has changed in terms of transport related policy or local transport conditions since the previous application was approved, the LHA offers the same response to this application. As previously, the LHA advises that the current layout has not been designed to an adoptable standard and it would not be considered for adoption in the future.

Contributions towards transport sustainability in the form of travel packs, two six month bus passes per dwelling and raised kerbs at the nearest two bus stops.

A single connection to the public footpath is all that is required. Whilst other routes can be provided these would not form part of the rights of way network and would not be maintained by the LHA. Conditions recommended relating to the details of signposting and waymarking.

**LCC Archaeology:** It is recommended that the applicant must make arrangements for and implement an appropriate programme of archaeological investigation this will involve a controlled archaeological excavation of an area agreed with the planning archaeologist in the Written Scheme of Investigation (WSI). If planning permission is granted the applicant should obtain a suitable WSI for the necessary archaeological programme. A condition should be imposed on any permission granted relating to a Written Scheme of Investigation (WSI) to be submitted for approval prior to any development taking place to safeguard any important archaeological remains

potentially present.

**LCC Lead Local Flood Authority:** The site is located within Flood Zone 1 being at low risk of fluvial flooding. Surface water flood risk maps indicate a surface water flow path from the eastern boundary to the north of the site. Properties have not been proposed in the vicinity of the surface water flow path. It is proposed to outfall surface water drainage at the greenfield runoff rate (QBar) of 5.8l/s into an adjacent ditch. However, the applicant has not identified adjoining watercourses of drainage to demonstrate the connectivity of the ditch from the red line boundary to the eventual location of the Great Dalby Brook approximately 120m north. Pumping is proposed for part of the site in the northwest corner serving properties 6-14. These would only be approved where all gravity drainage options have been exhausted.

The documents currently are insufficient to provide a substantive response at this stage and further information is required relating to off site works to connect to Great Dalby Brook, maintenance and management of all drainage elements, investigation into a gravity solution and an overland flow routing plan for a pump failure scenario.

Following the submission of further information, the revised comments of the LLFA will be reported as an update for the committee.

**LCC Developer Contributions Education:** Request for contributions based on 33 houses with 2 or more bedrooms and 2 dwellings with one bedroom:

Primary pupils generated 9.64

11-16 5.37

Post 16 1.06

The site falls within the catchment of Great Dalby School which has a net capacity of 140 and 159 pupils are projected should this development proceed; a deficit of 19 pupil places. The County Council therefore request £140,710.66 based on the DFE cost multiplier to be used to accommodate the capacity issues by improving remodelling or enhancing existing facilities at Great Dalby School or any other school within the locality of the development.

Secondary Education

Based on 33 dwellings with two or more bedrooms at a charge of £6,257.66 per home equals £206,502.78.

**LCC Developer Contributions Libraries:** No claim from library services.

**LCC Developer Contributions Waste:** The County Council waste team the proposed development would not be able to be accommodated at the existing waste facilities and be able to maintain existing service levels. As such a developer contribution of £2893.00 is required

**LCC Forestry:** Whilst a tree protection plan has been submitted, an Arboricultural Impact Assessment or Arboricultural Method Statement is required. Following further information submitted Forestry Officer confirms he has reviewed the plans and they are acceptable and are likely to limit any damage to the retained trees to an

acceptable level. Therefore no objections to the proposals.

**LCC Ecologist:** The ecology survey identifies the site as comprising predominately species-poor semi-improved grassland surrounded by hedgerows. No evidence of protected species was recorded on site, although it was acknowledged that the hedgerows and trees would provide suitable habitats for nesting birds. The Great Crested Newt survey includes an assessment of 3 ponds to the south, one of which is assessed as having average potential to support GCN. The additional surveys have not been completed due to the unsuitable time of year. It is incorrect to conclude GCN are absent in the absence of suitable surveys. The presence or absence of GCN is unknown. However, I note this is an outline application. The proposed development is over 100m from the pond and does not provide the only GCN habitat in the vicinity. In this instance it may be appropriate to condition the requirement for a GCN survey to be submitted up-front with the reserved matters application.

Hedgerows should be buffered by a 5m buffer of semi-natural vegetation, not included within plot boundaries. We may have additional comments on the layout pending the additional GCN survey.

**Designing out Crime Officer:** The site is accessed by a single entry point. Permeability for vehicles is not an issue. Pedestrian access does allow two exit points but with appropriate lighting to BS5489 will not pose a significant crime risk. Recommends appropriate boundary treatments, alarms, secure door and window sets and CCTV.

## Appendix B : Summary of representations received

### Neighbours:

Thirty objections have been received from local residents and the village primary school on the following grounds:

- Previous case subject to a judicial review
- Overdevelopment
- Loss of light
- Lack of visibility at entrance
- Adverse impact on the character of the village and the conservation area
- Contrary to policies EN6 and EN13
- Loss of linear character
- Back land development is not in keeping
- Layout conflicts with GREA1
- Increased flood risk
- Topography results in water runoff which has not been addressed
- Adverse impact on and loss of public rights of way
- Increased traffic
- Impact on wildlife
- Adverse impact on the setting of the church
- The layout would allow development to the south
- Development of a green field site
- Access unsafe
- Loss of privacy

- Conservation Area Appraisal makes specific reference to this open land
- Loss of green space and historic grain
- There is no justification to allow the less than significant harm to the heritage assets
- Lack of policing
- Flood risk assessment is flawed
- Pond is dangerous for children
- Development is better suited to brown field sites
- Open spaces and land should not be built upon unless they are surplus to requirements
- The school has no capacity for expansion
- Developer contributions to bus passes should be used to fix potholes
- The site is much higher and there will be a significant visual impact and light pollution
- The development will increase Great Dalby's carbon footprint
- Access to safe walking will diminish
- Increased noise.

## 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.
  2. No development shall commence on the site until approval of the details of the scale, external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority. The details of the play area proposed for this site should also be submitted.
  3. The submitted landscape 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.
  4. A schedule of Maintenance for landscape areas shall be submitted to and approved by the Local Planning Authority and shall be accompanied by a written undertaking including the arrangements for its implementation.
  5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC drawing number ADC1793-DR-001 Rev P2 have been implemented in full. The proposed access shall have a gradient of no more than 1:20 for a distance of at least 10 metres behind the highway boundary.

6. No part of the development shall be occupied until such time as details of a scheme to reduce the speed of traffic within the site in the vicinity of the site access, and a timescale for its implementation have been submitted to and agreed in writing by the Local Planning Authority. Once agreed, the scheme shall be implemented in full in accordance with the approved details.
7. 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.
8. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Hayward Brown drawing number 3353-02 Rev K. Thereafter the onsite parking provision shall be so maintained in perpetuity.
9. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.
10. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each driveway access/ shared private drive fronting a pedestrian footway with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/highway and, once provided, shall be so maintained in perpetuity.
11. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmac, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.
12. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
13. No development shall commence on site until a Footpath management plan has been submitted to and approved in writing by the Local Planning Authority. Such a plan shall include details of both permanent and temporary diversion, fencing, surfacing, signposting and a time table for provision.
14. The Public Footpaths should comprise of a 2m wide tarmac construction in accordance with the Leicestershire County Council Highway Design Guide.
15. No trees or shrubs should be planted within 1 metre of the edge of the Public Rights of Way. Any trees or shrubs planted alongside the Public Rights of Way should be non-invasive species.
16. Prior to first occupation the stiles at grid references 474321 314350 and 474365 314400 (points F and near R on the Footpath Diversion Plan) should



be removed whilst the yellow-topped waymark posts are retained.

17. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

-The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

-The programme for post-investigation assessment and subsequent analysis, publication & 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 WSI.

18. 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.

19. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority.

20. No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.

21. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.

22. No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until protective fencing is erected as required by the Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction.

23. All construction work, demolition work and deliveries to the site should only be permitted between the following hours. Any deviation from this requirement shall be with the prior approval of the Environmental Health department of Melton Borough Council.

07:00 - 19:00 Monday to Friday

08:00 - 13:00 Saturdays

No works to be undertaken on Sundays or bank holidays.

24. The development hereby permitted shall be carried out in accordance with the following plans and documents:

ADC 1793-DR-001 revP2, ADC 1793-DR 002 rev P1, ADC 1793-DR-050 rev P1, 3353-01, 3353-02K, 3353-06H, 3353-07B, 3353-09A, SK02B, 18-053-01, GRDALTRP Dec19 and Design and Access Statement all Received on 23<sup>rd</sup> December 2019.

Flood Risk Assessment rev E by Travis Baker Ltd received 19<sup>th</sup> February 2020.

Transport Statement dated 19/12/19, Ecological Appraisal dated April 2018, Tree Report dated December 2019, Historic Environment Desk Based Assessment dated December 2019, Geophysical Report dated May 2018, Archaeological Evaluation dated September 2018, Great Crested Newt Survey dated August 2018.

25. Any Reserved Matters application submitted shall limit the height of the proposed dwellings to 2 storey.
26. Notwithstanding the approved Layout Plan, the South West corner of the application site shall remain undeveloped and shall not contain any built form unless otherwise agreed in writing by the Local Planning authority.  
Development must be carried out in accordance with the approved details
27. A further survey to establish the presence or absence of Great Crested Newts (GCN) must be submitted with the reserved matters application. If GCN are present on site a mitigation strategy must be submitted to and agreed with the local planning authority prior to the commencement of development.
28. The reserved matters application shall provide a mix of housing to meet local housing needs.

## Appendix D : Applicable Development Plan Policies

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy C1(A) Housing Allocations
- Policy C2 Housing Mix
- Policy C4 Affordable Housing
- Policy IN2 Transport, Accessibility and Parking
- Policy IN3 Infrastructure Contributions
- 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
- Policy GREA1 Great Dalby Housing Allocation



# Planning Committee

26 March 2020

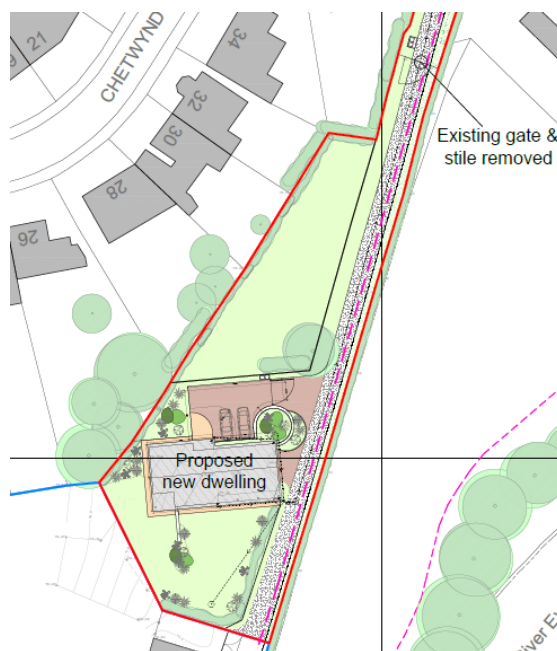
Report of: Assistant Director for Planning and Delivery

## 19/00707/FUL – Land At Butt Close, Adjacent Hay Barn, Riverside Road, Melton Mowbray - Construction of new dwelling

**Applicant: Edren Homes Limited**

<b>Corporate Priority:</b>	3: Delivering Sustainable and Inclusive Growth in Melton
<b>Relevant Ward Member(s):</b>	Sysonby : Councillors Bains, Illingworth and Wilkinson
<b>Date of consultation with Ward Member(s):</b>	3 October 2019
<b>Exempt Information:</b>	None

### 1 Summary



- 1.1 The application site is approximately 0.19 hectares and currently comprises an unused parcel of land at the end of Riverside Road in Melton Mowbray. Land slopes down from north to south with the previously approved hay barn constructed further to the south. The proposed dwelling would sit on land between the existing properties on Chetwynd Drive and the hay barn to the south.
- 1.2 The properties on Chetwynd Drive consist of two storey semi detached properties which sit higher than the application site. A hedgerow including a number of trees separates the site from these properties.
- 1.3 Riverside Road is currently a footpath which is in the process of being upgraded to a bridleway under a separate, previously approved planning application, and as such, not under this application.
- 1.4 Access would be from Riverside Road to the north where it meets Asfordby Road. Parking would remain available for the hay barn to the south and access remains available from St Leonards Close for this.
- 1.5 A number of listed buildings lie further to the south west of the application site, on St Leonards Close. The application lies close to Sysonby deserted medieval village.
- 1.6 The application site currently sits in Flood Zone 1.
- 1.7 Amended plans have been received during the course of the application altering the design and materials of the proposed dwelling and providing an amended landscape and boundary treatments plan. Section drawings have also been provided showing the development and levels of the site in relation to the surrounding properties on Chetwynd Drive.
- 1.8 It should be worth noting that a mobile home currently sits on the application site in the location of the proposed dwelling. Members should be aware that this does not have any bearing on the application before you and should permission be granted, it is anticipated that this mobile home would be removed from the site.

<b>2</b>	<b>Recommendation(s)</b>
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- |            |   |
|------------|---|
| <b>2.1</b> | <p><b>It is recommended the application is APPROVED, subject to:</b></p> <ul style="list-style-type: none"> <li>• <b>Conditions as set out in Appendix B</b></li> </ul> |
|------------|---|

### **3 Reasons for Recommendations**

- 3.1 The proposal would represent a sustainable form of small scale residential development that would be considered acceptable under the provisions of Policies SS1 and SS2 of the Melton Local Plan.
- 3.2 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, design, layout and scale and would not compromise residential amenity or be prejudicial to highway safety. The development would also raise no significant, adverse impact on ecology or archeology grounds that would warrant refusal. For these reasons, the proposal is considered to comply with the relevant policies of the Melton Local Plan and the National Planning Policy Framework, and no harm is considered to arise following the giving of special attention to

avoiding harm to heritage assets required by s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **4 Key Factors**

### **4.1 Reason for Committee determination**

4.1.1 This application is being considered by the Committee due to receiving more than 10 letters of objection which are contrary to the recommendation.

### **4.2 Relevant policy context**

4.2.1 The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

4.2.2 Adopted Melton Local Plan (MLP) 2011-2036

4.2.3 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

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

4.2.5 Please see Appendix D for a list of all applicable policies.

4.2.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses.

4.2.7 There is no 'made' Neighbourhood Plan which covers the application site.

### **4.3 Relevant history**

4.3.1 17/00718/FUL - Hay barn and horse shelter – Permitted – 08.08.2017

4.3.2 The above application approved a relatively large, single storey hay barn and horse shelter on land immediately to the south of the application site. This has been constructed.

4.3.3 Notwithstanding the comments received, there are no other previous applications on the site or the adjoining field to the west.

### **4.4 Main issues**

4.4.1 The key issues for this application are considered to be:

- Principle of development
- Impact upon the character of the area, existing landscape and surrounding area
- Impact upon heritage assets (Listed Buildings)
- Impact upon residential amenities of neighbouring properties
- Impact upon highway safety and parking
- Impact upon ecology
- Impact upon archaeology
- Flooding and drainage

- Climate change consideration
- Other issues

## **5 Report Detail**

### **5.1 Principle of development**

5.1.1 The site lies adjacent to an established residential area within the town of Melton Mowbray and in close proximity to the town centre. Policy SS2 sets out the development strategy for the Borough for housing and employment and states development will be distributed across the Borough in accordance with the spatial strategy and Melton Mowbray Main Urban Area is the priority location for growth and will accommodate approximately 65% of the Borough's housing need. Development will be expected to contribute positively to the provision of key infrastructure, including traffic relief within the town, to support its growing population and economy.

5.1.2 The application site is considered to be within the main built up part of Melton, in close proximity to the town centre, and in a highly sustainable location. The proposal would propose one dwelling on a visually poor parcel of land that could be considered to be having negative effect on the enjoyment of users of the public footpath.

5.1.3 Given the location within the town of Melton Mowbray, the principle of development for the erection of one dwelling is considered to be acceptable and would comply with Policies SS1 and SS2 Local Plan, subject to satisfying all other material planning considerations.

5.1.4 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 there is no ceiling for windfall housing provision.

### **5.2 Impact upon the character of the area, existing landscape and surrounding area**

5.2.1 The land currently comprises a visually poor parcel of land to the south east of the existing properties on Chetwynd Drive and to the west of the existing public footpath. The proposed dwelling would be sited on land between these properties on Chetwynd Drive and the hay barn to the south. As such the proposed development of the land for one dwelling would to an extent 'infill' this parcel of land and would not appear unduly prominent or highly incongruous in the context of the surrounding area.

5.2.2 The application site is neither public open space nor is it identified as an important green space and indeed the land has no designation registering a specific importance.

5.2.3 Given the siting of the land behind the existing properties on Chetwynd Drive and to the south of Riverside Road, the land is not visible from Asfordby Road and is only visible from the public footpath. Limited views of the application site from St Leonards Close could be had, however this is hindered by the significant bank of land between the application site and St Leonards Close and the adjacent barn.

5.2.4 Therefore, views of the proposed dwelling would be restricted unless arriving from the north on the public footpath or from St Leonards Close to the south. Due to the land levels, when viewed from St Leonards Close, the proposed dwelling would be viewed against the backdrop of existing properties on Chetwynd Drive which sit significantly higher than the application site.

5.2.5 Due to the change in levels in the site, it is proposed to dig the dwelling into the site to reduce the prominence of the dwelling in the context of the surrounding area. This would

allow the dwelling to appear to be a single storey property when viewed from the footpath from the north and would be two storey when viewed from the south – albeit the lower floor would partially hidden from view due to the existing hay barn, the existing raised land to the south west and the proposed landscaping and boundary treatments on the southern boundary.

- 5.2.6 As such, the development is considered to be of an appropriate scale and well-integrated into the existing built form. Site section drawings indicate that the development would follow the rise in levels but would be significantly lower than the existing properties on Chetwynd Drive.
- 5.2.7 Although the proposal would be in close proximity to the adjacent footpath, the dwelling would be orientated at an angle to the footpath to soften the potential visual impact upon users of the footpath.
- 5.2.8 The surrounding properties are mixed in terms of style, design, scale and layout. With the application site sited on land away from the immediately adjoining properties, it is proposed to provide a majority timber clad property which would reflect the existing hay barn to the south and the slightly rural setting with which the proposed dwelling would sit within. Stone is proposed for the lower ground floor of the property which again is considered acceptable. The proposed materials would be considered acceptable for this urban – rural fringe site with further details to be submitted via condition. The design of the house itself is again proposing to reflect the rural fringe setting within it sits.
- 5.2.9 Boundary treatments of the site are to remain soft and open, consisting of timber post and rail fences at a height of 1.2 metres and native hedge planting on the southern boundary and retention of the hedgerow on the north west boundary. Permeable block paving driveway is proposed on the northern part of the site however this is limited to as minimum as possible whilst ensuring sufficient parking and turning space is available. A full landscaping scheme is to be submitted via condition.
- 5.2.10 It is not considered that lighting would be excessive given that the proposal comprises the development of one dwelling only and parking is retained on the northern part of the site, away from the open areas to the south.
- 5.2.11 It is concluded that the proposal as revised has been largely designed to fit in to its surrounding context and providing a high level of soft landscaping. Given the siting of the proposal within a rural setting, and due to the high quality design proposed, it is considered necessary and reasonable to remove permitted development rights to ensure any additions do not have an adverse visual impact upon the surrounding area.
- 5.2.12 **Overall it is considered that the proposal would be acceptable and not have a detrimental impact upon the character of the area and therefore would comply with the relevant policies of the Melton Local Plan.**

### 5.3 Impact on heritage assets

- 5.3.1 The application site is not within a conservation area and would be sited approximately 130 metres and 145 metres from the listed buildings located to the south west of the application site – Grade II listed Riverside Cottage and Barn and Grade II listed Church of St Mary respectively.
- 5.3.2 As stated previously, views of the application site from the St Leonards Close (where these listed buildings sits) are restricted due to the large area of raised ground and the existing hay barn which sits between St Leonards Close and the application site. In

addition, by digging the dwelling down, the proposal would not appear out of context within the surrounding area given the existing properties on Chetwynd Drive sitting higher than the application site.

5.3.3 Views from the public footpath towards the church and the listed buildings are not considered to be significantly impacted by the introduction of the dwelling given the existing raised ground and the significant separation distances involved. Only when users of the public footpath travel further south past the existing hay barn would the listed church and buildings become visible.

5.3.4 As such, due to the existing ground levels within and adjacent the application site and the separation distances, views of the aforementioned listed buildings would not be adversely impacted from the relevant viewpoints.

5.3.5 **Overall it is considered that the development would have a neutral impact upon the setting of the nearby listed buildings given the nature, scale and design of the development and the separation distances to the listed buildings. The proposal is therefore considered to accord with Policy EN13 and satisfies the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

#### 5.4 Impact upon residential amenities

5.4.1 The application proposes the erection of a two storey dwelling. The nearest residential properties to the site are located to the north west of the application site, nos. 26 and 28 Chetwynd Drive. Both properties sit significantly higher than the application site with their rear gardens dropping down toward to the application site. An existing hedgerow separates the application site to these properties, along with a number of trees.

5.4.2 The proposed dwelling would have a front elevation facing towards these properties however would be single storey only and as such afford no direct views over the private rear garden areas of nos. 26 or 28 Chetwynd Drive. Due to the levels and separation distances, it is not considered that the proposal would have a significantly adverse impact upon the residential amenity of these two properties in respect of overlooking, overbearing or loss of light. Although the parking area for the proposed dwelling is located on the northern side of the site, it is not considered that shining from car headlights would adversely impact upon these properties, given the level change, separation distances and the siting of the driveway.

5.4.3 Private amenity space is provided to the south of the proposed dwelling away from neighbouring properties. The proposed amenity space would be sufficient and private enough for the future occupiers.

5.4.4 Notwithstanding that loss of view is not a material planning consideration, the proposed dwelling would be set significantly lower than the properties on Chetwynd Drive, as indicated on the proposed section drawings. In addition there is a considerable distance between the existing properties and the proposed dwelling.

5.4.5 It is not considered that there would be any adverse impact upon any other residential properties given the separation distances involved. The limited number of additional vehicles using Riverside Road is not considered to impact upon the existing properties on Riverside Road.

5.4.6 **Overall, it is therefore considered that the proposal would comply with Policy D1 of the Melton Local Plan which requires new development to ensure that the amenity of future occupiers and of neighbouring properties should not be compromised.**



## 5.5 Impact on highway safety and parking

- 5.5.1 The application proposes the erection of one, 4 bedroomed property. Parking is provided within the site for 3 vehicles, one garage and two driveway spaces. Turning space is also available to allow vehicles to manoeuvre and leave in a forward gear. As such, parking provision is considered acceptable for the proposed development.
- 5.5.2 It is proposed to access the development via the existing Riverside Road where it meets Asfordby Road. The Local Highways Authority considers that the development of one dwelling would add no major intensification to Riverside Road to the detriment of highway safety. It is considered that the existing road, and access onto Asfordby Road and relevant visibility from the access is acceptable and would be able to cater for the proposed development.
- 5.5.3 Concerns have been raised regarding disruption and impact from construction traffic. Whilst concerns are acknowledged, this is considered to be short term in nature and the development of one dwelling would not significantly impact upon highway safety or residential amenity.
- 5.5.4 It is not considered that the additional vehicles from the development or construction traffic would adversely impact upon pedestrian or highway safety given the existing access arrangements where Riverside Road meets Asfordby Road.
- 5.5.5 Concerns have been received regarding the loss of the existing parking area for the hay barn. It has been indicated on the submitted plans that parking and turning area has been provided to the south of the hay barn with access from St Leonards Close.
- 5.5.6 The Local Highways Authority raise no objections to the proposal subject to a condition which requests that the applicant dedicates the proposed bridleway prior to occupation of the dwelling. It is not considered that this is either reasonable or necessary given the scale and nature of the development within this application. In addition, this has previously been agreed under a previous planning application and is indicated on the plans submitted within this application. Furthermore, the development is sited so as to not adversely impact upon users of the existing footpath. Vehicles exiting the garage would be at a slow speed so as to not impact upon pedestrian safety.
- 5.5.7 Concerns have also been raised regarding the existing state of Riverside Road and the maintenance of the road. Given the existing number of vehicles and properties using the road, it is not considered that one additional vehicle would result in additional maintenance issues to the detriment of the road.
- 5.5.8 **As such, the development is considered to be acceptable in terms of Highway safety concerns.**

## 5.6 Impact on Ecology

- 5.6.1 This application site falls within a potential Local Wildlife Site (historic). This indicates that the site was found to have biodiversity value when surveyed in the 1980s-90s. However, the application has been supported by a Phase 1 and Protected Species Survey which indicates that whilst some local wildlife site indicator species are present, this area of the site does not have sufficient indicators to meet the current local wildlife site criteria.
- 5.6.2 No protected species were recorded during the survey and the site was generally considered not to have potential to support protected species.
- 5.6.3 **As such, LCC Ecology raises no objections to the application and the development is considered to have no adverse impact upon ecological or biodiversity features.**

## 5.7 Impact on archaeology

- 5.7.1 The application lies close to Sysonby deserted medieval village (HER ref: MLE3963), a village included within the Domesday book but by 1807 only a hall house and a few cottages remained. Butt Close (HER ref: MLE3966) presumably marks the site of medieval archery butts where the village archers would have practiced. Recent works (HER ref: ELE10668) in 2017 close to the application site identified a 19th century metaled trackway leading to the church of St. Mary. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.
- 5.7.2 To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide professional archaeological Attendance for inspection and recording during the groundworks for the proposed development. A suitable written scheme of investigation shall be submitted to the Local Planning Authority via condition.
- 5.7.3 LCC Archaeology raise no objections subject to a condition which recommends the provision of archaeological work to be undertaken prior to commencement of development. As such, it is not considered reasonable to refuse the application as a result of the lack of archaeological work or request that this additional work is carried out prior to determination of the application.
- 5.7.4 **Overall, subject to conditions, it is not considered that the application would have an adverse impact upon archaeological matters.**

## 5.8 Flooding and drainage

- 5.8.1 The site is located within Flood Zone 1 being at low risk of fluvial flooding and as such, no significant concerns are raised in respect of flooding or drainage.
- 5.8.2 Concerns have been raised regarding the existing sewer network which runs through the application site. Whilst concerns are noted, drainage has been indicated and any impacts to the existing sewer network would be covered during the building control stage.
- 5.8.3 **As such, no concern is raised regarding drainage impacts resulting from the development.**

## 5.9 Climate change consideration

- 5.9.1 A sustainability statement has been submitted by the agent on behalf of the applicant in respect of climate change. The full document is available for members to view online however the highlights are bullet pointed below –
- The house has been located to the south of the site to optimise access to solar gain during the winter months
  - The majority of the glazing is on the South façade
  - Living spaces are located on the first floor where they can benefit from more solar gain
  - Bedrooms and service spaces which have less demand for day/sun lighting are located on the ground floor
  - The topography to the SW of the site will help to reduce prevailing wind speeds across much of the buildings surface
  - Building is an elongated solar-orientated form
  - A large proportion of the building envelope is set into the ground, so will have reduced heat losses (approx. 50% less)

- The plans have been drawn with thicker walls to allow for more insulation
- Timber cladding and timber frame-will store carbon
- Local stone–has low embodied carbon
- Profiled metal sheeting –can be reused/recycled
- Topography to the SW of the site will help to reduce prevailing wind speeds but still provide a good supply of fresh air
- The glazing proportion for the solar exposed elevations (E, S, W) is around 25% which is low risk
- Water efficient fittings and appliances can be specified at detail design stage
- Water butts can easily be incorporated into the design
- Electric charging points can incorporated in the garage
- The plan allows for flexible use, home office, lifetime homes, multi-generational living

5.9.2 **As such it is considered that the applicant has demonstrated how the need to mitigate and adapt to climate change has been considered, in accordance with Policy EN8 of the Melton Local Plan.**

## 5.10 Other issues

- 5.10.1 Given the history of the site, it is considered reasonably necessary to condition that should contamination be found, details shall be submitted to the local planning authority via condition.
- 5.10.2 Smells or odour from the adjacent hay barn are considered to be limited and not adversely impact the future occupiers of the development.
- 5.10.3 Comments have been received regarding the setting of a precedent, potential for further development / expansion of the application proposal and development not in accordance with the approved plans. Each application is considered on its own merits and will be determined against the national and local plans which are in place at the time of determination.
- 5.10.4 Devaluation of adjacent properties is not a material planning consideration.
- 5.10.5 Concerns have been raised regarding the adjacent hedgerow and trees and potential impact upon neighbours due to the height of the hedge and safety should the trees fall over. The existing hedge and trees are existing and proposed to remain in situ. It is not considered that the development would result in adverse safety impacts or loss of light due to the height of the hedge. In addition, other legislation is in place which would allow neighbouring properties to request the hedge to be reduced in height.
- 5.10.6 Rights of access and ownership disputes are civil matters between the parties involved and are not material planning considerations.

## 6 Conclusion

- 6.1 The development is considered to represent sustainable ‘windfall’ development and is considered acceptable in principle subject to all other material planning considerations. It is considered that the revised proposals have been designed to be reasonably sympathetic to the local character and nearby heritage assets and would not have any

adverse impact upon residential amenity, highway safety, ecology, archaeology, drainage to conditions securing further details.

6.2 **It is considered that the proposal would comply with the relevant policies of the Melton Local Plan and the overall principles of the National Planning Policy Framework.**

## **7 Consultation & Feedback**

7.1 Immediately adjoining occupiers were notified and a site notices posted at the site.

7.2 Approximately 27 letters of objections have been received from 17 separate addresses and these are detailed below.

7.3 The comments raised have been addressed in the report detail section.

- Existing boundary hedge should be retained at maximum height of 2 metres
- Existing mobile home on the site not indicated on the plans, unclear about the future of the mobile home
- Loss of parking area for the existing hay barn
- Existing Riverside Road unsuitable and would fall into disrepair as a result of additional traffic
- Access via St Leonards Close is not within the ownership/rights of access of the applicant
- New building too large for the plot / overdevelopment
- Out of keeping with the character of the area and surrounding properties
- Visually intrusive to neighbouring properties
- Loss of views from neighbouring properties
- Permission is required from private Riverside Road access
- Existing Riverside Road is in a poor condition
- Impact from vehicles leaving the double garage onto users of the footpath
- Lack of access for emergency vehicles
- Site located on a sensitive edge of Melton Mowbray
- Sets a precedent for future development on land to the south
- Site of archaeological interest
- Storm drain runs under the application site
- Adverse noise impact and loss of privacy on adjoining properties
- Existing road unsuitable for vehicles
- Previous applications refused on the site
- Application site is on covenant land for old sysonby village
- Additional development has impact upon local infrastructure
- The building could be hit by adjacent trees
- Inadequate parking

- Should be developed as a town dwelling, not agricultural
- Increased danger to hotel residents
- Reduced /impact upon natural habitats
- Lighting would impact upon neighbours and wildlife
- Devaluation of adjacent properties

## 8 Financial Implications

8.1 None identified

**Financial Implications reviewed by: N/A**

## 9 Legal and Governance Implications

9.1 Legal implications have been included in the main body of the report. No specific issues are identified. This application is being considered by the Committee under the scheme of delegation within the Constitution due to receiving more than 10 letters of objection which are contrary to the recommendation. Legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Deputy Monitoring Officer**

## 10 Background Papers

10.1 None

## 11 Appendices

A: Summary of Statutory Consultation responses

B: Summary of Recommended Planning Conditions

C: Informatives

D: List of applicable Development Plan policies

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

## Appendix A : Summary of Statutory Consultation Responses

### LCC Highways

- No objection subject to conditions.

### LCC Ecology

- No objection subject to conditions.

### LCC Archaeology

- No objection subject to conditions.

## Appendix B : Summary of Recommended Planning Conditions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

7785-01-00 Site Location Plan

received by the Local Planning Authority on 26<sup>th</sup> June 2019

7785-03-02 A Proposed Floor Plans and Sections

received by the Local Planning Authority on 9<sup>th</sup> January 2020

7785-03-01 C Proposed Block Plan and Elevations

7785-03-03 A Proposed Site Plan

received by the Local Planning Authority on 27<sup>th</sup> February 2020

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

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwelling hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

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

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

5. Notwithstanding the submitted information, no development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and to safeguard the amenities of neighbouring properties in accordance with Policies SS1 and D1 of the Melton Local Plan.

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in full in accordance with approved 7785-03-01 C Proposed Block Plan and Elevation received by the Local Planning Authority on 27th February 2020. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policies D1 and IN2 of the Melton Local Plan.

7. Prior to occupation of the dwelling hereby permitted, the existing gate to the vehicular access on Riverside Road as indicated on approved 7785-03-01 C Proposed Block Plan and Elevation shall be removed.

Reason: To protect the safe passage of users of the adjacent Public Right of Way in accordance with Policy IN2 of the Melton Local Plan.

8. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include

details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to any dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 170, 178 and 179 of the National Planning Policy Framework.

9. No demolition/development shall take place/commence until a written archaeological scheme of investigation (AWSI), which has been submitted to and approved in writing by the local planning authority. For land that is included within the AWSI, no demolition/development shall take place other than in accordance with the approved AWSI, which shall include the statement of significance and research objectives, and
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - The programme for post-investigation assessment and subsequent analysis, publication & 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 WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy EN3 of the Melton Local Plan.

10. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no development within Classes A to E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

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

## **Appendix C : Informatives**

1. The Written Archaeological Scheme of Investigation (AWSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
2. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.



3. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
4. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
5. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.
6. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
7. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
8. The application should be drawn the recommendations within section 7 of the submitted protected species survey.

#### Appendix D: List of applicable Development Plan policies

- **Policy SS1 – Sustainable Development** seeks to secure development proposals which promotes and improves economic, social and environmental conditions in an area;
- **Policy SS2 - Development Strategy** sets out how development will be distributed across the Borough in accordance with a spatial strategy that states that Service centres and Rural Hubs will accommodate up to 35% of new housing on a proportionate basis through allocated sites and the delivery of a proportion of windfall development, and allows smaller scale housing within or adjacent to Service Centres and Rural Hubs.
- **Policy EN1 – Landscape** states that the character of Melton Borough’s landscape and countryside will be conserved and, where possible enhance by ensuring new development is sensitive to its landscape setting and requiring new developments to respect existing landscape character and features
- **Policy EN2 – Biodiversity and Geodiversity** states that development proposals will protect and enhance biodiversity, ecological networks and geological conservation interests

- **Policy EN3 – The Melton Green Infrastructure Network** states that new development proposals will be supported where they retain and enhance important green infrastructure elements such as areas of geological and archaeological interest.
- **Policy EN6 – Settlement Character** states that development proposals will be supported where they do not harm open areas which; Contribute positively to the individual character of a settlement; Contribute to the setting of historic built form and features; Contribute to the key characteristics and features of conservation areas; and Form a key entrance and/or gateway to a settlement.
- **Policy EN8 – Climate Change** sets out that all new development proposals will be required to demonstrate how the need to mitigate and adapt to climate change has been considered, subject to considerations of viability.
- **Policy EN11 – Minimising the Risk of Flooding** sets out that development proposals do not increase flood risk and will seek to reduce flood risk to others.
- **Policy EN12 – Sustainable Drainage Systems** ensures that development proposals undertake surface water management and have acceptable run-off rates.
- **Policy EN13 – Heritage Assets** The Council will take a positive approach to the conservation of heritage assets and the wider historic environment
- **Policy IN2 – Transport, Accessibility and Parking** sets out that all new developments should, where possible, have regard to supporting and promoting an efficient and safe transport network which offers a range of transport choices
- **Policy D1- Raising the Standard of Design** requires all new developments to be of high quality design.



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## Planning Committee

26 March 2020

Report of: Assistant Director for Planning and Delivery

### 19/01379 and 19/01380/VAC - Field OS3500, Hecadeck Lane, Nether Broughton

- (i) 19/01379/VAC : Vary condition 24 (maximum of 20 dwellings) of planning permission 15/01019/OUT to 21 dwellings
- (ii) 19/01380/VAC : Vary conditions 19 and 25 (Wildlife Corridor and Wildlife Buffer) of planning permission 15/01019/OUT

Applicant : Grace Homes Ltd and J and P Manchester

<b>Corporate Priority:</b>	3: Delivering Sustainable and Inclusive Growth in Melton
<b>Relevant Ward Member(s):</b>	Old Dalby Ward : Councillor Joe Orson
<b>Date of consultation with Ward Member(s):</b>	10 January 2020
<b>Exempt Information:</b>	None

#### 1 Summary

- 1.1 The application site is on the edge of the village of Nether Broughton and is currently a green field site. Outline planning permission was granted in 2017 for residential development with access only for consideration at that time. Permission was granted by the committee subject to conditions and a Section 106 Agreement.
- 1.2 This report relates to two applications to vary the original outline permission granted in 2017. The first application seeks to vary condition 24 which states:
  - 24. Notwithstanding the plans hereby permitted, no more than 20 houses shall be developed on the site.*
- 1.3 19/01379/VAC seeks to vary this condition so that the subsequent reserved matters application can apply for 21 dwellings on the site.
- 1.4 The second application seeks to vary conditions 19 and 25 which state:

19. The layout to be in accordance with that appended to the revised GCN survey (Brindle & Green, June 2015 revised 31/3/2016). Any amendments to this must retain a minimum of a 10m buffer surrounding the pond and a 4 to 5m buffer between the development (including garden boundaries) and the boundary hedgerows.

25. Notwithstanding the plans hereby permitted, the wildlife buffer shown on the Development Framework Plan (plan no AND0093.02 (Rev B)) shall be a minimum of 10m in width.

- 1.5 19/01380/VAC seeks to vary these conditions as the applicants take the view that they appear to contradict each other so that condition 19 prevails and a 4-5m buffer only is required between the development and the eastern boundary hedgerows.

<b>2</b>	<b>Recommendation(s)</b>
2.1	<b>That planning permission is REFUSED for application 19/01379/VAC, for the reasons set out in full in Appendix C;</b>
2.2	<b>That planning permission is APPROVED for application 19/01380/VAC in respect of conditions 19 and 25, in order to amend condition 19 and retain condition 25, as set out in Appendix C.</b>

### **3 Reason for Recommendations**

- 3.1 The proposed amendments are considered to be a retrograde step, contrary to enhancements to the scheme agreed at the time of the outline permission being granted. The reversal of these enhancements would have a detrimental impact on the character and appearance of the development and would fail to provide the agreed level of biodiversity safeguards.

### **4 Key Factors**

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

- 4.1.1 The application is required to be presented to the Committee as a variation of a permission originally granted by the committee subject to these conditions.

#### **4.2 Relevant Policies**

- 4.2.1 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'.

- 4.2.2 Please see Appendix D for a list of all applicable policies

#### **4.3 Main Issues**

- 4.3.1 As the principle of development is established the main issues for this application are considered to be:

- Impact upon the character of the area
- Impact on ecology

## **5 Report Detail**

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

- 5.1.1 The site is adjacent to the settlement of Nether Broughton and the outline permission was granted before the adoption of the Local Plan and when the Authority did not have a five year supply of housing, and was operating under the NPPF 'regime' of the presumption in favour of sustainable development, i.e. to approve applications unless their harm significantly outweighed their benefits (as set out in the (then) NPPF. The conditions concerned were integral to this balance by securing qualitative measures into the development to both assist its benefits and mitigate its harm.
- 5.1.2 Whilst the principle of residential development is established through the fact that there is an extant outline permission for development, the current variation applications need to be considered in light of the current policy context.
- 5.1.3 Nether Broughton is identified in the Melton Local Plan as a Rural Settlement. Policies SS1, SS2 and SS3 apply. These policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and sets out the strategy of delivering housing across Melton borough through identifying the most suitable locations for new housing within a hierarchy, according to sustainable credentials. Nether Broughton is not one of the areas identified in the Local Plan as being amongst the most sustainable for new housing development and new housing is accepted only within the strict criteria of Policy SS3. However, there is outline permission for 20 dwellings granted in June 2017 and with access approved onto Hecadeck Lane. An application for the approval of the 'reserved matters' is required to be submitted within three years of this decision (ie. June 2020).
- 5.1.4 The Nether Broughton and Dalby Neighbourhood Plan was made in 2018. The site is included within the settlement boundary of Nether Broughton (Policy S2).

### **5.2 Impact upon the character of the area**

- 5.2.1 When the original outline application was considered by the Committee in 2016, the application was deferred to request the applicant to consider a reduction in the number of houses and to increase the margin of the wildlife corridor from the width of 4m shown in the indicative plan. An update was provided for the Committee at the meeting on 10th November 2016. This states that the applicant was willing to reduce the number of dwellings to 20. It was concluded that as the application was seeking outline permission for 'up to 25 dwellings' the change did not change the nature or scale of the proposal and so the imposition of a condition requiring no more than 20 dwellings was appropriate. This application would seek to increase this to 21, contrary to the previous committee request and subsequent agreement.
- 5.2.2 The Committee update also confirmed that the applicants were agreeable to an increase in the wildlife corridor from 4m to 10m. This effectively results in an area at the eastern of the site and to the other side of the proposed access road which remains an extensive wildlife area, extending the adjacent area outside the site where there is evidence of Great Crested Newts. The indicative layout provided with this variation application retains a 10m buffer around the existing pond but only allows a corridor of 4m between this area and the new SUDs feature, allowing two dwellings to be sited on the eastern side of the access road on the indicative layout plan. The application therefore reverses the agreement reached during the consideration of the original outline application.

- 5.2.3 The wording of conditions 19 and 25 are inconsistent, this is a result of the fact that they relate to different aspects of the development i.e. the protection of hedgerows as an important habitat for wildlife and also the requirement for a corridor for Great Crested Newt habitat.
- 5.2.4 However, the impact on the visual quality of the development as a result of these changes is generally a negative one. Reserved Matters should adhere to both and therefore the latter – whose demand is ‘greater’ (in terms of the width required) - should take precedence.
- 5.2.5 The implications of both the increase in the number of dwellings by one and the reduction of the corridor buffer allowing two dwellings to be sited to the other side of the access road are likely to have adverse implications on the character and appearance of the development and how it relates to its context.
- 5.2.6 The density of the development as originally proposed (up to 25 dwellings) was a concern for the Committee, as this part of Nether Broughton is characterised by very spacious, low density development. The reason for condition 24 is stated in the Decision Notice as ‘To secure the applicants proposals for the site, in the interest of road safety and the character and appearance of the area.’ It is therefore considered unacceptable to simply disregard the conditions as superfluous because it is possible to get more dwellings on the site. The National Planning Policy Framework (NPPF) advises that good design is a key aspect of sustainable development. Paragraph 127 states that:

*Planning policies and decisions should ensure that development:*

- a) *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) *Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

5.2.7 The proposal to increase the number of dwellings to 21 is considered to conflict with the advice in paragraph 127, particularly b) and d).

5.2.8 **The proposals are not considered to be acceptable on the grounds of visual amenity**

### 5.3 **Impact upon ecology**

- 5.3.1 Condition 19 imposed on the permission reflects the advice in the ecology report that a 10m buffer should be provided around the existing pond and a 4m buffer between this and the proposed SUDs area to the north. The County Ecologist has confirmed that this is acceptable. However, condition 20 reflects the voluntary widening of the whole of the buffer to 10m following the deferral of the original outline application in 2016. Upon its return to the Committee it had been agreed that the not only would a 10m buffer be provided around the pond but also a 10m corridor (increased from 4m). The current application to reduce the corridor back to 4m is a retrograde step and as such would reduce the previous ecological benefit of the development.
- 5.3.2 Policy EN2 of the Local Plan requires the Borough Council to seek to achieve net gains for nature and proactively seek habitat creation as part of new development proposals. It is considered that this proposal would not comply with Policy EN2 of the Local Plan and would also be contrary to paragraph 170 d) of the NPPF which states that decisions should contribute to and enhance the natural and local environment by:
- Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
- 5.3.3 **The proposals are considered to be contrary to Policy EN2 of the Local Plan and the NPPF.**

## **6 Consultation & Feedback**

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

## **7 Financial Implications**

- 7.1 There are no financial implications identified.

**Financial Implications reviewed by: N/A**

## **8 Legal and Governance Implications**

- 8.1 Legal and Governance issues have been considered throughout the report. Under s73 of the Act, in order to vary the content of a condition it is necessary to approve permission and issue a fresh decision to include the revisions.
- 8.2 The application is required to be presented to the Committee as a variation of a permission originally granted by the committee subject to these conditions.

**Legal Implications reviewed by: Deputy Monitoring Officer**

## **9 Background Papers**

- 9.1 The previous outline application reference 15/01019/OUT was approved in June 2017.

## 10 Appendices

A: Consultation responses

B: Representations received

C: Reasons for refusal

D: Applicable Development Plan Policies

<b>Report Author:</b>	<b>Amanda Haisman</b> , Planning Officer
<b>Report Author Contact Details:</b>	01664 502453 AHaisman@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Jim Worley</b> , Assistant Director for Planning and Delivery
<b>Chief Officer Contact Details:</b>	01664 502359; jworley@melton.gov.uk

### Appendix A : Consultation replies summary

**Parish Council:** Objection. The proposals should be refused. The reason for condition 24 is stated as being 'in the interests of road safety and the character and appearance of the area'. The Parish Council do not consider that conditions 19 and 25 are in conflict. The ecologist outlined a larger buffer zone for both areas in February 2016.

**Lead Local Flood Authority:** No objections.

**Environment Agency:** No objections

**LCC Archaeology:** No objections

**LCC Highways:** No objection to variation of condition 24.

**LCC Ecologist:** I agree that conditions 19 and 25 are in conflict. Condition 19 is correct and as long as the layout is in accordance with this, no objections to it as far as impacts on GCN are concerned.

**LCC Developer Contributions:** No comments.

**Designing out Crime Officer:** No objections. Makes general security recommendations.

**Housing Policy Officer:** The amendments do not affect condition 3 of the permission, namely that the reserved matters application shall provide for a mix of types and sizes of dwellings that will meet the area's local market housing need. The affordable housing provision has been secured in a S106 Agreement (to be set out as 40% of dwellings).

**Building Control:** The access appears to be suitable for fire access but refuse collection will need to be addressed.



## Appendix B : Summary of representations received

Representations from 5 neighbouring properties have been received objecting on the following grounds:

- There is a well in the field
- The committee requested these conditions
- Lack of highways and ecologist objections are irrelevant
- The reason for the conditions being imposed was not lack of space
- Conditions 19 and 25 are not in conflict as they relate to different things (protection for hedgerows and protection for Great Crested Newts)
- The village is not a sustainable location in the Local Plan
- Impact on wildlife
- Out of keeping with the area
- Increased traffic
- Visual intrusiveness
- Noise and smell

Comments or letters of support were received from 10 parties

- No objections subject to safeguarding the public right of way received from one party.
- Letters of support are not from people in the village
- Good opportunity to enhance housing in the area
- Support subject to access from Hecadeck Lane
- Bungalows and homes for young people are needed

## Appendix C : Reasons and amendments to conditions

### **19/01379/VAC**

The proposed variation of condition 24 and increase in the number of dwellings would be detrimental to the character and appearance of the area by virtue of the loss of open space and increased density of the development which is not in keeping with the area or the edge of village location. The proposal is therefore contrary to Policy D1 of the Melton Local Plan and paragraph 127 of the National Planning Policy Framework.

### **19/01380/VAC – revised condition 19**

19. The layout to be in accordance with that appended to the revised GCN survey (Brindle & Green, June 2015 revised 31/3/2016). Any amendments to this must retain a minimum of a 10m buffer surrounding the pond and between the development (including garden boundaries) and the boundary hedgerows.

### **Condition 25 retained, i.e :**

25. Notwithstanding the plans hereby permitted, the wildlife buffer shown on the Development Framework Plan (plan no AND0093.02 (Rev B)) shall be a minimum of 10m in width.

## Appendix D : Applicable Development Plan Policies

### Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy SS3 Sustainable Communities (unallocated 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

The Nether Broughton and Dalby Neighbourhood Plan was made in 2018. The site is included within the settlement boundary of Nether Broughton (Policy S2).

Policy ENV3 of the Neighbourhood Plan relates to wildlife corridors and habitat connectivity.



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## Planning Committee

26 March 2020

Report of: Assistant Director for Planning and Delivery

### 19/01371/VAC - Spinney Campus - Brooksby Melton College, Melton Road, Brooksby

- Removal of Condition 20 (phasing for implementation of the whole development and requirement of the completion of the shop and industrial units prior to occupation of 75% of the proposed residential dwellings).
- Proposed amendments to s106 obligations

<b>Corporate Priority:</b>	3: Delivering Sustainable and Inclusive Growth in Melton
<b>Relevant Ward Member(s):</b>	Frisby on the Wreake Ward : Councillor Ronan Browne
<b>Date of consultation with Ward Member(s):</b>	8 January 2020
<b>Exempt Information:</b>	None

#### 1 Summary

- 1.1 **Members will recall the application was considered at the February meeting of the Committee but was deferred to allow for further discussion between the applicants and the Ward Member and Parish Council. This has taken place and a revised ‘package’ has been developed which is addressed below.**
- 1.2 Members may be aware that outline planning permission was granted at the above site, on appeal, in November 2017 for “Mixed use redevelopment for residential development (up to 70 dwellings) B1 development (up to 850 sq metres) and village shop 100 sq metres (A1) with means of access”.
- 1.3 This included the following condition, which the current application seeks to remove in its entirety:
 

*No development shall take place until a programme of phasing for implementation of the whole development has been agreed in writing by the Local Planning Authority. Any amendment to the approved phasing programme must be first agreed in writing by the Local Planning Authority. The Local Planning Authority will require the completion of the shop and industrial units prior to occupation of 75% of the proposed residential dwellings.*
- 1.4 The appeal was supported by a s106 Unilateral Undertaking conveying various elements as follows:

- Provision of affordable housing comprised of 6 units at the application site and 21 at the King St, Melton Mowbray site.
- Payments to LCC for library, education (primary and secondary) and civic amenity capacity
- Bus Passes and bus stop enhancement
- Contribution to policing
- Commitment to undertake a series of upgrading works to the College's theatre in Melton Mowbray
- Commitment to undertake a series of works to restore, repair and upgrade Brooksby Hall
- Commitment to provide and operate a 'village shop' on the application site



1.5 **This application is accompanied with a request that these are amended. These have been amended since the meeting of 27th February and now comprise :**

- **The provision of 4 affordable housing units for discount market sale**
- **A revised and less extensive schedule of works to upgrade the theatre.**
- **Removal of the obligation in relation to the 'village shop'**

- **A contribution of £100,000 towards the implementation of local priorities as identified in the formulation of the Hoby with Rotherby Neighbourhood Plan (e.g. new burial ground, play area, allotments, community orchard, tree planting, benches, wildlife features, community transport, traffic and sustainable energy).**

**(n.b. all other obligations would be unaffected)**

1.6 The background to these requests, their impact and merits are addressed in the report below.

<b>RECOMMENDATION(S)</b>
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<b>1. That planning permission is APPROVED;</b>
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<b>2. That the proposed variations to the s106 agreement are authorised.</b>
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## **2 Reason for Recommendations**

- 2.1 In the opinion of the Local Planning Authority the proposal presents a composite package of measures that would allow substantial investment in the College facilities at both the Brooksby and Melton Mowbray campus locations. Investment accruing from the development in the College's primary heritage asset, Brooksby Hall, would not be affected by the proposals. The NPPF advises great weight should be assigned to heritage assets and their conservation.
- 2.2 The investment would facilitate and significant enhancement of the educational and cultural acumen and offer of the Borough, contributing to its priorities in terms of sustainable and inclusive growth and for which there is no realistic alternative means of funding. This is considered to outweigh the harm resulting from the loss of the 'village shop' and employment space in sustainability terms.
- 2.3 Evidence has been provided that indicates the existing planning requirements (on which the grant of permission in 2017 is based) are unattractive to the market and would provide limited receipt, such that no meaningful re-investment in facilities would be realised.
- 2.4 The affordable housing, both on and off site, is not required in full, due to the Vacant Building Credit component of national planning policy. This would allow a 'discount' from the level of Affordable Housing provided to approx. 12 (from 27 previously incorporated – 21 of which would have been 'off site' at King St, Melton Mowbray). The proposed provision of 4 units at Brooksby is considered appropriate to meet identified local needs and an acceptable compromise within the context of the background to the application.
- 2.5 The proposal would sever dependency of the King St site on the progress made at The Spinney, allowing it to be pursued as a development and regeneration opportunity independent of events at The Spinney.

## **3 Key Factors**

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

- 3.1.1 The application is required to be presented to the Committee at the request of the Chair due to its significant implications and the proposed deviation from the previous Committee determination.

## 3.2 Relevant Policies

### 3.2.1 The Melton Local Plan 2011-2036 was adopted on 10th 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

## 3.3 Main Issues

### 3.3.1 The main issues for this application are considered to be:

- Facilitation of investment in the college's physical infrastructure and ability to develop its educational offer
- Reduced affordable housing provision
- Impact on sustainability of removal of the 'village shop'
- Impact of the adjustment of investment in the theatre
- The revised 'planning balance'

## 4 Report Detail

### 4.1 Position under the Development Plan Policies

4.2 The application site is an allocation remote from any settlement and where development is permitted only under policy SS3 where specific unfulfilled need is identified. However outline planning permission exists under the appeal decision 15/00246/OUT for residential development (up to 70 dwellings) B1 development (up to 850 sq metres) and village shop 100 sq metres (A1) with means of access.

4.3 The proposed variation would not affect the scope of this permission. However it would remove condition 20 which provides the obligation to provide the shop and employment space at the  $\frac{3}{4}$  stage of the development, which in effect will mean there is not requirement to provide them at all.

### 4.4 Principle of Development

4.4.1 The principle of development is established by the Outline planning permission dating from November 2017. The predominant aspect of this permission (housing up to 70) would not be affected by the proposed variation. As such development of the site is established in principle and the application addresses only its configuration and composition. The approved access arrangement would remain unaffected.

4.4.2 The appeal decision letter clearly recognised that the development was contrary to planning policies at all levels but granted it as an 'exception' based on the unique benefits it would deliver through the associated s106 obligations (see above for summary). The applicants wish to vary this to provide a different 'package' of benefits and the Committee is invited to consider whether they continue to be sufficient to justify the exception already established.

4.4.3 In support of the application the applicant has explained that the College has devised a new strategy for the future, focussing its educational offer in line with local, regional and national skills needs. The strategy focuses on key themes that will support not only local, regional and national skill requirements in the short and medium term, but is aligned with Melton's ambition to 'reinvent' the town as outlined in Melton Borough Council's Destination Management Plan. As a College at the heart of the farming and food

production community, the curriculum needs to reflect the broad aims of Melton and its designation as Rural Capital of Food. It aspires to produce the next generation of forward-thinking farmers armed with the most successful, innovative and sustainable techniques but also create a real understanding of the food production and supply chain that meets the College's 'field to fork' aspirations and supports the local economy.

4.4.4 The College has developed its Rural Catering Centre, at Asfordby Road, which includes a restaurant with state-of-the-art production kitchens together with classrooms and meeting rooms. The ambition is to create an excellent hospitality and catering workforce, showcasing and promoting local food. This should be the outlet for not only local food producers but also for food grown and produced by the College's learners at Brooksby campus.

4.4.5 In order to realise this, significant investment is required in the College's estate, especially its farming facilities at Brooksby. A master plan has been developed for this, costed at high level and prioritised based on the most benefit to learners. It includes:

- New entrance and internal road at Brooksby
- New student accommodation – location to be decided
- New student facilities, including reception, student services, library
- New model farm & animal care facilities
- New farm buildings and innovation centre
- New sports facilities
- Refurbishment and reconfiguration of Brooksby Hall
- Refurbishment of Melton Theatre

4.4.6 The government's capital funding programme is now at an end and any new developments will need to be funded directly from the College's own funds. The College has an opportunity to kick-start its new strategy and develop its new farm buildings and innovation centre by investing proceeds from the receipt of the sale of its Spinney Campus. However, market interest in the site has been compromised by the content of the planning permission in terms of the shop, employment land and affordable housing requirements and the ability to invest any proceeds of sale hampered by the s106 specification in relation to the Theatre - an investment of £2million in value.

4.4.7 The application and variation of the s106 therefore seeks to reconfigure the obligations to facilitate the sale of then site and allow the proceeds to be dedicated to the revised priority areas for investment.

4.4.8 This includes

- Reducing – but not removing – investment in the theatre to a less extensive range of works, reflecting the fact it is not a priority area. This revised specification would cost circa £0.5 million. The current schedule costing over £2m does not meet the investment priorities important to the College and is not an investment priority based on its latest strategy, associated masterplan and the overall cost benefit to learners.
- Reducing the affordable housing obligation, which significantly enhances the marketability of the site and its market value, allowing the other areas for investment to be achievable.

4.4.9 **Overall, the principle of the development is established and would not be affected by the currently proposed amendments.** These address the inclusion of the shop and

employment space which are relatively minor aspects of the development and the s106 benefits that are proposed to be reconfigured.

#### 4.5 **Provision of affordable housing (on and off site)**

4.5.1 The existing permission (via s106) provides for 6 on site affordable houses and the provision of 21 affordable homes by the redevelopment of the King Street site in Melton Mowbray.

4.5.2 However, Vacant Building Credit is now applicable which should balance against provision of affordable housing. Paragraph 63 of the NPPF 2019 states:

“ . . . . . To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”. NPPF and PPG advise that the existing floorspace of a vacant building should be credited against the floorspace of the new development.

4.5.3 The Spinney site has a large amount of redundant education floorspace. A survey of floor space indicates in excess of 4,342 sq m of qualifying floor space. The houses proposed are likely to range in size from 90 sq m to 120 sqm. Taking an average measurement of 110 sqm each, that would equate to 7770 sq m. The redundant floor space would equate to a 'discount' of approx. 56% of this, which would take the expectation of provision to 12.

4.5.4 However, for the reasons stated above the College seek to reduce the Affordable Housing provision in order to assist with marketing of the site, and have offered 4 discount market dwellings. These would be able to be prioritised for residents of Hoby with Rotherby and would therefore link to the local identified needs of the area, the most recent of which (August 2017) identified the need for 4 units in the next 5 years.

4.5.5 **The affordable housing contribution is therefore considered appropriate in the local circumstances and the wider context of the application.**

4.5.6 This approach would delete the dependency with the King St site. The College is committed to investing in the King Street site. This will now be developed independently to The Spinney site and will not be directly influenced by the issues encountered at The Spinney.

#### 4.6 **Impact upon residential amenity**

4.6.1 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 and is not changed by this application. 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. The permission is in outline with no detailed layout provided. **There is no reason to continue to conclude that it could not satisfactorily accommodate 70 dwellings without giving rise to undue impact on residential amenities.**

4.6.2 **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.**



#### 4.7 **Removal of shop and employment space**

4.7.1 A Marketing Report has been carried out for the site together with an Estate Agent's letter that focuses on the B1/A1 element. This sets out the difficulties in securing interest for the site for a range of reasons including the cost and lack of interest in the shop and employment components of the permission. This, along with the affordable housing component, has been the major impediment during marketing.

4.7.2 These elements were included in the scheme to broaden the 'offer' presented by the development and assist in the overall assessment of sustainability. In addition the shop was to be run, initially, by the College and was intended to showcase student's products.

4.7.3 Whilst admirable objectives, it is considered doubtful whether future residents would find employment on the site and in reality it is considered they would travel elsewhere for work. At its worst, the employment space may attract workers to carry out travel to work journeys in a less sustainable pattern than is currently the case, given its relatively 'remote' location.

4.7.4 The shop was not intended to provide for residents day to day needs but rather to showcase students products. The College has advised that it still intends this but would do so by making use of existing premises rather than a new build facility.

4.7.5 **Whilst it is considered that the removal of these features form the scheme weakens the sustainability 'credentials' of the site, it is considered that based on the site location and nature of the uses concerned, this is marginal and as such the reduction in the positive weight attributed to these features should be limited.**

#### 4.8 **Highway Safety**

4.8.1 **The access arrangements are fully detailed and form part of the approved permissions.** These include very greatly enhanced crossing and speed reduction measures which are considered beneficial to the area in highway safety terms. **These are not affected by this application.**

#### 4.9 **Heritage Assets**

4.9.1 **The application would retain the commitment to invest in repairs and enhancement to Brooksby Hall, without amendment.** Brooksby Hall is a Grade II Listed Building with a series of issues and some unfortunate additions over the years that detract from it and its setting. The facilitation of works to address some of these is regarded as a positive aspect of the existing permission which would not be affected by the current proposal. The NPPF advises that 'great weight' should be given to the preservation and enhancement of heritage assets and as such it is considered that this aspect of the proposal should continue to retain significant positive influence in the overall 'planning balance'.

4.9.2 **The proposal would continue to comply with Policy EN13.**

#### 4.10 **Contribution to local priorities**

4.10.1 It is considered that the contribution relates directly to the proposal due to the impact the growth would have on the Hoby with Rotherby area, its facilities and its community. As part of that community future residents would make use and receive benefit from the initiatives listed in the emerging Neighbourhood Plan and as a such contribution towards them is considered acceptable with the scope of the Community Infrastructure Regulations as necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale.

## 5 Consultation & Feedback

- 5.1 A site notice was posted and neighbouring properties consulted. As a result 4 representations have been received as summarised in this report. The issues raised are addressed in the sections of the report above.

## 6 Financial Implications

- 7 The proposal includes a payment of £100,000 to Melton Borough Council towards projects addressing local priorities (see above for details)**Financial Implications reviewed by: N/A**

## 8 Legal and Governance Implications

- 8.1 A variation to the existing s106 agreement relating to the development will be required.
- 8.2 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Deputy Monitoring Officer – 20.03.20**

## 9 Background Papers

- 9.1 A previous application and appeal 15/00246/OUT:

Mixed Use redevelopment of the disused education/agriculture complex at The Spinney, Brooksby for residential development (up to 70 dwellings) , B1 (up to 850 sq m) and village shop 100 sq m (A1) with means of access, Brooksby, Melton Mowbray, Leicestershire.

## 10 Appendices

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

<b>Report Author:</b>	<b>Jim Worley</b> , Assistant Director for Planning and Delivery
<b>Report Author Contact Details:</b>	01664 502359 JWorley@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Jim Worley</b> , Assistant Director for Planning and Delivery
<b>Chief Officer Contact Details:</b>	01664 502359 jworley@melton.gov.uk

## Appendix A : Consultation replies summary

### Parish Council:

- Wish to see affordable housing retained within the application at Brooksby Spinney Campus
- The availability of £100k for local priorities is commendable. However this money has become available due to the affordable housing question and would like to see that money provided to make more affordable housing available. Thus getting us closer to the original 6 houses offered, or even more.
- Concern about the affordable housing offered with the 20% discount and see this as 'affordable once only' They would like full consideration to be given to a mixture of housing and that serious consideration to Association Housing should be given, where the Parish Council would be an enthusiastic partner. There are also options for shared ownership and some for rent only.
- The Parish Council are very willing to explore these points further. But they sincerely hope that affordable housing for our Parish which was offered at the time of the appeal should be retained for mutual benefit of all who live and work in this Parish

### Lead Local Flood Authority:

The condition sought for removal under this application does not relate to surface water and consequently, Leicestershire County Council as the Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that it has no comments on this application at this time. Standing Advice is provided.

### 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: No objection to Variation of Condition 20.

### Ecologist: Comments -

The proposed variation will not impact the existing or proposed biodiversity of the site and we therefore have no comments on, or objections to, this

**Charnwood BC:** The Inspector in the appeal decision gave some weight to provision of the shop and industrial units in the overall balance of allowing the mixed use development in the open countryside. The removal of these elements would result in an isolated open market residential development in the open countryside, an unsustainable location for development.

The submitted application does not include any viability assessments as evidence that the shop and industrial units are unviable. The case for removing the condition is therefore not considered to be proven at this time.

## **MBC Regeneration**

### **Skills development:**

The Brooksby Melton College (BMC) is the only provider of higher and further education in Melton borough. BMC provides educational facilities for circa 2,500 further and higher education students and plays a key role in improving skills levels in Melton.

Melton has high levels of low paid/low skilled employment and the lowest rate (25.9%) of NVQ 4+: 16-64 % compared to other LLEP areas. The proportion of residents with an NVQ1+ is 92.4%. This gap in skills reflects the number of low skilled jobs that are available in the town and represents a significant challenge for the economy, particularly in providing a labour force to service industry, and the ability to attract and retain a skilled workforce. Melton is within the worst performing 20% of local authorities in the country for social mobility. Creating higher skilled and higher paying jobs is crucial to raising aspiration and disposable income and rejuvenating the high street and town centre. BMC is expanding and developing specialist offers of bespoke courses specifically aimed at addressing the skills gap in the current and developing workforces.

### **Retention of young people:**

Having the education facilities within the borough helps retaining young people within the area which is crucial for the growth of the economy as well as vitality of Melton as a place. HE and FE students living in the area contribute to the increased footfall and vibrancy of the evening and night time economy. A local education facility in an accessible location providing vocational training to local students prevents the drain of young talent to cities. The courses offered by BMC in the area of Catering and Hospitality, Performing Arts, Creative Media Production, Care and Early Years, Beauty and Media Make-up create a local supply of skilled workforce for high street businesses.

### **Contribution to Rural capital for food brand:**

BMC specializes in land-based courses such as animal care and agriculture along with a vocational curriculum including catering. This capability positions BMC well to contribute positively to Melton's ambition for being the 'Rural Capital for Food'. The skills provided by BMC form the basis of the farming and food processing community of Melton. The proposed development of a training farm and Agricultural Innovation Centre with associated amenities will increase the quality of learning and practical experience for the students. If Melton is to realise its ambition, the success and growth of BMC's activities will be a key contributor in that.

### **Development of derelict and vacant site in the town centre:**

The BMC site at King Street is located on the edge of the town centre and in the midst of leisure uses such as cinema, restaurants, cafes, pubs and retail units. Despite the planning approval being granted a few years ago, it hasn't been developed and remains derelict and vacant with maintenance issues. The site is an eyesore that has a negative impact on the businesses and the townscape of this part of the town centre. The prime location of this site has the potential to attract more

active uses that could add value to the town centre.

**Heritage regeneration and tourism offer:**

The development of the Brooksby Hall, a Grade I heritage asset in supporting heritage based tourism is a welcome step forward for strengthening the tourism offer in Melton. The new aspiration for the Hall is based around the enhancement of its commercial potential supported by new curriculum opportunities in heritage management skills, hospitality and catering and heritage tourism. The regeneration team can work closely with the conservation officer and BMC in order to achieve further investment from Heritage Lottery Fund and other private sector investors.

**Affordable housing rural area:**

It is noted that this planning application would contribute to the addition of 4 affordable homes in rural area where affordability is a key issue for home ownership. The additional affordable homes will help local people to get on the housing ladder and remain within the area.

**In summary, we support this planning application considering its overall regeneration and economic benefits.**

**Appendix B : Summary of representations received**

**Neighbours:**

Representations from 4 local residents have been received objecting to the application on the following grounds:

- There is already lack of shops in the area, this requirement of the planning permission should not be set aside;
- The road layout on this busy A607 is dangerous, with junction leading to school etc and pupils crossing this road bus stops
- Nearby no shops; everyone who needs to go to local towns either bus or Drive, increasing carbon foot print
- Solution is construct an roundabout on A607
- See no reason to depart form the Inspector's conditions
- The removal of condition 20 would result in this development becoming solely a commuter development with motorway links to Coventry Birmingham and London, and in doing so would remove any resemblance to a "community" with local services and employment, and a lower carbon footprint, which the original application put emphasis on.

**Appendix C: Recommended Conditions**

- 1) Application for approval of the reserved matters shall be made to the Local Planning Authority before 17.10.2020 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).

### **Delete Condition 20**

#### **All other conditions of permission 15/00246/OUT to be reproduced, i.e.**

2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

3) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

4) The reserved matters shall provide for a mix of types and sizes of dwellings that will meet the area's local market housing need.

5) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan HG0358/001, Site Access Improvement NTP-14053-05 Rev 0, Proposed Site Access 15387-001 Rev B.

6) 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. The scheme shall include details of the management of surface water on site during construction of the development, the long term maintenance of the sustainable surface water drainage system within the development, and shall include details of infiltration testing to confirm or discount the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy. The scheme shall also ensure that surface water does not drain into the Public Highway including private access drives. The scheme shall be implemented as agreed and thereafter maintained as such.

7) Prior to first occupation of the development hereby permitted the vehicular access to the site shall be provided with 6m wide carriageway with 2m footpath, 3m bridleway and 10m kerbed radii. The site access shall be resurfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and shall be so maintained at all times.

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.

9) Before the development hereby permitted commences, details of the routing of construction traffic shall be approved by the Local Planning Authority (LPA). During the period of construction, all traffic to and from the site shall use the agreed route at all times.

10) No development shall take place until a further phase two site investigation has been undertaken in accordance with details approved by the LPA. The intrusive works shall focus upon the following oil/fuel tanks as identified in the initial BSP

Consulting Combined Phase I Desk Study & Phase II Exploratory Investigation dated 26 January 2015:

- a. The active diesel tank
- b. The disused diesel tank
- c. Oil storage tank adjacent to borehole SW16 and
- d. Oil storage tank adjacent to borehole SW17.

The results of the investigation shall be provided to the LPA and shall include a revised conceptual model and method remediation statement. The method statement should also include details of all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme once approved by the Local Planning Authority shall be implemented in full and written evidence to confirm completion of the work provided and approved by the Local Planning Authority.

11) If, during the development, any contamination is identified that has not been considered previously, then, other than to make the area safe or prevent environmental harm, no further work shall be carried out in the contaminated area until additional remediation proposals for this material have been submitted to the Planning Authority for written approval (this would normally involve an investigation and an appropriate level of risk assessment). Any approved proposals shall thereafter form part of the Remediation Method Statement.

12) In the event that it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme the results of which shall be submitted to the Planning Authority for consideration. Only the soil approved in writing by the Planning Authority shall be used on site.

13) No topsoil from the existing site shall be used in connection with the development unless sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme the results of which shall be submitted to the Planning Authority for consideration. Only the soil approved in writing by the Planning Authority shall be used on site.

14) No development shall take place until an acoustic mitigation scheme has been submitted to and approved by the Local Planning Authority. As a minimum the scheme must achieve the façade acoustic specifications outlined in noise impact assessment DC1677-R2 by Dragonfly Consulting. The acoustic mitigation scheme shall include a copy of the approved ventilation scheme wherein 'whole dwelling ventilation' must be achieved on the presumption of windows being closed. The acoustic mitigation scheme shall demonstrate that the proposed habitable rooms are so not different in specification to those assumed in the noise assessment as to materially affect the suitability of the proposed façade acoustic specification. The approved scheme shall be completed prior to the first occupation of the development and shall be retained thereafter.

15) No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified: - all previous uses -potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from

contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

16) No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation.

17) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 16 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

18) No development shall start on site until specification details of pelican crossing facilities for use by horse riders have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

19) No development shall start on site until specification details of the bridleway through the site have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.



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

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