

Agenda

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| Meeting name | Planning Committee |
| Date | Thursday, 6 August 2020 |
| Start time | 6.00 pm |
| Venue | By remote video conference |
| Other information | This meeting is open to the public |

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

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| Councillors | M. Glancy (Chair) | P. Posnett MBE (Vice-Chair) |
| | R. Bindloss | R. Browne |
| | P. Chandler | P. Faulkner |
| | A. Hewson | L. Higgins |
| | E. Holmes | M. Steadman |
| | P. Wood | |

Quorum: 6 Councillors

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| Meeting enquiries | Democratic Services Team |
| Email | democracy@melton.gov.uk |
| Agenda despatched | Wednesday, 29 July 2020 |

| No. | Item | Page No. |
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| | <p>REMOTE MEETING ARRANGEMENTS</p> <p>Meeting Participants:</p> <p><u>Zoom video conferencing webinar:</u> An invitation will be sent to Members and registered public speakers* for this meeting</p> <p>Public Access:</p> <p><u>You Tube:</u> The meeting will be available to view here</p> <p>*Should you wish to speak on an application, please register by 5 p.m. on Monday 3 August July 2020 by email to democracy@melton.gov.uk</p> | |
| 1. | APOLOGIES FOR ABSENCE | |
| 2. | <p>DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.</p> | 1 - 2 |
| 3. | SCHEDULE OF APPLICATIONS | |
| 3.1 | <p>APPLICATION 19/01113/FUL Field OS 8695, Brooksby Road, Hoby</p> | 3 - 14 |
| 3.2 | <p>APPLICATION 20/00102/FUL Former Southfields Farm, Church Lane, Somerby</p> | 15 - 38 |
| 3.3 | <p>APPLICATION 20/00433/OUT Proposed apartment block, 16 Dalby Road, Melton Mowbray</p> | 39 - 50 |
| 4. | <p>URGENT BUSINESS To consider any other items that the Chair considers urgent</p> | |

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

6 August 2020

Report of: Assistant Director for Planning and Delivery

19/01113/FUL – Field OS 8695, Brooksby Road, Hoby

Erection of four affordable dwellings and the re-location of the children’s play area.

Applicant: Alison Warner

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| Corporate Priority: | Delivering sustainable and inclusive growth in Melton |
| Relevant Ward Member(s): | Ronan Browne (Frisby on the Wreake) |
| Date of consultation with Ward Member(s): | 23 October 2019 |
| Exempt Information: | No |

1 Summary



- 1.1 The application site lies to the south of the village of Hoby to the west of Brooksby Road. The site measures 0.29 hectares and comprises two parts with the northern area occupied

by a children's play area and a field to the south. To the north of the site there is a cluster of residential properties with open land to the front. Bordering the south is a pumping station with agricultural land to the west and also to the east on the opposite side of Brooksby Road. The western and southern boundaries are denoted by trees/hedgerow with a post and rail fence to the northern and eastern boundaries with some planting along them. Access to the site is via pedestrian gates to the play area and recreation ground and there is a public footpath which separates the two parts of the site.

- 1.2 This is a full planning application for the erection of four discounted market sale dwellings (at 75% of the market value) and the relocation of the children's play area. The dwellings comprise two sets of semi-detached houses, each semi-detached property with a footprint of 6.5 metres by 8 metres, height to the eaves 4.3 metres and 7.9 metres to the ridge. The accommodation in each house would provide a hall, w.c. living room, kitchen/diner on the ground floor with two bedrooms, both en-suite on the first floor.
- 1.3 It is proposed to re-locate the children's play area to the adjoining recreational ground.

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| 2 Recommendation |
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| 2.1 It is recommended that the Planning application is REFUSED |
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3 Reason for Recommendations

- 3.1 The proposal comprises the provision of four affordable houses where a need has been identified for the type of housing proposed. However permission exists which is deliverable at an alternative site within close proximity to meet that need and as such there is no need for this particular proposed development which is contrary to Policy C5 of the Adopted Local Plan relating to unmet need.

4 Key Factors

4.1 Reason for Committee Determination

The application is required to be presented to the Committee due to receiving more than 10 letters of objection from separate households, contrary to the recommendation and to allow members to consider the need for affordable housing in this location.

4.2 Relevant Policies

- 4.2.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.
- 4.2.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.
- 4.2.3 The Hoby with Rotherby Neighbourhood Plan is at the Regulation 16 consultation stage and therefore has limited weight. The draft Neighbourhood Plan public consultation completes on the 7th August 2020, prior to independent Examination and Referendum.
- 4.2.4 The Council has adopted the Housing Mix and Affordable Housing SPD in July 2019.
- 4.2.5 Please see Appendix C for a list of all applicable policies

4.3 Main Issues

- 4.3.1 The main issues for this application are considered to be:
- Principle of development including compliance with Development Plan Policies.
 - Impact upon the character of the area
 - Impact upon residential amenities

- Impact upon highways and parking
- Impact on flood risk

5 Report Detail

5.1 Position under the Development Plan Policies

- 5.1.1 The proposal comprises the provision of four affordable houses (discount market sale), each two-bedroomed, to be controlled via a s.106 legal agreement to be sold only at 75% of the open market value with occupancy limited to people with a local connection and need.
- 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 have passed a robust examination.
- 5.1.3 Policy SS2 of the Melton Local Plan 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. Policy SS2 states that Rural Settlements are expected to accommodate a proportion of the Borough's housing need through windfall sites and small unallocated sites which would enhance the sustainability of the settlement. Policy C5 of the Local Plan supports proposals for 100% affordable housing on sites that would not normally be acceptable for market housing where there is a demonstrable need from people with a local connection.
- 5.1.4 Policy 14 of the emerging Neighbourhood Plan states at 2) an exception will be made for new build affordable dwellings if the proposal will meet the identified un-met need for affordable housing in perpetuity for local residents.
- 5.1.5 The SPD Housing Mix and Affordable Housing provides further detail and guidance on Policy C5 of the Local Plan and is a material consideration.
- 5.1.6 Other material considerations are the National Planning Policy Framework (NPPF).

5.2 Principle of Development

- 5.2.1 The site lies adjacent to the built up part of Hoby on the approach from Brooksby and comprises a part undeveloped area and a children's playground. The site is outside of the settlement boundary as depicted in the emerging Neighbourhood Plan but is adjacent to built development. The proposal seeks to erect four affordable dwellings, discounted market sale, with each dwelling comprising two bedrooms.
- 5.2.2 Policy C4 of the Local Plan aims to manage the delivery of around 1300 new affordable homes between 2011-2036 in order to balance the housing stock and meet the community's housing needs. Policy C5 of the Local Plan supports proposals for 100% affordable housing on sites which would not normally be acceptable for general market housing, where there is a demonstrable need from people with a local connection.
- 5.2.3 This is expanded upon in the SPD which confirms that under the definition of affordable housing in the NPPF, discounted market sales housing comprises affordable housing. It states that all schemes will have individual local connection criteria secured by way of a s.106 agreement and that this agreement will normally secure affordable homes for qualifying persons in perpetuity.
- 5.2.4 This application is supported by the submission of a Midland Rural Housing Needs survey. This is a detailed investigation into the housing needs of Hoby with Rotherby Parish and was conducted in August 2017. This report is to form part of a rolling 5 year programme of

Housing Needs Surveys that MBC commission to understand the housing needs of its rural communities.

- 5.2.5 Midland Rural Housing worked with the Parish Council and Neighbourhood Plan Group to agree and arrange the Housing Needs Survey element for the Neighbourhood Plan of the whole parish. The results obtained indicated that there was a need in the next 5 years for up to 4 affordable homes and 4 open market sale homes for local people enabling them to be suitably housed within the community.
- 5.2.6 The report identified a need for four x two bedroom dwellings in the parish of Hoby with Rotherby. This was published in August 2017 and this provision has yet to be fulfilled (in 'physical' form). The proposal therefore would meet this requirement by providing four dwellings at a market discount rate 75% below the open market value.
- 5.2.7 There is a recently approved scheme at The Spinney, Brooksby (19/01371/VAC) which is to provide six affordable dwellings on the site; this is a variation of the original application which was allowed on appeal under 15/00246/OUT on 17th November 2017 and introduces a requirement for them to be prioritised for residents of the Parish. If implemented, this permission would meet the identified need for affordable housing for the Parish. Whilst unimplemented at present, it is being marketed following the variations made to the s106 terms earlier in 2020. The Council is aware of market interest and has received pre-application requests and the expiry date of the permission dictate that reserved matters must be submitted by November 2020, which would provide clearer indication of whether it is likely to go ahead.
- 5.2.8 Given the current climate with Covid 19 and the economic forecasts, it is possible that demand for affordable housing will increase but the delivery of housing may fall from the recent historic levels. The site at Hoby could deliver additional affordable housing within a short term timeframe and a shorter commencement period could be enforced by a condition to ensure this is the case, i.e. within one year of the date of the permission work on the site should commence.
- 5.2.9 There has been a significant level of objection to the scheme, partly on the grounds of need. However, the proposal would meet an identified need and the site is deliverable within a relatively short timeframe. The site is considered suitable for affordable housing and if supporting the principle of development the Council would be seen as proactive in pursuing affordable housing for the Borough. The proposed development meets the Government's definition of affordable housing and the occupancy and sale price of the dwellings at 75% of OMV can be controlled through a Section 106 agreement.
- 5.2.10 It is therefore considered that the case to support the provision of affordable housing on this site to meet the identified need is limited because of the permission in place at 'The Spinney'. That site could be regarded as fulfilling the local need but unless and until developed it remains potential rather than actual. In the alternative, if that site does not deliver, this proposal can be seen to comply with the above policies and guidance.
- 5.2.11 The proposal would also relocate the existing children's playground; the current lease has expired and this would secure the long term provision of the playground and is therefore acceptable in principle indeed a benefit to the community as otherwise it could be removed without replacement.
- 5.2.12 **In conclusion, it is considered that the needs are established and that an extant consent exists which would satisfy them once implemented, which will have to be in**

a relatively short period. Therefore it is considered premature to allow further consent that would duplicate that provision at this time.

5.3 Impact upon the character of the area

- 5.3.1 Policy EN6 of the Local Plan seeks development to respond to local characteristics and Policy D1 states all new developments should be of high quality design, siting and layout and must be sympathetic to the character of the area. Policy 1 of the Neighbourhood Plan sets out development principles to secure quality design.
- 5.3.2 The site lies to the south of Hoby on the approach along Brooksby Road. To the north of the site on the western side of highway is the first group of residential properties which are set back from the highway by open grassed areas enclosed by post and rail fences. To the east, south and west there are undeveloped fields. The site is partially landscaped and forms part of the rural approach into the village. However, the site is adjacent to the village and part of the area has been used as a children's playground for several years which has introduced a more domestic character to this part of the site.
- 5.3.3 This application proposes to redevelop the play area site and erect two pairs of semi-detached dwellings which would be located closer to the highway than the dwellings to the north. The proposed dwellings would have the principal elevations facing the highway and a gable end facing to the north and south. The dwellings would have a height of 4.3m to eaves and ridge of 7.9m.
- 5.3.4 The proposed dwellings would be set back from the highway with hedging along the highway boundary other than where the access would breach the landscaping. Hedging would also remain to the side boundaries with the trees and hedging along the rear boundary to be maintained. The dwellings would be sited side on to the southern elevation which would result in the narrow gable being the visible elevation on approaching the site from the south; this would minimise the visual impact of the proposed dwellings from outside of the site.
- 5.3.5 The proposal to relocate the playground would result in the facility being further to the south. This part of the site is well landscaped and the proposal would have a similar visual impact to the existing facility. No details of the exact layout of the playground have been submitted and this could be controlled via conditions.
- 5.3.6 Overall, it is considered the proposal would be visually acceptable subject to conditions to control materials, landscaping and boundary treatment. The proposal is considered to comply with the above policies and guidance and given the use of the playground could be considered as a natural edge to the built form of the village.
- ### **5.4 Impact upon residential amenities**
- 5.4.1 Policy D1 of the Local Plan states that the amenity of neighbours and neighbouring properties should not be compromised.
- 5.4.2 The nearest residential properties lie to the north-west of the site; these are set back from the highway and are separated from the site by a single access track. The proposed dwellings have been designed with no principle windows in the northern elevation. Due to the orientation, distance separation and design, the proposal would not result in any overbearing impact or loss of privacy to adjacent neighbouring properties.
- 5.4.3 With regard to the above the development is not considered to unduly impact on the residential amenities of the neighbouring properties and the proposal complies with the NPPF and policy D1 d) of the MLP.

5.5 Highway Safety

- 5.5.1 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. Policy 10 of the Neighbourhood Plan refers to traffic generation, turning areas and highway safety.
- 5.5.2 The dwellings are proposed to be accessed via a new access to the east from Brooksby Road and a shared turning and parking area would be provided to the front of the site. Following receipt of additional information, the Highway Authority has confirmed that visibility splays of 2.4m x 54m can be achieved in accordance with the measured 85th%ile speed at the relocated access.
- 5.5.3 The Highway Authority is satisfied Public Footpath H58b is retained on its existing route. The proposal retains the existing access to the footpath via a kissing gate with concrete hard standing. The footpath is to be fenced and provided with a two metre wide hard surface. Furthermore, a new hedge is proposed to the north of the footpath. Subject to the imposition of conditions, the Highway Authority is satisfied with the proposed development.
- 5.5.4 The proposal is for four x two bedroom dwellings and the proposal provides two dedicated spaces per dwelling and a turning area. It is therefore considered this provision is acceptable in this instance. The proposal is therefore in compliance with Policies D1 and IN2 of the Local Plan. The proposal is therefore acceptable in terms of highway safety. In making this recommendation it is acknowledged that there have been objections on the grounds of highway safety; however, the Highway Authority has assessed the proposal and conclude **the proposal is acceptable in terms of the access, traffic generation and on the public footpath.**

5.6 Flood Risk/Drainage

- 5.6.1 Part of the application site is located within Flood Zone 1 and is not therefore considered to be at risk of flooding, nor would the proposed development result in any significant increase in surface water run off or adversely impact on the water table; therefore, no objections are raised with regard to the provisions of Policy EN11.
- 5.6.2 Part of the application site falls within Flood Zone 2 and 3; this is the section of the site to the south where the proposed relocated play area is to be sited. This area is also at high risk from surface water flooding. Amenity space/outdoor sport and recreation is classed as a 'water compatible development' and as such development of the play area in this location is considered appropriate. A condition could be imposed to secure details of the proposed drainage of this area.
- 5.6.3 The area where the proposed dwellings are to be sited falls within Flood Zone 1. However, it does fall within a medium risk of surface water flooding. No details of surface water treatment and drainage have been submitted with the application. Details of drainage and surface water treatment would be a condition of any approval.
- 5.6.4 It is noted objections have been raised on the issue of potential flooding/drainage problems on the site of the proposed playground and the provision of the playground. The Agent has provided further information on this and stated that the play area is not owned by the Parish Council but has been leased to it by the owner to enable the play area to be provided. The play area therefore only exists due to the goodwill of the owner.

5.6.5 The lease is very short-term and the owner is prepared to offer a long-term lease upon the granting of planning permission for the current proposals. The proposed, relocated Play Area will be about 50% larger and better equipped. The site of the proposed play area lies partly in Flood Zone 2/3, though the Agent states there is no evidence that this part of the site has flooded in the past. Indeed, during the widespread flooding that took place in Leicestershire last November the site did not flood. On the information submitted therefore, it is considered the playground provision would be acceptable in terms of flood risk and drainage.

6 Impact on Infrastructure

6.1 **None.**

7 Consultation & Feedback

7.1.1 A site notice was posted in the vicinity of the site and neighbouring properties consulted. 25 representations of objection and 3 representations of support have been received.

8 Financial Implications

8.1 None.

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

Legal Implications reviewed by: Legal Advisor (Planning)

10 Background Papers

10.1 Planning Application 02/00726/FUL

11 Appendices

A: Summary of Statutory Consultation responses

B: Summary of representations received

C:

List of applicable Development Plan policies

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| Chief Officer Contact Details: | 01664 502359 jworley@melton.gov.uk |

Appendix A : Consultation replies summary

Parish Council: Unanimously opposed this application. In respect of the play area, the lease had continued without incident with the first owner for 15 years until 2018. In 2018 ownership changed and the new lease with the Parish Council saw the loss of the football pitch but the retention of the play area in a shorter lease arrangement renewable each year. The provision of a play area was a Community Project funded and supported by local residents for the benefit of all. The Parish Council now maintains the play area and are mindful of that legacy and of the need for a play area. That need demonstrated by the young families in the village twenty years ago is still cherished by the young families of today.

Concerned that the play area move is into an area identified as being at risk from flooding. This has not been recorded of late but the impact of the stream running along one side of the area offered is that the ground is boggy and does stand in water for a significant part of the year. This does not make for a suitable site for children to play on. It also makes it difficult to secure play equipment into soft ground and would impact on the strict health and safety procedures the Parish Council must follow. There is a significant amount of water that runs off to the football field from the road. When the Parish Council leased the area until 2018, run off from the road also left this area water logged and not useable. Attempts to address this were not successful. The football field sits at a much lower level than the road and is a natural direction for the water to flow and accumulate.

The site would be next to the Hoby Severn Trent pumping station. This has in recent years had issues and has discharged into the stream back in 2010 and most recently in 2017. The only other issue they have had was the significant amount of rainfall run off to the watercourse which had breached the banks of the stream at the pumping station. With the potential of heavier rainfall the prospect of the Pumping Station being affected again by flooding is a risk. The Pumping Station is also surrounded by high trees, which means that this site would find itself in the shade for a large part of the day and that would discourage the sites use on sunny days if users find themselves in the shade.

Have concerns about access to the site using existing footpaths.

The relocation of the play area does not offer security. The Parish Council have been reduced to a single year lease (currently extended into 2019/20). The offer of a long term lease on the condition that they relocate to the new site should the planning application be successful does not fill the Parish Council with the confidence it would want to have. The fact that the site is not suitable to move to makes the offer less generous than it might seem. The Parish Council is very happy with, as is the rest of the Parish, with the site they have now.

The applicant has used the Parish Council's own August 2017 Housing Needs document for Hoby with Rotherby Parish as justification for the need in Hoby. This survey relates to the whole Parish and perhaps the applicant is not aware of the fact that in November 2017 after this report was produced the Parish Council lobbied hard at the planning appeal to build 70 houses at the Spinney Campus, Brooksby. The Parish Council asked that should the planning appeal go through a provision of 6 affordable houses to meet the need of the parish in future years should be provided. The appeal was successful and the Parish Council (though disappointed that the appeal was won) were pleased that an allocation of 6 affordable houses was

included in the conditions. This allocation far exceeds the needs which were assessed in the earlier August report produced for the Parish Council.

Another reason for promoting the need for 6 affordable houses at Brooksby was that a commercial bus service runs along the A607 and does stop at Brooksby. In Hoby on 20th December 2019 the 128 Bus Service will come to an end. The reference in the application to a Bus Service running through Hoby is therefore not applicable and justifies the reason for the Parish Council holding out for the affordable housing at Brooksby where a commercial bus service is still in operation.

The Parish Council is concerned about affordability. At present 2 bedroom dwellings in neighbouring Frisby on the Wreake (also to lose its bus service) are priced from £325,000. If four affordable houses were similarly priced in Hoby less 20% that would make them £260,000. The Parish Council does not believe the probable prices for these homes would be affordable to those they are intended for. What is most likely to happen is that any house built would be taken up by buy to let purchasers or reflect more closely with the true market value.

Questions future occupancy and mechanism for future owners.

The application should also be rejected on the grounds that they are not sustainable. The design shows two parking spaces for each household. A potential introduction of eight more vehicles on to Brooksby Road each day.

If approved it would result in four more dwellings without supported or justified evidence that would demonstrate a local need for the proposal. The Housing Need document has been used by the Parish Council to provide the housing need at Brooksby and now with no bus service from 20th December 2019 in Hoby the use of the eight extra private motor vehicles would certainly come about. The provision of new infrastructure would not be provided. In fact it would result in the loss of the Play Area as the land offered is not suitable for the Play Area to be moved to. So the outcome of this application would be to remove a community asset, not provide one. The application is therefore contrary to Policies SS1, SS2 and SS3 of the Melton Local Plan and should be refused by MBC.

With more vehicles on the road, road safety becomes an issue. The Design and Access Statement under point 5.27 suggests a visibility splay of 43 metres, but the current highway standard in a 30 mph zone is 70 metres. This demonstrates a threat to road safety. On this part of the road footpaths end and pedestrians may very well find themselves on the road. This increases the probability of potential speeding vehicles passing by the site entrance from the Brooksby direction.

The application states that hedgerows will be retained wherever possible. This suggests a tacit admission that the hawthorn hedge to the front of the development would have to be removed to provide the visibility splay from inside the site. This is contrary to Policy D1.

MBC has declared a Climate Emergency. Hoby with Rotherby Parish Council has also declared a Climate Emergency and will be promoting local initiatives as National Government works to make the UK carbon neutral by 2050. There is no reference in the application with regard to the carbon neutral agenda and the design of these houses. There is nothing which supports the desire to become carbon neutral. Nor does it address the significant issues affecting our planet and the Climate

Emergency we now all face.

The Parish Council is disappointed that the Design and Access Statement makes reference to the Parish Neighbourhood Development Plan (NDP) as being in the very first stages of preparation. It has in fact started its Regulation 14 consultation. The consultation document identifies the Play Area as an important Local Green Space as identified by the community during early public meetings with the residents of the villages. Although the Parish Council accepts that we do not have as of yet a completed plan this does seem as if we have an application in front of us which is trying to 'jump the gun'. The applicant does point out that a number of reports have been undertaken to support the NDP and they have seen fit to list them and also to use them in this application, which does contradict their earlier statement that the work to the NDP had not made enough progress for any weight to be accorded to it.

Housing Officer: Discounted Market Sale would be appropriate as it is suitable for a wider range of households i.e. any age.

LCC Highways:

The Local Highway Authority has reviewed the further information submitted and the technical note, and is satisfied with the closure of the existing gated access on the field to the south and its relocation adjacent to PROW H58b. The applicant has demonstrated on Drawing No. A116118 / 001 that visibility splays of 2.4m x 54m can be achieved in accordance with the measured 85th %ile speed at the relocated access. The purpose of the access is to provide a right of passage to the field to the west of the site. The Local Highway Authority is satisfied Public Footpath H58b is retained on its existing route. The proposal retains the existing access to the footpath via a kissing gate with concrete hard standing. The footpath is to be fenced and provided with a 2m wide hard surface. Furthermore a new hedge is proposed to the north of the footpath.

Recommends conditions.

Appendix B : Summary of representations received

25 representations objecting have been received raising the following concerns:

- The replacement site is unsuitable for a children's play area due to it being a muddy and waterlogged field most of the year.
- The site is next to a sewage pumping station.
- Noise pollution to existing residential housing could devalue property prices.
- Parents would feel uncomfortable with their children making too much noise and being a nuisance with nearby residents.
- There are many other potential sites around Hoby which would benefit from housing.
- There are no supporting facilities, amenities or transport infrastructure to support these dwellings.
- Would be moved further out of the village which makes it a less amenable location for local families and less of a 'part of the community

in the heart of the village’.

- A loss not only for the village but for surrounding villages.
- This application, if approved, would make a nonsense of the ‘Village Envelope’.
- Low cost housing in the parish has already been fulfilled.
- How would the council ensure that these stay low cost?
- The village bus route will be scrapped on the 20th December 2019, making the village even more unsustainable.
- New dwellings would bring 4-8 additional, permanently located vehicles with already compromised parking facilities, site entry and exit for existing residents and visitors posing a hazard on a blind bend.
- The play area would be located on a de-restricted part of Brooksby Road, which is unsafe for children to play next door to, let alone cross. The road speed being generally faster here.
- Access in and out of The Waterhouse, Brooksby Road is already hazardous with numerous parked cars on the verge adjacent to the drive and sometimes across it. If the playground facility was enlarged more people with cars may increase this problem.
- The plan shows a 43 metre visibility splay to the exit of Brooksby Road from the proposed new dwellings. A 70 metre splay is the usual requirement for new builds in a 30mph area.
- The concrete kerbs on the plan could make entry impossible for large vehicles to enter the drive of The Waterhouse, Brooksby Road since they would not be able to make a wide enough swing to get through the field gate.

Three representations in support have been received raising the following comments:

- This application is for four affordable homes to meet the needs identified in a local housing needs survey. It will enable both young and older people's (who may be seeking to downsize) to stay in the village. It will provide housing for those employed locally in less well paid jobs and give the village all the benefits of a mixed society.
- The proposal involves the option to retain the area currently leased by the parish council for a village playground simply to move this to the other end of the paddock. This area does not flood as has been tested by recent adverse weather and could provide a level fenced safe and secure playground. There is the potential to extend the path and install a parking area to provide safe off road access and improve the current situation where cars are left on the verge restricting visibility for other road users.
- The proposal also includes the installation of a gate alongside of the footpath to maintain the agricultural right of access for the neighbouring land owner, currently that access runs across the middle of the existing playground.
- This application seeks to meet the needs of the parish in as many ways as possible by providing a small scale affordable development that is

visually appealing.

Appendix C : Applicable Development Plan Policies

Melton Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- 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

Neighbour Plan

- Policy 1 Design of New Development
- Policy 3 Public Rights of Way
- Policy 6 Designated Local Green Space
- Policy 9 Sustainable Transport
- Policy 10 Highway Safety and Capacity
- Policy 14 New Housing Development.



Helping people | Shaping places



Planning Committee

6 August 2020

Report of: Assistant Director for Planning and Delivery

20/00102/FUL - Former Southfields Farm, Church Lane, Somerby

Erection of 10 dwellings and associated turning head.

Applicant : Mr Day

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| Corporate Priority: | 3: Delivering Sustainable and Inclusive Growth in Melton |
| Relevant Ward Member(s): | Somerby : Councillor Leigh Higgins |
| Date of consultation with Ward Member(s): | 10 February 2020 |
| Exempt Information: | None |

1 Summary

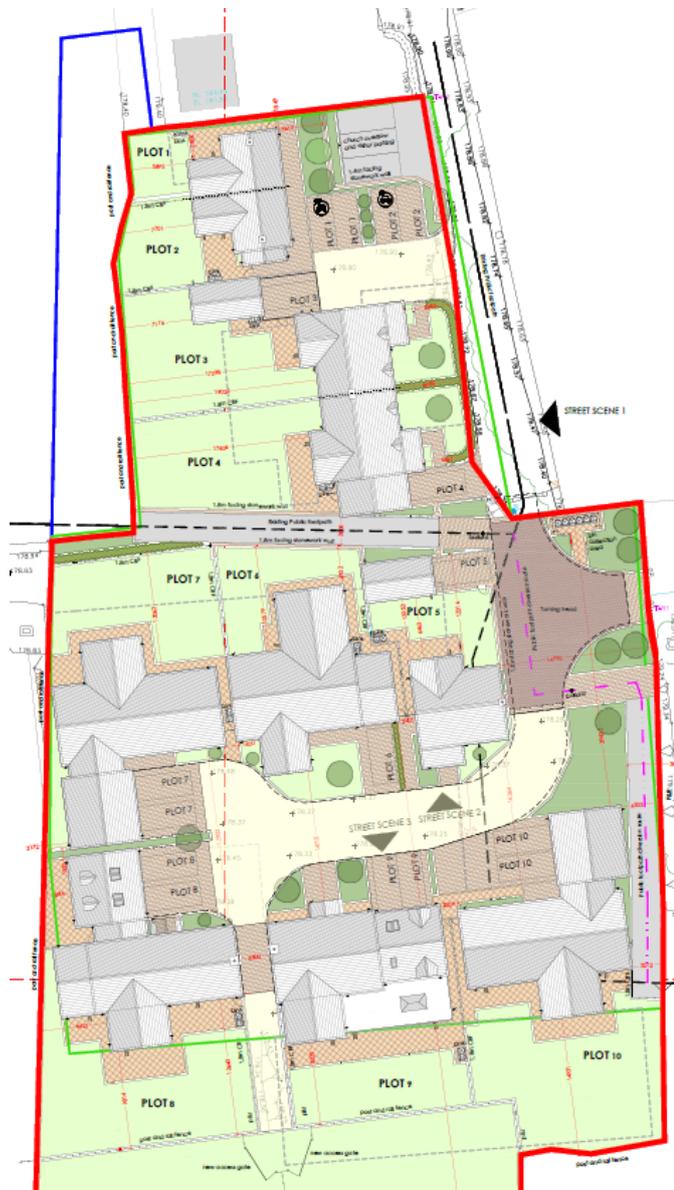
- 1.1 The application site comprises land associated with the Former Southfields Farm, Church Lane, Somerby. The site sits just outside of the Somerby Conservation Area, with the exception of the access drive. There are several listed buildings in the vicinity, to the north of the site along Church Lane, including the grade II listed Burley Cottage, grade II listed Somerby Farmhouse and grade I listed church of All Saints. Public footpath D74 runs across the site is proposed to be slightly re-routed 98G runs across the site. The proposed access for future residents would be from Church Lane only, construction access would be via a temporary access route from Owston Road.
- 1.2 This is a full planning permission for the erection of 10 dwellings. An outline application for the erection of 12 dwellings on the site has been permitted previously and is still extant.

2 Recommendation(s)

- 2.1 **It is recommended that the Planning application is APPROVED subject to conditions and completion of a Section 106 Agreement to secure contributions towards:**
 - (i) Primary and secondary education provision.
 - (ii) The Provision of 1 x discount market Home, held in perpetuity and sold at no more than 65% of the open market value

3 Reason 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. The site currently benefits from an extant outline permission for 12 dwellings.
- 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 and s72 of the Planning (Listed Buildings 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 from separate households , 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 E for a list of all applicable policies.

4.3.4 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. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

4.3.5 There is no 'made' Neighbourhood Plan which covers the application site. Comments have been received that the proposal conflicts with a number of Policies within the Neighbourhood Plan. The draft Somerby Neighbourhood Plan is currently subject to 'Regulation 16' Consultation with consideration of the responses, Examination and Referendum to follow and therefore limited weight can be attributed to this in the determination of this application.

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 and 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 lies adjacent on the edge of the village of Somerby. Somerby is defined as a Service Centre within the Melton Local Plan and therefore Policies SS1-SS2 apply. These two policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and sets out the strategy of delivering housing across Melton borough through identifying the most suitable locations for new housing within a settlement hierarchy, devised from sustainable 'credentials'.

5.1.2 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 Principle of Development

- 5.2.1 The site benefits from an extant outline permission for 12 dwellings. Policy SS2 provides support to sustainable development within Service Centres and Rural Hubs: i.e. that housing needs will be met by 'planning positively for the development of sites allocated within and adjoining the Service Centres and Rural Hubs by 2036, **and** by encouraging small scale residential development where it would represent sustainable development under Policy SS1 above **or** would enhance the sustainability of the community in accordance with Policy SS3'.
- 5.2.2 Policy SS2 is therefore applicable for small scale development in Service Centres and Rural Hubs and Policy SS3 provides a further opportunity for small scale development in Service Centres and Rural Hubs, as well as being applicable to Rural Settlements. Policy SS3 is therefore not considered to be applicable to this application.
- 5.2.3 The supporting text in the Local Plan states that for windfall sites, schemes of up to about 10 dwellings may be appropriate within or on the edge of Service Centres, schemes of up to about 5 dwellings for Rural Hubs, and schemes of up to about 3 dwellings for Rural Settlements.
- 5.2.4 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.
- 5.2.5 The NPPF nor Local Plan does not seek to place an upper limit on development quantities and each application must be considered on its own merits. Within the glossary of the NPPF 'windfall' sites are defined as 'Sites not specifically identified in the development plan'.
- 5.2.6 This development would result in the erection of 10 dwellings and is sited on the edge of (adjacent to) a Service Centre. It is for these reasons that the proposal is considered to fall under the provisions of small scale development under the provisions of Policies SS1 and SS2 of the Melton Local Plan.
- 5.2.7 Policy HR2 of the Somerby Neighbourhood Plan states that development proposals within the Neighbourhood Plan area will be supported on sites within the Limits to Development where they comply with the other policies of the Development Plan and subject to character and design, amenity and relevant environmental policies. Outside the Limits to Development, development will be carefully controlled **in line with local and national strategic planning policies**
- 5.2.8 .The application site is predominantly within the limits to development of Somerby, only the gardens of Plots 8, 9 and 10 and the paddock area is outside. Given that only limited weight can be given the Neighbourhood Plan and the site is predominantly within the limits to development. The smaller part that is outside are adjacent to the settlement are in line with Policy SS2 of the Local Plan Therefore it is considered that the application is acceptable in principle in terms of the NP.
- 5.2.9 A suitable housing mix is being proposed as per the requirements of Policy HR3 and by virtue of the housing mix and one Starter Home would meet the provisions of Policy HR4 of the Neighbourhood Plan.
- 5.2.10 The scheme provides a good mix of dwellings for the area and includes two bungalows and a starter home property.

- 5.2.11 The development would not meet the threshold for affordable housing or provision under Local Plan Policies however, Paragraph 64 of the NPPF states where there are major developments (10+ dwelling), planning policies and decisions should expect at least 10% of the homes to be available for affordable homes ownership. One dwelling within this development (10%) is being provided as a starter home property (plot 1) which is considered acceptable by the Council's Housing Policy Officer.
- 5.2.12 Comments have been received regarding the development being outside of the village envelope, however there is no village envelope within the Melton Local Plan and as stated above, Policy SS2 sets out the development strategy for the Borough and states that Service Centres will accommodate 35% of the housing requirement by allocated residential sites **and** by encouraging small scale development.
- 5.2.13 Comments have been received that there are a number of houses for sale in the village, thus indicating that no further development is needed. This is not a material consideration in the determination of this application, given that Policy SS2 allows for small scale development and sets no upper limit.
- 5.2.14 As such, the principle of development is considered to be acceptable subject to satisfying all other material planning considerations; which are assessed below against the other relevant policies of the Melton Local Plan.
- 5.2.15 In addition, the site benefits from an extant outline permission for 12 dwellings. That further establishes the principle of development.

5.3 **Impact upon the character of the area and heritage assets**

- 5.3.1 The land currently comprises an open parcel of land formerly associated with Southfields Farm which was demolished following the approval of the previous outline planning permission. The application site is neither public open space nor is it identified as an important green space and the land has no designation registering a specific importance.
- 5.3.2 It should also be noted that the site used to comprise a number of unsightly farm buildings. It was stated within the previous outline permission that the development of dwellings on the site would enhance the overall appearance of the site given the existing buildings on the site (which have now been demolished).
- 5.3.3 Given the siting of the land at the end of Church Lane, it is not considered that the land is readily visible from within most parts of the village. The site is however visible from Church Lane, Manor Lane and the footpaths that run through and adjacent to the site.
- 5.3.4 It is considered that a well designed development of ten dwellings would not result in harm to the character of the village, loss of any key feature adversely affect 'gateway' views or long distance views.
- 5.3.5 The Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study, Final Report, (September 2015) states that the application site sits within LCZ4: Somerby South. The report assesses landscape sensitivity over number of criteria, and arrives at the judgement that the overall landscape sensitivity of this area to residential development is medium, due to the open character of the landscape with eroded cultural pattern.
- 5.3.6 There is opportunity to accommodate some sensitively designed development in proximity to the existing settlement edge, which takes into consideration the existing, generally well integrated edge character of the historic settlement form. Development is

orientated with internal roads and parking located away from the edges of the application site so as to reduce the potential for lit development edges, respecting the rural edge location of the application site.

- 5.3.7 The development is considered to be of an appropriate scale and density to create a more 'porous' landscape edge and is considered to be well-integrated into the existing built form. Overall it is considered that the development proposals would integrate the new housing within the landscape framework at this edge of the settlement site.
- 5.3.8 The site is relatively flat with levels slightly sloping down from north to south which further reduces any potential impact the development may have on the character of the area.
- 5.3.9 The site sits on the edge of the Conservation Area and would ensure the development relates to the existing built form and character of Church Lane by means of Plots 1-4 facing towards Church Lane with a 'courtyard' cluster at the southern end of the development. Plots 1-4 would follow the traditional stone linear character of buildings on Church Lane.
- 5.3.10 A mix of building types have been used across the site to ensure a degree of local vernacular and characteristic is present within the development. The courtyard aspect is proposed to replicate the farm yard developments associated with agricultural land such as this, whilst also assimilating the development in to the adjacent countryside to the south.
- 5.3.11 The scale of the buildings is considered acceptable in terms of the visual impact of the development, with the inclusion of bungalows and garages with traditional dormers above. A high level of design detailing is also proposed throughout the development such as stone plinths, chimneys, headers, cills, dental courses and timber clad elements on the bungalows to represent the barns previously on the site.
- 5.3.12 Landscaping is proposed throughout the site consisting of hedging, low level planting and tree planting. The use of stone boundary walls are proposed on the boundaries where visible by the public to ensure the development doesn't have an adverse visual impact upon the character of the area. Soft and low level landscaping proposals such as hedging are proposed to front gardens. Full landscaping details can be secured by condition.
- 5.3.13 The development would consist of a mix of materials that would be reflective of the materials in the local area. Materials can be the subject of a condition to ensure that the development is built out in the manner that it has been proposed.
- 5.3.14 It is not considered that lighting would be excessive given that the proposal comprises a small residential development of ten dwellings. Lighting would be similar to that of the adjacent and existing residential properties and would not appear unduly out of character with the wider setting. In addition, driveways and parking would be contained within the internal courtyard to prevent excessive shining of headlights onto the land to the south.
- 5.3.15 The proposed development is considered to be in line with the provisions of Policy CD1 of the emerging Neighbourhood Plan by virtue of incorporating the following design principles, density and infrastructure is minimized towards edges with the countryside; existing countryside boundary features are retained or replicated; the scale of roads are 'rural' in nature; adequate provision for waste storage and suitable and safe means of access for collection are provided; design, materials and skylines reflect the local

vernacular; lighting infrastructure sympathetic to the character of the villages and the countryside; ecologically sound construction; use of environmentally sustainable building materials.

- 5.3.16 The proposed development would not be considered to interrupt the important view SV7.3 within Policy ENV9 due to the existing buildings on Manor Lane screening the development. The proposal will only be viewed against the backdrop of the existing village from important view SV7.2. As such, the development is not considered to significantly adversely impact on the perceptual experience of these important views as designated within the Neighbourhood Plan. Soft landscaping is proposed throughout the development in line with Policy ENV11 of the Neighbourhood Plan.
- 5.3.17 As stated, the application site sits on the edge of the Conservation Area of Somerby. Although not present at the site the removal of the previous agricultural buildings and their replacement with a sympathetically designed development is considered to bring positive benefits upon the character of the area and the adjacent Conservation Area. The development would include materials and local design features that can be found present in the vicinity.
- 5.3.18 By virtue of the scale and layout of the development proposed, from the public footpaths to the south, the development would be viewed against the existing dwellings in the village and would not significantly interrupt views of the spire of the Grade I listed church. The application site also sits lower than the fields to the south.
- 5.3.19 There are a number of listed buildings on Church Lane itself however these are separated from the site by the existing dwellings on Church Lane and as such, the development have a neutral impact upon the setting of these listed buildings.
- 5.3.20 In addition, the site benefits from outline planning permission for the erection of 12 dwellings. Although the previous application was outline only, this current application is considered to be an improvement on the permitted scheme, given the reduction in number of units would result in a less dense and cramped form of development.
- 5.3.21 Overall it is considered that the proposal on the edge of the village would be acceptable and not have a detrimental impact upon the character of the surrounding area. Furthermore, it is **considered that the development would have a neutral impact upon the conservation area and the nearby listed buildings given the nature, scale and design of the development and the separation distances to the listed buildings. In addition, minor benefits are had by the re-development of this former farm site. The proposal is therefore considered to accord with the relevant policies of the Melton Local Plan, emerging Neighbourhood Plan 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 site sits at the southern end of Church Lane. No 12. Church Lane borders the application site to the north however the dwelling sits away from the boundary and is separated by their existing driveway and garage. Plot 1 would be sited with the side elevation adjacent to the garage and driveway of no. 12 and as such would not introduce significant overbearing or loss of light impacts to this property by virtue of the separation distances to the private garden areas and habitable windows of this property.
- 5.4.2 To the east is Southfields Farm Cottage however this property is separated from the site by existing screening and also the existing driveway serving this property. The private

garden area of this property is also sited away from the application site. As such, by virtue of the separation distances and layout of the proposed development, the proposal would not introduce any significant adverse overlooking, overbearing or loss of light impacts upon this property.

- 5.4.3 No other residential properties in the vicinity would be significantly impacted by the proposal as the site is surrounded by paddock land to the west and open countryside to the south.
- 5.4.4 Sufficient separation distances are also proposed between all plots so as to protect the residential amenity of the future occupiers of the properties in respect of overlooking impacts. Sufficient private and useable amenity space are available to all plots.
- 5.4.5 The diversion of the public footpath is very minor in comparison to the existing dedicated route and due to the separation distance is not considered to result in any additional privacy impacts upon the surrounding properties.
- 5.4.6 It is not considered that the vehicles using Church Lane would result in noise or disturbance issues upon the occupiers of the existing properties on Church Lane. Construction traffic would access the site via a temporary route from Owston Road. Details of this can be submitted in a construction management plan via condition which will detail methods to ensure the development is run smoothly without excessive disturbance those living in close proximity to the development site. Hours of operation are to be conditioned in line with the recommendations of the Council's Environmental Health Officer to protect the occupiers of the adjacent properties. Again, the reduction in the number of units from the permitted scheme and that the agricultural buildings have already been demolished would result in less impacts upon adjacent properties during construction.
- 5.4.7 **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.**

5.5 Highway Safety

- 5.5.1 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.
- 5.5.2 Access to the site for the occupiers of the development would be via Church Lane only. In the first instance, it should be noted that a significant consideration was given within the determination of the previous application in respect of highway safety and the use of Church Lane for vehicles. The outline planning permission approved the development of 12 dwellings.
- 5.5.3 Church Lane which is a single track adopted unclassified road, subject to a 30mph speed limit, with a maximum of 20mph allowed during school drop off and pick up times. The carriageway width is 3.6m at the junction with restricted visibility. Notwithstanding the above, the existing access had been used extensively by the previous farm vehicles as well as other existing dwellings. The proposal will also see a net reduction in trips as previously permitted under in 16/00146/OUT, being for 10 dwellings rather than 12.

- 5.5.4 Further information has been provided by the applicant regarding the previous use of Church Lane for many different vehicles including as follows - lorries, small eight wheelers, six wheelers, milk tankers, diesel and feed lorries delivering goods, gas and fuel lorries.
- 5.5.5 The proposed development includes provision of a turning head which would allow all vehicles (not limited to the ones serving the development) to manoeuvre at the end of Church Lane and travel in a forward gear. This would result in an improvement to the existing highway situation.
- 5.5.6 Concerns have been raised regarding the access for emergency vehicles. As Church lane has been used for lorries and farm traffic in the past, it is not considered that emergency vehicles would not be able to access the site. Although the road does not meet the required (modern) standards, further information has been provided to demonstrate that it would be possible for a fire appliance to access the site. The typical width of a fire appliance is 2.3m which would be able to pass the narrowest section of the road (approximately 2.75m). In addition, access has already been permitted previously.
- 5.5.7 Given the extant permission on the site, no concerns are raised regarding the use of Church Lane as the access point for the development.
- 5.5.8 Sufficient parking provision is provided for each plot and additional spaces are also proposed for the visitors and overflow for the church. As such the development would be in line with the requirements of Policy TI1 of the Neighbourhood Plan.
- 5.5.9 Construction traffic is proposed from a temporary access from Owston Road which would be considered acceptable and further details can be included within a construction traffic management plan which is to be submitted via condition.
- 5.5.10 It is also proposed to divert a public footpath which runs through the site. No concerns are raised to the diversion of this. Concerns have been raised regarding the use of Manor Lane by vehicles access the development. This is not the case as a bollard is proposed at the entrance to the footpath which connect Church lane and Manor Lane. This will prevent / deter vehicles from driving down Manor Lane. LCC Public Rights of Way request that the footpath is constructed using tarmac to ensure protection to users of the public right of way.
- 5.5.11 The diversion of the public footpath is not considered to result in a significant change or rural appearance of the footpath given the existing nature of the site and the proposed diversion route. As such, the development is considered to be in line with the provisions of Policy ENV13 of the Neighbourhood Plan.
- 5.5.12 Comments have been received that the use of Manor Lane would alleviate traffic impacts upon Church Lane. Manor Lane does not form part of the access to the site and the Local Highway Authority confirm that there would be no objections to the proposal subject to the imposition of conditions for using Church Lane only.
- 5.5.13 **As such, subject to conditions the proposal would be acceptable in highway safety terms and would comply with the policies D1 and IN2.**

5.6 Ecology

- 5.6.1 A Great Crested Newt (GCN) Assessment (CBE Consulting, April 2016) has been submitted in support of this application. This is now nearly 4 years old and would not usually be considered acceptable in support of an application.

- 5.6.2 An updated Great Crested Newt Assessment (CBE Consulting, April 2020) has been submitted in support of the application. This accepts that GCN have been found in Pond 3, close to the site since the previous site assessment was completed. The survey also assesses Pond 4 (within 35m of the site boundary) as having some suitability to support GCN. Considering the size, position, quality of Pond 4 and surrounding garden area, the likelihood of a medium or high population level being present is negligible.
- 5.6.3 Mitigation measures are proposed in the form of exclusion fencing erected under license based on pond 4 being used for foraging by a low population of GCN. This mitigation has been provided and is to be secured by condition.
- 5.6.4 The application site falls within a 'Swift Alert Area' as there are recent records for breeding swifts close to the site. Swifts are a local Biodiversity Action Plan (BAP) species. This development provides the opportunity to install some swift nest boxes to provide additional nest sites for this species and to help achieve the aims of the BAP. 3 swift nest boxes should be installed on a suitable elevation of at least 3 of the new dwellings and details of their location are to be secured by condition.
- 5.6.5 **Overall, subject to conditions based on the advice of expert advisors, it is not considered that the application would have an adverse impact upon ecological matters.**

5.7 Flood Risk/Drainage

- 5.7.1 A drainage strategy and SUDs statement has been supplied with the application. The application site sits within Flood Zone 1 being at low risk of fluvial flooding. There is a very low risk of surface water flooding across the site.
- 5.7.2 Foul is proposed to connect into the public combined water sewer, which will be subject to a formal sewer connection approval under separate legislation. Surface water is proposed to discharge to a watercourse..
- 5.7.3 The LLFA has indicated that the general drainage strategy is suitable, subject to further information 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.
- 5.7.4 **Subject to conditions and further technical information the proposal complies with policy EN11 and EN12 of the Local Plan and ENV16 of the Neighbourhood Plan.**

5.8 Contamination

- 5.8.1 The farm buildings and yard that previously occupied the site were covered in concrete slabs and therefore the risk of contamination is low.
- 5.8.2 Notwithstanding this, agricultural farms can be associated with fuels, oils, lubricants, solvents, sheep dips, made ground, pesticides, manure heaps / slurry pits and poor waste handling practices – disposal of materials by burning and burial. Exposure to these materials can, in certain circumstances, be harmful to human health. It is therefore important that where these materials exist or said processes have occurred they are identified, investigated and remediated as appropriate.
- 5.8.3 As such, a Phase 1 contaminated land investigation should be undertaken and submitted prior to commencement of development. This is to be secured by condition.

5.9 Archaeology

5.9.1 The Leicestershire and Rutland Historic Environment Record (HER) notes that the application area lies partly within the historic settlement core of Somerby (HER ref: MLE 8617). It lies approximately 110m to the west of medieval village earthworks (MLE22781), which was trenched in 2018 and found a 9th-11th C field system and 11-13th C settlement activity. Although the application area has had modern farm buildings recently demolished, there is still the potential any archaeological remains could have survived beneath the farm.

5.9.2 The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains. As such, an appropriate programme of archaeological mitigation should be submitted to the LPA by means of a condition.

5.9.3 **Overall, subject to conditions based on the advice of expert advisors, it is not considered that the application would have an adverse impact upon archaeological matters to warrant refusal.**

5.10 Climate Change Considerations

5.10.1 The applicant has submitted a sustainability statement to demonstrate how the proposal includes sustainability credentials and design techniques to ensure an energy efficient and low carbon proposal as well as the need to mitigate and adapt to Climate Change, in line with Policies EN8 and EN9 of the Local Plan.

5.10.2 The following is proposed by the applicant to demonstrate this –

- Locally selected and produced (for example from Leicestershire and Nottinghamshire) facing materials are to be used.
- The design layout combines the existing constraints of the site with general principles on orientation and passive design techniques.
- Plan form of each property has been designed to allow for cross ventilation, internal spaces have been organised to either benefit from solar gain or insulate from cold northerly aspects.
- Modern methods of construction are to be used to ensure better construction of junctions to avoid leakage and heat loss.
- The landscape and drainage scheme involves water features through storm water detention through the use of attenuation crates.
- The development seeks to utilise air source heating throughout the scheme.
- Space for homes offices could be provided within snugs and smaller bedrooms
- Electric vehicle charging points are provided for each property.

5.10.3 **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 EN9 of the Melton Local Plan.**

5.11 Infrastructure

Requests for financial contributions are requested from Leicestershire County Council as follows:

Primary School Sector Requirement £43,776

The site falls within the catchment area of Somerby Primary School. The School has a net capacity of 49 and 61 pupils are projected on the roll should this development proceed; a deficit of 12 pupil places, of which 9 are existing and 3 are created by this development.

Secondary education Requirement: Based on 10 dwellings with two or more bedrooms at a charge of £6,257.66 per home equals £62,576.60. This is a contribution towards the cost of expansion of secondary provision in Melton Mowbray, within the catchment of which the development is located. In order to provide the additional secondary school places required, the proposal is to extend John Ferneley College by 200 places and to build a new secondary school (11-16) To extend John Fernley by 200 places would cost £3,575,234 (based on the cost multiplier of £17,876.17 per pupil place) and require 1.22ha of land at a cost of £904,020 (based on a land value of £741,000 per ha). To build a new 650 place secondary school would cost £18,567,000, and require 5ha of land at a cost of £3,705,000.

The contributions are supported with information explaining the basis for their calculation, their need and their relation to the development concerned. It is considered all are compliant with the requirements so for the Community Infrastructure Regulations (Reg 122).

5.12 Other issues

Comments have been received regarding the setting of a precedent and potential for further development / expansion of the application proposal. First and foremost, 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.

6 Impact on Infrastructure

- 6.1 A Section 106 Agreement relating to contributions towards education is proposed in line with the requests outlined above. 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, 28 objections have been received.

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: Legal Advisor (Planning)

10 Background Papers

16/00146/OUT Demolition of livestock buildings and construction of 12 dwellings.

11 Appendices

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

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| Chief Officer Responsible: | Jim Worley , Assistant Director for Planning and Delivery |
| Chief Officer Contact Details: | 01664 502359 jworley@melton.gov.uk |

Appendix A : Consultation replies summary

Parish Council:

The Councillors voted to approve this application and the following positive comments were made:

- Courtyard developments are an element in existing character and design, so this proposal is a good design
- During Neighbourhood Plan consultation there was expressed support for housing development (if any) to consist of small sites of 10 or less

However, the following comments reflect some concerns:

- The outline planning had conditions relating to construction traffic on Church Lane and the High Street. It is important that these conditions are applied to what appears to be a new application.
- We are very concerned about the additional traffic coming on to High Street and the width of the road. However, clearly the entrance cannot be changed. It would be interesting to see if the "back" entrance (via Owston Road) could be used as an alternative entrance to the development, once completed, for oil deliveries etc. Could this also form a condition of the planning?
- The outline planning made provision for two parking spaces for visitor/Church use and it would be good if these could be integrated into the new plans.
- The Neighbourhood Plan consultation disclosed strong support for affordable homes in Somerby Parish. When the MLP set the threshold for affordable housing of 11, that was the lowest threshold permitted by the NPPF 2012. This is presumably why the applicant now proposes 10 houses when they have outline permission for 12. The NPPF 2019 permits a threshold of 10 to be set. Nonetheless the threshold in the MLP is 11, so the applicant is not mistaken. However I would argue that with outline permission for 12 houses the applicant, by choosing to build less, does not make most efficient use of the land in terms of housing density and therefore housing provision. Would MBC refuse less than 12 on these grounds?
- In Somerby large enough developments must normally include a 40% affordable element. On or near the threshold, compromise is not forbidden; for example the developer might be asked to provide a 20% affordable element i.e. 2 houses.
- It is unclear who would own and manage/maintain the rewilded paddocks after the houses are sold. The paddocks are a positive in the proposal. Could a condition prevent a further planning application on them?

Environment Agency:

There are no environmental constraints associated with the application site which fall within the remit of the Environment Agency.

Severn Trent:

No comment – notes to applicant.

Historic England:

On the basis of the information available to date, we do not wish to offer any

comments.

Leicestershire Fire and Rescue Services:

Leicestershire Fire and Rescue Service do not consult on plans or provide direct comment on access facilities for new domestic building developments.

LCC Highways:

No objection subject to conditions.

LCC Archaeology:

No objection subject to conditions.

Lead Local Flood Authority:

No objection subject to conditions.

LCC Developer Contributions Education:

Request for contributions based on 10 houses with 2 or more bedrooms and 0 dwellings with one bedroom:

Primary pupils generated 3

| | |
|-------|------|
| 11-16 | 1.67 |
|-------|------|

| | |
|---------|------|
| Post 16 | 0.33 |
|---------|------|

Based on 10 dwellings with two or more bedrooms at a charge of £6,257.66 per home equals £62,576.60 plus the primary contribution of £43,776.00.

Total Requirement - £106,352.60

LCC Developer Contributions Libraries:

No claim from Leicestershire Library Services due to the closest library to the development being Oakham Library.

LCC Developer Contributions Waste:

The HWRC at Somerby will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion.

LCC Ecology:

No objection subject to conditions.

MBC Environmental Health:

No objections subject to conditions.

MBC Building Control:

No comment in relation to the above application.

Designing out Crime Officer:

Comments/recommendations received.

Appendix B : Summary of representations received

Neighbours:

Objections have been received from local residents on the following grounds:

- Church Lane not a suitable access, too narrow, poor visibility
- Unacceptable intensification of Church Lane
- Outside village envelope
- Potential future expansion
- Drainage impacts including foul waste
- Potential privacy impacts resulting from the movement of the footpath
- Impact upon setting of Grade I listed Church and other listed buildings in the vicinity
- Conflict with relevant Policies of Neighbourhood Plan
- Proposal does not demonstrate knowledge of surrounding area
- Pedestrian safety on Church Lane
- No access for emergency, refuse and delivery vehicles
- Inadequate housing mix
- Light pollution/impact upon surrounding countryside
- Use of footpath by vehicles access Manor Lane inappropriate
- Poor treatment of public footpath
- Poor design out of keeping with surrounding area
- Potential to use Manor Lane for vehicles as a 1 way system
- Church Lane not suitable for construction traffic
- Is 1 starter home enough
- Site working hours should be limited to prevent impact upon neighbours
- Use of Manor Lane for access is unacceptable
- Footpath inappropriately wide and unnecessary hard surfaced
- No need for additional houses

Appendix C: Recommended 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:

8056-03-001 P2 Location Plan

8056-03-004 P3 Proposed Plots 1 and 2 Plans and Elevations
8056-03-005 P4 Proposed Plots 3 and 4 Plans and Elevations
8056-03-006 P4 Proposed Plot 5 Plans and Elevations
8056-03-012 P2 Proposed Garage Plans and Elevations
P20010-HWA-ZZ-XX-DR-C-5001 Proposed Drainage Strategy Layout
received by the Local Planning Authority on 28th January 2020

8056-03-002 P2 Proposed Block Plan
8056-03-003 P5 Proposed Site Plan
8056-03-007 P6 Proposed Plot 6 Plans and Elevations
8056-03-008 P6 Proposed Plot 7 Plans and Elevations
8056-03-009 P6 Proposed Plot 8 Plans and Elevations
8056-03-010 P7 Proposed Plot 9 Plans and Elevations
8056-03-011 P6 Proposed Plot 10 Plans and Elevations
8056-03-013 P4 Proposed Street Scene Elevations
received by the Local Planning Authority on 7th April 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 dwellings 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 above ground level shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme and a hedgerow management plan, 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. The development shall be implemented in accordance with the proposed ground levels of the site and proposed finished floor levels of the buildings as detailed on Proposed Drainage Strategy Layout P20010-HWA-ZZ-XX-DR-C-5001 Rev. P02 received by the Local Planning Authority on 16th June 2020.

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. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on approved 8056-03-003 P5 Proposed Site Plan received by the Local Planning Authority on 7th April 2020 has been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policies D1 and IN2 of the Melton Local Plan and the National Planning Policy Framework 2019.

7. 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 8056-03-003 P5 Proposed Site Plan received by the Local Planning Authority on 7th April 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.

8. Prior to the first occupation of any dwelling on the site, details of the proposed bollard to be placed on the public footpath (between Plot 4&5) shall be submitted to and approved in writing by the Local Planning Authority. The bollard shall be installed on the site in accordance with approved details prior to the first occupation of any of the dwellings on the site. Thereafter the bollard shall be so maintained in perpetuity.

Reason: To deter vehicles from using the public right of way network and to avoid conflicts with other uses in accordance with Policy IN2 of the Melton Local Plan.

9. 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.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in the area in accordance with Policies D1 and IN2 of the Melton Local Plan.

10. No development shall take place until a phase 1 / desktop study investigation

and risk assessment has been submitted to and agreed in writing by the Local Planning Authority. The investigation shall assess the nature and extent of any contamination on the site and identify and control any unacceptable risks to human health or the environment taking into account the sites actual or intended use, whether or not the contamination originates on the site. The phase 1 / desk top study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced and the development shall take place in accordance with the approved investigation and its recommended measures controlling/removing contamination.

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.

11. 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 prior to being imported onto the site. Only the soil approved in writing by the Planning Authority shall be imported onto and used on site.

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.

12. 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.

13. No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which 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.

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

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

14. 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 development shall then be carried out in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, in accordance with EN11 and EN12 of the Melton Local Plan.

15. 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. The development shall then be carried out in accordance with the approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase, in accordance with EN11 and EN12 of the Melton Local Plan.

16. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term management and maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and thereafter the long term management and maintenance of the surface water drainage system shall be carried out in accordance with the approved details

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development, in accordance with EN11 and EN12 of the Melton Local Plan.

17. The development shall be carried out in accordance with the GCN mitigation plan Rev. 01 received by the Local Planning Authority on 10 June 2020 and the mitigation measures outlined in the email dated 12 May 2020 which was received by the Local Planning Authority on 19th May 2020.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy EN2 of the Melton Local Plan.

18. No development above ground level shall take place until a plan showing a minimum of 3 swift boxes should be provided to the Local Planning Authority for approval. Thereafter these should be included and retained within the development in perpetuity.

Reason: To ensure satisfactory mitigation for wildlife species and their habitats that are known to exist on site to accord with Policy EN2 of the Melton Local Plan.

19. No external related construction activities shall take place outside the hours of 07:00 to 19:00 Mondays to Fridays or between 08:00 to 13:00 hours on Saturdays. No such operations shall take place at any time on Sundays or Bank/Public Holidays.

Reason: To secure the satisfactory development of the site and no adverse impact upon residential amenity of neighbouring properties, in accordance with Policy D1 of the Melton Local Plan.

20. The window on the first floor, north facing elevation of plot 8 (indicated as serving an en-suite) shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale. Once so provided the window shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of the future occupiers of the dwellings from potential overlooking in accordance with Policy D1 of the Melton Local Plan.

21. The window on the first floor, east facing elevation of plot 8 (indicated as serving an en-suite) shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale. Once so provided the window shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of the future occupiers of the dwellings from potential overlooking in accordance with Policy D1 of the Melton Local Plan.

22. The 2 windows on the first floor, west facing elevation of plot 9 (indicated as serving a bathroom and en-suite) shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale. Once so provided the windows shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of the future occupiers of the dwellings from potential overlooking in accordance with Policy D1 of the Melton Local Plan.

Appendix D: Informatives

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide.
2. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
3. The Written Scheme of Investigation (WSI) 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.
4. More information regarding swift boxes can be found at <https://www.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-and-rutland-environment-records-centre-lrerc>
5. The drainage scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
6. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens),

long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change.

7. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
8. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
9. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).
10. The contaminated land investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and must be undertaken by competent persons and a written report of the findings must be produced and submitted to the Local Planning Authority. The written report is subject to the approval in writing of the Local Planning Authority.
11. The applicant must be aware that their ecologist has stated that an European Protected Species Licence is required for this development. It is the applicants responsibility to liaise with their ecologist to ensure that this is in place prior to the commencement of the development. All licence conditions should then be adhered to.

Appendix E : Applicable Development Plan Policies

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- 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 EN8 Climate Change
- Policy EN9 Energy Efficient and Low Carbon Development
- Policy EN11 Minimising the risk of Flooding
- Policy EN12 Sustainable Drainage Systems
- Policy EN13 Heritage Assets



Helping people | Shaping places



Planning Committee

6 August 2020

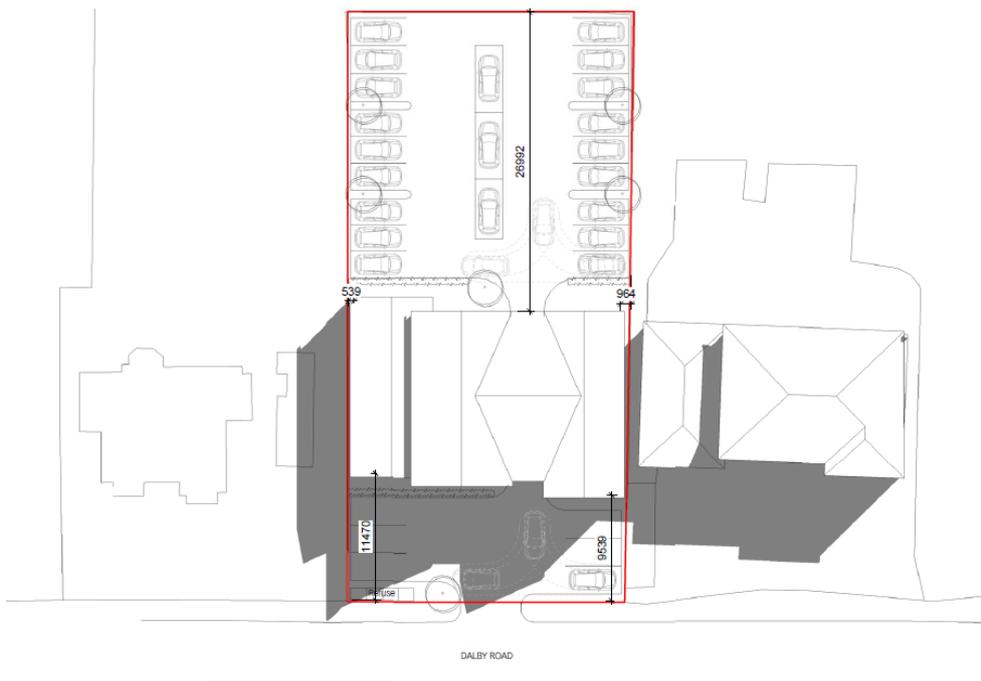
Report of: Assistant Director for Planning and Delivery

20/00433/OUT Proposed apartment block to create 15 apartments – 66 Dalby Road Melton Mowbray

Applicant: Mr David Sutherland

| | |
|--|--|
| Corporate Priority: | Delivering sustainable and inclusive growth in Melton |
| Relevant Ward Member(s): | Melton Dorian : Councillor Cumbers, Councillor Pearson and Councillor Wood |
| Date of consultation with Ward Member(s): | 29 April 2020 |
| Exempt Information: | No |

1 Summary



- 1.1 The application site is currently occupied by a bungalow which is vacant and in a poor state of repair. This is an outline application for the demolition of the bungalow and redevelopment of the site with 15 apartments. All matters are reserved and so although indicative plans have been provided, the main consideration is the principle of the development. If approved, a further application would consider the 'reserved matters' of scale, layout, appearance, access and landscaping.
- 1.2 The application proposes 10 x 1 bed apartments and 5 x 2 bed apartments. All are open market dwellings. The plans indicate a part 2 storey and part 3 storey building with parking to the front and rear providing 27 spaces for the 15 apartments.
- 1.3 This side of Dalby Road is characterised by a wide mix of properties, with large detached dwellings to the south and an apartment block immediately to the north known as New Dorian Lodge which has 2/3 storeys, off street car parking and three small dwellings to the rear. Beyond New Dorian Lodge is a church.
- 1.4 The application is recommended for approval as the principle of redevelopment for small apartments is acceptable. The location within Melton Mowbray is a sustainable location for residential development, close to local facilities and transport links.

RECOMMENDATION(S)

- 1. It is recommended the application is approved subject to:**
 - 1.1 Conditions as set out in Appendix C and**
 - 1.2 any other conditions required by the Lead Local Flood Authority and County Ecologist, following satisfactory completion of an ecology report / protected species survey including recommendations for mitigation if appropriate and biodiversity enhancements**
 - 1.3 Completion of a Section 106 Agreement to secure:**
 - financial contributions towards libraries, waste, healthcare and the Melton Mowbray Distributor Road (MMDR) as set out at paragraph 4.8.1 below.**
 - to secure 2 of the units as Discounted Market Sale or an equivalent commuted sum.**

2 Reason for Recommendations

- 2.1 The proposal accords with the requirements of Policies SS1 and SS2 which emphasise the need to provide housing in locations that can take advantage of sustainable travel.
- 2.2 In principle, apartments would not appear out of character with the area (subject to detailed design). Off street car parking is likely to be able to be provided in accordance with Leicestershire Highways Design Guide and the Local Highway Authority has no objections. Due to the size of the site and relationship with nearby property, subject to detailed design, the development can safeguard neighbouring residential amenity. The approval would be subject to conditions and contributions towards infrastructure as detailed in the report.

3 Key Factors

3.1 Reason for Committee Determination

3.1.1 The application is required to be presented to the Committee due to having received more than 10 objections, contrary to the recommendation.

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.

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

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

3.3 Main Issues

The main issues for this application are considered to be:

- Principle of residential redevelopment
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highways and parking
- Impact on ecology
- Impact on flood risk
- Implications on infrastructure

4 Report Detail

4.1 Position under the Development Plan Policies

4.1.1 The site is within Melton Mowbray and policies SS1 and SS2 of the Local Plan apply. These policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and sets out the strategy for delivering housing across Melton borough through identifying the most suitable locations for new housing within a settlement hierarchy, devised from sustainable credentials. Melton Mowbray is the Main Urban Area and is the priority location for growth, accommodating approximately 65% of the Borough's housing need

4.1.2 Policy C2 relates to Housing Mix and Policy C4 to Affordable Housing provision. Residential proposals for developments of 10 dwellings or more should seek to provide an appropriate mix and size of dwellings to meet the needs of current and future households in the Borough having regard to the latest evidence of housing need. There is a requirement for smaller dwellings across the Borough and the Council's Housing Policy Officer advises that for this development there is a requirement for either 2 x Discounted Market Sale dwellings, to be sold at no more than 80% of market value (OMV) or a financial off site commuted sum to be paid (calculated in accordance with the Housing Mix and Affordable Housing SPD and Appendices based on 2 x 2 bed dwellings).

- 4.1.3 As a development of more than 10 dwellings, contributions towards infrastructure, including the Melton Mowbray Distributor Road (MMDR) apply in accordance with Policy IN3 of the Local Plan.
- 4.1.4 Other material considerations include the NPPF and the adopted MBC Housing Mix and Affordable Housing Supplementary Planning Document.
- 4.2 **Principle of Development (Policies SS1 and SS2)**
- 4.2.1 The redevelopment of the site accords with the principle of policies SS1 and SS2 of the Local Plan. The site is in a sustainable location and is a brownfield site. The NPPF recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. Section 11 of the NPPF relates to 'Making effective use of land' and advises that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. With reference to density, the NPPF advises that planning policies and decisions should support development that makes efficient use of land, taking into account the need for different types of housing, local market conditions, the availability of infrastructure and the desirability of maintaining an area's prevailing character, securing well designed and attractive places.
- 4.2.2 In this instance, subject to detailed design at the reserved matters stage it is considered that the principle of redevelopment for 15 apartments is acceptable. The existing bungalow is not a significant building which merits retention and the area has a mixed character, with small, medium and large scale buildings nearby. The site is adjacent to a modern apartment block. There is no reason to refuse a proposal to increase the density of the site in principle.
- 4.2.3 The proposal complies with Policies SS1 and SS2 of the Local Plan and the NPPF and so is acceptable in principle.
- 4.3 **Impact upon the character of the area (Policy D1)**
- 4.3.1 Policy D1 of the Local Plan requires new developments to be of high quality design regarding layout, context, amenity, landscaping and connectivity. Whilst detailed plans are not for consideration with this outline application, the indicative plans show the building of a similar height and footprint to the adjacent apartment building to the north, which is also largely three storeys facing the street. It is also comparable in terms of its relationship to the street scene and distances to neighbouring buildings. The development would therefore not be out of keeping with the character of the area and the external appearance of the building could be further amended to improve its relationship to the adjacent apartments, for example by incorporating hipped roofs rather than large gable ends.
- 4.3.2 The indicative street scene shows a lower two storey element adjacent to the dwelling at number 68 to the south. This is a similar relationship to that between New Dorian Lodge and the existing bungalow on the site, where the height of the apartments are dropped to two storey to provide a transition down to the lower building. Whilst the new building will be larger than the adjacent dwelling at number 68, this property is not a modest dwelling, being a large Arts and Crafts type traditional property. It is set off the boundary, having a single storey element to the side. The indicative street scene demonstrates that the scale of the proposed building could be successfully integrated with the two adjacent buildings satisfactorily without it appearing cramped, overdeveloped or out of context.

- 4.3.3 The plot area is quite substantial as an infill site (0.13 hectares) and so the redeveloped site can continue to provide space around the building to accommodate car parking, refuse and recycling facilities and a degree of soft landscaping appropriate for 15 small apartments. Whilst private garden areas will probably not be feasible if car parking is maximised by being provided to the rear as well as the front, this in itself is not a requirement for apartments. Should the area to the rear of the building be used for car parking it would have no visual impact on the public realm or the character and appearance of the wider area.
- 4.3.4 Car parking to the front of the building would be visible from the street but would not have a significantly different visual impact to other similar arrangements nearby. It is likely communal refuse and recycling bins would be applicable to this development. Whilst these would need to be accessible there is no reason to suppose that suitable screened facilities could not be provided and a condition is proposed to approve specific details of these arrangements. There is a semi mature horse chestnut tree in the adjacent garden which provides some significant amenity value to the street. However, its canopy does not extend within the site and the proposed development is unlikely to impact upon its long term health.
- 4.3.5 The proposal for 15 apartments would not have a significant adverse visual impact on the character and appearance of the area and subject to detailed design, the development can provide an acceptable and good quality design which would enhance the area in accordance with Policy D1 of the Local Plan.
- 4.4 **Impact upon residential amenities (Policy D1)**
- 4.4.1 The siting of the building as shown on the indicative plans demonstrates that the footprint would not extend significantly beyond the rear of the adjacent buildings or come closer to the road than the existing bungalow. Neither of the adjacent properties have principal windows facing the side. There would therefore not be a significant loss of light or overbearing impact as a result of the development which would justify its refusal on these grounds. The properties to the rear are a significant distance from the windows on the rear elevation and well within what is customarily considered to be an acceptable distance to avoid undue loss of privacy. Whilst views from windows to the rear would give views of the rear gardens of the adjacent properties, these would be oblique and would not have direct views into windows or private accommodation. The three small dwellings behind New Dorian Lodge (60-64) are not directly in the line of sight of the development and have their private gardens to the other side.
- 4.4.2 The outlook and privacy of the nearby dwellings would not be compromised unduly. The replacement of a bungalow with 15 apartments will necessarily result in some increased vehicle movements, noise and emissions. However, with ten 1 bed flats and 5 two bed flats in a close to town centre location, this would not be a constant or significant source above and beyond the situation that residents would expect. There is also scope to reduce the car parking slightly and still comply with the Leicestershire Highways Design Guide, so providing a potential opportunity to increase soft landscaping to the boundaries around the rear car park. Overall therefore, it is considered that the development can safeguard residential amenity in accordance with Policy D1 of the Local Plan.
- 4.4.3 Loss of view is not a planning consideration as there is no right to a specific view.
- 4.5 **Highways Issues (Policies D1, IN1, IN2)**

Whilst access is a reserved matter, it is anticipated that there would be one access onto Dalby Road with some car parking to the front and the remainder to the rear. The Leicestershire Highways Design Guide indicates that the development should have 25 parking spaces, which is feasible. At reserved matters stage it is likely that standard conditions relating to the construction of the access will be required to ensure vehicles are able to enter and leave the site at the same time, thus avoiding backing up onto Dalby Road. The Highways Authority have no objections in principle to the development and does not consider the development would exacerbate the likelihood of traffic related incidents occurring on the wider network.

- 4.5.1 In September 2015 the County Council's Cabinet resolved to accept a proportionate and reasonable deterioration in traffic conditions in Melton Mowbray as a result of developments being permitted prior to full completion of an outer relief road now referred to as the Melton Mowbray Distributor Road on the condition that such developments are contributing to the delivery of the road and the wider strategy. In this instance a sum of £129,795 (£8,653 x 15) towards the delivery of strategic transport improvements including the MMDR is applicable.
- 4.5.2 There are no highway safety reasons to refuse the application as the proposal can provide suitable parking and access onto the public highway, to be considered in more detail at the reserved matters stage and subject to the imposition of conditions as requested by the Local Highway Authority. The proposal therefore accords with Policy D1, IN1 and IN2 of the Melton Local Plan.
- 4.6 **Ecology (Policy EN2)**
- 4.6.1 There is an existing bungalow on the site which would be demolished and the building has been empty for some time. It is possible that protected species such as bats may use the building. The time the application was submitted was a sub optimal time of year for a bat survey to take place but the agents have confirmed that this is to be arranged. Results and recommendations of such reports must be available prior to determination of planning applications. The recommendation of approval is therefore subject to the results of the report and any recommendations contained within and subject to consultation with the County Ecologist.
- 4.6.2 Subject to the satisfactory receipt of a protected species survey prior to determination of the application and appropriate conditions to safeguard and enhance biodiversity on the site the proposed development would accord with Policy EN2 of the Local Plan and Section 15 of the NPPF.
- 4.7 **Flood Risk/Drainage (Policy EN11)**
- 4.7.1 The site is within flood risk zone 1 (low risk). A Flood Risk Assessment is not required but the Lead Local Flood Authority has asked for further information on how the surface water would be accommodated on the site. The applicants have indicated this would be to an existing surface water sewer and confirmation has been requested from Severn Trent Water that this is feasible. An update will be provided to the Committee on this together with any conditions that the LLFA may require. There are no in principle reasons that indicate the site could not be satisfactorily drained, subject to conditions relating to a detailed drainage scheme and so the proposal accords with Policy EN11.
- 4.8 **Implications on Infrastructure and affordable housing (Policies IN1, IN3, C2 and C4)**

4.8.1 Financial contributions towards improvements in local infrastructure are applicable to this development regarding:

- Waste: £1240.00
- Libraries: £300.00,
- Healthcare: £4105 for new surgery facilities and;
- strategic transport £129,795 (see above).

(NB no education request in this instance due to the size and nature of the units)

These can be secured via a Section 106 Agreement. The housing policy officer has indicated that this scheme should provide two of the 15 units as Discounted Market Sale or an equivalent commuted sum in accordance with the requirements for Affordable Housing and the Council's Housing mix policy (2 x £42,000)..

4.8.2 The contributions are supported with information explaining the basis for their calculation, their need and their relationship to the development concerned. It is considered all are compliant with the requirements so for the Community Infrastructure Regulations (Reg 122).

4.8.3 Subject to confirmation of these provisions, the application is acceptable in terms of its impact on local infrastructure and complies with the requirements of Policies C2, C4, IN4 of the Local Plan and the Councils adopted Supplementary Planning Document 'Housing Mix and Affordable Housing'.

5 Consultation & Feedback

5.1 A site notice was posted and neighbouring properties consulted.

5.2 As a result 15 letters of objection / comment were received as summarised in Appendix B.

6 Financial Implications

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

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

7.1 No specific issues are identified. The application is being considered by the Committee under the scheme of delegation within the Constitution. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Legal Advisor (Planning)

8 Background Papers

06/01002/FUL Residential accommodation for children with behaviour problems:

Refused on grounds of 1) incongruous design not in keeping in an area of substantial taller buildings and 2) its siting to the rear of the plot would be overbearing on the amenity of number 58.

07/01255/FUL Residential / respite accommodation for 8 children with behaviour problems: Permitted.

9 Appendices

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

| | |
|---------------------------------------|---|
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Appendix A : Consultation replies summary

Ward Members: Councillor Freer-Jones has questioned whether the adjacent apartments development was subject to any planning conditions when it was approved (in 1991). Standard conditions relating to materials, landscaping, access, drainage etc only.

Housing Policy: As the proposal is for 15 dwellings, the affordable housing requirement would be 2 dwellings, as it is 1.5 rounded up to 2, to comply with Melton's adopted Housing Mix and Affordable Housing SPD. It is 10% because para 64 of the NPPF states 'where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups'. For this site, I recommend either 2 x Discounted Market Sale dwellings, to be sold at no more than 80% OMV and to be held in perpetuity (secured through a covenant on the deeds to each property) or a financial commuted sum to be paid (calculated in accordance with the Housing Mix and Affordable Housing SPD and Appendices based on 2 dwellings).

Environmental Health: Request a condition relating to hours of construction work / deliveries.

LCC Highways: The Local Highway Authority advice is that, in its view, 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. Based on the information provided, the development does not conflict with paragraph 109 of the NPPF subject to conditions / obligations. Dalby Road is a Class B road subject to a 30mph speed limit. There have been six recorded personal injury collisions on Dalby

Road within 500m of the site within the last 5 years to day (5 slight and 1 serious). The LHA does not consider the development would exacerbate the likelihood of further such incidents occurring on the wider network.

In September 2015 the County Council's Cabinet resolved to accept a proportionate and reasonable deterioration in traffic conditions in Melton Mowbray as a result of developments being permitted prior to full completion of an outer relief road now referred to as the Melton Mowbray Distributor Road on the condition that such developments are contributing to the delivery of the road and the wider strategy. The LHA will seek to enter into a Section 106 Agreement for a contribution based on a proportionate impact of this development on the highway network. Based on the established approach, the LHA advises a contribution of £129,795 (£8,653 x 15) towards the delivery of strategic transport improvements including the MMDR will be sought from these proposals.

A condition relating to the submission of a construction management plan is also requested.

LCC Lead Local Flood Authority (LLFA): Refers to Standing Advice (Brown field sites of less than 1 hectare). For sites that were previously developed, the peak runoff rate to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to the redevelopment for that event. Further information will be required regarding how the site will be drained of surface water. The LLFA has been asked if conditions can address the outstanding information and an update will be provided on this to the committee.

LCC Developer Contributions:

Education – No contribution required as the number of dwellings with two or more bedrooms is below the threshold of ten.

Waste Management – A contribution would be required to ensure that local waste facilities can continue to maintain the existing level of service and capacity. The proposed development would not be able to be accommodated at the existing waste facilities and be able to maintain the existing service levels. As such a developer contribution of £1240.00 is required (15 x £82.66).

Libraries – The nearest local library facility is Wilton Road. In order to provide the additional materials required to meet the needs of the increased population Leicestershire Library Services requires a contribution of £300 (rounded up to the nearest £10).

Environment Agency: No comments.

Designing out Crime: Permeability is not an issue in relation to site access by vehicle or on foot as there is only the single entry point. Vehicle parking is in curtilage and in close proximity to the main building. Consideration of gable end windows is recommended to allow improved natural observation.

Advice is given on door sets, lighting, alarms, bin/cycle storage and CCTV.

East Leicestershire and Rutland Clinical Commissioning Group:

Calculates that the development would generate approximately 15 additional patients. The nearest practice is Latham House Medical Practice. A funding request towards a second surgery in Melton is made of £4,106.03, based on the likely impact of the new population in terms of the number of additional consultations per year.

Appendix B : Summary of representations received

Fifteen letters of objection / comments raising concerns have been received from nearby residents on the following matters:

- Density is too high (adjacent New Dorian Lodge has 8 apartments and 3 houses)
- Impact on highway safety caused by vehicles queuing
- No information on materials or boundaries
- Loss of light
- Noise and fumes from car park
- Increased traffic and pollution
- Scale of building is out of keeping with the area
- Number and location of refuse bins at the front would be unsightly
- Overdevelopment
- Further information on access and parking required
- Insufficient parking
- Disturbance during construction
- Lack of landscaping areas
- Proposed height of the building is too dominant and overbearing
- Three storey building is inappropriate
- Loss of view / view of car park

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 layout, scale, external appearance of the building, access and the landscaping of the site (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of 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.
4. All construction work, demolition work and deliveries to the site during the construction period shall take place between the hours of 7.00 - 19.00 Monday to Friday 8.00 - 13.00 on Saturday and at no time on Sundays or public holidays.
5. No development shall take place until full details of refuse and recycling facilities are provided to the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Appendix D : Applicable Development Plan Policies

- SS1 – Sustainable development
- SS2 – Development strategy
- C2 – Housing mix
- C3 – National space standards and smaller dwellings
- C4 – Affordable housing
- EN2 – Biodiversity
- EN7 – Open space and recreation
- EN11 – Minimising the risk of flooding
- IN1 – Melton transport strategy
- IN2 – Transport
- IN3 – Infrastructure contributions
- D1 – Raising the standard of design

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