

Agenda

Meeting name	Planning Committee
Date	Thursday, 9 December 2021
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH
Other information	This meeting is open to the public

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

Councillors	P. Posnett MBE (Vice-Chair)	R. Browne
	P. Chandler	J. Douglas
	C. Fisher	E. Holmes
	J. Illingworth	D. Pritchett
	R. Smith	M. Steadman
	P. Wood	

Quorum: 6 Councillors

Meeting enquiries	Democratic Services
Email	democracy@melton.gov.uk
Agenda despatched	Wednesday, 1 December 2021

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES To confirm the minutes of the meeting held on 10 November 2021	1 - 8
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	9 - 10
4.	SCHEDULE OF APPLICATIONS	
4.1	APPLICATION 19/01384/REM Millway Foods Ltd, Colston Lane, Harby	11 - 22
4.2	APPLICATION 21/00310/FUL Hose Garage, 19 Harby Lane, Hose	23 - 40
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4.4	APPLICATION 21/01060/FUL Tofts Hill, Stathern	55 - 68
4.5	APPLICATION 21/01092/VAC Fields OS2713 and 2100, Longcliff Hill, Old Dalby	69 - 78
5.	URGENT BUSINESS To consider any other business that the Chair considers urgent	

Minutes

Meeting name	Planning Committee
Date	Wednesday, 10 November 2021
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

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

Councillors	R. Browne	P. Chandler
	J. Douglas	J. Illingworth
	R. Smith	M. Steadman
	C. Evans (Substitute)	A. Hewson (Substitute)

Officers Assistant Director for Planning and Delivery
Solicitor
Democratic Services Officer (HA)
Democratic Services Officer (SE)

Minute No.	Minute						
PL41	<p>Apologies for Absence</p> <p>Apologies for absence were received from Councillors Fisher, Holmes, Pritchett and Wood. Councillor Hewson was appointed as substitute for Councillor Holmes and Councillor Evans was appointed as substitute for Councillor Wood.</p> <p>Councillor Hewson was not present at the start of the meeting.</p>						
PL42	<p>Minutes</p> <p>The minutes of the meeting held on 7 October 2021 were approved as a true record.</p>						
PL43	<p>Declarations of Interest</p> <p>Councillor Posnett held a standing personal interest in any matters relating to the Leicestershire County Council due to her role as a County Councillor.</p>						
PL44	<p>Schedule of Applications</p>						
PL45	<p>Application 19/01303/FUL</p> <table border="1" data-bbox="288 1014 1433 1144"> <tr> <td>Reference:</td><td>19/01303/FUL</td></tr> <tr> <td>Location:</td><td>Holme Farm, Rearsby Lane, Gaddesby</td></tr> <tr> <td>Proposal:</td><td>Land at Holme Farm, Gaddesby</td></tr> </table> <p>The Assistant Director for Planning and Delivery addressed the Committee and provided a summary of the application and reported that there had been a late request from the County Council for an increase to the education contribution to £77,095 and that the applicant was willing to meet this request. He summarised that the recommendation remained for approval.</p> <p>Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a 3 minute presentation:</p> <ul style="list-style-type: none"> • David Grundy, Applicant <p>During discussion the following points were noted:</p> <ul style="list-style-type: none"> • Members were in agreement that the development enhanced the area and the layout and provision of housing suited the site • The only concern was for the developer having to commit more funding into the sewage and water system however it was appreciated that this would also benefit the wider community • It was noted and felt to be appropriate that the affordable housing contribution would benefit the town 	Reference:	19/01303/FUL	Location:	Holme Farm, Rearsby Lane, Gaddesby	Proposal:	Land at Holme Farm, Gaddesby
Reference:	19/01303/FUL						
Location:	Holme Farm, Rearsby Lane, Gaddesby						
Proposal:	Land at Holme Farm, Gaddesby						

Councillor Browne proposed that the application be approved including the increased education contribution to £77,095. Councillor Chandler seconded the motion.

RESOLVED

That the application be APPROVED, subject to:

- **Conditions, as set out in Appendix B**
- **Completion of a s106 agreement securing the following:**
 - **Education contribution (for the capacity of Gaddesby Primary School: £77,095**
 - **Contribution to the provision of off-site affordable housing (commuted sum): £60,000**
 - **Civic Amenities contribution towards Melton HWRC : £1,157**
 - **Contribution to library facilities: £430**

(Unanimous)

REASONS

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. Gaddesby is identified within policy SS2 as an appropriate location for growth and therefore sustainable development in this location is supported.

The site comprises an allocated site under policy C1(A) of the Local Plan Outline planning permission has previously been granted and this new application also accords with the Local Plan allocation. The principle of development is therefore acceptable.

The access and parking is deemed acceptable, there would be no significant adverse impact upon adjacent residential properties and the proposal is considered to be sympathetic to the character of the surrounding area. The proposal is considered acceptable on grounds of flooding/drainage, ecology and archaeology.

A viability appraisal has been submitted to demonstrate that full compliance with affordable housing provision cannot be met due to the abnormal costs associated with development of the site, mainly the required £275,000 Severn Trent works. As such, the required affordable units cannot be provided and a financial contribution of £60,000 for an off-site affordable housing contribution has been negotiated. Local Plan Policy C4 requires that viability is taken into account when considering affordable housing.

Application 20/01157/OUT

Reference:	20/01157/OUT
Location:	19B High Street, Waltham on the Wolds
Proposal:	Residential Development of 2 no 1.5 storey dwellings

The Assistant Director for Planning and Delivery addressed the Committee and provided a summary of the application and summarised that the recommendation was for approval. He further mentioned that as the application was outline it would be subject to reserved matters approval where appropriate

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a 3 minute presentation:

- Miranda Pilkington for the applicant

During discussion the following points were noted:

- It was noted that this was an outline application and queries had been raised and satisfactorily responded to therefore the application should be permitted
- There was a request for the hedges to be retained in the landscaping scheme and the Assistant Director noted this could be included
- There was concern at the Severn Trent Water position but this was not a reason for refusal however the Assistant Director was monitoring the promises made by Severn Trent Water

Councillor Illingworth proposed that the application be approved including a request that the conditions include a requirement that boundary treatment should comprise of hedging. Councillor Steadman seconded the motion.

RESOLVED

That the application be APPROVED, subject the conditions as set out in the original report (Appendix A) with additional content requiring that the boundary treatment comprise hedging.

(Unanimous)

REASONS

In the opinion of the Local Planning Authority the proposed development, by reason of siting and design, would result in a development that would appear complimentary to the existing built form and would be sympathetic to the character of the area, thus having no detrimental impact on the visual amenity of the site.

The proposed development would not appear alien in form and respects the wider character of the area and would not be considered to have a detrimental impact on its users or the occupiers of neighbouring units.

The proposed development would therefore accord to Policies D1, SS1, EN6 and EN13 of the Melton Local Plan, Policy S1, H1, H4, H6 and H8 of the Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan and the overall aims of the National Planning Policy Framework 2021.

(Councillor Hewson arrived during consideration of the preceding item, took no part in the debate and did not vote on the application.)

PL47

Application 21/00965/FUL

Reference:	21/00965/FUL
Location:	Park Lane Public Conveniences, Park Lane Melton Mowbray
Proposal:	Proposed demolition of unused public W/C facility to residential to provide two 2-bed flats

The Assistant Director for Planning and Delivery addressed the Committee and advised that the only reason the application was presented was for transparency in decision-making as the Council was the applicant. The application refreshed the previous version which had lapsed.

There were no public speakers.

During discussion the following points were noted:

- There was discussion around external storage for cycles or mobility scooters depending on the age of the potential residents
- It was noted that one unit had this type of space and the other not
- There was concern at there being no car parking provision and that this may put working people off living there
- It was felt that those who chose to live there would understand the limitations of the site and possible commit to use public transport
- There was concern that there was no comment from the Conservation Officer and that it was a shoebox development
- The development regenerated a building that was doing nothing and could help two families or individuals to live independently
- It was queried as to whether the Council could develop the site and benefit from the rental income and noted that there were restrictions on rental income and there was currently no mechanism to build open market housing

Councillor Browne proposed that the application be approved. Councillor Illingworth seconded the motion.

RESOLVED

That the application be APPROVED, subject to conditions set out in Appendix B.

(Unanimous)

REASONS

Policies SS1 and SS2 of the Local Plan set out the spatial hierarchy for the Borough. Policy SS2 states that Melton Mowbray main urban area is the priority location for growth and will accommodate approximately 65% of the Borough's housing need.

The application site is located within the main urban area of Melton Mowbray, close to amenity and public transport facilities. The provision of two small 2 bedroom units within a sustainable location would contribute towards the Boroughs housing supply.

The existing building at the site is of no architectural merit or historical significance and its removal would not result in any harm to the conservation area. Furthermore, there has been no identified material impact on residential amenity, or highway safety.

(There was a two minute adjournment following the vote of the preceding item.)

PL48

Proposed variation to affordable housing provision

Application:	17/01389/FUL
Location:	Butlers Cottage 11 Somerby Road, Pickwell
Proposal:	Proposed variation to affordable housing provision

The Assistant Director for Planning and Delivery addressed the Committee and provided a summary of the report and the consultations received. He referred to a positive response to the proposal from the Ward Councillor and the Parish Council had been supportive to the original application and for keeping the affordable housing local.

There was a concern at allocating affordable housing for the future and where it may be sited. The Assistant Director responded that it was for the Committee to determine on its location and a cascade approach could be applied when the money was available to start with Somerby and if it was not viable to build there, then the funding cascade to south of Melton and then the wider Borough. This would ensure the allocated funding would not be lost.

During discussion the following points were noted:

- Members were supportive of flexibility and the cascade approach and wording to suit that situation should be applied
- It was felt that this approach would ensure that the funding was not lost

Councillor Illingworth proposed that the application be approved and the cascade approach be applied to ensure prioritisation be given to its expenditure being in the area local to this application if possible. The appropriate wording to be delegated to the Assistant Director for Planning and Delivery. Councillor Steadman seconded the motion.

RESOLVED

That the request to vary the s106 in relation to affordable housing provision to a 'commuted sum' of £59,000 be approved using a cascade approach to ensure prioritisation be given to its expenditure being in the area local to this application if possible, the appropriate wording be delegated to the Assistant Director for Planning and Delivery.

(Unanimous)

REASONS

The proposed Deed of Variation is within the scope of the Council's approach to affordable housing provision as set out in the Housing Mix and Affordable Housing Supplementary Planning Document (SPD) July 2019.

There is little prospect that a Registered Provider would acquire a single unit on the site and financial provision is considered to be a more effective way of ensuring delivery and long term sustainability of Affordable Housing.

There is concern that there is insufficient demand within the defined area to take advantage of the type of affordable housing proposed in the original Agreement.

PL49

Urgent Business

There was no urgent business.

The meeting closed at: 6.45 pm

Chair

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Advice on Members' Interests

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 Audit and Standards 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

9 December 2021

Report of: Assistant Director for Planning and Delivery

19/01384/REM : Erection of 53 dwellings (reserved matters to outline planning permission 15/00673/OUT) Millway Foods Ltd Colston Lane Harby LE14 4BE

Corporate Priority:	Delivering Sustainable and Inclusive Growth in Melton
Relevant Ward Member(s):	Long Clawson and Stathern: Cllr M Steadman and Cllr C Evans
Date of consultation with Ward Member(s):	14 January 2020
Exempt Information:	No

1 Summary



- 1.1 The application comprises 'reserved matters' pursuant to permission no 15/00673/OUT. Permission was granted by virtue and an appeal decision in January 2017 and the reserved matters comprise appearance, landscaping, layout, and scale, (access was included within the grant of Outline Planning Permission)
- 1.2 The site lies to the north of Harby and contained the 'Millway Foods' factory until its recent demolition. It comprises allocated site reference 'HAR3' in the adopted Local Plan and 'NPHAR6' in the Clawson, Hose and Harby Neighbourhood Plan, which in both cases identify capacity for 53 dwellings.
- 1.3 The reserved matters comprise 53 dwellings set around a 'Y' shaped spine road, with an area of open space located approximately centrally within the site and attenuation pond in the north east corner.

RECOMMENDATION(S)	
It is recommended the application is approved, subject to the conditions set out in Appendix A	

2 Reason for Recommendations

- 2.1 The proposed layout is appropriate for the area and of adequate architectural and layout quality to satisfy the requirements of the applicable general and site-specific policies of the Local and Neighbourhood Plans. The development delivers a good housing mix and affordable housing beyond the level required by Local Plan/Neighbourhood Plan Policy and displays enhanced energy efficiency and low carbon characteristics.

Key Factors

2.2 Reason for Committee Determination

- 2.2.1 Director for Growth and Regeneration (in consultation with the Chair of Planning Committee) as one raising matters which should be referred to the Committee, specifically that the reserved matters following an outline permission which was originally determined by the Committee.

2.2.2 Relevant Policies

- 2.2.3 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.
- 2.2.4 No inconsistency with the NPPF has been identified that would render Local Plan policies out of date.
- 2.2.5 The Clawson, Hose and Harby Neighbourhood Plan has been adopted and forms part of the Development Plan.
- 2.2.6 A full list of applicable policies is included as Appendix D

2.3 Main Issues

- 2.3.1 The main issues associated with this application are considered to be:

- Design quality
- Layout
- Materials
- Parking provision
- Housing Mix

- Low Carbon and Energy Efficiency properties

3 Report Detail

3.1 Position under the Development Plan Policies

3.1.1 The site is allocated under Policy C1 (A) of the Local Plan as 'HAR 3' with the following expectations set out in LP Appendix 1:

- the development addresses the frontage to Colston Lane and has an active road frontage on the approach to the village;
- the western and northern edges of the site are enhanced as a wildlife corridor with biodiversity improvements and that there will be no adverse impact to any protect species;
- footpath/cycling links have been put in place linking and connecting the site to the village;
- the northern and western boundaries are sensitively treated with the addition of soft attractive edging, additional landscaping and sensitive boundary treatments, particularly along the canal corridor.

3.1.2 A similar approach is adopted by the Neighbourhood Plan stating:

- it is up to 53 dwellings, the majority two storeys high;
- a footpath is provided along the frontage verge linking the existing footpath to the south-west and the Grantham Canal to the north-west;
- the layout addresses the frontage to Colston Lane, creating a rural feel and internally avoids large car parking courtyards;
- mature trees along the various site boundaries are retained and supplemented by new planting where appropriate;
- the existing mixed species frontage hedge is retained and strengthened where necessary to provide a strong rural boundary;
- extra landscaping is provided to soften the north-eastern boundary;
- an internal footpath is provided to enable future connection with the adjoining NPHAR4 & NPHAR5 and the canal footbridge to the north;
- there are biodiversity/ecology improvements within the site

3.1.3 The layout addresses Colston lane with larger, well spaced, house types facing, set back from Colston Lane itself by an access road. The site frontage would retain the hedgerow, benefitting the 'rural feel' referred to in the policies. Similarly the hedge along the south east boundary is to be retained and within the site various boundaries are annotated by new hedgerows.

3.2 Layout

3.2.1 The site layout follows the pattern of the internal road and dwelling positively address the road to present 'active frontages' throughout. The Open Space is enclosed on 2 sides by dwellings directly overlooking it and there are further facing it across the internal road allowing for strong informal surveillance.

3.2.2 Whilst the layout of the dwellings is orderly, comprising consistent building lines and regular spacing between buildings, it avoids monotony because rows of houses are limited

in length and number, and variety is introduced by the use of various house types and choice of materials.

- 3.2.3 Almost all houses have parking provision within their curtilage, except for group of 7 in the south-east corner where they are provided in a courtyard arrangement. However, this is in front of and surrounded by the units concerned and as such is not hidden from view such that it may attract anti-social behaviour

3.3 **House types**

- 3.3.1 There are a variety of house types. Whilst conventional in their overall 2 storey scale, shape and form, the houses have unusual design features in the form of fenestration arrangements and decorative brick features, which distinguish them from most other housing estates and brings elements of interests.
- 3.3.2 There is a narrow range of materials comprising red, buff and occasional grey brick mixes and traditional slate or flat clay roof tiles. Several units incorporate render finish in order to add variety and interest. Windows are to be metal clad to contrast with the material palette.

3.4 **Parking**

- 3.4.1 Parking provision is generous and is provided mostly within curtilages of dwellings. The application has been subject to design review meetings including the Parish Council and Ward Members and parking provision was addressed.
- 3.4.2 Concern was expressed that there is a predominance of 'tandem' parking provision which is considered a poor design practice and is advised against in the Design SPD unless as a 'last resort' (page 42), reflecting concerns that the impracticality of such arrangement will lead to on street car parking. The plans were amended to include 19 unallocated spaces distributed throughout the site to allow for 'overspill' and visitors and to mitigate the extent to which on street parking would result. These take the form of 'layby' spaces positioned in parallel with the internal road at various locations.
- 3.4.3 A particular 'pinch point' has been identified in relation to plots 38 -44 in the south east corner of the site, where the communal parking arrangement will invite residents vehicles to park in front of plot 40. There are 20 spaces provided in this shared arrangement serving only 7 dwellings and it is considered adjustment to the arrangement in front of plot 40 could be achieved (i.e. to limit to 2 or 3 spaces, assigned to that plot, a 4 bedroom house) without significant impact on overall provision or giving rise to on street issues. The Committee is invited to consider whether it wishes to impose a condition to that effect.

3.5 **Residential amenities**

- 3.5.1 The site lies detached from the main part of Harby and would not impinge upon residential amenity. It is 'self-contained' and all units have sufficient private garden area and there is an area of open space located approximately centrally.
- 3.5.2 Housing is generally two storey and would not appear incongruous in this location. The spacing between houses is sufficient to allow for adequate amenity levels for future residents.

3.6 **Highway Safety and parking**

- 3.6.1 The plans have been amended to address concerns raised by the Highways Authority (HA) in respect of road width and geometry. The drawing shows lengths of roads that would exceed the appropriate distance between speed control measures. The two bends on the

site could potentially be included as speed control measures however, the LHA would still need to see additional speed control measures (speed control tables) to be included on the roads fronting plots 14 to 20 and 26 to 36.

- 3.6.2 These features would be contained within the design of the road without affecting its overall layout. It is considered that as matters of detail, and contrary to the request of the HA, the location and specification of these measures could be quite adequately addressed by condition.

3.7 Ecology

- 3.7.1 Detailed amended plans have been provided showing planting specification, maintenance arrangements, and species mixes, following comments from Ecological advisors. In addition a further badger survey/report has been commissioned owing to the age of the original. This concludes that there was no evidence of badger habitat or foraging routes on or in close proximity to the site. Further comments on the amended landscaping plans address detailed matters of the species proposed in new planting which can be adjusted through dialogue with the applicant.

3.8 Housing Mix

- 3.8.1 The site comprises a mix of 2, 3 and 4 bedroom dwelling with detached, semi detached and terraced arrangements included. The site layout illustrates the location of the affordable dwellings in 3 groupings, located either side of the site in order to prevent over concentration. 19 affordable houses are proposed (36%) comprising both intermediate housing and affordable rent, which demonstrates compliance with the s106 agreement in place for the site. The quantity exceeds current policy requirements because they relate to the s106 for the site which pre-dates the Local and Neighbourhood Plans and provide a good mix appropriate for the area.

The overall mix is as follows:

	2 bed	3 bed	4 bed
Market	12	14	8
Affordable	12	6	1
TOTAL	24	20	9

3.9 Climate change and environment

- 3.9.1 The applicants propose the following enhanced specification to assist with climate change and environmental issues addressed by Policy EN9 of the Local Plan:
- A 'Fabric First' Approach – a focus primarily on the building fabric make up via the performance of its components and materials. 'Fabric First' concentrates finance and efforts on improving fabric U-values, reducing thermal bridging, improving airtightness, and installing energy efficient ventilation and heating services.
 - Timber Frame and aluminium window frames (renewable sources)
 - Air Source heat pumps (Brand is near confirmation - a premium product) and 'Cool Comfort' (similar to air conditioning as part of the preferred product)
 - Underfloor Heating is being considered for upstairs

- Water Efficiency - Flow Restrictors, Grey water recycling, Low flush Wcs in order to reduce / re use water consumption. Appropriate methods will be explored and proposed in further detail in the next stages of the project.
- Charging Points - in order to promote the uptake of battery powered vehicles aiding towards net zero emissions.
- Home office - incorporate home office spaces in order to take advantage of their environmental benefits (as for example - reducing carbon footprints) as well as their economic & well-being advantages for the home owner.
- Space for Cycle Storage - encourage the wider use of bicycles as transport by providing adequate and secure cycle storage facilities on all house types and plots,
- Surface Water Run-off - control surface water run off via different measures including an attenuation pond. This will minimise the risk of flooding. Other methods to be explored may be rain water harvesting.

3.9.2 The above measures would exceed the requirements of the current building regulations and would represent strong performance against the aspiration of Local Plan Policy EN9. Many features are comprised within the detailed design of dwellings and a condition is necessary to consider their final composition.

3.10 **Flooding and drainage**

3.10.1 The site lies within Flood Zone 1 and does not pose any flood risk. The environment Agency has registered no objection to the application.

3.10.2 Drainage details have been supplied with the application. The LLFA have identified deficiencies in this information. However drainage details are not 'reserved matters' addressed by this application and are subject of the requirement for further submission under separate conditions.

4 **Consultation & Feedback**

4.1 The application was advertised and 4 objections have been received. A summary of these is provided in Appendix C.

4.2 Several refer back to the principal of the development of the site and the quantity of dwellings in terms of traffic generation etc, but these aspects have been established by the outline planning permission, Local Plan and Neighbourhood Plan.

5 **Financial Implications**

5.1 There are no financial implications arising from this report.

Financial Implications reviewed by: N/A

6 **Legal and Governance Implications**

6.1 The application is considered by the Committee under the terms of the Constitution.

6.2 Legal officers have reviewed the content of this report and will be present at the meeting to offer advice.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

7 **Background Papers**

7.1 Planning application 15/00973/FUL and associated appeal.

8 **Appendices**

- 8.1 A :Recommended conditions
 B: Consultation replies
 C: Representations received
 D: List of applicable policies

Report Author:	J Worley, Assistant Director for Planning and Delivery
Report Author Contact Details:	01664 502359 jworley@melton.gov.uk
Chief Officer Responsible:	As above
Chief Officer Contact Details:	As above

Appendix A: Recommended Conditions

- The development 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 S51 of the Planning and Compulsory Purchase Act 2004
- The proposed development shall be carried out strictly in accordance with the following documents and drawings;

 - Amended Master Plan Proposal
 - Amended Landscaping materials and planting schedule ref: N0643(03)001_B
 - Amended Hard Landscape Proposals ref: (90)001 REVB
 - Amended Soft Landscape Proposals ref: 96001 REVC

Received on 2 November 2021

 - Amended - Floor and Elevation Plans, Garage plans

Received on 13.9.2021

 - Amended House Type Pack
 - Amended Planning Submission Pack

Received on 16.6.21

Reason: For the avoidance of doubt.
- The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details

Reason: To ensure a satisfactory standard of external appearance.
- The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted shall take place until tree protection measures in accordance with have been submitted to and agreed in writing. The details of the approved tree protection measures shall be fully implemented prior to the

commencement of development. Thereafter the approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected areas without the written agreement of Local Planning Authority.

Reason: To ensure that the work is carried out to satisfactory standard to minimise any adverse impact on the health of the identified trees and hedges.

5. All works shall be in accordance with the recommendations of the Update Surveys for Bats and Reptiles, Quants, October 2019

Reason: To ensure satisfactory provision is maintained for the protection of Protected Species.

6. The car parking and any turning facilities shown within the curtilage of any dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.

Reason: To ensure sufficient on-site parking spaces are provided and retained in the interests of highway safety.

7. Prior to the commencement of development, a report detailing the full technical details of the energy efficiency and eco-friendly credentials of the dwellings hereby approved shall be submitted to and approved by the Local Planning Authority. The development shall then proceed in accordance with such details as are approved.

Reason: to ensure development is energy efficient and low carbon usage, in accordance with Policy EN9 – Ensuring Energy Efficient and Low Carbon Development

8. Notwithstanding the plans hereby approved, details of additional speed control measures (speed control tables) to be included on the roads fronting plots 14 to 20 and 26 to 36 shall be submitted for approval to the Local Planning Authority. The measures as approved shall be implemented prior to the occupation of any dwellings. Speed Control measures will need to be in accordance with the LHDG.

Reason: In the interest of Highways Safety

Appendix B: consultation replies Summary

Parish Council: 'The Parish Council has no objections to this application' (amended version)

Canals and River Trust; the development proposes to discharge into the Canal for which consent is required but has not yet been obtained.

The site is some 35m south of the canal and is screened by trees and as such should not affect users of the Canal.

Environment Agency : the application site is within Flood Zone 1 only and doesn't appear to meet any of the other criteria on our 'when to consult the EA' checklist.

Police 'Secure by Design':
General Recommendations

All door and window sets will be to PAS24 (2016) which is now included in building regulations. There are other considerations such as BS 6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems. Consideration should be made to identify the most appropriate option for this site. Dwellings are recommended to have an Alarm System to BS7958, but there are other options on the Secured by Design portal which include BS6799 in relation to wire free alarm systems. Also BS EN 50131 and PD 6662 in relation to wired systems.

1. Street lighting columns to BS 5489 are recommended.
2. Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.
3. Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act.
4. Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.
5. Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access.
6. Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.
7. Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.
8. Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable.
9. Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss.
10. An electrical spur is recommended under a section 38 agreement at each vehicular entry point leading into the development.

Ward Member: No comments have been submitted.

LCC Highways: Comments on amended plans

The following comments refer to drawing no. 0499-AM2-1002 Rev 02 and are required to be addressed prior to determination of the planning permission and commencement of the S38 agreement detailed design and technical approval process.

The drawing continues to show lengths of roads that would exceed the appropriate distance between speed control measures. The two bends on the site could potentially be included as speed control measures however, the LHA would still need to see additional speed control measures (speed control tables) be included on the roads fronting plots 14 to 20 and 26 to 36. Speed Control measures will need to be in accordance with the LHDG.

LCC Archaeology: No objections.

LCC Ecology Comments following submission of amended plans:

The revised landscape plans are acceptable with some minor changes to tree/hedge species planted on land adjacent to open countryside:

- replacement of the non-native hedge around the pump-house of *Prunus laurocerasus* with native *Ligustrum vulgare* or *Ilex aquifolium* (I assume an evergreen is wanted),
- replacement of a section of Beech (*Fagus sylvatica*) hedge on the western edge with the native hedge species mix.
- replacement of cultivars of native tree species along the northern and western edge - although native Birch, Field Maple and Cherry tree species have been selected along the two boundaries, they are cultivated forms and varieties of less value to wildlife than the original species. These cultivars should be replaced with the true native. The trees involved are 3 *Betula pendula* (not 'Dalecarlica'), 1 *Acer campestre* (not 'Streetwise') and 4 *Prunus avium* (not 'Plena').
- replacement of the Hornbeam *Carpinus betulus* along the northern edge (a species not present as a native tree in our area) with oak, *Quercus robur*, of much greater wildlife value.

The wildflower meadow includes some non-native bulbs but I can accept this.

The updated badger survey from Nov 21 has now been sent, and is acceptable. No evidence of badgers in residence was found, and no further surveys are needed.

LLFA

There remain several matters that have not been addressed by the applicant in order for the LLFA to support the LPA in approving the proposed layout of the site.

The following information is required:

- The applicant has identified the adjacent Grantham Canal as a viable surface water outfall from the development however drawing 100308-01-0500-01 (Proposed Drainage Strategy) states that the connection is to be confirmed following consultation with the Canal and River Trust. Approval in principle from the Canal and River Trust is required in order for the LLFA to approve the layout as presented.
- Pipe 1.015, running from SW19 (flow control manhole) and SW20 (outfall manhole) passes through private land outside of the red line boundary of the site. The LLFA requires the applicant to demonstrate that this section of the surface water drainage system is within land under the control of the developer or that formal agreements are in place to outfall through this land.
- The applicant is proposing to discharge surface water at a rate of 72l/s. While this is inline with details submitted at outline approval in 2015, NPPF now has more emphasis on ensuring brownfield sites return surface water to greenfield rates. Consideration should be made to further reducing this value where reasonably practical

Appendix C: Summary of representations recieved

Impact on neighbouring properties for the proximity of the new house and additional traffic
Road safety – impact of the additional cars on Colston Lane and wider road network including people crossing the road to access the canal etc. Speeding traffic is already a problem.

35+ road manoeuvres on to Colston Lane per day will not be conducive to road safety
Inadequate capacity in local schools.

Trees on the border of the site could be kept

The village has grown organically over the years with small schemes of up to 10.

The scale of the development will dominate the village and change its character to a 'new town'

Village facilities cannot cope with an influx of residences of this scale. The houses look too urban for the setting and will look dated very quickly. There needs to be a greater diversity of style, not just swapping between brick, render and brick/render. A village evolves and the designers should implement a greater variation between properties.

Some good recent examples are 3 bungalows built on Stathern Lane/Green Lane junction and the houses opposite the Nags Head. Poor recent examples are the houses constructed on Stathern Lane although thankfully not a large development. Attention should also be paid to house frontages - railings or well planted hedges. I would like to see the development as an asset to the village which fits in well with its local surroundings

Appendix D: List of applicable Development Plan policies

Melton Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy C1 (A) Housing Allocations
- Policy C2 Housing Mix.
- Policy C3 National Space Standard and Smaller Dwellings.
- Policy C4 Affordable Housing Provision.
- Policy EN1 Landscape.
- Policy EN2 Biodiversity and Geodiversity.
- Policy EN9 Low Carbon and Energy Efficiency
- Policy EN11 Minimising the Risk of Flooding.
- Policy IN2 Transport, Accessibility and Parking.
- Policy D1: Raising the Standard of Design.

Neighbourhood Plan

- Policy NPHAR6, Colston Lane
- Policy H5: Housing Mix
- Policy H7: Housing Design
- Policy T4: Parking
- Policy E3: Homeworking

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Planning Committee

9 December 2021

Report of: Assistant Director for Planning and Delivery

21/00310/FUL Demolition of garage and construction of 2 dwellings

Hose Garage, 19 Harby Lane, Hose

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Long Clawson and Stathern Ward – Cllrs M Steadman and C Evans
Date of consultation with Ward Member(s):	11 May 2019
Exempt Information:	No

1 Summary



- 1.1 The application site is located on, and accessed from, Harby Road in Hose. The site was last and most recently used as a car repair garage with the garage building demolished prior to this application being submitted. There are residential dwellings to both sides as well as to the rear while agricultural fields are found on the opposite side of Harby Road.
- 1.2 As submitted, planning permission was sought for the re-development of the land to provide 3 dwellings with associated parking and amenity areas. Through the application process, the application has been amended so that it now seeks planning permission for the retrospective demolition of the garage building and the proposed re-development of the site to provide 2 detached residential dwellings with access, parking and private amenity area.
- 1.3 Access will continue to be off Harby Road although the existing access points will be closed off and 2 new dropped kerbs provided centrally in the sites road frontage from which the 2 dwellings would be accessed independent of each other. In the amended plans, the submission is for 2 x 3-bedroomed dwellings in a 2-storey building with 3 on-site parking spaces (2 to the front of each dwelling and the third in an integral garage). There will be a distance of 7.8m from the front of the building to the rear edge of the footpath while both dwellings will have a 9.3m and 12.6m deep private rear garden amenity area measured from the ends of the single and 2-storey rear elements. The amended elevations plan also details the materials proposed to be used.

RECOMMENDATION(S)
1. it is recommended that planning permission be approved subject to the Conditions set out in Appendix C.

2 Reason for Recommendations

- 2.1 The proposal represents sustainable development in principle in an appropriate, acceptable location in accordance with both Local Plan and Neighbourhood Plan policies.
- 2.2 As a result of discussions leading to amended plans, the scheme as amended will positively contribute to the identified housing mix for the area while also being in-keeping with the character and appearance of the area without raising unacceptable impacts on amenity.

3 Key Factors

3.1 Reason for Committee Determination

- 3.1.1 The application is before the Planning Committee for determination due to the number of objections to the submission exceeding 11 and the recommendation that planning permission be approved.

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 The Clawson, Hose and Harby Neighbourhood Plan was ‘made’ in June 2018, forms part of the Development Plan and carries full weight.

3.2.3 No inconsistencies with the NPPF have been identified that would render Local Plan policies 'out of date'.

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

3.3 **Main Issues**

3.3.1 The main issues for consideration relate to;

- a) The principle of development including loss of garage facility;
- b) Design, appearance and impact on the character of the area;
- c) Impact on amenities;
- d) Highway safety

4 **Report Detail**

4.1 **Applicable Development plan policies**

4.1.1 The site is located within the settlement of Hose which is defined as a Service Centre in the Local Plan resulting in the provisions of policies SS1 and SS2 being relevant.

4.1.2 Policy SS1 on Presumption in favour of Sustainable Development seeks to take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework, approving developments that accord with relevant local plan and neighbourhood plan policies unless material considerations indicate otherwise.

4.1.3 Policy SS2 relates to Development Strategy and seeks to direct development to appropriate locations with Melton Mowbray being the primary location followed by Service Centres and Rural Hubs where in accordance with the provisions of policy SS1.

4.1.4 Policy C2 on Housing mix seek to manage the delivery of a mix of house types and sizes to balance the current housing offer, having regard to market conditions, housing needs and economic viability, taking account of the site specific circumstances, while policy C3 seeks to ensure residential developments for open market housing will be particularly supported where the national space standard is applied to dwellings with up to and including 3 bedrooms.

4.1.5 A Neighbourhood Plan exists covering Clawson, Hose and Harby from which a number of policies are relevant to the consideration of whether the principle of development is acceptable or otherwise.

4.1.6 Policy H1 of the Neighbourhood Plan identifies at least 161 dwellings being delivered through allocated sites as well as windfall sites (policy H4) while policy H3 sets out that development proposals within the Limits to Development will be supported where they comply with other policies in this Plan in general. The provisions of policy H4 relate to windfall sites detailing that proposals on infill and redevelopment sites will be supported subject to proposals being well designed and meeting relevant requirements set out in other policies in the Neighbourhood Plan and other development plan policies, and where such development:

- a) comprises a restricted gap in the continuity of existing frontage buildings or on other sites within the built-up area of Harby, Hose and Long Clawson where the site is closely surrounded by buildings;
- b) is within or adjacent to the Limits to Development and meet the criteria in Policy H3;

- c) does not adversely impact on the character of the area, or the amenity of neighbours; and
- d) the layout and yield of the site respects the character of the immediate locality in terms of building orientation, massing and materials.

4.1.7 Neighbourhood plan policy H5 relates to housing mix and sets out that new housing development proposals should provide a mixture of housing types specifically to meet identified local needs in the villages of Harby, Hose and Long Clawson where priority should be given to dwellings of 1, 2 and 3 bedrooms and to homes suitable for older people, including 2 and 3 bedroom bungalows and dwellings suitable for those with restricted mobility.

4.1.8 Policy CF1 of the neighbourhood plan seeks the protection and enhancement of community facilities which includes garages, and sets out that proposals that would result in the loss of an existing community facility will not be supported unless any of the following factors apply:

- a) there is no longer a need or a demand for the community facility concerned; or
- b) the existing community facility can be demonstrated no longer to be economically viable; or
- c) the proposal makes alternative provision for the facility that would otherwise be lost, in an appropriate and convenient location elsewhere in the Plan area, and the proposed alternative provision complies with other policies in this Plan.

4.1.9 The authorised use of the site is for garage purposes making the provisions of Neighbourhood Plan policy E1 also relevant to the consideration and determination of the application. The policy sets out that development proposals resulting in the loss of, or having a significant adverse impact on, an existing employment use will not be permitted unless it can be demonstrated that: a) the building has not been in active use for the past 6 months; and b) the commercial premises or land in question has no potential for either reoccupation or redevelopment for employment-generating uses and as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least 6 months.

4.2 Principle of development

The site itself is, as indicated above, located in a Service Centre where in accordance with the relevant local plan policies development is considered to be sustainable as well as where new dwellings should be directed towards following the Melton Mowbray area. Furthermore, the dwellings proposed are 3-bed units which sits within the housing mix sought while each having floorspace of 161 square meters – some 59 square meters larger than required for a 3-bed dwelling when assessed against national space standards. When assessed against the adopted local plan alone, it can be seen to meet with the relevant policy requirements.

4.2.1 However, given that there is a Neighbourhood Plan with specific policies that relate to the proposal, there is a need to assess the proposed development against these to establish whether or not the development is acceptable in principle.

4.2.2 When assessed against policy H1 it can be seen the proposal will contribute towards the 161 dwellings at least required through the allocated sites thus showing compliance with this policy.

- 4.2.3 Turning to policy H4 on windfall development, the site is, as confirmed by the Parish Council comments on the amended plans provided, of an acceptable design on a site located of appropriate size amongst other residential dwellings within the defined boundaries for Hose. For the reasons set out below under the headings 'Design, appearance and impact on the character of the area' and 'Impacts upon amenity' the dwellings are considered not to impact on the areas character nor amenity, while the layout and materials are considered to respect the area.
- 4.2.4 Both dwellings will have 3-bedrooms thus ensuring that they comply with the identified housing mix for Hose as per the requirements of policy H5 in the Neighbourhood Plan.
- 4.2.5 The provisions of policies CF1 and E1 require that the development, due to the authorised use of the site being a garage thus being an employment use and an identified community facility, comply with a number of requirements.

4.3 Loss of garage facility

As part of the application, details have been submitted in respect of the marketing undertaken in respect demand, economic viability (policy CF1), the site not having been in use for employment use for a period of time with no potential for reoccupation or redevelopment and having been marketed (policy E1).

- 4.3.1 An assessment of the information submitted raised a number of concerns in respect of the submitted information that resulted in a meeting between officers, the applicant and agent at which the concerns were discussed and potential routes forward were highlighted.
- 4.3.2 Further additional information was provided setting out that the site was marketed on a variety of different websites with a number of enquiries received through a number of these. There was, as a result of these enquiries, 8 viewings with 2 offers made both from residential developers. Prior to this taking place, the land agent also made contact with a number of companies / individuals who were known to be seeking land for employment purposes with there being no interest due to the size of the site. The agent has also confirmed that prior to this 3 parties were in contact with the previous owner in respect of its acquisition although not moved forward with it as a going concern.
- 4.3.3 Consideration of the additional information was undertaken and it is considered that the requirements of both policies CF1 and E1 are, in this instance, complied with.
- 4.3.4 As a result of this compliance with other relevant policies, the provisions of policy H3 have also been complied with meaning that the principle of the development is acceptable.

4.4 Design, appearance and impact upon the character of the area

- 4.4.1 Concerns existed in relation to the developments relationship with the area with regards to features including height, design, parking and the character of the area. As a result of these concerns, amended plans have been submitted that include the number of dwellings being reduced from 3 to 2.
- 4.4.2 The amended site layout for the 2 dwellings is arranged in a manner generally reflective of other dwellings in the immediate area where the dwellings are set back from the road with off-road parking and an amenity space to the front of the dwelling while there is a private amenity space to the rear. The reduction in the number of dwellings has also afforded the 2 dwellings now proposed more space giving them a plot width similar to that of some of the dwellings immediately visible from the site. This has the effect of contributing to the ability of the dwellings proposed to fit in with the existing character, appearance and

rhythm of the streetscene and area without raising any adverse or detrimental impacts. While both stand forward of the adjacent dwelling at 17A, the garage building that previously stood on the site also stood forward of this dwelling that has an established, matures hedgerow between it and the site that affords an element of screening.

- 4.4.3 Both dwellings will have 3 bedrooms with en-suite facilities at first floor level with a living room, utility room, combined kitchen dining room and home office at ground floor in addition to the integral garage. This is contained within a 2-storey building with dual pitched roof sloping to the front and rear of the site and 3 gable ends (1 to the front, 1 to the rear and 1 to the side) where the side facing gable of each dwelling faces the other dwelling proposed. The neighbouring sites to both sides are of differing design, appearance and height to each other and the proposal. Notwithstanding this, the dwellings have been designed in a manner so as to draw on features and characteristics from both dwellings as well as those to the rear. Although the proposed dwellings stand higher than the neighbouring dwellings, they are smaller than those originally proposed and the difference in height when coupled with the design features proposed do not unduly impact on either the neighbours nor the character and appearance of the area. The rear gardens also provide a mix of landscaping in an acceptable manner. While the rear gardens may appear small, they are the same depth as the rear garden one of the adjacent dwellings while also being marginally longer than the rear garden depths of the properties to the rear and as a result of these are considered to be acceptable in a manner that fits in with the locality.
- 4.4.4 Hard and soft landscaping is shown on the proposed plans to the front and rear of the dwellings which is common place in the area. The front gardens are of sufficient depth and width to allow hardstanding for 2 cars as well as an area of soft landscaping which creates an arrangement that appears on a regular basis in the area.
- 4.4.5 Details of the proposed materials are shown on the amended elevations drawing indicating the use of render, timber, brick, roof tiles and upvc. An assessment of the material palette in the area visible from the site includes a mixture of different bricks and roof tiles as well as dwellings with render while upvc windows and rainwater goods are common. It is not therefore considered that the proposed materials would be out of keeping with the character and appearance of the area. The Parish Council commented on the original plans submitted and indicated that the proposal failed to comply with a number of the Neighbourhood Plan policies. These fed into the discussions between officers, the applicant and their agent and contributed towards the changes made. In their response to the amended plan, they commented that they had no objections to the proposal subject to the garages being able to be used as such and the gaps to the side of the dwellings were sufficient to allow access. On the basis of these comments it is considered that the initial grounds for objection by the Parish have been addressed.
- 4.4.6 On the basis of the above, it can be seen that **the proposal complies with Local Plan policies EN1, EN6 and D1 while also complying with the Neighbourhood Plan policy H7.**

4.5 Impact upon amenities

- 4.5.1 With the exception of 2 flank wall windows in both of the proposed dwellings all windows face to the front and rear of the site in order to ensure no unacceptable loss of or impact upon the privacy of neighbouring and surrounding sites. The 2 flank wall windows, 1 at ground floor and 1 at first floor, will serve the stair well and utility room, will be set off the

boundary with the existing neighbouring dwellings and due to the areas they serve could be conditioned to be fitted with obscure glazing as is indicated on the submitted plans to ensure no overlooking nor loss of privacy.

- 4.5.2 The northern most of the proposed dwellings is set parallel with the existing adjacent neighbour. When the garage building occupied the site it was a relatively low level building so the increase in the height proposed will result in an increase in the scale, bulk and massing but it is considered that as this is set alongside the existing dwelling, while there will be an impact from the increased height, its design and relationship is such that the impact is of an acceptable level.
- 4.5.3 Turning to the southernmost dwelling proposed, it follows the front building line of the other dwelling proposed as well as other existing dwellings to the north but stands forward of the existing adjacent dwelling to the south, would be 1.8m from its flank wall and be 7.4m from the nearest corner of the neighbour. This is closer than the garage building was located and due to the proposal being for 2-storey dwellings would be higher than the garage building removed. It can be seen from this that this dwelling would introduce a greater amount of bulk in relation to this existing neighbour. While this proposed dwelling could be set back further into the site, it would reduce the rear garden depth to an unacceptable level while also increasing levels of both over-looking and inter-looking resulting in an unacceptable loss of privacy. The bulk would reduce levels of daylight but these would be relatively minimal given the existence and height of the hedgerow currently existing along the site boundary. Although there would be impacts in respect of this relationship, it is not considered to be to a level that would justify a refusal when considered against the benefits of the development.
- 4.5.4 From this it can be seen that **the proposal complies with Local Plan policy D1 as well as the Neighbourhood Plan policy D1.**
- 4.6 **Highway Safety**
- 4.6.1 The application originally submitted sought permission for 3 dwellings with associated accesses, parking etc. Leicestershire County Council Highway commented that they did not consider that the application as submitted fully assessed the highway impact of the proposed development with further information required and that without this information the Local Highway Authority was unable to provide final highway advice on this application.
- 4.6.2 Their assessment of the amended indicated that in its view, the impacts of the 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 therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions.
- 4.6.3 Having reviewed the information provided on site access and visibility splays, the LHA finds the quantum of off street parking, car parking dimensions and integrated garage dimensions to be in accordance with the LHDG.
- 4.6.4 On this basis they have no objections subject to 4 conditions and 1 informative being attached to any approval.

- 4.6.5 In terms of parking provision, it should be noted that policy T4 of the Clawson, Hose and Harby Neighbourhood Plan, made June 2018, sets out parking levels with last part of the policy stating
- a) 'For residential developments, adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of two bedrooms or less, three spaces for dwellings of three bedrooms or more'.
- 4.6.6 In the amended form being considered, for 2 dwellings, both dwellings have 3 parking spaces, including 1 in an integral garage, to serve the 3 bedroomed houses.
- 4.6.7 On the basis of these comments it can be seen that **the proposal complies with policy T4 of the Neighbourhood Plan as well as policy IN2 of the Local Plan.**
- 4.7 **Ecology**
- 4.7.1 The application site, while vacant and previously used as a car repair garage, has a number of trees and hedgerows around it while also being located opposite agricultural land on which ecological features exist. Resultantly, LCC Ecology have been consulted on the proposal.
- 4.7.2 In their response they set out that due to the nature and use of the site and demolished building, no surveys were required. They do indicate however that the site is located in a "Swift Alert Area" where opportunities for artificial nesting sites should be taken within proposed developments. On this basis they have requested a condition recommending the installation of a minimum of three Swift boxes / bricks in a suitable position.
- 4.7.3 The request is reasonable and a condition could be attached to any approval.
- 4.8 **Environmental Health;**
- 4.8.1 The last and authorised use of the site as a garage is such that the site has the potential to be contaminated. Both Phase 1 and Phase 2 contaminated reports have been provided and assessed by Environmental Health.
- 4.8.2 In the consultation response provided, it is detailed that the reports including the methodologies, findings and risks assessments contained therein are accepted. They highlight that the land known as Hose Garage has been used within the automotive sector since the 1960s. The original workshop and forecourt were recently demolished and rebuilt; however, two underground fuel storage tanks (USTs) adjacent Harby Lane appear to be of considerable age.
- 4.8.3 They set out that made ground was encountered across the site and that whilst no other petroleum storage/distribution infrastructure or buried demolition materials were encountered, the presence of such materials cannot be discounted.
- 4.8.4 It is highlighted that the primary pollution source are the two USTs. Visual and olfactory observations, on-site PID testing and laboratory analysis of soil and water samples have established the localised soil and ground water contamination in and around the tanks. Ground gas monitoring did not reveal any significant gassing. Continuing, secondary pollution sources include an array of small volume vessels such as drums containing oils, lubricants, solvents etc both present and historic. Also, automotive fluids such as petrol/diesel, coolant, engine oil, hydraulic fluids contained within vehicles; in particular seemingly abandoned cars present on site. Whilst no surface staining was noted during the site walkover, unidentified losses or spillages remain possible.

- 4.8.5 The two USTs require removal and disposal. Every effort should be made to remove the tanks in good order without significant damage or deformation. Visual and olfactory observations of the tanks and surrounding soils shall be made, supported by photographic evidence. The integrity and condition of the tanks shall also be documented. All contaminated soils must be excavated and off-sited for disposal. Laboratory chemical analysis of remaining soils shall be free from contamination prior to backfilling.
- 4.8.6 Any petroleum storage/distribution infrastructure, buried demolition materials or evidence of gross contamination shall be reported to Grange Geo and the LPA immediately in order that they are dealt with appropriately.
- 4.8.7 On the basis of these comments, Environmental Health have commented no objections to the proposal subject to a number of pre-commencement and occupancy conditions being attached to any approval.
- 4.8.8 The conditions requested are considered acceptable and to meet the relevant tests for conditions.

5 Consultation & Feedback

- 5.1 Neighbouring sites have been notified with the development also publicised by way of a site notice.
- 5.2 A total of 28 letters of objection and 1 letter of support have been received from 24 households. Details are contained in Appendix B below.

6 Financial Implications

- 6.1 No financial implications have been identified

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

- 7.1 The application requires consideration by the Committee due to the quantity of objections received
- 7.2 No legal issues have been identified by Legal Officers will be present at the meeting to address any issues that arise.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

8 Background Papers

- 8.1 The site has no relevant planning history.

9 Appendices

- 9.1 A: Consultation responses
B: Representations received
C: Recommended conditions
D: List of applicable policies

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Chief Officer Responsible:	Jim Worley , Assistant Director for Planning and Delivery
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Appendix A : Summary of Statutory Consultation Responses

Parish Council:

Original Plans:

In response to the application as submitted the Parish Council, having studied the application fully, had the following objections about this application:

1. The Parish Council believes the proposal is contrary to Policy H4, 'Windfall Sites' of the Parish Plan, notably points c) and d) as;
 - At 9m to ridge height, the proposed 2.5 storey properties will dominate the street scene and overshadow the properties behind the site (7, 9 and 11 Home Pastures). Existing properties on Harby Lane, adjacent to the proposed dwellings, are only 2 storey and it is felt that these proposals would disrupt the street scene and not be in keeping with the rest of the village. It is also noted that there is very little space between each proposed property; and
 - It is felt that 3 properties represents over-development of the site. The character of the area is defined by 2 storey, evenly spaced properties with large, green gardens. The proposals do not offer the same space as neighbouring properties. Green space appears to have been compromised to provide a carpark at the front of each house. The proposals are not reflective of the character of this rural setting.
2. The Parish Council believes the proposal is contrary to Policy H5 on Housing mix, objecting as it is noted that the proposals are for 3-bedroom properties with a 'separate home office' situated on the first floor of each house that they believe that the plans represent 4-bedroom properties and do not meet any identified local need.
3. The Parish considers the proposal contrary to policy H7, 'Housing Design' in that
 - At 2.5 storeys and 9m height, the proposals neither enhance or reinforce the local distinctiveness and character of the small, rural village of Hose and will disrupt the visual amenities of the street scene;
 - 3 houses on this plot does not 'respect and respond positively to the visual character and the architectural massing of the neighbouring area.' There is also very little space between the buildings and the site boundary, which has a detrimental impact on the amenity and privacy of the surrounding properties.
 - This does not meet Policy T4 – Parking of the Neighbourhood Plan (see below);
 - It is noted from the plans that the developers intend to remove a mature hedgerow and replace it with a brick wall followed by concrete posts and shiplap fencing. Hedges should be preserved where possible;
 - There does not appear to be any provision made for wildlife within the development.
4. The Parish believes the proposal contrary to Policy T4 on Parking as 3 x 3 / 4 bedroom properties require a minimum of 9 off-street parking spaces and only 6 have been illustrated in the plans, which is not adequate for a development of this size. The Parish Council is also concerned about the safety of road users and pedestrians as cars will be reversing

directly onto Harby Lane, with a proposed brick wall around the site which is likely to affect visibility.

5. The Parish believe the proposal is contrary to Policy CF1 in that
 - It is noted that the garages in Harby, Stathern and Long Clawson are extremely busy – some are expanding – thus, it is felt that there is demand for a garage in Hose.
 - The Parish Council has not seen any evidence that Hose Garage was no longer economically viable.
 - The proposals do not make alternative provision for the facility that would otherwise be lost and the Parish Council question whether the demolition of the garage was permitted.
- 6 The Parish believe the proposal is contrary to Policy E1 on 'Existing Employment Uses' CF1 in that the building was demolished prior to the planning application on the 'vacant brownfield land'. It is not clear whether the premises and / or business were marketed for reoccupation or redevelopment for employment-generating uses prior to the developer's purchase.

Amended Plans 25.10.2021

Following discussions between Officers, the applicant and their agent resulting in amended plans being submitted, the Parish were re-consulted on the amended plans and commented as follows;

-The Parish Council has no objections to this application provided that the size of the garages meets the minimum requirement to enable them to be counted as a parking space (as stipulated in the Clawson, Hose and Harby Neighbourhood Plan: Policy T4 –Parking).

-The Parish Council would also like to check that the gap between the properties and the boundary is wide enough to ensure that bins can be manoeuvred easily between the front and rear gardens.

LCC Highways: No objections;

The Local Highway Authority advice based on the originally submitted plans was that further information was required in order that a full, detailed assessment could be undertaken as insufficient information had been provided.

Following discussions with the agent and the submission of the amended plans, the Highway Authority have no objections to the scheme as the impacts of the 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. A number of conditions have been requested.

LCC Ecology: No objections

They highlight that the site is located within the Swift Alert Area and request a condition relating to a number of Swift boxes being provided.

MBC Environmental Health: No objections

Following an assessment of the reports Environmental Health have no objections to the proposal subject to conditions being attached to any approval.

Trent Valley Water Board: No objections

In their response they set out that water run off rates to receiving watercourses should not increase.

Appendix B: Summary of representations received.

28 letters of objection and 1 letter of support have been received from 24 households.

The letters of objection are on the following grounds:

- 3 storey houses will be out of keeping with the area and other properties in the village;
- At 3 stories tall the dwellings will be unsightly;
- The number of dwellings proposed and their height are too great;
- It goes against the provisions of the Hose Neighbourhood Plan;
- The plot is too small for 3 houses with up to 6 cars;
- It will cause concerns regarding vehicles pulling onto and off the site over a pedestrian access;
- It is not an appropriate replacement for the garage that was there;
- As proposed it will affect light, views and privacy for neighbouring sites;
- 2 bungalows or buildings of a similar height to that which was there before would be more capable of support;
- Insufficient parking spaces;
- Will ruin views across the fields;
- Local schools are already at capacity;
- No allowance for parking spaces for visitors;
- Highway and pedestrian safety concerns;
- Their mass is too great;
- Too many dwellings for the size of the plot with an inability to provide sufficient parking and amenity space for occupiers;
- It will be an unnecessary over-development of the site that will ruin the areas aesthetics;
- It is disappointing policy E4 of the Neighbourhood Plan appears to have been ignored as it appears no attempt to sell the business as a going concern before applying for residential development of the site;
- Policy H2 of the neighbourhood plan clearly indicated 2.5 storey dwellings as inappropriate in the village;
- It represents a significantly higher density than the surrounding area;
- Contrary to H4d and H7 of the neighbourhood plan due to the proposals averaging 200m square per property with 7m frontage compared to 419m squared with 13m frontage and

863m square with 20m frontage and even the smaller properties on the street including current and former council houses having plots of approx. 273m square.

- Contrary to policy T4 which specifies 2 or more parking spaces for houses of 2 bedrooms or less and 3 for 3 bedrooms or more;
- The floor plans show rooms that could be used as bedrooms thus requiring more parking requirements; and
- No dimensions on the submitted plans which also do not show existing concrete fence posts which mark the boundary.

The letter of support has commented no objections as an immediate neighbour, requesting that the current boundary is made more formal than the current hedgerow with a preference of a 2m timber fence.

Appendix C : Recommended Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be implemented in accordance with the following;
 - Phase 1 Desk Study Final Report by Grange Geo ref R20066 dated February 2021 submitted to and received by the Local Planning Authority on 5 August 2021;
 - Phase 2 Ground Investigation Final Report by Grange Geo ref R20066 dated February 2021 submitted to and received by the Local Planning Authority on 5 August 2021;
 - Planning Statement by P&DG ref 21.109 SPS dated September 2021 submitted to and received by the Local Planning Authority on 23 September 2021;
 - Drawing titled 'Proposed Site Access and Visibility Splays' by Lexa Consultancy numbered 600437-HEX-00-00-DR-TP-0100 P01 dated 16 September 2021 submitted to and received by the Local Planning Authority on 22 September 2021;
 - Drawing titled 'House Type 1A Proposed Plans' by Player Roberts Bell numbered A-20118-20-001_P3 Rev P3 dated 9 September 2021 submitted to and received by the Local Planning Authority on 22 September 2021;
 - Drawing titled 'House Type 1A Elevations' by Player Roberts Bell numbered A-20118-20-002_P3 Rev P3 dated 9 September 2021 submitted to and received by the Local Planning Authority on 22 September 2021;
 - Drawing titled 'Location and Block Plan' by Player Roberts Bell numbered A-20118-70-001_P3 Rev P3 dated 9 September 2021 submitted to and received by the Local Planning Authority on 22 September 2021;
 - Drawing titled 'Proposed Site Plan' by Player Roberts Bell numbered A-20118-70-003_P3 Rev P3 dated 9 September 2021 submitted to and received by the Local Planning Authority on 22 September 2021; and

-Drawing titled 'Proposed Street Elevations' by Player Roberts Bell numbered A-20118-70-004_P3 Rev P3 dated 9 September 2021 submitted to and received by the Local Planning Authority on 22 September 2021

3. The development hereby approved shall be constructed of the materials as set out on approved plan numbered A-20118-20-002_P3 Rev P3 dated 9 September 2021.
4. The approved landscape scheme (both hard and soft) shown on the approved plans shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
5. No part of the development hereby permitted shall be occupied until such time as the access arrangements and vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access in accordance with Proposed Site Access and Visibility Splays, drawing number 600437-HEX-00-00-DR-TP-0100 Rev P01. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
6. The development hereby permitted shall not be occupied until such time as the parking, including integral garage, and turning facilities have been implemented in accordance with Proposed Site Plan, drawing number A-20118-70-003_P3. Thereafter the onsite parking provision including integral garage shall be used for parking purposes only and maintained in perpetuity.
7. The development hereby permitted shall not be occupied until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.
8. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.
9. The flank wall windows hereby approved as part of the development shall be fitted with obscure glazing prior to the first occupations of the dwellings approved and thereafter retained or replaced with such.
10. No above ground work on the development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before (the use hereby permitted is commenced) or (before the building(s) is/are occupied) or (in accordance with a timetable agreed in writing with the Local Planning Authority). Development shall be carried out in accordance with the approved details.
11. The garage shall be retained at all times for uses as a garage and shall not be used for any purpose (such as storage or a workshop) such that a vehicle cannot be parked inside.
12. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order,

no development within Class A, B, C and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

13. No development approved by this planning permission shall be commenced until a Remediation Method Statement, detailing the remediation requirements to protect human health and the environment, has been submitted to the Local Planning Authority. The Remediation Method Statement shall use the information obtained from the site investigation(s) and include details of all works to be undertaken, proposed remediation objectives and remediation criteria. The Remediation Method Statement must be approved in writing by the Local Planning Authority. Once approved, the Remediation Method Statement shall be implemented in full.
14. Upon completion of the remediation, a validation report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Remediation Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting (if any) shall also be detailed in the report. The validation report must be approved in writing by the Local Planning Authority prior to first occupancy.
15. 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 shall be submitted to the Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.
16. If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a revised Remediation Method Statement has been submitted by the developer and approved by the LPA detailing how this unsuspected contamination shall be dealt with.
17. No development above ground shall be commenced until such time as details of the location and type of 3 Swift boxes / bricks have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details and the Swift bricks / boxes retained thereafter.

The reasons for the conditions are;

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to ensure the development is carried out in accordance with the documents and plans assessed, considered and found to be acceptable.
3. For the avoidance of doubt and to ensure the development is constructed of materials that have been assessed and found to be acceptable.
4. To provide a reasonable period for the replacement of any planting.
5. To ensure that vehicles entering and leaving the site may do so in a slow and controlled manner, and to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

6. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).
7. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).
8. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021).
9. To ensure the satisfactory protection of adjacent residential amenity.
10. To preserve the amenities of the locality.
11. To ensure that adequate parking provision is available within the curtilage.
12. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.
13. To ensure the remediation of the site and in the interests of environmental protection.
14. To ensure the remediation of the site and in the interests of environmental protection.
15. To ensure the remediation of the site and in the interests of environmental protection.
16. To ensure the remediation of the site and in the interests of environmental protection.
17. To ensure the protection and provision for Swifts in the area due to its designation as a Swift Alert Area.

Appendix D : Applicable Development Plan Policies

Melton Local Plan

SS1 – Presumption in favour of Sustainable Development

SS2 – Development Strategy

C2 – Housing mix

C3 – National Space Standard and Smaller Dwellings

EN1 – Landscape

EN2 – Biodiversity

EN6 – Settlement Character

IN2 – Transport, Accessibility and Parking

D1 – Raising the standard of design

Clawson, Hose and Harby Neighbourhood Plan

Policy H1- Housing Provision

Policy H3: Limits to Development

Policy H4: Windfall Sites

Policy H5: Housing Mix

Policy H7: Housing Design

Policy CF1: Protection and Enhancement of Community Facilities

Policy T4: Parking

Policy E1: Existing Employment Use

Policy E3: Homeworking

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Helping people | Shaping places



Planning Committee

9 December 2021

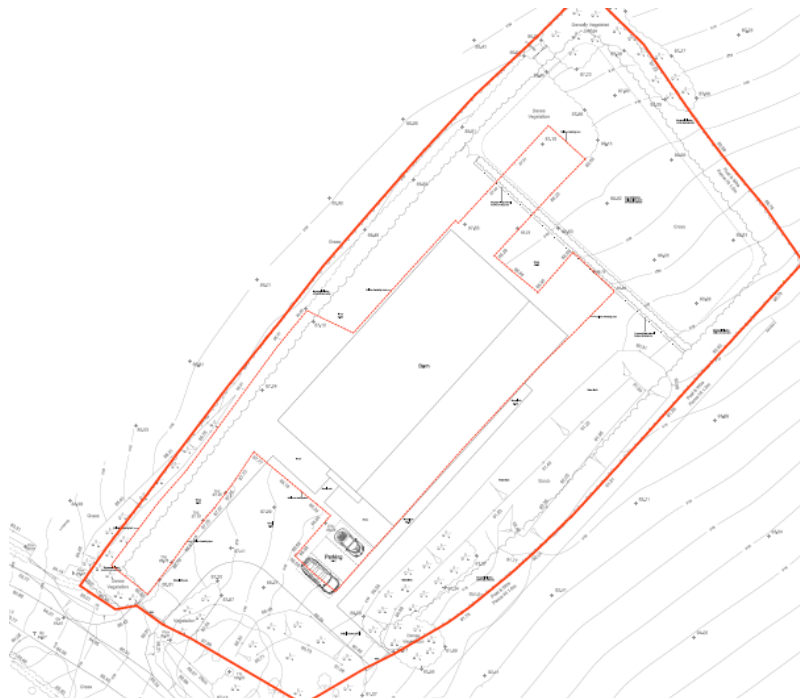
Report of: Assistant Director for Planning and Delivery

21/01060/FUL - Demolition of redundant barns and their replacement with a single dwelling house (Class C3)

Tofts Hill Stathern

Corporate Priority:	Delivering Sustainable and Inclusive Growth in Melton
Relevant Ward Member(s):	Stathern : Councillor M Steadman and Councillor C Evans
Date of consultation with Ward Member(s):	17 September 2021
Exempt Information:	None

1 Summary



- 1.1 The application site sits on the eastern edge of the village of Stathern and currently comprises large redundant barns which have previously been used for agricultural and equestrian use. The barns are in extremely poor condition and it is proposed to seek full planning permission to demolish all buildings on site and replace with a two storey dwelling.
- 1.2 The land sits detached from the existing residential development on this (northern) side of Tofts Hill with a gap to the existing dwelling no. 7. Dwellings project further up Tofts Hill than the application site on the opposite side of the road.
- 1.3 Levels rise significantly as you leave Stathern and travel up Tofts Hill to the application site from the centre of the village. As such, the existing barns sit higher than the village and can be seen from numerous points within the village and from further afield.
- 1.4 The site is not within but is near to the Conservation Area of Stathern and there are no listed buildings immediately in the vicinity of the application site with the nearest being the Grade II Listed Bassingdean (Number 3) And Adjoining House To North (Number 1, Church Corner and The Manor House And Blacksmiths Cottage.
- 1.5 There is relevant recent planning history at the site which is important for understanding the context of this application. Most recently, planning permission was refused for the demolition of the existing barn and the erection of a single dwelling in December 2020 (Planning Application Ref. 20/01095/FUL). A subsequent appeal was dismissed.
- 1.6 Prior to this application, planning permission was sought for the demolition of existing agricultural buildings and erection of one detached house, one bungalow and outbuildings in 2016 (Application Ref. 16/00223/FUL). This application was refused by the Borough Council and dismissed at appeal.
- 1.7 This current application is a resubmission of the previous scheme in 2020 for the demolition of the existing agricultural barn and the erection of a single dwelling, albeit with a significantly different design. The application seeks to overcome the reasons for the previous refusal of planning permission.
- 1.8 The proposed dwelling would be single storey, with metal sheet cladding as the external finish. The design of the proposed dwelling is utilitarian and agricultural in appearance, with the overall design aim being to take on the form of a barn structure.

RECOMMENDATION(S)
1. It is recommended that the Planning application is REFUSED :

2 Reason for Recommendations

- 2.1 The development would raise no significant, adverse impacts on ecology, archeology or highway safety grounds that would warrant refusal.
- 2.2 In the opinion of the Local Planning Authority the proposed development would result in the introduction of residential development that would occupy a detached location outside of the built up confines of Stathern. The site is adjacent to the Conservation Area and contributes to the rural setting of the village of which the introduction of residential development and associated paraphernalia, by virtue of its scale, form and mass, would disrupt. As such, the proposal would have adverse impacts upon the character of the local area, wider landscape and setting of the Conservation Area. For these reasons, the proposal is considered to conflict with Policies EN1, EN6 and EN13 of the Melton Local

Plan and as such would not represent a form of suitable windfall residential development as stated in Policies SS1 and SS2 of the Melton Local Plan. Key Factors

2.3 Reason for Committee Determination

2.3.1 The application is required to be presented to the Committee due to receiving more than 10 letters of representations from separate households which are contrary to the recommendation.

2.3.2 The Ward Member has also requested that the application be determined by Planning Committee and the request has been accepted by the Chair.

2.4 Relevant Policies

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

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

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

2.4.4 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

2.4.5 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 Stathern Neighbourhood Plan is currently subject to Examination, with a Referendum to follow and therefore weight can be attributed to this in the determination of this application. This is addressed in greater detail below.

2.5 Main Issues

2.6 The main issues for this application are considered to be;

- Position under the Development Plan Policies.
- Principle of development, Impact upon the character of the area and heritage assets
- Impact upon residential amenities
- Impact upon highways and parking
- Impact on ecology
- Impact on archaeology
- Impact on flood risk/drainage

3 Report Detail

3.1 Position under the Development Plan Policies

3.1.1 The site lies on the edge of the village of Stathern. Stathern 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'.

3.1.2 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

- 3.1.3 The PPG states that an emerging neighbourhood plan is likely to be a material consideration and paragraph 48 of the NPPF sets out that weight may be given to relevant policies in emerging plans. according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- and
- c) the degree of consistency of the relevant policies in the emerging plan to the NPPF
- 3.1.4 The emerging Stathern Neighbourhood plan is at Examination stage and as such is well advanced in terms of its progression. However the policies applicable to this application are contested in representations and will form part of the Examiner's adjudication. It therefore is a material consideration that it is considered attracts moderate weight under this guidance.
- 3.2 Principle of Development**
- 3.2.1 The site is on the edge of the settlement of Stathern where Policies SS1-SS2 apply. Stathern is defined as a Service Centre within the Melton Local Plan
- 3.2.2 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'.
- 3.2.3 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 Rural Settlements only. Policy SS3 is therefore not considered to be applicable to this application.
- 3.2.4 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.
- 3.2.5 The NPPF nor Local Plan do not seek to place a 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'.
- 3.2.6 This development would result in the erection of 1 dwelling and is sited on the edge of a Service Centre.
- 3.2.7 It is for these reasons that the proposal is considered to fall under the provisions of small scale development subject to satisfying all other material planning considerations.
- 3.2.8 The emerging Stathern Neighbourhood Plan proposed a defined Limits to Development and associated policy which restricts development outside its delineation. This site is outside and is therefore contrary to this policy (Policy H1) and as such this is a consideration that weighs against the proposal.

- 3.2.9 Similarly Neighbourhood Plan policy CFA4 relates specifically to Tofts Hill and its immediate environment and seeks to protect it as a valued natural asset by resisting development on, or alongside, Tofts Hill. For the same reason it is considered this consideration weighs against the development.
- 3.3 Impact upon the character of the area and Heritage Assets**
- 3.3.1 The application site currently comprises a significantly large redundant barn of which it is proposed to demolish and replace with the erection of a dwelling which would span across a significant footprint of the existing barn. It is also proposed to site the dwelling back into the site, set back from the road and therefore further into the rural setting
- 3.3.2 The adjacent part of Stathern to the west comprises a cluster of dwellings fronting onto adjacent highways. This existing built form then ceases at no. 7 Tofts Hill with an area of agricultural land separating the application site from what would be considered the conclusion of the village's residential edge at present. The proposal would result in new residential use and the domestication of the site that would appear at odds and contrasting to the surrounding rural character of the area.
- 3.3.3 Overall, the visual intrusion of the proposed residential development, resulting in the development of a site detached from the village, would be unduly harmful in terms of land use and visual impact. The site is not adjacent to the dwellings to the west, would be separated by the field/paddock and would therefore be considered to not be well related to the settlement.
- 3.3.4 Furthermore, the resultant residential development would result in a significant visual incursion into the countryside that would be out of place with the character of the site and the role the site plays on the edge of the village and the rural gateway to the adjacent countryside. In addition, the existing buildings are clearly farm buildings and as such are of a type of associated with such a location. The proposed dwelling although of a 'barn style' proposal would still be read as and seen as a new dwelling, given the formalisation of the site including driveway, parking and lights associated with a residential use.
- 3.3.5 The site also has a significantly greater depth compared to the adjacent housing with the proposed dwelling to be set well into the site, at odds with the prevailing characteristic of dwellings fronting onto the highway.
- 3.3.6 The development would bring a sense of formality to this site which would impact upon the part this parcel of land plays within the village. The transition role that the site performs between the village and the rural surroundings and the adjacent countryside and escarpment would be notably lessened. Indeed reference is given within Appendix 1 of the Melton Local Plan stating that.
- “The village lies at the foot of the escarpment which forms the Vale of Belvoir. The existing pattern of development spreads up the lower parts of this slope; however it would be inappropriate in landscape and development pattern terms to continue this pattern of development. Therefore sites on lower lying land are considered most appropriate for allocation”.
- 3.3.7 Taking the above into consideration, the development of this land as currently proposed with the dwelling sited at depth and further up Tofts Hill could be considered as inappropriate in the landscape, as detailed above and therefore contrary to Policy EN1 of the Melton Local Plan.

- 3.3.8 It is worthy of note that in assessing the application site, the Planning Inspector determining the previous scheme describes the site in Para 6 of the report as ‘inherently rural’ and that the transition from village to open countryside was apparent at this location of Tofts Hill.
- 3.3.9 It is also worthy to note that the Inspector was of the view that the site made a positive contribution to the character of the area, despite the poor condition of the barn.
- 3.3.10 In dismissing the appeal, the Inspector had also found that the harm to the character of the area resulting from the design of the proposed dwelling was also compounded by the proposed areas of hardstanding, parking, formal garden and inevitable domestic paraphernalia.
- 3.3.11 In terms of scale and design, the proposed development shows a development that would be set within the footprint of the existing building and would be of a similar height to that of the existing building. In addition, the proposal is to be metal clad in order to reflect the existing barn structure at the site. The consideration given for the proposed design and appearance of the dwelling in order to overcome the design based concerns expressed by the Inspector is noted, however it would still be evident from passing views that the proposal would be of a residential use with a domestic character.
- 3.3.12 This impact is worsened further by the associated residential paraphernalia that comes with a dwelling. For example the garden area, extensive amount of gravel forecourt, paved footpaths and paved terracing surrounding the dwelling would further make it evident of the residential use. As mentioned above, these characteristics of the previous scheme were highlighted by planning inspector in coming to overall conclusion to dismiss the previous appeal and would remain features of this current scheme.
- 3.3.13 Whilst landscaping is proposed and there is existing vegetation on the boundary with Tofts Hill which would help screen the development from view, the development would still be visible when leaving the village and for the reasons identified above would be to the detriment of the setting of Stathern as viewed from Tofts Hill, and harm the existing outward views of open countryside rising away from the village.
- 3.3.14 The site sits near to the Conservation Area of Stathern. The Stathern Conservation Area Character Appraisal states that the Conservation Area largely derives its significance from loose knit development interspersed with green open spaces. Tofts Hill has scatterings of buildings before opening up to countryside.
- 3.3.15 As identified above, the development is considered to result in adverse impacts upon the character of the area and due to the role the site plays within the village and the wider area, it is considered that the impacts of the development would result in less than substantial harm to the character and appearance of the conservation by virtue of the development failing to preserve or enhance the character and appearance of the Conservation Area contrary to Policy EN13.
- 3.3.16 Although the development would result in minor benefits from the contribution of one dwelling to the local housing supply and the removal of existing poor-quality barns, it is considered that the harm to the Conservation Area identified above would outweigh the public benefits of the proposal.
- 3.3.17 Due to the siting of the application site and separation distances, it is not considered that the proposal would adversely impact upon the setting of the nearby listed buildings. Views of the listed buildings and the further afield listed Church of St Guthlac would still be available and not adversely impacted from the relevant viewpoints.

3.3.18 Overall, due to the concerns highlighted above, it is considered that the development would not contribute positively to the individual character of the settlement, would not be sensitive to its landscape setting and would not enhance the character of the Conservation Area. As such, by virtue of the development being contrary to Policies EN1, EN6 and EN13, the development would not represent a form of suitable windfall residential development as stated in Policies SS1 and SS2 of the Melton Local Plan as well as Policies H1, H2 and CFA4 of the emerging Stathern Neighbourhood Plan

3.4 **Impact upon residential amenities**

3.4.1 There are no neighbouring properties that immediately border the site and the dwellings to the west are set a sufficient distance away so as not to be adversely impacted by the development.

3.4.2 Dwellings located to the south are separated by Tofts Hill itself and are a sufficient distance away so as not to result in any adverse impacts.

3.4.3 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.

3.5 **Highway Safety**

3.5.1 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.

3.5.2 Access to the site for the occupiers of the dwelling would be via the existing access onto Tofts Hill. It is proposed to provide an access and drive that would be of sufficient width to cater for the proposed development. Given that it is an existing access with a permitted agricultural use, the proposed development of one dwelling is not considered to be of a significant scale to result in severe highway safety impacts, subject to the implementation of the proposed access drive.

3.5.3 Sufficient off street parking is proposed to cater for the development and turning space is provided to allow vehicles to manoeuvre and leave in a forward gear.

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

3.6 **Ecology**

3.6.1 An Ecology Survey (Curious Ecologists, May 2019) has been submitted in support of this application. There was no evidence of bats found during the survey and the building was assessed as having negligible potential for roosting bats.

3.6.2 There was at least one active nest found in the area of the proposed development, plus there were buildings (open fronted outbuildings) and vegetation in the vicinity of the proposed development that would be suitable for birds to nest in, particularly in the large hedgerows and hedgerow trees. No evidence of barn owls was found during the survey and there was no evidence of badgers found on site.

3.6.3 As such, no objection is raised on ecology grounds subject to vegetation clearance taking place outside the bird-nesting season.

3.6.4 Overall, it is not considered that the application would have an adverse impact upon ecological matters.

3.7 **Archaeology**

- 3.7.1 The application area is located just outside the Historic Settlement Core (HER ref: MLE8887) and therefore there is the chance for associated remains with the historic village to lie within the area.
- 3.7.2 As such, an appropriate archaeological mitigation programme and methodology of site investigation and recording should be undertaken prior to commencement of development and this could be secured by condition should the application be approved contrary to the recommendation in this report
- 3.7.3 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.

3.8 **Flood Risk**

- 3.8.1 A drainage strategy has been submitted in support of the application and the proposed drainage is as follows:

Roof drainage from building. Soakaways are not a practical solution due to limited infiltration. As such, a traditional piped system will be used to link with the crate storage system. It is proposed that catch pit manholes are used to collect silts and grits from the roofs as a form of pre-treatment.

Road/parking area drainage. The paved areas adjacent to the building will drain to ACCO drains and then into the crate tank. The access drive will be constructed from permeable gravel and SUDs statement has been supplied with the application.

- 3.8.2 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 and as such subject to compliance with the proposed drainage strategy which would be secured by condition, **the proposal complies with policy EN11 and EN12 of the Local Plan.**

4 **Consultation & Feedback**

- 4.1 A site notice was posted and neighbouring properties consulted. As a result, 25 letters of objection, and 19 letters of support have been received

5 **Financial Implications**

- 5.1 None identified.

Financial Implications reviewed by: N/A

6 **Legal and Governance Implications**

- 6.1 The application is required to be presented to the Committee due to receiving more than 10 letters of representation which are contrary to the recommendation.
- 6.2 The application engages the statutory duty under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 6.3 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

7 **Background Papers**

- 7.1 16/00223/FUL Demolition of existing agricultural buildings and erection of one detached house, one bungalow and outbuildings. - Field Nos 5000 And 5812, Tofts Hill, Stathern
- 7.2 20/01095/FUL Demolition of redundant barns and their replacement with a single dwelling house (Class C3) - Field OS 5000 And 5812 Tofts Hill, Stathern

8 Appendices

- 9.1 A: Summary of Statutory Consultation responses
- B: Summary of representations received
- C: Reason for Refusal
- D: List of applicable Development Plan policies

Report Author:	Gareth Elliott , Planning Officer
Report Author Contact Details:	Telephone 07771736127 email gelliott@melton.gov.uk
Chief Officer Responsible:	Jim Worley , Assistant Director for Planning and Delivery
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Appendix A : Consultation replies summary

Parish Council:

It is very disappointing to see yet another application for this site after two previous applications have been refused and appeals rejected by inspectors. Although some of the more intrusive parts of the previous application have been removed it is still asking to place a dwelling in a very inappropriate place. There are many incorrect statements in the application and it should be rejected on the same grounds as earlier. The inspector was very clear in supporting the Council officers view that (5.2 in officer's report) Overall, it is considered that the development would not contribute positively to the individual character of the settlement, would not be sensitive to its landscape setting and would not enhance the character of the Conservation Area. As such, by virtue of the development being contrary to Policies EN1, EN6 and EN13, the development would not represent a form of suitable windfall residential development as stated in Policies SS1 and SS2 of the Melton Local Plan.

This is in line with the assessment for the Local Plan that it would be inappropriate to continue development up the hill in any way. This has also been supported in appeals on a field below this site.

It is worth remembering that the earlier refusal and Appeal, which the applicant seeks to discount, was made under NPPF before LP was approved.

A claim is made to be adjacent to a house opposite and this makes it acceptable in some way. This is incorrect. This site is only adjacent to open countryside (adjacent means sharing a boundary). In any case that dwelling was approved before the Melton LP was in place. Also the contours mean that the proposed site is significantly higher on the hillside and visible from other

directions and from further off.

The Inspector clearly says (point 6) in his refusal of the latest appeal that " While it is argued this is a 'plot width' in size, this gap is part of an expanse of open countryside to the north broken only by the barn itself to one side and houses on The Green. From here, Tofts Hill rises steeply from the village and the transition from village to open countryside is apparent." This is in full knowledge of other developments.

The proposed dwelling is over twice the size of the average four-bedroom house and significantly intrusive into open countryside. The activity and light pollution associated with this dwelling would be significant and not appropriate.

In addition the Stathern Neighbourhood Plan, although not fully made, can be given weight by the decision makers as it is fully in line with the Melton Plan on this issue and is at a late stage. This has a specific policy for Toft's Hill. Policy CFA4, which seeks to protect Toft's Hill and its views in line with the Melton LP.

The bought in Heritage Statement (Built Heritage Consultancy) appears to claim the new design overcomes all the previous objections with no basis. We would disagree. The policies quoted above are still, in no way, satisfied. The inspector went beyond merely being critical of the cladding and large glazed areas.

To quote from both Appeal inspectors statements it "in stark contrast to the more compact forms of housing it would not appear visually as part of the built-up part of Stathern and would detract from the established character of this village" I have concluded that the proposal would detract from the rural character and appearance of the local area within which it is located" and "the site makes a positive contribution to the setting of the heritage asset due its transitional and gateway function from built form to open countryside and vice versa".

None of these statements are invalidated by the new design. We can only quote the Inspectors judgement in Point 14

" To conclude, the proposal would harm the character and appearance of the area and setting of the SCA. This would be contrary to Policies EN1, EN6, EN13, SS1 and SS2 of the LP. Amongst other things, these seek to ensure new development: does not have an unacceptable adverse effect on an area's sense of place and local distinctiveness; new development in conservation areas is consistent with its identified special character; and ensure windfall sites in Service Centres represent sustainable development. The proposal would also conflict with the Framework which advises great weight should be given to the conservation of heritage assets"

This is the judgement of the Stathern Parish Council and this application should be refused.

LCC Highways:

The LHA note that the site was previously the subject of a similar application, reference 20/01095/FUL, which was refused and subsequently dismissed at appeal. However, the refusal was not for highway related reasons.

Site Access

The proposed development seeks to retain the existing agricultural field access. The LHA consider that the site access requires amendments to be suitable for use in accordance with the Leicestershire Highway Design Guide (LHDG) to be commensurate with Paragraph 110 of the

National Planning Policy Framework (NPPF). Therefore a suitably worded condition has been recommended.

Highway Safety

No Personal Injury Collisions (PICs) have taken place in close proximity to the site within the most recent five-year period.

Trip Generation

The proposed development of a single dwelling is not considered to give rise to significant concerns regarding highway impact.

Internal Layout

Internally, the LHA require three parking spaces for a dwelling with four or more bedrooms.

Parking spaces should measure a minimum of 2.4 x 5.5 metres with an additional 0.5 metre strip where bound by a wall/ hedge/ fence etc.

The LHA are satisfied that sufficient parking and turning space is to be provided within the proposed development.

Conditions

1. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 2.75 metres, a gradient of no more than 1:20 for a distance of at least 5.0 metres behind the highway boundary and shall be surfaced in a bound material for the same distance with a minimum 3.7m dropped crossing. The access once provided shall be so maintained at all times.

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 the National Planning Policy Framework (2021).

2. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43.0 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

3. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5.0 metres of the highway boundary. Any erected provisions beyond this distance must be hung to open horizontally or to open away from the highway.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).

4. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the 'Proposed Site Plan' (portal reference P101_Proposed Site Plan). 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 the National Planning Policy Framework (2021).

LCC Archaeology:

The application area is located just outside the Historic Settlement Core (HER ref: MLE8887) and therefore there is the chance for associated remains with the historic village to lie within the area.

The villages of Leicestershire and the wider English Central Midlands, appear to have evolved alongside their open field systems, during the later 1st millennium AD. Buried archaeological evidence, constituting one or more as yet unidentified heritage asset(s) (National Planning Policy Framework (NPPF) Section 16, paragraph 189-190 and Annex 2), spanning the period from the earliest evolution of the village to its more recent past can be expected within the development area. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.

In accordance with the NPPF (Section 16, paragraph 199), the Local Planning Authority should require a developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance.

To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide professional archaeological Attendance for inspection and recording during the groundworks for the proposed development. A contingency provision for emergency recording and detailed excavation should be made, to the satisfaction of your authority in conjunction with your archaeological advisors in this Department's Historic & Natural Environment Team (HNET). HNET will provide a formal Brief for the work at the applicant's request.

If planning permission is granted the applicant must obtain a suitable written scheme for the investigation and recording from an archaeological organisation acceptable to the planning authority. This should be submitted to HNET, as archaeological advisors to your authority, for approval before the start of development.

LCC Ecology:

Thank you for consulting us on this planning application.

The ecology report (Curious Ecologists, May 2019) is still valid for this current planning application and no further surveys are required.

20/01095/FUL that 'vegetation clearance must either take place outside the bird-nesting season (March to July inclusive), or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA'.

Existing trees and hedgerows on the site should be retained, where this is not possible, compensatory tree/hedgerow planting should be provided on the site. I note from the proposed site plan that new planting is proposed; this should be of locally native species which will help to ensure the requirement of the NPPF (180. d)) that 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate' is met. A landscape plan should be submitted which provides details of existing and

proposed planting to demonstrate how biodiversity net gain will be achieved on the site.

The site is in a 'Swift Alert Area' where swift have been recorded in the recent past; as a planning condition I recommend installation of 1 group of 3 boxes/bricks in a suitable position. Further guidance on this can be found here https://www.swift-conservation.org/Leaflet_1_Swifts_Nestboxes_at_Your_Home-small.pdf. The locations of these should be marked on the plans, details of box specification provided, and photographs submitted after they have been installed to enable the condition to be discharged.

Appendix B : Summary of representations received

Neighbours: 25 letters of objection, and 19 letters of support have been received

Letters of objections have been received on the following grounds:

- Large and bulky design
- Contrary to Policies EN1, EN2, EN6, EN11 and EN12 and as a result does not represent sustainable development under SS1 and SS2.
- Outside limits to development in the neighbourhood plan
- Inappropriate development of the site which has been previously refused and dismissed at appeal
- Light pollution would be significant
- Visual impact of the dwelling being above the roofline of the village
- Tofts Hill regularly used by walkers and horse riders
- Setting of a precedent if approved outside of the limits of development
- Drainage issues resulting from the topography of the site
- Increased water run off and flooding
- Outward views from the village would be impacted
- No need for any more houses nor is there an identified need for this dwelling
- Local Plan discourages building up Tofts Hill
- Urbanisation of the rural area
- Loss of wildlife
- Development would not be integrated into the settlement edge
- Impact upon views back towards the village from further afield
- Scheme is more intrusive and larger than previously refused application
- Dominate the village and conservation area
- Insufficient off street parking

Letters of support have been received raising the following comments:

- Proposal well thought out and is of particular architectural merit or worth
- Building is smaller footprint and lower roofline than existing buildings
- Removal of old unsightly and unsafe barns would be a benefit
- Dwelling would be no further up Tofts Hill than neighbouring properties
- High quality and well designed proposal
- Wildlife enhancements
- Proposal fits in with the character of the local area
- Impact upon traffic will be negligible
- Removal of barns will reduce anti-social behavior

Appendix C: Reason For Refusal

1. In the opinion of the Local Planning Authority the proposed development would result in the introduction of residential development that would occupy a relatively detached location outside of the built up confines of Stathern. The site is adjacent to the conservation area and contributes to the rural setting of the village of which the introduction of residential development and associated paraphernalia, by virtue of its scale, form and mass, would disrupt. As such, the proposal would have adverse impacts upon the character of the local area, wider landscape and Conservation Area. For these reasons, the proposal is considered to conflict with Policies EN1, EN6 and EN13 of the Melton Local Plan and as such would not represent a form of suitable windfall residential development as stated in Policies SS1 and SS2 of the Melton Local Plan.

Appendix D : 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 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

Emerging Stathern Neighbourhood Plan policies

- Policy H1 Limits to Development
- Policy H2 Windfall Sites
- Policy CFA4 Protection of Tofts Hill Environment

Planning Committee

9 December 2021

Report of: Assistant Director for Planning and Delivery

**21/01092/VAC: Proposal: Removal of Condition 22
(infilling of ditch) of planning permission
20/00593/VAC Field OS2713 and 2100, Longcliff Hill,
Old Dalby**

Corporate Priority:	Delivering Sustainable and Inclusive Growth in Melton Mowbray
Relevant Ward Member(s):	Old Dalby – Cllr J Orson
Date of consultation with Ward Member(s):	8 October 2021
Exempt Information:	No

1 Summary



- 1.1 The application site is located off Longcliff Hill and is approximately a square parcel of land to the north and north-east of the highway. It is accessed from the highway in the south-west corner of the site and is bordered by countryside to the north and east, by countryside and housing on Longcliff Close to the south and by North Lodge Farm to the west.
- 1.2 This application seeks to remove condition 22 of planning permission 20/00593/VAC which stated: "Notwithstanding the plans hereby approved, permission is not granted for the infilling of the ditch that traverses the site, except as required to form the access to plots 1-4 and 5-8 in the layout plan 7737-03-01CC hereby approved".
- 1.3 Application 20/00593/VAC was itself a variation of the development approved under 18/01111/FUL for residential development. It encompassed numerous amendments including reference to the ditch but this was excluded under the condition referred to above.

RECOMMENDATION(S)	
1. 1.	It is recommended the application APPROVED

2 Reason for Recommendations

- 2.1 The ditch is no longer required for drainage purposes and the water source previously accommodated has been diverted to drain elsewhere. LCC Ecology do not object to the loss of the ditch on ecology grounds and as such there are no grounds to insist on the provision of the ditch.

Key Factors

2.2 Reason for Committee Determination

- 2.2.1 Director for Growth and Regeneration (in consultation with the Chair of Planning Committee) as one raising matters which should be referred to the Committee, specifically that the condition concerned was imposed by the Committee (see details provided at paragraph 1.2 above).

2.3 Relevant Policies

- 2.3.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.
- 2.3.2 No inconsistency with the NPPF has been identified that would render Local Plan policies out of date.
- 2.3.3 The Nether Broughton and Dalby Neighbourhood Plan has been adopted and forms part of the Development Plan.
- 2.3.4 A full list of applicable policies is included as Appendix D

2.4 Main Issues

- 2.4.1 It is considered the sole issue relevant to this application is the ecological value of the ditch, which provided the reasoning for the requirement for its retention.

3 Report Detail

3.1 Position under the Development Plan Policies

- 3.1.1 The issue subject to this application relates to Local Plan Policy EN2 'Biodiversity and Geodiversity' and Neighbourhood Plan Policy ENV9 'Biodiversity', both of which encourage the retention, and where possible enhancement, of features of ecological value.

3.2 Ecology

- 3.2.1 LCC Ecology has been consulted and stated they have no comments on the variation of this condition and questioned why the condition was applied as it is not an issue that the Ecology team raised.
- 3.2.2 The longer term background of the site and the role of the ditch relates to its positioning outside of the curtilage of any properties within planning application ref 17/00743/OUT for 7 dwellings (approved 26.01.2018), in order to allow for its retention.
- 3.2.3 This permission related to the part of the site that now forms the south portion of the development and, at the time, was a separate and 'freestanding' permission. However, that permission was joined and consolidated with those on adjacent land to form a single development site under permission 18/01111/FUL (date approved :12.2.2020). The plans associated with this permission did not reference the ditch and ecological advice at the time stated focussed upon the adjacent hedgerow stating "... the proposed layout (Rev O) retains some of the hedgerow running east-west across the site as was shown in Rev E. Whilst we would prefer the hedgerow to be retained in its entirety the proposed layout does retain the overall corridor and sits the hedgerow in an area of open space rather than adjacent to plot boundaries. This will help to protect the feature long-term, allowing adequate room for the hedgerow to grow whilst allowing access for maintenance. We would recommend that any additional planting in this open space comprises locally native species".
- 3.2.4 The ditch did however feature in the subsequent application 20/00593/VAC citing its removal. Comments of ecological advisors were sought specifically on the topic along with the adjacent hedge, but in reply no reference was made to the ditch being valuable and requiring retention (comments did however relate to the hedge). However representations received to the application suggested it had a wildlife and bio diversity importance and as a result the condition subject of this application (repeated in full at para. 1.2 above) was imposed.
- 3.2.5 It is acknowledged there have been several objections to the proposal. The condition was imposed by the Planning Committee and was not recommended by either the LLFA or LCC Ecology. Therefore, although the reason for the condition was ecological grounds, this is not supported by LCC Ecology. Regarding the wildlife corridor, this area contains the boundary hedge and other than the access points, this runs along the site for a considerable distance. The background to the ditch shows that it was not recognised as having value and was retained only as a result of running alongside the hedge which itself was protected by means of excluding it from any residential curtilage to assist its retention.
- 3.2.6 In light of the above, the ditch does not therefore play an active role in the ecology of the site and its retention for ecological purposes cannot be insisted upon. Notwithstanding the objections received, it is not considered there are adequate grounds to resist the omission of this condition.

3.3 Flood Risk/Drainage

- 3.3.1 In support of the proposal the Agent has stated that the storm water drainage scheme for the site which has been approved by the LLFA no longer utilises the existing ditch so it is now surplus to requirements and offers no drainage benefit. They also state that the County Council ecologists have not requested the ditch to be retained for any ecology interests and that the now dry ditch offers no ecology benefit for the site.
- 3.3.2 The LLFA has been consulted and stated that the condition sought to be removed under this application was not recommended by the LLFA. The variations do not impact on the surface water drainage scheme agreed and the LLFA stated that the applicant has obtained consent under Section 23 of the Land Drainage Act 1991 to infill the ditch in question. They conclude that the proposed layout amendments do not negatively impact on the site's ability to deliver the agreed surface water drainage scheme and as such, the LLFA has no objection to these variations.
- 3.3.3 In light of the above, the ditch in question does not therefore play an active role in the drainage of the site and therefore its retention for drainage purposes cannot be insisted upon.

4 Consultation & Feedback

- 4.1 A site notice was posted, newspaper advert placed and neighbouring properties consulted.
- 4.2 Three representations have received objecting to the proposal, details are contained in Appendix C.

5 Financial Implications

- 5.1 None identified

Financial Implications reviewed by: N/A

6 Legal and Governance Implications

- 6.1 No legal implications are presented by this report.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

7 Background Papers.

- 7.1 Planning Applications ref 18/01111/FUL and 20/00593/VAC

8 Appendices

- 8.1 A : recommended conditions
- 8.2 B: Consultation replies
- 8.3 C: Summary of representations received
- 8.4 D: list of applicable policies

Report Author:	J Worley; Assistant Director
Report Author Contact Details:	01664 502359 Jworley@melton.gov.uk
Chief Officer Responsible:	As above

Appendix A: 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 following plans:

- 7737-01-001B
- 7737-10-001B
- 7737-03-03E
- 7737-03-04D
- 7737-03-05K
- 7737-03-06K
- 7737-03-07F
- 7737-03-08J
- 7737-03-10C
- 7737-03-11E
- 7737-03-13E
- 7737-03-19B
- 7737-03-20
- 7737-03-22
- 7737-03-23
- 7737-03-24A
- 7737-03-09H
- 7737-03-14H
- 7737-03-21
- 7737-03-02B
- 7737-03-01CC
- 7737-04-15K

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

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

Reason: In order to ensure the long term health of the trees and hedges to be retained.

4. Final occupation of the dwellings shall not take place until the public footpath G89 is provided in accordance with the approved plan and shall thereafter so remain.

Reason: To provide an all-weather route in the interests of amenity, safety and security of users of the Public Rights of Way.

5. The Public Footpath shall be provided with a hand-gate in the perimeter fence in the north eastern corner of the site compliant with LCC standard drawing SDFP11_REV_A.

Reason: To ensure access to the Public Footpath is retained in accordance with the National Planning Policy Framework.

6. Prior to occupation of the final dwelling the Public Footpath G89 shall be signposted from the point where it leaves the new estate road with a LCC standard footpath fingerpost compliant with LCC standard drawing SD/FP/7.

Reason: To ensure the path is easy to follow through the development in the interests of amenity, safety and security of users of the Public Rights of Way.

7. The car parking areas serving Plots 1-8 shall be illuminated in accordance with the details approved under 21/0043/DIS and shall thereafter be so retained.

Reason: In order to minimise the risk of crime.

8. All ensuite and bathroom windows on all plots and bedrooms shown on the approved plans to be obscure glazed shall be glazed with densely obscured glass. This arrangement shall thereafter be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

9. The development shall be carried out in accordance with the materials schedule 7737-10-001B.

Reason: In the interests of visual amenity.

10. The approved landscape scheme (7737-04-15K) shall be carried in the first planting season following the completion of the development, unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the provision and maintenance of landscaping.

11. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on M-EC drawing number 4154_08_020_01 Rev A have 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.

12. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety.

13. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety.

14. The development hereby permitted shall not be occupied until such time the parking and turning facilities have been implemented in accordance with HSSP Architects drawing number 7737-03-01CC. Thereafter the onsite parking provision shall be so retained for car parking 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.

15. No part of the development shall be occupied until a scheme for offsite highway works, that being the provision of a footway on the eastern side of Longcliffe Hill, between the proposed site access and the existing footway at Longcliffe Close, with associated kerbing and carriageway widening where necessary to maintain a suitable carriageway width, has been submitted to and approved in writing by the Local Planning Authority and implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety.

16. The development shall be carried out in accordance with the surface water drainage scheme set out in General Arrangement (ref: 24154_02_020_02 G).

Reason: To ensure adequate provision of surface water drainage.

17. The development shall be carried out in accordance with the Surface Water Construction Management Plan received by the Local Planning Authority on 23.12.2020.

Reason: To ensure adequate provision of surface water drainage.

18. The long term maintenance of the surface water drainage system shall be carried out in accordance with the Surface Water Maintenance Management Plan received by the Local Planning Authority on 23.12.2020.

Reason: To ensure adequate maintenance of surface water drainage.

19. The development shall be carried out in accordance with the disposal of surface water and foul sewage set out in Ordinary Watercourse Land Drainage Consent (LCC 18/11/2020) and Severn Trent Water Letter S104 Technical Approval (26/06/2020).

Reason: To ensure adequate provision of surface water drainage.

20. Notwithstanding the plans hereby approved, the hedgerow traversing the site on an east – west axis shall not be removed except for the length necessary to allow access to plots 1 -4 and 5-8 as indicated in the layout plan 7737-03-01CC hereby approved.

Reason: To safeguard the ecological interest in the site

21. Notwithstanding the plans hereby approved, all of the verges to the public footpath G89 indicated in the layout plan 7737-03-01CC hereby approved shall be a minimum of 1m wide, including the length adjacent to Plot 28.

Reason: To ensure adequate standard of provision of the footpath and the amenity of future users.

22. Notwithstanding the plans hereby approved the height of the 2.5 storey dwellings shall not exceed 9.2 metres to ridge level above the adjacent existing land levels.

Reason: To ensure that the development is compatible with its surroundings and does not have an unacceptable impact on its landscape setting.

Appendix B: consultation replies

Parish Council: The argument put forward by the developers is that the ditch is not required for drainage and that County Council ecologists did not impose this condition on ecological grounds. Yet the block on filling in the ditch was to “safeguard the ecological interest in the site” and this condition was imposed by MBC in the full understanding that it was not specifically requested by LCC.

The Parish Council supports MBC’s imposition of the condition as the ditch in question directly connects to a protected wildlife corridor which is indicated in Figure 16 of our Neighbourhood Plan. Thus, the ditch is considered by the Parish Council as essential habitat connectivity of the wildlife corridor outside into the heart of Old Dalby Village itself. Policy ENV3 of our Neighbourhood Plan indicates that developments “should not create barriers to the permeability of the landscape for wildlife in general”.

Ward Member: No comments have been submitted.

LCC Highways: No objections.

LCC Archaeology: No objections.

LCC Ecology: No objections.

LLFA: No objections.

Appendix C: Summary of representations recieved

This site has already lost part of the ditch, due to the developer culverting part of the initial ditch to enable them to increase the boundary of plot 1 to allow them build a garage and subsequent fence. Villagers, the Parish Council and the Neighbourhood Plan committee have consistently objected to the destruction of the nature corridor (the hedge, ditch and public footpath) undertaken. It was originally agreed to retain the wildlife corridor and original footpath. Even a small ditch can benefit wildlife. The ditch is not dry and was managed and grass and vegetation have grown along it.

Appendix D: List of applicable Development Plan policies

Melton Local Plan

- Policy C1 (A) Housing Allocations (OLD1).
- Policy EN2 Biodiversity and Geodiversity.
- Policy D1: Raising the Standard of Design.

Broughton and Old Dalby Neighbourhood Plan

- Policy ENV9 Biodiversity

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