

Agenda

Meeting name	Planning Committee
Date	Thursday, 6 January 2022
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 (Chair)	M. Steadman (Vice-Chair)
	R. Browne	P. Chandler
	J. Douglas	E. Holmes
	J. Illingworth	D. Pritchett
	R. Smith	T. Webster
	P. Wood	

Quorum: 6 Councillors

Meeting enquiries	Democratic Services
Email	democracy@melton.gov.uk
Agenda despatched	Wednesday, 29 December 2021

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES To confirm the minutes of the meeting held on 9 December 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4.1	APPLICATION 21/00834/FUL - WITHDRAWN Meadow Cottage, 37 New Road, Burton Lazars	
4.2	APPLICATION 21/01035/FUL Field End, 10 The Green, Stathern	11 - 32
4.3	APPLICATION 21/00056/FUL Penman Spicer Community Hall, Park Lane, Melton Mowbray	33 - 44
5.	URGENT BUSINESS To consider any other business that the Chair considers urgent	



Minutes

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

Present:

Chair

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	

Officers

Assistant Director for Planning and Delivery
 Solicitor (TP)
 Senior Planning Officer (RR)
 Planning Officer (GE)
 Democratic Services Officer (HA)
 Democratic Services Officer (SE)

Minute No.	Minute						
PL50	<p>Apologies for Absence There were no apologies for absence.</p>						
PL51	<p>Minutes The minutes of the meeting held on 10 November 2021 were confirmed as a true record.</p>						
PL52	<p>Declarations of Interest 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> <p>Minute PL54 - 19/01384/REM – Millway Foods Ltd, Colston Lane, Harby Minute PL57 - 21/01060/FUL – Tofts Hill, Stathern Councillor Steadman advised that she would be representing her ward on these two applications by making a representation to the Committee. She would therefore take no part in the debate nor vote on these items in accordance with the Council’s Procedure Rules.</p> <p>Minute PL58 - 21/01092/VAC - Fields OS2713 and 2100, Longcliff Hill, Old Dalby Councillor Browne declared a personal interest in this application due to his association and friendship with the previous owner of the site and advised he would leave the meeting, take no part in the debate nor vote on this item.</p> <p>It was reported that Councillor Orson, the Ward Councillor, would not be in attendance to speak on this application as he had a disclosable pecuniary and personal interest as the previous owner of the site.</p>						
PL53	<p>Schedule of Applications</p>						
PL54	<p>Application 19/01384/REM</p> <table border="1" data-bbox="288 1563 1430 1733"> <tr> <td>Reference:</td> <td>19/01384/REM</td> </tr> <tr> <td>Location:</td> <td>Millway Foods Ltd, Colston Lane, Harby</td> </tr> <tr> <td>Proposal:</td> <td>Erection of 53 dwellings (reserved matters to outline planning permission 15/00673/OUT</td> </tr> </table> <p>(Councillor Steadman declared her intention to speak as Ward Councillor and moved into the public gallery, took no part in the debate nor voted on this application.)</p> <p>The Assistant Director for Planning and Delivery addressed the Committee and provided a summary of the application. He updated Members that the developer had now secured agreement with Severn Trent Water for the discharge into the</p>	Reference:	19/01384/REM	Location:	Millway Foods Ltd, Colston Lane, Harby	Proposal:	Erection of 53 dwellings (reserved matters to outline planning permission 15/00673/OUT
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Proposal:	Erection of 53 dwellings (reserved matters to outline planning permission 15/00673/OUT						

canal. He advised this was for information and was not a reserved matter and therefore was not part of this application (paragraph 3.10 of the report referred). He summarised that the recommendation remained for approval.

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:

- Matthew Mortonson of Ninteen47, Agent
Mr Mortonson responded to Member questions as follows:
 - There had been ongoing discussions with officers since 2019
 - All matters raised by officers had been taken into account including the SPD
 - Severn Trent Water had agreed discharge into the canal
- Councillor Mel Steadman, Ward Councillor
Councillor Steadman responded to a Member query that she had been involved in discussions with the developer about the two additional conditions she had requested and she felt more pull in places were needed as tandem parking did not work

During discussion the following points were noted:

- There was concern as to the Severn Trent Water discharge into the canal although this was noted as not being part of this application but it was felt that should the application be approved, this matter should be brought back to the Committee
- There was a concern that the design was poor and did not suit a rural setting; the houses and tandem parking did not fit with the village scene and it was considered there would be too much on-street parking
- It was noted that this application was concerned with design and layout only and any revisions could be suggested
- Should the application be approved, there was a request for 5 additional pull in spaces and parking outside plot number 40 to be rearranged

Councillor Illingworth proposed that the application be approved with the additional conditions requested by the Ward Councillor being 5 additional pull in spaces and parking outside plot 40 being rearranged as well as an extra condition relating to water should this be needed. Councillor Douglas seconded the motion. On being put to the vote, the motion was not carried with a vote of 3 for and 7 against.

Councillor Browne proposed that the application be refused due to being in conflict with Local Plan policy D1 and Neighbourhood Plan Policy T4; the scheme being of poor design with (a) tandem parking likely to lead to on-street parking which would be unattractive and (b) the houses were not in-keeping or sympathetic with the context of the site provided by its rural setting. Councillor Chandler seconded the motion.

RESOLVED

That the application be REFUSED, contrary to the Officer recommendation,

due to being in conflict with Local Plan policy D1 and Neighbourhood Plan Policy T4; the scheme being of poor design with (a) tandem parking likely to lead to on- street parking which would be unattractive and (b) the houses were not in-keeping or sympathetic with the context of the site provided by its rural setting.

(7 for, 3 against)

REASONS

The proposed development, by virtue of the proposed parking provision's reliance upon 'tandem' arrangements, would represent inadequate provision, resulting in on street parking to the detriment of visual amenity of the development and would be contrary to Policy D1 of the Adopted Melton Local Plan 2011-36 and T4 of the Clawson Hose and Harby Neighbourhood Plan 2018.

The proposed architectural detailing for the proposed dwellings is not sympathetic to the character of the area nor would it reflect the wider context of the local area and respect the local vernacular, and would therefore be contrary to Policy D1 of the Adopted Melton Local Plan 2011-36.

(Councillor Steadman here re-joined the Committee.)

PL55

Application 21/00310/FUL

Application:	21/00310/FUL
Location:	Hose Garage, 19 Harby Lane, Hose
Proposal:	Demolition of garage and construction of 2 dwellings

The Senior Planning Officer (RR) addressed the Committee and provided a summary of the application and summarised that the recommendation was for approval.

There was a query as to contamination on the site and the Senior Planning Officer responded that there were conditions in the report that dealt with contamination and Environmental Health was satisfied with this position.

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:

- Neil Smith, Applicant

During discussion the following points were noted:

- There was agreement that 2 houses on the site was better than 3
- It was mentioned that the garage should not be able to be converted to a room as it helped to alleviate on-street parking
- Limitation on use of the garage was requested

- The proposal complied with Local Plan policies and the developer had listened to the Parish Council and Ward Councillor and therefore there was no reason to refuse the application

Councillor Steadman proposed that the application be approved with conditions ensuring the use of the garage for parking. Councillor Wood seconded the motion.

RESOLVED

That the application be APPROVED subject to the conditions set out in Appendix C and conditions limiting the use of the garage.

(Unanimous)

REASONS

The proposal represents sustainable development in principle in an appropriate, acceptable location in accordance with both Local Plan and Neighbourhood Plan policies.

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.

PL56

Application 21/00834/FUL - Withdrawn

This application was withdrawn from the agenda.

PL57

Application 21/01060/FUL

Application:	21/01060/FUL
Location	Tofts Hill, Stathern
Proposal:	Demolition of redundant barns and their replacement with a single dwelling house (Class C3)

(Councillor Steadman declared her intention to speak as Ward Councillor, moved into the public gallery and took no part in the debate nor voted on this application.)

The Planning Officer (GE) addressed the Committee and provided a summary of the application. He summarised that the recommendation was for refusal.

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:

- Councillor Ken Bray, Stathern Parish Council
- Councillor Mel Steadman, Ward Councillor

During discussion the following points were noted:

- It was considered there had been no significant improvement than what had previously been presented on the site. It had been noted that the Inspector had stated the area should be protected and the Committee had always been in agreement with this view
- The application was for a very large house and was calling itself a farm which was felt to be a slight on the farming industry as there was no evidence of such activity
- It was felt the house was not in-keeping with the landscape
- It was noted that the application had not been submitted under the exceptional house criteria (paragraph 80e)

Councillor Chandler proposed that the application be refused. Councillor Holmes seconded the motion.

RESOLVED

That the application be REFUSED.

(Unanimous)

REASONS

The development would raise no significant, adverse impacts on ecology, archaeology or highway safety grounds that would warrant refusal.

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 Planning Report 21/01060 Tofts Hill Stathern 3 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.

(Councillor Steadman here re-joined the Committee.)

PL58

Application 21/01092/VAC

Application:	21/01092/VAC
Location	Fields OS2713 and 2100, Longcliff Hill, Old Dalby
Proposal:	Removal of Condition 22 (infilling of ditch) of planning permission

(Councillor Browne here left the meeting due to his interest declared at Minute PL52).

The Assistant Director for Planning and Delivery addressed the Committee and provided a summary of the application. He summarised that the recommendation was for approval.

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:

- Councillor Jerzy Schmidt, Broughton & Old Dalby Parish Council
A Member expressed an apology to the Parish Council regarding the urban look of the houses when a rural aspect had been preferred during discussions.
- James Botterill, Agent
Mr Botterill responded to Member questions as follows:
 - There was no benefit in retaining the condition as the ditch served no purpose.
 - Historically there had been a ditch on the site but the development included a new drainage scheme that was not reliant on the ditch and the ditch was now dry, therefore it was no longer required on the site.

The Solicitor reminded the Committee that this was not a retrospective application but was to deal with the one item as presented.

During discussion the following points were noted:

- It was considered that dry ditches were beneficial to wildlife and could be very important from an ecology perspective which meant the ditch did add value contrary to the County Council's Ecology's view
- Members questioned changing the status quo and if there was no benefit to anyone in changing the current position then there was no reason to remove the ditch
- It was felt there was an ecological sense of place to retain the ditch in the same way as hedgerows were retained

Councillor Steadman proposed that the application be refused to protect the wildlife corridor and due to being in conflict with Neighbourhood Plan policies ENV3 and ENV4 and Local Plan policy EN2. Councillor Pritchett seconded the motion.

RESOLVED

That the application be REFUSED, contrary to the Officer recommendation, because the removal of the ditch would fail to protect and enhance the wildlife corridor of which it forms part and would be contrary to Policies ENV3 and ENV4 of the Broughton and Old Dalby Parish Neighbourhood Plan 2017-2036 and Policy EN2 of the Adopted Melton Local Plan 2011-2036.

	(Unanimous)
PL59	Urgent Business There was no urgent business.

The meeting closed at: 7.25 pm

Chair

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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21/01035/FUL Field End, 10 The Green, Stathern - Demolition of existing barn and 2 existing dwellings and their replacement with 3 new dwellings

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):	8 September 2021
Exempt Information:	No

1 Summary



- 1.1 This application seeks full planning permission for the demolition of the existing metal clad barn and the 2no. existing dwellings located off The Green Stathern and their replacement with 3no. new dwellings. The proposed two storey dwelling would be a 3 bed property and the two single storey properties are shown as 2 bed properties, although both have studies shown as one of the rooms.
- 1.2 The application site comprises approximately 1,730 square metres and sits on the location of the existing barn and dwelling with existing dwellings adjoining the site to the south, south west and north west. Open countryside lies to the east and levels rise from The Green up through the site to the east.
- 1.3 The application site lies partly within the Conservation Area of Stathern and the surrounding built form comprises a varied mix of property types, ages and designs with a recently completed development sited to the north west.
- 1.4 Access would be off The Green, existing hedgerow retained and a new hedgerow proposed surrounding the development.
- 1.5 There is a relevant planning history on the site. The original application comprised a development of 9 dwellings which extended significantly into the wider site beyond the existing built form. This previous application was refused and upheld at appeal (planning application 19/00741/FUL).
- 1.6 More recently, two planning applications were submitted concurrently for a reduced development of 2 and 3 dwellings respectively. Both applications covered a greater portion of the site than (planning applications 21/00037/FUL & 21/00038/FUL). The application for 2 dwellings was refused due to the cramped nature of the development and the siting, scale and overall design of the development. The application for 3 dwellings was also refused due to the development being urban in nature, not sympathetic to the site surroundings and was considered to fail to successfully integrate into the edge of the village.
- 1.7 This application proposes a reduced development of 3 dwellings on a site which is predominantly within the context of the existing buildings and built form on the site. One dwelling would be located on the position of the existing barn and two would be located in a similar position as the existing dwellings.

RECOMMENDATION(S)

1. it is recommended that the Planning application is approved subject to the conditions set out in Appendix C.
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2 Reason for Recommendations

- 2.1 The proposal would represent a sustainable form of small scale residential development that would be considered acceptable under the provisions of Policies SS1 and SS2 of the Melton Local Plan.
- 2.2 The proposal would result in a form of development that would be sympathetic to the character of the locality and conservation area by virtue of its appearance, design, layout and scale and would not compromise residential amenity or be prejudicial to highway safety. The development would also raise no significant, adverse impact on ecology or archaeology grounds that would warrant refusal. For these reasons, the proposal overall when considering the Development Plan and other material considerations is considered to comply with the relevant policies of the Melton Local Plan, and the National Planning

Policy Framework, and no harm is considered to arise following the giving of special attention to avoiding harm to heritage assets required by s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is considered that the degree of conflict with the emerging Stathern Neighbourhood Plan is insufficient grounds to outweigh the position in respect of the Development plan and the other material considerations that weigh in favour of the application. .

3 Key Factors

3.1 Reason for Committee Determination

- 3.1.1 This application is required to be presented to the Committee due to receiving more than 10 letters of objection contrary to the recommendation.
- 3.1.2 One of the Ward Members has also requested that the application be determined by Planning Committee which has been accepted by the Chair.

3.2 Relevant Policies

- 3.2.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.
- 3.2.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.
- 3.2.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 3.2.4 There is no 'made' Neighbourhood Plan for the area. The draft Stathern Neighbourhood Plan is currently subject to Examination, with Referendum to follow and therefore weight can be attributed to this in the determination of this application. This is addressed in greater detail below.
- 3.2.5 Please see appendix E for a list of all applicable policies.

3.3 Main Issues

- 3.4 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

4 Report Detail

4.1 Position under the Development Plan Policies

- 4.1.1 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

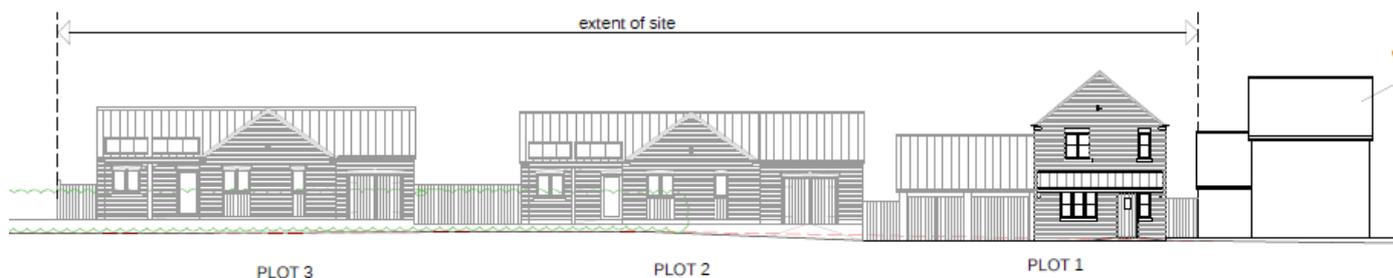
reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and sets out the strategy of delivering housing across Melton Borough through identifying the most suitable locations for new housing within a settlement hierarchy, devised from sustainability 'credentials'.

- 4.1.2 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 .
- 4.1.3 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
- 4.1.4 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. The Neighbourhood Plan policies are therefore considered to be a material consideration that attracts moderate weight under the above guidance.
- 4.2 **Principle of Development**
- 4.2.1 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
- 4.2.2 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'.
- 4.2.3 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.
- 4.2.4 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.
- 4.2.5 Neither the NPPF nor Local Plan 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'.
- 4.2.6 This development would result in the erection of 3 dwellings (net 1 additional following the demolition of two existing on the site) and is sited on the edge of a Service Centre.

- 4.2.7 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.
- 4.2.8 The emerging Stathern Neighbourhood Plan proposed a defined Limits to Development and associated policy which restricts development outside its delineation. This site is predominantly within the limits to development, save for a small proportion of the rear garden of each plot and the very northern edge of plot 3 being outside. Therefore the proposal would not wholly satisfy this policy (Policy H1) and as such this is a consideration that needs to be weighed when assessing the proposal.
- 4.2.9 Similarly the proposal is considered to relate to or be contiguous with Tofts Hill which is located to the east. 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 this is a consideration that needs to be weighed when assessing the proposal.

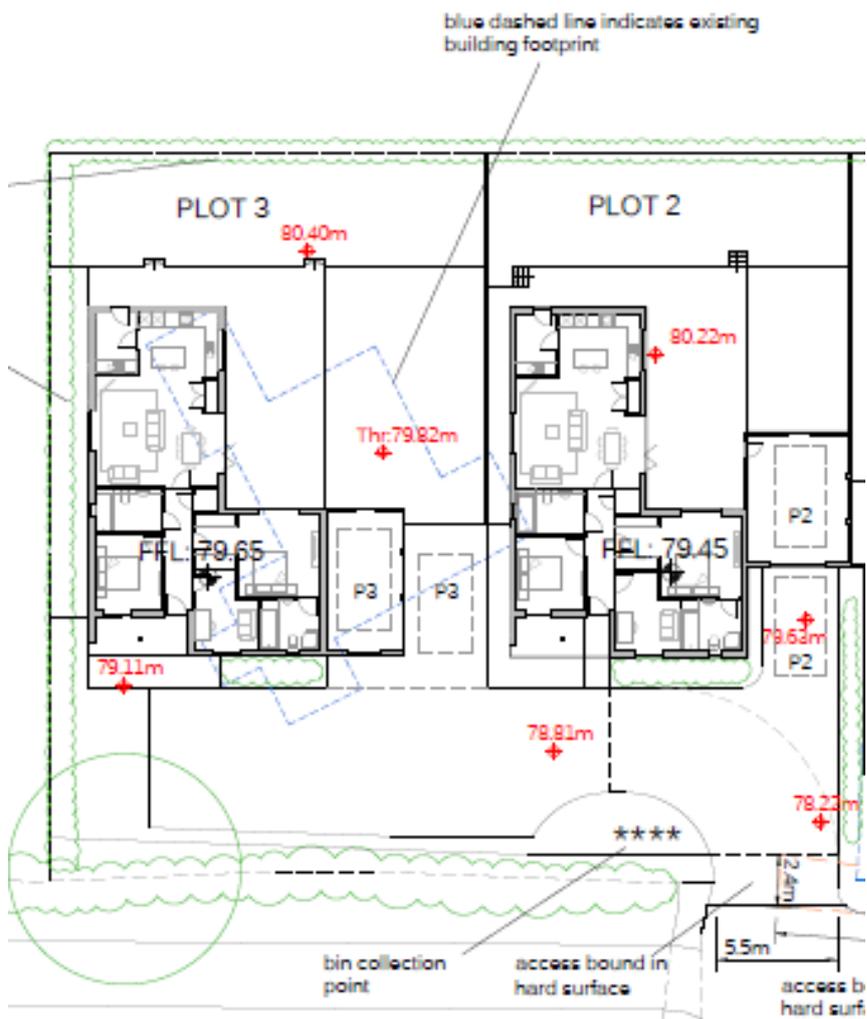
4.3 Impact upon the character of the area

- 4.3.1 The land currently comprises two semi detached dwellings and a redundant agricultural barn. The application site is neither public open space nor is it identified as an important green space and the agricultural land is not of high quality status. However as referred to above, the site could be considered to be contiguous with Tofts Hill which is located to the east of which emerging Neighbourhood Plan policy CFA4 specifically relates to.
- 4.3.2 In essence, it is proposed to replace the agricultural barn with one detached two storey dwelling and replace the existing two storey semi-detached dwellings with two single storey detached bungalows. The existing agricultural barn is both unsightly and prominent owing to its materials, position and condition, and its removal could be considered as an enhancement within the context of the surrounding area and Conservation Area within which this part of the site sits.
- 4.3.3 The proposed two storey dwelling would be sited level with and provide a continuation of the existing frontage along The Green and be of a design that responds to and considers the local vernacular of the surrounding properties. Thus it is considered that the development of one dwelling as proposed in the location of the existing barn is considered to overcome the previous reason for refusal for two cramped dwellings (reference 21/00037/FUL). The dwelling would be of a brick built design with specific design detailing to mirror that of surrounding properties. Overall it is considered that plot 1 would sit comfortably within the streetscene without appearing cramped or incongruous by virtue of its siting and continuation of the existing built form along The Green. The proposed street scene is provided here.



- 4.3.4 With respect to plots 2 and 3, these are proposed as single storey detached properties set slightly back into the site however due to the rising land levels would have a finished floor level slightly higher than the proposed plot 1. Notwithstanding this, the proposed plots 2

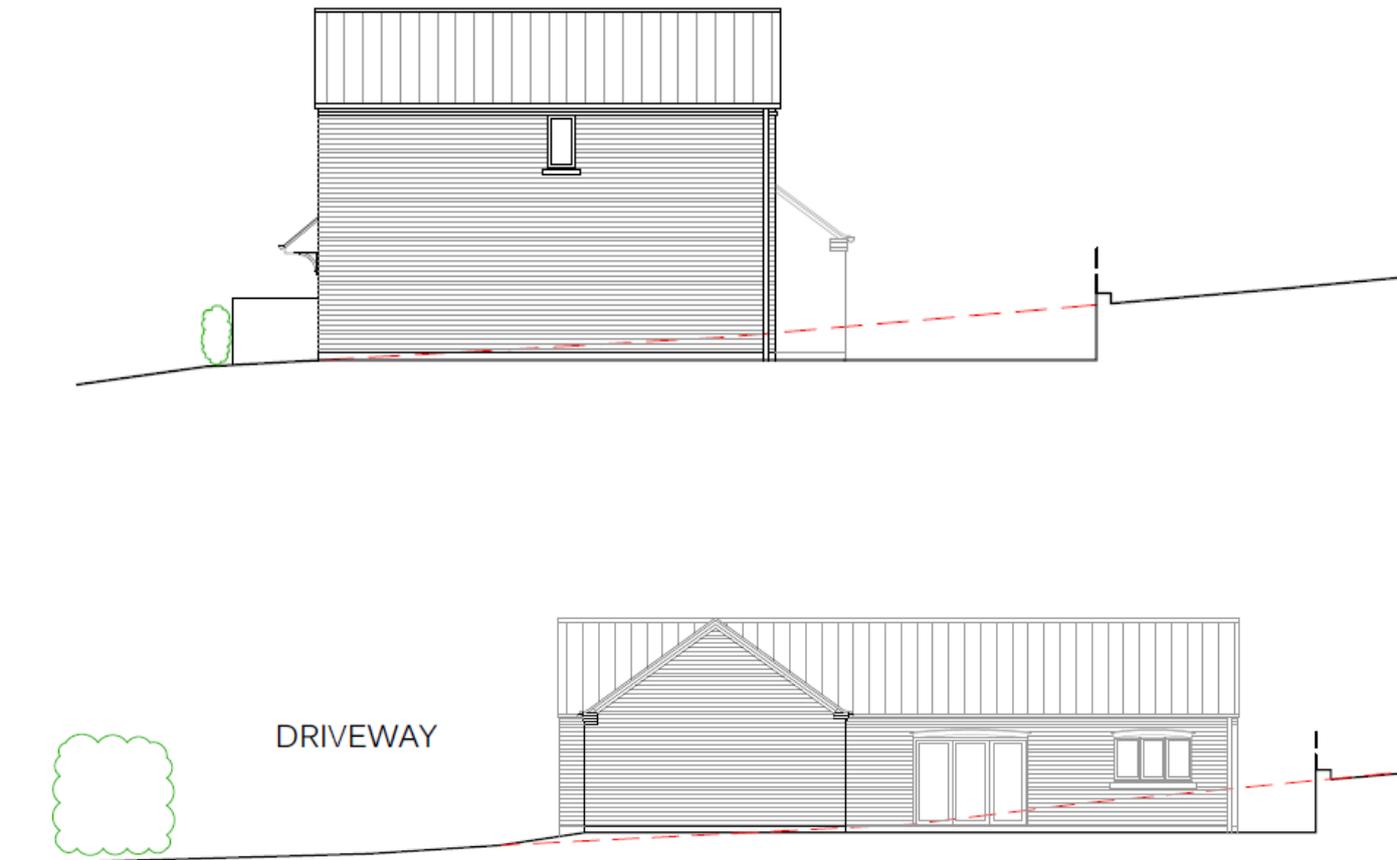
and 3 would be sited predominantly on the footprint of the existing two dwellings which are proposed to be replaced by virtue of this application. The plan below shows the existing footprint dashed onto to the proposed site plan.



- 4.3.5 As can be viewed on the above plan, the proposed dwellings would not project significantly further out (eastwards) than the existing dwelling on the site. Therefore whilst the proposal would bring a degree of formality to the site which is currently a haphazard collection of buildings, given the siting and scale of the proposal, it is not considered that the proposal would not result in harm to the character of the village, loss of any key feature or adversely affect 'gateway' views or long distance views.
- 4.3.6 In addition to this, the design of plots 2 and 3 are proposed to be of a rural nature, responding to the edge of village site with the introduction of timber boarding for example under the windows.
- 4.3.7 Further to this, similar to the existing barn which is to be removed, the existing pair of dwellings are currently in a poor condition with limited architectural detailing or any special vernacular. The removal of the dwellings could therefore be considered as an enhancement of the site and the Conservation Area with the replacement dwellings being of a much more suitable design and characteristic form of development for this edge of village site. Also the two replacement dwellings would be of a smaller scale and therefore potentially less dominant within the surrounding landscape than the existing nature of the site.

- 4.3.8 Important view 10 within Policy CFA4 of the emerging Neighbourhood Plan expands across the rear of the development site however it would be considered that the development, due to its siting and limited projection out into the wider field, would only be viewed in the context of the surrounding built form and would not appear unduly prominent within the wider landscape.
- 4.3.9 When viewing the development from The Green, eastwards towards the application site and Tofts Hill in the distance behind, currently open views are had on this rural, edge of village site. Whilst the introduction of the development would alter this character, views would still be evident through the development to the open countryside and Tofts Hill to the rear given the siting and scale of the development.
- 4.3.10 Overall, the development is considered to be of an appropriate scale and density to create a more 'porous' landscape edge and is considered to be well-integrated into the existing built form when considering the existing nature of the site. To ensure that development respects this landscape setting, a condition can be applied to any permission granted removing permitted development rights for roof extensions / alterations to the two bungalows proposed.
- 4.3.11 In addition, a new hedgerow is proposed surrounding the development where the proposal abuts the open countryside and in addition to the retention of the existing hedgerow is considered to suitably assimilate the development into the surrounding landscape.
- 4.3.12 The applicant has submitted a Landscape Visual Impact Assessment (LVIA) in support of the proposal. With particular to the experience of the landscape when travelling along The Green/ Birds Lane the submitted LVIA states the following:
- Views of the proposals for vehicular users of The Green are mostly prevented by the combined effects of built form and vegetation along rising landform between the site and the road corridor.
 - There will be full views towards the new properties replacing the existing houses and barns. proposed secondary access road into the site and the side elevations of Plots 1, 2 and to a lesser extent Plot 3, experienced by vehicular users travelling east along Birds Lane.
 - Views will be filtered along the road corridor and seen beyond construction fencing associated with the adjacent development currently under construction, as well as visible beyond existing and proposed boundary vegetation along the site's western boundary.
 - Views towards the existing detached dwellings within the site, and farm buildings located along the site's western boundary as well as the derelict farm barns located adjacent to the site's eastern boundary, will be replaced by close to medium range views towards the proposed private drives and new houses.
 - Whilst the appearance will be different, with good quality detailed design, visual effects would be broadly neutral
- 4.3.13 The assessment concludes that the visual effects of the proposed development would be broadly neutral. Expanding on this further, it is considered that the built form of plot 3 does not extend any further northwards than the adjacent residential development and plots 2 and 3 are lower than the existing properties which allow for potential glimpsed views over the roofline and between the dwellings through to the rising Tofts Hill to the east.

- 4.3.14 It is acknowledged that the introduction of the proposed new dwellings will therefore, change and restrict the view across the Site to some extent; however, this is not considered to result in significant harm for the reasons considered above. As such, it is considered that the proposal would accord with Policies EN1 and EN6 of the Melton Local Plan and the consequential landscape effects as a result of proposed development would not result in any unacceptable harm to landscape character.
- 4.3.15 It is also proposed to dig in the dwellings to the rising landscape to reduce the perceived visual impact of the proposal and full levels and landscaping of the site would be considered further via the submission of details at condition.



section through plot 2
scale 1:150

- 4.3.16 A tree survey has also been submitted in support of the planning application which highlights two existing ash trees within the field hedgerow and existing boundary field hedges to the site which are not considered to be adversely impacted by the proposal.
- 4.3.17 The nearest listed building is located on Church Lane approximately 60 metres to the south - Grade II listed pair of houses - Bassingdean (Number 3) And Adjoining House To North (Number 1, Church Corner)

- 4.3.18 Inter-divisibility between the application site and the listed building is weak, given the separation distances, drop in land levels and high level of screening and trees. Views of the listed building and the further afield listed Church of St Guthlac would still be available and not adversely impacted from the relevant viewpoints.
- 4.3.19 Again for the reasons considered above, it is considered that the development would have a neutral impact upon the conservation area and the nearby listed buildings given the nature, scale and design of the development and the separation distances to the listed buildings. In addition, minor benefits are had by the removal of the redundant agricultural barn and the existing semi-detached dwellings. The proposal is therefore considered to accord with Policy EN13 and satisfies the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.3.20 Overall it is considered that the proposal on the edge of the village would be acceptable and not have a detrimental impact upon the character of the area and therefore would comply with the relevant policies of the Melton Local Plan.

4.4 **Impact upon residential amenities**

- 4.4.1 There are neighbours that border the site to the south and north west. Due to the siting of plot 1 level with side of the adjacent property on The Green (no. 6), it is not considered that the development would result in adverse overbearing, loss of light or overlooking impacts upon the occupier of this adjacent property or the further afield properties along Tofts Hill to the south east.
- 4.4.2 Again, due to the distance and single storey and separation distances, no significant concerns are raised with respect to plots 2 and 3 with regards to the residential amenity of the adjacent properties to the north west.
- 4.4.3 Overall, 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 .

4.5 **Highway Safety**

- 4.5.1 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.
- 4.5.2 Access to the site for the occupiers of plot 1 would be via a new access proposed directly off The Green. Access for the occupiers for plots 2 and 3 would be via separate access which is currently the existing access point for the existing dwellings. Although there are a number of accesses at this point, with a tight bend in the road and vehicles parked on street, it is not considered that the proposal would result in severe highway safety impacts. Both access points are considered acceptable in width and with appropriate visibility for the nature of the road. LCC Highways originally raised concerns with the proposal but additional information and detail have been provided by the applicant and a Highways Authority response is currently awaited.
- 4.5.3 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.
- 4.5.4 As such, subject to conditions the proposal would be acceptable in highway safety terms and would comply with the policies D1 and IN2.

4.6 **Ecology**

- 4.6.1 The application has been supported by an ecological appraisal and bat survey (FPCR, March & June 2019) which LCC Ecology have confirmed are satisfactory (noting the concerns raised by the Parish Council). The survey included a roost assessment of the dwelling and agricultural shed to be demolished, and recorded the dwelling as of low bat potential and the shed of negligible potential. An emergence survey was carried out on the dwelling and recorded no bats using the building for roosting. The ecological appraisal also assessed the existing onsite grassland as species-poor.
- 4.6.2 As such, LCC Ecology have confirmed that no further survey work is required and they have no objections to the application subject to the imposition of bat boxes in suitable positions on the dwellings.
- 4.6.3 Overall, it is not considered that the application would have an adverse impact upon ecological matters.

4.7 **Archaeology**

- 4.7.1 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.
- 4.7.2 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
- 4.7.3 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.

4.8 **Flood Risk/Drainage**

- 4.8.1 A drainage strategy has been submitted in support of the application which is considered acceptable. Foul drainage is proposed to connect into the public foul water sewer and surface water drainage is proposed to connect into the public surface water sewer, both of which would require a formal sewer connection approval (separate process not included as part of this application).
- 4.8.2 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, the proposal complies with policy EN11 and EN12 of the Local Plan.

4.9 **Other issues**

- 4.9.1 Concerns have been raised regarding the accuracy of the plans and documents and supporting information which relate to the wider site and specifically the previously proposed development of 9 dwellings and as such are not relevant or out of date to be considered.
- 4.9.2 Whilst a number of the supporting documents do refer to the wider site, no concerns are raised from technical consultees on the supporting information and the submitted information does satisfactorily cover the application site and proposal accordingly.
- 4.9.3 Comments have been received regarding the setting of a precedent, potential for further development/ expansion of the application proposal. Each application is considered on its

own merits and will be determined against the national and local plans which are in place at the time of determination, including any further application or proposals.

5 Consultation & Feedback

5.1 A site notice and press notice was posted and neighbouring properties consulted. As a result, 27 letters of objection, and 1 letter of support have been received

6 Financial Implications

6.1 None identified.

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

7.1 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.

7.2 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.

7.3 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)

8 Background Papers

8.1 19/00741/FUL - Demolition of 2 existing dwellings and a barn, and their replacement with 9 new dwellings and associated private access driveways - Field OS 4011, Tofts Hill, Stathern

8.2 21/00037/FUL - Residential development comprising 2 no. dwellings, following demolition of existing barn in Conservation Area. - Land And Buildings South Of No 10, The Green, Stathern

8.3 21/00038/FUL - Erection of 3 no. bungalows (including 2 no. replacement dwellings) - Field OS 4011, Tofts Hill, Stathern

9 Appendices

9.1 Appendix A: Summary of Statutory Consultation Responses

9.2 Appendix B: Summary of Representation Received

9.3 Appendix C: Recommended Planning Conditions

9.4 Appendix D: Informative

9.5 Appendix E: List of Applicable Development Plan Policies

9.6 Appendix F: Site Photographs

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Chief Officer Responsible:	Jim Worley , Assistant Director for Planning and Delivery
Chief Officer Contact Details:	01664 502359

Appendix A : Consultation replies summary

Parish Council:

Stathern Parish Council objects strongly to this application which is flawed in several ways. Although it claims to concur with pre application advice in practice it only concurs with a self serving interpretation of that advice. The proposed site boundary does significantly extend beyond the proposed Limit to Development in the Stathern Neighbourhood Plan which now carries significant weight. This is over both Eastern and Northern limits set in that LTD. Much is made of Woodview Paddock in some way defining boundaries. It was not 'recently' approved but actually approved in 2016 when no Local Plan existed and previous safeguards of village envelopes had been abandoned. It does not define the northern boundary of the built environment but rather, in this context, the Eastern boundary. Whilst an exception has been made for the footprint of the current dwellings with a reasonable curtilage, both the Melton Plan and Neighbourhood Plan actively discourage building any further up the hill. This has been supported by no less than four Inspectors reports (two for this site and two for site above) Even with the extra land grab proposed this layout represents overdevelopment of the site which contains a barn and one extended bungalow divided into two dwellings. The foot print here far exceeds that of the current layout. Two small semi-detached bungalows are replaced by two large detached bungalows. The current building is in one corner of the site and the replacements cover the whole width of the site making them much more visible. The notion that they are 'contained within the built form' is not supportable. The site was originally in open countryside. There is insufficient parking provided with only one space per two bedroom bungalow and two for the 3 bed house. This conflicts with the new Design Guidance currently being brought forward. It would be inappropriate to allow this at this point, especially as in this case there is no space for on street parking at all. Access via narrow streets with no footpath has already been raised as an issue with damage to verges as large vehicles attempt the tight corners (often bin lorries) We note that it is expected that bins will be put out onto that narrow space each bin day. This is unacceptable and a space on the boundary of the property should be provided for the safe collection of bins. In our view this application still fails on Policies EN1 and EN6. This property is visible in one of the identified Important Views (10d) within the NHP. Any redevelopment should be no more intrusive of that view than the current. There is not room for three detached dwellings on this site. The height of the proposed dwellings is also important as it appears to restrict light onto properties opposite and may constitute a loss of privacy due the topography of the land. Continued visibility of the hillside and woods above is essential to any acceptable development/

In addition, as has already been noted, the reports (especially drainage report and strategy) are not appropriate to this development. All three dwellings cut into the hillside to some degree and the effects on water flow are not assessed or mitigated. The proposed possible link to street drainage is not correct as this is the subject of ongoing work by ST to rectify and may not be able to take any further flows. Finally it is important to bear in mind that this developer will always come back for more, whatever the initial proposal, and will not adhere to any conditions which may be put on a permission.

Ward Members:

No comments received.

LCC Highways:

To be reported at Planning Committee.

LCC Ecology:

No objection subject to conditions.

Lead Local Flood Authority:

Refer to standing advice.

LCC Archaeology:

No objection subject to conditions.

Severn Trent Water:

No objection.

MBC Conservation:

No comments received.

LCC Forestry:

No objection.

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

27 letters of objections have been received from local residents on the following grounds:

- Parking problem in the vicinity.
- Narrow road unsuitable for further development.
- Development dominates the landscape.
- Drainage/flooding problems.
- Further new builds not required.
- Taller than existing dwellings or surrounding houses.
- Does not overcome the previous reasons for refusal or previous appeal decision.
- Dwelling would impact the view of Stathern Hill from the Conservation Area.
- Overdevelopment of the site.
- Not contained within the built form.
- Unsuitable collection point for bins.
- Link to street drainage not suitable.
- Impact upon the setting of the conservation area and environment of Tofts Hill.
- Development not within the village plan.
- Open up precedent for more residential development on the site.
- Loss of privacy.
- Dominate the streetscene.
- Pedestrian safety.
- Ecological impacts.
- Pollution from building/construction.
- Limited safe access for construction traffic.

1 letter of support has been received from local residents on the following grounds:

- New properties would look far better than existing.

Appendix C: Recommended Conditions and Reasons:

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

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

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

PL-300 Site Location Plan

PL-302 Plot 1 Plans and Elevations

received by the Local Planning Authority on 03 September 2021

PL-301B Proposed Site Plan and Elevations

received by the Local Planning Authority on 02 November 2021

PL-303A Plot 2 Plans and Elevations

PL-304A Plot 3 Plans and Elevations

received by the Local Planning Authority on 29 November 2021

Reason: To ensure a satisfactory form of development in accordance with Policies SS1, SS2, EN1, EN6 and D1 of the Melton Local Plan.

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 gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary and must be hung 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 Policies SS1, SS2, IN2 and D1 of the Melton Local Plan and Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

4. The development hereby permitted shall not be occupied until such time as the access arrangements and parking and turning facilities as shown on approved drawing PL-301B have been implemented in full and retained in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner and 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, in the interests of general highway safety in accordance with Policies SS1, SS2, IN2 and D1 of the Melton Local Plan and Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

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

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

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

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies SS1, SS2, EN1, EN6 and D1 of the Melton Local Plan.

7. No development shall commence until details of the treatment of the window/door heads/cills (in the form of scale drawings and material samples/specifications) shall be submitted to and agreed in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies SS1, SS2, EN1, EN6 and D1 of the Melton Local Plan.

8. No development shall commence until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority.

The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance Policies SS1, SS2, EN1, EN6 and D1 of the Melton Local Plan.

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

Reason: To ensure that any changes do not adversely alter the overall character of the surrounding area in accordance with Policies SS1, SS2, EN1, EN6 and D1 of the Melton Local Plan.

10. No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policy EN13 of the Melton Local Plan.

Appendix D : Informatives

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
2. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
3. The applicant should be advised to contact Leicestershire County Council's Network Management Team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk
4. The applicant's attention should be drawn to the recommendations in the ecological appraisal (FPCR, March 2019).
5. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
6. The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
7. The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

Appendix E : Applicable Development Plan Policies

Melton Local Plan:

- Policy SS1 Presumption in Favour of Sustainable Development
- Policy SS2 Development Strategy
- Policy C9 Healthier Communities
- 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:

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

Other

- National Planning Policy Framework (2021)
- Design of Development SPD

Appendix F : Site Photographs









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Helping people | Shaping places



Planning Committee

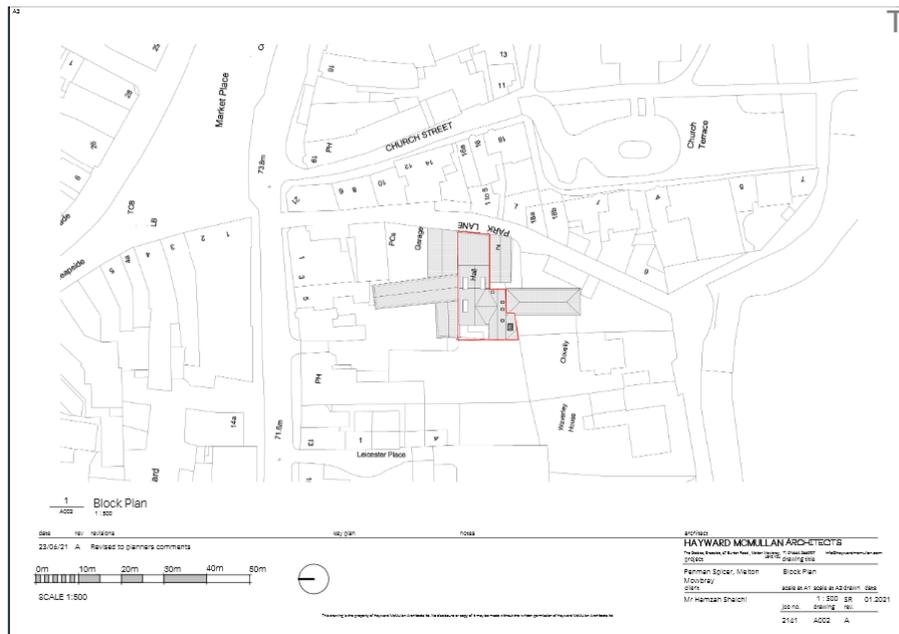
6 January 2022

Report of: Assistant Director for Planning and Delivery

21/00056/FUL – Conversion of existing Penman Spicer Community Hall to provide x5 studio 1 bed and 2 bedroom apartments and associated alterations and extensions at Penman Spicer Community Hall, Park Lane, Melton Mowbray, LE13 0PT

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Rob Bindloss
Date of consultation with Ward Member(s):	14 January 2021
Exempt Information:	No

1 Summary



- 1.1 The application site lies west of Park Lane, within the defined town centre but on the boundary. It comprises a brick building that immediately abuts the highway. There are buildings to all sides in a mix of uses.
- 1.2 The proposal comprises the conversion of the community hall to provide x5 1 and 2 bed apartments. The complex would include adding an additional storey on the front central portion of the building with the roof raised over the existing store to create additional first floor space. Revised plans have been received amending the internal layout and reducing the number of units from 6 to 5.

RECOMMENDATION(S)

1. It is recommended that the Planning application is APPROVED subject to conditions

2 Reason for Recommendations

- 2.1 The principle of development is acceptable, and the proposal is acceptable in terms of visual and residential amenity and highway safety and complies with local and national policies.

3 Key Factors

3.1 Reason for Committee Determination

- 3.1.1 This application is required to be presented to the Committee due to receiving more than 10 letters of objection contrary to the recommendation.

3.2 Relevant Policies

- 3.2.1 The Melton Local Plan 2011-2036 was adopted by Full Council on October 10, 2018. It sets out the Council's policies for the use and development of land across the whole of the Borough. The Local Plan is the main part of the development plan for the Borough and will be given full weight by the Council in making decisions on planning applications. Neighbourhood Plans are also part of the development plan, where they have been 'made'.

- 3.2.2 There is no neighbourhood plan for Melton Mowbray.

- 3.2.3 Section 66 and Section 72 Planning (Listed Building and Conservation Areas) Act 1990 are applicable, owing to the location within the Conservation Area and nearby heritage assets.

3.3 Main Issues

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

- Principle of development
- Impact on the character of the area, including the Conservation Area
- Residential amenity
- Highway Safety
- Flood Risk

4 Report Detail

4.1 Principle of Development

4.1.1 The building is a current community facility although the Agent advises that the use of the hall has decreased over the last few years. In support of the change of use, the Agent stated that in the wider area there is a mix of commercial and residential properties and whilst the site is currently a community facility there are several other community facilities in the central Melton area providing similar or superior facilities and services to the local community. These include the Community Centre in Springfield Street, the Cove Children's & Community Centre and Melton Space. Penman Spicer has a history of hosting exercise classes; however, the Agent points out that the town also hosts Waterfield Leisure Centre and several gyms of various sizes. They conclude that considering the wealth of facilities in the vicinity the loss of Penman Spicer Community Hall will have little impact on the local community.

4.1.2 There is no specific policy relating to the loss of a community facility within the town: Policy C7 relates to the loss of community facilities in rural areas.

4.1.3 However loss of facilities is a material consideration in its own right and subject to guidance under the NPPF. =

In this case, a statement has been provided to set out the decrease in the use of the facility for community purposes and the alternative provision of several other sports/fitness buildings within walking distance of the site. Given the other options within the town centre it is not considered likely that an alternative type of community provision would be needed and there are several empty business premises within the locality.

4.1.4 As such, in terms of the loss of the community facility, no objection is raised.

4.1.5 The proposal would result in the creation of residential accommodation. This is not listed within the above policy as a town centre use. However, the site occupies a location within but on the edge of the town centre where there are mixed uses including residential. Use of upper floors for residential in this location is supported by the Local Plan. Therefore, only the ground floor use is potentially an issue. Given the relatively small footprint of the ground floor, the mixed-use nature of the locality and empty units within the town centre, it is not considered the proposal could reasonably be resisted in terms of the town centre.

4.2 **Impact upon the character of the area**

4.2.1 The proposals include alterations and extensions to the building. The front elevation would remain largely unchanged with the majority of changes to the side/rear. To the rear the elevation would be tidied up with a second subservient gable introduced and the roof of the main element of the building enlarged to provide accommodation.

4.2.2 The building is visible from the public realm although the narrowness of the highway to the front restricts longer distance views. From the rear, the elevation is not unduly prominent from the public realm, being visible from adjacent land including car parks.

4.2.3 The building is attached to both sides and therefore the building and the impact of the proposed extensions would be visually limited. The size, scale and design of the proposals are considered acceptable on visual grounds.

4.2.4 The site is within the Melton Mowbray Conservation Area. S66 of the planning (Conservation and Listed Buildings) Act 1990 requires special attention is paid to the desirability of conserving and enhancing the character and appearance of the Area.

4.2.5 The proposed conversion and extension would have a limited visual impact to the façade of the building with the majority of the alterations and additions to towards the rear of the

building. The rear elevation would be altered but this elevation is not easily open to public view and the proposals would preserve the character and appearance of the building and therefore its wider contribution to the Conservation Area.

4.2.6 There are listed buildings to the north, east and south of the building. The majority of these are separated by other buildings and their settings would not be affected. The workshop to the rear of 18 Church Street is offset to the south-east and would not be affected as the changes to the front elevation of the host building are limited.

4.2.7 The proposals are sympathetic to the existing building, conservation area and to the setting of the listed buildings. As such, the proposal satisfies the statutory test and complies with Policies D1 and EN13.

4.3 **Impact upon residential amenities**

4.3.1 The site occupies a town centre location within but on the edge of the town centre where there is a mix of uses including commercial and residential. The proposed conversion would not lead to any overlooking or loss of privacy given the relationship between the proposed accommodation and the neighbouring properties. The extensions and alterations would mainly be to the rear/roof and given the nature of the proposals and the separation distances there would be no overbearing impact, undue loss of daylight/sunlight or overlooking and loss of privacy.

4.3.2 The amenity of future occupants has been assessed. The Environmental Health Officer raised concerns in relation to the proposed layout of the accommodation and flagged up potential noise and disturbance issues for occupants. This was based on internally generated noise and poor acoustic building performance with the scheme having two components – internal layout to avoid noise exposure by removing or separating noise sources from noise sensitive rooms and a control element to isolate noise sources and absorb noise.

4.3.3 The Environmental Health Officer noted the risk of poor acoustic performance due to (a) an existing structure not designed to modern building standards, (b) common and adjoining building elements (c) subsequent poor acoustic design and workmanship and (d) service and electrical penetrations is significant.

4.3.4 No information is available pertaining to the construction between floors. Common joists or joists that sit in the party wall are an obvious conduit of noise transmission. Flanking noise under the ground floor void and over the 1st floor ceiling are also common, particularly as the party wall in these areas is often incomplete or substantially holed. No information is available concerning existing services and utilities; what services and utilities are to be retained or how holed masonry will be reinstated. Noise transmission along pipework or via penetrations is common. It is important for structural elements to be isolated (or disconnected) and of sufficient mass to ensure noise absorption.

4.3.5 The layout has been amended to try and address these issues and the Environmental Health Officer has recommended the following condition: No development shall take place until a scheme for the insulation of the building in respect of noise and vibration so as to provide insulation against internally generated noise has been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall detail the internal layout of the building in respect of good acoustic design. Consideration needs to be given to adjacencies, both horizontal and vertical. In particular, how noise will be controlled from: external and communal doors, stairwells, corridors, connecting pipework etc. The

approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained throughout its occupation.

4.3.6 It is considered that this will ensure the satisfactory future amenity of residents and therefore the proposal complies with Policy D1.

4.4 **Highway Safety**

4.5 The site occupies a town centre location, and the building currently has no dedicated parking. The extant community use could potentially generate a larger number of traffic/visitors than the proposed residential use. Notwithstanding this, the town centre location ensures there is ease of access to buses and the train station with all facilities also being within walking distance. As such, overall, the proposal is considered to be acceptable on highway safety grounds and complies with the above policy.

4.6 **Flood Risk/Drainage**

4.6.1 The site is located within Flood Zone 2 being at moderate risk of fluvial flooding and it is also at low risk of surface water flooding. The proposal is deemed a minor application and makes no changes to the curtilage or impermeable area of the site. As such, it is unlikely to have a significant impact on surface water drainage.

4.6.2 The submitted flood risk assessment states the proposed development is categorised as 'more vulnerable'. The site is located in close proximity to the River Eye with the risk of fluvial flooding and according to the information available from the SFRA and the Environment Agency there were no records of flooding events at the site. The Environment Agency's Flood Maps show that the site lies within the Flood Zone 2 (medium probability flooding) with the risk of flooding to the site 'low'. The flood maps also show that site is located in an area benefiting from the flood defences. The report concludes that the overall risk of surface water flooding to the site is 'low' and the flood risk from other sources including underground water, sewer and reservoir is low.

4.6.3 The report states in order to minimise the damage and to enable quick recovery and clean up after any flooding event, it is proposed that flood resilient measures will be implemented. As the site is located within a flood zone area, it will be necessary to make sure that the occupants are fully aware of the flood risk and flood warning and evacuation during an extreme event. If necessary, during a flood event the first floor and upper floors will provide a safe haven for the occupants.

4.6.4 The proposed development will not lead to any increase in the surface runoff from the site. The development will not give rise to backwater affects or divert water towards other properties.

4.6.5 The report demonstrates that the proposal would be safe, in terms of flood risk, for its design life and would not increase the flood risk elsewhere. The suggested mitigation, which includes the finished floor level being maintained, flood resilience measures for services set above ground level and making occupants aware of the flood warning service.

4.6.6 Overall, it is considered the proposal is acceptable in terms of flood risk and drainage.

5 **Consultation & Feedback**

5.1 The applicant undertook a pre planning application submission prior to submitting a formal application.

- 5.2 A site notice has been posted at the site, a press notice was also posted, and neighbouring properties consulted.
- 5.3 During the course of the application, a number of amended plans and revised documents received with subsequent re-consultation being undertaken.
- 5.4 Overall, following the initial and revised consultations, 13 letters of objection were received and 1 letter of support was received.

6 Financial Implications

6.1 None

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

7.1 None

Legal Implications reviewed by: Tom Pickwell (Solicitor)

8 Background Papers

8.1 None

9 Appendices

- 9.1 Appendix A: Summary of Statutory Consultation Responses
- 9.2 Appendix B: Summary of Representation Received
- 9.3 Appendix C: Recommended Planning Conditions
- 9.4 Appendix D: Development Plan policies
- 9.5 Appendix E: Site Photographs

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Appendix A: Consultation replies summary

LLFA: Refer to Standing Advice

LCC Archaeology: Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest of any known or potential heritage assets.

MBC Environmental Health: Concerns have been raised with regards to noise transmission between apartments. The EH have requested a condition to be attached to any forthcoming permission to control noise.

Appendix B: Summary of representations received

Neighbours:

13 letters of objections have been received on the following grounds:

- Street access is by a blind turn into Leicester Street, creating high risk for pedestrians but also vehicles crossing into/out of Park Lane as there is no space to pass. Questions how parking would be enforced, how deliveries would take place, there are already issues with visitors parking in Fox Yard. The proposed rear elevation shows two doors giving access to the car park serving neighbouring properties, thus giving pedestrian access through the car park. Road safety is a concern as it's a narrow lane with several buildings protruding into the roadway and a bend halfway down which limits visibility. There is regular damage suffered to the adjacent property from delivery vehicles using the lane.
- There is no intercommunicating access from/to the rear of four of the properties for the proposed waste storage bin area adjacent to Fox Yard.
- The site is integral in the historical area of Eyegate and surrounded by a number of Listed Buildings e.g., St Mary's Parish Church and The Fox Inn. The considerable enlarging of the building which is proposed would change the general appearance of the area and restrict light on the public lane to the park.
- The proposal includes heightening the roof and installing windows which will cause the reduction of light generally and would be overlooking the neighbouring properties.
- The development is too large for the site and would create over density of population.
- The proposal would be out of character with the area which is predominately used as office and business space.
- There is planning permission for six new almshouses in the yard also, intended as a quiet resort for elderly people. This permitted development has commenced.
- Many of the residents of Fox Yard have been proposing a private seating area at the south, far end, of the car park. This is still ongoing. This would be extensively overlooked

by the rear elevation plan of the windows in the proposed building. This is not acceptable.

- The impact of adjacent land uses could impact on the amenity of future occupants.
- Questions bin storage.

Support:

- Welcome some proposed affordable housing.

Appendix C: Recommended Conditions and Reasons:

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following plans:

- PA 101C Proposed Elevations received 10.10.21
- PA 103D Proposed Floor Plans received 26.11.21
- A002A Block Plan received 13.07.21
- A001 Location Plan received 22.01.21

Reason: For the avoidance of doubt.

3. Prior to the commencement of development, details of all external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details prior to the first occupation of any residential unit hereby approved.

Reason: In the interests of visual amenity.

4. Before first occupation of any residential unit hereby approved, details of bin storage shall be submitted to and approved in writing by the Local Planning Authority. The occupation shall take place in accordance with these approved details.

Reason: For the avoidance of doubt.

5. The development shall take place in accordance with the flood risk mitigation at section 6 of the Flood Risk Assessment dated 15.1.21.

Reason: To minimise the risk of flooding.

6. No development shall take place until a scheme for the insulation of the building in respect of noise and vibration so as to provide insulation against internally generated noise has been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall detail the internal layout of the building in respect of good acoustic design. Consideration needs to be given to adjacencies, both horizontal and vertical. In particular, how noise will be controlled from: external and communal doors, stairwells, corridors, connecting pipework etc. The approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained throughout its occupation.

Reason: In the interests of residential amenity.

Appendix D: List of applicable Development Plan policies

Policy SS1 Presumption in favour of Sustainable Development states when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SS2 Development Strategy sets out the development strategy for the Borough for housing. In open countryside outside the settlements identified as Service Centres, and those villages identified Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside.

Policy EC5 Melton Mowbray Town Centre Proposals for new retail, leisure and other 'town-centre' developments will be allowed within the defined town centre where they: 1. Enhance the compact, legible and walkable character of the town centre; 2. Maintain a vibrant and active continuous shop frontage in and around the retail core; 3. Incorporate a high quality of shop front and advertisement design; 4. Are sympathetic to the numerous heritage assets within and adjacent to the town centre; and 5. Make adequate provision for car parking where possible and appropriate. In primary shopping frontages, proposals for new, or change of use to a. A1 retail uses will be encouraged, subject to the proposal incorporating a high-quality design of shop front and advertisements. b. A2 – A5 uses will be allowed where this does not have an adverse impact on the character and/or sustainability of the primary frontage. Outside of primary shopping frontages, but within the defined town centre, proposals for commercial leisure uses, restaurants, bars & pubs and hot food takeaways will be supported where these support day and evening activity and the main retail use of the town centre.

Policy IN2 Transport, Accessibility and Parking states the Council will support and promote an efficient and safe transport network which offers a range of transport choices for the movement of people and goods, reduces the need to travel by car and encourages use of alternatives, such as walking, cycling, and public transport. Where possible, all development should be located where travel can be minimised and the use of sustainable transport modes maximised, do not unacceptably impact on the safety and movement of traffic on the highway network or that any such impacts can be mitigated through appropriate improvements and provide appropriate and effective parking provision and servicing arrangements.

Policy EN13 Heritage Assets

Policy D1 Raising the Standard of Design states all new developments should be of high-quality design. All development proposals will siting and layout to be sympathetic to the character of the area, new development should meet basic urban design principles outlined in this plan, buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design, amenity of neighbours and neighbouring properties should not be compromised, appropriate provision should be made for the sustainable management of waste, including collection and storage facilities for recyclable and other waste, sustainable means of communication and transportation should be used where appropriate, development should be designed to reduce crime and the perception of crime, existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development, proposals include appropriate, safe connection to the existing highway network, proposals should make adequate provision for car parking and

development should be managed so as to control disruption caused by construction for reasons of safeguarding and improving health well-being for all.

Appendix E: Site Photographs





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