

Agenda

Meeting name	Planning Committee
Date	Thursday, 3 March 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, 23 February 2022

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES To confirm the minutes of the meeting held on 3 February 2022	1 - 4
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	5 - 6
4.	SCHEDULE OF APPLICATIONS	
4.1	APPLICATION 21/00939/REM St Marys Hospital, Thorpe Road, Melton Mowbray	7 - 20
4.2	APPLICATION 21/01309/TPO St Thomas A Becketts Church, Frisby on the Wreake	21 - 24
4.3	APPLICATION 15/010109/OUT - DEED OF VARIATION Heckadeck Lane, Nether Broughton	25 - 30
5.	URGENT BUSINESS To consider any other business that the Chair considers urgent	



Minutes

Meeting name	Planning Committee
Date	Thursday, 3 February 2022
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor P. Posnett MBE (Chair)

Councillors

M. Steadman (Vice-Chair)	R. Browne
P. Chandler	J. Douglas
E. Holmes	J. Illingworth
D. Pritchett	R. Smith
T. Webster	P. Wood

Officers

- Assistant Director for Planning and Delivery
- Solicitor
- Planning Development Manager
- Senior Planning Officer (RR)
- Senior Democratic Services & Scrutiny Officer
- Democratic Services Officer (SE)

Minute No.	Minute						
PL68	<p>Apologies for Absence There were no apologies for absence. Councillor Webster was not present at the start of the meeting.</p>						
PL69	<p>Minutes The minutes of the meeting held on 13 January 2022 were confirmed as a true record.</p>						
PL70	<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>						
PL71	<p>Schedule of Applications</p>						
PL72	<p>Application 21/00834/FUL</p> <table border="1" data-bbox="288 887 1442 1059"> <tr> <td>Application:</td> <td>21/00834/FUL</td> </tr> <tr> <td>Location:</td> <td>Meadow Cottage, 37 New Road, Burton Lazars</td> </tr> <tr> <td>Proposal:</td> <td>Demolition of existing dwelling and outbuilding and erection of a replacement 3 bedroom dwelling</td> </tr> </table> <p>The Senior Planning Officer addressed the Committee and provided a summary of the application and advised that since publication of the report responses had been received from the Highway Authority and the Leicestershire County Council Ecological section both of which had raised no objections. Therefore the application was recommended for approval.</p> <p>The Senior Planning Officer responded to Member queries as follows:</p> <ul style="list-style-type: none"> • Approximately one third of the paddock was included in the application, some of this was patio and the application did include for the paddock to become part of the garden and to prevent further development of the site Members could remove permitted development rights • To ensure materials were in-keeping with the neighbouring historic cottage it was advised that Members could request a new condition that these be submitted for approval • There was a public right of way not just for this house but for the field and this would remain • It was understood the property was in the ownership of the applicant <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"> • Councillor Tim Blewett of Burton and Dalby Parish Council Councillor Blewit responded to Member questions as follows: 	Application:	21/00834/FUL	Location:	Meadow Cottage, 37 New Road, Burton Lazars	Proposal:	Demolition of existing dwelling and outbuilding and erection of a replacement 3 bedroom dwelling
Application:	21/00834/FUL						
Location:	Meadow Cottage, 37 New Road, Burton Lazars						
Proposal:	Demolition of existing dwelling and outbuilding and erection of a replacement 3 bedroom dwelling						

The developer had not approached the Parish Council about the application Although the draft Neighbourhood Plan referenced from its survey of residents that 3 bed houses were needed, Councillor Blewett quoted a higher percentage had a preference for 2 bed bungalows He was unsure of the boundary ownership and was aware of the public right of way between the application site and the neighbouring property

- Wayne Hickling, Objector
- Chris Jesson, Agent of Planning and Design Group
Mr Jesson responded to Member questions as follows:
The application had been submitted on the basis of ownership by the applicant
The Parish Council nor the Ward Councillor had been consulted and this was mainly a timing issue and they were more than happy to discuss the application in the future
- Councillor Robert Child, Ward Councillor
Councillor Child responded to a question as follows:
The development would be 2 metres higher than the neighbouring historic cottage as that property was set very low

During discussion the following points were noted:

- The Neighbourhood Plan was in draft form and was currently not at a stage to carry sufficient weight to be applied in this case
- It was pointed out that although the proposed property would be 2 metres higher than the existing building, it was still lower than other neighbouring buildings therefore the proposal would not dominate the street scene
- The access arrangement was existing and was not a new entrance
- The green space currently provided no amenity value
- From the recent survey of residents for the Neighbourhood Plan, 57 percent of responders were in favour of 3 bed homes
- There was generally no objection to the development
- However it was felt local democracy had not been followed and to ensure transparency the application should be deferred to allow this to take place
- It was noted that both the Ward Councillor and Parish Council would like some input on the application and they should have the opportunity for this dialogue with the applicant to reach a compromise
- It was considered preferable that the proposal be sympathetic to the neighbouring historic cottage

Councillor Browne proposed that the application be deferred to enable the full democratic process to be followed in the form of discussions with the Parish Council and Ward Councillor to reach a compromise position. Councillor Steadman seconded the motion.

RESOLVED

That the application be DEFERRED to enable the full democratic process to

be followed in the form of discussions with the Parish Council and Ward Councillor to reach a compromise position.

(Councillor Webster entered the meeting at 6:07 pm during the Senior Planning Officer's presentation therefore he took not part in the debate nor voted on this application.)

PL73

Urgent Business

There was no urgent business.

The meeting closed at: 6.59 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

This page is intentionally left blank



Helping people | Shaping places



Planning Committee

3 March 2022

Report of: Assistant Director for Planning and Delivery

21/00939/REM - Approval of the details of the layout, scale, external appearance of the buildings and landscaping of the site, pursuant to Condition 3 of Outline Planning Permission 19/00909/OUT

St Marys Hospital, Thorpe Road, Melton Mowbray. LE13 1SJ

Corporate Priority:	Delivering Sustainable and Inclusive Growth in Melton
Relevant Ward Member(s):	Councillors P Posnett, S Lumley and M Glancy
Date of consultation with Ward Member(s):	20 August 2021
Exempt Information:	No

1 Summary



- 1.1 The application site comprises the former Melton Hospital on the eastern side of Thorpe Road and accommodates a range of buildings and structures which previously formed the hospital. A single storey building comprising vagrant cells of the former workhouse building is also located on the site. The site is accessed from Thorpe Road and there is a pedestrian access from Thorpe Road to the current hospital which is located to the east of the site.
- 1.2 Outline planning permission with access was granted for the demolition of existing buildings and structures on the site and the redevelopment for up to 38 new dwellings together with associated access and site infrastructure was granted on the 25th August 2020. Full planning permission was granted for the change of use and conversion of the central block and wings of the former workhouse building to comprise four dwellings and four residential apartments with associated parking and amenity space under the same application. This is the area outlined in blue on the plan above.
- 1.3 This application follows on from the outline consent for up to 38 dwellings on the remaining section of the site and seeks permission for the reserved matters namely layout, scale, appearance of the buildings and landscaping of the site.
- 1.4 The submitted layout plans shows a development of 37 new build dwellings made up of 19 two storey 2 bed dwellings and 18 two storey 3 bedroom dwellings.
- 1.5 5 different design house types have been included within the scheme, although all dwellings would have facing brickwork external finish on the elevations with stone cill and header detailing.
- 1.6 While broadly following on from the indicative layout plan submitted at outline stage, the layout has been changed to allow a greater number of dwellings to have active frontages facing onto Thorpe Road, as well as a higher level of off street parking amenity.
- 1.7 In terms of landscaping, a large proportion of the existing mature trees that run close to the boundary with Thorpe Road are shown to be retained. Pockets of landscaped areas are shown either side of the main access road as well as the secondary roads. A wildflower meadow is shown at the termination of George Street within the public open space area.
- 1.8 The Committee's attention is drawn to the fact that the application does not include plans to commemorate the vagrant cells that were a requirement of the outline planning permission imposed by conditions. That is because these are not 'reserved matters' but addressed by a separate condition requiring submission and consideration in their own right.

RECOMMENDATION(S)

It is recommended that the application is approved subject to the conditions set out Appendix B

2 Reason for Recommendations

- 2.1 The principle of development has been established through the granting of outline planning permission which identified the site as occupying a sustainable location close to the town centre and allocated for residential development in the Local Plan.
- 2.2 The design and appearance of the proposed dwellings are considered to respect the character of the surrounding area in terms of scale, density and finish. The proposed

landscaping is appropriate in terms of size and nature to the site's location close to the town centre.

2.3 There has been no identified impact on residential amenity and with the inclusion of suitable conditions, the proposed development is not considered to result in any material impact on highway safety.

2.4 **Key Factors**

2.5 **Reason for Committee Determination**

2.5.1 The associated outline application was presented to Committee due to the nature of the proposal, which was a finely balanced case and sought the removal of the vagrant cells which the site allocation policy (MEL7) in the Local Plan seeks to retain. Under Part 9 of Chapter 2 of the Constitution the Director of Growth and Regeneration, in consultation with the Chair, has agreed it is appropriate that this application is also presented to Planning Committee due to the range of material considerations it presents..

2.6 **Relevant Policies**

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

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

2.7 **Main Issues**

2.7.1 Impact on character including the setting of the conservation area.

- Impact on the character of the area (including design and layout issues)
- Highway safety
- Residential Amenity

3 **Report Detail**

3.1 **Position under the Development Plan Policies**

3.1.1 The site is towards the town centre of Melton and Policies SS1-SS2 apply. The site is also allocated under policy MEL7 for residential development.

3.2 **Impact upon the character of the area**

3.2.1 Policies EN6, EN13 and D1 all refer to visual amenity and settlement characteristics including heritage assets.

3.2.2 The site occupies a prominent location at the junction of Thorpe Road, Norman Way and Saxby Road. The site comprises a large parcel of land with mature trees and open space along the frontage with the buildings generally set well into the site. The area is in mixed use with residential and commercial to the north, the hospital to the east, residential to the south and west with the commercial centre of the town further west

3.2.3 The submitted layout plan follows on from the indicative layout within the outline application which sets buildings off the site frontage to maintain a landscaped area adjacent to the highway and site developed using blocks of buildings. These principles were accepted at outline stage, although it was considered that the previous indicative layout was parking dominated. The layout positively addresses Thorpe Road to create an active frontage and a linear street scene in keeping with the area:



- 3.2.4 In this respect the proposed layout is considered to have been improved, with the off street parking amenity shown to be close and convenient position for future occupants while also being contained within the site and away from away from prominent areas.
- 3.2.5 Retention of the mature trees along Thorpe Road is considered to secure the existing green infrastructure at the site and the landscaped areas either side of the main access are considered to achieve an enhancement that links to the original goals of the re-development of the site at outline stage.
- 3.2.6 Furthermore, the comments from LCC Forestry are noted which raise no objection to the scheme and consider the choice of native species within the landscaping scheme to be appropriate.
- 3.2.7 In terms of density, the immediate surrounding area along Thorpe Road contains a large proportion of terrace dwellings, as well as larger semi-detached. The proposed house type designs are considered to be of a size and scale that would be in keeping with the general character of the surrounding area with the overall number of dwellings not exceeding the limit set at outline stage. The size of the associated private garden areas are also considered to reflect the character of the surrounding area.
- 3.2.8 The amended plans show a housing mix of 2 and 3 bedroom dwellings: 19 x 2 beds (both double bedrooms) 18 x 3 beds (7 with all 3 bedrooms as doubles and 11 with 2 doubles and one single bedroom) the Housing Officer has expressed approval in terms of the housing mix put forward, as well as the size of the bedrooms shown within the proposed housing types which are improved over the indicative details at outline stage with a greater proportion of double size bedrooms.
- 3.2.9 The facing brickwork external finish of the proposed dwellings is considered to be an appropriate finish given the surrounding area is predominately made up of the dwellings that have traditional red facing brickwork with a range of architectural detailing such as stone headers and cills, which are features characteristic of the area. However a condition requiring precise details to be submitted and approved is considered appropriate in the event that planning permission is granted.
- 3.2.10 The central block and wings of the former workhouse building is indicated within the submitted layout plan within the blue line area. The building is recognised as an undesignated heritage asset and has an extant full planning permission for its retention and conversion into four dwellings and four residential apartments with associated parking and amenity space.
- 3.2.11 Paragraph 197 of the NPPF requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets. Policy EN13 of the Melton Local plan echoes this and seeks to ensure the protection and enhancement of Heritage Assets including non-designated heritage assets
- 3.2.12 The proposed layout is considered to pay due respect to the workhouse building with an absence of any built form within the main view of the workshop building from the highway. As such, it is considered that the proposed development would preserve the long term future of the non-designated heritage asset in accordance with the aims of Policy EN13 and section 13 of the NPPF.

- 3.2.13 **In light of the above, it is considered, the proposal would result in an enhancement of the site and on the wider surroundings, in compliance with Policies EN6, EN13 and D1.**
- 3.3 **Highway Safety**
- 3.3.1 The proposed development would be served by a vehicular access off Thorpe Road. Access was a matter for consideration within the original outline consent and the submitted layout plan shows no change to the approved design of the access arrangement and is therefore not relevant to this application.
- 3.3.2 Parking amenity is shown to be 76 spaces which equates to 2 spaces per dwelling. This would be in accordance with the level shown at outline stage and is considered to be an appropriate level given the size of the dwellings and the close proximity to Melton Town centre and associated public amenities as well as transport links. Moreover a condition was attached to the outline planning permission requiring this level of provision, which is satisfied. Parking spaces are predominantly side by side with 'tandem' arrangements limited to just 4 of the plots. The Design SPD advises that 'tandem parking' should be considered as a 'last resort' and its limited inclusion in this layout is required to create the building lines and streetscapes necessary to create a street layout sympathetic to the surrounding area. Furthermore, the inclusion of tandem parking in small pockets of the proposed layout would allow for landscaped areas and private garden areas to be optimised in these locations. In light of the above, it is considered that the small amount of tandem parking would be acceptable in this instance.
- 3.3.3 The comments of the Highway Authority are noted and while no objection has been raised in relation to access and parking amenity, it is acknowledged that further revisions over the finer details of the layout have been requested. These relate to the following:
- a raised table fronting plots 1, 37, 40 and 43.
 - shared surface arrangements on the private drive serving plots 25 and 26
 - Amendments to the turning head layout to comply to with figure DG4b of the Local Highway Design guide.
 - Adjustment of the private parking bay to serve plot 37 (to relocate and eliminate tandem arrangement).
- 3.3.4 However, it is considered that as these details do not go to the heart of the proposed development and with the inclusion of suitably worded condition these details can be assessed through the submission of a discharge of condition application.
- 3.3.5 **Given the above, it is considered the proposal includes suitable layout (subject to the minor adjustments referred to above) and off street parking amenity in accordance with the outline permission, and would not give rise to any material highway safety concerns.**
- 3.4 **Residential Amenity**
- 3.4.1 Policy D1 relates in part to residential amenities. The site has been historically used for health provision which would have generated significant levels of traffic and footfall. The redevelopment of the site, while containing a relatively high density, is considered comparative in terms of level of activity and associated noise to the historic use of the site.
- 3.4.2 The surrounding area has a mix of uses but is bordered by residential development on three sides albeit separated by the highway to the west. It is acknowledged that

commercial uses are located to the south of the site. However, the proposed layout shows the proposed dwellings along to the southern side of the site to be orientated with rear gardens separating the dwellings from existing site boundaries.

- 3.4.3 It is acknowledged that the issue of noise from Melton Building Supplies on the adjacent site and other industrial uses in close proximity was considered within the outline application. Condition 11 of the outline consent requires details of an acoustic mitigation scheme to be submitted prior to development at the site and was attached due to the comments from the Environmental Health department. While falling outside of the remit of this reserved matters application, it is considered that mitigation measures detailed with an appropriate scheme, which would be determined within a discharge of condition application, would ensure that the residential amenity of future occupiers is protected.
- 3.4.4 The proposed layout plan is considered to include a sufficient level of separation between the blocks of building to ensure that there would be no material overbearing, overlooking or overshadowing impact on neighbouring amenity.
- 3.4.5 **It is considered the residential amenities of existing and future occupiers would be acceptable and the proposal complies with Policy D1 and the draft Design of Development SPD**

4 Consultation & Feedback

- 4.1 A site notice was posted, the application advertised and neighbouring properties consulted. One response has been received objecting, and an additional response making comment. The content is summarised in Appendix B below

5 Financial Implications

- 5.1 There are financial implications through the s.106 monies described within the associated outline consent. This secured funds for education capacity (primary and secondary) and towards new health facilities within Melton Mowbray and these will be realised when this scheme is implemented.

Financial Implications reviewed by: N/A

6 Legal and Governance Implications

- 6.1 Legal implications have been included in the main body of the report. No specific issues are identified. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

7 Background Papers

- 7.1 19/00909/OUT - Change of use of the central block and wings of the former workhouse building to comprise 4 houses and 4 residential apartments with associated parking and amenity space. Outline application for demolition of existing buildings and structures on site and redevelopment of the site for up to 38 new dwellings together with associated access and site infrastructure. All matters are reserved except access. Approved 21.01.2021

8 Appendices

- 8.1 Appendix A – Summary of Statutory Consultation Responses
- 8.2 Appendix B : summary of representations received
- 8.3 Appendc C :Recommended Conditions

Report Author:	G Elliott , Planning Officer
Report Author Contact Details:	07771736127 gelliott@melton.gov.uk
Chief Officer Sign Off :	J Worley , Asst Director for Planning and Delivery

Appendix A : Summary of Statutory Consultation Responses

LCC Highway Authority

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) have been consulted on the approval of the details of the layout, scale, external appearance of the buildings and landscaping of the site, pursuant to Condition 3 of Outline Planning Permission 19/00909/OUT at St Marys Hospital, Thorpe Road, Melton Mowbray.

It is understood that application 19/00909/OUT sought full planning permission for the change of use of the former workhouse to provide up to four residential apartments along with associated access, car parking, landscaping and associated infrastructure. Outline planning permission with all matters reserved except for access was also sought for 44 residential dwellings and associated site infrastructure.

Site Access

As part of application 19/00909/OUT, submitted Drawing No. 003 demonstrated an access width of 5.5m, 6.0m radii and with 2.0m wide footways either side and 2.4m x 43m visibility splays in accordance with Part 3 of the Leicestershire Highways Design Guide (LHDG) available at;<https://resources.leicestershire.gov.uk/lhdg>.

The access proposals within Drawing 003 were the subject of Condition 21 of the Decision Notice for application 19/00909/OUT.

The access into the development site and associated works to the existing highway (between the existing carriageway and highway boundary) will need to be reviewed and processed under a S184/ S278 agreement.

Any changes to the double yellow road markings will require obtaining approval from LCC's Traffic and Signals Team.

Highway Safety

No Personal Injury Collisions (PICs) have taken place along the site frontage on Thorpe Road (A607) within the most recent five-year period. It is noted that a single PIC was recorded in this location during the outline planning application stage.

Four PICs have been recorded at the A606 Thorpe End/ A607 Norman Way/ A607 Thorpe Road/B676 Saxby Road junction. There appears to be no correlation between

these collisions and therefore the LHA have no pre-existing concerns regarding highway safety that would be exacerbated by the proposed development.

Trip Generation

A trip generation assessment for the proposed development, as part of application 19/00909/OUT, showed a net decrease in vehicle trips.

Internal Layout

The acceptability of an adopted road layout is subject to a Section 38 agreement in accordance with the Highways Act (1980). To be acceptable for adoption, the LHA requires a road layout to be designed fully in accordance with the Leicestershire Highway Design Guide (LHDG), which can be found at:

The proposed road width throughout the site is 4.8m in accordance with Table DG1 of Part 3 of the

Leicestershire Highway Design Guide (LHDG) and is a suitable width for adoption.

Changes Required Prior to Planning

The LHA request that the dimensions for all junction radii be supplied on the submitted drawing. In addition, the LHA also request that the road numbers are detailed on the submitted drawing.

The LHA note that on Revision K of Drawing SK001, the Applicant has added a new raised table adjacent to plot 45 and fronting plots 3 to 8. Due to the severity of the bend, the LHA considers that the bend acts as a speed control bend and therefore the raised table is not required at this location.

To aid road safety, please detail that a raised junction table will be installed fronting plots 40 to 43, 37 and 1, as this junction will be a busy location within the development.

The proposed shared surfaces beyond the turning head adjacent to plots 25, 26 and the POS area, are excessive lengths of carriageway that do not need to be adopted as public highway to facilitate access to cul-de-sacs beyond the turning head. Please amend the plan to detail the proposed shared surfaces as private drives and amend the turning head layout to comply with the LHDG.

The turning head should be designed so that it conforms to Figure DG4b of LHDG with the correct widths, radii, ending shortly after the radii / tangent point and should be tracked with Phoenix 2 refuse vehicle specification. The correct radii for the turning head being 7.5m. The private parking bay plot 37 is remote from the front door access point. Experience has shown this type of parking arrangement leads to inconsiderate parking at junctions and on footways. The Applicant is requested to review the layout to resolve this issue.

The LHA reminds the Applicant that no landscaping above a height of 0.6m will be provided within a vehicular or pedestrian visibility envelopes from the site access and parking bay locations.

Points for Information at this Stage

Gradients should conform to the standards set out in LHDG Table DG1: General geometry of residential roads (internal). This will be required at the S38 stage.

Please detail that drainage will be installed within private land to prevent surface water entering the public highway where plots fall towards the highway.

Other

The LHA welcome the Applicant adding a new leader that bollards will be provided in order to provide operational safety at the connection from the shared surface drive adjacent Plots 12-14 that connects to an extant footpath is provided.

Environment Agency

No comment to make on this application.

Lead Local Flood Authority

This application seeks reserved matters approval the details of the layout, scale, external appearance of the buildings and landscaping of the site, pursuant to Condition 3 of Outline Planning Permission 19/00909/OUT. The previous LLFA response stated that the outline application advised that SuDS would be required to provide treatment benefit to the site. Plans have since been submitted showing the location of SuDS and pervious paving. Note: Reserved matters applications are reviewed by the LLFA in relation to details such as 'access', 'appearance', 'landscaping', 'layout' and 'scale' only, in line with article 2 of the Town and Country Planning Order 2015. This response does not consider any surface water specific conditions which must be consulted on separately once the reserved matters are approved by the LPA.

Severn Trent

With reference to the above planning application the Company's observations regarding sewerage are as follows. Foul is proposed to connect into the public foul water sewer, which will be subject to a formal section 106 sewer connection approval. Surface water is proposed to connect into the public surface water sewer, which will be subject to a formal section 106 sewer connection approval. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

LCC Forestry

The Landscape plan by Welland indicates a number of native tree species for planting within the site and is acceptable. I would recommend that individual tree species identified in the key (T1-5) are also linked to the landscape plan to highlight where individual species are proposed for use.

LCC Ecology

The Landscaping Layout and Site Plan are acceptable, and I would therefore have no objections to this application

Leicestershire Police

Leicestershire Police have no formal objections in principle to the application

- General Recommendations
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. Lampposts at vehicle entry points recommended to have electrical spur to allow power supply for CCTV. (Section 38 Agreement Recommended)
 5. 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.
 6. 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.
 7. Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.
 8. Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.
 9. Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable.
 10. Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss

MBC Housing Officer

The amended plans show a good housing mix of 2 and 3 bedroom dwellings: 19 x 2 beds (both double bedrooms) 18 x 3 beds (7 with all 3 bedrooms as doubles and 11 with 2 doubles and one single bedroom) An affordable housing requirement is not required for this site due to vacant building credit.

Appendix B : Summary of representations received

Neighbours 1 objections/concerns on the following grounds:

- Concerns regarding the impact on daylight from the proposed development

Appendix C : Recommended Conditions

01

The development hereby permitted shall be constructed strictly in accordance with the following plans and reports received by the Local Planning Authority:

Location Plan: S001	Received 5 th August 2021
Site Layout Plan Rev K	Received 10th January 2022
Landscaping Layout Ref. 21004	Received 5 th August 2021
House Type A SK101	Received 5 th August 2021
House Type B SK102	Received 5 th August 2021
House Type C SK103	Received 5 th August 2021
House Type D SK104	Received 5 th August 2021
House Type E SK105	Received 5 th August 2021

02

Hard and soft landscaping works shall be fully carried out in accordance with the approved details, and completed within the first planting season following the first occupation of the development, and to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice.

Any trees or plants which, within a period of five years after planting are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of similar species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

03

No development shall progress above slab level until details and representative samples of the materials to be used in the construction of the external walls and roof have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

04

Notwithstanding the approved layout plan Rev K, no development shall commence on site until the following highway details have been submitted to and approved by the Borough Council

- (i) Details of a raised table fronting plots 1, 37, 40 and 43.
- (ii) Details of proposed shared surface on the private drive serving

plots 25 and 26
(iii) Amendments to the turning head layout to comply to with figure DG4b of the Local Highway Design guide.

(iv) Further details of the private parking bay to serve plot 37.

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

Reasons

1. For the avoidance of doubt
2. To ensure satisfactory landscaping is provided within a reasonable period.
3. To enable the Local Planning Authority to retain control over the external appearance as precise details have not been submitted.
4. To ensure the highway layout is of adequate and in the interests of highway safety.

Appendix D: List of applicable Development Plan policies

Local Plan

- **Policy SS1 – Sustainable Development** seeks to secure development proposals which promotes and improves economic, social and environmental conditions in an area;
- **Policy SS2 - Development Strategy** sets out how development will be distributed across the Borough in accordance with a spatial strategy that states that Service centres and Rural Hubs will accommodate up to 35% of new housing on a proportionate basis through allocated sites and the delivery of a proportion of windfall development, and allows smaller scale housing within or adjacent to Service Centres and Rural Hubs.
- **Policy C1 (A) Housing Allocations.**
- **Policy C2 Housing Mix.**
- **Policy C3 National Space Standards and Smaller Dwellings.**
- **Policy EN2 – Biodiversity and Geodiversity** states that development proposals will protect and enhance biodiversity, ecological networks and geological conservation interests
- **Policy EN6 – Settlement Character** states that development proposals will be supported where they do not harm open areas which; Contribute positively to the individual character of a settlement; Contribute to the setting of historic

built form and features; Contribute to the key characteristics and features of conservation areas; and Form a key entrance and/or gateway to a settlement.

- **Policy EN7 Open Space, Sport and Recreation.**
- **Policy EN8 – Climate Change** sets out that all new development proposals will be required to demonstrate how the need to mitigate and adapt to climate change has been considered, subject to considerations of viability.
- **Policy EN9 Ensuring Energy Efficient and Low Carbon Development.**
- **Policy EN11 – Minimising the Risk of Flooding** sets out that development proposals do not increase flood risk and will seek to reduce flood risk to others.
- **Policy EN12 – Sustainable Drainage Systems** ensures that development proposals undertake surface water management and have acceptable run-off rates.
- **Policy EN13 – Heritage Assets** The Council will take a positive approach to the conservation of heritage assets and the wider historic environment
- **Policy IN2 – Transport, Accessibility and Parking** sets out that all new developments should, where possible, have regard to supporting and promoting an efficient and safe transport network which offers a range of transport choices
- **Policy D1- Raising the Standard of Design** requires all new developments to be of high quality design.

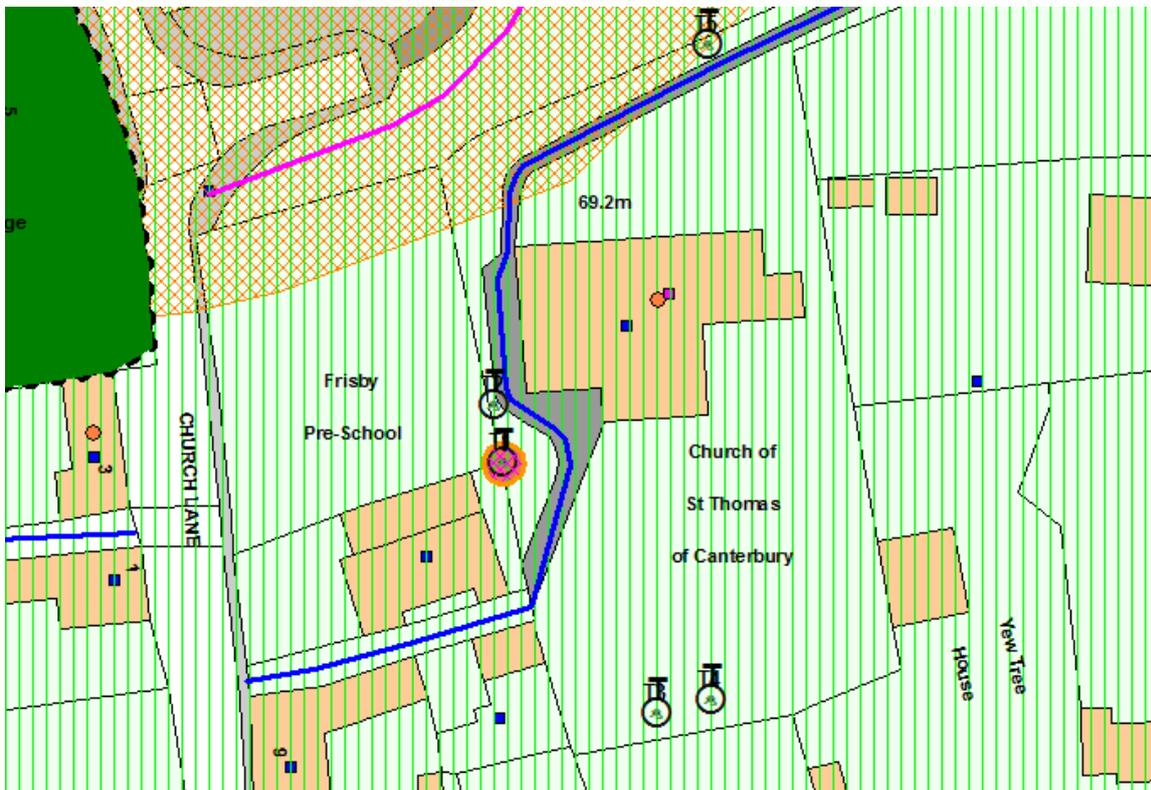
MBC Design of Development SPD (Draft)

This page is intentionally left blank

21/01309/TPO - T1 Lime - lift and cut back to clear school building - St Thomas A Becket's Church, Church Lane, Frisby On The Wreake, LE14 2NQ

Corporate Priority:	Protect our climate and enhance our natural environment.
Relevant Ward Member(s):	Cllr Browne (Frisby)
Date of consultation with Ward Member(s):	19 January 2022
Exempt Information:	No

1 Summary



- 1.1 The application site is located to the east of Church Lane within the village of Frisby On The Wreake. It is set back from the main road behind a row of properties to the west.
- 1.2 This application seeks to lift and cut back one Lime tree to clear the school building to the south west.

RECOMMENDATION(S)

1.1	It is recommended the application be APPROVED
------------	--

2 Reason for Recommendations

- 2.1 The works proposed are modest and are deemed acceptable in order to maintain the tree.
- 2.2 The works are part of a maintenance programme to ensure the tree remains healthy and does not compromise the public footpath running alongside.

3 Key Factors

3.1 Reason for Committee Determination

- 3.1.1 The applicant is Melton Borough Council. The application n requires consideration by the Committee as it is an application submitted by the Council itself (Constitution Chapter 2, Part 9, 'Planning Committee functions and procedures')

3.2 Planning History

- 3.2.1 Planning application 21/00526/TPO was submitted to fell the Lime tree however it was deemed that the removal of the tree was unacceptable and the application was withdrawn. Site visits took place with our aboricultural advisors and the site owner in order to put forward this current proposal.

3.3 Main Issues

- 3.3.1 It is considered the sole issue relevant to this application is the necessity and impact of the proposed work on the tree.

4 Report Detail

4.1 Position under the Development Plan Policies

- 4.1.1 The normal approach to the application of policy does not apply to applications for works to trees protected by a Tree Preservation Order. Consideration should be limited to the impacts of the proposed works on the contribution to amenity made by the tree.

5 Consultation & Feedback

- 5.1 A consultation response has been received from expert advisors which states "The works applied for can reasonably be considered as routine maintenance to abate a potential nuisance. The application does not give any measurements for the proposed works, I would therefore recommend that works are consented to crown lift (by removal of secondary branches) to a height of no more than 4m and provide clearance from the building by 1m. All works to be undertaken in accordance with BS 3998:2010."
- 5.2 A consultation response has been received from the volunteer Frisby Tree Warden which states "Consideration must be given in Deciding this Application to the location of batroosting boxes on the trunk of this tree. The tree has a TPO on it and is in generally good health overall. The boundary wall to the preschool building was taken down some 9

or 10 months ago as, over the years, it has gradually been deformed because it is insufficiently strong as a retaining wall. The tree roots have also grown against this failing retaining wall. The wall is still dismantled, potentially allowing the soil and tree roots to swell into the new space once occupied by the wall. The wall should be rebuilt as soon as possible and with a suitable structure to act as a retaining wall.”

6 Financial Implications

6.1 None identified

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

7.1 No legal implications are presented by this report.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

8 Background Papers

8.1 N/A

9 Appendices

9.1 Appendix A Conditions

9.2 Appendix B Site Photographs

Report Author:	Sara Hullott , Planning Policy Officer
Report Author Contact Details:	01664 502321 shullott@melton.gov.uk
Chief Officer Responsible:	Jim Worley , Assistant Director for Planning and Delivery

Appendix A : Conditions

1. All tree works shall be carried out in accordance with BS3998, 2010.

Reason: To ensure that the works are carried out to a satisfactory standard to safeguard the trees.

2. The works hereby approved shall be begun before the expiration of 2 years from the date of this permission.

Reason: To ensure that the works are begun within a reasonable period.

Appendix B : Site Photograph





Helping people | Shaping places



Planning Committee

3 March 2022

Report of: Assistant Director for Planning and Delivery

Request to vary Section 106 Agreement in relation to Planning Permission 15/010109/OUT, Heckadeck Lane, Nether Broughton

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Cllr J Orson
Date of consultation with Ward Member(s):	17 January 2022
Exempt Information:	No

1 Summary

- 1.1 The purpose of this report is to consider proposed amendments to the Section 106 agreement associated within this application that have been requested by the applicant.
- 1.2 Planning Permission was granted in 2017 for residential development (15/010109/OUT) with an associated s106 that included provision for affordable housing units as 40% of the total units (75% affordable rent and 25% shared ownership properties). This equates to 8 dwellings.
- 1.3 In January 2022 the Council was approached by the developers, Grace Homes (who have acquired the site from the original applicants) proposing a Deed of Variation to the s106 agreement. The proposal is as follows:
 - Retain the figure of 8 referred to in the s106
 - A proposed mix of :
 - (i) 2 affordable rented dwellings and 6 intermediate dwellings (as opposed to the current agreement of 6 and 2 respectively),
- 1.4 In addition, the developers have offered £50,000 for off site highways improvement works. This is associated with a footpath link from the site towards the centre of the village that was requested by the Parish Council during the planning application but is not a requirement of the conditions imposed by the Highways Authority.

RECOMMENDATION(S)

1. It is recommended that:
 - (ii) the request for a Deed of Variation is agreed

2 Reason for Recommendations

2.1 The proposed tenure mix would result in delivery of affordable housing of a type for which there is local need and would facilitate funds for the footpath proposal which is desired at a local level.

2.2 Reason for Committee Determination

2.2.1 The deed of variation would impact on the composition of the provision of affordable housing, and determination by Committee has been suggested by the Director of Growth and Regeneration, in consultation with the Chair, under Chapter 2, Part 9 of the Constitution as a material consideration appropriate for consideration of the Committee.

2.3 Relevant Policies

2.3.1 Policy C4 of the Adopted Local Plan relates to affordable housing and requires 25% affordable housing in Nether Broughton, of various tenures. It should be noted that the s106 in this location was determined significantly before the Local Plan was adopted and the Neighbourhood Plan was made, and that the figure of 8 equates to 40%.

2.3.2 The adopted 'Affordable Housing and Housing Mix SPD' (July 2019) elaborates on the quantity, mix and tenure of affordable housing and also states that in rural areas occupancy conditions shall apply.

2.3.3 Neighbourhood Plan policies require;

- Policy H5: Affordable Housing Provision - Development proposals for new housing where there is a net gain of more than ten dwellings should provide at least 25% affordable housing, or other figure within the Local Plan.

2.4 Main Issues

2.4.1 The main issues associated with this proposal are considered to be whether the proposed (new) Tenure Mix is acceptable

3 Report Detail

3.1 Background

3.1.1 The planning application was considered at the meeting in November 2017 and was approved, subject to the completion of a S106 Agreement to provide affordable housing. Detailed within the S106 Agreement is a requirement for 40% Affordable Dwellings, specified as 75% discount market rent and 25% shared ownership ('intermediate'). The development is being built out as 20 dwellings hence the affordable housing provision is 8.

3.1.2 The agreement also sets out a local connections criteria for all types of affordable housing on a 'cascade' basis and there is no request to adjust these mechanisms

3.1.3 The Local Plan does not specify a required, or preferred, tenure mix but the Supplementary Planning Document advises that the Council's approach is to facilitate the negotiation of affordable housing and housing mix in order to:

- Ensure positive and flexible approach to facilitating sustainable

development;

- Maximise the quantum and quality of affordable housing delivered;
- Ensure residential developments create mixed and balanced communities
- Ensure reasonable returns for developers

3.1.4 The Housing Policy Officer is supportive of the proposal to amend to 6 shared ownership and 2 discount market rent properties, based upon the limited sustainability of the site for affordable rent. Nether Broughton is a 'rural settlement' in the Local Plan owing to its limited range of facilities and therefore less conducive for affordable rent. Delivery to date, and that currently under construction, has satisfied local needs which are predominantly derivative of Old Dalby and are located there (including Queensway) (see details in the Consultations section below). The revised mix of tenures would retain a mix catering for different needs and assist towards a mixed and balanced community, without undermining provision for locally derived needs. and shared ownership itself provides flexibility in respect of ownership through 'staircasing' opportunities.

3.2 Other matters

3.2.1 The proposed revisions also include funds for the construction of a footpath. A desire for this was expressed during consideration of the reserved matters application but it was not a 'reserved matter' in its own right but a condition under the outline planning permission with the scope already determined. The Highways Authority were not supportive of the need for an extended footpath and agreed to more localised works, but the developer is attuned to this aspiration and suggested funds of £50,000 to produce the desired outcome.

3.2.2 CIL Regulations require that any developer contribution is :

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

(NPPG ref ID: 23b-002-20190901)

3.2.3 The footpath would link the application site to the centre of the village to the east and provide for safe pedestrian passage on Heckadeck Lane, which, east of the site, becomes narrow and provides limited visibility of oncoming traffic due to tight bends. Heckadeck Lane is a well-used route from the A606 Nottingham Rd. to the Borough's northern villages such as Long Clawson, Harby and Hose and carries significant traffic. The footpath would provide connection to exiting provision further east on Heckadeck Lane allowing for continuous passage without having to make use of the road surface itself. Verges in this area provide space for a footpath. The footpath is therefore considered to be necessary in order to secure connectivity for residents of the houses with the focal points of the village and to address a road safety concern. It is directly associated with the development because it would connect the site itself with its wider surroundings in a safe manner and is considered to be fair within the context of the development of 20 dwellings.

4 Consultation & Feedback

4.1 The Ward Councillor has not provided written feedback on the proposal

5 Financial Implications

- 5.1 The financial implications arising from this request relate to the proposed receipt of funds for the footpath which will need to be ringfenced for that purpose only and awareness of its spend by date adhered to.

Financial Implications reviewed by: N/A

6 Legal and Governance Implications

- 6.1 Variation of S106 is required to be agreed by the successors to the original signatories (as owners) to the s106 and the Council also as signatory in its capacity as Local planning Authority.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

7 Background Papers

- 7.1 15/01019/OUT Committee Report
7.2 Sealed (Original) Section 106 Agreement

8 Appendices

- 8.1 A : Consultation responses

Officer Contact Details	Celia Bown ; Housing Policy Officer cbown@melton.gov.uk
Report Author:	J Worley , Assistant Director for Planning and Delivery
Chief Officer Sign Off:	01664 502359 JWorley@melton.gov.uk

Appendix A : Summary Consultation Responses

Housing Policy Officer:

Within the Parish, the majority of the affordable housing for rent needs will be in Old Dalby. The applicants view regarding the sustainability of shared ownership rather than rented in Nether Broughton is supported.

Therefore, the proposal made by the applicant is supported.

Background information:

Housing Needs Survey for the parish – undertaken in 2014:

6 were assessed as being in need of affordable housing for rent or shared ownership (5 were connected to Old Dalby, 1 to Nether Broughton):

- 1 x 3 bed house for rent
- 2 x 1 bed bungalow for rent
- 2 x 2 bed houses for shared ownership
- 1 x 3 bed house for shared ownership

MBC Housing Register at the time of the HNS found:

8 were assessed as being in need of affordable housing (8 were connected to Old Dalby, 0 to Nether Broughton):

4 x 1 Bed house – affordable rented

3 x 2 Bed house – affordable rented

1 x 4 Bed house – affordable rented

Total – 11 x affordable rented and 3 x shared ownership

Delivery:

'OLD1': Longcliffe Hill, Old Dalby

2 x affordable housing for rent dwellings (Nottingham Community Housing Association)

3 x Starter Homes

4 x Discounted Market Sale

Planning commitment:

Land West of Marquis Rd, Old Dalby (18/01436/REM) for 16 x affordable dwellings – permitted 30/7/2019. Currently under construction.

This page is intentionally left blank