

# Agenda

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 5 May 2022</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH</b>
<b>Other information</b>	<b>This meeting is open to the public</b>

Members of the Planning Committee are invited to attend the above meeting to consider the following items of business.

**Edd de Coverly**  
**Chief Executive**

## Membership

<b>Councillors</b>	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

<b>Meeting enquiries</b>	Democratic Services
<b>Email</b>	democracy@melton.gov.uk
<b>Agenda despatched</b>	Tuesday, 26 April 2022

No.	Item	Page No.
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<b>DECLARATIONS OF INTEREST</b> Members to declare any interest as appropriate in respect of items to be considered at this meeting.	1 - 2
3.	<b>SCHEDULE OF APPLICATIONS</b>	
3.1	<b>APPLICATION 20/00397/OUT</b> Land south of Grange Farm, Hose	3 - 40
3.2	<b>APPLICATION 20/01088/OUT</b> 66 Dalby Road, Melton Mowbray	41 - 58
3.3	<b>APPLICATION 21/00899/FUL</b> Field 8695, Brooksby Road, Hoby	59 - 82
3.4	<b>APPLICATION 15/01019/OUT- DEED OF VARIATION</b> Hecadeck Lane, Nether Broughton	83 - 88
4.	<b>URGENT BUSINESS</b> To consider any other business that the Chair considers urgent	

## 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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Helping people | Shaping places



# Planning Committee

5 May 2022

Report of: Interim Assistant Director for Planning

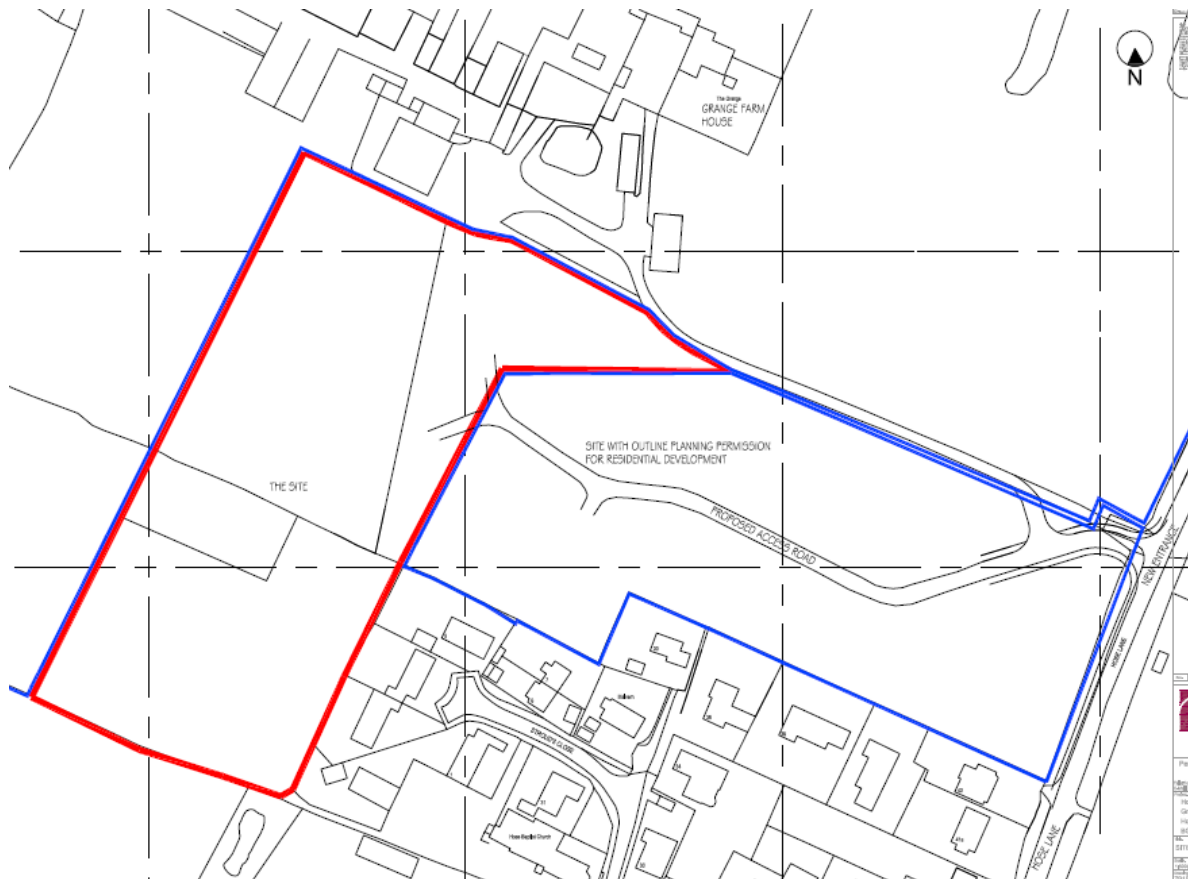
## 20/00397/OUT - Land South of Grange Farm, Hose

**Applicant: Mr George Stroud**

**To develop two pasture land fields for residential use to accommodate up to 31 houses to be accessed by a private road built to adopted standard**

<b>Corporate Priority:</b>	3: Delivering Sustainable and Inclusive Growth in Melton
<b>Relevant Ward Member(s):</b>	Long Clawson and Stathern: Councillor C Evans and Councillor M Steadman
<b>Date of consultation with Ward Member(s):</b>	7 June 2021
<b>Exempt Information:</b>	No

### 1 Summary



- 1.1 The site measures approximately 1.8 hectares of former agricultural land located to the north of the village of Hose. The site abuts the already approved development of 35 houses and proposes to utilise the already approved access onto Harby Lane.
- 1.2 This application originally submitted for up to 38 dwellings has been reduced and amended as a result of officer concerns regarding whether the site could suitably accommodate 38 dwellings. The application now seeks **outline planning permission for the erection of up to 31 dwellings with all matters reserved except for access.**
- 1.3 The applicant has indicated the housing mix to be— 4no. 4 beds, 17 no. 3 beds, 10no. 2 beds. The final housing mix would be determined and secured at Reserved Matters stage via a planning condition attached to the outline consent.
- 1.4 An indicative site layout plan has also been provided to demonstrate how the site could accommodate 31 dwellings, however the layout and scale of these properties as shown is not for consideration.
- 1.5 The application site is surrounded by residential properties to the south east, agricultural farm to the north and open fields to the west. To the east is the previously approved development site of 35 dwellings (reference 18/00500/OUT) and on the southern side, lies the recently approved development site of 34 dwellings (reference 19/00859/OUT).
- 1.6 A public footpath lies to the east and crosses the development site to the east. Grade II Listed Grange Farmhouse lies within the farm complex to the north and further afield lies the Schedule Monument, The Grange Moated Site. The site is not within the Hose Conservation Area.
- 1.7 The application site is allocated for housing within the Melton Local Plan (HOS2) with an estimated capacity of 35 dwellings. The allocation covers both the application site and the

adjacent already approved development to the east (reference 18/00500/OUT) as shown on the plan below for reference.



- 1.8
- 1.9 The already approved development totals 35 dwellings and this application proposes up to 31 dwellings. Thus there could be a total of 66 dwellings on the Melton Local Plan allocation (HOS2).
- 1.10 The site is not allocated for housing within the Clawson, Hose and Harby Neighbourhood Plan and sits outside of the Limits to Development within the Neighbourhood Plan.

### RECOMMENDATION(S)

- 1. It is recommended that the Planning Application is APPROVED subject to conditions and a Section 106 Agreement to secure contributions towards:**
- (i) Primary, Secondary and Post 16 Education Provision**
  - (ii) Contribution to sustainable transport options**
  - (iii) Contribution towards Waste services**
  - (iv) Contribution towards Library services**
  - (v) NHS Contribution**
  - (vi) On Site Affordable Housing Provision**

## 2 Reason for Recommendations

- 2.1 Whilst it is acknowledged that the application site is not allocated in the Neighbourhood Plan, it is allocated in the Local Plan. The Local Plan was adopted more recently than the Neighbourhood Plan and therefore achieves 'primacy' under the applicable law and assessment of the Development Plan as a whole.
- 2.2 Whilst the proposed development would provide more housing than identified in the Neighbourhood Plan, the housing requirement is a minimum only, and there is nothing to prevent the provision of more housing – as stated within the Development Plan which states that requirements are the minimum number of new dwellings that should be provided in the relevant period, and all stakeholders involved in the delivery of housing

should play their part in seeking to exceed the requirements by bringing forward development in accordance with the plan policies as a whole.

- 2.3 Although the proposal would result in the increase in number of dwellings than estimated for the site within the Local Plan, the capacity figures listed in Policy C1(A and B) and Appendix A for each site allocation are not intended as targets to be achieved or caps that should not be exceeded.
- 2.4 Affordable housing provision remains one of the Council's key priorities. This application delivers the required level of affordable housing (in line with the Melton Local Plan) that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of 10 on site affordable housing units, of a type to support the local market housing needs. The final mix of affordable housing would be secured by Section 106 agreement attached to this outline proposal.
- 2.5 Contributions towards local infrastructure is also secured by Section 106 to ensure that the local infrastructure can mitigate the impact of the development.
- 2.6 The application is in outline and demonstrates how this allocation could be delivered including the site specific criteria applied by the Plan. This report will go on to show that no material considerations are present which indicate the decision should depart from the development plan as a whole when considering the conflict between the Neighbourhood Plan and the Local Plan.
- 2.7 The development is considered to not result in a significant impact upon highway safety and a safe and suitable access is achieved to the site from Harby Lane, including pedestrian connectivity to the south. Sufficient off street parking provision can be secured at detailed reserved matters stage.
- 2.8 Policy SS1 and SS2 of the Melton Local Plan strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel. The site is situated within a Service Centre as defined by the Melton Local Plan and notwithstanding the conflict with the Neighbourhood Plan, the Melton Local Plan was adopted more recently and therefore achieves 'primacy' under the applicable law and assessment of the Development Plan as a whole
- 2.9 The application site sits within the setting of the Grade II Listed Grange Farmhouse and Scheduled Monument but is separate from and does not form part of the development site. The proposal is considered to be sympathetic to the setting of heritage assets and whilst there is some 'less than substantial harm' to the setting of the Grade II Listed Grange Farmhouse and Scheduled Monument, this harm is outweighed by the public benefits of providing dwellings on a site allocated for residential development in the Local Plan, subject to detailed design and further consideration at reserved matters stage. In carrying out that balance, the Council has had regard to the great weight that should be given to the conservation of heritage assets (NPPF, section 16), and having regard to the statutory duties set out in sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.



### **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 representation from separate households contrary to the recommendation.
- 3.1.2 A call-in request has also been received from a Local Ward Member.

#### **3.2 Relevant Policies**

- 3.2.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.
- 3.2.2 The Local Plan Policies remain up to date and consistent with national planning policies and guidelines as contained in the National Planning Policy Framework (2021). The Clawson, Hose and Harby Neighbourhood Plan was adopted in June 2018.
- 3.2.3 Please see Appendix E for a list of all applicable policies.

#### **3.3 Main Issues**

- 3.3.1 The main issues for this application are considered to be:
- Principle of development; compliance with Development Plan Policies.
  - Impact upon the character of the area
  - Impact upon heritage assets
  - Impact upon residential amenities
  - Impact upon highways and parking
  - Impact on ecology
  - Impact on archaeology
  - Impact on contamination
  - Impact on flood risk

### **4 Report Detail**

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

- 4.1.1 The site is adjacent to the settlement of Hose and policies SS1 and SS2 apply. These two policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and sets out the strategy of delivering housing across Melton borough through identifying the most suitable locations for new housing within a settlement hierarchy, devised from sustainable credentials. Hose is identified in the Local Plan as a Service Centre and has a housing allocation 'HOS2' with estimated capacity 35 dwellings.
- 4.1.2 The Clawson, Hose and Harby Neighbourhood Plan does not allocate the site for dwellings and the application site is located outside of the limits to development in the Neighbourhood Plan.
- 4.1.3 Other material considerations are the National Planning Policy Framework (NPPF), the Design Supplementary Planning Document, Housing Mix and Affordable Housing SPD and Developer Contributions SPD.

#### **4.2 Principle of Development**

- 4.2.1 The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel and make appropriate provision for parking and ensure that there is not a significant impact caused to the Highway network.
- 4.2.2 Hose is identified as a 'Service Centre' under Policy C1 (A) of the Local Plan. Policy SS2 of the Melton Local Plan states that Service Centres will accommodate approximately 35% of the Borough's housing residual requirement and be delivered by planning positively for the development of sites allocated within and adjoining the Service Centres.
- 4.2.3 The application site is allocated for housing within the Melton Local Plan (HOS2) with an estimated capacity of 35 dwellings.
- 4.2.4 The application site lies outside of the Limits to Development in the Neighbourhood Plan and is not allocated for housing.
- 4.2.5 This application proposes up to 31 dwellings, combined with the 35 already approved on the adjacent site to the east (HOS2 in the Local Plan), and the 34 already approved on the adjacent site to the south (HOS1 in the Local Plan) there would be a total 100 dwellings compared with the Local Plan's approved theoretical combined allocation of 76 dwellings.
- 4.2.6 Policy C1 (A) states that  
Housing proposals will be supported where they provide:
1. A mix of dwellings in accordance with Policy C2;
  2. Affordable housing in accordance with Policy C4;
  3. The necessary infrastructure required to support development in accordance with Policy IN1; and
  4. High quality design in accordance with Policy D1.
  5. The requirements as set out in Appendix 1 or relevant Neighbourhood Plan.
- 4.2.7 Appendix 1 states the following in relation to HOS2  
The site is well related to the built form of the village, adjacent to HOS1. The northern edge of the site will need to be set aside to provide a buffer between the site, the open countryside, and the neighbouring Scheduled Monument.
- 4.2.8 Taking each point in turn in relation to Policy C1(A) and Appendix 1:

### **Housing Mix**

- 4.3 Housing mix has been indicated on the submitted details as 4 no. 4 beds, 17 no. 3 beds and 10 no. 2 beds. This would be considered to broadly align with Table 8 of the Melton Local Plan – Optimum Housing Mix and also with Policy H5 of the Neighbourhood Plan. However consideration should be given at Reserved Matters stage to the inclusion of bungalows within the development as both Policy C2 of the Melton Local Plan and Policy H5 of the Neighbourhood Plan particularly support residential developments which include them, especially 2 and 3 bed roomed bungalows as stated within Policy H5 of the Neighbourhood Plan.
- 4.4 As such, to ensure that the reserved matters application provides a mix of types and sizes of dwellings that will meet the area's local market housing need at that time a condition is recommended to secure this.

### **Affordable Housing**

- 4.4.1 In accordance with Policy C2 of the Local Plan, 32% of the houses are proposed to be affordable as the site is in value area 2. This equates to a provision of 10 dwellings.
- 4.4.2 The Housing Policy Officer has recommended the following mix and with a Local Cascade Criteria. The final mix, however, in terms of tenure and house type/size and timing of its provision (in relation to the overall development) is to be secured by Section 106 agreement associated with this decision - 10 affordable dwellings total – tenure split:
- 3 x First Homes (25% of the AH (2.5 dwellings rounded up to 30%))
- 6 x Affordable Rented/Social Rented (60%)
- 1 x Shared Ownership (10%)
- 4.4.3 The design and location of the affordable housing units would be considered at reserved matters stage to ensure that they would be arranged in appropriately sized clusters and to be ‘tenure blind’ to be in line with Policy C4 of the Melton Local Plan and the Housing Mix and Affordable Housing SPD.

### **Infrastructure Implications**

- 4.4.4 A Section 106 Agreement is recommended to secure the required full contributions relating towards education, sustainable travel, waste and civic amenities as detailed below. These are based on the ‘up to’ figure of 31 and would need to be expressed as a ‘per house’ amounts to allow for the eventuality of a lesser quantity.
- NHS, for primary care facilities in Melton Mowbray catchment - £9,398.51
  - LCC Education (Primary) - £170,710.80
  - LCC Education (Secondary) - £92,544.05
  - LCC Education (Post 16) - £19,771.52
  - LCC Civic Amenities (Waste) - £2562.00
  - LCC Library Services - £940.00
  - LCC Highways:
    - o Travel Packs; one per dwelling, to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
    - o 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass).
    - o New bus stop pole and flag at the nearest bus stop to the site (opposite Coal Lane) at a cost of £170.
- 4.4.5 The above contribution requests have been assessed against Regulation 122 of the Community Infrastructure Levy (CIL). This sets out that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

- 4.4.6 All the above contribution requests are considered to be directly relatable and necessary to the development given the increase in the number of residents in the area which would result in additional demand for health, education, library, highway and waste services.
- 4.4.7 This impact would be mitigated by the provision of obligations to secure additional facilities/provision and as such the contribution requests are considered necessary and reasonable based on the existing facilities and the level of development being proposed.
- 4.4.8 Comments have been received with respect to the primary school contribution request and whether the Primary School is able to be extended due to the constrained nature of the site within the centre of the village. The Contribution request from LCC states that it 'would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Hose C of E Primary School or any other school within the locality of the development'.
- 4.4.9 LCC have further expanded on this stating that 'Like many small primary schools, Hose Primary does occupy a constrained site and to increase capacity at the school will be a challenge. However we are confident that it will be possible to provide the additional facilities needed by re-configuration of the existing build or by small scale extension. It would be our intention to use the funding at Hose school, however it is always useful to include a reference to a successor school or a school within the vicinity of the development as an alternative location for any funding in case the school was unwilling to expand or if it was facing closure in the future, although both these circumstances are extremely unlikely.
- 4.4.10 The Parish Council have also stated the following with respect to a request for contribution.
- 'In the event of permission being granted, the Parish Council would request a S106 contribution towards new playground equipment to the sum of £15,000 (if a play area is not to be included in the proposals) for the reasons mentioned above or a contribution towards improvements at the village hall also for the sum of £15,000, which would see an increase in usage as a result of this development (and the previously approved application 18/00500/OUT). The Parish Council would be happy to provide more details upon request.'
- 4.4.11 Following further discussion with the applicant, a playground will be secured by condition (number 27 in the list of proposed conditions in Appendix C) within the development site, thus negating the need for a contribution request to off-site playground provision as stated within the Parish Council's response above.
- 4.4.12 Overall, the development would secure a significant number of financial contributions and on site provision which would ensure that the necessary infrastructure required to support the development is secured.
- 4.4.13 This would ensure that a financial contribution is sought which would ensure that the impact of the development on local infrastructure can be mitigated in line with Policy C1 (A) and Appendix 1.

### **Housing Numbers**

- 4.4.14 The site is allocated for 35 dwellings within the Local Plan (allocation reference HOS2).
- 4.4.15 Planning permission has been granted for 35 dwellings to date on part of the allocated site (reference 18/00500/OUT).

- 4.4.16 This application seeks permission for an additional 'up to 31 dwellings' on the remainder of the allocated site which could result in a total of 66 dwellings across the overall one allocated site (allocation reference HOS2).
- 4.4.17 Concern has been expressed by the Parish Council that the numbers of units proposed in this scheme would not reflect the estimated capacity of the site as allocated within the Melton Local Plan and would not be proportional development in relation to the existing village of Hose.
- 4.4.18 The question of the capacity of individual sites was raised in the Local Plan Examination in February 2018. The Inspector concluded in general terms as follows:
93. The detailed site policies in Appendix A of the Plan are, for the most part, sufficient for their purpose. The Plan should be read as a whole and planning applications on the sites will be assessed accordingly. Where necessary I have recommended MMs to Appendix A. Also, **the capacity figures listed in Policy C1 (A and B) and Appendix A for each site allocation are not intended as targets to be achieved or caps that should not be exceeded.** Rather, they are indicative figures only, based on the best available evidence, including planning permissions as at 31 March 2018 and the ASF3 appeal decision (see paragraphs 100-101 below), and where relevant, they will be tested through detailed planning applications in due course.
95. **The housing targets for the settlements are not intended as a ceiling,** and detailed proposals for both the C1 (A) and C1 (B) sites will be considered on their merits against the relevant policies.
- 4.4.19 On the basis of the above, subject to an appropriate housing mix, provision of affordable housing, required infrastructure and or funding and consideration in relation to design, landscape and heritage assets and following detailed assessments at the planning application stage, it may be that a specific site can achieve a number of dwellings that is greater than estimated at Local Plan stage.
- 4.4.20 In addition, the outline application here before is stated as "up to" 31 dwellings. Therefore further detailed considerations at Reserved Matters stage including site assessments that may arise could result in a smaller number of dwellings being proposed.
- 4.4.21 Furthermore, this outline submission assumes the housing mix to be a significant number of dwellings with 2 or 3 bedrooms, which would result in a higher quantity of dwellings being proposed.
- 4.4.22 The density of the approved scheme (reference 18/00500/OUT) for 35 dwellings equates to 21.4 dwellings per hectares. Based on 31 dwellings, this current application would have a density of 17.4 dwellings per hectare.
- 4.4.23 Proportionality has also been raised by the Parish Council especially with respect to the village's growth when considering the existing infrastructure in the village and when considering Hose's status as a 'Service Centre'. In addition, the Parish Council have raised concerns with respect to the connectivity of the site to the village and also in respect of the scale of new housing within the village.
- 4.4.24 Whilst the concerns are noted, it is considered that the site would successfully integrate and connect into the village via the proposed access and extension to the existing footway on Harby Lane.

- 4.4.25 The impact of the development on the village with respect to infrastructure would be mitigated by the provision of obligations to secure additional facilities/provision as detailed in Section 4.4.4 above.
- 4.4.26 The site is allocated within the Local Plan, and it is considered that the development would be adequately serviced successfully integrate and respect the edge of village location, secure landscape and heritage benefits and secure contributions to local infrastructure. As such, it is considered that the development of 31 dwellings on this site would be suitable in accordance with the provisions of Policy SS1 and SS2 of the Melton Local Plan.

### Connectivity to the Village

- 4.4.27 In addition, the application documents submitted show the site in relation the village of Hose and connectivity of the development, including the potential to develop further a link road between Canal Lane and Harby Lane as shown indicatively on the plan below – as stated in Policy H2 of the Neighbourhood Plan for the adjacent allocated site.
- 4.4.28 The plan below provides the indicative vehicular and pedestrian links between the site and the village. Members should note though that this is only an aspiration and shows how the application site sits in the context of the village. One vehicular and pedestrian access is being proposed, via the existing access from Harby Lane.



### Grange Moat Scheduled Monument and Northern Buffer

- 4.4.29 The impact on Heritage Assets and specifically Grange Moat Scheduled Monument is discussed in detail in paragraph 4.6 of this report but it is concluded that overall and on balance, the benefits of the scheme outweigh that harm. Whilst there is some less than substantial harm to the setting of the Scheduled Monument, it is considered that the public benefits of additional housing including the significant infrastructure contributions and affordable housing provision outweigh the limited harm in accordance with Section 16 of the NPPF. The additional numbers on the site in relation to the estimated capacity have been considered in the previous section and also considered in full in paragraph 4.6 in relation to the impacts upon the Scheduled Monument.

4.4.30 The indicative layout plan provided with the submission shows how the development would secure a significant buffer to the northern boundary, similar to that and a continuation of that already approved on the adjacent site. This further shows that the development complies with Appendix 1 of the Local Plan by setting aside a buffer between the site and the open countryside and neighbouring Scheduled Monument. This is to be secured by condition 13 of Appendix C which requires a buffer on this northern boundary to be provided as part of the Reserved Matters submission.



### Conflict between Melton Local Plan and Neighbourhood Plan

- 4.4.31 During the examination of the Local Plan, the Inspector considered that the application site (HOS2 in the Local Plan) had not been included as an allocated site in the Neighbourhood Plan, and “does not reflect the aspirations of the local community”.
- 4.4.32 However the Inspector further goes on to state that the Council are justified in preferring the allocated site (to ensure a supply of deliverable sites) and that there would be insufficient evidence to conclude that the inclusion of this site in the Local Plan would be unsustainable for the village (taking into account the other allocated sites and planning permissions).
- 4.4.33 Whilst objection has been received in relation to the conflict between the Neighbourhood and Local Plans, the Inspector concluded that the additional allocated site in the Local Plan was acceptable and subsequently the plan was adopted including the allocated site. It is not considered that the refusal of the application on the basis that it is not allocated in the Neighbourhood Plan would be sufficient.
- 4.4.34 As the Local Plan was adopted at a later date and is the strategic plan for the Borough, the policies (including site allocations) do carry greater weight than the conflicting policies/allocations in the Neighbourhood Plan. The Local Plan was adopted more recently than the Neighbourhood Plan and therefore achieves ‘primacy’ under the applicable law

#### 4.4.35 **Conclusion on Principle**

- 4.4.36 Given that the Local Plan is adopted and the site is allocated for development, the benefits that would arise from it should be given significant weight in the determination of the application. Appendix 1 makes it clear that development of HOS2 will be supported provided the northern boundary of the site provides an adequate buffer with soft landscaping and suitable boundary treatment to respect the adjacent open countryside and Scheduled Monument to the north. The buffer to the northern boundary is to be secured by condition 13 of Appendix C and would be required to be provided as part of the Reserved Matters Submission.
- 4.4.37 The sensitivity of the site to the Scheduled Monument is fully acknowledged, the heritage issues can be successfully mitigated through a package of measures that can be secured at reserved matters stage by way of a condition.
- 4.4.38 The development of the application site would be consistent with the spatial strategy, would provide support for the maintenance and enhancement of local services, contribute to the choice of a range of housing sites in sustainable locations in the Borough and offer significant benefits by helping to meet housing needs all of which would be considered to outweigh the identified harm to the heritage assets.
- 4.4.39 The development provides potential for sympathetic design in keeping with the character of the Area, careful landscaping, biodiversity, an acceptable access, contributions towards infrastructure and sustainable drainage opportunities and as such is considered to accord with Policies SS1, SS2, C1 (A) and Appendix 1 (HOS2) of the Melton Local Plan.

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

- 4.5.1 Policy D1 of the Local Plan states that all new developments should be of high-quality design. Policy EN1 of the Local Plan aims to ensure new development is sensitive to its landscape setting and that it seeks, where possible, to enhance the distinctive qualities of the landscape character areas (as defined in the Landscape Character Assessment); and requires new developments to respect existing landscape character and features.
- 4.5.2 Policy H7 of the Neighbourhood Plan also requires certain design criteria within new development proposals.
- 4.5.3 The application site is not public open space nor is it identified as important green space and is allocated for housing within the Local Plan. The site is not identified within an 'important view' within the Neighbourhood Plan. As such, there are no 'in principle' issues resulting from its loss as agricultural land.
- 4.5.4 The layout provided at this outline stage is indicative and the appearance of the buildings and final layout would be assessed as part of any future reserved matters application. However, the retention of the hedges on the boundary of the site and incorporation of buffers as required from ecological considerations and also with respect to the northern buffer are to be submitted in support of the first reserved matters as secured by condition 13 of Appendix C.
- 4.5.5 Careful consideration would need to be had at reserved matters stage to ensure that the development would soften the impact of the proposed development on the wider landscape character and integrate the development into the existing settlement edge.
- 4.5.6 Again, this element was specifically referred to by the Inspector and within Appendix A and it is considered that the northern buffer would be significant to soften the development into the countryside and respect the adjacent scheduled monument.



- 4.5.7 Policy EN6 of the Melton Local Plan states that development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement or form a key entrance and/or gateway to a settlement. It is acknowledged that this site is located on the north-western edge of the village and the development of the site would alter its character.
- 4.5.8 However, subject to detailed consideration at reserved matters stage, with significant and appropriate landscaping, the development of the site could be achieved so as to integrate successfully into this edge of village location so as not to disrupt the pattern and form of the village. A well-designed development with sensitive landscape edges could be achieved to ensure the development accords with Policies EN4 and EN6 of the Melton Local Plan and the landscape guidance in respect of providing a scheme that would not be considered to harm the character of the area on this edge of village site.
- 4.5.9 Overall, subject to further detailed consideration at reserved matters stage, the proposal is considered to be acceptable on the grounds of impacts upon the character of the area and complies with the above policies.

#### 4.6 **Impact upon heritage assets**

4.6.1 The Local Planning Authority has a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Considerable importance and weight should be applied to these duties, even where the harm identified is less than substantial.

4.6.2 In addition, Paragraph 197 of the NPPF states that in determining applications, Local Planning Authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

4.6.3 Paragraph 199 of the NPPF requires that:

When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

4.6.4 Paragraph 200 of the NPPF advises that:

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

4.6.5 Paragraph 202 of the NPPF states:

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

- 4.6.6 The site is considered to be a sufficient distance from the Hose Conservation Area and as such the proposal would be considered to have a neutral impact upon the setting of the Conservation Area.
- 4.6.7 The application site however lies to the south and southwest of the Grange Moated Scheduled Monument and Grade II Listed Grange Farmhouse.
- 4.6.8 The land is relatively flat and there is a degree of intervisibility between the site and the adjacent heritage assets. However, this particular site is set further away from the Listed Building and Scheduled Monument than the previously approved development site to the east. Notwithstanding this, a continuation of the buffer on the northern boundary would be secured by condition 13 of Appendix C to mitigate the impact of the development on the setting of the listed buildings and scheduled monument.
- 4.6.9 In addition a bund is proposed on the intervening land with the finer details of this to be secured at reserved matters stage.
- 4.6.10 The desk-based assessment and settings assessment have provided a comprehensive appraisal of the impact of the proposals upon the scheduled monument.
- 4.6.11 Historic England have stated that they broadly agree with the assessment's conclusions on the level of impact and its recommendations to mitigate and minimise that impact and are pleased to see the proposals to sensitively design the buffer on the northern side of the application site and retain the footprint of the western hollow way within the scheme.
- 4.6.12 The hollow way referred to is located in the northern part of the site and is proposed to be retained and preserves this feature in-situ and furthermore allows it to be incorporated as part of the site.
- 4.6.13 It is also proposed through the application the provision of additional interpretation for the scheduled site (and medieval settlement) as part of this scheme which would be a key public benefit of the proposals and could be delivered within the site or along the nearby footpath. Further details of this can be secured by condition.
- 4.6.14 Due to the relationship between the application site and proximity to the Listed Building and Scheduled Monument and the introduction of built development and visual prominence on the edge of village it is considered that the development would result in a degree of harm to the designated heritage assets, in terms of an effect on their settings. However, due to the separation distance and existing harsh edge of village that currently persists, the introduction of a residential development with a buffer on the northern boundary is considered to be less than substantial harm and would be at the lower end of that scale.' This harm still requires to be weighed against the public benefits in line with Paragraph 202 of the NPPF.
- 4.6.15 The current application is an outline application where details of the layout, scale and external appearance of the dwellings will be considered at the reserved matters stage as well as landscaping. In line with Historic England's comments, there will be opportunities to minimise the impact on the setting of the heritage assets at reserved matters stage, by way of the northern buffer.
- 4.6.16 Overall, it is considered that a degree of "less than substantial harm" (in NPPF terms) identified would be outweighed by the public benefits of providing a scheme that would

provide; a policy compliant level of affordable housing provision, a suitable housing mix, a development consistent with the spatial strategy, support for the maintenance and enhancement of local services and contribute to the choice of a range of housing sites in sustainable locations in the Borough and also a scheme of interpretation and revealing the holo-way.

4.6.17 In light of the above matters, whilst the duty to safeguard heritage assets requires that great weight should be given to the asset's conservation, it can be concluded that there would be less than substantial harm in this instance and the benefits of bringing forward a site allocated for residential development in the Local Plan, would outweigh this identified harm to the associated heritage assets. Therefore, the development of the application site as proposed accords with Policy EN13 and C1 (A) of the Local Plan and section 16 of the NPPF.

#### **4.7 Impact upon residential amenities**

4.7.1 The layout of the proposed dwellings is indicative.

4.7.2 The application site is currently undeveloped land adjacent to existing properties on Stroud's Close. Subject to final siting and scale of the proposed dwellings, it is considered that the site could accommodate up to 31 dwellings whilst maintaining adequate residential amenity of neighbouring properties in terms of outlook and privacy and ensuring there would be no adverse overbearing or loss of light impacts.

4.7.3 Subject to layout and siting of the dwellings, sufficient amenity space for the dwellings could also be provided in line with the Development Plan and supporting Design Supplementary Planning Document.

4.7.4 The proposed development is adjacent existing residential dwellings. As such construction activities – noise, vibration, dust and artificial light could adversely affect residential amenity. It is therefore recommended that a Constructional Environment Management Plan is to be submitted prior to commencement of development and followed during construction of the development, this is requested at Condition 23 of Appendix C.

4.7.5 Overall, it is considered that the proposal would comply with the relevant policies of the Melton Local Plan and Neighbourhood Plan which requires new development to ensure that the amenity of future occupiers and of neighbouring properties should not be compromised.

#### **4.8 Highway Safety**

4.8.1 The site is located off Harby Lane, which is a Class C road subject to the national speed limit within the vicinity of the site.

4.8.2 The approved site access under the previous 1 application, planning permission 18/00500/OUT, is also proposed as the access for this development. The approved access has a width of 5.5m and 10m kerb radii which remains acceptable for the overall quantum of development.

4.8.3 Condition 8 of application 18/00500/OUT requires the relocation of the existing national/30mph speed limit beyond the site access. In addition the previous application secured a speed reduction scheme to be submitted and implemented prior to first occupation.

4.8.4 The same access arrangements, relocation of the existing national/30mph speed limit and speed reduction scheme secured under 18/00500/OUT is also recommended to be

secured in connection with this application in order to safeguard the site in the event that the previous development is not implemented.

- 4.8.5 The site access and visibility is therefore considered to be acceptable.
- 4.8.6 The indicative site layout also shows the provision of a 2m wide footway from the site access to tie in with the existing footway on Harby Lane. Again, this is to be recommended to be secured by condition (number 11 in appendix C) in order to provide a pedestrian route into the village. This is shown as detailed on the applicant's submitted Hose Connectivity Plan.
- 4.8.7 The internal layout of the site is not to be determined at this stage however the proposed internal road is designed to an adoptable standard which can be secured at reserved matters stage, although it is understood that the site is not intended to be put forward for adoption.
- 4.8.8 The Local Highways Authority have reviewed the details submitted and raise no objection subject to the above conditions and also contributions in respect of travel packs and passes in addition to a new bus stop pole and flag at the nearest bus stop to the site.
- 4.8.9 In addition to this, it is recommended to condition that electric vehicle charging points are provided for each dwelling (condition 26 in appendix C).
- 4.8.10 Trip generation or junction capacity assessments have not been undertaken given the quantum of development being proposed. LCC Highways have confirmed that no assessment of trip generation is necessary and the site access and visibility is acceptable to cater for the development.
- 4.8.11 The provision and layout of off-street parking to cater for the development would be considered at Reserved Matters stage.
- 4.8.12 A Construction Traffic Management (CTM) Plan has been recommended to be submitted by condition to ensure suitable and safe passage of vehicles along the highway and to ensure there is no mud or excess material on the highway.
- 4.8.13 Whilst there are no Public Rights of Way within the application site, Public Footpaths G26 and G33 cross the site associated with planning permission 18/00500/OUT, which includes the provision of the site access road for this application. Again, the same condition applied to the previous application in relation to public right of way is to be secured on this application (condition 12 in appendix C).
- 4.8.14 Comments have been received by the Parish Council during the course of the application with respect to a link road between Harby Lane and Canal Lane through the development site and the adjacent allocated site. An indicative layout plan has been provided to show how this would be feasible although members should note that this is indicative only, not for consideration and only shown to demonstrate the relationship between the sites in Hose. The application is outline in nature and the only access shown to the site is from Harby Lane and this is considered suitable to accommodate the quantum of development being considered here.
- 4.8.15 As such, when considering the access to the site from Harby Lane, taking into account the information submitted and comments from the Local Highways Authority, the impacts of the development on highway safety would not be considered to be severe to warrant refusal.
- 4.8.16 As such, the development is considered to be in accordance with the relevant policies of the Melton Local Plan in respect of highway safety and parking.

#### 4.9 **Ecology**

- 4.9.1 No objections are raised in principle with this proposal as the land is in recent arable use and therefore of low biodiversity value.
- 4.9.2 Concerns were initially raised by LCC Ecology over the indicative layout and lack of buffers / retention of the hedgerows. Revised indicative plans have been provided showing the potential to include a 5metre wildlife corridor, buffer zone and newt population and newt friendly tunnels under the proposed access roads. All ecological mitigation measures are recommended to be secured by condition 13 in appendix C. The Hedgerow spanning the centre of the site from East to west is retained, but where removed to provide access, compensation is provided.
- 4.9.3 Overall, subject to detailed consideration at reserved matters stage, it is considered the proposal would not result in adverse impacts ecology or biodiversity subject to mitigation which can be secured by condition (condition 14 of appendix C).

#### 4.10 **Archaeology**

- 4.10.1 The site itself is within an area of Medieval Village Earthworks (HER ref: MLE3538), and the historic settlement core of Hose (MLE8747). Archaeological evaluation techniques, including non-invasive and invasive evaluations on this matter have been undertaken on the previous application to the east.
- 4.10.2 These previous evaluation techniques have demonstrated that the settlement of Hose once came out as far as the application area and that the remains of the house platforms are varying in their level of preservation.
- 4.10.3 However within the current application area, only two trenches were located on the northern edge which is not considered sufficient to secure a mitigation strategy for this area. Therefore additional trenching would confirm if there is earlier settlement activity beneath the ridge and furrow or not.
- 4.10.4 As such, it is recommended that a condition is added to safeguard any important archaeological remains potentially present (condition 22 of appendix C).

#### 4.11 **Contamination/ Odour/ Noise**

- 4.11.1 Agricultural land can be associated with a number of polluting activities and details have been provided by the applicant with respect to contamination however further information with respect to the submission of a Phase 1 Contamination Report (and if required a Phase 2 Contaminated Land Survey and subsequent mitigation) can be secured by condition (conditions 19, 20 and 21 of appendix C).
- 4.11.2 With respect to odour, given the location of the site adjacent to a working farm, again consideration should be had with respect to odour impacts. Although an odour assessment has been submitted and considered by the Environmental Health Officer, it is considered that suitable mitigation measures through an odour management plan can be secured by condition (condition 25 of appendix C).
- 4.11.3 Noise needs to be carefully considered due to the proximity to a working farm. A noise assessment has been submitted however again mitigation measures can be secured by condition (number 24 of appendix C) and in part is dependent on the layout (location of gardens etc.) which would be considered at reserved matters stage.
- 4.11.4 As such, no concerns are raised on grounds of contamination, odour and noise subject to mitigation secured by condition and at reserved matters stage.

## 4.12 Flood Risk/Drainage

- 4.12.1 Foul drainage is proposed to connect into the public combined water sewer, which will be subject to a formal section 106 sewer connection approval governed by Severn Trent Water. A pumped solution is being proposed for foul water discharge from this site, and Severn Trent Water have advised that a sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. This additional work would need to be secured by the applicant in dialogue with Severn Trent as part of the connection application.
- 4.12.2 Surface water would be efficiently managed on the site and discharged to local water courses via an attenuation basin. The proposed attenuation basin is situated outside of this allocation and outside of the site in the adjacent field. The reason put forward by the applicant is that this is in the lower lying field and is the same as approved under previous application.
- 4.12.3 LLFA have raised no objections to the proposed drainage strategy given that the site is located within Flood Zone 1 being at low risk of fluvial flooding and is at very low risk of pluvial flooding. Proposals are for surface water drainage to be attenuated before being discharged at greenfield runoff rates into an adjacent ditch within the developer's control. The LLFA have advised this to be acceptable subject to conditions and likewise Severn Trent Water and Environment Agency raise no objection.
- 4.12.4 As such, it is considered that the site can be adequately drained subject to conditions 15, 16, 17 and 18 of appendix C).

## 4.13 Sustainability

- 4.13.1 The applicant has provided a sustainability statement with respect to the development and in respect of Policies EN8 and EN9 of the Melton Local Plan and criterion m) and n) of Policy H7 of the Neighbourhood Plan.
- 4.13.2 The principles stated by the applicant are as follows:
- Locally Leicestershire and Nottinghamshire produced facing materials together with appropriate forms of Modern Methods of Construction (MMC)
  - Plan form of each property will be reduced to allow for cross ventilation, internal spaces will be organised to either benefit from solar gain or insulate from cold northerly aspects.
  - Reducing water wastage and the reuse of rainwater through water butts as a minimum.
  - Home offices integrated in the house types
  - Electric vehicle charging points to be provided to allow for the incorporation of a 7KW charging point suitable for most EV's
  - Site waste management plans will be prepared to encourage waste minimisation
- 4.13.3 The Reserved Matters shall be supported by a sustainability statement demonstrating how the proposal responds to sustainability and this is to be secured by condition 13 of Appendix C.

## 5 Consultation & Feedback

- 5.1 A site notice was posted at the site, a press notice was also posted in the Melton Times and neighbouring properties consulted.

- 5.2 During the course of the application, an amended plan was received and description updated following which a full re-consultation was undertaken, including new site notice and press notice.
- 5.3 Overall, following the initial consultation to the 6 immediate neighbours and subsequent revised consultation, 28 letters of objection were received, details of the comments are summarised at appendix B.

## 6 Financial Implications

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

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

## 7 Legal and Governance Implications

- 7.1 The application engages the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 7.2 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 18/00500/OUT - Proposed Residential Development for 35 Houses. – Permitted subject to a Section 106 Agreement 17.03.2020

## 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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## Appendix A : Consultation replies summary

### Parish Council:

#### Initial Comments dated 21st May 2020

The Parish Council strongly objects to this application on the basis that approved applications for the adjacent sites HOS1 and HOS2 (Phase One) have already demonstrated meeting the stated housing allocation for the village of Hose, as identified in the Melton Borough Council (MBC) Local Plan. Delivery of the extra numbers for this site would bring the total number of new houses in Hose to 107, which far exceeds the MBC Local Plan allocation of 76 units, which itself was significantly higher than that identified in the Clawson, Hose & Harby Neighbourhood Plan.

The MBC Local Plan housing allocation for the entire plot of HOS2 is 35, which was intended to “take account of the fact the northern part of the site needs to be set aside to provide a buffer between the site and the open countryside and the neighbouring Scheduled Ancient Monument.” (Appendix B: Suggested Amendments to Policy C1a Housing Allocations and C1b Reserve Sites – 13th June 2017). To approve this planning application would be completely contrary to the approved policy and would more than double the allocation for this site as stated in the Local Plan.

As stated in para 4.2.16 of the Local Plan, the Appendix 1 allocation has been identified as being that which will “encourage growth in communities that is at a comparable rate, commensurate to their existing size”. Para 4.2.20 goes on to state that “villages identified as Service Centres and Rural Hubs each have different functions and different relationships with nearby towns, villages and the rural hinterland. It is important that these differences are recognised and reflected in the scale of new housing each is expected to accommodate. In each case this has been examined and site allocations informed accordingly.” Hose is a small village with a closely connected community. The addition of a total of 107 dwellings would increase the number of houses in the village by approximately 48%. This is a momentous increase for a village of any size and the Parish Council suspects, without precedent, within the Borough. Such growth conflicts with the Local Plan statements above and cannot in any way be construed as being commensurate with its existing size. It is also noted that these recent applications for large developments in Hose are such that they do not provide connectivity with the existing village layout. As a result, these new developments would, in effect, create a new settlement outside the current boundary of the existing village with little or no attempt at creating a village form that is organic and that would help assimilate the developments (and hence the new residents) into village life.

This development does not demonstrably meet any identified needs in the village and / or help to sustain local services or facilities. It clearly overreaches the development number for the site, as identified in the Local Plan, and is likely to increase traffic congestion within the village and overwhelm local services and infrastructure. There is no new evidence, since the Local Plan was approved, to show any change in the required housing need for Hose or across the Parish.

In addition to the above, the Parish Council has grave concerns for the school and its ability to cope with demand from the residents of the excessive number of houses now the subject of recent planning applications. We believe this development would take the school over its capacity of 77 pupils. Hose Primary School is a restricted site and it would be very difficult for it to meet any further demand.

We would ask that it be noted that the Local Plan’s rejection of the potential development sites approved by residents in the Neighbourhood Plan referendum, in favour of the HOS2 site, has generated significant indignation amongst the residents of Hose. This has increased with the



knowledge of this application, which seeks to more than double the housing allocation on the same site, and the Parish Council have been called upon to encourage MBC to uphold its own Local Plan and to ensure that future development within Hose is sustainable and commensurate.

The Parish Council would also like to highlight the following policies in the Local Plan and Neighbourhood Plan, which this application does not comply with, though it is appreciated that these may be the subject of agreement should planning approval be granted:

#### Local Plan

- Policy C1 (A): Housing Allocations – Hose village allocation exceeded
- Policy D1: Raising the Standard of Design para 9.2.9 – in particular subsections;
  - a) Connections with the existing urban structure: well related to the traditional street pattern and allowing for future links. Developments that preclude future development of adjoining land or prevent potential links to wider networks should be avoided
  - b) .... Anonymous estates with 'off the peg' house types and which rely on a standardised hierarchy network of loop roads and cul-de-sacs should be avoided unless there are no other solutions
  - h) Existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development.

#### Neighbourhood Plan

- H5: Housing mix, specifically bungalows
- H7: Housing Design
- H8: Lighting
- ENV2: Other Sites of Environmental (Natural and Historical) Significance
- ENV6: Hedges
- T4: Parking
- DC1: Developer Contributions

The Parish Council has received 4 objections to this application which do not appear on the Melton Borough Council website. These objections are attached to this letter.

Notwithstanding our objections to planning application 20/00397/OUT, the Parish Council are keen to enter into dialogue with the proposed developers, planning officers and Borough Councillors in order to help plan a way forward with the sites in Hose. This dialogue will be targeted at resolving development form for the two currently approved applications to ensure, as much as possible, that the developments meet the criteria of the Local Plan in terms of scale of development, housing mix, landscaping, site context and site layouts and the Neighbourhood Plan in all other terms.

Thank you for considering these comments.

#### **Revised Comments dated 24th June 2021**

The Parish Council strongly objects to this application for the same reasons as stated in the letter dated 21st May 2020. Reducing the number of houses from 38 to 33 on this plot does not make the proposals more acceptable.

Approved applications for the adjacent sites HOS1 and HOS2 (Phase One) have already demonstrated meeting the stated housing allocation for the village of Hose, as identified in the Melton Borough Council (MBC) Local Plan. Delivery of the extra numbers for this site would bring the total number of new houses in Hose to 102, which, still, far exceeds the MBC Local Plan allocation of 76 units, which itself was significantly higher than that identified in the Clawson, Hose & Harby Neighbourhood Plan.

The MBC Local Plan housing allocation for the entire plot of HOS2 is 35, which was intended to “take account of the fact the northern part of the site needs to be set aside to provide a buffer between the site and the open countryside and the neighbouring Scheduled Ancient Monument.” (Appendix B: Suggested Amendments to Policy C1a Housing Allocations and C1b Reserve Sites – 13th June 2017). To approve this planning application would be completely contrary to the approved policy and would almost double the allocation for this site as stated in the Local Plan.

As stated in para 4.2.16 of the Local Plan, the Appendix 1 allocation has been identified as being that which will “encourage growth in communities that is at a comparable rate, commensurate to their existing size”. Para 4.2.20 goes on to state that “villages identified as Service Centres and Rural Hubs each have different functions and different relationships with nearby towns, villages and the rural hinterland. It is important that these differences are recognised and reflected in the scale of new housing each is expected to accommodate. In each case this has been examined and site allocations informed accordingly.” Hose is a small village with a closely connected community. The addition of a total of 102 dwellings would increase the number of houses in the village by approximately 46%. This is a momentous increase for a village of any size and the Parish Council suspects, without precedent, within the Borough. Such growth conflicts with the Local Plan statements above and cannot in any way be construed as being commensurate with its existing size. It is also noted that these recent applications for large developments in Hose are such that they do not provide connectivity with the existing village layout. As a result, these new developments would, in effect, create a new settlement outside the current boundary of the existing village with little or no attempt at creating a village form that is organic and that would help assimilate the developments (and hence the new residents) into village life.

Hose has been identified as a Service Centre in the Melton Local Plan but it is not comparable in size or population to other identified villages. It has a very small primary school that is unlikely to cope with increased demand from up to 102 households and there are hardly any employment opportunities within the village. The bus service only travels through Hose six times / day – the last bus leaving Melton at 17:33, which limits commuting to and from employment outside the village. Service Centres should also have ‘other important and desirable services such that they are capable of serving basic day to day needs of the residents living in the village and those living in nearby settlements.’ The shop in Hose is very small and is only open for 3 hours per day, which doesn’t include weekends and the future of the Rose and Crown Public House is of concern as it has been closed for more than 6 months. The garage has recently been demolished and planning permission is being sought to build 3 new dwellings on the site. This development does not demonstrably meet any identified needs in the village and / or help to sustain local services or facilities. It clearly overreaches the development number for the site, as identified in the Local Plan, and is likely to increase traffic congestion within the village and overwhelm local services and infrastructure. There is no new evidence, since the Local Plan was approved, to show any change in the required housing need for Hose or across the Parish.

In addition to the above, the Parish Council has grave concerns for the school and its ability to cope with demand from the residents of the excessive number of houses now the subject of recent planning applications. The Parish Council believes this development would take the school over its capacity of 77 pupils. Hose Primary School is a restricted site and it would be very difficult for it to meet any further demand.

We would ask that it be noted that the Local Plan’s rejection of the potential development sites approved by residents in the Neighbourhood Plan referendum, in favour of the HOS2 site, has generated significant indignation amongst the residents of Hose. This has increased with the knowledge of this application, which seeks to almost double the housing allocation on the same

site, and the Parish Council have been called upon to encourage MBC to uphold its own Local Plan and to ensure that future development within Hose is sustainable and commensurate. The Parish Council would also like to highlight the following policies in the Local Plan and Neighbourhood Plan, which this application does not comply with, though it is appreciated that these may be the subject of dialogue should planning approval be granted:

#### Local Plan

- Policy C1 (A): Housing Allocations – Hose village allocation exceeded
- Policy D1: Raising the Standard of Design para 9.2.9 – in particular subsections;
  - a) Connections with the existing urban structure: well related to the traditional street pattern and allowing for future links. Developments that preclude future development of adjoining land or prevent potential links to wider networks should be avoided
  - b) .... Anonymous estates with 'off the peg' house types and which rely on a standardised hierarchy network of loop roads and cul-de-sacs should be avoided unless there are no other solutions
  - h) Existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development.

#### Neighbourhood Plan

- H5: Housing mix, specifically bungalows
- H7: Housing Design
- H8: Lighting
- ENV2: Other Sites of Environmental (Natural and Historical) Significance
- ENV6: Hedges
- T4: Parking
- DC1: Developer Contributions

It is also noted that the water attenuation pond illustrated on the site plan lies outside the area for which planning permission is being sought. It is understood, by the Parish Council, that this should be included within the proposed site boundary.

The proposed wildlife corridor appears to have taken space from a number of gardens, compromising the amenity space for these properties. Plots 1, 2 and 7 only appear to have a front garden and no private garden to the rear of the property.

The play area has been removed from the amended plans, which would mean that families would need to use the park in the centre of the village. This in itself, is an issue as the playground is very limited, comprising of 2 x cradle seat swings, 2 x flat seat swings, 1 x small roundabout and an old rocking horse!

The Parish Council would also like to clarify the situation with regard to street lighting. There does not appear to be any lighting illustrated on any of the plans for the proposed development, neither is any shown for the section of Harby Lane between the development access road and the existing village. Street lighting should be provided by the developer for all these areas, including the footpath link into the village, all to LCC design standards.

Notwithstanding the objections to planning application 20/00397/OUT, the Parish Council is keen to enter into dialogue with the developers, planning officers and Borough Councillors in order to help plan a way forward with the sites in Hose. This dialogue will be targeted at resolving development form for the currently approved application on the same site (18/00500/OUT – HOS2 - Phase One) to ensure, as much as possible, that the development meets the criteria of the Local Plan in terms of scale of development, housing mix, landscaping, site context and site layouts and the Neighbourhood Plan in all other terms.

In the event of permission being granted, the Parish Council would request a S106 contribution towards new playground equipment to the sum of £15,000 (if a play area is not to be included in the proposals) for the reasons mentioned above or a contribution towards improvements at the village hall also for the sum of £15,000, which would see an increase in usage as a result of this development (and the previously approved application 18/00500/OUT). The Parish Council would be happy to provide more details upon request.

Thank you for considering these comments.

### **Revised Comments dated 23rd February 2022**

The Parish Council strongly objects to this application for the same reasons as stated in its letters dated 21st May 2020 and 24th June 2021. A reduction of only 2 dwellings on this plot since its last amendment is completely unacceptable.

Approved applications for the adjacent sites HOS1 and HOS2 (Phase One) have already demonstrated meeting the stated housing allocation for the village of Hose, as identified in the Melton Borough Council (MBC) Local Plan. Delivery of the extra numbers for this site would bring the total number of new houses in Hose to 100, which, again, far exceeds the MBC Local Plan allocation of 76 units, which itself was significantly higher than that identified in the Clawson, Hose & Harby Neighbourhood Plan.

Whilst the Parish Council appreciates that the MBC Local Plan housing allocation for the entire plot of HOS2 of 35 was an indicative figure, it would like to emphasise that an increase of now almost 90% is extreme and unprecedented – particularly for a village as small as Hose, which does not have the infrastructure / services to cope with such an increase in numbers and has not been observed in any other area of Melton. To approve this planning application would be completely contrary to the approved policy and would almost double the allocation for this site as stated in the Local Plan. The Parish Council is dismayed that a second ‘phase’ of development on this site is being considered.

Please refer to the Parish Council’s letter dated 24th June 2021 for further comments related to concerns about village growth, Hose’s status as a ‘Service Centre’ and the future of the village school. Since these comments were made and following a Zoom meeting with the developers of this site, the Parish Council would like to point out that none of the germane points raised have been addressed.

As mentioned in previous correspondence, the Parish Council would ask that it be noted that the Local Plan’s rejection of the potential development sites approved by residents in the Neighbourhood Plan referendum, in favour of the HOS2 site, has generated significant indignation amongst the residents of Hose. This has increased with the knowledge of this application, which seeks to almost double the housing allocation on the same site, and the Parish Council have been called upon to encourage MBC to uphold its own Local Plan and to ensure that future development within Hose is sustainable and commensurate.

Thank you for considering the Parish Council’s comments.

**Ward Member Councillor: Formal Comments not received**

**Environment Agency:**

We have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission.

**Historic England:**

No objection in principle.

**Housing Policy Officer:**

Recommendation put forward and provision of 32% affordable housing on site.

**LCC Archaeology:**

No objection subject to conditions.

**LCC Lead Local Flood Authority:**

No objection subject to conditions.

**LCC Highways:**

No objection subject to conditions and contribution requests.

**LCC Developer Contributions Education:**

Contribution Requests to Education (Primary, Secondary, Post 16), Civic Amenities (Waste), Library Services.

**East Leicestershire and Rutland Clinical Commissioning Group (ELR CCG)**

Total funding request of £9,398.51

**LCC Ecologist:**

No objection subject to conditions.

**MBC Environmental Health:**

No objection subject to conditions.

**Designing Out Crime Officer:**

Recommendations provided.

**Severn Trent Water:**

No objection.

**Appendix B : Summary of representations received**

**Neighbours:**

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

- Hose overdeveloped with development.
- Over and above the housing allocation.
- Local Plan states only a certain number required. This number is now exceeded.
- Not allocated or designated within the Neighbourhood Plan.

- Outside Limits to Development within the Neighbourhood Plan.
- Impact upon road network, additional traffic, highway and pedestrian safety.
- Noise and air pollution from additional traffic and during construction.
- Impact upon local infrastructure, schools, healthcare.
- Residents unaware of the planning application being submitted.
- Need for first time buyers and downsizing for the elderly.
- Development impacting upon the countryside and character of the area.
- Impact upon residential amenity by way of loss of view, privacy and noise/disturbance.
- Inadequacy of the proposed wildlife corridor and ecological buffer.
- Impacts and lack of mitigation for Great Crested Newts.
- Not in keeping with the unique and distinct character of the village.
- Site density too high.
- Local employment opportunities are limited.

## Appendix C: Recommended Conditions and Reasons:

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

Appearance

Landscaping

Layout

Scale

The development shall be implemented in accordance with the approved details.

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

3. The reserved matters as required by condition 2 above, shall provide for a mixed of types and sizes of dwellings that will meet the area's local market housing need.

Reason: To cater for a range of housing needs and to accord with Policy C2 of the Melton Local Plan.

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

7919-03-01 Location Plan

received by the Local Planning Authority on 2 March 2022

Reason: To ensure a satisfactory form of development in accordance with Policies SS1 and D1 of the Melton Local Plan and Policy H5 of the Clawson, Hose and Harby Neighbourhood Plan

5. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be 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 appearance in the interests of visual amenity to accord with Policies SS1, SS2 and D1 of the Melton Local Plan and Policies H1 and H7 of the Clawson, Hose and Harby Neighbourhood Plan.

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

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies SS1, SS2 and D1 of the Melton Local Plan and Policies H1 and H7 of the Clawson, Hose and Harby Neighbourhood Plan.

7. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site have been submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme, in accordance with Policies SS1, SS2 and D1 of the Melton Local Plan and Policies H1 and H7 of the Clawson, Hose and Harby Neighbourhood Plan.

8. No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. In addition all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. Within the

fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.

Reason: In the interests of visual amenity in accordance with Policy D1 of the Melton Local Plan and Policies H1 and H7 of the Clawson, Hose and Harby Neighbourhood Plan.

9. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing number 7919-03 Rev. C1 received by the Local Planning Authority on 23<sup>rd</sup> February 2022 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

10. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

11. Prior to occupation of the first dwelling hereby permitted, details of the design for off-site highway works being the relocation of the national/30mph speed limit, a speed reduction scheme on Harby Lane in the vicinity of the site access and details of the extension of the existing footpath shall be approved and implemented to the satisfaction of the Local Planning Authority. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the Applicant who shall first obtain separate consent of the Highway Authority.

Reason: To mitigate the impact of the development, in the general interests of highway safety in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

12. No development shall take place until a scheme for the treatment of the Public Footpaths has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction,



fencing, surfacing, width, structures, signing and landscaping together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: To mitigate the impact of the development, in the general interests of highway safety in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

13. The following sustainability, heritage, ecological and biodiversity considerations must be submitted to the Local Planning Authority in support of and approved within the first reserved matters application:

- provide a 5m GCN foraging corridor along the north side of the southern boundary hedge, to echo the corridor previously agreed on the south side of this hedge (ref 19/00859/OUT);
- provide a similar corridor along the eastern edge, behind houses on Stroud close, to connect northwards
- to ensure a clear corridor continues northwards between this current site and previously agreed 18/00500/ indicative layout, to maintain connectivity to the Grange Farm ponds; this will include a newt-friendly tunnel under the roadway
- Retain as much of the central E-W hedge as possible, with a 2m buffer zone each side, outside garden boundaries
- Provide compensatory hedge planting for any hedges that are lost.
- Provide a buffer zone adjacent to Southeast corner to protect the receptor pond agreed as mitigation for GCN under 19/00859/OUT
- New planting scheme along the western boundary
- Buffer between the built form of the development and the northern boundary
- Sustainability statement demonstrating the sustainable principles of the development

The development shall thereafter be implemented in accordance with the approved plans and documents.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy EN2 of the Melton Local Plan and Policies ENV4 and ENV7 of the Clawson, Hose and Harby Neighbourhood Plan.

14. The development shall be carried out in accordance with the mitigation measure in Section 6 of the submitted Ecological Impact Assessment (Brindle & Green, November 2019). This is to also include the improvements to both “pond 2” and “pond 3” prior to translocation.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy EN2 of the Melton Local Plan and Policies ENV4 and ENV7 of the Clawson, Hose and Harby Neighbourhood Plan.

15. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, in accordance with Policies EN11 and EN12 of the Melton Local Plan and Policy ENV9 of the Clawson, Hose and Harby Neighbourhood Plan and the National Planning Policy Framework 2019.

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

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase, in accordance with Policies EN11 and EN12 of the Melton Local Plan and Policy ENV9 of the Clawson, Hose and Harby Neighbourhood Plan and the National Planning Policy Framework 2019.

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

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development, in accordance with Policies EN11 and EN12 of the Melton Local Plan and Policy ENV9 of the Clawson, Hose and Harby Neighbourhood Plan and the National Planning Policy Framework 2019.

18. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy, in accordance with Policies EN11 and EN12 of the Melton Local Plan and Policy ENV9 of the Clawson, Hose and Harby Neighbourhood Plan and the National Planning Policy Framework 2019.

19. No development shall take place until a phase 1 site investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority and the investigation and risk assessment shall be completed in accordance with a scheme to

assess the nature and extent of any contamination on the site and to identify and control any unacceptable risks to human health or the environment taking into account the sites actual or intended use, whether or not the contamination originates on the site. The Local Planning Authority may require further investigatory works (in the form of a phase 2 report) to be carried out if the assessment is found to be inconclusive. In addition further remediation requirement may be required to be submitted. The results of the investigation(s) shall be provided to and approved by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 174, 183 and 184 of the National Planning Policy Framework.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 174, 183 and 184 of the National Planning Policy Framework.

21. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a Remediation Method Statement has been submitted by the developer and approved by the LPA detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 174, 183 and 184 of the National Planning Policy Framework.

22. No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy EN13 of the Melton Local Plan and Policy ENV5 of the Clawson, Hose and Harby Neighbourhood Plan.

23. No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- I. Procedures for maintaining good public relations including complaint management, public consultation and liaison
  - II. Arrangements for liaison with the Council's Environmental Health Team
  - III. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
    - 07:00 Hours and 19:00 Hours on Mondays to Fridays and
    - 08:00 and 13:00 Hours on Saturdays and
    - at no time on Sundays and Bank Holidays
  - IV. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
  - V. Mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise and vibration disturbance from construction works.
  - VI. Procedures for emergency deviation of the agreed working hours.
  - VII. Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To secure the satisfactory development of the site and comply with Policy D1 Melton Local Plan.

24. Development shall not begin until a scheme for protecting the proposed dwellings from noise from the adjacent farm has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To secure the satisfactory development of the site and comply with Policy D1 Melton Local Plan.

25. Prior to first occupation of the residential development hereby permitted, an odour management plan for Grange Farm shall be submitted to and approved in writing by the Local Planning Authority. The odour management plan shall set out recommendations for the management of odour generating processes at Grange Farm for the purpose of minimising nuisance odour off-site. The odour management plan shall consider both material and operational changes in accordance with the principle of best practical means and shall have regard to current guidance. All odour control measure set out in the odour management plan shall in be implemented prior to first occupation of the residential development and shall thereafter be retained until such time as the odour generating processes are no longer operational

Reason: To secure the satisfactory development of the site and comply with Policy D1 Melton Local Plan.

26. Prior to the first occupation of each dwelling, an electric vehicle charging point shall be provided for each dwelling in accordance with details to be provided as part of the layout of the site. The approved charging points shall be provided prior to the first occupation of the dwelling to which they relate and shall be maintained as such for the life of the development.

Reason: To promote the use of sustainable modes of transport in accordance with Policies EN8 and EN9 of the Melton Local Plan.

27. The following must be submitted to the Local Planning Authority in support of the first reserved matters application:
- The provision of public open space within the layout which shall include a play area.
  - Full details of the layout and design of play equipment to be provided on the play area; details of dog proof fencing and the provision of dog waste bins.

These shall all be installed before any of the dwellings are occupied.

Reason: In order to ensure a satisfactory form of development in accordance with Policies SS1, SS2, D1, EN7 of the Melton Local Plan and Policies CF1 and CF2 of the Clawson, Hose and Harby Neighbourhood Plan.

## **Appendix D : Informatives**

1. A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980. A separate application for a diversion of an existing Public Right of Way should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of Public Rights of Way until a Diversion Order has become operative.
2. Public Rights of Way must not be further enclosed in any way without undertaking

discussions with the local Highway Authority (telephone 0116 305 0001). If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.

3. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Local Highway Authority.
4. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Local Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and Leicestershire County Council as Local Highway Authority may be obliged to require its immediate removal.
5. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
6. 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>
7. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
8. The drainage scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

9. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

10. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
11. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.
12. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).
13. 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.
14. 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.
15. The applicant is reminded of Melton Local Plan Policy C2 and the expectation that the Reserved Matters submission should include the provision of bungalows.

## Appendix E : Applicable Development Plan Policies

### Melton Local Plan:

- Policy SS1 Presumption in Favour of Sustainable Development
- Policy SS2 Development Strategy
- Policy C1(A) Housing Allocations
- Policy C2 Housing Mix
- Policy C4 Affordable Housing Provision
- 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

**Clawson, Hose and Harby Neighbourhood Plan:**

- Policy H1: Housing Provision
- Policy H5: Housing Mix
- Policy H6: Affordable Housing Provision
- Policy H7: Housing Design
- Policy ENV4: Biodiversity
- Policy ENV5: Ridge and Furrow
- Policy ENV6: Woodland, Trees and Hedges
- Policy ENV7: Protection of Great Crested Newts and their Habitats
- Policy ENV9: Flooding
- Policy T1: Public Transport
- Policy T3: Pavements, Footpaths, Cycle and Bridleways
- Policy T4: Parking
- Policy DC1: Developer Contributions

**Other**

- National Planning Policy Framework (2021)
- Affordable Housing and Housing Mix SPD
- Developer Contributions SPD
- Design SPD



## Appendix F : Site Photographs







Helping people | Shaping places



## Planning Committee

5 May 2022

Report of: Interim Assistant Director for  
Planning

### **20/01088/OUT Demolition of bungalow and erection of apartment block to create 9 apartments outline application with all matters reserved at 66 Dalby Road, Melton Mowbray**

<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Melton Dorian: Councillor Cumbers, Councillor Webster and Councillor Wood
<b>Date of consultation with Ward Member(s):</b>	5 October 2020
<b>Exempt Information:</b>	No

#### **1 Summary**



### Indicative Street Scene



- 1.1 The application site is currently occupied by a detached bungalow which is vacant and in a poor state of repair. This is an outline application for the demolition of the bungalow and the redevelopment of the site. The application originally sought planning permission for 10 apartments, however this has now been reduced to 9 apartments. All matters are reserved, and whilst indicative plans have been provided, illustrating how the site could be developed, the main consideration is the principle of the development. If approved, a further application would be required, which would consider the 'reserved matters' of scale, layout, appearance, access and landscaping.
- 1.2 A previous outline application (20/00433/OUT) for the erection of 15 apartments on the site was considered at Planning Committee in August 2020. The application was refused on the grounds that it would result in an overdevelopment of the site, resulting in inadequate provision of amenity space and/or car parking facilities for future residents.
- 1.3 This application now proposes 9 apartments. The indicative plans illustrate a part 2 storey and part 3 storey building containing 4 one bedroom apartments and 5 two bedroom apartments. Externally, the site would have separate access and egress points off Dalby

Road, with 7 car parking spaces to the front, a further 5 car parking spaces to the rear, together with a garden area and separate bin store.

- 1.4 Dalby Road is characterised by a mix of properties, with large detached dwellings to the south and a 2/3 storey apartment block immediately to the north known as New Dorian Lodge. To the rear of New Dorian Lodge is a row of three terraced dwelling houses, and to the rear of the application site are detached dwellings positioned around the head of a cul-de-sac known as Dovedale Close.

## RECOMMENDATION(S)

**1. It is recommended that Outline Planning Application be GRANTED, subject to conditions (as set out in Appendix C).**

## 2 Reason for Recommendations

- 2.1 The proposal accords with the requirements of Policies SS1 and SS2 of the Melton Local Plan, as the urban area of Melton Mowbray is identified as the most sustainable location in the Borough for housing growth.
- 2.1 The principle of small-scale apartments in this highly sustainable location, close to local facilities and transport link, is therefore considered acceptable. The agent has demonstrated, through the submission of indicative plans, that the site is capable of accommodating 9 apartments, whilst providing an acceptable standard of living for future residents, and not resulting in harm to the character or appearance of the area, the living conditions of surrounding occupiers, highway safety or ecology. Subject to the suggested conditions set out in appendix C, the proposals would accord with Policies contained within the Melton Local Plan.

## 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 representation from separate households contrary to the recommendation.

### 3.2 Relevant Policies

- 3.2.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.
- 3.2.2 The Local Plan is up to date and consistent with the latest revised versions of Government Guidance as contained in the National Planning Policy Framework.
- 3.2.3 Melton Borough Council Design SPD was adopted on 24<sup>th</sup> February 2022 and is a material consideration in the determination of the application.
- 3.2.4 Please see Appendix D for a list of all applicable policies.

### 3.3 Main Issues

The main issues for this application are considered to be:

- Principle of residential development
- Impact on the character and appearance of the area
- Impact on residential amenity

- Impact on highways and parking
- Impact on ecology
- Impact on flood risk
- Implications on infrastructure

## **4 Report Detail**

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

- 4.1.1 The site lies within Melton Mowbray, and policies SS1 and SS2 of the Local Plan apply. These policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and set out the strategy for delivering housing across Melton Borough. This is achieved by identifying the most suitable locations for new housing within a settlement hierarchy, based upon sustainable credentials. Melton Mowbray is the Main Urban Area and is the priority location for growth, accommodating approximately 65% of the Borough's housing needs.
- 4.1.2 Policy C2 relates to Housing Mix, it seeks to ensure the delivery of a mix of house types, tenures and sizes, to balance the current housing offer, having regard to the latest evidence of housing need. There is a requirement for smaller dwellings across the Borough, which this proposal would contribute to.
- 4.1.3 Policy C4 seeks to secure affordable homes on development sites of 11 or more units, and/or where the floor space would exceed 1000m<sup>2</sup>. Based on the revised proposal of 9 apartments, with an estimated total floor space of 714 m<sup>2</sup>, the application falls below such thresholds, and therefore no affordable housing is sought.
- 4.1.4 Other material considerations include the guidance contained within the NPPF and the adopted Design SPD.

### **4.2 Principle of Development (Policies SS1 and SS2)**

- 4.2.1 The re-development of the site accords with the principles of Policies SS1 and SS2 of the Local Plan. The site is in a sustainable location and is a brownfield site. The NPPF recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. Section 11 of the NPPF relates to 'Making effective use of land' and advises that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. With reference to density, the NPPF advised that planning policies and decisions should support development that make efficient use of land, taking into account the need for different types of housing, local market conditions, the availability of infrastructure and the desirability of maintaining an area's prevailing character, and securing well designed and attractive places.
- 4.2.2 In this instance, it is considered that the architects have demonstrated, through the submission of indicative plans, that the re-development of the site with 9 apartments is acceptable in principle. The existing bungalow is not a significant building which merits retention, and the surrounding area has a mixed character, including the adjacent apartment block.
- 4.2.3 The proposal complies with Policies SS1 and SS2 of the Local Plan and the NPPF and is therefore acceptable in principle.

#### 4.3 **Impact upon the character of the area (Policy D1 and Design SPD)**

- 4.3.1 Policy D1 of the Local Plan requires new development to be of high-quality design regarding layout, context, amenity, landscaping and connectivity. Whilst detailed plans are not for consideration under this outline planning application, the indicative plans show the building could be part two and part three storey, respecting the height and scale of the adjacent two / three storey apartment block to the north and the large Arts and Crafts style two storey dwelling to the south. The indicative street scene demonstrates that the scale of any proposed building could be successfully integrated between the two adjacent buildings without appearing cramped, overdeveloped or out of context. In terms of siting, the apartment block would be comparable in terms of its relationship to the street scene and distances to neighbouring buildings, as the two neighbouring properties. The development would make a positive contribution to the character and appearance of the street scene, reflecting the urban location where surrounding sites are more densely populated and varied in their overall height and massing. The final design and construction materials would be subject to approval under a Reserved Matters application.
- 4.3.2 The application site measures 0.13 hectares and is substantial in size for an in-fill plot. As a result, the indicative layout plan demonstrated that there would be sufficient space within the site to provide car parking, refuse and re-cycling facilities, and a landscaped outside amenity space.
- 4.3.3 The proposed car parking to the front of the property would be readily visible from the public realm, however there are similar arrangements nearby, therefore the car parking would not appear out of character with the area. Its appearance could also be softened by the use of high quality hard and soft landscaping, which would be considered under any subsequent Reserved Matters application.
- 4.3.4 There is a semi mature horse chestnut tree in the front garden area of the property to the immediate south, which provides some significant amenity value to the street scene, however its canopy does not extend within the site and the proposed development is unlikely to impact upon its long-term health.
- 4.3.5 The proposal for 9 apartments would not have a significant adverse visual impact on the character and appearance of the area, and subject to detailed design, the development is capable of providing an acceptable and good quality design which would enhance the area in accordance with Policy D1 of the Local Plan.

#### 4.4 **Impact upon residential amenities (future occupiers and surrounding neighbours) (Policies C3 and D1)**

- 4.4.1 The siting of the building, as shown on the indicative plans, illustrates the building footprint would not extend significantly (approx. 1-2m) beyond the rear elevation of the adjacent apartment building, nor come closer to the road than either of the two flanking buildings. The indicative elevations demonstrate that a building containing 9 apartments could be accommodated within the site, whilst respecting the scale, massing, siting and building heights of the two flanking properties, neither of which contain principal windows within the side elevations facing the site. Given the scale and siting of the indicative building, it is considered that the site could be developed with 9 apartments, without unduly harming the living conditions of the flanking properties, through loss of light, over-shadowing or overbearing impact. The properties to the rear on Dovedale Close are a significant distance from the windows on the proposed rear elevation, which is illustrated as being

located approximately 25 metres from the shared boundary. This would be well within what is customarily considered to be an acceptable distance to avoid undue loss of privacy. Whilst views from windows to the rear would give views over the rear garden areas of the two flanking properties, these would be at oblique angles and would not result in direct views into windows or the private zone immediately to the rear of these properties. The proposed apartment block would be no closer to the three small dwellings to the North West than the existing apartment block to the north known as New Dorian Lodge. The private garden areas serving these three dwellings are located on the rear, and as a result, would not be overlooked by the proposed development. The outlook and privacy of the nearby dwellings would not therefore be unduly compromised.

- 4.4.2 Whilst the replacement of a bungalow with 9 apartments would result in an increase in vehicle movements and activity on the site, over and above that associated with one dwelling, given the location of the site on a busy B Class road, close to the centre of Melton Mowbray, together with the character of the surrounding area, it is not considered that any increased levels of noise and disturbance would be unduly intrusive, on neighbouring residents.
- 4.4.3 A number of neighbouring residents have requested robust and attractive boundary treatment be provided to the site boundaries, particularly adjacent to the proposed car parking areas. Securing appropriate boundary treatment to the site boundaries will ensure privacy is protected and that the proposed car parking area is suitably screened. A separate condition is therefore proposed requiring such details to be submitted to the Local Planning Authority for approval.
- 4.4.4 Following consultations with the Borough's Environmental Health Team they advise that in order to protect existing residents from harmful noise and disturbance during construction, a construction management plan should be required by condition, prior to demolition or construction commencing, which is included in the list of suggested conditions.
- 4.4.5 In terms of the living conditions of future occupiers, the indicative floor and elevation plans, illustrate that a development of 9 apartments could be accommodated on the site, which would provide future occupiers with an acceptable standard of living in terms of space, natural light and outlook. The Environmental Health Team also advise that as the apartment block would front onto the B6047 Dalby Road, which carries significant traffic volumes and is likely to expose the residents of the proposed apartments to significant noise, a condition requiring a scheme demonstrating how future occupiers would be protected from unacceptable levels of road noise, should be attached to any approval.
- 4.5 **Highway Safety (Policies D1, IN1, IN2)**
- 4.5.1 Whilst access to the site is a reserved matter, it is still necessary to establish that the site could be accessed off Dalby Road in a safe manner. The indicative site layout plan proposes two access points onto Dalby Road, one for access and one for egress. The agent has updated the proposed block plan to include visibility splays. Following further consultation with LCC Highways they note that the required 2.4m x 43.0m visibility splays are achievable from the site access in accordance with the speed limit at the site frontage. They advise that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other redevelopments, the impacts on the road network would not be severe.



- 4.5.2 In terms of car parking, the indicative site layout plan demonstrates that 12 spaces could be accommodated within the site to serve 9 apartments. The Leicestershire Highway Design Guide (LHDG) suggests that two parking spaces per dwelling with up to three bedrooms would be required, however, they acknowledge that where car ownership maybe low, such as town centres and other locations where services can easily be reached by walking, cycling or public transport, one parking space per dwelling may be provided. Given the sustainable location of the site and the size of the proposed apartments, it is considered that one car parking space per unit, plus 3 visitor spaces, would be sufficient to serve the proposed development.
- 4.5.3 In order to encourage alternative sustainable forms of transport, a condition requiring the provision of cycle parking within the development is proposed.
- 4.5.4 The proposal would therefore be in accordance with the Policies D1, IN1 and IN2 of the Melton Local Plan, and the guidance contained within Section 9 of the NPPF.
- 4.6 **Ecology (Policy EN2)**
- 4.6.1 There is an existing bungalow on the site which has been empty for some time, and which would be demolished as part of the proposals. An Ecological Survey has been carried out by a suitably qualified ecologist. The Surveys confirmed that the building supports a day roost of a single brown long-eared bat. As a result, the demolition of the building may only proceed under an EPS Licence granted by Natural England. Given the low number of bats present, and a common species, it is considered that the scheme would be a suitable site for a BMCL 'low impact' bat licence.
- 4.6.2 Whilst the last bat survey is now over a year old and therefore considered 'out of date', in order to obtain the appropriate bat licence from Natural England, three further evening surveys during the optimum survey season (May to September) would have to be carried out by the developer. A condition will therefore be attached to any approval requiring updated bat surveys to be carried out and submitted for approval prior to any demolition or works to the dwelling taking place. A further condition requiring the development to be carried out in accordance with the other recommendations set out in the original Ecology Survey, together with a note reminding the applicant of the requirement for a bat licence, will also be attached to any approval.
- 4.6.3 Subject to these conditions and informative, protected species and their habitats would be safeguarded and enhanced, therefore the proposed development would accord with Policy NE2 of the Local Plan and guidance contained within Section 15 of the NPPF.
- 4.7 **Flood Risk/Drainage (Policy EN11)**
- The site is located within flood risk zone 1 and is therefore at a low risk of surface water flooding. The agents have indicated that the site would be surfaced by way of an existing surface water sewer. The Local Lead Flood Authority have confirmed that the site appears to have sufficient space in order for the post development discharge rate to be set at green field rate, thereby ensuring there would be no increase in surface water discharge from the site. A condition is proposed requiring a scheme, detailing the arrangements for the disposal of surface water drainage from the site, to be submitted for approval by the Local Planning Authority. There are no reasons to indicate that the site could not be satisfactorily drained, subject to the suggested condition, so the proposal would accord with Policy EN11.

#### 4.8 **Implications on Infrastructure and affordable housing (Policies IN1, IN3, C2 and C4)**

4.8.1 Following a reduction in the number of proposed apartments to 9, there are no longer any requirements for contributions towards infrastructure or affordable housing.

### **5 Consultation & Feedback**

5.1 A site notice was posted and neighbouring properties consulted on the original application and as a result, 14 representations were received as summarised in Appendix B.

5.2 Following the receipt of revised indicative plans, a re-consultation exercise was undertaken, which resulted in a further 8 representations being received (as of 11.04.2022), as summarised in Appendix B.

### **6 Financial Implications**

6.1 No developer contributions secured through S106 are necessary.

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

### **7 Legal and Governance Implications**

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

**Legal Implications reviewed by: Tom Pickwell (Solicitor)**

### **8 Background Papers**

8.1 **20/00433/OUT** Proposed apartment block to create 15 apartments:

Refused on the grounds of overdevelopment, resulting in inadequate provision of amenity space and/or car parking facilities for future residents.

**07/01255/FUL** Residential / respite accommodation for 8 children:

Permitted.

**06/01002FUL** Residential accommodation for children:

Refused on the grounds of; incongruous design not in keeping in an area of substantial taller buildings; and its siting would be overbearing on the amenity of no.58.

### **9 Appendices**

- 9.1 A: Consultation Responses  
B: Representations Received  
C: Recommended conditions  
D: Applicable Development Plan Policies  
E: Site Photographs

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## Appendix A : Consultation replies summary

### Environment Agency:

Confirm that the application site lies fully within Flood Zone 1 and therefore they have no fluvial flood risk concerns. There are no other environmental constraints associated within the site. Recommend an informative relating to the disposal of surface water drainage.

### LCC Developer Contributions:

LCC Originally requested the following contributions, based upon a development of 10 apartments:

Education – Based on the description of 10 apartments with two or more bedrooms, the development would generate additional educational demand in the Borough. In order to provide the additional school places required a developer contribution of £124,222.60 would be required.

Waste Management – A contribution would be required to ensure that local waste facilities can continue to maintain the existing level of service and capacity. The proposed development would not be able to maintain the existing level of service levels. As such a developer contribution of £826.60 would be required (10 x £82.66).

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

Following the reduction in the number of apartments to 9, LCC confirmed that as the proposals are for less than 10 dwellings, no developer contributions are required.

### LCC Highways:

Originally advised that the application as submitted does not fully assess the highway impact of the proposed development and requested further information with regards to the site access, and a detailed design in accordance with the Leicestershire Highway Design Guide (LHDG).

Following clarification that the application is an outline only, with all matters reserved, they confirmed that only sufficient information to demonstrate that safe and suitable access is possible would be required at this stage, such as basic access geometry and achievable visibility splays in line with the LHDG. They note that the requisite 2.4 x 43.0m visibility splays are achievable from the site access in accordance with the speed limit at the site frontage.

They confirmed that whilst there was a record of seven Personal Injury Collision within close proximity to the site, all seven were classed as 'slight' and none took place along the site frontage.

In terms of trip generation, they confirmed that the proposed development does not give rise to significant concerns regarding highway impact.

With regards to parking, they advised that two parking spaces for a dwelling with up to three bedrooms would be required together with an aisle space of 6m. They acknowledged that where car ownership maybe low, such as town centres and other locations where services can easily be reached by walking, cycling or public transport, one parking space per dwelling may be provided.

On site cycle parking should be provided, and bin storage should be within 25m of the collection point (Dalby Road).

### LCC Ecology

The Bat Survey report (EMEC Ecology, January 2021) has identified bats roosting in the building. As confirmed in the report "Therefore, the demolition of the building may only proceed

under an EPS Licence granted by Natural England to derogate from any offence being caused. Given the low number of bats present, and the individual present belonging to common species, it is considered that the scheme would be a suitable site for a BMCL 'low impact' bat licence (Bat Mitigation Class Licence CL21) A bat mitigation licence must be obtained from Natural England. No unlicensed works can be undertaken to the building".

The report is dated January 2021 and states "If the proposed works are not carried out within one year of this report, and as bats change their roost sites frequently, it is recommended that a further survey is carried out to ensure that no more bats have utilised the potential roosting features". I recommend the applicant/developer consults their ecologist to confirm any requirements for further bat surveys.

**LCC Lead Local Flood Authority:**

Confirmed that the site is located within Flood Zone 1 and is at a very low risk of surface water flooding. Although no details regarding the proposed peak discharge rate, surface water drainage systems, attenuation volume calculations or details of a surface water discharge point have been submitted, the site appears to have sufficient space in order for the post development discharge rate to be set at green field rate.

In order for them to provide a more substantive response they suggested the following information be submitted; proposed peak surface water discharge rates; details of a surface water drainage system to cater for events up to the critical 1 in 100 year return period plus climate change allowance; attenuation volume calculations; details of a suitable surface water discharge point.

**Housing Policy Officer:**

Originally advised that the proposal meets a need for further 2 and 3 bed homes within Melton Mowbray. An affordable housing requirement of 1 dwelling would be required, either a 1 x Discounted Market Sale dwelling, to be sold at not more than 80% OMV and to be held in perpetuity or a financial commuted sum to be paid, in accordance with the Housing Mix and Affordable Housing SPD.

Following a re-consultation, based on the revised proposal of 9 apartments with an estimated total floor space of 714 m<sup>2</sup>, the Housing Policy Officer has confirmed that there would no longer be a requirement for affordable housing provision on the site.

**Environmental Health Officer:**

Advise that given the scale of the development, the proximity of the development to existing residential dwellings and the means of site access, the hours of all construction work, demolition works and deliveries to the site should be controlled by condition.

The proposed apartment complex would front onto the B6047 Dalby Road which carries significant traffic volumes and is likely to expose the residents of the proposed apartments to significant noise. They recommend a condition requiring a scheme to be submitted which demonstrates how future occupiers would be protected from unacceptable levels of road noise. They advise the applicant to consider what steps could be taken to provide a suitable noise environment for future occupiers such as: placing noise sensitive room such as bedrooms to the rear; the provision of window ventilators for rooms facing Dalby Road; a communal external recreational space.

**Appendix B : Representations received**

**Neighbours:**

Representations have been received from 14 local residents, objecting to the application on the following grounds:-

- Unsympathetic design / massing / out of character with leafy area
- Physically overbearing / overshadowing / loss of light
- Impact on privacy / overlooking
- High density / over development / over intensive
- No details of boundary treatments
- Safety of access / increased traffic / insufficient car parking / narrow road and footway
- Inaccessible by fire engine
- Absence of gardens / landscaping
- Noise and air pollution from parking areas
- Insufficient information to assess proposals
- Lack of (developer) consultation with local residents
- Transient nature of future occupiers

Following a re-consultation exercise, 8 local residents responded (checked 11.04.2022), 3 objecting and 5 with neutral comments, raising the following points:-

- The building design is much more acceptable and appropriate
- Reducing the flats to 9 is welcomed. This reduces the car parking spaces, increases the landscaping and lessens the impact on neighbouring properties.
- Future proposals should adhere to the current plans.
- Robust and attractive boundary treatment should be provided to the rear car park area
- Demolition and construction only to take place during normal working hours
- Scale of building is still too high and dominating
- The number of apartments should be reduced further
- Highway safety concerns remain
- Too many car parking spaces to the rear

## **Appendix C : Recommended Conditions**

1. No development shall commence on the site until approval of the details of the layout, scale, external appearance of the building, access and the landscaping of the site (hereinafter called 'the reserved matters') has been obtained from the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

2. Application for approval of the reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development to which this permission relates shall begin no later than the expiration of two years from the final

approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

3. This permission shall relate to the land as shown edged in red on the 1:1250 location plan drawing A001 dated August 2019 received on 11<sup>th</sup> September 2020.

4. The site shall be developed largely in accordance with the Site Plan drawing A003C and Block Plan drawing A002 (PL300C) both dated August 2019 and received on 6<sup>th</sup> April 2022.

5. No demolition of the existing bungalow shall commence until such time as updated bat survey results from three evening surveys have been carried out at least two weeks apart during the optimum survey period (May to September) and a bat licence obtained from Natural England. A copy of the bat licence shall be submitted to the Local Planning Authority prior to any demolition taking place. The demolition shall only be carried out in accordance with the terms of the bat licence.

6. Demolition and re-development of the site shall only be carried out in accordance with the Mitigation and Recommendations as set out in the Protected Species Surveys Dated August 2020 and the letter dated 18<sup>th</sup> January 2021 by EMEC Ecology.

7. No development shall commence on site until a scheme detailing the arrangements for the disposal of surface water drainage from the site, both during construction and following the completion of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details in relation to the long term-maintenance of the surface water drainage system. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable, and the approved surface water drainage scheme shall be retained and maintained as such thereafter.

8. No development shall commence on site until such time as a scheme for the protection of the future occupiers of the development from road noise from the B6047 Dalby Road, has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme and completed prior to the first occupation of the development and shall be retained and maintained as such thereafter.

9. No development, including demolition, shall commence on site until such time as a construction management plan, including as a minimum, measures to limit dust and debris emanating from the site, details of wheel cleansing facilities, location of materials storage, location of vehicle parking facilities, arrangements for deliveries, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

10. No construction or demolition work or associated deliveries are permitted to occur outside of the following times: 07:00 – 19:00 Monday to Friday daily 08:00 – 13:00 Saturdays. No works to be undertaken on Sundays or bank holidays.

11. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels, have been submitted to and approved in writing by the local planning authority. The site shall only be developed in accordance with the approved proposed ground levels and finished floor levels.

12. No dwelling hereby approved shall be occupied until a scheme detailing the proposed refuse and recycling facilities to be provided on the site have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed, occupied and operated in accordance with the approved details.

13. No dwelling hereby approved shall be occupied until a scheme detailing the proposed facilities for the storage of bicycles has been submitted to and approved in writing by the Local

Planning Authority. The approved scheme shall be implemented prior to the occupation of the first dwelling and retained and maintained as such thereafter.

14. No dwelling hereby approved shall be occupied until a scheme detailing the proposed boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be completed prior to the occupation of the first dwelling and retained and maintained as such thereafter.

#### Reasons

1. To ensure that the site is developed in a satisfactory manner.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
3. For the avoidance of doubt.
4. To ensure that the site is developed in a satisfactory manner.
5. This is a pre-commencement condition, to ensure that protected species and their habitats would be appropriately safeguarded and enhanced, in accordance with Policy EN2 of the Melton Local Plan and guidance contained within Section 15 of the NPPF.
6. To ensure that protected species and their habitats would be appropriately safeguarded and enhanced, in accordance with Policy EN2 of the Melton Local Plan and guidance contained within Section 15 of the NPPF.
7. This is a pre-commencement condition to ensure that the site can be sustainably drained, in accordance with Policy EN11 of the Local Plan and the guidance contained within Section 14 of the NPPF.
8. This is a pre-commencement condition to ensure that the living conditions of future occupiers are not unduly harmed as a result of unacceptable noise levels, in accordance with Policy D1 of the Melton Local Plan.
9. This is a pre-commencement condition to ensure that the site can be developed in a safe manner, without harming highway safety or the living conditions of neighbouring properties, in accordance with Policies IN2 and D1 of the Melton Local Plan.
10. In the interests of protecting the living conditions of neighbouring properties, in accordance with Policy D1 of the Melton Local Plan.
11. This is a pre-commencement condition to ensure that appropriate finished ground and floor levels on the site are approved prior to construction work commencing, in the interests of the visual and residential amenities of the area, in accordance with Policy D1 of the Melton Local Plan.
12. To ensure that the site is suitably serviced in terms of sustainable management of waste, in accordance with Policy D1 and IN2 of the Melton Local Plan.
13. To ensure that suitable and safe means of bicycle storage is provided, to encourage sustainable modes of transport, in accordance with Policy IN2 of the Melton Local Plan.
14. To ensure that appropriate boundary treatment is secured to protect the living conditions of neighbouring and future residents, in accordance with Policy D1 of the Melton Local Plan.

#### Informatives

1. The applicant is reminded of the need to obtain a bat mitigation licence from Natural England before any works or demolition to the bungalow commence.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary



licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

## Appendix D : Applicable Development Plan Policies

### Melton Local Plan:

- Policy SS1 Presumption in Favour of Sustainable Development
- Policy SS2 Development Strategy
- Policy C2 Housing Mix
- Policy C3 National Space Standards and Smaller Dwellings
- Policy C4 Affordable Housing Provision
- Policy C9 Healthier Communities
- Policy IN1 Melton Transport Strategy
- Policy IN2 Transport, Accessibility and Parking
- Policy IN3 Infrastructure Contributions
- Policy D1 Raising the Standard of Design
- Policy EN2 Biodiversity
- Policy EN8 Climate Change
- Policy EN11 Minimising the risk of Flooding

### Other

- National Planning Policy Framework (2021)
- Affordable Housing and Housing Mix SPD
- Developer Contributions SPD
- Design SPD

## Appendix E : Site Photographs









Helping people | Shaping places



# Planning Committee

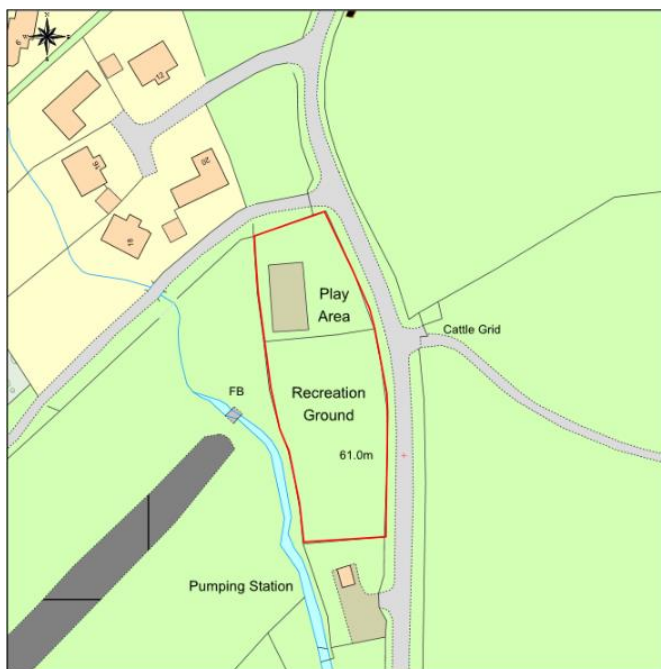
5 May 2022

Report of: Interim Assistant Director for Planning

## 21/00899/FUL for Two Self-build dwellings and relocation of children's play area (resubmission of planning application ref 19/01113/FUL at Field OS 8695 Brooksby Road, Hoby).

<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Councillor Ronan Browne (Frisby on the Wreake)
<b>Date of consultation with Ward Member(s):</b>	27 August 2021
<b>Exempt Information:</b>	No

### 1 Summary



- 1.1 The application site consists of a 0.29 hectare greenfield site which is currently used as a children's play area and an adjoining paddock. At the time of the site visit the paddock was being used to graze a small number of sheep.
- 1.2 The site is mainly laid to grass with an area of bark chipping below the climbing frame, slide and swings within the play area. The two parts of the site are separated by a timber post and rail fence, this fence extends along the paddock boundary and the play area's boundary with the adjacent highway.
- 1.3 There is an approximately 1m high close boarded timber fence located along the western boundary of the play area which adjoins agricultural land, intercepted by a field gate. Interspersed hedgerow and tree planting is visible along the sites boundaries including sections of dense vegetation along the western, northern and eastern boundaries. Brooksby Road adjoins the site's eastern boundary and there are two existing field access gates off this road located in the southeast and northeast corners of the site.
- 1.4 The site is located just to the south of the settlement boundary as defined in Map 24 of the Hoby and Rotherby Neighbourhood Plan (NP). However, it sits outside of the Green Wedge between Hoby, Rotherby and Brooksby, as shown on NP Map 12. There is a group of 5 detached houses located immediately to the north of the site, separated by an access road serving a single dwelling, The Croft. The sites remaining boundaries adjoin the open countryside, although there is a Severn Trent pumping station located to the south.
- 1.5 A narrow open watercourse runs close to the sites western boundary, and the southern portion of the site is located within Flood Zones 2 and 3. A public right of way (PROW) no.H58b runs west to east across the site, to the south of the existing play area. Overhead power lines cross the site both north to south, close to the site's southern boundary and west to east, just to the south of the PROW.
- 1.6 Planning permission ref. 02/00726/COU was granted for the site, which was previously a paddock, to be used for recreational use. Equipment to include children's activity unit with slide (2-8 years), monkey bars (8 + years), 2 springers (0-6 years) on bark surface, bench and picnic table. This planning permission was fully implemented and the land has been used as a play area serving the village for a number of years.
- 1.7 Full planning permission ref.19/01113/FUL was sought for four dwellings and the relocation of a children's' play-area within the site. This application was refused on the grounds that although a need has been identified for the type of housing proposed, permission exists which is deliverable at an alternative site within close proximity to meet that need, and as such there is no need for this particular proposed development which is contrary to Policy C5 of the Adopted Local Plan relating to unmet need. This decision was upheld at appeal ref. APP/Y2430/W/20/3261535. The Planning Inspector concluded the proposed residential development would conflict with the Local Plan when taken as a whole. However, they raised no concerns relating to the relocation of the play area. Subsequent to this decision the Brooksby and Rotherby Neighbourhood Plan was adopted in June 2021.
- 1.8 This application seeks full planning permission for the erection of two, 3 bedroom, self-build dwellings and the relocation of the children's play-area to the southern portion of the site. A vehicle access would be provided off Brooksby Road to the east serving the two

properties and 4 parking spaces are proposed within the site. The two dwellings would be located on a north south axis with their front elevations facing east towards the highway and private rear gardens located to the west. The style of the dwellings would be traditional with similarities to late Victorian vernacular revival. The materials proposed include red brick to the walls, roof slates and timber framed openings.

- 1.9 Provision would be made for a new play area on the southern portion of the site. No specific details of the equipment and layout of the play area have been submitted. The Design and Access statement indicates decisions on what would be provided could be made with the Parish Council. The play area proposed would be 50% larger than the existing one, and would be offered on a long term lease, providing a permanent location for an equipped play area within Hoby. A new field access gate is proposed to the serve the re-located play area, just to the south of the PROW.

### RECOMMENDATION(S)

**1. It is recommended that the Planning Application be GRANTED, subject to conditions (as set out in Appendix C).**

## 2 Reason for Recommendations

- 2.1 The proposal seeks full planning permission for two 3 bedroom dwellings on the southern edge of Hoby and the re-location of an existing equipped play area. The spatial strategy for new development in the Borough, as set out in policy SS2 of the Local Plan, allows for small scale residential development within or the edge of rural settlements including Hoby, of up to 3 dwellings, subject to it being compliant with Policies SS1 and SS2. The proposal would not meet an identified housing need as required by Local Plan Policy SS3, nor would it be located in a sustainable location and future residents of the proposed houses would be heavily reliant on a private car to access services and amenities. However, the Hoby and Rotherby Neighbourhood Plan, as set out in Policy 14, is permissive of new small scale residential development on the edge of Hoby. As the more up to date policy the Neighbourhood Plan takes precedence over policies contained in the Local Plan in accordance with section 38(5) of the Planning and Compulsory Purchase Act. The principle of the proposed development is therefore considered acceptable.
- 2.2 It is not considered that the proposal would harm the character of the area but would provide a gradual continuation of the existing built form and provide an attractive entrance to the village. The proposed design and layout of the two dwellings and associated amenity and parking areas would provide a satisfactory living environment for future occupiers and the proposal would not adversely affect neighbours and nearby uses and occupiers. An appropriate access and sufficient on-site parking would be provided and the proposal raises no highway safety concerns. Any potential harm to the site's ecology, included protected species, could be mitigated in accordance with the recommendations set out in the Ecological Assessment. The proposal is considered acceptable in terms of flood risk, including the re-location of the equipped play area to land at higher risk of flooding. A public footpath H58B which intersects the site would be retained on its current route and enhanced to improve its accessibility.
- 2.3 The proposal is supported in principle by Policy 14 of the Neighbourhood Plan which outweighs the conflict with the Local Plan policies SS2 and SS3 and the principle of the development can be supported. The proposal would accord to Local Plan policies C7, C9,

EN1, EN2, EN3, EN4, EN6, EN8, EN11, EN12, IN2 and D1, policies 1, 3, 8, 9, 10, 13 14 of the Hoby and Rotherby Neighbourhood Plan, Design of Development Supplementary Planning Document SPD and the overall aims of the National Planning Policy Framework.

### **3 Key Factors**

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

3.1.1 The application is required to be presented to the Committee due to the receiving more than 10 letters of objection from separate households which are in conflict with the recommendation.

3.1.2 The Director for Growth and Regeneration (in consultation with the Chair of Planning Committee) considers this application as likely to raise matters which should be referred to the Committee, specifically a previous application on the site ref.19/01113/FUL for four dwellings and the relocation of a children's' play-area was determined by Planning Committee on 06.08.2020.

#### **3.2 Relevant Policies**

3.2.1 The Melton Local Plan (LP) 2011-2036 was adopted on 10 October 2018 and forms part of the Development Plan for the area.

3.2.2 The Design of Development Supplementary Planning Document (SPD) was adopted on 24<sup>th</sup> February 2022.

3.2.3 The Hoby and Rotherby Neighbourhood Plan (NP) was adopted on 23 June 2021 and forms part of the Development Plan. As the more up to date policy document, the Neighbourhood Plan takes precedence over non-strategic policies contained within the Local Plan.

3.2.4 The Local Plan is up to date and consistent with the latest revised versions of Government Guidance as contained in the National Planning Policy Framework.

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

#### **3.3 Main Issues**

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

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

### **4 Report Detail**

#### **4.1 Position under the Development Plan Policies and Principle of Development**

4.1.1 The site is located on the edge of the main built-up area of the settlement of Hoby and is not identified for residential development. Hoby is a relatively poorly serviced village in terms of schools, shops and other facilities where access to them on foot is not a viable



option. Residents in the village are heavily reliant upon the private car for access to the nearest schools and day-to-day shopping requirements.

- 4.1.2 The site lies within open countryside and beyond the Limits to Development in the Neighbourhood Plan. Policy SS2 of the Local Plan states that in the open countryside, new development will be restricted to that which is necessary and appropriate in the open countryside. Policy 14 of the Neighbourhood Plan reinforces this approach stating land outside of the defined settlement boundaries will be treated as open countryside, where development will be carefully controlled in line with local and national strategic policies.
- 4.1.3 Local Plan Policies SS1 and SS2 are relevant. These policies emphasise the presumption in favour of sustainable development contained within the National Planning Policy Framework (NPPF) and set out the strategy for delivering new development across Melton Borough through identifying the most suitable locations for new housing within a settlement hierarchy devised from sustainable credentials. In this hierarchy Hoby is defined as a rural settlement under Local Plan Policy SS2. Therefore it is identified for small scale housing development of up to 3 dwellings on 'windfall' sites within and adjoining settlements by 2036. This development will be delivered through small unallocated sites which meet the needs and enhance the sustainability of the settlement in accordance with Policy SS3.
- 4.1.4 Policy SS3 provides the opportunity for small scale development within or on the edge of rural settlements provided it is in keeping with the scale and character of the host settlement, and where it meets an identified local need. It states (inter alia): "The development provides housing which meets a proven local need as identified by substantive evidence, for example within in a Neighbourhood Plan".
- 4.1.5 As part of the Neighbourhood Plan process for the Hoby and Rotherby Plan a housing need survey was undertaken by Midlands Rural Housing (MRH). The survey identified a need for 4 market houses in Hoby with Rotherby Parish, for people with a local connection. However, it did not identify a specific need for market housing in Hoby.
- 4.1.6 The Hoby with Rotherby Neighbourhood Plan Policy 14 'New Residential Development' provides a local dimension to Policy SS3 for the Neighbourhood Plan Area. It defines the settlement boundaries for the existing settlements within the Neighbourhood Plan area, including Hoby, and is permissive of new residential development on the edge of Hoby subject to certain criteria being met including its impact upon the character of the area and residential amenity.
- 4.1.7 Therefore, there is conflict between the Local Plan and Neighbourhood Plan in terms of the principle of development. However, where approved plans are in conflict the most recent plans carry more weight as set out in section 38(5) of the Planning and Compulsory Purchase Act. As the more up to date policy, Neighbourhood Plan Policy 14, takes precedence. It is considered that this outweighs the conflict with the Local Plan policies SS2 and SS3.
- 4.1.8 In the Examiners report for the Neighbourhood Plan, their commentary for Policy 14 'New Residential Development' provides the following clarification on the provision of this policy. At para.7.68 they note Policy 14: "seeks to provide a local dimension to Policy SS3 of the Local Plan." And at para.7.69 that the settlement boundaries define the: 'existing settlements' for the purposes of Policy SS3 of the adopted Local Plan. Policy SS3 of the Local Plan provides the spatial context for development based on the four villages, but at

the local level Policy 14 is permissive of new residential development on the edge of Hoby where it meets the following criteria:

- a) They would be small-scale development of no more than 3 individual dwellings, per site;
- b) the scale of the development is proportionate to existing development surrounding the site;
- c) it does not unacceptably harm the appearance of the built character of the settlement concerned;
- d) it does not unacceptably harm the character and appearance of the surrounding countryside or rural setting of the settlement concerned;
- e) it does not create unacceptably environmental or highway safety problems, and if it does then appropriate mitigation should be provided;
- f) where practicable development should incorporate sustainable low carbon design and construction techniques to meet high standards for energy and water efficiency;
- g) it does not cause any unacceptable negative impact to the private amenity and space of any adjacent residential properties;
- h) where appropriate, new dwellings should provide appropriate garden amenity space to meet household recreation needs. The space provided should be in scale with the dwelling concerned, reflect the character of the surrounding area and be appropriate in relation to the local topography and secure privacy between adjacent dwellings; and,
- i) the development does not generate any unacceptable flood risk issues in the settlement concerned.

4.1.9 The proposal comprises a small-scale residential development of two detached, two storey, 3 bedroom dwellings. The site is located to the south of a small cul-de-sac of five detached dwellings on the edge of the settlement. The proposal is described as a self-build scheme and concerns have been raised that the Neighbourhood Plan policies do not allow for self-build schemes. Although there is no reference to self-build dwellings within the neighbourhood plan it does not preclude this form of development, which is supported in the Local Plan. Local Plan Policy C8 states: "In locations within or adjacent to the built form of settlements and those in keeping with the surrounding area, self-build proposals for community schemes will be particularly supported." Both the intended end users of these dwellings are currently on the self-build register, and in addition they have a strong local connection to the village via family ties. However, as there is no known shortage of selfbuild plots in the area this in itself would not be sufficient in itself to demonstrate a proven local need as identified by substantive evidence under the criteria of Policy SS3.

4.1.10 On balance, given that Policy H14, as the more up to date policy, takes precedence over Policy SS3 and is permissive of new small scale residential development on the edge of Hoby, it is considered that the principle of the development is acceptable subject to the criteria outlined above being met, and other material considerations including the provision of a suitable replacement equipped play area, the proposals impact on the ecology of the site, its impact upon the public right of way which crosses the site, as well as the content of the representations received.

#### 4.1.11 Extract from Neighbourhood Plan Map 24 Settlement Boundary, Hoby



### 4.2 Impact upon the character of the area

- 4.2.1 The site is located on the edge of Hoby, as is the case with many of the villages in the South of the Borough, Hoby has a linear form. The land within the site is fairly level, and on a similar level with the neighbouring residential properties to the north, off Brooksby Road. The western side of Brooksby Road, up to the junction with Main Street is characterised by detached dwelling houses, mainly set back from the highway behind open post and rail fencing or hedges. The eastern side of Brooksby Road is characterised by open countryside in agricultural use, mainly pasture. The neighbouring properties consist of predominantly red brick or painted brick, two storey houses, with a fairly even mix of slate and tiles; dual pitched roofs and projecting gables are a common design feature.
- 4.2.2 As outlined in Appendix B of the Neighbourhood Plan the “villages display soft, green, verdant edges that merge seamlessly with the adjoining rural landscape” with “mature tree planting that tends to dominate and define the skyline of these settlements”. The trees within the application site are located along the site boundary, in particular its southern boundary. The existing boundary hedges would be predominantly retained, other than for the creation of the new vehicular access, and additional tree planting is proposed to further enclose the site.
- 4.2.3 The site lies outside of the identified green wedge of undeveloped agricultural land between Hoby and the settlements of Brooksby and Rotherby to the south/southeast. The dwellings proposed within the site would be a similar scale to the traditional cottages within the historic village core. They would be constructed of red brick walls with slate roofs, reflective of the neighbouring properties. The proposal seeks to provide a soft edge to the village and a continuation of the gradual and well-managed transition from countryside to village setting.
- 4.2.4 Appendix B of the Neighbourhood Plan also identifies “an architectural disparity between the village conservation area and its more recently constructed southern extents” however, “several long distance views towards the towering profile of All Saints Church help give these outer-lying parts of the village a connection to the village core and a greater sense of place”. The proposal would not interrupt these identified views and so would maintain the identified important connection between the southern extent of the settlement with the village core.

4.2.5 It is noted that the Inspectors Report for appeal ref. APP/Y2430/W/20/3261535 considered the development of the site for 4 affordable houses would “accord with the character and appearance of the village” and “It would also present an attractive entrance to the settlement”. The current proposal would result in less built development within the site including buildings and hard landscaping and includes additional screen planting to the front of the proposed dwellings than previously proposed, all of which is welcomed.

4.2.6 For the reasons outlined above it is considered that the scale of the proposed development would be proportionate to the existing development surrounding the site. On balance the scheme represents good design in accordance with Local Plan Policy D1 and Neighbourhood Plan Policy 1 and would not unacceptably harm the appearance of the built character of Hoby or its rural setting in accordance with Neighbourhood Plan Policy 14.

#### 4.3 **Impact upon residential amenities**

4.3.1 Although the application site is located adjacent to the settlement of Hoby it is separated from the neighbouring dwellings on Brooksby Road by the access road serving The Croft, a detached dwelling located to the west of the site. The proposed dwellings would be located at a 90° angle to the closest dwelling to the site 20 Brooksby Road. There would be a distance of about 28m between the rear elevation of 20 Brooksby Road and the side elevation of the proposed dwelling in plot 1, which exceeds the 21m back to back separation distances between habitable room windows recommended in the Design SPD. The new dwellings would be set back a minimum of 9.5m from the boundary highway to the east and 9.25m from the shared boundary with the paddock to the west of the site. Due to the separation distances involved it is considered that the proposed new dwellings would not adversely affect neighbours and nearby uses and occupiers in accordance with Local Plan Policy D1 and Neighbourhood Plan Policy 14.

4.3.2 The new dwellings would provide good outlook, natural daylight and ventilation. Private amenity space would be provided to the rear of the two properties with a shared access driveway to the front. Two designated parking spaces would be provided for each new dwelling in accordance with the Highway Design Guide, as well as turning space which would allow for vehicles to enter and leave the site in a forward gear.

4.3.3 Local planning policies do not set any minimum garden sizes however, the neighbourhood plan requires them to be proportionate to the proposed dwellings. The size of the gardens proposed would total around 200 square metres for plot 1 and 150 square metres for plot 2, which is comparable to those serving the neighbouring larger dwellings on the cul-de-sac development off Brooksby Road... For these reasons it is considered that the proposal would provide a high level of residential amenity for future occupiers of the proposed dwelling in accordance with Local Plan Policies D1 and C9.

4.3.4 The proposal would provide natural surveillance to the re-located play area, creating an increased sense of safety and security which is welcomed in the interests of crime prevention as required by Policy D1. In order to protect the amenity of future occupiers, as outlined in the Fields in Trust guidance for outdoor sport and play, it is recommended that the play equipment is located at least 20m from the new dwellings. Condition 4 has been suggested for inclusion to agree the siting and layout of the equipped play area.

#### 4.4 **Highway Safety**

- 4.4.1 The site would be accessed via a new vehicle access off Brooksby Road Hoby. There is an existing vehicle access to the north of the site serving a single detached dwelling The Croft, and beyond that a cul-de-sac serving 5 dwelling houses. An existing field access, which is described in letters of objection as an agricultural right of way, is located in the site's northern boundary. A right of way for agricultural purposes is a form of easement which in legal terms provides access for agricultural purposes. It is not considered to be a planning matter however and it is noted that the land to the north of the dwelling within plot 1 would be left open. A new field access is proposed to serve the re-located play area on the southern portion of the site, located just to the south of the Public Right of Way.
- 4.4.2 Concerns have been raised over the safety of the new vehicle access points, in particular due to their proximity to a bend in the road which limits visibility. Despite these concerns Leicestershire County Council as the Local Highway Authority (LHA) raise no objections to the proposal on highway safety grounds stating: "The impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments the impacts on the road network would not be severe." The LHA are satisfied that the required visibility splays could be provided and a condition has been suggested for inclusion to ensure this. With regard to the new field access point they highlight the need for the visibility splays to be clear of all obstructions over 0.6m in height and advise that if the relocation of the Hoby village sign is required to achieve this, it should be secured by a legal agreement. Further details of the proposed access surfacing and 1mx1m pedestrian visibility splays will be secured by the suggested planning conditions 11, 12 and 13.
- 4.4.3 With regards to pedestrian access to the site concerns have been raised in letters of representation that the route to the new dwellings would be unlit and without a pavement. It is noted that there is currently very limited street lighting along Brooksby Road serving the existing properties or a pavement connecting it to the centre of Hoby. The site could easily be accessed via the existing network of public footpaths, including the footpath which runs alongside the eastern side of Brooksby Road serving the existing play area and 10 dwellings the access to the proposed dwellings therefore would be comparable to the existing dwellings on Brooksby Road. There is an opportunity to provide additional external lighting within the site however, the impact of this approach would have to be carefully considered as it could conflict with the Neighbourhood Plan Community Objective 4 which states: "To reduce the levels of future and current light pollution within the Parish to help maintain and enhance our view of the night sky."
- 4.4.4 Based on the comments received from the LHA it is considered that the proposal raises no highway safety concerns. It is also considered that the proposal would provide a satisfactory access and sufficient on site parking provision in accordance with Local Plan policies D1 and IN2; and Neighbourhood Plan policies 10 and 14.
- 4.4.5 Neighbourhood Plan Policy 9 'Sustainable Transport' states (inter-alia): "Where practicable, new residential development should be located within a 5-minute walking distance to public transport infrastructure such as bus stops." Given that there are no bus stops within or within 5 minutes' walk of Hoby it would not be practicable to achieve this. However, the proposed dwellings would be located closer to the nearest bus stops to Hoby, which are located to the south of the village at Brooksby Hall and on Melton Road, the A607, close to the junction with Brooksby Road, than any of the existing properties within the settlement. Therefore, it is accepted that the site has limited access to public

transport. The scale of the proposed development is not sufficient to warrant the provision of transport infrastructure, developer contributions are usually only sought on major residential developments of 10 or more houses.

#### 4.5 **Ecology**

4.5.1 An Ecology Assessment was submitted as part of the planning application. On the advice of the County Council Ecologist an updated Badger Survey was submitted prior to determination. In response to the updated Badger Survey submitted, the updated Badger Survey submitted demonstrated that there was no evidence of Badgers within the site, or within 30 metres of the site. It is noted that the County Ecologist raised no objections to the proposal and in their updated comments the officer confirmed that no additional surveys were required. It is considered that the proposed layout would provide an acceptable buffer to the watercourse to the west of the site, a minimum of 20 metres.

4.5.2 Attention is drawn to the recommendations made in the submitted Ecology Assessment. Condition 16 would require the mitigation measures as set out in Ecological Assessment to be fully implemented and complied with

#### 4.6 **Flood Risk and Drainage**

4.6.1 The new dwellings, their associated amenity space, parking and access would be located within Flood Zone 1, an area of low probability of flooding. Flood zone 1 is the preferred location for new residential development as residential development is considered a more vulnerable use.

4.6.2 The play area would be relocated to a site which lies partly within Flood Zones 2 and 3, an area of medium to high probability of flooding. Recent flood events on the site of the proposed re-located play area have been raised in letters of objections received from the Parish Council and local residents however, sites for outdoor recreation including play areas are acceptable in areas at higher risk of flooding in planning policy terms. As set out in 'Table 2: Flood risk vulnerability classification' of the National Planning Practice Guidance (NPPG) play areas are defined as a water compatible use, and as such can be located within flood zones 2 and 3. It is also noted that no concerns were raised relating to flood risk in the Planning Inspector's report ref. APP/Y2430/W/20/3261535, which considered the impact of re-locating the play area in the same way as currently proposed.

4.6.3 As set out in Local Plan Policy EN11 it is important that a buffer of at least 8m is maintained in the interests of maintenance and ecology. The indicative plan submitted shows the play equipment would be located a minimum of 14m from the banks of the adjacent watercourse. It is therefore considered that the proposal would not result in a more vulnerable use, as set out in 'Table 2: Flood risk vulnerability classification' which includes a dwelling house, being located in an area at high risk of flooding and is unlikely to result in increased flooding elsewhere in accordance with Local Plan Policy EN11 and Neighbourhood Plan Policy 14.

4.6.4 With regards to site drainage Local Plan Policy EN12 'Sustainable Drainage Systems states (inter-alia): "All developments will be expected to be designed to achieve, where appropriate, a net decrease in surface water run-off rates, including through green infrastructure provision such as the planting of native trees and bushes and the consideration of using 'green roofs'. All developments on greenfield sites will be expected to achieve greenfield run-off rates. All developments will be required to manage surface water through keeping to a minimum the creation of non-permeable areas." Therefore as

a greenfield site the Applicant should demonstrate that greenfield run-off rates can be achieved. Given the scale of the proposed development it is considered appropriate for this information to be secured via a suggested planning condition.

4.6.5 It is noted that concerns have been raised in letters of representation, including from the Parish Council, that the land within the play area site would be waterlogged or very muddy. On inspecting the site it was difficult to ascertain the ground conditions as the grass was so long. However, it is noted that in the past it was used for recreation including an informal football pitch. Within the existing play area there is a raised area of bark chippings below the climbing frame and slide, a similar area is shown on the proposed site plan. The use of a similar permeable, protective surfacing within the site could help address the concerns raised relating to the usability of the site, and details of a protective surface have been suggested for inclusion under condition 4.

#### 4.7 **Other matters**

4.7.1 Policy 13 of the Neighbourhood Plan provides for the protection of identified community facilities within the plan area and sets out criteria for the provision of new community facilities including that they should be located within or adjacent to the built-up area of an existing settlement; and be accessible for members of the community and promote social inclusion.

4.7.2 It is noted that concerns have been raised by local residents and the Parish Council regarding the re-location of the equipped children's play area. The play area is not identified in the adopted neighbourhood plan as a key community facility. In addition, para. 7.42 to 7.47 of the Examiners report for the Hoby and Rotherby Neighbourhood Plan sets out why the site could not be included as a local green space in the adopted Neighbourhood Plan. The reasons behind this decision relate to the capability of the site enduring as a local green space beyond the plan period, or even in the short term, given that the play area is located on land attached to a time limited lease and the land owner had served a Notice to Quit to end the lease.

4.7.3 Local Plan Policy SS3 is supportive of new development where: "The development will be served by sustainable infrastructure and or provide new infrastructure or services to the wider benefit of the settlement". The proposal would not result in the loss of a community facility as a new more permanent location for an enlarged equipped play area on the adjoining paddock would be provided prior to the occupation of the proposed dwellings, secured by suggested condition 4. Planning policy recognises the importance of green spaces, including play areas in contributing to the physical, mental and emotional well-being of local people. The re-located play area would continue to provide opportunities locally for recreation and social interaction in accordance with Policy SS3. The play area would be adjacent to the proposed new dwellings which would provide increased natural surveillance and a sense of safety and security which is not provided for the existing play area.

4.7.4 The play area would continue to be accessed via public right of way (PROW), footpath H58B, which intersects the site, as well as a narrow public footpath which extends along the eastern side of Brooksby Road terminating opposite the kissing gate entrance to the PROW within the site. Guidance for walking distances between housing and play areas is provided in 'Guidance for Outdoor sport and Play Beyond the Six Acre Standard' which recommends a walking distance of 400m to Local Equipped Area for Play (LEAPS) and 1000m to Neighbourhood Equipped Area for Play (NEAPs). The entrance to the proposed

play area would be located within about 400m of All saints Church, and so to all of the houses to the south of the parish church; and it would be within 1000m of the entire settlement. It is noted that the play area is also used by residents of neighbouring settlements. A new field gate to the paddock is proposed to be used for maintenance purposes but which could provide for vehicle access and parking provision in the future subject to further planning permission.

- 4.7.5 Although the proposed site is at greater risk of flooding, given the site area, it appears possible that some of the play equipment is sited wholly outside of the areas at higher risk of flooding. The location of the equipped play area on the submitted plan is indicative and details of the exact layout are to be secured by planning condition 4 of appendix E. There are trees located along the southern boundary of the site which would cast a shadow over the play area at certain times of the day and year. However offering a choice of shade and shelter as part of a multifunctional green space is supported by the National Planning Policy Framework (NPPF). Therefore on balance it is considered that the proposed site is not considered significantly inferior to the existing one, and that it would comply with Neighbourhood Plan Policy 13 'Community Facilities'.

Neighbourhood Plan Policy 3 'Public Rights of Way' states: "1. Where appropriate, development proposals should contribute towards the protection, enhancement and provision of new public rights of way." Public footpath H58B cuts east to west across the centre of the site. The wider landscape setting of Hoby and Rotherby Parish is identified as an asset which is there to be enjoyed by the wider public. The proposal includes surfacing the footpath with hardstanding to address the muddy nature of the path after heavy rainfall, improving its accessibility. This could be secured by condition 15 of appendix C.

A 1.1m high post and rail fence is proposed either side of the footpath and native hedgerow planting is proposed along the shared boundary with the two new dwelling houses which will maintain its rural character. The LHA has requested that a 3 rail post and rail fence is provided in accordance with the Highways Design Guide, condition 14 of Appendix C would secure this. The dwellings would be orientated so that their built form would span the minimum section of the PROW, and the proposed parking area serving the proposed new dwellings would be screened by new tree planting. These measures are considered sufficient to protect and enhance the PROW in accordance with Policy 3 of the Neighbourhood Plan.

## **5 Consultation & Feedback**

- 5.1 A site notice was posted on 12.08.2021 with responses due by 02.09.2021 and letters sent to the immediate neighbours of the site and all contributors to planning application ref.19/01113/FUL. A total of 37 objections, 1 representation, and 10 comments in support of the proposal have been received from 14 households.
- 5.2 The Parish Council have also objected to the application. No objections have been received from technical consultees including County Council Highways, and Ecology

## **6 Financial Implications**

- 6.1 No financial implications have been identified.

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

## **7 Legal and Governance Implications**



7.1 No legal or governance issues have been identified.

**Legal Implications reviewed by: Tom Pickwell (Solicitor)**

## **8 Background Papers**

8.1 Committee report for planning application ref. 19/01113/FUL

8.2 Appeal Decision ref. APP/Y2430/W/20/3261535

## **9 Appendices**

9.1 A: Consultation responses

B: Representations received

C: Recommended Conditions

D: Recommended Informative

E: Applicable Development Plan Policies

F: Site Photographs

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## Appendix A : Summary of Statutory Consultation Responses

**Parish Council:** Object to the application. They have identified 4 key areas of consideration including: reflections on planning application ref.19/01113/FUL, flooding, the resubmission of an application for two self-build dwellings, and the unchanged re-location of the play area. In summary they object on the following grounds:

- a. The local housing need is being met by the Brooksby Spinney Campus development of 70 houses.
- b. The application fails to protect an existing community facility, the play area. The area identified for the replacement facility is inferior contrary to LP policy C7.
- c. Loss of a valuable and accessible green space which makes a positive contribution to the health and wellbeing of communities. Contrary to LP policies C9 and D1.
- d. The main reason for the dismissal of the previous appeal has not changed. The site is outside of the settlement boundary. Hoby provides limited access to good and services, and public transport. The dwellings would be accessed via an unlit road with no pavement. Future occupiers would be reliant on the private car for access to good and services. Accordingly, the site would not be suitable for open market dwellings.
- e. Despite the applicants' claims the site does flood, as shown in pictures taken in 2021.
- f. Flood risk in the village is being addressed but priority is being given to existing residential properties.
- g. The site for the new play area is boggy and would not be suitable for use all year round without significant drainage works.
- h. The site is outside of the settlement and so contrary to NP policy 14. As the land is outside of the settlement boundary it must be treated as open countryside, were development will be carefully controlled.
- i. The application does comply with 14a and 14b of Policy 14, not being more than 3 dwellings and not greater in size than the group of houses built in the 1990's.
- j. It does not comply with 14c of Policy 14. The proposal would bring the built line of the village much further out beyond the concealed, set back houses close to the application site.
- k. The proposal would not comply with NP Policy 4 'Green Wedges'
- l. It does not comply with 14d of Policy 14 as it would end the soft and seamless verdant edge with the countryside seen on the approach to Hoby along Brooksby Road. For this reason it would also be contrary to Policy 1 part 2.
- m. Does not comply with 14e of Policy 14 as there is no pavement or street lighting which will cause highway safety problems.
- n. Does not comply with 14f of Policy 14 there is no meaningful reference that these dwellings will address climate change.
- o. Does not comply with 14g. The impact on nearby settlements goes without saying. It ends the secluded nature of the Brooksby Road approach to the village, having an unacceptable negative impact.
- p. Does not comply with 14h. The garden space is small. An agricultural right of way runs through the garden of the northern plot, not shown on the plans, which will significantly reduce its size. A solid boundary between the footpath and adjacent residential garden will create a boxed in environment and a hard entrance to the village contrary to the Character Assessment.
- q. Does not comply with 14i. The submission states the site is not at risk of flooding, this is wrong. The area of the application is in Flood zones 2 and 3. Both the dwelling and play area are within 20m of a stream. The disposal of surface water to an existing watercourse

is not acceptable as it will increase the risk of flooding downstream. It would also be contrary to Policy 8 parts 7 and 9. The implementation of Sustainable Drainage Systems (SuDS) is a requirement of any new development.

- r. Contrary to Policy 9, in particular part 2. The new dwellings should be located within 5 minutes walking distance of public transport infrastructure.
- s. Contrary to Policy 10. The proposal does nothing to incorporate appropriate measures to reduce the speed of traffic on local roads. The loss of the play area is likely to result in an increase in the speed of traffic.
- t. Self build properties are not part of the neighbourhood plan and are therefore contrary to it.
- u. The site is not allocated for housing and there is no proven need for two market value dwellings.
- v. The Appeal Inspector deemed the site unsuitable for market housing.
- w. Contrary to LP policies SS1, SS2 and SS3. The proposal would provide two dwellings in an unsuitable location, reliant on public transport where existing local infrastructure is close to full capacity, and fragile. It will not be served by or provide new infrastructure or service to the wider benefit of the settlement.
- x. The play area is well used and valued by the local community.
- y. The play equipment was recently inspected and found to be in good order, the grounds are well maintained.
- z. High trees close to the proposed play area would put it in shade for much of the day discouraging its use.
- aa. The lack of a footpath to the new play area access would make it inaccessible for some, particularly on the grounds of safety.
- bb. The Parish Council Committee does not support the re-location of the play area to the centre of the village as it would result in the loss of an important open green space (as identified in Policy 6 Part 1, bullet point LGS2).
- cc. The Parish Council knows only too well the land owner would evict the Play Area at the first opportunity and is concerned that new play equipment and fencing would not be forthcoming and a new long term lease would not be entered into.

**LCC Ecology:** Do not object. The updated Badger Survey is satisfactory and no further survey work is required. However, they would like to draw the Applicant attention to the recommendations made in the report.

**LCC Highways as the Local Highway Authority (LHA):** Do not object. The impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments the impacts on the road network would not be severe. The LHA note there were no highway related matters documented in the previous reason for refusal or appeal decision for 4 affordable houses on the site. Brooksby Road is an unclassified road subject to a 30mph speed limit. The width of the proposed access of 4.6m for a minimum of 5m from the highway boundary is acceptable to serve two dwellings. The LHA remain satisfied adequate visibility can be achieved. No details of the proposed surfacing or 1mx1m pedestrian visibility splays have been provided so these will be sought by condition. However, the LHA have carried out their own assessment and are satisfied that the provision of 1mx1m pedestrian visibility splays is possible. It is advised that the existing field access gates are stopped up. The LHA also note that there appears to be a village name plate located between the new access to the site and the gate to the new play area, the Applicant must ensure there are no obstructions in the visibility splays above 0.6m in height, and the relocation of any street furniture must be carried out at the Applicants expense.

The existing line of public footpath H58b which runs through the site would be retained. The Applicant proposes to install an additional vehicle access off Brooksby Road adjacent to the public footpath. No vehicular or pedestrian visibility splays for this access have been provided, however as per the LHA previous response issued on 12<sup>th</sup> March 2020, this was deemed acceptable following the outcome of a speed survey undertaken.

There have been no recorded Personal Injury Collisions in the last 5 years within 500m in either direction of the site and the LHA do not believe the proposal would alter the existing situation.

Each plot will have 3 bedrooms therefore the provision of 2 car parking spaces is required for each new dwelling. Drawing no.21/23/002 adequately demonstrates four car parking spaces within the proposed shared driveway, therefore the parking proposals are deemed acceptable.

## **Appendix B: Summary of representations received.**

35 objections, 1 representation and 10 letters in support of the application have been received from 14 households on the following grounds:

- a. An application for 4 houses declined, what is the difference with two larger houses?
- b. Access dangerous as close to bend and poor visibility
- c. Located outside of village envelope
- d. Site is an area of green space in Neighbourhood Plan
- e. Increase flooding on the site
- f. The green gateway to the Village should be protected
- g. Pedestrian safety concerns as users of the play area would have to walk on the road
- h. Site floods
- i. The village's housing allocation is being met by the development off Melton Road
- j. No school or public transport, and no local shop within walking distance of Hoby
- k. The fact the dwellings would be self build does not change the argument about development on this site
- l. A number of applications for residential development in the village have been recently refused
- m. I understand the need for more housing including low cost housing has been met by the Brooksby development
- n. Two larger dwellings with a large paved forecourt looks more out of keeping than the refused scheme
- o. My children regularly use the park, which is good condition
- p. The play area is very valuable to local children

- q. Increased traffic, pollution and congestion
- r. Hat connection do the adult children of the applicant have to the Parish?
- s. Are the adult children of the applicant on the self build register?
- t. There does not seem to be a huge need for self build plots in the borough.
- u. The national cycle network is not a suitable alternative to a bus service for commuting
- v. Harm local wildlife
- w. Not good to locate new play area on land at risk of flooding and next to a sewage pumping station.

### **Support**

- a. Attractive design in keeping with the village
- b. Bring new life to village, attracting young families
- c. Opportunity to move the play area to a more accessible location, no reason why it cannot be located in the centre of the village at the rear of the village hall
- d. The play areas current location means it is not well used and is only attractive to a small number of visitors from neighbouring villages
- e. The existing play equipment is not in good condition
- f. This is the ideal location for more houses in our village
- g. Support the application with great enthusiasm
- h. Meets the neighbourhood plan policies re. Visual impact, environment and highways access.
- i. Provides the opportunity for 2 families on the self build register to build their own homes.
- j. The previous application was only refused on the ground that affordable housing needs would be met by the Spinney Campus Brooksby development.
- k. These homes will be an asset to the village
- l. Would allow for new development without causing too much change
- m. Recent flooding on the site was the result of a bridge collapse

## **Appendix C: Recommended Conditions**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with drawings numbered: Site Plan, 21/23/002 Planning Proposals plots 1 and 2 received by the Local Planning authority on 21 July 2021.

3. Prior to the commencement of development, or any preparatory works associated with the approved development (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) taking place on the site details of a Tree Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained or which are the subject of any Tree Preservation Order shall be submitted to and approved in writing by the Local Planning Authority and all protective fencing shall be erected as required by the scheme.
4. Prior to the commencement of development details of the re-located children's equipped play area on land to the south of the public footpath H58B, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the:
  - a) location, layout, design of the play area; and
  - b) equipment/ features, including protective surfacing.The play area and equipment/features shall be laid out and installed prior to the first occupation of the development. The children's play space shall be provided strictly in accordance with the details so approved, installed/erected prior to the first occupation of the residential dwellings hereby approved and shall be maintained as such thereafter.
5. Prior to the commencement of the development hereby permitted a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The development must not be occupied or first brought into use until the drainage scheme has been implemented and completed in accordance with the approved details.
6. The development hereby permitted must not proceed above damp-proof course level until details of the type, texture and colour of the materials to be used in the construction of the exterior of the development have been submitted to and approved in writing by the Borough Council. The development shall be carried out in strict accordance with the approved details.
7. No part of the development hereby permitted shall be occupied or first brought into use until a written scheme for the hard and soft landscaping of the site (including the location, number, size and species of any new trees/shrubs to be planted) has been submitted to and approved in writing by the Local Planning Authority. The scheme must be carried out in accordance with the approved details no later than during the first planting season (October-March) following either the substantial completion of the development or the new dwelling being brought into use, whichever is sooner. Once completed all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.
8. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Planning Proposal Site Plan drawing number 21/23/002 have been implemented in full. Visibility splays shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
9. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 54 metres have been provided at the relocated field access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
10. The new vehicular accesses hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular accesses on Brooksby Road that become redundant as a result of this proposal have been closed

permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

11. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the development access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.
12. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Planning Proposal Site Plan drawing number 21/23/002. Thereafter the onsite parking provision shall be so maintained in perpetuity.
13. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.
14. Notwithstanding Drawing No.21/23/002 the fence which separates the Footpath from the play area should be constructed in accordance with LCC SD/3/19 (post and 3 rail fencing).
15. Notwithstanding Drawing No.21/23/002 the Footpath should be provided with a 2m wide stoned surface with timber edging specification to be agreed in writing with the Local Planning Authority.
16. The mitigation measures as set out in Ecological Assessment including protected species survey by Curious Ecologists dated 30th September 2019 shall be implemented and fully complied with, including:
  - (a) Any works to remove vegetation should be scheduled to take place outside of the bird nesting season (usually March to August).
  - (b) A qualified Ecologist shall undertake a search for nesting birds within 24 hours immediately prior to vegetation clearance to ensure no active nests will be disturbed.
  - (c) If active nests, or nests under construction, are found the nest must remain undisturbed, and the vegetation clearance works must cease until all chicks have fledged.
  - (d) Where practicable existing trees and hedgerows within the site shall be retained, where they are removed, or gapping up is required, locally native species shall be used.
  - (e) The reasonable avoidance measures (RAMs) to protect great crested newts (GCN):
  - (f) The site shall be regularly checked prior to the commencement of development for evidence of badgers. During development if any trenches dug are left open overnight, they should be left with a sloping end or ramp to allow any badgers or other animals that fall in to escape, any pipes over 200mm in diameter should be capped off at night to prevent animals entering.
  - (g) The protection of the road verge on the eastern side of Brooksby Road, as a Local Wildlife Site, throughout the development including no vehicles shall park on the verge or encroach upon it when entering or leaving the site.
  - (h) Nest boxes for birds and bat boxes shall be provided within the site, details of which shall be submitted to and approved in writing, including a timetable for installation, prior to the commencement of development. The bat and bird boxes shall be installed in accordance with the approved details and timetable and retained as such for the lifetime of the development.

**Reasons:**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development.
4. To ensure the satisfactory quantity, quality and accessibility of the replacement equipped play area.
5. To ensure a satisfactory standard of development in terms of the disposal of foul water and to ensure that the development increases water attenuation/storage on the site and minimises the risk of flooding elsewhere.
6. To ensure a satisfactory standard of external appearance.
7. To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area.
8. To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety.
9. To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety.
10. In the interests of highway and pedestrian safety.
11. In the interests of pedestrian safety.
12. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety.
13. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety.
14. To retain an open aspect for the Footpath in the interests of protecting and enhancing Public Rights of Way and access.
15. To provide an all-weather route in the interests of protecting and enhancing Public Rights of Way and access.
16. To mitigate harm to protected species which may be present within the site.

## Appendix D: Informatives

1. All building work should be in compliance with Environment Agency best working practices. For best practice guidance on this, please see the 'Construction, inspection and maintenance' section available at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses#construction-inspection-and-maintenance>

The Environment Agency will arrange site meetings to agree the necessary measures to prevent pollution of the water environment during the construction phase of their development with applicants and carry out pollution prevention visits.

Please contact [EastMidWaterQuality@environment-agency.gov.uk](mailto:EastMidWaterQuality@environment-agency.gov.uk) for further information and advice.

If found to be causing water pollution from developments, maximum fines can be up to £50,000 with an unlimited fine in Crown Court depending on the environmental impact of the offence along with other factors (attitude and pollution history of the offender, degree of



intent, any other circumstances relevant to the incident). More details of this are available at <https://www.gov.uk/government/publications/environment-agency-enforcement-and-sanctions-policy/environment-agency-enforcement-and-sanctions-policy>.

2. Materials samples will no longer be accepted at the Council offices. Alternative arrangements should be made with the relevant case officer to view samples on site.
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 3050001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. Prior to construction, measures should be taken to ensure that users of the Public Footpath are not exposed to any elements of danger associated with construction works.
5. The Public Footpath must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.
6. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
7. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
8. The play equipment should be located a minimum distance of 20m from the external elevations of the dwellings contained in plots 1 and 2.

## Appendix E: Available Development Management Policies

### Local Plan Policies

SS2 [Development Strategy](#)

SS3 - Sustainable Communities (unallocated sites)

C7 Rural Services

C9 Healthy Communities

EN1 Landscape

EN2 Biodiversity and Geodiversity

EN3 The Melton Green Infrastructure Network

EN4 Areas of Separation

EN6 Settlement Character

EN8 Climate Change

EN11 Minimising the Risk of Flooding

EN12 Sustainable Drainage Systems

IN2 Transport, Accessibility and Parking

D1 Raising the Standard of Design

Hoby and Rotherby Neighbourhood Plan

1 Design of New Development

3 Public Rights of Way

8 Biodiversity Nature Conservation and the Environment

9 Sustainable Transport

10 Highway Safety and Capacity

13 Community Facilities

14 New Residential Development



Helping people | Shaping places



## Planning Committee

5 May 2022

Report of: Interim Assistant Director for Planning

### Request to vary Section 106 Agreement in relation to Planning Permission 15/01019/OUT, Hecadeck Lane, Nether Broughton

<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Councillor Joe Orson, Old Dalby Ward
<b>Date of consultation with Ward Member(s):</b>	17 January 2022
<b>Exempt Information:</b>	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 (15/01019/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 The approved site plan is shown here which details the location of the affordable housing units as plots 7-14.



## 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.

### 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 raises matters that in the opinion of the Director of Growth and Regeneration, in consultation with the Chair, should be referred to the Planning Committee under Chapter 2, Part 9 of the Constitution.

### 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.
- 3.1.5 Delivery of affordable housing within the Parish recently, and that currently under construction, is considered to provide a significant level of affordable housing for rent to support local needs within the Parish. Affordable housing for rent properties are predominantly derivative of Old Dalby and are located there (including Queensway).
- 3.1.6 Therefore it is considered that the introduction of greater proportion of shared ownership within this development is suitable for Nether Broughton and would not result in an under provision of affordable properties to rent within the Parish. See details in the Consultations section below (Appendix A) of recent and under construction developments where there is a provision of affordable housing to rent.
- 3.1.7 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 as detailed above. In addition, shared ownership itself provides flexibility in respect of ownership through 'staircasing' opportunities.

## 4 Consultation & Feedback

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

## 5 Financial Implications

- 5.1 None.

**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

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## 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.

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