

Agenda

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| Meeting name | Planning Committee |
| Date | Thursday, 29 June 2023 |
| Start time | 6.00 pm |
| Venue | Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH |
| Other information | This meeting is open to the public |

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

Edd de Coverly
Chief Executive

Membership

| | | |
|--------------------|---------------------|-----------------------|
| Councillors | A. Thwaites (Chair) | J. Mason (Vice-Chair) |
| | P. Allnatt | I. Atherton |
| | R. Browne | P. Cumbers |
| | C. Evans | M. Glancy |
| | M. Gordon | L. Higgins |
| | D. Pritchett | |
| | | |

Quorum: 6 Councillors

| | |
|--------------------------|--|
| Meeting enquiries | Democratic Services - democracy@melton.gov.uk |
| Email | democracy@melton.gov.uk |
| Agenda despatched | Wednesday, 21 June 2023 |

| No. | Item | Page No. |
|-----|---|----------|
| 1. | APOLOGIES FOR ABSENCE | |
| 2. | MINUTES To confirm the minutes of the meeting held on 6 June 2023 | 1 - 12 |
| 3. | DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting. | 13 - 14 |
| 4. | SCHEDULE OF APPLICATIONS | |
| 4.1 | APPLICATION 21/00013/FUL Hickling Lane, Long Clawson | 15 - 28 |
| 4.2 | APPLICATION 22/01158/FUL Forresters Hall, Rosebery Avenue, Melton Mowbray | 29 - 40 |
| 4.3 | APPLICATION 19/01360/FUL - WITHDRAWN Wyndham Development Site, Kennelmore Road, Melton Mowbray | |
| 5. | URGENT BUSINESS To consider any other business that the Chair considers urgent | |

Minutes

| | |
|---------------------|--|
| Meeting name | Planning Committee |
| Date | Tuesday, 6 June 2023 |
| Start time | 6.00 pm |
| Venue | Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH |

Present:

Chair Councillor A. Thwaites (Chair)

Councillors

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|-----------------------|--------------------------|
| J. Mason (Vice-Chair) | P. Allnatt |
| I. Atherton | P. Cumbers |
| C. Evans | M. Glancy |
| M. Gordon | L. Higgins |
| D. Pritchett | S. Atherton (Substitute) |

Officers

- Assistant Director for Planning
- Planning Development Manager
- Senior Solicitor (TP)
- Senior Planning Officer (AC)
- Planning Officer (HW)
- Democratic Services Officer (HA)
- Democratic Services Officer (SE)

| Minute No. | Minute | | | | | | |
|---------------------|---|---------------------|--------------|------------------|--------------------------------|------------------|--|
| PL1 | <p>Apologies for Absence</p> <p>An apology for absence was received from Councillor Browne and Councillor Siggy Atherton was appointed as his substitute.</p> <p>It was noted that Councillor Cumbers was not present at the start and was on her way to the meeting.</p> | | | | | | |
| PL2 | <p>Minutes</p> <p>The minutes of the meeting held on 30 March 2023 were approved as a true record.</p> | | | | | | |
| PL3 | <p>Declarations of Interest</p> <p>Application 21/01134/FUL – 2 Mill Lane, Long Clawson</p> <p>Councillor Thwaites declared a non-pecuniary interest as the agent who was speaking on the above application was his neighbour and he had not discussed this nor any applications with him.</p> | | | | | | |
| PL4 | <p>Schedule of Applications</p> | | | | | | |
| PL5 | <p>Application 22/00006/VAC</p> <table border="1" data-bbox="288 1093 1442 1312"> <tr> <td>Application:</td> <td>22/00006/VAC</td> </tr> <tr> <td>Location:</td> <td>Field OS 6260 Canal Lane, Hose</td> </tr> <tr> <td>Proposal:</td> <td>Removal of Condition 4 (provision of on-site affordable housing requirement) of planning permission 19/00859/OUT</td> </tr> </table> <p>The Senior Planning Officer (AC) addressed the Committee and provided a summary of the application and advised that 2 further letters of representation had been received raising which raised concerns about the viability report that had been submitted and also concerning contributions to the local village facilities. The viability appraisal had already been fully assessed within the report and with respect to the local village facilities the contributions had been previously secured at the outline stage so this was not for consideration as part of this application. The application was recommended for approval for the removal of condition 4 subject to conditions and a Deed of Variation.</p> <p>Responses to Member queries were as follows:</p> <ul style="list-style-type: none"> • The viability analysis set out that the profit would be below the viability threshold for this development • If the application was refused, the decision could be appealed by the applicant and based on the figures given in the report, it was likely the Planning Inspector would apply significant weight on the viability test • The affordable housing allocation could initially be ring-fenced for Hose | Application: | 22/00006/VAC | Location: | Field OS 6260 Canal Lane, Hose | Proposal: | Removal of Condition 4 (provision of on-site affordable housing requirement) of planning permission 19/00859/OUT |
| Application: | 22/00006/VAC | | | | | | |
| Location: | Field OS 6260 Canal Lane, Hose | | | | | | |
| Proposal: | Removal of Condition 4 (provision of on-site affordable housing requirement) of planning permission 19/00859/OUT | | | | | | |

- There was an initial viability study in 2019 at the outline stage which was based on generic costs and the independent assessor considered that profitable. However the latest assessment was more robust and with detailed figures and independent assessor now advised that the development was not viable

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

Adrian Kerrison, Agent Plumtree Homes LLP

Following the speaker's presentation, the following points were noted:

- The 10 per cent referred to was gross profit
- There were £680k of abnormal costs which included significant cut and fill to help alleviate the 6 metre slope from the top corner to the bottom corner that required several plateaus, new rising mains to be installed, a large attenuation pond, there was a road widening scheme required by the County Council, archaeology works, various other works such as a newts issue that had been resolved
- Market forces over the past 2/3 year had led the 55 per cent increase in costs
- In 2019 although the independent assessor considered the site was viable, the developer felt sceptical and did not consider the affordables deliverable in the form required by the Council. They were negotiating for a more viable option of a smaller number of 80 per cent market value homes and they had never signed off on the affordable housing requirement
- Since then costs had increased hence the current viability analysis that had been verified by the independent assessor
- The agent advised that they had made it clear from the outset that 42 percent was not achievable
- The land had been purchased in 2019 and the outline application was submitted in 2020
- They were a small high specification builder and had reduced costs and specification and construction costs where possible but this still did not make the site viable
- The homes would range between £220k and up to £600-800k in value
- They were aware of the affordable housing policy when they purchased the land

During debate the following points were noted:

- There was concern at housing viability as the need was well established before the land was purchased
- It was felt more legal guidance, case law, previous appeal decisions were needed before a decision could be made and possibly a deferral on this basis may be proposed
- There was concern that affordable homes were needed for people to get on the housing market in Hose
- It was suggested that there was case law and a high court judgement where

- cases such as this were tested and affordable housing was not removed
- It was felt if this application was approved it would set a precedent for other developers
 - The Planning Development Manager advised that the removal of the condition was within the principles of the NPPF and the Local Plan and the Neighbourhood Plan all of which stated viability had to be proven. The Council would also then seek to retain the affordable housing element even though there were those policies
 - It was considered that there was not enough information as the land cost should not be factored into viability and case law of similar cases was required
 - There was a conflicting view that case law and legal opinions were not material documents for lay people in determining a planning application
 - The Senior Solicitor advised that case law was binding but he had not seen the case law and high court judgement referred to and should the application be deferred the applicant could go for non-determination as the deadline for determining the application was only days away. Should this happen, the Planning Inspectorate would determine the application and the Council may lose the opportunity to apply conditions that may be considered by the committee
 - The Ward Councillor considered that 11 affordable homes had been discussed and at no point were they advised they would not be delivered
 - The Senior Solicitor advised that viability was a genuine mechanism and was not concerned with historical information or data
 - It was pointed out that the developer had not accepted the affordable housing position from the start and the 2019 application had stated that the full costs were unknown at that stage
 - There was mention as to whether Homes England had been involved in this application
 - There was a move for deferral to consider the Park Road judgement and other appeal decisions and case law and bring this information back to the committee
 - It was reiterated that the development had been independently assessed on viability and there was nothing further they could do apart from consider previous appeal decisions
 - There was concern on the risks of deferment against the balance of the issues and did viability trump other factors with the Planning Inspectorate
 - The Planning Development Manager advised that the report outlined the policies, the SPD and the NPPF and the Council's compliance with planning policy and as this was a legitimate mechanism it was likely the Planning Inspector would permit the application
 - A Member felt that they should they defer to ask for legal opinions and case law it could cost the Council more money and a lengthy deferment
 - The Senior Solicitor explained that the Legal Team could obtain external legal expert opinion when required. He could not respond on whether viability trumped planning policy and stated officers had to abide by the rules and highlight the risks
 - The Senior Planning Officer advised that viability was a tool and a mechanism and was part of the NPPF

- There was a suggestion to defer to reduce the contributions based on reduced income and a Member referred to some guidance where this had happened

(Councillor Cumbers apologised for her late arrival and asked if she was able to vote. The Senior Solicitor advised she had arrived at 6:05pm during the Senior Planning Officer's presentation, however she had been present for the speakers and debate. The Senior Planning Officer advised there had been no update in his presentation therefore the Senior Solicitor advised that it was the Member's decision whether to vote.)

Councillor Higgins proposed a motion to defer the application to gain more confidence in the reasoning by receiving legal guidance, previous case law and appeal decisions including the Park Road judgement. Councillor Evans seconded the motion. On being put to the vote, there were 5 for and 6 against therefore the motion was lost.

Councillor Allnatt moved the recommendation in the report and Councillor Pritchett seconded.

RESOLVED

That the application be APPROVED subject to :

(1) the conditions set out in in the report;

(2) Deed of Variation to the previously completed agreed Section 106 Agreement to

Continue to secure contributions towards

(i) Primary and secondary education provision.

Include contribution towards

(i) Off-site Affordable housing provision

Remove contributions for

(i) Sustainable transport options

(ii) Waste services

(iii) Library services

(iv) NHS contribution

(3) Include a Late Stage Review Mechanism

(5 for, 4 against, 2 abstentions)

(Councillor Cumbers requested that her abstention be recorded as she advised she did not have enough information to make a decision.)

Councillors Evans, Glancy, Gordon and Higgins requested that their votes against the motion be recorded.)

REASONS

The application has been supported by a viability assessment which indicates that the provision of affordable housing on-site as required by the condition would not be viable.

The Council have sought external and independent advice on the submitted viability assessment, the results of which state that should affordable housing be provided as part of the development, then the scheme would not be economically viable. The application would still provide the same amount of financial contributions that were secured by the originally agreed Section 106 agreement under planning permission (reference 19/00859/OUT), however the lower priority contributions would be redistributed and from an off-site affordable housing contribution. The independent viability assessment included these contributions within the overall assessment

The original outline application (reference 19/00859/OUT) was supported with a viability assessment where the applicant aimed to demonstrate that the scheme was unviable in order to remove the affordable housing provision. However during the course of the original outline application, officers were concerned that given the scheme was in outline form it was difficult to understand the associated costs and values of the development as no detail of the proposal has been determined. Therefore the affordable housing provision was secured at outline stage.

Following approval at outline stage, the reserved matters for the layout of all 34 dwellings and scale and appearance of 5 dwellings have been approved under application (reference 20/01135/REM).

As the reserved matters have now been approved showing the layout of all 34 dwellings, consideration can be given to the detail of the development (something which was difficult to assess at outline planning stage). The viability assessment that has been submitted is in accordance with the detail of the development that has been approved through application 20/01135/REM. Therefore the viability assessment which has been submitted is considered to be an accurate representation of the costs that would be incurred.

Overall, it is considered that up to date, acceptable and robust evidence of viability has been provided which demonstrates that the development is not capable of providing the policy target of 32% (11 Affordable Housing units).

A number of different options have been considered within the viability assessment which demonstrate that any provision of on-site affordable housing (across any tenure mix forms) would not be economically viable.

The loss of affordable housing provision would not be in line with Policy C4 of the Melton Local Plan or Policy H6 of the Clawson, Hose and Harby Neighbourhood Plan. However the submitted viability assessment has been considered in detail

during the course of the application of which the independent viability assessment concluded that the removal of the affordable housing provision is absolutely necessary in order to make the development financially viable and deliverable.

To emphasise this further, the conclusion of the viability assessment showed that there would still be an overall loss as a result of the development, despite removing the on-site affordable housing provision.

Whilst the proposal would not be in line with the aforementioned policies of the Melton Local Plan and Neighbourhood Plan, the Council have adopted both the Affordable Housing SPD and Developer Contributions SPD. Both of these SPD's are material considerations within the determination of the application and do allow for the submission of viability assessment. The Affordable Housing SPD provides clear guidance and advice on the submission viability assessments and what detail and level of information should be contained within them. The viability assessment submitted is considered acceptable in this regard as a starting point and contains all the required information and detail in order to make a decision.

Following the independent review of the submitted assessment, a number of options and varying proposals have been 'tested' however again the outcomes would all result in an overall loss.

The Developer Contributions SPD sets out the relative infrastructure priorities where a viability assessment has been submitted. As such, in accordance with the Developer Contributions SPD, a deed of variation to the original Section 106 is proposed which removes the contributions to priorities 2b, 2c and 3 in lieu of a contribution to off-site affordable housing provision (priority 2a) – approximately £43,185.04. The contribution towards Education provision (priority 1) will be retained.

Whilst the provision of affordable housing provision is a key priority, the submitted viability assessment has been independently reviewed in detail. The conclusions of which demonstrate that the site would result in an overall loss should on-site affordable housing provision be provided.

Given that the development is currently being developed and circumstances may change within the construction market, a clause within the deed of variation is proposed securing a 'late stage review' of the viability position. This is in line with section 3.5.5 of the Affordable Housing and Housing Mix SPD – 'Viability Reviews (clawback) and deferred payments'. This is considered reasonable to place on the permission to ensure that a further viability review is undertaken which would be based on actual sales values and known build costs.

Therefore, it is recommended that the application is permitted.

(There was a short adjournment before the next application was considered.)

Application 21/01134/FUL

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| Application: | 21/01134/FUL |
| Location: | 2 Mill Lane, Long Clawson |
| Proposal: | Demolition of existing bungalow and storage buildings, erection of 3 no. new single storey dwellings, construction of new driveway, replacement of existing vehicle bridge over brook + new flood compensation area. |

The
Senior
Planning

ning Officer (AC) addressed the Committee and provided a summary of the application and advised that 3 further letters of objection had been received which raised concerns around flooding, access, traffic, footpath to the village and that not everyone was notified of the application. All of these matters were assessed within the committee report and he confirmed that everyone that was required to be notified was notified and a site notice and a press notice was also posted. The application was recommended for approval subject to conditions as set out in the report.

The Senior Planning Officer advised that the building to the south-west corner of the site on the neighbour's boundary was a gym/games room which had planning permission.

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

Rob Hughes, Agent, Hughes Planning

During debate the following points were noted:

- The Ward Member drew the committee's attention to the Parish Council's concerns and that there had been 3 flooding events in Long Clawson in recent years and the Councillor requested that it be recorded that the statutory bodies and the County Council had not dealt with these flooding issues. On the principle of development on the site, there was still a concern regarding the impact on the Neighbourhood Plan view with this proposal
- There was concern at new matters being raised by the Ward Councillor from previous applications which were not part of this application and therefore it was difficult for new Members without this knowledge to deal with that information
- The Planning Development Manager confirmed that previous discussions had been held on the design, impact and drainage but there was one single reason for the refusal which was the impact on the view. The report was balanced and covered all matters and this new application had overcome the reason for refusal therefore there was no other reason that would warrant its refusal
- The Senior Solicitor advised that this was a new application and although the previous reason for refusal had been concerned with the impact on the view, that did not prevent the committee from reviewing the whole application
- With regard to flooding, the Senior Planning Officer advised that there was a site specific flood risk assessment which included a drainage strategy and

technical note which the applicant had commissioned in response to public and Parish Council concerns and this had been submitted to the Lead Flood Authority, Severn Trent Water and the Environment Agency and they had all advised they had no objections to these proposals. He confirmed that the strategy would improve and control the current water flow

- The Ward Member was concerned at whether there was a blocked culvert as a previous independent investigator had advised that no one could be sure of the extent of a blockage and there had been sewage in previous flood water in the vicinity of the site
- The Senior Planning Officer advised that that report and flooding event referred to had been sent to the applicant and the Lead Flood Authority which had triggered the applicant to commission the independent drainage strategy
- The Planning Development Manager advised that the drainage package proposed would improve the run off rate and reduce the likelihood of flooding for the future

Councillor Gordon proposed that the application be approved. Councillor Allnatt seconded the motion.

RESOLVED

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

(9 for, 1 against, 1 abstention)

(Councillor Evans requested that his vote against the decision be recorded.)

REASONS

The proposal accords with the requirements of Policies SS1 and SS2 which emphasise the need to provide housing in locations that can take advantage of sustainable travel. Long Clawson is a 'Service Centre' under policy SS2 and identified as appropriate for a limited quantity of development in the form of allocations and accommodation of 'windfall'.

The proposed dwellings all sit within the limits to development within the Neighbourhood Plan as identified within Policy H3 of the Neighbourhood Plan.

As such, the proposal would represent a sustainable form of small scale residential development that would be considered acceptable under the provisions of Policies SS1 and SS2 of the Melton Local Plan and Policies H3 and H4 of the Neighbourhood Plan. The principle of development is therefore acceptable subject to appropriate design and appearance and other material planning considerations.

The access and parking is deemed acceptable, there would be no significant adverse impact upon adjacent residential properties and the proposal is considered to be sympathetic to the Conservation Area and setting of heritage assets and

overall would not be considered to have an unacceptably detrimental impact on important views identified in the Neighbourhood Plan. The proposal is considered acceptable on grounds of flooding/drainage, ecology and archaeology.

The reason for refusal on the previous application is considered to have been overcome, by virtue of the removal of the car park and its impact which was specifically referred to as the sole reason within the refused decision notice.

PL7

Application 23/00034/DIS

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| Application: | 23/00034/DIS |
| Location: | Crossroads Farm, Eastwell |
| Proposal: | Approval of Conditions 3 (external materials), 5 (scheme for the disposal of foul and surface water), and 10 (construction traffic management plan) attached to planning permission ref.21/01204/FUL |

The Planning Officer (HW) addressed the Committee and provided a summary of the application and advised that work had begun on site. Formal comments had been received from the highway authority with no objection.

The applicant was an elected member, Councillor Hewson. The constitution therefore required that this application be determined by the Planning Committee.

There were no public speakers.

During debate the following points were noted:

- There was concern that the works had started
- The Senior Solicitor advised that a decision was required regardless of whether the works had started
- This simple application was before the committee for reasons of transparency as the applicant was a Councillor

Councillor Evans proposed that the application be approved. Councillor Glancy seconded the motion.

RESOLVED

That the application be APPROVED as submitted.

(Unanimous)

REASONS

The proposed external materials are considered appropriate to the site context and are of a high quality which would enhance the setting of the adjacent listed buildings. Surface water runoff would be directed to an existing open water body

which is identified as option 2 in the drainage strategy set out in the National Planning Practice Guidance.

Foul sewage would be directed to package sewage plants within the site which is considered to be an acceptable approach where no access to mains sewage is practicable. The construction traffic management plan provides details of the routing of construction traffic and details of mitigation measures which would ensure highway safety.

PL8

Urgent Business

There was no urgent business.

The meeting closed at: 8.19 pm

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MEMBER INTERESTS

Do I have an interest?

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

A “Disclosable Pecuniary Interest” is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land/Property, Licences, Tenancies and Securities.

A Disclosable Pecuniary Interest is a Registerable Interest. Failure to register a DPI is a criminal offence so register entries should be kept up-to-date.

2 OTHER REGISTERABLE INTERESTS (ORIs)

An “Other Registerable Interest” is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

3 NON-REGISTRABLE INTERESTS (NRIs)

“Non-Registrable Interests” are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.

Declarations and Participation in Meetings

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

- 1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:
- a) you must disclose the interest;
 - b) not participate in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

2 OTHER REGISTERABLE INTERESTS (ORIs)

- 2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:
- a) you must disclose the interest
 - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

3 NON-REGISTRABLE INTERESTS (NRIs)

- 3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:
- a) you must disclose the interest;
 - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

4 BIAS

- 4.1 Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or 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):
- a) you should not take part in the decision-making process
 - b) you should state that your position in this matter prohibits you from taking part
 - c) you should leave the room.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.



Helping people | Shaping places



Planning Committee

29th June 2023

Report of: Assistant Director for Planning and Delivery

21/00013/FUL Land to the rear 1 to 3 Hickling Lane, Long Clawson. Erection of 31 dwellings with associated access, open space and parking

Applicant: Hazleton Homes Ltd:- Mr T Hazleton And Anthea Brown

Planning Officer: Gareth Elliott

| | |
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| Corporate Priority: | Delivering sustainable and inclusive growth in Melton |
| Relevant Ward Member(s): | Christopher Evans and Simon Orson (Long Clawson and Stathern) |
| Date of consultation with Ward Member(s): | 8 June 2023 |
| Exempt Information: | No |

Reason for committee determination

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.

Web Link

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QMISL1KOJVO00>

What 3 words

<https://w3w.co/contents.relished.thin>

RECOMMENDATION(S)

Approve subject to:

1. Conditions

- Time limit
- Plans
- Ground Levels
- Surface Water Drainage
- Surface Water Drainage during constructions
- Long Term Maintenance Surface Water Drainage
- Infiltration testing
- Access Arrangements
- Visibility Splays
- Parking and Turning Facilities
- Off site Works
- Construction Traffic Management Plan
- External Materials
- Landscape Management Plan
- Landscaping and Boundary Treatment

2. A completed Section 106 Agreement to secure contributions towards

- Libraries
- Civic amenity
- Healthcare
- Sustainable travel
- Education
- Provision of on-site affordable housing

1 Executive Summary

- 1.1 The site is a 1.15Ha parcel of land within the defined limits to development of Long Clawson and allocated for residential development within the Melton Local Plan and Neighbourhood Plan.
- 1.2 Full planning permission is sought for the erection of 31 dwellings at the site which vary in size and design.
- 1.3 There have been previous grants of outline consent for residential development at the site, the most recent being approved on 08.06.2022 for 31 dwellings.
- 1.4 The proposed development comes forward with the full range of sought infrastructure contributions agreed. The proposal also includes 12 (38%) affordable dwellings which would consist of 6 x affordable rented, 6 x intermediate of a mix of 2, 3 and 4 bedroom dwellings.

2 Main Report

The Site

- 2.1 The application site relates to a broadly L-shaped parcel of land that measures 1.15Ha in area and is located on the junction between Broughton Lane and Hickling Lane. The site is broadly level in nature. There is an established hedgerow and matures trees located along the boundary with Broughton Lane. A traditional post and rail fence runs along the boundary with Hickling Lane.

- 2.2 The site is currently in use as a horse paddock. The closest neighbouring residential property is 3 Hickling Lane to the south of the site. There is open countryside to the west and north of the site.
- 2.3 Located towards the western edge of the village, the site is within the limits to development identified within the Clawson, Hose and Harby Neighbourhood Plan. The site is allocated within the Neighbourhood Plan (NPLONG6) for residential development with an estimated capacity of 32 dwellings and within the Melton Local Plan (LONG2) with an estimated capacity of 35.

3 Planning History

- 3.1 16/00810/OUT - Outline application for the erection of up to 31 dwellings with associated access, open space and parking [Resubmission of 15/00833/OUT) Approved 08.06.2022

4 Proposal

- 4.1 Full planning permission is sought for the erection of 31 dwellings with a new vehicular access of Broughton Lane
- 4.2 There has been a previous grant of outline planning permission at the site for erection of 31 dwellings Ref.16/00810/OUT (not yet implemented; no reserved matters yet submitted).

5 Amendments

- 5.1 Amended Plans were received during the life of the application following discussions with the case officer in relation to design, scale, layout and positioning of the proposed development.

6 Planning Policy

National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

National Design Guide

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 IN3 Infrastructure Contributions and Community Infrastructure Levy

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

Clawson, Hose and Harby Neighbourhood Plan

Policy H1 Housing Provision
Policy H2 Housing Site Allocations for 2016-2036
Design Code NPLONG1
Policy H3 Limits to Development
Policy H5 Housing Mix
Policy H6 Affordable Housing Provision
Policy H7 Housing Design
Policy H8 Street Lighting and Light Pollution
Policy ENV4 Biodiversity
Policy ENV6 Woodland, Trees and Hedges
Policy ENV10 T4 Parking
Policy E5 Broadband
Policy DC1 Developer Contributions

Other

Affordable Housing and Housing Mix SPD
Developer Contributions SPD
Design SPD

7 SUMMARY of RESPONSES

SUMMARY OF TECHNICAL CONSULTATION RESPONSES

- 7.1 Environment Agency - No objection
- 7.2 Severn Trent – No objection
- 7.3 Lead Local Flood Authority – No objection, recommends conditions
- 7.4 Trent Valley Internal Drainage Board – No objection.
- 7.5 Highway Authority – No objection, recommends conditions.
- 7.6 LCC Obligations - Sets out Infrastructure requirements for Libraries, waste and education.
- 7.7 East Leicestershire and Rutland Clinical Commissioning Group (ELR CCG) - Contribution Request to Primary Care
- 7.8 LCC Ecologist - Ecology surveys accepted and conditions recommended to secure mitigation measures. A biodiversity net gain is required.

SUMMARY OF REPRESENTATIONS

Ward Member(s)

7.9 No comments received.

Parish Council

- 7.10 The only landscaping seems to be hedging and trees with some short width of “wildlife corridor”.
- 7.11 Clarification over the maintenance of the grassy areas on site and the wildlife corridor.
- 7.12 There is no footpath along Broughton Lane.
- 7.13 The amended plans show some ‘bungalows’ with a ground floor and a first floor. Plot 31 is a bungalow. Plots 14, 10 and 9 are still two storey building.
- 7.14 It is felt strongly by the Parish Council that this looks more like a housing estate.

Neighbours

- 7.15 12 objections from 12 households
- Other sites in the village would be preferable over this one.
 - Concerns over traffic management and further vehicle movement.
 - Objections raised on flood risk grounds and concerns over surface water run off onto neighbouring sites.
 - The submitted details do not consider noise.
 - Impact on local wildlife from the development.
 - Impact on residential amenity including light and outlook.
 - Devaluation of property.
 - Impact on existing infrastructure – schools and doctors.
 - The village has very limited public transport.
 - Global warming is a major issue, we should be planting trees not building houses
 - The village has already had a number of large developments
 - Objection to the removal of trees not within the applicants ownership.
 - Seeks clarification over boundary annotations and a detailed landscaping scheme.
 - Concerns raised over the impact on the local hedgehog population
 - No considerations towards sustainable solutions.
 - The development would result in an oversized housing estate.
 - There is no pond or play area included within the development.
 - The proposal would have a negative impact on the character of the site.

RESPONSE TO CONSULTATIONS AND REPRESENTATIONS

- 7.16 The landscaping areas are considered to be appropriate to the scale and nature of the proposed development, as well as the needs of local wildlife.
- 7.17 In terms of the maintenance of the landscaped areas, a condition is recommended requiring further details of a maintenance schedule to come forward, which is consistent with the previous outline grant of planning permission at the site.
- 7.18 The proposed footpath is shown to connect up to Hickling Lane rather than Broughton Lane as this would provide a more direct connection to the main settlement and existing footpaths
- 7.19 It is considered that the range in design and size of the proposed dwellings are appropriate and policy compliant.
- 7.20 The site is an allocated site within the Local Plan and Neighbourhood Plan and makes up part of the 5 Year Housing Land Supply. There is also an extant outline consent for the site. Therefore the principle of the development has been established.
- 7.21 The issues of highway safety, character and appearance, residential amenity, flood risk and impact on ecology are covered and assessed in the following sections of the report.
- 7.22 In terms of the impact on infrastructure, the applicant has agreed to full infrastructure contributions including healthcare and highway related infrastructure.
- 7.23 The devaluation of property is not considered to be a material planning consideration within this proposed development.
- 7.24 Conditions in relation to boundary treatment and securing landscaping details are recommended to be attached to any grant of planning permission.

8 PLANNING ANALYSIS

8.1 The main considerations are

- Principle of Development
- Infrastructure
- Affordable Housing and Housing Mix
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highways and parking
- Ecology
- Flood Risk/Drainage

Principle of Development

- 8.2 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 adverse impact on the Highway network.
- 8.3 Long Clawson is identified as a 'Service Centre' under Policy C1(A) of the Local Plan and as such is appropriate for a limited quantity of development in the form of allocations and accommodation of smaller sites.
- 8.4 The application site is allocated for housing within the Clawson, Hose and Harby Neighbourhood Plan (NPLONG6) with an estimated capacity of 32 dwellings.

- 8.5 Policy C1(A) of the Melton Local Plan 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 of the Melton Local Plan or relevant Neighbourhood Plan.
- 8.6 Policy H2 of the Neighbourhood Plan states;
- Land is allocated for housing development as shown in Table 3 (Housing Allocations) and Table 4 (Reserve Sites). Proposals for development of the various sites will be supported within the strategic context provided for land release in Policy H1 of this Plan and where they comply with the relevant site Design Code.
- 8.7 The design code for the site is set out below;
- Development will be supported provided:
- drainage infrastructure is available to accommodate surface water from the site without causing or adding to flooding elsewhere;
 - it is up to 32 dwellings;
 - landscaping is provided to soften the site boundaries;
 - a safe and convenient footpath link to existing footpaths is provided;
 - dwellings are no more than two storeys high, with some single storey bungalows included adjacent to current dwellings.
 - the layout and architectural design creates an informal, rural feel.
- 8.8 The individual criteria within in the above design code will be discussed within the relevant subsections later within the report. However, in light of the above policy guidance which supports the development of the site of this scale and number of units proposed, it is considered that the principle of development at the site is acceptable.

Infrastructure

- 8.9 A Section 106 Agreement is recommended to secure full contributions relating towards education, sustainable travel, waste services and healthcare as detailed below.
- Libraries - £938.56
 - Civic amenity contribution £2562.46 for the maintenance of existing waste services
 - Healthcare contribution £9,298.51
 - LCC Highways – (bus pass contribution £720 per dwelling, bus stop contribution £8,900)
 - Education - £92,544.05 for secondary school contribution
 - Securing the provision of affordable housing

Affordable Housing and Housing Mix

- 8.10 The proposal includes 12 (38%) affordable dwellings which would consist of 6 x affordable rented, 6 x intermediate of a mix of 2, 3 and 4 bedroom dwellings. This level of affordable housing provision would exceed the minimum required level stated within the Melton Local Plan for Long Clawson of 32%. This level of provision is echoed within Policy H6 of the Neighbourhood Plan.
- 8.11 The mix of houses in terms of number is made up of 80% (25 out of 31) being 2 and 3 bedroom. This aligns with the optimum housing mix required in the Local plan Policy C2 and Policy H5 of the Neighbourhood Plan.
- 8.12 It is noted that the Housing Officer raises no objection to the scheme in terms of the provision of affordable housing and the housing mix.
- 8.13 In light of the above, it is considered that the proposal would comply with the aims of Policy C2 of the Melton Local Plan and Policy H5 of the CHH Neighbourhood Plan.

Impact on the character and appearance of the area

- 8.14 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.
- 8.15 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.
- 8.16 Policy H7 of the CHH Neighbourhood Plan set out criteria for design of new housing development. The policy seeks to ensure the design enhances and reinforces the local distinctiveness and character of the area and requires proposals to show the general character, scale, mass and density and layout fits in with the character of the surrounding area including variation of types, materials and styles to reflect rural village visual diversity.
- 8.17 Furthermore, the design code linked to Policy H2 for the allocated site requires the layout and architectural design to create an informal, rural feel.
- 8.18 During the life of the application, there has been extensive discussions between the applicants and officers on the design and layout of the proposal to improve the character and appearance of the proposed development, as well as the connection between the site and surrounding area.
- 8.19 The revised plans incorporate dwellings that have active frontages onto both Broughton Lane and Hickling Lane, together with soft landscaped frontages.
- 8.20 There are 10 different house design types included with the proposal, which range in terms of architectural features, external materials, position within the site, as well as size and scale. The external materials include the use of brickwork, ivory render and traditional ironstone cladding. The roof finishes would include natural slate tiles and clay pan tiles.
- 8.21 Having considered the broad range in house type design, as well as well as the use of traditional materials that reflect the local vernacular of the area, it is considered the proposed development would be successful in creating an informal layout that would pay due respect to the rural character and local distinctiveness of the site and wider settlement.

- 8.22 The scale and height of the proposed dwellings have also been reduced following discussions with the case officer. The original submission included a number 2.5 storey dwellings, which have now been omitted from the scheme and replaced with traditional two storey designs.
- 8.23 A tree lined footpath is shown to link the proposed development to the village. This footpath would be located at the end of the turning head between plots 29 and 30 and would connect up to Hickling Lane. This is considered to meet with the design code criteria for the provision of a safe and convenient footpath link.
- 8.24 In terms of landscaping, the existing hedgerows along the boundaries Broughton Lane, as well as the western and southern boundaries of the site would be retained. Soft landscaped buffer zones would be created between the boundaries of the site and residential curtilages. The vast majority of plots would also have soft landscaped frontages.

Impact on Residential Amenity

- 8.25 Policy D1 of the Melton Local Plan seeks to ensure that the amenity of neighbours and neighbouring properties should not be compromised. Policy D1 also requires development to be managed so as to control disruption caused by construction for reasons of safeguarding and improving health well-being for all.
- 8.26 The relationship with 3 Hickling Lane is borne in mind as the closest neighbouring residential property to the application site.
- 8.27 Following discussions with the case officer over the relationship the proposed development would have with this property, revised plans have been received which now show the proposed dwelling at plot 31 to have a single storey design (house Type U). This house type has a low eaves height (2.5m) and overall ridge height (5.8m) and a hipped roof which would slope away from the existing neighbouring property.
- 8.28 Given this reduced scale and sensitive design, the proposed development is considered to not result in any material overbearing or overshadowing impact on neighbouring amenity to the closest neighbouring property.
- 8.29 Two small windows would be positioned within the side elevation facing the neighbouring property, however as these serve bathrooms, a condition requiring these to be obscure glazed and fixed shut is considered appropriate to attach to any grant of planning permission. With such a condition in place, it is considered that there would be no material overlooking impact on neighbouring amenity.
- 8.30 Additional landscaping strips are shown along the boundaries with the closest neighbouring properties 1 and 3 Hickling Lane and Headland Farm, which is considered to provide a degree of buffering from the proposed development to further reduce the impact on neighbouring amenity.
- 8.31 Given the distance and level of separation to the other closest neighbouring properties, and that the site backs onto open countryside, it is considered that the proposal would not result in any material impact on neighbouring amenity.
- 8.32 In terms of the amenity of future occupiers, the proposed development is considered to have a layout which allows for sufficient levels of separation distances and appropriate orientation and positioning of dwellings to avoid any material overbearing, overshadowing or overlooking impact. The proposed development would also include adequate levels of garden depths appropriate to the size of the dwellings as well as pockets of soft landscaping throughout the site.

8.33 Overall, with the described conditions above in place, it is considered that the proposal would not result in any material impact on residential amenity in accordance with the aims of Policy D1 of the Melton Local Plan and Policy H7 of the Neighbourhood Plan.

Impact on highways and parking

8.34 Policy D1 states that development proposals should include appropriate, safe connection to the existing highway network and should make adequate provision for car parking. Policy IN2 requires that development does not unacceptably impact on the safety and movement of traffic on the highway network and provides appropriate and effective parking provision and servicing arrangements.

8.35 Furthermore, Policy T4 of the CHH Neighbourhood Plan requires an adequate level of off road parking with a minimum of two car parking spaces for dwellings of two bedrooms or less, three spaces for dwellings of three bedrooms or more.

8.36 Following discussions with the case officer, revised plans have been received which include additional parking amenity in order to comply with the above policy guidance, and provide each dwelling with either 2 off street parking spaces or 3 parking spaces for the 3 and 4 bedroom dwellings. The vast majority of the parking is independent side by side parking with a small amount of tandem parking arrangement in general accordance with the Design of Development SPD.

8.37 The Highway Authority have not raised any objection to the proposed development following the submission of additional plans showing tracking and access details as well as improved visibility splays at the main entrance.

8.38 In light of the above, it is considered that the proposed development would be in accordance with the aims of Policy D1 and IN2 of the Melton Local Plan and Policy T4 of the CHH Neighbourhood Plan

Ecology

8.39 Policy EN2 of MBC Local Plan seek to protect biodiversity as well as natural habitat for local wildlife.

8.40 Policy ENV4 of the CHH Neighbourhood Plan states that the creation, maintenance and enhancement of local biodiversity will be supported and seeks to provide a net gain in biodiversity, supporting and benefitting local species and habitats.

8.41 Furthermore, Policy EN7 of the CHH Neighbourhood Plan requires proposals for 10 or more dwellings within certain areas to be accompanied by a Great Crested Newt Survey and to incorporate additional measures for Great Crested Newts.

8.42 Following discussions with the case officer, the application has been supported by a Great Crested Newt Survey. It is noted that LCC Ecology are satisfied with the results of this survey and recommend that the precautionary measures within this survey are secured by condition.

8.43 The comments from LCC Ecology on the requirement of a BNG calculation are also noted, however as both Local Plan and Neighbourhood Plan policies do not require the site to be in an overall gain, it is considered unreasonable for planning permission to be withheld on these grounds alone.

8.44 Furthermore, it is also borne in mind that outline planning permission has previously been granted for the site and had this latest scheme come in as a reserved matters application

rather than a stand alone full application, there would be no requirement for the site to be in an overall biodiversity net gain.

- 8.45 Notwithstanding the BNG calculations matter, the submitted scheme does include various proposals for the provision of bird, bat, hedgehog and Great Crested Newt enhancements.
- 8.46 There have also been changes to the layout of the scheme to allow for some habitat provision, chiefly through wildflower-seeded grassland on marginal land and small pockets of internal open space.
- 8.47 These biodiversity enhancements to the site are considered to meet with criteria contained within Policy EN2 and Policies ENV8 and EN11 highlighted above.
- 8.48 In light of the above, it is considered that the proposal would not result in any material impact on local wildlife at the site.

Flood Risk/Drainage

- 8.49 The proposed development would be located is within Flood Zone 1 (low risk of fluvial flooding) and at low to medium risk of surface water flooding
- 8.50 The application is supported by a Flood Risk assessment which includes a surface water drainage strategy. The drainage strategy seeks to discharge to an attenuation basin before being discharged at a QBar discharge rate of 4.5 l/s to an existing ditch on the northern boundary of the proposed site. The Lead Local Flood Authority (LLFA) have had regard to the submitted information and consider it to be satisfactory. Recommended conditions requiring further precise details of the surface water drainage scheme are set out in conditions.
- 8.51 It is also noted that local residents described the existing flooding issues experienced within the village as well as the concerns that the proposed development would exacerbate this. The concerns from the Parish Council in this respect are also noted.
- 8.52 The proposed scheme is supported by a Flood Risk Assessment (FRA) and as previously discussed the drainage strategy within the FRA states how an attenuation basin would be utilised before being discharged to an existing ditch on the northern boundary on the northern boundary of the site.
- 8.53 The Environment Agency, Lead Local Flood Authority and Severn Trent have been consulted on the application and had regard to the submitted FRA. No objections have been received from the technical consultees on flood risk grounds.
- 8.54 The recommended conditions from LLFA in relation to management and implementation of surface water are considered appropriate to attach to any grant of planning permission. Furthermore, with the attachment of the recommended conditions requiring precise details to come forward, further consultation with the statutory consultees would be enabled, which in turn would facilitate a suitable drainage scheme to be secured. In light of the above it, is considered that the proposal would comply with the aims of Policies EN11 of the Melton Local Plan and ENV8 of the Neighbourhood Plan.

9 CONCLUSION

- 9.1 The proposal is considered to meet the criteria within Policy H2 of the CHH Neighbourhood Plan and Policy C1 (A) Ref. LONG2 of the Melton Local Plan with an estimated capacity of 35.

- 9.2 The full range of infrastructure contributions have been agreed in full as well as on site affordable housing provision.
- 9.3 There has been no identified material impact on neighbouring amenity, the character and appearance of the site and wider area, local wildlife or flood risk.
- 9.4 The proposed 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 Broughton Lane. Sufficient off street parking provision to serve the proposed development has also been demonstrated.

10 REASON FOR RECOMMENDATION

- 10.1 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. Long Clawson is a 'service centre' under policy SS2 and identified as appropriate for a limited quantity of development in the form of allocations and accommodation of 'windfall'.
- 10.2 The site is allocated for housing purposes in the CHH Neighbourhood Plan under Policy H2 with an estimated capacity of 32 and Policy C1 (A) Ref. LONG2 of the Melton Local Plan with an estimated capacity of 35.
- 10.3 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 12 affordable housing units, of a type that supports the local market housing needs. The final mix of affordable housing would be secured by Section 106 Agreement.
- 10.4 The application demonstrates how this allocation would be delivered and meet with the site specific criteria applied by the Plan. This report has demonstrated that the proposal is compliant with the policies of the development plan as a whole when considering the Neighbourhood Plan and the Local Plan.

11 Financial Implications

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

Financial Implications reviewed by: N/A

12 Legal and Governance Implications

- 12.1 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)

13 Background Papers

- 13.1 16/00810/OUT – Outline application for the erection of 31 dwellings – Permitted 8th June 2022

| | |
|---------------------------------------|---|
| Report Author: | Gareth Elliott , Planning Officer |
| Report Author Contact Details: | 01664504274 gelliott@melton.gov.uk |
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Helping people | Shaping places



Planning Committee

29 June 2023

Report of: Assistant Director for Planning and Delivery

22/01158/FUL - Construction of new two bedroomed bungalow of site of previously demolished Forresters Hall, with associated external works. Resubmission relating to previous approval ref: 19/00696/FUL.

Forresters Hall, Rosebery Avenue, Melton Mowbray, Leicestershire LE13 1BL

Applicant: Mr Mervyn Scattergood, Executive Contractors

Planning Officer: Amy Smith

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|--|---|
| Corporate Priority: | Delivering sustainable and inclusive growth in Melton |
| Relevant Ward Member(s): | Councillor Ian Atherton and Councillor Sharon Butcher |
| Date of consultation with Ward Member(s): | 14 November 2022 |
| Exempt Information: | No |

Reason for Committee Determination:

The application is required to be presented to the Committee as the application has been called into Committee by a Local Councillor.

Web Link:

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RK3Z9LKOL1N00>

What3words:

<https://w3w.co/yarn.mice.actual>

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| RECOMMENDATION(S) |
|--------------------------|

1. It is recommended that the Planning Application is APPROVED subject to the below conditions:
 - 3 years to implement the consent (time)
 - Approved plans
 - Details of materials to be submitted for approval
 - Implementation of hard and soft landscaping scheme
 - Implementation in accordance with proposed ground levels
 - Removal of Permitted Development rights for gates, barriers etc to the vehicular access
 - Removal of Permitted Development for householders (Classes A, B, C, D and E)
 - Obscure glazing to windows to remain in perpetuity

1 Executive Summary

- 1.1 The application seeks full planning permission for the erection of 1no. two bedroom single storey dwelling at Rosebery Avenue, Melton Mowbray.
- 1.2 The proposed development is in the sustainable location of the main urban area of Melton Mowbray, within an established residential area close to the town centre.
- 1.3 As a result of the siting, scale and design, the proposed development would be complementary to the existing built form neighbouring the application site and would be sympathetic to the character of the area. The proposed development would therefore not result in detrimental impact upon the visual amenity of the site and its surrounding area. The proposed development would also not result in significant adverse impacts upon neighbouring amenity to warrant refusing planning permission.
- 1.4 The development would provide one car parking space which is deemed appropriate for the location of the development close to the town centre.
- 1.5 The application site is located in Flood Zone 2 and has a low risk of surface water flooding. Finished floor levels are proposed to be created at an appropriate level in accordance with standing advice.
- 1.6 The proposed development would therefore accord with Policies SS2, EN11, D1 and IN2 of the Melton Local Plan and the overall aims of the National Planning Policy Framework.

2 Main Report

3 The Site

- 3.1 The application site is located at the former site of Forresters Hall, Rosebery Avenue in Melton Mowbray. The Forresters Hall building is now demolished and the site is vacant.
- 3.2 The application site is surrounded by two storey terraced dwellings and is located in a corner plot of Rosebery Avenue where nos. 55 – 63 Rosebery Avenue directly face onto the site. A footpath is located at the eastern boundary of the site which serves as pedestrian access to these adjacent homes.
- 3.3 To the front of the site, parking restrictions are in place on the public highway and a telegraph pole is located to the front boundary of the site on the pavement.

4 Planning History

- 4.1 The site currently benefits from extant permission reference 19/00696/FUL - Construction of new 2 bedroomed bungalow with associated external works on site of wooden hall, granted by the Borough Council on 9th August 2019. The demolition of the existing building commenced on site which implemented this permission in 2021. Prior to this, planning permission was granted at the site for the following development:
- 4.2 97/00493/OUT - Proposed erection of a single storey dwelling, approved 21st November 1997;
- 4.3 00/00558/OUT - Proposed renewal of 97/00493/OUT for the erection of a single storey dwelling, approved 9th October 2000;
- 4.4 03/00684/OUT - Proposed renewal of 00/00558/OUT for the erection of a single storey dwelling, approved 3rd October 2003;
- 4.5 06/00866/FUL - Renewal of 03/00684/OUT for the erection of a single storey dwelling, approved 13th November 2006.

5 Proposal

- 5.1 Full planning permission is sought by the current application for a similar development involving the erection of 1no. two bedroom single storey dwelling. The design of the proposed dwelling varies to the development already approved, including a reduction of the footprint from 83 square metres to 78 square metres.

6 Amendments

- 6.1 Concerns were raised during the process of the application by the Planning Officer that the proposed development may unduly impact upon the residential amenity of no.65 Rosebery Avenue to the west of the site by virtue of its scale and massing on the shared boundary between the properties.
- 6.2 The scheme was revised in January 2023 to address the Officer's concerns. The development is therefore considered to be acceptable and in accordance with the policies of the Melton Local Plan and is therefore recommended for approval.

7 Planning Policy

National Policy

- 7.1 National Planning Policy Framework
- 7.2 National Planning Policy Guidance
- 7.3 National Design Guide

Melton Local Plan

- 7.4 The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the Development Plan for the area.
- 7.5 The Council's Design of Development Supplementary Planning Document was adopted on the 24th February 2022 and is also considered in the determination of the application.

7.6 The Local Plan is consistent with the National Planning Policy Framework and its policies remain up to date.

7.7 The relevant policies to this application include:

- Policy SS1: Presumption in Favour of Sustainable Development
- Policy SS2: Development Strategy
- Policy C2: Housing Mix
- Policy C3: National Space Standard and Smaller Dwellings
- Policy C9: Healthier Communities
- Policy EN11: Minimising the Risk of Flooding
- Policy D1: Raising the Standard of Design
- Policy IN2: Transport, Accessibility and Parking

Neighbourhood Plan

7.8 There is no Neighbourhood Plan.

Other

7.9 Design SPD

7.10 Leicestershire Highway Design Guide

8 SUMMARY of RESPONSES

SUMMARY OF TECHNICAL CONSULTATION RESPONSES

8.1 Environment Agency (14th November 2022)

8.2 The Environment Agency will not be making any formal comment as the development falls within Flood Zone 2 and therefore the Local Planning Authority should apply national flood risk standing advice. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

8.3 Lead Local Flood Authority (17th November 2022)

8.4 Leicestershire County Council as Lead Local Flood Authority notes that the site is located within Flood Zone 2 being a medium risk of fluvial flooding and a low risk of surface water flooding. The proposals seek to discharge via the sewer system.

8.5 The LLFA is not a statutory consultee and refer to standing advice only.

8.6 Severn Trent Water (29th April 2023)

8.7 Planning Practice Guidance and section H of the Building Regulations 2010 are relevant.

8.8 Severn Trent Water advises that there is a public sewer located within the application site. The applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991 for sewer connections.

8.9 Western Power

8.10 No response received

8.11 LCC Highways (14th December 2022, also duplicated on 2nd February 2023)

8.12 The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.

8.13 The Local Highway Authority (LHA) direct the Local Planning Authority's (LPA's) attention to the following points for consideration:

- The proposed access should provide a minimum effective width of 2.75m;
- Any highway infrastructure would require relocating at the Applicant's expense;
- Vehicular visibility splays;
- Parking provision; and
- The necessity of a vehicle crossover (dropped kerb) permit.

SUMMARY OF REPRESENTATIONS

Ward Member(s)

8.14 No written comments received.

Parish Council

8.15 Not applicable

Neighbours

8.16 27 letters of objection from 8 households and 0 neutral comments

- Covenant on land stating 'the purchaser of the land would not erect upon the said piece or parcel of land'
- Major inconvenience caused to residents living adjacent to the site during construction: noise, obstruction to access, vehicular restrictions
- Restricted parking on Rosebery Avenue
- Loss of privacy, direct overlooking to habitable rooms
- Adverse impact to neighbouring properties through security lighting at construction phase
- Loss of natural light
- Street is already at full capacity (parking)
- Impact on view from neighbouring dwellings
- Land should be used as open space by the community
- Previous permission included obscure glazed windows in the eastern elevation
- Loss of privacy during construction phase with workers being in such close proximity
- Design out of keeping with the character of the area
- Change of use from recreational use to dwelling
- Occupation of dwelling will result in noise and privacy issues
- Insufficient on street parking provision, for residents and workers during construction
- Damaged foul drain proposed to be relocated, however no details submitted for this in the application
- Flood risk to the proposed dwelling
- Relocation of telegraph pole
- Impact to trees, building over RPA, clearance of canopy
- Excessive noise during construction

- Plans submitted are incorrect or out of date; Topographical plan, Existing Plans, FRA, Site Location and Block Plan, Existing Photographs
- Width of current footpath to access existing homes facing the site not noted on the plans, this causes confusion and possible encroachment onto the path
- Weekly domestic waste collection currently to the front of the application site. If the site is developed, the footpath will be blocked when bins are left here
- Applicant told he could not make changes to the approved plans (previous permission)

RESPONSE TO CONSULTATIONS AND REPRESENTATIONS

- 8.17 Comments regarding design, impact of residential amenity, flood risk and drainage and highways/parking matters are considered in the Planning Analysis below.
- 8.18 Covenants are not a planning consideration. The site is under private ownership and the applicant has submitted a valid planning application for consideration by the Local Planning Authority.
- 8.19 The Highway Authority has confirmed that existing street furniture i.e. the telegraph pole situated to the front of the site would need to be relocated to the applicant's expense.
- 8.20 There are no trees subject to Tree Preservation Order in the vicinity of the application site.

9 PLANNING ANALYSIS

- 9.1 The main considerations are
- Principle of Development
 - Visual Impact of the Development
 - Impact upon Neighbouring Amenity
 - Highway Safety
 - Flood Risk and Drainage

Position under the Development Plan Policies

- 9.2 Melton Local Plan Policy SS1 sets out the principle in favour of sustainable development. Where planning applications are in accordance with the relevant planning policies of the Development Plan, they should be approved without delay, unless material considerations indicate otherwise.

Principle of Development

- 9.3 The Development Strategy for the Borough is set out at Policy SS2 of the Melton Local Plan. The policy identifies the Melton Mowbray Main Urban Area as the priority location for growth, where 65% of the Borough's housing need in the Plan Period will be accommodated.
- 9.4 Policy IN2 of the Melton Local Plan encourages new development to be located where travel can be minimised and the use of sustainable transport modes maximised.
- 9.5 The application site is located within an established residential area, in close proximity (approximately 500m, 6 minutes walking time) to Melton Mowbray town centre. The location of the development is therefore considered a highly sustainable location for residential development.
- 9.6 The site has received planning permission for similar development previously, and work was undertaken to demolish the former building on the site in 2021. Planning permission ref. 19/00696/FUL is therefore extant and may be completed on site as approved.

- 9.7 The principle of development is therefore considered acceptable and the proposed development would comply with Policies SS2 and IN2 of the Melton Local Plan which recognise Melton Mowbray as a sustainable location for growth.

Visual Impact of the Development

- 9.8 Policy D1 of the Melton Local Plan seeks to ensure that all new development is of a high quality design. The Policy states that the siting and layout of the development must be sympathetic to the character of the area, and it should meet basic urban design principles outlined in the plan and accompanying Supplementary Planning Documents.
- 9.9 The application seeks planning permission for the erection of a single storey dwelling. The site is currently vacant following the demolition of the former Forresters Hall building in 2021. Although the existing built form on Rosebery Avenue is made up of traditional two storey terraced properties, the single storey nature of the development would reflect the scale of the building which occupied the site before its demolition in 2021.
- 9.10 The principal elevation of the proposed dwelling would be sited directly to the rear of the highway boundary of Rosebery Avenue which would reflect the linear frontage of traditional terraced properties on the street-scene.
- 9.11 The bulk of the development would be situated along the western boundary of the site, abutting the boundary of 65 Rosebery Avenue, increasing the separation distance between its side elevation and those existing properties which overlook the site directly to the east (55-63 Rosebery Avenue). This separation distance would reduce the overall massing of the development upon the streetscene.
- 9.12 The materials proposed to be used in the external walls and roof of the new dwelling should be sympathetic to the appearance of existing properties on Rosebery Avenue. A pre-commencement condition is recommended to ensure suitable materials are approved by the Local Planning Authority.
- 9.13 Notwithstanding the design of the proposed development, the site is currently vacant and is temporarily bound by Heras style fencing. The development of the site would see a prominent corner plot on the streetscene be brought back into use compatible with surrounding residential uses.
- 9.14 The proposed development demonstrates innovative design and is designed to reflect the wider context of the streetscene and respect local vernacular. It is therefore considered to comply with the urban design principles and the criteria set out in Policy D1 of the Melton Local Plan.

Impact upon Neighbours' Amenity

- 9.15 Policy D1 of the Melton Local Plan seeks to protect the amenity of neighbours and neighbouring properties.
- 9.16 The application site was formerly used as a leisure facility for visiting members of the public. It is considered the proposed use of the application site for residential purposes would reduce the number of visitors to the property and would more in-keeping with the character of the area as it is set within a residential area. Therefore the proposed use is not considered to unduly impact upon the amenity of neighbouring residents.
- 9.17 It is shown on the submitted plans for the application that the footprint of the proposed development would be similar in size and location to the former building that occupied the site which has now been demolished.

- 9.18 The eastern boundary of the application site is approximately 4.2m from the principal elevations of the neighbouring properties to the east of the site, 55 – 63 Rosebery Avenue. The proposed dwelling is designed as such that its footprint is sited to the west of the application site allowing appropriate separation between the buildings. The proposed development would reduce the width of the proposed dwelling in part over what is already approved on the site, increasing the separation distance between the built form of the proposed dwelling and 55 – 61 Rosebery Avenue to 7.48m.
- 9.19 The proposed new dwelling is single storey, with a height to eaves of 2.45m and dual pitched roof to a maximum height of 4.4m. The design and orientation of the roof of the proposed dwelling would further reduce potential overbearing impact to the existing neighbouring dwellings to the east and west of the site. It is also proposed to site the outdoor amenity area of the new dwelling to a central location within the site which would further reduce any potential overbearing impact of the proposed development, resulting in a betterment to the relationship between the properties.
- 9.20 The 25 degree rule is used to establish any impact of a proposed building on existing buildings in relation to the obstruction of daylight. The 25 degree rule has been demonstrated on the proposed section plans submitted by the applicant, and concludes that due to the low height of the proposed development it would not unduly impact on neighbouring properties directly facing the application site to the east (55 – 63 Rosebery Avenue).
- 9.21 It is proposed to include windows to the eastern elevation of the proposed development facilitating the bathroom, kitchen and living/dining areas. Notwithstanding the single storey nature of the development, a suitably worded condition is recommended to ensure the windows on the eastern elevation serving the kitchen and bathroom shall be obscure glazed and shall remain as such in perpetuity. The reason for this is to reduce potential overlooking impact from both the existing neighbouring dwelling to the proposed new dwelling and from future residents of the proposed dwelling overlooking the direct neighbouring properties to the east; which may be detrimental to the private amenity of residents of the neighbouring properties.
- 9.22 It is not considered necessary to restrict the windows on the eastern elevation serving the living/dining area as it proposed to install a 1.8m close boarded timber fence near to these windows which would reduce the outlook of those windows in the first instance, therefore restricting potential opportunity for undue overlooking impact to nearby properties.
- 9.23 The height of the proposed development above finished floor level would be approximately 4.4m to the maximum ridge height. Concerns were raised with the applicant regarding potential overbearing impact to 65 Rosebery Avenue given the siting of the development on the shared boundary with this neighbouring property. As such, revised plans were received, and the orientation and style of the roof slopes have been considered to reduce any overbearing impact upon the neighbouring dwelling.
- 9.24 There is considered to be adequate separation distance and screening to the application site for the neighbouring properties to the south of the site to limit any undue impact to amenity.
- 9.25 It is therefore considered that the amenity of the residents of neighbouring properties to the proposed development would not be unduly compromised. The development is therefore in accordance with Policy D1 of the Melton Local Plan.

Highway Safety

- 9.26 Policy IN2: Transport, Accessibility and Parking of the Melton Local Plan states that all new development shall provide appropriate and effective parking provision and servicing arrangements.
- 9.27 The Local Highway Authority refer the Local Planning Authority to current standing advice (the Leicestershire Highway Design Guide, September 2011). The extant planning permission from which the application site benefits proposed similarly designed parking arrangements for one vehicle at the site.
- 9.28 Given the application site is in the sustainable location of Melton Mowbray and in easy reach of the town centre, close to a wide range of services and public transport options, it is considered that provision of off-street parking for one vehicle for the proposed two bedroomed dwelling is acceptable.
- 9.29 The parking space would measure 3.4m in width and 5.5m in depth, which is in accordance with technical requirements of the Leicestershire Highways Design Guidance.
- 9.30 Appropriate visibility splays are demonstrated on a submitted plan by the applicant to ensure the safe access and egress of a vehicle from the site.
- 9.31 The proposed development therefore accords with Policy IN2 of the Melton Local Plan and the standing advice of the Local Highway Authority. Conditions are recommended to ensure the parking provision at the site is made available for use before the proposed dwelling is occupied, and no obstructions (i.e. gates/bollards) are installed at the vehicular access into the site.

Flood Risk/Drainage

- 9.32 A Flood Risk Assessment has been submitted to support the application. The application site lies within Flood Zone 2 and has a low risk of surface water flooding.
- 9.33 The Lead Local Flood Authority and Environment Agency refer to Standing Advice for the consideration of the proposed development. The proposed development complies with Standing Advice and the recommendation given in the Flood Risk Assessment. As such, a condition is recommended that the Finished Floor Levels of the proposed development are in accordance with the submitted proposed plans.
- 9.34 Whilst located in an area at risk of flooding, based on the existing use of the site and the benefit of having extant planning permission, the proposed development is not considered to be unacceptable to warrant a refusal on the grounds of flood risk.
- 9.35 The proposed development is therefore in accordance with Policy EN11 of the Melton Local Plan which seeks to ensure that development proposals do not increase the risk of flooding.

Other Matters

- 9.36 Severn Trent were consulted and advised that the applicant should make a formal application to them for the sewer connection.
- 9.37 The Highway Authority have advised that the telegraph pole to the front boundary of the site will need re-siting to the applicant's expense.

10 CONCLUSION

- 10.1 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 Melton Mowbray and as such is considered to be an acceptable location for residential development.

- 10.2 The application site is currently vacant and is temporarily bound by Heras style fencing. The development of the site would see a prominent corner plot on the streetscene be brought back into use compatible with surrounding residential uses.
- 10.3 The proposed development demonstrates innovative design and is designed to reflect the wider context of the streetscene and respect local vernacular. The proposed development would not result in undue detriment to the amenity of neighbouring properties. It is therefore considered to comply with the urban design principles and the criteria set out in Policy D1 of the Melton Local Plan.
- 10.4 There is no identified material impact on flood risk, and the proposed development accords with Policy EN11 of the Melton Local Plan.
- 10.5 The proposed development is considered to not result in a significant impact upon highway safety and a safe and suitable access is achieved to the site. Adequate off street parking provision to serve the proposed development has also been demonstrated. The proposed development therefore accords with Policy IN2 of the Melton Local Plan.

11 REASON FOR RECOMMENDATION

- 11.1 The application is recommended for approval.
- 11.2 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. The application site is located within an established residential area of Melton Mowbray, and is located in a highly sustainable location within close proximity of the town centre.
- 11.3 The design of the proposed development accords with Policy D1 of the Melton Local Plan and the proposed development does not unduly the amenity of neighbouring properties.
- 11.4 The proposed development is considered to not result in a significant impact upon highway safety or flood risk. The proposed development therefore accords with Policies EN11 and IN2 of the Melton Local Plan.

12 Financial Implications

- 12.1 Not applicable

Financial Implications reviewed by: N/A

13 Legal and Governance Implications

- 14 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)

15 Background Papers

- 15.1
- 15.2

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