

Agenda

Meeting name	Planning Committee
Date	Tuesday, 14 May 2024
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
	S. Atherton	R. Browne
	P. Cumbers	M. Glancy
	M. Gordon	L. Higgins
	D. Pritchett	

Quorum: 6 Councillors

Meeting enquiries	Democratic Services
Email	democracy@melton.gov.uk
Agenda despatched	Friday, 3 May 2024

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES To confirm the Minutes of the meeting held on 4 April 2024.	1 - 8
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	9 - 10
4.	SCHEDULE OF APPLICATIONS	
4.1	APPLICATION 22/00063/FUL Land OS 481195 338112, Castle View Road, Easthorpe	11 - 26
4.2	APPLICATION 22/01373/OUT Land Between 9 And 15 Navigation Close, Melton Mowbray	27 - 38
4.3	APPLICATION 22/01014/FUL Land South of Cedarwood Lag Lane, Thorpe Arnold	39 - 60
4.4	APPLICATION 23/01159/FUL Land off Ashby Road, Twyford	61 - 70
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5.	URGENT BUSINESS To consider any other business that the Chair considers urgent	

Minutes

Meeting name	Planning Committee
Date	Thursday, 4 April 2024
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor A. Thwaites (Chair)

Councillors

J. Mason (Vice-Chair)	P. Allnatt
I. Atherton	S. Atherton
R. Browne	P. Cumbers
M. Glancy	M. Gordon
D. Pritchett	R. Sharp (Substitute)

Officers

- Assistant Director for Planning
- Planning Development Manager
- Senior Solicitor (TP)
- Senior Planning Officer (AC)
- Planning Officer (MK)
- Planning Officer (AS)
- Democratic Services Officer (HA)
- Democratic Services Officer (CB)

Minute No.	Minute
PL69	<p>Apologies for Absence</p> <p>An apology for absence was received from Councillor Higgins. Councillor Sharp was appointed his substitute.</p>
PL70	<p>Minutes</p> <p>The Minutes of the meetings held on 15 February 2024 and 28 February 2024 were approved as a true record.</p>
PL71	<p>Declarations of Interest</p> <p>Councillor Pip Allnatt declared an interest in relation to application 23/00633/FUL, The Chestnuts, 12 Belvoir Road, Redmile. As Leader of the Council, he had spoken to Officers and the Belvoir Estate with regard to policy, he had also discussed this matter with the local MP. Councillor Allnatt confirmed that he would remain for the application.</p> <p>Councillor Margaret Glancy declared an interest in relation to application 23/00633/FUL, The Chestnuts, 12 Belvoir Road, Redmile as Deputy Leader was also present at these meetings. Councillor Glancy confirmed that she would remain for the application.</p> <p>Councillor Ronan Browne declared an interest in relation to 23/01133/TPO, St Thomas A Becket's Church, Church Lane, Frisby-on-the-Wreake. As he had been requesting for the work to be done, he would withdraw from the meeting before the application is considered and therefore, he would not vote.</p>
PL72	<p>Schedule of Applications</p>
PL73	<p>Application 21/01318/FUL - Ashby Folville Manor, Gaddesby Lane, Ashby Folville</p> <p>The Planning Officer (MK) addressed the Committee and provided a summary of the application. He recommended that item 10.9 is deleted, as the receipt of an Impact Assessment and Conservation Payment Certificate countersigned by Natural England has already been requested within the recommendations. Following the presentation, there were questions for clarification.</p> <p>Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a three-minute presentation.</p> <ul style="list-style-type: none"> • John Simon – Parish Council • Chris May – Agent • Councillor Robert Child – Ward Councillor <p>The Chair read an email from Councillor Butcher, the Portfolio Holder for</p>

Regeneration, Economic Development and Heritage to say that she supports the application.

During the debate the following points were raised:

- It was felt it should be a condition if the application is approved, that water reports are obtained as there are big concerns regarding flooding. It was also said the fact that Severn Trent had not responded should not be taken as acceptance, an approved drainage scheme by Severn Trent should also be written into the conditions. A reference was made to the previous application regards sewage and water it was recommended that a small sewage treatment station was installed and to discharge the clean water into the ditch on the northern boundary.
- It was queried why planning policy can be overridden on this application; it is the professional opinion of the Officer that the benefits of the conservation improvements do outweigh the policy.
- It was said if the application was passed would it not encourage other builders to want to develop around this area, this has only been recommended due to the heritage conservation, so other building would not be permitted.
- The comment was made that if the application is refused, the existing application for the 2-5 bedroomed houses would impede the restoration of the Gatehouse.
- The comment was made that there is a neighbourhood plan and this development goes against this and there should be certainty around having a neighbourhood plan. It was also felt that the existing application would not stop the heritage conservation as funds would also be raised from this.
- It was felt the main benefit is to owner not the village and should the good of the heritage be balanced against the good to the village.
- The comment was made that the cottages should be seen as encouragement for future generations to stay in the village, especially as they are small homes, they aren't in the conservation area and the benefits do outweigh the harm.
- The homes should not be allowed as holiday lets but kept for private dwellings.

Councillor Browne proposed the application be refused contrary to Officer recommendations. Councillor Sharp seconded the motion.

RESOLVED

The Planning Committee REFUSED the application contrary to Officer recommendation.

(For 7, Against 3, Abstentions 1)

Councillors Cumbers and Glancy requested that their votes against the motion were recorded.

REASONS

In the opinion of the Local Planning Authority the proposal would, if approved, result in the provision of seven additional dwellings in an unsustainable location. The development occupies an unsustainable location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of a private motor vehicle. The proposal does not meet an identified proven local need and would be contrary to Policies, SS1, SS2 and SS3 of the Local Plan which seeks to restrict development in such settlements to that which is based on a local proven need. The proposal would also be contrary to Policies HBE1 and HBE3 of the adopted Neighbourhood Plan. The limited heritage benefits of the proposal do not outweigh the significant harm that would be caused by the unsustainable location of the development.

PL73.1 **Application 22/00063/FUL - Land OS 481195 338112, Castle View Road, Easthorpe**

This application was withdrawn from the agenda.

PL73.2 **Application 23/00633/FUL - The Chestnuts, 12 Belvoir Road, Redmile**

There was a proposal from Councillor Allnatt to suspend Chapter 2, Part 9, Paragraph 2.10 to allow Councillor Chris Evans to speak as the ward councillor, as he had missed the deadline due to illness. This proposal was seconded by Councillor Browne. The Legal Services Manager confirmed that these rules can be suspended. This was put to the vote and the motion was carried unanimously.

Prior to the Planning Officers presentation, the Planning Development Manager addressed the Committee to provide some context on other work that the Council is undertaking outside of the planning remit. In summary, Members were informed that Planning applications are required to be determined using the relevant Planning Policies and Planning Legislation and can only take into account matters which are material planning considerations.

However, the Council as a whole is aware of concerns relating to the number of children's care homes currently operating or being proposed across the Borough. In response to this, the Council approved a Planning Guidance Note. The purpose of the guidance note is to clarify and provide information, whilst actively encouraging the applicant to go down the formal planning application submission route.

Planning Officer (AS) then addressed the Committee and provided a summary of the application. Following the presentation, Members asked the Officer questions of clarification.

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 three-minute presentation.

- Ian Lowther – Parish Council

- Jim Greaves – Objector
- Jill Palmer/Melainie Dougill – Applicant, Esland
- Councillor Chris Evans – Ward Councillor

The Chair also read out an email he had received from Ward Councillor Simon Orson, which he had agreed to read out before Councillor Evans requested to speak. Councillor Orson was requesting the Committee to refuse the application.

Questions that were asked to the speakers:

- Is there proof that the ASB increased significantly once the two homes had opened. Members were advised that there were minor instances when the first home opened but had increased significantly once there were two, with the Police being frequently called out.
- It was asked if the disturbances were overnight and members were advised a lot of these instances are in the early hours.
- The applicant was asked what they would do to stop the children from their home being out at night, Members were assured the staff are fully trained and they have not had any instances of ASB being reported in any of their existing homes.
- It was asked if the decision to purchase the home in Redmile had taken into account there are already existing children's homes there and why they had chosen the village, knowing this. The decision was made on the suitability of the home with it's secluded location and large garden, they already have homes in locations with other children's homes and have not had any issues, the needs of the child are always taken into consideration when placing them in their homes.
- Will the children being placed in the home be local to the area and how are they going to be integrated them into the local community. Members were advised that it is preferred to have children that are local to the area, but this is not always possible, dependant on need etc. They try to place the children in mainstream schools, if possible, but do have a school in Grantham if they have special requirements. They do try and get the children involved with local clubs and events.
- The question was raised if the 6 parking spaces would be sufficient or if they would need to park on the road as well. Members were advised that they wouldn't require any further spaces.
- The Childrens home provider was also asked if all their existing properties were Class 2. Members were advised they do have some Class 3, but prefer to have Class 2, although the process is very complicated.

These were the points that were raised in the debate:

- Thanks were given to all who have worked on the application.
- Ofsted are not doing what they should and the law needs to be changed as planning are working within the criteria given.
- It was noted that one of the local homes is closing.

- There is a saturation in Redmile of care homes, and it is not right to replace much needed housing with care homes.
- There is a real need to look after vulnerable children, even if not stated in the local plan.
- The National Planning Policy states that developments should create environments that are safe and accessible and the fear of crime should undermine the quality of life.
- Should not let another company's way of running care homes prejudice any decision made.
- It was asked if temporary permission could be given for a year, Members were advised although it could be put into the conditions, it would be complicated to do, technically don't need planning permission to operate it would not be possible to enforce.

Councillor Allnatt proposed that the recommendations within the report are approved. Councillor Cumbers seconded the motion.

The Planning Committee voted against the motion and therefore it fell.

(For 1, Against 7, Abstentions 3)

Councillor Browne proposed that the application be refused contrary to Officer recommendation. Councillor Allnatt seconded the motion.

RESOLVED

The Planning Committee REFUSED the application contrary to Officer recommendation.

(Unanimous)

REASONS

In the opinion of the local planning authority the approval of another children's care home in the village of Redmile would result in an unsustainable development, contrary to policies SS3 and C7 of the Melton Local Plan as there are already two other care homes in the village and insufficient services to cater for them. Furthermore, this would result in an unacceptable impact on the residential amenity of neighbouring properties. It is considered that an additional care home would exacerbate the fear of crime and contribute to existing anti-social behaviour and criminality being experienced in the village, contrary to the overall aims and objectives of paragraphs 96 and 135(f) of the NPPF.

PL74	<p>Application 23/01133/TPO - St Thomas A Becketts Church, Church Lane, Frisby-on-the-Wreake</p> <p>The Planning Officer (AC) addressed the committee and provided a summary of the application.</p> <p>There were no public speakers.</p>
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The question was asked when the work would be carried out, Members were advised it would be done after the bird nesting season, but checks would be made to ensure there were no nests present.

Councillor Ian Atherton proposed the recommendation within the report be approved. Councillor Mason seconded the motion.

RESOLVED

That the application was approved subject to conditions set out in section 11 of this report.

(Unanimous)

REASONS

The reasons for approval are as outlined in the report.

At 7:18pm the meeting was adjourned. The meeting was reconvened at 7:28pm

At 8:47pm, Councillors Browne and Allnatt left and did not return.

PL75	Urgent Business There was no urgent business.
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The meeting closed at: 8.52 pm

Chair

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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.



Planning Committee

14 May 2024

Report of: Assistant Director for Planning

Reference Number: 22/00063/FUL

Proposal: Change of use of agricultural land to accommodate 2no. gypsy and travellers pitches for a total of 2no. mobile homes, 3no. touring caravans, 1no. utility block, 1no. sewage treatment plant and area of hardstanding

Site: Land OS 481195 338112, Castle View Road, Easthorpe

Applicant: Mr Thomas Maughan

Planning Officer: Mark Ketley

Report Author:	Mark Ketley , Planning Officer
Report Author Contact Details:	01664 504274 mketley@melton.gov.uk
Chief Officer Responsible:	Sarah Legge , Assistant Director of Planning
Chief Officer Contact Details:	01664 502418 slegge@melton.gov.uk

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor James Mason (Bottesford) Councillor Donald Pritchett (Bottesford)
Date of consultation with Ward Member(s):	10 February 2023
Exempt Information:	No


Reason for Committee Determination:

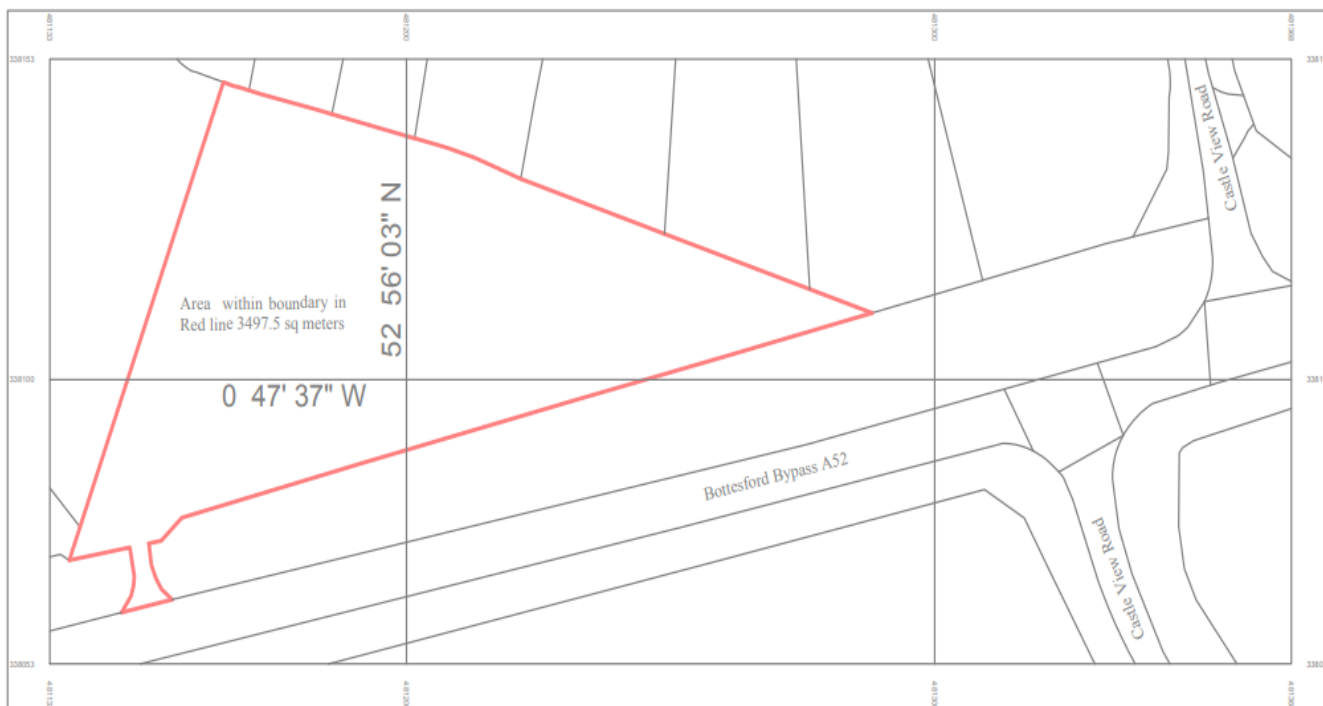
The Ward Councillor has requested the application be considered and determined by the Planning Committee on the grounds of local interest.

Web Link: [Melton Borough Council Planning Online](https://www.melton.gov.uk/planning)

What 3 words: <https://w3w.co/hitters.winners.thickened>

Site Location Plan

Ordnance Survey 
Ukmapcentre.com



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Note: Co-ordinate notation is OS Mapping



RECOMMENDATION

It is recommended that the application is **APPROVED** subject to:

1. Conditions detailed in Section 10 of this Report

1 Executive Summary

- 1.1 Planning permission is being sought in this case for the change of use of a triangular shaped piece of paddock/grazing land measuring approximately 0.54ha in area located in the open countryside immediately north of the A52 Bottesford Bypass, approximately 0.6km east of Bottesford and 0.2km south of the village of Easthorpe. The proposal would accommodate 2no. gypsy and travellers pitches for a total of 2no. mobile homes, 3no. touring caravans, 1no. utility block and an area of hardstanding.
- 1.2 The site is located beyond the village envelopes of both Bottesford and Easthorpe as defined in the Bottesford Neighbourhood Plan and is therefore classed as being in the open countryside for the purpose of applying relevant planning policy.
- 1.3 Policies SS1 and SS2 of the Local Plan state that new development in the countryside will be restricted to that which is necessary and appropriate for the open countryside. This is further reflected by Policy 1 of the Neighbourhood Plan which establishes similar limits to development in open countryside locations across the Plan area.
- 1.4 The Council is currently unable to demonstrate with evidence a five-year supply of deliverable land for gypsy and traveller sites which is a matter that attracts significant weight in favour of a grant of planning consent in this case. This, combined with the fact that the proposal would allow the Applicant and their family to settle for the reasons explained by the Travellers Sites & Liaison Officer, whilst still facilitating the traditional and nomadic life of travellers, ensures that the proposed development accords, in principle, with the requirements of national planning policy and criterion (i) of Local Plan Policy C6. In addition, being located just 0.6km from Bottesford and 0.2km from Easthorpe, the site is well-related to the local infrastructure and services of these nearby villages also ensuring compliance with criterion (iv) of Policy C6. It is therefore considered that the proposal is acceptable as a matter of principle in line with the requirements and expectations of national and local planning policy in relation to gypsy and traveller sites. In turn, this ensures that compliance with Policies SS1 and SS2 of the Local Plan, and Policy 1 of the Neighbourhood Plan, is achieved in terms of the development being a necessary and appropriate form of development for this open countryside location.
- 1.5 Subject to the recommended conditions as set out below, it is considered that the development is acceptable in terms of its siting and design and, on balance, would not adversely impact on the landscape character of the area to the extent that would justify withholding planning permission. This being the case it is considered that the proposal accords with Local Plan Policies D1, EN1 and C6 (criterion (ii)), along with Policies 2 and 8 of the Neighbourhood Plan, in these respects.
- 1.6 The proposal would promote the peaceful and integrated co-existence between the site and the local community ensuring accordance with Policies D1 and C6 (criterion (v)) of the Local Plan, and Policy 2 of the Neighbourhood Plan, in respect of amenity impacts.
- 1.7 National Highways have confirmed that the proposed development is acceptable from a road safety perspective subject to the conditions recommended below ensuring accordance with Policies IN2 and C6 (criterion (iv)) of the Local Plan.
- 1.8 The proposed development is unlikely to have an adverse impact on protected species or their habitat and it is therefore the case that the application accords with Policy EN2 of the Local Plan and Policy 3 of the Neighbourhood Plan.
- 1.9 The application site is located entirely within Flood Zone 1 and at a low risk of flooding itself whilst drainage information submitted with the application has satisfactorily

demonstrated that the development does not give rise to any concerns over increasing the risk of flooding elsewhere, including on the adjacent A52, through surface water run-off. The proposal therefore accords with the NPPF, Policies EN11 and C6 (criterion (iii)) of the Local Plan, and Policy 6 of the Neighbourhood Plan, in this respect.

Main Report

2 The Site

- 2.1 The application relates to a triangular-shaped piece of paddock/grazing land measuring approximately 0.54ha in area located in the open countryside approximately 0.6km east of Bottesford and 0.2km south of the village of Easthorpe.
- 2.2 The site which is located immediately north of the A52 Bottesford Bypass is heavily screened from this main road by mature trees and a hedgerow within the highway verge. Otherwise the site is generally flat and enclosed on all other sides by lower level hedging which assists in preventing views into the site from the surrounding area despite it being surrounded by open agricultural land. Access to the site is from the A52 where there is an existing field gate entrance with a gravel/hardcore surface.

3 Planning History

- 3.1 There is no relevant planning history relating to the application site.

4 Proposal

- 4.1 Planning permission is being sought in this case for the change of use of the land to accommodate 2no. gypsy and travellers pitches for a total of 2no. mobile homes, 3no. touring caravans, 1no. utility block and an area of hardstanding.
- 4.2 The plans submitted with the application indicate that the proposed development would take place within the western half of the site with the eastern portion remaining as grazing/paddock land. The proposed utility block would be sited in the north-western corner of the site and this would feature a kitchen and dining area along with a bathroom. The building would be a square shaped structure measuring 6m in length and depth and it would be timber clad with a tiled pitched roof measuring 4m to the height of its ridge.
- 4.3 The proposed mobile homes would be positioned either side of the utility block with one being positioned adjacent to the northern site boundary and running on an east-west axis; and the other being positioned adjacent to the western site boundary and running on a north-south axis. Both mobile homes would be rectangular in shape with space for the parking of touring caravans being provided alongside them.
- 4.4 The whole western part of the site would be changed to hardstanding as part of the proposal with the development intended to be served by a sewage treatment plant.

5 Amendments

- 5.1 There have been no amendments to the proposal itself during the course of the application. However, additional information has been submitted to address concerns raised by both National Highways and the County Highways Authority in the form of a Stage 1 Road Safety Audit which has been re-consulted upon.

6 Planning Policy

6.1 National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Planning Policy for Traveller Sites

6.2 Melton Local Plan

- The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the development plan for the area.
- The Local Plan is consistent with the National Planning Policy Framework published in December 2023 and, whilst it is now being updated, its policies remain relevant and up to date for the determination of this application. The Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) evidence base is currently being updated alongside Harborough District Council and Oadby & Wigston Borough Council to provide an updated evidence base for the Local Plan Update.
- The relevant policies to this application include:
 - Policy SS1 Presumption in Favour of Sustainable Development
 - Policy SS2 Development Strategy
 - Policy C6 Gypsies & Travellers
 - Policy EN1 Landscape
 - Policy EN2 Biodiversity & Geodiversity
 - Policy EN11 Minimising the Risk of Flooding
 - Policy EN12 Sustainable Drainage Systems
 - Policy IN2 Transport, Accessibility and Parking
 - Policy D1 Raising the Standard of Design

6.3 Neighbourhood Plan

- The Bottesford Parish Neighbourhood Plan (2020-2036) which was made on 14th October 2021 also forms part of the Development Plan for this area.
- The relevant policies to this application include:
 - Policy 1 Sustainable Development and the Village Envelopes
 - Policy 2 Protecting the Landscape Character
 - Policy 3 Protecting & Enhancing Biodiversity
 - Policy 6 Reducing the Risk of Flooding
 - Policy 8 Ensuring High Quality Design

7 Consultation Responses

- 7.1 Please note the below is a summary of responses and representations received. To view the full details please follow the web link on the first page.

SUMMARY OF TECHNICAL CONSULTATION RESPONSES

7.2 Travellers Sites & Liaison Officer

- The family that will live on this site are Romany Gypsy/Travellers by birth, culture and descent, having been born and brought up in the traditional Gypsy way of life.
- The proposal would allow them to raise a family on a site that would provide all the health and welfare benefits that having a stable and secure home would give to both adults and children living on the site.
- The family have not had a permanent home for many years and have travelled extensively living on the roadside and staying, occasionally, with family and friends. It became apparent that the family needed a secure and settled base to access education for the children and health care facilities for the whole family. The two children are enrolled in a local school, and it is the first time that they have ever been to school. Their eight-year-old son has learning difficulties and his Consultant Paediatrician has recommended that he attend school on a full time basis to help establish the full extent of his issues and to help form a correct diagnosis.
- The applicant's family have various health issues, and the ability to access health care is of paramount importance. Additional information was submitted alongside the application, however that information is of a sensitive nature and general data protection regulations prevent that being reported.
- The most recent GTAA for Melton Borough Council is contained with the Leicester City and Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, published in March 2017. This Accommodation Assessment with regard, specifically, to Melton Borough indicates that additional requirement can be met by unimplemented pitches on existing sites. This does not consider any provision for new families who wish to relocate to Melton and for new sites to accommodate them. This data was collected in 2016 and the general advice is that Accommodation Needs Assessment should be reviewed every five years.
- Melton Borough Council is at present unable to demonstrate a five-year supply of deliverable land for gypsy and traveller sites, which is a national requirement. The lack of a five-year land supply is a matter that should attract significant weight in favour of a grant of planning permission.

7.3 National Highways

Initially responded to this application in March 2022 confirming that due to the proximity of the proposals to the strategic road network (SRN), further information should be provided regarding the operation of the development. In the response they set out areas of concern that they would wish to see considered prior to any planning permission being granted including the proposed access and drainage arrangements. These details have now been provided and National Highways are satisfied that the impact of the development proposals can be suitably mitigated against. The response has therefore been revised to one of no objection subject to conditions.

7.4 LCC Highways

Given that the proposed development is to be accessed from A52 Bottesford Bypass, which is part of the strategic road network falling under the purview of National Highways, the LHA would only wish to comment with respect to Public Rights of Way (PRoW). PRoW footpath F74 is noted to utilise the site access. The PRoW should be shown on any future

drawings alongside details regarding its retention and treatment. The LHA request that details regarding the proposed width, surfacing and spacing of the route are provided in accordance with the “Leicestershire County Council Development and Public Rights of Way: Guidance Notes For Designers, Developers And Planners” document. Measures to protect the PRoW should also be provided for during the construction stage.

7.5 Historic England

No comments to make on this application.

7.6 Natural England

No comments to make on this application.

7.7 LCC Ecology

The proposals are unlikely to significantly impact ecology therefore ecology surveys are not required. As a condition, any trees and hedgerows on the site should be retained and adjacent vegetation must not be impacted.

7.8 LCC Forestry

The site is bordered to the north-east and north-west by mature field hedges. A dense buffer of scrub & trees is established to the south on the A52 verge. Within the north-western hedge line a mature ash and occasional field trees are established. The proposed layout indicates the main utility block and static caravans will be concentrated to the corner of the site underneath the mature ash. A foul water drain is also indicated along the north-western boundary to serve the structures. The placement next to the ash and requirement for any foundations/ installation of underground services would have a potential impact on the root protection area (RPA) of the tree and increase the likelihood of conflict/concerns relating to the proximity of the mature tree which could lead to unnecessary pruning etc. It is recommended that the design be amended to take the ash tree into account and the RPA requirements. This could incorporate additional landscaping/tree planting to enhance the site and screen the site along the north-west and north-eastern boundary.

7.9 Lead Local Flood Authority (LLFA)

No Objection – Leicestershire County Council as LLFA advises the LPA that the proposed development is considered a minor application and therefore the LLFA is not a statutory consultee for this development. Please refer to the [enclosed] standing advice.

7.10 Severn Trent Water

Foul is proposed to connect into a sewage treatment plant, which we have no comment. Surface water is proposed to discharge into Winter Brook, which we have no comment.

7.11 Trent Valley Internal Drainage Board

The Board maintained Winterbeck, an open watercourse, exists to the West of the site and to which Byelaws and the Land Drainage Act 1991 applies. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board’s prior written consent. The Board’s consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board’s consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board’s machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works.

7.12 Environmental Health

No Objection - The area is close to the A52 main road but it is not envisaged that there would be any adverse noise issues for the development. The site should be subject to guidance under the Caravan Sites and Control of Development Act 1960.

SUMMARY OF REPRESENTATIONS

7.13 Ward Member(s)

No comments received

7.14 Parish Council

Object to the application on the following grounds:

1. This scheme proposes an additional junction on to an already dangerous stretch of the A52. This proposed additional junction would also have the impact of making the existing adjacent junction even more dangerous by negatively impacting the visibility for road users.
2. Cllrs also object to the proposal to change the use of this land which is currently agricultural and in the stewardship program.

7.15 Neighbours

9no. letters of objection have been received from 8no. separate households raising issues that can be summarised as follows:

- Application site is outside of the development envelope of Easthorpe and in an area of high landscape sensitivity;
- Impact on the open landscape between Bottesford and Easthorpe;
- Safety concerns arising from the proposed access to the site on a dangerous section of the A52 Bottesford Bypass;
- Potential impact on the future use of the public footpath;
- Land is the subject of a life-long agricultural tenancy agreement and is also in the agricultural stewardship program therefore the applicant has incorrectly completed the planning application form by declaring that there is no agricultural tenancy relating to the site; and
- Loss of good quality agricultural land contrary to the interests of food production and environmental and nature preservation.

7.16 Response to Consultations and Representations

7.17 The majority of the issues raised are material planning considerations and are addressed under Section 8 'Planning Analysis' below.

7.18 Suggestion has been made that the application site is the subject of a life-long agricultural tenancy agreement and part of the agricultural stewardship program. Some information has been received that shows there was some form of legal action over the site however this did not 'prove' an agricultural tenancy itself.

8 Planning Analysis

8.1 The main considerations in determining this application are as follows:

- Principle of Development

- Impact on the Character of the Area
- Impact on Amenity
- Highway Matters
- Ecological Impacts
- Flood Risk & Drainage

8.2 Principle of Development

- 8.3 The application site is located beyond the village envelopes of both Bottesford and Easthorpe as defined in the Bottesford Neighbourhood Plan and is therefore classed as being in the open countryside for the purpose of applying relevant planning policy.
- 8.4 Policies SS1 and SS2 of the Local Plan state that new development in the countryside will be restricted to that which is necessary and appropriate for the open countryside. This is further reflected by Policy 1 of the Neighbourhood Plan which establishes similar limits to development in open countryside locations across the Plan area.
- 8.5 Local Plan Policy C6 relates specifically to proposals involving gypsy and traveller related development and this states that the most recent Gypsy and Traveller Accommodation Assessment (GTAA) will be used to identify pitch and plot requirements and that, where a need is found, the Council will take steps to deliver the necessary sites in a timely manner in order to support the Gypsy and Traveller and Travelling Showpeople community.
- 8.6 Policy C6 also states that the GTAA will be used as a basis for determining planning applications together with the criteria within the most up-to-date national planning policy. Support is given by Policy C6 for gypsy and traveller sites that:
- (i) facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community;
 - (ii) are appropriate in scale, well designed, and provide suitable landscaping and boundary treatments;
 - (iii) provide an acceptable living environment for occupiers and are free from flooding, pollution, hazards or other adverse impacts on standards of living;
 - (iv) are well-related to local infrastructure and services of a nearby town or village, including safe and convenient access to the road network; and
 - (v) promote peaceful and integrated co-existence between the site and the local community.
- 8.7 Nationally, paragraph 63 of the updated version of the NPPF published in December 2023 is clear that the size, type and tenure of housing needed for different groups in the community should be assessed with such groups listed as including, amongst many others, those from the travelling community. Footnote 28 in support of this paragraph of the Framework cross refers to the Government's Planning Policy for Traveller Sites that was published in 2015 which sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document (which is the case here).
- 8.8 Paragraph 24 of the document states that in making decisions on planning applications, Local Planning Authorities should consider, amongst other relevant matters, the existing level of local provision and need for sites; the availability (or lack) of alternative accommodation for the applicants; and other personal circumstances of the applicant.

- 8.9 Paragraph 25 goes on to make clear that Local Planning Authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements and ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community and avoid placing undue pressure on local infrastructure.
- 8.10 The Travellers Sites & Liaison Officer has confirmed that the Applicant and his family in this case are Romany Gypsy/Travellers by birth, culture and descent having been born and brought up in the traditional gypsy way of life. They have advised that the proposal would allow the Applicant to raise a family on a site that would provide all the health and welfare benefits that having a stable and secure home would give to both adults and children living on the site and in this context it is considered that the proposal would allow the family to benefit from a more secure and settled base whilst still facilitating the traditional and nomadic life of travellers. The proposal is therefore compliant with criterion (i) of Policy C6 of the Local Plan in this respect.
- 8.11 The Travellers Sites & Liaison Officer has also explained that there are personal circumstances in this case, particularly involving a member of the applicant's family who requires frequent access to healthcare, and their eight-year-old son who has learning difficulties and is advised to attend school on a full-time basis, which need to be given weight in the determination of this application in line with the guidance set out in paragraph 24 of the Government's Planning Policy for Traveller Sites.
- 8.12 The most recent Gypsy and Traveller Accommodation Assessment (GTAA) for the Borough of Melton is contained within the Leicester City & Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment published in March 2017. This assessment with regard, specifically, to Melton Borough indicates that additional requirement can be met by unimplemented pitches on existing sites. However, this assessment was undertaken 7 years ago, using data collected 8 years ago in March 2016, and it does not consider any provision for new families who wish to relocate to the Borough and for new sites to accommodate them. The assessment is required to be updated every five years which is an exercise that has not been undertaken in this instance, but it is now being undertaken. Consequently, the Council is currently unable to demonstrate with evidence a five-year supply of deliverable land for gypsy and traveller sites which is a national requirement.
- 8.13 This lack of supply is a matter that attracts significant weight in favour of a grant of planning consent in this case. This is consistent with the findings of an Inspector in relation to an appeal against Melton Borough Council's decision to refuse planning permission for the use of land north of Plungar Lane, Plungar, NG13 0JN (LPA ref: 19/00225/FUL, PINS ref: APP/Y2430/W/20/3246224) which was decided in May 2023 and in which case the Inspector noted in paragraph 21 of their decision that *"there is a need for these two families to live somewhere and the Council confirmed that there are not any other suitable and available pitches in the borough. This is indicative of an immediate unmet need for sites in the Council area and I therefore attach considerable weight to the need for pitches in favour of the development."*
- 8.14 The absence of a five-year supply of deliverable land for gypsy and traveller sites combined with the fact that the proposal would allow the family to settle for the reasons explained by the Travellers Sites & Liaison Officer, whilst still facilitating the traditional and nomadic life of travellers, ensures that the proposed development accords, in principle, with the requirements of national planning policy and criterion (i) of Local Plan Policy C6. In addition, being located just 0.6km from Bottesford and 0.2km from Easthorpe, the site is

well-related to the local infrastructure and services of these nearby villages also ensuring compliance with criterion (iv) of Policy C6. Subject therefore to the proposal being acceptable in terms of its design, impacts on the character of the area, amenity impacts and other environmental effects as assessed below, it is considered that the proposal is acceptable as a matter of principle in line with the requirements and expectations of national and local planning policy in relation to gypsy and traveller sites. In turn, this ensures that compliance with Policies SS1 and SS2 of the Local Plan, and Policy 1 of the Neighbourhood Plan, is achieved in terms of the development being a necessary and appropriate form of development for this open countryside location.

8.15 **Impact on the Character of the Area**

- 8.16 Policy D1 of the Local Plan seeks to raise the standard of design from new developments and it states that, amongst other things, siting and layout must be sympathetic to the character of the area. Local Plan Policy EN1 meanwhile seeks to ensure that new development is sensitive to its landscape setting whilst also being respectful of an area's sense of place and local distinctiveness.
- 8.17 These objectives are reinforced by the Neighbourhood Plan with Policy 2 making clear that the key views, areas of separation and the significant green gaps as identified in the Neighbourhood Plan contributing to the distinctive landscape character of the Parish with the expectation being that development proposals will respect these designations and take account of them in their designs and layouts. Policy 8 more generally requires proposals to demonstrate a high design quality that responds to and contribute positively to the character of the Parish.
- 8.18 As explained above, the proposal would involve the creation of a hardstanding area on the western half of the site and the siting of two mobile homes and a utility block on the land alongside space for the parking of up to three touring caravans. From a design perspective it is accepted that the proposed development would appear relatively basic in its appearance. However, on the basis of the plans submitted with the application it is considered that the site would be laid out in a neat and tidy manner with the proposed buildings/structures being consolidated into one part of the site and the use of timber cladding for the buildings being appropriate for this rural location.
- 8.19 The visibility of the site within the wider landscape is also very limited and therefore it is considered that any resultant harm arising from the proposed development from a visual perspective would be negligible. Indeed, the site is extensively screened from the adjacent A52 Bottesford Bypass by mature trees and hedging within the highway verge to the extent that views into the site are not possible from this nearest public receptor with the exception being just a slot/glimpse view through the site entrance. The other boundaries of the site also benefit from mature hedgerow planting and this assists in reducing its visibility within the wider landscape setting when compared with the more open agricultural field network surrounding the site to the north and west.
- 8.20 There may be some visibility of the upper parts of the proposed mobile homes and utility block above the hedge line, but any views would be at distance across open fields with the development therefore appearing as just a minor visual incursion into the countryside. An appropriately worded condition (proposed at 10.7) can be imposed to ensure that the existing trees and vegetation on the site are retained and protected throughout the construction phase in the interests of ensuring that the existing level of visual screening is maintained. This will also ensure that a scheme to protect the ash tree as identified by LCC Forestry is implemented. Subject to this condition it is considered that the

development is acceptable in terms of its siting and design and, on balance, would not adversely impact on the landscape character of the area to the extent that it would justify withholding planning permission. This being the case it is considered that the proposal accords with Local Plan Policies D1, EN1 and C6 (criterion (ii)), along with Policies 2 and 8 of the Neighbourhood Plan, in these respects.

8.21 **Impact on Amenity**

8.22 Given the rural nature of the application site and its distance from the nearby villages of Bottesford and Easthorpe, there are no residential properties in the vicinity that would be affected by the proposed development through loss of light, outlook, privacy or other associated disturbance. This being the case it is considered that the proposal would promote the peaceful and integrated co-existence between the site and the local community ensuring accordance with Policies D1 and C6 (criterion (v)) of the Local Plan, and Policy 2 of the Neighbourhood Plan, in respect of potential amenity impacts.

8.23 **Highway Matters**

8.24 Access to the application site is from the A52 Bottesford Bypass where there is an existing field gate entrance with a gravel/hardcore surface. Concerns have been raised by the Parish Council and local residents objecting to the application that the use of this access for the purpose of serving the proposed development would give rise to road safety issues. However, the proposal has been scrutinised by National Highways who have the responsibility for ensuring that there would be no adverse impacts on the strategic road network (which the A52 forms a part of) and, whilst initially raising concerns, a subsequent Road Safety Audit submitted by the Applicant has alleviated any potential issues.

8.25 National Highways have therefore confirmed that the proposed development is acceptable from a road safety perspective subject to the conditions recommended below which require the carrying out of improvements to the site entrance and the provision of a Construction Environmental Management Plan (CEMP), incorporating a Construction Traffic Management Plan (CTMP), prior to development commencing in the interests of ensuring that the A52 can continue to operate safely and effectively in line with Policies IN2 and C6 (criterion (iv)) of the Local Plan.

8.26 In relation to another matter, the Highway Authority have highlighted that the entrance to the site also provides access to Public Footpath F74 and that this access should not be affected by the proposed development either during or following its construction. Informatives are therefore recommended in the event that any works that would affect the future use of the footpath are proposed to ensure that the continued use of the footpath is not impeded in accordance with Policy IN2 of the Local Plan.

8.27 **Ecological Impacts**

8.28 The County Ecologist has advised that the proposals are unlikely to significantly impact matters of ecological concern and therefore no ecology surveys have been required in this instance. Natural England have also confirmed that they have no comments to make on the application. As such it is considered that the proposed development is unlikely to have an adverse impact on protected species or their habitat and it is therefore the case that the application accords with Local Plan Policy EN2 and Policy 3 of the Neighbourhood Plan.

8.29 **Flood Risk & Drainage**

8.30 The application site is located entirely within Flood Zone 1 and is therefore at a low risk of flooding itself. Drainage information for the site has also been submitted and it has been

confirmed by the Lead Local Flood Authority (LLFA) and National Highways that the proposed development does not give rise to any concerns over increasing the risk of flooding elsewhere, including on the adjacent A52, through surface water run-off. The proposal therefore accords with the NPPF, Policies EN11 and C6 (criterion (iii)) of the Local Plan, and Policy 6 of the Neighbourhood Plan, in this respect.

8.31 **Other Issues**

8.32 Concerns have been raised by objectors to the application that the proposal would result in loss of high quality agricultural land. However, the site is located within an area where agricultural land is identified as being Grade 3 (Good to Moderate) therefore the proposal would not result in the loss of best quality agricultural land in this case. In addition, there is no specific policy requirement to avoid best and most versatile agricultural land and in any event the size and shape of the application site is such that it would be unlikely to be used for any meaningful arable purpose even if it were to be deemed high quality land.

9 **Conclusion & Reason for Recommendation**

9.1 The application site is located beyond the village envelopes of both Bottesford and Easthorpe as defined in the Bottesford Neighbourhood Plan and is therefore classed as being in the open countryside for the purpose of applying relevant planning policy.

9.2 Policies SS1 and SS2 of the Local Plan state that new development in the countryside will be restricted to that which is necessary and appropriate for the open countryside. This is further reflected by Policy 1 of the Neighbourhood Plan which establishes similar limits to development in open countryside locations across the Plan area.

9.3 The Council is currently unable to demonstrate with evidence a five-year supply of deliverable land for gypsy and traveller sites which is a matter that attracts significant weight in favour of a grant of planning consent in this case. This, combined with the fact that the proposal would allow the Applicant and their family to settle for the reasons explained by the Travellers Sites & Liaison Officer, whilst still facilitating the traditional and nomadic life of travellers, ensures that the proposed development accords, in principle, with the requirements of national planning policy and criterion (i) of Local Plan Policy C6. In addition, being located just 0.6km from Bottesford and 0.2km from Easthorpe, the site is well-related to the local infrastructure and services of these nearby villages also ensuring compliance with criterion (iv) of Policy C6. It is therefore considered that the proposal is acceptable as a matter of principle in line with the requirements and expectations of national and local planning policy in relation to gypsy and traveller sites. In turn, this ensures that compliance with Policies SS1 and SS2 of the Local Plan, and Policy 1 of the Neighbourhood Plan, is achieved in terms of the development being a necessary and appropriate form of development for this open countryside location.

9.4 Subject to the recommended conditions as set out below, it is considered that the development is acceptable in terms of its siting and design and, on balance, would not adversely impact on the landscape character of the area to the extent that it would justify withholding planning permission. This being the case it is considered that the proposal accords with Local Plan Policies D1, EN1 and C6 (criterion (ii)), along with Policies 2 and 8 of the Neighbourhood Plan, in these respects.

9.5 The proposal would promote the peaceful and integrated co-existence between the site and the local community ensuring accordance with Policies D1 and C6 (criterion (v)) of the Local Plan, and Policy 2 of the Neighbourhood Plan, in respect of amenity impacts.

- 9.6 National Highways have confirmed that the proposed development is acceptable from a road safety perspective subject to the conditions recommended below ensuring accordance with Policies IN2 and C6 (criterion (iv)) of the Local Plan.
- 9.7 The proposed development is unlikely to have an adverse impact on protected species or their habitat and it is therefore the case that the application accords with Policy EN2 of the Local Plan and Policy 3 of the Neighbourhood Plan.
- 9.8 The application site is located entirely within Flood Zone 1 and at a low risk of flooding itself whilst drainage information submitted with the application has satisfactorily demonstrated that the development does not give rise to any concerns over increasing the risk of flooding elsewhere, including on the adjacent A52, through surface water run-off. The proposal therefore accords with the NPPF, Policies EN11 and C6 (criterion (iii)) of the Local Plan, and Policy 6 of the Neighbourhood Plan, in this respect.

10 Planning Conditions

- 10.1 The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

- 10.2 The development hereby permitted shall be carried out in accordance with following approved drawings and documents:

Dwg No 1 - Site Plan Layout showing Public Footpath - received 06.07.23

Dwg No 2 - Static Home Plans - received 22.01.22

Dwg No 3 - Utility Block Floor Plan - received 22.01.22

Dwg No 4 - Utility Block North and South Elevations - received 22.01.22

Dwg No 5 - Utility Block East and West Elevations - received 22.01.22

Stage 1 Road Safety Audit Report (prepared by RKS Associates) - received 16.02.23

RSA Designers Response (prepared by Hub Transport Planning Ltd) - received 16.02.23

Sustainable Drainage Assessment (prepared by Geosmart) - received 06.03.23

Reason: For the avoidance of doubt and to ensure that the development is in accordance with Policies C6, EN1 and D1 of the Melton Local Plan.

- 10.3 There shall be no more than two pitches on the site and on each of the pitches hereby approved no more than one mobile/static home and two touring caravans shall be stationed at any one time; and no more than three touring caravans in total shall be stationed on the site at any one time.

Reason: To avoid an intensification in the use of the site over and above that for which planning permission is being granted in accordance with Policy C6 of the Melton Local Plan.

- 10.4 The site shall not be occupied by any persons other than Gypsies and Travellers defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: To avoid an intensification in the use of the site over and above that for which planning permission is being granted in accordance with Policy C6 of the Melton Local Plan.

10.5 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with those external materials approved.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies C6, EN1 and D1 of the Melton Local Plan.

10.6 No lighting shall be installed on any part of the development hereby approved or on any part of the land associated with the development as defined by the red line boundary shown on the submitted Site Location Plan received 22.01.22

Reason: To prevent undue impact on the character and appearance of the site and the surrounding countryside in accordance with Policies C6 and EN1 of the Melton Local Plan.

10.7 Before works commence on the development hereby permitted a scheme of tree protection measures to retain and safeguard those trees within the area of the works for the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the protection measures shall be installed in accordance with the approved details and retained for the full duration of the construction works.

Reason: To safeguard the retained trees on the site in the interests of protecting the character and appearance of the village and in accordance with Policies C6, EN1 and D1 of the Melton Local Plan.

10.8 The development hereby approved shall not be commenced until such time that the scheme of works for the A52 site access as shown on Hub Transport Dwg No T22569-001 (or as amended by a Road Safety Audit or Detailed Design) has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways and the agreed works have thereafter been fully completed in accordance with the approved details.

Reason: To ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in the interests of road safety and in accordance with Section 10(2) of the Highways Act 1980 and Policy IN2 of the Melton Local Plan.

10.9 Prior to the commencement of any construction work, a Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. Thereafter, the approved plan shall be adhered to throughout the full duration of the construction period.

Reason: To ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in the interests of road safety and in accordance with Section 10(2) of the Highways Act 1980 and Policy IN2 of the Melton Local Plan.

11 Informatives

11.1 Prior to construction, measures should be taken to ensure that users of the adjacent Public Right of Way F74 are not exposed to any elements of danger associated with construction works.

11.2 The Applicant is advised that Public Right of Way F74 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.

- 11.3 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 Highway Authority.

12 Financial Implications

- 12.1 There are no financial implications associated with this planning application.

Financial Implications reviewed by: N/A

13 Legal and Governance Implications

- 13.1 Legal implications are set out in the report where relevant and legal advisors will also be present at the meeting.

Legal Implications reviewed by: Tom Pickwell (Deputy Monitoring Officer)

14 Background Papers

- 14.1 The planning history is contained within Section 3 of the report and the details of which are available to view on line.



Planning Committee

14 May 2024

Report of: Assistant Director for Planning

Reference Number: 22/01373/OUT

Proposal: Outline permission sought for a detached dwelling with associated vehicular access (Detailed approval sought for means of access to the site; all other matters reserved for subsequent approval)

Site: Land Between 9 And 15 Navigation Close, Melton Mowbray

Applicant: Mr David Knight

Planning Officer: Mark Ketley

Report Author:	Mark Ketley , Planning Officer
Report Author Contact Details:	01664 504274 mketley@melton.gov.uk
Chief Officer Responsible:	Sarah Legge , Assistant Director of Planning
Chief Officer Contact Details:	01664 502418 slegge@melton.gov.uk

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Sarah Cox (Melton Dorian) Councillor Pat Cumbers (Melton Dorian) Councillor Marilyn Gordon (Melton Dorian)
Date of consultation with Ward Member(s):	16 February 2023
Exempt Information:	No

Reason for Committee Determination:

Letters of objection have been received from more than 10no. households contrary to the Officer recommendation.

Web Link: [Melton Borough Council Planning Online](https://www.melton.gov.uk/planning)

What 3 words: <https://w3w.co/mouth.friend.wooden>

Site Location Plan



RECOMMENDATION

It is recommended that the application is **APPROVED** subject to:

1. Conditions detailed in Section 10 of this Report

1 Executive Summary

- 1.1 Outline planning permission (all matters reserved for future approval with the exception of access) is being sought in this case for the construction of a detached dwelling, indicatively shown as a two-bed bungalow, on an area of incidental green space within a relatively modern housing estate that is positioned between existing residential properties.
- 1.2 The application site forms part of the Melton Mowbray Main Urban Area and is within an established residential area. Consequently, the site is a wholly sustainable and appropriate location for new residential development. In addition, development of the site would make a contribution towards meeting the minimum housing requirement for Melton Mowbray for the Plan period with Table 5 of the Local Plan demonstrating the need to find at least 200 dwellings (equating to 10 dwellings per annum) from housing windfall sites such as this. The proposal is therefore acceptable as a matter of principle in accordance with the provisions of the NPPF and the spatial objectives set out in Policies SS1 and SS2 of the Local Plan.
- 1.3 The proposal would make a contribution towards the delivery of smaller accessible housing, particularly bungalow provision, aligning with the objectives of Local Plan Policy C2.
- 1.4 Based on the indicative information submitted with the application it has been satisfactorily demonstrated that the site could be developed in the form being suggested without resulting in a sense of overdevelopment, without adversely impacting on the visual amenity of the area within which the site is located, and without negatively impacting on neighbouring residential amenity to an extent that would justify refusing planning consent. This being the case it is considered that the proposal satisfies the objectives of Policy D1 of the Local Plan so far as can be assessed at the outline application stage with the detailed design of the scheme and its resultant impacts ultimately being in the control of the Local Planning Authority at reserved matters stage.
- 1.5 The proposed development would have a neutral impact on the setting of the adjacent Scheduled Monument and, as such, it would accord with the Ancient Monuments and Archaeological Areas Act 1979 (as amended), the NPPF and Local Plan Policy EN13.
- 1.6 The proposal would not give rise to any issues of highway safety and adequate car parking is capable of being provided in accordance with Policy IN2 of the Local Plan.

Main Report

2 The Site

- 2.1 The application relates to an area of incidental green space within a relatively modern housing estate that is positioned between existing residential properties.
- 2.2 The land measures approximately 0.05ha in area and is currently grassed over with a few small trees and a low timber post and rail barrier approximately 0.5m in height that separates it from the adjacent public footpath.
- 2.3 Immediately to the south of the site is a terrace of five properties with the northern-most dwelling in the terrace (No 9 Navigation Close) presenting a blank gable elevation towards the site. To the east is a pair of semi-detached dwellings (No's 11 & 15 Navigation Close) that face towards the application site which are separated from it by a private footpath.
- 2.4 Beyond the housing estate to the immediate north of the site is a petrol station and its associated parking area that is accessed from Leicester Road whilst to the west is an area of mature trees and bushes with a children's play area that is accessed from Vulcan Close.

The area to the west of the site also includes land designated as a Scheduled Monument which is known as the “The Mount Motte at Melton” comprising of a medieval fortification.

- 2.5 The northern and western boundaries of the application site feature mature tree planting that afford extensive screening from these adjacent land uses.

3 Planning History

- 3.1 There is no relevant planning history relating to the application site since construction of the housing estate on which the site is located.

4 Proposal

- 4.1 Outline planning permission is being sought in this case for the construction of a detached dwelling on the application site with associated vehicular access.
- 4.2 Matters relating to the layout, scale, appearance and landscaping of the proposed development are reserved for future approval but details of the means of access to the site are to be considered in detail at this stage.
- 4.3 An indicative site layout plan has been submitted with the application that demonstrates how the application site could be developed with a single detached dwelling. This shows a rectangular shaped two-bed detached bungalow that would be positioned adjacent to the gable elevation of the neighbouring property to the south, No 9 Navigation Close, which would have its entrance and principal windows facing away from the surrounding properties. The east facing elevation would present itself towards the entrance to the site and the adjacent semi-detached dwellings at No’s 11 and 15 Navigation Close but the actual entrance to the property is indicated as being on the north elevation.
- 4.4 Garden areas are shown indicatively as being located to the north, east and west sides of the proposed dwelling with a rear garden area being provided in the western part of the site. Two parking spaces are shown as being provided on a driveway that would be accessed off the internal estate road.

5 Amendments

- 5.1 There have been no amendments to the proposal during the course of the application.

6 Planning Policy

6.1 National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- National Design Guide

6.2 Heritage Legislation (Scheduled Monuments)

- The legal framework for the protection of Scheduled Monuments is set out in the Ancient Monuments and Archaeological Areas Act 1979 (as amended)
- Paragraph 203 of the latest version of the NPPF published in December 2023 is also a material consideration in this case and in relation to matters of heritage interest this states that, in determining applications for planning permission and listed building consent, Local Planning Authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets [which includes Scheduled Monuments] 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.
- Paragraph 205 of the Framework further 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 would amount to substantial harm, total loss or less than substantial harm to its significance.
 - Paragraph 206 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.

6.3 **Melton Local Plan**

- The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the development plan for the area.
- The Local Plan is consistent with the National Planning Policy Framework published in December 2023 and, whilst it is now being updated, its policies remain relevant and up to date for the purpose of determining this application.
- The relevant policies to this application include:
 - Policy SS1 Presumption in Favour of Sustainable Development
 - Policy SS2 Development Strategy
 - Policy C2 Housing Mix
 - Policy EN13 Heritage Assets
 - Policy IN2 Transport, Accessibility and Parking
 - Policy D1 Raising the Standard of Design

6.4 **Neighbourhood Plan**

- There is no made Neighbourhood Plan in this location.

6.5 **Other**

- Design of Development Supplementary Planning Document (adopted February 2022)

7 **Consultation Responses**

- 7.1 Please note the below is a summary of responses and representations received. To view the full details please follow the web link on the first page.

SUMMARY OF TECHNICAL CONSULTATION RESPONSES

7.2 LCC Highways

7.3 No Objection - The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.

SUMMARY OF REPRESENTATIONS

7.4 Ward Member(s)

No comments received

7.5 Neighbours

16no. letters of objection have been received from 12no. separate households raising issues that can be summarised as follows:

- Overdevelopment of the site;
- No need for a bungalow on this site;
- Impact on amenity of neighbouring residential properties;
- Loss of visitor parking spaces;
- Loss of public open space;
- Impact on wildlife habitat;
- Impact on the adjacent Scheduled Ancient Monument; and
- Disruption to neighbouring residents during the construction phase.

7.6 Response to Consultations and Representations

7.7 The majority of the issues raised are material planning considerations and are addressed under Section 8 'Planning Analysis' below.

7.8 With regards to the potential for the proposed development of the site to cause disruption to neighbouring residents during the construction phase it is acknowledged that this is a legitimate concern raised by those living immediately adjacent to and near to the site. A condition is therefore recommended in Section 10 below requiring the submission and approval of a construction management plan, including as a minimum details of the routing of construction traffic and the storage of plant and materials, prior to any works commencing on-site. Subject to this condition and the subsequent implementation of the agreed details it is considered that development of the site could take place without giving rise to any undue noise or other associated disturbance for the neighbouring occupiers.

8 Planning Analysis

8.1 The main considerations in determining this application are as follows:

- Principle of Development
- Housing Mix
- Design & Impact on the Character of the Area
- Impact on Amenity
- Impact on the Scheduled Monument

- Highway Matters

8.2 Principle of Development

8.3 In line with the objectives of current national planning policy, Policy SS1 of the Local Plan makes clear that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF which was most recently updated in December 2023.

8.4 Local Plan Policy SS2 establishes the overarching development strategy for the Borough for the period up to and including 2036 and this states that the Melton Mowbray Main Urban Area is the priority location for growth with the expectation being that it will accommodate approximately 65% of the identified housing need over the Plan period. The policy goes on to state that the role and sustainability of Melton Mowbray will be significantly enhanced through the delivery of at least 3,980 homes over the Plan period on allocated and other sustainable sites.

8.5 The application site forms part of the Melton Mowbray Main Urban Area and is within an established residential area being part of a relatively modern housing estate. Consequently, the site is a wholly sustainable and appropriate location for new residential development. In addition, development of the site would make a contribution towards meeting the minimum housing requirement for Melton Mowbray for the Plan period with Table 5 of the Local Plan demonstrating the need to find at least 200 dwellings (equating to 10 dwellings per annum) from housing windfall sites such as this. The proposal is therefore acceptable as a matter of principle in accordance with the provisions of the NPPF and the spatial objectives set out in Policies SS1 and SS2 of the Local Plan.

8.6 Housing Mix

8.7 Policy C2 of the Local Plan makes clear that the Local Planning Authority will seek to manage the delivery of a mix of house types, tenures and sizes to balance the current housing offer with particular support being given to the provision of retirement homes and wheelchair accessible dwellings. The proposed scheme would result in the delivery of a two-bed property for which Table 8 of the Local Plan identifies there is a need to provide 30-35% of within all housing delivery over the Plan period with smaller homes such as this being suitable particularly for residents needing to downsize and those requiring more accessible forms of housing. It is therefore considered that the proposal would make a contribution towards the delivery of smaller accessible housing, particularly bungalow provision, therefore aligning with the objectives of Local Plan Policy C2.

8.8 Design & Impact on the Character of the Area

8.9 Policy D1 of the Local Plan seeks to raise the standard of design from new developments and it states that, amongst other things, siting and layout must be sympathetic to the character of the area. It also requires buildings and development to respect the local vernacular without stifling innovative design.

8.10 The application seeks outline permission only therefore all design aspects relating to the layout, scale, appearance and landscaping of the proposed development are reserved for future consideration. However, as explained in Section 4 above, an indicative site layout plan has been submitted with the application to demonstrate how the site could be developed with a single detached dwelling with this showing a rectangular shaped two-bed bungalow being positioned adjacent to the gable elevation of No 9 Navigation Close.

- 8.11 Whilst the application site is relatively small at 0.05ha in area it is considered that the indicative layout plan submitted satisfactorily demonstrates that a modest bungalow of the scale being proposed could be accommodated on the site along with sufficient areas of amenity/garden space and car parking facilities that would be commensurate with the size of dwelling being proposed. The scale of property as a bungalow would naturally sit lower than the two storey dwellings that neighbour the site to the south and east but this is considered to be an acceptable arrangement from a streetscene perspective given that the site is located in the corner of the housing estate which is a position that lends itself to a smaller and more visually discreet property that would nestle sensitively on the site.
- 8.12 It is considered that the site could be developed in the form being suggested without resulting in a sense of overdevelopment and without adversely impacting on the visual amenity of the area within which the site is located. This being the case it is considered that the proposal satisfies the objectives of Policy D1 of the Local Plan so far as can be assessed at the outline application stage with the detailed design of the scheme ultimately being in the control of the Local Planning Authority at reserved matters stage.
- 8.13 **Impact on Amenity**
- 8.14 Objections have been raised by a number of neighbouring properties in relation to the potential impacts on their residential amenity by virtue of loss of light, overlooking and loss of privacy. As explained above the layout, scale and appearance of the dwelling being proposed would need to be assessed in detail at the future reserved matters stage.
- 8.15 However, it is considered that a new dwelling in the form being proposed could be accommodated on the site as demonstrated by the indicative site layout plan submitted with the application. Indeed, this plan shows that a two-bed bungalow could be developed on the site that would be orientated in such a way, and with acceptable separation distances in place between properties, that would ensure any adverse impacts on neighbouring residential amenity would be limited and not to an extent that would justify refusal of the application. On balance therefore, and so far as can be assessed at the outline stage, it is considered that a detached bungalow could be developed on the site that would satisfy the requirements of Local Plan Policy D1 in respect of amenity impacts.
- 8.16 **Impact on the Scheduled Monument**
- 8.17 The area to the west of the site includes land designated as a Scheduled Monument which is known as the “The Mount Motte at Melton” comprising of a medieval fortification introduced into Britain by the Normans. The motte castle is an unusual feature in the Leicestershire landscape with this site being one of only six known sites in the County.
- 8.18 Whilst clearly of substantial heritage significance it is the case that the proposed development would have no direct impact on the Scheduled Monument. In addition, although located adjacent to the designated area it is considered that the proposal would not affect the setting of the Scheduled Monument given that the site is extensively screened by mature trees and vegetation around its northern and western boundaries and so is not viewed in the same context as the designated heritage asset.
- 8.19 Other developments in the vicinity including residential development on Valiant Way and Vulcan Close, and the Aldi supermarket and petrol filling station sites on Leicester Road to the north, surround the Scheduled Monument. These are far more impactful on its setting than the proposed development would be, especially given the extent of natural screening on the edges of the site and the fact that the proposed bungalow would be sited discreetly within the existing housing estate and therefore rarely, if ever, seen in the same context.

8.20 It is therefore considered that the proposed development would have a neutral impact on the setting of the adjacent Scheduled Monument and, as such, it would accord with the Ancient Monuments and Archaeological Areas Act 1979 (as amended), the NPPF and Policy EN13 of the Local Plan in this respect.

8.21 **Highway Matters**

8.22 Access to the proposed development would be taken from the existing internal estate road which the Local Highway Authority have confirmed is an acceptable arrangement that would not give rise to any issues of highway or pedestrian safety. In addition, the indicative site layout plan submitted with the application demonstrates that two car parking spaces are capable of being provided within the site which is an acceptable level of parking provision for the size of property being proposed. The proposal is therefore considered to be acceptable in highway terms in accordance with Policy IN2 of the Local Plan.

8.23 **Other Issues**

8.24 A number of objections submitted in relation to the application have raised an issue that the proposed development would result in the loss of an important area of public open space. However, the land is not allocated in the Local Plan as public open space and, moreover, by virtue of the timber post and rail barrier that surrounds the site it is not actually accessible to the public or intended for recreational use. Rather, the land is an area of incidental green space that was incorporated into the layout of the housing estate to provide soft landscaping and visual amenity benefits.

8.25 Whilst the loss of the visual contribution that the currently landscaped site makes to the surrounding streetscape would be regrettable, on balance it is considered that this loss would not result in a level of visual harm sufficient to justify withholding outline planning approval. The proposal would also result in no loss of identified useable public open space as has been suggested in the representations submitted in response to the application and so is considered to be acceptable in these respects.

9 **Conclusion & Reason for Recommendation**

9.1 The application site forms part of the Melton Mowbray Main Urban Area and is within an established residential area being part of a relatively modern housing estate. Consequently, the site is a wholly sustainable and appropriate location for new residential development. In addition, development of the site would make a contribution towards meeting the minimum housing requirement for Melton Mowbray for the Plan period with Table 5 of the Local Plan demonstrating the need to find at least 200 dwellings (equating to 10 dwellings per annum) from housing windfall sites such as this. The proposal is therefore acceptable as a matter of principle in accordance with the provisions of the NPPF and the spatial objectives set out in Policies SS1 and SS2 of the Local Plan.

9.2 The proposal would make a contribution towards the delivery of smaller accessible housing, particularly bungalow provision, aligning with the objectives of Local Plan Policy C2.

9.3 Based on the indicative information submitted with the application it has been satisfactorily demonstrated that the site could be developed in the form being suggested without resulting in a sense of overdevelopment, without adversely impacting on the visual amenity of the area within which the site is located, and without negatively impacting on neighbouring residential amenity to an extent that would justify refusing planning consent. This being the case it is considered that the proposal satisfies the objectives of Policy D1 of the Local Plan so far as can be assessed at the outline application stage with the detailed design of the

scheme and its resultant impacts ultimately being in the control of the Local Planning Authority at reserved matters stage.

- 9.4 The proposed development would have a neutral impact on the setting of the adjacent Scheduled Monument and, as such, it would accord with the Ancient Monuments and Archaeological Areas Act 1979 (as amended), the NPPF and Local Plan Policy EN13.
- 9.5 The proposal would not give rise to any issues of highway safety and adequate car parking is capable of being provided in accordance with Policy IN2 of the Local Plan.

10 Planning Conditions

- 10.1 Application for approval of the reserved matters 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 not 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.

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

- 10.2 Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

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

- 10.3 This permission relates to the approved Site Location Plan received at these offices on 3rd January 2023.

Reason: For the avoidance of doubt and to ensure an acceptable form of development in terms of amenity impacts in accordance with Policy D1 of the Melton Local Plan.

- 10.4 The details of the reserved matters submitted pursuant to this permission shall be carried out in broad accordance with the following plans and documents:

Dwg No 642/001 - Outline Scheme for Detached Bungalow - received 03.01.23

Dwg No 642/002 - Location & Block Plan - received 03.01.23

Reason: For the avoidance of doubt and to ensure an acceptable form of development in terms of amenity impacts in accordance with Policy D1 of the Melton Local Plan.

- 10.5 No development shall commence until such time as the existing and proposed ground levels within the site and proposed finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The approved 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 in accordance with Policy D1 of the Melton Local Plan.

- 10.6 The development hereby approved shall not be occupied until such time as parking facilities have been implemented in accordance with the approved reserved matters.

Reason: In the interests of highway safety in accordance with Policy IN2 of the Melton Local Plan.

- 10.7 No development shall commence until such time as a construction management plan, including as a minimum details of the routing of construction traffic and the storage of plant and materials 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.

Reason: To ensure that construction traffic does not use unsatisfactory routes to the development site and create issues on the highway, including the deposit of deleterious materials and on-street parking problems, in accordance with Policy IN2 of the Melton Local Plan.

- 10.8 Prior to the commencement of the development full details of the tree protection measures for all trees and hedges within and adjacent to the development site shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be set out in a detailed Arboricultural Method Statement to include the specification of the location and type of protective fencing, the timings for the erection and removal of the protective fencing, the details of any hard surfacing and underground services proposed within the root protection areas including any bespoke engineering to reduce the impact to those affected trees. The Statement shall be in accordance with the British Standard for Trees in Relation to Construction 5837: 2012. All tree protection measures shall thereafter be carried out in accordance with the approved Arboricultural Method Statement.

Reason: To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area in accordance with Policy D1 of the Melton Local Plan.

- 10.9 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water in accordance with Policy EN11 of the Melton Local Plan.

11 Informatives

- 11.1 The Applicant is advised that it is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore the Applicant should take every effort to prevent this occurring.

- 11.2 The Applicant is advised that it is an offence under Section 184 of the Highways Act 1980 to drive a vehicle across the kerb and footway in order to gain access to a property unless a properly constructed dropped kerb crossover is in place. The Applicant should be mindful that if the planning application is successful, for a vehicular access to be created within the public highway, separate approval must be obtained from the Local Highway Authority. Further information can be found using the Leicestershire County Council Vehicle Access (Dropped Kerbs) Information Pack (available at <https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/6/21/VA1-Information-Pack-June19.pdf>). Whilst planning permission may be granted, the application for a licence may be refused if it does not fulfil the criteria.

12 Financial Implications

- 12.1 There are no financial implications associated with this planning application.

Financial Implications reviewed by: N/A

13 Legal and Governance Implications

13.1 Legal implications are set out in the report where relevant and legal advisors will also be present at the meeting.

Legal Implications reviewed by: Tom Pickwell (Deputy Monitoring Officer)

14 Background Papers

14.1 The planning history is contained within Section 3 of the report and the details of which are available to view online.



Planning Committee

14 May 2024

Report of: Assistant Director for Planning

22/01014/FUL Land South Of Cedarwood Lag Lane, Thorpe Arnold

Proposal: One replacement dwelling (demolition of existing dwelling), three new dwellings, new access road, public vehicle passing place, turning head and associated highways works

Site: Land South Of Cedarwood Lag Lane, Thorpe Arnold

Applicant: Mr Bryan Lovegrove

Planning Officer: Mrs Helen White

Report Author:	Helen White , Planning Development Officer
Report Author Contact Details:	07500975652 helenwhite@melton.gov.uk
Chief Officer Responsible:	Sarah Legge , Assistant Director for Planning
Chief Officer Contact Details:	01664502380 slegge@melton.gov.uk

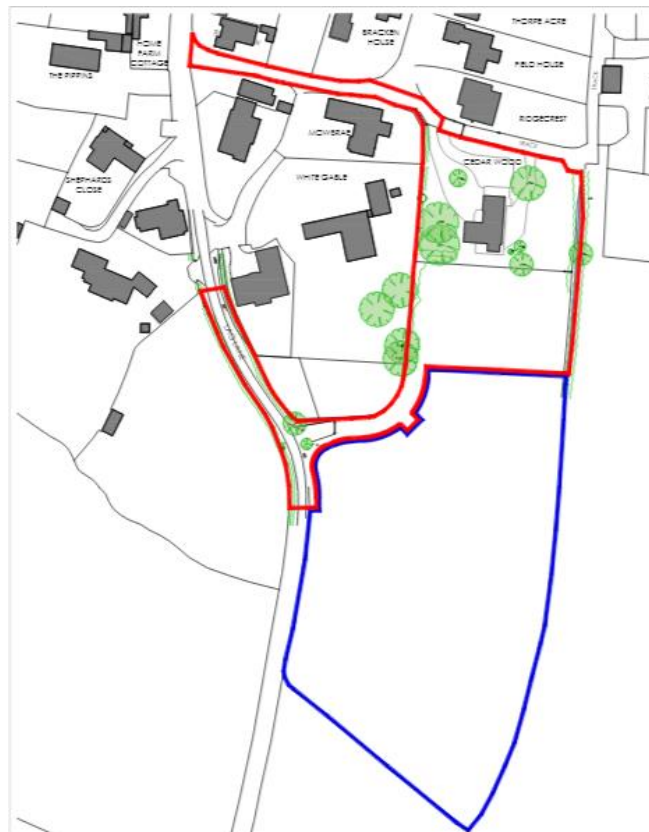
Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Cllr. Richard Sharp
Date of consultation with Ward Member(s):	2 March 2023
Exempt Information:	No

Reason for Committee Determination: The application is required to be presented to the Committee as the application has received more than 10 letters of objection from separate households which conflict with the recommendation.

RECOMMENDATION(S)

1. It is recommended that the Planning Application be APPROVED subject to conditions, as listed in detail at section 10 of this report.

1 Executive Summary



- 1.1 The application seeks full planning permission for the demolition of an existing 3 bed bungalow and the erection of 3no. 3 bed dormer bungalows, and 1no. 4 bed house. The scheme includes a public vehicle passing place, turning head and associated highways works. The entirety of the site is located within the defined settlement boundary, other than the southern access to Lag Lane which immediately adjoins it. The principle of the development is therefore considered to be acceptable in accordance with Local Plan policy SS2 and Neighbourhood Plan policies H1 and H8.
- 1.2 The proposed housing mix would meet with the requirements of Neighbourhood Plan policy H2, which is weighted towards smaller houses and bungalows, particularly those suitable for older people. The internal layout of the proposed dwellings with space for home working and ground floor bedrooms and bathrooms makes them adaptable to the changing needs of the occupiers.

- 1.3 At the point of submission there was uncertainty regarding the impacts of the proposal on the Melton Mowbray Distributor Road (MMDR), specifically relating to the status of Lag Lane. The relationship between the proposed new access and the MMDR works have caused significant delays in the determination of this application. Leicestershire County Council as the Local Highway Authority (LHA) has sought external legal advice to inform their comments in response to the proposed development.
- 1.4 A definitive scheme for the MMDR has been approved, it includes downgrading part of Lag Lane to a bridleway. The proposed access would be located off Lag Lane, which is to the south of the location where it would be stopped up as highway. It would therefore not be possible to implement the proposed scheme once the approved MMDR works are completed which, for Lag Lane, is expected to be winter 2025. If the proposed scheme is implemented before the MMDR works it would not be possible to implement the full stopping up of Lag Lane. The Side Road Order (SRO) would instead be implemented to the section marked 'Remainder of existing Lag Lane to be closed to motorised traffic, except for access, with dropped kerbs and gates in accordance with LCC's proposal's as shown on Drawing LLTA-BSP-XX-XX-D-H-001 Rev. P08.
- 1.5 Although the proposal represents a departure from the LHA Leicestershire Highways Design Guidance (LHDG) this departure has been fully justified, and the amended scheme demonstrates that a safe site access and sufficient on-site parking would be provided in accordance with Local Plan policies IN2 and D1 and Neighbourhood Plan policies.
- 1.6 The scheme has been amended, including the siting and design of the 2 storey dwelling within plot 1, reducing its height by almost 1 metre. The materials and architectural details reflect the local vernacular. Existing mature trees and hedgerows would be retained and harm to them would be mitigated via a recommended condition. It has been demonstrated that the design of the proposed development has taken its impact upon climate change into consideration, as well as introducing energy efficient measures. Therefore, the proposal is considered to be sympathetic to the character of the area, raise the standard of design and would preserve the distinctive character of the area.
- 1.7 There is no evidence to suggest that it would not be possible to connect the new dwellings to the existing sewerage network. To address this potential uncertainty a condition has been recommended requiring the submission of a drainage strategy prior to the commencement of development.
- 1.8 The proposed scheme would not have a harmful impact upon archaeology, and subject to the inclusion of a suitably worded condition would enhance the site's ecology.
- 1.9 Comments have been received relating to procedure and the correct notification of land owners. Officers are content that the correct procedures have been followed.
- 1.10 Overall, the proposed scheme is considered to represent sustainable development in accordance with Local Plan policy SS1 and Neighbourhood Plan policies. There are no material considerations which indicate otherwise; therefore, the proposed development should be approved without delay.

Main Report

2 The Site

- 2.1 The site is broadly rectangular consisting of the residential curtilage of a detached bungalow and part of an adjoining paddock. The residential curtilage forms the northern section, and the paddock the southern. The route of the proposed site access off Lag Lane to the south west projects from the principle site area across the paddock and out of an existing field access onto Lag Lane. The bungalow, Cedarwood, is currently accessed off a shared driveway on the eastern side of Lag Lane. It has an L-shaped plan form and is constructed of red brick with timber panelling, and a red pantile roof.
- 2.2 There is a mature hedgerow boundary along the site's eastern boundary which is shared with the open countryside and its western boundary. The remaining boundaries are a mix of timber fencing, and tree and shrub planting except for the southern boundary which is currently open to the remainder of the paddock. There are a number of trees within the site including three Ash, a Cherry, a Deodar, and a Birch. Within the paddock there are two Birch, a Whitebeam, Walnut, Horse Chestnut, and Ash.
- 2.3 The site lies within the rural settlement of Thorpe Arnold. There are residential properties to the north and west of the site and open countryside in agricultural use to the east and south. Other than the site access the site lies within the limits to development for Thorpe Arnold defined in the Neighbourhood Plan. The site is included in an amber zone for great crested newts; amber zones have great crested newt populations, habitats and dispersal routes.

3 Planning History

- 3.1 There is no relevant planning history on this site, however planning permission ref. 21/00143/FUL was granted for the erection of a new dwelling on land adjacent to White Gables, Lag Lane, Thorpe Arnold on 14.04.2021. This permission has been implemented. It represents an example of recent small scale residential development, on a windfall site, within the defined settlement boundary. A plan of the site is shown below with Cedarwood, within the application site, marked with a star, alongside a block plan showing the approved dwelling.



4 Proposal

- 4.1 The application seeks full planning permission for the demolition of an existing 3 bed bungalow and the erection of 4 dwellings including 3no. 3 bed dormer bungalows and 1no. 4 bed house and the creation of a new access road off Lag Lane to the south of the site.
- 4.2 The new access would serve the 3no. 3 bed dormer bungalows whereas the existing shared access drive to the north of the site would serve the 4-bed house. All the dwellings would be detached and include the provision of on-site garages, parking spaces, and private garden areas. The scheme includes the retention of several mature trees and hedgerows within the site, as well as new hedgerow and screen planting which would be secured via the proposed landscaping condition.

5 Amendments

- 5.1 The scheme has been amended to address concerns raised by the case officer in particular with regards to Melton Local Plan policies EN8 'Climate Change' and EN9 'Ensuring Energy Efficient and Low Carbon Development' as well as design policies contained in the Local Plan and Neighbourhood Plan. The amendments made included reducing the size, the footprint, and lowering the ridge height of the larger dwelling (plot 1) by almost 1 metre.
- 5.2 Further amendments were submitted to address comments received from Leicestershire County Council as the Local Highway Authority (LHA).

6 Planning Policy

6.1 National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

National Design Guide

6.2 Melton Local Plan

- 6.2.1 The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the development plan for the area.
- 6.2.2 The Local Plan is consistent with the National Planning Policy Framework published in December 2023 and, whilst it is now being updated, its policies remain relevant and up to date for the determination of this application.
- 6.2.3 The relevant policies to this application include:
- Policy SS1 Presumption in Favour of Sustainable Development
 - Policy SS2 Development Strategy
 - Policy C9 Healthy Communities
 - Policy EN1 Landscape
 - Policy EN2 Biodiversity & Geodiversity
 - Policy EN6 Settlement Character
 - Policy EN8 Climate Change
 - Policy EN9 Ensuring Energy Efficient and Low Carbon Development

- Policy EN11 – Minimizing the Risk of Flooding
- Policy D1 Raising the Standard of Design
- Policy IN2 Transport, Accessibility and Parking

6.3 Neighbourhood Plan

6.3.1 The Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan was adopted on 6th June 2018 and forms part of the Development Plan for this area.

6.3.2 The relevant policies to this application include:

- S1 Limits to Development
- H1 Housing Provision
- H2 Housing Mix
- H6 Housing Design Guidelines
- H8 Windfall Development
- ENV6 Important Woodland, Trees and Hedges
- ENV9 Biodiversity
- ENV12 Protection of Important Views
- T1 Transport Requirements for New Developments
- E3 Broadband Infrastructure

6.4 Other

6.4.1 The Design for Development Supplementary Planning Document (SPD) was adopted on 24th February 2022.

7 Consultation Responses

7.1 Summary of Technical Consultation Responses

7.1.1 Please note the below is a summary of responses and representations received. To view the full details please follow the web link on the first page.

7.1.2 LCC Highways

- a) Initially considered that the application as submitted does not fully assess the highway impact of the proposed development. Further information was requested including: detail regarding the site gradient, as well as an accompanying Stage 1 Road Safety Audit (RSA) and Designer’s Response. The LHA also advised the Applicant to consider carriageway widening as an alternative to the passing bay.
- b) 09.03.2023 – The LHA considered that the application as submitted does not fully assess the highway impact of the proposed development. The LHA noted that it is technically possible for LCC to amend the Order associated with the MMDR which would downgrade Lag Lane (in part) to a bridleway, if planning permission were granted. The LHA requested that the Applicant works with them to achieve this. A consistent 4.8m access width is shown which conforms to the requirements set out in the LHDG. Visibility splays of 2.4 x 33.0m are shown on the submitted plans which have been shown to be

appropriate. A stage 1 Road Safety Audit has been submitted along with a Designers Response. The gradient of the site access would be compliant and acceptable. The developer would need to ensure adequate drainage provision. The access to the development would slope down towards Lag Lane and the developer would need to ensure that no surface water from the private access drains onto the highway.

The proposal includes widening the narrowest section of Lag Lane including provision of an additional passing place and a turning head. The LHA welcome the provision of a turning head which has been demonstrated to track for both refuse vehicle and rigid HGV. It's considered a highway gain. To the south of White Gable, Lag Lane does narrow to 3.3m, and while this is below the minimum 4.1m width for two cars to pass, it is adequate for a short section with passing places either side. The LHA's preferred approach would be widening the road however, the provision of two passing places rather than widening the narrow section is proposed. The northern passing place currently at White Gable is considered acceptable as this formed the turning head under the current Lag Lane downgrade proposals. However, the effectiveness of the new passing place has not been demonstrated as it may encroach onto private land and require removal of the existing hedgerow which currently denotes the highway boundary. Further information is required relating to the widening of this section of Lag Lane. The submitted drawings show the parking standards set out in the LHDG can be met.

- c) 29.08.2023 The LHA considered that the application as submitted does not fully assess the highway impact of the proposed development. The LHA advised it was no longer possible for LCC to amend the Order associated with the MMDR which would downgrade Lag Lane (in part) to a bridleway. There remains an opportunity for the Side Roads Order not to be implemented in its entirety if planning permission were granted. As per the previous comments the access width and visibility splays are appropriate. The revised review by the Stage 1 Road Safety Audit team has been undertaken (July 2023), for which the audit team commented that the concerns raised in the previous audit had been addressed and that no further road safety problems have been identified.

The proposed access would be located off Lag Lane, to the south of the location stopped up as a highway which means the access would no longer be provided off the publicly maintained highway. This would require the stopping up of this length of highway to be reversed, and reference to the change in the stopping up order needs to be referred to on a revised drawing to enable technical approval. The proposed development is not considered likely to result in the exacerbation of any known highway safety concerns.

The revised drawing indicates that the swept path analysis for the longer passing bay would just work, and would appear to be the best that can be achieved within the existing highway constraints. Verge widths have been shown as 0.5m, and although less than the LHDG requirement for 1m width, this would appear to be the best that can be achieved within the existing highways constraints. This non-compliance has been covered within the Departure from Standard submission. This document provides adequate justification and has assessed the associated safety risks to be low based on low traffic speeds and Lag Lane being lightly trafficked. The stopping up of Lag Lane to the South, would mean that the vehicle usage would be reduced to vehicles accessing the 3 proposed dwellings, plus occasional use by refuse and delivery vehicles. Further consideration should be given to the footpath width. The footway width proposed is 1.2m compared to the LHDG recommended width of 2m, although a narrower footway than LHDG standards would potentially be acceptable, taking into account the site constraints.

- d) 12.03.2024 - In the view of the LHA 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 submitted drawings continue to indicate a 1.2m wide footway/service strip on the south side of the bell mouth. The access is a shared surface private drive and therefore this provision is not required. If it were provided along the section shown it would need to be 2m width to comply with LHDG requirements. Notwithstanding this, the LHA consider that as the proposed access accords with the LHA's minimum details, the design is therefore acceptable. The proposed access would be located off Lag Lane, to the south of the location stopped up as highway. It's the LHA's understanding that where land has the benefit of two inconsistent planning permissions, both are valid unless and until the implementation of one has made the implementation of the other physically impossible. Should this application come forward first, the section of the SRO that applies to the site's access location could simply not be implemented. The SRO would instead be implemented to the section marked 'Remainder of existing Lag Lane to be closed to motorised traffic, except for access, with dropped kerbs and gates in accordance with LCC's proposal's as shown on Drawing LLTA-BSP-XX-XX-D-H-001 Rev. P08.

In a scenario where the closure of Lag Lane is implemented for its full extent before the access associated with this development comes forward (the anticipated completion date is Winter 2025), then it would be physically impossible for the planning permission of the development to be implemented. Following legal advice, it would be incumbent on the Applicant to seek a revised consent based on the new status/layout of the road. The LHA recommends conditions including: 1.provision of approved access arrangements prior to occupation; 2. Provision of vehicle visibility splays prior to occupation; 3. Implementation of parking and turning provision prior to occupation; and 4. Provision of off-site works prior to occupation.

7.1.3 LCC Archaeology

- a) Advise according to the HER the application site lies within the historic settlement core, and next to a Roman ladder settlement, its possible the settlement continues into the application area. The proposal includes operations that may destroy any buried archaeological remains present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. They recommend a decision is deferred until the applicant has completed an Archaeological Impact Assessment of the proposal.
- b) 13.03.2024 Having reviewed the application against the HER they do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest of setting of any known or potential heritage assets. Therefore they advise that the application warrants no further archaeological action.

7.1.4 LCC Forestry

- a) Advise the majority of the 16no. trees and 2no. hedgerows within the site are to be retained. An Arboricultural Impact Assessment has been submitted that identified a number of impacts upon trees. There are no root protection area incursions envisaged within the design however, given the scale of works on site there is a real chance of damage to the rooting areas of the trees if they are not adequately protected. Therefore it is recommended that an Arboricultural Method Statement, in accordance with BS 5837:2012 is conditioned on any permission granted.

7.1.5 LCC Ecology

- a) Following review of the Extended Phase 1 Habitat Survey LCC Ecology advise the site has minimal ecological value with the majority of the area consisting of a maintained residential garden and the rest a species poor field. There were no bat roosts present within the building. There was some potential for nesting birds and some potential for grass snake within the boundary hedgerows. The hedgerows and mature trees are proposed to be retained. Ecology recommend the inclusion of a condition that no development shall take place until a mitigation and enhancement strategy has been submitted and approved in writing.

7.1.6 Lead Local Flood Authority

- a) The LLFA advise the site is a greenfield site located within Flood Zone 1 being at low risk of surface water flooding. The proposal is not considered to be major and as such the LLFA are not a statutory consultee for this application. The LLFA offers no comments and refers to the enclosed standing advice.

7.1.7 Severn Trent Water

- a) Do not object to the application. They note the majority of the village is served by a vacuum system; they are not aware of any general capacity issues with the existing system but their concern is additional development. The vacuum systems are usually designed and built as a bespoke solution to an existing situation. The connection for each property (or group of properties) are constructed as part of the whole network and additional connections cannot be made (Unless "spare" points are constructed). They assume the intention here is for all 4 properties to be connected to the original connection point (the vac pot). The concern is whether this vac pot can accommodate the extra flow. It's difficult to predict if the additional three properties will create or exacerbate a problem. The level of impact will be dependant on the size of the properties. In conclusion although they are not aware of any current known issues, they cannot give a definitive answer as to whether or not this proposal is acceptable.

7.2 Summary of Representations

7.2.1 Ward Member(s)

- a) The Ward Councillor was consulted on 6.10.2022 and 09.02.2023 but has made no comments.

7.2.2 Parish Council

- a) Initially deferred their decision due to questions over the site access and the impact of the MMDR.
- b) The Parish Council object, in summary, on the following grounds:
- i. Does not comply with Neighbourhood Plan policy H2;
 - ii. Concerns about highways, access, and traffic management;
 - iii. On behalf of parishioners they would like the Planning Department to take contentious legal matters raised relating to the ownership of access roads; disregarding decisions already taken about the turning circle which has been part of the MMDR discussions; and concern with the traffic management plan during the potential build stage.
- c) 18.02.2023 The Parish Council were pleased that some amendments have been applied to plots 2, 3, and 4 and welcomes these changes. The height change for plot 1 is noted. However, they object, in summary, on the following grounds:

- i. Building a 4 bedroom house and replacing an existing single storey dwelling does not comply with Neighbourhood Plan policy H2 which supports dwellings of 3 bedrooms or fewer and single storey accommodation to serve local needs.
- ii. Contentious issues with the ownership of the road; the traffic management plan during the build stage; and the disregarding of decisions already taken about the turning circle which had been part of the MMDR discussions.
- iii. Concerns over the drainage issues currently experienced by the parishioners of Thorpe Arnold.

7.2.3 **Leicestershire and Rutland Bridleways Association**

- a) Have no opinion on the proposed housing.
- b) Have serious concerns about the associated proposal to shorten the section of Lag Lane which is planned to be re-designated as a Bridleway.
- c) The bridleway will end in a relatively open section of Lag Lane with good visibility, so non-motorised users (NMU's) should have no problem negotiating motorised traffic on this section but by shortening the bridleway by 70m this transition to the public road will be in a very narrow section of Lag Lane, with visibility limited by high hedges and tall trees making it more hazardous to NMU's to negotiate motorised traffic.

7.2.4 **Neighbours**

38 objections have been received from 10 households, in summary:

- Outside of the limits to development.
- Highway safety – located on the worst bend, poor visibility.
- Conflicts with details approved under the MMDR.
- Inaccurately identifies privately own land and land to be within the ownership of LCC.
- The applicant is a named objector to the MMDR.
- While the future of the MMDR project is unclear I don't see how a decision can be made safely.
- If the development goes ahead want the disruption to their environment to be minimized, particularly during the construction period.
- The title plan for Cedar Wood is smaller than the red line application site, how have they extended the curtilage unchecked?
- Further load to the current vacuum pump sewage system could result in sewage overflowing.
- Replacing the existing bungalow with a house will adversely affect the privacy of neighbouring properties, result in overlooking, be visually overbearing, and overshadowing.
- The shared access driveway/close serving Mowbrae, The Lofthouse and White Gable is not a LCC turning point and we will take measures to ensure our close isn't used as a turning area for large vehicles.
- We would expect the site to be closed off to the access onto our close during the construction phase of development and for the new access to the south to be created first to provide the required access.

- The design is unattractive, resembling an agricultural barn and completely out of character with Thorpe Arnold.
- The Neighbourhood Plan requires a mix of houses and bungalows.
- We previously objected to extending the village boundary as it would result in new homes being built.
- Contrary to policy H8 the site will not provide a safe vehicular and pedestrian access.
- The proposed passing pint is not required in the MMDR plan, and this highway and verge is in my ownership subject to 2 current LCC compulsory purchase orders (CPO).
- The scheme includes cutting back hedges which are not in his ownership or subject to a CPO.
- The loss of the hedges would harm wildlife.
- Should this permission not be granted I am concerned new dwellings would be accessed off our shared driveway/close risking the safety of children.
- Increase in traffic along the access to the pasture land from 10 times per year to 10 times per day, causing disturbance of lights, noise, and loss of privacy.
- The access would have poor visibility joining Lag Lane.
- The new access road is outside of the village development plan.
- The vehicle counts used were taken during the third national lockdown and are not representative.
- Lag Lane is used extensively by walkers, dog walkers and joggers who rely on the grass verges a safe refuge from passing vehicles if these are lost, they will have nowhere to go.
- If approved this development would open the potential for further unwelcome infilling.
- The access road would appear as a prominent and incongruous feature detracting from the character of the area.
- Excessive size of dwellings for size of plot.
- Contrary to Human Rights Act Protocol 1, Article 1, Article 8
- Loss of valuable green space and the right to enjoy a quiet and safe residential (sic).
- Undermine the intention of creating a leisure route.
- The application does not show where the road closure barriers would be at the Saxby Road end of Lag Lane.
- Increased risk of fly tipping because of moving the field gate
- Increased surface water on Lag Lane because the access road slopes down to it.
- The proposed waste storage area is unsightly and inconsiderate.
- The access road would not meet with width and weight restrictions for emergency vehicles.
- Street lighting is not required in this rural location, but the lack of lighting adds to the safety risks of the NMUs.
- Is it legal for the CPOs to go ahead if the purpose of the works is now in the interest of a private individual rather than the public interest.

Two neutral comments have been received focussing on land ownership and procedural matters.

7.3 Response to Consultations and Representations

7.3.1 The majority of the issues raised are material planning considerations and are addressed under section 8 'Planning Analysis' below.

7.3.2 Planning permission ref.21/00143/FUL was granted for 'Erection of new dwelling to land adjacent to White Gables, Lag Lane' on 14th April 2021, and has now been implemented. The approved site access serving the new dwelling is off Lag Lane. Only one objection was received in response to the publicity of this application.

8 Planning Analysis

8.1 Main Considerations

8.1.1 Principle of Development

8.1.2 Housing Mix

8.1.3 Access and Parking Provision

8.1.4 Design and Impact upon the Character of the Area

8.1.5 Impact on Residential Amenity

8.1.6 Drainage and Sewage

8.1.7 Other Matters

8.2 Principle of Development

8.2.1 The application site lies within Thorpe Arnold, towards its south-eastern edge, and falls to be considered under polices SS1 and SS2 of the Local Plan. Policy SS1 sets out a presumption in favour of sustainable development. Policy SS2 sets out the development strategy for the Borough including for housing. It identifies a sustainable approach to development; establishes a settlement hierarchy outside of Melton Mowbray from Service Centres, to Rural Hubs, and finally Rural Settlements; and sets out the type of development appropriate to each.

8.2.2 Thorpe Arnold is classified as a 'Rural Hub' as it falls within 2.5km of Melton Mowbray Town Centre. As such, the settlement is required to take a minimum of 18 dwellings within the plan period, until 2036. The development strategy will be delivered by planning positively for the development of sites allocated within and adjoining the Service Centres and Rural Hubs by 2036, and by encouraging small scale residential 'windfall' development, where it would represent sustainable development under Policy SS1.

8.2.3 Policy SS2 makes some provision for new residential development on windfall sites as set out in the supporting text at para 4.2.17: "Schemes of up to about 10 dwellings may be appropriate within or on the edge of Service Centres, schemes of up to about 5 dwellings for Rural Hubs, and schemes of up to about 3 dwellings for Rural Settlements."

8.2.4 Outside of settlements policy SS2 supports development which is necessary and appropriate in the open countryside. This follows through into policy S1 of the Neighbourhood Plan which supports the principle of development on sites within the limits to development and defines land outside of the limits to development to open countryside where development will be carefully controlled in line with local and national strategic policies.

8.2.5 Thorpe Arnold has two allocated sites for residential development Thor 1 (13 dwellings) and Thor 2 (11 dwellings) located to the north east of the settlement. Neighbourhood Plan policy H1 restricts future housing development within the parish to windfall development in line with policy H8, unless there is an increase in housing need across Melton Borough. Policy H8 supports small-scale development proposals for infill and redevelopment sites subject to criteria including the site is within the limits to development.

8.2.6 Neighbourhood Plan policies H1 and H8 restrict new residential development to within the defined settlement boundary however, Local Plan policy SS2 allows for new residential development on windfall sites within or adjoining settlements. If a conflict is identified the more up to date policies should take precedence in line with para.30 of the National Planning Policy Framework (NPPF) and section 38 (5) of the Planning and Compulsory Purchase Act. The Neighbourhood Plan was adopted on the 10th October 2018, after the Neighbourhood Plan which was adopted on 6th June 2018. Therefore, Local Plan policy SS2 takes precedence as the more up to date policy.

8.2.7 In this case although the access would, in part, extend beyond the limits to development defined within the Neighbourhood Plan it would adjoin them, in addition the bulk of the built form including the dwellings and their associated garages would fall within the limits to development. For these reasons it is considered that the principle of the proposed development would be acceptable.

8.3 **Housing Mix**

8.3.1 Neighbourhood Plan policy H2: Housing Mix, promotes the provision of a mixture of housing types to meet identified local needs, and particularly supports dwellings of 3 bedrooms or fewer and single storey accommodation suitable for older people. This need for smaller houses, including those suitable for older people is also identified in the Local Plan.

8.3.2 It is recognised that the parish has a higher than average representation of older people (aged 65+) accounting for 21% of total residents (the district level is 18%). This data is taken from the 2011 Census, and at the time there was a communal care home providing accommodation for 44 residents which contributed to the elderly population share. Nonetheless the elderly population is increasing rapidly. In addition, there are high levels of under occupancy in the settlement suggesting a need for smaller homes suitable for residents needing to downsize, small families and those entering the housing market.

8.3.3 The scheme would result in the loss of a 3 bedroom bungalow and the provision of 3no. 3 bedroom dormer bungalows and one 4 bedroom dwelling house. The floorplan of the replacement bungalows would be set over 2 floors. All of the 3 bedroom bungalows within plots 2 to 4 would include ground floor double bedrooms with adjoining bathrooms, providing flexible accommodation particularly suited for older people.

8.3.4 The existing bungalow is located within a large plot which may be less manageable for an older person. The development of the site would result in a net gain of 2 x 3 bedroom, 3no. total, bungalows located within smaller, easier to manage plots, which could meet the needs of older people. The addition of a 4 bedroom dwelling with no ground floor bedrooms forms a small part of the overall housing mix, and on balance it is considered that the proposal meets with the aims of policy H2.

8.4 **Access and Parking Provision**

8.4.1 Local Plan policy IN2 states the Council will support and promote an efficient and safe transport network which offers a range of transport choices for the movement of people and goods, reduces the need to travel by car and encourages use of alternatives, such as

walking, cycling, and public transport. Where possible, all development should be located where travel can be minimised and the use of sustainable transport modes maximised, do not unacceptably impact on the safety and movement of traffic on the highway network or that any such impacts can be mitigated through appropriate improvements and provide appropriate and effective parking provision and servicing arrangements.

- 8.4.2 Local Plan policy D1 requires the provision of a safe a connection to the existing highway network, and proposals should make adequate provision for car parking.
- 8.4.3 Concerns have been raised in comments from local residents relating to the impact of the proposed development on the Melton Mowbray Distributor Road (MMDR), and the uncertainty relating to its delivery. The MMDR is currently under construction. As advised by the LHA, if the proposed development is implemented prior to the MMDR works affecting Lag Lane it would preclude those works from being implemented. What this also means is if the proposed development is not implemented prior to the MMDR works to downgrade the status of Lag Lane from a highway to a public bridleway it would be physically impossible to implement it. The LHA have sought external legal advice which concluded that: “it would be incumbent on the Applicant to seek a revised consent based on the new status/layout of the road.”
- 8.4.4 The ownership of the land within the application site has altered from the initial submission due to compulsory purchase orders which allowed Leicestershire County Council to acquire the land for the delivery of the MMDR. It is considered that the correct procedure has been carried out with respect to the notification of land owners. The fact that the Applicant objected to the MMDR is not considered relevant to the consideration of this application.
- 8.4.5 The proposal would represent a departure from the LHA design guidance including firstly a narrower carriage way width 3.7m rather than the 4.8m width required for two-way traffic. Secondly the grass verges would be reduced in part to a minimum width of 0.5m, where the minimum recommended width is 1m, with a minimum area of 10sqm. The minimum area would be exceeded. Finally a 1.2m wide footway link would be provided from the bridleway along the access into the site, the standard width for separate footway provision is 2m.
- 8.4.6 The proposal would result in the widening of the narrowest section of Lag Lane including provision of an additional passing place and a turning head. It is noted that: “The LHA welcome the provision of a turning head which has been demonstrated to track for both refuse vehicle and rigid HGV. It’s considered a highway gain.” The identified 3.3m wide pinch point to the south of White Gable, Lag Lane is considered adequate for a short section with passing places either side. The submitted plans demonstrate that the two passing places proposed would work, and “would appear to be the best that can be achieved within the existing highway constraints.”
- 8.4.7 “Verge widths have been shown as 0.5m, and although less than the LHDG requirement for 1m width, this would appear to be the best that can be achieved within the existing highways constraints.”
- 8.4.8 The submitted drawings continue to demonstrate a 1.2m wide footway/service strip on the south side of the bell mouth. The LHA advise that as the access is a shared surface private drive and the provision of a 1.2m wide footway is not required. However, although it doesn’t comply with LHDG requirements for a 2m width they advise the proposed access accords with the LHA’s minimum details, and the design is therefore acceptable.

- 8.4.9 This non-compliance with the LHA design guide is covered within the 'Departure from Standard' submission which provides adequate justification. The associated safety risks are assessed as low, based on low traffic speeds and Lag Lane being lightly trafficked.
- 8.4.10 Despite the concerns raised by local residents to the contrary, significant weight is afforded to the assessment of the LHA as the technical consultee that "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 conditions recommend by the LHA including: 1. Provision of approved access arrangements prior to occupation; 2. Provision of vehicle visibility splays prior to occupation; 3. Implementation of parking and turning provision prior to occupation; and 4. Provision of off-site works prior to occupation are considered to meet with the relevant tests are recommended for inclusion.
- 8.4.11 The submitted drawings show the parking standards set out in the LHDG would be met.
- 8.4.12 It is therefore considered that the proposal would provide a safe connection to the existing highway network, and sufficient on-site parking and servicing arrangements. In addition, the proposal would not unacceptably impact on the safety and movement of traffic on the highway network, and any potential impacts would be mitigated through appropriate improvements.

8.5 Design and Impact upon the Character of the Area

- 8.5.1 It is noted that concerns have been raised by the Parish Council and local residents relating to the design of the proposed development and its impact upon the character of the area.
- 8.5.2 As set out in the Neighbourhood Plan: "Thorpe Arnold stands on the top of a hill close to the town of Melton Mowbray, a small farming village with roots going back to before its first recorded mention in the Domesday Book of 1086." Its built environment is described as: "undoubtedly unique. The existing settlement patterns have grown incrementally over time, the buildings date from many periods, providing a richness and variety of styles and materials". The soft landscaping of the village is identified as a key contributor to its local distinctiveness, and "vegetation from gardens and grass verges breaks up the built environment balancing the variety of the hard and soft character". The settlement is concentrated on the south side of the A607.
- 8.5.3 The existing bungalow is located within a spacious plot however, this is not reflective of the building density of the settlement as a whole. As demonstrated on the submitted site layout plan the proposed dwellings would be a similar scale and density to the neighbouring dwellings to the north (Ridgecrest, Field House, and Thorpe Acre), which they would be viewed within the immediate context of.
- 8.5.4 It is considered that the design of the proposed dwellings would echo the farming routes of Thorpe Arnold, an approach which is considered appropriate to the edge of settlement location of the site. The use of red bricks and grey roofing materials, which are widespread within the settlement, is welcomed. Charred timber cladding would provide articulation and cohesion to the new dwellings, and would help the buildings better assimilate within their landscaped setting adjoining the open countryside. The majority of the mature trees within the site would be retained, and so would the hedgerows. A new native hedgerow would be planted along the site's southern boundary to separate it from the retained paddock. Gabled dormers are a common architectural feature visible within Thorpe Arnold therefore their use within the site is considered appropriate.

- 8.5.5 The new dwellings would be set back from Lag Lane therefore, other than the proposed access road, the majority of the site would be screened from the street scene by the neighbouring dwelling houses and highway hedgerows. The access would be finished in a hard bound material and measure 4.8m in width, by approximately 50m in length. The appearance of the access would be softened by the proposed hedgerow and screen planting.
- 8.5.6 The application site slopes down from the existing entrance to Cedarwood so that the site sits lower than the neighbouring dwelling houses further mitigating any perceived visual impact or loss of amenity. The application site does not form an area of open space which is identified as making a significant contribution to the character of the settlement. It does form part of important view (a) out of Thorpe Arnold. The view has been identified as: “giving long-distance views across open countryside towards Melton Mowbray, Burton Lazars and in the distance the high point of Burrough Hill.” The proposed dwellings would be located behind this viewpoint and so would this open view would be respected in accordance with NP policy ENV12.
- 8.5.7 For the reasons outlined above it is considered that the proposal would be sympathetic to the character of the area and raise the standard of design in accordance with policy D1 and would preserve the distinctive character of the area in accordance with policies EN1 and EN6 and Neighbourhood Plan policies H6 and H8
- 8.6 **Impact on residential amenity**
- 8.7 Local Plan policy D1 seeks to ensure the amenity of neighbours and neighbouring properties should not be compromised. Neighbourhood Plan policy H6 provides development should not have an unacceptable impact on general amenity.
- 8.8 Neighbourhood Plan H8 supports windfall development subject to criteria including: “It does not adversely impact on the character of the area, or the amenity of neighbours and the occupiers of the dwelling.”
- 8.8.1 The proposed development would be bounded by dwelling houses to the north and west. Its impact upon neighbouring occupiers has been raised as a concern. The front elevations of the dwellings in plots 1 and 2 include first floor principal windows, the separation distance between them and the facing elevations of the dwellings to the west, Mowbrae and White Gables exceeds the 21m separation distance recommended to protect amenity in the ‘Design for Development’ SPD. The west side elevation of plot 4 faces White Gables, it includes no first-floor openings and at ground floor level only high-level windows fitted with obscure glass are proposed.
- 8.8.2 The dwelling within plot one would be located to the south of Ridgecrest, the neighbouring dwelling is separated from the site by an access road. The proposed dwelling includes a high-level kitchen window located 5.5m from the boundary with the neighbouring dwelling, and two full height openings serving a dining room located 10m from the same boundary. No first-floor windows are proposed in this elevation. For these reasons it is considered that the proposal would not result in overlooking or loss of privacy to neighbouring occupiers.
- 8.8.3 The layout of the plots, the floor plans, and location of openings ensure sufficient separation distances are provided between the proposed dwellings. The new dwellings are orientated so most of the openings overlook their associated private amenity spaces. As a result, the scheme would provide high quality residential amenity in accordance with Local Plan policy C9.

8.8.4 Neighbours feel the siting of the bins is antisocial. Bin storage is shown within the residential curtilage of the proposed dwellings. The sites are not sufficiently constrained that the location of secure bin storage areas would need to be secured via a condition. A bin collection point for the dwellings within plots 2-4 are shown at an appropriate distance from the highway. Bins would not be stored in this location other than on refuse collection days. The concerns raised by neighbours are noted however, it is not considered that the siting of the bin storage areas, or collection point would be intrusive upon the amenity of the neighbouring dwellings.

8.9 **Climate Change and Energy Efficiency**

8.9.1 Local Plan policy C9 seeks to provide: “d. ‘Healthy Homes’ that are affordable, easy to warm, have good natural light, decent space (internal and external), exploit views, safe from flooding and overheating, and are adaptable to people’s changing circumstances that can occur over a lifetime;”

8.9.2 Policy E8 requires new development proposals to demonstrate how the need to mitigate” and adapt to climate change has been considered. Policy E9 requires major development “to demonstrate how the need to reduce carbon emissions has influenced the design, layout and energy source used, subject to viability.”

8.9.3 A statement has been submitted on behalf of the applicant dated 03.02.2023 which sets out how the proposed scheme meets with the above policies. Of key importance is that principal openings are included where possible in east facing elevations as it is subject to the lowest level of solar gain, and openings included in the west and south elevations, which are subject to higher levels of solar gain are shaded by planting or architectural features.

8.9.4 Sustainable drainage methods including new soakaways, and rainwater harvesting using water butts are proposed. The dwellings will include space for home working which reduces the need for as many vehicle trips and makes the property more adaptable for residents changing circumstances.

8.10 **Other Matters**

8.10.1 The application form indicates that foul sewage would be disposed of via the mains sewer and connect to the existing drainage system. Officers understand that the existing sewage system includes a vacuum pump which according to local residents has at times overflowed, however, Severn Trent state they are not aware of any issues. Severn Trent didn’t provide a response to the consultation, but direct contact has been made and no objection has been raised. Taking into account the site’s location within Flood Zone 1, lowest risk of flooding, and given the scale of the proposed development it is considered appropriate to secure a drainage scheme via a condition.

8.10.2 Sufficient information has been submitted within the Archaeological Evaluation dated February 2023 to demonstrate the proposal would not have a significant direct or indirect impact upon any known or potential heritage assets. It is noted that County Council Archaeology do not object.

8.10.3 The Extended Phase 1 Habitat Survey demonstrates the site has minimal ecological value with the majority of the area consisting of a maintained residential garden and the rest a species poor field. The scheme includes the retention of hedgerows and mature trees. On the advice of County Council Ecology the inclusion of a condition, that no development shall take place until an ecological mitigation and enhancement strategy has been submitted and approved in writing, has been recommended.

8.10.4 The impact of construction vehicles and works on the amenity of neighbouring occupiers would be a short lived impact. Given that the implementation of the new access off Lag Lane is the most time critical element of the proposed scheme it is likely that it would be constructed first and so would be available for construction traffic. The LHA has not requested the submission of a traffic management plan therefore, despite the concerns raised by local residents, it is not considered necessary to secure one via a condition.

9 Conclusion & Reason for Recommendation

9.1 The principle of residential development in this location is supported by Local Plan policy SS2 and Neighbourhood Plan policies H1 and H8. Furthermore, the proposed housing mix would meet with the requirements of Neighbourhood Plan policy H2, which is weighted towards smaller houses and bungalows, particularly those suitable for older people.

9.2 The proposal would be sympathetic to the character of the area, raise the standard of design and would preserve the distinctive character of the area. An adequate level of amenity would be provided for future occupiers without compromising the amenity of the neighbouring occupiers.

9.3 Greater certainty exists around the implementation of the MMDR than at the time this application was submitted. It is understood that it would not be possible to implement the proposed scheme once the approved MMDR works are completed which, for Lag Lane, is expected to be winter 2025. The identified departures from the LHDG have been fully justified, and the provision of the proposed turning head is viewed as a planning gain. Following amendments to the site access along Lag Lane the proposed scheme would be served by a safe and suitable access, and sufficient on-site parking and turning space would be provided.

9.4 It has been demonstrated that the design of the proposed development has taken its impact upon climate change into consideration, as well as introducing energy efficient measures. The internal layout of the proposed dwellings with space for home working and ground floor bedrooms and bathrooms makes them adaptable to the changing needs of the occupiers.

9.5 There is no evidence to suggest that it would not be possible to connect the new dwellings to the existing mains sewerage network. The proposed scheme would not have a harmful impact upon archaeology, and subject to the inclusion of a suitably worded condition would enhance the site's ecology.

9.6 Overall, the proposed scheme is considered to represent sustainable development in accordance with Local Plan policy SS1. There are no material considerations which indicate otherwise; therefore the proposed development should be approved without delay.

10 Planning Conditions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

10.2 The development hereby permitted shall be carried out in accordance with following approved drawings and documents:

8505 03 01 Rev P1 received 13.09.2022

LLTA-BSP-XX-XX-T-H-0002-P01_RSA received 31.01.2023

LLTA-BSP-XX-XX-T-H-0003-P01 received 31.01.2023

LLTA-BSP-XX-XX-D-H-0003-P04 received 31.01.2023

8505 3 10 Rev P1 received 09.02.2023

8505 3 20 Rev P1 received 09.02.2023

8505 3 30 Rev P1 received 09.02.2023

8505 3 40 Rev P1 received 09.02.2023

LLTA-BSP-XX-XX-T-H-0001-P05 received 11.07.2023

LLTA-BSP-XX-XX-T-H-0005-P03 received 11.07.2023

8505 3 05 Rev P2 received 11.07.2023

8505 3 06 Rev P2 received 11.07.2023

LLTA-BSP-XX-XX-D-H-0001-P04 received 21.09.2024

LLTA-BSP-XX-XX-D-C-0210-P08 received 21.09.2024

Reason: For the avoidance of doubt and to ensure that the development is in accordance with Policies EN1, EN6, IN2 and D1 of the Melton Local Plan, and the National Planning Policy Framework (December 2023).

- 10.3 No development shall take place until an ecological mitigation and enhancement strategy has been submitted to and approved in writing by Melton Borough Council as the Local Planning Authority. It shall expand upon Section 3.3 (Ecological Constraints and Opportunities) in the Extended Phase 1 Habitat Survey (CBE Ecology, August 2022). Any enhancement measures (such as bird/bat boxes) need to be shown on all relevant submitted plans/elevations. All works shall proceed strictly in accordance with the approved scheme.

Reason: To ensure the development contributes to the protection and enhancement of biodiversity on the site having regard to policy EN2 of the Melton Local Plan and policy ENV9 of the Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan.

- 10.4 The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (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) shall take place on the site until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS.

The AMS must include full details of the following:

- (i) The timing and phasing of any arboricultural works in relation to the approved development;
- (ii) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works;
- (iii) 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;

- (iv) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme;
- (v) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details;
- (vi) Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme;
- (vii) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.

Reason: To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to policies EN1 and D1 of the Melton Local Plan, and policy ENV6 of the Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan.

- 10.5 The development hereby permitted must not commence until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted must not be occupied or first brought into use until the drainage scheme has been implemented and completed in accordance with the approved details.

Reason: 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 having regard to Policy EN11 of the Melton Local Plan.

- 10.6 The development hereby permitted must not proceed above the 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 Melton Borough Council as the Local Planning Authority. The development must only be constructed in accordance with the approved materials.

Reason: To ensure the appearance of the development is satisfactory having regard to policy D1 of the Melton Local Plan and policy H6 of the Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan.

- 10.7 The development hereby permitted must not be occupied or first brought into use until a written scheme 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.

Thereafter the scheme must be carried out and completed in accordance with the approved details no later than during the first planting season (October – March) following either the substantial completion of the development hereby permitted or it being brought into use, whichever is sooner.

If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved scheme is removed, uprooted, destroyed, dies or become diseased or

damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

Reason: To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policies D1, EN1 and EN6 of the Melton Local Plan, and the National Planning Policy Framework (December 2023).

10.8 No part of the development hereby permitted shall be occupied until the access arrangements shown on BSP Consulting 'Proposed Road Widening, Turning Head and Upgraded Site Access' drawing (reference LLTA-BSP-XX-XX-D-H-001 Rev. P08) 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 and in accordance with Melton Local Plan policies IN2 and D1 and the National Planning Policy Framework (December 2023).

10.9 No part of the development hereby permitted shall be occupied until vehicular visibility splays of 2.4 metres by 33.0 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Melton Local Plan policies IN2 and D1 and the National Planning Policy Framework (December 2023).

10.10 The development hereby permitted shall not be occupied until such time as the parking and turning provision have been implemented in accordance with HSSP Architects 'Demolitions and Proposed Site Plan' drawing (reference 8505 03 05 Rev. P2). Thereafter the onsite parking (and turning) provision shall be kept available for such use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with Melton Local Plan policies IN2 and D1 and the National Planning Policy Framework (December 2023).

10.11 No part of the development shall be occupied until such time as the offsite works shown on BSP Consulting 'Proposed Road Widening, Turning Head and Upgraded Site Access' drawing (reference LLTA-BSP-XX-XX-D-H-001 Rev. P08) have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Melton Local Plan policies IN2 and D1 and the National Planning Policy Framework (December 2023).

11 Informatives

11.1 The Applicant is advised that it is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore the Applicant should take every effort to prevent this occurring.

- 11.2 The Applicant is advised that it is an offence under Section 184 of the Highways Act 1980 to drive a vehicle across the kerb and footway in order to gain access to a property unless a properly constructed dropped kerb crossover is in place. The Applicant should be mindful that if the planning application is successful, for a vehicular access to be created within the public highway, separate approval must be obtained from the Local Highway Authority. Further information can be found using the Leicestershire County Council Vehicle Access (Dropped Kerbs) Information Pack (available at <https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/6/21/VA1-Information-Pack-June19.pdf>). Whilst planning permission may be granted, the application for a licence may be refused if it does not fulfil the criteria.
- 11.3 Although the submitted protected species survey found no evidence of bats, it points out that there is the possibility that they may be found behind pantiles etc. You are reminded that it is an offence under the Countryside and Wildlife Act 1981 to interfere with bats or their roosts and you are advised to follow the procedure as outlined in the survey report. If evidence of bats is found, you should stop all work immediately and contact Natural England on 0300 060 3900.

12 Financial Implications

- 12.1 None

Financial Implications reviewed by: N/A

13 Legal and Governance Implications

- 13.1 None

Legal Implications reviewed by: Tom Pickwell (Deputy Monitoring Officer)

14 Background Papers

- 14.1 The planning history is contained within Section 3 of the report and the details of which are available to view on line.



Planning Committee

14 May 2024

Report of: Assistant Director for Planning

23/01159/FUL Land off Ashby Road, Twyford

Proposal: New Barn and sheep pens under cover lairage

Site: Land off Ashby Road, Twyford

Applicant: Joanna Lees

Planning Officer: Sarah Matthews

Report Author:	Sarah Matthews , Planning Development Officer
Report Author Contact Details:	01664 502440 smatthews@melton.gov.uk
Chief Officer Responsible:	Sarah Legge , Assistant Director of Planning
Chief Officer Contact Details:	01664 502380 slegge@melton.gov.uk

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Leigh Higgins (Somerby)
Date of consultation with Ward Member(s):	29 January 2024
Exempt Information:	No

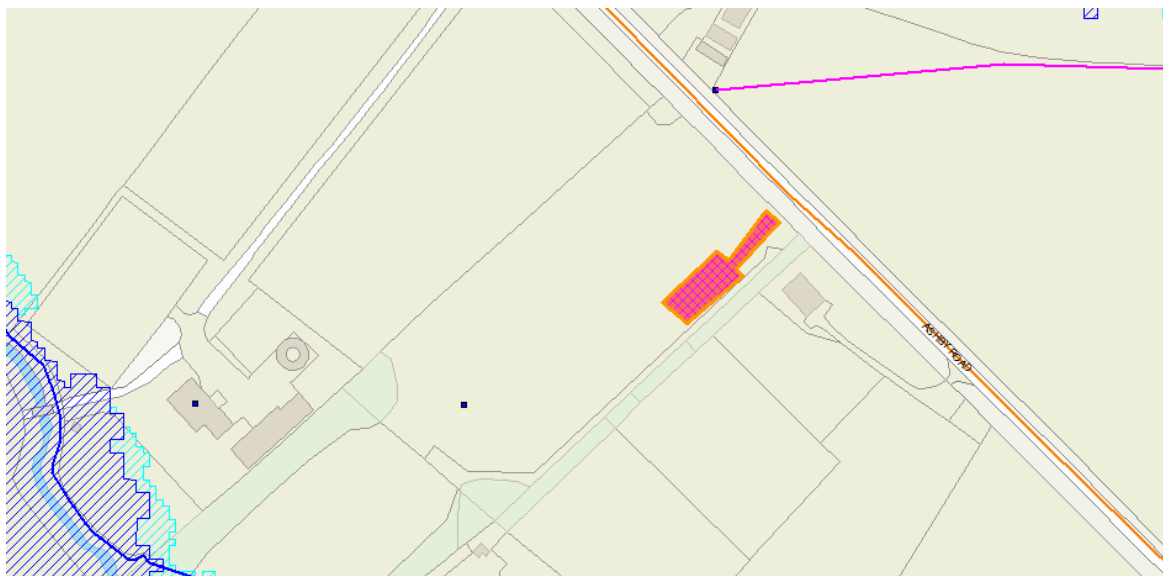
Reason for Committee Determination:

The applicant is a member of staff at Melton Borough Council. The constitution therefore requires this application to be determined by the Planning Committee

Web Link: [Melton Borough Council Planning Online](#)

What 3 words: <https://w3w.co/totals.earplugs.lined>

Site Location Plan:



RECOMMENDATION(S)

1. It is recommended that the application be **Approved** subject to conditions, as listed in detail at section 10 of this report.

1 Executive Summary

- 1.1 The proposal seeks full planning permission for the construction of an agricultural building for the housing of livestock and for the storage of agricultural fodder and equipment associated with the agricultural holding. A similar size building on the site was consented to in 2016 but was not implemented.
- 1.2 The Development Strategy for the Borough is set out in Policy SS2 of the Melton Local Plan. The policy identifies that within the open countryside outside the settlements identified as Service Centres, and those villages identified as Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside. Policy EC2 provides support for development which creates or safeguards jobs subject to specific criteria which includes the use of land for agriculture subject to the proposal being appropriate in scale and development on agricultural land, which helps to support the viability and retention of the farm holding.
- 1.3 This application relates to an agricultural building, constructed in materials that are typical for this type of development within a rural agricultural setting. The proposal is to provide winter and summer shelter and to be used for the purposes of lambing in relation to the applicant's flock of sheep. The parcel of land is currently used solely for agricultural purposes and the proposal would result in a development that is both appropriate and necessary in this location. The building is limited in size, and due to the set back and lower land level of the field from the highway the building would not present as an overtly dominant feature within the landscape.
- 1.4 Located within open countryside the field benefits from an established agricultural access with five bar gate. It is proposed to set back the building from the field access by 25m. Adjacent land uses to the site are also agricultural and to the south is an equestrian interest.

The proposed development would therefore not result in any significant adverse impacts upon neighbouring amenity given the adjacent uses.

- 1.5 The site is situated within Flood Zone 1. The applicant has demonstrated that the run off from the building will be diverted into the existing land drainage system as documented in the supporting information submitted in support of this application. It is also noted that the site is not within an area at risk of surface water flooding on the Environment Agency mapping system.
- 1.6 The proposed development would therefore accord with Policies SS1, SS2, EC2, D1, EN1, EN11 and IN2 of the Melton Local Plan and the overall aims of the National Planning Policy Framework.

Main Report

2 The Site

- 2.1 The application site consists of a parcel of land extending to 2.09 hectares, the land level of which falls away slightly from north-east to south-west. Situated to the south-west of the highway on Ashby Road the site is on a slightly lower land level to the highway.
- 2.2 Access to the site is via an established agricultural field access located towards the south-eastern corner of the land. The site is laid to grass and is currently used for grazing. The land is bounded by mature hedgerow planting interspersed with some trees. The current use of the site is agricultural.
- 2.3 The village of Twyford is approximately 400m to the south of the site. To the south and west of the site runs the Gaddesby Brook. The proposed agricultural building would be positioned approximately 200 metres north-east of the Brook.

3 Planning History

- 3.1 The site history shows one previous planning application for the site. Planning application reference 16/00045/FUL New Farm Barn permitted 21.03.2016 – a timber portal frame agricultural building external dimensions 18.3m x 5.49m with a ridge height of 3.36m.

4 Proposal

- 4.1 The application seeks full planning consent for the construction of a timber framed agricultural building the critical dimensions of which are width, 6.096m, length 13.7m with a ridge height of 3.65. The design of the building incorporates two open fronted bays and a further enclosed bay to provide secure storage. Access doors will be positioned within the side elevations of the building to enable “mucking out” and to provide access to the storage part of the building.

5 Amendments

- 5.1 None

6 Planning Policy

6.1 National Policy

6.1.1 National Planning Policy Framework (NPPF)

6.2 Melton Local Plan

6.2.1 Policy SS1 Presumption in Favour of Sustainable Development

6.2.2 Policy SS2 Development Strategy

6.2.3 Policy EC2 Employment Growth in Rural Areas (Outside Melton Mowbray)

6.2.4 Policy D1 Raising the Standard of Design

6.2.5 Policy IN2 Transport, Accessibility and Parking

6.2.6 Policy EN1 Landscaping

6.2.7 Policy EN11 Minimising the Risk of Flooding

6.3 Neighbourhood Plan

6.3.1 There is no neighbourhood plan relevant to the site.

7 Consultation Responses

7.1 Summary of Technical Consultation Responses

7.1.1 LCC Highways

a) The Local Highways Authority refers to current standing advice.

7.1.2 Lead Local Flood Authority

a) Refer to Standing advice

7.1.3 Environment Agency

The development falls within flood zone 1 and therefore the EA have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

7.2 Summary of Representations

7.2.1 **Ward Member(s)**

a) No response received.

7.2.2 **Parish Council**

a) Concern raised with regards to the rain water run off and farm yard manure pollution to the watercourse and land drainage plan. The applicant states they want to eject surface water into a nearby watercourse, the LPA attention is drawn to the LLFA Standing Advice which states:

"7. Standing Advice – Drainage and Waste Disposal

Where a drainage or waste disposal system is to be constructed or altered that is not proposed to be adopted by either the

WASC (Water and Sewerage Company) or the County Council as highway authority then the system should be constructed in accordance with Part H of Building Regulations 2010.

Standing Advice – Overland flow routes

Overland flow routes as shown on the update map for surface water should be considered such that buildings are not placed directly at risk of surface water flooding. Such flow routes should be utilised for roads and green infrastructure".

I do not want to stifle development of agricultural applications, but I feel that with the problems that we have in this area around Twyford, this application should be looked at in greater depth and more information should be supplied as to the flow of surface water and how it can be reduced when going onto the flood plain.

- b) LLFA Standing Advice, 2. Standing Advice – Consent states "If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This legislation is separate from the planning process". It then goes on to state "No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice". The disposal of surface water from the roof requires further clarification.

7.2.3 Neighbours

- a) No comments received

7.2.4 LCC Highways

The Highways Authority refer the Local Planning Authority to current Standing Advice. The site has an existing agricultural access to the site which is to remain unchanged. The proposal does not change or intensify the use at the site which is to remain in agricultural use.

7.2.5 LLFA

The site is located within Flood Zone 1. The LLFA refers the LPA to Standing Advice. The development is considered a minor development and therefore a FRA is not required for this application. Information has been provided by the Applicant to demonstrate the existing land drainage system and how the proposal will connect to the drainage system.

7.2.6 Environment Agency

The development falls within Flood Zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency. If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response.

7.3 Response to Consultations and Representations

The Parish Council comments received in response to the statutory consultation process are material planning considerations and relate to the area in which the proposed development is located in relation to being located within a Flood Zone Area and the potential for an increase in surface water flooding. The applicant has provided additional clarification in this regard in respect of the how the run off from the building will be managed.

8 Planning Analysis

8.1 Main Considerations

8.1.1 The main considerations in determining this application are as follows:

8.1.2 Principle of Development

8.1.3 Design and Impact upon the Character of the Area

8.1.4 Flooding and Drainage

8.1.5 Neighbour Amenity

8.2 Principle of Development

8.2.1 The Development Strategy for the Borough is set out in Policy SS2 of the Melton Local Plan. The policy identifies that within the open countryside outside of the settlements identified as Service Centres, and those villages identified as Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside.

8.2.2 The application relates to the construction of an agricultural building, within a rural agricultural setting, to provide winter and summer shelter for the applicant's flock of sheep which currently graze the land. The development is therefore considered to be both appropriate and necessary in this location. The development is small scale and would be set back into the site by 25 metres. The current access and parking at the site would remain unchanged and given the proposed use of the building it is considered there would be no intensification of vehicular movement to and from the site.

8.2.3 Local Plan policy EC2 provides support for rural employment proposals which create or safeguard jobs. It sets out certain types of rural employment development as acceptable and includes:

- development that helps to support the viability and retention of the farm holding
- the development being of an appropriate scale for its location
- having sufficient accessible off road parking provided on site to cater for the use proposed

8.2.4 The principle of development is therefore considered acceptable and the proposed development would be compliant with Policies SS2 and EC2 of the Melton Local Plan.

8.3 Design and Impact upon the Character of the Area

8.3.1 Policy D1 of the Melton Local Plan seeks to ensure that the siting and layout of new development must be sympathetic to the character of the area and that buildings and development should be designed to reflect the wider context of the local area.

8.3.2 The proposed shelter with secure store would be a timber framed building of limited scale in terms of agricultural buildings with a floor area of 100 square meters. The design and materials are considered to represent an agricultural field shelter and is considered acceptable in terms of general design.

8.3.3 Policy EN1 of the Melton Local Plan states that the character and landscape of the countryside will be conserved, and where possible, be enhanced by ensuring new development is sensitive to its setting, and proposals will be supported where they do not have an unacceptable adverse effect upon important landscape features including important views, approaches and settings.

- 8.3.4 The site is located within open countryside where there is limited built form. The development has an established agricultural access which is to remain unaltered.
- 8.3.5 To each boundary of the site is established hedgerow which provides a level of screening to the site. The land level falls away north to south slightly from the level of the highway. The limited scale of the proposal and its position 25m into the site from the adjacent highway is considered to result in an acceptable form of development in this regard.

8.4 Flooding and Drainage

- 8.4.1 The development is located within Flood Zone 1 as such the Lead Local Flood Authority refer the Local Planning Authority to Standing Advice for minor developments.
- 8.4.2 Concerns regarding the potential for increasing surface water flooding at the site have been raised by the Parish Council. The site is located wholly outside the surface water flooding area on the Environment Agency mapping system, and therefore it is not considered that the proposal presents an additional risk to this or other properties in respect of surface water flooding.
- 8.4.3 The applicant has provided details of the position of land drains installed across the paddock (Autumn 2000) and details as to how the run off from the building is to connect to the existing land drains within the site. The level of detail provided is considered commensurate with the level of development that is being proposed.
- 8.4.4 The site is located in a Flood Zone 1 and is considered minor development. The concerns of the Parish Council are noted however, the site is located in Flood Zone 1 and as a result the LLFA and EA raise no concerns. The drainage proposals as submitted by the applicant are considered suitable for the type and scale of development that is being proposed. Details of the run off of water from the development to the existing land drainage on site can be secured by condition and as such is not considered to raise any substantial concerns in respect of drainage matters to justify refusal of the application.

8.5 Impact on residential amenity

- 8.5.1 The closest neighbour to the site is in the region of 200m away from the location of the proposed building and is a farmhouse. It is not considered that the agricultural use, as existing and proposed, would result in an unacceptable loss of privacy or amenity to any neighbouring dwelling and as such the proposal is considered policy compliant with Policy D1 of the Local Plan which seeks to ensure that neighbouring amenity is not compromised by development.

9 Conclusion & Reason for Recommendation

- 9.1 The application is recommended for approval, subject to the conditions recommended at section 10 of this report.
- 9.2 The proposal accords with the requirements of Policies SS1, SS2 and EC2 which seek to restrict development within the countryside to that which is necessary. The site is an existing agricultural unit and the proposal is considered consistent with the existing use at the site.
- 9.3 The barn is required for animal husbandry and for the secure storage of agricultural equipment and feed associated with the current use of the land. As such the siting and design of the building are considered to meet these functional needs. The proposed materials are fairly typical for a field shelter and are in accordance with Policy D1 of the Melton Local Plan.

- 9.4 Given the use of the site and the limited scale of the proposal, the development is considered appropriate within the landscape character of the area and is compliant with Policy EN1 of the Local Plan.
- 9.5 The proposal is situated within Flood Zone 1 and is classified as a minor development. Drainage exists at the site and the proposal sets out how the water run off from the building will be discharged into the existing land drains within the site. The detail relating to drainage at the site has been confirmed by the applicant and the proposed development will be conditioned to be carried out in accordance with the submitted detail.

10 Planning Conditions

- 10.1 The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S.51 of the Planning and Compulsory Purchase Act 2004.

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

- Amendment to Original Planning Application Document 14.02.2024
- Proposed Plans submitted to and received by the Local Planning Authority 14.02.2024
- Design and Access Statement dated 05.12.2023
- Additional Planning Statement dated 15.04.2024
- Response to concerns regarding rain water run off and farm yard manure pollution to watercourse and land dated 18.03.2024

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

The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application form and the Design and Access Statement submitted in support of the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details

Reason: To ensure a satisfactory standard of external appearance and to accord with the requirements of Policies D1 and EN1 of the Melton Local Plan 2016-2023

11 Informatives

If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This legislation is separate from the planning process.

Guidance on this process and a sample application form can be found via the following website:

<http://www.leicestershire.gov.uk/Flood-risk-management>

No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

Where a drainage or waste disposal system is to be constructed or altered that is not proposed to be adopted by either the WASC (Water and Sewerage Company) or the County Council as highway authority then the system should be constructed in accordance with Part H of Building Regulations 2010.

- 11.1 To prevent an increase in the discharge rate or volume due to development of external surfaces, permeable surface material should be utilised where possible, without an impermeable lining unless required to prevent mobilisation of contaminants or groundwater flooding.

Note: Response provided by the Lead Local Flood Authority under the delegated authority of the Director of Environment and Transport.

12 Financial Implications

- 12.1 N/A

Financial Implications reviewed by: N/A

13 Legal and Governance Implications

- 13.1 N/A

Legal Implications reviewed by: Tom Pickwell (Deputy Monitoring Officer)

14 Background Papers

- 14.1 N/A

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Planning Committee

14 May 2024

Report of: Assistant Director for Planning

14/00777/OUT Waltham on the Wolds

Proposal: Deed of Variation to Section 106 Agreement

Site: Land behind 38 – 48 High Street Waltham on the Wolds

Applicant: Platform Housing

Planning Officer: Louise Parker

Report Author:	Louise Parker , Planning Development Manager
Report Author Contact Details:	01664 502375 lparker@melton.gov.uk
Chief Officer Responsible:	Sarah Legge , Assistant Director for Planning
Chief Officer Contact Details:	01664 502418 slegge@melton.gov.uk

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Richard Sharp (Waltham on the Wolds)
Date of consultation with Ward Member(s):	21 December 2023
Exempt Information:	No

Reason for Committee Determination:

The Director for Growth and Regeneration considers this application as likely to raise matters which should be referred to the Committee.

Web Link:

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NCPKGYKO0F200>

What 3 words:

<https://what3words.com/intruding.creamed.definite>

RECOMMENDATION(S)

It is recommended that the request for a Deed of Variation is **AGREED in full**:

- Tenure mix agreed in full
- Nomination provision agreed in full
- Removal of local connection for Rent to Buy and Shared Ownership units agreed in full
- Mortgage clause agreed in full

1 Executive Summary



- 1.1 The purpose of this report is to consider proposed amendments to the Section 106 Agreement associated with planning decision 14/00777/OUT that have been requested by the applicant.
- 1.2 The request is made for adjustments to schedule 5 of the existing agreement such that the site is now made up of 100% affordable housing, the proposed mix being:
- 4 x Affordable Rent (as per S106 Agreement)
 - 20 Rent to Buy
 - 2 Shared Ownership (as per S106 Agreement)
- 1.3 In order to support the new proposed tenure mix, the variation to the Section 106 would include the following:
- Amendment of tenure mix from current 4 Affordable Rent Units and 2 Shared Ownership Units to the proposed 100% affordable housing mix as set out above.
 - Removal of 'Local Connection' and 'nomination requirements' on the Rent to Buy and Shared Ownership units.

- Amendments to the current 'Mortgage Clause' so that it is in the NHF standard form.
- 1.4 It should be noted that this is not a planning application but rather a request for the Council to make a decision to vary the S106. Whilst material planning considerations and policies will obviously form the crux of any decision, general reasonableness should also be considered in the same way that it must for any Council decision.
- 1.5 Planning Permission was granted in 2016 for residential development of 26 Units (14/00777/FUL) with an associated S106 that included provision for 6 affordable housing units, specified within that application in terms of the relevant plot numbers 14-19 and the tenures proposed (4 x affordable rent and 2 x shared ownership properties).

Main Report

2 Proposal

- 2.1 Planning application 14/00777/OUT was approved at the Planning Committee meeting of 18th February 2016, subject to the completion of a Section 106 Agreement (S106) to provide affordable housing. Detailed within the S106 Agreement is a maximum of 6 (six) Affordable Dwellings specified as discount market rent and shared ownership ('intermediate') and which is to be provide to an eligible household comprising or including a 'Qualifying Person' (a person in need of affordable housing) whose housing needs are not met by the market.
- 2.2 The agreement also sets out a local connection criterion for all types of affordable housing on a 'cascade' basis comprising:
- Those resident in Waltham
 - Those recently resident in Waltham or with strong connection
 - Adjacent Parishes
 - Wider Melton Rural Area (n.b. expressly excluding Melton Mowbray town).
- 2.3 The proposal is to vary the approved Section 106 Agreement, with the variation solely relating to the affordable housing element. The proposal does not amend any of the details secured through other planning applications or notifications which relate to the built form and design of the dwellings.

3 Amendments

- 3.1 A previous request from the developers, Platform Housing Group (The Applicant) who have acquired the site from the original applicants, was made on 1 April 2021 proposing a Deed of Variation to the S106 for all of the properties to be affordable homes, of various tenures. This request was rejected by the planning committee, with an instruction to continue discussions with a view to achieving a mutually acceptable solution.
- 3.2 Numerous exchanges took place and a series of meetings were held exploring the distance between the developer's aspirations and those of the Parish Council.
- 3.3 Platform Housing Group approached the Council with a legal opinion that the S106 does not control the tenancy arrangements beyond the 6 units specifically referenced in the existing S106. Other legal opinions have reached alternative conclusions, and it is a

common view that resorting to legal proceedings to secure resolution of this matter is highly undesirable: a negotiated solution would be far preferable.

- 3.4 Further meetings took place with both Platform Housing and the Parish Council. A request was made to Platform to consider (in the light of Parish Council opposition to the high proportion of affordable housing), whether there is a level (above the 6 units which is established by the original s106 agreement) they would agree meets their expectations – recognising that this involves a compromise and departure from the Parish Council’s firmly held preference that it should remain at 6.
- 3.5 From this dialogue Platform Housing Group advised that having given further consideration to the proposed numbers and mix they could include 5 homes to be provided as outright sale homes with the balance (21) being provided as affordable homes. This amendment was prepared for the Planning Committee meeting of 26 May 2022.
- 3.6 However, Platform Housing Group later confirmed that they could not agree to anything which required the additional affordable housing units to be affordable housing or which required them to be used for a particular tenure (which may be contrary to grant requirement) if a S106 agreement requires units to be used in a way which is effectively affordable housing.
- 3.7 Platform also stated that it is a requirement that any units which Platform elect to use for social housing are not bound by any local connection or nomination requirements as this would make them ineligible for grant funding. Subsequently the item was withdrawn from the 26 May 2022 Planning Committee.
- 3.8 Since that time officers have worked to try and negotiate between the requirements of Platform Housing Group and the wishes of the Parish Council and the community. However the tenure mix proposed is the final offer from Platform Housing Group and there is no further opportunity to make any amendments to this request, therefore a decision must be taken on the submitted information as outlined in Section 1.2.

4 Planning Policy

4.1 National Policy

4.1.1 National Planning Policy Framework 2023

4.2 Melton Local Plan

4.2.1 Policy C4 Affordable Housing Provision

4.3 Neighbourhood Plan

4.3.1 Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan

4.3.2 Policy H2: Housing Mix

4.3.3 Policy H3: Affordable Housing Provision

4.4 Other

4.4.1 Affordable Housing and Housing Mix SPD (July 2019)

5 Consultation Responses

5.1 Summary of Technical Consultation Responses

5.1.1 MBC Housing Policy Officer

5.1.2 The proposed 20 Rent to Buy dwellings are additional to the required affordable housing, as per the S.106 agreement. Platform Housing Association are able to apply for Homes England funding on these additional dwellings. However, to be able to receive this, they are informed by Homes England that there cannot be any local connection or nomination requirements placed on these 20 affordable housing dwellings, regardless of the tenure.

5.1.3 Platform have stated previously though that they will, where possible, sell the properties to households with a local connection. This is likely to be households with a local connection to the whole borough of Melton rather than specifically to Waltham Parish. The number of households looking to purchase through Rent to Buy within the parish is likely to be limited.

5.1.4 Rent to Buy is an affordable home ownership product, as set out in the NPPF Annex 2: Glossary (d). The properties are let on an initial 5 year fixed term tenancy. After this period of time, Platform, as stated in their letter, could sell the properties on an outright basis with the occupier being given right of first refusal. A shared ownership purchase may be permitted if the occupier is unable to afford to purchase through an outright sale.

5.1.5 Platform is committed to ensuring that every Rent to Buy customer is best placed after 5 years to purchase their home either as Shared Ownership or outright. Customer circumstances will be monitored and assessed by Platform on a yearly basis throughout the five-year term. At the end of the year 4 annual review and if it looks like the occupiers are unable to purchase the property at the end of 5 years, Platform issue a 6 month notice to end the tenancy, 6 months before the 5 years expires. This allows the customer 6 months to find alternative accommodation. Platform support occupiers through this process and into a more long-term sustainable housing solution or, in some cases, offer the ability to rent at 100% market rent for a further year.

5.1.6 The Council holds a register of households interested in Shared Ownership in the Borough. There are currently 61 households (data held by the Council, as at December 2023). However, some of these households may not be in a financial position to purchase this tenure and it is unknown who would be interested in purchasing in Waltham on the Wolds. The circumstances of the households interested in Shared Ownership will be similar to those interested in Rent to Buy, as they are both affordable home ownership products.

5.1.7 Rent to Buy is not as well known as Shared Ownership and so it may be difficult to sell 20 dwellings of this tenure in this location, especially to people who live or work locally or have family in the area.

5.1.8 The rent for Rent to Buy is at an 'affordable rent' which is 20% below the market rent. In Waltham, this is likely to be a high rent even with the discount of 20% applied. Rent to Buy can be advantageous for some households as it allows for a smaller 'step' to be taken on to the home ownership ladder. However, with rent at 80% of market rent, it may not be possible for households to save up for the deposit required to purchase the properties as Rent to Buy at the end of the 5 year period.

5.1.9 In the letter received from Platform, it states that the S106 agreement would need to be varied to amend the tenure mix from the current 4 x Affordable Rent dwellings and 2 x Shared Ownership dwellings to the 100% affordable housing mix, as set out in the letter. However, if this was to happen, it would mean that Platform would not be able to receive

Homes England grant funding on the additional affordable housing dwellings, as they cannot be cited in the S106 Agreement.

5.1.10 For the reasons stated above, I recommend the 20 dwellings to be split as follows:

- 10 x Rent to Buy
- 10 x Shared Ownership

5.1.11 Please note that also for Shared Ownership, where Homes England grant funding is sought, and eligibility criteria applies in that a local connection criteria cannot be applied.

5.1.12 For the proposed 2 Shared Ownership dwellings required as part of the S.106 agreement, Homes England grant funding cannot be sought for these and so the local connection criteria does need to apply.

5.2 **Summary of Representations**

5.2.1 **Ward Member(s)**

No comments received

5.2.2 **Parish Council January 2024**

5.2.3 The Parish Council strongly object to the application to amend the application to 100% affordable. Although the PC would prefer to uphold the S106, they are prepared to compromise to increase the affordable homes to a maximum of 9 (in line with Policy C4 of the Adopted Local Melton Plan @32.4 %). This reiterates the decision stated in 3.3.11 of the MBC Planning Committee report dated 26th May 2022.

5.2.4 The Parish Council strongly objects to the removal of the local connection. PHG have stated that their reason for removing the restrictive local connection clause is to be able to claim full funding and that this restriction hampers their ability to utilise the value of development to raise funds for further projects, which in turn will affect their overall development 'pipeline'. In the eyes of the Parish Council, this is not for the benefit of supporting the sustainability and community of the location, but forces on monetary gain only.

5.2.5 Local connection criteria are in place to ensure households who live in the parish and neighbouring parishes can remain close to their existing community. MBC's Planning Committee in their Planning Committee report 26th May reported not to agree to the removal of the local connection for shared ownership units, but that it should be amended to include the provision of Melton town within the cascade. In addition, the report states that these local connection cascades have been applied to most sites in the villages of the Borough and it would be extremely unusual to lift these requirements.

5.2.6 The Parish Council has no issue with the final point with reference to the current mortgage clause bringing it into line with the NHF standard.

5.2.7 **Neighbours**

None received

5.3 **Response to Consultations and Representations**

5.3.1 The consultation responses are all discussed within the relevant sections of this report.

6 Planning Analysis

6.1 Main Considerations

6.1.1 Planning Policy

6.1.2 Removal of the limit of 6 to allow provision of 21 of Affordable Homes

6.1.3 Proposed (new) Tenure Mix;

6.1.4 Removal of nomination rights in perpetuity.

6.1.5 Removal of local connection criteria for the Rent to Buy and shared ownership units

6.1.6 Options considered

6.2 Planning Policy

6.2.1 Policy C4 of the Adopted Local Plan relates to affordable housing provision and identifies minimum percentages of affordable housing across the Borough varied to reflect the different types of neighbourhood and values that exist. In Value Area 2, in which Waltham is located, the Local Plan requires 32% affordable housing of various tenures on all sites of 11 or more units (and/or where the floor space exceeds 1000m²). It should be noted that the planning application was determined some time before the current Local Plan was adopted and the Neighbourhood Plan was made, and that the figure of 6 affordable units included in the associated Section 106 Agreement was based on a viability case provided at that time.

6.2.2 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.

6.2.3 Neighbourhood Plan Policies require;

- H2 – New developments should include a mixture of housing types to meet locally identified needs. Dwellings of 3 bedrooms or fewer and single storey accommodation suitable for older people will be supported.
- H3 – The provision of affordable housing for people with a local connection will be supported. Development should be 'tenure blind'.
- Policy H3 is introduced in the NP as follows:
- "Consultation has demonstrated broad support for affordable units to be provided for those individuals in housing need who have a local connection so that local need is prioritised. Similarly, the provision of Starter Homes or Shared Ownership Homes will be supported to help achieve a balanced community. The Neighbourhood Plan supports the provision of more affordable housing within the Waltham on the Wolds and Thorpe Arnold Parish"

6.3 Removal of the limit of 6 to allow the provision of 21 Affordable Homes

6.3.1 The total number of dwellings for this development is 26. The developer seeks to vary the limit from 6 to rise to 26, it is unclear as to why a maximum number was imposed in the original Section 106 Agreement, it is usual practice to include a minimum requirement rather than a maximum number, due to the benefits brought by Affordable Housing in general.

- 6.3.2 It is considered that this change has general merit in generating affordable housing at a level not anticipated from this site and in excess of the minimum requirements of Local Planning Policy. Affordable Housing can be difficult to secure and the Local Plan acknowledges that its provisions do not fully satisfy anticipated needs. 'Windfall' provision such as this proposal contribute towards closing that imbalance but it should be noted a significant deficit still remains across the Borough.
- 6.3.3 Policy H3 of the Neighbourhood Plan is introduced with the explanation that "Consultation has demonstrated broad support for affordable units to be provided for those individuals in housing need who have a local connection so that local need is prioritised. Similarly, the provision of Starter Homes or Shared Ownership Homes will be supported to help achieve a balanced community. The Neighbourhood Plan supports the provision of more affordable housing within the Waltham on the Wolds and Thorpe Arnold Parish".
- 6.3.4 Policy H3 makes no reference to the quantity, proportion or any limit to which its support is directed. It is notable that the Policy was adopted after affordable housing was secured on the sites on Melton Road, and is therefore unclear what other opportunities were anticipated for the additional ('more') affordable housing it refers to if not this site.
- 6.3.5 The level of affordable housing being provided nationwide has reduced over the years and Melton is not alone in the challenges that are put forward regarding viability and reduced numbers of Affordable Housing.
- 6.3.6 Whilst it is acknowledged that there is community concern regarding the increased level of affordable housing, this is a positive to the Borough as a whole.

6.4 **Proposed (new) Tenure Mix;**

6.4.1 The proposed tenure mix is

- 4 x Affordable Rent (as per S106 Agreement)
- 20 Rent to Buy
- 2 Shared Ownership (as per S106 Agreement)

6.4.2 The NPPF describes the need to develop mixed and balanced communities (para 64), the NPPF further describes the requirement for affordable housing at paragraph 66 where there is an expectation of at least 10% of the total number of homes to be available for affordable home ownership. Exemptions to this 10% are allowed and one such example is where the site is exclusively for affordable housing.

The proposed mix of affordable housing would meet a range of needs. A revision was requested from the Housing Policy Officer for a mix of 10 x Rent to buy and 10 x Shared Ownership, however Platform rejected this proposal and stated that "this decision is based on the financial viability of the scheme and shared ownership no longer being feasible for Platform".

6.4.3 Platform have also stated that Rent to Buy has proven popular for the development demonstrated higher demand. They have had just over 140 enquiries for Rent to Buy at Waltham.

6.4.4 Again, it is fully acknowledged that this tenure mix is not optimal, however when considering both the need and provision of affordable housing within the Borough as a whole this additionally is a positive in securing much needed affordable housing. In the opinion of

officers this carries significant weight against the desirability for either a different tenure mix or a local connection cascade.

6.5 Removal of nomination rights in perpetuity

- 6.5.1 The proposed mortgage clauses are the NHF standard form and are not unusual in S106 cases. They are applicable in the event of financial failure of the Registered Provider to allow administrators to sell the properties and include provision that an alternative Registered Provider must be sought initially (then a wider approach to disposal if this is not achieved).
- 6.5.2 The existing S106 makes a provision that is similar in principle, i.e. that a mortgagee would be exempt from the terms of the agreement subject to following a defined procedure of notification of the Council, seeking to dispose to an alternative Registered Provider or the Council itself before proceeding to sale.
- 6.5.3 It is not considered that the difference in the provisions as existing and proposed are prejudicial to the purpose of the wider document and are acceptable to the Local Planning Authority.

6.6 Removal of local connection criteria for the Rent to Buy and shared ownership units

- 6.6.1 Page 21 and 22 of the Section 106 agreement sets out the Local Connection criteria. In summary priority is given to households who have a local or strong connection to Waltham; then to neighbouring parishes (and states which); then someone who resides in the Borough of Melton.
- 6.6.2 Homes England Rent to buy eligibility criteria – 1.4.1: Rent to Buy homes are not subject to local authority nominations although landlords may choose to work with the local authority to identify potential tenants. There are no local or other prioritisation criteria to be applied to the Rent to buy product, other than on rural exception site.
- 6.6.3 Homes England Shared Ownership eligibility criteria – 3.2.1: in 2016, the Government removed all priority groups for assistance where there is an under-supply of Shared Ownership homes. Homes should be available on a first come, first served basis to Shared Ownership applicants providing that they meet the relevant eligibility and affordability criteria. The exception is when Armed Forces personnel apply, and in circumstances of under supply, priority must continue to go to serving military personnel and former members of the British Armed Forces discharged in the last 2 years.
- 6.6.4 Whilst it is always preferable to secure affordable housing initially for the location to which it is being proposed, there are occasions such as this where that is not possible. Home England Funding is a national scheme and is the government's housing accelerator to provide assistance for those whose needs are not met by the market. The provision of affordable housing is a key element of the government's plan to end the housing crisis, tackle homelessness and provide aspiring homeowners with a step onto the housing ladder.
- 6.6.5 When taking all of the above into consideration, whilst this proposal is not ideal, it does provide additional affordable housing, which must be given significant weight against some of its shortcomings that have been expressed by the community.

6.7 Options considered

- 6.7.1 Platform Housing Group maintain the view that they are free to proceed on whatever basis they choose, save for the limitations of the tenure and letting (local connection) of the 6 dwellings addressed by the original S106.
- 6.7.2 Should they proceed on this basis – at their own risk – the Council’s ability to respond would be restricted to litigation through the Courts (application for injunction to enforce the terms of S106). Pursuit of such a case would take into account not only the legal basis for argument (i.e. interpretation of the application of the S106 as a maximum of 6 affordable houses), but also the public interest objectives in imposing the restrictions if they are shown to apply.
- 6.7.3 The adjudication of these matters would lie with the Court and there can be no certainty that action of this nature would be successful.

7 Conclusion and Reason for Recommendation

- 7.1 The Borough has an acknowledged, evidence-based deficiency of affordable housing and it is a corporate priority to secure and deliver affordable housing to address this shortfall. The Housing and Economic Development Needs Assessment (HEDNA) of 2017 identified affordable housing need across Melton Borough of 70 dwellings per annum (equating to 1,750 over the Local Plan Period).
- 7.2 Planning Policies such as Policy C4 of the Melton Local Plan and Policy H3 of the Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan and all other S106 agreements present Affordable Housing percentages as a minimum requirement, without fettering the ability for higher proportions to be secured where opportunity arises. Ultimately, there is no power available to the Council within the planning system or elsewhere, that would prevent a property owner letting or selling their property as affordable housing.
- 7.3 The proposed tenure mix would result in the delivery of affordable housing of various types that would address a range of needs.
- 7.4 Whilst the removal of a Local Connection Cascade and Nomination is regrettable, the applicant has tried over the last 2 years to resolve this issue, however given that the site is funded by Homes England there is not an opportunity to secure this mechanism due to exemption in accordance with the Homes England Capital Funding Guide.
- 7.5 The proposed housing mix, whilst not optimal, will create a development that will provide first time buyers and households in housing need with the ability to both rent and buy properties, which is seen as a benefit to Melton Borough as a whole and in line with the objective of securing and delivering affordable housing.

8 Planning Conditions

- 8.1 The proposal is to vary the Section 106 agreement only, there are no associated Planning Conditions for this request.

9 Financial Implications

- 9.1 N/A

Financial Implications reviewed by: N/A

10 Legal and Governance Implications

- 10.1

Legal Implications reviewed by: Tom Pickwell (Solicitor)

11 Background Papers

11.1 N/A

12 Appendices

12.1 N/A

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