



*Rural Capital of Food*

# Agenda

|                          |  |
|--------------------------|--|
| <b>Meeting name</b>      | <b>Planning Committee</b>  |
| <b>Date</b>              | <b>Thursday, 26 July 2018</b>  |
| <b>Start time</b>        | <b>6.00 pm</b>   |
| <b>Venue</b>             | <b>Parkside, Station Approach, Burton Street,<br/>Melton Mowbray, Leicestershire, LE13 1GH</b> |
| <b>Other information</b> | <b>This meeting is open to the public</b>  |

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

**Edd de Coverly**  
Chief Executive

## Membership

|                    |                        |                         |
|--------------------|------------------------|-------------------------|
| <b>Councillors</b> | J. Illingworth (Chair) | P. Posnett (Vice-Chair) |
|                    | P. Baguley             | T. Bains                |
|                    | G. Botterill           | P. Cumbers              |
|                    | P. Faulkner            | M. Glancy               |
|                    | T. Greenow             | E. Holmes               |
|                    | B. Rhodes              |                         |

**Quorum:** 4 Councillors

|                          |  |
|--------------------------|--|
| <b>Meeting enquiries</b> | Development Control                      |
| <b>Email</b>             | externaldevelopmentcontrol@melton.gov.uk |
| <b>Agenda despatched</b> | Wednesday, 18 July 2018                  |

| No.  | Item  | Page No. |
|------|---|----------|
| 1.   | <b>APOLOGIES FOR ABSENCE</b>  |          |
| 2.   | <b>MINUTES</b><br>To confirm the minutes of the previous meeting.   | 1 - 10   |
| 3.   | <b>DECLARATIONS OF INTEREST</b><br>Members to declare any interest as appropriate in respect of items to be considered at this meeting.   | 11 - 12  |
| 4.   | <b>SCHEDULE OF APPLICATIONS</b>   |          |
| 4 .1 | <b>17/01346/FUL</b><br>Bottesford Filling Station, Grantham Road, Bottesford  | 13 - 34  |
| 4 .2 | <b>18/00145/OUT</b><br>Land North of Pasture Lane, Gaddesby   | 35 - 58  |
| 4 .3 | <b>18/00519/FUL</b><br>4 Vulcan Close, Melton Mowbray   | 59 - 62  |
| 5.   | <b>16/00157/OUT OLD DALBY UPDATE REPORT</b><br>Report of the Development Manager<br>Update Report 16/00157/OUT: Residential development of up to 25 dwellings; Land adjacent the Woodlands, Station Road, Old Dalby | 63 - 68  |
| 6.   | <b>URGENT BUSINESS</b><br>To consider any other items that the Chair considers urgent   |          |
|      | <b>SITE VISIT INSPECTION SCHEDULE 23.07.2018</b>  | 69 - 70  |

# Minutes

|                     |  |
|---------------------|--|
| <b>Meeting name</b> | <b>Planning Committee</b>  |
| <b>Date</b>         | <b>Thursday, 5 July 2018</b>   |
| <b>Start time</b>   | <b>6.00 pm</b>   |
| <b>Venue</b>        | <b>Parkside, Station Approach, Burton Street,<br/>Melton Mowbray, Leicestershire, LE13 1GH</b> |

## Present:

**Chair** Councillor J. Illingworth (Chair)

**Councillors**

|                         |            |
|-------------------------|------------|
| P. Posnett (Vice-Chair) | P. Baguley |
| G. Botterill            | P. Cumbers |
| P. Faulkner             | M. Glancy  |
| T. Greenow              | B. Rhodes  |

## **Observers**

**Officers**

- Solicitor To The Council (RP)
- Development Manager (LP)
- Administrative Assistant (JD)
- Administrative Assistant (AS)

| <b>Minute No.</b> | <b>Minute</b>   |
|-------------------|---|
| PL15              | <p><b>Apologies for Absence</b><br/>Cllr Holmes and Cllr Bains sent their apologies.</p>  |
| PL16              | <p><b>Minutes</b><br/>Minutes of the meeting held on 14th June 2018</p> <p>The Chair requested amendments on behalf of Cllr Higgins who had been present as a substitute at the previous meeting. Amendments requested as follows:</p> <ul style="list-style-type: none"> <li>• 17/01577/OUT, The Old Clay Pit, Grantham Road, Bottesford. – The developer was asked if they were committed to delivering 32% affordable housing. They confirmed that they were. It was not an informal chat.</li> <li>• 16/00615/OUT, Field No 4564, Burrough Road, Somerby – Page 14 The Ward Cllr stated - If the scheme was reduced to 10, there were no guarantees to secure any affordable housing or s106 commitments for the village. Therefore no identified benefits.</li> <li>• 17/01500/OUT, Field 4100, Lake Terrace, Melton Mowbray – Clarification of condition for the decision, regarding £813,382 towards strategic road improvements. Conditions should read: 36 affordable homes and 2/3 bed properties <u>must</u> be secure. The ecological enhancement should be conditioned. The contribution towards the distributor road should be invested in to Lake Terrace and not just the bypass.</li> </ul> <p>The Chair asked if Members agreed that this is what was said. They confirmed they did.</p> <p>Approval of the minutes, subject to the above amendments, was proposed by Cllr Posnett and seconded by Cllr Greenow. It was unanimously agreed, by the members who were present at the previous meeting, that the Chair sign them as a true record.</p> |
| PL17              | <p><b>Declarations of Interest</b><br/>Cllr Rhodes and Cllr Posnett noted that they are both also Members of LCC and may have had input in to some of the items being discussed whilst in their role as a County Cllr.</p> <p>Cllr Greenow declared an interest in application 18/00531/OUT, Land off Craven Street, Melton Mowbray, due to direct contact with residents of Craven Street, which could be a perceived bias.</p> <p>Cllr Posnett declared an interest in application 18/00407/FUL, Gates Nurseries And Garden Centre, Somerby Road, Cold Overton, due to family members being employed at Gates.</p>  |

**Applicant: Mrs Bryan****Location: Westbury, Hose Lane, Long Clawson****Proposal: Link extension to connect garage to house and new stair access to first floor attic bedroom**

- (a) The Development Manager stated that: This application is a householder application that seeks permission for the addition of a link extension to join the existing double garage and residential dwelling. The link measures 5 metres in length and 7 metres in width with a height to match the existing garage.

The link would provide an entrance hall and dining room to ground floor and a landing to the first floor which would provide access to two bedrooms.

The proposal is presented to you as a member call in request, there are no updates to the report and the application is recommended for approval as per the officer report.

- (b) Elizabeth Swain, agent on behalf of the applicant, was invited to speak and stated that: the agent and applicant had been working with the officer for sometime on the application and there had been no issues until a neighbour objection has been received. There was a previous application for a garage to the side which had been built and there were no issues. The family has increased in numbers hence the need for the additional space. It has been designed to be subservient to the original building and the materials chosen to give a lightweight finish. The proposed extension is also stepped back on the front and back to ensure subservience. It will provide additional living space and easier access to the accommodation upstairs in the loft space.

A Member noted that the previous application was in 2003 and had not been executed in the way it was approved. The current application is trying to regularise what has been done before. It looks odd and there are outstanding problems. How does it fit in to produce a coherent property? It is currently a shell of a building. The planning conditions were not complied with previously so how do we know they will be this time?

Elizabeth Swain responded that it would be down to planning enforcement should they not comply. The previous application had gone past the 10 year time limit so not enforcement action could be taken now. It had not been fully completed however if this application was approved it would be completed and help this extension work with the existing house.

A Member noted that the floor level of the garage is 2 feet below what is required and a car wouldn't be able to drive in to it

Elizabeth Swain explained that it is still a garage space and that the landscaping and driveway is not complete. When they are completed it would bring it up to the correct level.

The Chair noted that condition 4 stated that the garage was not to be used as anything other than a garage.

A Member felt that this still doesn't regularise the garage issue.

A Member asked for clarification with regards to why they have chosen a zinc roof and the ridge heights.

Elizabeth Swain explained that it is to reduce the mass of the building as it sets it down a little bit. The zinc roof is to break up the building and mass of material.

The Development Manager advised Members that no enforcement action could be taken on the garage as it has been built for more than 10 years. The use of the garage has not changed as it is not complete.

A Member suggested a clause that officers have to visit the site to ensure that this application is constructed within the planning conditions advised.

The Chair reminded Members that they can't force someone to complete construction but that if they start using it for something other than agreed they can. We can't condition that planning officers visit building to check they comply but this should be picked up by building regulations or if someone should complain it would be looked at by enforcement.

Members raised concerns regarding the use of zinc for the roof and felt there could be a better match and asked if the materials could be conditioned.

The Development Manager advised that they can't impose their architectural views but if members felt it appropriate they could amend the conditions to request samples of the materials. The different material has been chosen to show the break up and make it more visually pleasing.

**Cllr Greenow proposed to permit** the application and added that he was also concerned regarding the material but it makes sense.

**Cllr Posnett seconded** the proposal and added that it will make a home complete and be of more use to the people who live in it. There will be no impact on neighbours.

A vote was taken and the Members voted unanimously to permit.

**Determination: PERMIT, subject to the conditions as set out in the report.**

**Reason: The proposal would create a small link between the bungalow and**

the garage. Its design is suitable for the dwelling and would be an appropriately scaled addition. The proposed development has been designed to have limited impact on adjoining properties and would reflect the character and appearance of the surrounding area. The proposal would not have an adverse impact on highway safety. Accordingly, the proposal complies with the stated policies and guidance.

PL18.2

**18/00407/FUL**

**Applicant: Mr Nigel Gates**

**Location: Gates Nurseries And Garden Centre, Somerby Road, Cold Overton**

**Proposal: Application for full permission for construction of a new retail unit (A1 use)**

(a) The Development Manager stated that: This application relates to a full planning application for the introduction of a new retail unit at gates nursery and garden centre which is an established business, the key dimensions of the proposal are 33.5 meters by 18.5 metres with a ridge height of 7 metres. The use will be as an extension to the existing buildings for increased retail use.

The application is presented to you as a departure to policy, there are no updates to the report and the application is recommended for approval as per the officer report.

(b) Maurice Fairhurst, agent on behalf of the applicant, was invited to speak and stated that:

- It is a popular rural business in the borough.
- Employs over 100 people.
- Makes an important contribution to the economy.
- Mature landscaping ensures no significant impact.
- It will be a pleasant looking building and provide an enhanced shopping experience.
- It will improve business efficiency.
- No harm to the landscape and local amenities.
- There are no objections from neighbours.
- In line with the NPPF.
- In accordance with strategic policies in the new local plan.
- No objections from highways.

A Member asked for clarification of the proposed use.

Maurice Fairhurst responded that it is for general retail use and has been assessed on that basis.

Cllr Posnett declared an interest in this application as she has relatives that work at Gates.

**Cllr Botterill proposed to permit** the application and added that it is a successful

business that brings people together as friends and family around the area use it to meet up.

**Cllr Baguley seconded** the proposal.

A Member offered their support but added that they wouldn't like to see so many additions to Gates that it becomes that big that it has an impact on the surrounding area.

The Chair reminded Members that they could assess this in the future if other applications come forward.

The Chair read out a statement from the Ward Cllr, Cllr Higgins:

I support the officer report and recommendation to permit and would see this as a good asset to the Somerby ward for enterprise and employment.

A vote was taken and the Members voted unanimously to permit.

**Determination: PERMIT, subject to the conditions as set out in the report.**

**Reason: In conclusion it is considered that, on balance of the issues, there are therefore significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of boosting the rural economy. Applying the 'test' required by the NPPF that permission should be granted unless the impacts would "significantly and demonstrably" outweigh the benefits. Taking into account the proposed retail unit would be an expansion to the existing; it is considered that permission should be approved.**

PL18.3

**18/00531/OUT**

**Applicant: Dr Ervin**

**Location: Land off Craven Street Melton Mowbray**

**Proposal: Outline application for the erection of one dwelling**

Cllr Greenow left the meeting at 6.33pm due to his declaration of interest.

(a) The Applications And Advice Manager stated that: This application seeks outline planning permission for the erection of one dwelling, the application is in outline with all matters reserved, there is therefore no detail presented for consideration solely the principle of residential development in this location, it should be noted that the submission follows a previous identical permission reference 15/00286/OUT, the reason for the submission is that the permission expired in May of this year.

The application is presented to you due to the number of representation received, representations have been considered accordingly, however given the previous approval and the nature of the submission which is outline with all matters concerned the application is recommended for



approval as per the officer report.

The Chair advised Members that more than one objector wished to speak and asked if Members would suspend standing orders to allow this. Cllr Posnett proposed to permit and Cllr Glancy seconded it. The Members voted unanimously to allow more than one objector to speak.

The Development Manager advised that she had received a number of photos from the objectors and asked if they were happy for these to be shown during both of their presentations.

(a) Dr Wood, on behalf of the objectors, was invited to speak and stated that:

- She is the owner and occupier of 52 Craven Street which is adjacent to the proposed development site.
- According to planning policy it is inappropriate development of a garden.
- There are mature shrubs and trees. Removal of these would have an impact on aesthetics and wildlife.
- Prevent infill development in the Sandy Lane area.
- There are no details with it being an outline application. The impact on boundaries is unknown.
- It would overshadow our kitchen and nursery.
- Loss of privacy to ours and neighbouring properties.
- Currently predominantly Georgian style houses. A new build may affect the street scene.
- No mention of access in the proposal. There is no access from Craven Street. The house that the garden belongs to is currently accessed via Ankle Hill.
- It would create significant impact on traffic on Craven Street and the parking along the street. Parking is already an issue.
- Access would impact on the current difficult parking situation and pedestrian and road safety.

A Member asked for clarification regarding who owns the hedge between the properties.

Dr Wood replied that the boundary is currently in question and she is not sure who it belongs to as there are fences within the hedge.

(c) Chris Adams, on behalf of the objectors, was invited to speak and stated that: he echoed much of Dr Wood's comments. His main concern was the access on to the property and traffic calming measures. Parking is already an issue but adding an access would add an impact to this as it could be a loss of parking.

The Development Manager advised that the application is outline only and that we don't know where the access would potentially be.

The Chair noted that it is difficult to judge the potential impact without knowing details. But everything could be determined and ensured it is satisfactory when the full application comes in.

A Member noted the difficulties in parking already along Craven Street and added that no matter where the access would be, it will probably impact the parking.

The Chair advised that we don't know where they will route the access and it could be off Sandy Lane instead of Craven Street.

A Member commented that in effect the property would be in someone's back garden sandwiched between 2 houses. Upon the site visit the outlook from number 53's garden was like being in the countryside. The trees should be kept. Sympathised with neighbours concerns. Concerns regarding traffic congestion. They could get access on Sandy Lane, however this could cause other problems if it is near the junction. Possible issues with road safety due to the amount of parked cars. Not against anyone building a house but other things do need to be taken in to consideration. As it is outline there is nothing to address Members concerns at this moment.

Several Members voiced further concerns about the access and highways. A recent diversion along Craven Street had caused havoc. Also concerned about the loss of green area in an already densely populated area.

The Development Manager reminded Members that it is outline and it is the principal of development that they were deciding on. We can't refuse on access when this has not been presented. We are discussing solely the principal of a house on the site. Everything else could be considered under a REM application.

The Solicitor advised Members of the fact that they have previously given planning permission for this site which has now lapsed and would need to give reasons for their change of decision. Page 41 of the report details this. The REM application would come to committee where you could look at everything. The law entitles applicants to put in outline applications.

A Member noted that the decision was 3 years ago and that they didn't have the 5 year land supply then. There is a change of circumstances and a change of opinion.

The Solicitor advised that a single house would not have a massive bearing on the 5 year land supply. Previously the application in principal was deemed as acceptable.

A Member raised concerns that we are not in the same situation as 3 years ago. The traffic has become worse since then and will continue to increase. There is no space for access on Craven Street and if one were to be created it would lose parking for other vehicles.

**Cllr Faulkner proposed to permit** the application in its current form in line with officers' recommendations and deal with any concerns at REM.

**Cllr Botterill seconded** the proposal.

A Member asked if they could condition what they would like to see in the REM.

The Development Manager advised that a common condition would be a mix in line with need which dictates the number of bedrooms.

The Chair asked if there could be a condition "in keeping with the street scene".

The Development Manager advised that it needs to be an identified need and that they should be cautious of this.

A Member asked if they could request a bungalow as there is a need and this would also minimise impact on neighbours.

The Development Manger advised that the surrounding properties are two storey and this would be considered unreasonable.

The Chair and Solicitor advised that this is part of a debate for REM.

A vote was taken. 6 Members voted for permit and 2 Members voted against.

**Determination: PERMIT, subject to the conditions as set out in the report.**

**Reason: The development is not an allocated site for the purposes of the new Melton Local Plan however owing to the site being of not particular ecological/ attractive open space merit within an area of many other residential properties and previously approved scheme is seen to comply with the Local Plan policies as set out in the report and principles of the NPPF. The application was previously approved where the policy considerations remain relevant and therefore the principle of development remains established.**

PL19

**Urgent Business**  
None

The meeting closed at: 7.03 pm

Chair

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## Advice on Members' Interests

### **COUNCIL MEETINGS - COMMITTEE MINUTES : DECLARATION OF INTERESTS**

Interests need not be declared at Full Council in relation to Committee Minutes which do not become the subject of debate at Full Council (i.e. Minutes referred to solely on a page by page basis when working through the Minutes of each Committee.)

An interest must be declared at Full Council as soon as it becomes apparent that a relevant Committee Minute is to be debated – this applies even if an interest has been declared at Committee and is recorded in the Minutes of that Committee.

### **PERSONAL AND NON-PECUNIARY INTERESTS**

If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

**You must state that you have a personal and non-pecuniary interest and the nature of your interest.** You may stay, take part and vote in the meeting.

### **PERSONAL AND PECUNIARY INTERESTS**

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room\***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Governance Committee.

### **DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

**If you are present at any meeting of the Council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.**

You may not attend a meeting or stay in the room as either an Observer Councillor or \*Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest\*.

### **BIAS**

If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

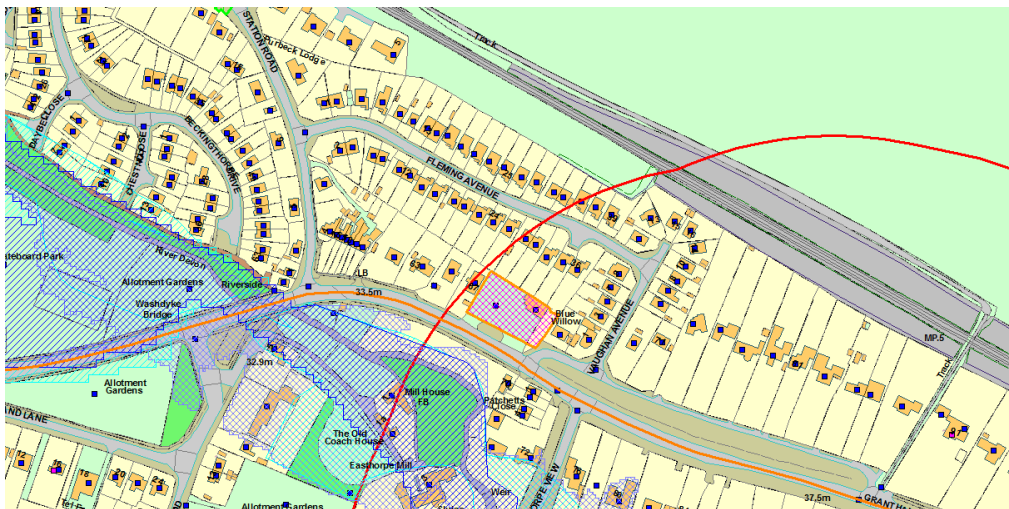
In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.\*

\*There are some exceptions – please refer to paragraphs 13(2) and 13(3) of the Code of Conduct

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**COMMITTEE DATE: 26<sup>th</sup> July 2018**

**Reference:** 17/01346/FUL  
**Date submitted:** 13<sup>th</sup> November 2017  
**Applicant:** PDRH Limited  
**Location:** Bottesford Filling Station, Grantham Road, Bottesford  
**Proposal:** Proposed retail convenience store, associated external works and access alteration



## **Proposal :-**

The development proposes the construction of a convenience store comprising 401 square metres of gross internal floor area. The development is single storey and would provide a retail sales area of 282 square metres. The development would also provide a back of house area which would include staff area, wc, office, and chill stores etc.

The building would be steel framed with cladding finish and red facing brickwork. The frontage would include a brick plinth and pillars and shopfront glazing. The unit would have a pitched roof with an eaves height of 3.8 metres and ridge height of 6.8 metres.

The application has been accompanied by a Noise Assessment, Transport Statement, Phase 2 Ground Investigation, Retail Sequential Assessment and Retail Impact Assessment.

**It is considered that the main issues arising from this proposal are:**

- **Compliance or otherwise with the Development Plan and the NPPF**
- **The Impact of the Local and Neighbourhood Plans**
- **Principle of development**
- **Impact on the existing retail provision**
- **Impact upon the character of the area**
- **Impact upon residential amenities**
- **Highway Safety**
- **Contamination**

The application is required to be presented to the Committee due to the number of representations received.

### **History:-**

15/00407/OUT – 8 dwellings on the site of the previously demolished petrol station. Application withdrawn.

15/00854/OUT - Proposed residential development of 5 dwellings on the site of previously demolished petrol station – Approved 29.01.16.

### **Planning Policies:-**

#### **Melton Local Plan (saved policies):**

**Policy OS1** – states that planning permission will only be granted for development within the town and village envelopes shown on the proposals map where the form, character and appearance of the settlement is not adversely affected, the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality, the proposed use would not cause loss of amenity by virtue of noise, smell, dust or other pollution, the development would not have a significantly adverse effect on any area defined in policy BE12 or other open areas, the historic built environment or buildings and structures of local importance or important landscape or nature conservation features including trees, the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity, requisite infrastructure, including such facilities as public services, is available or can be provided, satisfactory access and parking provision can be made available, the design, layout and lighting of the development minimises the risk of crime.

**Policy BE1** - allows for development within the town envelope provided that the form, character and appearance of the settlement are not adversely affected, the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality; the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and satisfactory access and parking provision can be made available.

**Policy S6** – Policy S6 states that planning permission will be granted for local shopping facilities within village envelopes provided the proposal complies with the criteria contained in policy OS1.

**Policy S7** – Policy S7 states planning permission for local retailing and commercial development in the villages of Asfordby and Bottesford will be confined within the central areas of these villages as shown on the proposal map village insets.

#### **The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:**

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

**The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.**

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- recognising the intrinsic character and beauty of the countryside;



- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation);
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

**On Specific issues it advises:**

**Promoting sustainable transport**

- Safe and suitable access to the site can be achieved for all people;
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians;
- Consider the needs of people with disabilities by all modes of transport.

**Ensuring the vitality of town centres**

- Sequential approach should not be applied to application for small scale rural offices or other small scale rural development.
- When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500 sq. m). This should include assessment of:
  - the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
  - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

**Require Good Design**

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people;
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

**Supporting a prosperous rural economy**

- Planning policies should support economic growth in rural areas in order to create jobs and prosperity;
- Promote the retention and development of local service and community facilities in villages, such as local shops.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

**Conserving and enhancing the Natural environment**

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments.

**Consultations:**

| <p align="center"><b>Consultation reply</b></p>  | <p align="center"><b>Assessment of Head of Strategic Planning and Regulatory Services</b></p>   |
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| <p><b>Bottesford Parish Council:</b> Concerned that the refrigeration plant faces west towards neighbouring properties and consideration should be given for output and noise.</p> | <p>A Noise Assessment has been submitted in support of the application. The report identifies the site was formerly a petrol filling station with a small vehicle workshop to the rear and that this use would have generated noise, principally attributed to vehicle movements, noise associated with the use of pumps and vehicle and equipment noise associated with the use of the workshop facilities.</p> <p>The proposal comprises a convenience store, located to the rear of the site with proposed parking proposed alongside the frontage. A service yard would be provided to the west of the store and would be used for deliveries and to accommodate the external refrigeration and cooling plant.</p> <p>Three condensers are proposed to be located within the plant area, which would be screened from the main service yard by a 2.1 metre high close boarded fence. One condenser would be required for the refrigeration equipment, which would operate 24 hours per day (although at a lower speed whilst the store was closed), with the remaining two condensers, required for the store heating and cooling, only operating during the periods whilst the store was open.</p> <p>The main deliveries would normally be made after 07:00 hours, with the bread and sandwiches normally delivered earlier in the day. These deliveries would be made by either van or small HGV, with the vehicle reversing into the service area to unload typically one or two cages and taking only 1 – 2 minutes to complete. The main deliveries would be the ambient, frozen and chilled foods, which are made at some point during the day according to the vehicle delivery schedules.</p> <p>These deliveries would be made by either a larger rigid HGV or small articulated vehicle. These vehicles would reverse into the service yard, with unloading based upon observations at other stores, typically taking around 5 minutes to unload the cages.</p> <p>Whilst refrigeration units on vehicles would face towards Grantham Road when the vehicles were unloading, to ensure any disturbance to the occupants of the neighbouring properties is minimised, the drivers would be required to switch chillers off whilst on site. This, together with times of deliveries and other good practice to</p> |

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|  | <p>minimise the impact on neighbours, would be secured through a condition relating to delivery management.</p> <p>Noise associated with the operation of external fixed plant, deliveries and vehicles using the car park have been identified as the principal noise sources and considered within the noise assessment. It is proposed to construct a 2.4 metre high acoustic fence along the boundaries adjacent to the service yard and the eastern car parking area to mitigate noise levels at the adjacent properties. It is anticipated that the noise barriers would be of timber construction, close boarded, with no gaps and a minimum surface density of 10 kg/m<sup>2</sup>. The noise barrier constructed around the service yard would additionally have an absorptive inner face, to minimise any potential reflections of noise associated with the deliveries.</p> <p>The external plant would be further screened by additional close boarded fencing constructed around the perimeter of the plant area. The main condenser unit required for the refrigeration plant is anticipated to low level vertical unit, with a height of 1.2m. Noise levels supplied by the plant manufacturer indicate a level of 32 dB(A) at a distance of 10 metres during the daytime period and 25 dB(A) at 10 metres at night, when the plant would operate at a lower speed.</p> <p>Two Mitsubishi external condensers would also be required for the heating cooling to the store. These units would only operate during store opening hours and would not be required to operate overnight. The supplied data for these two units indicate noise levels of 48 dB (A) and 32 dB (A) at a distance of 10 metres.</p> <p>The noise report concludes that on the basis of the above information any potential adverse effects upon the occupants of neighbouring properties would be minimised, by ensuring appropriate measures are adopted to minimised noise levels, which would include ensuring chiller units are switched off whilst the vehicles are on site, adopting best practice to reduce noise levels, ensuring vehicle radios are switched off, not slamming vehicle doors, handling cages carefully and not raising voices within the service yard.</p> <p>The report also concludes noise levels associated with the vehicle movements would be lower than those associated with the previous use of the site as a petrol filling station. Typical daytime noise levels associated with the vehicles would be of the order of 45 dB LAeq, 1 hour at the front façade of the property. This is 10 dB (A) below the general daytime ambient noise levels associated with road traffic using Grantham Road and thus unlikely to</p> |
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| <p>Shopping would be easier for more people to access although the focus of the village will be shifted.</p> <p>Concerned about articulated lorries who are delivering to Co-Op going out onto the road. There should be a caveat that the 30mph speed sign should be moved to east side of Bottesford to include this development.</p> | <p>result in any adverse effects upon the occupants of the neighbouring properties.</p> <p>Considering the combined effect of the noise levels attributable to the operation of the convenience store, overall site noise levels at this property would remain below 50 dB LAeq, 1 hour during the daytime period, thus ensuring that the operation of the store did not result in any significant adverse effects upon the occupants of the neighbouring properties and thus fully comply with the requirements of the NPPF and local plan policies.</p> <p>Noted.</p> <p>The revised plans remove the one way system that was previously proposed within the site. Given that the site historically had two way ingress/ egress at both access points, this is accepted by the Local Highway Authority.</p> <p>The proposals indicate that dropped kerbs linking to the footway on the opposite side of Grantham Road would be retained as part of the site access amendments. In addition drainage has been indicated at the site accesses to prevent surface water from flowing into the highway and visibility splays have been amended.</p> <p>Additional vehicle tracking has been provided demonstrating the largest anticipated vehicle entering and exiting the site in a forward gear. While tracking has not been submitted indicating vehicles exiting the eastern access in both directions, given the proposals now indicate two way access at both site accesses it is accepted HGV drivers are unlikely to exit the site through this access and turn right.</p> <p>The Applicant has undertaken a comparison of the trips likely to be generated by the site as a petrol filling station and employment/industrial unit in comparison to those which would be generated by a retail/convenience store using the TRICS database.</p> <p>The results of the comparison indicate that there would be a net change of -3 two way trips in the AM peak and +15 two way trips in the PM peak. The Local Highway Authority has accepted that the proposals would not lead to a significant amount of traffic generated to the site in comparison to its previous use.</p> <p>The Applicant has advised that given the store would be a local store as opposed to a large supermarket, the vast majority of trips would</p> |
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|  | <p>already be present on the highway network with trips to the store being either linked, pass by or diverted trips as opposed to new trips.</p> <p><b>As such, it is considered the impact of the external plant, deliveries and noise generated by traffic visiting the store would not be harmful to the amenity of occupiers of neighbouring properties. Furthermore, the revised access arrangements would ensure the proposal would be adequately accessed and would not be harmful to the local highway network.</b></p> |
| <p><b>Highway Authority: No objection.</b></p> <p>The Local Highway Authority advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions and Contributions as outlined in this report.</p> <p>The Applicant has submitted M-EC Drawing Number 2355_08_020_03 Revision A. This appears to remove the one way system that was previously proposed within the site. Given that the site historically had two way ingress/ egress at both access points, this is accepted.</p> <p>The proposals indicate that dropped kerbs linking to the footway on the opposite side of Grantham Road would be retained as part of the site access amendments. In addition drainage has been indicated at the site accesses to prevent surface water from flowing into the highway and visibility splays have been amended.</p> <p>Additional vehicle tracking has been provided demonstrating the largest anticipated vehicle entering and exiting the site in a forward gear. While tracking has not been submitted indicating vehicles exiting the eastern access in both directions, given the proposals now indicate two way access at both site accesses it is accepted HGV drivers are unlikely to exit the site through this access and turn right.</p> <p>The site boundary at the eastern access does not appear to have been amended following previous comments. As previously advised, it is assumed the Applicant is aware of the extent of the highway in relation to the proposals, but the LHA's formal opinion of the adopted highway extent can be established.</p> <p>The Applicant has undertaken a comparison of the trips likely to be generated by the site as a petrol filling station and employment/industrial unit in comparison to those which would be generated by a retail/convenience store using the TRICS database. While it is disappointing the Applicant</p> | <p>The findings of the Highway Authority on the revised proposals and additional information are noted. It is considered the site can be adequately accessed by shoppers and delivery vehicles, that adequate parking would be provided and access for pedestrians would also be provided.</p> <p><b>Overall it is considered that the proposed would not have a detrimental impact on highway safety.</b></p>  |

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| <p>has not use existing trip generation/traffic flows from the extant site, the site has now been cleared and it would not be possible to ascertain this information.</p> <p>The results of the comparison indicate that there would be a net change of -3 two way trips in the AM peak and +15 two way trips in the PM peak. The LHA accepts that the proposals would not lead to a significant amount of traffic generated to the site in comparison to its previous use.</p> <p>The Applicant has advised that given the store would be a local store as opposed to a large supermarket for example, the vast majority of trips would already be present on the highway network with trips to the store being either linked, pass by or diverted trips as opposed to new trips. In addition a large amount of trips for the petrol filling station were likely to be pass-by trips, which would be similar to the proposed store. The LHA accepts this methodology.</p> <p>While the internal layout and parking provision shown on ABDS Drawing Number P/GB/17/013 Revision B is considered acceptable, it is noted one disabled bay is still marked out upside down.</p> <p>The site is located opposite a bus stop serving an hourly bus service. The Applicant is also providing cycle parking within the stores grounds. The LHA request 6 month bus passes and travel packs for new employees and raised bus stop kerbs at the nearest bus stop opposite the site.</p> |   |
| <p><b>Environmental Health:</b> There is a significant risk of the land being contaminated due to the previous land use. However the risk to end users as a convenience store is limited, should the site ever be changed to residential then full contaminated land conditions would be required. If major ground work is to occur now (i.e. tank removal) then it would be prudent to undertake that survey now.</p>  | <p>A Phase 2 Ground Investigation Report has been submitted in support of the application. This noted the historic use of the site comprised a petrol filling station between 1953 and 2010, a car wash and car showroom, an office block in the eastern part of the site and the petrol station with a café in the western/central part of the site during its time as a service station.</p> <p>All structures on the site have been removed to ground level, with the tanks associated with the former petrol filling station recorded to have been removed and the voids filled with crushed concrete. However, the tank and interceptor validation completed by Geo-Matters Ltd in June 2017 found the tanks in the tank farm (in the northern part of the site) to have been filled with sand, and the a found a concrete tank base and crushed concrete to the south of this.</p> <p>The majority of the former service station area of the site comprises concrete hardstanding (including an area of crushed concrete where tanks have been excavated in the northern part of the site) with a small area of soft landscaping in the south-western part of the site.</p> |

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|  | <p>The report makes recommendations which can be the subject of a condition to ensure there are no contamination issues when developing and operating the site.</p> <p><b>It is considered the limited contamination that was present on the site has been remediated and the proposal poses no risk to controlled waters.</b></p> |
| <p><b>Environment Agency:</b> The reports have demonstrated that the limited contamination that was present on site has been remediated. It is unlikely, given the data presented, that the site will pose a risk to controlled waters. The Agency has no objection to the proposed development.</p> | <p>Noted and these points are addressed above.</p>   |

**Representations:**

A Site notice was posted and neighbouring properties consulted. As a result 7 **letters of support have been received**, the representations are detailed below:

| <b>Representations</b>   | <b>Assessment of Head of Strategic Planning and Regulatory Services</b> |
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| <ul style="list-style-type: none"> <li>• Good to have amenities at this end of the village;</li> <li>• Having three independent convenience stores in the village is a positive because it should introduce competition between the retailers which is to the advantage of those who use the stores;</li> <li>• Due to the current problems of trying to find a suitable parking space, particularly in Queen street, should be somewhat eased with the addition of the store on Grantham road, this may encourage more people to use the stores in Queen street;</li> <li>• Easier for more people to access although the focus of the village will be shifted;</li> <li>• There is a growing population of elderly people at this end of the village who will benefit from a closer, walkable shop rather than driving into the village which in turn would help alleviate the already, congested village centre;</li> <li>• With all the extra housing Bottesford is being subjected too there will be ample custom for both the existing local shops and a new one on this, at present, empty site;</li> <li>• With local residents in mind, careful thought regarding noise, parking, lighting etc. needs to be taken into consideration before plans are passed;</li> <li>• Safer site;</li> <li>• Good use of space;</li> </ul> | <p>Noted.</p>   |

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| <ul style="list-style-type: none"> <li>• Better than cramming in housing;</li> <li>• The previous petrol filling station was noisier than the proposed store will be;</li> <li>• The closure of the filling station created more trade for existing stores;</li> <li>• The current site is an eyesore.</li> </ul> |  |
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**Four representations neither supporting nor objecting have been received**, the representations are detailed below:

| <b>Representation</b>   | <b>Assessment of Head of Regulatory Services</b>   |
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| <ul style="list-style-type: none"> <li>• This could relieve the congestion on Queen Street but the new store might take trade from the centre of the village where other shops are located;</li> </ul>  | Noted.   |
| <ul style="list-style-type: none"> <li>• Could permission be conditioned on the existing Co-op store continuing so that shoppers are still attracted to the village centre and is close to the elderly community;</li> </ul>  | The application, should permission be granted, cannot be subject to a condition that the existing village store remains open as this would not pass the tests on the use of conditions. It is however considered that, given the likely impact of trade draw from the existing store is estimated at 15%, the existing store could continue to operate.  |
| <ul style="list-style-type: none"> <li>• Given the previous uses of this site as a fuel station and small convenience shop it seems likely that the application will be successful;</li> </ul>  | Noted.   |
| <ul style="list-style-type: none"> <li>• Conditions must be applied to protect neighbouring residents from noise and light pollution, particularly at night;</li> </ul>   | The proposal, if approved, would be subject to conditions relating to opening times, delivery times, delivery management etc. Furthermore, the submitted noise survey has demonstrated that the impact on the amenity of neighbouring properties would not be harmful.   |
| <ul style="list-style-type: none"> <li>• Do we really need Bottesford to be the location of a Cooperative Turf War, with 2 stores, being branded the same yet with different operators and different loyalty schemes, are Cooperative Food even aware that this application has been made;</li> </ul> | Local and national planning policies do not seek to stifle competition but each application must be dealt with on its merits, taking into account a number of factors, including planning policies. Applications must be viewed favourably unless the harm would outweigh the presumption in favour of development. In this case, the proposal is considered to align with local and national policy and would not be outweighed by the harm identified. |
| <ul style="list-style-type: none"> <li>• Queries impact on trees and hedges and questions location of fencing;</li> </ul>   | Matters of landscaping and boundary treatment can be subject of conditions.  |
| <ul style="list-style-type: none"> <li>• Queries signage and whether this would impact on amenity.</li> </ul>   | Signage would be a matter of a separate application.   |

**7 representations of objection have been received**, the representations are detailed below:

| <b>Representation:</b> | <b>Assessment of Head of Strategic Planning and</b> |
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|   | <b>Regulatory Services</b>  |
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| <p><b>Residential Amenity</b><br/>Concern over noise as this is a residential area, concern over opening times. Given the proximity to existing housing, 24 hour noise from cooling/refrigeration plants will have a negative impact. There is the issue of inevitable light pollution in a residential area.</p> <p><b>Highways</b><br/>Concerns over articulated lorries and access, pavements in the area are very narrow, insufficient parking provided.</p> <p><b>Retail Impact</b><br/>Although a Retail Impact Assessment may not be a legal requirement, Bottesford already has 2 convenience stores, one of which is a Cooperative Store. This proposed store is unlikely to add substantially, if at all, to the range of products already available within the village. It will however put unnecessary trading stress on the two existing convenience stores. It will also potentially alter some footfall of trade from the village centre to the outskirts of the village with the inevitable negative impact on the other retail and trade outlets in that centre. Post Office may close in the future as a result, the proposal occupies an out of centre location, contrary to Policy S7, and retail impact makes no reference to this policy.</p> <p>Although it may be argued that Bottesford is a village expected to grow in the coming years, the projected growth will not be sufficient to justify or maintain this duplication of already existing retail facilities.</p> <p>There has been a previous proposal that the site for housing and this would be an ideal site for a small number of bungalows that are so much required within the village.</p> <p>The store would be an out of centre location, some 650 metres from the village centre and its shopping area, the proposal would significantly impact on the vitality and viability of the centre as a whole, including local consumer choice and trade in the town centre and/or negative impacts on planned investment in an established centre. Bottesford acts as a service centre and the clear intention is to avoid retail development that is not part of the centre or would have an adverse impact on the vitality and viability of the centre, the description “small, independent village shop” could not be applied to this application. The proposal is well below the national default threshold in the NPPF of 2,500sqm requiring a retail impact assessment. The local Co-op has forecast trade diversion from their store in the</p> | <p>These issues have been discussed above.</p> <p>These issues have been discussed above.</p> <p>The site lies within the village of Bottesford. When taken from the 1999 Local Plan the site lies within the defined village envelope and Policy OS1 is applicable. Policy S6 supports local shopping facilities within village envelopes provided the proposal complies with the criteria contained in policy OS1. Policy S7 states planning permission for local retailing and commercial development in the villages of Asfordby and Bottesford will be confined within the central areas of these villages. However, the 1999 Melton Local Plan is considered to be out of date and as such, under paragraph 215 of the NPPF can only be given limited weight.</p> <p>This paragraph states due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF and the closer the policies in the plan to policies in the NPPF, the greater weight can be given. In this case policy S7 of the 1999 Local Plan seeks to confine new retail development in Bottesford to the central areas. This policy does not therefore take into account the sustainability thread that runs through the NPPF and makes no reference to a sequential approach. As such, this policy is not considered to be consistent with the NPPF and as a result is out of date. Policy S6 supports retail development within village envelopes; although village envelopes are not consistent with the sustainability policies of the NPPF the site falls within the built up part of the settlement and Bottesford is considered to be a sustainable settlement. This policy therefore has a greater level of compatibility with the NPPF and can carry greater weight.</p> <p>Emerging Local Plan Policy EC7 states in settlements with a retail offer that acts as a service centre developments will be supported where they would be physically integrated, be of an appropriate scale and not have an adverse impact on the character of the village. In all such cases a retail impact assessment will be required.</p> |

region of 15% which is also likely to result in secondary impacts on other traders in the centre. The draft Local Plan's policies are informed by the Melton Borough Retail Study 2015 which identified if proposals were to come forward in Bottesford of an appropriate scale to enhance retail offer the Council would seek to support them. The aims of the adopted and emerging policies seek that retail capacity should remain focussed on the defined village centre and proposals outside the village centre will not support that aim and are likely to harm the existing centre. There is no evidence that any other sites were considered under the sequential test. There is no evidence of compliance with the sequential test.

The Retail Impact Assessment is misleading over who would operate the store, do not agree that 20% of trade for the new store would be drawn from Melton Mowbray, no mention is made of Bingham with recently opened Aldi and Lidl

The application is required to be considered in light of the Local Plan and other material considerations. The NPPF is a material consideration of significant weight because of its commitment to supporting strong, responsive and competitive economy. This means that the application must be considered under the 'presumption in favour of sustainable development' as set out in paragraph 14 which requires harm to be balanced against benefits and refusal only where "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

The site is within the village boundary and lies to the east of the village centre. Bottesford is considered to be a sustainable settlement and one which is capable of supporting growth. Due to the location of the development and the position within the built up area the site is considered to be sustainable.

In terms of the saved Local Plan policies the proposal complies with Policy S6 as it relates to local shopping facilities within the village envelope. Policy S7 seeks to direct such retail provision to the central areas of these villages; this site does not occupy a central location within Bottesford. However, this policy is not considered to be compliant with the NPPF as it predates the NPPF which has a strong presumption in favour of sustainable development and does not place constraints on the location of development within the settlement.

Paragraph 23 of the NPPF acknowledges the importance of promoting competitive town centres and in doing so rightly gives protection to them "as the heart of their communities". It also requires that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. However, paragraph 25 goes on to state that "this sequential approach should not be applied to applications for small scale rural offices or other small scale rural development."

In NPPF Paragraph 27 it sets out additional parameters for undertaking a retail impact assessment by stating "when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq. m)". **The Local Plan is out**

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|  | <p><b>of date the proposed retail area does not exceed the default threshold of 2500m2 and therefore a retail impact assessment is not required under either the Local Plan or NPPF.</b></p> <p>However, a retail impact assessment is required under the emerging Local Plan and in order to provide a robust case in support of the application the applicant has submitted a retail impact assessment and sequential site assessment.</p> <p>The Sequential Assessment states this type of retail unit is not primarily targeting town centre shoppers but to be a local “top up” convenience market, which would enable residents living within the village to not be so reliant on car use. The sequential assessment also looks at whether there is a more central site to the village which is sequentially preferable, and no other suitable sites are available.</p> <p>Paragraph 28 of NPPF indicates support for economic growth in rural areas. In particular it states policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:</p> <ul style="list-style-type: none"><li>● support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;</li><li>● promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.</li></ul> <p>Furthermore, paragraph 111 of the NPPF places emphasis on the effective use of land by encouraging brownfield redevelopment. The site is a former fuel station and has been used for car sales and repairs.</p> <p>Bottesford is considered to be a sustainable location, the site lies within the built up form of the village and is well connected to the village centre. The development would be considered under NPPF as sustainable development. The proposed retail unit would provide a local service for the village, create employment and would reuse previously developed land.</p> <p>It is considered the sequential approach to site selection submitted in support of the application is robust and the conclusion that there are no other suitable sites within Bottesford for the development is accepted.</p> |
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|  | <p>The submitted Retail Impact Assessment concludes that the proposal would help to claw back a proportion of car-borne food shopping expenditure that is currently leaking out of Bottesford, that the village has a viable and vital centre fulfilling its role as an important retail and service centre and that there are no vacant stores in the centre. Furthermore, it identifies that the existing Co-op is trading significantly above benchmark levels and states this is an indicator of the centre's overall attraction and strong trading performance.</p> <p>The assessment also highlighted a significant leakage of convenience expenditure from Bottesford's primary catchment, principally Grantham, resulting in less sustainable shopping patterns for food purchasers. This includes a significant proportion of people living in Bottesford currently carrying out their top up shopping in stores located some distance away. The report considers the proposed store would claw back some of this trade and would represent new expenditure to Bottesford.</p> <p>In terms of economic impact the report forecasts a -13.2% impact on the village centre's total convenience turnover in 2021, equivalent to a trade diversion of -£0.39m; given the health of the centre this impact is concluded to not have a significant adverse impact on Bottesford and that the existing Co-op would continue as a viable business. This would also apply to other food and convenience stores in the village which appear to be trading well. In addition, the proposed store would not have a Post Office and would therefore not compete on a like for like basis with the existing store.</p> <p>The findings of the report have been challenged following consultation with an objection stating the assessment of retail impacts relies on inadequate and misleading data about trading patterns based on market share, it relies on a market survey that was not intended to assess existing and potential trading patterns in Bottesford. The objection further states the analysis is based on inaccurate assessments of retail turnover in existing stores and inaccurately assesses impact on the trade of existing stores. It also considers the expected trading of the existing store is underestimated and that the catchment area for the proposed store is too extensive and the proposed claw back expenditure is not justified. The report also considers the unique operation of Bottesford's retail centre has not been adequately assessed.</p> <p>It is acknowledged there are differences of opinion</p> |
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|  | <p>about the retail impact assessment but it is considered the evidence used to inform the report is sound and has been used appropriately. Furthermore, from the evidence submitted it appears the existing retail centre is performing well with the existing Co-op trading significantly above the expected level. Based on the expected trading of the new store <b>there is no evidence the existing retail offering would close</b> as a result of trade draw and therefore no basis to conclude the character of the village would be adversely affected as a result (the criteria applied by Policy EC7 of the emerging Local plan). Although the level of trade claw back from beyond Bottesford is hard to quantify the report estimates a 5% claw back of such leakage could be secured; this is considered to represent a reasonable estimate.</p> <p><b>Therefore, in principle the development is considered to be acceptable. The retail impact assessment is considered a sound basis to conclude the proposal would not be harmful to the vitality and viability of the village retail provision and would reduce the expenditure currently leaking from the settlement. Furthermore, the sequential report does not identify any more sustainable locations for the proposed store. The proposal is therefore considered to comply with relevant policies and guidance and can be supported in principle.</b></p> |
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**Other Material Considerations not raised through representations:**

| <b>Consideration</b>       | <b>Assessment of Head of Regulatory Services</b>   |
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| <b>Residential Amenity</b> | <p>The application site was previously occupied by a petrol filling station and car repair/sales unit. To the south is Grantham Road with the grounds of Mill House further to the south and Patchetts Close to the south-east. To the north, east and west are residential properties on Grantham Road and Fleming Avenue.</p> <p>The proposed retail unit would be sited centrally within the site and to the north of the plot adjacent to the rear gardens of properties fronting Fleming Avenue. The unit has been designed with a pitched roof which would slope away from the shared boundary and the north elevation would have no windows or openings. Properties on Fleming Avenue to the rear are single storey and would be over 24 metres from the rear elevation of the proposal. Due to the distance separation, scale and mass of the proposal it is not considered that the development would have an adverse impact on properties on Fleming Avenue.</p> <p>To the east of the site is a detached dwelling, Blue Willow, which is sited forward in the site. Blue Willow is a detached bungalow and has a window in the end gable facing the application site. The</p> |

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|                              | <p>retail unit would be sited 16 metres from the side elevation of Blue Willow which is proposed to have ground floor shopfront glazing panels facing the shared boundary. Due to the distance separation, boundary treatment and single storey nature of the proposal, it is not considered that the proposal would create any overlooking, loss of privacy or have an overbearing or adverse impact on this property.</p> <p>To the west is a detached single storey dwelling which would be separated from the retail unit by a close boarded fence and the proposed delivery yard. Additional planting is also proposed along the western boundary to further screen the proposal. Again, due to the boundary treatment and single storey nature of the proposal, it is not considered that the proposal would create any overlooking, loss of privacy or have an overbearing or adverse impact on this property.</p> <p>The issue of noise and disturbance has been addressed above and conditions can be imposed to control noise, deliveries and hours of operation.</p> <p>The proposal would not have any undue adverse impact on the occupiers of adjoining and as such complies with Policy OS1 and BE1 of the Local Plan and the NPPF.</p> <p><b>It is therefore not considered that the proposal would have an undue adverse impact on the residential amenities of occupiers of neighbouring properties subject to suitable conditions and is considered to comply with the policies highlighted above.</b></p> |
| <p><b>Visual Amenity</b></p> | <p>The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.</p> <p>Policy OS1 states that planning permission will only be granted for development within and village envelopes where the form, character and appearance of the settlement is not adversely affected and the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality. Policy BE1 states planning permission will not be granted for new built development unless, amongst other things, the development would harmonise with surroundings, would safeguard residential amenity, provide adequate space around dwellings and adequate access and parking is provided.</p>   |

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|  | <p>The proposed retail unit would occupy a floor area of approximately 400m<sup>2</sup>. Sited on a former petrol filling station site the unit would be sited centrally within the plot and set back towards to the northern boundary. To the frontage and eastern edge would be parking with a service yard/area to the west. The building would be single storey with a pitched roof with a height of 6.8 metres to the ridge. Overall, the building would not appear unduly large or dominant within the site. The building has been designed with brick facing and brick pillars to the external walls with shopfront glazing panels and cladding to the roof apex. The surrounding area is predominantly residential but due to the siting within the plot, design, scale and choice of materials, the unit would integrate into the surrounding area and would not have a detrimental impact on the character of the locality. The size and scale of the unit would not be too dissimilar to the petrol filling station which formerly occupied the site and as a predominantly vacant area of land within the built up part of the settlement the redevelopment of the site can be seen as visually enhancing this part of the village and would be an improvement to the area.</p> <p><b>Overall, due to the scale, location and design of the proposal the redevelopment of this brownfield site with a small retail unit would not have a detrimental impact on the character of the area or the streetscene to which it relates.</b></p> |
| <p><b>The (New) Melton Local Plan/Neighbourhood Plan</b></p>   |  |
| <p>The new local plan has now completed Examination and the Inspector has recently suggested proposed Modifications which are currently out for public consultation. None of these specifically address this site.</p> <ul style="list-style-type: none"> <li>• The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>• The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</li> <li>• The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the Framework, the greater the weight that may be given)</li> </ul> <p>The Submission version of the Local Plan identifies Bottesford as a ‘Service Centre’,</p> | <p><b>The Local Plan has progressed through examination stage and the Main Modifications are currently out for consultation.</b></p> <p><b>The relatively minimal amount of work required to complete the local plan modifications that do not impact upon the main policies of the plan means the plan can be afforded significant weight.</b></p> <p>Emerging Local Plan Policy EC7 states in settlements with a retail offer that acts as a service centre developments will be supported where they would be physically integrated, be of an appropriate scale and not have an adverse impact on the character of the village. In all such cases a retail impact assessment will be required.</p> <p>The proposal occupies a sustainable location is a Service Centre settlement and would comply with the emerging Local Plan policies, which adds weight in favour of approving the application.</p>   |

Service centres are villages that act as a local focus for services and facilities in the rural area. They have the essential services and facilities (primary school, access to employment, fast broadband, community building) and regular public transport, as well as a number of other important and desirable services such that they are capable of serving basic day to day needs of the residents living in the village and those living in nearby settlements. These villages should have all four of the Essential services and a good range of important and other facilities.

Policy SS1 Presumption in Favour of Sustainable Development seeks to secure sustainable development. Policy SS2 Development Strategy sets out the development strategy for the Borough. Policy C7 Rural Services states support will be given to proposals that enhance existing services and facilities (including shops) or that improve community cohesion and well-being to encourage sustainable development. Policy EC7 Retail Development in the Borough states town centre developments will be supported where they would be physically integrated, be of an appropriate scale and not have an adverse impact on the character of the village. A retail impact assessment would be required for all retail proposals in these locations. Policy D1 Raising the Standard of Design relates to the visual impact of development and residential amenity.

#### **Bottesford Parish Neighbourhood Plan**

Bottesford PC is a qualifying body with an intention to develop a Neighbourhood Plan.

However no Neighbourhood Plan has been published and as such cannot be a consideration in this instance.

#### **Conclusion**

Overall, the proposed retail unit would be sited within a sustainable area providing a local service for the village, create employment and would reuse previously developed land. The proposal is supported in principle in policy terms by adopted, emerging and national planning policies. The proposal would not have any undue adverse impact on residential amenity or highway safety and has been designed to respect the character and appearance of the locality. Furthermore, the proposal would not be harmful to the vitality or viability of the existing retail provisions in the village. As such, the proposal is considered to be compliant with the Local Plan policies referred to above and principles of the NPPF.

#### **Recommendation: APPROVE subject to the following conditions:**

Conditions:

- 1 The development shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following plans:



- Block Plan/Site Plan P/GB/17/010/B
  - Site Layout P/GB/17/013B
  - Elevations P/GB/17/015B
  - Store Layout 17-081-S10-SK02
  - Access Design 23255\_08\_020\_03A
  - Vehicle Tracking 23255\_08\_010\_02.1
  - Vehicle Tracking 23255\_08\_010\_02.2
- 3 No development shall start on site until all external materials to be used in the development hereby permitted have been agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
  - 4 No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
  - 5 The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
  - 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.
  - 7 No development shall take place until details of all external lighting and internal lighting visible from outside of the building has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details and thereafter be so maintained.
  - 8 No development shall take place until details of all fencing to serve the external plant/refrigeration units have been submitted to and approved in writing by the Local Planning Authority. The fencing shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details and thereafter be so maintained.
  - 9 No development shall take place until details of a noise management plan has been submitted to and approved in writing by the Local Planning Authority. These details shall include delivery times and days, vehicle types, delivery frequency and appropriate measures to minimise noise disturbance. Development shall be carried out in accordance with the approved plan.
  - 10 The development shall take place in accordance with the recommendations in Section 7 of the Phase II Geo-Environmental Investigations July 2017.
  - 11 The store shall only be open to the public during the following hours: 0600-2300 Monday to Friday.
  - 12 No part of the development hereby permitted shall be occupied until such time as:
    - a. The access arrangements shown in general accordance with M-EC drawing number 23255\_08\_020\_03 Revision A have been implemented in full.
    - b. The offsite works shown in general accordance with M-EC drawing number 23255\_08\_020\_03 Revision A have been implemented in full.

- 13 No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
- 14 The development hereby permitted shall not be occupied until such time as the cycle parking, car parking and turning facilities have been implemented in accordance with ABDS drawing number P/GB/17/013 Revision B. Thereafter the onsite parking provision shall be so maintained in perpetuity.
- 15 Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
- 4 To ensure satisfactory landscaping is provided within a reasonable period.
- 5 To provide a reasonable period for the replacement of any planting.
- 6 To preserve the amenities of the locality.
- 7 To preserve the amenities of the locality.
- 8 To preserve the amenities of the locality.
- 9 To preserve the amenities of the locality.
- 10 To ensure any contamination is adequately dealt with on site.
- 11 To preserve the amenities of the locality.
- 12 To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to mitigate the impact of the development, in the general interests of highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.
- 13 To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
- 14 To promote travel by sustainable modes in accordance with Paragraphs 30 and 32 of the National Planning Policy Framework 2012. 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 Paragraphs 32 and 35 of the National Planning Policy Framework 2012.
- 15 To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

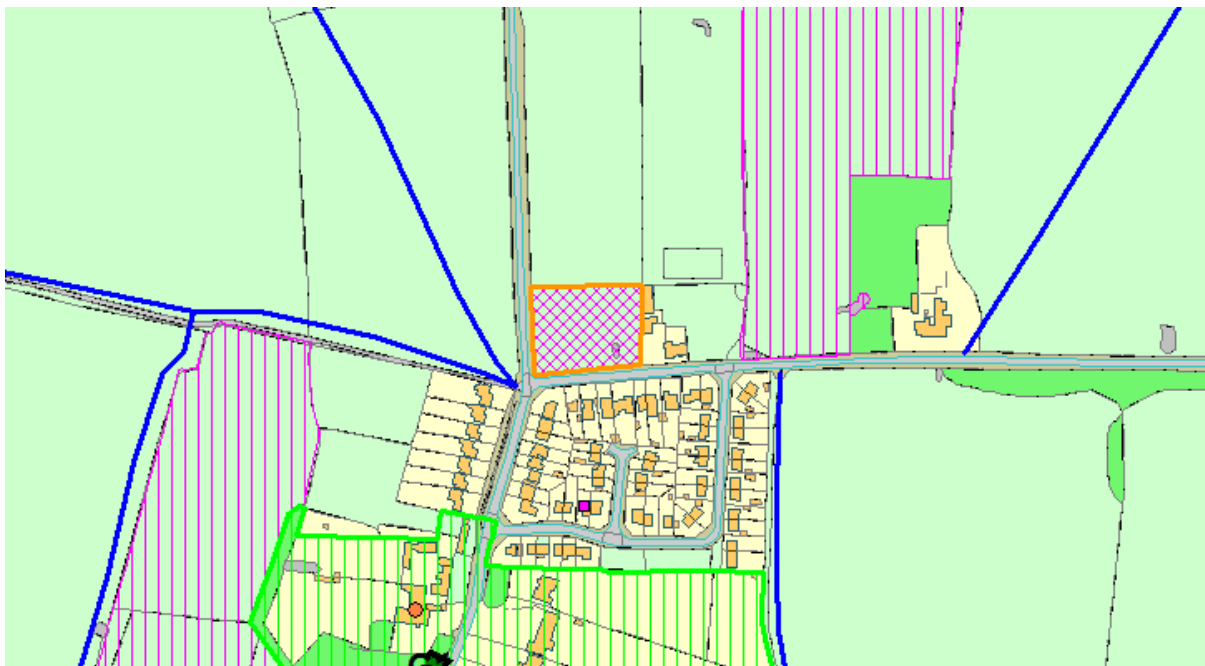
Officer to contact: **Mr Joe Mitson**

**Date: 12<sup>th</sup> July 2018**

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COMMITTEE DATE: 26<sup>th</sup> July 2018

**Reference:** 18/00145/OUT  
**Date Submitted:** 5<sup>th</sup> February 2018  
**Applicant:** Mr Robert Fionda, Fairyhill Ltd  
**Location:** Land North of Pasture Lane, Gaddesby  
**Proposal:** Outline planning approval for 11 No. dwellings.



## **Proposal:-**

The application seeks outline permission for 11 dwellings. Details of the proposed access have been submitted for consideration, with all other matters reserved.

The application site is currently a paddock to the north of the village of Gaddesby and is located outside the village envelope and Conservation Area. The site is a proposed allocation site in the emerging Local Plan as GAD2 for up to 11 dwellings.

It is proposed that access to the site will be gained from Pasture Lane.

**It is considered that the main issues arising from this proposal are:**

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area**
- **Impact upon wildlife/ loss of green space**
- **Drainage/ flooding issues**

- **Highway safety**
- **Sustainable Development**
- **The role of the Emerging Local Plan.**

The application is required to be presented to the Committee due to the level of public interest.

**History:** - There is no relevant planning history for this site.

**Planning Policies:-**

**Melton Local Plan (saved policies):**

**Policy OS2** - This policy restricts development including housing outside of town/village envelopes.

**Policy OS3:** The Council will impose conditions on planning permissions or seek to enter into a legal agreement with an applicant under section 106 of the Town and Country Planning Act 1990 for the provision of infrastructure which is necessary to serve the proposed development.

**Policy BE1:** allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

**Policy H10:** planning permission will not be granted for residential development unless adequate amenity space is provided within the site in accordance with standards contained in Appendix 5 (requires developments of 10 or more dwellings to incorporate public amenity space for passive recreation with 5% of the gross development site area set aside for this purpose).

**Policy H11:** planning permission will not be granted for residential development of 15 or more dwellings unless it makes provision for playing space in accordance with the council's standards at appendix 6 of this local plan.

**Policy C15:** states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development.

**The National Planning Policy Framework introduces a 'presumption in favour of sustainable development' meaning:**

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

**The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.**

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- recognising the intrinsic character and beauty of the countryside
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation)
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

**On Specific issues it advises:**

**Promoting sustainable transport**

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

**Delivering a Wide choice of High Quality Homes**

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

**Require Good Design**

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

**Conserving and enhancing the natural environment**

- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

**Meeting the challenge of climate change, flooding and coastal change**

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

**Consultations:-**

| <b>Consultation Reply</b>   | <b>Assessment of Assistant Director of Planning and Regulatory Services</b>  |
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| <p><b>Leicestershire County Council Highways</b></p> <p>Pasture Lane is an unlit, unclassified road subject to a 30 mph speed limit at the point of access. This speed limit changes to 60 mph approximately 125 metres east of the proposed access.</p> <p>For the proposed point of access at Pasture Lane, Leicestershire's current design guidance specifies that for a road of 30 mph visibility splays of 2.4 x 43 metres are required. The CHA received information in the applicants "Design and Access Statement" stating that "forward visibility splays will be provided along Pasture Lane at 2.4 x 33m consistent with the low vehicle speeds at the intersection of Pasture Lane and Park Hill / Rotherby Road", there is no evidence provided as part of this application which supports the assertion as stated above, therefore the CHA can only refer to the required visibility standard of 43m based on the speed limit of the road in accordance with Leicestershire's Highway Design Guidance. The CHA have reviewed the site layout arrangement and with the adequate clearance of hedgerows at the front of the development the required 43m visibility splay based on the 30mph speed limit.</p> <p>The CHA have reviewed personal injury collision data from the most recent 5 year period. Whilst there have been no recorded serious or fatal injury collisions on Pasture Lane within 500m in both directions of the access, it is important to note that a slight collision occurred on Park Hill Road south of Pasture Lane in 2016 involving a tractor and ridden</p> | <p><b>Noted.</b></p> <p>It is considered that the proposed access point to the site is acceptable in highway safety terms.</p> <p>As the application is for outline permission at present, and the parking arrangements in the site will be finalised at reserved matters stage.</p> <p>Should permission be granted relevant conditions as requested by LCC Highways can be included in the decision.</p> |



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| <p>horses, typifying the agricultural nature of the setting.</p> <p>The internal layout arrangement is subject to the reserved matters application it should be noted that in layout the internal arrangement will not be considered for adoption by the County Highway Authority in its current form.</p> <p>Conditions proposed include:</p> <ol style="list-style-type: none"> <li>1. Access of minimum 5m, gradient no more than 1:12 for at least 5m behind highway boundary and appropriate materials.</li> <li>2. Vehicular visibility splays.</li> <li>3. Pedestrian visibility splays.</li> </ol> <p>Note to Applicant included regarding adoption of highway.</p>  |  |
| <p><b>Lead Local Flood Authority</b></p> <p>It has been acknowledged by the LLFA that the connection to the ditch outfall and the ditch itself has been confirmed as within the ownership of the client and is therefore, suitable as an outfall.</p> <p>It is understood that the site is underlaid by mudstone and is potentially unlikely to be feasible for infiltration. However, infiltration testing in accordance with BRE Digest 365 Soakaway Design should still be undertaken to fully confirm the un-suitability or otherwise of the site for infiltration drainage.</p> <p>The proposed development would be considered acceptable to Leicestershire County Council as the LLFA if the planning conditions are attached to any permission granted.</p> <ol style="list-style-type: none"> <li>1. Surface water drainage scheme to be submitted and approved in writing by the LPA.</li> <li>2. Details of management of surface water on site during construction to be submitted and approved in writing.</li> <li>3. Details of long term maintenance of SUD to be submitted and approved in writing by the LPA.</li> <li>4. Infiltration testing to be carried out and FRA to be updated.</li> </ol> | <p><b>Noted.</b></p> <p>Should permission be granted relevant conditions as requested can be included in the decision.</p> |
| <p><b>Environment Agency</b></p> <p>Being within flood zone 1, the site does not fall under either of the above categories and</p>   | <p><b>Noted.</b></p> <p>Comments have also been received from the LLFA regarding the proposed development (see above).</p> |

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| <p>therefore we do not wish to comment further on these proposals as our standing advice applies.</p>   |  |
| <p><b>Leicestershire County Council Ecology</b></p> <p>The revised proposals are satisfactory in principle. However, the loss of a GCN pond will require more substantial mitigation than that required from increasing the buffer by removing a plot, with the new pond being constructed in a way suitable for GCN, prior to any development on site. An EPS licence will be required and the application site will need to be subject to GCN fencing, with a programme for trapping GCN within the site boundary prior to the commencement of the development (after construction of the new pond).</p> <p>We would still recommend that the northern site boundary is planted with a native hedgerow. This will provide a landscape buffer to the development and will also provide connectivity for GCN between the new pond and the western site boundary.</p> <p>If this revised layout is acceptable, we would recommend that the following is incorporated into a condition(s) of the development:</p> <ul style="list-style-type: none"> <li>- A GCN mitigation plan must be submitted in support of the reserved matters application. This must include the mitigation required for the creation of a new pond to the north of the development and the removal of the pond adjacent to Pasture Lane.</li> <li>- A landscaping plan should be submitted with the reserved matters application, detailing the proposed landscaping in the area of the new pond. This should be suitable habitat for GCN.</li> <li>- Prior to the commencement of the development a Biodiversity Management Plan should be submitted. This should cover the proposed management for the new pond area and the proposed hedgerow to the north of the development.</li> <li>- Updated GCN surveys will be required if development does not commence before March 2020 (two years since previous survey).</li> </ul> | <p><b>Noted.</b></p> <p>During the course of the application, additional survey works have been carried out in relation to the pond and GCN.</p> <p>As the application is for outline permission only with access to be considered, the layout has not been finalised and therefore the comments/ conditions received from Ecology can be taken into consideration when designing the development at reserved matters stage.</p> |
| <p><b>Developer Contributions</b></p> <p><b>Civic Amenities</b></p> <p>In general residents use the closest Civic Amenity Site, at Melton. The Civic Amenity site at Melton will be able to meet the demands of the proposed development within the current site thresholds without the need for further</p>  | <p><b>Noted.</b></p> <p>S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p>   |

development and therefore **no contribution is required** on this occasion.

**Education**

| Sector            | Number of Pupils generated by the development | Number of Pupils for forecasting purposes | Number of S106 funded places in area deducted |
|-------------------|---|---|---|
| Primary           | 2.64  | 3   | 0   |
| 11-18             | 2.20  | 3   | 163   |
| Primary Special   |   |   |   |
| Secondary Special |   |   |   |

**Primary**

The site falls within the catchment area of Gaddesby Primary School. The School has a net capacity of 210 and 193 pupils are projected on roll should this development proceed; a surplus of 17 pupil places after taking into account the 3 pupils generated by this development.

There are currently no pupil places at this school being funded by S106 agreements from other developments in the area. **An education contribution will therefore not be requested for this sector.**

**Secondary**

The site falls within the catchment area of Wreake Valley Academy. The Academy has a net capacity of 1482 and 1087 pupils are projected on roll should this development proceed; a surplus of 395 pupil places. A total of 163 pupil places are included in the forecast for these schools from S106 agreements for other developments in this area and have to be deducted. This increases the total surplus at this school to 558 pupil places.

There are no other 11-18 schools within a three mile walking distance of the development. **An education contribution will therefore not be requested for this sector.**

**Libraries**

The Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area.

The proposed development is within 4.8km of East Goscote Library, which would serve the development site. The library facilities contribution would be **£330 (rounded up to the**

Concerns have been raised regarding capacity of the local school, however the County Council have not requested a contribution for education for this development.

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| <p><b>nearest £10).</b></p> <p>It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for the provision and enhancement of library services and resources most likely to be used by the estimated numbers of new users.</p> <p>The Leicestershire Small Area Population and Household Estimates 2001-2004 gives the settlement population for East Goscote at approximately 2,890 people.</p> <p>The proposed development at Pastures Lane, Gaddesby is likely to generate an additional 16 plus users and would require an additional 38 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service.</p>  |   |
| <p><b>Gaddesby Parish Council</b></p> <p>Object to the application and wish to support the comments made by the Gaddesby Community Group.</p>   | <p><b>Noted.</b></p> <p>The comments made by the Community Group were also stated as individual comments made by the submission and have been included in the representations below.</p>  |
| <p><b>MBC Housing Policy Officer</b></p> <p>As this site is proposing 11 units, it meets the threshold to provide affordable housing as per policy C4 of the emerging Melton Local Plan, 2011 – 2036 and in line with the Written Ministerial Statement, March 2015.</p> <p>The site is at Gaddesby, which is in value area 1 of Melton Borough - Melton Local Plan figure C4.1 The minimum % of affordable housing to be provided is 40%.</p> <p>As the application is for 11 units, this equates to 4.4 units. At present, at this is below 0.5 of a unit, this can be rounded down to 4 units.</p> <p>There is not a Neighbourhood Plan for Gaddesby parish at present so therefore cannot be considered in this assessment.</p> <p>Due to the lack of shared ownership/shared equity properties; the low number of entry level homeownership properties and the presence of some rented Council properties in Gaddesby and it's parish; I recommend for the 4 dwellings to comprise of:</p> | <p><b>Noted.</b></p> <p>The application form proposes that the 11 dwellings would be market homes, with the following break down:</p> <p style="padding-left: 40px;">4x2 bed<br/>5x3 bed<br/>2x4 bed.</p> <p>This proposed mix does not take into account the need to provide affordable housing. The layout plan as submitted is indicative only at present and therefore can be amended at reserved matters stage.</p> <p>Should permission be granted a S106 Agreement would be drafted to ensure that the appropriate amount of affordable housing is provided as part of the proposal.</p> <p>This would equate to four dwellings, with a break down of 2x2 bed shared ownership properties and 2x2 bed starter homes, all to be built to HQI standards.</p> <p>In addition to this, the housing market mix as</p> |

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| <p>2 x 2 bed/4 person shared ownership properties<br/>2 x 2 bed/4 person Starter Homes</p> <p>All built to HQI space standard.</p> <p>For the market housing, it meets the threshold (10+ units) to provide a mix of housing, as per policy C2 of the emerging Melton Local Plan 2011-2036. This will be for the remaining 7 units.</p> <p>To determine the recommendation on the housing mix, the housing mix table in the Housing Needs Study, 2016 and in the Local Plan, as part of the reasoned justification to policy C2 has been used. I recommend the following:</p> <p>3 x 3 bed houses<br/>2 x 2 bed houses<br/>2 x 4 bed house</p> <p>To align with the emerging policy C3, the market properties up to 3 bed in size will be particularly supported if they are built to the National Space Standard.</p> | <p>recommended is slightly different than that proposed by the applicant, with a greater number of three bed properties proposed.</p> <p>A condition would be added to any approval granted that would ensure the reserved matters provided for a mixed of types and sizes of dwellings that will meet the area's local market housing need.</p> |
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**Representations:** - Representations of objection were received from 11 separate addresses. One of the objections received stated that it was an individual representation and also on behalf of the Gaddesby Community Group. A spreadsheet was also provided to the Council, with a list of 120 names, including addresses, email addresses and phone numbers, but no signatures.

| <b>Representations</b>  | <b>Assessment of Assistant Director of Planning and Regulatory Services</b>   |
|---|---|
| <p><b>Sustainability</b></p> <ul style="list-style-type: none"> <li>The only facilities within the village are the Primary School, the Village Hall and the Cheney Arms Public House, all located at the entirely opposite southern end of the village.</li> <li>The site is not in walking distance of the local Primary School, based on Melton Borough Council's own criteria (over 800m).</li> <li>It cannot be argued that a development at the site is in a sustainable location, if public transport or a car is required to transfer from the proposed site to facilities at the</li> </ul> | <p>The application site is a proposed allocation in the emerging Local Plan. The emerging Local Plan has been through Examination in Public and the Council are currently consulting on main modifications to the plan, as suggested by the Inspector. These modifications do not affect the proposed allocation or of Gaddesby being classed as a "Rural Hub". Therefore it is considered that the village is a sustainable location for appropriate development.</p> <p>Due to the rural nature of the Borough and this village, in comparison to those villages identified</p> |

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| <p>other end of the village. Any development would be disconnected from the village, with facilities not even within walking distance.</p> <ul style="list-style-type: none"> <li>• In relation to its impact on the economy and employment, development of the site is not sustainable, based on lack of local employment opportunity. Gaddesby in reality has extremely limited employment opportunities, these being restricted to the two employers in the village, the Primary School and The Cheney Arms Public House.</li> <li>• The LP Site allocations and policies acknowledges the lack of employment in the village by stating ‘The closest employment area is Rearsby Industrial Estate (3km) with some small individual employers close by. Most employment would be in Melton Mowbray, 7km away.</li> <li>• Gaddesby is served by the Centrebus 100 between Leicester and Melton Mowbray throughout the week. In respect of this bus service however, ‘...its frequency (every two hours) and the lack of service on Sundays and Bank Holidays should be taken into account when the service is considered with regards to Gaddesby’s sustainability. The first bus from Melton leaving at 7.26am and arriving in Gaddesby at 7.49am, doesn’t arrive in Leicester (St Margaret’s Bus Station) until 8.30am. The last bus leaving Leicester for Melton in the evening is at 17.10pm, arriving in Gaddesby at 17.50pm. These bus times are not regarded as viable for full-time employment in Leicester. The bus service to Gaddesby is far from ‘a decent connection’. Gaddesby is served by a bus service inadequate both in terms of frequency and route to employment opportunities in the surrounding area.</li> <li>• To suggest that the site is suitable for development on the basis of it being located within the vicinity of a bus stop is spurious at best. This tenuous justification is deemed largely irrelevant in any case, when acknowledging that the bus service is inadequate both in terms of frequency and route to employment opportunities in the surrounding area.</li> <li>• The site is not located where there are sustainable travel options and consequently, the need to travel by car would actually be</li> </ul> | <p>as Service Centres, it is accepted that many residents of the village have to travel for employment and some facilities. However, on the basis of the facilities present in the village and the proximity of Gaddesby to a wider range of services and employment and other settlements, it is considered that it is a sustainable location for housing. This has also been the basis on which other housing proposals have been accepted in Gaddesby.</p> |
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| <p>increased.</p> <ul style="list-style-type: none"> <li>• It cannot be argued that a development is sustainable, if public transport or a car is required to reach the local School.</li> <li>• The focussed changes document highlights the need to ensure school places are not exhausted; ‘It will be important as part of the development plan process to ensure that existing schools do not become overloaded’. In respect of Gaddesby Primary School however, this would absolutely be the case. The School increased its intake of children from 15 per year to 25 per year in 2014 but with places in these years all filled, Reception and Years 1 and 2 are already at capacity. Within 3 years the school will be at total capacity. The application fails to make any reference to developer contribution to expand the school.</li> <li>• The nearest convenience store is in East Goscote (3.8 miles away); it is not accessible via public transport from the village and is only open until 6.00pm. The nearest supermarket is in Syston (5 miles away), accessible by bus but only available during the day, once every 2 hours. The fact that these basic shopping facilities are so far away and realistically only accessible for vehicle owners, highlights the existing inadequacy of facilities in Gaddesby. The nearest GP practice and Dentist are also in Syston.</li> <li>• Gaddesby village does not qualify for the Rural Hub status that it has been allocated, as it does not fulfil at least 3 of the 4 essential criteria. This objection reiterates again that Gaddesby cannot be considered as a ‘Rural Hub’ but as a ‘Rural Settlement’ only, with housing incorrectly allocated as a result.( 1) Primary school; (2) Access to employment opportunities; (3) fast broadband; and (4) A community building)</li> <li>• In respect of ‘fast broadband’, Gaddesby’s phone exchange was ‘upgraded’ in 2016 as part of the “Super-fast” Leicestershire programme. It has added support for Fibre to the Cabinet broadband. There isn’t a lot of choice of provider; the majority of residents are using BT. This broadband service is sold as “up to” 56Mbps download speed, which is more than adequate for an average modern home.</li> <li>• At present there are 4 undeveloped sites</li> </ul> | <p>LCC Developer Contributions have not made a request for developer contributions for education as part of the application and consider that there is sufficient capacity at the school to accommodate the level of pupils generated by this proposal.</p> <p>Gaddesby has a village hall, public house, school, church, access to public transport and fast broadband which has contributed to the Rural Hub status as given in the Local Plan.</p> |
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| <p>with planning permission for 21 dwellings, therefore Gaddesby is not to be devoid of development.</p> <ul style="list-style-type: none"> <li>No live/work units proposed or contribution to public transport, which may help with sustainability.</li> </ul>   |   |
| <p><b>Highways</b></p> <ul style="list-style-type: none"> <li>Development is not sustainable, based on the inadequacy of local highways to take the anticipated increase in traffic.</li> <li>The four supply roads in to Gaddesby village (Rearsby Lane, Rotherby Road, Pasture Lane and Ashby Road) are consistent with a rural settlement only.</li> <li>Rearsby Lane is the main access road for the village, connecting it and other through traffic to the A607. The road has a number of tight turns, practically no street lighting and very few pavements until the village is reached, where there is a pavement on one side only.</li> <li>Rotherby Road to the north of the village connects to the A607; this is a single width road for much of its length. It is not lit and comprises of many tight corners. Many residents of the village avoid using it for these reasons. Pasture Lane starts at a junction with Rotherby Road and alongside the site; it connects to the A607 close to Melton Mowbray. It is unlit and has a number of tricky corners. It is not uncommon to meet oncoming traffic on the wrong side of the road or going faster than the road should safely allow.</li> <li>All of these four connecting roads are popular with large groups of cyclists, horse riders and slow moving farm machinery / wide loads, which create further hazards and traffic restrictions. All four roads have a weight limit of only 7.5 tonnes further emphasising their low capacity. The village relies on these fours access points for all transportation and already suffers with volumes of traffic at peak times.</li> <li>Proposed development at the site would bring additional vehicles, given the lack of effective public transport. The proposed 24 additional vehicles would represent a huge increase for a small rural settlement. The proposed development would place significant further strain on an already inadequate local highways infrastructure.</li> <li>The two roads closest to GADD2</li> </ul> | <p>LCC Highways raise no objection to the proposed development on highway safety grounds (see comments above). The CHA consider that the proposed access onto Pasture Lane is appropriate. Further consideration of the development, including parking provision will be carried out at reserved matters stage.</p> <p>It is not considered that the proposed development would have a significant impact on highway safety or result in a significant increase in the number of vehicles using the highway network.</p> <p>Any issues relating to speeding and inconsiderate parking are not material planning considerations.</p> |



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| <p>(Rotherby Road and Pasture Lane) are both unsuitable for more than the occasional vehicle and certainly not suitable for any heavy vehicles such as buses and lorries. These roads are highly restrictive, dangerous in some weather conditions, and not capable of supporting additional vehicles. It is a falsehood to suggest ‘...low vehicle speeds at the intersection of Pasture Lane and Park Hill / Rotherby Road’, this is not the case.</p> <ul style="list-style-type: none"> <li>• The main access for properties at the northern end of the village is Pasture Lane. Main Street is often reduced to a single lane with overflow parking of pub patrons and also from the vehicles belonging to residents of Main Street who do not have off-road parking. Park Hill is as its name implies is a steep hill.</li> <li>• There is only one footpath along Park Hill which is on the opposite (west) side to the main body of housing at Paske Avenue and Barrow Crescent and GADD2. When walking children to school parents have to cross the road to the footpath which is dangerous because of the speed of the traffic. There are also a number of concealed entrances along Park Hill. The Centrebus 100 service currently uses Paske Avenue to turn around and head back down Park Hill to continue its route. This creates a traffic risk, as Paske Avenue is a narrow road with many vehicles often parked on it and really unsuitable for large vehicles such as buses.</li> <li>• Whilst it is acknowledged that existing highways problems cannot be resolved by new developments, neither should it be the case that new housing proposals make existing problems worse. The proposed development at the site would exacerbate existing problems.</li> <li>• Pasture Lane is a country lane, used for riding, walking and cycling.</li> <li>• Rotherby Lane/ Pasture Lane corner would be an accident waiting to happen.</li> <li>• Pasture Lane is a lane, not a road.</li> <li>• Congestion.</li> <li>• Increase in on street parking.</li> <li>• On road parking will affect access to property.</li> <li>• Should not have access on Pasture Lane due to proximity to the junction.</li> <li>• Main Street/ Park Hill currently used as a</li> </ul> | <p>It would need to be ensured that any reserved matters application provides sufficient off road parking for future occupants to prevent on street parking and the highway safety issues associated with this.</p> <p>LCC Highways have not requested further</p> |
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| <p>rat run.</p> <ul style="list-style-type: none"> <li>• Pasture Lane is too narrow.</li> <li>• Need a traffic count.</li> <li>• Pasture land is used by farming vehicles.</li> <li>• Existing problem with buses getting stuck at the top of the village due to parking.</li> <li>• Contrary to paragraphs 30, 31, 32, 34 and 35 of the NPPF.</li> <li>• Application is for major development and need a transport statement/assessment as likely a significant amount of movements to be made.</li> </ul>  | <p>information/ surveys and are satisfied with the proposed development.</p> <p>Whilst sustainable modes of transport should be encouraged (as per the NPPF), it is recognised that this will vary from urban to rural areas. Therefore due to the nature of the area, it is expected that there will be some usage of private transport, but there is also the ability to use public transport.</p>  |
| <p><b>Flooding</b></p> <ul style="list-style-type: none"> <li>• The proposed development site would have a negative impact on flood risk. The site is known to be of heavy clay soil resulting in significant surface water retention and run-off. Development is likely to exacerbate this effect, potentially affecting neighbouring properties and biodiversity / geodiversity in turn.</li> <li>• Risk of flooding is no different than GADD3.</li> <li>• Whilst recognising that this is also a requirement of actual planning applications, there is no mention of any attempts to improve drainage facilities for existing properties, in acknowledgement of the impact additional housing allocation would cause. This potential risk has not been properly assessed.</li> <li>• May be surface water/ sustainable drainage issues with the site.</li> </ul>         | <p>The LLFA have been consulted on the proposed application and raise no objection to the proposed development, subject to the inclusion of conditions.</p> <p>There is no requirement for a developer to be expected to improve the current drainage for exiting residents, but to ensure that the situation is not made worse by the proposed development.</p>  |
| <p><b>Landscape/ Impact on village</b></p> <ul style="list-style-type: none"> <li>• The ‘Local Plan Appendix 1 Site allocations and policies’ acknowledges the impact of any further development on the northern fringe of Gaddesby village, stating that ‘The eastern part of the settlement has high landscape sensitivity, however ‘It is recognised that there are elements where sensitivity is reduced, due to intrusion by more modern development at the northern and southern fringes of the LCZ with the settlement. However, there is limited opportunity for mitigation through further development without further intrusion upon the parkland character of the landscape’</li> <li>• The Melton Borough Areas of Separation, Settlement Fringe and Local Green Space Study Part 2 (Aug 2016, p122), which states that ‘Skylines are open, with long</li> </ul> | <p>The site is a proposed allocated site in the emerging Local Plan and therefore the principle of development on this site has already been considered. When looking at sites for allocation, the proposal site has already been assessed for it’s suitability, including impact on the landscape, heritage, flood risk, transport and other related issues.</p> <p>Paragraph 115 of the NPPF states: <i>Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in</i></p> |

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| <p>views out from rising topography towards the rolling topography that extends north and west. The open, predominantly undeveloped skylines are extremely susceptible to change.’</p> <ul style="list-style-type: none"> <li>• In respect of the impact on aesthetic and perceptual quality including landscape experience and tranquillity, the report goes on further (p123) to say that ‘The rural, peaceful character and intact landscape features that contribute to the intact cultural pattern would be susceptible to change.’ When summarising, the report concludes that ‘Overall landscape sensitivity of this LCZ fringe to residential development is medium to high, due to the sense of separation of the LCZ from the settlement edge and open landscape character. Open skylines associated with this LCZ and the intact landscape pattern to the east are susceptible to change...Due to the visual prominence of the landform associated with the ridgeline, sense of separation of the LCZ from the village and generally well integrated settlement edge there is limited opportunity to accommodate residential development within this LCZ.’</li> <li>• Only two of the proposed 11 plots (numbers 5 and 6) would be single storey, this is not deemed to be effective mitigation of the adverse impact on the landscape.</li> <li>• Any development at GADD2 would have a significant negative impact on the surrounding parkland landscape, beyond anything that could be effectively mitigated.</li> <li>• In respect of the impact on the spatial layout, development of site is not justified or appropriate. Gaddesby is a long, linear village, with the main thoroughfare of Main Street and Park Hill covering a considerable distance, linking the southern point with Ashby Road and the northern point with Pasture Lane and Rotherby Lane.</li> <li>• The site extends the settlement even further in a linear fashion, its location such that it is effectively disconnected from the rest of the village.</li> <li>• Should make the village more compact and round.</li> <li>• The disconnection of the site from the rest of the settlement is compounded by the fact that it is located north of Pasture Lane,</li> </ul> | <p><i>National Parks and the Broads</i>. This proposed site for development is not protected and therefore not afforded significant weight when considering the impact of the development on the landscape.</p> <p>The Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study (2016) indicates that the site is in LCZ 1 Gaddesby North. The assessment states: <i>Overall landscape sensitivity of this LCZ fringe to residential development is medium to high, due to the sense of separation of the LCZ from the settlement edge and open landscape character. Open skylines associated with this LCZ and the intact landscape pattern to the east are susceptible to change. It is recognised that there is a reduced level of sensitivity associated with the exposed edge to the west of Rotherby Road and in association with LCZ 4.</i></p> <p>In relation to development, the assessment advises:</p> <ul style="list-style-type: none"> <li>• <i>Large scale development is not appropriate in this open landscape and any development should have consideration of visibility of the settlement edge on the ridgeline, and detachment from the main settlement to the south of the ridgeline;</i></li> <li>• <i>Development should seek to achieve a gradation of density to the outer edges of the settlement; abrupt edges should be avoided;</i></li> </ul> <p>The Sustainability Appraisal Summary has stated: <i>No potential significant positive effects were identified for this site. Potential positive effects identified were in relation to SA objectives 1: housing, 2: education, 3: transport, 9: social inclusion and 15: reduction in greenhouse gases. Potential significant negative effects were identified in relation to SA objective 5: landscape and 8: efficient use of land resources. The site is identified as having medium to high sensitivity to residential development. The site is located in a gypsum mineral consultation area and the land is identified as agricultural land classification 3b. These issues will need to be considered in relation to the current and any future planning applications.</i></p> <p>It is considered that appropriate landscaping can be provided to “soften” the appearance of the development on the countryside. This can be included as part of the submission of the reserved</p> |
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| <p>which acts as a boundary to the village, with no other housing to its north or west and one property only to its east.</p> <ul style="list-style-type: none"> <li>• This side of Pasture lane affords a vista to the countryside.</li> <li>• Development will have a negative effect on character of settlement edge, topography, skyline, aesthetic and perceptual quality, including landscape experience and tranquillity, views and visual character.</li> <li>• Change from settlement to countryside is clear and distinct at this location. Development would blur this and adversely impact open landscape character.</li> <li>• Emerging Local Plan appendix acknowledges the impact of development to the North of Gaddesby.</li> </ul>   | <p>matters application.</p> <p>The development is for outline permission only, with an indicative layout and therefore can be amended at reserved matters stage.</p> <p>The impact of the development on the settlement as a whole would have been taken into account when allocating sites for the emerging Local Plan.</p>  |
| <p><b>Ecology</b></p> <ul style="list-style-type: none"> <li>• Development of the site would have a significant detrimental impact on biodiversity and geodiversity.</li> <li>• The site was selected without prior completion of any granular impact assessment on biodiversity or geodiversity.</li> <li>• Whilst recognising that this is also a requirement of actual planning applications, a site cannot reasonably be selected for development where such a review hasn't yet taken place, where the likely impacts on biodiversity and geodiversity were already clearly indicated. The application presents no protected species survey in support.</li> <li>• The selection of the site is in direct contradiction to the SA objective to conserve and enhance biodiversity and geodiversity in and around the Borough.</li> <li>• Impact on wildlife, especially the pond.</li> </ul> | <p>LCC Ecology have been consulted on the application and do not raise an objection to the development, subject to appropriate conditions and mitigation.</p> <p>During the course of the application, an additional survey for Great Crested Newts has been carried out, with the findings of this reported to the County Council. County Council Ecology raise no objection to the proposed development, subject to appropriate conditions.</p> |
| <p><b>Ridge and Furrow</b></p> <ul style="list-style-type: none"> <li>• Proposed development would have a significant detrimental impact on the cultural pattern of the landscape – there is a ridge and furrow system on the site. This is supported by the Melton Borough Areas of Separation, Settlement Fringe and Local Green Space Study and in the site assessments.</li> <li>• The existence of ridge and furrow systems has been sufficient to support removal of other sites proposed within the Melton Local Plan and even within Gaddesby itself.</li> <li>• One of the last ancient ridge and furrow</li> </ul>   | <p>As previously stated, the suitability of the site for development has already been assessed when considering sites for allocation for the emerging Local Plan. It is considered that the principle of development on this site is acceptable.</p> <p>Evidence for the Local Plan has not identified any heritage assets on this site</p>   |

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| <p>fields in Gaddesby – back to Norman times and can't be replaced.</p> <ul style="list-style-type: none"> <li>• Development is not appropriate on the basis of its significant negative impact on heritage assets. The ridge and furrow field system has not been taken in to account nor its potential loss assessed. The selection of the site is in direct contradiction to Policy EN13A of the emerging Local Plan.</li> </ul>  |  |
| <p><b>Impact on residential amenity</b></p> <ul style="list-style-type: none"> <li>• Increase in noise, especially cars.</li> <li>• Loss of amenity – access proposed opposite property – headlights will shine directly into window.</li> <li>• Disproportionate in scale and house type.</li> <li>• Does nothing in respect of affordable housing.</li> <li>• Potential for overlooking from dwellings.</li> <li>• Flies in the face of planning guidelines and 9.4.11 and 9.4.18 of the emerging Local Plan.</li> </ul> | <p>The proposed access of the site needs to be in a position to allow adequate visibility splays. It is not considered that it would be appropriate to refuse the application on this basis.</p> <p>The application is for outline permission only with access for consideration. Therefore at present there are no details regarding the design of the dwellings to take into consideration or to be able to assess impact on nearby residents, in relation to height, position and location of windows.</p> <p>9.4.11 Relates to protecting amenity, stating that <i>development should not adversely affect neighbours and nearby uses and occupiers by reason of being overbearing, overlooking, loss of privacy, loss of light, pollution (including that from artificial light) and other forms of disturbance.</i> As the application is for outline permission only with access as a consideration, it is difficult to assess these impacts, however due to the separation of the site from other properties, it is not considered that the proposed development would have a significant detrimental impact on nearby occupier amenity.</p> <p>9.4.18 states that <i>development should be designed and located so that it is able to provide suitable access and can be accommodated without adverse impact on the local and wider highway network. Where on or off-site works are required to mitigate the transport impacts of development, the applicant will be required to demonstrate the impacts of these measures in ameliorating any problems, and that the scheme is technically possible and is viable. Development that would have severe residual cumulative impact on the highway network will not be permitted.</i> Consideration of the proposed development and related highways issues has been given above. Additionally, the CHA raise no objection to the proposed development.</p> |
| <p><b>Other</b></p>  |  |

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| <ul style="list-style-type: none"> <li>• The Sustainability Appraisal states that ‘Residential development sites which are located on brownfield land will involve the reuse of previously developed land and may additionally present opportunities for the reuse of buildings and recycling of materials already onsite.’ The site is less appropriate for development than other sites located on brownfield land.</li> <li>• To suggest that ‘The village has been categorised as a service centre, providing the required facilities to support additional housing development’, is factually incorrect. Gaddesby is not a Service Centre, it is currently a Rural Hub.</li> <li>• Decision should be delayed until the Inspector has deliberated the Gaddesby Community Group representation on the Local Plan. Not to delay the decision would be damaging to the village and challengeable.</li> <li>• Understand that the Inspectors report is due and that if the Inspector agrees with the Community Group, then the site/development is unsustainable.</li> <li>• Paske Avenue was developed due to an urgent need in the 60s – disused wartime hutment, development was situated here for a reason.</li> <li>• Space for housing at the bottom of the village (south of Ashby Road) but also smaller sites to the North.</li> <li>• Main sewers can’t cope.</li> <li>• Development makes inefficient use of land and materials – land is agricultural Grade 3a and is in a gypsum mineral consultation area.</li> </ul> | <p>The Main Modifications document has not made any changes to the site allocation of GADD2 which would affect the determination of this application.</p> <p>Gaddesby has been classed as a “Rural Hub” as part of the emerging Local Plan and therefore it is considered that this development is appropriate in the village.</p> <p>Each case is determine on its own merit, the application for consideration affects this proposed site and it is not for the decision maker to decide if there are more appropriate sites, as this is the site which has been presented for development.</p> <p>The Inspector has suggested main modifications to the plan which have been accepted by the Council. These modifications do not affect the proposed site allocation GADD2 or the classification of Gaddesby as a Rural Hub.</p> <p>The previous development of Paske Avenue and need in the 1960s is not relevant to this application.</p> <p>It is for the developer to ensure that there is appropriate capacity for utilities.</p> |
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| <b>Consideration</b>  | <b>Assessment of Head of Regulatory Services</b>  |
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| <p><b>Application of Planning Policy</b></p> <p>The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved, <b>and proposed development that conflicts should be refused unless other material considerations indicate otherwise.</b></p> <p>The NPPF recognises that housing should meet the needs of present and future generations (para 10). It continues to recognise the importance for</p> | <p>The application is required to be considered against the Development Plan and other material considerations. The NPPF is a material consideration of some significance because of its commitment to boost housing growth.</p> <p>Gaddesby is considered to perform reasonably well in sustainability terms.</p> <p><b>5 year land supply issues:</b></p> |

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| <p>local planning authorities to understand the housing requirements of their area (para 28) by ensuring that the scale and mix of housing meets the needs of the local population. This is further expanded in para 110-113, in seeking to ensure that housing mix meets local housing need.</p> <p>The NPPF seeks to boost the economy and house supply to meet local housing needs. The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5 year land supply and where proposals promote sustainable development objectives it should be supported.</p>  | <p>The Council’s most recent analysis shows that there is the provision of more than a 5 year land supply and as such the relevant housing policies are applicable. Therefore this consideration does not weigh against the Development Plan.</p> <p><b>However, the 1999 Melton Local Plan is considered to be out of date and as such, under paragraph 215 of the NPPF can only be given limited weight.</b> The application is required to be considered against the Local Plan and other material considerations. The NPPF is a material consideration of some significance because of its commitment to boost housing growth. This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in paragraph 14 which requires harm to be balanced against benefits and refusal only where “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.</p> <p>The proposal therefore complies with the NPPF and saved policies of the Local Plan in terms of principle, being located within a sustainable settlement.</p> |
| <p><b>The (new) Melton Local Plan – Submission version.</b></p> <p>The new local plan has now completed Examination and the Inspector has recently suggested proposed Modifications which are currently out for public consultation. None of these specifically address this site.</p> <p>The NPPF advises that:<br/>From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> <li>● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</li> <li>● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).</li> </ul> <p>The Submission version of the Local Plan identifies Gaddesby as a Rural Hub in respect</p> | <p><b>The Local Plan has progressed through examination stage and the Main Modifications are currently out for consultation.</b></p> <p><b>The relatively minimal amount of work required to complete the local plan modifications that do not impact upon the main policies of the plan means the plan can be afforded significant weight.</b></p> <p>The site is identified for housing purposes in the Emerging Local Plan and referenced as GADD2.</p> <p>The summary assessment of this site states: The site is situated in the northern edge of the village and therefore slightly detached from the limited services that the village provides. Its access via either of two well-connected roads and the proximity to the bus stop makes this site a suitable allocation for housing.</p> <p>There is no site specific policy for this site, however the emerging Local Plan states that: Further development of site GADD3 and GADD2 will be supported only when local educational capacity is available, or can be created through developer contributions, to meet the needs of the</p>   |

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| <p>of which under policy SS1 and SS2 the proposal as an allocated site is considered acceptable</p> <p>Policy SS1 –Presumption in favour of Sustainable Development: when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p> <p>Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:</p> <p>Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the national planning policy framework taken as a whole; or</p> <p>Specific policies in that framework indicate that development should be restricted.</p> <p>Policy SS2 –Development Strategy: Provision will be made for the development of at least 6,125 homes and some 51 hectares of employment land between 2011 and 2036 in Melton Borough.</p> <p>Development will be distributed across the Borough</p> <p>Policy C1 (A) – Housing Allocations: New housing will be delivered within the Local Plan on a number of sites to which this site forms one of those, the policy continues that Housing proposals will be supported where they provide;</p> <ul style="list-style-type: none"> <li>1 A mix of dwellings in accordance with Policy C2;</li> <li>2 Affordable housing in accordance with Policy C4;</li> </ul> | <p>site. In the consultation responses above, an education contribution has not been requested by Leicestershire County Council.</p> <p>The site is identified for housing purposes in the Emerging Local Plan for an <b>estimated capacity</b> of 11 dwellings.</p> |
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| <p>3 The necessary infrastructure required to support development in accordance with Policy IN1 and IN2; and</p> <p>4 High quality design in accordance with Policy D1.</p> <p>5 The requirements as set out in Appendix D1</p> <p><b>Gaddesby Neighbourhood Plan</b></p> <p>No Neighbourhood Plan has been published and as such cannot be a consideration in this instance.</p> |  |
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## Conclusion

The Borough is considered to have a sufficient supply of deliverable housing sites in line with current planning guidance, with the most recent evidence pointing to approx. seven years. As a proposed allocated site in the emerging Local Plan, this site contributes to that position.

Affordable housing provision remains one of the Council’s key priorities. This application presents some affordable housing that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Gaddesby is considered to be a sustainable location having access to a primary education, village hall, public house and a bus service. It is considered that these are material considerations that weigh in favour of the application. In addition to this, the application site forms GADD2, a proposed allocated site in the emerging Local Plan and will help to deliver housing in the Borough.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the development of the site from its green field state, the impact on the character of the rural village, highways concerns and ecological concerns.

In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular, taking into account that the site is an Allocated site in the emerging Local Plan. The balancing issues – development of a green field site and impact upon character and landscape are considered to be of limited harm.

This is because, in this location, the character of the site provides potential for sympathetic design, careful landscaping, biodiversity and sustainable drainage opportunities, the site is also allocated for development in the submitted Melton Local Plan.

Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that permission can be granted.

### **Recommendation: - Permit, subject to:**

- a) **The completion of an agreement under S106 for the following:**

- (i) A contribution for Leicestershire County Council Libraries, as set out in the report above.
- (ii) The provision of affordable housing, including the quantity, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs.

**b) The following conditions:**

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.
2. No development shall commence on the site until approval of the details of the "layout, scale, external appearance of the buildings and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. The reserved matters as required by condition 2 above, shall provide for a mixed of types and sizes of dwellings that will meet the area's local market housing need.
4. A Great Crested Newt mitigation plan must be submitted in support of the reserved matters application. This must include the mitigation required for the creation of a new pond to the north of the development and the removal of the pond adjacent to Pasture Lane.
5. As part of the reserved matters submission, a landscaping plan should be submitted, detailing the proposed landscaping in the area of the new pond. This should be suitable habitat for Great Crested Newts.
6. Prior to the commencement of the development a Biodiversity Management Plan should be submitted. This should cover the proposed management for the new pond area and the proposed hedgerow to the north of the development.
7. Should the development not commence before March 2020, an updated Great Crested Newt survey will be required to be submitted to and approved by the Local Planning Authority.
8. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 5 metres, a gradient of no more than 1:12 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 6 metre kerbed radii. The access once provided shall be so maintained at all times.
9. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 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.
10. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.
11. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority.
12. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during

construction of the development has been submitted to, and approved in writing by, the Local Planning Authority.

13. No development approved by this planning permission, shall take place until such time as details in relation to the long-term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.
14. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.
15. A Landscape Management Plan, including a maintenance schedule and a written undertaking, including proposals for the long term management of landscape areas (other than small, privately occupied, domestic garden areas) shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner.
16. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

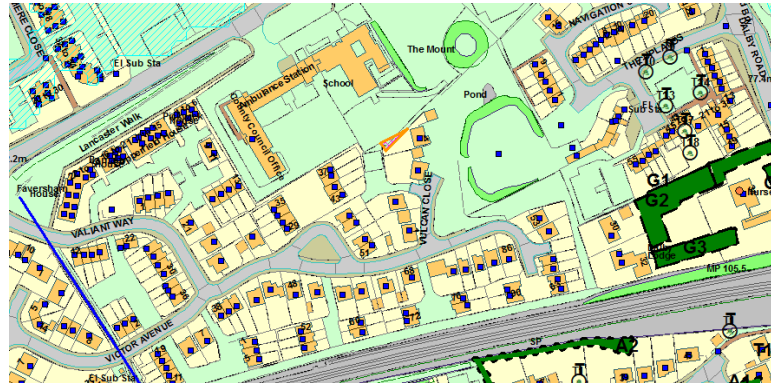
**Officer to Contact: Mrs J Lunn**

**Date: 13<sup>th</sup> July 2018**

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Committee Date: 26.07.2018

**Reference:** 18/00519/FUL  
**Date Submitted:** 02.05.2018  
**Applicant:** Mr N Ainge  
**Location:** 4 Vulcan Close Melton Mowbray Leicestershire LE13 0GF  
**Proposal:** Change of use of a parcel of land to domestic.



## Introduction:-

The application site is currently utilised as garden area for the property at 4 Vulcan Close Melton Mowbray. The parcel of land has been sold to the applicant by Aldi Stores Ltd. which is adjacent to the site.

The proposal is to regularise the use of the land as domestic garden to form part of the residential curtilage of the property.

The application is referred to the Development Committee as the applicant is related to a member of staff.

## Relevant History:-

4 Vulcan Close – No relevant planning history

Aldi - Planning permission 15/00476/FUL was granted on 06.05.2016 for: Demolition of existing buildings at the former Ambulance Station Leicester Road, Melton Mowbray LE13 0DE, and erection of Class A1 food retail store with associated access, car parking and landscaping, and provision of access to Site B.

## Planning Policies:-

**Melton Local Plan (saved policies):**

**Policy OS1:** states that planning permission will only be granted for development within the town and village envelopes shown on the proposals map where the form, character and appearance of the settlement is not adversely affected, the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality, the proposed use would not cause loss of amenity by virtue of noise, smell, dust or other pollution, the development would not have a significantly adverse effect on any area defined in policy BE12 or other open areas, the historic built environment or buildings and structures of local importance or important landscape or nature conservation features including trees, the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity, requisite infrastructure, including such facilities as public services, is available or can be provided, satisfactory access and parking provision can be made available, the design, layout and lighting of the development minimises the risk of crime.

**Policy BE1:** allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

**The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:**

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

**The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.**

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- recognising the intrinsic character and beauty of the countryside
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation)
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

**On Specific issues it advises:**

**Require Good Design**

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

**Consultations:-**

| Consultation reply            | Assessment of Head of Regulatory Services |
|-------------------------------|---|
| Ward Councillors: No response | Noted                                     |

**Representations:**

The consultation was publicised by way of a site notice being posted at the entrance to the site, and seven neighbouring properties were consulted on 21.06.2018. As a result no representations have been received to date.

**Other material considerations (not raised through consultation or representation)**

|  |  |
|--|--|
| <p><b>Policy position:</b><br/> <b>Melton Local Plan (saved policies) OS1 and BE1</b><br/> <b>The (new) Melton Local Plan Policy D1</b></p> <p><b>The (new) Melton Local Plan:</b> The second main modifications consultation is underway following examination and consideration by the Planning Inspectorate.</p> <p>The NPPF advises that:<br/> From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> <li>• the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>• the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</li> <li>• the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).</li> </ul> <p><b>Policy D1 – Raising the Standard of Design</b><br/> All new developments should be of high quality design. All development proposals will be assessed against all the following criteria:</p> <p>Siting and layout should be sympathetic to the area.</p> | <p>The application is considered to comply with saved policies OS1 and BE1 in respect of design, siting and layout which is in keeping with the character of the area.</p> <p><b>The Local Plan has progressed through examination stage and the Main Modifications are currently out for consultation.</b></p> <p><b>The relatively minimal amount of work required to complete the local plan modifications that do not impact upon the main policies of the plan means the plan can be afforded significant weight.</b></p> |
|--|--|

|   |  |
|---|--|
| <p>Buildings and development should be designed to reflect the local vernacular without stifling innovative design.</p> <p>Amenities of neighbours and neighbouring properties should not be compromised</p> <p>Appropriate provision should be made for the sustainable management of waste , including collection and storage facilities for recyclable and other waste</p> <p>Safe connection to the existing Highway Network</p> <p>Makes adequate provision for car parking</p> <p>Development should be managed so as to control disruption caused by construction for reasons of safeguarding and improving health and well-being for all.</p> |  |
| <p><b>Impact on Streetscene:</b></p>  | <p>The development comprises of the relocation of the boundary fence between the superstore carpark and the residential curtilage of the applicants property, the land in question has been laid to lawn and fencing has been erected. There is no physical aspect to the development which is apparent other than the location of the boundary fence within the carpark. Therefore it is not considered that the proposal has a negative impact upon the streetscene.</p> |
| <p><b>Impact on Residential Amenity:</b></p>  | <p>The proposal does not affect the residential amenity of any neighbouring property, there are no buildings involved, the land is adjoining the existing garden of the property, therefore the amenity of neighbours i.e. sunlight, privacy will not be affected.</p>   |

**Conclusion**

The proposal creates a more practical size and shape to the existing garden. The proposed development has nominal impact on adjoining properties and would reflect the character and appearance of the surrounding area. The proposal would not have an adverse impact on highway safety. Accordingly, the proposal complies with the above policies and guidance and is recommended for approval, no conditions are considered necessary. Section 91 of the Town and Country Planning Act 1990 (Commencement within three years) is not considered relevant as the development aspect has already been carried out. The application is for regularisation for the use of the land as domestic garden.

**RECOMMENDATION:** - Permit.

Officer to contact: **Mrs Lynn Eastwood**

**05.07.2018**



## PLANNING COMMITTEE

26<sup>th</sup> JULY 2018

### REPORT OF THE DEVELOPMENT MANAGER

#### **UPDATE REPORT 16/00157/OUT: RESIDENTIAL DEVELOPMENT OF UP TO 25 DWELLINGS; LAND ADJACENT THE WOODLANDS, STATION ROAD, OLD DALBY.**

#### **1. Introduction**

- 1.1 The purpose of this report is to provide an update to the Committee in respect of the above planning application and to set out viability issues as presented by the applicant.
- 1.2 **The purpose of this report is to provide details of the changes in circumstances relevant to the Section 106 Agreement that have taken place since the Committee's consideration of the application in January 2017, and to consider whether sufficient information has been presented to remove the Affordable Housing element of the Section 106 Agreement.**

#### **2. Background**

- 2.1 Members will recall that the planning application was considered at the meeting of 12<sup>th</sup> January 2017 and was approved, subject to the completion of a S106 Agreement to provide 6 affordable dwellings and various conditions. Subsequently the applicants sought agreement to remove the obligation for affordable housing based on viability considerations related to the unique condition and location of the site and the development costs these factors produced. The Committee declined the request at its meeting on 24<sup>th</sup> May 2018 and 14<sup>th</sup> June 2018 and further information has now been provided by the applicant.
- 2.2 The Section 106 document states "Affordable Dwellings" means those Dwellings within the development comprising Affordable Housing being a maximum of six (6) of the total Dwellings to be constructed on the Site to be provided as part of the Development unless otherwise agreed with the Borough Council and "Affordable Dwelling" shall be constructed accordingly.
- 2.3 "Affordable Housing" has the meaning given to it in Annex 2 of the National Planning Policy Framework dated March 2012 or any successor provisions which may be

introduced from time to time including for the avoidance of doubt changes in policy or legislative changes.

- 2.4 S106 Agreements can be varied at any time through agreement of the parties. PPG advises that Local Authorities should ensure that the combined total impact of s106 requests does not threaten the viability of the sites.

### **3. Update**

- 3.1 The request for removal of the affordable housing element to the Section 106 Agreement has been supported by a Viability Appraisal Report, Old Dalby Cost and Value Schedule, Abnormal Budget Cost Estimate, Ecology Cost Analysis and Demolition quote.

- 3.2 The Viability Assessment has been undertaken in the context of the requirements of the NPPF in respect of the imposition of planning obligations in a manner which maintains the economic viability of development. The assessment has also drawn on best practice advice contained in the Local Housing Delivery Group's 'Viability Testing Local Plans' June 2012 and the RICS guide 'Financial Viability in Planning' August 2012.

### **3.3 Background to the viability assessment**

The applicants have provided the subsequent explanation regarding their viability calculations:

*A viability assessment assesses the value of a completed development and all the various costs associated with undertaking it including a normal profit return to the developer and competitive return to the landowner. The standard cost elements include items that the developer is legitimately entitled to apply including industry standard contingency allowances and finance costs – to determine if the policy requirements of the Local Authority are viable based on the standard cost allowances.*

*The term 'negative viability' refers to a situation where all the standard value and cost assumptions have been applied to an assessment, and the result demonstrates a negative residual figure. This does not mean the development is not deliverable if the developer is prepared to reduce standard profit level and take a view on construction contingency risks.*

*In the current assessment these standard allowances include a profit return of 1,176,000 (at 20%) and a construction cost contingency of 5% at £207,000.*

*In this case Hofton Homes are willing to take a view on the contingency allowance as they have undertaken significant site investigation and therefore have good information on abnormal costs. This removes £207,000 of cost. If the developer is willing to undertake the scheme at approximately 15% profit removing a further cost of £310,000 then the 'negative viability' of -£516,000 is removed. However, if the additional £417,000 cost of affordable housing is added, the developer would have to undertake the scheme at full risk for a return of only 7% which would not be reasonable.*

### 3.4 **Parkhurst Road Ltd High Court Case on Affordable Housing May 2018.**

The applicants have provided the following comments:

*This case was about one issue – the appropriate land value to be adopted in viability assessment. In this case, which related to the development of 96 flats on a small site in London, the Developer argued that the price they paid for the land at £13 Million should be the basis for the viability assessment and therefore the scheme could only afford 10% Affordable Housing. The Council argued that a ‘benchmark land value’ of £7 Million should inform the assessment based on existing use value (as a territorial army centre) plus a premium to incentivise the landowner to sell - and on this basis the development could provide the policy target of 50% Affordable Housing. There were no ‘abnormal construction costs’ associated with the scheme.*

*The Judge found for the Council, making it clear that developers should not ignore policy requirements and over-bid for land with an expectation that affordable housing could be reduced based on a ‘market value’ paid for a site. The High Court case was based on the developer paying £138,000 per apartment plot.*

*At Old Dalby the land value proposed in the appraisal is the price paid at the existing use value of £280,000 which represents £11,200 per house plot – which would be very difficult to argue represents too much being paid for the land.*

*As such land value is not the issue in the Old Dalby case – it is principally the abnormal construction costs of £551,000 that render the delivery of affordable housing unviable.*

*Based on national BCIS research, construction prices have risen 14.8% in the last 12 months alone whilst house price increases have failed to keep pace and have largely stagnated in many parts of this region. As such the viability position has changed significantly even since the application was granted permission.*

*There are genuine site specific costs in this case that prevent the viable provision of affordable housing and we hope you are willing to review this application with an open mind to enable this scheme to be delivered. The decision in September 2017 took account of the provision of affordable housing as part of the proposal and required this by Section 106 Agreement.*

- 3.5 The study sought to assess the ability of the proposed development to make infrastructure or affordable housing contributions. The overall value of the completed development has been assessed and compared with the total costs, the appraisal has made an allowance for a reasonable return to the Landowner and a reasonable return to the Developer as required by the NPPF.

3.6 The submitted report contains a number of abnormal construction costs associated with the development of this site, itemised as follows, with a total estimated cost of £551,000, the applicant has obtained and submitted quotations for these works.

3.7 Acoustic Fencing – Estimated Cost £81,000

Acoustic fencing has been included to the full length of the southern and eastern boundaries to the site with a notional allowance for working around site features. The cost is based on a quote from Jackson Fencing for the supply and installation of the fencing specified in the Architects report.

Road Alterations – Estimated Cost £64,000

This cost excludes any costs for the formation of the turning head into the site itself. An amount of £10,000 has been included for a new wearing course to the full width of the existing main carriageway for a length of 60m. There is no indication on the drawing of any requirement to divert or otherwise alter any services or the like. Should such a requirement arise this will result in additional costs.

Ground Remediation – Estimated Cost £152,000

The costs are based on the disposal of 600m<sup>3</sup> of “Hazardous” waste. The assessment of the potential quantity of material to be disposed of is based on a statistical assessment by GEA Ltd of the soil samples carried out to date. Further site investigation will be required to confirm real quantities. It is assumed that there will be no requirement to import clean soil to replace the contaminated material removed as there will be sufficient clean material from excavation elsewhere on the site to replace that removed.

Flood and Storm Water Attenuation – Estimated Cost £168,000

The cost of this element is largely driven by the costs of the oversize pipes and manholes, some of which are relatively deep, running from the detention basin to the site boundary. The costs of providing the same run using 225 pipework and proportionately smaller manholes have been deducted from the overall cost.

It is assumed that there will be no requirement for any specialist earthwork support systems as a consequence of unusually poor ground conditions and that the deep excavations required for some of the manhole/pipes will not be effected by groundwater due to a high water table. Should this not be the case there could be significant additional costs.

Ecological Works - £45,020

These include Phase 1 Habitat and protected Species Assessment, Bat and Reptile Surveys, Reptile Fencing and translocation, Bat Development Licence, onsite Bat Mitigation and Monitoring.

Demolition and Site Clearance - £41,250

Includes asbestos survey, stripping out, demolition, site trip, removal of all waste and materials.

- 3.8 The appraisal also makes an allowance for £190,000 for Section 106 infrastructure contributions based on advice received from Hofton Homes. The Appraisal calculates the level of Affordable Housing that is viably achievable and shows that even with 0% delivery, the development demonstrates negative viability of -£516,000. The appraisal therefore illustrates that even before affordable housing discounts are applied, the costs of the overall development compared to the projected value do not allow for a reasonable development profit or return for the landowner.

The additional impact of 25% Affordable Housing Provision is illustrated by the Viability Appraisal as submitted. The appraisal shows increased negative viability of -£933,000.

The primary reasons that Affordable Housing deliver is not viable in this location are the abnormal site development costs of £551,000 and the Section 106 infrastructure contributions of £190,000.

#### **4. Recommendations**

- 4.1 It is recommended that a Deed of Variation is granted to allow the removal of the Affordable Housing requirement from the Section 106 Agreement.**

#### **Background documents:**

- Report to the meeting of Planning Committee 12<sup>th</sup> January 2017 and 24<sup>th</sup> May 2018
- Minutes of the meeting of 12<sup>th</sup> January 2017

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## **PLANNING COMMITTEE SITE VISITS**

**Monday 23<sup>rd</sup> July 2018**

### **PROGRAMME OF MEMBERS' SITE INSPECTIONS AND COMMITTEE TIMETABLE**

*NOTE - These are not public meetings and no decisions are made at site visits.*

*The purpose of a site visit is for Members to gain factual knowledge and make a visual assessment of the development proposal, the application site and its relationship to adjacent sites.*

*There is no discussion of the merits of the case at these visits. The appropriate place to do this is at the Planning Committee itself, where the all parties have the opportunity to attend and speak.*

#### **Meeting at 9:55 departing 10:00 – Parkside**

The following application sites are to be visited.

| Application Ref | Application Site                                      | Approx. time on site |
|-----------------|---|----------------------|
| 17/01346/FUL    | Bottesford Filling Station, Grantham Road, Bottesford | 10:30                |
| 18/00145/OUT    | Land North of Pasture Lane, Gaddesby                  | 11:20                |
| 18/00519/FUL    | 4 Vulcan Close Melton Mowbray                         | 11:45                |

Return 12.00 for **Briefing at 12.05 at Parkside**

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**Committee Meeting: 6:00pm, Parkside, Burton St, Melton Mowbray  
Thursday 26<sup>th</sup> July 2018**

**Please note: that the above times may be subject to change and are approximate only.  
You are advised to contact the Development Control Section to check the above information on 01664  
504242.**

#### **ORDER FOR HEARING APPLICATIONS AT THE MEETING**

|    | <u>Application Ref</u> | <u>Application Site</u>                               |
|----|------------------------|---|
| 1. | 17/01346/FUL           | Bottesford Filling Station, Grantham Road, Bottesford |
| 2. | 18/00145/OUT           | Land North of Pasture Lane, Gaddesby                  |
| 3. | 18/00519/FUL           | 4 Vulcan Close Melton Mowbray                         |

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