



Rural Capital of Food

Agenda

Meeting name	Planning Committee
Date	Thursday, 25 April 2019
Start time	6.00 pm
Venue	Pera Business Park, Nottingham Road, Melton Mowbray
Other information	This meeting is open to the public

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

Edd de Coverly
Chief Executive

Membership

Councillors	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	L. Higgins

Quorum: 4 Councillors

Meeting enquiries	Development Control
Email	externaldevelopmentcontrol@melton.gov.uk
Agenda despatched	Wednesday, 17 April 2019

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES To confirm the minutes of the previous meeting.	1 - 14
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	15 - 16
4.	SCHEDULE OF APPLICATIONS	
4 .1	18/00200/REM King Edward VII Upper School, Burton Road, Melton Mowbray	17 - 34
4 .2	18/01479/OUT Sandy Croft, 31 Sandy Lane, Melton Mowbray	35 - 50
4 .3	18/01011/REM - TO FOLLOW Fair Farm, 33 Melton Road, Waltham On The Wolds, Melton Mowbray	To Follow
5.	TREE PRESERVATION ORDER REF: 151/909/6 Land Adjacent To 27 Main Street, Branston	51 - 60
6.	13/00877/OUT: KING EDWARD VII UPPER SCHOOL, BURTON ROAD, MELTON MOWBRAY Request to vary S106 Agreement	61 - 62
7.	URGENT BUSINESS To consider any other items that the Chair considers urgent	

Minutes

Meeting name	Planning Committee
Date	Thursday, 4 April 2019
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor J. Illingworth (Chair)

Councillors

P. Posnett (Vice-Chair)	P. Baguley
G. Botterill	P. Cumbers
P. Faulkner	M. Glancy
T. Greenow	E. Holmes
B. Rhodes	L. Higgins

Observers

Officers

- Solicitor To The Council (RP)
- Assistant Director for Strategic Planning and Regulatory Services
- Development Manager (LP)
- Administrative Assistant (JD)

Minute No.	Minute
PL74	<p>Apologies for Absence Cllr Bains sent his apologies and was substituted by Cllr Higgins.</p>
PL75	<p>Minutes Minutes of the meeting held on Thursday 21st February 2019.</p> <p>Cllr Faulkner requested that the minutes be amended to state that he had sent his apologies and Cllr Pearson was due to substitute. However Cllr Pearson did not attend.</p> <p>Approval of the minutes was proposed by Cllr Baguley and seconded by Cllr Holmes. It was unanimously agreed by the members present at the previous meeting that the Chair sign them as a true record.</p>
PL76	<p>Declarations of Interest Cllr Rhodes declared that he had personal interest in matters related to County Council which might arise during the meeting. More specifically, had previously exercised his right as Ward Cllr to speak on Item 4 it would only be right that he spoke as Ward Cllr again. However it would not be appropriate to partake in the vote and would leave the meeting.</p> <p>Cllr Posnett declared that as a County Cllr, she had a personal interest in anything that may relate to the County Council.</p>
PL77	<p>Update Report: 16/00303/OUT The chair stated that there is an update regarding the following application which is a precursor to debate.</p> <p>Applicant: R D And J K Chandler Location: Land And Buildings North Canal Farm, Pagets End, Long Clawson Proposal: Demolition of agricultural buildings, construction of up to 40 dwellings, improvements to existing access, formation of surface water attenuation pool and associated infrastructure, provision of public open space and landscaping.</p> <p>(a) The Planning Officer (LP) stated that: The proposal is before you again to update the committee and to provide details of the change in circumstances that have taken place since the consideration of the application in December 2017. When the application was previously heard at planning committee the resolution was to permit the proposal, subject to the demonstration that a footpath link can be secured, this wasn't by way of permission this was a requirement to satisfy the resolution of approval.</p>

Additional information has been received from the applicant which demonstrates land ownership and they feel that a condition could be added to an approval which would require the provision of the footpath from the development site through to the village green at East End as indicated by the green line.

Due to the passage of time it was considered appropriate to bring the application back to committee as significant changes have taken place since December 2017 and decisions must be taken in a manner that reflects the circumstances that apply at the point they are made.

The Melton Local Plan was formally adopted by Full Council on 10th October 2018 with the Clawson, Harby and Hose Neighbourhood Plan being adopted in June 2018. Therefore the previous circumstances that applied to the committee's consideration on 4th December 2017 have been superseded. The progress of both plans to adoption means that the legal requirement to apply full weight to be attributed to them has taken effect, which was not the case in December 2017.

The progress of both Plans is considered to assign greater weight against the application, owing to the content of the proposal being allocated only as a reserve for housing development in both.

It is recommended that Planning Permission is refused, reflecting the current considerations and their relative status.

The chair reminded members that at this particular time comments need to be limited to the merits of the application under consideration. And this is not to be used as a personal platform for political or personal promotion.

(b) Kevin Rolling, an Objector was invited to speak and stated that:

- As a third party owner of the private footpath, he rejected the use of private land for a public footpath serving the development.
- In the fourth schedule of covenant with the applicant, item 9 clearly states; 'if called upon to do so by the vendor, his successor entitled to the estate or dovecote farm or by the district or county authority within 15 years of the date hereof. The purchaser, that's me, will dedicate a footpath over such access road and footpaths coloured blue on the plan as made reasonably required.' This schedule is dated 2nd February 1996 and at no point within 15 years of that date was a request made.
- The footpath is locked at regular intervals and there are permanent signs in place to state the land is private property. Reserve legal right to continue to do this.
- A 2m wide footpath would be required and this is, in places is far less. Not willing to permit the erection of lighting or tarmac.
- Both footpaths terminate at a Village green which must be crossed to gain refuge to a pavement and cannot be altered to accommodate the use of pushchairs, wheelchairs etc.

A Cllr reiterated that the village green is public.

Mr Rolling confirmed that it is protected in law and cannot be altered. It would require a hard surface.

The Chair queried whether there is any other route for pedestrians. Would be unsuitable for wheelchairs etc., but doesn't preclude anybody walking across it in its natural state providing they are not causing damage.

A Cllr expressed concerns about the need to put down a hard surface on a village green.

Mr Rolling described the green as boggy grassland with a loose driveway with no foundations.

The Chair sought clarification regarding the 15 year limit.

(c) David Haston, Agent to the Applicant was invited to speak and stated that:

- Previous benefits discussed outweigh the policies that preclude.
- Adopted plans have not changed the fact that this is identified as a reserved site.
- Utilised an existing developed site and would remove unsightly buildings and slurry lagoon.
- Removed source of odour which could affect properties.
- Reduced traffic.
- Help fund relocation of 300 cow dairy herd.
- Landscape restoration project across countryside to the north.
- Contributions to primary school.
- Ammonia emission from farm would be high, and storage of slurry means the need to relocate is more compelling and urgent.
- No doubt that the existing footpath link, as apposed to public right of way, from the site can be lawfully used by virtue of the rights reserved in the 1996 conveyance of Prospect House. The rights reserved apply whether developed or in present state. Available to current owners and all future owners. This extends to tenants and visiting friends, all entitled to use the footpath.
- To be used by all people in connection to the development.
- Benefits still outweigh and policy conflicts or perceived harm.

A Cllr questioned whether the site is in the Neighbourhood Plan or Local Plan.

Mr Haston confirmed that the site is not allocated but it reserved for housing. This was the case as of the previous meeting, at the time of an emerging Neighbourhood Plan.

A Cllr questioned whether Mr Haston was contesting the speaker's view of the covenant on the land and asked to hear Mr Haston's again.

Mr Haston explained that anybody who was not an owner/tenant or visitor to a person that was, does not have right to use the footpath. Public footpath outside site boundary that does link into village green

(d) Cllr Rhodes, the Ward Cllr was invited to speak and stated that:

- Previously took view it should be determined against the Neighbourhood Plan.
- Applications must be decided against the law and plans, both relevant and this application does not conform to either.
- Disputed land and village green has complications and no guarantee that all have a right to use it.
- Can't be made adequate for all, as it's not wide enough and leads to the village green.

A Cllr questioned why a footpath can't be taken from the western side.

Cllr Rhodes stated that all the footpaths have to go across the village green.

A Cllr reiterated that the village green is public and anyone can walk over it. Should it have gravel/ concrete down?

Cllr Rhodes agreed, adding that it is not possible to put down the right surface for all as a permanent fixture as it wouldn't meet standards.

18:31 Cllr Rhodes left the meeting.

A Cllr stated that the footpath holds limited weight. The Local Plan has just been adopted and if it's driven straight through then it will lead to more speculative applications.

Cllr Baguley added that it was a reserved site. Only to be considered if no other allocated sites are coming forward. There are sites coming forward and members could be setting dangerous precedent. There are too many issues with lighting the footpath and making it suitable for wheelchairs/pushchairs. It would be voting against the Local Plan. **Would like to propose.**

The chair asked if they wished to propose after more of the debate had been heard.

A Cllr stated that it was undetermined in December 2017, Pre Neighbourhood and Local Plan, it should've passed. Expressed concern about odour from the dairy farm. Disputed that there needs to be anything other than grass on the village green.

A Cllr sought advice from the solicitor about the weight of the footpath. Solicitor to the Council stated that it was not the role of the committee to adjudicate the status of the footpath and it is normally not normally relevant to planning consideration. They stated the site is reserved, only to be used if the allocated fails so it would be contrary to plans. They advised to limit considerations to the materials of the Neighbourhood and Local Plan.

A Cllr added that the plans should be considered, and also that there had been no complaints about odour so this was not a concern. They asked whether any letter had been issued confirming permission.

The Development Manager stated there was a resolution to permit. No decision has been made and no permission granted.

A Cllr expressed concerns regarding health issues and questioned why housing was so close to farmyard.

A Cllr stated that they had previously voted to permit based on there being no plan in place and could see the benefits of relocating the farm. However it was now different with the new plans.

The Chair added that although the circumstances have not changed, regulations have. I.e the Local and Neighbourhood Plans. These have to be given weight. With regards to the foul smell/nuisance from the farm, it is not the committee's job to make them compliant. He added that this is a reserved site and only to be brought into effect if other sites are unable or unlikely to come forward it's not believed they won't.

**Cllr Baguley proposed to refuse the application.
Cllr Glancy seconded.**

A vote was taken. 8 members voted to refuse the application. 2 members abstained from the vote. 1 member was absent from the vote.

Cllr Botterill and Cllr Holmes wished to have their vote to abstain recorded.

18:46 The Solicitor to the Council left the meeting.

18:47 The Solicitor to the Council and Cllr Rhodes returned to the meeting.

Determination:

The application proposes a development of dwellings that is contrary to Policy C1 (B) of the adopted Melton Local Plan 2018. The development is allocated as a reserve site that should only be considered should other allocated sites not come forward for development. No evidence has been provided to indicate other sites are incapable of delivery The Borough can demonstrate in excess of five year supply of deliverable housing sites. The application is therefore contrary to Policies SS1 and SS2 and C1 (B) of the

Melton Local Plan 2011-2036.

The application proposes a development of dwellings that is contrary to the Long Clawson Hose and Harby Neighbourhood Plan. The development is allocated as a reserve site that should only be considered should demand for housing in the Borough shift resulting in a greater allocation to Long Clawson, or other allocated sites not come forward for development. The application is therefore contrary to Policies H1, H2 and H3 of the Clawson Hose and Harby Neighbourhood Plan 2017-2036.

PL78 Schedule of Applications

PL78.1 18/01011/REM

Applicant: Miss Sally Smith

Location: Fair Farm, 33 Melton Road, Waltham On The Wolds

Proposal: Approval of reserved matters application for the erection of 60 new dwellings including new access, public open space, landscaping, play area and associated infrastructure

(a) The Planning Officer (LP) stated that:

The application before you is a reserved matters application which considers the layout, scale, appearance and landscaping of the 60 dwellings proposed. Concern has been raised with regards to infrastructure and drainage however these have been considered at the outline stage of the application where the principal of development was approved, and I would like to remind members of the Waltham planning committee whereby common issues such as drainage was considered and debated and thereby approval of the outline granted with that in mind condition 7 of the recommendation will need to be removed from any decision made.

There have been amendments to the scheme which has included more materials and designs considered appropriate for the village of Waltham. Having regard to the fact that the proposal is an allocated site and brings forward a reasonable mixture of housing contributing to identified needs and providing the requisite number of affordable homes along with a layout which takes advantage of views over landscape or public space the proposal is considered to comply with the provisions of the NPPF, the Melton Local Plan and the Neighbourhood Plan and is recommended for approval.

(b) Cllr Lusty, on behalf of Waltham on the Wolds Parish Council was invited to speak and stated that:

- Waltham on the Wolds is a unique and attractive village. References the Neighbourhood Plan Policy H6, regarding high quality design/form in keeping with the local vernacular.
- Pleased the legitimacy has been acknowledged by applicant but the changes are insufficient.
- Applicant has introduced stone construction, but not enough as currently it is 12% with partial stonework.

- 10 out of 60 have chimneys and the street scene is regimented.
- Affordable housing is unevenly distributed and doesn't comply. A more creative solution is needed.
- Does not comply with the Neighbourhood Plan.

A Cllr questioned whether the neighbourhood plan stated a specific percentage in terms of stone construction.

Cllr Lusty replied no, but it is 49% on another nearby development.

A Cllr queried the status of the nearby development.

Cllr Lusty confirmed that is under construction.

A Cllr queried the village percentage in terms of stone construction.

The Chair stated that the village is approx. 35%. Very few have no stone.

A Cllr asked Cllr Lusty what figure would be significant.

Cllr Lusty replied 50% is significant.

(c) Mr Kevin Rolling, an Objector was invited to speak and stated that:

- He agreed with Cllr Lusty
- This would be chipping away at a Plan and once this had been done, it opens up a chip at legislation it lessen its intent.
- Should be stone around the edges of the development.
- Social houses should be inclusive.

(d) Sally Smith, Agent to the Applicant was invited to speak and stated that:

- Plans are a culmination of extensive discussions with Planning Officers, The Parish Council and Neighbourhood Plan Group and they have sought to address concerns raised through representations.
- Will contribute to 5 year housing land supply.
- Identifies need in local area and houses meet the need of the community.
- Offers area of play.
- Improvement to access.
- In keeping with the surrounding area.
- Includes stonework and chimneys on prominent plots.

- Bungalows for the identified aging population.

A Cllr questioned the costings for a building to be stone clad.

Miss Smith replied that she didn't know.

A Cllr asked whether they were hoping for a decision to be made during the meeting and mentioned going away to talk with the Parish Council.

Miss Smith referred to the OUT decision.

A Cllr stated that this should be a rural development not an urban development as Waltham on the Wolds is an Ironstone village. They also expressed concerns about facilities.

A Cllr asked whether there would be any hope of increasing the amount of stone construction.

Miss Smith stated that they would be prepared to negotiate.

A Cllr stated that members have a duty to encourage good design and that this didn't fit well.

The Chair asked if they would be open to further dialogue regarding the issues raised.

Miss Smith replied yes.

The Development Manager stated that the site borders a neighbouring development with a higher quantity of stone. There is a condition on the OUT regarding details of materials to be submitted and if members are concerned then further discussions could be had when the DIS is conditioned.

The Chair stated that the condition doesn't solve how much stone. It needed to be appropriate. 6% is not reflective of the area.

Cllr Greenow proposed to defer to allow the Parish Council, Ward Cllr, Officers, Chair of the Planning Committee and Applicant to reconsider; the number of properties of stone or partial stone construction. And the number of properties with chimneys to bring the application more into line with the Parish Council's desires and the existing mix within the village of Waltham on the Wolds.

The Chair stated there needed to be more debate before doing so.

Cllr Glancy seconded the motion, stating the homes needed to fit in better and would encourage further discussion.

A Cllr added that the first house when entering the village is stone.

A Cllr agreed and stated that the development should follow the neighbouring

development where stone construction is 49%. They suggested the plans needed looking at again and the character needed to be kept.

A Cllr asked whether the design could be a condition rather than a deferral.

The Chair stated that they would need to prescribe it.

A Cllr added that they have a responsibility and suggested that asking for changes would make the buildings look better and in years to come.

A Cllr stated that they have to be careful not to over prescribe but agreed people shouldn't be boxed into one corner in terms of the affordable housing.

The Chair asked if the offer to defer still stood.

Cllr Greenow agreed and again, listed those who would need to attend a meeting.

A vote was taken. Members voted unanimously to defer the application

Determination: The application was deferred to allow for a meeting with the Parish Council, Ward Member, Chair of the Planning Committee, Development Manager and Applicant in order to consider the amount of stone and chimneys within the proposal.

PL78.2

18/01464/FUL

Applicant: Mr & Mrs A Watkinson

Location: 1 Belvoir Avenue, Ab Kettleby

Proposal: Erection of a detached bungalow to the rear of 1 Belvoir Avenue.

(a) The Planning Officer (LP) stated that:

The proposal is a full planning application for the erection of a detached bungalow in the garden of number 1 Belvoir Avenue. Concern has been raised with regards to the impact of amenity of neighbouring residents and the proposal amended during the course of the planning application.

When assessing the proposal against both the local plan and the Neighbourhood plan which is given limited weight the proposal complies with the policies of the Melton Local Plan and is recommended for approval.

(b) The Chair read out a statement on behalf of Cllr Orson, the Ward Cllr.

- Visited the site and viewed from 3 Belvoir Avenue and Quorn Avenue.
- Bungalow would severely impact 3 Belvoir Avenue. Loss of amenity beyond what's reasonably acceptable for infill property.
- Limited support for proposal.
- Bigger than imagined and would impact No.3.

(c) Adrian Watkinson, the Applicant was invited to speak and stated that:

- Land was given to him by family who live at 1 Belvoir Avenue.
- The single storey, 1 bed bungalow would be as low key as possible and constructed from same style bricks and tiles as surrounding property.
- Reason for the build is to downsize and use as a retirement home.

A Cllr asked if the applicant would accept a personal tie.

The Assistant Director of Strategic Planning and Regulatory Services explained that this would limit the occupancy only to Mr and Mrs Watkinson.

Mr Watkinson replied yes, as they will retire there.

The Solicitor to the Council stated that it was unusual to ask for a personal tie and doubted whether that would be appropriate.

Cllr Rhodes proposed to permit and said that to apply a personal tie would be a burden to the family.

Cllr cumbers seconded.

A Cllr explained they wanted to know if the applicant intended to live there and could see the merits for it. It would encourage smaller houses on the market. They described that when viewed from 3 Belvoir Avenue, the garden land is slightly higher. It would severely impact no.3 and leaned towards concern.

A Cllr agreed and suggested that 1 Belvoir Avenue may not always be within the family and expressed concerns of how close the bungalow would be.

The Chair stated that any future buyer would be aware.

A Cllr queried the separation distance.

The Chair explained the bungalow would be at an offset right angle and window to window, exceeded the minimum distance.

A Cllr reiterated the amenity to No.1. The bungalow would mean No.1 would not be in keeping with the garden taken away.

The Chair pointed out on the plans that the distance to the corner of No.3 is 7.6m. He asked whether it is known that to sit the bungalow down would prevent overlooking issue to No.3.

The Development Manager stated no.

A Cllr stated that the proximity was too close.

A Cllr expressed concern about the impact on No.3 and suggested strategic planting.

The Chair questioned whether they'd be encouraging the applicant to do the planting screen.

A Cllr confirmed that yes they would.

The Chair highlighted condition 6 - details of the boundary treatment.

A Cllr queried whether the condition could be reworded.

The Development Manager replied yes, members could reword.

A Cllr stated that the gardens are narrow, and questioned whether this could block sunlight/daylight.

A Cllr asked whether the screening should be for No.3's liking not member's.

The Assistant Director of Strategic Planning and Regulatory Services stated that conditions cannot be created that involve third parties. They can be consulted but it could not be left in their hands.

The Chair asked if the proposer and seconder would permit subject to a satisfactory resolution.

A Cllr queried the parking.

The Chair informed them that it would be between the existing and proposed property. To the right hand side.

Motion to permit as per the Officer's recommendation.

5 members voted for. 6 members voted against.

The motion was lost.

Cllr Higgins stated that the proposed dwelling would compromise the amenity of No.3 and would be unacceptable. Contrary to Policy D1 of the adopted Melton Plan.

Cllr Glancy seconded for the same reason.

A vote was held. 7 members voted to propose to refuse. 3 members voted against this. 1 member abstained from the vote.

Permission refused.

Determination:

The proposed dwelling, by virtue of its length, height and proximity to the boundary of the site, would result in an unacceptable intrusion into the amenities enjoyed by the adjacent property, no 3 Belvoir Avenue. It would therefore compromise the amenity of the neighbouring properties and would be contrary to policy D1 of the Adopted Melton Local Plan 2011-36

PL78.3

18/01515/FUL

Applicant: Rectory Court Residents

Location: Rectory Court, Rectory Lane, Bottesford

Proposal: Installation of entrance bollards.

(a) The Planning Officer (LP) stated that:

The proposal is a full planning application for the installation of bollards; the application is presented to you as the applicant is an elected member.

The bollards proposed are considered non intrusive and of a design that would not impact upon the host Listed building or conservation area.

And is compliant with Highway regulations to ensure no detrimental impact on highway safety.

The application is therefore recommended for approval.

Cllr Holmes proposed to permit.

Cllr cumbers seconded.

A Cllr queried whether they cover the whole entrance or just part.

The Development Manager stated that there will be 4 on either side and are to restrict HGVs.

A Cllr asked whether there would be any impact to cars.

The Development Manager stated no.

A Cllr expressed their support and said that they understood the reasoning, plus it would prevent damage to parked cars.

A Cllr agreed stating it was unacceptable to turn on private property.

A Cllr stated that if it wasn't for the applicant being a member then it would be a delegated decision and permitted.

The Chair asked what the reason was for the HGVs using the space to turn. Was it a dead end and would this be dangerous.

The Development Manager confirmed that it was not a dead end.

A vote was held and members voted unanimously to permit.

	Determination the proposal complies with the provisions of the NPPF and the Melton Plan 2011-2036. No material considerations are present to justify a decision that would depart form the Local Plan and it is recommended that planning consent be granted on this occasion.
PL79	Urgent Business

The meeting closed at: Time Not Specified

Chair

Advice on Members' Interests

PERSONAL AND NON-PECUNIARY INTERESTS

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

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

PERSONAL AND PECUNIARY INTERESTS

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's 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: 25th April 2019

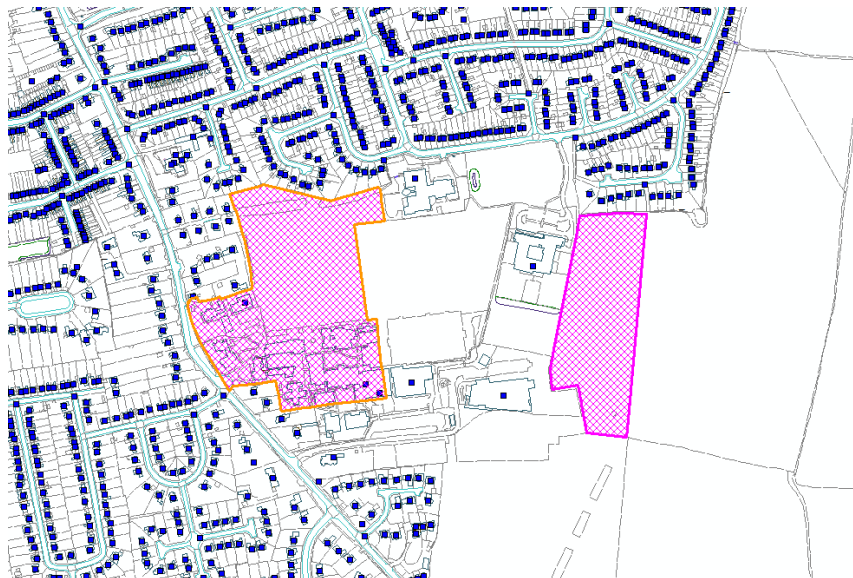
Reference: 18/00200/REM

Date submitted: 2nd May 2018

Applicant: Jelson Ltd – Rob Thorley

Location: King Edward VII Upper School, Burton Road, Melton Mowbray

Proposal: Proposed construction of 120no. Residential dwellings plus associated highway infrastructure and car parking provision. Reserved Matters to include Access, Appearance, Layout and Scale - Landscaping subject to subsequent separate application. (Outline application - 13/00877/OUT)



Proposal:-

The application site is located on Burton Road, approximately 1.5km to the south-east of Melton Mowbray town centre. The site comprises land associated with the former King Edward VII School which has been unoccupied since the school closed in 2011. Adjacent to the site are former school buildings which are currently boarded up for security reasons and subject to separate applications for conversion to residential. There are residential properties to the north, south and west of the site.

The application comprises the reserved matters from the outline approval 13/00877/OUT which approved the demolition of the majority of buildings, the construction of up to 120 dwellings together with open space and infrastructure. All matters other than access were reserved at that stage.

Revised plans have been received amending the layout and house types and to

address issues raised through the consultation process. The site is subject to a group Tree Preservation Order from 1984.

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

- **Compliance or otherwise with the Development Plan,**
- **Principle of development**
- **Impact upon the character of the area**
- **Impact upon residential amenities**
- **Highway Safety**
- **Ecology**
- **Impact on Protected Trees**

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

History:-

13/00877/OUT Approved the demolition of the majority of the existing buildings on the site, the construction of up to 120 residential dwellings together with associated open space and infrastructure, subject to a s.106.

16/00632/DIS Approved the discharge of condition 3 (provision of new playing field) of application 13/00877/OUT.

17/00985/VAC Approved a variation of conditions 6 (materials), 7 (landscaping), 9 (drainage SUDs), 10 (foul and surface water drainage), 11 (bat mitigation), 12 (ecology) and 13 (noise attenuation scheme) of Planning Permission 13/00877/OUT.

18/00201/FUL is pending and relates to a proposed change of use of former school building into 13no. Self-contained residential apartments.

18/00202/FUL is pending and relates to a proposed change of use of former School building into 4no. Self-contained residential apartments.

18/01110/TPO approved works to trees within the site.

Planning Policies:-

The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area. Under s.38 (6) planning decisions must follow the policies of the Plan unless material considerations indicate otherwise.

Policy SS1 sets out a presumption in favour of sustainable development.

Policy SS2 sets out the Borough wide development strategy and states that Melton Mowbray Main Urban Area is the priority location for growth and will accommodate approximately 65% of the Borough's housing need. The role and sustainability of

Melton Mowbray will be significantly enhanced through the delivery of at least 3,980 homes by 2036 on allocated and other sustainable sites in accordance with Policy SS1 above.

Policy C1 (A) Housing Allocations refers to the site as MEL2 Site of King Edward VII School and allocates 120 houses.

Policy C2 seeks to manage the delivery of a mix of house types, tenures and sizes to balance the current housing offer. Residential proposals for developments for 10 or more dwellings should seek to provide an appropriate mix and size of dwellings to meet the needs of current and future households in the Borough

Policy C3 National Space Standard and Smaller Dwellings.

Policy C4 Affordable Housing Provision sets out a requirement in Melton of contributions of between 5 and 10% of the overall housing provision.

Policy EN1 Landscape seeks to ensure new development is sensitive to its landscape setting and where possible enhances the distinctive qualities of the landscape through respecting aspects such as the distinctive topography, important trees, hedges and other vegetation features.

Policy EN2 seeks to achieve net gains for nature and proactively seek habitat creation as part of new development proposals and to protect and enhance biodiversity.

Policy EN8 states all new development proposals will be required to demonstrate how the need to mitigate and adapt to climate change has been considered.

Policy EN11 seeks to ensure development proposals do not increase flood risk and will seek to reduce flood risk to others.

Policy IN2 Transport, Accessibility and Parking provides support for schemes providing an efficient and safe transport network which offers a range of transport choices for the movement of people and goods, reduces the need to travel by car and encourages use of alternatives, such as walking, cycling, and public transport.

Policy IN3 Infrastructure Contributions and Community Infrastructure Levy.

Policy D1 seeks to raise the standard of design through siting and design being sympathetic to the character of the area, to protect the amenity of neighbours, utilise the existing trees and hedges together with new landscaping and make adequate car parking provision.

National Planning Policy Framework (July 2018)

The Local Plan has been examined and it has been concluded it is compatible with the NPPF 2012 version. There are not considered to be any changes in the 2018 version that renders the policies applicable to this application 'out of date'.

Consultations:

Consultation reply	Assessment of Head of Strategic Planning and Regulatory Services
<p>LCC Highway Authority</p> <p>The applicant has submitted BRP drawing number J85 P11 in response to the previous highways comments. The LHA now consider the internal layout is designed to an adoptable standard.</p> <p>The LHA have identified two speed tables on bends fronting Plots 99/100 and 48/49, which would not be required due to the design of the bend, however it is satisfied these can be removed as part of the S38 process.</p> <p>It is noted that the applicant is proposing a pedestrian link to the north of the site (fronting Plots 93-94) to the Grange Drive Area which was a planning condition required by the Local Planning Authority. It appears the land and footway to the north of the application site and connecting to Grange Road is not under the Applicants control, is not a public right of way and is not adopted by the LHA. Therefore while the footway would be welcomed connecting through to Grange Drive, it would not be possible for the LHA to consider it for adoption.</p> <p>Conditions No occupation until pedestrian visibility splays, parking and turning facilities, access drives surfaced, have been implemented and site drainage details have been provided</p>	<p>Noted 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 the National Planning Policy Framework 2019 (NPPF), subject to the Conditions as outlined in the submitted report, there is therefore not considered to be any objection to this proposal on highway grounds.</p>
<p>Environment Agency</p> <p>The site is located within flood zone 1; have no comment to make on the</p>	<p>Noted.</p>

<p>application.</p>	<p>The proposal complies with Policy EN11 of the Local Plan and will not lead to a greater degree of flood risk on the site or on adjacent sites.</p>
<p>Building Control</p> <p>The layout appears satisfactory from both Fire and Refuge perspective.</p>	<p>Noted.</p>
<p>Sport England</p> <p>Initially raised an objection to the proposal at the outline application stage; however, our concerns regarding the loss of the playing field area were resolved and the replacement area has been provided in advance of that required by condition on the outline consent.</p> <p>Our concern regarding the construction of houses adjacent to the existing sports facilities (particularly the artificial grass pitch) however remains. It is noted that condition 13 is intended to deal with this issue. We did not support the use of a condition at the outline application stage. It remains our view that, notwithstanding the requirements of condition 13 that an assessment of the noise impacts should be undertaken before the approval of the housing layout to ensure that any noise attenuation requirements can be planned and accommodated. Our concern remains that residential properties constructed so close to the AGP will result in issues for residential amenity and complaints regarding noise nuisance leading to restrictions on the use of the facility resulting in the closure of the sports facility as it would not be sustainable with restricted use.</p>	<p>The issue of potential noise from the sports facilities was considered at the outline application where it was the subject of a condition. Condition 13 of 13/00877/OUT stated:</p> <p>“No development shall start on site until a noise attenuation scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall provide full details of the measures which are proposed to mitigate the impact of noise from existing sports and recreation facilities upon the residents of the dwellings which are the subject of this planning permission. The development shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority”.</p> <p>Notwithstanding the concerns of Sport England this approach to address the residential amenity of future occupants living in close proximity to the sports facilities was considered acceptable at the outline stage.</p> <p>It is considered that in practice it is unlikely to be an issue as it will be in the developer’s interest to ensure that properties adjacent to the sports facilities are appropriately protected from noise coming from that area. The protection measures may take various forms including an acoustic fence, triple glazing within the</p>

	<p>properties or some combination of these. The exact form can be agreed through details submitted to discharge the condition.</p> <p>It is therefore considered there are adequate safeguards to ensure a satisfactory level of amenity will be provided for occupants of the dwellings in close proximity to the sports facilities.</p> <p>It is considered the condition on the outline application can adequately address the issue of amenity for future occupants in relation to the adjacent sport facilities to ensure compliance with Policy D1 of the Local Plan.</p>
<p>Crime Officer</p> <p>All access points leading into the site are via Burton Road which offers the potential for improved site security for residents and visitors to the different phases if consideration to CCTV coverage is made. The benefit of potentially two Lamppost mounted ANPR (Automatic number plate recognition) cameras could allow all the new development to be monitored in real time or after event review. Power to these types of camera can be supplied via Lampposts as well as providing a camera mounting position.</p> <p>Street lighting columns to be to BS 5489 are recommended. Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing. Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should</p>	<p>The specification of the street lighting will be agreed with the County Council as part of the s38 highways adoption process.</p> <p>Details of fencing will be provided under condition 7 of the outline planning permission.</p> <p>Details of lighting for the parking court to serve Plots 17, 18, 19, 20, 22, 23 and 24 can be secured by a condition on the reserved matters application.</p> <p>Overall, it is considered the layout would minimise the potential for crime and anti-social behaviour and the proposal complies with Policy D1 of the Local Plan.</p>

<p>be in place to be compliant with the Data Protection Act. Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision. Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access. Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request and would be beneficial to this development. Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.</p>	
<p>LCC Archaeology</p> <p>The site was evaluated (desk-based assessment, geophysical survey and trial trenching) in 2013, which demonstrated that the proposed development area has a low archaeological interest. Have no comments to offer in relation to the current proposal.</p>	<p>Noted.</p> <p>It is considered that there are no archaeological constraints to development of the site.</p>
<p>Trent Valley Internal Drainage Board</p> <p>The site is outside of the Trent Valley Internal Drainage Board district and catchment. No comments to make.</p>	<p>Noted.</p> <p>Details of drainage are required by conditions on the outline approval which will adequately address drainage for the site.</p>
<p>LCC Footpaths</p> <p>Note the layout includes maintaining the existing pedestrian link from the north-eastern corner of the site on to Meadow Way and this is to be very much welcomed on the grounds that it will have a significant impact on the</p>	<p>Noted.</p> <p>A condition can be imposed to secure the provision and retention of the footpath to Meadow Way.</p>

<p>sustainability of the site. Would expect the pedestrian link to be secured as part of the public highway network either by inclusion in any S38 Adoption Agreement for the other highways or as a separate Public Path Dedication Agreement. Recommend a condition.</p>	
<p>LLFA</p> <p>The development quantum appears broadly in line with that proposed within the supporting flood risk document for the 2013 planning document. It should be noted that within the 2013 drainage strategy underground attenuation was proposed, the LLFA would welcome the use of above ground sustainable drainage (SuDS) and permeable paving for beneficial water treatment measures. The proposed reserved matters are considered acceptable.</p>	<p>Noted.</p> <p>Details of drainage are required by conditions on the outline approval which will adequately address drainage for the site.</p>
<p>LCC Ecology</p> <p>The proposed layout proposes gardens immediately adjacent to the existing woodland at the north of the site. The plan clearly shows that these gardens fall under the canopy of the trees. Given the gardens are relatively small it seems inevitable that the woodland will be subject to management pressure, to remove overhanging branches etc. We therefore maintain our recommendations sent in response to the outline application:</p> <p><i>We are pleased to see that this woodland area is to be retained, but would request that a buffer of around 10 metres is left between the plot boundaries and the woodland. This will allow the woodland to be retained and managed in the long-term and would help to prevent partial management of overhanging branches etc. and the dumping of</i></p>	<p>Details of how the woodland will be managed from an ecological perspective are required to be submitted under condition 12 of the outline permission which requires the submission of an ecological management plan.</p> <p>Whilst the request for an ecological buffer is noted it is considered that this would potentially leave the extended woodland area open to anti-social behaviour which is a specific concern of local residents. Having private gardens backing onto the woodland would ensure that access to the woodland is restricted and that, in combination with the use of a management company, the long term maintenance of the woodland could be safeguarded. Some localised trimming back of the woodland to accommodate this would not undermine its ecological or</p>

<p>waste. This will impact the northern-most plots. The management plan for the site should include a section on the management of this woodland for ecology.</p> <p>We also note that part of the woodland is now proposed to be removed for the pumping station to be sited. Can find no information on this area, including information on what is to be lost and what it will be replaced with (landscaping in the area of the pumping station).</p> <p>An updated bat survey and mitigation plan has been submitted with the application (FPCR, August 2017). This identifies 2 bat roosts on site, one in building B4a and one in B5b. From looking at the plans it is my understanding that both of these buildings fall outside of the red-line boundary and are not the subject of this application. No objections to this development on the grounds of roosting bats. However, the recommendations in the bat report for the buildings impacted by this development (B4a, B4c, B5a, B5c, B6, B7, B8, B9 and B10) should be followed.</p>	<p>visual function unduly.</p> <p>On balance, it is considered other than appropriate management of the trees the proposed dwellings and trees could have a satisfactory relationship and the development would not lead to overbearing pressure to remove large numbers of trees.</p> <p>Details of any replacement planting to compensate for the loss of trees in the area around the pumping station would be considered through the reserved matters application for landscaping which has yet to be submitted.</p> <p>A bat mitigation strategy for the site has been submitted and the recommendations of the report can be subject to a condition.</p> <p>Overall, it is considered the ecological interests of the site and immediate surroundings will be adequately safeguarded by the proposed layout together with conditions relating to construction methods in close proximity to trees, landscaping and bat mitigation measures.</p>
<p>LCC Forestry</p> <p>The Arboricultural Assessment submitted in support of the application is on the whole a fair and reasonable representation of trees on and adjacent to the site. Strongly advise that guidance and comments found in the assessment be adhered to and followed.</p> <p>As part of the proposed development there is a need to remove a number of trees from the site. A majority of the higher quality specimens are being retained, these will add maturity and structure to the site. On</p>	<p>The proposals seek to retain the majority of the most mature and visually attractive trees, including the mature specimens around the site entrance and around the retained locally listed school buildings. This is considered to achieve an acceptable balance between retention of the best trees on the site and the efficient redevelopment of this brownfield land which has the benefit of outline approval.</p> <p>The plans have been amended to locate the play areas outside of the</p>

<p>the whole it would appear the available space has been utilised for the construction area, lower or moderate quality trees are marked for removal in favour of higher quality trees. There are some moderate quality trees where their removal is unfortunate but necessary in order to retain a majority of the tree stock and facilitate the development</p> <p>There is potential for occasional incursion and construction to be carried out with the root protection areas of selected trees. Advice and guidance on the use of no dig technology is set out in the Arboricultural Assessment (4.14), this should be followed and adequate measures sought to ensure the correct method of construction is carried out.</p> <p>Consideration of foundation type, depth and method of installation should be given, where construction is near to existing or proposed trees. This is to mitigate for potential vegetation related subsidence.</p> <p>In the event that the development is to proceed, and that trees are to be retained; I would strongly advise that adequate protective fencing is installed around retained trees before any site works or further ground preparation commences. Failure to afford the trees adequate protection can result in irrevocable damage being caused to trunk, branch, nutrient rich soils and the tree's delicate root system.</p>	<p>tree canopies and to include low level fencing to deter residents from walking under the canopies of the retained trees.</p> <p>Full details of replacement trees will be considered as part of further reserved matters applications for landscaping and conditions are attached to the outline permission relating to submission and installation of tree protection measures for retained trees. A condition can be imposed regarding construction and trees.</p> <p>It is considered the long term health of the trees will be safeguarded through the proposed layout and a condition can be imposed relating to construction adjacent to trees. A condition relating to tree protection has already been imposed on the outline permission.</p>
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Representations:

A site notice was posted and neighbouring properties consulted. As a result **5 letters of objection have been received and one letter signed by 9 members of the public**, objecting on the following grounds:

Representations	Assessment of Head of Strategic Planning and Regulatory Services
<p>Visual Amenity</p> <p>The removal of the woodland will make the view from neighbouring properties aesthetically less pleasing.</p>	<p>It is proposed that the woodland between the new houses and existing houses in Field Close will be retained as part of the proposals and managed by a management company.</p> <p>It is therefore not considered that the proposal would have an undue adverse impact on the visual amenities of this part of the site and would adequately maintain the views from properties on Field Close.</p>
<p>Residential Amenity</p> <p>Concerned about the impact of the proposed development on the bungalows on Field Close through visual intrusion and loss of privacy and the creation of a dominant and oppressive environment.</p> <p>The removal of trees would be visually intrusive with potential for noise and reduce or remove screening and privacy to neighbouring dwellings.</p> <p>Additional odour from the pumping station.</p>	<p>The woodland between the development and the bungalows in Field Close would be retained and would provide a substantial visual barrier. Furthermore, there would be additional separation provided by the back gardens of the proposed dwellings. A number of dwellings on this row of properties running parallel to Field Close would be bungalows which have been introduced by the applicant in an attempt to address the comments received from neighbouring properties.</p> <p>The pumping station is a modern facility and extremely common on new housing estates. It is not expected to generate odour concerns.</p> <p>It is considered that the proposal would not have a detrimental impact on the residential amenities of occupiers of Field Close.</p>

<p>Loss of Trees</p> <p>The objection is to the tree-felling that is proposed in the north-west corner of the site, to accommodate the sewerage pumping station. The Arboricultural Assessment and site layout plan are somewhat disingenuous as they suggest that only four trees will be removed due to the works. In fact, this is a dense, established, copse of trees and upwards of a dozen mature trees and many more saplings are likely to be destroyed. These include specimens of Oak, Horse Chestnut, Maple and Corsican pine. Some of the trees to be removed are stated not to be mature; however, these are more than the moderate classification given. The removal of the tree cover is not unavoidable as stated and the amount of trees being destroyed is caused by the location of the pumping station to the north-west of the sewer line; if the pumping station was to be sited to the south/east of the sewer, very few trees would need to be destroyed. There will be no screening to the west.</p> <p>A neighbours hedgerow is part of the site boundary adjacent to the area of woodland clearance for the pumping station.</p> <p>The woodland provides security and privacy to neighbouring gardens.</p>	<p>The location of the pumping station is driven by the position of the existing sewer which already runs through the woodland area and over which mature trees should ideally not be present. From a visual perspective the siting of the pumping station also has the benefit of being largely screened by the existing mature trees.</p> <p>Any trees lost as a consequence of the construction of the pumping station will, as with others across the site, be compensated or through the new landscaping proposals. Although more mature trees would be lost the replacement trees will in the long term ensure high quality tree coverage within the site.</p> <p>On balance, it is considered the loss of trees and the siting of the pumping station would be adequately mitigated by the benefit visually of locating the facility on this part of the site and through additional tree planting. It is inevitable that some trees would be lost in developing this site for housing; it is considered the level of tree loss is relatively limited and justified through the balanced approach taken in the proposals.</p>
<p>Ecology</p> <p>The mature trees to be removed have been there for many years and together with the land where they are situated today are the home of much natural wildlife such as birds, foxes, squirrels and badgers.</p>	<p>As discussed above the proposals allow for the retention and effective management of the woodland and the retention of the majority of the mature and significant trees on the site.</p> <p>The proposal would not have any</p>

	adverse impact on protected species.
<p>Drainage</p> <p>There is no mention on the plans of the watercourse/drainage channel/lagoon running through the woodland area which has not been maintained for some time; residents have recently experienced excessive water retention in gardens and flooding in places when it rains. The neighbouring dwellings and gardens are on a lower level than the playing fields and the development could lead to more damp/flooding issues.</p>	<p>The site has been the subject of flood risk assessment and detailed drainage designs will need to be submitted for approval as part of the discharge of conditions.</p> <p>At present the site is a field with un-attenuated water flows across it and the development would provide the opportunity to actively manage and reduce overland water flows and improve the situation in relation to the ditch referred to. Water will be intercepted by the on road drainage system before it reaches the site boundary.</p> <p>Details of drainage are required by conditions on the outline approval which will adequately address drainage for the site.</p>
<p>Other Matters</p> <p>The site plan doesn't show existing properties on Meadow Way.</p> <p>The rear boundary of the proposed plots 77-95 does not meet the rear boundaries of the existing properties on Meadow Way (labelled existing woodland). Will the access to the existing woodland area be restricted? Who will be responsible for maintenance? Anti-social behaviour in the wooded area over the years and concerned greater access could be afforded to this land resulting in greater stress and anxiety.</p>	<p>The proposed layout does not illustrate the neighbouring properties. However, an on-site assessment has taken place and other mapping is available in order to fully assess the proposal and the potential impact on neighbouring properties.</p> <p>The layout has been designed to restrict access to the woodland by incorporating private gardens backing onto it and securely fencing any other access points to it. This would ensure that the area cannot be accessed by the general public and would minimise the potential for any anti-social behaviour.</p> <p>The applicant has indicated that the woodland will be managed by the same management company who</p>

<p>Insufficient number of bungalows proposed.</p> <p>There is no existing pedestrian link to Meadow Way.</p>	<p>will manage all of the public open space across the site. This will form part of the ecological management plan required by condition 12 of the outline planning permission.</p> <p>The number of bungalows has been increased from zero at the time of the initial consultation to eight now proposed following discussions with Officers.</p> <p>There is an existing pedestrian link to Meadow Way which has been closed since the school closed in 2011. This link would be re-opened as part of these proposals.</p>
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Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
Principle of Development	The principle of development has been established in outline under 13/00877/OUT which approved the construction of up to 120 dwellings together with associated open space and infrastructure. This was subject to a s.106 agreement and conditions.
Housing Mix	Discussions are ongoing to ensure that the appropriate mix is submitted for approval, these details will be confirmed and presented to the committee on the evening of committee.
Visual Amenity	The proposed layout maximises the natural attributes of the site including the mature trees to achieve an attractive development. Revisions have been received following the original submission to address the design issues identified and overall the proposed scheme is acceptable visually. The proposal will also include additional landscaping through the submission of a further reserved matters application.

	<p>It is considered the proposal would achieve a high standard of design and layout, in compliance with Policy D1.</p>
<p>Residential Amenity</p>	<p>The layout has been assessed to ensure the residential amenity of future occupants of the development and existing neighbours would be secured. The scheme would minimise the impact on existing neighbouring properties through careful siting and design and would provide a satisfactory level of amenity for future occupiers.</p> <p>The revised plans, proposing a number of bungalows on the part of the site adjacent to Field Close, would reduce the impact on occupiers of those neighbouring dwellings and ensure a satisfactory relationship.</p> <p>Condition 13 on the outline approval will address noise issues for plots adjacent to the sports facilities.</p> <p>Overall, it is considered the proposal would provide a satisfactory level of amenity for existing and future occupants.</p>

Conclusion

The proposed development is considered acceptable and within the parameters established at the outline stage. The proposal would secure a high standard of design and ensure satisfactory amenity for future and existing occupiers. Issues including the impact on trees, drainage, archaeology and ecology have been satisfactorily addressed. Conditions on the outline application and additional conditions recommended on this application, together with the outstanding landscaping reserved matter, will ensure the development is delivered and achieve the standards required. The outstanding issues of highways and affordable housing numbers, mix and tenure are the subject of on-going discussions and will be reported to Committee. As such, the proposal is considered to be comply with the Local Plan policies referred to above and principles of the NPPF, subject to the highways and affordable housing issues being resolved.

Recommendation: Permit subject to the following conditions:

1. No development above ground shall commence on site until all existing trees and hedges that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. In addition all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.
2. No development above ground shall commence until construction methods of development, to include foundation type, depth and method of installation, to safeguard the long health of all trees to be retained, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.
3. No development above ground shall commence until details of illumination for the car parking area serving Plots 17-20 and 22-24, have been submitted to and approved in writing by the Local Planning Authority. These approved details shall be implemented prior to the first use of the area for the parking of residents vehicles and shall thereafter be so maintained.
4. The window serving bathrooms and en-suites in the side elevations of the dwellings hereby approved shall be glazed with densely obscured glass. This arrangement shall thereafter be retained at all times.
5. Notwithstanding the details shown on Drawing No.P03 (23/07/2017) the pedestrian link on to Meadow Way will be Dedicated as a Public Footpath.
6. The development shall be carried out in accordance with the mitigation measures contained in the Bat Survey (B4a, B4c, B5a, B5c, B6, B7, B8, B9 and B10).
7. The development shall be carried out in accordance with the following plans:

J85 P01B
J85 P03U
J85 P11A
J85 P12A
J85 P13A
J85 P14A
J85 P15A
J85 P16A
J85 P17A
J85 P19B
J85 P20A
J85 P21A
J85 P23A

J85 P24A
J85 P25A
J85 P26A
J85 P27A
J85 P30A
J85 P31A
J85 P32A
J85 P33A
J85 P34A
J85 P37A
J85 P38A
J85 P39A
J85 P40
J85 P41A
J85 P43
J85 P44
J85 P45
J85 P46
J85 P47A
J85 P48A
J85 P49
J85 P50A

8. The development hereby permitted shall not be occupied until such time as the pedestrian visibility splays, parking and turning facilities have been implemented in accordance with BRP drawing number J85P11. Thereafter the pedestrian visibility splays and onsite parking provision shall be so maintained in perpetuity, with nothing within the pedestrian visibility splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
9. The development hereby permitted shall not be occupied until such time as the access drives (and any turning space) has been surfaced with tarmacadam or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.
10. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reasons:

1. In order to ensure the long term health of the trees to be retained.
2. In order to ensure the long term health of the trees to be retained.
3. In the interests of residential amenity and to minimise the risk of crime or anti-social behaviour taking place.

4. In the interests of residential amenity.
5. To promote travel by sustainable modes in accordance with Paragraphs 30 and 32 of the National Planning Policy Framework 2012.
6. In order to safeguarded the protected species within the site.
7. For the avoidance of doubt.
8. In the interests of pedestrian safety, 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 the National Planning Policy Framework (2019).
9. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with National Planning Policy Framework (2019.)
10. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2019).

Officer to contact: **Mr Joe Mitson**

15.04.2019

COMMITTEE DATE: 25th April 2019

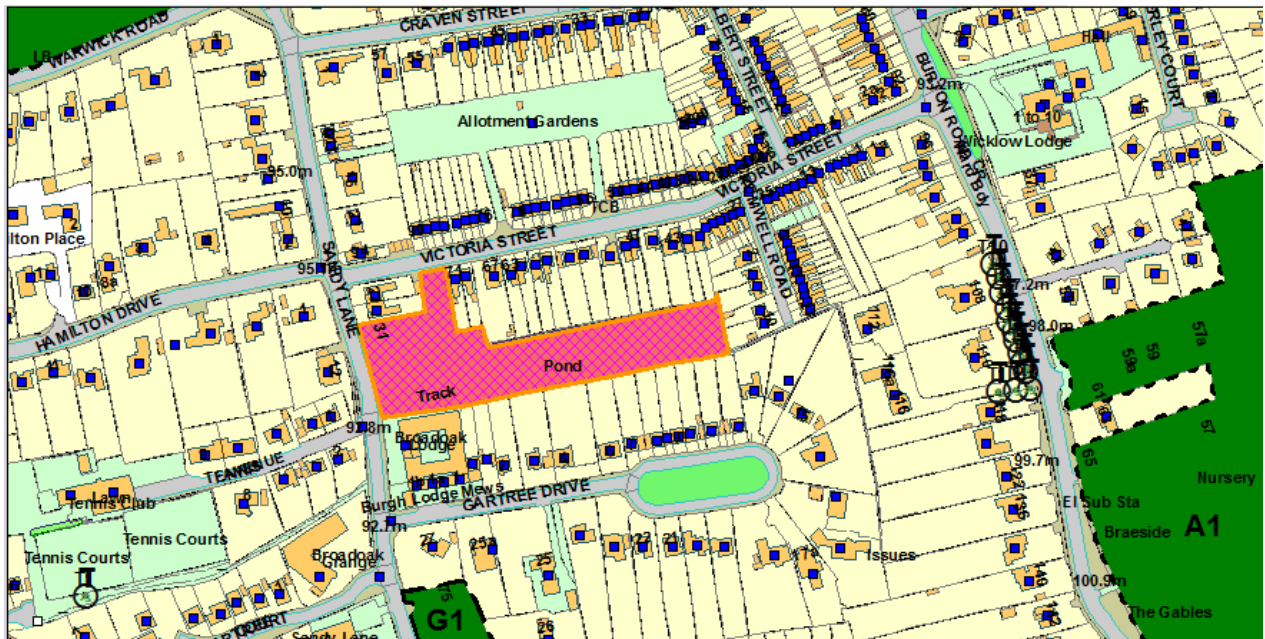
Reference: 18/01479/OUT

Date Submitted: 10.12.18

Applicant: Richard, Peter and Gill Kendall

Location: Land to the rear of Sandy Croft, 31 Sandy Lane Melton Mowbray

Proposal: Outline application for Residential development of up to 12 dwellings.



Introduction:-

This application seeks outline planning permission for up to 12 dwellings. The details of the access have been submitted for approval at this stage, all other details would be subject to a separate reserved matters application.

The application site is a back land plot measuring 0.67ha and located within the built up area of Melton Mowbray, The plot is served by an existing access onto Sandy Lane. The site currently contains a number of outbuildings in various states of repair.

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
- Highway safety
- Sustainable development
- Impact upon Ecology and Biodiversity

The application is supported by a Biodiversity Survey and Report, Design and Access Statement, Bat Survey, Tree Survey, and a Preliminary Drainage Strategy. All of these are available for inspection.

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

Relevant History:-

83/00146/FUL – Erection of garage – Permitted May 1983

Planning Policies:-

The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area. Under s.38 (6) planning decisions must follow the policies of the Plan unless material considerations indicate otherwise.

Policy SS1 sets out a presumption in favour of sustainable development.

Policy SS2 sets out the Borough wide development strategy and states that Melton Mowbray Main Urban Area is the priority location for growth and will accommodate approximately 65% of the Borough's housing need. The role and sustainability of Melton Mowbray will be significantly enhanced through the delivery of at least 3,980 homes by 2036 on allocated and other sustainable sites in accordance with Policy SS1 above.

Policy C2 seeks to manage the delivery of a mix of house types, tenures and sizes to balance the current housing offer. Residential proposals for developments for 10 or more dwellings should seek to provide an appropriate mix and size of dwellings to meet the needs of current and future households in the Borough.

Policy C4 Affordable Housing Provision sets out a requirement in Melton of contributions of between 5 and 10% of the overall housing provision.

Policy EN1 Landscape seeks to ensure new development is sensitive to its landscape setting and where possible enhances the distinctive qualities of the landscape through respecting aspects such as the distinctive topography, important trees, hedges and other vegetation features.

Policy EN2 seeks to achieve net gains for nature and proactively seek habitat creation as part of new development proposals and to protect and enhance biodiversity.

Policy D1 seeks to raise the standard of design through siting and design being sympathetic to the character of the area, to protect the amenity of neighbours, utilise the existing trees and hedges together with new landscaping and make adequate car parking provision.

National Planning Policy Framework (July 2018)

The Local Plan has been examined and it has been concluded it is compatible with the NPPF 2012 version. There are not considered to be any changes in the 2018 version that renders the policies applicable to this application 'out of date'.

Consultations

Consultation Reply	Assessment of Assistant Director of Planning and Regulatory Services
<p>LCC Highways - Site Access</p> <p>The proposed site access is on Sandy Lane as shown on HSSP Architects drawing number 7083-03-02. Sandy Lane is an adopted road subject to a 30mph speed limit.</p> <p>The drawing details the access to be 4.8m wide with a 6m kerb radii and 2m footways in accordance with Leicestershire Highway Design Guide (LHDG) and is therefore acceptable. Notwithstanding the available visibility splays detailed on the drawing as being 2.4m x 60m, given the 30mph speed limit, residential nature and built form of Sandy Lane, the LHA will seek to condition visibility splays of 2.4m x 43m in accordance with the LHDG.</p> <p>Highway Safety</p> <p>There have been two recorded personal injury collisions (PIC's) within the vicinity of the site in the last five years. The first occurred on Victoria Street in 2015, involving one vehicle and a pedestrian and the second PIC occurred in 2016 and involved a single motorcycle turning left into Victoria Street from Sandy Lane. Both incidents were recorded as 'serious' in severity.</p>	<p>Noted - 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 the National Planning Policy Framework 2019 (NPPF), subject to the Conditions as outlined in the submitted report, there is therefore not considered to be any objection to this proposal on highway grounds.</p>

<p>Whilst the site boundary does adjoin Victoria Street, no vehicular access at this location is proposed. In addition to this, of those incidents that occurred, there are no common causation factors and as such it is not considered that the development proposal would exacerbate the likelihood of such incidents occurring.</p> <p>Trip Generation Due to the quantum of development, no assessment of trip generation is required.</p> <p>Internal Layout As the internal layout of the site is not to be determined as part of this application, this has not been considered in detail. Notwithstanding this, the LHA understand that the applicants intention is for the site to be put forward for adoption, therefore the applicant should ensure that any future reserved matters application considering layout, should the development proposal be permitted, should fully accord with the LHDG.</p> <p>Conditions Implementation of access arrangements Visibility splays provided Removal of existing gates All to be provided prior to occupation</p> <p>Existing access becoming redundant closed and submission of construction traffic management plan to be submitted to the LPA.</p>	
<p>Environment Agency - Site is located within Flood Zone 1 and the Agency does not wish to comment</p>	<p>Noted</p>
<p>LLFA – The site is located within Flood Zone 1 being at low risk of fluvial flooding. The applicant is proposing to outfall surface water runoff into the existing STW sewer. No evidence of consultation with STW to allow the discharge into the existing sewer system has been given in the documents provided.</p>	<p>The views of the Lead Local Flood Authority are noted and should the Planning Committee approve the application Conditions 10-12 below are suggested at their request.</p>

<p>The application has provided Micro Drainage calculations to demonstrate the volume of proposed underground attenuation storage up to 138m³. These calculations made allowances for climate change but not urban creep.</p> <p>Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA and advise the following conditions.</p> <p>Conditions</p> <p>Surface water drainage scheme to be submitted</p> <p>Details in relation to management of surface water to be submitted</p> <p>Details of long term maintenance of the surface water drainage system to be submitted.</p>	
<p>Severn Trent Water - No Objections subject to condition</p>	<p>Noted</p>
<p>LCC Ecology – The application is supported by an Extended Protected Species Survey (CBE Consulting, August 2018). This report identified no evidence of protected species on site, and the site was generally assessed as having a low potential to support protected species. No further survey work is recommended. Based on the results of the survey alone this is satisfactory.</p> <p>It is noted that there have been a number of objections to the development based on the wildlife present. The presence of foraging bats or garden birds would not be a material consideration for the application (unless there is a significant assemblage of breeding birds which would be unlikely on a site this size). However, some of the objections to the development also discuss the presence of badgers in the area. If a sett is on site it should be considered as part of the application. It seems unlikely that</p>	<p>Noted</p>

<p>the ecologist would have overlooked the significant evidence associated with a sett and, should the LPA wish to consider these objections, we would request additional details are forwarded from the neighbours, in accordance with the attached 'wildlife records and members of the public' document.</p>	
<p>Developer Contributions</p>	
<p>NHS - East Leicestershire and Rutland Clinical Commissioning Group (LC CCG)</p> <p>Request contribution via s.106 Value: £1044</p> <p>This growth will increase the practice list size by approximately 29 patients. Any increase to the population that the Practice covers will mean that the practice will have to provide additional capacity to cope with the population growth.</p>	<p>All of the he contributions are considered to be justified and satisfy the requirements of CIL Reg. 122 as necessary, directly related to the proposed development and reasonable.</p>
<p>MBC Affordable Housing</p> <p>Request contribution via s.106 1.2 units based on Discount Home Ownership value: to be determined.</p>	
<p>LCC Civic Amenities</p> <p>No Contribution requested</p>	
<p>LCC Education</p> <p>Request contribution via s.106 Value: £32, 892.15</p> <p>A total deficit for secondary schools to 265 (of which 263 are existing and 2 are created by this development)</p>	
<p>LCC Libraries</p> <p>No Contribution requested</p>	
<p>LCC Highways</p> <p>Request contribution via s.106 Value: £9,274.20 there is also a request for travel pack to highlight sustainable travel methods to new occupiers.</p>	

Representations:-

The application was advertised by means of an advert in the Melton Times dated: 22.01.2019, a site notice was displayed on the 24.01.2019 and letters were sent to 56 neighbouring properties. Objections were received from 11 no. individual sources, while 3 no. comments neither objecting nor supporting application were received from additional sources. Comments received in these representations have been detailed and addressed below.

Consideration	Assessment of Assistant Director of Planning and Regulatory Services
<p>Amenity</p> <p>Loss of privacy, loss of amenity and outlook to Plots 4, 5, and 10.</p> <p>Loss of Privacy especially due to plot 6</p> <p>Parking stress on Victoria Street.</p> <p>Objects due to increased traffic congestion and road safety impacts,</p>	<p>Plots 4 and 5 would enjoy a deep rear garden and would not result in a significant loss of outlook or any relevant loss of privacy to the objectors dwelling. Plot 10 has been relocated in order to eliminate its adverse impact.</p> <p>The proposed dwelling located behind the objectors dwelling would be a bungalow and would not result in overlooking, nor is it considered that the proposal would result in and significant loss of privacy or other amenity impacts.</p> <p>Plot 6 has been amended to now be a bungalow and would not result in significant overlooking or loss of privacy.</p> <p>Adequate parking would be provided on site and there would be no access onto Victoria Street.</p> <p>The Local Highways Authority has considered the traffic and road safety impacts of the proposed development acceptable.</p>
<p>Character of the area</p> <p>Object due to loss of rural lifestyle,</p>	<p>The application site is located within the built up area of Melton Mowbray and</p>

<p>Loss of open space and impact on trees</p> <p>Greater need for affordable and social housing.</p> <p>In order to preserve the privacy of neighbouring properties, I would like assurance that mature trees on the southern boundary of the development will be retained and protected during construction.</p>	<p>therefore would not appear at odds with the existing built form.</p> <p>The site is not public open space and the trees are not protected, however a replacement planting scheme must be submitted at the reserved matters stage.</p> <p>The site will make the required affordable housing contribution via a S.106 agreement.</p> <p>A full landscaping plan is to be submitted as a reserved matter. The application site is not located in a Conservation Area and the trees on the site do not benefit from any statutory protection. However, replacement trees can be conditioned at the reserved matters stage</p>
<p>Ecology</p> <p>Risk of spreading Japanese Knotweed.</p> <p>Objects due to loss of ponds,</p> <p>Impact on wildlife with particular reference to bats and a badger set.</p>	<p>The control of Japanese Knot Weed is not a Planning Matter and is covered by other legislation.</p> <p>The pond shown on the 1965 map is not believed to be still present. The feature identified is the drainage ditch which is unaffected by the development.</p> <p>It is not considered that the proposal would have any unacceptable impacts on wildlife. The Ecology Advisor has discounted the presence of badgers on the site.</p>
<p>Flooding</p> <p>It is important that the development of the land does not interfere with the surface water drainage system. This consists of an open dyke which leads into a pipe running at the back of Gartree Drive. The system runs the entire length of Gartree Drive, it is an open dyke for most of its</p>	<p>The proposal would not have an adverse impact on the drainage dyke, the proposal has been assessed by the Local Lead Flood Authority who do not object to the application and have requested further information to be submitted which will in turn contribute to</p>

length. If the drainage system became disrupted it would lead to flooding of the rear gardens towards the Sandy lane end of Gartree Drive. Some properties already experience garden flooding in extreme wet weather	the effective drainage of the site.
Application type Does not feel that an outline application is appropriate, full application required to determine if policy compliant. Makes particular reference to loss of amenity re: plots 11, 12, 4, 5 and 10. Questions bad survey. Increased risk of crime and anti-social behaviour.	The applicant is not restricted in making an application in outline only. While the issues of loss of light via the erection of plots 11 and 12 are a civil matter covered under the rights to light legislation. Plots 4 and 5 are considered to be sufficiently separated from the complainant's property not to result in any unacceptably adverse amenity impacts, while plot 10 has been relocated to avoid unduly adverse impacts on the complainant's amenity. It is considered that a development in this location would result in a reduced crime risk as the land would be occupied and passively surveyed by the occupants of the dwellings.
Observations	
Will have little effect on my property	Noted

Other Material Considerations

Other Material considerations	Assessment of Assistant Director of Strategic Planning and Regulatory Services
Application of Planning Policy Paragraph 11 of the NPPF states the decisions should apply a presumption in favour of sustainable development and advise that proposals which accords with an up to date development plan should be approved without delay. Where there are no relevant	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. The Adopted Local Plan (October 2018)

<p>development plan policies, or the policies which are most important for determining the application are out of date, a Local Planning Authority should grant permission unless: the application of the policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.</p>	<p>is considered to be up to date and the application is in accordance with its content.</p> <p>5 year land supply issues: The Council's most recent analysis shows that there is the provision of a 5 year land supply and as such the relevant housing policies are applicable. Therefore this consideration does not weigh against the Development Plan as 'out of date'</p>
<p>Melton Local Plan</p> <p>The Melton Plan of 2011-2036 is now the development plan for the area in which all planning applications <i>must</i> be taken against.</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>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. Alongside Service Centres and Rural</p>	<p>The Local Plan is now adopted and now is part of decision making for the purposes of determination.</p> <p>The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasises the need to provide housing in locations that can take advantage of sustainable travel and make appropriate provision for parking and ensure that there is not a significant impact caused to the Highway network.</p> <p>The town of Melton is the most sustainable location within the Borough and identified as appropriate for a limited quantity of development in the form of allocations and accommodation of 'windfall'.</p>

<p>Hubs, Rural Settlements will accommodate a proportion of the Borough's housing need, to support their role in the Borough through planning positively for new homes as 'windfall' sites within and adjoining settlements by 2036. This development will be delivered through small unallocated sites which meet the needs and enhance the sustainability of the settlement in accordance with Policy SS3.</p> <p>Policy C4; 3 The necessary infrastructure required to support development in accordance with Policy IN1 and IN2; and 4 High quality design in accordance with Policy D1. 5 The requirements as set out in Appendix D1</p>	<p>The proposal accords with the requirements of Policies IN1 and IN2 which strongly emphasises the need to provide housing in a location that can take advantage of sustainable travel and make appropriate provision for parking and ensure that there is not a significant impact caused to the Highway network.</p> <p>As part of the permission, a condition can require that an appropriate mix of housing will be provided on the site.</p>
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Conclusion:-

The application seeks outline planning consent for up to twelve dwellings, the indicative layout shows a policy compliant mix of dwelling types each with sufficient parking and amenity space and it is not considered that the proposed layout would have any significant adverse impacts on the character and appearance of the area or on the amenity of the neighbouring residents. Therefore, it is considered that a finalised layout for up to 12 dwellings could be agreed at reserved matters stage that would not have any significant amenity or design impacts and therefore it is considered that objections are not sustainable with regards to Policies SS1, SS2, D1 and C2 of the Melton Plan 2011-2036 and the proposed development is considered to be acceptable in principle.

The proposed development would not result in any adverse Ecological Impacts and therefore no objections are raised with regard to Policy: EN2 or of the Melton Plan 2011-2036. The Local Highways Authority has confirmed that the proposed development is acceptable in highways terms subject to the conditions below and the indicative layout has demonstrated that sufficient off street parking and manoeuvring space can be provided on site, therefore no objections are raised with regard to Policy: IN2 of the Melton Plan 2011-2036. The Lead Local Flood Authority has considered the proposal and found it acceptable subject to the conditions below, therefore no objections are raised with regards to Policy EN11 of the Melton Plan 2011-2036. A policy compliant affordable housing contribution is to be secured via a

Section 106 agreement, therefore subject to the applicant entering into such an agreement no objections are raised with regard to Policy: C4 of the Melton Plan 2011-2036.

Having regard to the above and subject to the conditions below and the applicant entering into a Section 106 agreement to secure the financial contributions detailed above it is considered that the proposed development complies with the provisions of the NPPF and the Melton Plan 2011-2036 and it is recommended that planning consent be granted.

Recommendation: Permit, subject to:

- (i) Completion a S.106 agreement making contributions as set out in the report above for:
 - Health Facilities (increased capacity at Latham House MP);
 - Affordable Housing;
 - Secondary Education (increased capacity at Longfield House or John Ferneley College);
 - Sustainable Transport and

- (ii) the following conditions :
 1. Application for approval of the reserved matters shall be made to the local planning authority (LPA) not later than three years from the date of this permission and the development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

 2. Details of the appearance, landscaping, layout, and scale, to include a replacement tree planting scheme (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the LPA before any development takes place and the development shall be carried out as approved.

 3. The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, Received by the Local Planning Authority on the 10/12/2018, Bat Survey by C.B.E Consulting Dated: 23/08/2018 and received by the Local Planning Authority on the 10/12/2018, Biodiversity Report Dated: 09/07/2018 and received by the Local Planning Authority on the 10/12/2018, Tree Survey received by the Local Planning Authority on the 10/12/2018, Tree Location Plan Dated: 21/08/2018 and received by the Local Planning Authority on the 10/12/2018, Drawing numbered: 24214_01_230_01 Rev: A Dated: 31/10/2018 and received by the Local Planning Authority on 10/12/2018. And drawing no: 7083_03_01 Dated: Dec 18 and by the Local Planning Authority on 10/12/2018, Drawing No:

7083/03/02 Dated: Dec 18 and received by the Local Planning Authority on 10/12/2018. Drawing No; S2270/01 Rev: A Dated: 13/06/2018 and Received by the Local Planning Authority on the 10/12/2018. Drawing No: 7083-10-04B – Indicative Site Plan received by the Local Planning Authority on the 10th April 2019.

4. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on HSSP Architects drawing number 7083-03-02 have been implemented in full.
5. 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.
6. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the 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.
7. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. 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 vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.
8. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on Sandy Lane that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.
9. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
10. No development approved by this planning permission shall take place above the existing ground level until such time as a surface water drainage scheme

has been submitted to, and approved in writing by the Local Planning Authority

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

Reasons:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only
3. For the avoidance of doubt.
4. To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).
5. To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2019).
6. In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2019).
7. 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 the National Planning Policy Framework (2019).
8. In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2019).
9. 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.

10. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
11. To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.
12. To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.

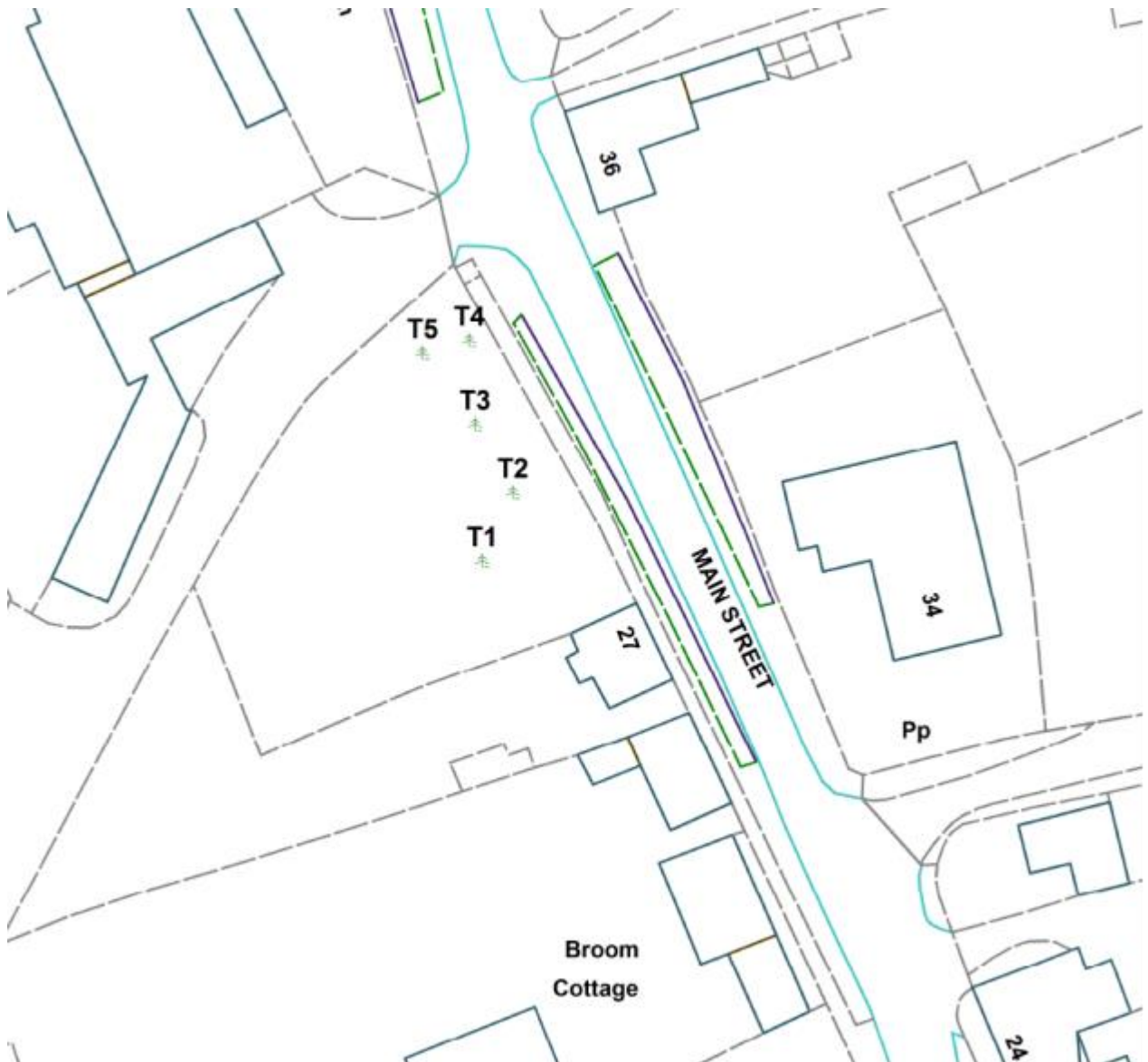
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PLANNING COMMITTEE

25.04.2019

TREE PRESERVATION ORDER REF: 151/909/6
LAND ADJACENT TO 27
MAIN STREET
BRANSTON

REPORT OF THE ASSISTANT DIRECTOR FOR STRATEGIC PLANNING AND
REGULATORY SERVICES



1. PURPOSE

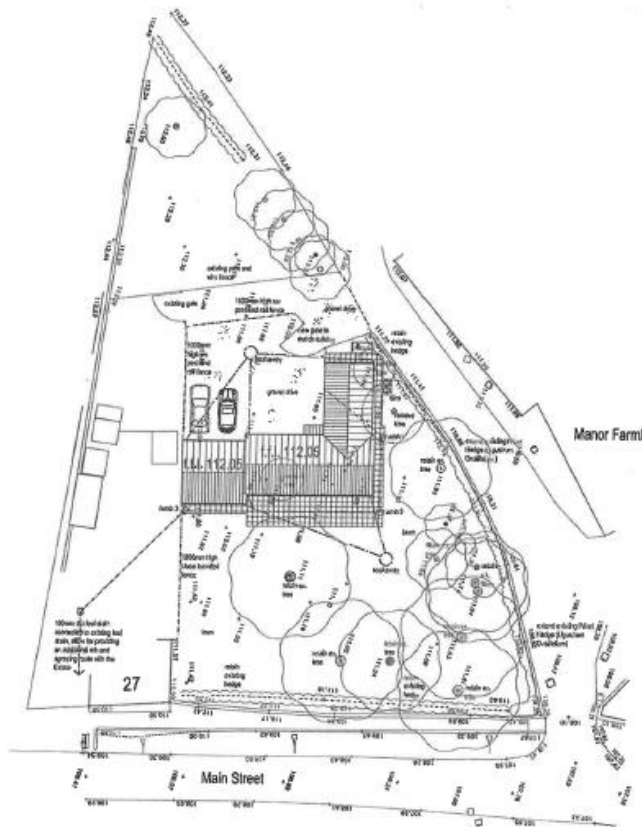
- 1.1 The purpose of this report is to inform the Committee of one letter of objection received from the Land & Property Manager, Belvoir Castle, and to invite the Committee to determine whether or not to confirm or modify the Provisional Tree Preservation Order.

2. RECOMMENDATION

- 2.1 That the Committee confirms the Provisional TPO.

3. DETAIL

- 3.1 The land concerned benefits from planning permission for a single three bed roomed dwelling; the application reference is 06/00874/FUL. The permission is extant due to foundations having been laid. A landscape plan was approved as a condition of the permission which included retention of the six trees which it is now proposed by Belvoir Estate to remove. Approved landscape plan below.



- 3.2 The council received a request from a third party on 07.01.2019 to protect the mulberry tree with a Tree Preservation Order. Reference; 19/00043/ENQT. See **Appendix 1**.
- 3.3 On 11.04.2019 several telephone complaints were received by the Council's planning duty officer about diggers starting on the site and the fear of trees not being protected. An enforcement complaint record (19/00008/BOP) was opened and enquiries were made of Belvoir Estate as to whether the land had been sold to a developer, and requesting details of the new land owner to be forwarded to the Council as a matter of urgency. Belvoir Estate were reminded of the approved landscape plan. It was also reiterated that root protection barriers were required to those trees remaining during the course of the construction work. Belvoir Estate also stated that there had only been one mini digger and operator on site, and that no trees had been felled or damaged.
- 3.4 Notification was submitted by Belvoir Estate on 29.01.2019 for the removal of one sycamore, one mulberry, and four scots pine trees on the site. Reference; 19/00119/TCA

No reason was stated for the proposed works.

Independent expert arboricultural advice was procured, and comments were received on 01.03.2019. See **Appendix 2**.

Following due consideration of the proposal, a Tree Preservation Order was made on 04.03.2019 for protection of four scots pines: T2, T3, T4 and T5, and one mulberry: T1. TPO reference number: 151.909.6

Belvoir Estate were provided with a copy of the arboricultural advice. A subsequent phone call clarified that the removal of dead branches from the scots pine trees as a safety matter may be carried out without the requirement for notification to the LPA as the work is an exception from this requirement in accordance with the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

The sycamore, as one of several in the vicinity of the north / north-eastern boundary, was considered to be part of a cohesive group not having significant amenity value. The proposal to remove one sycamore tree was considered acceptable, therefore it was recommended that consent to work on trees in a conservation area was granted for the removal of the sycamore only.

- 3.5 A letter of objection to the Tree Preservation Order in respect of the four scots pines was received on 25.03.2019 from Belvoir Estate: See **Appendix 3**.
- 3.6 With regard to the objection received to the Tree Preservation Order on the four scots pines, it is considered appropriate that the removal of the trees is considered as part of a full detailed application for proposed works to trees subject to a tree preservation order, after the owner has followed the procedure recommended by the LCC Forestry Officer, i.e. *"the ivy be severed near to the base of the trees. The ivy may then be prevented from covering the trees entirely, controlled and allowed to die off, before being removed manually. A further inspection of the trees would be prudent following removal of the ivy."*

It is noted that there are concerns regarding the stability of the trees and their proximity to power lines. With reference to the LCC Forestry comments to the lean of the trees: *"this appears to be a growth pattern, as opposed to a failure of stem or roots, indicating*

that the trees are stable and not a considered risk to person or property. It is possible that a more dominant tree had once stood to the north of the pines, which would help to explain their current growth pattern. It should be noted that because of their growth pattern the pines may actually rely in one another for support – removal of one could result in failure of branch or stem in another. However, this does not necessarily mean that any one tree is unstable or that it would fail should its neighbour be removed. The pines must be treated as a cohesive group, rather than individuals.”

Regarding power lines, a call has been made to Western Power Distribution. A safety assessment has been requested and the situation will be checked by the local team of assessors for Western Power. Should any urgent works be necessary with regards to safety in relation to the power lines this will be carried out directly by Western Power as a statutory undertaker, this work is an exception to the requirement for permission from the Local Planning Authority in accordance with section 14 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

- 3.7 The Tree Preservation Order is currently a Provisional Order and Melton Borough Council has a period of six months to confirm it unaltered, modify or revoke it. Therefore the Council has until 04.09.2019 to reach a decision.

4.0 POLICIES & GUIDANCE

Planning Practice Guidance: Tree Preservation Orders and trees in Conservation Areas.

Local Planning Authorities can make a Tree Preservation Order if it appears to them to be ‘expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area.’ A Provisional Order of this nature cannot be confirmed until objection(s) received have been considered.

‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

5. CONCLUSION

It is recommended that the Provisional TPO is confirmed to allow for the recommended staged removal of ivy, followed by further inspection. Should removal of the trees still be proposed, submission of a detailed application for the removal of the trees can then be submitted which should include justification and evidence of the reasons for the proposed works.

Contact Officer: L Eastwood
Date: 10.04.2019

APPENDIX 1.

Good afternoon,

I have spoken with an officer from the Planning dept. today and have been advised to email my request for the creation of a Tree Preservation Order (TPO) to you. This tree is at risk from the sale of land and development of its environment. I request that Melton Borough Council acting as the local planning authority grant a TPO under Part III of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) regulations 1999.

The tree in question is an ancient Mulberry Tree which is situated on a plot of land adjacent to the cottage I live in - Mulberry Cottage. Both the land and the cottage form part of the Belvoir Estate. I believe the tree to be at least 150/175 years old as I understand it pre-dates the cottage and the village houses were built around c.1840. Very old and ancient trees are irreplaceable, in addition the older the tree the more important to wildlife it becomes. This tree is home to a variety of invertebrates, birds (including owls) and bats. Many invertebrate species rely on ancient or veteran trees for survival.

The tree bears catkins and fruit each year and forms part of a group of trees which historically formed part of the Manor House gardens. The Woodland trust are keen to identify any Mulberry trees, as they are historically significant and there is a register of Mulberry trees in the UK, I have cc'd in the Woodland Trust contact for this purpose and to inform them of the tree's existence.

The value of this tree is also in its scarcity, I believe it to be a black mulberry (*Morus.nigra*) but am unsure whether this is a male or female tree. Male trees are rare in the UK and so investigation should be made to establish this.

I believe that this tree should be preserved to prevent the removal of it as this would have an adverse impact on the local environment and would not be in the public interest.

Please see photographs of the tree and a location map of the land for reference.
My address is 27 Main Street, Branston. NG32 1RU.





APPENDIX 2

Date: 1st March 2019

Ref: E/RP/SM7346/11/7

RE: Land Adjacent to 27 Main Street, Branston – ref; 19/00119/TCA

Thank you for your enquiry regarding consent to carry out tree work at the site mentioned above. The proposed work is to fell four scots pine, one mulberry and one sycamore. I have taken opportunity to study the documents related to the application and conducted a site appraisal.

The trees are part of the local conservation area and are not covered by a preservation order. As such there is no requirement to provide supporting evidence or justification for the proposed work. It has been noted that a previous planning application for development has been submitted and approved, with foundations for the development having been installed (06/00874/FUL). The plans submitted in support of 19/00119/TCA appear to have utilised the approved site layout plans for 06/00874/FUL.

The stems and lower canopy of the pines, sycamore and mulberry are covered with ivy. A full assessment of the trees was not possible during my site inspection. I would strongly advise that the ivy be severed near to the base of the trees. The ivy may then be prevented from covering the trees entirely, controlled and allowed to die off, before being removed manually. A further inspection of the trees would be prudent following removal of the ivy.

Comment has been made in the application form that the pines have a damaged crown and lean. There is some evidence of branch failure, in one or two of the trees. There is a slight lean in all four of the pines towards the south. However, this appears to be a growth pattern, as opposed to a failure of stem or roots, indicating that the trees are stable and not a considered risk to person or property. It is possible that a more dominant tree had once stood to the north of the pines, which would help to explain their current growth pattern.

It should be noted that because of their growth pattern the pines may actually rely in one another for support – removal of one could result in failure of branch or stem in another. However, this does not necessarily mean that any one tree is unstable or that it would fail should its neighbour be removed. The pines must be treated as a cohesive group, rather than individuals.

The sycamore is one of several in and around the boundary hedge, all growing with a few metres of each other. Due to their proximity and growth pattern it would be reasonable to consider the sycamores in the same way as the pines, i.e. a cohesive group. It is quite plausible the trees have emanated from seeds scattered in the hedge, or are suckers from the stump/roots of a much larger tree (now removed).

The mulberry is a mature specimen which appears to be in very good health. Mature mulberry are a rare feature of any landscape. In 2006 the designers and planners involved with 06/00874/FUL appear to have considered the tree worthy of retention and inclusion in the development.

An assessment of the mulberry and pines using Tree Evaluation Method for Preservation Orders

(TEMPO) has been conducted, please see attached forms.

- The pines were treated as a group, due to their growth pattern. They accrued a score of 20 points..."Definitely merits TPO"...

- The mulberry accrued a score of 19 points..."Definitely merits TPO"...

- An assessment of the sycamore was not deemed reasonable; the tree may be removed without prejudice or conjecture.

Taking into account the details above I recommend that Melton Borough Council (MBC) consider the following:

- Refuse consent to fell the four pines and one mulberry;

- Approve consent to fell the sycamore.

There is a duty for MBC to place a preservation order on retained trees, assuming the proposed work is refused. If a TPO is created then MBC should be mindful of other trees on the site, namely a mature apple and the other three sycamores in the hedge – the apple could easily be retained; if the sycamore in the current application is removed then the other sycamore may also be removed. If you require any further details at this stage then please contact me in the usual way.

Yours sincerely

Stewart Marshall Tech.Cert (ArborA), Tech ArborA
Arboricultural & Forestry Officer

APPENDIX 3

Dear Lynn

Thank you for the email sent on 7 March 2019.

We would like to Appeal the Decision to include the 4 no. Scots Pine within the provisional TPO.

As the Leicestershire County Council Arboricultural & Forestry Officer observes a further inspection of the trees would be prudent following the removal of the ivy, implying they may not be as good health as he has suggested.

We are very concerned that the leaning Scots Pine, which are between 18m and 20m, are located on the top of a steep bank of approx. 3m, are unstable. The upper section of bank on which they stand is retained by an ivy covered stone wall. which is reinforced at a lower level by a brick wall, giving way to a grass bank above the Highway. The 11,000 kV powerlines supplying the village electricity are in close proximity, running at a lower level alongside the boundary, as can be seen in the three photos below.

We would grateful if you would confirm that the Scots Pine will not form part of the TPO and may be felled.

Land & Property Manager | 01476 871019

[@BelvoirCastle](#) | www.belvoircastle.com





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PLANNING COMMITTEE

25TH APRIL 2019

REPORT OF THE DEVELOPMENT MANAGER

**13/00877/OUT: KING EDWARD VII UPPER SCHOOL, BURTON ROAD, MELTON
MOWBRAY**

REQUEST TO VARY S106 AGREEMENT

1. Introduction

- 1.1 The purpose of this report is to consider amendments to the Section 106 agreement associated with this application that have been requested by the applicant.
- 1.2 **The purpose of this report is to invite the Committee to consider the applicant's request to vary the s 106 currently in place to:**
- (i) **The alteration of the level of affordable housing provision from 40% to 25% (30 units); and**
 - (ii) **The addition of a new financial contribution of £432,650 towards the Melton Mowbray Distributor Road**

2. Background

- 2.1 The planning application was considered at the meeting of 16th November 2014 and was approved, subject to the completion of a S106 Agreement to provide a 40% contribution to affordable housing and various conditions.

3. Update

- 3.1 Affordable housing is to be provided on the site but at a contribution of 25% in line with the new Melton Local Plan Policy C4 which sets out a variable requirement for affordable housing dependant on the 'value area' in which a site falls.
- 3.2 It is therefore requested to be amended to read as follows *"Affordable Dwelling/s means Twenty five per cent (25%) of the total number of Dwellings to be constructed as part of the Development as Affordable Housing in accordance with the following:*

I) Twenty-Five per cent (25%) of the Affordable Dwellings as Intermediate Housing on a shared ownership basis.

II) Seventy-Five per cent (75%) of the Affordable Dwellings on a social rented basis with at least Fifty per cent (50%) as Intermediate Affordable Rented Dwellings and the remainder as Social Rented Dwellings)

Or such alternative mix and numbers of Affordable Housing as shall be proposed by the Owner from time to time and approved by the Council”.

- 3.4 The applicants would have the option of resubmitting the application as ‘full’ or ‘outline’. Were the application to be considered afresh, under the terms of the current Local Plan policy the 5-10% requirement would apply.
- 3.5 An additional clause to be added titled Melton Mowbray Distributor Road Contribution stating “means the sum of four hundred and thirty two thousand, six hundred and fifty pounds (£432,650.00) towards the Melton Mowbray Distributor Road. This has been calculated for the scheme on the basis of a ‘per house’ contribution commensurate with other schemes in Melton Mowbray.
- 3.6 Policy IN1 of the adopted Local Plan and its explanatory text set out the importance of the MMDR to the realisation of Melton’s growth ambitions.

4. Assessment

- 4.1 The amendments have been requested as a result of the adoption of the Melton Local Plan bringing a change in policy and the consideration of contributions. As set out earlier, should this application have been submitted as a fresh planning application these are the contributions that would be requested. It is therefore considered expedient to agree to this amendment and avoid the need for a further application and the associated administration etc.

5. Recommendations

- 5.1 It is recommended that a Deed of Variation is granted to allow the amendment to the alteration of the level of affordable housing provision from 40% to 25% (30 units); and the addition of a new financial contribution of £432,650 towards the Melton Mowbray Distributor Road.**

Background documents:

- Report to the meeting of Planning Committee 16th November 2014
- Minutes of the meeting of 16th November 2014