

19/01384/REM : Erection of 53 dwellings (reserved matters to outline planning permission 15/00673/OUT) Millway Foods Ltd Colston Lane Harby LE14 4BE

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| Corporate Priority: | Delivering Sustainable and Inclusive Growth in Melton |
| Relevant Ward Member(s): | Long Clawson and Stathern: Cllr M Steadman and Cllr C Evans |
| Date of consultation with Ward Member(s): | 14 January 2020 |
| Exempt Information: | No |

1 Summary



- 1.1 The application comprises 'reserved matters' pursuant to permission no 15/00673/OUT. Permission was granted by virtue and an appeal decision in January 2017 and the reserved matters comprise appearance, landscaping, layout, and scale, (access was included within the grant of Outline Planning Permission)
- 1.2 The site lies to the north of Harby and contained the 'Millway Foods' factory until its recent demolition. It comprises allocated site reference 'HAR3' in the adopted Local Plan and 'NPHAR6' in the Clawson, Hose and Harby Neighbourhood Plan, which in both cases identify capacity for 53 dwellings.
- 1.3 The reserved matters comprise 53 dwellings set around a 'Y' shaped spine road, with an area of open space located approximately centrally within the site and attenuation pond in the north east corner.

| RECOMMENDATION(S) | |
|---|--|
| It is recommended the application is approved, subject to the conditions set out in Appendix A | |

2 Reason for Recommendations

- 2.1 The proposed layout is appropriate for the area and of adequate architectural and layout quality to satisfy the requirements of the applicable general and site-specific policies of the Local and Neighbourhood Plans. The development delivers a good housing mix and affordable housing beyond the level required by Local Plan/Neighbourhood Plan Policy and displays enhanced energy efficiency and low carbon characteristics.

Key Factors

2.2 Reason for Committee Determination

- 2.2.1 Director for Growth and Regeneration (in consultation with the Chair of Planning Committee) as one raising matters which should be referred to the Committee, specifically that the reserved matters following an outline permission which was originally determined by the Committee.

2.2.2 Relevant Policies

- 2.2.3 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.
- 2.2.4 No inconsistency with the NPPF has been identified that would render Local Plan policies out of date.
- 2.2.5 The Clawson, Hose and Harby Neighbourhood Plan has been adopted and forms part of the Development Plan.
- 2.2.6 A full list of applicable policies is included as Appendix D

2.3 Main Issues

- 2.3.1 The main issues associated with this application are considered to be:

- Design quality
- Layout
- Materials
- Parking provision
- Housing Mix

- Low Carbon and Energy Efficiency properties

3 Report Detail

3.1 Position under the Development Plan Policies

3.1.1 The site is allocated under Policy C1 (A) of the Local Plan as 'HAR 3' with the following expectations set out in LP Appendix 1:

- the development addresses the frontage to Colston Lane and has an active road frontage on the approach to the village;
- the western and northern edges of the site are enhanced as a wildlife corridor with biodiversity improvements and that there will be no adverse impact to any protect species;
- footpath/cycling links have been put in place linking and connecting the site to the village;
- the northern and western boundaries are sensitively treated with the addition of soft attractive edging, additional landscaping and sensitive boundary treatments, particularly along the canal corridor.

3.1.2 A similar approach is adopted by the Neighbourhood Plan stating:

- it is up to 53 dwellings, the majority two storeys high;
- a footpath is provided along the frontage verge linking the existing footpath to the south-west and the Grantham Canal to the north-west;
- the layout addresses the frontage to Colston Lane, creating a rural feel and internally avoids large car parking courtyards;
- mature trees along the various site boundaries are retained and supplemented by new planting where appropriate;
- the existing mixed species frontage hedge is retained and strengthened where necessary to provide a strong rural boundary;
- extra landscaping is provided to soften the north-eastern boundary;
- an internal footpath is provided to enable future connection with the adjoining NPHAR4 & NPHAR5 and the canal footbridge to the north;
- there are biodiversity/ecology improvements within the site

3.1.3 The layout addresses Colston lane with larger, well spaced, house types facing, set back from Colston Lane itself by an access road. The site frontage would retain the hedgerow, benefitting the 'rural feel' referred to in the policies. Similarly the hedge along the south east boundary is to be retained and within the site various boundaries are annotated by new hedgerows.

3.2 Layout

3.2.1 The site layout follows the pattern of the internal road and dwelling positively address the road to present 'active frontages' throughout. The Open Space is enclosed on 2 sides by dwellings directly overlooking it and there are further facing it across the internal road allowing for strong informal surveillance.

3.2.2 Whilst the layout of the dwellings is orderly, comprising consistent building lines and regular spacing between buildings, it avoids monotony because rows of houses are limited

in length and number, and variety is introduced by the use of various house types and choice of materials.

- 3.2.3 Almost all houses have parking provision within their curtilage, except for group of 7 in the south-east corner where they are provided in a courtyard arrangement. However, this is in front of and surrounded by the units concerned and as such is not hidden from view such that it may attract anti-social behaviour

3.3 **House types**

- 3.3.1 There are a variety of house types. Whilst conventional in their overall 2 storey scale, shape and form, the houses have unusual design features in the form of fenestration arrangements and decorative brick features, which distinguish them from most other housing estates and brings elements of interests.
- 3.3.2 There is a narrow range of materials comprising red, buff and occasional grey brick mixes and traditional slate or flat clay roof tiles. Several units incorporate render finish in order to add variety and interest. Windows are to be metal clad to contrast with the material palette.

3.4 **Parking**

- 3.4.1 Parking provision is generous and is provided mostly within curtilages of dwellings. The application has been subject to design review meetings including the Parish Council and Ward Members and parking provision was addressed.
- 3.4.2 Concern was expressed that there is a predominance of 'tandem' parking provision which is considered a poor design practice and is advised against in the Design SPD unless as a 'last resort' (page 42), reflecting concerns that the impracticality of such arrangement will lead to on street car parking. The plans were amended to include 19 unallocated spaces distributed throughout the site to allow for 'overspill' and visitors and to mitigate the extent to which on street parking would result. These take the form of 'layby' spaces positioned in parallel with the internal road at various locations.
- 3.4.3 A particular 'pinch point' has been identified in relation to plots 38 -44 in the south east corner of the site, where the communal parking arrangement will invite residents vehicles to park in front of plot 40. There are 20 spaces provided in this shared arrangement serving only 7 dwellings and it is considered adjustment to the arrangement in front of plot 40 could be achieved (i.e. to limit to 2 or 3 spaces, assigned to that plot, a 4 bedroom house) without significant impact on overall provision or giving rise to on street issues. The Committee is invited to consider whether it wishes to impose a condition to that effect.

3.5 **Residential amenities**

- 3.5.1 The site lies detached from the main part of Harby and would not impinge upon residential amenity. It is 'self-contained' and all units have sufficient private garden area and there is an area of open space located approximately centrally.
- 3.5.2 Housing is generally two storey and would not appear incongruous in this location. The spacing between houses is sufficient to allow for adequate amenity levels for future residents.

3.6 **Highway Safety and parking**

- 3.6.1 The plans have been amended to address concerns raised by the Highways Authority (HA) in respect of road width and geometry. The drawing shows lengths of roads that would exceed the appropriate distance between speed control measures. The two bends on the

site could potentially be included as speed control measures however, the LHA would still need to see additional speed control measures (speed control tables) to be included on the roads fronting plots 14 to 20 and 26 to 36.

- 3.6.2 These features would be contained within the design of the road without affecting its overall layout. It is considered that as matters of detail, and contrary to the request of the HA, the location and specification of these measures could be quite adequately addressed by condition.

3.7 Ecology

- 3.7.1 Detailed amended plans have been provided showing planting specification, maintenance arrangements, and species mixes, following comments from Ecological advisors. In addition a further badger survey/report has been commissioned owing to the age of the original. This concludes that there was no evidence of badger habitat or foraging routes on or in close proximity to the site. Further comments on the amended landscaping plans address detailed matters of the species proposed in new planting which can be adjusted through dialogue with the applicant.

3.8 Housing Mix

- 3.8.1 The site comprises a mix of 2, 3 and 4 bedroom dwelling with detached, semi detached and terraced arrangements included. The site layout illustrates the location of the affordable dwellings in 3 groupings, located either side of the site in order to prevent over concentration. 19 affordable houses are proposed (36%) comprising both intermediate housing and affordable rent, which demonstrates compliance with the s106 agreement in place for the site. The quantity exceeds current policy requirements because they relate to the s106 for the site which pre-dates the Local and Neighbourhood Plans and provide a good mix appropriate for the area.

The overall mix is as follows:

| | 2 bed | 3 bed | 4 bed |
|------------|-------|-------|-------|
| Market | 12 | 14 | 8 |
| Affordable | 12 | 6 | 1 |
| TOTAL | 24 | 20 | 9 |

3.9 Climate change and environment

- 3.9.1 The applicants propose the following enhanced specification to assist with climate change and environmental issues addressed by Policy EN9 of the Local Plan:
- A 'Fabric First' Approach – a focus primarily on the building fabric make up via the performance of its components and materials. 'Fabric First' concentrates finance and efforts on improving fabric U-values, reducing thermal bridging, improving airtightness, and installing energy efficient ventilation and heating services.
 - Timber Frame and aluminium window frames (renewable sources)
 - Air Source heat pumps (Brand is near confirmation - a premium product) and 'Cool Comfort' (similar to air conditioning as part of the preferred product)
 - Underfloor Heating is being considered for upstairs

- Water Efficiency - Flow Restrictors, Grey water recycling, Low flush WCs in order to reduce / re use water consumption. Appropriate methods will be explored and proposed in further detail in the next stages of the project.
- Charging Points - in order to promote the uptake of battery powered vehicles aiding towards net zero emissions.
- Home office - incorporate home office spaces in order to take advantage of their environmental benefits (as for example - reducing carbon footprints) as well as their economic & well-being advantages for the home owner.
- Space for Cycle Storage - encourage the wider use of bicycles as transport by providing adequate and secure cycle storage facilities on all house types and plots,
- Surface Water Run-off - control surface water run off via different measures including an attenuation pond. This will minimise the risk of flooding. Other methods to be explored may be rain water harvesting.

3.9.2 The above measures would exceed the requirements of the current building regulations and would represent strong performance against the aspiration of Local Plan Policy EN9. Many features are comprised within the detailed design of dwellings and a condition is necessary to consider their final composition.

3.10 **Flooding and drainage**

3.10.1 The site lies within Flood Zone 1 and does not pose any flood risk. The environment Agency has registered no objection to the application.

3.10.2 Drainage details have been supplied with the application. The LLFA have identified deficiencies in this information. However drainage details are not 'reserved matters' addressed by this application and are subject of the requirement for further submission under separate conditions.

4 **Consultation & Feedback**

4.1 The application was advertised and 4 objections have been received. A summary of these is provided in Appendix C.

4.2 Several refer back to the principal of the development of the site and the quantity of dwellings in terms of traffic generation etc, but these aspects have been established by the outline planning permission, Local Plan and Neighbourhood Plan.

5 **Financial Implications**

5.1 There are no financial implications arising from this report.

Financial Implications reviewed by: N/A

6 **Legal and Governance Implications**

6.1 The application is considered by the Committee under the terms of the Constitution.

6.2 Legal officers have reviewed the content of this report and will be present at the meeting to offer advice.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

7 **Background Papers**

7.1 Planning application 15/00973/FUL and associated appeal.

8 **Appendices**

- 8.1 A :Recommended conditions
 B: Consultation replies
 C: Representations received
 D: List of applicable policies

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| Report Author: | J Worley, Assistant Director for Planning and Delivery |
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| Chief Officer Responsible: | As above |
| Chief Officer Contact Details: | As above |

Appendix A: Recommended Conditions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004
- The proposed development shall be carried out strictly in accordance with the following documents and drawings;
 - Amended Master Plan Proposal
 - Amended Landscaping materials and planting schedule ref: N0643(03)001_B
 - Amended Hard Landscape Proposals ref: (90)001 REVB
 - Amended Soft Landscape Proposals ref: 96001 REVC
 Received on 2 November 2021
 - Amended - Floor and Elevation Plans, Garage plans
 Received on 13.9.2021
 - Amended House Type Pack
 - Amended Planning Submission Pack
 Received on 16.6.21
 Reason: For the avoidance of doubt.
- The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
 Reason: To ensure a satisfactory standard of external appearance.
- The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted shall take place until tree protection measures in accordance with have been submitted to and agreed in writing. The details of the approved tree protection measures shall be fully implemented prior to the

commencement of development. Thereafter the approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected areas without the written agreement of Local Planning Authority.

Reason: To ensure that the work is carried out to satisfactory standard to minimise any adverse impact on the health of the identified trees and hedges.

5. All works shall be in accordance with the recommendations of the Update Surveys for Bats and Reptiles, Quants, October 2019

Reason: To ensure satisfactory provision is maintained for the protection of Protected Species.

6. The car parking and any turning facilities shown within the curtilage of any dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.

Reason: To ensure sufficient on-site parking spaces are provided and retained in the interests of highway safety.

7. Prior to the commencement of development, a report detailing the full technical details of the energy efficiency and eco-friendly credentials of the dwellings hereby approved shall be submitted to and approved by the Local Planning Authority. The development shall then proceed in accordance with such details as are approved.

Reason: to ensure development is energy efficient and low carbon usage, in accordance with Policy EN9 – Ensuring Energy Efficient and Low Carbon Development

8. Notwithstanding the plans hereby approved, details of additional speed control measures (speed control tables) to be included on the roads fronting plots 14 to 20 and 26 to 36 shall be submitted for approval to the Local Planning Authority. The measures as approved shall be implemented prior to the occupation of any dwellings. Speed Control measures will need to be in accordance with the LHDG.

Reason: In the interest of Highways Safety

Appendix B: consultation replies Summary

Parish Council: 'The Parish Council has no objections to this application' (amended version)

Canals and River Trust; the development proposes to discharge into the Canal for which consent is required but has not yet been obtained.

The site is some 35m south of the canal and is screened by trees and as such should not affect users of the Canal.

Environment Agency : the application site is within Flood Zone 1 only and doesn't appear to meet any of the other criteria on our 'when to consult the EA' checklist.

Police 'Secure by Design':
General Recommendations

All door and window sets will be to PAS24 (2016) which is now included in building regulations. There are other considerations such as BS 6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems. Consideration should be made to identify the most appropriate option for this site. Dwellings are recommended to have an Alarm System to BS7958, but there are other options on the Secured by Design portal which include BS6799 in relation to wire free alarm systems. Also BS EN 50131 and PD 6662 in relation to wired systems.

1. Street lighting columns to BS 5489 are recommended.
2. 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.
3. 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 be in place to be compliant with the Data Protection Act.
4. 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.
5. 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.
6. Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.
7. Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.
8. Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable.
9. Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss.
10. An electrical spur is recommended under a section 38 agreement at each vehicular entry point leading into the development.

Ward Member: No comments have been submitted.

LCC Highways: Comments on amended plans

The following comments refer to drawing no. 0499-AM2-1002 Rev 02 and are required to be addressed prior to determination of the planning permission and commencement of the S38 agreement detailed design and technical approval process.

The drawing continues to show lengths of roads that would exceed the appropriate distance between speed control measures. The two bends on the site could potentially be included as speed control measures however, the LHA would still need to see additional speed control measures (speed control tables) be included on the roads fronting plots 14 to 20 and 26 to 36. Speed Control measures will need to be in accordance with the LHDG.

LCC Archaeology: No objections.

LCC Ecology Comments following submission of amended plans:

The revised landscape plans are acceptable with some minor changes to tree/hedge species planted on land adjacent to open countryside:

- replacement of the non-native hedge around the pump-house of *Prunus laurocerasus* with native *Ligustrum vulgare* or *Ilex aquifolium* (I assume an evergreen is wanted),
- replacement of a section of Beech (*Fagus sylvatica*) hedge on the western edge with the native hedge species mix.
- replacement of cultivars of native tree species along the northern and western edge - although native Birch, Field Maple and Cherry tree species have been selected along the two boundaries, they are cultivated forms and varieties of less value to wildlife than the original species. These cultivars should be replaced with the true native. The trees involved are 3 *Betula pendula* (not 'Dalecarlica'), 1 *Acer campestre* (not 'Streetwise') and 4 *Prunus avium* (not 'Plena').
- replacement of the Hornbeam *Carpinus betulus* along the northern edge (a species not present as a native tree in our area) with oak, *Quercus robur*, of much greater wildlife value.

The wildflower meadow includes some non-native bulbs but I can accept this.

The updated badger survey from Nov 21 has now been sent, and is acceptable. No evidence of badgers in residence was found, and no further surveys are needed.

LLFA

There remain several matters that have not been addressed by the applicant in order for the LLFA to support the LPA in approving the proposed layout of the site.

The following information is required:

- The applicant has identified the adjacent Grantham Canal as a viable surface water outfall from the development however drawing 100308-01-0500-01 (Proposed Drainage Strategy) states that the connection is to be confirmed following consultation with the Canal and River Trust. Approval in principle from the Canal and River Trust is required in order for the LLFA to approve the layout as presented.
- Pipe 1.015, running from SW19 (flow control manhole) and SW20 (outfall manhole) passes through private land outside of the red line boundary of the site. The LLFA requires the applicant to demonstrate that this section of the surface water drainage system is within land under the control of the developer or that formal agreements are in place to outfall through this land.
- The applicant is proposing to discharge surface water at a rate of 72l/s. While this is inline with details submitted at outline approval in 2015, NPPF now has more emphasis on ensuring brownfield sites return surface water to greenfield rates. Consideration should be made to further reducing this value where reasonably practical

Appendix C: Summary of representations recieved

Impact on neighbouring properties for the proximity of the new house and additional traffic
Road safety – impact of the additional cars on Colston Lane and wider road network including people crossing the road to access the canal etc. Speeding traffic is already a problem.

35+ road manoeuvres on to Colston Lane per day will not be conducive to road safety
Inadequate capacity in local schools.

Trees on the border of the site could be kept

The village has grown organically over the years with small schemes of up to 10.

The scale of the development will dominate the village and change its character to a 'new town'

Village facilities cannot cope with an influx of residences of this scale. The houses look too urban for the setting and will look dated very quickly. There needs to be a greater diversity of style, not just swapping between brick, render and brick/render. A village evolves and the designers should implement a greater variation between properties.

Some good recent examples are 3 bungalows built on Stathern Lane/Green Lane junction and the houses opposite the Nags Head. Poor recent examples are the houses constructed on Stathern Lane although thankfully not a large development. Attention should also be paid to house frontages - railings or well planted hedges. I would like to see the development as an asset to the village which fits in well with its local surroundings

Appendix D: List of applicable Development Plan policies

Melton Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy C1 (A) Housing Allocations
- Policy C2 Housing Mix.
- Policy C3 National Space Standard and Smaller Dwellings.
- Policy C4 Affordable Housing Provision.
- Policy EN1 Landscape.
- Policy EN2 Biodiversity and Geodiversity.
- Policy EN9 Low Carbon and Energy Efficiency
- Policy EN11 Minimising the Risk of Flooding.
- Policy IN2 Transport, Accessibility and Parking.
- Policy D1: Raising the Standard of Design.

Neighbourhood Plan

- Policy NPHAR6, Colston Lane
- Policy H5: Housing Mix
- Policy H7: Housing Design
- Policy T4: Parking
- Policy E3: Homeworking