

21/00310/FUL Demolition of garage and construction of 2 dwellings

Hose Garage, 19 Harby Lane, Hose

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Long Clawson and Stathern Ward – Cllrs M Steadman and C Evans
Date of consultation with Ward Member(s):	11 May 2019
Exempt Information:	No

1 Summary



- 1.1 The application site is located on, and accessed from, Harby Road in Hose. The site was last and most recently used as a car repair garage with the garage building demolished prior to this application being submitted. There are residential dwellings to both sides as well as to the rear while agricultural fields are found on the opposite side of Harby Road.
- 1.2 As submitted, planning permission was sought for the re-development of the land to provide 3 dwellings with associated parking and amenity areas. Through the application process, the application has been amended so that it now seeks planning permission for the retrospective demolition of the garage building and the proposed re-development of the site to provide 2 detached residential dwellings with access, parking and private amenity area.
- 1.3 Access will continue to be off Harby Road although the existing access points will be closed off and 2 new dropped kerbs provided centrally in the sites road frontage from which the 2 dwellings would be accessed independent of each other. In the amended plans, the submission is for 2 x 3-bedroomed dwellings in a 2-storey building with 3 on-site parking spaces (2 to the front of each dwelling and the third in an integral garage). There will be a distance of 7.8m from the front of the building to the rear edge of the footpath while both dwellings will have a 9.3m and 12.6m deep private rear garden amenity area measured from the ends of the single and 2-storey rear elements. The amended elevations plan also details the materials proposed to be used.

RECOMMENDATION(S)
1. it is recommended that planning permission be approved subject to the Conditions set out in Appendix C.

2 Reason for Recommendations

- 2.1 The proposal represents sustainable development in principle in an appropriate, acceptable location in accordance with both Local Plan and Neighbourhood Plan policies.
- 2.2 As a result of discussions leading to amended plans, the scheme as amended will positively contribute to the identified housing mix for the area while also being in-keeping with the character and appearance of the area without raising unacceptable impacts on amenity.

3 Key Factors

3.1 Reason for Committee Determination

- 3.1.1 The application is before the Planning Committee for determination due to the number of objections to the submission exceeding 11 and the recommendation that planning permission be approved.

3.2 Relevant Policies

- 3.2.1 The Melton Local Plan 2011 – 2036 was adopted on 10th October 2018 and is the Development Plan for the area.
- 3.2.2 The Clawson, Hose and Harby Neighbourhood Plan was ‘made’ in June 2018, forms part of the Development Plan and carries full weight.

3.2.3 No inconsistencies with the NPPF have been identified that would render Local Plan policies 'out of date'.

3.2.4 Please see Appendix D for a list of all applicable policies.

3.3 **Main Issues**

3.3.1 The main issues for consideration relate to;

- a) The principle of development including loss of garage facility;
- b) Design, appearance and impact on the character of the area;
- c) Impact on amenities;
- d) Highway safety

4 **Report Detail**

4.1 **Applicable Development plan policies**

4.1.1 The site is located within the settlement of Hose which is defined as a Service Centre in the Local Plan resulting in the provisions of policies SS1 and SS2 being relevant.

4.1.2 Policy SS1 on Presumption in favour of Sustainable Development seeks to take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework, approving developments that accord with relevant local plan and neighbourhood plan policies unless material considerations indicate otherwise.

4.1.3 Policy SS2 relates to Development Strategy and seeks to direct development to appropriate locations with Melton Mowbray being the primary location followed by Service Centres and Rural Hubs where in accordance with the provisions of policy SS1.

4.1.4 Policy C2 on Housing mix seek to manage the delivery of a mix of house types and sizes to balance the current housing offer, having regard to market conditions, housing needs and economic viability, taking account of the site specific circumstances, while policy C3 seeks to ensure residential developments for open market housing will be particularly supported where the national space standard is applied to dwellings with up to and including 3 bedrooms.

4.1.5 A Neighbourhood Plan exists covering Clawson, Hose and Harby from which a number of policies are relevant to the consideration of whether the principle of development is acceptable or otherwise.

4.1.6 Policy H1 of the Neighbourhood Plan identifies at least 161 dwellings being delivered through allocated sites as well as windfall sites (policy H4) while policy H3 sets out that development proposals within the Limits to Development will be supported where they comply with other policies in this Plan in general. The provisions of policy H4 relate to windfall sites detailing that proposals on infill and redevelopment sites will be supported subject to proposals being well designed and meeting relevant requirements set out in other policies in the Neighbourhood Plan and other development plan policies, and where such development:

- a) comprises a restricted gap in the continuity of existing frontage buildings or on other sites within the built-up area of Harby, Hose and Long Clawson where the site is closely surrounded by buildings;
- b) is within or adjacent to the Limits to Development and meet the criteria in Policy H3;

- c) does not adversely impact on the character of the area, or the amenity of neighbours; and
- d) the layout and yield of the site respects the character of the immediate locality in terms of building orientation, massing and materials.

4.1.7 Neighbourhood plan policy H5 relates to housing mix and sets out that new housing development proposals should provide a mixture of housing types specifically to meet identified local needs in the villages of Harby, Hose and Long Clawson where priority should be given to dwellings of 1, 2 and 3 bedrooms and to homes suitable for older people, including 2 and 3 bedroom bungalows and dwellings suitable for those with restricted mobility.

4.1.8 Policy CF1 of the neighbourhood plan seeks the protection and enhancement of community facilities which includes garages, and sets out that proposals that would result in the loss of an existing community facility will not be supported unless any of the following factors apply:

- a) there is no longer a need or a demand for the community facility concerned; or
- b) the existing community facility can be demonstrated no longer to be economically viable; or
- c) the proposal makes alternative provision for the facility that would otherwise be lost, in an appropriate and convenient location elsewhere in the Plan area, and the proposed alternative provision complies with other policies in this Plan.

4.1.9 The authorised use of the site is for garage purposes making the provisions of Neighbourhood Plan policy E1 also relevant to the consideration and determination of the application. The policy sets out that development proposals resulting in the loss of, or having a significant adverse impact on, an existing employment use will not be permitted unless it can be demonstrated that: a) the building has not been in active use for the past 6 months; and b) the commercial premises or land in question has no potential for either reoccupation or redevelopment for employment-generating uses and as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least 6 months.

4.2 Principle of development

The site itself is, as indicated above, located in a Service Centre where in accordance with the relevant local plan policies development is considered to be sustainable as well as where new dwellings should be directed towards following the Melton Mowbray area. Furthermore, the dwellings proposed are 3-bed units which sits within the housing mix sought while each having floorspace of 161 square meters – some 59 square meters larger than required for a 3-bed dwelling when assessed against national space standards. When assessed against the adopted local plan alone, it can be seen to meet with the relevant policy requirements.

4.2.1 However, given that there is a Neighbourhood Plan with specific policies that relate to the proposal, there is a need to assess the proposed development against these to establish whether or not the development is acceptable in principle.

4.2.2 When assessed against policy H1 it can be seen the proposal will contribute towards the 161 dwellings at least required through the allocated sites thus showing compliance with this policy.

- 4.2.3 Turning to policy H4 on windfall development, the site is, as confirmed by the Parish Council comments on the amended plans provided, of an acceptable design on a site located of appropriate size amongst other residential dwellings within the defined boundaries for Hose. For the reasons set out below under the headings 'Design, appearance and impact on the character of the area' and 'Impacts upon amenity' the dwellings are considered not to impact on the areas character nor amenity, while the layout and materials are considered to respect the area.
- 4.2.4 Both dwellings will have 3-bedrooms thus ensuring that they comply with the identified housing mix for Hose as per the requirements of policy H5 in the Neighbourhood Plan.
- 4.2.5 The provisions of policies CF1 and E1 require that the development, due to the authorised use of the site being a garage thus being an employment use and an identified community facility, comply with a number of requirements.

4.3 Loss of garage facility

As part of the application, details have been submitted in respect of the marketing undertaken in respect demand, economic viability (policy CF1), the site not having been in use for employment use for a period of time with no potential for reoccupation or redevelopment and having been marketed (policy E1).

- 4.3.1 An assessment of the information submitted raised a number of concerns in respect of the submitted information that resulted in a meeting between officers, the applicant and agent at which the concerns were discussed and potential routes forward were highlighted.
- 4.3.2 Further additional information was provided setting out that the site was marketed on a variety of different websites with a number of enquiries received through a number of these. There was, as a result of these enquiries, 8 viewings with 2 offers made both from residential developers. Prior to this taking place, the land agent also made contact with a number of companies / individuals who were known to be seeking land for employment purposes with there being no interest due to the size of the site. The agent has also confirmed that prior to this 3 parties were in contact with the previous owner in respect of its acquisition although not moved forward with it as a going concern.
- 4.3.3 Consideration of the additional information was undertaken and it is considered that the requirements of both policies CF1 and E1 are, in this instance, complied with.
- 4.3.4 As a result of this compliance with other relevant policies, the provisions of policy H3 have also been complied with meaning that the principle of the development is acceptable.

4.4 Design, appearance and impact upon the character of the area

- 4.4.1 Concerns existed in relation to the developments relationship with the area with regards to features including height, design, parking and the character of the area. As a result of these concerns, amended plans have been submitted that include the number of dwellings being reduced from 3 to 2.
- 4.4.2 The amended site layout for the 2 dwellings is arranged in a manner generally reflective of other dwellings in the immediate area where the dwellings are set back from the road with off-road parking and an amenity space to the front of the dwelling while there is a private amenity space to the rear. The reduction in the number of dwellings has also afforded the 2 dwellings now proposed more space giving them a plot width similar to that of some of the dwellings immediately visible from the site. This has the effect of contributing to the ability of the dwellings proposed to fit in with the existing character, appearance and

rhythm of the streetscene and area without raising any adverse or detrimental impacts. While both stand forward of the adjacent dwelling at 17A, the garage building that previously stood on the site also stood forward of this dwelling that has an established, matures hedgerow between it and the site that affords an element of screening.

- 4.4.3 Both dwellings will have 3 bedrooms with en-suite facilities at first floor level with a living room, utility room, combined kitchen dining room and home office at ground floor in addition to the integral garage. This is contained within a 2-storey building with dual pitched roof sloping to the front and rear of the site and 3 gable ends (1 to the front, 1 to the rear and 1 to the side) where the side facing gable of each dwelling faces the other dwelling proposed. The neighbouring sites to both sides are of differing design, appearance and height to each other and the proposal. Notwithstanding this, the dwellings have been designed in a manner so as to draw on features and characteristics from both dwellings as well as those to the rear. Although the proposed dwellings stand higher than the neighbouring dwellings, they are smaller than those originally proposed and the difference in height when coupled with the design features proposed do not unduly impact on either the neighbours nor the character and appearance of the area. The rear gardens also provide a mix of landscaping in an acceptable manner. While the rear gardens may appear small, they are the same depth as the rear garden one of the adjacent dwellings while also being marginally longer than the rear garden depths of the properties to the rear and as a result of these are considered to be acceptable in a manner that fits in with the locality.
- 4.4.4 Hard and soft landscaping is shown on the proposed plans to the front and rear of the dwellings which is common place in the area. The front gardens are of sufficient depth and width to allow hardstanding for 2 cars as well as an area of soft landscaping which creates an arrangement that appears on a regular basis in the area.
- 4.4.5 Details of the proposed materials are shown on the amended elevations drawing indicating the use of render, timber, brick, roof tiles and upvc. An assessment of the material palette in the area visible from the site includes a mixture of different bricks and roof tiles as well as dwellings with render while upvc windows and rainwater goods are common. It is not therefore considered that the proposed materials would be out of keeping with the character and appearance of the area. The Parish Council commented on the original plans submitted and indicated that the proposal failed to comply with a number of the Neighbourhood Plan policies. These fed into the discussions between officers, the applicant and their agent and contributed towards the changes made. In their response to the amended plan, they commented that they had no objections to the proposal subject to the garages being able to be used as such and the gaps to the side of the dwellings were sufficient to allow access. On the basis of these comments it is considered that the initial grounds for objection by the Parish have been addressed.
- 4.4.6 On the basis of the above, it can be seen that **the proposal complies with Local Plan policies EN1, EN6 and D1 while also complying with the Neighbourhood Plan policy H7.**

4.5 Impact upon amenities

- 4.5.1 With the exception of 2 flank wall windows in both of the proposed dwellings all windows face to the front and rear of the site in order to ensure no unacceptable loss of or impact upon the privacy of neighbouring and surrounding sites. The 2 flank wall windows, 1 at ground floor and 1 at first floor, will serve the stair well and utility room, will be set off the

boundary with the existing neighbouring dwellings and due to the areas they serve could be conditioned to be fitted with obscure glazing as is indicated on the submitted plans to ensure no overlooking nor loss of privacy.

- 4.5.2 The northern most of the proposed dwellings is set parallel with the existing adjacent neighbour. When the garage building occupied the site it was a relatively low level building so the increase in the height proposed will result in an increase in the scale, bulk and massing but it is considered that as this is set alongside the existing dwelling, while there will be an impact from the increased height, its design and relationship is such that the impact is of an acceptable level.
- 4.5.3 Turning to the southernmost dwelling proposed, it follows the front building line of the other dwelling proposed as well as other existing dwellings to the north but stands forward of the existing adjacent dwelling to the south, would be 1.8m from its flank wall and be 7.4m from the nearest corner of the neighbour. This is closer than the garage building was located and due to the proposal being for 2-storey dwellings would be higher than the garage building removed. It can be seen from this that this dwelling would introduce a greater amount of bulk in relation to this existing neighbour. While this proposed dwelling could be set back further into the site, it would reduce the rear garden depth to an unacceptable level while also increasing levels of both over-looking and inter-looking resulting in an unacceptable loss of privacy. The bulk would reduce levels of daylight but these would be relatively minimal given the existence and height of the hedgerow currently existing along the site boundary. Although there would be impacts in respect of this relationship, it is not considered to be to a level that would justify a refusal when considered against the benefits of the development.
- 4.5.4 From this it can be seen that **the proposal complies with Local Plan policy D1 as well as the Neighbourhood Plan policy D1.**
- 4.6 **Highway Safety**
- 4.6.1 The application originally submitted sought permission for 3 dwellings with associated accesses, parking etc. Leicestershire County Council Highway commented that they did not consider that the application as submitted fully assessed the highway impact of the proposed development with further information required and that without this information the Local Highway Authority was unable to provide final highway advice on this application.
- 4.6.2 Their assessment of the amended indicated that in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions.
- 4.6.3 Having reviewed the information provided on site access and visibility splays, the LHA finds the quantum of off street parking, car parking dimensions and integrated garage dimensions to be in accordance with the LHDG.
- 4.6.4 On this basis they have no objections subject to 4 conditions and 1 informative being attached to any approval.

- 4.6.5 In terms of parking provision, it should be noted that policy T4 of the Clawson, Hose and Harby Neighbourhood Plan, made June 2018, sets out parking levels with last part of the policy stating
- a) 'For residential developments, adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of two bedrooms or less, three spaces for dwellings of three bedrooms or more'.
- 4.6.6 In the amended form being considered, for 2 dwellings, both dwellings have 3 parking spaces, including 1 in an integral garage, to serve the 3 bedroomed houses.
- 4.6.7 On the basis of these comments it can be seen that **the proposal complies with policy T4 of the Neighbourhood Plan as well as policy IN2 of the Local Plan.**
- 4.7 **Ecology**
- 4.7.1 The application site, while vacant and previously used as a car repair garage, has a number of trees and hedgerows around it while also being located opposite agricultural land on which ecological features exist. Resultantly, LCC Ecology have been consulted on the proposal.
- 4.7.2 In their response they set out that due to the nature and use of the site and demolished building, no surveys were required. They do indicate however that the site is located in a "Swift Alert Area" where opportunities for artificial nesting sites should be taken within proposed developments. On this basis they have requested a condition recommending the installation of a minimum of three Swift boxes / bricks in a suitable position.
- 4.7.3 The request is reasonable and a condition could be attached to any approval.
- 4.8 **Environmental Health;**
- 4.8.1 The last and authorised use of the site as a garage is such that the site has the potential to be contaminated. Both Phase 1 and Phase 2 contaminated reports have been provided and assessed by Environmental Health.
- 4.8.2 In the consultation response provided, it is detailed that the reports including the methodologies, findings and risks assessments contained therein are accepted. They highlight that the land known as Hose Garage has been used within the automotive sector since the 1960s. The original workshop and forecourt were recently demolished and rebuilt; however, two underground fuel storage tanks (USTs) adjacent Harby Lane appear to be of considerable age.
- 4.8.3 They set out that made ground was encountered across the site and that whilst no other petroleum storage/distribution infrastructure or buried demolition materials were encountered, the presence of such materials cannot be discounted.
- 4.8.4 It is highlighted that the primary pollution source are the two USTs. Visual and olfactory observations, on-site PID testing and laboratory analysis of soil and water samples have established the localised soil and ground water contamination in and around the tanks. Ground gas monitoring did not reveal any significant gassing. Continuing, secondary pollution sources include an array of small volume vessels such as drums containing oils, lubricants, solvents etc both present and historic. Also, automotive fluids such as petrol/diesel, coolant, engine oil, hydraulic fluids contained within vehicles; in particular seemingly abandoned cars present on site. Whilst no surface staining was noted during the site walkover, unidentified losses or spillages remain possible.

- 4.8.5 The two USTs require removal and disposal. Every effort should be made to remove the tanks in good order without significant damage or deformation. Visual and olfactory observations of the tanks and surrounding soils shall be made, supported by photographic evidence. The integrity and condition of the tanks shall also be documented. All contaminated soils must be excavated and off-sited for disposal. Laboratory chemical analysis of remaining soils shall be free from contamination prior to backfilling.
- 4.8.6 Any petroleum storage/distribution infrastructure, buried demolition materials or evidence of gross contamination shall be reported to Grange Geo and the LPA immediately in order that they are dealt with appropriately.
- 4.8.7 On the basis of these comments, Environmental Health have commented no objections to the proposal subject to a number of pre-commencement and occupancy conditions being attached to any approval.
- 4.8.8 The conditions requested are considered acceptable and to meet the relevant tests for conditions.

5 Consultation & Feedback

- 5.1 Neighbouring sites have been notified with the development also publicised by way of a site notice.
- 5.2 A total of 28 letters of objection and 1 letter of support have been received from 24 households. Details are contained in Appendix B below.

6 Financial Implications

- 6.1 No financial implications have been identified

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

- 7.1 The application requires consideration by the Committee due to the quantity of objections received
- 7.2 No legal issues have been identified by Legal Officers will be present at the meeting to address any issues that arise.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

8 Background Papers

- 8.1 The site has no relevant planning history.

9 Appendices

- 9.1 A: Consultation responses
B: Representations received
C: Recommended conditions
D: List of applicable policies

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Appendix A : Summary of Statutory Consultation Responses

Parish Council:

Original Plans:

In response to the application as submitted the Parish Council, having studied the application fully, had the following objections about this application:

1. The Parish Council believes the proposal is contrary to Policy H4, 'Windfall Sites' of the Parish Plan, notably points c) and d) as;
 - At 9m to ridge height, the proposed 2.5 storey properties will dominate the street scene and overshadow the properties behind the site (7, 9 and 11 Home Pastures). Existing properties on Harby Lane, adjacent to the proposed dwellings, are only 2 storey and it is felt that these proposals would disrupt the street scene and not be in keeping with the rest of the village. It is also noted that there is very little space between each proposed property; and
 - It is felt that 3 properties represents over-development of the site. The character of the area is defined by 2 storey, evenly spaced properties with large, green gardens. The proposals do not offer the same space as neighbouring properties. Green space appears to have been compromised to provide a carpark at the front of each house. The proposals are not reflective of the character of this rural setting.
2. The Parish Council believes the proposal is contrary to Policy H5 on Housing mix, objecting as it is noted that the proposals are for 3-bedroom properties with a 'separate home office' situated on the first floor of each house that they believe that the plans represent 4-bedroom properties and do not meet any identified local need.
3. The Parish considers the proposal contrary to policy H7, 'Housing Design' in that
 - At 2.5 storeys and 9m height, the proposals neither enhance or reinforce the local distinctiveness and character of the small, rural village of Hose and will disrupt the visual amenities of the street scene;
 - 3 houses on this plot does not 'respect and respond positively to the visual character and the architectural massing of the neighbouring area.' There is also very little space between the buildings and the site boundary, which has a detrimental impact on the amenity and privacy of the surrounding properties.
 - This does not meet Policy T4 – Parking of the Neighbourhood Plan (see below);
 - It is noted from the plans that the developers intend to remove a mature hedgerow and replace it with a brick wall followed by concrete posts and shiplap fencing. Hedges should be preserved where possible;
 - There does not appear to be any provision made for wildlife within the development.
4. The Parish believes the proposal contrary to Policy T4 on Parking as 3 x 3 / 4 bedroom properties require a minimum of 9 off-street parking spaces and only 6 have been illustrated in the plans, which is not adequate for a development of this size. The Parish Council is also concerned about the safety of road users and pedestrians as cars will be reversing

directly onto Harby Lane, with a proposed brick wall around the site which is likely to affect visibility.

5. The Parish believe the proposal is contrary to Policy CF1 in that
 - It is noted that the garages in Harby, Stathern and Long Clawson are extremely busy – some are expanding – thus, it is felt that there is demand for a garage in Hose.
 - The Parish Council has not seen any evidence that Hose Garage was no longer economically viable.
 - The proposals do not make alternative provision for the facility that would otherwise be lost and the Parish Council question whether the demolition of the garage was permitted.
- 6 The Parish believe the proposal is contrary to Policy E1 on 'Existing Employment Uses' CF1 in that the building was demolished prior to the planning application on the 'vacant brownfield land'. It is not clear whether the premises and / or business were marketed for reoccupation or redevelopment for employment-generating uses prior to the developer's purchase.

Amended Plans 25.10.2021

Following discussions between Officers, the applicant and their agent resulting in amended plans being submitted, the Parish were re-consulted on the amended plans and commented as follows;

-The Parish Council has no objections to this application provided that the size of the garages meets the minimum requirement to enable them to be counted as a parking space (as stipulated in the Clawson, Hose and Harby Neighbourhood Plan: Policy T4 –Parking).

-The Parish Council would also like to check that the gap between the properties and the boundary is wide enough to ensure that bins can be manoeuvred easily between the front and rear gardens.

LCC Highways: No objections;

The Local Highway Authority advice based on the originally submitted plans was that further information was required in order that a full, detailed assessment could be undertaken as insufficient information had been provided.

Following discussions with the agent and the submission of the amended plans, the Highway Authority have no objections to the scheme as the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. A number of conditions have been requested.

LCC Ecology: No objections

They highlight that the site is located within the Swift Alert Area and request a condition relating to a number of Swift boxes being provided.

MBC Environmental Health: No objections

Following an assessment of the reports Environmental Health have no objections to the proposal subject to conditions being attached to any approval.

Trent Valley Water Board: No objections

In their response they set out that water run off rates to receiving watercourses should not increase.

Appendix B: Summary of representations received.

28 letters of objection and 1 letter of support have been received from 24 households.

The letters of objection are on the following grounds:

- 3 storey houses will be out of keeping with the area and other properties in the village;
- At 3 stories tall the dwellings will be unsightly;
- The number of dwellings proposed and their height are too great;
- It goes against the provisions of the Hose Neighbourhood Plan;
- The plot is too small for 3 houses with up to 6 cars;
- It will cause concerns regarding vehicles pulling onto and off the site over a pedestrian access;
- It is not an appropriate replacement for the garage that was there;
- As proposed it will affect light, views and privacy for neighbouring sites;
- 2 bungalows or buildings of a similar height to that which was there before would be more capable of support;
- Insufficient parking spaces;
- Will ruin views across the fields;
- Local schools are already at capacity;
- No allowance for parking spaces for visitors;
- Highway and pedestrian safety concerns;
- Their mass is too great;
- Too many dwellings for the size of the plot with an inability to provide sufficient parking and amenity space for occupiers;
- It will be an unnecessary over-development of the site that will ruin the areas aesthetics;
- It is disappointing policy E4 of the Neighbourhood Plan appears to have been ignored as it appears no attempt to sell the business as a going concern before applying for residential development of the site;
- Policy H2 of the neighbourhood plan clearly indicated 2.5 storey dwellings as inappropriate in the village;
- It represents a significantly higher density than the surrounding area;
- Contrary to H4d and H7 of the neighbourhood plan due to the proposals averaging 200m square per property with 7m frontage compared to 419m squared with 13m frontage and

863m square with 20m frontage and even the smaller properties on the street including current and former council houses having plots of approx. 273m square.

- Contrary to policy T4 which specifies 2 or more parking spaces for houses of 2 bedrooms or less and 3 for 3 bedrooms or more;
- The floor plans show rooms that could be used as bedrooms thus requiring more parking requirements; and
- No dimensions on the submitted plans which also do not show existing concrete fence posts which mark the boundary.

The letter of support has commented no objections as an immediate neighbour, requesting that the current boundary is made more formal than the current hedgerow with a preference of a 2m timber fence.

Appendix C : Recommended Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be implemented in accordance with the following;
 - Phase 1 Desk Study Final Report by Grange Geo ref R20066 dated February 2021 submitted to and received by the Local Planning Authority on 5 August 2021;
 - Phase 2 Ground Investigation Final Report by Grange Geo ref R20066 dated February 2021 submitted to and received by the Local Planning Authority on 5 August 2021;
 - Planning Statement by P&DG ref 21.109 SPS dated September 2021 submitted to and received by the Local Planning Authority on 23 September 2021;
 - Drawing titled 'Proposed Site Access and Visibility Splays' by Lexa Consultancy numbered 600437-HEX-00-00-DR-TP-0100 P01 dated 16 September 2021 submitted to and received by the Local Planning Authority on 22 September 2021;
 - Drawing titled 'House Type 1A Proposed Plans' by Player Roberts Bell numbered A-20118-20-001_P3 Rev P3 dated 9 September 2021 submitted to and received by the Local Planning Authority on 22 September 2021;
 - Drawing titled 'House Type 1A Elevations' by Player Roberts Bell numbered A-20118-20-002_P3 Rev P3 dated 9 September 2021 submitted to and received by the Local Planning Authority on 22 September 2021;
 - Drawing titled 'Location and Block Plan' by Player Roberts Bell numbered A-20118-70-001_P3 Rev P3 dated 9 September 2021 submitted to and received by the Local Planning Authority on 22 September 2021;
 - Drawing titled 'Proposed Site Plan' by Player Roberts Bell numbered A-20118-70-003_P3 Rev P3 dated 9 September 2021 submitted to and received by the Local Planning Authority on 22 September 2021; and

-Drawing titled 'Proposed Street Elevations' by Player Roberts Bell numbered A-20118-70-004_P3 Rev P3 dated 9 September 2021 submitted to and received by the Local Planning Authority on 22 September 2021

3. The development hereby approved shall be constructed of the materials as set out on approved plan numbered A-20118-20-002_P3 Rev P3 dated 9 September 2021.
4. The approved landscape scheme (both hard and soft) shown on the approved plans shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
5. No part of the development hereby permitted shall be occupied until such time as the access arrangements and vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access in accordance with Proposed Site Access and Visibility Splays, drawing number 600437-HEX-00-00-DR-TP-0100 Rev P01. 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. The development hereby permitted shall not be occupied until such time as the parking, including integral garage, and turning facilities have been implemented in accordance with Proposed Site Plan, drawing number A-20118-70-003_P3. Thereafter the onsite parking provision including integral garage shall be used for parking purposes only and maintained in perpetuity.
7. The development hereby permitted shall not be occupied until such time as the access drive 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.
8. 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.
9. The flank wall windows hereby approved as part of the development shall be fitted with obscure glazing prior to the first occupations of the dwellings approved and thereafter retained or replaced with such.
10. No above ground work on the development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before (the use hereby permitted is commenced) or (before the building(s) is/are occupied) or (in accordance with a timetable agreed in writing with the Local Planning Authority). Development shall be carried out in accordance with the approved details.
11. The garage shall be retained at all times for uses as a garage and shall not be used for any purpose (such as storage or a workshop) such that a vehicle cannot be parked inside.
12. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order,

no development within Class A, B, C and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

13. No development approved by this planning permission shall be commenced until a Remediation Method Statement, detailing the remediation requirements to protect human health and the environment, has been submitted to the Local Planning Authority. The Remediation Method Statement shall use the information obtained from the site investigation(s) and include details of all works to be undertaken, proposed remediation objectives and remediation criteria. The Remediation Method Statement must be approved in writing by the Local Planning Authority. Once approved, the Remediation Method Statement shall be implemented in full.
14. Upon completion of the remediation, a validation report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Remediation Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting (if any) shall also be detailed in the report. The validation report must be approved in writing by the Local Planning Authority prior to first occupancy.
15. In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme. The results shall be submitted to the Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.
16. If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a revised Remediation Method Statement has been submitted by the developer and approved by the LPA detailing how this unsuspected contamination shall be dealt with.
17. No development above ground shall be commenced until such time as details of the location and type of 3 Swift boxes / bricks have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details and the Swift bricks / boxes retained thereafter.

The reasons for the conditions are;

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to ensure the development is carried out in accordance with the documents and plans assessed, considered and found to be acceptable.
3. For the avoidance of doubt and to ensure the development is constructed of materials that have been assessed and found to be acceptable.
4. To provide a reasonable period for the replacement of any planting.
5. To ensure that vehicles entering and leaving the site may do so in a slow and controlled manner, and 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 (2021).

6. 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).
7. 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 the National Planning Policy Framework (2021).
8. 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 (2021).
9. To ensure the satisfactory protection of adjacent residential amenity.
10. To preserve the amenities of the locality.
11. To ensure that adequate parking provision is available within the curtilage.
12. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.
13. To ensure the remediation of the site and in the interests of environmental protection.
14. To ensure the remediation of the site and in the interests of environmental protection.
15. To ensure the remediation of the site and in the interests of environmental protection.
16. To ensure the remediation of the site and in the interests of environmental protection.
17. To ensure the protection and provision for Swifts in the area due to its designation as a Swift Alert Area.

Appendix D : Applicable Development Plan Policies

Melton Local Plan

SS1 – Presumption in favour of Sustainable Development

SS2 – Development Strategy

C2 – Housing mix

C3 – National Space Standard and Smaller Dwellings

EN1 – Landscape

EN2 – Biodiversity

EN6 – Settlement Character

IN2 – Transport, Accessibility and Parking

D1 – Raising the standard of design

Clawson, Hose and Harby Neighbourhood Plan

Policy H1- Housing Provision

Policy H3: Limits to Development

Policy H4: Windfall Sites

Policy H5: Housing Mix

Policy H7: Housing Design

Policy CF1: Protection and Enhancement of Community Facilities

Policy T4: Parking

Policy E1: Existing Employment Use

Policy E3: Homeworking