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Borough
Council**

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Planning Committee

29th June 2023

Report of: Assistant Director for Planning and Delivery

21/00013/FUL Land to the rear 1 to 3 Hickling Lane, Long Clawson. Erection of 31 dwellings with associated access, open space and parking

Applicant: Hazleton Homes Ltd:- Mr T Hazleton And Anthea Brown

Planning Officer: Gareth Elliott

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Christopher Evans and Simon Orson (Long Clawson and Stathern)
Date of consultation with Ward Member(s):	8 June 2023
Exempt Information:	No

Reason for committee determination

This application is required to be presented to the Committee due to receiving more than 10 letters of representation from separate households contrary to the recommendation.

Web Link

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QMISL1KOJVO00>

What 3 words

<https://w3w.co/contents.relished.thin>

RECOMMENDATION(S)

Approve subject to:

1. Conditions

- Time limit
- Plans
- Ground Levels
- Surface Water Drainage
- Surface Water Drainage during constructions
- Long Term Maintenance Surface Water Drainage
- Infiltration testing
- Access Arrangements
- Visibility Splays
- Parking and Turning Facilities
- Off site Works
- Construction Traffic Management Plan
- External Materials
- Landscape Management Plan
- Landscaping and Boundary Treatment

2. A completed Section 106 Agreement to secure contributions towards

- Libraries
- Civic amenity
- Healthcare
- Sustainable travel
- Education
- Provision of on-site affordable housing

1 Executive Summary

- 1.1 The site is a 1.15Ha parcel of land within the defined limits to development of Long Clawson and allocated for residential development within the Melton Local Plan and Neighbourhood Plan.
- 1.2 Full planning permission is sought for the erection of 31 dwellings at the site which vary in size and design.
- 1.3 There have been previous grants of outline consent for residential development at the site, the most recent being approved on 08.06.2022 for 31 dwellings.
- 1.4 The proposed development comes forward with the full range of sought infrastructure contributions agreed. The proposal also includes 12 (38%) affordable dwellings which would consist of 6 x affordable rented, 6 x intermediate of a mix of 2, 3 and 4 bedroom dwellings.

2 Main Report

The Site

- 2.1 The application site relates to a broadly L-shaped parcel of land that measures 1.15Ha in area and is located on the junction between Broughton Lane and Hickling Lane. The site is broadly level in nature. There is an established hedgerow and matures trees located along the boundary with Broughton Lane. A traditional post and rail fence runs along the boundary with Hickling Lane.

- 2.2 The site is currently in use as a horse paddock. The closest neighbouring residential property is 3 Hickling Lane to the south of the site. There is open countryside to the west and north of the site.
- 2.3 Located towards the western edge of the village, the site is within the limits to development identified within the Clawson, Hose and Harby Neighbourhood Plan. The site is allocated within the Neighbourhood Plan (NPLONG6) for residential development with an estimated capacity of 32 dwellings and within the Melton Local Plan (LONG2) with an estimated capacity of 35.

3 Planning History

- 3.1 16/00810/OUT - Outline application for the erection of up to 31 dwellings with associated access, open space and parking [Resubmission of 15/00833/OUT) Approved 08.06.2022

4 Proposal

- 4.1 Full planning permission is sought for the erection of 31 dwellings with a new vehicular access of Broughton Lane
- 4.2 There has been a previous grant of outline planning permission at the site for erection of 31 dwellings Ref.16/00810/OUT (not yet implemented; no reserved matters yet submitted).

5 Amendments

- 5.1 Amended Plans were received during the life of the application following discussions with the case officer in relation to design, scale, layout and positioning of the proposed development.

6 Planning Policy

National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

National Design Guide

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 C4 Affordable Housing Provision

Policy C9 Healthier Communities

Policy IN2 Transport, Accessibility and Parking.

Policy IN3 Infrastructure Contributions and Community Infrastructure Levy

Policy D1 Raising the Standard of Design.

Policy EN1 Landscape

Policy EN2 Biodiversity

Policy EN6 Settlement Character

Policy EN8 Climate Change
Policy EN9 Energy Efficient and Low Carbon Development
Policy EN11 Minimising the risk of Flooding
Policy EN12 Sustainable Drainage Systems

Clawson, Hose and Harby Neighbourhood Plan

Policy H1 Housing Provision
Policy H2 Housing Site Allocations for 2016-2036
Design Code NPLONG1
Policy H3 Limits to Development
Policy H5 Housing Mix
Policy H6 Affordable Housing Provision
Policy H7 Housing Design
Policy H8 Street Lighting and Light Pollution
Policy ENV4 Biodiversity
Policy ENV6 Woodland, Trees and Hedges
Policy ENV10 T4 Parking
Policy E5 Broadband
Policy DC1 Developer Contributions

Other

Affordable Housing and Housing Mix SPD
Developer Contributions SPD
Design SPD

7 SUMMARY of RESPONSES

SUMMARY OF TECHNICAL CONSULTATION RESPONSES

- 7.1 Environment Agency - No objection
- 7.2 Severn Trent – No objection
- 7.3 Lead Local Flood Authority – No objection, recommends conditions
- 7.4 Trent Valley Internal Drainage Board – No objection.
- 7.5 Highway Authority – No objection, recommends conditions.
- 7.6 LCC Obligations - Sets out Infrastructure requirements for Libraries, waste and education.
- 7.7 East Leicestershire and Rutland Clinical Commissioning Group (ELR CCG) - Contribution Request to Primary Care
- 7.8 LCC Ecologist - Ecology surveys accepted and conditions recommended to secure mitigation measures. A biodiversity net gain is required.

SUMMARY OF REPRESENTATIONS

Ward Member(s)

7.9 No comments received.

Parish Council

- 7.10 The only landscaping seems to be hedging and trees with some short width of “wildlife corridor”.
- 7.11 Clarification over the maintenance of the grassy areas on site and the wildlife corridor.
- 7.12 There is no footpath along Broughton Lane.
- 7.13 The amended plans show some ‘bungalows’ with a ground floor and a first floor. Plot 31 is a bungalow. Plots 14, 10 and 9 are still two storey building.
- 7.14 It is felt strongly by the Parish Council that this looks more like a housing estate.

Neighbours

- 7.15 12 objections from 12 households
- Other sites in the village would be preferable over this one.
 - Concerns over traffic management and further vehicle movement.
 - Objections raised on flood risk grounds and concerns over surface water run off onto neighbouring sites.
 - The submitted details do not consider noise.
 - Impact on local wildlife from the development.
 - Impact on residential amenity including light and outlook.
 - Devaluation of property.
 - Impact on existing infrastructure – schools and doctors.
 - The village has very limited public transport.
 - Global warming is a major issue, we should be planting trees not building houses
 - The village has already had a number of large developments
 - Objection to the removal of trees not within the applicants ownership.
 - Seeks clarification over boundary annotations and a detailed landscaping scheme.
 - Concerns raised over the impact on the local hedgehog population
 - No considerations towards sustainable solutions.
 - The development would result in an oversized housing estate.
 - There is no pond or play area included within the development.
 - The proposal would have a negative impact on the character of the site.

RESPONSE TO CONSULTATIONS AND REPRESENTATIONS

- 7.16 The landscaping areas are considered to be appropriate to the scale and nature of the proposed development, as well as the needs of local wildlife.
- 7.17 In terms of the maintenance of the landscaped areas, a condition is recommended requiring further details of a maintenance schedule to come forward, which is consistent with the previous outline grant of planning permission at the site.
- 7.18 The proposed footpath is shown to connect up to Hickling Lane rather than Broughton Lane as this would provide a more direct connection to the main settlement and existing footpaths
- 7.19 It is considered that the range in design and size of the proposed dwellings are appropriate and policy compliant.
- 7.20 The site is an allocated site within the Local Plan and Neighbourhood Plan and makes up part of the 5 Year Housing Land Supply. There is also an extant outline consent for the site. Therefore the principle of the development has been established.
- 7.21 The issues of highway safety, character and appearance, residential amenity, flood risk and impact on ecology are covered and assessed in the following sections of the report.
- 7.22 In terms of the impact on infrastructure, the applicant has agreed to full infrastructure contributions including healthcare and highway related infrastructure.
- 7.23 The devaluation of property is not considered to be a material planning consideration within this proposed development.
- 7.24 Conditions in relation to boundary treatment and securing landscaping details are recommended to be attached to any grant of planning permission.

8 PLANNING ANALYSIS

8.1 The main considerations are

- Principle of Development
- Infrastructure
- Affordable Housing and Housing Mix
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highways and parking
- Ecology
- Flood Risk/Drainage

Principle of Development

- 8.2 The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise 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 adverse impact on the Highway network.
- 8.3 Long Clawson is identified as a 'Service Centre' under Policy C1(A) of the Local Plan and as such is appropriate for a limited quantity of development in the form of allocations and accommodation of smaller sites.
- 8.4 The application site is allocated for housing within the Clawson, Hose and Harby Neighbourhood Plan (NPLONG6) with an estimated capacity of 32 dwellings.

- 8.5 Policy C1(A) of the Melton Local Plan states that housing proposals will be supported where they provide:
1. A mix of dwellings in accordance with Policy C2;
 2. Affordable housing in accordance with Policy C4;
 3. The necessary infrastructure required to support development in accordance with Policy IN1; and
 4. High quality design in accordance with Policy D1.
 5. The requirements as set out in Appendix 1 of the Melton Local Plan or relevant Neighbourhood Plan.
- 8.6 Policy H2 of the Neighbourhood Plan states;
- Land is allocated for housing development as shown in Table 3 (Housing Allocations) and Table 4 (Reserve Sites). Proposals for development of the various sites will be supported within the strategic context provided for land release in Policy H1 of this Plan and where they comply with the relevant site Design Code.
- 8.7 The design code for the site is set out below;
- Development will be supported provided:
- drainage infrastructure is available to accommodate surface water from the site without causing or adding to flooding elsewhere;
 - it is up to 32 dwellings;
 - landscaping is provided to soften the site boundaries;
 - a safe and convenient footpath link to existing footpaths is provided;
 - dwellings are no more than two storeys high, with some single storey bungalows included adjacent to current dwellings.
 - the layout and architectural design creates an informal, rural feel.
- 8.8 The individual criteria within in the above design code will be discussed within the relevant subsections later within the report. However, in light of the above policy guidance which supports the development of the site of this scale and number of units proposed, it is considered that the principle of development at the site is acceptable.

Infrastructure

- 8.9 A Section 106 Agreement is recommended to secure full contributions relating towards education, sustainable travel, waste services and healthcare as detailed below.
- Libraries - £938.56
 - Civic amenity contribution £2562.46 for the maintenance of existing waste services
 - Healthcare contribution £9,298.51
 - LCC Highways – (bus pass contribution £720 per dwelling, bus stop contribution £8,900)
 - Education - £92,544.05 for secondary school contribution
 - Securing the provision of affordable housing

Affordable Housing and Housing Mix

- 8.10 The proposal includes 12 (38%) affordable dwellings which would consist of 6 x affordable rented, 6 x intermediate of a mix of 2, 3 and 4 bedroom dwellings. This level of affordable housing provision would exceed the minimum required level stated within the Melton Local Plan for Long Clawson of 32%. This level of provision is echoed within Policy H6 of the Neighbourhood Plan.
- 8.11 The mix of houses in terms of number is made up of 80% (25 out of 31) being 2 and 3 bedroom. This aligns with the optimum housing mix required in the Local plan Policy C2 and Policy H5 of the Neighbourhood Plan.
- 8.12 It is noted that the Housing Officer raises no objection to the scheme in terms of the provision of affordable housing and the housing mix.
- 8.13 In light of the above, it is considered that the proposal would comply with the aims of Policy C2 of the Melton Local Plan and Policy H5 of the CHH Neighbourhood Plan.

Impact on the character and appearance of the area

- 8.14 Policy D1 of the Local Plan states that all new developments should be of high-quality design. Policy EN1 of the Local Plan aims to ensure new development is sensitive to its landscape setting and that it seeks, where possible, to enhance the distinctive qualities of the landscape character areas (as defined in the Landscape Character Assessment); and requires new developments to respect existing landscape character and features.
- 8.15 Policy EN6 of the Melton Local Plan states that development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement or form a key entrance and/or gateway to a settlement.
- 8.16 Policy H7 of the CHH Neighbourhood Plan set out criteria for design of new housing development. The policy seeks to ensure the design enhances and reinforces the local distinctiveness and character of the area and requires proposals to show the general character, scale, mass and density and layout fits in with the character of the surrounding area including variation of types, materials and styles to reflect rural village visual diversity.
- 8.17 Furthermore, the design code linked to Policy H2 for the allocated site requires the layout and architectural design to create an informal, rural feel.
- 8.18 During the life of the application, there has been extensive discussions between the applicants and officers on the design and layout of the proposal to improve the character and appearance of the proposed development, as well as the connection between the site and surrounding area.
- 8.19 The revised plans incorporate dwellings that have active frontages onto both Broughton Lane and Hickling Lane, together with soft landscaped frontages.
- 8.20 There are 10 different house design types included with the proposal, which range in terms of architectural features, external materials, position within the site, as well as size and scale. The external materials include the use of brickwork, ivory render and traditional ironstone cladding. The roof finishes would include natural slate tiles and clay pan tiles.
- 8.21 Having considered the broad range in house type design, as well as well as the use of traditional materials that reflect the local vernacular of the area, it is considered the proposed development would be successful in creating an informal layout that would pay due respect to the rural character and local distinctiveness of the site and wider settlement.

- 8.22 The scale and height of the proposed dwellings have also been reduced following discussions with the case officer. The original submission included a number 2.5 storey dwellings, which have now been omitted from the scheme and replaced with traditional two storey designs.
- 8.23 A tree lined footpath is shown to link the proposed development to the village. This footpath would be located at the end of the turning head between plots 29 and 30 and would connect up to Hickling Lane. This is considered to meet with the design code criteria for the provision of a safe and convenient footpath link.
- 8.24 In terms of landscaping, the existing hedgerows along the boundaries Broughton Lane, as well as the western and southern boundaries of the site would be retained. Soft landscaped buffer zones would be created between the boundaries of the site and residential curtilages. The vast majority of plots would also have soft landscaped frontages.

Impact on Residential Amenity

- 8.25 Policy D1 of the Melton Local Plan seeks to ensure that the amenity of neighbours and neighbouring properties should not be compromised. Policy D1 also requires development to be managed so as to control disruption caused by construction for reasons of safeguarding and improving health well-being for all.
- 8.26 The relationship with 3 Hickling Lane is borne in mind as the closest neighbouring residential property to the application site.
- 8.27 Following discussions with the case officer over the relationship the proposed development would have with this property, revised plans have been received which now show the proposed dwelling at plot 31 to have a single storey design (house Type U). This house type has a low eaves height (2.5m) and overall ridge height (5.8m) and a hipped roof which would slope away from the existing neighbouring property.
- 8.28 Given this reduced scale and sensitive design, the proposed development is considered to not result in any material overbearing or overshadowing impact on neighbouring amenity to the closest neighbouring property.
- 8.29 Two small windows would be positioned within the side elevation facing the neighbouring property, however as these serve bathrooms, a condition requiring these to be obscure glazed and fixed shut is considered appropriate to attach to any grant of planning permission. With such a condition in place, it is considered that there would be no material overlooking impact on neighbouring amenity.
- 8.30 Additional landscaping strips are shown along the boundaries with the closest neighbouring properties 1 and 3 Hickling Lane and Headland Farm, which is considered to provide a degree of buffering from the proposed development to further reduce the impact on neighbouring amenity.
- 8.31 Given the distance and level of separation to the other closest neighbouring properties, and that the site backs onto open countryside, it is considered that the proposal would not result in any material impact on neighbouring amenity.
- 8.32 In terms of the amenity of future occupiers, the proposed development is considered to have a layout which allows for sufficient levels of separation distances and appropriate orientation and positioning of dwellings to avoid any material overbearing, overshadowing or overlooking impact. The proposed development would also include adequate levels of garden depths appropriate to the size of the dwellings as well as pockets of soft landscaping throughout the site.

8.33 Overall, with the described conditions above in place, it is considered that the proposal would not result in any material impact on residential amenity in accordance with the aims of Policy D1 of the Melton Local Plan and Policy H7 of the Neighbourhood Plan.

Impact on highways and parking

8.34 Policy D1 states that development proposals should include appropriate, safe connection to the existing highway network and should make adequate provision for car parking. Policy IN2 requires that development does not unacceptably impact on the safety and movement of traffic on the highway network and provides appropriate and effective parking provision and servicing arrangements.

8.35 Furthermore, Policy T4 of the CHH Neighbourhood Plan requires an adequate level of off road parking with a minimum of two car parking spaces for dwellings of two bedrooms or less, three spaces for dwellings of three bedrooms or more.

8.36 Following discussions with the case officer, revised plans have been received which include additional parking amenity in order to comply with the above policy guidance, and provide each dwelling with either 2 off street parking spaces or 3 parking spaces for the 3 and 4 bedroom dwellings. The vast majority of the parking is independent side by side parking with a small amount of tandem parking arrangement in general accordance with the Design of Development SPD.

8.37 The Highway Authority have not raised any objection to the proposed development following the submission of additional plans showing tracking and access details as well as improved visibility splays at the main entrance.

8.38 In light of the above, it is considered that the proposed development would be in accordance with the aims of Policy D1 and IN2 of the Melton Local Plan and Policy T4 of the CHH Neighbourhood Plan

Ecology

8.39 Policy EN2 of MBC Local Plan seek to protect biodiversity as well as natural habitat for local wildlife.

8.40 Policy ENV4 of the CHH Neighbourhood Plan states that the creation, maintenance and enhancement of local biodiversity will be supported and seeks to provide a net gain in biodiversity, supporting and benefitting local species and habitats.

8.41 Furthermore, Policy EN7 of the CHH Neighbourhood Plan requires proposals for 10 or more dwellings within certain areas to be accompanied by a Great Crested Newt Survey and to incorporate additional measures for Great Crested Newts.

8.42 Following discussions with the case officer, the application has been supported by a Great Crested Newt Survey. It is noted that LCC Ecology are satisfied with the results of this survey and recommend that the precautionary measures within this survey are secured by condition.

8.43 The comments from LCC Ecology on the requirement of a BNG calculation are also noted, however as both Local Plan and Neighbourhood Plan policies do not require the site to be in an overall gain, it is considered unreasonable for planning permission to be withheld on these grounds alone.

8.44 Furthermore, it is also borne in mind that outline planning permission has previously been granted for the site and had this latest scheme come in as a reserved matters application

rather than a stand alone full application, there would be no requirement for the site to be in an overall biodiversity net gain.

- 8.45 Notwithstanding the BNG calculations matter, the submitted scheme does include various proposals for the provision of bird, bat, hedgehog and Great Crested Newt enhancements.
- 8.46 There have also been changes to the layout of the scheme to allow for some habitat provision, chiefly through wildflower-seeded grassland on marginal land and small pockets of internal open space.
- 8.47 These biodiversity enhancements to the site are considered to meet with criteria contained within Policy EN2 and Policies ENV8 and EN11 highlighted above.
- 8.48 In light of the above, it is considered that the proposal would not result in any material impact on local wildlife at the site.

Flood Risk/Drainage

- 8.49 The proposed development would be located is within Flood Zone 1 (low risk of fluvial flooding) and at low to medium risk of surface water flooding
- 8.50 The application is supported by a Flood Risk assessment which includes a surface water drainage strategy. The drainage strategy seeks to discharge to an attenuation basin before being discharged at a QBar discharge rate of 4.5 l/s to an existing ditch on the northern boundary of the proposed site. The Lead Local Flood Authority (LLFA) have had regard to the submitted information and consider it to be satisfactory. Recommended conditions requiring further precise details of the surface water drainage scheme are set out in conditions.
- 8.51 It is also noted that local residents described the existing flooding issues experienced within the village as well as the concerns that the proposed development would exacerbate this. The concerns from the Parish Council in this respect are also noted.
- 8.52 The proposed scheme is supported by a Flood Risk Assessment (FRA) and as previously discussed the drainage strategy within the FRA states how an attenuation basin would be utilised before being discharged to an existing ditch on the northern boundary on the northern boundary of the site.
- 8.53 The Environment Agency, Lead Local Flood Authority and Severn Trent have been consulted on the application and had regard to the submitted FRA. No objections have been received from the technical consultees on flood risk grounds.
- 8.54 The recommended conditions from LLFA in relation to management and implementation of surface water are considered appropriate to attach to any grant of planning permission. Furthermore, with the attachment of the recommended conditions requiring precise details to come forward, further consultation with the statutory consultees would be enabled, which in turn would facilitate a suitable drainage scheme to be secured. In light of the above it, is considered that the proposal would comply with the aims of Policies EN11 of the Melton Local Plan and ENV8 of the Neighbourhood Plan.

9 CONCLUSION

- 9.1 The proposal is considered to meet the criteria within Policy H2 of the CHH Neighbourhood Plan and Policy C1 (A) Ref. LONG2 of the Melton Local Plan with an estimated capacity of 35.

- 9.2 The full range of infrastructure contributions have been agreed in full as well as on site affordable housing provision.
- 9.3 There has been no identified material impact on neighbouring amenity, the character and appearance of the site and wider area, local wildlife or flood risk.
- 9.4 The proposed development is considered to not result in a significant impact upon highway safety and a safe and suitable access is achieved to the site from Broughton Lane. Sufficient off street parking provision to serve the proposed development has also been demonstrated.

10 REASON FOR RECOMMENDATION

- 10.1 The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise 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. Long Clawson is a 'service centre' under policy SS2 and identified as appropriate for a limited quantity of development in the form of allocations and accommodation of 'windfall'.
- 10.2 The site is allocated for housing purposes in the CHH Neighbourhood Plan under Policy H2 with an estimated capacity of 32 and Policy C1 (A) Ref. LONG2 of the Melton Local Plan with an estimated capacity of 35.
- 10.3 Affordable housing provision remains one of the Council's key priorities. This application delivers the required level of affordable housing (in line with the Melton Local Plan) that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of 12 affordable housing units, of a type that supports the local market housing needs. The final mix of affordable housing would be secured by Section 106 Agreement.
- 10.4 The application demonstrates how this allocation would be delivered and meet with the site specific criteria applied by the Plan. This report has demonstrated that the proposal is compliant with the policies of the development plan as a whole when considering the Neighbourhood Plan and the Local Plan.

11 Financial Implications

- 11.1 The recommendation proposes a s106 agreement collecting developer contributions for various aspects (see above for details).

Financial Implications reviewed by: N/A

12 Legal and Governance Implications

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

Legal Implications reviewed by: Tom Pickwell (Solicitor)

13 Background Papers

- 13.1 16/00810/OUT – Outline application for the erection of 31 dwellings – Permitted 8th June 2022

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