



22/01158/FUL - Construction of new two bedroomed bungalow of site of previously demolished Forresters Hall, with associated external works. Resubmission relating to previous approval ref: 19/00696/FUL.

**Forresters Hall, Rosebery Avenue, Melton Mowbray,
Leicestershire LE13 1BL**

Applicant: Mr Mervyn Scattergood, Executive Contractors

Planning Officer: Amy Smith

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Ian Atherton and Councillor Sharon Butcher
Date of consultation with Ward Member(s):	14 November 2022
Exempt Information:	No

Reason for Committee Determination:

The application is required to be presented to the Committee as the application has been called into Committee by a Local Councillor.

Web Link:

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RK3Z9LKOL1N00>

What3words:

<https://w3w.co/yarn.mice.actual>

RECOMMENDATION(S)

1. It is recommended that the Planning Application is APPROVED subject to the below conditions:
 - 3 years to implement the consent (time)
 - Approved plans
 - Details of materials to be submitted for approval
 - Implementation of hard and soft landscaping scheme
 - Implementation in accordance with proposed ground levels
 - Removal of Permitted Development rights for gates, barriers etc to the vehicular access
 - Removal of Permitted Development for householders (Classes A, B, C, D and E)
 - Obscure glazing to windows to remain in perpetuity

1 Executive Summary

- 1.1 The application seeks full planning permission for the erection of 1no. two bedroom single storey dwelling at Rosebery Avenue, Melton Mowbray.
- 1.2 The proposed development is in the sustainable location of the main urban area of Melton Mowbray, within an established residential area close to the town centre.
- 1.3 As a result of the siting, scale and design, the proposed development would be complementary to the existing built form neighbouring the application site and would be sympathetic to the character of the area. The proposed development would therefore not result in detrimental impact upon the visual amenity of the site and its surrounding area. The proposed development would also not result in significant adverse impacts upon neighbouring amenity to warrant refusing planning permission.
- 1.4 The development would provide one car parking space which is deemed appropriate for the location of the development close to the town centre.
- 1.5 The application site is located in Flood Zone 2 and has a low risk of surface water flooding. Finished floor levels are proposed to be created at an appropriate level in accordance with standing advice.
- 1.6 The proposed development would therefore accord with Policies SS2, EN11, D1 and IN2 of the Melton Local Plan and the overall aims of the National Planning Policy Framework.

2 Main Report

3 The Site

- 3.1 The application site is located at the former site of Forresters Hall, Rosebery Avenue in Melton Mowbray. The Forresters Hall building is now demolished and the site is vacant.
- 3.2 The application site is surrounded by two storey terraced dwellings and is located in a corner plot of Rosebery Avenue where nos. 55 – 63 Rosebery Avenue directly face onto the site. A footpath is located at the eastern boundary of the site which serves as pedestrian access to these adjacent homes.
- 3.3 To the front of the site, parking restrictions are in place on the public highway and a telegraph pole is located to the front boundary of the site on the pavement.

4 Planning History

- 4.1 The site currently benefits from extant permission reference 19/00696/FUL - Construction of new 2 bedroomed bungalow with associated external works on site of wooden hall, granted by the Borough Council on 9th August 2019. The demolition of the existing building commenced on site which implemented this permission in 2021. Prior to this, planning permission was granted at the site for the following development:
- 4.2 97/00493/OUT - Proposed erection of a single storey dwelling, approved 21st November 1997;
- 4.3 00/00558/OUT - Proposed renewal of 97/00493/OUT for the erection of a single storey dwelling, approved 9th October 2000;
- 4.4 03/00684/OUT - Proposed renewal of 00/00558/OUT for the erection of a single storey dwelling, approved 3rd October 2003;
- 4.5 06/00866/FUL - Renewal of 03/00684/OUT for the erection of a single storey dwelling, approved 13th November 2006.

5 Proposal

- 5.1 Full planning permission is sought by the current application for a similar development involving the erection of 1no. two bedroom single storey dwelling. The design of the proposed dwelling varies to the development already approved, including a reduction of the footprint from 83 square metres to 78 square metres.

6 Amendments

- 6.1 Concerns were raised during the process of the application by the Planning Officer that the proposed development may unduly impact upon the residential amenity of no.65 Rosebery Avenue to the west of the site by virtue of its scale and massing on the shared boundary between the properties.
- 6.2 The scheme was revised in January 2023 to address the Officer's concerns. The development is therefore considered to be acceptable and in accordance with the policies of the Melton Local Plan and is therefore recommended for approval.

7 Planning Policy

National Policy

- 7.1 National Planning Policy Framework
- 7.2 National Planning Policy Guidance
- 7.3 National Design Guide

Melton Local Plan

- 7.4 The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the Development Plan for the area.
- 7.5 The Council's Design of Development Supplementary Planning Document was adopted on the 24th February 2022 and is also considered in the determination of the application.

7.6 The Local Plan is consistent with the National Planning Policy Framework and its policies remain up to date.

7.7 The relevant policies to this application include:

- Policy SS1: Presumption in Favour of Sustainable Development
- Policy SS2: Development Strategy
- Policy C2: Housing Mix
- Policy C3: National Space Standard and Smaller Dwellings
- Policy C9: Healthier Communities
- Policy EN11: Minimising the Risk of Flooding
- Policy D1: Raising the Standard of Design
- Policy IN2: Transport, Accessibility and Parking

Neighbourhood Plan

7.8 There is no Neighbourhood Plan.

Other

7.9 Design SPD

7.10 Leicestershire Highway Design Guide

8 SUMMARY of RESPONSES

SUMMARY OF TECHNICAL CONSULTATION RESPONSES

8.1 Environment Agency (14th November 2022)

8.2 The Environment Agency will not be making any formal comment as the development falls within Flood Zone 2 and therefore the Local Planning Authority should apply national flood risk standing advice. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

8.3 Lead Local Flood Authority (17th November 2022)

8.4 Leicestershire County Council as Lead Local Flood Authority notes that the site is located within Flood Zone 2 being a medium risk of fluvial flooding and a low risk of surface water flooding. The proposals seek to discharge via the sewer system.

8.5 The LLFA is not a statutory consultee and refer to standing advice only.

8.6 Severn Trent Water (29th April 2023)

8.7 Planning Practice Guidance and section H of the Building Regulations 2010 are relevant.

8.8 Severn Trent Water advises that there is a public sewer located within the application site. The applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991 for sewer connections.

8.9 Western Power

8.10 No response received

8.11 LCC Highways (14th December 2022, also duplicated on 2nd February 2023)

8.12 The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.

8.13 The Local Highway Authority (LHA) direct the Local Planning Authority's (LPA's) attention to the following points for consideration:

- The proposed access should provide a minimum effective width of 2.75m;
- Any highway infrastructure would require relocating at the Applicant's expense;
- Vehicular visibility splays;
- Parking provision; and
- The necessity of a vehicle crossover (dropped kerb) permit.

SUMMARY OF REPRESENTATIONS

Ward Member(s)

8.14 No written comments received.

Parish Council

8.15 Not applicable

Neighbours

8.16 27 letters of objection from 8 households and 0 neutral comments

- Covenant on land stating 'the purchaser of the land would not erect upon the said piece or parcel of land'
- Major inconvenience caused to residents living adjacent to the site during construction: noise, obstruction to access, vehicular restrictions
- Restricted parking on Rosebery Avenue
- Loss of privacy, direct overlooking to habitable rooms
- Adverse impact to neighbouring properties through security lighting at construction phase
- Loss of natural light
- Street is already at full capacity (parking)
- Impact on view from neighbouring dwellings
- Land should be used as open space by the community
- Previous permission included obscure glazed windows in the eastern elevation
- Loss of privacy during construction phase with workers being in such close proximity
- Design out of keeping with the character of the area
- Change of use from recreational use to dwelling
- Occupation of dwelling will result in noise and privacy issues
- Insufficient on street parking provision, for residents and workers during construction
- Damaged foul drain proposed to be relocated, however no details submitted for this in the application
- Flood risk to the proposed dwelling
- Relocation of telegraph pole
- Impact to trees, building over RPA, clearance of canopy
- Excessive noise during construction

- Plans submitted are incorrect or out of date; Topographical plan, Existing Plans, FRA, Site Location and Block Plan, Existing Photographs
- Width of current footpath to access existing homes facing the site not noted on the plans, this causes confusion and possible encroachment onto the path
- Weekly domestic waste collection currently to the front of the application site. If the site is developed, the footpath will be blocked when bins are left here
- Applicant told he could not make changes to the approved plans (previous permission)

RESPONSE TO CONSULTATIONS AND REPRESENTATIONS

- 8.17 Comments regarding design, impact of residential amenity, flood risk and drainage and highways/parking matters are considered in the Planning Analysis below.
- 8.18 Covenants are not a planning consideration. The site is under private ownership and the applicant has submitted a valid planning application for consideration by the Local Planning Authority.
- 8.19 The Highway Authority has confirmed that existing street furniture i.e. the telegraph pole situated to the front of the site would need to be relocated to the applicant's expense.
- 8.20 There are no trees subject to Tree Preservation Order in the vicinity of the application site.

9 PLANNING ANALYSIS

- 9.1 The main considerations are
- Principle of Development
 - Visual Impact of the Development
 - Impact upon Neighbouring Amenity
 - Highway Safety
 - Flood Risk and Drainage

Position under the Development Plan Policies

- 9.2 Melton Local Plan Policy SS1 sets out the principle in favour of sustainable development. Where planning applications are in accordance with the relevant planning policies of the Development Plan, they should be approved without delay, unless material considerations indicate otherwise.

Principle of Development

- 9.3 The Development Strategy for the Borough is set out at Policy SS2 of the Melton Local Plan. The policy identifies the Melton Mowbray Main Urban Area as the priority location for growth, where 65% of the Borough's housing need in the Plan Period will be accommodated.
- 9.4 Policy IN2 of the Melton Local Plan encourages new development to be located where travel can be minimised and the use of sustainable transport modes maximised.
- 9.5 The application site is located within an established residential area, in close proximity (approximately 500m, 6 minutes walking time) to Melton Mowbray town centre. The location of the development is therefore considered a highly sustainable location for residential development.
- 9.6 The site has received planning permission for similar development previously, and work was undertaken to demolish the former building on the site in 2021. Planning permission ref. 19/00696/FUL is therefore extant and may be completed on site as approved.

- 9.7 The principle of development is therefore considered acceptable and the proposed development would comply with Policies SS2 and IN2 of the Melton Local Plan which recognise Melton Mowbray as a sustainable location for growth.

Visual Impact of the Development

- 9.8 Policy D1 of the Melton Local Plan seeks to ensure that all new development is of a high quality design. The Policy states that the siting and layout of the development must be sympathetic to the character of the area, and it should meet basic urban design principles outlined in the plan and accompanying Supplementary Planning Documents.
- 9.9 The application seeks planning permission for the erection of a single storey dwelling. The site is currently vacant following the demolition of the former Forresters Hall building in 2021. Although the existing built form on Rosebery Avenue is made up of traditional two storey terraced properties, the single storey nature of the development would reflect the scale of the building which occupied the site before its demolition in 2021.
- 9.10 The principal elevation of the proposed dwelling would be sited directly to the rear of the highway boundary of Rosebery Avenue which would reflect the linear frontage of traditional terraced properties on the street-scene.
- 9.11 The bulk of the development would be situated along the western boundary of the site, abutting the boundary of 65 Rosebery Avenue, increasing the separation distance between its side elevation and those existing properties which overlook the site directly to the east (55-63 Rosebery Avenue). This separation distance would reduce the overall massing of the development upon the streetscene.
- 9.12 The materials proposed to be used in the external walls and roof of the new dwelling should be sympathetic to the appearance of existing properties on Rosebery Avenue. A pre-commencement condition is recommended to ensure suitable materials are approved by the Local Planning Authority.
- 9.13 Notwithstanding the design of the proposed development, the site is currently vacant and is temporarily bound by Heras style fencing. The development of the site would see a prominent corner plot on the streetscene be brought back into use compatible with surrounding residential uses.
- 9.14 The proposed development demonstrates innovative design and is designed to reflect the wider context of the streetscene and respect local vernacular. It is therefore considered to comply with the urban design principles and the criteria set out in Policy D1 of the Melton Local Plan.

Impact upon Neighbours' Amenity

- 9.15 Policy D1 of the Melton Local Plan seeks to protect the amenity of neighbours and neighbouring properties.
- 9.16 The application site was formerly used as a leisure facility for visiting members of the public. It is considered the proposed use of the application site for residential purposes would reduce the number of visitors to the property and would more in-keeping with the character of the area as it is set within a residential area. Therefore the proposed use is not considered to unduly impact upon the amenity of neighbouring residents.
- 9.17 It is shown on the submitted plans for the application that the footprint of the proposed development would be similar in size and location to the former building that occupied the site which has now been demolished.

- 9.18 The eastern boundary of the application site is approximately 4.2m from the principal elevations of the neighbouring properties to the east of the site, 55 – 63 Rosebery Avenue. The proposed dwelling is designed as such that its footprint is sited to the west of the application site allowing appropriate separation between the buildings. The proposed development would reduce the width of the proposed dwelling in part over what is already approved on the site, increasing the separation distance between the built form of the proposed dwelling and 55 – 61 Rosebery Avenue to 7.48m.
- 9.19 The proposed new dwelling is single storey, with a height to eaves of 2.45m and dual pitched roof to a maximum height of 4.4m. The design and orientation of the roof of the proposed dwelling would further reduce potential overbearing impact to the existing neighbouring dwellings to the east and west of the site. It is also proposed to site the outdoor amenity area of the new dwelling to a central location within the site which would further reduce any potential overbearing impact of the proposed development, resulting in a betterment to the relationship between the properties.
- 9.20 The 25 degree rule is used to establish any impact of a proposed building on existing buildings in relation to the obstruction of daylight. The 25 degree rule has been demonstrated on the proposed section plans submitted by the applicant, and concludes that due to the low height of the proposed development it would not unduly impact on neighbouring properties directly facing the application site to the east (55 – 63 Rosebery Avenue).
- 9.21 It is proposed to include windows to the eastern elevation of the proposed development facilitating the bathroom, kitchen and living/dining areas. Notwithstanding the single storey nature of the development, a suitably worded condition is recommended to ensure the windows on the eastern elevation serving the kitchen and bathroom shall be obscure glazed and shall remain as such in perpetuity. The reason for this is to reduce potential overlooking impact from both the existing neighbouring dwelling to the proposed new dwelling and from future residents of the proposed dwelling overlooking the direct neighbouring properties to the east; which may be detrimental to the private amenity of residents of the neighbouring properties.
- 9.22 It is not considered necessary to restrict the windows on the eastern elevation serving the living/dining area as it proposed to install a 1.8m close boarded timber fence near to these windows which would reduce the outlook of those windows in the first instance, therefore restricting potential opportunity for undue overlooking impact to nearby properties.
- 9.23 The height of the proposed development above finished floor level would be approximately 4.4m to the maximum ridge height. Concerns were raised with the applicant regarding potential overbearing impact to 65 Rosebery Avenue given the siting of the development on the shared boundary with this neighbouring property. As such, revised plans were received, and the orientation and style of the roof slopes have been considered to reduce any overbearing impact upon the neighbouring dwelling.
- 9.24 There is considered to be adequate separation distance and screening to the application site for the neighbouring properties to the south of the site to limit any undue impact to amenity.
- 9.25 It is therefore considered that the amenity of the residents of neighbouring properties to the proposed development would not be unduly compromised. The development is therefore in accordance with Policy D1 of the Melton Local Plan.

Highway Safety

- 9.26 Policy IN2: Transport, Accessibility and Parking of the Melton Local Plan states that all new development shall provide appropriate and effective parking provision and servicing arrangements.
- 9.27 The Local Highway Authority refer the Local Planning Authority to current standing advice (the Leicestershire Highway Design Guide, September 2011). The extant planning permission from which the application site benefits proposed similarly designed parking arrangements for one vehicle at the site.
- 9.28 Given the application site is in the sustainable location of Melton Mowbray and in easy reach of the town centre, close to a wide range of services and public transport options, it is considered that provision of off-street parking for one vehicle for the proposed two bedroomed dwelling is acceptable.
- 9.29 The parking space would measure 3.4m in width and 5.5m in depth, which is in accordance with technical requirements of the Leicestershire Highways Design Guidance.
- 9.30 Appropriate visibility splays are demonstrated on a submitted plan by the applicant to ensure the safe access and egress of a vehicle from the site.
- 9.31 The proposed development therefore accords with Policy IN2 of the Melton Local Plan and the standing advice of the Local Highway Authority. Conditions are recommended to ensure the parking provision at the site is made available for use before the proposed dwelling is occupied, and no obstructions (i.e. gates/bollards) are installed at the vehicular access into the site.

Flood Risk/Drainage

- 9.32 A Flood Risk Assessment has been submitted to support the application. The application site lies within Flood Zone 2 and has a low risk of surface water flooding.
- 9.33 The Lead Local Flood Authority and Environment Agency refer to Standing Advice for the consideration of the proposed development. The proposed development complies with Standing Advice and the recommendation given in the Flood Risk Assessment. As such, a condition is recommended that the Finished Floor Levels of the proposed development are in accordance with the submitted proposed plans.
- 9.34 Whilst located in an area at risk of flooding, based on the existing use of the site and the benefit of having extant planning permission, the proposed development is not considered to be unacceptable to warrant a refusal on the grounds of flood risk.
- 9.35 The proposed development is therefore in accordance with Policy EN11 of the Melton Local Plan which seeks to ensure that development proposals do not increase the risk of flooding.

Other Matters

- 9.36 Severn Trent were consulted and advised that the applicant should make a formal application to them for the sewer connection.
- 9.37 The Highway Authority have advised that the telegraph pole to the front boundary of the site will need re-siting to the applicant's expense.

10 CONCLUSION

- 10.1 Policy SS1 and SS2 of the Melton Local Plan strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel. The site is situated within Melton Mowbray and as such is considered to be an acceptable location for residential development.

- 10.2 The application site is currently vacant and is temporarily bound by Heras style fencing. The development of the site would see a prominent corner plot on the streetscene be brought back into use compatible with surrounding residential uses.
- 10.3 The proposed development demonstrates innovative design and is designed to reflect the wider context of the streetscene and respect local vernacular. The proposed development would not result in undue detriment to the amenity of neighbouring properties. It is therefore considered to comply with the urban design principles and the criteria set out in Policy D1 of the Melton Local Plan.
- 10.4 There is no identified material impact on flood risk, and the proposed development accords with Policy EN11 of the Melton Local Plan.
- 10.5 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. Adequate off street parking provision to serve the proposed development has also been demonstrated. The proposed development therefore accords with Policy IN2 of the Melton Local Plan.

11 REASON FOR RECOMMENDATION

- 11.1 The application is recommended for approval.
- 11.2 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 impact caused to the Highway network. The application site is located within an established residential area of Melton Mowbray, and is located in a highly sustainable location within close proximity of the town centre.
- 11.3 The design of the proposed development accords with Policy D1 of the Melton Local Plan and the proposed development does not unduly the amenity of neighbouring properties.
- 11.4 The proposed development is considered to not result in a significant impact upon highway safety or flood risk. The proposed development therefore accords with Policies EN11 and IN2 of the Melton Local Plan.

12 Financial Implications

- 12.1 Not applicable

Financial Implications reviewed by: N/A

13 Legal and Governance Implications

- 14 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)

15 Background Papers

- 15.1
- 15.2

Report Author:	Amy Smith, Planning Development Officer
Report Author Contact Details:	01664 502 417, amysmith@melton.gov.uk
Chief Officer Responsible:	Sarah Legge, Interim Assistant Director of Planning

Chief Officer Contact Details:	01664 502380 slegge@melton.gov.uk
---------------------------------------	--------------------------------------------------------------------------------